

NEWRY, MOURNE & DOWN DISTRICT COUNCIL

Minutes of Special Council Meeting held on Monday 29 June 2015 in the Mourne Room, Downshire Civic Centre, Downpatrick

In the Chair Councillor N Bailie

In attendance:

(Councillors)

Councillor T Andrews	Councillor P Brown
Councillor S Burns	Councillor M Carr
Councillor C Casey	Councillor P Clarke
Councillor W Clarke	Councillor G Craig
Councillor D Curran	Councillor L Devlin
Councillor G Donnelly	Councillor S Doran
Councillor C Enright	Councillor G Fitzpatrick
Councillor G Hanna	Councillor V Harte
Councillor T Hearty	Councillor D Hyland
Councillor L Kimmins	Councillor M Larkin
Councillor K Loughran	Councillor D McAteer
Councillor K McAteer	Councillor H McKee
Councillor R Mulgrew	Councillor M Murnin
Councillor B Ó'Muirí	Councillor B Quinn
Councillor H Reilly	Councillor M Ruane
Councillor G Sharvin	Councillor G Stokes
Councillor D Taylor	Councillor JJ Tinnelly

(Officials)

Mr L Hannaway, Chief Executive
Mr M Lipsett, Director of Active and Healthy Communities
Mr R Moore, Assistant Director of Active and Healthy Communities (Leisure and Sport)
Mr K Gordon, Assistant Leisure Services Officer
Mr P Green, Legal Advisor
Mrs E McParland, Democratic Services Manager
Miss S Taggart, Democratic Services Officer
Mrs C Taylor, Democratic Services Officer

SC/01/2015

APOLOGIES AND CHAIRPERSON'S REMARKS

Apologies were received from Councillors Burgess, Ennis, Harvey, McGrath, Ó'Gribín and Walker. Apologies were also received from Mr E Curtis, Director of Strategic Planning and Performance and Mrs M Ward, Director of Enterprise, Regeneration and Tourism.

The Chairperson advised those in the public gallery to ensure they remained quiet during the presentations and the discussions.

SC/02/2015

DECLARATIONS OF INTEREST

There were no Declarations of Interest declared.

Councillors W Clarke and Murnin entered the meeting at this stage – 6.05pm

SC/03/2015

PRESENTATION BY DEPUTATION OF PARENTS AND SWIMMING TEACHERS FROM ACROSS THE DISTRICT

The Chairperson welcomed Mrs Aurla McLoughlin and Mr Brendan O'Hagan to the meeting and invited them to make their presentation.

Mrs McLoughlin thanked the Council for the opportunity to make a presentation, copy of which is appended to these minutes.

Mrs McLoughlin outlined the strengths of private lessons in Downpatrick stating 204 lessons take place which equals £30,000 revenue to Council annually and these lessons are tailored to cater for disabled people, those in rehabilitation as well as the general public. These lessons provide qualifications which are recognised across Ireland and fill a niche not currently provided by the Council.

Mrs McLoughlin advised that a compromise has been reached between various parties, the Director of Active and Healthy Communities as well as instructors and parents representatives. She stated if the model was implemented, Council, parents and swim instructors would be happy and the Council's vision and strategic aims would become a reality.

Mr O'Hagan also thanked the Chairperson for the opportunity to make a presentation, copy of which is appended to these minutes.

Mr O'Hagan provided some background to why Newry parents and teachers were in attendance at the meeting and highlighted the impact of the Council decision to revoke swim schools license after 30 years partnership, without consultation.

Mr O'Hagan proposed, on behalf of the parents, children and teachers of the Newry area, to bring the swim schools back to provide the unique service they have provided for 30 years, with this service being provided when Newry Leisure Centre is closed.

Councillor Hyland questioned the rationale for having a closed session following the presentations.

The Chairperson advised the Council would be considering legal opinion and this was deemed to be restricted by virtue of 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.

The Chairperson invited questions on the presentation from Members and the following points were raised:

- Can the presenters provide detail on the numbers on waiting lists for the 5 swimming instructors in Downpatrick?
- How many group lessons, 1to1 and 1to2 lessons are provided in Newry?
- If Council are not providing certain qualifications in the pool, can instructors be permitted to provide these?
- If Council were to hire the pool out on to a private instructor when it would otherwise be closed, would there be any additional costs?

The presenters responded to the queries as follows:

- Mrs McLoughlin advised she had information for 2 of the swim instructors in Downpatrick. One has over 8 months waiting list on a part time capacity and the other has a year and a half waiting list.
- Mr O'Hagan advised there are very few on the waiting lists in Newry as the private schools would have absorbed the capacity.
- Private swimming instructors can offer pool/rookie lifeguard qualifications and development of skills for those individuals who wish to take swimming to another level.
- There would be no additional costs to the Council as staff would be on hand to open up and clean up if private instructors were to use the pool when it is closed.

SC/04/2015

REPORT FROM COUNCIL OFFICERS ON PRIVATE SWIMMING ARRANGEMENTS

- Read:** Report dated 29 June 2015, from Mr R Moore, Assistant Director of Leisure & Sport recommending that Council agree to:
1. The 1 to 1 and 1 to 2 lessons will be delivered on the basis of the table set out in appendix one.
 2. All private group lessons will cease with the exception of under 4 lessons which are not provided by the Council.

Members discussed the issue at length and raised the following queries:

- What are the differences between what was proposed at the last meeting and that at this meeting?
- Is there any economic reason to keep the pool closed when private individuals are willing to provide courses or classes that the Council does not?
- Where have the savings come from?
- Complaints have been forthcoming about the lack of room in the pools during the Council swimming lessons, what has been done about these?
- Will instructors be able to afford to provide these lessons and parents afford to send children to lessons, given that the decrease in what is being paid is not significant?
- How many are now on the waiting list as of today?
- Is this pricing structure based on 20 lessons?
- How are lessons delivered in the Council pools; during quiet times will lessons be delivered?
- How are the Council working to reduce the levels on the waiting lists?

- How many children are taught by each instructor?
- Have members of the public requested crash courses or do they prefer more long term lessons?
- If Council are unable to provide a particular qualification, can swimming clubs be contacted and if so, have they been contacted?
- How many new instructors have been provided in the Newry Leisure Centre?

Officers responded to the queries as follows:

- 2 months ago the cost was £4.85 plus entrance fee, and last month it was £3.75 plus £1.05 entrance fee based on a 20 swim card. Now the pupil is no longer charged and there is one single charge paid by the teacher.
- The policy agreed is that if Council cannot offer a class, course or qualification, Council will investigate the need for same and, if significant need exists, look at how to provide this. If the Council cannot provide it, they would look at the possibility of bringing in private partners to do so.
- Council aim to keep their facilities open as much as possible, however they are restricted due to staff costs. If a private sector operator is prepared to cover the full costs to open the pool during additional hours, officers would be very open to this.
- The officer stated he would investigate the claims that there is not enough room in the pool during swimming lessons as this should not be the case.
- The pools run at a loss of over £2m a year. However Council needs to ensure there is a fair pricing structure across the District.
- The waiting list may have grown again since the last meeting which showcases the success of the programme. Officers are looking at opening times and the days in which the centres are closed. There are now 721 on the waiting list and 1100 spaces are available across the summer. Crash courses are being organised over the summer to facilitate those who want to avail of the programme. The programme will be reviewed at the end of the summer.
- People do generally want to avail of longer blocks of lessons however both are being offered over the summer in order to give some provision to a greater amount of people.
- There is capacity to increase to 58 classes and the benefit of crash courses is that they can offer pupils a swimming lesson whilst assessing ability levels for further swimming programmes.
- No one has been contacted as yet. Council are trying to introduce and bed in the new STA programme at this stage. After 6 months there will be a review when the programme can be revisited if it is not working.
- There are two full time teachers, plus one 34 hours per week teacher, and 2 senior leisure attendants who can lifeguard, supervise and teach. There are full-time, part-time and casual staff in place in the centres.

As the information contained within the next item was exempt, it was agreed on the proposal of Councillor P Clarke, seconded by Councillor Hearty to go exclude the public and press during discussion on this matter which relates to exempt information by virtue of paragraph 5 of part 1 of Schedule 6 of the Local Government Act (NI) 2014 - Information in relation to which a legal professional privilege could be maintained in legal proceedings.

The Chairperson asked members of the public and press to vacate the chamber at this stage – 7.10pm.

Councillor Stokes proposed that there be an adjournment of 20 minutes for Councillors to discuss the additional information received during the presentations. This was seconded by Councillor Enright.

The proposal was put to a recorded vote, the results of which are as follows:

FOR: 19
AGAINST: 16
ABSTENTIONS: 0

It was then agreed to adjourn the meeting at this stage for Councillors to discuss the matter at hand – 7.20pm

The meeting did then resume at this time – 7.40pm

Members discussed the issue at length and Councillor Hearty proposed that Council accept the officer's recommendation as follows:

1. The 1 to 1 and 1 to 2 lessons will be delivered on the basis of the table included at Appendix 1.
2. All private group lessons will cease with the exception of under 4 lessons which are not provided by the Council.

This was seconded by Councillor Burns.

Councillor Enright proposed an amendment to the proposal as follows:

1. The 1-1 and 1-2 lessons will be delivered on the basis of the table set out in appendix 1, with exception of point 3,
2. Point (3) in table set out in appendix 1 be replaced with: Any group private lessons in Council facilities would be targeted at groups not currently provided for in the swimming programme organised by the Council.
3. The Council brings forward proposals which allow use of Council facilities outside of Council hours.

The amendment was seconded by Councillor Reilly.

It was agreed on the proposal of Councillor Stokes, seconded by Councillor Enright to come out of closed session and the Chairperson welcomed members of the public and press back to the meeting at this stage – 8.15pm

The amendment was put to a recorded vote, the results of which were as follows (copy of vote attached):

FOR: 20
AGAINST: 15
ABSTENTIONS: 0

The amendment was CARRIED.

The proposal, as amended, was put to a recorded vote, the results of which were as follows (copy of vote attached):

FOR: 35
AGAINST: 0
ABSTENTIONS: 0

The proposal, as amended, was CARRIED unanimously.

It was agreed on the proposal of Councillor Enright, seconded by Councillor Reilly that:

- 1. The 1-1 and 1-2 lessons will be delivered on the basis of the table set out in appendix 1, with exception of point 3,**
- 2. Point (3) in table set out in appendix 1 be replaced with:**
Any group private lessons in Council facilities would be targeted at groups not currently provided for in the swimming programme organised by the Council.
- 3. The Council brings forward proposals which allow use of Council facilities outside of Council hours.**

The Chairperson thanked the members of the public for their co-operation during the meeting.

There being no further business, the meeting concluded at 8.30pm

Signed:

Chairperson

Chief Executive

NEWRY, MOURNE & DOWN DISTRICT COUNCIL
RECORDED VOTE

DATE: 29 June 2015 VENUE: Downshire Civic Centre MEETING: Special Council

SUBJECT OF VOTE: Adjournment of Meeting for 20 minutes to discuss information from presentations.

COUNCILLOR	FOR	AGAINST	ABSTAIN	ABSENT
T Andrews	√			
N Bailie		√		
P Brown	√			
R Burgess				√
S Burns		√		
M Carr	√			
C Casey		√		
P Clarke	√			
W Clarke		√		
G Craig		√		
D Curran	√			
L Devlin	√			
G Donnelly	√			
S Doran		√		
S Ennis				√
C Enright	√			
G Fitzpatrick	√			
G Hanna		√		
V Harte		√		
H Harvey				√
T Hearty		√		
D Hyland	√			
L Kimmins		√		
M Larkin		√		
K Loughran	√			
D McAteer	√			
K McAteer	√			
C McGrath				√
H McKee		√		
R Mulgrew		√		
M Murnin	√			
P Ó Gribín				√
B Ó Muirí		√		
B Quinn	√			
H Reilly	√			
M Ruane		√		
G Sharvin	√			
G Stokes	√			
D Taylor		√		
JJ Tinnelly	√			
B Walker				√
TOTALS	19	16	0	6

NEWRY, MOURNE & DOWN DISTRICT COUNCIL
RECORDED VOTE

DATE: 29 June 2015 VENUE: Downshire Civic Centre MEETING: Special Council

SUBJECT OF VOTE: Amendment proposed by Councillor Enright, seconded by Councillor to the proposal proposed by Councillor Hearty, seconded by Councillor Burns

COUNCILLOR	FOR	AGAINST	ABSTAIN	ABSENT
T Andrews	√			
N Bailie		√		
P Brown	√			
R Burgess				√
S Burns		√		
M Carr	√			
C Casey		√		
P Clarke		√		
W Clarke		√		
G Craig		√		
D Curran	√			
L Devlin	√			
G Donnelly	√			
S Doran		√		
S Ennis				√
C Enright	√			
G Fitzpatrick	√			
G Hanna		√		
V Harte		√		
H Harvey				√
T Hearty		√		
D Hyland	√			
L Kimmins		√		
M Larkin		√		
K Loughran	√			
D McAteer	√			
K McAteer	√			
C McGrath				√
H McKee	√			
R Mulgrew		√		
M Murnin	√			
P Ó Gribín				√
B Ó Muirí		√		
B Quinn	√			
H Reilly	√			
M Ruane		√		
G Sharvin	√			
G Stokes	√			
D Taylor	√			
JJ Tinnelly	√			
B Walker				√
TOTALS	20	15	0	6

NEWRY, MOURNE & DOWN DISTRICT COUNCIL
RECORDED VOTE

DATE: 29 June 2015 VENUE: Downshire Civic Centre MEETING: Special Council

SUBJECT OF VOTE: Vote on the Main proposal proposed by Councillor Hearty, seconded by Councillor Burns, with the amendment proposed by Councillor Enright, seconded by Councillor

COUNCILLOR	FOR	AGAINST	ABSTAIN	ABSENT
T Andrews	√			
N Bailie	√			
P Brown	√			
R Burgess				√
S Burns	√			
M Carr	√			
C Casey	√			
P Clarke	√			
W Clarke	√			
G Craig	√			
D Curran	√			
L Devlin	√			
G Donnelly	√			
S Doran	√			
S Ennis				√
C Enright	√			
G Fitzpatrick	√			
G Hanna	√			
V Harte	√			
H Harvey				√
T Hearty	√			
D Hyland	√			
L Kimmins	√			
M Larkin	√			
K Loughran	√			
D McAteer	√			
K McAteer	√			
C McGrath				√
H McKee	√			
R Mulgrew	√			
M Murnin	√			
P Ó Gribín				√
B Ó Muirí	√			
B Quinn	√			
H Reilly	√			
M Ruane	√			
G Sharvin	√			
G Stokes	√			
D Taylor	√			
JJ Tinnelly	√			
B Walker				√
TOTALS	35	0	0	6

APPENDIX 1 – SPECIAL COUNCIL MEETING

1. It is recommended that the Council agree the proposal for 1 to 1 and 1 to 2 lessons –
 - (a) There would be no lesson charge for the teacher where a pupil holds a less-abled membership and the teacher pays their annual membership fees.
 - (b) The time period for children with disabilities would be 45 minutes to enable changing and preparation time.
 - (c) Children who do not have disabilities or have learning difficulties but would benefit from 1 to 1 lessons due to lack of confidence (as confirmed by an independent professional who has knowledge of the child) will be treated the same as (a).
2. The Council was keen to provide a consistent suite of services across all its centres to ensure that all ratepayers receive a quality, equal service. The table details former and proposed charges:

	Proposed New Pricing	Proposed Less-abled
Annual Reg.	£53.15 + Yearly Membership £220 = £273.15	£53.15 + Yearly Membership £220 = £273.15
Lesson fee to Council by Teacher	£4.75/£8.40*	£0.00
Entrance Teacher	£0.00 (or £2.85 if non-member)	£0.00 (or £2.85 if non-member)
Entrance Pupil	£0.00 (approximate swim card rate of £1/£2 Child/Adult incl. in lesson fee)	£0.00 (less-abled rates £5.75/£11.45 per year)

*Assumed 20+ lessons booked by instructor as this was included in the new flat rate Proposed Scheme Enhancements:

- Remove £1 spectator charge for parent in Downpatrick.
 - Waive lesson charge to teacher for less-abled pupils.
 - Extend less-abled lesson tuition time to 45 minutes.
 - Lessons can be booked up to 8 weeks in advance and a maximum of 5 teachers in the pool at any one time, this would be subject to operational requirements and Risk Assessment and during busy periods.
3. Based on the Council decision in March there would be no private group lessons post June 2015 – it was recommended that the Council reaffirms its previous decision on private group lessons.