

## **NEWRY, MOURNE & DOWN DISTRICT COUNCIL**

**NMD/C/**

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### **Minutes of Council Meeting held on Monday 4 February 2019 at 6.00pm in the Mourne Room, Downshire Civic Centre, Downpatrick**

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**In the Chair:** Councillor M Murnin

**In attendance:**

**(Councillors)**

Councillor T Andrews	Councillor N Bailie
Councillor P Brown	Councillor R Burgess
Councillor P Byrne	Councillor M Carr
Councillor C Casey	Councillor W Clarke
Councillor G Craig	Councillor D Curran
Councillor L Devlin	Councillor S Doran
Councillor C Enright	Councillor G Fitzpatrick
Councillor G Hanna	Councillor H Harvey
Councillor T Hearty	Councillor R Howell
Councillor D Hyland	Councillor M Larkin
Councillor K Loughran	Councillor J Macauley
Councillor D McAteer	Councillor O McMahon
Councillor A McMurray	Councillor R Mulgrew
Councillor B Ó Muirí	Councillor B Quinn
Councillor H Reilly	Councillor J Rice
Councillor M Ruane	Councillor M Savage
Councillor G Sharvin	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 M Lipsett, Director of Active & Healthy Communities  
Mr R Moore, Director of Neighbourhood Services  
Ms M Ward, Director of Enterprise, Regeneration & Tourism  
Mr K Montgomery, Assistant Director of Finance  
Miss S Taggart, Democratic Services Manager (Acting)  
Ms L O'Hare, Democratic Services Officer

**C/016/2019**

### **APOLOGIES AND CHAIRPERSON'S REMARKS**

Apologies were received from Councillors Fitzpatrick, Harte & Kimmins.

- The Chairperson advised Members that he would ask for a suspension of standing orders at the end of the meeting in order to discuss an emergency notice of motion.

- The Chairperson offered his congratulations and best wishes to Councillor Kimmins on the birth of her baby boy.
- The Chairperson extended best wishes to Clonduff Camogs who had recently reached the All Ireland final.
- The Chairperson advised the British-Irish Parliamentarians had visited Newcastle recently to hear about the partnership approach used to revitalise the Main Street.
- The Chairperson advised the YAFTAS had been launched recently and urged Councillors to submit nominations prior to the closing date of 22 February 2019.
- Councillor Curran thanked everyone for a very successful and emotional night to celebrate his 45 years in Council.
- The Chief Executive advised that the LMD Connect booklet had been distributed and would be available electronically and at Council venues across the District.

**C/017/2019**

**DECLARATIONS OF INTEREST**

Cllr Hanna declared an interest in item C/007/2019 – SPR Minutes of 17 January 2019 – SPR/009/2019: Renewal of Lease with Mourne Stimulus as he is a member of Mourne Stimulus.

**C/018/2019**

**TO SET A DISTRICT RATE FOR THE FINANCIAL YEAR 19/20  
AS REQUIRED UNDER SECTION 3 OF THE LOCAL  
GOVERNMENT FINANCE ACT (NI) 2011**

Read: Report from Mr K Montgomery, Assistant Director of Finance dated 4 February 2019, regarding District Rate 2019-20  
Appendix 1 – Medium Term Financial Plan  
Appendix 2 – Capital Strategy Report 2019-20  
Appendix 3 – Four Year Capital Programme  
Appendix 4 – Treasury Management Strategy Statement 2019-20.  
Appendix 5 – MRP Statement 19-20 **(Copies circulated)**

Mrs Carville advised Members that the Efficiencies Working Group had met over the year to consider in detail the rates estimates. She stated she was asking Members to approve an increase to the rates of 1.99%, highlighting the key factors that underpinned the increase, which she said had been considered in detail at the Efficiencies Working Group meetings.

Mr Hannaway advised that, as set out in the Local Government Finance Act (NI) 2011, he, as Chief Financial Officer, was required to assure Members on the robustness of the revenue estimates and the adequacy of reserves as part of the rate setting process. He stated there were significant uncertainties within the current estimates that had arisen due to current political instability at NI Executive level, Brexit and potential significant reduction of the Rates Support Grant.

Members thanked the officers for their hard work and diligence throughout the year in striking the rate.

- Agreed:** It was agreed on the proposal of Councillor Stokes, seconded by Councillor Ruane to approve the considerations and recommendations of the Efficiencies Working Group in relation to the 2019/20 rate setting process, and:
1. Approve an increase in the district rate for 2019/20 of 1.99% based on an estimated penny product of 2,347,835 meaning a non-domestic rate of 24.2403 pence and a domestic rate of 0.3893 pence;
  2. Approve the Medium Term Financial plan and authorise the 2019-20 expenditure included in the estimates (Appendix 1);
  3. Approve the Capital Strategy Report for 2019/20 as required by the CIPFA Prudential Code. (See Appendix 2);
  4. Approve the 4-year capital programme (see Appendix 3);
  5. Approve the Treasury Management Strategy Statement 2019-20 (see Appendix 4);
  6. Approve the Minimum Revenue Provision Statement 2019-20 (see Appendix 5).

**C/019/2019      ACTION SHEET ARISING FROM COUNCIL MEETING HELD ON 7 JANUARY 2019**

**Read:** Action sheet arising from council meeting held on 7 January 2019 (copy circulated)

**Agreed:** The Action Sheet from Council Meeting held on 7 January 2019 was agreed.

**COUNCIL MINUTES FOR ADOPTION AND SIGNING**

**C/020/2019      MINUTES OF COUNCIL MEETING HELD ON 7 JANUARY 2019**

**Read:** Minutes of Council Meeting held on 7 January 2019 (copy circulated).

**Agreed:** The Minutes of the Council meeting held on 7 January 2019 were agreed as an accurate record and adopted on the proposal of Councillor McMahon, seconded by Councillor McAteer.

## **COMMITTEE MINUTES FOR CONSIDERATION AND ADOPTION**

### **C/021/2019                    MINUTES OF ENTERPRISE, REGENERATION AND TOURISM COMMITTEE MEETING HELD ON 14 JANUARY 2019**

Read:                                Minutes of Enterprise, Regeneration and Tourism Meeting held on 14 January 2019 (copy circulated).

Agreed:                            **The Minutes of the Enterprise, Regeneration and Tourism Meeting held on 14 January 2019 were agreed as an accurate record and adopted on the proposal of Councillor Burgess, seconded by Councillor McMahon.**

### **C/022/2019                    MINUTES OF STRATEGY, POLICY AND RESOURCES COMMITTEE MEETING HELD ON 17 JANUARY 2019**

Read:                                Minutes of Enterprise, Regeneration and Tourism Meeting held on 17 January 2019 (copy circulated).

#### **SPR/014/2019 – Report on Surplus Assets**

Councillor Devlin asked if the lands at Linkside Park, Newcastle could be removed from list for further examination as the open space was used by local residents on a regular basis.

Mrs Carville responded that this had been raised at two previous meetings in legacy Down District Council, in October 2011 and again in the new Council in March 2018. Lands were held in conveyance with NIHE and it was agreed lands would revert back, however there was an issue at present with encroachment on the land and when rectified the land would revert back to NIHE.

Councillor Quinn proposed that Kilkeel Town hall revert back to the Mournes DEA, this was seconded by Councillor Reilly.

Councillor Clarke proposed that the building should be progressed as per the D1 process. This was seconded by Councillor Doran.

The Chairman put the proposal to a recorded vote, the results of which were as follows: (result of vote appended to these minutes)

**FOR:                                25**

**AGAINST:                        13**

**ABSTENTIONS:               0**

**The proposal was CARRIED**

Agreed:                            **The Minutes of the Strategy, Policy and Resources Committee Meeting held on 17 January 2019 were agreed, subject to the above amendment, and adopted on the proposal of Councillor Craig,**

seconded by Councillor Savage.

C/023/2019

**MINUTES OF ACTIVE AND HEALTHY COMMUNITIES  
MEETING HELD ON 21 JANUARY 2019**

Read: Minutes of Active and Healthy Communities Committee Meeting held on 21 January 2019 (copy circulated).

**AHC/015/2019 – Flooding at Jim Steen Park, Newtownhamilton**

Councillor Ó Muíri stated there had been a lot of uncertainty contained within the results of the Rivers Agency study and proposed that Council request Rivers Agency to seek alternative options to alleviate the flooding risk. This was seconded by Councillor Larkin.

Councillor Taylor commented that he had no objection in trying to find an alternative but still supported the Jim Steen Park project.

**Agreed:** It was agreed on the proposal of Councillor Ó Muíri, seconded by Councillor Larkin, that Council write to Rivers Agency requesting that they seek alternative options to alleviate the flooding risk at Jim Steen Park, Newtownhamilton.

**AHC/013/2019 - All Party Group on Sustainable Development**

The Chairperson called for a vote for two Elected Members to be selected to sit on the All Party Group on Sustainable Development.

Councillor Andrews was nominated on the proposal of Councillor Fitzpatrick, seconded by Councillor Walker.

Councillor Enright was nominated on the proposal of Councillor McMurray, seconded by Councillor Walker.

Councillor Clarke was nominated on the proposal of Councillor O Muiri, seconded by Councillor Casey.

Councillor Burgess was nominated on the proposal of Councillor Taylor, seconded by Councillor Macauley.

The Meeting did then adjourn – 6.47pm.

The Meeting did then recommence – 6.54pm

The Chief Executive advised that following the vote that had been carried out using proportional representation, the results were as follows:

<b>1<sup>st</sup> Preference Votes</b>	<b>Councillor Andrews</b>	<b>16</b>
	<b>Councillor Clarke</b>	<b>12</b>

Councillor Burgess	6
Councillor Enright	5

Councillor Andrews having reached the quota, was elected on the first count. Councillor Enright was eliminated on the first count and his votes were redistributed with 4 to Councillor Clarke and 1 to Councillor Burgess.

2 <sup>nd</sup> Preference Votes	Councillor Clarke	14
	Councillor Burgess	7

Councillor Clarke was elected on the second count. Councillor Burgess was eliminated.

Results of the vote were:  
Councillors Andrews and Clarke elected.

Agreed: It was agreed, following a vote using proportional representation, that Councillors Andrews and Clarke be selected to sit on the All-Party Group on Sustainable Development.

Agreed: The Minutes of Active and Healthy Communities Committee Meeting held on 21 January 2019 were agreed as an accurate record and adopted on the proposal of Councillor Andrews, seconded by Councillor Howell, with the exception of AHC/013/2019.

**C/024/2019      MINUTES OF REGULATORY & TECHNICAL SERVICES  
COMMITTEE MEETING HELD ON 23 JANUARY 2019**

Read: Minutes of Regulatory & Technical Services Committee Meeting held on 23 January 2019 (copy circulated).

**RTS/010/2019 – Planning Committee Performance Report – December 2018**

Councillor Hearty raised concerns with regard to response times from Planning officials stating it was an ongoing problem that needed urgent attention as it was having a dramatic effect on planning application times and affecting housing problems in rural areas. Members supported the concerns raised highlighting that there seemed to be a breakdown in communication within the Newry office.

Mrs Ward advised that a Scheme of Delegation had recently been implemented which she hoped would go some way towards alleviating the issues identified. She acknowledged there were challenges which she would take on board.

The Chief Executive confirmed that the backlog in applications had dropped from 1600 to less than 1000 and that this Council had the second highest amount of applications submitted in Northern Ireland.

**Agreed:** The Minutes of Regulatory & Technical Services Committee Meeting held on 23 January 2019 were agreed as an accurate record and adopted on the proposal of Councillor Curran, seconded by Councillor Craig.

**C/025/2019** **MINUTES OF AUDIT COMMITTEE MEETING HELD ON 15 JANUARY 2019**

**Read:** Minutes of Audit Committee Meeting held on 15 January 2019 (copy circulated).

**Agreed:** The Minutes of Audit Committee Meeting held on 15 January 2019 were agreed as an accurate record and adopted on the proposal of Councillor Mulgrew, seconded by Councillor Ruane.

**C/026/2019** **NATIONAL ASSOCIATION OF COUNCILLORS CONFERENCE – ENVIRONMENT AND THE MUNICIPALISATION OF ENERGY**

**Read:** Correspondence dated 15 January 2019 received from National Association of Councillors, regarding National Association of Councillors Conference – Environment and the Municipalisation of Energy (copy circulated)

**Noted:** The correspondence received was noted.

**C/027/2019** **NATIONAL ASSOCIATION OF COUNCILLOR EVENTS 2019**

**Read:** Correspondence received from National Association of Councillors regarding National Association of Councillor Events 2019.

**Noted:** The correspondence received from National Association of Councillors was noted.

**C/028/2019** **ELECTED MEMBERS WORKSHOP ON DATA AND EVIDENCE IN COMMUNITY PLANNING**

**Read:** Correspondence received from NILGA, regarding Elected Members Workshop on Data and Evidence in Community Planning.

**Noted:** The correspondence received from NILGA was noted.

## **NOTICES OF MOTION**

**C/030/2019**

### **NOTICE OF MOTION – ADDRESSING DOG FOULING**

The following Notice of Motion was proposed by Councillor Hanna.

**"That this Council is proactive in addressing the dog fouling problem in Newry, Mourne and Down Council area, by enforcing the by-laws of this Council, rigorously, with fines. This Council should increase staffing in this enforcement area until this problem is under control."**

The motion was seconded by Councillor Andrews and referred, in accordance with Standing Order 16.1.6 to the Regulatory & Technical Services Committee Meeting.

**C/031/2019**

### **NOTICE OF MOTION – REQUEST FOR JOINT DEPARTMENTAL TASK FORCE IN RELATION TO FIXED ODDS BETTING TERMINALS**

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

**"This Council will write to the Department of Communities and the Department for Health asking that a joint departmental task force is formed to explore what interim measure can be taken in relation to Fixed Odds Betting Terminals (FOBT's) and reduction of their maximum stake in line with other jurisdictions across these islands. This Council calls on the Department of Health to recognise that gambling is a public health issue and undertakes to ensure more support services are provided to address gambling problems. This should include public health education and awareness raising programmes and adequate funding to addiction service providers is made available to ensure service quality."**

In proposing the motion, Councillor Clarke stated that the legislation regarding Fixed Odds Betting Terminals (FOBT's) had recently been passed in England which would see the maximum stake reduced from £100 to £2 on the machines, unfortunately however, this would not apply in Northern Ireland. He stated these machines were highly addictive and were mainly clustered in the most economically deprived areas which could lead to rising levels of debt, poor mental health problems, relationship breakdowns and even suicide. He urged Members to support the motion.

Councillor Casey seconded the motion stating the use was widespread across Northern Ireland and the machines were highly destructive both to the user and their families. He stated that gamblers in the North bet up to £0.5million annually on these machines and action was required on the issue urgently.



Members discussed the issue and pledged their support for the motion, recognising this was a growing concern across the District and affected huge swathes of people from all walks of life.

Councillor Savage asked for a slight amendment to be made to include 'that this Council calls on all bookmakers in Northern Ireland to extend the voluntary reduction in line with what other bookmakers in other jurisdictions had done.'

This was accepted by Councillor Clarke.

**Agreed:** It was agreed on the proposal of Councillor Clarke, seconded by Councillor Casey that this Council writes to the Department of Communities and the Department for Health asking that a joint departmental task force is formed to explore what interim measures can be taken in relation to Fixed Odds Betting Terminals (FOBT's) and calls on all bookmakers to extend the voluntary reduction in line with what other bookmakers in other jurisdictions had done.  
This Council also calls on the Department of Health to recognise that gambling is a public health issue and undertakes to ensure more support services are provided to address gambling problems. This should include public health education and awareness raising programmes and adequate funding to addiction service providers is made available to ensure service quality."

**C/032/2019      NOTICE OF MOTION – FAILURE TO CONTROL LITTERING, DOG-FOULING, FLY-TIPPING AND RELATED ISSUES**

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

"This Council censures Newry Mourne and Down management over the failure to control of littering, dog-fouling, fly-tipping and related issues. We note with concern the stark contrast between the statistics for this Council and the statistics for Ards and North Down Council. We do not accept the contention that the legislation is 'not fit for purpose' and direct Council management to learn from Ards and North Down."

The motion was seconded by Councillor Hyland and referred, in accordance with Standing Order 16.1.6 to the Regulatory & Technical Services Committee Meeting.

**C/033/2019      NOTICE OF MOTION – GEOGRAPHICAL DISPOSAL FACILITY BY RADIOACTIVE WASTE MANAGEMENT**

It was agreed on the proposal of Councillor Andrews, seconded by Councillor Trainor and by qualified majority vote to suspend Standing Orders at this point in the meeting, to allow for the tabling of the following Motion, the suspension having been agreed unanimously.

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

**“This Council notes with great concern the conclusions made from the National Geological screening for a Geological disposal Facility by Radioactive Waste Management which suggests that Parts of Newry, Mourne and Down District and other areas in Northern Ireland might be suitable for a GDF. This Council will write to the Minister for Business, Energy and Industrial Strategy stating Councils position as: Newry, Mourne and Down District Council does not consent, and never will consent to hosting a Geological Disposal Facility in our Council area or any part of Northern Ireland. This Council asks the other 10 councils in the North to take a similar position and equally write to the Minister.”**

In proposing the motion Councillor Trainor urged Members to support the motion against consent being given to hosting a geological disposal facility in the Council area or any part of Northern Ireland. He also asked that consideration be given to write to the other 10 Councils to take a similar view. He reiterated this motion was not Political but was a health and safety issue.

Councillor Clarke seconded the motion stating there was fear in the community that this sort of proposal could occur within the District. He stated Sinn Fein were in total opposition to any underground disposal facility in the District or indeed anywhere in the island of Ireland.

Members from all Parties discussed the motion stating that the South Down Coast had been one of the most exposed coasts over the last 50 years to potential nuclear incidents and agreed that a geological disposal facility should not be hosted within the District.

**Agreed:**

**It was agreed on the proposal of Councillor Trainor, seconded by Councillor Clarke that this Council notes with great concern the conclusions made from the National Geological screening for a Geological Disposal Facility by Radioactive Waste Management which suggests that Parts of Newry, Mourne and Down District and other areas in Northern Ireland might be suitable for a GDF.**

**It was agreed that this Council will write to the Minister for Business, Energy and Industrial Strategy stating councils position as: Newry, Mourne and Down District Council does not consent, and never will consent to hosting a Geological Disposal Facility in our Council area or any part of Northern Ireland.**

**It was also agreed that this Council write to the other**

**10 councils in the North to take a similar position and equally write to the Minister.**

There being no further business, the meeting concluded at 7.51pm

**Signed:**

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**Chairman**

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**Chief Executive**