

Minutes of Meeting of Mid Ulster District Council held on Thursday 28 March 2024 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, Kerr, Mallaghan, McAleer, McConnell, McElvogue, McFlynn, McGuigan, McLean (7.25pm), McLernon, McNamee, D McPeake, S McPeake, McQuade, Milne, Monteith, Quinn, Robinson, Varsani and Wilson
Officers in Attendance	Mr McCreesh, Chief Executive Mr Black, Strategic Director Communities and Place (SD:CP) Ms Campbell, Strategic Director Environment (SD:Env) Ms Keys, Marketing and Communications Manager Mr McGuckin, Head of Strategic Services and Engagement (HoSSE) Mr Moffett, Assistant Director of Organisational Development Strategy and Performance (AD: ODSP) Mr Bowman, Head of Strategic Planning Mr McKeown, ICT Mrs Forde, Committee and Member Services Manager

The meeting commenced at 7 pm.

The Chair, Councillor Molloy welcomed everyone to the meeting and those watching the meeting through the Live Broadcast.

C049/24 Notice of Recording

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

C050/24 Apologies

Councillors Kelly, Martin and Totten

Ms Canavan, Strategic Director of Organisational Development Strategy and Performance (SD: ODSP)

Mr Tohill Strategic Director of Corporate Services & Finance (SD: CSF)

C051/24 Declarations of Interest

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

C052/24 Chair's Business

The Chair, Councillor Molloy welcomed Members and stated that March had been an incredibly busy month in Mid Ulster, and said, "I'd like to draw your attention to a number of significant events and achievements by Council that have happened since our last Council meeting. We were all humbled and inspired by the presentations at the events held to mark International Women's Day on the 6th and 13th March. The stories we heard from our guest speakers show there is more to be done to achieve a world free of bias, inequality and discrimination. The events also help raise much-needed funds for Causeway and Mid Ulster Women's Aid which I know was much appreciated by the charity. I'd also like to congratulate Karla McKinless, Principal Planning Officer in Mid Ulster District Council, who has been selected as one of The Planner's Women of Influence for 2024. Karla's impact and work over the last year has been significant, in developing the Council's standalone Planning portal. Her commitment to supporting colleagues, communities and the wider aim of planning deserves such richly deserved recognition, so well-done Karla! I'd also like to acknowledge the work staff put in to make the first ever Taste Mid Ulster Market in the Moy such a success. Even the weather couldn't dampen the spirits as we all enjoyed the great food, drinks and music that brought thousands to the village. Lastly, I'd like to congratulate all our well-deserved winners named at the first ever Mid Ulster Sports Awards, held on Tuesday past. There are too many for me to list here, but some of the stories we heard during the evening show the strength of sporting achievement in Mid Ulster and are an inspiration to us all, showing the hard work, determination, and resilience it takes to be on top of your game. A word of thanks also needs to be said to the staff from the various departments who made the awards happen – there's a lot of behind the scenes work happening over months that goes into such a prestigious occasion, so well done to everyone who was involved.

The Chair, Councillor Molloy called on Dr Chris Boomer and spoke of his retirement from the planning department of council.

Dr Boomer said he was thankful for the opportunity to work in Mid Ulster and had been incredibly lucky to work with staff, Members and a population of people who are innovative, resilient, and more than able to think and act independently. For these reasons he said he had fitted perfectly! Dr Boomer spoke of the transfer from the Department of Environment to Council and how Mid Ulster had gone independent with its own planning portal. He emphasised that together they all had delivered what planning is about which is not refusals but building what is sustainable. He referred to the planning statistics issues earlier today which had indicated that Mid Ulster applications are issued four weeks quicker than the rest of Northern Ireland. He said he would greatly miss his planning team and the Members and thanked everyone for the opportunity he had been given.

The Chair Councillor Molloy presented a gift to Dr Boomer and wished him well in his future plans.

Dr Boomer said he had been given a picture of the Sperrin mountains which he had passed twice a day for the last decade. He said it had become dearer to him in

learning recently that his great grandmother had been born at the foot of the Sperrins.

The Chief Executive said that staff had said their goodbyes and that losing Dr Boomer was not just a matter of saying goodbye to a staff member but to a friend and great member of the senior management team.

Dr Boomer left the meeting.

The Chair, Councillor Molloy invited members to raise issues as notified.

Councillor Carney spoke on the Legacy Act and how the proposed legislation will bring an end to all Troubles related inquests on the 1st of May 2024. She shared that she had joined the Coney family at the inquest regarding the death of their brother Gerard, an inquest they had waited some 50 years for. Councillor Carney highlighted that there are several ongoing inquests which will not be completed because of the Legacy Act. This will prevent the families of those killed during the Troubles the opportunity to seek truth and justice. Councillor Carney emphasised that the Act being imposed by the British Government was a clear breach of the Good Friday Agreement and human rights. She concluded by saying there were many families who would not receive truth and justice due to the shameful legislation and Council should stand up for them.

Councillor Cuthbertson drew attention to the introduction of changes to parking arrangements and the arrival of the 'Blue Coats'. He said that he had been speaking with town traders and they would like the parking time increased from one hour to two hours. He advised that they had met with officers, and he would put on record it is the traders wish to increase the parking time and Council should support them.

Councillor Cuthbertson highlighted that Dungannon town was blighted with graffiti, that at times it is acted on quickly and removed especially if it is offensive but other times it remained. He said every green pillar box has markings as has many private properties. Councillor Cuthbertson acknowledged it was not all council responsibility but suggested that an itinerary should be drawn up of all areas blighted with graffiti to include the hoarding at the A4 which had become an eyesore and that Council should engage with others to endeavour to get it cleaned up.

The Chair, Councillor Molloy concurred with Councillor Cuthbertson in relation to the parking and said there had been a meeting with traders regarding two-hour parking and if Council wanted people to visit the town, do a message and have a coffee this should be supported.

Councillor Wilson extended sympathy to the family of the late George Shiels who had been both his colleague and friend. He spoke of his passion for working in the local community. Councillor Wilson said he had been a very hard-working councillor who had suffered from Parkinson's but had fought it bravely. He shared that George had been witty although at times thrang and would be missed. Councillor Wilson concluded that he was sorry about his passing and requested a letter of sympathy be sent to the family.

Resolved That the Chair send a letter of sympathy to the Shiels family following the death of former councillor Mr George Shiels.

Councillor Wilson extended congratulations to Cookstown High School Under 13, Under 14, and under 16 hockey teams who had all won their respective championships. He also extended congratulations to Cookstown 1 XI Hockey team in winning the men's premier league.

Councillor Wilson requested that a letter of congratulations be sent to the Sinley Oriental Take Away in Cookstown in winning the NI Award.

Resolved That the Chair send a letter of congratulations to Sinley Oriental Take Away in Cookstown in winning the NI Award.

Councillor Gildernew advised that Council had resumed the role of secretariat for the A5/N2 Cross Border Group and she now chaired the group. She related that the NI Assembly had approved proposed new road project in 2007 and since then 49 people had lost their lives on the existing road. Councillor Gildernew said the delivery of the project would be too late for all killed on the road and most recently Caolan Devlin and for many the road was a scene of heartbreak, and it was time to move forward. She stressed that the new road would save lives and would also create jobs and cut journey times. Councillor Gildernew proposed that Council should write to Minister O'Dowd, Department for Infrastructure acknowledging his public commitment to get the project completed and proactively set out Councils support for the project.

The Chair Councillor Molloy seconded the proposal saying that the new A4 had brought about great changes to the number of deaths and the A5 was long overdue.

Proposed by Councillor Gildernew
Seconded by Chair, Councillor Molloy and

Resolved That Council write to the Minister O'Dowd, Department for Infrastructure acknowledging his public commitment to get the A5 project completed and proactively set out Council's support for the project.

Councillor Kerr said that all had woken to the sad news of Caolan Devlin's death and shared that Caolon's brother Niall played on the Tyrone senior squad and had to pass the spot his brother was killed to go to training. Councillor Kerr shared that he had played football with Caolon and how in recent years he had played hurling and ran marathons. He concluded requesting that the Chair send a letter of condolence to the family.

Councillor Quinn concurred that he had attending a hurling game a month ago and saw cards on the side of the road highlighting the stark dangers. He said the speed is ridiculous and the road is simply not fit for purpose. He said the project needed completed without any more delay in order that lives may be saved.

Proposed by Councillor Kerr
Seconded by Councillor Quinn

Resolved That the Chair send a letter of sympathy to the family of Coalan Devlin following his death due to a road traffic accident on the A5.

Councillor McElvogue extended condolences to the family and said that since the completion of the A4 only one person had been killed on it and the A5 project needed to be completed.

Councillor Kerr said he had met with two nurses from the Torrent DEA who were on a quest to attain childcare rights. He told how they had explained their struggles in attaining childcare for children with additional needs. He explained that staff at creches are not trained to deal with children and thus contracts can be terminated as safety standards cannot be met. Councillor Kerr said that the nurses had to reduce working hours and what they were experiencing was discrimination. Councillor Kerr requested that the nurses can present to appropriate committee of Council.

The Chair, Councillor Molloy concurred and said they would be invited to present to relevant committee.

Resolved That Council invite representatives of children with additional needs to speak on their quest for appropriate childcare provision.

Councillor McLean entered the meeting at 7.25pm

Councillor Robinson requested that the Chair, Councillor Molloy send letters of congratulations to (i) Augher All Stars who were formed in 1900 and had recently been promoted to the top flight of the Fermanagh and Western League; and (ii) Richmond Primary School, Ballygawley celebrating the 20th anniversary of their amalgamation. He concluded that the school was having a tractor run on 16 April.

Resolved That the Chair send letter of congratulations to

- (i) Augher All Stars who were formed in 1900 and had recently been promoted to the top flight of the Fermanagh and Western League; and
- (ii) Richmond Primary School, Ballygawley celebrating the 20th anniversary of their amalgamation.

Councillor McNamee extended congratulations to Ulster Champion Boxing title holders Charlie Mulligan, Aidan Cummings, Barney Hutton and Cahir Mullan and wished them all the best for forthcoming All Ireland championships.

Councillor Kerr requested that a letter of congratulations be sent to Ferghal McCrory who attained a boxing title in New York and is now ranked 12th in the world.

Resolved That the Chair send a letter to Ferghal McCrory attaining Boxing World Title.

Councillor McConnell extended thanks to staff who have been a tower of strength and support to Members especially as they try to enhance their local DEAs. He acknowledged the great work carried out at the development of Carron's Lane in Clogher.

The Chair, Councillor Molloy stated that all staff do a fantastic job as compliments demonstrate.

Matters for Decision

C053/24 Receive and Consider Minutes of matters transacted in “Open Business” at the Council Meeting held on 22 February 2024

Councillor Monteith drew attention to the comments on page four of the minutes in relation to Gaza and said it was worth noting that another vote in the United Nations Security Council and comments in the USA about the current situation, the war crimes, genocide and the fact that hunger was being used as a weapon as lorries full of aid were stuck on the Egyptian side of the border. He commented that a reputable journalist had acknowledged the situation to be harrowing and spoke of how the British had used hunger as a weapon against the Irish and emphasised the need to reinforce commitment to the plight of the people.

Councillor Monteith sought an update in relation to Sperrinview and Oakridge proposal for a meeting and also the preparation of a lobbying document for the Hill of the O’Neill and the removal of the military mast.

In response the AD: ODSP advised that officers were awaiting confirmation of the date for the meeting regarding Sperrinview and Oakridge.

The SD: C&P advised that regarding the Hill of The O’Neill a letter had been issued to the Minister and officers were compiling data for the document.

Councillor Monteith emphasised that the DEA councillors also needed to be involved in both meetings and compilation of the document.

The Chair, Councillor Molloy stated that this would be the case.

Councillor Kerr drew attention to C035/24 Development Committee minutes and sought an update in relation to the Gortgonis Track and asked that a business case is prepared also for leisure equipment as many parts for current equipment are no longer available. He requested that a report be brought back to committee.

Proposed by Councillor Kerr
Seconded by Councillor Monteith and

Resolved That the Minutes of the Council held on 22 February 2024 (C026/24 – C038/24 and C048/24) transacted in Open Business having been printed and circulated were considered and adopted.

C054/24 Receive and Consider Minutes of matters transacted in “Open Business” at the Planning Committee Meeting held on 5 March 2024

Proposed by Councillor Kerr
Seconded by Councillor Mallaghan and

Resolved That the Minutes of the Planning Committee held on Tuesday 5 March 2024 (P026/24 – P036/24 and P044/24) transacted in Open Business having been printed and circulated, subject to the foregoing were considered and adopted.

C055/24 Receive and Consider Minutes of matters transacted in “Open Business” at the Policy & Resources Committee Meeting held on 7 March 2024

Proposed by Councillor McLernon
Seconded by Councillor Corry and

Resolved That the Minutes of the Policy & Resources Committee held on Thursday 8 February 2024 (PR052/24 – PR062/24 and PR073/24) transacted in Open Business having been printed and circulated were considered and adopted.

C056/24 Receive and Consider Minutes of matters transacted in “Open Business” at the Environment Committee Meeting held on 12 March 2024

Proposed by Councillor Varsani
Seconded by Councillor Mallaghan and

Resolved That the Minutes of the Environment Committee held on Tuesday 12 March 2024 (E050/24 – E065/24 and E076/24) transacted in Open Business having been printed and circulated were considered and adopted.

C057/24 Receive and Consider Minutes of matters transacted in “Open Business” at the Development Committee Meeting held on 14 March 2024

Councillor McLernon drew attention to D049/24 Corporate Events and said that in her absence at the Development committee Councillor Gildernew had raised the issue of the summer bash event in Coalisland on her behalf. Councillor McLernon sought an update on the 2024 event and asked would it be rolled out in future years.

The SD: C&P said that a report would be brought to the April Development Committee that resources had been secured for the current year to run the event. Councillor Kerr said that he would propose that within the officers report to committee he would like to see budget plans to have the event included in future years events calendars as it should not have been removed.

Proposed by Councillor Kerr
Seconded by Councillor Monteith and

Resolved Corporate Events Report: That the Coalisland Summer Bash report being presented to April committee include proposals as to how the event can be budgeted for in future years.

Proposed by Councillor McNamee
Seconded by Councillor Monteith and

Resolved That the Minutes of the Development Committee held on Thursday 14 March 2024 (D036/24 – D053/24 and D061/24) transacted in Open Business having been printed and circulated were considered and adopted.

C058/24 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 Clarke
Seconded by Councillor Kerr 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

C059/24 Correspondence

Members noted update on correspondence received for attention of Council.

Councillor Kerr sought an update on the meeting proposed with Department for Infrastructure regarding service level agreements for gritting of footpaths in icy conditions.

Councillor Brown welcomed the correspondence from Department for Communities in relation to hybrid meeting legislation.

The Chair, Councillor Molloy requested that Councillor Brown bring his comments at agenda item 13 which detailed a motion in relation to hybrid meeting legislation.

Councillor Cuthbertson drew attention to the letter from the Police Service of Northern Ireland in relation to enquiry desk closures and expressed concern as to which locations were closing. He proposed that Council write to the Minister for Justice to seek clarity.

The Chair, Councillor Molloy concurred.

Councillor Wilson seconded the proposal but said it would not take you to be a senior detective to work out it was Cookstown.

Proposed by Councillor Cuthbertson
Seconded by Councillor Wilson and

Resolved That Council write to the Minister of Department of Justice to seek clarity on which enquiry offices in Mid Ulster District area will be impacted by the proposed closures.

C060/24 Notice of Motion: Councillor McLernon to move –

Councillor McLernon speaking on the motion said, “The issue of the lack of respite provision for adults with learning difficulties, complex needs and challenging behaviour, has been well versed in the chamber by myself since elected. I know first-hand the importance of such services and the fact that respite provision is not a luxury for unpaid carers, but a necessity - a life line!

My own nephew at the age of three was unfortunate to succumb to a virus called encephalitis which left him with brain damage, frontal temporal lobe damage, and severe epilepsy. Now an adult, my nephew suffers from learning difficulties, complex needs and challenging behaviour. My sister, his mum, a single parent which each day she delivers the best care she can give to her son but as an unpaid carer she needs help! Like many others, respite provision for adults with complex needs and challenging behaviour is the help they need!

To have this respite, allows them to carry out the day to day small activities that we all take for granted – like going for a walk, going to the shops, having a coffee with friends, or just basically relaxing and recharging from their day to day caring responsibilities. Last year before Christmas, we heard how the 8-bed facility in Woodlawn that provides short breaks of around 1 week for those with learning disabilities, complex needs and challenging behaviour was unable to provide this service due to those services needing to be redirected towards intensive individual support. This was a big blow to those families who relied on that service.

To be told at short notice that your respite had been cancelled was gut wrenching.

As I have said previously, this is not a criticism of Woodlawn House or their staff, in fact, I cannot praise them enough for their work and their dedication to the service users.

This is the second time an incident like this has arisen within the Southern Trust, impacting the service users of Woodlawn House. It clearly shows the inadequate provision of respite services for adults with complex needs and challenging behaviour within the Southern Trust area, and the need for more investment into these services. As indicated in the letter received in our packs tonight from the Southern Trust, they too have said that there is a demand for these services. Currently the 8-bed facility that we have in Woodlawn House is not enough. As more and more children with learning difficulties, complex needs and challenging behaviour leave children services at the age of 18 and enter into adult services, how can an 8-bed facility cope with this demand. A demand that will increase year on year. How can all those families avail of a regular service of respite and the life line they need!

The respite provision for adults has been for far too long under invested, and we need to see the Minister of Health prioritise these services to ensure that families can avail of more regular respite and a service that can cope with the demand. We need to see additional investment from the Department of Health, and more forward planning, so that regular provision is made available. We need to see these services protected and not a risk of cancellation.

If the current situation continues the unpaid carers in our district will always be among the first to pay the price! That cannot happen. They can no longer be the last to receive the help they need!

With the current situation, it must be concerning for unpaid carers and families constantly worrying about if something was to happen, an unforeseen sickness, a bereavement – what would happen to their loved one – what would they do – who will care for them! For all those unpaid carers in our community who rely heavily on these services and who need a voice to speak up for them, and I ask all our councillors here tonight to support this motion. Go raibh maith agat

Councillor McLernon moved the motion.

Addressing the Lack of Respite Provision for Adults with Learning Difficulties, Complex Needs and Challenging Behaviour:

- That this council recognises the inadequate provision of respite services with adults with learning difficulties, complex needs and challenging behaviour within the Southern Trust Area;
- Acknowledges that in the Dungannon area of the Mid-Ulster District Council the only facility that provides short breaks for those who are 18 years and over with learning difficulties, complex needs and challenging behaviour is an eight-bed facility at Woodlawn House, Dungannon;
- Notes with deep regret the occasion that arose before Christmas 2023, that resulted in families having their respite provision cancelled at short notice by the Southern Health & Social Care Trust;
- Further acknowledges that respite provision is not a luxury, but a necessity for unpaid carers in our community;
- Further notes that the demand for services is increasing year on year, with more children with learning difficulties, complex needs and challenging behaviour entering into Adult Services;
- Recognises the hard-work, and dedication of staff members based at Woodlawn House in Dungannon, and all the staff throughout the Trust area who work with adults with learning difficulties, complex needs and challenging behaviour;
- Accepts the need to address the inadequate provision of adult respite provision in the Southern Health & Social Care Trust, and the need for forward planning, additional investment and ring-fencing of these services;
- And calls on the Minister of Health to develop a plan that will address the lack of adult respite provision within the Mid-Ulster District Council area;
- And further calls on the Minister of Health to provide additional investment into these services to ensure that families can avail of more regular respite provision, that is protected, and not at risk of cancellation.

The Chair, Councillor Molloy said that as the letter detailed in the correspondence report was in response to a letter posted on 31 July in itself rings alarm bells.

Councillor Varsani seconded the motion and said that having spent 25 years in the education sector it was heartbreaking listening to families seeking proper care for their children and emphasised it was a specialised area.

Councillor Cuthbertson said the issues had been raised a number of times and he was happy to support the motion as the respite is invaluable for families.

Councillor Monteith said he had been going to reference the letter and commended Councillor McLernon in bringing the issue forward. He said that love is exploited and taken advantage of in such situations for parents have to find a way to cope and they do but they should not have to. He said everyone enjoys a family day out but this is not always possible for the families of those requiring specialised care and emphasised that the service is supposed to be reactive but is closed completely and concluded that more beds were needed and all needed to be behind these families.

Councillor Quinn supported the motion and said he had two aunts with learning difficulties for whom his father was the carer and spoke of how at times he struggles to look after them and that is with strong family support. Councillor Quinn said that authorities depend on and take advantage of strong family support but as much as you love someone carers need a break.

Councillor Graham said that the provision of services for the adults in Southern Health and Social Trust area is inadequate and spoke of the vast differences between trust areas. She said that too many people fall through the cracks and that the UUP was happy to support the motion.

The Chair, Councillor Molloy stated that there was unanimous support for the motion and declared it carried.

Councillor McLernon concluded by thanking fellow councillors for their contributions, comments, and support for the motion. She stated it was an emotive issue for all unpaid carers in the community, and for them, seeing this motion passed would give some reassurance that Council has their back.

C061/24 Notice of Motion: Councillor Mallaghan to move –

Councillor Mallaghan speaking on the motion said that the Minister of Department for Communities had now issued correspondence to assure he was working on the issue. He stated that covid had stepped up the technical abilities of many councillors who found they had to figure out how to handle platforms such as zoom and teams and although it had been an ambition of Council to promote this it happened sooner than anticipated with the onset of covid. He said Members often found they needed to be in two places at once and zoom had provided a mechanism of almost achieving this. Councillor Mallaghan reflected that it was excellent for officers also as it cut down driving, shortened time allocated for meeting attendance and brought

flexibility to those with caring responsibilities. He said it was a shame that the emergency legislation could not be extended but at least now the process was in place as confirmed in the Ministers letter. Councillor Mallaghan asked if Council had responded to the letter and said whilst in person meetings are often best, hybrid had become an important part on how business is conducted.

Councillor Mallaghan moved the motion

That this Council –

- Accepts that remote/hybrid meetings allowed for participation in Council meetings to be more accessible for both council members and council staff;
- Recognises that hybrid/remote meetings contribute positively to making political office more accessible, particularly to women who disproportionately have caring responsibilities;
- Notes with concern the late decision of the Minister of Communities not to extend the temporary provisions which enable councils to hold remote/hybrid meetings;
- Further notes with disappointment that the Minister of Communities has not yet used powers available to him under the Local Government (Meetings and Performance) Act (NI) 2021 to progress regulations ensuring council meetings may be held remotely;
- Understands, as a result of the decision by the Minister for Communities, that remote/hybrid meetings will not be available to council after the 6th March;
- Calls on the Minister for Communities to urgently progress regulations providing for hybrid/remote meetings for councils.

The Chief Executive confirmed that a response had been submitted.

Councillor McLernon seconded the motion.

Councillor Quinn said he was happy to support the motion and acknowledged that hybrid meetings especially for those with young families had become a godsend. He said that the role of a councillor is a major part of life and spoke how one former member in 2015/16 had to step down as she had twins and how the option of hybrid had brought advantages for those with caring responsibilities.

Councillor Kerr supported the motion and said that covid had changed how everyone works and how home working now is used as a job incentive. He said that hybrid options need reinstated as it was a great tool especially for people with young families and not only drives down childcare costs but is helpful to reducing the carbon footprint.

Councillor Brown welcomed the letter from the Minister of Department for Communities and said that the DUP supported the motion as there needs to be change. He said face to face meetings were good and with hybrid whilst you could still interact it was not quite the same, but it was good for people with young families or health conditions that prevented in person attendance.

Councillor Brown said the issue should also be discussed at policy and resources together with standing orders.

Councillor Wilson said the only amendment he would suggest would be in the bullet point referencing particularly women he would add 'and people with disabilities.' He welcomed the letter from the Minister and the fact that the issue was being progressed. He said he could not understand why committees could not still be hybrid as they make recommendations not decisions.

The Chair, Councillor Molloy said as there was consensus, he declared the motion carried.

Councillor Mallaghan thanked members for their support.

C062/24 Notice of Motion: Councillor Johnston to move –

Councillor Johnston highlighted an amendment to the motion in that Council should write to the Secretary of State and not the British Prime Minister.

Councillor Johnston speaking on the motion said, "Firstly I appreciate that issues like this aren't always appropriate in council, but I would ask you to bear with me, I would also ask that you genuinely consider the motion and my reasoning for bringing it to council. It appears that decisions in relation to motions are sometimes decided before the arguments for it are ever made. I spent quite a few years of my life working with and for all victims of the Troubles irrespective of creed or political persuasion. Victims didn't choose to become victims. Their dignity never fails to amaze me. I have never believed that any death was justified. I am also of the opinion that our victims got the rawest of deals. Those who paid the highest price have been undoubtedly, in my mind, have been treated the worst. Amnesties are repulsive to all right-minded people. The Legacy Act being testament to that. Something we can all agree on. Everyone deserves the truth of what happened their loved one, and where possible justice. I get that many will get neither truth nor justice. I understand the frustration and anger at that but that is not a reason to block truth where we know it exists and is being deliberately hidden from the families. There is an important African saying "it takes a village to raise a child." I often think nowhere is this more true than in the GAA. Irrespective of some deeply held perceptions, sometimes misconceived, and perhaps clouded by solitary acts by one club or another, it is, as an organisation, the bedrock of every nationalist community on this island. Its stewards give of their time selflessly. The GAA president Jarlath Burns recently noted during the darkest days of the Troubles it kept many a young man out of the clutches of the paramilitaries.

I attended the Mid Ulster Councils inaugural sports awards on Tuesday night. It was a truly wonderful night that had me thinking, on one hand I really need to start exercising and on the other and more importantly, how sport brings our communities together. One of the awards given was the Unsung Hero Award, a very worthy winner Brian Dallas couldn't disguise his love for his club Coagh United FC. His delight was infectious. In different times Sean Brown would have been a worthy recipient for such a prize. Sean Brown was a community man to the bone. He loved his club. He was one of life's 'good ones'. He, like many before, was an easy target for the paramilitaries. That he was so brutally murdered is bad enough but to cope with the additional knowledge that there were as many as 26 people involved in his

murder and the subsequent cover up, is too much for a family to bear. We ask too much of our victims and their families.

I am asking that you, my colleagues, be good neighbours and support this motion so that we can show our support to the Brown family, so that we can add more weight to the request made by Justice Kinney for a Public Inquiry. Let us do the right thing by this family.”

Councillor Johnston moved the motion:

“That this council; supports the calls for a Public Inquiry into the murder of Sean Brown.” Writes to the Secretary of State demanding a Public Inquiry as requested by Mr Justice McKinney.

Councillor Quinn seconding the motion said that Sean Brown was same as each person here, he said that the GAA is not a club but a community and on the night he was abducted he was locking up his club to return home to his family of six. Councillor Quinn stated that the Brown family have been denied the truth of what happened to Sean since 1997 and that the coroner had indicated that more than 25 people have been linked to his death which has resulted in the case being compromised and unable to continue. He concluded that like many others he deserves justice and truth and that the security forces should stop hiding and let the truth be told.

Councillor S McPeake said, “On the morning of the 13th May 1997, the people of Bellaghy and South Derry awoke to the news of the abduction and horrific murder of one of their own, Sean Brown. Sean was a local community leader and was a totally innocent victim of a loyalist death squad. He was assaulted and kidnapped on the night of Monday May 12th, 1997, when he was locking the gates of Wolfe Tones GAC Bellaghy where he was his Clubs’ Chairman. An immensely well-respected leader within his local community, Sean’s death was one of the most brutal, callous and inhumane in the history of the troubles here. In the aftermath of Sean’s murder, the Brown family have been immensely dignified in their quest for answers as to why Sean was selected for assassination in the manner which he was. The family have been to the courts in excess of 40 occasions seeking the truth.

The PSNI have admitted there has, (in their own words) been ‘inadequacies into the investigation’ and have indeed issued a public apology to the family.

However, the factual details around Sean’s death remain unanswered for the family;

- Why was such a devoted family man and well-respected community leader targeted and selected for murder in such barbaric circumstances?
- Despite the fact that more than 25 people including ‘state agents’ were linked to the murder through intelligence material, why has there been no one charged in relation to this murder?
- Why has the state agencies repeatedly dragged their feet in delaying disclosure of material relevant to the Brown family obtaining the truth in relation to Sean’s murder?

All these questions and more remain unanswered. And unanswered against the backdrop of the ticking clock that is the Legacy Act which comes into force just next month. When enacted the outworking of this legislation will stymie victims from ever obtaining the truth around the deaths of their loved ones.

One must ask as to whose interests is the adoption of this bill best served. The belief of many 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.

I have spoken previously in this chamber as to the plight of the Brown family, and other families in attempting to get to the truth. A few months ago, during a discussion around the Legacy Act I highlighted the fact that I believed the state agencies were deliberately 'running down the clock' towards the commencement of the Legacy Act legislation in ensuring that proper inquests that involved the use of state agencies were not heard as to do so would highlight the wide-spread and systemic use of state agents during the recent conflict here.

One cannot be touched by the dignity and resolve of families such as the Brown family. Because of Sean's strong links to the GAA across Ulster and beyond, we have seen the entire GAA family nationally standing shoulder to shoulder with the Brown's in seeking the truth. On Sunday February 4th along with hundreds of other GAA members in Derry City many of us marched in support for the families of Sean Brown and Tyrone nationalist Councillor Patsy Kelly whose family are also seeking full disclosure into Patsy's murder.

For the Brown family to be forced to attend in excess of 40 court hearings only to be told that there is still insufficient material to hold a proper inquest has been frustrating to no end; or to be told that serving members of the security forces and around 25 state agents have been linked to Sean's murder; or being told that new files have emerged after all these years; or that dozens of entire pages of material have been redacted to such an extent rendering these files useless in attempting to uncover the truth can be soul destroying for such a dignified family. But the Brown family are not on their own they have widespread community support both locally and nationally in their quest for the truth.

Along with Councillor Milne, just four weeks ago both he and I were humbled to be with the family at the last inquest hearing in the Court Room in the High Court's in Belfast. Those in the room were shocked to hear Justice Patrick Kinney state that because of the sheer amount of redactions in material relevant to obtaining the truth around Sean's murder, in that he could no longer continue with the inquest and that reluctantly this process had ran out of road. Mr Justice Kinney heavily criticised how the state parties had handled the disclosure process, branding the repeated delays as 'deplorable' and in-excusable.

The outcome of the termination of this inquest process now leaves the family with no options available other than to seek a 'Public Inquiry, in an attempt to get the truth. Indeed, Justice Kinney in his ruling in the high court said the same, in that a Public Inquiry was the 'appropriate' way in considering the circumstances around Sean Brown's murder.

A wide breadth of individuals, groups and organisations have already backed the calls for a public inquiry into Sean Brown's murder.

Last November, just prior to Justice Kinney's statement of termination of this coronial process, the PSNI Chief Constable indicated the PSNI would work within the confines of a full public inquiry, should a public inquiry be called. Though this statement was at a time when the coronial process under Justice Kinney was still in situ. Now that this has concluded I would hope that this will now be carried through as realistically this is the only viable process open to the family. British NIO Minister Steve Baker has supported the concept of a public inquiry in this instance. The GAA has also stated its full support for a Public Inquiry as does former Police Ombudsman Nuala O Loan and the Tanaiste Micheal Martin.

Sinn Féin has stood shoulder to shoulder for victim's families including the Brown's in obtaining the truth. We have lobbied locally, nationally, and internationally against what the British Government was attempting to do with its Legacy Act. Victims and survivors need whatever toolkits are available in order for them to obtain the truth. In the case of the quest for justice for the Brown family, due to all other available options being exhausted a Public Inquiry is the only option available and should be granted to the family. I and my party will continue to offer our support to those families such as the Brown's seeking truth and closure into events surrounding the deaths of their loved ones."

Councillor McLean said that Councillor Johnston had said that the motion was sensitive and had mentioned pre judgement and whilst he had not met with his party immediately prior to this meeting they had met and discussed the motion earlier in the week. He said they were fully aware of the sensitivity, feelings and divisions and the impact of the death as he too could have been a statistic as he had a car placed under his car and he was acutely aware that his own family could be sitting like the Brown family as such was the history of the province.

Councillor McLean said that by singling out one individual it gives a hierarchy to victims of which there are many across all communities that need and deserve justice but yet there is no public enquiry for them. He said that the reality is truth and justice will never come and this is sad, a deep hurt and a burden many already live with daily. For that reason, Councillor McLean said the party had taken the decision to abstain from the motion. He emphasised they were not abstaining because Mr Brown had been a member of the GAA or a nationalist as his family had carried the pain and hurt of his murder like so many others. Councillor McLean concluded that he hoped the Chamber would understand the feelings of his party.

Councillor Wilson said the matter was sensitive and anything said could be misconstrued but for the right reasons the UUP would also abstain from the motion. He said their sympathy goes to all innocent families who have a right to seek justice but the UUP did not support hierarchy.

Councillor Monteith stated he fully supports Sean Brown's family and said like many others he was under no illusion that Sean Brown was killed in Ireland for being Irish. He said he would support the campaign for truth and justice but he did not share the confidence that a public enquiry would reveal it. He said that 25 of those questioned, many of them state agents working directly for the British government and the enquiry was just the state investigating the state. He said across the divides everyone had attended courts seeking the truth to witness the PSNI lawyers

spending millions of pounds closing down the calls for truth. He said the question has to be asked to reveal the level of control the British held in loyalist and republican movements. Councillor Monteith said it pained him particularly at a time when remembering patriot dead to acknowledge that some republicans acted on behalf of the British state. He concluded that he supported the family but did not believe the British system would allow the truth to be revealed.

Councillor Cuthbertson left the meeting at 8.16 pm

Councillor Kerr said he too supported the motion and said his own club had showed solidarity to the family of Sean Brown in their quest for truth. He concurred with Councillor Monteith's comments and said that at the inquest it had been made known one of the suspects was still a serving member of the British state forces. He concluded that he supported the motion and hoped that the Brown family would receive closure.

Councillor Varsani said that Sinn Féin would support the motion and emphasised that the key element of this case and indeed others is the cover up as the information was there but has not been released. She said it is important and that other Councillors had alluded to the fact that all should recognise the pain of loss in any family a pain which is equal to all.

Councillor Cuthbertson returned to the meeting.

The Chair, Councillor Molloy called for a vote.

For	24
Against	0
Abstained	13

Councillor Johnston said that she could appreciate such matters can be divisive she did not bring the motion light-hearted. She said she felt for all victims and would not create a hierarchy, but Sean Brown's case was a live issue. Councillor Johnston said she was sympathetic to pain and suffering and that she was glad all had acknowledged that, and she was glad that members had abstained as opposed to voting against the motion.

C063/24 Notice of Motion: Councillor Cahoon to move –

Councillor Cahoon speaking on the motion said, "every Councillor in this chamber will be contacted on a regular basis regarding fly-tipping, litter, and dog fouling in our District. It has to be said from the outset that the vast majority of residents are very sensible in this respect however a small minority are not and this really brings out area down. In the past, I understand that there had been a commitment made to have staff trained to issue fines in Dungannon Park however we have not seen this come to fruition. The Council previously used WISE to enforce issues pertaining to dog fouling, litter, and fly-tipping however since this partnership ended we have seen very minimal enforcement of this issue. Between April 2022 and January 2023 there were only 5 Fixed Penalty Notices issued by the Council. We are all aware of the

serious health risks associated with dog mess and young children when their immune systems are not fully developed. If there is no deterrent and no enforcement, I fear the levels of litter and dog-fouling in our district will only increase and where does this end.

This is a serious issue, and we need to send a clear message that if you act irresponsibly, you will be caught, and it will cost you. We need to see enforcement in both our rural and urban areas – each Councillor will have hot-spots in their DEA. If we take a stern approach from the start, word will soon spread. We have also seen other Councils across Northern Ireland review this matter. Therefore, I move the motion:

That this Council –

- (i) Considers increasing fines for dog-fouling, littering, and fly-tipping and
- (ii) Considers outsourcing enforcement of this issue to an outside company to enhance enforcement levels.

This follows The Environmental Offences (Fixed Penalties) Regulations (NI) 2022 which enables local authorities to increase penalties from £80 to £200.

Councillor Robinson seconded the motion and said that since being elected to Council there is not a week passes that he does not receive a complaint from a constituent about dog fouling. He stressed the necessity in sending out a strong message that it is not acceptable especially given the significant funding allocated to promoting tourism. Councillor Robinson said if the littering continues at its current level it will be a detriment to the economy, the environment, wildlife and livestock. He advised that his Orange Order had conducted a litter pick and within one hour along one mile stretch of road it was again littered with coffee cups and bottles. He also referred to a similar issue raised on social media earlier in the day by Councillor McElvogue.

The Chair, Councillor Molloy welcomed the motion but stated he could not put it to vote due to the financial and legal implications but advised that it could be referred to the appropriate committee for discussion. He acknowledged there were many responsible dog owners, but a few are not all, and he would be content for the debate to be progressed.

Councillors Bell and Black withdrew from the meeting at 8.30pm

Councillor Monteith commended the motion and said he had no issue with the matter being progressed and a new way forward established but stressed he was opposed to private contractors delivering services as he did not believe in privatisation of Council services. He reflected that the previous contractor had shown that they could not generate the income required to provide the service. Councillor Monteith said there was enforcement officers in Council and the outside agency did not work before as the profit was not there and statistics showed that they did not target dog fouling. He said he would fully support endeavours to deal with the issues of enforcement and education as dog fouling was a blight on the streets and it was heartbreaking to see people participating in community cleanups to be met a day

later to the same again. Councillor Monteith said it was sad that some people did not have pride in their community. He also spoke of a scheme introduced in Leitrim council whereby they DNA tested dog waste and thus identified owners and Council should explore something similar. He also spoke of waste thrown down by people purchasing example fast food, the company can be identified, but it is not their responsibility but the person who threw it away but the landowner is left with the burden of cleaning it.

Councillors Bell and Black returned at 8.32pm

Councillor Cuthbertson said it was a topical issue and he too had participated in litter picks but what he found particularly annoying was people lifting the dog poo, then hanging it in the hedge but acknowledged that there were many responsible dog owners. He said previously it had been his understanding that there had been a clear commitment to train more staff for enforcement, that it was his understanding that dog warden section was currently under power and given it was springtime other issues would be arising such as sheep worrying. He asked if other staff could be diverted to assist tackling the issue and said the main issue was dog fouling and littering from chip papers and the previous contractor had not dealt with those issues. He spoke of an instance where one lady had been taken to court but then hadn't paid the fine and in such circumstances they should be returned to court. Councillor Cuthbertson said Council must both enforce and educate.

Councillor Quinn concurred with previous speakers and said the current remit of councillors was dealing with potholes and littering. He said that the four football clubs in Coalisland had carried out litter picks across four consecutive weeks and each one was as bad as the one before and stated there needed to be heavy penalties in throwing out litter. He spoke of the previous contractor and said whilst he had initially voted for it he had quickly regretted his decision and going forward education was key.

Councillor Kerr concurred with previous speakers but emphasised that he was opposed to privatisation of Council services and supported the trade unions. He spoke of the litter issues in Coalisland at Cornmill carpark on a Monday morning and dumping in Kettle Lane just a few hundred yards from the recycling centre and stressed that people needed to be held accountable. He said that education on mindset was the best way forward and Council as well as enforcement should put together a pest control team also.

Councillors McQuade and Quinn left at 8.38pm

Councillor Wilson commended the motion and stated that although dog fouling comes under litter it poses a serious health issue and further down the line this should be addressed. He said every member knew the hotspots in their area, the issues when WISE had been in place and the difficulties in issuing fixed penalty notices for dog fouling as you had to actually catch the dog in action. He also reflected on fast food establishments and customers disposing of packaging and said ultimately the majority of people are responsible, but the Council is left to clean up and the rate payers are paying for the minority and the cost was considerable.

The Chair, Councillor Molloy concurred stating that the cost was hundreds of thousands.

Councillor Burton said the issues were a blight on the community and all councillors receive similar calls. She said those that do not clean up after their dogs are out early in the morning or late at night and neighbours know who is responsible. Councillor Burton also spoke of the civic pride displayed in communities participating in competitions such as Ulster in Bloom and stressed that council needed to support these groups and encourage those who are working tirelessly on the ground. She acknowledged there was no quick fix, the difficulties in handing a fine to a neighbour, the issues of dead livestock being dumped, and Council left to clear up all and concluded a better way forward was needed.

Councillor McElvogue concurred and said the particular scenario regarding dead livestock referred to by Councillor Burton had been shocking. He also highlighted dumping at Glenmore Walk and at the Blackwater and concluded whilst he doesn't receive as many complaints about dog fouling dumping of all kinds was a major issue.

Councillor Mallaghan welcomed the conversation and said the matter needed to be discussed at committee as recently the budgets had been set and some difficult conversations needed to be had. He said he felt it was a specialised service and on occasions agencies were required. He concluded that he looked forward to the conversations and debate.

The Chair, Councillor Molloy declared that the motion was to be referred to committee for discussion.

Councillor Cahoon thanked Members for their contributions to discussion to reignite the debate to identify solutions should they be different technology, training of staff but acknowledged it may be hard to issue fines to neighbours. She concluded that a strong approach was required.

The live broadcast concluded at 8.50 pm

The Chair, Councillor Molloy extended congratulations to Councillor Black on the birth of his son.

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 Quinn
Seconded by Councillor Kerr and

Resolved That items C064/24 to C071/24 be taken as confidential business.

Matters for Decision

- (i) Council Confidential minutes of meeting held on 22 February 2024
- (ii) Planning Confidential minutes of meeting held on 5 March 2024
- (iii) Policy & Resources Confidential minutes of meeting held on 7 March 2024
- (iv) Environment Confidential minutes of meeting held on 12 March 2024
- (v) Development Confidential minutes of meeting held on 14 March 2024
- (vi) Audit Confidential minutes of meeting held on 19 March 2024
- (vii) Document for Sealing: Grahams ICT Contract for Maghera Wetlands Park and Walled Garden Enhancements (Phase 1)

C071/24 Duration of Meeting

The meeting was called for 7.00 pm and ended at 8.52 pm

Chair _____

Date _____