

Derry City and Strabane District Council

Open Minutes of Special Meeting of Derry City and Strabane District Council held in the Council Chamber, Guildhall, Derry on Thursday 24 January 2019 at 4.00pm.

Present: - Councillor Boyle (in the Chair); Aldermen Bresland, M Hamilton, Hussey, Kerrigan, McClintock, Ramsey, Thompson and Warke; Councillors Campbell, Carr, Cooper, Cusack, Dobbins, Donnelly, Duddy, Duffy, Gallagher, Hastings, Jackson, D Kelly, P Kelly, Logue, McGinley, McGuire, M McHugh, R McHugh, McKeever, McKnight, McLaughlin, McMahan, Mellon, O'Reilly, Reilly, Robinson and Tierney.

In Attendance: - Chief Executive (Mr J Kelpie), Director of Health and Community (Mrs K McFarland), Director of Environment and Regeneration (Mrs K Phillips) Lead Finance Officer (Mr A Dallas), Lead Legal Services Officer (Mr P Kingston), Director of Business and Culture (Mr S Gillespie) and Committee Services Assistant (Mrs T Johnstone).

SC6/19 Suspension of Standing Orders

Councillor Duffy proposed a suspension of Standing Orders, to allow Council to discuss a motion to oppose the recent attacks and call on those responsible to stop their actions immediately.

Councillor Duffy moved, Seconded by Reilly

That this Council opposes the recent attacks carried out in the City and calls on those responsible to stop these actions immediately.

Councillor Duffy thanked the Mayor for allowing her to suspend standing orders to enable the matter to be brought before Council. She referred to the weekend car bomb and subsequent unrest throughout the City and stated that a clear message had to be sent to those responsible that those type of actions were not acceptable. She stated that those actions had caused widespread anger throughout the city and that the vast majority of citizens did not want this type of violence occurring in their communities. She stated that people wished for peace and prosperity for their children, improvements in their community and not acts of mindless violence which had taken elderly people from their homes and children being unable to go home after

school. She stated it this was not what people voted for overwhelmingly in the Good Friday Agreement. She asked Members to vote unanimously to send a clear message of solidarity to those affected by recent events that Derry City and Strabane District Council were opposed to such attacks. She then called upon those responsible for carrying out the attacks to listen to the anger from the community. She urged the community to support the NIPSA rally on Friday 25 January at 1pm in the Peace Garden to show solidarity towards those workers who had been indiscriminately targeted.

Councillor Duffy's views were echoed by Councillor Reilly who stated that the car bomb at Bishop Street had the potential to kill people, had caused disruption to those going about their daily lives and had a major impact on workers whose cars were hijacked which resulted in services being withdrawn from certain areas of the City for a period of time. He stated that it was important for Members to deliver the message that those actions were 'not in my name' and he called on the community to attend the NIPSA organised peace rally at the Peace Garden the following day. He stated that dialogue with those involved was important in moving forward and the SDLP and other parties had extended and offered to speak with those responsible for the attacks, however there had been no response to that offer. He stated that it was important for those responsible to listen to the people within their community and throughout the City as the car bomb and subsequent hijackings had not achieved anything.

Councillor Campbell concurred with the remarks made by the previous speakers. He stated that Creggan Estate had been brought to a standstill with some areas in complete lockdown with the elderly being evacuated and children unable to go to their homes after school. He stated that people had expressed frustration and anger at what had happened and that it would not help the cause for a united Ireland as the perpetrators had attacked their own community. He referred to the forthcoming elections and stated that they presented a golden opportunity for people to have their say.

Councillor Carr stated that the recent violence in the city was totally wrong and should not be happening to the citizens of Derry. It stated that it was as wrong now as it was thirty years ago.

Councillor Carr Proposed an Amendment, Seconded by Councillor Reilly

That this Council opposes the recent attacks carried out in the City and calls on those responsible to stop these actions immediately and sends out a clear and unambiguous message that violence is wrong whether carried out by the State or those opposed to the State past or present and must be condemned.

He stated that it was important to send out a stronger message to those responsible and condemn the recent attacks in the City.

Councillor Reilly stated that although he was content to second the Amendment, no Members from the Independent grouping had supported Councillor Carr's amendment.

Councillor Carr thanked Councillor Reilly for seconding the amendment. He referred to the meaning of the word 'independent' and outlined that the Independent grouping did not always work together. He stated that he signed up to the principles of John Hume 20 years ago and still lived by those principles, hence the amendment to the motion. He stated that he had always condemned violence from whatever source it came from, adding that Council must send out a stronger message to those responsible for the attacks as they were not acceptable.

Councillor Duffy asked for legal opinion on the validity of the Amendment.

In response, the Lead Legal Services Officer stated that the provisions in relation to what constitutes a valid amendment were contained within Standing Order 17.1, Subsection 1, therefore the amendment would fall within the various provisions within that particular Standing Order.

Following a request for a recorded vote by Councillor Carr, voting was as follows:

For the Amendment - Aldermen Bresland, M Hamilton, Hussey, Kerrigan, McClintock, Ramsey, Thompson and Warke; Councillors Boyle, Carr, Cusack, Dobbins, Hastings, P Kelly, McKeever, McLaughlin, Reilly and Tierney – 18.

Against the Amendment - Councillors Campbell, Cooper, Donnelly, Duddy, Duffy, Gallagher, Jackson, D Kelly, Logue, McGinley, McGuire, M

McHugh, R McHugh, McKnight, McMahan, Mellon, O'Reilly and Robinson – 18.

Absentions – 0.

The result on the vote for the Amendment was 18 for and 18 against therefore it fell to the Mayor to cast the deciding vote.

The Mayor voted in favour of the Amendment.

The Amendment was therefore carried and became the Substantive Motion.

Alderman Hussey proposed an Amendment to the Substantive Motion, Seconded by Alderman M Hamilton.

That this Council is mindful of the need for an increase in resources being available to the PSNI to frustrate and eliminate the criminality currently being perpetrated on our citizens throughout the District and therefore call on the Chief Constable, Policing Board and Secretary of State to address the present deficit.

Councillor Donnelly requested a legal opinion regarding the Amendment put forward by Alderman Hussey. He stated that Council had just passed the motion that all violence, past and present, was wrong and included state violence. He stated that the PSNI had carried out a number of violent and destructive house raids in the City therefore in his opinion, the motion was supporting the state's police force.

The Lead Legal Services Officer advised that there were two aspects on the matter. Firstly it was not correct to state that Council had passed a motion, as Council had agreed to amend an original motion, however it had not yet been passed. Secondly, in relation to any amendment he again referred Members to Standing Order 17.1. He advised that a decision on the matter fell to the Chair.

The Mayor stated that in line with the legal advice given, he would not accept the amendment but he called on Alderman Hussey to make a separate proposal to the floor following consideration of the current motion.

Alderman Hussey stated that he accepted the legal opinion and that he would present the motion after the substantive motion had been dealt with.

Councillor Duffy expressed disappointment at what she believed to be a missed opportunity to send a clear message to those responsible for the recent violence. She stated that present circumstances were very different compared to what they were in the past. She further stated that the conditions that existed then are not in place now as there was a democratic pathway to Irish unity. She further added that the actions of the past week were counter-productive, disruptive and opposed by the vast majority of our citizens therefore Sinn Fein would not be supporting the motion.

Members were then asked to vote on the Substantive Motion.

Councillor Carr Proposed, Seconded by Councillor Reilly

That this Council opposes the recent attacks carried out in the City and calls on those responsible to stop these actions immediately and sends out a clear and unambiguous message that violence is wrong whether carried out by the State or those opposed to the State past or present and must be condemned.

Following a request for a recorded vote by Councillor Carr, voting was as follows:

For the Substantive Motion- Aldermen Bresland, M Hamilton, Hussey, Kerrigan, McClintock, Ramsey, Thompson and Warke; Councillors Boyle, Carr, Cusack, Dobbins, Hastings, P Kelly, McKeever, McLaughlin, Reilly and Tierney – 18.

Against - Councillors Campbell, Cooper, Donnelly, Duddy, Duffy, Gallagher, Jackson, D Kelly, Logue, McGinley, McGuire, M McHugh, R McHugh, McKnight, McMahan, Mellon, O'Reilly and Robinson – 18.

Abstentions – 0.

The result on the vote for the Substantive Motion was 18 for and 18 against therefore it fell to the Mayor to cast the deciding vote.

The Mayor voted in favour of the Substantive Motion.

The Substantive Motion was therefore carried and Council

Resolved That this Council opposes the recent attacks carried out in the City and calls on those responsible to stop these actions immediately

and sends out a clear and unambiguous message that violence is wrong whether carried out by the State or those opposed to the State past or present and must be condemned.

Alderman Hussey Proposed, Seconded by Alderman M Hamilton

That this Council is mindful of the need for an increase in resources being available to the PSNI to frustrate and eliminate the criminality currently being perpetrated on our citizens throughout the District and therefore call on the Chief Constable, Policing Board and Secretary of State to address the present deficit.

Alderman Hussey stated that the recent bomb attack was absolutely scandalous and was an attack on the citizens and the economy of the area. However, when such events occurred the subsequent actions placed tremendous pressure on the local police force and in doing so, removed policing availability from other duties which was an extra burden. He stated that in addition to incidents that had taken place in Londonderry and also the Castlederg and Aghryan areas, police had been endeavouring to deal with an increased level of criminality throughout the district. He stated that the police were under-established and there was a duty on the Secretary of State, the Chief Constable and the Policing Board to address the deficit in manpower availability to enable them to carry out their duties on behalf of all citizens.

Councillor Donnelly referred to his previous remarks and stated that the motion that had been just passed condemned all violence however this motion was asking Members to support one of the groups involved in the violence. He reiterated that the PSNI had carried out a large number of violent and destructive house raids which had affected vulnerable people who had no evidence put to them.

After a short recess, requested by Councillor Duffy, Councillor M McHugh referred to Alderman Hussey's motion and stated that as a member of PCSP, he was well aware of the pressures and lack of provision to provide acceptable policing throughout local communities. However, there were various other initiatives that could also benefit from additional resources. He referred to the previous comments made by Councillor Donnelly and stated that he was opposed to such acts taking place. He stated that Sinn Fein could accept Alderman Hussey's proposal, however they were totally opposed to police violence against members of the community as that type of reaction by the state gave rise to violence in this country over forty years ago.

Alderman Thompson stated that the DUP would be supporting the motion and noted that his party had met with the Chief Constable to discuss the incidents that had occurred over the recent days. He stated that they had encouraged the Chief Constable to seek additional resources to be placed into relevant areas throughout the City and District to deal with these types of incidents and other types of criminality currently being perpetrated on the citizens of the City and District.

In summing up, Alderman Hussey stated that he concurred with Councillor M McHugh's remarks and the realisation that there was a scarcity of resources that had to be allocated on a needs basis throughout Northern Ireland. He stated that in his opinion, there was a need in this particular area at present that had to be addressed.

Alderman Hussey Proposed, Seconded by Alderman M Hamilton

That This Council is mindful of the need for an increase in resources being available to the PSNI to frustrate and eliminate the criminality currently being perpetrated on our citizens throughout the District and therefore call on the Chief Constable, Policing Board and Secretary of State to address the present deficit.

After voting by a show of hands the result was as follows:

For – 31; Against – 3; Abstentions – 2.

The Proposal was therefore carried and Council

Resolved That this Council is mindful of the need for an increase in resources being available to the PSNI to frustrate and eliminate the criminality currently being perpetrated on our citizens throughout the District and therefore call on the Chief Constable, Policing Board and Secretary of State to address the present deficit.

The Meeting then returned to Confidential Business.