

**NEWRY, MOURNE & DOWN DISTRICT COUNCIL**

**NMD/C/**

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**Minutes of Council Meeting held on Monday 3 April 2017 at 6pm in the Mourne Room, Downshire Civic Centre, Downpatrick**

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**In the Chair:** Councillor G Fitzpatrick

**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 W Clarke
Councillor G Craig	Councillor D Curran
Councillor L Devlin	Councillor C Enright
Councillor G Hanna	Councillor V Harte
Councillor H Harvey	Councillor T Hearty
Councillor D Hyland	Councillor M Larkin
Councillor K Loughran	Councillor J Macauley
Councillor D McAteer	Councillor A McMurray
Councillor R Mulgrew	Councillor M Murnin
Councillor P O’Gribin	Councillor B O’Múiri
Councillor B Quinn	Councillor M Ruane
Councillor G Sharvin	Councillor D Taylor
Councillor J J Tinnelly	Councillor J Trainor
Councillor W Walker	

**(Officials)**

Mr L Hannaway, Chief Executive  
Mrs D Carville, Director of Corporate Services  
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  
Mrs C Taylor, Democratic Services Officer  
Miss S Taggart, Democratic Services Officer

**C/56/2017**

**APOLOGIES AND CHAIRPERSON’S REMARKS**

Apologies were received from Councillors Bailie, Kimmins, Doran, Stokes.

The Chairperson welcomed Down Area Youth Council who were in attendance to observe the work of the Council and Councillors. She

stated she hoped the group enjoyed the proceedings and was sure that if any of the young people wanted to shadow one of the Councillors, they would be only too willing.

The Chairperson advised an Emergency Motion had been received from Councillor Mulgrew, seconded by Councillor Byrne and in order to hear the motion it would require the suspension of Standing Orders. She advised that this suspension would require 80% of the members present and voting to agree with the suspension. She said this matter would be tabled at the end of the meeting.

The Chairperson advised her thoughts were with the family of the man whose body washed up on the beach at Murlough as well as the family of Christopher Martin from Downpatrick who was killed in a car accident in Crossgar.

The Chairperson stated a book of condolence had been opened with Kilkeel Coastguard for the helicopter crew of Rescue 116.

The Chairperson advised the books of condolence for Deputy First Minister, Martin McGuinness would be closing within the next few days.

The Chairperson condemned the assault and robbery of an elderly man in Kilkeel over the weekend and urged anyone with any information to contact the PSNI.

The Chairperson offered congratulations to Warrenpoint Town Football Club who had been relegated from the premier league the previous year, but had now regained their place.

The Chairperson advised she had attended the recent YAFTA event in Newry, which some of the Down Youth Council members had attended. She stated one of the YAFTAs was awarded to a group who had embarked on a community film project and she encouraged everyone to try to see these films, as they conveyed a lot of very important messages.

The Chairperson asked Members to be vigilant regarding the SIMSIMI app which encouraged cyberbullying by allowing people to send messages anonymously. She encouraged everyone to speak to young people and advise them to remove the app if they had it on their phone.

The Chairperson congratulated the girls from St Louis Grammar School in Kilkeel who recently became the All-Ireland Public Speaking champions.

The Chairperson congratulated all staff involved in the Council's recent Tourism Launch and the very successful St Patrick's Festival.

**C/57/2017**

**DECLARATIONS OF INTEREST**

Councillors Craig, Harvey and Taylor declared an interest in item 12 – Notice of Motion received from Councillor Hanna as they were members of their Church committees.

**COUNCIL MINUTES FOR ADOPTION AND SIGNING**

**C/58/2017**

**MINUTES OF COUNCIL MEETING HELD ON 6 MARCH 2017**

Read: Minutes of Council Meeting held on 6 March 2017 (copy circulated)

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

**C/59/2017**

**ACTION SHEET ARISING FROM COUNCIL MEETING HELD ON 6 MARCH 2017**

Read: Action Sheet from Council Meeting held on 6 March 2017(copy circulated)

Councillor Curran asked that the date when letters were sent be added to the details on the action sheet.

**C/48/2017 – Notice of Motion received from Councillor Reilly**

Councillor Reilly queried why his notice of motion had been put to a Committee when he had submitted an apology for the meeting he could not attend. He asked how Council makes the determination as to whether a motion is heard or not.

The Chief Executive advised that Standing Order 16.1 dealt with how Notices of Motion were heard.

Councillor Reilly stated if he attended the Committee meeting, he might not be permitted to speak by the Chair of that Committee as was stated in Standing Orders.

The Chairperson of the Strategy, Policy and Resources Committee, Councillor Brown advised he would be permitting Councillor Reilly to speak at the Committee meeting on his motion.

**C/49/2017 – Notice of Motion received from Councillor Burns**

Councillor Carr thanked officers for their swift action in arranging the meeting between Council and representatives from First Trust bank. He also thanked Des Moore and Stephen Comer from First Trust for attending the meeting. Councillor Carr advised officials were considering the mitigating points that were put to them by Members.

**AGREED:** The Action Sheet from Council Meeting held on 6 March 2017 was agreed.

**COMMITTEE MINUTES FOR CONSIDERATION AND ADOPTION**

**C/60/2017** **MINUTES OF ENTERPRISE, REGENERATION AND TOURISM COMMITTEE MEETING HELD ON 13 MARCH 2017**

Read: Minutes of Enterprise, Regeneration and Tourism Committee Meeting held on 13 March 2017 (copy circulated).

**ERT/043/2017 – Service Level Agreements 2017-2018**

Mrs Ward advised there had been a typing error within the report regarding St Patrick Visitor Centre SLA and that the figure should read £115,000.

**ERT/048/2017 – Castlewellan Forest Park – Task & Finish Project Board**

Councillor Harvey congratulated Shirley Keenan, Project Development Officer on the work undertaken with regard to the above and queried when this would be taken forward to implementation.

Mrs Ward advised the Task and Finish working group for Castlewellan would be meeting with Heritage Lottery Fund and would report through the ERT Committee as had been occurring up to now.

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

**C/61/2017** **MINUTES OF STRATEGY, POLICY AND RESOURCES COMMITTEE MEETING HELD ON 16 MARCH 2017**

Read: Minutes of Strategy, Policy and Resources Committee Meeting held on 16 March 2017 (copy circulated).

**SPR/30/2017 – Saintfield Community Centre**

Councillor Burgess advised he still had not received a copy of the email that had been tabled at SPR Meeting in February 2017 and requested a copy as soon as possible.

The Chief Executive advised the email had been received from Councillor Brown.

Councillor Brown stated he would send the email as soon as he could.

**Outdoor Education Centres**

Councillor D McAteer asked that the issue of the proposed closures of Outdoor Education Centres be kept on the action sheet.

**SPR/66/2017 – Brexit Update**

The Chief Executive advised Members would receive an invitation to a presentation on the research undertaken by University of Ulster on the impact of Brexit on Council areas at the border. He stated this would be held on 4<sup>th</sup> May at Lough Erne at 10.30am and representatives from Intertrade Ireland, the Taoiseach's Office and Northern Ireland Executive would be in attendance. He advised there would be 2 representatives invited from the local Chambers of Commerce.

**SPR/192/2016 – Former Kindle Primary School – Business Case**

Mr Lipsett advised he had recently received an email stating that the valuation for Kindle had not changed due to demolition of the school and it was still £65k. He stated he would proceed to progress purchase of the site, assuming that Council was content with this way forward.

Councillor O'Gribin entered the meeting at this stage 6.24pm

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

**C/62/2017                MINUTES OF ACTIVE AND HEALTHY COMMUNITIES COMMITTEE MEETING HELD ON 20 MARCH 2017**

Read:                      Minutes of Active and Healthy Communities Committee Meeting held on 20 March 2017 (copy circulated)

**AHC/51/2017 – Letter from Peter Weir – 2<sup>nd</sup> request to meet declined**

Councillor Hyland queried who exactly the letter would have been sent to as there was currently no Minister for Education in place.

Councillor Walker clarified that the letter was to be sent to the new Minister, whoever that may have been, when the Assembly was reinstated.

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

**C/63/2017                MINUTES OF REGULATORY & TECHNICAL SERVICES COMMITTEE MEETING HELD ON 22 MARCH 2017**

Read:                      Minutes of Regulatory and Technical Services Committee Meeting held on 22 March 2017 (copy circulated)

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

## **CORRESPONDENCE AND CONFERENCES**

### **C/64/2017      ALL-ISLAND LOCAL AUTHORITY FORUM HOUSING & PLANNING CONFERENCE**

Read: Conference notification from Co-operation Ireland regarding all-Island Local Authority Forum Housing & Planning Conference to be held on Thursday 27<sup>th</sup> April 2017 in Dunboyne Castle, Co Meath (copy circulated).

**AGREED:**      **It was agreed on the proposal of Councillor Walker, seconded by Councillor Rune that the Council's Housing Council representatives attend the All-Island Local Authority Forum Housing & Planning Conference. It was also agreed that any Councillor who wished to attend could do so.**

### **C/65/2017      CORRESPONDENCE RECEIVED FROM SONI RE: NORTH SOUTH INTERCONNECTOR PROJECT**

Read: Correspondence dated 22 March 2017 received from SONI regarding North South Interconnector Project (copy circulated).

**AGREED:**      **It was agreed that a letter be sent to SONI asking what impact Brexit would have on the North/South Interconnector Project and how it would affect energy policy across Northern Ireland.**

## **NOTICES OF MOTION**

### **C/66/2017      NOTICE OF MOTION RECEIVED FROM COUNCILLOR BROWN**

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

**"At Council meeting on 6 June 2016, Council agreed that Committee Meetings (with the exception of the Planning Committee) be audio recorded and recordings made available for inspection by the public at the Council Offices for 6 years from the date of the Meeting. This Council recognises that local government should always strive for the greatest degree of transparency and accountability and therefore agrees that the audio recordings also be uploaded to the Council's website for a period of 2 years".**

In proposing the motion, Councillor Brown stated that he had previously brought a Notice of Motion to Council requesting video recording and live streaming of Council meetings and audio recording of committee meetings.

Councillor Hyland seconded the motion, saying Councillors were criticised in the press for not being proactive, but this Notice of Motion would allow the public to know more about the work of Council.

Councillor Burns questioned whether the other Councils were audio recording their meetings and what the uptake on listening to the recordings was. He also queried the capacity on the website, what the figures were for the uptake on the Council audio recordings and staffing costs, saying he would like to see a report with this detail.

Councillor Burgess spoke in support of the motion, but asked to see costings.

Councillor Murnin proposed an amendment to the motion that the Planning Committee would also be included in the audio recording, subject to a costings report being brought back to Council.

Councillor Brown accepted Councillor Murnin's amendment.

Mrs Carville advised that she would bring information back to Council regarding the current uptake of listening to the audio recordings. She confirmed there was capability to host recordings on a cloud based system at minimal cost to Council, and also that the staffing cost to upload the recordings was minimal.

Mr Hannaway suggested taking legal advice on the recording of the Planning Committee, including guidance on how Council would advise agents/public etc., before recording was introduced.

Councillor Walker proposed an amendment to the motion to read:

**"At Council meeting on 6 June 2016, Council agreed that Committee Meetings (with the exception of the Planning Committee, on which legal advice would be taken including guidance on the Code of Conduct) be audio recorded and recordings made available for inspection by the public at the Council Offices for 6 years from the date of the Meeting. This Council recognises that local government should always strive for the greatest degree of transparency and accountability and therefore agrees that the audio recordings also be uploaded to the Council's website for a period of 2 years".**

This was seconded by Councillor Burgess.

Councillor Clarke expressed concerns over the recording of the Planning Committee, saying applicants' personal information was discussed at these meetings, and he was not happy therefore to agree to this.

Councillors Hanna, Taylor and Hearty also expressed concerns over the recording of the Planning Committee, saying a discussion was required at Planning Committee level first before a final decision was taken.

Councillor Murnin withdrew his amendment that the Planning Committee Meetings be recorded, subject to receiving legal advice.

The amendment, as proposed by Councillor Walker, seconded by Councillor Burgess was put to a vote, with voting being as follows:

**FOR: 16**  
**AGAINST: 16**  
**ABSTENTIONS: 1**

The Chairperson used her casting vote to vote for the amendment, which was CARRIED by 17 votes to 16, with 1 abstention, and became the substantive motion, which was then put to a vote. Voting was follows:

**FOR: 32**  
**AGAINST: 0**  
**ABSTENTIONS: 1**

**The substantive motion was CARRIED.**

**AGREED: It was agreed on the proposal of Councillor Walker, seconded by Councillor Burgess, "at Council meeting on 6 June 2016, Council agreed that Committee Meetings (with the exception of the Planning Committee, on which legal advice would be taken including guidance on the Code of Conduct) be audio recorded and recordings made available for inspection by the public at the Council Offices for 6 years from the date of the Meeting. This Council recognises that local government should always strive for the greatest degree of transparency and accountability and therefore agrees that the audio recordings also be uploaded to the Council's website for a period of 2 years".**

Mr Hannaway advised that a report on the matter of recording the Planning Committee would be brought back to Strategy, Policy and Resources Committee.

**C/67/2017                    NOTICE OF MOTION RECEIVED FROM COUNCILLOR HANNA**

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

**"This Council writes to the relevant authorities to ensure that all churches, church halls and places of worship in this Council area, Newry, Mourne and Down, should be exempt from planning fees."**

In proposing the motion, Councillor Hanna said churches, church halls and places of worship formed a large part of people's lives and provided community facilities



including youth clubs, Sunday schools, mother and toddler group, senior citizen groups and holiday bible clubs and provided a valuable facility which Council would struggle to provide.

Councillor Hanna referred to the notes for reference for Planning which stated that “no fee was payable for an application where Council was satisfied that it is made on behalf of a club, society or organisation, including any persons administering a trust that is not established or conducted for profit and following conditions specified or satisfied”, saying he believed churches fulfilled this criteria.

Mr Hannaway clarified that the legislation governing exemptions was made by the Department for Infrastructure, and therefore the Department would be required to agree to any changes. However, if a church was registered as a charity, it was exempt, although not all churches were registered as charities.

Councillor Andrews seconded the motion.

Councillor Enright proposed an amendment to the motion to add that the existing regulations on charitable purposes be properly implemented in Council.

Councillor Macauley on behalf of the UUP, Councillor Walker on behalf of the DUP and Councillor McMurray on behalf of the Alliance Party provided support to the motion, saying churches provided an important role in the communities.

Councillor Clarke said whilst he recognised the good work churches did in the community, Sinn Fein had concerns over the motion, in particular the costs to Council, loss of revenue to Council and the future changes in fee exemptions which would impact on the ratepayer.

Councillor Reilly provided support to the motion, saying churches were to be highly recommended for their work, although he requested clarity on the legislation, saying it was how the Chief Planning Officer interpreted it.

Councillor Burns said that if every place of worship automatically received charitable status, and therefore an exemption from planning fees, Council could be open to challenge and he asked for clarity on the definition of a place of worship.

Councillor Burns requested if a vote was to take place, that it be a recorded vote.

Councillor Brown clarified the definition of a place of worship as *“a specially designed structure or consecrated space where individuals or a group of people such as a congregation come together to perform acts of devotion, veneration or religious study. A building constructed or used for this purpose is sometimes also called a house of worship”*.

Councillor Hanna accepted Councillor Enright’s amendment.

Councillor Clarke requested clarity on the costs which would be incurred by Council.

Councillor Hanna said there would not be a massive amount of money involved.

Mr Hannaway clarified that the motion was to write to the Department for Infrastructure to change the legislation to include churches and places of worship as exempt from planning fees.

Mr Hannaway said Council did fully implement charitable status and adhered to the legislation.

The Chairperson put the amended motion, proposed by Councillor Hanna and seconded by Councillor Andrews, that the Council write to the Department of Infrastructure to change the legislation so that all churches, church halls and places of worship in this Council area could be exempt from planning fees to a recorded vote, the results of which were as follows:

**FOR: 20**  
**AGAINST: 9**  
**ABSTENTIONS: 3**

**The motion was CARRIED.**

Copy of recorded vote attached.

**AGREED: It was agreed on the proposal of Councillor Hanna, seconded by Councillor Andrews that the Council write to the Department of Infrastructure to change the legislation so that all churches, church halls and places of worship in this Council area could be exempt from planning fees.**

**C/68/2017                      NOTICE OF MOTION – SUSPENSION OF EMERGENCY SERVICES IN DAISY HILL HOSPITAL**

It was agreed on the proposal of Councillor O’Muir, seconded by Councillor Brown and by qualified majority vote to suspend Standing Orders at this point in the meeting, to allow for the tabling of the following Motion due to the urgency of the issue and its importance to the District. The suspension having been agreed unanimously.

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

**“That Newry, Mourne and Down District Council expresses its opposition to the proposals from Southern Health & Social Care Trust to suspend services in the Emergency Department at Daisy Hill Hospital, Newry. The Council commends our hardworking NHS staff, particularly at a time when our health service is under pressure as a result of Tory cuts. Recognising the importance of a local ED, we demand that the SHSCT maintains 24/7 service by making every effort to support current staff and ensure the staff shortage is urgently addressed. The Council**

**should convene a meeting with the Southern Health & Social Care Trust as soon as possible."**

In proposing the motion, Councillor Mulgrew stated it was extremely upsetting to again be talking about cuts at Daisy Hill Hospital. She felt that doctors' contracts should state they should go where they are needed as patients were not given a choice to be seen in their local hospital. She stated in the previous year, 53,500 people attended the A&E Department at Daisy Hill Hospital and it was not possible for people from South Armagh, Rostrevor or Kilkeel to make the journey to Craigavon in 45 minutes as was muted in the media; it would take them more than an hour and a half.

Councillor Byrne seconded the motion stating as a resident in a rural area he was dependent on Daisy Hill and any removal or dissolution of services, from Culloville to Kilkeel, would result in putting lives at risk. He stated that consultants should be hired on a Trust wide basis and not solely to one hospital. He welcomed the call for a delegation and advised he was meeting with the Acting CEO of the Trust to put forward the Party's strong opposition.

Members discussed the issue at length with all unanimously agreeing with the motion to convene a meeting with the Southern Health & Social Care Trust as soon as possible.

Councillor Walker stated over the last number of years, the stripping away of the services at the Downe Hospital had occurred and legislation needed to be passed that if the Department of Health decided 10 consultants were needed at a certain hospital, those consultants should be made to work there. He said the only way the matter could be resolved was to have the Assembly functioning once more.

Councillor Hearty stated it was unfeasible for people to have to travel from Crossmaglen or Culloville to Craigavon, as it would take an hour and a half and the ambulance service was overstretched in the area.

In summing up, Councillor Mulgrew stated this was one issue that people should set aside their Party politics on and she thanked all Members for their support. She advised she had been told by staff this was a management problem and that consultants had it written in their contracts that they should rotate around the hospitals. She stated if this was the case, the consultants are not being asked to live up to what was in their contracts by the Trust.

**AGREED:**                    **It was agreed on the proposal of Councillor Mulgrew, seconded by Councillor Byrne that the Council:**

- **expresses its opposition to the proposals from Southern Health & Social Care Trust to suspend services in the Emergency Department at Daisy Hill Hospital, Newry;**
- **commends our hardworking NHS staff, particularly at a time when our health service is under pressure as a result of Tory cuts.**
- **In recognising the importance of a local Emergency Department, demand that the SHSCT maintains 24/7**

**service by making every effort to support current staff and ensure the staff shortage is urgently addressed.**

- **convene a meeting with the Southern Health & Social Care Trust as soon as possible.**

**It was also agreed that the issue of whether the rotation of consultants around hospitals was written into contracts to be investigated with the Trust.**

There being no further business, the meeting concluded at 8.17pm

**Signed:**

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**Chairperson**

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**Chief Executive**

**NEWRY, MOURNE & DOWN DISTRICT COUNCIL**  
**RECORDED VOTE**

DATE: 3<sup>rd</sup> April 2017 VENUE: Downshire Civic Centre MEETING: Council Meeting

SUBJECT OF VOTE: Notice of Motion received from Councillor Hanna – Exemption of Planning Fees for Churches, Church Halls and Places of Worship

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
S Ennis				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			
K McAteer				X
A McMurray	X			
R Mulgrew		X		
M Murnin	X			
P Ó Gribín				X
B Ó Muirí		X		
B Quinn	X			
H Reilly	X			
M Ruane		X		
G Sharvin				X
G Stokes				X
D Taylor			X	
JJ Tinnelly	X			
J Trainor	X			
B Walker	X			
<b>TOTALS</b>	<b>20</b>	<b>9</b>	<b>3</b>	<b>9</b>