

LIMAVADY BOROUGH COUNCIL
COMHAIRLE BHUIRG LÉIM AN MHADAIDH

24 AUGUST 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: Councillor Coyle

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

In Attendance: Committee Clerk, Director of Environmental Services and the Acting Director of Support Services.

APOLOGIES:

Acting Town Clerk & Chief Executive.

MINUTES:

The minutes of meeting held on 22 June 2005 were approved and signed on the proposal of Councillor Butcher, seconded by Councillor Cubitt.

MATTERS ARISING:

Signage at Limavady Rugby & Cricket Club: The Director of Environmental Services explained that Dean Blackwood, Planning Service had responded to Council's concerns regarding the removal of advertising signs from Limavady Rugby & Cricket Club. He said that Planning Service had pointed out that Limavady was one of the worst affected areas for obtrusive signs and that enforcement proceedings would be taken against those who refused to co-operate on removing the visual clutter and unsightly structures, which damaged the visual amenity of the countryside.

The Director of Environmental Services said that the Planning Service appreciated the co-operation of the club and Bob Mullan Motors on removal of the sign and in this instance no further action would be taken. Noted.

School Bus Safety: The Director of Environmental Services reminded member that the issue of seatbelts being fitted in school buses had been raised at the May 2005 Monthly Meeting of Council. He said that Minister Rooker had clarified in letter dated 24 June 2005 that the issue was currently being considered by the DOE in its ongoing assessment of the following four key recommendations of the inquiry into 'Home-to-School Transport', conducted by the NI Assembly's Environment Committee:

- | | |
|----------------------------------|-------------------------------------|
| 1. fitting of seatbelts | 3. abolition of the 3 for 2 seating |
| 2. introduction of 'no standing' | 4. improved signage and lighting. |

Members noted that the findings of work being carried out would be published for consultation later in 2005.

LICENCES:

None

WESTERN HEALTH & SOCIAL SERVICES BOARD:

Minutes: Minutes of meeting held 26 May 2005 were tabled and noted.

REPORT FROM WESTERN GROUP ENVIRONMENTAL HEALTH COMMITTEE:

Minutes: Minutes of meetings held 23 June 2005 were tabled and noted.

FOYLE HEALTH & SOCIAL SERVICES TRUST:

Minutes: Minutes of meeting held 24 June 2005 were tabled and noted.

NOTICE OF MOTIONS SUBMITTED BY COUNCILLOR BUTCHER:

Councillor Butcher proposed:

“That this Council adopts a formal “whistleblowers” policy and incorporates it into the contracts of employment of every employee full-time, part-time and temporary.”

In proposing the motion Councillor Butcher said he had recently attended a CIPFA conference in which the theme had been ‘Whistleblowing’ and this brought together a range of speakers who provided information, practical advice and guidance on a range of governance and fraud related issues. He said that guest speaker Marta Andreason, who had been suspended from the European Commission because she dared to express concerns to the European Court of Auditors and the European Parliament, gave personal experience on why she blew the whistle and the impact this had.

In calling for the adoption of the motion, Councillor Butcher said to implement a whistleblowing policy at induction could deter malpractice, ensure good practice was taken seriously and give staff the opportunity to raise concerns outside their line management. The motion was seconded by Councillor Brolly.

Councillor Cubitt proposed an amendment that the subject of the motion be referred to the Human Resource Department, who were currently updating a number of Council’s policies and that they consult with unions and employees on the policy before bringing back a report to Council on the result of consultations. Alderman Robinson seconded the amendment and requested a recorded vote.

The amendment was put to the meeting and declared carried with 7, Aldermen J Rankin, G Mullan, G Robinson, Councillors E Stevenson, L Cubitt, A Robinson and M Carten voting for, with Councillors P Butcher, A Brolly, B Chivers, C Ó hOisín, M Donaghy, J F McElhinney and M Coyle neither voting against or abstaining.

The substantive motion was put to the meeting and declared carried, with 7 voting for, 5 against and 1 abstention.

NOTICE OF MOTION SUBMITTED BY COUNCILLOR Ó hOISÍN:

Councillor Ó hOisín proposed:

“That this Council summon a special meeting to review each department’s progress in line with targets set in the Corporate Plan.” In support of the motion Councillor Ó hOisín said that there was no point in Council mulling along until the outcome of Review of Public Administration and that a special meeting would be valuable in providing guidelines on which direction Council was heading over the next few years. Councillor Carten seconded the motion.

Councillor Cubitt highlighted that Council were having an undue number of special meetings and suggested an officer provide a quarterly report on departmental progress as set out within Council’s Corporate Plan.

Councillor Butcher pointed out that Council was half way through the Corporate Plan and that changes over the last few months had seen a new Council being elected, implementation of new Senior Management Team structure and the next 6 weeks would be an opportune time to have a special meeting before the newly appointed Town Clerk & Chief Executive commenced employment with Council.

Councillor Brolly agreed and said she had only got to know the people who worked for Council when she became Mayor and suggested elected members should visit each department, as this would give an insight into the work that was being carried out.

In the discussion that followed, Councillor Cubitt proposed an amendment that members be updated on each department’s progress as set out within the Corporate Plan at the next full Council meeting and on a quarterly basis henceforth. This was seconded by Alderman Robinson.

The amendment on being put to the meeting was declared carried, with 12 voting for and 2 abstentions. The substantive motion was carried with 12 voting for and 2 abstentions.

NOTICE OF MOTION SUBMITTED BY COUNCILLOR CUBITT:

Councillor Cubitt withdrew his notice of motion that “In view of the spiralling costs related to the Town Hall project and the uncertainty of obtaining lottery grants combined with the dispute over the right of way planning permission for demolition and building of the four houses and numerous other problems related to asbestos, I propose that due to the massive increase in costs from £1.25 million to a capital cost now exceeding £4 million and the running costs of approximately £200,000 per annum that in the interests of the rate payer we reassess the entire project.”

NOTICE OF MOTION SUBMITTED BY COUNCILLOR BROLLY:

Councillor Brolly proposed that:

“This Council views with alarm legal advice indicating that in the absence of specific statutory provision, it has no power to set up and/or participate in a limited company. The fact that there is no adequate legal cover for councillors to discharge their democratic duties by providing elected representation on outside

bodies is a scandal. We call on the Minister responsible to take immediate steps to rectify this legislative gap which is nothing less than an attack on the fundamentals of democracy. This will require the swift drafting and implementation of adequate statutory provision. In the first instance, we call on the government departments responsible to be instructed to issue councils with letters to cover forthwith to enable them to appoint representatives to outside bodies.”

In support of the motion, Councillor Brolly proposed that Council write to the Minister, Jeff Rooker and state that immediate steps be taken to bridge the legislative gap on Councillors participating in limited companies. She said it was an attack on democracy and swift ratification of legislation was needed and that the Government should issue Councillors with a letter of cover, which would let them have representation on outside bodies. Councillor Butcher seconded the proposal.

The Director of Environmental Services provided an overview of advice from the Local Government Auditor (LGA) and members noted that whilst many Councils had taken legal advice on participating in a limited company, the views expressed by Mr Child to LGA makes clear that a court would consider the payment of associated attendance allowances and expenses to members to be ultra vires. Members also noted that NILGA had recognised that legislation would take from eighteen months to two years to be passed and were pressing for an appropriate interim solution.

Alderman Robinson proposed an amendment, which was seconded by Alderman Rankin that it would be wise to leave the matter in the hands of NILGA and that NILGA be made aware of members concerns.

The amendment was put to the meeting and declared lost, with 5 voting in favour and 9 against. Councillor Brolly’s motion was put to the meeting and declared carried, with 9 voting for, 1 against and 1 abstention.

RESOLUTIONS:

It was agreed that the following resolutions be noted:

Ards Borough Council:

“That this Council resolve to write to the Secretary of State and the Ministers for the Environment and Regional Development requesting that –

- a. In the interests of child safety, legislation be changed to require all school buses to be fitted with seat belts, that a timetable be put in place for legislative changes and that financial assistance be provided by the Government to enable changes to be implemented without affecting Education Board budgets.
- b. The Northern Ireland Assembly’s 2001 Report entitled “Inquiry Into Transport Used for Children travelling To and From School” be re-examined and used as a template for enhancing bus safety for school children.”

Derry City Council:

“That this Council supports the Make Poverty History Campaign’s objectives regarding trade, debt and aid.

Trade:

This Council:

- (a) supports the campaign to ensure that governments, particularly in poor countries, can choose the best solutions to end poverty and protect the environment;
- (b) supports an end to export subsidies that damage the livelihoods of poor rural communities around the world;
- (c) believes that laws should be made that stop big businesses profiting at the expense of people and the environment.

Debt:

This Council believes that the unpayable debts of the world’s poorest countries should be cancelled in full, by fair and transparent means.

Aid:

This Council believes that donors must now deliver at least \$50 billion more in aid and set a binding timetable for spending 0.7% of national income on aid. Aid must also be made to work more effectively for poor people.”

APPOINTMENT TO THE DRAINAGE COUNCIL FOR NORTHERN IRELAND:

Councillor Carten was nominated as a member of the Drainage Council for Northern Ireland on the proposal of Alderman Mullan, seconded by Councillor McElhinney.

COURSES/CONFERENCES:

ISRM Conference: It was agreed on the proposal of Alderman Robinson, seconded by Councillor Carten that 1 officer would attend the ISRM conference to be held in Newcastle on 7 – 10 September 2005 at a cost of £380.

National Association of Councillors: It was agreed on the proposal of Alderman Mullan, seconded by Councillor Carten that Councillor Coyle would attend National Association of Councillors AGM & Conference to be held in Burrendale Hotel, Newcastle on 9 and 10 September 2005 at a cost of £120. It was also agreed on the proposal of Councillor Robinson, seconded by Councillor Cubitt that Alderman Robinson would attend.

National Association of Councillors National Women’s Conference: It was agreed on the proposal of Councillor Brolly, seconded by Councillor Butcher that Councillor Chivers would attend the above women’s conference to be held in Holiday Inn, Belfast on 9 – 11 September 2005 at a cost of £295 + VAT.

CIPFA – Transforming Public Services, Accountability and Affordability: It was agreed that Councillor Butcher and 1 officer would attend the CIPFA conference to be held in Slieve Donard Hotel, Newcastle on 29 – 30 September 2005 at a cost of £450 + VAT.

Association of Education & Library Boards – Annual Conference: It was agreed on the proposal of Alderman Rankin, seconded by Councillor Robinson that Alderman Robinson would attend the Association of Education & Library Boards Annual Conference to be held in Radisson Roe Park Hotel on 5 & 6 October 2004.

Conference on Planning: It was agreed that Councillor Carten and Councillor McElhinney would attend the Rural v Urban Planning Conference to be held in Bayview Hotel, Killybegs on 6 & 7 October 2005 with the fee being €275.

Confederation of European Councillors – CEC Overseas Conference and AGM: It was agreed that Councillor Chivers, Councillor Brolly and Councillor Coyle would attend the Confederation of European Councillors Overseas Conference and AGM to be held in Park Inn, Berlin, Germany on 12 – 14 October 2005 at a cost of £255 per person.

National Association of Councillors – AGM and Conference: It was agreed on the proposal of Councillor Brolly, seconded by Councillor Carten that Alderman Robinson would attend the above named conference to be held in Crown Hotel, Scarborough between 28 – 30 October 2005 at a cost of £295 + VAT. It was agreed on the proposal of Alderman Mullan, seconded by Councillor Brolly that Councillor Coyle would also attend.

Society of Personnel Directors Scotland: It was agreed on the proposal of Alderman Rankin, seconded by Councillor Brolly that 1 officer would attend the Society of Personnel Directors Annual Conference to be held at Old Course Hotel, St Andrews, Scotland on 2 – 4 November 2005 at a cost of £350.

SOLACE – Leadership for a new era in Local Government: It was agreed that the Town Clerk, Director of Environmental Services, Director of Development and Director of Support Services would attend the SOLACE conference on Leadership for a new era in Local Government to be held in Slieve Donard Hotel, Newcastle on 3 & 4 November 2005 at a cost of £293.75 per person.

Investing for Health: It was agreed on the proposal of Councillor Brolly, seconded by Councillor Chivers that 1 officer attend the Investing for Health Conference to be held in Radisson Roe Park Hotel on 17 November 2005.

Councillor Stevenson voiced concern at the amount of conferences members were attending and said this was over and above what he considered acceptable. He said attendance at these would not benefit the ratepayer or the Borough and requested a breakdown of costs. Councillors Coyle and Brolly refuted Councillor Stevenson's claim that members were 'dishing out sweets to themselves' and said the information Councillor Stevenson requested had been available to the general public for a number of years.

SEAL LEGAL DOCUMENTS:

None

ANY OTHER BUSINESS:

Banking Arrangements: A resolution dated 30 June 2005 for extension of Councils' banking arrangements was approved on the proposal of Alderman Mullan, seconded by Councillor Brolly.

Vandalism at Blackburn Park: The Director of Environmental Services clarified to Councillor Cubitt that play equipment had been damaged, seats unscrewed and bins burned at the newly opened Blackburn Park. He said that whilst Council was in the process of obtaining costings for repair, members should do everything in their power to ensure the vandalism was stopped.

Security – Council Depot: Alderman Robinson referred to the recent fires at Derry City Council and Ballymena and said Council needed to be proactive on security of Councils depot. The Director of Environmental Services said that there was a high fence around the depot, this may not stop someone who was determined enough to break in.

Review of Standing Orders: Councillor Stevenson requested a review of Standing Orders due to areas of ambiguity which needed clarifying regarding notice of motions being brought to a full Council meeting. Councillor Coyle said although it would be preferable to have notice of motions at the monthly meeting of Council, as all 15 members sat on each of the standing committees motions could be brought to any of the 5 meetings. It was agreed that the Acting Town Clerk & Chief Executive would try and resolve any ambiguity within the Standing Orders.

Damage to 360 litre bin: At the request of Councillor McElhinney, the Director of Environmental Services agreed to investigate damage caused to a 360 litre bin by a Council lorry.

Floral Displays: Alderman Rankin said although members of the public had congratulated Council on the floral displays in the Town, bindweed and long grass were the main feature at the two roundabouts on the by-pass. The Director of Environmental Services agreed to write to Road Service regarding clearing of the weeds.

Street Cleaning Vehicles: Alderman Mullan requested a report on the breakdown and state of Council's street cleaning equipment. Agreed.

Council Website: Councillor Ó hOisín referred to Council's website and said tenders for the new web page should be expedited.

Limavady Wolfhounds: It was agreed that the Mayor would pass on congratulations to Limavady Wolfhounds on the recent opening of their new facility.

Counties Antrim & Derry Country Fiddlers Association: The Mayor – Councillor Coyle informed members that a letter of thanks had been received from Counties Antrim & Derry Country Fiddlers Association for given the Association the performing opportunity during the Danny Boy Festival. He said that the hospitality on offer had been appreciated and everyone had been pleased with the warm and friendly atmosphere of the whole event.

Tragic Death of Patrick Guyler: It was agreed that a letter of condolence be forwarded to the family of Patrick Guyler who had died tragically the previous week.

Civic Reception – Line-dancers: It was agreed on the proposal of Councillor Donaghy, seconded by Councillor Butcher to host a civic reception for the Kansas Kids Line-dancing Troup, who had achieved eleven 1st places in the All Ireland Line-dancing Competition.

FORMAL CORRESPONDENCE:

- Rural Issues, Rural Solutions – Places for People – Annual Report 2004/2005
- Corporate Plan 2005/2008 – Executive Summary Invest Northern Ireland
- DRD – Water Service – Drinking Water Quality Report 2004
- Co-Ownership Housing – Annual Report & Accounts 2004/2005
- Rent Officer Service (N.I.) – Annual Report 2004/2005
- Criminal Justice Inspection Northern Ireland – Improving the Provision of Care for Victims and Witnesses within the Criminal Justice System in Northern Ireland July 2005
- EU Programme for Peace and Reconciliation – Farm Families Working for a Better Future with Peace 11 – Progress Report June 2005
- The Youth Justice Agency – Children Avoiding Crime – Annual Report and Accounts 2004/2005
- Department of Agriculture and Rural Development – Rural Proofing of Policies Across the Northern Ireland Civil Service – Annual Report 2004/2005
- Translink – Better Services for More People – Annual Review & Corporate Plan 2005/06 07/07
- SOLACE – Annual Report 2005/2005
- YCNI – Strategic Plan 2004/2007
- Criminal Justice System Northern Ireland - Annual Report 2004/2005
- Law Reform Advisory Committee – Fifteenth Annual Report 2004
- Commissioner for Public Appointments for Northern Ireland 2004/2005
- Local Government Staff Commission for Northern Ireland – Annual report 2004/2005
- Statistics Commission – Annual Report 2004/2005
- Justice Oversight Commissioner – Fourth Report of the Justice Oversight Commissioner June 2005
- Advisory Council on Infrastructure Investment 2004/2005
- Strategic Investment Board – Annual Review and Accounts 2004/05
- Arts Council of Northern Ireland – Annual Report 2003/04
- RSPB – The European Birds Directive
- The Electoral Office for Northern Ireland – Corporate Plan 2005/08 – Annual Business Plan 2005/06

NEXT MEETING:

28 September 2005

THIS CONCLUDED THE BUSINESS
(The meeting ended at 9.30 pm)