

COUNCIL MEETING TUESDAY 10 JANUARY 2023

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No.	Item	Decision
1.	The Mayors' Business	None
2.	Apologies	Councillors McCaw and Schenning
3.	Declarations of Interest	None
4.	Minutes of the Planning Committee meeting held Wednesday 23 November 2022	Noted
5.	Minutes of Finance Committee meeting held Thursday 8 December 2022	
	Matters Arising	
5.1	Rates Support Grant (Item 10)	Approve the redrafted correspondence
5.2	Adoption of the Minutes	Adopted and recommendations therein approved
6.	Minutes of Environmental Services Committee meeting held Tuesday 13 December 2022	
	Matters Arising	
6.1	Any Other Relevant Business - Update on the second street trading pitch in Castlerock (Alderman McQuillan) (Item 20 (ii))	Information
6.2	Adoption of the Minutes	Adopted and Recommendations therein approved
7.	Matters for reporting to the Partnership Panel	None
8.	Conferences	Noted

(i)	NAC Conference Domestic Abuse and Modern Slavery	
9.	Correspondence	Noted (Items (i) – (ii))
(i)	NI Housing Council	
(ii)	Correspondence from Marie Ward, Chief Executive, Newry, Mourne and Down District Council	
10.	Consultation Schedule	Noted
11.	Seal Documents	Seal Affixed (Items (i)-(ii))
(i)	Grave Registry Certificates, No's 5471 - 5502 inclusive;	
(ii)	Car Loan Agreement (employee ref 210/5139);	
12.	Leisure and Development Committee Report	
12.1	Holiday and Leisure Parks Fees and Charges	<i>That Council approve Option 2: An increase based on average CPI (8.2%) and approve the pricing for Caravan, Tents, Motorhomes and Pods as outlined in Table 2</i>
13.	Counsel's Opinion in the matter of a Call In Notice in respect of Council Decision taken 1 November 2022 in respect of The Flying of The Union Flag on specified Council Buildings	<u>Reconsideration of Decision Upheld</u> <i>That the Union flag is flown 365 days a year at the following locations Coleraine Town Hall, Cloonavin Council Headquarters, Limavady Office (Connell St), Roe Valley Arts and Cultural Centre, Ballymoney Town Hall, Riada House and Portrush Town Hall</i>

**MINUTES OF THE PROCEEDINGS OF THE MEETING OF THE
COUNCIL HELD IN THE COUNCIL CHAMBER AND VIA VIDEO CONFERENCE
ON TUESDAY 10 JANUARY 2023 AT 7.00PM**

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

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

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

Officers Present : D Jackson, Chief Executive (C)
A McPeake, Director, Environment Services (C)
R Baker, Director of Leisure and Development (R)
D Wright, Chief Finance Officer (R)
P Donaghy, Democratic & Central Services Manager (R)
N McGurk, Head of Prosperity and Place (R)
J Welsh, Head of Community and Culture (R)
D Hunter, Council Solicitor (R)
J Mills, Council Solicitor, Land and Property
S Duggan, Civic Support & Committee & Member Services Officer (C)
I Owens, Committee & Member Services Officer (R)

A McAuley, Corporate Communications and PR Manager (R)
M Jones, Council Solicitor (Corporate, Planning and Regulatory)

In attendance : K Morgan BL (R) (Item 13)

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

Press (2 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

There was no Mayor's Business

2. APOLOGIES

Apologies were recorded for Councillors McCaw and Schenning.

3. DECLARATION OF MEMBERS' INTERESTS

There were no Declarations of Interests.

4. MINUTES OF THE PLANNING COMMITTEE MEETING HELD WEDNESDAY 23 NOVEMBER 2022

Copy, previously circulated.

RESOLVED – that the Minutes of the Planning Committee Meeting held Wednesday 23 November 2022 are received and noted.

* **Councillor Mulholland arrived in the Chamber at 7.06pm.**

5. MINUTES OF FINANCE COMMITTEE MEETING HELD THURSDAY 8 DECEMBER 2022

Copy, previously circulated.

Matters Arising

5.1 Rates Support Grant (Minute Item 10)

The Chief Finance Officer provided an update. The Department had written to Council before the holiday period to advise of an allocation of £8.924M Rates Support Grant for 2022/23. Council's allocation was £1,190,040, which represents a 25% reduction or £3M on last year. The Chief Finance Officer advised that whilst he was glad to see help with Council Finances, the funds were £930,000 down on what Council had budgeted for last year.

The Chief Finance Officer informed the content of the letter required to be redrafted, regarding an urgent reconsideration of the Rates Support Grant and he cited from the proposed correspondence he had earlier circulated to Elected Members.

Proposed by Councillor Scott
Seconded by Councillor Callan and

RESOLVED – that Council approve the redrafted correspondence.

5.2 Adoption of the Minutes

Proposed by Alderman McLean
Seconded by Councillor Scott and

RESOLVED – that the Minutes of the Finance Committee Meeting held Thursday 8 December 2022 are adopted and recommendations therein approved.

- * **Councillor Holmes arrived in The Chamber at 7.11pm, having attended remotely prior.**

6. MINUTES OF ENVIRONMENTAL SERVICES COMMITTEE MEETING HELD TUESDAY 13 DECEMBER 2022

Copy, previously circulated.

Matters Arising

- (i) **Any Other Relevant Business - Update on the second street trading pitch in Castlerock (Alderman McQuillan) (Item 20 (ii))**

In response to questions, the Director of Environmental Services clarified concerns could now be overcome and a trailer could be in the location; there would be no amendments to the picnic area, marmas grass nor sand dunes.

The Director of Environmental Services advised he would respond to Councillor Quigley on her query regarding an update on the walkway at Portballintrae.

- (ii) **Adoption of the Minutes**

Proposed by Councillor McAuley
Seconded by Alderman Fielding and

RESOLVED – that the Minutes of Environmental Services Committee Meeting held Tuesday 13 December 2022 were adopted and recommendations therein approved.

7. MATTERS FOR REPORTING TO THE PARTNERSHIP PANEL

There were no matters for reporting to the Partnership Panel.

8. CONFERENCES

The purpose of the report is to inform Elected Members of conferences and courses they may wish to attend.

The following were listed:

- (i) NAC Conference Domestic Abuse and Modern Slavery
- 13 – 15 January 2023, Mercure York Fairfield Manor Hotel
 - Delegate Fees: £350 plus VAT
 - Accommodation is available for delegates at the Conference Hotel at the special NAC Conference Delegate rate of £85 plus VAT per night. If you book the hotel direct the rate will be £135 inc VAT The accommodation fee is payable by delegate on arrival at the hotel unless otherwise indicated on the booking form.

NAC Members are invited to contact Democratic Services if they wish to attend.

Recommendation

It is recommended that Council consider the Conference listed.

RESOLVED – that Council note the Conference.

9. CORRESPONDENCE

Report, previously circulated, presented as read.

Purpose of Report

The purpose of the report is to present correspondence for Members' consideration.

The following correspondence has been received:

- (i) **NI Housing Council** (email correspondence dated 8 December 2022)

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

- (ii) **Correspondence from Marie Ward, Chief Executive, Newry, Mourne and Down District Council**

At a Meeting of Newry, Mourne and Down District Council held on 5 December 2022 the following motion was agreed:

Motion

"It was agreed that Newry Mourne and Down District Council calls upon the extension of laws that are being proposed at Westminster giving workers a legal right to their tips be extended here to Northern Ireland. If this Motion is adopted, we write to the other ten local authorities seeking their support and also to the Permanent Secretary at the Department of the Economy and the relevant Minister at Westminster strongly urging that the legislation in Northern Ireland be brought into line with Great Britain and the Republic of Ireland as a matter of urgency".

Members fully supported the Motion and agreed it would be a positive step towards improving the rights and entitlements of lower paid workers.

Newry, Mourne and Down District Council ask that Council give this matter serious consideration and look forward to your response.

It is recommended that Council consider the correspondence.

RESOLVED – that Council note the correspondence schedule (Items i-ii).

10. CONSULTATION SCHEDULE

Consultation schedule, previously circulated, presented as read.

- (i) The Electoral Office for Northern Ireland, Review of Draft Local Council Polling Station Scheme, submission by 22 February 2023
- (ii) Ulster University Equality screening of new and revised policies submission by 24 March 2023

Available to view

- (i) Northern Ireland Civil Service Equality Impact Assessment (EQIA) – (NICS) Pay Offer 2022

Open Consultations were listed:

- Waterways Ireland, Draft Equality Action Plan 2023-2025 and Draft Disability Action Plan 2023-2025, submission by 10 January 2023
- Northern Ireland Policing Board, Corporate Plan 2023-2025, submission by 16 January 2023
- Department for The Economy, Consultation on 10x Performance Management Framework, submission by 18 January 2023
- Department of Health Consultation on Proposed Amendments to the 2016 Independent Guardian Service Regulations, submission by 19 January 2023
- Department of Health Public consultation on future of Muckamore Abbey Hospital, submission by 24 January 2023
- HSENI Proposals for Amendments to the Personal Protective Equipment at Work Regulations (Northern Ireland) 1993, submission by 24 January 2023
- Translink Disability Action Plan, submission by 20 February 2023
- Northern Health and Social Care Trust Working with you to transform Acute Maternity Services, submission by 3 March 2023

Closed Consultations / CC&G Council Responses were listed:

- Department for The Economy, Public Consultation on Miscarriage Leave and Pay, submission by 19 December 2022

RESOLVED – that Council note the Consultation Schedule.

11. 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 5471 - 5502 inclusive;
- (ii) Car Loan Agreement (employee ref 210/5139);

Proposed by Councillor Callan

Seconded by Councillor Mulholland and

RESOLVED – that the Sealing of documents, as listed, be approved (Items i-ii)

MOTION TO PROCEED 'IN COMMITTEE'

Proposed by Councillor Quigley

Seconded by Councillor Anderson and

RESOLVED – that Council move 'In Committee'.

* **Press were disconnected from the meeting at 7.21pm.**

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.

12. LEISURE AND DEVELOPMENT COMMITTEE REPORT

12.1 Holiday and leisure parks fees and charges

The report was presented by the Director of Leisure and Development.

Purpose of Report

The purpose of this report is to ask Elected Members to consider options for fees and charges across Council's six Holiday and Leisure Parks (HALPs). Members are asked to consider options with regards to fees for seasonal and static vans, touring caravans, tents, motorhomes and pods for the 2023 - 2024 season.

Recommendation

It is recommended that the Leisure & Development Committee consider the two options for static and seasonal fees for the 2023 – 2024 season and make a recommendation for the preferred option:

Option 1 - No increase in fees.

Option 2 - An increase based on average CPI (8.2%).

Elected Members are also asked to approve the pricing for Caravan, Tents, Motorhomes and Pods as outlined in Table 2.

Following questions from Elected Members, the Director of Leisure and Development clarified forecast income was generally up in this Period, 2022/23. However, the recommended increases may still be below the average price point for the area, but this cannot be confirmed until all rates are set for the 2023/24 period.

The Director of Leisure and Development clarified Occupiers Associations had been consulted, prior to the rate being set, in line with the NI Caravan Act 2011.

Proposed by Councillor Holmes
Seconded by Alderman Hillis and

RESOLVED – That Council approve Option 2: An increase based on average CPI (8.2%) and approve the pricing for Caravan, Tents, Motorhomes and Pods as outlined in Table 2.

13. COUNSEL’S OPINION IN THE MATTER OF A CALL IN NOTICE IN RESPECT OF COUNCIL DECISION TAKEN 1 NOVEMBER 2022 IN RESPECT OF THE FLYING OF THE UNION FLAG ON SPECIFIED COUNCIL BUILDINGS

That the Union flag is flown 365 days a year at the following locations Coleraine Town Hall, Cloonavin Council Headquarters, Limavady Office (Connell St), Roe Valley Arts and Cultural Centre, Ballymoney Town Hall, Riada House and Portrush Town Hall.

The Mayor put reconsideration of the decision to Council to vote.

Alderman Boyle referenced the Call In Opinion and stated she wished to have further debate and propose an Amendment.

The Mayor invited Council’s Barrister to provide advice on a proposed Amendment and declared a recess for five minutes.

* **A recess was held at 7.43pm.**

* **Councillor McMullan arrived at the meeting at 7.43pm**

The Meeting reconvened at 7.55pm.

During debate and following questions from Elected Members, Council’s Barrister provide advice, he referred Council to Legislation, Section 41 of The Local Government Act 2014 and Council’s Standing Orders; Standing Order 16.1 (i), Standing Order 23 (3).

Alderman Boyle cited from the NI Assembly commissioned Equality Impact Assessment Review, on the Policy of Flying the Union Flag, she stated it was Alliance Policy to support Designated Days and felt the matter had not been debated.

Councillor Holmes commented that Council was left to draw up its own Flag Flying Policy, due to a failure of Stormont and merge of Councils, and that this Policy works across the area. Councillor Holmes stated the Constitution position of Northern Ireland was settled, the benefit of Growth Deal of £70M to the area, had benefits and stated support for the original decision. Councillor Holmes advised discussion had been over a two-year period, through a wide range of groups.

Councillor P McShane stated the constitutional position was not settled for a vast minority within the community, and there were mechanisms to settle, being withheld from the democratic process. Councillor P McShane stated in Moyle District Council, there had been no flag policy.

Councillor McGurk referred to the Opinion that highlighted a lack of debate, listening to the EQIA nor Findings, she advised the Notice of Motion had been used as a vehicle to reintroduce Flags in areas where the issue had been settled, Limavady. Councillor McGurk stated Council were going against advice and guidance set by statutory authorities and to make a sensible decision for good community relations moving forward.

Councillor Storey stated the Barrister had outlined the steps needed to be taken. Councillor Storey stated he accepted people do not see the Union Flag as their Flag, it was Political opposition to the Union Flag that had created annoyance for political reasons. Councillor Storey stated the vote settles that issue, flying the Flag 365 days in this Council.

Councillor McCandless stated discussion had been for two years and there had been sufficient time to make points known. A National Flag stands for the Nations Land, People and Government. Different features of a flag represent the history of its Nation, the crosses of the three Countries, under one Sovereign and Irishness was represented, the Cross of St Patrick included in the Union Flag and all should accept it. Councillor McCandless stated it flies for Soldiers, members of his family, who died to protect and defend it.

Councillor Chivers stated the proposed flag flying 365 days a year in places that would not be wanted for the majority of the people. Councillor Chivers stated every year there has been upset in Limavady over flags. All Councillors, community associations and groups had all been trying to have a better good relations programme in Limavady.

Councillor McCorkell stated there had been a decision taken in Limavady twenty years ago to remove the Union Flag from Limavady, against the wishes of the majority of people in Limavady Town at that time and caused problems long before the Flag was removed from Belfast City Hall.

Alderman McQuillan stated the Flag did not fly 365 days in Limavady, and it had to be taken down.

Councillor Anderson requested a Recorded Vote.

The Mayor put reconsideration of the decision to Council to vote.
 21 Members voted For, 15 Members voted Against, 1 Member Abstained.
 Reconsideration of the decision was upheld.

RESOLVED - *That the Union flag is flown 365 days a year at the following locations Coleraine Town Hall, Cloonavin Council Headquarters, Limavady Office (Connell St), Roe Valley Arts and Cultural Centre, Ballymoney Town Hall, Riada House and Portrush Town Hall.*

Recorded Vote Table

For (21)	Alderman Baird, Fielding, Hillis, Knight-McQuillan, McKeown, S McKillop, McLean, A McQuillan
	Councillors Anderson Callaghan, Callan, Holmes, Hunter, McAuley, McCandless, McCorkell, Scott, Storey, Wallace, Watton, Wilson
Against (15)	Alderman Boyle
	Councillors Bateson, Beattie, Chivers, Dallat O’Driscoll, McGlinchey, McGurk, MA McKillop, McMullan, C McQuillan, C McShane, P McShane, Nicholl, Peacock, Quigley
Abstain (1)	Councillor Mulholland

MOTION TO PROCEED ‘IN PUBLIC’

Proposed by Councillor Mulholland
 Seconded by Alderman S McKillop and

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

This being all the business, The Mayor thanked everyone for their attendance and the meeting concluded at 8.34pm

 Mayor