

FERMANAGH AND OMAGH DISTRICT COUNCIL

- Minutes of Meeting of:** Council
- Date and Time:** Monday 30 March 2015 at 7.08 pm
- Location:** Council Chamber, The Grange, Omagh
- Presiding Councillor:** Councillor Thomas O'Reilly
- Deputy Presiding Councillor:** Councillor Debbie Coyle
- Present:**
- Councillors:**
Alex Baird; Rosemary Barton; Mark Buchanan; Sean Clarke; Josephine Deehan; Barry Doherty; Frankie Donnelly; Joanne Donnelly; Sean Donnelly; Keith Elliott; Raymond Farrell; Anthony Feely; Anne Marie Fitzgerald; Sheamus Greene; Robert Irvine; Tommy Maguire; Sorcha McAnespy; Brian McCaffrey; Marty McColgan; Barry McNally; Richie McPhillips; Allan Rainey MBE; Paul Robinson; Patricia Rogers; Rosemarie Shields; Chris Smyth; Errol Thompson; Howard Thornton; Victor Warrington; Bert Wilson
- In Attendance:** Chief Executive; Director of Community, Health and Leisure; Director of Corporate Services and Governance; Director of Environment and Place; Director of Regeneration and Planning; Change Manager (Fermanagh) Change Manager (Omagh); Committee Administrator
- Apologies:**
- Councillors:**
John Coyle; John Feely; Brendan Gallagher; Mary Garrity; David Mahon; Stephen McCann; Bernice Swift

1. Statement of Outgoing Presiding Councillor

The outgoing Presiding Councillor conveyed his appreciation to all members and staff of the legacy councils and to the Shadow Council itself and the officer for their efforts to ensure the smooth transition from the existing councils to Fermanagh and Omagh District Council on 1 April 2015. He reflected on the Shadow Council's achievements during the transition period; the reconfiguration of services and the transfer of additional functions to the Council; the need to expand and improve tourism across the district, which was of great economic benefit to the area; and of the need for the Council to ensure that its voice was heard despite being on the extremity of Belfast and Dublin.

Other members commended the Presiding Chair, Deputy Presiding Chair and Committee Chairs for their work throughout the year and added their appreciation to staff who in many incidences had undertaken dual roles over the past year.

NOTED.

RESOLVED:

Following a member's request, that a six monthly update is provided in respect of the performance across services to help inform the estimates process for 2016/17.

2. Minutes of Shadow Council Meeting held on 4 March 2015

NOTED: that the Minutes (Paper A) had been issued with the agenda.

RESOLVED:

On the proposal of Councillor Thornton, seconded by Councillor Thompson, that the minutes of the meeting held on 4 March 2015 be taken as read and signed as correct.

3. Declarations of Interest

Declarations of Interest were conveyed by members as follows:

Royal Scottish Pipe Band Association - Councillor Elliott
Staff Matters – Councillor Smyth and the Chief Executive

4. Matters Arising

4.1 Proposed Closure of Enniskillen Courthouse – Page 4, Item 7.1

The Chief Executive advised that further correspondence had been received from Fermanagh Solicitors Association regarding the proposed closure of Enniskillen Courthouse. The correspondence advised that the Association had

requested a change of date for the public meeting previously arranged for Thursday 2 April 2015 as well as an extension to the closing date for submission of a consultation response.

NOTED:

- (i) **That a public meeting at Enniskillen Courthouse organised by the Department of Justice regarding the proposed closure of the Courthouse had been rescheduled to Thursday 23 April 2015 at 4.00pm; and**
- (ii) **The Department of Justice had extended the consultation deadline to Monday 18 May 2015.**

4.2 DoE – Council Standing Orders – Page 9, Item 12.4

The Chief Executive advised that in response to Regulations not being approved by the NI Assembly, the Department of the Environment had issued a Framework for Standing Orders which Council officers had forwarded to legal advisors for comment adding that a report would be brought to a future Committee meeting. In the absence of Regulations approved by the Assembly, the Council would continue to operate under the Shadow Council's existing Standing Orders, he advised.

NOTED.

4.3 DFP - Budget 2015-16 Grants to Local Government – Page 9, Item 12.5

The Chief Executive advised that an update on funding allocations to Fermanagh and Omagh District Council would be presented to the Policy & Resources Committee in April.

NOTED.

Councillor Doherty left the meeting at this juncture.

4.4 Off Street Parking Enforcement Unit – Briefing Session – Page 10, Item 12.8

NOTED: that a copy of the presentation would be emailed to members for information.

5. Report of General Purposes Committee – 11 March 2015

NOTED: that the Minutes (Paper B) had been issued with the agenda.

Councillor Doherty re-entered the meeting at this juncture.

5.1 Preparatory Work to Develop the Fermanagh and Omagh District Council Community Plan – Page 8, Item 8.1

In referring to the recommendation outlined in the minutes, the Chief Executive requested that further consideration is given to the chairing of the three task and finish groups.

RESOLVED:

On the proposal of Councillor Deehan, seconded by Councillor Irvine that:

- (i) The recommendation in relation to chairing the three task and finish groups is deferred to allow further consideration of the matter at a Group Leaders' meeting; and**
- (ii) Council powers are conferred to the Policy & Resources Committee in April to consider a further report.**

RESOLVED:

On the proposal of Councillor Fitzgerald, seconded by Councillor Rogers, that the report of the General Purposes Committee be approved and adopted, subject to the foregoing.

6. Report of Policy & Resources Committee – 18 March 2015

NOTED: that the Minutes (Paper C) had been issued with the agenda.

RESOLVED:

On the proposal of Councillor Barton, seconded by Councillor Warrington, that the report of the Policy & Resources Committee be approved and adopted.

7. Matters Arising

7.1 Update on Transferring Budget from the Department of Social Development – Page 6, Item 4.3

In referring to correspondence previously received from the Minister for Social Development, the Chief Executive advised that a date for a meeting with Minister Storey MLA had now been secured and he sought nominations for a delegation to travel to Parliament Buildings, Belfast on Monday 27 April at 3.45pm in order to discuss the DSD transferring budget and associated matters. He further advised that a briefing paper would be compiled and considered at a pre-meeting before 27 April.

In response to a member's comments regarding recent discussions at a NILGA meeting on the transferring budget for planning staff, the Chief Executive advised that further information had been received and an update report on costs associated with transferring planning and property certificate staff would be tabled at a future Committee meeting.

RESOLVED:

- (i) **That a delegation consisting of the Council Chair, Councillors Campbell, Rogers, Swift, Thompson and Thornton and the Chief Executive and Director of Regeneration and Planning attend a meeting with Minister Storey MLA in Parliament Buildings, Belfast on Monday 27 April at 3.45pm in order to discuss the DSD transferring budget and associated matters; and**
- (ii) **A pre-meeting is scheduled in order to discuss a briefing paper before submission to the Department for Social Development.**

7.2 Consultation on Proposals for an Irish Language Bill – Page 16, Item 7.4

In providing an update on the above consultation process, the Director of Community, Health and Leisure advised that a request had been received from the Department of Culture, Arts and Leisure to host a public consultation event in Strule Arts Centre on 23 April 2015 at 7.30pm.

RESOLVED:

Approval is granted for the Department of Culture, Arts and Leisure to hold a consultation event on the proposed Irish Language Bill in Strule Arts Centre on Thursday 23 April 2015 at 7.30pm, free of charge with the exception of hospitality costs.

7.3 Informal Meeting of Local Action Group – Page 18, Item 8.3

The Director of Regeneration and Community advised that due to the proximity of the Easter period, Rural Network had rescheduled the informal meeting of the Rural Development Programme Local Action Group to Thursday 16 April 2015 at 7.00pm in the Council Offices, Omagh.

NOTED.

8. Report of Planning Committee – 19 March 2015

NOTED: that the Minutes (Paper D) had been issued with the agenda.

RESOLVED:

On the proposal of Councillor McCaffrey, seconded by Councillor Thompson, that the report of the Planning Committee be approved and adopted.

9. Matters Arising

9.1 Upcoming Planning Training – Page 6, Item 9.1

In response to members comments, the Director of Regeneration and Planning advised that a further opportunity would be provided to members to familiarise themselves with the planning process before the first Planning Committee

meeting. It was noted that a copy of recent presentations on planning issues would be circulated to members for information.

RESOLVED: that a workshop involving the members of the Planning Committee is held on Thursday 9 April 2015 at 5.30pm in the Townhall, Enniskillen.

10. Collaborative Procurement of Insurance Western Sub Region

NOTED: that Paper E had been issued with the agenda.

In providing an update on the procurement of insurance broking services for the Council, the Director of Corporate Services and Governance advised that a range of different insurers had been appointed and that the cost of the insurance premium was £420,747 excluding additional premiums relating to issues such as Marine Liability, visiting exhibition cover, Tullyvar Landfill site and a Pollution & Remediation Liability Policy which did not expire until 31 March 2017. She further advised that the Council would enter into two year agreements in respect of the Combined Liability, Motor Fleet and Legal Protection insurance policies and these would be reviewed at the end of each year.

Councillor J Donnelly left and re-entered the meeting during consideration of the above report.

RESOLVED:

On the Proposal of Councillor Irvine, seconded by Councillor F Donnelly that the Council progress to put in place appropriate insurance cover effective from 1 April 2015 in accordance with the detail of the insurance premium presented.

11. Terms and Conditions of Employment for New Appointments to the Council

NOTED: that Paper F had been issued with the agenda.

In view of the expressed Declarations of Interest, Councillor Smyth and the Chief Executive left the meeting at this juncture.

In providing a brief synopsis of the above report, the Director of Corporate Services and Governance advised that discussions were still ongoing with the Trade Unions and that any change to the recommendation would be reported to Committee.

In response to a member's comments the Director of Corporate Services and Governance referred to other bodies which used the term 'normal' when referring to working hours and retirement age, however, she undertook to seek clarification from legal advisors on the matter. In response to another member's query, the Director of Corporate Services and Governance provided clarification

that the recommended level of annual leave was exclusive of public and other holidays.

RESOLVED:

That Fermanagh and Omagh District Council adopts the terms and conditions of employment as contained in the appendix attached to Paper E and applies these to all new appointments to the Council, subject to confirmation of the legal position on the use of the term 'normal'.

Councillor McColgan left and re-entered the meeting during the above discussion. Councillor Smyth and the Chief Executive re-entered the meeting at this juncture.

12. Delegation of Council Powers

12.1 Fermanagh and Omagh District Council's Draft Constitution

TABLED: Contents page of the Council's Draft Constitution Framework.

The Chief Executive advised that in order to ensure that the Council's draft Constitution was approved before the end of April, a copy of the framework's content had been circulated for information and Council powers was sought for the Draft Constitution to be considered by the Policy & Resources Committee in April.

RESOLVED:

That Council Powers are conferred to the Policy & Resources Committee in April to consider Fermanagh and Omagh District Council's Draft Constitution.

13. Correspondence

13.1 Rivers Agency – Presentation on Flood Maps of Northern Ireland

NOTED: that correspondence dated 18 March 2015 from Rivers Agency had been issued with the agenda.

RESOLVED: that an invitation is extended to representatives of Rivers Agency to appraise members on Flood Maps (NI) at a future informal meeting.

13.2 NAC – Conference

NOTED: that details of the National Association of Councillors' conference 'Safeguarding and Preparing for the Care Act' to be held in Scarborough on 10-12 April 2015 had been issued with the agenda.

CONTENTS NOTED.

13.3 Proposals for a New Regulatory Framework for Social Housing Providers in Northern Ireland

NOTED: that details of public consultation events to be held between 15-20 April 2015 to discuss the above Regulatory Framework had been issued with the agenda.

RESOLVED:

Approval for any interested Councillor to attend one of the public consultation events on the above proposal, subject to confirming their preference of venue with the Committee Administrator by Friday 3 April 2015.

Discussion ensued regarding the general approach taken by organisers when hosting events at various locations in terms of little consideration being given to the distance and time required for people from the Fermanagh and Omagh District Council to travel to venues. It was noted, however, that some events were hosted in the southwest and that some members had been invited to attend the Northern Ireland Federation Housing Association Leadership Conference Dinner in the Lough Erne Resort, Enniskillen on Friday 24 April 2015.

RESOLVED:

On the proposal of Councillor Greene, seconded by Councillor Doherty that:

- (i) Representations are made to government departments regarding the majority of consultation events organised by departments being held in the Northwest or East of the Bann and the need to ensure that such events were hosted in the Southwest also; and**
- (i) Representations are made to bodies, on receipt of notification of consultation events not offering a venue in the Southwest requesting that consideration is given to hosting an additional event within the Fermanagh and Omagh District.**

RESOLVED:

On the proposal of Councillor Thompson, seconded by Councillor Irvine, approval for those members invited to attend the NIFHA Leadership Conference Dinner in the Lough Erne Resort, Enniskillen on Friday 24 April 2015.

Councillor McNally left and re-entered the meeting during consideration of the above matter.

14 Sealing of Documents

RESOLVED:

On the proposal of Councillor Irvine, seconded by Councillor Wilson, that the Seal of Omagh District Council, on behalf of Fermanagh and Omagh

District Council, be affixed to the following documents:

- (i) Assignment of VAT claims between Omagh District Council and Fermanagh and Omagh District Council; and**
- (ii) Assignment of VAT claims and Landfill Tax claims between Fermanagh District Council and Fermanagh and Omagh District Council.**

15 Motion

15.1 Rescinding Motion – Pool Lane Hire and Full Pool Hire Rates

Councillor Robinson informed members of a rescinding motion in relation to pool lane hire and full pool hire rates and asked if Council powers could be given to the Policy & Resources Committee in April to deal with the matter.

The Chief Executive advised that he had received a rescinding motion earlier that evening.

RESOLVED:

On the proposal of Councillor Robinson, seconded by Councillor Deehan, that a rescinding motion submitted to the Chief Executive is considered at the April meeting of the Policy & Resources Committee and that Council powers are conferred to the Committee to deal with this item.

15.2 Constitutional Convention – Right to Vote for the President of Ireland

Proposed by Councillor McColgan the following motion of which due notice had been given:

“ That this Council supports the overwhelming vote by the Constitutional Convention in September 2013 in favour of extending the right to vote for the President of Ireland to citizens in the North of Ireland and the diaspora, and calls on the Irish government to now set a date for a referendum on the matter during this Dáil term.”

At the outset, and in response to queries on points of order in respect of the terminology used within the motion and the relevancy of the motion the Presiding Councillor ruled that the motion was both proper and relevant.

Following the above ruling Councillors Baird, Barton, Buchanan, Elliott, Farrell, Irvine, Robinson, Smyth, Thompson, Thornton, Warrington and Wilson left the meeting at this juncture.

In proposing the motion, Councillor McColgan advised that the President of Ireland represented the people of the whole of Ireland; expressed the view that it was irrational that people from the North of Ireland could become President of Ireland but not cast a vote; and many people whilst living and working abroad

continued to have a deeply rooted interest in Ireland. In seconding the motion Councillor Doherty referred to the need to open up the democratic process and encourage participation in the voting process as witnessed in Scotland through reducing the age to vote age to 16.

Whilst supporting the principles of the motion, Councillor Deehan suggested a minor amendment to its wording and proposed that 'diaspora' was replaced with 'Irish citizen resident outside of the country' in order for the motion to be more specific as to who would have the right to vote. This was seconded by Councillor J Donnelly.

Following discussion on the matter Councillor McColgan advised that he did not wish to amend the wording of the motion.

The Presiding Councillor indicated that Councillor Deehan's proposal would then be taken as an amendment and, at the request of Councillor Deehan, the meeting recessed at 8.25pm to allow party consultation.

The meeting reconvened at 8.30pm and Councillor Deehan withdrew her proposal to amend the motion. The motion proposed by Councillor McColgan was then put to the meeting and voting took place as follows:

FOR: 19 votes
AGAINST: 0 votes

RESOLVED: by a majority of votes cast, adoption of the above motion.

16. Any Other Relevant Business

16.1 DARD Survey

In referring to a Farm Business Improvement Scheme Whole Farm Needs Assessment survey that was available on DARD's website, a member encouraged colleagues to raise awareness of this survey with constituents advising that the survey would close on 3 April 2015.

NOTED.

16.2 Schedule of Meetings

**RESOLVED:
That a schedule of meetings is compiled and circulated each month for members' information.**

The meeting concluded at 8.34 pm.

Signed: _____
Chairman

Signed: _____
Clerk and Chief Executive

Date: _____