

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

**22 JUNE 2005**

Minutes of monthly meeting held in the Council Offices, 7 Connell Street, Limavady, which commenced at 7.30 pm on the above date.

**PRESENT:**

**In the Chair:** Alderman Mullan

**Other Members:** Aldermen G Robinson and J Rankin. Councillors A Brolly, P Butcher, L Cubitt, B Chivers, M Coyle, B Douglas, C Ó hOisín, J F McElhinney, A Robinson and E Stevenson.

**In Attendance:** Personal Assistant, Chief Finance & Administration Officer, Chief Recreation & Tourism Officer, Chief Technical Services Officer and the Town Clerk.

**APPOINTMENT OF CHAIR:**

In the absence of the Mayor, Alderman Robinson proposed and Councillor Stevenson seconded that Councillor Cubitt chair the meeting. In addition, Alderman Mullan proposed and Councillor Chivers seconded that Councillor Brolly chair the meeting. On being put to the meeting 6 voted in favour of Councillor Cubitt and 6 in favour of Councillor Brolly. After a short recess, it was agreed on the proposal of Councillor Cubitt, seconded by Alderman Robinson that Alderman Mullan would chair the meeting.

To facilitate the members of public in attendance, it was agreed on the proposal of Councillor Cubitt, seconded by Councillor Brolly that items 13 and 14 be brought forward on the agenda.

**NOTICE OF MOTION SUBMITTED BY ALDERMAN MULLAN:**

In proposing the motion, Alderman Mullan referred to the fact that DTZ Piedad had been appointed on 5 June 2002 to develop Council's response to the Area Plan Issues Paper and emphasised that Council's response to the Area Plan Review Team on 20 October 2002 did not include any reference to Council owned land in Shanreagh Park being zoned for housing. He did, however, refer to the fact that at a meeting on 14 January 2004, Council agreed to offer no objection to the proposed zoning of church owned lands adjacent to Shanreagh Park, as there was an opportunity to gain substantial revenue for the benefit of ratepayers by allowing vehicular access through its lands at Shanreagh Park. He stated that the purpose of publishing the draft Northern Area Plan was to ensure that members of the public could comment on any of the proposals contained therein and that given the level of opposition against the proposed zoning of Council's lands at Shanreagh Park proposed that "Following the publication of the Draft Northern Area Plan 2016 in May 2006, Limavady Borough Council agree to incorporate the following matters into our response to Planning Services consultation exercise:

- a) To request Planning Service not to designate lands (owned by Limavady Borough Council) in Shanreagh Park for housing. These lands are currently used as open space and must be designated for continued open space.
- b) To request Planning Service to designate access to Church lands from Scroggy Road. No access to Church lands to be granted through Shanreagh Park.
- c) To request the current boundary hedge between Church lands at Christ the King and Shanreagh Park/Castle Gardens be retained.

In addition, Limavady Borough Council agrees:

- d) To maintain the open space in Shanreagh Park for the benefit of the community.
- e) Never to dispose of the open space in Shanreagh Park for housing development
- f) To rescind Council's decision of 14 January 2004, which approved in principle that Church lands, could be accessed through Council property in Shanreagh Park."

In seconding the proposal, Alderman Robinson withdrew his party's motion on the agenda which was similar to that of Alderman Mullan. Councillor Cubitt also voiced his support for the motion and requested that the words "... and its successors" be incorporated into the proposal after "In addition, Limavady Borough Council .... agrees".

Councillor Douglas expressed concern that Council was in danger of setting a precedent in allowing the requests of lobby groups to unduly influence Council policy. He suggested that a more appropriate way forward was to permit the proposed zoning for housing to proceed and for Council to defer the decision regarding housing development thereon to a later date.

Councillor Butcher stated that his party supported the need for appropriate open space in residential developments but requested clarification from the Town Clerk on the financial and legal implications of accepting the motion. The Town Clerk concurred with Councillor Douglas's comment that the rezoning of the open space at Shanreagh Park for housing did not necessary mean that Council had to sell the lands and stressed the need for Council to act reasonably and to be seen to do so. In response to Councillor Butcher's enquiry the Town Clerk commented as follows:

- He reminded members that they had a statutory duty to provide passive recreational facilities for the citizens of the Borough. He pointed out that, on the other hand, members were expected to act reasonably in maintaining the value of Council's assets.
- He said that he did not feel that it was appropriate to take such an important decision by way of a short debate after a Notice of Motion. He cautioned members against taking major policy decisions under the

influence of pressure groups and in the absence of full professional advice and said that Council should await the professional advice of Mr Michael Graham of Farningham McCreadie Partnership, who had been engaged to advise on the Area Plan. He reminded members of the Chief Local Government Auditor's requirement that Council needed to justify major capital expenditure with a full economic appraisal and drew direct comparisons with both situations. He also highlighted the fact that the value of Council's lands at Shanreagh with the proposed housing zoning, including a ransom strip to church lands, was some £3 - £5 million and, as such, needed careful consideration by Council. He also reminded members that Council's lands at Shanreagh Park comprised some 5.28 acres and that the combined Church/Council lands comprised 17 acres, which by best practice required only 10% or 1.7 acres of open space of open space. Members noted that at present there was more open space provision in Limavady than the best practice requirement.

In conclusion, the Town Clerk suggested that a recent comment from a television reporter on the matter was appropriate – Council's dilemma was that of meeting the wishes of the residents of Shanreagh or meeting the open space needs of the wider Borough, which it could not do at present because of lack of finances.

In summing up, Alderman Mullan agreed to incorporate the words "and its successors" into the motion paid tribute to the efforts of the residents group and felt that, in this instance, a price could not be attached to the piece of land in question. The amended motion was then put to the meeting and was carried unanimously.

**NOTICE OF MOTION SUBMITTED BY ALDERMAN ROBINSON, COUNCILLOR CUBITT AND COUNCILLOR ROBINSON:**

Alderman Robinson withdrew his party's Notice of Motion "That this Council and its successors will retain the lands at Shanreagh Park (approximately 6 acres) as open space/recreation and shall not sell or develop these lands without the consent of the residents of Shanreagh Park."

**APOLOGIES:**

The Mayor, Councillors Carten, Donaghy and the Committee Clerk.

**MINUTES OF ANNUAL GENERAL MEETING:**

The minutes of the Annual General Meeting held on 23 May 2005 were approved and signed on the proposal of Councillor Butcher, seconded by Councillor Ó hOisín.

**MINUTES:**

The minutes of meeting held on 25 May 2005 were approved and signed on the proposal of Councillor Brolly, seconded by Councillor Chivers subject to it being noted that Councillor Cubitt did not feel the last paragraph on page 3 of minutes did not adequately reflect the debate which took place between himself and the Mayor and Alderman Mullan.

The minutes of the special meeting held on 13 June 2005 were approved and signed on the proposal of Alderman Robinson, seconded by Councillor Cubitt.

**ROE VALLEY CHAMBER OF TRADE & COMMERCE:**

The minutes of meeting held 6 June 2005 were tabled and noted.

**LICENCES:**

**The Petroleum (Consolidation) Act (Northern Ireland) 1929:** The transfer of the Petroleum Spirit Storage Licence in respect of Dungiven Service Station, 39 Station Road, Dungiven from Mr Gerard Hasson, 241 Foreglen Road, Claudy, BT47 4EE to Mr Francie McNicholl, 39 Station Road, Dungiven, with effect from 22 June 2005 was agreed on the proposal of Councillor Douglas, seconded by Councillor Brolly.

**WESTERN HEALTH & SOCIAL SERVICES BOARD:**

**Minutes:** Minutes of meeting held 7 April 2005 were tabled and noted.

**WESTERN HEALTH & SOCIAL SERVICES COUNCIL:**

**Minutes:** Minutes of meetings held 6 April and 4 May 2005 were tabled and noted.

**NIPSA – THE FACTS ABOUT EDUCATION & LIBRARY BOARD FUNDING:**

Letter dated 27 May 2005 from NIPSA regarding deficit on education and library Boards' funding was tabled and noted.

**NOTICE OF MOTIONS SUBMITTED BY COUNCILLOR BROLLY:**

Councillor Brolly withdrew the following Notice of Motions:

“That Limavady Borough Council calls on Direct Rule Minister Angela Smith to restore in full the Education Budget. That this Council is appalled by the proposed cuts and the devastating effect they would have on our schools, our teachers, assistants, ancillary staff and, paramountly, our children, particularly those with special needs. We call on our representatives on WELB to oppose these cuts by whatever means they can and to demand that any vote on them be carried out in a transparent and publicly recorded manner.”

“That Limavady Borough Council will henceforth adopt and employ the D'Hondt system in order to achieve the fairest possible allocation of Council positions relative to party strengths.”

**RESOLUTION SUBMITTED BY ARDS BOROUGH COUNCIL:**

It was agreed that the following resolution be noted:

“That this Council resolve to write to the Prime Minister expressing its support for the Communication Workers' Union's fight against the privatisation of Royal Mail and to ask the Government to instruct Postcomm to work to their remit and

to not openly and unfairly promote competition. The Council further resolved to circulate the motion to each of the other 25 Councils in Northern Ireland, seeking their support.”

### **PROPOSED DEVELOPMENT OF A REGIONAL STRATEGY FOR SUICIDE PREVENTION:**

Letter dated 18 May 2005 from Down District Council calling for a Regional Strategy on the prevention of suicide in Northern Ireland was tabled and noted.

### **DIRECTORSHIP OF LIMITED COMPANIES:**

The Town Clerk submitted report which outlined the legal advice regarding the power of a Council to set up or participate in limited companies which was noted.

### **APPOINTMENT OF CHAIRMAN AND MEMBERS OF THE LOCAL GOVERNMENT STAFF COMMISSION:**

The Town Clerk submitted letter dated 15 June 2005 from the Local Government Staff Commission which outlined the procedure for making nominations for the appointment of a new Chairman and at least four new members which was noted.

### **APPOINTMENT OF DIRECTOR OF DEVELOPMENT:**

The Town Clerk referred to the decision to nominate the Mayor and Councillor Ó hOisín to the shortlisting and interview panels for the Director of Development and advised members that the Local Government Staff Commission was unhappy with the fact that no females or unionists had been included in Council’s representatives. Accordingly, it was agreed on the proposal of Councillor Butcher, seconded by Councillor Brolly to appoint Councillor Chivers. It was further agreed on the proposal of Alderman Robinson, seconded by Alderman Rankin to appoint Councillor Cubitt.

### **COURSES/CONFERENCES:**

**MAC Gill Summer School & Arts Week 2005 – A plan for Ireland 2005-2030:** It was agreed on the proposal of Councillor Brolly, seconded by Councillor Chivers that Councillor Ó hOisín would attend the above conference to be held on 17 – 22 July 2005 in Glenties, Co Donegal at a cost of €150.

### **GEOGRAPHICAL INFORMATION SYSTEM:**

The Town Clerk submitted tender report on the provision of a Geographical Information System (GIS) and it was agreed on the proposal of Councillor Douglas, seconded by Councillor Cubitt that the CADCORP product be accepted at a total cost of £19,595 over five years.

### **WEBSITE RENEWAL PROJECT:**

The Town Clerk advised members that following a review of Council’s website and in accordance with Council’s Communications Plan, it was proposed that a sub group comprising 3/4 officers and 1 elected member be established to help plan and monitor the re-design of the site. Accordingly, it was agreed on the

proposal of Alderman Robinson, seconded by Councillor Cubitt that Councillor Coyle serve on this Committee.

### **BALLYKELLY COMMUNITY & YOUTH ASSOCIATION:**

The Town Clerk referred to letter dated 10 June 2005 from Ballykelly Community and Youth Association which expressed concern that two nationalists had been nominated to represent Council on its Committee. Councillor Brolly referred to the fact that a third position had been left open to be filled by the unionist grouping on Council and proposed that Ballykelly Community & Youth Association be advised accordingly. This was seconded by Councillor Butcher. However, Councillor Cubitt pointed out that the Association only required two, and not three, representatives, which would require one of the nationalist nominees to withdraw their nomination. On being put to the meeting 6 voted for the proposal and 6 voted against the proposal. The Chair used his casting vote in favour of the proposal which was declared carried.

### **ANY OTHER BUSINESS:**

**Proposed Leisure & Recreational Proposal at Roe Valley Country Park, Limavady:** The Town Clerk submitted letter dated 17 June 2005 from MKA Planning which asked that Council request the Planning Service Management Board to receive a delegation of members to discuss the referral of the above planning application. Accordingly, it was agreed that the Mayor, Alderman Mullan and Councillors Brolly, Cubitt, Ó hOisín and Stevenson would attend along with the Chief Recreation & Tourist Officer.

**Greysteel Community Association:** The Chief Technical Services Officer referred to a request by Councillor McElhinney at the Finance & General Purpose Committee meeting on 15 June 2005 for a fence to be erected around the Greysteel Community Association building and submitted quotation from J T Doherty Fencing in the sum of £2,395 + VAT. This was approved on the proposal of Councillor McElhinney, seconded by Councillor Brolly.

**Town Hall:** The Town Clerk advised members that the demolition work at the Town Hall site had ceased because of an asbestos scare and that, under the draft Northern Area Plan 2016, this area had been designated as an Area of Townscape/Village Character which meant that further permission to demolish the building and the adjacent properties was required. He added, however, that he and the Chief Technical Services Officer were working closely with the Planning Service with a view to resolving this matter as soon as possible.

**Marine Coastal Agency:** It was agreed on the proposal of Alderman Robinson, seconded by Alderman Rankin that Council would contribute £150 towards a coastal safety initiative being organised by the above group.

**Northern Ireland Tourist Board:** It was agreed on the proposal of Councillor Brolly, seconded by Councillor Cubitt that Council would contribute £1,500 towards the Tourist Board's 'Be a Tourist at Home' event to be held in the Green Lane Museum on 24/25 September 2005.

**Benone/Rossnowlagh Beach Management:** The Chief Recreation & Tourist Officer informed members of the excellent progress being made under this project and requested permission to lease a 4 wheel drive vehicle for approximately 10

weeks to enable staff to carry out patrols on the beach and transport equipment at an approximate cost of £2,000 which was agreed.

**Dog Fouling:** At the request of Alderman Robinson, the Chief Technical Services Officer undertook to investigate the possible of providing signage in the cemetery in an attempt to curtail the problem of dog fouling.

**Hospital Lane, Limavady:** Alderman Robinson reported that he had received complaints from residents of Hospital Lane that the street cleansing in the vicinity was of a sub standard and he Chief Technical Services Officer undertook to investigate thereon.

**Grass Cutting:** At the request of Councillor Ó hOisín, the Chief Technical Services Officer undertook to ensure that the grass was cut in the open spaces at Curragh Road, Mitchel Park and Garvagh Road.

**Signage at Limavady Rugby & Cricket Club:** Councillor Cubitt expressed concern at the removal of an advertising sign from the Limavady Rugby and Cricket Club and referred to the fact that some 39 similar signs were in place between Limavady and the White Horse Hotel at Campsie. Members expressed concern that the Planning Service had also required the Club to remove the sight screens which had been in place for some considerable years.

**Flags at Edenmore Road, Limavady:** Councillor Mullan reported that he had received complaints from residents of the Edenmore Road regarding the erection of flags and proposed that a civic forum be established to explore ways to restore community relations in the area. This was seconded by Councillor Brolly.

A number of unionist Councillors were of the view that the fact that the Union flag had been removed from the Council Offices had exacerbated the situation on Edenmore Road and did not wish to participate in such a forum. The proposal was seconded by Councillor Brolly.

**Danny Boy Sub Committee:** Following a request by Councillor Stevenson, the Chief Recreation & Tourist Officer provided members with an update on the Danny Boy Festival scheduled to take place on 5 – 7 August 2005.

**Illegal Trader at Benone:** It was agreed that this item be discussed **IN COMMITTEE.**

The Chief Recreation & Tourist Officer reported that while legal action was pending against Mr Raymond Carten, he continued to trade illegally at Benone and sought permission to take further legal action against him and other illegal traders, pending the outcome of the existing court action. This was agreed on the proposal of Councillor Cubitt, seconded by Alderman Robinson. **OUT OF COMMITTEE.**

**Best Wishes:** On behalf of her party, Councillor Brolly expressed her gratitude to the Town Clerk for his expertise and for working tirelessly, many times above and beyond the call of duty throughout his time as Town Clerk & Chief Executive. Alderman Mullan endorsed these sentiments.

**FORMAL CORRESPONDENCE:**

- Criminal Justice System Northern Ireland – Annual Report 2004
- Rural Matters – The Housing Executive Newsletter for Rural Northern Ireland
- Northern Ireland Ombudsman – Annual Report 2004 - 2005

**NEXT MEETING:**

24 August 2005

**THIS CONCLUDED THE BUSINESS**

**(The meeting ended at 10.30 pm)**