

## **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 23 June 2016 at 4.00pm.**

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

**In Attendance:- Chief Executive (Mr J Kelpie), Director of Business and Culture (Mr S Gillespie), Director of Environment and Regeneration (Mrs K Phillips), Director of Health and Community (Mrs K McFarland), Lead Legal Services Officer (Mr P Kingston), Business Manager (Mrs S Maxwell) and Administrative Assistant (Mrs M Doherty).**

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**C193/16 Notice and Summons of Meeting**

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

**C194/16 Webcast Announcement by the Mayor**

The Mayor read the Webcast Announcement for the meeting.

**C195/16 Apologies**

Apologies were received from Alderman Ramsey, Councillors McGuire and Reilly.

**C196/16 Declarations of Members' Interest**

Alderman R Hamilton declared an interest in relation to agenda item 11 – Notices of Motion.

**C197/16 Chairperson's Business**

The Mayor took the opportunity to welcome all Members to the first meeting of the new term. She added that she was looking forward to working with everyone in the Chamber, and she hoped that the

meetings continued in an effective business-like manner, with respect and equal opportunity afforded to everyone.

The Mayor took the opportunity to congratulate both the Northern Ireland and Republic of Ireland football teams in their success to date in the Euros 2016 and wished them well going forward.

The Mayor offered her condolences and that of the Council to the family of the late Joe Cox, a British MP.

### **Open for Decision**

#### **C198/16 Confirmation of the Open Minutes of the Monthly Meeting held on 26 May 2016**

Minutes of the Open Meeting of Derry City and Strabane District Council held on 26 May 2016 (C149/16-C184/16) were submitted.

Councillor Hastings Moved, Alderman Thompson Seconded and the Council

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

#### **C199/16 Matters Arising**

##### **Deputation – Bonfires: Presentation by City Centre Initiative, PSNI, NI Housing Executive and NI Fire and Rescue (C156/16)**

An Independent Member of Council in referring to the above item sought the updated position in respect of the report with regards to the bonfire held at Knockavoe Mountain in Strabane.

In response to the Chief Executive advised that the report will be brought to the relevant committee.

##### **Council Chamber – Meeting Seating Arrangements (C157/16)**

The same Member sought clarification in relation to the above matter and asked if there was an update.

The Chief Executive in response advised that currently discussions in relation to this matter are still ongoing and further discussion will take

place with Independent Councillors and Party Leaders to ascertain a resolution to the matter. He further clarified that the current seating arrangements were arrived at in the Shadow Council period.

### **Diamond War Memorial (C164/16)**

An Independent Member of Council sought an update on ascertaining ownership of the Diamond War Memorial. The Lead Legal Services Officer in response, advised that the ownership is still being clarified. He confirmed that it has been established that the War Memorial is built on the old town hall site which did belong to the Council at that time, however with reorganisation in 1972 assets transferred to different Government Departments and it has been established that this site appears to have been transferred to the DOE and this is still being clarified. He stated that Council do not hold title deeds for this site. Members will be kept updated.

### **Transport NI Lands Cutting Information and Update (C166/16)**

An Independent Member of Council referred to the above item and took the opportunity to congratulate Officers and staff for the work they had completed in and around the Strabane area. He advised that he had highlighted the issue of weeds in housing estates and asked that a clean-up of weeds be carried out.

The Chief Executive thanked the Member for his comments and advised that Transport NI are responsible for the removal of weeds in the estates and that they are aware of the concerns raised by Members and will be endeavouring to address these in the coming weeks. He also stated that were Council can provide assistance they will.

### **Monthly Planning Committee held on 18 May 2016 (C176/16)**

A Member of the Sinn Fein grouping referred to the above agenda item and asked for an update in relation the mineral enforcement case which he had previously requested. The Director of Environment and Regeneration advised that she will contact the Member the following day with an updated position.

**C200/16**

**Confirmation of the Open Minutes of the Annual Meeting held on 6 June 2016**

Minutes of the Annual Meeting of Derry City and Strabane District Council held on 6 June 2016 (AM1/16-AM9/16) were submitted.

**Nomination of Members to the Following Committees of Council for the period June 2016 - June 2017 in accordance with Schedule 2 of the Local Government Act 2014 (AM8/16)**

An Independent Member of Council as a matter of accuracy queried the lay out of the minutes in relation to the above agenda item. He stated that the minutes did not reflect an accurate running order of how the positions were filled. He stated that he felt that the minutes should have reflected the actual sequence of how the committees positions were filled.

The Lead Legal Services Officer in response advised that the information contained in the minute was an accurate account of what was agreed. He stated that a two stage approach was taken and the positions filled accordingly. He advised that a minimum allocation for each committee was filled at the first stage and then the second stage applied the D'hont system to fill the remaining positions. He stated that it was difficult to reflect the two stage process in the minutes whilst keeping the minutes easy to read. He confirmed however that the minutes did reflect accurately the membership of the committees going forward. He added that the Members would comments be noted.

The Chief Executive advised that the minute presented to Members was an accurate reflection of the outcome of the meeting and as previously advised the Members comments would be reflected in the minutes of this meeting.

On a point of accuracy a Member of the DUP grouping advised that he had nominated three DUP Members onto the Governance and Strategic Planning Committee however Alderman Ramsey had been omitted from the list presented in the minutes.

Councillor Carlin moved, Councillor Boyle Seconded and the Council

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

**C201/16 Matters Arising**

There were no matters arising.

**Adoption of the Open Minutes of the following Committees:-**

**C202/16 Monthly Governance and Strategic Planning Committee held on 7 June 2016**

Minutes of the Governance and Strategic Planning Committee held on 7 June 2016 (GSP138/16-GSP159/16) were submitted.

**Deputation – Northern Ireland Housing federation, Deputy Chief Executive; Ms Jennie McDonald and Apex Housing, Chief Executive; Mr Jerry Kelly. (GSP141/16)**

On a point of Accuracy, an Independent Member of Council advised that he had proposed the establishment of a working group with Elected Members, Residents and Housing Associations to work together at the development stage of any new proposed development however such had not been recorded in the minutes. The Chief Executive in response, advised as there had been no reference to the proposal in the minutes, that the proposal be deferred to the Council Meeting today and the proposal so seconded.

The said Member reiterated his proposal which was seconded by another Independent Member of Council. It was agreed that a report will be brought back to the relevant committee with accompanying terms of reference for the aforementioned working group.

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

**Resolved that a report and terms of reference be brought to the relevant committee for the establishment of a working group involving Elected Members, Residents and Housing Associations to work together at the development stage of any new housing development project.**

**Transition Community Planning Partnership (GSP146/16)**

On a point of Accuracy a Member of the DUP grouping advised that he had nominated himself as the DUP representative for the above

partnership and not Alderman Ramsey as recorded in the minutes. The Chief executive advised that the Minutes will be amended to reflect this amendment.

Councillor Boyle moved, Alderman Kerrigan Seconded and the Council

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

## **C203/16 Matters Arising**

### **Confirmation of Members to External and Internal Bodies 2016/17 (GSP145/16)**

An Independent Member of Council in referring to the above item, raised his concerns that the D'hondt system applied for the allocation of Positions of Responsibility and committee membership differed to the method used for the membership on external and internal bodies. He stated as a matter of consistency, the same method of D'hondt should be used for the allocation of all positions. He proposed that Council correct the procedures that have taken place to provide equality and fair esteem across the chamber and to ensure equal representation for all Elected Members on external and internal bodies, this was seconded by another Independent Member of Council.

The Lead Legal Services Officer then clarified that the correct action would be a proposal to reject the recommendation in the minutes to accept the Membership onto to the external and internal bodies. The said Member then clarified that his proposal was that Council does not adopt the recommendation of the committee as at GSP145/16.

A Member of the UUP grouping in referring to the previous speaker's comments also stated that he felt that there was an issue with the ethos of D'hondt and how it was being applied in this chamber. He stated that the whole purpose of D'hondt was to allow for fair representation across the Chamber and that the method being used to appoint to external and internal bodies was contradiction to this purpose and in fact excluded smaller groupings such as the UUP and Independent Members.

A lengthy discussion ensued and it was agreed to put the proposal not to adopt the recommendation as at GSP145/16 to a recorded vote. The Proposal was then put to the vote and declared lost with voting

For – 8, Against – 27 Abstention - 0.

**City of Derry Airport Business Plan Update (GSP149/16)**

An Independent Member of Council in referring to the above item sought clarification if any contribution had been made by Donegal County Council or by the Irish Government in relation to the operation of Derry City Airport. The Chief Executive in response, advised Members that he was not in position to provide clarification but he would endeavour to bring a report to the relevant committee in relation to the said matter.

Another Independent Member in referring to the same item, sought an update in relation to the provision to Members of the current business plan being operated by the City of Derry Airport. The Chief Executive advised that this will be requested following ratification of the recommendation at today's meeting.

**Transition Community Planning Partnership (GSP146/16)  
North West Strategic Partnership Working Governance  
Arrangements (GSP147/16)**

An Independent Member of Council in referring to the above items raised his concerns at the exclusion of a large number of Elected Members on these Bodies. He reiterated that the use of the D'hondt system meant that there was not equal representation of Elected Members on these decision making bodies which meant no voice for the people who voted for the Elected Members.

**Hosting Conferences (GSP157/16)**

A Member of the UUP grouping in referring to the above item sought an update on the Visit Derry report which was to be brought to the Business and Culture Meeting. The Director of Business and Culture advised that the said report will be brought for Members after the summer recess period.

**C204/16 Monthly Planning Committee held on 8 June 2016**

Minutes of the Monthly Planning Committee held on 8 June 2016 (P86/16-P99/16) were submitted.

Alderman Bresland Moved, Councillor Hastings Seconded and the Council

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

**C205/16 Monthly Assurance, Audit and Risk Committee held on 9 June 2016**

Minutes of the Monthly Assurance, Audit and Risk Committee held on 9 June 2016 (AAR66/16-AAR76/16) were submitted.

A Member of the UUP grouping advised that she was unable to attend the first meeting of the Assurance, Audit and Risk Committee due to a bereavement in the family. The Mayor offered her condolences to the said Member.

Councillor McKeever Moved, Councillor Hastings Seconded and the Council

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

**C206/16 Matters Arising**

**Matters Arising (AAR72/16) – Request for Annual Internal Audit Report**

An Independent Member of Council in referring to the above item asked that in addition to the report being requested, he proposed that a report on ongoing investigations by outside organisations i.e. the NI Audit Office, the Ombudsman and the PSNI be brought for Members perusal. This request was seconded by another Independent Members of Council.

Councillor Donnelly Moved, Councillor Gallagher Seconded and the Council

**Resolved that a report be provided on any ongoing investigations involving the NI Auditor, the Ombudsman and the PSNI.**



**Brickklin (AAR76/16)**

An Independent Member of Council in referring to the above item advised that he had requested minutes of meetings held with regards to this issue. He stated that was aware of meetings having taken place and that the email notification had come from Council. He requested that clarification be provided if these meetings had taken place and that the minutes of same be provided to Members. The Chief Executive in response, advised that it would be very helpful if the same Member would provide any associated correspondence that they may have to assist Council in providing the clarification required.

**C207/16 Monthly Business and Culture Committee held on 14 June 2016**

Minutes of the Monthly Business and Culture Committee held on 14 June 2016 (BC162/16-BC183/16) were submitted.

**Peace IV Programme Update (BC176/16)**

On a point of accuracy a Member of the Sinn Fein grouping in referring to the above item, advised that a proposal that had been called for at the meeting however had been omitted from the recommendations. The proposal being that the ex-prisoner community be invited to sit on the social pillar of the Peace Partnership structure.

Alderman R Hamilton Moved, Councillor McCallion Seconded and the Council

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

**C208/16 Monthly Environment and Regeneration Committee held on 15 June 2016**

Minutes of the Monthly Meeting of the Environment and Regeneration Committee held on 15 June 2016 (ER128/16-ER144/16) were submitted.

Alderman Bresland, Councillor Tierney Seconded and the Council

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

**C209/16 Matters Arising****New Household Recycling Facility at Pennyburn (ER141/16)**

An Independent Member of Council in referring to the above item, stated that as an Independent Member he did not want to be associated with the remarks that were made by another Independent Member of Council in relation to this issue. He proposed that a mechanism for identifying the remarks being made by individual Independent Members in minutes be considered, either through inclusion of initials or names. This would ensure that remarks by Independent Members are not attributed to all Independent Members. Another Independent Member of Council seconded the proposal

The Chief Executive advised that this had been the process of the legacy Councils however the existing process had been agreed for the new Council. He added that if Members were in agreement that a further report on this will be brought to the relevant committee for consideration. All Members were in agreement.

Councillor Carr Moved, Councillor Gallagher Seconded and the Council

**Resolved that Council provide a report to the relevant committee addressing the issue of identifying individual Independent Members of Council in Council minutes.**

**C210/16 Monthly Health and Community Committee held on 16 June 2016**

Minutes of the Monthly Meeting of the Health and Community Committee held on 16 June 2016 (HC140/16-HC167/16) were submitted.

Councillor Hastings Moved, Alderman Thompson Seconded and the Council

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

**C211/16 Matters Arising**

**Application for the Provisional Grant of Amusement Permit (HC161/16)**

The Lead Legal Services Officer advised Members that in relation to a query which an Independent Member of Council had raised at the Health and Community Committee Meeting on legal proceedings, he confirmed that any proceedings will mostly likely not take place before September. He further advised that the Council's barrister will look to speak with the relevant Elected Members and Officers in the first week of July. He will confirm arrangements and report back to Members.

**C212/16 Notice of Motion – Education Authority**

Alderman Hussey Moved, Councillor McHugh Seconded

**That Derry City and Strabane District Council urge the Education Authority and the Education Minister to reconsider their intention to reduce the number of bus escorts with effect from 31 August 2016 and invite a representative from the Education Authority to explain their intentions relative to the Derry City and Strabane District Council area.**

A Member of the DUP grouping in agreeing with the sentiments of the motion, advised that he was of the understanding that the trade unions and the Education Authority have yet to reach a decision on this matter and that further consultation will be held. He added that if the Education Authority have reached a decision as outlined in the motion, that he would have no hesitation in supporting the motion presented today.

A Member of the Sinn Fein grouping in seconding the motion raised his concerns with what the Education Authority were proposing and felt that this action was targeting the most vulnerable in our society. He stated that this was also a child protection issue and therefore the Education Authority need to provide Council with an update on what their position is.

A Member of the SDLP concurred with the remarks of the previous speaker and offered his party support for the motion.

An Independent Member of Council stated his agreement for the sentiment of the motion but raised his concern about the use of the word re-consider. He felt that Council should look at this wording and change it to highlight that Council will not accept any cut in the provision of this service. He further advised that any delegation from the Education Authority need to provide assurance that they would not mislead this Council as they have previously mislead the committee in Stormont when administering cuts.

In light of the previous speakers comments, a change of wording was agreed for the motion.

Alderman Hussey Moved, Councillor McHugh Seconded and the Council unanimously

**Resolved that Derry City and Strabane District Council urge the Education Authority and the Education Minister to clarify any intention to reduce the number of bus escorts with effect from 31 August 2016 and invite a representative from the Education Authority to explain their intentions relative to the Derry City and Strabane District Council area.**

**C213/16 Seal**

Alderman McClintock Moved, Councillor McKeever Seconded and the Council

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

**Sealing List June 2016**

**Documents Sealed 17 May 2016**

Licence in duplicate:- Department for Communities and Derry City and Strabane District Council relating to use of Strabane Score Site.

**Documents Sealed 23 June 2016**

**Grant of Right of Burial in Claudy Cemetery**

Mrs Yvonne Kitson, 14 Mussenden Grange,  
Articlave, Coleraine, BT51 4US.

**Grants of Right of Burial in City Cemetery**

Mrs Matilda McKinney, 4 Rockfield, Derry.

Mr Danny McQuilkin, 7 Belfield Park, Derry.

Mrs Pamela Roberts, 27 Elmwood Terrace, Derry.  
BT48 9JQ.

Mrs Pamela Roberts, 27 Elmwood Terrace, Derry.  
BT48 9JQ.

Mrs Pauline Kelly, 22 Elmwood Street, Derry.

Mr James McDonald, 10 Leafair Park, Derry.

Mrs Majella Dillon, 173 Woodbrook, Derry.

Mr Samuel McCorkell, 118 Elmgrove, Derry.

Mr Ruairi Logue, 21 Lisfannon Park, Derry.

**Grant of Right of Burial in Mountcastle Burial  
Ground**

Mavis E Kelly, 263 Victoria Road, Bready, Strabane,  
Co Tyrone

**Grant of Right of Burial in Strabane Burial  
Ground**

Ita Berrigan, 9 Fountain Terrace, Strabane, Co  
Tyrone BT82 8JJ

**C214/16 Any Other Business**

An Independent Member of Council sought clarification around the consistent application of procedure at today meeting. He stated that when an inaccuracy in minutes had been identified by an Independent Member of Council the proposal was put to the vote in the chamber, however when an accuracy in minutes by a Member of the Sinn Fein grouping had been identified, the amendment was accepted.

The Lead Legal Services Officer clarified that the distinction between the two proposals was that the proposal by the Independent Member of Council at the Governance and Strategic Planning meeting had not been referred to at all in the minutes and thus required to be reiterated for approval, the proposal of the Member of the Sinn Fein grouping had been raised in the minute however the recommendation had not been recorded; the matter therefore did not require to be reiterated for approval.

**C215/16      Local Government Act (Northern Ireland) 2014 Confidential Business**

**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 Council held on 26 May 2016.**

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

- (i)      Monthly Governance and Strategic Planning Committee held on 7 June 2016**
- (ii)     Monthly Assurance, Audit and Risk Committee held on 9 June 2016**
- (iii)    Monthly Business and Culture Committee held on 14 June 2016**
- (iv)    Monthly Environment and Regeneration Committee held on 15 June 2016**
- (v)    Monthly Health and Community Committee held on 16 June 2016**

**The Meeting terminated at 5.15 pm**

**The Meeting then went into Confidential Business.**

**Chairperson:** \_\_\_\_\_

**Date:** \_\_\_\_\_