

NEWRY, MOURNE & DOWN DISTRICT COUNCIL

NMD/C/

**Minutes of Council Meeting held on Monday 5 March 2018 at 6pm in the
Mourne Room, Downshire Civic Centre, Downpatrick**

In the Chair: Councillor R Mulgrew

In attendance:

(Councillors)

Councillor T Andrews	Councillor P Brown
Councillor R Burgess	Councillor P Byrne
Councillor M Carr	Councillor C Casey
Councillor W Clarke	Councillor G Craig
Councillor D Curran	Councillor L Devlin
Councillor C Enright	Councillor G Fitzpatrick
Councillor G Hanna	Councillor V Harte
Councillor H Harvey	Councillor T Hearty
Councillor R Howell	Councillor D Hyland
Councillor L Kimmins	Councillor M Larkin
Councillor K Loughran	Councillor D McAteer
Councillor O McMahan	Councillor A McMurray
Councillor M Murnin	Councillor B Ó Muirí
Councillor B Quinn	Councillor H Reilly
Councillor J Rice	Councillor M Ruane
Councillor M Savage	Councillor G Sharvin
Councillor G Stokes	Councillor D Taylor
Councillor JJ Tinnelly	Councillor J Trainor
Councillor B Walker	

(Officials)

Mr L Hannaway, Chief Executive
Mrs D Carville, Director of Corporate Services
Mr M Lipsett, Director of Active & Healthy Communities
Ms M Ward, Director of Enterprise, Regeneration & Tourism
Mr R Moore, Acting Director of Neighbourhood Services
Mrs E McParland, Democratic Services Manager
Miss S Taggart, Democratic Services Officer
Mrs P McKeever, Democratic Services Officer

C/035/2018

APOLOGIES AND CHAIRPERSON'S REMARKS

Apologies were received from Councillors Bailie, Doran and Macauley.

The Chairperson expressed her thanks to all the services involved during the recent adverse weather conditions for all of their hard work. She also praised the Mourne Mountain Rescue Service who proved invaluable in getting staff to and from their work in hospitals.

The Chairperson stated that following last month's housing symposium, Newry City Councillors and herself met with housing associations in what was a very productive meeting. She advised this would be repeated in the coming weeks with planners, developers and chambers of commerce coming on board to work collectively to address the housing crisis in the Newry area.

The Chairperson advised that 8th March was International Women's Day and stated she was having a fundraising day in the Canal Court Hotel on that day with over 360 women attending. She wished her female colleagues a Happy International Women's Day.

C/036/2018 DECLARATIONS OF INTEREST

There were no declarations of interest.

C/037/2018 ACTION SHEET ARISING FROM COUNCIL MEETING HELD ON 5 FEBRUARY 2018

Read: Action Sheet from Council Meeting held on 5 February 2018 (copy circulated).

C/003/2018 – Action Sheet from Council Meeting held on 4 December 2017

Councillor Byrne asked that although this item may be removed from the action sheet, once a date had been agreed with the Rainbow Community for their next meeting, Members to be forwarded on this information.

AGREED: The Action Sheet from Council Meeting held on 5 February 2018 was agreed and Members to be forwarded details of the next meeting with the Rainbow Community.

COUNCIL MINUTES FOR ADOPTION AND SIGNING

C/038/2018 MINUTES OF COUNCIL MEETING HELD ON 5 FEBRUARY 2018

Read: Minutes of Council Meeting held on 5 February 2018 (copy circulated).

AGREED: The Minutes of the Council meeting held on 5 February 2018 were agreed as an accurate record and adopted on the proposal of Councillor Craig, seconded by Councillor Hearty.

C/039/2018 MINUTES OF SPECIAL COUNCIL MEETING HELD ON 29 JANUARY 2018

Read: Minutes of Special Council Meeting held on 29 January 2018 (copy circulated).

Councillor McAteer advised he had raised an important point at the meeting when he questioned whether Mr Boyd would consider resigning from his position if he felt so strongly about the situation schools were in. He said this had not been recorded within the minute.

The Chairperson advised this would be recorded.

AGREED: The Minutes of the Special Council meeting held on 29 January 2018 were agreed as an accurate record, subject to the above amendment, and adopted on the proposal of Councillor Harvey, seconded by Councillor Burgess.

COMMITTEE MINUTES FOR CONSIDERATION AND ADOPTION

C/040/2018 MINUTES OF ENTERPRISE, REGENERATION AND TOURISM COMMITTEE MEETING HELD ON 12 FEBRUARY 2018

Read: Minutes of Enterprise, Regeneration and Tourism Committee Meeting held on 12 February 2018 (copy circulated).

ERT/030/2018 – Newry Lower Hill Street Public Realm Scheme

The Chief Executive advised membership was required for the establishment of a Task and Finish Working Group for the design and delivery (subject to Department for Communities (DfC) funding) of the Newry Lower Hill Street Public Realm Scheme.

AGREED: It was agreed on the proposal of Councillor Hyland, seconded by Councillor Savage that the Newry DEA Councillors plus representatives from Newry Chamber of Commerce should make up the membership for the Task and Finish Working Group for the design and delivery (subject to DFC funding) of the Newry Lower Hill Street Public Realm Scheme.

ERT/028/2018 – ERDF/INI Letter of Offer for a Business Growth Mentoring Programme

Councillor Craig welcomed the scheme and asked when consultants would be appointed and ready to begin, and how businesses would be notified of the scheme.

Mrs Ward advised officers anticipated the letter of offer would be received within the next few days. She stated the appointment of a Consultant could then take place, using Central Procurement Directorate, and this could take up to a period of 12 weeks. She advised that officers would be using Council's social media and database to inform businesses, with the scheme being promoted widely. She confirmed that Councillors could feed into this process also.

AGREED: The Minutes were agreed as an accurate record and adopted on the proposal of Councillor Curran, seconded by Councillor Hanna.

C/041/2018 **MINUTES OF STRATEGY, POLICY AND RESOURCES COMMITTEE MEETING HELD ON 15 FEBRUARY 2018**

Read: Minutes of Strategy, Policy and Resources Committee Meeting held on 15 February 2018 (copy circulated).

SPR/025/2018 – Audio Recording of Planning Committee Meetings

Councillor McAteer stated the minute did not make it clear what had been agreed on this matter.

Mrs Carville advised there had been a proposal to accept the officer's recommendation but this was lost and therefore no decision had been taken by the Committee. She advised a decision was required to be taken by Council.

Councillor Murnin stated the reason the motion was lost was due to the Chairperson of the Committee refusing to allow Councillor's questions to be answered and therefore Members had no choice but to vote against it. He proposed to accept the officer's recommendation within the report presented to the SPR Committee.

This was seconded by Councillor Craig who stated the matter was left in limbo following the SPR Committee meeting with no alternatives being put forward. He stated the officer's recommendation was sensible as it would be meaningless to record only part of a planning application.

Councillor Brown stated the issue was one of transparency and the whole Committee meeting should be recorded, unless exempt under Schedule 6 of the Local Government Act. He said he would propose to accept only recommendation 2 – no recording of the entire planning application for applications which were deemed to be exempt.

Mrs Carville said legal advice had been provided in relation to Council's current obligations under the Data Protection Act and said this would be strengthened in the future following introduction of General Data Protection Regulations (GDPR). She said the legal advice provided stated that if a person did not consent to their data being stored in a particular way, the Council could not ignore their wishes.

Councillor McAteer stated it was not a statutory function to record planning committee. He said he had issues with gaining access to Planning Committee recordings, however he believed these were teething problems and was prepared to work with officers to come up with a solution.

Mrs Carville advised Council had no requirement to record any meeting other than Council, however Council had decided made to record all Committees, including the Planning Committee.

Councillor Sharvin said if the legal advice was that Council could not record the full application if an agent/applicant did not wish to be recorded, did this apply to all planning applications they presented. He asked if this meant that these agents/applicants would never be recorded or alternatively if this was on the basis of each application submitted. He also asked if consent was not given would their names still appear within the written minute of the meeting.

Mrs Carville advised the operating protocol outlined the workings of the recordings and consent would be on an application by application basis.

Mrs McParland advised that the names of agents/applicants, regardless of whether they consented to be recorded, would appear on the agenda which was uploaded to the website and their names would be recorded within the written copy of the minute.

Councillor Enright stated the legal advice needed to be revisited as it was ridiculous to say that Council could record an agent/applicant in writing but not on a tape. He said he would agree to second Councillor Brown's proposal.

The Chairperson put Councillor Murnin's proposal to a vote, the result being as follows:

FOR:	30
AGAINST:	4
ABSTENTIONS:	2

The proposal was CARRIED.

- AGREED:** It was agreed on the proposal of Councillor Murnin, seconded by Councillor Craig to approve the following:
- In respect of those planning applications for which consent is not given by any member of the public, including Agents, no recording be made of the entire planning application.
 - In respect of those planning applications which are deemed to be exempt under Schedule 6 of the Local Government Act (NI) 2014, no recording be made of the entire planning application.
 - The Council's operating protocol for audio recording of Council and Committee meetings be amended accordingly and as outlined in appendix 1 as circulated at the meeting.
 - A review of these arrangements take place in January 2019 which is the date already agreed by Council for a review, or sooner should the need arise.

SPR/031/2018 – Management Accounts to 31st December 2017

Councillor Enright stated his comments on the role of management accounts had not been recorded and the management accounts should not appear as a footnote on the end of the agenda for noting.

Councillor Byrne stated the accounts were taken in closed session and the recording of comments while discussing exempt items would set a precedent going forward.

AGREED: **The Minutes were agreed as an accurate record and adopted on the proposal of Councillor Burgess, seconded by Councillor Savage.**

C/042/2018 MINUTES OF ACTIVE AND HEALTHY COMMUNITIES COMMITTEE MEETING HELD ON 19 FEBRUARY 2018

Read: Minutes of Active and Healthy Communities Committee Meeting held on 19 February 2018 (copy circulated)

AHC/037/2018 – Footgolf, Newcastle

Councillor Clarke stated the proposal to return Islands Park in Newcastle to parkland would mean Newcastle would lose its previous pitch-and-putt facility. He proposed that the matter be deferred to the Mournes DEA grouping for a consultation on the future use of Islands Park, perhaps as a climate change park. This was seconded by Councillor Devlin.

AGREED: **It was agreed on the proposal of Councillor Clarke, seconded by Councillor Devlin that the matter of Footgolf in Newcastle be deferred to the Mournes DEA grouping for consultation on the future use of Islands Park.**

AHC/041/2018 – Sport NI Application for Funding

Councillor Murnin advised the information on locations of Sports Hubs had not been circulated and asked for it to be circulated.

Mr Lipsett advised this should have been circulated and he would follow up on this.

Councillor Byrne stated the issue of the Sports Hubs locations had been discussed by the DEAs at the start of the process and said he was surprised to see that 14 locations had been selected. He asked where the selection process had taken place as it should have been discussed again by the DEAs.

Mr Lipsett advised the Sports Facilities Strategy identified the potential Sports Hubs across the District and officers were proposing that, as part of the SportNI Capital Grant Scheme, this would be reviewed with recommendations being brought back to AHC Committee to consider which, if any of the Sports Hubs, should be brought forward. He stated as part of that process any Sports Hubs identified as part of DEA consultations would be looked at also.

Councillor Byrne stated he was frustrated with the DEA mechanism, as the reports were just agreed and passed on. He stated the information being discussed should come back through the DEA groupings and this was the frustration he had. He said if people from Slieve Gullion asked him where the Sports Hub was likely to be, he would not be able to answer due to the lack of communication.

Mr Lipsett advised there was an issue with timescales from SportNI and therefore there was not a lot of time to carry out consultation on this scheme. He stated he was due to have a meeting, along with Sports Officers from other Councils, with the Chief Executive of SportNI to raise the issue of timelines.

AGREED: **The Minutes were agreed as an accurate record and adopted on the proposal of Councillor Kimmins, seconded by Councillor Walker.**

C/043/2018 MINUTES OF REGULATORY & TECHNICAL SERVICES COMMITTEE MEETING HELD ON 21 FEBRUARY 2018

Read: Minutes of Regulatory and Technical Services Committee Meeting held on 21 February 2018 (copy circulated)

RTS/023/2018 – Glass Collection Assessment

Councillor Fitzpatrick on a point of accuracy stated she had raised the issue of the legislation referred to in slide 3 of the Consultant's presentation to Committee – Council's legal requirements Regulation 18 of the Waste Regulations (Northern Ireland 2011). She said that nowhere in the original TEEP report did it state that glass had to be removed and this legislation had not changed.

Members raised the following queries on the Glass Collection Assessment:

- Welcomed the fact that the co-mingling was going to be rolled out across the District however believed it would have been a lot simpler to have been given the independent report when this was asked for a year ago.
- What was the situation with brown bin deliveries at present?
- What did 'lots of changes in processing waste' mean exactly and why had simple questions asked by Committee Members not been answered previously which could have saved a lot of time in introducing this scheme across the District?
- Was there still a requirement to purchase bespoke bins?
- Would an updated organisational structure be circulated to Members as some Assistant Directors had moved and now dealt with different service areas?
- If no longer purchasing bespoke vehicles, what would happen with the money set aside in the capital budget?
- Congratulated staff on the lifting of bins following the recent spell of wintry weather.
- What was the timeline from this method of collection being too risky and against legislation, to being the best option given that the legislation didn't change?
- Message needed to go out to legacy Down District Council ratepayers that the arc21 contract is still in operation for another year to ensure there was no contamination of the bins at present.

Officers responded to the queries as follows:

- The vast majority, if not all, brown bins had been delivered but this would be further investigated and reported back to the Councillor who raised the matter.

- The point about changes in processing waste would be investigated and reported back to the Councillor who raised the matter.
- Blue bins already existing in the Down legacy area would suffice for collection of glass.
- Assistant Director's roles had not changed. However there had been some changes to the reporting structure, and this would be circulated to Members.
- The purchase of bin lorries was an on-going matter, spread over a 4 year period and the level of expenditure would still occur over this time frame.

COUNCILLORS BURGESS, Ó MUIRÍ AND REILLY LEFT THE MEETING DURING THE ABOVE DISCUSSIONS – 7.12PM

AGREED: Subject to amendment from Councillor Fitzpatrick of RTS/023/2018 – Glass Collection Assessment, who stated that nowhere in the original TEEP report did it state that glass had to be removed and this legislation had not changed, the Minutes were agreed and adopted, on the proposal of Councillor Stokes, seconded by Councillor Trainor.

CORRESPONDENCE AND CONFERENCES

C/044/2018 CORRESPONDENCE RECEIVED FROM FERMANAGH & OMAGH DISTRICT COUNCIL RE: MOTION ON GAMBLING

Read: Correspondence received from Fermanagh & Omagh District Council, dated 19 February 2018, requesting support for a Motion calling for a ban of gambling advertisements from television, print media and social media. (copy circulated).

Councillor Murnin declared an interest in this item and left the chamber at this stage – 7.15pm

Councillor Byrne stated whilst he welcomed the motion, he did not agree with a blanket ban on gambling advertisements. He stated there should be more research completed into the targeting of gambling adverts at young people which could lead to mental health issues.

Councillor Ruane advised he had spoken to Cuan Mhuire officials who were content for Council to speak to them about the impact of gambling in the local area and he proposed that Council accept this invitation. This was seconded by Councillor Byrne.

AGREED: The correspondence received from Fermanagh & Omagh District Council re: Motion on Gambling was noted and it was agreed on the proposal of Councillor Ruane, seconded by Councillor Byrne, that Council accept the invitation from Cuan Mhuire officials to speak to them about the impact of gambling in the local area.

Councillor Murnin returned to the chamber at this stage – 7.25pm

C/45/2018

NOTICE OF MOTION RECEIVED FROM COUNCILLOR BROWN

The following Notice of Motion came forward for consideration in the name of Councillor Brown:

“This Council supports making Newry, Mourne and Down a Dementia Friendly District and will develop an action plan for implementation of this policy. This may include encouraging business and transport providers to sign up to having a Dementia Champion and to take part in Dementia awareness training, and working to designate specific towns as ‘dementia friendly’”.

In proposing the motion, Councillor Brown said every effort should be made to help retain a good quality of life for the elderly in the area, and that increasing their confidence and empowering them was of paramount importance. He said businesses and transport providers could play a vital role in signing up to dementia awareness training and he referred to a scheme that had been trialled some years ago with traders in Hill Street, and said some of the current traders may have been involved at that time.

Councillor Andrews seconded the motion stating Council should engage with Stormont Departments to drive this forward, he said the ‘I am me’ campaign was very constructive.

Members spoke unanimously in favour of the motion stating the implementation of a Dementia Friendly policy would be a very welcome initiative for the area, however it was important this was more than just a box ticking exercise and it would be vital to link in to the voluntary sector and across the public sector including the PSNI. Training should be made available throughout the district and it was important to work closely with carers in the community.

In summing up, Councillor Brown thanked the members for their unanimous support and welcomed the development of an action plan for the implementation of this policy.

AGREED: It was unanimously agreed on the proposal of Councillor Brown, seconded by Councillor Andrews that the Council support making Newry, Mourne & Down a ‘Dementia Friendly’ District and develop an action plan for implementation of this policy. This may include encouraging business and transport providers to sign up to having a Dementia Champion and to take part in Dementia awareness training, and working to designate specific towns as ‘Dementia Friendly’.

The following Notice of Motion came forward for consideration in the name of Councillor Sharvin:

"That this Council fully supports the call on the Department of Health to develop and address the need for suicide prevention centres in Northern Ireland.

Northern Ireland has the highest suicide rate in the UK and in 2015 had the highest on record. Thus highlighting the need for suicide prevention centres that could provide a safe space for those in despair or distress.

Furthermore we write to the Permanent Secretary for the Department of Health, Richard Pengelly urging for a strategy that will support those with a mental health with the services they need."

In proposing the motion, Councillor Sharvin stated the suicide rate in the Newry, Mourne and Down area was the 4th highest within Northern Ireland. The most recent records showed there were 297 suicide cases in Northern Ireland with 41% of these being less than 34 years of age. Increased funding was needed to improve mental health services and he called for a clear policy and strategy. He said people with mental health issues needed access to safe areas and more information in the form of leaflets with useful contacts for people in distress was needed. He stated the youngest person being treated for mental health issues was 7 years of age.

Councillor Murnin seconded the motion stating he had recently attended the 'Life Change Changes Life' (LCCL) event in Downpatrick, this event had been very well attended by young people. He said groups such as this needed more resources.

Members spoke unanimously in favour of the motion stating that services needed to be enhanced and the provision of suicide prevention centres would serve as sanctuaries for people in despair and distress. The records from 1970 – 2017 indicated that 8,158 people in Northern Ireland had taken their own lives. External influences such as drugs and gambling also played a part in people deciding to take their own lives, and people living in deprived areas and people from the LBGT community were also at risk.

Councillor Walker asked that the issue of drug awareness be placed on the Active and Healthy Community Committee agenda.

Councillor Hanna cautioned on the terminology used when discussing suicide saying that referring to a person 'committing suicide' was very offensive as it intimated committing a crime and terminology such as 'dying by suicide' or 'took their own life' should be used instead.

Councillor Clarke advised there were two 'Protect Life and Mental Health Promotion Events' scheduled for 13 March 2018 in the Canal Court Hotel and 27 March 2018 in Newcastle Lodge. He encouraged everyone to go to these events to register their input before the strategy was launched. He said there was a stigma around mental health issues and suicide that needed to be removed.

In summing up, Councillor Sharvin thanked all members for their support and said mental health training for Councillors could be very beneficial.

AGREED: **On the proposal of Councillor Sharvin seconded by Councillor Murnin, it was agreed that the Council fully support the call on the Department of Health to develop and address the need for suicide prevention centres in Northern Ireland. Northern Ireland has the highest suicide rate in the UK and in 2015 had the highest on record, thus highlighting the need for suicide prevention centres that could provide a safe space for those in despair or distress. It was also agreed that Council write to the Permanent Secretary for the Department of Health, Richard Pengelly, urging for a strategy that will support those with a mental health issue with the services they need.**

At the request of Councillor Walker, the issue of drug awareness was to be added to the next Active and Healthy Community Committee agenda.

C/47/2018

NOTICE OF MOTION RECEIVED FROM COUNCILLOR TINNELLY

The following Notice of Motion came forward for consideration in the name of Councillor Tinnelly:

“Newry, Mourne & Down District Council share the revulsion and abhorrence felt by the wider public following the shocking child abuse revelations involving deceased Priest Malachy Finnegan and highlighted recently on the BBC Spotlight programme.

Furthermore, this Council condemns without hesitation those who may have been complicit in the cover up of the actions of this man, where protection of the church's reputation seemed to take precedence over the welfare of those children whose innocence was destroyed.

What is wrong in 2018 was no less wrong 30 plus years ago and any person who may have acquiesced in the cover up around these horrific events, indirectly contributed to the suffering that these men endured as children and in so doing potentially lost all their moral authority many years ago.”

In proposing the motion, Councillor Tinnelly commended the victims' bravery in speaking publicly on the recently aired Spotlight and Nolan television programmes. He stated there were good people who were inadvertently caught up in these abhorrent revelations particularly the present clergy and people of Clonduff and he also made reference to the parents, pupils and staff of St Colman's College who were clearly distraught at the recent allegations. He continued, saying the vast majority of students who had attended St Colman's College over the years had enjoyed their time there and said this was largely due to the excellent teaching staff

and was the reason why St Colman's College was still regarded as an exceptional school.

Councillor Hyland seconded the Motion and asked that it be amended to include the call for a full Public Inquiry into clerical abuse as a matter of urgency, to show victims they were being listened to. He said he had attended St Colman's College and had happy memories of the school and some excellent teachers. However young pupils at the school were aware of problems with Malachy Finnegan and he has how this had gone unchecked by teachers, both lay and priests. Malachy Finnegan had instead gone on to being promoted within the school and the Church. He said he wished to offer his profound sympathy to the victims.

Councillor Craig said his Party would be supporting the Motion and he registered his disgust at the depravity.

Councillor Taylor said he commended Councillor Tinnelly for bringing forward the Motion and his thoughts were with all affected by this.

Councillor Casey said Sinn Fein endorsed the sentiments of the Motion and said the actions of Malachy Finnegan were reprehensible. He said there was a systemic failure to protect the victims and the Church had a responsibility to give to the PSNI and Police Ombudsman details of their response from when this abuse had come to their attention.

Councillor Savage said no words would bring back the lost childhoods. He said the abuse was shocking and the community must support the victims, whose voices must be heard to make sure that this type of abuse can never happen again. He said the Church need to ensure transparency and removal of any veil of secrecy as only then would victims be able to move on.

In summing up, Councillor Tinnelly thanked the Members for their unanimous support and said as a local authority it was obliged to give a voice to the victims. He encouraged all victims to come forward and said it was important the shortcomings of all parties related to this investigation were identified. The amendment to the motion, put forward by Councillor Hyland, was accepted.

AGREED: **It was agreed on the proposal of Councillor Tinnelly, seconded by Councillor Hyland that Newry, Mourne & Down District Council share the revulsion and abhorrence felt by the wider public following the shocking child abuse revelations involving deceased Priest Malachy Finnegan and highlighted recently on the BBC Spotlight programme. It was also agreed that this Council condemns, without hesitation, those who may have been complicit in the cover up of the actions of this man, where protection of the Church's reputation seemed to take precedence over the welfare of those children whose innocence was destroyed. What is wrong in 2018 was no less wrong 30 plus years ago and any person who may have acquiesced in the cover up around these horrific events, indirectly contributed to the**

suffering that these men endured as children and in so doing potentially lost all their moral authority many years ago.

It was also agreed that Council request, as a matter of urgency, a full Public Inquiry into clerical abuse.

There being no further business, the meeting concluded at 8.28pm.

Signed:

Chairperson

Chief Executive