

COUNCIL MEETING TUESDAY 4 JANUARY 2022

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No.	Item	Decision
1.	The Mayor's Business	Received
2.	Apologies	None
3.	Declarations of Members' Interests	Councillors Callan, Chivers, Dallat O'Driscoll, Holmes, Hunter, MA McKillop, Schenning
4.	Minutes of Council meeting held Tuesday 7 December 2021	Confirmed
5.	Minutes of Planning Committee Meeting held Wednesday 24 November 2021	Noted
6.	Minutes of the Audit Committee Meeting held Wednesday 8 December 2021	Adopted and recommendations therein approved
7.	Minutes of Finance Committee Meeting held Thursday 9 December 2021	Adopted and recommendations therein approved
8.	Minutes of Environmental Services Committee Meeting held Tuesday 14 December 2021	
8.1	Public Conveniences at Cemeteries	Director of Environmental Services to follow up
8.2	Ballintoy Harbour and Car Park (Item 7)	Information
8.3	Adoption of Minutes	Adopted and recommendations therein approved excluding Item 17 (Restructuring of Environmental Services Business Support and Request for Additional Resources), considered

		'In Committee' at the end of the meeting
9.	Minutes of Leisure and Development Committee Meeting held Tuesday 22 December 2021	
9.1	Correction to the Minute	Apology Councillor Watton noted
9.2	DfC Social Supermarkets and Access to Food (Item 10)	Typing error noted
9.3	Presentation form Causeway Association of Urban Sports (Item 5)	Information
9.4	Covid Recovery Small Settlement Programme (Item 11)	Information
9.5	Duration of Committee meetings	Information
9.6	Adoption of Minutes	Adopted and recommendations therein approved including the correction to the Minute at Items 9.1 and 9.2 above
10.	Matters for reporting to the Partnership Panel	Nil
11.	Conferences	
(i)	Agenda NI - Northern Ireland Planning Conference 2022	Noted
12.	Correspondence	
(i)	Margaret Kelly, Ombudsman, Northern Ireland Public Service Ombudsman	Noted (i – iii)
(ii)	Alison McCullagh, Chief Executive, Fermanagh and Omagh District Council	
(iii)	Northern Ireland Housing Council	
13.	Consultation Schedule	Noted (i – viii) as set out
14.	Seal Documents	
(i)	Grave Registry Certificates, No's 5249 – 5269.	Seal Affixed
15.	Notice of Motion proposed by Alderman Baird, seconded by Councillor P McShane (Request for a Dog Control Order)	Referred to Environmental Services Committee
	'IN COMMITTEE' (Item 16-17.1)	

16.	Advice to Causeway Coast and Glens Borough Council in respect of a Call-In received by the Chief Executive in challenge to a decision of Council on 7th December 2021 to sell the Dunluce Centre Portrush to the preferred bidder.	<i>Reconsideration of decision Upheld.</i> <i>Amendment lost</i>
17.	Minutes of Environmental Services Meeting Held Tuesday 14 December 2021 <i>'In Committee'</i>	
	Matters Arising 'In Committee'	
17.1	Restructuring of Environmental Services Business Support and Request for Additional Resources (Item 20)	<i>Deferred until after the Rate setting process.</i>

**MINUTES OF THE PROCEEDINGS OF THE MEETING OF THE
COUNCIL HELD IN THE COUNCIL CHAMBER AND VIA VIDEO CONFERENCE
ON
TUESDAY 4 JANUARY 2022 AT 7:00PM**

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

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

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

Officers Present : D Jackson, Chief Executive (C)
A McPeake, Director of Environment Services (R)
R Baker, Director of Leisure and Development (R)
M Smyth, Finance Director (Interim) (R)
J Richardson, Head of Capital Works, Energy and Infrastructure (R)
N McGurk, Interim Head of Prosperity and Place (R)
N Linnegan, Council Solicitor (R)
D Hunter, Council Solicitor (R)
T Vauls, Car Parks Manager (R)
A McAuley, PR Manager (R)
S Duggan, Civic Support & Committee & Member
Services Officer (R)
J Keen, Committee & Member Services Officer (C)

D Magee, Partner, Commercial Litigation, Carson
McDowell (Item 16)

C Thompson, ICT Officer (C)
A Lennox, ICT Mobile Operations (C)

Press (2 No) (R)
Public (1 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 wished everyone in attendance a Happy New Year.

The Mayor congratulated all those who achieved Honours in the New Year, and whilst not wishing to single anyone out individually, acknowledged the work that Sean McCarry has completed within the Borough and being awarded an OBE.

2. APOLOGIES

There were no apologies received.

3. DECLARATIONS OF MEMBERS' INTERESTS

Declarations of Interest were received for:

Councillor Callan in Leisure and Development Committee Meeting –Item 15, Andrew Bonar Law Project. Councillor Callan did not participate in the item.

Councillor Chivers in Leisure and Development Committee Meeting –Item 11, Covid Recovery Small Settlement Programme. Councillor Chivers did not participate in the Item.

Councillor Dallat O'Driscoll in Environmental Services Committee Meeting – Item 23 Asset Realisation and Car Parks/Concessionary Trading New Concessionary Trading Points at various locations within the Borough of Causeway Coast and Glens. Councillor Dallat O'Driscoll did not participate in the Item.

The Mayor, Councillor Holmes, in Leisure and Development Committee Meeting – Minute Item 15, Andrew Bonar Law Project. Councillor Holmes did not participate in the Item.

Councillor Hunter in Environmental Services Committee Meeting –Item 23 Asset Realisation and Car Parks/Concessionary Trading New Concessionary Trading Points at various locations within the Borough of Causeway Coast and Glens. Leisure and Development Committee Meeting –Item 4 Public Rights of Way, Item 6 Presentation from Causeway Coast and Glens Heritage Trust, Item 7 Causeway Coast and Glens Heritage Trust. Councillor Hunter did not participate in these Items.

Councillor MA McKillop in Environmental Services Committee Meeting –Item 23 Asset Realisation and Car Parks/Concessionary Trading New Concessionary Trading Points at various locations within the Borough of Causeway Coast and Glens due to a planning issue. Leisure and Development Committee Meeting - Item 6 Presentation from Causeway Coast and Glens Heritage Trust, Item 7

Causeway Coast and Glens Heritage Trust. Councillor MA McKillop did not participate in these Items.

Councillor Schenning in Leisure and Development Committee Meeting – Item 10, DfC Social Supermarkets and Access to Food. Councillor Schenning did not participate in this Item.

4. MINUTES OF COUNCIL MEETING HELD TUESDAY 7 DECEMBER 2021

Copy, previously circulated.

Proposed by Councillor McQuillan
Seconded by Councillor Mulholland and

RESOLVED – that the Minutes of the Council Meeting held Tuesday 7 December 2021 are confirmed as a correct record.

5. MINUTES OF PLANNING COMMITTEE MEETING HELD WEDNESDAY 24 NOVEMBER 2021

Copy, previously circulated.

RESOLVED – that the Minutes of the Planning Committee Meeting held Wednesday 24 November 2021 are received and noted.

6. MINUTES OF THE AUDIT COMMITTEE MEETING HELD WEDNESDAY 8 DECEMBER 2021

Copy, previously circulated.

Chair, Councillor Nicholl, proposed the adoption of the Minutes subject to any matters arising.

Proposed by Councillor Nicholl
Seconded by Councillor S McKillop and

RESOLVED – that the Minutes of the Audit Committee Meeting held Wednesday 8 December 2021 are confirmed as a correct record.

7. MINUTES OF FINANCE COMMITTEE MEETING HELD THURSDAY 9 DECEMBER 2021

Copy, previously circulated.

Chair, Alderman Hillis, proposed the adoption of the Minutes subject to any matters arising.

Proposed by Alderman Hillis
Seconded by Councillor Duddy and

RESOLVED – that the Minutes of the Finance Committee Meeting held Thursday 9 December 2021 are adopted and recommendations therein approved.

8. MINUTES OF ENVIRONMENTAL SERVICES COMMITTEE MEETING HELD TUESDAY 14 DECEMBER 2021

Copy, previously circulated.

Chair, Councillor Wilson, proposed the adoption of the Minutes subject to any matters arising.

Matters Arising

8.1 Public Conveniences at Cemeteries

Councillor Watton raised a matter that was not on the Agenda, he expressed concern regarding the public conveniences at Cemeteries being closed.

The Mayor advised this has been noted and invited the Director of Environmental Services to follow up.

8.2 Ballintoy Harbour and Car Park (Item 7)

Amendment (withdrawn)

Proposed by Councillor McQuillan
Seconded by Alderman Duddy

- To recommend that Council approve progression to stage 2 of the procurement gateway and grant permission for officers to carry out a detailed design, prepare tender documents and publicly advertise the works outlined in the proposal.
- grant permission to classify the car park as a private lands car park in order to benefit from the above works and to alleviate congestion.
- approve the introduction of charging within the car park to further reduce congestion as a result of increasing the turnover of car parking spaces.

*** Councillor McGlinchey joined the meeting at 7:19pm**

Alderman Baird proposed a further amendment, she spoke in support of the committee recommendation, and proposed that it was important to engage with stakeholders to explore the feasibility of the Park and Ride option before completing a public consultation on the matter.

The Director of Environmental Services confirmed Alderman Baird's sentiments were covered in the Committee recommendation there would be engagement with stakeholders before the public consultation takes place.

* **Alderman McKeown joined the meeting at 7:33pm**

During the course of debate, Alderman Baird withdrew her proposal, Councillor McQuillan and Alderman Duddy withdrew their amendment.

The Mayor advised that consideration of Item 20 would be taken 'In Committee'.

8.3 Adoption of the Minutes

Proposed by Councillor Wilson
Seconded by Councillor Wallace and

RESOLVED – that the Minutes of the Environmental Services Committee Meeting held Tuesday 14 December 2021 are adopted and recommendations therein approved, excluding Item 17 (Restructuring of Environmental Services Business Support and Request for Additional Resources), considered 'In Committee' at the end of the meeting.

9. MINUTES OF LEISURE AND DEVELOPMENT COMMITTEE MEETING HELD TUESDAY 21 DECEMBER 2021 (BUSINESS TRANSACTED)

Copy, previously circulated.

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

9.1 Correction to the minute

Councillor Watton stated that his apologies had not been recorded in the Minutes.

9.2 DfC Social Supermarkets and Access to Food (Item 10)

The Director of Leisure and Development advised the Council of a typing error to read £30,000 (and not £20,000) was allocated to the reprofiling of the Community Centres Creative Activity Programme.

9.3 Presentation from Causeway Association of Urban Sports (Item 5)

In response to questions from Councillor Mulholland the Director of Leisure and Development confirmed the adjourned business would take place on 18 January 2022 at 7pm, the scheduled January meeting will commence immediately following the reconvened meeting.

9.4 Covid Recovery Small Settlement Programme (Item 11)

In response to questions from Alderman Baird the Director of Environmental Services shared a slide illustrating villages remaining in the Covid Recovery Small Settlement Programme and prioritisation of this will be considered at the Committee meeting in January.

Councillor Chivers declared an interest at this point regarding Drumsurn.

9.5 Duration of Committee meetings

Discussion occurred regarding the length of the Leisure and Development Committee meetings.

The Mayor advised the matter can be considered further at a Governance Working Group.

9.6 Adoption of the Minutes

Proposed by Councillor McAuley
Seconded by Councillor Duddy and

RESOLVED – that the Minutes of the Leisure and Development Committee Meeting Tuesday 21 December 2021 are adopted, and recommendations therein approved including the correction of the Minute at 9.1 and typing error at Item 9.2 above.

10. MATTERS FOR REPORTING TO THE PARTNERSHIP PANEL

There were no matters for reporting to the Partnership Panel.

11. CONFERENCES

The Mayor presented the following conference Items as read:

- (i) Agenda NI - Northern Ireland Planning Conference 2022

RESOLVED – that Council note the Conference Report.

12. CORRESPONDENCE

The Mayor presented the following correspondence Items as read:

- (i) Margaret Kelly, Ombudsman, Northern Ireland Public Service Ombudsman
- (ii) Alison McCullagh, Chief Executive, Fermanagh and Omagh District Council
- (iii) Northern Ireland Housing Council

RESOLVED – that Council note the Correspondence Schedule.

13. CONSULTATION SCHEDULE

Report, previously circulated.

The Mayor presented the Consultation Schedule as read:

- (i) Department of Agriculture, Environment and Rural Affairs, DAERA Green Growth Strategy draft EQIA consultation Submission date 21 December 2021 (Retrospective circulated)
- (ii) Medicines Legislation Branch
Department of Health and Social Care Review of temporary provisions in the Human Medicines Regulations 2012 to support influenza and COVID-19 vaccination campaigns Submission date 29 December 2021 (Retrospective circulated)
- (iii) Department of Health Consultation on Proposals for Legislative Changes to the Human Medicines Regulations 2012 Submission date 14 January 2022
- (iv) Department for Communities (DfC) Notice to Quit Consultation Submission date 25 January 2022
- (v) Department for Communities (DfC) Consultation on the new housing supply strategy Submission date 9 February 2022
- (vi) Department of Finance Consultation on NICS Pension Scheme Prospective Remedy Submission date 25 February 2022
- (vii) Department of Health Consultation on the Draft Advance Care Planning Policy for Adults in Northern Ireland and Draft Equality Impact Assessment Submission date 11 March 2022
- (viii) Invest Northern Ireland Invest NI Policy and Programme Equality Screenings Submission date 3rd March 2022

RESOLVED – that Council note the Consultation Schedule, items i-viii).

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.

- (i) Grave Registry Certificates, No's 5249- 5269 inclusive;

Proposed by Alderman Boyle
Seconded by Councillor Schenning and

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

15. NOTICE OF MOTION PROPOSED BY ALDERMAN BAIRD, SECONDED BY COUNCILLOR P MCSHANE

Request for a Dog Control Order on lands between Ballintoy Harbour and Whitepark Bay

Council have an asserted Right of Way over the lands as detailed above. This assertion is causing considerable hardship for the landowner who grazes sheep here; there are constant dog attacks on his sheep by irresponsible pet owners who constantly allow their dogs to run out of control. Apart from signage at Ballintoy Harbour, Council have not taken any action to try to stop the cruel attacks on the sheep causing considerable loss to the farmer. Accordingly, I now propose that Council make a Dog Control Order on this land to ban dogs from the area which is a working sheep farm. In proposing this I am mindful of the need for Council to maintain the good will of all landowners where asserted ROWs cross farmland.

The Mayor advised the Notice of Motion would be referred, without discussion, to the next Environmental Services Committee.

16. ADVICE TO CAUSEWAY COAST AND GLENS BOROUGH COUNCIL IN RESPECT OF A CALL-IN RECEIVED BY THE CHIEF EXECUTIVE IN CHALLENGE TO A DECISION OF COUNCIL ON 7 DECEMBER 2021 TO SELL THE DUNLUCE CENTRE PORTRUSH TO THE PREFERRED BIDDER.

Legal Opinion previously circulated.

“That Council accept Mr O’Donnell’s financial bid of £1.21m and his proposal for the development of a Family Entertainment Centre at the Dunluce Centre subject to due legal process being completed for the transfer of title and any legal covenants concerning the development of the site.”

The Mayor advised the vote would be taken ‘In Public’.

In response to Councillor P McShane the Chief Executive confirmed the procedure regarding Call In’s.

Alderman Duddy queried if the vote could be taken ‘In Public’ as it was a legal matter.

The Mayor called a recess at 7:54pm to seek legal advice.

*** The meeting reconvened at 8:04pm.**

The Mayor confirmed the meeting was quorate.

The Mayor advised the vote and all remaining business would be taken ‘*In Committee*’.

MOTION TO PROCEED ‘IN COMMITTEE’

Proposed by Alderman Duddy

Seconded by Councillor McQuillan and

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

* **Press and Public were disconnected from the meeting at 8:06pm**

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 recorded in line with Council’s guidance.

In response to Councillor Peacock requesting clarity the Mayor read the decision to be retaken, as set out on the Agenda.

In response to Councillor P McShane, the Mayor advised an amendment could be made if reconsideration of the decision fell.

Alderman Hillis requested a recorded vote.

The Mayor put the motion to the vote.

21 Members votes for; 19 Members voted against; 0 members abstained.

The Mayor declared reconsideration of the decision upheld.

Recorded Vote Table

For (21)	Alderman Duddy, Finlay, Knight McQuillan, Robinson Councillors Anderson, Bateson, Callan, Chivers, McAuley, McCorkell, McGlinchey, McGurk, McLaughlin, McLean, McMullan, McQuillan, C McShane, Nicholl, Peacock, Scott, Wallace
Against (19)	Alderman Baird, Boyle, Fielding, Hillis, McKeown, S McKillop Councillors Beattie, Dallat O’Driscoll, Holmes, Hunter, McCandless, McCaw, MA McKillop, P McShane, Mulholland, Quigley, Schenning, Watton, Wilson

Amendment

Proposed by Councillor P McShane

Seconded by Councillor Quigley

- That Council take external expert legal advice on the sale of lands at the Dunluce Centre, legal advice to encompass everything that has recently come to light in relation to the potential sale including but not exhaustive of:
 1. Planning and the involvement of Planning Members on the decision of the sale
 2. How Officers could have been seen as being too involved in the process of hotel development for a preferred developer
 3. Officers making decisions of a magnitude that should have been taken by Councillors

4. Council Officials offering legal advice despite having been found to have misled the Council on previous hotel development applications.

Councillor P McShane addressed Council and provided detail for each point placed within his Amendment. Following requests for clarification, the Amendment was reiterated for Council consideration.

Councillor Quigley sought clarification of the sale process including legal aspects.

In response to questions the Director of Leisure and Development confirmed the correct process for the sale had been followed; that two external legal organisations were involved throughout. The Director of Leisure and Development cited from correspondence received from a withdrawn bidder.

The Director of Leisure and Development invited Council's external Legal representative to address Council.

Carson McDowell representative referred to correspondence issued to Council in October 2021.

Councillor Hunter sought legal opinion as to whether Planning Committee Members were required to declare an interest for the amendment and similar situations. The Council solicitor advised it was a matter for individual Members to decide whether they had a declaration of interest.

Councillor Peacock commented on her understanding of planning designation for the Dunluce Centre Site.

Alderman Duddy commented that Council had been fully informed throughout the process, that Council had made a democratic decision.

Councillor Watton stated the process had been followed.

The Mayor called a recess at 9:05pm.

*** The meeting reconvened at 9:30pm.**

The Mayor confirmed the meeting was quorate.

The Mayor advised the confidential Legal correspondence referred to had been circulated to all Members during the recess.

Councillor P McShane requested a recorded vote.

The Mayor put the amendment to the vote.
5 Members voted for; 29 Members voted against; 6 Members Abstained
The Mayor declared the amendment lost

Recorded Vote Table

For (5)	Alderman Boyle
	Councillors McCaw, P McShane, Mulholland, Quigley
Against (29)	Alderman Duddy, Fielding, Finlay, Hillis, Knight McQuillan, McKeown, S McKillop, Robinson
	Councillors Anderson, Bateson, Callan, Chivers, Holmes, McAuley, McCandless, McCorkell, McGlinchey, McGurk, McLaughlin, McLean, McMullan, McQuillan, C McShane, Nicholl, Peacock, Scott, Wallace, Watton, Wilson
Abstain (6)	Alderman Baird
	Councillor Beattie, Dallat O’Driscoll, Hunter, MA McKillop, Schenning

17. MINUTES OF ENVIRONMENTAL SERVICES COMMITTEE MEETING HELD TUESDAY 21 DECEMBER 2021 ‘IN COMMITTEE’

17.1 Restructuring of Environmental Services Business Support and Request for Additional Resources (Item 20)

Proposed by Councillor Hunter
Seconded by Alderman Baird and

RESOLVED - That Council defer consideration until after the rate setting process.

MOTION TO PROCEED ‘IN PUBLIC’

Proposed by Councillor Wallace
Seconded by Alderman Boyle and

RESOLVED – that Council move ‘In Public’.

This being all the business, The Mayor thanked everyone for their attendance and the meeting concluded at 9:43pm

Mayor