

LIMAVADY BOROUGH COUNCIL
COMHAIRLE BHUIRG LÉIM AN MHADAIDH

28 APRIL 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 M Carten, J Dolan and G Robinson. Councillors, F. Brolly, B Brown, M Coyle, L Cubitt, M Donaghy, B Douglas, D Lowry, M McGuigan, G Mullan, J Rankin and E Stevenson.

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

MINUTES:

The minutes of previous meeting dated 24 March 2004 were approved and signed on the proposal of Councillor Lowry, seconded by Alderman Dolan subject to the following:

MATTERS ARISING:

Pathway at Bells Hill: The Chief Technical Services Officer informed members that work was ongoing on the plans for the pathway at Bells Hill and that he would report any progress to members at the next monthly meeting of Council.

Anti-Social Behaviour to rear of Connell Street: The Chief Technical Services Officer explained that he had visited the site to the rear of Connell Street to assess the situation regarding anti-social behaviour. He added that the vegetation in the area had been left to grow for the wildlife and that it was not recommended to remove the undergrowth. He said that he had discussed the issue of anti social behaviour with the District Policing Partnership and the Police Service of Northern Ireland.

Notice of Motion - Dungiven By-Pass: The Town Clerk reported that he had written to Minister Speller regarding Dungiven By-Pass and that the Minister had agreed to a meet with the Mayor, Deputy Mayor and the joint chairs of the Planning Committee on Tuesday 22 June at 3.30 pm.

Annual General Meeting: Members agreed that the Annual General Meeting would be held on 14 June 2004.

Removal of Union Flag: Councillor Cubitt requested an update on the legal advice regarding the Chairperson remaining in the Chair and having the ability to vote. The Town Clerk said he had written to the Council's Solicitor on 30 March 2004 and was awaiting a response thereon.

Amalgamation of Glasvey and Limegrove Schools: The Town Clerk reported that he had written to the Rt. Hon Jane Kennedy, Minister of Education on 26

February 2004, to express Council's support for the amalgamation of Glasvey and Limegrove schools and that further to this, the Department of Education had written to Council confirming that the proposed amalgamation had now been approved.

Graffiti at Edenmore: The Town Clerk responded to a request by Councillor Coyle for removal of graffiti at Edenmore Park. He explained that he had written to the Northern Ireland Housing Executive on 21 April 2004 regarding having the graffiti removed from the gable of a pensioners house and was waiting for a response.

CHIEF ENVIRONMENTAL HEALTH OFFICER'S REPORT – APRIL:

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

Housing (N.I.) Order 2003 - Provision of Traveller Transit Sites: The Chief Environmental Health Officer informed members that the Housing Executive had taken responsibility for the provision and management of Traveller serviced sites and Transit sites since 1 December 2003 and had sought the views of Councils on the need for/location of a network transit traveller sites across Northern Ireland. Members noted that the Northern Ireland Housing Executive had sought responses to the following questions:

- (a) Is there a need for a traveller transit site in the Borough?
- (b) If a need exists can the Council suggest a suitable location for a site!

He added that in considering the issues, Members might wish to seek clarification on the following points:

- (a) Would such sites provide for both the small groups of nomadic travellers such as those who have frequented the Benone area as well as the usually much larger groups of travellers who engage in offering to sell/supply goods or services in the area?
- (b) Is it envisaged that each District Council area should have/needs to have provision for a travellers transit site or would a site available within another Council area be regarded as sufficient provision in the locality?

Councillor Lowry stated that over the last decade Benone Tourist Complex had been used by the travelling community and there was a need for a transit site for these people. He added that the travellers were currently sited at Aghanloo Industrial Estate and business was being impeded due to their presence there. He added further that the problem of illegal parking occurred each year and there was a need for legislation to protect both businesses and the rights of the travelling community.

Councillor F Brolly reminded members that it was the Travellers their legal right and putting pressure on authorities to provide them with a site would ensure that the Leisure Services Department had not to deal with illegal parking in the future.

Councillor Mullan highlighted the amount of revenue that had been lost due to the travellers presence in Aghanloo and suggested Council should become involved with the Housing Executive on the Transit site issue.

Councillor Cubitt pointed out that the travelling people were causing havoc at Aghanloo. He added that after being threatened, physically abused and observing the mess and damage they created, he would not agree to the provision of a transit site.

Alderman Robinson was of the view that that Council should not get involved in the Housing Executive decision to provide a transit site.

The Chief Environmental Health Officer said that Council was not obligated to provide a site and added that there might not be a transit site in every Council area and that the travellers would have to pay for the use of the site.

After further debate, it was agreed by members that the Chief Environmental Health Officer write to the Housing Executive indicating support for the transit site and that the issue be further discussed at the Northern Ireland Local Government Partnership on Traveller Issues Forum.

Health & Safety at Work (N.I) Order 1978 - Prioritised Planning: The Chief Environmental Health Officer explained that Article 20 of the Health & Safety at Work (N.I.) enabled the Health & Safety Executive for Northern Ireland (HSENI) to issue guidance and recommendations to district councils with respect to the discharge by Council's of their statutory duties under the Order.

The Chief Environmental Health Officer said that the guidance set out a number of areas on which district Councils should concentrate in relation to the prioritised planning and delivery of health and safety at working including:

- ◆ Establishment and maintenance of a planned activity programme bases on the selection of premises for inspection and other activities using risk based priority planning systems.
- ◆ To maximise effective use of resources district Councils may employ special initiatives and various enforcement approaches to health and safety activities including promotional activities.
- ◆ Environmental Health Departments should work with other Council Departments and Government Agencies to promote health and safety and develop a co-ordinated programme of activities.
- ◆ HSENI local authority unit will request information from District Council Departments on health and safety activity and Councils are required to maintain accurate and comprehensive databases in relation to this.

The Chief Environmental Health Officer pointed out that many of the initiatives were already in place and that the Priority Planning Guidance would form part of the formal policies and procedures within the Environmental Health Service.

It was proposed by Councillor Cubitt, seconded by Alderman Dolan that Council endorse and adopt the Priority Planning Guidance.

Health Promoting Schools Scheme: The Chief Environmental Health Officer informed members that the scheme had been in operation for over ten years and that since its conception, Desmond & Sons had sponsored the award, but unfortunately it were no longer in a position to continue sponsorship to enable administration and delivery of the award. He added that regrettably due to the

non-availability of an alternative sponsor, it was necessary to consider funding the project through the three partner organisations of Western Education & Library Board, Western Health & Social Services Board and the five Councils. Accordingly, it was proposed by Councillor Rankin, seconded by Councillor Donaghy that £333.00 be contributed towards the Western Health Promoting Schools Award Scheme for 2003/04.

Dog Attack - Kinglane, Ballykelly: The Chief Environmental Health Officer reported that an alleged dog attack had taken place at Kingslane, Ballykelly on 2 February 2004 and that this had not been reported to Council until late March. The injured party had stated that he had entered property via rear entrance and whilst waiting at the back door had been bitten on the leg and hand by the dog, which although restrained by a chain was able to reach him at the back door.

The Chief Environmental Health Officer said that whilst it was an offence to permit a dog to attack any person, the following points should be considered:

- ◆ the injured party was attacked and sustained serious injury;
- ◆ although the dog was chained in its own back yard it was able to reach and attack a person entering the property; and
- ◆ the fact that the injured party may have been advised previously to approach the property from the front may not be any defence. Any person could have unknowingly accessed the property from the rear and been attacked by the dog.

The Chief Environmental Health Officer recommended that given that the injured party had lodged an official complaint, that the matter be referred to Council's solicitor for advice and further recommended that proceedings should be issued against the keeper of the dog. Agreed.

Industrial Pollution Control (N.I.) Order 1997 / Pollution Prevention and Control Regulations (N.I.) 2003: The Chief Environmental Health Officer reported that the Department of Environment had set out new fees to be charged by Council for work carried out under Pollution Control legislation. The charges outlined in the Chief Environmental Health Officer's report effective from 1 April 2004 were accepted by members.

Waste and Contaminated Land (N.I.) Order 1997: The Chief Environmental Health Officer reported that whilst since December 2003, many of the waste regulatory and enforcement powers contained in the Pollution Control and Local Government Order of 1978, had transferred to the DOE and Environment & Heritage Service, district Councils' would retain certain powers to deal with fly tipping, the removal of waste and that Part III of the Order would fall primarily to district Councils for enforcement and administration. It was agreed that in order to enable Officers and Council to exercise their powers, Council authorise the following persons as being "authorised persons" for the purpose set out in Article 72 of that Order:

Noel Crawford, Chief Environmental Health Officer
 Jacqueline Glass, Senior Environmental Health Officer
 Joanne O'Kane, District Environmental Health Officer
 Ciaran Doran, District Environmental Health Officer
 Marie Dooher, District Environmental Health Officer

Thomas Keogh, Enforcement Officer
 Victor Wallace, Chief Technical Services Officer
 Jonathan Grey, Senior Technical Officer
 Martin McNicholl, Cleansing Officer
 Fiona Murray, Technical Assistant
 Jimmy McArthur, D.S.O./Works Supervisor
 Adrian Street, Technical Assistant.

CHIEF TECHNICAL SERVICES OFFICER'S REPORT – APRIL:

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

Re-Use of Former Town Hall Fire Escape: The Chief Technical Services Officer explained that Aghanloo Community Association had requested that they be allowed to re-use the old Town Hall steel fire escape. Members agreed that the item be made available to the Association at no cost after the demolition of the building.

Re-Location of Civic Amenity Site: (IN COMMITTEE) Councillor Donaghy declared an interest in the issue and took no part in the discussion.

The Chief Technical Services Officer outlined the *confidential* options of sites offered for re-location of the Civic Amenity Site in Dungiven as:

site 1 Hass Road	site 2 Dernaflaw Road
site 3 Legavallon Road and	site 4 Feeny Road.

The Chief Technical Services Officer explained that the sites had been assessed in accordance with the principles of PPS11 and on that basis, site 4 was the most suitable, followed by site 3, 1 and 2.

Councillor Coyle pointed out his concerns regarding site 4 at Feeny Road, as the proposed by-pass was to be situated close to where the site would be located.

Councillor Douglas informed members that he had been approached by 3 people who were unhappy about the site in Dernaflaw and suggested that the site should be situated on the Limavady side of Dungiven.

Members agreed that in an attempt to move things forward, the Chief Technical Services Officer would meet informally with the Planners, Roads Service and the District Valuer with a view to bringing a firm recommendation to Members at the next meeting of Council. Agreed. **(OUT OF COMMITTEE)**

Vale Centre - Greysteel: The Chief Technical Services Officer explained that there was a risk of foreign objects getting into the all weather pitch at the Vale Centre when the car boot sale was held there each weekend. He added that he had discussed the issue with the Manager, who agreed that there was a problem, however, it was highlighted that the car boot sale was the only event that brought in high revenue and the Committee would not agree to cancel it.

The Chief Technical Services Officer stressed that as Council maintained the pitch, it would also be liable for any insurance claims and that there was a need to

protect against such eventualities. Accordingly, Council would have to review its position in this matter.

Councillor Lowry left the meeting at 9 pm.

LEISURE SERVICES:

Spring Festival: The Chief Recreation/Tourist Officer tabled the Spring Festival programme of events to be held between 29 April 2004 - 12 May 2004. Members noted the wide range of artists and indicated their support for the festival.

LICENCES:

The Marriage (N.I.) Order / Regulations 2003 - The Town Clerk enlarged on a report from the Senior Building Control Officer regarding an application by Radisson SAS Roe Park Resort for the approval of a licence for civil marriages.

As the premises met all the requirements of the Marriage Order 2003, it was agreed by members to approve the areas of the premises for a venue for Civil Marriages.

The Marriage (N.I.) Order / Regulations 2003: The Town Clerk presented a report by the Senior Building Control Officer regarding an application by Drumcovitt House for the approval of a licence for civil marriages.

It was proposed by Councillor Rankin, seconded by Councillor Cubitt that Council approve the areas of the premises subject to:

1. no adverse comments from the Police Service of Northern Ireland;
2. no adverse comments from Northern Ireland Fire Brigade;
3. no representation being received in response to public notices; and
4. that suitable access for disabled person be provided.

HEALTH & SAFETY POLICY:

The Town Clerk presented Health & Safety Policy prepared by the Corporate Policy Officer, which was adopted on the proposal of Councillor Cubitt, seconded by Alderman Dolan.

NOTICE OF MOTION:

Councillor F Brolly proposed that "This Council, with a view of de-politicising the use of the Irish language, should set up an Irish Language sub-committee comprised of one member from each political group and a member of staff from the relevant department". In making the proposal he said that in the past when the Irish language had been talked about, it was not always accepted, but Townland names such as Limavady or Dungiven were accepted and that he would like to couple the Irish language with these as there was a significant Irish language culture in the district. Councillor F Brolly acknowledged that some members might have the perception that the motion was politically motivated but stressed that this was not the case.

Councillor McGuigan seconded the proposal.

Councillor Coyle added his support for minority languages throughout Northern Ireland and pointed out that languages such as Ulster Scots were included in the Good Friday Agreement, which the SDLP supported.

Alderman Robinson questioned the cost of setting up such a committee and expressed concern that such costs might be burdensome to the ratepayer. He added that this was a minority language, with 90% of residents having no knowledge of Irish and that this was a pet project of Sinn Fein. He added further that the Irish language had other fund raising options and did not need input from Limavady Borough Council.

Councillor Douglas pointed out that Northern Ireland was part of the United Kingdom and as such English was the first language of residents. Councillor Stevenson suggested keeping the issue of speaking Irish out of the political arena and added that whilst he had an interest in the language, he could not support the motion as Sinn Fein were using it as a political tool over the last few years. Councillor Brown commented that he had an interest in retaining Townland names but could not support the motion as it stood and suggested that if the motion were worded differently, he would add his support.

Councillor F Brolly explained he was not surprised by the comments but said that the Irish language was a stand-alone issue (not political) and a jewel to this country. He added that Gaelic was very popular in Scotland and popularised by the Presbyterian Church. He further added that he did not want the Irish language to die out as had happened with a number of Native American languages.

The motion was put to the floor and declared carried, 6 members voting for, 6 members voted against, with the Mayor using her casting vote for the motion.

REPORT FROM THE BOARD OF NORTHERN IRELAND HOUSING EXECUTIVE:

Minutes: Minutes of meeting held Wednesday 25 February 2004 were tabled and noted.

WESTERN HEALTH & SOCIAL SERVICES BOARD:

Minutes: Minutes of meeting held Thursday 29 January 2004 were tabled and noted.

WESTERN EDUCATION & LIBRARY BOARD:

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

REPORT FROM THE BOARD OF THE NORTHERN IRELAND HOUSING EXECUTIVE:

Minutes: The minutes of meeting held Wednesday 31 March 2004 were tabled and noted.

FOYLE HEALTH & SOCIAL SERVICES TRUST:

Minutes: Minutes of meeting held Friday 26 March 2004 were tabled and noted.

RESOLUTION FROM MOYLE DISTRICT COUNCIL:

The following resolution from Moyle District Council was noted:

"At a recent Council Meeting, reference was made to the tax on plastic shopping bags in the South of Ireland and to the very successful outcome of this scheme.

Because of the widespread problem of littering caused by careless use of these bags, the Council has asked that I write to the Minister requesting that serious consideration be given to the introduction of such a scheme in Northern Ireland. The Council has also asked that I write to all other local authorities requesting support for this suggestion".

NATIONAL ASSOCIATION OF COUNCILLORS - INTRODUCTION OF A NATIONAL ID CARD:

The Town Clerk commented that the National Association of Councillors was conducting a survey on the introduction of a National ID Card and that Councillors were requested to return their questionnaire with their opinions on this. Noted.

COURSES/CONFERENCES:

The National Association of Councillors / Northern Ireland Region: It was agreed by members that Alderman Robinson attend the above Training Seminar to be held on 27 / 28 May 2004 at the Clandyboye Lodge, Bangor, Co. Down at a cost of £160 per person.

Community Development Finance Association Annual Conference - Money for Change 2004: It was agreed by members that 1 Officer attend the above conference to be held 23 - 25 June 2004 at the Wellington Park Hotel, Belfast at a cost of £270 for CDFA members and £340 for non members.

Annual CIEH Conference and Exhibition - Moving up the Agenda: It was agreed by members that 1 Officer attend the conference to be held on 14 - 16 September 2004 at the Riviera Centre, Torquay at cost of £425 + vat for CIE members and £510 + vat for non members.

ANY OTHER BUSINESS:

Closure Landfill Site: Councillor Douglas requested an update on the closure of the landfill site. The Chief Technical Services Officer said that Council intended to issue a letter to all landowners regarding the closure and that he would report back to Council with an update at the next monthly meeting.

Playground at Back Burn Park: Councillor Cubitt expressed concern at the delay in the provision of the proposed playground at Back Burn park. The Chief Technical Services Officer explained that Chief Officers had discussed the issue and that they would be getting together with Councillors to discuss a possible location, taking the ongoing problems of antisocial behaviour and vandalism into account.

Benone Tourist Complex: Councillor Cubitt questioned if the Tourist Complex carpark at Benone was secure and what precautions were taking place to prevent

the Travelling Community gaining access to the car park in the future. The Town Clerk replied that a Inter Departmental Committee had been set up, with a hope of finding a balance between security and access to the general public. He added that the key recommendations of the Committee would be forward to Members.

Graffiti at Scroggy Road: Councillor Coyle requested on Councillor Lowry behalf, that sectarian slogans be removed from side of the footpath at Scroggy Road.

Fair Employment Case: (IN COMMITTEE) Councillor Brown said that he understood that this case had now been heard and requested an update thereon. The Town Clerk said that all evidence had been heard by the Tribunal and that closing statements had been submitted that morning by the various parties concerned. Members noted that they would be notified of the outcome of the Tribunal as soon as it was to hand. **(OUT OF COMMITTEE)**

Civic Reception for Firemen: Councillor A Brolly proposed hosting a Civic Reception for the Firemen of Dungiven and Limavady. This was seconded by Alderman Carten.

Ireland of Ireland Week: The Town Clerk reminded members noted that it had been agreed previously that the Mayor attend the 'Island of Ireland Week' to be held on 5 - 11 June 2004. He said that unfortunately she was unable to attend and accordingly, on the proposal of Alderman Robinson, seconded by Alderman Dolan, that Councillor Cubitt attend in her place.

Invitation to Corpo de Deus Celebrations: The Town Clerk informed members that an invitation had been received for the Mayor to attend Moncao, during the Corpo De Deus celebrations to be held on 9 - 12 June 2004. It was proposed by Alderman Dolan, seconded by Councillor Rankin that the Mayor and Councillor F Brolly attend the event.

FORMAL CORRESPONDENCE:

- ◆ Health & Safety Executive for Northern Ireland. - Annual Report April 2002 - March 2003
- ◆ Journal of the Somme Association - Battle Lines (issue 21)
- ◆ Research Report into the Victims Sector in Northern Ireland
- ◆ Equality Commission for Northern Ireland - Annual Report 2002 - 2003
- ◆ Equality Commission for Northern Ireland - Report on the implementation of the Section 75 Statutory Duties
- ◆ Investing for Health - Annual Report 2003

NEXT MEETING:

26 May 2004

THIS CONCLUDED THE BUSINESS

(The meeting ended at 10.40 pm)