

Minutes of Meeting of Mid Ulster District Council held on Thursday 28 April 2016 in the Council Offices, Circular Road, Dungannon

Members Present: Councillor Dillon, Chair

Councillors Ashton, Bateson, Burton, Clarke, Cuddy, Cuthbertson, Elattar, Forde, Gillespie, Glasgow, Kearney, Mallaghan, McAleer, McEldowney, McGinley, B McGuigan, S McGuigan, McKinney, McLean, McPeake, Molloy, Monteith, Mullen (7.16pm), Mulligan, C O'Neill, J O'Neill, M Quinn, T Quinn, Reid, Robinson, G Shiels and Wilson

Officers in Attendance: Mr A Tohill, Chief Executive
Ms Canavan, Director of Organisational Development
Mr Cassells, Director of Environment and Property
Mr Kelso, Director of Public Health and Infrastructure
Mr Moffett Head of Democratic Services
Mr Tohill, Director of Finance
Mrs Forde, Member Support Officer

The meeting commenced at 7pm

C80/16 Apologies

Councillors Bell, Buchanan, Gildernew, McFlynn, McNamee, J Shiels and Totten.

It was noted that Councillor Mullen would arrive late.

C81/16 Declarations of Interest

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

C82/16 Chair's Business

The Chair Councillor Dillon requested that Maeve O'Donnell be honoured at a reception for winning the All Ireland Uilleann Pipe Championship (12-15 years).

Councillor Wilson requested a reception for Michael Crawford and Liam Ryan who represented Northern Ireland at the Special Pool World Eight Ball Association Competition held in Bridlington.

Councillor Burton requested a reception for Caledon Rovers football team who won the Beckett Cup together with the league and are playing a further league game in the Mid Ulster Division Three on Saturday and if they win it will be 20/20 games won.

Councillor Kearney requested that a letter of congratulations be forwarded to Tony O'Brien from Portglenone who represented young people of province of Ulster at Dublin's official Easter Rising commemorations.

Councillor Ellatar requested a reception for the Hugh McKenna School of Irish Dancing under 16 team who won the world Irish Dancing Championship Invented Dance Section. The dance choreographed was entitled, 'The Old Cross of Ardboe'.

In response to Councillor McLean's query regarding civic recognition for persons nominated at previous Council meetings the Chair, Councillor Dillon stated that f 19 May had now been agreed and that Members would receive details in the near future. The Chair also stated that at each reception she had explained the delay had been due to lack of policy and that in the future there would not be such delays.

Councillor McLean requested that the undernoted receive letters of congratulations:

- Ulster Solo Championship: Matthew Wenlock who won the Junior Drumming Solos and Marcus Wenlock who came 3rd in the Senior Drumming Solo's in the his first year at this level;
- Danielle Hamilton on winning the Grade 2 & 1 Tenor Drumming – this request was concurred by Councillor Wilson;
- Katie McElmurry won third place in Grade 3 tenor drumming;
- Emma Ferguson who won second place in Juvenile Piping 12 & under;
- Pipe Chanter: Luke Kirkpatrick first place, Adam Brimage second place; and, Jake McConnell third place;
- Novice Chanter: Hannah Wilson third place;
- PIOBAIREACHD (A): John McElmurry took second place; and
- Juvenile Drumming 15 & under: Lee Montgomery third place.

Councillor Cuddy stated that in the legacy Council of Dungannon often groups from different backgrounds were grouped together for receptions. In response the Chair, Councillor Dillon stated that requests were grouped by achievement and the numbers venues could cater for.

Councillor Mallaghan advised that Powerscreen were marking their 50th anniversary having commenced business as Mid Ulster Plant and acknowledged the contribution they had made to engineering in Mid Ulster and that they supply 80% of world heavy duty equipment. Councillor Mallaghan stated that it would be fitting to offer a civic reception to Powerscreen and other employers and innovators within Mid Ulster region. The Chair, Councillor Dillon stated that it was a very good idea to recognise business and that a guest list should be agreed through Party Representative Group.

Councillor McLean requested that a letter of congratulations be forwarded to Mr David Henry of Henry Brothers Construction who had been elected Chair of the Construction Federation for a two year period and it was the first time someone outside Belfast had been appointed.

Matters for Decision

C83/16 Receive and consider minutes of matters transacted in "Open Business" at the Special Council meeting held on Wednesday 16 March 2016

Proposed by Councillor Burton

Seconded by Councillor S McGuigan and

Resolved That the Minutes of the Meeting of the Special Council meeting held on Wednesday 16 2016 (SC15/16 – SC19/16), transacted in “Open Business” having been printed and circulated were considered and signed as accurate and correct.

C84/16 Receive and consider minutes of matters transacted in “Open Business” at the Council meeting held on Thursday 24 March 2016

Proposed by Councillor T Quinn
Seconded by Councillor McPeake and

Resolved That the Minutes of the Meeting of the Council held on Thursday 24 March 2016 (C58/16 – C70/16 and C79/16), transacted in “Open Business” having been printed and circulated were considered and signed as accurate and correct.

C85/16 Receive and consider the minutes and recommendations of matters transacted in “Open Business” at the Planning Committee held on Tuesday 5 April 2016.

Councillor Cuthbertson sought clarity with regard to application M/2014/0524/f stating that it was his understanding that the resolve had been to notify the DoE with the intention to approve subject to amended roads conditions yet it had appeared in the press as approved. The Chief Executive stated that in the absence of the Planning Manager he would refrain from giving a direct answer but would investigate the query and forward response to all Members. Councillor Cuthbertson stated that together with party colleagues he had highlighted safety concerns as the entrance was onto the dual carriageway and emphasised the DUP were not against the application but had safety concerns.

Proposed by Councillor McKinney
Seconded by Councillor Cuthbertson and

Resolved That the Minutes and recommendations of the Planning Committee meeting held on Tuesday 5 April 2016 (P58/16 – P66/16 and P71/16) transacted in “Open Business”, having been printed and circulated, subject to the foregoing, were considered and adopted.

C86/16 Receive and consider the minutes and recommendations of matters transacted in “Open Business” at the Policy and Resources Committee meeting held on Thursday 7 April 2016

Proposed by Councillor S McGuigan
Seconded by Councillor Bateson and

Resolved That the Minutes and recommendations of the Policy and Resources Committee meeting held on Thursday 7 April 2016, (PR066/16 –

PR0078/16 and PR088/16), transacted in “Open Business”, having been printed and circulated, were considered and adopted.

C87/16 Receive and consider the minutes and recommendations of matters transacted in “Open Business” at the Environment Committee held on Tuesday 12 April 2016

In relation to item E105/16 Councillor Burton sought clarification regarding the catchment area as a number of farms had been outside the original area designated. The Director of Public Health and Infrastructure advised that the boundaries had been extended and that applications should be forwarded to Council who would then forward them to DARD for screening. The Director stated that the Council website had been updated to include the revised boundaries and that a report would be provided to the Environment Committee in May.

Councillor C O'Neill left the meeting at 7.15 pm

Councillor Mullen entered the meeting at 7.16pm

Councillor Burton spoke of the frustration of farmers dealing with the process and acknowledged the hard work and effort of staff.

In response to Councillor McPeake's question the Director of Public Health & Infrastructure advised that the scheme was funded by DoE but as it was farmland it had to go to DARD for verification. The Director advised that applications had to be lodged with Council who would then transfer them to DARD.

Councillor Mulligan stated that he had been approached by a local group travelling to Germany and asked if it was possible for them to be given a council plaque to present to the host country. Councillor Mulligan stated that this had been a practise in the legacy Council.

Councillor Burton stated that the matter had been raised at the tourism strategy meeting with Flavour of Tyrone and that the Head of Tourism had been tasked to explore options with the group.

The Chair, Councillor Dillon stated that as Councillors were not travelling it may not be appropriate to provide a gift as Council may become inundated with requests.

Councillor Mulligan expressed regret at the Chair's statement advising that in the legacy Councils groups would have been given a gift together with a message from the Mayor and highlighted that such groups were promoting the district.

Councillor C O'Neill returned to the meeting at 7.19pm

The Chair, Councillor Dillon stated that she was seeking to clarify if it was appropriate to provide such gifts.

Councillor Cuddy concurred with Councillor Mulligan and stated that if groups were willing to promote the district providing appropriate gifts should be looked at.

The Chair Councillor Dillon stated that it was a matter which should be investigated and suggested that it should be discussed at relevant committee or party leaders.

Councillor G Shiels concurred with the sentiments of Councillor Mulligan and stated that there was forty elected Members but many more people could be good ambassadors for the district.

Resolved That provision of gift stock such as plaques to groups travelling to other countries be discussed at committee or Party Representative Group.

Councillor McGinley requested that in the penultimate paragraph of item E105/16 DoE be amended to DARD.

Proposed by Councillor Gillespie
Seconded by Councillor B McGuigan and

Resolved That the Minutes of the Meeting of the Environment Committee held on Tuesday 12 April 2016 (E91/16 – E106/16 and E115/16), transacted in “Open Business” having been printed and circulated were considered and signed as accurate and correct.

C88/16 Receive and consider the minutes and recommendations of matters transacted in “Open Business” at the Development Committee meeting held on Thursday 14 April 2016.

Councillor McPeake sought clarification regarding item D103/16 Minor Infrastructure Support regarding villages of Gulladuff and Beagh being grouped together. In response the Director of Business and Communities stated that he would seek clarity regarding the villages and advised that the minor infrastructure support was a work in progress.

Councillor Mallaghan requested that the membership of Cookstown Twinning Committee be increased from four members to five to bring it in-line with standard committee membership.

Resolved That the membership of Cookstown Twinning Committee be increased from four members to five to bring it in-line with standard committee membership.

Proposed by Councillor Clarke
Seconded by Councillor Burton and

Resolved That the Minutes and recommendations of the Development Committee meeting held on Thursday 14 April 2016, (D093/16 – D110/16 and D115/16) transacted in “Open Business”, having been printed and circulated, were considered and adopted.

C89/16 Conferences and Seminars

Approval was sought from the meeting for the undernoted conferences and sought approval for the attendance of Members and Council officers, the payment of attendance fees and associated costs as incurred.

- (i) Lough Neagh – The Potential for Community Ownership
Friday 29 April 2016 (10am-1pm) at Lough Neagh Discovery Centre, Oxford Island, Craigavon
- (ii) Human Rights - 21st Century Approach
Tuesday 26 - Wednesday 27 May 2016 at Parliament Buildings, Stormont.
- (iii) From Ulster to Rome: a retrospective of the career of Hugh O'Neill, Earl of Tyrone:
Friday 3rd – Saturday 4 June 2016 at British School at Rome Via Antonio Gramsci, 61, Roma, Italy
- (iv) World Towns Leadership Summit 2016
Wednesday 15th – Thursday 16th June 2016 at Edinburgh, Scotland
- (v) PPMA National Seminar
Wednesday 22 June - Thursday 23 June 2016 at Aston University Conference Centre, Birmingham
Director of Organisational Development to attend.

The Head of Democratic Services detailed an additional conference as undernoted:

- Aji Northern Ireland – The Geographic Economy – the Benefits of Investing in Geospatial Technology
Wednesday 11 May 2016 at Riddel Hall, Belfast
Two members of staff to attend representing ICT and Planning Divisions.

Proposed by Councillor Burton
Seconded by Councillor Molloy and

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 or officers

C90/16 Standing Orders for Regulation of Council Business

The Chief Executive drew attention to the previously circulated report detailing proposed amendments to the Standing Orders for the transaction of Mid Ulster District Council business. The Chief Executive advised that discussion would be deferred until the May meeting of Council.

Proposed by Councillor McPeake
Seconded by Councillor McGinley and

Resolved That Members note the amendments to Standing Orders for Regulation of Council Business to be discussed at May meeting of Council.

C91/16 Revised Council and Committee Meeting Schedule 2016-2017

The Head of Democratic Services drew attention to the previously circulated report detailing proposed changes to the 2016-17 meeting schedule and sought approval for the undernoted:

- Council meeting in June be held on 30 June at 7pm;
- Special Council meeting in June be held on 30 June at 8.30pm;
- Special Council meeting in September 22 September at 8.30pm;
- November Council meeting Wednesday 23 November at 7pm.

Proposed by Councillor Gillespie
Seconded by Councillor Bateson and

Resolved That Council approves the amendments to the 2016-2017 meeting schedule.

C92/16 DFP Consultation – Enhanced Sport & Recreation Rate Relief for Unlicensed Community Amateur Sports Clubs

The Director of Finance drew attention to the previously circulated report providing an update in relation to the current Department of Finance and Personnel (DFP) consultation exercise in relation to the proposed introduction of an enhanced sport and recreation rate relief for unlicensed community amateur sports clubs.

Proposed by Councillor McLean
Seconded by Councillor T Quinn and

Resolved That Council authorise the response to the consultation in a manner which welcomes the proposed policy.

Matters for Information

C93/16 Consultations notified to Mid Ulster District Council

The previously circulated paper on consultations notified to Mid Ulster District Council was noted.

Resolved That the consultations contained within the previously circulated report be noted

C94/16 Consideration of Motion

C94.1/16 Councillor Dillon to move

“This council looks at what can be done under the power of general competency to assist historical un-adopted developments where no bond exists that have suffered from years of neglect by relevant agencies.”

The Chair, Councillor Dillon read the aforementioned motion and stated that it was one of the issues she had identified to be dealt with under the power of general competency. The Chair advised that she was not referring to developments where a bond was in place and works would be completely eventually but rather to developments built maybe 50 years ago, handed over to the legacy Council in the 1970s and had no hope of roads and pathways being adopted as they were owned by Council but had never been brought up to a standard to be adopted. Highlighting that there was an equality issue the Chair advised that the roads and pathways in the developments were in a terrible state and named two areas (i) Currans Terrace, Dungannon; and (ii) Killowen, Coalisland where a bond had been lifted by the legacy Council but works had never been completed. The Chair highlighted that many of the residents were elderly and had mobility issues and that the general state of the roads and footpaths were unacceptable. Acknowledging that it was a legacy issue the Chair stated that it was now the responsibility of Mid Ulster District Council to address the issues and there should be sufficient resources within the current budget. The Chair also stated that she did not expect all areas identified to be completed by Council but emphasised that engagement was needed with other agencies and central government to identify funding. The Chair also mentioned Sandy Row and Newtownkelly as developments where work was required to bring them up to a standard to be adopted and thus no longer the responsibility of Council.

Councillor Gillespie concurred with the motion and stated that the same thing had happened in Donaghmore and the issue had been ongoing over a 40 year period and meanwhile roads and pathways were in an appalling state.

Councillor S McGuigan seconded the motion and emphasised that within the legacy Council Members had made decisions on the information presented and it was now apparent information had not been conclusive. Councillor S McGuigan stated that Council should proceed as outlined in the motion.

Councillor Cuthbertson stated that in considering the motion it was unwise to mention individual places which the press would no doubt publicise and emphasised that Members needed more information as he had been unaware of issues of regarding bonds with housing developers or how they were accessed. Councillor Cuthbertson stated that the matter should be investigated and reported to committee.

Councillor Reid concurred with Councillor Cuthbertson's comments and stated that there could be equality issues as he had been lobbied by residents of Newtownkelly where road conditions were dreadful and that Council needed to be mindful of the costs which could be incurred to rectify problems. Councillor Reid suggested that a survey of such areas be conducted across Mid Ulster and then discussed at committee

In response the Chair, Councillor Dillon stated that to conduct a survey was an acceptable approach but emphasised in relation to the two areas she had aforementioned that she did not see a difficulty as it is the responsibility of any Member to raise issues about areas within their remit. The Chair emphasised that she was not seeking agreement tonight but was requesting that officers investigate the issues. With reference to Killowen the Chair stated that she could access detail regarding the situation and stated that Council had a responsibility to address the issues even if the power of general competency was not in place. The Chair advised that she did not expect the matters to be addressed immediately but had moved the motion in order to seek agreement to investigate costs etc.

Councillor Molloy stated that some people had been living in the Killowen development pre 1973 re-organisation and thus had been waiting a lifetime for improvements and that the matter needed to be addressed as a matter of urgency.

Councillor Monteith stated that Curran Terrace had been previously discussed and that he would support the motion but that he was under the impression that this work was to be carried out if legislation permitted should it be the remit of general power of competence or an alternative. Councillor Monteith further stated that the residents of Curran Terrace had wrote to the Chief Executive 12 months ago and that they were entitled to an answer. In conclusion Councillor Monteith commented that people did not see any difference with the implementation of Review of Public Administration.

The Chair, Councillor Dillon stated that she did not see anything happening and felt that bringing the debate to the full Council would help.

Councillor McLean stated that following the seminar on general power of competence and subsequent discussion that he had been of the understanding that there was to be a scoping exercise to highlight all such areas. Councillor McLean stated that Council should be cautious and endeavour to source funding to carry out such works but that he had no issue with the motion.

Councillor Cuddy concurred with previous speakers and stated that it was important to get understanding, target prime projects and influence other government bodies to act. Councillor Cuddy referred to areas in Castlecaulfield which had been brought to his attention and referred to work carried out in the legacy Council regarding Curran Terrace when the price for works had been reported to be approximately £65k but that it had not been the remit of Council to complete the works. Councillor Cuddy stated that a policy and structure needed to be in place to address such issues. In response the Chair, Councillor Dillon stated that it had been the remit of the legacy Council to carry out works in Curran Terrace as they had owned it.

Councillor McKinney left the meeting at 7.51pm

Councillor McPeake referred to a brief discussion at Policy & Resources committee and stated that there was to be a further workshop under power of competence. Councillor McPeake stated that it is laudable that Council carries out the work on such developments if it can.

The Chair, Councillor Dillon stated that other than the developments that she had named no other developments had been put forward and acknowledging that Council may not be able to complete all the works they certainly needed to look at the matter.

Councillor Wilson emphasised that a scoping exercise was required to identify areas, determine ownership and also stated that there were retail areas where developers had went bust, areas where street lighting and roads were not up to standard.

Councillor McKinney returned to the meeting at 7.54pm

In response the Chair Councillor Dillon stated that some areas where developers went bust there should be a bond in place but that the areas she was highlighting there was no bond to complete works.

Councillor M Quinn left the meeting at 7.55 pm

Councillor Reid referred to the scoping exercise and asked the Chair, Councillor Dillon to appeal to the press not to name areas until the exercise was completed. In response the Chair stated that the topic was in open business for discussion and that she did not feel it was necessary to request the press not to name areas.

Councillor M Quinn returned to the meeting at 7.57pm

Councillor Glasgow referred to earlier comments when it had been stated that the legacy Council had collected a bond to complete works and had not done so and posed the question as to how the money had been used. In response the Chair, Councillor Dillon stated that the Councillor was quite right but that she did not know if that information could be sourced.

The Chair councillor Dillon declared the motion carried.

Confidential Business

Proposed by Councillor Burton
Seconded by Councillor S McGuigan

Resolved That items C95/16 –C100/16 be taken as confidential business.

The press left the meeting at 7.45pm

C101/16 Duration of Meeting

The meeting was called for 7pm and ended at 8.16 pm

CHAIR _____

DATE _____