

Minutes of Meeting of Mid Ulster District Council held on Thursday 28 July 2016 in the Council Offices, Circular Road, Dungannon

Chair: Councillor Wilson, Chair

Members Present: Councillors Ashton, Bateson (7.05pm), Bell, Buchanan, Burton, Clarke, Cuddy, Cuthbertson, Forde, Gildernew, Gillespie, Glasgow, Kearney, Mallaghan, McAleer, McEldowney, McFlynn, McGinley, B McGuigan, McLean, McNamee, McPeake, Molloy, Mulligan, J O'Neill, M Quinn, T Quinn, Reid, Robinson, J Shiels, G Shiels, and Totten

Officers in Attendance: Ms Campbell, Director of Culture and Leisure
Ms Canavan, Director of Organisational Development
Mr Cassells, Director of Environment and Property
Ms Mezza, Head of Marketing and Communications
Mr Moffett Head of Democratic Services
Mr Tohill, Director of Finance
Mrs Forde, Member Support Officer

The meeting commenced at 7pm

C154/16 Apologies

Mr A Tohill, Chief Executive and Mr McCreesh, Director of Business and Communities

Councillors Doris, Elattar, S McGuigan, McKinney, Monteith, Mullen and C O'Neill

C155/16 Declarations of Interest

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

C156/16 Chair's Business

Councillor McGinley advised Members that Councillor C O'Neill had given birth to twins. The Chair, Councillor Wilson extended congratulations to the Councillor C O'Neill.

Councillor Cuddy stated that he had represented Council at the 100th year commemoration of the Battle of the Somme in the North of France a trip which has been the highlight of his career with Council. The Councillor extended thanks to fellow Members for affording him the opportunity and reflected how he had been touched by the commemoration and stated that in reflecting on a battle which demonstrated man's in humanity to man all should be mindful to make better decisions.

Councillor Mallaghan reflected on the undernoted motion moved by Councillor McFlynn and the amendment proposed by himself also undernoted which was carried at the Council meeting on 25 June 2015.

That this council recognises the dangers posed to the public and to the environment by the illegal burning of tyres at bonfires and similar; strongly opposes this activity; and calls on statutory agencies, landowners, the PSNI, and the fire and rescue service to work with this council, in a co-ordinated multi-agency approach to bring this harmful and irresponsible activity to an end.

Amendment proposed by Councillor Mallaghan.

We welcome that the Minister of the Environment through his Agency the NIEA will bring in appropriate measures which adequately deal with used tyres as the current system does not rigidly control how suppliers do this. That this Council does not clean up the remains from bonfires from any other property that does not belong to Council. On Council property that is used for bonfires, only suitable materials are used and all other materials such as tyres, rubbish, flags, election posters or effigies of individuals are removed. That this Council seeks to prosecute through its powers anyone who illegally dumps any hazardous materials on public or private lands associated to bonfires.

Councillor Bateson entered the meeting at 7.05pm

Councillor Mallaghan sought an update as to the outcome of bonfires in July 2015.

In response the Director of Environment and Properties advised that following the motion in June 2015 there had been a number of multi-agency meetings led by the Director of Business and Communities. He further stated that there had been a couple of surveys conducted in relation to bonfires on Council owned land at which time the bonfire material had been mostly wood although on a number of occasions tyres had been present. The Director advised that all bonfire sites on Council owned lands had been cleared. With regard to the tyres the Director advised that the Northern Ireland Environment Agency had been contacted but had stated that they would only remove the tyres from a safe place not actual bonfire sites. It was further noted that there had been no change in legislation and that there was no means of tracing the origins of the tyre. The Director clarified that there was six bonfires on Council owned property but that many of the bonfires across the district were not on Council property and emphasised that Council had not cleared the latter. It was noted that Council was in receipt of a Freedom of Information request regarding the cost of clean-ups following bonfires.

Councillor Mallaghan stated that the motion of Council had not been carried out.

The Director of Environment and Properties stated that the safety of staff is paramount and risk assessments are required with regard to removal of any materials dumped on Council property. With relation to materials dumped on private

property removal of same is the responsibility of the landowner or those responsible for dumping. The Director confirmed that on the basis of staff safety no material was cleared away prior to the 11 July.

Councillor Kearney requested that Professor Declan McKenna a resident of the district be considered for a civic award for achievements in relation to prostate cancer research. Councillor Kearney stated that prostate cancer was the most common cancer in men in Northern Ireland.

Councillor McNamee referred back to the discussion on bonfires and stated that the fire at the Killymoon site at Cookstown was constructed by non-residents and that many residents were extremely annoyed especially as it had contained tyres, which the PSNI had brought to his attention were traceable and named the owner.

Councillor Molloy stated that the wishes of the Council had not been adhered to and whilst safety of staff is paramount there were numerous agencies who would remove tyres as burning of same was detrimental to the environment. Councillor Molloy asked since Council paid to clean up the debris post bonfires why action was not taken beforehand.

In response to queries raised the Director of Public Health and Infrastructure stated that in relation to the named owner of the tyres this was an illegal dumping matter which the NIEA would investigate.

With regard to the bonfire sites the Director advised that discussions had taken place with the Northern Ireland Environment Agency prior to the celebratory event and they had stated they were working on a province wide basis and thus Council was expected to retrieve the tyres and bring them to an appointed place. The Director stated that he was not aware of any Council that had done this and that in the lead up to the bonfires any tyres spotted on sites had been reported directly to the NIEA for investigation. In relation to the Killymoon bonfire site the Director stated that there had been liaison with the PSNI.

The Chair, Councillor Wilson stated that Council should await the report.

Councillor T Quinn advised that he had raised issues in relation to the Killymoon site at the last meeting of the PCSP and that it was his understanding that this was the only contentious site in the district of Mid Ulster. The Councillor emphasised that moving forward much work need to be undertaken to find a solution to what was a contentious situation.

Councillor Cuddy stated that in the past when tyres were being taken for the bonfire at Milltown site Dungannon local tyre suppliers had been asked to ensure tyres were locked away at night and the situation greatly improved. Councillor Cuddy emphasised the importance of tyre providers dealing with disposal of old tyres responsibly and stated that forthcoming bonfires in relation to 'Internment Commemorations' also needed to be monitored.

Councillor Mulligan concurred with Councillor Cuddy's earlier sentiments regarding attendance at the Somme Commemorations. Councillor Mulligan drew attention to the renovations which had taken place in the Chamber stating that in the legacy Council the tiered layout had been changed due to health and safety legislation and asked had there been a change in the legislation. Drawing attention to the steps

Councillor Mulligan stated that they could cause a fall and expressed concern regarding lack of consultation. In response the Chair, Councillor Wilson stated that the Director of Environment and Property would investigate.

Councillor Bateson advised that he had been contacted by the Christian Fellowship in relation to use of a car park in Maghera. He stated that whilst there was issues in relation to car park designation which may prohibit its use he requested that the matter be looked at to see if a solution could be identified.

Councillor Mallaghan left the meeting at 7.13 pm

In response, the Chair Councillor Wilson stated that the issue would be raised at the Environment Committee. The Director of Environment and Property stated that he was aware of the situation and time limitations would not permit committee consideration and stated that if an alternative venue could be identified the Chair of the Environment Committee could grant permission as a matter of urgency. It was noted that use of off street car parking was legislated under the Parking Order.

Councillor Mallaghan returned to the meeting at 7.15 pm

The Chair, Councillor Wilson extended congratulations to David Ames and Iain Sloan in relation to their forthcoming participation in the Olympic games, the Chair emphasised that their achievement was great for them personally and Cookstown hockey club.

C157/16 Receive and consider minutes of matters transacted in “Open Business” at the Council meeting held on Thursday 30 June 2016

In response to Councillor McGinley’s enquiry the Head of Democratic advised that following the notice of motion carried at the June meeting of Council in relation to maternity, paternity and sick leave for Members a letter had been forwarded to the Department of Communities and to date a response had not been received.

Proposed by Councillor Gillespie
Seconded by Councillor McGinley and

Resolved That the Minutes of the Meeting of the Council held on Thursday 30 June 2016 (C127/16 – C139/16 and C153/16), transacted in “Open Business” having been printed and circulated were considered and signed as accurate and correct.

C158/16 Receive and consider minutes of matters transacted in “Open Business” at the Special Meeting of Council held on Thursday 30 June 2016

Proposed by Councillor Glasgow
Seconded by Councillor F Burton and

Resolved That the Minutes of the Meeting of the Special Council held on Thursday 30 June 2016 (SC20/16 – SC23/16), transacted in “Open Business” having been printed and circulated were considered and signed as accurate and correct.

C159/16 Receive and consider the minutes and recommendations of matters transacted in “Open Business” at the Environment Committee held on Monday 4 July 2016

Proposed by Councillor McNamee
Seconded by Councillor B McGuiga and

Resolved That the Minutes of the Meeting of the Environment Committee held on Monday 4 July 2016 (E175/16 – E192/16 and E203/16), transacted in “Open Business” having been printed and circulated were considered and signed as accurate and correct.

C160/16 Receive and consider the minutes and recommendations of matters transacted in “Open Business” at the Planning Committee held on Tuesday 5 July 2016.

Proposed by Councillor Bell
Seconded by Councillor J Shiels and

Resolved That the Minutes and recommendations of the Planning Committee meeting held on Tuesday 5 July 2016 (P127/16 – P132/16 and P136/16) transacted in “Open Business”, having been printed and circulated, subject to the foregoing, were considered and adopted.

C161/16 Receive and consider the minutes and recommendations of matters transacted in “Open Business” at the Development Committee meeting held on Wednesday 6 July 2016.

Proposed by Councillor J Shiels
Seconded by Councillor T Quinn and

Resolved That the Minutes and recommendations of the Development Committee meeting held on Wednesday 6 July 2016, (D174/16 – D187/16 and D190/16) transacted in “Open Business”, having been printed and circulated, were considered and adopted.

C162/16 Receive and consider the minutes and recommendations of matters transacted in “Open Business” at the Policy and Resources Committee meeting held on Thursday 7 July 2016

Proposed by Councillor Gildernew
Seconded by Councillor Molloy and

Resolved That the Minutes and recommendations of the Policy and Resources Committee meeting held on Thursday 7 July 2016, (PR136/16 – PR146/16 and PR152/16), transacted in “Open Business”, having been printed and circulated, were considered and adopted.

C163/16 Conferences and Seminars

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

- (i) The Somme Association - Somme/Guilleont Tour 2016
Thursday 1st September – Monday 5th September
- (ii) Brexit: Making sense of the crisis
Tuesday 6th September, Baby Grand, Grand Opera House, Belfast 9.00am – 4.00pm
- (iii) APSE Annual Seminar incorporating the APSE Service Awards 2016
Survival of the Fittest: Ensuring a future for local government's frontline
7-8th September 2016 Derry/Londonderry
- (iv) Northern Ireland Planning Conference: planning for investment and delivery
Thursday 13th October 2016 Baby Grand, Belfast 9.00am – 1.00pm
 - Approval sought for Planning Officer to Attend.
 - Councillors Kearney and J Shiels

Proposed by Councillor Kearney
Seconded by Councillor J Shiels 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 or officers

Matters for Information

C164/16 Consultations notified to Mid Ulster District Council

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

Resolved That the consultations contained within the previously circulated report be noted

C165/16 Consideration of Motion

C165.1/16 Councillor McGinley to move

Councillor McGinley thanked the Chair for his efforts to accommodate the forthcoming discussion stating that he had originally requested a special meeting of Council but this had not proved possible due to the holiday period together with diary commitments.

Reflecting that the matter was no less urgent as people were very anxious Councillor McGinley stated that although at present nothing had changed the potential is that everything would. The Councillor emphasised that the sting of Brexit would be truly felt if and when 'Article 50' is triggered and the support and resources is cut from critical areas with only the empty promises of the leave campaign to fill the gaps. He continued that the referendum result had clearly stated that the citizens of the North had voted to remain in the European Union and it was the vote of the people of England that would create major challenges for people, for the economy and for relationships across Ireland.

Councillor McGinley drew particular attention to the concerns of the business community, the voluntary and community sector together with the agriculture and tourism sectors emphasizing that Brexit would adversely impact on the North's economy. The Councillor emphasized that the 'leave campaign' was opposed by the vast majority of citizens in the North nationalists, unionists and republicans alike and stressed that the position to remain in the EU, expressed by voters from across the community, must be respected and further stressed that it was not a done deal but a 'live issue'.

In order to recognise the vote of the people of the North, Councillor McGinley said that all options must be explored and he believed that an 'all island' wide dialogue was needed in the aftermath of the referendum result. The Councillor stated that there was now an opening to examine new relationships for everyone who lives on the island of Ireland and that the opportunity should be seized.

Councillor McGinley stated that it was his understanding that the issue of 'brexit' had been added to the councils risk register and stated that he hoped to hear from the officers what the main concerns were and asked if there had been any exercise conducted identifying the most vulnerable organisations, sectors or areas within this council area.

In conclusion Councillor McGinley stated that the situation created required careful navigation and thus moved the undernoted motion:

That this council recognises the democratic deficit created by the result of the EU referendum.

Further recognises that as political leaders we have to work together to give effect to the democratically expressed decision of the people to remain in the EU and to put the needs of all our people and economy across the island of Ireland to the fore.

Calls on the executive office to articulate the will of the electorate here in the north who clearly voted to remain.

Councillor McPeake seconded the motion and spoke of the negativity, anger, resentment and fear across the community especially from agriculture and food sectors, community and voluntary sector and farmers. He further reflected on the last Rural Development Programme which had delivered £17m in programmes and a further £14m in match funding, the businesses which had received money leading to

the creation of 180 jobs, improved rural childcare and community group funding. The Councillor emphasised that the future was bleak highlighting also the plight of farmers and the end of the single farm payment.

Councillor McPeake mentioned a CPI report which highlighted that a random business survey had revealed that 92% of businesses anticipated a negative in the next 5 years due to Brexit. The Councillor stated that the motion was timely and all must work together emphasising that a lot of people who had voted to leave, if given the opportunity would now vote to remain.

Councillor G Shiels shared some national statistics relating to the first quarter of trading in goods and services and stated that there was a new optimism hitting the economy. The Councillor also stated that the United Kingdom had been destined for a recession prior to the referendum and it was rich of others to speak of the losses to the farming industry when the fishing industry had suffered greatly in the EU, milk farmers and the production of milk was trailing the ground and that now the United Kingdom had the opportunity to control its own destiny. Councillor G Shiels emphasised that since Britain had voted to leave the EU many other countries were discussing to do likewise and it may not be long before the Ard Fheis was calling to pull out and the Republic of Ireland doing likewise when they realise that the benefits of the European Union were coming to an end. Reflecting on newspaper headlines Councillor G Shiels drew attention to the successful contract secured by Wright Buses in Ballymena emphasising that these buses were not going to mainland Europe and a further article highlighted what the EU spent their money on. In conclusion Councillor G Shiels stated that there were many untruths but that the next three months will show improvement.

Councillor Cuthbertson stated that there had been one referendum not five and it was clear that the people either voted 'yes' to remain in the European Union or 'no' to leave. The Councillor stated that he was a member of the DUP and that they had been the only party who had campaigned for a leave vote and thus he was pleased with the outcome emphasising that whilst it was not a great start it was only the start of the road and there are many countries queuing up to do trade with the UK and the USA were lifting the ban on UK lamb and beef rules so it was not all 'doom and gloom'. In conclusion Councillor Cuthbertson stated that whilst he was campaigning for the Assembly elections 99.5% of farmers had indicated they would vote to leave and the sooner the UK was out of the EU the better it would be.

Councillor Kearney proposed the undernoted amendment:

"That this Council calls on the British Government to respect the will of 56% of the people of the North who voted to remain within the EU.

Requests an urgent meeting with representatives of the Irish and British Governments."

Councillor Kearney congratulated the 25,612 Mid Ulster citizens, 60.4% from different backgrounds and political parties who sent out a clear message to remain in the EU. He advised that the SDLP had conducted an extensive canvass in support of remain and five weeks on the canvass continues due to pressure from the business, farming and community sectors seeking clarification on a way forward.

Councillor Kearney emphasised that the SDLP would continue to endeavour that the democratic will of the people would be respected and had met with parties across the Island of Ireland and Heads of State across the Continent to establish the growing consensus that the will of the people should not be ignored.

Drawing attention to the fact that 53 years ago both Ireland and the UK had joined the then EEC Councillor Kearney highlighted the benefits such as co-operation, peace, stability, opportunity and citizenship of Europe in the aftermath of two world wars, poverty and famine. He reflected that John Hume had encouraged this and that given the terrible events across Europe in recent day's peace was vulnerable and there was sufficient evidence that many still lived in poverty.

Councillor Kearney emphasised that the aftermath of the referendum had resulted in a prolonged era of uncertainty highlighting growing austerity, crisis in agriculture, education, freedom of movement, goods and services, wavering currency rates all of which were critical to an industrial hub such as Mid Ulster. He recalled that the EU membership had permitted businesses to flourish and funding had been generous to Ireland both North and South but stated that the most vulnerable in society would now suffer and areas such as agriculture and agri-food was most concerning and outlined supporting statistics of existing EU funding.

Stating that Brexit would overshadow the remainder of the current Council term he emphasised that Council must instigate discussions on behalf of businesses, farmers and community groups and stated that future generations would suffer the results of the ill-conceived Brexit outcomes. Councillor Kearney sought support for the motion stating the 56% of the people of the North voted to remain and the rightful place was within the EU.

Councillor M Quinn seconded the amendment and stated that like Scotland the North of Ireland had voted to remain in the EU and drew attention to the fact that the newly elected Prime Minister had visited Scotland and stated that she would consider their wishes to remain in the EU. The Councillor emphasised that the SDLP would use every tool available to prevent the North leaving the EU emphasising that the will of the English is not the will of local people, they had not given their consent to leave the EU and thus membership should be upheld.

Councillor McLean stated that he would outline a couple of anomalies namely that neither the SDLP nor SF recognised that Northern Ireland is part of the United Kingdom and were not 'the North'. He thus concurred with Councillor Cuthbertson's earlier comments and emphasised that in the Council Chamber a majority vote wins and that both the UUP and DUP had been forced down routes due to a nationalist majority. Councillor McLean in conclusion stated that the DUP Leader, First Minister had stated that she would ensure that Northern Ireland would get the best deal possible.

Councillor Reid stated that nine out of ten farmers known to him had voted to leave the EU as only one third of British money paid into the EU was returned. He made reference to the milk quotas and the detrimental impact they had had on dairy farmers and also the grain prices rising which had killed farming. Councillor Reid concurred with earlier comments that the referendum had been a clear 'yes or no' vote.

Councillor Bateson drew attention to the requirement for the Good Friday agreement which emphasised that different considerations were needed. He further stated that those who had led the 'leave' vote had no plans in place to deal with the issues which had arisen and could not believe that they had won.

The Director of Organisational Development left the meeting at 7.55pm

Councillor Mallaghan stated that no one really knew what the future would hold but stated that it was known that Lloyds was cutting 9000 jobs across the UK, that local companies such as Greiner Packaging had expanded due to funding from the European Union and that Moypark following the Brexit vote may move their headquarters to Dublin. Reflecting on some of the aforementioned articles regarding global trading Councillor Mallaghan highlighted that a company had had a machine delivery delayed because of customs paperwork and that in the past he had spent time in the continent waiting at borders. He emphasised that the 'doom and gloom' were facts and that four weeks into the decision to leave the EU he was not sure that all the statistics were there to suggest growth.

Councillor McPeake stated that in relation to over-reaction if anyone thinks that the Conservative government would prioritise the North particularly in terms of agriculture they were mistaken as their priorities would lie with banks and businesses and drew on the irony of the DUP Minister for Agriculture going to Brussels looking for money for dairy farmers.

Councillor Molloy referred to earlier comments regarding beef exports and stated that the lifting of restrictions with the USA was not due to Brexit but had been ongoing for the past two years and the South were already utilising the new legislation.

Councillor McLean stated that the comments from Sinn Féin were 'a little bit rich' given that the SDLP had taken the lead on Brexit in Mid Ulster and Sinn Féin had not been at the schools for the voting nor at the count as they had been during the Assembly elections.

Councillor Cuthbertson said that it was ironic that members of Sinn Féin were stating what was best for Northern Ireland people when they belonged to a party who had bombed the heart out of the country for years.

Councillor B McGuigan in relation to Councillor McLean's earlier comments in regarding the referendum election campaign stated that he had visited a number of polling stations with Ian Milne MLA and could not understand the comments made.

Councillor Clarke referred to the comments of Councillor Cuthbertson and stressed that it was very serious to say that SF was the party that bombed the heart out of the North and that the statement needed to be withdrawn.

Councillor Clarke advised that on the day of the referendum election he had carried out the same actions as those of previous elections and stated that in relation to agriculture the UK policy would be for cheap food as 98% of people did not belong to the rural community. The Councillor emphasised that this would lead to meat entering the market with no history its origin, he also stated that if Brexit was carried

through farming would be non-existent and companies such as Moy Park would be gone.

Councillor Reid stated that now the vote had been taken all signs and election posters should be taken down.

The Chair, Councillor Wilson stated that there was no doubt that there was uncertainty but the referendum was over and the result was to leave. The Chair emphasised that it was now essential for Stormont to respond swiftly, that Northern Ireland was part of the UK and the vote was to leave and the Prime Minister had stated that 'Brexit meant Brexit' and it was fantasy to believe that Northern Ireland could opt out.

The Chair stated that whilst it was good to see neighbouring countries prosper the primary concern of Mid Ulster Council must be Northern Ireland and whilst Ireland had five million people it was economic madness to ignore the 60 million in the UK. He stressed that Northern Ireland had a land border and the priority of the Northern Ireland Executive was to plan for the way forward.

Councillor McGinley stated that he would remind fellow Members that the majority of people in Mid Ulster had voted to remain in the EU and requested that their decision was respected.

The Chair, Councillor Wilson called for a vote on the amendment as undernoted:

That this Council calls on the British Government to respect the will of 56% of the people of the North who voted to remain within the EU.

Requests an urgent meeting with representatives of the Irish and British Governments."

For	19
Against	14
Abstain	0

The Chair, Councillor Wilson called for a vote on the substantive motion as undernoted:

That this council recognises the democratic deficit created by the result of the EU referendum.

Further recognises that as political leaders we have to work together to give effect to the democratically expressed decision of the people to remain in the EU and to put the needs of all our people and economy across the island of Ireland to the fore.

Calls on the executive office to articulate the will of the electorate here in the north who clearly voted to remain.

That this Council calls on the British Government to respect the will of 56% of the people of the North who voted to remain within the EU.

Requests an urgent meeting with representatives of the Irish and British Governments.”

For	19
Against	14
Abstain	0

The Chair, Councillor Wilson declared the motion carried.

C165.2/16 Councillor Mallaghan to move

Councillor Mallaghan read the undernoted motion,

That this council offers its sincere congratulations to the Tyrone Senior Football team on winning the Ulster Championship and wishes them every success in campaign for All Ireland glory.

In speaking of the team's success to date Councillor Mallaghan stated that the achievement was a direct result of the investment and resources put into Gaelic games. The Councillor commended the year on year success stating that it portrayed the partnership of the Ulster Council, Tyrone County Board, Mid Ulster District Council, the capital grants scheme, Schools and Clubs and wished the team every success in the forthcoming All Ireland competition stating that the team would be there on the third Sunday of September for the final.

Councillor B McGuigan seconded the motion and stated that as a Derry man he did recognise that they were strong contenders and wished the team every success and truly hoped the team would bring the 'Sam Maguire' Cup back to the District.

The Vice Chair, Councillor McAleer concurred with Councillor Mallaghan and wished Mickey Harte and the team every success.

Motion carried

Confidential Business

Proposed by Councillor J Shiels
Seconded by Councillor Clarke and

Resolved That items C166/16- C171/16 be taken as confidential business.

The press left the meeting at 8.00 pm

C172/16 Duration of Meeting

The meeting was called for 7pm and ended at 8pm

CHAIR _____

DATE _____