

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

**17 DECEMBER 2003**

Minutes of monthly meeting held in the Council Offices, 7 Connell Street, Limavady at 8.30 pm on the above date.

**PRESENT:**

**In the Chair:** Councillor J Rankin.

**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 and E Stevenson.

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

**APOLOGIES:**

Councillor A Brolly and the Town Clerk.

**NORTH WEST REGION WASTE MANAGEMENT PLAN:**

**Recycling Tender Report:** The Chair welcomed Mr Andrew Baskin and Mr Donal Doyle, Kirk McClure Morton who attended the meeting to present Waste Services for Recycling Tender Report for the Group. Mr Baskin outlined the tender process for (1) the collection, processing and transfer on to end markets of glass, paper, card, cardboard, cans and plastics collected at recycling points, civic amenity sites and transfer points and (2) the collection (from transfer points), processing and transfer on to end markets of mixed dry recyclables arising from kerbside collections and answered members' queries thereon. Whilst a number of members expressed concern that only two firms had tendered for the contract, it was agreed on the proposal of Councillor Coyle, seconded by Councillor Brown that the tender be awarded to Glassdon subject to approval of the contract through legal advisors and the satisfactory outcome of negotiations by officers on the haulage and landfill element of mixed dry recyclable costs.

**MINUTES:**

The minutes of meeting dated 19 November 2003 were approved and signed on the proposal of Councillor Coyle, seconded by Councillor Lowry, subject to the penultimate paragraph on page 3 being amended to read "Councillor Lowry suggested that Council liaise with developers to ensure that tree planting schemes were carried out at housing developments leading off Edenmore Road."

**MATTERS ARISING:**

**No Flags Policy: Referring** to the discussion at the previous meeting, Councillor Cubitt drew members' attention to page 8, para 18 (a) of Council's Standing Orders which states that "A Member shall not be at liberty to move an amendment if he has

previously spoken to the motion ....” and to page 10, para 19 which states that “All original motions and all amendments to amend a motion shall be reduced to writing by the mover and signed by him/her, read to the meeting, and handed to the Mayor or Chairman, and approved by him/her as valid before being spoken to by such proposer, and a motion or amendment shall not be discussed by any one other than the mover, put to the Council or entered upon the minutes until the same shall have been seconded”. Councillor Cubitt considered that the amendment was invalid as Standing Orders had not be adhered to and he also informed members that he had spoken to the Equality Commission about this and the fact that a Tyrone flag had been flown on a Council employee’s car for 2 days when the Tyrone gaelic football team had won the All Ireland cup.

Councillor Rankin referred Councillor Cubitt to the Powers and Duties of Person Presiding on page 4 of the Standing Orders which stated that “So long as the Chairman acts bona fide (in good faith) and remains in the Chair, he/she has virtually absolute rule. The full Committee or Council could by majority decision dislodge the person presiding (not Mayor or Deputy Mayor). While acting in good faith the Chairman’s decisions (even if not strictly correct) will be upheld by the Court provided no substantial injustice has arisen therefrom. (Breavy v Brown 1896 41 Sol. Jo. 159).” Councillor Lowry endorsed this statement and pointed out that the Mayor had given permission for him to speak twice on the motion. The Chief Finance and Administration Officer also confirmed that the Equality Commission had not contacted officers regarding either of the issues referred to by Councillor Cubitt. It was, therefore, agreed, to defer further discussion on the matter until the next meeting.

**Family Information Group:** The Chief Finance and Administration Officer referred to discussions at the September meeting of Council and to letter dated 3 December 2003 from Minister for Regional Development, John Speller MP which advised that parents of disabled children would be exempt from the means test and that arrangements were in place to have the necessary legislative changes made to enable this decision to take effect early in the New Year. Noted.

**Dungiven Civic Amenity Site:** The Chief Technical Services Officer referred to discussions at the Leisure Services Committee meeting on 10 December 2003 when it had been agreed that a meeting with the objectors to the development be arranged before Christmas and that the 15 members plus the relevant officers be authorised to attend. The Chief Technical Services Officer informed members that this meeting had been arranged for 18 December 2003 at 7 pm. It was, however, agreed that members would attend for a pre-meeting at 6.30 pm.

#### **CHIEF ENVIRONMENTAL HEALTH OFFICER’S REPORT – DECEMBER:**

The Chief Environmental Health Officer presented his report and enlarged thereon. The report was adopted on the proposal of Councillor Cubitt, seconded by Alderman Robinson.

#### **CHIEF TECHNICAL SERVICES OFFICER’S REPORT – DECEMBER:**

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

**Bus Shelters:** The Chief Technical Services Officer referred to the current difficulties being experienced with regard to the erection of bus shelters at Sheskin Road and Gortgare Road, Greysteel and it was agreed on the proposal of Councillor McGuigan, seconded by Councillor Brown that Council would proceed with the shelters as planned.

Following a query by Councillor Mullan, the Chief Technical Services Officer advised that the erection of a bus shelter at Aghanloo had come to a standstill and would remain so until a suitable location for the shelter could be agreed in conjunction with local residents.

At the request of Alderman Robinson, the Chief Technical Services Officer also undertook to seek an update on the erection of a shelter at Lomond Park and as to whether or not sides would be provided at the shelter at the Maxol Station on Main Street, Limavady.

**Christmas Lights 2003-2004:** A number of members pointed out that the Christmas lights in Ballykelly were inadequate and requested that the Chief Technical Services Officer review the policy for the provision of Christmas lights in future years. At the request of Councillor F Brolly, the Chief Technical Services Officer also undertook to consider the possibility of Christmas streetlights in Feeny, on the basis that the community would sponsor the purchase of the lights, with Council providing the labour.

**Cultural Community Resource Centre:** The Chief Technical Services Officer reported that 29 expressions of interest had been returned in response to the adverts for architect led design teams to develop the above project. He added that 6 had been shortlisted and invited to attend a competitive interview on 22 January 2004. He referred to the decision taken at the August meeting of Council that a Sub Group of Council would oversee the project. Accordingly, it was agreed on the proposal of Councillor Coyle, seconded by Alderman Carten that Councillor Mullan be nominated. It was further agreed on the proposal of Alderman Dolan, seconded by Councillor Coyle that Councillor Stevenson be nominated to serve on the Sub Group.

#### **LICENCES:**

**Petroleum – Annual Report on Petroleum Spirit Storage Installations:** The District Chief Building Control Officer's Annual Report on Petroleum Spirit Storage Installations was adopted on the proposal of Councillor Coyle, seconded by Councillor Cubitt.

**Property Certificates:** The Chief Finance and Administration Officer reported that following consultations between The Law Society, SOLACE and Building Control it was proposed that a revised form of Property Certificate and fee structure be introduced on 2 January 2004 to offer a wider range of searches than currently provided as follows:

<b>Type of Search</b>	<b>Proposed Fee</b>
Search back to 1973 from date of application	£85.00
Standard 10 year search from date of application	£60.00
Any specified 10 year search	£60.00

Follow on from any 10 year search	£25.00
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The District Chief Building Control Officer's recommendation that Council approve the introduction of this new Property Certificate together with the proposed fees as outlined above was agreed on the proposal of Councillor Coyle, seconded by Councillor Cubitt.

#### **THE ROE VALLEY INTEGRATED PRIMARY SCHOOL:**

The Chief Finance and Administration Officer submitted letter dated 3 December 2003 which outlined the efforts of the above Steering Group to offer integrated education in the Borough. It was agreed on the proposal of Alderman Dolan, seconded by Councillor Douglas that the contents of letter be noted. On being put to the meeting the proposal was declared carried, 5 voting for, 5, against and 3 abstentions, with the Deputy Mayor using his casting vote for the proposal.

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

**Minutes:** Minutes of meeting held on 7 November 2003 were tabled and noted.

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

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

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

**Minutes:** Minutes of meeting held on 25 September 2003 were tabled and noted.

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

**Minutes:** Minutes of meeting held on 6 November 2003 were tabled and noted.

#### **RESOLUTION FROM NEWRY & MOURNE DISTRICT COUNCIL:**

It was agreed on the proposal of Councillor Coyle, seconded by Councillor F Brolly that the following resolution be noted:

“At the Monthly Meeting of the Council held on Monday 1 December 2003 the Council noted that proposed NILGA Budget for 2004/2005 and particularly the recommended option which shows an increase in the Council's contribution from £13,138.00 to £15,328.00, an increase of 16.67%. The Council would like to point out that we are currently under severe pressure to set the District Rate at the current level of inflation ie 3% and, given the need to curtail the expenditure and rates, the Council believe that action must be taken by NILGA to reduce the proposed increase nearer to the level of inflation. The Council resolved to advise NILGA that they cannot automatically pay such high increases and agreed to advise the other 25 Councils of our view in relation to this matter.”

**NILGA Annual Conference - “Foundations for the Future”:** It was agreed on the proposal of Councillor Lowry, seconded by Alderman Dolan that Councillor Coyle and Councillor Cubitt would attend the above conference to be held on 21/22 January 2003 in the Tower Hotel, Londonderry at a cost of £180 per person.

**SEAL LEGAL DOCUMENTS:**

The following legal documents were signed and sealed:

**Controlled Waste Transfer Station at Aghanloo Lease:** Nutts to Council;

**Ballykelly Community Association Lease:** Council to Ballykelly Community & Youth Association.

**FORMAL CORRESPONDENCE:**

Environment & Heritage Service Corporate and Business Plan 2003/2006  
Environment & Heritage Service Annual Report & Agency Accounts 2002/2003  
Northern Ireland Co-ownership Housing Association Ltd Annual Report & Accounts 2002-2003  
NILGOSC Annual Report 2002/2003  
North/South Ministerial Council Annual Report 2002  
Pobal Annual Report 2002-2003  
Transport Advisory Committee Annual Review April 2002 to April 2003

**ANY OTHER BUSINESS:**

**Glasvey Primary School:** It was agreed on the proposal of Alderman Carten, seconded by Alderman Robinson that a representative from Western Education & Library Board be invited to attend a future meeting of Council to discuss the future of Glasvey Primary School.

**Tendering of Services:** Councillor F Brolly referred to a previous request that good/services provided to Council be tendered and was advised by the Chief Finance and Administration Officer that, with the exception of Council's banking, legal and catering services, most tenders were awarded on a 3 year basis and were due for renewal on 31 March 2005.

**COMPLIMENTS OF THE SEASON:**

The Deputy Mayor conveyed his best wishes for Christmas and the New Year to members and officers.

**NEXT MEETING:**

28 January 2004

**THIS CONCLUDED THE BUSINESS**

**(The meeting ended at 11 pm)**