

COUNCIL MEETING TUESDAY 26 MARCH 2019

Table of Adoptions

No	Item	Summary of key Adoptions
3	Declarations of Members' Interests	<i>Councillor Deighan Councillor Chivers Councillor Baird Councillor S McKillop Councillor MA McKillop Councillor Clarke Councillor Beattie Councillor A Mulholland Councillor McCaw</i>
4	Judicial Review – North West 200 Luxury Hotel and Spa Development Update and Consideration of Funding	<i>No further funding in relation to Councillor McShane's role in Judicial Review Proceedings</i>
5	Minutes of Council Meeting held Tuesday 26 February 2019 Matters Arising 5.1 Street Trading Lammas Fair (Item 8.1) 5.2 Notice of Motion (Item 8.2)	<i>Confirmed Information Information</i>
6	Minutes of Planning Committee Meeting held Wednesday 27 February 2019, reconvened Monday 4 March 2019	<i>Item withdrawn from the agenda</i>
7	Minutes of Environmental Services Committee held Tuesday 5 March 2019 Matters Arising 7.1 Fairtrade Borough Status (Item 5)	<i>Agreed</i>

	7.2 Construction of Waste Transfer Station at Letterloan Composting Facility (Item 11)	<i>Information</i>
	7.3 Harbour and Marina Charges 2019-2020 (Item 12)	<i>Information Adopted</i>
	7.4 Adoption of the minutes	
8	Minutes of Leisure and Development Committee Meeting held Tuesday 12 March 2019	
	Matters Arising	
	8.1 Tourism Event Funding (Item 7)	<i>Grant funding</i>
	8.2 Royal Scottish Pipe Band Association of NI – Portrush event (Item 8)	<i>Grant additional funding</i>
	8.3 Portaneevy and Clarke Park Projects (Item 9)	<i>Information Adopted</i>
	8.4 Adoption of the minutes	
9	Minutes of Corporate Policy and Resources Committee Meeting held Tuesday 12 March 2019	
	9.1 April Meetings (Item 6)	<i>Amendment carried</i>
	9.2 Adoption of the Minutes	<i>Adopted, including amendment at 9.1</i>
10	Matters for Reporting to Partnership Panel – Local Government Side	<i>Nil</i>
11	Conferences	<i>Nil</i>
	11.1 WW1 Flanders & The Somme Pilgrimage 30 th June to 4 th July 2019. 5 th March 2019	<i>Noted</i>
12	Correspondence	
	12.1 Department of Education Equality Screening, 13 th March 2019	<i>Noted</i>
	12.2 Newry & Mourne DC – Geographical Disposal Facility by Radioactive Waste Management, 27 February 2019	<i>Noted</i>
	12.3 NI Court Service – increase in court Fees, 6 th March 2019	<i>Noted</i>
	12.4 Department of Finance Public Service Pensions policy screening document, 22 February 2019	<i>Noted</i>
	12.5 Mid & East Antrim BC Notice of Motion – To end holiday hunger. 20 March '19	<i>Noted</i>

13	Consultation Schedule	<i>Nil</i>
14	Seal Documents	
	14.1 Grave Registry Certificates, Coleraine, Ballywillan, Agherton and Portstewart Cemeteries (No's 4742 – 4752 inclusive)	<i>Seal Affixed</i>
	14.2 Grave Registry Certificates, Ballymoney Cemetery (No's 2948 & 2949)	
	14.3 Garvagh Mountain Bike Trails Performance Bond	
	14.4 NIE Wayleave Agreement No 695431	
	14.5 Landowner Indemnity Form NI Water Pumping Station Benone Tourist Complex Ref No 05/18/NIE	
	14.6 Invest NI offer Financial Assistance, Council EUIG – LED2 – Digital Causeway Project	
	14.7 Provision of off street parking enforcement and penalty charge processing service – Services Agreement between CC&G Borough Council and Car Park Services	
15	Notice of Motion proposed by Councillor C McShane, seconded by Councillor K Mulholland <i>'That this Council notes with concern the proposal by CCMS to close Barnish Primary School in Carey'</i>	<i>Referred to April Council Meeting</i>
16	Notice of Motion proposed by Councillor C McShane, seconded by Councillor K Mulholland <i>'This Council notes with grave concern the recent survey carried out in parts of our borough by a British owned company "Radioactive Waste Management" to identify potential sites for the disposal of nuclear waste'</i>	<i>Referred to April Council Meeting</i>
17	Notice of Motion Proposed by Councillor K McGurk, seconded by Councillor S McGlinchey	<i>Referred to April Planning Committee</i>

	<i>'This Council opposes plans to develop a goldmine and processing plant in the Sperrins and wider region'</i>	
18	Land and Property Sub-Committee Meeting Minutes held 6 TH March 2019	<i>Adopted and recommendations therein approved</i>

**MINUTES OF THE PROCEEDINGS OF THE MEETING OF THE COUNCIL
HELD IN CIVIC HEADQUARTERS, COLERAINE ON
TUESDAY 26 MARCH 2019 AT 7:00 PM**

In the Chair : The Mayor, Councillor Chivers

Members Present : Alderman Blair, Finlay, Hillis, King, McKeown and
Robinson

Councillors Baird, Beattie, Callan, Clarke, Deighan,
Douglas, Fielding, Holmes, Loftus, McCandless, McCaw,
McGurk, Knight-McQuillan, McLean,
MA McKillop, S McKillop, P McShane, C McShane,
K Mulholland, Nicholl, Quigley, Watton and Wilson

Officers Present : M Quinn, Deputy Chief Executive
R Baker, Director of Leisure & Development
A McPeake, Director of Environmental Services
D Wright, Chief Finance Officer
P Donaghy, Democratic & Central Services Manager
P O'Brien, Funding Unit Manager
T McKenna, Committee & Member Services Officer

In Attendance : T Jebb, BL
N McMullan, Solicitor
Press (1. No)

1. THE MAYOR'S BUSINESS

The Mayor opened the meeting by welcoming Elected Members, Officers, and the press to the meeting.

The Mayor invited Members to stand and observe a minute's silence for the three young people who tragically lost their lives on St Patrick's Day in Cookstown.

The Mayor addressed the meeting as follows:

*Good evening everyone and welcome to our full Council meeting.
At our last meeting I don't think any of us could fathom the unthinkable
series of tragedies which have occurred since we last met.
So many families, some of them in our Borough, have been left bereft by
a wave of sudden, heart-breaking and senseless deaths which have left*

us struggling to understand. At this very difficult time I would like to offer my thoughts and prayers to all those left mourning and I hope in time they are able to find some comfort.

It has been another busy month for me with a great variety of events and receptions taking place.

I have visited a number of our local fire stations to offer my thanks to our firefighting community for keeping our communities safe.

I would like to thank everyone for the very warm welcome afforded to me and I greatly appreciate the insight in to the work they carry out.

I also held a special reception for members of Ballycastle and Coleraine coastguard who work tirelessly in all conditions to keep people safe. The event provided an opportunity to show our appreciation for everything they do.

From the community, I recognised trauma teddy knitters from the Nimble Knitters group in Ballysally and the Dry Arch Children's Centre in Dungiven. The teddies they make provide real reassurance to distressed children and it was my honour to welcome these talented ladies to Cloonavin and applaud them for their efforts.

This month also saw a very successful Crafters Showcase take place in Flowerfield Arts Centre. This was a great opportunity to celebrate our local makers and encourage businesses to stock local produce. There was a terrific turn out on the night and it was a fantastic showcase of this sector in our area.

Looking ahead, I am very much looking forward to inviting school council representatives from local primary schools in our area to Cloonavin later this week. It is always refreshing to hear from our young people and find out about matters which are important to them.

2. APOLOGIES

Apologies were recorded for Alderman McKeown and Cole, Councillors Fielding, Hunter, Loftus, McLaughlin and McCorkell.

3. DECLARATIONS OF MEMBERS' INTERESTS

Declarations of Interests were recorded as follows:

- Councillor Deighan in Environmental Services Committee minutes Item 11, Construction of a Waste Transfer Station;

- Councillor Chivers in Leisure & Development Committee minutes Item 4, Community Development and Social Inclusion Grants;
- Councillor S McKillop in Leisure & Development Committee minutes Item 4 Community Development and Social Inclusion Grants and Item 5 Community Festival Fund;
- Councillor A Mulholland in Leisure & Development Committee minutes Item 4 Community Development and Social Inclusion Grants and Item 5 Community Festival Fund;
- Councillor Fielding in Leisure & Development Committee minutes Item 4 Community Development and Social Inclusion Grants and Item 5 Community Festival Fund;
- Councillor Beattie in Leisure & Development Committee minutes Item 4 Community Development and Social Inclusion Grants and Item 5 Community Festival Fund;
- Councillor McCaw in Leisure & Development Committee minutes Item 4 Community Development and Social Inclusion Grants and Item 5 Community Festival Fund;
- Councillor Baird in Leisure & Development Committee minutes Item 4 Community Development and Social Inclusion Grants, Item 5 Community Festival Fund and AOB Item 14.1, Mosside Community Building;
- Councillor Clarke in Leisure & Development Committee minutes Item 8, Royal Scottish Pipe Band Association of NI, Portrush Event.

MOTION TO PROCEED ‘IN COMMITTEE’

Proposed by Councillor McGlinchey

Seconded by Councillor McGurk

AGREED – that Council move ‘In committee’.

The Mayor declared the motion **CARRIED**.

4. JUDICIAL REVIEW – NORTH WEST 200 LUXURY HOTEL AND SPA DEVELOPMENT UPDATE AND CONSIDERATION OF FUNDING

The Director of Corporate Services presented the report previously Circulated, relating to the provision of funding for Councillor P McShane in relation to ongoing Judicial Review proceedings.

Legal representatives were present to provide advice on the matter and respond to Members’ queries.

Following discussion, during which the legal representatives in attendance provided advice and responded to queries, a short recess was agreed. The Mayor adjourned the meeting at 8.30pm for a 15 minute recess. The meeting resumed at 8.55pm

Proposed by Councillor K Mulholland
 Seconded by Councillor Quigley

- That funding of Councillor McShane’s legal costs (as provided for in the resolution of 17th January 2019) be extended to include attendance at the substantive hearing by Councillor McShane’s legal representatives, which for the avoidance of doubt, include Senior Counsel, Junior Counsel, and Solicitor and to include either legal assistance in the provision of a further affidavit by Councillor McShane or oral submissions at the substantive hearing on behalf of Councillor McShane by his legal representatives.

Councillor K Mulholland requested a recorded vote.

* **Councillor P McShane left the meeting during the period of the recorded vote**

For (13)	Councillors Baird, Beattie, Chivers, Deighan, McCaw, McGlinchey, McGurk, MA McKillop, C McShane, A Mulholland, K Mulholland, Nicholl, Quigley.
Against (18)	Alderman Blair, Campbell, Finlay, Hillis, King, McKeown, Robinson. Councillors Callan, Douglas, Duddy, Fielding, Holmes, Knight-McQuillan, McCandless, S McKillop, McLean, Watton, Wilson.
Abstain (0)	

The Mayor put the motion to the Council to vote.

13 Members voted For, 18 members voted Against, 0 Members Abstained.

The Mayor declared the motion **LOST**.

* **Alderman McKeown left the meeting at 9.15pm**

Following further discussion during which legal advice was provided and further queries responded to, a short recess was agreed to allow the legal team to consider the text of the recommendations being proposed.

The Mayor adjourned the meeting at 9.30pm. The meeting reconvened at 9.40pm.

Proposed by Councillor Duddy

Seconded by Councillor Callan

- For the avoidance of doubt, the resolution passed on the 17th January 2019, should be interpreted as funding up to and including the release of the tapes and the accompanying affidavit referred to in Worthington's correspondence dated the 22nd March 2019 only and provides no further funding in relation to the legal proceedings in Councillor McShane's role as an interested party in the Judicial Review proceedings.

Councillor K Mulholland requested a recorded vote

- * **Councillor P McShane left the meeting during the period of the recorded vote**

For (16)	Alderman Blair, Campbell, Finlay, Hillis, King, Robinson. Councillors Callan, Douglas, Duddy, Holmes, Knight-McQuillan, McCandless, S McKillop, McLean, Wilson, Watton.
Against (11)	Beattie, Chivers, Deighan, McGlinchey, McGurk, MA McKillop, C McShane, A Mulholland, K Mulholland, Nicholl, Quigley
Abstain (2)	Councillors Baird and McCaw

The Mayor put the motion to the Council to vote.

16 Members voted For, 11 members voted Against, 2 Members Abstained.

The Mayor declared the motion **CARRIED**.

MOTION TO PROCEED 'IN PUBLIC'

Proposed by Councillor Holmes

Seconded by Councillor S McKillop

AGREED – that Council move, 'In Public'.

5. MINUTES OF COUNCIL MEETING HELD TUESDAY 26 FEBRUARY 2019

Matters Arising

5.1 Street Trading Lammas Fair (Item 8.1)

Councillor S McKillop wished it placed on record the way Council Officers were being addressed in the discussion of this matter.

5.2 Notice of Motion (Item 8.2)

Councillor S McKillop wished it clarified that she proposed the amendment regarding this Notice of Motion and that the seconder was Councillor Clarke

RESOLVED – that the Minutes of Council Meeting held Tuesday 26 February 2019 be confirmed as a correct record.

6. MINUTES OF PLANNING COMMITTEE MEETING HELD WEDNESDAY 27 FEBRUARY 2019, RECONVENED MONDAY 4 MARCH 2019

This Item was withdrawn from the Agenda.

7. MINUTES OF ENVIRONMENTAL SERVICES COMMITTEE MEETING HELD TUESDAY 5 MARCH 2019

Alderman Finlay presented the Minutes and proposed their adoption subject to any matters arising.

Matters arising

7.1 Fairtrade Borough Status (Item 5)

Councillor Knight-McQuillan stated it was agreed at the Environmental Services committee meeting to recommend to Council that nominations to the Fairtrade Steering Group are deferred until the first Environmental Services meeting held after the elections. Councillor Knight-McQuillan recommended, with the amount of work already completed around Fairtrade, that two Councillors are nominated now, to allow Fairtrade status to go ahead.

It was agreed – the Director of Environmental Services would arrange selection of two Councillors via the D'Hondt method.

7.2 Construction of Waste Transfer Station at Letterloan Composing Facility (Item 11)

Alderman Robinson sought clarification as to this new transfer facility, and asked if it was going to replace existing systems and was this going to lead to privatisation and potentially loss of jobs?

The Director of Environmental Services confirmed that this was an addition and not a replacement, and further advised that it may present an opportunity for future reconfiguration. There are no plans for privatisation.

7.3 Harbour & Marina Charges 2019-2020 (Item 12)

Councillor Baird sought clarification on a number of items;

1. The new harbour charge increases - would these apply to residents of Rathlin Island, as they used their boats, the way other Council residents would use a car?
2. Where rates and rebates considered with other similar harbour facilities in Northern Ireland?
3. Are the charges being applied on a seasonal or annual basis?

The Director of Environmental Services confirmed that a 5% increase would apply to all harbour and marina charges in the Council area, but that annual costs for Rathlin Island were significantly less. When harmonising fees, other sites across Northern Ireland and Scotland were considered. There is a pricing calendar – Ballycastle, Coleraine, Redbay and Rathlin are subject to a 12 month contract. Portrush and Portstewart - 7 month contract and Dunseverick, Portballintrae and Ballintoy – a 3 month contract

7.4 Adoption of the minutes

Proposed by Alderman Finlay
Seconded by Councillor McLean

AGREED – that the Minutes of the Environmental Services Committee meeting held Tuesday 5 March 2019 be adopted and recommendations therein approved.

8. MINUTES OF LEISURE & DEVELOPMENT COMMITTEE MEETING HELD TUESDAY 12 MARCH 2019

Councillor Holmes presented the Minutes and proposed their adoption subject to any matters arising.

Matters Arising

Councillor Holmes informed the Council that two items from the Leisure Development committee namely Item 7, Tourism Event Funding and Item 8, Royal Scottish Pipe Band Association of NI – Portrush Event, had been referred to the Council Meeting. Councillor Holmes proposed that Council set aside Standing Orders for the purpose of expediting the matters relating to events Funding and Items 7 and 8 of the Leisure and Development Committee minutes

AGREED – Members voted unanimously to suspend Standing Orders for the purpose of expediting the matters relating to events Funding, Items 7 and 8 of the Leisure and Development Committee minutes

* **Councillor Deighan left the meeting at 2130.**

8.1 Tourism Event Funding (Item 7)

The Director of Leisure and Development and the Funding Unit Manager presented a schedule detailing four options to Members for their consideration.

Councillor Duddy requested an amendment to the proposal to include an immediate review of this policy. The Director of Leisure and Development and the Funding Unit Manager both stated that there was recognition of Councillor Duddy's proposed amendment and that the Council Events Team were currently engaging with smaller groups and considering how to overhaul the grant programme for next year.

Proposed by Councillor C McShane
Seconded by Councillor Knight-McQuillan

AGREED - Options for Tourism Events Fund 2019-2020:
option 4; applications scoring 65% and above awarded the amount requested.

* **Councillors Douglas and McGlinchey left the meeting at 10.15pm.**

8.2 Royal Scottish Pipe Band Association of NI – Portrush Event (Item 8)

The Director of Leisure and Development provided back ground to this item and advised that this event has occurred in Portrush since the 1950's. In 2018 Leisure and Development had conducted an external assessment of this event in accordance with Council's direction, which found a £3.2 million financial benefit coming into the Borough. The Pipe

Band Association's view is that due to the reconfiguration of Portrush, that the event can no longer be held in the Recreation Grounds.

Proposed by Alderman Hillis
Seconded by Councillor Fielding

AGREED – To approve request of additional funding for this event.

8.3 Portaneevy and Clare Park Projects (Item 9)

Councillor S McKillop expressed concern that the dangerous pinch point at the Whitepark Road was not included in the project. The director of Leisure and Development assured the Council that the location referred to would be alleviated as part of the project.

8.4 Adoption of the Minutes

Proposed by Councillor Holmes
Seconded by Councillor McCandless

AGREED – that the Minutes of the Leisure & Development Committee Meeting held Tuesday 12 March 2019 be adopted and recommendations therein approved.

Termination of suspension of Standing Orders

* **Alderman King left the meeting at 2240.**

9. MINUTES OF CORPORATE POLICY & RESOURCES COMMITTEE MEETING HELD TUESDAY 19 MARCH 2019

Councillor Quigley presented the Minutes and proposed their adoption subject to any matters arising.

9.1 April Meetings (Item 6)

Following clarification from the Director of Corporate Services, an amendment regarding holding meetings in April, **it was AGREED:**
To hold the Planning Committee in full and Council meeting only in April.

The Director of Corporate Services agreed to liaise with external bodies and others regarding a date to reconvene the March Audit Committee meeting, which was inquorate at a meeting scheduled for 13th March 2019.

9.2 Adoption of the Minutes

Proposed by Councillor Quigley
Seconded by Councillor Beattie

AGREED – that the Minutes of the Corporate Policy & Resources Committee Meeting held Tuesday 19 March 2019 be adopted and recommendations therein approved, including the amendment at 9.1 above and excluding Item 15, Minutes of the Land and Property Sub-Committee Meeting 6th March 2019.

10. MATTERS FOR REPORTING TO PARTNERSHIP PANEL – LOCAL GOVERNMENT SIDE

There were no matters for reporting to the Partnership Panel.

11. CONFERENCES

Members were advised of the following conference:

- WW1 Flanders & The Somme Pilgrimage. 30th June – 4th July 2019

RESOLVED – That the conference report is noted. Councillor Callan stated that in previous years, the Mayor and Deputy Mayor and their nominees had attended

12. CORRESPONDENCE

Members were advised of the following correspondence:

- Department of Education has completed an Equality Screening on its 2019-20 Resource Budget;
- Northern Ireland Courts and Tribunal Service (NICTS) increase in court fees;
- Department of Finance policy screening document for the Public Service Pensions (Valuations and Employer Cost Cap) (Amendment) Directions (Northern Ireland) 2019;
- Notice of Motion from Newry & Mourne DC seeking support the granting of consent to a Geographical Disposal Facility by Radio Active Waste Management;
- Notice of Motion from Mid & East Antrim BC seeking support to end Holiday Hunger.

RESOLVED – That the correspondence report is noted.

* **Councillor Duddy left the meeting at 10.48pm**

13. CONSULTATION SCHEDULE

There were no consultation documents to consider.

* **Alderman Hillis and Councillor Nicholl left the meeting at 10.50pm.**

14. 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.

14.1 Grave Registry Certificates, Coleraine, Ballywillan, Agherton and Portstewart Cemeteries (No's 4742 – 4752 inclusive)

14.2 Grave Registry Certificates, Ballymoney Cemetery (No's 2948 & 2949)

14.3 Garvagh Mountain Bike Trails Performance Bond (L&D 180911/CM 180925)

14.4 NIE Wayleave Agreement No 695431 (CP&R 190219 / CM 190226)

14.5 Landowner Indemnity Form NI Water Pumping Station Benone Tourist Complex Ref No 05/18/NIE refers (CP&R 190219 / CM 190226)

14.6 Invest NI offer Financial Assistance, Council EUIG – LED2 – Digital Causeway Project (L&D 190212 / CM 190226)

14.7 Provision of off street parking enforcement and penalty charge processing service – Services Agreement between CC&G Borough Council and Car Park Services (ES 180807 / CM 180828)

Proposed by Councillor Baird
Seconded by Councillor Watton

RESOLVED - that the sealing of documents as listed (Items 14.1 – 14.7) be approved.

**15. NOTICE OF MOTION PROPOSED BY COUNCILLOR C MCSHANE
SECONDED BY COUNCILLOR K MULHOLAND**

'That this Council notes with concern the proposal by CCMS to close Barnish Primary School in Carey; recognising the vital contribution that the school makes to the sustainability of the rural community. In supporting the 'Battle for Barnish', and the local community, this Council will write to the Permanent Secretary of the Department for Education to voice our opposition to this proposal'

As there would be no Committee meeting held in April **it was agreed** that the Notice of Motion was referred, without discussion to the April 2019 Council meeting

**16. NOTICE OF MOTION PROPOSED BY COUNCILLOR C MCSHANE
SECONDED BY COUNCILLOR K MULHOLAND**

'This Council notes with grave concern the recent survey carried out in parts of our borough by a British owned company "Radioactive Waste Management" to identify potential sites for the disposal of nuclear waste. Furthermore, this Council registers our unequivocal opposition on behalf of its citizens, to any potential geological disposal facilities or further surveys anywhere in Causeway Coast and Glens, by writing to the UK Secretary of State and the Minister for Business, Environment and Industry, outlining our concerns'

As there would be no Committee meeting held in April **it was agreed** that the Notice of Motion was referred, without discussion to the April 2019 Council meeting.

**17. NOTICE OF MOTION PROPOSED BY COUNCILLOR MCGURK,
SECONDED BY COUNCILLOR MCGLINCHEY**

'This Council opposes plans to develop a goldmine and processing plant in the Sperrins and wider region. Given the serious health and environmental risks involved, this council is opposed to the use of cyanide for mining purposes, which also contravenes the European Parliament resolution of 27 April 2017 on the implementation of the Mining Waste Directive (2006/21/EC)

The Notice of Motion was referred, without discussion to the April Planning Committee meeting.

**18. LAND AND PROPERTY SUB-COMMITTEE MINUTES MEETING HELD
6TH MARCH 2019**

It was AGREED: that the minutes of the Land and Property Sub-Committee Meeting held on 6th March 2019 be adopted and the recommendations therein approved.

There being no further business, the Mayor thanked everyone for their attendance and the meeting concluded at 11.00 pm.

Chair