

Minutes of Meeting of Mid Ulster District Council held on Thursday 26 November 2015 in the Council Offices, Circular Road, Dungannon

Members Present: Councillor Dillon, Chair

Councillors Ashton (7.10pm), Bateson, Bell, Buchanan, Clarke, Cuddy, Cuthbertson, Glasgow, Gildernew, Gillespie, Kearney, Mallaghan, McAleer, McEldowney, McFlynn, McGinley, B McGuigan, S McGuigan, McKinney, McLean, McNamee, McPeake, Molloy, Mulligan, J O'Neill, M Quinn, T Quinn, Reid, Robinson, Totten (7.20pm) and Wilson

Officers in Attendance: Mr A Tohill, Chief Executive
Ms Campbell, Director of Culture & Leisure
Ms Canavan, Lead HR Officer
Mr Cassells, Director of Environment and Property
Mr Kelso, Director of Public Health and Infrastructure
Ms Linney, Head of Community Development
Mrs Mezza, Head of Marketing Communications
Mr Moffett Head of Democratic Services
Mr Tohill, Director of Finance
Mrs Forde, Member Support Officer

The meeting commenced at 7 pm

C209/15 Apologies

Councillors Burton, Elattar, Forde, Monteith, Mullen, C O'Neill, G Shiels, J Shiels and it was noted that Councillors Ashton and Totten would arrive late.

C210/15 Declarations of Interest

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

C211/15 Chair's Business

Councillor Glasgow advised that Killycurragh Women's Institute were celebrating their 40th anniversary advising that the organisation consisted of approximately 30 ladies who met on the third Monday of each month and had many different events. Councillor Glasgow requested that the Chair send a letter of congratulations to them commending them on reaching their 40th anniversary. The Chair, Councillor Dillon agreed.

Councillor Wilson requested that Jonathan Anderson be considered for a civic reception advising that he had won a major fashion award for 'Best Designer' of men's and ladies fashions at London fashion week 2015. The Chair, Councillor Dillon stated that the request would be included for consideration.

The Chair Councillor Dillon, advised Members of the passing of the mother of Mr Adrian McCreesh, Director of Business and Communities and extended sympathies to both Adrian and his family.

Matters for Decision

C212/15 Receive and consider minutes of matters transacted in “Open Business” at Council meeting held on Thursday 22 October 2015

Proposed by Councillor McNamee
Seconded by Councillor S McGuigan and

Resolved That the Minutes of the Meeting of the Council held on Thursday 24 September 2015 (C184/15 – C198/15 and C208/15), transacted in “Open Business” having been printed and circulated were considered and signed as accurate and correct.

Councillor Mallaghan made reference to the notice of motion moved at the Council meeting in October on the Northern Ireland and Republic of Ireland soccer teams and stated that an article which had appeared in the paper concerning the discussion had been incorrect and as a result it had been disappointing how Council had been portrayed. Stating that the motion had been supported, Councillor Mallaghan commented that local government was scrutinised through the press which played a major role in delivering what was happening in Councils and as such it needed to be done correctly. In conclusion, Councillor Mallaghan stated that the Council should reflect on this when using newspapers and suggested that the Head of Marketing and Communications follow the matter up with the press to have the article corrected.

C213/15 Receive and consider the minutes and recommendations of matters transacted in “Open Business” at the Planning Committee held on Tuesday 3 November 2015.

Proposed by Councillor McPeake
Seconded by Councillor Kearney and

Resolved That the Minutes and recommendations of the Planning Committee meeting held on Tuesday 3 November 2015 (P121/15 – P129/15 and P136/15) transacted in “Open Business”, having been printed and circulated, subject to the foregoing, were considered and adopted.

C214/15 Receive and consider the minutes and recommendations of matters transacted in “Open Business” at the Policy and Resources Committee held on Thursday 5 November 2015

Proposed by Councillor S McGuigan
Seconded by Councillor T Quinn and

Resolved That the Minutes of the Meeting of the Policy and Resources Committee held on Thursday 5 November 2015 (PR151/15 –

PR159/15 and PR166/15), transacted in “Open Business” having been printed and circulated were considered and signed as accurate and correct.

C215/15 Receive and consider the minutes and recommendations of matters transacted in “Open Business” at the Environment Committee meeting held on Tuesday 10 November 2015

Proposed by Councillor Buchanan
Seconded by Councillor B McGuigan and

Resolved That the Minutes and recommendations of the Environment Committee meeting held on Thursday 10 November 2015, (E199/15 – E214/15 and E226/15), transacted in “Open Business”, having been printed and circulated, were considered and adopted.

C216/15 Receive and consider the minutes and recommendations of matters transacted in “Open Business” at the Development Committee meeting held on Thursday 12 November 2015.

Proposed by Councillor Molloy
Seconded by Councillor T Quinn and

Resolved That the Minutes and recommendations of the Development Committee meeting held on Thursday 12 November 2015, (D209/15 – D223/15 and D229/15) transacted in “Open Business”, having been printed and circulated, were considered and adopted.

Councillor Ashton entered the meeting 7.10pm

C217/15 Conferences and Seminars

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

- (i) Fuel Poverty Coalition Conference 2015
Tuesday 1 December in Dunadry Hotel, Templepatrick
One employee to attend
- (ii) Role of Councils on economic development, local economy, job creation and sustainable communities: APSE
Thursday 10 December, Derry
- (iii) Review of Business Rates Consultation Event (NILGA)
Friday 11 December in Lough Neagh Discovery Centre (10.15am -1pm)
- (iv) Northern Ireland Business & Human Rights Forum: Reception
Friday 11 December in Belfast Harbour Commissioner (3pm-5pm)

- (v) Business Rates in N Ireland - the Case for Change: Chambré Public Affairs
Tuesday 12 January 2016, Queen's University Belfast (8.50am - 1.15pm)
- (vi) Retrospective Approval Sought for

Conference & Seminar	Date	No. of Attendees	Location	Attendance Fee (Y/N)
Dangerous Dogs Seminar	6-8.10.15	2 employees	Antrim	Yes
Dangerous Dog Refresher Seminar	9.10.15	2 employees	Antrim	Yes
NILGOSC Employer Seminar	22.10.15	7 employees	Dungannon	No
Atlantic Area Programme Seminar	28.10.15	2 employees	Belfast	No
Reserve Forces & Cadet Association Annual Dinner	29.10.15	Cllr Reid (as Council Position of Responsibility rep)	Belfast	Yes
Town & Country Planning Association (TCPA) Garden Cities and Suburbs Seminar	5.11.15	2 employees	Belfast	No
SOLACE NI/County & City Managers' Association CMA Seminar	25.11.15	Chie Executive	Maynooth	No
Planning Reform in NI	1 December	1 employee	Belfast	Yes

Proposed by Councillor Bell
Seconded by Councillor McNamee

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

Matters for Information

C218/15 Consultations notified to Mid Ulster Council

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

C219/15 Consideration of Motions

C219.1/15 Councillor Molloy to move

Councillor Molloy proposed the undernoted motion

'That Mid Ulster District Council recognises the recent achievement of Dungannon broadcaster, Lynette Fay, on winning at the Irish Film & Television Academy awards in the category of Best Live Event and that given this is a National Award, due recognition should be the form of a Civic reception.

In support of the motion Councillor Molloy highlighted the fact that local presenter, Lynette Faye, had scooped the award against a high level of competition such as live coverage of the recent marriage referendum. Councillor Molloy commended the presenter's skills stating that she presented for Radio Ulster, was a bilingual speaker and an advocate of the Irish community. Referring to the approval of the civic reception policy Councillor Molloy stated that the presenter should be recognised in this way.

Councillor McGuigan seconded the motion.

The Chair, Councillor Dillon declared the motion carried.

C219.2/15 Councillor Cuthbertson to move

Councillor Cuthbertson proposed the undernoted motion.

That this Council notes the destructive nature of Japanese Knotweed and the problems home and landowners are facing as a result of it. Carries out a survey of all Council owned lands to establish the extent of this problem in Mid Ulster. Acknowledges the current relevant legislation under the Wildlife Order (NI) 1985, but calls on the Minister for Environment to introduce more stringent legislation to enable the Department or Councils to enforce that landowners take action on affected areas.

Councillor Cuthbertson advised that Japanese Knotweed is an invasive perennial plant that was first introduced into the United Kingdom in the 1820's as an ornamental garden plant and had been used to support steep banks and to provide screening before its negative impacts became known. He advised that the natural enemies of Japanese Knotweed were not present in Northern Ireland thus the weed thrived and was spread by movement of plant material as well as contaminated soil containing fragments of its extensive root system.

Councillor Cuthbertson highlighted the characteristics of Japanese Knotweed drawing attention to its red/purple shoots, the bamboo like canes which grow three metres in height, its creamy coloured flowers, in late summer and autumn, the orange/brown woody stems in winter and its roots which can extend up to seven metres from the parent plant and penetrate three meters in depth.

Councillor Cuthbertson continued, advising that Japanese Knotweed had many direct and indirect impacts on both the environment and the economy explaining that the weed out-competed native species, could cause structural damage to buildings and bridges and was very difficult to control. Stating that he was aware of a number of locations throughout South Tyrone where home owners and developers are unable to sell properties due to the fact that Japanese Knotweed is on neighbouring lands Councillor Cuthbertson advised that mortgage providers would not lend money if the weed was identified close by and that it could be costly to remove as it required deep excavation or glyphosate based herbicide treatment over several years. In conclusion, Councillor Cuthbertson stated that control of the weed was dealt with under The Wildlife Order NI 985 and was mentioned under waste management regulations NI2006 but neither the NIEA nor Council had powers to enforce landowners to take action.

Councillor McNamee stated that all would agree with the destructive nature of Japanese Knotweed but stated that to only carry out a survey of Council lands it was but a small part of Mid Ulster.

Councillor McNamee proposed an amendment to the motion to read:

“That Council seek a meeting with the Minister to discuss the Department’s strategy on how to eradicate Japanese Knotweed.”

Councillor McNamee stated that he was aware that the motion was seeking more stringent legislation but stated that he knew of homeowners and community organisations in other areas who were trying to eradicate the weed and only some received funding. Councillor McNamee also made reference to the Minister for Department of Environment, Food and Rural Affairs who had carried out research and in realising that it would cost £1.5billion to eradicate Japanese Knotweed the project was suspended. It was also noted that it had taken £70m to clear the Olympic site in London.

In response, Councillor Cuthbertson stated that in relation to the request that a survey be carried out Mid Ulster District Council owned a vast amount of land and it would be good to see if there was Japanese Knotweed on any of the properties.

Councillor Totten entered the meeting at 7.20pm

With regard to the proposed amendment, Councillor Cuthbertson stated that if the motion moved, was passed, it is up to the Chief Executive and designated officers how best to progress. Councillor Cuthbertson further emphasised if a landowner next to Council property had Japanese Knotweed Council had no authority to make the landowner take action and stated that he would not accept the amendment. In response Councillor McNamee stated that if Councillor Cuthbertson was not prepared to accept the amendment he failed to see how Council would propose more stringent action in regard to Japanese Knotweed and emphasising it could be anyone’s problem tomorrow as a simple delivery of topsoil could bring it to your garden Councillor McNamee stated Council needed to have a discussion with the Department and once again proposed the amendment.

Councillor Cuthbertson stated that it would not be Mid Ulster District Council who would bring in stringent legislation but stated that the motion was to seek the Department to take action to ensure there was legislation in place in order that people are forced to tackle the problem of Japanese Knotweed.

Councillor Kearney stated that there were quite a few concerns in south Derry regarding Japanese Knotweed and stated that although it was an offence to grow it there was no legal power to make people deal with it and many farmers faced difficulties with it as it was on neighbouring land.

Councillor Cuddy sought clarification from the Director of Environment and Property as to whether it was an issue for Mid Ulster District Council stating that a neighbour of his had difficulties with it on adjoining land.

The Chair, Council Dillon stated that she did not know a great deal about Japanese Knotweed but likening it to people with overgrown trees stated that they did not allow them to grow simply to annoy neighbours but merely could not afford to have them pruned.

Councillor McNamee stated that the motion did request more stringent legislation and stressed that people would love to get the matter sorted but Council did not need more powers to enforce it.

Councillor Mallaghan stated that he welcomed the opportunity to discuss the difficulties of Japanese Knotweed as it was damaging and people needed to know more about it. He further advised that he had discussed the subject with DARD as constituents had brought it to his attention and emphasised that Council needed to learn more about it before going to Ministers.

Councillor Mallaghan proposed that the motion be withdrawn and a working group is established to investigate the problem.

Councillor Cuthbertson stated that he had spoken to two landowners one of whom couldn't sell his property as Japanese Knotweed was located on a neighbouring property and another who couldn't get a house sold as the next door neighbour would not deal with the Japanese knotweed and it was a no comfort to him if the reason the neighbour would not act was down to cost. Councillor Cuthbertson also made reference to a housing developer who could not build on lands due to the problem and highlighted that DARD often highlighted the necessity to deal with problem weeds. Councillor Cuthbertson then stated he would amend the motion to state *that Council meet with the Minister for the Environment* but stated that if the motion was carried it would be the decision of the lead officer how best to implement as Mid Ulster District Council would not decide on legislation.

The Director of Environment and Property stated that whilst he was aware of some instances of Japanese Knotweed, Council did not, at this time have a comprehensive survey of all land but it would not be difficult to complete a survey and that the weed would not be able to 'get hold' on a sports pitch which was regularly treated.

Councillor McNamee referred to the amendment suggested by Councillor Cuthbertson and stated that he would like 'more stringent legislation' removed from

the motion as it implied that Council wanted to bully people and it would be better to sit down and establish what the issues were through discussion.

In response, Councillor Cuthbertson stated that it was unlikely that the Minister for the Environment would change the legislation overnight. Once again, Councillor McNamee requested that Councillor Cuthbertson remove the wording from the motion.

The Chair, Councillor Dillon stated that for some the motion was difficult to accept.

Councillor McKinney stated that he did not think the cost of the weed killer was the issue but there was a law against growing weeds, the Department had a brochure on it that there was laws but it was not Council's remit to enforce them.

Councillor McGinley seconded Councillor McNamee's amendment.

Councillor McLean seconded Councillor Cuthbertson's motion

The Chair, Councillor Dillon confirmed the amendment altered the last sentence of the motion as undernoted:

'Acknowledged the current relevant legislation under the Wildlife Order (NI) 1985 and takes a delegation to meet with the Minister.'

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

For 21

Against 11

The Chair, Councillor Dillon called for a vote on the amendment proposed by Councillor Cuthbertson. Councillor McLean stated that there was now no requirement as it would not alter the outcome.

The Chair, Councillor Dillon declared the amendment and as such the amended motion carried.

C219.3/15 Councillor M Quinn to move

Councillor M Quinn proposed the undernoted motion

That this Council:

- (i) *Expresses its sympathy with those who lost their lives in the recent terror attacks in Paris, Egypt and Beirut, and*
- (ii) *Stands in solidarity with those across the World in condemnation of these horrific attacks and urges all countries to work together to find a lasting and peaceful solution to the conflict in the Middle-East.*

In support of the motion Councillor M Quinn stated that he wished Council to express its sympathy to all people killed highlighting the events in Paris, the bombing of a

Beirut marketplace and the downing of a plane in Egypt. Councillor M Quinn stated that these incidents were an attack on all who stand for peace emphasising that it was known what it was like to face the threat of terrorism and Council should stand with the French and peoples of all colour and creed who were committed to peace. In conclusion Councillor M Quinn stated that the spirit of unity should be the message from Council.

Councillor Cuthbertson stated that all had been touched in recent days especially with the events in Paris and made reference to the comments of a Fermanagh and South Tyrone MLA who had stated that ISIS was not a terrorist organisation. Noting that the MLA had since retracted the statement Councillor Cuthbertson stated that it was unthinkable given the events in Paris to make such a statement yet it was not surprising given the history of the political party.

Councillor McGinley advised that Sinn Féin would support the motion but stated that in discussing conflict people in the Middle East should not be forgotten about naming Palestine which was now known as one of the largest concentration camps, the Syrian bombings which followed the unthinkable events in Paris, Nigeria, the media portrayal of refugees as following the events in Paris they were portrayed as terrorists. In conclusion, Councillor McGinley emphasised the need for discussion in the Middle East as the problems would not be solved by the Western world deciding what should be done.

Councillor McLean stated the DUP would support the motion but as a Council the remit was matters which linked back to Local Government and a conversation was needed as to ascertain what Council should be discussing.

Councillor McFlynn seconded the motion.

The Chair, Councillor Dillon declared the motion carried.

C219.4/15 Councillor Wilson to move

Councillor Wilson proposed the undernoted motion stating that he wished to include "...and to train as part of the Northern Ireland Football team at the Mid Ulster Sports Arena".

That this council, recognizing the tremendous achievement of the N. Ireland football team in qualifying for the Euros invite Stuart Dallas ,Aaron Hughes, Roy Carroll and Niall McGinn to a civic reception at the earliest opportunity.

Councillor Cuddy seconded the motion stating that he knew Niall McGinn, he had played for Dungannon Swifts and his father worked in Dungannon. Councillor Wilson stated that there was an available opportunity in March 2016 for the team to train.

The Chair, Councillor Dillon declared the motion carried.

Councillor Reid left the meeting at 7.45pm

C219.5/15 Councillor Mallaghan to move

Councillor Mallaghan read the undernoted motion and stated that he had known Cara McLaughlin for a long time and that she was a person who gives a lot back to the community through sport. Councillor Mallaghan further advised that Cara had participated in the world championships earlier in the week and although she had not been successful on this occasion further success would come her way.

That this council acknowledges the tremendous success of Cara McLaughlin in winning the All Ireland Title for Intermediate Featherweight boxing champion. Cara is a fantastic ambassador for Mid Ulster and an excellent role model for young women. That this council offers a civic reception/award in recognition and wishes her every success in the future.

Councillor McNamee seconded the proposal stating that he too knew Cara and remembered her winning the All Ireland competition. Councillor McNamee also advised that two Cookstown boxers whom previously had been nominated for recognition had attained bronze and silver awards on the national stage.

The Chair, Councillor Dillon declared the motion carried.

Councillor Mallaghan advised that Cookstown Rugby Club who had been previously mentioned for recognition would soon have to return their silverware and it would be good to have them honoured prior to that.

The Chair, Councillor Dillon stated that the Civic Reception policy was now ratified and there was six months left of her term as Chair and it would be her hope to progress receptions as soon as possible.

Councillor Mulligan left the meeting at 7.50pm

Councillor McLean remarked that some reception requests had come via 'motions' whilst others had been requested at the Council meeting and thus sought clarification as to how requests should be made. The Chief Executive advised that the requests were a Council decision irrespective of how they were presented at the meeting.

Councillor McLean then asked if the Chair could rule receptions. The Chief Executive advised that the Chair could do this. Councillor McLean suggested that the matter should be discussed at the next available party representatives group. The Chair, Councillor Dillon stated she would not be hosting individual receptions but rather grouping requests as appropriate. In response to Councillor McLean's request to bring suggested groupings to Party Representatives Group the Chair stated that she proposed to do so.

Councillor Mulligan returned to the meeting at 7.52pm

Confidential Business

Proposed by Councillor Wilson
Seconded by Councillor Clarke and

Resolved That items C220/15 – C229/15 be taken as confidential business.

The press left the meeting at 7.50pm

C230/15 Duration of Meeting

The meeting was called for 7pm and ended 8.10pm

CHAIR _____

DATE _____