

Minutes of Special Meeting of Mid Ulster District Council held on Monday 9 July 2018 in the Council Offices, Circular Road, Dungannon

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| Chair | Councillor McPeake |
| Members Present | Councillors Ashton, Bateson, Buchanan, Burton, Clarke, Cuddy, Cuthbertson, Elattar, Forde, Glasgow, Kearney, McEldowney, McFlynn, McGinley, B McGuigan, S McGuigan, McKinney, McLean, McNamee, Milne, Mulligan, O'Neill, M Quinn, Reid, Robinson, J Shiels, Totten and Wilson |
| Officers in Attendance | Mr Tohill, Chief Executive Mr Cassells, Director of Environment and Property Mr Kelso, Director of Public Health and Infrastructure Ms Keys, Marketing and Communications Officer Ms McNally, Council Solicitor Mr Moffett, Head of Democratic Services Miss Thompson, Democratic Services Officer |
| Others in Attendance | Northern Ireland Housing Executive – Ms Bradley and Mr Dallat |

The meeting commenced at 7.04 pm

SC16/18 Apologies

None.

SC17/18 Chair's Business

None.

SC18/18 Declarations of Interest

None.

Matters for Decision

SC19/18 To discuss the situation regarding Travellers at Ballyronan

The Chair, Councillor McPeake stated he was at the site at Ballyronan on the day the High Court Order was being served and saw that the eviction of Travellers from this site would effect six or seven children and that as Chairman of the Council he could not stand over what was being done. The Chair stated he had called for tonight's special Council meeting as he felt he did not know enough of the background, implications or legal issues surrounding the eviction of Travellers from site at Ballyronan.

The Chair stated that the first available date for meeting was tonight and referred to the good attendance of Members as a level of interest being shown.

Councillor Wilson asked what Council's legal position was in relation to responsibilities for the Travelling Community.

The Chair, Councillor McPeake stated that Members would be advised of Council's legal position through the meeting and called upon the Director of Public Health and Infrastructure to provide background on the matter.

The Director of Public Health and Infrastructure advised that a group of Travelling families have been based in the Northern part of the Mid Ulster Council area in recent years, moving from one site to another. The Director advised that in 2014 Travellers were encamped at Council property at Newferry on the River Bann and that formal action was taken by Council at that time to repossess the land back. Another or same group of families then located to a site at the Creagh Industrial Park which resulted in formal action being taken by the Department for Infrastructure – Roads at the end of 2015. A group of families then moved in to the Council car park at Shore Road, Ballyronan in October/November 2016, and following legal actions by Council the property was repossessed. The carpark was again re-entered by a group of Travelling families in March 2018 resulting in legal actions being taken by Council to gain repossession, a High Court Order was issued on Monday 25 June 2018 for this effect. The Director advised that there was an existing structured Traveller site facility provided in Coalisland, managed by the Northern Ireland Housing Executive (NIHE).

The Director of Public Health and Infrastructure advised that over the past 12-18 months the NI Human Rights Commission undertook a study in relation to Travellers' accommodation and that Mid Ulster District Council was consulted in relation to same. The Director advised that the study subsequently made a number of recommendations with regard to all Public Authorities ensuring they gave consideration to their legal obligations in relation to Travellers and their families.

The Director of Public Health and Infrastructure advised that Council have been liaising with NIHE in relation to Traveller accommodation and from this Council agreed to undertake a scoping study to identify potential sites in the Northern region of the Council District. As a result, five opportunity sites were identified –

- Land adjacent to Creagh Industrial Site
- Runway portion of land adjacent to Creagh Industrial Site
- Picnic area adjacent to Moyola River
- O'Neill Park, Ballymaguigan
- Traad Point, Ballyronan

The Director advised that further consultations took place with NIHE in relation to the potential sites and that NIHE indicated that they would like to explore the potential of site at Traad Point.

The Chair, Councillor McPeake invited Mr Dallat from Northern Ireland Housing Executive to address the meeting.

Councillor Elattar declared an interest as she sat on Northern Ireland Housing Council.

Mr Dallat stated that NIHE are responsible for the provision of Traveller accommodation and to this end were working with Council to seek out potential sites for Travellers within Mid Ulster District. Mr Dallat stated that NIHE have two temporary halting sites, one at Legahory, Craigavon and the other at Daisy Fields, Letterkenny Road.

In terms of looking at potential site at Ballyronan, Mr Dallat stated that this exercise was at an early stage and would involve community consultation in relation to any planning application.

Councillor Bateson stated that there had been a lot of discussion, misinformation and negative comments on social media in the past couple of weeks regarding Travellers at Ballyronan and potential site at Traad. The Councillor stated he had also heard and received positive comments in relation to the matter and stated he had been encouraged by this. Councillor Bateson referred to lack of response from Unionist Members, however he realised that all may not be aware of the situation and was not making a negative comment.

Councillor Bateson stated that a number of marginal groups had been treated badly over the years, none more so than Irish Travellers. The Councillor stated that Sinn Féin have been supportive of progressive development in relation to the Travellers and are not embarrassed to be on the side of the Irish Traveller.

Councillor Bateson stated he was from the Loughshore at Traad and knew the area well, the Councillor stated he was comfortable in the company of people from Traad and equally that of Travellers. Councillor Bateson stated that when the site at Traad was identified as a possibility he could have said that he didn't want it on his patch but stated that any identified sites should be subject to due process and that he would like to think that any other Member would have dealt with the situation similarly.

Councillor Bateson stated he was not in conflict with the people of Traad, that he had been supportive of Traad in the past and that he would take his part in the blame that Traad had not reached its full potential. The Councillor stated that he hoped the ongoing discussion in relation to Traad reawakened the potential for further development.

Councillor Bateson stated that the current situation needed to be addressed and that Traad should remain on the table as a potential site going forward.

Councillor Elattar proposed that a cross party meeting be held with Council Officers and NIHE to visit potential sites and assess their feasibility.

The Chair, Councillor McPeake stated that the purpose of tonight's meeting was to come to a solution in the interim and that what Councillor Elattar had suggested was a possibility.

Councillor Kearney stated he would like a timeline of events which had led to tonight's meeting and asked whether the High Court Order had been enforced.

The Director of Public Health and Infrastructure advised that Council had secured a High Court Order on Monday 25 June and that this Order had been served but that the Travellers still remained on site.

Councillor McLean stated that since the notice of tonight's meeting had been issued the DUP MLA for Mid Ulster along with himself and other Members had been inundated with calls in relation to situation at Ballyronan. The Councillor stated that callers concerns related to unsanitary conditions at the site, dumping of rubbish, scantily dressed women, and vehicles using the walkways as roads. Councillor McLean asked if NIHE and Council had received any complaints in relation to the state of the site or what observations had been made.

Councillor McLean stated that whilst no one wanted to see Travellers without proper accommodation they had come onto the site at Ballyronan illegally, the Councillor apologised that he had been unable to visit the site and see the situation for himself but that the picture that was being painted was based on the comments of several callers. Councillor McLean stated that if this was the behaviour of Travellers in the area they were not doing much to bring the wider community on side.

The Chair, Councillor McPeake stated that when he had visited the site last week it had been clean and tidy. The Chair asked if any receptacles had been given by Council for rubbish.

Councillor McLean questioned whether Council should be encouraging those breaking the law by providing bins.

The Chair, Councillor McPeake stated that he had observed a number of forty gallon drums filled with rubbish at the site.

Councillor McLean referred to previous eviction carried out under legacy Council following which it took Council staff two days to get the site clean and tidy again. The Councillor stated that if Members were being asked to make a decision then they needed to know the facts and that the Council Officer had not been able to confirm if this was the same or a different family who had been moved from other sites. Councillor McLean stated that the views of the community also needed to be taken on board.

The Director of Public Health and Infrastructure stated that it was inevitable that if there was an unauthorised encampment without proper facilities there would be dumping and public health concerns. The Director advised that Council had received public health complaints and that the conditions raised by Councillor McLean would be present on site at Ballyronan.

Councillor Wilson stated he was unaware of situation at Ballyronan and would like to hear a timeline of events which had led to tonight's meeting. The Councillor also asked what previous meetings had taken place and who was invited to these meetings. Councillor Wilson stated that he had no difficulty with the report of the Human Rights Commission but felt that Council were not answerable to the Human Rights Commission.

The Chair, Councillor McPeake stated that Council would be answerable to Human Rights Commission.

Councillor Wilson stated that Council can take on board the comments of the Human Rights Commission but that Council is ultimately answerable to the Audit Office.

The Council Solicitor stated that the Human Rights Commission can make recommendations and take action if it feels their recommendations are not being carried through.

Councillor M Quinn asked when the High Court Order had been served, if Council was the body responsible for Traveller holding sites and if the Travellers at Ballyronan had been advised/offered site at the NIHE temporary halting sites.

The Director of Public Health and Infrastructure advised that Council has assisted NIHE with their statutory responsibility of making Traveller accommodation sites available by identifying potential sites. The Director stated that Council has followed due process in obtaining a High Court Order which was issued on 25 June and that the Travellers were clearly aware of this process and what they needed to do.

Councillor McFlynn referred to earlier comment by Councillor Bateson in relation to positive comments and stated that she had received nothing only negative comments and that the people of Traad had asked her to speak on their behalf. The Councillor stated that she had visited the site at Ballyronan and that there was an illegal encampment to which Council had served a High Court Order. Councillor McFlynn referred to an online petition against the use of Traad as a potential site and that this petition had received 850 signatures since Friday. The Councillor advised that the matter first arose at the Environment Committee in April and was discussed again in May, she advised that there had been no further discussion at that Committee since then. Councillor McFlynn stated that the situation had moved quickly and that she would like to know what Council's responsibility was as she believed provision of Traveller accommodation was within the remit of NIHE.

The Chair, Councillor McPeake stated that in terms of process, a working group had been set up in relation to Travellers, this working group had only met 2-3 times and that all Members had been invited to these meetings. Through the working group potential sites were identified and brought forward. The Chair stated that the site at Traad was the only one that met the size requirement of 2 acres and that there was merit in widening the scope of identifying further sites in the District. The Chair stated that it was the responsibility of NIHE to provide accommodation for Travellers but that Council had played its part in helping to identify potential sites.

Councillor McFlynn asked if the family at Ballyronan had been offered accommodation at another site.

Mr Dallat advised of the two emergency halting sites at Legahory, Craigavon and Daisy Field, Letterkenny Road but stated that neither of these sites may be where the family wanted to go. Mr Dallat stated there was provision for 8 spaces at Legahory and 12 spaces at Daisy Field.

Councillor Cuddy asked what Members sat on the working group.

The Director of Public Health and Infrastructure stated that there had been two meetings of the group and that all Members were invited to the first meeting, the Director apologised if all Members had not been invited to the second meeting of the group. The Director stated that the scoping study when completed had been brought to the Environment Committee.

Councillor Ashton asked why Members had not received any briefing papers before tonight's meeting.

The Director of Public Health and Infrastructure advised that the special meeting had been called at short notice and that papers had been previously considered at the May meeting of the Environment Committee. The Director advised there was nothing to add to those papers circulated apart from providing the legal update.

Councillor Reid stated he had received an email in relation to situation at Ballyronan from a member of the public and that the same email had been forwarded by a Council Officer to all Councillors. Councillor Reid stated that as he was Chair of the Environment Committee in which the subject of Travellers had previously been discussed he was disappointed that no other Council Officers had contacted him in relation to the matter. The Councillor felt that the situation at Ballyronan had been mishandled and asked what it had cost Council to seek the High Court Order.

The Chair, Councillor McPeake stated that the notice of tonight's meeting was in relation to the situation at Ballyronan and looking at an interim solution. The Chair stated that the situation has been ongoing for 2 ½ years and that he felt further discussion was needed but not to rehearse what had happened at the working group. The Chair stated that Councillor Elattar had made an earlier proposal to bring Members, officers and NIHE together to assess sites for their feasibility.

Councillor McGinley stated there was a need for cross party solutions, he felt that the proposal put forward by Councillor Elattar was good but that it was not a Sinn Féin lobby but rather a moral approach which should be taken. Councillor McGinley stated that the working group was not solely made up from Sinn Féin membership and that he was aware of other Members who had attended the working group meetings.

Councillor M Quinn referred to the two emergency halting sites already in place and questioned why further provision needed to be made and if it was a case that the family wanted to stay within the area.

Councillor Cuddy proposed that Council follow through with the High Court Order to move Travellers from site at Ballyronan.

Councillor J Shiels stated that there was prejudice towards Travellers but that Council had a responsibility to uphold the law and seconded Councillor Cuddy's proposal.

Councillor McFlynn asked how Council sits legally if it decides to have an interim site for Travellers.

Councillor McLean asked if Council had the authority to go against a High Court Order.

Councillor McPeake stated that the meeting needed to move into confidential business in order to get legal advice.

Councillor Wilson proposed that the meeting continued in open business.

Councillor McLean seconded Councillor Wilson's proposal.

Councillor Glasgow asked who the working group answered to as he had not seen minutes of what had been discussed at those meetings. The Councillor asked if the minutes of the working group meetings were available.

The Chair, Councillor McPeake stated that minutes were all available.

The Council Solicitor stated that it would be prudent for the meeting to go into confidential business as there were a number of legalities which could be explored and advised upon better in closed session.

Members voted on Councillor Wilson's proposal to continue the meeting in open business –

For - 17

Against – 12

Councillor McGinley seconded the Chair, Councillor McPeake's proposal based on the advice of the Council Solicitor and queried if Council could take a decision that was not scheduled on the agenda.

The Chief Executive advised that there was a risk in taking a decision that was not on the agenda however officers were in the hands of Members as to how to proceed. He added that the risk would be greater if the decision was the opposite of that proposed. The Chief Executive added that these were special circumstances which Council had never faced before as the families had always moved on when legal proceedings had progressed to this stage.

Councillor McGinley proposed that the meeting adjourn for 10 minutes based on the advice offered by the Chief Executive.

Councillor S McGuigan seconded Councillor McGinley's proposal.

Councillor Glasgow stated that he could not find the minutes of the working group and asked if these could be made available during the adjournment.

Councillor Reid stated he would also like the cost of obtaining the High Court Order to be made available during the adjournment.

The meeting adjourned at 8.11 pm and recommenced at 8.21 pm.

The Chair, Councillor McPeake asked if there were any counter proposals to Councillor Cuddy's proposal.

No other counter proposal was put forward.

Resolved That Council proceed with the High Court Order to move Travellers from site at Ballyronan.

The Chair, Councillor McPeake referred to Councillor Elattar's proposal and asked if NIHE would be available to take part in meeting with Council Members and Officers.

Mr Dallat stated that NIHE would be available to meet with Council to further explore the provision of Traveller accommodation in Mid Ulster. Mr Dallat also stated that if Council had any hard core areas in their ownership in the District that NIHE could provide portaloos and water facilities at such sites as an interim measure.

Councillor Elattar stated that she would like what she had proposed to happen as soon as possible.

Councillor Bateson asked if NIHE would be agreeable to the scoping study being widened.

Mr Dallat stated the would be certain the Place Shaping Team would be willing to widen the scope of study.

Councillor Clarke stated that the vast majority of land is in private ownership.

Mr Dallat stated that public lands needed to be investigated in the first instance before seeking private land opportunities.

Councillor McGinley stated that whilst NIHE has the statutory responsibility in relation to Traveller accommodation Council has a moral responsibility to the people. He stated that Council needed to be innovative in how it dealt with Traveller accommodation and that this needed to be done quickly.

The Chair, Councillor McPeake stated that a meeting be convened as quickly as possible to discuss interim and permanent Traveller accommodation provision.

Councillor McFlynn suggested that the scoping exercise needed to be widened out to the whole of Mid Ulster area.

Councillor McGinley stated that due process needed to be followed in relation to achieving a permanent site but that Council needed to move quickly in the interim. Councillor McGinley seconded Councillor Elattar's proposal.

Resolved That a meeting between Council Members, Officers and NIHE be convened at the earliest opportunity to discuss interim and permanent Traveller accommodation provision and visit sites as required.

In response to Councillor McLean's comment the Chair, Councillor McPeake stated that there had been no opposition to Councillor Cuddy's proposal.

Councillor McLean referred to the term 'legal process' and asked where this had come from.

The Chief Executive stated that a senior Council Officer working under delegated authority had secured the High Court Order.

Councillor McLean asked who stopped the legal proceedings, the Councillor stated he understood that the Police had went to serve the Order and had not been allowed to do it.

The Chief Executive advised that the legal proceedings had not been stopped.

Councillor McLean stated that he would like some clarity as he understood the Police had been hindered in serving the High Court Order.

The Chair, Councillor McPeake stated he felt Councillor McLean was wrong in his understanding.

Councillor McLean stated he was happy to be proved wrong but that Members needed to know the facts.

The Chair, Councillor McPeake stated that clarification in relation to serving of the High Court Order would be provided at meeting with officers and NIHE.

Councillor Glasgow referred to his request for the minutes of the working group and stated that he would like these circulated.

The Chair, Councillor McPeake stated that working group was a wrong title that it was more of a task and finish group and that all Members had been invited to the first meeting of this group.

Councillor Glasgow stated he would just like to see an account of the meetings.

Councillor Kearney stated that there was a lot of public interest in this matter and referred to the letter submitted to Council from a Member of the public. The Councillor stated that this letter contained a lot of questions and it would be helpful if this was responded to in order to get the trust of the community.

Councillor Reid referred to his earlier request to know the cost of obtaining the High Court Order, the Councillor stated that rate payers were entitled to know the cost of obtaining the Order and this information should be made available in open business. The Councillor also referred to meeting between Council and NIHE and stated that the residents of the Traad area also needed to be contacted in relation to the suitability of potential site at Traad. Councillor Reid stated that the issue of Traveller accommodation needed to be handled correctly going forward as he felt that the situation before Members tonight had been handled badly.

The Chief Executive advised that the cost of obtaining the High Court Order was not available at this stage but that the cost was necessary in order to secure vacant repossession of the site. Information on costs would be provided in due course.

Councillor Reid stated that there were still a few grey areas which needed to be addressed and referred to the need to put the legal process to the vote tonight.

Councillor McGinley clarified that the proposal was not put to a vote tonight.

Councillor M Quinn referred to meeting which had been agreed to be organised between Council and NIHE and asked if what comes out of that meeting will need to be brought back to another Special meeting of Council.

The Chair, Councillor McPeake stated that a further meeting may be required.

The Chair went on to thank those for attending the meeting, that he felt it had been useful in bringing Members up to speed on the situation at Ballyronan.

SC20/18 Duration of Meeting

The meeting was called for 7pm and ended at 8.40 pm.

CHAIR _____

DATE _____