

Minutes of Meeting of Mid Ulster District Council held on Thursday 28 August 2014 in the Council Offices, Circular Road, Dungannon

Members Present: Councillor Mallaghan, Chair (Presiding Councillor)

Councillors Ashton, Bateson, Bell, Buchanan, Burton, Cuddy, Cuthbertson, Elattar, Forde, Gildernew, Gillespie, Glasgow, Kearney, McAleer, McEldowney, McFlynn, McGinley, B McGuigan, S McGuigan, McKinney, McLean, McNamee, McPeake, Molloy, Monteith, Mullen, Mulligan, C O'Neill, J O'Neill, T Quinn, M Quinn, Reid, Robinson, J Shiels, G Shiels and Totten

Officers in Attendance: Mr A Tohill, Chief Executive
Mrs Canavan, Lead HR Officer
Mr Moffett, Change Management Officer
Mrs Mezza, Marketing Communications Manager
Mr O'Hagan, ICT Manager
Mr JJ Tohill, Lead Finance Officer
Mrs Smith, Council Business Manager (Dungannon & South Tyrone Borough Council)

In Attendance: Mrs Campbell (Magherafelt District Council)
Mr Canning (Cookstown District Council)
Ms Linney (Dungannon & South Tyrone Borough Council)

The meeting commenced at 7 pm

C39/14 Apologies

Councillors Clarke, Dillon and Wilson

C40/14 Declarations of Interest

The Chair reminded members of their responsibility with regard to declaration of interest.

C41/14 Chair's Business

The Chair on behalf of the Council congratulated all those who participated in the recent world pipe band championships.

Matters for Decision

C42/14 Receive minutes of matters transacted in "Open Business" at Council meeting held on Thursday 24 July 2014

Proposed by Councillor S McGuigan
Seconded by Councillor Gillespie and

Resolved That the Minutes of the Meeting of the Council held on Thursday 24 July 2014 (C27/14 – C34/14 and C38/14), transacted in open business, were considered and signed as accurate and correct.

C43/14 Receive minutes of the Special Council Meeting held on Thursday 31 July 2014

Proposed by Councillor J O'Neill
Seconded by Councillor B McGuigan and

Resolved That the Minutes of the Meeting of the Special Council held on Thursday 31 July 2014, having been printed and circulated be taken as read and signed as correct.

C44/14 Appointment to Policing and Community Safety Partnership Recruitment Panel

The Chief Executive presented a report seeking party nominations to appoint a panel to shortlist and interview applicants to serve as independent PCSP Members. He stated that under legislation Councils are obliged to establish a PCSP structure in their locality. On 1 April 2015 in line with Local Government reorganisation the current 26 PCSPs will be reconstituted as 11 with the recruitment exercise commencing in early autumn. The Department of Justice (DOJ) has requested that recruitment panels be established comprising at least two and up to four Councillors, one of whom would act as Chair and that Councils should seek to ensure that the panel is representative in terms of gender and background. Following a request to DOJ that the Mid Ulster panel comprise of 5 Councillors a response had been received agreeing to this but advising that any additional costs incurred be met by the Council. Additional costs have been estimated at £450 plus travel. Council was asked to agree on the size of the recruitment panel and make nominations for the same.

An UUP Member stated that if the DOJ determine that a panel of 4 is adequate the Council should be financially prudent and that the panel be made up of 4 members. Another Ulster Unionist Member stated that it would be good practice that the process should be inclusive of all parties so therefore should proceed with a 5 member panel.

A DUP member agreed that Council should be prudent, appreciated the issue of inclusiveness but felt that a 4 person panel would be adequate.

An SDLP member stated that at a Party Representatives meeting it had been agreed that the DOJ be asked if a 5 member panel could be facilitated in the interest of inclusivity and regretted the comments made.

The UUP member clarified his statement and said that a panel of 4 would be one from each party represented on the Council.

Proposed by Councillor Reid
Seconded by Councillor McLean

That a 4 person panel be set up which would include one from each party on the Council.

A SF member clarified that if a 4 person panel was set up d'Hondt should be used to allocate positions.

In response to a query from a DUP Member the Chair clarified that as this is a new group d'Hondt would start from position one.

Amendment

Proposed by Councillor McGinley
Seconded by Councillor Bell

That a 5 person panel be set up and that positions be filled using d'Hondt.

The amendment was put to the meeting 20 members voting in favour and 14 against.

Proposal

The proposal was put to the meeting with 14 (members) voting in favour and 20 (twenty) against.

The Chair declared the amendment carried and in turn invited the Nominating Officer from each party to make their required number of nominations.

Councillors Burton, Elattar, Gildernew, T Quinn and Wilson were nominated.

The Chair called for nominations for Chair of the Panel.

Proposed by Councillor McGinley
Seconded by Councillor Bell

That Councillor Gildernew chair the panel.

Proposed by Councillor McLean
Seconded by Councillor Glasgow

That Councillor Wilson chair the panel.

20 (twenty) members voted in favour of Councillor Gildernew and 14 (fourteen) members voted in favour of Councillor Wilson.

The Chair declared Councillor Gildernew nominated to the position of chair of the interview panel.

C45/14 Equality Scheme and Disability Action Plan

Ms Linney presented a report seeking the Council's approval for the Draft Equality Scheme and Disability Duties to proceed to consultation.

Draft documents were provided for consideration which followed the guidelines as recommended by the Equality Commission with the exception that the Mid Ulster District Council will notify consultees of 'Screened Documents' 3 times per year rather than 4 times per year. The report outlined the consultation plan which will last for 12 weeks commencing September and concluding at the end of November 2014. Following from this consultation responses would be analysed and presented to Mid Ulster District Council for consideration as part of the adoption of the Mid Ulster Equality Scheme. The Council will then be required to prepare an Equality Action Plan, to address any inequalities identified through a subsequent audit of inequalities following the

A SF Member stated that an equality scheme was an important foundation stone going forward along with Good Relations, however the primacy of equality was important which would require a decoupling from Good Relations.

Ms Linney stated that she was aware of a proposal offered by the Committee on the Administration of Justice and felt it would be addressed as a consultation response which will be brought back as part of the final review by Members before finalisation of the Scheme.

A DUP Member referred to page 12 item 2.4 of the Draft Equality Scheme and asked that rather than 'respond to as soon as possible' that a time frame should be included as would be indicator that can be monitored.

Ms Linney stated that she would change to reflect 7 days.

Resolved That, subject to the above, approve the 'Draft' Equality Scheme and Disability Plan to proceed to consultation.

Mrs Campbell, Ms Linney and Mr McCanny left the meeting at 7.20 pm.

C46/14 Seminars and Conferences

The Change Management Officer presented a report outlining a number of conferences/ seminars/ events and also referred to an email issued detailing further events. He sought member interest for attendance and approval for officer attendance along with associated expenses, mileage and fees, where applicable.

A DUP Member stated that the Council should look sensibly at this issue, take on board the public perception of such events and that a number of checks and balances should be put in place to control attendance.

The Independent Member stated that there is a policy in Dungannon and South Tyrone Borough Council whereby a maximum budget is allocated to each member and that the new Council should be working to good practice and look at adopting something similar.

Proposed by Councillor Monteith
Seconded by Councillor S McGuigan and

Resolved That a paper on the matter is brought to an appropriate Council committee.

The Chair stated that, until an approach was adopted, any member or officer who has an interest in attending any of the events on the lists presented to put their name forward to officers.

Councillor Bateson arrived at 7.25 pm.

C47/14 Due Diligence Review – Transferring of Functions to Local Government

The Lead Finance Officer presented a report setting out officers' assessment of the ongoing due diligence review of transferring functions and requested members approval for the undernoted:

(a) To authorise the officers to respond to the Deloitte Report and the subsequent RTOB Report (as requested by the RTOB (closing date Sunday, 31 August 2014)) advising that a formal response will be submitted on conclusion of the officers' due diligence review, which requires more time to assess the limited information released to councils to date and to seek further information in relation thereto; and

(b) To authorise the officers to commission, in conjunction with the other new councils, a further review by Deloitte (to a specification agreed by the relevant officers within the new councils) in accordance with the officers' assessment of the minimum information required to form an opinion on the proposed budget allocations. The authorisation should extend to mandating the officers to, in so far as is necessary, to engage with Deloitte, RTOB, central government departments and other bodies as necessary to conduct a 'local' due diligence review of the proposed apportionment of the total budget for transferring functions between the eleven council.

Proposed by Councillor McLean
Seconded by Councillor S McGuigan and

Resolved That Council proceed as outlined by the Lead Finance Officer.

C48/14 Scheme of Allowances for Presiding and Deputy Presiding Councillors

The Lead Finance Officer presented a report setting out information on the allocation of an allowance to the Presiding and Deputy Presiding Councillors (Chair and Vice-chair). The report set out the legislative authority, the provision currently made within each of the Councils, the stipulations within the scheme of allowances, the need for a formal expenses policy and basic parameters which would govern all expenses to be reimbursed.

SF Members stated that; they were in favour of a receipt based allowance; that a precedent had been set in the three existing councils; it would be of great benefit to the Council's reputation; small monetary gestures to local groups would be beneficial; and as we are a number of months into the year should set a reduced amount. It was added that this is an important juncture for Mid Ulster and there is a

need for networking and information sharing, which rests with the Chair and Vice-chair therefore necessitating a budget to enable this to happen.

A DUP Member on behalf of his party stated he did not believe it appropriate to apply such allowances in the shadow term and it was important to protect the council finances, but the situation could be reviewed in the future.

Proposed by Councillor McLean
Seconded by Councillor Ashton

That we do not implement allowances for the shadow year with the situation being reviewed in the future.

UUP Members stated the main role of the council during the shadow period was to establish the organisation. The civic function lies with existing first citizens and it was important that this be respected during their final term. Member who would have access to the referred allowance stated he would not be spending any money in this way.

A SDLP Member stated the party would support allowances to permit the Chair and Vice Chair to carry out the duties of their office.

The Independent Member stated that he was against the proposal to set allowances and that there should be centrally controlled hospitality. He indicated that legislation states that civic responsibility of this organisation does not begin to 1 April 2015, therefore there being no justification for spending money on the roles.

Amendment

Proposed by Councillor McGinley
Seconded by Councillor McPeake

That the allocation of allowances to the Chair and Vice Chair be approved at a reduced rate of Chair £7,000 and Vice Chair £2,000.

The amendment was put to the meeting 20 (twenty) members voted in favour and 15 (fifteen) against.

Proposal

The proposal was put to the meeting 15 (fifteen) members voting in favour and 21 (twenty one) against.

For Information

C49/14 Responses to Public Consultations

Members noted previously submitted responses to consultations.

- (i) Rates Convergence Scheme
- (ii) Standing Orders

(iii) Planning Reform Phase 1 Proposals

C50/14 Notice of Motion

The Chair stated that consideration of Motion would be brought forward before business to be taken In Committee.

Councillor Gildernew in proposing the undernoted motion stated that shale gas exploration was starting in Fermanagh but may move to other areas. He referred to methane gas in water, fracking fluid left in the ground, the damage to the environment and the detrimental effect on neighbouring properties. Councillor Gildernew referred;

“That this Council immediately adopts a position of totally opposing shale gas exploration and extraction by the process of hydraulic fracturing known as fracking on the island of Ireland.”

Councillor Bell seconded the motion.

A DUP Member stated that the party was opposed to the motion as there were benefits to be gained from it. He added that shale gas exploration was in its infancy and it would be wrong to dismiss it at this stage. He also stated that this Council's commitment was to Mid Ulster and not the island of Ireland, and that his party would be opposing the motion.

An UUP Member stated that he shared to some degree the views expressed, but at this stage did not know enough to see if charges made against the system stood up. The Member added that responsibility for exploration of minerals lies with central government and views of Mid Ulster members would not carry much weight.

A SDLP Member stated that the party were totally opposed to fracking as no one had demonstrated that it could be done safely and there was a need to capture and analyse data, after which an informed and responsible decision could be taken. The potential damage to heritage, tourism and agricultural industry is simply too great, therefore the SDLP fully supported the motion.

The proposer of the Motion in reply to comments made stated that any benefits accrued from fracking would not end up with the residents of the area, fracking does not know any borders and while the Council does not have direct authority it should still flag up concerns and make the responsible body aware of these.

The Motion was put to the meeting 22 (twenty two) members voted in favour and 14 (fourteen) against.

The Chair declared the Motion carried.

IN COMMITTEE

Proposed by Councillor McLean
Seconded by Councillor S McGuigan and

Resolved That item C51/14 be taken in committee.

The press in attendance left the meeting at 7.53 pm.

C52/14 Duration of Meeting

The meeting commenced at 7.00 pm and ended at 7.55 pm.

CHAIR (Presiding Councillor) _____

DATE _____