



March 3rd, 2016

**Notice Of Meeting**

You are requested to attend the Council meeting to be held on **Monday, 7th March 2016** at **6:00 pm** in **Mourne Room, Downshire.**

# Agenda

## 1 Apologies and Chairperson's Remarks

## 2 Declarations of Interest

## 3 Environmental Youth Speak Winners

Chairperson to congratulate the district's senior and junior winners of Environmental Youth Speak - Lucia Orsi, Assumption Grammar and Michael O'Grady and Clare Reel, Carrickrovaddy Primary School, who will represent the Council at the NI Grand Final of Environmental Youth Speak. These winners will each give a 5 minute speech to Council.

## 4 Action Sheet arising from Council Meeting held on 1 February 2016

[Action Sheet.pdf](#)

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[Gavin Coyle.pdf](#)

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*Council Minutes For Adoption and Signing*

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## 5 Minutes of Council Meeting held on 1 February 2016

[Council\\_Minutes\\_01-02-2016.pdf](#)

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## 6 Minutes of Special Council Meeting held on 10 February 2016

[Minutes - Special Meeting - 10 Feb 16.pdf](#)

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## 7 Minutes of Special Council Meeting held on 15 February 2016

[Sp. Council Mtg - Planning Review 15-02-2016.pdf](#)

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*Committee Minutes for Consideration and Adoption*

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## 8 Minutes of Enterprise, Regeneration and Tourism Committee Meeting held on 8 February 2016

**9 Minutes of Strategy, Policy and Resources Committee Meeting held on 11 February 2016**

Strategy Policy and Resources Committee Meeting 11-02-2016.pdf

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**10 Minutes of Regulatory and Technical Services Committee Meeting held on 17 February 2016**

RTS Minutes - 17 February 2016.pdf

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**11 Minutes of Active and Healthy Communities Committee Meeting held on 21 February 2016**

AHC220216.pdf

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**12 Minutes of Audit Committee Meeting held on 28 January 2016**

AC Mins January 2016 DRAFT.pdf

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**12a Report from Chief Executive on Risk Management Policy**

Audit Committee Minute AC/19/2016 refers.

2016.03.07 Report to Council Risk Management Policy Version 1.0.pdf

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2016.03.07 Risk Management Policy v1.0 for Council Appendix 1.pdf

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**13 Minutes of the Elected Member Development Working Group held on 4 February 2016**

EMDWG 4.2.2016.pdf

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*Correspondence and Conferences*

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**14 Conference on Housing Policy in Northern Ireland**

Wednesday 14th September 2016

£210+VAT

**15 Correspondence received from Post Office regarding  
Temporary Closure of Bryansford Post Office**

PO101032016.pdf

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*For Noting*

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**16 Correspondence from Boundary Commission for NI re 2018  
Review of Parliamentary Constituencies**

Boundary Commission.pdf

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**17 Correspondence received Rates Support Grant**

Margaret Ritchie.pdf

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Rates Support Grant.pdf

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**18 Correspondence received from Cormac Sharvin**

Ardglass Golf Club.pdf

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**19 Correspondence received from Apostolic Nunciature in Ireland  
regarding Invitation to Pope Francis**

Pope Francis.pdf

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**20 Correspondence received from DHSSPS re: Helicopter  
Emergency Medical Service (HEMS)**

TOF 72 2016 - Response to Newry, Mourne & Down District Council - HEMS  
Consultation - February 2016.pdf

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*Items Restricted in accordance with Part 1 of Schedule 6 of the Local Government Act (NI) 2014*

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**21 Ballynahinch EI Scheme - Progress on Adjudication**

"This item is deemed to be restricted by virtue of paragraph 5 of Part 1 of Schedule 6 of the Local Government Act (Northern Ireland) 2014 - Information in relation to which a claim for legal professional privilege could be maintained in legal proceedings, and the



**public may, by resolution, be excluded during this item of business."**

**Letter from Council's Legal Advisors providing update will be tabled at meeting.**

## 22                    **Sealing Documents**

1. Use of Council lands at Middlebank, Albert Basin, Newry - **Fossett Brothers Circus Limited has been approved to use Council lands at Middlebank, Albert Basin, Newry from 29 March 2016 to 3 April 2016 inclusive for the purpose of hosting a circus. This was approved under the Council Scheme of Delegation.**
2. Europe for Citizens Programme - Networks of Towns - **Minute reference SPR/262/2015 from SPR Meeting held on 17th December 2015 refers.**
3. Licence Agreement - Use of Castle Park Car Park by Ulster Bank Ltd for Mobile Banking Service - **Licence Agreement approved under Council's Scheme of Delegation.**

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## *Notices of Motion*

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## 23                    **Notice of Motion - EU Membership**

Notice of Motion received in the names of Councillor Brown and Councillor Enright:

"That this council recognises the important economic and social benefits of the UK staying within the EU, particularly the benefits that EU membership can bring to Newry, Mourne and Down, including its businesses, public sector and civil society. We recognise the social benefits of multiculturalism and the free movement of peoples, and the benefits of an open border with the Republic of Ireland. This Council calls upon Prime Minister David Cameron, Secretary of State Teresa Villiers and First Minister Arlene Foster to campaign for an 'in' vote in the forthcoming referendum."

## 24                    **Notice of Motion - Downe Hospital Emergency Services**

Notice of Motion received in the name of Cllr Henry Reilly

"That this Council requests that the Minister for Health reinstates the services that were removed from the Downe Hospital under the premise of emergency situations."

# Invitees

Cllr. Terry Andrews	<a href="mailto:terry.andrews@downdc.gov.uk">terry.andrews@downdc.gov.uk</a>
Cllr. Naomi Bailie	<a href="mailto:naomi.bailie@nmandd.org">naomi.bailie@nmandd.org</a>
Cllr. Patrick Brown	<a href="mailto:patrick.brown@nmandd.org">patrick.brown@nmandd.org</a>
Cllr. Robert Burgess	<a href="mailto:robert.burgess@downdc.gov.uk">robert.burgess@downdc.gov.uk</a>
Cllr. Stephen Burns	<a href="mailto:stephen.burns@downdc.gov.uk">stephen.burns@downdc.gov.uk</a>
Cllr. Michael Carr	<a href="mailto:michael.carr@newryandmourne.gov.uk">michael.carr@newryandmourne.gov.uk</a>
Cllr. charlie casey	<a href="mailto:charlie.casey@newryandmourne.gov.uk">charlie.casey@newryandmourne.gov.uk</a>
Cllr. Patrick Clarke	<a href="mailto:patrick.clarke@downdc.gov.uk">patrick.clarke@downdc.gov.uk</a>
Cllr. Garth Craig	<a href="mailto:garth.craig@downdc.gov.uk">garth.craig@downdc.gov.uk</a>
Cllr. Dermot Curran	<a href="mailto:dermot.curran@downdc.gov.uk">dermot.curran@downdc.gov.uk</a>
Cllr. Laura Devlin	<a href="mailto:laura.devlin@downdc.gov.uk">laura.devlin@downdc.gov.uk</a>
Ms. Louise Dillon	<a href="mailto:louise.dillon@newryandmourne.gov.uk">louise.dillon@newryandmourne.gov.uk</a>
Cllr. Sean Doran	<a href="mailto:sean.doran@newryandmourne.gov.uk">sean.doran@newryandmourne.gov.uk</a>
Cllr. Sinead Ennis	<a href="mailto:sinead.ennis@nmandd.org">sinead.ennis@nmandd.org</a>
Cllr. Cadogan Enright	<a href="mailto:cadogan.enright@downdc.gov.uk">cadogan.enright@downdc.gov.uk</a>
Cllr. Gillian Fitzpatrick	<a href="mailto:gillian.fitzpatrick@newryandmourne.gov.uk">gillian.fitzpatrick@newryandmourne.gov.uk</a>
Mr. Patrick Green	<a href="mailto:patrick.green@downdc.gov.uk">patrick.green@downdc.gov.uk</a>
Cllr. Glyn Hanna	<a href="mailto:glyn.hanna@nmandd.org">glyn.hanna@nmandd.org</a>
Mr. Liam Hannaway	<a href="mailto:liam.hannaway@nmandd.org">liam.hannaway@nmandd.org</a>
Cllr. Valerie Harte	<a href="mailto:valerie.harte@newryandmourne.gov.uk">valerie.harte@newryandmourne.gov.uk</a>
Cllr. Harry Harvey	<a href="mailto:harry.harvey@newryandmourne.gov.uk">harry.harvey@newryandmourne.gov.uk</a>
Cllr. Terry Hearty	<a href="mailto:terry.hearty@newryandmourne.gov.uk">terry.hearty@newryandmourne.gov.uk</a>
Cllr. David Hyland	<a href="mailto:david.hyland@newryandmourne.gov.uk">david.hyland@newryandmourne.gov.uk</a>
Miss Veronica Keegan	<a href="mailto:veronica.keegan@downdc.gov.uk">veronica.keegan@downdc.gov.uk</a>
Mrs. Patricia Kelly	<a href="mailto:patricia.kelly@newryandmourne.gov.uk">patricia.kelly@newryandmourne.gov.uk</a>
Cllr. Liz Kimmins	<a href="mailto:liz.kimmins@nmandd.org">liz.kimmins@nmandd.org</a>
Cllr. Mickey Larkin	<a href="mailto:micky.larkin@nmandd.org">micky.larkin@nmandd.org</a>
Mr. Michael Lipsett	<a href="mailto:michael.lipsett@downdc.gov.uk">michael.lipsett@downdc.gov.uk</a>
Cllr. Kate Loughran	<a href="mailto:kate.loughran@newryandmourne.gov.uk">kate.loughran@newryandmourne.gov.uk</a>
Mrs. Regina Mackin	<a href="mailto:regina.mackin@newryandmourne.gov.uk">regina.mackin@newryandmourne.gov.uk</a>
Cllr. Kevin Mc Ateer	<a href="mailto:kevin.mcateer@nmandd.org">kevin.mcateer@nmandd.org</a>
Mr. Johnny Mc Bride	<a href="mailto:johnny.mcbride@newryandmourne.gov.uk">johnny.mcbride@newryandmourne.gov.uk</a>
Cllr. Colin Mc Grath	<a href="mailto:colin.mcgrath@downdc.gov.uk">colin.mcgrath@downdc.gov.uk</a>
Collette McAteer	<a href="mailto:collette.mcateer@newryandmourne.gov.uk">collette.mcateer@newryandmourne.gov.uk</a>
Cllr. Declan McAteer	<a href="mailto:declan.mcateer@newryandmourne.gov.uk">declan.mcateer@newryandmourne.gov.uk</a>
Cllr. Harold McKee	<a href="mailto:harold.mckee@newryandmourne.gov.uk">harold.mckee@newryandmourne.gov.uk</a>
Eileen McParland	<a href="mailto:eileen.mcparland@newryandmourne.gov.uk">eileen.mcparland@newryandmourne.gov.uk</a>
Catrina Miskelly	<a href="mailto:catrina.miskelly@downdc.gov.uk">catrina.miskelly@downdc.gov.uk</a>
Cllr. Roisin Mulgrew	<a href="mailto:roisin.mulgrew@nmandd.org">roisin.mulgrew@nmandd.org</a>
Cllr. Mark Murnin	<a href="mailto:mark.murnin@nmandd.org">mark.murnin@nmandd.org</a>
Mrs. Aisling Murray	<a href="mailto:aisling.murray@newryandmourne.gov.uk">aisling.murray@newryandmourne.gov.uk</a>

Cllr. Barra O Muiri	<a href="mailto:barra.omuiri@nmandd.org">barra.omuiri@nmandd.org</a>
Cllr. Pol O'Gribin	<a href="mailto:pol.ogribin@nmandd.org">pol.ogribin@nmandd.org</a>
Mr. Canice O'Rourke	<a href="mailto:canice.orourke@downdc.gov.uk">canice.orourke@downdc.gov.uk</a>
Ms. Patricia Oakes	<a href="mailto:patricia.oakes@downdc.gov.uk">patricia.oakes@downdc.gov.uk</a>
Cllr. Brian Quinn	<a href="mailto:brian.quinn@newryandmourne.gov.uk">brian.quinn@newryandmourne.gov.uk</a>
Cllr. Henry Reilly	<a href="mailto:henry.reilly@newryandmourne.gov.uk">henry.reilly@newryandmourne.gov.uk</a>
Ms. Alison Robb	<a href="mailto:Alison.Robb@downdc.gov.uk">Alison.Robb@downdc.gov.uk</a>
Cllr. Michael Ruane	<a href="mailto:michael.ruane@newryandmourne.gov.uk">michael.ruane@newryandmourne.gov.uk</a>
Cllr. Gareth Sharvin	<a href="mailto:gareth.sharvin@downdc.gov.uk">gareth.sharvin@downdc.gov.uk</a>
Cllr. Gary Stokes	<a href="mailto:gary.stokes@nmandd.org">gary.stokes@nmandd.org</a>
Sarah Taggart	<a href="mailto:sarah-louise.taggart@downdc.gov.uk">sarah-louise.taggart@downdc.gov.uk</a>
Cllr. David Taylor	<a href="mailto:david.taylor@newryandmourne.gov.uk">david.taylor@newryandmourne.gov.uk</a>
Caroline Taylor	<a href="mailto:Caroline.Taylor@downdc.gov.uk">Caroline.Taylor@downdc.gov.uk</a>
Cllr. Jarlath Tinnelly	<a href="mailto:jarlath.tinnelly@nmandd.org">jarlath.tinnelly@nmandd.org</a>
Ciara Toman	<a href="mailto:ciara.toman@downdc.gov.uk">ciara.toman@downdc.gov.uk</a>
Cllr. William Walker	<a href="mailto:william.walker@nmandd.org">william.walker@nmandd.org</a>
Mrs. Marie Ward	<a href="mailto:marie.ward@downdc.gov.uk">marie.ward@downdc.gov.uk</a>
Cllr. Clarke William	<a href="mailto:william.clarke@downdc.gov.uk">william.clarke@downdc.gov.uk</a>

**ACTION SHEET- COUNCIL MEETING – MONDAY 1 FEBRUARY 2016**

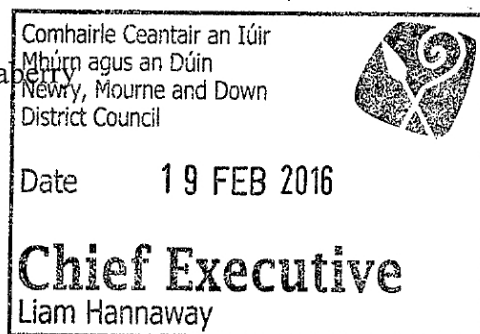
1

<b>AGENDA ITEM</b>	<b>SUBJECT</b>	<b>DECISION</b>	<b>FOR COMPLETION BY DIRECTOR – including actions taken/date completed or progress to date if not yet completed</b>
<b>C/29/2016</b>	Minutes of Regulatory and Technical Services Committee Meeting held on 20 January 2016	<p><b>A meeting to be arranged with Councillor Reilly and the Planning Manager as soon as possible to deal with his request.</b></p> <p><b>It was agreed to seek legal advice on the matter of the removal of planning reference numbers and bring same back to Committee.</b></p> <p><b>Officers to re-examine the Council's bye-laws in relation to the consumption of alcohol on café pavements as part of the new legislation on cafés.</b></p>	<p>A McKay and P Rooney to contact Councillor Reilly to set up meeting. Currently organising date that suits all parties.</p> <p>Legal advice received.</p> <p>Legislation allows for alcohol consumption, without amendment of the Council's bye-laws.</p>
<b>C/31/2016</b>	Commemoration of the Centenary of the Battle of the Somme	<b>It was agreed that the Council's two representatives for 2015/16 on the Somme Association, Councillors Burgess and Reilly, attend the Commemoration of the Centenary of the Battle of the Somme in 2016, and a similar arrangement be made in respect of the following years' representatives, allowing for incoming representatives to attend the Centenary in their respective years.</b>	Actioned
<b>C/32/2016</b>	Update from Post Office re: Drumantee Post Office	<b>The correspondence was noted.</b>	Noted
<b>C/33/2016</b>	All Island Local Authority Forum Seminar, Dublin	<b>It was agreed that Councillors Burgess and D McAteer attend the All Island Local Authority Forum. It was also agreed that any other Councillor who wished to attend would inform officers as soon as possible. It was noted there was no seminar fee payable.</b>	Actioned

AGENDA ITEM	SUBJECT	DECISION	FOR COMPLETION BY DIRECTOR – including actions taken/date completed or progress to date if not yet completed
<b>C/34/2016</b>	Health and Social Care: Reform and Transformation – Getting the Structures Right	<b>The response to the consultation on Health and Social Care: Reform and Transformation – Getting the Structures Right was agreed.</b>	Actioned
<b>C/35/2016</b>	Consultation on Interim Structure for EA Education Library Service	<b>It was agreed to note the consultation.</b>	Noted
<b>C/36/2016</b>	Bridge at Narrow Water, Warrenpoint	<b>The correspondence received with regard to Narrow Water Bridge was noted.</b>	Noted
<b>C/38/2016</b>	Response from Minister Durkan regarding Rates Support Grant	<b>The correspondence received regarding the Rates Support Grant was noted.</b>	Noted
<b>C/39/2016</b>	Response from Roads Service re: Bull's Hill, Newry and Road/Street Lighting Issues	<b>It was agreed that Transport NI officials, including representatives from Street Lighting section, should be invited to attend a meeting with the Council urgently to discuss street lighting and other pertinent issues.</b>	TransportNI attending Special Council Meeting 29/02/16 re: flooding issues. Party Reps Forum to consider paper on statutory agency engagement levels.
<b>C/40/2016</b>	Response from HM Treasury re: Tax Credits	<b>The correspondence was noted.</b>	Noted

AGENDA ITEM	SUBJECT	DECISION	FOR COMPLETION BY DIRECTOR – including actions taken/date completed or progress to date if not yet completed
C/41/2016	Response from Minister O'Neill regarding Homeowner Flood Protection Grant Scheme	<b>The correspondence was noted.</b>	Noted
C/42/2016	Sealing Documents	<b>It was agreed to sign and seal the following documents:</b> <ol style="list-style-type: none"> <li>1. Retrospective Sealing - Extension to Lease at Household Recycling Centre, Cloonagh Road, Downpatrick</li> <li>2. Assisted Car Purchase - Environmental Health Officer</li> <li>3. SLA re: Heritage Railway, Market Street, Downpatrick</li> <li>4. Mayobridge Community Association Ltd -Release of Charge</li> <li>5. Bunscoil An Iuir - Lease Agreement</li> <li>6. Renewal of Existing Licence Agreement in respect of advertising hoarding at Dublin Bridge/Newry Canal Bridge, Newry</li> <li>7. Standard Indemnity and Resolution Form in respect of new BACS service user number</li> <li>8. Licence to Undertake Additional Works at Bunker's Hill Trails and Play Space and Consent to Amend Licence Agreement of 19 January 2015 with DARD in respect of Bunker's Hill, Castlewellan</li> </ol>	Signed and sealed – 03/02/16
C/44/2016	Notice of Motion – Republican Prisoner, Gavin Coyle	<b>It was agreed that Newry, Mourne and Down District Council call on the Northern Ireland Prison Service to take immediate action and ensure that Republican Prisoner Gavin Coyle who has been held in isolation for the last 4 years, is transferred to the separation area in Roe House.</b>	Letter sent to Northern Ireland Prison Service on 9 <sup>th</sup> February 2016. Reply dated 17 February 2016, attached.

HMP Maghaberry



NORTHERN IRELAND  
PRISON  SERVICE

17 Old Road  
Ballinderry Upper  
LISBURN  
Co Antrim  
BT28 2PT

Tel: 028 9261 1888

Fax: 028 9261 4961 (9am-5pm Mon-Fri)

Your Ref: EMcP/

Date: 17 February 2016

Mr Liam Hannaway  
Chief Executive  
Newry, Mourne and Down District Council  
O'Hagan House  
Monaghan Row  
NEWRY  
BT35 8DJ

Dear Sir

**RE: REPUBLICAN PRISONER, GAVIN COYLE**

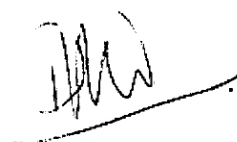
Thank you for your letter of 9 February 2016 regarding Mr Gavin Coyle.

I note the resolution which Newry, Mourne and Down District Council passed on Monday 1 February and I am obliged to you for drawing it to my attention.

Unfortunately, the issues which you raise in your correspondence related directly to Mr Coyle, and given that any information which could be provided to you is deemed personal and sensitive to Mr Coyle, I am unable to respond to you in the detail which you request. To do so would be a breach of the Data Protection Act.

Please be assured that I, as Governor of HMP Maghaberry, have a duty of care to hold all prisoners in my care in a safe, decent and secure environment and this responsibility is of paramount importance to me.

Yours faithfully



**PHIL WRAGG**  
**GOVERNOR & DIRECTOR OF OPERATIONS**



# **NEWRY, MOURNE & DOWN DISTRICT COUNCIL**

**NMD/C/**

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## **Minutes of Council Meeting held on Monday 1 February 2016 at 6pm in the Mourne Room, Downshire Civic Centre, Downpatrick**

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**In the Chair:** Councillor M Ruane

**In attendance: (Councillors)**

Councillor T Andrews	Councillor R Burgess
Councillor S Burns	Councillor P Byrne
Councillor M Carr	Councillor C Casey
Councillor W Clarke	Councillor D Curran
Councillor L Devlin	Councillor S Doran
Councillor S Ennis	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 K Loughran
Councillor D McAteer	Councillor C McGrath
Councillor H McKee	Councillor R Mulgrew
Councillor M Murnin	Councillor P O’Gribin
Councillor B O’Múiri	Councillor B Quinn
Councillor H Reilly	Councillor G Sharvin
Councillor G Stokes	Councillor D Taylor
Councillor JJ Tinnelly	Councillor B Walker

**(Officials)**

Mr L Hannaway, Chief Executive  
Mr E Curtis, Director of Strategic Planning and Performance  
Mr M Lipsett, Director of Active and Healthy Communities  
Mr C O’Rourke, Director of Regulatory and Technical Services  
Mrs M Ward, Director of Enterprise, Regeneration and Tourism  
Mrs C Miskelly, Assistant Director Human Resources  
Ms H McKee, Assistant Director Community Planning  
Mr P Green, Legal Advisor  
Mrs E McParland, Democratic Services Manager  
Miss S Taggart, Democratic Services Officer  
Mrs C Taylor, Democratic Services Officer

**C/22/2016**

## **APOLOGIES AND CHAIRPERSON’S REMARKS**

Apologies were received from Councillors P Clarke, Craig, Enright and K McAteer.

- The Chairperson expressed his condolences and that of the Council to the families of 6 year old Ella Trainor who died tragically in a car accident; 18 year old Ellen Finnegan who tragically passed away in a fire; 10 year old Shane Nichol from Warrenpoint who died suddenly; and 27 year old Niall Quinn from Silverbridge who drowned in Australia.
- The Chairperson advised that groups from Silverbridge, Mayobridge and Cullyhanna were all successful in the recent All-Ireland Scor competition and a civic reception would be organised for them with Councillors from the relevant DEAs being invited.
- The Chairperson welcomed Councillor Peter Byrne to Council and wished him well for the future. He invited Councillor McGrath to speak. Councillor McGrath expressed his best wishes to Councillor Donnelly on her retirement and expressed his gratitude to her for her support, friendliness and care taken for her constituents throughout her time as a Councillor in the Slieve Gullion area. He extended a welcome to Councillor Byrne stating he would be an asset to the SDLP and the Slieve Gullion area.

**C/23/2016                      DECLARATIONS OF INTEREST**

There were no declarations of interest.

**C/24/2016                      ACTION SHEET ARISING FROM COUNCIL MEETING HELD ON 4 JANUARY 2016**

Read:                      Action Sheet from Council Meeting held on 4 January 2016 (copy circulated)

**NOTED:                      The Action Sheet from Council Meeting held on 4 January 2016 was NOTED.**

**COUNCIL MINUTES FOR ADOPTION AND SIGNING**

**C/25/2016                      MINUTES OF COUNCIL MEETING HELD ON 4 JANUARY 2016**

Read:                      Minutes of Council Meeting held on 4 January 2016 (copy circulated)

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

## **COMMITTEE MINUTES FOR CONSIDERATION AND ADOPTION**

### **C/26/2016                    MINUTES OF ENTERPRISE, REGENERATION AND TOURISM COMMITTEE MEETING HELD ON 11 JANUARY 2016**

**Read:** Minutes of Enterprise, Regeneration and Tourism Committee Meeting held on 11 January 2016 (copy circulated)

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

### **C/27/2016                    MINUTES OF STRATEGY, POLICY AND RESOURCES COMMITTEE MEETING HELD ON 14 JANUARY 2016**

**Read:** Minutes of Strategy, Policy and Resources Committee Meeting held on 14 January 2016 (Copy circulated).

**AGREED:**                    **The minutes were agreed as an accurate record and adopted on the proposal of Councillor O'Múirí, seconded by Councillor Burgess.**

### **C/28/2016                    MINUTES OF ACTIVE AND HEALTHY COMMUNITIES COMMITTEE MEETING HELD ON 18 JANUARY 2016**

**Read:** Minutes of Active and Healthy Communities Committee Meeting held on 18 January 2016 (Copy circulated).

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

### **C/29/2016                    MINUTES OF REGULATORY AND TECHNICAL SERVICES COMMITTEE MEETING HELD ON 20 JANUARY 2016**

**Read:** Minutes of Regulatory and Technical Services Committee Meeting held on 20 January 2016 (Copy circulated).

### **RTS/4/2016 – Planning Department Performance Indicators**

Councillor Reilly stated he had requested an urgent meeting with the Planning Officer regarding a local fish farm, however this was not recorded within the minutes and he wished for a meeting to be set up as a matter of urgency.

The Chief Executive stated he would ensure a meeting was arranged as soon as possible with the Planning Manager and Councillor Reilly.

**RTS/7/2016 – Contact from Public Representatives (1 October 2015 – 31 December 2015)**

Councillor Ennis proposed that Council overturn the recommendation from Committee to remove the planning reference numbers on the Contact from Public Representatives document. This was seconded by Councillor Mulgrew.

Following discussions, it was agreed that legal advice would be sought on the matter, particularly in relation to data protection issues, and brought back to the Committee for approval.

**RTS/9/2016 – Licensing of Pavement Cafés Act (NI) 2014**

Councillor D McAteer requested that officers re-investigate Council's bye-laws to enable the public to drink alcohol on café pavements.

**AGREED:**                    **The minutes were agreed as an accurate record and adopted on the proposal of Councillor Andrews, seconded by Councillor Hanna, subject to the following:**

**A meeting to be arranged with Councillor Reilly and the Planning Manager as soon as possible to deal with his request.**

**It was agreed to seek legal advice on the matter of the removal of planning reference numbers and bring same back to Committee.**

**Officers to re-examine the Council's bye-laws in relation to the consumption of alcohol on café pavements as part of the new legislation on cafés.**

**C/30/2016                    MINUTES OF AUDIT COMMITTEE MEETING HELD ON 29 OCTOBER 2015**

**Read:**                    Minutes of Audit Committee Meeting held on 29 October 2015 (Copy circulated).

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

## **CORRESPONDENCE AND CONFERENCES**

### **C/31/2016                    COMMEMORATION OF THE CENTENARY OF THE BATTLE OF THE SOMME**

**Read:**                    Invitation received from the Somme Association regarding Commemoration of the Centenary of the Battle of the Somme (Copy circulated).

**AGREED:**                    It was agreed on the proposal of Councillor Taylor, seconded by Councillor Harvey that the Council's two representatives for 2015/16 on the Somme Association, Councillors Burgess and Reilly, attend the Commemoration of the Centenary of the Battle of the Somme in 2016, and a similar arrangement be made in respect of the following years' representatives, allowing for incoming representatives to attend the Centenary in their respective years.

### **C/32/2016                    UPDATE FROM POST OFFICE RE: DRUMANTEE POST OFFICE**

**Read:**                    Correspondence received from Post Office re: Drumantee Post Office – proposed move to new premises and branch modernisation (Copy circulated).

**NOTED:**                    The correspondence received from the Post Office regarding Drumantee Post Office was noted.

### **C/33/2016                    ALL ISLAND LOCAL AUTHORITY FORUM SEMINAR, DUBLIN CASTLE, 25<sup>TH</sup> FEBRUARY 2016**

**Read:**                    Invitation received from All Island Local Authority Forum to seminar in Dublin Castle on Thursday 25<sup>th</sup> February 2016 (Copy circulated).

**AGREED:**                    It was agreed that Councillors Burgess and D McAteer attend the All Island Local Authority Forum. It was also agreed that any other Councillor who wished to attend would inform officers as soon as possible. It was noted there was no seminar fee payable.

## **CONSULTATION DOCUMENTS**

### **C/34/2016                    HEALTH AND SOCIAL CARE: REFORM AND TRANSFORMATION – GETTING THE STRUCTURES RIGHT**

**Read:** Report dated 1 February 2016 from Ms H McKee, Assistant Director Community Planning and Ms N Doran, Health Inequalities Officer regarding Consultation Response – Health and Social Care Reform and Transformation: Getting the Structures Right (Copy circulated).

**AGREED:**                    **The response to the consultation on Health and Social Care: Reform and Transformation – Getting the Structures Right was agreed on the proposal of Councillor Hyland, seconded by Councillor Taylor.**

### **C/35/2016                    CONSULTATION ON INTERIM STRUCTURE FOR EA EDUCATION LIBRARY SERVICE**

**Read:** Consultation Document received from Education Authority regarding Interim Structure for Education Library Service (Copy circulated).

**NOTED:**                    **Agreed to note the Consultation on Interim Structure for EA Education Library Service.**

## **FOR NOTING**

**It was agreed to take agenda items 14 and 17 together.**

### **C/36/2016                    BRIDGE AT NARROW WATER, WARRENPOINT**

**Read:** Correspondence dated 11 January 2016 received from Charles Flanagan TD regarding proposal for bridge at Narrow Water, Newry (copy circulated)

**Read:** Correspondence dated 22 January 2016 received from Minister McIlveen regarding Narrow Water Bridge. (copy circulated)

Mr Curtis advised a meeting had been set up with officers on Wednesday 10<sup>th</sup> February and a report would be brought back to Committee following the meeting.

**NOTED:**                    **The correspondence received with regard to Narrow Water Bridge was NOTED.**

**C/38/2016                    RESPONSE FROM MINISTER DURKAN REGARDING RATES SUPPORT GRANT**

**Read:** Correspondence dated 20 January 2016 received from Minister Durkan regarding Rates Support Grant (copy circulated)

**NOTED:**                    **The correspondence received regarding the Rates Support Grant was NOTED.**

**C/39/2016                    RESPONSE FROM ROADS SERVICE RE: BULL'S HILL, NEWRY AND ROAD/STREET LIGHTING ISSUES**

**Read:** Correspondence dated 15 January 2016 received from TransportNI regarding Bull's Hill Road, Newry (copy circulated)

Councillor Kimmins expressed her disappointment that once again the Roads Service had not responded to the queries raised.

The Chairperson advised this matter should be raised by Councillor Kimmins at DEA level for resolution.

Councillor Reilly advised huge parts of the District are without street lights and Council should be meeting month on month with Roads Service as would have previously taken place within the legacy Newry and Mourne Council.

Councillor Reilly proposed that Jack Robinson, Street Lighting Division be invited to attend a meeting urgently. This was seconded by Councillor Hyland.

**AGREED:**                    **It was agreed on the proposal of Councillor Reilly, seconded by Councillor Hyland that Transport NI officials, including representatives from Street Lighting section, should be invited to attend a meeting with the Council urgently to discuss street lighting and other pertinent issues.**

**C/40/2016                    RESPONSE FROM HM TREASURY RE: TAX CREDITS**

**Read:** Correspondence dated 23 December 2015 received from HM Treasury regarding Tax Credits (copy circulated)

**NOTED:**                    **The correspondence received from HM Treasury regarding Tax Credits was noted.**

**C/41/2016                      RESPONSE FROM MINISTER O'NEILL REGARDING  
HOMEOWNER FLOOD PROTECTION GRANT SCHEME**

**Read:** Correspondence dated 28 January 2016 received from Minister O'Neill regarding Homeowner Flood Protection Grant Scheme (copy circulated)

**NOTED:**                      **The correspondence received from HM Treasury regarding Tax Credits was noted.**

**SEALING DOCUMENTS**

**C/42/2016                      SEALING DOCUMENTS**

**AGREED:**                      **It was agreed to sign and seal the following documents on the proposal of Councillor Hearty, seconded by Councillor Doran:**

1. Retrospective Sealing - Extension to Lease at Household Recycling Centre, Cloonagh Road, Downpatrick
2. Assisted Car Purchase - Environmental Health Officer
3. SLA re: Heritage Railway, Market Street, Downpatrick
4. Mayobridge Community Association Ltd -Release of Charge
5. Bunscoil An Iuir - Lease Agreement
6. Renewal of Existing Licence Agreement in respect of advertising hoarding at Dublin Bridge/Newry Canal Bridge, Newry
7. Standard Indemnity and Resolution Form in respect of new BACS service user number
8. Licence to Undertake Additional Works at Bunker's Hill Trails and Play Space and Consent to Amend Licence Agreement of 19 January 2015 with DARD in respect of Bunker's Hill, Castlewellan

**NOTICES OF MOTION**

**C/43/2016                      NOTICE OF MOTION - COUNCIL DIARIES**

The following Notice of Motion came forward for consideration in the names of Councillors Hyland and K McAteer:

**“That Newry, Mourne and Down District Council reverse the decision not to furnish Councillors and Staff with local Council diaries. Monies should be set aside in the forthcoming Rates Budget to provide such diaries from 2017 onwards.”**



In proposing his motion, Councillor Hyland stated that not all people are internet and computer literate and a good way to brand the new Council District would be to provide diaries to Councillors, staff and the public.

Councillor K McAteer was absent from the meeting and as there was no seconder, the motion fell.

**C/44/2016                      NOTICE OF MOTION - REPUBLICAN PRISONER, GAVIN COYLE**

The following Notice of Motion came forward for consideration in the names of Councillors Hyland and K McAteer:

**“That Newry, Mourne and Down District Council calls on the Northern Ireland Prison Service to take immediate action and ensure that Republican Prisoner Gavin Coyle who has been held in isolation for the last 4 years, is transferred to the separation area in Roe House.”**

In proposing the motion, Councillor Hyland stated this was a humanitarian issue as this prisoner had been held in isolation for almost 5 years. He asked that all Members in the Chamber support the motion on a humanitarian basis.

Councillor K McAteer was absent from the meeting and Councillor Hearty formally seconded the motion stating the human rights of all prisoners should be respected.

Councillor Stokes proposed an amendment that the Council raise the issue with the Minister for Justice. This was seconded by Councillor McGrath.

The amendment to the motion was put to a vote, the results of which were as follows:

<b>For:</b>	<b>13</b>
<b>Against:</b>	<b>14</b>

**The amendment was declared LOST.**

The motion as proposed by Councillor Hyland, seconded by Councillor Hearty, was put to a vote, the results of which were as follows:

<b>For:</b>	<b>15</b>
<b>Against:</b>	<b>3</b>
<b>Abstentions:</b>	<b>12</b>

**The motion was CARRIED.**

**AGREED:                      It was agreed on the proposal of Councillor Hyland, seconded by Councillor Hearty that Newry, Mourne and Down District Council call on the Northern Ireland Prison**

**Service to take immediate action and ensure that Republican Prisoner Gavin Coyle who has been held in isolation for the last 4 years, is transferred to the separation area in Roe House.”**

**There being no further business, the meeting concluded at 6.50pm**

**Signed:**

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**Chairperson**

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**Chief Executive**

**NEWRY, MOURNE AND DOWN DISTRICT COUNCIL**

RTS/M

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**Minutes of the Special Council Meeting held on Wednesday 10 February 2016 at 6.00 pm in the Mourne Room, Downshire Civic Centre, Downpatrick.**

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**Chairperson:** Councillor M Ruane

**In Attendance:** Councillor T Andrews  
Councillor P Brown  
Councillor R Burgess  
Councillor S Burns  
Councillor C Casey  
Councillor P Clarke  
Councillor W Clarke  
Councillor G Craig  
Councillor D Curran  
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 K Loughran  
Councillor D McAteer  
Councillor C McGrath  
Councillor R Mulgrew  
Councillor M Murnin  
Councillor P Ó Gribin  
Councillor B Ó Muirí  
Councillor B Quinn  
Councillor H Reilly  
Councillor G Stokes  
Councillor D Taylor  
Councillor J Tinnelly  
Councillor W Walker

**Officials in Attendance** Mr L Hannaway, Chief Executive  
Mr E Curtis, Director of Strategy, Planning and Performance  
Mr M Lipsett, Director of Active and Healthy Communities

Mr C O'Rourke, Director of Regulatory and Technical Services  
 Ms M Ward, Director of Enterprise, Regeneration and Tourism  
 Mr J McGilly Assistant Director Enterprise Regeneration & Tourism  
 Ms R Mackin Assistant Director Corporate Planning & Policy  
 Mr R Dowey, Head of Finance  
 Mr K Montgomery, Finance Manager  
 Ms Morgan, Management Accountant  
 Ms E McParland, Democratic Services Manager  
 Ms L Dillon, Democratic Services Manager  
 Mrs C McAteer, Democratic Services Officer

### **SC/22/2016: APOLOGIES AND CHAIRPERSON'S REMARKS**

Apologies were received from:

Councillor L Devlin  
 Councillor H McKee  
 Councillor G Sharvin  
 Councillor M Carr  
 Councillor S Ennis  
 Councillor S Doran  
 Councillor P Byrne

### **SC/23/2016: DECLARATIONS OF INTEREST**

It was noted there were no declarations of interest.

### **SC/24/2016: REPORTS OF MEMBERS' WORKSHOPS**

**Read:** Report of Members' Workshop held on Thursday 26 November 2015.  
 (Copy circulated).

**Read:** Report of Members' Workshop held on Friday 15 January 2016.  
 (Copy circulated).

**Read:** Report of Members' Workshop held on Wednesday 3 February 2016.  
 (Copy circulated).

**Read:** List of Actions and Recommendations for approval arising from the 3 No.  
 Member Rates Workshops.  
 (Copy circulated).

**AGREED:** On the proposal of Councillor Hearty seconded by Councillor Mulgrew it  
 was agreed to note the Reports and approve the recommendations

**contained therein, of the Member Workshops regarding the Budget 2016/2017, held on Thursday 26 November 2015, Friday 15 January 2016 and Wednesday 3 February 2016.**

**SC/25/2016: CAPITAL BUDGET FOR 2016/2017**

**Read:** Newry, Mourne and Down District Council Capital Program Draft 8.  
(Ref: NMDDC Capital Prog 2016\_2017 draft8 date09/02/2016)  
(Copy circulated).

**Noted:** The report detailed the Capital Spend budget for 2016/2017 in the sum of £27,561,904.00.

**AGREED:** **On the proposal of Councillor Enright seconded by Councillor Hyland it was agreed to set the Newry, Mourne and Down Capital Spend Budget for 2016/2017 in the sum of £27,561,904.00.**

**SC/26/2016: TO SET A DISTRICT RATE FOR THE FINANCIAL YEAR 2016/2017 AS REQUIRED UNDER SECTION 3 OF THE LOCAL GOVERNMENT FINANCE ACT (NORTHERN IRELAND) 2011**

**Read:** Department of the Environment - General Estimates of Rates 2016/2017 (No DSD Funding) Schedule.  
(Copy circulated).

Councillor Hearty proposed the adoption of a 1.94% increase in the District Rate for 2016/2017 and said a lot of work had been undertaken to reach agreement for this level of District Rate for 2016/2017. He referred to the strong Capital Budget which had been set which would support a number of major projects being undertaken by the Council during this financial year and provide a substantial events budget to promote tourism in the District which was one of the Council's main priorities.

Councillor Stokes said on behalf of the SDLP Party Grouping on the Council, that they were happy to support the proposed 1.94% increase in the District Domestic and Non Domestic Rate for 2016/2017, bearing in mind the Council were embarking on major capital projects including the completion of the second phase of Newry Leisure Centre, a new Leisure Centre for Downpatrick and a new Civic Centre for Newry.

Councillor Stokes referred to the current situation of the Council's finances 2015/2016 which he said he had raised several times previously and stressed the need for Management to examine this in detail.

(6.10pm - Councillor Burgess joined the meeting at this point)

Councillor Stokes said the Council were sitting at an adverse variance for current Revenue spend but Councillors should have been provided with this information sooner. He asked that Management provide Councillors with Management Accounts in a more timely manner to enable Council to make correct decisions concerning budgets.

Councillor Enright said the Independent and Alliance grouping on the Council supported the proposed increase in the District Rate 2016/2017 as it would support the level of spending required for the coming financial year. He concurred with comments made by Councillor Stokes regarding the timely provision of Management Accounts to Councillors.

Councillor Reilly said he could not concur with some of the comments made supporting the proposed rates increase, as it was his view there was not enough democratic participation in the rates process. He welcomed the work on the new Leisure Centre for Downpatrick but expressed his disappointment that Newcastle would not be benefiting from the 2016/2017 budget and he would therefore be voting against accepting the proposed increase.

Councillor Craig stated provision had been made for Newcastle within the Capital Programme and he was happy with the proposed 2016/2017 budget. He said the DUP grouping on the Council supported the proposed rate increase for 2016/2017 which was an investment in the future, and he highlighted the fact there would be no decrease in the level of services provided to citizens and in the events programme. He said the increase accounted for substantial capital leisure projects in Newry and Downpatrick.

Councillor Craig extended his thanks and appreciation to the Chief Executive, senior Management and staff for their work in preparing the budget, and to the Councillors who attended the Member Workshops, and added it was incumbent on both officers and Councillors to work together to achieve efficiencies for the Council moving forward.

Councillor Taylor, on behalf of the Ulster Unionist Party grouping expressed sincere thanks and his own personal thanks, to Officials for the work carried out over the past number of weeks regarding the 2016/2017 budget and for assisting Councillors during this process. He said whilst an increase in the rates was not a desirable situation given the financial difficulties faced by many household across the District, the Council had however embarked on this process and ensured the rates were kept at the lowest possible level but protecting the current level of services and progressing other strategic priorities including the completion of the two Leisure Centres.

Councillor Taylor referred to the Review of Public Administration which had brought great Financial challenges to local government and called on the administration at Stormont to provide local government with the necessary resources to support the additional powers that been transferred to Councils.

Mr Dowey advised that approval was sought for Newry, Mourne and Down District Council to agree a District Domestic Rate of 0.3596 pence and a District Non-Domestic Rate of 22.3951 pence, ie, a 1.94% increase in the District Rate.

**AGREED:** On the proposal of Councillor Hearty seconded by Councillor Stokes it was agreed to set a District Rate for the Financial Year 2016/2017 as required under Section 3 of the Local Government Finance Act (Northern Ireland) 2011 as follows:-

1. The capital spend budget for 2016/2017 will be £27,561,904.00.
2. The District Domestic rate to be 0.3596 pence.
3. The Non Domestic District Rate to be 22.3951 pence

A vote was taken on the above proposal by way of a show of hands and voting was as follows:

For:	31
Against:	1
Abstentions:	0

The proposal was declared carried.

#### **SC/27/2016: TO AGREE THE PRUDENTIAL BORROWING LIMIT FOR 2016/2017**

**Read:** Newry, Mourne and Down District Council Prudential Indicators and MRP Statement 2016/2017 (i.e. the authorised borrowing limit) as per page 1-4 of the report. (Copy circulated).

**AGREED:** On the proposal of Councillor Hearty seconded by Councillor Curran it was agreed to approve an authorised borrowing limit per the Prudential Indicators document circulated, of £81.2 million for 2016/2017.

**Noted:** Mr Dowey explained the Council were agreeing to give Officers authority to borrow up to a limit of £81.2million, however the approval of the borrowing limit, as per the Prudential Indicators, would be dependent upon Capital Programme expenditure.

#### **SC/28/2016: TO AGREE THE (MRP) MINIMUM REVENUE PROVISION FOR 2016/2017**

**Read:** Newry, Mourne and Down District Council Prudential Indicators and MRP Statement 2016/2017 as per page 5 of the report. (Copy circulated).

**AGREED:** On the proposal of Councillor Clarke seconded by Councillor Taylor it was agreed to approve a Minimum Revenue Provision per the Prudential Indicators document circulated, of £5.7 million for 2016/2017.

**SC/29/2016: TREASURY MANAGEMENT STRATEGY STATEMENT 2016/2017**

**Read:** Newry, Mourne and Down District Council Treasury Management Strategy Statement for 2016/2017.  
(Copy circulated)

**AGREED:** **On the proposal of Councillor Stokes seconded by Councillor Enright it was agreed to note and adopt the Newry, Mourne and Down District Council Treasury Management Strategy Statement for 2016/2017.**

**SC/30/2016: MANAGEMENT ACCOUNTS FOR 9 MONTHS TO 31 DECEMBER 2015**

**Read:** Net Revenue Expenditure Report year to date 31 December 2015.  
(Copy circulated)

**Read:** Newry Mourne & Down District Council Expense & Income totals to 31 December 2015.  
(Copy circulated)

**Noted:** Mr Dowey explained the reasons for some of the variances showing in the Net Revenue Expenditure Report, some of which were mainly due to the difference in accounting/coding practices in some areas within the two legacy Councils. He pointed out that the figures included adjustments for planning pre-payments, loans, Famine Commemoration and Irish Open events.

Councillor Stokes paid tribute to the Council's Finance team. He also paid tribute to Mr Dowey for his contribution to the Council over the years.

Councillor Ruane acknowledged the work carried out by everyone involved in the rates process.

Mr Dowey extended his thanks to Mr Ken Montgomery and to Ms Maureen Morgan for their contribution in preparing the rate estimates. He also thanked the Councillors, in particular those from the legacy Newry & Mourne District Council and the Newry Mourne & Down District Shadow Council and wished them all the best for the future.



There being no further business the meeting concluded at 6.30pm.

For adoption at the Council Meeting to be held on Monday 7 March 2016.

**Signed:** \_\_\_\_\_  
**Chairperson of Council**

**Signed:** \_\_\_\_\_  
**Chief Executive**

/LD

# **NEWRY, MOURNE AND DOWN DISTRICT COUNCIL**

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**Minutes of the Special Council Meeting held on Monday 15 February 2016 at 6.00 pm in the Mourne Room, Downshire Civic Centre, Downpatrick.**

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**Chairperson:** Councillor M Ruane

**In Attendance:**

Councillor T Andrews	Councillor P Brown
Councillor R Burgess	Councillor S Burns
Councillor P Byrne	Councillor M Carr
Councillor C Casey	Councillor P Clarke
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 L Kimmins	Councillor M Larkin
Councillor K Loughran	Councillor D McAteer
Councillor C McGrath	Councillor H McKee
Councillor R Mulgrew	Councillor M Murnin
Councillor B Ó Muirí	Councillor B Quinn
Councillor H Reilly	Councillor G Stokes
Councillor D Taylor	Councillor J Tinnelly
Councillor W Walker	

**Also in Attendance:** Mr Jim MacKinnon, Independent Planning Expert

**Officials in Attendance**

- Mr L Hannaway, Chief Executive
- Mr C O'Rourke, Director of Regulatory and Technical Services
- Mr A McKay, Head of Planning
- Mr J McBride, Change Manager
- Mr P Rooney, Principal Planning Officer
- Ms E McParland, Democratic Services Manager
- Ms L Dillon, Democratic Services Manager
- Mrs C McAteer, Democratic Services Officer

## **SC/31/2016: APOLOGIES AND CHAIRPERSON'S REMARKS**

Apologies were received from Councillor Ennis, Councillor Stokes and Councillor Sharvin.

## **SC/32/2016: REVIEW OF DEVELOPMENT MANAGEMENT REPORT OF INDEPENDENT EXPERT JIM MACKINNON CBE**

Mr J MacKinnon gave a presentation to the Members on the outcomes and recommendations arising from his review of the development management function of the Planning Service. **(Presentation attached).**

Following the presentation Members commented as follows:-

- Thanks were extended to Jim MacKinnon for the common sense approach he had taken to the issues identified during the review. Members said that it was very apparent that the status quo of the current planning systems could not remain and the concerns being expressed by Councillors, agents, applicants and the general public had to be addressed. The Council was also receiving adverse press coverage and this had to change. Members also paid tribute to the Chief Executive and Senior Management Team who had identified the need for an urgent review of the development management function of the Planning Service.
- An acknowledgement of the pressure that Planning Staff had been working under and the unfair division of resources when the planning function was transferred to the Council from the Department of Environment.
- A time bound response was required from Consultees.
- The need for a better working relationship with agents but also that agents needed to do their part in improving the planning processes.
- Newry, Mourne and Down District Council needed its own Development Plan which would be fit for purpose to meet the needs of the District. In the absence of this there was a need to create specific policies to deal with planning issues which were particularly relevant to the District.
- Some Members spoke in favour of introducing speaking rights at the Planning Committee Meeting whilst others were unsure, stating that if speaking rights were to be introduced there would need to be strict guidelines in terms of timing etc.
- The Council needed to clearly identify their own priority applications – those mentioned were projects which contributed to the economic regeneration of the District; small housing developments of 10/12 units and disabled adaptations to homes.
- The engagement of consultants by Council to help with processing of applications should be strictly monitored and controls put in place to ensure there was a limit on the cost to the Council.
- Welcome initiatives that would simplify the planning process and the culture change that was recommended by Mr MacKinnon.
- Some Members spoke in favour of retaining the Members Briefing Panel whilst others said it should be disbanded.
- A Member said there were at least 4 previous occasions when issues were raised which had serious budgeting issues and it was important that the Chief Executive and Senior Management Team take action when a Member flagged such issues.

- EPIC was the cause of major problems within the planning system and the Council should think carefully about what they would replace this system with.
- Concern that Members had only been circulated with the presentation just before the start of the meeting and this did not give them enough time to consider the contents.

In response to concerns about the costs of employing consultants, Mr Hannaway said this would be done through a tendering process and safeguards would be built into the tender. He said consideration was being given to using consultants for 3 aspects of the planning processes i.e. Planning Appeals; the Area Plan and development of Policy Plan Areas and then individual planning cases. He advised that Officials were seeking agreement in principle to the use of consultants and would then work up a paper with recommendations which would be brought back to the Council for approval.

Read: Report dated 17 February 2016 from Mr C O'Rourke, RTS Director seeking approval of the following key recommendations:-

### **Tackling The Backlog:**

- To enable urgent and sustained effort to be focused on the backlog, work on the Area Plan be temporarily suspended, and the Area Plan resource be diverted to work on straight forward applications in the backlog
- Consideration be given to the appointment of short term 3<sup>rd</sup> party resource (consultants) to specifically focus on the more detailed and complex applications in the backlog, on-going Appeals and the Area Plan.
- To facilitate the potentially increased throughput of applications requiring committee decisions, additional committee meetings are scheduled as required
- The priorities used to determine the order in which applications are addressed, should be reviewed, agreed and thereafter adhered to, until such time as the backlog has been removed
- Applications to be considered and progressed in non-chronological order

### **Simplifying the Processes**

- Implement streamlining to existing activities with respect to validation, statutory consultations, site visits etc.
- All cases to be allocated to a case officer within 24 hours of validation
- Implement a new simplified template for reporting applications to the Planning Committee
- All presentations to the committee to be delivered by the PPTO using this new simplified template, allowing other SPTOs and PTOs to remain at their desks working on cases
- Signing of decisions to be delegated to SPTOs and all decisions to be issued within three days of committee approval/rejection

## Culture Change

- Planners to understand their role as facilitators and enablers of development and to be conscious of the impact of delay on economic development
- There should be a presumption in favour of sustainable development which should be permitted where doing so does not demonstrably do harm to interests of acknowledged importance
- Planners to be significantly more accessible and to schedule meetings with Agents and/or Applicants when requested
- The Area Planning Manager to lead a concerted cultural change programme for the Planning Staff
- A document defining what constitutes an acceptable submission must be created and issued by way of guidance to Agents/Developers
- Thereafter, where applications fall short of this expected standard, they should be quickly refused

## Planning Committee

- Implement changes to the 'Scheme of Delegation'
  - The list of delegated decisions to be issued monthly, two weeks in advance of the committee meeting
  - All 'refusals' to go onto committee agenda
  - Approvals with six or more objections to go onto committee agenda
  - Briefing Panel to be abandoned
  - Speaking rights for Applicants/Agents and Objectors to be allowed
  - No 'new information' to be presented to committee – i.e. agents/applicants and/or objectors only allowed to present on previously submitted information
  - Agents/Applicants and/or Objectors who intend to speak at committee to serve five days notice of intention, and provide summary of information to be presented
  - The issuing of the weekly list of validated applications will provide an opportunity for councillors to highlight applications they wish to be determined by committee, assuming they have a valid planning reason for doing so

## Capacity Building

- Initiate a capacity building programme for councillors, covering both planning matters and the Councillors Code of Conduct
- Provide a time line and agreed publication date for the Council's Local Area Plan
- While awaiting the publication of the Local Area Plan, create specific and dedicated policy updates and guidance of key issues, such as housing in the countryside
- Implement collective and regular (quarterly) briefing sessions for agents

- These briefings to assist with the development and documentation of a Customer Service Charter

### **ICT and Associated Issues**

- Officers given authority to investigate an alternative to the use of EPIC, working with the DoE and other Councils to find a workable and economically viable alternative
- Accelerate the capital programme aimed at upgrading the council's underlying IT Infrastructure
- Provide the necessary tools required to carry out the job, e.g. scanners, photocopiers, cameras, mobile phones

### **Action Plan**

- Planning Management to develop an action plan, identifying ownership and timelines for the recommendations above

### **Resource Implications**

There are likely to be significant financial implications, particularly relating to the appointment of consultants, should this be seen as necessary. The costs associated with upgrading the IT infrastructure are already in the capital plan and the costs associated with peripheral equipment (scanners, cameras, phones etc) should not exceed £10K

Councillor Murnin proposed and Councillor Devlin seconded that the above recommendations be accepted with the exception of the recommendation that the Members Briefing Panel be abandoned, and that the Members Briefing Panel be retained, with this arrangement being reviewed in 6 months' time.

The proposal was put to a vote by a show of hands and voting was as follows:-

FOR:	11
AGAINST:	23
ABSTENTIONS:	1

The proposal was declared lost.

Councillor Hanna proposed and Councillor Hearty seconded that the report and recommendations as outlined above be adopted.

The proposal was put to a vote and it was unanimously agreed.

**AGREED:                    It was unanimously agreed that the recommendations contained in the report dated 17 February 2016 from Mr Canice O'Rourke on the Review of Development Management be adopted.**

Councillor Ruane said he would like to place on record his view that the Council had received a poisoned chalice when Planning had been transferred to the Council and the affect this had on planning staff. On behalf of everyone he thanked Mr Jim MacKinnon for his work on the review of planning for the Council.

The meeting ended at 7.10 pm.

For adoption at the Council Meeting to be held on Monday 7 March 2016.

Signed:                    Liam Hannaway  
Chief Executive

# Review of Development Management

## Report of Independent Expert

**Jim MacKinnon CBE**

Ag freastal ar an Dún agus Ard Mhacha Theas  
Serving Down and South Armagh



Comhairle Ceantair  
**an Iúir, Mhúrn  
agus an Dúin**  
**Newry, Mourne  
and Down**  
District Council





## From DoE to Newry, Mourne & Down

- Key Facts
  - 1,183 applications transferred
  - 228 (19%) older than 12 mths
  - 17 Planners in Newry & Mourne, 7 in Down (March 2015)
  - 12 Planners transferred!
  
- Assessment
  - Largest number of live applications of any Council
  - Inequitable staff transfer
  - IT problems, in particular EPIC
  
- From April – June 2014, 425 decisions issued
- From April – June 2015, 155 decisions issued!

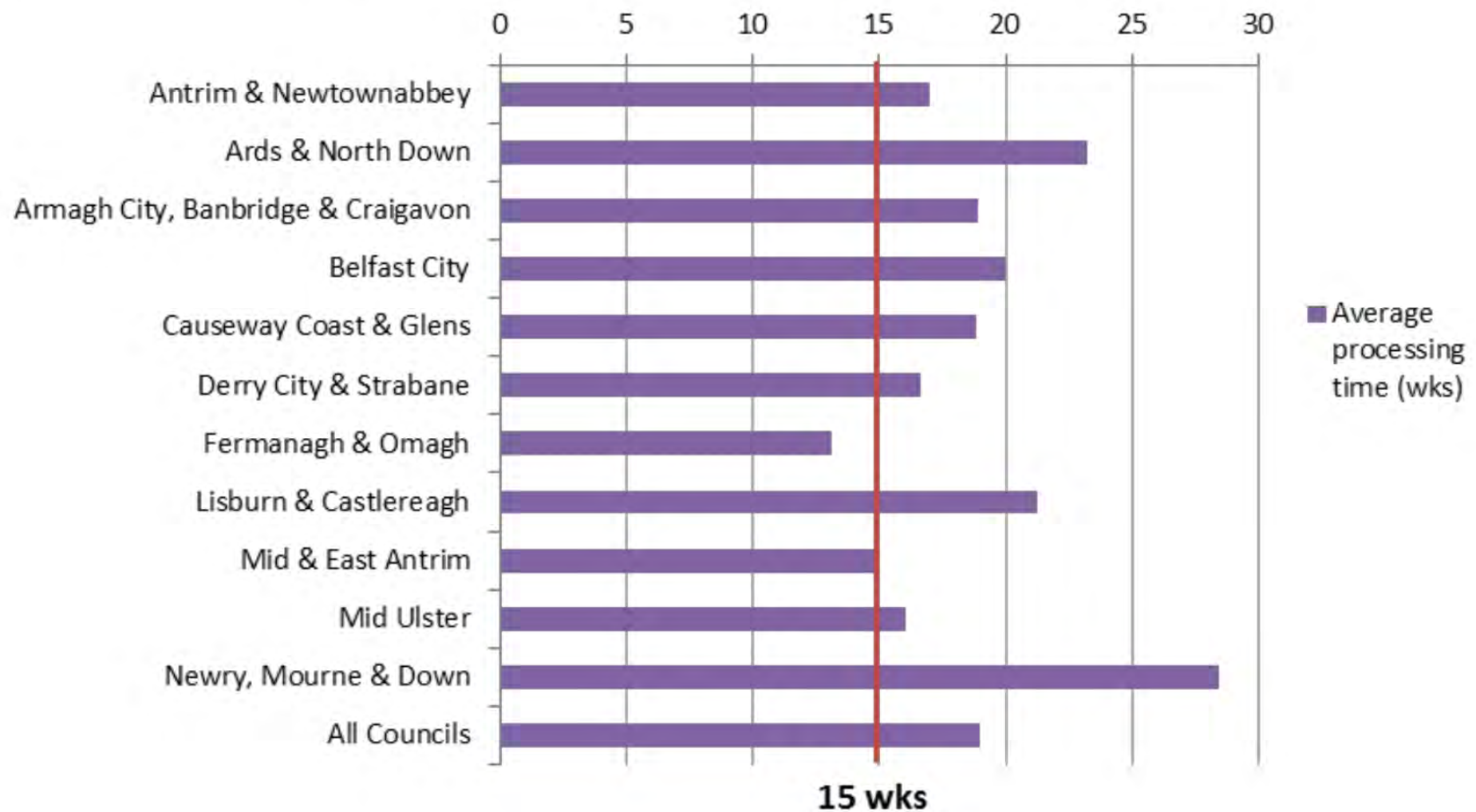


## Since April 2015

- Live Applications
  - 1,183 applications (April 2015)
  - 1,587 applications (January 2016) .....increase of 34%
- Applications older than 12 months
  - 228 (April 2015)
  - 373 (January 2016) ..... increase of 63%
- Briefing Panel
  - 66 applications considered
  - 16 referred to Planning Committee
- Planning Committee
  - 41 applications decided
  - 6% of all applications determined



Fig 3.2 - Local planning applications received and decided - Council breakdown







## Planning Application Backlog: Specific Causes

- Staffing
  - insufficient number of staff transferred
  - recruitment difficulties
  - imbalance in workload between Newry & Downpatrick
  
- IT
  - EPIC
  - Newry, Mourne & Down (NMD)

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## **A Way Forward: Reducing the Backlog**

- Blitz straightforward applications
  - identify applications
  - share workload for a limited period of time
  - shorter reports
  
- Applications requiring further consideration
  - contract out to recommendation stage
  - firm project management
  - appeals to be included
  - schedule additional Planning Committee meetings
  
- Priorities
  - identified, agreed & communicated



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## A Way Forward: Simplifying & Streamlining (1)

- Validation
- Allocation
- Consultation
- Site Visits
- Reports



## A Way Forward: Simplifying & Streamlining (2)

- Conditions
- Informatives
- Decision Notices
- Staffing
  - balance of workload
  - scope for specialists
  - productivity

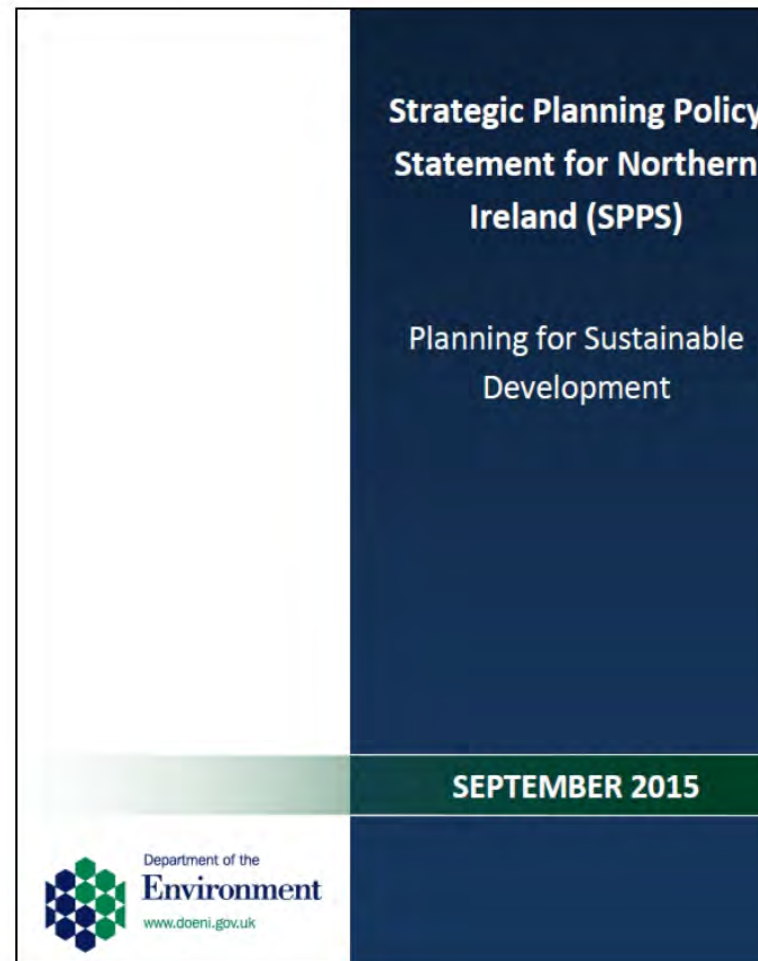
**Changes will require Planning to work around, not with EPIC**

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## A Way Forward: Culture Change

- Planning
  - risk averse & afraid of making mistakes
  - slavish application of policy
  - better understand the impact of delays
  - improve accessibility
  - demonstrate sense of awareness & urgency
  - improve working relationships within Planning
  
- Agents
  - improve overall quality & reduce late / amended submissions



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## **Councillor Involvement**

- **Delegation**
  - clarify statutory / discretionary
  - one bite at the cherry
  
- **Briefing Panel**
  - discontinue
  
- **Planning Committee**
  - improve quality of reports
  - better presentation of applications
  - deferral only in exceptional circumstances
  - introduce time-limited speaking rights

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## Capacity Building

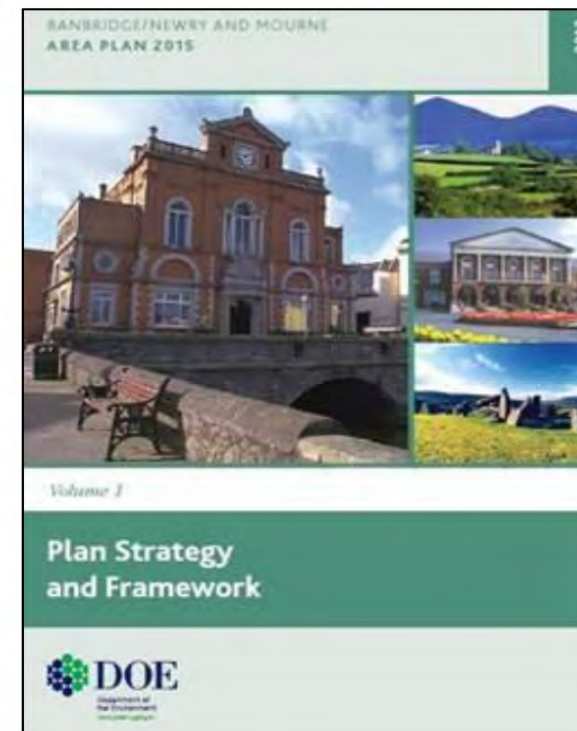
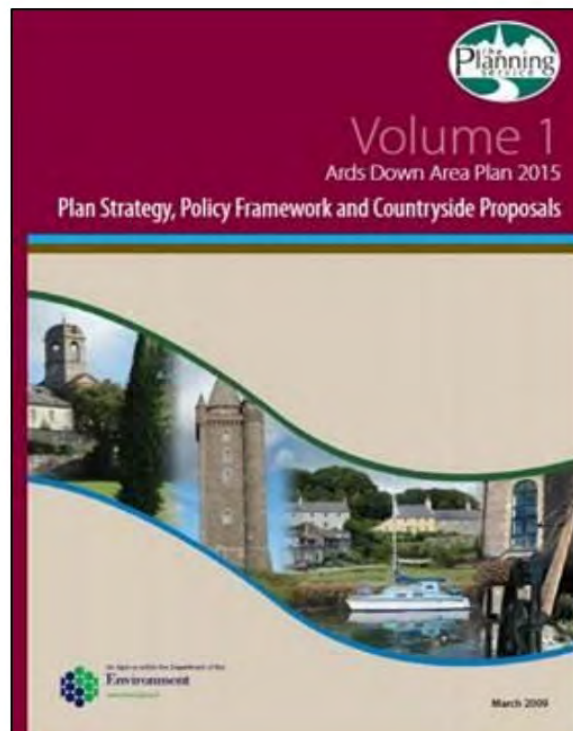
- Renewed effort on Councillor training
- Opportunities presented in preparation of Local Development Plan
- Scope for non-statutory policy initiatives
- Briefings for Agents
  - current & emerging issues
  - DoE / PAC involvement
  - two-way feedback

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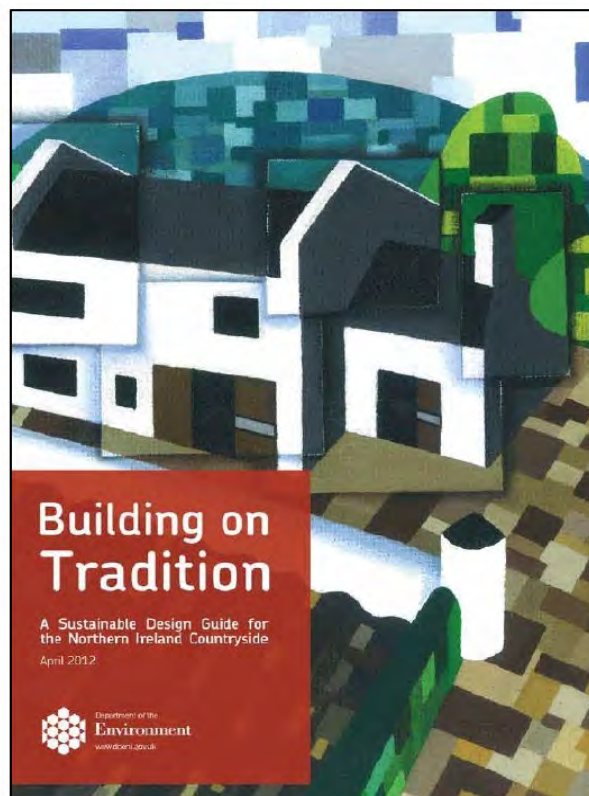


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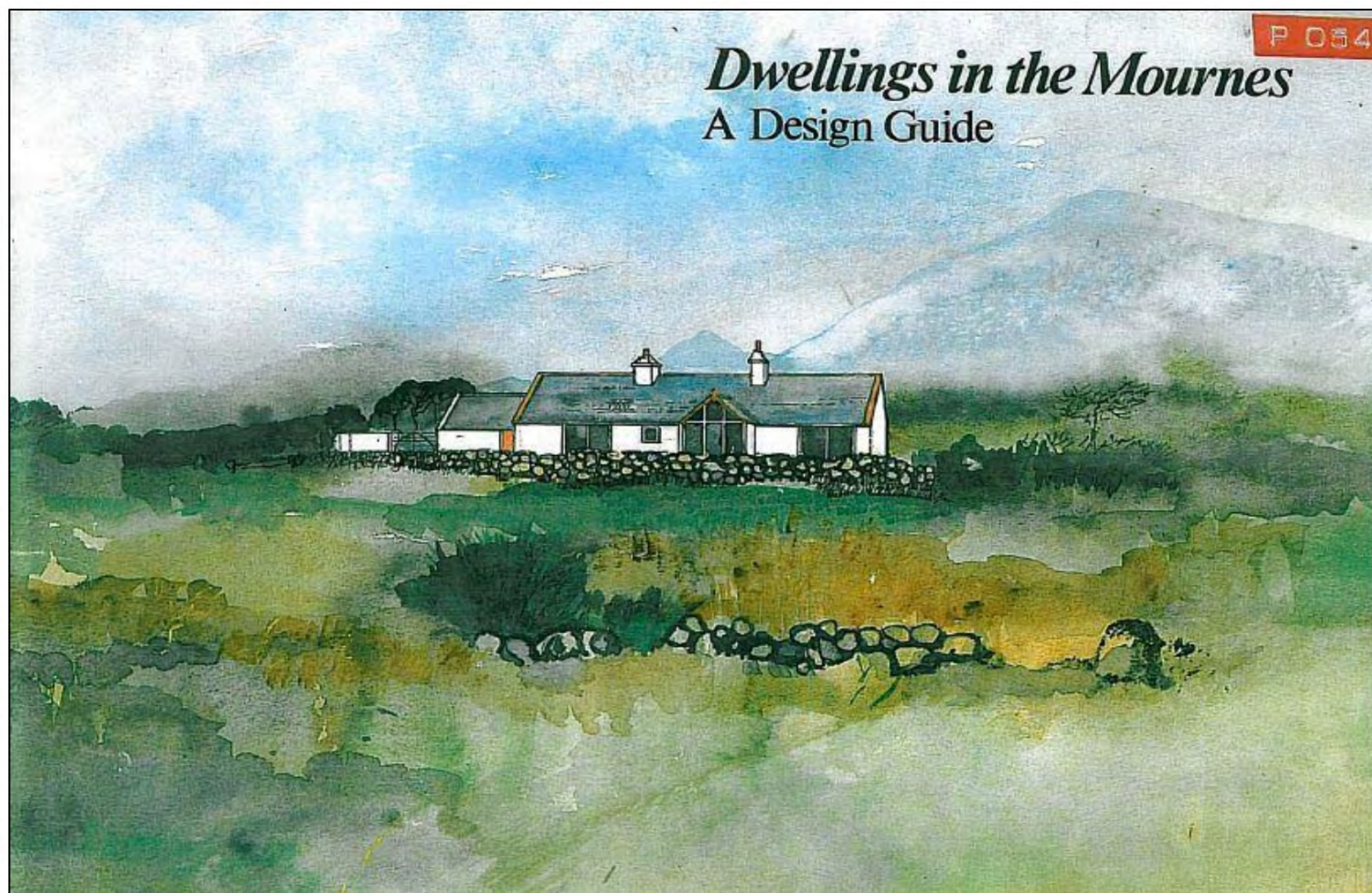


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## IT & Other Matters

- EPIC
  - not conducive to efficient handling of applications
  - long-term solution to support business improvements required
  
- NMD IT
  - demonstrably deficient
  
- Other
  - accommodation
  - scanners & printers
  - cameras
  - mobile phones





## Conclusions

- NMD has aspirations to be a high performing Planning authority
- Scale of challenges widely recognised & shared
- Urgent measures required to remove backlog
- Major improvements to streamline / simplify processes
- Culture change – a shared responsibility with clear timescales for implementation

**Action plan required to achieve the radical changes required**

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