

NEWRY, MOURNE & DOWN DISTRICT COUNCIL

NMD/C/

**Minutes of Council Meeting held on Monday 9 January 2017 at 6pm in the
Mourne Room, Downshire Civic Centre, Downpatrick**

In the Chair: Councillor G Fitzpatrick

In attendance: (Councillors)

Councillor P Brown	Councillor R Burgess
Councillor S Burns	Councillor P Byrne
Councillor M Carr	Councillor W Clarke
Councillor G Craig	Councillor D Curran
Councillor S Doran	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 D McAteer
Councillor A McMurray	Councillor M Murnin
Councillor B Quinn	Councillor H Reilly
Councillor M Ruane	Councillor G Stokes
Councillor D Taylor	Councillor JJ Tinnelly
Councillor J Trainor	Councillor B Walker

(Officials)

Mr L Hannaway, Chief Executive
Mrs D Carville, Director of Corporate Services
Mr E Curtis, Director of Strategic Planning and Policy
Mr M Lipsett, Director of Active and Healthy Communities
Mr C O'Rourke, Director of Regulatory and Technical Services
Mrs M Ward, Director of Enterprise, Regeneration and Tourism
Mrs C Miskelly, Assistant Director, Human Resources
Mrs E McParland, Democratic Services Manager
Mrs C Taylor, Democratic Services Officer
Ms L Dillon, Democratic Services Officer

C/001/2017

APOLOGIES AND CHAIRPERSON'S REMARKS

Apologies were received from Councillor Devlin, Councillor Bailie, Councillor Sharvin, Councillor Casey, Councillors Andrews, Councillor K McAteer, Councillor Ennis, Councillor O'Muire and Councillor Mulgrew.

The Chairperson said that since the last Council Meeting, Councillor Naomi Bailie had been taken very ill. She said she had been in contact with Naomi who had undergone several surgeries and she asked that everyone keep Naomi in their prayers.

C/002/2017 DECLARATIONS OF INTEREST

Councillor McMurray declared an interest in item No. 17 on the agenda – “Notice of Motion received from Councillors Brown and Tinnelly regarding the proposed closure of 3 outdoor education Centres in the District”. He advised he was an employee at one of the Centres.

Councillor Brown advised he would no longer be proposing this Motion as the matter could be discussed arising from the Active and Healthy Committee minutes.

COUNCIL MINUTES FOR ADOPTION AND SIGNING

C/003/2017 MINUTES OF COUNCIL MEETING HELD ON 5 DECEMBER 2016

Read: Minutes of Council Meeting held on 5 December 2016 (copy circulated)

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

C/004/2017 ACTION SHEET ARISING FROM COUNCIL MEETING HELD ON 5 DECEMBER 2016

Read: Action Sheet from Council Meeting held on 5 December 2016 (copy circulated)

AGREED: **The Action Sheet from Council Meeting held on 5 December 2016 was agreed, subject to the action on C/221/2016 – Community Access to Dan Rice Hall being changed from “completed” to “on-going” (at the request of Councillor Murnin).**

COMMITTEE MINUTES FOR CONSIDERATION AND ADOPTION

C/005/2017 MINUTES OF ENTERPRISE, REGENERATION AND TOURISM COMMITTEE MEETING HELD ON 12 DECEMBER 2016

Read: Minutes of Enterprise, Regeneration and Tourism Committee Meeting held on 12 December 2016 (copy circulated)

ERT/196/2016 – Tourism Strategy 2017 - 2021

Councillor Curran referred to the Tourism Strategy 2017-2021 and said whilst he fully supported the Strategy he felt it was necessary to meet with the Consultants. He said he had made this request at the Enterprise Regeneration & Tourism Committee Meeting on Monday 12 December but this had not been included in the minutes of the meeting.

Councillor Burgess said he supported Councillor Curran's request to meet with the Consultants regarding the Tourism Strategy.

Councillor Hanna said he supported the Strategy but wanted to highlight the fact that the Mourne and Ballynahinch areas, which were mainly Unionist areas, had not been targeted within the Strategy.

With regard to cultural tourism attractions, Councillor Hanna stated that events held by the Orange Order which attracted huge numbers of people into the District, should have more prominence within the Strategy and that Ulster Scots heritage also needed to be incorporated into the Strategy.

Councillor Reilly and Councillor Walker concurred with the comments made by Councillor Hanna regarding more recognition being given within the Tourism Strategy for cultural events and Ulster Scots heritage.

Councillor Walker asked that reference needed to be made to culture and heritage in the Saintfield, Killyleagh and Ballynahinch areas.

Ms Ward said recognising culture and heritage in the Mourne was a key strand within the Strategy and although specific areas were not mentioned in the document, further detail would be brought forward by way of the Action Plan. She assured Members that no areas were being ignored and the Council was engaging with the industry in order to bring to life the District's culture and heritage.

Councillor McAteer referred to the development and promotion of Carlingford Lough on a joint basis with Louth County Council and said this should have more prominence with the Tourism Strategy.

Councillor W Clarke said the Tourism Strategy was a strategic document and he paid tribute to all involved in developing the document. He stressed the importance of working with businesses in order to bring in overseas visitors. He referred to the rich coastal heritage and to activity tourism opportunities which existed in the District, and said it was important these aspects were incorporated going forward.

AGREED: On the proposal of Councillor Curran seconded by Councillor Burgess it was agreed to arrange a meeting between Councillor Curran and the Consultants engaged on the development of the Councils Tourism Strategy.

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

C/006/2017 **MINUTES OF STRATEGY, POLICY AND RESOURCES COMMITTEE MEETING HELD ON 15 DECEMBER 2016**

Read: Minutes of Strategy, Policy and Resources Committee Meeting held on 15 December 2016, including an up-dated draft response to Consultation on the future delivery of Electoral Services in Northern Ireland. (copy circulated)

SPR/282/2016 – Correspondence from the Department for Communities re: Regeneration Bill

Councillor Taylor said it had been agreed at the SPR Meeting that Council write to the Minister for Communities asking him to reconsider the decision not to progress the Regeneration Bill. However he said it would also be beneficial for the Council to request a meeting with officials from the Department for Communities to discuss the Regeneration Bill.

AGREED: It was unanimously agreed, on the proposal of Councillor Taylor, seconded by Councillor Brown, that the Council also request a meeting with officials from the Department for Communities to discuss the Regeneration Bill.

AGREED: The Minutes were agreed as an accurate record, subject to an apology being recorded for Councillor Murnin and adopted on the proposal of Councillor McAteer, seconded by Councillor Ruane.

C/007/2017 **MINUTES OF ACTIVE AND HEALTHY COMMUNITIES COMMITTEE MEETING HELD ON 19 DECEMBER 2016**

Read: Minutes of Active and Healthy Communities Committee Meeting held on 19 December 2016 (copy circulated)

AHC/174/2016 – Education Authority Review of Residential and Outdoor Centres

Councillor Brown referred to the decision taken at the AHC Meeting that a letter be sent to the Minister asking for a halt of the consultation on review of residential and outdoor centres until such times as the full review could be carried out, and that an urgent meeting be sought with the Minister in relation to the matter.

Councillor Brown said he would also like the Council to seek an urgent meeting with officials from the Education Authority and on this basis he would withdraw the Motion he had submitted, together with Councillor Tinnelly - agenda item 17.

AGREED: It was unanimously agreed on the proposal of Councillor Brown, seconded by Councillor Tinnelly that the Council also seek an urgent meeting with officials from the Education Authority regarding the Review of Residential and Outdoor Centres.

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

C/008/2017 **MINUTES OF AUDIT COMMITTEE MEETING HELD ON 8 DECEMBER 2016**

Read: Minutes of Audit Committee Meeting held on 8 December 2016 (copy circulated)

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

FOR DISCUSSION/DECISION

C/009/2017 **COUNCIL'S STANDING ORDERS**

Read: Amended Standing Orders presented to Council in accordance with Council's Standing Order 27.2 (copy circulated).

AGREED: It was agreed on the proposal of Councillor Ruane, seconded by Councillor Curran to approve and adopt the amended Standing Orders as presented.

AGREED: At the request of Councillor Reilly it was agreed that he be provided with a tracked copy which showed the changes in comparison to the previous Standing Orders.

AGREED: At the request of Councillor Craig it was agreed that officials check with the Council's Legal Advisors that the clause in relation to Liquidation Damage Claims was meaningful and enforceable.

CONSULTATION DOCUMENTS

C/010/2017 **REVIEW OF THE NORTHERN IRELAND LOCAL GOVERNMENT CODE OF CONDUCT FOR COUNCILLORS**

Read: Department for Communities Review of the Northern Ireland Local Government Code of Conduct for Councillors Public Consultation December 2016. (copy circulated).

AGREED: It was unanimously agreed not to make a corporate response on behalf of the Council as it was considered that this was a matter for consideration and response by Political Parties, the NAC and NILGA.

C/011/2017 **HEALTH AND SOCIAL CARE TRANSFORMATION – CONSULTATION ON CRITERIA FOR RECONFIGURING HEALTH AND SOCIAL CARE SERVICES**

Read: Report dated 9 January 2017 from Ms A Rennick, Investing for Health Officer, regarding Consultation on Criteria for Reconfiguring Health and Social Care Services and seeking approval for the draft response and the inclusion of the issues raised by both Downe and Daisy Hill Health Fora as an appendix to the Consultation Response Questionnaire. (Copy circulated).

Councillor Enright said he felt there should be two separate responses submitted by the Council on the issues which were raised in relation to the South Eastern Trust and the Southern Health and Social Services Trust. He said there were a series of different issues raised in relation to the Downe Hospital and Daisy Hill Hospital.

Councillor Reilly supported Councillor Enright's comments and Councillor Hanna said the Mourne area was unique from other areas as it took in both Trust areas.

Councillors D McAteer, Burns, Craig, Trainor and Hyland said the Council should respond as a Corporate Body and the draft response, together with the appendix summary, incorporated all the issues raised.

Councillor McAteer proposed and Councillor Hearty seconded that the Council approve the draft response as circulated and that a summary of the issues raised by both Downe and Daisy Hill Health Fora be attached as an appendix to the response.

The motion was put to a vote and voting was as follows:-

FOR: 29
AGAINST: 1
ABSTENTIONS: Nil

The motion was declared carried.

AGREED: It was agreed to approve the draft response on Criteria for Reconfiguring Health and Social Care Services and to include a summary of the issues raised by both Downe and Daisy Hill Health Fora as an appendix to the Consultation Response Questionnaire.

C/012/2017 **PHA DRAFT CORPORATE PLAN 2017-2021 –
ENGAGEMENT WORKSHOPS**

Read: Details from the Public Health Agency on interactive workshops on the Public Health Agency Corporate Plan 2017-2021 to be held on Tuesday 24 January in Derry/Londonderry or 27 January 2017 in Newtownabbey. (copy circulated).

AGREED: **It was agreed to note the above correspondence.**

CONFERENCES/EVENTS

C/013/2017 **PLANNING REFORM IN NORTHERN IRELAND:
PROGRESS, ECONOMIC DEVELOPMENT AND FORWARD
STRATEGY**

Read: Details from Policy Forum for Northern Ireland on the above Conference to be held on Thursday 23 March 2017 at a cost of £210 plus VAT. (details circulated).

AGREED: **It was agreed on the proposal of Councillor W Clarke, seconded by Councillor K McAteer, to obtain a copy of the briefing document from the Conference at a cost of £95 plus VAT.**

SEALING DOCUMENTS

C/014/2017 **SEALING DOCUMENTS**

AGREED: **It was agreed to sign and seal the following documents on the proposal of Councillor Doran, seconded by Councillor Macauley:**

1. Licence Agreement – Shimna Road Car Park, Newcastle.

Councillor Burgess left the meeting – 7.00 pm.

NOTICES OF MOTION

C/015/2017 **NOTICE OF MOTION RECEIVED FROM COUNCILLOR
ENRIGHT**

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

"Council notes that Councillors have never voted for the unofficial policy currently holding sway in Newry Mourne and

Down Council on not using the word 'Christmas' ('Nollaig' in Gaelic).

Similarly Councillors have not authorised the use of 'Kris Cringle' As a replacement for 'Saint or Santa Claus' or its Gaelic version of Daddaí na Nollag'. Council notes that Down Councillors repeated voiced complaints that Council staff were using Kris Kringle rather than the English or Gaelic versions and that this practice has now spread into the new council.

Council notes there are no section 75 reasons that require discontinuing traditional names or mis-naming of traditional festivals on the basis they have the word 'Christ' or 'Saint' in their names.

Council therefore directs management to cease politically correct banalities like 'seasonal reception' or 'Kris Kringle', 'Winterval' or 'season's greetings' or 'happy holidays' in Council business and events for Christmas or involving Santa Claus and bring forward a section 75 consultation on how we can properly recognise Christmas and all the traditional elements of this celebration."

In proposing the motion, Councillor Enright stated that Newry Mourne and Down District Council had developed a good reputation for looking after minorities, supporting the celebration of religious festivals and doing many good things in recognising diversity. Although, over the last year, he had noted with concern an unofficial policy regarding the non-use of the word Christmas.

Councillor Enright said he had been in contact with the Equality Commission, who had confirmed that there were no Section 75 issues with the use of "Christmas", "Happy Christmas", "Christmas Party" or "Christmas Celebration", and the Equality Commission had also been clear that there was no requirement to have "Season Receptions or Seasons Greetings" used as an alternative.

Councillor Enright went on to say that the Equality Commission had advised that if there was no official policy, there could be an unofficial policy, in which case Council would be required under law to bring forward a Section 75 report to Council and that Council's Equality Officer had confirmed that there was no official policy in this regard.

Councillor Harvey seconded the motion saying it was good that action was being taken on this issue. He said it would be interesting to know if the Christmas story was being diluted because of people not using the familiar Christmas words and their meaning.

Councillor Reilly gave his support to the motion, saying he had raised the issue previously with a number of agencies and bodies and had pointed out Christmas was marking the birth of Jesus Christ and it was unfortunate Christian values could not be upheld and acknowledged.

Councillor Carr queried why this Notice of Motion had come before Council in its current form, saying it was impossible to overturn a policy which did not exist.

Councillors Burns and Ruane said the motion was ridiculous.

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

FOR: 10
AGAINST: 13

The MOTION was declared LOST.

C/116/2017 NOTICE OF MOTION RECEIVED FROM COUNCILLOR ENRIGHT

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

"Council notes that many small community organisations do not have the cash flow to fund large projects that have been agreed for grant-aiding by Council. Council's policy of releasing 50% of grants to assist cash flow does not resolve this situation sufficiently for projects that involve several thousand pounds.

Management are required to bring forward practical proposals to enable such projects to proceed without cash-flow issues."

Councillor Enright proposed the motion which was seconded by Councillor Walker.

AGREED: It was agreed on the proposal of Councillor Craig, seconded by Councillor Walker, that the Motion be referred to the Active & Healthy Communities Committee.

C/018/2017 NOTICE OF MOTION RECEIVED FROM COUNCILLORS HYLAND AND K MCATEER

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

"The British Secretary of State, in conjunction with other unaccountable agencies, has ordered the incarceration of Derry Republican Tony Taylor without charge or trial. This Council calls for Tony's immediate release from prison."

In proposing the motion, Councillor Hyland said that Derry man, Tony Taylor had been released from prison in 2014, having served 3 years in custody and a further 4 years on licence. He said Tony Taylor was a member of the Republican Network for

Unity and had contributed to local politics in Derry by peacefully raising the issue of benefits cuts, prison conditions and policing issues. He had complied with the terms of his licence but had been detained by the police in October 2015 and interviewed over 2 days regarding alleged Republican activity. He had been unconditionally released, but on 10 March 2016, whilst out shopping, had been arrested and returned to prison because of the risk he posed to the public.

Councillor Hyland went on to say that Tony Taylor's lawyers' had asked for his immediate release, but this had been refused. He said there was no objective evidence that Tony Taylor had breached his licence conditions and his recall was internment in all but name and was without justification.

Councillor Hyland pointed out that two other Councils in the north of Ireland had recently passed motions condemning the internment of Tony Taylor which were Derry & Strabane District Council and Donegal County Council.

Councillor Enright seconded the motion, saying this was a very worrying situation and that special powers were still in place which should have been done away years ago when the peace process came into being.

Councillor Craig said he would not be supporting the motion and said it was divisive and an attempt to legitimise terrorism and there was a stark reminder of those who committed the atrocities in the province.

Councillor Walker questioned why the motion was before Council, saying the individual was from Londonderry and motions should only relate to the District. He said the licence had been revoked for good reason as he was a threat to society and should remain behind bars until his trial.

Councillor Taylor referred to Council's Standing Orders and queried why the motion was being presented to Council, saying it had no relevance to Council.

Councillor McMurray advised that the Alliance Party would be voting against the motion.

Councillor Stokes said this was a human rights issue and the SDLP would be supporting the motion.

Councillor Ruane advised Sinn Fein would also be supporting the motion.

In response to Councillor Taylor's query, the Chairperson referred to Standing Order 16, and said she considered the case of Tony Taylor to be a human rights issue and her interpretation of Standing Orders was that the motion should come to Council.

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

FOR:	20
AGAINST:	8
ABSTENTIONS	0

The MOTION was declared CARRIED.

There being no further business, the meeting concluded at 7.30pm

Signed:

Chairperson

Chief Executive