

Minutes of Meeting of Mid Ulster District Council held on Thursday 22 June 2017 in the Council Offices, Circular Road, Dungannon

Chair: Councillor Ashton

Members Present: Councillors Bateson, Bell, Buchanan, Burton, Clarke, Cuddy, Cuthbertson, Doris, Elattar, Forde, Gildernew, Gillespie, Glasgow, Kearney, McEldowney, McFlynn, McGinley, B McGuigan, S McGuigan McKinney, McLean, McNamee, McPeake, Milne, Molloy (7.07pm), Monteith, Mulligan, J O'Neill, M Quinn, T Quinn, Reid, Robinson, G Shiels, J Shiels, Totten and Wilson

Officers in Attendance: Mr Tohill, Chief Executive
Mr Cassells, Director of Environment and Property
Mrs Forde, Member Support Officer
Mr Glavin, Head of Leisure
Mr Kelso, Director of Public Health and Infrastructure
Mr McCreesh, Director of Business and Communities
Ms Mezza, Head of Marketing and Communications
Mr Moffett, Head of Democratic Services
Mr JJ Tohill, Director of Finance

The meeting commenced at 7pm

C116/17 Apologies

Councillors Mallaghan, McAleer and Mullen

C117/17 Declarations of Interest

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

Councillor M Quinn declared an interest in CRAIC, Coalisland mentioned in D124/17 in Development Committee Minutes

Councillor Gildernew declared an interest in Brantry Cultural facility mentioned in D124/17 in Development Committee Minutes

C118/17 Chair's Business

The Chair, Councillor Ashton expressed sympathy to the families left bereaved and those left homeless following the horrific fire at Grenfell Tower, London. The Chair advised that she had made a donation to the collection and proposed that Council write to the SHSSCT, NHSSCT and NIHE to ensure that all properties across the district were of a safe standard and that such a tragedy was not repeated.

Councillor Elattar concurred with the Chair's comments and commended her actions in both writing and making a donation. The Councillor advised that she had been in

London at the time of the tragedy and had visited the area expressing concern from the news reports at how people, who are poor, were put at risk in a wealthy area. Reminding Members that she represented Council on the Housing Council, Councillor Elattar advised she had been in contact with them to ensure the standards of properties in the district were of a high standard and spoke of the concerns of NIHE residents and how the NIHE had been on the ground to reassure residents and reiterate fire safety procedures. Councillor Elattar advised that NIHE had examined high rise buildings and the cladding used on Grenfell Tower had not been used. Councillor Elattar proposed that Council write to the NIHE to seek assurance that fire safety measures at all properties are of a high standard.

The Chair, Councillor Ashton proposed that the letter to the SHSSCT includes a request for a meeting to discuss the loss of services from the South Tyrone Hospital site to the Daisy Hill Hospital site. All Members concurred.

Resolved That Council write to

- (i) NIHE, Northern HSSCT and Southern HSSCT to seek assurance that fire safety equipment and procedures in all properties across the District are of appropriate standard; and
- (ii) Southern HSSCT seeking a meeting to discuss transfer of services from South Tyrone Hospital to Daisy Hill Hospital.

The Chair, Councillor Ashton expressed her delight at receiving the RTP1 Planning Award with regard to the Seamus Heaney Homeplace and extended congratulations to both the Planning Team and the Contractors on winning the prestigious National Award.

The Chair, Councillor Ashton extended congratulations to individuals from the District who had received recognition in the Queen's birthday honours list and to the local community groups who had received the Queen's award

Councillors McLean and Wilson reiterated the congratulations.

Proposed by Councillor McLean
Seconded by Councillor Wilson and

Resolved That letters be issued from the Chair to recipients from the District honoured in the Queen's Birthday honours and also community groups receiving the Queen's Award.

Matters for Decision

C119/17 Receive and consider minutes of matters transacted in "Open Business" at the Council meeting held on Thursday 25 May 2017

Councillor Cuthbertson drew attention to C107/17 with regard to the clock at St Anne's Church, Dungannon and informed Members how the press had picked up on

the 'good news' story of Council investigating how they could assist with repairs to the clock and how an Ulster based company had come forward to say they had the expertise to carry out the repairs. The Councillor advised that this week St Anne's had engaged the company and repairs had been carried out. He reminded Members how numerous minute references had shown that the legacy Council had carried out previous repairs to the clock at a cost of £12k and how the Mayor and Members of that legacy council had attended the dedication of the clock. He concluded that the clock was the town's clock.

Proposed by Councillor Cuthbertson

That council pay the £1800 plus vat for repairs to the clock.

Councillor Molloy entered the meeting at 7.07pm.

The Director of Business and Communities reported that the matter of financing the costs was still under consideration and although the matter may appear simplistic Council must consider existing processes and policies. He said the matter had been considered within the town centre programme but it did not meet any criteria under grants schemes and council must be mindful not to breach its own processes. The Director advised that other council departments were investigating ways to assist and a report would be brought when appropriate.

Councillor McGinley stated that the Director had given a comprehensive account and concurred that Council should be mindful.

Councillor B McGuigan stated that to repair one clock could open a 'can of worms' as there was a clock at the courthouse in Draperstown that had been damaged in the past by the British army and there may be others.

Councillor McLean stated he had listened carefully to previous speakers comments about being mindful how money was spent and stating that some were hypocritical as previously money had been spent prior to being in place but that two wrongs don't make a right.

The Chair Councillor Ashton stated there was a proposal.

Councillor Buchanan seconded Councillor Cuthbertson's proposal.

Councillor Monteith stated that there was a broken clock at the bottom of Irish Street, Dungannon and whilst he would love to help all of these projects he suggested that as previously proposed at the Development Committee, council should investigate a 'heritage projects' grants scheme that all could be considered on an equal basis.

Councillor Monteith proposed that the matter be referred to Development Committee.

The Chief Executive stated that Members should be mindful of Council procedures and legal boundaries and satisfy themselves on their decision as the legal vires are not clear.

Proposed by Councillor McNamee
Seconded by Councillor Monteith

That Council take the Directors proposed way forward and that a report be brought to the relevant committee as to how Council could assist St Anne's Church funding request with regards to the Town Clock and other such projects across the district.

Councillor Cuthbertson stated he was aware there could be other projects but stated that St Anne's was somewhat different as the legacy Council had adopted the clock and officers had searched tirelessly for minutes which showed Councils close involvement with the clock. He stated that he was disappointed but rather than have a good news story turning sour he would withdraw his proposal.

Resolved That a report be brought to the relevant committee as to how Council could assist St Anne's funding request with regards to Town Clock and other such projects across the district.

Councillor J Shiels requested that Members be provided with a list of clocks adopted by Council.

In response to Councillor Cuddy's question regarding Greenvale Leisure Centre the Chair, Councillor Ashton advised that the matter had been previously considered in confidential business.

The Chief Executive advised that the matter had been dealt with in confidential business as the report contained commercially sensitive information in relation to the current provider. He further advised that following a number of media requests Council had issued a short statement withholding commercially sensitive material.

Councillor Cuddy sought clarity as to when Members could discuss the matter with the public. In response the Chief Executive advised that there would be further reports on the matter regarding bringing the contract back 'in house'. Councillor Cuddy requested that senior officers disclose details to ratepayers at the earliest opportunity.

The Chair, Councillor Ashton advised that officers would arrange an updated report.

Councillor McGinley stated he would not refer to specific confidential matters but stated that if a matter was confidential it should be treated as such and Members should adhere to this but expressed concern that an official press release was issued when Members had been told it was confidential.

Proposed by Councillor Reid
Seconded by Councillor Gildernew and

Resolved That the Minutes of the Meeting of the Council held on Thursday 25 May 2017(C96/17 – C109/17 and C115/17), transacted in "Open Business" having been printed and circulated were considered and adopted.

C120/17 Receive and consider minutes of matters transacted in “Open Business” at the Annual Council meeting held on Thursday 1 June 2017

Cllr Kearney notified a change to SDLP representation - Cllr McAleer to replace Cllr M Quinn on Partnership Panel for Northern Ireland.

Cllr McGinley notified a change to SF representation - Cllr N Doris to replace Cllr Milne on Policy & Resources committee.

Proposed by Councillor J Shiels
Seconded by Councillor Wilson and

Resolved That the Minutes of the Annual Council Meeting held on Thursday 1 June 2017(AC1/17 – AC12/17), transacted in “Open Business” having been printed and circulated were considered and adopted.

C121/17 Receive and consider the minutes and recommendations of matters transacted in “Open Business” at the Planning Committee meeting held on Tuesday 6 June 2017

Proposed by Councillor Gildernew
Seconded by Councillor Reid and

Resolved That the Minutes of the Planning Committee meeting held on Tuesday 6 June 2017 (P070/17 – P078/17 and P086/17) transacted in “Open Business”, having been printed and circulated, were considered and adopted.

C122/17 Receive and consider the minutes and recommendations of matters transacted in “Open Business” at the Policy and Resources Committee meeting held on Wednesday 7 June 2017

Amendment to Minutes were requested as undernoted:

- (i) PR114/17 – Leisure Identity System: amend voting record on proposal by Cllr McPeake (page 8) to; For 10 and Against 4
- (ii) P106/17 T Quinn be amended to read M Quinn

Councillor Cuddy expressed disappointment that the word ‘welcome’ in Polish and Lithuanian had not been included on signs in the Leisure Centre emphasising that it would have been a gesture for local communities. In response, Councillor McPeake stated that perhaps all corporate welcomes could be looked at as an outworking of the policy.

Proposed by Councillor Bateson
Seconded by Councillor S McGuigan and

Resolved That the Minutes and recommendations of the Policy and Resources Committee meeting held on Thursday 7 June 2017 (PR101/17 – PR116/17 and PR126/17) transacted in “Open Business”, having been printed and circulated, subject to the foregoing, were considered and adopted.

C123/17 Receive and consider the minutes and recommendations of matters transacted in “Open Business” at the Environment Committee held on Tuesday 13 June 2017

Councillor B McGuigan requested an amendment to minute E159/17 Bus Shelters, Update and that the resolve be amended to advise that a report be brought back to committee regarding Annaghoboe Road, Clonoe (relocation) and Dunlady Road/Kilrea Road, Crosskeys (relocation)

Proposed by Councillor B McGuigan
Seconded by Councillor McNamee and

Resolved That the Minutes and recommendations of the Environment Committee meeting held on Tuesday 13 June 2017 (E143/17 – E166/17 and E172/17) transacted in “Open Business”, having been printed and circulated, subject to the foregoing, were considered and adopted.

C124/17 Receive and consider the minutes and recommendations of matters transacted in “Open Business” at the Development Committee held on Thursday 15 June 2017

Councillor McFlynn stated that she had attended the meeting and Councillor T Quinn advised he had attended, but as a non-member of the committee.

Proposed by Councillor Wilson
Seconded by Councillor McGinley and

Resolved: That the Minutes and recommendations of the Development Committee meeting held on Thursday 15 June 2017 (D119/17– D135/17 and D137/17) transacted in “Open Business”, having been printed and circulated, subject to the foregoing, were considered and adopted.

C125/17 Conferences and Seminars

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

(i) Member Approvals

- NILGA Annual Conference and Gala Awards
 - Thursday 12 October 2017, La Mon Hotel, Castlereagh

(ii) Officer Approval

Conference & Seminar	Date	No. of Attendees	Location	Attendance Fees
A Legal Guide to Successful Joint Ventures	5 July	1	London	yes

(iii) Officer Retrospective Approval

Conference & Seminar	Date	No. of Attendees	Location	Attendance Fees
Adult Safeguarding	15 June	1	Armagh	No

The Head of Democratic Services drew attention to NILGA Annual Conference and advised if Council booked three places they would receive three free of charge. In response to Councillor Cuthbertson's query the Head of Democratic Services advised that the conference was a two day event and accommodation was only availed of if there was specific need.

The Chief Executive drew attention to the NILGA Awards and advised he had recommended that a number of nominations for the Awards be made by officers and thus it would be appropriate for both Members and Officers to attend.

In response to Councillor McLean's query the Head of Democratic Services advised the £170 fee was just the conference fee and did not include accommodation, travel or subsistence. Councillor McLean stated that to pay for three places and receive three free at an event which could benefit the district was worthwhile and proposed that places be booked.

Councillor Kearney stated that quite a number of Members attend NILGA and that attendance at the conference should be encouraged.

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

C126/17 Consideration of Requests for Civic Recognition

Attention was drawn to the previously circulated report and approval sought for civic recognition requests for those groups and individuals listed in line with council Receptions Policy.

The Chair Councillor Ashton stated that there were quite a few requests outstanding and groups should not be kept waiting thus a reception was scheduled for the incoming week.

Proposed by Councillor Wilson
Seconded by Councillor Bateson and

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

C127/17 Council Performance Improvement Plan 2017-18 & 2018-19

The Head of Democratic Services drew attention to the previously circulated report and sought approval for Council's Performance Improvement Plan 2017-18 and 2018-2019.

Councillor Burton advised that she represented Council on the Tourism Development Group at which the Ulster Way trail had been discussed and that parts of this in the Clogher Valley area were now in poor condition. The Councillor felt that although the Carleton Trail was highlighted for improvements she felt the Ulster Way should be revisited.

In response the Director of Business and Communities advised that historically the Ulster Way had been a rambling track and was an issue for the Sports Council for NI. He advised that Council could only address what was within its area and that the performance area detailed within the report fits within Council remit. He stated that the Members comments would be considered and a report brought to the Development Committee as part of updates.

Councillor Wilson commended officers for the district achieving the highest recycling figures and sought clarity as to whether or not Council still received landfill tax and if so how to progress projects.

Councillor Bell left the meeting at 7.37pm

In response the Director of Environment and Property advised there was a 'Landfill Communities' fund and that a report would be brought to a future committee regarding bringing the three areas into one fund.

In response to Councillor Cuddy's comments the Director of Environment and Property advised that landfill was under review and that currently the only available landfill was Tullyvar which would be at full capacity by 2018. He advised that landfill was at the bottom of the waste hierarchy.

Proposed by Councillor Burton
Seconded by Councillor Cuddy and

Resolved That Council adopts the Performance Improvement Plan for 2017-2018 and 2018-2019.

C128/17 Mid Ulster Council's response to a consultation request from DFI for a proposed windfarm at lands approximately 3km west of Swatragh accessed off the Corlackey Road, Ref LA09/2016/0232/F

The Head of Democratic Services drew attention to the previously circulated report detailing the proposed response to a consultation request from DFI for a proposed windfarm at lands approximately 3km west of Swatragh accessed off the Corlackey Road, Ref LA09/2016/0232/F and sought approval for same.

Councillor Bell returned to the meetings at 7.38pm

Proposed by Councillor McPeake
Seconded by Councillor McEldowney and

Resolved That Council approves the response to a consultation request from DFI for a proposed windfarm at lands approximately 3km west of Swatragh accessed off the Corlackey Road, Ref LA09/2016/0232/F

Matters for Information

C129/17 Consultations notified to Mid Ulster District Council

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

C130/17 Correspondence

The previously circulated paper on correspondence to Council was noted.

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

C131/17 Consideration of Motion

C131.1/17 Councillor Cuthbertson to move

Councillor Cuthbertson stated that on the 22nd May 2017 a terrorist detonated a bomb in Manchester Arena, killing 23 adults and children with many more seriously injured. On Saturday 3rd June 2017 three terrorists went on a violent rampage on the streets of London, killing eight people.

On 14th June an inferno engulfed Grenfell tower block resulting in a horrendous loss of life currently estimated by the authorities as being at 79.

These three significant tragedies left many around the world reeling in shock and horror, feeling powerless to help the many affected. In such times as these the most simple of act that others can take is to show our support and solidarity with the victims and survivors of these tragedies. We attempt to offer words of comfort and condolences but how much more significant it is to be able to display a physical

symbol of our support. The Union Flag of the United Kingdom has been flown as such a symbol of support and of solidarity throughout the United Kingdom, Europe and the rest of the world. Cities, Councils and other local authorities have been united in either the flying of the Union Flag or in lighting up buildings of importance in the colours of the Union Flag. This has happened in Cities such as Berlin, Tel Aviv and Cork, amongst others.

Northern Ireland is part of the United Kingdom and it seems only fitting that when tragedy strikes another part of our state that we show our support for the families of the victims and the survivors by flying the flag that unites us all.

Councillor Cuthbertson moved the motion.

“That Mid Ulster District Council amend their current policy, which prevents the flying of the Union Flag on Council Buildings, in order to accommodate occasions when the Union Flag should be flown in conjunction with other local authorities across the United Kingdom, in instances of National significance and in order to show support and respect to victims of terrorism and other significant atrocities.”

Councillor McLean seconded the motion.

Councillor Elattar asked why Councillor Cuthbertson had not included the Mosque attack at Finsbury Park, London in the motion. In response, Councillor Cuthbertson stated he had highlighted three major incidents and was aware of both the Mosque attack in Finsbury and also the death of someone in Northern Ireland but emphasised he had focused on the major incidents. Councillor Elattar stated that there had been loss of life at Finsbury Park emphasising that many Muslims in the UK were being victimised due to hatred and that she would count Finsbury Park incident as a significant attack also.

The Chair, Councillor Ashton stated that all attacks were highly sensitive events and offered her condolences across the United Kingdom.

Councillor McGinley stated that he would lend support to all those affected and would send condolences on behalf of the party but would not support the motion. He further stated that Council had a policy in relation to ‘flags and emblems’ and a lot of people would see this as an opportunistic ploy by Councillor Cuthbertson and in conclusion stated that a return on protocol would not do any good.

Councillor Wilson concurred with the condolences. He further stated that the Union Jack is the flag of the Union and in the UUP they believe it should be flown appropriately from buildings but he realised that others did not support this even though it was embedded within the 1998 Agreement which political parties had signed up to. Councillor Wilson continued, stating that the Union flag had been flown at half-mast following events in Manchester and London and it had even been flown at half-mast over Cork City Hall. He highlighted that this had not happened within Mid Ulster due to the lack of respect given to the Union flag and posed the question, as to why, if the Union flag can be flown in Cork it could not be flown in Mid Ulster at the heart of Northern Ireland.

Councillor Kearney expressed deepest sympathy in relation to the recent incidents and stated that he recognised the importance of displaying sympathy but that this could be expressed in many ways such as the Book of Condolence that Council had opened or the statement which had been issued by the former Chair. Councillor Kearney stated that the SDLP did not support the motion stressing that Council had a position of neutrality and should adhere to current policy.

Councillor Monteith stated that he would not support the motion and that it was opportunist to use human tragedy to raise this matter again. He stressed that if the motion was genuine the Portuguese flag would have been flown following their recent tragedy and noted if there was a tragedy in Eire the Tricolour would not be flown. Speaking in relation to the victims of Grenfell flats he stated that they had been ignored by officialdom and did not want symbols they wanted action. Councillor Monteith stated that investigating cladding on Council buildings was the action ordinary folk wanted.

Councillor Cuthbertson stated he had no problem including Finsbury Park incident in the motion and that each Councillor had the right to their own opinion but emphasised that there was a large section of the community who would like to see the flag flying at Council and lowered as a mark of respect. Councillor Cuthbertson made mention of the IRA bomb on 15 June 1996 when 212 people had been injured and thus some of the statements were hollow words. He stated that if the motion falls where is equality and respect?

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

FOR 15

AGAINST 22

The Chair, Councillor Ashton stated that the motion had fallen.

Confidential Business

Proposed by Councillor B McGuigan
Seconded by Councillor McGinley and

Resolved: That items C132/17 – C137/17 be taken as confidential business.

- (i) Minutes of the Audit Committee held on Tuesday 23 May 2017
- (ii) Minutes taken as confidential business at Council Meeting held on Thursday 25 May 2017
- (iii) Minutes taken as confidential business at Planning Committee held on Tuesday 6 June 2017
- (iv) Minutes taken as confidential business at Policy and Resources Committee held on Wednesday 7 June 2017
- (v) Minutes taken as confidential business at Environment Committee held on Tuesday 13 June 2017

- (vi) Minutes taken as confidential business at Development Committee held on Thursday 15 June 2017

The press left the meeting at 7.55 pm

C138/17 Duration of Meeting

The meeting was called for 7pm and ended at 8.05pm

CHAIR _____

DATE _____