

Meeting Pack

Derry City and Strabane District Council

Dear Member of Derry City and Strabane District Council

You are hereby summoned to attend the **Monthly Meeting of the Derry City and Strabane District Council** to be held in the Guildhall, Derry, on Thursday 22 November 2018 at 4.00 pm

Yours faithfully



John Kelpie
Chief Executive

AGENDA

- 1 Notice and Summons of Meeting**
- 2 Member Attendance and Apologies**
- 3 Webcasting Notice**
- 4 Declarations of Members' Interests**

Open for Decision

- 5 Chairperson's Business**
- 6 Confirmation of the Open Minutes of the Meeting of the Derry City and Strabane District Council held on Thursday 25 October 2018 (Pages 1 - 24)**
- 7 Matters Arising**
- 8 Adoption of the Open Minutes of the following Committees**
 - a Special Meeting of the Health and Community Committee held on Thursday 8 November 2018 (Pages 25 - 34)**

- b Monthly Governance and Strategic Planning Committee held on Tuesday 6 November 2018** (Pages 35 - 44)
- c Monthly Planning Committee held on Wednesday 7 November 2018** (Pages 45 - 58)
- d Monthly Assurance, Audit and Risk Committee held on Thursday 8 November 2018** (Pages 59 - 64)
- e Monthly Business and Culture Committee held on Friday 9 November 2018** (Pages 65 - 70)
- f Monthly Environment and Regeneration Committee held on Wednesday 14 November 2018** (Pages 71 - 92)
- g Monthly Health and Community Committee held on Thursday 15 November 2018** (Pages 93 - 110)

9 Notices of Motion

Councillor Gallagher to Move:

I call upon this Council to write to the British and Irish Governments asking them to immediately remove the constraints known as the border before the deadline of 29th March 2019. This council asserts that the border is this districts main cause of high deprivation, high unemployment and poor health and housing. This Council is confident that once the border is gone and partition is ended that many advancements will be made in economic, health and social issues as well as allowing for the ending of community divisions within this District.

Councillor Cusack to Move:

This Council recognises the negative impact of unsightly graffiti in our public spaces, community areas and residential streets. Acknowledges that this vandalism is not acceptable in our City and District and should not go unchecked. Understands that pride in our place is vital for our wellbeing but also key to our tourism product and welcomes the actions of groups such as UVArts and supports the Peace IV Street Art concepts. Pledges to work autonomously or directly with organisations, property owners and the public to identify and facilitate the removal of graffiti and improvement of our neighbourhoods through the establishment of a dedicated task management team across the Council's relevant departments.

Councillor Reilly to Move:

This Council notes that the Community Pharmacy network in NI delivers community-based healthcare services and promotes well-being, with around 123,000 people visiting a community pharmacy every day.

This Council further notes that in 2015 a report was commissioned by the Department of Health and carried out by Pricewaterhouse Coopers for the financial year 2011/12. That report verified that the total HSC cost of running the community pharmacy service in NI is in the region of £130 million - £136 million annually. Despite this, the community pharmacy network remains underfunded by at least £20million per year.

This Council will write to the Secretary of State and the Permanent Secretary in the Department of Health urging that the Department ; Opens further discussions with the representative body Community Pharmacy NI; Urgently introduces an interim rescue package; Introduce changes to the payment arrangements for Chemists to address the issue of 'dispensing at a loss'; Ensures sufficient funding is maintained across the network including rural areas; Delivers a new community pharmacy contract as a matter of urgency.

Finally, this Council will write to the other 10 Councils across N.I. asking them to support this resolution.

Councillor Duddy to Move:

Sinn Féin recognises the positive benefits that breastfeeding can have for both the mother and baby. Calls on the Council to support the #NotSorryMums campaign run by the Public Health Agency and the Department of Health. Further calls on the Council to ensure that all council facilities are a part of the 'Breastfeeding welcome here scheme'.

Aithníonn an Chomhairle na buntáistí dearfacha a bhaineann le cothú cíche don mháthair agus an leanbh beirt. Iarrann muid ar an Chomhairle tacaíocht a thabhairt don fheachtas #NotSorryMums atá á reáchtáil ag an Ghníomhaireacht Sláinte Poiblí agus an Roinn Sláinte. Chuige sin, iarrann muid ar an Chomhairle cinntiú go bhfuil gach saoráid de chuid na Comhairle mar chuid den scéim "Tá fáilte roimh chothú cíche anseo."

Councillor O'Reilly to Move:

That this Council establishes an Inter-Agency Working Group to deal with the ongoing issue of parking throughout the Council area.

Open for Information

10 Seal (Pages 111 - 112)

16 November 2018

Derry City and Strabane District Council

Minutes of Monthly Meeting of Derry City and Strabane District Council held in the Chamber, Guildhall, Derry on Thursday 25 October 2018 at 4.00pm.

Present:- Councillor Boyle (Mayor)(In the Chair); Aldermen Bresland, Devenney, M Hamilton, Hussey, Kerrigan, McClintock, Thompson and Warke; Councillors Campbell, Carlin, Carr, Cooper, Cusack, Dobbins, Donnelly, Duddy, Duffy, Fleming, Gallagher, Hastings, Jackson, D Kelly, Logue, McGinley, M McHugh, R McHugh, McKeever, Mc Knight, Mc Mahon, O'Reilly, Reilly, Robinson and Tierney.

In Attendance:- Chief Executive (Mr J Kelpie), Director of Health and Community (Mrs K McFarland), Head of Environment (Mr C Canning), Lead Legal Services Officer (Mr P Kingston), Democratic Services Officer (Mrs S Maxwell) and Committee Services Assistant (Ms N Meehan).

C313/18 Notice and Summons of Meeting

The Mayor read the Notice and Summons for the Meeting.

C314/18 Member Attendance and Apologies

The Mayor completed the roll call and recorded apologies from Aldermen R Hamilton and Ramsey, Councillors Gardiner, P Kelly, McCauley and McGuire.

C315/18 Webcast Announcement by the Mayor

The Mayor read the Webcast Announcement for the Meeting.

C316/18 Declaration of Members Interest

There were no Declarations of Interest.

Open for Decision

Chairperson's Business

C317/18 Congratulations

The Mayor referred to the following Awards presented to Council Officers in recent weeks and congratulated all those staff involved on their achievements:

Nilga - Employee of the Year Award

Nilga - Best Local Authority for Elected Member Development Initiative

Nilga - Local Government Award for Excellence and Sustainability

He also referred the following Best Kept - City Category Awards:

Ulster in Bloom

Britain in Bloom – Gold Award

The Mayor said these represented magnificent achievements across all Council Directorates referring specifically to the Environment and Regeneration Directorate and their contribution in terms of the aesthetics of the City.

Alderman Hussey whilst endorsing the Mayor's comments said it had been an honour to represent the City at the Britain in Bloom Award.

C318/18 Confirmation of the Open Minutes of the Meeting of the Derry City and Strabane District Council held in Thursday 27 September 2018

The Minutes of the Open Meeting of Derry City and Strabane District Council held on 27 September 2018 (C277/18-C305/18) were submitted.

Councillor Hastings Moved, Alderman Devenney Seconded and the Council.

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

Matters Arising

C319/18 Situation in Khan al-Ahmar (Ref C283/18)

Councillor Gallagher sought an update in regards to a Motion passed by Council in September 2016 that a list of Boycott Diversity Sanctions be distributed to all households within the Council district and that a

report be prepared on the most cost effective method of carrying out this task.

The Lead Legal Services Officer advised that the BDS matter had been the subject of some extensive litigation in England during the summer months and judgement had been issued in relation to these matters. He continued that the case-law had confirmed the position in relation to procurement and the inability of Councils to put in place boycotts in terms of procurement. He continued that issues had been raised regarding Councils being able to distribute information within the district promoting BDS and advice was being sought on a position in relation to this in light of the case-law issued.

Councillor Gallagher again referred to the Motion passed by Council in September 2016 and enquired why a report had not yet been prepared on the most cost effective method of carrying out the task, as requested.

The Lead Legal Services Officer said he understood that some work had been carried out in this regard and a report thereon would be forthcoming in due course.

C320/18 Responses to Motions (Ref C303/18)

Councillor Gallagher Proposed, Councillor Donnelly Seconded

That I call upon this Council that following the receipt of a response to motions, Officers analyse these responses to ascertain how they address the corporate position of Council and present a report to Council on how to best take the matter forward.

In response to a query from the Mayor, Councillor Gallagher referred to discussions which had taken place at previous Meetings regarding an SDLP Motion to write to the Department regarding education cuts. He expressed concern that the Department's response did not address any of the issues raised by Council in its correspondence which reflected Council's corporate position. He expressed further concern that when the response was presented to Council it had been agreed to note the contents thereof. He queried Council's reaction given that the response received was a total disregard for Council's corporate position. He said he felt it was necessary to ensure that such meaningless responses should not be accepted in relation to any

Motions adopted by Council. He said it was pointless to bring forward Motions and not to pursue their progress.

Councillor Duffy stated that as an elected representative she would consider it her responsibility to pursue the progress of a Motion which she had submitted which was subsequently adopted by Council.

Councillor Reilly pointed that the context of the Motion would be carried out regardless. He continued that when a response to any Motion was received, Officers would decide how Council, as an elected body, should take matters forward. He queried the purpose of Councillor Gallagher's proposal.

Alderman McClintock also queried the concept of the proposal however she did refer to the need for caution in terms of the context of Motions being put forward. She referred to Motions submitted the progression of which was beyond Council's remit.

Alderman Devenney said he would consider it the responsibility of individual Members to seek discussion on any responses to Motions which they considered a matter of concern.

Alderman Hussey pointed out that a Motion, when adopted by Council, became a corporate Motion. He pointed out that it was the responsibility of the proposer of the Motion to question the contents of any response received in relation thereto.

Councillor McMahon suggested that Members consider the position of Officers in terms of Council's corporate position. He stated that politics were fluid and to agree the measures suggested by Councillor Gallagher would surely place Officer in an uncompromising position.

Councillor Gallagher referred to Members' comments that it was the duty of elected Members and not the corporate position of Council to pursue the progress of a Motion. He doubted that any Member was satisfied with the response received from the Department in response to cuts to education however this had been duly noted without comment. He stated that elected Members continuously acted upon and progressed recommendations put forward by Officers. He said it would appear that Members placed little value on the corporate position of Council.

The Mayor said he felt many Members would strongly disagree with the above comments.

The Proposal on being put to the vote was declared lost their voting – For – 5; Against – 29; Abstentions – 0.

C321/18 Monthly Assurance, Audit and Risk Committee Meeting held on Monday 24 September 2018

The Minutes of the Assurance, Audit and Risk Committee held on 24 September 2018 (AAR82/18 – AAR95/18) were submitted.

Alderman McClintock Moved, Councillor McKnight Seconded and the Council

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

C322/18 Monthly Governance and Strategic Planning Committee held on Tuesday 2 October 2018

The Minutes of the Governance and Strategic Planning Committee held on 2 October 2018 (GSP143/18-GSP151/18) were submitted.

Councillor Tierney Moved, Councillor Hastings Seconded and the Council

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

C323/18 Monthly Planning Committee held on Wednesday 3 October 2018

The Minutes of the Planning Committee held on 3 October 2018 (P162/18-P177/18) were submitted.

Alderman Bresland Moved, Councillor D Kelly Seconded and the Council

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

C324/18 Monthly Assurance, Audit and Risk Committee Meeting held on Thursday 4 October 2018

The Minutes of the Assurance, Audit and Risk Committee held on 4 October 2018 (AAR96/18 – AAR102/18) were submitted.

Councillor Hastings Moved, Alderman McClintock Seconded and the Council

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

C325/18 Monthly Business and Culture Committee held on Tuesday 9 October 2018

The Minutes of the Business and Culture Committee held on Tuesday 9 October 2018 (BC197/18 – BC211/18) were submitted.

Councillor Reilly Moved, Alderman M McHugh Seconded and the Council

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

C326/18 Monthly Environment and Regeneration Committee held on Wednesday 10 October 2018

The Minutes of the Environment and Regeneration Committee held on 10 October 2018 (ER217/18 – ER236/18) were submitted.

Alderman Bresland Moved, Councillor Tierney Seconded and the Council

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

Matters Arising from the Minutes

C327/18 Review of the Recruitment of Additional Park Rangers (Ref ER225/18)

Councillor Donnelly referred to paragraph 3 of the above Minute and expressed concern at comments made by the PSNI regarding the significant reduction in anti-social behaviour at St Columb's Park. He also referred to a meeting which had taken place in the Guildhall to discuss Hate Crime attended by representatives from the PSNI which he

regarded as a propaganda exercise. He then expressed concern at the increasing scale of unlicensed fireworks being sold locally and online and referred to a situation which had arisen in Creggan Estate in relation thereto. He stated that information had come to light regarding the sale of the unlicensed fireworks which, he had been advised, had been referred to the PSNI for consideration. However, no action had been taken in response. He referred to a public meeting which had taken place at Creggan shops when considerable anger had been expressed at the situation, following which local community activists had captured a considerable amount of these items. He expressed concern that earlier that day the PSNI together with members of the British Army had raided the home of a local political activist. He referred to the increasing number of citizens within the Council area who had no faith in the current British policing system and queried if the PSNI's actions of earlier that day had established something of a precedent. He expressed concern that the removal of these dangerous items could have placed in jeopardy efforts to address this ongoing problem and said it was the duty of elected representatives to challenge such behaviour from PSNI.

In response to a query from Alderman Hussey regarding the recommendation contained in the above Minute, the Mayor confirmed that a report thereon would be presented to a future Meeting of Committee.

C328/18 Monthly Health and Community Committee held on Thursday 11 October 2018

The Minutes of the Health and Community Committee held on Thursday 11 October 2018 (HC203/18-HC218/18) were submitted.

Alderman McClintock requested an amendment to Minute HC215/18 in that the word "recommendation" contained in the third sentence of the second paragraph should have read "remediation". She said that within that paragraph she had also made reference to the Small Business Research Initiative.

It was agreed that the Minutes would be amended accordingly.

Councillor McClintock Moved, Councillor Reilly Seconded and the Council

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

Matters Arising

C329/18 Playing Pitch Strategy Update (Ref HC210/18)

Alderman Hussey referred to the recommendation contained in the above Minute and enquired if the reference to pitch usage was relevant to Council facilities or all pitches and pitch usage within the Council area.

The Director of Health and Community advised that statistics were currently held for Council owned facilities however if there was a view that this should be extended to include the voluntary sports sector and the education sector, measures could be put in place to collate this information and prepare an extensive report thereon.

Alderman Hussey welcomed the initial investigation of Council facilities and the commitment to extend this to all other facilities within the Council area.

Alderman McClintock welcomed the opening of the new play park at Drumahoe. She referred to ongoing works being carried out to the area of open parkland at the bottom of the play park and expressed concern at pieces of metal which were evident on this site.

In response to a query from Alderman McClintock regarding the "kick-about" pitch in this area and the possibility of this being incorporated into Council's Play Strategy, the Head of Environment confirmed that it was Council's intention to bring this pitch back into use following the completion of necessary remedial works and discussions were ongoing with the school regarding the future use of this pitch.

Alderman McClintock further referred to the play park and the MUGA facilities at the top of this site which was opened and closed by Park Rangers. She expressed concern that the floodlit MUGA was currently not in use in the evenings because of the arrangement with Park Rangers regarding the closure of Play Park and the fact that the two facilities were inter-linked. She acknowledged that discussion was ongoing regarding management structures with local communities and relevant stakeholders. She referred however to the possibility of funding being made available for Park Rangers to return to the site at 9

.00 pm to close the floodlit MUGA. She expressed concern that the current arrangements may be in contravention of the funding conditions for the MUGA. She requested that Officers investigate the matter and report thereon to a future Meeting of the appropriate Committee.

The Head of Environment undertook to address this issue and report thereon to a future Meeting of Committee.

C330/18 Good Relations Audit, Strategy and Action Plan 2018-2021 (Ref HC211/18)

Alderman McClintock thanked those Officers who had been in contact with her following the October Meeting of the Health and Community Committee regarding comments she had raised at that Meeting. She welcomed the outcome of her Meeting with the Good Relations Officer regarding the Pat Finucaine Centre and a report thereon which she had received earlier that week. She expressed concern however at the content of a report which she had received the previous day and sought confirmation that the reason the Pat Finucaine Centre had been raised was because of the different reactions which this had generated.

The Director of Health and Community advised that in terms of the report, clarification had been sought from its author. She stated that this was one specific programme however the author had indicated that consideration had been given to other pieces of research, the details of which had been provided. She pointed out that at the time the report was a current publication generating attention during the consultation period and it was for this reason that it was specifically referred to in terms of the Good Relations Strategy. However, the author was of the view that they had given broader consideration to the issues raised in the local context of migration of communities from the specific area.

Notices of Motion

C331/18 European Parliament

Councillor D Kelly Moved, Councillor Duffy Seconded

That this Council acknowledges the commitments made in the Brexit negotiations - both the Joint Report and the Draft Agreement - where Irish/EU citizens in the

North of Ireland 'will continue to enjoy, exercise and have access to rights, opportunities and benefits as EU citizens.

In recognising that this body of rights includes democratic rights (including the right to vote and stand as candidates in EU elections) and given that Ireland has been allocated two additional seats in the European Parliament, this Council calls on the Irish Government to amend the current legislation to allocate those seats to the North of Ireland to ensure EU citizens here continue to have representation in the European Parliament.

The Chief Executive to write to the Minister for Housing, Planning and Local Government with this request.

A vote by a show of hands was requested the results of which were as follows:

For the Motion – 21; Against – 7; Abstentions – 5. The Motion was therefore carried.

The Motion was therefore declared carried.

Subsequently Councillor D Kelly Moved, Councillor Duffy Seconded and the Council

Resolved That this Council acknowledges the commitments made in the Brexit negotiations - both the Joint Report and the Draft Agreement - where Irish/EU citizens in the North of Ireland 'will continue to enjoy, exercise and have access to rights, opportunities and benefits as EU citizens'.

In recognising that this body of rights includes democratic rights (including the right to vote and stand as candidates in EU elections) and given that Ireland has been allocated two additional seats in the European Parliament, this Council calls on the Irish Government to

amend the current legislation to allocate those seats to the North of Ireland to ensure EU citizens here continue to have representation in the European Parliament.

The Chief Executive to write to the Minister for Housing, Planning and Local Government with this request.

C332/18 People's Vote

Councillor Cooper Moved, Councillor Campbell Seconded

That This Council acknowledges the result of the EU Referendum of June 2016, recognises that the majority of people in the north of Ireland voted to remain and asserts that no one in the Derry & Strabane District council area voted for a bad deal, or a no deal, which in either case could wreck our economy and jeopardise our peace process.

The Council agrees to write to the British Secretary of State and to the Prime Minister expressing its support for a People's Vote on the final Brexit deal or where no deal has been negotiated and in both cases remaining in the EU must be an option – based on the bottom line which has been expressed by the majority of elected MLAs in supporting:

- The full protection of Human Rights and equality provisions**
- No exclusion from the single market or customs union**
- The full protection of the Good Friday Agreement in all of its parts**
- That the backstop agreed by both the British Government and the EU27 is the bottom line in order to safeguard our political and economic stability now and for the future.**

A vote by a show of hands was requested the results of which were as follows:

For the Motion – 21; Against – 8; Abstentions – 5.

The Motion was therefore declared carried.

Subsequently Councillor Cooper Moved, Councillor Campbell Seconded and the Council

Resolved **That this Council acknowledges the result of the EU Referendum of June 2016, recognises that the majority of people in the north of Ireland voted to remain and asserts that no one in the Derry & Strabane District council area voted for a bad deal, or a no deal, which in either case could wreck our economy and jeopardise our peace process.**

The Council agrees to write to the British Secretary of State and to the Prime Minister expressing its support for a People’s Vote on the final Brexit deal or where no deal has been negotiated and in both cases remaining in the EU must be an option – based on the bottom line which has been expressed by the majority of elected MLAs in supporting:

- **The full protection of Human Rights and equality provisions**
- **No exclusion from the single market or customs union**
- **The full protection of the Good Friday Agreement in all of its parts**
- **That the backstop agreed by both the British Government and the EU27 is the bottom line in order to safeguard our political and economic stability now and for the future.**

C333/18 Reduction in Core Funding for Education

Councillor Cusack Moved, Councillor Hastings Seconded

That This Council recognises local schools are facing unprecedented financial pressures following real reductions in core funding for education, to the sum of £70 per pupil over the last number of years; Supports the decision by principals in the Derry City and Strabane area to inform parents of the magnitude of problems they are facing;

Further recognises the high standard of education throughout schools in the area, directly relating to the Programme for Government outcome, 'to provide our children and young people with the best start in life', which will not be achieved without radical investment and changes to our education system;

Agrees to write to the Department of Education to ask that they put plans in place to ensure that the amount of money received for each child is restored at least to the original value, or more;

Further agrees to write to the leaders of the political parties, outlining our concerns, and urging them to re-establish the NI Executive, and deal with the very real threats to our education system and the futures of our young people.

The following Amendment was Proposed by Councillor Logue
Seconded by Councillor McKnight

That That this Council recognises local schools are facing unprecedented financial pressures following real reductions in core funding for education, as a result of the British government reducing the Executive's revenue budget;

Fully understands and appreciates the decision by principals in the Derry City and Strabane area to inform parents of the magnitude of problems they are facing;

Further recognises the high standard of education throughout schools in the area, directly relating to the Programme for Government outcome, 'to provide our

children and young people with the best start in life’, which will not be achieved without radical investment and changes to our education system;

Agrees to write to the British Government asking them to restore the Executive’s revenue budget, taking account of inflation to ensure that the amount of money received for each child is restored at least to the original value, or more;

Further agrees to write to the leaders of the political parties, outlining our concerns, and urging them to re-establish the NI Executive, under the terms laid out in the Good Friday Agreement and on the basis of genuine power-sharing which respects the rights of all allowing us to deal with the very real threats to our education system and the future of all our young people.

A vote by a show of hands was requested the results of which were as follows:

For the Amendment – 14; Against – 18; Abstentions – 2:

The Amendment therefore fell.

In response to a request from Councillor Duffy regarding a further amendment, to remove the words “fully understands and appreciates” from the second paragraph and replace these with the word “Supports”, the Lead Legal Services Officer advised that this could not be brought before Council as it was substantially the same as the earlier amendment which following a vote by a show of hands had fallen.

The original Motion was then put to the vote and following a show of hands was declared carried their voting:

For the Motion – 31; Against the Motion – 0; Abstentions – 3.

Subsequently Councillor Cusack Moved, Councillor Hastings Seconded and the Council

Resolved This Council recognises local schools are facing unprecedented financial pressures following real reductions in core funding for education, to the sum of £70 per pupil over the last number of years;
Supports the decision by principals in the Derry City and Strabane area to inform parents of the magnitude of problems they are facing;

Further recognises the high standard of education throughout schools in the area, directly relating to the Programme for Government outcome, 'to provide our children and young people with the best start in life', which will not be achieved without radical investment and changes to our education system;

Agrees to write to the Department of Education to ask that they put plans in place to ensure that the amount of money received for each child is restored at least to the original value, or more;

Further agrees to write to the leaders of the political parties, outlining our concerns, and urging them to re-establish the NI Executive, and deal with the very real threats to our education system and the futures of our young people.

C334/18 Visit to Ireland by Dr Aleida Guevara

Councillor Donnelly Moved, Councillor O'Reilly Seconded

That Given the upcoming visit to Ireland by Dr Aleida Guevara the daughter of revered revolutionary icon Che Guevara. In recognition of her father's immense struggle and sacrifice on behalf of the poor and oppressed and Aleida's ongoing advocacy for human rights, this council extends an invitation to Aleida to visit our Council area.

A vote by a show of hands was requested the results of which were as follows:

For the Motion – 26; Against – 6; Abstentions – 2.

The Motion was therefore declared carried.

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

Resolved **That Given the upcoming visit to Ireland by Dr Aleida Guevara the daughter of revered revolutionary icon Che Guevara. In recognition of her father's immense struggle and sacrifice on behalf of the poor and oppressed and Aleida's ongoing advocacy for human rights, this council extends an invitation to Aleida to visit our Council area.**

C335/18 United Nations Committee on the Convention of the Rights of Persons with Disabilities.

Councillor Dobbins Moved, Councillor Hastings Seconded

That this Council notes the Concluding Observations of the United Nations Committee on the Convention of the Rights of Persons with Disabilities.

Following an examination of the UK's compliance with the United Nations Convention on the Rights of Persons with Disabilities in August 2017 this Council is concerned with the lack of actions and consistency from either the Northern Ireland Executive or the UK Government in respect of the Concluding Observations.

Council recognises the valuable contribution that those living with disabilities make to our society and will undertake to prepare a review on how the council meets local obligations within the Convention on the Rights of Persons with Disabilities. Council will write

to Teresa May for an update on what steps are being taken to meet the recommendations contained within the Concluding Observations.

The outcome of the vote was unanimous. The Motion was therefore declared carried.

Subsequently Councillor Dobbins Moved, Councillor Hastings Seconded and the Council unanimously

Resolved this Council notes the Concluding Observations of the United Nations Committee on the Convention of the Rights of Persons with Disabilities.

Following an examination of the UK's compliance with the United Nations Convention on the Rights of Persons with Disabilities in August 2017 this Council is concerned with the lack of actions and consistency from either the Northern Ireland Executive or the UK Government in respect of the Concluding Observations.

Council recognises the valuable contribution that those living with disabilities make to our society and will undertake to prepare a review on how the council meets local obligations within the Convention on the Rights of Persons with Disabilities. Council will write to Teresa May for an update on what steps are being taken to meet the recommendations contained within the Concluding Observations.

C336/18 Campaign for the People's Vote

Councillor Tierney Moved,

That this Council notes and welcomes the campaign for a People's Vote; recognises that Brexit in any form or to any extent poses a serious economic, social and political threat to the entirety of the island of Ireland, and in particular Northern Ireland, further believes that both of these islands in their entirety should stay in the Single Market and Customs Union; believes that as everyone will be impacted by the outcomes of the current negotiations, that the public should have the right, through a referendum, to have their democratic say on the final Brexit deal (or lack thereof); accordingly, this Council agrees to write to the Secretary of State and the Prime Minister expressing this Council's support for the Peoples Vote campaign.

The Lead Legal Services Officer advised that the above Motion could not be considered by Council as it was substantially similar in content to the earlier Motion adopted by Council.

C337/18 Immediate Halt to the Introduction of Universal Credit

Councillor O'Reilly Moved, Councillor Gallagher Seconded

That Given this Council's corporate position is to not implement cuts this Council calls for the immediate halting of the introduction of Universal Credit.

This Council will do all within its power to help those already affected by this policy.

Further this Council will develop a strategy that will allow us to enhance our corporate position.

The following Amendment was Proposed by Alderman Hussey,
Seconded By Alderman M Hamilton

That Given this Council's corporate position is to not implement cuts this Council calls for the immediate halting of the introduction of Universal Credit.

This Council will investigate, and report to Members, its capacity to help those already affected by this policy.

Further this Council will develop a strategy that will allow us to enhance our corporate position.

A vote by a show of hands was requested the results of which were as follows:

For the Amendment – 28; Against – 1; Abstentions – 4.

The Amendment was therefore declared carried.

The Amendment subsequently became the substantive Motion.

Councillor O'Reilly Moved, Councillor Gallagher Seconded and the Council

Resolved **Given this Council's corporate position is to not implement cuts this Council calls for the immediate halting of the introduction of Universal Credit.**

This Council will investigate, and report to Members, its capacity to help those already affected by this policy.

Further this Council will develop a strategy that will allow us to enhance our corporate position.

Open for Information

C338/18 Responses to Motions

The Chief Executive presented the above report, a copy of which had been previously circulated to Members. The purpose of the report was to advise Members of correspondence received in relation to Motions passed by Council.

Members noted the content of the report.

C339/18 Seal

Councillor Tierney Moved, Councillor Reilly Seconded and the Council

Resolved that the seal of the Council be affixed to the following documents

Sealing List October 2018

Documents Sealed 24th September 2018

Form of Agreement:- Derry City and Strabane District Council ~and~ MWA Partnership Ltd relating to Concept Masterplan for Former Carricklee Landfill Site.

Document Sealed 4th October 2018

Licence Agreement:- Karen Grace ~and~ Derry City and Strabane District Council relating to Café at The Gwyn Pavilion, Brooke Park, Derry.

Documents Sealed 12th October 2018

Agreement for Supply of Services:- Derry City and Strabane District Council ~and~ KPMG Ireland in respect of a Business Case relating to the options around a Mixed Recycling Facility.

Documents Sealed 25th October 2018

Grants of Right of Burial in Ballyoan Cemetery

Mrs Gwen McCarter, c/o Adair & Neely
Undertakers, 92 Duke Street, L'derry, BT47 6OQ.
Mrs April Ryan, 13 Sandville Green, Donagheady,
BT82 0NU
Ms Johanna Boyle, 4 Duddy's Court, L'derry, BT47
6BQ

Grants of Right of Burial in City Cemetery

Mr Tadhg Coughlan, 94 Templegrove, Buncrana
Road, Derry.

Mrs Aaron Ward, 44 Drumleck Drive, Shantallow,
Derry
Mr Patrick McKeever, 4 Castleview Park, Derry,
BT48 8DL
Mr Cahir Duffy, 30 Ballyarnett Village, Derry, BT48
8SB
Mr Vincent Coyle, 59 Academy Road, Derry, BT48
7LA
Mr David Sandy, 8 Vincent Drive, Uxbridge, UB1
0XE
Mrs Margaret Lynch, 2 Deanery Street, Brandywell,
Derry, BT48 9HR
Mrs Anna McCorriston, 21 Lindenwood Park, Derry,
BT48 0NX
Mrs Chrissie Willsher, 29 Messines Park,
Pennyburn, Derry
Mrs Roisin McGowan, 40 Stanley's Walk, Derry,
BT48 9HH
Mrs Nuala Doherty, 38 Lower Garden City, Derry,
BT48 7SP
Mr Rory McLeary, 47A Leafair Park, Derry, BT48 8JS
Ms Kay Roddy, 111 Elmgrove, Derry, BT48 8PY
Mrs Phyllis Dillon, 9 Invero Gardens, Derry
Mrs Kathleen Doherty, 72 Bloomfield Park, Derry,
BT48 8HE

Grants of Right of Burial in Castlederg Burial
Ground

Jill Semple, 11 Learmore Road, Castlederg, Co
Tyrone, BT81 7RX

Grants of Right of Burial in Ardstraw Burial Ground

Rachel Park, 9 Castle View Park, Newtownstewart,
Omagh, Co Tyrone, BT78 4BS

Grants of Right of Burial in Strabane Burial Ground

Patricia McLaughlin, 29 Newtownkennedy Street,
Strabane, Co Tyrone, BT82 8HT

C340/18 Local Government Act (Northern Ireland) 2014 – Confidential Business

Councillor Hastings Moved, Councillor Gardiner Seconded and the Council

Resolved that in accordance with Section 42, Sub Sections (2) or (4) of the Local Government Act (Northern Ireland) 2014, the press and members of the public be asked to withdraw whilst the Council discuss the following matters:

(a) Adoption of the Confidential Minutes of the Meeting of Derry City and Strabane District Council held on 27 September 2018;

(b) Adoption of the Confidential Minutes of the following Committees

- (i) Monthly Governance and Strategic Planning Committee held on Tuesday 2 October 2018.**
- (ii) Monthly Planning Committee held on Wednesday 3 October 2018.**
- (iii) Monthly Business and Culture Committee held on Tuesday 9 October 2018.**
- (iv) Monthly Environment and regeneration Committee held on Wednesday 10 October 2018.**
- (v) Monthly Health and community Committee held on Thursday 11 October 2018.**

The Meeting then went into Confidential Business

Signed (Chair): _____

Date: _____

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Derry City and Strabane District Council

Open Minutes of the Special Meeting of the Health and Community Committee held in the Chamber, Guildhall, Derry, on Thursday 8 November at 4.30pm.

Present: - Councillor R McHugh (Chairperson); Aldermen R Hamilton, McClintock and Thompson; Councillors Campbell, Carlin, Cusack, Donnelly, Duffy, Gardiner, McGinley, Robinson and Tierney.

Non-members of Committee:- Aldermen M Hamilton and Hussey; Councillors Carr, Gallagher and O'Reilly.

In Attendance: - Director of Health and Community (Mrs K McFarland), Head of Health and Community Wellbeing (Mr S Donaghy), Lead Legal Services Officer (Mr P Kingston), Principal Environmental Health Officer (Mr D Meenan), PA to Health and Community Director (Mrs L Shields) and Committee Services Assistant (Mrs T Johnstone).

SHC1/18 Notice and Summons for Meeting

The Director of Health and Community read the Notice and Summons for the Meeting.

SHC2/18 Members Attendance and Apologies

The Director of Health and Community recorded Members attendance.

SHC3/18 Declaration of Members' Interests

There were no declarations of interests.

Open for Decision

SHC4/18 Hearing: Road Closure Application for Special Event 14, 15 and 18 November 2018 at Shipquay Street, Shipquay Place and the Abercorn Road Junction with Bennett Street

The Chair advised Members that the purpose of the meeting was for the Committee to make a determination on the roads closure application for a special event on 14, 15 and 16 November 2018 at with

particular reference to the closure of Shipquay Street/Shipquay Place to which objections had been received.

He welcomed Mr Scott Houston, Hat Trick Pictures, applicant; Mr Harry Gallagher and Mr Deaglan MacBride, Department for Infrastructure (Roads); Mr Robert Cupples, PSNI and Mrs Maria McCloskey, spokesperson on behalf of the objectors.

Alderman Hussey sought clarification on a procedural issue. He enquired if delegated authority had been granted to the Health and Community Committee.

The Lead Legal Services Officer confirmed that powers as stated in the report previously forwarded to Members that powers to issue licences and certificates in relation to these matters had been delegated to Director on the Scheme by Delegation approved by Council.

The Chair outlined the order of proceedings and invited the Head of Health and Community Wellbeing to make a statement.

The Head of Health and Community Wellbeing stated that Council received an application and supportive documentation from Hat Trick Pictures for road closures at Shipquay Street, Shipquay Place and the Abercorn Road junction with Lower Bennett Street on 14, 15 and 16 November 2018, to film scenes for the television series Derry Girls. He stated that as required under the relevant legislation, a public notice of the application was advertised in local newspapers and that consultation had taken place with the police, fire service, ambulance service and the Department of Infrastructure (Roads) to ensure that they were content with the road closure and diversionary route. He stated that as objections had been received from a number of businesses who trade in Shipquay Street and Shipquay Place Council had facilitated a Special Committee meeting to determine the application in accordance with the hearing protocol with a view to either granting the application, granting the application subject to conditions, restrictions, or to refuse the application.

The Chair invited the applicant, Mr Scott Houston, Hat Trick Pictures, to address the Committee.

Mr Houston stated that the application had been made several months previously on behalf of Hat Trick Productions. He explained the rationale behind the application and stated that the show 'Derry Girls' was about Derry City and its' iconic landmarks which the production company wished to film in a safe and secure environment. He outlined that a particular scene at Guildhall Square would take two days to

shoot and it could not be filmed at any other location as they could not attempt to 'fake' Derry. He stated that there would be approximately 250-300 performers and crew on, or close to the road, with lighting equipment and sound engineers using the road to shoot, therefore for health and safety reasons and also to facilitate the programme being set in 1995, the application for the road closure was submitted. He further stated that the writer of the series, Lisa McGee who is from the City, wished to have as much of Derry Girls brought to the City as possible. He stated that people were not prevented from going to shops in the area and that there would be no shop closures during filming he felt that the event would attract visitors to the City and increase footfall. He reported that 360 hotel rooms were booked and that upwards of 225 people from the City would be employed.

Mr Houston stated that the production company had worked with Derry City and Strabane District Council, Translink and DfI (Roads) and the decision had been reached to close the road to vehicles for one day and to use 'stop and go' for the next day. He outlined that stop and go usually consisted of stopping traffic for 1-2 minutes at a time and that the crew would not be on the road on the stop and go day as activity would be mainly centred at Guildhall Square.

The Chair thanked Mr Houston for his representation and invited questions from the interested parties and subsequently from Members.

Mrs McCloskey, on behalf of the objectors stated that at an earlier meeting traders had requested that filming could take place on two consecutive Sundays when the shops would be closed. She stated that the production company had refused the request but did not give an explanation. She stated that traders had expressed concern about the potential impact on pre-Christmas business.

In response, Mr Houston stated that the crew were required to film over two days and that filming over two consecutive Sundays would come at a great expense to the production. He outlined that the majority of people working on the production were self-employed and were currently employed by Hat Trick Pictures. He added that Hat Trick Pictures had decided the schedule for the actors, directors and the filming crew.

Mrs McCloskey stated that the traders objecting to the application were concerned about the impact filming would have on the businesses in the Shipquay Street area. She further stated that the traders had asked Hat Trick Pictures to consider filming on a Sunday however, no-one

from Council, City Centre Initiative (CCI) or the applicant had contacted them with any response or offered any solutions on the matter.

Neither DfI or PSNI had any queries for the applicant.

The Chair then invited questions from Members of the Committee.

Councillor McGinley sought clarification as to whether there would be any unreasonable restriction on pedestrians accessing Shipquay Street at any stage during filming.

In response, Mr Houston stated that pedestrians would have access to the street and the shops. He stated that a particular scene would be filmed at Shipquay Gate into Guildhall Square therefore pedestrians may be asked to stop for a few minutes. He emphasised that pedestrians would only be asked to stop. He stated that the application was submitted as a legislative procedure and that in his opinion, the previously referred to meeting with traders had been fair, honest and open.

Alderman McClintock stated that it was important to take all matters into account and asked if the production company had considered filming on Sunday as a full closure day and on the Monday as the stop and go day which would be less disruptive.

In response, Mr Houston stated that it was impossible for the company to work on a Sunday.

Councillor Donnelly stated that filming of the television series in Derry would showcase the City. However, he described the traders of the City being 'on their knees' due to city centre mismanagement and the cost of the rates. He stated that the City was now full of pound shops, charity shops and gambling establishments. He noted that parades held in the City throughout the year had affected traders and that they should be given more input regarding these events. He referred to the comment by the applicant regarding the cost of filming on a Sunday and asked if the financial impact on the traders had been considered. He stated that the suggestions made by the traders should be acknowledged and that filming should take place on two consecutive Sundays to prevent further damage to the trading community.

Councillor O'Reilly enquired if there had been any discussions between traders and the production company regarding using the services of the local traders which would boost business in the area.

In response, Mr Houston stated that he was solely responsible for sourcing film locations and was therefore unable to provide a response.

He stated that customers would be coming to the City during filming and that over 360 hotels rooms had also been booked. He stated that the filming crew would be availing of the local shops, bars and restaurants and were excited about the prospect of filming in Derry.

In response to a query from Councillor Gardiner regarding the road closure, Mr Houston confirmed that the road closure only applied to vehicles. He stated that filming would take place at the former 'Thran Maggies' restaurant at the Craft Village on Shipquay Street and that no other shops or businesses on that route would be affected.

The Head of Health and Community Wellbeing clarified for Members that the road closure solely related to traffic on the roads and did not impact on pedestrians.

Alderman Hussey stated that as spectators were expected in the area, this would have the potential to increase footfall during this time. He enquired if pedestrians would be permitted within the filming area particularly given the use of modern technology such as mobile phones as Derry Girls was set in 1995.

In response, Mr Houston stated that pedestrians and spectators would be asked to stop during filming so that they would not walk into shot holding mobile devices during this time.

Councillor Tierney enquired if any discussion had taken place between the production company and the Shipquay Street traders regarding delivery vehicles having access during filming.

In response, Mr Houston stated that traders would be able to accept deliveries during the two day period.

The Chair thanked Members for their comments and invited Mr Gallagher and Mr MacBride DfI (Roads) to make their representations.

Mr Gallagher stated that the Department for Infrastructure (Roads) had given consent to Council to issue the order for the legislation. He stated the only way consent could be withheld was if a conflicting special event on the road or any traffic management issues, road safety issues or other works were already scheduled to take place. He stated that none of the criteria had applied, there were no strategic traffic issues and no objections to this special event taking place had been received.

Mrs McCloskey, on behalf of the objectors stated that if 200-300 people were situated in the area between Guildhall Square and the Craft Village, this would have an impact on business in that area as

passers-by would have difficulty in accessing the shops. She stated that she felt it was wrong to imply that there would be no impact on Shipquay Street particularly with deliveries. She noted that the traders had also expressed their concerns to CCI, however no-one had contacted them with a response or assistance on the matter.

The Chair then invited Mr Robert Cupples, PSNI to make his representation to the Committee.

Councillor Donnelly stated that with regard to his position with the PSNI, as a matter of principle he was removing himself from the meeting.

The Chair advised Councillor Donnelly that he could leave the Chamber if he so wished.

Mr Cupples proceeded to address the Committee and stated that as consultees, the PSNI had considered the proposed application for the road closure. He stated that whilst they had appreciated the impact on the business community, it was clear that the event was site specific with the Guildhall being a key element to this particular event. He noted that filming times were scheduled to take place after the morning rush hour and prior to the evening commute, with a closure plan provided by an approved contractor. He stated that as long as the legal obligations were met in terms of the application, the PSNI had no objections. He stated that they were not aware of any conflicting events scheduled to take place. He added that the only issue expressed by the PSNI was that the blue light access was managed during the course of the road closure.

With no further comments received from interested parties, the Chair invited Mrs McCloskey to make her representation on behalf of the traders from Shipquay Street who were objecting to the application.

Mrs McCloskey stated that a number of traders from Shipquay Street had submitted their objection to Derry City and Strabane District Council regarding the proposed road closure. She stated that the traders felt that Council should support and assist the traders from that area, some of whom have been in business over 25 years. She further stated that business in the City had not been good with traders struggling on a daily basis. She asked why the traders in Shipquay Street should be at a financial loss whilst Hat Trick Pictures would gain from the filming. She stated that although the filming of Derry Girls would be a great advertisement for the City, traders could not afford the financial impact that the event would cause. She further stated that

businesses in the area were family-run with no large retail companies to take the fall. She stated that the comments made regarding how Shipquay Street and the City would benefit were hypothetical. She informed the Committee that traders had met with Hat Trick Pictures to attempt to reach an agreement on the matter. However, only one meeting took place and there had been no contact since on how a compromise could be reached. She stated that traders had been informed of the proposed road closure in July 2018 and that in their opinion, Hat Trick Pictures had everything set in place without any input from them. She further stated that the traders of Shipquay Street paid their taxes and rates and expressed their disappointment that Council, CCI or Hat Trick Pictures had not contacted them to discuss a compromise.

Councillor O'Reilly stated that he had welcomed the news regarding the filming as it was an opportunity to put Derry on the international map, which was paramount for the City and District. However, the daily hardship faced by local traders must be acknowledged and he noted that he had recently spoken to a local business owner who has had to close due to the pressures experienced with road closures for parades and other events. He stated that Council needs to show support for local traders and that communication was paramount in going forward.

Councillor Tierney referred to comments made regarding lack of contact and discussion from Council and Hat Trick Pictures. He was aware that an offer had been made to meet with the traders earlier today by the Mayor. He enquired if the meeting had taken place and if so, had any agreement been reached.

In response, Mrs McCloskey stated that one trader had received notification by text message the previous evening asking if a meeting could take place with the traders. She stated that this message was received too late to notify the other objectors but felt that it was the responsibility of the organiser of the meeting to contact the relevant traders. She expressed disappointment as the traders had waited for some form of communication from Council, CCI and Hat Trick Pictures over the past few weeks to come to a solution on the matter but they had heard nothing.

Councillor Gallagher stated that after reviewing the available options presented to the Committee, he suggested that Members consider Option B, to grant the application subject to any terms, conditions or restriction as it may specify. He stated that Hat Trick Pictures had refused to film in the City over two consecutive Sundays due to the expense it would incur. He stated that the production company was a

very profitable organisation but the financial impact on the traders of Shipquay Street was not being considered. He suggested that Council offer a rates rebate to the traders of the area as part of the terms and conditions to allow for the anticipated financial loss.

Councillor Gardiner referred to the anticipated number of people coming to the area for the filming and enquired if any businesses would be affected due to the road being closed to vehicles on Shipquay Street during that time.

In response, Mrs McCloskey stated that a furniture company in Shipquay Street relied on vans and lorries to receive and make deliveries. She stated that other traders received deliveries at different times of the day. She noted that from past experience of road closures, businesses had been unable to receive any deliveries. She added that a suggestion had been made for lorries to turn half way down Shipquay Street, however the width of the street meant that this could not be accommodated.

Councillor Robinson enquired if the road closure was implemented in mid-January as opposed to November, would this have a lesser financial impact on the traders.

Mrs McCloskey confirmed that it would. She stated that the traders just wanted to be involved in discussions in order to reach an agreement that would suit everyone and to ask what the traders could do to assist Hat Trick Pictures during the event. However, there had been no communication to progress that.

Alderman McClintock felt that not all traders in the area would be at a loss as there were bars and cafes at that location. She enquired if businesses could be reassured that they may actually increase their footfall as over approximately 300 people would be working in the area.

In response, Mrs McCloskey stated that those businesses who had hoped to gain from the event had not approached the traders with any concerns. She stated that she represented the traders who run small businesses that would be financially impacted by the road closure.

Councillor Gallagher noted that film crews usually had their own catering provided on location.

Alderman Hussey stated that as a small trader, if there was any anticipated delivery access difficulties, he would be contacted by the supplier beforehand with alternative delivery arrangements. He

enquired if the traders had contacted their suppliers regarding the matter. He stated that in his opinion, Christmas trading did not commence until 1 December. He noted that the objectors were long term traders and enquired if they could provide specific details on anticipated financial losses due to the road closure. He felt that with the predicted large numbers coming to Shipquay Street, it presented an opportunity for those businesses.

In response, Mrs McCloskey stated that previous events at the Guildhall Square such as Halloween and Christmas had an impact on trade in Shipquay Street. She stated that Union Hall Place and Bank Place behind the walls at Shipquay Gate were quite narrow and with the large number of people expected in the area, those streets would become blocked which would prevent access to shops in Shipquay Street. She stated that an alternative route was available at Magazine Gate, however pedestrians using this route usually went directly to the Richmond Centre. She added that Hat Trick Pictures were unable to guarantee that those particular entrances would not be blocked for any period of time.

In response to a query by Alderman Hussey, Mrs McCloskey felt that she did not have to quantify anticipated financial losses.

In response to a query by Councillor Carr, Mrs McCloskey stated that there had been one meeting with CCI on the matter with no follow up communication afterwards.

The Chair thanked the interested parties for their representations and extended an invitation to provide a summary to the Committee. In accordance with protocol of summaries being heard in reverse order to that in which cases were presented, he asked that Mrs McCloskey present her closing remarks.

Mrs McCloskey stated that she represented the traders of Shipquay Street who had submitted the letter of objection to Derry City and Strabane District Council. She stated that the traders had found it unfair that Council, City Centre Initiative and Hat Trick Pictures had not considered any information offered by the traders on the matter. They felt that Council had a duty of care to look after the traders of the City who have been in family run businesses for many years. She further stated that to close Shipquay Street at this time of year was wrong and that the suggestion to film over two consecutive Sundays should be considered.

The Chair thanked Mrs McCloskey for her remarks and invited representatives from DfI (Roads) to provide their summary.

Mr Gallagher referred to comments regarding deliveries to the area. He suggested that if access problems were expected, it may be possible to zone off an area at the top of Shipquay Street in the Diamond, where deliveries could be made.

The Chair thanked Mr Gallagher for his comments on the matter.

As there were no further remarks from the PSNI, the Chair thanked all of the interested parties for their submissions to the Committee. He stated that the Committee would enter into a confidential discussion on the matter and asked all interested parties and the press to vacate the Chamber.

After a confidential recess to discuss the matter the Chair invited all interested parties back to the Chamber.

The Chair thanked everyone for their participation at the meeting. He stated that following the in-committee confidential discussion, the outcome after a full and frank debate was that on the basis that the statutory consultees had no objections to the application and being satisfied that event and traffic management plans should address any concerns from traders, the approval of balance the application should on balance, outweigh any negatives that may arise. That is the decision of the Committee.

On the proposal of Councillor McGinley, Seconded by Councillor Tierney

The Committee

Resolved **that (i) the Committee grant the application for road closures for the special event at Shipquay Street, Shipquay Place and the Abercorn Road junction with Bennett Street on 14,15 and 16 November 2018 (ii) confirm the decision in writing to the applicant and those who made representations in relation to the application.**

Derry City and Strabane District Council

Open Minutes of Governance and Strategic Planning Committee held in the Council Chamber, Guildhall, Derry on Tuesday 6 November 2018 at 4.00 pm.

Present:- Councillor Hastings (in the Chair), Aldermen Hussey, Kerrigan, Ramsey and Thompson, Councillors Cooper, Duddy, Fleming, Gallagher, Gardiner, M McHugh, McKeever, McKnight and Tierney.

In Attendance: Chief Executive (Mr J Kelpie), Director of Health and Community (Mrs K McFarland), Lead Finance Officer (Mr A Dallas), Lead Democratic Services and Improvement Officer (Ms E Cavanagh), Strategic Business Manager (Mrs R Craig) and Committee Services Assistant (Ms N Meehan).

GSP153/18 Notice and Summons for Meeting

The Chief Executive read the Notice and Summons for the Meeting.

GSP154/18 Members Attendance and Apologies

The Chief Executive completed the roll call and there were no apologies recorded.

GSP155/18 Declarations of Members' Interests

The Chief Executive declared an interest in Item 8 – Capital Projects Approval.

Alderman Thompson declared an interest in the following agenda items:

Item 8 – Capital Projects Approval

Item 13 – Strategic Growth Partnership and

Item 14 –North West Regional Development Group Minutes.

Open for Decision

Chairperson's Business

GSP156/18 Halloween Festival

The Chair commended citizens throughout the City and District on their exemplary conduct during the Halloween Festival.

GSP157/18 Welcome

The Chair welcomed Council's successful application through Ernact for the Tide Programme and the subsequent letter of offer which had been received. He said this would assist Council in moving forward in terms of cross border maritime development referring specifically to Greencastle, Dunree and Killybegs.

GSP158/18 Confirmation of the Open Minutes of the Governance and Strategic Planning Committee Held on Tuesday, 2 October 2018

The Open Minutes of the Governance and Strategic Planning Committee held on Tuesday 2 October 2018 (GSP143/18-GSP151/18) were confirmed and signed by the Chair.

GSP159/18 Six Month Financial Outturn

The Lead Finance Officer presented the above report, a copy of which had previously been circulated. He advised that the purpose of the report was for Members to consider and approve Council's 6 Month financial outturn and position at 30 September 2018.

He referred to the correspondence received from the Department for Communities outlined in Appendix 2 regarding the recent successful challenge by Mid-Ulster District Council against the Department for Communities concerning the application of the statutory formula for the distribution of Rates Support Grant which would result in a quarterly saving of £225k for Council.

He also referred to a number of severance applications received in June which would result in further significant savings towards the rates process.

Councillor Gallagher welcomed the successful challenge by Mid-Ulster Council against the Department's approach to calculating domestic rates highlighting the benefits to be derived from challenging Departmental decisions.

The Lead Finance Officer explained that the challenge lodged by Mid-Ulster District Council concerned the appropriate conversion factor to

be applied for the purposes of calculating the distribution of Rates Support Grant. It was against an interpretation of a wording. However, in regards to Derry City and Strabane District Council the legislation to lodge such a challenge did not exist. He stated that this was not a grant which was enshrined in legislation for Council to challenge.

In relation to the challenge by Mid-Ulster District Council, Councillor Tierney queried what impact if any, this would have on the following year's rates programme.

The Lead Finance Officer confirmed that this would affect the following year's programme. He stated that this was an extremely complex application formula and Mid-Ulster had succeeded in demonstrating that the rate should be based on an individual Council and not Northern Ireland as a whole or a Northern Ireland average. He stated that this was a positive outcome but it did mean that Council would have to wait each year to ascertain how its percentage saving was placed in terms of the NI average.

The Chief Executive advised that in relation to the parallel issue, whilst this was a re-collaboration of the formula which did have a positive outcome for Derry City and Strabane District Council, and had arisen due to ongoing cuts.

In relation to the formulation and Council's position in terms of the NI average, Councillor Tierney queried when this information would be made available given that it would impact on the rates process and the setting of the rate. He also queried what the NI average figure meant to Council financially in terms of the rates.

The Chief Executive advised that Council endeavoured each year to obtain as much information as possible regarding possible determinations on the rates and had made representations to the Permanent Secretary in this regard. He continued that based on calculations to date Council would be able to make an assessment for the following year. However, any variance e.g. proposed reductions, was not normally made known until the latter stages. He stated that Council would continue to make representations to Permanent Secretaries requesting that information regarding budgets and proposed cuts by central government be made available as soon as possible. He pointed out that consultations regarding the rates process would begin in the coming weeks.

Subsequently the Committee

Recommended that Council approval be granted to the 6-month financial position and note the surplus of £587k generated for the first 6 months of the 2018/2019 financial year.

GSP160/18 Capital Projects Approval

The Lead Finance Officer presented the above report, a copy of which had previously been circulated. He advised that the purpose of the report was to allocate funds towards a number of capital projects and other corporate priorities within Council's capital plan following consideration by the Capital Projects and Corporate Programme Planning Group held on 23 October 2018.

Councillor Cooper welcomed the report and the £49m spend on capital projects since the inception of Derry City and Strabane District Council. He stated that Sinn Fein, as the largest Party in Council, had always been ambitious in its approach which was reflected in the report. Whilst opposed by other Parties, Sinn Fein had supported a moderate increase in rates which facilitated development across the City and district. He welcomed developments in terms of the Glen Road Community Centre which was key and displayed a statement of intent that Council would not be disregarding this project. He stated that the Visit Derry and City Centre projects were most enlightening. He stated that the approach which had been adopted had been prudent and positive in terms of what had been achieved since the inception of Derry City and Strabane District Council.

Alderman Thompson welcomed the report and the additional funding which had been forthcoming to enable the completion of the various projects referred to in the programme of works and the project management support. He stated that the programme was substantial and was apparent throughout the Council district.

Councillor M McHugh acknowledged the ambition and the excellent works carried out by Council, some of which were nearing completion and others currently in the pipeline. He particularly welcomed the projects at Newtownstewart, Castlederg, Sion Mills Play Park and Ballyfattan Play Park. He said the programme reflected Council's commitment in terms of development for the rural area and displayed equality across the City and district.

Councillor Tierney welcomed the report and the investment of £49m in capital projects since the merger of Derry and Strabane Councils. He also welcomed the previous speaker's comments that Council did deliver for all of its citizens across the City and district. He expressed concern at Councillor Cooper's comments that this extensive development was due to Sinn Fein's position on Council. He stated that all of the projects included in the programme had been agreed collectively at the Capital and Corporate Projects Planning Group on which there was cross-Party representation and whose recommendations were ultimately presented to the Governance and Strategic Planning Committee for approval. The process was carried out by Council collectively and not Sinn Fein individually.

Councillor Cooper denied that he had in anyway suggested that these were Sinn Fein promoted projects, having merely stated that since becoming the largest Party on Council they had agreed moderate rates increases which had enabled such projects to proceed.

Councillor Tierney said his Party would stand over its decision to oppose the previous year's proposed rates increases and would continue to do so.

Alderman Hussey commended the Lead Finance Officer on his report and Officers on the tremendous work being carried out throughout the Council district. He pointed out that not all of the Political Parties were represented on the Capital and Corporate Projects Planning Group. He enquired if it would be possible for non-Members to receive a copy of the Minutes of Meetings of the Group. He also welcomed the Magheramason Play Park, the Sion Mills Play Park and the continued improvements to Castle Park, Castledearg.

In response to Councillor Cooper's earlier comments regarding a lack of support from other Political Parties in respect of proposed rates increases, Councillor Gallagher stated that although he was not represented on the Capital and Corporate Projects Planning Group, he had lobbied for a number projects to be included in the programme of works as an elected Member representing his electoral area. He referred to difficulties which would arise if there was not a fair inclusion of projects across the City and district. He said it was a matter for elected Members to ensure that the electorate did not feel they were being unfairly treated by Council. He expressed concern at the delay in the Strabane Public Realm Scheme.

The Chief Executive referred to table five of the capital programme which provided an update in regards to the Strabane Public Realm Scheme.

In regards to the Minutes of the Working Group, the Chief Executive advised that the outcome of these meetings were presented as discussion papers to the Governance and Strategic Planning Committee where decisions in respect thereof were agreed.

Subsequently the Committee

- Recommended**
- (a) that Council approval be granted to the allocation of funds of £1.412m from Council's capital fund and in-year loan charge savings to progress the projects detailed in this report and a further sum of £480k from Council's remaining strategic loan charge provision towards Glenview Community Centre; and**
 - (b) that Directors are provided with delegated authority to progress these capital projects in line with the overall agreed budgets with all decisions to be recorded on the Register of Decisions.**

GSP161/18 Renewal of the Corporate Grantfinder Licence and Open4Community and Open4Business Modules to September 2021

The Lead Finance Officer presented the above report, a copy of which had previously been circulated. He advised that the purpose of the report was to seek Members' approval for the renewal of the licence for the Grantfinder funding information portal and database for internal use by Council staff and the purchase of licences for two Open 4 modules providing external access to residents, stakeholders, community groups and businesses in the Derry City and Strabane District Council area for a 3-year period to 2021.

Alderman Thompson referred to the success of this initiative in recent years.

In response to a query from Alderman Thompson regarding access for residents and stakeholders, the Lead Finance Officer advised that these groups would be made aware through Council's Community Services Officers who would use a range of methods to convey all of the necessary information.

Councillor McKnight said this was a vital service for community groups particularly in terms of ongoing cuts. She said it was understandable that the Open4Business module had not been as well utilised as the Open4Communities module. However she welcomed Council's resolve to provide information to all those affected. She considered £23 for every £1 invested to be most encouraging and referred to the importance of retaining this service.

Councillor Gallagher queried if Council's decision not to renew the Open4Business licence would discriminate against local businesses who were some of the highest ratepayers in the District. He referred to the need to ensure that they were not being disadvantaged by such a decision.

The Lead Finance Officer stated that obviously the decision not to renew this Open4Business portal licence was based on usage figures obtained and any funding received by business organisations. He said that in order to ensure that local businesses were not disadvantaged, Officers from Business and Enterprise and Funding would continue to advise private businesses of possibilities through data bases and social media. He assured that Council would continue to review the situation and if the non-renewal of the Open4Business portal licence appeared to be causing a problem it would be possible to have the licence renewed.

The Chief Executive advised that comparisons were being drawn between the current system and the previous system. He stated that the business team had been augmented and were communicating with businesses across the Council area on possible opportunities and levels of contact had improved and increased considerable from previous methods. He confirmed that the situation would be kept under review and the decision not to renew the licence was reversible, if required.

Subsequently the Committee

Recommended that Council approval be granted to the renewal of the corporate licence for the

Grantfinder funding information portal and database for internal use by Council staff and the purchase of one licence for the Open4Community module, through a single tender action, providing external access to residents, stakeholders, community groups and businesses in the Derry City and Strabane District Council area for a 3-year period to October 2021 at a cost of £32,130.

GSP162/18 Pilot Council Assets Naming Policy

The Lead Democratic Services and Improvement Officer presented the above report, a copy of which had previously been circulated. She advised that the purpose of the report was to seek Members' comments on and approval for the suspension of the pilot Council Assets Naming Policy pending the outcome of a review by the Working Group.

In response to a query from Councillor Gallagher, the Lead Democratic Services and Improvement Office advised that at the Working Group Meeting she had presented an overview of the learning in terms of the consultation. She stated that in order to determine the workings of the policy it would probably be necessary to carry out an in-depth examination thereof.

Subsequently the Committee

Recommended that Council will not consider applications for the (re)naming of Council facilities pending the outcome of the review of the pilot Council Assets Naming Policy by the Working Group.

GSP163/18 Annual Performance Report – Rural Need Update

The Lead Democratic Services and Improvement Officer presented the above report, a copy of which had previously been circulated. She advised that the purpose of the report was to seek Members' approval for the inclusion of additional information relating to the Rural Need Act (Northern Ireland) 2016 in the Annual Performance Report 2017/18 (Appendix 3).

Alderman Hussey whilst welcoming the report, requested clarification of the impact process.

The Lead Democratic Services and Improvement Officer stated that guidance had been issued to assist public authorities in understanding their statutory duties under the Rural Needs Act (Northern Ireland) 2016. She stated that in compliance with the Department's requirements, Council had introduced the rural needs impact assessment process set out in the guidance as part of its policy/service screening process. She stated that a summary of what had been carried out in recent months was attached as an appendix to the report. She outlined the stages in the impact assessment process and noted that from December onwards, if a specific rural need was identified, this would be contained within section 4 of the Committee report template.

Councillor M McHugh welcomed the report. He referred to the possible need for specific training in some cases in order to ensure that rural needs are identified and addressed.

The Lead Democratic Services and Improvement Officer advised that training would be rolled out. She stated that rural needs had always been an aspect of the decision making process however, Council's approach would now be formalised.

Councillor Gallagher queried the impact if Council was found not to have due regard to rural need.

The Lead Democratic Services and Improvement Officer stated that the legislation did not provide for the application of sanctions however, there was potential for a Judicial Review.

Subsequently the Committee

Recommended that Council approve the inclusion of additional information relating to the Rural Need Act (Northern Ireland) 2016 in the Annual Performance Report 2017/18 (Appendix 3).

Open for Information

GSP164/18 Strategic Growth Partnership – Carnegie UK Trust Embedding Wellbeing in NI Project

The Strategic Business Manager presented the above report, a copy of which had previously been circulated. She advised that the purpose of the report was to update Members on the participation of the DCSD Strategic Growth Partnership in the Carnegie UK Trust's '*Embedding Wellbeing in Northern Ireland*' project.

The Committee noted the content of the report.

GSP165/18 Strategic Growth Partnership

The Strategic Business Manager presented the above report, a copy of which had previously been circulated. She advised that the purpose of the report was to provide Members with an update on the most recent meeting of the Strategic Growth Partnership/Community Planning Partnership – held on Thursday 25 October 2018.

Members noted the content of the report.

GSP166/18 North West Regional Development Group Minutes

The Strategic Business Manager presented the above report, a copy of which had previously been circulated. She advised that the purpose of the report was to provide Members with an update on the meetings of the North West Regional Development Group.

Members noted the content of the report.

The Meeting terminated at 5.00pm.

Signed: _____
Chair

Date: _____

Derry City and Strabane District Council

Open Minutes of the Planning Committee Meeting held in the Chamber, Derry Road, Strabane on Wednesday 7 November 2018 at 2.00pm.

Present: - Councillor Robinson (Chairperson) Alderman Bresland, Kerrigan, McClintock, Councillors Dobbins, Gardiner, Hastings, Jackson, D Kelly, Logue, McGuire, R McHugh, Reilly.

In Attendance: - Head of Planning (Ms M Fox), Head of Planning Performance and Improvement (Mr E Molloy), Lead Legal Services Officer (Mr P Kingston), Principal Planning Officer (Mrs A McNee), Senior Planning Officers (Ms S Barrett, Mrs R McMenamin, Mr K Donaghey), Business Officer (Mrs L McKean), Committee Services Assistant (Mrs J Short).

P184/18 Notice and Summons for Meeting

The Head of Planning read the Notice and Summons for the Meeting.

P185/18 Member Attendance and Apologies

The Head of Planning completed the roll-call.

P186/18 Declarations of Members' Interests

There were no declarations of interest.

Open for Decision

Chairperson's Business

P187/18 Planning Application: LA11/2018/0325/O

The Chair agreed to accept request from Councillor Jackson to defer the above application to allow for a site visit request to be submitted.

P188/18 Pre-Determination Hearing

The Head of Planning confirmed that a Pre-Determination Hearing in respect to Planning Application: LA11/2017/0665/RM was scheduled to take place on Friday 9 November 2018 at 10.00am in the Guildhall.

P189/18 Confirmation of the Open Minutes of the Planning Committee Meeting held on Wednesday 3 October 2018

The Open Minutes of Planning Committee meeting held on Wednesday 3 October 2018 were confirmed.

P190/18 Matters Arising

P191/18 Planning Applications List with Recommendation for Decision

Reconsidered Applications

LA11/2017/0972/F - Remove existing gravel surface and replace with exposed aggregate concrete (amber beach A01) and grass. Approximate percentage area of each material as follows. Exposed aggregate 0.45ha and grass 0.1ha at Parade Ground, Ebrington.

The Head of Planning presented the above application, details of which had been previously circulated to Members. The application was previously presented to Planning Committee on 5th September 2018, at which Members sought a deferral to liaise with Council's Events Management and Environment teams. She provided an update on the outcome of the review of the application, based on material consideration and in line with planning policy and recommended an approval, subject to the conditions as outlined within the report.

Councillor Gardiner moved, seconded by Alderman McClintock to support the recommendation to approve planning permission as outlined by the Head of Planning.

The outcome of the vote was unanimous support of the proposal.

The Committee

Resolved that planning application LA11/2017/0972/F be approved planning permission, subject to the conditions as outlined within the report.

LA11/2018/0082/F - Temporary permission is sought for the retention of a mobile caravan measuring 35ft x 12ft (including associated ground works) for business use at lands at 32 Ballymongan Road, Killeter, Co Tyrone (site located approx. 30m west of 28a Ballymongan Road).

The Head of Planning presented the above application, details of which had been previously circulated to Members. The application was returned to Planning Committee following presentation on 5th September 2018, at which Members voted contrary to the Officer recommendation. She reported that following reconsideration of the various points raised by the Committee, officers remained of the opinion that a refusal be recommended for reasons previously presented within the report.

Alderman McClintock moved, seconded by Councillor Gardiner to support the recommendation to refuse planning permission for reasons as outlined within the report.

The outcome of the vote; For 5, Against 5, Abstention 1. The Chair's casting vote resulted; For 6, Against 5, Abstention 1. The proposal was carried.

The Committee

Resolved that planning application LA11/2018/0082/F be refused planning permission, for reasons as outlined within the report.

Councillor Dobbins joined the meeting at this stage.

Site Visit Deferrals

A/2014/0558/F - Installation of a wind turbine with tower height of 40m and a blade span of 30m accessed via the existing laneway at lands 800m west of 7 Sheriffs Road, Derry City.

The Head of Planning presented the above application, details of which had been previously circulated to Members. The application was returned to Planning Committee following presentation at the meeting on 3rd October 2018, at which Members agreed to carry out a site visit. The proposal was previously presented at which Members voted to defer decision to allow the applicant to submit further information for consideration by Planning Officers.

The Head of Planning reported that Planning Officers continued to maintain a recommendation to refuse permission for the reasons as set out in the report.

Councillor D Kelly reported inconsistency in Case Officers' reports for DAP 2011 versus Strabane Area Plan. The Lead Legal Services Officer suggested this was a matter that could be dealt with outside the Planning Committee.

In response to a query regarding the poor quality of visuals provided by the applicant, the Planning Officer advised that visual interpretations of the wind turbine are only required to aid the decision making the determining factor is based on site inspection.

The Head of Planning advised that, in terms of quality of data, the applicant/agent is encouraged to submit the best material possible and then it is a matter of judgement from a Planning perspective.

Councillor Hastings moved, seconded by Councillor Reilly not to accept the recommendation to refuse planning permission.

The outcome of the vote; For 11, Against 0, Abstention 2. The proposal was carried.

The Committee

Resolved not to support the recommendation to refuse planning application A/2014/0558/F. The application would be further reviewed by the Planning Officer and returned for reconsideration at a future Committee meeting.

New Applications

LA11/2018/0325/O - Proposed site for dwelling and domestic garage at site adjacent to No. 74 Clooney Road, Campsie

The above application was deferred to allow for a site visit request to be processed by Planning Section.

LA11/2017/0833/F - Change of use from dwelling to 6-bedroom HMO at 19 West End Park, Derry City

The Senior Planning Officer presented the above planning application, details of which had been previously circulated to Members. He gave an overview of the background to the application and, based on material consideration and in line with planning policy, recommended

that planning permission be granted, subject to the conditions as outlined within the report.

The Members received speaking rights from Ms Anne McAteer who spoke in objection to the application.

The Members received speaking rights from Mr Matt Kennedy, Agent who outlined reasons to support approval of the application.

Councillor Logue commented that, whilst she agreed that there was a high level of need for social housing in the city and wider Council area, she had reservations in relation to this particular application in terms of whether it actually met the NIHE standards that govern HMO's. Planning Officers advised that the NIHE standards were not material planning issues and Planning Committee should only take account of planning material considerations with this item.

The Lead Legal Services Officer explained that the application before Committee today was for change of house type from dwelling house to HMO. However, the 3 no. flats referred to previously within the same location have been identified as unauthorised and enforcement action had begun. He added that if the application presented was passed then a HMO would be lawful. However, if Council decided not to approve the application then enforcement proceedings for unauthorised use would continue and he assured Members that this was not an uncommon scenario for Council to deal with. He further assured Members that the approach taken by the applicant was appropriate from a Planning perspective.

The Lead Legal Services Officer in response to concern expressed by Alderman McClintock in relation to misleading information provided by the Officer team, stated that this was not the case and that the application before Committee was about change of use of property. He reiterated that unlawful use referred to was a separate issue and that Members are advised periodically on ongoing enforcement cases being dealt with by the Planning Enforcement Section. He further stated that if information was presented and not pertinent to the application it would be detrimental to the legal status of the case. He added that he did not accept any suggestion that the officer team had misled the Committee.

Discussion ensued after which Councillor Logue moved, seconded by Councillor Hastings to overturn the recommendation to approve planning permission.

The outcome of the vote; For 11, Against 2, Abstention 0.

The Committee

Resolved not to accept the recommendation to approve planning application LA11/2017/0833/F. The application would be returned for reconsideration at the next Committee Meeting.

LA11/2017/0342/F – Social housing bungalow to meet local need for APEX Housing Association at vacant site to the rear of 15 Melvin Court, Strabane.

The Senior Planning Officer presented the above planning application, details of which had been previously circulated to Members. She provided an overview on the background to the application and, based on material consideration and in line with planning policy, recommended a refusal for reasons as outlined within the report.

Discussion ensued after which Councillor Hastings moved, seconded by Alderman Bresland to defer a decision on the above application so to allow for a site visit.

The Committee

Resolved to defer planning application LA11/2017/0342/F to allow for site visit.

LA11/2017/0623/F - 8 No. 3 person/2 bedroom semi-detached general needs houses. 2 No. 5 person/ 3 bedroom semi-detached general needs houses. 2 No. 5 person/3 bedroom semi-detached complex needs houses. Total: 12 no. houses lands to the north of Ferndale Road and adjacent to Skeoge Business Park, Derry/Londonderry

The Principal Planning Officer presented the above application, details of which had been previously circulated to Members. She provided an overview of the background to the application and, based on material consideration and in line with planning policy, recommended an approval, subject to the conditions as outlined within the report.

Councillor Dobbins welcomed the application, however expressed concern that the open space on the site would attract anti-social behaviour.

Councillor Dobbins moved, seconded by Councillor Logue to support the recommendation to approve the above application subject to change to drawings.

The outcome of the vote was unanimous support of the proposal.

The Committee

**Resolved that planning application LA11/2017/0623/F be approved planning permission subject to inclusion of a condition for the change to drawings:
- landscaping plan to match block plan. The application would be returned for information to Committee.**

LA11/2018/0536/F – Proposed single storey dwelling and domestic garage and associated site works at 60m to west of 18 Aghalunny Road, Killeter.

The Senior Planning Officer presented the above planning application, details of which had been previously circulated to Members. She provided an overview of the background to the application and, based on material consideration and in line with planning policy, recommended a refusal for reasons as outlined within the report.

Councillor McGuire enquired as to the status of the Strabane Area Plan. This point was noted by the Lead Legal Services Officer. Discussion ensued after which Councillor McGuire moved, seconded by Alderman Kerrigan not to accept the recommendation to refuse planning permission.

The outcome of the vote; For 12, Against 1, Abstention 0. The proposal was carried.

The Committee

Resolved not to accept the recommendation to refuse planning application LA11/2018/0536/F. The application would be further reviewed taking on board the opinions of Members and returned to Committee for further consideration at a future Committee meeting.

LA11/2018/0591/F – Proposed change of use from offices into 5 no. self-contained flats at 45 Bowling Green, Strabane.

The Senior Planning Officer presented the above planning application, details of which had been previously circulated to Members. She provided an overview of the background to the application and based on material consideration and in line with planning policy recommended an approval, subject to conditions as outlined within the report.

Alderman Bresland moved, seconded by Alderman Kerrigan to support the recommendation to approve the above planning application.

Councillor Logue stated that she was not supportive of the recommendation because, in her opinion, the proposed design was not conducive to the provision of quality space for the occupants.

Councillor Hastings coincided with the previous speaker.

The outcome of the vote; For 8, Against 2, Abstention 3. The proposal was carried.

The Committee

Resolved that planning application LA11/2018/0591/F be approved planning permission subject to the conditions as outlined within the report.

LA11/2018/0213/F – Change of use from former Barracks building to provide convenience store with minor alterations to include ATM and proposed shop front at Building 102, Ebrington Barracks, 46m west of No. 1 Browning Drive, Derry.

The Senior Planning Officer presented the above planning application, details of which had been previously circulated to Members. She provided an overview of the background to the application and, based on material consideration and in line with planning policy, recommended an approval, subject to conditions as outlined within the report.

Discussion ensued after which Alderman McClintock moved, seconded by Councillor Jackson to support the recommendation as outlined by the Senior Planning Officer.

The outcome of the vote was unanimous support of the proposal.

The Committee

Resolved that planning application LA11/2018/0213/F be approved planning permission subject to conditions as outlined within the report.

LA11/2017/0086/F – The proposed development comprises a 3MW solar farm comprising photovoltaic cells mounted on racks and connected on-site by underground electrical cables; an underground cable connecting the proposed development to the electricity supply grid via an existing substation on the Curryfree wind farm site; ancillary infrastructure including a substation; an inverter cabin (housing inverters and transformers), dedicated site entrances and access track, boundary fencing and landscaping and ancillary site development. The proposed solar farm is wholly located in the townland of Curryfree, Co Londonderry and the grid connection is located in the townlands of Curryfree, Lisdillon and Creevedonnell, Co Londonderry and Taboe Glebe, Co. Tyrone.

The Senior Planning Officer presented the above planning application, details of which had been previously circulated to Members. She outlined to Members the background to the application and based on material consideration and in line with planning policy recommended that planning permission be approved, subject to conditions as outlined within the report.

Councillor D Kelly raised the following queries in respect to the application:

- No reference to Strabane Area Plan in the determination of the application.
- Galvanized fencing not acceptable.
- Landscaping should be on all 4 sides to conceal fencing
- CCTV – more detail required.
- Condition to permit planting scheme once fencing erected.

The Senior Planning Officer responded as follows:

- Agreed for Strabane Area Plan to be referenced within the report.
- Condition to be amended regarding fencing design
- Confirmed landscaping proposed applicable to all 4 sites.
- CCTV – installation of sensor cameras on gates
- Planting condition amended if required.

Ms Helen O’Keeffe the applicant’s agent provided clarification on a number of concerns raised by Councillor D Kelly:

- Fencing design is open to change.
- Landscaping plan – intention to work with what already existed on site.
- Not considered as blanket bog.
- CCTV – inward facing cameras due to remote site.
- Commercial benefit – no proposal to extend.
- Security lighting – on site motion triggered only.

Discussion ensued after which Councillor Reilly moved, seconded by Alderman McClintock to support the recommendation to approve planning permission subject to the following amendment to conditions:

1. Landscaping timing condition.
2. Discharge of condition – Palladin fencing drawings.

The outcome of the vote was unanimous support of the proposal.

The Committee

Resolved that planning application LA11/2017/0086/F be approved planning permission, subject to amendment in conditions as outlined previously.

LA11/2017/0089/F - The proposed development comprises a 4.1MW solar farm comprising photovoltaic cells mounted on racks and connected on-site by underground electrical cables; an underground cable connecting the proposed development to the electricity supply grid via an existing substation on the Carrickatane windfarm site; ancillary infrastructure including: a substation; an inverter cabin (housing inverters and transformers), dedicated site entrances and access track, boundary fencing and landscaping, and ancillary site development works. The proposed solar farm is wholly located in the townland of Carrickatane, Co Tyrone; and the grid connection is located in the townlands of Carrickatane in Co. Tyrone; and Killymallaght in Londonderry.

The Senior Planning Officer presented the above planning application details of which had been previously circulated to Members. She provided an overview of the background to the application and, based on material consideration and in line with planning policy, recommended an approval, subject to the conditions as outlined within the report.

Councillor Reilly moved, seconded by Alderman Bresland to support the recommendation to approve planning permission, subject to an amendment to the conditions as follows:

1. Landscaping timing condition.
2. Discharge of condition – Palladin fencing drawings.

The outcome of the vote was unanimous support of the proposal.

The Committee

Resolved that planning application LA11/2017/0086/F be approved planning permission, subject to amendment in conditions as outlined previously.

P192/18 Consultation on Transboundary Wind Farm Application – Momeen and Lettergull, Lifford, Co. Donegal (LA11/2018/0937/TBA)

The Principal Planning Officer presented the above report details of which had been previously circulated to Members. The purpose of the report was to advise Members of a consultation which had been received from DFI Strategic Planning Division in relation to application LA11/2018/0937/TBA for the erection of a wind farm in Co. Donegal. DFI Strategic Planning are processing a transboundary application and have consulted with Derry City and Strabane District Council with regard to any comments they wish to make regarding this planning application.

The Committee

Recommended that a draft response be circulated to Members highlighting comments re. height, visuals from District and previous Donegal plans and consultation response.

Open for Information

P193/18 Planning Appeals Update

The Principal Planning Officer presented the above report a copy of which was previously circulated to Members. The purpose of the report was to appraise Members on planning appeals currently in the system.

She also confirmed that an Appeals Workshop was scheduled to take place on Monday 3 December 2018 at 12.30pm in Harbour House.

The Committee

Recommended that Council i) notes the update report on planning appeals and that an Appeals Workshop was scheduled to take place on Monday 3 December 2018 at 12.30pm in Harbour House.

P194/18 Update on Judicial Review – River Faughan Anglers

The Lead Legal Services Officer presented the above report, details of which had been previously circulated to Members. The purpose of the report was to appraise Members on the decision by The Honourable Mr Justice McCloskey to dismiss the application for judicial review against Derry City and Strabane District Council by Mr Dean Blackwood representing River Faughan Anglers Ltd.

The Lead Legal Services Officer acknowledged the work of the Officers involved in the above process, and said that an immense amount of time and work was committed to the whole process. He said that it was an extremely intense process wherein Officers found their professional judgement under scrutiny. He added that he was pleased for those Officers that the outcome was successful and expressed his personal appreciation for the professional manner in which the process was handled.

Members expressed their own appreciation to the Officers and congratulated them on the successful outcome.

The Lead Legal Services Officer in response to a query advised that it was only right and proper that Council decisions are open to scrutiny and subject to challenge and therefore Council have to ensure that processes are robust and Members are provided with the necessary training in the decision making process.

The Committee

Recommended that Members note the decision as outlined in the above report and that Council was successful in defending its position in relation to the grant of planning permission on 17 January 2018.

P195/18 Local Development Plan (LDP) Update

The Head of Planning presented the above report, details of which had been previously circulated to Members. The purpose of the report was to update Members on the progress of the Council's Local Development Plan 2032 (LDP Draft Plan Strategy) and particularly to advise Members that it is intended to bring an update paper and a series of topic-based Chapters to the Planning Committee and/or other Member sessions over the coming months, from next Committee meeting onwards.

The Committee

Recommended that Members note the contents of the above report.

P196/18 List of Decisions Issued – October 2018

Members noted the List of Decisions issued during the month of October 2018.

The meeting went into confidential business.

The Meeting terminated at 7.30pm.

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Derry City and Strabane District Council

Minutes of Meeting of the Assurance, Audit and Risk Committee held in the Guildhall, Derry on Thursday 8 November 2018 at 4.00 pm

Present: - Councillor McGuire (Chair); Aldermen M Hamilton, McClintock and Thompson; Councillors Carlin, Duffy, Donnelly, Gallagher, Hastings, J McKeever, McGinley, McMahan and O'Reilly.

Non Members of Committee: - Alderman R Hamilton; Councillors Carr and Robinson.

In Attendance:- Mrs K McFarland (Director of Health and Community), Mrs D McDonnell (Lead Assurance Officer), Ms A Begley (Insurance and Risk Manager) and Ms O O'Doherty (Corporate Health and Safety Officer); Miss L Bell (Committee Services Assistant)

AAR103/18 Notice and Summons of Meeting

The Lead Assurance Officer read the Notice and Summons for the Meeting.

AAR104/18 Member Attendance and Apologies

The Lead Assurance Officer completed the roll call. Apologies were received from Councillor Reilly.

AAR105/18 Declarations of Members' Interests

Councillor Hastings declared an Interest in Item 10- North West Region Waste Management Group- Report to those Charged with Governance.

Open for Decision

AAR106/18 Chairperson's Business

There was no Chairperson's business.

AAR107/18 Confirmation of the Open Minutes of the Assurance, Audit and Risk Committee held on Monday 24 September 2018

The Open Minutes of the Assurance, Audit and Risk Committee held on 24 September 2018 (AAR82/18 – AAR95/18) were confirmed and signed by the Chair.

Matters Arising

AAR108/18 AAR90/18- Financial Statements

Councillor Gallagher referred to a recent meeting of the Business and Culture Committee, at which Members approved £75,000 funding from the North West Air Access Consortium fund provide marketing support for the new Loganair Derry to Glasgow route from the City of Derry Airport (BC214/18).

He commented that he had been given no satisfactory response to queries over the origins of this funding. He added that this had been the first time he had been made aware of this fund and questioned the potential for further use of the fund and if there were any other funds in place which he was not aware of.. He voiced concerns that the airport had faced many difficulties including securing the Public Service Obligation Route to London in the last 2 years and still Members' had been unaware of the availability of this funding and no explanation had been given.

In response, the Lead Assurance Officer advised that a report had been presented to the Business and Culture Committee seeking Members; approval to use the North West Air Access Consortium to provide marketing support for the new route from City of Derry Airport, She advised that the North West Air Access Consortium had been established a number of years ago by Derry City Council and Donegal County Council and the fund was set up as a marketing fund for the region.

Councillor Gallagher replied that these comments had proved his point that no one was aware of the funding and that he found this alarming.

The Lead Assurance Officer explained that as she had previously stated she was aware of the fund.

Alderman Thompson expressed his surprise at Councillor Gallagher raising this issue again as the Chief Executive had answered his questions clearly at the Full Council meeting and explained the purpose of the fund. He stated that he felt Councillor Gallagher had twisted

what was said and had been trying to secure newspaper headlines. He added that he felt that Councillor Gallagher either had difficulty hearing or didn't want to hear what was said and had been trying to undermine this.

Councillor Donnelly stated that he felt Alderman Thompson's accusations were unfair and agreed with Councillor Gallagher that concerns over the possibility of other sources of funding needed addressed.

The Chair stated that the Chamber was the Forum to ask questions.

Councillor Gallagher stated that his hearing difficulty should not be a concern for Alderman Thompson adding that he clearly heard the Chief Executive state that he was unaware of the North West Air Consortium funding. He agreed with the Chair that the Chamber was the forum for asking questions.

AAR109/18 Confirmation of the Open Minutes of the Assurance, Audit and Risk Committee held on Thursday 4 October 2018

The Open Minutes of the Assurance, Audit and Risk Committee held on 4 October 2018 (AAR96/18- AAR102/18) were confirmed and signed by the Chair.

AAR110/18 Matters Arising

There were no matters arising.

AAR111/18 Risk Review Processes and update on Council Service Risk Registers

The Insurance and Risk Manager presented the above report, a copy of which had been previously circulated to Members. She advised that the purpose of the report was to update members and to seek Member's endorsement on ongoing Risk review processes in accordance with Council's Risk Management strategy.

The Committee

Recommended that Council endorse the Service Risk Register.

AAR112/18 North West Region Waste Management Group - Report to those Charged with Governance

The Lead Assurance Officer presented the above report, a copy of which had been previously circulated to Members. She advised that the purpose of the above report was to seek member's endorsement of the North West Region Waste Management Group's Report to those Charged with Governance for the financial year 2017/2018.

The Committee

Recommended that Council endorse the contents of the Report to those Charged with Governance for the North West Region Waste Management Group.

AAR113/18 Member Training

The Lead Assurance Officer presented the above report, a copy of which had been previously circulated to Members. She advised that the purpose of the report was to update members in relation to training for the Assurance, Audit and risk Committee.

The Committee

Recommended that Members note the date of the Audit Committee training (23 November 2018) and advise the Lead Assurance Officer or the Internal Audit Manager if there are any specific areas they would like to cover.

AAR114/18 Corporate Health, Safety and Wellbeing Update

The Corporate Health and Safety Officer presented the above report, a copy of which had been previously circulated to Members. She advised that the purpose of the report was to update Members on the recent Health, Safety and Wellbeing Committee meeting held on 1 October 2018 and to seek Members continued endorsement for Health and Safety systems and processes within Council.

Councillor Hastings thanked the Officer for the report. He queried what systems had been put in place to ensure that incidents like the accident in Limavady last week where a Council employee lost his life, did not happen in the Derry City and Strabane District Council area.

The Corporate Health and Safety Officer replied that systems within all services were regularly audited, the whole scope of work checked, recommendations made directly to the service and team solutions actioned. She added that waste management was one of the highest risk areas in Council and required a high level of work to ensure safety, stating that Council Staff were on-guard for potential issues at all times

Councillor Hastings again thanked the Officer and requested that any learning acquired from this tragedy could be implemented in the Council area.

Councillor Donnelly thanked the Officer for the report and referred to serious allegations made regarding findings of misallocations of the Social Investment Fund by the Northern Ireland Audit Office. He questioned if these findings would have any impact on any of the community projects in the Council area, particularly the Brandywell.

The Director of Health and Community replied that she had not seen the full report and that she was aware of that the funding was allocated through the Social Investment Fund, not Council. She added that she would seek clarity on the matter.

The Lead Assurance Officer commented that any recommendations made in the report would be taken on board.

The Committee

Recommended that Council endorse the report and continues to endorse the Health and Safety systems and processes in place within Council.

Open for Information

AAR115/18 Performance Improvement

The Lead Assurance Officer presented the above report, a copy of which had been previously circulated to Members. She advised that the

purpose of the report was to update Members in relation to the Council's Performance Improvement Responsibilities.

The Committee

Recommended that Council note the contents of this report.

The meeting terminated at 4.25 pm

Derry City and Strabane District Council

Open Minutes of Business and Culture Committee Meeting held in the Council Chamber, Derry Road, Strabane on Friday 9 November 2018 at 4.00pm.

Present:- Councillor Logue (Chairperson); Aldermen Hussey, Ramsey, Warke; Councillors Cooper, Cusack, Fleming, McKnight, M McHugh, McKeever, McMahan, O'Reilly.

In Attendance:- Director of Business and Culture (Mr S Gillespie), Head of Business (Mr K O'Connor), Head of Culture (Ms A McCarter) and Committee Services Assistant (Mrs J Short).

BC217/18 Notice and Summons for Meeting

The Director of Business and Culture read the Notice and Summons for the meeting.

BC218/18 Member Attendance and Apologies

The Director of Business and Culture completed the roll call and recorded apologies for Alderman R Hamilton and Councillor Reilly.

BC219/18 Declarations of Members' Interests

Councillor McKnight and Alderman Ramsey declared an interest in Agenda Item No. 13: PEACE IV Tenders Approval.

Aldermen Warke and Ramsey and Councillors Fleming, McKeever and Logue declared an interest in Agenda Item No. 10: Rural Development Funding Programme Capital Match Funding.

Councillor Fleming declared an interest in Agenda Item No. 18: US In-Market Business Support.

Open for Decision

Chairpersons Business

BC220/18 Law Students from Ulster University, Magee Campus

The Chair welcomed the law students who were seated in the public gallery to observe how business was dealt with by the Committee.

BC221/18 Halloween Event 2018

The Chair referred to the recent Halloween events held in the City and District and said that all of the events were a great success. She expressed her appreciation to Officers for their involvement in the development of the programme of events.

BC222/18 Confirmation of the Open Minutes of the Business and Culture Committee (BC197/18-BC211/18) held on Tuesday 9 October 2018.

The Open Minutes of the Business and Culture Committee Meeting held on 9 October 2018 were confirmed.

BC223/18 Matters Arising

There were no matters arising from the minutes.

BC224/18 International Relations Activities Update

The Head of Business presented the above report, details of which had been previously circulated to Members. The purpose of the report was to update Members on continued international relations activities and seek Members' approval for attendance at and Council sponsorship of the Golden Bridges event and awards luncheon in Boston.

Councillor Cooper welcomed the above report. He said that the linkages developed through international relations activities as outlined within the report were key to attract investment and job opportunities for the City and District.

Councillor M McHugh also welcomed the report. He commented that it was important to continue with the development of international connections, so to build on existing achievements for the benefit of all citizens from the North West region.

Councillor Cusack welcomed the report and expressed her congratulations to the Officers involved in the development of international relations activities. She suggested that the good news stories be channelled through the media to make the public aware of what is being achieved for the City and District.

The Committee

Recommended **that Council approve Council's sponsorship of the Golden Bridges conference and awards luncheon as part of the Council's investment strategy and attendance at same.**

BC225/18 Rural Business Update

The Head of Business presented the above report, details of which had been previously circulated to Members. The purpose of the report was to provide Members with a progress update on Rural Business Support Initiatives including the proposed Rural Business Capital Grant Programme; Rural Development Programme, Business Boost and Mourne Derg and Glenelly Action Plan.

The Committee

Recommended **that Council notes the contents of the report and recommend that Officers continue to scope out the delivery of the Rural Capital Grants scheme with DAERA.**

BC226/18 Museum Accreditation

The Head of Culture presented the above report, details of which had been previously circulated to Members. The purpose of the report was to seek approval for the Tower Museum Environmental Policy Statement as part of the requirement for Arts Council UK Museum Accreditation.

The Committee

Recommended that Council approves the Tower Museum Environmental Policy Statement as part of the requirements for Museum Accreditation.

Alderman Hussey and Councillor O'Reilly joined the meeting at this stage.

BC227/18 Rural Development Funding Programme Capital Match Funding

The Head of Business presented the above report, details of which had been previously circulated to Members. The purpose of the report was to provide an update to Members of the recent approval by Governance and Strategic Planning Committee to allocate additional match funding for the Rural Development Programme to ensure full project delivery and maximum impact within the programme timescale for the two funding schemes where DAERA required Council to be the lead applicant/delivery agent.

The Committee

Recommended that Council notes the approval from GSP Committee for an additional £343,979 in match funding for the Rural Development Programme and for delegated authority for procurement of all professional fees and capital works to deliver the projects.

Open for Information

BC228/18 Fashion Fest 2018

The above report was previously circulated to Members to provide an overview of Fashion Fest 2018.

Councillor McKnight welcomed the above report. She congratulated the Officers involved and looked forward in anticipation to the Fashion Fest programme for 2019.

Members noted the contents of the above report.

BC229/18 ESF Match Fund Update Q2

The above report was presented to Members to provide an update on progress to date on five ESF projects match funded by Council to deliver services to those unemployed/economically inactive.

Alderman Ramsey welcomed the above report. He requested that specific detail in terms of participation numbers and locations be provided on future update reports.

Members noted the contents of the above report.

BC230/18 PEACE IV Tenders Approval

The above report was presented to Members to provide an update on PEACE IV Tenders which had been awarded by delegated decisions in October 2018 (after detailed pre-approval for the process was confirmed by Council in September 2018).

Members noted the contents of the above report.

BC231/18 General Broadband Issues

The above report was presented to Members to provide an update on the various broadband initiatives available throughout Northern Ireland.

Members noted the contents of the above report.

BC232/18 Social Clause Vacancy Event

The above report was presented to Members to provide an update on an event that took place on Thursday 25 October 2018 by the Skills Department to promote Buy Social vacancies in the construction sector to unemployed residents of the Derry City and Strabane District Council area.

Councillor O'Reilly referred to the recent discussions regarding the filming of the Derry Girls at Guildhall Square and concerns expressed by independent traders regarding access issues within that locality. He sought assurance that Officers would continue to build on existing relationships and provide the necessary support to the traders.

The Head of Business assured the previous speaker that Officers would continue to develop relationships with the traders and this was achieved through the facilitation of various business related workshop events and participation in the Business Boost programmes. He added that whilst he agreed it was a challenging environment for independent businesses, the city centre had experienced an increase in footfall due to the major events and this was a welcomed boost to the economy.

Member noted the contents of the above report.

The Meeting went into confidential business.

The Meeting ended at 5.00pm.

Derry City and Strabane District Council

Open Minutes of Environment and Regeneration Committee held in the Council Chamber, Derry Road, Strabane on Wednesday 14 November 2018 at 4.00pm

Present:- Councillor Reilly (Chairperson) Aldermen Bresland, Hussey, Ramsey and Warke; Councillors Campbell, Dobbins, Duddy, Duffy, Hastings, Jackson, D Kelly, R McHugh and Tierney.

Non-Member of Committee – Alderman Devenney.

In Attendance: Head of Environment (Mr C Canning), Head of Capital Development and Building Control (Mr F Morrison), Regeneration Manager (Mr T Monaghan), Heritage Development Officer (Mrs Margaret Edwards) and Committee Services Assistant (Mrs T Johnstone).

ER248/18 Notice and Summons for Meeting

The Head of Environment read the Notice and Summons for the Meeting.

ER249/18 Members Attendance and Apologies

The Head of Environment completed the roll call. There were no apologies

ER250/18 Declarations of Members' Interests

Councillor Hastings declared an interest in agenda item 26 – Servicing, Maintenance and Erecting Dog Fouling Bins – TENV18-091

Open for Decision

ER251/18 Deputation – To Receive Mr Arbuckle, Senior Manager, Bryson Energy to give an Update on Bryson Energy's Activities

The Chair invited Mr Arbuckle, Senior Manager, Bryson Energy to provide an update to Members on Bryson Energy's activities.

Mr Arbuckle distributed information leaflets to Members then proceeded with the presentation highlighting the following:

- Bryson Energy were part of the Bryson Charitable Group
- One of a network of 80 energy agencies across Europe
- Vision of Bryson Energy was to motivate and support householders to reduce their energy use, costs and carbon emissions
- Their mission is to energy proof homes throughout the City and District
- Bryson Energy was formed after the merger of three local energy agencies
- Bryson Energy was a one stop shop and a trusted central point of contact which addressed all elements of the fuel poverty triangle
- Energy efficiency, the level of household income, and the cost of fuel were the main elements in the fuel poverty triangle
- They also provide community oil clubs to help reduce costs to householders by making bulk oil orders.
- Bryson Energy also provide advice on electricity tariffs and switching providers
- Oil prices throughout Northern Ireland were unregulated with no transparency on pricing
- More flexible payment must be developed to address the high price and fluctuations
- 500 litres of heating oil in Derry costs 60p per litre compared to 56p cheaper when buying 900 litres in bulk
- Some suppliers charging 76p per litre for small deliveries such as 150 litres
- People using plastic containers are charged 66p per litre - even more expensive and a dangerous means of budgeting, yet supplier has no delivery costs
- Disparity in oil prices between the North-West and Belfast – householder in the North-West pays on average 5p per litre more or £25 per load and for smaller loads 11p per litre
- 69 percent of urban areas experiencing fuel poverty with 89 percent in rural areas
- Bryson Energy have a Service Level Agreement with Derry City and Strabane District Council to assist Council in its energy projects and raise public awareness on renewable energy

Mr Arbuckle then distributed information leaflets to Members and invited questions and comments from the Committee.

The Committee thanked Mr Arbuckle for the useful and informative presentation and commented on the following:

- The alarming disparity with oil prices in the North West compared to Belfast which a contributing factor to fuel poverty throughout the City and District
- Referred to oil prices not being regulated and asked what Council could do in terms of lobbying oil companies to challenge the price difference
- Concerned at that the price of fuel had increased at the time of year when those suffering from fuel poverty needed it the most
- Referred to the affordable warmth scheme and noted that people who had availed of the scheme were still experiencing fuel poverty
- Stated that most people were could not afford to buy the higher volumes of oil and suggested that a higher number of people used plastic containers to fill oil tanks on a weekly basis as opposed to purchasing in bulk
- Referred to oil clubs and stated that not everyone were fully informed of the benefits and cost efficiency by becoming a member and suggested that Council undertake a promotion drive to all residents throughout the City and District
- Enquired if Bryson Homes had considered external retro fit insulation for existing homes as well as introducing the hive heating system whereby heat and water are thermostatically controlled
- Enquired if information regarding advice on tariffs and switching energy providers could be available online
- Enquired if Bryson Energy had anticipated any difficulties regarding EU status after March 2019

In response, Mr Arbuckle stated

- There was no reason given to explain the price difference between the North West region and Belfast
- Agreed that the promotion of oil clubs throughout the City and District would be beneficial and cost effective for households
- Outlined that there were currently 27 oil clubs in operation and that next year they will be controlled by the local communities
- Stated that the although the price of oil could not be regulated it may be influenced by schemes such as oil clubs
- Stated that after the Grenfell disaster, a theoretical debate had taken place regarding the use of external cladding. He added that external

insulation was used in the Republic of Ireland, however it was extremely expensive.

- Outlined that the Affordable Warmth Scheme was a university led project which identified homes affected by fuel poverty and subsequently targeted scheme had been implemented to award grants to certain households to enable them to have warmer homes
- He stated that the Consumer Council for Northern Ireland website offered up to date online advice and assistance available for anyone wishing to switch electricity providers or compare fuel prices. He added that Bryson Energy also had a Freephone number contained within the information leaflet
- Referred to the anticipated impact for Bryson Energy within EU and stated that the organisation may lose a proportion of EU funding.

Councillor Jackson stated that Council would work with Bryson Energy with regard to ensuring that information and advice could be communicated to all households throughout Council area. He suggested that Bryson Energy provide small video information clips in order for Members to share on social media to relay information and advice to a wider audience.

In response, Mr Arbuckle stated that the organisation had spoken to Council officers regarding having the Bryson Energy contact details and an energy efficiency page included on Council's website. He added that he welcomed working with Council in any capacity to ensure that householders received the advice and assistance available to them.

The Chair thanked Mr Arbuckle for his presentation and concurred with Councillor Jackson's suggestion for Council to work with Bryson Energy in an attempt to tackle fuel poverty throughout the City and District.

Chairperson's Business

ER252/18 Nappuchino Event

The Chair informed Members aware of a forthcoming conference on Tuesday 20 November in the Foyle Arena from 9.30am -12.30pm entitled Nappuchino. He stated that the event would encourage parents or carers to move away from plastic nappies to more environmentally sustainable ones and he encouraged Members to attend.

ER253/18 Royal Mail Postbox on Chapel Road

The Chair referred to a matter that had been raised at a previous meeting regarding the removal of the Edwardian Royal Mail post box on Chapel Road. He enquired if officers could contact Royal Mail to establish when the post box will be re installed at Chapel Road and also request clarification on the number of that particular type of post box still in use throughout Council area. He added that the information would be of interest to those keen to see that particular type of heritage retained.

ER254/18 Proposed Recycling Facility at Newbuildings

Alderman Devenney thanked the Chair for permitting him to bring up a matter under Chairperson's Business. He stated that he had raised the issue at a previous Environment and Regeneration Committee meeting regarding a suitable space for a recycling facility at Newbuildings. He stated that a space had been identified but unfortunately it did not progress. He suggested that a scoping exercise be carried out at the previous Council owned waste facility in the area. He added that a recycling centre at this location would encourage people to recycle not just at Newbuildings but the surrounding areas and would also help prevent illegal dumping.

In response, the Head of Environment stated that a report would be brought to a future Environment and Regeneration Committee meeting for Members' consideration.

ER255/18 Burnt Out and Abandoned Vehicles

Councillor Campbell raised expressed concern regarding the procedure for the removal of burnt out and abandoned vehicles throughout the City. He stated that the matter had been raised at a previous meeting, however since then there have been more burnt out vehicles at Galliagh, the Bogside and Creggan Estate. He stated that the contracted removal service had guaranteed removal of such vehicles within a 24 hour period. however this has not happened. He further stated that some vehicles had been lying for 3 days or more which raised health and safety issues particularly for children living in the area. He referred to an abandoned car at Creggan Estate with broken windows and had been informed that an abandonment notice was required before removal could take place. He advised that the vehicle had been left at the side of the street for seven days as per the notice

then a further 3 days which resulted in a total of 10 days before it was removed. He asked if the previous procedures for the removal of such vehicles could be re-instated as it proved to be a more efficient service.

Councillor Tierney stated that it was his understanding that the delay for the removal of vehicles was due to problems with the new system which had been addressed. He emphasised the importance of the immediate removal of burnt out and abandoned vehicles because of the impact it had on the area. He suggested community involvement on would be a more effective way forward as local community organisations were used to remove bonfire material during the summer months and the local 'touch' reached far beyond what any external contractor had achieved. He enquired when the contract with the current removal firm was due to expire and stated that he understood they were more cost effective, however it was not working out.

In response, the Head of Environment stated that Members had raised a number of concerns regarding this matter and the company had been contacted to address the matter. He outlined that a performance contract was in place which included a guarantee that abandoned vehicles would be removed within a 24 hour period. However, he stated that this had not been the case on at least two occasions. He stated that after some initial problems the company had agreed that vehicles would be removed within the 24 hour period and if they did not honour this agreement, it would be deemed a breach of contract and therefore the contract would be terminated. He referred to abandoned cars that still may be fit for purpose and advised that Council were obliged to serve a 7 day abandonment notice adding that if a vehicle could not be taxed or insured, it was a matter for the PSNI or DVLA. He further stated that when a car was abandoned and damaged beyond use then Council would remove it immediately. He informed Members that recent discussions had taken place with the removal company regarding issues such as procurement and the standard of service and that an update report would be provided at a future Committee meeting.

ER256/18 Provision of Bins Outside Council Offices

Councillor Dobbins stated that she raised the matter at a recent Planning Committee meeting regarding the lack of bin provision outside Council offices. She noted that there were receptacles available for cigarettes, however there were no bins available.

In response, the Head of Environment reported that a meeting had been recently held with the property team regarding the matter and confirmed that bins would be installed within the next few days.

ER257/18 Fly-Tipping at Mews Lanes

Alderman Ramsey referred to the build-up of rubbish at the mews lanes throughout the City and District, particularly in Bond Street area. He expressed concern that rubbish was being dumped in the area on a regular basis and that although Council were not responsible for the area, he asked if they could clear away the rubbish which had become a health and safety issue. He noted that fines had been issued to people who had been dumping illegally in the area, however, the problem still persisted. He asked if Council investigate who was responsible for maintaining the area as soon as possible. He stated that leaflets had been distributed to households, to no avail and suggested that Council liaise with the PSNI to consider issuing anti-social behaviour orders to offenders. He stated that the people involved were not leaving any method of identification in order for them to be traced and that the matter was extremely difficult to deal with.

The Chair stated that the matter was tabled for discussion under Agenda Item 10 and invited the Head of Environment to comment on the matter.

In response, the Head of Environment stated that the matter was being given the utmost consideration. He stated that every incident brought before the team would be investigated in the search for evidence. He stated that not being able to confirm ownership for the area resulted in difficulties with how to go forward on the matter. He advised that Council had been working with local communities to publicise and raise awareness on the matter, however with the absence of direct community involvement there had been difficulty identifying those responsible and eradicate the problem.

In response, to a query from Alderman Ramsey, the Head of Environment confirmed that specific costing was available for clearing Mews Lanes.

ER258/18 Confirmation of the Open Minutes of the Environment and Regeneration Committee held on Wednesday 10 October 2018

The Open Minutes of the Environment and Regeneration Committee held on 12 September 2018 (ER217/18-ER236/18) were confirmed and signed by the Chair.

Matters Arising

ER259/18 Deputation – To receive Mr Scott and Ms Gallagher, Woodland Trust to discuss the Faughan Valley Project (ER220/18)

Alderman Hussey referred to the recent visit by the Princess Royal to County Londonderry for the launch of a project at Brackfield Wood where 40,000 native trees had been planted in memory of soldiers who fell at the Great War. He stated that it was appropriate that congratulations be recorded from the Committee and at Council to everyone involved in the cross-community project.

ER260/18 Health and Safety Works to the War Memorial (ER235/18)

Alderman Hussey referred to the above item and expressed gratitude to Council staff on the marvellous work carried out at the Diamond War Memorials and at other Council related war memorials throughout the District.

ER261/18 Response on DfI Consultation on A2 Buncrana Road Improvement Scheme – EIA Scoping Report

The Head of Environment presented the above report, details of which had been previously circulated to Members. The purpose of the report was to advise Members of a consultation received by Council on 7 September 2018 on the above matter.

Councillors Duffy welcomed the report and stated that comments from Sinn Fein on the report would be forwarded to the Head of Environment.

Councillor Tierney stated that he was aware of concerns raised by residents particularly at Messines Park and Farren Park. He added that it was important that Council consider these concerns and stated that he was unsure if the proposed scheme would remedy the congestion problem at that area. He stated that although an improvement scheme was needed, he did not feel that this particular scheme met the needs of people throughout the City and District and also residents from the

area. He stated that all comments on the report by the SDLP would be forwarded to the Head of Environment.

In response to a query from Councillor Hastings, the Chair advised that the Department for Infrastructure (DfI) had illustrations on display and asked that Officers re-circulate these to Members.

The Committee

Recommended

That (i) comments to be submitted on behalf of the Council and (ii) illustrations/plans be re-circulated to Members

ER262/18 Council Support for the Eco-Schools Programme in Northern Ireland 2019/2020

The Head of Environment presented the above report, details of which had been previously circulated to Members. The purpose of the report was to seek Members approval with regard to a request for an uplift in the annual support from Keep Northern Ireland Beautiful with regard to the Eco-Schools Programme for the 2019/2020 period.

Councillor Dobbins welcomed the report and stated that she was content to propose the recommendation contained within. She congratulated Hollybush Primary School on their recent success at winning the prestigious Ashden Award for sustainable energy. She stated that children were more aware of environmental issues and were teaching others on how to become more environment friendly.

Councillor Duddy also welcomed the report and seconded the proposal contained within. She stated that everyone was aware of the benefits of Eco Schools and the work undertaken by them to educate children on the importance of becoming environmentally friendly.

The Committee

Recommended

that Members approve the request for an increase in funding from £1,500.00 to £1,650.00 for the Eco Schools Programme

ER263/18 Draft Protocol on Combatting Fly Tipping

The Head of Environment presented the above report, details of which had been previously circulated to Members. The purpose of the report was to seek Members comments with regard to a draft protocol on fly-tipping issued by the Government Waste Working Group (GWWG).

Councillor Tierney referred to previous comments raised by Alderman Ramsey regarding Council taking the initiative and clearing the area as it was a recurring problem with no-one taking responsibility. He referred to a lane in the William Street area of the City which Council had cleared on several occasions and expressed incredulity that household rubbish was being dumped in the middle of the city centre. He stated that Council needed to examine how this issue could be remedied in the long term as a short term 'sticking plaster' remedy was not the way forward. He stated that in relation to the mews lane at William Street, the Northern Ireland Environment Agency (NIEA) had a duty to act on the matter. He referred to the provision of mobile CCTV in the Rosemount area and enquired if this could be used to address the issue of fly-tipping at William Street and other areas throughout the City. He proposed that a report be brought to a future Committee meeting to outline how many lanes were being used for fly-tipping throughout the City and District and any Officer recommendations on how to resolve this matter. He also suggested that officers conduct a cost analysis and liaise with NIEA on the matter. He then proposed that a focus group be set up to tackle these issues.

The Head of Environment stated that in relation to CCTV, that discussions had taken place in relation to how CCTV could be used to identify those who were depositing waste illegally throughout the City. He explained that in a recent case prosecuted by Lisburn and Castlereagh Borough Council, a fly-tipper challenged the case on the grounds that they had been filmed without the consent. However, the matter was decided in favour of the plaintiff on the basis that the area under CCTV surveillance had been well sign-posted. The person was subsequently fined. He stated that subject to Members' consideration, that overt CCTV provision be installed at William Street as it was an ongoing issue at that particular area. He stated that signs would state that CCTV was being used for the prevention of crime and if anyone was identified depositing rubbish illegally CCTV footage could be used as evidence.

Councillor Tierney Proposed, Seconded by Councillor Hastings that CCTV be installed as soon as possible at the lane mews in William Street.

Councillor R McHugh sought clarification on why CCTV surveillance had to be overt. He stated that fly-tipping was also a major issue in the rural areas particularly at the border with Donegal. He stated that covert surveillance had been discussed by the former Legacy Strabane District Council as overt surveillance would not be as successful in rural areas. He stated that there had been no reference to cross-border participation within the report and asked that this be taken into consideration.

Alderman Ramsey concurred with the sentiments expressed by Councillor Tierney and stated that the fly-tippers needed to be punished more severely, either by a more strict enforcement of existing legislation or by introducing new legislation with tougher penalties.

Alderman Warke welcomed the draft protocol and stated that fly-tipping was a serious environmental issue. He stated that tackling the problem would be a costly matter and enquired the annual cost incurred by Council. He concurred with the comments raised by Alderman Ramsey regarding implementing tougher penalties to those involved in illegal dumping of waste.

Alderman Devenney stated that the issue of fly-tipping was a sad reflection on society. He further stated that people had even travelled considerable distances to dispose of waste illegally. He enquired if any evidence found within the waste could be used to identify and prosecute the people involved in fly-tipping. He also sought clarification on the number of fines issued on the matter.

Councillor Duffy welcomed the recommendation to use CCTV in relation to fly-tipping. She stated that she had also raised the matter at previous meetings and had attempted to convene a seminar for local businesses on how to examine this issue and raise awareness on their rights and responsibilities. However, this evolved into a higher level general conference on the environment which had been useful but had not focused on fly-tipping. She stated that the idea of having a focus group to include business owners in the area would be a constructive way forward as the illegal dumping of rubbish was not providing a good image for the City.

Alderman Hussey concurred with the sentiments expressed by Councillor R McHugh regarding the illegal depositing of waste at cross-border areas. He stated that the Northern Ireland Environment Agency

(NIEA) had listed the powers and responsibilities to be undertaken by Council, however there was no mention of the resources, such as the disposal of collected waste that would also be provided. He stated that the required resources should be included within the protocol. He noted that the protocol did not list issues regarding access to private land and stated that rubbish had been dumped onto private land particularly in rural areas and was informed that this was the responsibility of the land owner. He stated that the majority of waste would be on a commercial basis as rather than paying to have waste disposed of correctly, it was being dumped illegally therefore a distinction should be made between private and commercial waste.

Alderman Devenney concurred with the comments raised by Alderman Hussey regarding the private land issue. He stated that he wished to commend the Head of Environment and the team on their speedy response to any matters received regarding illegal dumping. He expressed concern at the volume of rubbish that could be dumped before NIEA were responsible to act.

The Chair concurred with the sentiments expressed by Alderman Devenney on the swift response by officers on the matter.

In response, the Head of Environment stated that in terms of the covertness of CCTV, this had come to the fore due to GDPR and privacy regulations. When CCTV is in operation it must state that it is being used for the purposes of crime prevention or detection and signs must be erected to inform the general public. He stated that the incident at Lisburn was at a rural location and that even with clear signage being displayed they had persisted in dumping waste illegally. He stated that CCTV being accepted as evidence in court gave assurance to other councils when dealing with such matters. He stated that the sign at William Street will state that it was being used to detect crime and prevent illegal dumping in the lane. He stated that a report would be brought back on the cost and location of dumping at other lanes and fixed penalty notices that had been issued to offenders. He referred to the chain of evidence regarding the submission of identification as evidence to be brought before the courts and stated that if officers were given information such as a name or a car registration this would be acted upon. He stated that comments made regarding cross-border co-operation, costs and resources would be forwarded to the working group. He stated that the City Centre Initiative (CCI) had organised a meeting with traders in the William

Street area and invited over 20 to discuss illegal dumping but only three had attended.

The Chair remarked that it has been suggested at a previous meeting of the Business and Culture Committee to reward businesses who had disposed of their waste correctly.

Councillor Tierney proposed the setting up of a working group with officers, members and statutory partners such as the NIEA on ways to address this issue could be considered.

The Committee

Recommended that (i) Members approve the installation of CCTV at the lane in William Street, Derry; (ii) all issues raised by Members be included in the draft protocol; (iii) a detailed report on areas being used for fly-tipping throughout the City and District and (iv) a working group to be set up with the relevant statutory partners

ER264/18 Memorandum of Understanding – Winter Gritting

The Head of Environment presented the above report, details of which had been previously circulated to Members. The purpose of the report was to seek Members approval with regard to the continuation of the Memorandum of Understanding (MoU) between Transport NI and Council with regard to the clearing and gritting of designated footpaths and walkways during periods of adverse winter weather.

Councillor Campbell welcomed the report and endorsed the recommendation. He stated that it made common sense to continue with a further three year agreement with DfI. He noted that Council's Resilience Plan was up to date and that it had played a key role within the community particularly in adverse weather conditions.

Councillor Dobbins also endorsed the recommendations. She referred to the grit boxes that had been removed from various areas throughout the City earlier in the year and noted that some had still not been returned. She asked that the matter be looked into particularly with the onset of winter.

In response, the Head of Environment stated that Transport NI were responsible for the maintenance of grit boxes throughout the City and District. He stated that they would be contacted to ensure that any grit boxes that had been removed would be returned to the appropriate area.

Alderman Hussey referred to the the areas under consideration for gritting at Castledearg. He expressed concern with the priority 1 walkway and commuter routes at Castledearg town centre as Main Street at the Diamond and William Street had not been included. He state that the local post office, fast food restaurant and busy supermarket were located at William Street and that consideration must be given to frequently used areas within towns and villages.

In response, the Head of Environment stated that this would be taken into consideration as the document was subject to review.

The Committee

Recommended that Council continue with the MoU with Transport NI with regard to the clearing of city and town centre footways and pedestrian areas during periods of adverse or prolonged winter weather.

ER265/18 Update Report – New City Side Cemetery

The Head of Environment presented the above report, details of which had been previously circulated to Members. The purpose of the report was to update Members on progress with regard to identifying lands suitable for development as a municipal cemetery on the City side of Derry and to seek approval to engage Land and Property Services (LPS) should it be concluded following site investigations that the lands on offer are suitable for this purpose.

Councillor Campbell welcomed the report and stated that the impending capacity at the City Centre needed to be addressed as it was his understanding that it would reach full capacity within 12 years. He referred to plans for a crematorium to be located in the City and District and asked for an update.

Alderman Ramsey also enquired about the crematorium and remarked that more land would also need to be acquired for this project.

Councillor Tierney stated that he had similar concerns regarding the crematorium and stated that although people may choose to be cremated their remains were also buried and this could mean having to acquire even more land. He referred to the land at Killea for the new cemetery and asked how many plots would be available. He expressed concern regarding the road network and the public transport connections to and from Killea. He remarked that while working as a taxi driver some years ago, a fare to Killea from the City was approximately £6 or £7 and suggested it was likely to have increased since then. He added that the City was expanding but not in that direction and stated that he would like more detailed information on the matter.

Alderman Devenney stated that it would be prudent to consider plans for a crematorium and enquired as to how much land would be required.

Councillor Hastings also expressed concern regarding the location of the new cemetery due to the lack of transport available to the area. He stated that the people of Derry and Strabane visited relatives and friends interred on a regular basis however, not everyone could afford to travel to Killea. He stated that transport costs would also increase the cost of funerals.

In response the Head of Environment stated that the crematorium was a joint project with three other councils with a business case being currently prepared. He hoped to have a report with all the proposals on the crematorium to Members by January for Members' consideration whether to proceed with a full business case for the development of the facility.

In terms of the City Cemetery, he stated that rather than 12 years, it was somewhere between 5 and 7 years for new burials, therefore it was imperative that Council acted as soon as possible. He stated that the City Cemetery will operate for some considerable time beyond that due to the re-opening of existing plots. He further stated that this was the second occasion that Council had conducted an exercise to identify lands for a civic burial site as there had been no interest shown on the first occasion. He advised Members that four sites had been identified with three at Killea and one at Culmore. He stated that there were no

cemetery lands available within the environs of the City therefore travel would unfortunately be needed to get to city side cemeteries of the future. He stated that having a city cemetery on our doorstep could not be considered going forward as the land was not available. In terms of capacity, what has been offered to Council was in the region of 166 acres, which in burial capacity would provide well over 50 years and the proposed crematorium would also have an impact on space required. He outlined that two processes were running side by side which would feed into each other and decisions regarding how much land would be required at the end of that process had yet to be made dependant on approval for the crematorium. He concurred with Councillor Tierney's comments that even if people were cremated they may still request to be buried.

Aldermen Hussey and Warke also asked if the burial capacity at cemeteries at Ballyoan and Castlederg could also be examined and a report brought back on the matter.

In response, the Head of Environment stated that capacity was monitored at all cemeteries located throughout the City and District and that a report would be brought to a future Committee meeting.

The Committee

Recommended that (i) a report on the proposals for a crematorium be brought to the January Committee meeting and (ii) a report detailing the burial capacity at all cemeteries throughout the City and District be brought to a future Committee meeting

ER266/18 Boom Hall Lands – Community Engagement Proposals

The Regeneration Manager presented the above report, details of which had been previously circulated to Members. The purpose of the report was to update Members in relation to proposals for Officers to undertake a programme of community engagement in relation to ongoing initiatives at Boom Hall to consider the creation of the establishment of a consultative forum and formally appoint a senior Council Officer to be represented on the Foyle River Garden Trust's Project Board.

Alderman Warke left the meeting at this point.

Councillor Dobbins stated that presentation delivered by Foyle River Gardens Trust at a previous Committee meeting had been ambitious and costly, however it was achievable. She welcomed stated that the Director for Environment and Regeneration was on board with the project and also welcomed the one day consultation for early next year. She added that positive feedback had been received on a citywide level.

Councillor Duffy welcomed the report and stated that it was a very exciting time for the area at Boom Hall and the entire area. She referred to the presentation by Foyle River Gardens which had sparked the imagination of the public in terms of future aspirations for the area. She stated that the initial steps were being taken to ensure that the regeneration plans were carried out which would benefit everyone throughout the City and District and beyond. She referred to the community engagement process on the matter and stated that it was important that the views of the community were acknowledged. She referred to the funding required for the project and stated that it was important for Council to be fully involved and also encouraged the participation of senior council officers.

Councillor Hastings enquired how the plans for Boom Hall would link in with the Greenway from Muff, Co Donegal to the City as the greenway plans had progressed much further than the plans for Boom Hall.

The Head of Capital Development and Building Control outlined that an existing greenway link from Muff ran from the entrance to the Foyle Hospice at Culmore Road through Bay Road Park and subsequently to the City centre as part of the route. He stated that this particular section of greenway was put into that area some years ago and would be the tie-in point with Boom Hall estate and subsequently along the walkway at the quay to the city centre.

Alderman Hussey enquired if there was any further information on the independent group who expressed an interest in the project. He referred to the one day consultation session and asked if this would take place on-site. He then enquired if there was any proposed link-in to the Maritime Museum as 2019 would commemorate the 70th anniversary for the beginning of the Second World War. He remarked that Boom Hall had been utilised by the Women's Royal Naval Service and the WREN's trained at Boom Hall during this time.

In response, the Regeneration Manager explained that a collection of representatives such as the Ulster Architectural Heritage Society, the Architectural Heritage Fund, and Foyle City Trust had expressed an interest in the promotion of conservation. He stated that they had welcomed the proposals put forward by Foyle River Gardens, however they asked that the historic build features at Boom Hall must be maintained. He referred to the one day consultation and stated that it was not the most amenable site from a health and safety perspective for the consultation to take place upon and that Members would be advised when a suitable venue was agreed.

The Heritage Development Officer stated that Boom Hall was very much involved in the interpretation programme for the Maritime Museum given not just to its location to the river and the Boom from the Siege of Derry but also its connections with the Second World War.

The Committee

Recommended that (i) Members approve that the Director of Environment and Regeneration, or her nominated officer would represent Council on the delivery board once it has been established; (ii) arrange a public engagement session to advise on Council's current plans for the site and (iii) seek interest in the establishment of an associated consultative forum in respect of the proposed Conservation Management Plan

ER267/18 Street Naming & Property Numbering – Development of 2 New Dwellings and 9 Apartments at Fahan Street, Derry – Request for Development Name

The Head of Capital Development and Building Control presented the above report, details of which had been previously circulated to Members. The purpose of the report was to gain Members consent to name a development of two new dwellings and nine apartments at Fahan Street, Derry.

The Committee

Recommended that Members approve the name Fahan Court for this proposed new housing development

ER268/18 Street Naming & Property Numbering - Development of 91 New Dwellings at Lands opposite Lettershendoney Avenue, Eglinton, Derry – Request for Development Name

The Head of Capital Development and Building Control presented the above report, details of which had been previously circulated to Members. The purpose of the report was to gain Members consent to name a new development of ninety-one new dwellings at a site opposite Lettershandoney Avenue, Eglinton, Derry.

The Committee

Recommended that Members approve the name Gortnessy Meadows for this proposed new housing development

Open for Information

ER269/18 Applications Processed under Building Regulations (NI)

The above report was presented for information to advise Members of applications processed under Building Regulations (NI) between 1 September and 30 September 2018.

The Committee

Recommended that Members note the content of the report.

ER270/18 2018 Environmental Awards

The above report was presented for information to update Members on the success achieved by Council in a number of Environmental awards over recent months.

Councillor Dobbins as a point of interest stated that the City and District had been successful in gaining a number of awards such as Ulster in Bloom and these achievements should be acknowledged. She stated that the team under the management of Mr McCartney had enhanced the entire City and District.

Councillor Jackson concurred with the sentiments expressed by Councillor Dobbins and wished to pass on congratulations and also best wishes for upcoming awards. He stated that despite the awards that have been won there were major challenges within the City and District in terms of indiscriminate dumping of waste.

Alderman Hussey fully endorsed the remarks made by the previous speakers and highlighted that Derry City and Strabane District Council had achieved a gold award in Britain in Bloom and had been extremely close in winning the category for Britain in Bloom Award. He stated that this was a tremendous accolade for the team and the local communities who were involved. He stated that it was important however to focus beyond the City to the towns and villages throughout the district.

The Committee

Recommended that Members note the content of the report.

ER271/18 Historic Environment Division Heritage Asset Audit – Strabane Area

The above report was presented for information to inform Members of the content of the Heritage Asset Audit for the Strabane area which was commissioned by the Department for Communities – Historic Environment Division (HED) and the Heritage Lottery Fund and the plans to hold a public event in Strabane to share the findings of the audit.

The Regeneration Manager invited the Heritage Development Officer to provide Members with information on the Strabane Heritage Asset Audit.

The Heritage Development Officer stated that the heritage audit was an extremely worthwhile piece of research which offered an opportunity to raise awareness of the rich diversity of heritage that could be found throughout the City and District. She advised Members that there were plans to hold a public event in Strabane to share the findings of the audit in early 2019 and encouraged Members to attend.

Councillor D Kelly referred to the audit and expressed his disappointment at the commentary provided throughout the body of the report particularly the criticism which he described as explicit in regard to Council's seeming negligence around heritage which he described as unacceptable. He stated that Council was not the author of the report and suggested that officers engage with the author in terms of having the audit edited to a more acceptable standard. He described the language as 'clumsy' and was unsure if criticism of Council was therefore intended as it had also commended Council on the work carried out in enabling and making heritage available across the Council area. He expressed concern as there was so much going on throughout the Council area in terms of heritage that had not been incorporated into the report such as heritage week, and the Johnny Crampsie and Flan O'Brien festivals. He also noted that no reference had been made regarding the appointment of a Heritage Development Officer. He said that nothing had been mentioned in the audit regarding the huge cultural shift within heritage particularly in accessing heritage services through digitalisation with so much online material to be sourced. He added that people no longer needed to engage with the traditional gatekeepers of heritage as they could go directly online to carry out research. He stated that no reference had been given to the Ulster American Folk Park which was in the process of being designated a national immigration and migration studies centre for Ireland and enquired why Members had received a recommendation to develop that type of facility in Strabane. He then referred to the study on thatched housing which was listed within the audit as a priority. He stated that he could not see the value in replicating something that was contained within the Ulster American Folk Park and that there were other aspects of heritage more pressing than a priority case study on thatching. He felt that in his opinion, the report contained elements which absolved the faults of the Department who had held responsibility for heritage in previous years. He stated that Council had a minor role with the statutory partners within community planning and local development plan and in his opinion, the Department has attempted to place the onus on Council to pick up on their failings over a long number of years which was not acceptable. He further stated that when Council did not have the powers that it now had, it had demonstrated great care and regard for the heritage of the district. He emphasised that the report should not go into the public domain without comment as the criticism was undeserved and unmerited.

The Regeneration Manager referred to Councillor D Kelly's very valid and well made comments. He concurred that the audit did not project Council's role in promoting built heritage. He asked that Councillor D Kelly forward his observations and comments to officers so any factual inaccuracies could be addressed before the document was made available to the public.

Alderman Hussey stated that the work undertaken by Council with regard to heritage had not been properly recognised. He concurred with Councillor D Kelly that the report contained factual inaccuracies and stated that although the report contained a tremendous amount of information, some of the comments were unjustified.

The Committee

Recommended that the comments put forward by Members are included in the report

ER272/18 Proposed Disabled Parking Bays

The above report was presented for information to advise Members of correspondence received in October 2018 from Transport NI, Network Development Section, regarding proposed disabled persons' parking bays at various locations throughout the District.

The Committee

Recommended that Members note the content of the report.

The meeting went into Confidential Business.

Derry City and Strabane District Council

Open Minutes of Health and Community Committee of Derry City and Strabane District Council held in the Chamber, Guildhall, Derry, on Thursday 15 November 2018 at 4.00pm.

Present: - Councillor Ruairi McHugh (Chairperson); Aldermen R Hamilton, McClintock and Thompson; Councillors Campbell, Cusack, Donnelly, Duffy, Gardiner, McGinley, Robinson and Tierney.

**Non-members of Committee:- Alderman Devenney and Councillor P Kelly.
In Attendance: - Director of Health and Community (Mrs K McFarland), Head of Community Development and Leisure (Mr B O'Hagan), Head of Health and Community Wellbeing (Mr S Donaghy), PA to Health and Community Director (Mrs L Shields) and Committee Services Assistant (Ms N Meehan).**

HC221/18 Notice and Summons for Meeting

The Director of Health and Community read the Notice and Summons for the Meeting.

HC222/18 Members Attendance and Apologies

The Director of Health and Community recorded Members attendance. An apology was received from Councillor Carlin.

HC223/18 Declarations of Members' Interests

Alderman Thompson and Councillor McGinley declared an interest in the following item:

Agenda Item –

Councillors Duffy, Robinson and Tierney declared an interest in the following agenda item:

- Agenda Item 19 – Transfer of Lands at Galliagh

Councillor Carlin declared an interest in the following agenda item:

- Agenda item 10 – Good Relations Audit, Strategy and Action Plan.

Open for Decision

HC224/18 Deputation – to receive Ms Geraldine McKay, Director of Hospital Services and Mr Bob Brown, Director of Primary Care and Older People Services to discuss the Winter Resilience Plan 2018/19.

The Chair invited the representatives, to make their presentation on the Trusts' Panvascular Prevention Service to the Committee.

Ms McKay and Mr Brown gave a joint presentation highlighting the following areas:

Overview

- Current Demand Levels
- Emerging Pressures
- Our Action Plan
- Key Messages Going Forward

Current Demand Levels

- 8% increase in attendances in Altnagelvin
- 9% increase in attendances in SWAH
- +26% in number of complex discharges(992 patients) in one year

System Pressures

Hospital

- Bed Pressures
- Infection Control and Ward Closure
- Overall Impact on Hospital Flow
- Vacant Posts

Community

- GP in and OOH Cover
- Flu
- Norovirus
- Out of Hospital Care
- Vacant Posts

Our Action Plan (1)

- Workforce Stabilization
- Christmas and New Year Resilience
- Careful Management of Elective Flow and Maximise Day Case Lists
- Protect Urgent and Red Flag Patients

- Maximise Flu Vaccine Programme

Our Action Plan (2)

- Care of the Elderly Planning (Alternatives to Admission)
- Discharge Planning for Transfers of Care
- Ambulatory Care

Our Actions (3)

- Partnership Working with NIAS, GPs and Community and Voluntary Sector
- Communications and Promotions (Proactive and Reactive)
- Transformation Programme

Going Forward into 2019

Short-Term

- The Trust will continue to implement and monitor the plan through the Unscheduled Care Programme Board.

Longer-Term

- Pathfinder in Fermanagh and West Tyrone
- Sustainable Workforce

Key Messages

- Hospital and Community Services are under Pressures (Tough Winter Ahead)
- We have mapped out and understand what the pressures are
- We have developed an action plan
- Welcome working with you to help disseminate key messages
- Sustainable and safe services

Members from all Parties thanked Mrs McKay and Mr Brown for their presentation and commended them on its content.

Members then raised the following issues:

- Acknowledged ongoing difficulties regarding the appointment of doctors and, given the figures quoted, queried if the situation was similar in relation to the appointment of nursing staff.
- Acknowledged the level of work being carried out by the Trust in an effort to alleviate growing pressures.
- Queried the number of student nurses currently in Northern Ireland.
- Welcomed proposals in respect of ambulatory care.
- Acknowledged the success of the multi-disciplinary team approach in terms of ensuring that the most appropriate type of care was delivered when required.
- Looked forward to the Trust's Campaign in terms of disseminating key messages to the general public in relation to keeping well and ensuring that those requiring medical attention would attend
- A &E.
- Queried what action, if any, could be taken by Council in terms of communicating key messages to the public.
- Queried the number of beds in use by patients awaiting domiciliary care packages.
- Acknowledged variations between nurses' salaries in NI and on the UK mainland.
- Suggested that nurses were refusing permanent contracts because of the higher salaries being offered by Agencies.
- Referred to the considerable costs involved in missed appointments.
- Queried what impact the Christmas and New Year Resilience Plan would have on current hospital waiting lists.
- In relation to primary care welcomed the figures in relation to the appointment of Physio Therapists in Strabane and queried if they were currently in place.
- Acknowledged the pressures on Health Service staff and commended them on their hard work and efforts in carrying out their duties.
- Queried the concept of a sustainable workforce particularly in terms of bed occupation.
- How was it proposed to retain nursing staff following recruitment given the benefits offered by Agency work?
- Referred to the serious pressures faced by Paramedics and current shortages of staff in this area.
- Queried the number of A&E patients on a trolley at any given time.
- Queried the cost of Ward closures.
- Queried current waiting lists in respect of hip replacements.
- Queried what impact Brexit would have on recruitment.
- Enquired if the Competence and Supply Agreement would extend to the North West.

- Sought clarification on the number of nursing vacancies in the hospital and in the community.
- Enquired if a nursing graduate was allowed to accept a position in the community.

The representatives from the Trust responded as follows:

- Referred to varying issues being experienced. The ability to recruit a sufficient number of nurses was based on access to the number of students graduating. Magee University had delivered a significant number of nurses in recent years.
- Whilst it was anticipated that the situation would improve considerably in the next five years it would be necessary to consider alternative roles particularly from a domiciliary care perspective.
- Acknowledged the disparities between nurses' salaries in NI and on the UK mainland which had created discontentment among nursing staff and resulted in a number of resignations.
- Pointed out that doctors tended to settle in the area close to where they had studied and referred to the obvious benefits to be derived from the siting of a Post-Graduate Medical School in this area.
- Referred to the need to communicate key messages to the general public and the fact that A&E was not the only option. However, where necessary attend A&E.
- Referred to the importance of GPs in cases where there was uncertainty regarding the seriousness of the patient's symptoms.
- Information was available on the Trust's website regarding facilities and options available.
- Referred to the critical role played by Pharmacists in terms of communicating key messages to the public and offering helpful advice.
- Outlined the role of elected representatives in terms of terms of delivering key messages.
- Advised that the Trust's "Keep Well" Campaign would begin in the coming weeks.
- Explained that problems had recently been experienced in accessing the flu vaccine however, these had now been resolved.
- Advised that a significant number of nurses throughout NI were retained on a Nurse Bank through which a considerable number had been recruited by the Trust. It was anticipated that this number would increase and the number of nurses recruited through an Agency would reduce.
- Advised that Agency rates of pay were higher than those paid by organisations.

- Explained that an average of eight beds were in use by patients awaiting domiciliary care packages. This was mainly due to complex need and assessments.
- Acknowledged the costs involved in missed appointments which could be reduced if the hospital was notified in advance in order that these could be reassigned.
- It was anticipated that the Resilience Plan would have little impact on hospital waiting lists as there was not a considerable number of planned surgical treatments on a daily basis. However the impact would be greatest on ENT procedures. Where possible procedures would be carried out on a day case basis.
- A new Day Case Unit had recently been opened at Altnagelvin Hospital.
- A trauma system was in operation in relation to Orthopaedics whereby Consultants prioritised patients.
- Advised that funding had been received for the treatment of patients through the independent sector and the Trust were endeavouring to pursue this off-site e.g. Omagh and Enniskillen. A number of patients had been approved to take part in this initiative.
- Acknowledged that the figure of 28% in respect of staff receiving the flu vaccine did not sound encouraging however, this represented a significant increase on the previous year's figure. This was a major issue across all of the Trusts and was ultimately down to personal choice.
- Confirmed that sixteen Physio Therapists had been appointed across Strabane and Limavady eight permanent and eight temporary. They would take up their positions in the New Year and it was anticipated that funding would be made available to extend this initiative to Derry.
- Explained that a sustainable workforce would be sufficient to cover sickness absence and annual leave requests. Referred to the pressures facing staff and to the considerable number of staff who were dealing with resilience issues resulting in a varying range of sickness absence.
- Referred to the need to offer support to staff in the carrying out of their duties.
- Referred to the fact that some bed closures were due to there being insufficient nursing staff to manage Wards.
- Acknowledged problem in relation to the appointment of Paramedics and pointed out a new career structure was being introduced in relation thereto.
- Pointed out that emergency ambulances were used specifically for emergency purposes.

- Advised that all A&E patients were monitored which had increased significantly during the previous twelve months. Waiting times for admissions depended on bed capacity. Patients awaiting a bed were given an emergency bed in one of the cubicles in A&E. At flow periods there may be 6-12 patients retained in a cubicle bed however the reasons for this could vary.
- Explained that Ward closure did not mean there were not any existing patients but that there would be no further admissions accepted onto the Ward. This could be due to a number of factors e.g. infection.
- Bed capacity was assessed on a daily basis.
- Explained that there was a combined Trauma and Orthopaedic service. An increase in trauma procedures resulted in a delay in elective procedures. The current waiting times for Orthopaedic procedures was 3-4 years. Funding had been made available in recent weeks for treatments to be made available through the independent sector which would facilitate 300-400 patients. Patients would be selected on an assessment basis.
- Advised that overall Medical Agency costs for the previous twelve months was approximately £25m.
- Explained that the Trust received £60m of the £100m set aside in respect of Competency and Supply. This sum depended on the range of initiatives in place.
- Explained that the cost of patients using private treatments was met by the Health and Social Services Board and not the Trust.
- Advised that a policy was not in place which required a nursing graduates to take up a post in the hospital environment. It was anticipated that in the future there would be greater rotation between hospital and the community.

The representatives were thanked for their presentation and their responses and withdrew from the Meeting.

HC224/18 Chairperson's Business

There was no Chairperson's Business.

H225/18 Confirmation of the Open Minutes of the Health and Community Committee held on Thursday 11 October 2018

The open Minutes of the Meeting held on 11 October 2018 (HC203/18- HC218/18) were confirmed and signed by the Chairperson.

HC226/18 Mobuoy Road Waste Project

The Head of Health and Community Wellbeing presented the above report, a copy of which had previously been circulated and the Committee agreed to receive Mr Mark Livingstone and Dr Theresa Kearney, NIEA to give an integral presentation on Mobuoy Illegal Waste Site – Remediation Programme. The presentation addressed the following issues:

Criminal Case

Governance Structure

Vision for Remediation

Remediation Strategy

Why Is An Integrated Strategy Needed?

Remediation Objectives

Environmental Monitoring Programme

Next Steps

Members from all Parties thanked Mr Livingstone and Dr Kearney for their presentation and commended them on its comprehensive content.

In relation to the Remediation Programme and associated work, Alderman McClintock enquired as to the possible involvement of a private consortium whose services could prove beneficial to the process. She made specific reference to the Small Business Research Consortium and queried if such a consortium could feed into the process.

Mr Livingstone envisaged that this could take place at various levels. He referred to the initial stage which would involve engagement with private companies with whom the Agency would be keen to engage as they could assist in the decision making process. However, this would be largely dictated by the Agency's procurement process.

Alderman McClintock suggested that Council receive presentations from interested groups regarding the procurement process. She sought assurances that any company with professional experience could feed their ideas into the consultation process.

Mr Livingstone advised that private companies had been granted an opportunity to put forward their views earlier that day. He stated that whilst the NIEA was committed to working within the confines of its procurement strategy the Agency would endeavour to work with Companies to include their expertise within its procurement process.

Councillor Duffy welcomed the positive feedback from the stakeholder Meeting which had taken place earlier that day. She referred to the public concern regarding the Mobuoy Road Illegal Waste Site and the Remediation Programme. She acknowledged the forthcoming criminal proceedings and the anticipated outcome thereof. She referred to the extremely successfully, although costly, transformation of the former Culmore Dump into a Country Park which benefited the entire community and suggested that a similar option be considered in this regard.

She welcomed the information received in regards to the ongoing maintenance of the site. She referred to the lengthy discussions which had taken place regarding the problems being experience at this site with little resolve however she looked forward to progress in this regard.

Members then raised the following issues:

- Referred to the possibility of staging an information event to update local residents in terms of the current position in regards to the site which would counteract current public opinion in this regard.
- Referred to the possibility of erecting a barrier at the site to prevent any seepage of contaminated materials into the River Faughan.
- Suggested that those private companies with relevant expertise who had expressed an interested be granted an opportunity to have an input into the process in terms of identifying a successful solution.
- Referred to concerns expressed by local residents regarding water conditions and a possible increase in disease and infection among cattle which required immediate attention.
- Referred to assurances from NI Water that if a problem did arise in terms of contamination, the operating machinery would

immediately halt the water treatment works. It would be possible to transfer water from other water treatment plants to facilitate the area.

- Referred to the fact that this was one of the worst waste catastrophes in Europe.
- Referred to the need for assurances that those responsible would not benefit in any way from the Remediation Programme.
- Referred to concerns regarding the potential for suspended solids entering the site particularly given the current serious problem with suspended solids and the need to reduce the serious levels of nitrogen and ammonia at this site.
- Referred to the need to restore public confidence in relation to the Mobuoy Site.
- Referred to suggestions regarding the possibility of arranging a Meeting with Council's Chief Executive and queried what the NIEA considered Council could do to practically assist in moving the project forward.

The representatives responded as follows

- Advised that NIEA were keen to organise community information events and would engage with Members in this regard. The Agency would also contact the local media to ensure that information was communicated through the usual media outlets.
- In terms of suspended solids and other pollutants, the NIEA would develop an implementation strategy. It was anticipated that by early 2019 an outline implementation plan would be completed which would be strictly controlled throughout the process and would be subject to the normal planning procedures. The most stringent requirements would be employed for this process.
- Explained that this was an extensive process with intensive monitoring systems.
- There were no concerns at this stage regarding possible contamination and met with NI Water standards who were working closely in terms of monitoring programmes.
- Pointed out that the NIEA would benefit immensely from Council's wealth of knowledge and experience in terms of delivering for local communities and its interest and determination in this regard not least in terms of attracting funding.

In response to a query from Councillor Tierney, Dr Kearney confirmed that the NIEA were currently in consultation with NI Water regarding a possible increase in contamination levels. She stated that the Agency

did not currently have a solution but were working with NI Water to prepare a contingency plan should a serious situation arise. She stated that this was a work in progress and whilst fortunately there had been no cause for concern to date such possibilities must be addressed.

Mr Livingstone advised that there were a number procurement contractors who could be employed to address issues which might arise.

In response to a query from Alderman McClintock regarding the costs involved, Mr Livingstone advised that NIEA were currently business casing through the options however these could not be referred to as they were linked to the criminal proceedings. He pointed out however that the costs were significant.

HC227/18 Draft Amusement Permit Policy

The Head of Health and Community Wellbeing presented the above report, previously circulated to Members. The purpose of the report was to seek Members' approval of the draft Amusement Permit Policy following a public consultation exercise.

Councillor McGinley referred to the concerns regarding the presence of Amusement Arcades across the Council district which had been reflected by Sinn Fein and other Council representatives. He referred to the Committee's role in terms of assessing Amusement Permit Applications on their merits and the policy provided guidance in terms of making informed decisions. He said his Party would propose to accept the draft Policy with a suggestion that it could be improved upon if additional information was forthcoming. He referred to the request by Respondent '4' to meet with Council's Committee to assist in defining a Policy and enquired if this had been pursued as it could possibly enhance the final Policy.

Councillor Tierney said he felt the Draft Policy would assist Council in making an informed decision in relation to Applications presented to Council. He said Members were aware of issues which had arisen previously in relation to subsequent legal proceedings. He sought confirmation that all of the organisations listed in Appendix 3 had been contacted as part of the consultation exercise and queried when such contact had taken place. He expressed concern that one of the organisations listed had advised him that they had not been contacted.

The Head of Health and Community Wellbeing stated that in terms of the public consultation exercise it was normal practice to place an advertisement in the local press which would target the general public. He stated that a decision had been taken to also contact the organisations listed in Appendix 3 although he was unable to confirm whether all of the organisations had received this correspondence.

Councillor Tierney stated that if the organisations listed had not been contacted this should not have been suggested in the report. He stated that Council were obliged to place the public advertisement in this regard.

Councillor Donnelly agreed with earlier comments regarding the blight placed on the City Centre by the presence of Amusement Arcades. He said he was not surprised at the poor response to the consultation exercise which he felt was largely due to apathy particularly given the outcome of Council's recent Court case against the granting of an Amusement Permit. He also enquired if all of the organisations listed in Appendix 3 had been contacted.

In regards to the consultation exercise, Alderman Thompson queried the form of contact used, written or email. He stated that a few of the organisations listed had advised him that they were not aware of the consultation. He suggested if all of the organisations listed had been contacted there may have been a more positive response.

Councillor Tierney also queried the lack of response from many of the organisations which he did not consider plausible.

The Head of Health and Community Wellbeing stated that whilst the Department had carried out a consultation exercise on the future regulation of gambling in 2011 and subsequently drafted new legislation in 2016 this had not been enacted due to suspension of the Assembly. He stated that should Council endorse the policy it would be reviewed after three years or when the legislation was changed. He stated that the Draft Policy was to assist Council in the decision making process regarding the granting of Amusement Permit Applications.

Councillor Tierney again expressed concern that organisations who did not receive notification of the consultation exercise may have fed into the Policy. He referred to the need for Council to ensure that all of the organisations listed had been consulted with in order that any views which might be forthcoming were incorporated into the policy.

The Director of Health and Community acknowledged Members' concerns regarding the consultation exercise. She undertook to address the matter and provide Members with clarity in respect thereof following which a further consultation process may be required. As such Members may wish to defer a decision at this stage to ensure that the process was inclusive.

Councillor McGinley undertook to withdraw his earlier proposal to accept the recommendation contained in the report.

Subsequently the Committee

Recommended that the recommendation contained in the report be deferred at this stage and in the meantime clarification be provided on whether all of the organisations listed in Appendix 3 had received notification of the consultation process and, if necessary, a further consultation exercise be carried out.

HC228/18 Annual Health and Safety and Consumer Protection Plan 2018/19

The Head of Health and Community Wellbeing presented the above report, previously circulated to Members. The purpose of the report was to seek Members' approval of the Health and Safety and Consumer Protection Service Plan for 2018/19 for the Environmental Health Service.

Councillor Cusack welcomed the report which highlighted the various areas in which Council was involved. She enquired as to the process regarding the carrying out of inspections.

The Head of Health and Community Wellbeing advised that there was a planned programme of work with the frequency of inspections based on risk. Reactive inspections were also carried out upon receipt of complaints.

Councillor Campbell welcomed the report which highlighted the extent of work carried out by the Health and Safety team. He acknowledged the importance of this work both to the local community and the economy in general.

The Committee

Recommended that Members approve the proposed Health and Safety and Consumer Protection Service Plan 2018/19

HC229/18 Establishment of a Grant Aid Working Group

The Head of Community Development and Leisure presented the above report, which had been previously circulated to Members. The purpose of the report was to seek Members approval for the establishment of a Grant Aid Working Group and to consider and advise on emerging issues and reviews of Grant Aid within the Health and Community Directorate.

In response to a query from Councillor Tierney, the Head of Community Development and Leisure assured that there was no conflict of interest if a Member of the Working Group was attached to a local community organisation.

The Committee

Recommended that (i) Council establish a cross party working group to consider emerging issues and ongoing reviews within the Community Development and Leisure Section of the Health and Community Directorate in relation to Grant Aid Programmes and (ii) that Alderman Thompson, Councillors Cusack, Donnelly and McGinley be nominated onto the Community Development and Leisure Working Group.

HC230/18 Mourne Golden Gloves Boxing Club

The Head of Community Development and Leisure presented the above report, which had been previously circulated to Members. The purpose of the report was to inform Members of a proposed temporary move by Mourne Golden Gloves Boxing Club to Riversdale Leisure Centre and

to seek Members' approval for minor works associated with the accommodation of Mourne Golden Gloves Boxing Club.

Councillor Duffy welcomed the report and acknowledged the excellent work carried out by the Boxing Club.

The Committee

Recommended **that (i) Members approve the temporary accommodation of Mourne Golden Gloves Boxing Club with Riversdale Leisure Centre and (ii) approve the minor repairs to identified facilities within Riversdale Leisure Centre at an estimated cost of £12,000 to accommodate users displaced as a result of accommodating Mourne Golden Gloves Boxing Club.**

HC231/18 Six Monthly Progress Report – Health and Community Directorate Delivery Plan

The Director of Health and Community presented the above report, which had been previously circulated to Members. The purpose of the report was to advise and seek Members' comments in relation to progress against the Health and Community Directorate Delivery for 2018/19.

Councillor McGinley welcomed the report and referred to 3.4 which provided a synopsis of the work carried out during the past six months. He acknowledged the work carried out by the Directorate and anticipated that at the year ending they would be on target to achieve 100%.

Various Members also welcomed the report and endorsed Councillor McGinley's comments.

The Committee

Recommended **that (i) Members note the contents of the 6 monthly progress report and provide comments.**

Open for Information

HC232/18 Dog Control Enforcement Case

The Head of Health and Community Wellbeing presented the above report for information, previously circulated to update Members on the outcome of a court hearing in relation to a dog attack on a Council employee.

Councillor Donnelly referred to the recent dog attack on a Council employee who had sustained severe physical injuries and the fact that the dog in question had also been involved in two previous attacks on children. He acknowledged that the dog owner had arranged for the dog to be humanely destroyed shortly after the attack. He expressed concern that the dog in question had remained at large although it had been involved in two previous attacks on children.

The Head of Health and Community Wellbeing said he was not aware of the details surrounding the two previous attacks. He stated that a dog did not have to inflict injury to be regarded as an attack under the legislation. He stated that Council had imposed control conditions on the dog licence to prevent the dog from biting any person when in a public place. He outlined that the control conditions had been complied with however, the Council employee was on the dog owner's premises at the time of the attack and the owner was present.

In response to a request from Councillor Donnelly, the Head of Health and Community Wellbeing undertook to acquire details of the two previous attacks.

Councillor Cusack referred to the traumatic experience for the Council employee and expressed concern that children were involved in the dog's two previous attacks. She suggested that this highlighted the need for a more aggressive approach to be adopted by Council in terms of dog control. She referred to a notable increase in the number of stray dogs in respect of which little action appeared to be taken. She assumed that if the Council worker had entered the premises in question, he had been authorised to do so and suggested that it was therefore necessary, in order to protect its' workers, for Council to receive alerts in respect of properties in which a similar situation could potentially exist. She enquired as to what action could be taken by Council to address such issues.

Councillor Cusack referred to a number of complaints which she had received regarding barking dogs which must be addressed as this could be an indication of a more serious problem.

The Committee

Recommended that Members note the contents of the report and the outcome of the Court hearing.

HC233/18 Life Project

The Head of Health and Community Wellbeing presented the above report for information, previously circulated to Members. The purpose of the report was to update Members on the progress of the Life Project which is funded by the Public Health Agency and aims to reduce the effects of air pollution on the health and wellbeing of future generations by providing a tree sapling for each life event (Birth, Marriage, Civil Partnership and Death) registered in the Council area.

The Committee

Recommended that Members note the project being made on the Life Project.

HC234/18 Correspondence

The Director of Health and Community presented the above report for information, previously circulated to Members regarding correspondence received by Council.

The Committee

Recommended that Members note the contents of the report.

HC235/18 Consultation List

The Director of Health and Community presented the above report for information, previously circulated to Members regarding consultation papers received by Council.

The Committee

Recommended that Members note the contents of the report.

Additional Item

HC236/18 Vandalism – Westway/Glenowen

Councillor Campbell pointed out that in 2008/2009 Council had taken ownership of the lights on the laneway between Westway and Glenowen which provided a necessary shortcut for local residents. He expressed concern that the lights were being continuously vandalised and the laneway was being used as a drinking den by young people, thereby preventing the public from entering the area for fear of intimidation. He requested that Council address the problem in an effort to identify a long-term solution.

The Meeting then went into Confidential Business.

Sealing List November 2018

Documents Sealed 16th October 2018

Order:- Relating to Derry City and Strabane District Council Air Quality Management Area No. 4 - 2018.

Documents Sealed 22nd October 2018

Transfer in triplicate:- Northern Ireland Housing Executive ~and~ Derry City and Strabane District Council relating to Purchase of Lands at Lincoln Courts, Waterside.

Documents Sealed 24th October 2018

Licence Agreement in duplicate:- Department for Communities ~and~ Derry City and Strabane District Council relating to use of Foyle Street Urban Park, Foyle Street, Derry for Halloween Festival 2018.

Documents Sealed 29th October 2018

Memorandum of Rent Review in duplicate:- The Board of Management of the Freemason's Hall and Derry City and Strabane District Council relating to Bishop Street Car Park

Documents Sealed 6th November 2018

Collaboration Agreement:- (1) Women in Business NI Ltd ~and~ (2) Lisburn and Castlereagh City Council ~and~ (3) Antrim and Newtownabbey Borough Council, Ards and North Down Borough Council, Armagh City, Banbridge and Craigavon Borough Council, Belfast City Council, Causeway Coast and Glens Borough Council, Derry City and Strabane District Council, Fermanagh and Omagh District Council, Mid and East Antrim Borough Council, Mid Ulster District Council and Newry, Mourne and Down District Council.

Documents Sealed 7th November 2018

Conveyance & Assignment in triplicate:- Derry City and Strabane District Council ~to~ Choice Housing Ireland Limited relating to Land at Nelson Drive, Derry.

Documents Sealed 22nd November 2018

Grants of Right of Burial in Ballyoan Cemetery

Mrs Margaret Gannon, 8 Glenbank Gardens, Derry, BT48 0BG.

Mrs Anne Hamilton, 14 Laurel Park, L'Derry, BT47 5PL.

Grants of Right of Burial in City Cemetery

Mr Brian Poulson, 33 Phillip Street, Derry, BT48 7PN.

Mr Graham Sheilds, 64 Marianus Park, Hazelbank, Derry, BT48 0QU.

Mr Brendan Nicell, 38 Rockfield, Derry, BT48 8AU.

Ms Naomi Bradley, 14 Lenamore Park, Derry, BT48 8GL.

Mrs Marie Carlin, 8 Griffith Park, Derry, BT48 8PE.