

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

**25 AUGUST 2004**

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

**PRESENT:**

**In the Chair:** Councillor Rankin.

**Other Members:** Aldermen J Dolan, Alderman Carten and G Robinson. Councillors, A. Brolly, B. Brown, M Coyle, L Cubitt, B Douglas, D Lowry, G Mullan and E Stevenson.

**In Attendance:** Committee Clerk, Chief Recreation/Tourist Officer, Chief Technical Services Officer, Chief Environmental Health Officer, Finance Officer and the Town Clerk.

**APOLOGIES:**

Councillor Donaghy, Councillor McGuigan and Chief Finance & Administration Officer.

**CONDOLENCES:**

The Chair referred to the recent death of former Councillor Max Gault and said that Max had served the Council with distinction and was well respected in the Borough. He said that Max had an excellent knowledge of the history of the area and was blessed with a wonderful memory, but unfortunately ill health over the last 4 years had led him to be cared for in the North West Independent Clinic. He added that Max would be missed by his political party and that his thoughts was with his wife and family.

Members from all the political parties within Council offered their condolences to the wife and family of Mr Gault and all stood for a minute silence as a mark of respect.

**MINUTES:**

The minutes of previous meeting dated 23 June 2004 were approved and signed on the proposal of Alderman Dolan, seconded by Councillor Cubitt.

**MATTERS ARISING:**

**Sara Lee Factory:** The Town Clerk informed members that he had written to the Area Plan Team requesting that the Sara Lee Factory site be zoned for industrial use.

**Restricted Car Parking – Catherine Street and Main Street Limavady:** The Town Clerk reported that Mr John Young, Traffic Engineer, Roads Service had confirmed that Roads Service had acquired the signs for restricted car parking and these would be erected in Catherine Street and Main Street within the next few weeks.

**CHANGE MANAGEMENT SUB COMMITTEE:**

The minutes of Change Management Sub Committee meeting dated 28 June 2004 were approved on the proposal of Councillor Brown, seconded by Alderman Dolan.

It was agreed that for ease of reference the recommendations made by the Change Management Sub Committee would be highlighted. It was also agreed on the proposal of Councillor Coyle, seconded by Councillor Lowry that the replacement for former Councillor F Brolly on the Sub Committee would be from a member of his political party.

The Town Clerk informed members that Ms Linda Leaky and Mr Adrian Kerr, Local Government Staff Commission for Northern Ireland, would attend the next Change Management Sub-Committee meeting to discuss the proposed restructuring of Council.

**CHIEF ENVIRONMENTAL HEALTH OFFICER'S REPORT – AUGUST:**

The Chief Environmental Health Officer presented his report and enlarged thereon. The report was adopted, on the proposal of Councillor Lowry, seconded by Alderman Dolan, subject to the following:

Food Safety (NI) Order 1991 – Appointment of Public Analyst: The Chief Recreation & Tourist Officer explained that Article 27 of the Food safety Order 1991 required every Council to appoint one or more persons to act as 'Public Analysts' for the purposes of the analysis of food samples procured in accordance with the Order. He said that following discussions between Ruddock & Sherratt and Eurofins Scientific Ltd, it had been agreed that the latter company would provide public analyst services to local authorities in Northern Ireland until March 2005. It was further intended that the Northern Ireland Chief Environmental Health Officers Group (CEHOG) would co-ordinate a tendering process on behalf of all local authorities in Northern Ireland to engage public analyst services to Northern Ireland Council's and that this service would commence in April 2005 for a five year period.

It was agreed that in accordance with Article 27 of the Food Safety Order 1991, that the following persons act as 'Public Analysts' to Council within Eurofins Scientific Ltd. (1) Ron Ennion (2) Gary Burton (3) Jeremy Wotten and (4) Duncan Arthur.

**Bye-Laws Prohibiting the Consumption of Intoxicating Liquor in Designated Places (Ref: LR470/471/447/449/450):** The Chief Environmental Health Officer reported that the PSNI had provided information to Council on six incidents of 'drinking alcohol in a designated place contrary to Council's bye-laws' and that in each case a 'No Drinking' sign was visible from where the incidents were observed. Members agreed that details of the persons identified be referred to Council's Solicitor with a view to legal proceedings being taken for contravention of Council's bye-law.

**Review of Bye-Laws Prohibiting the Consumption of Intoxicating Liquor in Designated Places:** The Chief Environmental Health Officer reported that following feedback from a consultation paper by the DSD on bye-laws prohibiting

the consumption of intoxicating liquor in designated places, Minister Spellar had agreed a range of measures to replace the existing bye-laws by primary legislation based on the relevant provisions of the Criminal Justice and Police Act 2001, which applies in England and Wales.

The Chief Environmental Health Officer said that the new law would provide district Councils with more explicit powers in relation to enforcement of the legislation and that in Northern Ireland the new measures would apply only to persons 18 and over. He added that it would be an offence for a person to refuse to comply with a request from a constable or a person authorised by Council not to consume in a designated place or to surrender anything believed to be alcohol and that a fixed penalty would be issued. He further added that it was intended that those authorised by district Councils would have the protection of section 66 of the Police (NI) Act 1998 for the purposes of enforcing the law.

It was noted by members that district Council's would have three years to transfer to the new designation and enforcement procedures before any remaining bye-laws would lapse.

In commenting on the legislation, the Chief Environmental Health Officer pointed out that the wording 'refuse to comply with a request' suggested that the consumption of alcohol in a designated place would not be an immediate offence but only after failing to comply with such a request from a police officer or officer of Council and that in his view this was unnecessary and should be an absolute and immediate offence. The Chief Environmental Health Officer also commented that civilian officers of Council may not be appropriately trained and equipped or have sufficient backup and support to approach persons drinking in the street, thus this could leave them open to physical abuse or violence and putting at risk their health & safety.

Councillor A Brolly pointed out that the legislation would protect Council civilian officers if they were assaulted but there was no protection to prevent such assaults happening.

Councillor Lowry suggested that a balance was needed in enforcing the legislation, especially during festivals when people did spill onto the streets from local pubs.

Councillor Stevenson said he had concerns with the legislation and suggested that Council was going too far down the road of prohibition. He further suggested that the presence of additional police officers on the streets would be more effective than putting up no drinking signs.

After further discussion, it was agreed that the Chief Environmental Health Officer would respond accordingly to the proposed changes to the legislation regulating drinking in public places.

**Complaint - Food Safety:** Councillor Lowry referred to a local newspaper report that the head of a chicken was found in box of chicken wings. The Chief Environmental Health Officer confirmed that Council had received a complaint and that a report would be brought to Council after an investigation had taken place.

**CHIEF TECHNICAL SERVICES OFFICER'S REPORT – AUGUST:**

The Chief Technical Services Officer presented his report and enlarged thereon. The report was adopted, on the proposal of Alderman Dolan, seconded by Councillor Lowry subject to the following:

**NI Strategic Governmental Waste Management Partnership:** The Chief Technical Service Officer reported that a workshop to develop a considered view on the environmental options available for progressing waste management in Northern Ireland would take place on 7 October 2004 at a venue to be confirmed. It was agreed that Alderman Robinson, Alderman Carten, Councillor Coyle, Councillor Cubitt, Councillor Rankin and the Town Clerk would attend the workshop.

**Drumaduff Landfill Site:** The Chief Technical Service Officer reported that it was unlikely that negotiations on the purchase of land at Drumaduff would be achieved by the deadline of 31 August 2004 and recommended that Council make application to the Department for the compulsory purchase of the lands. It was purposed by Alderman Dolan, seconded by Councillor Brolly that the necessary documentation be signed and sealed strictly on the basis that it should only be used subsequent to the 31 August 2004 deadline or in the absence of agreement to purchase the land.

**Trade Refuge:** The Chief Technical Service Officer recommended that trade refuse charges be increased by approximately 25% and that charges would apply to both commercial waste collected and disposed by Council and to commercial waste deposited at Council Civic Amenity Sites. He said that charge increases reflects increased landfill tax together with increased transfer and disposal costs since the closure of Drumaduff Landfill site and that they were in line with charges in other Council areas.

Councillor Lowry suggested that the views of the traders should be sought and brought back to the next Council meeting. Alderman Robinson seconded this proposal and said that it was essential Council consult with town traders.

The Town Clerk suggested that the issue be brought up by the town Councillors when they met on 6 September 2004 at the Roe Valley Chamber of Trade & Commerce Meeting. Agreed.

**Bulky Collection Services:** The Chief Technical Service Officer submitted recommendations regarding proposed changes and introduction of charges to Council's bulky collection services. He recommended that from 1 November 2004 no more than 6 (pre identified) items should be collected in any one call and that an advance payment of £10 would be introduced for each collection. He also listed items that should not be included in the bulky collection service and said that these items might be taken to one of Civic Amenity Sites for recycling purposes.

The Chief Technical Service Officer responding to Councillor Coyle stated that there had not been a significant increase in the amount of illegal dumped since the spring clean service had been stopped and that people had behaved responsibly by keeping items for the bulky collection service.

After further discussion, Councillor Cubitt proposed, seconded by Alderman Robinson that Council:

- ◆ reintroduce a once a year spring clean collection
- ◆ implement the £10 charge
- ◆ limit the number of items per call to 10
- ◆ exclude from the bulky collection the items listed within the Chief Technical Service Officer report and
- ◆ review the collection service in one year's time.

On being put to the meeting, the proposal was declared carried, 6 voting for, 0 against and 4 abstentions.

**Dungiven Civic Amenity Site:** The Chief Technical Service Officer reported that the procurement of a site in Dungiven would commence on the appointment of the valuer. In this respect members noted tender documents had been issued to private Chartered Surveying practices to provide Council with land and property valuation, disposal and procurement services similar to those formerly provided by the District Valuer.

It was agreed on the proposal of Councillor Cubitt, seconded by Councillor Douglas that O'Connor Kennedy Turtle be accepted as the preferred tenderer (three year period) and subject to the satisfactory negotiations of hourly rates, valuation, inspection and report categories.

**Re-location of Ballyquin Depot/Civic Amenity Site:** The Chief Technical Service Officer explained that members who visited the Magherafelt Recycling Centre had agreed there was a need for such a facility in Limavady and that further to this, the following options were available:

1. **do nothing**
2. **re-develop the existing Ballyquin site or**
3. **re-locate to an edge of town location**

The Chief Technical Service Officer said that in considering the options, option 3 was recommended for the relocation of the depot, civic amenity site, transfer station and nursery to an edge of town location and to authorise officers to assess the sites offered and commence purchase negotiations on those found to be suitable.

Councillor Cubitt stated that there was ample room at the Ballyquin Road site and that it would be short sighted if Council agreed relocate out of town. He also suggested that Councillors should go and visit both the Ballyquin site and to the proposed sites in Aghanloo. Councillor Douglas seconded this.

Councillor Coyle said he had been impressed by the facility at Magherafelt but pointed out that if similar facilities were placed at the Ballyquin Road, it would only be a matter of time before the site was obsolete due to lack of space.

Councillor Stevenson referred to the amount of vandalism that took place at the Ballyquin site and said that he would need convincing that Ballyquin Road was best place for a facility similar to that in Magherafelt.

Councillor Mullan suggested that the professional advice given by the Chief Technical Service Officer should be taken on board when coming to a decision on relocation.

The Town Clerk pointed out that the site at Ballyquin Road was inadequate for the proposed new facility and that if this site was sold, Council would have the necessary additional finances to build a better and bigger facility at the edge of town.

The Chief Technical Service Officer highlighted that Council had received 5 expressions of interest to provide a site but that there was no preferred choice as yet. Councillor Cubitt proposed that the Chief Technical Service Officer select 2 of the sites for members to visit. This was seconded by Alderman Robinson. On being put to the meeting the proposal was declared lost, 2 voting for, 6 against and 3 abstentions.

It was proposed by Councillor Lowry, seconded by Councillor A Brolly that members accept option 3 as recommended within the Chief Technical Services Officer report. The proposal was declared carried, with 7 voting for, 3 against and 1 abstention.

**CCTV:** The Chief Technical Service Officer reported that Minister Spellar had announced that £2 million would be made available over the next two years to develop CCTV across Northern Ireland to enhance current town centre systems and to put CCTV into towns or city centres where no system existed. He added that 100% of the capital purchase and installation costs would be applied for and that the closing date for expressions of interest was 24 September 2004.

Councillor Lowry highlighted that 50% of crimes in Limavady took place in the Glen Estate or Anderson Park and said that a debate was needed on why CCTV was needed in the town centre or if it would reduce crime and that installing CCTV would not solve the problem of drug dealing in the town.

After further discussion, it was proposed by Councillor Cubitt, seconded by Alderman Robinson that Council should consult with interested parties to determine the need for such a system and the viability of establishing the necessary partnership to apply for funding and to operate the system.

### **Multi-Function Cultural Resource Centre:**

#### *(a) Demolition Contract*

The Chief Technical Service Officer submitted a report from Consarc on the various firms which had submitted an interest in being included on the select list for the demolition of the Town Hall.

It was agreed that the underlisted be included on the select list and that further inquiries be made to establish whether or not Bridgeline Demolition Limited possessed the necessary Safe T Cert:-

- |    |                               |    |                          |
|----|-------------------------------|----|--------------------------|
| 1. | R L Rosbotham                 | 5. | Scott Bros. Contracts    |
| 1. | F McParland & Co. Ltd         | 6. | Demolition Services Ltd. |
| 2. | T D McKane & Son              | 7. | McCormack Demolition     |
| 3. | Henry Bros. (Magherafelt) Ltd |    |                          |

*(b) The Archaeological Works*

The Chief Technical Service Officer tabled a report on the companies which met the criteria for the archaeological works at the Town Hall site. He explained that first stage of this work was to carry out a desk top study to ascertain the historical and archaeological significance of the site. The second stage would be the formation of trial pits and trenches to ascertain if there were any archaeological remains on site and that this would cost in the region of £15,000 upwards. It was agreed to appoint Gaham and Long Ltd for stage 1 and 2 of the archaeological investigations.

It was further agreed to hold a public meeting where Council's Consultants would make a presentation showing the proposed development of the site.

**Replacement Learner Pool Pump:** The Chief Technical Service Officer reported that a replacement pump for the learner pool had been ordered on the advice of Cogan & Shackleton. The retrospect approval for the replacement pump costing £3,197 + VAT was agreed.

**Street Columns & Banners (Town Centre Management Project):** The Chief Recreation & Tourist Officer explained that Council had obtained £92,000 Grant Aid through the Peace II Measure 2.11 Town Centre Reinvigoration Programme for the provision of street columns and banners and that Council's contribution to this project was to have been by way of labour in the erection of the columns at an estimated cost of £21,000. He added that due to other commitments, it was now not possible for Council's workforce to undertake this work in the timeframe needed to meet the requirements of the offer of grant aid and accordingly tenders had been requested from a select list of contractors. Members agreed to accept the lowest tender from Gelvin Construction to the sum of £21,388 + VAT.

**Loan Sanction Approval:** It was agreed, on the proposal of Alderman Dolan, seconded by Councillor Lowry to authorise officers to seek loan sanction approval for the following capital works:

- (a) changing facilities, Curragh Road - £31,104 + VAT
- (b) RVLC – supply/extract ventilators £23,013 + VAT
- (c) RVLC – main plant room £46,467 + VAT
- (d) Street columns and banners £21,388 + VAT

**LEISURE SERVICES:**

**World Ploughing / Motorcross Event:** The Chief Recreation & Tourist Officer reminded members that two world class events were to take place in the Borough over the following two weeks which would bring economic benefits to the Borough.

**Benone Beach – Toilet Facilities:** At the request of Councillor Douglas, the Chief Recreation & Tourist Officer agreed to investigate the extending of the opening hours of the toilet facilities at Benone beach.

**LICENCES:**

**The Betting, Gaming, Lotteries & Amusements (NI) Order 1985 – Application for Retention of Registration of the Society:** It was agreed, on the proposal of Alderman Robinson, seconded by Councillor Cubitt, to approve the retention of Registration under Acticle 136 of Betting, Gaming, Lotteries & Amusements (NI) Order 1985 in respect of Limavady Rangers Supporters Club.

**Entertainment – Applications for The Grant of an Entertainment Licence:** It was agreed, on the proposal of Alderman Robinson, seconded by Alderman Dolan, to approve entertainment licences for Joe’s Bar, 94 Main Street Dungiven and the United Services Club, 6a Roemill Road, Limavady subject to the implementation of any safety works as recommended by the Fire Brigade.

It was also agreed on the proposal of Councillor Lowry, seconded by Councillor Cubitt to grant an entertainment licence for the Motorcross World Championships to be held 8 – 11 September 2004. In so doing members noted that because of the restricted timescale the requirement of public notice could not be adhered to but that all safety inspections would be carried out.

**NOTICE OF MOTION:**

Councillor Brown proposed:

“That organisations, groups or individuals that wish to address Council should do so at a suitable time before the start of any meeting of Council.”

Councillor Brown explained that he had brought the motion before Council due to the excessive length of time taken to hear presentations and said that whilst those presenting were given a time limit of 15 minutes, often presentations went on for over an hour. He added that frequently the topic being presented was of little interest to him and suggested that only those Councillors with an interest in the groups attend the presentations before Council meetings commence. Councillor Cubitt seconded this proposal. Councillor Stevenson voiced his approval to the motion and said presentations were often frivolous.

Alderman Carten said that whilst he agreed with Councillor Brown, Council needed to be careful and make sure some Councillors attend the presentations and get the balance right. Councillor Douglas said he agreed with Councillor Brown but had concern that if the motion was carried and only a few Councillors attended these presentations, Council would be made a laughing stock.

Councillor Coyle disagreed with the motion and said that the chair of the meeting was responsible for ensuring presentations were heard within the time stipulated and that it was unnecessary for Councillors to individually thank those presenting. He further recommended 10 minutes for presenting and 5 for question and answer session.

The Town Clerk stated the various organisations, groups and individuals who made the presentations to Council wanted to do so to all members and this would be difficult if it was agreed to hear presentations before meetings commenced. He said that under the proposed arrangement those members who met with deputations would have no authority to take action on any requests. He also advised that Council needed to be aware of what was happening within groups or

organisations in the borough if it were to be the strategic steerer for the area or if were to assume responsibility for the power of “well being”. He reminded members also that certain government departments and bodies had a statutory duty to consult with Council. In response Councillor Brown stated that he did not intend that his motion would include such departments or bodies as elected representatives.

Councillor Lowry indicated that he would not support the motion as it stood and requested a recorded vote. The motion being put to the meeting was declared carried with 6, Councillor Douglas, Councillor Cubitt, Alderman Carten, Councillor A Brolly, Councillor Brown and Councillor Rankin voting for and 4, Alderman Robinson, Councillor Mullan, Councillor Lowry and Councillor Coyle voting against. Councillor Stevenson and Alderman Dolan abstained from voting.

#### **IT EVALUATION REPORT:**

The Finance Officer tabled an evaluation report on the tender for replacement of PC’s and laptops. It was agreed on the proposal of Councillor Cubitt, seconded by Councillor Coyle to accept the tender submitted by Dell in the sum of £12,260 as the most cost effective.

#### **REPORT FROM BOARD OF HOUSING EXECUTIVE:**

**Minutes:** Minutes of meetings held 26 May and 30 June 2004 were tabled and noted.

#### **WESTERN HEALTH & SOCIAL SERVICES BOARD:**

**Minutes:** Minutes of meeting held Thursday 27 May 2004 were tabled and noted.

#### **WESTERN HEALTH & SOCIAL SERVICES COUNCIL:**

**Minutes:** Minutes of meeting held Thursday 27 May 2004 were tabled and noted.

#### **WESTERN GROUP ENVIRONMENTAL HEALTH COMMITTEE:**

**Minutes:** Minutes of meeting held Thursday 24 June 2004 were tabled and noted.

#### **FOYLE HEALTH & SOCIAL SERVICES TRUST:**

**Minutes:** Minutes of meeting held Friday 25 June 2004 tabled and noted.

#### **WESTERN EDUCATION & LIBRARY BOARD:**

**Minutes:** Minutes of the various meetings of the Board were tabled and noted.

#### **NILGA / DEPARTMENT OF ENVIRONMENT JOINT MEETING:**

**Minutes:** Minutes of meeting held Friday 25 June 2004 were tabled and noted.

#### **NILGA – FULL MEMBERS MEETING:**

**Briefing:** The summary of outcomes of meetings held July 2004 were tabled and noted.

## **NORTHERN IRELAND STRATEGIC GOVERNMENT WASTE PARTNERSHIP:**

**Minutes:** Minutes of meeting held 25 June 2004 were tabled and noted.

### **COURSES/CONFERENCES:**

**National Association of Councillors – Northern Ireland Region AGM:** It was agreed on the proposal of Councillor Cubitt, seconded by Alderman Dolan that Alderman Robinson attend the National Association of Councillors AGM to be held 24-25 September 2004 at Burrendale Hotel, Newcastle. It was proposed by Councillor Coyle, seconded by Councillor Lowry that Alderman Carten also attend the AGM.

**Confederation of European Councillors – Annual Conference 2004:** It was agreed on the proposal of Councillor Lowry, seconded by Alderman Carten that Councillor Coyle attend the Annual Conference of Confederation of European Councillors to be held 14 – 17 October 2004 in Caleta Hotel, Gibraltar.

**NILGA – response to Sustainable Development in the Countryside:** It was agreed that Councillor Cubitt, Alderman Dolan and one Officer from Council attend the conference to be held on 2 September 2004 at Craigavon Civic Centre.

### **SEAL LEGAL DOCUMENTS:**

**Roe Valley Community Property:** It was agreed that the Inter Lender Agreement in respect of Roe Valley Community Property be signed and sealed on the proposal of Councillor Coyle, seconded by Alderman Dolan.

### **ANY OTHER BUSINESS:**

**Way Leave – Drumavally Playing Fields:** It was agreed on the proposal of Alderman Dolan, seconded by Councillor Stevenson to agree a water ‘wayleave’ in respect of Council land at Drumavally to Mr Jason Smyth and Mr Terry McCracken.

### **FORMAL CORRESPONDENCE:**

- ◆ Council for Nature Conservation and the Countryside – Sixth Report 2000-2003
- ◆ Enterprise Northern Ireland Annual Report 2004
- ◆ Rivers Agency – Corporate Plan 2004 – 2009, Business Plan 2004-2005
- ◆ Valuation & Lands Agency – Annual Report & Accounts 2003-2004
- ◆ Department of Education – Review of Pre School Education in NI – June 2004
- ◆ The Law Reform Advisory Committee for Northern Ireland – Fourteenth Annual Report
- ◆ Statistics Commission – Annual Report 2003-2004
- ◆ Northern Ireland Housing Executive – Annual Review of Rural Housing Policy
- ◆ The Local Government Staff Commission – Annual Report 2003-2004
- ◆ Justice Oversight Commission – 2<sup>nd</sup> Report of the Justice Oversight Commissioner

- ◆ Strategic Investment Board – Annual Review and Summary Accounts 2003/04
- ◆ North/South Ministerial Council Joint Secretariat – Annual Report 2003
- ◆ Association of Public Service Excellence – Annual Report 2004
- ◆ Probation Board for Northern Ireland – Business Plan 2004/2005
- ◆ Western Area Children and Young People’s Committee – Review 2004

**NEXT MEETING:**

22 September 2004

**THIS CONCLUDED THE BUSINESS**

**(The meeting ended at 11.30 pm)**