

**LIMAVADY BOROUGH COUNCIL  
COMHAIRLE BHUIRG LÉIM AN MHADAIDH**

**MONTHLY COUNCIL MEETING  
2 SEPTEMBER 2014**

Minutes of meeting held in the Council Offices, 7 Connell Street, Limavady at 7.15 pm on the above date.

**PRESENT:**

**In the Chair:** Alderman A Robinson.

Aldermen J Rankin and M Coyle. Councillors O Beattie, B Chivers, A Brolly, R Donaghy, B Douglas, G Mullan, T McCaul, J McCorkell, S McGlinchey, D Nicholl, E Scott and E Stevenson.

**IN ATTENDANCE:**

Chief Executive and the Committee Clerk.

**APOLOGIES:** - None.

**DECLARATION OF INTEREST:** - None.

**MINUTES:**

The minutes of meeting held 5 August 2014 were approved and signed on the proposal of Alderman M Coyle, seconded by Councillor E Scott.

**MATTERS ARISING:** - None.

**CHIEF EXECUTIVES REPORT:**

The Chief Executive presented his report for September 2014 as follows:

**Dungiven Sports and Community Facilities Project:** The Chief Executive advised that following the ruling by Causeway Coast & Glens Shadow Council (CC&GSC) to defer decision on whether or not to progress the above project until October 2014 when a Sports & Leisure Strategy would be considered, the five companies who had been shortlisted as part of the procurement exercise for a Design Team had been written to again asking if they would hold their submission to the end of October. He said that three of the companies had replied positively, with the other two yet to confirm if they had withdrawn from the process.

The Chief Executive explained that he had written to the Minister of the Environment - Mark H Durkin to appraise him of the deferral by CC&GSC to approve the project and to express concern that government funding might be put at risk. He said that the Minister had pointed out in a letter of response dated 8 August 2014 that there was an option set out within guidelines on spend, that should new councils consent to a contract be refused or given subject to conditions, that the decision could be referred to the Department.

Members were informed that the appointment of an appropriate Senior Counsel to advise Limavady Borough Council was being pursued, with costs likely to be in region of £5,000 - £10,000. Members were also informed that Council's solicitor

had advised that referral for Judicial Review at this stage would be rejected on the basis that the remedy of referral to the Department for review had not been taken up and that such a referral should be made now.

The Chief Executive reported that although DCAL continues with the desire to provide funding, it was not practically possible for this to go forward in this financial year as given the delays it was unrealistic that any relevant spend could be delivered in the short timeframe.

Alderman M Coyle requested that the Chief Executive of CC&GSC furnish Limavady Borough Council with 1) the terms of reference for development of Sports and Leisure Strategy, 2) detail who was on the team developing the strategy and 3) due to the impact the deferral would have on the Dungiven project progressing, that a copy of the strategy once completed and seen by CC&GSC be forwarded to Limavady Borough Council.

During the discussion the following points were made:

- All five bidders should be kept in the preferred list for the Design Team in case of legal challenge.
- Council could not afford to wait until October as the project needed to be progressed.
- The Minister needed to be kept up to speed on recent decisions made on the project.
- Members should wait patiently and do nothing legally as CC&GSC would be looking at the project in 6 weeks' time.
- It was suggested that if the Design Team had been appointed, a clearer vision would have been known on the scale of the project.
- There was a need to lobby DCAL for maximum funds for Dungiven area.
- Whilst it was suggested that the Dungiven Project Steering Group meet with the Chief Executive of CC&GSC, however, it was pointed out that at the end of the day this was a Shadow Council decision.

The Chief Executive agreed to write to the Chief Executive of CC&GSC with regard to comments made and to keep the Minister updated as requested.

**Dungiven Castle:** The Chief Executive reminded members that there was an ongoing dispute regarding Right of Way across the car park at Dungiven Castle to the rear of the Cattle Mart. He said that a judgement was delivered at the Records Court to an Equity Civil Bill entered by the owner of the Cattle Mart against the lessee of Dungiven Castle to the courts which sought free and unencumbered right of access across the Castle grounds.

The judgement was to the effect that while the Right of Way exists, it should be restricted to those vehicles being able to enter the car park, proceed across the car park and enter through the existing gateway in a forward manoeuvre, without reversing other than going forward. Nor for there to be any parking along the lines of the Right of Way at any time within the Castle property and no interference with any of the parking spaces laid out in the car park. Noted that nominal damages of £1.00 had been awarded to the owner of the Cattle Mart.

Members were informed that the Castle business had ceased to trade since the judgement and the marquee erected in the car park had been removed.

***Addendum to the Report:***

**Grant of an Occasional Licence:** Council had no objection to the application for an Occasional Liquor Licence from Canice Miller to sell liquor at Smiths Barn between 7pm – 1 am on 13/14 September 2014.

**Additional Permitted Hours and Application for a Children's Certificate:** Council had no objection to the application for an Order for Additional Permitted Hours and application for a Children's Certificate from licence holder of Ponderosa for purpose of authorising the sale of liquor to persons frequenting the premises for a main table meal at midday or in the evening and to extending hours for sale of liquor as set out within the report.

**EXTERNAL MINUTES NOTED:**

Western Health & Social Care Trust – 12 June 2014.

**CONSULTATIONS:**

Members reviewed the consultation list for September 2014 and these were noted by Council.

**COURSES/CONFERENCES:**

- Chief Executive to attend the Accountability & Governance for Audit Committees Course on 11 September 2014 in Malone House, Belfast at a cost of £200.
- Chief Executive to attend the SOLACE UK Summit on 15-17 October 2014 in Liverpool at a cost £495+VAT.

**FORMAL CORRESPONDENCE:**

- CAWT – Annual Progress Report 2013
- Sport NI – Our Great Outdoors, The Outdoor Recreation Action Plan for Northern Ireland.

**SEAL LEGAL DOCUMENTS:**

The Debenture No2 between Limavady Borough Council and Greysteel Enterprises was signed and sealed.

**ANY OTHER BUSINESS: -**

**Donation – Titans Kickboxers:** A member proposed that £500 be donated to Titans Kickboxers for expenses associated in taking part in the world championship tour. It was queried if a grant that might already have been paid for travel and if the group were affiliated with the Sports Council. It was agreed that funding towards the kickboxers would be raised at the Development Services Committee meeting.

**Summer Festivals:** It was agreed that the Director of Development would provide feedback at the Development Services meeting on the Countryside Festival and Stendhal Festival which had both taken place over August 2014.

**NEXT MEETING:** - 7 October 2014.

**THE BUSINESS CONCLUDED AT 8:00 PM**

Signed: \_\_\_\_\_  
Chair of Meeting