

## **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 23 November 2017 at 4.00pm.**

**Present:- Councillor M McHugh (Mayor) (in the Chair) (Item C306/17-C333/17), Boyle (Item C334/17-C337/17) and Campbell (Item C338/17-C346/17); Aldermen Devenney, R Hamilton, Hussey, Kerrigan, McClintock, Ramsey, Thompson and Warke: Councillors Boyle, Campbell, Carlin, Carr, Cooper, Cusack, Dobbins, Donnelly, Duffy, Fleming, Gallagher, Gardiner, Hassan, Hastings, Jackson, C Kelly, Logue, McGinley McGuire, R McHugh, McKnight, McMahan, O'Reilly, Reilly Robinson and Tierney.**

**In Attendance: - Chief Executive (Mr J Kelpie), Director of Environment and Regeneration (Mrs K Philips), Director of Health and Community (Mrs K McFarland), Lead Legal Services Officer (Mr P Kingston), Lead Democratic Services and Improvement Officer (Ms Ellen Cavanagh) Democratic and Services Officer (Mrs S Maxwell) and Committee Services Assistants (Ms N Meehan and Miss L Bell).**

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### **C306/17 Notice and Summons of Meeting**

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

### **C307/17 Member Attendance and Apologies**

Apologies were received from Aldermen Bresland and M Hamilton, Councillors D Kelly (who was on Council business), P Kelly and McKeever.

### **C308/17 Webcast Announcement by the Mayor**

The Mayor read the Webcast Announcement for the Meeting.

### **C309/17 Declaration of Members Interest**

Councillor Cooper declared an interest in item BC223/17 a member of the Board of Visit Derry

The Mayor, Councillor M McHugh and Councillor Fleming declared an interest in item ER237/17 as Members of the Rural Development Group.

Councillor Logue declared an interest in item ER237/17 as the Chairperson of the Rural Development Group.

**C310/17      Suspension of Standing Orders**

Councillor Fleming Moved, Councillor McMahon Seconded and the Council

**Resolved      that Standing Orders be suspended to consider (i) the announcement earlier that day that Derry-Londonderry would no longer be eligible to bid for 2023 European City of Culture; and (ii) concerns that the City had not been named in the Chancellor's Autumn Statement the previous day in relation to a Growth Deal/City Deal.**

**C311/17      European City of Culture 2023 Bid**

Councillor Fleming echoed his Party's disappointment regarding correspondence from the European Commission to the Department of Culture, Media and Sport with regard to the Belfast/Derry bid for European Capital of Culture 2023 which stated that their bid would no longer be eligible due to the implications of Brexit and the fact that by 2023 they would no longer be members of the European Union. He acknowledged the hard work and efforts by both Council in preparing the bid and in the process to date. He stated that this was one of the major detrimental knock on effects of Brexit for the City. He stated that although it was early days it appeared that a decision had been agreed. He anticipated that additional information would be forthcoming and further communications would take place however it appeared at this stage that the bid would not proceed. He referred to the serious implications of such a decision on both Derry and Belfast. He reiterated his Party's anger and disappointment at this decision and sought an update from the Chief Executive in terms of Council in relation to current and proposed future expenditure in relation to the bid.

Councillor Reilly also expressed disappointment on this issue. He referred to previous discussion which had taken place at the outset of the process on the impact of Brexit on the bid. He also sought clarification from the Chief Executive on how it was proposed that Council would proceed on this issue.

Alderman Hussey also asked for the Chief Executives comments on this issue. He pointed out that he had previously questioned the impact of Brexit on the bid process.

Councillor Gallagher stated that the submission of a bid in spite of Brexit had been reckless and appeared something of a major blunder. He reminded Members that they had voted to proceed with the bid despite questioning the impact that Brexit would have on this process. He suggested that the process be halted immediately.

Alderman McClintock expressed her disappointment and questioned why the application had been accepted in the first instance.

Alderman Devenney echoed Members' disappointment and expressed concern that Council had only been made aware at this stage in the process that it would no longer be eligible to bid. He pointed out that although the United Kingdom would be leaving the European Union it would remain a part of Europe. He suggested that Council continue in its endeavours in relation to individual projects as progress could be achieved as in the 2013 UK City of Culture.

Alderman Thompson said he was not surprised by the actions of the European Commission given that they had changed the rules and regulations in respect of various schemes in the past. He suggested that excluding UK Cities from taking part in the bid process was by way of punishment for the Brexit vote.

Councillor McGuire requested to be furnished with information regarding those Councillors who had voted in favour of the European City of Culture bid 2023 both at Committee and Council.

The Chief Executive explained that the deadline for the submission of bids was in late October and Derry/Belfast was one of five cities across the UK who had submitted bids. Following this Council received an invitation to attend the interview phase in London on Tuesday 28 November. He stated that this process which would involve a twelve person judging panel required intense preparation. He continued that earlier that day Council received an indication from the European Commission that the City was no longer eligible to apply. The Chief Executive then read the statement issued earlier that day from DCMS. This statement however disagreed with the stance taken by the European Commission and indicated that the Prime Minister had specified that although the United Kingdom would be leaving the

European Union it would remain a part of Europe. The statement also specified the government's commitment to assist those cities involved to achieve their cultural targets.

The Chief Executive concluded that this was the only communication received to date and he undertook to notify Members if any additional information was received in this regard.

### **C312/17 Growth Deal/ City Deal**

Councillor Fleming referred to the fact that Belfast had been mentioned in the Chancellor's Autumn Statement the previous day in relation to a Growth Deal/City Deal. He stated that the emphasis should now be placed on proceeding with the Strategic Growth Plan regardless of whether or not the funding is made available through a Growth Deal/City Deal. He stated that if the Stormont Executive was re-formed in order to assist in the process of being granted a City Deal to fund the Strategic Growth Plan, he felt it should be based on sustainability, respect and equality for all regardless of race, class or creed. He called for an update from the Chief Executive in relation to this issue.

Councillor Reilly expressed his disappointment that the extensive work which had been carried out in respect of the Strategic Growth Plan had not been referred to in the Chancellor's Autumn Statement. He referred to the fact that the government at Westminster had indicated that any City in Northern Ireland applying for a City Deal would require the support of the Northern Ireland Executive. He stated that Colm Eastwood (MP) had requested the Secretary of State to visit the City to view the Strategic Growth Plan and the time and effort invested in this. Councillor Reilly also suggested that the Secretary of State be invited to address Council regarding the issue of City Deals.

Alderman Hussey referred to his initial concerns regarding the fact that Belfast would take precedence over Derry in terms of City Deals and supported the suggestion of requesting the Secretary of State to address Council on the matter particularly given the current impasse in terms of the Stormont Executive which he believed meant the City was somewhat democratically disadvantaged in terms of securing a City Deal.

Alderman McClintock also expressed her disappointment that the City had not been mentioned in the Chancellor's Autumn Statement. She

felt however, that Council should continue in its endeavours to have Derry named as Northern Ireland's second City to receive a City Deal.

Alderman Devenney raised the issue of an east-west divide between Belfast and Derry still being evident. He pointed out that the scheme in Belfast would initially be a pilot scheme and suggested that MP's at Westminster be permitted to raise the issue of a City Deal for the City.

The Chief Executive welcomed Members comments on this issue. He stated that the Strategic Growth Plan provided a solid foundation on which a City Deal proposal would be constructed. He informed Members that he had written to the Department of Communities in October reminding them of the City's robust proposal. He stated that he had also written to Head of the Civil Service and the Secretary of State requesting that Council be included in the Chancellor's Autumn Statement in advance of any final announcement regarding a City Deal. He advised that he had now received responses from the Department for Communities and the Head of the Civil Service which he said was encouraging. The main points of the responses were outlined as follows:

Letter dated 9 November 2017 from David Sterling, the Head of the NI Civil Service

- Advised that he was encouraged that Council were taking steps to engage on this important issue and officials within the NI departments stand ready to discuss Council's proposals further.
- Stated that it would be helpful if all relevant parties were included in any discussions on a City Deal for the Derry/Londonderry Region. Such discussions could also include the NI Office and the Department for Communities and Local Government, as appropriate.
- Noted Council's desire to have a City Deal proposal for Derry/Londonderry City Region and advised that the content of the Chancellor's Autumn Statement was a matter for the Chancellor and Department of Finance and had subsequently advised HM Treasury of Council's request.
- Looked forward to progress being made on Derry/Londonderry City Deal proposal and anticipated that this initiative would make a real difference to the economy of the North West.

Letter from Jake Berry MP, Department for Communities and Local Government

- Advised that the government had committed to working with key stakeholders to agree a comprehensive and ambitious set of City Deals in Northern Ireland.
- The government had clearly indicated that City Deals must start at the grass roots.
- Encouraged to hear about the work that Council were doing to develop a draft statement of intent for a potential City Deal for the Derry/Londonderry Region.
- Understood that Council had received a reply from Lord Duncan of the NI Office indicating that in the first instance, it would be helpful to arrange a meeting with officials from both the NI Office and the Department for Communities to discuss Council's work so far and next steps.
- Advised that he would be willing to come to Derry/Londonderry to meet with Council to try and achieve progress in the discussions.
- In relation to any reference to a potential City Deal for the Derry/Londonderry City Region in the Budget, as with all Budget decisions this would ultimately be a matter for the Chancellor of the Exchequer to decide upon.

The Chief Executive also advised Members that the Chancellor's Autumn Statement, had not indicated that Belfast would be the first City in Northern Ireland to receive a City Deal and other Cities had also been mentioned.

In conclusion the Chief Executive said that although it was disappointing that the City had not been mentioned in the Chancellor's Autumn Statement Council had an advanced city deal proposal in place which had been recognised by senior Civil Servants and Ministers and he again welcomed the positive responses received which were most encouraging.

Subsequently Councillor Reilly Proposed, Councillor Boyle Seconded and the Council

**That the Secretary of State be invited to address Council on the issue of a City Deal.**

The following Amendment was proposed by Alderman Hussey, Seconded by Councillor Reilly and the Council unanimously

- Resolved**
- (a) that the Secretary of State be invited to address Council on the issue of a City Deal;**
  - (b) that Council continue to engage with all relevant bodies in terms of the process of the City Deal project; and**
  - (c) that copies of the correspondence received from the Head of the NI Civil Service and the Department for Communities and Local Government be circulated to Members.**

## **Open For Decision**

### **Chairperson's Business**

#### **C313/17 Golden Bridges Conference - Boston**

The Mayor referred to his recent trip to Boston as part of the Council delegation to attend the Golden Bridges Conference. He stated that this had been an extremely worthwhile trip albeit somewhat exhausting. He stated that it proved extremely beneficial in that not only were links established and reinforced by business leaders but it was anticipated that these would lead to the creation of major inward investment opportunities.

The Mayor referred to the importance of the City's educational establishments in terms of investment and a thriving local economy. Representatives from both the University of Ulster's Magee Campus and the North West Regional College who had attended the Conference were delighted with the relationships which had been formed and the potential opportunities which it was anticipated would be forthcoming. He said he understood that the representatives from the University of Ulster left the Conference feeling confident in their ability to establish a Medical School at its Magee Campus. He referred to the need for continued expansion in both the education and business sectors in order to ensure increased growth in the local economy.

The Mayor welcomed the opportunity to be able to meet members of the business community and political leaders both from USA and Ireland who were attending the Golden Bridges Conference. He referred to a consensus at the Conference that of all the regions in

Ireland attending the Conference, there was no area putting their case across more vociferously than the North West who had articulated their needs and the challenges it faced. It had been stated that this was one of the border areas who had evaluated the situation and had considered advantages which may present in the future. He concluded that as Mayor he felt confident of the City and District's future and the unified approach it presented. He stated that many of those whom they had met commended Alderman McClintock the previous year's Mayor on the success of her visit and said that the unity which was shown had to be admired. He said he felt Council had made a considerable impression and anticipated that the benefits of this visit would be forthcoming.

The Chief Executive thanked the Mayor for his endurance during this demanding schedule. He referred to the success of the visit and stated that relationships which had previously been formed had improved significantly and he would be preparing a full evaluation of the visit and submitting a report thereon to a future meeting of the North West Regional Development Group. He continued that fifteen businesses from the region had made links many of whom had returned home with new and valuable business contacts and opportunities.

The Chief Executive stated that in the weeks ahead he would be working to progress the relationships and opportunities which had been established. He referred to the many contacts which had been established through the Boston visits however this year new links had been established with the City of Philadelphia and the significance thereof given that many of those who had emigrated from Derry Port arrived in Philadelphia. He stated that one of the great strengths during the visit and trade mission was the partnership between Council and the local education establishments, all of which were now collaborating on a cross border basis to provide new skills and opportunities for the young people of the area and stop the brain drain. He stated that to retain local talent would ultimately provide a rich resource for businesses to expand. He stated that this had culminated in the signing of an economic memorandum of understanding with the City of Boston which would have real tangible benefits for this City's business community wishing to participate. He reiterated the many positive aspects of the visit and thanked all those who had taken part.

The Minutes of the Open Meeting of Derry City and Strabane District Council held on 26 October 2017 (C275/177 –C297/17) were submitted.

Alderman Hussey Moved, Councillor McKnight Seconded and the Council

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

### **Matters Arising**

#### **C315/17 Flooding Incident Response (Ref C282/17)**

Councillor Cusack sought an update regarding an elderly tenant whose property had been damaged during the recent flooding, who had contacted elected representatives in order to determine if she could qualify for the £1,000 relief grant.

The Chief Executive confirmed that this matter had been raised by a number of elected representatives. He advised that Council's Senior Environment Health Officer had liaised with the Housing Executive and the owner of the property. He stated that as unfortunately the water had entered the property through the roof which was being repaired by the Housing Executive, the Department of Communities had instructed that the property was not eligible under the SEFA scheme as losses associated with rainwater ingress through the structure of a building (other than rising flood water) which was due to a structural defect not caused by the incident itself were ineligible. He continued that the Housing Executive's Maintenance Manager had indicated that the roofs on all three properties previously queried by Council were secure and all necessary works had been completed. No additional works were carried out to any of the above properties as a result of rainwater penetrating through the roof as the only impact was water running down walls and these were then allowed to dry out. The buildings had been assessed again and the Housing Executive had concluded that they did not require any further action.

The Chief Executive stated that if any of the occupiers felt that the Housing Executive had not taken appropriate action they should liaise directly with the Housing Executive's Maintenance Manager.

Councillor Donnelly stated that he had contacted the Housing Executive regarding this case and they had indicated that it had been referred under the Planned Maintenance Department and the contractor who had carried out the works. They had indicated that they had issued a claim form to the tenant to claim from the Housing Executive however if a claim were submitted the Housing Executive would refer this to the contractor.

**C316/17 Notice of Motion – Renaming of Brandywell Stadium (Ref C294/17)**

Councillor Logue enquired if there was any update in relation to the convening of a Working Group regarding the renaming of Brandywell Stadium.

The Chief Executive advised that a report updating Members thereon would be submitted to the relevant Committee in the near future.

**C317/17 Monthly Governance and Strategic Planning Committee held on Tuesday 7 November 2017**

The Minutes of Monthly Governance and Strategic Planning Committee held on 7 November 2017 (GSP152/17 – GSP166/17) were submitted.

On a point of accuracy Councillor McMahon referred to discussion which ensued regarding (GSP163/17) during which he had referred to the proposed business plan which would be agreed in the cuts and the implications thereof on the district and the fact that this highlighted the apparent ongoing East/West divide and the inequalities arising therefrom. These comments however had not been included in the Minutes.

It was agreed that the Minutes would be amended accordingly.

Subsequently Councillor Reilly Moved, Councillor McMahon 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**

**C318/17 Northern Ireland Fire and Rescue Service – Proposed Budget Cuts (Ref GSP157/17)**

Councillor Jackson advised that a meeting had taken place with Foyle MP Elisha McCallion and NIFRS who had indicated that additional funding had been allocated. However he referred to the need for this to be retained on the agenda as there were still a number of issues of concern which had not been resolved.

**C319/17 Six Month Financial Outturn 2017/18 (Ref GSP163/17)**

In response to a query from Councillor Cooper, the Chief Executive advised that Council had not yet received a response from the Secretary of State regarding its request to meet to discuss the impact of the proposed cut to the Rates Support Grant and Members concerns regarding the refusal by Civil Servants to meet with those Councils affected by the cuts.

**C320/17 Monthly Planning Committee held on Wednesday 8 November 2017**

The Minutes of the Monthly Planning Committee held on 8 November 2017 (P153/17 – P167/17) were submitted.

Councillor Boyle Moved, Councillor McGuire Seconded and the Council

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

**C321/17 Planning Applications Timescales**

Alderman Hussey advised that he had been made aware of a planning application which had been submitted in February 2017. He expressed concern that on 29 August information had been passed onto the NIEA regarding the application however three months later they had still not responded to Council. He enquired as to what action could be taken by Council through the Planning Committee to address this situation which was totally unacceptable. He stated that the Planning Committee were ready to make a determination on the application but were being held up by external organisations. He reiterated that this

must be addressed as the Planning Committee required a response in order that it could reach its decision on the application in a timely basis.

Councillor McGuire referred to a review of the process which had been carried out by external consultants who had raised a number of issues and made a number of recommendations which would have to be considered by the Planning Committee as a way forward.

The Chief Executive advised that as the planning authority Council was consistently reviewing the process to ensure its response times regarding planning applications were improving and had undertaken an entire review of the Planning Committee and a report thereon would be submitted to the next Meeting of the Committee. He stated that Council did not have any powers with regard to external bodies other than they were bound to respond. He continued that, as far as possible, Council had established a working relationship with external consultants in this regard.

The Director of Environment requested that Members advise her of the specific details in relation to any such planning application in order that these could be pursued with the statutory consultants. She suggested that further discussion could take place at the Planning Committee in relation thereto.

Alderman Hussey expressed concern that the efficiency of the planning process was being compromised by external consultants.

**C322/17 Monthly Assurance, Audit and Risk Committee held on Thursday 9 November 2017**

The Minutes of the Monthly Assurance, Audit and Risk Committee held on 9 November 2017 (AAR94/17 – AAR104/17) were submitted.

Alderman McClintock Moved, Councillor Reilly Seconded and the Council

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

**C323/17 Monthly Business and Culture Committee held on Friday 10 November 2017**

The Minutes of the Monthly Business and Culture Committee held on 10 November 2017 (BC213/17-BC225/17) were submitted.

Alderman Warke Moved, Councillor Cooper Seconded and the Council

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

### **Matter Arising from the Minutes**

#### **C324/17 Visit Derry Review (Ref BC223/17)**

Alderman Hussey referred to concerns he had expressed at the November Meeting of the Committee that there should be a parallel organisation for the Strabane area whilst welcoming the fact that the review was ongoing in terms of Visit Derry. He said he did not feel it would be possible to wait five years for the establishment of an organisation to help develop in moving forward within the tourism sector. He said he trusted that the recommendation to review the current SLA that also included that consideration be given to coverage of the area outside the main focal point and requested that this be addressed.

Councillor Gallagher referred to the decision surrounding the Visit Derry Review and also expressed concern that it would take upward of five years before it could reasonably be expected that Strabane/West Tyrone would play a full part in driving visitors to the Council area and that Visit Derry should focus on the core product until that time particularly given the £698k of ratepayers money set aside in respect of the Review process. He referred to the hard work and effort carried out by a number of bodies within the overall Council district to attract tourists who should also be granted funding in relation to their support. He said he would be opposing the proposal contained in the report.

Councillor Copper stated that he was a member of the Board of Visit Derry and was heavily involved in scrutinising what was produced in terms of concentrating on areas around the Sperrins remit. He referred to the Future Search Process which he suggested when completed would provide a much more rounded view of what would be promoted in terms of tourism which should be factored into the overall process. He referred to the fact that a Rural Tourism Officer was now working within Council to promote existing projects and promote further

development within the Sperrins region. He stated that from his perspective in terms of the completion of the Visit Derry Review in five years there would be a much better product to promote. He also anticipated that it would be much less than five years when they would have proposals in terms of what would be promoted in the Sperrins.

Alderman Hussey referred to the fact that the Future Search Project which had been carried out in Cookstown had been an excellent success and undoubtedly there would be excellent benefits to be derived from this. However there was still a large area which required coverage outside the remit of the Visit Derry Review and outside the remit of the Sperrins region which must be addressed and he anticipated that it would not take five years until this became the focal point.

**C325/17      Monthly Environment and Regeneration Committee held on  
Wednesday 15 November 2017**

The Minutes of the Monthly Environment and Regeneration Committee held on 15 November 2017 (ER222/17-ER241/17) were submitted.

On a point of accuracy Councillor Hastings advised that it was he and not Alderman Hussey who had declared an interest in item ER237/17 – Magheramason Play Provision Update - as a Member of the Rural Development Group.

On a point of accuracy Alderman Hussey referred to item ER227/17 and said he had referred to the proposed closure of 11 Bank of Ireland branches and not 10 as stated in the Minutes.

It was agreed that the Minutes would be amended accordingly.

Subsequently Councillor Dobbins 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**

**C326/17      Sustainable NI (Ref ER226/17)**

Councillor Gallagher expressed concern that a question he had posed to Nicola Hughes from Sustainable NI regarding his concerns at works being carried out at the Greencastle mines had been overruled by the Chairperson of the Committee and had therefore not been recorded in the Minutes.

Councillor Reilly stated that the Chairperson's reasons for overruling this question had been fully explained at the Meeting and did not require any further explanation. He advised that representatives from his Party had been unable to attend the site visit as they were on other Council business.

**C327/17      Closure of Ulster Bank Branches (ER227/17)**

Alderman Hussey anticipated that Council would write to Ulster Bank Headquarters expressing its concerns at their proposals to close 11 of its branches and a reply would be received in the near future.

**C328/17      Deputation – Environment Agency (Ref ER229/17)**

Councillor Donnelly referred to a presentation from the Environment Agency at the September Meeting of the Committee following which he had queried if an assessment had been carried out at the cement lagoons at Drumahoe and if there had been any damage following the recent flooding. He stated that Dr Kearney had been unable to comment at that time and queried if an update had yet been received in relation thereto.

The Director of Environment and Regeneration advised that a call had been received from Dr Kearney the previous day and she had indicated that she had been liaising with NI Water regarding the issue and would respond by the end of the week. She undertook to circulate the response to Member on receipt thereof.

Councillor Donnelly expressed concern that a response had not yet been received. He advised that he had been in contact with David Small Chief Executive NIEA regarding the matter and had forwarded related correspondence to him.

**C329/17      Mews Lanes Scheme – Triax Proposals (Ref ER241/17)**

Councillor Gallagher pointed out that when this report had initially been submitted he had made a number of inquiries to Council's Legal

Department regarding this proposal and had subsequently received feedback. He said he had queried where the proposals fitted in with the wider strategic objectives and the fact that the report had indicated that there was no budget in respect of the proposal. He said these were stipulations which he felt were not within Council's core position given that the Audit Committee had previously recommended that if there was no budget the proposal could not be considered. He said he would have concerns that this report had been withdrawn to be reworded and it appeared that Triax were writing Council's reports in order to meet with Council's legal implications required in the report.

**C330/17      Magheramason Play Provision Update (Ref ER237/17)  
Newtownstewart Play Provision Update (Ref ER238/17)**

Alderman Hussey referred to the considerable discussion which had taken place regarding these matters at the November Meeting of the Committee during which there was a strong feeling that the suggested two phase approach could prove successful in terms of moving forward in relation to Magheramason. He felt that this had been the conclusion which had been arrived at by the Committee however he did not feel this was apparent in the Minutes. He anticipated that these could be progressed within the Rates Estimates process and could be reflected in regards to play provision for Magheramason. He reminded Members that these were legacy projects from the former Strabane District Council.

Councillor McGuire pointed out that funding in respect of the Newtownstewart play provision was not yet guaranteed and would have to go through the same process as other projects. He referred however to the need for play provision in this area.

The Chief Executive confirmed that both the Magheramason and Newtownstewart schemes which were legacy projects of the former Strabane District Council had been substantially redesigned and improved and would be brought forward to the respective Capital Working Group and Governance and Strategic Planning Committee for approval in line with the Rates Estimates process.

Alderman Devenney referred to the fact that the Magheramason scheme had been granted planning permission however this did not materialise. Following the amalgamation of the two Councils the Parks Development Manager having examined the original proposals suggested that new proposals be put forward in respect of

Magheramason. He stated that he had been in contact with the community group in Magheramason and they had indicated that they would be willing to proceed with a two phased approach and in the meantime carry out a scoping exercise to identify if funding could be made available for the project. He referred to the need for both the Newtownstewart and Magheramason projects to be delivered.

Alderman Devenney proposed that if funding was not forthcoming in respect of the Newtownstewart and Magheramason scheme that Council consider funding these given that both are legacy projects from the former Strabane District Council.

The Mayor suggested that the proposal be deferred until a final decision had been made regarding whether or not funding would be forthcoming in respect of these schemes.

Alderman Devenney stated that his proposal would be based on the realisation that funding would not be forthcoming in respect of the two schemes.

A number of Members sought clarification in relation to Alderman Devenney's proposal. Alderman Devenney then outlined his proposal as follows

**That Council Officers carry out a scoping exercise to determine if funding could be made available in respect of the Newtownstewart and Magheramason schemes however if this was not forthcoming Council would consider funding these schemes.**

In response to a query from Alderman Thompson, Alderman Devenney confirmed that his proposal suggested that, if following a scoping exercise, funding could not be identified Council would consider funding the Phase I – the play provision in respect of both schemes. Whilst in respect of the Magheramason scheme Phase II related to the provision of a Muga Pitch he did not consider the provision of a Muga Pitch was contained within the Newtownstewart scheme.

Alderman Warke suggested that he had proposed the two phased approach in respect of the Magheramason scheme as a way forward at the November Meeting of the Committee.

Alderman Hussey referred to the fact that the original report did not contain a formal recommendation. He said he was conscious of potential Rural Development funding which would possibly be determined in early January and well in advance of the Rates Estimates process and as such suggested that Alderman Devenney's proposal be deferred until January. He referred to the need to be mindful of Council's finances in moving forward. He stated that he would be addressing these schemes as part of the Rates Estimates process however it may transpire that funding would be made available for one of the projects. He suggested that Council give its commitment that it would endeavour to provide facilities in the coming year.

Councillor Logue, as Chairperson of the Rural Development Group, referred to the need to exercise caution in taking any proposals forward given that there were other towns and villages would be submitting proposals to the Rural Development Group. She stated that whilst it would be ideal if all those applicants could be guaranteed much needed funding it would be negligent to express preference for one particular scheme at this stage.

In response to a query from Alderman Thompson, Councillor Logue said she could not give a precise date on when the decision from the Rural Development Group regarding funding would be forthcoming.

The Chief Executive advised that Council had a Capital Working Group where such projects were discussed and recommendations were made to Council's Governance and Strategic Planning Committee. He stated that these were two priority projects and Council had invested significantly into advancing these projects. He suggested referring both projects to the Capital Working Group to be considered through the Rates Estimates process and submit a further recommendation to a future Meeting of Council's Governance and Strategic Planning Committee for further consideration. He stated that the Capital Working Group was helpful in that it provided Members with an opportunity to consider projects in their totality and prioritise accordingly.

Councillor McGuire suggested that both schemes be referred to the Council's Capital Working Group for consideration with a subsequent recommendation to the Governance and Strategic Planning Committee.

Alderman Devenney withdrew his proposal at this stage.

Alderman Warke reiterated that during discussion on this matter at the November Meeting he had proposed that Council proceed with a Two Phased approach in relation to the Magheramason scheme.

**C331/17      Monthly Health and Community held on Thursday 16 November 2017**

The Minutes of the monthly Health and Community Committee held on 16 November 2017 (HC227/17-HC246/17) were submitted.

Alderman R Hamilton Moved, Councillor Jackson Seconded and the Council

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

**Matters Arising from the Minutes**

**C332/17      Grant Aid Programme (Ref HC238/17)**

Councillor Gallagher referred to comments by the Acting Chairperson at the November Meeting of the Committee that legal advice be taken before the next Meeting of Council in relation to recommendations. However such legal advice did not appear to have been forthcoming and he therefore reminded Members that Council had recently passed a Motion to write to the Conservative government stating that this Council was opposed to all cuts and would not be facilitating the implementation of any cuts.

Subsequently Councillor Gallagher Moved, Councillor Donnelly Seconded

**That      Council do not accept the recommendation contained in the report as it was contrary to Council's corporate position.**

Councillor McGinley pointed out that the report outlined a number of harsh realities including potential cuts to the community support fund. He stated that the recommendation presented to the Committee represented a prudent approach by Council. He said this was not about supporting Tory cuts because Council were opposed to these.

He stated however that Council was also opposed to abandoning communities who relied on the community support fund. He reiterated that this was a prudent measure at this stage to begin making provisions which may not ultimately be required depending on how the situation develops in relation to the Rates Estimates process. He said if Council were not to make such provision and the possibility of the community support grant not being available would result in a crisis situation for all those groups within the Council area depending on that fund. He stated that his Party would therefore be supporting the original recommendation contained in the report.

Councillor Gallagher again referred to the Acting Chairperson's comments in the Minutes that legal advice be sought prior to the next Council Meeting when a decision would be taken on the matter. He suggested that in the absence of such legal advice the matter be deferred or Council proceed in accordance with its corporate position. He stated that if the recommendation was approved this would leave the ratepayer open to cuts by every government department.

The Lead Legal Services Officer advised that the matter had been referred to him following consideration of the report at the November Meeting of the Committee. He stated that to approve the proposal was not in itself an implementation of cuts and would not be contrary to proposals previously agreed by Council. He stated that the proposal would not contradict Council's previous resolution.

Subsequently Councillor Gallagher Moved, Councillor Donnelly Seconded

**That Council oppose the original recommendation contained in the report as this would ultimately result in cuts being placed on ratepayers.**

The proposal on being put to the vote was declared lost their voting For - 5; Against – 26; Abstentions – 2.

In response to a query from Alderman Hussey, the Lead Legal Services Officer advised that under Section 16 of the Standing Orders there was no requirement that the proposer of a Motion must read the Motion in two languages.

**C333/17 Notice of Motion – Mother and Baby Homes Public Enquiry**

Councillor Logue Moved, Councillor McKnight Seconded

**That This Council recognises the citizens of this District's commitment to human rights and will therefore support those seeking a human rights-compliant public inquiry into allegations of forced labour, arbitrary detention, ill treatment and the illegal adoption of babies in former mother and baby homes in this district and across the North.**

The following Amendment was Moved by Councillor Donnelly  
Seconded by Councillor Gallagher

**That that this Council recognises the Citizens of this District's commitment to human rights and will therefore support those seeking a human rights-compliant public inquiry into allegations of forced labour, arbitrary detention, ill treatment and the illegal adoption of babies in former mother and baby homes in this district and across the six counties and expresses support for those seeking similar justice in the rest of Ireland.**

The Amendment became the substantive Motion and was put to the vote and carried unanimously.

The Mayor left the Meeting at this stage and the Deputy Mayor, Councillor Boyle took the Chair.

#### **C334/17 Notice of Motion – PIP Assessment**

Councillor Carlin joined the Meeting at this stage.

Councillor Cusack Moved, Councillor Reilly Seconded

**That This Council notes that the assessment for Personal Independence Payment is causing severe stress to those most in need of support; calls for urgent intervention to address serious concerns about the operation of the new PIP regime including reports of the Capita assessment process being degrading and humiliating; Commits to writing to the Permanent Secretary of the Department for Communities calling**

**on him to instigate an urgent review of the PIP Assessment process and to give consideration to further exemption rules.**

The following Amendment was Moved by Alderman Ramsey, Seconded by Alderman McClintock

**That (a) that this Council notes that the assessment for Personal Independence Payment is causing severe stress to those most in need of support; calls for urgent intervention to address serious concerns about the operation of the new PIP regime including reports of the Capita assessment process being degrading and humiliating; Commits to writing to the Permanent Secretary of the Department for Communities calling on him to instigate an urgent review of the PIP Assessment process and to give consideration to further exemption rules; and**

**(b) that this Council also makes a Freedom of Information request on the number of resignations from Capita since the inception of the PIP Scheme.**

The Amendment became the substantive Motion and was put to the vote and carried unanimously.

Councillor R McHugh left the Meeting at this stage.

### **C335/17 Notice of Motion – Right to Safe Housing**

Councillor Carlin Moved, Councillor C Kelly Seconded

**That In the aftermath of the intimidation of families from a shared housing development in Cantrell Close Belfast that this council acknowledges the recent statement by the six main party leaders pledging their support for ‘citizens to live in a society without fear of intimidation, free from sectarianism and condemn all forms of sectarianism, intolerance and threats of violence’.**

**That this Council also affirms the principle of the Good Friday Agreement which promised to citizens ‘the right to choose one’s place of residence’ and the**

**'right to freedom from sectarian harassment' and pledges its support for;**

**\* The right to employment free from sectarian discrimination, intimidation and attack.**

**\* The right to housing and to live in your home free from sectarian attack, intimidation or any other discrimination.**

**\* The right to free association, recreation and to socialise at places of choice free from sectarian attack, intimidation or other discrimination.**

**\* The right to practice religious faith and worship free from sectarian attack, intimidation or other discrimination.**

**\* The duty to report or challenge sectarian speech, attack, intimidation, or other discrimination when or heard.**

Councillor Dobbins left the Meeting at this stage.

On a recorded vote being requested the result was as follows:

For the Motion – Aldermen Devenney, R Hamilton, Hussey, Kerrigan, McClintock, Ramsey, Thompson and Warke, Councillors Boyle, Campbell, Carr, Cooper, Cusack, Duffy, Fleming, Gardiner, Hassan, Hastings, Jackson, C Kelly, Logue, McGinley, McMahon, Reilly and Tierney – 26.

Against – 0.

Abstentions- Councillors Donnelly, Gallagher, O'Reilly and Robinson – 4.

The Motion was therefore declared carried.

Subsequently Councillor Carlin Moved, Councillor C Kelly Seconded and the Council

**Resolved that in the aftermath of the intimidation of families from a shared housing development in Cantrell Close Belfast that this council acknowledges the recent statement by the six main party leaders pledging their support for 'citizens to live in a society without fear of**

**intimidation, free from sectarianism and condemn all forms of sectarianism, intolerance and threats of violence’.**

**That this Council also affirms the principle of the Good Friday Agreement which promised to citizens ‘the right to choose one’s place of residence’ and the ‘right to freedom from sectarian harassment’ and pledges its support for;**

**\* The right to employment free from sectarian discrimination, intimidation and attack.**

**\* The right to housing and to live in your home free from sectarian attack, intimidation or any other discrimination.**

**\* The right to free association, recreation and to socialise at places of choice free from sectarian attack, intimidation or other discrimination.**

**\* The right to practice religious faith and worship free from sectarian attack, intimidation or other discrimination.**

**\* The duty to report or challenge sectarian speech, attack, intimidation, or other discrimination when or heard.**

**C336/17 Notice of Motion – Recent Increase in Shootings in Derry**

Councillor Tierney Moved, Councillor Gardiner Seconded

**That This council notes with concern the recent increase in shootings in Derry, condemns those responsible for such attacks and commits to convening a community taskforce to work with community and statutory partners to stop this criminality on our streets.**

The Motion on being put to the vote was declared carried their voting For – 25; Against – 2; Abstentions – 2.

Subsequently Councillor Tierney Moved, Councillor Gardiner Seconded and the Council

**Resolved that this council notes with concern the recent increase in shootings in Derry, condemns those responsible for such attacks and commits to**

**convening a community taskforce to work with community and statutory partners to stop this criminality on our streets.**

**C337/17 Notice of Motion – Brexit - Designated Special Status for Northern Ireland**

Councillor Fleming Moved, Councillor McGinley Seconded

**That Given the crucial EU Council meeting on 14th/15th December, this Council calls on the EU 27 to ensure that the British Government proposals on Brexit leads to no hardening of Britain's border in Ireland, that the Good Friday Agreement is protected in all of its parts and that there is no regression in the rights of the people of this Council region.**  
**The best way to do this would be through Designated Special status for the north of Ireland within the EU. This Council calls on the EU 27 to hold to this position and if the British Government do not deliver on these issues then sufficient progress will not have been met and the negotiations cannot move on to the future relations between the EU and British Government. Calls on the Council to write to each Head of Government of the EU 27, including the Taoiseach, on behalf of the people of this border Council area who will be drastically affected by any hard border as a result of Brexit.**

The Motion on being put to the vote was declared carried their voting For – 16; Against – 8; Abstentions – 4.

Subsequently Councillor Fleming Moved, Councillor McGinley Seconded and the Council

**Resolved that Given the crucial EU Council meeting on 14th/15th December, this Council calls on the EU 27 to ensure that the British Government proposals on Brexit leads to no hardening of Britain's border in Ireland, that the Good Friday Agreement is protected in all of its parts and**

**that there is no regression in the rights of the people of this Council region.**

**The best way to do this would be through Designated Special status for the North of Ireland within the EU.**

**This Council calls on the EU 27 to hold to this position and if the British Government do not deliver on these issues then sufficient progress will not have been met and the negotiations cannot move on to the future relations between the EU and British Government.**

**Calls on the Council to write to each Head of Government of the EU 27, including the Taoiseach, on behalf of the people of this border Council area who will be drastically affected by any hard border as a result of Brexit.**

The Deputy Mayor, Councillor Boyle left the Meeting at this stage and Councillor Campbell took the Chair.

**C338/17 Correspondence**

The Chief Executive presented the above report a copy of which had been previously circulated. He stated that the purpose of the report was to advise Members of correspondence received in relation to proposals carried by Council.

Members noted the content of the report.

Aldermen Thompson and Ramsey left the Meeting at this stage.

**C339/17 Seal**

Councillor Tierney Moved, Councillor Cusack Seconded and the Council

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

**Documents Sealed 24<sup>th</sup> October 2017**

Licence in duplicate:- Department for Communities  
~and~ Derry City and Strabane District Council

relating to use of Fort George to facilitate parking for the events associated with Foyle Halloween Carnival 2017.

### **Documents Sealed 26<sup>th</sup> October 2017**

Contract in duplicate: - Derry City and Strabane District Council ~and~ McAvoy Construction (NI) Ltd relating to Drumahoe District Park

### **Documents Sealed 2<sup>nd</sup> November 2017**

Service Level Agreement in duplicate: - Derry City and Strabane District Council ~and~ Sustrans.

Transfer in triplicate: - Northern Ireland Housing Executive ~to~ Derry City and Strabane District Council relating to land at Mount Park, Newtownstewart.

### **Documents Sealed 22<sup>nd</sup> November 2017**

#### **Grants of Right of Burial in Ballyoan Cemetery**

Mr Marshall Laird, 27 Curlew Way, Clooney, Derry, BT47 6LQ.

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

Mr Stephen Quigley, 21 St Joseph's Place, Derry, BT48 6LH.

Mrs Moya Ellis, 71 Elmvale, Culmore, Derry, BT48 8SJ.

Ms Irene McMonagle, 46 Drumleck Drive, Derry, BT48 8EN.

Mrs Kathleen Morrison, 17 Victoria Park, Derry, BT47 2AD.

Ms Anne Marie Cavanagh, 1 Glendale Gardens, Ballynagalliagh, Derry, BT8 8GG.

Mr Vincent Strunks, 16 Cromore Gardens, Derry, BT48 9TF.

Mrs Jean Bradley, 28 Marlborough Avenue, Derry, BT48 9BQ.

Mrs Ann Downes, 2 Ballynagard Crescent, Derry,  
BT48 8JR.

Mrs Bride Gallagher, 21 Beechwood Street, Derry,  
BT48 9JN.

Mrs Margaret Gallagher, 72 Beechwood Avenue,  
Derry, BT48 9LR.

Ms Shauna Bates, 220 Cornshell fields, Derry, BT48  
9UL

### **Grants of Right of Burial in Mountcastle Burial Ground**

Robert McCaul, 83 Ballyheather Road,  
Ballymagorry, Strabane, Co Tyrone, BT82 OBS

Darren Britton, 53 Gortileck Road, Artigarvan,  
Strabane, Co Tyrone, BT82 OJA

Edwin Bell, 17 Barron Road, Donemana, Strabane,  
Co Tyrone, BT82 OJD

### **Grants of Right of Burial in Castlederg Burial Ground**

Jean Robb, 175 Loughmuck Road, Fintona, Omagh,  
Co Tyrone, BT78 2NF

Michelle Burke, 19 Garag Hill, Castlederg, Co  
Tyrone, BT82 7G

## **C340/17 Local Government Act (Northern Ireland) 2014 – Confidential Business**

Alderman R Hamilton Moved, Councillor McMahon 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 26 October 2017;**

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

- (i) Monthly Governance and Strategic Planning Committee held on Tuesday 7 November 2017;**
- (ii) Monthly Planning Committee held on Wednesday 8 November 2017;**
- (iii) Monthly Business and Culture Committee held on Friday 10 November 2017;**
- (iv) Monthly Environment and Regeneration Committee held on Wednesday 15 November 2017; and**
- (v) Monthly Health and Community Committee held on Thursday 16 November 2017.**

**The Meeting terminated at 7.35 pm**