

NEWRY MOURNE AND DOWN DISTRICT COUNCIL

Minutes of Strategy Policy & Resources Committee Meeting held on Thursday 14 September 2017 at 5.00pm in the Mourne Room, Downshire Civic Centre, Downpatrick.

In the Chair: Councillor T Hearty

In Attendance: Councillor P Byrne Councillor R Burgess
Councillor S Doran Councillor C Enright
Councillor O McMahon Councillor A McMurray
Councillor M Murnin Councillor M Ruane
Councillor M Savage Councillor W Walker

Also in Attendance: Councillor T Andrews Councillor M Larkin

Officials in Attendance: Mr L Hannaway, Chief Executive
Mrs D Carville, Director of Corporate Services
Mr M Lipsett, Director of Active & Healthy Communities
Mrs C Miskelly, Assistant Director, Corporate Services (HR)
Mr J McBride, Assistant Director, Community Planning & Performance
Mr C Mallon, Assistant Director, Estates and Project Management
Mrs E McParland, Democratic Services Manager
Mrs C Taylor, Democratic Services Officer

SPR/151/2017 APOLOGIES AND CHAIRPERSON'S REMARKS

Apologies were received from Councillors Carr and Sharvin. Apologies were also received from Mrs M Ward, Director of Enterprise, Regeneration and Tourism, Mr E Curtis, Director of Strategic Policy & Performance and Mr A Wilkinson, Director of Regulatory & Technical Services (Interim).

The Chair welcomed Councillor Michael Savage to his first Strategy, Policy and Resources Committee meeting.

SPR/152/2017 DECLARATIONS OF INTEREST

Councillor Burgess declared an interest in SPR/157/2017 – National Association of Councillors – Membership of UK Executive Committee.

Councillor Byrne declared an interest in SPR/160/2017 – Hamill Case Report.

SPR/153/2017 ACTION SHEET OF THE STRATEGY, POLICY AND RESOURCES COMMITTEE MEETING HELD ON 17 AUGUST 2017

Read: Action Sheet of the Strategy, Policy and Resources (SPR) Committee Meeting held on 17 August 2017 (circulated).

Agreed: On the proposal of Councillor Byrne, seconded by Councillor Burgess, it was agreed that the Action Sheet of 17 August 2017 be noted and the actions identified in the right hand column as completed be removed.

SPR/154/2017 **MINUTES OF ELECTED MEMBER DEVELOPMENT WORKING GROUP HELD ON 9 AUGUST 2017**

Read: Minutes of the Elected Member Development Working Group held on 9 August 2017 (circulated).

Agreed: It was unanimously agreed to note the minutes of the Elected Member Development Working Group held on 9 August 2017.

SPR/155/2017 **FAIR EMPLOYMENT RESULTS**

Read: Report from Mrs C Miskelly, Assistant Director Corporate Services HR & Safeguarding, dated 14 September 2017, regarding Newry, Mourne and Down District Council's Annual Fair Employment Monitoring Return – 2 January 2016 – 1 January 2017 (circulated).

Agreed: On the proposal of Councillor Byrne, seconded by Councillor Doran, it was agreed to note Newry, Mourne and Down District Council's Annual Fair Employment Monitoring Return – 2 January 2016 – 1 January 2017.

SPR/156/2017 **ALCOHOL BYE-LAWS**

Read: Report from Ms A Robb, Assistant Director, Corporate Services, dated 14 September 2017 regarding Alcohol Byelaws (circulated).

In response to concerns regarding alcohol being consumed at the District's tourist attractions, Mrs Carville advised that the Council could only invoke proceedings upon receipt of notification from the PSNI.

Councillor Byrne said he would like to see the Council issuing a warning in the first instance before legal proceedings started.

In response to Councillor Walker's queries, Mrs Carville confirmed that where Council ran events, a separate designation could be in place.

Councillor Murnin referred to the lack of PSNI presence in the towns and queried whether the town CCTV could be used to gather evidence. He also queried the £100 fine.

Mrs Carville explained that it was the responsibility of the PSNI to enforce the bye laws, not Council. She further advised £100 was the approximate legal costs to Council for the action, but it would be up to the courts to decide the level of penalty imposed, the upper limit being £500.

Councillor Murnin said it was important the PSNI were proactive on this matter as day time drinking, particularly among young people, was a bad example for tourists to the District.

Councillor Ruane concurred with Councillor Byrne's suggestion of a warning letter.

Councillor Savage said a communication programme would be required in advance of the enforcement, in particular it should be marketed to the young people of the District.

AGREED: **On the proposal of Councillor Byrne, seconded by Councillor Ruane, it was agreed that Council adopts a uniform zero-tolerance approach to any breach of the Alcohol Byelaws and that a warning letter would be sent out in the first instance to offenders, before immediate referral for legal proceedings.**

Having previously declared an interest in the following item, Councillor Burgess departed from the meeting – 5.14pm.

CORPORATE SERVICES – DEMOCRATIC SERVICES

SPR/157/2017 NATIONAL ASSOCIATION OF COUNCILLORS – MEMBERSHIP OF UK EXECUTIVE COMMITTEE

Read: Report from Mr L Hannaway, Chief Executive, dated 14 September 2017, regarding the National Association of Councillors – membership of UK Executive Committee (circulated).

AGREED: **On the proposal of Councillor Walker, seconded by Councillor Ruane, it was agreed to pay for Councillor R Burgess to attend up to approximately 4 meetings per year of the UK NAC Executive Committee.**

SPR/158/2017 RECORDING OF PLANNING COMMITTEE MEETINGS

Read: Report from Mrs D Carville, Director of Corporate Services, dated 14 September 2017, regarding the recording of Planning Committee Meetings (circulated).

Mr Hannaway explained that he had spoken to Members of the Planning Committee on 13 September 2017 regarding the options relating to the recording of Planning Committee Meetings and drew Members attention to paragraphs 2.4 and 2.5 of the report, highlighting that recording of the meetings could increase the likelihood of challenges to Council decisions and also that Council could be found liable for publishing defamatory remarks.

Mr Hannaway said if Council decided to record proceedings, it would be practical to hold off implementing the decision until January 2018, as this would give time to get the message out to the public, agents and applicants.

Councillor Walker proposed Option 3, saying he had serious concerns in relation to judicial reviews and planning appeals and raised concerns relating to sensitive/medical evidence being presented at the Committee.

Councillor Murnin said recording of the Planning Committee meetings would offer Members' protection, as the audio recording would be discoverable. He advised that medical evidence was presented in closed sessions, which was not recorded.

Councillor Murnin proposed Option 2, saying there should be a charge for providing a copy of the recording.

Councillor Ruane seconded Councillor Walker's proposal.

Councillor Byrne seconded Councillor Murnin's proposal, saying Option 2 was the best option for transparency and welcomed more scrutiny around the decision making process.

Councillor McMurray proposed Option 1.

Mr Hannaway clarified the fee arrangements, saying advice would be sought from the Information Commissioner, as if the recordings were public records, provision of the information may have to be provided free of charge.

- Councillor Burgess re-entered the meeting at 5.28pm -

Councillor Enright seconded Councillor McMurray's proposal, saying maximum transparency was the best from of conduct and governance.

The proposal by Councillor Walker, seconded by Councillor Ruane, to accept Option 3: to agree to exempt the Planning Committee from audio recording and continue to record the proceedings through the official written minute record only, was put to a vote, the results of which were as follows:

FOR:	5
AGAINST:	6

The motion was LOST

The proposal by Councillor Murnin, seconded by Councillor Byrne, to accept Option 2: to agree to record the meetings of the Planning Committee and retain them at Council's Offices for a period of 6 years, providing copies to the public on request and potentially for a fee, was put to a vote, the results of which were as follows:

FOR: 5
AGAINST: 5

The Chairperson then used his casting vote to vote AGAINST the proposal for Option 2 and the motion was LOST.

The proposal by Councillor McMurray, seconded by Councillor Enright, to accept Option 1: to agree to record the meetings of the Planning Committee and publish them on Council's website for a 2 year period, retaining them for a total of 6 years at Council's Offices, was put to a vote, the results of which were as follows:

FOR: 5
AGAINST: 5

The Chairperson then used his casting vote to vote AGAINST the proposal for Option 1 and the motion was LOST.

PERFORMANCE

SPR/159/2017 ASSESSMENT OF PERFORMANCE 2016-17

Read: Report from Mr J McBride, Assistant Director: Community Planning and Performance, dated 14 August 2017 regarding Assessment of Performance 2016-17(copy circulated).

Mr McBride advised Members that there would be a six monthly mid-year programme report brought to Committee in future.

Councillor Byrne congratulated staff regarding the figures on tourism/overnight stays and referred to the numbers attending the leisure centres of 1.4m, saying some of the rural communities were being put off attending the centres due to poor infrastructure.

Councillor Byrne referred to the regeneration of urban and rural areas, saying a number of applications had failed due to strategies being incomplete and match-funding then not being accessible. He welcomed the pilot of the 2mb broadband through rural development and the heat map, but expressed concerns over the improved road infrastructure, saying the statement was too broad.

AGREED: On the proposal of Councillor Byrne, seconded by Councillor Ruane, the following were agreed:

- **The Assessment of Performance 2016-17.**
- **The publication of the Assessment of Performance by 30 September 2017, before full Council ratification, in order to meet the statutory deadline.**

Having previously declared an interest in the following item, Councillor Byrne departed from the meeting – 5.38pm.

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

SPR/160/2017

NMDDC v FRANCIS HAMILL

Agreed: On the proposal of Councillor Burgess, seconded by Councillor Ruane, it was agreed to exclude the public and press from the meeting during discussion on this matter which related to exempt information by virtue of paragraph 5 of Part 1 of Schedule 6 of the Local Government Act (Northern Ireland) 2014 - Information in relation to which a claim for legal professional privilege could be maintained in legal proceedings, and the public may, by resolution, be excluded during this item of business.

Read: Report from Mrs D Carville, Director of Corporate Services, dated 5 September 2017 regarding NMDDC v Francis Hamill (copy circulated).

Agreed: On the proposal of Councillor Burgess, seconded by Councillor Byrne, it was agreed the Committee come out of closed session.

Agreed: When the Committee came out of closed session, the Chairperson advised that it had been agreed to note the contents of the Officer's update Report.

- Councillor Byrne re-joined the meeting –

SPR/161/2017

REDUNDANCY REPORT

Agreed: On the proposal of Councillor Burgess, seconded by Councillor Ruane, it was agreed to exclude the public and press from the meeting during discussion on this matter which related to exempt information by virtue of paragraph 3 of Part 1 of Schedule 6 of the Local Government Act (Northern Ireland) 2014 - Information relating to the financial or business affairs of any particular person (including the Council holding that information) and the public may, by resolution, be excluded during this item of business.

Read: Report from Mrs C Miskelly, Assistant Director, Corporate Services (HR), dated 14 September 2017 regarding Redundancy report (copy circulated at the meeting)

Agreed: On the proposal of Councillor Burgess, seconded by Councillor Byrne, it was agreed the Committee come out of closed session.

Agreed: When the Committee came out of closed session, the Chairperson advised that it had been agreed on the proposal of Councillor Ruane, seconded by Councillor Doran by 5 votes to 2, to agree the content of the Officer's Report and to approve the recommendations in Section 3.1 of the report to proceed with the redundancy identified.

SPR/162/2017 DOWN LEISURE CENTRE – POOL DROWNING DETECTION SYSTEM

Agreed: On the proposal of Councillor Burgess, seconded by Councillor Ruane, it was agreed to exclude the public and press from the meeting during discussion on this matter which related to exempt information by virtue of paragraph 3 of Part 1 of Schedule 6 of the Local Government Act (Northern Ireland) 2014 - Information relating to the financial or business affairs of any particular person (including the Council holding that information) and the public may, by resolution, be excluded during this item of business.

Read: Report from Mr M Lipsett, Director of Active and Healthy Communities, dated 14 September 2017 regarding Pool Drowning Detection System (copy circulated)

Agreed: On the proposal of Councillor Burgess, seconded by Councillor Byrne, it was agreed the Committee come out of closed session.

Agreed: When the Committee came out of closed session, the Chairperson advised that it had been agreed on the proposal of Councillor Byrne, seconded by Councillor Murnin, to agree the content of the Officer's Report and to approve the recommendations in Section 4.1 of the report in relation to arrangements for the procurement of pool drowning detection systems for Council Leisure Centres, including Down Leisure Centre.

There being no further business, the meeting concluded at 6.05pm.

For consideration at the Council Meeting to be held on 2 October 2017

Signed: **Councillor Terry Hearty**
 Chairperson

Signed:

Dorinnia Carville
Director of Corporate Services