

**Minutes of Meeting of Mid Ulster District Council held on Thursday 24 June 2021 in the Council Offices, Circular Road, Dungannon and by virtual means**

**Chair** Councillor McLean

**Members Present** Councillors Ashton\*, Bell\*, Black\*, Brown\*, Buchanan, Burton\*, Clarke\*, Colvin\*, Corry\*, Cuddy\*, Cuthbertson, Doris, Elattar\*, Forde\*, Gildernew\*, Glasgow\*, Graham, Hughes\*, Kerr, Mallaghan, N McAleer\*, McFlynn\*, B McGuigan\*, S McGuigan\*, McKinney\*, , McNamee\*, D McPeake\*, S McPeake, Milne\*, Molloy\*, Monteith, Oneill\*, Quinn, Robinson\*, Totten\* and Wilson

**Officers in Attendance** Mr McCreesh, Chief Executive  
Ms Canavan\*\*, Director of Organisational Development  
Ms Campbell\*\*, Director of Leisure and Outdoor Recreation  
Mr Kelso\*\*, Director of Public Health & Infrastructure  
Ms Mezza\*\*, Head of Marketing and Communications  
Mr Moffett, Head of Democratic Services  
Mr Tohill\*\*, Director of Finance  
Mrs Forde, Member Support Officer

\* Denotes Members present in remote attendance

\*\* Denotes Officers present by remote means

The meeting commenced at 7 pm

*The Chair, Councillor McLean welcomed everyone to the meeting and those watching the meeting through the Live Broadcast. The Chair in introducing the meeting detailed the operational arrangements for transacting the business of the meeting in the chamber and by virtual means, by referring to Annex A to this minute.*

**C119/21 Apologies**

Councillors Kearney, S McAleer and Mullen

**C120/21 Declarations of Interest**

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

Councillor Cuthbertson declared an interest in the Development Committee minutes in relation to funding applications.

**C121/21 Chair's Business**

The Chair, Councillor McLean said that a 'new broom sweeps clean' and as such in an attempt to streamline business going forward he advised Members that should forward any requests to raise an issue to the Chair's email address by 5pm on the day before the Council meeting following that he would only consider an issue if it was urgent. The Chair said whilst he had decided to take all the notified issues at the meeting he would be taking the view going forward that matters taken in Chair's business would only be those of urgency requiring immediate discussion by Members. He said he would wish to refrain from discussing business in detail which should be worked through the relevant committee and most likely warrant an item on the agenda. In conclusion he said 'don't ask to raise an issue if a refusal may offend!'

Councillor Ashton proposed that the Chair send letters of congratulations to all of those in the district who have received recognition in the Queen Birthday honours.

The Chair Councillor McLean concurred.

Proposed by Councillor Ashton  
Seconded by Councillor Wilson and

**Resolved** That it be recommended to the Chief Executive that he operate his Delegated Authority under Section 3.3 of the Scheme of Delegation for Senior Officer - that Chair send a letter of congratulations to those who received recognition in the Queen's Birthday honours.

Councillor D McPeake welcomed the official opening of the A6 to Castledawson roundabout. He stated that his area would cover the first three miles and already the difference in the traffic congestion is noticeable. Councillor D McPeake thanked the contractors Grahams and Farran for working with local representatives to help resolve difficulties along the way and commended them on the work completed.

The Chair, Councillor McLean stated he was happy to associate himself with the remarks.

Councillor Cuthbertson highlighted that there had been vandalism to the Square, Moy at the war memorial which had been attacked. He advised that trees had been uprooted and one of four ornamental flowerpots had been smashed. The Councillor requested that officers address the situation.

**Resolved** That it be recommended to the Chief Executive that he operate his Delegated Authority under Section 3.3 of the Scheme of Delegation for Senior Officer, - Vandalism at War Memorial in The Square, Moy: that officers look into recent vandalism and make contact with the Royal British Legion (Moy Dungannon Branch)

Councillor Cuthbertson drew attention to the announcement on 15 June 2021 by the Minister for Infrastructure regarding the £17m recovery fund for rural roads. He said

that quite a bit of that could be spent in Dungannon DEA alone and referred to recent DEA meetings at which engineers had informed Members that due to a contract dispute they had been told not to plan resurfacing works for the current year. He highlighted that a number of jobs were also going and proposed that Council write to the Minister to seek clarification.

Councillor Wilson proposed that Council meet with officials to determine exactly what was happening.

In response to Councillor Cuthbertson's query the Chief Executive advised that DfI Roads was scheduled to present to Council in July.

Councillor Burton stated that she was very concerned about rural roads and having attended the Clogher Valley DEA she too would be concerned about the staff shortages on the ground due to staff being off work sick or having retired and stated that often money could be better utilised if used inhouse.

Councillor Kerr concurred with Councillor Burton's comments and also said that due to staff changes an update contact list was required.

Councillor McKinney agreed with proposals for a meeting but said that local officers' hands are tied and the hold up was due to issues with procurement. He highlighted that one road had been on a waiting list for resurfacing for three years and that Members could debate all night but Council needed to go to the top.

Councillor Mallaghan said as Chair he had also wrote to the Department for Infrastructure regarding rural roads, he said the situation could not be underestimated as road defects not repaired would fall into a worse state and stressed that structural repairs were needed. He said that it is major contractors who are impacted and their employees jobs are at risk. Councillor Mallaghan said it was clear there was a fundamental misstep and the fact that there was a challenge indicates that something has went badly wrong. He concurred that Council needed to go to the top to seek answers and that the letter should state that the adverse impact of the situation could not be underestimated. Councillor Mallaghan said that local engineers work hard and when they receive budget on the ground they utilise it well.

The Chair, Councillor McLean stated that all points had been noted,

**Resolved** That it be recommended to the Chief Executive that he operate his Delegated Authority under Section 3.3 of the Scheme of Delegation for Senior Officer, - that Council write to the Minister for the Department for Infrastructure seeking an urgent meeting regarding the current suspension of works on rural roads due to issues in tendering processes; the adverse impact this will have on rural roads and also on employment in the District.

Councillor Wilson requested that the Chair send letters of congratulations to Fairhill Pizza, Cookstown who had been highly commended in the NI Takeaway Awards 2020-21 Best Pizza Takeaway and to Sinley Chinese Takeaway, Cookstown who won The NI Takeaway Awards 2020-21 Best Chinese Takeaway.

Councillor Wilson also requested that two Cookstown hockey players David Ames and Ian Sloan receive a letter for being selected to play for Great Britain and Northern Ireland Hockey Team. He said that the players were a credit to themselves, their families and to Cookstown and give much time to encouraging and coaching the youth. In conclusion Councillor Wilson also requested that a letter be forwarded to Henry Brothers for winning the Belfast Telegraph and Ulster Bank 2021 Belfast Telegraph Business Awards. Excellence in Workplace Health & Wellbeing

**Resolved** That it be recommended to the Chief Executive that he operate his Delegated Authority under Section 3.3 of the Scheme of Delegation for Senior Officer, that the Chair send a letter of congratulations to:

- (i) those who received recognition in the Queen's Birthday honours;
- (ii) Fairhill Pizza, Cookstown; who were Highly Commended in the NI Takeaway Awards 2020-21 Best Pizza Takeaway section;
- (iii) Sinley Takeaway, Cookstown, who won the Best Chinese Takeaway in The NI Takeaway Awards 2020-21 Best Chinese Takeaway section;
- (iv) Henry Brothers who won 2021 Belfast Telegraph Business Awards - excellence in Workplace Health & Wellbeing section; and
- (v) Ian Sloan and David Ames, Cookstown Hockey players on being selected to play for the Great Britain and Northern Ireland Hockey Team.

## **Matters for Decision**

### **C122/21 Receive and Consider Minutes of matters transacted in "Open Business" at the Council Meeting held on Thursday 27 May 2021**

Councillor Cuthbertson drew attention to C102/21 at which concerns had been expressed regarding the proposed 3G pitch at Railway Park. He advised he had attended the pitch strategy consultation and the message he had picked up was loud and clear that people do not want any more non competitive pitches. He requested that the proposed pitch is reconsidered as it is not in keeping with the pitch strategy and money would be better redirected to competitive pitches.

Councillor Colvin requested an amendment to the minute at C108/21 Notice of Motion page 27 paragraph to read *Councillor Colvin said that Mandarin was the*

*largest native language and that across the world people in the Commonwealth wanted to learn English as it was the top language.*

Councillor McFlynn requested an amendment to the minute at C111/21 Notice of Motion page 40 paragraph to read.. *Councillor McFlynn ...She highlighted that Autism Mid Ulster no longer existed and clarified that the name of the group was FACTS.*

Councillor Wilson requested an amendment to the minute at C109/21 Notice of Motion page 31 paragraph 2 amended to read Councillor Wilson said they would not support discrimination.

In response to Councillor McFlynn's query the Chief Executive advised that the workshop regarding Autism was in progress and Members would be alerted to dates in the near future.

Councillor Doris drew attention to C098/21 and advised that a litter pick had been planned for the area but had been postponed due to the tragic death of Joshua Griggs. She spoke of the memorial event held at Brackaville GAC in honour of Joshua and how it had brought people from all communities and all walks of life together. Councillor Doris proposed that the Chair send a letter to Brackaville and to the Minister who spoke at the service.

Councillor Kerr concurred highlighting that Joshua had been an enthusiastic member of the GAC and had represented Tyrone. He requested that a letter of condolence also be forwarded to Joshua's family.

**Resolved** That it be recommended to the Chief Executive that he operate his Delegated Authority under Section 3.3 of the Scheme of Delegation for Senior Officer, that the Chair send letters to

- (i) to the family of Joshua Griggs following his tragic death;
- (ii) to Brackaville Owen Roes GAC the club where Joshua played football commending them on the memorial event they held in his honour where all communities came together;
- (iii) to the Rev Henry Blair who conducted the memorial service on the GAA pitch (Doris & Kerr)

Councillor Doris advised that a further litter pick was planned and urged all in the community to come out and engage in the event and with each other.

Proposed by Councillor Doris  
Seconded by Councillor S McPeake and

**Resolved** That it be recommended to the Chief Executive that he operate his Delegated Authority under Section 3.3 of the Scheme of Delegation for Senior Officer – That the Minutes of the Council held on Thursday 27 May 2021 (C094/21 – C111/21 and C118/21) transacted in Open

Business having been printed and circulated, were considered and adopted.

**C123/21      Receive and Consider Minutes of matters transacted in “Open Business” at the Annual Council Meeting held on Monday 7 June**

Proposed by Councillor Buchanan  
Seconded by Councillor Kerr and

**Resolved**      That it be recommended to the Chief Executive that he operate his Delegated Authority under Section 3.3 of the Scheme of Delegation for Senior Officer – That the Minutes of the Annual Council meeting held on Monday 7 June 2021 (AC1/21 – AC9/21) transacted in Open Business having been printed and circulated, were considered and adopted.

**C124/21      Receive and Consider Minutes of matters transacted in “Open Business” Planning Committee Minutes of Meeting held on Tuesday 8 June 2021**

*Councillor Black declared an interest in planning agenda item 4.23 – LA09/2021/0118/RM – Two storey dwelling & detached double garage with loft room at Tulnacross Road, Doons opposite & S of 23 Tulnacross Road, Cookstown for Mr Kyle Black & Miss Adele Bradley.*

*Councillor Black declared an interest in planning agenda item 5.2 – LA09/2019/0944/F – Infill dwelling and garage between 90 and 92 Iniscarn Road, Desertmartin for Mr Paul Bradley.*

Proposed by Councillor Brown  
Seconded by Councillor S McPeake and

**Resolved**      That it be recommended to the Chief Executive that he operate his Delegated Authority under Section 3.3 of the Scheme of Delegation for Senior Officer – That the Minutes of Planning Committee held on Tuesday 8 June 2021 (P074/21 – P080/21 and P086/21) transacted in Open Business having been printed and circulated, were considered and adopted.

**C125/21      Receive and Consider Minutes of matters transacted in “Open Business” Policy and Resources Committee Minutes of Meeting held on Thursday 10 June 2021**

Councillor Kerr drew attention to PR113/21 Response to Consultation on DAERA Disability Action Plan 2019-2024 and spoke of the negative attitudes and difficulties people with disabilities face including being seen as objects of charity, facing poverty and said that all should be encouraged to reach their full potential. He asked that it be included in the consultation response that 1 billion people have some form of disability, they should be encouraged to reach full potential and are individuals with

social rights. He proposed that Council should plan to install accessible street furniture, lobby DfI to have lower kerbs in housing estates and highlighted the challenges many carers face each day trying to get people around. He said that Council should be proactive on a local level.

Councillor McKinney requested that the Chair send a letter to David Henderson, Managing Director and owner of Tobermore, who won the 'True Leader' Accolade at the Make A Difference Awards 2021 for which he was nominated for being proactively prioritising mental health and wellbeing in an authentic way.

**Resolved** That it be recommended to the Chief Executive that he operate his Delegated Authority under Section 3.3 of the Scheme of Delegation for Senior Officer, that the Chair send a letter of congratulations to David Henderson, Managing Director and owner of Tobermore, who won the 'True Leader' Accolade at the Make A Difference Awards 2021

Councillor Cuddy drew attention to PR 112/21 Chair's Business regarding an update on engagement with Land and Property Services and highlighted that Members needed to be fully aware speaking of a recent spotlight programme that focused on land related issues in other Councils. In response the Chief Executive stated that the Director of Finance was progressing the matter.

Councillor Doris concurred with Councillor Kerr' and said that whilst the Coalisland Public Realm scheme was great it would benefit from accessible street furniture.

Proposed by Councillor Kerr  
Seconded by Councillor Doris and

**Resolved** That it be recommended to the Chief Executive that he operate his Delegated Authority under Section 3.3 of the Scheme of Delegation for Senior Officer – That in relation to PR113/21 Respoonse to Consultation of DAERA Disability Action Plan 2019-2024 that

- (i) It be included in the consultation response that 1billion people have some form of disability, they should be encouraged to reach full potential and are individuals with social rights;
- (ii) Council shoud provide accessible disabled friendly park faciitiies and street furniture;
- (iii) Council should lobby DfI Roads at every opportunity for lower kerbs in housing estates; and
- (iv) Compliment the Coalisland Public Realm by including accessible disabled friendly street furniture

Proposed by Councillor Doris  
Seconded by Councillor McKinney and

**Resolved** That it be recommended to the Chief Executive that he operate his Delegated Authority under Section 3.3 of the Scheme of Delegation for

Senior Officer – That the minutes of Policy and Resources Committee held on Thursday 10 June 2021 (PR110/21 – PR123/21 and PR133/21) transacted in Open Business having been printed and circulated, were considered and adopted.

**C126/21      Receive and Consider Minutes of matters transacted in “Open Business” Environment Committee Minutes of Meeting held on Tuesday 15 June 2021**

Councillor Kerr drew attention to E153/21 Chair’s Business and requested that defibrillator training recommence with staff and stressed that people should be encouraged people to train highlighting recent incidences when defibrillators had saved lives.

Proposed by Councillor Brown  
Seconded by Councillor Graham and

**Resolved**      That it be recommended to the Chief Executive that he operate his Delegated Authority under Section 3.3 of the Scheme of Delegation for Senior Officer – That the Minutes of Environment Committee held on Tuesday 15 June 2021 (E151/21 – E173/21 and E1186/21) transacted in Open Business having been printed and circulated, were considered and adopted.

**C127/21      Receive and Consider Minutes of matters transacted in “Open Business” Development Committee Minutes of Meeting held on Thursday 17 June 2021**

*Declarations of Interest*

*Councillor Glasgow declared an interest in Montober LOL 661*

*Councillor Cuddy declared an interest in Urban Regeneration.*

*Councillor Clarke declared an interest in Broughderg Area Development Association.*

*Councillor Corry declared Greenfingers @ An Ráth Dubh and Moneyneena & District Development Initiative.*

Councillor Brown declared an interest in two groups listed in D109/21 Community Development Report.

Councillor S McPeake declared an interest in Erin’s Own and Termoneeny Young at heart Club

Councillor Cuddy spoke of the Dungannon Gaelic Forum and the St Patrick’s Day events organized by them. He said he was aware that they applied for Council



funding but asked if they received any other level of support either staff or indirect support.

The Chair, Councillor McLean stated that this was a matter for the Development Committee.

The Chief Executive stated he would bring an update to the Development Committee.

Councillor Burton requested an update on the request for extended opening times at Ballygawley Playing Fields.

**Resolved** That it be recommended to the Chief Executive that he operate his Delegated Authority under Section 3.3 of the Scheme of Delegation for Senior Officer that an update be provided to development Committee on

- (i) Extended opening times for toilet facilities at Ballygawley Playing Fields;
- (ii) St Patrick's Day event run by Dungannon Gaelic Forum clarity requested as to whether Council provides staff or indirect support in addition to grant awarded.

Proposed by Councillor Kerr  
Seconded by Councillor Molloy and

**Resolved** That it be recommended to the Chief Executive that he operate his Delegated Authority under Section 3.3 of the Scheme of Delegation for Senior Officer, that the Minutes of Development Committee held on Thursday 17 June 2021 (D102/21 – D118/21 and D126/21) transacted in Open Business having been printed and circulated, were considered and adopted.

## **C128/21 Civic Recognition Nomination**

The Head of Democratic Services sought approval for the previously circulated report on civic recognition requests from Members, in line with the stated Council Policy, and as detailed within the report at appendix A.

Councillor Kerr requested that Coalisland Bhoys soccer club also be included for winning the Red Ned Cup.

In response the Chair, Councillor McLean said he would permit it on this occasion but moving forward it would have to be notified in time for the report.

Proposed by Councillor B McGuigan  
Seconded by Councillor Molloy and

**Resolved** That it be recommended to the Chief Executive that he operate his Delegated Authority under Section 3.3 of the Scheme of Delegation for Senior Officer that

- (i) approval be given to submitted requests for civic recognition as outlined in the report and be dealt with as previously resolved by April 2020 Council in that recipients receive a letter together with an award, where appropriate; and
- (ii) a letter of congratulations to Coalisland Bhoys Soccer Club winning Red Ned Cup.

### **C129/21 Conferences, Seminars and Training**

The Head of Democratic Services sought approval for the previously circulated report on conferences, training and seminars.

Proposed by Councillor Burton  
Seconded by Councillor Wilson and

**Resolved** That it be recommended to the Chief Executive that he operate his Delegated Authority under Section 3.3 of the Scheme of Delegation for Senior Officer that approval be given to submitted requests for conferences, seminars and training as outlined in the appendix to the report.

### **Matters for Information**

#### **C130/21 Correspondence**

Members noted previously circulated report providing correspondence received for the attention of Council.

Councillor Ashton drew attention to correspondence emailed on May 27 detailing letter received from Chief Executive of Ards & North Down Borough Council on events to mark the Centenary of the foundation of Northern Ireland. Councillor Ashton reminded Members she had flagged the issue last month and proposed that Council support Ards & North Down BC and write to the Speaker of the Assembly calling for a reversal of the decision not to permit a stone sculpture to mark the Northern Ireland centenary.

Proposed by Councillor Ashton  
Seconded by Councillor Black

That Council write to the Speaker of the NI Assembly calling for a reversal of the decision not to permit a stone sculpture to mark the Northern Ireland centenary.

Councillor S McPeake said whilst he could understand what is being said he had spoken at the May Council meeting on the matter and he would be of the view that it should be dealt with in the parameters of the NI Assembly.

Proposed by Councillor S McPeake  
Seconded by Councillor Doris

That Council do not write to the Speaker of the NI Assembly calling for a reversal of the decision not to permit a stone sculpture to mark the Northern Ireland centenary.

Councillor Cuddy said that everyone should have respect for all communities and this would be something that unionists would be interested in and if council wanted to move forward there had to be give and take.

The Chair, Councillor McLean said there was two proposals and called for a vote on Councillor Ashton's proposal

|         |    |
|---------|----|
| For     | 18 |
| Against | 19 |

The Chair, Councillor McLean said that the proposal had fallen.

Councillor Quinn drew attention to the letter received from the Department of Infrastructure in relation to the Ardboe Aerodrome and said that it was his intention to draw all statutory agencies together to try to deliver redevelopment of the site. He proposed that Council lead a meeting to initiate progress on the Ardboe Aerodrome site.

The Chief Executive said that if regional departments were not of a mind to be involved it would be difficult for Council to deliver. He said that officers would explore possibilities and a report would be brought through Environment Committee as to how Council could lead an inter-agency approach to progress development of Ardboe Aerodrome.

**Resolved** That it be recommended to the Chief Executive that he operate his Delegated Authority under Section 3.3 of the Scheme of Delegation for Senior Officer, - that a report be brought through Environment Committee as to how Council could lead an inter-agency approach to progress development of Ardboe Aerodrome.

Councillor Doris drew attention to the letter received from the Department for the Economy and said that whilst she could appreciate the department had many priorities she was disappointed that the matter of paid special leave for victims of domestic abuse was not being placed on an action plan. She said that ultimately this could lead to loss of life.

Proposed by Councillor Doris  
Seconded by Councillor Kerr and

Resolved That it be recommended to the Chief Executive that he operate his Delegated Authority under Section 3.3 of the Scheme of Delegation for Senior Officer, that Council send a letter to the Department for Economy expressing dissatisfaction that there are no plans to consider the possibility of introducing statutory special leave for victims of domestic abuse.

### **C131/21 Consultations Notified to Mid Ulster District Council**

Members considered previously circulated report on consultations notified to Mid Ulster District Council for comment.

Councillor Monteith drew attention to the Department for Communities: Housing Supply Strategy: Call for Evidence consultation and proposed that Council have a workshop for Members and grant delegated authority to the Development Committee to ratify a response.

Councillor Colvin said that this could not be taken on its own as NI Water persistently asked for money for infrastructure upgrades and Stormont only granted the half of what is required. He stated that this was creating major problems and shared that a factory had wanted to create up to 60 jobs but the infrastructure would not permit this progressing. He said it was all foreseeable and that the Housing Supply Strategy would have no foundation if the infrastructure was not in place. Councillor Colvin stated a strong response needed to be submitted with major emphasis on investment.

Councillor Clarke drew attention to NIE Networks Facilitation of Energy Storage Services and said that delegated authority should be granted to the relevant committee to approve the response which is due by 16 July 2021.

Councillor Cuthbertson drew attention to the DAERA Consultation on proposed changes to the Carrier Bag Levy consultation and said that whilst he recognises the positive response to a levy on carrier bags common sense was needed when it came to some bags for example paper bags used by chemists for medication and those paper bags used by hot food establishments which were biodegradable and stated that Council should respond against such levies on paper bags.

Councillor Cuddy supported this and said Councillor Cuthbertson was right in his approach.

Councillor Clarke said that rural roads were a disaster with rubbish being thrown out along the roads including polystyrene materials.

Councillor Mallaghan sought clarity on the proposal

Proposed by Councillor Cuthbertson  
Seconded by Councillor Cuddy

That Council respond to DAERA Consultation on proposed changes to the Carrier Bag Levy to include that Council does not support the removal of exemptions on paper bags made wholly from paper. Draft response to be brought to Environment Committee for approval.

Councillor Cuthbertson said that the exemptions he was opposed to was that on paper not polystyrene.

Councillor Molloy referred back to the NIE Networks consultation and requested that officers bring education to what environmental impact there would be in relation to the energy storage services.

**Resolved** That it be recommended to the Chief Executive that he operate his Delegated Authority under Section 3.3 of the Scheme of Delegation for Senior Officer that

- (i) an all Member Workshop be arranged to prepare a response to Department for Communities: Housing Supply Strategy: Call for Evidence and that the Development Committee have delegated authority to agree the response which is due on 16 July 2021;
- (ii) Council respond to DAERA Consultation on proposed changes to the Carrier Bag Levy to include that Council does not support the removal of exemptions on paper bags made wholly from paper. Draft response to be brought to Environment Committee for approval.
- (iii) Council respond to NIE Networks: Facilitation of Energy Storage Services (FESS). Delegated authority to be granted to Environment Committee to approve the response with officer providing update to members as to the environmental impact of the storage facilities.

#### *Declaration of Interest*

*Councillor S McPeake declared an interest in ICBAN*

#### **C132/21 Notice of Motion**

Councillor S McPeake speaking on the motion said that

“If the recent Covid pandemic has learnt us anything it is of the growing importance of being able to have adequate broadband speeds in order to communicate and manage our lives in ways that are viewed as the now ‘normal’ within most other regions. Whether it has been the increasing number of people who have had to work

from home or for the large numbers of students needing good connectivity for home schooling and educational purposes, adequate broadband speeds are vitally important. High speed broadband is every bit as essential as other utilities such as water or electricity and it needs to be made readily available to everyone regardless of whether they live in an urban or rural area.

In recent times we have all welcomed the announcement of the £165m financial package made available for Project Stratum. This high speed broadband scheme has been lauded as the panacea needed for rural areas such as Mid-Ulster in order to achieve adequate broadband speeds which are readily available within most urban areas. However, in recent times many residents have been left disappointed on checking on-line with the Department of Economy's "Project Stratum Availability Checker" in that there are no plans for their premises to be included within this upcoming scheme. This is particularly disappointing to those learning that many premises adjacent to theirs are eligible, whilst theirs is not.

Through the valuable work of our Council Officers team who, initiated a recent District wide 'Broadband Survey' which uncovered areas and premises that are "outside the reach of Project Stratum" we have been able to achieve a fairly representative and accurate picture of discrepancies and anomalies in the planned high speed broadband provision. We were told by the Department for Economy officials that there would be approximately 12,000 premises in Mid-Ulster which were planned to be included within Project Stratum. These premises were either presently not receiving 30Mbps or were not included in future plans to receive similar broadband speeds through another telecom's provider. However in addition to these premises there are also several hundred other premises that fall completely outside Project Stratum plans. Within these there are many premises which for a variety of reasons, I feel warrant inclusion within the scheme. When I questioned the Department officials and gave examples of the many anomalies on planned premises' availability at our recent Broadband Working Group meeting, these officials agreed to again look at those premises who have been declared presently outside the scope of Project Stratum and to determine which of them may warrant inclusion.

These officials state that any additional premise identified for inclusion will require additional funding to be found as these premises will not have been budgeted for within the present Project Stratum business case. Members, I mention all this by way of background information and to set in context the thrust of my motion here this evening.

As there has been no additional broadband monies guaranteed for any additional broadband interventions my motion relates to a possible opportunity to recover much of the monies required to plug the missing gaps in broadband provision. My motion relates to last week's NIAO Report into two previous and separate Broadband Schemes here in the North. One initiated in 2016 called the "NI Broadband Investment Programme" or BIP for short and the second one called the "Superfast Rollout Programme" or SRP and was delivered in 2018. These programmes received in excess of £35m of public funding at the time of delivery.

The NIAO report published last week was prompted through a request to NIAO from Irish Central Border Area Network (or ICBAN for short) and I wish to declare an interest as being a council representative of ICBAN.

ICBAN has for some time now been doing some valuable research work into what its members feel as successive government and departmental failures at addressing broadband provision in rural areas within the council areas represented by ICBAN. In 2018 ICBAN Chair Councillor Cathal Mallaghan commissioned the services of Dr Mike Kiely, an eminent expert in Telecommunications to compile two separate reports on Broadband services and the lack thereof within the area. The reports which we commissioned through Dr Kiely strengthened our beliefs that rural areas such as Fermanagh/Omagh and Mid-Ulster had been 'left behind' in the roll out of Broadband Services and that these areas were bottom of the pile in terms of the worst broadband provision of any regions within these islands. In 2018 we took the evidence within Dr Kiely's report and presented it to NIAO and sought their support in investigating how Broadband services were provided and commissioned for within the North. We can now say that this report casts shadows on how these two broadband projects were awarded and questions as to whether there was actual value for money at all in the way they were delivered. The report states that it is possible that the public purse can clawback funding paid to the company awarded the broadband contract (in this case BT) if the contractor has spent less than was expected within its business case or if more customers actually took up the broadband service that had been estimated for. In the case of the two BIP and SRP schemes the Department had expected the take up to be in the region of 20%, but in fact the BIP scheme had a take-up level of 66% and the SRP scheme has had a current take-up level of 33% and is expected to rise much further. Because of this much higher than anticipated take-up the NIAO is now stating that anticipated financial claw-back levels from BT may be possible, somewhere in the region between £14m and £35m which is a significant amount of money.

Members I hope that lessons have been learned with the findings of last week's published report. To conclude I am calling on government to ensure that any clawback monies recovered from BT as a consequence of this NIAO report are re-directed into areas such as Mid-Ulster with the worst broadband speeds. Areas where we already know will still have premises that are not planned to be within the reach of the forthcoming Project Stratum and which will require additional financial interventions. I believe it is only right and fitting that any clawback received should be directed towards broadband provision to these areas. I ask this Council that we communicate this request to the Department of the Economy, the Public Accounts Committee in Stormont and any other relevant Governmental Department charged with the re-allocation of any monies due to the clawback.

Councillor S McPeake moved the motion

*That in light of the recent NIAO Report into Broadband Investment in the North of Ireland, that we welcome the findings of this report, a report which is strongly critical of achieving value for money in delivering broadband provision for citizens of the North. We further note the findings within the report and request that any financial*

*clawback's due from BT should be immediately redirected into Broadband provision into rural areas with poorest broadband speeds.*

Councillor Corry seconded the motion emphasising that the pandemic has highlighted the importance of this utility. She said that the lack of good broadband in rural areas left the vulnerable without social interaction, people losing out on business and job opportunities, students losing out on education. She said that people in rural communities deserved the same levels of broadband as others and thanked ICBAN for the findings uncovered. She highlighted the shortfalls of the BT project and thanked the Council team who had worked diligently through the working group. Councillor Corry concluded that lessons needed to be learnt and that money being retuned should be invested in rural areas.

Councillor Mallaghan thanked Councillor S McPeake for the motion and said he remembered bringing the matter before the NIAO. He welcomed the publishing of the report and said that money clawed back should be invested in rural broadband. He highlighted that this was the third success for ICBAN, he commended the work of Michael Kiely and said that for the small contribution Council makes it receives a tremendous value for money.

Councillor Kerr said he fully supports the motion and said that improved broadband services would help employment and welcomed all progress.

Councillor Ashton highlighted that she had experienced a poor internet connection throughout the meeting. She said she was chair of the Broadband Working Group and welcomed the comments made by Councillor S McPeake and requested that any feedback Council receives on the matter should be filtered to appropriate officers.

Councillor Burton said that as well as poor broadband there was poor mobile phone coverage and spoke of one man in Castlecaulfield who could only make calls from his garden and said council must endeavour to eliminate 'not spots'. She said she fully supported the motion.

In response to Councillor Burton the Chief Executive said the motion was distinctive in that it was dealing with broadband not mobile networks but he would take on board the comments via the most appropriate committee.

The Chair, Councillor McLean said as there was no dissent he declared the motion carried unanimously.

Councillor S McPeake thanked Members for their support.

## **C133/21      Notice of Motion**

Councillor McKinney speaking on the motion said that Mid Ulster was the capital of the food industry and looking around the room many have spent a day or two either on the



potato field or in some form of food production. He said that the district could boast of its ability to produce food be it milk from the Clogher Valley, beef and pork from Stewartstown and the fabulous bakeries all food produced with no air miles required. He spoke of the abattoirs, chicken factories, Cookstown, Dale Farm and said that overall the district had the ability to be self sufficient. Councillor McKinney said that over the past year at times plants had to close but returned to keep food in the cupboards be they producer or processor.

Councillor McKinney moved the motion

"That this Council recognises the important contribution of the hospitality and agri food sectors to the local economy; further acknowledges that many consumers take account of food miles in their eating choices; wishes to facilitate greater use of locally produced products by our hospitality outlets; and to that end establishes a dedicated website to connect the two sectors in a manner that results in mutual benefit."

Councillor Glasgow seconded the motion and said that in pardoning the pun Councillor McKinney had 'put it on the plate'. He said that from farm to fork people should be proud of Mid Ulster highlighting that its hospitality sector had stood up to the test and been proactive with take-out menus during the pandemic which ensured people got their 'steak and spuds'. Councillor Glasgow said that all should be proud of the farms which produce animals to the highest standard and the great restaurants the district boasts providing foods for all occasions.

Councillor Cuthbertson stated that the DUP are happy to support the motion and recognised the dedication of all those throughout the food industry. He said it was great to see restaurants and cafes open again. Councillor Cuthbertson also spoke of the private members bill which had its first reading at Stormont and been supported by three parties which could potentially reduce farming by up to 50%. He said that the Minister for DEARA had brought another bill but Members should keep a watchful eye. He concluded that the DUP would support the motion and that Council should continue to support outlets should it be via grants, leaflets or advertising.

Councillor Clarke said that Sinn Féin would support the motion and said that the region exported 80% of what it produces and highlighted that Loughrey was ahead of its time. He said there was no reason for retailers in Mid Ulster to complain about empty shelves as they should be putting local produce first.

Councillor Burton supported the motion and said as the Chair of the Tourism Forum she had worked closely with the hospitality industry and at all times the forum had went the extra mile paying tribute to staff. She advised that food miles were regularly discussed at NILGA and it was a matter of concern. Councillor Burton emphasised the need to shop local and said that focus should be on local farming, production and consumption and sustainability for the economy. Highlighting the strap line 'gate to plate' she emphasised the need to support local farmers as they adopt to change and diversify to do things differently. She concluded whilst there was challenges there was opportunities also.

The Chair, Councillor McLean said as there was no dissent he declared the motion carried.

Councillor McKinney thanked everyone for supporting the motion and suggesting a newspaper slogan encouraged all to 'Get out and eat out'.

## **C134/21      Notice of Motion**

Councillor D McPeake moved the motion:

“That Mid Ulster District Council engage with colleagues in Armagh, Banbridge and Craigavon Borough Council, Antrim and Newtownabbey Borough Council and the Lough Neagh Partnership, with a view to re-energising efforts towards improving the management of Lough Neagh and securing it's bed and soil. Given the recent focus and national reference to the strategic importance of the Ulster Canal then such efforts are critical towards ensuring that Lough Neagh makes its full contribution towards achieving the huge economic, tourism and environmental benefits that it would deliver to the wider Council areas.”

Councillor D McPeake said that one example that the lough is unsafe for commercial and recreational boats is because there is no navigational authority operating on it. He said that of the six major rivers that flow into Lough Neagh only 3 are navigable and their river mouths require dredging. The Councillor highlighted that Portadown which was connected to Lough Neagh via the upper Bann but its channel is no longer navigable. He said that public and community ownership would ensure any income generated would not leave the Lough Shore Community and subsequently there would be investment in tourist development and infrastructure.

Councillor Doris seconded the motion saying that she grew up in Derrylaughan where generations had worked on the Lough and her own great grandmother had sold fish. She said it was disappointing to live on the Lough shores yet see it so underdeveloped and the reason for this was lack of public ownership. Councillor Doris said that locals care most about the habitat and wildlife and there are generations of wisdom and experience and thus it is essential to secure public ownership. Councillor Doris spoke of the success of the Seamus Heaney Homeplace and the increase of the staycation and the frustration that the Lough could not be developed. In closing she advised that Francie Molloy MP had had discussions with the Shaftesbury Estate to attain the lough for public ownership and called on all to support the motion.

Councillor Kerr said that he would support the motion and felt Council should do everything in its power to enhance the Lough. He said he was a huge advocate of the Lough and protection of its scientific interest. He also stated that council should oppose drilling for fossil fuels. Councillor Kerr said that he had been contacted by a local fisherman who took him to the River Blackwater which in places was littered with debris and trees and many were risking their lives and that the debris also slowed down Lough Neagh rescue. Councillor Kerr requested that a meeting should be arranged for Torrent DEA Councillors who had direct concerns on the matter.

The Chair, Councillor McLean said this was a separate issue.

Councillor Brown said as a party the DUP would support the motion and perhaps as suggested in the motion a Lough Neagh day could be arranged to discuss how to promote and use the Lough to its full potential.

The Chair, Councillor McLean said that was in keeping with the motion.

Councillor Quinn concurred with Councillor Brown and said he was happy to support but the main problem is around ownership. He spoke of the problems at the mouths of the rivers especially that of the Blackwater. He spoke of growing up on the shores of the Lough himself and the community groups who had wonderful ideas for music and fishing events highlighting that one person had requested a beach facility but the water quality would not lend itself to it. He highlighted the positive developments such as Ballyronan and the work of the Lough Neagh Partnership.

The Chair, Councillor McLean stated as there was no dissent he declared the motion carried.

Councillor D McPeake thanked everyone for their contributions and said that as highlighted by Councillor Kerr navigation was a major issue and at present people could only drive around the lough.

#### **C135/21      Notice of Motion**

Councillor Mallaghan moved the motion.

“This Council recognises the brilliant work carried out by Mid Ulster Youth Voice with assistance from EA youth services and Mid Ulster District Councils Good Relations Department. Commends the Mid Ulster Youth Voice Executives policy papers and invites them to full council to present to us all. Endeavours through existing funds to support Mid Ulster Youth Voice on new projects and to increase their already diverse membership.”

Councillor Mallaghan said he had mentioned engagement with the group at the annual meeting of Council and spoke of the presentation they had delivered using the four pillars of employability, mental health, environment and language rights. He said that their presentation skills had been fantastic and Council should support them especially in enhancing membership as this would encourage people to become involved in politics. He said that there was great support from the Education Authority and paid tribute to Council officer Sean McElhatton. Councillor Mallaghan said that five Members had engaged on the day and all had been impressed and he said whilst deputations usually go to a relevant committee an exception should be made in this instance and the group be invited to the Council meeting.

Councillor Doris seconded the motion and said that she had attended the event acknowledging that the young people were ahead of the game especially on equality and rights. She too commended Sean McElhatton on a well run event.

Councillor Kerr concurred with previous speakers and welcomed the group being invited to Council he said they had discussed a wide range of topics on the day including the Irish Language and the LGBT community. He supported the motion.

Councillor McFlynn pledged her support to the motion and said the young people were inspirational and had spoken on climate change, language, economy and rights. She said the group was cross community and like Councillor Mallaghan recognised that the youth were the future and how they had been open in debate during round table discussions.

Councillor McFlynn commended Councillor Mallaghan on the motion.

The Chair, Councillor McLean said the DUP would also support and it had been unfortunate that he had been unable to attend the event. He said that he would liaise with the Chief Executive and host an event prior to their presentation to committee.

Councillor Colvin on behalf of UUP said that they had been unable to attend the event and recognised that Sean McElhatton carried out great work the notice for the event had been somewhat short. Councillor Colvin said they would support the motion.

The Chair, Councillor McLean declared the motion carried unanimously.

Councillor Mallaghan thanked everyone for their support and gave a shout to Matthew Orr who had attended Council meetings and now watched online.

In conclusion the Chair, Councillor McLean said that is should be the spirit of motions as they were about concentrating on and within Mid Ulster and he would appreciate it if this theme continued stating that much could be achieve.

**Items restricted in accordance with Section 42, Part 1 of Schedule 6 of the Local Government Act (NI) 2014. The public will be asked to withdraw from the meeting at this point.**

*The live broadcast concluded at 8.45 pm*

Proposed by Councillor Molloy  
Seconded by Councillor S McPeake and

**Resolved** That it be recommended to the Chief Executive that he operate his Delegated Authority under Section 3.3 of the Scheme of Delegation for Senior Officer – That items C136/21 to C144/21 be taken as confidential business.

### **Matters for Decision**

- (i) Council Confidential minutes of meeting held on 27 May 2021
- (ii) Audit Committee confidential minutes of meeting held on 1 June 2021
- (iii) Planning Committee confidential minutes of meeting held on 8 June 2021
- (iv) Policy and Resources Committee confidential minutes of meeting held on 10 June 2021
- (v) Environment Committee confidential minutes of meeting held on 15 June 2021
- (vi) Development Committee Confidential minutes of meeting held on 17 June 2021
- (vii) Mobile Catering Contract Award
- (viii) Gifting of land situated at Milltown Park, Dungannon to Mid Ulster District Council
- (ix) Document for Sealing: Deed of Conveyance in respect of lands situated at Milltown Park, Dungannon

### **C145/21 Duration of Meeting**

The meeting was called for 7.00 pm and ended at 10.05 pm

Chair \_\_\_\_\_

Date \_\_\_\_\_

## **Annex A - Introductory Remarks from Chairperson**

Good evening and welcome to our meeting of Mid Ulster District Council in the Chamber, Dungannon whether you have joined us remotely or in the Chamber.

I specifically welcome the public watching us through the Live Broadcast. The Live Broadcast will run for the period of our Open Business but will end just before we move into Confidential Business. I let you know before this happens.

Just some housekeeping before we commence. Can I remind you:-

- If you have joined the meeting remotely please keep your audio on mute unless invited to speak and then turn it off when finished speaking
- Keep your video on at all times, unless you have bandwidth or internet connection issues, where you are advised to try turning your video off
- If you wish to speak please raise your hand in the meeting or on screen and keep raised until observed by an Officer or myself
- Should we need to take a vote this evening I will ask each member to confirm whether they are for or against the proposal or abstaining
- When invited to speak please introduce yourself by name to the meeting
- For any member attending remotely, if you declare an interest in an item, please turn off your video and keep your audio on mute for the duration of the item
- If referring to a specific report please reference the report, page or slide being referred to
- Lastly, I remind the public and press that taking photographs of proceedings or using any means to enable anyone not present to see or hear proceedings, or making a simultaneous oral report of the proceedings are not permitted

Thank you and we will now move to the first item on the agenda – apologies and then a roll call of members in attendance.

