

Derry City and Strabane District Council

Derry City and Strabane District Council (Open)

Minutes of Meeting of the Derry City and Strabane District Council (Open) held in the Guildhall, Derry on Thursday 14 December 2017 at 4.00 pm

Present:- Members of the Committee - ; Aldermen; Bresland, Devenney, M Hamilton, R Hamilton, Hussey, Thompson and Warke; Councillors McKnight, Gardiner, Campbell, Carlin, Carr, Cooper, Cusack, Dobbins, Donnelly, Duffy, Fleming, Gallagher, Hassan, Hastings, Jackson, C Kelly, D Kelly, McGinley, McGuire, R McHugh, McMahan, O'Reilly, Ramsey, Reilly, Robinson, Tierney, J McKeever, McClintock and M McHugh.

C347/17 Notice and Summons of Meeting

The Mayor read the Notice and Summons for the Meeting.

C348/17 Webcasting Notice

Apologies were recorded from Councillor P Kelly and Logue.

C349/17 Member Attendance and Apologies

Apologies were recorded from Councillor P Kelly and Logue.

C350/17 Declarations of Members' Interests

There were no Declarations of Interest.

C351/17 Chairperson's Business

C351/17 Chinese Delegation Visit to the City

The Mayor commented on the recent visit of the delegation from Dalian, China to the City. He stated that the delegation had been greatly impressed with the history of the City and region. He hoped that the continuing links were enhanced as a result of the visit and the friendships that had been forged. He also hoped that Dalian would be twinned with the City.

C352/17 Security Alerts

The Mayor stated that he was discouraged by the recent security alerts in the City where devices had been found in residential areas. He remarked that it was particularly appalling at this time of year when families with young children had to be evacuated from their homes. He stated that there was no need for this type of activity within our communities and that there were alternative ways for people to express themselves politically. Alderman Hussey concurred with the remarks made by the Mayor in relation to the security alerts. He also referred to the visit by the Chinese delegation to the City and stated that with the exception of a major differential in scale, there was a tremendous amount of commonality between both cities which was to be welcomed as it would bring tremendous value to the Derry City and Strabane District Council area. Councillor Boyle reported that he had attended the meeting with the delegation which had proved very productive. He stated that there was a very real potential for a sound relationship in going forward. He described the many similarities between the two cities and that it was very significant that a city with a population of 7 million people would be interested in engaging with our City on a social and economic level.

C352/17 Confirmation of the Open Minutes of the Meeting of the Derry City and Strabane District Council held on Thursday 23 November 2017

The Minutes of the Open Meeting of Derry City and Strabane District Council held on 23 November 2017 (C306/17 – C340/17) were submitted.

On a matter of accuracy, Councillor Reilly asked that Colm Eastwood be amended to Colum.

Alderman Devenney Moved, Councillor Hastings Seconded and the Council

Resolved that the above Minutes as amended be adopted as a true record of the Meeting.

C353/17 Matters Arising

C354/17 Growth Deal/City Deal (C312/17)

Councillor Reilly asked for the Chief Executive to provide an update on correspondence that had been sent to Jake Berry MP and the Secretary of State inviting them to address Council. He stated that Colum Eastwood MLA had attended a meeting with the Secretary of State and requested that he visit the City to view the Strategic Growth Plan.

In response, the Chief Executive reported on a meeting held with the Officer Team and government officials in Belfast which included representatives from the Northern Ireland Office, the Northern Ireland Executive, Department for Local Government and HM Treasury officials from London on 11 December 2017. He stated that the combined officer team presented the Strategic Growth Plan for the City and region with the key priorities that would emerge from the Plan to form the basis of Council's proposition for a potential City Deal for this region. He explained that the plan comprised of the key components of the Statement of Intent which would begin the discussion process. He stated that the evidence base that supported the key strategic projects within the plan had been outlined in great detail, along with the details of the key economic and wider social benefits that would derive from those projects.

The Chief Executive stated that the team had emphasised how developed the projects were and the significance of the evidence base in the City and region on the basis of the Community Planning Process. He described how this was a shared vision across the political spectrum, the local community and the business community. He reported that Council Officers had been accompanied by Senior Officials from Ulster University and representatives from the business community whose attendance had been extremely beneficial and also demonstrated that the plans were part of a joint up community of partners. He stated that clarification had been sought regarding the next steps in the process and reported that a detailed meeting with government departments was scheduled for the New Year.

The Chief Executive reported that in respect of the Motion passed at the Council meeting held on 23 November 2017, correspondence had been sent to the Secretary of State, James Brokenshire, seeking for him to address the Council's Strategic Growth Partnership at the earliest

opportunity. He stated that correspondence had also been sent to Mr Sajid Javid, Secretary of State for the Department of Communities and Local Government, who was ultimately responsible for the administration of City Deals, to request a meeting with Council. He further stated that quite a substantial amount of work had been undertaken and Council had yet to receive any response. He confirmed that Members would be informed if any correspondence is received.

Councillor Cooper reported that Elisha McCallion MLA had recently met with Minister Javid and that Sinn Fein were intending to bring a delegation from the North West to meet with the Minister in the New Year. He stated that Council and other interested parties would be contacted to determine who would be part of the delegation and details would be forwarded as soon as possible.

Alderman Hussey stated that Jack Berry MP had advised that he would be willing to meet with Council and enquired if any action had been taken on the offer to attend.

In response, the Chief Executive reported that Jack Berry MP had written on behalf of Minister Javid and that Council had responded by stating that Council wished to meet with Minister Javid or Jack Berry MP as soon as possible.

Alderman Hussey thanked the Chief Executive for his response and that he looked forward to the Ministers' visit.

C355/17 Planning Application Timescales (C321/17)

Alderman Hussey expressed his thanks to the Planning Department on forwarding correspondence to the external agencies asking them to reply in a more timely fashion to issues relating to planning applications.

The Director of Environment and Regeneration stated that dialogue with the agencies was ongoing and an update would be provided at the next Environment and Regeneration Committee meeting.

Alderman Hussey expressed a preference that the report be presented at the next Council meeting as the matter involved all Members.

C354/17 Adoption of the Open Minutes of the following Committees

a Special Environment and Regeneration Committee held on Tuesday 21 November 2017

The Minutes of the Special Environment and Regeneration Committee held on 21 November 2017 (SER5/17 – SER9/17) were submitted. Councillor Dobbins Moved, Councillor Hastings Seconded and the Council

Resolved that the above Minutes be adopted as a true record of the Meeting.

b Monthly Governance and Strategic Planning Committee held on Tuesday 28 November 2017

The Minutes of the Governance and Strategic Planning Committee held on 28 November 2017 (GSP169/17 – GSP177/17) were submitted. Councillor McKeever Moved, Alderman Kerrigan Seconded and the Council

Resolved that the above Minutes be adopted as a true record of the Meeting.

c Monthly Planning Committee held on Wednesday 29 November 2017

The Minutes of the Planning Committee held on 29 November 2017(P171/17–P183/17) were submitted. Councillor McGuire raised an issue around the relationship between the Strabane Area Plan and PPS 21 and which document had primacy. Councillor D Kelly raised an issue in relation to the protocol in relation to the questioning of officers about applications at committee meetings. He confirmed he would be happy to meet with officers to discuss.

On a point of accuracy, Councillor McGuire referred to LA11/2017/0438/O and stated that the Principal Planning Officers contribution had been omitted just before the Lead Legal Officer had commented. She had informed the Committee that since the Strabane Area Plan was out of date it had been superseded by PPS 21 as the primary document for assessing application.

Councillor D Kelly referred to LA112017/0662/O and reported that there were questions raised during the determination for that application put to the Officer. He stated that he had repeated the questions however, they had been deflected. He added that protocol did not permit this and although it was a subtle point it was also significant.

In response, the Chief Executive stated that Councillor D Kelly had already contacted him on the matter and recommended that this matter would be progressed in the first instance through the Chief Executive.

It was agreed that the Minutes would be amended accordingly. Subsequently, Councillor Boyle Moved, Alderman Bresland Seconded and the Council

Resolved that the above Minutes as amended be adopted as a true record of the Meeting.

Matters Arising from the Minutes

C359/17 Planning Applications with Recommendations for Decision (P178/17)

Councillor McGuire referred to LA11/2017/0438/O and stated that in his opinion a Department of Environment (DOE) policy amendment came into force on 29 February 2016. He stated that the Head of Planning reported at a Special Meeting that the amendment which was now in force ensured that the Strabane Area Plan 1986-2001 was now legislatively included within the transitions provisions contained within the 2015 regulations.

d Monthly Assurance, Audit and Risk Committee held on Thursday 30 November 2017

The Minutes of the Assurance, Audit and Risk held on 30 November 2017 (AAR105/17 – AAR117/17) were submitted.

Councillor McKeever Moved, Alderman McClintock Seconded and the Council

Resolved that the above Minutes be adopted as a true record of the Meeting.

e Monthly Business and Culture Committee held on Tuesday 5 December 2017

The Minutes of the Business and Culture Committee held on 5 December 2017 (BC230/17 – BC246/17) were submitted.

On a point of accuracy, Alderman Hussey referred to BC242/17 War Memorials and stated that instead of 'in particular' it should read 'including the War Memorials at Sion Mills'.

It was agreed that the Minutes would be amended accordingly. Subsequently, Councillor McKnight Moved, Councillor Fleming Seconded and the Council

Resolved that the above minutes as amended be adopted as a true record of the Meeting.

Matters Arising from the Minutes

C362/17 Matters Arising (BC236/17)

Alderman Hussey referred to his request that Officers investigate the potential of the Stables Museum, Sion Mills working in partnership with the Tower Museum. He stated that it had been a request and not a proposal and enquired on how the matter would be taken forward. In response, the Director of Business and Culture stated that the matter would be taken forward via the Museums Service and an update would be provided at a future Committee meeting.

f Monthly Health and Community Committee held on Thursday 7 December 2017

g Monthly Environment and Regeneration Committee held on Wednesday 6 December 2017

The Minutes of the Environment and Regeneration Committee held on 6 December 2017 (ER255/17 – ER272/17) were submitted. Alderman Ramsey Moved, Alderman Bresland Seconded and the Council

Resolved that the above minutes be adopted as a true record of the Meeting.

Matters Arising from the Minutes

C364/17 Closure of Ulster Bank Branches (ER262/17)

Alderman Hussey enquired if there had been any response regarding the planned closures. In response, the Chief Executive reported that there had been no response at this stage. Alderman Hussey stated that he found it reprehensible that a major organisation had not been prepared to respond quickly to an issue affecting residents in the District Council area.

C355/17 Notices of Motion

Notice of Motion – US President Decision to Name Jerusalem as Capita of Israel.

Councillor Donnelly Moved, Councillor Gallagher Seconded

That This Council views with concern and dismay the recent decision by Donal Trump to designate Jerusalem as the Capital of Israel. Given that the corporate position of the Council is to support the Palestinian cause and in the interest of peace in the Middle East this Council calls on the US President to reverse his decision.

Alderman Hussey called on a point of order and enquired if the Motion was competent. He reported that the Motion had stated 'given the corporate position of the Council', however he believed there was a legal challenge to this statement. He stated it was his understanding that Sinn Fein were also investigating the legality of the matter which had yet to be clarified.

The Lead Legal Services Officer stated that the Notice of Motion previously passed by Council contained the following aspects:

- That this Council affirms its support of the Palestinian people
- That this Council affirms its support for the Boycott, Divestment and Sanctions Campaign
- And that this Council investigates the most practical means of implementing this BDS Campaign

The Lead Legal Services Officer stated that only the third aspect of the Motion was currently under consideration and that consequently the Motion presented at today's meeting was competent.

Alderman McClintock expressed her disbelief that Derry City and Strabane District Council were calling on the most powerful man in the world to reverse his decision regarding Israel, and questioned if this Motion would have any impact. She stated the Motion was a blatant case of seeking headlines and nothing was achieved by bringing Motions of this nature before Council. She reported that under Standing Order 16 Motions should be relevant to matters: "In relation to which Council had the power or duties; Council was not prevented from taking action by other legislation; which directly affects the local government district or its residents; and for which Council is legally competent". She stated this laissez-faire interpretation of Standing Orders must stop and that Council had much more pressing local issues

to deal with than worldwide matters over which there was no hope of influence.

She reported that she had previously requested a report to be brought to the Governance and Strategic Planning Committee to consider the numerous issues regarding Motions and asked for an update on this matter. She stated that the Democratic Unionist Party (DUP) would not be voting on the Motion or giving it any credence.

Alderman McClintock then left the Chamber accompanied by Aldermen Bresland, Ramsey, Thompson, Kerrigan, R Hamilton and Warke.

Councillor McKnight stated that Sinn Fein supported the Motion and had a record of defending the rights of Palestinians and would continue to do so.

Councillor Boyle stated that the DUP had accused Councillor Donnelly of stunt politics and then left the Chamber which, in his opinion, was stunt politics par excellence. He stated they would have better served their community by remaining in the Chamber as there was other business on the agenda.

Alderman Hussey stated that the Ulster Unionist Party (UUP) concurred with the remarks made by the DUP and would not be supporting or voting on the Motion.

Alderman Devenney expressed similar concerns to those of the DUP and stated that Council should question such Motions. He added that Members were responsible for dealing with their own issues within Northern Ireland and that he would not be supporting the Motion.

Councillor Carlin reported that she had been pleased to receive an invitation to attend World Holocaust Day which was an international event. She stated that the day we turn our backs on the suffering and become numb and oblivious to what was happening in Palestine and the Gaza Strip with the flagrant abuses to human rights, was the day that we lose the moral high ground. She stated that she ardently supported the Motion.

Councillor Robinson Proposed an Amendment to the Motion Seconded by Councillor Reilly.

That This Council views with concern and dismay the recent decision by Donal Trump to designate Jerusalem as the Capital of Israel. Given that the corporate position of the Council is to support the Palestinian cause and in interest of peace in the Middle East this Council writes to President Trump asking him to reverse his decision on the grounds that it is extremely damaging to the potential for peace in the region.

The Amendment was then put to a vote with the result as follows:

For- 28; Against-3; Abstentions – 0 and became the Substantive Motion.

A vote was then taken on the Substantive Motion with the result as follows:

For- 28; Against-3; Abstentions – 0.

Subsequently Councillor Robinson Moved, Councillor O'Reilly Seconded and the Council

Resolved That this Council views with concern and dismay the recent decision by Donal Trump to designate Jerusalem as the Capital of Israel. Given that the corporate position of the Council is to support the Palestinian cause and in interest of peace in the Middle East this Council writes to President Trump asking him to reverse his decision on the grounds that it is extremely damaging to the potential for peace in the region.

C356/17 Seal

Seal

Councillor Hastings moved, Councillor McKeever Seconded and the Council

Resolved that the seal of the council be affixed to the following documents:

Documents Sealed 17 November 2017

Agreement in duplicate:- Derry City and Strabane District Council ~and~ Hamilton Architects relating to Templemore and Strabane Leisure Facilities - Tender ref: T HC016-17

Documents Sealed 29 November 2017

Lease in triplicate:- Derry City and Strabane District Council ~and~ Irish Street Youth and Community Association relating to Irish Street.

Tripartite Agreement in triplicate:- Irish Street Youth and Community Association, Derry City and Strabane District Council and Community Foundation for Northern Ireland relating to Irish Street.

Documents Sealed 14 December 2017

Grants of Right of Burial in Ballyoan Cemetery

Ms Faye Troke, 13 Garvagh Court, BT47 6YH.

Mrs Elsie Powell, 20 Esker Gardens, Caw, BT47 6TN.
 Ms Noreen Smallwoods, Enagh Crescent, Maydown, BT47 6UG.
 Mrs Amanda O'Doherty, 33 Ardgrange, Derry, BT48 0SF.
 Mrs Vindi Torney, 3 Bridgewater, Derry, BT47 6YA.
 Ms Irene Doherty, 19 Somme Park, Derry, BT47 2NG.
 Mrs Allison Howe, 43 Ashburn Avenue, Woodburn, Derry, BT47 5PS.
 Mr Thomas Waters, 48 The Beeches, Drumahoe, Derry, BT47 3XS.

Grants of Right of Burial in City Cemetery

Mrs Majella Doherty, 24 Fanad Drive, Derry, BT48 9QE.
 Ms Pat Heaney, 76 Marlborough Street, Derry, BT48 9AY.
 Mrs Doreen McAdams, 23 Turasmore Park, Derry, BT48 0FF.
 Mr Sean O'Driscoll, 6 Limewood Street, Derry, BT48 9JJ.
 Mrs Goretti McBride, 15 Lower Galliagh Road, Derry, BT48 8LN.
 Mrs Una Quigley, 14 Abercorn Road, Derry, BT48 6SA.
 Mrs Prindy McBride, 44 Southend Park, Derry, BT48 9HY.
 Mrs Mollie Roberts, 32 Thorndale, Derry, BT48 8TT.
 Ms Laura Canavan, 134 Old Fort, Stathfoyle, BT48 6SS.
 Mrs Dolores Logue, 6 Eastway Gardens, Derry, BT48 9QB.
 Ms Kathy McCallion, 25 Wheatfield, Muff, County Donegal.
 Mr Michael Kerrigan, 10 Cranlee Park, Derry, bT48 8AJ.
 Ms Kathleen Mullan, Abbey House, Derry, BT48 9EJ.
 Mrs Helen Anderson, 87 Ardnamoyle Park, Derry, BT48 8HN.
 Mrs Janet Fleming, 27 Circular Road, Creggan, Derry, BT48 9QX.
 Mrs Sheena Casey, 11 John Friels Close, Derry, BT48 0QE.
 Ms Kelly McFeely, 2 Maybrook Mews, Derry, BT48 7QQ.
 Mr Robert Ross, 7 Shantallow Avenue, Derry, BT48 7RZ.
 Mrs Annie Duffy, 48 Drumleck Gardens, Derry, BT48 8ET.
 Mr Brian Dillon, 32 Central Drive, Derry, BT48 9QH.

The Committee Recommended that the meeting move into confidential business.

Signed _____

Date _____