

Minutes of Meeting of Mid Ulster District Council held on Thursday 14 December 2017 in the Council Offices, Circular Road, Dungannon

Chair: Councillor Ashton

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

Officers in Attendance: Mr Tohill, Chief Executive
Ms Campbell, Director of Leisure & Outdoor Recreation
Ms Canavan, Director of Organisational Development
Mr Kelso, Director of Public Health and Infrastructure

Mr Moffett, Head of Democratic Services
Mr JJ Tohill, Director of Finance
Mrs Forde, Member Support Officer

The meeting commenced at 7pm

C253/17 Apologies

Councillors Bateson, Doris, Gildernew and J Shiels

C254/17 Declarations of Interest

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

Councillor McAleer declared an interest Eskra Community Association Ltd Knockmany Forest

C255/17 Chair's Business

The Chair, Councillor Ashton reminded Members about the scheduled consultation meeting with representatives of the Department of Infrastructure on Motor Vehicle Driving Licenses (NI) Regulations 1996.

C256/17 Receive and consider minutes of matters transacted in "Open Business" at the Council meeting held on Thursday 23 November 2017

Proposed by Councillor Mallaghan
Seconded by Councillor B McGuigan and

Resolved That the Minutes of the Meeting of the Council held on Thursday 23 November 2017(C231/17 – C242/17 and C252/17), transacted in “Open Business” having been printed and circulated were considered and adopted.

C256/17 Receive and consider minutes of matters transacted in “Open Business” at the Special Council meeting held on Thursday 30 November 2017

Proposed by Councillor Wilson
Seconded by Councillor McKinney and

Resolved That the Minutes of the Meeting of the Special Council held on Thursday 30 November 2017(SC35/17 – SC39/17), transacted in “Open Business” having been printed and circulated were considered and adopted.

C257/17 Receive and consider the minutes and recommendations of matters transacted in “Open Business” at the Environment Committee held on Monday 4 December 2017

Councillor Cuthbertson requested an amendment to minute at E315/17 Old Burial Grounds, stating that the resolve should read that the matter was deferred until consultation with the seven churches in the area had taken place

Councillors McGinley and Kearney concurred with Councillor Cuthbertson’s recollection of the discussion.

The Director of Environment and Property stated that the report in the resolve and consultation were not mutually exclusive as the proposed report would be compiled on all findings.

Councillor Mulligan requested an amendment to the minute at the final paragraph of E315/17 advising that sentence should read *“one part of the boundary wall of cemetery had been damaged”*.

Resolved That the aforementioned amendments be made to item E315/17.

Councillor McNamee drew attention to E311/17 and asked if a response had been received from the Department of Infrastructure in relation to his enquiry at the Environment Committee regarding previously allocated funding for the Cookstown Bypass. He advised that in November 2016 the then Minister for Infrastructure, Chris Hazzard had given undertakings in relation to the bypass and that he had enquired if the money was still available or if they had been redirected.

The Chair Councillor Ashton advised that no information had been received from the Department of Infrastructure.

Resolved That an update be sought from the Department of Infrastructure in relation to the Cookstown Bypass.

Councillor Wilson stated that he like many of his colleagues had been inundated with enquiries during the recent adverse weather in relation to gritting of footpaths. He stated that many of the people he spoke to had advised that Transport NI were stating it was the responsibility of Council.

Councillor Wilson proposed that Council issue a press statement clarifying responsibilities in relation to gritting of footpaths in that Transport NI trigger the request for Council to grit the footpaths.

Councillor Wilson expressed good wishes to Councillor T Quinn.

Councillor Cuthbertson stated he had spoken to officers over the weekend but concurred with previous comments that it was difficult to convey to constituents on 'who did what' he also stated that people questioned the use of resources highlighting that he had witnessed Council staff strimming grass which was covered in snow at 8.30am on Monday past.

Councillor McNamee stated that there were a number of people in Cookstown with fractures due to icy footpaths which would no doubt result in court cases. He further stated that Council owned carparks were like 'skating rinks' and suggested a review on Council's response in adverse weather conditions.

The Director of Environment and Property clarified that the clearance of ice and snow from public highways was ultimately the responsibility of Transport NI. The Director outlined the agreement between Transport NI and Council in relation to gritting of footpaths in cases of 'extreme' ice and snow but emphasised that the recent adverse weather would not be deemed extreme however footpaths in the main towns had been gritted.

The Director of Environment and Property advised that when off-street car parking transferred to Council, budget did not provide for gritting. He advised that Council inherited 23 carparks and that the current Council position was not to grit carparks but Members could request that this be reviewed, but should note that council did not have the resources for example, an 'ice station' which Transport NI had.

Councillor McLean sought clarity as to who triggers the process between Transport NI and Council.

In response, the Director of Environment & Property advised that the Transport NI local engineer triggers the process with the Head of Property Services. He advised that it was then at the discretion of Council, who received a small annual payment, to ascertain if staff could be redeployed from other duties to grit pavements.

Councillor Monteith stated that it was a case of '*Nero's fiddling and Rome is burning*' and that Council needed to be proactive. He added that everyone knew the snow was coming and if staff could not litter pick then they could grit. He emphasised that Council should not be sitting waiting on anyone else triggering an agreement as the reality is to the general public that Council is to blame. He emphasised when adverse weather reoccurs Council should be contacting Transport NI to initiate the

agreement. With regards to the carparks and the decision 'not to grit' taken in 2016 he stated that some are gritted for example at leisure centres and thus the former decision should be reviewed. Councillor Monteith emphasised that Council should use this situation as a benchmark and be more proactive in the future.

Proposed by Councillor Monteith
Seconded Councillor McLean

That Council review gritting of carparks and be more proactive in its approach to gritting of footpaths.

Councillor Mallaghan referred to a motion passed at Council regarding the responsibilities being transferred to Council and concurred with Councillor Wilson that people needed to be aware of Council's remit. Referring to rural roads he stated that although grit was provided and local people spread it he emphasised that a publicity campaign was needed in order to clarify the criteria.

Councillor Mallaghan seconded Councillor Wilson's proposal.

Councillor Clarke concurred with Councillor Mallaghan that services should be transferred to Council emphasising that rural roads were a disaster in the frost and in his locality there was two separate Transport NI divisions on the one road. He stated that people who meet hazards on the rural roads were usually strangers.

Councillor Burton stated that Council should be careful not to provide excuses for any reduction in provision of grit piles as people in rural areas had to fend for themselves and were dependent on them. She also highlighted in the previous cold snap assistance was required from the mountain rescue service.

The Chair Councillor Ashton called Members attention to the two proposals and it was resolved that

Proposed by Councillor Monteith
Seconded Councillor McLean and

Resolved That Council review gritting of carparks and be more proactive in its approach to gritting of footpaths.

Proposed by Councillor Wilson
Seconded by Councillor Mallaghan and

Resolved That Council issues a press statement clarifying council role in gritting and issue a letter to the Department of Infrastructure regarding gritting of footpaths.

Councillor Reid drew attention to E319/17 Dual Language Signage Survey and requested an amendment to the meeting. He advised that Councillor B McGuigan had stated at the meeting Councillor Reid stated that he wanted his name removed from Councillor B McGuigan's remark that he interpreted as "*those within the*

Chamber were leading some people to think that it was the norm to damage signage”, as he had no issue with dual language signage.

Councillor Reid requested that this be added to the paragraph relating to this section of the meeting and that his name be removed from the following paragraph. Councillor Reid also stated that at the meeting he had requested costings regarding signage on behalf of Councillor Glasgow but to date no paper or information had been received in. He highlighted that moving forward the costings in relation to signage would impact on the rates and that Council can't budget when they don't know the exact costs.

Councillor Glasgow stated he had been unable to attend the environment committee and that he had requested the costs the previous month when he had been in attendance at which time he had been advised these would be forwarded. He emphasised that it was not the first occasion that an undertaken had been given to forward information to Members and it had been received by Members. Councillor Glasgow also stated that at the previous environment committee he had raised the issue of vandalism to signs and emphasised that the signs were very much needed in areas not covered by satnav especially to emergency services.

Councillor B McGuigan stated that to clarify the aforementioned remarks made by Councillor Reid that when he referred to the vandalism to bi-lingual signage he had said that he had spoken of the language used by members in relation to signs but had not referred to any individual by name.

Councillor Reid clarified that he had asked for his name to be removed from the remark.

The Chair, Councillor Ashton suggested that the Chief Executive review the minutes of the meeting.

Councillor McGinley speaking as Chair of the Environment Committee stated it was his understanding that costings in relation to signage were provided in the November minutes and that full costings could not be clarified until works had been completed.

Councillor Cuthbertson stated that it was not just the price of the sign but highlighting Killyliss Road as an example outlined the number of houses on the road who all received survey letters and highlighted that the cost of postage and letters should also be incorporated in the full costings.

Councillor Cuthbertson also stated that E319/17 did not give a true reflection as initially his proposal was refused and that it was later on in the meeting when the chair of the committee revisited the agenda item that his proposal was accepted.

The Director of Environment and Property stated that the chair of committee Councillor McGinley was correct in his recollection of the minute regarding costs and that a report would be prepared and tabled in January.

The Chief Executive suggested that where there is a discrepancy between members recollection of the meeting staff would work with Members to agree a form of words

and that a sentence could be added to E319/17 to indicate that the chair of committee had returned to the agenda item.

Councillor McGinley stated that the minute summarised the discussion and that he had not initially taken the proposal, one which was made each month by Councillor Cuthbertson, but had reconsidered it and advised the meeting that he was returning to the agenda item. He emphasised that minutes were not required to be verbatim and that committees 'ebb and flow' but the minute did reflect the discussion.

Proposed by Councillor McGinley
Seconded by Councillor Bell

That the minutes of the Environment Committee be adopted.

Councillor Cuthbertson sought clarity as to whether it was the complete minute being proposed.

Councillor Bell withdrew as seconder of the proposal as he was not a member of the committee.

Councillor S McGuigan seconded Councillor McGinley's proposal.

Councillor McLean stated that this matter needed to go back to the environment committee as those Members who were not part of the committee could not possibly vote.

Proposed by Councillor Kearney
Seconded by Councillor McLean

To refer the minutes back to the environment committee.

Councillor McNamee asked how this would impact the actions.

Councillor McGinley sought clarification on this.

The Chief Executive stated that as the resolution was not being queried that Council could approve the resolution and refer the minutes back to the committee to agree the accuracy of the flow.

Councillor McGinley stated that there was no debate over the statement and the minute reflected the discussion and suggested that a line be put into the minute to indicate the committee had returned to the item. He emphasised that the discussion flow was correct and there was no sense in delaying the minutes.

The Chair, Councillor Ashton stated that there was still the issue in relation to discussion involving Councillors Reid and B McGuigan.

Councillor Burton sought clarity as to whether the chair of a meeting had the right not to accept a proposal. She also emphasised that the minutes were a testimony of the happenings for evermore.

The Chief Executive clarified that when a meeting was in session all matters were at the discretion of the Chair and the Chair's authority should not be challenged. He advised that a Member could raise a point of order.

The Chair, Councillor Ashton stated that there was two proposals.

Councillor McGinley then withdrew his proposal.

Councillor Mallaghan again sought clarity as to whether the resolutions passed would be delayed.

The Chief Executive stated that Council can either halt the actions or can adopt the resolutions.

Proposed by Councillor Mallaghan

To approve the resolutions and clarify the minutes at the Environment Committee.

Councillor McLean withdrew his proposal.

The Chair Councillor Ashton confirmed Members agreement to the course of action.

Resolved That (i) the recommendations of the Environment Committee meeting held on Tuesday 4 December 2017 (E308/17 – E332/17 and E341/17) transacted in “Open Business” be adopted; and (ii) that the minutes be referred to the Environment Committee for clarification.

Councillor Buchanan left the meeting at 7.30pm

C258/17 Receive and consider the minutes and recommendations of matters transacted in “Open Business” at the Planning Committee meeting held on Tuesday 5 December 2017

Councillor Clarke requested an amendment to the minute item P176/17 Planning Applications for Determination, Application Reference H/201/0399/F, advising that Councillor Kearney proposed the resolve and that he had seconded it. Councillor Kearney concurred with Councillor Clarke.

Proposed by Councillor Clarke
Seconded by Councillor Robinson and

Resolved That the Minutes of the Planning Committee meeting held on Tuesday 5 December 2017 (P173/17 – P179/17 and P189/17) transacted in “Open Business”, having been printed and circulated, subject to the foregoing were considered and adopted.

C259/17 Receive and consider the minutes and recommendations transacted in “Open Business” at the Development Committee held on Wednesday 6 December 2017

Proposed by Councillor McNamee
Seconded by Councillor Elattar and

Councillor Elattar expressed her thanks to staff for the implementation of the Christmas lights policy emphasising that it had been a lot of hard work. Councillor Elattar also commended the local communities who embraced the policy.

Resolved: That the Minutes, recommendations and decisions resolved of the Development Committee meeting held on Thursday 16 November 2017 (D247/17–D259/17 and D264/17) transacted in “Open Business”, having been printed and circulated were considered and adopted.

C260/17 Receive and consider the minutes and recommendations of matters transacted in “Open Business” at the Policy and Resources Committee meeting held on Thursday 7 December 2017

Proposed by Councillor Molloy
Seconded by Councillor S McGuigan and

Resolved That the Minutes and recommendations of the Policy and Resources Committee meeting held on Thursday 7 December 2017 (PR226/17 – PR236/17 and PR 254/17) transacted in “Open Business”, having been printed and circulated, were considered and adopted.

Councillor McGinley referred back to the question of accuracy of minutes and suggested that the Policy and Resources Committee should revisit the question of recording all committees.

The Chief Executive stated that the matter of recording committees had been discussed previously in relation to the planning committee and emphasised that the advice received had been that would not be in Members interest to have verbatim conscripts as things can be said not as intended. He concluded that the advice could be brought back to Policy and Resources.

Councillor McGinley reiterated that Members needed to reflect on that minutes were not for word for word transcripts of discussion.

C261/17 Conferences and Seminars

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

- (i) Member Approvals
 - NI Agri Food Business Conference – Them Looking Beyond 2022
Thursday 15 February 2018, Craigavon. Cost: £195, travel and subsistence
- (ii) Officer Approval

Conference & Seminar	Date	No. of Attendees	Location	Attendance Fees
Jaipur Literature Festival	22.1.17	1	India	Funded
Celtic Connections Trade Workshop, Glasgow	24.1.1	1	Glasgow	Yes
Annual Local Authority VAT Conference	28.2.1	1	London	Yes
Retrospective Approvals				
Local Authority Bar Association Conference	1.12.1	1	Derry	Yes
Improving Engagement in Plan making	5.12.1	1	Derry	Yes

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

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.

Councillor Monteith left the meeting at 7.40pm

C262/17 Consideration of Requests for Civic Recognition

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

Proposed by Councillor McGinley
 Seconded by Councillor McNamee and

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

C263/17 Council response to DFC Consultation on a Fundamental Review of Social Housing Allocations

The Director of Public Health and Infrastructure drew attention to the previously circulated report, the workshop and subsequent draft consultation response circulated to Members and sought approval to forward the response.

Proposed by Councillor S McGuigan
 Seconded by Councillor McKinney and

Resolved That the proposed response to the Consultation on A Fundamental Review of Social Housing Allocations be approved and submitted.

Matters for Information

Councillors Mallaghan and T Quinn left the meeting at 7.42 pm

C264/17 Consultations notified to Mid Ulster District Council

Councillor S McGuigan proposed that Council prepare a response to the undernoted consultations

- (i) Northern Health and Social Care Trust: How we propose to purchase domiciliary care provided by non-statutory providers;
- (ii) Northern Health and Social Care Trust: Consultation on the future model for acute paediatric services in Northern Trust hospitals.

Councillor Mallaghan returned to the meeting.

Councillor Glasgow proposed that Council prepare a response to the Department of Environment, Agriculture and Rural Affairs: Response to the TBSPG's Recommendations to Eradicate Bovine TB in Northern Ireland. He outlined that farmers in particular would be affected by the implications of a reduction in financial compensation as they were already under pressure and do not need added burdens and it was not realistic to expect them to pay to have cattle tested for TB.

Councillor Mullen left the meeting at 8.44pm

Councillor Reid stated that he had been told of one herd in the Dungannon area losing 56 head of cattle. He stated that the region used to be one of those least effected by TB but this status had changed. Councillor Reid emphasised that Council should be lobbying the Department to instigate a controlled cull of badgers, like that in England as it was badgers urinating on the grass causing the spread of TB. He stated that when the financial cap is introduced there would be more pressure on the farmer who if TB is found in the herd is restricted from selling cattle thus they are inundated with extra stock. Councillor Reid emphasised that Council should lobby for a cull in the badger kingdom.

Councillor Clarke stated that the cost of TB was up on £40m per year which could not be sustained. He referred to studies carried out in the Banbridge and Sixmilecross and stated that it would be interesting to discover their outcome as they had identified badgers, culling those infected with TB and inoculating those not. He emphasised that Council should be urging the Department to move on the issues as there was a lot of fear and concern about the fall in herd numbers due to TB.

Councillor Mullen returned to the meeting at 7.47pm

Councillor Mallaghan stated that he too had heard of a farmer where his animals had been destroyed due to TB and this should be included in the response.

Councillor Mallaghan drew attention to the Department of Infrastructure: extraction from Lough Neagh Consultation and requested that it be brought back to the Planning Committee.

In response, the Chief Executive advised that the December planning committee minutes had shown the consultation 'as noted'.

Councillor Mallaghan advised that the planning committee had noted a report with regard to air and environmental quality in relation to the planning consultation.

The Chair, Councillor Ashton suggested an extension to the closing date if required.

Resolved That

- (i) Council provide a response to the undernoted consultations
 - a. Northern Health and Social Care Trust: How we propose to purchase domiciliary care provided by non-statutory providers;
 - b. Northern Health and Social Care Trust: Consultation on the future model for acute paediatric services in Northern Trust hospitals.
 - c. Department of Environment, Agriculture and Rural Affairs: Response to the TBSPG's Recommendations to Eradicate Bovine TB in Northern Ireland.
- (ii) Department of Infrastructure: extraction from Lough Neagh Consultation be brought before planning committee in January; and
- (iii) Previously circulated consultations notified to Council noted.

C265/17 Correspondence

The Head of Democratic Services drew attention to the previously circulated report highlighting proposed removal of a public payphone at 73 Tulnacross Road, Cookstown.

Councillor Glasgow said that he would be keen to have the telephone kiosk retained, for although they have little use in instances, a public telephone can save a life especially if mobile reception is not good in the area. Councillor Glasgow asked if usage and the proximity to other telephones could be clarified.

The Head of Democratic Services advised that he would seek an update and advised that Council had previously responded to such a consultation and the telephone kiosk was retained.

Councillor Cuthbertson stated that the one in the Bush area had been retained as the Planning Department had issued a temporary protection notice as it was a traditional red kiosk.

The Chair, Councillor Ashton stated that the Head of Democratic Services would seek clarity on the matter.

Councillor Clarke stated that the kiosk in question was the last one out of Cookstown at the end of the district, that it covered an eight mile area with the nearest being a kiosk on the Drum Road and it would be unlikely that someone in difficulty could make it that far.

Resolved That with regard to the removal of the public payphone at 73 Tulnacross Road, Cookstown an update be sought on usage, structure of kiosk and its proximity to other kiosks in the area with a view to retain the facility.

Confidential Business

Proposed by Councillor Molloy
Seconded by Councillor McNamee and

Resolved: That items C267/17 – C273/17 be taken as confidential business.

- (i) Minutes taken as confidential business at the Council meeting held on Thursday 23 November 2017
- (ii) Minutes taken as confidential business at the Special Planning Committee (Development Plan) on Thursday 28 November 2017
- (iii) Minutes taken as confidential business Environment Committee held on Monday 4 December 2017
- (iv) Minutes taken as confidential business at the Planning Committee held on Tuesday 5 December 2017
- (v) Minutes taken as confidential business at the Development Committee held on Wednesday 6 December 2017
- (vi) Minutes taken as confidential business and Decisions Resolved at the Policy and Resources Committee held on Thursday 7 December 2017

The press left the meeting at 7.52pm

C273/17 Duration of Meeting

The Chair Councillor Ashton wished everyone a Happy Christmas.

The meeting was called for 7pm and ended at 7.59pm.

CHAIR _____

DATE _____