

**COUNCIL MEETING TUESDAY 6 DECEMBER 2022
RECONVENED ON MONDAY 12 DECEMBER 2022
RECONVENED ON TUESDAY 10 JANUARY 2023**

Table of Contents

No.	Item	Decision
1.	The Mayor's Business	Received
2.	Apologies	Councillor C McShane, Schenning
3.	Declarations of Members' Interests	Alderman Duddy, A McQuillan, Councillors Anderson and C McQuillan
4.	Deputation – DfI Roads Northern Division Annual Report Spring 2022	Received
5.	Minutes of Council Meeting held Tuesday 1 November 2022	Taken as read and signed as a correct record
6.	Minutes of Special Council Meeting held Monday 14 November 2022	Taken as read and signed as a correct record
7.	Minutes of the Planning Committee meeting held Wednesday 26 October 2022	Noted
8.	Minutes of Environmental Services Committee meeting held Tuesday 8 November 2022	
	Matters Arising	
8.1	Notice of Motion proposed by Alderman Fielding, seconded by Alderman S McKillop (Flagpole Portstewart War Memorial) (Minute Ref ES 221011)	Information
	'In Committee' (Item 8.2)	
8.2	Renewal of Indoor Entertainments Licence Objector, Applicant in attendance	Renew
8.3	Correction to Minute	Correction Noted

8.4	Adoption of Minute	<i>Adopted and recommendations therein approved</i>
9.	Minutes of Finance Committee Meeting held Thursday 10 November 2022	<i>Adopted and recommendations therein approved</i>
9.1	Inherited Debt, Current Reserves and Rates Increases (Minute Ref Item 9)	<u>Amendment Lost</u> <i>That Council object to misleading information being disseminated to the public and do not engage in a political motivated PR stunt to shore up mismanagement of public funds for reporting, in time for next year's Elections</i>
9.2	Adoption of the Minutes	<i>Adopted and recommendations therein approved</i>
10.	Minutes of Leisure and Development Committee meeting held Tuesday 15 th November 2022	<i>Adopted and recommendations therein approved</i>
11.	Minutes of Corporate Policy and Resources Committee meeting held Tuesday 22 nd November 2022	<i>Adopted and recommendations therein approved</i>
12.	Matters for reporting to the Partnership Panel	<i>None</i>
13.	Conferences	<i>None</i>
14.	Correspondence	<i>Correspondence Schedule noted (Items i,ii,vi,v)</i>
(i)	Department for Communities, Sharlene Fleming – Notice of Listing of Buildings of Special Architectural or Historic Interest – War Memorial Ballydevitt Road, Aghadowey, Co Londonderry	
(ii)	Correspondence from Allison McCullagh, Chief Executive, Fermanagh & Omagh District Council	

(iii)	Correspondence from Maire Ward, Chief Executive, Newry & Mourne District Council dated 14 November 2022	<i>That Council write to the Prime Minister and Chancellor of the Exchequer, to demand that the Government put in place much needed measures to provide much necessary help and support to residents of the Borough who have been affected by the Cost of Living Crisis</i>
(iv)	Northern Ireland Housing Council	
(v)	The Electoral Office for Northern Ireland, Virginia McVea	
15.	Consultation Schedule	<i>Noted</i>
	Northern Health and Social Care Trust - Working with you to transform Acute Maternity Services, submission 3 rd March 2023 (Ref viii)	<i>That Council invite NHSC Chief Executive and relevant Director to a Council Meeting</i>
	Department for The Economy, Public Consultation on Miscarriage Leave and Pay, submission by 19 December 2022 (Ref Open Consultation (iii))	<i>That the Women's Working Group formulate a response, on behalf of Council</i>
16.	Sealed Documents	<i>Seal affixed (Items i – vi inclusive)</i>
17.	Notice of Motion proposed by Alderman A McQuillan, seconded by Councillor McAuley	<i>Referred to Leisure and Development Committee</i>
18.	Notice of Motion proposed by Councillor McMullan, seconded by Councillor Peacock	<i>Referred to Leisure and Development Committee</i>

19.	Notice of Motion proposed by Councillor Mulholland, seconded by Councillor Quigley	Referred to January 2023 Environmental Services Committee
	'In Committee' (Items 20-23 inclusive)	
20.	Trade Union Local Pay and Condition Demands	<p>That a one-off payment of £1,925 be paid to all staff, excluding Chief Executive.</p> <p><u>Motion Lost</u> That Council award a £750 hardship allowance be paid to all staff; That Council award two Spinal increments be paid (one this financial year and one next financial year) to all staff up to PO12; That Council former DoE staff receive TUPE equivalent</p> <p><u>Motion Lost</u> That Council award a £650 hardship allowance be paid to all staff; That Council award two Spinal increments be paid (one this financial year and one next financial year) to all staff up to PO12; That Council former DoE staff</p>

		receive TUPE equivalent
21.	Legal Opinion in The Matter of a Call In Notice in Respect of a Council Motion passed on 10 October 2022 by the Full Council in relation to Support for and Funding of the North West 200 Event	Reconsideration of Decision Upheld
22.	Minutes of Corporate, Policy and Resources Committee Meeting Held Tuesday 22 November 2022) ' <i>In Committee</i> '	
	Matters Arising '<i>In Committee</i>'	
22.1	Any Other Relevant Business – Dunluce Centre (Alderman Hillis) (Ref 17 i)	Information
23.	Legal Opinion in The Matter of a Call In Notice in Respect of a Council Motion passed on 10 October 2022 in the meeting relating to the proposed sale of the Dunluce Centre Legal Opinion in The Matter of a Call In Notice in Respect of a Council Motion passed on 10 October 2022 relating to percentage floor space in the proposed development at the Dunluce Centre that can be used for gaming machines	Business Adjourned
	RECONVENED COUNCIL MEETING HELD MONDAY 12 DECEMBER 2022, ADJOURNED FROM TUESDAY 6 DECEMBER 2022	Business Adjourned
	RECONVENED COUNCIL MEETING HELD TUESDAY 10 JANUARY 2023, ADJOURNED FROM TUESDAY 6 DECEMBER 2022 and MONDAY 12 DECEMBER 2022	
	'In Public' (Items 24-25)	
24.	Apologies	None
25.	Declarations of Interest	None
	'In Committee' (Item 26)	
26.	Legal Opinion in The Matter of a Call In Notice in Respect of a Council Motion passed on 10 October 2022 in the meeting relating to the proposed sale of the Dunluce Centre Legal Opinion in The Matter of a Call In Notice in Respect of a Council Motion passed on 10 October 2022 relating to percentage floor space in the	Reconsideration of Decision Upheld That Council Approve the draft sale contract for Dunluce Centre,

	proposed development at the Dunluce Centre that can be used for gaming machines	<i>Portrush to progress the development of a family entertainment offering on the Dunluce Centre with the caveat that no more than 25% of the gross floor space is allocated for gaming machines.</i>
--	---	--

**MINUTES OF THE PROCEEDINGS OF THE MEETING OF THE
COUNCIL HELD IN THE COUNCIL CHAMBER AND VIA VIDEO CONFERENCE
ON TUESDAY 6 DECEMBER 2022 AT 7.00PM**

In the Chair : The Mayor, Councillor Wallace (C)

Present : Alderman Baird (C), Boyle (C), Duddy (C), Fielding (C),
Hillis (C), McKeown (R), S McKillop (R), McLean (C),
A McQuillan (C)

Councillors Anderson (C), Bateson (R), Beattie (R),
Callaghan (C), Callan (R), Chivers (R), Dallat O'Driscoll
(R), Holmes (C), Hunter (R), McAuley (C), McCandless
(C), McCaw (R), McGurk (C), MA McKillop (C),
McGlinchey (R), McMullan (R), C McQuillan (R),
P McShane (C), Mulholland (C), Nicholl (R), Peacock (R),
Quigley (C), Scott (C), Storey (C), Watton (C), Wilson (C)

Officers Present : D Jackson, Chief Executive (C) (Items 1 – 20 inclusive)
M Quinn, Director of Corporate Services (R)
A McPeake, Director of Environmental Services (C)
R Baker, Director of Leisure and Development (R)
D Wright, Chief Finance Officer (R)
S McAfee, Head of Health and Built Environment (R)
P Donaghy, Democratic and Central Services Manager (R)
N McGurk, Head of Prosperity and Place (R)
J Mills, Land and Property Solicitor (R)
I Owens, Committee and Member Services Officer (C)
J Keen, Committee and Member Services Officer (R)

A McAuley, PR and Corporate Communications Manager (R)
J Winfield, ICT Manager (R)
A Lennox, ICT Officer (R)
C Ballentine, ICT Officer (C)
C Thompson, ICT Officer (C)

In attendance : A Keys, Divisional Roads Manager, Dfl Roads (Item 4) (C)
J Morrison, Section Engineer, Causeway Coast and Glens
West, Dfl Roads (Item 4) (C)
I Lowe, Section Engineer, Causeway Coast and Glens
East, Dfl Roads (Item 4) (C)
Objector (Item 8.2) (R)
Applicant (Item 8.2) (C)
K Morgan, BL (R)
R Dickson, Solicitor (R)

Press (4 No.) (R)

Key – C = Attended in the Chamber
R = Attended Remotely

The Chief Executive undertook a roll call.

The Mayor opened the meeting and extended a welcome to members of the press and public in attendance and provided guidance in relation to Council's Remote Meetings Protocol and audio recordings.

1. THE MAYOR'S BUSINESS

The Mayor extended sympathy to Councillor Schenning on the loss of her mother and asked Councillor MA McKillop to convey his thoughts and prayers to her at this time.

Councillor Callan referred to the Drop-in Well Bombing in 1982 when seventeen people lost their lives in what he stated was an unjustified act, that there was always an alternative to murder. Councillor Callan referred to the Anniversary Service held on Monday 5th October which was well attended.

2. APOLOGIES

Apologies were recorded for Councillor Schenning and C McShane.

3. DECLARATIONS OF MEMBERS' INTERESTS

Declarations of Interest were received for:

Alderman Duddy in Item 19 - Trade Union Local Pay and Condition Demands. Having declared an interest Alderman Duddy left the meeting and did not participate in this item.

Alderman A McQuillan in Item 10 - Leisure and Development Committee Minutes Item 5 - Annual Grant Programmes. Having declared an interest Alderman McQuillan did not participate in this item.

Councillor Anderson in Item 19 - Trade Union Local Pay and Condition Demands. Having declared an interest Councillor Anderson left the meeting and did not participate in this item.

Councillor C McQuillan in Item 19 - Trade Union Local Pay and Condition Demands. Having declared an interest Councillor C McQuillan left the meeting and did not participate in this item.

4. DEPUTATION – DFI ROADS NORTHERN DIVISION ANNUAL REPORT SPRING 2022

The Mayor welcomed Officers from DfI Roads to the meeting and invited them to present to Council.

The Divisional Roads Manager presented the report, previously circulated, and he referred to a correction on page 61 which should have read *Curragh Road*. The Divisional Roads Manager invited questions.

The Mayor thanked the representatives for the update, and their attendance, at the request of Elected Members and for responding to enquiries. The Mayor thanked the front line staff for their work.

The Mayor invited Elected Members to pose strategic questions.

DfI Roads representatives responded to Elected Member questions and comments as follows:-

- Regarding re-alignment and barriers at a dangerous corner in Cushendall – DfI Roads representatives stated awareness of the danger, however advised these works were not currently budgeted for.
- Regarding the A6 Limavady/Dungiven – the deadline for completion had been missed due to Covid, global supply issues, cost of materials and inflation amongst other factors, the completion date would be no earlier than March 2023.
- Regarding weed spraying and moss in Cushendall walkways - Spraying had been undertaken twice this year in the area and low priority defects were not currently being actioned.
- Regarding Pates Lane works – this will be scheduled for a small-scale contractor in due course.
- Regarding crash barriers at Killyrammar – an assessment of associated risk would be made in the first instance.
- Representatives apologised for their non-attendance at the stakeholder meeting at the Harbour Road Ballintoy Stakeholders meeting.
- Regarding The Dark Hedges kerbing and unauthorised parking of cars – efforts continue to improve car parking issues but it is difficult to enforce.
- Regarding Flooding, Drumsurn – DfI Roads agreed to a site meeting, including Rivers Agency, due to the element of third party water.
- Regarding Market Street, Limavady – Noted unsafe pavements due to vehicular access.
- Noted a request for cycle inspection programmes to make simple adaptations for disabled access.
- Regarding the Active travel scheme pathway from Straidbilly Primary School to Liscolman – advised this will be forwarded to the Active Travel Team.

- The shared path under Sandford Bridge – Officers advised that the level of the path would remain as it was prior to works.
- Roads Service to investigate the request for a layby on the cycle path between Bushmills Road roundabout and the Portrush line.
- Regarding the maintenance of cycle paths – DfI Roads are responsible for the hard element ie potholes, however, advised Council is responsible for day to day maintenance including cleaning.
- Regarding Riverside Road maintenance issues – DfI Roads have no powers.
- Regarding road maintenance after completion of Firmus works – DfI Roads undertake post works checks and have work revisited, as necessary.
- Disabled crossing in vicinity of Abbey Street Car park near Chill store - this would be passed to Traffic Section for consideration.
- Biodiversity - one cut is undertaken generally around rural roads with no issues around safety, however the Policy is flexible and does accommodate a second cut, as required.
- Regarding DfI Roads sustainability in the absence of the Road Recovery Fund – Advised this was a good initiative which allows for refurbishment work and there is no indication that it is not continuing.
- Regarding Signage and visibility at Torrens Corner - Reprofiling of the corner ongoing and currently programmed for this financial year.
- DfI Roads to provide a link to Alderman S McKillop on the Policy on how potholes are dealt with.
- DfI Roads to provide an update to Alderman A McQuillan on the bitmac at Moneydig Park.
- DfI Roads to respond to correspondence from Councillor Peacock on speeding in Rasharkin.
- Regarding Part-time speed limits at Damhead School – Consideration to be given to adjusting Policy as currently Damhead is not considered as a school on a main road.
- Regarding machinery and staff resources for sweeps and gully cleaning – cleaning has taken place and adequate physical resources are in place.

Elected Members welcomed the following DfI Roads Schemes and works undertaken:

- Street lighting scheme in Portstewart area.
- Lowering footpaths and a sensory paving issue in Bushmills.
- Dropped kerbs.
- LED replacement lights in Bushmills.
- Minor improvement scheme at Greenhall Highway.

* **Councillor P McShane joined the meeting during consideration at 7.25pm.**

The Mayor thanked the DfI Roads representatives for their attendance.

* **Divisional Roads Manager, Section Engineer, Causeway Coast and Glens West, Section Engineer, Causeway Coast and Glens East left the meeting at 8.10 pm.**

5. MINUTES OF COUNCIL MEETING HELD TUESDAY 1 NOVEMBER 2022

Copy, previously circulated.

Proposed by Alderman Duddy

Seconded by Alderman A McQuillan and

RESOLVED – that the Minutes of the Council Meeting held Tuesday 1 November were taken as read and signed as a correct record.

6. MINUTES OF SPECIAL COUNCIL MEETING HELD MONDAY 14 NOVEMBER 2022

Copy, previously circulated.

Proposed by Alderman Duddy

Seconded by Councillor Scott and

RESOLVED – that the Minutes of the Special Council Meeting held Monday 14 November 2022 were taken as read and signed as a correct record.

7. MINUTES OF THE PLANNING COMMITTEE MEETING HELD WEDNESDAY 26 OCTOBER 2022

Copy, previously circulated.

RESOLVED – that the Minutes of the Planning Committee meeting held Wednesday 26 October 2022 are received and noted.

8. MINUTES OF ENVIRONMENTAL SERVICES COMMITTEE MEETING HELD TUESDAY 8 NOVEMBER 2022

Copy, previously circulated.

Environmental Services Committee Chair, Councillor McAuley, proposed the adoption of the Minutes subject to any matters arising.

Matters Arising

8.1 Notice of Motion proposed by Alderman Fielding, seconded by Alderman S McKillop (Flagpole Portstewart War Memorial) (Minute Ref ES 221011)

Alderman Fielding wished to record his thanks to Council installing the flag pole at Portstewart War Memorial, that it was appreciated by those involved in the Royal British Legion and wider community and in place for Armistice Day on Friday 11th November.

MOTION TO PROCEED 'IN COMMITTEE'

Proposed by Councillor Scott
Seconded by Councillor McAuley and

RESOLVED – that Council move '*In Committee*'.

* **Press and Public were disconnected from the meeting at 8:20pm.**

The information contained in the following item is restricted in accordance with Part 1 of Schedule 6 of the Local Government Act (Northern Ireland) 2014

8.2 Renewal of Indoor Entertainments Licence Objector, Applicant in attendance

The Director of Environmental Services provided background information in relation to the renewal of the Indoor Entertainment Licence at Kilrea Golf Club. In accordance with Schedule 1 paragraph 5 of Local Government Miscellaneous Provision Northern Ireland Order Council are required to give an opportunity to the Applicant and Objector to be heard.

The Director of Environmental Services advised that Environmental Services Committee had recommended the licence be approved and both the Applicant and Objector would be permitted to speak for five minutes, after which they would be asked to leave the meeting to allow Council to consider the matter.

Following a comment from Alderman McQuillan, the Director of Environmental Services advised of the caveat in the recommendation to approve and the Objector and Applicant would be invited to the Council Meeting, he reminded Elected Members the decision had not yet been ratified.

The Mayor invited the Objector to speak. The Objector advised this was a residential area and a late licence not appropriate for area and noise at times was unacceptable. Issues have been ongoing with Golf Club for 17 years; records show that the objector had complained for a long time and neighbours share the view but have not complained. The Objector stated that when windows were due for replacement in their home, triple glazing was installed to reduce noise. The objector advised of no issue with events being held in the Golf Club. There were many establishments in Kilrea Main Street that do not have a late licence to hold parties which are less densely populated than the Golf Club. The Objector advised that the fact their home was not the nearest to the Golf Club should not be a factor and had sound recording equipment in place in the last decade and nothing had been done. The Objector advised on a Sunday afternoon had approached the Golf Club about noise and was asked to leave and take the matter up with Council. There were two objections lodged for this licence application and an establishment selling alcohol at 1 am in the morning unsuitable for an area with a community of mixed ages including children.

The Mayor invited the Applicant to speak in support, advising the Applicant had 5 minutes to speak. The applicant advised an offer had been made to speak to the Objector in the past, but the offer had been declined. The Golf Club has been managed by volunteers, when an event is being held have personally advised residents, guests were only to permitted to smoke at the back of the Club, curtains closed during events and guests asked to leave as soon as possible after events.

The Applicant advised there had been two unconfirmed complaints which were anonymous, the Golf Club has carried out random sound checks in the Lisnagreen area. He stated a colleague had recently moved to the area and advised the colleague to let them know if there was evidence of noise. The Applicant stated concern the neighbour was unhappy.

The Mayor invited questions from Elected Members.

In response to questions, the Applicant clarified no door staff had been required and members of the Golf club policed events which were usually attended by their friends and family. There were no more than three events held in a month, the capacity of the building 150 people, which was seldom full.

Following questions from Elected Members, the Director of Environmental Services advised that there was no requirement for PSNI to consider this late licence application.

Councillors Bateson and Dallat O'Driscoll referred to the asset the Golf Club was to Kilrea, it was vital to the community, that was impacted by Covid and further restrictions may not be financially viable for the Golf Club.

At the request of Alderman Baird, Councillor Bateson clarified he did not declare an interest as was not currently a member of the organisation.

The Objector responded to comments regarding not taking up the offer of noise monitoring equipment and stated this had been undertaken in the past and had not been purposeful. The Objector clarified complaints had been made to former Ballymoney Borough Council in the past and records on file.

The Head of Health and Built Environment responded, that complaints in relation to this matter were 3 in 2022, 1 in 2019, 2 in 2017 and the outcome, that no nuisance was found.

Councillor P McShane felt that it was unfair for the individuals to be brought to the Council Meeting and a precedent was being set.

The Director of Environmental Services clarified it was required by Law to offer the Objector and Applicant the opportunity to speak.

Proposed by Alderman McQuillan
Seconded by Alderman Duddy

-that the Entertainment Licence be granted to 11.00 pm until the Applicant and Objector have had the opportunity to engage.

The Applicant advised, at this stage they would abide by the decision of Council and had they known what was required of them at the meeting, they would have brought all the required information with them. The Applicant referred to difficulties over the past 3 years which had impacted the Golf Club in terms of the Covid pandemic.

* **The Applicant left The Chamber and Objector disconnected remotely at 9.05pm.**

Amendment

Proposed by Councillor Bateson
Seconded by Councillor Peacock

-that the recommendation of Environmental Services Committee for an Entertainment Licence be upheld (*that the Entertainments Licence for this premises be renewed in accordance with the details contained in the application*).

Councillor P McShane requested a Recorded Vote.

The Mayor put the Amendment to the Council to vote.
21 Members voted for; 15 Members voted Against; 0 Members Abstained.
The Mayor declared the Amendment Carried.

Recorded Vote Table

For (21)	Alderman Boyle, Hillis, McKeown, Councillor Bateson, Beattie, Chivers, Dallat-O'Driscoll, Holmes, Hunter, McCaw, McGlinchey, McGurk, MA McKillop, McMullan, C McQuillan, P McShane, Mulholland, Nicholl, Peacock, Quigley, Wilson
Against (15)	Alderman Baird, Duddy, Fielding, S McKillop, McLean, A McQuillan Councillor Anderson, Callan, Callaghan, McAuley, McCandless, Scott, Storey, Wallace, Watton

MOTION TO PROCEED 'IN PUBLIC'

Proposed by Alderman Duddy
Seconded by Councillor Anderson and

AGREED – that Committee move '*In Public*'

The press and public were re-admitted to the meeting at 9.15pm.

8.3 Correction to the Minute

Alderman McLean advised of a correction at AORB Item 19.1 - Riverside Park, Ballymoney which should have read Alderman McLean.

8.4 Adoption of the Minute

Proposed by Councillor McAuley
Seconded by Alderman Fielding and

RESOLVED – that the Minutes of the Environmental Services Committee meeting held Tuesday 8 November 2022 are adopted and recommendations therein approved.

* **The Mayor requested a recess for a comfort break at 9.25pm.**

* **The meeting reconvened at 9.35pm.**

9. MINUTES OF FINANCE COMMITTEE MEETING HELD THURSDAY 10 NOVEMBER 2022

Copy, previously circulated.

Finance Committee Chair, Alderman McLean proposed the adoption of the Minutes subject to any matters arising.

Matters Arising

9.1 Inherited Debt, Current Reserves and Rates Increases (Item 9)

Councillor P McShane questioned not including the 2015 year in the figures provided and suggested the decision for PR in relation to finances was not appropriate at this time, he stated the information presented around debt was misleading.

Amendment

Proposed by Councillor P McShane

Seconded by Councillor Quigley

-that Council object to misleading information being disseminated to the public and do not engage in a political motivated PR stunt to shore up mismanagement of public funds for reporting, in time for next year's Elections.

The Chief Finance Officer said the 2016 figures were the earliest figures readily available publicly, for comparison.

Councillor Storey asked Councillor P McShane to substantiate his allegations and provide further details of who he believed was to blame for what he called misleading information and what the evidence was.

Councillor P McShane said he had not questioned the figures brought to the Finance Committee; however an holistic view was required and the 2015 figures should have been included.

At the request of Councillor McCandless, the Chief Finance Officer agreed to provide the league position of debt for the 11 Council's in Northern Ireland as at March 2022.

At the request of Councillor Watton the Chief Finance Officer confirmed the current debt position of Council was £61.3m.

Councillor Holmes said the proposal agreed at the Finance Committee was to bring information back to Finance Committee for discussion on 8th December in order to allow contextual information relating to finances to be in the public domain.

Alderman McLean felt the figures were live and reflected the large debt inherited by the four legacy Council's, unlike other areas where three or less Council's had merged.

Councillor Watton requested a Recorded Vote.

The Mayor put the Amendment to the Council to vote.

3 Members voted For; 24 Members voted Against; 4 Members Abstained.

The Mayor declared the Amendment Lost.

Recorded Vote Table

For (3)	Councillor P McShane, Mulholland, Quigley
Against (24)	Alderman Baird, Boyle, Duddy, Fielding, Hillis, McKeown, S McKillop, McLean, A McQuillan, Councillor Anderson, Callan, Callaghan, Chivers, Holmes, Hunter, McAuley, McCandless, McCaw, MA McKillop, Scott, Storey, Wallace, Watton, Wilson
Abstain (4)	Councillor McGurk, McMullan, C McQuillan, Peacock

9.2 Adoption of the Minutes

Proposed by Councillor McLean
Seconded by Councillor Holmes and

RESOLVED – that the Minutes of the Finance Committee meeting held Thursday 10 November 2022 are adopted and recommendations therein approved.

10. MINUTES OF LEISURE AND DEVELOPMENT COMMITTEE MEETING HELD TUESDAY 15 NOVEMBER 2022

Copy, previously circulated.

Leisure and Development Committee Chair, Councillor McCaw, proposed the adoption of the Minutes subject to any matters arising.

Proposed by Councillor McCaw
Seconded by Councillor Watton and

RESOLVED – that the Minutes of the Leisure and Development Committee meeting held Tuesday 15 November 2022 are adopted and recommendations therein approved.

11. MINUTES OF CORPORATE POLICY AND RESOURCES COMMITTEE MEETING HELD TUESDAY 22 NOVEMBER 2022

Copy, previously circulated.

Corporate Policy and Resources Committee Vice-Chair, Councillor Beattie, proposed the adoption of the Minutes subject to any matters arising.

Proposed by Councillor Beattie
Seconded by Councillor Storey and

RESOLVED – that the Minutes of the Corporate Policy and Resources Committee meeting held Tuesday 22 November 2022 are adopted and recommendations therein approved.

12. MATTERS FOR REPORTING TO THE PARTNERSHIP PANEL

There were no matters to report to the Partnership Panel.

13. CONFERENCES

There were no conferences.

14. CORRESPONDENCE

The Mayor presented the following correspondence Items, previously circulated, as read:

(i) Department for Communities, Sharlene Fleming – Notice of Listing of Buildings of Special Architectural or Historic Interest – War Memorial Ballydevitt Road, Aghadowey, Co Londonderry

Following consultation with Historic Buildings Council and Council, the above property has been listed under section 80 of the Planning Act (NI) 2011 which states that ‘the Department shall compile lists of buildings of special architectural or historic interest’. The building has been listed at grade B2 and the extent of the listing structure is outlined in red on the map attached to the enclosed formal notice of Listing. Where this letter refers to buildings(s), this term includes all types of structures.

Council’s attention is drawn to the explanatory notes on the reverse of the Notice which places certain responsibility on the owner, for example, a listed building has to be maintained in a way appropriate to its character and cannot be altered or demolished without prior approval. It also explains that certain controls also apply to structures which are within the curtilage of a listed building.

(ii) Correspondence from Allison McCullagh, Chief Executive, Fermanagh & Omagh District Council

At its recent Council meeting held on 1 November 2022, Fermanagh and Omagh District Council adopted the following Motion:

Motion - *This Council notes with concern how, since Local Government Reform in April 2015, the Department for Infrastructure (and the Department for the Environment before that) has failed to commence section 129 of the Planning Act (Northern Ireland) 2011 on the Review of Old Minerals Permissions (ROMPs).*

(iii) Correspondence from Maire Ward, Chief Executive, Newry & Mourne District Council dated 14 November 2022

At a meeting of Newry, Mourne and Down District Council held on 7 November 2022 the following Motion was Agreed:

Motion - *Over the past few months and due to a variety of reasons and circumstances we have seen price hikes and increases on a wide scale that have impacted severely on so many in our district resulting in hardship and unable to make ends meet. Newry Mourne and Down District Council demands that the Government put in place much needed measures to provide much necessary help and support to residents of the District who have been affected by the Cost of Living Crisis. If this motion is adopted Council writes to the Prime Minister and Chancellor of the Exchequer, also the other 10 Councils in Northern Ireland enlisting their support for this motion.*

Proposed by Councillor Quigley
Seconded by Councillor Peacock and

RESOLVED -that Council write to the Prime Minister and Chancellor of the Exchequer, to demand that the Government put in place much needed measures to provide much necessary help and support to residents of the Borough who have been affected by the Cost of Living Crisis.

(iv) NI Housing Council

The Housing Council's November bulletin and October Housing Council minutes are enclosed for Elected Member information.

(v) The Electoral Office for Northern Ireland, Virginia McVea

Extract

I am writing in relation to the public consultation on the Local Council Polling Station Scheme which will be published on the 1st December 2022. You will find all the details on our website <http://www.eoni.org.uk/Elections/Polling-stations> at that time. The consultation runs for twelve weeks.

RESOLVED – that Council note the Correspondence Schedule.

15. CONSULTATION SCHEDULE

Report, previously circulated.

The Mayor presented the Consultation Schedule as read:

- (i) The Boundary Commission for Northern Ireland (BCNI) - The 2023 Review of Parliamentary Constituencies, submission by 15th December 2022
- (ii) Information Commissioner's Office (ICO) – Consultation on prioritising access to information complaints, submission by 19th December 2022
- (iii) Department of Health - Consultation on Transitional Adoption Support Services and Consultation on support for care leavers, submission 19th January 2023
- (iv) Department of Health - Consultation on Proposed Amendments to the 2016 Independent Guardian Service Regulations, submission 19th January 2023
- (v) Department of Health - Public consultation on future of Muckamore Abbey Hospital, submission 24th January 2023
- (vi) HSENI - Proposals for Amendments to the Personal Protective Equipment at Work Regulations (Northern Ireland) 1993, submission 24th January 2023
- (vii) Translink - Disability Action Plan, submission 20th February 2023
- (viii) Northern Health and Social Care Trust - Working with you to transform Acute Maternity Services, submission 3rd March 2023

Councillor Storey said it would be disappointing if Council did not respond to Northern Health and Social Care Trust Consultation on Working with you to transform Acute Maternity Services, given the potential threat to hospital services.

Proposed by Councillor Storey
 Seconded by Alderman A McQuillan and

RESOLVED -that Council invite the NHSCT Chief Executive and relevant Director to a Council Meeting.

Open Consultations were listed:-

- (i) The Electoral Office for Northern Ireland, Consultation on Revised Disability and Equality Action Plans, submission by 15 December 2022
- (ii) Ulster University, Draft Disability Action Plan 2022 – 2027, submission by 16 December 2022
- (iii) Department for The Economy, Public Consultation on Miscarriage Leave and Pay, submission by 19 December 2022

Proposed by Councillor Peacock
 Seconded by Councillor McGurk and

RESOLVED -that the Women's Working Group be afforded the opportunity to formulate a response to the consultation on behalf of Council.

- (iv) Waterways Ireland, Draft Equality Action Plan 2023-2025 and Draft Disability Action Plan 2023-2025, submission by 10 January 2023
- (v) Northern Ireland Policing Board, Corporate Plan 2023-2025, submission by 16 January 2023
- (vi) Department for The Economy, Consultation on 10x Performance Management Framework, submission by 18 January 2023

RESOLVED – that Council note the Consultation Schedule.

16. 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.

- (i) Grave Registry Certificates, No's 5452 – 5470 inclusive;
- (ii) Commercial Lease, Shorebird Coffee Hut, Seafront, Ballycastle– Causeway Coast and Glens Borough Council and Brenda Caher trading as Shorebird Coffee Hut (Ref L&PSC 221102/CP&R 221122/CM 221206)
- (iii) Car Loan Agreement (employee ref 132/2109);
- (iv) Causeway Coast and Glens Borough Council and Northern Ireland Environment Agency Performance Deed (Local Authorities) in relation to Craigahulliar Landfill Site (Ref Finance 221013/CM 221101);
- (v) Belfast City Council Legal Services Department Service Level Agreement for Causeway Coast and Glens Borough Council for Period 1st April 2022 to 31st March 2023 (retrospective);
- (vi) Renewal of Commercial Lease Ballycastle Ferry Terminal, Ballycastle – Causeway Coast and Glens Borough Council and Liam McBride trading as Sea Haven.

Proposed by Councillor MA McKillop
 Seconded by Councillor Scott and

RESOLVED - that the sealing of documents as listed (i-vi) be approved.

17. NOTICE OF MOTION PROPOSED BY ALDERMAN A MCQUILLAN, SECONDED BY COUNCILLOR MCAULEY

As we approach the 50th anniversary of the Garvagh bombing, it is felt that this would be an appropriate time to pause, remember and pay tribute. I call upon this council to place a fitting and permanent memorial on or near the Garvagh War memorial to all who served and to those who paid the ultimate sacrifice. 24 Platoon E company (Garvagh Detachment), 5th County Londonderry Battalion, The Ulster Defence Regiment (Conspicuous Gallantry Cross) 1970 — 1992 and a plaque at bridge street Garvagh the site of the bombing.

The Notice of Motion was referred, without discussion, to the Leisure and Development Committee.

18. NOTICE OF MOTION PROPOSED BY COUNCILLOR MCMULLAN, SECONDED BY COUNCILLOR PEACOCK

This council recognises the significant investment in rural communities and businesses, and the wider economy derived from the Single Farm Payment under the EU Common Agricultural Policy (CAP); agrees that CAP Single Farm Payments were critical to farm profitability, particularly for small family farms; is concerned with the significant uncertainty facing our farming community with the loss of CAP Single Farm Payments as a result of Brexit and the end of the replacement Basic Payment Scheme, worth £300m a year, beyond 2025; and calls on the British Government and the Minister of Agriculture, Environment and Rural Affairs to set out urgently what replacement funds will be put in place to support our farmers and the wider agricultural sector.

The Notice of Motion was referred, without discussion, to the Leisure and Development Committee

19. NOTICE OF MOTION PROPOSED BY COUNCILLOR MULHOLLAND, SECONDED BY COUNCILLOR QUIGLEY

We propose that this Council cancels the plans to erect a dog run in the St John's area in Portstewart due to the public outcry and lack of public consultation.

The Notice of Motion was referred, without discussion, to the Environmental Services Committee.

At the request of Councillor Mulholland the Director of Environmental Services confirmed that it would be tabled for the January 2023 Committee meeting.

MOTION TO PROCEED 'IN COMMITTEE'

Proposed by Alderman Duddy
Seconded by Alderman Baird and

RESOLVED – that Council move 'In Committee'.

* **Press and Public were disconnected from the meeting at 10:20pm.**

The information contained in the following item is restricted in accordance with Part 1 of Schedule 6 of the Local Government Act (Northern Ireland) 2014

The Mayor reminded Elected Members, of the session being audio being audio recorded in line with Council's guidance.

- * **Having declared an interest, Alderman Duddy and Councillor Anderson left The Chamber at 10.20pm.**

20. TRADE UNION LOCAL PAY AND CONDITION DEMANDS

Confidential report, previously circulated, presented by the Chief Executive.

Purpose of Report

This report is to inform Members on the trade union local pay and condition demands following the joint trade union rejection of the last offer made by the Council. Unite the Union have temporarily suspended their strike, GMB and NIPSA have notified Council of the results of their recent ballot which indicates that the majority of their members are prepared to take part in industrial action. GMB have initiated 'action short of a strike'. NIPSA have informed the Council that industrial action will be continuous beginning 12.01am 7th December 2022 and includes:

- Hours of work will be strictly within normal paid hours;
- No unpaid work;
- Take all normal breaks.

Recommendation

It is recommended that Elected Members further consider the Trade Union Side pay and condition demands and make an offer to alleviate the risk of industrial action disrupting services.

The Chief Executive provided detail on the current position of the last offer and the current proposal by Councillor P McShane and advised that potential strike action could impact on out of hours services including Council and Committee meetings.

Councillor P McShane advised he had taken advice since making his proposal and felt that there was potential for challenge by staff and he wished to make a new proposal.

Proposed by Councillor P McShane
Seconded by Councillor Quigley

- that Council award a £750 hardship allowance be paid to all staff;
- that Council award two Spinal increments be paid (one this financial year and one next financial year) to all staff up to PO12;
- that Council former DoE staff receive TUPE equivalent.

At the request of Councillor Watton, the Chief Executive clarified he was unable to identify the Northern Ireland Council's within the report due to GDPR guidelines.

Councillor McAuley requested detail of the cost for the proposal and legal advice regarding the potential for challenge to any decision reached. Councillor McAuley said he wished to support low paid workers and close the gap and pointed to the increase which would be awarded to staff on PO12, in comparison with NHS Nurses, which he felt was unfair.

At the request of Councillor McAuley the Chief Executive advised that notification of industrial action still stood, negotiations continued and he believed that including all staff up to PO12 in a pay offer would avoid individual legal challenges.

The Chief Finance Officer provided the cost of the proposal as £2.369m:
 1st Spinal incremental Point - £711,000
 2nd Spinal incremental Point - £745,000
 Cost of living payment - £913,000

At the request of Councillor McAuley, the Chief Finance Officer clarified the percentage increase for lower paid staff would be approximately £350 per spinal incremental point a 2% increase and for higher paid staff approximately £1,000 per spinal incremental point, a 1.7% increase.

At the request of Alderman Hillis, the Chief Finance Officer clarified the impact on the Rates setting of £4.76m and approximately 8%. Alderman Hillis felt this matter should have been dealt with fully by JNC and Unions and felt the situation could lead to poor relationships, that an 8% increase on rates was substantial.

At the request of Alderman Baird, the Chief Executive outlined the impact on Spinal Points for staff at different levels within their Scale.

Councillor P McShane said the increase still did not reflect inflationary figures and pointed to Council's income during the pandemic, the 8% rates increase was over a two year period.

Councillor P McShane requested a Recorded Vote.

The Mayor put the motion to the Council to vote.
 15 Members voted For; 17 Members voted Against; 0 Members Abstained.
 The Mayor declared the Motion Lost.

Recorded Vote Table

For (15)	Alderman Boyle Councillor Bateson, Beattie, Chivers, Dallat-O'Driscoll, McCaw, McGlinchey, McGurk, MA McKillop, McMullan, P McShane, Nicholl, Peacock, Quigley, Watton
Against (17)	Alderman Baird, Fielding, Hillis, McKeown, S McKillop, McLean, A McQuillan

	Councillor Callaghan, Callan, Holmes, Hunter, McAuley, McCandless, Mulholland, Scott, Storey, Wallace
--	---

The Chief Executive recommended bringing a proposal to allow the flexibility for Council to hold Council and Committee meetings during the day.

Proposed by Councillor P McShane
Seconded by Councillor Quigley

- that Council award a £650 hardship allowance be paid to all staff;
- that council award two Spinal increments be paid (one this financial year and one next financial year) to all staff up to PO12;
- that former DoE Planning Staff receive TUPE equivalent.

Councillor Holmes asked what would happen in the event an offer would not be accepted. The Chief Executive advised of potential action by Union members and further asked Council to consider holding meetings during normal business hours.

Councillor McAuley advised the Democratic Unionist Party could not support attendance at meetings during the day as some Elected Members had other employment.

Councillor P McShane requested a Recorded Vote.

The Mayor put the motion to the Council to vote.
16 Members voted For; 16 Members voted Against; 0 Members Abstained.

- * **Having the Casting Vote, The Mayor declared a recess at 10.50 pm.**
- * **The meeting reconvened at 10.55 pm.**

The Mayor applied his Casting vote *Against*.
The Mayor declared the motion Lost.

Recorded Vote Table

For (16)	Alderman Boyle Councillor Bateson, Beattie, Chivers, Dallat-O'Driscoll, McCaw, McGlinchey, McGurk, MA McKillop, McMullan, Mulholland, P McShane, Nicholl, Peacock, Quigley, Watton
Against (16)	Alderman Baird, Fielding, Hillis, McKeown, S McKillop, McLean, A McQuillan Councillor Callaghan, Callan, Holmes, Hunter, McAuley, McCandless, Scott, Storey, Wallace
Casting Vote (1) Against	The Mayor, Councillor Wallace

At the request of Councillor McAuley, the Chief Executive clarified there were approximately 900 full time equivalent employees in Causeway Coast and Glens Borough Council.

- * **At the request of Councillor McAuley the Mayor declared a recess at 11.00pm**
- * **The meeting reconvened at 11.05 pm.**

Councillor McAuley said the proposals continued to benefit highly paid staff more than lower paid staff and felt this was unfair.

Proposed by Councillor McAuley
Seconded by Councillor Callaghan

-that Council approve a one-off payment of £1,925 to be paid to all staff, excluding the Chief Executive.

- * **The Mayor declared a recess at 11.10pm.**
- * **The meeting reconvened at 11.15pm.**

Councillor P McShane said the purpose of the Spinal incremental Points approach was to bridge the gap and stated he could not support the proposal.

The Mayor put the motion to the Council to Vote.
23 Members voted For; 9 Members voted Against; 0 Members Abstained.
The Mayor declared the motion Carried.

RESOLVED - that Council approve a one-off payment of £1,925 to be paid to all staff, excluding the Chief Executive.

Councillor P McShane said in the event the proposal was not accepted consideration should be given to holding Council and Committee meetings during normal business hours.

The Chief Executive confirmed that if Union Members worked to rule there was a risk that evening meetings could not take place.

The Chief Executive referred to Standing Order 3.1 that 'Mayor may call a meeting at any time' and said he appreciated the difficulties this caused for Elected Members but was an alternative to no meetings taking place.

The Land and Property Solicitor concurred with Chief Executive's remarks.

Alderman A McQuillan referred to the pandemic when decisions were reached without attendance at meetings.

- * **Alderman Duddy and Councillor Anderson re-joined the meeting in the Chamber at 11.20pm.**

- * **The Chief Executive left the Chamber at 11.30pm.**
- * **The Director of Environmental Services assumed the top table at 11.30pm.**

21. LEGAL OPINION IN THE MATTER OF A CALL IN NOTICE IN RESPECT OF A COUNCIL MOTION PASSED ON 10 OCTOBER 2022 BY THE FULL COUNCIL IN RELATION TO SUPPORT FOR AND FUNDING OF THE NORTH WEST 200 EVENT

Legal Opinion attached, previously circulated.

That Council supports the NW200 event in 2023, by building the course (either directly or through a procurement exercise for an external organisation, whichever is most financial beneficial) and providing office accommodation (subject to due process) for the NW200 management team with the following conditions:

- *A detailed business plan for the commercialisation of the NW200 is provided to make the event self-funding within 5 years;*
 - *The development of a succession plan regards management of the event.*
- Both conditions must include consideration of external commercial partners and funding for the 2023 event subject to both conditions being met and acceptable to council.*

The Director of Environmental Services advised the purpose of this Item was the re-taking of the vote at meeting held on 22nd October 2022.

Alderman A McQuillan asked for the cost of the Call-in Opinion, which was confirmed by the Barrister.

The Barrister responded to questions placed by Councillor P McShane surrounding consideration of the Legal Opinion presented which, the Barrister advised was based on processes.

Councillor P McShane requested a Recorded Vote.

The Mayor put the Motion to the Council to re-vote.
20 Members voted For; 14 Members voted Against; 1 Member Abstained.
The Mayor declared reconsideration of the decision upheld.

RESOLVED - *That Council supports the NW200 event in 2023, by building the course (either directly or through a procurement exercise for an external organisation, whichever is most financial beneficial) and providing office accommodation (subject to due process) for the NW200 management team with the following conditions:*

- *A detailed business plan for the commercialisation of the NW200 is provided to make the event self-funding within 5 years;*
- *The development of a succession plan regards management of the event.*

Both conditions must include consideration of external commercial partners and funding for the 2023 event subject to both conditions being met and acceptable to council.

Recorded Vote Table

For (20)	Alderman Boyle, Baird, Duddy, Fielding, Hillis, McKeown, S McKillop, McLean, A McQuillan
	Councillor Anderson, Callaghan, Callan, Holmes, McAuley, McCandless, McCaw, Scott, Storey, Wallace, Watton
Against (14)	Councillor Bateson, Beattie, Chivers, Dallat O'Driscoll, McGlinchey, McGurk, MA McKillop, McMullan, P McShane, C McQuillan, Mulholland, Nicholl, Peacock, Quigley
Abstain (1)	Councillor Hunter

22. MINUTES OF CORPORATE SERVICES COMMITTEE MEETING HELD TUESDAY 22 NOVEMBER 2022

Matters Arising 'In Committee'

22.1 Any Other Relevant Business - Dunluce Centre (Alderman Hillis) (Minute Ref 17(i))

Councillor P McShane said the findings of the Extraordinary Audit proved that Council was poor at realising assets, given the matter was at the centre of a live investigation and subject to an Action Plan completion for the end of February. Councillor P McShane referred to the requirement for Council to obtain 'best value' when realising assets.

Councillor P McShane proposed - That the Dunluce Centre sale only proceeds at the conclusion of the NIAO Extraordinary Audit Action Plan and the Dunluce Centre is sold on the Open Market.

The Director of Environmental Services advised a Proposal could not be accepted until the matter of the Call-in's were reconsidered at Item 23 and 24 on the Agenda for the evening.

23. LEGAL OPINION IN THE MATTER OF A CALL IN NOTICE IN RESPECT OF A COUNCIL MOTION PASSED ON 10 OCTOBER 2022 IN THE MEETING RELATING TO THE PROPOSED SALE OF THE DUNLUCE CENTRE

LEGAL OPINION IN THE MATTER OF A CALL IN NOTICE IN RESPECT OF A COUNCIL MOTION PASSED ON 10 OCTOBER 2022 RELATING TO PERCENTAGE FLOOR SPACE IN THE PROPOSED DEVELOPMENT AT THE DUNLUCE CENTRE THAT CAN BE USED FOR GAMING MACHINES

Legal Opinions previously circulated.

That Council Approve the draft sale contract for Dunluce Centre, Portrush to progress the development of a family entertainment offering on the Dunluce Centre with the caveat that no more than 25% of the gross floor space is allocated for gaming machines.

Councillor P McShane asked which Officers were privy to information in relation to, or had discussions on, the Dunluce Centre since the inception of the investigation. The Director of Environmental Services advised that he, and the Head of Prosperity and Place were the only Officers involved.

Councillor P McShane urged caution about proceeding with policies and processes, subject to investigations and questioned the bidding process.

The time being 12 midnight, it was proposed by Alderman Duddy, seconded by Councillor McAuley to raise Point of Order 26.1 - That Council suspend Standing Orders in order to continue with the debate, given the deadline of 12 midnight.

The Mayor advised that a vote needed to be taken on the Proposal, however as Council had already reached the midnight deadline, he advised the business be adjourned, to reconvene until after the Special Council Meeting on Monday 12th December 2022.

RESOLVED – that the Council Meeting debate be adjourned and remaining business reconvened to after the Special Council meeting on Monday 12th December 2022, time to be arranged.

Adjourned Business:

- Legal Opinion in The Matter of a Call In Notice in Respect of a Council Motion passed on 10 October 2022 in the meeting relating to the proposed sale of the Dunluce Centre
- Legal Opinion in The Matter of a Call In Notice in Respect of a Council Motion passed on 10 October 2022 relating to percentage floor space in the proposed development at the Dunluce Centre that can be used for gaming machines

The Meeting adjourned at 12.03am.

**MINUTES OF THE PROCEEDINGS OF THE RECONVENED MEETING OF
COUNCIL HELD IN THE COUNCIL CHAMBER AND VIA VIDEO CONFERENCE
ON MONDAY 12 DECEMBER 2022 AT 7.00PM**

In the Chair : The Mayor, Councillor Wallace (C)

Present : Alderman Baird (R), Boyle (R), Fielding (R), Duddy (C),
Hillis (C), Knight-McQuillan (R), A McQuillan (C),
S McKillop (R), McLean (R)

Councillors Anderson (C), Bateson (R), Callan (R),
Chivers (R), Callaghan (R), Hunter (R), C McQuillan (R),
McCaw (R), MA McKillop (R), McGurk (R), McCandless
(C), McMullan (R), McAuley (C), P McShane (C),
Mulholland (C), Nicholl (R), Quigley (C), Peacock (R),
Scott (R), Storey (C), Watton (C), Wilson (R)

Officers Present : D Jackson, Chief Executive (C)
A McPeake, Director of Environmental Services (C)
D Wright, Chief Finance Officer (R)
P Donaghy, Democratic and Central Services Manager (R)

E Murray-Wallace (R)

Key – C = Attended in the Chamber
R = Attended Remotely

* **An audio recording of this meeting is not available, due to technical reasons.**

The Mayor ruled the Reconvened Council meeting was adjourned as it had been impacted by Industrial Action and no support staff were available.

RESOLVED – that the Reconvened Council Meeting is adjourned until further notice.

Adjourned Business:

- Legal Opinion in The Matter of a Call In Notice in Respect of a Council Motion passed on 10 October 2022 in the meeting relating to the proposed sale of the Dunluce Centre
- Legal Opinion in The Matter of a Call In Notice in Respect of a Council Motion passed on 10 October 2022 relating to percentage floor space in the proposed development at the Dunluce Centre that can be used for gaming machines

**MINUTES OF THE PROCEEDINGS OF THE RECONVENED COUNCIL MEETING
HELD IN THE COUNCIL CHAMBER, CIVIC HEADQUARTERS AND VIA
VIDEO CONFERENCE ON TUESDAY 10 JANUARY 2023 AT 8.43PM**

In the Chair : The Mayor, Councillor Wallace (C)

Present : Alderman Baird (C), Boyle (C), Fielding (C), Hillis (C),
Knight-McQuillan (C), McKeown (R), S McKillop (C),
McLean (C), A McQuillan (C)

Councillors Anderson (C), Bateson (R), Callan (C),
Callaghan (C), Chivers (R), Dallat O'Driscoll (R), Holmes (R),
Hunter (R), McAuley (C), McCandless (C), McCorkell (R),
McGurk (R), MA McKillop (R), McMullan (R),
C McQuillan (R), C McShane (R), P McShane (C),
Mulholland (C), Nicholl (R), Peacock (R), Quigley (C),
Scott (C), Storey (C), Watton (C), Wilson (C)

Officers Present : A McPeake, Director of Environmental Services (C)
N McGurk, Head of Prosperity and Place (R)
P Donaghy, Democratic and Central Services Manager (R)
J Welsh, Head of Community & Culture (R)
D Hunter, Council Solicitor (R)
S Duggan, Civic Support & Committee & Member
Services Officer (C)
I Owens, Committee & Member Services Officer (R)

In attendance : K Morgan BL (R)
R Dickson, Partner, Carson McDowell LLP (R)

J Winfield (R), ICT Operations Manager (R)
A Lennox, Mobile Operations Officer (C)
C Thompson, ICT Operations Officer (C)

Key – C = Attended in the Chamber
R = Attended Remotely

MOTION TO PROCEED ‘IN PUBLIC’

Proposed by Alderman Baird
Seconded by Councillor Scott and

AGREED – that Council move *‘In Public’*.

24. APOLOGIES

There were no apologies recorded.

25. DECLARATIONS OF INTEREST

There were no Declarations of Interest.

MOTION TO PROCEED ‘IN COMMITTEE’

Proposed by Alderman S McKillop
Seconded by Councillor Callan and

AGREED – that Council move ‘*In Committee*’.

The information contained in the following item is restricted in accordance with Part 1 of Schedule 6 of the Local Government Act (Northern Ireland) 2014

26. LEGAL OPINION IN THE MATTER OF A CALL IN NOTICE IN RESPECT OF A COUNCIL MOTION PASSED ON 10 OCTOBER 2022 IN THE MEETING RELATING TO THE PROPOSED SALE OF THE DUNLUCE CENTRE

LEGAL OPINION IN THE MATTER OF A CALL IN NOTICE IN RESPECT OF A COUNCIL MOTION PASSED ON 10 OCTOBER 2022 RELATING TO PERCENTAGE FLOOR SPACE IN THE PROPOSED DEVELOPMENT AT THE DUNLUCE CENTRE THAT CAN BE USED FOR GAMING MACHINES

Two Confidential Legal Opinions were previously circulated.

The Director of Environmental Services summarised the last meeting prior to adjournment, where he had summarised the Legal Opinion, he advised reconsideration of the vote has been triggered. The Director of Environmental Services cited the motion to be reconsidered.

That Council Approve the draft sale contract for Dunluce Centre, Portrush to progress the development of a family entertainment offering on the Dunluce Centre with the caveat that no more than 25% of the gross floor space is allocated for gaming machines.

Alderman Hillis detailed the background of the disposal of the Dunluce Centre as a Family Entertainment Centre, Council agreeing to sell to the preferred Bidder, and detail within the requested Special Conditions Contract. Alderman Hillis referred to the Area Plan, that there was sufficient provision for Amusement Arcades and he felt there could not be agreement due to Planning considerations to be made. Alderman Hillis stated he was not content with the 25% floor space allocation, whilst not against selling the Dunluce Centre, he stated there was strong opposition locally. Alderman Hillis advised he could not see why Council could not go out to the Market again.

Councillor Quigley referred to the initial presentation to Council by the preferred Bidder, stated she had been lobbied and the people of Portrush did not want a gaming area. Councillor Quigley queried whether Council received a second retrospective valuation and whether there had been any change. Councillor

Quigley queried putting the Dunluce Centre out to the Market again. She sought Planning opinion on the information Alderman Hillis had brought.

The Head of Prosperity and Place advised a red book retrospective valuation had been obtained, in line with what NIAO (Northern Ireland Audit Office) had asked, he provided information regarding this valuation. The Head of Prosperity and Place clarified the Special Conditions state the development must be a Family Leisure Facility, in accordance with Planning Approval and the Arcade must be properly licensed under Legislation.

The Director of Environmental Services clarified no Planning application had been submitted. During debate the Director of Environmental Services advised 25% gross floor space allocated to gaming machines and a caveat for walkways.

Councillor P McShane stated he had been informed Council were going to be Judicially Reviewed by the Residents of Portrush. He stated Planning was required for a change of use, to agree this proposal must also acknowledge a Planning application fulfil the details of the Sale. Councillor P McShane requested clarification of the 25% floor space for machines.

Councillor P McShane referred to the Legal Opinion, he questioned when Council was informed of a higher bid, advising he had been unaware of this until he reviewed the papers. Councillor P McShane stated Council was not informed and it was not a decision for two Councillors and Officers to take, he referred to the Extraordinary Audit that stated there was lack of information brought to Councillors. Councillor P McShane referred to correspondence from a bidder, that Council was not informed of the value of the bid and of their request.

Council's Barrister provided information on the scope of the Legal Opinion, and bid process, he referred Council to specific paragraphs from the Legal Opinion, from which, he cited.

Council's external Solicitor responded on the sale process, Special Conditions Contract, and Legislative requirements. Council's external Solicitor clarified details of the 25% floor space.

Councillor P McShane called a Recorded Vote on any decisions taken.

Councillor McAuley stated Planning was separate, he had also been lobbied by the people of Portrush whom he stated were not content on Council matters, which he listed. Councillor McAuley stated a valid reason, he considered, for not putting the Dunluce Centre out to sale again.

Proposed by Councillor McAuley
Seconded by Alderman McLean
- That the Question Now Be Put.

The Mayor put the motion to the Council to vote.

23 Members voted For, 12 Members voted Against.
The Mayor declared the motion carried.

Recorded Vote Table

For (23)	Alderman Fielding, S McKillop, McLean, Knight-McQuillan, A McQuillan
	Councillors Anderson, Bateson, Callaghan, Callan, Chivers, McAuley, McCandless, McCorkell, McGurk, McMullan, C McQuillan, C McShane, Nicholl, Peacock, Scott, Storey, Wallace, Watton
Against (12)	Alderman Baird, Boyle, Hillis, McKeown
	Dallat O'Driscoll, Holmes, Hunter, MA McKillop, P McShane, Mulholland, Quigley, Wilson

The Mayor put reconsideration of the Decision to the Council to vote.
19 Members voted For, 16 Members voted Against, 0 Members Abstained.
The Mayor declared the motion carried.

Recorded Vote Table

For (19)	Alderman Knight-McQuillan, McLean, A McQuillan
	Councillors Anderson, Bateson, Callaghan, Callan, Chivers, McAuley, McGurk, McMullan, C McQuillan, C McShane, Nicholl, Peacock, Scott, Storey, Wallace, Watton
Against (16)	Alderman Baird, Boyle, Fielding, Hillis, McKeown, S McKillop
	Dallat O'Driscoll, Holmes, Hunter, McCandless, McCorkell, MA McKillop, P McShane, Mulholland, Quigley, Wilson

RESOLVED - That Council Approve the draft sale contract for Dunluce Centre, Portrush to progress the development of a family entertainment offering on the Dunluce Centre with the caveat that no more than 25% of the gross floor space is allocated for gaming machines.

This being all the business, The Mayor thanked everyone for their attendance and the meeting closed at 9.29pm.

Mayor