

The Minutes of the Council Meeting held on 7 February 2022 were agreed as an accurate record and adopted, on the proposal of Councillor Stokes, seconded by Councillor Burgess subject to the following amendment:

Item C/020/2022: To set a District Rate for the year 2022/23 to read that the rate increase of 1.95% means a non-domestic rate of 24.4633 pence and a domestic rate of 0.4146 pence.

The Minutes were also adopted with the exception of item C/043/2022 Emergency Notice of Motion – Ports due to call in and referral to legal counsel.

NEWRY, MOURNE & DOWN DISTRICT COUNCIL

NMD/C/

Minutes of Council Meeting held on Monday 7 February 2022 at 6.00pm via Hybrid in Downshire Chamber and Microsoft Teams

In the Chair: Councillor C Mason (Chamber)

In attendance in Chamber:

Councillor T Andrews	Councillor P Byrne
Councillor D Curran	Councillor L Devlin
Councillor O Hanlon	Councillor D McAteer
Councillor K McKeivitt	Councillor B Ó Muirí
Councillor M Rice	Councillor M Savage
Councillor J Trainor	Councillor W Walker

In attendance via Teams:

Councillor R Burgess	Councillor C Casey
Councillor W Clarke	Councillor C Enright
Councillor A Finnegan	Councillor H Gallagher
Councillor M Gibbons	Councillor G Hanna
Councillor V Harte	Councillor R Howell
Councillor M Larkin	Councillor A Lewis
Councillor O Magennis	Councillor G Malone
Councillor L McEvoy	Councillor H McKee
Councillor A McMurray	Councillor R Mulgrew
Councillor D Murphy	Councillor G O'Hare
Councillor K Owen	Councillor H Reilly
Councillor M Ruane	Councillor G Sharvin
Councillor G Stokes	Councillor D Taylor
Councillor J Tinnelly	

Officials in attendance in Chamber:

Mrs M Ward, Chief Executive
Mrs D Carville, Director of Corporate Services
Mr G Byrne, Assistant Director of Finance (Acting)
Miss S Taggart, Democratic Services Manager (Acting)
Mrs D Starkey, Democratic Services Officer

Officials in Attendance Via Teams:

Mr C Mallon, Director of Enterprise, Regeneration & Tourism
Mr J McBride, Director of Neighbourhood Services (Acting)
Miss V Keegan, Head of Communications and Marketing
Mrs P McKeever, Democratic Services Officer

Also in attendance Via Teams:

Ms N Largey, Legal Services

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C/017/2022 APOLOGIES AND CHAIRPERSON'S REMARKS

Apologies were received from Councillor Brown and Mr Lipsett, Director of Active & Health Communities.

The Chairperson advised her mental health initiative for February was in relation to mental health and behavioural disorders in young people and children. She talked about her time as Chairperson and having the privilege of meeting groups of people along the way including those supporting families of children who suffer from mental health and behavioural disorders including attention deficit, hyperactivity disorder, autism, anxiety disorders and eating disorders to name but a few.

The Chairperson spoke of how lucky we were to have a number of support services within the District but unfortunately it was a very familiar story with lack of funding, resources and services being stretched to their limits with examples including the ADHD Hub in Newcastle and Downpatrick Autism Support Services. She appealed to Members to lobby the health department on their behalf, meet with groups, raise awareness and do whatever they could to support fundraisers and groups.

C/018/2022 DECLARATIONS OF INTEREST

The Chairperson, Councillors Hanna and Councillor McKeivitt declared an interest in item 27: Emergency Notice of Motion – Ports.

C/019/2022 ACTION SHEET ARISING FROM COUNCIL MEETING HELD ON 10 JANUARY 2022

Read: Action sheet arising from Council Meeting held on 10 January 2022 (copy circulated).

Agreed: **The Action Sheet from Council Meeting held on 10 January 2022 was agreed on the proposal of Councillor Curran, seconded by Councillor Andrews.**

C/020/2022 TO SET A DISTRICT RATE FOR THE FINANCIAL YEAR 2022/23 AS REQUIRED UNDER SECTION 3 OF THE LOCAL GOVERNMENT FINANCE ACT (NI) 2011, AS AMENDED BY THE LOCAL GOVERNMENT (CAPITAL FINANCE AND ACCOUNTING) (CORONAVIRUS) (AMENDMENT) REGULATIONS (NORTHERN IRELAND) 2021

Read: Report from Mr G Byrne, Assistant Director of Finance (acting) dated 7 March 2022, regarding the District Rate 2022/23
Appendix 1: Medium Term Financial Plan
Appendix 2: Capital Strategy Report 2022/23

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Appendix 3: Four Year Capital Programme
Appendix 4: Treasury Management Strategy Statement 2022/23
Appendix 5: Minimum Revenue Provision Statement 2022/23
Appendix 6: Action Sheets of meetings of Strategic Finance Working Group to consider rate setting process 2022/23 (restricted item)

The Chief Executive referred Members to the considerations and recommendations of the report pointing out that detailed estimates had been formulated, presented and scrutinised by Members via the Strategic Finance Working Group Meetings taking into account past out turn, current spending plans and likely future demands and pressures.

Mrs Ward added that she was satisfied that the estimates presented, subject to the significant uncertainties noted within 2.1 of the report, should provide adequate financial resources to support the running costs of the Council for 2022-23.

Mrs Ward confirmed she was content that the current reserves held by the Council were adequate to meet the medium term financial commitments of Newry, Mourne and Down District Council.

Members were referred to the recommendations at 3.1 of the report and asked to approve an increase in the district rate for 2022/23 of 1.95%, based on an estimated penny product of 2,567,939 meaning a non-domestic rate of 24.9209 pence and a domestic rate of 0.4224 pence.

Members in turn took the opportunity to thank officers and the Strategic Finance Working Group for their hard work and diligence throughout the year in striking the rate.

Agreed: **It was agreed on the proposal of Councillor Ó Muirí, seconded by Councillor Walker to approve the considerations and recommendations of the Strategic Finance Working Group in relation to the 2022-23 rate setting process (Appendix 6) and, having regard to the Chief Executive's statement as required by the Local Government Finance Act (NI) 2011 (see 2.1 & 2.2 above):**

- 1. Approve an increase in the district rate for 2022-23 of 1.95% based on an estimated penny product of 2,567,939 meaning a non-domestic rate of 24.9209 pence and a domestic rate of 0.4224 pence;**
- 2. Approve the Medium Term Financial plan and authorise the 2022-23 expenditure included in the estimates (Appendix 1);**
- 3. Approve the Capital Strategy Report for 2022-23 as required by the CIPFA Prudential Code. (Appendix 2);**
- 4. Approve the capital programme (see Appendix 3);**
- 5. Approve the Treasury Management Strategy Statement 2022-23 (Appendix 4);**
- 6. Approve the Minimum Revenue Provision Statement 2022-23 (Appendix 5).**

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- 7. Note the Action Sheets of the Strategic Finance Working Group relating to the rate setting process. (Appendix 6: Restricted item)**

Councillor Rice joined the meeting during discussion for the above item – 6.08pm.

COUNCIL MINUTES FOR ADOPTION AND SIGNING

C/021/2022 MINUTES OF COUNCIL MEETING HELD ON 10 JANUARY 2022

Read: Minutes of Council Meeting held on 10 January 2022 (copy circulated).

Agreed: **The Minutes of the Council Meeting held on 20 January 2022 were agreed as an accurate record and adopted, on the proposal of Councillor Stokes, seconded by Councillor Hanlon.**

COMMITTEE MINUTES FOR CONSIDERATION AND ADOPTION

C/022/2022 MINUTES OF AUDIT COMMITTEE MEETING HELD ON 11 JANUARY 2022

Read: Minutes of Audit Committee Meeting held on 11 January 2022 (copy circulated).

Agreed: **The Minutes of the Audit Committee Meeting held on 11 January 2022 were agreed as an accurate record and adopted, on the proposal of Councillor McAteer, seconded by Councillor Hanlon.**

C/023/2022 MINUTES OF ENTERPRISE, REGENERATION AND TOURISM COMMITTEE MEETING HELD ON 17 JANUARY 2022

Read: Minutes of Enterprise, Regeneration and Tourism Committee Meeting held on 17 January 2022 (copy circulated).

Agreed: **The Minutes of Enterprise, Regeneration and Tourism were agreed as an accurate record and adopted, on the proposal of Councillor Burgess, seconded by Councillor Curran.**

C/024/2022 MINUTES OF STRATEGY, POLICY AND RESOURCES COMMITTEE MEETING HELD ON 20 JANUARY 2022

Read: Minutes of Strategy, Policy and Resources Committee Meeting held on 20 January 2022 (copy circulated).

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Agreed: The Minutes of Strategy, Policy and Resources Committee Meeting held on 20 January 2022 were agreed as an accurate record and adopted, on the proposal of Councillor Byrne, seconded by Councillor Sharvin.

C/025/2022 **MINUTES OF ACTIVE AND HEALTHY COMMUNITIES COMMITTEE MEETING HELD ON 24 JANUARY 2022**

Read: Minutes of Active and Healthy Communities Committee Meeting held on 24 January 2022 (copy circulated).

AHC/021/2022: Leasing of Council Land at Lismore – Expressions of Interest

Councillor Finnegan thanked officers for their work on the matter and asked that a lease be drawn up and sent to Crossmaglen GAC as a matter of urgency for external funding to be progressed. Mrs Ward advised Mr Lipsett would report back to Councillor Finnegan on the matter.

AHC/008/2022 – Outdoor Recreation Northern Ireland – Service Level Agreement

Councillor O'Hare welcomed the pump track in Hilltown and in response to his request for an update regarding consultation for the project Mrs Ward advised Mr Tamati, Assistant Director Leisure and Sport would get back to him directly on the matter.

Agreed: The Minutes of Active and Healthy Communities Committee Meeting held on 24 January 2022 were agreed as an accurate record and adopted, on the proposal of Councillor Finnegan, seconded by Councillor O'Hare subject to a minor amendment in relation to the spelling of Councillor Sharvin's name on page 2.

Councillor Sharvin left the meeting at this point – 6.22pm

C/026/2022 **MINUTES OF SPECIAL ACTIVE AND HEALTHY COMMUNITIES COMMITTEE MEETING HELD ON 13 JANUARY 2022**

Read: Minutes of Special Active and Healthy Communities Committee Meeting held on 13 January 2022 (copy circulated).

Agreed: The Minutes of Special Active and Healthy Communities Committee Meeting held on 13 January 2022 were agreed as an accurate record and adopted, on the proposal of Councillor Ó Muirí, seconded by Councillor Casey subject to removing Councillor Harte from the attendance list.

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C/027/2022 **MINUTES OF NEIGHBOURHOOD SERVICES COMMITTEE MEETING HELD ON 26 JANUARY 2022**

Read: Minutes of Neighbourhood Services Committee Meeting held on 26 January 2022 (copy circulated).

Agreed: **The Minutes of Neighbourhood Services Committee Meeting held on 26 January 2022 were agreed as an accurate record and adopted, on the proposal of Councillor Magennis, seconded by Councillor Andrews.**

C/028/2022 **PLANNING MINUTES**

There were no issues referred from the Planning Committee.

FOR NOTING

C/029/2022 **NORTHERN IRELAND HOUSING COUNCIL MINUTES DECEMBER 2021**

Read: Northern Ireland Housing Council Minutes dated 9 December 2021. (Copy circulated)

Agreed: **The Northern Ireland Housing Council Minutes dated 9 December 2021 were noted on the proposal of Councillor Hanlon, seconded by Councillor Owen.**

C/030/2022 **NORTHERN IRELAND HOUSING COUNCIL BULLETIN – JANUARY 2022**

Read: Bulletin dated January 2022 from Northern Ireland Housing Council. (Copy circulated)

Agreed: **The Northern Ireland Housing Council Bulletin was noted on the proposal of Councillor Hanlon, seconded by Councillor Owen.**

C/031/2022 **APSE MEETING DATES**

Read: APSE Timetable for Association Meetings 2021/22 (Copy circulated)

Councillor Andrews reminded Members he was Deputy Chair for Northern Ireland Region and asked that anyone wishing to attend APSE meetings should contact Democratic Services directly.

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Agreed: It was agreed on the proposal of Councillor Andrews, seconded by Councillor Hanlon to note the dates contained within APSE timetable.

C/032/2021 **NAC MEETING DATES**

Read: National Association of Councillors Annual Events. (Copy circulated)

Councillor Taylor took the opportunity to remind Members that Councillor Burgess was a member of National Association of Councillors.

Agreed: It was agreed on the proposal of Councillor Ó Muirí, seconded by Councillor Andrews for retrospective approval for Councillor Casey to attend National Association of Councillors Executive Meeting in Leeds on 7th February 2022. The upcoming meetings as set out in the report including the NAC Community Empowerment Conference in Glasgow 25th-27th February 2022 were also approved.

C/033/2022 **CORRESPONDENCE RECEIVED FROM THE DEPARTMENT FOR COMMUNITIES REGARDING FUEL POVERTY TASKFORCE REF: NOM - C/243/2021**

Read: Correspondence dated 13 January 2022 regarding Notice of Motion Fuel Poverty Taskforce. (Copy circulated)

Agreed: The correspondence from the Department for Communities regarding the Notice of Motion – Fuel Poverty Taskforce was noted on the proposal of Councillor Ó Muirí, seconded by Councillor Hanlon.

C/034/2022 **CORRESPONDENCE RECEIVED FROM THE DEPARTMENT OF FINANCE REGARDING FUEL POVERTY TASKFORCE REF: NOM – C/243/2021**

Read: Correspondence dated 17 January 2022 regarding Notice of Motion Fuel Poverty Taskforce. (Copy circulated)

Agreed: The correspondence from the Department of Finance regarding Fuel Poverty Taskforce was noted on the proposal of Councillor Ó Muirí, seconded by Councillor Hanlon.

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C/035/2022 CORRESPONDENCE RECEIVED FROM THE DEPARTMENT FOR INFRASTRUCTURE REGARDING ROAD NETWORK REF: NOM – C/244/2021

Read: Correspondence dated 21 January 2022 regarding Notice of Motion Road Network. (Copy circulated)

Agreed: **The correspondence from the Department for Infrastructure regarding Road Network was noted on the proposal of Councillor Ó Muirí, seconded by Councillor Hanlon.**

C/036/2022 CORRESPONDENCE RECEIVED FROM THE DEPARTMENT OF HEALTH REGARDING DENTAL SERVICES DURING COVID 19 PANDEMIC REF: NOM – C/013/2022

Read: Correspondence dated 24 January 2022 regarding Notice of Motion Dental Services during COVID 19 Pandemic. (Copy circulated)

Councillors Finnegan and McKeivitt acknowledged the response from the Minister for Health regarding dental services for expectant and new mothers during the pandemic and hoped that the right decision would be made on the matter.

Agreed: **The correspondence from the Department of Health regarding Dental Services during COVID 19 Pandemic was noted on the proposal of Councillor Ó Muirí, seconded by Councillor Hanlon.**

C/037/2022 CORRESPONDENCE RECEIVED FROM THE DEPARTMENT FOR COMMUNITIES REGARDING HOUSING CRISIS / AIRBNB REF: C/011/2022

Read: Correspondence dated 28 January 2022 regarding the Housing Crisis / AirBnB. (Copy circulated)

Agreed: **The correspondence from the Department for Communities regarding the Housing Crisis / AirBnB was noted on the proposal of Councillor Ó Muirí, seconded by Councillor Hanlon.**

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NOTICES OF MOTION

C/038/2022

NOTICE OF MOTION – PLATINUM JUBILEE

The following Notice of Motion was received from Councillors Taylor.

"To ask Council to establish a funding programme to enable local citizens and community organisations across the District to mark the occasion of the Platinum Jubilee of Her Majesty Queen Elizabeth II."

The Motion was seconded by Councillor Lewis.

Agreed: The Motion was referred to the Equality & Good Relations Forum (Meeting to be held on 18 February 2022) in accordance with Standing Order 16.1.6.

C/039/2022

NOTICE OF MOTION – ONLINE ACCOUNTS

The following Notice of Motion was received from Councillor Walker:

"That this Council write to twitter and other social media platforms calling for improved scrutiny of online accounts. And also write to the Department of Justice Minister to explore a change in the law to ban anonymous accounts."

The Motion was seconded by Councillor Owen.

In proposing the motion Councillor Walker said there had been a serious misuse of social media platforms over a long period of time with many public figures having been targeted, he said the Health Minister Robin Swann had been threatened online and although the abuser had been convicted, he continued to engage in online abuse.

Councillor Walker said public representatives should not be considered fair game when it came to online abuse and such abuse resulted in lives and families being destroyed, highlighting the tragic case of a young boy who had taken his life in Republic of Ireland due to online abuse.

Councillor Walker said Diane Dodds and Sinead Bradley had brought this issue to the Minister for Justice in the Assembly and that the UK government was bringing an Online Safety Bill through parliament. He said, as a Council it was important to put pressure on the powers that be either in Stormont or Westminster to help change the legislation in relation to online abuse.

In seconding the motion, Councillor Owen said she had experienced online abuse as, she believed most of her councillor colleagues had, and she agreed with Councillor Walker that public representatives should not be seen as fair game.

Councillor Andrews said the SDLP grouping fully supported the motion and agreed that social media providers needed to deploy resources to tackle the scourge of online abuse. He called on the Justice Minister, the Home Secretary and the Minister for Justice in Dublin together with other relevant government departments and agencies to work together to bring stringent

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legislation and provide resources to ensure those responsible were held to account and that strict and harsh penalties were implemented.

Councillor Hanlon said the Sinn Féin grouping fully supported the motion and asked that an amendment be made to include writing to the UK Digital, Culture, Media and Sport Committee expressing support for the Online Safety Bill currently going through parliament.

Councillor Walker accepted the amendment.

Councillor McAteer said it could prove very difficult to make a change in the law as the location of a lot of the companies could be hard to pin down.

Councillor Byrne, in acknowledging the online abuse directed at public representatives, asked that people refrained from using sentences such as ‘I can handle the abusive comments’ or ‘I am thick skinned’ saying online abuse was totally unacceptable and people shouldn’t have to ‘handle it’.

Councillor Byrne said it was important to note not all anonymous accounts were bad and it would be wrong to ban them all, more checks were needed to be carried out by the social media providers.

Councillors McMurray, Lewis, Reilly and McKee also expressed their full support for the Motion.

In summing up, Councillor Walker thanked members for their unanimous support and said the Westminster Bill would not tackle anonymous accounts and this factor should be considered when writing to Westminster. Councillor Walker agreed with Councillor Byrne’s comments that those people who used anonymous accounts for good reasons should not be penalised.

Agreed: **It was agreed on the proposal of Councillor Walker, seconded by Councillor Owen that Council write to twitter and other social media platforms calling for improved scrutiny of online accounts.**

It was also agreed that they write to the Department of Justice Minister to explore a change in the law to ban anonymous accounts.

It was further agreed that a letter be sent to the UK Digital, Culture, Media and Sport Committee expressing support for the Online Safety Bill currently going through parliament and highlight the Bill does not deal with anonymous accounts.

C/040/2022

NOTICE OF MOTION – FEMALE SELF DEFENCE

The following Notice of Motion was received from Councillor Malone:

“After the shocking murder of Ashling Murphy in Tullamore I am requesting that Newry Mourne and Down District Council organise and advertise Female Self Defence Courses in all local Leisure Centres, Community facilities etc to increase the confidence of our

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local female population. These courses could provide much needed expertise to females, which they can utilise to maybe save their or other individuals lives if they find themselves in difficult situations.”

The Motion was seconded by Councillor Gibbons.

Agreed: The Motion was referred to Active and Healthy Communities Committee in accordance with Standing Order 16.1.6.

C/041/2022

NOTICE OF MOTION – ANIMAL WELFARE

The following Notice of Motion was received from Councillor Brown and presented by Councillor McMurray.

“This Council notes the increasing and worrying prevalence of puppy farming and pet abandonment in recent years, and the high levels of public interest in addressing this and all instances of animal cruelty. Recognising council’s responsibility for animal welfare and the importance of inter-agency and partnership working to address this issue, council will establish an Animal Welfare Forum. This Forum will meet regularly (at least quarterly) and provide strategic direction and oversight to officers involved in animal welfare, reporting back to the AHC committee. It will also seek representation from elected members, dog wardens, kennelling providers, DAERA, animal shelters, charities and the PSNI.”

The Motion was seconded by Councillor Owen.

Agreed: The Motion was referred to Enterprise, Regeneration and Tourism Committee in accordance with Standing Order 16.1.6.

The Chairperson advised Members that Councillor Mulgrew wished to bring forward an Emergency Notice of Motion, and in order to do so, it would be necessary to suspend Standing Orders, for which a qualified majority vote was required (80% of Members present and voting).

The Chairperson put the matter to a recorded vote, the results of which were as follows:

FOR:	38
AGAINST:	1
ABSENTIONS:	0

It was agreed by qualified majority vote to suspend Standing Orders 16.1. (copy attached, appendix 1)

AGREED: It was agreed that Standing Orders be suspended in order to allow the emergency Notice of Motion received

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from Councillor Mulgrew.

C/042/2022

EMERGENCY NOTICE OF MOTION – EMERGENCY SURGERY PROVISION AT DAISY HILL

The following Notice of Motion was received from Councillor Mulgrew:

“This Council expresses its complete opposition to the Southern Trust’s decision to temporarily remove Emergency Surgery provision at Daisy Hill Hospital. We call on that decision to be reversed and efforts redoubled to guarantee continued and improved service provision for people in this district. We further call on all parties to support the proposed 2022-25 Budget which will see huge increases in health spending across the north. We ask that this motion be forwarded to the Southern Trust and the Health Minister.”

The Motion was seconded by Councillor Rice.

In proposing the Motion, Councillor Mulgrew acknowledged that a number of meetings had recently taken place with Shane Devlin, CEO, Southern Health and Social Care Trust at both council and party level.

Councillor Mulgrew said the news of the suspension of emergency surgery at Daisy Hill Hospital had come a shock as it was understood a meeting to discuss the expansion of theatre services was being organised and suggested the Trust and Pathfinders explored a way to communicate issues with the community.

Councillor Mulgrew said the Trust claimed the decision would affect 5/6 patients daily, resulting in those patients having to be transferred to Craigavon Area Hospital by ambulance, thereby taking much needed ambulances out of circulation. She asked that Council contact the Ambulance Service to ascertain what communication had taken place between them and the Trust and what assurances they could give the people of the community there would be adequate ambulance cover to make up the shortfall brought about the ambulances being used to transport emergency surgery patients from Daisy Hill to Craigavon Area Hospital.

Councillor Mulgrew said a consultation on theatre services was to take place after the election and it was key that resources in Daisy Hill Hospital were fully utilised in order to tackle the ever-increasing waiting lists. Additionally, Councillor Mulgrew said all consultants should be Trust based as opposed to hospital based.

Councillor Mulgrew said there was frustration in the community in the fact that the Assembly had not yet agreed the 3 year budget which would have seen £21b spent on tackling waiting lists, dealing with COVID related stresses and very importantly paying staff appropriately.

In conclusion, Councillor Mulgrew asked that it be put on record her enormous gratitude to the NHS for all their hard work and dedication over the years, often in very difficult circumstances. In seconding the Motion, Councillor Rice said there would always be a demand for a hospital at Daisy Hill and significant steps would need to be taken to protect the hospital and rural services.

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Councillor Rice said it was imperative the emergency surgery provision be reinstated immediately.

Councillor Hanna said whilst he agreed Daisy Hill Hospital needed to be retained and improved upon, he could not agree with the second paragraph of the Motion that referred to the 2022-2025 budget as, he said the budget had not been finalised and he proposed the Motion be amended to remove the paragraph.

Councillor Walker seconded the amendment.

Councillor Mulgrew did not accept the amendment to the proposal.

Councillor Taylor expressed support for the Motion and said Daisy Hill Hospital was a first-class facility that offered a vital service to the whole district and it was important to keep the pressure on to ensure long terms sustainability of services were secured. He said the 3 year budget plan as outlined was not feasible now and it would more likely be a one year plan.

Councillor Savage said given the removal of the First Minister at Stormont, the reality of a 3 year budget would not be agreed and put to the Assembly in the current parliamentary term. He stated efforts should be channelled into getting that budget to approval stage and with the location of Daisy Hill Hospital being on the border of the South East corner of Northern Ireland it underpinned the need for health care provision to be looked at strategically and cross border cooperation was needed for any future planning of Daisy Hill.

Councillor Savage said cross border health cooperation did not threaten anyone's identity, but it could potentially save lives. He said various cross border funding schemes were available and it was important to work together for the people of the District.

Councillor Savage asked that the Notice of Motion be amended to read:

“This Council expresses its complete opposition to the Southern Trust's decision to temporarily remove Emergency Surgery provision at Daisy Hill Hospital. We call on that decision to be reversed and efforts redoubled to guarantee continued and improved service provision for people in this district. Council calls for part of any future increased health budget to be ringfenced for:

1. Unprecedented international procurement efforts to fill the complete complement of surgical expertise
2. The exploration and delivery of cross border health solutions where an enhanced and expanded Daisy Hill would serve Co. Monaghan and Co. Louth as well as Newry, South Down and South Armagh

And further calls for an urgent meeting between Council, the new CEO of the Southern Trust and the Chief Executive of the N. Ireland Ambulance Service to discuss the proposed temporary removal of emergency surgery at Daisy Hill Hospital.”

Councillor McKeivitt seconded the amendment to the Notice of Motion stating the urgent meeting was necessary to get answers to the questions that had been asked at the recent meeting with the Trust.

Councillor Reilly said he would not be supporting the Motion and he considered, following the meeting with the Trust it was a temporary measure that had patient safety at its core.

The Minutes of the Council Meeting held on 7 February 2022 were agreed as an accurate record and adopted, on the proposal of Councillor Stokes, seconded by Councillor Burgess subject to the following amendment:

Item C/020/2022: To set a District Rate for the year 2022/23 to read that the rate increase of 1.95% means a non-domestic rate of 24.4633 pence and a domestic rate of 0.4146 pence.

The Minutes were also adopted with the exception of item C/043/2022 Emergency Notice of Motion – Ports due to call in and referral to legal counsel.

Councillor Malone said the proposed temporary removal of emergency surgery at Daisy Hill Hospital was very worrying, coupled with the announcement from the Trust there was to be a consultation on theatre services after the election and said a coordinated plan was needed to prevent further reduction of medical services at Daisy Hill Hospital.

Councillor Enright said a 3 year health budget was critical and pointed out the population in the greater Newry area was similar to the greater Craigavon area but there were no temporary cuts in medical services in Craigavon.

Councillor McKee said the lack of surgeons was very worrying and there needed to be incentives to bring surgeons to the district.

A ten minute recess took place to allow Members to consider the proposed amendments to the Notice of Motion.

The meeting did then adjourn – 7.41pm

The meeting did then resume – 7.53pm

Following the recess, a vote was taken on Councillor Hanna's proposed amendment to remove the second paragraph of the Motion that referred to the 2022 – 25 budget, the results of which were as follows:

FOR:	6
AGAINST:	29
ABSTENTIONS:	4

The proposal was lost.

Councillor Mulgrew said she accepted Councillor Savage's amendment but wanted it added on to her entire Notice of Motion and asked it be read out. Ms Ward read out the amended Notice of Motion.

Councillor McKee said Daisy Hill Hospital was part of the National Health Service and did not include East Monaghan or North Louth and by proposing to include cross border areas would only put more pressure on the already struggling health service.

Councillor Taylor said it was important to note that whilst he was fully behind securing the future of Daisy Hill, he could not agree to the amendment, saying there were too many issues and practicalities to consider regarding the inclusion of East Monaghan and North Louth and he considered the real area of concern, which was the reduction of services in Daisy Hill was being diluted.

The proposed amendment was put to a vote, the results of which were as follows:

FOR:	30
AGAINST:	5
ABSTENTIONS	4

The Minutes of the Council Meeting held on 7 February 2022 were agreed as an accurate record and adopted, on the proposal of Councillor Stokes, seconded by Councillor Burgess subject to the following amendment:

Item C/020/2022: To set a District Rate for the year 2022/23 to read that the rate increase of 1.95% means a non-domestic rate of 24.4633 pence and a domestic rate of 0.4146 pence.

The Minutes were also adopted with the exception of item C/043/2022 Emergency Notice of Motion – Ports due to call in and referral to legal counsel.

The proposal was carried.

AGREED: It was agreed on the proposal of Councillor Mulgrew, seconded by Councillor Rice that Council expresses its complete opposition to the Southern Trust’s decision to temporarily remove Emergency Surgery provision at Daisy Hill Hospital and call on that decision to be reversed and efforts redoubled to guarantee continued and improved service provision for people in this district.

It was also agreed to call on all parties to support the proposed 2022-25 Budget which will see huge increases in health spending across the north.

It was further agreed that this motion be forwarded to the Southern Trust and the Health Minister and that part of any future increased health budget be ringfenced for (i) Unprecedented / international procurement efforts to fill the complete complement of surgical expertise (ii) the exploration and delivery of cross-border health solutions where an enhanced and expanded Daisy Hill would serve East Monaghan and North Louth as well as Newry, South Armagh and South Down.

It was additionally agreed that an urgent meeting between Council and the new Chief Executive of the Southern Trust and the Chief Executive of the NI Ambulance Service to discuss the proposed temporary removal of emergency surgery at Daisy Hill Hospital.”

The Chairperson and Councillors Hanna and McKeivitt left the meeting at this point having declared an interest in item 27 Emergency Notice of Motion – Ports.

In the absence of the Chairperson, Deputy Chairperson Councillor Magennis assumed the Chair.

The Chairperson advised Members that Councillor Ó Muirí wished to bring forward the following Emergency Notice of Motion, and in order to do so, it would be necessary to suspend Standing Orders, for which a qualified majority vote was required (80% of Members present and voting).

The Chairperson put the matter to a recorded vote, the results of which were as follows:

FOR:	29
AGAINST:	7
ABSENTIONS:	0

It was agreed by qualified majority vote to suspend Standing Orders 16.1. (copy attached, appendix 2)

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Item C/020/2022: To set a District Rate for the year 2022/23 to read that the rate increase of 1.95% means a non-domestic rate of 24.4633 pence and a domestic rate of 0.4146 pence.

The Minutes were also adopted with the exception of item C/043/2022 Emergency Notice of Motion – Ports due to call in and referral to legal counsel.

AGREED: It was agreed that Standing Orders be suspended in order to allow the emergency Notice of Motion received from Councillor Ó Muirí.

C/043/2022

EMERGENCY NOTICE OF MOTION – PORTS

The following Notice of Motion was received from Councillor Ó Muirí:

“This Council wishes to place on record it’s concern with the actions of Minister Poots relating to the withdrawal of checks required for the implementation of the Protocol and his failure to comply with an International Treaty and legal obligations negotiated by the British Government with the EU.

The Council further notes with concern that this is likely to impact its ability to meet the legal obligations for which it is responsible, relating to inspections at the Port.

This Council joins with Belfast City council in initiating legal proceedings to compel the Minister and the British Government to comply with Protocol requirements, subject to any current derogations in the grace period.”

The Motion was seconded by Councillor Murphy.

In presenting the motion, Councillor Ó Muirí stated the protocol was an international binding agreement essential to protect businesses and their workers from the worst impact of the hard DUP and Tory Brexit. He added the Executive had a legal obligation to comply with the commitments set out in the international agreement and the protocol and those commitments included the checks on goods at ports.

Councillor Ó Muirí commented that Minister Poots had made this clear in the Assembly last year and despite that, he had engaged in a reckless and cynical electioneering stunt ordering workers to stop checks at ports, which was in contravention of domestic and international law.

Councillor Ó Muirí continued that the Courts had now so far overruled Mr Poots which would come as a relief to public service workers who had legal clarity when political pressure was being brought on them to breach the law. He went on to say that they stood with Councillors of Belfast City Council who had initiated legal proceedings to compel the Minister and the British Government to comply with protocol requirements and hoped that many Members would join him in supporting that call.

In supporting the motion Councillor McAteer asked what, if any, costs would be possibly attributed to Council in instigating the legal proceedings.

Ms Largey, Legal Advisor provided an update in that Belfast City Council had at a Special Council Meeting resolved to take legal proceedings against the Minister in respect of his decision. Legal proceedings had not actually been issued as yet but her understanding of the Notice of Motion before Newry, Mourne and Down Council related to joining those proceedings that would be issued by Belfast City Council.

She added Newry, Mourne and Down would be joining those proceedings in a supporting role known as a notice party which related to someone who was involved in proceedings but did not have direct responsibility for the running of the case. She added that would be between the applicant (Belfast City Council) and the respondent (Minister Poots) and there may be a cost to

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The Minutes were also adopted with the exception of item C/043/2022 Emergency Notice of Motion – Ports due to call in and referral to legal counsel.

Council for being a notice party, but the bulk of the costs would be between the applicant and the respondent.

Councillor Owen spoke at length of the DUP's opposition to the motion and opposition to an Irish Sea border and placing of regulatory checks within the internal market of the UK and impeding free flow of goods between Northern Ireland and the rest of the UK. She stated the NI protocol and Irish Sea Border were having a severe impact on the NI economy currently costing £2.5million and that impact would increase. She spoke at length about how the implementation of the protocol was in direct contravention of the New Decade: New Approach agreement.

Councillor Taylor spoke in opposition to the motion on behalf of the UUP. He stated it was very clear the protocol and various mechanisms associated with that including checks at ports were having a detrimental impact on businesses daily in Northern Ireland. Councillor Taylor spoke at length about the madness of checking goods in an internal market of the UK and disregard for unionist concerns of the impact the protocol had for everybody. The UUP want the protocol removed and want it removed immediately and the motion would not do that therefore he would not be supporting it.

Councillor Reilly stated he would be voting against the motion and spoke at length about the need for sensible arrangements to be in place and that he believed the Department for Agriculture for Northern Ireland was to blame in that they interpreted the protocol in the most harshest form.

Councillor Walker concurred with Councillors Owen, Taylor and Reilly in opposition to the motion and spoke of how the Irish Sea border had caused instability.

Councillor McKee spoke of the impact the border in the Irish Sea was having and advised there would be no support for the motion from the TUV.

Councillor Lewis stated it was obvious there was electioneering going on and spoke of how political party's should be doing what is best for trade in Northern Ireland.

Councillor McMurray spoke at length of DUPs decisions having a detrimental effect to Northern Ireland.

Councillor Byrne wished to clarify the group Border Communities Against Brexit was not a political group and referred to comments about electioneering and stated the motion would not be before Council if the Minister had not done a solo run which was in the interest of the party and not the people.

The motion was put to a vote, the results of which were as follows:

FOR:	29
AGAINST:	7
ABSTENTIONS	0

The motion was carried.

The Minutes of the Council Meeting held on 7 February 2022 were agreed as an accurate record and adopted, on the proposal of Councillor Stokes, seconded by Councillor Burgess subject to the following amendment:

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The Minutes were also adopted with the exception of item C/043/2022 Emergency Notice of Motion – Ports due to call in and referral to legal counsel.

In summing up Councillor Ó Muirí thanked Members for their comments and wished to reassure Councillor McAteer that his party had spoken with Belfast City Council Councillors and legal representatives beforehand and that it would be for them to take the legal action.

Councillor Ó Muirí stated he respected for DUP, UUP and TUV views on the matter. He also made reference to Councillor Lewis's comment on electioneering and stated that he did not go looking for the motion and that it had happened.

Councillor Reilly enquired about call-in as he believed the motion to be political and that any legal representation should be provided outside of Belfast City Council.

The Chief Executive advised call-in procedure required 15% of Members of Council and advised a copy of the appropriate standing orders would be forwarded to him for his information.

Ms Largey pointed out that she was not involved in any discussions with Belfast City Council in respect of the decision today or involved in any discussions with Sinn Fein Councillors or anyone else who voted in favour of the proposal in Belfast City Council or in Newry, Mourne and Down Council. She further added that her role was to advise Newry, Mourne and Down District Council in respect of this Notice of Motion.

Agreed: **It was agreed on the proposal of Councillor Ó Muirí, seconded by Councillor Murphy that Council placed on record it's concern with the actions of Minister Poots relating to the withdrawal of checks required for the implementation of the Protocol and his failure to comply with an International Treaty and legal obligations negotiated by the British Government with the EU.**

It was also agreed that Council notes with concern that this is likely to impact its ability to meet the legal obligations for which it is responsible, relating to inspections at the Port. It was further agreed that Council joins with Belfast City Council in initiating legal proceedings to compel the Minister and the British Government to comply with Protocol requirements, subject to any current derogations in the grace period."

There being no further business, the meeting concluded at 8.56pm.

For confirmation at the Council Meeting to be held on Monday 7 March 2022.

Signed:

Chairperson

Chief Executive