



October 18th, 2016

**Notice Of Meeting**

You are invited to attend the Special Meeting of Newry, Mourne and Down District Council to be held on **Tuesday, 25th October 2016 at 6:00 pm** in **Mourne Room, Downpatrick.**

# Agenda

1. **Apologies and Chairperson's remarks.**
2. **Report from Council's Legal Advisor on options available to Council in relation to Public Right of Way over lands between Ringhaddy Road and Quarter Road, Killinchy, Co. Down.**

This item is deemed to be exempt under Paragraph 5 of Part 1 of Schedule 6 of the Local Government Act (NI) 2014 - information in relation to which a claim to legal professional privilege could be maintained in legal proceedings

3. **Declarations of Interest.**
4. **Background report from Council Officers on Public Right of Way over lands between Ringhaddy Road and Quarter Road, Killinchy, Co. Down. (Attached).**

*Report from Countryside Officer.pdf*

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5. **Presentation by deputation representing landowner.**
6. **Presentation by deputation representing local residents.**

Both deputations will be conducted in line with the Council's Standing Orders. A copy of Standing Order 11 - deputations; Standing Order 8 - admission to meetings; and Standing Orders 10 and 26 - exclusion of, and disturbance by, the public is attached.

*Standing Orders.pdf*

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7. **For decision - having considered the additional evidence and the Legal Report and having heard the deputations, to determine if there is anything that would lead Council to change its decision to assert as a public right of way.**

This item is deemed to be exempt under Paragraph 5 of Part 1 of Schedule 6 of the Local Government Act (NI) 2014 - information in relation to which a claim to legal professional privilege could be maintained in legal proceedings.

<b>Report to:</b>	Special Council Meeting
<b>Date of Meeting:</b>	25 October 2016
<b>Subject:</b>	Public right of way between the Ringhaddy Road and the Quarterland Road, Killinchy
<b>Reporting Officer (Including Job Title):</b>	Marie Ward, Director of Enterprise, Regeneration and Tourism
<b>Contact Officer (Including Job Title):</b>	Heather Wilson, Countryside Access Officer

**Decisions required:** For noting

<b>1.0</b>	<b>Purpose and Background:</b>
1.1	<p>The path running between the Ringhaddy Road and the Quarterland Road, Killinchy was investigated and substantial evidence gathered which satisfied the Council's Solicitor that a public right of way existed at this location. Subsequently a public right of way was asserted by Legacy Down District Council on the 23 February 2015.</p> <p>Prior to assertion of the public right of way, the Ringhaddy end of the path was blocked by the majority landowner who disputed the existence of a public right of way.</p> <p>The majority landowner's Solicitor served a Judicial Review pre-action protocol letter on Council in April 2015 on the basis Council had not considered all available evidence and submitted additional evidence on behalf of the objecting landowner.</p>
<b>2.0</b>	<b>Key issues:</b>
2.1	<p>The Council has a statutory obligation, under Article 3 (1) of the Access to the Countryside (NI) Order 1983, to 'assert, protect and keep open and free from obstruction or encroachment any public right of way'.</p> <p>The majority landowner has objected to the assertion of the public right of way and the subject-path has been blocked.</p> <p>Council's Solicitor has considered the additional evidence and has recommended a Special Meeting of Council be convened to hear depositions from the parties and to consider if there is anything in the additional evidence that would lead to Council changing its decision.</p>
<b>3.0</b>	<b>Recommendations:</b>
3.1	For noting
<b>4.0</b>	<b>Resource implications</b>
4.1	Costs of arranging Special Meeting of Council.

<b>5.0</b>	<b>Equality and good relations implications:</b>
5.1	None
<b>6.0</b>	<b>Appendices</b>
	None

## Extract from Newry, Mourne and Down Standing Orders

**11**     **Deputations**

- (1) Deputations, from any source, shall only be considered to address the Council or Council Committee provided the Clerk has received ten clear days notice of the intended deputation and a statement of its objective. The Chairperson shall have the discretion, in cases of emergency, to reduce this period of notice.
- (2) The deputation shall be confined to the presentation of a statement, or copy of resolutions, and shall not make more than two short addresses by any two members of the deputation. The totality of the address shall not exceed ten minutes for the total presentation.
- (3) Deputations should not be repetitive and, where possible, issues of a similar or linked nature should be contained in one deputation. Where a deputation has made a presentation to the Council, the Council may decline to accept another deputation on the same issue from the same individual or group for a period of six months.

**8**     **Admission to meetings**

- (1) Subject to the provisions of this Standing Order, every Meeting of the Council shall be open to the public, in accordance with section 42 of the 2014 Act.
- (2) The public and press may attend only in those parts of the Council Chamber provided for their accommodation at meetings of the Council, unless specifically excluded in accordance with the provisions of Standing Order 10; or as required by the Council to comply with provisions in relation to Fire Safety and Health & Safety.
- (3) The admission of the public is upon the understanding that they must continue at all times to be seated, and that no expression of opinion or noise of any kind be allowed from them.
- (4) At all times during which a Meeting of the Council is open to the public, the Council must, so far as is practicable, cause to be made available to duly accredited representatives of newspapers, attending for the purpose of reporting proceedings at the meeting, reasonable facilities for taking reports of these proceedings and, on payment by those representatives or their newspapers of any expenses which may be incurred, for transmitting such reports to their newspapers.

- (5) Taking photographs of proceedings or the use of any other means by members of the public to enable persons not present to see or hear any proceedings (whether at that time or later) or making of any oral report of any proceedings as they take place shall be prohibited unless expressly permitted by the Council.
- (6) The use of social media by members of the Council, members of the public or journalists shall be permitted during those proceedings that are open to the public, to the extent that its use does not disrupt proceedings.

## **26 Disturbance by public**

### **26.1 Removal of member of the public**

If a member of the public interrupts proceedings, the Chairperson will warn the person concerned. If they continue to interrupt, the Chairperson will order their removal from the meeting room.

### **26.2 Clearance of part of meeting room**

If there is a general disturbance in any part of the meeting room open to the public, the Chairperson may call for that part to be cleared.

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**10. Exclusion of the public**

- (1) The public shall be excluded from a Meeting of the Council whenever it is likely that, during the transaction of an item of business, confidential information would be disclosed to them in breach of an obligation of confidence.
- (2) The Council may by resolution exclude the public from a Meeting of the Council (whether during the whole or part of the proceedings at the meeting) for such special reasons as may be specified in the resolution being reasons arising from the nature of the business to be transacted or of the proceedings at the Meeting.
- (3) The Chairperson may at any time during the proceedings, if he/she thinks it necessary to secure order, direct the removal of any individual or group of individuals from the Council Chamber, or order the Council Chamber to be wholly cleared of members of the public.
- (4) The Council, having excluded the public, shall only consider the matter referred to it by the resolution. If it should be deemed necessary to consider any matter not included in the resolution, the public shall be re-admitted and the Chairperson may ask leave of the Council to take up the consideration of such additional matters as may be deemed desirable.
- (5) The Council, having excluded the public, shall not have the power to adjourn its own sittings or to adjourn a debate to a future sitting. If the business referred to in the resolution is not transacted, the Council may be resumed and a member of the Council may move that the Council again exclude the public on a future day to deal with the business specified in the resolution which was not transacted.
- (6) If the Council, with the public excluded, has transacted part of the business referred to it, without being able to reach a decision on all the business so referred, a member of the Council may, with leave of the Council, report on the progress to that point and ask the Council's permission to sit again.
- (7) When the Council, having transacted business with the public excluded, submits its report to the Council, a motion for its adoption shall then be moved and put. No questions or discussion shall be permitted on the report or the motion for its adoption.