

Minutes of Special Meeting of Mid Ulster District Council held on Thursday 22 April 2021 in the Council Offices, Circular Road, Dungannon and by virtual means

Members Present: Councillor Mallaghan (Chair)

Councillors Ashton, Bell, Black*, Brown*, Buchanan*, Burton*, Clarke*, Colvin*, Corey*, 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, Chief Executive
Ms Mezza, Head of Communications
Mr Moffett, Head of Democratic Services
Mrs Forde, Member Support Officer

* Denotes Members present in remote attendance

** Denotes Officers present by remote means

The meeting commenced at 6pm

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.

SC010/21 Apologies

None

SC011/21 Declarations of Interest

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

SC012/21 Chair's Business

None

Matters for Decision

SC013/21 To discuss flying the Union flag at half-mast as a mark of respect to the late HRH Prince Philip, Duke of Edinburgh

The Chair, Councillor Mallaghan referenced condolences expressed by Michelle O'Neill, deputy First Minister on the death of Prince Philip and added condolences on behalf of both himself and the Sinn Féin party Council grouping. He extended thanks to fellow Councillor S McPeake for his comments at Planning Committee, which was the first meeting following the sad news. He reflected that the loss of a loved one is a very difficult time whether you lived a privileged lifestyle or you are an ordinary person the sense of grief is no different.

The Chair, Councillor Mallaghan stated that many across the district will have felt the loss of Prince Philip more profound than others and as Chair, he extended condolences to those who hold the British Royal family in high regard. He referred to comments of the deputy First Minister who had said that the British Royal family like many others had a direct link to the conflict here, and became a symbol of reconciliation and helped to build the peace we enjoy today. He also stated that as an Irish Republican it was not lost on him the significance of Queen Elizabeth and Prince Philip visiting the Garden of Remembrance in Dublin and respectfully laying a wreath in memory of all those who gave their lives to Irish Freedom and again in her State speech on the same visit in Irish. The Chair recalled that the visit was one of with huge gestures going a long way to improving relationships across these islands.

The Chair, Councillor Mallaghan explained that on the afternoon of Prince Philip's death he had been attending a training course but on hearing the news contacted the Deputy Chair and asked her to take the lead in arranging condolences as he would not be available to later in the evening. He advised that a virtual Book of Condolence had been opened and a statement issued by the Deputy Chair, Councillor Graham on behalf of the Council. The Chair thanked the Deputy Chair for taking on this responsibility in his absence and said it was his understanding that Mid Ulster was the quickest Council to respond to the passing of Prince Philip.

Drawing attention to the purpose of the meeting calling upon respect the Chair, Councillor Mallaghan drew attention to the lack of respect shown to democracy in the utterances from the DUP within the local press. He said that the desire to run roughshod over democratic decision making of the locally elected Council did not portray respect to its citizens. Speaking of the council's flag policy, he reminded Members it was first introduced in the Cookstown legacy council in 1997 and was then adopted by Mid Ulster following which it was subject to a 'Call In', discussed again in March 2015 at which time the Chief Executive obtained legal advice from a Barrister which concluded the democratic decision of this Council was sound. The Chair spoke of Councillor McLean's comments in the press over the past week which had said that he as Chair or Sinn Féin group leader could have made the decision to fly the flag at half-mast. The Chair stated that was not democracy and go against what the Mid Ulster electorate voted for. He also stated it would show no respect for the democratic mandate of the SDLP nor the Independent Members of Council. The Chair commented that he was not sure if the suggestion had come through lack of knowledge on how the council works or whether they were to deflect from the catalogue of mistakes over the past five years, reflected in somewhat poor poll results.

Referring to respect the Chair, Councillor Mallaghan spoke of the regular attacks from Unionism in the Chamber against Irish language, being reflected on the streets

with vandalism to Council signage. He also referred to the graffiti at Council buildings which was a result of the subject of the meeting. The Chair stated that when Council engage with the public from all sides of the community the results are positive, people feel supported and have great admiration for officers who deliver excellent service for everyone. He also referred to positive comments he received following a recent district electoral area meeting and those that he receives regularly in his role as Chair.

The Chair highlighted that the image that Unionism portrays is that Mid Ulster is a 'cold house' but this is not the image reflected in real-life, as there is equal access to services at every level of the organisation. He said that there was no evidence to show that any community is discriminated against, and the council position of flag flying ensures that.

The Chair concluded by saying the meeting indicated to him that the DUP was desperate to deflect the issue, demonstrated by the fact that the request for the meeting came in six days after the passing of Prince Philip. He finished by remarking that the British Royal family showed considerably more respect to Irish people and had done more to bring about reconciliation than the DUP.

Councillor McLean stating that he would not divulge in 'tit for tat' as it was not respectful said he was saddened that the meeting which he had requested on the 14th April was required. He explained its purpose was to give the Council an opportunity to explain in public why its Chairperson could neither light up a building or raise a Union Flag to half-mast to mark the passing of the Duke of Edinburgh which in his opinion came down to a lack respect. He said, like many others living in the district he had been disappointed and appalled at the disrespect shown during the period of National Mourning.

Councillor McLean said he did not always get everything right and big enough to admit it, but Sinn Fein and others within the Council should take this opportunity to stand up and acknowledge they had got it wrong on this occasion and apologise. He said that Unionists were in the minority but all they had requested was a tangible expression of respect and sympathy to Her Majesty and the wider Royal Family by flying the Union Flag at half-mast. Stating that council officers are bound by policy Councillor McLean stated that on some occasions policy had been set aside as *"if there is a will there is a way"* but Sinn Fein chose, on this occasion, not to be willing. He reflected that although Unionists only made up 15 of the 40 members they had a right to be heard and along with the people they represent deserve an explanation as to why the Queen's husband, the Duke of Edinburgh, a ninety-nine-year-old gentleman, who had been a constant throughout their lives could not be afforded the flag being flown at half-mast for eight days, or even a building to be lit.

Councillor McLean reflected on the actions of the Sinn Fein Speaker in the Northern Ireland Assembly who had the union flag flown at half-mast on Parliament Buildings, but here in deputy First Minister's constituency another Sinn Fein Councillor refused such a mark of respect. He listed the actions of other Councils; Fermanagh and Omagh lit up their buildings; Newry, Mourne and Down, with an SDLP Mayor, opened a book of condolence and lit up their buildings for two nights; Armagh, Banbridge and Craigavon, with a Sinn Fein Mayor, flew the Union Flag at half-mast;

Belfast City Council flew the Union Flag at half-mast; Ards and North Down flew the Union Flag at half-mast; Mid and East Antrim flew the Union Flag at half-mast; Derry & Strabane District – a minute's silence at the first meeting following the death and opened a book of condolence; Causeway Coast and Glens flew the Union Flag at half-mast; Antrim and Newtownabbey flew the Union Flag at half-mast; Lisburn and Castlereagh flew the Union Flag at half-mast. Yet within Mid Ulster District Council all that was managed was a virtual Book of Condolence, which he had struggled to find on the website.

Councillor McLean put on record appreciation to the Council Deputy Chair for opening the online Book of Condolence" in the absence of the Chair. Councillor McLean advised that the DUP like other unionist parties, received hundreds of calls from ratepayers asking how their Council was going to mark the passing of the Duke of Edinburgh and sadly, time and again, they had to explain the tolerance for anything British within the Council was so limited that the other twenty-five Councillors could not allow one Union Flag to be flown at half-mast for even one day or even a building to be lit for one night.

In conclusion, Councillor McLean said whilst it was too little too late he proposed that Council apologises to the people of Mid Ulster and in so doing write to the Royal Family apologising for their disrespectful behaviour in not flying the Union Flag at half-mast and offer Her Majesty and her family our deepest sympathy on behalf of the whole of Mid Ulster.

Councillor Cuthbertson said it was with great sadness that he had learnt of the passing of His Royal Highness, Prince Philip, Duke of Edinburgh and that his death had caused enormous sadness across Mid Ulster, Northern Ireland, the entire Nation, Commonwealth and right around the world. Speaking of Prince Philip he stated he had been a remarkable man who had dedicated his life to service, serving the Commonwealth, firstly as a Naval Officer during the second World War and then as Royal Consort to Her Majesty Queen Elizabeth II. The Councillor stated that his thoughts and prayers continued to be with Her Majesty, who herself had turned 95 on Wednesday, at this immeasurable time of grief.

Councillor Cuthbertson said the Council's decision not to fly the Union Flag at half-mast during the period of national mourning was disgusting. He said it had put a dark cloud over the council, had harmed its reputation and completely shattered any confidence that the Unionist community had left in Council. He told how he had been inundated with calls and messages from constituents, both protestant and catholic, and constituents of all nationalities and how those from the foreign national community could not believe Councils failure to act. Councillor Cuthbertson said that Sinn Féin often preach about equality and respect but in Mid Ulster they did not know the meaning of the words as once republicans attained a majority in an area it is quickly forgotten. He remarked on how many ratepayers were being told that the Council had a no flags policy and requested that officers present it to the meeting. He reminded the meeting that there was divisive policies on many issues a copy of which is presented, for example Dual Language Signage to Environment Committee each month. He said many policies had been developed through council and assessments had been made on same but this was not the case in relation to flags. He stated that in relation to flags that when setting up Mid Ulster to get things moving

and change the Dungannon legacy policy of flying flags on designated days a decision had been made by a motion and vote in the Chamber which was somewhat different from an adopted policy document. Councillor Cuthbertson reiterated his request that the policy be presented to the meeting and concluded by seconding Councillor McLean's proposal.

In response, the Chair Councillor Mallaghan stated that as one of the signatories to the 'call-in' Councillor Cuthbertson would be aware that the decision on flags had been assessed legally and the decision brought to Council.

Councillor Cuthbertson responded that this had been a recommendation not a policy.

Councillor Wilson on behalf of the UUP said that following the death of HRH Prince Philip, Duke of Edinburgh there was a wave of sympathy and sadness across the nation and Mid Ulster was no different. He spoke of how the Duke had set up the Duke of Edinburgh Awards scheme and the thousands of young people who had participated in the scheme many of whom were from Mid Ulster. He further reflected on the messages of condolence from across Sinn Féin and even the apology from the party leader regarding the murder of Lord Mountbatten. Councillor Wilson said that he understood a decision had been taken by Council regarding flags but it could have been set aside for such exceptional circumstances and the fact that the party leaders had not even been consulted showed a further lack of respect. He extended his thanks to the Deputy Chair for opening a virtual book of condolence.

Councillor Wilson highlighted that Sinn Féin had broken every COVID restriction rule at a funeral for a terrorist at which over 2,000 people had been present and at other funerals. He remarked upon the Duke of Edinburgh's funeral whereby restrictions had been fully adhered to. He said that the Sinn Féin promise to do great things to accommodate British identity in a United Ireland and spoke of the Belfast Agreement point 2 and 3, that a legacy of suffering could best be honoured through a fresh start and the commitment to work in partnership with equality and mutual respect between Northern Ireland and the South. He said that 23 years on unionists receive no respect or equality in Mid Ulster and whilst they may be in the minority they are nonetheless a sizeable proportion of the population. Councillor Wilson concluded that Unionists will have to be forgiven for feeling they have no place in a new Ireland and the failure to honour the Duke of Edinburgh would not easily be forgotten.

Councillor Kearney speaking on behalf of the SDLP extended condolences to the Queen and her family on the recent death of the Duke of Edinburgh. He highlighted that the death of someone so special to them was even more difficult given the current COVID 19 restrictions. He reflected that everyone present had at some time lost someone who they have respected and cherished and therefore could understand how difficult a time it was for many people and stressed the importance of respecting how others might feel. Councillor Kearney spoke of the importance of healing divisions of the past. In closing, he paid tribute to the Duke of Edinburgh stating that in particular he had admired him for his love of the environment and the awards scheme concluding may he rest in peace.

Councillor S McPeake stated that many within the district understood why Council had introduced the policy of not flying flags yet now some said there is no policy. He

stated that the meeting had heard of the immediate steps taken by the Chair on hearing of the death of the Duke of Edinburgh and how he had reflected on his passing at the Planning Committee the first meeting since the Duke's passing. He said that from what he could see of the situation is that the DUP wished to use the non-flying of the flag as a diversionary tactic to distract from the real issue which was Brexit that they had thrust on people with the support of their Tories. He also spoke of their endeavour for a hard Brexit, very much against the wishes of many people, including those in business and agriculture. Councillor S McPeake highlighted some of the mixed messages communicated by the DUP for example its opposition to Protocol then their Leader speaking of the great gateway of opportunity, to be followed by them being 'thrown off the bus' by Boris Johnson. He reflected that instead of creating tensions within the population, bringing unwanted hysteria, Unionists needed to work through the issues and this was really the elephant in the room. He concluded by saying that the UUP had fallen into the trap of supporting the DUP and calm leadership was needed with less political stunts.

Councillor Kerr said he could appreciate the loss of anyone and the grief of their family but as an Irish Republican he was opposed to what the Duke of Edinburgh stood for. He said that many people had lost their lives due to the British state and to fly the flag would have been an insult to them. Councillor Kerr referred to how the monarchy had to be financed and said the monarchy was an outdated system which gave power and privilege and believed everyone born should have equal status. He spoke of other international events in recent months for example the assassination of the President of Chad and said if a flag had been flown for the Duke of Edinburgh should it not be flown to mark other international events.

Councillor Ashton extended sympathy to Her Majesty and the Royal family. She spoke of her disappointment at the response from Sinn Féin members and stated that Unionists wished to air their views and the meeting was not an effort to deflect from Brexit. Councillor Ashton said that she did not think Sinn Féin understood the anger particularly in the Unionist community and is why the DUP exercised their right to ask for a special meeting. Highlighting that Members had received calls regarding the non-flying of the union flag and that the Council offices could not cope with the volume of complaints received she concluded that in speaking of respect, Sinn Féin needed to acknowledge the feelings of the Unionist community.

Councillor Quinn added his condolences stating that no one could have watched the Queen and not been moved. He referred to the thousands of families who had gone through similar circumstances and spoke of the SDLP losses during lockdown by the deaths of former Councillor Jim Cavanagh and former SDLP Leader John Hume. Councillor Quinn said he was disappointed in the Unionist reaction to the policy which was in place to protect staff and ensure people could work and visit neutral venues. He referred to the attacks on the council offices due to the situation being used to rile people up and reflected that only two weeks ago petrol bombs had been thrown on the streets in reaction to the Protocol. Councillor Quinn reminded the meeting of the words of the late John Hume who said 'you can't eat a flag' and said that Council should be discussing real issues such as people starving and facing homelessness. In conclusion, he said he was disgusted at the reaction and violence of recent days.

Councillor Monteith concurred with Councillor Quinn and extended solidarity to staff who worked in buildings that had been attacked and vandalised. He said as a responsible employer Council needed to acknowledge staff have to implement decisions and in doing so many went to work extremely fearful and frightened for their own wellbeing and that of their families. He concurred with Councillor Kerr's sentiments and acknowledged the grief of the family but as a Republican he opposed inherited power and privilege but could understand the Royal family had a special place in the hearts of some. He said Council had been right to adhere to its policy not to fly flags and said as an Irish Republican he could not acknowledge the monarchy in any form.

The Chair, Councillor Mallaghan said it was unfortunate that throughout the debate not one Unionist had condemned the vandalism. He said Unionists had never been silenced but on occasions had lost the vote on proposals but this was democracy. He spoke of complaints received by Council and made reference to a caller requesting that the call handler confirm their name and where they came from. He concluded by saying that flags are designed to mark out territory and that the policy ensured Council was neutral and open to everyone.

The Chair, Councillor Mallaghan put the proposal to the vote.

For	15
Against	25

The Chair, Councillor Mallaghan stated that the proposal had fallen.

Councillor Cuthbertson referred to his call to see the policy in relation to flags and emblems.

SC014/21 Duration of Meeting

The meeting was called for 6.00 pm and ended at 6.50 pm

Chair _____

Date _____

Annex A - Introductory Remarks from Chairperson

Good evening and welcome to our meeting of Mid Ulster District Council in the Chamber, Dungannon whether you have joined us remotely or in the Chamber.

I specifically welcome the public watching us through the Live Broadcast. The Live Broadcast will run for the period of our Open Business but will end just before we move into Confidential Business. I let you know before this happens.

Just some housekeeping before we commence. Can I remind you:-

- If you have joined the meeting remotely please keep your audio on mute unless invited to speak and then turn it off when finished speaking
- Keep your video on at all times, unless you have bandwidth or internet connection issues, where you are advised to try turning your video off
- If you wish to speak please raise your hand in the meeting or on screen and keep raised until observed by an Officer or myself
- Should we need to take a vote this evening I will ask each member to confirm whether they are for or against the proposal or abstaining
- When invited to speak please introduce yourself by name to the meeting
- For any member attending remotely, if you declare an interest in an item, please turn off your video and keep your audio on mute for the duration of the item
- If referring to a specific report please reference the report, page or slide being referred to
- Lastly, I remind the public and press that taking photographs of proceedings or using any means to enable anyone not present to see or hear proceedings, or making a simultaneous oral report of the proceedings are not permitted

Thank you and we will now move to the first item on the agenda – apologies and then a roll call of members in attendance.