

NEWRY, MOURNE & DOWN DISTRICT COUNCIL

NMD/C/

**Minutes of Council Meeting held on Monday 5 February 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 S Burns |
| Councillor P Byrne | Councillor M Carr |
| Councillor C Casey | Councillor G Craig |
| Councillor D Curran | Councillor L Devlin |
| Councillor S Doran | Councillor C Enright |
| Councillor G Fitzpatrick | Councillor G Hanna |
| Councillor V Harte | Councillor H Harvey |
| Councillor T Hearty | Councillor D Hyland |
| Councillor L Kimmins | Councillor M Larkin |
| Councillor J Macauley | 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 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 A Wilkinson, Director of Regulatory & Technical Services
Mr K Montgomery, Assistant Director of Finance
Mrs E McParland, Democratic Services Manager
Miss S Taggart, Democratic Services Officer

C/019/2018

APOLOGIES AND CHAIRPERSON'S REMARKS

Apologies were received from Councillors Bailie, Clarke Loughran and Trainor.

The Chairperson welcomed Councillor John Rice to the meeting and expressed her farewell to Pól Ó Gríbin.

The Chairperson expressed her condolences to the family of Pat McEvoy, a former Councillor.

C/020/2018 DECLARATIONS OF INTEREST

There were no declarations of interest.

C/021/2018 ACTION SHEET ARISING FROM COUNCIL MEETING HELD ON 8 JANUARY 2018

Read: Action Sheet from Council Meeting held on 8 January 2018 (copy circulated).

C/005/2018 – Minutes of Special Council Meeting held on 27 November 2017

Mr Hannaway advised a letter had been received from Mr P May, Permanent Secretary, DFI regarding three potential dates for a cross-party delegation to meet with him to discuss the District's roads and the Eastern Distributor road.

AGREED: **It was agreed that 2 SF, 2 SDLP, 1 DUP, 1 UUP, 1 smaller parties/independents, along with Councillor Reilly, make up the cross-party delegation to meet with Mr May regarding the Eastern Distributor road and issues regarding the District's roads.**

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

Councillor Byrne asked for an update on the position regarding Rainbow Community.

The Chairperson advised she had attended a meeting with the community and had highlighted a number of ways of moving forward. She stated that on speaking with the landlord, the property in question was not in the ownership of Council. However further meetings were scheduled to take place, with the next meeting being held in the Rainbow Community premises on Monaghan Street, Newry.

Councillor Byrne asked whether all Councillors would be invited to attend the next meeting.

The Chief Executive advised he would ensure all Members were invited to attend the next meeting with the Rainbow Community.

AGREED: **It was agreed that all Members be notified of the next meeting with Rainbow Community.**

AGREED: **The Action Sheet from Council Meeting held on 8 January 2018 was agreed.**

TO SET A DISTRICT RATE FOR THE FINANCIAL YEAR 2018/2019

C/22/2018 TO SET A DISTRICT RATE FOR THE FINANCIAL YEAR 2018/2019 AS REQUIRED UNDER SECTION 3 OF THE LOCAL GOVERNMENT FINANCE ACT (NI) 2011.

Read: Report by Mr L Hannaway, Chief Executive and Mrs D Carville, Director of Corporate Services, dated 5 February 2018, regarding the District Rate 2018-19.
Appendix 1 - Efficiency Working Group consideration of rate setting process 2018-19.
Appendix 2 – Four Year Capital Programme Budget.
Appendix 3 – Prudential Indicators and Minimum Revenue Position (MRP) Statement 2018-19 as required by CIPFA Prudential Code.
Appendix 4 – Treasury Management Strategy Statement 2018-19.
Appendix 5 – Medium Term Financial Plan

Mrs Carville advised Members that the Efficiencies Working Group had met six times to consider in detail the rates estimates. She said she was asking Members to approve an increase to the rates of 3.38%, highlighting the key factors that underpinned the increase, which she said had been considered in detail at the Efficiencies Working Group meetings.

Mrs Carville said that as set out in the Local Government Finance Act (NI) 2011, the Chief Executive, as Chief Financial Officer, was required to make a submission confirming the robustness of the revenue estimates and the adequacy of reserves going into the 2018/19 year.

Mrs Carville advised there had been no budget agreed at present by the NI Executive which had potential to impact on the ability of the Department for Communities to issue the rates support grants to Councils. She stated that £2.3m had been included in the estimates for 2018-19 in anticipation of receipt of the Rates Support Grant.

Mrs Carville went on to say that due to the current political instability a regional rate had not yet been determined, which may lead to a delay in the guaranteed payment of Councils' rates. She stated that officers had been mindful of this potential delay in the calculations of working capital requirements as part of the Prudential Indicators and MRP Statement 2018/19.

Councillor Byrne expressed his frustration at the lack of agreed budget at Executive level and the fact that Councils were not being given the information required with regard the Rate Support Grant and regional rate.

Members thanked the officers for their hard work in striking this rate, with Councillor Ruane noting that although it was unfortunate to increase the rate, sometimes this was required in order to provide first class services to the ratepayers of the District.

AGREED: It was agreed on the proposal of Councillor Ruane, seconded by Councillor Brown, to approve the considerations of the Efficiencies Working Group in relation to the 2018-19 rate setting process, and:

1. Approve the 4 year capital programme budget of £103,590,322 (detailed in appendix 2 of Report).
2. Approve the Prudential Indicators and Minimum Revenue Provision (MRP) Statement 2018-19 as required by the CIPFA Prudential Code (detailed in appendix 3 of Report).
3. Approve financing severance costs of £932,888 from reserves 2018-19.
4. Approve the Treasury Management Strategy Statement 2018-19 (detailed in appendix 4 of Report).
5. Have regard to the Chief Executive's statement as required by the Local Government Finance Act (NI) 2011 (detailed in section 2.1 of Report).
6. Approve an increase in the District Rate for 2018-19 of 3.38% based on an estimated penny product of 2,305,909, meaning a non-domestic rate of 23.7668 pence and a domestic rate of 0.3817 pence (detailed in appendix 5 of the report).
7. Approve the 2018-19 estimates included in the Medium Term Financial Plan (appendix 5 of the report) and authorise the expenditure included in the estimates.

COUNCIL MINUTES FOR ADOPTION AND SIGNING

C/023/2018

MINUTES OF COUNCIL MEETING HELD ON 8 JANUARY 2018

Read: Minutes of Council Meeting held on 8 January 2018 (copy circulated).

AGREED: The Minutes of the Council meeting held on 8 January 2018 were agreed as an accurate record and adopted on the proposal of Councillor Stokes, seconded by Councillor Burgess.

C/024/2018

MINUTES OF SPECIAL COUNCIL MEETING HELD ON 19 JANUARY 2018

Read: Minutes of Special Council Meeting held on 19 January 2018 (copy circulated).

Councillor Murnin expressed his disappointment at being unable to attend the meeting due to being on holiday and stated he was astounded that Council agreed to hand over control of the District's car parks.

Councillor Savage stated he supported the decision to review the increased tariffs after 6 months and hoped that the introduction of a lower tariff around Christmas time may be looked at during this review.

AGREED: The Minutes of the Special Council meeting held on 19 January 2018 were agreed as an accurate record and adopted on the proposal of Councillor Stokes, seconded by Councillor Burgess.

COMMITTEE MINUTES FOR CONSIDERATION AND ADOPTION

C/025/2018 **MINUTES OF ENTERPRISE, REGENERATION AND TOURISM COMMITTEE MEETING HELD ON 15 JANUARY 2018**

Read: Minutes of Enterprise, Regeneration and Tourism Committee Meeting held on 15 January 2018 (copy circulated).

ERT/010/2018 – Geotourism Project Update

Members raised the issue of the Geopark stating consultation was required with people in the area before any decision could be made.

Mrs Ward advised an application would not be made until 2019, however a detailed communication strategy had been developed which would include lots of public consultation. She stated she was hoping to commence consultations in March and would involve many local people, farmers, local businesses etc.

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

C/026/2018 **MINUTES OF STRATEGY, POLICY AND RESOURCES COMMITTEE MEETING HELD ON 18 JANUARY 2018**

Read: Minutes of Strategy, Policy and Resources Committee Meeting held on 18 January 2018 (copy circulated).

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

C/027/2018 **MINUTES OF ACTIVE AND HEALTHY COMMUNITIES COMMITTEE MEETING HELD ON 22 JANUARY 2018**

Read: Minutes of Active and Healthy Communities Committee Meeting held on 22 January 2018 (copy circulated)

AHC/005/2018 – Community Centre Effectiveness Review

Councillor Byrne advised he had not been at the meeting therefore could not have seconded the proposal and suggested it may have been Councillor Brown that had seconded this proposal.

AHC/020/2018 – Realignment of Play Strategy – Fixed Play Recommendations – Year 1-5

Mr Hannaway advised the agreement regarding realignment of Play Strategy had not been included in the costings for rates estimates, and savings would need to be made which would be brought back to the next AHC Committee Meeting.

Councillor McAteer queried whether Ballyholland, Old Warrenpoint Road and Burren play parks would be upgraded in the upcoming year along with year 1 play parks.

Mr Lipsett advised there had been a slight delay on the delivery of the year 1 upgrades which had impacted upon delivery of year 2 play parks. He stated however that the year 2 upgrades would take place in the latter part of the year.

Councillor Reilly queried whether any of the play equipment removed to make way for the upgrades that was still in reasonable condition, could be installed in play areas that were not scheduled to be upgraded until years 4 or 5.

Mr Lipsett advised he would speak to Councillor Reilly following the meeting to investigate a way forward on his issue.

Councillor Carr asked that some attention be given to the extraordinary amount of illegal dumping and graffiti within the Warrenpoint area.

AGREED: **The Minutes were agreed as an accurate record, subject to the amendment of the seconder of AHC/005/2018 to read Councillor Brown, and adopted on the proposal of Councillor Fitzpatrick, seconded by Councillor Kimmins.**

C/028/2018 MINUTES OF REGULATORY & TECHNICAL SERVICES COMMITTEE MEETING HELD ON 24 JANUARY 2018

Read: Minutes of Regulatory and Technical Services Committee Meeting held on 24 January 2018 (copy circulated)

RTS/008/2018 – Bus Shelter at Cloughreagh Park, Bessbrook

Councillor Burns proposed that Council agree not to proceed with the Committee recommendation to find an alternative location for the shelter and that the bus shelter be retained and completed at its current location.

Councillor Taylor said it was important to clarify that the recommendation was still to have a bus shelter at Cloughreagh, but in a different location.

Councillor Byrne said at no point was it agreed at a DEA meeting to retain this bus shelter at its present site. He said the current location was not in fact sited at a bus stop, but located between two bus stops and opposite the dwelling of a family who had specific circumstances for not wanting the bus stop to be there.

Councillor Burns' proposal was seconded by Councillor Larkin who outlined the consultation and engagement that had taken place over a protracted period on this matter. He said Council officials had been accused of misleading the community

during previously held meetings. He stated that SDLP Councillors were playing party politics with the bus shelter, against the wishes of the local community, and he called for a recorded vote on the matter.

The Chairperson advised that Translink had confirmed the service in Cloughreagh was now operating as a stop and hail service.

Councillor Byrne stated a number of accusations had been made against him during Councillor Larkin's statement and asked that he be allowed to address these.

The Chairperson advised she was ruling that Councillor Byrne should not speak again prior to a vote taking place and she was adjourning briefly at this point in order to ensure the good order of the meeting – 6.52pm

The meeting did then resume – 7.01pm

Councillor Taylor said he wished to provide some clarity on the matter stating that approving the RTS Minute would not result in the complete removal of the bus shelter from Cloughreagh Park, instead it would be moved to a different location.

Councillor Craig stated DUP would be abstaining from the vote as they had no representation within the particular DEA.

The Chairperson did then put the proposal to a recorded vote (copy of results appended to these minutes).

The results of the recorded vote were as follows:

| | |
|---------------------|-----------|
| FOR: | 13 |
| AGAINST: | 17 |
| ABSTENTIONS: | 7 |

The proposal was LOST.

The recommendation from the RTS Committee was then put to a vote, the results of which were as follows:

| | |
|---------------------|-----------|
| FOR: | 19 |
| AGAINST: | 12 |
| ABSTENTIONS: | 6 |

The recommendation was CARRIED and it was therefore agreed that an alternative location be identified for the bus shelter at Cloughreagh Park, Bessbrook.

RTS/010/2018 – Development and Implementation of 'The Neighbourhood Services Proposal'

Members highlighted issues regarding fly tipping, litter, grass cutting and dog fouling across the District and asked whether this would be looked at in a proactive way.

Mr Wilkinson advised the new Neighbourhood Services proposal including increasing the resources within waste services, which would in turn free up cleansing staff. He stated the proposal was to address the top 10 common issues within local neighbourhoods with the renaming of the Anti-Litter working group to the Neighbourhood Services Working Group.

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

C/029/2018 **MINUTES OF AUDIT COMMITTEE MEETING HELD ON 11 JANUARY 2018**

Read: Minutes of Audit Committee Meeting held on 11 January 2018 (copy circulated)

Councillor McAteer commented on the importance of achieving prompt payment of suppliers and Mrs Carville reiterated Council's commitment in this area.

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

CORRESPONDENCE AND CONFERENCES

C/030/2018 **CORRESPONDENCE RECEIVED FROM PERMANENT SECRETARY PETER MAY, REGARDING EASTERN DISTRIBUTOR ROAD IN DOWNPATRICK**

Read: Correspondence received from Permanent Secretary May, dated 10 January 2018, regarding Eastern Distributor Road in Downpatrick (copy circulated).

NOTED The correspondence from Permanent Secretary May regarding Eastern Distributor Road in Downpatrick was noted.

C/031/2018 **CORRESPONDENCE RECEIVED FROM FERMANAGH & OMAGH DISTRICT COUNCIL RE: MOTION – REINSTATEMENT OF THE AREA OF NATURAL CONSTRAINT SCHEME**

Read: Correspondence received from Fermanagh & Omagh District Council re: Motion – Reinstatement of the Area of Natural Constraint Scheme (copy circulated).

AGREED: The correspondence received from Fermanagh & Omagh District Council re: Motion – Reinstatement of the Area of Natural Constraint Scheme was noted and it was agreed on

the proposal of Councillor McAteer, seconded by Councillor Hearty that a letter of support be sent to the Council.

C/032/2018

**NATIONAL ASSOCIATION OF COUNCILLORS
CONFERENCE – SHARED SERVICES AND RESOURCES IN
THE COMMUNITY**

Read: Correspondence received from National Association of Councillors, regarding Shared Services and Resources in the Community Conference being held in York City Centre from 23rd-25th February 2018 (copy circulated).

The Chief Executive advised the notice the Council was getting for these conferences was too short in order to get them booked cost-effectively.

Councillor Walker stated Councillors who had been nominated to represent Council on these bodies should be able to attend these conferences.

Councillor Taylor proposed that Councillor Burgess attend the National Association of Councillors conference. This was seconded by Councillor Walker.

Councillor Ruane stated Councillor Clarke had expressed an interest in attending this conference also.

Councillor Carr stated a meeting of the Irish Nuclear Free Authority would be taking place in the near future and expressed an interest in attending.

AGREED: It was agreed on the proposal of Councillor Taylor, seconded by Councillor Walker, that Councillor Burgess and Councillor Clarke attend the National Association of Councillors conference.

NOTICES OF MOTION

C/033/2018

NOTICE OF MOTION – BOMBARDIER AEROSPACE

The following Notice of Motion was withdrawn from consideration at the request of Councillor Sharvin in light of a recent ruling on the issue, and with agreement to withdrawal being consented to by Council.

C/034/2018

NOTICE OF MOTION – FORMER MOTHER AND BABY HOMES

The following Notice of Motion came forward for consideration proposed by Councillors Casey and Kimmins:

“This Council recognises the citizens of this districts commitment to human rights and will therefore support those seeking a human rights-compliant public inquiry into allegations of forced labour, arbitrary detention, ill

treatment and the illegal adoption of babies in former mother and baby homes in this district and across the North.”

In proposing the motion, Councillor Kimmins stated its purpose was to ensure those victims and survivors incarcerated over the years had their voices heard and were given formal recognition. She stated the detention of these people occurred from 1922 until 1991 when pregnant girls as young as 13 years were detained and had their babies removed from them. She called for a full public enquiry to take place with unreserved apologies for those people affected over the years.

Councillor Casey seconded the motion.

Members spoke unanimously in their support of the motion stating any enquiry that gave a voice to victims of human rights abuses had to be welcomed and unfortunately some of those victims that had already passed on would never have their voices heard.

AGREED: **It was agreed on the proposal of Councillor Kimmins, seconded by Councillor Casey that the Council recognised the citizens of the District’s commitment to human rights and would support those seeking a human rights-compliant public inquiry into allegations of forced labour, arbitrary detention, ill treatment and the illegal adoption of babies in former mother and baby homes in the District and across the North.**

There being no further business, the meeting concluded at 7.44pm.

Signed:

Chairperson

Chief Executive

NEWRY, MOURNE & DOWN DISTRICT COUNCIL
RECORDED VOTE

DATE: 5th February 2018 VENUE: Downshire Civic Centre MEETING: Council Meeting

SUBJECT OF VOTE: RTS/008/2018 – Bus Shelter at Cloughreagh Park, Bessbrook – Councillor Burns proposed and Councillor Larkin seconded, that Council did not proceed with the Committee recommendation and that the bus shelter be retained and completed at its current location.

| COUNCILLOR | FOR | AGAINST | ABSTAIN | ABSENT |
|---------------|-----------|-----------|----------|----------|
| T Andrews | | X | | |
| N Bailie | | | | X |
| P Brown | | X | | |
| R Burgess | | X | | |
| S Burns | X | | | |
| P Byrne | | X | | |
| M Carr | | X | | |
| C Casey | X | | | |
| W Clarke | | | | X |
| G Craig | | | X | |
| D Curran | | X | | |
| L Devlin | | X | | |
| S Doran | X | | | |
| C Enright | X | | | |
| G Fitzpatrick | | X | | |
| G Hanna | | | X | |
| V Harte | X | | | |
| H Harvey | | | X | |
| T Hearty | X | | | |
| D Hyland | | | X | |
| L Kimmins | X | | | |
| M Larkin | X | | | |
| K Loughran | | | | X |
| J Macauley | | X | | |
| D McAteer | | X | | |
| O McMahan | X | | | |
| A McMurray | | X | | |
| R Mulgrew | X | | | |
| M Murnin | | X | | |
| B Ó Muiri | X | | | |
| B Quinn | | X | | |
| H Reilly | | | X | |
| J Rice | X | | | |
| M Ruane | X | | | |
| M Savage | | X | | |
| G Sharvin | | X | | |
| G Stokes | | X | | |
| D Taylor | | X | | |
| JJ Tinnelly | | | X | |
| J Trainor | | | | X |
| B Walker | | | X | |
| TOTALS | 13 | 17 | 7 | 4 |