

Minutes of Meeting of Mid Ulster District Council held on Thursday 27 October 2016 in the Council Offices, Circular Road, Dungannon

Chair: Councillor Wilson, Chair

Members Present: Councillors Bateson, Bell, Buchanan, Clarke, Cuddy, Cuthbertson, Forde, Gildernew, Gillespie, Kearney, Mallaghan, McAleer, McEldowney, McFlynn, McGinley, B McGuigan, S McGuigan, McKinney, McLean, McNamee, Molloy, Monteith, Mulligan, J O'Neill, M Quinn, T Quinn, Reid, Robinson, J Shiels, G Shiels

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

The meeting commenced at 7pm

C213/16 Apologies

Councillors Ashton, Burton, Doris, Elattar, Glasgow McPeake, Totten and C O'Neill

C214/16 Declarations of Interest

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

C215/16 Chair's Business

Councillor Mulligan paid tribute to Castlecaulfield Horticultural Society's success at the recent Britain in Bloom Finals and requested that a reception be hosted in recognition of their hard work and success.

Councillor McLean requested that Matthew Wenlock's success in winning the World Champion Drumming Competition be acknowledged.

Councillor Cuthbertson made reference to serious anti-social behaviour occurring in Moy when buses of people were attending licensed premises in the area. The Councillor acknowledged that the licensing officers had successfully dealt with the situation the previous year and requested that they follow up the current matter and also contact Chief Inspector Robinson who is aware of the problem.

Councillor Gillespie requested that Donaghmore Horticultural Society attend a civic reception for attaining second place at Ulster in Bloom competition.

Councillor G Shiels requested that a letter be forwarded to R Crawford & Company winners of the Northern Ireland Neighbourhood Retailer Award – Community Store of the year.

Councillor Mallaghan requested a Chair's reception for Pomeroy GAC senior team on winning the Intermediate Championship and wished the Rock GAC continuing success in their current league.

Councillor McAleer concurred with previous comments regarding Castlecaulfield Horticultural Society stating that she would like to attend any event organised in their honour.

Councillor Kearney made reference to the official opening event of the Heaney Homeplace and complimented all staff involved. The Councillor made further reference to the opening of the bypass in Magherafelt.

The Chair, Councillor Wilson acknowledged the recent success of Cookstown Bowling Club on winning the Irish Junior Cup and the Southern Cup; Messrs Smith and Wilson on winning the Northern Ireland Bowling Pairs Competition; Joe Hutton & Sons Butchers on attaining first place in the Fine Food Awards; and, Royal British Legion Standard Bearers Champions Norman Espie, Susan Park, Ellie Park and Rachel McKeown and wished them well for the forthcoming National Competition. The Chair acknowledged that the current reception policy was being revised and stated that pending the outcome that the aforementioned be considered for recognition.

Councillor McEldowney advised that Kerry Mullen had won the All Ireland Senior Harp Competition and was the first person in Ulster to attain this award and requested recognition of the achievement.

Councillor Molloy acknowledged the hard work of staff on the organisation and delivery of an excellent summer programme followed closely by a programme of events for Halloween and Christmas. The Councillor stated that staff go beyond the call of duty to deliver excellent events. The Chair, Councillor Wilson concurred.

Councillor J Shiels requested that Ampertaine Primary School's success in attaining the Top Northern Ireland School in the Annual Accelerated Reader Competition be recognised.

C216/16 Receive and consider minutes of matters transacted in "Open Business" at the Council meeting held on Thursday 22 September 2016

Proposed by Councillor J Shiels
Seconded by Councillor Bateson and

Resolved That the Minutes of the Meeting of the Council held on Thursday 22 September 2016 (C195/16 – C206/16 and C212/16), transacted in “Open Business” having been printed and circulated were considered and signed as accurate and correct.

C217/16 Receive and consider minutes of matters transacted in “Open Business” at the Special Council meeting held on Thursday 22 September 2016

Councillor T Quinn requested an amendment to SC26/16 page 3 to read “quoting Rev Jessie Jackson in his statement that “racism and sectarianism hinders growth and destroys the human spirit”

Proposed by Councillor Mallaghan
Seconded by Councillor T Quinn and

Resolved That the Minutes of the Meeting of the Special Council held on Thursday 22 September 2016 (SC24/16 – SC28/16), transacted in “Open Business” having been printed and circulated and subject to the foregoing amendment, were considered and signed as accurate and correct.

C218/16 Receive and consider the minutes and recommendations of matters transacted in “Open Business” at the Planning Committee held on Tuesday 4 October 2016

Proposed by Councillor Bateson
Seconded by Councillor J Shiels and

Resolved That the Minutes and recommendations of the Planning Committee meeting held on Tuesday 4 October 2016 (P170/16 – P179/16 and P185/16) transacted in “Open Business”, having been printed and circulated, subject to the foregoing, were considered and adopted.

C219/16 Receive and consider the minutes and recommendations of matters transacted in “Open Business” at the Policy and Resources Committee meeting held on Thursday 6 October 2016

Councillor McLean requested that his objection to PR179/16 Brand Implementation Vehicle Livery be recorded.

Councillor S McGuigan made reference to other Councils declaring status in relation to being minimum wage employers and stated that the matter had gone through Mid Ulster Council and sought clarity as to the current status.

The Chief Executive clarified that the matter had been raised and agreed by Council but advised that there was an ongoing review of Environment and Property Services which would have implications on rates of pay. He further advised that the proposals was currently with Trade Unions and that it would be presented to December Policy

& Resources meeting at which time Members would see a full picture of employer implications and implementation plans.

Councillor McGuigan accepted the explanation but expressed disappointment that the implementation had not been dealt with and emphasised that Members should be made aware of any delays.

Councillor McGuigan sought clarity as to the position of Members who represented Council on the Board of the Citizens Advice Bureau stating that when the contract had been at procurement stage he had been advised not to participate on the board due to conflict of interest issues and had adhered to the advice. The Councillor stated that he had recently been approached by the Manager of the CAB who had asked him why he had not returned to the board as a Council Officer had advised that Members would return following procurement. The Councillor stated he had previously asked for clarity concerning the issue and emphasised that Members sit on the boards of various organisations receiving monies from Council.

In response the Chief Executive clarified that Members had been advised not to sit on the board of Citizens Advice Bureau as there was a conflict of interest. He stated that he would welcome a conversation with the Member to provide clarity on the position and apologised that there had been a delay in provision of same. The Chief Executive advised that a procured contract was in no way similar to small grant award to organisations Members may represent Council on. The Chief Executive reiterated that he would converse with Councillor McGuigan to resolve the issue.

Councillor McLean requested that the clarity provided be circulated to all Members.

Proposed by Councillor Mallaghan
Seconded by Councillor Bateson and

Resolved That the Minutes and recommendations of the Policy and Resources Committee meeting held on Thursday 6 October 2016, (PR173/16 – PR182/16 and PR193/16), transacted in “Open Business”, having been printed and circulated, were considered and adopted.

C220/16 Receive and consider the minutes and recommendations of matters transacted in “Open Business” at the Environment Committee held on Tuesday 11 October 2016

Councillor Reid requested an amendment to minute at E251/16 to read “He added that officers should review arrangements in place within legacy councils of Cookstown, Dungannon & South Tyrone and Magherafelt for controlling the burning of tyres on bonfires. He referred to the position adopted by the former Dungannon & South Tyrone Council on monitoring the disposal of used tyres with the use of a unique identifying mark on tyres from tyre outlets and the need to adopt a process of greater monitoring of such outlets within the district. The Councillor also proposed that this matter be progressed with other councils at a Chief Executive level to explore a way forward.”

Proposed by Councillor McNamee

Seconded by Councillor Mulligan and

Resolved That the Minutes of the Meeting of the Environment Committee held on Tuesday 11 October 2016 (E238/16 – E258/16 and E271/16), transacted in “Open Business” having been printed and circulated, subject to the foregoing, were considered and signed as accurate and correct.

C221/16 Receive and consider the minutes and recommendations of matters transacted in “Open Business” at the Development Committee meeting held on Thursday 13 October 2016

Proposed by Councillor G Shiels
Seconded by Councillor Molloy and

Resolved That the Minutes and recommendations of the Development Committee meeting held on Thursday 13 October 2016, (D214/16 – D230/16 and D236/16) transacted in “Open Business”, having been printed and circulated, were considered and adopted.

C222/16 Conferences and Seminars

The Head of Democratic Services referred to details of 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) RTPI Politicians in Planning Association Network (PIPA) Conference 2016 – Overcoming common challenges across the UK and Ireland through Planning
 - Saturday 19 November 2016 at Friends Meeting House, Manchester;
- (ii) Future Places – using heritage to build resilient communities
 - Wednesday 23 November 2016 9.30am – 3.30pm at Cultra Manor,
 - Councillors Clarke, Glasgow and Reid
- (iii) Agriculture & food conference – moving from recovery to growth
 - Thursday 1 December 2016 9.00 am – 1.30pm, Craigavon Civic Centre

(iv) Officer Approvals

Conference & Seminar	Date	No. of Attendees	Location	Attendance Fee
BTO Birdwatchers Conference	5 th November 16	1	Lough Neagh Discovery Centre	Yes
CIPD NI Wellbeing & Employee Engagement Conference	28 th November 16	3	Belfast	Yes

Conveyancing Conference	26 th October	1	Belfast	Yes
All Island Local Authority Forum – Women’s Leadership Seminar	15 th November	2	Dundalk	Yes

Retrospective Approval Sought

Conference & Seminar	Date	No. of Attendees	Location	Attendance Fee
Food Standards Agency	11 th October	1	London	Flights only

Proposed by Councillor Buchanan
Seconded by Councillor McNamee 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

Matters for Information

C223/16 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

C224/16 Correspondence to Council

The previously circulated paper on correspondence to Council was noted.

In response to Councillor J Shiels request the Chief Executive advised that the Director of Finance represented Council on the ‘Finance Working Group’ and that he was the current Chair of the group.

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

C225/16 Consideration of Motions

C225.1.16 Councillor Gildernew moved

Councillor Gildernew moved the motion as undernoted:

That this council notes that:

A majority of voters in the North of Ireland voted to remain in the European Union in the Brexit referendum which took place on the 23rd June.

The uncertainty caused by the Brexit referendum result is already damaging trade and investment and causing currency fluctuations which are impacting on cross-Border business.

A new EU frontier stretching from Dundalk to Derry would create real hardship for people in this region particularly those who cross the border on a daily basis who would face potential customs checkpoints, traffic delays and the closure of local border roads.

That the current economic uncertainty will be overshadowed by the situation that would arise should a hard border result in the imposition of tariffs and the restriction of the free movement of goods, services and people on this island.

The end of EU economic support for peace building and border communities will hit many vital community projects who have over the past decade received over £1 billion in EU support.

With the end of EU subsidies farmers in the North will suffer a dramatic loss of income as CAP accounts for approximately 80% of farm incomes in the north and that this will be a severe blow to the local economy in rural areas north and south of the border.

Noting the advances that have been made in the Peace Process, opening border roads, and integrating communities separated from their natural hinterlands during the years of conflict, the imposition of new barriers and a hard border would be an enormous backward step.

Welcomes the initiative of those from the business sector, the community sector, farmers and individuals who have come together to form Border Communities Against Brexit to demand that the Irish and British Governments respect the North's remain vote.

Recognising that it makes absolutely no sense to have one part of Ireland operating within the EU and another outside, this council will actively support the campaign by Border Communities Against Brexit or the North's remain vote to be respected.

Councillor Mallaghan seconded the motion and stated that it was now a daily conversation as to how Brexit would affect people across the Island and in particular those west of the River Bann. He stated that although the description for Brexit is that the whole of the United Kingdom voted for it and thus all has to go with it, that the circumstances here are very different. The Councillor made reference to the impact Brexit would have on beef processing particularly in the Dungannon area, milk production which will not be able to go south and acknowledged that local farmers were facing difficult times ahead. Councillor Mallaghan made reference to

the engineering industry who were feeling the impact of currency fluctuation making purchasing very expensive, to the small rural communities who would no longer be able to avail of EU funding and the haulage industry. In conclusion, Councillor Mallaghan stated that the circumstances of Brexit would be felt worse here than across the water and reiterated his support for the motion.

Councillor Kearney supported the motion referring to the SDLP's support for the motion moved in July to support the people here who voted to remain. The Councillor referred to the pressure farmers, businesses and the community sector would experience and made reference to the SDLP amendment to the motion moved in July which sought an urgent meeting with both the Northern Ireland Assembly and the government in the South. He reiterated that the SDLP continues to work for the will of the people and acknowledged the legal challenge regarding the democratic deficit with regard to Brexit. Councillor Kearney made reference to work at a local level whereby the SDLP MLA had hosted a successful conference in Cookstown about the effects of Brexit which had been attended by 200 people and issues such as citizenship, human rights, effect on economy and farmers had been addressed by an excellent panel of speakers. He further advised that 80 'A level' students had also attended. Councillor Kearney stated that it had taken 40 years to develop an agri-food strategy to which there was 53 trade deals involved, that farmers here receive more in the single farm payment than in England, Scotland and Wales and that small medium enterprises would be hardest hit by Brexit. He continued to state that hoteliers had expressed concern, universities with regard to overseas students and that the average fuel fill had increased by approximately £6. Councillor Kearney emphasised that Mid Ulster farmers especially those on the Borders would be hardest hit and that the establishment of an All-Ireland Civic document permitting access to the European single market was vital to the constituency and that free movement of people and services was essential.

Councillor Cuthbertson posed the question as to how often Council would debate the topic. He reminded Members of the question to the electorate, that it had not been a regional vote and stated that others were 'scare mongering'. The Councillor made reference to the fact that businesses along the border had enjoyed a 20% increase in sales, that £8.3 billion of NI manufacturing goes to the United Kingdom i.e. 46% with 17% global sales and £1.4 billion to the Republic of Ireland and thus he did not accept that Northern Ireland would be in poverty. The Councillor acknowledged that tough decisions would have to be made but stated he would clarify that in relation to border roads and cross border checkpoints in the past the main reason for them had been the genocide and ethnic cleansing campaign by the IRA. Councillor Cuthbertson stated he would not support the motion.

Councillor McLean stated that DUP Members would not support the motion and expressed his disappointment that it had been allowed to progress. The Councillor emphasised that it had been a United Kingdom wide vote of which Northern Ireland is a part and stated that people needed to be realistic and that there were good news stories as the 'tills' in Newry were buzzing and surely no one objected to that. Councillor McLean acknowledged there were hard decisions to be made but stated that the motion flew in the face of Deputy First Minister Martin McGuinness who had stated that if the British trigger 'Article 50' he has a duty to represent the people as best as he can.

Councillor Cuddy stated he would have an issue with the motion being brought as it had been less than six months since the issue had been discussed and a decision made. He said he respected the concerns of the people and acknowledged that public opinion had been split as within his own family some had voted to remain whilst others voted against. The Councillor emphasised that whilst he understood and respected what was being said Members needed to avail of all opportunities.

Councillor Reid stated that milk production had been hit when the milk quota had been abolished, that fuel prices had begun to creep up prior to Brexit and there was always fluctuation in fuel prices after the summer months. He emphasised that Northern Ireland was part of the United Kingdom and that the Republic of Ireland had joined the European Union after the United Kingdom. In relation to a closed border Councillor Reid stated that this was not factually true and referred to the matter of Brexit being debated previously yet it was back on the agenda. He stated that the UUP would not be supporting the motion

The Chair, Councillor Wilson emphasised that the country was Northern Ireland and was part of the United Kingdom and was not the 'North of Ireland' as referred to in the motion. He acknowledged that the UUP recognise the percentage of people who had voted to remain but stated it was a country wide vote. The Chair advised that he had permitted the motion to be brought to the meeting and bringing the debate to a close sought Councillor Gildernew's response.

Councillor Gildernew acknowledged that people were entitled to their own view but emphasised he had drove a lorry for many years and had to leave home to cross custom checkpoints and emphasised that roads were closed and it had been the military who had decided the location of the designated checkpoints. With regard to sales increases in Newry Councillor Gildernew emphasised his main concern was the 'tills in Mid Ulster' as those in Aughnacloy were not enjoying the rise in sales and stated that Europe would dictate border regulations not the British Prime Minister.

The Chair, Councillor Wilson called for a vote on the motion

For 20

Against 12

The Chair Councillor Wilson declared the motion carried.

C225.2.16 Councillor Cuthbertson moved

Councillor Cuthbertson in moving the motion stated that everyone would remember the devastating scenes at the Linen Green, Moygashel following the horrendous flooding early last December. He advised that the flooding had been caused when a grill on the Park Lake Stream became blocked resulting in the flood waters engulfing the entire Linen Green site of which no business escaped. Councillor Cuthbertson reminded Members that the businesses had just commenced their most important trading period in the run up to Christmas and had overcome huge difficulties to be open for business within a 24 hour period. The Councillor stated that earlier in the

year a site meeting had been convened at which officers of both the Council and Rivers Agency had been in attendance. During the meeting the delegation had walked the Park Lake Stream and inspected the grill. At the conclusion of the meeting the Rivers Agency had assured Council that they would carry out a review and compile a report on the flooding and measures needed to prevent a reoccurrence. It was noted that the report was to be available in July 2016 but as yet had not been received. In conclusion, Councillor Cuthbertson stated that with no report, not subsequent prevention measures with winter fast approaching there was great concern amongst the traders and thus he moved the motion as undernoted.

That Mid Ulster District Council write to the Minister for Infrastructure, expressing disappointment that Rivers Agency has yet to publish their report on the flooding and also the prevention works needed, to prevent the repeat of the flooding which occurred early December 2015, at the Park Lake Stream which resulted in devastating consequences for traders at the Linen Green, Moygashel.

Councillor McLean seconded the motion.

Councillor Mallaghan stated that all recognised what had previously occurred but stated that as the Minister for Infrastructure was scheduled to meet a delegation from Council on 16 November he would request that Councillor Cuthbertson withdraw the motion and discuss the issues of concern at the meeting.

Councillor McAleer stated that it was shocking that the report and prevention works required had not been carried out and emphasised that businesses did not need this in hard economic times.

The Chair, Councillor Wilson stated that he believed that Council required a response back with regard to the issue.

Councillor Cuthbertson stated that if the motion was carried this evening a letter could be forwarded to the Minister for Infrastructure and thus he could respond on the 16 November.

The Chair Councillor Wilson stated that as there was no opposition he declared the motion carried.

Confidential Business

Proposed by Councillor J Shiels
Seconded by Councillor McNamee and

Resolved That items C226/16- C236/16 be taken as confidential business.

The press left the meeting at 8.00 pm

C237/16 Duration of Meeting

The meeting was called for 7pm and ended at 8.30pm

CHAIR _____

DATE _____