

# **Council**

## **MONTHLY MEETING OF BELFAST CITY COUNCIL**

Held in the City Hall on Monday, 9th April, 2018  
at 6.00 o'clock p.m., pursuant to notice.

Members present: The Right Honourable the Lord Mayor (Councillor McAllister) (Chairperson); the Deputy Lord Mayor (Councillor Copeland); the High Sheriff (Councillor Howard); Aldermen Browne, Convery, Haire, Kingston, McCoubrey, McGimpsey, L. Patterson, R. Patterson, Rodgers, Sandford and Spence; and Councillors Armitage, Attwood, Baker, Beattie, Boyle, Bunting, Campbell, Canavan, Carson, Clarke, Collins, Corr, Corr Johnston, Craig, Dorrian, Dudgeon, Garrett, Graham, Groves, Hargey, Heading, Hutchinson, Johnston, Kyle, Long, Lyons, Magee, Magennis, McAteer, McConville, McDonough-Brown, McReynolds, Milne, Mullan, Murphy, Newton, Nic Biorna, Nicholl, O'Donnell, O'Hara, O'Neill, Pankhurst and Reynolds.

### **Summons**

The Chief Executive submitted the summons convening the meeting.

### **Apologies**

Apologies were reported on behalf of Councillors Hussey, McCusker and Walsh.

### **Declarations of Interest**

No declarations of interest were reported.

### **Minutes of the Council**

Moved by the Lord Mayor (Councillor McAllister),  
Seconded by Alderman Browne and

Resolved - That the minutes of the proceedings of the monthly meeting of the Council of 5th March and the Special meeting of the Council of 27th March, 2018 be taken as read and signed as correct.

### **Official Announcements**

#### **Congratulations**

The Lord Mayor, on behalf of the Council, congratulated Councillor O'Neill and her fiancé on their recent engagement.

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**Welcome**

The Lord Mayor welcomed Mr. J. Tully, Director of City and Organisational Strategy, and Mr. J. Greer, Director of Economic Development, to their first meeting of the Council.

**Best Wishes**

At the request of Alderman Kingston, the Lord Mayor extended congratulations to the competitors of the Northern Ireland Commonwealth Games team who had won medals in the Commonwealth Games 2018 in the Gold Coast, Australia and extended the Council's best wishes to the athletes who had progressed to the next stage of their competitions, or who were yet to compete in the Games.

**Request to Film Proceedings**

The Chief Executive reported that a request had been received from the BBC seeking to film part of the meeting.

The Council agreed to accede to the request.

**Request to Address the Council**

The Chief Executive reported that requests had been received from Ms. G. Teggart from the organisation Amnesty International UK, Mr. R. Rowan from the Family Planning Association (FPA) and Ms. D. McAvoy from the organisation Both Lives Matter, to address the Council in the context of the motion which Councillor Nicholl would be proposing later in the meeting on Criminalisation of Abortion.

The Council agreed to accede to the requests.

Ms. G. Teggart was welcomed to the meeting. Ms. Teggart welcomed the Motion and suggested that the Council should stand by women and demonstrate solidarity that women should not be criminalised or face potential jail time for seeking to access and use their basic human right to healthcare. She suggested that the Council should show support for women as abortion was a healthcare and human rights issue and, regardless of personal views on the matter, the reality was that women and girls from across Northern Ireland were having abortions.

She advised that women were living under the threat of prosecution and the laws in Northern Ireland needed to be changed to include the decriminalisation of abortion, so that it could be regulated through a healthcare policy, like every other form of healthcare.

She outlined a range of support for the motion and explained that women who had accessed abortion pills in Northern Ireland had been convicted under the 1861 Offences Against the Person Act. She highlighted that abortion pills were available free, on the NHS, in other parts of the UK. She suggested that making abortion illegal did not mean that it

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was not required and the laws were forcing women to put their lives in danger. She advised that the Public Prosecution Service had recently clarified that there was no offence in the criminal law for advocating and promoting abortion. She advised that Amnesty International welcomed the UN report which had confirmed that the UK was responsible for grave and systematic violations of women's rights in Northern Ireland by unduly restricting their access to abortion. She suggested that Politicians had the power to change the situation and should trust women to make choices that were right for them.

The Lord Mayor welcomed Mr. R. Rowan to the meeting. He advised that the Family Planning Association provided a range of services including non-directive pregnancy counselling and support services for women of all backgrounds. He highlighted there was no such thing as a typical client and each client came with their own set of circumstances. He advised that the Family Planning offices had been picketed on a daily basis, which caused distress to clients and staff. He suggested that the availability of abortion pills online had increased and data from one online provider stated that requests had tripled in Northern Ireland and the Republic of Ireland from 548 in 2010, to 1,748 in 2016. He suggested that, during post abortion counselling, women felt silenced after they have accessed the pills due to it being a criminal offence. He advised that the decriminalisation of abortion was supported by medical bodies such as the Royal College of Midwives, the Royal College of Obstetricians and Gynaecologist and the British Medical Association, together with Amnesty International and the Family Planning Association.

Ms. Teggart and Mr. Rowan were thanked by the Lord Mayor.

Ms. D. McAvoy and Ms. M. Woods were welcomed to the meeting. Ms. McAvoy advised that the Both Lives Matter organisation was a collaborative campaign which valued the life and health of women and the unborn children and perused the wellbeing of both. She explained that they believed that there were at least two lives in existence in every pregnancy and they believed that both lives mattered. She suggested that the law mattered and shaped culture and they would continue to defend the life affirming law in relation to abortion. She outlined a range of objections to the motion and suggested it showed a commitment, by some, to liberalise the law in Northern Ireland and would be the groundwork to remove any protection for unborn children. She suggested that this law had meant that 100,000 people were alive today who may not have been, if abortion was legal in Northern Ireland. She advised that legalising abortion in Great Britain, 50 years ago, had led to the tripling of abortion rates and suggested that women deserved to be enabled in their fertility, pregnancy and motherhood, not instead of.

She suggested that the laws were there to protect unborn humans and women in their pregnancy and the decriminalisation of abortion would remove existing legal protections for unborn children and potentially their mothers. She suggested that removing these laws would mean that a hawk's egg would have more protection than an unborn child. She advised that Northern Ireland had invested heavily in maternity care and infancy mortality rates were some of the lowest in the world.

She suggested also that there should be a better vision for women and all of society and that Both Lives Matter believed that, unfortunately, abortion had become a default solution for a society, which saw women's fertility, biology, pregnancy and motherhood as

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an inconvenient problem to be solved. She suggested that better support for women was needed and a serious debate was required. She advised that the Council did not have the power to change the law and factors and boundaries in relation to abortion needed to be thoroughly considered.

She suggested that the rise in use of abortion pills was unknown and it was wrong to suggest that medical professionals would not give the appropriate care to women and unborn babies that was required. She explained that charities such as Life Northern Ireland continued to support women and families through counselling, housing and care services. She suggested that there was no human right to abortion and the ending of life was not healthcare and suggested that the Council should oppose the motion.

Ms. McAvoy and Ms. Woods were thanked by the Lord Mayor.

The Chief Executive reported that the following requests, which had been received within the required seven days' notice period to be permitted to address the Council, had been withdrawn:

- Mr. Rodgers - to address the Council in advance of the motion on Special Schools; and
- Mr. Healy - to address the Council in relation to Autism Awareness.

The Chief Executive also reported that a request had been received from Mrs. M. Ferguson, to address the Council in relation to the motion which Councillor Attwood would be proposing later in the meeting on Hyponatremia-Related Deaths. She advised that this request had not been received at least seven days prior to the date of the meeting, therefore, it was a matter for the Council to decide if it wished to exercise its discretion and permit the representative to be heard.

The Council agreed to accede to the request.

The Lord Mayor welcomed Mrs. Ferguson and Ms. K. Doherty to the meeting. Mrs Ferguson advised that her daughter has died following an appendix operation in Altnagelvin Hospital in 2001, however, initially the family had not been told the correct reason for the death of their daughter and liability had been denied by the hospital.

Mrs Ferguson highlighted that she had spent 16 and a half years fighting for the truth in relation to the circumstances of her daughter's death and the campaign had led to a public enquiry, which had clarified the circumstances of how her daughter Raychel had died after being fed the wrong type of saline drip.

She suggested that the Council should support the establishment of a "Raychel's Law of Candour" so that all medical services would be compelled to tell the truth when things went wrong when patients were in their care.

Mrs. Ferguson and Ms. Doherty were thanked by the Lord Mayor.

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**Strategic Policy and Resources Committee**

Moved by Councillor Garrett,  
Seconded by Councillor Beattie,

That the minutes of the proceedings of the Strategic Policy and Resources Committee of 23rd and 27th March be approved and adopted, subject to the inclusion of the following - That applications for the Cultural Expressions Programme are encouraged from a wide range of groups (provided they are constituted) and that community events and festivals, regardless of whether there is a beacon/bonfire are eligible, provided that they meet the criteria and that applications are made before the deadline in so far as it relates to the minute of the meeting of 27th March under the heading "Options for the Delivery of Bonfire and Cultural Expression Programme 2018".

**Amendment**

**Independent Review of the Leisure Operating Model**

Moved by Councillor Beattie,  
Seconded by Councillor Carson,

Resolved - That the decision of the Strategic Policy and Resources Committee of 23rd March, under the heading "Independent Review of the Leisure Operating Model", be amended to provide that the Chief Executive intervenes to resolve the concerns of the Belfast City Council contracted staff outsourced to GLL in relation to the negotiations of the restructuring of leisure services.

**Amendment**

**Capital Programme Update**

Moved by Councillor Long,  
Seconded by Councillor Howard,

That the decision of the Strategic Policy and Resources Committee of 23rd March, under the heading "Capital Programme Update", be amended to provide that the decision in relation to the 3G pitch at the Blancheflower Playing Fields be deferred until the research into the pitch facilities for Glentoran Football Club has been reported back to the East Area Working Group.

On a recorded vote, nine Members voted for the amendment and forty-four against, with three "no votes" and it was declared lost.

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<b><u>For 9</u></b>	<b><u>Against 44</u></b>	<b><u>No Vote 3</u></b>
The Lord Mayor (Councillor McAllister); The High Sheriff (Councillor Howard); and Councillors Armitage, Long, McDonough-Brown, McReynolds, Milne, Nicholl and O'Neill.	The Deputy Lord Mayor (Councillor Copeland); Aldermen Browne, Convery, Haire, Kingston, McCoubrey, McGimpsey, L. Patterson, R. Patterson, Rodgers, Sandford and Spence; and Councillors Baker, Beattie, Boyle, Bunting, Campbell, Canavan, Carson, Clarke, Corr, Corr Johnston, Craig, Dorrian, Dudgeon, Garrett, Graham, Groves, Hargey, Hutchinson, Johnston, Kyle, Magee, Magennis, McAteer, McConville, Mullan, Murphy, Newton, Nic Biorna, O'Donnell, O'Hara, Pankhurst and Reynolds.	Councillors Attwood, Collins and Heading.

**Exclusion of the Press and Public from the Meeting**

Moved by the Lord Mayor (Councillor McAllister),  
Seconded by the Deputy Lord Mayor (Councillor Copeland) and

Resolved – That, in accordance with Section 42(4) of the Local Government Act (Northern Ireland) 2014, the Council agrees to exclude the press and public from the meeting to allow consideration of confidential information in relation to the minutes of the meeting of the Special Strategic Policy and Resources Committee of 27th March.

In accordance with the aforementioned Act, the press and public were excluded from the meeting to enable the matter to be discussed in private.

**Amendment**

**Report on the Investigation of the Collection and Storage of Bonfire Materials by Belfast City Council and other Bonfire Related Matters**

Moved by Councillor Boyle,  
Seconded by Councillor Mullan,

That the decision of the Strategic Policy and Resources Committee of 27th March, under the heading "Report on the Investigation of the Collection and Storage of Bonfire Materials by Belfast City Council and

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other Bonfire Related Matters”, be referred back to the Committee for further consideration.

On a recorded vote, nine Members voted for the amendment and forty-eight against and it was declared lost.

<b><u>For 9</u></b>	<b><u>Against 48</u></b>
The Deputy Lord Mayor (Councillor Copeland); Aldermen Browne, Convery, McGimpsey, Rodgers; and Councillors Boyle, Dudgeon, Johnston and Mullan.	The Lord Mayor (Councillor McAllister); The High Sheriff (Councillor Howard); Aldermen Haire, Kingston, McCoubrey, L. Patterson, R. Patterson, Sandford and Spence; and Councillors Armitage, Attwood, Baker, Beattie, Bunting, Campbell, Canavan, Carson, Clarke, Collins, Corr, Corr Johnston, Craig, Dorrian, Garrett, Graham, Groves, Hargey, Heading, Hutchinson, Kyle, Long, Lyons, Magee, Magennis, McAteer, McConville, McDonough-Brown, McReynolds, Milne, Murphy, Newton, Nic Biorna, Nicholl, O'Donnell, O'Hara, O'Neill, Pankhurst and Reynolds.

**Adoption of Minutes**

Subject to the foregoing amendments in relation to the Cultural Expressions Programme and the Independent Review of the Leisure Operating Model, the minutes of the proceedings of the Strategic Policy and Resources Committee of 23rd and 27th March were thereupon approved and adopted.

**People and Communities Committee**

Moved by Alderman Sandford,  
Seconded by Councillor Carson,

Resolved - That the minutes of the proceedings of the People and Communities Committee of 6th March be approved and adopted.

**City Growth and Regeneration Committee**

Moved by Councillor Dudgeon,  
Seconded by Councillor O'Hara,

That the minutes of the proceedings of the City Growth and Regeneration Committee of 7th March be approved and adopted.

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**Belfast – City for Investment**

At the request of Councillor Attwood, the Council agreed that a report be submitted to a future Committee in relation to the recommendations outlined in the OECD Report published in 2008, in particular, to examine the potential for the Council to have its own Investment Company and the possibility of reenergising 'Friends of Belfast', for consideration.

**Adoption of Minutes**

Subject to the foregoing addition, the minutes of the proceedings of the City Growth and Regeneration Committee of 7th March were thereupon approved and adopted.

**Licensing Committee**

Moved by Alderman Spence,  
Seconded by Councillor Hutchinson,

Resolved - That the minutes of the proceedings of the Licensing Committee of 21st March, omitting matters in respect of which the Council had delegated its powers to the Committee, be approved and adopted.

**Planning Committee**

Moved by Councillor Lyons,  
Seconded by Councillor Armitage,

Resolved - That the minutes of the proceedings of the Planning Committee of 13th and 15th March, omitting matters in respect of which the Council had delegated its powers to the Committee, be approved and adopted.

**Belfast Waterfront and Ulster Hall Ltd.  
Shareholders' Committee**

Moved by Councillor Johnston,  
Seconded by Councillor O'Neill,

Resolved - That the minutes of the proceedings of the Belfast Waterfront and Ulster Hall Ltd. Shareholders' Committee of 12th March, omitting matters in respect of which the Council had delegated its powers to the Committee, be approved and adopted.



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**Notices of Motion**

**Criminalisation of Abortion**

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

"This Council notes the increasing number of women who are accessing abortion pills via the internet, which leaves them vulnerable to prosecution.

The Council further notes the impact on healthcare professionals who, under Section 5 of the Criminal Law Act (Northern Ireland) 1967, may have a duty to provide information to the Police Service. Therefore, if a woman requires medical assistance after accessing these pills, the threat of prosecution and life in prison is likely to act as a real deterrent, thus potentially having a detrimental impact on her health.

Accordingly, the Council believes that abortion should be regulated like any other medical care and not by criminal law, while still enabling incidents of malpractice to be addressed, as with any other health service, through the general criminal law or medical disciplinary procedures.

A woman who has an abortion is not a criminal, nor are healthcare professionals who care for them, and the law should not treat them as such."

The motion was seconded by Councillor Campbell.

**Amendment**

Moved by Councillor Attwood,  
Seconded by Councillor Lyons,

That the Motion standing in the name of Councillor Nicholl and seconded by Councillor Campbell be amended to provide for the deletion of the final two paragraphs and the insertion of the following: "Accordingly, the Council believes that this is a healthcare issue not a criminal justice issue. Women or health care professionals who care for them should not be treated as criminals."

On a recorded vote, thirty-four Members voted for the amendment and sixteen against, with five "no votes" and it was declared carried.

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<b><u>For 34</u></b>	<b><u>Against 16</u></b>	<b><u>No Vote 5</u></b>
The Lord Mayor (Councillor McAllister); The High Sheriff (Councillor Howard); and Councillors Armitage, Attwood, Baker, Beattie, Campbell, Canavan, Carson, Clarke, Collins, Corr, Corr Johnston, Dudgeon, Garrett, Groves, Hargey, Heading, Hutchinson, Long, Lyons, Magee, Magennis, McAteer, McConville, McDonough-Brown, McReynolds, Milne, Murphy, Nic Biorna, Nicholl, O'Donnell, O'Hara and O'Neill.	Aldermen Convery, Haire, Kingston, McCoubrey, L. Patterson, Sandford and Spence; and Councillors Boyle, Bunting, Craig, Dorrian, Graham, Mullan, Newton, Pankhurst and Reynolds.	The Deputy Lord Mayor (Councillor Copeland); Aldermen R. Patterson and Rodgers; and Councillors Johnston and Kyle.

**Hyponatremia-Related Deaths**

In accordance with notice on the agenda, Councillor Attwood sought the consent of the Council to alter his motion, as follows:

“This Council notes the shocking and heartbreaking findings in the Report Inquiry into hyponatremia-related deaths (IHRD), led by Mr. John O’Hara.

The Council notes that the family of Raychel Ferguson, who died after being fed the wrong type of saline drip following an appendix operation in Altnagelvin Hospital in 2001, have called for the establishment of a ‘Raychel’s Law of Candour’.

The Council supports all the families who were devastated and heartbroken by the death of their children due to hyponatremia related causes.

The Council agrees to write to the Department of Health calling on it to bring forward legislation to establish a new statutory duty of candour that would compel health care organisations to be open and honest and impose criminal liability on anyone in breach of the duty.”

The Council agreed to the request.

The motion was seconded by Councillor Lyons.

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

**Special Schools**

In accordance with notice on the agenda, the Deputy Lord Mayor, Councillor Copeland proposed:

“This Council expresses its grave concerns at the plans by the Education Authority in Northern Ireland to close a number of special schools and also to amalgamate others in the city of Belfast.

The Council believes that if the plans go ahead they will have a devastating effect on staff and on pupils and their families, many of whom have serious physical and mental health problems.

Accordingly, the Council agrees to request the Chief Executive and members of the Board of the Education Authority to meet with an all-party delegation from the Council to discuss this as a matter of urgency.”

The motion was seconded by Alderman Rodgers.

**Amendment**

Moved by Councillor Corr,  
Seconded by Councillor Garrett,

That the Motion be amended to delete the last paragraph and to insert the following:

“This Council calls on the Education Authority to call a halt to this consultation process until they engage fully with the schools, parents, pupils and all the stakeholders involved.”

The Deputy Lord Mayor, Councillor Copeland, with the consent of the Council, agreed to accept the amendment as an addition to the Motion without the exclusion of the final paragraph.

Accordingly, the following motion, as amended, was put to the Council as the substantive motion and passed unanimously:

“This Council expresses its grave concerns at the plans by the Education Authority in Northern Ireland to close a number of special schools and also to amalgamate others in the city of Belfast.

The Council believes that if the plans go ahead they will have a devastating effect on staff and on pupils and their families, many of whom have serious physical and mental health problems.

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Accordingly, the Council agrees to request the Chief Executive and members of the Board of the Education Authority to meet with an all-party delegation from the Council to discuss this as a matter of urgency.

This Council calls on the Education Authority to call a halt to this consultation process until they engage fully with the schools, parents, pupils and all the stakeholders involved.”

**Standing Order 23**

During debate on the previous motion, the Council’s attention was drawn to the fact that, in accordance with Standing Order 23, any meeting of the Council which has lasted continuously for five hours shall stand adjourned unless the Council shall by resolution decide to continue sitting.

The Council resolved to continue to sit to deal with the remaining business.

**Childcare Strategy**

In accordance with notice on the agenda, Councillor O’Hara proposed:

“This council agrees to explore options and take practical steps, including through the Belfast Agenda and City Deal, with a view to creating a childcare strategy for the city that will encourage greater maternal employment, redress gender inequalities in the workplace, increase GVA in the city and, most importantly, improve educational and social outcomes for our children.”

The motion was seconded by Councillor O’Neill.

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

**Greenway Strategy**

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

“That this council will support the further development of the Greenway strategy in Belfast, including assessing the benefits of a Sydenham Greenway, linking East Belfast and Holywood.

Council will engage with potential partners to assess how such a strategy would be implemented, with focus on improving connectivity and benefiting health and well being in our community.”

The motion was seconded by Councillor Kyle.

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

Lord Mayor  
Chairperson