

LIMAVADY BOROUGH COUNCIL
COMHAIRLE BHUIRG LÉIM AN MHADAIDH

26 MAY 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 A Brolly.

Other Members: Aldermen J Dolan and G Robinson. Councillors, F. Brolly, M Coyle, L Cubitt, M Donaghy, B Douglas, D Lowry, M McGuigan, G Mullan, J Rankin and E Stevenson.

In Attendance: Committee Clerk, Chief Recreation/Tourist Officer, Chief Technical Services Officer, Chief Environmental Health Officer, Senior Technical Officer, Corporate Strategy Officer and the Town Clerk.

APOLOGIES:

Alderman Carten, Councillor Brown and the Chief Finance and Administration Officer.

MINUTES:

The minutes of previous meeting dated 28 April 2004 were approved and signed on the proposal of Alderman Dolan, seconded by Councillor Coyle.

MATTERS ARISING:

Legal Advice on Removal of Union Flag: The Town Clerk tabled the legal opinion obtained from Council's solicitor on the removal of the Union flag on 17 March 2004.

Fair Employment Cases 0018/00FET, 0039/00FET, 177/01FET, 377/01FET, 37/02FET and 151/02FET: The Town Clerk reported that it was the unanimous decision of the Fair Employment Tribunal that the applicant's claims of discrimination and victimisation be dismissed, apart from claim 377/01FET, which had been proved on the balance of probability to be victimisation. Council noted that the tribunal had awarded the applicant £3,500 plus £365 interest for injuries to feelings.

DRUMADUFF LANDFILL SITE CLOSURE:

The Chair welcomed Mr Donal Doyle, Kirk McClure and Morton to the meeting. Mr Doyle who spoke on the phased closure of the former Drumaduff landfill site. Members noted:

- ◆ it was not viable to keep the site operational and that the site had closed in November 2003
- ◆ closing costs were estimated to be £1.5 million
- ◆ closing would be phased over a 3 year period

- ◆ Council was responsible for the long time after care of the site and that a major priority was the stability of the northern embankment and contouring of the site to an acceptable profile
- ◆ that it would be necessary to cap site and exclude egress of water to prevent leachate development
- ◆ that it would be necessary to manage both leachate and gas generated at the site
- ◆ that it would be necessary to monitor soil, surface and underground water for a considerable period of time.

CHIEF ENVIRONMENTAL HEALTH OFFICER'S REPORT – MAY:

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

Illegal Dumping - Dead Animals: Councillor Douglas queried who was responsible for disposing of dead animals, which had been dumped illegally on private property. The Chief Environmental Health Officer explained that if the landowner had taken adequate steps to prevent such dumping, they would not be held responsible and advised prosecution if the person dumping could be found.

Business Waste: Councillor Lowry reported that young people were lifting waste matter from business premises to light bomb fires and queried how the businesses could safeguard against this happening. The Chief Environmental Health Officer agreed to investigate and ensure proper precautions were in place at the business involved.

CHIEF TECHNICAL SERVICES OFFICER'S REPORT – MAY:

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

North West Region Waste Management Group: The Senior Technical Services Officer explained to members that Dr Alan Whitehead had predicted at a recent ICE waste management conference that the United Kingdom would not meet the requirements of the European Union's Landfill Directive and would be facing fines of up to £180 million a year.

The Senior Technical Services Officer highlighted that compliance costs for Northern Ireland would be 3 billion pounds over the next 20 years due to animal by-product regulations, waste from electrical and electronic equipment, hazardous household waste and the biowaste directive. He added that for the North West Group it was projected that WET Act fines would commence by 2007 and would reach £7.5 million by year 2009/10.

Members noted that waste management plans for 2004 included distributing 4,5000 brown compost bins, upgrading of 1 civic amenity site and construction of 1 new site and that the key issues for Council was to get composting firmly established in order to reduce fines and to educate the public on waste management.

Alderman Dolan highlighted that Magherafelt District Council had recently opened a recycling plant and suggested that Members visit this and evaluate how user friendly it was. The Chief Technical Services Officer suggested that the trip be organised in conjunction with the proposed visit to Flowerfield Arts Centre.

Councillor Lowry queried infraction proceedings and whether these would be at a national or regional basis. The Chief Technical Services Officer explained that the government would look at who failed to comply with regulations within the United Kingdom and that the area responsible would have infraction proceedings taken against them.

Councillor Coyle questioned if Council would consider expanding on the use of commercial waste companies. The Chief Technical Services Officer said that Council presently employed outside contractors such as Glasdon Waste and hoped to expand on these. He added that Council was now putting an emphasis on composting and that other waste management technologies such as blaste-balistation system was being investigated.

Complaints: The Chief Technical Services Officer informed members that a number of complaints had been received regarding damage caused by vandals to flower arrangements on a grave in the cemetery and recommended that the pedestrian gate be opened and closed with the vehicular access gates. Councillor Cubitt voiced his opposition to closing the gate and said that this would not be a deterrent, as vandals would find other ways of entering the cemetery. Alderman Robinson endorsed Councillor Cubitt's comments and suggested that streetlights or cameras be installed. In the interim it was agreed not to close the pedestrian gate when the main vehicular gates were closed in the evening and that the Police Service of Northern Ireland should be informed with the view to patrolling the area.

NOTICE OF MOTION:

Councillor A Brolly proposed that "Limavady Borough Council, having committed itself to promoting equality of opportunity through its Equality Scheme, supports Help the Aged's 'Scrap Age Discrimination for Equality' Campaign'. In addition, this Council calls on the Minister, John Spellar to include legislation in the forthcoming Single Equality Bill, that would make Age Discrimination illegal." Councillor Lowry seconded the proposal, which was carried unanimously.

EQIA - FLAG FLYING REPORT:

The Corporate Policy Officer informed members that Section 75 of the Northern Ireland Act 1998 required Council to have due regard to the need to promote equality of opportunity between members of different religions, political opinion, racial group, age, gender or disability. He also stated that Council's Equality Scheme required Council to carry out Equality Impact Assessments on all new policies and on a number of existing policies to ensure that none of the aforementioned statutory groups were adversely affected by same. He said that Council's flag flying policy had originally been identified in the Equality Scheme for an Equality Impact Assessment and this had commenced thereon in September 2003. He pointed out however, that this assessment had been suspended in November 2003 following the adoption of a no flags policy.

He explained that the Equality Steering Group had approved for release the draft EQIA on 16 February 2004 and that this had been sent out to over 130 community, voluntary and statutory bodies, with the public consultation phase being from 25 February until 21 April 2004. He added that 59 people had attended the public meetings, 363 written responses had been received and that the responses tended to justify assumptions made in draft EQIA in relation to assessment of impacts. He added that no respondent had suggested a flag-flying policy, which had not been included for consideration in the draft EQIA or suggested measures to mitigate adverse impact of policy suggested.

The Corporate Policy Officer said that Council's current policy of flying the Union flag on designated days or the proposed no flags policy were both within the range of acceptable practices. He stated that it was now for Council to decide upon its flag flying policy and that any decision must be published in line with Council's Equality Scheme, which must be monitored for any future adverse impact.

Councillor Lowry stated that whilst the debate was divisive, he had no alternative but to propose that Council accept the Equality Impact Assessment and in so doing endorse the no flag policy. Councillor Coyle seconded the proposal and said no matter what flag was flown, people would still not be happy and for this reason the SDLP had agreed a compromise that no flags should be flown.

Alderman Robinson disagreed and suggested that the Union flag remain flying in keeping with government policy. Councillor Cubitt commented that the equality assessment had been pointless and undertaking as part of a republican agenda, with the views of the majority of those people attending the meetings not being taken into account. Councillor Douglas suggested that many people had been unaware that public meetings were to take place and that some responses were not included in the report. Councillor Stevenson indicated that the EQIA was nothing more than a publicity exercise and a waste of time.

In response, Councillor F Brolly pointed out that people would say that the Union Jack was the flag of the Country, which was not being disputed but the majority of people did not want the Union Flag flown outside Council offices.

After further debate, Councillor Lowry proposed that Council re-affirm the decision of 19 November 2003 and adopt a no flags policy. This being put to the meeting was declared carried, with (7) Councillors Mullan, Lowry, Coyle, Donaghy, F Brolly, McGuigan and A Brolly voting for and (6) Councillors Rankin, Douglas, Stevenson, Dolan, Cubitt and Robinson voting against.

IRISH LANGUAGE SUB-COMMITTEE:

The Town Clerk reminded members that it had been agreed by Council to establish an Irish Language Sub Committee, comprising of one member from each political group and a member of staff from the relevant department and requested member's nominations.

A number of members indicated that as their parties would not be participating in the sub-committee, the terms of the motion could not be met and accordingly the sub-committee could not be formed. The Town Clerk responding to an enquiry from Councillor Douglas endorsed this view.

It was agreed however, to proceed with the formation of the sub-committee and the following members were appointed.

- ◆ Councillor Mullan on the proposal of Councillor Coyle, seconded by Councillor Lowry
- ◆ Councillor F Brolly on the proposed by Councillor Donaghy, seconded by Councillor Mullan
- ◆ Councillor Brown on the proposal of Councillor Coyle, seconded by Councillor F Brolly.

BOUNDARY COMMISSION FOR NORTHERN IRELAND:

Members noted that the Boundary Commission for Northern Ireland had completed a review of all the United Kingdom Parliamentary constituencies in Northern Ireland in accordance with the provisions of the Parliamentary Constituencies Act 1986 and the Boundary Commissions Act 1992 and had provisionally determined to make recommendations to the Secretary of State with respect to the same under section 3 of the Parliamentary Constituencies Act 1986.

WESTERN EDUCATION & LIBRARY BOARD:

Minutes: Minutes of various meetings were tabled and noted.

NORTH WEST REGION CROSS BORDER GROUP:

Minutes: Minutes of meeting held Friday 2 April 2004 were tabled and noted.

FOYLE HEALTH & SOCIAL SERVICES TRUST:

Minutes: Minutes of meeting held Friday 30 April were tabled and noted.

NORTHERN GROUP BUILDING CONTROL COMMITTEE:

Minutes: The minutes of meeting held Thursday 22 January 2004 were tabled and noted.

ANY OTHER BUSINESS:

Closure of Sarah Lee Factory: Members expressed their regret that yet again another textile factory was to close in the Borough and hoped that people would be encouraged to undertake training and get re-skilled in an effort to find future employment and that government agencies would ensure that adequate benefits, pensions and redundancy were paid to those unemployed.

Councillor Lowry suggested that the factory could be used for a small business unit, with Roe Valley Businesses, Glenshane Community Development and Invest Northern Ireland getting involved. He further suggested that a Trade Fair could be held at Roe Valley Recreation Centre, with local companies showing what small enterprises could achieve.

The Town Clerk endorsed the need for statutory agencies to provide as much support, guidance and advice to those who would lose their jobs and agreed to write to the Chief Executive of the Training & Employment Agency and Invest

Northern Ireland to establish what support would be available. Members requested that the Mayor, Deputy Mayor, joint chairs of the Economic Development Committee and Town Clerk meet with the managers of Sarah Lee.

Smart Pass - Lough Foyle Car Ferry: Councillor Lowry requested that Minister Speller be requested to include the Lough Foyle car ferry on the Smart Pass for senior citizens.

Councillors Donaghy and McGuigan left the meeting at 10.30 pm

Fair Employment Case: (IN COMMITTEE) Further to the decision of the Fair Employment Tribunal to uphold the applicant's claim of victimisation in case number 377/01/FET, members agreed that Council accept the advice of its legal advisor's and seek a review of this decision, with 9 voting for and 2 abstentions.
(OUT OF COMMITTEE)

Vandalism: Councillor Stevenson reported that play equipment had been vandalised at the nursery school beside Roe Valley Recreation Centre. The Chief Technical Services Officer agreed to investigate the report and to seek advice from the Police Service of Northern Ireland.

Spring Clean Campaign: The Chief Technical Services Officer informed members that due to the excess generation of waste and transportation costs, Council would not be undertaking the yearly spring clean service and that some of the waste problem would be alleviated when LCDI's Green Shed project commenced.

NEXT MEETING:

23 June 2004

THIS CONCLUDED THE BUSINESS

(The meeting ended at 11.20 pm)