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 Remotely, on Thursday 23 July 2020 at 4.00 pm.

Yours faithfully

John Kelpie
Chief Executive

AGENDA

1 Notice and Summons of Meeting
2 Member Attendance and Apologies
3 Statement for Remote Meetings
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 June 2020 (Pages 1 - 50)

7 Matters Arising

8 Adoption of the Open Minutes of the following Committees

   a Special Meeting of the Environment and Regeneration Committee held on Monday 6 July 2020 (Pages 51 - 62)
b Monthly Governance and Strategic Planning Committee held on
Tuesday 30 June 2020 (Pages 63 - 80)

c Monthly Planning Committee held on Wednesday 1 July 2020 (Pages
81 - 92)

d Monthly Planning Committee (Reconvened) held on Thursday 2 July
2020 (Pages 93 - 106)

e Monthly Business and Culture Committee held on Tuesday 7 July 2020
(Pages 107 - 114)

f Monthly Environment and Regeneration Committee held on
Wednesday 8 July 2020 (Pages 115 - 130)

g Monthly Health and Community Committee held on Thursday 9 July
2020 (Pages 131 - 152)

h Monthly Assurance, Audit and Risk Committee held on Wednesday 15
July 2020 (Pages 153 - 162)

9 Covid-19 Recovery Update - to follow

10 Delegated Authority to the Chief Executive during Summer Recess (Pages 163
- 164)

11 Notices of Motion

Councillor Fleming to Move:

Go dtugann an Chomhairle seo faoi deara mar a leanas; go bhfuil gréasán
leitheadach iompair ríthábhachtach don fhás eacnamaíoch agus chun deireadh a
chur le héagothroime réigiúnach; gur fhógair an tAire Bonneagair ar an 10ú
Meitheamh go ndéanfaí staidéar nua féidearthacha ar an tríú cèim den scéim
feabhsúcháin ar an iarnród idir Doire agus Cúil Raithin; agus go ndearnadh a
mhacasamhail de staidéar cheana ag an Roinn tá naoi mbliana ó shin anois.
Éilíonn an Chomhairle seo ar an Aire Bonneagair cinntiú go leanfar leis an scéim
feabhsúcháin ar an iarnród idir Doire agus Cúil Raithín gan a thuilleadh moille
agus gur chóir tús a chur leis an obair seo faoin bhliain 2021.

That this Council notes that developing a comprehensive transportation network
is absolutely vital for economic growth and ending regional inequalities; notes
that on 10 June the Minister for Infrastructure announced that a new feasibility study will be conducted on the third phase of the Derry-Coleraine rail upgrade; further notes that such a feasibility study was already conducted nine years ago by the Department; calls on the Minister for Infrastructure to ensure phase 3 of the Derry-Coleraine rail upgrade faces no further delays and for work to begin by 2021.

Councillor Donnelly to Move:

Given concerns over Human Rights breaches. This Council calls on the 26 county administration to do all in its power to reverse its decision to extradite Liam Campbell to Lithuania.

Alderman Guy to Move:

That all active Entertainment Licences issued by Derry City and Strabane District Council, and existent as of 17th March 2020, be extended for a period of six months due to no entertainment being possible at those locations holding such a Licence due to Covid-19 restrictions.

Councillor Durkan to Move:

This Council, cognisant of its Climate Emergency Pledge and commitments therein, calls for due urgency to be applied by the Stormont Executive in delivering on relevant commitments set out in New Decade, New Approach.

In particular, this Council calls for the DAERA Minister and the Executive to bring forward Climate Emergency legislation and relevant strategies forthwith. This Council also calls for the establishment of an independent environmental protection agency forthwith.

This Council recognizes that co-ordination with central government is essential in addressing Climate Emergency, particularly in relation to planning matters. This Council undertakes to nominate a Sustainability Champion within Planning to liaise with Sustainable NI in developing more sustainable planning policies.

This Council affirms its commitment to the removal of single-use plastics and other steps to eliminate plastic pollution. This Council supports DAERA’s Tackling Plastic Initiative in partnership with Keep Northern Ireland Beautiful.

Iarrann an Chomhairle seo, agus í eolach ar a cuid tiomantas ina Geall um Éigeandáil Aeráide, gur chóir d’Fheidhmeannas Chnoc an Anfa tabhairt faoina dualgais mar atá leagtha amach sa cháipéis ‘New Decade, New Approach’ leis an phráínn chuí.
This Council, in the best interests of the health and well-being of our young people, calls on those grammar schools within the City and District which have not yet suspended the use of academic selection as part of their entrance criteria for the school year commencing in September 2021 to do so immediately.

Councillor Farrell to Move:

Council welcomes NI Executive’s announcement of ring-fenced funding for Graduate Entry Medical School;

views this as major development in case for relocation of School of Health Sciences to Magee;

calls on Ulster University to revise documents associated with currently paused public consultation to reflect confirmation of funding for GEMS.

Councillor M Boyle to Move:

Given the increasing spread of Giant Hogweed along the banks of our inland waterways, footpath and road verges and given its well documented serious health risks as well as potential negative consequences for river bank erosion that
this Council call upon the Minister for Agriculture, Environment and Rural Affairs to work in conjunction with the Department for Infrastructure to:

(a) prioritise additional resources and treatment measures to reduce the spread of this invasive species and
(b) formulate a joined up strategy in conjunction with local Councils and other relevant statutory agencies to ensure a multi-agency approach is being taken to addressing this growing problem in a holistic and effective manner.

Ó tharla méadú mór spré an Fheabhráin Chapaill le taobh bhruacha uiscebealaí intíre agus ar ghruaimhíní imeall cosáin is bóthair ar fud Chathair Dhoire agus Cheantar an tSratha Báin agus le neart fionaise ann faoina baoil thromchúiseacha shláinte a théann le chéile maith lena nasc le creimeadh bhruach abhann, go n-íarrann an Comhairle seo ar an Aire Talmhaíochta, Timpeallachta agus Forbartha Tuaithe a bheith ag obair i gcomhar leis an Aire Bonneagair chun:

(a) tosaíocht a thabhait d’acmhainní agus do bheartais chóireálacha breise chun spré an speisidh aonraigh a laghdú sa cheantar
(b) straitéis comhtháite a bhreith i gcomhair leis an Comhairle seo agus le húdaráis reachtúla eile a chinntiú go mbeadh cur chuige idirghníomhaireacht curtha i bhfeidhm chun dul i ngleic leis an fhadbh seo atá ag fás ar bhealach iomlánaíoch

**Councillor Mc Cann to Move:**

Council recognises the important role citizens can play in raising matters of concern about the conduct of public business.

Council welcomes publication of the Northern Ireland Audit Office’s report, “Raising Concerns: a good practice guide for the Northern Ireland public sector,” which underlines the importance of investigation of concerns raised by members of the public in the same manner as required when a member of council or of council staff raises concerns.

Council should set out the procedures currently in place for investigating matters of concern raised by citizens about how council business is conducted and should ensure that meetings with citizens raising concerns are recorded, thus to reassure members of the public that their concerns will be taken seriously and investigated in line with the requirements of the NIAO.

**Councillor Harkin to Move:**

Council extends a warm welcome to Debenhams workers from the across the South who recently visited Derry as part of their campaign for justice and respect.
In April, Debenhams announced it would not be reopening any of its 11 stores in the South with the loss of nearly 2000 jobs. Debenhams owners are attempting to walk away from their responsibility to workers. 1000 workers with a combined 10,000 years of service are being denied their redundancy package.

Council calls on Debenhams parent company to honour its collectively agreed union negotiated redundancy package for all workers. Council supports the campaign of Debenhams workers and their trade union Mandate.

Furthermore, Council opposes the attempt to use the Covid-19 crisis to carry-out a 'smash and grab' on workers’ rights. Council opposes 'opportunistic' redundancies in response to the pandemic.

Open for Information

12 Correspondence (Pages 165 - 168)

13 Responses to Motions (Pages 169 - 180)

14 Resolutions from Other Councils (Pages 181 - 184)

15 Sealing List - July 2020 (Pages 185 - 186)

Confidential for Decision

16 Confirmation of the Confidential Minutes of the Meeting of Derry City and Strabane District Council held on Thursday 25 June 2020 (Pages 187 - 190)

17 Adoption of the Confidential Minutes of the Following Committees

a Monthly Governance and Strategic Planning Committee held on Tuesday 30 June 2020 (Pages 191 - 192)

b Monthly Planning Committee (Reconvened) held on Thursday 2 July 2020 (Pages 193 - 194)

c Monthly Business and Culture Committee held on Tuesday 7 July 2020 (Pages 195 - 196)

d Monthly Environment and Regeneration Committee held on Wednesday 8 July 2020 (Pages 197 - 204)
18 Any Other Relevant Items

17 July 2020
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Derry City and Strabane District Council

Minutes of the Meeting of Derry City and Strabane District Council held remotely on Thursday 25 June 2020 at 4.00pm.

Present:- Councillor Tierney (Mayor)(In the Chair); Aldermen Bresland, Devenney, Guy, Kerrigan, McClintock, McKane, Ramsey and Warke; Councillors J Barr, R Barr, J Boyle, M Boyle, Carr, Cooper, Cusack, Dobbins, Donnelly, Duffy, Durkan, Edwards, Farrell, Ferguson, Fleming, Gallagher, Harkin, Jackson, Logue, McCann, McCloskey, McGuire, McHugh, McKinney, Mellon, Mooney and Reilly.

In Attendance:- Chief Executive (Mr J Kelpie), Director of Business and Culture (Mr S Gillespie), Director of Health and Community (Mrs K McFarland), Director of Environment and Regeneration (Mrs K Phillips), Lead Finance Officer (Mr A Dallas), Lead Legal Services Officer (Mr P Kingston) Lead Democratic Services and Improvement Officer (Ms E Cavanagh) Democratic Services Officer (Mrs S Maxwell) and Committee Services Assistant (Mrs T Johnstone).

C159/20 Notice and Summons of Meeting
The Mayor read the Notice and Summons for the Meeting.

C160/20 Member Attendance and Apologies
The Mayor completed the roll call and recorded apologies from Alderman McCready and Councillors Burke, Kelly and McKeever.

C161/20 Statement on Remote Meetings
The Chief Executive read the Statement on Remote Meetings.

C162/20 Declaration of Members Interests
Councillor Reilly declared a non-pecuniary interest in agenda item 6, Covid-19 Recovery Update.

Open for Decision

Chairperson’s Business

C163/20 Condolences
The Mayor expressed his condolences to Councillor Burke and her family on the recent passing of her father. Members from all parties
also expressed their condolences to Councillor Burke on her bereavement.

C164/20 Regulation and Quality Improvement Authority (RQIA) Board Resignations

Councillor M Boyle extended her best wishes to the Mayor on his first meeting of Council. She thanked him for allowing her to raise the issue of the resignation of nine board members from the Regulatory, Quality and Improvement Authority (RQIA) following widespread, serious concerns over the decision to scale back inspections of care homes during the coronavirus pandemic.

She stated that it had been a tragedy for any family to have to deal with the death of a loved one due to Covid-19, regardless of whether they died at home, in a hospital or a care home setting. She noted that those residing in care homes had accounted for more than half of the Covid-19 death rate in the North of Ireland. She felt that care homes had been abandoned with no testing or personal protective equipment (PPE) available, with patients being transferred from hospital into care homes.

Continuing, she stated that it was important for service users to continue to have confidence that RQIA continued to function as a body. She stated that Sinn Féin and Party colleague Mr Colm Gildernew, Chair of the Health Committee, has called on the Minister for Health to conduct an independent investigation as a matter of urgency, with the findings of that investigation being made public. She stated that it was important to ensure that the review was fully independent throughout the process and would not be prolonged in the same manner as previous investigations. She proposed that Council write to the Minister for Health to request the same.

Councillor M Boyle Proposed, Seconded by Councillor Duffy

That Council write to the Minister for Health to conduct an independent investigation as a matter of urgency and that the findings of that investigation be brought into the public domain.

Councillor McCloskey stated that it was important to hold a robust, public inquiry. She described what happened in care homes across the country as carnage, and should not have been allowed to happen. She
thanked Councillor M Boyle for bringing such an important issue forward.

Councillor Reilly concurred and endorsed the comments by the previous speakers. He stated that although the Health Minister requested that action be taken, that action had to be put in place urgently as there could be a second wave of coronavirus in the future. Therefore, it was important that care homes and RQIA ensured that people were being looked after in the proper manner. He stated that an inquiry was necessary to ascertain why they had not taken the correct action at the outset of the initial wave of coronavirus.

Councillor Harkin stated that such a serious issue deserved immediate attention. He referred to the meeting of the Health and Community Committee on 11 June where the Interim Chief Executive of RQIA, Mr Parsons, had been invited to speak to Members. He stated that there was no hint at that meeting from Mr Parson’s on the crisis and the divisions within the authority. He stated that People Before Profit had forewarned of the crisis in care homes before the outbreak of coronavirus. He stated that residents and workers in care homes had been abandoned and it was necessary to carry out a full investigation.

Continuing, he stated that Council had recently passed a motion for care homes to be brought back under the control of the Health Service. He further stated that many care home owners had benefitted from a significant amount of public money as a bail out, whilst staff had to beg for PPE and had no sick pay, proper wages or terms and conditions put in place. He stated that whilst PBP supported the motion, an investigation was not sufficient and that a full public inquiry and campaign was needed to ensure that care homes were brought back into the health service.

Alderman Devenney expressed his concern at the resignation of the RQIA board members. He stated that issues within care homes had been raised at the Health and Community Committee meeting with no inkling of a crisis within the organisation. He expressed concern that 44 care homes still had cases ongoing.

Councillor M Boyle Proposed, Seconded by Councillor Duffy

That Council write to the Minister for Health to conduct an independent investigation as a matter of urgency and
that the findings of that investigation be brought into the public domain.

Members then voted on the proposal, the result of which was unanimous and the Council

Resolved That Council write to the Minister for Health to conduct an independent investigation as a matter of urgency and that the findings of that investigation be brought into the public domain.

C165/20 Annexation of Lands in Palestine

Councillor Jackson thanked the Mayor for allowing him the opportunity to raise the issue of the proposed annexation of lands in Palestine. He stated that earlier this year, both the Israeli and US Administration announced their intention to annexe the West Bank of Eastern Jerusalem by seizing an additional 30 percent of Palestinian land on 1 July 2020. He stated that this would result in the seizure of over 60 percent of Palestinian land with the demolition of homes and buildings and communities being ripped apart. He stated that this annexation has culminated in a decades long approach to wipe Palestine of the map and that the wanton violation of international law would lead to a huge displacement of people and natural resources. He stated that this action had broken the Oslo I Accord of 1993 and any prospect of a two tier solution.

Councillor Jackson Proposed, Seconded by Councillor McCloskey

That Council write to the Irish Government calling for the immediate implementation of the decision by Dail Eireann in 2014 to immediately recognise the State of Palestine. He stated that the government should end its opposition of the Occupied Territories Bill and pass the legislation at the same time. Furthermore, Council calls on the Irish Government to use its position within the European Union (EU) and the United Nations Security Council, to uphold International Law and to assist in the promotion of the humanitarian and national rights of the Palestinian people.
Councillor Durkan extended her support to the proposal by Councillor Jackson. She stated that the annexation of Palestine would be catastrophic and it was imperative that the Irish Government and, indeed all governments, stand up against the Israeli Government and call out the flagrant breach of the most basic of human rights. She stated that the people of Palestine were living in a daily, permanent humanitarian crisis and were denied water and medical aid. She expressed her disappointment that the Programme for Government could not guarantee the enactment of the Occupied Territories Bill at a time when the Palestinian people needed international support more than ever.

Councillor McCann described the actions in Palestine as a crime against humanity, with the distinction that it took place in full view of the world and with the expectation of the Israeli government that it would not be held to account. He stated that the Israeli state used worldwide influence to prevent criticism by taking libel action against anyone who supported the people of Palestine. He emphasised the importance of organisations such as Derry City and Strabane District Council speaking out on the matter.

Alderman Devenney stated that whilst the DUP were supporters of human rights issues, they would be abstaining in this instance as more clarity on the matter was needed.

Councillor Harkin extended his full support of Councillor Jackson’s proposal. He stated that the Ireland Palestine Solidarity Campaign had organised a rally to be held at Free Derry Corner on Saturday 4 July at 2pm and encouraged everyone to attend. He noted that the rally would be held worldwide, with social distancing measures in place.

Councillors R Barr and Donnelly concurred with the sentiments expressed by the previous speakers and that the ethnic cleansing of Palestine continued while the world did not take action.

Councillor Jackson Proposed, Seconded by Councillor McCloskey

That Council write to the Irish Government calling for the immediate implementation of the decision by Dail Eireann in 2014 to immediately recognise the State of Palestine. He stated that the government should end its opposition of the Occupied Territories Bill and pass the legislation at the same time. Furthermore, Council
are call on the Irish Government to use its position within the European Union (EU) and the United Nations Security Council, to uphold International Law and to assist in the promotion of the humanitarian and national rights of the Palestinian people.

Members voted on the Proposal as follows;

For:- 27; Against:-1; Abstentions:- 7

The Proposal was therefore carried and the Council

Resolved That Council write to the Irish Government calling for the immediate implementation of the decision by Dail Eireann in 2014 to immediately recognise the State of Palestine. He stated that the government should end its opposition of the Occupied Territories Bill and pass the legislation at the same time. Furthermore, Council are call on the Irish Government to use its position within the European Union (EU) and the United Nations Security Council, to uphold International Law and to assist in the promotion of the humanitarian and national rights of the Palestinian people.

C166/20 Notice of Motion – Free Port Status

The Mayor advised Members that Alderman McCready had withdrew his notice of motion to be heard at a later date and that he would not be in attendance at the meeting.

C167/20 Covid-19 Recovery Update

The Chief Executive described how the coronavirus outbreak presented the most challenging set of circumstances ever faced by Council. He stated that the Council was being currently managed during one of the biggest periods of change ever witnessed and continued to attempt to deliver services during this rapidly changing situation. He stated that Council was currently planning and implementing operational recovery. He stated that whilst it was a bold and proper decision to go into lockdown, it was taken swiftly, whereas operational recovery would be a
slow process. He advised that every building and room had to be risk assessed to ensure safe systems of work were in place for all staff. He stated that there was now a wider, clear focus on the future with the requirement to ensure that the City and District moved forward with a focus on the objectives within the Strategic Growth Plan and the City Deal.

The Chief Executive and Officers provided the briefing to Members as follows:

**Covid-19: Recovery**

**Elected Members Briefing**

**Current Challenges**

- Managing / service delivery – present and developing circumstances
- Planning and implementing operational recovery
- City and District strategic leadership; planning and recovery
- Anticipation of "business as usual"/"return to normal"
- Expectation of "new thinking/new approaches'/increased demands
- Financial pressures and constraints – present, emerging, medium/long-term.
- Risk/health and safety/guidance/legal – changing and developing; uncertainty.
- Staff and management – furloughed; dispersed; remote working; resilience; health and wellbeing.

**Recovery**

**Civic/ Corporate**

- Physical, socially distanced committee meetings/ council meetings in Guildhall from July (commencing GSP, June 30)
- Mayor to recommence limited, socially distanced external meetings (as required) in Mayors Parlour/ Whittaker Suite from June 29
- Corporate offices in both Strand Road and Derry Road to be prepared for return of increased staff numbers from June 29 following completion of risk assessments/ signage/ guidance etc.
- Harbour House to be available with restricted capacity for Members and Staff from June 29.
Recovery - Civic/ Corporate

- Majority of staff to continue to work from home if possible and to review with Head of Service/Director
- Physical, socially distanced internal / external partner business meetings to resume at direction of Head of Service/ Director if required from June 29
- Restricted public access to the ground floor of the Guildhall/Museum from July 14.

Recovery - Business and Culture

Tower Museum
- Due to open on 14 July with reduced hours

Alley Arts and Conference Centre
- Due to open on 14 July 11-4pm Mon - Friday.
- Tourism Information Centre/Box Office returns only. Café on site remains closed and no ticketed programme.

Recovery - Health and Community

- Phased re-opening based on public health advice and review of regulations
- End of June phased & partial re-opening of outdoor leisure – club based initially with guidance from Sport NI & governing bodies
- Outdoor recreation opened with groups of up to 10 – non contact sports & skills/drills training
- Introducing a COVID 19 booking system to ensure compliance with risk assessments, safe systems or work & essential H&S requirements
- Minimal financial impacts taking a small number of staff off furlough.

Indoor Leisure – To open under Northern Ireland Executive’s “Phase 4”.
- Opening of Gyms and Classes in Tier 1 Leisure Only (Templemore, Riversdale Leisure Centre and Foyle Arena) and Derg Valley Leisure Centre
- Significant financial implications
- Scoping underway to explore how gyms operate with social distancing; potential moving of equipment & utilisation of other spaces.
• Swimming subject to advice late Summer/early Autumn

**Recovery - Environment and Regeneration**
• Skeogee and Strahans Road operational
• 6 Recycling Centres opened
• Parks opened
• Cemeteries opened. Stewarding arrangements to step down on 26 June 20
• 4 Recycling Centres currently closed due to social distancing / traffic management requirements
• Playparks closed – pending regulations

Review arrangements in terms of Executives stepped approach to reopening facilities Step 3, outdoor activities, groups less than 30, difficult to maintain social distancing, brief contact

• ROSPA guidance, cleansing / hygiene, signage
• Inspections and maintenance ongoing

**Recovery - City/Town Centre(s)**
• City Centre / Town Centre Recovery Group
• Physical Walk Through in Derry and Strabane with stakeholders
• Identification of a range of physical initiatives to mitigate risk/support agile trading and to improve the physical environment – currently being assessed and prioritised by stakeholders
• Survey of existing businesses
• Involved council officers across the organisation

**Regional Government Partnership**

**Potential DfC Funding**
• A business case was prepared and submitted to DfC
• Areas that could be funded include:
  - Shop Local Campaign
  - Deep cleaning
  - Street Furniture / Infrastructure / Planting
  - Business Grant Aid Scheme
  - Animation Programme
  - DFI Cooperation regarding potential areas to trade and in line with DFI minister’s initiative to increase walking and cycling.
  - DEARA has provided additional funding for an extension to the rural business grant scheme.
Recovery - City/Town Centre(s)

Council Response: -

- Member consideration will be required for the following:-
  - Pavement Café Licence – temporary arrangements
  - Walled City Market to restart on 18 July
  - Car Park charging to restart on 1 July
  - Permission to accept a Letter of Offer from DfC in due course.

The Chief Executive advised that the Head of Health and Community Wellbeing would present a report in respect of pavement cafe licensing.

The Head of Health and Community Wellbeing presented the report, previously circulated to Members. He stated that the purpose of the report was to seek Members’ approval for the proposed procedure to process applications for a pavement café licence under The Licensing of Pavement Cafés Act (NI) 2014. The report also sought Members’ approval to introduce a temporary Pavement Café Licencing scheme/consultation process and to waive all fees associated with granting a licence for a period of six months, to be reviewed by January 2021.

The Mayor thanked the Chief Executive and Officers on a very detailed presentation and invited comments from Members.

All Members commended the work of the Chief Executive and Officers and sought clarification or commented on the following issues:

- Welcomed the recommendation to waive all fees for a pavement café licence
- Expressed concern regarding the enforcement recommendation for pavement cafés in that consideration was not given to people with disabilities
- Sought assurance that enforcement measures would be put in place and that consultation took place with those within Section 75 groups
- Welcomed that the recovery phase had commenced
- Important to illustrate flexibility and opportunity for businesses to trade in a different way and in a different environment
- Sought clarification on the proposal to hold Committee/Council meetings in the Guildhall – if Members had someone in the household family who were shielding were there any arrangements put in place for those Members who wished to
partake in a meeting but were unable attend as they would be in breach of the shielding guidance

- Asked if preparations are in place for a second wave of the coronavirus in the future
- Important that the recovery phase took place in a safe and controlled manner
- Asked if Council pitches be accessed and operated in a controllable way by the local communities as part of their summer schemes
- Consideration given to re-commencing fitness classes at gym facilities to improve people’s physical and mental health after the long period during lockdown
- Sought assurances that Strabane would receive some allocation of the DfC recovery projects funding
- Suggested that Council be proactive and show leadership by having the Access and Inclusion Officer provide a guide on good practice available for businesses to enable them to open up and recover
- Consideration should be given on how Council would implement the capacity structure for play parks – would there be booking systems in place for user groups wishing to use these facilities during the summer months
- Expressed concern that social distancing was becoming diminished – a private business for contact sports has opened with no social distancing measures in place and no action has been taken
- Suggested a one-way traffic system in the City for the café pavements to extend in areas where businesses could safely establish pavement cafés.

The Chief Executive and Officers provided the following responses:

- The proposal regarding pavement cafés did not mean that there would be no enforcement, but rather that initially there would be a consultation with the Department for Infrastructure (DfI) and the Police Service of Northern Ireland (PSNI).
- If the DfI and PSNI were satisfied that if an application was progressed, pending the conclusion of the 28-day consultation period, those applicants would be allowed to trade within those areas that were specified as being acceptable.
• For any applicants that traded outside of those designated zones then enforcement would take place as normal.
• If responses were received within the consultation which were deemed unacceptable, then it was possible that a licence would not be issued with enforcement of that area.
• Cleaning regimes in the City and town centres have increased using the funding allocated by DfC.
• In terms of the occurrence of a second wave of coronavirus, Council would undertake a 'lessons learned' exercise at the end of this process with full appraisal of actions taken to provide information for the future.
• Referred to physical, socially distanced Committee/Council meetings and stated that if Members of a particular Committee had difficulty in attending a meeting physically to inform the Chief Executive as soon as possible to enable alternative arrangements to be put in place.
• Full Council meetings to take place in the Main Hall of the Guildhall and microphones will be provided.
• Proposals put in place to open a series of pitches to allow training, with consideration given to the new relaxation notifications by the Executive.
• Planned to have a booking system put in place for outdoor activities and user groups will be contacted and consulted on how this can be implemented.
• Outdoor leisure grounds can open from 10 July which would include Multi-Use Games Areas (MUGA) pitches, although a health and safety assessment had to be carried out.
• Members will be issued with details in the coming days on the process regarding booking information and the requirements that user groups had to put in place for planning outdoor activity.
• Strabane town centre be allocated some of the DfI funding.
• Council were working with the BID team in Strabane.
• Important to recognise the need to help businesses re-open and ensure to do everything possible to promote and help independent businesses.

The Director of Environment and Regeneration advised Members that the Minister for Infrastructure had introduced an initiative to improve pedestrian access and additional space for cyclists. She stated that this
had to work well within Council’s wider initiatives around ensuring sufficient space for social distancing outside shops, whilst also considering how traders could conduct business in city and town centres. She advised that an extensive street by street review has been undertaken in the city, the trading areas of the Waterside and in Strabane town centre. This review has involved all relevant stakeholders, business representatives and various teams within Council such as Regeneration, Planning and Environmental Health. She stated that the review would document strategies to take forward; such as closing down streets to traffic at particular times of the day, week or en masse for a period of time. Consideration was given to what additional street furniture might assist businesses and members of the public.

Continuing, she stated that Council were also looking at ways to animate the city streets and town centre to make it more welcoming. She advised that a huge range of potential initiatives had come forward which have been sent to stakeholders to consider how they would be prioritised and which would work best throughout the city and district. She stated that officers were investigating other funding opportunities through Central Government and any other sources that could be accessed, adding that this funding could assist towards the long term plans for the city centre and Strabane town centre’s strategic development plans.

She advised that a significant amount of work has been undertaken to look at all issues and initiatives. She stated that there may be initial difficulties but it was important that the process was about flexibility and attempting new initiatives. She stated that it was hoped that some of the new changes would come into force quickly and an update report would be provided to Members at a future Committee meeting.

Councillor McCann stated that he had been in contact with a group of young people who were keen to have a skateboard facility in the City and asked if their request could be given consideration.

In response, the Chief Executive advised that a skateboarding park had been considered by the former Derry City Council. He stated that he was happy to engage with those involved, to consider what options were available and bring a report to the Health and Community Committee. He advised that the Children and Young People’s Officer
would be contacted on the matter with and suggestions being brought to Members at a future Committee meeting.

They Mayor advised Councillor McCann that he had sought a meeting with those involved in seeking a skateboarding park. He stated that relevant officers would be invited to attend once a date had been confirmed.

Councillor Duffy further advised that a meeting has been organised with the Children and Young People’s Officer.

Councillor Mellon advised Members that the Children and Young People’s Officer had been working with Officers on the Children and Young People’s Survey for play spaces throughout the City and District. She noted that the consultation in conjunction with Play Board NI was due to close in April but has been extended until July. She stated that this would give young people the opportunity to have their say and asked that Members encourage young people to add their views to the consultation.

Councillor Reilly stated that he had received correspondence from a local charity/radio station who was finding, as many others were, difficulty in staying afloat due to the pandemic. He stated that the organisation was experiencing difficulties in obtaining funding assistance from the Department for Communities (DfC) and asked if the Mayor and relevant officers could meet with them to offer advice and assistance on how to secure funding from the relevant government bodies.

The Mayor stated that he would be happy to take the matter forward.

Alderman McClintock stated that many charities would be facing financial difficulties due to the pandemic. She suggested that such organisations be signposted on how to access financial assistance.

Councillor Gallagher Proposed, Seconded by Councillor Reilly

That Council (i) approve the proposed procedure to process applications for a pavement café licence under The Licensing of Pavement Cafés Act (NI) 2014;

(ii) approve the introduction of a temporary Pavement Café Licencing scheme/consultation process and to waive all fees associated with
granting a licence for a period of six months, to be reviewed by January 2021;

(iii) approve that the Walled City Market restart on 18 July;

(iv) Car Park charging to restart on 1 July and

(v) accept a Letter of Offer from DfC in due course.

After voting by on the proposals the result was unanimous and the Council

Resolved That Council (i) approve the proposed procedure to process applications for a pavement café licence under The Licensing of Pavement Cafés Act (NI) 2014;

(ii) approve the introduction of a temporary Pavement Café Licencing scheme/consultation process and to waive all fees associated with granting a licence for a period of six months, to be reviewed by January 2021;

(iii) approve that the Walled City Market restart on 18 July;

(iv) Car Park charging to restart on 1 July and

(v) accept a Letter of Offer from DfC in due course.

Alderman Guy Proposed, Seconded by Councillor J Boyle

That Council consider the pedestrianisation of the city centre during the summer months to assist in the re-opening and recovery of businesses in the City centre.

Members were asked to vote on the proposal, the result of which was unanimous and the Council

Resolved That Council consider the pedestrianisation of the city centre during the summer months to
assist in the re-opening and recovery of businesses in the City centre.

C168/20 Confirmation of the Open Minutes of the Meeting of Derry City and Strabane District Council held on Thursday 28 May 2020

The Minutes of the Meeting of Derry City and Strabane District Council held on 28 May 2020 (C124/20-C151/20) were submitted.

On a matter of accuracy, Councillor McGuire referred C148/20 and stated that the correspondence should have been forwarded to the DAERA Minister.

Alderman Bresland Moved, Alderman McKane Seconded and the Council.

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

Matters Arising

C169/20 Community Crisis Intervention Service (C140/20)

Councillor Duffy acknowledged and welcomed the intervention from the Minister for Health of £32,000 funding for the Community Crisis Intervention Service (CCIS). She expressed concern that it was not the full package of funding requested and also that her Party had not been informed of the Minister’s visit. She also expressed her disappointment that he did not respond to correspondence regarding the service. She stated that she had submitted a request in February for the Minister to meet with Council and members of the Steering Committee in relation to CCIS. She stated that for the Minister to fully understand the service and why it is in the current position it was important that he met with Members. She proposed that the Minister for Health meets with Council and the Steering Committee to get a full picture of the CCIS.

The Mayor stated that he would action Councillor Duffy’s request.

The Mayor advised that the Minister’s arrival was beyond Council’s control. He noted her disappointment and advised that she should take the matter up with the Minister’s Office. He stated that when he spoke to the Minister on his visit to CCIS he was made aware of the
details of the service and how much it was valued within the city and district.

Councillor Harkin concurred that £32,000 was disappointing but also welcomed 3 more months of life for the service. He stated that the Executive should take responsibility and that Council should continue to demand that the Department of Health and the Executive treat the matter seriously as this was a vital service in the city and district.

The Mayor stated that he felt that the matter was cross-departmental. He advised that he met with representatives from Extern earlier in the week. He stated that as an action from that meeting, he had written the Ministers for Communities, Justice and Infrastructure and asked for a meeting to discuss the possibility for future funding opportunities for the service. He stated that he will inform Members of any responses, once received.

Alderman McKane stated that Councillor Duffy was being a bit harsh on the Minister as the meeting had been planned at very short notice. He described the meeting as informative and stated that the Minister was well informed and supportive of the Community Crisis Intervention Service. He stated that the Minister had agreed that it was a cross-departmental matter and it was incumbent that Council secured funding for the service. He emphasised the importance to work towards securing funding immediately, as there may not be funding available from the Department of Health in the future.

Councillor Reilly concurred with the sentiments expressed by the previous speakers and proposed that the Mayor also write to the new mental health champion, Professor O’Neill. He stated that she was very familiar with the service and to ask her office to assist in championing the need for funding and also to congratulate her on her appointment.

Councillor Duffy concurred with comments made by Councillor Reilly and that Professor O’Neill would be a great advocate for the CCIS, as she has been involved with the service since its inception. She welcomed the Minister’s knowledge and interest in the CCIS, however she felt that it was an issue for the Department of Health as it was part of the Protect Life 2 Strategy, Mental Health Strategy. She stated that whilst the Minister for Health may not currently have money in his budget, he could make a bid to the Executive and the Minister for Finance for funding for the service. He chose not to do that in the past.
and that is why it is imperative to meet with him, adding that it was not the responsibility of Council to provide the service.

C170/20 | Covid-19 Briefings and Meetings Incorporating Decisions taken under Delegated Authority (C148/20)

Councillor McGuire stated that since the formation of the Shadow Council he had requested that a rural working group be set up, yet no action had been taken. He asked that a group be set up as soon as possible to assist the farming community who were experiencing financial difficulties, particularly during the emergency period.

In response, the Chief Executive stated that he would refer to the recommendation regarding setting up a working group and consider how it could be taken forward.

C171/20 | Notices of Motion - Care Homes and Domiciliary Care Services in Northern Ireland (C141/20) and Call for an All-Ireland Public Health Strategy (C142/20)

Councillor Harkin referred to the above notices of motion passed at Council on 28 May 2020.

He requested that both motions be circulated to local councils across the North and South of Ireland. Seconded by Councillor Gallagher.

Councillor Harkin Proposed, Seconded by Councillor Gallagher

That Council circulate Notices of Motion - Care Homes and Domiciliary Care Services in Northern Ireland (C141/20) and Call for an All-Ireland Public Health Strategy (C142/20) to local councils across the North and South of Ireland.

Members were then asked to vote on the Proposal, the result of which was unanimous and the Council

Resolved That Council circulate Notices of Motion - Care Homes and Domiciliary Care Services in Northern Ireland (C141/20) and Call for an All-Ireland Public Health Strategy (C142/20) to local councils across the North and South of Ireland.
C172/20  Confirmation of the Minutes of the Annual Meeting of Derry City and Strabane District Council held on Monday 1 June 2020

The Minutes of the Annual Meeting of Derry City and Strabane District Council held on 1 June 2020 (AM1/20-AM9/20) were submitted.

Councillor Duffy Moved, Councillor J Boyle Seconded and the Council.

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

C173/20  Confirmation of the Minutes of the Special Meeting of Derry City and Strabane District Council held on Monday 8 June 2020

The Minutes of the Special Meeting of Derry City and Strabane District Council held on 8 June 2020 (SC29/20-SC35/20) were submitted.

On a matter of accuracy, Councillor Donnelly referred to SC33/20. He stated that he was recorded as abstaining from the vote when he had voted for the Proposal to suspend Standing Orders.

It was agreed that the minutes would be amended accordingly.

Councillor Mooney Moved, Councillor McCloskey Seconded and the Council.

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

Matters Arising

C174/20  Appointment of Members to External Bodies (SC34/20)

Councillor Duffy stated that she wished to make the following change:

Management Committee for Dove House - Councillor Cooper to replace Councillor Burke.

C175/20  Monthly Governance and Strategic Planning Committee held on Tuesday 2 June 2020

The Minutes of the Governance and Strategic Planning Committee held on 2 June 2020 (GSP67/20-GSP84/20) were submitted.

Alderman Bresland Moved, Alderman Guy Seconded and the Council
Resolved that the above minutes, be adopted as a true record of the meeting.

Matters Arising from the Minutes

C176/20 Reopening of Household Recycling Centres (HRCs) (GSP73/20)

Alderman Guy referred to the household recycling centre at Glendermott Road and asked if there were any plans to re-open the site, even on a part-time basis. He stated that if large brown bins were rolled out in the Lisnagelvin/Kilfennan area it could reduce the footfall to household recycling centres.

In response, the Chief Executive advised that Council were attempting to implement an operational management system for Glendermott Road Recycling Centre. He stated that this was a particular challenge as the necessity for queueing had caused some problems and Council were trying to look creatively at how to deal with it. He stated that there would be a situation where some facilities would not return to normal business until the city and district were Covid free.

The Director for Environment and Regeneration stated that Officers were working on an attempt to find a solution for Glendermott Road Recycling Centre. She stated that a system had been designed and prepared for review by the Health and Safety Executive (HSE). However, a business neighbouring the recycling centre is intending to re-open and officers have been liaising with that business. She advised that a revised system would be sent to the HSE at the beginning of next week for approval and hoped that a workable solution would be found.

She stated that in terms of phase 2 of the brown bin roll out, staff were working to deliver as many bins as quickly as possible. She noted that 14,000 were already distributed throughout the city and district. She advised that Members will be provided with an update at the Special Meeting of the Environment and Regeneration Committee on 6 July.

C177/20 Monthly Business and Culture Committee held on Tuesday 9 June 2020

The Minutes of the Business and Culture Committee held on Tuesday 9 June 2020 (BC67/20 – BC83/20) were submitted.

Councillor McCloskey Moved, Seconded by Alderman Warke and the Council
Resolved  that the above minutes, be adopted as a true record of the Meeting

Matters Arising from the Minutes

C178/20  Black Lives Matter Demonstration (BC73/20)

Councillor Donnelly referred to the Unity of Purpose Group and requested clarification on any links the group may have with Council. He stated that People Before Profit had contacted them, however there had been no response. He expressed concern as the group stated that its purpose was to facilitate dialogue across statutory and voluntary and business sectors. He stated that they had also met with political parties, public service providers, business, church, trade unions to discuss any item pertinent to the City and to bring benefits to all citizens especially the most excluded and marginalised. He stated that in his opinion, the group were selective on what they comment on. He further stated that the group had made no comment regarding unemployment, lack of infrastructure, austerity, cuts, poverty universal credit, state violence, violence against children, both under the care of the state and religious institutions. He expressed concern that they were not accountable, did not respond and had a Council connection. He stated that he also sought clarification on whether Council had funded the group directly or indirectly.

Councillor Harkin stated that the Unity of Purpose group issued a statement on 5 June 2020 calling for the postponement of the Black Lives Matter (BLM) Protest on 6 June. He further stated that People Before Profit and others had called for the Unity of Purpose Group to issue a statement on that decision in the aftermath of the protest, however they had yet to respond. He stated that PBP have called for the group to disband.

He referred to the minutes of the Business and Culture Committee Meeting and stated that he felt Councillor Duffy appeared to speak on behalf the Unity of Purpose Group, where she described the group as having good leadership. He stated that there have been numerous emergency situations throughout the city in recent months, yet there were no statements released by the Unity of Purpose Group.

Councillor McCann felt that in his opinion, this was a serious issue and described the group as a faceless organisation. He noted that the statement issued by the group on 5 June 2020 had not been seen or
published anywhere. He stated that he found it bizarre that a group purported to release a statement of behalf of an organisation, yet not one single individual had placed their name on it. He asked if the group had a policy document, or mission statement in order to establish in what way the BLM protest came within their remit.

Councillor Duffy stated that she felt the need to respond to the comments made by Councillor Harkin as he had decided to appoint her as spokesperson for the Unity of Purpose Group. She confirmed that she was not a spokesperson for the group. She referred to the statement by the Unity of Purpose Group which called for people not to come onto the streets and put further pressure on frontline workers as the City was still in the midst of a global pandemic. She then referred to Councillor Harkin’s earlier concerns regarding coming out of lockdown too early, yet he attended the BLM rally.

Councillor Donnelly Proposed, Seconded by Councillor McCann

**That Council provides a report on details of Council connections, including funding, with the Unity of Purpose group.**

After a request for a recorded vote the result was as follows:

For:- Aldermen Guy and McKane; Councillors J Barr, R Barr, J Boyle, M Boyle, Carr, Cooper, Cusack, Dobbins, Donnelly, Duffy, Durkan, Edwards, Farrell, Ferguson, Fleming, Gallagher, Harkin, Jackson, Logue, McCann, McCloskey, McGuire, McHugh, McKinney, Mellon, Mooney, Reilly and Tierney (30).

Against:- Aldermen Bresland, Devenney, Kerrigan, McClintock, Ramsey and Warke (6).

Abstentions:- 0.

The Proposal was therefore carried and the Council

**Resolved That Council provides a report on details of Council connections, including funding, with the Unity of Purpose group.**

The Chief Executive advised that a Members’ silence during a vote would not be recorded as an abstention.
C179/20  Council Motion re. Trade Union Representation and Covid-19 (BC77/20)

Councillor Harkin emphasised the importance that the matter was progressed given the challenges workers were currently facing. He referred to the correspondence and proposed that in addition to supporting trade unions, the letter should include that Council supports living wages, good terms and conditions and end to zero hour contracts. The letter should also ask that employers who receive the letter are asked to respond. He requested that the letter is issued to all employers throughout the city and district and to also extend this to the public, private, voluntary, community, social economy sectors, hospitality and care sector. He stated that a wider remit was needed as unions were still not permitted or tolerated in some organisations. He felt that the requested changes would strengthen the letter.

Councillor McCann Proposed, Seconded by Councillor McCann.

That in addition to supporting trade unions, the letter should include that Council supports living wages, good terms and conditions and end to zero hour contracts. The letter should also ask that employers who receive the letter are asked to respond. He requested that the letter is issued to all employers throughout the city and district and to also extend this to the public, private, voluntary, community, social economy sectors, hospitality and care sector.

Members then voted on the Proposal, the result of which was unanimous and the Council

Resolved That in addition to supporting trade unions, the letter should include that Council supports living wages, good terms and conditions and end to zero hour contracts. The letter should also ask that employers who receive the letter are asked to respond. He requested that the letter is issued to all employers throughout the city and district and to also extend this to the public, private, voluntary, community, social economy sectors, hospitality and care sector.
The Chief Executive advised that members were in agreement with the proposal and a corresponding letter would be drafted and brought to a meeting of the Business and Culture Committee in July if possible for Members consideration.

**C180/20 Monthly Environment and Regeneration Committee held on Wednesday 10 June 2020**

The Minutes of the Environment and Regeneration Committee held on 10 June 2020 (ER84/20 – ER107/20) were submitted.

On a matter of accuracy, Councillor Duffy referred to ER93/20, options of funding from DfC – she advised that she had stated that whilst Council had hoped to receive £2m funding, had bid for £1.5m from the £20m DfC pot.

It was agreed that the minutes would be amended accordingly.

Alderman Ramsey Moved, Seconded by Councillor Dobbins and the Council

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

Matters Arising from the Minutes

**C181/20 Request for a Special Meeting of the Environment and Regeneration Committee (ER94/20)**

Alderman Ramsey stated that it had come to his attention that some members of staff have had their mobile phones removed from them whilst at work. He stated that he would be expecting an explanation on the matter at the Special Meeting on 6 July 2020.

**C182/20 Covid 19 Works on the Quay (ER89/20)**

Councillor Reilly extended his thanks to the Director of Environment and Regeneration for her actions in getting the officials from the Roads Service to contact him. He confirmed that officials did contact him, however the issue had moved on to the extent that the work had been carried out without the agreement and engagement of local businesses on that particular street in the Bond’s Hill area. Whilst he appreciated that due to the pandemic, there may be difficulties in contacting the businesses, DfC need to take a lesson from this; that if they are going to carry out such types of improvement work, they should engage with
those affected businesses. He stated that efforts could have been made to get the views of everyone.

**C183/20 Allocation of Funding from Department of Communities (ER93/20)**

Councillor Duffy asked if the Lead Finance Officer could confirm the information regarding the bids as there had been some misinformation broadcast through social media and local radio.

The Lead Finance Officer advised that Council had hoped to recoup £2m from across a range of claims. He explained that the first claim was through the Department for Communities Financial Losses Claim, the second through the DAERA Waste Claim and third was a small element through Small Enterprise Finance Agency (SEFA) claim. In relation to the DfC Financial Losses bid, each Council submitted a bid for their income and exceptional expenditure losses for the period March-June 2020. He stated that each council would be required to stand over those bids in due course for audit purposes.

Continuing, he advised that Council’s bid was £2.14m which represented a fair assessment of Council’s losses. He noted that each Council received 60.2 percent of its bid and were subsequently expected to make up the remaining 40 percent through furlough. He noted that Council’s allocation was £1.291m. He stated that following up on that process, a quarter two bid was currently being progressed, adding that each council has been asked to update their figures, not only for quarter one but to provide loss figures for quarter two. He advised that Council was also progressing a quarter two bid with DAERA in relation to Waste Management losses.

Councillor Gallagher stated that he felt the criticism on the matter related to the means of allocating levels of funding to each council. He stated that Stormont should have considered the impact of that funding to each local council. Separately, he noted that the announcement, that Belfast received £4m, which would have no impact on such a cash rich Council. He stated that the £1.2m allocated to this Council would go some way as reserves were used during the emergency period. He stated that this Council will be financially impacted much more than the other cash rich councils, therefore should have been allocated more funding.

Councillor Reilly thanked the Lead Finance Officer for providing the additional information on the matter. He stated that Council submitted
a bid and received a major portion, however it was not the full allocation of what was sought. He stated that money was allocated to the Executive from the UK Treasury in the region of £50m for local government and only £20m of that has made its way to councils. He emphasised that it was important to make the case for this Council area, to ensure a fair share from the Executive. He stated that given the history of the rates support grant, Elected Members from this area were understandably frustrated at how the system of allocation of monies to local councils from the Executive has happened in the past, adding that Members had every right and reason to continue to ask for the full allocation of funding.

Councillor Cooper stated that inaccurate information had been put across in the media and hoped that clarification from the Lead Finance Officer would allay any concerns. He referred to comments made by Councillor Reilly and stated that the Lead Finance Officer had explained that each council’s finance officer submitted figures which had to be audited in due course. He stated that he was confident that Council can stand over the figures submitted. He explained that DfC made an assessment based on the figures submitted by councils. In terms of the funding Council required in quarter two, he suggested that Council be more ambitious in the quarter two bid process. He felt that in his opinion, the fact that Council had been prudent over the last couple of years has helped the situation, however it was no reason not to ask for what should be fairly allocated.

C184/20 Monthly Health and Community Committee held on Thursday 11 June 2020

The Minutes of the Health and Community Committee held on Thursday 11 June 2020 (HC81/20-HC102/20) were submitted.

On a matter of accuracy, Councillor Harkin referred to HC95/20 and requested that the term ‘coloured’ to be changed to people of colour.

It was agreed that the minutes be amended accordingly.

Councillor R Barr Moved, Seconded by Alderman Devenney and the Council

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

C185/20  Nomination of Chairperson to the Derry and Strabane Policing and Community Safety Partnership (HC95/20)

Councillor Donnelly referred to remarks he had made at the meeting in reference to the funding allocated to the PCSP. He stated that he had directed some remarks at Councillor Reilly as Chairperson of PCSP, however Councillor Reilly did not hear the remarks due to technical difficulties. Councillor Donnelly therefore reiterated his remarks regarding a number of attacks and arrests on children by the PSNI, that he made at the Committee meeting and asked for a response from Councillor Reilly. He further stated that since that meeting, he had been contacted by parents who reported that a further two young persons, one with learning difficulties and another in remission from a serious illness, had their phones forcibly removed from them by the PSNI. He stated that as a result of these incidents, a number of youth and community leaders have compiled a report which has been issued to the Irish Government, Children’s Commissioner, the Department of Foreign Affairs, Northern Ireland Office and the International Committee for the Red Cross.

In response, Councillor Reilly thanked Councillor Donnelly for appraising him on the matter. He stated that he had experienced technical difficulties during the meeting of the Health and Community Committee. However, Councillor Donnelly did not take the opportunity to raise these issues with him subsequently and asked that a copy of the report be provided to him as Chairperson of PCSP or to the PCSP Manager to enable him to give it full consideration. He stated that in relation to comments made regarding the conduct of police officers, these matters should be reported to the Police Ombudsman, who were responsible for conducting investigations into the conduct of officers.

C186/20  Notice of Motion – Black Lives Matter Protests

The Mayor advised that a notice of motion listed on the agenda by Councillor McCann had been previously discussed at the meeting of the Health and Community Committee meeting on 11 June 2020. After seeking legal advice on the matter, he stated that the notice of motion by Councillor McCann be debated at this point in the meeting.

Councillor Harkin stated that Councillor McCann’s motion had a much wider scope than the discussion that had taken place at the meeting of
the Health and Community Committee. Therefore, he challenged the legal opinion and asked that the motion be heard, particularly given what had taken place in Derry and Belfast at the recent Black Lives Matter protests and the impact it has had on the Black, Asian and Minority Ethnic (BAME) community across the region.

The Mayor reiterated that the legal advice was that the motion be heard at this point in the meeting before the recommendation made by the Health and Community Committee is adopted by Council.

The Lead Legal Services Officer explained that the same matter could not be discussed twice at the same meeting. He explained that the recommendation within the minutes and Councillor McCann’s motion was the same ask, therefore could not be discussed twice. He advised that once the recommendation was ratified there would be no further opportunity to discuss the matter again at this meeting. He stated that there was an opportunity to debate the notice of motion at this point in the meeting with no disadvantage to any of the matters that may arise.

Councillor Harkin stated that in his opinion, the proposal within the committee recommendation was not the same as Councillor McCann’s motion. He stated that the motion had contained a number of requests which were not included in the recommendations at the meeting of the Health and Community Committee on 11 June. He suggested that Councillor McCann takes out from his motion his request for fines and prosecutions to be dropped as it was the only request with overlap.

The Mayor reiterated that he had advised that Councillor McCann’s motion would still be presented for debate, however it needed to be debated at this point in the meeting.

Councillor Gallagher asked if there was a possibility if the recommendation could be amended to enable the motion to be heard later at the meeting.

The Lead Legal Services Officer stated that the issue in relation to this matter was that the same issue could not be debated twice. If Councillor McCann was having difficulty in discussing the motion at this stage, the Health and Community Committee minutes could be ratified with the exclusion of HC95/20. Subsequently, the matter could then be dealt with in its entirety at Councillor McCann’s notice of motion under the agenda.
Councillor McCann stated that was content to present his notice of motion at this point in the meeting.

The Lead Legal Services Officer further advised that this was a procedural matter and pointed out to Members that currently what was on the floor was the recommendation from the Health and Community Committee, therefore if Councillor McCann wished to amend the recommendation to reflect the wording of his motion it had to be formally proposed and seconded then voted on in due course.

Councillor McCann Proposed, Seconded by Councillor Donnelly

That the recommendation at HC95/20 be amended to include the notice of motion by Councillor McCann.

That Council condemns the action of the PSNI in disrupting the Black Lives Matter (BLM) protest in Guildhall Square in Derry on 6 June; by issuing fines and threatening court action against organisers and participants. This contrasted with the inaction of the PSNI in face of large gatherings on beaches and in major retail outlets over prior weeks.

Council recognises that the role of the organisers, the North West Migrants’ Forum (NWMF), in striving to maintain social distancing was exemplary and that many other organisations and institutions in the council area could benefit from studying the disciplined way the NWMF set about arranging the event.

Council rejects the expressed view of Justice Minister Naomi Long that the PSNI action was ‘proportionate.’ Council queries whether Ms. Long’s statement to this effect represents the unanimous view of the Executive. Council regrets that no explanation has been forthcoming of the significant disparity between the level of police action in Belfast and in Derry.

Council notes that Amnesty and the Committee on the Administration of Justice have expressed concern about the way application of the regulations arising from the Covid-19 pandemic were altered on the evening prior to the Black Lives Matter protest, clearly
suggesting that the point of the changes was to facilitate the PSNI in taking action against protesters.

Council backs the call for a full review of how policing was conducted at the BLM events. Council supports the demand for a public apology to the Black, Asian and Minority Ethnic (BAME) community. Council calls for the withdrawal of all fines and threats of court action against BLM protesters.

After voting on the proposal the result was as follows:

For:- 24; Against:- 11; Abstentions:- 1. The Proposal was therefore carried and the Council

Resolved that the recommendation at HC95/20 be amended to include the notice of motion by Councillor McCann.

That Council condemns the action of the PSNI in disrupting the Black Lives Matter (BLM) protest in Guildhall Square in Derry on 6 June; by issuing fines and threatening court action against organisers and participants. This contrasted with the inaction of the PSNI in face of large gatherings on beaches and in major retail outlets over prior weeks.

Council recognises that the role of the organisers, the North West Migrants’ Forum (NWMF), in striving to maintain social distancing was exemplary and that many other organisations and institutions in the council area could benefit from studying the disciplined way the NWMF set about arranging the event.

Council rejects the expressed view of Justice Minister Naomi Long that the PSNI action was ‘proportionate.’ Council queries whether Ms. Long’s statement to this effect represents the unanimous view of the Executive. Council regrets that no explanation has been forthcoming of the significant disparity
between the level of police action in Belfast and in Derry.

Council notes that Amnesty and the Committee on the Administration of Justice have expressed concern about the way application of the regulations arising from the Covid-19 pandemic were altered on the evening prior to the Black Lives Matter protest, clearly suggesting that the point of the changes was to facilitate the PSNI in taking action against protesters.

Council backs the call for a full review of how policing was conducted at the BLM events. Council supports the demand for a public apology to the Black, Asian and Minority Ethnic (BAME) community. Council calls for the withdrawal of all fines and threats of court action against BLM protesters.

C187/20 Monthly Planning Committee held on Wednesday 17 June 2020

The Minutes of the Planning Committee held on 17 June 2020 (P54/20-P66/20) were submitted.

Councillor J Boyle Moved, Seconded by Alderman Bresland and the Council

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

Notices of Motion

C188/20 Ulster University - Funding

Councillor McCloskey Moved, Seconded by Councillor Donnelly

That This Council opposes the release of any and all City Deal funding to Ulster University.

Council demands that following Stormont’s loan to UU for expansion in its North Belfast Campus, a
similar financial support be made available to any new institutions in Derry.

Councillor Reilly Proposed an Amendment, Seconded by Councillor Cusack

That Council demands that following Stormont’s loan to UU for expansion in its North Belfast Campus, a similar financial support be made available to any new institutions in Derry.

Council recognises that proposed City Deal funding to Ulster University is central to the NI Graduate Entry Medical School and other job generating research projects such as CIDRA and CARL.

After voting on the Amendment the result was unanimous as follows;

For:- 31; Against:- 2; Abstentions:- 1.

The Amendment was therefore carried.

Councillor Cooper Proposed a further Amendment, Seconded by Councillor Duffy

That Council demands that following Stormont’s loan to UU for expansion in its North Belfast Campus, a similar financial support be made available to any new institutions in Derry.

Council recognises that proposed City Deal funding to Ulster University is central to the NI Graduate Entry Medical School and other job generating research projects such as CIDRA and CARL.

This Council calls on the British Government and Ulster University to guarantee that any projects developed by the UU through City Deal funding will be based permanently in Derry. Council calls on the Stormont Executive and Dublin Government to clearly commit to funding ring fenced additional MasN places for the Magee Campus to maximise opportunities for expansion.
Councillor Donnelly asked if the wording in the third paragraph could be changed to, ‘This Council demands.’ Councillor Cooper stated that he was happy to make the change within the Amendment. Subsequently the Amendment read as follows:

That Council demands that following Stormont’s loan to UU for expansion in its North Belfast Campus, a similar financial support be made available to any new institutions in Derry.

Council recognises that proposed City Deal funding to Ulster University is central to the NI Graduate Entry Medical School and other job generating research projects such as CIDRA and CARL

This Council demands that the British Government and Ulster University guarantee that any projects developed by the UU through City Deal funding will be based permanently in Derry. Council calls on the Stormont Executive and Dublin Government to clearly commit to funding ring fenced additional MasN places for the Magee Campus to maximise opportunities for expansion.

After voting on the Amendment the result was unanimous.

Councillor Gallagher Proposed a further Amendment, Seconded by Councillor Donnelly

That Council demands that following Stormont’s loan to UU for expansion in its North Belfast Campus, a similar financial support be made available to any new institutions in Derry.

Council recognises that proposed City Deal funding to Ulster University is central to the NI Graduate Entry Medical School and other job generating research projects such as CIDRA and CARL

This Council demands that the British Government and Ulster University guarantee that any projects developed by the UU through City Deal funding will
be based permanently in Derry. Council calls on the Stormont Executive and Dublin Government to clearly commit to funding ring fenced additional MasN places for the Magee Campus to maximise opportunities for expansion.

No monies are released to the UU until they have committed to a third party all of their financial contribution as agreed and this is time bound to allow space for other potential partners.

After voting on the amendment the result was as follows:

For: 6; Against: 26; Abstentions: 3.

The Amendment therefore fell.

The following Substantive Motion was therefore voted upon:

That Council demands that following Stormont’s loan to UU for expansion in its North Belfast Campus, a similar financial support be made available to any new institutions in Derry.

Council recognises that proposed City Deal funding to Ulster University is central to the NI Graduate Entry Medical School and other job generating research projects such as CIDRA and CARL.

This Council demands that the British Government and Ulster University guarantee that any projects developed by the UU through City Deal funding will be based permanently in Derry. Council calls on the Stormont Executive and Dublin Government to clearly commit to funding ring fenced additional MasN places for the Magee Campus to maximise opportunities for expansion.

The result was as follows:

For: 30; Against: 1; Abstentions: 0.

Therefore the Substantive Motion was carried and the Council
Resolved That Council demands that following Stormont’s loan to UU for expansion in its North Belfast Campus, a similar financial support be made available to any new institutions in Derry.

Council recognises that proposed City Deal funding to Ulster University is central to the NI Graduate Entry Medical School and other job generating research projects such as CIDRA and CARL.

This Council demands that the British Government and Ulster University guarantee that any projects developed by the UU through City Deal funding will be based permanently in Derry. Council calls on the Stormont Executive and Dublin Government to clearly commit to funding ring fenced additional MasN places for the Magee Campus to maximise opportunities for expansion.

C189/20 Posthumous Award to Mr Pat McManus

Councillor Gallagher Moved, Seconded by Councillor Donnelly

That this Council posthumously awards the Freedom of Strabane to NHS nurse Pat McManus.

Councillor M Boyle noted that Sinn Féin would support the motion. However, she sought legal advice regarding the request for the freedom of Strabane and not the Council district. She stated that there was a working group established to look at how Council process and recognise achievements of all citizens throughout the city and district.

Councillor Gallagher stated that he would amend the motion to include the freedom of Strabane and district, to incorporate the city.

The Mayor informed Councillor Gallagher that after seeking legal advice, the wording should read, Derry City and Strabane District Council.
Councillor Gallagher agreed that the wording of the motion be amended accordingly.

That this Council posthumously awards the Freedom of Derry City and Strabane District Council to NHS nurse Pat McManus.

Members were then asked to take a vote on the Motion. The result of which was unanimous and the Council

Resolved That this Council posthumously awards the Freedom of Derry City and Strabane District Council to NHS nurse Pat McManus.

C190/20 Progression of Strathfoyle Greenway

Councillor Ferguson Moved, Seconded by Councillor McKinney

That this Council recognises the need for active and green travel, and that all communities including our rural communities should have opportunities to avail of this.

So this Council calls on the Department of Infrastructure, Department of Communities and the Department of Agriculture, Environment and Rural Affairs to work together with Derry City and Strabane District Council to commit to progress the next stage of the Strathfoyle Greenway.

Alderman Warke Proposed an Amendment, Seconded by Alderman McClintock

That this Council recognises the need for active and green travel, and that all communities including our rural communities should have opportunities to avail of this.

So this Council calls on the Department of Infrastructure, Department of Communities and the Department of Agriculture, Environment and Rural Affairs to work together with Derry City and Strabane District Council to commit to progress the next stage of the Strathfoyle Greenway.
Including the identification of all possible sources of funding/investment by DAERA, DfC and DfI.

That DCSDC now convene a meeting inviting representatives from DAERA, DfC and DfI to meet with Councils Environment & Regeneration Team to discuss all available funding opportunities to take forward the Strathfoyle Greenway Project.

Members were asked to vote on the Amendment, the result of which was unanimous. The Amendment was therefore carried and became the Substantive Motion.

Members were asked to vote on the Substantive Motion, the result of which was unanimous and the Council

Resolved That this Council recognises the need for active and green travel, and that all communities including our rural communities should have opportunities to avail of this.

So this Council calls on the Department of Infrastructure, Department of Communities and the Department of Agriculture, Environment and Rural Affairs to work together with Derry City and Strabane District Council to commit to progress the next stage of the Strathfoyle Greenway.

Including the identification of all possible sources of funding/investment by DAERA, DfC and DfI.

That DCSDC now convene a meeting inviting representatives from DAERA, DfC and DfI to meet with Councils Environment & Regeneration Team to discuss all available funding opportunities to take forward the Strathfoyle Greenway Project.
Councillor McKinney Moved, Seconded by Councillor McGuire

That this Council writes to the DAERA Minister expressing concerns following the failure of the amendment to the Agricultural Bill 2019/20 on the protection of food standards in line with current EU standards.

Our consumers should expect food that is imported to this country to be of the same high standards of animal welfare and environmental protection as expected of food producers in Northern Ireland. Importing food produced to low animal welfare and environmental standards to undercut our local farmers, is unacceptable.

Members were asked to vote on the Motion, the result of which was unanimous.

The Motion was therefore carried and the Council

Resolved that this Council writes to the DAERA Minister expressing concerns following the failure of the amendment to the Agricultural Bill 2019/20 on the protection of food standards in line with current EU standards.

Our consumers should expect food that is imported to this country to be of the same high standards of animal welfare and environmental protection as expected of food producers in Northern Ireland. Importing food produced to low animal welfare and environmental standards to undercut our local farmers, is unacceptable.

C192/20 Interest Terms on the Consolidated Fund

Councillor Reilly Moved, Seconded by Councillor Dobbins

That this Council writes to the Minister for Finance urging him to allow Local Authorities to be able to refinance existing loans from the Consolidated Fund on more favourable interest rate terms.
Councillor Cooper Proposed an Amendment, Seconded by Councillor Duffy

**That**

This Council writes to the British Treasury urging it to forego financial penalties imposed on the Department of Finance for the early repayment of loans by Local Authorities. This will allow the Department of Finance to refinance existing loans to councils on more favourable interest rate terms which will generate significant savings to local councils.

This Council also considers collaborating with other councils in the north to explore borrowing from the market through a bond issue scheme to fund future projects.

Members were asked to vote on the Amendment, the result of which was as follows:

**For:** 30;  **Against:** 0;  **Abstentions:** 1.

The Amendment was therefore carried and became the Substantive Motion.

Members were asked to vote on the Substantive Motion and the result was as follows:

**For:** 30;  **Against:** 0;  **Abstentions:** 1.

The Substantive Motion was therefore carried and the Council

**Resolved**

That this Council writes to the British Treasury urging it to forego financial penalties imposed on the Department of Finance for the early repayment of loans by Local Authorities. This will allow the Department of Finance to refinance existing loans to councils on more favourable interest rate terms which will generate significant savings to local councils.

This Council also considers collaborating with other councils in the north to explore
borrowing from the market through a bond issue scheme to fund future projects.

C193/20 Re-opening of Schools
Councillor Mellon Moved, Seconded by Councillor Duffy

That this Council recognises the concern and anxiety that exists among teaching and non-teaching staff as well as parents and young people in relation to the eventual reopening of schools; understands the challenges facing school boards and principals in keeping children and teachers safe while providing high quality education.

This Council will write to the Minister for Education and state that we insist that any re-opening of schools should be based on scientific and medical advice, consistent with that provided by World Health Organisation and the European Centre for Disease Prevention and Control.

Council also calls on the Minister of Education to engage and consult extensively with education stakeholders as well as parents and young people in advance of the re-opening of schools and to provide them with clear and early guidance.

Councillor Harkin Proposed an Amendment, Seconded by Councillor Donnelly

That this Council recognises the concern and anxiety that exists among teaching and non-teaching staff as well as parents and young people in relation to the eventual reopening of schools; understands the challenges facing school boards and principals in keeping children and teachers safe while providing high quality education.

This Council will write to the Minister for Education and state that we insist that any re-opening of schools should be based on scientific and medical advice, consistent with that provided by World Health
Council also calls on the Minister of Education to engage and consult extensively with education stakeholders as well as parents and young people in advance of the re-opening of schools and to provide them with clear and early guidance.

Council thanks our teachers, educators, school workers and their trade unions for the work they have done throughout the pandemic. Teachers are essential workers forced to endure pay freezes and the impact of many years of education funding cuts on their ability to teach their students. Council agrees education funding had become a crisis before the pandemic undermining learning conditions for students and working conditions for teachers and school workers.

Council completely rejects the derogatory remarks made about teachers and trade unions by MP Sammy Wilson. We fully oppose attempts by Wilson and Education Minister to bully teachers and undermine trade unions. Council respects our teachers and school workers and stands in full solidarity with their trade unions.

Members were asked to vote on the Amendment, the result of which was as follows:

For:- 27; Against:-4; Abstentions:- 0.

The Amendment was therefore carried and became the Substantive Motion.

Members were asked to vote on the Substantive Motion, the result of which was as follows:

For:- 27; Against:-4; Abstentions:- 0.

The Substantive Motion was therefore carried and the Council
Resolved That this Council recognises the concern and anxiety that exists among teaching and non-teaching staff as well as parents and young people in relation to the eventual reopening of schools; understands the challenges facing school boards and principals in keeping children and teachers safe while providing high quality education.

This Council will write to the Minister for Education and state that we insist that any re-opening of schools should be based on scientific and medical advice, consistent with that provided by World Health Organisation and the European Centre for Disease Prevention and Control.

Council also calls on the Minister of Education to engage and consult extensively with education stakeholders as well as parents and young people in advance of the re-opening of schools and to provide them with clear and early guidance.

Council thanks our teachers, educators, school workers and their trade unions for the work they have done throughout the pandemic. Teachers are essential workers forced to endure pay freezes and the impact of many years of education funding cuts on their ability to teach their students. Council agrees education funding had become a crisis before the pandemic undermining learning conditions for students and working conditions for teachers and school workers.

Council completely rejects the derogatory remarks made about teachers and trade unions by MP Sammy Wilson. We fully oppose attempts by Mr Wilson and the Education Minister to bully teachers and undermine trade unions. Council respects our teachers and
school workers and stands in full solidarity with their trade unions.

C194/20 Call for an Extension to the Brexit Transition Period

Councillor Durkan Moved, Seconded by Councillor J Boyle

That this Council notes the unique economic, social and political impact of Brexit on the North West of Ireland, across all sectors and communities.

This Council further notes the additional immense challenges facing workers, businesses, citizens, families and communities as a result of the Covid-19 pandemic.

This Council regards an extension to the said transition period, scheduled to end on 31 December 2020, to be essential to protect our economic interests, people’s rights and environmental standards.

This Council welcomes the continuing regard for the interests and bespoke circumstances of this region demonstrated by the EU.

This Council calls for the British Government to secure a reasonable extension of the current Brexit transition period for a reasonable period to enable local governments, businesses, citizens and communities to make necessary preparations.

Members were asked to vote on the Motion and the result was as follows:

For:- 22; Against:-7; Abstentions:- 2.

The Motion was therefore carried and the Council

Resolved This Council notes the unique economic, social and political impact of Brexit on the North West of Ireland, across all sectors and communities.
This Council further notes the additional immense challenges facing workers, businesses, citizens, families and communities as a result of the Covid-19 pandemic.

This Council regards an extension to the said transition period, scheduled to end on 31 December 2020, to be essential to protect our economic interests, people’s rights and environmental standards.

This Council welcomes the continuing regard for the interests and bespoke circumstances of this region demonstrated by the EU.

This Council calls for the British Government to secure a reasonable extension of the current Brexit transition period for a reasonable period to enable local governments, businesses, citizens and communities to make necessary preparations.

Councillors Cooper, McGuire and McKinney left the meeting at this point.

**C195/20 Deprivation and Poverty**

Councillor Harkin Moved, Seconded by Councillor McCann

That Recently released statistics from the Department for Communities estimates that 92,000 children, 303,000 individuals, 176,000 working age people and 34,000 pensioners live in absolute poverty across the North. This represents an alarming increase in pre-Covid-19 deprivation.

The yet to be calculated economic fallout from the Covid-19 pandemic will further impact the number of families and individuals facing deprivation in Derry and Strabane. This is already evident in the massive increase in the number of people in receipt of the not-fit-for-purpose Universal Credit.
Council agrees to invite a representative from the DfC and other anti-poverty groups to present on the scale of deprivation in the district.

Council agrees to create an Emergency Poverty Working Group to establish how many people living in the Derry and Strabane Council District face increasing deprivation. Council agrees on the need to develop a response to increased levels of poverty. Council agrees to work with trade unions, antipoverty groups, community organisations and others to develop a Derry and Strabane District Emergency Poverty Action Plan.

Councillor Farrell Proposed an Amendment, Seconded by Councillor Reilly

That Recently released statistics from the Department for Communities estimates that 92,000 children, 303,000 individuals, 176,000 working age people and 34,000 pensioners live in absolute poverty across the North. This represents an alarming increase in pre-Covid-19 deprivation.

The yet to be calculated economic fallout from the Covid-19 pandemic will further impact the number of families and individuals facing deprivation in Derry and Strabane. This is already evident in the massive increase in the number of people in receipt of the not-fit-for purpose Universal Credit.

Council agrees to invite a representative from the DfC and other anti-poverty groups to present on the scale of deprivation in the district.

Council agrees to create an Emergency Poverty Working Group to establish how many people living in the Derry and Strabane Council District face increasing deprivation. Council agrees on the need to develop a response to increased levels of poverty. Council agrees to work with trade unions, antipoverty groups, community organisations and others to develop a Derry and Strabane District Emergency Poverty Action Plan.
Council calls on the NI Executive to develop and implement an Anti-Poverty Strategy, as detailed in the New Decade, New Approach document.

Council supports the concept of Universal Basic Income as a means to eradicate poverty; and calls on the NI Executive and the UK Government to work collaboratively to introduce such a scheme.

Members were asked to vote on the Amendment, the result of which was as follows:

For:- 23; Against:-1; Abstentions:- 5.

The Amendment was therefore carried and became the Substantive Motion.

Members were asked to vote on the Substantive Motion and the result was as follows:

For:- 21; Against:-1; Abstentions:- 5.

The Substantive Motion was therefore carried and the Council

Resolved

That recently released statistics from the Department for Communities estimates that 92,000 children, 303,000 individuals, 176,000 working age people and 34,000 pensioners live in absolute poverty across the North. This represents an alarming increase in pre-Covid-19 deprivation.

The yet to be calculated economic fallout from the Covid-19 pandemic will further impact the number of families and individuals facing deprivation in Derry and Strabane. This is already evident in the massive increase in the number of people in receipt of the not-fit-for purpose Universal Credit.

Council agrees to invite a representative from the DfC and other anti-poverty groups to present on the scale of deprivation in the district.
Council agrees to create an Emergency Poverty Working Group to establish how many people living in the Derry and Strabane Council District face increasing deprivation. Council agrees on the need to develop a response to increased levels of poverty. Council agrees to work with trade unions, antipoverty groups, community organisations and others to develop a Derry and Strabane District Emergency Poverty Action Plan.

Council calls on the NI Executive to develop and implement an Anti-Poverty Strategy, as detailed in the New Decade, New Approach document.

Council supports the concept of Universal Basic Income as a means to eradicate poverty; and calls on the NI Executive and the UK Government to work collaboratively to introduce such a scheme.

Councillors Dobbins, Gallagher and Mellon left the meeting at this point.

C196/20 Black Lives Matter Protests

Councillor McCann indicated that he wished to withdraw the motion as it had been dealt with earlier in the meeting.

Open for Information

C197/20 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.

C198/20 Sealing List June 2020

Councillor Mooney Moved, Councillor J Boyle Seconded and the Council
Resolved that the seal of the Council be affixed to the following documents

Sealing List June 2020

Documents Sealed 29 May 2020

Conveyance in duplicate:- Northern Ireland Transport Holding Company and Derry City and Strabane District Council relating to North West Multi Hub lands.

Documents Sealed 10 June 2020

Development Agreement and Licence for Works in quadruplicate:- Derry City and Strabane District Council and Newbuildings Community and Environmental Association and Newbuildings Cricket Club and Education Authority relating to Newbuildings Access Improvement, Village Renewal Scheme.

Deed of Variation in quadruplicate:- Education Authority of the first part and Derry City and Strabane District Council of the second part relating to Newbuildings Access Improvement, Village Renewal Scheme.

Documents Sealed 25 June 2020

Grant of Right of Burial in Ballyoan Cemetery
Mr Anzal Akmal Paracha, 2 An Gharran, Long Lane, Letterkenny, County Donegal, F92 F58K.
Margaret Graham, 13 Glenbrook Terrace, Derry, BT48 0DY.
Mrs Jean Molloy, 8 Richill Park, L’derry, BT47 5QX.
Ms Lynda Nickson, 1 Palmerston Park, L’derry, BT47 6LZ.
Mr George Crichton, 13 Arden Place, L’derry, BT47 5QF.

Grant of Right of Burial in City Cemetery
Mrs Margaret Lyttle, 127 Elmgrove, Derry, BT48 8QE.
Mrs Mary (Betty) Martin, 26 Rosskeen Park, Derry, BT48 0RJ.
Mrs Mary Murphy 77 Moyla Drive, Derry, BT48 8EG.
Mrs Kathleen Dalzell, Apt 13, 126 Strand Road, Derry, BT48 4 SE.
Mr Liam Morrin, 27 Glen Road, Derry, BT48 0LR.
Mr Brian McKeever, 57 Marlborough Street, Derry, BT48 9AX.
Mrs Kathleen McDevitt, 22 Farren Park, Derry, BT48 7QH.
Mr Harry Ward, 111 Carnhill, Derry, BT48 8BQ.
Mrs Miranda McFeely-Doherty, 19 Ashlead Manor, Killea, County
Councillor Duffy Moved, Councillor J Boyle 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 28 May 2020;

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

(i) Monthly Governance and Strategic Planning Committee held on 2 June 2020

(ii) Monthly Business and Culture Committee held on Tuesday 9 June 2020

(iii) Monthly Environment and Regeneration Committee held on Wednesday 10 June 2020.

(iv) Monthly Health and community Committee held on Thursday 11 June 2020.

(v) Monthly Planning Committee held on Wednesday 17 June 2020.

The Meeting then went into Confidential Business.
Derry City and Strabane District Council

Minutes of a Special Meeting of the Environment and Regeneration Committee held in the Guildhall, Derry on Monday 6 July 2020 at 4.00 pm

Present: - Alderman Devenney (Chair); Aldermen McCready, McKane and Ramsey; Councillors Boyle, Burke, Carr, Durkan, Fleming, Jackson and McCann.

In Attendance:- Mrs K Phillips (Director of Environment and Regeneration), Mr C Canning (Head of Environment) and Mr P Kingston (Lead Legal Services Officer); Miss L Bell (Committee Services Assistant)

SER5/20 Notice and Summons of Meeting
The Director of Environment and Regeneration read the Notice and Summons for the Meeting.

SER6/20 Member Attendance and Apologies
The Director of Environment and Regeneration completed the roll call. Apologies were received from Councillors Dobbins and Edwards.

SER7/20 Statement for Remote Meetings
The Chair read the statement for remote meetings to the Committee.

SER8/20 Declarations of Members' Interests
No declarations of interest were made by Members.

Chairperson's Business

SER9/20 Magheramason Play Park
The Chair welcomed the news that work was to commence on Magheramason Play Park. He stated that the local community had been waiting for this for up to 15 years.
SER10/20  Confiscation of Staff Mobile Phones

Councillor Ramsey expressed concerns that the mobile phones, which belonged to staff at recycling centres, had been confiscated and queried which policy would allow this action.

In response, the Director of Environment and Regeneration explained that this matter had previously been raised at the Full Council meeting. She stated that no reports of this had been made by Officers and advised that she would appreciate it greatly if details of this matter could be passed onto herself so that a full investigation could be conducted into this very serious matter.

SER11/20  Debris on Riverbank at Newtonstewart

Alderman McKane relayed reports made by kayakers of debris washing up on the riverbank near Newtonstewart.

In response, the Head of Environment undertook to investigate the ownership of the land. He explained that if Council owned the land a clean up would be arranged; however, the clean up would be the responsibility of the landowner if it was established that Council did not own the land.

SER12/20  CCTV/ Number Plate Recognition at Recycling Centres

The Head of Environment presented the above report, a copy of which had been previously circulated to Members. He advised that the purpose of the report was to update Members with regard to the operation/provision of CCTV at recycling centres and specifically Automatic Number Plate Reading (ANPR) systems.

Alderman McCready thanked the Officers for the report and stated that the information had been helpful to establish the legacy in relation to this matter between 2013 and 2020.

He queried the following:

- Total spend on maintenance of the system and software between 2013 and 2020.
• The date company who were responsible for the software upgrade to the system discontinued service.
• The efficacy of the ANPR software and CCTV recognition.

The Head of Environment stated that maintenance costs of the system were minimal and undertook to update members at a later date. He confirmed that the purpose system was to consider who was using the site and how often they were using the site. He commented that a report was to follow later in the meeting on commercial users and highlighted the intertwining nature of all the reports stating that none of them could be considered in isolation. He advised Members that the issues with the system were mainly relating to the CCTV cameras.

Alderman McCready further highlighted the need for a Policy surrounding these issues.

Councillor Jackson commented that a spend of nearly £30,000 could not be justified without clarification of the purpose of the CCTV/ANPR system. He also queried the GDPR implications of the system.

The Head of Environment reiterated that the following reports would consider some of these issues. He commented that the system was introduced to investigate who was using the site and issues surrounding commercial waste, he added that this became further complicated by a judgement for a neighbouring Council.

Councillor Boyle concurred with the Head of Environment regarding the intertwining of the reports. He concurred with Councillor Jackson that information was need surrounding the purpose of the ANPR and CCTV system. He queried why Council had not updated the system previously and why the Committee had not been asked for a decision on this earlier. He stated that he felt if the issue had been brought to the Committee when the system was discovered to be redundant then the answers that were required might have been available to the Committee at the last meeting.

In response the Head of Environment repeated that the purpose was to establish who was using the site and how frequently, both in terms of Republic of Ireland and commercial users. He clarified that the system could only detect the origin of the car number plate and the number of times a particular vehicle had visited the site that day. He explained that the issues arose in Pennyburn when the new site was opened and could be attributed to the fact that the cameras where designed to work on a fixed entry or exit point, he added that this meant the
cameras could not differentiate between who was coming into and leaving the site. He informed Members that Officers had been investigating various fixes to the problem from early last year but a solution was difficult to achieve given that they could not access the initial software.

Councillor Boyle commented that he felt the Committee had some work to do before a decision could be reached on this matter. He stated that he would address this later in the meeting.

The Director of Environment and Regeneration advised that the system had been installed at the request of Members at a previous point in time. She explained that the software was limited and it could not specify if someone was from outside the area. She added that the other items on the agenda would address this issue further.

The Chair agreed that it was difficult to discuss the reports in isolation.

SER13/20 Potential Impacts on Fly-tipping Costs Arising from the Introduction of Restrictions on some Users of Recycling Sites

The Head of Environment presented the above report, a copy of which had been previously circulated to Members. He advised that the purpose of the report was to advise Members on costs associated with removing fly-tipping throughout the Council area and to provide information to Members on the potential impacts on fly-tipping should restrictions be introduced on the disposal of commercial waste and waste from non-residents using recycling sites.

Alderman Ramsey acknowledged that the issue was difficult to produce figures for and stressed the illegality of fly tipping. He stated that Council should not apportion the blame for fly tipping on a potential policy that would be intended to look after ratepayers. He stressed the unknown nature of many of the factors illustrated within the report and requested information be presented regarding the number of fines issued in response to fly tipping. He highlighted the need to update the policy to ensure fairness to ratepayers. He stated he thought it was unlikely that imposing a charge to dispose waste for users from outside the area would result in those users fly tipping within the Council area. He referred to paragraph 3.12 and stated that £227,500 was a major saving. He stated that based on the figures presented, if Council charge £5 per car to dump waste over £150,000 would be raised. He further
referred to paragraph 3.14 and stated that although the figures are crude the report reflects how serious this issue is.

The Head of Environment undertook to bring information regarding fines issued against fly tipping to the next meeting of the Environment and Regeneration Committee.

Councillor Jackson thanked the Officers for the report and concurred that it was a difficult topic to forecast. He expressed concerns that there had been conflicting figures given in various reports that had previously been presented to the Committee and stated that an accurate figure was needed. He stated that the figure outlined within paragraph 3.12 assumed that 10% of users were from the Republic of Ireland and that this was disputable. He advised that the only certainty within the report was that by placing barriers an increase in fly tipping was inevitable and that this would incur a cost to the ratepayer. He drew Members attention to the potential impact to the environment that could potentially occur. He commented on discussions that had occurred with Zero Waste North West, who encouraged a different viewpoint on waste as a resource rather than a burden and stated he would prefer Council to adopt that approach, rather than deny access to services.

The Head of Environment further reminded Members of the assumptive nature of the figures in the report and explained that more accurate information would be needed to provide a more accurate and detailed analysis.

Alderman McCready concurred with Councillor Jackson surrounding his comments regarding the advice from Zero Waste North West and protecting the environment, however he concurred with Alderman Ramsey’s viewpoint. He clarified the position of the DUP in terms of non-residents accessing the sites and stated that he did not wish to deny access to waste services for any ratepayer and that the secondary and tertiary impact of any policy which would be put in place should be considered. He welcomed discussion on the matter.

Councillor Boyle agreed that a moral responsibility to the environment existed. He highlighted that barriers were not being placed in the way of ratepayers. He commented on the assumption that there would be an increase in fly tipping if Council placed barriers to waste disposal, stating that he did not know if this would be the case. He further commented that there were many different variables that could affect the volume of rubbish that was being deposited at recycling centres.
from outside the Council area. He surmised that he did not think it was possible to come to a decision on this based on the information presented at today’s meeting. He further commented that the opinion of recycling centre staff would also be valuable when taking considering this issue.

Councillor McCann raised concerns that users from the City dumped waste in areas of Donegal. He acknowledged that the levels of usage by those from outside the jurisdiction at recycling centres was difficult to quantify. He stated that the goal of Zero Waste would be more attainable if Council operated on either a six county or a thirty-two county basis.

Councillor Durkan agreed with the comments made by Councillors Jackson and McCann, she also acknowledge the unquantifiable elements within fly tipping. She referred to the Climate Emergency pledge that was being prepared by Council and stressed that every decision made by Council should consider environmental impacts. She mentioned the other hidden costs of fly tipping such as public health. She expressed her desire for the issues of Zero Waste and Kerbside sort to also be included on future agendas explaining that these were designed to save Council money and presented opportunities for growth.

The Head of Environment informed Members that reports on Kerbside Sort would be presented to the September Environment and Regeneration Committee.

Alderman Ramsey questioned the logic behind users from the City travelling to Buncrana to dump waste as mentioned by Councillor McCann.

Councillor Fleming thanked the Officers for the report and stated that he felt that Members needed to provide clarity to Officers on the information they were requesting regarding this issue. He agreed that Council needed to embrace Zero waste and Climate change. He warned of the assumption that users who were driving a Donegal registered car were dumping waste from Donegal as many residents in the north have family in Donegal. He reminded Members that extra resources may need to be provided to police any policies which they might action.

Councillor Carr commented that many Republic of Ireland service users work in the District Area and pay taxes in the area. He further commented that fly tipping increased during lockdown; he requested
that Officers examine the level of fly tipping since centres had reopened.

Councillor Boyle concurred with Alderman Ramsey that it would be nonsensical for a user from Northern Ireland to drive past several recycling centres to dump waste in Donegal and requested evidence of this from Councillor McCann.

Councillor McCann responded that waste was very valuable and that he was aware of people who travelled long distances daily to dispose of lorry loads of waste. He advised Councillor Boyle to discuss this matter with him after the meeting, as he would not name the perpetrators during a meeting. He advised that asbestos was one of the materials that had been driven across the border to be disposed of.

Councillor Boyle responded he would speak to Councillor McCann after the meeting, he clarified that he was referring to the ordinary man or woman rather than someone who would be involved in dumping asbestos in Donegal. He stated he was uncomfortable with residents of the City and District being labelled as fly tippers.

The Chair concurred with Councillor Boyle’s comments and condemned the type of activity mentioned by Councillor McCann.

Alderman McKane stated that the mind-set of someone who fly tips needed to be changed and urged Council to examine ways of making recycling centres more accessible and more user friendly.

The Chair acknowledged the Committee’s support of the Environment and expressed his shock at some of the practises that were happening in the district given that Council provided a free service for lifted bulky goods. He highlighted the need to protect the ratepayer and jobs within Council during the financial crisis it was currently facing. He stated he felt it had been right to call the meeting, although he did not think the issue would be resolved at the meeting.

**SER14/20 Signage at Recycling Centres**

The Head of Environment presented the above report, a copy of which had been previously circulated to Members. He advised that the purpose of the report was to update Members with regard to signage displayed at the Pennyburn Recycling Centre prior to the facility being reopened on 18 May 2020.
Alderman McCready stated that the reason he had raised this issue at the June Committee meeting was that he had been receiving calls regarding the issue from constituents and from people who are not unionist voters. He referred to the case of Mr Martin Gallagher who felt particularly let down by the lack of certainty surrounding the issue, specifically the ambiguity of the signage. He referred to paragraph 2.1 in the report and highlighted incongruences between the advice given by DAERA and the action taken by Council and questioned the rationale in removing the sign when it had already been erected. He further referred to paragraph 3.2 in the report and commented that a sign had remained in place in Strabane for a few days after reopening which caused further confusion and sought further clarification from the Officers.

In response, the Director of Environment and Regeneration explained that the current policy of Council was to allow all users to use the sites. She added that in light of COVID restrictions and the implications of changing the policy, the Chief Executive felt that the time was not right to change this policy. She reminded Members that this issue had been raised at a Member briefing and that the CE had agreed that a report detailing information on Republic of Ireland users would be brought to the Committee for Members to change the policy if they wished. In terms of the signage, she explained that when the DAERA guidance had been released the Marketing department were tasked with producing the signs according to the guidance, which was done expediently. She clarified that these were later considered and removed before the site was opened to the public, as this was not in line with Council policy. She stated that this was unfortunate and understood frustrations; she explained that Officers would implement any changes to the policy that Members decided.

Alderman McCready queried the logic in this decision as travelling to the sites was prohibited during lockdown, he undertook to raise this with the Chief Executive; he further queried the number of complaints received on the issue.

The Director of Environment and Regeneration undertook to present this information to members at a subsequent meeting.

Councillor Boyle proposed that a cross party working group be formed to examine these issues further, to save money for the ratepayer and improve services.
Alderman McCready expressed his support for the proposal and asked that an end date be included for the working group.

Councillor Jackson stated that Sinn Fein would not support the proposal as he felt transparency was being removed by discussing at a working group. He stated he felt that a decision should be made at this time and expressed concerns that the homeless would be denied access to recycling centre.

Councillor Boyle expressed shock at the suggestion a working group was not transparent. He stated he was stunned that Sinn Fein would not support a motion with an end goal to save ratepayers money.

Councillor Jackson clarified that his party did not support the motion as the item had been well rehearsed and he felt the decision to maintain the current policy was clear and did not require further discussion.

Alderman McCready expressed surprise at Councillor Jackson’s position. He concurred that no one was being prescriptive regarding what a new policy would detail and that further discussion was needed. He emphasised the need to protect the ratepayer and commented that he had found the policy difficult to find.

The Director of Environment and Regeneration informed Members that the policy was contained within the meeting pack.

Councillor Boyle queried the operation of recycling sites by other District Councils and suggested this could be explored within a working group.

Councillor Carr expressed his support of the proposal providing it was time-bound. He disagreed that that no one was being prescriptive and stated that Alderman McCready had already made his decision.

The Chair expressed his support for the proposal and stated that a working group could discuss the finer details of a policy and assured Councillor Jackson of transparency whilst he was Chair of the Committee.

Councillor Boyle Moved, seconded by Alderman McCready

That Council establish a cross party working group to further discuss and give recommendations to update
Council Policy on visitors from outside the Council jurisdiction using recycling centres.

The proposal was put to a recorded vote. Voting was as follows:
For: Aldermen Devenney, McCready McKane and Ramsey, Councillors Boyle, Carr, Durkan, McCann (8). Against: Councillors Burke, Fleming and Jackson (3).
The proposal was carried.

The Committee

Recommended that Council establish a cross party working group to further discuss and give recommendations to update Council Policy on visitors from outside the Council jurisdiction using recycling centres.

Officers undertook to present a schedule of meetings for the working group to the next full Council meeting.

SER15/20 Commercial Users at Recycling Centres

The Head of Environment presented the above report, a copy of which had been previously circulated to Members. He advised that the purpose of the report was to update and seek Members recommendations with regard to commercial users accessing Council’s Recycling Centres.

Councillor Boyle welcomed the report and noted that it was difficult for recycling centre staff to differentiate between commercial and domestic service users. He commented that this should be discussed at the working group.

Alderman McCready also thanked Officers for the report and concurred on the difficulties faced. He stated he looked forward to discussion of this at the working group.

Councillor Carr stated that white van men did a great service to the public.
On request of the Chair, the Head of Environment confirmed that household waste being disposed of by a contractor must be treated as household and therefore Council could not impose a charge.

Alderman Ramsey commented that in his previous employment in the heating industry, he had personal experience of being refused access at a recycling centre to dispose of commercial waste.

The Committee

**Recommended** that Council note the content of the report.

**SER16/20 Republic of Ireland Vehicles at Recycling Centres**

The Head of Environment presented the above report, a copy of which had been previously circulated to members. He advised that the purpose of the report was to provide Members with an update regarding the number of Republic of Ireland vehicles accessing Council’s recycling facilities.

Alderman McCready commented that future reports should consider all outside jurisdiction users, not just the Republic of Ireland. He commented that he looked forward to the outcome of the working group that should enable a schedule of requirements to be constructed for Members.

Councillor Jackson expressed his disappointment that the discussion had been moved to a working group. He stated he looked forward to having a similar discussion at a working group. He concurred with Councillor Carr’s comments on white van men and queried if there had been relaxation on the rules for vans in recycling centres. He stated he could forgive Officer’s for the way in which the report was worded given the position of the Chair of the Committee regarding denying access to cars from the Republic of Ireland at recycling centres. He stated he felt this was not reflective of the views of the Committee and that he hoped a working group would be more reflective of this.

The Chair responded that he was concerned with protecting the ratepayer and assured Councillor Jackson that he did not wish to place barriers against users from the Council area using recycling facilities.
In response to Councillor Jackson, the Head of Environment informed Members that Officers had examined various options to ensure social distancing at recycling centres such as booking systems and stated that he hoped some of the issues with van access would be resolved in the next week. He reminded Members that the bulky waste collection service was available.

Alderman McCready stated that it was not his intention to discriminate users from Donegal, however a charged may be introduced for the service for users from outside the jurisdiction. He also commented that the services provided by Council Waste Services during COVID 19 were exceptional and commended the actions of Officers.

The Chair concurred with Alderman McCready and expressed his dismay at continued issues with fly tipping given the level of service provided.

The Committee

**Recommended** that Council note the content of the report.

**The meeting terminated at 5.53 pm**
Derry City and Strabane District Council

Open Minutes of Meeting of the Governance and Strategic Planning Committee held in the Council Chamber, Guildhall on Tuesday 30 June 2020 at 4.00 pm

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Present:- Alderman Guy (in the Chair), Aldermen Bresland, McClintock, McCready; Councillors J Boyle, Cooper, Donnelly, Duffy, Gallagher, McKeever and Mooney.

In Attendance:- Chief Executive (Mr J Kelpie), Lead Finance Officer (Mr A Dallas), Lead Democratic Services and Improvement Officer (Ms E Cavanagh), Lead Human Resources Officer (Mrs P Donnelly), Strategic Business Manager (Mrs R Craig) and Committee Services Assistant (Ms N Meehan).

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GSP86/20 Notice and Summons for Meeting

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

GSP87/20 Member Attendance and Apologies

The Chief Executive took the roll call and apologies were recorded from Councillors Fleming and M Boyle.

GSP88/20 Webcast Announcement

The Chairperson read the Webcast Announcement for the Meeting. He welcomed Members to the first physical Meeting of Committee since lockdown began in March.

GSP89/20 Declarations of Members’ Interests

There were no declarations of interest.

Open for Decision

Chairperson’s Business

GSP90/20 Closure of Laneway
The Lead Legal Services Officer referred to works which were currently being carried out at Maggie Murphys Lane on Rossdowney Road which had resulted in the closure of the laneway. He advised that the developer in question had approached Council seeking approval in respect of the works which were being carried out and Council had subsequently been contacted by the Developer’s Solicitors seeking an application to close the laneway. In normal circumstances this matter would have been presented to Council for approval. However, the Developer had since commenced works prior to the matter having been presented to Council and resulting in the closure of the laneway. He stated that whilst this was obviously an unsatisfactory situation, it was anticipated that the works in question would be completed in the next 1-2 weeks and there was little reason to take action at this stage. He pointed out that an Officer team would inspect the site to ensure that appropriate signage had been erected and that residents of the area had been made aware of the length and nature of the works and had been assured that full refurbishment works would be carried out to the laneway together with all necessary health, safety and maintenance works.

The Chairperson thanked the Lead Legal Services Officer for providing the update and referred to concerns expressed by local residents that the disruption caused by these works would increase the possibility of vandalism in the surrounding area.

Alderman McClintock welcomed the above information and the proposed inspection of the site.

GSP91/20  Flash Flooding – Ballycolman Estate

Councillor Gallagher referred to flash flooding which had taken place the previous weekend on the Ballycolman Estate and had resulted in extensive damage to a number of properties. He commended Council staff on their swift response to this emergency situation in terms of addressing the problem but expressed concern at the lack of action by NI Water. He stated that as the area in question was susceptible to flooding a pumping station had been erected, however, this had proved ineffective in terms of addressing the problem. As such he requested that Council write to NI Water requesting that they take appropriate action to address the situation and identify an effective solution to this ongoing problem.

Subsequently the Committee
Recommended that Council write to NI Water requesting that appropriate action be taken to (i) address the ongoing flooding problem at Ballycolman Estate and endeavour to identify an effective solution in this regard; and (ii) grant compensation to those property owners whose properties were damaged as a result of this incident.

GSP92/20 Confirmation of the Open Minutes of the Governance and Strategic Planning Committee held on Tuesday 2 June 2020

The Open Minutes of the Governance and Strategic Planning Committee (GSP67/20-GSP84/20) were agreed and signed by the Chairperson.

Matters Arising

GSP93/20 Reopening of Household Recycling Centres (HRS’s) (Ref GSP73/20)

In response to a query from Alderman McClintock regarding the possible reopening of Glendermott Road Recycling Centre, the Chief Executive advised that this had been discussed earlier that day by Council’s Senior Leadership Team. He continued that the Waste Team had submitted a revised operation statement to HSE in respect of which comments were currently awaited. If these comments were favourable the site could reopen immediately, however, the reopening of the Centre would be determined by the comments received from HSE.

In response to a further query from Alderman McClintock regarding the prioritisation of the roll out of the brown bin scheme as a means of reducing the pressures currently being experienced, the Chief Executive assured that this possibility would be investigated.

Alderman Bresland sought an update in respect of Plumbridge Recycling Centre.

The Chief Executive pointed out that Plumbridge Recycling Centre remained as was and referred to ongoing problems being experienced on this site in respect of which an immediate solution had not yet been identified. He pointed out that the continuation of social distancing
was having a direct impact on this Centre. Alternative arrangements had been put in place and a further update in respect of this would be presented to the July Meeting of the Environment and Regeneration Committee.

**GSP94/20 City Deal/Strategic Growth Projects Update Report**

The Chief Executive presented the above report, a copy of which had previously been circulated. He advised that the purpose of the report was to provide a comprehensive update outlining progress and current key issues with regard to funding, projects strategic business case development, governance and process.

The Chief Executive advised that all of the issues outlined in the report had been considered by the City Deal Working Group the previous week.

Councillor Duffy welcomed this comprehensive report and the significant progress which had been made to date. She said it was crucial that Council remained vigilant, particularly in regards to the wider projects in terms of the involvement of the Irish government and the overall development of the North West region. She expressed disappointment that it would not be possible to progress the skills as a project at this stage, however, she welcomed the fact that focus would still be placed on this as a cross cutting theme, particularly, given the fact that without developing the skills of the population, it would not be possible to achieve the anticipated progress. She said it was therefore necessary to ensure that all opportunities for re-profiling monies and attracting funding in respect of improving skills were considered.

Councillor Duffy welcomed the additional monies being invested in the Strabane Town Centre Regeneration Scheme and resulting potential benefits. She said her Party would continue to lobby with their Party centrally in terms of progressing this to Heads of Terms. She commended Officers on their hard work and endeavours in terms of the progress achieved to date and looked forward to future developments.

Alderman McCready also welcomed the report and said it was difficult to comprehend the magnitude of events which had been undertaken. He also welcomed the Strabane Town Centre Regeneration Scheme. He referred to the extent of work still required and the importance of
governance particularly in the early stages. He advised that he had been contacted by a member of the Royal Naval Association who had expressed concern that his organisation had not been involved in the Maritime Museum/DNA project in Ebrington, given their expertise in this area. The individual had also queried the source of Council’s research and information. He then urged Council Officers to contact the Secretary of the Association to involve them in the process, which he anticipated would prove extremely beneficial to all.

Councillor Gallagher welcomed the report and commended Council’s efforts in terms of re-profiling funding and the allocation of £10M from the Skills based project to the Strabane Town Centre Regeneration Scheme. He referred to a proposal which he had made the previous year to ensure that Strabane town centre would become part of the City Deal and welcomed this evidence of re-profiling funding into Strabane town centre which confirmed Council’s commitment to the area through City Deal.

Councillor John Boyle welcomed the re-profiling of funding in respect of the Strabane Town Centre Regeneration proposal which confirmed that this was a City and District wide deal. He referred to the importance of the City Deal Working Group in terms of governance. Whilst acknowledging the numerous hurdles which had been overcome in reaching this stage he was mindful of the many still to be addressed and this would be achieved through a continued collective approach. He said this was a tremendous opportunity and stated that the more people throughout the City and District who became involved the more successful this would become.

The Chief Executive undertook to contact the Secretary of the Royal Naval Association as suggested by Alderman McCready.

The Committee

**Recommended** that Members (a) continue to endorse the progress in relation to the prioritisation and alignment of projects to confirmed funding streams and the development of corresponding Strategic Outline Cases;

(b) support at regional level immediate progress to advancement and completion
of a combined ‘Head of Terms’ agreement for both City Deal and Future Fund given the integrated nature of the projects;

(c) acknowledge the considerable challenge ahead but also the opportunity presented in committing Council funding and resources – both Capital and Revenue – in respect of project and outline business case development, governance and project management and project implementation and delivery; and

(d) continue to promote, advocate and secure funding commitments for the continued advancement and delivery of the wider required key connectivity infrastructure and education and skills investment for the City and Region including those set out in the New Decade New Approach Agreement.

GSP95/20 Draft Year End Outturn Report 2019/20 and COVID Financial Update

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 approve the draft financial outturn position including proposed transfers to reserves for 2019/20 and to provide Members with an update on the latest financial position for 2020/21 taking into account the significant impact of COVID19 and associated funding discussion and mitigations measures.

Councillor Cooper commended the Lead Finance Officer on the content of the report. He said that in normal circumstances this would have presented a positive news story given that Council had managed to maintain a surplus whilst continuing to deliver a huge range of services and commit to numerous capital projects. This had been achieved by the prudent approach which had been adopted. He said it was realistic to ring-fence £850k of the £864k surplus as contingency in respect of the financial implications of COVID19 during 2020/21 rather than
setting this aside for capital projects. He referred, however, to the fact that it was difficult to determine as yet the overall cost of COVID19 to Council.

He referred to the reintroduction of a number of services which he anticipated would increase revenue and income from rates, particularly non-domestic, as local businesses started to reopen. In regards to the quarter two bids to central government and in terms of what was bid, he suggested that Council make a request for the finances required to a level acceptable to the Auditor and he referred to the need to be robust in this regard. He stated that given the current circumstances it was necessary to adopt a prudent approach, however, he anticipated that in the coming months costs to Council would reduce considerably.

Alderman McClintock thanked the Lead Finance Officer for his comprehensive report and welcomed the £864 surplus that Council had managed to achieve in such difficult times. It was sensible to set aside £850k of this surplus for COVID19 related pressures during 2020/21 and mitigate against all of the issues facing Council.

Councillor J Boyle welcomed the unexpected surplus achieved by Council. He said it was critical that Council received the support of regional government in moving towards a recovery period. He said it was not possible to predict what would happen in the future in regards to this health crisis and it was therefore necessary to adopt a prudent approach. He anticipated that the situation would improve sooner rather than later.

Councillor Gallagher acknowledged the complex process involved in collating the report. He referred to the fact that the non-domestic rate for business properties was set by Land and Property Services (LPS) and not Council. He expressed concern at the £1.7M reserve created by Council as a contingency to address successful appeals against non-domestic revaluations. Council were ultimately carrying the burden of any losses from appeals which he considered totally unjust given that rates estimates for non-domestic properties was a matter over which Council had absolutely no control. He referred to the need for Council to lobby central government to set aside a contingency sum in respect of successful appeals for re-valuations of non-domestic properties, as they were responsible for determining the original estimate.
The Lead Finance Officer explained that rates bills were valuations times poundage and revaluations involved all properties. Ratepayers were entitled to appeal against a rates increase arising from a revaluation. He referred to a suggestion he had put forward at a Regional Meeting that as this was a known factor a sum be built in to the redistribution at the outset removing the need to set aside a contingency sum. He continued that if it were known that there would be a 2 per cent impact from successful appeals this incorporated into new values which would appear the most straightforward way of addressing the issue. Obviously if the figure were greater than that projected a request would be made for government funding to underwrite this sum, which could be significant across the 11 Councils. He felt that the best way forward for Council was to continue to set aside a contingency figure in respect of successful appeals against revaluations on non-domestic properties. He stated that this suggestion was included in Council’s Rates Response. He said it would be interesting to find out the workings of the Rates Response document and the impact of the recommendations put forward by Council in moving forward.

Councillor Gallagher reiterated that it was the responsibility of LPS to set a contingency sum at the outset of the process in respect of successful appeals. He suggested that Council lobby the appropriate government department to have this matter addressed as a matter of urgency given the detrimental financial impact the setting aside of a contingency sum was having on Council’s financial position.

Alderman McCready acknowledged the importance of Council offsetting costs whenever possible. He referred to Council’s accountability and responsibility to ratepayers but pointed out that it was Council who made the decision to close facilities early. He stated that efforts of the Senior Leadership Team and the Lead Finance Officer in particular, to reduce Council’s deficit from near £10M to £6.9M was indeed commendable. However, this deficit of £6.9M was Council’s responsibility. He acknowledged that Council valued its autonomy and independence and he felt that to try and shift the blame for its current financial crisis on central government was objectionable. He stated that the rate struck by Council and in particular the rate for the 20/21 financial year of £61M and the deficit incurred was, he stated, entirely Council’s financial burden to manage. Whilst there was not a difficulty in requesting financial support from any government department this did not remove the fact of the deficit which had to be managed whether by central government or Council in the management of its existing services. He stated that Council was responsible and must be
accountable in moving forward financially. He commended the Lead Finance Officer on achieving a surplus in times of such financial uncertainty.

The Chief Executive thanked the Lead Finance Officer for his report and in terms of the deficit acknowledged that this was a matter for Council to manage and where applicable with the assistance of others. He stated that Council had achieved much in quarter one in terms of working together with the other 10 Councils and working with the Executive through DfC, DAERA and the CEFA scheme to get as much of quarter one’s loss mitigated as possible.

He stated that the quarter two bid would be ready in approximately 10 days and Councils Lead Finance Officer was co-ordinating this bid throughout the 11 Councils. This would then be discussed by SOLACE following which it would be submitted with the request that it be championed by DfC, however, obviously this was ultimately an Executive decision. He referred to the importance of progressing the quarter two bid and indeed a quarter three bid when required. He stated that currently, even with all of the mitigations referred to by the Lead Finance Officer and having dipped into reserves and used its capital reserves, Council was still facing a two million pound in year deficit. This deficit would result in extreme cuts in the autumn and with little time for these to be implemented. He stated that such a situation had not yet arrived and Council had placed a moratorium on discretionary spend and was analysing every project in terms of whether or not it should progress.

He pointed out that this had been a Council of growth for five years in terms of investing in services, investing in community infrastructure, investing in City Deals and trying to grow the City and region. It had been a prudent Council in terms of investing money and had saved money and had made very significant savings to fund growth. He said it would be wholly outrageous if this had now to become a Council of austerity which was a likely possibility for the next 2-3 years. In exercising caution he pointed out that earlier that day the Senior Leadership Team had discussed about beginning the rates process for the next year and Council were already looking at double digit increases the following year just to maintain the status quo. He continued that the severity of the local government financial position this year could not be underestimated.
He said, however, that hopefully as the year progressed the Executive in its liaisons with the Treasury would identify additional funding to assist Councils. He said Council was extremely grateful for what it had received to date but stated that collectively there needed to be a huge push to ensure that local government was not overlooked because the ultimate impact would fall on ratepayers. It would not be possible to cut services to the level required to reduce rates and the impact would be on already struggling businesses and on domestic ratepayers. He pointed out that Council would collectively be making a huge effort to progress the quarter two bid. He stated that whilst Council was doing all in its power to mitigate the impact of COVID19 it must continue with such momentum to ensure that it was not left carrying this burden alone.

Councillor J Boyle agreed that it would indeed be outrageous if all of the excellent work carried out by Council during the past five years were lost. It was therefore vital that Council received whatever assistance it could from regional government.

In regards to Alderman McCready’s comments, Councillor Mooney pointed out that Council were faced with involuntary closures. He acknowledged that Council would have to accept responsibility if it had closed down of its own volition. However, given the circumstances he felt it was crucial that Council did all in its power to minimise and negate the financial risk being faced by Council in the coming years. He reiterated that these were totally different circumstances whereby a public health crisis enforced the closure of all Council buildings.

The Chief Executive pointed out that the closing down issue had been essentially mitigated and in regards to the absolute closure position of April, May and June, Council had received funding. He stated that Council was now facing the most difficult phase. Council would from the following day begin to charge for its car parks, however, one could not determine whether or not it would recover the same level of income as it had previously. He advised that discussion had taken place earlier that day regarding the possibility of reopening Leisure Centres potentially at the end of August but expressed concern that the public might not be willing to pay for gym membership if the product were considered somewhat inferior. It would also be necessary to remove staff from the furlough scheme in order to reopen Leisure Centres, so essentially Council would be paying to reopen these Centres with no assurance of financial returns.
He pointed out that Council’s financial difficulties would continue for a long period of time and it was therefore important to keep the momentum with government that this financial crisis was not of Council’s making but was due to a global pandemic. He stated that unlike private businesses, Council’s costs would have to be addressed through cutting vital services or placing the burden on ratepayers which was wholly unfair. He welcomed the huge support at NI Executive level and acknowledged the massive demands placed on them from various sources. The best way to address this financial crisis was for the 11 Council’s to approach government collectively as this would prove to be the most powerful lobby and he suggested that any success to date was due to this collective approach.

Councillor Gallagher said his comments were not related to the Coronavirus pandemic but to the process through which Council collects its rates income. He referred to the fact that half of Council’s rates income was domestic and half non-domestic, however, whilst Council did not have any responsibility over the setting of the non-domestic rates it was necessary for Council to continuously set aside a contingency sum in respect of successful appeals against revaluations of non-domestic properties. He considered this to be totally unjust and said it was the responsibility of LPS to set aside a contingency sum to offset these costs as they were the body responsible for setting the rate.

The Chairperson acknowledged the massive challenges facing Council in the coming years.

The Committee

**Recommended** that Council (a) approve the draft financial outturn surplus position of £864k for 2019/20 and the associated transfers to reserves identified in this report, in particular the ring-fencing of £850k of this surplus as contingency for COVID financial implications during 2020/21;

(b) notes that the draft outturn position for 2019/20 will require adjustment to reflect COVID19 funding currently being secured and finalised and approve that
any benefit gained to the 2019/20 results in this regard is also transferred to the COVID reserve and carried forward into 2020/21;

(c) notes the updated position in respect of the 2020/21 financial position, the ongoing work and mitigations in place to address this position as well as the very challenging outlook for the 2021/22 rates process; and

(d) that Council lobby LPS to set aside a contingency sum to address costs arising from successful appeals against non-domestic revaluations.

GSP96/20 Use of Council Facilities by Elected Members

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 present Members with information on the possible use of meeting rooms within Council facilities, for Member use.

Councillor Duffy, whilst acknowledging the financial implications of the report and the sentiments of the original Motion, felt it was important that the issue was explored. She enquired if there had been any change to the policy prohibiting Political Parties from hiring a room within Leisure/Community facilities for political purposes.

The Lead Democratic Services and Improvement Officer referred to the former Derry City Council policy which specified that the only place political meetings could be held was the Guildhall.

Alderman McClintock, whilst acknowledging the reasons why this issue had been raised, felt it was necessary to remain with the status quo in regards to the use of the facilities in Harbour House and the Strabane Council Offices for political purposes. She said she had never encountered any difficulty in being offered a space by any Community Centre to meet with a constituent when no other facility had been available.
Councillor Boyle referred to the considerations and recommendations outlined in the report. He said it was necessary for all Members to bear in mind their individual safety when carrying out their Council duties and referred to instances when it would be necessary to give thought to how, when and where such meetings should take place; although for the most part this was a matter of common sense. He referred to the element of unpredictability when meeting other individuals. He acknowledged the recommendations contained in the report.

Councillor Donnelly referred to the huge change in landscape since the passing of the original Motion, particularly with the closure of many facilities. He referred to the need to agree a decision whereby Elected Members could use Council facilities to carry out their Party work. He acknowledged the financial implications pertaining to the recommendations set out in the report and welcomed a review of the situation in the future.

The Committee recommended:

(a) that Meeting facilities for Elected Members continue to be based at the Derry Road Offices and Harbour House. Requests to hold meetings out of hours will be facilitated, where operationally possible, and a quarterly monitoring report will be brought back to Committee for review; and

(b) that risk assessments will be carried out in relation to specific issues/circumstances identified by individual Elected Members and appropriate mitigation measures identified.

GSP97/20 Annual Equality Progress Report

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 and approval in respect of the Council’s Annual Equality Report 2019/20.
Councillor Cooper welcomed the report.

The Committee

**Recommended** that the Annual Equality Progress Report is approved and submitted to the Equality Commission.

**GSP98/20 Rural Needs Annual Monitoring Report 2019/20**

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 and approval in respect of the Council’s Rural Needs Annual Monitoring Report.

The Committee

**Recommended** that the Rural Needs Annual Monitoring Report is approved and submitted to DAERA.

**GSP99/20 United Nations – 75th Anniversary**

The Lead Democratic Services and Improvement Officer presented the above report, a copy of which had previously been circulated. She pointed out that the purpose of the report was to advise Members of correspondence received from the United Nations Association of Northern Ireland (UNA-NI).

Councillor Donnelly said the United Nations in their statements and overview claimed that human rights were at the core of all of their work, which included international human rights law and international criminal law. He stated that whilst he was not opposed to the lighting up of Civic buildings to commemorate the United Nations 75th Anniversary, he had concerns regarding the United Nations Committee on Torture in regards to the case of Liam Campbell from Dundalk who was to be extradited to Lithuania. He said it could not be ignored when discussing human rights that the United Nations and the Committee on Torture were extremely critical of the Lithuanian regime. As such Councillor Donnelly Proposed, Councillor Gallagher Seconded
That given the concerns over human rights breaches, this Council calls on the 26 County Administration to do all in its power to reverse its decision to extradite Liam Campbell to Lithuania.

Councillor Donnelly stated that the case of Liam Campbell had been ongoing for 12 years during which there had been a number of attempts to have him extradited. He pointed out that Mr Campbell had spent a considerable period of time in detention and a longer period on bail conditions. He continued that his case had been heard before a Court within this jurisdiction when the request to have him extradited had been refused, as the judge determined that he would be likely to be held in inhuman conditions. He said this was not about an individual’s political position or perceived political position but was a matter of human rights. He referred to the corruption and bribery apparent within the Lithuanian legal system at the most senior level including the Supreme Court. He pointed out that Liam Campbell’s brother Michael had also spent a considerable period of time in detention in Lithuania following which his case was overturned on appeal, when the Judge declared that there was no evidence to support his trial.

Councillor Donnelly reiterated that whilst he did not oppose the lighting up on Council buildings, the real issues in regards to the United Nations were in regards to their stance on human rights and torture and their position in regard to the Lithuanian regime.

Alderman McCready referred to the previous speaker’s comments which he said did not relate to the recommendation contained in the report and questioned why the recommendation had not been approved prior to the submission of further proposals.

Whilst expressing his opposition to any form of human rights torture he referred to the fact that Liam Campbell had been implicated with the Omagh bombing in August 1998 which was condemned by most irrespective of their political beliefs. He stated that this issue had nothing to do with the United Nations commemorating its 75th Anniversary or the reason why they were formed which was as a result of two World Wars and suggested that it was most inappropriate to raise this issue at such a forum.

Councillor Boyle acknowledged Councillor Donnelly’s concern regarding the possible extradition of Liam Campbell. He said, however,
that he was not fully familiar with the particulars of this case and was not in a position to make a judgement. He referred to the legal position in Dublin in regards to Mr Campbell and concerns regarding his treatment on arrival in Lithuania.

Councillor Duffy expressed her Party’s support for Councillor Donnelly’s proposal. She stated that Sinn Fein MLA, Martina Anderson had made recommendations to the Dublin government on behalf of Liam Campbell on the basis of human rights and torture.

Councillor Gallagher stated that this was a human rights issue and was solely on the basis of extraditing a person to somewhere known to have a history of human rights abuses. Council was being asked to request the Dublin government not to extradite Liam Campbell to such a place on the basis of the human rights for this Irish individual.

Following some discussion Councillor Gallagher suggested that this be deferred to the July Council Meeting.

The Chief Executive explained that by deferring this issue it may provide an opportunity for further debate on the matter. He suggested that this be submitted as a Notice of Motion to the July Council Meeting.

Councillor Mooney agreed that deferring the matter to the July Council Meeting would prove more beneficial.

The Committee

**Recommended** that Council light up its civic buildings in UN blue on Saturday 24 October 2020 to commemorate the 75th Anniversary of the United Nations.

**Open for Information**

**GSP100/20 Corporate Plan and Improvement Plan 2020/21**

The Lead Democratic Services and Improvement Officer presented the above report, a copy of which had previously been circulated. She pointed out that the purpose of the report was to advise Members of correspondence received from the Department for Communities in relation to the Annual Performance Improvement Plan.
Members noted the content of the report.

**GSP101/20 Northern Ireland Housing Council 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 provide Members with the most recent Housing Bulletin.

Members noted the content of the report.

**GSP102/20 North West Regional Development Group and North West Strategic Growth Partnership**

The Chief Executive presented the above report, a copy of which had previously been circulated. He advised that the purpose of the report was to provide Members with an update on the progress of the North West Strategic Growth Partnership and North West Regional Development Group.

Members noted the content of the report.

**GSP103/20 Update on Pay Assimilation and Harmonisation Process**

The Chief Executive presented the above report, a copy of which had previously been circulated. He advised that the purpose of the report was to update Members on the current position in relation to pay assimilation and the harmonisation of Term and Conditions of Employment for employees.

Members noted the content of the report.

**GSP104/20 Overtime/Holiday Arrangements**

The Chief Executive presented the above report, a copy of which had previously been circulated. He advised that the purpose of the report was to update Members on the current Holiday Pay/Overtime payment arrangements.

Members noted the content of the report.

**The Meeting then went into Confidential Business**
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Derry City and Strabane District Council

Open Minutes of the Planning Committee Meeting held in the Council Chamber, Guildhall, Derry on Wednesday 1 July 2020 at 2.00pm

Present: - Councillor Jackson (Chairperson), Aldermen Bresland, Kerrigan, McClintock; Councillors J Barr, J Boyle, Dobbins, Harkin, Kelly, McGuire, McKinney, Mellon and Mooney.

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 Officers (Mrs S McCracken and Mrs A McNee), Senior Planning Officers (Ms S Barrett and Mr M McCarron), Business Services Officer (Mrs L McKeane), Committee Services Assistant (Mrs J Short).

P70/20 Notice and Summons for Meeting

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

P71/20 Member Attendance and Apologies

The Head of Planning completed the roll call and apologies were recorded from Councillor Gallagher.

P72/20 Statement for Remote Meetings

The Chair read the Statement for Remote Meetings.

P73/20 Declarations of Members’ Interests

There were no Declarations of Interest from Members.

Open for Decision

Chairperson’s Business

P74/20 Late Information Received

The Head of Planning referred to late information received in respect to the following applications for decision. She advised that Members would be given the opportunity to review the information prior to the presentation of the application by the SPO later in the meeting:
P75/20 **Proposed Special Planning Committee Meeting**

The Head of Planning reported that it would be necessary for a Special Planning Committee Meeting to be scheduled at the end of July in order to facilitate the presentation of key applications before the recess period in August. Members would be kept updated on the agreed date in due course.

P76/20 **Revised Scheme of Delegation due to Covid-19 Restrictions**

The Chair sought Members’ views in relation to the retention of the Scheme of Delegation under the Covid-19 restrictions due to the return of physical meetings.

Alderman McClintock stated that it would be preferable to continue with the current scheme of delegation until the end of August 2020. Councillor Kelly concurred with the previous speaker’s opinion.

The Chair requested that a report be brought back to the September Meeting of the Planning Committee with options in relation to the retention of the current Scheme of Delegation due to the Covid-19 restrictions.

**Matters Arising from the Open Minutes of the Planning Committee Meeting held on Wednesday 17 June 2020.**

P77/20 **Minute ref: P62/20: Correspondence from DfI re. LA11/2017/0510/F**

Councillor McGuire sought clarification on whether the relevant Minister had been written to as requested. The Head of Planning advised that a full update would be provided under Agenda Item No. 8 to be presented later in the meeting.
P78/20  Planning Applications List with Recommendation for Decision

RECONSIDERED APPLICATIONS

LA11/2018/0356/O – Site for dwelling and domestic garage immediately south west of 92 Camus Road, Douglas Bridge

The Principal Planning Officer (PPO) presented the above application, details of which were previously circulated to Members. Additional information (received as a late item) was also circulated during the meeting and Members were given the opportunity to review the information prior to the presentation of the application by the PPO.

The PPO reported that in reconsideration of the application together with the late information received, Officers remained of the opinion not to grant planning permission for reasons as outlined within the report.

The Chair reminded Members that only those Members present at previous presentations would be permitted to vote.

Members received speaking rights from Mr Noel O’Kane (applicant) who outlined reasons to approve the application.

Discussion ensued after which Councillor Kelly remained of the opinion not to support the PPO’s recommendation to refuse planning permission. He said that having assessed the application against the Strabane Area Plan and Rural Policy (in particular para 123.2.1), he would be of the opinion the proposal was rounding off and therefore proposed that the application be approved, subject to the conditions as outlined within the report. Councillor Dobbins seconded the proposal.

The outcome of the vote was unanimous support of the proposal. (Councillors Mooney and Mellon had no voting rights on this occasion).

The Committee

Resolved to overturn the PPO’s recommendation to refuse planning application LA11/2018/0356/O and for planning approval to be granted, subject to the conditions as outlined within the report.
The speakers left the meeting at this stage.

**LA11/2018/1053/F – 2 No. infill dwellings under policy CTY 8 of PPS 21 at lands 30m South West of 67 Corrody Road, Waterside, Derry, BT47 2QH**

The PPO presented the above application, details of which were previously circulated to Members. She recommended that, based on material consideration in line with planning policy, a refusal be granted for reasons as outlined within the report.

Members received speaking rights from Mr Matt Kennedy (agent), who outlined reasons to approve the application. Members sought points of clarification from the speaker.

The PPO clarified for Councillor Boyle that a revised acoustic report had been received. She reminded Members that the application was dealt with under its own merits.

The PPO clarified for Councillor Dobbins that the outcome of the noise impact report submitted by the Environmental Health Department was included in the report presented. She highlighted that the go-kart facility was not the determining factor of the recommendation. She also clarified that the initial Roads issue regarding visibility splays had been resolved and therefore not reflected within the reasons for refusal of the application.

The PPO further clarified for Alderman McClintock that the role and remit of the Environmental Health Department was to ensure that noise was minimised on residential amenity. She added that a balanced view was applied in terms of consideration of noise impact in adherence to policy and that was reflected in the recommendation presented today.

Councillor Kelly queried if there were any conditions in relation to the timeframe of delivery of the proposal. The PPO clarified that it was her understanding that no conditions could be imposed by Planning in terms of the timeframe of delivery of the proposal. She added that in considering this aspect it was therefore essential for residential amenity to be protected.
Discussion ensued after which Councillor McGuire proposed not to accept the PPO’s recommendation to refuse planning permission and for approval to be granted with the inclusion of an additional condition for the erection of close board fencing on site to minimise any noise issues. Alderman McClintock seconded the proposal.

The outcome of the vote; For, 10, Against 1, Abstention 1. The proposal was carried.

The Committee

Resolved to overturn the PPO’s recommendation to refuse planning application LA11/2018/1053/O and for planning approval to be granted, subject to the conditions as outlined.

The speakers left the meeting at this stage.

LA11/2017/0902/F – Housing Development consisting of 97 no units, creation of new access and associated infrastructure and ancillary works at Lands at Ballygudden Road to the north and west of No. 11 Ballygudden Road, Eglinton

Members were given the opportunity to review late information received prior to the presentation of the application by the Senior Planning Officer (SPO).

The SPO proceeded to present the above application, details of which had been previously circulated to Members. She recommended that, based on material consideration in line with Planning Policy, approval be granted, subject to the conditions as outlined within the report.

Members accepted speaking rights from Mr William Lamrock, Objector.

The LLSO referred to certain issues raised by the applicant during the meeting. He advised that Officers were not in a position, to respond to the issues until further clarification be sought and therefore requested that the application be deferred and presented at a future meeting of the Planning Committee. He apologised to the speakers for any inconvenience caused by this unanticipated action and explained that this was necessary in order to assist Members with the decision-making process.
Councillor Dobbins proposed, seconded by Councillor McKinney to accept the LLSO’s advice to defer the application until a future Planning Committee meeting.

The Committee

Resolved that planning application LA11/2017/0902/F be deferred to allow for further review of the application. The application would be presented at a future Planning Committee Meeting.

The speakers left the meeting at this stage.

LA11/2019/0437/F – Proposed 2 storey detached dwelling and removal of 2 outbuildings, to gain access via Cottage Row at lands to rear of 38 Main Street, Eglinton, L’Derry

The PPO 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 in line with planning policy, it was recommended to approve planning permission, subject to the conditions as set out within the report.

Members accepted speaking rights from Mr Andy Tate, Agent who outlined reasons to support approval of the application, following which Members sought points of clarification from the Agent.

Alderman Bresland proposed, seconded by Councillor McKinney to accept the PPO’s recommendation to approve the application.

The outcome of the vote was unanimous support of the proposal and the Committee

Resolved that planning application LA11/2019/0437/F be approved, subject to the conditions as outlined within the report.

The speakers left the meeting.
LA11/2019/0727/F – Proposed redevelopment of existing building to provide 27-unit self-contained apartment accommodation for over 55 active elderly persons including wheelchair accessible unit at ground floor at 125-139 Strand Road, Derry (formerly Café Roc Bar/Night Club)

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

Members accepted speaking rights from Mr James Kelly, Objector and Mr Matt Kennedy, Agent, following which they sought points of clarification from Mr Kennedy in particular.

Councillor Dobbins stated that she took exception to the fact that age 55+ was considered as elderly.

Alderman McClintock concurred with the previous speaker and sought clarification if the description of age could be conditioned not to be specific to this age group.

The Head of Planning advised that the age specific condition may not be necessarily enforceable, however the description of the application would be suffice or alternatively could consider a Section 76 Agreement, however, officers recommend what is outlined in the report.

Discussion ensued after which Councillor Boyle proposed, seconded by Councillor Mellon to support the recommendation to approve the application subject to relevant conditions provided by the PPO.

The outcome of the vote: For, 10, Against 1, Abstention 2. The proposal was carried.

The Committee

Resolved that planning application LA11/2019/0727/F be approved planning permission, subject to the conditions as provided within the report.

The speakers left the meeting.

Councillors Mellon and Harkin left the meeting at this stage.
LA11/2018/0343/F – Demolition of all buildings on site and construction of replacement convenience shop, off licence, two hot food units, petrol filling station and associated access, parking and servicing arrangements at 1 Rossdowney Park & 10 Rossdowney Road, Waterside, Londonderry

The PPO presented the above application, details of which had been previously circulated to Members. An overview of the background to the application was provided and, based on material consideration and in line with planning policy, it was recommended to approve planning permission, subject to the conditions as outlined within the report.

Members accepted speaking rights from Mr David Mountstephen, Agent and Mr Harry McConnell, RPP Architects and sought points of clarification in relation to the proposed application.

Members welcomed the application.

Councillor Mooney proposed, seconded by Alderman McClintock to support the PPO’s recommendation to approve the application. The outcome of the vote was unanimous support of the proposal.

The Committee

Resolved that planning application LA11/2018/0343/F be approved planning permission, subject to the conditions as outlined within the report.

The speakers left the meeting.

Alderman Kerrigan left the meeting.

LA11/2018/0882/F – Retention of Change of Use from rental accommodation to a B&B and retrospective works to facilitate B&B, 6a Northland Road, Derry/Londonderry, BT48 7HU

The Members were given the opportunity to review the late information received in relation to the above application.

The SPO proceeded to provide an overview of the background to the application and, based on material consideration in accordance with relevant planning policy, recommended a refusal for reasons as outlined within the report.
Members received speaking rights from Mr Liam Walsh (Applicant), following which they sought points of clarification in relation to the application.

Councillor Boyle sought clarification in the response from HED. The SPO clarified that HED referred to the window schedule and most recent drawings in relation to the position of the water pipe within the photographs and this required further clarification.

Councillor Kelly commented that HED were overly protective of the building and that their response alluded to the fact that they were unaware of the ongoing work at the site.

The SPO advised that the principle of conversion or change of use was not acceptable by HED as insufficient information had been provided to confirm material design and therefore a full assessment could not be carried out, however they agreed to accept in principle the conversion.

Councillor Dobbins sought clarity in relation to the correct course of action. The LLSO advised that there was no legal reason for the application not to be deferred until adequate information was provided by the applicant.

The Head of Planning advised that this was a situation whereby the Officer had sought relevant information from the applicant however, this was not forthcoming. She added that material detail was required in order to progress the application and to avoid a need for enforcement action.

Councillor McGuire commented that some of the refusal requirements were of a trivial nature and some were relevant to Building Control section.

Councillor Boyle agreed with Councillor McGuire's previous comment that HED were somewhat petty with regards to their response to the application, despite the time, effort and expense that the applicant had committed to the building.

The LLSO in response to queries, advised that it would be preferable to instigate a time limited deferral notice, so to allow for additional information to be provided by the applicant.
Discussion ensued after which Councillor Boyle proposed that the recommendation to refuse planning permission be overturned and for approval to be granted, based on amenity and the tourism element of the proposal. Councillor McGuire seconded the proposal.

The outcome of the vote was unanimous support of the proposal and the Committee

Resolved to overturn the Officer’s recommendation to refuse planning application LA11/2018/0882/F and for planning approval to be granted subject to relevant conditions.

LA11/2018/0847/LBC- Retention of Change of Use from rental accommodation to a B&B and retrospective works to facilitate B&B, 6a Northland Road, Derry/Londonderry

The Members reviewed late information received prior to the presentation of the above application.

The SPO presented the above application, details of which were previously circulated to Members. An overview of the application was provided and, based on material consideration in accordance with planning policy, it was recommended to refuse planning permission, for reasons as outlined within the report.

Members received speaking rights from Mr Liam Walsh (Applicant), following which they sought points of clarification in relation to the application.

The Head of Planning clarified that in the event Members did not support the officer recommendation, in line with the notification regulations, DFI would have to be notified of Council’s intention to proceed against the advice of HED for a Listed Building Consent.

Councillor Boyle proposed that the recommendation to refuse planning permission be overturned and for approval to be granted due to the amenity and tourism element of the proposal. Councillor McGuire seconded the proposal.
The outcome of the vote was unanimous support of the proposal and the Committee

Resolved to overturn the Officer’s recommendation to refuse planning application LA11/2018/0847/LBC and for planning approval to be granted subject to relevant conditions.

The meeting was adjourned at 8.00pm and would reconvene the following day.
Derry City and Strabane District Council

Open Minutes of the reconvened Planning Committee Meeting (1 July 2020) held in the Council Chamber, Guildhall, Derry on Thursday 2 July 2020 at 2.00pm.

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Present: - Councillor Jackson (Chairperson), Aldermen Bresland, Kerrigan, McClintock; Councillors J Boyle, Harkin, Kelly, McGuire, McKinney, Mellon and Mooney.

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 Officers (Mrs S McCracken and Mrs A McNee), Senior Planning Officers (Ms S Barrett and Mr M McCarron), Business Services Officer (Mrs L McKeans), Committee Services Assistant (Mrs J Short).

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P79/20 Notice and Summons for Meeting

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

P80/20 Member Attendance and Apologies

The Head of Planning completed the roll call and apologies were recorded from Councillor Gallagher, Councillor J Barr and Councillor Dobbins.

P81/20 Statement for Remote Meetings

The Chair read the Statement for Remote Meetings.

P82/20 Declarations of Members’ Interests

There were no Declarations of Interest from Members.

P83/20 Late Items Received

The Head of Planning referred to late items received in respect to the following applications. She advised that Members would be given the opportunity to review the information prior to the Officer’s presentation of the application later in the meeting:
Councillor Harkin joined the meeting.

**Open for Decision**

**P84/20 Planning Application List with Recommendation for Decision**

**LA11/2019/0559/O – Dwelling and garage on the farm – 140m South West of 1 Kittybane Road, Newbuildings, Derry.**

The Principal Planning Officer (PPO) 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 in line with relevant planning policy, recommended to refuse planning permission for reasons as outlined within the report.

Members received speaking rights from Mr Chris Cassidy, Agent who outlined reasons to approve the application, following which they sought points of clarification in relation to the proposed application.

The Chair invited Members to seek points of clarification from the PPO if they so wished.

The PPO clarified for Councillor McKinney that the evidence received consisted of a number of receipts for work carried out on the farm business, however there was insufficient evidence provided to prove other work carried out on the farm and therefore the necessary test had not been met on this occasion.

Councillor McGuire referred to policy CTY10 and said that he did not agree with the setting of a limit of a size of herd/flock on the farm holding and should not be the determining factor when assessing the application.

The Chair concurred with the previous speaker. He added that discussions were held previously by Committee to ensure that the bar for agricultural activity was not set too high and that some level of farm activity be accepted.

Councillor Kelly commented that it was his understanding that DEARA were not permitted to issue a farm business ID to a family member that could not demonstrate a farm business arrangement.
The PPO reiterated that with this particular case there was no evidence to prove farm business due to the lack of receipts presented by the Applicant in order to make an assessment in line with policy. She however assured Members that if this information was forthcoming the proposal would be reviewed accordingly.

Councillor Boyle stated that it was a case of interpretation and, given the evidence presented, he did not believe that the application had met the required test. He proposed to accept the Officer’s recommendation to refuse planning permission for reasons as outlined within the report. Councillor Mooney seconded the proposal.

The outcome of the vote; For 1, Against 7, Abstention 3. The proposal fell.

Alderman Kerrigan referred to the size of the plot of land in question and commented that it may not be farmed for silage provision. He also stated that if the applicant was operating the farm business together with his brother then there was the risk that receipts were identified by the brother’s name.

The Chair suggested to Members that the application be deferred until the applicant provided enough evidence to prove a farm business on site.

The LLSO in response to Members advised that following the outcome of the previous vote, Members had the option to either overturn the Officer’s recommendation and to approve planning permission or to defer the application until further information was provided by the applicant and presented at a future Committee meeting.

Councillor Mooney proposed, seconded by Councillor McKinney that the application be deferred until the September Planning Committee Meeting, for to allow the applicant an opportunity to submit additional information.
The outcome of the vote; For, 9, Against 1, Abstention 1. The proposal was carried.

The Committee

Resolved that Planning Application LA11/2019/0559/O be deferred and presented at the September Planning Committee Meeting.

The speaker left the meeting.

LA11/2019/1006/F – Proposed 17.5m telecommunications column with 6 no. antennae (3 No. enclosed within a shroud, 3 No. not enclosed) and 3 No. radio units. Proposal includes the provision 4 No. new equipment cabinets and associated ground works on grass verge adjacent to footpath 67m south east of the junction of Rossdowney Road and Kilfennan Link Road, Londonderry

The Senior Planning Officer (SPO) presented the above application, details of which had been previously circulated to Members. He provided an overview of the background to the application. He advised that, based on material consideration and in line with relevant planning policy, it was recommended to approve planning permission, subject to the conditions as outlined within the report.

Members accepted speaking rights from Mr Les Ross, Agent who outlined reasons to support approval of the application. He then provided clarification on queries raised by Members.

The Chair invited Members to seek points of clarification from the SPO if they so wished.

Councillor Boyle referred to the application and queried if alternative sites had been suggested by the applicant. The SPO confirmed that it was a policy requirement for alternative site locations to be provided. He explained however that 5 no. alternative sites were viewed but deemed unsuitable due to visual impact and health and safety hazards in terms of construction.
Alderman McClintock proposed, seconded by Councillor Boyle to support the SPO’s recommendation to approve the application.

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

The Committee

Resolved to support approval of planning application LA11/2019/1006/F, subject to the conditions as outlined within the report.

The speaker left the meeting.

LA11/2018/0130/F – Replacement and relocation of wind turbine approved under J/2012/0038/F including an increase in rotor diameter from 26m to 44m and change of hub height from 30m to 40m – 660m north west of 37 Cavan Road, Castlederg, Co. Tyrone

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

Members accepted speaking rights from Mr Gavin McGill, Agent and Mr Andrew Bunbury, Park Hood who outlined reasons to support approval of the application, following which Members sought points of clarification.

Councillor Kelly referred to the terminology used by the Officer in terms of describing the proposal as an ‘upgrade’ despite that it was obvious the proposal was a ‘replacement’. He also expressed concern that the agent was of the opinion that the submission would not offend the Local Development Plan (LDP), however in his opinion the impact on landscape varied and in relation to this proposal there was an invasion of the countryside which was offensive to the LDP.
Discussion ensued after which Councillor McGuire proposed, seconded by Councillor Kelly to accept the SPO’s recommendation to refuse planning approval. The outcome of the vote was unanimous support of the proposal.

The Committee

Resolved that planning application LA11/2018/0130/F be refused planning permission, for reasons as outlined within the report.

LA11/2018/0133/F – Replacement and relocation of wind turbine approved under J/2010/0068/F including an increase in rotor diameter from 26m to 39m and change of hub height from 30m to 40m – 680m north west of 37 Cavan Road, Castlederg, Co. Tyrone.

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

Members accepted speaking rights from Mr Gavin McGill, Agent and Mr Andrew Bunbury, Park Hood who outlined reasons to support approval of the application.

Discussion ensued after which Councillor McGuire proposed, seconded by Councillor Kelly to accept the SPO’s recommendation to refuse planning approval.

The outcome of the vote; For 9, Against 0, Abstention 1. The proposal was carried.

The Committee

Resolved that planning application LA11/2018/0133/F be refused planning permission, for reasons as outlined within the report.

The speakers left the meeting.

The meeting was adjourned to allow Members a comfort break.
The Head of Planning advised that the following two applications were interconnected (LA11/2018/0189/F and LA11/2018/0277/F) and would be presented together due to the complexity of the proposals. She reminded Members to assess both applications on their own merit and a separate vote on the decision would be required.

**LA11/2018/0189/F – Erection of supermarket, access road from Springtown Road, provision of car parking, landscaping and associated site works (relocation of existing Lidl supermarket at 24 Buncrana Road – 6 Springtown Drive, Derry, BT48 0LY and vacant site to the south-east bounded by Springtown Road and Buncrana Road.**

The SPO presented the above application, details of which had been previously circulated to Members. She gave an overview of the background to the application and, based on material consideration that included relevant planning policy, recommended an approval subject to the conditions as outlined within the report.

The Head of Planning referred to the Discontinuation Order and advised that legal advice was sought in the matter and careful consideration given towards the recommendation.

Members accepted speaking rights from Mr Dermot Monaghan, Agent who outlined reasons to support the Officer’s recommendation.

Following the presentation, the Members sought points of clarification from the speaker in relation to the proposals.

Alderman Kerrigan proposed, seconded by Councillor McKinney to accept the officer’s recommendation to approve planning permission. The outcome of the vote was unanimous support of the proposal.

The Committee

Resolved that planning application LA11/2018/0189/F be approved planning permission subject to the conditions as outlined within the report.
LA11/2018/0277/F – Change of use from food supermarket to Class B4 storage with ancillary trade counter – Lidl Store, 24 Buncrana Road, Derry

The SPO presented the above application, details of which had been previously circulated to Members. She gave an overview of the background to the application and, based on material consideration and relevant planning policy, recommended an approval subject to conditions as outlined within the report.

Members accepted speaking rights from Mr Dermot Monaghan, Agent who outlined reasons to support the Officer’s recommendation. Following the presentation, the Members sought points of clarification from the speaker in relation to the proposals.

The Chair invited Members to seek clarification from the SPO if they so wished.

The Head of Planning in response to Members queries, provided reassurance that the application had been carefully considered by Officers. She reminded Members to consider the application on its own merit. She said that Lidl had little control in terms of car park usage and the key point to consider was that B4 use in planning terms would attract less traffic in comparison to Class 1 use and this would reduce the potential use of the car park in the future.

Councillor Boyle stated that he was not reassured that consideration was given to the other businesses in terms of car parking provision.

The Chair stated that it was his understanding that the proposed B4 use should not be interpreted as a concern.

The Head of Planning referred to application LA11/2018/0277/F and explained that the proposed new layout would commence after Lidl relocated and Class 1 use was removed and subsequently the car park would be realigned prior to new business on site. She further advised that it was important to ensure that Class 1 ended so to avoid 2 No. Class 1 uses and therefore it was essential for the Discontinuation Order to be applied during the correct sequence of events.

Councillor Boyle commented that, whilst he appreciated the timing of sequence of events was necessary, he wanted to ensure that access was not denied to road users after Lidl relocated to the new site. He said
that he welcomed the new store, however it was important that the remaining businesses on site were not negatively affected.

Discussion ensued after which Alderman Kerrigan proposed, seconded by Councillor Mooney to accept the Officers recommendation to approve planning permission.

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

The Committee

Resolved that planning application LA11/2018/0277/F be approved planning permission, subject to the conditions as outlined within the report.

The speaker left the meeting.

Councillor Harkin and Boyle left the meeting.


The SPO presented the above application, details of which had been previously circulated to Members. He gave an overview of the background to the application and, based on consideration of all relevant material and planning policy requirements, it was recommended to approve planning permission, subject to the conditions as outlined within the report.

Councillor Boyle returned to the meeting.

Alderman McClintock proposed, seconded by Councillor Kelly to accept the SPO’s recommendation to approve the application. The outcome of the vote was unanimous support of the proposal.

The Committee

Resolved that the recommendation to approve planning application LA11/2019/0204/F be accepted subject to the conditions as outlined within the report.
LA11/2018/0732/O – Proposed housing development for 7 No. detached dwellings – Lands at 54 Strabane Road, Castlederg, Co. Tyrone

The Chair stated that, with reference to the above application, a request had been received from the applicant for a site visit before a decision was made by Members. He advised that due to the current social distancing restrictions there would be a delay in the process, however he would be inclined to defer the application until a site visit would take place in the future.

Members noted that the above application would be deferred to allow for a site visit, after which the application would be presented to Committee at a future meeting.

The LLSO in response to a query from Councillor Kelly, clarified that the above application had been presented to Committee previously and Members would have received all relevant information in order to have made an informative decision today.

LA11/2020/0051/DC – Discharge of Condition 19 of planning approval J/2011/0335/F: No turbines shall be erected until a scheme for the remediation of any interference with domestic television reception has been submitted to and approved in writing by the Department – Tievenameeta, Co. Tyrone (townlands of Crigshane, Ballymongan, Shanaghy)

The PPO presented the above application, details of which had been previously circulated to Members. She gave an update on the background to the application and, based on material consideration and relevant planning policy, recommended that consent be approved, subject to the conditions as outlined within the report.

Councillor Kelly commended the foresight from Planning section to ensure that interference be captured at an early stage of the process.

Councillor Boyle commented that he would see this as potential for dispute in terms of proving that the windfarms interfered with television reception.

The PPO advised that the condition is simply to provide a scheme of remediation. She added that likewise they were specifically looking at a scheme and a survey process and anything beyond that would not require Planning intervention.
Councillor McGuire proposed, seconded by Councillor Mooney to approve the recommendation.

The outcome of the vote was unanimous support of the proposal and the Committee

Resolved that the recommendation to approve planning consent LA11/2020/0051/DC be accepted subject to the conditions as outlined within the report.

LA11/2020/0086/DC – Discharge of Condition 26 of planning approval J/2005/0104/F: No turbines shall be erected until a scheme for the remediation of any interference with domestic television has been submitted to and approved in writing by the Department – Tievenameenta, Co Tyrone.

The PPO presented the above application, details of which had been previously circulated to Members. She gave an update on the background to the application and, based on material consideration and relevant planning policy, recommended that consent be approved, subject to the conditions as outlined within the report.

Councillor Boyle proposed, seconded by Councillor McKinney to support the PPO’s recommendation to approve consent.

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

The Committee

Resolved that the recommendation to approve planning consent LA11/2020/0086/DC be accepted subject to the conditions as outlined within the report.

LA11/2020/0087/DC – Discharge of Condition 23 of planning approval J/2012/0391/F: No turbines shall be erected until a scheme for the remediation of any interference with domestic television has been submitted to and approved in writing by the Department - Tievenameenta, Co Tyrone

The PPO presented the above application, details of which had been previously circulated to Members. She gave an update on the background to the application and, based on material consideration
and relevant planning policy, recommended that consent be approved subject to the conditions as outlined within the report.

Councillor Kerrigan proposed, seconded by Councillor Mooney to support the PPO’s recommendation to approve consent.

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

The Committee

Resolved that the recommendation to approve planning consent LA11/2020/0087/DC be accepted subject to the conditions as outlined within the report.

Open for Information

P85/20 Planning Appeals Update

The PPO presented the above report, details of which had been previously circulated to Members. The purpose of the report was to appraise Members on planning appeals currently in the system. A background table was included to identify the current status of any live appeals and any decisions made since the previous meeting and an update on the PAC procedures following the Covid-19 restrictions.

Members noted for information the Planning Appeals update.

P86/20 Update on correspondence re. Planning Application
LA11/2017/0510/F – Proposed retention of underground slurry collection chamber, proposed pipework, safety fence and landscaping at lands approx. 40m west of 24a Evish Road, Strabane

The Head of Planning referred to the above correspondence previously circulated to Members for information. She invited them to seek further clarification on the issue if they so wished.

Councillor McGuire stated that it was imperative that a letter be sent to the relevant Minister, in-order for an immediate decision to be reached in relation to the above outstanding planning application.

Councillor Kelly referred to the response received from the Chief Planner (DfI) (dated 23 June 2020) and specifically to the statement that referred to providing Council with an opportunity to assess the matter in an open and transparent manner. He said that he rejected such a comment as this alluded to the Committee underperforming when
dealing with applications. He said that he was utterly shocked by the language used by the Senior Official in that regard as the Planning Committee conducted all business in an open and transparent manner.

He further expressed concern that the Department decided to withdraw Article 17 of the Planning Order (NI) 2015, because the application did not merit intervention by the Department. He also referred to the request for a further Pre-determination Hearing (PDH) and expressed further concern that such action would create a precedent when dealing with third party complaints in the future and this had the potential to cripple Councils throughout the North. He said that he would not be supportive of the advice provided by the Department.

The LLSO advised that a legal opinion was currently being sought on the matter in question and the response would be presented to Members for review. He further advised that if Members were in agreement it may be more appropriate to bring the issue to the attention of the relevant Minister at that stage, together with concerns in relation to the terminology used by the Chief Planner in the correspondence to Council.

The Head of Planning advised that it may be beneficial if a response was submitted to the Minister at this stage to highlight the concerns of Members in relation to the terminology used in correspondence received from the Department (dated 23 June 2020).

Councillor Kelly stated that he was content for the concerns of Members to be formulated in a combined response to the relevant Minister in going forward.

P87/20  List of Decisions Issued – June 2020

The List of Decisions Issued during the month of June 2020 were noted by Members for information.

The meeting went into confidential business.
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Derry City and Strabane District Council

Open Minutes of Business and Culture Committee Meeting held in the Council Chamber, Guildhall, Derry on Tuesday 7 July 2020 at 4.00pm.

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Present: Councillor Farrell (Chairperson); Alderman Guy, Warke; Councillors J Barr, Cooper, Cusack, Durkan, Ferguson, Logue, McCloskey and Mellon.

Non-Committee Member: Councillor McCann

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

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BC85/20 Notice and Summons of Meeting

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

BC86/20 Member Attendance and Apologies

The Director of Business and Culture took the roll call and recorded apologies received from Councillor’s R Barr, M Boyle and Alderman Ramsey.

BC87/20 Statement for Remote Meetings

The Chair read the Statement for Remote Meetings.

BC88/20 Declarations of Members’ Interests

Alderman Warke declared an interest in the following agenda items:

- Rural Development Programme Update
- Supply of marketing services for the International Appalachian Trail
Councillor Ferguson declared an interest in Agenda Item: Rural Development Programme Update.

Open for Decision

Chairpersons Business

BC89/20 Economic Recovery

The Chair welcomed Members back to the first physical meeting of the Committee. He referred to his opening remarks at the previous meeting whereby he had stated that Council and the Business and Culture Committee in particular, had a key role to play in the economic recovery post Covid-19. He referred to recent discussions by the Strategic Growth Partnership that alluded to a high number of imminent job losses throughout the City and District. He also referred to concerns raised by his party colleague Ms Sinead McLaughlin, MLA regarding the lack of investment opportunities in the City and District and that 82% of new jobs where located in Belfast and other Council areas and not in Derry.

He further referred to the recent publication of an outline plan for economic recovery by the Economy Minister entitled ‘Rebuilding a Stronger Economy – Pathway of Recovery’ and expressed concern that there was no indication of providing targeted support and it was important that this remained on the agenda in all future discussions with Government Officials.

The Chair also referred to a recent Government announcement that the UK’s arts, culture and heritage industries will receive £1.57 billion rescue package to help with the economic impact of coronavirus; and Northern Ireland will be allocated £33m from the support package towards arts venues. He urged that Council would take a lead role on behalf of the arts and cultural organisations represented within the City and District Council area to ensure that the funding support be provided.

Councillor’s McCann and McCloskey joined the meeting.
The Chair subsequently proposed, seconded by Councillor Cusack that Council writes to the Northern Ireland Executive and to the relevant Department to ensure that the local arts and cultural organisations received funding from the Governments support rescue package due to the coronavirus pandemic.

The Committee

**Recommended**  that Council writes to the Northern Ireland Executive and to the relevant Department to ensure that the local arts and cultural organisations received funding from the Governments funding support rescue package.

**BC90/20  Virtual Learning Festival**

Councillor Durkan referred to the recent Virtual Learning Festival and commended the Officer team responsible. She said that the programme was extremely varied and interesting and the feedback from participants was positive.

**BC91/29  Return of Local Sailor**

Alderman Warke referred to the return home of local sailor Mr Gary Crothers after completing a 4000 mile solo voyage from the Caribbean. He commended the achievements of Mr Crothers and expressed disappointment that the Clipper Carlton Event had been cancelled due to Covid-19, because Mr Crothers would have been delighted to have met with the participants.

**Matters Arising from the Open Minutes of the Business and Culture Committee Meeting held on Tuesday 9 June 2020**

**BC92/20  Black Lives Matter Campaign (BC73/20)**

Councillor McCann referred to the above minute and expressed concern that he had not received any confirmation as to who or what party had issued a statement asking for the event on 6 June 2020 to be cancelled. He also alerted Members to the fact that another
demonstration would be held shortly, and he wanted to give adequate notice so to prevent similar action being taken on the day.

The Chair advised that the issue referred to was previously discussed by Committee and Council and therefore it was unnecessary for any further discussion on this occasion.

**BC93/20 Museum and Visitor Services Digital Engagement Programme 2020-21**

The Head of Culture presented the above report, a copy of which was previously circulated to Members. The purpose of the report was to present Members with the Museum & Visitor Services “Digital Engagement programme for 2020-21”.

Councillor Cusack welcomed the report. She commended the hard work of Officers during these unprecedented times.

Councillor Cooper welcomed the report. He commented that the digital engagement programmes would also provide an opportunity for schools to become involved. He also referred to the re-opening of the facilities and queried the social distancing measures to ensure the safety of users.

The Head of Culture assured Members that the Council Health and Safety Officers would provide support to ensure that social distancing restrictions were operational throughout all facilities when they would reopen at the end of the month.

Councillor Logue requested that Members be given the opportunity to view the physical exhibitions prior to opening to the public.

The Committee

**Recommended** that Council notes the contents of the reports and approve the new and evolving “Digital Engagement Programme 2020-2021” for the Museum and Visitor Services Team.
The Head of Business presented the above report, a copy of which was previously circulated to Member. The purpose of the report was to update members on funding from the Department of Agriculture, Environment and Rural Affairs (DAERA) for the roll-out of a Rural Business Capital Grant Scheme for the financial year 2020-2021.

Councillor Ferguson welcomed the report. She commented that this is was a crucial time for support to be provided to businesses.

The Head of Business in response to Councillor Mellon advised that the scheme would provide funding support to as many businesses as possible and would be widely promoted by various sources to include social media platforms. He agreed to confirm with Councillor Mellon the total number of applicants to date.

The Committee

**BC94/20 DAERA Rural Business Capital Grant Scheme – Tackling Rural Poverty and Social Isolation**

Recommended that Council;

i) agrees to participate in the second Rural Business Development Grant Scheme in 2020-21, subject to the award of funding from DAERA through the Tackling Rural Poverty and Social Isolation Programme;

ii) that subject to Council approval, delegated authority is granted to accept the Letter of Offer and to administer the programme on behalf of DAERA.

**BC95/20 Post Covid-19 Recovery – Labour Market Interventions**

The Head of Business presented the above report, a copy of which was previously circulated to Member. The purpose of the report was to update Members on the impacts of the COVID-19 pandemic on the labour market and highlight proposed broad areas of labour market intervention designed to help mitigate these impacts.
Councillor Durkan welcomed the report. She referred to the economic impact of the pandemic crisis and the imminent redundancies due to business going into insolvency and asked for the green tourism sector to be explored as part of the above recovery initiative.

Councillor Ferguson welcomed the report and expressed appreciation of the information provided. She referred specifically to the issue of childcare provision and expense and suggested that businesses be encouraged to provide an incentive for child-care providers to work in collaboration so to assist parents return to the workplace.

Councillor Cusack referred to the recent exposure of Invest NI’s financial negligence and incompetence and queried if Members would be given the opportunity to address the issues with Invest NI Officials at a future Committee meeting.

The Chair confirmed that Invest NI Senior Officials had been invited to attend the next Committee Meeting to be held on 8 September 2020.

Councillor Cooper referred to the previous speakers comment regarding Invest NI. He said that he was not concerned about the lack of intervention by the local Office when dealing with SME’s, however he was concerned about the wider approach by core management. He said that his party colleagues intended to meet with Senior Officials from Invest NI to discuss pertinent issues. He added that the wider issue was engagement with all relevant stakeholders in terms of encouraging a co-ordinated approach within the community training sector so to ensure that participants of the training skills programmes are encouraged to advance to levels 3 and 4 and be in a better position to apply for higher paid jobs.

Councillor Mellon concurred with the previous speaker’s comment regarding the provision of training opportunities for people at level 3 to advance to degree level. She also referred to children who had fallen behind in their education due to Covid-19 and singled out as being disadvantaged because of no technology to assist with home-schooling. She also referred to increased mental health issues post Covid-19, amongst all age groups within the City and District and this required to be included in the development of recovery plans in going forward.

The Committee
Recommended that Council;

i) notes the contents of the report and endorse the proposed broad areas of labour market intervention designed to help mitigate these impacts. These include Careers Information & Guidance, Health & Wellbeing, Apprenticeships, Skills Academies, Employer Incentives and Supporting Inclusion in Education.


Open for Information

BC96/20  Informal Catering Tender

The Head of Culture provided the above report, a copy of which was previously circulated to Members. The purpose of which was to inform Members of the outcome of the Informal Catering Tender for the Museum & Visitor Services Premises.

Members noted the content of the report and the appointment of Synge and Byrne for the Museum & Visitor Services Informal Catering.

BC97/20  Rural Development Programme Update

The Head of Business provided the above update report to Members regarding the NI Rural Development Programme 2014-2020.

Members noted the above report for information.

BC98/20  PEACE IV Update

The Head of Business provided the above report in order to update Members on the implementation of the DCSD Council PEACE IV Programme.
Members noted the above report for information.

**BC99/20 Business Innovation and Growth Programme**

The Head of Business provided the above report, the purpose of which was to advise Members of the appointment of Full Circle to deliver the Business Innovation and Growth Programme (BIG) as a result of a CPD tender process.

The Members noted the contents of the above report for information.

**BC100/20 Alley Autumn/Winter Programme**

The Head of Culture provided the above report in order to inform Members of proposed adjustments to the Alley Autumn/Winter 2020 Programme.

Members noted for information the revision to the proposed Alley Autumn/Winter Programme.

**BC101/20 Online North West Cultural Exchange**

The Head of Business presented the above report a copy of which was previously circulated to Members. The purpose of the report was to inform Members of ongoing support provided to the Culture Sector during the Covid 19 crisis.

Member noted the above report for information.

**BC102/20 Strabane, Mournederg and Glenelly New Business Seed Grant**

The Head of Business provided the above report, a copy of which was previously circulated to Member. The purpose of the report was to update Members on New Business Seed Grants issued through the Strabane Town Forum and Mournederg and Glenelly Action Plans.

Members noted the above report for information.

*The meeting went into confidential business.*
Present:- Alderman Devenney (in the Chair), Aldermen McCready, McKane and Ramsey; Councillors Boyle, Burke, Carr, Durkan, Edwards, Fleming, Jackson, McCann and McHugh.

In Attendance:- Director of Environment and Regeneration (Mrs K Phillips), Head of Environment (Mr C Canning) and Committee Services Assistant (Ms N Meehan).

ER113/20 Notice and Summons of Meeting
The Director of Environment and Regeneration read the Notice and Summons for the Meeting.

ER114/20 Member Attendance and Apologies
The Director of Environment and Regeneration took the roll call and recorded an apology from Councillor Dobbins.

ER115/20 Declaration of Members’ Interests
There were no Declarations of Members’ interests.

Open for Decision

Chairperson’s Business

E116/20 Staff Mobile Telephones
Alderman Ramsey said that although Members had advised previously that private mobile phones had been removed from staff, it had recently become apparent that this was not the case. He referred to a notice which had been issued to staff regarding personal mobile phone usage. He continued that Members’ had now been informed that personal mobile phones were to be placed in lockers during shifts but could be accessed at lunch-time and break-time and queried if this was
a breach in policy. He referred to this practice and possible links to whistleblowing and sought information in regards to the current position.

The Director of Environment and Regeneration thanked the Member for bringing this to her attention. She undertook to liaise with Council’s Lead Human Resources Officer regarding this matter and clarify the position accordingly.

Alderman McKane requested that Members were furnished with a copy of the policy relating to the use of personal mobile phones by employees. He referred to the importance of mobile phones for lone-workers.

The Director of Environment and Regeneration undertook to discuss the matter with the Chief Executive and the Lead Human Resources Officer. She stated that such matters were usually dealt with between Officers and the relevant Trade Unions etc through agreed mechanisms. She undertook to ensure that all issues were addressed through the appropriate channels. She referred to a number of Council policies all of which were available to Members.

**ER117/20 Dog Fouling**

Councillor Carr expressed concern that the previous week an elderly lady, whilst visiting the City Cemetery, had found dog foul on her son’s grave which she found extremely upsetting. He referred to the need to have this issue addressed and prevent dogs from entering the City Cemetery and fouling on graves.

The Head of Environment advised that signage at the City Cemetery had been reviewed and officers were currently working with Dog Wardens regarding City Cemetery. He undertook to have the situation further reviewed with a view to increasing signage. However, he pointed out that as the Cemetery was now open to the public it would be a matter of policing the situation.

The Chairperson acknowledged the sentimentality involved in such a situation.

**ER118/20 Giant Hogweed Across Council Area**
Councillor Edwards referred to the presence of Hogweed across the Council district and especially in Sion Mills. He pointed that the area along the river bank was completely blighted with this weed and queried what action could be taken to address this problem.

The Head of Environment acknowledged the danger of Giant Hogweed and referred to a number of reports previously presented to Committee on this issue. He stated that this represented a major problem along waterways where its seeds were easily dispersed. He stated that measures were taken to eradicate this problem on Council lands. However, it was a matter for land owners to tackle the problem on private lands. He undertook to present a report on the matter to the September Meeting of Committee.

**ER119/20 Confirmation of the Open Minutes of the Environment and Regeneration Committee held on Wednesday 10 June 2020**

The Open Minutes of the Environment and Regeneration Committee (ER84/20-ER107/20) held on 10 June 2020 were agreed and signed by the Chairperson as correct.

**Matters Arising**

**ER120/20 Covid19 Works on the Quay (Ref ER89/20)**

Councillor Jackson referred to concerns expressed by his Party colleague regarding the possibility of a licence being presented to Council in respect of the storage of coal at Bay Road. He said he understood that a meeting had been arranged between elected representatives and local residents to discuss this issue. He said he had been requested by his Party colleague to bring the concerns expressed by local residents to the attention of this Committee and requested that a report thereon be presented to the relevant Council Committee.

The Director of Environment and Regeneration advised that this matter was the responsibility of Council’s Environmental Health Department who reported to the Health and Community Directorate. She suggested that the matter be raised at a Meeting of that Committee the following day. She said she understood that the Head of Environmental Health together with various other Officers had met with residents of the area on site to discuss the issue. She undertook to raise the issue of the permit process with the Director of Health and Community.
Councillor Durkan pointed out that a number of Members had been contacted by residents of the area. She referred to the importance of this issue being addressed given Council’s position on climate emergency and the need for a move away from the use of fossil fuels and a shift towards renewable energy sources. She stated that notwithstanding that this was not the relevant Directorate, given Council’s position in regards to climate emergency and the expertise which existed within the Environment and Regeneration Directorate there must be better cross departmental consultation. She referred to the significance of the green infrastructure plan for this area in regards to this issue and pointed out that this was a very popular walkway which rendered this a City wide issue. She said she also understood that DAERA had carried out a recent examination of the site in regards to water contamination whether or not this was related to this specific application. She also referred to the issue of air pollution and pointed out that this was a major aspect in regards to Council’s climate pledge and environmental health in general. She stated that residents and the general public were seeking peace of mind regarding this issue and sought assurances that Council’s Climate Manager would be fully engaged in the consultation process.

The Director of Environment and Regeneration undertook to ensure that the Climate Manager would be involved in the consultation process. She pointed out, however, that this was a specific statutory licence application process which enabled certain things to be taken into consideration. The application process, however, did not unfortunately include wider environmental issues. She referred, however, to the possibility of raising the matter with central government to request that the process address the wider environmental issues involved.

Councillor Durkan whilst acknowledging the comments made by the Director of Environment and Regeneration pointed out that there were a number of legislative gaps e.g. that there was currently no clean air legislation. However, Council did have its Climate Emergency Policy. She pointed out that the regulations governing this particular application process had been established in 2013 and there had been significant progress in terms of climate and the environment since that time. She concluded that there were policy gaps which Council would have to address.

Councillor McCann said like other Members he had also attended Meetings at this site and had met with residents of the area. He
referred to the fact that many of the residents from the surrounding area would be considered vulnerable. He said the issues raised were not as a result of general hysteria but due to the genuine concerns of the residents of the area. Some residents had indicated that they were experiencing high levels of coal residue in their homes which would have to be tested. Many of the residents were seriously concerned regarding the legal situation. He referred to the wider considerations in that if Council were serious about combatting climate change and having clean air it must examine closely this application and the implications thereof. He reiterated the serious concerns and fears of local residents in regard to this application.

Councillor Donnelly who had also attended the onsite meeting pointed out that there was palpable anger among residents regarding the current situation and the fact that this company was operating without a permit. Some residents had pointed out that clothes drying on clothes lines contained a film of what was considered to be coal residue. This was not in accordance with Council's position in regards to climate emergency and the numerous plans for the area including the development of the Boom Hall site and the proposed new bridge. The residents did not want this development in the area and it was totally contradictory for the ambitious plans for the development of this riverfront site. He stated that residents had also complained that late at night there was constant traffic entering and leaving the facility and, given the current traffic situation in the Pennyburn area it would appear ludicrous to proceed with this development. He also pointed out that objections were not just from local residents but that thousands of people throughout the City and District were opposed to the proposal.

**ER121/20  Killen Recycling Centre**

In response to a request from Councillor McHugh for an update on the Killen Recycling Centre, the Head of Environment pointed out that as had been indicated at the previous Meeting of committee the solicitors were engaging with the vendors and these discussions were ongoing. He stated that information was now forthcoming from the sellers in regards to the amount of land to be made available and this was currently being evaluated by LPS. He pointed out that currently the main issue referred to the fact that the area of land being offered for sale was in excess of the amount required by Council and this would require consideration from a value for money perspective. It was
The Head of Environment presented the above report, a copy of which had previously been circulated. He pointed out that the purpose of the report was to advise Members of the monthly update from DAERA on progress in relation to Mobuoy Road remediation and to seek Members’ comments and recommendation with regard to the draft Terms of Reference suggested for the joint Task and Finish group involving Council and the Department of Agriculture, Environment and Rural Affairs (DAERA) to consider use of the Mobuoy post remediation.

The Director of Environment and Regeneration advised that it had not yet been possible to agree a date to meet with the Minister. However, Officers were currently liaising with the Minister’s Office to agree a suitable date as soon as possible. She advised that it was a matter for Members to decide whether the Meeting should take place in the Minister’s office observing social distancing or through Zoom. It would also be possible to invite the Minister to a Meeting in the City. She stated that the Minister had originally suggested that a sub-section of Committee Members address him in his office in Stormont. However, with the introduction of restrictions it was agreed that this would be carried out via Zoom.

Alderman Ramsey referred to the fact that more Members of Committee could attend the meeting if it were held through Zoom. He queried if the preparation process commencing 2018/19 through until 2021/22 had begun which was the Remediation Strategy and Approach.

The Director of Environment and Regeneration advised that the update received from DAERA stated that the Court Case was due to begin in early September and if this proceeded according to the intended schedule they would have more of an idea in regards to the timescales and deadlines for the project.

Councillor McCann acknowledged the start date for the Criminal Proceedings which had been scheduled for a long time. It was currently planned for 7 or 8 September, however, according to information from the Bar Library in Belfast this was unlikely due to the backlog of cases arising from COVID19 and they suggested that
realistically these proceedings would not start before the end of January 2021. He expressed concern at this considerably lengthy process and acknowledged that whilst Criminal Proceedings were ongoing Council was limited in what action it could take or the comments which could be made.

He then referred to the Mobuoy Remediation Task and Finish Group whose suggested eleven members consisted of representatives from Council, DAERA and SIB and expressed concern that none of these representatives had any experience in regards to campaigning against the situation at Mobuoy Road. He referred to a number of people who had campaigned passionately about Mobuoy Road and who had extensive expertise on the subject and questioned why they had not been invited to sit on the Task and Finish Group. He made specific reference to Paul Hughes of the Enagh Youth Forum, Nuala Crilly from the Gathering and Mary McGuigan from Zero West NW. These people had an extensive level of expertise beyond any of the other representatives of the Group. He stated that no one could challenge the level of expertise which these individual held and who through their constant endeavours had earned a place on this Group. He queried who was responsible for agreeing the membership of this Group without any representation from those most involved with this issue and those who had the practical and moral right to be represented on this Group.

The Director of Environment and Regeneration pointed out that as Members would recall DAERA at a Special Meeting of the Committee had requested Council to establish a Task and Finish Group with Council to consider the remediation of the Mobuoy Road site. She stated that no such Group had yet been set up. Members had requested that a meeting be arranged with representatives from DAERA to discuss a terms of reference for such a Group and to examine possibilities for the site following remediation. She stated that clearly Council wished to set out a terms of reference in regards to how this would work, however, no Group had as yet been set up.

The Director of Environment and Regeneration stated that if Members wished the Group to include other stakeholders this could be relayed to DAERA. However, it was currently within Council’s control to either agree to set up the Group or not. Whilst DAERA had requested that Council establish this Group, Council was entirely entitled to refuse this request. However, if Members wished to change the suggested makeup of the Group and suggest that it operated in a different way
and involved representatives from outside Council and DAERA this could be responded to DAERA. She reiterated that if Members were opposed to DAERA’s proposal Council was entitled to refuse this or indeed progress with this in a different manner.

Councillor McCann said he had been misled regarding the suggested make-up of the Group. However, he was happy to move in another direction with his suggestions regarding membership of the Group being taken on board. He also referred to a previous visit from representatives of Kildare County Council who had described how they had developed a former waste facility which had sounded most impressive. He referred to the possibility of consulting with school children and teachers regarding the future development of the site following remediation perhaps as an educational or nature resource. It would be encouraging if this currently toxic site could be developed in the future into something positive for the whole community. He suggested visiting Kildare County Council to view the work they had carried out.

Councillor Fleming referred to the proposed meeting with the Minister and suggested that a meeting with the Minister be held observing social distancing. He expressed concerns at the possibility of further delays in terms of the remediation of the Mobuoy site. He referred to the possibility of the work to be carried out by the integrated team proceeding regardless of the pending Court Case. He stated that in terms of the remediation of the site he felt there had always been an understanding that the future development of the site post remediation would involve a wider stakeholder involvement. He welcomed Councillor McCann’s proposal that the Task and Finish Group include a people with a wider remit and insight. He also agreed that a visit to Kildare County Council to view and discuss the work carried out by them and what they consider best practice would prove beneficial in terms of the remediation of this site.

The Director of Environment and Regeneration advised that Officers would enquire from DAERA in regards to the integrated consulting team and requested that this is included in their next update to Committee. Officers would also consider the feasibility of, given the current circumstances, a site visit for Members to Kildare County Council as soon as possible.

The Chairperson suggested that the Minister be invited to address the Committee as opposed to Members attending a Meeting at his office in
Stormont. He agreed that a wider consultation grouping involved in the remediation process would prove more beneficial. He also welcomed the suggestion to visit Kildare County Council.

The Committee

**Recommended**

(a) that a Council delegation visit Kildare County Council to examine the work carried out by them in regards to the remediation of this former waste site;

and

(b) that Council advise DAERA to reconsider the composition of a Task and Finish Group with Council to include community representation.

**ER123/20 Waiver of Burial Charges – Update**

The Head of Environment presented the above report, a copy of which had previously been circulated. He advised that the purpose of the report was to update Members with regard to the waiver of burial fees and seek comments and recommendations on these arrangements following announcements by the Northern Ireland Executive with regard to the numbers permitted to attend burial services.

Councillor Boyle suggested that the burial charges were reintroduced at a rate of 50% of the original fee over the coming three months.

Subsequently Councillor Boyle Proposed

**That burial charges are reintroduced at a rate of 50% of the original fee over the coming three months.**

Councillor Jackson said it was his Party’s opinion that given the recent easing of restrictions around funerals and the reduction in the number of COVID19 related deaths, the time was now right to reinstate burial charges with a caveat that if a second wave occurred and restrictions were reintroduced, the matter would be reviewed. He acknowledged that there had been communication with DfC regarding financial support for those experiencing financial difficulties in regards to funeral costs and enquired if the 50% reduction would eliminate them from
assistance from DfC. Essentially would Council be placing an additional financial burden on those affected by imposing a 50% fee.

The Head of Environment said he understood that burial charges were covered as part of the claim. However, he was unsure of whether or not these were means tested. He said any charges applied by Council which could be recovered by individuals would be covered under the scheme.

Alderman Ramsey stated that this was one of the most important moral decisions taken by Council for those individual families who were unable to attend the funeral service of their loved ones. However, he did agree that as the restrictions around funerals had eased somewhat with the possibility of further easing in the future, he felt that it was time to reintroduce burial charges. However, if further restrictions were imposed in the future the situation be reviewed.

Alderman McKane also agreed with the reinstatement of burial charges at this stage given the easing of restrictions and the reduction in deaths and the fact that this Council area had a significantly low death rate from COVID 19. The matter would be left open for review if there were any changes in the situation.

Councillor Carr also agreed with the reintroduction of burial charges at this stage with the caveat that they would remain waived for families who had lost a loved one as a result of COVID19. He further suggested that the situation be kept under review.

Councillor Boyle acknowledged the views of other Members that the burial charges be reinstated at this stage. He pointed out that although restrictions around funerals had been eased the hardship many families and individuals were facing remained.

The Director of Environment and Regeneration reminded Members of the support systems offered by the Department for those people who were on benefits and would grant a specific sum towards funeral costs and burial fees. Those people who were entitled to these costs, regardless of the reinstatement or level of Council’s fee, would continue to receive the set amount from the Department regardless of the 50% or 100% Council charge. She also reassured Members that if it was agreed to waive the fees of individuals who had died as a result of COVID19, Council would have no difficulty in processing this through Funeral Directors.
Councillor Boyle welcomed the advice but pointed out that there were many who would not qualify for this payment. He welcomed Councillor Carr’s proposal in regards to COVID19 related deaths.

It was Proposed

That

(a) that Council reinstate burial charges with a caveat that if restrictions were reintroduced the situation be reviewed; and

(b) that burial charges be waived in respect of those individuals who died as a result of COVID19.

The recommendation on being put to the vote was declared carried their voting For – 10, Against – 0, Abstention - 1.

Subsequently the Committee

Recommended

(a) that Council reinstate burial charges with a caveat that if restrictions were reintroduced the situation be reviewed; and

(b) that burial charges be waived in respect of those individuals who died as a result of COVID19.

ER124/20 Climate Change Emergency Pledge

The Head of Environment 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 with regard to the adoption of a Climate Change Emergency Pledge, supported by an Action Plan formalising Council’s commitment to its Declaration on Climate Change.

The Director of Environment and Regeneration Officer referred to a further recommendation which should have been included for Members’ adoption of the Climate Change Adaptation Plan. She stated
that this was a detailed document and would have been accessible at the Working Group with the Climate Manager. She continued that if the Plan was adopted it would be possible for the Climate Manager to attend the September Meeting of Committee to provide Members with a detailed presentation on the Climate Plan.

Councillor Durkan pointed out that she had been in contact with the Climate Manager regarding a few changes to the Plan in terms of language and the need to capture the urgency of the situation. She suggested that the words “climate emergency” replace “climate change emergency” and the words “drastic actions required” replace “far reaching actions”. She emphasised that the whole idea of the Climate Emergency Motion moved by Council was that climate implications would be factored into every Council decision at every level and within every Department and the Environmental Health part (c) application at Bay Road was one such example of this. She welcomed the fact that Climate Awareness Training would be made available for staff and queried if this would be mandatory and what the uptake would be. She suggested that in all future reports a section be dedicated to the issue of climate issues e.g. air pollution and land contamination etc.

Councillor McCann referred to an issue which had been raised on numerous occasions with regards to transport infrastructure. He welcomed the recent absence of air travel as a result of Corona Virus. He felt it was very necessary as far as possible to eliminate types of travel which used fossil fuels e.g. motor cars and which injected poison into the air. He also referred to the need to expand rail travel and encourage greater use of trains and public transport. He referred to the possibility of the proposed upgrading of stage 3 of the rail network being further delayed until late 2022. He referred to the need for this to be addressed as a matter of urgency and suggested that Council arrange to meet with the Minister to discuss this matter and reinforce that Council will not tolerate any further delay in the upgrading of the rail network. He stated that this matter had been ongoing for many years and expressed concern regarding the future of the rail network if further delays in the stage 3 upgrading works were imposed.

He suggested that Council contact the Executive and state that any further delay in the commencement of the stage 3 works of the Derry railway line would be totally unacceptable to Council.

Councillor Burke welcomed the report and acknowledged the seriousness of the climate emergency issue. She referred to the need
for a collective approach in order for Council to achieve its objectives. She referred to the need for a plan which addressed all of the necessary issues. She said her Party would be happy to support the Action Plan, and the Adaptation Plan and a detailed presentation by the Climate Manager to the September Meeting of Committee.

In response to a request from Councillor Edwards, the Director of Environment and Regeneration undertook to provide an update on the announcement by Minister Poots earlier in the year regarding tree planting.

The Committee

Recommended that Members adopt the Climate Change Emergency Pledge, the Adaptation Plan and associated action plan; and

(b) Proposed to write to the Minister requesting an update on the current position in regards to the commencement of works on stage 3 of the rail network.

**ER125/20 Eglinton Village Green**

The Director of Environment and Regeneration presented the above report, a copy of which had previously been circulated. She advised that the purpose of the report was to provide an update to Members on the Eglinton Village Green Play Provision and consider the need for additional funding underwrite of £15,000 towards the overall project funding shortfall.

Councillor Fleming welcomed the above scheme

The Committee

Recommended that Council allocate £15,000 form in-year capital savings 2020/21 towards the project towards the OB.

**Open for Information**

**ER126/20 Building Control Applications**
The Head of Capital Development and Building Control presented the above report, a copy of which had previously been circulated. He pointed out that the purpose of the report was to advise Members of applications processed under Building Regulations (NI) between 1 May and 31 May 2020.

Members noted the content of the report.

**ER127/20 Proposed Provision of Disabled Parking Bays Across the District**

The Director of Environment and Regeneration presented the above report, a copy of which had previously been circulated. She pointed out that the purpose of the report was to advise Members of correspondence received in February, March and June 2020 from DfI Network Development Section regarding proposed disabled parking bays at Lawrence Hill, Chapel Road and Castleview Terrace, Castlederg.

Members noted the content of the report.

**ER128/20 WEEE and Batteries Tender Update**

The Head of Environment presented the above report, a copy of which had previously been circulated. He advised that the purpose of the report was to update with regard to arrangements relating to collection and treatment of redundant electrical equipment (WEEE) and Batteries Contract.

Members noted the content of the report.

**ER129/20 Muff Glen Footbridge**

The Head of Environment presented the above report, a copy of which had previously been circulated. He advised that the purpose of the report was to update Members on the issues regarding the damaged footbridge in Muff Glen, Eglinton.

Councillor Fleming welcome the above scheme.

In response to a suggestion from the Director of Environment and Regeneration, Members agreed that Officers write to DAERA requesting an update in regards to this issue.

Members noted the content of the report.
The Meeting then went into Confidential Business.
Derry City and Strabane District Council

Open Minutes of the Meeting of Health and Community Committee of Derry City and Strabane District Council held in the Guildhall, Derry on Thursday 9 July 2020 at 4.00pm.

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Present: - Alderman McKane (Chair); Aldermen Devenney and Warke; Councillors R Barr, Burke, Duffy, Edwards, Farrell, Ferguson, Harkin, Logue, McHugh and Mooney.

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 (Mrs T Johnstone).

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HC109/20 Notice and Summons for Meeting

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

HC110/20 Members Attendance and Apologies

The Director of Health and Community recorded Members attendance. Apologies were received from Councillor Reilly.

HC111/20 Statement for Remote Meetings

The Chair read the statement for remote meetings.

HC112/20 Declarations of Members’ Interests

Councillor Duffy declared a personal interest in the following agenda item:

- No. 4: Deputation: WHSCT

Alderman Devenney and Councillors Burke, Duffy, Harkin and Logue declared a non-pecuniary interest in the following agenda item:

- No. 8: Advice Services Tribunals/Appeals Programme.

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Alderman Warke and Councillors Burke, Ferguson and Logue declared a non-pecuniary interest in the following agenda item:

- No. 17: Grant Aid Programmes – Covid-19.

Open for Decision

HC113/20 Deputation – to receive Ms Deirdre Mahon, Director of Women and Children’s Services and Mr Kevin Duffy, Assistant Director of Community and Public Health, WHSCT, to present on Children’s Mental Health and Emotional Wellbeing.

The Chair welcomed the representatives from the Western Health and Social Care Trust (WHSCT) to the meeting and invited them to make their presentation.

Ms Mahon thanked Members for the opportunity to present to Committee and provided an overall introduction to the presentation.

Mr Duffy proceeded to give a presentation to Members and highlighted the following:

Firstly, Mr Duffy explained the context of the setting of mental health in children and young people. He stated that the challenges faced with those working with children and young people was the ability to recognise that a child may be struggling with mental health. He explained that the term mental health referred to an individual’s cognitive, behavioural and emotional wellbeing and that mental health problems, conditions and illnesses may or may not be medically diagnosed. He stated that any child or young person could develop mental health issues, however research had shown a number of factors associated with children and young people’s long term mental health included abuse and neglect, additional needs and disabilities, life events such as traumatic situations and experiences, adverse childhood experiences, living in care and LGBTQ+ children and young people.

Continuing, Mr Duffy noted that 50% of mental health issues arose in young people before the ages of 14 years with 75% at the age of 18. He stated that prior to the Covid-19 pandemic, research suggested that 35% of those aged 11-16 in the North had experienced some concern or worry regarding their mental health. He advised that of this cohort, 39% sought help with the most common sources of support being
family and friends, 24% attended a GP whilst 13% required support from CAMHS.

Staffing and Services
- Structure – the service comprises of a specialist multi-disciplinary team of medical, social work, nursing and psychology staff
- CAMHS has 42 established posts throughout the Western Trust area with bases at Woodleigh House, Riversdale in Omagh and a site in Fermanagh
- Service Delivery was based on the stepped care model of mental health
- Referrals to the service comes predominately through GPs – referrals also from social work teams within the Trust and also Educational Psychology
- Services provided by CAMHS includes an eating disorder service, drug and alcohol, treatment for anxiety, depression, previous or current suicidal thoughts.
- Crisis team in place for urgent referrals that required an immediate response
- Challenges such as Recruitment and Retention and Skill Mix and Specialist Services
- The loss of 10 staff to the multi-disciplinary teams had a major impact on the service
- Highly skilled staff required with intense training to enable staff to work effectively and to capacity to provide a quality service to children and young people.
- Vacancy for psychiatry staff – specialist service therefore difficulty in recruiting 2 vacant posts – successful applicant accepted a post in another part of the region – competing for a small number of qualified psychiatrists.

CAMHS referral information for 2019/20
- 2,629 referrals received with 2,107 referrals accepted (80%) with 900 (45%) from the Derry area and 189 from the Strabane area (9%)
- 1,200 active cases within the service
- Referrals under categories such as eating disorders, primary mental health and drugs and alcohol.
- Demand continues to outweigh capacity which increases to impact on services with referral rates continuing to rise

Covid-19
• Impact on service – staff continued with all face to face urgent assessments and interventions during the emergency period
• Non-emergency appointments were carried out remotely with helplines in place to provide psychological support
• Decline in routine referral rate of 64% to CAMHS for the period of March to May 2020 with a 68% reduction in referrals accepted
• Factors associated with reduced demand included school closures and lack of GP appointments.

Reset/Rebuilding Services
• Covid-19 safe environment – protecting staff and service users
• Listening to staff and service users and building on experience
• All emergency, urgent and priority cases seen face to face
• All active cases reviewed remotely
• New ways of working – virtual clinics and flexible working hours

Future Direction
• Maximising opportunities for multi-agency and cross sector working such as emotional wellbeing teams in schools (EWTS)
• Prevalence Study of Children’s Mental Health with informed decision making, service/planning and development and funding allocation
• Improve the Care Pathway for acute care integrated with key services such as Emergency Departments
• Strengthen the response for children and young people based on a Single Point of Entry (SPOE) that supports early and timely intervention that was not predicated on a diagnosis.

The Chair thanked Mr Duffy for the detailed and informative presentation and invited comments from Members.

Councillor Farrell thanked the presenters on the informative presentation. He stated that the service carried out a tremendous job across the city and district. He referred to the waiting list for a young person to access the CAMHS service and noted that the ministerial target was that no child or young person should wait no longer than 9 weeks. He noted that the waiting list for April 2020 was 488 compared to 116 in April of 2019. He stated that Covid-19 may have been a factor however, January of 2019 was 86 compared to January 2020 with 329. He enquired if the vacant posts within the service was the only contributing factor and what steps were being taken to reduce the waiting times.
In response, Mr Duffy stated that the main contributing factor was the loss of 10 staff. He advised that the service was online to meet targets, however the impact of losing that number of staff was extremely significant. He stated that the induction and training of staff was a much slower process due to the high skill levels involved and to ensure that staff were adequately trained. He advised that a plan was now in place to address and review the waiting times and it was hoped that within the next few weeks there would be a significant reduction in those figures.

In addition, Ms Mahon stated that it was difficult to recruit and retain psychiatrists to the service. She stated that on 3 occasions staff had left as they had received a better offer elsewhere. She hoped that the Graduate Entry Medical School (GEMS) at Magee would assist in attracting medical staff to work in the city and district. She stated that the service would have to be re-organised in order to achieve the required results such as developing various pathways for children who may be clinically unwell. She stated that other children who may suffer with emotional difficulties may not necessarily need to see a psychiatrist for treatment.

Continuing, Ms Mahon highlighted the significant increase in demand to the service (35%) with very little investment in the service. She hoped that the Mental Health Action Plan by the Department of Health would provide some funding towards mental health services. She expressed concern however, that funding would be allocated to adult services. She stated that children with difficulties at a young age would become adults with mental illness, therefore early intervention was important. She further stated that the service was committed to preventing children being referred to CAMHS and work was ongoing on how to integrate childcare services as a whole to ensure that support was provided to children and families at an early stage.

Alderman Devenney welcomed Mr Duffy and Ms Mahon and thanked them for the presentation. He stated that a tremendous service was delivered by CAMHS which had been exacerbated by the Covid-19 pandemic. He noted the age ranges from 11-16 year, 35% showing signs of mental health issues which he described as worrying. He stated that those statistics would significantly rise at the end of the emergency period, therefore the Mental Health Strategy by the Department of Health was of the utmost importance. He stated that there was a hidden percentage of young people who did not have the confidence to present themselves with mental health issues and
suggested that the Plan included building confidence in young people at school level to instil reassurance for that age group to come forward if they were experiencing any issues.

Councillor Ferguson referred to active cases reviewed on a remote basis and asked if there had been any issues with children and young people not being able to access the remote facility due to poverty issues. She stated that whilst she welcomed the emotional wellbeing teams visiting schools she felt that EA resources concentrated on the older school age range rather than key stage 1 or 2. She suggested that the younger age group be included to help build on a child’s resilience and openness to be able to speak about mental health issues at an early age.

In response, Ms Mahon stated that some families had been unable to gain remote access to the service as they did not have access to either a device or WiFi and they were liaising with the Education Authority on the matter. She advised that social workers have been provided with mobile phones and laptops to use with families wishing to use the remote service. She agreed that it was a particular challenge to those families on low income and she has raised the matter regularly with the Trust, Health and Social Care Board and Department of Health and welcomed assistance from Council on the matter.

Mr Duffy advised that the programme to visit schools was a new initiative that would include children of primary school age to instil an early awareness of mental health issues.

Councillor Logue concurred with the sentiments expressed by Councillor Ferguson regarding the emotional wellbeing programme in schools. She stated that such an initiative would be most welcome as teachers in schools were overwhelmed with pupils with mental health issues and asked that the programme be actioned as quickly as possible. She commented on the numbers of young people referred to CAMHS and asked if there was any reason why someone would not be accepted to the service. She then referred to the recruitment and retention of staff and stated that although the issue was very worrying, she was not surprised as it was an issue across all health disciplines throughout the Western Trust area. She stated that staff were offered posts but subsequently accepted more attractive positions which she described as an inequality. She stated that it was important for Council to act on the matter. She proposed that Council write a letter to the Western Health and Social Care Board and the Department of Health to
emphasise that some incentives needed to be given to entice workers in the health care sector to work in this Council area.

Continuing, Councillor Logue noted the referral rate during the Covid-19 pandemic and that many Elected Members had received numerous calls from constituents regarding access to GP services which were disseminated during the emergency period. She stated that the reinstatement of GP services should be prioritised and asked that this be included in the correspondence.

In response, Mr Duffy stated that a triage system was in place to establish if the patient would benefit from the CAMHS services. If they did not require the service, they would then be signposted to other types of essential services that were available to them.

Ms Mahon advised that there were complex reasons for the reduction in referrals during the emergency period. She stated that lack of GP provision and school closures were important factors. However, on a positive note, children were spending more time with families which perhaps resulted in less need for them to be referred to the service. In relation to staffing and retention, she thanked Councillor Logue for her support. She advised that it was a geographical issue as staff salaries were at a standard rate throughout Northern Ireland. She hoped that the Graduate Entry Medical School at Magee would be helpful in this regard.

Councillor Harkin concurred with the sentiments expressed by the previous speakers. He stated that staffing was important and should be adequately funded as mental health had not received the attention it deserved. He further stated that whilst there was great work being undertaken in regard to mental health, there were fundamental problems in society that significantly contributed to people’s mental health, such as poverty and deprivation. He noted that recent studies had indicated that the biggest contributing factor to poor mental health was poverty and deprivation. He stated that mental health affected all classes of people including working families in the city and district. He noted that the Department for Communities had carried out a study prior to the Covid-19 outbreak which found that absolute poverty levels had increased in the North. He stated that children living in impoverished households would be impacted by the additional stress and worries which were contributory factors to poor mental health in children and young people. He stated that the core issues
must be considered otherwise mental health would not be fundamentally addressed.

In response, Ms Mahon stated that she concurred wholeheartedly with the comments made by Councillor Harkin. She stated that work carried out in 2018 by Queen’s University, Belfast and the University of Leicester on childcare inequality, showed a direct link between poverty and children coming into care and those placed on the child protection register. She advised that the service has been reviewing its strategy with a vision on different approaches as poverty, drugs and alcohol abuse, unemployment, domestic violence are all connected, therefore early intervention was a priority. She stated that during the emergency period, Council was very much involved in community mobilisation towards helping vulnerable and shielded members of the community. She advised that a similar group has been set up within the Trust to look at different strategies to support and assist families in crisis. She advised that the focus was towards early intervention and that the Trust was working within links to Council’s Community Plan. She stated that it was important that all agencies worked together to make the city and district a great place for a child to grow up in.

Councillor Duffy welcomed the representatives and thanked them for the presentation. She expressed concern that the team within the service was small in comparison to the amount of referrals to the service. She stated that her work involved assisting the homeless and advised that over 100 young people in the Western Trust area who were homeless had displayed signs or symptoms of mental health issues. She expressed concern that whilst the referral rate had dropped, young people were not being provided with essential services during the emergency period which would result in an increase in demand for the service post Covid-19.

Continuing, Councillor Duffy stated that whilst she welcomed the introduction of the Mental Health Action Plan, she expressed concerns regarding allocation of funding towards mental health services. She stated that mental health was a completely underfunded area of the health service and this should not be allowed to continue. She stated that she welcomed the news that the Graduate Entry Medical School at Magee would receive the necessary funding. She stated that her Party was aware of the challenges ahead and fully supported the efforts of the service to ensure that the required highly skilled professionals were put in place. She asked if the service had liaised with Council’s Children and Young People’s Officer with regard to collaborative working.
In response, Ms Mahon stated that the Children and Young Person’s Officer was a member of the Western Outcomes Steering Group. She advised that prior to the pandemic the group had been looking at the children’s plans from Derry City and Strabane District Council, Omagh and Fermanagh District Council and Causeway Coast and Glens Borough Council on how they could be linked to work on a collaborative way forward.

Mr Duffy stated that in his opinion, CAMHS had led the way, particularly through its partnership with Derry City and Strabane District Council, Fermanagh and Omagh District Council and WHSCT and their involvement in the Community Planning process. He stated that the service was at the point of attempting to action those plans. He explained that his appointment as Assistant Director of Community and Public Health was recent, however he swiftly learned that the service has very committed and dedicated staff. He stated that the service had received an increase in referrals over the past few years, with an expected further increase post Covid-19. He stated that unfortunately, the increase in funding and resources accompany the rise in referrals.

Alderman Warke referred to the decrease in referral rate over the emergency period and expressed concern that there may be an avalanche effect of cases to the service. He enquired what the current waiting time was for young people to access the service.

In response, Mr Duffy stated that the decrease rate of referrals during the emergency period was a complex and multi-faceted issue with various reasons for the decrease in numbers such as young people being able to get support from family members. He stated that the school environment could be stressful for some children, particularly those with ADHD or other disabilities. However, being in the home environment during the emergency period was a factor in the decrease as not attending school had reduced their anxiety. In relation to the waiting list and the breach of the 9-week target, he explained that there were currently 400 children and young people on the waiting list longer that 9 weeks. He stated that there was a plan in place to reach a percentage decrease in that number and was hopeful that the service was making successful progress in this regard. He stated that he had every confidence that the service had the flexibility required to deliver the service, albeit it would not be a traditional type service. He stated that the new pathway would be more important than a diagnostic or assessment type process to enable families to receive the necessary
intervention. He stated that those who required an urgent response to the service during the emergency period had received it.

Ms Mahon advised that the 9-week target had been set for a child to see a psychiatrist or psychologist. She stated that the service was considering a different way forward which would include staff with alternative skills and approaches. She stated that it was important to consider different approaches as it was unacceptable for children to be placed on waiting lists to access a vital service such as CAMHS. She stated that there would be a significant increase in referrals across the entire Health Service. She advised that plans were in place in the event of a second surge of Covid-19 with regulations on social distancing and staff shielding still in place and plans for reduced capacity.

The Chair thanked Mr Duffy and Ms Mahon and stated that the service carried out complex work that was appreciated by Members. He stated that mental health was massively underfunded and that he and his party colleague continually lobbied the Minister for Health on the matter.

Councillor Logue Proposed, Seconded by Alderman Devenney

That Council write a letter to the Western Health and Social Care Board and the Department of Health to emphasise that some incentives needed to be given to entice workers in the health care sector to work in this Council area. Also, that the reinstatement of GP services be prioritised.

Members unanimously agreed and the Committee

Recommended that Council write a letter to the Western Health and Social Care Board and the Department of Health to emphasise that some incentives needed to be given to entice workers in the health care sector to work in this Council area. Also, that the reinstatement of GP services be prioritised.

HC114/20 Disabled Toilet Provision in Castlederg

Councillor Edwards thanked the Chair for allowing him to raise the issue of the lack of disabled public toilet provision in the Castlederg
area. He stated that in his opinion, Castlederg had been disregarded by Council on the matter. He noted that Council’s current arrangements included four premises that provided public toilets in Castlederg due to the closure of the public toilets in the area. However, of those current providers in the private sector, one of those premises was closed due to Covid-19 and other shops had raised concerns regarding the requirements for social distancing. He asked that a report be brought to highlight what engagement has taken place with service users in Castlederg and to consider options to take forward including re-opening of the public toilets.

Councillor McHugh assured Councillor Edwards that the issue had been discussed at Committee on numerous occasions and that Castlederg has been adequately represented on the matter by both him and other party representatives. He advised that as Chair of the Committee when the recommendation was endorsed in 2017 to close the public toilets in Castlederg, he noted that the recommendation came from a cross-party working group set up to evaluate Council toilet provision across the city and district. He advised that the working group had established that maintaining the automatic toilet facilities in Castlederg and Victoria Market in Derry would cost the ratepayer £30,000. Therefore, it was recommended that those facilities close.

Continuing, he advised that he would not have supported the recommendation unless other measures had been put in place to ensure adequate toilet provision would be available in Castlederg. He noted that a further recommendation was endorsed to implement a community toilet scheme with a feasibility study carried out on toilet provision in conjunction with the Derg Spaces Project at the Castle Site. He stated that a number of businesses in the area had signed up to the community toilet scheme and that Derg Valley Leisure Centre was also available with enhancement of those facilities under consideration. He asked the Head of Health and Community Wellbeing to provide a further update on the matter. He reiterated that the decision to endorse the recommendation was taken unanimously and with due consideration. He stated that a member of the public did not accept the decision made by the Committee. He advised that Officers had met with that person, however they were still not satisfied with the decision and had every right to attempt to have the decision rescinded.

Councillor Ferguson suggested that consideration for a Changing Places facility be included in the report.

The Head of Health and Community Wellbeing advised that it was recommended that the automatic public toilets closed in 2018. He
stated that it was agreed by the cross-party working group that a Community Toilet Scheme would be implemented across the Council area. He advised that to date, 20 businesses and organisations were participating in that scheme which had resulted in improved toilet provision for the public.

He noted that one member of the public from the Castlederg area had raised ongoing concerns and that officers had held numerous discussions and meetings with this person on the matter. He advised that it had been decided to scope out what additional provision could be provided in Castlederg with particular reference to disabled facilities. He further advised that funding secured from the Department for Communities to install a Changing Places facility within Derg Valley Leisure Centre had been allocated and it was hoped to have those facilities available soon. He stated that currently, all public toilets remain closed due to the outbreak of Covid-19 with the matter being under review and an update report on toilet provision throughout the Council area would be provided at the September Committee meeting.

Alderman Devenney stated that disabled toilet provision was an ongoing issue. He enquired if businesses in Castlederg were aware of the Community Toilet Scheme and how many have participated.

In response, the Head of Health and Community Wellbeing advised that 20 businesses across the Council area participated in the Community Toilet Scheme, four of which were located in Castlederg. He stated that it was his understanding that three of those premises provided disabled facilities including youth disability provision. He stated that due to the easement of the coronavirus regulations, more businesses were re-opening and officers liaised with those businesses to ensure that additional cleaning measures were being implemented.

Councillor Edwards asked that the report also provide details of service user engagement since 2018 and suggested that Council engage with the community on the matter.

**HC115/20 Proposed Storage of Coal at Bay Road**

Councillor Duffy stated that Councillor Jackson raised the issue regarding the possibility of a licence being presented to Council in respect of the storage of coal at Bay Road at a recent meeting of the Environment and Regeneration Committee. However, it had been agreed that the matter was the responsibility of the Health and Community Committee. She stated that her Party Colleague had been
in contact with Council officers and residents from the area on the matter who had raised concerns regarding pollution from coal residue.

HC116/90 Delivery of Mail

Councillor McHugh stated that since the Covid-19 outbreak, he felt that Royal Mail was lacking in their delivery service, particularly in rural areas, such as Donemana, Castlederg, Killeter and Spamount. He stated that some people were only receiving mail once a week and that it was only parcels. He stated that there was a perception that parcel delivery was being prioritised as it proved more lucrative to the company. He stated that profit had taken precedence to providing a service to the people. He proposed that the committee writes to Royal Mail to highlight the issue and demand that Royal Mail is resourced to return back to normal service as it was prior to Covid-19.

Councillor R Barr endorsed the comments raised by Councillor McHugh and seconded the proposal. He stated that it was a known fact that parcels took precedent over letters. He also understood that one of the reasons for the reduction in service was that Royal Mail refused to pay overtime for staff to complete their deliveries.

Alderman Devenney expressed his disappointment on the matter and noted that Royal Mail had been praised for their work during the emergency period. He supported the proposal as it was important to make enquiries on the matter.

The Chair concurred with the sentiments expressed by the previous speakers and stated that there were excellent postal workers and that it was a management issue.

The Committee

Recommended that correspondence be sent to Royal Mail to highlight the issue regarding lack of deliveries, including to rural areas and demand that Royal Mail is resourced to return back to normal service as it was prior to Covid-19.

HC117/20 Proposed Reduction of Disabled Parking Bays at Altnagelvin Area Hospital

The Chair stated that it had come to his attention regarding a proposal to reduce the number of disabled parking spaces at Altnagelvin Area Hospital. He proposed that a letter be sent to the Western Health and
Social Care Trust (WHSCT) to request more information regarding the proposal to reduce these much needed spaces.

Alderman Warke advised Members that Gary Middleton MLA had written to the WHSCT on the matter and would provide an update once a response had been received.

Councillor Ferguson concurred with the sentiments expressed by the previous speakers and felt that the issue should be a priority matter for Council as those parking bays were necessary for those who needed to access their appointments at the hospital.

Councillor Duffy stated that Sinn Féin had also contacted the Trust on the matter to raise their concerns. She advised that the Party had received an unsatisfactory response and would be following up on the matter. She stated that she was supportive of Alderman McKane’s proposal and felt that staff and patients should not have to pay at all to park at hospitals.

Alderman Warke further proposed that a representative from Altnagelvin Area Hospital be invited to attend a Committee meeting to explain the reasons for the reduction in disabled parking bays.

The Director of Health and Community advised that a series of deputations were already approved by the Committee and that Council would be in recess during August. However, it was at Members’ discretion if they wished to prioritise a deputation.

The Chair felt that in his opinion, September would be too late and that Council should proceed to send a letter.

The Committee

**Recommended** that a letter be sent to the Western Health and Social Care Trust (WHSCT) to request more information regarding the proposal to reduce these much needed disabled parking spaces.

**HC118/20** Matters Arising from the Open Minutes of the Health and Community Committee held on Thursday 11 June 2020.

The Open Minutes of the Meeting held on 11 June 2020 (HC81/20 – HC102/20) were confirmed and signed by the Chairperson.

There were no matters arising.
Advice Services Tribunals/Appeals Programme

The Head of Community Development and Leisure presented the above report, details of which had been previously circulated to Members. The purpose of the report was to seek Members’ approval to extend the one-year pilot Tribunals/Appeals Programme for a further year until 31 March 2021.

Councillor Farrell endorsed the recommendation within the report. He stated that Advice North West and Dove House carried out tremendous work and it was essential that the people of the city and district had professional free and reliable advice when appealing against unjust decisions regarding the Personal Independent Payment (PIP) and Universal Credit. He further stated that the SDLP were of the opinion that the Department for Communities (DfC) should be responsible for the entirety of funding to the service.

Councillor Burke stated that her Party supported the recommendation. She stated that from working in the community she witnessed first-hand the benefit and the invaluable service provided by those organisations.

Councillor Harkin stated that his Party also supported the recommendation and concurred that DfC should fund the entire service. He welcomed that Council took its responsibilities seriously to ensure that people throughout the city and district received the required representation. He stated that with the increase in people applying for benefits, there would subsequently be more need for the service. He proposed that a meeting of the Welfare Reform Working Group take place as soon as possible to discuss the increase of people from the city and district in receipt of benefits. He stated that a review was being carried out in relation to PIP and other aspects of welfare reform and it was important for Council to have an opinion on that review.

The Committee
Recommended that Members (i) approve the extension of 9 months for the pilot Tribunals/Appeals Programme for a further year until March 2021 with allocation of £20,359 to Dove House, £10,179 to Resource Centre Derry and £30,540 to Advice North West and (ii) an urgent meeting of the Welfare Reform Group be convened to enable Council to give an opinion regarding the review of Welfare Reform.

HC120/20 Department of Justice Adult Restorative Justice Strategy Draft Response to Consultation

The Head of Community Development and Leisure presented the above report, details of which had been previously circulated to Members. The purpose of the report was to seek Members’ approval to the Department of Justice Adult Restorative Justice Strategy Draft response to Consultation.

The Committee

**Recommended** that Members approve the draft response to the consultation from the Department of Justice Adult Restorative Justice Strategy.

HC121/20 Local Air Quality Management (LAQM) – Offer of Grant from the Department of Agriculture, Environment and Rural Affairs (DAERA)

The Head of Health and Community Wellbeing presented the above report, details of which had been previously circulated to Members. The purpose of the report was to advise Members of receipt of grant offer from DAERA to assist Council in fulfilling its ongoing obligations in relation to Local Air Quality Management and seek Members’ approval for the development of additional air monitoring capability.

The Committee
Recommended

that Members note the grant offer from DAERA for the period April 2020 to March 2021 for the continued essential air quality monitoring and agree that extra costs associated with additional monitoring capability be obtained from existing budget lines.

HC122/20 Update on Affordable Warmth Scheme for 2020/21
The Head of Health and Community Wellbeing presented the above report, details of which had been previously circulated to Members. The purpose of the report was to update Members on proposed changes to the Affordable Warmth Scheme and the revised level of funding that has been awarded to Council by the Department for Communities (DfC) with respect to delivering the Affordable Warmth Scheme for the 2020-21 financial year. He further advised that the report sought all Party and 1 Independent Member nominations to sit on the Affordable Warmth Task and Finish Working Group.

Alderman Devenney queried if nominations to the working group were required to be Members of the Health and Community Committee.

The Director of Health and Community clarified that the recommendation endorsed at the meeting of the Health and Community Committee on 11 June 2020 advised that nominations were required as one from each party and an Independent Member of Council.

The following Members were nominated to sit on the Affordable Warmth Task and Finish Working Group:

Councillor Logue SF
Alderman Ramsey DUP
Councillor Ferguson Alliance
Councillor Harkin People Before Profit
Councillor Farrell SDLP as agreed at the June Committee meeting.

Councillor Logue asked if the affordable warmth scheme could be promoted to encourage those within the prioritised areas to apply to the scheme.

In response, the Head of Health and Community Wellbeing stated that the Department for Communities (DfC) had instructed that this was a targeted scheme required to work under the principle of an 80/20 ration. However, he advised that Council could refer emergency cases. He explained that the difficulty in promoting the scheme was that currently there were 5,000 properties to be assessed to determine eligibility to the scheme. Therefore, if additional properties outside of the scheme were to be considered, the process could become overwhelmed.
Councillor Farrell expressed concern and disappointment that the previous funding of £16m per annum was now unknown with the subsequent impact this would have on Council staff, alongside any attempts made to reduce fuel poverty across the city and district.

The Committee

**Recommended** that Members (i) note the interim changes to the scheme with the reduction in budget for 2020/21 and (ii) Councillor Logue SF, Alderman Ramsey DUP, Councillor Ferguson Alliance. Councillor Harkin People Before Profit and Councillor Farrell SDLP be nominated to sit on the Affordable Warmth Task and Finish Group.

**HC123/20 Coronavirus Business Restrictions Regulations – Memorandum of Understanding with PSNI regarding Enforcement Responsibilities and Reporting Arrangements**

The Head of Health and Community Wellbeing presented the above report, details of which had been previously circulated to Members. The purpose of the report was to update Members on the designation of DCSDC as an enforcement body with respect to the Health Protections (Coronavirus Restrictions) Regulations (Northern Ireland) 2020 (Restriction Regulations) including the Memorandum of Understanding (MOU) between the 11 District Councils and PSNI with regard to the enforcement responsibilities and reporting arrangements with respect to Regulation 3 (requirement to close premises and businesses during the emergency) and Regulation 4 (further restrictions and closures during the emergency period) of these regulations.

The Committee
Recommended that Members note the Memorandum of Understanding and Information Sharing Agreement between the Council and the Police Service of Northern Ireland.

The Chair proposed that the following agenda item be brought forward for discussion from information as Members were requested to endorse a recommendation.

**HC124/20  Dog Control Service Work Plan and Enforcement Policy**

The Head of Health and Community Wellbeing presented the above report, details of which had been previously circulated to Members. The purpose of the report was to update Members on dog control service activities during 2019/20 and seek Members approval of the Draft 2020/21 Dog Control work plan and Enforcement Policy.

Councillor Edwards thanked the Head of Health and Community Wellbeing and the team for their quick action regarding an issue with dog bins in Newtownstewart.

Alderman Devenney welcomed the report and noted that concerns were raised at the recent meeting of the Environment and Regeneration Committee regarding dog fouling in the City Cemetery. He stated that dog fouling was a difficult issue and that Council had received numerous complaints over the years on the matter. He stated that in 2015, 13 dog fouling notices were issued which he felt was not a successful outcome towards combatting the problem. He stated that over his 15 years as an Elected Member, Council had been very proactive in attempting to deal with the issue with a number of various initiatives put in place to tackle the situation. However, these initiatives have been unsuccessful and he believed that the low numbers of penalties issued in relation to dog fouling was not sending the correct message to irresponsible dog owners. He stated that Council needed to be more proactive in relation to issuing such penalties.

Councillor Logue stated that dog fouling was a major issue throughout the city and district. She further stated that there were major hotspots and that in the Moor area of the city, a few initiatives had been carried out in conjunction with community groups, residents and Council. She stated that Council needed to consider more innovative ways to combat the problem and welcomed the additional staff now authorised to issue penalties. She felt that the Community Safety Wardens would
be extremely beneficial particularly outside normal working hours as people tended to walk their dogs in the evenings. She referred to the incident at the City Cemetery and advised that there was clear signage in place to inform the public that dogs were not permitted into the cemetery. She asked that the cemetery team be instructed to discourage people entering the grounds with dogs.

Councillor Ferguson stated that there was difficulty in actually catching dogs fouling throughout the city and district which contributed to the low numbers of penalties being issued. She referred to the remarks made by Councillor Logue regarding community involvement, concurring that engagement with local communities to encourage responsible dog ownership would be a useful step towards combatting the issue. She suggested that Council promoted the online facility regarding dog registration to encourage increased responsibility towards owners.

The Committee

**Recommended**

That Members note the dog control service activities carried out during 2019/20 and approve the Dog Control Enforcement Policy and draft work plan for 2020/21.

**Open for Information**

**HC125/20  Keep Well at Home**

The Head of Health and Community Wellbeing presented the above report, details of which had been previously circulated to Members. The purpose of the report was to advise Members of a support booklet for older persons – Keep Well at Home.

The Committee
Recommended that Members note the availability of the Keep Well at Home resources and agree to actively promote and encourage the distribution of the current booklet through social media and online communication channels.

HC126/20 Correspondence

The Director of Health and Community presented the above report, details of which were previously circulated to Members. The purpose of the report was to update Members on correspondence received by Council.

Councillor Logue referred to the Drinking Water Quality Report 2019 by NI Water. She noted that the report referred to some instances of discolouration of water due to the presence of old cast-iron mains. She stated that she had been contacted by constituents who were impacted by water discolouration and through discussions with NI Water, was informed that those particular cast-iron mains should be replaced. She proposed that the Committee write to NI Water requesting that they carry out an audit of their cast-iron infrastructure throughout the city and district as it was causing major issues to those affected.

The Committee

Recommended that correspondence be sent to NI Water requesting them to carry out an audit of their cast-iron infrastructure throughout the City and District.

The meeting went into Confidential Business.
Minutes of the Bi-monthly Meeting of the Assurance, Audit and Risk Committee held in the Guildhall, Derry on Wednesday 15 July 2020 at 4.00 pm

Present:- Alderman Ramsey (Chair); Aldermen Guy and Kerrigan; Councillors Donnelly, Durkan, Logue, McCloskey and McGuire.

In Attendance:- Mrs D McDonnell (Lead Assurance Officer), Mr A Dallas (Lead Finance Officer), Mr S Donaghy (Head of Health & Community Wellbeing), Mr J Harrigan (Internal Audit Manager), Mr D Harrigan (Policing and Community Safety Partnership Manager), Mrs C Kane (Northern Ireland Audit Office), Mrs B Slevin (Independent Advisor) and Miss L Bell (Committee Services Assistant).

Open for Decision

AAR18/20 Notice and Summons of Meeting

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

AAR19/20 Member Attendance and Apologies

The Lead Assurance Officer completed the roll call. Apologies were received from Councillors Carr, Kelly and McCann.

AAR20/20 Declarations of Members’ Interests

There were no declarations of Members interests.

Chairperson’s Business

AAR21/20 Welcome and Thanks

The Chair welcomed all Members, particularly new Members to the Committee. He also welcomed the Independent Advisor Mrs Slevin and Mrs Kane from the Northern Ireland Audit Office to the Meeting. He thanked the previous Chair and Deputy Chair for their work within the Committee.
AAR22/20 Training

The Chair reminded Members that there had been no Member training for Members of the Assurance, Audit and Risk Committee due to the COVID-19 regulations. He advised that training had been scheduled for September.

AAR23/20 Inquorate Meeting- 19 March 2020

Councillor McKinney expressed concerns that all Members had been marked absent on the Council website at the meeting of the Committee which had been scheduled to take place on 19 March 2020. He requested that this matter be re-addressed.

AAR24/20 Matters Arising from the Open Minutes of the Assurance, Audit and Risk Committee Meetings held on Thursday 19 March 2020 and Thursday 23 January 2020

There were no matters arising from the minutes.

AAR25/20 Internal Audit Reports

The Internal Audit Manager presented the above report, a copy of which had been previously circulated to Members. He advised that the purpose of the report was to update Members on the Internal Audit work carried out within Derry City and Strabane District Council in the period November 2019 to July 2020.

In response to a query from the Independent Advisor, the Internal Audit Manager explained that although over 40 recommendations had been made by the Auditors in regards to the Policing and Community Safety Partnership (PCSP), he was satisfied that the Frameworks and Key Controls had been in place, he highlighted that this had been the first Internal Audit of the PCSP and this may have been the reason for the number of recommendations.

In response to a further query from the Independent Advisor, the Internal Audit Manager clarified that Internal Audit staff did not move into Accounts Payable, Payroll or Emergency Planning for a significant period of time during the COVID-19 crisis. He further commented that as part of the Audit assignment planning process, Auditors are required to complete a Declaration for any perceived Conflicts of Interest which may arise. This requirement is now included in each Audit Terms of
Reference He stated he was satisfied that there were no issues of impartiality.

Councillor Donnelly congratulated the Chair on his recent appointment and expressed deep concerns regarding the Internal Audit of the PCSP. He proposed not to accept the Officer’s recommendation and to defer approval of the Audit to enable further discussion of this at the Full Council Meeting at the end of the month. He stressed that volume of irregularities indicated within the Audit was worrying, adding he felt a further forensic audit may be necessary. He drew Members attention to various individual irregularities, including the purchase of cigarettes as bingo prizes and the absence of invoices from records and stated that the system seemed fundamentally wrong.

Councillor Logue requested a response from the Internal Audit Manager.

In response, the Internal Audit Manager explained that the Assurance ratings were not scientific and that their purpose was to give an indication of the Auditor’s opinion of the control environment. He stated the PCSP Audit was a large and detailed audit and Auditors were satisfied with the control environment. The control frameworks and key controls were in place and the recommendations related to improving compliance with the frameworks and improving the audit trail. He further explained that all recommendations were agreed to be actioned with the PCSP Manager. The key part of the audit report is the action plan at the back which details the recommendations, the management response and the implementation dates.

In response to a query from Councillor Logue, the Internal Audit Manager explained that the number of recommendations would depend on the nature of the Audit. He informed Members that the Audit of Licensing had 23 recommendations and had the assurance rating of improvement needed, whereas the Audit of the PCSP had produced 44 lower level recommendations, but still achieved the satisfactory assurance rating because they were lower level recommendations. He encouraged Members to focus on the action plan and the implementation of recommendations rather than the Assurance rating.

The Chair reminded Members that this had been the first Audit of the PCSP. He urged Members to deal with the issue at Committee level rather than deferring to Full Council.
Councillor Donnelly asked that his proposal be progressed and argued that all 5 of the sample claims examined by the Auditors had issues.

The Lead Assurance Officer reminded Members that this was the first time the PCSP had been Audited. She advised that there was no suspicion of fraud or irregularity. She advised that a number of the recommendations were due to be implemented between March and June and that her recommendation to proceed would be for Officers to check the progress of these recommendations and to present a report at a future Committee Meeting.

At the request of Councillor Logue, the PCSP Manager advised that the PCSP is established under separate legislation from Council and its Members have a different composition from Council in that it included Independent Members appointed by the NI Policing Board and Statutory Partners designated by the NI Assembly. He commented that some of the recommendations regarded the submission of documentation from these Independent Members and statutory partners. He further advised that as well as being accountable to Council the PCSP was also accountable to the Joint Committee which comprised of the NI Policing Board and the Department of Justice and that the Audit considered the requirements of all these. He informed Members that some of the recommendations regarded Grants which the PCSP provided and the relevant Council protocols and Joint Committee Financial Guidelines which applied to this grants. He referred to the process of Outcome Based Accountability (OBA) for Grant Aid and explained that the PCSP had been one of the first sections within Council to pilot and a number of recommendations referred to this new process. He advised that recommendations relating to are currently being implemented with immediate effect by Officers.

Councillor Donnelly highlighted the responsibility Elected Members had for ensuring that Public Funds were delegated responsibly. He drew Members attention to several of the issues raised within the Audit and stated this should be cause for alarm, he emphasised the need for discussion on the matter to take place at the Full Council meeting.

Councillor Donnelly moved, seconded by Councillor McCloskey

that Council endorsement of the Internal Audit reports the period November 2019 to July 2020 be deferred to the next
The proposal was put to a recorded vote. Voting was as follows; For; Councillors Donnelly, Durkan, Logue and McGuire (4). Against; Aldermen Kerrigan and Ramsey (2). Abstentions; Alderman Guy and Councillor McKinney (2),

The proposal was carried

The Committee Recommended that Council defer the endorsement of the Internal Audit Reports for the period November 2019 to July 2020 to the next meeting of Derry City and Strabane District Council.

In response to a request from Councillor Logue. The Lead Assurance Officer advised that an update could be provided on the progress of the recommendations of the Auditors. She added that due to time constraints and the limitations of COVID-19 restrictions, this may not be available for the July Full Council Meeting but would be for the following meeting.

**AAR26/20 Counter Fraud, Whistleblowing and Anti-Bribery Policy**

The Lead Assurance Officer presented the above report to Members. A copy of which had been previously circulated. She advised that the purpose of the report was to seek Members comments and approvals on the Council’s Counter Fraud, Whistleblowing and Anti-Bribery Policy.

The Committee Recommended That Council approve the Counter fraud, Whistleblowing and Anti-Bribery Policy.

**AAR27/20 Internal Audit Strategy 2020/2021**

The Internal Audit Manager presented the above report, a copy of which had been previously circulated to Members. He advised that the purpose of the report was to seek Member’s comments and approval for the Internal Audit Strategy 2020/21.
Councillor Maguire referred to P276 within the meeting pack. He stated that Planning Protocol required that a weekly list of newly validated Planning Applications should be circulated to Members and advised that Members have not received details of around 40 applications in the first 6 months of this year. He queried the purpose of not circulating these details to Members, the risk this might pose to Council and who made the decision to withhold this information from Members.

The Internal Audit Manager undertook to raise the query with the Planning Department and to bring a response to the Member.

The Committee

**Recommended** that Council approve the Draft Internal Audit Strategy for 2020/21.

**AAR28/20 Internal Audit Plan 2020/2021**

The Internal Audit Manager presented the above report, a copy of which had been previously circulated to Members. He advised that the purpose of the report was to seek members’ comments and approval for the Internal Audit Plan for 2020/21.

The Committee

**Recommended** that Council approve the Draft Internal Audit Plan for 2020/21.

**AAR29/20 NIAO Audit Strategy**

Ms Kane, Northern Ireland Audit Office (NIAO) presented the above report, a copy of which had been previously circulated to Members. She advised that the purpose of the report was to seek Members’ endorsement of the Northern Ireland Audit Office’s Audit Strategy for Derry City and Strabane District Council for 2019/20.

Ms Kane updated Members on various aspects of the Strategy given that the original document was issued in February. She advised that the financial viability of Council had been identified as an additional significant risk as a result of the COVID-19 crisis and informed Members that recovery plans and guaranteed incomes would be examined. She further advised that changes would be made to the Audit of Performance Improvement and Assessment due to the COVID 19 crisis, she explained that the requirement to produce the
Performance and Improvement Plan for 2021 by 30 June 2020 had been abolished at this stage, but that she could not clarify what form the Audit of Performance Improvement and Assessment would take. She advised that the NIAO was working closely with the Department for Communities to get clarification on this for Councils.

She advised that the statutory timetables detailed within Page 294 of the document pack had changed due to the COVID-19 Crisis. She instructed that the Council would now have until 31 August to prepare draft accounts, that the NIAO would have until the 31 December to Audit those accounts.

She advised that it was likely that the £22,000 fee for the Audit of Performance and Improvement would be substantially reduced because of the change in Audit arrangements for this. Although she could not indicate how much until clarification on the form of the Audits was agreed with the Department for Communities.

In response to a question from the Independent Advisor, Ms Kane informed Members that an increase in fees had taken place as a result of the benchmarking of fees which was carried out by the NIAO against private sector and that this increase was carried out for all clients.

**The Committee**

*Recommended that Council endorse the contents of the NIAO’s Audit Strategy for Derry City and Strabane District Council for 2019/20.*

**AAR30/20 Annual Governance Statement 2019/2020**

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 seek Members’ comments and approval on Derry City and Strabane District Council’s Annual Governance Statement for the financial year 2019/20.

In response to a question from the Independent Advisor, the Lead Finance Officer clarified that current guidance would dictate that Councils could not face any risk in respect of going concern, he continued that whilst Councils could face insolvency or cash flow difficulties, ultimately following a range of steps and requests, the Department for Communities would intervene at that point, the ultimate intervention being the Department for Communities striking a
balanced budget for Council by progressing very significant decisions. He stated that Council did not plan to be in this situation. He explained that Officers were putting great effort into the recovery plan to produce a balanced budget for this year and that he hoped all the mitigations and funding which had been obtained would minimise the need for very difficult decisions to take place.

In regards to the Rate Base risk, the Lead Finance Officer advised Members that Council had previously been prudent in forecasting the rate base for previous financial years which had resulted in a positive rates finalisation, however he felt that this would be unlikely this year given the current situation. He outlined that two control measures had been put in place; firstly, a significant amount of money had been transferred into reserves funds to mitigate against any negative rates finalisation and secondly that Officers had been engaging with Central Government to underwrite any shortfall in this financial year, and also to provide support for the next 2 years. He further commented that predictions for the coming years would be difficult and stressed the importance of government support in avoiding very significant impacts on services and the ratepayers.

The Committee


**AAR31/20 Code of Governance 2019/2020**

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 seek Members comments and approval on Derry City and Strabane District Councils' Code of Governance for the financial year 2019/20.

The Committee

**Recommended** that Council approve the Code of Governance for 2019/20.

**AAR32/20 Annual Audit Report 2019**

The Internal Audit Manager presented the above report, a copy of which had been previously circulated to Members. He advised that the
purpose of the report was to seek Members’ comments on the Council’s Annual Audit Opinion for 2019/20.

In response to a query from Councillor Logue, Officers explained that this report could still be approved even though there was a proposal to defer the approval of the Internal Audit Reports.

In response to a query from Councillor Maguire, the Lead Assurance Officer explained that there was a section within Committee reports which examined rural needs implications. She undertook investigate if all sections of Council Policies are compliant with rural needs and to present this information to the Committee.

Councillor Maguire commented that the Annual Monitoring which was presented before the July Governance meeting did not contain much detail on rural needs and stated that this needed to be monitored.

The Committee

**Recommended** That Council approve the Annual Audit Report for Derry City and Strabane District Council for 2019/20.

AAR33/20 **Public Sector Internal Audit Standards**

The Internal Audit manager presented the above report. A copy of which had been previously circulated to Members. He advised that the purpose of the report was to seek Member’s comments and approval on the Internal Audit Sections self –assessment against the Public Sector Internal Audit Standards.

The Committee

**Recommended** that Council approve the Internal Audit Section’s self-assessment against the Public Sector Internal Audit Standards.

AAR34/20 **Corporate Risk Register**

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 seek Member’s endorsement for the Council’s updated Corporate Risk register.
In response to a question from the Independent Advisor, the Lead Assurance Officer commented that the ICT risk was significant at present given the impact of COVID-19. She praised Council’s Digital Services Team for their excellent service during the crisis. She informed Members that there had been investment in terms of additional service capacity and licensing to allow home working. In terms of the Audit, she acknowledged that this did not take place, however she explained that the Audit had commenced and that the Digital Services Manager had been researching ISO 270001, that a Gap analysis would be carried out and subsequently the Audit would be carried out.

The Committee

Recommended that Council endorse the updated Corporate Risk Register.

Open for Information

AAR35/20 Proper Arrangements Questionnaire 2019/2020

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 advise Members of the contents of the recently completed Proper Arrangements Questionnaire 2019/20.

The Committee

Recommended that Council note the content of the Proper Arrangement Questionnaire 2019/20.

The meeting terminated at 4.55 pm
1 Purpose of Report/Recommendations

1.1 To seek approval to delegate powers to the Chief Executive (or his nominee) to act on behalf of Council when required to do so, during summer recess.

2 Background

2.1 Council has an approved Scheme of Delegation which expressly delegates specific powers to certain Senior Officers and certain statutory powers to Proper Officers to carry out general aspects of Council business.

2.2 This Scheme however does not delegate authority to the Chief Executive to approve any matter which falls outside those powers specified therein, during the summer recess.

3 Key Issues

3.1 The normal process of approving decisions through Council Committee and Council Meetings is not available during the summer recess. In relation to any matter which requires approval during this period, an alternative facility therefore has to be provided to enable these decisions to be approved. A means to do this is through assigning delegated authority to the Chief Executive.

3.2 When making such decisions, the Chief Executive would consult where appropriate with the Mayor or the relevant Committee Chairperson. Subject to circumstances, consultation may also take place with the Elected Members for the relevant district electoral area(s), if appropriate.

3.3 Any decisions taken under these delegated powers will be reported to the relevant committee following the summer recess.
4  Financial, Equality, Legal, HR, Improvement and other Implications

4.1  As the Chief Executive will apply Council policy and procedures when approving such decisions, there will be no implications for Council in approving this recommendation.

5  Recommendation

5.1  To approve delegation powers to the Chief Executive (or his nominee) to act on behalf of Council when required to do so, during summer recess.

Background Papers
1 Purpose of Report/Recommendations

1.1 To advise Members of correspondence received to Council.

2 Correspondence Received

Correspondence has been received from the Moderator of the General Assembly, Presbyterian Church of Ireland (Appendix 1).

3 Recommendations

3.1 Members to note the correspondence.

Background Papers

None
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24 June 2020

Mr John Kelpie
Chief Executive
Derry and Strabane Council

To Mr John Kelpie and Mayor Brian Tierney

On behalf of the Presbyterian Church in Ireland I wish to take this opportunity to say thank you to you and the wider Council staff for the efforts taken to respond to the challenges presented by the global pandemic.

Unprecedented times require unprecedented responses with many hard decisions to be taken, often quickly with the added complexity of not being able to meet physically.

I recognise that over the past three months many of your elected representatives and council staff have adapted to working from home, managing childcare and schooling, whilst perhaps also caring for vulnerable family and friends. Please be assured that none of this is taken for granted.

Thank you too for the ways in which Councillors and staff have reached out to the wider community, including local churches, to utilise as many resources as possible to ensure that no one has been left without food or a point of personal contact for grocery deliveries, prescription pickups or even a check-in telephone call.

In PCI we greatly value these opportunities for partnership and look forward to local congregations having an opportunity to build on these relationships in the weeks and months to come.

While it may not be your own practice or tradition please know that we will continue to hold you and your staff team in our prayers, as lockdown is eased and we become accustomed to the 'new normal'.

Yours sincerely,

Rt Rev Dr David Bruce
Moderator of the General Assembly
Presbyterian Church in Ireland
1.0 **Purpose of Report/Recommendations**

1.1 To advise Members of correspondence received in relation to Motions passed by Council.

2. **Correspondence Received**

2.0.1 **Motion – Food Parcel Programme**

At a Special Meeting of Council held on 7 May 2020 the following Motion was passed:

That Council write to the Department for Communities to express concern with the decision to cap the food parcel programme and to request a reversal of the decision so to avoid the risk of a food poverty crisis within the City and District.

2.0.2 The following response was received:

Community Planning and Local Government Relations Department, Department for Communities (Appendix 1)

2.1.1 **Proposal – Graduate Entry Medical School at Magee Campus**

At the Meeting of Council held on 27 February 2020 the following proposal was passed:

That this Council recognises the value of increased higher education provision via expansion of existing Ulster University presence or the establishment of an independent university, in delivering improved economic, social and cultural outcomes in the North West;

welcomes commitment in New Decade, New Approach to expand university provision at Magee to 10,000 students, including delivery of the Graduate Entry Medical School;

believes that the current Maximum Student Numbers cap is a critical barrier to
planned expansion;
calls on the NI Executive to work collaboratively with Ulster University, Irish Government and UK Government to deliver the business case and expansion plans; and

further calls on the Minister for Economy to make necessary adjustments to the Maximum Student Numbers cap for exclusive use in Derry to allow planned expansion to become a reality.

Council believes that the stated commitment of both the Executive, in the New Decade New Approach document, and the UU in pronouncements regarding expansion of the Magee Campus over many years must be followed by immediate actions.

Council requires firm commitments the location of the Life and Health Sciences Faculty at Magee, as will the allocation of all of the announced new nursing places, and the opening of the GEMS in time for admission in Sept 2021 must be delivered, as a minimum sign that the words will be backed by actions.

Should these actions not occur, as a practical step to delivery of the promised 10,000 students in Derry by 2030, that Council will work with the North West Regional Development Group and with the Executive and Dublin Government to seek alternative providers of third level education in the North West city region.

2.1.2 The following response was received:

Diane Dodds MLA, Minister for the Economy (Appendix 2).

2.2.1 Motion - Deal to Restore Stormont Assembly

At the Meeting of Council held on 30 January 2020 the following proposal was passed:

That this Council welcomes the re-establishment of institutions at Stormont following agreement of a New Decade, New Approach deal.

Given its austerity policies of the last decade and historical lack of investment in the North of Ireland, this Council calls on the British Treasury to properly resource the priorities identified in the New Decade, New Approach document.

Council calls for any reforms of public services to prioritise the protection and further investment in front line services.

Council opposes any attempt to put the financial burden of any shortfall upon all
those who have suffered the most from austerity.

Council welcomes confirmation from the Minister for Finance that he will oppose any proposal to introduce water charges.

Council calls for any increase in household rate bills to be linked to the ability to pay.

Calls for increased promotion of existing Rate Relief, Rate Rebate, Lone Pensioner Allowance and Disabled Person’s Allowance schemes;

Agrees that any future changes to Corporation Tax NI should only be considered after thorough cost/benefit analysis which fully explores impact on block grant and public services.

Council will work with all relevant Ministers to ensure the needs of the North West are met.

2.2.2 The following response was received:

Robin Walker, Minister for State Northern Ireland (Appendix 3).

2.3.1 Motion – Re-opening of Schools

At the Meeting of Council held on 25 June 2020 the following proposal was passed:

That this Council recognises the concern and anxiety that exists among teaching and non-teaching staff as well as parents and young people in relation to the eventual reopening of schools; understands the challenges facing school boards and principals in keeping children and teachers safe while providing high quality education.

This Council will write to the Minister for Education and state that we insist that any re-opening of schools should be based on scientific and medical advice, consistent with that provided by the World Health Organisation and the European Centre for Disease Prevention and Control.

Council also calls on the Minister of Education to engage and consult extensively with education stakeholders as well as parents and young people in advance of the re-opening of schools and to provide them with clear and early guidance.

Council thanks our teachers, educators, school workers and their trade unions for the work they have done throughout the pandemic. Teachers are essential workers
forced to endure pay freezes and the impact of many years of education funding cuts on their ability to teach their students. Council agrees education funding had become a crisis before the pandemic, undermining learning conditions for students and working conditions for teachers and school workers.

Council completely rejects the derogatory remarks made about teachers and trade unions by MP Sammy Wilson. We fully oppose attempts by Mr Wilson and the Education Minister to bully teachers and undermine trade unions. Council respects our teachers and school workers and stands in full solidarity with their trade unions.

2.3.2 The following acknowledgement was received:

Peter Weir, Minister for Education (Appendix 4).

3.0 Recommendation

3.1 Members are to consider the replies received and advise if any follow up action is required.
Dear John

**DfC FOOD PARCEL PROGRAMME**

Thank you for your letter of 28 May 2020 to the Minister of Communities regarding the Motion passed at a Special Meeting of Derry City & Strabane District Council on 7 May 2020 in relation to the food parcel scheme. I have been asked to reply.

The Department is aware that a number of people across the community who rely at the moment on our regular food hampers are likely to continue to require support when the present programme ends in June 2020.

As part of the transition from an emergency response, it has been decided to extend our food parcel programme beyond 26 June for those currently receiving a food box who have been asked to shield by their GPs and have no other help to access food. This support will be available for those who are medically shielding and are still in need of a food box until the end of July.

22 June 2020
Those not medically shielding will no longer receive food boxes after the 26th June. However, there are now a range of additional ways in which they can receive food help. The Department in conjunction with its community partners is already signposting people to other means of accessing food including:

- Delivery services from a range of local shops;
- Local volunteer assistance with delivering shopping;
- Local support through voluntary and community sector organisations/food charities; and
- Support from other agencies, including the Education Authority’s ‘Eat Well, Live Well’ programme

As well as these facilities, the Department has recently made an additional investment of more than £875,000 in other forms of food support for those who may still need some help during the present transition from the emergency to recovery phase of the pandemic. To that end, DfC will be supporting Fareshare to deliver an increased supply of food to community food providers. On top of this assistance, the transition will further incorporate support and advice on wider issues where strong networks of local services remain vitally important.

I trust you find this helpful.

Yours sincerely

NICOLA CREAGH
Dear Mr Kelpie

Thank you for your letter advising of the motion passed at Derry City and Strabane District Council's meeting held on 27 February 2020.

I note the Council’s motion in relation to the expansion of higher education in the North West, and its welcoming of the New Decade New Approach priority actions on the Magee Campus of Ulster University.

The Executive announced on 18 May 2020 its commitment to establish a Graduate Entry Medical School at the Magee Campus and work remains ongoing around assuring delivery of an intake in September 2021.

In response to the Council’s motion calling for action from me to increase the maximum student number for exclusive use in the North West, I would point out that whilst my Department determines an annual maximum student number allocation for the universities, it is the decision of each institution, as autonomous bodies, to allocate those places where they deem appropriate.

Yours sincerely,

DIANE DODDS MLA
Minister for the Economy
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Dear John,

Thank you for your letter of 11 February to the Prime Minister, setting out the Motion by Derry and Strabane District Council. I am replying on his behalf.

It is of course excellent news that the NI Executive has been restored. The New Decade, New Approach deal sets out the Executive's top priorities for the months and years ahead. It means that public services in Northern Ireland can be transformed, and that important decisions on business rates, corporate tax, and other matters raised by the council, are in the hands of locally accountable NI ministers.

I would like to address concerns raised by council members in point two by setting out the additional resourcing that the UK Government has provided to the Executive this year.

Following the New Decade, New Approach agreement, the UK Government provided a £2 billion injection of financial support to the Executive to meet its commitments. Of this, £523m has been allocated for 2020/21 to deliver pay parity for nurses (£85m), address immediate budget pressures (£350m), transform public services (£44m), address Northern Ireland’s unique challenges (£4m), support the opening of the medical school in Derry/Londonderry (£15m) and boost ultra-low emission transport (£25m). This is in addition to the £30m provided in January to help end the nurses’
dispute. It was followed, in the March Budget, by additional investment of £216m to support the Executive in delivering the public’s priorities.

While separate to the delivery of NDNA, the UK Government has also supported the Executive in managing the economic impacts of Covid-19 through a combination of UK-wide support measures and additional Barnett consequentials to be spent by the Executive. This has included an additional allocation of more than £1.6 billion to the Executive to support people and businesses at this time.

Finally, I would like to thank you and the council for your tremendous work in supporting the people of Derry and Strabane through the present Covid-19 crisis. Through delivery of the City Deal and the Inclusive Future Fund, I hope we can make further progress in boosting the region’s innovation potential and opportunities for young people.

Yours sincerely,

ROBIN WALKER MP
MINISTER OF STATE FOR NORTHERN IRELAND
Dear Mr Kelpie

Many thanks for your correspondence to Peter Weir, the Minister of Education, concerning the meeting of Derry City and Strabane District Council on 25 June 2020.

A reply will issue in due course.

Best wishes

Tricia

Tricia McKee
Private Office
Department of Education
Direct Line: 028 9127 9507 (Network: 59507)
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1 Purpose of Report/Recommendations

1.1 To advise Members of Resolutions received from other councils.

2 Correspondence Received

2.1 Correspondence has been received from Carlow County Council outlining a resolution adopted by their Council (Appendix 1).

3 Recommendations

3.1 In accordance with Council procedures, these resolutions will be treated as a matter for information to be noted, and only discussed if the majority of Members agree to such discussion.
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19th June 2020

To: Each Local Authority

A Chairde,

At the June Meeting of Carlow Municipal District, held on Monday 15th June 2020, the following resolution was adopted by the Members of Carlow Municipal District.

“This Council condemns the action of the PSNI in disrupting the Black Lives Matter (BLM) protest in Guildhall Square in Derry on June 6th by issuing fines and threatening court action against organisers and participants. This contrasted with the inaction of the PSNI in face of large gatherings on beaches and in major retail outlets over prior weeks.

The organisers of the protest, the North West Migrants’ Forum, enforced strict rules to maintain social distancing. Very clear social distancing marks were drawn on the ground, in the same way many stores manage crowds queueing.

Council notes that Amnesty International and the Northern Committee on the Administration of Justice have expressed concern about the way application of the regulations arising from the Covid-19 pandemic were altered on the evening prior to the Black Lives Matter protest, clearly suggesting that the point of the changes was to facilitate the PSNI in taking action against protesters.

Council backs the call for a full review of how policing was conducted at the BLM events. Council supports the demand for a public apology to the BAME (Black Asian and Minority Ethnic) Community. Council calls for the withdrawal of all fines and threats of court action against BLM protesters.

Council will send a copy of this motion to every council, North and South, in this country.”

Mise le Meas,

Eamonn Brophy
Senior Executive Officer
Phone: (059) 9170345
Email: ebrophy@carlowcoco.ie
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Sealing List – July 2020

Document Sealed 26th June 2020

Lease in duplicate:- Patrick McElroy ~to~ Derry City and Strabane District Council relating to Lands at The Meadows, Strabane.

Document Sealed 6th July 2020

Form of Deed:- Derry City and Strabane District Council ~and~ Martin Contracting Services Ltd relating to Castlederg Shared Spaces Project No: T ENV19-076

Documents Sealed 23rd July 2020

Grant of Right of Burial in City Cemetery

Mrs Dolores O’Donnell, 90 Culmore Road, Derry, BT48 8JE
Mr Michael McGrory, 126 Magowan Park, Derry, BT48 9SL
Mrs Bridie Burns, 228 Culmore Road, Derry, BT48 8JL
Mr Pól Glenn, 119 Elaghmore Park, Derry, BT48 8DY
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