

Derry City and Strabane District Council

Open Minutes of Environment and Regeneration Committee held in the Council Chamber, Guildhall, Derry on Wednesday 11 May 2016 at 4.00 pm.

Present:- Councillor Tierney (in the Chair); Aldermen Bresland, Hussey, Ramsey and Warke; Councillors Campbell, Dobbins, Duffy, Hassan, Hastings, Jackson, C Kelly, and McKeever.

Non-Members of Committee: - Councillors Donnelly and O'Reilly.

In Attendance:- Director of Environment and Regeneration (Mrs K Phillips), Head of Environment (Mr C Canning), Head of Capital Development and Building Control (Mr F Morrison), Regeneration Manager (Mr T Monaghan), Grounds Maintenance and Cemeteries Officer (Mr D McCartney) and Committee Clerk (Mrs M Doherty).

ER104/16 Notice and Summons for Meeting

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

ER105/16 Apologies

An apology for absence was received from Councillor D Kelly.

ER106/16 Declarations of Members' Interests

There were no Declarations of Members' Interests recorded.

ER107/16 Suspension of Standing Orders.

A Member of the Sinn Fein grouping asked for a suspension of Standing Orders, the Chairperson agreed.

The aforementioned Member advised of the situation facing Adult Learning Disability Services in the Western Trust. She highlighted the recent press coverage and public meeting that was held in the City Hotel the previous night. She herself had attended the meeting and was shocked to hear the experiences of those affected by this underfunding had experienced. She stated that many of her own

constituents and their families had faced struggles that were appalling. She described the level of underfunding to the value of £8m for Adult Learning Disability Services as totally shocking, with an additional £4m underfunding for Physical and Sensory Disability services as scandalous. She added that the most vulnerable in our society are once again losing out and are being treated appallingly. She informed Members of the Western Learning Disability Action Group who have launched a campaign and have asked for Councils support. Their 4 main demands are:

- Immediate reinstatement of the funding
- Retrospective funding allocated to cover what they have lost
- An investigation as to how this was allowed to happen, and
- Assurances that they are involved in all central decision making regarding funding from this point onwards.

She advised that the Deputy First Minister has stated that he will press the incoming Health Minister to rectify this situation. She added her party's full support for this campaign and advised that she had submitted a motion for the May Council meeting calling on the Council's support. She further asked for the committee support today for this campaign. She finished by quoting one of the speakers from the public meeting who stated that "it shouldn't have to come to this – we have a right".

The Chairperson in concurring with the previous speaker offered his support for the campaign and stated that it was our duty to protect those who can't protect themselves.

A Member of the SDLP grouping also offered his party's support for the campaign and affirmed that it was the duty of society to protect the most vulnerable and thus society cannot allow for this to happen. He stated that this Council would fail if it did not support the campaign. He stated that society is about caring about those that can't care for themselves.

An Independent Member of Council advised that he was aware that this was an issue facing Omagh and Fermanagh also. He advised that the UUP MLA had offered his support for the campaign and he too wishes to address the issue with the new Health Minister when appointed.

A Member of the DUP grouping also concurred with the remarks of Members in the Chamber. He stated that he too 100% supported this

campaign and advised that the MLA for the DUP had also confirmed his support.

A non-committee Independent Member of Council, advised that he had been in attendance at the public meeting the previous night. He outlined the personally testimonies that were made and he could only describe the experience of the most vulnerable in our society as horrendous. He stated that once again those that can't defend themselves are being made to suffer. He further added that there was cross community and cross political support for this campaign, and one which he backed himself.

The Committee

Recommended that Council supports the Western Learning Disability Action Group campaign.

Open for Decision

ER108/16 Deputations

There were no deputations.

ER109/16 Chairperson's Business

Election Posters

The Chairperson advised Members that information had been received from an Independent Member of Council to advise that when removing election posters some cable ties had been left on lamp posts and this was causing a Health and Safety concern. He asked that all parties relay this information to their teams and ensure that the posters are taken down correctly.

Outgoing Chair of the Environment and Regeneration Committee

As outgoing Chairperson of the Environment and Regeneration Committee the Chairperson took the opportunity to thank Members for their commitment and consideration during his time as Chairperson. He stated that he had held the role for just over 15 months. This was his first position as Chairperson of a committee and he felt that it had provided him with a great learning curve. He thanked Members for the

respect that they had shown him in his role. He also offered his thanks to the Director of Environment and Regeneration, the Heads of Service and their retrospective teams for the hard work and commitment that they have shown over the period. He also took the opportunity to thank the PA to the Director of Environment and Regeneration who assisted him greatly and ensured that everything ran smoothly.

A Member of the Sinn Fein grouping thanked the Chairperson for his work over the past 15 months. He stated that he found the Chairperson to always be fair and fulfilled the role efficiently. He too offered his thanks to the Director and all her staff.

An Independent Member of Council also thanked the Chairperson for how he had conducted himself in the Chamber, he stated that he was a credit to himself and his party.

A Member of the SDLP grouping took the opportunity to thank the Chairperson for a job well done.

A Member of the DUP grouping offered his party's thanks to the Chairperson for a good job.

A non-committee Independent Member of Council also recorded his thanks to the Chairperson and stated that as a non-committee Member, he had always found him to be accommodating and fair.

ER110/16 Confirmation of the Open Minutes of the Environment and Regeneration Committee held on Wednesday 13 April 2016

Minutes of the Environment and Regeneration Committee held on 13 April 2016 (ER81/16-ER96/16) were confirmed and signed by the Chairperson as correct.

ER94/16 Diamond War Memorial

On a point of accuracy a Member of the DUP grouping in reference to the above matter advised that the minute should read the 100 year anniversary not 'the 110 year anniversary'. It was agreed that Members would amend their copies accordingly.

ER111/16 Matters Arising

ER88/16 Tievenny Road Bridge, Ardstraw

An Independent Member of Council, referred to the above item and stated his disappointment at the stance of the Department of Regional Development in relation the above. He said that the current structure was not suitable for young children and should not be accepted by this Council.

A Member of the SDLP grouping concurred with the remarks of the previous speaker and asked that a letter be sent reinstating Councils concerns to the new Minister of DRD when appointed.

ER112/16 Annual Service Plan – Environment and Regeneration Directorate

The Director of Environment and Regeneration presented the above report, which had been previously circulated to Members. The report sought Members approval to adopt a Service Plan for 2016/17 for the Environment and Regeneration Directorate and to consider the achievements from 2015/16.

The Chairperson thanked officers for all their work and welcomed the fact that 28 capital projects with a construction value of more than £23.5m have been completed. He stated that it was unbelievable the work that the Directorate had completed.

In response to a Member of the DUP grouping, the Director of Environment and Regeneration advised Members that when the Planning function transferred to Council there was in excess of 500 legacy applications and that this year more than 1100 applications have been received. She stated that staff have determined a majority of legacy applications with less than 150 outstanding alongside processing new ones. She advised that it is important that processes are developed that will allow more timely processing of applications, in particular the use of pre-application discussions with developers. She assured Members that all steps were being taken to process applications as quickly as possible.

In response to a Member of the SDLP grouping, the Director of Environment and Regeneration advised Members that street cleansing for the City and District is at a high standard, however Council continues to take a proactive role in initiating more improvements to provide an even higher standard. She stated that Council are working with the Community to encourage responsible behaviour and look at

more proactive ways to engage the community in taking pride in their area. She advised that Council looks at best practice from other Councils as a learning tool.

A Member of the Sinn Fein grouping welcomed the Service Plan and the ambitious plans for the future. He commended Officers for the work that has been done and stated that the achievements speak for themselves. In referring to the volume of dog waste collected he stated that such figures demonstrated that the Councils message of dog owners taking responsibility for their dog waste is being listened to. He sought clarification as to when Council plans to roll out the distribution of the brown food caddy bins to domestic households. The Head of Environment confirmed that the distribution process for the brown caddy bins will be phased out with a completion date of the 31 March 2017 for all domestic households in City and District.

In response to the same Member the Head of Capital Development and Building Control advised that any elements of the Capital Plan that have secured funding will be worked on. The Director of Environment and Regeneration added that the Capital Projects are monitored on a regular basis and that Council will progress any projects that have secured funding, as soon as possible.

An Independent Member of Council congratulated staff on the extensive work completed and the proposed work plan for the future. He queried how many of the back log planning applications were still awaiting completion. He also sought clarification on where the responsibility falls for the LDP Planning Committee. The Director of Environment and Regeneration advised that out of more than 500 back log applications the current total sits at less than 150 applications awaiting determination and it is anticipated that this figure will be halved by the summer. She assured Members that all necessary steps were being taken by staff to progress applications as quickly as possible. She further advised that the LDP Planning Committee sits within the Environment and Regeneration Directorate and thus she is responsible for this committee and the completion of its work plan. She informed Members that the LDP Planning Committee is a separate meeting to the Planning Committee and the progress of this is closely monitored by officers and by the Senior Management team.

In response to the same Member, the Director of Environment and Regeneration agreed that the street cleansing element for rural areas is a key area for Council to work on. She stated that ongoing work is

being carried out to encourage residents and visitors to enhance their surrounding areas. She noted the Members comments and acknowledged that this a work area which requires innovative solutions to tackle the problem.

A non-committee Independent Member of Council also highlighted areas in urban areas that have become hotspots for fly tipping. He asked that Council as part of this work plan, look at ways to resolve this issue. The Head of Environment advised that Council continuously review these areas and have established a unit which takes a multi-disciplinary approach looking at fly tipping, grass and street cleansing. He stated that Council is working with all stakeholders to develop a model that can address these problems.

The Committee

Recommended that Council adopts the Service Plan for 2016/17.

ER113/16 Friends of Derry Walls – Funding Request

The Director of Environment and Regeneration presented the above report, a copy of which had previously been circulated to Members. She advised that the report had been also presented to the Business and Culture Committee the previous day. The report advised Members of a request for funding from the Friends of Derry Walls. The report also sought authority to support identified elements of the Friends of Derry Walls 2016/17 Annual Activity Plan.

A Member of the DUP grouping highlighted the work that this volunteer organisation carries out. He stated that this group plays an important part in the Historical assets of this City. He said that all steps should be taken to assist this group in their attempts to secure funding.

A Member of the SLDP grouping stated his disappointment that Council was not in a position to provide the £21,500 funding required. He stated that should this have been presented earlier, then provision could have made for this though the rates but unfortunately that process has already concluded. He too offered his support for the group and the work that they do for the City Walls. He stated that the Walls are an historical asset for the City and the passion that this group has for them is evident. He called for any support that Council can offer to achieve the best outcome should be provided.

An Independent Member of Council welcomed the offer of assistance in kind that was being proposed and he highlighted the Stables in Sion Mills project that also could avail of similar assistance from Council.

The Director of Environment & Regeneration advised that Council was unable to provide funding as there currently was no mainstream budget or competitive process available to which the group could apply. She further advised that going forward Council has agreed to move away from funding groups directly but to support strategic outcomes based on our Community Plan. She reiterated that Officers were committed to working with this group and other groups in the area to protect and encourage sustainable use of our heritage assets.

The Committee

Recommended that Council considers the contents of the report and that Officers write to the Friends of Derry Walls advising that Council supports their objectives and the Officers will work with them in order to assist in the delivery of their delivery plan. Council cannot directly provide the £21.5k of funding requested. Officers work with the Friends of Derry Walls to achieve a successful outcome of the grant application submitted to the Irish Walled Town Network towards the delivery of the Derry Walls Day 2016.

ER114/16 Friends of the Walls – Project Partnership Proposal

The Regeneration Manager presented the above report, a copy of which had previously been circulated to Members. The report sought Members approval to assist in the development of project proposals put forward by the Friends of the Derry Walls in respect of the proposed restoration of the plinth located at Royal Bastion on the City Walls.

A Member of the DUP grouping welcomed the report and the work of the Friends of Derry Walls, he stated his support for the proposal and that any assistance Council can provided should be given.

The Committee

Recommended **that Council approves the development of partnership arrangements with the Friends of Derry Walls and Siege Hero's Museum in respect of the plinth restoration project in terms of providing in-kind project management services.**

ER115/16 District War Memorials – Proposed Restoration Projects

The Regeneration Manager presented the above report, a copy of which had previously been circulated to Members. The report provided Members with an update on progress in respect of the scoping work undertaken by Officers in relation to the development of proposed restoration projects of war memorials at The Diamond, Derry; Castleberg and Strabane. The report also sought approval to commit Council funding towards each of these projects.

An Independent Member of Council sought clarification in relation to the monument in Castleberg. He advised of the site meeting he had attended at the start of the year with a Council Official where the required work was discussed. He further added that at the last meeting of this committee it was indicated that this project was to begin in the near future. He stated that he was frustrated at the conflicting information being provided today and could not understand what the delay was in the project and why it was taking so long to get started.

The Director of Environment & Regeneration apologised if it appeared that there was conflicting information in relation to the Castleberg Memorial. She assured Members that this work had begun and would progress and be completed as a matter of urgency.

A Member of the Sinn Fein grouping stated that he found the costs involved in the restoration work for the monument in The Diamond to be staggering and asked that the matter be referred to the Council's Capital group for prioritisation.

A non-committee Independent Member of Council raised his concerns at the rate payers being expected to foot the bill for the restoration of this monument. He questioned whether the siting of this monument in the City centre was appropriate. He stated that this monument stood for the past and that Council should be looking to using this money for something positive for the future. He said that Councillors owed it to the rate payer to use any money in a sensible way.

A Member of the DUP grouping in response to the previous speaker stressed that this work needed to be completed as the monument was in need of immediate restoration works. He stated that the monument was a dedication to all the men and women who gave themselves for the war and the 100 anniversary should be an occasion to remember those that fought for us.

The Committee

Recommended that Council commits to providing direct assistance toward the Diamond and Strabane war memorials.

Open for Information

The Chairperson agreed that the following reports which had been previously circulated to Members would be noted for information:

ER116/16 Application Processes Under Building Regulations (NI)

ER117/16 Brikklin Waste Contract Update

The Head of Environment presented the above report, a copy of which had previously been circulated to Members. The report updated Members on matters relating to contractual/financial position following the placing of Brickklin Waste Limited into administration on the 30 July 2015.

A non-committee Independent Member of Council raised his concern at the lack of information being provided to Councillors. He alleged that Officers had tried to sweep this report under the carpet. He stated that Councillors were being provided with minimal information and that he had requested details on how the decision was made to withhold payment from the company by email on 28th April and had not received a response. He highlighted the direct loss of jobs as a result of Council withholding £750,000.00 without justification and the lack of Council support for those affected. He stressed that he had not been consulted or involved in any decision making that resulted in the company going out of business.

He stated that an officer who was now present in the Chamber had used his influence at a meeting to persuade other Councils to withhold money from the Company and that the officer had also overridden the advice of Councils solicitor at this meeting.

He further alleged that Officers had withheld more payment than necessary from Brickkiln which had directly led to closure of the business. He also alleged that no member of Council had supported the 50 workers who had lost their jobs.

He added that this was similar to the shambolic process relating to stewarding and security and wanted to know what checks had been carried out on the waste processes within Council

The Chairperson in response to the previous speaker, advised that the report presented to Members today had been provided as a result of the request for additional information and that all items for information in the Committee are taken for information unless a Member had queries so there was no attempt by Officers to sweep the report under the carpet. The Head of Environment has presented the details of this report and taken Members through the content. He also stated that he personally went on Radio Foyle to offer his support in the aftermath of the job losses.

The Director of Environment & Regeneration advised that waste services have undergone numerous audits by the Assurance department. She suggested that this issue is raised with the Chief Executive and the Lead Assurance Officer to consider a response to the issues highlighted by the Independent member.

Another non-committee Independent Member of Council requested that his matter is referred to the Assurance, Audit and Risk Committee for consideration.

The Head of Environment assured Members that all processes have been completed in conjunction with proper procurement procedures and in partnership with the regulator NIEA, the audit team, the Council Solicitor and the administrators. He also stated that this Council has not withheld payments, payments have been suspended awaiting further information and to date that is still the situation, Council awaits the information, and if and when provided payment can be progressed.

ER118/16 DOE Consultation on Proposals for a Historic Environment Fund

ER119/16 Transport NI Lands Grass Cutting Information and Update

The Head of Environment presented the above report, a copy of which had previously been circulated to Members. The report informed Members of definitions in terms of road categorizations with regard to arterial and other road classifications.

An Independent Member of Council thanked officers for the report and stated that it was clear now the criteria and rationale which was being used. He highlighted an area near Garvetagh that needed attended to.

In response to a Member of the SDLP grouping, the Grounds Maintenance and Cemeteries Officer advised that Council have identified a few issues around health & safety, particularly on the dual carriage ways. He advised that they are working with Transport NI to put measures in place to allow the workers to carry out the cutting in a safe manner.

The Head of Environment advised that it was the responsibility of Council to carry out grass cutting on the main approach roads, however it is also a responsibility of Council to do so in a safe manner. He stated that the issue of speed at some roundabouts was a concern for Council. He advised that Council will put in place a health and safety plan and this will allow for the commencement of this work. It is hoped that the area around the crescent Link will be cut around the 1st June 2016.

A Member of the Sinn Fein grouping took the opportunity to thank the Grounds Maintenance and Cemeteries Officer and his team. He stated

that the flower displays around the city and district are lovely to see and a credit to this Council. He raised concerns with the roads in the City and stated that it is a disgrace the way in which Transport NI have let the roads get in to such a dilapidated state. He said in particular the Strand Road area needed to be addressed.

- ER120/16 Correspondence from Transport NI – Private Street (NI) Order 1980**
- ER121/16 A&D Issue No. 98 for Northern Ireland Traffic Area**
- ER122/16 Update on EU Project Applications**

The Meeting then went into Confidential Business.

The Meeting Terminated at 5.45 pm

Chairperson: _____

Date: _____