

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

**MONTHLY COUNCIL MEETING  
13 JUNE 2011**

Minutes of meeting held in the Council Offices, 7 Connell Street, Limavady at 7.00 pm on the above date.

**PRESENT:**

**In the Chair:** Councillor S McGlinchey

Aldermen M Coyle, G Robinson and J Rankin. Councillors O Beattie, A Brolly, B Chivers, B Douglas, T McCaul, J McCorkell, C McLaughlin, G Mullan, D Nicholl, A Robinson and E Stevenson.

**IN ATTENDANCE:**

Committee Clerk and the Chief Executive.

**APOLOGIES:** - None.

**MINUTES:**

The Minutes of meeting held 5 April 2011 were approved and signed on the proposal of Alderman Coyle, seconded by Councillor Brolly.

**LEGAL OPINION:**

Councillor Douglas erected a small Union Flag to his desk. In response to Councillor Brolly, the Chief Executive confirmed that he had legal opinion to share with Council on the flying of the flag within the chamber. Councillor Mullan proposed, seconded by Councillor Chivers that the legal opinion be heard **IN COMMITTEE**. The proposal was put to the meeting and declared carried, 9 for, 6 against. Councillor Stevenson strongly objected to this decision.

The Chief Executive provided an overview of the lengthy opinion given by Jones Cassidy Jones, which did not defer from advice given by Councils' own solicitor on use of the Union Flag in Council chamber. He said that the legal opinion was formed taking into consideration Councils Flag Policy, Councillor's obligations under the Northern Ireland Code of Conduct, having a duty of care to employees in the workplace and to religious/political discrimination, equality and freedom of expression.

The Chief Executive summarised the legal opinion, which concluded that Councillor Douglas had not breached Council's No Flag Policy which related to flags being flown from Council buildings. However, bringing a flag into the chamber contravened Council's aim or the policy to provide a neutral environment in Council buildings. He said the events which occurred on 7 June 2011 in their totality may have constituted a breach of the Code of Local Government Conduct, in addition, the environment had the potential to constitute unlawful discrimination by making an employee feel intimidated and uncomfortable contrary to the Fair Employment & Treatment (NI) Order 1998.

He added that any further disruption to Council business could be actionable by way of judicial review and that Councillors should be mindful that any repetition of last week's events could be unlawful, with there being the possibility of Councillors being personally financially liable for their actions.

A lengthy debate followed in which the following points were made:

- Council should accept the legal opinion and not go down a route which could lead to judicial review.
- There was a plea for a resolution to be found to flying the flag in the chamber and for members to try and work together over the next 4 years rather than cause further negative media coverage.
- As no policy had been breached taking legal action would be dubious.
- It was acknowledged that there had been ambiguity in the initial motion agreed in 2003 on the flying of flags from Council buildings.
- The election of Councillor McGlinchey as Mayor was unacceptable to some members.
- Disappointment was expressed at the nature of politics played out within the chamber and to the poor publicity this attracted.

Councillor Douglas stated that he would fly the flag if he wished, even if it was only for a few minutes. He said that no-one except Sinn Féin had asked him to remove the flag, which he reserved the right to remove in his own time. He went on to say that if someone had asked him respectfully to take down the flag, he might have done so. Alderman Coyle proceeded to ask Councillor Douglas to remove the flag so that Council would get on with business. Councillor Douglas took the flag down at this point.

Council went into recess at 8 pm and the meeting resuming at 8.05 pm.

Councillor Brolly proposed, seconded by Councillor Chivers that Council come **OUT OF COMMITTEE.**

Councillor Brolly stated that clarification was needed on whether the flag would be flown at every monthly meeting. Councillor Mullan agreed and said that Council should not be held to ransom as this would lead to a difficult working environment. Councillor Douglas responded that no policy could stop him flying the flag and that members should stop pandering to the media.

Councillor Brolly proposed that *“in light of legal opinion, that the flag be removed from this working environment as it contravened aspects of the law relating to Fair Employment Legislation. In the event of a judicial review and surcharge to Council and Councillors, I propose that the flag be removed and the vote recorded.”* The proposal was seconded by Councillor Chivers, and on being put to the meeting was declared carried, 9 for, namely Councillor Beattie, Alderman Coyle, Councillor Mullan, Councillor Chivers, Councillor McCaul, Councillor Nicholl, Councillor Brolly, Councillor McLaughlin and Councillor McGlinchey. There was none against and 6, Councillor Douglas, Alderman Rankin, Councillor Stevenson, Councillor McCorkell, Councillor Robinson and Alderman Robinson abstained from the vote.

Alderman Robinson proceeded to read out a statement in which he expressed the sense of hurt felt by many at Councillor McGlinchey elevation to the position of Mayor in light of his violent past and stated that this was insensitive and divisive.

He then put the following proposal, which was seconded by Councillor Robinson to the meeting:

*'This Council resolves to work together for the good of all the people of the Limavady Council area, further declares that in order to move forward on a comprehensive basis that will command the support of all our citizens, total support for the police and the rule of law is essential, also declares that all activities, past or present, where innocent people of whatever background or religious belief, must be totally and unequivocally condemned by every democrat, including yourself Mr Chair. We believe that this foundation provides a firm basis for all political representatives in Limavady to work together for the entire Council area.'*

Councillor McGlinchey referred to point 34 of Standing Orders, which stipulated that members refer to each party by the title in which they were elected. He said this was not always adhered to and needed to be addressed. He indicated that he was not in Council to promote himself but to foster good working relationships and give the ratepayer value for money.

When asked to make a ruling on the statement and proposal, the Chief Executive said that member's must reframe from using offensive terms and that although some members might take offence to the statement; the proposal which he read out again for clarity could be considered by Council.

The proposal was put to the meeting and carried unanimously.

Council went into recess at 8.25 pm and resumed at 8.50 pm.

#### **MATTERS ARISING:**

**Complaints about Smell:** The Chief Executive agreed to contact Planning Service again to reiterate members concerns about foul odours emanating from an unauthorised waste storage facility off the Broad Road and to request an update on the consultation process, including an estimate of when the planning application for proposed storage and processing of sludge cake might be presented to Council and whether enforcement action was likely.

#### **MINUTES OF SPECIAL MEETING HELD 18 APRIL 2011:**

The minutes of special meeting held 18 April 2011 were approved and signed on the proposal of Councillor Chivers, seconded by Councillor Brolly.

#### **MINUTES OF AGM HELD 23 MAY 2011:**

The minutes of AGM held 23 May 2011 were approved on the proposal of Councillor Chivers, seconded by Councillor McLaughlin subject to the following:

- Alderman Coyle to replace Councillor McGlinchey on the Twinning Committee.
- It was queried why there were no Unionists nominated to the LCDI Committee as membership should be balanced.
- Councillor McLaughlin to replace Councillor Beattie on the Sperrins Tourism Committee.

## **CHIEF EXECUTIVE'S REPORT – JUNE 2011:**

The Chief Executive presented his report for June 2011. The items for information were noted and the report was adopted on the proposal of Councillor Chivers, seconded by Councillor McCaul subject to the following:

**RPA/ICE Programme Update:** The Chief Executive reported that it was anticipated that an announcement of taking RPA forward would be made shortly. In the meantime officers would continue to work with other Councils in the Causeway Cluster on the cluster collaboration action plan. He said that the Causeway Coast & Glens Voluntary Transition Committee (TC) had been set up in 2009 to oversee the preparation and introduction of RPA for 2011, however, since the postponement of RPA and withdrawal of funding, the cluster councils had agreed to continue with the TC meetings to develop collaboration on a voluntary basis.

It was agreed that the TC should continue to meet on a voluntary basis. Alderman Coyle proposed, seconded by Councillor Brolly that Council nominate 2 SF, 1 SDLP and 2 Unionist to the committee. Alderman Rankin, Councillor Nicholl, Councillor Mullan, Councillor McCorkell and Councillor McCaul were nominated to sit on the TC.

**Councillor Training:** Members were reminded to complete and return the Training Needs Analysis form.

**Corporate Planning Exercise:** It was agreed that a consultation workshop to discuss the Corporate Plan for 2012 – 2015 with elected members would be held on 28 July 2011.

**Air Passenger Duty:** It was agreed on the proposal of Alderman Rankin, seconded by Councillor Mullan that Council would object to the proposed increase in Air Passenger Duty across the UK.

**Ulster Fleadh:** It was agreed that Council would help the Ulster Fleadh being held in Dungiven on 17 – 24 July 2011 in line with the request made from the Organising Committee. Members were informed that officers were looking at the opportunity to work with the Woodland Trust on the Environmental Park in Dungiven.

**Draft Northern Area Plan:** It was agreed that Michael Graham, consultant with White, Young and Green would update members on the draft Northern Area Plan at the Planning & Services meeting to be held 21 June 2011.

**North West Partnership Board:** It was agreed that the Mayor and the Chief Executive would serve on the North West Partnership Board.

**DPP Annual Report:** The District Policing Partnership Annual Report for 2010 – 2011 was tabled and noted.

### **EXTERNAL MINUTES NOTED:**

- Western Health & Social Care Trust – 3 February 2011.

**CONSULTATIONS:** - None.

**COURSES/CONFERENCES:** - None.

**SEAL LEGAL DOCUMENTS:** - None.

**FORMAL CORRESPONDENCE:**

- Northern Ireland Housing Council – members report to local councils
- PWC – Cutting Costs and Cutting Fraud, economic crime in the public sector
- Rural Development Council – Summary of Achievements 2007-11
- Deloitte – Choosing Fewer Channels, Public Service Channel Options in the Age of Austerity
- The Charity Commission for Northern Ireland – Corporate Plan 2011-14
- North West Regional College – Strategic Plan 2011-14
- Rural Economy and Land Use Programme – Farm Diversification into Energy Production by Anaerobic Digestion
- Rural Economic and Land Use Programme – protecting countryside users against zoonotic diseases by influencing their behaviour
- Housing Executive – Housing Research Bulletin, issue 11
- Equality Commission for NI – community composition of the NI workforce as a whole.

**ANY OTHER BUSINESS:**

**OBE Award:** It was agreed that a letter of congratulations would be forwarded to Glen Reilly on his OBE award.

**Confederation of European Councillors:** Alderman Coyle was nominated to the Confederation of European Councillors committee.

**Drumavalley Playing Fields:** Councillor Mullan was advised to raise issues relating to Drumavalley playing fields at the Environmental Services committee.

**Applications for Occasional Licence:** Council had no objection to the applications for Occasional Licence at the following venues:

1. Smyth's Barn Dance, Killunaght Road, Dungiven
2. Marquee at the rear of 50 Main Street, Limavady
3. Limavady and Londonderry Agricultural Show

**Application for Final Grant of Liquor Licence:** Council had no objection to the application for final grant of Liquor Licence at Anderson Avenue, Edenmore Road, Limavady.

**Stendhal Festival:** Members were informed that an application for grant of an Entertainment Licence at Stendhal Festival would be discussed at the June 2011 Environmental Services meeting. It was stressed that consultation should take place with the people who lived near the festival venue.

**NEXT MEETING:** - 2 August 2011.

**THE BUSINESS CONCLUDED AT 9.50 PM**

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