

NEWRY, MOURNE & DOWN DISTRICT COUNCIL

NMD/C/

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

In the Chair Councillor G Fitzpatrick 6 pm – 6.28pm
 Councillor M Ruane 6.28 pm – 8.20pm

In attendance: (Councillors)

Councillor T Andrews	Councillor R Burgess
Councillor S Burns	Councillor M Carr
Councillor C Casey	Councillor P Clarke
Councillor W Clarke	Councillor G Craig
Councillor L Devlin	Councillor G Donnelly
Councillor S Doran	Councillor S Ennis
Councillor S Ennis	Councillor C Enright
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 K McAteer
Councillor C McGrath	Councillor H McKee
Councillor R Mulgrew	Councillor M Murnin
Councillor P Ó'Gribín	Councillor B Ó'Muirí
Councillor B Quinn	Councillor H Reilly
Councillor G Stokes	Councillor D Taylor
Councillor J J Tinnelly	Councillor B Walker

(Officials)

Mr L Hannaway, Chief Executive
Mr E Curtis, Director of Strategic Planning and Performance
Mr C O'Rourke, Director of Regulatory and Technical Services
Mr M Lipsett, Director of Active and Healthy Communities
Ms R Mackin, Assistant Director, Corporate Planning and Policy
Ms V Keegan, Marketing Manager
Mrs E McParland, Democratic Services Manager
Miss S Taggart, Democratic Services Officer
Mrs C Taylor, Democratic Services Officer

C/1/2016

APOLOGIES AND CHAIRPERSON'S REMARKS

Apologies were received from Councillor Bailie, Brown, Curran and Sharvin.

Councillor Fitzpatrick commended the Council staff for their work in the recent flooding crisis and also thanked the outside agencies who had worked diligently to ensure sandbags had been delivered.

Mr Hannaway reminded Members there was still a yellow warning regarding flooding for the area and encouraged Members to use the flooding helpline which mapped calls and provided essential information to agencies for future use.

Councillor D McAteer referred to the businesses in the District which had suffered damage due to the flooding and suggested the £1,000 compensation provided to domestic flooding victims, also be provided to businesses affected by the flooding.

AGREED: It was unanimously agreed that Council write to the Department for the Environment to ask that £1,000 compensation be made available to businesses which had been affected by flooding.

Councillor Burns thanked Council staff for their help with the clear up after the house fire in Castlewellan, which had taken place over the Christmas period.

A discussion ensued regarding the flooding crisis, the main points of which were as follows:

- The flood helpline was operated through Network NI. It was a call centre which logged calls which Rivers Agency and Transport NI staff could then follow up on.
- Council were not the lead agency regarding flooding.
- Transport NI would be informed of all of the issues raised including the lack of signage on some flooded roads and gully maintenance, which could be discussed with Transport NI at their next meeting with Council.
- Drainage maintenance was poor on the District's rural roads and flooding was happening time and time again in the same place. Dredging and regular maintenance was required on many of the District's roads to prevent flooding.

Councillor W Clarke concurred with the previous remarks on the subject of flooding and thanked staff and the statutory agencies for their work on the matter. He requested that Council write to OFMDFM requesting they consider making areas prone to flooding eligible for grants to secure the properties.

Mr Hannaway referred to the problem of road users removing flood warning signs and the dangers of this practice. He

suggested the Press may wish to consider highlighting this issue in their publications.

AGREED: **It was unanimously agreed that Council write to OFMDFM requesting areas prone to flooding should be eligible for grants to secure the properties in those areas.**

Councillor Fitzpatrick congratulated Newry Leisure Centre on their recently held and well supported Swimathon in aid of KBRT (Kevin Bell Repatriation Trust) and Cancer Research. She also commended Newry City FC for their Premier cup win during the Christmas period.

C/2/2016 **DECLARATIONS OF INTEREST**

There were no declarations of interest.

C/3/2016 **APPOINTMENT OF CHAIRPERSON**

Councillor Fitzpatrick advised Members that the current Chairperson, Councillor Bailie had given notice of her intention to resign from the position of Chairperson with effect from Monday 4 January 2016. The appointment of a replacement Chairperson would be conducted in accordance with paragraph 4 of schedule 1 of Local Government Act (NI) 2014, a copy of which had been circulated previously.

Councillor Hearty thanked Councillor Bailie for the great effort she had put into her role as Chairperson.

As Nominating Officer for Sinn Fein, Councillor Hearty nominated Councillor Ruane for the position of Chairperson.

Councillor Ruane formally accepted the position of Chairperson. He thanked his party colleagues for their nomination of him, saying he was delighted to accept the role for a number of months and he assumed the Chair.

C/4/2016 **ACTION SHEET FROM COUNCIL MEETING HELD ON 7 DECEMBER 2015**

Read: Action Sheet arising from Council Meeting held on 7 December 2015 (Copy circulated)

C/165/2015 – Rates Support Grant Delegation

Mr Hannaway asked Members to consider Derry & Strabane District Council's request that the motion agreed by Councils

would now be circulated to MLAs in the Newry, Mourne and Down District asking that it be tabled at the Assembly and considered as part of the upcoming Executive budget discussions.

AGREED: It was agreed on the proposal of Councillor Craig, seconded by Councillor Hearty, that the motion be circulated to MLAs in the District requesting it to be tabled in the Assembly and considered as part of the upcoming Executive budget discussions.

AGREED: The Action Sheet was agreed on the proposal of Councillor Craig, seconded by Councillor Hearty.

COUNCIL MINUTES FOR ADOPTION AND SIGNING

C/5/2016 **MINUTES OF COUNCIL MEETING HELD ON 7 DECEMBER 2015**

Read: Minutes of Council Meeting held on 7 December 2015 (Copy circulated).

C/164/2015: To Appoint Representatives to the Board of Carlingford Lough Commissioners

Councillor Carr said he disagreed with the voting mechanism used to appoint representatives to the Board of Carlingford Lough Commissioners and that it had not been agreed unanimously that each Councillor should vote once for one person. He requested the issue of voting methodology be referred to Strategy, Policy and Resources Committee for discussion. He also referred to the audio downloads of the Council meetings available on the website, which he said, were not up to date.

Councillor Taylor concurred with Councillor Carr, saying he was disappointed in the way the vote had been taken to appoint representatives to the Board of CLC. Councillor Craig also expressed the same concerns.

AGREED: That the issue of voting methodology for numerous options be referred to the Strategy, Policy and Resources Committee for discussion.

AGREED: The Minutes were agreed as an accurate record, subject to amendment to reflect the point made by Councillor Carr on the method of voting for the positions on the Board of CLC.

The Minutes were adopted on the proposal of Councillor Dornan, seconded by Councillor Hyland.

COMMITTEE MINUTES FOR CONSIDERATION AND ADOPTION

C/6/2016

MINUTES OF REGULATORY AND TECHNICAL SERVICES COMMITTEE HELD ON 9 DECEMBER 2015

Read:

Minutes of Regulatory and Technical Services Committee Meeting held on 9 December 2015 (Copy circulated).

RTS/141/2015 – Planning Department – Performance Indicators

In response to comments from Councillor Reilly regarding planning issues, Mr Hannaway provided an update on the steps being taken to streamline the Planning Service.

Councillor Hearty referred to the Rural Development Programme which brought funding of £11m into the area. He said there was a serious crisis as many applications for funding required planning permission before an application could be progressed.

The Chairperson asked if there would be an opportunity for Members to feed their comments into the review of Planning.

Mr Hannaway said this would be accommodated within the review.

Councillor Hanna requested a mechanism for response to Members questions to be investigated as part of the review of planning.

RTS/139/2015 – Provision of Bus Shelters – Bus Shelter at Drumaness/Newcastle Road, Dundrum

Councillor Andrews advised the correct wording for the above minute should read “Bus Shelter at Drumaness/Newcastle Road, Drumaness”.

RTS/142/2015 – Old Furniture at Council Recycling Sites

Councillor W Clarke queried how the expressions of interest would work and requested the not for profit organisations and charities would work in partnership with the Housing Executive and Housing Associations to help disadvantaged people who were for example coming out of care or out of prison, to set up home, which would make a real difference to their lives.

The Director of Regulatory and Technical Services explained that the expression of interest would state that only not for profit

organisations could apply, but also, that it was difficult for Council to regulate what they did with the furniture.

Councillor Walker said if the scheme was opened up too wide, there would be no beneficiaries. Councillor Quinn concurred with Councillor Walker's comments, saying this was part of a programme of therapy for disadvantaged people.

Councillor McGrath requested that the Director of Strategic Planning and Performance investigate funding possibilities for these organisations so that they have an income stream.

AGREED: It was agreed that officers investigate funding possibilities for the disadvantaged organisations.

AGREED: The Minutes were agreed as an accurate record and adopted on the proposal of Councillor Reilly, seconded by Councillor Hanna, subject to the changes above.

C/7/2016 **MINUTES FROM ENTERPRISE, REGENERATION AND TOURISM COMMITTEE MEETING HELD ON 14 DECEMBER 2015**

Read: Minutes of Enterprise, Regeneration and Tourism Committee Meeting held on 14 December 2015 (Copy circulated).

Works at Newry Town Hall – Phase II

In response to questions from Councillor Ennis, Mr Curtis advised a meeting would be taking place in the next 2 weeks with Gavin McVeigh, Council's Estates Surveyor, regarding the interior, the essential priorities of which would then be discussed with the Director of Economic Regeneration and Tourism. This information would then be circulated to all Councillors.

ERT/156/2015 – Proposed Listings – Events 2016-2017

In response to concerns expressed by Councillor Mulgrew regarding the lack of events throughout the region, Mr Curtis advised a meeting would take place prior to the forthcoming rates meeting to discuss the proposed listings of events for 2016/17.

ERT/145/2015 – Castlewellan Arboretum and Forest Park Heritage Lottery Fund Application

AGREED: It was agreed that nominations to the Board of Castlewellan Arboretum Advisory Board would be discussed at the Party Representatives Forum.

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

COMMITTEE MINUTES FOR CONSIDERATION AND ADOPTION

C/8/2016 MINUTES FROM STRATEGY, POLICY AND RESOURCES COMMITTEE MEETING HELD ON 17 DECEMBER 2015

Read: Minutes of Strategy, Policy and Resources Committee Meeting held on 17 December 2015 (Copy circulated).

SPR/235/2015: St Mary's Primary School

Councillor Devlin questioned when the options paper referred to within the minute would be presented to Council and whether a response had been forthcoming from the Parish regarding the Charity Commission's ruling.

Mr Curtis advised the options paper would be presented in either February or March and there has not been any correspondence received from the Parish to date.

Councillor Devlin asked Mr Lipsett whether there had been £8m set aside within the rates of the legacy Down District Council to build a new leisure centre at Donard Park and why then was the preferred site changed to the St Mary's site.

Mr Lipsett advised the legacy Down District Council identified the building of a new leisure centre in Newcastle as a priority and set aside a notional value of £7m as part of a priority capital project list. The preferred site for the new centre was Donard Park, however this was changed to the St Mary's site due to public opinion.

Members discussed the issue at length with many stating that all Parties should be working together on this issue to ensure a leisure centre was delivered within Newcastle.

SPR/264/2015: Draft Terms of Reference for the Health Forum

Councillor McGrath asked that a Task & Finish Forum also be established to look at the loss of services at the Downe Hospital over the last few years and to work with the local Community Health Forum.

Mr Hannaway advised this matter would be referred to the Party Representative's Forum meeting for discussion on membership.

AGREED: It was agreed that the matter of the membership of the following Task and Finish Forums be referred to the Party Representatives' Forum Meeting:

- a. Continued A&E provision and stroke services at Daisy Hill Hospital
- b. Retention of services at Downe Hospital

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

Councillor Reilly raised a point of order stating that his light had been lit as he wished to speak on the above item, however the Chairperson would not let him do so.

The Chairperson advised that he had already moved onto the next item on the agenda and would not be inviting any further comment on the previous item.

Councillor Reilly continued to ask to be allowed to speak and Councillor McGrath proposed that clarification be given by the Chief Executive as to whether a Councillor can be heard, if their light was on, and if so, he asked that Councillor Reilly be allowed to speak on the matter. This was seconded by Councillor Taylor.

The Chief Executive referred to Standing Order 25 – Members Conduct, 25.2 – Chairperson addressing the meeting and 25.3 – Member not to be heard further and advised that all comments should be addressed through the Chairperson.

C/9/2016 **MINUTES OF ACTIVE AND HEALTHY COMMUNITIES COMMITTEE MEETING HELD ON 21 DECEMBER 2015**

Read: Minutes of Active and Healthy Communities Committee Meeting held 21 December 2015 (Copy circulated).

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

REPORTS FROM OFFICERS

C/10/2016 **FORESHORE AT NEWRY RIVER AND CARLINGFORD LOUGH, MOYGANNON, ROSTREVOR AND BALLINRAN**

Read: Report dated 7 December 2015 from Mr P Green, Legal Advisor regarding Foreshore at Newry River and Carlingford Lough, Moygannon, Rostrevor and Ballinran (Copy circulated).

Mr Curtis advised Council were trying to renew the Head Regulating Foreshore Lease with the Crown Estate Commissioner and the matter had been on-going for some time with the following issues arising:

- a. New access roadway to rear of 2-62 St Mary's Street, Newry – Council to decide whether or not they wish to be responsible for this roadway.
- b. Encroachment by Lord Ballyedmond on foreshore at Ballyedmond, Carlingford Lough – Council to decide if they agree to proposed extraction.
- c. Proposed coastal path at Killowen, Rostrevor – Council to decide if they agree to possible future costs association with amending/having a new lease drawn up to include above works.

Members discussed the issue at length and it was proposed by Councillor Carr, seconded by Councillor McKee that due to the detail involved in the Ballyedmond and Killowen elements of lease, a special DEA meeting of the Mournes and Crotlieve DEAs be scheduled, along with an invitation to any other interested Councillor to meet on site.

In relation to the issue involving St Mary's Street, Newry it was agreed Mr Curtis would arrange for letters to be sent to each of the houses in the immediate area asking for their opinion on the matter.

AGREED: It was agreed that a special DEA Meeting of the Mournes and Crotlieve DEAs, along with any other interested Councillors be arranged on-site to discuss issues arising in relation to the Ballyedmond and Killowen sections of the Foreshore.
It was agreed, in relation to the issue involving St Mary's Street, Newry that letters be sent to each of the houses in the immediate area asking for their opinion on the matter

CORRESPONDENCE

C/11/2016 **CORRESPONDENCE FROM POST OFFICE REGARDING KILCOO POST OFFICE MOVE TO NEW PREMISES AND BRANCH MODERNISATION**

Read: Correspondence received from Post Office regarding Kilcoo Post Office move to new premises and branch modernisation. (copy circulated).

NOTED: The correspondence received from Post Office regarding Kilcoo Post Office move to new premises and branch modernisation was noted.

C/12/2016 **CORRESPONDENCE RECEIVED FROM NORTHERN IRELAND ASSEMBLY REGARDING THE DEPARTMENTS BILL**

Read: Correspondence received from Northern Ireland Assembly regarding the Departments Bill (copy circulated).

NOTED: **The correspondence received from Northern Ireland Assembly regarding the Departments Bill was noted.**

CONSULTATION DOCUMENTS

C/13/2016 **CONSULTATION – USE OF SEAT BELTS BY CHILD PASSENGERS AGED 3-13 ON BUSES AND COACHES**

Read: Consultation document received from Department of the Environment regarding use of seat belts by child passengers aged 3-13 on buses and coaches (copy circulated).

NOTED: **The report on the consultation regarding the use of seat belts by child passengers aged 3-13 on buses and coaches was noted.**

C/14/2016 **CONSULTATION ON NEW REGULATIONS CONCERNING THE CONDUCT OF PASSENGERS AND DRIVERS ON PUBLIC SERVICE VEHICLES**

Read: Consultation document received from Department of the Environment regarding new regulations concerning the conduct of passengers and drivers on public service vehicles (copy circulated)

NOTED: **The report on the consultation regarding new regulations concerning the conduct of passengers and drivers on public service vehicles was noted.**

C/15/2016 **CONSULTATION ON INTERIM STRUCTURE FOR EA SCHOOL DEVELOPMENT SERVICE**

Read: Consultation document received from Education Authority regarding Interim Structure for EA School Development Service (copy circulated).

NOTED: **The consultation regarding the Interim Structure for EA School Development Service was noted.**

C/16/2016

THE TRANSPORT REGULATION UNIT NORTHERN IRELAND – APPLICATIONS AND DECISIONS

Read: Correspondence received from the Transport Regulation Unit Northern Ireland – Applications and Decisions (copy circulated).

NOTED: The correspondence received from the Transport Regulation Unit Northern Ireland – Applications and Decisions was noted.

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

C/17/2016

BALLYNAHINCH ENVIRONMENTAL IMPROVEMENT SCHEME

AGREED: On the proposal of Councillor Donnelly, seconded by Councillor Burns, 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 3 of Part 1 of Schedule 6 of the Local Government Act (Northern Ireland) 2014 – Information relating to the financial or business affairs of any particular person (including the Council holding that information).

Read: Correspondence received from Quigg Golden, Solicitors, dated 17 December 2015 regarding Ballynahinch EI Scheme, Progress on adjudication (copy circulated at meeting).

AGREED: On the proposal of Councillor Connelly, seconded by Councillor Burns, it was agreed the Committee come out of closed session.

The Chief Executive reported that it had been agreed, on the proposal of Councillor Craig, seconded by Councillor Murnin, that Council should accept the legal advice contained within the letter dated 17 December 2015 to proceed to arbitration if mediation failed.

C/18/2016

UPDATE ON ORGANISATIONAL STRUCTURE

AGREED: On the proposal of Councillor Donnelly, seconded by Councillor Burns, 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 4 of Part 1 of Schedule 6 of the Local Government Act (Northern Ireland) 2014 – Information relating to any

consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the Council or a government department and employees of, or office holders under, the Council.

Read: Report from Mrs C Miskelly, Assistant Director, Corporate Services, Human Resources, dated 4 January 2016 regarding continued implementation of organisational design (copy circulated).

AGREED: On the proposal of Councillor Connelly, seconded by Councillor Burns, it was agreed the Committee come out of closed session.

The Chief Executive reported that Council had agreed on the proposal of Councillor Enright, seconded by Councillor Hyland to:

- a. accept the officer's recommendations to proceed with recommendations 2.3, 2.4, 2.9 and 2.15 of report dated 4 January 2016,
- b. officers to bring an options paper back to Council on point 2.17 of report dated 4 January 2016,
- c. note points 2.12 and 2.18 of report dated 4 January 2016.

There being no further business, the meeting concluded at 8.20pm

Signed:

Chairperson

Chief Executive