

Minutes of Meeting of Mid Ulster District Council held on Thursday 27 July 2017 in the Council Offices, Circular Road, Dungannon

Chair: Councillor Ashton

Members Present: Councillors Bateson, Bell, Buchanan, Burton, Clarke, Cuddy, Cuthbertson, Doris, Elattar, Forde, Gildernew, Gillespie, Glasgow, Kearney, Mallaghan, McAleer, McFlynn, McGinley, B McGuigan, S McGuigan McKinney, McLean, McNamee, McPeake, Milne, Molloy, Monteith, Mullen (7.04pm), Mulligan, J O'Neill, M Quinn, T Quinn, Reid, Robinson, G Shiels, Totten (7.02pm) and Wilson

Officers in Attendance: Mr Tohill, Chief Executive
Ms Campbell, Director of Leisure & Outdoor Recreation
Mr Cassells, Director of Environment and Property
Mrs Forde, Member Support Officer
Mr Kelso, Director of Public Health and Infrastructure
Ms Mezza, Head of Marketing and Communications
Mr Moffett, Head of Democratic Services
Mr JJ Tohill, Director of Finance

The meeting commenced at 7pm

C139/17 Apologies

Councillors McEldowney and J Shiels

C140/17 Declarations of Interest

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

C141/17 Chair's Business

Councillor McFlynn declared an interest in Shopmobility

Councillor McFlynn highlighted that Shopmobility funding expired at the end of the current week and that to date the organisation had not received confirmation of future funding from the Department of Infrastructure and requested that Council write to the Department asking why confirmation of funding is always at the '11th hour' as it causes much stress to those working in the organisations. The Councillor advised that other organisations such as CDM Transport were in the same situation.

Councillor Totten entered the meeting at 7.02pm

The Chair, Councillor Ashton acknowledged that it was an issue throughout community organisations.

Councillor McNamee confirmed that CDM Transport had received their confirmation today. Councillor Reid concurred with this emphasising that it was really the '11th hour'.

Councillor Mallaghan advised that many community groups within his area had only received their funding confirmations letters today.

Councillor Burton drew attention to the fact that CDM Transport had a 3.3% reduction in grant thus the number of journeys they carried out would have to be reduced.

The Chair, Councillor Ashton stated that the matter appeared to be resolved but advised Councillor McFlynn if there was any further information to report to August meeting of Council.

Councillor Reid declared an interest in CDM Transport

The Chair, Councillor Ashton advised that Maghera Walled Garden and Dungannon Park had both received 'Green Flag' status and requested that congratulations be passed to staff.

Councillor Mullen entered the meeting at 7.04 pm

The Chair, Councillor Ashton commended the success of Clogher Valley Show highlighting the attendance of the Right Honourable Lord Burns who had given assurances he would return to the district.

Councillor Glasgow concurred stating that what stood out for him was that it was farm safety week and it was good to see young farmers highlighting the rules of health and safety on farms.

Councillor Robinson concurred commending the show committee who every year worked hard behind the scenes to deliver a great event.

Councillor Burton stated that the Chair should write to the committee commending their endeavours and highlighted that 2018 would be the 100th anniversary of the Clogher Valley Show and Council should endeavour to support this special event highlighting the boost that it gives to local hoteliers and bed and breakfast establishments

Councillor McAleer concurred with fellow Members extending congratulations to the show committee.

The Chair, Councillor Ashton congratulated 'The Hub' Cookstown on the recent carnival which was 'second to none' and advised that she had been delighted to attend the presentation of the Queen's Award.

Resolved That a letter be forwarded to Clogher Valley Show Committee.

Matters for Decision

C142/17 Receive and consider minutes of matters transacted in “Open Business” at the Council meeting held on Thursday 22 June 2017

Councillor Cuthbertson sought an update in relation to C119/17 the town clock at St Ann’s Church, Dungannon. In response the Chief Executive advised that the Director of Business and Communities was not present but that he understood efforts were continuing and a possible funding source had been identified but as repair work had already taken place it may prove difficult to draw down funding. He advised that the Director of Business and Communities would report to the Development Committee on the issue.

Proposed by Councillor Reid
Seconded by Councillor Gillespie and

Resolved That the Minutes of the Meeting of the Council held on Thursday 22 June 2017(C116/17 – C131/17 and C138/17), transacted in “Open Business” having been printed and circulated were considered and adopted.

C143/17 Receive and consider minutes of matters transacted in “Open Business” at the Special Council meeting held on Thursday 29 June 2017

Amendment to the minute – Councillor Clarke be added to the attendance list.

Councillor Wilson wished the Director of Business and Communities a speedy recovery.

In relation to SC27/17 NI Water Councillor Wilson stated that since the 29 June there had been a number of meetings regarding works in Cookstown and noted that when Members had raised concern regarding traffic congestion Transport NI had stated that they were raising an issue that might not exist. Councillor Wilson advised that there was major disruption to traffic in Cookstown and emphasised that Members had been correct in their concerns and traffic had in fact been trailed back to the dual carriageway. He expressed his disappointment in the responses to date and highlighting a DEA meeting scheduled for 28 July sought clarity that Officers would be in attendance. It was confirmed that Council Officers would be in attendance.

Proposed by Councillor Buchanan
Seconded by Councillor Forde and

Resolved That the Minutes of the Annual Council Meeting held on Thursday 29 June 2017(SC22/17 – SC28/17), transacted in “Open Business” having been printed and circulated were considered and adopted.

C144/17 Receive and consider the minutes and recommendations of matters transacted in “Open Business” at the Environment Committee held on Monday 3 July 2017

Proposed by Councillor Mulligan
Seconded by Councillor S McGuigan and

Resolved That the Minutes and recommendations of the Environment Committee meeting held on Tuesday 3 July 2017 (E173/17 – E192/17 and E198/17) transacted in “Open Business”, having been printed and circulated, subject to the foregoing, were considered and adopted.

C145/17 Receive and consider the minutes and recommendations of matters transacted in “Open Business” at the Planning Committee meeting held on Tuesday 4 July 2017

Amendment to minute – Councillor McPeake requested that on page 6, the 4th paragraph the word ‘not be added to the last sentence ie “...survive if there was not one in place”.

Councillor Clarke expressed concern in relation to P090/17 – LA09/2016/0634/0 emphasising that the business had been in existence for at least 50 years, that the proposed building is smaller than what is already there and that recently plans had been passed for similar developments in Ballygawley and Castledawson. He stated there was issues within the planning report which needed discussed at committee and that the decisions needed to be based on facts.

In response the Chair, Councillor Ashton noted from the minute that the application had been deferred thus would be discussed at committee and officers would be briefed.

Proposed by Councillor Mallaghan
Seconded by Councillor Kearney and

Resolved That the Minutes of the Planning Committee meeting held on Tuesday 4 July 2017 (P087/17 – P095/17 and P102/17) transacted in “Open Business”, having been printed and circulated, were considered and adopted.

C146/17 Receive and consider the minutes and recommendations of matters transacted in “Open Business” at the Development Committee held on Wednesday 5 July 2017

Amendment to minute – Councillor Clarke requested that his name be added to the declaration of interest in Tyrone GAA detailed at D144/17.

Councillor Elattar drew attention to D142/17 stating that she would like it noted that when Councillor Cuddy asked for a translation of an organisation listed under good relations grants, because he said he didn't understand Irish and therefore didn't understand what the group did, that she had pointed out that the name of the group shouldn't need to be translated, as it had no bearing on what the group did. The councillor also stated that there were two other groups listed, whose names were in English and although she could read and understand English, the names of the groups still didn't explain to her what they did and that in her opinion, it would be

discriminatory to only ask groups using Irish names to explain to Council Members what they do and that Irish language groups should not have to justify to anyone why they choose to use our native language.

Councillor Elattar continued stating that in a spirit of openness and mutual respect, something that hasn't been in evidence from most Unionist Councillors in this council, towards the local Irish language community, she would like to reassure Councillor Cuddy, that the name of the group, Glor na Sperini, means 'Voice of the Sperrins', not Isis as he so disgracefully claimed at the committee meeting. Councillor Elattar said that she was sure the group would be happy for Councillor Cuddy to attend any of their events to see what they do, or to attend their Irish language classes, where they have a mixture of students, including many from the Protestant and unionist community. Councillor Elattar concluded stating that the Irish language is inclusive, for all to share and enjoy, and that she would like to see unionist councillors embrace it, or at least show some respect for it and those who speak it.

In response Councillor Cuddy stated he accepted it had been a wrong choice of words but emphasised that if a Member does not understand the Irish language, an explanation is required, commenting on the other two groups he stated he would have thought people would know what Probus did but emphasised that the committee had agreed to add a column giving a brief description of the work of the group. He stated that it was Council's role to allocate grant money and Members needed to understand the role of groups. Councillor Cuddy emphasised that the description he sought was for all groups.

Councillor Elattar stated as long as it applied to all groups it was acceptable but reminded Members that there was a robust scoring mechanism in place for the assessment of grants.

The Chair Councillor Ashton stated that the explanation would be across all grant programmes.

Proposed by Councillor Elattar
Seconded by Councillor Clarke and

Resolved: That the Minutes and recommendations of the Development Committee meeting held on Wednesday 5 July 2017 (D138/17–D159/17 and D162/17) transacted in "Open Business", having been printed and circulated, subject to the foregoing, were considered and adopted.

C147/17 Receive and consider the minutes and recommendations of matters transacted in "Open Business" at the Policy and Resources Committee meeting held on Thursday 6 July 2017

Proposed by Councillor S McGuigan
Seconded by Councillor Molloy and

Resolved That the Minutes and recommendations of the Policy and Resources Committee meeting held on Thursday 6 July 2017 (PR127/17 – PR136/17 and PR153/17) transacted in "Open Business", having been

printed and circulated, subject to the foregoing, were considered and adopted.

C148/17 Conferences and Seminars

Approval was sought for the undernoted conferences for the attendance of Members and council officers outlined in the report, the payment of attendance fees and associated costs as incurred.

(i) Member Approvals

- Annual NI Economic Development Conference
 - Wednesday 25 October 2017, Armagh City Hotel, Armagh

Councillor Wilson proposed Councillor Cuddy to attend

(ii) Officer Approval

Conference & Seminar	Date	No of Attendees	Location	Attendance Fees
European Dark Sky Places Conference	20-22 September	1	Dumfries Scotland	Yes
Principles of Customer Service	5-8 September	2	Glasgow	Yes
CIPFA Annual Conference	5-6 October 2017	1	Belfast	yes

Proposed by Councillor Burton
Seconded by Councillor T Quinn

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

C149/17 Consideration of Requests for Civic Recognition

The Head of Democratic Services drew Members attention to the previously circulated report and sought approval for civic recognition requests for those groups and individuals listed in line with Council Receptions Policy.

Councillor McLean stated that perhaps it was time for Council to review the civic recognition process to ensure that the awards carried the prestige intended and advised that in speaking to members of the community the impression he received

was that it does not 'carry the same clout' as recognition given by the legacy Councils.

Councillor Mallaghan concurred with the comments and suggested a working group be formed as it would require more detailed care and attention than could be discussed at Policy and Resources Committee.

The Chair, Councillor Ashton reminded Members that there would be no Policy and Resources committee until September and asked if it was agreeable to wait until then.

Councillor Wilson concurred with previous speakers but stated that it was wider than the Policy and Resources committee and supported the suggestion that a working group be formed.

Councillor Reid said he was astounded at the civic awards event the previous evening at the lack of manners of some people who were 'ignorant' in that they continued chatting when the Chair was speaking. He stated that groups should be told they should have respect for the Chair and that Councillors put groups forward for an award and saying that the Chair was 'talked down' emphasised that respect and courtesy was a must.

In response, the Chair Councillor Ashton said that she had to be fair and state she had not felt that personally and would not wish to send that message back to recipients and in speaking to each of the groups she had been well received and thus could not agree with the Member's comment.

Councillor Mallaghan stated that Sinn Féin would disassociate their party with the comments and emphasised that everyone had behaved in an impeccable manner and it had been a very good night.

The Chair, Councillor Ashton sought a way forward regarding the civic award recognition.

Councillor McLean stated that those recipients put forward in the report should be honoured under current policy and stated he would be happy to be part of the working group.

The Chief Executive stated that Council had a number of working groups and if Members were content nominations would be sought from parties as required.

Proposed by Councillor McGinley
Seconded by Councillor Wilson and

Resolved That

- (i) approval be given to submitted requests for civic recognition as outlined in the report; and
- (ii) that a working group of ten members (as per d'hondt) be formed to review the receptions policy.

Matters for Information

C150/17 Consultations notified to Mid Ulster District Council

Councillor S McGuigan drew attention to the Health and Social Care Trust Re-shaping Stroke Services: A Pre consultation and stated that given the potential outcome for the review Council needed to take seriously modernisation as it often means the relocation of services and Council needed to make a case for retention of services in the local area.

In response the Head of Democratic reminded Members that Policy & Resources committee did not meet in August and thus a response would be prepared for the August meeting of Council.

Resolved That Council respond to the Health and Social Care Trust Re-shaping Stroke Services: A Pre consultation.

Councillor Mallaghan drew attention to the Department for the Economy consultation entitled 'Mineral Prospecting Licence application DG4 (Dalradian Gold Limited) and having read the document was emphatic that no licences should be issued in the Sperrins or in fact across the Council area. He said that evidence showed that there was no benefit for the local community and in reality such prospecting caused nothing but division in the community and conflict between neighbours. In conclusion he stated that looking to other areas where prospecting has taken place it has caused utter despair and was a benefit to few against the wishes of many.

Proposed by Councillor Mallaghan
Seconded by Councillor Bell

That

- (i) Council oppose the issue of Mineral Prospecting Licence application DG4 (Dalradian Gold Ltd); and
- (ii) Council oppose the issue of all Mineral Prospecting Licences across the district.

Councillor McLean stated that he understood the sentiments but emphasised that each case should be addressed separately and discussion was needed going forward.

The Chair, Councillor Ashton drew attention to the closing date of 11 August and indicated that some parties may not have had opportunity to look into the consultation documents.

Councillor Mallaghan stated that the Council papers had been available for a week.

Councillor Cuthbertson suggested that the matter be discussed at the Planning Committee on 2 August.

In response Councillor Mallaghan stated that as Chair of the Planning Committee he would not advise any other matters to be discussed as there was a full agenda.

The Chair, Councillor Ashton called for a vote on the proposal.

For	24
Against	14

Resolved That

- (i) Council oppose the issue of Mineral Prospecting Licence application DG4 (Dalradian Gold Ltd); and
- (ii) Council oppose the issue of all Mineral Prospecting Licences across the district.

Councillor Cuthbertson drew attention to the Royal Courts of Justice consultation: Review of the Listing of the Business in the Magistrates Courts and asked that Council make a response highlighting the need for more car parking at the courthouse in Dungannon as the build-up of traffic effects local primary schools and overflows into Council's car park.

Councillor Kearney asked that car parking at the courthouse in Magherafelt also be mentioned.

Resolved That

- (i) a response be prepared to the Royal Courts of Justice consultation: Review of the Listing of the Business in the Magistrates Courts including the aforementioned; and
- (ii) the previously circulated paper on consultations notified to Mid Ulster District Council was noted.

C151/17 Correspondence

The Chair, Councillor Ashton advised Members that to date no response had been received from the Southern Health and Social Care Trust (SHSCT) following Council's letter regarding assurances of health and safety and the relocation of services from the South Tyrone Hospital site.

Councillor Monteith stated that the SHSCT's wall of silence was not acceptable and that in England such behaviour would not be acceptable. The Councillor proposed that another letter be forwarded to the SHSCT.

Councillor Reid stated that the SHSCT board had assured him that cladding on buildings was safe and that it was not their responsibility to issue such a report this should be done by the Department of Health.

Councillor Monteith stated that if this was the case Council should then write to the Department of Health.

Proposed by Councillor Monteith
Seconded by Councillor Bell and

Resolved That

- (i) Council write to the Department of Health to seek assurances that fire safety equipment and procedures in all properties across the District are of an appropriate standard;
- (ii) the previously circulated paper on correspondence to Council be noted.

Councillor Mallaghan left the meeting at 7.40pm and returned at 7.42pm

C152/17 Consideration of Motion

C152.1/17 Councillor G Shiels to move

Councillor G Shiels moved the motion.

“That this council considers the current crisis threatening the future of Mid Ulster’s Rural Community Transport Partnerships, and shall make representations to the Permanent Secretary or the Minister for Infrastructure, whichever is applicable, citing our opposition to elements of the proposed changes to minibus driver licensing and opposing the unworkable timetable.”

Councillor G Shiels made reference to a letter received from the Department of Infrastructure highlighting the proposed changes regarding minibus licensing requirements. The Councillor outlined the proposed changes which are scheduled and will effect local services from 1 January 2018. He outlined that at the moment a car licence holder with D1 stamped on their licence permits the holder to drive a sixteen seater bus, which gives great flexibility to the partnerships and community groups to transport those in rural areas. It was noted that some organisations such as Boys and Girls Brigade, Scouts etc opted to self-drive community transport minibuses which made trips affordable.

Highlighting anomalies in the forthcoming changes, Councillor G Shiels advised that volunteer drivers under 38 years of age will be forced to obtain a D1 licence if they want to drive a bus other than a ten seater, whilst older drivers with the D1 printed on their licence can continue to volunteer drive. Those who receive pay or reward for driving mini buses will have to apply for the D1 licence.

Councillor G Shiels outlined the process for application for a D1 licence highlighting the undernoted

- there is currently a 16 week wait for provisional licences to be returned from DVLA;
- until a driver is in possession of the provisional licence they can not proceed with booking Theory and Hazard Perception tests;
- Theory and Hazard Perception tests must be completed prior to ‘on road’ driver training instruction which in reality it could take up to a year to obtain a

licence noting the cost could be £960 approximately and implementation date is less than 6 months away;

- Trauma and fear has been created amongst both paid and volunteer drivers at the prospect of sitting a daunting driving test which is resulting in stress. Some paid drivers are prepared to leave after many years of employment rather than undergo the test which means they will lose redundancy entitlements.
- The forthcoming changes have many inequalities such as a paid driver can't continue to drive 16 seater minibuses but a volunteer driver over the age of 38 can; thus paid drivers with exemplary driving records contributing to excellent road safety statistics across Northern Ireland will not be permitted to drive the buses but someone who has never driven a mini bus but over the age of 38 could.
- When the HGV licence was introduced those already driving large lorry's were exempt from undergoing a test and were granted a licence with proof of driving experience.

In conclusion, Councillor G Shiels stated there must be a sensible response to the crisis situation in rural community transport and called for civil servants to stop masquerading as politicians and look at the consequences. He outlined that the 1 January 2018 implementation date could not realistically be met and highlighted that from the Permanent Secretary's correspondence there is an expectation that it is a mere formality that the incoming Minister will simply sign the required documentation but highlighted that to do so would subvert the course of democracy. The implications of such action to rural community transport are enormous with some 67 drivers affected across Northern Ireland. He stated that the Department must exercise equality, flexibility and recognise the experience of established drivers and indeed that the proposed timetable was not realistic.

Councillor G Shiels proposed the motion.

Councillor Wilson seconded the motion.

Councillor Wilson in seconding the motion commended the excellent work carried out by rural community transport organisations highlighting that many individuals and groups would not survive without it. He emphasised that the idea that the process was being introduced in the interest of safety was nonsense as there was no history to support it. He stated that the Department had made no attempt to consult with the public and/or community groups affected and their actions had a direct negative on many groups and organisations. He emphasised that civil servants were endeavouring to progress this without a Minister and as a result their actions were attacking school budgets and community organisations together with rural services.

Councillor M Quinn left the meeting at 7.48pm and returned at 7.49pm

Councillor Burton expressed concern and highlighted that Translink services did not cover the routes that rural community transport were currently covering. The councillor emphasised that it was a dire situation which had been highlighted at the CDM Transport AGM on 29 June and in that service alone five drivers were directly affected with one stating he did not wish to go for the test.

Councillor Burton proposed a slight amendment to the motion as undernoted

“... and extend the Northern Trust enhanced dial a lift service to the Southern Trust area”

Councillor Burton advised the ‘dial a lift’ service commenced in 2016 and was scheduled to run for three years in the Northern Trust area which meant all citizens in Mid Ulster could not avail of the same services and requested Council to lobby to ensure that the entire population of Mid Ulster District Council had access to the service.

Councillor Burton declared an interest in in CDM Transport.

Councillor McNamee declared an interest in CDM Transport

Councillor McNamee concurred with the aforementioned remarks and stated that he had been involved with CDM Transport for a long time and that they provided an excellent service. He advised that the charges for drivers to attain licences which could be up to £1500 would ultimately reflect back on sporting and community groups and was emphatic that Council should resist the changes.

Councillor Reid concurred with previous speakers and highlighted that at present if people availing of the transport had a bus pass the rural transport groups received an allowance and that there was a fear that this too may be cut. He proposed that to make for a stronger lobbying group Council should seek the support of the other Councils in Northern Ireland.

The Chair, Councillor Ashton advised that this would be yet another amendment to the motion.

Councillor Kearney reinforced the points made and stated that currently up to 70 drivers across Northern Ireland were affected but this did not take in the impact to schools as many teachers would not be permitted to drive the buses. He stated that rural people would be the losers and that urgent representation was required before ‘Out and About’ services became ‘down and out!’

Councillor McGinley emphasised that he did not object to the motion but in terms of the amendment would like more clarity. In relation to Councillor Reid’s proposal he suggested that Council write to NILGA regarding the matter.

Councillor Mallaghan left the meeting at 8.02pm

Councillor Burton emphasised that all she was seeking was equality across the board highlighting that a lady from Ballygawley had been unable to avail of the ‘dial a lift’ service whilst people from Cookstown could. She emphasised that they were all residents of the district and should be entitled to equality services.

Councillor McGinley stated that he did not disagree but was questioning the relevance in relation to the motion.

Councillor Wilson stated that the motion was calling for Council to write to the Permanent Secretary and it would be an ideal time to raise the issue of 'dial a lift' service.

Councillor S McGuigan stated that Sinn Féin had no difficulty with the motion but stated that on occasions when equality of services across the district had been sought it went the wrong direction in that services were withdrawn not extended.

Councillor McAleer stated she would second Councillor Burton's proposal as she believed residents had to have equality of treatment.

The Chair, Councillor Ashton called for a vote on the amendment.

For	37
Against	0

The Chair, Councillor Ashton declared the amendment carried.

Councillor Reid withdrew his proposal stating that as suggested by Councillor McGinley a letter to NILGA would suffice.

Councillor G Shiels in response stated that managers of rural transport groups from other districts had communicated the same difficulties and emphasised that the two local rural community transport managers should be included in the delegation to meet the Permanent Secretary.

Councillor G Shiels declared an interest in 'Out and About' rural transport service.

The Chair, Councillor Ashton called for a vote on the amended motion as undernoted

"That this council considers the current crisis threatening the future of Mid Ulster's Rural Community Transport Partnerships, and shall make representations to the Permanent Secretary or the Minister for Infrastructure, whichever is applicable, citing our opposition to elements of the proposed changes to minibuss driver licensing and opposing the unworkable timetable. And extend the Northern Trust enhanced dial a lift service to the Southern Trust Area"

For	37
Against	0

The Chair declared the motion carried.

Councillor Cuthbertson left the meeting at 8.12pm

Confidential Business

Proposed by Councillor Monteith
Seconded by Councillor S McGuigan and

Resolved: That items C153/17 – C162/17 be taken as confidential business.

- (i) Minutes taken as confidential business at Council Meeting held on Thursday 22 June 2017
- (ii) Minutes taken as confidential business at the Environment Committee held on Monday 3 July 2017
- (iii) Minutes taken as confidential business at the Planning Committee held on Tuesday 4 July 2017
- (iv) Minutes taken as confidential business at the Development Committee held on Wednesday 5 July 2017
- (v) Minutes taken as confidential business at the Policy and Resources Committee held on Thursday 6 July 2017
- (vi) Tender reports for Social Enterprise Programme
- (vii) Tender report for MU Engineering Innovation Programme
- (viii) Property Services – Tender Report for the Appointment of Vehicle Suppliers
- (ix) Report on Ann Street, Dungannon Development
- (x) Report on Market Square Improvements, Dungannon

The press left the meeting at 8.13 pm

Councillors Burton and M Quinn left the meeting.

C163/17 Duration of Meeting

The meeting was called for 7pm and ended at 8.45 pm

CHAIR _____

DATE _____