

**COUNCIL MEETING TUESDAY 15 JANUARY 2019**

**Table of Adoptions**

<b>No</b>	<b>Item</b>	<b><i>Summary of key Adoptions</i></b>
<b>1.</b>	Apologies	<b><i>Received</i></b>
<b>2.</b>	Declarations of Interest	<b><i>Nil</i></b>

**MINUTES OF THE PROCEEDINGS OF THE MEETING OF THE COUNCIL  
HELD IN CIVIC HEADQUARTERS, COLERAINE ON  
TUESDAY 15 JANUARY 2019 AT 6:05 PM**

**In the Chair** : The Mayor, Councillor Chivers

**Members Present** : Alderman Blair, Cole, Finlay, Hillis and King

Councillors Baird, Beattie, Callan, Clarke, Deighan, Fielding, Harding, Holmes, Hunter, Knight-McQuillan, Loftus, McCandless, McCorkell, McGlinchey, McGurk, McLaughlin, MA McKillop, S McKillop, C McShane, P McShane, A Mulholland, K Mulholland, Nicholl, Quigley, Stevenson, Watton and Wilson

**Officers Present** : M Quinn, Director of Corporate Services  
B Lofthouse, Head of OD/HR  
E Keenan, Council Solicitor  
P Donaghy, Democratic & Central Services Manager  
S Duggan, Civic Support & Committee & Member Services Officer

**In Attendance** : T Jebb, BL  
N McMullan, Solicitor  
Press (2. No)

**1. APOLOGIES**

Apologies were recorded for Alderman Campbell, McKeown, Councillors McCaw and McLean.

The Mayor introduced T Jebb, BL and N McMullan, Solicitor, in attendance to provide legal advice.

Councillor P McShane requested to address Council.

The Mayor advised Council would now move 'In Committee'.

Councillor P McShane advised Council was not required to move 'In Committee' as the issue was in the public domain and open Court. Councillor P McShane stated, under Standing Order 26.1 he wished Standing Orders to be suspended in relation to the recording of the meeting, stating that a verbatim account of the meeting should be recorded for the protection of Officers, and Elected Members, present and absent.

\* **Councillor Deighan arrived at the meeting at 6.20PM.**

The Mayor advised a qualified majority vote was required to suspend Standing Orders.

Proposed by Councillor P McShane  
Seconded by Council McGlinchey

- Under Standing Order 26.1, that Council suspend Standing Orders, the reason for which, under Standing Order 13.1, not to turn the audio recording off.

The Director of Corporate Services clarified proceedings and read from Standing Order 26.1:

*"A Member may move a motion for the suspension of one or more of these Council Standing Orders. A motion under this Standing Order shall require the support of a qualified majority within the meaning of section 40 of the 2014 Act. Suspension can only be for the duration of the meeting. The Minutes of the Meeting must record the reason for the suspension.*

the reason for the suspension is under Standing Order 13.1:

*"Keeping Of; As Evidence;  
Minutes of the proceedings of a Meeting of the Council, or of a committee or sub-committee, shall be drawn up and entered in a bound book kept for that purpose. The Minutes are a summary of the meeting and the audio recording is the verbatim account of decisions made".*

Councillor P McShane clarified he wished the recording to be retained whilst, 'In Committee'.

The Director of Corporate Services clarified the calculation of 80% of Elected Members present.

Alderman Cole sought clarification, if proceedings were recorded 'In Committee', who would be able to access the recording.

The Director of Corporate Services sought further clarification from Councillor P McShane regarding his proposal.

Councillor P McShane clarified, he wished the meeting to be held 'In Committee', a verbatim account of the meeting recorded.

Councillor Holmes suggested the Legal Team were asked whether they were willing to have their legal advice recorded.

The Mayor put the question to the legal representatives in attendance.

Council’s Solicitor responded stating that while none of the legal advisors had any objection to the legal advice being given ‘In Committee’ being recorded, advised that legal advice was privileged and for Council, generally exempt from release and clarified details surrounding Freedom of Information Legislation, information held by a Public Authority and exemptions under the Legislation.

The Mayor put the motion to the Council to vote.

Councillor Quigley further sought clarification on information held by a Public Authority, under the Legislation.

Council’s Solicitor clarified Legislation regarding Access to Information, information held regarding notes for the purposes of Minutes, draft and uncompleted documents.

Councillor Beattie requested a Recorded Vote.

The Director of Corporate Services clarified the proposal being put, that Council suspend Standing Orders which, in effect, would mean the meeting being recorded whilst held, ‘In Committee’.

The Mayor put the motion to the Council to vote.

16 Members Voted For, 12 Members Voted Against, 4 Members Abstained:

For	Alderman Blair
<b>(16)</b>	Councillors Beattie, Chivers, Deighan, Loftus, McGlinchey, McGurk, McLaughlin, MA McKillop, C McShane, P McShane, A Mulholland, K Mulholland, Nicholl, Quigley, Stevenson
Against	Alderman Cole, Hillis
<b>(12)</b>	Councillors Baird, Clarke, Harding, Holmes, Knight-McQuillan, McCandless, McCorkell, S McKillop, Watton, Wilson
Abstain	Alderman Finlay, King
<b>(4)</b>	Councillors Fielding, Hunter

The Mayor advised the proposal required the support of a qualified majority of 26 Elected Members present.

The Mayor declared the motion lost.

## 2. DECLARATIONS OF MEMBERS INTERESTS

There were no Declarations of Interests.

Councillor P McShane asked to address Council.

The Mayor advised Council may now move, 'In Committee'.

Councillor P McShane questioned why Council should move, 'In Committee'.

The Mayor advised caution regarding anything Councillor P McShane may say regarding the naming of individuals.

Councillor P McShane, whilst accepting the Mayor's ruling to be made, asked to address Council without moving, 'In Committee'.

Councillor Quigley referred to documents issued to members prior to the meeting stating that members were previously unaware of the content of the documents tabled.

The Mayor advised that Council hold a 15 minutes recess to read the documents tabled, at which point Councillor P McShane would be invited speak.

Proposed by Councillor Stevenson  
Seconded by Councillor Knight-McQuillan

- that a 15 minute recess is held.

The Mayor declared a recess at 6.30PM.

The meeting reconvened at 6.45PM.

The Mayor welcomed M Fitzpatrick, BBC, to the meeting, who had requested permission from Council to film proceedings, whilst 'In Public'.

The Mayor referred to Standing Order 10. 8.5.

The Mayor put consideration of the request asking for a show of hands

It was **AGREED** – that Council grant filming of proceedings, 'In Public'.

The Mayor advised the Corporate Policy and Resources Committee was due to be held at 7pm and with the agreement of Corporate Policy and Resources Committee members present, would commence following the Special Council meeting.

Members of the Corporate Policy and Resources Committee present agreed that the Corporate Policy and Resources Committee would commence after the Special Council meeting.

Proposed by Councillor Harding  
Seconded by Councillor Clarke

- that Council move 'In Committee'.

Councillor P McShane refuted the motion and asked to address Council. Councillor P McShane asked Council's Solicitor, who was advising on the case to withdraw and questioned why a Barrister was in attendance.

Council's Solicitor indicated that the meeting had not yet reached the stage where the legal advice could be given to the Council and further clarified that advice had been provided to the Mayor that if a proposal is made and seconded, Council may move directly to the vote.

The Mayor put the motion to the Council to vote.

16 Members voted For, 15 Members voted Against.

The Mayor, in her capacity as Chair and Mayor allowed Councillor P McShane to address Council, without moving, 'In Committee'.

Councillor P McShane proceeded to address Council.

Elected Members voiced their disapproval from the floor.

\* **Alderman Blair, Cole, Finlay; Councillors Baird, Callan, Clarke, Harding, Hillis, Holmes, Fielding, Knight-McQuillan, McCandless, McCorkell, S McKillop, Stevenson, Watton and Wilson left the meeting at 6.55PM**

The Mayor advised those remaining that the meeting had become inquorate.

No further business was transacted.

As the meeting did not reconvene the Mayor declared the meeting adjourned at 7.55PM.

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Chair