

Council

MEETING OF BELFAST CITY COUNCIL

Held Remotely via Microsoft Teams on Monday, 1st March, 2021
at 6.00 p.m., pursuant to notice.

Members present: The Right Honourable the Lord Mayor
(Alderman McCoubrey) (Chairperson);
The Deputy Lord Mayor (Councillor McCusker);
The High Sheriff (Councillor Long);
Aldermen Copeland, Dorrian, Haire, Kingston,
Rodgers and Sandford; and
Councillors Baker, Beattie, Black, Brooks, Bunting,
Carson, Canavan, Matt Collins, Michael Collins, Corr,
De Faoite, Donnelly, Flynn, Garrett, Gormley,
Groogan, Hanvey, Heading, Howard, Hutchinson,
Hussey, M. Kelly, T. Kelly, Kyle, Lyons, Magee,
Magennis, Maskey, McAllister, McAteer, McCabe,
McCullough, McDonough-Brown, McKeown,
McLaughlin, McMullan, McReynolds, Mulholland,
Murphy, Newton, Nicholl, O'Hara, Pankhurst, Smyth,
Spratt, Verner, Walsh and Whyte.

Summons

The Chief Executive submitted the summons convening the meeting.

Apologies

Apologies for inability to attend were reported on behalf of Councillors Bradley, Cobain and Ferguson.

Declarations of Interest

The following Members declared an interest in item "Update on Covid-19 Community Response", under the Strategic Policy and Resource minutes of 19th February, for the reasons outlined below, and did not take part in any discussion on the item:

- Alderman Kingston, in that he was an employee of Forward South Partnership;
- Councillor Verner, in that she was an employee of the Greater Shankill Partnership;
- Councillor McCabe, in that her husband worked for the Upper Andersonstown Community Forum and she was an employee of Feile an Phobail;
- Councillor Gormley, in that he was a Board member of Lower Ormeau Residents' Action Group;

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- Councillor Canavan, in that she was a Board member of the Greater Shankill Partnership;
- Councillor Hutchinson, in that he was a Board member of the Greater Shankill Partnership and he was an employee of Mount Vernon Community Development Forum; and
- Councillor Maskey, in that he was employed by Intercomm.

Alderman Haire declared an interest in respect of item 7.a Strategic Policy and Resources Committee, Requests for the Use of the City Hall and the Provision of Hospitality, insofar as it related to an application from the County Grand Orange Lodge of Belfast, and he was a Trustee of that organisation.

Councillor Long declared an interest in respect of item 7.a Strategic Policy and Resources Committee, in relation to the Motion “Black Lives Matter Demonstrations - Response from Police Service of Northern Ireland”, on the basis that his wife Naomi Long was the Justice Minister.

Councillors Brooks declared an interest in relation to Item 7b, People and Communities Committee, Update on the Motion “Urgent action to address invasive odour in Collin” and 7f, Brexit Committee, Port Health Unit Update, in that he was employed by Gordon Lyons MLA, Minister of the Department of Agriculture, Environment and Rural Affairs (DAERA).

Official Announcements

Expressions of Sympathy

The Lord Mayor, on behalf of the Council, extended his condolences to the family and friends of Captain Sir Tom Moore following his recent death and paid tribute to his huge fundraising effort during the pandemic, which had raised millions of pounds for the for the National Health Service. He advised that an online book of condolence had been opened in his memory and a letter of condolence had been sent on behalf of the Council to his family.

The Lord Mayor, on behalf of the Council, extended his condolences to Councillor Walsh on the recent death of his mother, Katie.

New Bridge linking Annadale and Stranmillis

Councillor McAteer welcomed the erection of the new bridge connecting the Annadale Embankment and Stranmillis and commended the Council staff for the delivery of this project during the pandemic.

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Request to Address the Council

Motion - Belfast Hills “Call to Action” Document

The Chief Executive advised that a request to address the Council had been received in relation to the motion on the Belfast Hills “Call to Action” Document.

The Council acceded to the request and Mr. Gray, representing the Belfast Hills Access Campaign, was welcomed to the meeting.

Mr. Gray referred to the report ‘Access to the Belfast Hills – Promises, Betrayals and a Call to Action’ which contained proposals to try and address the long running access to the hills problem. He provided a historic overview in regard to the Belfast Hills and the various measures that had been taken over the years to try to ‘open up’ the hills and the difficulties that had prevented progress being made.

The representative welcomed the fact that the aforementioned motion being brought for consideration by Councillor Matt Collins sought to endorse the publication of the report.

He asked the Council to work in partnership with all the stakeholders to try and resolve, through dialogue, the ongoing issues to enable the hills to be accessed through four proposed routes, as follows:

- Black Mountain and Divis from Glencairn/Ligoniel;
- Black Mountain and Divis from Whiterock;
- From the top of Collin Glen to Black Mountain and Divis; and
- Completion of the key spinal route (the Ulster Way) by securing access to its central section from Wolf Hill to Squires Hill.

The Lord Mayor thanked Mr. Gray for the presentation.

The Council noted the information which had been provided and that it would have an opportunity to discuss the issue later in the meeting.

Minutes of the Council

Moved by the Lord Mayor (Alderman McCoubrey),
Seconded by Councillor Pankhurst and

Resolved - That the minutes of the proceedings of the monthly meetings of the Council of 1st February be taken as read and signed as correct.

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Minutes

Strategic Policy and Resources Committee

Moved by Councillor Black,
Seconded by Councillor Bunting

That the minutes of the proceedings of the Strategic Policy and Resources Committee of 19th February, 2021, omitting matters in respect of which the Council has delegated its powers to the Committee, be approved and adopted.

**Request for Matter to be Taken
Back for Further Consideration**

**Motion: Black Lives Matter Demonstrations
Response from Police Service of Northern Ireland**

The Council agreed that the minute of the meeting of 19th February, under the heading "Motion: Black Lives Matter Demonstrations – Response from Police Service of Northern Ireland", be taken back to the Committee for further consideration.

It also agreed that, the Council would write to the Minister of Health, Robin Swann MLA, and The Rt. Hon. Lord Chief Justice calling for all penalty notices and prosecutions against Black Lives Matter activists relating to 6th June protests to be rescinded.

It further agreed that an independent legal opinion be sought in relation to the PSNI's interpretation that the existing Regulations made no provision for Fixed Penalty Notices to be rescinded either by it or by the Public Prosecution Service and that the only mechanism by which an enforceable penalty registered under Regulation 12 could be set aside was by direction of the Magistrates' Court.

**Update on Decade of Centenaries Programme 2021
and 80th Anniversary of the Belfast Blitz**

The Council agreed that consideration would be given at the next meeting of the Strategic Policy and Resources Committee to turning off the lights at the City Hall on 15th April to mark the 80th anniversary of the Belfast Blitz.

Adoption of Minutes

Subject to the foregoing amendments, the minutes of the Strategic Policy and Resources Committee of 19th February, 2021, were subsequently approved and adopted.

People and Communities Committee

Moved by Councillor Baker,
Seconded by Councillor Magee and

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That the minutes of the proceedings of the People and Communities Committee of 9th February, 2021 and be approved and adopted.

**Request for Matter to be Taken
Back for Further Consideration**

Knockbreda Road entrance to Cherryfield Playing Fields

The Council agreed that the minute of the meeting of 19th February, under the heading “Knockbreda Road entrance to Cherryfield Playing Fields”, be taken back to the Committee for further consideration.

Amendment

Motion - Urgent action to address invasive odour in Collin

(Councillor Brooks left the meeting whilst this matter was being considered.)

Moved by Councillor Pankhurst,
Seconded by Councillor McCullough,

To delete the second paragraph from the letter to be issued to the *DAERA Minister, as follows: “This has caused extreme concern amongst residents, who have been expected to simply put up with this odour, with little or no action from the DAERA minister to address the issue.”*

On a recorded vote, thirteen Members voted for the proposal and forty against, with two no votes and it was declared lost:

<u>For 13</u>	<u>Against 40</u>	<u>No Vote 2</u>
The Right Honourable the Lord Mayor (Alderman McCoubrey); Dorrian, Kingston, Haire, Sandford; and Councillors Bunting, Hussey, T. Kelly, McCullough, Newton, Pankhurst, Spratt and Verner.	The Deputy Lord Mayor (Councillor McCusker), The High Sheriff (Councillor Long); Aldermen Copeland and Rodgers; and Councillors Baker, Beattie, Black, Canavan, Carson, Matt Collins, Michael Collins, Corr, De Faoite, Donnelly, Flynn, Garrett, Gormley, Groogan, Hanvey, Heading, Howard, M. Kelly, Lyons, Magee, Magennis, Maskey, McAllister, McAteer, McCabe, McDonough-Brown, McLaughlin, McMullan, McReynolds, Mulholland, Murphy, Nicholl, O’Hara, Smyth, Walsh and Whyte.	Councillors Hutchinson and Kyle.

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Update on Responsible Dog Ownership

At the request of Councillor McMullan, the Council agreed to write the DAERA Minister to advise that the Council was supportive of the proposed approach in relation to the use of DNA testing to assist dog fouling detections but stating that a Northern Ireland wide approach should be adopted.

Affordable Warmth Scheme update

At the request of Councillor Heading, the Council agreed to write to the Minister for Communities to request that the underspend for the Affordable Warmth Scheme in 2020/21 be rolled over to the next financial year.

**Update on development of the Belfast City
Air Quality Action Plan 2021 – 2026**

At the request of Councillor McAteer, it was agreed that the Strategic Group overseeing the development of the Action Plan be asked to take submissions from Community Groups during the consultation in regard to the preparation of the five year plan.

DAERA - A Clean Air Strategy for Northern Ireland

At the request of Councillor Gormley, the Council agreed to write to DAERA to highlight the need for it to support the accelerated improvement of air quality within Belfast and specifically within the Council's four Air Quality Management Areas. It would also seek clarity from DAERA as to what actions it planned to take, through the strategy, to tackle the persistent hot-spots.

Subject to the foregoing amendments, the minutes of the proceedings of the People and Communities Committee of 9th February, 2021, were approved and adopted.

City Growth and Regeneration Committee

Moved by Councillor Brooks,
Seconded by Councillor T. Kelly and

Resolved - That the minutes of the proceedings of the City Growth and Regeneration Committee of 10th February, 2021, be approved and adopted.

Licensing Committee

Moved by Councillor Donnelly,
Seconded by Councillor Magee and

Resolved - That the minutes of the proceedings of the Licensing Committee of 17th February, 2021, omitting matters in respect of which

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the Council has delegated its powers to the Committee, be approved and adopted.

Planning Committee

Moved by Councillor Hussey,
Seconded by Councillor Hutchinson and

Resolved - That the minutes of the proceedings of the Pre-Determination Hearing and Planning Committee of 16th February, 2021, omitting matters in respect of which the Council has delegated its powers to the Committee, be approved and adopted.

Brexit Committee

Moved by Councillor Flynn,
Seconded by Councillor Walsh

Resolved -That the minutes of the proceedings of the Brexit Committee of 11th February, 2021 be approved and adopted.

Motions

Application fees in the private rented sector

In accordance with notice on the agenda, Councillor Flynn proposed:

“This council notes that tenants in the private rented sector are still being charged illegal letting fees by letting agents despite the June 2018 legal case of Loughran v Piney Rentals Limited and F5 Property Limited having determined the illegality of these fees under The Commission on Disposals of Land Order 1986.

Council further notes that the “Joint Ministerial Communiqué on Letting Agency Fees” published by the Ministers for Communities and Finance in March 2020 has been helpful, but ineffective in stopping the illegal practice of letting agents charging tenants for professional services that would normally be carried out by them.

This council believes:

- The charging of illegal letting fees by letting agents restricts access to the private rented sector while placing a heavy financial burden on low income households, particularly in the context of a global pandemic and looming economic/housing crisis’.
- There is a need to strengthen regulation of the private rented sector, including legislation regarding the charging of illegal

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application fees where adequate penalties and enforcement arrangements are put in place to deter those who seek to continue to charge these fees.

- Enforcement of any new legislation regarding the charging of illegal application fees should be carried out by local councils across Northern Ireland with adequate resources provided for by government.
- Council agrees to write to the Minister for Communities and the Minister of Finance, outlining concerns above and pledging council's support for the regulation of the private rented sector."

The motion was seconded by Councillor Kyle.

After discussion, the motion was put to the Council and passed.

Belfast Hills "Call to Action" Document

In accordance with notice on the agenda, Councillor Matt Collins proposed:

"Council welcomes and endorses the publication of the new report, Access to the Belfast Hills –Promises, Betrayals and a Call to Action, prepared by the Belfast Hills Access Campaign. Council also welcomes the recent decision by the People and Communities Committee to request a report on improving access to the Belfast Hills. Council requests that the aforementioned report is incorporated into this process in order to best compliment this effort. Council wishes to see a comprehensive resolution of the access problem which requires more specific measures and the opening of the following routes;

1. Black Mountain and Divis from Glencairn/Ligoniel.
2. Black Mountain and Divis from Whiterock.
3. From the top of Collin Glen to Black Mountain and Divis.
4. Completion of the key spinal route (the Ulster Way) by securing access to its central section from Wolf Hill to Squires Hill.

Council recognises the difficulties caused to officers by the pandemic but also wishes the question of access to the Belfast Hills to be given higher priority than has been the case in recent years. In doing so, Council recommends that officers take account of the, Access to the Belfast Hills – Promises, Betrayals and a Call to Action. Following this, Council requests that officers prepare an indicative plan and timescale for addressing these issues."

The motion was seconded by Councillor O'Hara.

In accordance with Standing Order 13(f), the motion was referred, without discussion, to the People and Communities Committee.

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Real Living Wage Foundation Accreditation

In accordance with notice on the agenda, Councillor McLaughlin proposed:

“This council is proudly a Real Living Wage Foundation employer for its direct employees. However, Belfast City Council does not pay the Real Living Wage Foundation rate to casual workers, industrial placements and apprentices. As a result of this policy, Belfast City Council is not an accredited Living Wage Foundation Employer. This council believes this must change.

Belfast City Council wants to become a leader for Workers Rights in this City and encourage other organisations/business through our Social Value Procurement strategy to become Real Living Wage Foundation Employers. Many local authorities are Real Living Wage Employers in Scotland, Wales and England however no Council in the North has yet to become an accredited Real Living Wage employer. Therefore this Council commits to becoming an accredited Real Living Wage Foundation Employer by 1st April, 2022.

Furthermore, this council recognises its’ continued use of outside employment agencies and notes the difficulties that this can present which were highlighted throughout the Covid 19 pandemic when we had limited control over the terms and conditions of those employees carrying out council functions employed through an agency. Therefore, this Council will establish plans to review workforce planning with a view to reducing the use of agencies and will bring a report before exploring options on how we can achieve this.”

The motion was seconded by Councillor Murphy.

In accordance with Standing Order 13(f), the motion was referred, without discussion, to the Strategic Policy and Resources Committee.

Lord Mayor
Chairperson