

Derry City and Strabane District Council

Minutes of Monthly Meeting of Derry City and Strabane District Council held in the Council Chamber, Guildhall on Thursday 20 July 2017 at 4.00pm.

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

In Attendance:- Chief Executive (Mr J Kelpie), Director of Health and Community (Mrs K McFarland), Director of Environment and Regeneration (Mrs K Philips), Director of Business and Culture (Mr S Gillespie), Lead Democratic Services and Improvement Officer (Ms Ellen Cavanagh) Democratic Services Officer (Mrs S Maxwell) and Committee Services Assistants (Ms N Meehan and Ms C Diamond).

C209/17 Notice and Summons for Meeting

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

C210/17 Member Attendance and Apologies

Apologies were received from Councillors C Kelly, P Kelly, McMahon and Robinson.

C211/17 Webcast Announcement by the Mayor

The Mayor read the Webcast Announcement for the Meeting.

C212/17 Declaration of Members' Interests

There were no declarations of interest.

Chairperson's Business

C213/17 Condolences

The Mayor extended his condolences to the family of Donnacha McGuire on his tragic death following a fatal road traffic accident and requested that a letter of condolence be sent to the family on behalf of Council.

C214/17 Congratulations

The Mayor congratulated Jason Smyth on winning two gold medals at the World Para-athletics Championships.

The Mayor congratulated the organisers of the Foyle Cup event which had proven a resounding success for the entire region. He stated that it was not only the immediate Council area which had enjoyed the benefits of this event but the wider regions of Coleraine, Ballycastle and Donegal.

The Mayor congratulated the County Derry Minor Team and the Tyrone Senior Team who were crowned Ulster Champions at the Ulster Championship games in Clones the previous weekend.

C215/17 Condemnation

The Mayor condemned two punishment shootings which had been carried out within the Council area and the recent pipe-bomb attack in Strabane. He acknowledged the widespread condemnation of these attacks and stated that there was no place for such activity within the current political arena. He urged those responsible for these attacks to desist from such unwarranted conduct and engage in a more meaningful way forward.

C216/17 Confirmation of the Open Minutes of the Monthly Meeting of Derry City and Strabane District Council held on 22 June 2017

The Minutes of Open Meeting of Derry City and Strabane District Council held on 22 June 17 (C177/17-C204/17) were submitted.

On a matter of accuracy the Mayor referred to the final sentence of the first paragraph of Minute C182/17 which should have read "He wished to raise awareness of this case and to extend his support and that he, as Mayor was requesting permission from the family of Tony Taylor to visit him in prison".

On a further matter of accuracy a Member of the UUP grouping referred to paragraph 4 on page 12 of Minute C201/17 which should have read "fields of medicine".

It was agreed that the Minutes would be amended accordingly.

Subsequently Councillor Boyle Moved, Councillor Hastings Seconded, and the Council

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

Matters Arising from the Minutes

C217/17 Foyle Haven (Ref C184/17)

A Member of the Sinn Fein grouping referred to discussion on the above matter which had taken place at the June Council Meeting and expressed concern that it had not been possible to arrange a meeting with the key agencies to discuss the issues raised at that meeting as one of the key individuals was not available. She said it appeared that the reduction in services would now proceed and the facility would not be operating to full capacity and expressed disappointment that the proposed meeting would not take place prior to this unfortunate reduction in service being imposed. She anticipated that the meeting would take place as soon as possible in order that the situation could be discussed.

A Member of the SDLP grouping concurred with the previous speaker's comments. She expressed concern that a meeting had not been arranged prior to the introduction of reduced hours and referred to potential difficulties which could be experienced in having the situation reversed following the implementation of the reduced service.

The said Member questioned De Paul's suggested commitment to Foyle Haven as outlined in the Minutes. She reiterated the need for central funding to be forthcoming in respect of Foyle Haven as was the case with a similar facility in Belfast. She acknowledged that at the July Meeting of the Health and Community Committee it was recommended that Council contact the NI Office to acquire direct funding for Foyle Haven and anticipated that following the adoption of the Minutes of that meeting this would be actioned without delay. She

suggested that the lack of funding available for this service demonstrated government's apathy towards such services.

An Independent Member of Council said he understood that difficulties in arranging the meeting had arisen because key individuals were on annual leave and enquired if it would be possible to invite more senior personnel to the meeting.

The Director of Health and Community advised that a request had been made to the Chairperson of the Board regarding attendance at this meeting and they were currently investigating if an alternative representative could be identified. Council was currently awaiting a response in relation thereto.

C218/17 Speech by Incoming Mayor (C189/17)

Arising out of discussion on the above a Member of the UUP grouping queried if there had been any Mayoral engagement with the new MP for South Tyrone or East Londonderry.

The Mayor confirmed that he had met with the MP for South Tyrone the previous week. However there had been no engagement with the MP for East Londonderry. He stated that he would be more than willing to meet with the MP for East Londonderry if he so wished and would be happy to meet with any individual for the betterment of the Council area.

**C219/17 Applications Processed under Building Regulations (NI) (ER128/17)
– Brown Bins (Ref C194/17)**

A Member of the UUP grouping referred to increasing concerns regarding operational issues being experienced in relation to the brown bin collection. He expressed his disappointment that this situation had arisen and sought assurances that the problem would be addressed. He enquired if difficulties were being experienced in terms of staff sickness absence and a shortage of crew staff in respect of the refuse collection service in general?

The Director of Environment assured that Officers would address the issues which had been raised in regard to refuse collection and present a report thereon to the September Meeting of the Environment and Regeneration Committee. She confirmed that difficulties had been experienced in terms of the roll out of the brown bin scheme.

An Independent Member of Council referred to discussion on this matter which had taken place at the June Meeting of Committee when Members were advised that a report thereon would be presented to the July Meeting. He expressed concern however, that this report had not been forthcoming.

The Director of Environment said she did not feel that Officers had specified that a report on the matter would be submitted to the July Meeting of the Environment and Regeneration Committee particularly given the limited timescales between the June and July Meetings. She confirmed that the Head of Environment had provided Members with a verbal update at the July Meeting of Committee and had assured that a report thereon would be presented to the September Meeting. She stated that he had subsequently investigated a number of specific issues raised at the July Meeting and a comprehensive report would be presented to the September Meeting.

C220/17 Special Meeting of Environment and Regeneration Committee held on Tuesday 20 June 2017

The Minutes of the Special Meeting of the Environment and Regeneration Committee held on 20 June 2017 (SER1/17-SER4/17) were submitted.

Councillor Hastings Moved, Councillor Dobbins Seconded and the Council

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

C221/17 Monthly Governance and Strategic Planning Committee held on Tuesday 27 June 2017

The Minutes of Monthly Governance and Strategic Planning Committee held on Tuesday 27 June 2017 (GSP96/17-GSP115/17) were submitted.

Councillor McKnight Moved, Councillor Boyle Seconded and the Council

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

Matters Arising

C222/17 Education Authority – consultation on Strategic Plan (GSP102/17)

In response to a query from a Member of the UUP grouping, the Lead Democratic Services and Improvement Officer advised that a response had not yet been received from the Education Authority to the invitation for them to address a Meeting of the Governance and Strategic Planning Committee. She undertook however to contact the Education Authority regarding Council's request.

C223/17 Monthly Planning Committee held on Wednesday 28 June 2017

The Minutes of the Monthly Planning Committee held on 28 June 2017 (P96/117-P118/17) were submitted.

On a matter of accuracy a Member of the Sinn Fein grouping referred to the recommendation contained in Minute P109/17 and pointed out that this should have read "that Officer's recommendation on planning application LA11/2016/0777/F is not accepted on the grounds that the recommendation did meet the three reasons provided on policy CTY10".

It was agreed that the Minutes would be amended accordingly.

Subsequently Councillor Dobbins Moved, Alderman Bresland Seconded and the Council

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

Councillor Carlin recorded her abstention to the above resolution.

C224/17 Monthly Assurance, Audit and Risk Committee held on Thursday 29 June 2017

The Minutes of the Monthly Assurance, Audit and Risk Committee held on Thursday 29 June 2017 (AAR56/17-AAR69/17) were submitted.

Councillor Duffy Moved, Alderman McClintock Seconded and the Council

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

C225/17 Monthly Business and Culture Committee held on Tuesday 4 July 2017

The Minutes of the Monthly Business and Culture Committee held on Tuesday 4 July 2017 (BC136/17-BC157/17) were submitted.

Alderman Hussey Moved, Councillor McKnight Seconded and the Council

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

A Member of the Sinn Fein grouping referred to an Information Seminar which she attended in respect of the Business and Culture Directorate. She thanked the Director of Business and Culture for organising this most informative event and suggested that it be rolled out within all Council Departments.

A Member of the UUP grouping as Vice-Chairperson of the Business and Community Committee, endorsed the previous speaker's remarks and reiterated that this had proved extremely informative.

C226/17 Monthly Environment and Regeneration Committee held on 5 July 2017

The Minutes of the Monthly Environment and Regeneration Committee held on 5 July 2017 (ER143/17-ER154/17) were submitted.

Councillor Dobbins Moved, Alderman Bresland Seconded and the Council

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

A Member of the DUP grouping expressed concern at the Mayor's conduct since taking office. He stated that this view had also been expressed by members of the public. He made specific reference to the fact that the Mayor refrained from addressing Aldermen by their correct title. He stated that there were a number of issues which would suggest that the Mayor was not operating on a cross-community basis.

He stated that the Mayor's behaviour could be perceived as tepid by the Unionist community.

The Mayor explained his reference to Alderman as Councillors as a mere 'slip of the tongue' and no offence had been intended to individuals or the Unionist community. He stated that he worked tirelessly for the entire community.

An Independent Member of Council said he believed the Mayor's tone to be most pleasant and he did not feel offence had been intended or caused.

C227/17 Monthly Health and Community Committee held on Thursday 6 July 2017

The Minutes of the Monthly Health and Community Committee held on Thursday 6 July 2017 (HC142/17-HC171/17) were submitted.

Alderman R Hamilton Moved, Alderman McClintock Seconded and the Council

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

Matters Arising

C228/17 Brandywell Stadium (HC147/17)

A Member of the Sinn Fein grouping referred to a request by a Member of her Party at the June Meeting of the Committee for a report on progress in relation to Brandywell Stadium. She also requested an update in relation to plans for the City of Derry Rugby Club.

C229/17 Pilot Community Crisis Intervention Service (HC162/17)

A Member of the Sinn Fein grouping welcomed the fact that this service was going out to procurement and the progress which had been made. She looked forward to this service ultimately being made available throughout the City. She stated that the scheme would have been extended had additional funding been identified but anticipated that work would continue with the statutory agencies involved and in the pursuit thereof and the required funding would be made available in order that the pilot scheme could be extended and evaluated. She

referred to discussions which had taken place with representatives from the Task and Finish Group who remained positive and committed to this service being implemented and becoming operational. She again welcomed the pilot service which she said was required by the most vulnerable in society.

A Member of the SDLP grouping whilst welcoming the six month pilot scheme, expressed concern in terms of its operation and how it would be rolled out. His Party had also requested a report on the matter following the procurement process. The Member then queried the membership and establishment of the Task and Finish Group.

The Director of Health and Community confirmed that the Task and Finish Group had originated through Officers following a proposal within the Health and Community Committee that Council lead on the establishment of a Crisis Intervention Service. She stated that the statutory agencies involved were those with responsibility for health in terms of the Trust, the Public Health Agency and other emergency services including PSNI. She stated that there had been engagement with community response organisations, both through committee structures and voluntary providers but also through invite proposals to look at how such a service might work and to inform the development of the specification. She stated that the original group was facilitated by the then Mayor Councillor McCallion and there had been some discussion during Mayor McClintock's term.

An Independent Member of Council referred to a number of issues at the July Meeting of the Health and Community Committee which did not appear to have been addressed. He referred to the numerous campaigns which had been carried out surrounding this issue and enquired as to how much of the proposal had been framed around consultation with the general public and the wide and varied number of interest groups. He expressed concern that none of these groups appeared to have been consulted prior to the pilot scheme progressing.

Subsequently Councillor Gallagher Moved, Councillor O'Reilly Seconded

That that this decision is deferred and a report is brought forward that addresses the list of issues raised at the July Meeting of the Health and Community Committee with regards to Intervention Services.

An Independent Member of Council referred to a number of campaigns which had adopted varying approaches which had led to considerable confusion in determining requirements in terms of intervention services. He referred to the need for the Pilot scheme to be above reproach and therefore did not believe it could be rolled out until all outstanding issues had been addressed.

A Member of the Sinn Fein grouping expressed concern at the above proposal. She referred to engagement which had taken place and the considerable work which had been carried out in progressing towards the Pilot Community Crisis Intervention Service going out to procurement. She stated that funding had been the crucial issue and the pilot had not been as intense or extensive as initially proposed. She stated that the process had involved consultation with those agencies in the city concerned with vulnerable individuals. She maintained that the time was now opportune to proceed to procurement and when operational it would be possible to evaluate further and investigate additional funding opportunities.

An Independent Member of Council again referred to the range of issues raised at the July Meeting of the Health and Community Committee none of which had been addressed. He reiterated that a report be prepared addressing these issues prior to proceeding with the procurement exercise. He further reiterated the need to engage with those interested parties in the community in order to ensure the overall success of the service.

A Member of the SDLP grouping endorsed some of the comments made by the previous speaker. He stated that at the July Meeting of the Health and Community Committee he had raised a number of questions and amended the proposed recommendation to include that a report be presented to Committee addressing the issues raised and Members be provided with information around the role of the procurement process and the role of elected members in amending parts of the Pilot Scheme. He said he would have concerns in terms of delaying the entire process and queried if it would be possible to proceed with the procurement of the pilot scheme whilst simultaneously having the issues raised addressed by Officers and the suggested consultation following which an informed decision could be agreed.

The said Member queried if there were structures within the Task and Finish Group to facilitate attendance by elected representatives and reiterated that the process must be without fault in order to ensure the overall success of the pilot scheme.

The Director of Health and Community stated that in terms of participation within the Task and Finish Group this was essentially an Officer/Health Professional led group. However, as it evolved a project board structure would be established and within this Officers would consider arrangements for engagement with Members. This however, had yet to be defined. She undertook to take on board comments and feedback including the need for Members to be involved in the process. She continued that in terms of the procurement exercise, Council was currently entering summer recess and had not yet published the Notice to Procure and was currently refining the specification and was seeking assurances from its partners within the wider health community that they were satisfied with the specification which was to be included. She stated that as it was a co-designed provision part of the proposal would be for submitters to suggest and identify innovation on the ways that the service could be delivered.

The Director of Health and Community further stated that if Members required assistance in terms of understanding some of the details and answers to issues raised previously, she would be willing to facilitate a briefing session to clarify these points in parallel with the procurement process. However, this would be carried out prior to the publication of the procurement notification in order that Members would have time to evaluate the position, if required.

A Member of the DUP grouping said her Party would oppose any delay in the introduction of the Pilot Scheme. She reminded Members that it was only a Pilot Scheme. She stated that it was vital that progress was made and stated that it would be possible to evaluate the situation after six months after the pilot scheme had become operational.

A Member of the Sinn Fein acknowledged that clarification was required on a number of issues and said it had been agreed that these would be addressed at a further Meeting of the Health and Community Committee. However, to delay the process on this basis was misjudged. She stated that Elected Members were not professionals and should be willing to accept advice from experts in this field and proceed accordingly.

An Independent Member of Council referred to the importance of this service and the need for the process to proceed intact.

A Member of the UUP grouping expressed his support for the Officer's recommendation and said that the purpose of a Pilot Scheme was surely to evaluate the viability of the project.

An Independent Member of Council referred to the concerns expressed by Campaign groups in the City regarding the lack of clarification and responses they had received regarding the process.

In response to a query from a Member of the SDLP grouping regarding when it was anticipated that the procurement process would begin, the Director of Health and Community stated that in terms of the procurement schedule Council was bound by advertising deadlines and the next was the end of August and this would follow on throughout the cycle in the months going forward. She stated that Council was currently awaiting comment from health practitioners who had been consulted with regard to the specification and this response would determine when the process would begin. She stated however that this would not take place before the end of August.

A Member of the SDLP grouping anticipated that Officers would present their response to the issues raised prior to that date.

The Proposal Moved by Councillor Gallagher, Seconded by Councillor O'Reilly was put the vote and on a show of hands their voting was as follows:

For the Proposal – 4

Against the Proposal – 32.

The Proposal was therefore declared lost.

Arising out of discussion Councillor McGinley requested that the Mayor be replaced by Councillor R McHugh on the Policing and Community Safety Partnership.

Members agreed accordingly.

A Member of the SDLP grouping requested an update on the City of Derry Rugby Club.

The Director of Health and Community advised that City of Derry Rugby Club had made an application to the Shared Spaces European Project as had Council for a number of projects. All projects were going through the assessment process. Phase I had been completed and Phase II was currently ongoing and this required clarification under the economic appraisal process in order that a recommendation and a scoring could be agreed through the moderation panel. She continued that all of the applications submitted were undergoing the same process and City of Derry Rugby Club had scheduled a meeting of potential interest and partners on Wednesday 26 July and Council would be facilitating this meeting in the Council Offices at Strand Road. She stated that the invitation list was at the discretion of the Rugby Club and they would be presenting the finer details of their business case and presumably seeking responses with regard to partnership engagement.

C230/17 Delegated Authority to the Chief Executive During Summer Recess

The Lead Democratic Services and Improvement Officer presented the above report a copy of which had been previously circulated. She advised that the purpose of the report was 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.

In relation to 3.2 a Member of the UUP grouping queried if it would not be better that the Chief Executive consult with the most appropriate Members rather than the Committee Chairperson particularly in relation to district electoral areas.

The Chief Executive advised that in consulting with the appropriate Chairperson he would also recommend that consultation take place with the elected Members for the relevant district electoral area, if appropriate.

Subsequently Councillor Reilly Moved, Alderman Kerrigan Seconded and the Council

Resolved that Members approve the delegation of powers to the Chief Executive (or his nominee) to act on behalf of Council when required to do so, during summer recess.

C231/17 Notice of Motion – Anti-Social Behaviour around Council’s Parks and Recreational Facilities

Councillor Gardiner Moved, Councillor Dobbins Seconded

That this Council seeks to address the rise in anti-social behaviour around the Council’s parks and recreational facilities.

That this is done, by collaborating with the relevant government departments, to engage the additional skills and expertise of youth workers at these venues.

The following amendment was Proposed by Alderman Hussey and Seconded by Alderman Ramsey

That this Council seeks to address the rise in anti-social behaviour around the Council’s parks and recreational facilities.

That this is done, by collaborating with the PSNI and relevant government departments, to engage the additional skills and expertise of youth and community workers at these venues.

The Amendment on being put to the vote was declared carried their voting For - 31, Against – 1, Abstentions 4.

The Amendment became the substantive Motion was put to the vote and declared carried their voting For -31, Against 1, Abstentions 4.

C232/17 Notice of Motion – Funding – Voluntary Sector Organisations.

Councillor Logue requested and Members agreed that her Motion be deferred until following the summer recess.

Open For Information

C233/17 Responses to Motions

The Chief Executive presented the above report a copy of which had previously been circulated. He stated that the purpose of the report

was to advise Members of responses received to Motions previously passed by Council.

Members noted the above information.

C234/17 Seal

The Mayor Moved, the Deputy Mayor Seconded and the Council

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

Documents to be Sealed on 20 July 2017

Grants of Right of Burial in Ballyoan Cemetery

Mr Yasar Sami, 4 Melvin Court, Waterside, Derry, BT47 6HZ.

Mr John McCandless, 12 Knocksilla Park, Omagh, County Tyrone, BT79 0AR.

Mrs Ethna McCloskey, 39 Bellview Avenue, Derry, BT48 6TG.

Grants of right of Burial in City Cemetery

Mr Tom Kelly, 44 Hawthorn Hill, Newtowncunningham, County Donegal.

Mr Thomas O'Hara, 6 Mulroy Gardens, Creggan, Derry, BT48 9QP.

Ms Annette Doherty, 3 Bealachmor Upper, Hazelbank, Derry.

Mr Michael Green, 17 Griffiths Park, Derry, BT48 8PE.

Mr Liam Barr, 5 Glenwood, Lowry's Lane, Derry, BT48 0FJ.

Mr Hugh McDaid, 32 Moore Street, Derry, BT47 2EY.

Mrs Isobel Sheerin, 14 Glendale Road, Derry, BT48 8GJ.

Mr Seamus McDaid, 35 Gleneagles, Derry, BT48 7TE.

Mrs Maureen Carlin, 8 Owenmore Place, Derry, BT47 6XG.

Mrs Margo Duddy, 75 Glen Road, Derry, BT48 0BZ.

Mr John Gallagher, Flat 15, Enterprise House, 11 Great James Street, Derry, BT48 7BZ.

Mr Eamon Moore, 69 Liscloon Drive, Derry, BT48 8HT.

Mrs Elly Doherty, 8 Moss Park, Derry, BT48 8JY.

Mr Baylon Moore, 69 Whitehouse Park, Derry, BT48 0QA.

Ms Jeanette Hutton, 16 Demesne Gardens, Derry, BT48 9NA.

Mr Denis Coyle, 77 Bloomfield Park, Galliagh, Derry, BT48 8HD.

Mrs Maisie Moore, 67 Academy Road, Derry, BT48 7LA.

Mrs Majella Coyle, 45 Cashelmore Park, Derry, BT48 0RW.

Grant of Right of Burial in Ardstraw Burial Ground

Rev Dr W S Magee, 66 Thornlea, Hospital Road, Omagh, Co Tyrone, BT79 0EL

Grants of Right of Burial in Strabane Burial Ground

Ciaran McCready, 15 Newtownkennedy Street, Strabane, Co Tyrone, BT82 8HT

Paul Herron, 35 Barrack Street, Strabane, Co Tyrone, BT82 8HD

Frank Mc Kinney, 334 Lisnafin Park, Strabane, Co Tyrone, BT82 9DN.

C235/17 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 Meeting of Derry City and Strabane District Council held on 22 June 2017;**
- (b) Adoption of the Confidential Minutes of the following Committees:**
 - (i) Monthly Governance and Strategic Planning Committee held on Tuesday 27 June 2017;**
 - (ii) Monthly Planning Committee held on Wednesday 28 June 2017;**
 - (iii) Monthly Business and Culture Committee held on Tuesday 4 July 2017;**
 - (iv) Monthly Environment and Regeneration Committee held on Wednesday 5 July 2017; and**
 - (v) Monthly Health and Community Committee held on Thursday 6 July 2017.**

The Meeting terminated at 6.10 pm