

Council

MONTHLY MEETING OF BELFAST CITY COUNCIL

Held in the City Hall on Monday, 2nd July, 2018
at 6.00 o'clock p.m., pursuant to notice.

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

Summons

The Chief Executive submitted the summons convening the meeting.

Apologies

Apologies were reported on behalf of Aldermen Haire and R. Patterson and Councillors Boyle, Kyle, McAllister and McCusker.

Declarations of Interest

No declarations of interest were reported.

Minutes of the Council

Moved by the Lord Mayor (Councillor Hargey),
Seconded by the Deputy Lord Mayor (Councillor McDonough-Brown) and

Resolved - That the minutes of the proceedings of the Annual meeting of the Council of 4th June be taken as read and signed as correct.

Official Announcements

At the request of Councillor Murphy, the Lord Mayor, on behalf of the Council, congratulated local boxer Michael Conlon on winning his recent fight and confirmed that she would be hosting an event in the City Hall to mark his achievement.

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Submission of Report

At the request of Councillor Beattie, the Chief Executive undertook to submit to the next meeting of the Strategic Policy and Resources Committee a report providing clarification on the legislation governing the display in the workplace, including the Council Chamber, of clothing or other items which might be deemed to be offensive.

Request to Address the Council

The Chief Executive reported that Mr. Aidan Hanna, representing Northern Ireland Patient Voice, together with Ms. Maria Scott of the Dunmurry Manor families' group, had sought approval to address the Council in advance of the motion on the Dunmurry Manor Care Home which Councillor Heading was due to propose later in the meeting.

The Council agreed to receive the representatives and they were welcomed to the meeting.

Mr. Hanna informed the Council that Northern Ireland Patient Voice had, for many years, been campaigning for improved standards of care in nursing homes and that it represented families and patients in the complaints process and in care reviews. The group had initially been made aware of issues surrounding the Dunmurry Manor Care Home early in 2016, which he stressed was subsequent to the publication in 2014 of a report into the operation of the Cherry Tree House care home in Carrickfergus and the Commissioner for Older People raising concerns in 2015 with the Assembly's Health Committee around the poor standards of care and safety in a number of nursing homes.

He reported that Northern Ireland Patient Voice had viewed inspection reports for the Dunmurry Manor Care Home on the Regulation and Quality Improvement Authority's website, which had immediately given it cause for concern. Those reports had identified serious issues and had indicated clearly that the South Eastern Health and Social Care Trust had been raising concerns only a few months after the home had opened in 2014. He pointed out that families had not been made aware of the care home's poor performance when selecting a place for their family member and that it was the view of Northern Ireland Patient Voice that there had existed sufficient evidence in 2016 for the Regulation and Quality Improvement Authority to close the facility. He added that the report on the review of the Cherry Tree House care home should have led to a significant improvement in standards of care across all nursing homes and drew the Council's attention to the fact that the owners of the Dunmurry Manor Care Home had since been subject to various types of enforcement action in respect of other care homes which they operated across Northern Ireland. Mr. Hanna concluded by inviting the Council to support Councillor Heading's motion.

Ms. Scott informed the Members that her grandmother, Mrs. Annie McCourt, had entered the Dunmurry Manor Care Home in early 2016. Her family had selected the home in good faith and had been oblivious to the fact that the Regulation and Quality Improvement Authority had, in the previous year, identified twenty-six areas for improvement and had met with the owners to highlight its concerns. Had the family been

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aware of them, she argued, the neglect and poor care which Mrs. McCourt had experienced would have been avoided.

She pointed out that her family had not been invited to discuss her grandmother's requirements prior to her admission to the care home and that a subsequent review meeting had not taken place due to a shortage of staff. She stressed that her family had continuously raised issues around Mrs. McCourt's general standard of care and outlined the circumstances surrounding her fall in June, 2016, which had led to her being hospitalised. Her grandmother had not returned to the Dunmurry Manor Care home and had died four months later.

Ms. Scott added that the Dunmurry Manor families' group was working to ensure that the poor standards experienced within the Dunmurry Manor Care Home would not be replicated elsewhere and that it was campaigning for a change in policy to allow for closed circuit television to be installed in entrance halls, corridors and all communal areas, with a view to safeguarding residents.

The Lord Mayor thanked Mr. Hanna and Ms. Scott.

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

Positions of Responsibility and Committee Membership

The Chief Executive reported that, following the decision of the Strategic Policy and Resources Committee on 18th May to establish a Brexit Committee, the Nominating Officers of the Political Parties had submitted their nominations for Committee membership, together with those for the additional Positions of Responsibility, for the year ending on the date of the Local Government Elections in 2019.

Accordingly, she recommended that the Council note the Committee Membership and Positions of Responsibility for that Committee as set out hereunder:

Committee Membership (20 Members)

Sinn Féin

Councillor Beattie
Councillor Campbell
Councillor Canavan
Councillor Carson
Councillor O'Hara
Councillor McAteer
Councillor Walsh (Chairperson)

DUP

Alderman Kingston
Alderman Spence (Deputy Chairperson)

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Councillor Dorrian
Councillor Pankhurst
Councillor Reynolds

Alliance

Councillor McAllister
Councillor McDonough-Brown
Councillor Nicholl

SDLP

Councillor Attwood
Councillor Lyons

UUP

Alderman McGimpsey
Councillor Dudgeon

PUP

Councillor Hutchinson

Positions of Responsibility

Chairperson	Sinn Féin (Councillor Walsh)
Deputy Chairperson	DUP (Alderman Spence)

The Council noted the Committee membership and Positions of Responsibility.

Change of Membership on Outside Bodies

The Chief Executive reported that notification had been received from the Sinn Féin Party of the following changes to membership on Outside Bodies:

- Councillor O'Donnell to replace the Lord Mayor (Councillor Hargey) on Visit Belfast;
- Councillor Murphy to replace Councillor Campbell on the North Belfast District Policing and Community Safety Partnership; and
- Councillor Canavan to replace Councillor Magennis on the West Belfast District Policing and Community Safety Partnership.

The Council approved the changes.

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Strategic Policy and Resources Committee

Moved by Alderman Rodgers,
Seconded by Councillor Campbell,

That the minutes of the proceedings of the Strategic Policy and Resources Committee of 20th and 22nd June, omitting matters in respect of which the Council has delegated its powers to the Committee, be approved and adopted.

Amendment

**Draft Plan Strategy - Belfast
Local Development Plan**

Moved by Councillor Johnston,
Seconded by Councillor Reynolds,

That the decision of the Strategic Policy and Resources Committee of 22nd June, under the heading "Draft Plan Strategy – Belfast Local Development Plan", be amended to provide that the policy HOU5 on Affordable Housing will have a threshold of 10 units, 0.2 hectares and the percentage reduced to 10%.

On a recorded vote, twenty Members voted for the amendment and thirty-two against and it was declared lost.

<u>For 20</u>	<u>Against 32</u>
Aldermen Browne, Copeland, Kingston, McCoubrey, McGimpsey, L. Patterson, Rodgers, Sandford and Spence; and Councillors Corr Johnston, Craig, Dorrian, Dudgeon, Graham, Hussey Hutchinson, Johnston, Newton, Pankhurst and Reynolds.	The Lord Mayor (Councillor Hargey); the Deputy Lord Mayor (Councillor McDonough-Brown); the High Sheriff (Councillor Howard); Alderman Convery; and Councillors Armitage, Attwood, Baker, Beattie, Campbell, Canavan, Carson, Clarke, Collins, Corr, Garrett, Groves, Heading, Long, Lyons, Magee, Magennis, McAteer, McConville, McReynolds, Mullan, Murphy, Nic Biorna, Nicholl, O'Donnell, O'Hara, O'Neill and Walsh.

Area Based Festivals Funding

Councillor Long indicated that he wished to propose an amendment to the decisions within the minutes of the meetings of 20th and 22nd June, under the heading "Area Based Festivals Funding". Initial advice had indicated that this decision had been taken by the Committee under the powers delegated to it under Standing Order 37(a).

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Following a review of the minutes and discussion, the Council agreed, in view of the discrepancy in the minutes around the functions which the Council had agreed should be delegated to the Committee, to allow the amendment to be submitted.

Amendment

Area Based Festivals Funding

Moved by Councillor Long,
Seconded by Councillor Lyons,

That the decisions of the Strategic Policy and Resources Committee of 20th and 22nd June, under the headings “Area Based Festivals Funding” be rejected and accordingly no funding be provided.

On a recorded vote, eighteen Members voted for the amendment and thirty-two against and it was declared lost.

<u>For 18</u>	<u>Against 32</u>
The Deputy Lord Mayor (Councillor McDonough-Brown); the High Sheriff (Councillor Howard); Aldermen Browne, Convery, Copeland, McGimpsey and Rodgers; and Councillors Armitage, Attwood, Dudgeon, Heading, Johnston, Long, Lyons, McReynolds, Mullan, Nicholl and O’Neill.	The Lord Mayor (Councillor Hargey) Aldermen Kingston, McCoubrey, L. Patterson, Sandford and Spence; and Councillors Baker, Beattie, Campbell, Canavan, Carson, Clarke, Collins, Corr, Corr Johnston, Craig, Dorrian, Garrett, Groves, Hussey, Hutchinson, Magee, Magennis, McAteer, McConville, Murphy, Newton, Nic Biorna, O’Hara, Pankhurst, Reynolds and Walsh.

Amendment

Publicising Planning Applications in the Press

Moved by Councillor Garrett,
Seconded by Councillor Attwood,

That the decision of the Strategic Policy and Resources Committee of 22nd June, under the heading “Publicising Planning Applications in the Press”, be rejected and accordingly the Council agrees to adopt Option 2, that is, to continue to publicise planning applications in two newspapers.

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

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<u>For 23</u>	<u>Against 28</u>
The Lord Mayor (Councillor Hargey); and Councillors Attwood, Baker, Beattie, Campbell, Canavan, Carson, Clarke, Collins, Corr, Garrett, Groves, Heading, Lyons, Magee, Magennis, McAteer, McConville, Murphy, Nic Biorna, O'Donnell, O'Hara and Walsh.	The Deputy Lord Mayor (Councillor McDonough-Brown); the High Sheriff (Councillor Howard); Aldermen Browne, Convery, Copeland, Kingston, McCoubrey, McGimpsey, L. Patterson, Rodgers, Sandford and Spence; and Councillors Armitage, Corr Johnston, Craig, Dorrian, Dudgeon, Graham, Hussey, Hutchinson, Johnston, Long, McReynolds, Mullan, Newton, Nicholl, O'Neill, Pankhurst and Reynolds.

Amendments to Standing Orders

Moved by Alderman Rodgers,
Seconded by Councillor McAteer and

Resolved - That the Council agrees, in pursuance of the Strategic Policy and Resources Committee's decision of 18th May, to amend its Standing Orders, as follows, to provide for the establishment of the Brexit Committee:

SECTION 2 - STANDING COMMITTEES

36. Standing Committees

The following shall be the Standing Committees of the Council:

- (a) Strategic Policy and Resources**
- (b) City Growth and Regeneration**
- (c) People and Communities**
- (d) Licensing**
- (e) Planning**
- (f) Belfast Waterfront and Ulster Hall Ltd Shareholders' Committee and**
- (g) Brexit**

37. Duties of Committees

The Standing Committees shall be responsible to the Council for the matters described hereunder and shall control the various Departments which carry out the functions of the Council, that is to say

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(g) Brexit Committee

The Brexit Committee will be responsible for researching, monitoring and reviewing the financial, resource or operational impact upon the Council and the district as a result of the UK's leaving the European Union and for making recommendations to Council on such issues (or to the relevant Standing Committee where appropriate).

Its specific functions include:

- **Articulating the Belfast specific issues to be considered as part of the negotiation and transition arrangements;**
- **The continuous monitoring of progress and announcements around Brexit;**
- **Influencing and contributing to regional considerations of the implications of Brexit on both the work of the Council and on the district;**
- **Identifying any actions the Council may take to mitigate any adverse impacts arising and capitalising on any opportunities as a result of Brexit;**
- **Reviewing changes to legislation arising out of Brexit and analysing the likely impact which they may have upon the delivery of council services;**
- **Fostering and maintaining positive relations and cultural links with the EU;**
- **Maintaining and promoting social cohesion within the district, post Brexit;**
- **Monitoring the impact on migrant workers, skills gaps and issues arising with regard to various sectors in the labour market;**
- **Financial and budget assumptions and implications for the district arising out of Brexit;**
- **Identifying the implications for EU grant funding and alternative funding opportunities;**
- **Seeking to influence decisions with regard to continuing access to and distribution of EU funds (including Peace, Culture and Interreg programmes);**

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- **Ensuring the ability of Belfast to achieve the objectives, as set out within the Belfast Agenda;**
- **Ensuring the ability of Belfast to continue to attract and retain investment and grow the rate base;**
- **Ensuring the ability of Belfast to increase trade with existing and potential trade partners (access to supply chains / import and export issues); and**
- **Hearing evidence from other parties.**

People and Communities Committee

Moved by Councillor Nicholl,
Seconded by Councillor Magennis,

That the minutes of the proceedings of the People and Communities Committee of 5th June be approved and adopted.

Amendment

**Temporary Structure at Alderman
Tommy Patton Memorial Park**

Moved by Councillor Corr Johnston,
Seconded by Councillor Newton,

That the decision of the People and Communities Committee of 5th June, under the heading "Temporary Structure at Alderman Tommy Patton Memorial Park", be rejected and accordingly the Council agrees to accede to the request to provide a temporary structure, subject to the terms and conditions as detailed within the report.

On a vote by show of hands, thirty-two Members voted for the amendment and eight against and it was declared carried.

Adoption of Minutes

Subject to the foregoing amendment, the minutes of the proceedings of the People and Communities Committee of 5th June were thereupon approved and adopted.

City Growth and Regeneration Committee

Moved by Councillor Lyons
Seconded by Councillor Mullan,

That the minutes of the proceedings of the City Growth and Regeneration Committee of 13th and 27th June be approved and adopted.

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International Relations - Nashville Invitation

Having been advised that Mr. Dan Lawton's three-year term as US Consul General was due to end soon, the Lord Mayor agreed to forward to him a letter expressing the Council's appreciation and wishing him well in the future.

The Council extended its best wishes also to Ms. Bernadette Roberts who had recently vacated her role as Political and Economic Officer with the US Consulate in Belfast.

Adoption of Minutes

Subject to the foregoing addition, the minutes of the proceedings of the City Growth and Regeneration Committee of 13th and 27th June were thereupon approved and adopted.

Licensing Committee

Moved by Councillor O'Hara,
Seconded by Councillor Hussey and

Resolved - That the minutes of the proceedings of the Licensing Committee of 20th June, omitting matters in respect of which the Council has delegated its powers to the Committee, be approved and adopted.

Planning Committee

Moved by Councillor Garrett,
Seconded by Councillor Hutchinson and

Resolved - That the minutes of the proceedings of the Planning Committee of 6th and 12th June, omitting matters in respect of which the Council has delegated its powers to the Committee, be approved and adopted.

Notices of Motion

Brexit – Backstop Option

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

"This Council supports paragraph 49 of the agreed Joint Report from the Negotiators of the European Union and the British Government of December 2017, which is an approach that will ensure there is no hardening of the border in Ireland.

The Council wishes to see the 'backstop' option, as defined in paragraph 49, included in the legally binding Withdrawal Agreement and agrees to lobby for retaining the 'backstop' in the Withdrawal Agreement unless and

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until something better emerges. In addition, the Council demands that the full EU rights of citizens are protected, as proposed in the current draft Withdrawal Agreement.”

The motion was seconded by Councillor Carson.

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

Personal Independence Payments

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

"This Council:

- notes the importance of Personal Independence Payments to sustaining and maintaining the lives of many across Northern Ireland;
- notes with concern the many issues associated with undergoing assessments and the stress they can bring upon individuals;
- is concerned at the fall in figures of those receiving the benefit and the impact this is having on their lives;
- notes the link that exists between the drop in support provided and the '20m rule' for the highest rate of PIP mobility support, as highlighted by 'PIP – a step too far' published by MS Society; and
- accordingly, agrees to write to the Minister for Work and Pensions calling for an urgent review of the 20m rule and to engage with key stakeholders to find a more appropriate alternative.”

The motion was seconded by the Deputy Lord Mayor (Councillor McDonough-Brown).

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

Dunmurry Manor Care Home

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

"This Council notes the Commissioner for Older People for Northern Ireland's investigation into the Dunmurry Manor Care Home and its findings in the report entitled 'Home Truths'.

The Council acknowledges and congratulates the Dunmurry Manor Relatives' Group and Northern Ireland Patient Voice in their campaign to highlight the deplorable living conditions of older people at the care home. The Council further notes and welcomes the first use in Northern Ireland of

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the Commissioner's statutory investigative powers into a privately run Care Home.

The Council welcomes the 59 recommendations made by the Commissioner into the Safeguarding and Human Rights, Care and Treatment, Medicines Management, Environmental Cleanliness, Regulation and Inspection, Staff training, Management and Leadership, Complaints and Accountability. In particular, the Council agrees to support the recommendation by the Commissioner of the introduction of an Adult Safeguarding Bill by the Northern Ireland Assembly when it next convenes by writing to each Party Leader calling for their support for the Commissioner's proposal."

The motion was seconded by Councillor Attwood.

Councillor Heading sought and was granted approval by the Council to amend his motion to the effect that the letters to be forwarded to each Party Leader be signed by the Lord Mayor and that all Members be offered the opportunity to add their signature.

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

Graffiti

In the absence of Councillor Boyle, the Council agreed, in accordance with Standing Order 13(i), that the notice of motion standing in his name be withdrawn from the agenda.

Perinatal Care Pathway Provision

At the request of Alderman Convery, the Council agreed, in accordance with Standing Order 13(i), that the notice of motion standing in his name be withdrawn from the agenda.

Rohingya Genocide

The Lord Mayor drew the Members' attention to a motion which had been submitted by Councillor Attwood, calling upon the Council to support the campaign to declare 25th August as Genocide Day and to host an event on that day to show support with the Rohingya population.

She explained that, as had been stated within the report which had been circulated to Members, such requests normally fell under the remit of the Strategic Policy and Resources Committee and that the motion should, under Standing Order 13(f), stand referred to that Committee. However, given that the Committee would not meet again until August and that any decision would not be ratified by the Council until September, the proper authority would not be in place to allow an event to take place on 25th August. On that basis, the Lord Mayor, in accordance with the powers conferred upon her under Standing Order 13(l), granted approval for Councillor Attwood's motion to be debated by the Council and confirmed that, as had been stated within the report, should the Council

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be minded to support it, there would be sufficient funds within the existing Civic Hospitality budget to cover the use of a function room and catering for a small to medium event:

Accordingly, Councillor Attwood proposed:

"This Council notes that the UN Special Rapporteur has said that the Government of Myanmar have been responsible for the pre-planned and violent deportation of about 800,000 men, women and children from Rohingya's ethnic minority since October 2016.

The Council supports the existential needs of the estimated one million Rohingyans violently deported to borders of Bangladesh and recognises that they will require international protection until such time as Myanmar is ready to accept them as full and equal citizens with basic human and minority rights.

The Council also supports the campaign to declare 25th August as 'Genocide Day', the day Myanmar Armed Forces began their violent and premeditated attacks on the Rohingya population, and will support an event in Belfast City Hall on 25th August, 2018 to show solidarity with the Rohingya population."

The motion was seconded by Councillor Lyons.

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

Gasworks Northern Fringe

In accordance with notice on the agenda, the Lord Mayor (Councillor Hargey) proposed:

"This Council recognises and supports the right of homeless families in the Markets community and in the wider City to family homes on land zoned for social housing, as an integral part of any redevelopment on the Gasworks Northern Fringe.

Furthermore, the Council recognises the need for the sustainability, prosperity, and inclusive economic growth of the Markets community to be central to any redevelopment of said site and the Council will clearly demonstrate how it intends to implement these commitments"

The motion was seconded by the Deputy Lord Mayor (Councillor McDonough-Brown).

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

Lord Mayor
Chairperson