

Minutes of Meeting of Mid Ulster District Council held on Thursday 26 November 2020 in the Council Offices, Circular Road, Dungannon and by virtual means

Chair Councillor Mallaghan

Members Present Councillors Ashton*, Bell*, Black, Brown, Buchanan, Burton*, Clarke*, Colvin*, Corry*, Cuddy*, Cuthbertson*, Doris, Elattar*, Forde*, Gildernew*, Glasgow*, Graham, Hughes*, Kearney, Kerr, N McAleer*, S McAleer*, McFlynn, B McGuigan*, S McGuigan, McKinney, McLean*, McNamee*, D McPeake, S McPeake, Milne*, Molloy*, Monteith*, Mullen, Oneill*, Quinn, Robinson*, Totten* and Wilson*

Officers in Attendance Mr McCreesh, Director of Business and Communities
Ms Canavan, Director of Organisational Development
Ms Campbell**, Director of Leisure and Outdoor Recreation
Mr Cassells**, Director of Environment & Property
Mr Kelso**, Director of Public Health & Infrastructure
Ms Mezza**, Head of Marketing and Communications
Mr Moffett, Head of Democratic Services
Mr JJ Tohill**, Director of Finance
Mr O'Hagan, Head of ICT
Mrs Forde, Member Support Officer

In Attendance **Representatives of NI Water**

Mr Stephen Blockwell
Mr David McCullough

* 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 Mallaghan 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.

C218/20 Apologies

None

C219/20 Declarations of Interest

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

C220/20 Deputation – NI Water

The Chair, Councillor Mallaghan welcomed representatives of NI Water, who had joined the meeting virtually. Mr Blockwell drew attention to the previously circulated report and highlighted issues in relation to Infrastructure plans and funding in the Mid Ulster area.

The Chair, Councillor Mallaghan thanked Messrs Blockwell and McCullough for the presentation and invited Members questions.

Cllr McKinney stated that year on year NI Water came along and advised there was no money and it was well known that the sewage system was not fit for purpose. He highlighted that he was a member of the planning committee and asked when was there likely to be collaboration which would lead to a much needed sewage system that was fit for purpose. He said the report was always the same and change was required the facts needed to go to Ministerial level and as a Council Mid Ulster must also stand up to the plate.

Councillor Kerr highlighted rural areas in particular Torrent DEA which regularly experienced low water pressure a fact which panicked people at the start of the pandemic. He stated that improved infrastructure was much needed in rural areas. Councillor Kerr also called for NI Water to have DEA meetings with Members in order that local issues can be raised such as floods which again the Torrent area had experienced. He stressed the need for encounter between NI Water and Members in relation to maintenance giving an example of works being carried out and a road not replaced up to required standard leading to craters.

Councillor Quinn stated that areas such as Clonoe had poor water pressure were pipes originally in place to serve two houses were now serving many more and asked in such circumstances how could water pressure standard be met.

Councillor Doris thanked the representatives for the presentation and stated that she fully appreciated it was a strategic overview and not about local issues but she would highlight that £3.4 million was being spent in Coalisland but there was continuing flooding at Kings Road and outside Gervin's Bar. She advised that Sinn Féin had had an onsite meeting last week and highlighted that there had been no follow up from the Department for Infrastructure scoping study. She concurred with Councillor McKinney that it was the same year on year, that people on the ground did not hear these strategic presentations and requested that NI Water talk to the relevant stakeholders to get needs addressed.

Councillor Glasgow said he would concur with the rural message that rural areas need investment urgently as water systems were not fit for purpose.

The Chair, Councillor Mallaghan stated that following the comments of Councillors Doris, Quinn and Kerr a DEA meeting should be convened with NI Water.

Resolved A meeting to be arranged with NI Water representatives and Torrent DEA regarding recurring issues in the Torrent area.

In response Mr Blockwell stated that there was ongoing programmes to reinforce current systems, carry out capacity checks and endeavour to improve however, if for example, a house was at the top of a hill a specific solution is required. He stated that there was a strategy to cover elements of need in PC21 which would include reinforcing network and treatment works and it was unfortunate that NI Water could not address everything but they were doing their utmost to deliver the optimum they could.

In conclusion the Chair Councillor Mallaghan stated that it would be his hope that NI Water receive adequate investment in the near future.

Representatives from NI Water left the meeting at 7.30pm

C221/20 Chair's Business

The Chair, Councillor Mallaghan reflected, in terms of COVID 19, over 3000 people had died across the island of Ireland and that the healthcare system was under huge stress. He referred to a meeting he had attended earlier in the day with the Northern Trust when in looking at strategic objectives they were repeatedly told, the person who previously carried out a job was no longer engaged in it as they were either working with COVID 19 wards or off ill themselves. He stated that the toll on services was increasing and vital intervention was being missed. The Chair also reflected that the economy was being hammered and intervention monies was slow in reaching the point of need. Concluding the comments the Chair extended solidarity to healthcare and front line workers.

The Chair, Councillor Mallaghan drew attention to the opening of the last section of the A6, Randalstown to Castledawson and extended congratulations to Department for Infrastructure. He said that this would have great impact on reducing journey times in particular for people in Newbridge and Moneynick who took the brunt of the through traffic. The Chair advised that DfI Roads had not extended invitations to the Council, Members of Parliament nor MLA's but an SDLP constituency meeting had taken place on the same bridge at the same time. He said that the Council had sought meetings with the DfI Minister Nicola Mallon on many occasions all of which she persistently refused to meet.

Councillor McKinney commended the planning and development of the route which was a great asset to the Council and his own DEA of Moyola. He also expressed disappointment at all local representatives not being invited other than those from the SDLP. He stated all should have had the opportunity to celebrate albeit with social distancing in place. He concluded this had been a once in a life time opportunity but it had been one rule for one and a different for another.

Councillor Ashton referred back to the impact of the economy and stated that it was very concerning to be contacted by businesses who have received no financial support for the last period of restrictions and were now entering new restrictions. She said she had been in touch with both the Department for the Economy and the

Department of Finance and payments were to be issued but it was not about apportioning blame as they were all doing their best but Council could not sit back while the business community bore the brunt. Councillor Ashton proposed that Council should write to the Ministers of both Departments and offer local government assistance in 'getting the money out the door'. She stated that the economic development team had worked tirelessly and if the NI Executive needed to lean on Councils it should, she stated she was not into the politics but rather wanted to ensure that High Streets don't collapse. Councillor Ashton also told how one retailer had been turned down for funding as the Department had felt they had not been impacted enough and said that the NI Executive needed to work with local government and proposed that Council write and offer support in the delivery of funding to businesses who were in dire need.

The Chair, Councillor Mallaghan asked the Acting Chief Executive if he was comfortable with this offer. In response the Acting Chief Executive indicated he was and the Chair reminded Members with previous funding Council had £1.2m issued in letters of offer before other Councils had decided what to do.

Proposed by Councillor Ashton
Seconded by Councillor Black and

Resolved That Council to write to Ministers for the Economy and Department of Finance to offer Council assistance in administering funding to local businesses.

Councillor Wilson advised that when he had been chair of Council he had been invited to the opening of the Magherafelt bypass at which Ministers, Councillors, MLAs and MPs had all been in attendance and shared the disappointment expressed that all parties had not been afforded the opportunity to be in attendance. He stated all could point score but Councils had led the way through the pandemic and that local businesses recognised that the problems lies with those at Stormont whose faffing about had reduced politics to the gutter. He commended Councillor Ashton on her proposal and stated that although prior to the current restrictions there had been a slight rush it was minimal as many people are afraid to go out the door. He said many businesses were falling through the cracks and he commended the Acting Chief Executive and the staff in bringing Council to the fore.

Councillor Kerr commenting on the Chair's early comments regarding COVID 19 stated that a vaccine appeared to be close and if approved the roll out date was 10 December 2020 and into the new year. He suggested it would be wise that officers give the matter some thought to identify steps to support rather than be overwhelmed at the time it would be good to have a strategy in place.

The Chair, Councillor Mallaghan said that Council had offered its infrastructure both in relation to testing and were ready to support vaccination roll out.

Councillor Monteith concurred with Councillor Kerr emphasising that Council did have infrastructure together with contacts on the ground. He also echoed the comments of Councillor Ashton and stated that he too had had phone calls speaking of one from a sole trader who had been turned down for funding as they had not

been instructed to close. He said the person was waiting some five weeks on an answer, they could get to speak to no one on the phone, had ensured they had adequate controls in place to stay open yet had had to close. He said at the very least Council should be able to answer people and that economic development team should be able to speak to these people in relation to future grants and he was fully supportive of Council being involved as if they were to fire fight they needed the hose and water. He said departments often drew up the drawbridge leaving people distraught and their mental health shattered. He reflected that the lowest paid would now receive a 19 p increase as opposed to a 49p increase that big chain stores were open and whilst people were buying local it was not in local businesses. He said that some emails had been insulting and current practise was a disgrace.

Councillor Brown stated that some earlier comments about the Department of the Economy had been a cheap shot as the Department of Finance administered it. He also referred to comments by Councillor Monteith and stated whilst the money comes from the British Government it is the Department of Finance who distributes it in Northern Ireland.

Councillor Milne referred to earlier discussion about the opening of part of the A6 and stated it was a disgrace all had not been invited. He said he was offended as he had represented the area for many years and proposed Council write a letter to ask why they had been excluded.

Proposed by Councillor Milne
Seconded by Councillor D McPeake and

Resolved That Council to write to Minister for Infrastructure to seek clarification as to why invitation protocol was not followed in relation to the opening/photocall at stretch of the A6 from Randalstown to Castledawson and express disappointment that the Chair of Council and local elected representatives of all parties were not afforded the opportunity to be in attendance

Councillor McKinney reiterated thanks to the Acting Chief Executive on the work undertaken to get funding out and stated that he wished Council had more control. He reminded Members that Mid Ulster is the heart of the country representing the agri food industry, had large manufacturing base, building trade and stated that if those on the Hill could not deliver Mid Ulster Council could. He stated Mid Ulster had the best workforce and needed to focus on what we had and encouraged Members to focus on the problems that lies ahead. Councillor McKinney stated that we were at war with an invisible enemy that is COVID and the focus should be to bring people together. He highlighted that many families would not have a Christmas due to the impact of the pandemic and whilst it was easy to stoop low we needed to rise up, move forward and make progress.

Councillor Kearney stated that the SDLP had chosen the Department for Infrastructure portfolio and whilst he had limited knowledge of the A6 photocall aforementioned he was aware that an official opening is to be scheduled in the new year and that the real winners are the 25k people who can use that road in the next

few weeks. He assured that invitations would be extended to the official opening in the new year.

Councillor Clarke referred to the Broadband working group who had worked in unison with Fermanagh and Omagh. *Councillor Clarke's connection terminated.*

Councillor Glasgow referring to broadband spoke of project Stratum and said the main concern of Members on the working group was there had been no Minister in place and whilst the Department for Economy said the project was value for money quite a few catchments would be left behind. He said it was a matter of urgency that the working group be reconvened and he would support Councillor Clarke highlighting that many areas would not be supported in the project.

Councillor Clarke, *now reconnected*, stated that there are indications that there will be sections not covered and asked if this was just within Mid Ulster and Fermanagh and Omagh or was it throughout the province. He spoke of telephone exchanges serving townlands and asked was this a platform or will it be another, he spoke of comments in relation to a contribution centre made at tendering stage and asked how the gaps were going to be filled. He highlighted that as local elected Members they would be at the cold face of when and how it would be delivered. Councillor Clarke said he had pages of questions and proposed that an urgent meeting be sought with the delivery agent and the department prior to the tender being awarded as once it was awarded that would be that.

The Chair, Councillor Mallaghan said Council was aware from previous experience the region could be hard hit. He said that an invitation had been received to meet the Minister together with Fermanagh and Omagh Council. He stated that conversations had taken place with the Department for Communities and it was hoped the aforementioned meeting would be mid December.

Councillor Brown said he did not have an issue with the Broadband working group but Council had to look at the £160m coming into Northern Ireland and the vast number of properties to be addressed under project STRATUM. He said it was a good news story and 94% of the area would be covered over the lifetime of the award.

The Chair, Councillor Mallaghan concurred and welcomed further the fact that it was a local company had been awarded the contract but at this it did not mean Council would not ask the difficult questions.

Councillor Burton stated this was great news and it was her hopes that rural areas would be raised at the meeting with Fermanagh and Omagh, she reflected that many had went to great lengths to gather data and spoke of businesses in the Caledon area who had to do online work at 3am in order to get sufficient coverage. Councillor Burton stressed that Council had done the donkey work in collating data and businesses were tired of filling out forms which reflected little change and she hoped their plight would be pursued.

Councillor Black left the meeting at 8.02pm

The Acting Chief Executive concurred with Councillor Brown that the investment was fantastic news but emphasised that Council needed to identify the areas such as Councillor Burton spoke of and all needed to work out the detail of who will be missed and how this will be addressed. He intimated that the Chief Executive of Fibrus had indicated that a package would be brought to the table to address such issues.

Councillor Gildernew seconded Councillor Clarke's proposal

Councillor Graham reiterated comments about people in rural areas being left behind whilst the built up areas are improved.

Proposed by Councillor Clarke
Seconded by Councillor Gildernew and

Resolved That the Broadband Working Group

- (i) Reconvene meetings; and
- (ii) Progress joint meeting with Fermanagh & Omagh Council with the Minister for the Economy and the delivery agent for Project Stratum;

Councillor Kerr spoke of the charity work carried out by Pearce Whitehouse for the Boom Foundation following the loss of his young sister Shannon earlier in the year. He stated they had raised substantial funds and asked that the Chair forward a letter commending him for this.

Councillor Kerr advised that Noel Sweeney who had lost LIFE his in a tragic road accident last year had received a National Credit Union award posthumously in recognition for his contribution to the Coalisland Community and requested the Chair send a letter.

Councillor Doris stated she would be happy to second the proposals of Councillor Kerr stating that Pearce Whitehouse was to be commended in how he had turned his pain into activity to help others. Speaking of Noel she shared how she had worked with him in Halloween festivals and acknowledged his commitment to the community of Coalisland.

Proposed by Councillor Kerr
Seconded by Councillor Doris and

Resolved That the Chair write to

- (i) Pierce Whitehouse commending him on substantial funds raised for the Boom Foundation in response to his sister Shannon's diagnosis of Sarcoma and subsequent loss of life to same; and
- (ii) to the family of Noel Sweeney who has received a National Credit Union Award posthumously in recognition of his contribution to the Coalisland community

Councillor Doris highlighted that Craic Theatre Coalisland and Derrytresk Theatre had been Credit Union Member Initiative Survey Winners and also that Stewartstown Primary School had been the Mathletic World Champion for third time in past four years. Councillor Doris proposed the Chair forward letters to the aforementioned.

Councillor Quinn seconded Councillor Doris' proposal

Proposed by Councillor Doris
Seconded by Councillor Quinn and

Resolved That the Chair write to

- (i) Craic Theatre and Derrytresk Theatre on receiving Member Initiative Survey Winners
- (ii) Stewartstown Primary School on winning the Mathletic World Champion for third time in past four years;

Councillor Black returned to the meeting at 8.10pm

Councillor D McPeake advised that Mid Ulster resident Jonny Brookes had been runner up in the Voice competition and Brooke Scullion had been a finalist. He stated that both were included on the report for civic recognition and commended them for welcoming their family, friends and parish with distinction and brought distraction during the COVID period.

Councillor Milne concurred.

The Chair, Councillor Mallaghan said he had heard interviews with both contestants who had been great representatives for the district on the Voice.

Councillor Milan advised that Seamus O'Neill a former councillor had passed away and asked that the Chair write to express condolences to the family.

Councillor Kearney said that Seamus O'Neill had served his local community with great distinction on the former Magherafelt District Council and seconded the request to write to express condolences to the family.

Councillor Monteith advised that the widow of former councillor John Donaghy had passed away. He spoke of the way John had been instrumental in the civil rights movement and how his widow had donated many of his papers to local history groups. He requested that the Donaghy family receive a letter of condolence.

Resolved That the Chair write to

- (i) The family of former Magherafelt Council, Councillor Seamus O'Neill expressing sympathy on his recent death; and

- (ii) the Donaghy family on the passing of the widow of former Dungannon Councillor John Donaghy, tribute was paid to Mrs Donaghy who donated many of her late husband's papers to local historical societies

The Chair, Councillor Mallaghan advised that he had received a request from the Samaritans requesting that Council lights up buildings in recognition of the campaign highlighting the loneliness many experience at Christmas time.

Proposed by Chair, Councillor Mallaghan
Seconded by Councillor Monteith and

Resolved In response to request from Samaritans recognizing loneliness - Council illuminate the designated properties (Ranfurly House & Visitor Centre, Dungannon; the Burnavon Arts & Cultural Centre, Cookstown and the Bridewell, Magherafelt)

The Chair Councillor Mallaghan proposed that Council host a civic reception for Mickey Harte who had retired after long service to Tyrone GAA during which time he had led the team to three All Ireland wins together with numerous Ulster Championship wins. He stated that as well as being an exceptional manager he was a really good guy and there was countless stories of how he has helped individuals. The Chair stated whilst some who are exceptional develop an ego Mickey Harte was not such a man he just done what was within him to do.

Proposed by Chair, Councillor Mallaghan
Seconded by Councillor Doris and

Resolved That Council host Civic Reception for Mickey Harte in recognition of his service to Tyrone GAA.

The Chair, Councillor Mallaghan highlighted Enterprise Week which had provided great opportunity to highlight what is available to help and assist start up businesses and local business. He said it was a fantastic event with 500 participants across different platforms. The Chair expressed thanks to the Department of Business and Communities for making it happen.

Councillor Quinn said he was aware that poverty has been top of the agenda across the UK and spoke of campaigns such as Marcus Rashford shaming government to ensure children are fed. He highlighted how poverty has effects from growth in the womb, birth, school and throughout life. He said that during the COVID period poverty had been highlighted and spoke of the great work carried out across communities particularly mentioning the Coalisland food bank and the work done by many including Councillor Kerr to ensure children did not go to bed hungry. He told how he worked with St Vincent de Paul and the Samaritans and the stories told were harrowing. He said he had penned a motion but had been too late to submit but asked that like Belfast City Council agreement be given to donate money to the Salvation Army, St Vincent de Paul and food banks across the district. He

suggested a paper be brought to Policy and Resources to show what could be donated that would go a long way to help the most vulnerable in the district, he acknowledged that there was Department for Communities (DfC) and Neighbourhood Renewal funding but Council too should 'put its hand in its pocket'.

The Chair, Councillor Mallaghan stated that Council had shown its strength in its support to foodbanks and that DfC were coming forward with a package and without a figure it would be difficult to make a decision.

The Acting Chief Executive acknowledged that the sentiments were passionate and constructive but would advise caution in Council selecting groups. He also advised that Council had brought £100k to the first table and must be mindful that it was incurring £600k losses. He outlined funding to date and the support of DfC. He said the most recent tranche of funding was £156k which had been distributed to foodbanks and had funded PPE. He also stated that £100k had been uplifted for advice services. He said that Development Committee Members would be aware of the out workings and advised that a tranche of £166k was anticipated and discussion at the recent development meeting had detailed that £80k would go directly to foodbanks, some to counselling and debt management and acknowledged that the Members had wanted to spread the help for maximum impact. He said once ratified the business and community team would move to action. The Acting Chief Executive concluded that it was his understanding that tranche 3 may draw down £100k plus and once approved officers would not be found wanting in ensuring it has maximum impact on the ground. He reminded Members that people still need to eat in January and February and this money would be rolled out in assurance that Council was in tune with its citizens.

Councillor Quinn thanked the Acting Chief Executive for his comprehensive outlining of assistance being given and stated with virtual attendance it was good that people heard what Council was doing. He concluded he was happy with the approach.

In response to Councillor Brown's query the Acting Chief Executive advised that the Director of Finance was in discussions with regard to the amount which would be awarded to Council of the £20m promised to Councils. He stated that Council should have indicators in the coming week.

Councillor Colvin supported Councillor Quinn in principle.

Councillor Burton stated that at the Development Committee she had spoken of Hope for You in Clogher who carried out sterling work in the community supporting people in crisis. She also mentioned a group in Fivemiletown and requested that officers make contact with them.

Councillor Cuthbertson in relation to businesses said he too had dealt with many traders and spoke of the rates relief scheme of which many were excluded such as insurance companies, small garages, reflexologists all falling through the net. Councillor Cuthbertson proposed that Council write to the Minister of Finance requesting that Rates Relief criteria be extended to include those businesses who are excluded such as insurance offices, reflexologists, small garages.

Proposed by Councillor Cuthbertson
Seconded by Councillor Brown and

Resolved That Council write to the Minister of Finance requesting that Rates Relief criteria be extended to include those businesses who are excluded such as insurance offices, reflexologists, small garages

Matters for Decision

C222/20 Receive and Consider Minutes of matters transacted in “Open Business” at the Council Meeting held on Thursday 22 October 2020

Councillor Cuthbertson drew attention to *C200/20 Development Committee Minutes* and the question he had posed in relation to D152/20 Decade of Anniversaries – Commemorations 2021/22. At the meeting no officer had been present to offer a response to his question and to date he had not received same. Councillor Cuthbertson stated that this was regrettable and sent out the message that Council was a cold house for the unionist minority, he said that their views were not taken into consideration and concluded that if Members could not get responses online meetings were not working and Council should consider going back the Burnavon.

The Chair, Councillor Mallaghan stated that the Directors are available at meetings.

The Acting Chief Executive stated that a very detailed report had been presented at the Development Committee on 15 October 2020 following a diligent process between officers and the parties in particular, the recommendations were then ratified at the full Council meeting. He outlined that the Decade of Anniversaries had been put together through various funding streams including Heritage Lottery funding and support funding. He stated that the principles of the events were based on historical facts and outlined the principles that Council have to embrace. He advised that discussion occurred over several months and all of council had opportunity to feed back. He emphasised that the paper was a reflection of the discussion and the resulting wide range of projects that the officer team would roll out. He reminded Members that there would be historical talks, lectures, exhibitions and community support grants would also be available and open for all to apply, criteria would be applied in a fair and equitable way and that it would be remiss of officers to identify any one group at this stage as such inconsistency would cause trouble. He stated that the group Councillor Cuthbertson was speaking of would have opportunity like all others to apply should they wish to do so.

The Acting Chief Executive concluded that the officer team would deliver equally and for clarity stated that the approach was consistent with previous years.

Councillor S McPeake said the statement ‘it is a cold house for unionism’ was somewhat rich just because Council had not jumped to the beck and call of one community group. He said to do so would be a dangerous precedent and emphasised that Council was going down the route of best practice and education, taking all sides into perspective, which is the way it should be. He concluded the

statement was both hypocritical and rich but not surprising and highlighted that notice had been given for an all member workshop scheduled to take place.

Councillor Cuthbertson stated he would not take lectures of being hypocritical from a Sinn Féin member and reiterated that he had stated community feedback should have been included in the report and that it was not for an officer to decide to exclude it as it indicates community feedback means nothing.

The Chair, Councillor Mallaghan said this was rubbish and not the experience of any Member of the Council as all views were taken into consideration and closed discussion stating that the report had been both presented and approved and thus the matter was dealt with.

Councillor Cuddy drew attention to *C208/20 Confidential Business at Policy and Resources committee* and asked if once the decision was made confidential business became public.

The Chair, Councillor Mallaghan said it may be wiser to discuss whatever it was in confidential business.

Proposed by Councillor S McPeake
Seconded by Councillor Brown and

Resolved That the Minutes of the Council held on Thursday 22 October 2020 (C191/20 – 205/20 and C217/20) transacted in Open Business having been printed and circulated, were considered and adopted.

C223/20 Receive and Consider Minutes of matters transacted in Open Business” at the Development Committee (Special) held on Thursday 29 October 2020

Proposed by Councillor Black
Seconded by Councillor Doris and

Resolved That minute D173/20 *All Ireland Health Campaign - Amendment to minute Page 8 final paragraph to read “....were lucky here in Northern Ireland to benefit from that system and although it wasn’t perfect there was a commitment from”*

Proposed by Councillor Kerr
Seconded by Councillor Doris and

Resolved That the Minutes of the Development Committee (Special) held on Thursday 29 October 2020 (D168/20 – D175/20) transacted in Open Business having been printed and circulated, were considered and adopted.

C224/20 Receive and Consider Minutes of matters transacted in “Open Business” Planning Committee Minutes of Meeting held on Tuesday 6 October 2020

Councillor McKinney drew attention to the discussion regarding P101/20 Chair's Business discussion Maghera High School and sought assurance that the Chief Executive would be responding to the letter received from the Department for Infrastructure regarding calling in of an application.

In response the Acting Chief Executive advised that a response would be prepared by the Council Solicitor subsequent to the discussion aforementioned.

Resolved That the Chief Executive respond to letter received from the Department for Infrastructure letter advising that application LA09/3029/0024/0 and LA09/2019/0025/F were being 'called in' and seek clarity as required.

Proposed by Councillor McKinney
Seconded by Councillor D McPeake and

Resolved That the Minutes of Planning Committee held on Tuesday 3 November 2020 (P099/20 – P104/20 and P110 /20) transacted in Open Business having been printed and circulated, subject to the foregoing, were considered and adopted.

C225/20 Receive and Consider Minutes of matters transacted in "Open Business" Policy and Resources Committee Minutes of Meeting held on Thursday 5 November 2020

Proposed by Councillor Gildernew
Seconded by Councillor Quinn and

Resolved That the minutes of Policy and Resources Committee held on Thursday 5 November 2020 (PR177/20 – PR183/20 and PR201/20) transacted in Open Business having been printed and circulated, were considered and adopted.

C226/20 Receive and Consider Minutes of matters transacted in "Open Business" Environment Committee Minutes of Meeting held on Tuesday 10 November 2020

Councillor Wilson drew attention to E241/20 EU Exit and sought clarity as to where the funding arises from. In response the Director of Public Health and Infrastructure advised that it came from London office and was a separate funding stream to that of NI Protocol.

Councillor Doris left the meeting at 8.45 pm

Proposed by Councillor S McGuigan
Seconded by Councillor N McAleer and

Resolved That the Minutes of Environment Committee held on Tuesday 10 November 2020 (E232/20 – E253/20 and E263/20) transacted in Open

Business having been printed and circulated, were considered and adopted.

C227/20 Receive and Consider Minutes of matters transacted in “Open Business” Development Committee Minutes of Meeting held on Thursday 12 November 2020

Councillor S McPeake drew attention to *D170/20 Chair’s Business* regarding the discussion in relation to social housing and proposed that the housing working group meet to respond to the consultation outlined. He stated that the working group had not met since March and it would be apt to reconvene meeting and respond to the consultation on the wider in relation to housing.

Councillor Monteith said he had no difficulty with the housing working group meeting but Independent Members were excluded and had no right to have a say. He emphasised as Elected Members they had as much right for a say in social housing and working groups should reflect all Members.

The Chair, Councillor Mallaghan stated that working groups did not have voting rights and all recommendations made had to come to relevant committee.

The Acting Chief Executive responded that the working group had done sterling work and officers were happy to reconvene meetings and would facilitate both.

Resolved That:

- (i) all Member workshop proceed to prepare consultation response;
- (ii) That the Housing Working Group reconvene meetings

Declaration of Interest

Councillors Kearney, S McPeake and Mallaghan declared an interest in ICBAN

Councillor Kearney drew attention to *D177/20 Economic Development ICBAN* and proposed to invite the Chief Executive of ICBAN Mr Shane Campbell to address full Council.

Proposed by Councillor Kearney
Seconded by Councillor S McPeake and

Resolved That ICBAN be invited to make a presentation to Council.

Proposed by Councillor Doris
Seconded by Councillor McNamee and

Resolved That the Minutes of Development Committee held on Thursday 12 November 2020 (D168/20 – D185/20 and D193/20) transacted in Open

Business having been printed and circulated, were considered and adopted.

C228/20 Requests for Civic Recognition

The Head of Democratic Services sought approval for the previously circulated report on civic recognition requests from Members, in line with the stated Council Policy, as detailed within the report at appendix A.

Councillor Kearney highlighted that he had submitted nominations for Greenlough GAC and Slaughtneil GAC for recognition following their recent County successes and requested that given like Edendork GAC and Dungannon Clarkes GAC there was no progression to Ulster Club Championships that the Chair give consideration for similar recognition.

In response the Chair, Councillor Mallaghan advised he had had the patience to wait until the Derry championships had taken place and that he would include the two aforementioned clubs in the recognition being granted to the Tyrone clubs.

Proposed by Councillor Kerr
Seconded by Councillor D McPeake

Resolved That the Chair of Council consider recognition to Greenlough GAC and Slaughtneil GAC in line with earlier recommendations for Tyrone County winners Dungannon Clarkes and Edendork

That subject to the foregoing approval be given to remaining submitted requests for civic recognition as outlined in the report and be dealt with as previously resolved by April Council in that recipients receive a letter together with an award, where appropriate

C229/20 Conferences, Seminars and Training

Approval was sought for the undernoted for attendance of Councillors and Council Officers as outlined in the report, the payment of attendance fees and associated costs as incurred.

Member Training

Provider/Course	Date & Time	Location	Costs	Attendee Requests
NILGA Local Government Master Class Finance	Thursday 3 rd December 2020, 10.30-2.30pm on zoom	Via zoom	<i>Nil</i>	CLrs S McGuigan, Mallaghan, McFlynn and Kearney

Conferences

Provider/Course	Date & Time	Location	Costs	Attendee Requests
The Northern Ireland Protocol, the Internal Markets Bill and an Australia-style Brexit	Thursday, 3rd December 2020 9.30 am – 1pm	On line	£99 (1 place alternatively more than 1 place £89 plus VAT)	

Proposed by Councillor Doris
Seconded by Councillor McKinney and

Resolved That the attendance of Members, the payment of attendance fees and associated costs as incurred be approved, as required for attendees.

Matters for Information

C230/20 Correspondence

Members noted previously circulated report providing correspondence received for the attention of Council.

C231/20 Consultations Notified to Mid Ulster District Council

Members considered the previously circulated report.

Councillor Cuthbertson drew attention to the *Department of Justice: Draft Modern Slavery Strategy 2021-2022 Consultation* and stated that Council should respond as there had been a number of instances in the district. He also referred to Lord Morrow making history through a Private Members Bill in relation to Human Exploitation.

Councillor Burton reflected on engagement with the PCSP on such matters and highlighted that often issues goes underground because people don't realise what is happening under their noses. She further highlighted that human trafficking around border towns can be a real issue and such matters had also been raised at NILGA.

Proposed by Councillor Cuthbertson
Seconded by Councillor Brown and

Resolved That Council make a response to consultation: *Department of Justice: Draft Modern Slavery Strategy 2021-2022 Consultation*

C232/20 Notice of Motion

Councillor Monteith to move

"Mid Ulster Council calls on the Office of Public Works to carry out the necessary excavation works to recover the remains of Joe Brady, Daniel Curley, Michael Fagan, Thomas Caffrey and Tim Kelly, in what is commonly known as the Invincibles Yard at Kilmainham Gaol. The Council extend their support to the relatives of these men in their efforts to have the remains exhumed from Kilmainham Gaol and reinterred in consecrated ground at Glasnevin Cemetery"

Councillor Monteith stated he was not a great fan of bringing motions and the last one he had moved had been some 15 years ago. He spoke of the plight of the people named in the motion and their families. He outlined his association with them was that he was asked by the mother of Dr Shane Kenna a leading historian and the person responsible in bringing this story into the public domain, as he had worked as a tour guide in Kilmainham Gaol. He told how Shane had delivered many historical talks in Dungannon and had become a personal friend and a friend to the town. He spoke of the contribution Shane had made to history prior to his death at the age of 33. Councillor Monteith said Shane had brought the campaign for a burial for the four men 140 years after their death, how he had worked with families and dedicated much of his life to the campaign. Councillor Monteith advised how the men had been convicted on the word of an informer and how they were entitled to a proper burial. Councillor Monteith shared his desire in continuing Shanes work and felt that it was highly appropriate given the pursuit of Councillors Molloy and Mullen who were endeavouring to have mass graves which were for many years unmarked for example workhouse graves. He concluded that he felt it was right that council should do its best to offer assistance as outlined in the motion.

Councillor Kerr seconded the motion stating that this was an interesting part of Irish history and other councils such as Fermanagh and Omagh had lent their support.

Councillor McNamee said Council should support the relatives and the campaign to have these five men's bodies exhumed and granted a proper burial. He spoke of the great sense of relief spoken when the remains of Kevin Barry had great satisfaction in being in Dublin on the day Kevin Barry and his comrades were re-interred and given the proper ceremonial burial they were entitled to." He fully supported the motion.

Councillor Black said that given these men were buried in a different jurisdiction that this was not relevant to Council and was in conflict of standing order 16.1. He also stated that these men had been involved in a murder and Council should not glorify terrorism which was an attack on democracy. He stated that this course of history had resulted in the death of hundreds over the decades and the men should not be held up as role models. He concluded that the murder of fellow citizens in pursuit of political ideology is wrong and the DUP would not support the motion.

The Chair, Councillor Mallaghan referred to the USA Thanksgiving and thought Members should reflect on the founding fathers of America and view what they done.

Councillor Cuthbertson said that this was glorification of terrorism and that republicans would be better putting their time and effort into the search for the disappeared in Northern Ireland and this was another chapter of republicans

rewriting history. Councillor Cuthbertson proposed that the motion be overruled and rejected.

Councillor Quinn said as a student of history he had found this period of history fascinating and whilst he would not support their actions this instance had a major impact on the history of the country. He outlined that the murder had helped ruin the chances of home rule and that of the Liberals being re-elected but had assisted in Parnell coming to the fore. He said he understood Councillor Black but he felt everyone had the right to be buried and this was not a glorification of terrorism but a human right. I take strong exception to comments from Councillor Cuthbertson and him taking the moral high ground regarding the glorification of terrorism yet he remains silent when banners go up in his DEA in the summer time and I will not take a lecture from him. The SDLP will support the motion as every human being has the right to burial.

Councillor Graham stated that she could see no reason why Mid Ulster Council would have anything to do with the campaign as it had nothing to do with the district and Council should not support murderers. She concluded that people needed to look forward not back.

Councillor Doris stated that to them they were freedom fighters and for relevancy of the motion one of the men had come from county Tyrone and concurred with Councillor Quinn that they deserved a burial.

Councillor Cuddy stated that he had looked up Wikipedia and the men appeared to have represented a small radical group of the Irish Brotherhood who had picked out the two government ministers and killed them with 12 inch knives and said that the wider population had been aghast at the actions of the hideous group. He spoke of how Superintendent John Mallon from Armagh had been involved in the case which had found them guilty. He further outlined that their actions had delayed home rule. He said he understood that the families of the men would want their remains removed and given a proper burial but he did not accept the motion. Councillor Cuddy concluded that if Council continued on the current route it would need a foreign office.

The Chair, Councillor Mallaghan referred to the comment and said a motion had been brought for a passport office which would be a good start. He also thanked him for the respectful remarks made in his response.

Councillor Colvin called for a ruling in line with standing order 16.1 as Council should not be considering the motion.

The Chair, Councillor Mallaghan stated that he had decided to take the motion and there was a local interest to it thus the motion was valid.

Councillor Monteith thanked Members for their contribution and stated whilst everyone would not agree these people were lying in an unmarked grave, in relation to relevance we have all been fit to make linkages to the event which had a major

impact on the elections the following year and said in the words of the late Dan Breen if it had not been for them all there would be no 1916

The Chair, Councillor Mallaghan called for a vote.

For	24
Against	15

The Chair, Councillor Mallaghan declared the motion carried.

Councillor Monteith thanked Members for their support in the debate.

C233/20 Notice of Motion

The Chair, Councillor Mallaghan advised that Councillor Gildernew had lost connection and thus Councillor Corry would move the motion on his behalf.

Councillor Corry moved the undernoted motion stating that

“When I first looked at the area that the current applications PLA 1/16 and PLA 2/16 took in, I was shocked at the sheer size of the area proposed for exploration. It takes in a large section of Mid Ulster, areas of outstanding natural beauty including Lough Neagh, which also makes up 40% of our drinking supply, an area which takes in Seamus Heaney country, all of which we as a council have been promoting as staples to our tourism package. No one wants to visit an area of destruction caused by extraction.

In economic terms economies are shifting their emphasis towards renewable energy sources and redirecting investments towards climate friendly alternatives. All of our nearest neighbours the South, Wales, Scotland and England have a ban or moratorium on fracking as do many other places. We should be looking to the future, leading the way and not be left behind, we can do this by developing and promoting clean, renewable forms of energy. On top of all this and most importantly is the potential damage hydro carbon extraction, fracking and other methods and indeed the initial drilling of exploratory wells will do to the environment, our wildlife and to people’s health. Workers and communities are at risk of being exposed to toxic chemicals, soil and water contamination, all of which can lead to an increase in types of cancer, asthma, neurological problems, skin disorders and risks to pregnancies. I do not think that these are risks people should be forced to take.

The Assembly recently declared a Climate Emergency and indeed the majority of MLAs want to see a Climate Act legislated for in the North, to protect our environment, as do I believe the vast majority of political representatives and the public. We are running out of time to turn things around for our environment on the climate crisis, we must act now. So I would call on my colleagues here tonight to support the motion. Go raibh milé Maith agaibh”

"This Council recognises that we are in a climate emergency, notes that this motion builds on the 2015 Strategic Planning Policy Statement presumption against the exploitation of unconventional hydrocarbon extraction, acknowledges its responsibility to protect public health and the environment, and in light of the Assembly's unanimous motion on 13th October which called for a moratorium and legislative ban on petroleum licensing for all hydrocarbon exploration, drilling and extraction, this Council calls upon the Executive to enact an immediate ban on all such petroleum licensing and agrees to write to the Minister for the Economy requesting that the current applications (PLA1/16 and PLA2/16) for petroleum licences be immediately rejected."

The Chair, Councillor Mallaghan seconded the motion advising that he had met with the campaign group 'Stop the Drill' and referred to a document shared with Members that detailed a map which highlighted that a large part of the area impacted was in Mid Ulster thus it was a concerning development.

Councillor Brown stated that in reading the motion it may have been better discussed on 13 October by the NI Executive and said it was not the place of Council to decide but that of the NI Executive. He highlighted that the motion mentions rejection of the application and this could lead to Council being open to legal challenge. He stated the Department of the Economy has a review on the matter results of which would be in the New Year and the DUP grouping would not support any thing that would damage Mid Ulster or endanger people.

Councillor McKinney said as a Member of the planning committee if Council make a rule tonight how does the planning committee view future applications and where does planning committee members stand with protocol should they receive such an application? He said he would stand to be corrected but felt Members could breach the protocol and cautioned that it was an important issue that Council must be careful and drew on highlighted that there was not facts to back up remarks with regard to pregnancies and cancers. He asked how planning Members stood on the issue.

The Chair, Councillor Mallaghan stated that this was an application for a licence which lies within the remit of the Department of the Economy but that Council could take a view on extraction.

The Acting Chief Executive stated that to speak on the matter he needed Council approval as the debate was within a motion.

Proposed by Councillor McKinney
Seconded by Councillor Black and

Resolved That the Acting chief Executive be granted permission to speak on the matter.

The Acting Chief Executive advised that the matter had been discussed with the Planning Manager and direction had been sought and as the matter was national and strategic Council was entitled to make a view.

Councillor Kerr stated as the motion spoke of climate emergency he would state his opposition to the application in relation to the Lough as such practice proposed would wipe out fishing a vital resource and the livelihood of many in the area. He further stated that the area was classified as scientific interest and the practices the application would permit would destroy the Loughs eco system and impact many across the North. He stated that Council should send a clear message out to such large multinational companies. He endorsed the motion.

Councillor McFlynn said the SDLP would support the motion and referred to both the Sperrins and Lough Neagh and how residents would be impacted and the detriment to the environment if this was permitted to go ahead. She stated that Council should protect all resources for future generations.

Councillor Colvin stated that regarding procedure there were two types of Members those on the planning committee and those not and highlighted that Members must demonstrate an open mind. Councillor Colvin said they did not have all the evidence and said in planning if a Member expressed a view they could not participate in a vote. Councillor Colvin concluded that the UUP Members of planning committee would abstain and requested a recorded vote.

The Chair, Councillor Mallaghan stated that this was in relation to a licence which the Department of the Economy would rule on and emphasised it was not an application.

Councillor Quinn said the a report was brought to Planning on this matter last year, at which time it was discussed and the advice had been the decision would be made by the department. The Chair in response stated that the matter Councillor Quinn had referred to was a separate issue on fracking outside Cookstown and he should perhaps withdraw remarks.

Councillor Quinn said he was happy to withdraw remarks but he recalled the report had been to do with the Lough.

The Acting Chief Executive clarified that the Planning Manager had been of a similar opinion that a previous report had come to the Planning Committee.

Councillor Cuddy said that people were only thinking about their own back yard and should remember that the area has boasts industries such as agri food, stone crushing and that he was proud to have them in the district but if for example the fields along the Ballygawley Road had been left unspoiled for the yanks to admire occasionally that would not be the case. He said as a child the area would have been farms and green space but if you want industry it comes with change. He stated that the district doesn't all have the scenery of the Lough shore but other areas has industry that creates the wealth of which Council boasts. He concluded that UUP Members of the planning committee would abstain.

Councillor Glasgow concurred with Councillor Colvin and expressed serious concerns. He advised that he had completed the NILGA Planning Training Course for Members which highlighted the potential of Planning Committee Members being reprimanded under the code of conduct. He reiterated his concerns and said he would abstain from the vote as each application before planning committee had to be dealt with on its own merit.

In conclusion Councillor Corry reminded the meeting that the industry has a short shelf life that could result in health and climate crisis and that green industry would be preferred.

The Chair, Councillor Mallaghan called for a vote

For	Bell, Clarke, Corry, Doris, Elattar, Hughes, Kearney, Kerr, Mallaghan, N McAleer, S McAleer, McFlynn, B McGuigan, S McGuigan, McNamee, D McPeake, S McPeake, Milne, Molloy, Monteith, Mullen, Oneill, Quinn, Totten
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Against	Ashton, Burton, Cuddy, Forde, Graham, McLean and Wilson
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Abstained	Black
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The Chair, Councillor Mallaghan declared the motion carried.

Councillor Corry thanked Members for their support.

C234/20 Notice of Motion

Councillor N McAleer in moving the motion stated,

“Since the beginning of the COVID 19 pandemic, I have been contacted by a large number of students and parents of students who are concerned with the impact this is having on their lives; as I am sure is the case with all other councillors present this evening. The complaints that are raised most often centre round the detriment faced in terms of both their educational needs and financial position. The resulting uncertainties caused by this has cast a shadow over what should have been a new and exciting chapter in the lives of a great number of young people. With closures in the hospitality and retail sectors there has been a loss of essential incomes, making rents unaffordable for many and placing mounting pressure on parents who may be on a reduced income or themselves lost their income to step in but in the current climate it is not possible. This has left some students in an impossible position where dropping out of their course seems like the only course of action. If a student does opt to defer or leave their course they should not have to face any financial penalties for taking this decision.

It is important that the government intervene to ensure that students in our third level educational facilities are supported for not only the remainder of the pandemic but also into the future. A clear strategy is required to ensure support is in place to combat against financial detriment brought on by the pandemic, support for mental health and wellbeing services and ensuring there is digital access for all students so they do not miss out on any essential learning is required and for that reason I would urge the Council to support the following motion."

"This Council recognises the detrimental impact that the Covid-19 pandemic is having on our local student population and supports the aims of the Students Deserve Better campaign. The Council calls on the Economy Minister to implement a clear strategy to assist students in dealing with issues related to housing and educational costs, provision of mental health services and digital access.

Further to this the Council calls for the Executive to liaise with the Dublin Government, Westminster and other devolved administrations to ensure adequate testing is in place to allow students to travel home safely over the Christmas recess to enjoy time with their families and that those who are unable to travel home are supported.

Councillor Doris seconded the proposal stating that the pandemic had had a huge impact on students, she reflected that university days had been the best of her life and she had struggled balancing study with a job in retail to help support her costs. She concluded that no student should be forced to drop out of university for financial reasons especially due to the pandemic.

Councillor Buchanan said that he wished to propose an amendment to the motion as undernoted:

"This Council recognises the detrimental impact that the Covid-19 pandemic is having on our local student population and supports the aims of the Students Deserve Better Campaign.

This Council calls on the Northern Ireland Executive to work collaboratively and implement a strategy to assist students in dealing with the issues raised in this campaign.

Further to this, Council welcomes progress made towards a united position in relation to regulations over the Christmas period and encourages the UK Government to work with the Irish Government to ensure harmonisation across the UK and Ireland so students can travel home safely to enjoy time with their families and those who are unable to travel home are supported."

Councillor Brown seconded the amendment.

Councillor Quinn said that university had been the best years of his life and he had been vice president of the Student Union. He said often the perception was of students

out partying when in fact many are single parents juggling education, with parenthood and part time work. He highlighted that many had to choose between education and feeding children and that during the pandemic students had been forgotten despite paying enormous tuition fees. He stated that the SDLP would support the motion.

Councillor Monteith commended the motion and concurred that students had been forgotten about, had been forced to pay rent and whilst some landlords were decent others even though publicly subsidised had not been. He also stated that students had been told they had to return to university and landlords together with universities had received rent for halls of residents. He said students have been blamed for many things but for decades had been impoverished with withdrawal of grants, loans, part time work to get through and there were many issues of poverty. He said the pandemic had laid these issues bare for all to see and Council needed to make a commitment to the issues of student poverty.

He spoke of the amendment and said he could sense of a collaborative approach but that the amendment did not name the issues and as such the motion lost impact. He also suggested that as a sentiment of the motion Sarah Lavery be invited to present to a Council committee as soon as possible.

Councillor McLean said that some of the issues noted in the Students Deserve Better Campaign such as internet access is something that also impacts rural communities many represent. He said the possibility of all of this happening in the short term is slim, he also reflected that mental health impacts a large portion of the community at all ages, he stated that whilst some issues could be addressed many were long term aspirations. Councillor McLean referred to a cross party delegation meeting with the Minister in relation to capital spend and when Council had requested funding the comments had been one department could not deliver alone on a wider executive issue and this too was the case. He commended Councillor N McAleer in bringing the motion but stated he felt it was better served through the amendment.

Councillor Corry concurred with Councillor Monteith and stated she was a former deputy President of the Student Union and the issues had indeed been around for a long time and in the last part of the motion if the UK government was to lead it would be lost.

Councillor Colvin stated that Westminster provides the money and even the Taoiseach recognises this. He said he felt the DUP amendment addressed the issues better as student fees were rising and it was unfair he also said that some students did not do their cause any favours by misbehaving. He concluded the UUP would support the amendment.

The Chair, Councillor Mallaghan stated that some of the scenes portrayed on media was but a small portion of the student population.

Councillor Black concurred with Councillors McLean and Colvin and stated the amendment although not naming the issues would serve to address them and that there was a collective responsibility with regard to mental health that could not be delivered by the Department for the Economy alone.

Councillor Cuddy stated that the UUP supported the causes raised but that the DUP amendment was more focused.

Councillor Molloy stated that if you want an email to go nowhere send it to numerous people but if it goes to one person in this instance the Minister for the Economy it was then up to her to get colleagues on board. He said the original motion directs to one department to get effect.

Councillor Quinn suggested that the issues be added to the DUP amendment together with Councillor Monteith's proposal which would allow for a united voice but as this would constitute an amendment he withdrew comments.

Proposed by Councillor Monteith
Seconded by Councillor Kerr and

Resolved That as a sentiment to the motion that representatives of NI Students Union be invited to make a presentation to relevant committee of Council"

The Chair Councillor Mallaghan called for a vote on the amendment proposed by Councillor Buchanan.

For	15
Against	24

The Chair declared the amendment lost.

The Chair, Councillor Mallaghan called for a vote on the motion

For	24
Against	0
Abstained	15

The Chair Councillor Mallaghan declared the motion carried.

Councillor N McAleer thanked Members for supporting the motion and for the broad support for the campaign.

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.

The live broad cast concluded at 10 pm

Proposed by Councillor Brown
Seconded by Councillor Kerr

Resolved That items C235/20 – C244/20 be taken as confidential business.

Matters for Decision

- (i) Council Confidential minutes of meeting held on 22 October 2020
- (ii) Planning Committee Confidential minutes of meeting held on 3 November 2020
- (iii) Policy and Resources Committee Confidential minutes of meeting held on 5 November 2020
- (iv) Environment Committee Confidential minutes of meeting held on 10 November 2020
- (v) Development Committee Confidential minutes of meeting held on 12 November 2020
- (vi) Document for Sealing: Deed of Release between Mid Ulster District Council and Dungannon Enterprise Centre in relation to lands comprised in Land Registry Folios TY14451 and TY8821 County Tyrone
- (vii) Document for Sealing: Deed of Extinguishment relating to lands at Ann Street, Dungannon, between Mid Ulster District Council and Neighbouring Landowners
- (viii) Document for Sealing: Deed of Variation between Department of Agriculture Environment and Rural Affairs and Mid Ulster District Council in respect of the property situate at Davagh Forest
- (ix) Document for Sealing: "Lease with the Church of Ireland of Lands at Maghera Walled Garden and Surroundings"

C245/20 Duration of Meeting

The meeting was called for 7.00 pm and ended at 10.35 pm

Chair _____

Date _____

Minutes of items taken as Confidential Business at the Meeting of Mid Ulster District Council held on Thursday 26 November 2020 in the Council Offices, Circular Road, Dungannon and by virtual means

Matters for Decision

**C235/20 Receive and Consider Minutes of items transacted as
“Confidential Business” at the Council meeting held on Thursday
22 October 2020**

Councillor Cuddy highlighted *C208/20 Policy and Resources Committee PR169/20 Lease Agreement for Davagh Solar Walkway* and stated that in his opinion this would open the flood gates in relation to leases and requested that the issue be placed on the risk register.

Proposed by Councillor Brown
Seconded by Councillor Kerr and

Resolved That the minutes of the Council meeting held on Thursday 22 October 2020 (C206/20 – C189/20) transacted in “Confidential Business”, having been printed and circulated were considered as accurate and adopted.

**C236/20 Receive and Consider Minutes of items transacted as
“Confidential Business” at the Planning Committee meeting held
on Tuesday 3 November 2020**

Proposed by Councillor McKinney
Seconded by Councillor S McPeake and

Resolved That the minutes of the Council meeting held on Tuesday 3 November 2020 (P105/20– P109/20) transacted in “Confidential Business”, having been printed and circulated were considered as accurate and adopted.

**C237/20 Receive and consider minutes of items transacted as
“Confidential Business” at the Policy and Resources Committee
meeting held on Thursday 5 November 2020**

Proposed by Councillor Quinn
Seconded by Councillor Doris

Resolved That the minutes of Policy and Resources Committee held on Thursday 5 November 2020 (PR184/20 – PR200/20) transacted in “Confidential Business”, having been printed and circulated, subject to the foregoing were considered as accurate and adopted.

**C238/20 Receive and consider the minutes of matters transacted in
“Confidential Business” at the Environment Committee held on
Tuesday 10 November 2020**

Proposed by Councillor S McGuigan
Seconded by Councillor Milne and

Resolved That the Minutes of Environment Committee held on Tuesday 10 November 2020 (E254/20 – E262/20) transacted in “Confidential

Business” having been printed and circulated, were considered as accurate and adopted.

**C239/20 Receive and consider the minutes of matters transacted in
“Confidential Business” at the Development Committee held on
Thursday 12 November 2020**

Proposed by Councillor Kerr
Seconded by Councillor McNamee and

Resolved That the Minutes of the Development Committee meeting held on Thursday 12 November 2020 (D186/20 – D192/20) transacted in “Confidential Business”, having been printed and circulated were considered as accurate and adopted.

Documents for Sealing

Declaration of Interest

Councillors Cuddy and Molloy declared a non pecuniary interest in Dungannon Enterprise Centre

C240/20 Document for Sealing: Deed of Release between Mid Ulster District Council and Dungannon Enterprise Centre in relation to lands comprised in Land Registry Folios TY14451 and TY8821 County Tyrone

Proposed by Councillor McNamee
Seconded by Councillor Colvin and

Resolved That the Council Seal be applied to Deed of Release between Mid Ulster District Council and Dungannon Enterprise Centre in relation to lands comprised in Land Registry Folios TY14451 and TY8821 County Tyrone

C241/20 **Document for Sealing:** Deed of Extinguishment relating to lands at Ann Street, Dungannon, between Mid Ulster District Council and Neighbouring Landowners

Proposed by Councillor Quinn
Seconded by Councillor S McGuigan and

Resolved That the Council Seal be applied to Deed of Extinguishment relating to lands at Ann Street, Dungannon, between Mid Ulster District Council and Neighbouring Landowners

C242/20 **Document for Sealing:** Document for Sealing: Deed of Variation between Department of Agriculture Environment and Rural Affairs and Mid Ulster District Council in respect of the property situate at Davagh Forest

Proposed by Councillor S McGuigan
Seconded by Councillor Kerr

Resolved That the Council Seal be applied to Deed of Variation between Department of Agriculture Environment and Rural Affairs and Mid Ulster District Council in respect of the property situate at Davagh Forest

C243/20 Document for Sealing: “Lease with the Church of Ireland of Lands at Maghera Walled Garden and Surroundings”

Proposed by Councillor McFlynn
Seconded by Councillor B McGuigan

Resolved That the Council Seal be applied to “Lease with the Church of Ireland of Lands at Maghera Walled Garden and Surroundings”

C244/20 Sunday Opening

The Director of Public Health and Infrastructure drew attention to previously distributed paper entitled Sunday opening in response to requests received for extended Sunday opening hours. The Director outlined the background to the request and advised that if Members were of a mind temporary relaxations to the current Sunday trading requirements could be offered which would allow for opening times from 10am to 6pm for essential goods only from Sunday 13 December 2020 to Sunday 3 January 2021.

Councillor Colvin said it was amazing that Council was discussing extending opening hours for shops on a Sunday when churches had closed at a time when people needed more prayer than ever. He said this wouldacerbate ongoing issues and that he would be totally opposed to extending Sunday opening hours.

Councillor Black remarked that this was to assist the large retailer yet it was the small retailers that have been hardest hit.

In response the Director of Public Health and Infrastructure referred to the guidance notes that the legislation relates to larger retailers as small retailers are not restricted on Sundays and highlighted exemptions such as pharmacies, farm shops. He also referred to stipulations with regard to the floor size of shops involved.

Councillor Monteith stated that as long as small retailers were not being impacted he would have no issue.

Councillor Cuthbertson stated that earlier in the year there had been discussion with regard to a large retailer and he had been advised that the Department and the NI Executive implement legislation and asked why this was not the case in this instance. He also said that Sunday was a family day, referred to the closure of churches that many employees in large stores only receive the minimum wage and currently there was no restrictions on food purchasing. Councillor Cuthbertson concluded that Council should wait for guidance from the NI Executive.

In response the Director of Public Health and Infrastructure advised that in this instance the NI Executive had left the matter for Councils to determine.

Councillor Mullen stated that on any given Sunday there are queues at large retailers and extending the opening hours would spread the amount of people in shops at a time she advised that social media reports were indicating that people would travel to example Belfast and Newry if local shops were not opened and Members should be mindful to keep money and retain jobs within Mid Ulster.

Councillor S McPeake stated he would propose the extension to offer the wider timeframe for shops to open if it was not impacting on smaller shops and especially if extending the hours reduced queues and made the shopping experience safer.

Councillor McLean expressed dismay and concurred with Councillor Colvin that Sunday was a family day but whilst others may not agree it is the Lord's day and set aside for worship. He stated some may laugh or smile but the proposal is a further desecration of the Lord's days and he would be totally opposed to it.

In response the Chair, Councillor Mallaghan assured that all were respectful of Councillor McLean's comments.

Councillor Robinson concurred with aforementioned comments of Councillors Colvin and McLean and stated that Sunday was the Lord's day and when you looked at the queues in the shops you wondered where exactly the poverty was.

Councillor McNamee concurred with Councillors S McPeake and Mullen that extended shopping hours would make for safer shopping and seconded the proposal.

Councillor Cuddy stated as a shop owner he would abstain from discussion.

Councillor Corry stated that some workers may only have the opportunity to do their shopping on a Sunday.

Councillor Wilson stated the issue of Sunday opening is emotive and reflected how in the legacy Council it had led to friction and highlighted that many large retailers pay single rate on a Sunday, the staff are on zero hours contract and if Council opts to extend opening hours are they leading to further exploitation. He concluded that Sunday was the Lord's day and Council should be mindful of putting pressure on the people involved.

Councillor McKinney stated he was opposed to shops being opened on the Sabbath day. He stated that he was yet to hear of anyone complaining they could not get their shopping and to date people were staying safe. He said people were working all week and whilst he was a believer and did not think shops should be open on a Sunday he also reflected that it may be more beneficial to the overall mental health and wellbeing of families to spend the day together. Councillor McKinney referred back to earlier discussion when poverty had been discussed and how it would be impacting in January yet now Council was discussing opening up shops for longer periods. He stated that Council needed to weigh up its actions and highlighted that all churches are closed to protect people from harm and surely that was Council's goal.

Councillor Doris stated that she had worked in retail for a large part of her life and she was of the opinion that you could sign a form to say you were happy to work on a Sunday or not. She highlighted that her faith was important to her but adults should be permitted to make up their own minds.

Councillor Black thanked the Director for the report and stated that he appreciated all responses but asked if safety for customers was the driving force behind the extending of opening hours during the time frame mentioned.

Councillor Mullen concurred with Councillor Doris' comments.

The Chair, Councillor Mallaghan stated that a wide range of views had been expressed and his own understanding was that it would break down the volume of people in shops and working patterns now meant that Sunday was the only opportunity many had to get things done.

The Chair, Councillor Mallaghan outlined the proposals

Proposal One

Proposed by Councillor Cuthbertson
Seconded by Councillor Colvin

Not to extend Sunday opening hours.

Proposal Two

Proposed by Councillor S McPeake
Seconded by Councillor McNamee

To offer a temporary relaxation of current controls on Sunday opening to enable trading to take place from 10am to 6pm on Sundays from 29 November 2020 to 3 January 2021 subject to NI Executive restrictions.

The Chair, Councillor Mallaghan called for a vote on proposal two.

For	22
Against	12

Resolved Council to offer a temporary relaxation of current controls on Sunday opening to enable trading to take place from 10am to 6pm on Sundays from 29 November 2020 to 3 January 2021 subject to NI Executive restrictions.

Matters for Information

OUT OF COMMITTEE

Resolved That the meeting return to open business

Chair _____

Date _____