

Minutes of Meeting of Mid Ulster District Council held on Thursday 30 June 2016 in the Council Offices, Circular Road, Dungannon

Chair: Councillor Wilson, Chair

Members Present: Councillors Ashton, Bateson, Bell, Burton, Clarke, Cuthbertson, Doris, Elattar, Gildernew, Gillespie, Glasgow, Kearney, McAleer, McEldowney, McGinley, B McGuigan, S McGuigan, McKinney, McLean, McNamee, McPeake, Molloy, Monteith, Mullen, C O'Neill, J O'Neill, M Quinn, T Quinn, G Shiels, Reid, Robinson and Totten

Officers in Attendance: Mr A Tohill, Chief Executive
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 McCreesh, Director of Business and Communities
Mr Moffett Head of Democratic Services
Mr Tohill, Director of Finance
Mrs Forde, Member Support Officer

The meeting commenced at 7pm

C127/16 Apologies

Councillors Buchanan, Cuddy, Forde, Mallaghan, McFlynn, Mulligan and J Shiels.

C128/16 Declarations of Interest

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

Councillor C O'Neill declared an interest in Agenda item 13 motion to be moved by Councillor McGinley.

C129/16 Chair's Business

The Chair, Councillor Wilson drew attention to the improvements in the Council Chamber.

The Chair, Councillor Wilson extended a warm welcome to Mr Adrian Hogan a native of the City of Limerick. The Chair commended him in his quest to visit every Council meeting through-out Northern Ireland and the Republic of Ireland and wished him a safe journey home.

Councillor C O'Neill requested a reception for Bellaghy GAA team who had recently won the All Ireland Féile.

Councillor Ashton requested Civic reception for Maya Davidson of Howard Primary School, Moygashel who gained 100% in all three AQE tests the first time this had been achieved by a Northern Ireland pupil and also for the Boys Football team who won the Regional Futsal tournament, were runners up in NI Futsal Final, won the Tri County Indoor and were amongst the NI Indoor Finalists, they also won the Tri County large schools cup, the super six Dungannon Area football cup and were crowned the outdoor NI Champions;

Councillor M Quinn requested a civic reception for Cliona Hagan who won the Best Newcomer of the Year Award at Irish TV Country Music Awards.

Councillor Sean McGuigan requested a civic reception for Killleeshil GAA under 14 girls ladies team who are the grade 1 Tyrone Championship winners and were runners up in League Final.

Councillor Kearney advised that Councillor M Quinn would replace Councillor Mullen on the Environment Committee.

Councillor McNamee requested a civic reception for Mid Ulster Ladies darts team who had won the NI League for the past ten years.

The Chair, Councillor Wilson requested civic receptions for Rainey Old Boys Rugby Team Under 16s who won the Ulster League Champions at U16 level and also three runners who have completed all six major marathons namely James Campbell, David Somerville and Alan McKeown.

The Chair, Councillor Wilson extended congratulations to the four Northern Ireland football team players who come from Mid Ulster for their performance at Euro 2016

Councillor Burton expressed outrage at the recent vandalism attacks on floral displays in Castlecaulfield village. The Councillor commended the Horticultural Society on their hard work and dedication in recent years which has resulted in huge success in the Ulster in Bloom competition which ultimately makes the village beautiful to drive through. Councillor Burton emphasised the appreciation of the Horticultural Society for the support which Council gives them in their endeavours and asked if Council could support in any way possible to assist them at this time so near to the judging of ongoing competitions.

The Chair, Councillor Wilson stated that the whole Council would concur with Councillor Burton.

Councillor Reid paid tribute to the football supporters from across Ireland and Northern Ireland for their exemplary behaviour at the Euro 2016 and requested that Council issue a press release to commend all who had travelled to the competition and who had made such a tremendous impression.

Councillor McEldowney requested a reception for Swatragh under 14s Camogie team who won the All Ireland Féile

Councillor McGinley congratulated Councillor McPeake on taking up the post of President of Northern Ireland Local Government Association.

Matters for Decision

C130/16 Receive and consider minutes of matters transacted in “Open Business” at the Council meeting held on Thursday 26 May 2016

Proposed by Councillor S McGuigan
Seconded by Councillor T Quinn and

Resolved That the Minutes of the Meeting of the Council held on Thursday 26 May 2016 (C102/16 – C115/16 and C126/16), transacted in “Open Business” having been printed and circulated were considered and signed as accurate and correct.

C131/16 Receive and consider minutes of matters transacted in “Open Business” at the Annual General Meeting of Council held on Tuesday 7 June 2016

Proposed by Councillor Clarke
Seconded by Councillor Reid and

Resolved That the Minutes of the Meeting of the Council held on Tuesday 7 June 2016 (AC1/16 – AC13/15), transacted in “Open Business” having been printed and circulated were considered and signed as accurate and correct.

C132/16 Receive and consider the minutes and recommendations of matters transacted in “Open Business” at the Policy and Resources Committee meeting held on Thursday 9 June 2016

Councillor Molloy requested that the wording “as there was a lot of confusion over documentation” be removed in the third paragraph of PR125/16.

Proposed by Councillor Gildernew
Seconded by Councillor McKinney and

Resolved That the Minutes and recommendations of the Policy and Resources Committee meeting held on Thursday 9 June 2016, (PR118/16 – PR128/16 and PR135/16), transacted in “Open Business”, having been printed and circulated, were considered and adopted.

C133/16 Receive and consider the minutes and recommendations of matters transacted in “Open Business” at the Planning Committee held on Monday 13 June 2016.

Proposed by Councillor Bell
Seconded by Councillor Reid and

Resolved That the Minutes and recommendations of the Planning Committee meeting held on Monday 13 June 2016 (P114/16 – P121/16 and

P126/16) transacted in “Open Business”, having been printed and circulated, subject to the foregoing, were considered and adopted.

C134/16 Receive and consider the minutes and recommendations of matters transacted in “Open Business” at the Environment Committee held on Tuesday 14 June 2016

Amendment to minute requested at E151/16 minute to read ‘Councillor McNamee entered the meeting at 7.08pm’

Proposed by Councillor B McGuigan
Seconded by Councillor Cuthbertson and

Resolved That the Minutes of the Meeting of the Environment Committee held on Tuesday 14 June 2016 (E148/16 – E168/16 and E174/16), transacted in “Open Business” having been printed and circulated were considered and signed as accurate and correct.

C135/16 Receive and consider the minutes and recommendations of matters transacted in “Open Business” at the Development Committee meeting held on Thursday 16 June 2016.

Proposed by Councillor Molloy
Seconded by Councillor T Quinn and

Resolved That the Minutes and recommendations of the Development Committee meeting held on Thursday 16 June 2016, (D149/16 – D167/16 and D173/16) transacted in “Open Business”, having been printed and circulated, were considered and adopted.

C136/16 Conferences and Seminars

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

- (i) William Carleton International Summer School 25th Anniversary
Sunday 31 July –Thursday 4th August 2016, Corick House Clogher
- (ii) Energy in NI – the energy market, renewables and security of supply
Tuesday 6 December 2016, Belfast 8.30am – 1pm

Retrospective Approval

Conference & Seminar	Date	No of Attendees	Location	Attendance Fee (Yes/No)

Infrastructure Investment Conference	22 June	1	Belfast	Yes
Better, Cleaner, Safer: Reducing uncollected dog waste through dog DNA registration	30 June	1	London	Yes

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

C137/16 Response to Programme for Government

The Director of Business and Communities drew attention to the previously circulated report regarding the Response to Draft Programme for Government and sought approval for Council to grant 'delegated authority' to permit the Policy and Resources Committee to approve the Programme for Government Response and enable it to be submitted by the deadline of 22 July 2016.

Proposed by Councillor Kearney
Seconded by Councillor McNamee and

Resolved That Council grant delegated authority to the Policy and Resources Committee in relation to approval of the Programme for Government Response and enable it to be submitted by the deadline of 22 July 2016.

Matters for Information

C138/16 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

C139/16 Consideration of Motion

C139.1/16 Councillor McGinley to move

“That this council notes with concern the deficit that exists within current local government legislation to provide full access to democracy in times of maternity/paternity leave for Councillors.

This council resolves to write to and seek an urgent meeting with the Minister for Communities to discuss the need for legislative change to ensure that rate payers are best represented at all times and to ensure that there are no barriers to public life for those who seek elected office.”

Councillor McGinley read the aforementioned motion and highlighted the deficit that exists within current local government legislation to provide full access to democracy in times of maternity and paternity leave for elected members. The Councillor made reference to discussions he had had with the Chief Executive and Council officers in relation to this which revealed that the solution lies within the legislation, and therefore the Minister of Communities.

Councillor McGinley stated that it was his understanding that if an elected member intends to take maternity or paternity leave they face a tough decision, either they have to relinquish their position on council by resignation, or leave their constituents unrepresented for the period of time they commit to their family. Acknowledging that the legislation was complex he emphasized that it did not support elected members and family life and that those who commit to public service are not treated as employees, therefore they are not covered by employment legislation and thus there was a negative impact on those striving to strike a balance between their professional and home life.

Councillor McGinley stated that it was currently a ‘real’ situation for fellow Councillor C O’Neill and wished her well in the coming weeks but emphasized that it was relative across the 11 district Councils for elected members at this stage of family life. The Councillor stated he had intended to request Council to make an interim decision to appoint a temporary replacement for the elected member until legislation issues was addressed but following consultation had been advised that Council would be making an unlawful decision so thus the request was not in the motion. Therefore a Councillor could not enjoy the benefits of employment legislation which would allow them to receive a payment whilst on maternity leave safe in the knowledge their constituents were still being represented.

Councillor McGinley stated that he had been approached by Councillor James Shiels who raised the issue that elected members are not covered for sickness leave and thus with the agreement of Members he would amend the motion to read maternity/paternity/sick leave. Councillor McGinley stressed that such conditions were unacceptable in today’s age especially when we claim to be more educated in terms of both physical and mental health and thus should be able to provide appropriate access regardless of personal circumstances to those wishing to stand for election.

Councillor McGinley stated that it was his belief that if an elected member wishes to take maternity/paternity/sick leave, they should be afforded the same rights as those in employment and although at present they can take time out they are not allowed to be replaced if they intend to return to Council duties after the period of absence. He emphasized that this situation leaves an unacceptable situation in that the voice of all those who voted goes unheard. Councillor McGinley in conclusion stated that there is an obligation to make public service available to everyone, therefore

legislation change is required and sought support for the motion with the amendment to include sick leave.

Councillor Molloy seconded the motion stating that he was a father of four young children and often families had to come 'second best' when elected members had employment in addition to their public role. Councillor Molloy also made reference to benefits which were calculated on the previous year's income and stated that this too would have a detrimental effect on an elected member in such circumstances as aforementioned.

Councillor McPeake concurred with the motion and emphasised that the situation is yet another result of legislation being rushed through and now like the code of conduct and standing orders deficiencies are being identified.

Councillor Monteith supported the motion and in relation to sick leave reflected on events in the legacy council which forced very ill elected members to have to attend meetings. He further stated that in order to attract people to public life barriers needed to be raised and Members were duty bound to champion to ensure elected members had the same rights as employees.

The Chair, Councillor Wilson confirmed that the amendment to the motion to include sick leave was accepted.

Councillor Kearney stated that Council had a duty to both employees and the elected member.

Councillor Ashton stated she had no issue with the motion but emphasised that clarity was needed as to whether the elected member was an employee or self-employed as it was a 'grey' area and suggested it was a matter for NILGA.

Councillor C O'Neill stated that she was first elected to Council in 2011 and thus had served as an elected member for six years and that she would like to remain but felt that the matter was taken out of her hands as she was uncomfortable accepting an allowance whilst she was on maternity leave and wishing to concentrate on her 'yet to be born' twins. Councillor C O'Neill reiterated the fact that the message being highlighted was wrong as there was no legislation to protect the pregnant mother who was an elected member.

The Chair, Councillor Wilson on behalf of the Chamber wished Councillor C O'Neill well and stated that as full support had been apparent he would not seek a vote but in declaring the motion as undernoted carried he stated that he looked forward to a meeting with the Minister on the matter.

"That this council notes with concern the deficit that exists within current local government legislation to provide full access to democracy in times of maternity/paternity/sick leave for Councillors.

This council resolves to write to and seek an urgent meeting with the Minister for Communities to discuss the need for legislative change to ensure that rate payers are best represented at all times and to ensure

that there are no barriers to public life for those who seek elected office.”

Motion carried.

Confidential Business

Proposed by Councillor Molloy
Seconded by Councillor S McGuigan and

Resolved That items C140/16- C152/16 be taken as confidential business.

The press left the meeting at 7.20 pm

C153/16 Duration of Meeting

The meeting was called for 7pm and ended at 7.30pm

CHAIR _____

DATE _____