

Minutes of Meeting of Mid Ulster District Council held on Thursday 27 July 2023 in the Council Offices, Circular Road, Dungannon and by virtual means

Chair Councillor Molloy

Members Present Councillors Bell, Black, Brown, J Buchanan, W Buchanan*, F Burton, J Burton, Cahoon, Carney*, Clarke, Corry, Cuthbertson*, Forde, Gildernew, Graham, Groogan, Johnston, Kelly, Kerr, Martin, Mallaghan, McAleer, McConnell, McFlynn, McGuigan, McLean, McLernon, McNamee, D McPeake, S McPeake, McQuade, Milne*, Quinn, Robinson*, Totten* and Varsani

Officers in Attendance Mr McCreesh, Chief Executive
Ms Campbell, Strategic Director of Environment (SD: Env)
Ms Canavan, Strategic Director of Organisational Development Strategy and Performance (SD: ODSP)
Mr Moffett, Assistant Director of Organisational Development, Strategy & Performance (AD: ODSP)
Mr Tohill, Strategic Director of Corporate Service and Finance (SD: CS&F)
Mr McKeown ICT
Mrs Forde, Committee and Member Services Manager

* Denotes Members present in remote attendance

** Denotes Officers present by remote means

The meeting commenced at 7 pm.

The Chair, Councillor Molloy welcomed everyone to the meeting and those watching the meeting through the Live Broadcast. The Chair in introducing the meeting detailed the operational arrangements for transacting the business of the meeting in the chamber and by virtual means, by referring to Annex A to this minute.

C134/23 Notice of Recording

Members noted that the meeting would be webcast for live and subsequent broadcast on the Council's You Tube site.

C135/23 Apologies

Councillors McElvogue, Monteith and Wilson

Ms Keys, Marketing and Communications Manager
Mr McGuckin, Head of Strategic Services and Engagement
Mr Black, Strategic Director of Communities and Place
(SD: C&P)

C136/23 Declarations of Interest

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

Councillor Kerr declared an interest in Coalisland Community Food Bank

Councillor Gildernew declared an interest in Leisure Centre: Staff

C137/23 Chair's Business

The Chair, Councillor Molloy said, "I'm delighted to say that since our last meeting both myself and the deputy Chair have again had a busy schedule of engagements across the District, it is clear that whilst engaging across so many different groups to date there is a trend on feedback which is the exemplary manner in which our staff work with our community and the deep appreciation for the work they do.

We had the relaunch of the Don't Mess Mid Ulster campaign at the start July. You will all know only too well the scourge that litter and dog fouling is on our community. There can be no excuse for owners not picking up after their dogs and I look forward to supporting this and other initiatives as the year progresses.

The official unveiling of Ceoldán, The Stargazer at Davagh is a great addition to the Sperrin's trail, Thomas Dambo and his team have created 3 amazing sculptures across the Sperrin's which undoubtedly will be an attraction for many years.

Strategic Events supported by this Council are a feature of summer and Mid Ulster was host to the Irish National Cycling championships at which the local Rafferty brothers Adam and Darren took national time trial titles at U23 and Men's categories respectively, I congratulate the Island Wheelers Club for their work in organising and running the event.

I had the honour of representing Council at the Clogher Valley Show this week, this is a great showcase of local produce and services from livestock to machinery to food and tourism. Mid Ulster Council were well represented and although weather conditions weren't ideal there was a fantastic turnout.

Other Strategic Events happening in the next few weeks include Mid Ulster Pride, All Ireland Road Bowls, Branry Fleadh and Lap the Lough. And of course, Lumarina will make a welcome return on Saturday 19th August at Ballyronan Marina.

In GAA, youth led the way as Derry minor footballers and the Tyrone U16 Camogie teams attained All Ireland glory recently. I would like to send best wishes to the organisers of a very special event next weekend in memory of the late Damian Casey, the all-day celebration on Saturday 5th promises to be a great occasion.

There have been more sombre duties that I have taken part in including the unveiling of a red plaque to remember Sub Officer Tommy John Black of Cookstown Fire station who tragically lost his life tackling a fire in 1984. It was a poignant reminder of the dangers faced by the Fire & Rescue and other emergency services.

I would also like to express my sympathies on the passing of a valued member of staff, Stephen Lynn. Stephen worked within Environmental Services Department and will be greatly missed by his friends and colleagues. Our deepest sympathy to Stephens brothers, Derek, Ivan & Victor and extended family circle. That concludes my remarks this evening, thank you.”

The Chair, Councillor Molloy advised that he had received requests regarding Chair’s business and invited Members to speak on same.

Councillor Mallaghan reinforced the call for an urgent meeting of the civic recognition working group. In response the Chief Executive stated that a date had been scheduled and Members would be notified.

Councillor Kerr sought an update on the rationalisation of recycling services working group.

In response the Chief Executive advised that officers had requested the names for the working groups and upon receipt of these meetings would be scheduled.

The Chief Executive drew attention to Letter of Support: The Old RIC Barracks, Market Square, Dungannon and advised that Council had been requested to provide a letter of support to STEP for an application they are making to the Community Ownership Fund. The application is to support the purchase of the Old Barrack Building in Market Square and Members would recall that a letter of support to an application had previously been issued regarding an application to the Levelling Up Fund.

Proposed by Chair, Councillor Molloy
Seconded by Councillor McNamee and

Resolved That Council provide a letter of support to STEP with regard to funding application regarding The Old RIC Barracks, Market Square, Dungannon

Councillor D McPeake extended congratulations to the Derry Minor team who had defeated Antrim, Donegal and Monaghan to win the Ulster and had now defeated Galway, Dublin and Monaghan to win their second consecutive All Ireland although due to covid this had been over four seasons. He further highlighted that many of the players and management team came from the Mid Ulster District including the goalkeeper who was the son of Anne Marie Campbell, SD: Environment. Councillor D McPeake concluded by reiterating congratulations to the team.

Councillor Corry concurred and proposed that the Derry minor team’s winning of the All-Ireland be included in the civic recognition agreed in June.

Resolved That the Derry Minor GAA Football Team All-Ireland win be included in the Civic Recognition approved in June 2023

Councillor McLernon spoke of the ongoing issue of respite provision for Adults with Complex needs within in the Southern Trust Area, particularly the provision of services locally in Coalisland & Dungannon. She advised that she had been speaking to parents & carers, of adults who have complex needs, who have raised the issue of provision of services not returning to full capacity since Covid. Councillor McLernon highlighted that some services within Woodlawn House, have returned to full capacity, but in relation to the pods, which were put there for adults who have severe complex needs and who are not suitable for respite provision within the main building. These pods are operating on a part time basis, with the use of the pods only being available from Thursday – Monday, whereas prior to Covid they were available 7 days a week. She said that this may be due to staffing and available resource, but others would concur that respite provision is not a luxury but a necessity and a life line for many families & carers.

Councillor McLernon proposed that Council on behalf of those impacted write to the Southern Trust, to ascertain the issues around the service of Respite Provision for Adults with complex needs not returning to a 7-day week as it was before Covid; and to see what, if anything Council can do to help resolve the issues and return this much needed service to full capacity.

Councillor Burton stated that every councillor receives complaints about the lack of carers and spoke of people not being released from hospital as a care package could not be put in place. She said that rural areas are more impacted by these issues and asked that it is added to the proposal.

Councillor McLernon said whilst she appreciated what was being said her proposal related specifically to the severe lack of adult respite care for people with specific needs, again stressing that it is required seven days per week.

Councillor Burton stressed that she was not speaking against the proposal but highlighting the lack of carers, the rate in which communities are losing carers and reflected that some companies used by the Southern Trust do not work as far out as Clogher Valley. Councillor Burton proposed that whatever Council could do they should as bed blocking was a real issue.

The Chair, Councillor Molloy spoke of a recent engagement at Oakridge SEC and how families were under increasing pressures. He stated that Officers could incorporate the issue.

- Resolved** That Council write to the Southern Health Trust to
- (i) ascertain the issues around the service of Respite Provision for Adults with complex needs, not returning to a 7-day week as it was before Covid, and to see what Council can do to help resolve this, and return the much-needed service to full capacity; and
 - (ii) establish what the hindrances are and what is being done to overcome delays when care packages are being put in place for people ready to be discharged from hospital.

The Chair, Councillor Molloy called on Councillor Quinn.

Councillor Quinn said that all would be aware of the All-Ireland rail issue and the findings of the most recent report. He said it went beyond what he expected in the exciting prospect of Dungannon being connected to the rail network and how this would transform transport services. Councillor Quinn stated that at this stage it was a report and to implement would be an eye watering amount of money, but Council should support it and the matter should become key policy for Council.

The Chair, Councillor Molloy concurred and said when you look at travel throughout Europe yet here, Cookstown bypass had been in the planning stages for 18 years, Dungannon needed a bypass also but as society moves into green transport rail networks must be reinstated. He said a large part of Derry and Donegal was absent from the report, but it was a great start.

Councillor Burton said she was delighted to hear the announcement and Council had in the past heard presentations on the matter. She said Council needed to push for the reintroduction of rail but should also argue for the reinstatement of rail network in the Clogher Valley. Councillor Buton concluded that whilst the Clogher Valley was built into future infrastructure needs many today is sitting without a bus passing their road.

Matters for Decision

C138/23 Receive and Consider Minutes of matters transacted in “Open Business” at the Council Meeting held on 22 June 2023

Councillor D McPeake drew attention to a typographical error in that his name had been placed instead of Cllr McLean’s at the proposal for the King’s Birthday Honours List.

Councillor Cuthbertson drew attention to discussion last month regarding Coolhill cemetery and placed on record his thanks to the Chief Executive, Senior Management Team and Officers in getting contracted works back on track at the cemetery.

Proposed by Councillor D McPeake
Seconded by Councillor Kerr and

Resolved That the Minutes of the Council held on Thursday 22 June 2023 (C109/23 – C123/23 and C133/23) transacted in Open Business having been printed and circulated were considered and adopted.

C139/23 Receive and Consider Minutes of matters transacted in “Open Business” at the Environment Committee Meeting held on 3 July 2023

Councillor Forde proposed the Environment Committee minutes with the report for E145/23 being adopted as per the officers’ recommendation.

Councillor Robinson seconded the proposal.

Proposed by Councillor Forde
Seconded by Councillor Robinson and

Resolved That the Minutes of the Environment Committee held on Monday 3 July (E140/23 – E154/23 and E164/23) transacted in Open Business, subject to the foregoing, having been printed and circulated were considered and adopted.

C140/23 Receive and Consider Minutes of matters transacted in “Open Business” at the Planning Committee Meeting held on 4 July 2023

Councillor S McPeake sought clarity regarding P071/23 regarding the commencement times of planning committees. He said that following discussion a survey had taken place and it was his understanding the start time for planning committee would be changed until 5pm. He said the August meeting was circulated for 7pm and asked when the time change would take place.

In response the Chief Executive referred to 27.6 of Standing Orders and said each committee had the authority to determine its own meeting time and the revised time could be implemented going forward.

Councillor McLean said that the DUP group had discussed the issue and whilst are sympathetic to timing issues they felt it was the thin end of the wedge and would spread across all committees. He said those councillors with jobs would not find it easy to attend for 5pm and people with speaking rights need to be considered. Councillor McLean said whilst the DUP in principle, are not against an earlier starting time last month's meeting had been sleek thus if there is a will there is a way. He further highlighted at the amalgamation of councils he had sought clarity on the councillor role which was clearly defined as part-time. He said whilst it was appreciated some councils have gone down the route of earlier committees Mid Ulster is a rural community and called for a sensible consideration to be given to the matter. Councillor McLean said he appreciated if a meeting run on late people had to travel home but emphasised the need for consensus.

Councillor Cuthbertson concurred with Councillor McLean and said it was his understanding a committee can change its timings if there is agreement by the whole committee. He also proposed that Planning Committee is rotated between Dungannon and Magherafelt.

The Chief Executive stated that standing orders are not explicit that the committee has to agree unanimous in its decision. With regard to the location of the committee the Chief Executive stated it was within the gift of the planning committee to make the decision.

Councillor S McPeake proposed to review the proposal at the planning committee and with regard the 5pm commencement time he said it could be reviewed in 3-4 months times. With reference to earlier comments regarding the swiftness of the

meeting he said the agenda had been light the previous month, but he was open to view.

The Chair Councillor Molloy stated that the commencement of the revised starting time implementation and location of meetings be referred to the planning committee for review.

Proposed by Councillor Mallaghan
Seconded by Councillor S McPeake and

Resolved That the Minutes of the Planning Committee held on Tuesday 4 July 2023 (P065/23 – P071/23 and P078/23) transacted in Open Business having been printed and circulated, subject to the foregoing were considered and adopted.

C141/23 Receive and Consider Minutes of matters transacted in “Open Business” at the Development Committee Meeting held on 5 July 2023

Proposed by Councillor Clarke
Seconded by Councillor Quinn and

Resolved That the Minutes of the Development Committee held on Wednesday 5 July 2023 (D101/23 – D118/23 and D121/23) transacted in Open Business having been printed and circulated were considered and adopted.

C142/23 Receive and Consider Minutes of matters transacted in “Open Business” at the Policy & Resources Committee Meeting held on 6 July 2023

Proposed by Councillor Corry
Seconded by Councillor N McAleer and

Resolved That the Minutes of the Policy & Resources Committee held on Tuesday 6 July 2023 (PR111/23 – PR119/23 and PR133/23) transacted in Open Business having been printed and circulated were considered and adopted.

Matters for Information

C143/23 Consultations

Members noted consultations received for attention of Council.

Councillor McLernon drew attention to the Draft response to the Department of Education 23/24 Budget EQIA and welcomed the points made. She also highlighted that cuts from the Education Department are being made despite the rising cost and

increasing demands for services, that there is an estimated funding gap of approximately £382 million and that the £66.4 million cut to the education budget will hit the most disadvantaged and vulnerable children the hardest which would have disastrous consequences for children and young people, will exacerbate poverty, deprivation and mental health in the longer term. She said that funding for each pupil has not risen in line with inflation, despite a dramatic increase in operational costs and that many schools are currently in deficit.

Councillor McLernon said that cuts to the budget could result in school closures, or increased class size together with loss of vital services for children. She stressed that it appeared that the Department of Education has not considered section 28E of the '98 Act, to address poverty and disadvantage, and to target resources on the basis of objective need.

Councillor Mallaghan drew attention to the Procurement Bill Reform advising the closing date was 11.45 pm 28 July 2023. Councillor Mallaghan proposed a response would be submitted and sought delegated authority for the SD: Corporate Services and Finance to submit a response.

The AD: Organisational Development, Strategy and Performance said that Council could submit an email to say that a response would be forwarded in due course.

Proposed by Councillor Mallaghan
Seconded by Councillor McLernon and

Resolved That Council respond to: Procurement Bill Reform: Closing Date: 11.45 pm 28 July 2023

Councillor Corry drew attention to: The Executive Office (TEO) Public Consultation on the Provision of Free Period Products: Closing Date: 18 September 2023 and proposed that Council make a response.

Councillor Corry stated that Council should emphasise that the Education Authority cutbacks would impact groupings listed under Section 75 which highlights public authorities should have due regard for.

Councillor Groogan seconded the proposal stating that period poverty exacerbates poor mental health and wellbeing.

Proposed by Councillor Corry
Seconded by Councillor Groogan and

Resolved That Council respond to: The Executive Office (TEO) Public Consultation on the Provision of Free Period Products: Closing Date: 18 September 2023.

The AD: ODSP sought approval for the draft responses to

- (i) DoH Budget EQIA Response; and
- (ii) DE Budget EQIA Response (noting Councillor McLernon's comments)

Proposed by Councillor Bell
Seconded by Councillor McLernon and

Resolved That Council approve the draft responses:

- (i) DoH Budget EQIA Response; and
- (ii) (ii) DE Budget EQIA Response (noting Cllr McLernon's comments)

C144/23 Correspondence

Members noted update on correspondence received for attention of Council.

Councillor McLernon drew attention to 3.3 correspondence from Education Authority and stated that like many in the council chamber she had been in touch with families and children, who are extremely anxious of the uncertainty around children not yet being placed. She acknowledged that the number has reduced significantly since it had been previously discussed in the chamber but stressed that there are still a substantive number waiting to be placed in September 2023 and it was almost August. She also acknowledged that the 37% increase in the need for SEN places from last year and said that it clearly shows there is a growing appreciation and understanding of the different educational needs. However, Councillor McLernon stressed that the demand for SEN places has been increasing dramatically over the last 25 years. Councillor McLernon noted that in the response the Education Authority had requested that the Council take account of their financial budgetary pressures. She concluded emphasising that the demand for SEN has risen, but any advances in provision has failed to keep up!

The Chair, Councillor Molloy highlighted that it was the responsibility of the Education Authority to provide sufficient places.

Councillor McLean said this was an ongoing issue and he had been inundated with people ringing as their children had not received places. He said that the Education Authority did not grasp the reality of the situation and the stress and anxiety these delays caused. He said the DUP had raised it as a party and was emphatic that the Education Authority should not be palming it off.

The Chair, Councillor Molloy said that anxiety levels are raised in relation to the issue.

Councillor S McPeake drew attention to 3.1 NILGA Corporate Plan and proposed that Council make a response. He said he was a supporter of NILGA but their remit was to be the lobbying voice for local government but the current situation with the NI Assembly deflated their Corporate Plan.

The Chair, Councillor Molloy concurred with the proposal.

Proposed by Councillor S McPeake

Seconded by Chair, Councillor Molloy and

Resolved That delegated authority be granted to the Chief Executive to respond to NILGA Draft Corporate Plan 2023-2027.

C145/23 Notice of Motion

Councillor Johnston moved the motion –

That this Council notes with deep concern the Northern Ireland Troubles (Legacy and Reconciliation) Bill currently making its way through the UK Parliament despite opposition from all NI political parties, the Irish government, the US administration, the Council of Europe, the UN High Commissioner for Human Rights, UN Special Rapporteurs, national and international human rights institutions and more importantly our victims and the organisations that represent them. The latest intervention from the House of Lords highlights that even the upper house can see what this government appears not to, that this bill is an affront to democracy with its obstruction of due process which is a fundamental human right in any western liberal democracy.

Furthermore, this Council

1. Condemns this legislation and asks for it to be withdrawn
2. Writes a letter to the British government, the Chair of the Conservative Party and the NIO formally requesting that this bill is withdrawn

Commenting on the motion Councillor Johnston stated, “It is rare that we as political parties agree in opposing a course of action being taken by a British government, in this case the Troubles Bill, or the Legacy and Reconciliation Bill as they disingenuously call it, as it is not about reconciliation, it isn’t even just about protecting British soldiers, it goes much deeper, into a dark and murky world where liberal democracies should not be found. This is about damage limitation, preventing further exposure of the complicity of the British government and its agents in the deaths of innocent people.

It is also rare that all parties agree on a course of action in opposition to British government decisions, but we have agreed, this is evidenced by all the parties being signatories to the Declaration of Opposition, having opposed it both in the Assembly and in Westminster. Of course, it would be naive not to realise that under the thin veneer of unity there lies much difference of opinion. Despite the DUP publicly opposing this bill, they have stood shoulder to shoulder with those soldiers on trial for murder and have joined with those politicians trying to halt those prosecutions. The DUP also voted against Baroness Nuala O’Loan’s amendment in the House of Lords that would have protected ongoing inquests. Inquests like that of Sean Brown, a man of great integrity, a decent man who gave of himself to his community selflessly, who was abducted, shot and dumped by hate fuelled paramilitaries. How on earth could an elected representative support the obstruction of justice for this family? It is beyond belief. Despite Sinn Fein publicly opposing this bill, they have

accepted amnesties for former paramilitaries as evidenced by the infamous 'on the run letters' and their tacit agreement in 2005 to an amnesty that was being proposed by the then Labour government for both paramilitaries and security forces until the SDLP stopped it. I would urge them to remain steadfast in their opposition to this bill. We must not be selective in who we would grant amnesties to. It is not for us to make those decisions, the groups that should be prioritised, who's feelings should be considered are our victims and survivors. Is it not enough that they had this 'life' thrust upon them, sacrificed by others for either 'Ireland's freedom' or the 'defence of Ulster', would we add insult to injury by a partisan approach further polarising our communities and intensifying the pain our victims and survivors endure on a daily basis. We should get behind all of them not stand with a select few.

It is a failure by all of our political parties not to have taken the opportunities presented by the agreements made in 2014, 2015 and 2020. We, ultimately failed V&S by failing to implement what we as parties had agreed. We dragged our feet when we should have been seizing the opportunity to do right once and for all. We created the void that allowed this shameless Tory government to formulate legislation that ultimately is about shutting down the full exposure of successive British governments role in deaths of many of our people, Protestant, Catholic and other. This should unite us and shame on those who would deviate from this unified opposition. We should take heart from the fact that we are joined by so many others in opposition to this, what in actual fact is an amnesty for perpetrators, it is they who will sleep easier in the beds at the expense of our already tortured victims.

This may well be repealed, who knows, but what is clear, irreparable damage will be done in the interim. Come 24th May 24, when this legislation will come into force, crucial evidence will be destroyed, and irreversible immunities will be granted. For those seeking truth and justice all hope will be gone, for many, hope was all they had.

My heart goes out to those who for too long have borne the heaviest of prices for the peace we all enjoy today. It is not enough that their loved one's lives were sacrificed once. How many times must they be delivered death blows. As a council we must have on record our unified opposition to the Troubles Bill. In anticipation of all parties support I would ask that this be a recorded vote."

Councillor McFlynn seconded the vote and thanked Councillor Johnston for bringing it forward.

Councillor N McLernon proposed the undernoted amendment to the motion, copies of which were distributed and appeared on screen.

Insert after *the 2nd* clause in the motion, to add a 3rd clause as follows:
"...3. If the bill is passed, that this Council should write to the Irish Government to express their strong contention that they should take an inter-state case against the legislation, and the British Government which has created it, to the European Court.

Councillor S McPeake seconded the amendment ..

Councillor McLernon speaking on the amendment stated, “Chair, this Legacy Bill is back in the House of Lords on Tuesday the 5th of September, but the Lords have no power to add further amendments, and therefore, it could receive Royal Assent sometime in September. As outlined in the motion the bill is opposed by the Irish Government and all parties on the island of Ireland. The British Labour party, Domestic and International Human Rights organisations and the vast majority of families and all key advocacy groups are opposed to this Bill. This Bill is the realisation of a manifesto pledge by the Tory party in the 2019 Westminster election, aimed at securing an amnesty for British Armed Forces for breaches of the human rights of Irish citizens during the conflict, including torture and murder. It will not promote reconciliation, but indeed will have the opposite effect, and will undermine any attempt to introduce a genuine reconciliation process on the island of Ireland.

There remain two key areas of opposition to the Bill: (i) The granting of amnesties & immunity for most conflict related offences for those who are willing to `cooperate` with the Commission; and (ii) the obstruction of due legal process for families, in terms of the closure of legacy inquests, independent investigations, by the 1st of May next year, and the closure last May, of any civil litigation in relation to conflict related matters.

Chair, some of the families have been waiting for over 50 years for an inquest and they now see that possibility being denied to them by this legislation. In addition, by the 1st of May, next year all Police Ombudsman and PSNI investigations will be stopped and handed over to this new Commission, which can merely conduct desk top reviews! Once the Bill becomes law, and families are denied access to due legal process, as outlined above, legal challenges will be initiated by the families to this undemocratic obstruction. It could end up in the Courts for a number of years until legal certainty is delivered. Chair, there is an alternative to this legislation – the Stormont house Agreement. Sinn Féin along with the main local parties and both the Irish and British Govts. developed the Stormont House Agreement on legacy matters in December 2014. But the British government never implemented this Agreement, despite producing a draft Bill agreed by all concerned, which was then endorsed by the general public in an NIO consultation in 2017, with over 17,000 responses.

Chair, if my amendment is agreed here tonight, it will add further weight to the motion, and will call for a direct intervention by the Irish Govt. on behalf of affected citizens to challenge the British Government, who by enacting this legislation, are in breach of their international obligations, as signatories to the European Convention of Human Rights {ECHR}.”

Councillor S McPeake said, “If enacted the outworking’s of this British Governments Legacy Bill will result in it being a complete travesty of justice and will deny the victims and survivors of ever obtaining the truth and the justice which they deserve on what happened their loved ones during the conflict here. To put it simply this Bill needs to be scrapped and we must all do what we can to have this Bill reversed.

My party along with all the other political parties on the island, various human rights organisations, the UN, the EU and the US administrations **and** importantly victims and survivors, their families and victims support groups **all** strongly reject the contents of the bill.

To date the British Government has steadfastly refused to listen to the crescendo of calls for the abolition of the Bill in its current format and reverse their actions. If the Legacy Bill is implemented it will prevent the victims of the conflict from ever accessing the criminal courts, inquests, human rights compliant legislations and potential civil proceedings. It will fly in the face of any semblance of justice being delivered and will prevent genuine attempts to promote reconciliation. It will shut the door on any chance of proper due process being provided for victims and survivors of the conflict. I am sure there are many examples we could all give where victims' families from right across all communities are still awaiting to hear the truth of what happened their loved ones during the conflict and for justice to be served. However, if this Bill is enacted it will close the door on their chances of them ever obtaining the answers which they desire.

One example which I wish to highlight of a family who has been seeking answers and justice for decades is the family of Sean Brown of Bellaghy. Sean Brown was murdered on May 12th 1997. A dedicated family and community man Sean was Chairman of Wolfe Tones GAC in Bellaghy and was abducted and callously murdered after locking the gates of the GAA Club following a club meeting. No one was ever brought to justice for this heinous crime of the murder of an innocent man. Sean's widow Bridie and family have been to court on over 30 occasions seeking proper investigation and a basic inquest into Sean's murder. The PSNI admitted that there were inadequacies into the investigation and issued a public apology to the family. Yet despite these unacceptable delays, PSNI claims of inadequate resources to carry out the inquest, strong criticism on the handling of the Sean Brown case from the judiciary and a new date to have the inquest concluded there still remains genuine concerns as to whether the inquest will be completed in time before May 2024. Should the Bill be enacted by its commencement date on May 2024, this will see the termination of this inquest process and the process will revert to the ICRIR Commission and will provide for a wholly inadequate and watered down 'Review' rather than an 'Article 2' investigation which is currently required under current human rights legislation.

Folks it is for the Brown and for many, many other families where we could all give further examples of families being denied justice that this obnoxious and unjust bill needs to be rejected. One must ask as to whose interests is the adoption of this bill best served. My belief is that it is an attempt by the British state to put a cloak over all conflict related matters and to draw a line under actions of the past. This cannot and should not be allowed to happen. We owe it to all victims and survivors to do all within our power to challenge the legality of such attempts to introduce the Legacy Bill. As such I support this motion with the addition of this amendment."

The Chair, Councillor Molloy asked if Councillor Johnston accepted the amendment.

Councillor Johnston stated that she accepted the amendment.

Councillor Brown stated that the DUP does not support this Bill and believes it is closing the door to justice for so many who lost loved ones during the Troubles. He said it is traumatising some of those who have to accept that no further effort will be made to apprehend those responsible for heinous crimes and would effectively introduce amnesties for the terrible acts of violence and terrorism here. Councillor

Brown said that the Northern Ireland Troubles (Legacy and Reconciliation) Bill proposes an effective offer of immunity from prosecution for perpetrators of crimes during the Troubles who co-operate with a truth-recovery body. He said that they had listened to the various victims and survivor groups right across Northern Ireland who are unanimously opposed to this toxic legislation. He emphasised that the DUP Party leader Sir Jeffrey Donaldson MP had recently described it as a gateway to further attempts to rewrite and airbrush the past. He said that the right to justice must remain a core human right, should continue to be at the centre of British justice and this core principle must be protected at all costs. He said that most of those killed were honourable and law-abiding citizens who were killed in protection of law and order in the province.

Councillor Brown said that British justice used to be held up to be a world leader and an exemplar across the globe but that this shoddy, disgraceful bill is a shameful and dark mark that cannot be allowed to become law. He said that the DUP believed the bill and the fact that Government has proposed this legislation to be an insult to the memory of those killed. He called on every member of the House of Lords to do the right thing and vote to remove all those offensive and hurtful proposals from the bill.

Councillor Kerr fully supported the motion and the amendment and spoke of the many innocent victims killed by British armed forces and secret agents. He said the government needed to reflect on their own history and highlighted that many East Tyrone people had suffered at their hands. He also highlighted that the British applaud when Nazi's face war crimes so they too should be held accountable of the crimes they committed following their occupation of Ireland.

Councillor Graham said, "I would suggest that you should write first of all to His Majesty's Government or the United Kingdom Government as there is no official body as the British Government. There are a number of problems relating to legacy and dealing with the past. Republicans are attempting to re-write history in a bid to promote the narrative that they fought some kind of 'just war' instead of a sectarian campaign of terrorism. This must be resisted by way of an information campaign that challenges this narrative. Unfortunately, this Bill will assist them with that process. The fact is that the security forces sought to prevent Northern Ireland sliding into a full-scale civil war. By contrast, terrorist groups, both loyalist and republican, set out on a daily basis to take lives and do violence to others. That explains why terrorists were responsible for 90% of deaths during the Troubles, the Police and the Army 10%. That is a statistic that is all too often overlooked.

We believe that nobody is above the law but the current legacy process is clearly imbalanced. Terrorist have benefitted from early release from prison, hundreds of letters of comfort and the award of Royal Pardons. By contrast, former soldiers, many of them in their 70's face the prospect of being hauled back to Northern Ireland and prosecuted over incidents from 40 years ago for which they have already faced investigation and been cleared. Republicans demand truth, justice and inquiries galore when it comes to the actions of the Police and Army but are strangely reticent when it comes to the litany of deliberate crimes of the IRA. One of the major problems we face is that some people are seeking to apply current standards to the standards of the time. The early 1970's in particular saw police stretched to breaking point by the volume of attacks. There were 472 troubles related deaths in 1972

alone and 1,100 died in the next four years. Context is crucial. The sheer volume of terror attacks, shootings, bombings and civil unrest in the early 1970's in particular, meant the Police were having to investigate an unprecedented case load, whilst at the same time desperately trying to prevent further loss of life. This must be borne in mind when anyone tried to judge the actions of the past by the standards of today and from the comfort and relative safety of 2018. It was no easy task for the Police to conduct door to door follow up enquiries in areas where they themselves faced the very real threat of death. This must be borne in mind by anyone judging past investigations by modern standards. Given their track record, we have little confidence that any process is capable of getting the truth from republicans. Gerry Adams denies he was ever in the IRA. Martin McGuinness said he left in 1975 yet at the Saville Inquiry he said he had taken an oath to the IRA which meant he could not tell the truth about his previous activities. Listening to Sinn Féin representatives, the average bystander could be forgiven for wondering if anyone was ever in the IRA and who exactly was responsible for the litany of atrocities committed by that organization. It is obvious that Sinn Féin are attempting to re-write the history books and give the impression that the IRA did nothing wrong. The Legacy and Reconciliation Bill means that this will lead to impunity for those responsible for severe, merciless and brutal crimes committed during the Troubles and effectively provides perpetrators a 'get out of jail free' card. It provides no closure, no justice and nothing but pain to the victims and their families. We must condemn this legislation, as it benefits no-one in Northern Ireland or our community here in Mid Ulster. The United Kingdom is a Nation built on fairness and justice, no one is above the law and justice must be served."

Councillor McLean stated that motions such as this one do not benefit the Council, he said different sides had been expressed each with their own slant as to who did what. He said that the comment had been made that underneath the unity everyone had their own position, and this had been made clear during the debate.

Councillor Varsani as a point of information said that her understanding was that as per David Cameron the British Prime Minister in 2014 there was never an amnesty nor guaranteed immunity for anyone, that was said in relation to the 'on the run' letters. Councillor Varsani said that was in response to an incorrect statement made earlier in the meeting.

Councillor McLean sought clarity as to what Members would be voting on as the DUP would not support the amendment.

The Chair, Councillor Molloy said the vote was for substantive motion as undernoted:

That this Council notes with deep concern the Northern Ireland Troubles (Legacy and Reconciliation) Bill currently making its way through the UK Parliament despite opposition from all NI political parties, the Irish government, the US administration, the Council of Europe, the UN High Commissioner for Human Rights, UN Special Rapporteurs, national and international human rights institutions and more importantly our victims and the organisations that represent them. The latest intervention from the House of Lords highlights that even the upper house can see what this government appears not to, that this bill is an affront to democracy with its

obstruction of due process which is a fundamental human right in any western liberal democracy.

Furthermore, this Council

1. Condemns this legislation and asks for it to be withdrawn
2. Writes a letter to the British government, the Chair of the Conservative Party and the NIO formally requesting that this bill is withdrawn; and
3. If the bill is passed, that this Council should write to the Irish Government to express their strong contention that they should take an inter-state case against the legislation, and the British Government which has created it, to the European Court.

The Chair, Councillor Molloy called for the vote, which as requested was recorded:

For: Councillors Bell, Carney, Clarke, Corry, Gildernew, Groogan, Johnston, Kelly, Kerr, Martin, Mallaghan, McAleer, McConnell, McFlynn, McGuigan, McLernon, McNamee, D McPeake, S McPeake, McQuade, Milne, Molloy, Quinn, Totten and Varsani. (25)

Against: Councillors Black, Brown, J Buchanan, W Buchanan, J Burton, Cahoon, Cuthbertson, Forde, Graham, McLean and Robinson (11)

The Chair, Councillor Molloy declared the motion carried.

Councillor Johnston concluded that Members could agree that although there are differences of opinion all oppose the bill.

C146/23 Notice of Motion

Councillor Kerr moved the motion –

I call on the Council to help facilitate a meeting between the relevant statutory agencies and the Killen Residents Group to help finalise a location for a defibrillator in the locality.

We as a local authority will try and aid the efforts of the Killen Residents Group. The installation of the defibrillator will benefit the community of Killen and surrounding areas.

Councillor Kerr speaking on the motion said that many had been lobbying for a defibrillator in the community and had spoken with the Northern Ireland Housing Executive and the Department for Infrastructure, but it had proved difficult to get all together around the table. He said that his point in the motion is that Council would facilitate a meeting to drive the matter forward and advised that the residents' group had identified possible locations for a defibrillator. He said currently should there be a cardiac arrest help was simply too far away.

Councillor McLean posed the question, did the matter justify a motion? He stated that surely the matter should have been brought to committee and should council follow this route meetings will be inundated with motions. Councillor McLean said in his opinion, such motions to him demonstrates an inability of a member to do their job.

In response, the Chair Councillor Molloy said whilst the motion was on the 'margin' he had accepted it as it was well intended to get an important matter resolved.

Councillor Carney seconded the motion and said she had worked closely with the various groups, and it had been difficult to get all parties engaged. She said a defibrillator was vital, a location had been identified and the matter needed to be progressed as soon as possible.

Councillor Quinn said he was happy to support the motion and stated that it was not a failure of a member to do their job but in fact the failure in fulfilling duties had been that of the statutory agencies who should have given more help. He said the Killien group had raised funding and the request was for Council to facilitate a meeting of all statutory agencies. He said that the nearest defibrillator was some six minutes away and, in such cases the closer the better and the fruition of this project could be the difference between life and death. He concluded that the motion had been accepted and all should support it.

The Chair, Councillor Molloy said he had witnessed a defibrillator being deployed on two occasions and both times had saved lives. He advised Councillor McLean that the matter directly effects people of the district.

Councillor McLean said he was not opposed to the request but that he did not think it needed to be a motion to council. He concluded that he would support the issue.

Councillor Mallaghan concurred and said there had been a time when meetings had been inundated with motions and through agreement a common-sense approach had been adopted. He agreed with the sentiments of Councillor McLean.

The Chair, Councillor Molloy declared the motion carried.

Councillor Kerr said he was disappointed at some of the comments and said there was many motions which called on council to write letters but it could be said Members could write a letter themselves. He also referred to a recent motion on the Coalisland Canal which again could have been a topic for a DEA meeting but at DEA meetings they were told only capital projects were up for discussion. He said there should be regular DEA meetings for all matters. Councillor Kerr concluded that his aim in the motion was to have the weight of Council behind the thrust to bring about a defibrillator in the area and he would continue to do his very best to enhance the community he represents.

C147/23 Notice of Motion

Councillor Varsani speaking on the motion said, “from the outset it’s important to consider what this motion is; simply a motion dealing with serious, exceptional, and flagrant sectarianism and indeed hate crime which occurred across the North, including in Mid Ulster Council Area.

Killymoon: Council property, no extra issues noted.
Mill Park – Irish flag
Kilcronan: Toxic tyres burning for some 2 weeks.
Moneymore: Council Pitch – tipping and tyre marks on football pitch
Monrush: Offensive messaging on posters
Moynashel: Irish flag and poster of An Taoiseach Leo Varadkar
Killymerron: Council property - Irish flag and side pyre of election posters
Eastvale: Irish Flag and effigy of Leas Uachtáran Sinn Féin /First Minister
Designate Michelle O’Neill.

The motion specifically acknowledges the efforts by those in our communities who challenge, oppose, and attempt to modify these serious breaches of acceptable conduct. It is recognised that there can be very different narratives and experiences of the past and indeed cultural identities, expression, and constitutional preferences; however, it is important, if not incumbent on representatives in elected office to be clear when lines have been crossed and I think we can all agree that burning effigies, national flags, and anyone’s posters, certainly crosses a line. I would urge members to focus on the issue at hand and not conflate issues; there may well be other areas of community relations and conduct that would benefit from more discussion and consensus and I would suggest that the Good Relations Group on Council and PCSP may be the place to raise any other areas of concern in this regard.

I would like to propose this motion to Council and urge all members to support it.”

Councillor Varsani moved the motion –

‘That this Council condemns all aspects of hate crimes and sectarianism, including the burning of effigies, national flags and election posters on Eleventh Night bonfires and acknowledges the efforts by some in our communities to oppose such acts of hate crime and sectarianism. We call for legislation to be put in place to regulate illegal bonfires which take place across the north of Ireland. This will go a long way in preventing such acts of offensive behaviour; and further calls on all elected representatives, groupings, and organisations to promote anti-sectarianism, tolerance and inclusion.’

Councillor Carney seconded the motion and said that in the days prior to the eleventh bonfires their office had received calls from residents living in mixed developments who had suffered a backlash of abuse when they asked for flags which had been erected in their areas to be removed. She also stated that no flag should be used to intimidate and mark out territory as it was disrespectful and that in a shared society any celebration of culture should be done respectfully.

Councillor McLean said he had listened carefully to the debate and emphasised that the DUP did not support the burning of any emblem or image on a bonfire and that their focus was on celebrating history and culture. He said that the word respect needs to be looked into and that there had been an acknowledgement of efforts in his own DEA where he had worked tirelessly and whilst sometimes progress was slow it was positive. He said culture should be celebrated with dignity and the introduction of legislation would bring a hardening of positions. Councillor McLean said that Mid-Ulster is actually leading the way in positive bonfire and cultural events, and others are looking towards this area for ideas and council should continue to work on this basis and not seek needless legislation. He said that as Unionists ask for their culture to be respected therefore unionist should also demonstrate respect to others including political opponents no matter how much both may disagree. He stressed that unionist representatives already work on the ground to prevent many instances of behaviour which would be detrimental to their celebrations and the job is to convince others to recognise the need for positive approach, not impose unworkable legislation.

Councillor McLean concluded by asking that all parties recognise the positive work undertaken on the ground to date and commit to building on this, to ensure communities feel their culture is being celebrated and encourage those with positive intentions to lead the way.

Councillor McQuade stated that everyone must respect each other and when posters and effigies are displayed Council must condemn this.

Councillor Kerr said that the eleventh night is always a situation when lawlessness is allowed to reign.

Councillor Graham said that the UUP condemns all aspects of hate crime and sectarianism regardless of whether it is carried out at unionist or nationalist bonfires. She acknowledged the work that is carried out by many to alleviate such actions and said that it is only through dialogue with those who build bonfires that such matters will ever be resolved. Councillor Graham asked if Sinn Féin would condemn the singing and chanting of pro IRA and other terrorist supported songs and asked if they would include this in the motion? Councillor Graham said that the UUP found the second part of the motion which calls for “all elected representatives, groupings and organisation to promote anti sectarianism, tolerance and inclusion” to be ironic as Council’s Good Relations Committee has yet to show any tolerance or inclusion to the unionist minority.

Councillor Cuthbertson said that for a party who continues to glorify murderers the motion is a thinly veiled attack on the unionist community for which Sinn Féin has shown little or no tolerance.

Councillor Black said that the DUP does not condone hate crimes and sectarianism, including the burning of effigies, national flags and election posters.

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

For 25
Against 11

The Chair, Councillor Molloy declared the motion carried.

Councillor Varsani responding to the debate and said that she was pleased there had been consensus and agreement amongst Members. She said she did not want to engage on reckless commentary and concluded by thanking all who had contributed positively to the debate.

C148/23 Notice of Motion

Councillor Quinn introducing the motion said, “In this council some Members have been accused by others of taking an interest in International Politics and that this Bill has nothing to do with Mid-Ulster District Council. I am sure there are arguments to that but the motion before us this evening is about a bill that is a direct assault on this Council and how we choose to conduct our business. On 19 June 2023 the Tory Government introduced the Economic Activity of Public Bodies (Overseas Matters) Bill. This Bill seeks to stop public bodies, such as this Council, from taking into account human rights abuses committed by foreign governments when making decisions, for example on procurement of goods and services and let’s make no mistake, this Bill is a direct response to councils right across Ireland and the UK who have taken the decision to join the BDS campaign as we did in 2018.

Like with any bill there can be different interpretations, but this Bill would preclude public authorities from having regard to any human rights violations of any country when making relevant decisions. It would stop public bodies from taking into account a number of disgusting acts of foreign states from genocide, war crimes, crimes against humanity and racial discrimination etc. For example, a council could not refuse to purchase goods from Russian occupied Ukraine, or from Myanmar, or North Korea or any country on the basis of disapproval of their systemic human rights violations. Had this bill been in effect in the 1980s it would have rendered it unlawful to refuse to source goods from apartheid South Africa; that in itself is a prime example for opposing this bill.

International solidarity is one of the key elements of political/moral struggle across the world. We know that the Civil Rights movement in Northern Ireland would never have succeeded without international support in America and other countries and the Good-Friday Agreement would never have happened without the support of those like Bill Clinton, Nelson Mandela, the EU and other countries right across the world.

Similarly, when Nelson Mandela came to Ireland, he thanked the Irish people for the support they had shown through councils, universities and famously Dunne Stores in their stance against apartheid. This bill would leave these matters entirely at the whims of a British Government. The same British Government that has a history of opposing Nelson Mandela, in fact they deemed the apartheid government an ally, a British government that took us into illegal wars and support countries who have a history of human rights violations. Is that who we really want to trust to make

decisions on who we can buy goods off? Boycotting is a long-practiced form of political protest and just because a government is uncomfortable with that is no reason to remove that right.

The business of a local council should be and should always be at the decision of its members and its voters. Any attempt to prevent that is simply anti-democratic. In 2018 this council took the brave decision to join the BDS Campaign. I am proud of that motion and proud of the members who voted to make it so. We cannot simply lie back and allow this bill to pass silently. The SDLP Leader Colum Eastwood has already stated his opposition, as have some members of the Labour Party and I believe our Council should add their voice to this. I propose that this Council write a letter opposing this bill and as yet again a form of protest, re-affirm its support for BDS campaign.

Councillor Quinn moved the motion -

That this Council notes with concern the Economic Activity of Public Bodies (Overseas Matters) Bill currently being debated in Westminster which seeks to prevent councils like Mid Ulster District Council taking into account human rights abuses committed by foreign governments when making certain decisions, including on procurement of goods and services.

That this Council writes a letter to the Secretary of State and the UK Government of our opposition to this bill. Reaffirms its support for the BDS movement as voted on by members in 2018.

Councillor Martin seconded the motion.

Councillor Kerr supported the motion and said the Bill would set a dangerous precedent as the British Government had backed apartheid and had a track record in supporting rogue states.

Councillor Mallaghan supported the motion and said the issue dated back to 2014 when a special council meeting had been called regarding the situation in the Middle East. He concurred that it was undemocratic to dictate how council should spend its money highlighting that Members were elected to manage and spend rate payers' money effectively. He concluded stating that the actions of the British government during apartheid had been wrong.

Councillor Cahoon said that the DUP has consistently supported this Bill and would continue to do so. She said they would not endorse the writing of any letter to those suggested in the motion and would ask their Westminster MPs to make clear that any such correspondence does not have the endorsement of many elected representatives. She said that many councils have overstepped the mark by boycotting goods from Israel and penalising and focusing attention on the small Jewish community which was shameful of them but also highlights the real reasons for their campaigns. Councillor Cahoon said that local authorities should be working hard to support diversity and good relations, not ridiculing and condemning small and minority communities. She said that the motion highlights the utter hypocrisy of some

of those who are so verbal in highlighting human rights' abuses yet fail to condemn and sometimes actively glorify those who perpetrate atrocities not in some far-off lands, but in the streets within walking distance of the council building and right across this constituency and Northern Ireland.

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

For	25
Against	11

The Chair, Councillor Molloy declared the motion carried.

Councillor Quinn thanked all those who voted for the motion. He said he had listened to the DUP talking about minorities and said that the motion and BDS is not against minorities it is against the policies of the Israeli government who are persecuting and kicking people off their own land. He said the Bill would remove the right for non-violent protest against Israel and other countries who oppress minorities such as the LGBT community.

The Chair, Councillor Molloy thanked all Members for their contribution to the debates.

The live broadcast concluded at 8.40 pm.

Items restricted in accordance with Section 42, Part 1 of Schedule 6 of the Local Government Act (NI) 2014. The public will be asked to withdraw from the meeting at this point.

Proposed by Councillor Bell
Seconded by Councillor Clarke and

Resolved That items C149/23 to C156/23 be taken as confidential business.

Matters for Decision

- (i) Audit Committee Confidential minutes of meeting held on 20 June 2023
- (ii) Council Confidential minutes of meeting held on 22 June 2023
- (iii) Environment Confidential minutes of meeting held on 3 July 2023
- (iv) Planning Confidential minutes of meeting held on 4 July 2023
- (v) Development Confidential minutes of meeting held on 5 July 2023
- (vi) Policy & Resources Confidential minutes of meeting held on 6 July 2023
- (vii) Document for Sealing: MSW Growth Deal Programme Director Agreement

Matters for Information

- (i) Use of Delegated Authority by Chief Executive on Matters Delegated

C157/23 Duration of Meeting

The meeting was called for 7.00 pm and ended at 8.50 pm.

Chair _____

Date _____

Annex A - Introductory Remarks from Chairperson

Good evening and welcome to our meeting of Mid Ulster District Council in the Chamber, Dungannon whether you have joined us remotely or in the Chamber.

I specifically welcome the public watching us through the Live Broadcast. The Live Broadcast will run for the period of our Open Business but will end just before we move into Confidential Business. I let you know before this happens.

Just some housekeeping before we commence. Can I remind you:-

- If you have joined the meeting remotely please keep your audio on mute unless invited to speak and then turn it off when finished speaking
- Keep your video on at all times, unless you have bandwidth or internet connection issues, where you are advised to try turning your video off
- If you wish to speak please raise your hand in the meeting or on screen and keep raised until observed by an Officer or myself
- Should we need to take a vote this evening I will ask each member to confirm whether they are for or against the proposal or abstaining
- When invited to speak please introduce yourself by name to the meeting
- For any member attending remotely, if you declare an interest in an item, please turn off your video and keep your audio on mute for the duration of the item
- If referring to a specific report please reference the report, page or slide being referred to
- Lastly, I remind the public and press that taking photographs of proceedings or using any means to enable anyone not present to see or hear proceedings, or making a simultaneous oral report of the proceedings are not permitted

Thank you and we will now move to the first item on the agenda – apologies and then a roll call of members in attendance.