

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

**22 AUGUST 2006**

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

**In the Chair:** Councillor McElhinney

**Other Members:** Aldermen G Mullan, G Robinson and J Rankin. Councillors, P Butcher, M Carten, B Chivers, M Coyle, L Cubitt, M Donaghy, C Ó hOisín, A Robinson and E Stevenson.

**In Attendance:** Committee Clerk and the Chief Executive.

**APOLOGIES:** - Councillor Brolly and Councillor Douglas

**MINUTES OF PREVIOUS MONTHLY MEETING:**

The minutes of meeting dated 27 June 2006 were approved and signed on the proposal of Councillor Coyle, seconded by Councillor Carten

**MATTERS ARISING:**

The Chief Executive provided an update on issues raised at previous meeting as follows:

**Enforcement of Bye-Laws** – PSNI indicated that it was impossible to detect every breach of the bye laws but would continue to exercise a ‘zero tolerance’ policy to consumption of intoxicating liquor in designated places as this had proven to be a successful deterrent to on street drinking.

**Request for Ramps – Brookfield Park** – Roads Service pointed out that the layout of the road at Brookfield Park had been designed in accordance with the department’s guidelines for new housing developments, which included the requirement that all housing layouts be designed to ensure that vehicle speeds are kept below 20 mph. The road therefore is considered low priority for traffic calming compared to other sites in the Division.

**Refurbishment of Dogleaf Centre, Roe Valley Country Park** – EHS advised that planning consent, structural problems and budget cuts had all contributed to the delay in completing the refurbishment of the Dogleaf Centre at Roe Valley Country Park. Members voiced disappointment that although the work would be completed in the autumn of 2006, the café would not be reopened until Easter 2007.

**Speed Limit in Drumsurn:** Councillor Chivers requested that Roads Service erect the 40 mph speed limit signs in Drumsurn before the start of the new school year.

**Sub-lease of Dungiven Castle: IN COMMITTEE:** *Councillor Butcher declared an interest in the topic and left the meeting at 7.10 pm.* The Chief Executive informed members that on the advice of Councils’ solicitor, approval was being sought from the Department to sub-lease Dungiven Castle. Councillor Coyle

proposed that if approval was given that officers be authorised to carry on with the sub-lease arrangement. Councillor Cubitt seconded the proposal.

*Councillor Butcher returned to the meeting at 7.15 pm.*

### **CHIEF EXECUTIVE'S REPORT – AUGUST 2006:**

The Chief Executive presented his Report for August 2006 and enlarged thereon. The recommendation within were agreed on the proposal of Alderman Robinson, seconded by Councillor Robinson subject to the following:

**Preparation of Council's Corporate Plan 2007-2009:** The Chief Executive explained that the process had now commenced to formulate Council's new Corporate Plan, which would bring Council up to the period of RPA implementation in April 2009. He said there was insufficient interest from the public to join in Focus Groups and therefore a Corporate Planning Stakeholders day to identify key themes and objectives for the Corporate Plan was planned for 28 September 2006 and that this would bring together representatives of service users, statutory agencies, community & voluntary sector, private sector and a sample of residents who had shown an interest in attending.

Members noted that a similar exercise would be carried out with Council staff in the same week and that a special meeting of Council was planned for 12 October 2006 to review the main issues raised, with a view to having the first draft of the Corporate Plan for presentation to Council by 24 October 2006.

**Vacant Positions on Council Committees:** The Chief Executive outlined legal opinion received on points raised at the Planning & Services meeting regarding Notice of Motion to fill vacant positions on Council Committees as follows:

- *Was the motion legal: Yes*
- *Was it appropriate for other parties to fill gaps left: No*
- *Which system of d'Hondt was Council applying: **System based upon advice received from Dr Sydney Elliott of Queens University Belfast***
- *Was it legal for Council to fill seat for a four year period: Yes*

Councillor Stevenson raised concerns regarding the legal advice and suggested that the positions should not have been filled at the 2005 AGM without all members being present.

Councillor Coyle pointed out that the positions had been left unfilled for too long and proposed that under Standing Orders 18, that the vacant positions in Council be filled by the DUP and UUP and if the parties were unable or unwilling to fill the positions, that Council should fill the positions as best it could at tonight's full Council meeting. Alderman Mullan seconded the proposal.

Members engaged in discussion regarding the proposal and in an attempt to get over the impasse, Councillor Coyle proposed that Standing Orders be suspended. This was seconded by Councillor Butcher and on being put to the meeting was declared carried, with 8 voting for and 4 against.

The unionist block reluctantly agreed to fill the vacant positions as follows:

- Choice 19 DUP – Deputy Mayor year 2008/09
- Choice 20 UUP – Chair of Development Committee year 2006/07
- Choice 21 UUC – Chair of Environmental Services year 2007/08
- Choice 22 DUP – Chair of Development year 2007/08
- Choice 23 UUP – Chair of Environmental Services 2006/07
- Choice 24 DUP – Chair of Development 2008/09

Councillor Coyle thanked the unionist block and said he appreciated that the decision to fill the positions had been difficult. He withdrew his proposal stipulated earlier and called for Standing Orders to be reinstated. This was seconded by Councillor Butcher.

**PPS 14 – Request for Council Support by Omagh District Council:** The Chief Executive reminded members that Council had requested additional information regarding potential costs before deciding whether to join with Omagh District Council in challenging PPS14. He said five Council's were supporting the request and that the cost of a judicial review could be approximately £50,000 to be split amongst the Councils involved, however, should the review fail, legal costs could also be awarded against those Councils.

In the discussion that followed, it was agreed that although members were supportive of Omagh District Council, Limavady Borough Council would not be joining with the other Councils in challenging PPS14 due to the high costs associated with a judicial review. Members asked for reassurance from NILGA in its role in challenging PPS14.

**Planning Service – Working Group:** Alderman Rankin, Councillor Cubitt, Councillor Douglas, Councillor Chivers and Councillor Coyle were nominated to the working group to discuss improving contact between elected members and Planning Service.

**Nomination to LSP Committee:** Councillor Cubitt was nominated to the vacant position on LPS Committee on the proposal of Councillor Robinson, seconded by Councillor Carten.

**Forum for Local Government & the Arts:** It was agreed that Alderman Mullan would replace Alderman Robinson on the Forum for Local Government and Arts Committee.

**Letter of Claim:** The Chief Executive informed members that the agent acting on behalf of McCloskey and O'Kane, Building Company claimed that in 2001 Council was responsible for insisting on a planning condition that a 10 metre strip of land be kept undeveloped for a pathway by Council on the Edenmore Road site. He said Council had decided not to proceed with this project and the company were now claiming £500,000 compensation in respect of land 'blighted' and under utilised for housing equating to 10 housing sites.

Members noted that to assist with legal advice, Planning Service were seeking copies of original documentation relating to the original planning decision.

**MINUTES FROM EXTERNAL BODIES:**

The following minutes were tabled and noted.

- Western Health & Social Services Board – 25 May 2006
- Altnagelvin Hospitals Health & Social Services Trust – 1 June 2006
- Western Group Environmental Health Committee – 20 June 2006
- Foyle Health & Social Services Trust – 30 June & 28 July 2006

**NOTICE OF MOTION SUBMITTED BY COUNCILLOR CUBITT:**

Councillor Cubitt proposed that:

“This Council auto records all its meetings.”

In proposing the motion, Councillor Cubitt said it was difficult to keep track of decisions or comments made during debate and suggested if the meetings were recorded, this would be of assistance to the Committee Clerk, the Chairperson and an aid to ensuring that the meetings run smoothly. Alderman Robinson seconded the motion.

Councillor Coyle pointed out it was often difficult to pick up what members were saying and suggested that only if the recordings were clear would it be of benefit to Council. He queried who would transcribe the tapes; who would have access to them; Councils’ policy on electronic recordings; the role of the press; what resources were required and suggested that the motion was open to interpretation. Councillor Butcher agreed and said in practical terms recording the proceedings of meetings would make things worse and suggested that Councillors should be mannerly and not interrupt or talk over those taking when the red light of the microphone was on.

Councillor Cubitt called for support to the motion and on being put to the meeting was declared lost, with 4 voting for and 8 against.

**RESOLUTION:**

It was agreed that the following resolution submitted by Derry City Council would be noted:

“Derry City Council recognises that this July will be the 70<sup>th</sup> anniversary of the outbreak of the international struggle against fascism in Spain and that many people from the North West, including this city, served with honour in defence of the Spanish republic from 1936 to 1938.

Derry City Council commends the plans of the North West Spanish Civil War Committee to mark the said anniversary and to honour the memory of the International Brigades and the men from Derry, Donegal and Tyrone.

Derry City Council determines that officers be instructed to meet with the local organising Committee to examine ways in which Derry City Council can offer support to these activities especially the erecting of a permanent plaque in Derry City Centre and the realisation of a series of events.”

**CONSULTATIONS:**

The Chief Executive explained that Council had been asked to respond to a record 17 consultation documents in the month of July 2006. He said the Corporate Policy Officer had provided a brief synopsis to these and suggested that if members wished to make a formal response to contact the Corporate Policy Officer two weeks before the consultation deadline. Agreed.

**RESPONSE TO THE FIRST REVIEW OF THE REGIONAL DEVELOPMENT STRATEGY FOR NORTHERN IRELAND:**

The Chief Executive informed members that Michael Graham of Farningham McCreddie Partnership had submitted a quotation of £2,750, plus expenses and VAT for undertaking a response to the First Review of the Regional Development Strategy for Northern Ireland 2025.

Councillor Ó hOisín proposed that in line with recent decisions of Council, not to avail of the consultancy service. This was seconded by Councillor Cubitt who suggested that NILGA take the lead regarding response to the document.

**COURSES/CONFERENCES:**

**National Association of Councillors Northern Ireland Region – AGM & Conference:** It was agreed that Alderman Robinson and Councillor Coyle would attend the National Association of Councillors Northern Ireland Region AGM and Conference to be held 15 & 16 September 2006 in Canal Court Hotel, Newry at a cost of £170 + accommodation.

**Society of Personnel Directors – Annual Conference:** It was agreed on the proposal of Alderman Rankin, seconded by Councillor Cubitt that the one officer attend the Society of Personnel Directors Annual Conference to be held 1 – 3 November 2006 in Old Course Hotel, St. Andrews at a cost of £350.

**Federal Executive Institute Scholarship – 2007:** It was agreed on the proposal of Councillor Cubitt, seconded by Alderman Rankin that the Chief Executive be considered as an applicant for the Federal Executive Institute Scholarship 2007 and that if successful, 50% of the £8,000 cost would be met by Council and the other 50% by the Training Group.

**Public Accountability for Chief Executives:** It was agreed on the proposal of Councillor Cubitt, seconded by Alderman Rankin that the Chief Executive attend the Public Accountability for Chief Executive Conference to be held 19 September 2006 in Malone House Hotel, Belfast at a cost of £245+VAT.

**SEAL LEGAL DOCUMENTS:** - none

**ANY OTHER BUSINESS:**

**Toilets – Ballykelly:** Councillor Cubitt said he was inundated by requests from the public for toilets in Ballykelly and intended bringing forward a Notice of Motion to have the cost of toilet provision included in next years rates. Noted.

**Abolition of Northern Ireland Housing Council:** Members unanimously agreed that the Chief Executive write to the Minister of Social Development to express concern and opposition to proposals to abolish the Northern Ireland Housing Council and to move responsibility for the administration of the Supporting People Fund from the Northern Ireland Housing Executive to the new Council as a result of the RPA.

**Condolences:** It was agreed that a letter of condolence on member's behalf would be forward to retired Chief Officer, Sam McGregor on the sudden death of his mother Mary.

**FORMAL CORRESPONDENCE:**

- The NI Federation of Housing Associations Annual Report 2005-06
- Towards an Integrated Coastal Zone Management Strategy for NI 2006/26
- North/South Ministerial Council Annual Report 2005
- Northern Ireland Human Rights Commission Strategic Plan 2006/09
- Agenda NI – Informing Northern Ireland/s Decision-Makers
- Mid Ulster Museums Service Forward Plan 2005/09
- Water Service – Drinking Water Quality Report 2005
- Department of Social Development – Guide to the Unauthorised Encampments (Northern Ireland) Order 2005
- Postwatch – Annual Report & Accounts 2005/06
- Co-ownership Housing – Annual Report & Accounts 2006
- Regulation of Water Service Discharges Report 2004
- The Banford Review of Mental Health & Learning Disability (NI) A Vision of a Comprehensive Child and Adolescent Mental Health Service
- The Next Stephen Lawrence? Racist Violence and Criminal Justice in Northern Ireland – Research Report for the Northern Ireland Council for Ethnic Minorities
- Tesco – Corporate Responsibility Review 2006
- Strategic Investment Board Annual Review & Financial Statements
- Northern Ireland Ombudsman Annual Report 2005/06
- The Institute of Public Health in Northern Ireland – Health Impacts of the Built Environment Review and Health Impact Assessment Guidance
- NIHE – Interim House Condition Survey Report 2004
- Translink – Ulsterbus Strategic Review of Derry/Londonderry Area – Limavady Town Services
- Local Government Staff Commission Annual Report and Accounts 2005/06
- Criminal Justice System Northern Ireland – Annual Report 2005/06
- Justice Oversight Commissioner – Sixth Report of the Justice Oversight Commissioner June 2006
- Translink Future – Annual Review of 05/06 and Future Plans
- NI Electoral Office – Corporate Plan 2006/09 and Annual Plan 2006/07
- Mental Health Foundation – Promoting Mental Health and Well Being in Later Life – A report from the UK Inquiry

**NEXT MEETING** - 26 September 2006

**THIS CONCLUDED THE BUSINESS**  
**(The meeting ended at 9.00 pm)**