

Derry City and Strabane District Council

**Minutes of the Monthly Meeting of Derry City and Strabane District Council
held in the Council Chamber, Guildhall on Thursday 28 April 2016 at 4.00 pm.**

Present:- Councillor McCallion (Mayor) (in the Chair), Aldermen Devenney, M Hamilton, R Hamilton, Hussey, Kerrigan, H McClintock, Ramsey, Thompson and Warke; Councillors Campbell, Carlin, Carr, Cooper, Cusack, Dobbins, Donnelly, Duffy, Fleming, Gallagher, Gardiner, Hassan, Hastings, Jackson, C Kelly, D Kelly, P Kelly, Logue, McGinley, McGuire, M McHugh, R McHugh, McKeever, McMahan, O'Reilly, Reilly, Robinson and Tierney.

In Attendance:- Chief Executive (Mr J Kelpie), Director of Health and Community (Ms K McFarland), Lead Legal Services Officer (Mr P Kingston), Head of Environment (Mr C Canning), Lead Finance Officer (Mr A Dallas), Lead Human Resources Officer (Mrs P Donnelly), Senior Environmental Health Officer (Mr P McSwiggan), Lead Democratic Services and Improvement Officer (Ms E Cavanagh), Business Manager (Mrs S Maxwell) and Committee Clerk (Ms D Melaugh).

C111/16 Notice and Summons of Meeting

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

C112/16 Webcast Announcement by the Mayor

The Mayor read the Webcast Announcement for the meeting.

C113/16 Apologies

Apologies for absence were received from Alderman Bresland and Councillor Boyle

C114/16 Declarations of Members' Interest

Health Impact Assessment – Strathfoyle/Culmore Areas

Alderman Devenney declared an interest in the above item.

Chairperson's Business.

C115/16 Condolences

The Mayor stated that it was with the deepest regret she referred to a further tragic death of a local citizen, that of Sister Clare Crocket who had died as a result of an earthquake in Equador, 10 days previously. She stated that she would wish on behalf of Council to convey her deepest sympathies to the Crocket family on their very sad loss. The Mayor advised that the body of Sister Clare would be returned to the city today followed by the funeral on Monday.

A Member of the SDLP grouping stated that he wished to acknowledge the work which had been undertaken by the late Sister Clare in endeavouring to assist people from around the globe. He stated that Sister Clare had been a worthy ambassador for the city and her death was a tremendous loss and tragedy.

C116/16 Jazz Festival 2016

The Mayor stated that as Members were aware the opening of the 2016 Jazz Festival would take place later that night. She stated she would wish to take this opportunity to commend all those involved in its organisation and encourage the participation of Members and the public in the wide range of events which would take place over the next few days, a full programme of which was available online.

C117/16 Council's Bid for European Youth Capital 2019

The Mayor advised that the outcome of the city and district's bid for European Youth Capital for 2019 was expected within the next 24 hours. She advised that Members would be advised of the decision as soon as it became available.

C118/16 Changes to Membership of Committee/External Bodies

A Member of the SDLP grouping stated that his Party wished to replace Councillor Patsy Kelly with the identified Members on Council Committees/external bodies as follows:-

Business and Culture	-	Councillor B Tierney
Assurance, Audit and Risk	-	Councillor J Boyle

Local Action Group	-	Councillor A Dobbins
Citizens' Advice Bureau	-	Councillor Gardiner
Glenelly Action Plan Committee	-	Councillor McKeever
Mourneberg Action Plan Committee	-	Councillor Reilly
Strabane Youth Association	-	Councillor Tierney
Tyrone and Sperrins Destination Management Group	-	Councillor G Hastings

Councillor Reilly Moved, Councillor Tierney Seconded and the Council

Resolved that the above SDLP nominations replacing Councillor P Kelly on Council Committees/ external bodies be approved.

An Independent Member stated that he wished to express his deep regret that a Member of Council with no knowledge of the Mourneberg Action Plan Committee had been nominated to serve on this body.

C119/16 Council Chamber – Meeting Seating Arrangements

An Independent Member of Council stated that at the outset of the new Council Members had been advised of meeting seating arrangements whereby Independent Members had been allocated seating at the left of the Chamber. However, the current scattering of Independent Members now across the Chamber appeared to represent a deviation from the original arrangement and in this regard therefore he would wish to seek clarification if Members were now being permitted to sit in personally chosen locations.

The Chief Executive advised that the current seating arrangements had resulted from the consideration of a number of options. However Officers would facilitate any alternative proposals in relation to such a situation, if Members so wished and sought direction thereon.

Open for Decision

C120/16 Confirmation of the Open Minutes of the Adjourned Meeting of Derry City and Strabane District Council held on 24 March 2016

Minutes of the Open Meeting of Derry City and Strabane District Council held on 24 March 2016 (C76/16-C77/16) of which there was no quorum, were submitted.

The Lead Legal Services Officer Moved, the Lead Democratic and Improvement Services Officer Seconded and the Council

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

C121/16 Confirmation of the Open Minutes of the Reconvened Meeting of Derry City and Strabane District Council held on 4 April 2016

Minutes of the Open Reconvened Meeting of Derry City and Strabane District Council held on 4 April 2016 (C78/16-C103/16) were submitted.

Councillor Hastings Moved, Alderman McClintock Seconded and the Council

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

Adoption of the Open Minutes of the following Committees:-

C122/16 Special Planning Committee held on 23 March 2016

Minutes of the Special Planning Committee held on 23 March 2016 (SP1/16-SP7/16) were submitted.

Councillor Hassan Moved, Councillor Logue Seconded and the Council

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

C123/16 Monthly Governance and Strategic Planning Committee held on 5 April 2016

Minutes of the Monthly Governance and Strategic Planning Committee held on 5 April 2016 (GSP75/16-GSP101/16) were submitted.

Councillor Tierney Moved, Councillor McMahon Seconded and the Council

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

Matter Arising

C124/16 Local Community Planning (Ref GSP80/16)

A Member of the DUP grouping in reference to the above item and recommendation contained therein stated that he wished to express disappointment that Members had not received notification, as agreed, regarding the local community planning events which he understood had now concluded. He stated that he had specifically proposed this recommendation in view of the information which such events would have made available in relation to all areas of the Waterside.

The Chief Executive stated that he wished to apologise to the Member in respect of the absence of any notification and advised that the full schedule of events, which would identify meetings which had taken place and those forthcoming would be circulated immediately following the meeting. He advised the Member that the process had not yet concluded as many events had not yet occurred.

C125/16 Monthly Planning Committee held on 6 April 2016

Minutes of the Monthly Planning Committee held on 6 April 2016 (P51/16-P66/16) were submitted.

Councillor Hastings Moved, Councillor Hassan Seconded and the Council

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

C126/16 Monthly Assurance, Audit and Risk Committee held on 7 April 2016

Minutes of the Monthly Assurance, Audit and Risk Committee held on 7 April 2016 (AAR39/16–AAR50/16) were submitted.

Alderman Thompson Moved, Councillor McKeever Seconded and the Council

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

Matter Arising

C127/16 Summary Report on the Outcome of the Attempted External Theft of Monies (£99k) within the former Derry City Council (Ref AAR48/16)

An Independent Member of Council enquired if there had been any update from the PSNI with regard to the investigation on the above attempted external theft of monies within the former Derry City Council.

The Chief Executive advised that no further update from the PSNI in relation to the matter had been received. He stated that the Members' comments would be relayed to the Lead Assurance Officer who would be presenting a report on the matter to the next meeting of the Audit, Assurance and Risk Committee.

C128/16 Monthly Business and Culture Committee held on 12 April 2016

Minutes of the Monthly Business and Culture Committee held on 12 April 2016 (BC96/16-BC116/16) were submitted.

Councillor M McHugh Moved, Councillor Logue Seconded and the Council

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

C129/16 Monthly Environment and Regeneration Committee held on 13 April 2016

Minutes of the Monthly Environment and Regeneration Committee held on 13 April 2016 (ER81/16-ER96/16) were submitted.

Alderman Warke Moved, Councillor Hastings Seconded and the Council

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

Matter Arising

C130/16 Health Impact Assessment – Strathfoyle/Culmore Areas

An Independent Member of Council stated that he wished to refer to the Health Impact Assessment which Council had undertaken in 2015 in relation to the potential health impacts of existing and proposed industrial activities on local communities in the Lisahally, Maydown and Culmore area. The Member stated that he wished to propose that a comprehensive report which will promote full and open discussion on the outcome of the study be presented to a future meeting of the Council.

A further Independent Member of Council indicated his support for the above proposal.

A Member of the SDLP grouping referred to the reporting of the initial confidential report in recent press circulations. The Member stated that a Steering Group which included a range of community, public and private stakeholders had been established to oversee the completion of this study and it was important that the Minutes of these Meetings were made available to Members in conjunction with updates in relation to any abnormalities reported in the assessment for the purposes of ensuring Members' full consideration of all matters.

A Member of the SF grouping stated that it was important that a full report on the outcome of the Study was presented to Council.

The Director of Health and Community advised that the Draft Health Impact Study which had been undertaken by Ben Cave Associates, as Members correctly advised, had not yet been presented to Council for consideration as a result of requests for further consultation from stakeholder members of the steering group. The Director of Health and Community informed the meeting that Officers aimed to conclude this work as quickly as possible following which a report which addresses all consultation feedback would be presented to Members.

An Independent Member of Council stated that it was important to acknowledge that Council had agreed that a Health Impact Assessment would be undertaken and in this regard he would seek clarification as to the reference above to Health Impact Study as referred to by the Director of Health and Community.

The Director of Health and Community advised that there were various definitions of Health Assessment Impact processes including those framed through the Institute of Public Health in addition to other bodies which have alternative models of assessment in terms of health impact assessment in the community. She advised that the definition pertaining to the work undertaken in relation to the Strathfoyle and Culmore area was outlined in previous report to Council and she would bring this to Members for information.

A Member of the SDLP grouping sought clarification as to why Members had been advised that the Health Impact Assessment report could not be considered in open business.

The Lead Legal Services Officer advised that there had been some correspondence of a legal nature in relation to the matter which would require consideration in confidential business and which he was not in a position to elaborate further upon at this stage.

The Mayor sought clarification from Members if there were satisfied to proceed pending the presentation of a report on the matter to Committee.

Members agreed accordingly.

C131/16 Monthly Health and Communities Committee held on 14 April 2016

Minutes of the Monthly Health and Communities Committee held on 14 April 2016 (HC82/16-HC106/16) were submitted.

Councillor Hassan Moved, Councillor McGuire Seconded and the Council

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

Matter Arising**C132/16 Deputation – Bonfires: Presentation by City Centre Initiative, PSNI, NI Housing Executive and NI Fire and Rescue Service (Ref HC86/16).**

An Independent Member of Council stated that as Members were aware the lighting of the Beacon at Knockavoe in Strabane had taken place on 21 April. He advised that alongside the lighting of the Beacon a major bonfire event had taken place which could only be described as an act of triumphalism over communities in the Strabane area. He stated that he would call upon the SF Party and Council, who had facilitated such an event to provide an explanation to the residents of Strabane as to their rationale surrounding their endorsement of these incidents. He stated that it had to be acknowledged that Council was aware of the bonfire being built alongside the Beacon and not to take any action could be described as complacent behaviour. He stated that furthermore, in the event of the construction of the bonfire Council could have, and should have, at this stage made a decision not to continue in its support of the Beacon event in view of the potential negative dangers and behaviours which could emerge. The Member stated that when in consideration of the Beacon event it had been specifically advised that the occasion would have a duration of only 30 minutes. The Member referred to the recent presentation by the Fire and Rescue Service to the Health and Community Committee where it had been advised that material had been removed during the previous summer period from a bonfire in the Galliagh area as a result of pending nuisance issues. He stated that in the forthcoming months many similar events would occur. The Member sought clarification as to how Council could support the recent Beacon/bonfire event in the Strabane area and in the next few months condemn those young people associated with similar events in the city.

The Director of Health and Community advised that Council had purchased Beacons for use by the community in relation to the celebration of the Queen's 90th Birthday. She advised that Council had not been directly involved in the organisation of the events and she was currently unaware of any associated details in relation thereto. She advised Officers would undertake a fact finding exercise in relation to the matters raised by the Member and bring back a report to Committee in relation to such issues.

The aforementioned Independent Member of Council then referred to photographs in local press depicting the Deputy Mayor, wearing the Council's Chain of Office standing alongside the Beacon and Bonfire at Knockavoe.

A Member of the DUP grouping stated that as Deputy Mayor he represented Council at the Beacon Event at Knockavoe. He stated that the event had been a dignified occasion marking the very special occasion of the Queen's 90th Birthday.

An Independent Member of Council criticised the earlier comments by the Independent Member stating that the concerns put forward were a demonstration of opposition to the holding of celebration marking HRH Queen Elizabeth's 90th Anniversary. He stated that Council had not been involved in the organisation of the event and that the Deputy Mayor had correctly represented the organisation in accordance with normal practices.

In the absence of any information in relation to the issues raised the Mayor advised that discussion would now be concluded pending the presentation of a report to the Health and Community Committee on the issues raised.

A further Independent Member of Council referred to the discussion and the presentation which had been given by CCI, NIFRS and PSNI alongside consideration thereof. He stated that it was a matter of concern that a significant period of the presentation undertaken had been devoted to the discussion on the impacts of a previous event at Meenan Square which had subsequently been relocated. In reference to the Meenan Square event the Member stated that it was important to acknowledge the positive consultation process which had been initiated by the NIFRS who were assisted in their endeavours by Independent Members of Council and representatives of the SF Party. He stated that through a constructive community engagement process particularly with the young people it had been agreed that the bonfire would be relocated to Nailor's Row. He stated that it was also important to note that further positive work including the NIFRS engagement with schools, removal of illegal materials from the bonfire, erection of railings, and the replanting of grass alongside other activity had assured a positive outcome. He stated that such work had been undertaken through partnership with NIFRS, the Housing Executive, elected representatives and Council in an attempt to lessen any

nuisance impacts. He also advised that the City Walls had been sealed off by the PSNI in preparation of delivery of materials.

The Member stated that he would wish to express concern in respect of the proposed 'process' proposed by the CCI in relation to such matters which would be driven by the results of a survey undertaken in the Bogside. The Member stated that when considering such matters it was important to acknowledge the current economic difficulties which the City centre was experiencing and the impact of loss of customers attending such parades on City Centre business and queried if the CCI had any proposals to undertake a survey of businesses in the City to gain their views and assess impact.

The Member stated that whilst he wished it noted that he would not be supportive of bonfires it would be unreasonable to impose regulation on young people in the Bogside if the same restriction was not being applied elsewhere. He stated that the application of the outcomes of surveys by CCI should be equitably applied to all situations which had the potential to create social, environmental and economic impact and not to the area of the Bogside alone.

The Mayor stated that it was important to be mindful of comments being made in relation to organisations who were not present.

An Independent Member of Council requested that Officers bring back a report outlining the roles which the NIFRS, Council, PSNI, NIHE and CCI played in the relocation of the bonfire from Meenan Square.

The Chief Executive stated that whilst Council had played a role in terms of this event they had not been the lead body or facilitated the existence of the grouping and in this regard would be unable to define the specific work undertaken by the relevant agencies. He stated however in respecting the Members' request a report on how Council's Officers contributed to a safe and sustainable environment, in conjunction with the multitude of agencies, as Members had previously alluded to, would be presented to the next meeting of the relevant Committee.

A Member of the DUP grouping stated that the Independent Member who had made the lengthy comments in relation to the presentation given by the NIFRS, CCI and PSNI at the Health and Community Committee had the opportunity to participate and seek clarification on all such issues at that forum but had chosen to withdraw from the

meeting and all discussion thereon. He stated that the comments he made above had been significantly out of context in relation to the presentation. He stated that he wished to acknowledge that the Members' comments had been a further insult on the Unionist population and the Apprentice Boys and all references in terms of such matters were merely a mechanism to attract media attention which would not be tolerated.

An Independent Member of Council stated that he wished to commend the Apprentice Boys of Derry who had moved their original 18 December celebration to the first week in December. He stated that the event on that day brought significant numbers of people to the city which contributed to the economic wellbeing of the area.

An Independent Member of Council stated that his comments were not in any way directed to the Unionist population but were merely a representation of his concerns in relation to the work being undertaken by CCI in relation to the survey undertaken in the Bogside with regard to the negative impacts of bonfires which was not being replicated to other situations in the city.

A Member of the DUP grouping stated that he wished also to commend the lead taken by the Apprentice Boys of Derry in relation to their annual parade. He stated that it was important to acknowledge the significant work and consultation process which culminated in a successful parade and increased economic activity within the city.

C134/16 Monthly Planning (LDP) Committee held on 18 April 2016

Minutes of the adjourned Monthly Planning (LDP) Committee held on 18 April 2016 (PLDP1/16-PLDP3/16) were submitted.

It was noted that there had been no quorum present for this meeting and no decisions had been made.

Councillor Hassan Moved, Councillor R McGuire Seconded and the Council

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

Matter Arising

C135/16 Attendance Records (PLDP3/16)

An Independent Member of Council in reference to the lack of quorum at the above meeting, stated that he had been contacted by external agencies regarding the non attendance of Members at meetings. He requested that a record of Members' attendance at Council/Committee meetings in addition to meetings of external bodies be presented to a future meeting.

Councillor Carr Moved, Councillor Donnelly Seconded and the Council

Resolved that a record of Members' attendance at Council/Committee meetings in addition to meetings of external bodies be presented to a future meeting.

Open for Information**C136/16 Responses to Notice of Motion**

The Chief Executive stated that the purpose of the above report was to advise Members of correspondence received in relation to the following Motions passed by Council:

- (i) Preserving Locations Associated with Easter 1916.
- (ii) Department of Social Development to Stop Sale of Housing Executive Homes to Housing Associations.
- (iii) Department's Transfer of NIHE Stock to Housing Associations.
- (iv) Ineffective Policy regarding the Funding through the EU Wide Leader Programme.

Members noted the correspondence received in relation to the above Motion.

C137/16 Notice of Motion

Councillor Gallagher Moved, Councillor Donnelly Seconded

That for this new Council to revive a previous bid by Strabane District Council to the Special European Union Programmes Body (SEUPB) to fund the Reconciliation Through the Riverine Shared Space Scheme within the Strabane/Lifford Area.

A Member of the SF grouping stated that the above project had been presented to Council's Capital Projects and Corporate Programme Planning Group in February 2016 and subsequently submitted for endorsement to the March meeting of Governance and Strategic Planning Committee followed by Council on 24 March which clearly demonstrated it was being dealt with.

The Mayor invited clarification from the Chief Executive regarding the matter.

The Chief Executive confirmed that the Rivervine project had been submitted to Council Capital Projects and Corporate Planning Group in February and the Governance and Strategic Planning Committee in March and endorsed by Council in March 2016. He advised that Officers were currently reviving and rescoping the project in conjunction with Donegal for the purposes of arriving at a situation which could potentially allow its resubmission for funding to the forthcoming Peace IV Programme. He advised that if Members, so wished a report updating Members on the process could be submitted to a further meeting of the Environment and Regeneration Committee which would alert Members to the opportunities which exist and indeed the challenges around the tight timescales in terms of submission. He advised that considerable work was underway with regard to preparing the project for submission to any eligible funding stream which may become available.

A Member of the SF grouping sought clarity on the legal position in relation to proceeding with the above Motion.

The Lead Legal Services Officer advised that when a Motion had been passed by Council it shall be not be open to any Member to propose a similar Motion within a further period of six months in pursuance of Council Standing Orders.

The Mayor in seeking clarification from the Chief Executive confirmed that a similar Motion had been passed within the last six months period.

The Proposer of the Motion stated that all Motions submitted are considered by Council's Legal Section and in this regard he would seek clarification as to why the Motion upon initial submission was not withheld in accordance with the rationale outlined by Officers.

A Member of the SF grouping referred to the clarity given by Officers in relation to the Motion and stated that it was important to acknowledge that Members had a responsibility to keep informed regarding the business of Council.

The Lead Legal Services Officer advised that he wished firstly to apologise for the previous use of the word 'Motion' which in effect should have referred to a decision of Council. He stated that Members would appreciate there were times and occasions when a Motion will be tabled and only upon debate would it become apparent that the subject matter is in effect a matter which had previously gone through Council and in this regard such a situation could only be addressed through the meeting and a decision subsequently made. It was evident today that Members were minded that this was a subject which had gone through Council previously and indeed furthermore the consideration of funding streams associated with the matter.

The Proposer of the Motion stated that he wished it noted that the Special European Union Programmes Body (SEUPB) programme had only been opened and therefore any previous decision of Council, which was subject to opportunity of funding, were not specifically related to application to this Programme. He stated that he had a responsibility as an elected Member to use all potential opportunities to ensure optimum economic outcomes which was the objective of his Notice of Motion.

The Mayor stated that it had been advised that the matter had been the subject of a previous decision of Council and was currently being advanced as outlined by the Chief Executive. She stated that she would once again request the Lead Legal Services Officer to confirm such a matter for the Member.

The Lead Legal Services Officer confirmed that on this occasion the Motion would fall, pursuant to Standing Order 24.

C138/16 Seal

The Mayor Moved, Councillor Reilly Seconded and the Council

Resolved that the Seal of the Council be affixed to the following documents:

Document Sealed on 11 March 2016

Agreement:- Derry City and Strabane District Council ~and~ Ciaran McCartie relating to car loan.

Document sealed on 12th April 2016

Licence Agreement in duplicate: The Department for Social Development (1) and Derry City and Strabane District Council (2) relating to the installation of CCTV cameras at Meadowbank Quay and Fort George, Derry.

Grants of Right of Burial in Castledearg Burial Ground

John Galbraith, 25 Young Crescent, Castledearg, Co Tyrone

Kathleen Mc Creery, 34 Grahamstown Road, Castledearg, Co Tyrone

Grants of Right of Burial in Strabane Burial Ground

Michelle Hurley, 5 Dernalebe Road, Strabane, Co Tyrone, BT82 8PF

Grants of Right of Burial in Urney Burial Ground

Ronald McConnell, 26 Bearney Road, Strabane, Co Tyrone.

C139/16 Local Government Act (Northern Ireland) 2014 Confidential Business

The Mayor Moved, the Deputy Mayor 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 Reconvened Meeting of Council held on 4 April 2016.

(b) Adoption of the Confidential Minutes of the Following Committees:-

(i) Monthly Governance and Strategic Planning Committee held on 5 April 2016

(ii) Monthly Planning Committee held on 6 April 2016

(iii) Monthly Assurance, Audit and Risk Committee held on 7 April 2016

(iv) Monthly Business and Culture Committee held on 12 April 2016

(v) Monthly Environment and Regeneration Committee held on 13 April 2016

(vi) Monthly Health and Community Committee held on 14 April 2016

(c) Application for Voluntary Severance in line with the RPA Severance Scheme.

The Meeting terminated at 5.10 pm

The Meeting then went into Confidential Business.

