

LIMAVADY BOROUGH COUNCIL
COMHAIRLE BHUIRG LÉIM AN MHADAIDH

22 SEPTEMBER 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, M Donaghy, B Douglas, D Lowry, G Mullan, M McGuigan and E Stevenson.

In Attendance: Committee Clerk, Chief Recreation & Tourism Officer, Chief Technical Services Officer, Chief Environmental Health Officer, Finance Officer and the Town Clerk.

APOLOGIES:

The Chief Finance & Administration Officer.

MINUTES – 25 AUGUST 2004:

The minutes of monthly meeting dated 25 August 2004 were approved and signed on the proposal of Councillor Coyle, seconded by Councillor Dolan, subject to the following amendments:

- Page 6, CCTV, paragraph 2 add ‘... Councillor Lowry highlighted that Limavady town centre, Roemill Road, the Glen Estates, Edenmore and Anderson Park accounted for almost half of the crime in Limavady Borough’.
- Page 8, Notice of Motion, paragraph 2 add ‘...Councillor Stevenson voiced his approval to the motion and said the questions asked by members were often frivolous’.

MATTERS ARISING:

Sara Lee Factory: The Town Clerk informed members that Mr B Robinson, Principal Planning Officer, Planning Service had by letter dated 17 September 2004 confirmed that the Sara Lee site be retained as requested for employment purposes in the Northern Area Plan which would be published shortly.

Restricted Car Parking – Catherine Street and Main Street Limavady: The Town Clerk reported that Road Service was currently purchasing the necessary signage for restricted car parking scheme and that a meeting would be organised with Council and the PSNI and other interested parties agree details for the introduction of this scheme.

Notice of Motion: Councillor Coyle referred to the wording of Councillor Brown’s notice of motion of the previous month and said there was a need to clarify when statutory organisations would make presentations to Council. Councillor Brown said that he had made it clear that he did not intent that his motion should apply to statutory organisation.

Councillor Lowry said that it was clear that the intention of the notice of motion was to ensure that those addressing Council do so before any meeting but there was a problem in those members attending having authority to act of behalf of Council.

In response Councillor Brown stated that his motion was aimed at the efficient operation of Council meetings and he was happy to withdraw the motion if this could be achieved in another way. It was agreed that the Town Clerk would advise on the best way forward.

MINIUTES – 8 SEPTEMBER 2004

Minutes of special meeting held Wednesday 8 September 2004 at 7.30 were approved on the proposal of Councillor Douglas, seconded by Councillor Cubitt, with 7 voting for, 6 against and 1 abstention to the following:

page 2, paragraph 3, line 4, being amended to read ‘...Sinn Fein had run an organised campaign of bigotry against him...’

It was also agreed to amend page 2, paragraph 5, line 3 by adding ‘ ... Councillor Brolly had said that Sinn Fein had been founded by members of the Presbyterian Church ...’

CHANGE MANAGEMENT SUB COMMITTEE:

The minutes of Change Management Sub Committee meeting dated 3 September 2004 were approved on the proposal of Councillor Rankin, seconded by Councillor Coyle.

ROE VALLEY CHAMBER OF TRADE & COMMERCE:

The minutes of Roe Valley Chamber of Trade & Commerce was adopted on the proposal of Councillor Rankin, seconded by Councillor Coyle.

Market Street Pedestrian Zone: At the request of Councillor Stevenson, the Town Clerk agreed to seek clarification from Roads Service on the use of Market Street by vehicles after 6 pm.

CHIEF ENVIRONMENTAL HEALTH OFFICER’S REPORT – SEPTEMBER:

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

Safety at Sport’s Grounds in Northern Ireland: The Chief Environmental Health Officer reported that the Department of Culture Arts and Leisure (DCAL) had published a consultation document on safety at sports grounds in Northern Ireland. He explained that the proposals for the new safety legislation were based on the Northern Ireland Inter-Departmental Working Group of 1988 and the recommendations contained in the Creating a Soccer Strategy for Northern Ireland Report 2001 and that these would be based primarily on the existing relevant

legislation in Great Britain, namely the Safety of Sports Grounds Act 1975 and the Fire Safety and Safety of Places of Sport Act 1987.

The Chief Environmental Health Officer said that a number of issues required clarification from the Department and these would be included in a response to the consultation to be prepared by the Chief Environmental Health Officers Health and Safety Liaison Group. He added that the proposals for Safety at Sports Grounds in Northern Ireland was to be welcomed as it would give district councils powers to issue safety certificates, enforce the conditions of safety certificates and where necessary issue prohibition notices.

Members noted that the new legislation would help prevent accidents and ensure safety at the World Motorcross Competition which would be returning to the borough in 2 years time.

Health Promotion in the Workplace: The Chief Environmental Health Officer reported that Foyle Health at Work project had recently been set up in Limavady, Derry and Strabane Council areas with the aim to promoting health and preventing illness in the workplace. He added that a further objective was to put in place a range of prevention activities in the workplace under the theme coronary health disease and cancer. Members welcomed the initiative and added their concerns on the use of asbestos and smoking in the workplace.

Bye-Law Prohibiting the Consumption of Intoxicating Liquor in a Designated Place: Councillor Lowry declared an interest in the discussion and left the chamber. The Chief Environmental Health Officer informed members that Council was in receipt of information from the PSNI regarding two males observed drinking outside a Limavady Main Street night club on 28 August 2004. He added that the incident represented a contravention of Council's bye laws as there was a sign identifying the area as a designated no drinking area located 3 metres from where the alleged offence was detected.

Councillor Coyle highlighted that the incident had occurred on the night of the Black Preceptory parade when numerous people were on the street. He added that if Council agreed to legal proceedings, it would be perceived as being unfair, illogical or discriminating as other people who had been drinking on the street had only being cautioned. A number of members disagreed and said they were against people drinking on the street whilst band parades or any other festival was going on. It was agreed that details of the matter be referred to Council's solicitor with a view to legal proceedings being initiated.

CHIEF TECHNICAL SERVICES OFFICER'S REPORT – SEPTEMBER:

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:

Audit Course - Disability Discrimination Act: The Chief Technical Service Officer reported that Technical Assistants Miss Fiona Murray and Mr Adrian Street had completed an audit course on 'Disability Discrimination Act' at the University of Ulster and that both had achieved high marks in their dissertations, with Fiona's being held for future reference in the audit library. It was agreed that letters of congratulations be forwarded to both officers on Council's behalf.

Best Practicable Environmental Option (BPEO) for the Waste Management in Northern Ireland: The Chief Technical Service Officer reminded members that the workshop was to be held at the Royal Hotel Cookstown on 7 October 2004 and that this would look at the BPEO scenarios for municipal waste management in Northern Ireland.

It was agreed by members that a special meeting of Council be held on Wednesday 29 September 2004 at 7.30 pm to discuss various current issues on waste management.

Trade Refuse Collection and Disposal Charges: The Chief Technical Service Officer said that he had attended a meeting of the Roe Valley Chamber of Trade on Tuesday 13 September 2004, where it had been explained to members present the rationale behind the proposed increases and recycling options for trade waste. As there were no objections to the disposal charges, it was agreed to issue a press release on the trade refuse collection and disposal charges and to include in this item the introduction of charges to householders for bulky refuse collections as agreed at August meeting.

CCTV: The Chief Technical Service Officer reported that further to holding a number of meetings with interested parties on CCTV, the general consensus was that the recurrent costs would be substantial and have to be borne by Council. He said that Council had to consider if it would meet revenue funding which would add approximately 1½ pence on the rates.

Councillor Lowry indicated that he was disappointed that others within the community were not prepared to finance CCTV rather than this being a burden to the ratepayers. It was proposed by Councillor Cubitt, seconded by Councillor A Brolly not to proceed with expressions of interest for CCTV at this time. Agreed

Rules Relating to Enagh Cemetery: The Chief Technical Service Officer said the current rules regulating Enagh Cemetery had been made in 1983. He also tabled revised regulations, enlarged thereon and recommended their adoption by Council for submission to the Department for comment and approval before implementation.

Members approved the Cemetery Charges as outlined within the Chief Technical Service Officer report subject to the following amendment for opening of graves:

<i>Opening charges</i>	<i>Resident</i>	<i>Non Resident</i>
First opening	£250	£300
Second opening	£250	£300
Third opening	£185	£250

It was agreed on the proposal of Councillor Lowry, seconded by Alderman Robinson to adopt the proposed Rules Relating to Enagh Cemetery subject to a positive equality screening and that further consideration be given to children under 12 years being permitted to visit the cemetery without the supervision of an adult.

Operational Services Reviews: The Chief Technical Service Officer explained that the last time Operational Services had been reviewed was in 1992. He said that the nature of services provided had substantially changed to take account of the growth of the Borough and changes in legislation and accordingly it was

essential that a review be carried out. It was agreed on the proposal of Councillor Cubitt, seconded by Councillor Coyle to adopt the recommendation of the proposal contained in the Chief Technical Service Officer's Report. Agreed.

Disposal of Surplus Lands at Main Street Limavady: The Chief Technical Service Officer reported that Roads Service had written to Council seeking its views on surplus lands at Main Street, Limavady. He said that the land in question was the public car park adjacent to Tesco car park. A number of members expressed concern that removal of this area of free car parking would be detrimental to owners and employees of local businesses and their employers.

Others members were of the opinion that Council should have no objection to the disposal of the land as the decision could lead to further developments coming to the area and that if members looked at the wider picture, they would see major changes, which would be beneficial for the economy of the town.

It was agreed on the proposal of Alderman Robinson, seconded by Councillor Cubitt that the Chief Technical Services Officer write to Roads Service detailing Council's concerns and seek clarification on the future use of the surplus lands.

Tenders - Five Year Planned Maintenance: It was agreed on the proposal of Councillor Lowry, seconded by Alderman Dolan that the following tenders be accepted for five year planned maintenance:-

- Darson Services for fixed electrical installations and portable appliances in the sum of £48,523 + VAT
- Building Protection Systems for fire alarms in the sum of £11,093 +VAT
- Eurofire for fire fighting equipment in the sum of £437.50 +VAT
- BL Refrigeration Ltd for air conditioning plant equipment in the sum of £12,654 +VAT
- Grant Group for automatic controls in the sum of £5,886.77 +VAT and
- Darson Services for plumbing at hourly rate of £16.33 +VAT

It was also noted that further analysis of tenders was required for swimming pool and health suite equipment; boiler pressurisation and pump plant; and ventilation plant and equipment.

Grounds Maintenance – Scroggy Road Pitches: The Chief Technical Services Officer reported that repair work had commenced on Scroggy Road pitches and that these repairs had arisen from damage created by football and other sports being played in evenings and weekends and that the people who were causing the damage had gained access by climbing the perimeter fence.

Members welcomed the Chief Technical Services Officer's suggestion that an open kickabout area would alleviate the problem and it was agreed that the Chief Technical Services Officer and Chief Recreation/Tourist Officer investigate this possibility.

NOTICE OF MOTION:

It was proposed by Alderman Dolan, Alderman Robinson, Councillor Cubitt, Councillor Douglas and Councillor Stevenson that:

“Council rescinds its ‘no flags’ policy and flies the union flag from Council property i.e. Town Hall and Council Offices on those days designated by the Secretary of State”.

In proposing the motion Councillor Cubitt said that it was being introduced as a political stand. He pointed out that members who had taken part in twinning celebrations in France or the Irish Republic had seen the union flag flown as the flag of Northern Ireland and that the flag should also be flown with pride from Council buildings.

Councillor Cubitt questioned the outcome of EQIA on flag flying and said that Council had received no objections to the union flag being flown from Council offices and that when he had attended meetings in Dungiven most of the people had not known which days the flag was flown. Councillor Cubitt also reminded members that whilst the number of flags flown in the Edenmore area had been reduced, flags in Dungiven had continued to be flown to commemorate various celebrations. The motion was seconded by Alderman Robinson

Councillor Stevenson said it was a pity that the issue of flag flying had to be debated and that this motion was a result of Unionists being insulted at the decision taken by Councillor A Brolly to have the union flag removed from Council offices on 17 March 2004.

Councillor Douglas said that Northern Ireland was the only country which could not fly its flag freely. He said that he shown respect for the flag of the Irish Republic whenever he visited that country and that the same respect should be given to flying the union flag on the days designated by the Secretary of State.

Councillor Coyle voiced his opposition and said that the issue of flags was contentious which was why the SDLP had a ‘no flags’ policy. He pointed out that the state of some flags was a disgrace, with no one wanting to be associated with them and that the introduction of the motion was political opportunism by Councillor Cubitt and other Unionist members to take advantage of Councillor F Brolly resignation from Council. He added that whilst Unionist’s might want to fly the union flag, they should consider the point of view of other people and that in his opinion, it was better to have a ‘no flags’ policy than to fly the union flag.

Councillor A Brolly pointed out that the 15 members had taken the decision to implement a ‘no flags’ policy on behalf of the electorate and that she could not support the motion.

Councillor Brown said he could not support the motion as it was not coincidental that the notice of motion had been put forward at this time.

Councillor Lowry said that given the outcome of EQIA and the need to ensure the building remained a neutral environment he could not support the motion. He added that it was a cynical ploy by Unionists to deliberately put forward the notice of motion at this time and that Councillor Brown had acted with integrity and made the sensibly but difficult decision not to support the motion.

In summing up, Councillor Cubitt called for the adoption of the motion and said that Councillor Brown as was a political coward. He then requested a recorded vote. The motion being put to the meeting was declared lost with 6, Aldermen J Dolan and G Robinson, Councillors B Douglas, E Stevenson, L Cubitt and J

Rankin voting for and 8, Alderman M Carten, Councillors G Mullan, D Lowry, M Coyle, M Donaghy, A Brolly, B Brown and M McGuigan voting against.

NOTICE OF MOTION:

Councillor Lowry proposed:

“Limavady Borough Council rejects British Minister of State’s proposal to phase in household water charges during 2006/07.”

In proposing the notion Councillor Lowry said that Minister Speller had announced water changes would be introduced to Northern Ireland and that many homes would have to pay up to a maximum of £750, with the lowest household charge being £150. He said that property with a value of £60,000 would be charged £235 and those valued at £250,000 would have annual charge of around £615. He added that such charges would add a financial burden on the people of Northern Ireland and that direct rule Ministers only had to look at shambles the water charges caused in Britain with one in five households being in debt to its water supplier. He added further that the proposed 25% discount would not help people on low incomes and considered the charges unacceptable and unfair to the vulnerable and disadvantaged.

Councillor Lowry requested that Council support the notice of motion and in so doing request the Secretary of State and leaders of Northern Ireland political parties to ensure Government shelve plans to introduce water and sewage charges and refer the financing of such an infrastructure to Northern Ireland Executive and Assembly. The motion was seconded by Councillor Coyle.

Councillor Cubitt pointed out that farmers already paid for water and no matter what Council said, water charges would be introduced and that the only fair method of setting these would be through a metered system. He also suggested that all new houses should have metres installed during construction.

Councillor Douglas referred to the water infrastructure being run down over recent years and said that whilst he did not agree with the way in which the Minister was bringing in the charges, it was clear that the public could have to pay for the system to be upgraded.

Councillor Stevenson indicated that he would support the motion if it was amended from British Minister to The Minister. Councillors M Coyle, D Lowry and A Brolly agreed accordingly.

The motion being put to the meeting was declared carried with 8 voting for, 2 against and 1 abstention.

FOYLE HEALTH & SOCIAL SERVICES TRUST:

Minutes: Minutes of meeting held 27 August 2004 were tabled and noted.

NORTHERN IRELAND BUILDING CONTROL COMMITTEE:

Minutes: Minutes of meeting held 9 September 2004 were tabled and noted.

NILGA - EXECUTIVE MEETING:

Briefing: Briefing of meeting held 3 September 2004 were tabled and noted.

RESOLUTION FROM NORTH DOWN BOROUGH COUNCIL:

It was agreed on the proposal of Councillor Coyle, seconded by Councillor Cubitt to note the resolution from North Down Borough Council regarding the Review of Public Administration.

COURSES/CONFERENCES:

EU Cohesion Policy: It was agreed on the proposal of Councillor Brolly, seconded by Alderman Carten that Councillor Coyle attend EU Cohesion Policy Annual Seminar to be held 4 October 2004 at Hilton Hotel, Templepatrick.

NILGA – Planning for the Future: It was agreed on the proposal of Alderman Dolan, seconded by Alderman Carten that Councillor Cubitt attend NILGA seminar to be held 12 October 2004 in Malone House, Belfast. It was also agreed on the proposal of Alderman Carten, seconded by Councillor Donaghy that Councillor Coyle attend the seminar.

Local government Staff Commission: It was agreed on the proposal of Councillor McGuigan, seconded by Councillor Brolly that Councillor Cubitt attend the Local Government Staff Commission seminar on 'Recruitment & Selection in Practice' to be held 9 November 2004 at Derry City Council.

Anti-Social Behaviour: It was agreed on the proposal of Councillor Coyle, seconded by Alderman Dolan that two officers from Council attend the Chartered Institute of Housing conference on anti-social behaviour to be held 21 October 2004 in Radisson SAS Hotel, Belfast.

Equality Commission – Fair Employment in N.I.: It was agreed on the proposal of Alderman Dolan, seconded by Councillor Douglas that Councillor Cubitt attend Equality Commission seminar to be held 9 November 2004 in Hilton Hotel Belfast.

ANY OTHER BUSINESS:

None

FORMAL CORRESPONDENCE:

- Criminal Justice System for Northern Ireland Annual Report 2003-2004
- The Electoral Commission – Corporate Plan 2004 – 2009
- The Electoral Commission – Delivering Democracy

NEXT MEETING:

27 October 2004

THIS CONCLUDED THE BUSINESS

(The meeting ended at 11.00 pm)