

Minutes of Meeting of Mid Ulster District Council held on Thursday 25 January 2024 in the Council Offices, Circular Road, Dungannon and by virtual means

Chair	Councillor Molloy
Members Present	Councillors Bell*, Black*, Brown, W Buchanan, F Burton, J Burton, Cahoon, Carney, Clarke*, Corry, Cuthbertson, Forde, Gildernew, Graham, Groogan, Kelly, Kerr, Mallaghan, Martin*, McAleer*, McConnell (7.06pm), McElvogue, McFlynn, McGuigan, McLean*(7.36pm), McLernon, McNamee, D McPeake, S McPeake*, McQuade, Milne*, Monteith, Quinn, Robinson, Totten*, Varsani and Wilson
Officers in Attendance	Mr McCreesh, Chief Executive Mr Black, Strategic Director Communities and Place (SD:CP) Ms Canavan, Strategic Director of Organisational Development Strategy and Performance (SD: ODSP) Mr Tohill Strategic Director of Corporate Services & Finance(SD: CSF) Mr McGuckin, Head of Strategic Services and Engagement (HoSSE) Mr Moffett, Assistant Director of Organisational Development Strategy and Performance (AD: ODSP) Mr O'Hagan, Head of ICT Mrs Forde, Committee and Member Services Manager
Others in Attendance	Deputation: Northern Health and Social Care Trust Jennifer Welsh, Chief Executive Owen Harkin, Deputy Chief Executive/Director of Finance Gillian Traub, Director of Operations Neil Martin, Director of Strategic Planning, Performance and ICT Southern Health and Social Care Trust Brian Beattie, Director of Adult Community Services Paula Tally, Assistant Director Quality Improvement

* Denotes Members present in remote attendance

** Denotes Officers present by remote means

*** Denotes Others 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.

C001/24 Notice of Recording

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

C002/24 Apologies

Councillors J Buchanan, Johnston

C003/24 Declarations of Interest

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

Councillor Black declared an interest in Agenda Item 20 Policy and Resources Committee confidential minutes of meeting held on 11 January 2024 re PO13/24 2024/25 Insurances Update and Agenda Item 21 Update on Insurance Brokerage Tender

C004/24 Chair's Business

The Chair, Councillor Molloy in his opening remarks said, "Members, even though we are almost through January, as this is our first meeting of 2024, I'd like to wish you all a Happy New Year. I look forward over the next twelve months to the Council continuing to demonstrate our commitment to the growth and development of this district for the betterment and benefit of our citizens. That commitment is something that Council staff demonstrate on a regular basis and I was delighted to attend our staff recognition awards shortly before Christmas past. Staff members who have recently completed a new qualification, spearheaded or contributed to successful projects that have led to nationally recognised awards, or have dedicated 30 years or more to serving our communities within our legacy and current Councils or within Planning, were recognised at the event in the Burnavon. I was struck by just how many of our staff have put in such an effort to be the best they can be within their role; who have gone that extra mile to achieve a well-deserved award for their team or service; or who have dedicated so many years to long service – in some cases forty years plus. On behalf of all the Council, congratulations to everyone who received an award.

Speaking of effort, our planning team are to be congratulated for the improvement in statistics seen in the most recent quarterly figures released by the Department. The statistics demonstrate the continuing commitment of the planning service in Mid Ulster to progress and deliver for our people, following a difficult and challenging number of years. They also show the role of our streamlined and efficient digital

online planning system in delivering substantial improvements to both major and local application processing times in comparison to the first half of 2022 to 23.

This month it's also been great to see that funding of three hundred thousand pounds has been secured by the Mid South West region to assist local businesses in their transition towards achieving Net Zero emissions. The funding has been provided through Innovate UK's Fast Followers programme, with the MSW region one of 21 Local Authority areas to receive a share of £6m funding to support progress towards Net Zero. This is good news for our local economy and our environment. Members will also be aware that Council has received funding from the Levelling Up Fund to deliver on the Maghera Regeneration Programme – a programme that, through over ten million pounds total investment in Maghera, will deliver transformational improvement, benefitting residents, stimulating business growth and creating jobs for future generations. A proposed Wetlands Park and enhancements to Maghera Walled Garden is one element within this programme, and there will be a public meeting to present initial concept designs in Walsh's Hotel, Maghera on the first of February.

Given the significance of the programme and the level of investment, I encourage residents and businesses to take this opportunity to engage with the ongoing design process and have an early opportunity to see the initial plans before we develop detailed designs for a formal period of consultation.”

Councillor Cahoon extended congratulations to the Dungannon/Moy branch of the Royal British Legion who had been presented the Haig cup which is a phenomenal achievement. She advised that the local branch had come first out of some 2500 branches and were the first Northern Ireland branch to achieve this accolade.

Councillor Cahoon also took the opportunity to wish everyone a Happy Burns night.

Councillor Corry concurred and shared that in looking at her family tree she had discovered a few aunts who had been related to the late Robert Burns and it was great to acknowledge the republican connections.

Councillor Wilson congratulated everyone who had achieved awards on the King's birthday honours list.

Councillor McLernon speaking in relation to respite provision said, “I would like to raise here tonight the provision of respite for adults with complex needs and challenging behaviour, in particularly Woodlawn House. The eight-bed facility at Woodlawn usually provides short breaks of around a week for those with a learning disability who are aged 18 and over but just before Christmas this year, many families had their respite provision cancelled at short notice due to the facility being repurposed by the Trust having to redirect those services towards intensive individual support. This is the second time this has happened, the last time this happened was back when we were coming out of Covid, and families with adults with complex needs were looking forward to respite at time more than ever when it was needed and it was denied.

I want to state here that this is not a criticism of Woodlawn House or their staff, in fact, I can't praise them enough for their work and dedication to the service users of

Woodlawn House. My criticism has to be directed at the Southern Trust and their forward planning. It is clear that there is inadequate provision of respite for Adults with complex needs and challenging behaviour not only in Woodlawn House, but across the Southern Trust area, and this is only going to be exasperated further, as more children with additional, complex needs and challenging behaviour become adults and enter into Adult Services. We need now to be forward planning, investing and ringfencing the respite provision for these adults going forward.

We can say that the situation is another symptom of a health system starved of the resources, staffing and the reform it needs to meet demand. Families and service users are afraid to speak out, for fear that they will lose this precious service that they rely heavily on. We cannot allow our unpaid carers in our district to always be among the first to pay the price. They wait weeks, months for this service and it is heart breaking to see a situation like this arise where is taken away from them. We need to urgently begin to tackle the root cause of the problem, and it with this in mind I would propose here tonight that we arrange a focused meeting with the Southern Trust dedicated to this issue, and the issue of forward planning for services for adults with complex needs and challenging behaviour.”

Councillor Gildernew said like many Members in the aftermath of the recent storm she had been inundated with calls regarding various matters and had liaised with agencies such as Department for Environment and all had worked and liaised tirelessly to restore services. She highlighted that the one exception had been Fibrus who were the main broad band providers in her area. She said the world was now a different place and that people needed a reliable internet connection to deal with everyday issues such as banking, universal credit to name but a few. Councillor Gildernew advised that she personally had lost all connectivity since the previous Sunday at home and thus had no internet, 3/4G or telephone connection that Fibrus provide. She emphasised that there are a lot of people isolated who cannot make contact with providers directly but request elected members to do so but Fibrus refuse to engage. She concluded that these people are with Fibrus as they are already left behind in terms of connectivity and have no other choice of providers.

Councillor Gildernew proposed that Council seek a meeting with Fibrus to discuss Elected Member status in representing constituents in relation to loss of connectivity.

The Chair, Councillor Molloy concurred.

Resolved That Council seek a meeting with Fibrus to discuss Elected Member status in representing constituents in relation to loss of connectivity.

Councillor McGuigan requested that the Chair send a letter of congratulations to Glen Watty Graham's on winning the All Ireland Senior Clubs GAA Football final. He spoke of the tremendous lift the achievement had given to the local community and that it paid testament to the vision, work and ethic of community development within GAA games. He concluded that it had been a brilliant week of celebrations and it had been a great pleasure for himself and others to witness the Glen team lifting the cup.

Resolved That the Chair send a letter of congratulations to Glen Watty Graham's on winning the All Ireland Senior Clubs GAA Football final.

Councillor Cuthbertson paid tribute to Terence Donnelly who had received an OBE, he said that Terence was a great name in the car world and was Chairman of the Donnelly group.

Councillor Cuthbertson paid tribute to staff of Northern Ireland Electricity and tree surgeons who quite literally took their lives in their hands to clear fallen trees during the storm. He also paid tribute to the Light and Life Christian Centre on Cunningham's Lane and told how he had telephoned the Pastor, who willingly drove through the storm to open the church to accommodate families who the NI Fire and Rescue Service had to evacuate from their homes during the storm.

Councillor Cuthbertson requested that it be referred to the relevant committee the extension of lights in Dungannon Park. He stated that lights were needed around the park and this should be planned going forward.

Resolved That extension of lights in Dungannon Park be referred to committee.

Councillor Wilson concurred with Councillor Gildernew's earlier comments and paid tribute to staff who had moved heaven and earth to re-instate services following the storm.

The Chair, Councillor Molloy reminded Members of the launch of the Sports Awards in its new format and encouraged all who had connections with groups to encourage them to apply.

Councillor Wilson asked when the Sports Awards had been agreed by Council.

In response the Chief Executive advised that the civic recognition working group had met on 9 and 31 August 2023 and had established the framework which had been recommended by the Policy & Resources Committee for approval in September and resolved at the Council meeting on 28 September 2023. He concluded that the framework was agreed and a report for information to update Members would be brought to the February Policy & Resources Committee.

Councillor Wilson reiterated that the working group had made the decision and the launch had taken place prior to full council consideration. In response the Chief Executive said that the framework had been considered and agreed by committee and council in September and that the working group and officers had worked the aesthetics of the event and reiterated the report on same would be brought to February Policy & Resources.

C005/24 Deputation: Northern Health and Social Care Trust and Southern Health and Social Care Trust

The Chair, Councillor Molloy welcomed the Northern Health and Social Care Trust and Northern health and Social Care Trust representatives to the meeting.

Ms Welsh NHSCT delivered a presentation (appendix a) giving an overview of the corporate objectives, Trust and GP Workstream highlighting the undernoted:

- Integrated Care System
- Sustainability issues common across all Trusts with some contracts being handed back;
- Progress had been made in building capacity in primary care; primary/secondary care clinical engagement, elective and end of life care.
- NHSCT do not provide out of hours care – provided by Dalriada who give telephone support and see people by appointment at Antrim base but struggle to attract GPs to work at Mid Ulster hospital site.
- Intermediate Care and Community Services: Over 27% of population is over 75: currently 70 beds blocked by people awaiting care packages.
- Working group formed to look at issues surrounding difficulties to attract domiciliary carers and complexities of direct payment system.
- Elective Care: Average waiting times have been reduced from 60 weeks to 58 weeks but still too long. Improvement from last year when 103 children waiting for 1st appointment of which 37 had breached time frame, current year 87 waiting and 18 breaching time frame. Early 2023 it was reported that the waiting list was over 700 by December 2023 this had been reduced to 400. Child and Adolescent care 9 week waits were down from 200 to 13.
- Mental Health & Learning Disability: Adult mental health showing improved times 45 patients waiting over 9 weeks for first appointment, services are in demand and far above funded capacity to address would require significant funding. Funding for mental health services is only for weekday provision but some mental health services are working across weekends such as the acute home team if there is a severe breakdown in mental health mental health liaison service; further supported living schemes were much needed highlighted; the creation of a regional mental health strategy is ongoing looking at regional mental health crisis service. Perinatal mental health service operational.
- Implementation of Encompass: Encompass is scheduled to be introduced in Northern Trust November 2024 and will be rolled out across all Trusts this will mean there is a digital record of everyone available to all and whilst will take a lot of work will create safer care.
- Capital development, very little capital development in past; increase bed stock in Antrim hospital two modular wards 48 beds, Birch hill centre will replace Holywell hospital. Also highlighted the commencements of discussion regarding health hub for Magherafelt is being discussed.
- Financial: spoke of how to more activity on same resource; the introduction of solar panel schemes, replacement windows and doors to meet requirements.
- Staff: Received Silver Status Investors in People; highlighted strike action and the difficulty to recruit staff as inaction on public sector pay awards was driving people from the public sector and ultimately the elderly and disadvantaged suffered most.

- Agewell: continued commitment to fund this and other services which reduce hospital admissions.

Ms Welsh thanked the Chair, Councillor Molloy for the opportunity to present.

The Chair, Councillor Molloy thanked the NHSCT Chief Executive and team for the presentation.

The Chair, Councillor Molloy invited the SHSCT team to present. Mr Beattie and Ms Tally delivered presentation appendix b making reference to the undernoted:

The Chair, Councillor Molloy invited Mr Beattie, Director of Adult Community Services and Paula Tally, Assistant Director Quality Improvement of SHSCT to present. Mr Beattie and Ms Tally delivered detailed presentation (appendix b) outlined the SHSCT services, objectives and developments highlighting the undernoted:

- 700 plus awaiting domiciliary care packages, the waiting had significant impact on patient flow resulting in major bed blocking which in turn leads to delays in Emergency Department and people waiting in ambulances.
- Woodlawn House: changes made to care provision had been in response to unforeseen circumstances, there is full cognisance of the impact of such decisions and efforts were being made to make services more robust.
- Speech and Language Children's Wait Times: improvements although slight were being made but modernisation and triaging were key.
- Out of Hours Service: moved on a temporary basis from South Tyrone Hospital site, majority of cases resolved by a telephone call, the level of uncovered GP shifts resulted in the service being withdrawn. Highlighting statistics he said that the numbers using the service stayed the same but twice as many people travelling for appointments whilst home visitation remained the same.
- Lack of capital investment thus significant projects on priority list.
- Integrated care system being introduced in April 2024.
- Comparisons 8 health issues worse than the NI Average, 15 similar to NI Average and 30 worse than the NI Average.

Mr Beattie and Ms Tally thanked the Chair, Councillor Molloy for the opportunity to present.

The Chair Councillor Molloy thanked the respective trusts for the presentations and said as members of the public it is easy to look at the overall picture and be scathing, yet daily Trust staff do their best within the constraints they have to work. He said it is an ongoing concern that year on year the Trusts present to Council and the picture does not get any better. The Chair said that when he joined Council in 2012 the census for 2011 had just been issued and spoke of the high birth rate recorded yet health, roads, education, infrastructure had not been planned around the predicted growth a fact he found utterly depressing. He spoke of the withdrawal of out of hours service yet the numbers visiting it at the alternative location had doubled thus it should be brought back.

The Chair, Councillor Molloy invited Members questions.

Councillor McLernon referred to earlier comments regarding Woodlawn House and stated that the demand going forward would only increase and forward planning was essential.

Proposed by Councillor McLernon
Seconded by Councillor Varsani

Resolved That SHSCT meets with Council regarding respite provision of adults with challenging needs in relation to Woodlawn House; and forward planning to meet increasing need.

Councillor Burton said she had recently been in hospital and had had a good experience and thanked all staff for their diligent care. She advised that she had previously asked and received a response enquiry 16924 in relation to the removal and reinstatement of the birthing pool. She said it had been hoped to be reinstalled 2021/22 and now it was to be April-June 2023-24 and sought clarification when it would be in place especially given that the area had the highest birth rate and a water birth was important to many ladies.

Councillor Burton expressed delight in the NHSCT references and support to Agewell. She said there was a shortfall in funding from the Public Health Agency going forward and it was important to get the matter resolved. She commended Agewell staff but said that there was a nervousness creeping in that would make trained staff look for alternative employment in case they lost their job. She concluded that all agencies involved do everything in their power to ensure that Agewell remained.

Mr Beattie said it was remiss of him not to mention Agewell but the SHSCT had confirmed they had in May 2023 advised that they had committed to Agewell until 2024/25 and would retain support. With regard to the birthing pool query he advised that Council generally send a list of issues to be followed up and if this could be included he would revert.

Councillor Cuthbertson sought clarification as to whether it was 700 outstanding cases waiting on care packages. He stated that Members constantly received calls regarding same and there was of course knock on effects

Mr Beattie confirmed that it was 700 and advised it had reduced from 800 at the end of December, he acknowledged that it was very difficult on people whilst they waited and SHSCT were endeavouring to recruit and highlighted that it was a problem across the United Kingdom and SHSCT were providing more than what they actually had finance for.

Councillor S McPeake spoke of Agewell and the sustainability of the scheme saying that as Chair of the Policing and Community Safety Partnership he had become aware of the shortfall and highlighted that the handyman service may be lost. He spoke of the alarm of the PCSP and how very often Council is left to lobby other partners to endeavour to plug shortfalls in funding. He said to lose the service was

very shortsighted as the prevention of one minor injury could save £30k in other care costs. He welcomed the commitment from the trusts.

Councillor Wilson thanked the trusts for the presentations and paid tribute to staff. He said it was disgraceful that the Secretary of State was holding off payment to blackmail one political party. Councillor Wilson said that Dungannon Health Hub was a priority for years and equally Cookstown had been identified for a health hub and an obesity centre. He alluded to funding under Mid South West growth deal which had been focused towards supporting such projects but this opportunity had been missed. He sought an update on Dungannon and Cookstown Health Hubs.

Councillor Monteith concurred with comments of Councillor McLernon in relation to adult respite and forward planning. He agreed with the Chair, Councillor Molloy that it was depressing that each year both trusts were falling further and further behind. He said that Mid Ulster appeared to be the runt of the litter as there was a fixation of services at Craigavon Hospital and Daisy Hill Hospital site. He spoke of the Dungannon Health Hub together with Oakridge Social Education Centre which had been listed as priorities for years and to be realistic Members may not see them in their lifetime. He highlighted that there had been potential for partnership with Council in relation to Oakridge SEC and Sperrinview Special School and an Urban Park. He referred to a positive meeting and proposed that this project should be revisited.

The Chair, Councillor Molloy seconded the proposal.

Resolved That SHSCT meet with Council to discuss Urban Park in line with Oakridge SEC and Sperrinview Special School.

Councillor McFlynn paid tribute to Trust staff who work in difficult circumstances. She spoke of the out of hours service provided by Dalriada, which had moved from Magherafelt to Ballymena then Antrim and highlighted that if you needed the service late at night there was no pharmacist and thus you had to go to Larne to collect prescriptions. Councillor McFlynn highlighted it was a 40 mile round trip to Antrim without then having to travel to Larne.

Councillor Mallaghan said as a member of the Northern Commission Group he would highlight that the new planned Integrated Care System did not allow Councillors onto their Boards. He said that the plans are made in rooms then presented to politicians yet Members could contribute much to the initial plans and said both the Department of Health and respective Trusts should have a rethink.

Councillor Mallaghan offered solidarity to those taking strike action and stated that it was no wonder there was difficulty in recruiting domiciliary care workers as the pay there are offered is totally inadequate and stated that the figures were staggering. He said that when people make contact with elected members they are desperate and if Members were waiting four to five weeks for a response on a query what was it like for others. He further highlighted that in some cases loved ones had passed away before issues were resolved. Councillor Mallaghan stressed that it was important that communication was both quick and effective. He concluded that

Councillors were often the people left to support families in completing forms regarding care and support yet they could not get swift answers.

Councillor Cahoon said that as Council's Veteran Champion she would make staff from both NHSCT and SHSCT aware of the Veterans Support Line which can be used as a contact service for signposting support. She said the advice line was centred in the Somme Nursing home and was to support service personnel. Councillor Cahoon concluded that she would forward contact details to Council officers to be shared with respective trusts.

The Chair, Councillor Molloy thanked the representatives of the SHSCT & NHSCT for their concise presentations and said it was not easy to deliver difficult overviews but Members did understand that they did their best with what was available to them.

Matters for Decision

C006/24 Receive and Consider Minutes of matters transacted in "Open Business" at the Council Meeting held on 14 December 2023

Councillor Forde drew attention to C245/23 Correspondence in relation to the proposal that Council avail of a portrait of HRH King Charles. Councillor Forde said she would propose that Council should accept the offer of a free portrait and place it in a community setting not Council owned.

Councillor Cuthbertson seconded the proposal.

Councillor Monteith said he had the same opinion as last month and would propose that Council should not avail of the free portrait. He said if a community group want a portrait of the King they should request it from the relevant sources.

Councillor Kerr seconded the proposal.

Councillor McFlynn read out comments of Councillor Johnston who was absent from the meeting and stated that identity is important to both unionists and nationalists. She said that nationalists had no Queen or King but would recognise this is important to unionists. She said that the SDLP had supported that Council buildings were free from cultural expression and had there been an opportunity to discuss the matter nothing is beyond reach if everyone works together. She said there was no culture to be found in supremacy and all should work towards cultural expression yet appreciate similarities and alike.

The Chair, Councillor Molloy put proposal to the vote that Council should accept the offer of a free portrait and place it in a community setting not Council owned.

For	16
Against	3
Abstained	16

Resolved That Council should accept the offer of a free portrait and place it in a community setting not Council owned.

Councillor Cuthbertson commented on the words of Councillor Johnston read by Councillor McFlynn and pointed out that in December he had not included in his proposal were the portrait should be hung.

The Chief Executive for clarity stated that the proposal would be subject to approval by the portrait providers that it was permitted to pass the portrait on for display as proposed.

Proposed by Councillor Brown
Seconded by Councillor McNamee and

Resolved That the Minutes of the Council held on Thursday 14 December 2023 (C234/23 – C245/23 and C256/23) transacted in Open Business having been printed and circulated were considered and adopted.

C007/24 Receive and Consider Minutes of matters transacted in “Open Business” at the Environment Committee Meeting held on 8 January 2024

Councillor Monteith drew attention to E016/24 Dual Language Signage Survey Correction and said that the application process for the Irish Language sign in question had been somewhat of a farce. He stated he had been contacted by a number of people who are irate and highlighted that there had been two homes who had never been informed of any decisions highlighting. He posed the question as to how other residents on the road and elected Members had become aware of the situation on 6 December 2023? He asked who had informed residents? And, who had informed the elected members and stated that surely all should have been informed at the one time.

The Chair Councillor Molloy stated that in this instance terms of delivery and communication had been an issue.

Councillor Monteith sought clarification on how some were informed yet others weren't. He also asked when a fresh application could be made as under corporate governance the Environment committee do not have the ultimate authority to make the decision but rather can propose to accept or reject. He further stated that because of the filibustering in the Environment Committee previously the decision was taken that officers follow the process and report to committee for information. He asked when the 12 months for reissuing of surveys was measured from.

Proposed by Councillor Monteith
Seconded by Councillor Kerr

That the surveys in relation to Dual Language Signage on Rossmore Road, Dungannon be reissued immediately.

Seconding the proposal Councillor Kerr stated that all elected members should be informed at the same time.

The Chief Executive thanked Members for their comments which would be considered but that officers needed to explore in detail the pre work, the recommendations and decisions in relation to this particular sign. He said the matter would be referred back to the appropriate committee to be reconsidered. He said a vote on whether or not the survey should be reissued could not be taken as there was policy in place. He concluded that in accordance with standing orders the minutes are presented to council for accuracy and the comments made would be taken on board, considered by the officer team and the Environment Committee to which any member can attend.

Councillor Monteith said he would defer his proposal but emphasised that Council had just previously taken a vote to celebrate monarchism and in that instance, it was not just the accuracy of the minute considered. He stated that Council needed consistency.

Councillor Varsani stated she was a member of the Environment Committee and advised that at the committee meeting she had requested further information be brought back for committee consideration. She further said that it should be noted that no councillor should interrupt the work of a council officer on a day-to-day basis and this should be investigated as such action was a serious matter.

Councillor Cuthbertson said as Chair of the Environment Committee the matter had been raised, Councillor McElvogue had asked questions to which the Assistant Director had responded. He said he was also on record in relation to dual language signage to say it is a waste of time and much money had been squandered on dual language.

Proposed by Councillor Groogan
Seconded by Councillor McNamee and

Resolved That the Minutes of the Environment Committee held on Monday 8 January 2024 (E001/24 – E016/24 and E024/24) transacted in Open Business having been printed and circulated were considered and adopted.

C008/24 **Receive and Consider Minutes of matters transacted in “Open Business” at the Planning Committee Meeting held on 9 January 2024**

Proposed by Councillor Kerr
Seconded by Councillor D McPeake and

Resolved That the Minutes of the Planning Committee held on Tuesday 9 January 2024 (P001/24 – P007/24 and P013/24) transacted in Open Business having been printed and circulated, subject to the foregoing were considered and adopted.

C009/24 Receive and Consider Minutes of matters transacted in “Open Business” at the Development Committee Meeting held on 10 January 2024

Councillor Kerr drew attention to D010/24 Environmental Health Service Update and sought clarity if the service level agreement was local or national as he felt Council needed to be more proactive in gritting.

The Chief Executive said that Council was one of the few local authorities that did participate in gritting. Councillor Kerr suggested that instead of three days of icy conditions prior to footpath clearance it should be reduced to one day. He also stated he had been contacted re gritting of the Canal footpath and asked if it could be gritted for example using a 4x4 he asked that a report be brought to committee.

Councillor Burton said that she had raised the issue regarding condition of footpaths and related that an 86 year had had a bad fall on Main Street, Caledon. She said each Member could most likely refer to a similar incident in towns and villages in their district and suggested that Council should lobby regarding the matter. Councillor Burton also mentioned Church Hill, Caledon which needed cleaned again.

Councillor McElvogue drew attention to the air quality meeting scheduled and proposed that Northway Mushroom factory be included on the agenda.

Councillor Monteith seconded the proposal.

Proposed by Councillor McElvogue
Seconded by Councillor Monteith and

Resolved That at the forthcoming meeting regarding Air Pollution that Northway Mushroom Factory is included as an item on the agenda.

The Chief Executive referring to the discussion regarding footpaths and said they were difficult issues as there was massive insurance implications. He said Department for Infrastructure were responsible for them if they had been adopted. He stated that in some instances Council had acted as paths had been atrocious, but it had been costly.

Councillor F Burton proposed that Council seek a meeting with Department for Infrastructure to discuss footpath maintenance.

Councillor Kerr seconded the proposal.

Resolved That Council seek a meeting with Department for Infrastructure to discuss footpath maintenance and winter gritting agreement.

Councillor Groogan stated that during the last spell of adverse weather conditions workers from Department for Infrastructure had been on strike and Members should be supportive of them.

Councillor Cuthbertson said that the service level agreement had been brought to the October Environment Committee and Members should be mindful that Council acts on the Dfl call, he also stated that clarity needs to be sought with regards to towns who have had public realm schemes as to whether the footpaths have been adopted or are they Council responsibility.

Councillor Quinn concurred with Councillor F Burton's call for a meeting and also with regards to comments in relation to Councillor Groogan's call to support striking workers. He stated some of the matters had taken place before the strike day and he had parents calling on him as they had much difficulty getting children to school. He said the three day policy did not match conditions and that the new footpaths are more susceptible to people sliding. He said the policy needed to be reviewed.

Councillor Kerr in relation to Councillor Groogan's comments stated he had not asked for workers to come off strike but had stood with all those taking strike action. He said his comments related to the three day wait which would be better reduced to allow earlier gritting.

The Chair, Councillor Molloy said Councillor Groogan's comments had been general.

Proposed by Councillor McNamee
Seconded by Councillor Gildernew and

Resolved That the Minutes of the Development Committee held on Wednesday (D001/24 – D013/24 and D017/24) transacted in Open Business having been printed and circulated were considered and adopted.

C010/24 Receive and Consider Minutes of matters transacted in "Open Business" at the Policy & Resources Committee Meeting held on 11 January 2024

Proposed by Councillor McLernon
Seconded by Councillor Corry and

Resolved That the Minutes of the Policy & Resources Committee held on Thursday 11 January 2024 (PR001/24 – PR009/24 and PR023/24) transacted in Open Business having been printed and circulated were considered and adopted.

C011/24 Conferences, Seminars and Training

The HoSS&E sought approval for the previously circulated report on conferences, seminars and training as outlined in Appendix A and B of the report.

Proposed by Councillor Kerr
Seconded by Councillor McNamee and

Resolved That approval be given to submitted requests for conferences, seminars and training as outlined at Appendix A and B to the report.

Matters for Information

C012/24 Consultations

Members noted consultations received for attention of Council.

Councillor Kerr proposed that Council respond to

- consultation Department for Infrastructure: Water and Sewerage charges - options for revenue raising. Closing Date: 13 March 2024;
- respond to Department for the Economy: Onshore Petroleum Licensing Policy. Closing Date: 12 April 2024

Councillor Cuthbertson seconded the proposal regarding the DfI Water and Sewerage Consultation and said that he had raised the issue previously that water and sewerage are funded via rates thus water charges are already being paid.

Resolved That Council respond to consultation Department for Infrastructure: Water and Sewerage charges - options for revenue raising. Closing Date: 13 March 2024

Councillor Corry seconded the proposal to respond to Onshore Petroleum Licensing Policy stating that Council should do in its power to protect the environment and health.

Councillor Monteith supported Councillor Kerr's proposal.

Resolved That Council respond to Department for the Economy: Onshore Petroleum Licensing Policy. Closing Date: 12 April 2024

Councillor McFlynn suggested that Council should be posting consultations on face book page to make the public aware of them.

The Chair, Councillor Molloy said the matter would be looked into.

C013/24 Correspondence

Members noted update on correspondence received for attention of Council.

Councillor Varsani drew attention to correspondence from Newry Mourne and Down District Council regarding a motion carried about Cystic Fibrosis medication. Councillor Varsani said everyone would know someone impacted by cystic fibrosis and proposed Council support the motion.

Councillor Gildernew seconded the proposal.

Proposed by Councillor Varsani
Seconded by Councillor Gildernew and

Resolved That Council supports Newry, Mourne and Down District Council motion in relation to Cystic Fibrosis Medication.

Councillor Kerr drew attention to correspondence from NI Water and stated that he had tried ringing the Elected member hot line, had been told he would receive a response but to date no response had been received. He proposed Council write yet again to endeavour to get contact details particularly in relation to estate management issues.

Resolved That Council write to NI Water to raise further concern in relation to Members not receiving responses when using Member Help Line in relation to Estate Management Issues.

Councillor McLernon drew attention to response from Southern Health and Social Care Trust and stated that it was merely a broad brush and raises more questions than it answered. She concluded that she looked forward to the forthcoming meeting to discuss such issues.

C014/24 Notice of Motion: Councillor Kerr to move –

Councillor Kerr speaking on the motion, said, "Thank you Chair, the motion is like previous motions and is self explanatory. As we enter this week we now have over 25,000 dead many of them being innocent women and children. The assault in Gaza has not lessened whatsoever. Millions upon millions of people protest weekly to denounce the Zionist state. South Africa recently has referred the Zionist terrorist state to the International Criminal Court for undeniable crimes of genocide which has been described at previous meetings. This motion tonight is about Joe Biden or Genocide Joe! Biden and the American administration provide the Zionist armies this last 10 years' of over 38 billion dollars worth of military aid. So it is fair to say the military hardware which has massacred is most likely from the US administration/military. Israel would be unable to attack, bomb, injure, murder Syrians, Lebanese, Yemen or the people of Palestine. American, Joe Biden and previous presidents are equally culpable for the atrocities happening in Gaza. Traditionally Irish Nationalist politicians go to America and share pleasantries with the Whitehouse, Joe Biden claims ancestral links to County Mayo. The Irish people are outraged and angry at what is happening in Palestine. This motion is calling on Irish politicians across Ireland to boycott the St Patrick's day events. Don't legitimise the atrocities committed by Biden and the Israeli army propped up by the Americans. To do so you might as well shake hands with Hitler himself stand up for the Palestinians and boycott the Whitehouse on St Patrick's Day.

Councillor Kerr moved the motion.

"That this Council calls on all politicians in Ireland to boycott the Whitehouse St. Patrick's Day celebrations hosted by Joe Biden and the American

administration due to his/its culpability in the genocide happening in Palestine, particularly in Gaza and the West Bank.”

Councillor Monteith seconded the motion.

Councillor Brown stated that the DUP would treat the motion with contempt and thus would be voting against it.

Councillor Graham said that yet again Council was presented with a motion which was a headline grabber rather than what impacts people of the district. She stated that no one could fail to be moved nor would want the ongoing situation that is taking place in Gaza. Councillor Graham said that all Israeli hostages needed to be released and a ceasefire called and concluded that the UUP would be voting against the motion.

Councillor Mallaghan said, “Sinn Féin have a proud record of solidarity with the people of Palestine and of defending international law and the UN charter. We were proud to have the Palestinian Ambassador deliver a keynote speech to our Ard Fheis in Athlone. Since the most recent intensification of the conflict, and particularly the devastating and brutal Israeli assault on Gaza, SF have played a leading role in ensuring a strong Irish and International response. We helped ensure that the Dáil became one of the first parliaments in the world to demand a ceasefire. We have pressed the Irish government to strengthen its position on condemning Israeli breaches of international law and the deliberate targeting of innocent Palestinian civilians. We have also called on government to match strong words with meaningful actions. Such actions as we have proposed and campaigned for, include:

1. Referring the situation in Palestine to the International Criminal Court.
2. Recognition of the State of Palestine.
3. Enaction of the Illegal Israeli Settlements Divestment Bill.
4. Advancing EU economic and trade sanctions against Israel and the withdrawal of agreements that provide Israel with preferential trading relationship.
5. Enaction of the Occupied Territories Bill.
6. Joining the South African case against Israel at the International Court of Justice under the Genocide Convention.
7. All political and diplomatic measures available to the Irish government to be employed against Israel while the onslaught on Gaza continues.

There needs to be international pressure on Israel for a ceasefire and we should use all opportunities available to us to that end. The ongoing Israeli aggression against the people of Palestine is deplorable, in particular the assault and bombardment on Gaza which has resulted in the deaths of over 23,000 people, including over 10,000 children.

The Israeli government's blatant breaches of international law should be condemned. They have included the deliberate killing of civilians, the intentional targeting of civilian infrastructure (including hospitals and schools), the collective punishment policies that include the denial of water, food and emergency supplies to a civilian

population and the forced displacement of virtually every resident in Gaza. The IDF have now bombed and demolished every 3rd level education facility on the strip.

The intensification of Israeli violent actions in the West Bank is extremely concerning and should be condemned. There needs to be an immediate ceasefire and the urgent and unimpeded delivery of humanitarian aid to the people of Gaza. The International community need to take decisive and meaningful action against the state of Israel; to include all diplomatic, political, economic and trading measures necessary in order to force Israel to abide by International law and to stop the slaughter in Palestine. We call on the Irish government to show leadership in this regard.

United States: Sinn Féin, through our role in the Peace Process, have deep and longstanding relationships in the US. We are thankful for the constructive position of successive US administrations in respect of the Irish peace process, including throughout the post-Brexit period. Sinn Féin is totally opposed to US policy in respect of the Middle East and the assault on the Palestinian people in Gaza by Israel. US representatives know our position. Sinn Féin leaders have met for many years with US politicians of all political backgrounds, and we will do so again this year. When these opportunities present, we will use the access provided to set out the clear case for an immediate ceasefire; for an inclusive and meaningful peace process and for a lasting peace Middle East premised on an independent Palestinian state.

Taoiseach's visit to the White House: It is important that the Taoiseach uses any opportunity to assert the Irish people's total opposition, to US policy in the Middle East, and to call an immediate ceasefire; for a inclusive and meaningful peace process and for a lasting peace Middle East premised on an independent Palestinian state, just as Sinn Féin representatives will be doing.

Boycott: We understand the passion and sincerity of those who suggest that Ireland should boycott the St. Patrick's Day events in the White House. However, such a move would be most welcomed by the pro-Israeli lobby in the United States. Ireland is the most pro-Palestinian voice globally that has such access to the US administration. We should and must use that access to demand a ceasefire and the case for an Independent and sovereign Palestinian state. The office of the President of the United States is held in such a high regard by the American people, regardless of the office holder. And while their foreign policy regarding the Middle East is unacceptable to me and the vast majority of people here, their foreign policy towards Ireland is very favourable. Its support for our peace process and industry here is unique to any other country in the world. Irish America have been incredibly supportive of a United Ireland and have contributed so much in their support for that objective. Many of us here will have travelled to the States and received a warm welcome, shared a common ancestry and common desire of freedom and liberty. To shun the office of the President is not just an offence, if that is the desire to Joe Biden or the Administration but would be an offence to American Citizens including Irish America to whom we share such a common ground.

As the only nation in the world who have a standing appointment with the US administration every March it would be a huge mistake not to take this opportunity,

not just to further our own peace process, advance the cause for Irish Unity and to raise the catastrophic conditions in Palestine and as one of the most pro-Palestinian countries it is our duty to do this directly with President Biden and his administration.

On a previous visit we seen how effectively Enda Kenny challenged President Trump on his horrendous views on emigration. In a televised bilateral, broadcast globally the former Irish Taoiseach described how a small country like Ireland made such a global impact on the world through our citizens travelling and relocating around the world during difficult times. The positive contribution we made and the duty we have now to support people arriving to our country. I hope that our politicians take the same opportunity in March to challenge the US administration to work for a ceasefire in Gaza as they did here, to foster a peace process in Palestine as they did here and for America to promote self-determination for the Palestinian people as they do for Ireland. Because if anyone thinks that a lasting peace and solution to the conflict in Israel and Palestine won't finish up on the Rose Lawn at the White House, then they are not in the real world.”

Councillor Quinn reflected on the debate and said he had been contacted by people with very mixed reactions to the forthcoming events. He spoke of the long history between the Whitehouse and Ireland mentioned by Councillor Mallaghan and how the late John Hume had used that influence. He stated that what is happening in Gaza was disgusting and is genocide that the US is permitting it by supplying the means to Israel to continue. He spoke of the murder of a man holding a white flag and how many had said the video was edited. He spoke of the destruction of UN centres, hospitals and education establishments. He emphasised that something drastic needs to be done, that people's views must be told. He spoke of how in recent years Ireland had boycotted the St Patrick's days events at the Whitehouse under the Trump administration. He said it is very much about the person who holds the position. He stated that he did not think ties with America should be celebrated and the SDLP party leader and all Irish politicians would have big decision to make. Councillor Quinn said that he hoped that something changes in Gaza soon as the situation was at tipping point to a very dark patch unless something drastic is done. He said that boycotting is a legitimate protest and if all Irish politicians boycott the Whitehouse on St Patrick's day it would let the American administration know how people felt. He concluded the SDLP would support the motion.

Councillor Monteith said he did not know anyone who would not be horrified at the images of Gaza and he was honoured to stand with thousands of people in Dublin to call on Irish politicians to boycott and take the opportunity to state that Ireland is opposed. Speaking of President Biden he said he was of Irish heritage yet when it comes to reflecting how Irish people feel he rejects it. He said that people were not calling for dialogue and he would want everyone to attend if it was for peace talks. Councillor Monteith said it was an election year for America and this is a unique opportunity to embarrass President Biden especially when one of his first statements was that the US would stand over the costs of the war, he said this was an opportunity that should not be lost and Irish people should not be used as pawns, as 30-40% supported the struggle. He said that for politicians to attend they would be experiencing blood stained Shamrock. Councillor Monteith concluded that many members in the chamber would not be pleased at how they will have to vote as they personally support Palestine and a unique opportunity would be missed.

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

For	7
Against	29
Abstained	0

The Chair, Councillor Molloy stated that the motion falls.

Councillor Kerr expressed his disappointment but thanked Members for their contribution to the debate. He highlighted that many others have called for a boycott of the US and that South Africa was taking action to sue America in regard to their actions and going back you could look at the US foreign policy and the happenings around the Gulf war and the innocent killed.

C015/24 Notice of Motion: Councillor McLernon to move –

Councillor Cuthbertson on a point of order said that in relation to the motion on the agenda that it could open up legal proceedings for council and proposed that the motion be moved to Policy & Resources Committee for investigation rather than making a decision this evening.

The Chair, Councillor Molloy said he had spoken with the proposer.

Councillor Robinson seconded the proposal.

In response to Councillor Cuthbertson the Chair, Councillor Molloy said that he had accepted the motion.

Councillor Mallaghan said that when a motion is tabled it would be heard and that the proposal was contrary to standing orders.

Councillor Cuthbertson said that previously a motion had been tabled but had not been heard.

Councillor McLernon moving the motion said, "Thank you Chair, I would like to move the motion tabled here tonight in relation to Ethical Procurement Policy. Ethical procurement is a positive motive for councils when conducting commercial transactions and business. The purpose of this initiative is to ethically advance how councils across Ireland tender and who they are affiliated to in accordance with international law obligations. This initiative will ensure that ethical procurement policies are in place as a framework to ensure that no council in Ireland will be able to financially aid businesses and companies investing, practicing or complicit in human rights abuses when tendering. By adopting an 'Ethical Procurement Policy' this Council will be able to implement a process, albeit it at council level, to exclude businesses and companies involved in human rights and international law violations when tendering bids.

This initiative will ensure that international human rights principles and guidelines are being adhered to at a local level. Taking this approach will not create an atmosphere where councils are pressured into feeling that they are prosecutors of human rights violations or ‘The Hague’; instead, councils will not be rendering financial aid or assistance to tender bidders complicit in human rights abuses. It is imperative to note that exclusion from tenders and contracts cannot be discriminatory on the grounds of geographical scope of activity, sourcing location, national identity or origin.

An ‘Ethical Procurement Policy’ will clearly implement criteria in accordance with the ‘UN Guiding Principles on Business and Human Rights’, ‘OECD Guidelines for Multinational Enterprises’ and the ‘Global Sullivan Principles (1999)’. In doing so, criteria within a procurement policy will ensure the role of local authorities is not to be overwhelmed into determining human rights violators but to ensure that during the tendering process bidders are checked in accordance with the guiding principles. Companies deemed in breach of the guiding principles on human rights should be excluded from the tendering process as a policy objection not because of the detail of their tendering bid. It is imperative that, during the development of a Mid Ulster District Council ethical procurement policy, council seeks legal guidance in relation to the logistical detail of the policy being adopted and implemented in practice. This is only the beginning of the process. I would therefore ask our Council to support this motion here tonight.”

Councillor McLernon moved the motion:

“That this Council deplores those corporations that profit from protracted armed conflict and systematic violations of human rights, particularly in the context of Israel’s continuing brutal assault on the people of Gaza and escalating settler terrorism in the West Bank, and Russia’s ongoing war of aggression against Ukraine, and other conflicts around the world.

That this Council encourages companies to meet their obligations to avoid contributing to adverse human rights impacts through their own activities, and to prevent or mitigate human rights abuses linked to their operations.

That this Council is aware of the crucial role of local authorities and their public procurement procedures in ensuring respect for human rights by companies, as well as their obligations under widely accepted business and human rights norms, as laid down in the UN Guiding Principles on Business and Human Rights, OECD Guidelines for Multinational Enterprises, and the Global Sullivan Principles (1999), to promote respect for human rights by companies with which they do business.

That this Council affirms that every endeavour is made to ensure that councils tender processes are consistent with the above principles, including under the Fourth Geneva convention relative to the Protection of Civilian Persons in Time of War and under customary international humanitarian law, prohibiting the importation or sale of goods or services originating in occupied territories.

That this Council resolves to adopt a rights-based Ethical Procurement Policy (EPP) that takes fully into account existing obligations and standards. The EPP

will incorporate widely accepted and precisely formulated international standards and explain clearly how the policy will be implemented. The primary aim of the EPP is to ensure that human rights obligations are properly acknowledged, observed and respected at all stages of the procurement process.”

Councillor Carney seconded the motion.

Councillor Cuthbertson said he agreed with the first couple of lines of the motion but reflected that it was a shame that all parties had not had the same mindset regarding armed conflict and human rights over the past 50 years. He said as highlighted the motion would have serious cost implications to Council and as such his party would be voting against it.

Councillor Wilson said he did not think the motion could be implemented in full as even parts for any machine could come from companies right across the world. He asked if the proposed policy would apply to people who supplied products from Russia who exported tonnes of oil in 2022, he highlighted Libya where armed groups detain thousands of people who are subject to torture and forced to make confessions on camera for participating in a peaceful protest in relation to religious beliefs or sexual orientation. He said that Libya supplied oil but could anyone guarantee they had not purchased any of it, or even used goods from Russia. Councillor Wilson also referred to the lack humanity in Northern Ireland when people had murdered their neighbours. He concluded by saying in proposing a motion you should be confident you can live up to it.

The Chair, Councillor Molloy stated if America had not interfered in Libya it would perhaps be more stable.

Councillor Quinn said that to achieve the points listed would not be easy but Council should be doing it, he said that when he brought the BDS motion there had been many legal calls regarding it. Councillor Quinn said the motion was well set out and he looked forward to discussions regarding it as Council should make sure that anything it purchases is not bloodstained and reflected on the arguments over many years regarding African diamonds. He concluded that the SDLP would support the motion.

Councillor Mallaghan said when Council implemented fair trade all had supported it yet all could not support the motion tabled.

Councillor Monteith spoke in favour of the motion and said anything that Council could do to show its support of human rights should be done. He acknowledged that whilst it may be difficult it could be done. Councillor Monteith reflected on the human rights abuses carried out by the British state in Ireland and across the world and highlighted the anniversary of Bloody Sunday. He drew attention to the previous debate regarding boycotting and concluded he would support the motion and looked forward to seeing examples as to how it could be implemented.

The Chair, Councillor Molloy said it was the start of a process.

The Chair, Councillor Molloy put the motion to vote

For 24
Against 12
Abstained 0

The Chair, Councillor Molloy declared the motion carried.

Councillor McLernon said the motion aim was to make procurement compatible with the United Nations Charter and the Geneva Convention and acknowledged it was only the beginning of a process.

The live broadcast concluded at 9.37 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.

Resolved That items C016/24 to C024/24 be taken as confidential business.

Matters for Decision

- (i) Council Confidential minutes of meeting held on 14 December 2023
- (ii) Environment Confidential minutes of meeting held on 8 January 2024
- (iii) Planning Confidential minutes of meeting held on 9 January 2024
- (iv) Development Confidential minutes of meeting held on 10 January 2024
- (v) Policy & Resources Confidential minutes of meeting held on 11 January 2024
- (vi) Update on Insurance Brokerage Tender
- (vii) Microsoft Licensing Tender Report
- (viii) Small Settlements - ICT Award for Castlecaulfield
- (ix) Document for Sealing - Extended Agency Agreement between Mid Ulster District Council and the Department for Infrastructure for the provision of Off-Street Parking Enforcement and a Penalty Charge Notice Processing Service

C025/24 Duration of Meeting

The meeting was called for 7.00 pm and ended at 9.42 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.