

Minutes of Meeting of Mid Ulster District Council held on Thursday 28 July 2022 in the Council Offices, Circular Road, Dungannon and by virtual means

Chair Councillor Corry

Members Present Councillors Ashton, Bell*, Black, Brown*, Buchanan, Burton, Clarke*, Cuddy, Cuthbertson*, Doris*, Forde*, Gildernew*, Graham, Kearney, Martin*, Mallaghan*, N McAleer*, S McAleer, McFlynn*, B McGuigan*, S McGuigan, McLean, McKinney, McNamee, D McPeake*, S McPeake*, Milne*, Molloy*, Mullen, Oneill*, Quinn, Robinson and Wilson

Officers in Attendance Mr McCreesh, Chief Executive
Ms Campbell, Strategic Director of Environment
Mr Black, Strategic Director of Communities and Place
Ms Canavan, Strategic Director of Organisational Development Strategy and Performance (SD:ODSP)**
Mr Kelso, Director of Public Health and Infrastructure (DPHI)
Ms McNally, Assistant Director Finance, Legal Governance & Transformation**
Ms Mezza, Head of Marketing & Communications**
Mr Moffett, Assistant Director of Organisational Development, Strategy & Performance (AD:ODSP)
Mr Tohill, Strategic Director of Corporate Service and Finance (SD:CSF)**
Mrs Forde, Member Support Officer

* Denotes Members present in remote attendance

** Denotes Officers present by remote means

The meeting commenced at 7 pm.

The Chair, Councillor Corry 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.

C138/22 Notice of Recording

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

C139/22 Apologies

Councillors Kerr, Monteith, Colvin, Glasgow, Totten, Elattar

C140/22 Declarations of Interest

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

C141/22 Chair's Business

The Chair, Councillor Corry stated, "Members will know that I joined with people across the globe in sending my condolences to the family of David Trimble and in paying tribute to him. I think it is very telling that no matter who has spoken about him in the days since he passed away, there have been two words used time and again to describe him – courageous and visionary. David Trimble's role in the peace process cannot be understated, and nor can his significant and unique contribution to the creation of the Good Friday Agreement. Those words are easily said now, when we are more than two decades removed from the time and the turbulence in which the talks and negotiations took place. However, in 1998 when the agreement was signed, as well as in the years before and the years which followed, David Trimble was working at great risk – not just politically, but also personally. This took both the courage and the vision for which he will always be remembered and was, put simply, a measure of the man. He leaves behind a legacy from which we, and future generations, benefit."

Councillor Wilson said that David Trimble had been a man of great courage and vision and the successful delivery of the Good Friday Agreement had been the highlight of his career. He spoke of David having witnessed the murder of Edgar Graham following which his desire had been that there would be no more deaths in Northern Ireland. He said the bravery and courage demonstrated in his political career was also reflected in how he dealt with his recent illness. He said his place in history was secure and that he had been a true Ulsterman who had both great ability and integrity. Councillor Wilson spoke of his love for opera and Elvis Presley but that his greatest love had been for his wife Daphne and his children. He concluded on behalf of the UUP passing on condolences to Daphne and family stating that he will be remembered as a father, husband, First Minister, Imperial of the Realm and a great Unionist.

Councillor McLean concurred with previous comments and said that anyone's death is a solemn sad time and that the DUP extended sympathy to the Trimble family and indeed the UUP at this time.

Councillor Quinn on behalf of the SDLP extended sympathy to the Trimble family. He spoke of having heard David Trimble speaking in Oslo and stated he was an intelligent, courageous man who had put his weight behind power sharing. He concluded that David Trimble had a definitive place in history as without the Good Friday Agreement people would be living in a very different place.

Councillor Corry spoke of some of the positives from the last month for example the 4C UR Future event which aims to empower young people to make well-informed decisions about their education and future careers. She also spoke of attending the Coalisland Summer Bash and the family 'Go Wild' event at Maghera Walled Garden, the Clogher Valley show which had attracted great crowds and highlighted that the Tafelta was scheduled to take place in Magherafelt on Saturday 6 August followed by the Lumarina at Ballyronan on Saturday 20 August.

She also stated she had attended the launch of this year's Mid Ulster Pride celebrations which took place at the same time as the Council confirmed that 18 community groups across the district would receive more than £12,000 through the community festival fund. This shows Council's commitment to providing continued support for events taking place right across the district. In conclusion the Chair said that the fund is still open for community groups to apply and encouraged them to do so.

The Chair, Councillor Corry advised that the Managers from Lough Neagh Partnership, Ulster Rugby, STEP and Maghera Heritage had made formal request to Council for Letters of Support for their applications to the Levelling Up Fund as outlined below:

- Lough Neagh Partnership: to improve existing markers and a dedicated dredger for the Lough to regularly dredge all newly developed tourism boating channels, fishermen quays, marinas, and mouths to the river Blackwater, Six-mile water and the Upper Bann.
- Ulster Rugby: a Capital Improvement Project to enhance playing, changing and club house facilities at the Dungannon, Clogher Valley and Rainey clubs.
- STEP: purchase the Old RIC Barracks in Market Square, Dungannon to bring the building back into community use, whilst saving it as a cultural heritage asset for the benefit of the entire town and wider area for future generations;
- Maghera Heritage & Cultural Society: for Heritage & Cultural Centre bid for the development of heritage centre services for the local community.

The Chair, Councillor Corry sought approval for letters of support to be issued as requested.

Proposed by Councillor McLean
Seconded by Councillor Molloy and

Resolved That Council issue letters of support in respect of applications to Levelling-Up Fund to Lough Neagh Partnership, Ulster Rugby, STEP and Maghera Heritage & Cultural Society.

Councillor S McAleer advised that she had received complaints regarding the odour from the Mushroom Compost Plant, Ballygawley. She said that there has been a long-standing problem with a stench affecting the locals in this area and that over time the SDLP had contacted Minister Poots who had investigations carried out and recommendations made. She also advised that the NIEA are aware of this issue and have been working with the owners of the Mushroom Plant. Councillor S McAleer said she had received a phone call from one of the elderly residents stating she has to use her tumble dryer to dry clothes due to the odour outside her home area which always seemed to be worse at the weekends but had also been particularly pungent on Monday. Councillor S McAleer said hand in hand with the cost of living crisis this ongoing problem was having a major adverse impact and requested that Council

become involved to endeavour to alleviate. She concluded that the company were trying but there appeared to be times when more effort was required.

Councillor S McGuigan said he too had been contacted and concurred that the NIEA had been involved, that the company had carried out remedial works but there was still instances when it was particularly bad. He said that whilst the NIEA were carrying out random tests the instances that were really bad were at weekends and concurred that intervention was required.

Councillor Burton said it was important that Council endeavour to work with the relevant parties to alleviate the current difficulties as it was important to support rate payers in this situation.

The Chief Executive stated that the SD: Communities and Place would task the Environmental Health team to look at the situation within council remit but advised that Council could not carry out the functions of the NIEA.

The Chair, Councillor Corry invited Councillor S Mc Peake to speak on the recent passing of local businessman and sporting gael, Mr Colm (Collie) Mc Gurk.

“Councillor Mc Peake stated that the untimely passing of Collie had shocked the Lavey and South Derry community as he was such an effervescent and inspirational figure to everyone who knew him. Collie always aimed for the highest of standards and he was successful in achieving the highest awards within both his professional and sporting careers. He had experienced All-Ireland successes with his Club Lavey in winning the All Ireland Football Club Championship in 1991 and a member of the Derry Senior panel who won the Sam Maguire Cup in 1993. A Sigerson Universities Cup winner in hurling Collie had also managed Derry to National Hurling success winning the Nicky Rackard Cup. At the time of his passing Colm managed Lavey Minor Hurling team, such was his desire to pass on his knowledge and experiences to the younger, emerging generation of hurlers.

In his professional career Colm ran an extremely successful architectural business in Magherafelt. His works had transformed many public and community spaces within the north and beyond. He had recently carried out works for Mid-Ulster District Council in his designing of the ‘Sperrin Sculptor Trail’ in the Sperrins and which was due to be officially opened shortly. His practice had won a number of national and top prestigious awards in the industry. Indeed, in May of this year I, personally had the privilege of nominating ‘Mc Gurk Architects’ architectural practice for Civic Recognition by Mid-Ulster District Council for their success in winning the Liam Mc Cormick award for best building design in north of Ireland, the James Connolly visitors centre in Belfast.

Colm’s passing will be extremely missed in the local Gaelic and business communities where he had given so much to all those who had the pleasure of knowing and working with him. However, his absence will be most sorely missed by his family and friends. To his wife Sinead, daughters Orla, Aoife, Medb and son John I wish to pass on my sincere condolences to a wonderful man who had so positively enriched and touched the lives of so many who had the pleasure of knowing him”

Councillor Kearney concurred saying that although small in stature Con McGurk had had a big personality which had been expressed in his dignified funeral which had been attended by many.

The Chair, Councillor Corry added her condolences saying he was held with high regard as both a great sports and business man.

Councillor Cuthbertson drew attention to the success of Dungannon Golfer Darren Clarke in winning The Senior Open. He proposed that Council send a letter of congratulations and advised that the golfer had been granted 'Freedom of the Borough' by the legacy Dungannon Council and that the signage in place across Dungannon be updated with the recent achievement.

The Chief Executive said officers would report to the Environment Committee.

Councillor Cuddy seconded the proposal and said Council should continue to highlight the profile as Darren Clarke is a Dungannon man.

The Chair, Councillor Corry concurred in extending congratulations to Darren Clarke.

Proposed by Councillor Cuthbertson
Seconded by Councillor Cuddy and

- Resolved** That
- (i) Council forward a letter of congratulations to Darren Clarke in winning the Senior Open Championship; and
 - (ii) a report be presented to Environment Committee with regard to upgrading Darren Clarke, road signage to include his Senior Championship achievements.

Matters for Decision

C142/22 Receive and Consider Minutes of matters transacted in “Open Business” at the Council Meeting held on 23 June 2022

Councillor B McGuigan drew attention to C129/22 Notice of Motion regarding Community Wealth Building and proposed that Council set up a working group under D'hondt stating that it should work in tandem with Climate Change Working group.

Councillor S McPeake seconded the proposal stating that Sinn Féin was not precious about a single entity group as there was many commonalities between community wealth building and climate change. He suggested that officers look at the terms of reference and update to suit the aims of both.

The Chief Executive reminded Members that the minutes are presented for accuracy. He advised that the officer team were undertaking an overview of working groups and if Members agreed to withdraw the proposal the rationale would be filtered into a proposal to be brought to Members in the autumn.

Councillor B McGuigan said he would withdraw the proposal but emphasised that the working groups must be focused and whatever working groups there was must be effective.

Councillor Cuthbertson welcomed confirmation that the DfI Roads would present to Council on 29 September but said it was frustrating that there has been continuous road works on the A29 Moy Road for the fourth July in a row. He said the public had become frustrated and highlighted that the weekend past there was a lane closure yet no actual work was taking place.

Proposed by Councillor B McGuigan
Seconded by Councillor Wilson and

Resolved That the Minutes of the Council held on Thursday 23 June 2022 (C115/22 – C137/22) transacted in Open Business having been printed and circulated were considered and adopted.

C143/22 Receive and Consider Minutes of matters transacted in “Open Business” at the Environment Committee Meeting held on 4 July 2022

Proposed by Councillor Wilson
Seconded by Councillor S McGuigan and

Resolved That the Minutes of the Environment Committee held on Monday 4 July 2022 (E168/22 – E191/22) transacted in Open Business having been printed and circulated, were considered and adopted.

C144/22 Receive and Consider Minutes of matters transacted in “Open Business” at the Planning Committee Meeting held on 5 July 2022

Councillor McFlynn requested an amendment on LA09/2020/0729F that proposer and seconder be amended to read Councillor Quinn and Councillor McFlynn.

Proposed by Councillor S McPeake
Seconded by Councillor McFlynn and

Resolved That the Minutes of the Planning Committee held on Tuesday 5 July 2022 (P086/22 – P095/22) transacted in Open Business having been printed and circulated, subject to the foregoing were considered and adopted.

C145/22 Receive and Consider Minutes of matters transacted in “Open Business” at the Development Committee Meeting held on 6 July 2022

Proposed by Councillor Black
Seconded by Councillor Quinn and

Resolved That the Minutes of the Development Committee held on Wednesday 6 July 2022 (D113/22 – D126/22) transacted in Open Business having been printed and circulated, were considered and adopted.

C146/22 Receive and Consider Minutes of matters transacted in “Open Business” at the Policy & Resources Committee Meeting held on 7 July 2022

Proposed by Councillor Buchanan
Seconded by Councillor S McGuigan and

Resolved That the Minutes of the Policy & Resources Committee held on Thursday 7 July 2022 (PR132/22 – PR153/22) transacted in Open Business having been printed and circulated, were considered and adopted.

C147/22 Peace IV Town Shared Spaces

The SD: Environment presented previously circulated report and sought approval to award delegated powers for the award of IST contracts for the Peace IV – Towns Shared Spaces Project.

Proposed by Councillor McLean
Seconded by Councillor Cuddy and

Resolved Agreed that:

- (i) Pursuant to Section 7(1)(b) of the Local Government Act (NI) 2014, that authority is delegated to Chief Executive to approve the award of IST contracts for the Peace IV Towns Shared Spaces Project subject to them being within budget parameters.
- (ii) A full update report be brought back to Members in September Committee/Council for Members information.

C148/22 Conferences, Seminars & Training

The AD: ODPS sought approval for the previously circulated report on conferences, training and seminars.

Proposed by Councillor Burton
Seconded by Councillor Graham and

Resolved That approval be given to submitted requests for conferences, seminars and training as outlined in the appendix A and B to the report.

C149/22 Civic Recognition Requests

The AD: ODSP sought approval for the previously circulated report on civic recognition requests from Members, in line with the stated Council Policy, and as detailed within the report at appendix A.

The Chair, Councillor Corry advised that clarification had been received and thus Michael Davitt's Under 15 Camogie team having achieved at All Ireland level be upgraded to civic recognition.

Councillor Quinn drew attention to request for Craic Theatre recommended for a letter and said that the proposal should have read for the Technical Team and requested that it be upgraded to civic reception.

Councillor S McAleer requested that her name be added to recognition request for Errigal Ciaran.

Proposed by Councillor Quinn
Seconded by Councillor S McPeake and

Resolved That approval be given to submitted requests for civic recognition detailed at appendix A as outlined in the report with aforementioned changes incorporated.

Matters for Information

C150/22 Correspondence

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

Councillor Quinn referred to correspondence received from DAERA regarding the Torrent River Spill and Animal Cruelty Register. He stated that considering the scale of the spill and the amount of fish killed and species impacted it would take much more than the projected three years for the river to recover. In relation to the Animal Cruelty Register he stated that whilst he accepted the contents of the letter there appeared to be a difference of opinion between the Department of Justice and DAERA but was emphatic that the proposed Animal Cruelty Register was required.

The Chair, Councillor Corry concurred.

C151/22 Consultations

Members noted previously circulated report on consultations notified to Mid Ulster District Council for comment.

The live broadcast concluded at 7.42 pm

Items restricted in accordance with Section 42, Part 1 of Schedule 6 of the Local Government Act (NI) 2014. The public will be asked to withdraw from the meeting at this point.

Proposed by Councillor Burton
Seconded by Councillor S McGuigan and

Resolved: That items C152/22 to C162/22 be taken as confidential business.

Matters for Decision

- (i) Council Confidential minutes of meeting held on 23 June 2022
- (ii) Audit Committee Confidential minutes of meeting held on 28 June 2022
- (iii) Environment Committee Confidential minutes of meeting held on 4 July 2022
- (iv) Planning Committee Confidential minutes of meeting held on 5 July 2022
- (v) Development Committee Confidential minutes of meeting held on 6 July 2022
- (vi) Policy & Resources Confidential Committee minutes of meeting held on 7 July 2022
- (vii) IST Thomas Clarkes GAC
- (viii) Delegated Authority to Chief Executive
- (ix) Employment Matter

Document for Sealing

- (x) Document for Sealing: Lease Agreement between NIHE and Mid Ulster District Council in relation to lands situated at Tamnamore Close, Coalisland
- (xi) Document for Sealing: Mid Ulster District Council and Thomas Clarkes GAC

C163/22 Duration of Meeting

The meeting was called for 7.00 pm and ended at 8.21 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.