

NEWRY, MOURNE & DOWN DISTRICT COUNCIL

NMD/C/

Minutes of Council Meeting held on Monday 5 September 2016 at 6pm in the Mourne Room, Downshire Civic Centre, Downpatrick

In the Chair: Councillor G Fitzpatrick

In attendance: (Councillors)

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| Councillor N Bailie | 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 S Doran | 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 J Macauley |
| Councillor K McAteer | Councillor R Mulgrew |
| Councillor M Murnin | Councillor P Ó'Grínbín |
| Councillor B O'Múiri | Councillor H Reilly |
| Councillor G Sharvin | Councillor G Stokes |
| Councillor D Taylor | Councillor JJ Tinnelly |
| Councillor J Trainor | Councillor B Walker |

(Officials)

Mr L Hannaway, Chief Executive
Mr E Curtis, Director of Strategic Planning and Performance
Mrs D Carville, Director of Corporate Services
Mr M Lipsett, Director of Active and Healthy Communities
Mrs M Ward, Director of Enterprise, Regeneration and Tourism
Mr J McBride, Assistant Director, Transformation, Innovation and Performance
Mrs E McParland, Democratic Services Manager
Miss S Taggart, Democratic Services Officer
Mrs C Taylor, Democratic Services Officer

C/154/2016

APOLOGIES AND CHAIRPERSON'S REMARKS

Apologies were received from Councillors Andrews, Curran, Devlin, D McAteer and Quinn.

- The Chairperson offered the Council's condolences to the family

- of Mr Gerard Lively who tragically passed away recently.
- The Chairperson congratulated the organisers of the recent Newry Pride festival which unfortunately was marred by the vicious attack on a group of the organising members. She condemned the attack on behalf of the Council and wished those involved a very speedy recovery.
- The Chairperson congratulated the Director of Enterprise, Regeneration and Tourism and the Council's Events team for the fantastic festivals that were held over the summer.
- The Chairperson extended her congratulations to Kerry O'Flaherty who represented Ireland at the recent Olympic Games in Rio.
- The Chairperson congratulated Sean Ryan from Warrenpoint who at aged 9 had won the Irish Junior Open Series which was Ireland's biggest junior golf tournament.
- The Chairperson also sent her congratulations to Conor Wallace and his coach Owen Murphy who recently assisted Conor McGregor in America.
- Councillor Hyland echoed the Chairperson's comments regarding the Newry Pride attacks and stated the premises used by the organisers had been water damaged and asked whether Council could assist the group in any way. The Chairperson stated she would be meeting with the group to offer her assistance, if possible.

C/155/2016

DECLARATIONS OF INTEREST

The Chief Executive declared an interest in item RTS/119/2016: request from Lislea Community Association on the Regulatory and Technical Services Committee Meeting, declaring that family members were part of the Lislea Community Association.

C/156/2016

ACTION SHEET ARISING FROM COUNCIL MEETING HELD ON 1 AUGUST 2016

Read: Action Sheet from Council Meeting held on 1 August 2016 (copy circulated)

C/152/2016 – Northern Ireland Economic Conference

Councillor Craig proposed that Council put in place a procedure whereby Councillors attending conferences, nominated by the Council, should present a short report at a subsequent Council meeting to brief other Members.

This was seconded by Councillor Taylor.

AGREED:

It was agreed on the proposal of Councillor Craig, seconded by Councillor Taylor that Councillors who were

nominated to attend conferences should present a short report at a subsequent Council meeting to brief other Members.

AGREED: The Action Sheet from Council Meeting held on 1 August 2016 was agreed.

COUNCIL MINUTES FOR ADOPTION AND SIGNING

C/157/2016 MINUTES OF COUNCIL MEETING HELD ON 1 AUGUST 2016

Read: Minutes of Council Meeting held on 1 August 2016 (copy circulated)

C/152/2016 – Sealing Document

Mrs McParland advised the minute needed to be amended to read:
2. Priority Agreement and Financial Contribution with Newry Olympic Hockey Club.

AGREED: The minutes were agreed as an accurate record and adopted on the proposal of Councillor Sharvin, seconded by Councillor Burgess, subject to the above amendment.

C/158/2016 MINUTES OF SPECIAL COUNCIL MEETING HELD ON 22 AUGUST 2016

Read: Minutes of Special Council Meeting held on 22 August 2016 (copy circulated)

The Chief Executive advised a letter had been received from SONI asking that Council write a letter of support for the North South Interconnector project to the Planning Appeals Commission and the Department for Infrastructure.

Councillor W Clarke asked that cognisance be taken of the view of Members that the cabling should be underground as opposed to overhead.

AGREED: It was agreed on the proposal of Councillor Enright, seconded by Councillor Hyland that Council write a letter of support for the North South Interconnector project to the Planning Appeals Commission and the Department for Infrastructure, with the views of Members regarding underground cabling as opposed to overhead being highlighted.

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

COMMITTEE MINUTES FOR CONSIDERATION AND ADOPTION

C/159/2016 MINUTES OF ENTERPRISE, REGENERATION AND TOURISM COMMITTEE MEETING HELD ON 8 AUGUST 2016

Read: Minutes of Enterprise, Regeneration and Tourism Committee Meeting held on 8 August 2016 (copy circulated)

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

C/160/2016 MINUTES OF STRATEGY, POLICY AND RESOURCES COMMITTEE MEETING HELD ON 11 AUGUST 2016

Read: Minutes of Strategy, Policy and Resources Committee Meeting held on 11 August 2016 (copy circulated)

SPR/177/2016 – Saintfield Community Centre Project

Councillor Ruane proposed that the membership of the Development Trust for the Saintfield Community Centre Project be extended to 3 Elected Members to include Sinn Fein as the largest party in Council. This was seconded by Councillor W Clarke.

Councillor Walker stated that Rowallane DEA area issues should be dealt with by Rowallane DEA Councillors and proposed an amendment that, if Sinn Fein were to be allocated a place, all 5 Rowallane Councillors should then subsequently be given a place on the Development Trust. This was seconded by Councillor Hanna.

Mr Curtis urged caution to Members stating a Development Trust would usually be relatively small, made up of 6-8 members and by adding a further 4 Councillors onto the Trust, it could result in an unmanageable 20+ people.

Following the officer's advice, Councillors Walker and Hanna withdrew their amendment stating the minute should remain as it stood with Councillors Andrews and Harvey taking the places on the Development Trust.

Councillor Brown proposed an amendment that all 5 Rowallane Councillors, plus a Sinn Fein Councillor, should sit on the Development Trust.

Councillors Ruane and W Clarke withdrew their motion and Councillor Ruane seconded Councillor Brown's amendment which then became the substantive motion.

The Chairperson put the substantive motion proposed by Councillor Brown and seconded by Councillor Ruane to a recorded vote, the results of which were as follows:

FOR: 20
AGAINST: 16
ABSTENTIONS: 0

The substantive motion was CARRIED.

Copy of recorded vote attached.

Councillor Reilly stated a precedent had been set and given that there was no Unionist representative in the Crotlieve area, did that now mean that Unionists could become part of projects within that area.

Councillor Ruane stated when the Crotlieve DEA was set up, the DEA Officer was instructed to ensure Unionist representation was sought and the first person recruited to the DEA was a representative of the Unionist community.

AGREED: It was agreed on the proposal of Councillor Brown, seconded by Councillor Ruane that all 5 Rowallane Councillors, plus a Sinn Fein Councillor should sit on the Saintfield Community Centre Project Development Trust.

AGREED: The minutes were agreed as an accurate record and adopted on the proposal of Councillor Byrne, seconded by Councillor Burgess, subject to the amendment to Minute SPR/177/2016.

C/161/2016 MINUTES OF ACTIVE AND HEALTHY COMMUNITIES COMMITTEE MEETING HELD ON 15 AUGUST 2016

Read: Minutes of Active and Healthy Communities Committee Meeting held on 15 August 2016 (copy circulated)

Councillor Kimmins advised she had been contacted by Autism families in the area who had been made aware that Lisburn swimming pool had Autism friendly time once or twice a month and asked that officers liaise with officials from Lisburn to find out how this was being operated.

AGREED: It was agreed that officers liaise with officials from Lisburn to investigate how the Autism friendly times within their swimming pool was being operated.

Councillor Casey stated the Respect project in Newry was doing excellent work and asked whether Council could help them with advice etc.

The Chairperson advised she had already agreed to meet with representatives of the Respect project.

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

The Chief Executive left the chamber at this stage, having previously declared an interest – 6.35pm

C/162/2016 MINUTES OF REGULATORY AND TECHNICAL SERVICES COMMITTEE MEETING HELD ON 17 AUGUST 2016

Read: Minutes of Regulatory and Technical Services Committee Meeting held on 17 August 2016 (copy circulated)

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

The Chief Executive returned to the chamber at this stage, following a request from Councillor Burns – 6.37pm

RTS/128/2016 – ARC21 Steering Group Meeting

Councillor Burns queried whether Council would be at risk of any legal action following Newtownabbey Council's decision not to vote on whether to stay in the appeals process.

The Chief Executive advised Council had taken a position on the issue and had followed the process through to completion as advised by the Council's Legal Advisors. He stated he would seek advice on the issue.

FOR DISCUSSION/DECISION

C/163/2016 STATUTORY PERFORMANCE INDICATORS & STANDARDS 2015-16

Read: Report from Mr J McBride, Assistant Director, Transformation, Innovation & Performance dated 5 September 2016 regarding Statutory Performance Indicators & Standards for 2015-16 – Updated Self-Assessment (Copy circulated).

Mr McBride advised the original scorecard was considered by the SPR at its meeting on 11 August 2016 and an updated self-assessment of

Council performance in relation to the Statutory Performance Indicators and Standards for 2015-16 was attached.

AGREED: It was agreed on the proposal of Councillor Craig, seconded by Councillor Murnin to approve the updated self-assessment of Council performance in relation to the Statutory Performance Indicators and Standards for 2015-16, arising from the publication of additional performance information.

CORRESPONDENCE AND CONSULTATION

C/164/2016 **CORRESPONDENCE FROM DEPARTMENT FOR COMMUNITIES REGARDING WIDENING THE DEFINITION OF CARER IN RESPECT OF DEPENDANTS' CARERS' ALLOWANCE**

Read: Correspondence dated 26 August 2016 from Department for Communities stating it was proposed to widen the definition of carer in respect of Dependants' Carers' Allowance to "A carer is defined as a responsible person over 16 years old who does not normally live with the Councillor as part of that household; and is not a parent/guardian of the dependent child." Any views on this revision should be submitted by 13 September 2016. They stated the Department believed this proposed revision supported the policy intent of this allowance, which was to enable participation, in public life; in particular trying to encourage those with caring responsibilities to engage in public service. (copy circulated)

AGREED: It was unanimously agreed to reply stating Council welcomed the proposed change to this allowance and requesting clarification on the proposed date of commencement.

C/165/2016 **CORRESPONDENCE RECEIVED FROM MINISTER FOR HEALTH RE: NOTICE OF MOTION ON MENTAL HEALTH AND WELLBEING**

Read: Correspondence dated 17 August 2016 from Minister for Health regarding Notice of Motion on Mental Health and Wellbeing and advising that one of her key priorities as Minister was mental health. She further advised that an evaluation of the Bamford Action Plan was nearly complete and would be put to the Executive in the autumn, outlining gaps and needs in mental health and informing the way forward. The Minister also advised that the new draft suicide prevention strategy Protect Life 2 was at an advanced stage of development. (copy circulated)

Councillor P Clarke welcomed the response from the Minister and the confirmation that the evaluation of the Bamford Action Plan was nearly completed. He stated he was pleased to hear that a new draft suicide prevention strategy was at an advanced stage. He asked that clarification be sought on a wider Mental Health and Wellbeing Strategy as that was what his initial Notice of Motion was seeking.

The Chairperson informed Members that a Suicide Public Awareness session would be held in the Newcastle Centre on Thursday 8th September 2016.

Councillor Mulgrew advised local young men who were feeling isolated had recently attended a day organised by Council Officer, Aisling Rennick, all of whom had a great day and greatly appreciated this event.

AGREED: **It was agreed that clarification be sought from the Minister regarding a wider Mental Health and Wellbeing Strategy being developed.**

FOR NOTING

C/166/2016 APPOINTMENT OF COUNCILLOR MEMBERS TO THE BOARD OF WARRENPOINT HARBOUR AUTHORITY

Read: Correspondence received from Minister for Infrastructure dated 24 August 2016 stating that following the resignation of one Council member, Councillor Glyn Hanna had been appointed to the Board of Warrenpoint Harbour Authority. Copy circulated).

NOTED: **The correspondence was noted.**

C/167/2016 CORRESPONDENCE FROM NI COURTS AND TRIBUNALS SERVICE RE: SINGLE JURISDICTION IN NORTHERN IRELAND

Read: Correspondence received from NI Courts and Tribunals Service dated 22 August 2016 giving details of new arrangements for the jurisdiction of County Courts and Magistrates Courts and advising of the establishment of three new Administrative Court Divisions. They gave details of the introduction of a Single Jurisdiction and the current consultation on the listing direction to operate within a single jurisdiction. (Copy circulated).

NOTED: **The correspondence was noted.**

SEALING DOCUMENTS

C/168/2016

SEALING DOCUMENTS

AGREED:

It was agreed to sign and seal the following documents on the proposal of Councillor Kimmins, seconded by Councillor Stokes:

1. Lease Agreement - Newry Felons and Barcroft Community Association.
2. Licence Agreement - Newry Mourne and Down District Council to Silvery Light Sailing – lands at Albert Basin, Newry.
3. 9 month Licence Agreement - Newry Coarse Fishing and Angling Club - Albert Basin, Newry
4. Licence Agreement - retrospective approval - Maiden of the Mournes -
5. Release of Deed of Covenant and Charge between Council and Ardglass Golf Club - AD/LEG/100
6. Licence Agreement - use of land at McClelland Park, Newry from 1-3 September 2016 for 'Pride in Newry' event.
7. AD/LEG/209 - Admission of arc21 to the Local Government Pension Scheme NI Guarantee Agreement
8. Licence Agreement - AD/LEG/160 - Council and Libraries NI

NOTICES OF MOTION

C/169/2016

NOTICE OF MOTION RECEIVED FROM COUNCILLOR W CLARKE

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

"We are proud to live in a diverse and tolerant society. Racism, xenophobia and hate crimes have no place in our country. We Newry, Mourne and Down, condemn racism, xenophobia and hate crimes unequivocally. We will not allow hate to become acceptable.

Newry, Mourne and Down will work to ensure local bodies and programmes have support and resources needed to fight and prevent racism and xenophobia.

We reassure all people living in Newry, Mourne and Down that they are valued members of our community."

In proposing the motion, Councillor W Clarke stated that he had been lobbied by Amnesty International, who were campaigning against hate crimes and he hoped to gain all Parties support for the Motion which would become the policy of Council.

Councillor W Clarke said that there had been an increase in racism, xenophobia and hate crimes since the EU Referendum. He said all of the citizens of Newry, Mourne and Down were valued members of the community, and the Motion would send out a message that the Council condemned racism, xenophobia and hate crimes and the District was a tolerant place to live for all citizens. He referred to the many ethnic minority communities and immigrants that contributed so much to the culture and diversity of the District's society including working in all sectors of industry, saying this Motion would show support and solidarity to the communities.

Councillor W Clarke said a clear message should go out that racist attitudes or attacks would not be tolerated in the District and it was also vital that the PSNI, Council, local businesses, statutory stakeholders and the wider community worked together to take a zero tolerance attitude to hate crimes. He finished by paying tribute to the Council officers in Community Relations, the PCSP, voluntary groups and other statutory partners for their work in the area.

Councillor Brown seconded the motion stating a small unrepresentative minority had used the outcome of Brexit and the actions of right wing politicians such as Nigel Farage to legitimise their agenda of hate. He added homophobic attacks had increased by 75% over the past few years.

Councillor Reilly expressed concerns regarding the earlier comments from Councillor Brown about Nigel Farage, saying he did not make racist comments. He also expressed concerns over the protestant minority in the District, saying no one who lived in the District from the protestant community should be denied resources or access to facilities, but that was what was happening. He also said some foreigners coming into the country could be homophobic, racist people with extreme right wing views.

Councillor Hyland disagreed with Councillor Reilly's comments, saying members of the protestant community were treated with the utmost respect.

Councillors Walker, Enright, Taylor, Byrne and Hyland spoke in support of the motion. Councillor Byrne said he took comfort in the words regarding the recent attack in Newry on the LGBT activists and added that many hate crimes went unreported.

AGREED: **It was agreed on the proposal of Councillor W Clark, seconded by Councillor Brown, to adopt the motion that "the Council is proud to live in a diverse and tolerant society. Racism, xenophobia and hate crimes have no place in our country. Councillors in Newry, Mourne and Down,**

condemn racism, xenophobia and hate crimes unequivocally and will not allow hate to become acceptable.

Newry, Mourne and Down will work to ensure local bodies and programmes have support and resources needed to fight and prevent racism and xenophobia.

The Council will reassure all people living in Newry, Mourne and Down that they are valued members of our community.”

C/170/2016

NOTICE OF MOTION RECEIVED FROM COUNCILLOR WALKER

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

"That this Council totally opposes the threatened closure of Ballynahinch & Newcastle Social Security Offices. And calls upon the Minister for Communities to review the proposed closures."

In proposing the motion, Councillor Walker stated he had been contacted by concerned staff in the Ballynahinch Social Security Office about the threatened closure of the Ballynahinch and Newcastle Social Security Offices. Councillor Walker said staff were to be relocated to Downpatrick and Lisburn and claimants would have to travel to these offices which would affect the most vulnerable people in society, many of whom did not drive and could not take the bus to Downpatrick or Lisburn. He proposed that Council write to the Minister for Communities asking him to review the proposed closures.

Councillor Sharvin in seconding the motion asked for an amendment to the motion to include a request to the Minister for no cuts to jobs in the Downpatrick Social Security office.

The proposer agreed to the amendment.

Councillors Hanna, Macauley, W Clarke and P Clarke spoke in support of the motion. Councillor Hanna requested a meeting with the Minister for Communities. Councillor P Clarke said money had been spent on an upgrade to the Newcastle Social Security Offices which should be noted to the Minister.

AGREED: It was agreed on the proposal of Councillor Walker, seconded by Councillor Sharvin that Council write to the Minister for Communities informing him of Council's opposition to the threatened closure of the Ballynahinch

and Newcastle Social Security Offices, asking him to review the proposed closures and requesting an urgent cross party meeting.

C/171/2016 NOTICE OF MOTION RECEIVED FROM COUNCILLOR P CLARKE

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

“That this Council supports the introduction of legislation by the Northern Ireland Assembly to specifically address and give the necessary legal powers and requisites to remove the unauthorised flying and unofficial display of any flags on public street-lighting lamp posts without the authorised permission and/or an approved licence or other forms of protocol established through an application process mechanism approved by the Department of Infrastructure.

Furthermore that this Council also now writes to both the Executive Offices of the First and Deputy First Minister and the Minister for Infrastructure with responsibility for public roads and public street lighting lamp posts to consider the drafting and bringing forward of the necessary legislation required to the floor of the Northern Ireland Assembly in order to tighten up the legal framework and give stronger legislative powers to the Department of Infrastructure to address and remove any flags on public street lighting lamp posts that are deemed unauthorised by the Department of Infrastructure which the current Roads (Northern Ireland) Order 1993 legislation does not provide.”

Councillor Fitzpatrick advised that after discussion with the proposer of the motion, Councillor P Clarke, the motion would be referred to the Equality and Good Relations Reference Group under Standing Order 16.1 (6) for discussion. She added Councillor P Clarke would be invited to the Equality and Good Relations Reference Group and also to Strategy, Policy and Resources Committee to speak about the motion.

Councillor P Clarke said he had reservations about referring the motion to the Reference Group as he would have preferred this to be debated at the Strategy, Policy and Resources Committee, if it was the Chairperson’s decision to refer it from the Council meeting.

Some other Councillors said they concurred with Councillor P Clarke on this.

The Chairperson said she was dealing with the matter in line with Standing Orders and the Chief Executive advised that Councillors

would still have the opportunity to debate the motion at both SPR and full Council, following its initial consideration at the Equality and Good Relations Reference Group.

AGREED: It was agreed on the proposal of Councillor Walker, seconded by Councillor Taylor, that the Notice of Motion received from Councillor P Clarke, be referred to the Equality and Good Relations Reference Group for discussion, with Councillor P Clarke being invited to attend the Reference Group meeting when this matter was being discussed.

There being no further business, the meeting concluded at 7.25pm

Signed:

Chairperson

Chief Executive