

## **Minutes of Meeting of Mid Ulster District Council held on Thursday 26 March 2015 in the Council Offices, Circular Road, Dungannon**

**Members Present:** Councillor Mallaghan, Chair (Presiding Councillor)

Councillors Ashton, Bateson, Bell, Buchanan, Burton, Clarke, Cuddy, Cuthbertson, Dillon, Elattar, Forde, Gildernew, Gillespie, Glasgow, Kearney, McEldowney, McFlynn, McGinley, B McGuigan, S McGuigan, McKinney, McLean, McNamee, McPeake, Molloy, Monteith, Mullen, Mulligan, C O'Neill, J O'Neill, M Quinn, T Quinn, Reid, Robinson, G Shiels, J Shiels, Totten and Wilson

**Officers in Attendance:** Mr A Tohill, Chief Executive  
Mrs Canavan, Lead HR Officer  
Mrs Campbell, Director of Policy and Development (MDC)  
Mr Cassells, Director of Technical Services and Leisure Services (MDC)  
Mr Kelso, Director of Environment Health and Building Control (CDC)  
Mrs Kerr, Director of Finance (D&STBC)  
Mr McCreesh, Acting Chief Executive (CDC)  
Mrs Mezza, Head of Marketing Communications  
Mr Moffett, Change Management Officer  
Mr O'Hagan, Head of ICT  
Mr JJ Tohill, Lead Finance Officer  
Mrs Smith, Council Business Manager (D&STBC)

The meeting commenced at 7 pm.

### **C41/15 Chair's Comments**

The Chair, Councillor Mallaghan stated that this was the last meeting of the Mid Ulster Shadow Council and this week would see the winding up the legacy councils which would see the end of over four decades of local government as we have known it. He wished outgoing councillor well for the future.

The Chair spoke of his 10 months in office, the visits to Government Ministers to lobby on behalf of Mid Ulster, the number who attended the community planning consultations, consultation visits to schools and events attended. The chair expressed disappointment in relation to the decision regarding the Desertcreat Community Safety College and stated that if the Council was in agreement would write again to the First and Deputy First Ministers.

The Chair thanked the Chief Executive and his team for their work in making things happen, leaving members of staff for their years of service, Councillors on the way that business was conducted, Sinn Féin party and group leader for all their support and his wife and children for their support throughout the ten months. He wished the

incoming Chair, Councillor Linda Dillon and Deputy Chair, Councillor Kim Ashton well as they lead the Council for the next year.

Councillors McPeake, Wilson and Kearney spoke in relation to the work carried out by the Chair and Deputy Chair during the last 10 months and wished the incoming Chair and Deputy Chair well for the next 12 months.

Councillor Wilson asked if the Chair would send a letter of congratulations to Maud Kells, a resident of Cookstown, who devoted her life to missionary work in the Congo, and who had received the Belfast Telegraph Women of the Year Award.

Councillor Burton concurred with Councillor Wilson's remarks.

Councillor Reid the outgoing Deputy Chair, thanked his party for having confidence in him, spoke of the importance of working together to get the best for the ratepayers of the area and thanked his family for their support. Councillor Reid also congratulated all those appointed to positions of responsibility and wished them well in their role.

**C42/15 Apologies**

Councillor McAleer

**C43/15 Declarations of Interest**

The Chair reminded members of their responsibility with regard to declarations of interest.

**C44/15 Notice of Motions**

The Chair, Councillor Mallaghan, stated that there was an administrative error and this item will be taken before confidential business.

**C45/15 Receive and consider minutes of matters transacted in "Open Business" at Council meeting held on Thursday 26 February 2015**

Proposed by Councillor B McGuigan  
Seconded by Councillor McPeake and

**Resolved** That the Minutes of the Meeting of the Council held on Thursday 26 February 2015 (C20/15 – C31/15 and C40/15), transacted in "Open Business" having been printed and circulated were considered and signed as accurate and correct.

**C46/15 Receive and consider minutes of Annual Meeting of the Council held on Thursday 12 March 2015**

Proposed by Councillor Buchanan  
Seconded by Councillor B McGuigan and

**Resolved** That the Minutes of the Annual Meeting of the Council held on Thursday 12 March 2015 (AC1/15 – AC13/15), transacted in “Open Business” having been printed and circulated were considered and signed as accurate and correct.

**C47/15** **Receive and consider the minutes and recommendations of matters transacted in “Open Business” at the Planning Committee meeting held on Monday 2 March 2015**

Proposed by Councillor Gildernew  
Seconded by Councillor J Shiels and

**Resolved** That the Minutes and recommendations of the Planning Committee meeting held on Monday 2 March 2015 (P16/15 – P24/15) transacted in “Open Business”, having been printed and circulated were considered and adopted.

**C48/15** **Receive and consider the minutes and recommendations of matters transacted in “Open Business” at the Policy and Resources Committee meeting held on Tuesday 3 March 2015**

Proposed by Councillor Molloy  
Seconded by Councillor McFlynn and

**Resolved** That the Minutes and recommendations of the Policy and Resources Committee meeting held on Tuesday 3 March 2015, (PR34/15 – PR52/15 and PR55/15), transacted in “Open Business”, having been printed and circulated were considered and adopted.

**C49/15** **Receive and consider the minutes and recommendations of matters transacted in “Open Business” at the Environment Committee meeting held on Wednesday 4 March 2015**

Proposed by Councillor Buchanan  
Seconded by Councillor Cuddy and

**Resolved** That the Minutes and recommendations of the Environment Committee meeting held on Wednesday 4 March 2015, (E24/15 – E32/15 and E34/15 - E35/15) transacted in “Open Business”, having been printed and circulated were considered and adopted.

**C50/15** **Receive and consider the minutes and recommendations of matters transacted in “Open Business” at the Development Committee meeting held on Thursday 5 March 2015**

Proposed by Councillor T Quinn  
Seconded by Councillor Burton and

**Resolved** That the Minutes and recommendations of the Development Committee meeting held on Thursday 5 March 2015, (D32/15 – D45/15)

and D51/15) transacted in “Open Business”, having been printed and circulated were considered and adopted.

### **C51/15      Members’ Scheme of Allowance and Responsibility Allowance**

The Lead Finance Officer presented a report on members’ scheme of allowance and responsibility allowance and requested member to consider and adopt the recommended amounts of Special Responsibility Allowances and Chair/Deputy Chair Allowances to be paid to qualifying Members in 2015/16 as set out below.

In outlining the background the officer stated that the Policy & Resources Committee received and considered a paper with respect to Members Allowances at their meeting on 3 March. The paper made particular reference to the payment of Special Responsibility Allowances, subject to departmental guidance issued under the cover of Circular LG 05/2015. Chair and Deputy Chair Allowances are subject to Departmental Guidance issued under cover of Circular LG 04/2015.

The maximum total amount of SRA payable by Mid Ulster District Council to qualifying Members has been notified as £70,000. The maximum amount payable to any single Member has been notified as £14,000 (being 20% of the total) and only 50% of the Members may receive an SRA.

In considering the potential allocation of SRA and Chair/Deputy Allowances, the relevant legislation has been considered, ie:

- Sections 31, 32 and 33 of the Local Government Finance Act (Northern Ireland) 2011;
- Regulation 5 of the Local Government (Payments to Councillors) Regulations (Northern Ireland) 2012;
- Other relevant statutory authorities, including Section 79 of the Local Government (Northern Ireland) Act 2014 which relates to the General Power of Competence

In drawing attention to the key issues the Lead Finance Officer stated that members should have regard to the following:

1. The overall limit for SRA is £70,000
2. Each individual Member receiving SRA can receive no more than £14,000
3. Each Member receiving SRA may only receive one SRA
4. The Shadow Council made provision for the Presiding and Deputy Presiding Councillors to each have a receipted expenditure allowance in the amount of £7,000 and £2,000 respectively
5. There is likely to be an expectation that the Chair and Deputy Chair of Mid Ulster District Council will have a receipted expenditure allowance
6. Discussion with the Department has confirmed that sections 31, 32 and 33 of the Local Government Finance Act (Northern Ireland) 2011 does not empower the Chair/Deputy Chair to make donations. However, donations may be paid under other statutory authorities, such as the power to provide leisure and recreation facilities (donations to sporting organisations) or the General Power of Competence (where there is no specific authority available)

7. The Council may wish to also consider allocating a budget towards Civic and Chair/Deputy Chair receptions at this time.

The Officer also advised that it had been clarified with the Department that this was acceptable and recommended the following:

**Chair/Deputy Chair Allowances**

<b>Description</b>	<b>Total £</b>
Chair Allowance (Taxable)	14,000
Deputy Chair Allowance (Taxable)	7,500
Receipted expenditure allowance:	
• Chair	9,000
• Deputy Chair	3,000
	12,000
Receptions	
• Chair	6,000
• Deputy Chair	2,000
	8,000
<b>Total</b>	<b>41,500</b>

**Special Responsibility Allowance (Taxable)**

<b>Position of Responsibility</b>	<b>Number</b>	<b>SRA £</b>	<b>Total SRA £</b>
Committee Chair	5	7,000	35,000
Committee Deputy Chair	5	2,000	10,000
MUDC rep. on Partnership Panel	1	2,000	2,000
Housing Council	1	1,500	1,500
<b>Total</b>	<b>12</b>		<b>48,500</b>

**Civic Receptions budget to be established in the amount of £40,000 in the first instance.**

The Lead Finance Officer advised that a paper will be prepared and submitted to the Policy and Resources Committee recommending detailed eligibility criteria and guidance in relation to all receptions, i.e. Civic, Chair and Deputy Chair.

The Lead Finance Officer stated that the proposed allocations are within the Council's 2015/16 budgetary provision and comply with relevant guidance issued by the Department.

Proposed by Councillor McPeake  
Seconded by Councillor McNamee and

**Resolved** That the Council adopts the officers' recommendations as set out above.

### **C52/15 Standing Orders for transaction of business**

The Chief Executive presented a report on the Standing Orders for the transaction of Mid Ulster District Council business.

In outlining the background the Chief Executive stated that the Council resolved to use the Model Standing Orders presented as part of the DoE Consultation on same at its first meeting on Thursday 5 June 2014, subject to the outcome of the consultation.

Council has therefore been using the Model Standing Orders for the transaction of business at council and committee meetings throughout the transitional period awaiting the outcome of the consultation.

In highlighting the key issues the Chief Executive stated that the Council made a submission to the consultation in August 2014 with a view to commentary being reflected in the final Standing Orders to be laid before the NI Assembly for adoption and onward provision by DoE for use, taking effect from 1 April 2015.

The DoE laid the draft Local Government (Standing Orders) Regulations (Northern Ireland) 2015 before the NI Assembly on 24 February 2015 but were not passed.

The purpose of the draft Regulations was to specify provisions in relation to the following matters that a council must incorporate in the standing orders for the regulation of its business:

- decisions that must be taken by a qualified majority, in addition to those decisions already specified in the Local Government Act (Northern Ireland) 2014 (the 2014 Act)
- the administrative process for the reconsideration of a decision provided for in section 41 of the 2014 Act (Call-In);
- the process for appointing councillors to a committee in the circumstances where a council appoints more than one committee; and
- the time period for a political party's nominating officer to select a position of responsibility and nominate a member of his or her party to hold the position and for the member to accept the nomination.

A motion to approve the draft Regulations was debated by the Assembly this but was not approved as a Petition of Concern was tabled which meant it would have required cross-community support. The NI Assembly was only mandated to pass or reject them but it could not amend them.

In the absence of final Standing Orders from DoE, the Model Standing Orders followed by Mid Ulster District Council throughout the transitional period, have been amended to reflect the response made to the consultation with the addition of other procedural elements to enhance the transaction of business.

The Standing Orders have also been amended to include a specific section on Committees and the Protocol on the Operation of Planning Committees.

The Chief Executive advised that in considering the Standing Orders, as presented, the Council can only propose and second their adoption. Discussion on their content must be adjourned until the next available meeting of the Council at which they will be placed on the agenda. It was recommended that the Council resolves to use the Standing Orders as presented.

Proposed by Councillor Clarke  
Seconded by Councillor McLean and

**Resolved** That discussion on the Standing Orders as circulated stands adjourned until the next monthly meeting of Council.

#### **C53/14 Harmonised Fees and Charges – Leisure Facilities**

Mrs Campbell presented a report seeking approval for the introduction of harmonised Fees and Charges for the Commercial Hire of Mid Ulster District Council (MUDC) Leisure Facilities and approach regarding discounted rates for Member use of Leisure and Parks Facilities.

#### **Cookstown District Council Fees and Charges for Commercial Hire of Leisure Facilities**

##### **Cookstown Leisure Centre**

<b>Meeting/Exercise Room Hire Fees and Charges per hour</b>		
	<b>Existing</b>	<b>Proposed</b>
Commercial Rate before 6pm	£13.80	£9.60
Commercial Rate after 6pm	£23.65	£9.60
Non-Commercial before 6pm	£6.40	£6.40
Non-Commercial after 6pm	£6.40	£6.40
<b>Main Hall (Special Events) Fees and Charges per hour</b>		
	<b>Existing</b>	<b>Proposed</b>
Commercial Rate before 6pm	£57.75	By negotiation
Commercial Rate after 6pm	£74.40	By negotiation
Non-Commercial before 6pm	£44.10	By negotiation
Non-Commercial after 6pm	£57.75	By negotiation
<b>Sperrin Room Fees and Charges per hour</b>		
	<b>Existing</b>	<b>Proposed</b>
Non –Commercial	£12.80	£12.80
Commercial before 6pm	£25.20	£19.20
Commercial after 6pm	£37.80	£19.20

### Room Hire

Cookstown Leisure Centre has commercial bookings by Jo-Jingles, Class Act Drama, Pilates and Tai Chi. Existing room per hour costs are increased by 63.5% for commercial hire. No other leisure facility has these types of bookings.

### Main Hall Hire

Leisure Services has had no commercial bookings for large events in recent years as the Burnavon Theatre now caters for all such events in the Cookstown area. Existing Leisure Centre Main Hall per hour costs are increased by 34% for commercial hire.

## Dungannon and South Tyrone Borough Council Fees and Charges for Commercial Hire of Leisure Facilities

<b>Meeting/Exercise Room Hire Fees and Charges per hour</b>			
		<b>Existing</b>	<b>Proposed</b>
Non-Commercial		£15.00	£15.00
Commercial Hire		£30.00	£22.50
<b>Major events eg Concerts start at £1,750. This is based on</b>			
20 no.	sessions	£35.00	Duration of event and setup and set down
4 no. Staff	6 hours	£15.00	Event only plus car park
1 no. Manager	6 hours	£20.00	Event only
1 no. Receptionist	6 hours	£15.00	Event only
4 no. Staff	8 hours	£15.00	Set up and set down

### Room Hire

There are no existing commercial bookings. Existing room per hour costs are increased by 100% for commercial hire.

### Main Hall Hire

There are existing commercial bookings for concerts or commercial sporting events. This is not based on a percentage of normal hire but on a basic cost of £1,750.

## Magherafelt District Council Fees and Charges for Commercial Hire of Leisure Facilities Commercial Hire Fees and Charges

<b>Conference Room Hire Fees and Charges per hour</b>		
	<b>Existing</b>	<b>Proposed</b>
Non-Commercial	£14.40	£14.40
Commercial	£20.80	£21.60

### Room Hire

Meadowbank Sports Pavilion has commercial bookings by Slimming World. Existing per hour costs are increased by 46% for commercial hire. Maghera RC has no existing commercial bookings.



### **Main Hall Hire**

Meadowbank Sports Arena has had one previous Commercial Booking which was Boxing Promotion. The Fees and Charges for this were negotiated by officers with the promoter.

### **Definition of Commercial Hire**

It is proposed that Commercial Hire is defined as the hire of facilities by commercial organisations who intend to use the space to make a profit. It does not include constituted voluntary or community organisations such as sports clubs who are hiring facilities for sports development or health and well-being purposes even though they may be charging.

### **Proposed Commercial Hire Charge**

#### **Room Hire**

It is proposed that commercial organisations who are hiring a room to make profit are charged 50% on top of the normal hire charge for the facility.

#### **Main Hall Hire**

For large event promotions in Main Halls e.g. Concerts it is proposed that fees and charges are negotiated with the promoters on an individual basis and agreed with council in advance. Consideration will be given to the type of event, duration, numbers of staff involved and any special requirements.

### **Discounted Member Use of Leisure and Parks Facilities**

It is proposed that members will not have a discount on the full facility list for using Leisure and Parks Facilities.

It was recommended that:

- The application of this rate may result in a change in income. It is proposed that the reductions/increases are incrementalised over three years were there is a large reduction/increase and it was important that the public is informed of all changes to existing Commercial Hire Fees in advance of 31<sup>st</sup> March 2015.
- For room hire it is proposed that commercial organisations who are hiring a room to make profit are charged 50% on top of the normal hire charge for the facility. It is also proposed that the reductions/increases are incrementalised over three years were there is a large reduction/increase.
- For large event promotions in Main Halls e.g. Concerts it is proposed that fees and charges are negotiated with the promoters on an individual basis and agreed with council in advance. Consideration will be given to the type of event, duration of, numbers of staff involved and any special requirements.
- members will not have a discount on the full facility list for using Leisure and Parks Facilities.

Proposed by Councillor Dillon  
Seconded by Councillor S McGuigan and

**Resolved** That the recommendations in relation to Harmonised Fees and Charges for the Commercial Hire of Mid Ulster District Council Leisure Facilities are adopted.

### **C54/15 Representation to External Bodies**

A document was circulated listing a number of organisations which legacy councils had member representation on and following officer investigation and consideration of outcome by party representatives and recommendations in relation to organisations to support, numbers to be nominated and how positions to be filled were recommended as undernoted:

<b>Name of Organisation</b>	<b>Representation Recommended Yes/ No</b>	<b>Mid Ulster Council Positions</b>
Agewell Partnership (All)	5	2SF, 1DUP, 1UUP, 1SDLP
Arts/Cultural Forum (DSTBC)	<b>To be agreed</b>	
Blackwater Regional Partnership Board (DSTBC)	<b>To be agreed</b>	
Burnavon Arts & Cultural Centre Sub Committee (CDC)	5	2SF, 1DUP, 1UUP, 1SDLP
Caledon Regeneration Partnership (DSTBC)	<b>To be agreed</b>	
Coalisland and District Development Association (DSTBC)	2	By Party Agreement
Coalisland & Dungannon Neighbourhood Renewal Partnership (DSTBC)	12	Dungannon & Torrent DEAs
Community Organisations of South Tyrone & Areas (DSTBC)	5	2SF, 1DUP, 1UUP, 1SDLP
Cookstown & District Town Twinning Committee (CDC)	<b>To be agreed</b>	
Cookstown & Dungannon Citizens Advice Bureau (CDC & DSTBC)	5	2SF, 1DUP, 1UUP, 1SDLP
Cookstown Town Centre Forum (CDC)	7	Cookstown DEA
Cookstown, Dungannon & Magherafelt Community Transport (CDC & DSTBC)	3	By Party Agreement
Drainage Council	1	D'hondt
Dungannon Disability	<b>To be agreed</b>	None if this is the Arts

<b>Name of Organisation</b>	<b>Representation Recommended Yes/ No</b>	<b>Mid Ulster Council Positions</b>
Stakeholder Forum (DSTBC)		Stakeholder Forum
Dungannon Enterprise Centre	2	By Party Agreement
Dungannon Regeneration Partnership (DSTBC)	6	Dungannon DEA
Flavour of Tyrone (DSTBC)	5	2SF, 1DUP, 1UUP, 1SDLP
Flooding Forum (DSTBC)	0	Agreed
Historical/Heritage Forum, Dungannon (DSTBC)	0	Agreed
ICBAN (All)	4	D'hondt
Local Disability Forum, Dungannon	0	Agreed to involve via informal meetings
Local Government Forum: Northern Commissioning Group, HSCB	4	D'hondt
Local Government Partnership on Travellers (DSTBC & MDC)	0	Agreed
Lough Neagh Partnership Board (All)	5	2SF, 1DUP, 1UUP, 1SDLP
Magherafelt Advice Services	5	2SF, 1DUP, 1UUP, 1SDLP
Magherafelt and District Road Safety Committee (MDC)	0	Agreed
Magherafelt Arts Trust (MDC)	0	Agreed
Magherafelt Town Centre Forum (MDC)	6	Magherafelt DEA
National Association of Councillors NI (All)	8	D'hondt
NI Amenity Council (DSTBC & CDC)	3	By Party Agreement
NI Local Government Association (All)	8	D'hondt
Pomeroy Development Projects (CDC)	0	Agreed
Pulse Contract Liaison Committee (MDC)	5	2SF, 1DUP, 1UUP, 1SDLP

<b>Name of Organisation</b>	<b>Representation Recommended Yes/ No</b>	<b>Mid Ulster Council Positions</b>
RDP Local Action Group (ALL)	12	As previously agreed.
The Honourable The Irish Society: Advisory Committee	2	By Party Agreement
Seamus Heaney Centre Project Board	2	Chair & Deputy Chair
Shopmobility Cookstown Board (DSTBC & CDC)	5	2SF, 1DUP, 1UUP, 1SDLP
Somme Association (Somme Advisory Council) (All)	2	By Party Agreement
South Tyrone Hospital Community Forum (DSTBC)	2	By Party Agreement
Southern Child Care Partnership Trust Early Years Forum (DSTBC)	2	By Party Agreement
Southern Strategic Health Improvement Partnership (Investing for Health) (DSTBC)	0	Agreed
TIPSA (CDC & MDC)	2	By Party Agreement
Tullyvar Joint Committee (DSTBC)	5	2SF, 1DUP, 1UUP, 1SDLP from Environment Committee
Tyrone & Sperrins Destination Joint Working Group (All)	5	2SF, 1DUP, 1UUP, 1SDLP
William Carleton Summer School (DSTBC)	2	By Party Agreement
Workspace Draperstown	2	By Party Agreement

The Chair stated that it was recommended that places on five of the organisations be filled using d'Hondt; Drainage Council -1; ICBAN – 4; Local Government Commissioning Group HSCB - 4; National Association of Councillors NI – 8; NI Local Government Association – 8; a total of 25 positions.

The Chair invited nominating officers, in order of d'Hondt, to choose the group that their party wished to serve on and this resulted in:

Drainage Council (1) – 1SF

ICBAN (4) – 3SF; 1UUP

Local Government Commission Group HSCB (4) – 2SDLP; 1SF; 1UUP

National Association of Councillors (8) – 2DUP; 1SDLP; 4SF; 1UUP

NI Local Government Association (8) – 3DUP; 1 SDLP; 3SF; 1UUP;

During above selection the Chair reminded members that the NI Local Government Association had requested that a proportional system be used to make nominations to the organisation.

It was noted that this was not mandatory.

The Chair referred to further recommendations in papers circulated following which it was

Proposed by Councillor McGinley  
Seconded by Councillor Wilson and

**Resolved** That recommendations in paper circulated regarding organisations, numbers and method of filling positions are agreed.

### **C55/15 Conference and Seminar Attendance Policy**

The Chief Executive presented a report and draft policy and recommended the adoption of the policy for the attendance of members and officers of Council at conferences and seminars.

In outlining the background the Chief Executive stated that central to the delivery of the suite of local government services to be provided by Mid Ulster District Council is the building and retention of knowledge and capacity amongst those with responsibility for recommending, deliberating and making decisions on how services should be delivered. It is recognised that benefits can be gained from the attendance and participation of members and officers at conferences and seminars.

Predecessor councils have arrangements in place for handling and processing the attendance of members and officers at conferences and seminars. Arrangements are now also required to be initiated for Mid Ulster Council. The draft policy was circulated and set out proposed arrangements for Mid Ulster Council to become applicable for members and officers.

Attendance and participation at conferences and seminars is also considered essential to meet the continued development needs of members and officers of the Council. This policy has been developed to facilitate the administration of invitations received by Council.

Explaining the key issues the Chief Executive stated that the policy has been drafted with the overall aim of confirming the process for administering the attendance of members and officers at conferences and seminars through Council. In this context it sets out:

- (i) the process for dealing with invitations received for conferences and seminars;
- (ii) confirms representation from Council at conferences and seminars;
- (iii) confirms entitlements, financial thresholds and requirements;
- (iv) sets the arrangements for record keeping; and

(v) the management of finances set aside for conferences and seminars.

The draft policy also details the process for administering invitations for conferences and seminars, making reference to; (i) consideration; (ii) attendance; (iii) and follow up and record maintenance. Key points include:

- invitations will be considered by the relevant committee
- full council will consider invitations subject to timescales
- numbers attending shall be determined by the committee or council meeting considering the business
- members will be allocated up to £750 per annum
- allocations will include the whole cost such as travel and subsistence
- unused allocations shall not be transferred or rolled over
- all conference and seminar delegates should, if requested, be prepared to provide a written report on the event

The policy has been developed for the use of Mid Ulster Council for application with effect from 1 April 2015.

Councillor Wilson proposed the adoption of the policy.

Councillor McLean seconded the proposal but felt need for amendment referring to section in policy with regard to conference and seminar delegates, if requested, being prepared to provide a written report on the event and asked who would stipulate when a report would be required. The member stated that there should be no ambiguity and policy should be amended to reflect this and suggested the report on party basis be prepared.

The Chief Executive outlined options in relation to preparation of report by attendees and stated that he would be guided by members.

Councillor McPeake stated that while he was not against the requirement for a report there needs to be some form of common sense accountability and suggested that further research be carried out and brought back to Council.

In response to a question from Councillor Cuddy the Lead Finance Officer stated that the £750 would be exclusive of VAT.

Proposed by Councillor Wilson  
Seconded by Councillor McLean and

**Resolved** That the policy is adopted and that further research be undertaken with regard to the need for written report following conference/seminar.

#### **C56/15 Conferences and Seminars**

The Change Management Officer referred to details of the undernoted conference and sought approval for the attendance of members and officers, the payment of attendance fees and associated costs as incurred.

**C56.1/15 Growing an Enterprise Economy, *The Transition to Local Government***, Tuesday 28 April 2015, Craigavon Civic Centre, fee £150 + VAT plus mileage.

Proposed by Councillor McGinley  
Seconded by Councillor S McGuigan and

**Resolved** That the attendance of members and officers, the payment of attendance fees and associated costs as incurred be approved and that anyone wishing to attend to contact officers.

**C56.2/15 Invitations to Annual Somme Association Pilgrimages**

The Change Management Officer referred to details of the undernoted invitations received from the Somme Association inviting the Council to be represented at the following and asked that the Council gives consideration to:

- (a) Sending representation as invited to do so; and
- (b) Subject to agreeing representation the number of representatives to attend

**2015 Somme Pilgrimage for the 99<sup>th</sup> Anniversary**, 28 June to 2 July 2015, estimated cost £580.00 per person

**2015 Gallipoli Pilgrimage**, 4 to 10 October 2015, estimated cost £1,350 per person

The officer to help inform a decision on Mid Ulster District Council representation outlined the representation in the current 4 year term of predecessor Councils:

The officer also stated that had received correspondence today from the Local Somme Branch and from The Friends of Somme Branch in Dungannon inviting Council to be represented at the events.

Proposed by Councillor Wilson  
Seconded by Councillor G Shiels and

**Resolved** That Councillor Mulligan attend the Somme Pilgrimage and that the payment of attendance fees and associated costs as incurred be approved.

Councillor McLean suggested that those who will be nominated to represent Council on the Somme Association may be interested in attending.

The Chair stated that this can be considered when names come forward.

**C57/15 Interim arrangement for Flags, Emblems and Corporate Branding**

The Chief Executive stated that following discussion and decision at the last meeting of the Council an admissible 'call in' had been received under sections 41 1(a) and 1(b) of the Local Government Act 2014 in relation to the issue. Legal opinion had been received under 41 1(b) and had been circulated to all members in advance of

the meeting. It was noted that the 'call in' did not have merit. He continued that while the Model Standing Orders suggested that the decision could be implemented following receipt of the legal opinion, the advices he received noted that this would be contrary to the 2014 Act and that the decision would still need to be reconsidered and decided upon by a simple majority. As the Model Standing Orders were silent on the matter, he advised that a 'call in' under 41 1(a) also needed to be reconsidered and decided upon by a simple majority. To assist with considerations the financial impacts were included for Members. It was noted that the costs of using multiple languages on branding during the interim period was negligible.

Councillor S McGuigan stated that he had brought the original proposal and having listened to the comments that the Chief Executive made he and his party thought the matter around the call in was a waste of time and money as those making the call in would have been aware of the outcome in other Council areas. He stated that in relation to flags there should be neutrality or equality which would mean no flags or two flags and no flags flown would be a compromise situation. He further stated that it was intended that flags would have been discussed last month but on the request of the DUP to have talks discussion was postponed and expressed concern that there was no effort to have talks on the issue.

Councillor S McGuigan proposed

That in the interim that the Council adopts:

- \* No emblems
- \* Top right design proposal provided by McCaddan (logo with Irish followed by English)
- \* Stationery, vehicles and exterior signage use bilingual
- \* Staff uniforms – council crest only
- \* No flags to be flown

Councillor Cuthbertson stated that he was disappointed that a Department in the Council proceeded before tonight to use branding on correspondence going out but recognised that officer had dealt with this issue very quickly. He stated that Councillors in the room are talking about neutrality but only a matter of weeks ago a party in this room had held a political rally on council premises in Dungannon and asked what sort of neutrality was that. The member further stated that the cross community Parliament Building Assembly Committee at Stormont have voted for Stormont to be lit red for remembrance day, orange on the 12 July, green for St Patrick's day and pink for International Women's day and stated that if party leaders in Stormont can recognise that remembrance day is for all communities proposal going against Party Leaders.

Councillor Cuthbertson proposed that the union flag is flown on designed days.

Councillor Wilson seconded the proposal and also added that the poppy should be sold and that given the situation with regard to regional and minority languages that should use trilingual.

Councillor McGinley seconded Councillor B McGuigan's proposal and asked how much did the call in cost and was there any associated costs.



The Chief Executive stated that he did not have costs of the call in to hand but can report to Council when received. In relation to associated costs the Chief Executive stated that steps had been taken to prepare and issue a residents magazine to all households and due to the call in that had to be cancelled with a cancellation fee of just under £1,500.

Councillor McLean concurred with his colleague Councillor Cuthbertson and stated that what Sinn Féin putting forward coming from different aspect than Unionists. Two flags or none not an option as the Union Jack is the flag of this province as part of the United Kingdom. In response to Councillor McGuigan the member stated that in relation to the delay in discussing the flag issue he had received phone call from party headquarters that was going to be discussion at that level and that was out of my hands. Councillor McLean stated that should only have one language. He asked that the two issues be taken separately.

Councillor Kearney stated that the SDLP would deliver in keeping with its policy of no flags and no emblems and would be supporting the proposal so that there can be a neutral space for all.

Councillor McNamee stated that the policy in Cookstown in place since 1997 was that there was no flag flown and no emblems and that created a neutral environment for staff and member of the public and had worked well. He stated that he had no problem recommending that as way forward.

Councillor Monteith stated that he supported Councillor McGuigan's proposal as the flag of the community that he represents is the flag of Ireland and in the absence of that being an option there should be no flag. The member further stated that the majority of the Mid Ulster population describes themselves as Irish and would welcome a no flag policy.

Councillor Buchanan stated that signs in Irish would not be neutral to the Unionist community.

Councillor McLean making reference to the cost stated that if the shoe had of been on the other foot he would have no doubt that the same tool as available to Unionists would have been used. He also stated that it was hypocritical of Sinn Féin to ask about costs in light of what the party had added into budgetary figure when striking rates.

The Chair, Councillor Mallaghan, stated that Unionists would have known that call in would not stand up and the members had the right to question costs.

Councillor Cuddy stated that the flag and the poppy was important to the community that he represents and that it would be worthwhile to have the union flag flown on designated days. He further stated that 40 per cent of the population of this area are getting nothing and that there is a need for a balance as the Unionist community do not feel that they are part of this new Council. The member stated that the SDLP talk about neutrality but still include the Irish Language.

Councillor Dillon accepted what was being said in terms of percentages and asked what days of the year would the Irish Tricolour be flown and said that the Irish Language is not comparable to an emblem.

Councillor Reid stated that Northern Ireland is part of the United Kingdom and until such times as that changes the only flag that should be flown on designated days is the Union Jack. He further stated that doing away with the poppy also does not allow for the sale of the daffodil to raise money to fight cancer and that that was a total disgrace.

Councillor Bell stated that there is a growing appetite across the six counties for the Irish Language and Councillors needed to show leadership and stop bickering and fighting over flags and emblems as there were more serious issues to be dealt with.

The Chair, Councillor Mallaghan, stated that he would take the two issues separately ie proposal in relation to emblems and use of regional and minority language in corporate branding and proposal in relation to flags.

Councillor McGuigan's proposal in relation to emblems and use of regional and minority language in corporate branding was put to the meeting 24 (twenty four) members voted in favour and 15 (fifteen) members voted against.

The Chair declared the proposal carried.

Councillor McGuigan's proposal in relation to flags was put to the meeting 24 (twenty four) members voted in favour and 15 (fifteen) members voted against.

The Chair declared the proposal carried.

### **C58/15      Consultation on Reconstitution of NI Policing Board**

The Change Manager submitted a report updating members on the response submitted by the Council and the outcome of the Department of Justice consultation on the reconstitution of the Northern Ireland Policing Board.

In outlining the background the Chief Executive stated that the Department of Justice undertook a consultation on the reconstitution of the NI Policing Board on proposals for the appointment of Independent Members to the Board on a cyclical rolling basis independently of political members being appointed, and remuneration rates for Board Members.

The Council agreed that a response be made following discussion at its January meeting the Department should not commence and use a rolling appointments model to appoint independent members to the NI Policing Board on a continuous cycle independently of political members. The response indicated that it was the council view that the proposed model would make it more difficult to ensure the overall makeup of the Board was representative of the entire community at all times. The response indicated that legislation should be brought forward to extend the tenure of the current Board until after 2016 NI Assembly elections from which MLAs will be appointed.

The Chief Executive advised that the consultation is now closed and the Minister has confirmed that:

- (a) A rolling appointment model will be introduced; and
- (b) Remuneration rates will be: Chair £50k, Vice-Chair £30k, Member £15k

Councillor McPeake noted that the proposal of the Justice Minister is contrary to what the Council put forward, believed that there was quite a number of similar responses to that of the Council and was disappointed that the Minister had not taken any of the points on board which goes to show that the Justice Minister is not listening.

### **C59/15      Delegation of Council authority in respect of Licensing Matters**

The Chief Executive asked that Council authority is granted to the Environment Committee when it sits in April to determine any licensing matters.

The Chief Executive further advised that a paper on the scheme of delegation will come to the Policy and Resources Committee.

Proposed by Councillor S McGuigan  
Seconded by Councillor Gildernew and

**Resolved**      That Council authority is provided to the April meeting of the Environment Committee to determine any licensing matters.

### **C60/15      Sealing of Documents**

#### **C60.1/15      Agency agreement for off street parking**

The Chief Executive advised that this issue was fully discussed at the Environment Committee with document coming to the Council for sealing.

Proposed by Councillor J O'Neill  
Seconded by Councillor B McGuigan and

**Resolved**      That the seal of the Council is affixed to the Agency agreement for off street parking.

#### **C60.2/15      Assignment of Legacy Councils' VAT and Landfill Tax Claims to Mid Ulster Council**

*Councillor Wilson left the meeting at 8.03 pm.*

The Lead Finance Officer submitted a report requesting that the Council execute and seal the deed of assignment (one from each of Cookstown, Dungannon and Magherafelt District Councils).

In outlining the background the officer stated that the three predecessor councils have all lodged claims with HMRC in respect of either over-declared output VAT, Landfill Tax or both.

These claims will not be settled until after 1 April 2015. As such there could be a possibility that HMRC would seek, should the claims ultimately be successful, to resist payment on the grounds that the new Council had no legal right to the claim.

As many of the current claims were lodged collectively (notably a leisure and recreation services claim which is worth in the region of £50 million to the existing twenty six district councils plus interest and in the region of £2.5 million to the Mid Ulster cluster), advice was taken from senior Counsel and DLA Piper LLP, both of whom advocated a formal assignment of the claims to the new councils. A fee of approximately £250 is due to DLA Piper LLP for legal advice received

The Officer further stated that the Council should be aware that:

1. There is no guarantee that any of the current claims will succeed
2. There is no guarantee that the assignments will be effective but legal advice suggests that they will be
3. The assignments also include claims yet to be lodged (if any) by the legacy councils or in respect of matters under the control of the legacy councils if lodged post 1 April 2015

The officer recommended that the Council executes under seal the deeds of assignment from each of the three legacy councils in respect of VAT and Landfill Tax claims.

Proposed by Councillor Gildernew  
Seconded by Councillor McGinley and

**Resolved** That the recommendation is adopted and that the seal of the Council is affixed to the documents 'Assignment of Legacy Councils' VAT and Landfill Tax Claims to Mid Ulster District Council'.

### **C60.3/15 Assignment of legacy Councils' potential Rate Support Grant claims to Mid Ulster District Council**

The Lead Finance Officer presented a report requesting that the Council execute and seal the deed of assignment (one from each of Cookstown, Dungannon and Magherafelt District Councils).

In outlining the background the officer stated that the three predecessor councils have all received Rate Support Grant (RSG) from the Department of the Environment.

Mid Ulster District Council is currently taking legal advice in relation to the legality of the Department's calculation of the RSG. If the legal advice confirms that the Department has acted illegally Council may consider the possibility of future legal

action against the Department to recover amounts of RSG that would have been paid had the Department used a more appropriate method of calculation.

Figures provided by the Department previously suggest that, if a legal claim could be made successfully, the legacy councils might be able to sustain a claim in the amount of circa £900,000 in respect of 2014/15. Since releasing the 2014/15 information the Department has been reluctant to engage in further discussion about the matter, other than to state categorically that their method of calculation is correct.

Council will be aware that the twenty six district councils commissioned advice collectively in relation to the assignment of VAT and Landfill Tax claims from the legacy councils to the new councils. Although the RSG is only a potential claim at this stage it would appear from the legal advice that similar deed of assignment is the best method of attempting to protect the new Council's right to exercise a claim for underpaid RSG, should it ultimately choose to do so.

The Lead Finance Officer further advised that the Council should be aware that:

1. Legal advice is still awaited in relation to the legality of the Department's calculation methodology
2. There is no guarantee that the advice, when received, will indicate that the legacy councils have legitimate enforceable claims against the Department
3. There is no guarantee that any of the current claims, if made, will succeed
4. There is no guarantee that the assignments will be effective but legal advice suggests that they will be
5. Importantly the assignments also include claims yet to be lodged (if any) by the legacy councils or in respect of matters under the control of the legacy councils if lodged post 1 April 2015

A fee of approximately £500 is due to DLA Piper LLP for legal advice received

The Lead Finance Officer recommended that the Council executes under seal the deeds of assignment from each of the three legacy councils in respect of potential Rate Support Grant claims.

Proposed by Councillor Clarke  
Seconded by Councillor McGinley and

**Resolved** That the recommendation is accepted and that the seal of the Council is affixed to the documents 'Assignment of legacy Councils' potential Rate Support Grant claims to Mid Ulster District Council'.

**C60.4/15 Assignment of Cookstown District Council's Service User Number (SUN) to Mid Ulster District Council**

*Councillor Gillespie left the meeting at 8.08 pm*

The Lead Finance Officer submitted a report recommending that the Council execute and seal the attached deed of assignment to facilitate the transfer of Cookstown District Council's Service User Number to Mid Ulster District Council.

The Officer advised that Cookstown District Council collects membership income from Mid Ulster Sports Arena via direct debit.

In order for Mid Ulster District Council to continue to collect the direct debits it requires a Service User Number (SUN). The quickest way for the Council to secure a SUN is for Cookstown District Council to transfer its SUN to Mid Ulster District Council

Transferring the SUN is a legitimate way of Mid Ulster District Council acquiring a SUN.

The Lead Finance Officer recommended that the Council executes under seal the deed of assignment which will facilitate the transfer of Cookstown District Council's Service User Number (SUN) to Mid Ulster District Council

Proposed by Councillor McLean  
Seconded by Councillor McGinley and

**Resolved** That the Council adopts the recommendation and that the seal of the Council is affixed to the Deed of Assignment – Assignment of Cookstown District Council's Service User Number (SUN) to Mid Ulster District Council.

*Councillor Wilson returned to the meeting at 8.10 pm*

*Councillor M Quinn left the meeting at 8.10 pm.*

**C60.5/15      Completion of indemnity to enable Mid Ulster Council to utilise the BACS Service**

The Lead Finance Officer submitted a report recommending that the Council consider and adopt the indemnity which was circulated and pass the requisite resolution to indemnify the relevant financial institutions to enable Mid Ulster District Council to utilise the BACS Service to collect direct debits

In outlining the background the Officer stated that Cookstown District Council collects membership income from Mid Ulster Sports Arena via direct debit.

In order for Mid Ulster District Council to continue to collect the direct debits via the BACS Service it is required to indemnify the various financial institutions detailed in the circulated indemnity in the prescribed wording and pass the requisite resolution to confirm the indemnification. Indemnification of the financial institutions is mandatory.

Proposed by Councillor Cuddy  
Seconded by Councillor S McGuigan and

**Resolved** That the Council adopt the indemnity, that the Council pass the requisite resolution to indemnify the relevant financial institutions to

enable Mid Ulster District Council to utilise the BACS Service to collect direct debits and that the seal of the Council is affixed to the document.

**C60.6/15 Apportionment Agreement for legacy Council's liabilities arising under the NILGOSC Scheme**

The Lead HR Officer submitted a report recommending that the Council adopt and seal the apportionment agreement re legacy councils' liabilities arising under the NILGOS scheme.

In outlining the background the Officer stated that each of the three legacy councils is an employing authority under the NILGOSC Scheme.

In order to avoid the crystallisation of Scheme liabilities on 31 March 2015, the legacy councils, the new Mid Ulster District Council and NILGOSC must execute the deed, copy of which was circulated, by 31 March 2015.

The Lead HR Officer outlined the key issues and stated that the execution of the deed is mandatory under the provisions of Regulation 33A of the Local Government Pension Scheme (Administration) Regulations (Northern Ireland) 2009.

Execution will make the Mid Ulster District Council liable for the liabilities under the Scheme of each of the departing legacy councils.

*Councillors Gillespie and M Quinn returned to the meeting at 8.12 pm.*

Proposed by Councillor McGinley  
Seconded by Councillor McLean and

**Resolved** That the Council adopts the recommendation and that the Council seal is affixed to the Apportionment Deed.

**Notice of Motion**

**C61/15 Councillor Elattar to move Motion**

On a point of order Councillor Wilson asked about the validity of the motion, the fact that not really amendable therefore consensus could not be reached and counter proposal would not be accepted and asked for ruling if motion is acceptable under standing orders.

The Chair, Councillor Mallaghan, ruled that motion is acceptable.

Councillor Elattar in moving the undernoted motion stated that the President speaks and acts as President for the whole of Ireland and the current arrangement was a ridiculous situation where had the previous holder of the office, Mary McAleese, been living in her home city of Belfast she would not have been able to vote for herself. The Councillor added that Sinn Féin is calling for voting rights to be extended to Irish citizens in Northern Ireland, overseas and to under 16s.

*'That this Council supports the overwhelming vote by the Constitutional Convention in September 2013 in favour of extending the right to vote for the President of Ireland to citizens in the North of Ireland and the diaspora, and calls on the Irish government to now set a date for a referendum on the matter during this Dáil term.'*

Councillor Dillon seconded the motion and reserved her speech to the end of the debate.

Councillor Wilson stated that the constitutional convention was a Republic of Ireland matter and not relevant to Northern Ireland and could not understand why an Irish government would want to let someone who does not pay taxes into their economy to have a vote on such a position.

Councillor Cuthbertson said that he was confused about the relevance of the motion as Northern Ireland was part of the United Kingdom and because of the diverse population could be speaking month on month in relation to voting rights ie for the president of France.

Councillor Kearney spoke in support of the motion and stated that the Irish President was the international representative of all Irish citizens. Councillor Kearney proposed that the Council invite the President, Michael D Higgins, to visit the area.

Councillor McLean stated that he would be voting against the motion and such motions were a waste of time when the Council had more important things to worry about.

Councillor Monteith spoke in support of the motion and seconded Councillor Kearney proposal to invite Michael D Higgins to visit the area particularly around the Seamus Heaney project.

Councillor G Shiels spoke of more Irish living in England than in Northern Ireland and the South of Ireland put together, referred to the logistics of having a vote and the fact that the President could ultimately be elected by those not living in the South of Ireland.

Councillor Buchanan stated that we have an excellent head of state in Her Majesty the Queen and that he was loyal to her.

Councillor Dillon in winding up the discussion spoke in support of the motion, that it does have an effect on the people living in the North, up to the Irish government how they manage the vote and calling for vote for all Irish people.

Councillor Elattar stated that we can all come together to support an all-Ireland rugby team so cannot see why cannot support an all-Ireland President.

The motion was put to the meeting 24 (twenty four) members voting in favour and 15 (fifteen) members voting against.

The Chair declared the Motion carried.



In response to query from Councillor Kearney re his proposal the Chair stated that issue will be dealt with as an action out of the motion.

**C62/15      Consultation List**

Translink Ulsterbus Service Changes	Closes: 3 April 2015
Review of Libraries Opening Hours, Libraries NI	Closes: 17 April 2015
Regulatory Framework for Social Housing Providers	Closes: 10 June 2015

**Confidential Business**

Proposed by Councillor McGinley  
Seconded by Councillor Molloy and

**Resolved**    That items C63/15 to C69/15 be taken in committee.

*The press left the meeting at 8.30 pm.*

*Councillor Mulligan left the meeting at 8.30 pm.*

**C70/15      Duration of Meeting**

The meeting was called for 7pm and ended at 10.10pm.

CHAIR \_\_\_\_\_

DATE \_\_\_\_\_