

NEWRY, MOURNE & DOWN DISTRICT COUNCIL

NMD/C/

Minutes of Council Meeting held on Monday 4 April 2016 at 6pm in the Mourne Room, Downshire Civic Centre, Downpatrick

In the Chair: Councillor M Ruane

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 P Clarke
Councillor W Clarke	Councillor G Craig
Councillor D Curran	Councillor L Devlin
Councillor S Doran	Councillor S Ennis
Councillor C Enright	Councillor G Fitzpatrick
Councillor G Hanna	Councillor V Harte
Councillor H Harvey	Councillor T Hearty
Councillor M Larkin	Councillor K Loughran
Councillor D McAteer	Councillor R Mulgrew
Councillor M Murnin	Councillor P O’Gribin
Councillor B O’Múiri	Councillor B Quinn
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 D Carville, Director of Corporate Services
Mrs C Miskelly, Assistant Director Corporate Services, Human Resources
Mrs E McParland, Democratic Services Manager
Mrs L Dillon, Democratic Services Officer
Mrs C Taylor, Democratic Services Officer

C/70/2016

APOLOGIES AND CHAIRPERSON’S REMARKS

Apologies were received from Councillors N Baillie, D Hyland, L Kimmins, C McGrath, H McKee and H Reilly.

- The Chairperson expressed his condolences to the family of Brian McCabe, who had recently died in a fire at his house in Downpatrick.
- The Chairperson expressed his condolences to the family of Dennis Rogers, who had lost his life on farmland near Hilltown.
- The Chairperson welcomed Mrs D Carville, Director of Corporate Services to the Council.
- The Chairperson referred to the very successful Twilight Market in Newry, which Council staff had put much time and effort into. There had been stall holders in attendance from across the District at this very well attended event. He had also attended the Narnia event in Rostrevor on Easter Monday, which had also been very well attended and he extended congratulations to Council staff for both events.
- The Chairperson extended his congratulations to Saul GAC who were crowned Ballad Group Champions at the All-Ireland Scór Sinsear Finals which took place on Saturday 2 April 2016 at the INEC Killarney. A Civic Reception had been organised for the Downpatrick DEA Councillors, notification for which would be sent out in due course.

C/71/2016

DECLARATIONS OF INTEREST

There were no declarations of interest.

COUNCIL MINUTES FOR ADOPTION AND SIGNING

C/72/2016

MINUTES OF COUNCIL MEETING HELD ON 7 MARCH 2016

Read: Minutes of Council Meeting held on 7 March 2016 (copy circulated)

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

C/73/2016

ACTION SHEET ARISING FROM COUNCIL MEETING HELD ON 7 MARCH 2016

Read: Action Sheet from Council Meeting held on 7 March 2016 (copy circulated)

AGREED: The Action Sheet from Council Meeting held on 7 March 2016 was agreed on the proposal of Councillor Hearty, seconded by Councillor Burgess.

C/74/2016

MINUTES OF SPECIAL COUNCIL MEETING HELD ON 29 FEBRUARY 2016

Read: Minutes of Council Meeting held on 29 February 2016 (copy circulated)

Councillor Stokes expressed concerns at the lack of response by the Agencies to the issues raised by Councillors during the Special Council meeting.

Councillor Hearty concurred with these remarks, saying the agencies should be notified of Council's disappointment on this matter.

Mr Hannaway said the minutes of the Special Council meeting would be sent out to the Agencies after adoption and a written report would be brought back to Members on the issues raised.

Councillor Carr referred to the restriction on the Warrenpoint/Rostrevor Road due to its unsafe condition, which both agencies were involved in. He said local Councillors were not being kept up to date on the issue and requested an emergency site meeting with the Crotlieve Councillors and relevant Agencies.

Councillor Ruane said there would be inconvenience for some time for people in the area due to the nature of the works.

Councillor Quinn requested a survey be undertaken on the area of road where subsidence had occurred between Campbell's garage and the Wood House as the road had become badly undermined.

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

AGREED: It was further agreed that:

- **An emergency site meeting take place between relevant Agencies and Crotlieve Councillors regarding the restriction on the Warrenpoint/Rostrevor Road.**
- **A Survey be undertaken on the area of road where subsidence had taken place between Campbell's Garage and the Wood House in the Mourne area.**

COMMITTEE MINUTES FOR CONSIDERATION AND ADOPTION

C/75/2016

MINUTES OF ENTERPRISE, REGENERATION AND TOURISM COMMITTEE MEETING HELD ON 14 MARCH 2016

Read: Minutes of Enterprise, Regeneration and Tourism Committee Meeting held on 14 March 2016 (copy circulated)

ERT/36/2016 – Hotel Development

In response to a request for further information from Councillor Curran, Mrs Ward, Director of Enterprise, Regeneration and Tourism, explained that Council was in tentative discussions with providers for hotel provision in the District. She said that following the ratification of the ERT Committee minutes, Council would be going out to quotation for the preparation of business plan for provision of a hotel in the Downpatrick area specifically.

In response to a further query from Councillor Curran, Mr Hannaway confirmed Council was in discussion with one hotel provider in particular and another interested party regarding provision in the Downpatrick area and other providers in relation to other areas of the District. He added these discussions were tentative at this time.

ERT/37/2016 – Appointment of Members to Newry, Mourne and Down Economic Forum

The Chairperson asked for nominations to the Newry, Mourne and Down Economic Forum, which were received as follows:

- SF: Councillor S Burns and Councillor Mulgrew
- SDLP Nominations to follow from Councillor McGrath.
- DUP Councillor H Harvey
- UUP Councillor R Burgess
- Smaller Parties/Ind Councillor P Brown

ERT/38/2016 – Appointment of Members to Marine Taskforce

The Chairperson asked for nominations to the Marine Taskforce, which were received as follows:

- SF: Councillor W Clarke and Councillor S Doran.
- SDLP Nominations to follow from Councillor McGrath.
- DUP Councillor G Hanna
- UUP Councillor R Burgess
- Smaller Parties/Ind Councillor C Enright

Mrs Ward reminded Members that Council was out for consultation for its Tourism Strategy for the area, which could be accessed via Council's website and she encouraged Members to ask local businesses and employers to become involved in the survey.

Councillor D McAteer asked that if a response to a consultation was required, the IT Section would flag this up on the website.

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

AGREED: It was further agreed that if a response to a consultation was required, this would be flagged up by the IT Section on Council's website.

C/76/2016 **MINUTES OF STRATEGY, POLICY AND RESOURCES COMMITTEE MEETING HELD ON 15 MARCH 2016**

Read: Minutes of Strategy, Policy and Resources Committee Meeting held on 15 March 2016 (Copy circulated).

SPR/59/2016 – Report on Presentations to Council and Committee Meetings

Mr Hannaway explained that Council had previously agreed to invite SONI and the Public Protection Agency NI (PPANI) to the Special Council Meeting on 29 April 2016, but SONI were now unable to attend.

Mrs McParland advised she had given SONI the alternative date of 22 August 2016, but they were yet to confirm.

AGREED: It was unanimously agreed that the Public Protection Agency NI (PPANI) would be invited to the Special Council meeting on 29 April 2016.

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

C/77/2016 **MINUTES OF ACTIVE AND HEALTHY COMMUNITIES COMMITTEE MEETING HELD ON 21 MARCH 2016**

Read: Minutes of Active and Healthy Communities Committee Meeting held on 21 March 2016 (Copy circulated).

AHC/44/2016 – Leisure and Sports Facility Arrangement for Public Holiday

Councillor Devlin as a matter of accuracy, said that she had not queried whether the overflow car park at Donard Park, Newcastle would be open going forward, as it would be, but she had highlighted that the overflow car park had not been open on St. Patrick's Day and she had concerns regarding toilet provision in Newcastle.

AHC/39/2016 – DEA Fora Update Report

In response to a query from Councillor Craig regarding the closing date for the DEA nomination process of 9 April 2016 and the fact there had been a poor response from the voluntary and community groups, particularly in the Slieve Croob area, Mr Lipsett, Director of Active and Healthy Communities, explained that the process was an on-going, rolling process, which would be kept open until the places were filled. He added that work was being undertaken with NICVA and other partners to develop the capacity of the community groups.

AGREED: The minutes were agreed as an accurate record subject to the amendment above.

The minutes were adopted on the proposal of Councillor Harvey, seconded by Councillor Harte.

C/78/2016 **MINUTES OF REGULATORY AND TECHNICAL SERVICES COMMITTEE MEETING HELD ON 23 MARCH 2016**

Read: Minutes of Regulatory and Technical Services Committee Meeting held on 23 March 2016 (Copy circulated).

ITEM RESTRICTED IN ACCORDANCE WITH PART 1 OF SCHEDULE 6 OF THE LOCAL GOVERNMENT ACT (NI) 2014

RTS/49/2016 – PAC Hearing in Relation to the Planning Application for ARC's Proposed Waste Treatment Facility at Hightown Quarry

Agreed: On the proposal of Councillor Hearty, seconded by Councillor Doran, it was agreed to exclude the public and press from the meeting during discussion on this matter which related to exempt information 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."

Agreed: On the proposal of Councillor Hearty, seconded by Councillor Burgess, it was agreed the Council come out of closed session.

Agreed: When the Council came out of closed session, the Chief Executive reported that Councillor Enright had proposed and Councillor Burns had seconded that the Council seek its own separate legal opinion in relation to the matter of pursuing the PAC Hearing on the planning application for arc21 proposed waste treatment facility and this motion had been declared lost following a vote, as detailed:

For: 16
Against: 17
Abstentions: 0

The Chief Executive further advised that subsequently Councillor Burns had proposed and Councillor Hearty seconded that the Council withdraw its agreement from the option to pursue a hearing in front of the Planning Appeals Commission inquiry, in relation to the waste treatment facility and also withdraw from any agreement that arc21 Officers enter into discussions with the bidding consortium to seek to develop a protocol for minimising the cost to arc21 associated with the PAC hearing process and this motion had been declared lost following a vote, as detailed:

For: 15
Against: 18
Abstentions: 0

RTS/40/2016 – Planning Department Performance Indicators – February 2016

In response to queries from Councillor Murnin, Mr O'Rourke, Director of Regulatory and Technical Services advised:

- The Planning Briefing Panel no longer existed and would not sit again.
- There were still proforma letters accompanying the weekly planning lists which contained misleading information, which would be changed regarding how Council could and should raise any issues.
- The Scheme of Delegation would be brought to Strategic Policy and Resources Committee in April 2016 and to facilitate the speeding up of the process, the Planning

Committee would be invited to attend for that item. The Scheme of Delegation would then be forwarded to the DoE prior to full ratification by Council, which would speed up the process.

- The Planning Task Force had considered the recommendations regarding ceasing the Briefing Panel and the decision had been ratified by Council.
- All planning refusals would now be presented to Council.
- There would be a workshop with the Planning Committee, where the altered Scheme of Delegation would be discussed and proposals made regarding operationally managing the number of applications.
- For a short period there may need to be 2 Planning Committees per month.
- The issue of speaking rights had been discussed at Party Representatives Forum and would be tabled at the April 2016 Strategy, Policy and Resources Committee.

Councillor D McAteer expressed concerns around transparency and fairness that not all of the applicants/agents were fully aware of the new planning processes in place.

In response to a query from Councillor Quinn, Mr O'Rourke confirmed that the advice provided to Members with the lists would enable them to express an interest or a concern on an application.

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

CORRESPONDENCE AND CONFERENCES

C/79/2016 **CORRESPONDENCE RECEIVED FROM DHSSPSNI REGARDING CONSULTATION ON DRAFT DIABETES STRATEGY FRAMEWORK AND IMPLEMENTATION PLAN**

Read: Correspondence received on from DHSSPSNI dated 8 March 2016 re: consultation on draft diabetes strategic framework and implementation plan (Copy circulated).

In response to queries from Councillor D McAteer, Mr Hannaway confirmed Mr E Devlin, Assistant Director of Active and Healthy Communities (Health and Wellbeing), would prepare a report which Members could feed into. He confirmed that the closing date was 31 May 2016 and that comments from Members could be submitted prior to this date.

NOTED: The correspondence received from DHSSPSNI was noted.

C/80/2016 **CORRESPONDENCE RECEIVED FROM DIANE DODDS MEP REGARDING SOUTHERN RELIEF ROAD**

Read: Correspondence received from Diane Dodds MEP dated 11 March 2016 regarding the Southern Relief Road (Copy circulated).

Councillors Craig and Carr welcomed the intervention by Diane Dodds MEP on the Southern Relief Road.

In response to a request from Councillor Carr, Mr Hannaway suggested that the cross party working group on the Narrow Water Bridge project could also be the grouping for the prospective visit by the EU TENT-T North Sea Mediterranean Corridor Co-ordinator in June 2016.

Councillor Quinn requested the Mourne area be given consideration by the visit in June.

NOTED: The correspondence received from Diane Dodds MEP regarding the Southern Relief Road, was noted.

AGREED: It was agreed that the cross party working group on Narrow Water Bridge should be the grouping for the prospective visit by the EU TENT-T North Sea Mediterranean Corridor Co-ordinator in June 2016.

C/81/2016 **CORRESPONDENCE FROM NI PENSIONERS PARLIAMENT EVENT IN NEWRY 8 APRIL 2016**

Read: Correspondence received from NI Pensioners Parliament regarding the event in Newry on 8 April 2016. (Copy circulated).

Nominations were sought for the Councillor discussion panel at the NI Pensioners Parliament event in Newry on 8 April 2016 and were appointed as follows:

- Councillor T Hearty - SF
- Councillor B Quinn - SDLP
- Councillor H McKee - UUP
- Councillor H Harvey - DUP

NOTED: The nominations to the Councillor Discussion panel at the NI Pensioners Parliament event in Newry on 8 April 2016 were appointed as above.

CONSULTATION DOCUMENTS

C/82/2016 **CONSULTATION RECEIVED FROM DEPARTMENT OF JUSTICE – PROPOSAL TO INCREASE COURT FEES**

Read: Consultation received from Department of Justice regarding the proposal to increase court fees (copy circulated)

NOTED: **The Consultation from the Department of Justice regarding the proposal to increase court fees was noted.**

C/83/2016 **CONSULTATION RECEIVED FROM DARD RE ADDITIONAL INFORMATION RELATING TO CONSULTATION ON DESIGNATION OF AREAS OF NATURAL CONSTRAINT**

Read: Consultation from DARD re: Additional information relating to consultation on designation of areas of natural constraint (copy circulated)

NOTED: **The Consultation received from DARD regarding additional information relating to consultation on designation of areas of natural constraint was noted.**

C/84/2016 **CONSULTATION RECEIVED FROM DEPARTMENT OF EDUCATION – STRATEGY FOR IMPROVING PUPIL ATTENDANCE AT SCHOOL**

Read: Consultation from DEA re: Strategy for improving pupil attendance at school (copy circulated)

NOTED: **The consultation from DEA regarding the Strategy for improving pupil attendance at school, was noted.**

C/85/2016 **CONSULTATION RECEIVED FROM THE DEPARTMENT OF EDUCATION – REVIEW OF THE PLANNING, GROWTH AND DEVELOPMENT OF INTEGRATED EDUCATION: A CALL FOR EVIDENCE**

Read: Consultation from DEA re: Review of the Planning, Growth and Development of Integrated Education: A Call for Evidence (copy circulated)

Mr Hannaway advised that Parties should make their own response to the above consultation

NOTED: **The consultation from DEA regarding the Review of the Planning, Growth and Development of Integrated Education: A Call for Evidence, was noted.**

SEALING DOCUMENTS

C/86/2016

SEALING DOCUMENTS

AGREED:

It was agreed to sign and seal the following documents on the proposal of Councillor D McAteer, seconded by Councillor Craig:

1. Warrenpoint Public Realm Scheme - Bond and Form of Agreement documents to be signed and sealed to comply with the contract requirements.
2. Licence Agreement for use of land at Jonesborough, County Armagh
3. Assisted Car Purchase - Senior Environmental Health Officer.

NOTICES OF MOTION

C/87/2016

NOTICE OF MOTION – HOMELESS PEOPLE

The following Notice of Motion came forward for consideration in the names of Councillor P Clarke:

“That this Council writes to the Offices of the First and Deputy First Minister calling on the Northern Ireland Executive to now urgently prioritise and address the current number of homeless people sleeping rough across Northern Ireland and also urges the Northern Ireland Executive to dedicate more resources and funding in conjunction with developing a strategy plan with all major stakeholders including the community, voluntary, and private sector and Ministerial Government departments which can address and tackle the homeless situation that is affecting many vulnerable people across Northern Ireland.”

In proposing the motion, Councillor P Clarke offered his deepest sympathy and prayers to the family of 32 year old Catherine Kenny, originally from Downpatrick, who had recently passed away in Belfast. He said it was deeply regrettable that in the 21st Century, in 2016, a young lady had died in the doorway of a Belfast shop as a direct result of being homeless for 11 months. He said the system had quite clearly let homeless people, such as the late Catherine Kenny down, as well as the homeless people who had died since the beginning of the year, right across Northern Ireland. He stated that the Members in the Chamber were lucky, in that none of them were homeless yet, but said no-one knew what the future held – such as a loss of job, house repossession, mental health issues, alcohol or substance abuse issues, or just circumstances out of our control, could force anyone onto the streets to become homeless. He stated that there were people right across the District of Newry, Mourne and Down, sleeping rough and homeless.

Councillor P Clarke stated the current Housing Executive strategy for NI 2012 – 2017, was not fully addressing the issue of homelessness, and he believed the Northern Ireland Executive needed to urgently prioritise and address the number of people sleeping rough across the District and Northern Ireland. There needed to be a collective approach between the Northern Ireland Executive, Northern Ireland Housing Executive and all major stakeholders to address the issue of homelessness. He stated that it was owed to the family of Catherine Kenny to challenge the decision makers to dedicate more resources and funding and a comprehensive strategy that would be effective, as the current strategy for Northern Ireland was letting people slip through the net to their deaths.

Councillor Enright seconded the motion stating it had been a credit to the large number of people who had attended the funeral of Catherine Kenny last week, which had distressed many people in the town, thinking such a thing could happen to a local person.

Members discussed the issue at length and made the following points:

- The voluntary sector, Simon Community, faith groups and people who run food banks should be praised for their work with homeless people.
- Homeless people were not so apparent in the District, but many thousands of people present themselves as homeless out of the Housing Executive, who were hidden from public view.
- It was a disgrace to our society that someone could die in such close proximity to Belfast City Hall.
- It was usually a complex situation and a multitude of factors involved, when people found themselves homeless and could be for a number of reasons: mental health problems, addictions, relationship breakdown, domestic violence, mortgage arrears.
- This was a major issue for society and also for resources in general including how taxes and rates were being spent.
- Homeless people who developed mental health problems and chronic illness as a result of being homeless, had a knock on effect on NHS budgets.
- There was an opportunity for people to pull together in a strategic way in order to deal with these complex needs.
- Homelessness was a growing and complex problem and needed a multi-agency approach to solve it.
- The terms homelessness and sleeping rough were sometimes mixed up and were not interchangeable. Not all homeless people slept rough on the streets – some homeless people stayed in B&B's or with relatives.
- The issue of those who were sleeping rough and then moved into accommodation, but gravitated back to the streets, needed to be tackled by a multi-agency approach.

- There was a strong requirement to concentrate on supporting alcohol support units and treatment centres ie. Ward 15 Downe Hospital, which helped a lot of people in the area and across the District, but there were less units now than there were years ago.

Agreed: It was unanimously agreed on the proposal of Councillor P Clarke, seconded by Councillor Enright, that this Council writes to the offices of the First and Deputy First Minister calling on the Northern Ireland Executive to now urgently prioritise and address the current number of homeless people sleeping rough across Northern Ireland and also urges the Northern Ireland Executive to dedicate more resources and funding in conjunction with developing a strategy plan with all major stakeholders including the community, voluntary, and private sector and Ministerial Government departments which can address and tackle the homeless situation that is affecting many vulnerable people across Northern Ireland.”

C/88/2016

NOTICE OF MOTION – VIDEO RECORDING AND LIVE STREAMING OF COUNCIL MEETINGS

The following Notice of Motion came forward for consideration in the names of Councillor Brown and Enright:

‘This Council recognises that local government should always strive for the greatest degree of transparency and accountability and therefore agrees that the following measures be taken to increase transparency: video recording and live streaming of all full council meetings, audio recording of all statutory committee meetings and online publication of Councillor’s register of interests. The Council asks that a cost analysis and delivery timetable for this be presented to next month’s SPR meeting for approval’.

The Chairperson said that due to the contents of the above Motion, the matter should be dealt with through the Council’s Committee structure in accordance with Council’s Standing Order 16.1 (6) which states:

“If the subject matter of any motion of which notice has been properly given comes within the remit of any committee it shall, upon being moved and seconded, stand referred without discussion to that committee, or to such other committee as the Council may determine, for consideration and report”.

The Chairperson said he was ruling that the Motion be referred to the Strategic Policy and Resources Committee for consideration and costings, after being formally proposed and seconded.

Agreed: Councillor Brown formally proposed and Councillor Enright seconded the above Motion which was then referred to the Strategic Policy and Resources Committee for full consideration.

C/89/2016 NOTICE OF MOTION – GOVERNANCE DECISION MAKING PROCESS

The Chairperson advised that an email had been received earlier that day from the proposer of the motion, Councillor Enright, requesting the above motion be withdrawn from consideration at the Meeting and instead referred to the Audit Committee for consideration.

The motion was therefore not tabled at the Council meeting, with the matter being referred instead to Audit Committee.

There being no further business, the meeting concluded at 7.15pm

Signed:

Chairperson

Chief Executive