

**REVIEW OF NORTHERN IRELAND LOCAL
GOVERNMENT BOUNDARIES**

**REPORT OF ASSISTANT COMMISSIONER
MARK ORR QC, ON THE
PROVISIONAL
RECOMMENATIONS FOR**

**DERRY CITY AND STRABANE DISTRICT
COUNCIL**

1. INTRODUCTION

Background

1.1. The Local Government (Boundaries) Act (Northern Ireland) 2008 received Royal Assent on 23rd May 2008. The purpose of the Act was to provide for the establishment of eleven Local Government Districts in Northern Ireland, for the division of those Districts into wards and for the appointment of a Local Government Boundaries Commissioner to recommend the names of those Districts and Wards and the number of Wards in each District. At present there are twenty-six Local Government Districts in Northern Ireland and the Act provides that the eleven new Districts shall incorporate the existing Districts.

1.2. Dick MacKenzie was appointed as the Local Government Boundaries Commissioner for Northern Ireland with effect from 1st July 2008.

1.3. At the request of Mr Mackenzie, the Department of the Environment appointed eleven Assistant Commissioners whose primary role was to consider written representations submitted in response to the Provisional Recommendations prepared by the Commissioner; to conduct public hearings for the purpose of providing an opportunity for oral representations; and to provide impartial advice to the Commissioner.

1.4. I was appointed as an Assistant Commissioner and heard oral representations on Thursday 20th November and Friday 21st November 2008. The hearing was conducted in an informal manner and all participants were afforded the opportunity to give their views and to question and discuss the views of others. Details of those who

made oral submissions are attached at Appendix B and I have also read a transcript of the hearing.

1.5. Written submissions of relevance to the Provisional Recommendations for the District are listed in alphabetical order in Appendix A. All representations were considered by me in advance of the public hearing and in anticipation of the preparation of this report.

1.6. This report presents and addresses the written and oral views of interested parties on the Provisional Recommendations. In particular, it addresses relevant local information and opinion on the name of the District and the number, boundaries and names of Wards into which the District has been divided. It also presents my recommendations and conclusions on the representations, views and opinions, based on the legislative framework for the review and in particular the statutory rules set out in Part (iii) of Schedule 4 to the Local Government Act (Northern Ireland) 1972, as amended.

2. LEGISLATIVE FRAMEWORK:

The relevant legislation dealing with the Local Government Districts and Wards is contained in The Local Government (Boundaries) (Northern Ireland) Act 2008 ("the 2008 Act") and the rules governing the recommendations of the LGBC are specified in Schedule I to the Local Government (Boundaries) Northern Ireland Order 2006 ("the 2006 Order").

3. THE EVIDENCE

I summarise below the evidence received by me, in the order in which it was received. I have also had the opportunity to read the transcripts of that evidence.

3.1. Gregory Campbell MP MLA

Mr Campbell referred to the written submissions made by his party and indicated that there was one major issue which he wished to address – the name of the new District. He stated that the name had huge symbolic significance and that a name change in the past had been most controversial. He referred to Londonderry as the Unionist name and Derry as the Nationalist name and submitted that the name “Londonderry” had elements of both. In response to questions from Mary Nelis (Sinn Féin) he said that the present name of the City Council did not help the problems existing in the city and submitted finally that the name of the District should be “Londonderry and Strabane District Council”.

3.2. Councillor Derek Hussey

Councillor Hussey (Ulster Unionist Party) adopted the submissions of his party but stated that the West Tyrone Constituency Association wished to make its own submissions. He summarised the submissions made in writing by that Association, referring to the proposal for the creation of a West Tyrone District Council and then to the transfer of the Three Wards (Castlederg, Newtownstewart and Glenderg) to the proposed Fermanagh and Omagh District Council Area. He gave a number of examples of the natural affiliation for the residents of these areas towards Omagh in respect of work, education, social and recreational activities. He stated that the creation of a larger Council would reflect increased “rurality”. Finally, he responded to the questions from Mr Derek Rainey of West Tyrone

DUP and stated that it was his contention that the proposed District would be “urban dominated” in any event.

3.3. Councillor Sean Begley

Councillor Begley (Sinn Féin) is the Chairman of Omagh District Council. He adopted the written submissions of his party and referred to the importance of Omagh in the region. He referred to the importance of Rural Wards around Omagh as part of its hinterland, and to the fact that a GAA stadium for Tyrone had been built in the Gortin Ward. He referred further to the sub-regional position of Omagh, its population, its strategic location as the “gateway to the North West”, its role as an administrative centre and employment base and its “enormous potential”.

3.4. Mr Paddy Devlin

Mr Paddy Devlin represented the Churchtown Community Association in Castlederg. He stated that the name “Tyrone” was being “airbrushed out of the equation”, that there was no administrative centre for Tyrone, that there was considerable loyalty to Tyrone and that it should not be severed.

3.5 Mr Philip Faithful

Mr Philip Faithful, the Chief Executive of Strabane District Council, referred to the submission already made in writing and noted that Strabane District Council was already working closely in co-operation with Derry City Council. He expressed some concern in relation to the reduction of Wards and of the consequent effect on reduction of councillors and emphasised the need to maintain proper representation from Strabane. He made particular reference to the effect on deprivation in certain areas of Strabane and did not wish

particularly deprived areas to be absorbed or included in more prosperous areas. He expressed no strong views on the proposed name.

3.6 Councillor Jarlath McNulty

Councillor McNulty (Sinn Féin) is the Chairman of Strabane District Council. He adopted both the written submissions of his party and of Strabane District Council and suggested that the name was the most “holistic” way of recognising identities. He stressed also his support for a bi-lingual approach.

3.7 Councillor Mark H Durkin

Councillor Durkin (Social Democratic and Labour Party) is a member of Derry City Council. He adopted the written submissions made by his party and suggested that the proposed name would preserve the identity of both present Districts. He did suggest that the word “regional” be added on the grounds that it gave more “gravitas” to the District and submitted that this would be the second largest Council Post the Review of Public Administration. He also supported the bi-lingual approach.

3.8 Mr Terry Wright

Mr Wright (Ulster Unionist Party) emphasised that he was not speaking to his party’s submission but wished to refer to three matters:

- (a) The name – he stated that, as a Unionist, he felt that the name change in the past had an adverse affect on the community relations and that an attempt should be made to find one name suitable for all.

- (b) Minority rights – he referred to his experience as a Vice Principal of a local secondary school and his perception of a feeling of alienation on the part of his pupils flowing from the situation in the city.
- (c) Castlederg – he argued for the retention of Castlederg within the new District.

Finally, he referred to the need for the community to work together and for any new Council to solve local problems.

In response to Mr Wright, Mr Brian McLaughlin (Sinn Fein) said that Derry had a local identity and that there was equality to which Mr Wright responded by saying that, in his view, there was clear evidence of a “gulf” in the city.

4. CONCLUSIONS

In expressing my conclusions, I deal only with the areas of controversy identified both in the written submissions and in the oral representations made to me during the two days of hearing. In arriving at my conclusions, I had regard to all of the written submissions made, the oral evidence, and the transcripts of the oral evidence. Further, I have considered only the relevant statutory rules namely those set out in Part (III) of the Schedule 4 to the Local Government Act (Northern Ireland) 1972. I have applied equal weight to those rules. The areas of contention identified by me are as follows:

1. The Name

- a) I note the strong convictions of all those who addressed or made submissions to me. Clearly, there are divergent views about the name and these views were supported by arguments presented in a logical and clear manner.

- b) It is clear from the submissions made to me that some name not referring to the present Districts or the city/town names in the District was the secondary position adopted by most of those who made submissions.
- c) There was no strong objection from any party to use the name “Strabane” in any District name.
- d) The name Derry/Londonderry has been the subject of controversy in the past and as appears from the submissions made to me the legal name of the present District Council is “Derry City Council” and the city is named “Londonderry” under the Charter of 1613.
- e) The territorial proposal in this matter, concerning which there was not a large measure of disagreement, with the exception of Councillor Hussey and others who made written submissions supporting his position, is that the new District would consist of an amalgamation of the major part of existing Districts known as “Derry City Council” and “Strabane District Council”.
- f) I do attach some weight to the evidence concerning the size of the proposed District, its population and its urban and rural mix.

Taking all of the evidence into account and these conclusions, I recommend that the name of the Council is “Derry City and Strabane Regional Council”.

2. THE WARDS OF CASTLEDERG, NEWTOWNSTEWART AND GLENDERG

I have had regard to the submissions made by Councillor Hussey and those supporting him by their submissions in writing. I have also had regard to the rules and am not persuaded that, under the rules in accordance with which the recommendations of a Commissioner are to be made, that there is sufficient relevant and admissible evidence to justify the three wards of Castlederg, Newtownstewart and Glenderg being excluded from the proposed District. Accordingly, I recommend that those Wards remain within the proposed District.

3. THE WARDS IN STRABANE

I am not satisfied that there should be any change in the Wards in Strabane and, in particular, with regard to the submissions concerning deprivation, I am not satisfied that deprivation indicators are relevant considerations under the rules.

In conclusion, I am grateful for the manner in which evidence was given to me and the clear understanding of the framework demonstrated by all of those persons involved at the public hearing. I would also like to thank the staff, and in particular, Gail Downey, the Officer assigned to me together with the support staff from Morrow communications, Niavac and Ordinance Survey.

MARK ORR

ASSISTANT LOCAL BOUNDARIES COMMISSIONER

December 2008

APPENDIX A – WRITTEN REPRESENTATIONS

Alliance Party of Northern Ireland

Democratic Unionist Party

Strabane District Council

Derry City and Strabane District Sinn Féin Council Groups

Duke of Abercorn

John Dunbar

Fermanagh District Council

Desmond Fulton

Robert Gardiner

Margret Hoben

Ciara Marie McGlinchey

Newtownstewart Presbyterian Church

Omagh Chamber of Commerce

Omagh District Council

Omagh SDLP District Executive

David Stewart

Ulster Unionist Party

Colm McGinn

APPENDIX A – WRITTEN REPRESENTATIONS - GENERAL

Campbell, Brendan

Campbell, Máirtín

Caraher, Maria

Carey, Joe

Coleman, Oonagh

Cuan, RG

de Buítléir. J

Equality Commission for Northern Ireland

Gaston, Máirín

Limavady Borough Council and Magherafelt District Council

MagUidhir, Pól

Mac an tSaoir, Pádraig P

Mac Giolla Fhinnéin, Seámas

McKee, Barry

NIPSA

Ó Cuinneagáin, Pádraig

Ó Muireagáin, Seán

Presbyterian Church in Ireland

Vallely, Siobhan

APPENDIX B – ORAL SUBMISSIONS

Gregory Campbell MP MLA (DUP)

Councillor Derek Hussey (UUP)

Councillor Sean Begley (SF)

Councillor Jarlath McNulty (SF)

Councillor Mark H Durkan (SDLP)

Philip Faithful (Strabane DC)

Terry Wright (Foyle Unionist Association)

Paddy Devlin (Churchtown Community Assosiation)