

LIMAVADY BOROUGH COUNCIL
COMHAIRLE BHUIRG LÉIM AN MHADAIDH

28 FEBRUARY 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 Coyle

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

In Attendance: Committee Clerk, Community Safety Officer and the Chief Executive.

APOLOGIES:

None

MINUTES OF PREVIOUS MONTHLY MEETING:

The minutes of meeting dated 24 January 2005 were approved and signed on the proposal of Alderman Robinson, seconded by Alderman Rankin.

MINUTES OF SPECIAL MONTHLY MEETING:

The minutes of special meeting held 7 February 2006 were approved and signed on the proposal of Councillor Cubitt, seconded by Councillor McElhinney.

MATTERS ARISING:

None

COMMUNITY SAFETY:

The Chair welcomed Mrs Bridget McCaughan, Community Safety Officer to the meeting.

Mrs McCaughan defined Community Safety as preventing, reducing and containing the factors which affect people's right to live without fear of crime and which impacts upon their quality of life. She said that the Community Safety Strategy published in March 2003 was a broad framework for the development of local strategies to solve local problems and this identified that reducing crime and fear was not solely a matter for criminal justice agencies, but demanded a concerted effort by public, private, voluntary and community sectors.

She said that the key issues identified within the Community Safety Strategy were car crime; domestic burglary; business and retail crime; youth offences (reducing criminality); offences against individuals; drug, substance and alcohol abuse; anti-social behaviour; fear of crime amongst the elderly and offences motivated by prejudice and hatred.

Mrs McCaughan highlighted that Limavady Community Safety Partnership held its inaugural meeting in January 2004 and further to this a Community Safety Audit and consultation had been carried out at Ward level and that this had

identified priorities for action, including drug, substance and alcohol abuse; offences against individuals; youth offending; anti social behaviour and low level neighbourhood disorder. She said that capacity building with the local community had also been identified as a priority.

Mrs McCaughan clarified that although £211k had been invested in Community Safety projects in Limavady, there were certain 'givens', including limited availability of funds; the need to avoid duplication and complement work already undertaken; examination of potential to extend existing services and requirement of 20% match funding.

In conclusion Mrs McCaughan clarified that future actions included off the street initiatives; community transport pilot; domestic violence project; estate clean up; off-licence code of practice; Vintner's Charter of Responsibility; dissemination of educational resources and a night time economy working group.

The Chair thanked Mrs McCaughan for attending the meeting.

CHIEF EXECUTIVE'S REPORT – FEBRUARY 2006 :

The Chief Executive presented his Report for February 2006 and enlarged thereon. The report and recommendation within were agreed subject to the following:

Development of a Property Register for Limavady Borough Council: The Chief Executive reported that while seeking legal opinion of Council's motion to 'never to dispose of the open space for housing development at Shanreagh Park', Council's solicitor had pointed out the requirement to regularly review and justify the retentions of surplus or unused property. He said that the Department of Finance & Personnel Central Advisory Unit had requested that Council review its current property assets to see if any land/buildings could be released to aid the Social Housing Programme and that Council was required to respond identifying lands in certain locations for disposal in the next 3 years.

It was agreed on the proposal of Councillor Butcher, seconded by Councillor Chivers that a Property Register be devised with surplus property identified and the decision to retain or dispose recorded and accounted for, which would be reviewed annually and brought to Council through the Audit Committee.

Public Access to Council Minutes, Agenda and Reports/Papers for Meetings: It was agreed on the proposal of Councillor Brolly, seconded by Councillor Donaghy that all agendas for Council meetings be available on Council website, that paper documents would be available on request from Council Offices and that the press would be free to publish agendas in a similar way.

Review of Standing Orders: It was agreed on the proposal of Councillor Ó hOisín, seconded by Councillor Brolly that a workshop for members to review Standing Orders would be held Tuesday 28 March 2006 from 6 – 7 pm and that any proposals for change would be brought before Council for consideration.

Guidelines for Staff Regarding Contract with the Press: The Chief Executive highlighted the need for protocols to be agreed for contract with the media and said that guidelines had been developed to give staff advice on how to deal with

inquiries from the press and to ensure an appropriate and co-ordinated method when dealing with the media.

Councillor Butcher suggested that no officer should speak to the press without authorisation from either the Chief Executive or any Director and that all press releases issued by Council must be approved by the Chief Executive. Agreed.

Mayor's Charity Ball: The Chief Executive reminded members that the Mayor's Ball in aid of Marie Curie Cancer Care would be held on 24th March 2006 in the Gorteen House Hotel. It was agreed that any member wishing to attend or donate to the worthy cause would contact the Chief Executive's Office.

Format of Council Minutes: The Chief Executive proposed that from March 2006 the format and style of minutes for all Council meetings move from a traditional to a factual style, whereby the main points of discussion would be recorded and any decision or outcome arising therefrom. It was agreed that the new approach would be trialled for 3 months before being reviewed.

Northern Area Plan – Housing Growth Indicators Examination in Public: Members noted that the argument for an increase in HGI's for the Limavady area had been made over 3 days by the Chief Executive and Council's consultant, Michael Graham, of Farningham McCreadie Partnership and that the panel would make recommendations to the Department of Regional development within 6 weeks for revised HGI's to be issued in May 2006.

Provision of Fair Trade Tea/Coffee: The Chief Executive requested that Council consider adopting the proposal to establish a Steering Group to work progressively towards achieving a Fairtrade Zone status for the Borough and adopt a resolution supporting Fairtrade. This was agreed on the proposal of Councillor Butcher, seconded by Councillor Ó hOisín.

Review of Public Administration – Position Paper: The Chief Executive explained that a Local Government Taskforce was being formulated to oversee the implementations of the changes of Review of Public Administration and that the proposed Permanent Secretary's Working Group would comprise 24 members, including representatives from SOLACE (8), CBI, IOD, NICVA, the Consumer Council and others. He said Work Streams were to be established to carry out the operational aspects of the change process and that this would be led by a local government practitioner, along with a DOE representative and a peer from the Improvement Development Agency who had been involved during change in England and Wales. He added that it was important that Council tried to be involved in the Work Streams and if agreed, this would involve releasing officers, including the Chief Executive from normal duties to work for a portion of each week in the Work Streams over a period of nine months. It was agreed on the proposal of Councillor Brolly, seconded by Councillor Chivers that Council would allow officers of different levels to become involved in some of the Workstreams identified.

MINUTES FROM EXTERNAL BODIES:

The following minutes were tabled and noted.

- Northern Ireland Building Control Committee - 29 September 2005

- Western Health & Social Services Board – 24 November 2005
- Western Group Environmental Health Committee – 13 December 2005
- Western Health & Social Services Council – 12 January 2006
- Foyle Health & Social Services Trust – 27 January 2006

NOTICE OF MOTION SUBMITTED BY COUNCILLOR CUBITT:

Councillor Cubitt proposed that:

‘This Council write to Enforcement and Planning Service asking them to investigate the erection and retention of illegally constructed structures, especially the Kevin Lynch Memorial in Dungiven. We urge them to take the appropriate action against the people who own the ground, whom I believe to be Limavady Borough Council and also to take action against the people who erected the illegal structure.

Failure to do so would lead to the Ombudsman being asked to adjudicate and surcharge if necessary.’

Councillor Cubitt explained that he had brought the motion before Council as there was a need to keep the rule of law and that illegal structures discriminated against people who had followed the correct procedures and applied for Planning Permission at great expense. He said although Planning Service had objected to a number of businesses operating without Planning Permission in the Borough, they should look at all illegally erected buildings and structures, specifically the Kevin Lynch Memorial which had been erected on Council maintained land. The motion was seconded by Alderman Robinson who said Planning Service should be consistent in how they dealt with illegally erected structures.

Councillor Douglas voiced his agreement to the motion and said as public representatives, Councillors should remain within the law and oppose illegally erected structures.

Alderman Mullan said the motion was contentious by the way it was phrased and that whilst the memorial might be honourable to one side, it could be deemed provocative and be scorned by another. He said he had no difficulty with Planning Service undertaking a survey on all artefacts but could not support the motion in its present form as there was no mention of retrospective approval for buildings or structures.

In summing up, Councillor Cubitt called for the adoption of the motion and support for the rule of law. He then requested a recorded vote and on being put to the meeting the motion was declared lost, with 6, Alderman Rankin, Alderman Robinson, Councillor Douglas, Councillor Stevenson, Councillor Cubitt and Councillor Robinson voting for and 9, Alderman Mullan, Councillor Carten, Councillor Chivers, Councillor Butcher, Councillor Donaghy, Councillor Brolly, Councillor Ó hOisín, Councillor McElhinney and Councillor Coyle voting against.

NOTICE OF MOTION SUBMITTED BY COUNCILLOR BROLLY:

Councillor Brolly put forward the following motion regarding the British Government’s proposals on the future of electoral registration in the North.

‘In August 2005 the NIO published proposals on their intentions for future of electoral registration in the North.

The most significant part of this consultation is the British Government’s proposal to remove the legal requirement to conduct an annual canvass. This Council agreed with this proposal.

Further to this however, the consultation outlines the proposal to use the autumn 2006 canvass as the basis for the new arrangements. It also proposed that there will be no carry forward to this register. This Council rejects this proposal and calls upon the British Government to carry forward the names of those who registered in the autumn 2005 canvass onto the first register under the new arrangements.

Given the fact that the information gathered on the autumn 2005 canvass will be up to date and that the Electoral Office will be in a position to cross check and verify personal identifiers with information from various governments departments and public sector bodies, this Council proposed that there should be a carry forward from the autumn 2005 canvass. This carry forward should form the basis for the new arrangements to ensure a full and comprehensive register.’

Councillor Brolly said that this was an unnecessary expense and called on all members to support the motion, which was seconded by Councillor Butcher.

Councillor Stevenson suggested that the motion was irrelevant to the Borough and should not be discussed. Councillor Douglas agreed and said the decision was up to the Elector Commission and Alderman Robinson said Council should not get involved.

On being put to the meeting, the motion was declared carried, with 9 voting for, 2 against and 4 abstentions.

RESOLUTIONS:

The following resolutions were noted by members.

(a) *Submitted by North Down Borough Council:*

“That this Council runs a campaign to ‘Save Our Children’s Education’ by organising a petition for signature by the ratepayers of North Down. The petition is to be placed in all Council buildings and a copy sent to all other Councils in Northern Ireland.”

(b) *Submitted by North Down Borough Council:*

“This Council opposes attempts to introduce a system of Criminal Restorative Justice Schemes into Northern Ireland. We believe that such schemes will inevitably lead to the paramilitaries having a level of control in the criminal justice system, and calls upon government to ensure that the justice system in Northern Ireland remains under the control of the police and the courts. This Council resolves to write to the Secretary of State outlining our opposition to such proposals”.

(c) Submitted by Ards Borough Council:

“Ards Borough Council has recently considered the consultation document on Government proposals to reform Liquor Licensing Laws in Northern Ireland. In particular the Council opposed the proposal that the “surrender” principle is abolished due to the serious impact that this will have on the local retail licence trade. It was further agreed to seek support of all other Councils in Northern Ireland on this issue”.

(d) Submitted by Fermanagh District Council:

“Following the decoupling of farm payments and the introduction of the G.I.S. System which has resulted in misleading farm maps, many farmers are having to suffer significant additional financial loss as a result of penalties imposed due to genuine mistakes which have arisen as a result of administrative errors. These penalties are severe and most unfair.

Our farming community cannot withstand further financial losses.

This Council calls on the Minister to introduce a 12 month “lead in period” for the introduction of the most complicated Single Farm Payment Scheme which would give everyone concerned the opportunity to correct any inaccuracies or misunderstandings which have been caused through absolutely no fault of theirs.”

(e) Submitted by Belfast City Council:

“Belfast City Council calls upon the Government to take heed of the views of the Northern Ireland football supporters and many others who believe that The Maze is not a suitable location for the Northern Ireland National Stadium; calls upon the Secretary of State to reveal immediately the full business case for the siting of a National Stadium at The Maze, to set out the full costs of the proposal, to indicate how it fits with wider Government policy in relation to planning, urban regeneration and Targeting Social Need and to facilitate an open and fair debate on the location of a National Stadium; and further calls on the Secretary of State to follow precedence in other parts of the United Kingdom most notably the proposed London 2012 Olympic Village, and identify a suitable inner city brownfields site for the National Stadium in Belfast.”

CONSULTATIONS:

The Chief Executive tabled the following consultations documents and it was agreed that those members who wished to respond would contact the Corporate Policy Officer two weeks before the consultation deadline.

- a) Northern Ireland Authority for Energy Regulation – Draft Forward Work Programme 2006-2007 (response due 16 March 2006)
- b) Department of Health, Social Services and Public Safety – Consultation on New Strategic Direction for Alcohol and Drugs (2006-2011) (response due 31 March 2006)
- c) Release of Vehicle Keeper Date from the UK Vehicle Registers (response due 31 March 2006)
- d) Department of Agriculture and Rural Development – Consultation on Draft Rural Strategy 2007-2013 (response due 7 April 2006)

- e) Parades Commission – Response to Guidelines, Code of Conduct and Procedural Rules for Public Processions & Related Protest Meetings (response due 19 May 2006)
- f) NIO – Devolution Policing and Justice in Northern Ireland – Discussion Paper.

PROPOSED RESPONSE TO CONSULTATION ON PROPOSAL FOR A DRAFT EDUCATION (NORTHERN IRELAND) ORDER:

The Chief Executive tabled proposed response drafted by the Corporate Policy Officer to consultation on ‘Proposal for a Draft Education (Northern Ireland) Order’.

Councillor Butcher suggested that the Corporate Policy Officer object to the inclusion in Section 18(1)(d) of the statement that “*at least one shall be a course in an official language of the European Community (other than English and Irish)*”, as this may adversely impact on the study of Irish and see this replaced with “*...any other language of the European Community other than English and Irish speaking schools*”.

Members also made the following general comments in relation to issues associated with the proposed Order:

- Councillor Stevenson: - concern that any new selection system would result in children being allocated places at post primary schools based on a postcode lottery;
- Alderman Rankin – concern that the recommendations could lead to teachers being made redundant;
- Councillor Stevenson – queried why the United Kingdom had such a high rate of expulsions and suspensions amongst school children and this needed to be urgently addressed;
- Councillor Douglas – clarity was required as to the system that would be put in place following abolition of academic selection;
- Councillor Cubitt – pointed out that Northern Ireland has a good system of education and queried why such widespread changes were being introduced without sufficient thought;
- Councillor Stevenson – referred to the growth of different religious beliefs in Northern Ireland and queried how this would be addressed in the new system.

It was agreed that the Corporate Policy Officer would amend the response to include members’ comments by the consultation deadline of 7 March 2006.

Councillor Chivers left the meeting at 8.45 pm.

COURSES/CONFERENCES:

The Northern Ireland Anti-Poverty Network & Community Workers Co-operative – Health & Isolation in the Border Region: It was agreed on the proposal of Councillor Brolly, seconded by Councillor Donaghy that Councillor Ó hOisín would attend the above conference to be held in Sliabh Beagh Tourism Centre, Knockatallon on 7 March 2006.

Women into Politics International Conference: It was agreed on the proposal of Councillor Butcher, seconded by Councillor Brolly that Councillor Chivers would attend the Woman into Politics International Conference to be held in Lagan Valley Island, Lisburn on 7 March 2006 at a cost of £55.

CPPS – Achieving Effective Neighbourhood Regeneration: It was agreed on the proposal of Councillor Brolly, seconded by Councillor Chivers that Alderman Mullan would attend the above conference to be held in Stormont Hotel, Belfast on 24 March 2006 at a cost of £345+VAT.

Local Authority Members Association: It was agreed on the proposal of Councillor Donaghy, seconded by Councillor Ó hOisín that Councillor Brolly would attend the Local Authority Members Association conference ‘Local Government, Delivering the Future Now’ to be held in Newport Hotel, Kilkenny on 20 and 21 April 2006 at a cost of €250.

CIPFA – Public Training Courses: It was agreed on the proposal of Councillor Brolly, seconded by Councillor Donaghy that Councillor Butcher and an Officer from the Development Services Directorate would attend a training course titled ‘Economic Appraisal and the Business Case’ to be held in Mount Conference Centre, Belfast, on 24 March 2006 at a cost of £295+VAT.

Timber Frame Construction: It was agreed on the proposal of Alderman Rankin, seconded by Councillor Brolly that the Building Control Manager would attend the above course to be held in the Great Southern Hotel, Dublin on 14 March 2006 at a cost of £195+VAT and accommodation cost.

REQUEST TO RELOCATE RIGHT OF WAY – FORMER CASTLE RESTAURANT:

The Chief Executive reported that the solicitors of MBC Development Limited had requested that the matter of relocation of Right of Way at former Castle Restaurant be deferred and not brought before Council at present. Agreed.

NOMINATION TO ORAL HEALTH STEERING GROUP:

Alderman Rankin was nominated to the Oral Health Steering Group on the proposal of Councillor Cubitt, seconded by Alderman Robinson.

SEAL LEGAL DOCUMENTS:

The Air Quality Management Area Order relating to the area between the car park at the Credit Union to the Roe Bridge, Dungiven was signed and sealed on the proposal of Councillor Cubitt, seconded by Councillor Carten.

ANY OTHER BUSINESS:

Funding - Danny Boy Festival: Councillor Cubitt pointed out that Councillor Butcher had inferred at a previous meeting that the Danny Boy Festival Committee would be willing to give up £5,000 of their budget which would be given towards the Jazz & Blue Festival. He said that former Councillor Brian Brown, who was chairman of the committee, was not aware of this and asked Councillor Butcher to apologise to members and to the Danny Boy Festival Committee for deliberately lying. Councillor Stevenson agreed and said

Councillor Butcher was out of order by discussing and agreeing this before it had been taken to the Festival Committee.

The request to apologise was put to the meeting and declared carried, with 6 voting in favour, 5 against and 3 abstentions.

International Day Against Racism: To acknowledge International Day Against Racism Councillor Brolly proposed that Council host a civic reception for the different ethnic groups in the Borough on 21 March 2006. Agree.

Newspapers: Councillor Brolly requested that Council be provided with a list of newspapers which Council subscribed to and advertised in. Agreed.

Westport – St Patrick’s Day Celebrations: It was agreed on the proposal of Councillor Brolly, seconded by Councillor Cubitt that the Director of Development would attend the St Patrick’s Day Celebrations in Westport.

FORMAL CORRESPONDENCE:

- Justice Oversight Commissioner – Fifth Report of the Justice Oversight Commissioner January 2006
- Investment Strategy for Northern Ireland 2005/2015
- Northern Ireland Annual Review – Environment Workplace Social Impact Economic Impact
- Department of Health, Social Services and Public Safety – Strategic Resources Framework
- Northern Ireland Office – Northern Ireland Prison Service, Economic Impact of the Location of a Second Adult Prison (Final Report)

NEXT MEETING:

28 March 2006

THIS CONCLUDED THE BUSINESS
(The meeting ended at 9.10 pm)