

Minutes of Meeting of Mid Ulster District Council held on Thursday 28 February 2019 in the Council Offices, Circular Road, Dungannon

Chair Councillor S McPeake

Members Present Councillors Ashton, Bell, Buchanan, Burton, Clarke, Colvin, Cuddy, Cuthbertson, Doris, Elattar, Gildernew, Gillespie, Glasgow, Kearney, McAleer, McEldowney, McFlynn, B McGuigan, S McGuigan, McKinney, McNamee, D McPeake, Mallaghan, Milne, Molloy, Monteith, Mullen, Mulligan, O'Neill (7.13pm), M Quinn, Robinson, G Shiels, Totten and Wilson

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

The meeting commenced at 7 pm

C030/19 Apologies

Councillors Forde, McGinley, McLean and T Quinn

C031/19 Declarations of Interest

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

Councillor Mallaghan declared an interest in agenda item 21 D044/19 Capital Discretionary Grants

C032/19 Chair's Business

Councillor Kearney requested that the Chair write a letter of appreciation to the leader of the Community Rescue Service congratulating the organisation on the success of the recent series of BBC television programmes highlighting the tremendous contribution made to the Voluntary Service. He advised that many from the Mid Ulster region volunteered with the group and spoke of the possibility of the Community Rescue Service opening a branch in Dungannon. He also highlighted that many Mid Ulster citizens had enrolled as first responders.

The Chair, Councillor McPeake concurred with Councillor Kearney.

Resolved That the Chair write to the leader of the Community Rescue Service congratulating the organisation on the success of the recent series of

BBC television programmes highlighting the tremendous contribution to the Voluntary Service.

Councillor Mallaghan expressed concern regarding a recent article which appeared in the Tyrone Courier claiming that Council had taken funds from the Citizens Advice organisation. He stated that the public had a right to know and that it should be made clear that Council had carried out a procurement exercise which was scored fairly leading to the change of advice provider in the district. He further referred to an earlier article in which Councillor McGinley had been described as an SDLP member of which he had no doubt been done purposely. He said that the paper received public money through the Council for advertising and whilst he had no issue with criticism if the Council was worthy of it, he expected reporting to be carried out accurately with both sides of the story reported.

Councillor Cuddy stated that whilst the Councillor was entitled to his opinion he should not be making unveiled threats to remove advertising.

The Chair, Councillor McPeake stated that had not been said and this was clarified by Councillor Mallaghan.

Councillor Cuddy stated that it had come across like that to him.

The Chair called the debate to a close.

Matters for Decision

C033/19 Receive and Consider Minutes of matters transacted in “Open Business” at the Council meeting held on Thursday 24 January 2019

Proposed by Councillor S McGuigan
Seconded by Councillor McNamee and

Resolved That the Minutes of the Meeting of the Council held on Thursday 24 January 2019 (C001/19 – C017/19 and C029/19) transacted in Open Business having been printed and circulated, subject to the foregoing, were considered and adopted.

C034/19 Receive and Consider Minutes of matters transacted in “Open Business” at the Planning Committee meeting held on Tuesday 5 February 2019

Councillor Mallaghan drew attention to item *P016/19 Chair's Business Attendance at the RTPI Awards for Planning Excellence Ceremony* and stated that his recollection of the resolve at the meeting was that the Chair of the Planning Committee and the Planning Manager attend the RTPI Awards for Planning Excellence Ceremony in London on 24 April 2019 not the Chair of the Council.

The Chair, Councillor McPeake stated that he was not available to attend the awards.

Councillor Cuthbertson stated that given the date of the awards, its close proximity to the local election date and guidance issued on the promotion of individuals asked how the rules would apply.

In response the Chief Executive advised that technically speaking 'Purdah' does not apply to Local Government but Council should follow best practice guidance and avoid publicity which could be seen as giving any individual member political advantage over another. He added that fundamental the business of Council must continue and individual Members would have to make personal decisions.

Councillor Ashton stated it was her understanding that there was a protocol in relation to attendance at events.

Councillor Wilson concurred with Councillor Ashton and recalled similar circumstances arising when he had previously been Chair of the Development Committee when a recommendation had been overturned at Council and the protocol applied.

The Chair, Councillor McPeake stated that the Chair of Council and the Chair of Committee had attended the previous year and that his recollection of the discussion of the planning committee precedent had been mentioned.

Councillor Gildernew concurred.

Proposed by Councillor Mallaghan
Seconded by Councillor Gildernew

That the Chair of Planning Committee and Planning Manager attend the RTPI event aforementioned.

Proposed by Councillor Wilson
Seconded by Councillor Ashton

That attendance at the RTPI event aforementioned be determined in adherence to guidance detailed in Council's Protocol on Booking Tables at Functions.

Councillor O'Neill entered the meeting 7.13pm

Councillor Mallaghan stated that he was content to adhere to the protocol but that the record of the minute at the planning committee should be corrected. Councillor Mallaghan withdrew his initial proposal.

Proposed by Councillor Mallaghan
Seconded by Councillor B McGuigan

That the minute of the planning Committee be amended to read

- (i) That the Chair of the Planning Committee and the Planning Manager attend the RTPI Awards for Planning Excellence Ceremony in London on 24 April 2019; and
- (ii) That adhering to guidance detailed in Council's Protocol on Booking Tables at Functions and Conferences Member representative of Council accompanied by the Planning Manager attend the RTPI Awards for Planning Excellence Ceremony in London on 24 April 2019.

The Chair, Councillor McPeake put Councillor Mallaghan's proposal to the meeting

For	23
Against	12

The Chair, Councillor McPeake declared Councillor Mallaghan's proposal carried.

Proposed by Councillor Kearney
 Seconded by Councillor Mallaghan and

Resolved That the Minutes of the Meeting of the Planning Committee held on Tuesday 5 February 2019 (P014/19 – P019/19 and P026/19) transacted in "Open Business" having been printed and circulated, subject to the foregoing were considered and adopted.

C035/19 Receive and Consider Minutes of matters transacted in "Open Business" at the Policy and Resources Committee meeting held on Thursday 7 February 2019

Councillor Cuddy requested amendments to the minute at *PR 027/19 Earls Project – Lease of Council owned Lands situated at Railway Park, Dungannon to STEP -*

Page 3, first paragraph, last sentence to read: *'He said that in the past the Council had made the mistake of allocating land to another group and if the land were to be sold the proceeds would not be returned to Council.'*

Paragraph 5 to read: *'Councillor Cuddy enquired whether the building would be allocated to the SEUPB or the Council if STEP were to become insolvent.'*

Proposed by Councillor Cuddy
 Seconded by Councillor Molloy and

Resolved That the Minutes of the Meeting of the Policy and Resources Committee held on Thursday 7 February 2019 (PR023/19 – PR029/19 and PR046/19) transacted in "Open Business" having been printed and circulated, subject to the foregoing were considered and adopted.

C036/19 Receive and Consider Minutes of matters transacted in "Open Business" at the Special Council meeting held on Monday 11 February 2019

Proposed by Councillor S McGuigan
Seconded by Councillor Mallaghan and

Resolved That the Minutes of the Meeting of the Special Council meeting held on Monday 11 February 2019 (SC006/19 - SC013/19) transacted in “Open Business” having been printed and circulated were considered and adopted.

C037/19 Receive and Consider Minutes of matters transacted in “Open Business” at the Environment Committee meeting held on Tuesday 12 February 2019

Proposed by Councillor B McGuigan
Seconded by Councillor McNamee and

Resolved That the Minutes of the Meeting of the Environment Committee meeting held on Tuesday 12 February 2019 (E032/19 – E050/19 and E057/19) transacted in “Open Business” having been printed and circulated were considered and adopted.

C038/19 Receive and Consider Minutes of matters transacted in “Open Business” at the Development Committee meeting held on Thursday 14 February 2019

Proposed by Councillor McNamee
Seconded by Councillor Milne and

Resolved That the Minutes of the Meeting of the Development Committee meeting held on Thursday 14 February 2019 (D023/19 – D041/19 and D047/19) transacted in “Open Business” having been printed and circulated were considered and adopted.

C039/19 Conferences, Seminars and Training – Attendance by Members

The Head of Democratic Services sought approval for the undernoted for attendance of Councillors and Council Officers as outlined in the report, the payment of attendance fees and associated costs as incurred.

(i) Member Approvals

Rural Support – Resilient Farmers Event

- Greenmount College, Antrim
- Wednesday 27 March 2019
- No fee, travel and subsistence

Digital Government 2019 Programme

- Titanic, Belfast
- Wednesday 27 March 2019

- Public Sector Delegate rate: £195

(ii) Officer Approvals

Conference & Seminar	Date	No. of Attendees	Location	Attendance Fee
Local Authorities Building Stronger Communities – Potential Role of Philanthropy	27-02-19	1	Dublin City Council, Dublin	N/A
Higher Level Apprenticeships	08-02-19	1	Belfast	N/A

Proposed by Councillor Doris
Seconded by Councillor McKinney and

Resolved That the attendance of Members and Officers, the payment of attendance fees and associated costs as incurred be approved, as required for attendees.

C040/19 Civic Recognition Requests

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.

Councillor McFlynn requested that her name be associated with the nomination for Nicole Higgins of Ballylifford Primary School.

Proposed by Councillor McFlynn
Seconded by Councillor S McGuigan and

Resolved That subject to the foregoing approval be given to submitted requests for civic recognition as outlined in the report.

Matters for Information

C041/19 Correspondence to Council – February 2019

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

Councillor Mallaghan drew attention to the letter received from the Permanent Secretary and HSC Chief Executive for the Department of Health in relation to perinatal pathology services stating that he welcomed the information provided and although there should have been more foresight and the service being provided was the least best option it was reassuring to know that cases from the north would be prioritised.

C042/19 Consultations Notified to Mid Ulster District Council

Members noted previously circulated report on consultations notified to Mid Ulster District Council since the last meeting of the Council.

C043/19 Notice of Motion

Councillor Mallaghan, on a point of order, stated that it was clear that the content of the motion was the business of the Environment Committee and that it should not be discussed at Council as the motion appeared to be an attempt at electioneering. Councillor Mallaghan sought the Chief Executive's opinion.

The Chief Executive stated that whilst the Council was in sitting it was a matter for the Chair of the Council to rule on points of order but clarified that the matter did fall within the remit of the Environment Committee.

Proposed by Chair, Councillor McPeake
Seconded by Councillor Mallaghan and

That the motion as undernoted be referred to the Environment Committee

"That Mid Ulster District Council review its current bye laws regarding the consumption of alcohol in designated places, and ensure all Council owned parks and walkways are included. Also ensure adequate signage is in place in all designated areas throughout Mid Ulster, something which is vital to successfully prosecute offenders".

Councillor Cuthbertson said that he was not surprised as the problem was not the message but the messenger. He stated he brought forward the motion to deal urgently with out of date bylaws and that he had previously raised the issue at a meeting with Environmental Health staff three years ago to be told changes would require a huge volume of work.

Councillor Cuthbertson made mention of other motions brought forward by himself, such as issues at Railway Park and Windmill Wood, only to be told it had nothing to do with Council yet the issues are still ongoing. He highlighted a motion in relation to cameras at park and ride facilities again to be told it had nothing to do with Council but the matter came back to Council for permission. He emphasised any Member could bring a motion, that the motion had been accepted by the Chair for debate prior to the Council meeting and that in silencing the messenger they were ignoring the issue.

The Chair, Councillor McPeake stated that Councillor Cuthbertson sat on the Environment Committee and should bring the motion there.

Councillor Cuthbertson stated that motions were moved at Council and all motions would fall into the remit of a committee but that they come to Council first. He also stated that in relation to dual language signage that the Sinn Féin party had called a meeting for a review of the policy to stop the matter being brought to the committee to be democratically voted on each month.

Councillor Ashton sought clarity as to which of the Standing Orders was being referred to regarding the point of order as '16.1.6' stated that once the motion being moved and seconded upon could be referred to a committee.

The Chief Executive reiterated that whilst Council was 'in sitting' it was up to the Chair to give determinations on the Standing Orders.

The Chair, Councillor McPeake clarified that it was standing order 16.1.6.

Councillor Ashton thanked the Chair for the clarification.

Councillor Wilson sought clarification from the Chair that if the motion was accepted and placed on the agenda surely it should be debated.

The Chair, Councillor McPeake stated that he accepted the motion on the basis that if he had not accepted it and placed it on the agenda could have led him to being accused of not accepting business.

Councillor Monteith stated that he fundamentally disagreed with Councillor Cuthbertson on many issues but that he agreed with him this time. He stated that there was no consistency with rulings at the meetings. He highlighted that last month the motion moved in relation to planning should then have been referred to the Planning Committee and it appeared that if the Chair or his party did not like the motion it was 'kicked to the side of the street'.

The Chair Councillor McPeake stated that was Councillor Monteith's opinion.

Councillor Monteith stated that it was one rule for one and one rule for another.

Councillor Glasgow left the meeting at 7.29 pm

C044/19 Notice of Motion

Councillor Malachy Quinn moving the motion stating that:

"I'm pleased to bring this motion tonight as it is one that I am very passionate about. The United Nations convention of the 'Rights of Persons with Disabilities' is an international Human Rights Treaty, an agreement between governments, which stated that all disabled people, children, young people and adults have certain rights. The purpose of the convention is to promote, protect and ensure the full enjoyment of all human rights and fundamental freedoms by all persons with disabilities. We as a party believe in the dignity, respect and rights of all disabled people.

For too long now, disabled people's rights have been systematically eroded as a result of collective societal indifference and in some cases conscious cruelty. We have all seen first-hand the way disabled people have been attacked through Universal Credit and PIPs. I have two Aunts that have severe learning difficulties and through-out my life I have seen the problems that they have faced in the work place, where they were taken advantage of and paid less than those doing the same

work. I have seen the struggles they have went through just to get a job which like everyone else they are entitled to and then finally I have seen the hoops they have had to jump through in order to get benefits. This is something that anyone with a disability will know only too well, and most are not fortunate to have a family behind them to help them through it as my aunts have.

We cannot as political parties, colleagues, relatives and friends stand silent and accept the indifference any longer. There is no excuse for the continued systemic denial of the rights of disabled people. My party colleagues and I are committed to seeing the policy and legislative change required to ensure the full participation of people with disabilities in our society is met. We believe in the inherent dignity and worth of every disabled person and their valuable contribution to our society, past, present and future. The unanimous cross-party support this motion has received in an endorsement of our mission to challenge the systemic denial of rights for disabled people.

This motion has had unanimous support from 5 of the other 11 councils to date and I would be grateful if members could give their full support to this motion.”

Councillor M Quinn moved the motion.

“This Council notes the Concluding Observations of the United Nations’ Committee on the Rights of Persons with Disabilities. Following an examination of the UK’s compliance with the United Nations’ Convention on the Rights of Persons with Disabilities in August 2017 this Council is concerned with the lack of actions and consistency from either the Northern Ireland Executive or the UK Government in respect of the Concluding Observations. Council recognises the valuable contribution that those living with disabilities make to our society and will undertake to prepare a review on how the Council meets local obligations within the Convention on the rights of Persons with Disabilities. Council will write to Theresa May for an update on what steps the Government are taking to meet the recommendations contained within the Concluding Observations”.

Councillor Kearney seconded the motion.

Councillor G Shiels stated that the subject was close to him as he worked with people with learning difficulties and referred to a recent radio broadcast which told the story of a mother telling her story of taking a 14 year old with learning disability to an Accident and Emergency Department where because he was 14 years old he had to go through the adult waiting room not the designated children’s area. He further referred to children with disabilities turning 19 and being ‘kicked out’ of the education system and stated that this needs to be addressed as it was discrimination. He challenged people to sit in a wheelchair all day to understand the challenges faced by people daily.

Councillor Elattar stated that Sinn Féin would support the motion and said that the United Nations in 2017 measured the United Kingdom’s progress in relation to the Rights of Persons with Disabilities and it did not bode well, highlighting that they

were failing in health, education, legal system, voting and in particular disabled women and children. It had also been stated that the document should be incorporated in UK law and that thought should be given to human rights, something which Councillor Elattar highlighted should be natural together with people with disabilities having a say in the law which effects them. The Councillor also highlighted that the report had indicated consideration should be given to the rights of disabled people if the UK left the European Union. Councillor Elattar stated that the rules in relation to benefits should be fair and highlighted that Councillors on a daily basis see how PIPs is failing.

Councillor Wilson stated that the UUP fully supported the motion and highlighted that the lack of the Executive at Stormont is the main problem highlighting that health, education, justice and housing was only some of the areas suffering. He stated that he would call for Direct Rule highlighting a further example of the UUP calling for domestic abuse laws to be introduced immediately in Northern Ireland as again they were halted due to the lack of the Stormont Executive. Councillor Wilson spoke of a Disability Forum which was to form in 2017/18 and the disability strategy which was not realised again due to lack of an Executive at Stormont. Councillor Wilson concluded that action was required and reiterated that the UUP would support the motion.

Councillor Colvin stated that as a Council a lot of good things were being established through planning and building control in relation to access for example within the Dark Skies project. He stated that with many competing issues disability has slipped off the radar yet 17% of the community lived with a disability but the fact is that it would impact 60% of the community. He concluded that he would be very supportive of the motion.

Councillor Ashton supporting the motion concurred with Councillor Wilson that a Health Minister was required and that the message needed to go to the Secretary of State.

Councillor M Quinn reflecting on the discussion spoke of growing up with a cousin with downs syndrome and with how that experience had helped him notice people with subtle disabilities that others may miss. He also spoke of his love for theatre and how through it a lot of people with disabilities are encouraged to display their talents. He reflected on the joy brought to his own family through those who had disabilities and thanked the parties for their support.

The Chair, Councillor McPeake sought agreement and declared the motion Carried.

The Chair, Councillor McPeake reflected that the motion was very useful and worthwhile and spoke of an event that both he and the Deputy Chair had attended earlier in Maghera and the campaign associated with '*Dan the Man*' and how touching it had been hearing about the difficulties even a birthday party could present.

The Chair, Councillor McPeake stated Council would move into confidential business.

Press and public left the meeting at 7.43pm

Councillor Cuddy and Robinson left the meeting at 7.43pm.

Items restricted in accordance with Section 42, Part 1 of Local Government (NI) Act 2014 – Confidential Business

Proposed by Councillor B McGuigan
Seconded by Councillor Burton and

Resolved That items C045/19 – C056/19 be taken as confidential business.

Matters for Decision

- (i) Council Meeting of Confidential Minutes of Meeting held on 24 January 2019
- (ii) Special Council Meeting of Confidential Minutes of Meeting held on 31 January 2019
- (iii) Planning Committee Confidential Minutes of Meeting held on 5 February 2019
- (iv) Policy & Resources Committee Confidential Minutes of Meeting held on 7 February 2019
- (v) Environment Committee Confidential Minutes of Meeting held on 12 February 2019
- (vi) Development Committee Confidential Minutes of Meeting held on 14 February 2019
- (vii) Requests for Temporary Alternative Use of Off Street Car Parks
- (viii) Council Insurances 2019/20
- (ix) Document for Sealing: Invest NI Letter of Offer: Gearing for Growth Programme
- (x) Document for Sealing: Invest NI Letter of Offer: Transform Programme
- (xi) Document for Sealing: Grant of Easements for NIE for Overhead and Underground Cable, Land at Gortgonis, Coalisland
- (xii) Document for Sealing: Coalisland Public Realm Scheme DfI Roads Licence Agreement

C057/19 Duration of Meeting

The meeting was called for 7pm and ended at 8.00pm

Chair _____

Date _____