

Minutes of Meeting of Mid Ulster District Council held on Thursday 17 December 2015 in the Council Offices, Circular Road, Dungannon

Members Present: Councillor Dillon, Chair

Councillors Ashton (7.15pm), Bateson, Bell, Buchanan, Burton, Cuddy, Cuthbertson, Elattar, Glasgow, Gildernew, Gillespie, Kearney, McEldowney, McFlynn, McGinley, B McGuigan, McKinney, McNamee, McPeake, Molloy, Monteith, Mullen, Mulligan, J O'Neill, M Quinn, T Quinn, Reid, Robinson, G Shiels, J Shiels, Totten and Wilson

Officers in Attendance: Mr A Tohill, Chief Executive
Ms Campbell, Director of Culture & Leisure
Ms Canavan, Lead HR Officer
Mr Cassells, Director of Environment and Property
Mr Kelso, Director of Public Health and Infrastructure
Mrs Mezza, Head of Marketing Communications
Mr McCreesh, Director of Business and Communities
Mr Moffett Head of Democratic Services
Mr Tohill, Director of Finance
Mrs Forde, Member Support Officer

The meeting commenced at 7pm

C231/15 Apologies

Councillors Clarke, Forde, Mallaghan, McAleer, S McGuigan, McLean, C O'Neill and it was noted that Councillor Ashton would arrive late.

C232/15 Declarations of Interest

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

C233/15 Chair's Business

Councillor Wilson requested civic reception recognition for the undernoted:

- Magherafelt High School Lego League team had won the Northern Ireland Regional Lego League;
- Cookstown Primary School student Jasmine Chan winner of the Princess Diana Courageous Citizen Award;
- Cookstown Primary School Gardening Club winner of Princess Diana Award promoting healthy living.

Councillor Wilson expressed concern regarding difficulties experienced by people in Cookstown due to the implementation of 4G signal masts by O2 and stated that Council when granting planning approval needed to ensure that companies had consulted and addressed issues raised by residents.

Councillor Burton entered the meeting at 7.05pm

The Chair, Councillor Dillon expressed concern about broadband coverage in relation to businesses.

Councillor McNamee concurred with Councillor Wilson's comments and stated that many Cookstown residents had to purchase filters at a cost of £60 for their televisions as many could not receive the signal. Councillor McNamee suggested that the Director of Public Health and Infrastructure carry out research regarding the situation. The Director agreed to do so and the Chief Executive advised that an email had been issued to Members earlier in the day advising of companies who could assist with the problem. Councillor T Quinn also concurred with previous comments and stated that he had been speaking with residents who had to spend up to £170 to restore television signals.

Councillor Glasgow advised that Kildress Mothers Union were celebrating their 90th Anniversary and requested that the Chair Councillor Dillon send a letter of congratulations. The Chair, Councillor Dillon agreed.

Councillor G Shiels requested that Council raise awareness of the dangers of button batteries especially to young children. The Director of Public Health and Infrastructure stated that he was aware of the issue and stated that his department would be endeavouring to raise awareness. The Chair, Councillor Dillon stated that she would like to be involved.

Matters for Decision

C234/15 Receive and consider minutes of matters transacted in "Open Business" at Special Council meeting held on Thursday 19 November 2015

Councillor McKinney advised he had omitted to declare an interest in the Northern Health and Social Care Trust at this meeting.

Councillor T Quinn requested that on page 8 of the minute 'public care' be changed to 'palliative care.' Councillor McNamee was not in attendance and was to be removed from the attendee list.

Proposed by Councillor J O'Neill
Seconded by Councillor T Quinn and

Resolved That the Minutes of the Special Meeting of the Council held on Thursday 19 November 2015 (SC16/15 – SC18/15), transacted in "Open Business" having been printed and circulated were considered and signed as accurate and correct.

C235/15 Receive and consider minutes of matters transacted in "Open Business" at Council meeting held on Thursday 26 November 2015

Proposed by Councillor McNamee
Seconded by Councillor Wilson and

Resolved That the Minutes of the Meeting of the Council held on Thursday 26 November 2015 (C209/15 – C219/15 and C230/15), transacted in “Open Business” having been printed and circulated were considered and signed as accurate and correct.

Councillor Bateson made an observation on the motion brought by Councillor M Quinn in November and queried if there was merit in bringing such motions on international affairs. He stated that if they were to bear any credibility and if the international community was to give them any cognisance, consistency would be essential. Councillor Bateson made reference to the fact that there was no similar motion tabled by the Councillor on the agenda for the meeting highlighting that the Air Force in Saudi Arabia were killing hundreds of innocent people with British Government supplied arms and missiles in Yemen, the Royal Air Force had been engaged in a bombing campaign terrorising communities in Syria and therefore to comment selectively about deaths in relation to international affairs lacks credibility.

C236/15 Receive and consider the minutes and recommendations of matters transacted in “Open Business” at the Planning Committee held on Tuesday 1 December 2015.

Councillor Cuthbertson requested undernoted amendment to page 14 M2014/0299

Councillor Cuthbertson proposed that the condition relating to operational hours of the building should be reduced from 7.00 am to 8.30 am to limit the disturbance to nearby properties.

Proposed by Councillor Bell
Seconded by Councillor Robinson and

Resolved That the Minutes and recommendations of the Planning Committee meeting held on Tuesday 1 December 2015 (P137/15 – P143/15 and and P147/15) transacted in “Open Business”, having been printed and circulated, subject to the foregoing, were considered and adopted.

C237/15 Receive and consider the minutes and recommendations of matters transacted in “Open Business” at the Policy and Resources Committee held on Thursday 3 December 2015

Proposed by Councillor McPeake
Seconded by Councillor Buchanan and

Resolved That the Minutes of the Meeting of the Policy and Resources Committee held on Thursday 3 December 2015 (PR167/15 – PR176/15 and PR188/15), transacted in “Open Business” having been

printed and circulated were considered and signed as accurate and correct.

C238/15 Receive and consider the minutes and recommendations of matters transacted in “Open Business” at the Environment Committee meeting held on Tuesday 8 December 2015

Proposed by Councillor McNamee
Seconded by Councillor B McGuigan and

In response to Councillor Mulligan’s concerns it was noted that the references to Fivemiletown had been recorded within the Environment Committee Confidential Business minute to be taken later on the agenda. With regard to the issue raised within the minute on opening times of the public toilets in Fivemiletown the Director of Environment and Property stated that they should be opened seven days a week.

Councillor Burton concurred with concerns raised regarding Fivemiletown and in relation to winter maintenance advised that she had received a call to say a large branch had been swept down the River Blackwater and was blocking the bridge at Caledon which if not dealt with could lead to a dangerous situation. The Chair, Councillor Dillon stated that this was an issue for the Rivers Agency. Councillor Gildernew stated that the matter had been reported to the Rivers Agency a week ago but to date nothing had been done. The Chair, requested that officers follow the matter up.

Resolved That the Minutes and recommendations of the Environment Committee meeting held on Tuesday 8 December 2015, (E227/15 – E249/15 and E257/15), transacted in “Open Business”, having been printed and circulated, were considered and adopted.

C239/15 Receive and consider the minutes and recommendations of matters transacted in “Open Business” at the Development Committee meeting held on Thursday 10 December 2015.

Proposed by Councillor Molloy
Seconded by Councillor T Quinn and

Resolved That the Minutes and recommendations of the Development Committee meeting held on Thursday 10 December 2015, (D230/15 – D248/15 and D256/15) transacted in “Open Business”, having been printed and circulated, were considered and adopted.

C240/15 Conferences and Seminars

The Head of Democratic Services drew attention to the previously circulated report Approval which sought approval for attendance of Members and Council officers to conferences and seminars, where requested, and the payment of attendance fees and associated costs as incurred.

(i) Local Government Reform Conference

Thursday 4 February 2016 in Lagan Valley Island, Lisburn (9am-4pm)

- (ii) Northern Ireland Housing Conference 2016
Thursday 11 February 2016 in Crumlin Road, Gaol, Belfast (9am-1.15pm)
- (iii) Waste Management Breakfast Seminar, CBI
Friday 28 January 2016 in Malone House, Belfast (7.45am -10.45am)
One Officer (Director of Environment & Property)

Proposed by Councillor McNamee
Seconded by Councillor Gildernew and

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

C241/15 Rate Support Grant

The Chief Executive drew attention to the previously circulated report.

The Chair, Councillor Dillon advised that she had attended the cross council delegation which met with the Minister for the Environment on 11 November 2015. Speaking on the proposed motion detailed in the report the Chair asked that officers check if there was sufficient time within the current mandate for the motion to be considered by the NI Assembly and if not stated that it should be held for the next mandate.

The Lead Officer for Finance stated that if the motion was held back it would affect the Rate Support Grant in the incoming year. The Chair, Councillor Dillon suggested that Council seek a meeting with the NI Executive to protect the Grant in the incoming year and sought direction as to who should participate.

Councillor Wilson suggested that the Chair and Deputy Chair attend with relevant council officers.

Proposed by Councillor Wilson
Seconded by Councillor Cuddy and

Resolved That

- (i) Undernoted Motion be presented to NI Assembly :

That this Assembly commits to ring-fencing a sum of £18.325m within Executive budgets from 2016/17 onwards, either from the Department of the Environment budget or otherwise, and until such time that a detailed review is undertaken in conjunction with Local Government officers to determine the real level of future need required to ensure that those Councils with proven socio-economic need can maintain parity of service provision with those Councils with stronger, more sustainable rates bases;

- (ii) A meeting is requested with OFMDFM of the NI Assembly to discuss the aforementioned cross council motion to which the Chair and Deputy Chair attend with Officers.

C242/15 Review of NI Local Government Association

The Chief Executive drew attention to the previously circulated report and sought approval for the response to the independent review of NILGA.

Proposed by Councillor Burton
Seconded by Councillor McNamee and

Resolved That the response to the independent review of NILGA be approved and be submitted.

Matters for Information

C243/15 Consultations notified to Mid Ulster Council

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

C244/15 Consideration of Motion

C244.1/15 Councillor Cuthbertson to move

‘That Mid Ulster District Council calls for an urgent meeting with DARD / Rivers Agency to discuss the serious flooding at the Linen Green and demands that urgent action be immediately taken to clear all designated waterways in the Moygashel area. Also calls for the extension of the current Emergency Flooding Hardship fund to include businesses, as well as domestic dwellings. Further acknowledges the positive and constructive response from Council Officers in arranging immediate emergency support.’

Councillor Cuthbertson read out the aforementioned notice of motion and stated that such floods in the area had not been witnessed before and in some places the flooding had reached three feet. He stated that the floods had been devastating to retailers at the Linen Green and he paid tribute to Council Officers who provided practical help in the clear up. Referring to the floods Councillor Cuthbertson stated that the cause had been traced back to the watercourse at the Park Lake stream where a metal grill had been clogged. Councillor Cuthbertson stated that it had been reported by Rivers Agency that the grill had been cleared on the previous Friday but that the Minister of Department of Agriculture and Rural Development later clarified that it had been cleared on 30 November. Advising that he had walked the water course he stated that all landowners of which Council was one needed to play their part in keeping their section of the water course clear. With regard to flooding payments Councillor Cuthbertson stated that at present the emergency payment did not apply to businesses and that although £1,000 was not a large amount of money it would assist businesses and minimise if not stop staff redundancies.

Concluding, Councillor Cuthbertson stated that he would like to add the undernoted to the end of the motion

“...also work carried out to date by the Rivers Agency.”

Councillor Cuddy supported the motion stating that as a business owner he could appreciate why any business in this situation needed financial support and that the dam in the park was an old problem. He added that the Council needed to support the businesses.

Councillor Ashton supported the motion and commended Officers who worked over the weekend and stated that the Linen Green businesses had been very appreciative.

Councillor McGinley concurred with points raised and in acknowledging that the level of rainfall had been difficult to deal with he emphasised that as stated by the Minister for Agriculture and Rural Development the grill had been cleared on 30 November. Councillor McGinley stated that the Rivers Agency had also responded well and suggested that the Linen Green Management should also be included in the suggested meeting, as proposed within the motion.

Councillor Cuthbertson concurred that the Linen Green Management together with Transport NI should be included in the motion.

In relation to the clearing of grills, Councillor Gillespie stated that he had worked at clearing these in the past and had witnessed grills cleared one day only to be blocked the following day.

The Chair Councillor Dillon stated that a number of homes in Coalisland had been flooded and expressed appreciation to officers who endeavoured to ensure people received prompt payment of the emergency flooding hardship grant. The Chair advised that Rivers Agency staff did come out but initially in Coalisland the cause could not be determined which turned out to be similar to that in the Linen Green. With reference to the proposed meeting the Chair stated that attendance should be as wide as possible.

Councillor Glasgow left the meeting at 7.35pm

Councillor Gillespie stated that often people dump large items in local rivers and it would be worthwhile to highlight the council's Bulk Waste Collection Service.

Councillor McFlynn expressed support for the motion and in referring to previous instances of flooding in Magherafelt she stated there would be value in meeting with the Rivers Agency and seeking hardship payment for businesses.

Councillor Burton referred to flooding at the McCague Centre in Aughnacloy and a Special Needs group which had to switch activities to a different venue as a result. She stated that the matter had been raised previously with Rivers Agency but no money was available to address the causes but emphasised that Council should

stand up for the vulnerable and asked that the matter be raised at the proposed meeting. The Chair, Councillor Dillon concurred with this stating that such groups and facilities may not be as well insured.

Councillor M Quinn stated that in speaking to residents who had suffered flooding they had complained about the initial lack of response from Rivers Agency and stated that Rivers Agency staff had indicated that there was no one on standby, to avoid overtime payments. Councillor M Quinn continued stating that in the Coalisland area houses flooded annually and the timing of Rivers Agency response was an issue.

The Chair, Councillor Dillon stated that at the proposed meeting all the issues would be raised but acknowledged that the response from the Rivers Agency had improved in recent years and that the Department for Agriculture and Rural Development and the Rivers Agency had taken a lead on flooding issues, but in every situation there was room for improvement.

Councillor Cuthbertson in responding to comments stated that he presumed the motion would be passed and clarified that he had mentioned the dates regarding the clearing of the grill as a Rivers Agency official had stated it was cleaned on one date but the Minister had clarified it to be an earlier date. Referring to Councillor Gillespie's comments on dumping, Councillor Cuthbertson stated that in some instances it can be an issue but the flow to the Linen Green comes from the park lake stream which can become overgrown and thus create blockages.

In response to Councillor McGinley's request the Chair Councillor Dillon clarified the motion as undernoted:

'That Mid Ulster District Council calls for an urgent meeting with DARD / Rivers Agency, Linen Green Management and Transport NI to discuss the serious flooding at the Linen Green and demands that urgent action be immediately taken to clear all designated waterways in the Moygashel area. Also calls for the extension of the current Emergency Flooding Hardship fund to include businesses, as well as domestic dwellings. Further acknowledges the positive and constructive response from Council Officers in arranging immediate emergency support and also work carried out to date by the Rivers Agency'

The Chair declared the motion carried.

Councillor Burton emphasised the need for a response from the Rivers Agency on the situation at the McCague Centre in Aughnacloy as it was an annual occurrence.

Confidential Business

Proposed by Councillor McNamee
Seconded by Councillor T Quinn and

Resolved That items C245/15 – C252/15 be taken as confidential business.

The press left the meeting at 7.50 pm

C251/15 Duration of Meeting

The meeting was called for 7pm and ended at 8.17pm

CHAIR _____

DATE _____