

NEWRY, MOURNE & DOWN DISTRICT COUNCIL

NMD/C/

Minutes of Council Meeting held on Monday 4 November 2019 at 6.00pm in the Mourne Room, Downshire Civic Centre, Downpatrick

In the Chair: Councillor C Casey

In attendance:

Councillor P Brown	Councillor P Byrne
Councillor W Clarke	Councillor D Curran
Councillor L Devlin	Councillor S Doran
Councillor C Enright	Councillor H Gallagher
Councillor M Gibbons	Councillor O Hanlon
Councillor G Hanna	Councillor V Harte
Councillor T Hearty	Councillor L Kimmins
Councillor M Larkin	Councillor A Lewis
Councillor O Magennis	Councillor G Malone
Councillor C Mason	Councillor D McAteer
Councillor L McEvoy	Councillor K McKeivitt
Councillor A McMurray	Councillor R Mulgrew
Councillor K Owen	Councillor G O'Hare
Councillor B Ó Muirí	Councillor H Reilly
Councillor M Ruane	Councillor M Savage
Councillor G Sharvin	Councillor G Stokes
Councillor D Taylor	Councillor J Tinnelly
Councillor J Trainor	Councillor B Walker

(Officials)

Mrs M Ward, Chief Executive
Mrs D Carville, Director of Corporate Services
Mr M Lipsett, Director of Active & Healthy Communities
Mr C Mallon, Director of Enterprise, Regeneration & Tourism
Mr R Moore, Director of Neighbourhood Services
Miss S Taggart, Democratic Services Manager (Acting)
Mrs P McKeever, Democratic Services Officer
Mrs D Starkey, Democratic Services Officer

C/166/2019

APOLOGIES AND CHAIRPERSON'S REMARKS

Apologies were received from Councillors Andrews, Burgess, Howell and McKee.

The Chairperson congratulated staff on the successful Halloween events including Hallowtide in Newcastle and Newry Twilight Market.

The Chairperson expressed his and the Councils' condolences to the family of Dawid Blenski who tragically lost his life following a road traffic collision on the Hilltown Road, Kilcoo. He also wished the other people involved in the accident a full recovery and requested that Council formally invite the Department for Infrastructure to discuss this road junction as there had been a number of accidents on that site.

Agreed: **The Chairperson requested that Council formally invite the Department for Infrastructure to a meeting discuss the road junction on the Hilltown Road, Kilcoo as there had been a number of accidents at that site.**

C/167/2019 DECLARATIONS OF INTEREST

There were no Declarations of Interest.

C/168/2019 ACTION SHEET ARISING FROM COUNCIL MEETING HELD ON 7 OCTOBER 2019

Read: Action sheet arising from Council Meeting held on 7 October 2019 (copy circulated).

Agreed: **The Action Sheet from Council Meeting held on 7 October 2019 was agreed on the proposal of Councillor Hearty, seconded by Councillor Stokes.**

COUNCIL MINUTES FOR ADOPTION AND SIGNING

C/169/2019 MINUTES OF COUNCIL MEETING HELD ON 7 OCTOBER 2019

Read: Minutes of Council Meeting held on 7 October 2019 (copy circulated).

Agreed: **The Minutes of the Council Meeting held on 7 October 2019 were agreed as an accurate record and adopted on the proposal of Councillor Hanna, seconded by Councillor Ó Muirí.**

C/170/2019 MINUTES OF SPECIAL COUNCIL MEETING HELD ON 30 SEPTEMBER 2019

Read: Minutes of Special Council Meeting held on 30 September 2019

(copy circulated).

Agreed: **The Minutes of the Special Council Meeting held on 30 September 2019 were agreed as an accurate record and adopted on the proposal of Councillor Gallagher, seconded by Councillor Ruane.**

COMMITTEE MINUTES FOR CONSIDERATION AND ADOPTION

C/171/2019 **MINUTES OF ENTERPRISE, REGENERATION AND TOURISM COMMITTEE MEETING HELD ON 14 OCTOBER 2019**

Read: Minutes of Enterprise, Regeneration and Tourism Committee Meeting held on 14 October 2019 (copy circulated).

Agreed: **The Minutes of the Enterprise, Regeneration and Tourism Committee Meeting held on 14 October 2019 were agreed as an accurate record, on the proposal of Councillor Curran, seconded by Councillor Mulgrew.**

ERT/145/2019 FFNI 5G Communications

Councillor Hanlon stated Public Health Authority should read Public Health England and expressed the importance of Councillors having a comprehensive and detailed report analysing the risks and benefits of a 5G roll out.

Members discussed 5G Communications at length.

Councillor Brown proposed Council hold off allocating money or submitting any bids until Council officers carried out a full risk assessment and queried why Council was not investing in fibre optic broadband instead.

Mr Mallon confirmed a significant programme of investment for full fibre NI programme was in place with the aim to roll out full fibre across Council Districts and clarified the £10k for each consortium Member Council was to allow detailed research to be carried out and enable Council to be in the position to submit a funding application should a call for funding be opened.

The Chief Executive pointed out the report provided to the Enterprise Regeneration and Tourism Committee set out Council would undertake a significant amount of research into 5G before taking the matter any further.

Councillor Reilly raised concerns regarding legally based correspondence received by Councillors and sought assurance that Councillors had public indemnity. Mrs Carville confirmed Council did have public liability insurance in place and that concerns regarding the legal letters would be referred to legal services and she would report back on that matter.

Councillor Brown proposed Council proceed with point (a) as detailed, with the exclusion of points (b), (c) and (d).

(a) Council Officers to review the health impacts of 5G and seek further guidance from the Public Health England, DCMS, OFCOM and other relevant authorities to carry out a comprehensive and detailed report analysing the risks and benefits of 5G roll out within the District.

The proposal was seconded by Councillor Walker who stated a full risk assessment would be required prior to lending any support to 5G Communications.

The proposal was put to a recorded vote, the results of which were as follows (copy of vote appended to these minutes).

For:	12
Against:	25

The proposal was declared 'lost'.

In response to Councillor Reilly the Chief Executive referred to standing orders 19.10: Ruling of Chairperson on point of order.

Agreed: The Minutes of the Enterprise, Regeneration and Tourism Committee Meeting held on 14 October 2019 were adopted, on the proposal of Councillor Mulgrew, seconded by Councillor Hearty.

Councillors Tinnelly, McAteer and Devlin entered the chamber during the above discussion – 6.10pm, 6.15pm and 6.16pm respectively.

Councillor Reilly left the meeting following the above the discussion – 6.35pm.

C/172/2019 **MINUTES OF STRATEGY, POLICY AND RESOURCES**
COMMITTEE MEETING HELD ON 17 OCTOBER 2019

Read: Minutes of Strategy, Policy and Resources Committee Meeting held on 17 October 2019 (copy circulated).

Agreed: The Minutes of the Strategy Policy and Resources Committee Meeting held on 17 October 2019 were agreed as an accurate record and adopted, on the proposal of Councillor Tinnelly, seconded by Councillor Doran.

It was agreed at the request of the Chief Executive to discuss an in-committee item later in the meeting once all Committee Minutes were reviewed.

C/173/2019

**MINUTES OF ACTIVE AND HEALTHY COMMUNITIES
COMMITTEE MEETING HELD ON 21 OCTOBER 2019**

Read: Minutes of Active and Healthy Communities Committee Meeting held on 21 October 2019 (copy circulated).

Agreed: The Minutes of the Active and Healthy Communities Committee Meeting held on 21 October 2019 were agreed as an accurate record and adopted, on the proposal of Councillor McEvoy, seconded by Councillor Doran.

AHC/164/2019: Carers Allowance

Agreed: At the request of Councillor Kimmins it was agreed a report detailing the budget to introduce concessionary charges for those in receipt of Carers Allowance be brought to the November Meeting of the Active and Healthy Communities Committee.

AHC/167/2019: Consultation on Invasive Species

Agreed: At the request of Councillor Ruane Mr Lipsett confirmed both the Active and Healthy Communities department and the Neighbourhood Services department were to examine and coordinate a response across all public sector partners in relation to Japanese Knotweed and Hogweed. A report to be provided.

Councillors Sharvin and Trainor left the meeting during the above discussion – 6.45pm

C/174/2019

**MINUTES OF NEIGHBOURHOOD SERVICES COMMITTEE
MEETING HELD ON 23 OCTOBER 2019**

Read: Minutes of Neighbourhood Services Committee Meeting held on 23 October 2019 (copy circulated).

Agreed: The Minutes of the Neighbourhood Services Committee Meeting held on 23 October 2019 were agreed as an accurate record and adopted, on the proposal of Councillor Tinnelly, seconded by Councillor Hearty.

**C/175/2019 EXTRACT OF PLANNING COMMITTEE MEETING HELD ON
16 OCTOBER 2019**

Read: Extract of Planning Committee Meeting held on 16 October 2019
(copy circulated).

**Noted: There were no issues referred from the Planning
Committee Meeting held on 16 October 2019.**

**C/172/2019 MINUTES OF STRATEGY, POLICY AND RESOURCES
COMMITTEE MEETING HELD ON 17 OCTOBER 2019**

SPR/148/2019: Newry Rainbow

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

**Agreed: On the proposal of Councillor Ruane, seconded by
Councillor Savage, it was agreed to exclude the
public and press from the meeting during
discussion on the next matters which related to
exempt information by virtue of para. 5 of Part 1
of Schedule 6 of the Local Government (Northern
Ireland) 2014 – Information in relation to which a
claim to legal professional privilege could be
maintained in legal proceedings.**

**Agreed: On the proposal of Councillor Kimmins, seconded
by Councillor Stokes, it was agreed Council come
out of closed session.**

The Chief Executive advised that whilst in committee Officers answered questions regarding the Newry Rainbow Community grant funding posed by Members.

**Agreed: The Minutes of the Strategy, Policy and Resources
Committee Meeting held on 17 October 2019 were
agreed as an accurate record and adopted, on the
proposal of Councillor Savage, seconded by
Councillor Walker.**

CORRESPONDENCE AND CONFERENCES

C/176/2019 LET'S TALK TOURISM – NATIONAL TOURISM FORUM

Read: Date: Friday 8 November 2019, 9am – 5pm.
Venue: Great Southern Killarney
Cost of conference €195.
Cost of accommodation – between €84 - €165.

Agreed: The Chairperson proposed Councillor Mulgrew as Chairperson of the Enterprise, Regeneration and Tourism Committee attend the National Tourism Forum, seconded by Councillor McAteer.

C/177/2019 NATIONAL ASSOCIATION OF COUNCILLORS

Read: Addressing Family Poverty / Childrens Services / National AGM.
Date: 22 – 24 November 2019
Venue: The Crown Plaza Hotel, Chester
Delegate Fees: £350 + VAT
Accommodation: £60 + VAT per night

Agreed: The Chief Executive advised Members of the National Association of Councillors who wished to attend the AGM advise the Democratic Services Department.

C/178/2019 LIVE ANIMALS IN CIRCUSES

Read: Correspondence dated 27 September 2019 from DAERA regarding the Motion on Live Animals in Circuses. (copy circulated)

Agreed: The correspondence dated 27 September 2019 regarding the Motion on Live Animals in Circuses was noted.

Agreed: At the request of Councillor McAteer it was agreed the motion remain on the action sheet.

C/179/2019 ROYAL COLLEGE OF NURSING

Read: Correspondence dated 9 October 2019 from Royal College of Nursing N. Ireland regarding Developments related to Safe & Effective Care Campaign & Ballot in N. Ireland. (copy circulated).

Agreed: The correspondence dated 9 October 2019 regarding the Developments related to Safe & Effective Care Campaign & Ballot in N. Ireland was noted.

C/180/2019 TV LICENSING FOR THE OVER 75s

Read: Correspondence dated 9 October 2019 from Fermanagh & Omagh District Council regarding Motion on TV Licensing for the over 75s. (copy circulated).

Agreed: The correspondence dated 9 October 2019 regarding Motion on TV Licensing for the over 75s was noted.

C/181/2019 TV LICENSING FOR THE OVER 75s

Read: Correspondence dated 9 October 2019 from Ards & North Down Borough Council regarding Motion on TV Licensing for the over 75s. (copy circulated).

Agreed: The correspondence dated 9 October 2019 regarding Motion on TV Licensing for the over 75s was noted.

C/182/2019 EARLY DIAGNOSIS OF BOWEL AND BREAST CANCER NOTICE OF MOTION

Read: Correspondence dated 30 October 2019 received from R Pengelly regarding Early diagnosis of Bowel and Breast Cancer. (copy circulated).

Councillor Hanlon expressed disappointment in the response received from Mr Pengelly and asked that further correspondence be sent to Mr Pengelly requesting that N. Ireland conduct trialling Breast Cancer Screening at the lower age of 47 and the upper age of 72, as currently being trialled within NHS England.

Agreed: It was agreed that further correspondence be sent to R Pengelly requesting that N. Ireland conduct Breast Cancer Screening at the lower age of 47 and the upper age of 72, as currently being trialled within NHS England.

C/183/2019 ATTACKS ON PLACES OF WORSHIP NOTICE OF MOTION

Read: Correspondence dated 30 October from T Meharg, DfC regarding Attacks on Places of Worship Notice of Motion

Read: Correspondence dated 30 October from NIO regarding Attacks on Places of Worship Notice of Motion

Agreed: The correspondence from T Meharg DfC and NIO was noted.

NOTICES OF MOTION

C/184/2019 NOTICE OF MOTION – FLY TIPPING

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

"This Council agrees that fly-tipping is an unwanted blight on our district which creates an unnecessary burden on public resources. We request that Neighbourhood Services utilise the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011 to actively identify, pursue and issue fixed penalty notices to those responsible. Furthermore, we agree that Council should issue a press release advising of a no nonsense, proactive approach to illegal dumping using local press to publicise our public amenity centres and their opening times. We collectively agree that as a designated area of natural beauty this Council should be doing all within its power to detect and deter those responsible".

Councillor Gallagher seconded the Motion.

The Chairperson advised that in accordance with Standing Order 16.1.6 the motion would be referred to the Neighbourhood Services Committee.

Agreed: The Motion was referred to the Neighbourhood Services Committee in accordance with Standing Order 16.1.6.

C/185/2019: 11+ TRANSFER TEST

The following Notice of Motion came forward for consideration in the name of Councillor O'Hare:

"This Council notes:

- **The work of Martin McGuinness in abolishing the official 11+ exam.**
- **The continued practice by schools of administering unregulated transfer tests.**

- **The 'Right2Education' report on the profound mental health impacts which transfer tests are having on children including issues of sleep, loss of appetite, crying, anxiety, depression, and not attending school "for fear of a test".**

Council further notes the findings from the 'Right2Education' report:

- **60% of young people said the transfer test was bad for them.**
- **66% of young people felt selection did not make them confident nor more able.**
- **62% said decision-makers did not listen to young people's ideas.**
- **92% of teachers felt transfer testing had a significant negative impact on children's mental health.**
- **88% of staff said transfer testing did not enable children to reach their full potential.**

This Council calls on schools to end the use of transfer tests and put the needs of children first"

In proposing the motion, Councillor O'Hare said pupils who passed the transfer test but who didn't achieve an A grade believed they had failed because an A grade was required to get them into their school of choice. Additionally, pupils who did achieve an A grade and were eligible for their school of choice did not necessarily secure a place due to other criteria imposed by schools.

Councillor Mason seconded the Motion saying said she had witnessed first-hand the stress the transfer test caused to children and families.

Councillor McAteer stated he was opposed to the Motion and whilst he accepted the current system was not ideal there was no alternative replacement and proposed that Council did not write to the schools.

Councillor Hanna seconded the proposal saying he accepted there were flaws and that whilst nobody liked sitting tests, he believed there should not be a ban imposed on all schools.

Councillors Enright, Casey, McMurray Ó Muirí and Tinnelly expressed support for the Motion acknowledging there was currently no ideal solution with Councillor McMurray proposing the following amendment to Councillor O'Hare's motion:

"This Council notes:

- **The role of Martin McGuinness in abolishing the official 11+ exam.**
- **The continued practice by schools of administering unregulated transfer tests.**
- **The 'State of Human Rights and Academic Selection in Northern Ireland' report by the organisation Participation and Practice of Rights which documents the profound mental health impacts which transfer tests are having on children including issues of sleep, loss**

of appetite, crying, anxiety, depression, and not attending school “for fear of a test”.

Council further notes the findings from the ‘State of Human Rights and Academic Selection in Northern Ireland report’:

- **60% of young people said the transfer test was bad for them.**
- **66% of young people felt selection did not make them confident nor more able.**
- **62% said decision-makers did not listen to young people’s ideas.**
- **92% of teachers felt transfer testing had a significant negative impact on children’s mental health.**
- **88% of staff said transfer testing did not enable children to reach their full potential.**

This council calls on schools to end the use of transfer tests and put the needs of children first”.

Councillor O’Hare accepted Councillor McMurray’s amendment.

Councillor Byrne stated there had been mixed messages sent to schools from government and they did not agree Council writing directly to the schools was the right course of action.

Councillor Taylor stated he did not agree with the motion, and whilst he accepted the current system was flawed, he was not opposed to academic selection in some form.

Councillor O’Hare advised he did not accept Councillor Byrne’s amendment.

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

FOR:	21
AGAINST:	13
ABSTENTIONS:	0

The proposal was carried.

Agreed: It was agreed on the proposal of Councillor O’Hare, seconded by Councillor Mason that “This Council notes:

- **The role of Martin McGuinness in abolishing the official 11+ exam.**
- **The continued practice by schools of administering unregulated transfer tests.**
- **The ‘State of Human Rights and Academic Selection in Northern Ireland’ report by the organisation Participation and Practice of Rights which documents the profound mental**

health impacts which transfer tests are having on children including issues of sleep, loss of appetite, crying, anxiety, depression, and not attending school “for fear of a test”.

Council further notes the findings from the ‘State of Human Rights and Academic Selection in Northern Ireland report’:

- **60% of young people said the transfer test was bad for them.**
- **66% of young people felt selection did not make them confident nor more able.**
- **62% said decision-makers did not listen to young people’s ideas.**
- **92% of teachers felt transfer testing had a significant negative impact on children’s mental health.**
- **88% of staff said transfer testing did not enable children to reach their full potential.**

This Council calls on schools to end the use of transfer tests and put the needs of children first”.

C/186/2019: LOCATION OF WELFARE APPEALS

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

“This Council calls on the Appeals Service NI to cease the practice of holding Welfare appeals at local Courthouses, states that these venues are unacceptable for such tribunals as it further traumatises already vulnerable appellants.

Furthermore, that this Council goes about investigating the possibility of offering Council facilities for such tribunals to negate the need of appellants being forced into court settings.

Council notes the protracted delays in getting appeals heard and calls on the Chief Executive to write to the head of the Appeals Service NI, and the Permanent Secretary for DFC, requesting an immediate review of venues for such appeals and the formation of a review panel tasked with addressing the unacceptable delays to appeals being heard.”

In proposing the Motion, Councillor Savage said the current practice of holding welfare appeals at local courthouses was unacceptable and put unnecessary added pressures to the most vulnerable in society and that Council had a lot of facilities and venues that would be more welcoming and neutral. Councillor Savage continued, saying that since the introduction of GDPR, the onus was on appellants to provide their own medical records and redact personal information which was not an easy task, and, coupled with the fact that GPs had to provide medical information was resulting in long delays in the process.

Councillor Devlin seconded the Motion saying it was appalling for people to attend tribunals in court room settings.

Councillor Walker expressed support for the Motion and asked that it be amended to include writing to the 10 other Councils in N. Ireland asking for them to support the Motion.

Councillor Savage accepted the amendment to the motion.

Councillor McMurray expressed support for the motion and asked that it be amended to include the following paragraph:

'that the Council should explore the use of disability charities premises to host appeals, as these are less formidable venues, more informal settings, with staff who are accustomed to welcoming and receiving people and putting them at their ease'.

Councillors Hanlon, Taylor, Lewis, and Malone all spoke in support of the motion.

Councillor Savage accepted the amendment from Councillor McMurray O'Muire and thanked Members for their support.

Agreed:

It was agreed on the proposal of Councillor Savage seconded by Councillor Devlin that:

This Council calls on the Appeals Service NI to cease the practice of holding Welfare appeals at local Courthouses, states that these venues are unacceptable for such tribunals as it further traumatises already vulnerable appellants.

Furthermore, that this Council explores the use of disability charities premises to host appeals, as these are less formidable venues, more informal settings, with staff who are accustomed to welcoming and receiving people and putting them at their ease.

Council notes the protracted delays in getting appeals heard and calls on the Chief Executive to write to the head of the Appeals Service NI, and the Permanent Secretary for DFC, requesting an immediate review of venues for such appeals and the formation of a review panel tasked with addressing the unacceptable delays to appeals being heard.

Council write to the 10 other Councils asking them to support this Motion.

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

“This Council will support the introduction of soft opt-out organ donation legislation here in the North which will follow the example led by the introduction of the same legislation in Wales (2015), Scotland and England (2020) and the calls from the Minister of Health in the South of Ireland, Simon Harris for the same to be introduced there”

In proposing the motion, Councillor Kimmins stated that Northern Ireland was the only area across the island of Ireland and Britain that was not working towards the introduction of soft opt out organ donation legislation. She continued, saying that opt out donation was a system where it was assumed everyone had given their consent to be an organ donor unless otherwise stated, and that in the event of death, in the soft opt out system, next of kin would have the final say whether or not organs were donated, but she said it was important that awareness was raised and that families spoke together and discussed what their wishes would be.

Councillor Kimmins, while acknowledging that this was a legislative issue, said it was time for Council not only to call for the introduction of this legislation in N. Ireland but to introduce a high profiled communication and awareness raising strategy to pre and post introduction. Furthermore, it would also be a call for investment in our health system in terms of recruitment of specialist organ donation nurses and in our intensive care units.

Councillor Mulgrew seconded the proposal saying she was very grateful to the staff of the renal unit in Daisy Hill Hospital for the care shown to a family member who had been a patient in recent years. Councillor Mulgrew continued, saying more awareness was needed regarding organ donation and that all council facilities should have organ donation information.

Councillors were unanimous in their overwhelming support for the Motion with some saying their families had been directly affected, people were dying waiting for organ donation and it was an easy process to ‘opt out’ of.

Agreed:

It was agreed on the proposal of Councillor Kimmins seconded by Councillor Mulgrew that this Council will support the introduction of soft opt-out organ donation legislation here in the North which will follow the example led by the introduction of the same legislation in Wales (2015), Scotland and England (2020) and the calls from the Minister of Health in the South of Ireland, Simon Harris for the same to be introduced there”.

There being no further business, the meeting concluded at 8.35pm.

Signed:

Chairman

Chief Executive