

NEWRY, MOURNE & DOWN DISTRICT COUNCIL

NMD/C/

Minutes of Council Meeting held on Monday 5 July 2021 at 6.00pm via Hybrid in Downshire Chamber and Microsoft Teams

In the Chair: Councillor C Mason

In attendance:

Councillor T Andrews	Councillor P Brown
Councillor R Burgess	Councillor P Byrne
Councillor W Clarke	Councillor D Curran
Councillor S Doran	Councillor C Enright
Councillor A Finnegan	Councillor H Gallagher
Councillor M Gibbons	Councillor O Hanlon
Councillor V Harte	Councillor R Howell
Councillor M Larkin	Councillor A Lewis
Councillor O Magennis	Councillor G Malone
Councillor D McAteer	Councillor L McEvoy
Councillor H McKee	Councillor A McMurray
Councillor R Mulgrew	Councillor D Murphy
Councillor G O'Hare	Councillor B Ó Muirí
Councillor H Reilly	Councillor M Ruane
Councillor M Savage	Councillor G Sharvin
Councillor G Stokes	Councillor D Taylor
Councillor J Tinnelly	Councillor J Trainor
Councillor W Walker	

(Officials)

Mrs M Ward, Chief Executive
Mrs D Carville, Director of Corporate Services
Mr M Lipsett, Director of Active & Healthy Communities
Mr C Mallon, Director of Enterprise, Regeneration & Tourism
Mr J McBride, Director of Neighbourhood Services (Acting)
Mr F O'Connor, Head of Legal & Administration (Acting)
Mr A Grimshaw, Project Director
Miss S Taggart, Democratic Services Manager (Acting)
Mrs D Starkey, Democratic Services Officer
Mrs P McKeever, Democratic Services Officer

C/133/2021

APOLOGIES AND CHAIRPERSON'S REMARKS

Apologies were received from Councillors Casey, Devlin, Hanna and Owen.

The Chairperson commended and thanked all those involved in the response in Castlewellan in terms of the mobile testing for COVID 19. She commended the fantastic effort by the Council in their supporting role and thanked the 100's of residents for getting tested and those who availed of the mobile vaccinations.

The Chairperson paid tribute and offered sincerest condolences to the family and friends of Sarah Lennon from Castlewellan who tragically passed away having contracted Covid 19.

The Chairperson thanked all of those who took part in June's mental health task and played a part in raising awareness of just how vital it was to take time to look after our own heads.

Members were advised that for the month of July she had chosen the topic of "Addiction and Recovery" for her second Mental Health Initiative as Chair of Newry, Mourne and Down District Council.

The Chairperson referred to the Mental Health Strategy released by the Minister for Health in the last week and advised she had met with Dr Siobhan O'Neill the Mental Health Champion and the Director of Mental Health and Wellbeing in the South Eastern Trust and had the opportunity to discuss the strategy and what it meant for the District, if applied effectively.

The Chairperson asked that for the month of July all Councillors reached out directly to a service, organisation or individual in their local area that helped people who were suffering from addiction to get the help they need to begin their journey of recovery. She asked Members to listen to their concerns and as elected representatives feed those concerns back to the local health trust, Department for Health or MP/MLA within their area.

C/134/2021 DECLARATIONS OF INTEREST

There were no declarations of interest.

C/135/2021 ACTION SHEET ARISING FROM COUNCIL MEETING HELD ON 7 JUNE 2021

Read: Action sheet arising from Council Meeting held on 7 June 2021 (copy circulated).

Agreed: The Action Sheet from Council Meeting held on 7 June 2021 was agreed on the proposal of Councillor Curran, seconded by Councillor Ó Muirí.

COUNCIL MINUTES FOR ADOPTION AND SIGNING

C/136/2021 MINUTES OF ANNUAL MEETING HELD ON 1 JUNE 2021

Read: Minutes of Annual Meeting held on 1 June 2021 (copy circulated).

Agreed: The Minutes of the Annual Meeting held on 1 June 2021 were agreed as an accurate record and adopted, on the proposal of Councillor Burgess, seconded by Councillor Ó Muirí.

C/137/2021 MINUTES OF COUNCIL MEETING HELD ON 7 JUNE 2021

Read: Minutes of Council Meeting held on 7 June 2021 (copy circulated).

Agreed: The Minutes of the Council Meeting held on 7 June

2021 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/138/2021 MINUTES OF ENTERPRISE, REGENERATION AND TOURISM COMMITTEE MEETING HELD ON 14 JUNE 2021

Read: Minutes of Enterprise, Regeneration and Tourism Committee Meeting held on 14 June 2021 (copy circulated).

ERT/111/2021: Electric Charging Points

In response to a query from Councillor Sharvin, Mr Mallon advised Members could forward suggestions for locations for electric charging points to Mr McGilly or himself for consideration as part of the scoping exercise to determine which sites were most suitable in line with funding criteria.

Councillor Ó Muirí enquired if charging points could be placed outside Community Centres/Sport Club facilities that had Council involvement. Mr Mallon confirmed the criteria for the fund was that it had to be on publicly owned/controlled land as part of the scoping exercise and there may be community centres that Council had control of and it was open to consider all suggestions through the scoping exercise to see if they met the criteria.

Agreed: The Minutes of the Enterprise, Regeneration and Tourism Committee Meeting held on 14 June 2021 were agreed as an accurate record and adopted, on the proposal of Councillor Burgess, seconded by Councillor Stokes.

Read: Minutes of Appeal Hearing Meeting Re: Boyle Bingo held on 14 June 2021.

Agreed: The Minutes of the Appeal Hearing Meeting Re: Boyle of Councillor Mulgrew, seconded by Councillor Savage.

At this point in the meeting the Chief Executive stated that further to Strategy, Policy and Resources Committee Meeting held on 17 June 2021 when she joined to provide advice in relation to a proposal put by Councillor Brown, seconded by Councillor Tinnelly regarding communication between Council Officers and representatives of the Cathedral, she had taken legal advice in the interest of protection of the Council and Councillors and would provide that legal opinion in closed session.

Councillor Brown entered the meeting at this stage – 6.19pm

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

Agreed: On the proposal of Councillor Ó Muirí, seconded by Councillor O'Hare, it was agreed to exclude the public and press from the meeting during discussion on the next matter which related to exempt information by

virtue of para. 5 of Part 1 of Schedule 6 of the Local Government (Northern Ireland) 2014 – Information in relation to which a claim to legal professional privilege could be maintained in legal proceedings.

SPR/97/2021: Newry City Regeneration Programme Board

Agreed: On the proposal of Councillor Ó Muirí, seconded by Councillor Gallagher, it was agreed the Committee come out of closed session.

Noted: The Chief Executive advised that whilst in closed session Members were briefed on legal opinion in relation to SPR/97/2021 and further to that briefing and on receipt of legal opinion she had removed the element of the meeting from the public record and the matter would not be discussed further.

Members were also advised that at the Audit Committee Meeting held on 5 July 2021, an independent review of the governance of Newry City Centre Regeneration Programme was agreed and would involve interviews with Councillors and ASM internal auditors would be contact to arrange same. There would be no discussion on any matters relating to Newry City Regeneration Programme at this Council Meeting or any subsequent Committee Meetings until such times as the investigation is concluded to the satisfaction of the Audit Committee. The Chief Executives thanked Members in advance for respecting the process that she had put in place.

C/139/2021 **MINUTES OF STRATEGY, POLICY AND RESOURCES COMMITTEE MEETING HELD ON 17 JUNE 2021**

Read: Minutes of Strategy, Policy and Resources Committee Meeting held on 17 June 2021 (copy circulated).

Agreed: The Minutes of the Strategy, Policy and Resources Committee Meeting held on 17 June 2021, excluding item SPR/97/2021: Newry City Regeneration Programme Board were agreed as an accurate record and adopted, on the proposal of Councillor Sharvin, seconded by Councillor Hanlon.

C/140/2021 **MINUTES OF ACTIVE AND HEALTHY COMMUNITIES COMMITTEE MEETING HELD ON 21 JUNE 2021**

Read: Minutes of the Active and Healthy Communities Committee Meeting held on 21 June 2021 (copy circulated).

Agreed: The Minutes of the Active and Healthy Communities

Committee Meeting held on 21 June 2021 were agreed as an accurate record and adopted, on the proposal of Councillor O'Hare, seconded by Councillor McEvoy.

C/141/2021 **MINUTES OF NEIGHBOURHOOD SERVICES COMMITTEE MEETING HELD ON 23 JUNE 2021**

Read: Minutes of Neighbourhood Services Committee Meeting held on 23 June 2021 (copy circulated).

NS/100/2021: Applications for Bus Shelters in Crossgar and Saintfield

Councillor Andrews spoke at length about concerns regarding the relocation of the bus shelter at Downpatrick Street, Crossgar and the new location and commented that the letters sent on 13 April 2021 would have been done so when premises in the vicinity would have been subject to lockdown and people working from home.

Councillor Andrews proposed a deferment take place and that officials take on board the points raised in relation to the consultation process, also the points raised about the redevelopment at this stage and for other options and locations to be taken into account now. Councillor Curran seconded the proposal.

Agreed: It was agreed on the proposal of Councillor Andrews, seconded by Councillor Curran to defer the decision in relation to the bus shelter at Downpatrick Street, Crossgar and that officials take on board the points raised by Councillor Andrews in relation to the consultation process and also the points raised about the redevelopment at this stage and for other options and locations to be taken into account now.

NS/099/2021: Proposed Memorial Gardens Landscape Scheme

Councillor Tinnelly took the opportunity to reaffirm his thanks to all officers for the work that was put into the project and thanked Children's Community Nurse in the Southern Trust, Ms Nuala Boyle for her work with parents and families.

Agreed: The Minutes of the Neighbourhood Services Committee Meeting held on 23 June 2021 were agreed as an accurate record and adopted, on the proposal of Councillor Magennis, seconded by Councillor Walker.

PLANNING

C/142/2021 PLANNING MINUTES

There was no Planning Committee Meeting held in June 2021 due to current legislative uncertainty around remote meetings.

FOR NOTING

C/143/2020

REPORT OF SPECIAL HEALTH MEETING HELD ON 21 JUNE 2021

Read: Minutes of Special Health Meeting held on 21 June 2021. (Copy circulated)

Agreed: The Report of the Special Health Meeting dated 21 June 2021 were noted on the proposal of Councillor O'Hare, seconded by Councillor Burgess.

C/144/2021

NORTHERN IRELAND HOUSING COUNCIL MINUTES HELD ON 13 MAY 2021

Read: Minutes dated 13 May 2021 from Northern Ireland Housing Council. (Copy circulated)

Agreed: The Northern Ireland Housing Council Minutes were noted on the proposal of Councillor O'Hare, seconded by Councillor Burgess.

C/145/2021

NORTHERN IRELAND HOUSING COUNCIL BULLETIN JUNE 2021

Read: June 2021 Bulletin from Northern Ireland Housing Council. (Copy circulated)

Councillor Savage paid tribute to fire crews and the local community who had assisted at a recent tragic incident in Bessbrook. In particular, he praised the Newry Housing Executive staff for their excellent work in the wake of the incident, in ensuring the family had been rehoused while awaiting their house to be re-built.

Agreed: The Northern Ireland Housing Council Bulletin was noted on the proposal of Councillor O'Hare, seconded by Councillor Burgess.

C/146/2020

CORRESPONDENCE RECEIVED REGARDING THE QUEEN'S PLATINUM JUBILEE CENTRAL WEEKEND 2022

Read: Correspondence dated 2 June 2021 received from Royal Communications regarding the Queen's Platinum Jubilee Central Weekend. (Copy circulated)

Agreed: The correspondence was noted on the proposal of Councillor O'Hare, seconded by Councillor Burgess.

C/147/2021

ACKNOWLEDGEMENT RECEIVED FROM TAOISEACH MR M MARTIN RE: NOM C/132/2021

Read: Correspondence dated 22 June 2021 from Taoiseach Mr M Martin in response to NOM c/132/2021. (Copy circulated)

Agreed: The correspondence was noted on the proposal of Councillor O'Hare, seconded by Councillor Burgess.

Councillor McKee entered the meeting during the above discussions – 6.36pm

NOTICES OF MOTION

C/148/2021

NOTICE OF MOTION – FISHING AND SEAFOOD DEVELOPMENT PROGRAMME REPORT

The following Notice of Motion was received from Councillor McMurray:

“That this Council endorses and supports the Fishing and Seafood Development Programme Report, as produced by the Strategic Investment Board, and presented to DAERA. To demonstrate support and continuing assistance, this Council shall:

- **Send written confirmation of our support to the respective Ministers for the Departments: of Agriculture, Environment and Rural Affairs; of the Economy; of Finance.**
- **Request a ministerial meeting between the Minister of Finance and NMDC Senior Management Team to ensure the business case, and the securing of funds, for this project is progressed in a timely manner.**
- **Establish a Project Board made up of representatives from all parties with a dedicated Council Officer to liaise between both Ardglass, Kilkeel and Portavogie Harbours, DAERA and Ards and North Down Council to assist in the development and implementation of the respective projects within our district.**
- **Actively include the FSDP recommendations to develop the Blue Green Economy - and the associated requirements for skills development - within council promotions and strategies.”**

The Motion was seconded by Councillor Brown.

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

C/149/2021

NOTICE OF MOTION – MOTORHOME STRATEGY

The following Notice of Motion was received from Councillor Clarke:

“With the ever-increasing numbers of Motorhome owners opting to use car parks and other locations for overnight stays in Newcastle, Council acknowledge the signs of tension that are now growing between local residents and motorhome users. Council recognise that freedom camping has become unsustainable at some key areas, In turn this is placing operational and environmental pressure on visitor attractions originally designed for day time recreational use only. Council develop a motorhome strategy for Newry Mourne and Down Council region, encompassing Newry and the main towns and villages.”

The Motion was seconded by Councillor Mulgrew.

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

C/150/2021 NOTICE OF MOTION – DEFIBRILLATOR PROVISION

The following Notice of Motion was received from Councillor Taylor:

"To ask Newry, Mourne & Down District Council to undertake a programme of engagement with local sports clubs and community organisations across the District to establish the level of defibrillator provision within their various facilities. The Council should endeavour to offer practical support to respective sporting and community organisations to increase the level of defibrillator provision and endeavour to achieve maximum capacity of this life saving equipment in all sporting and community facilities at the earliest opportunity. The Council should also develop a programme which is designed to increase the numbers of officers and volunteers within all sporting and community organisations who can perform the vital life saving skill of CPR".

The Motion was seconded by Councillor Lewis.

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

C/151/2021 NOTICE OF MOTION – REVIVAL OF DOWNPATRICK TOWN CENTRE

The following Notice of Motion was received from Councillors Sharvin, Trainor and Curran:

"That this council recognises the importance of supporting the revival of Downpatrick town centre post pandemic and beyond. This motion calls on council to appoint a town centre manager for Downpatrick. A Town Centre Manager who can liaise with the business community creating initiatives, opportunities and developing programmes that would support the future development of the county town."

The Motion was seconded by Councillor Trainor.

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

C/152/2021 NOTICE OF MOTION – WORKERS' RIGHTS END FIRE AND REHIRE

The following Notice of Motion was received from Councillor Hanlon:

"That this Council recognises that an unprecedented number of workers have lost, or are at risk of losing their jobs due to the Covid-pandemic; acknowledges that workers who lose their jobs should be entitled to fair compensation and due process; agrees that the age discrimination which exists in terms of redundancy pay is unfair and should be ended; believes that employers should adhere to the normal collective redundancy consultation processes; is concerned that large unscrupulous companies particularly in the retail, hospitality and aviation sectors are using the Covid-19 crisis to by-pass collective redundancy consultation processes and are adopting the 'fire and rehire' approach to re-employ workers on worse terms and conditions; and calls on the Minister for Economy to bring forward legislation that strengthens redundancy protections for workers to protect against 'fire and rehire' and delivers on the New Decade New Approach Agreement employment commitments to improve worker's rights and entitlements".

The Motion was seconded by Councillor Ó Muirí.

On behalf of Councillor Hanlon, Councillor Ó Muirí proposed the Motion saying the practice of fire and re-hire was one used by many large companies which enabled them to bypass the usual protection that existed for workers in terms of redundancy consultation and unfair dismissal. He said fire and re-hire was a shameful tactic used to force workers into accepting new terms and conditions or face being sacked, sometimes with workers given only seven days to sign new contracts.

Councillor Ó Muirí said the practice of fire and rehire was used during the pandemic when workers were vulnerable and job opportunities were scarce. In some cases, workers' wages were reduced and their right to sick pay removed which he said was completely reckless during a pandemic when workers may be forced to isolate.

Councillor Ó Muirí said where company restructuring was necessary then redundancy must be a last resort and must be consulted on fully with workers and trade unions and where possible, alternatives sought such as redeployment, retraining, temporary lay-off or a reduction in overtime hours.

Councillor Ó Muirí said there had been 5,150 confirmed redundancies over the past year and it was imperative that redundancies and unfair dismissal rights were improved. Councillor Ó Muirí continued, saying the unfair age disparities that currently existed when calculating redundancy pay and an end to zero hours contracts were all vital in protecting the rights of workers.

Councillor Byrne expressed support for the Motion saying statistics indicated that attempts had been made by employers to rehire one fifth of people aged between 18 – 24 on more favourable terms and this trend had become more prolific throughout the pandemic.

Councillor Taylor welcomed the Motion saying whilst he acknowledged businesses had been adversely affected due to the COVID pandemic, they had received government assistance and it was therefore very important that workers were protected and were not exploited.

Councillor Walker expressed support for the Motion saying legislation needed to be more robust.

Councillor McMurray expressed support for the Motion saying it was very difficult for workers to feel connected to the work place with the constant fear of fire and re-hire and this practice adversely affected productivity, additionally and importantly he said the mental health of workers had to be considered.

