

COUNCIL MEETING TUESDAY 24TH MAY 2016

Table of Adoptions

No	Item	Summary of key Adoptions
6.	Notice of Motion Submitted by Alderman McKillop, seconded by Councillor Douglas	<i>Referred Environmental Services Committee</i>
7.	Minutes of the Council Meeting	<i>Confirmed</i>
8.	Minutes of the Planning Committee	<i>Confirmed</i>
9.	Minutes of the Environmental Services Committee Matters Arising 9.1 Knock Road Depot Upgrade, Ballymoney 9.3 Adoption of the Minutes	<i>Revised proposals to come back Adopted subject to amendment</i>
10.	Minutes of the Leisure & Development Committee 10.1 Guidelines For Capital Grants Fund 10.2 Adoption of the Minutes	<i>Approved Adopted</i>
11.	Minutes of the Corporate Policy & Resources Committee 11.1 HM The Queen's 90 th Birthday Events 11.2 Adoption of the Minutes	<i>Grant Awards Adopted including above</i>
12.	Conferences Report	<i>Approved</i>
13.	Matters for Reporting to Partnership Panel	<i>Submit</i>
14.	Consultation Schedule	<i>Noted</i>
15.	Seal Documents	<i>Approved</i>

	<ul style="list-style-type: none"> • Articles of Agreement, Provision for the Treatment of NWRWMG collected residual waste Tender • Duplicate Deed of Dedication, Riada Playing Fields, Ballymoney • Duplicate Deed of Dedication, Riverside Park, Ballymoney • Grave Registry Certificates, Coleraine, Ballywillan, Agherton and Portstewart Cemeteries (No's 4365 – 4373) • Grave Registry Certificates Ballymoney Cemetery (No 1488) 	
16.	Notice of Motion Submitted by Councillor Stevenson, seconded by Councillor Douglas	<i>Referred, Corporate Policy & Resources Committee</i>
17.	In Committee Foyle Ferry Tender Report	<i>Appoint and Award Rooskey Frazer & Co Ltd</i>

**MINUTES OF THE PROCEEDINGS OF THE MEETING OF THE COUNCIL
HELD IN CIVIC HEADQUARTERS, COLERAINE ON
TUESDAY 24th MAY 2016 AT 7:00 PM**

- In the Chair** : The Mayor Councillor Michelle Knight-McQuillan
- Members Present** : Aldermen - Campbell, Cole, Finlay, Hillis, King, McKeown, McKillop S, Robinson
- Councillors - Baird, Beattie, Callan, Chivers, Clarke, Douglas, Duddy, Fielding, Fitzpatrick, Harding, Holmes, Hunter, Loftus, McCandless, McCaul, McCorkell, McGlinchey, McGuigan, McKillop, McShane, C, McShane, P Mulholland, Nicholl, Quigley, Stevenson, Watton and Wilson
- In Attendance** : Department for Infrastructure Representatives:
- D Mackle, Divisional Manager
 - A Montgomery, Section Engineer
- Officers Present** : D Jackson, Chief Executive
M Quinn, Director of Performance
R Baker, Director of Leisure & Development
A McPeake, Director of Environmental Services
E Kirk, Council Solicitor
S Duggan, Committee and Member Services

1 THE MAYOR'S BUSINESS

The Mayor thanked the Deputy Mayor for deputising towards the latter part of the April Council meeting.

The Mayor commented on a fairly successful NW200 race until the tragic, untimely death of Malachi Mitchell-Thomas who had now been laid to rest. The Mayor invited members to join her in sending her condolences to his family and the family of Kristian Kadler, from Poland, living in Kilrea who had also been tragically killed on the roads locally.

The Mayor wished Ryan Farquhar well, after a crash at the NW200 and a speedy recovery.

The Mayor congratulated the 15 Officers cycling from Mizen Head to Milan Head and whose chosen charity was Air Ambulance NI.

2 APOLOGIES

Alderman Hickey.

3 DECLARATIONS OF INTEREST

Councillor Douglas - Guidelines for Capital Grants Fund, Leisure & Development Committee 10 May 2016, Item 5.

4 DEPUTATION – DEPARTMENT FOR INFRASTRUCTURE

D Mackle, Divisional Manager, delivered the Second Annual Report on the work of Transport NI in the Northern Division, she highlighted work undertaken in the last year and that due, including the Major Scheme A26 Frosses Road and that whilst feeling capital and resource funding pressures, the Department were continuing to deliver the best service possible within the current budgets.

- * Councillor McGlinchey left the meeting at 7.35 pm during consideration of the item.
- * Alderman McKeown arrived at the meeting during consideration of the item.
- * D Mackle and A Montgomery left the meeting at 8.00 pm.

5 ORDER OF BUSINESS

RESOLVED – to change the order of business, to receive Agenda Item 15 next.

6 NOTICE OF MOTION SUBMITTED BY ALDERMAN MCKILLOP, SECONDED BY COUNCILLOR DOUGLAS

In accordance with the Notice on the Agenda, Alderman McKillop proposed:

‘That this Council takes a more sensible, holistic approach to car parking charges in the Borough and I call for this Council to do a strategic scoping exercise to identify opportunities that potentially exist to increase car parking spaces in Coleraine town centre with the goal of supporting businesses. Furthermore, that this Council works with DRD and other investors during this process’.

The motion was seconded by Councillor Douglas.

In accordance with Standing Order 15.1 (6) the Motion was referred without discussion to the Environmental Services Committee.

7 MINUTES OF THE COUNCIL MEETING

Moved by Alderman Finlay
Seconded by Councillor McCorkell

RESOLVED - that the Minutes of the proceedings of the Council Meeting of Tuesday 26 April 2016 be confirmed as a correct record.

8 MINUTES OF THE PLANNING COMMITTEE

RESOLVED - that the Minutes of the proceedings of the Planning Committee of Wednesday 27 April 2016 be confirmed as a correct record.

- * Alderman McKillop left the meeting at 8 pm.
- * Councillor Baird left the meeting at 8 pm.

9 MINUTES OF THE ENVIRONMENTAL SERVICES COMMITTEE

MATTERS ARISING

9.1 Knock Road Depot Upgrade, Ballymoney

Councillor Holmes commented on the projected cost of the build and that whilst the current building was not fit for purpose, ratepayers were afforded better value for money than that presented. The Director stated he had given a commitment to scale back, where possible, without diminishing the final product and could deliver at a reduced budget than that shown.

Amendment

Proposed by Councillor Holmes
Seconded by Councillor Wilson

That revised proposals be brought back to the Committee.

On the amendment being put to the meeting 16 Members voted in favour, 2 against and 11 abstentions, the motion was agreed.

9.2 Glenariff Beach Front Proposal

Councillor Mulholland thanked the Director for bringing the recommendation for the Heart of the Glens and hoped the long term plans mentioned within the proposal for the area will go to more than just gym equipment. Councillor Mulholland also thanked the Director for agreeing to extra bins around the café.

9.3 Adoption of the Minutes

Moved by Councillor Fielding
Seconded by Councillor Duddy and

RESOLVED - that the Minutes of the proceedings of the Environmental Services Committee of Tuesday 3 May 2016 be approved and adopted, subject to the amendment at 9.1 above.

10 MINUTES OF THE LEISURE & DEVELOPMENT COMMITTEE

MATTERS ARISING

10.1 Guidelines for Capital Grants Fund

Councillor Clarke outlined his Party's opposition at committee stage to the recommendation for a number of reasons which he restated: 1) the term 'Guidelines' terminology, was too loose and would have preferred a "Policy", which he considered to be a necessary change in order to be acceptable; Legacy Councils did not provide Capital Grants and Council were entering new and untested territory, to proceed to award public funds against a qualifier as 'Guidance' would be problematic; 2) through the adoption of the proposal Council could potentially establish a precedent to provide capital assistance for other functions which Council has responsibility and not resourced to do so 3) regarding the 'Background' Section and 'Legally Binding Public Access Agreement', it was felt an understanding of this would be essential in order to give proper consideration to the proposal. Additionally, Councillor Clarke referred to the cover page of the Guidelines document which was 'subject to legal clearance', Councillor Clarke felt that had this been available, it could have been properly considered.

Councillor Clarke sought information from the Director of Leisure and Development regarding – What steps does Council take to ensure the financial viability of funding under the recommendation? What happens if Council invests and the scheme folds, was there a clawback clause and how would it be underwritten?

In response, the Director of Leisure and Development advised Legacy Councils did provide Capital Funding for various projects. The intention was to ensure money was targeted to where the need existed and where it would be sustainable and in relation to the clawback clause – Council would have, within the legally binding agreement, and allocation of fundings, a claim on the asset, inherent with any legal agreement that would proceed.

Councillor Clarke stated that funding applications may arise which relate to facilities that do not have cross community appeal or support, that may be a reflection of local demographics, but, Council had a statutory responsibility to ensure its facilities and by extension any facilities that Council supported by way of funding, are presented and run in a manner that would not discourage any section of the community from anywhere in the Borough from using those facilities. Councillor Clarke noted, in General Principle 2 of the document, the need for Groups to demonstrate their commitment to promoting social inclusion, equality of opportunity and good relations in accordance with Section 75, further queried how this would prevent, for example, the naming of a Council supported facility from controversial figures from our history?

The Director reiterated that Groups must demonstrate their commitment to promoting social inclusion, equality of opportunity and good relations in accordance with Section 75, as demonstrated by an open access agreement, an explicit part of the process, any organisation excluded from or perceived to be excluded from any investment would bring doubt as to the viability and Councils investment in the project. However, the Director would have to come back to Councillor Clarke with regard to the legal process in a situation where there would be a clear breach of Principle.

Councillor Clarke, referred to the Leisure and Development Committee Item 9 in relation to the Friends of Glenariff Scheme which tied in to the Guidelines of Item 5 and stated that the gated entrance to the park on which the facility was to be developed was named after two IRA terrorists.

Councillor Callan, on behalf of his Party, sought a recess in light of Councillor Clarke's comments.

Councillor P McShane confirmed that the legacy Council did provide capital programme grants. Councillor P McShane stated the Friends of Glenariff Group were a separate and distinct group. The land on which the proposal has been made for is owned not by the GAA but by the Group and the Group would be moving forward with the help, support and advice of Council and with the adoption, any concerns could be allayed to the satisfaction of Council.

Councillor Douglas raised concerns with General Principle 1, grants awarded on the basis of merit.

The Mayor declared a ten minute recess at 8.50 pm.

* Councillor McCandless did not re-join the meeting.

The meeting reconvened at 9.13 PM.

Councillor Duddy raised concerns regarding the Guidelines presented and to Item 9 and Item 5 being inextricably linked and Section 75.

Councillor Duddy proposed an amendment:

That this Council does not approve the Capital Grants Fund Programme Guidelines, circulated and budget allocation of £750,000 for 2016-17.

Councillor Clarke requested a recorded vote.

Councillor McGuigan raised a Point of Order in relation to Councillor Duddy's amendment stating that it was his understanding that an amendment could not be a direct negative.

The Mayor ruled that Councillor McGuigan was correct, however the Item had been challenged and Council would vote on the Leisure and Development committee recommendation.

Councillor Duddy stated that if Item 5 failed to be adopted it would follow that Item 9 would fall.

The Chief Executive confirmed the legal advice, that Item 5 and Item 9 were linked and that if Item 5 was not to proceed, then Item 9 would also fall as well.

Councillor McGuigan voiced concerns and disappointment about the tone of some of the comments made by the DUP in relation to Item 5 and Item 9. He felt that the proposal for the project in Glenariff had been brought to improve provision of community facilities in the area for all members of the community.

Councillor McKillop felt the Friends of Glenariff had been fundraising for the last 6 years to get the facility and she was pleased to say the Group was supported by both sides of the community.

Councillor C McShane recorded her disappointment, and noted there was £400,000 of funding from Space and Place for this Project, the Group had engaged intensively with Council and had the support of the Community.

Councillor Harding felt Council should help the people of Glenariff with the cross community project, and stated his support and Councillor Fitzpatrick concurred.

Several members spoke in support of and others expressed their opposition to the project.

Councillor Clarke, in summing up, reiterated his earlier position.

Councillor Clarke concluded, stating that the DUP had no issue funding a sports scheme where there was no breach of Section 75. If a proposal came back and there was no problem around the naming of the facility it would be looked on in a different perspective, the DUP would have no difficulty in funding sport and community facilities.

Councillor Holmes stated his support for a community trying to help themselves. Councillor Holmes felt it was a better investment than building Council owned sports centres operating at a loss.

Following the discussion;

Proposed by Councillor McCorkell
Seconded by Alderman Finlay

That the Question Now Be Put.

On the motion that the Question Now Be Put being put to the meeting 19 members voted in favour 10 against, and the motion was carried.

RESOLVED - that The Question Now Be Put.

The Chief Executive called a vote on the substantive motion of the Leisure and Development Committee: **approval of the Capital Grants Fund Programme Guidelines, circulated and budget allocation of £750,000 for 2016-17** and a recorded vote was taken.

On the motion being put to the meeting 17 members voted for, 13 against, 2 abstained, the motion was carried.

For: Aldermen – Hillis, King
(17) Councillors – Beattie, Chivers, Fitzpatrick, Harding, Holmes, Hunter, Loftus, McCaul, McGuigan, MA McKillop, C McShane, P McShane, Mulholland, Nicholl, Quigley

Against: Alderman – Campbell, Cole, Finlay, Robinson
(13) Councillors – Callan, Clarke, Douglas, Duddy, Fielding, Knight-McQuillan, McCorkell, Stevenson, Wilson

Abstentions: Alderman - McKeown
(2) Councillor – Watton

RESOLVED TO APPROVE the Capital Grants Fund Programme Guidelines, circulated and budget allocation of £750,000 for 2016-17.

10.2 Adoption of the Minutes

Moved by Councillor McKillop
Seconded by Councillor Fitzpatrick and

RESOLVED - that the Minutes of the proceedings of the Leisure & Development Committee of Tuesday 10 May 2016 be approved and adopted.

11 MINUTES OF THE CORPORATE POLICY & RESOURCES COMMITTEE

11.1 HM The Queen's 90th Birthday Events

The Queen's Birthday Fund was launched on 3 May with a closing date of 18 May 2016. With the assistance of the Funding Unit and by using Council's online funding Hub, invitations to the competitive process were issued. Applications were invited from Community groups, registered charities, community organisations and informal event committees (operating under a formally constituted group). The fund was advertised on Councils website, social media, local press through press releases, the local Community networks (BCRC, NACN, CRUN) and notification was

distributed via Councils distribution lists and via the Council Funding Roadshows held on 27 and 28 April.

An annex detailing the applications and funding awarded was previously circulated.

Moved by Councillor Duddy
Seconded by Alderman Hillis and

RESOLVED - to grant awards for The Queen's Birthday Fund Grant Scheme as detailed (in Annex 1, previously circulated) totalling £6,970.

11.2 Adoption of the Minutes

Moved by Alderman Campbell
Seconded by Alderman Cole and

RESOLVED - that the Minutes of the proceedings of the Corporate Policy and Resources Committee of Tuesday 17 May 2016 be approved and adopted, including the addition at 11.1 above.

12 CONFERENCES REPORT

The conference report was previously circulated.

- NILGA, Local Government Annual Conference & Exhibition 5/6 October 2016, Hastings Everglades Hotel, Derry/Londonderry

Costs - 6th October (full day seminar) - NILGA are offering two free places at the conference for Council's 'First Citizen' and a 'senior council representative'

Additional Delegate £121 + VAT Single B&B rate £60pp

5th October (evening networking event) - Each council will also be allocated two guest places at the evening celebration event, places are limited, no additional tickets are available.

- Policy Forum for NI Keynote Seminar, Housing in NI: meeting market demand and reforming the social housing sector, morning of 14 September 2016, Belfast

Details - Addressing key challenges for both the public and private housing sectors in NI as the Assembly begins its new Mandate.

Costs - Delegate £210 + VAT

Moved by Councillor Nicholl
Seconded by Alderman Campbell and

RESOLVED – that approval be granted for attendance and representation at the conferences listed.

13 MATTERS FOR REPORTING TO PARTNERSHIP PANEL

RESOLVED – that the report is submitted to the Partnership Panel.

* Councillor McCandless re-joined the meeting at 10.30pm.

14 CONSULTATION SCHEDULE

- Department For The Economy (DfE) Energywise Scheme – Publication Of Joint DfE / Utility Regulator ‘Technical Consultation’ To Examine Options To Fund The Scheme
- Armagh City, Banbridge And Craigavon Borough Council Consultation: Performance Improvement Objectives 2016-2017

RESOLVED – to note the Consultation Schedule.

15 SEAL DOCUMENTS

Members were advised of the undernoted items for signing and sealing by Council, approval having been previously granted and all necessary legislative requirements being met:-

- Articles of Agreement, Provision for the Treatment of NWRWMG collected residual waste from kerbside collections and from other Council Services, Tender OJEU Contract Notice Reference Number 2015/S 127-233277
- Duplicate Deed of Dedication, Riada Playing Fields, Ballymoney
- Duplicate Deed of Dedication, Riverside Park, Ballymoney
- Grave Registry Certificates, Coleraine, Ballywillan, Agherton and Portstewart Cemeteries (No’s 4365 – 4373)
- Grave Registry Certificates Ballymoney Cemetery (No 1488)

Moved by Councillor Stevenson
Seconded by Councillor Chivers and

RESOLVED - that the sealing of documents, as listed, be approved.

16 NOTICE OF MOTION SUBMITTED BY COUNCILLOR STEVENSON, SECONDED BY COUNCILLOR DOUGLAS

In accordance with the Notice on the Agenda, Councillor Stevenson proposed:

‘This council agrees that an equality impact assessment be carried out on the council name of Causeway Coast and Glens in respect to its applicability to every citizen of this borough’.

The motion was seconded by Councillor Douglas.

In accordance with Standing Order 15.1 (6) the Motion was referred without discussion to the Corporate Policy and Resources Committee.

MOTION TO PROCEED 'IN COMMITTEE'

Moved by Councillor Stevenson
Seconded by Councillor P McShane and

RESOLVED - that the Council proceeds to conduct the following business 'In Committee'.

17 IN COMMITTEE FOYLE FERRY TENDER REPORT

Legacy Limavady Borough Council had a lease agreement with Lough Foyle Ferry Company to provide a pier, slipway and ferry terminal to deliver a ferry service between Magilligan and Greencastle. The previous agreement commenced on the 21 October 2014 and terminated 31 March 2016 with an option to extend the Term on two occasions for a period of 2 years on each occasion.

The Foyle Ferry Company gave notice not to extend the contract and will no longer be providing the ferry service as of 31 March 2016.

Members agreed at the January 2016 Environmental Services Committee meeting to work in collaboration with Donegal Council to seek expressions of interest / tender for a new operator. New tender documents were assembled to allow a public tender / competitive process. The evaluation of the returned tenders on 29 April 2016 has now taken place. The Tender report was previously circulated.

Moved by Councillor Beattie
Seconded by Councillor P McShane and

RESOLVED - Appoint and award the contract to Rooskey Frazer & Co Ltd to deliver this service.

MOTION TO PROCEED 'OUT OF COMMITTEE'

Moved by Councillor Stevenson
Seconded by Councillor Chivers and

RESOLVED - that the Council proceeds to conduct any remaining business 'In Public'.

There being no further business the Mayor thanked everyone for their attendance and the meeting concluded at 10.35 pm.