

MAGHERAFELT DISTRICT COUNCIL

Minutes of Proceedings of a Meeting of the General Purposes and Finance Committee of Magherafelt District Council held in the Council Chamber, 50 Ballyronan Road, Magherafelt on Monday, 1st October, 2001. The meeting commenced at 8.10 p.m.

Present: T.J. Catherwood
P.E. Groogan
J. Junkin
J.F. Kerr (joined the meeting at 8.11p.m.)
Miss K.A. Lagan
P.H. McErlean

Observers: J.A. McBride
Rev. Dr. R.T. Wm. McCrea, MLA
S. O'Brien
J.P. O'Neill
G.C. Shiels

Officials Present: J. A. McLaughlin (Chief Executive)
J. J. Tohill (Director of Finance and Administration)
T. J. Johnston (Director of Operations)
M. G. Browne (Development Officer)
S. Henry (Community Relations Officer)

The Chief Executive read the Notice convening the meeting.

Councillor J.F. Kerr joined the meeting at 8.11p.m.

1. Election of Chairman

It was

PROPOSED by Councillor P.H. McErlean,
Seconded by Councillor J.Junkin, and:

RESOLVED: that Councillor Miss K.A. Lagan be elected Chairman.

Councillor Miss K.A. Lagan took the Chair.

Councillors S. O'Brien and J.P. O'Neill retired from the meeting at 8.15p.m.

2. Election of Vice-Chairman

It was

PROPOSED by Councillor J.F. Kerr,
Seconded by Councillor P.E. Groogan, and:

RESOLVED: that Councillor P.E. Groogan be elected Vice-Chairman.

3. Consideration of report prepared by the Community Relations Officer and copies of applications received for grant-aid under the Community Relations Programme

Submitted report prepared by the Community Relations Officer and related applications for grant aid under the Community Relations Programme (Appendix 1).

Mr S. Henry, Community Relations Officer, briefly explained that the Community Relations unit had approved grant aid in the amount of £22,000, of which the CRU funded 75% with the remaining 25% funded by the Council. He further explained the application process and stated that, at the time of writing the report, he had received 85 applications, all of which he had assessed as qualifying for a grant from the Council, the total amount of grants recommended being £21,365. The 85 applicants had been summarised into the following categories:

- Playgroups;
- Women's Groups;
- Senior Citizens;
- People with Impairments;
- Development Associations;
- Youth;
- Festivals;
- Historical Societies; and
- Others.

Mr Henry proceeded to explain each of the grant applications. He pointed out those groups who were being recommended for grants for the first time and gave the rationale for recommending each group within a category for the same amount of grant aid except where the group had applied for less than the standard amount allocated.

Councillor J. F. Kerr stated that he wished to declare an interest in the following applications:

- No. 40 - Applicant: St. Mary's Glenview and Maghera Primary School Special Needs Pupils; and

- No. 49 – Applicant: Carntogher Community Association.

Councillor J. Junkin noted that application number 10 was from S.T.A.R.S., a playgroup set up to help children with autism. He said that the degree of success treatment of autism was likely to have increased dramatically the sooner the treatment started. For this reason he wondered if Mr Henry had considered allocating this group slightly more than the standard amount.

The Chief Executive replied that the policy was to try to treat all applicants within a category equally as to do otherwise would lead to a number of claims that exceptional circumstances existed.

Mr Henry drew the Members attention to applications numbers 17 and 21 both of which were in the name of Bellaghy Women’s Group. He explained that this had been a typing error and that number 21 was actually from Bellaghy Women’s Institute.

The Chairman, Councillor Miss K. A. Lagan declared an interest in the following applications:

- No. 30 – Applicant: Magherafelt & District Disability Forum; and
- No. 35 – Applicant: Maghera Breast Cancer Support Group.

Councillor P.E. Groogan declared an interest in:

- No. 52 – Applicant: Moneyneena & District Development Group.

Councillor Rev. McCrea retired from the meeting at 8.20 p.m.

Mr Henry sought the Chairman’s permission to table another schedule of five additional applicants for community relations grant aid (copy handed out to each Member). He explained that he had assessed the five applications and decided to recommend four of them to the Council for funding. The four groups recommended were:

Maghera Residents Association	Recommended £167
Magherafelt Meadows Community Assoc.	Recommended £167
Maghera Mother and Toddler Group	Recommended £150
Maghera Youth Drama Group	Recommended £150

Mr Henry explained that the fifth applicant was Constable Matthew Craig from Maghera RUC Station who was seeking a contribution towards the costs of adapting his house to accommodate his terminally ill three-year old daughter. His daughter suffers from a rare and life limiting illness called Sanfillipo Syndrome. Mr Henry said that although it was a bona fide cause it could not be funded from Community Relations.

The additional four applications funded brought the total grants recommended to the Council to £22,000, i.e. the full extent of Mr Henry's allocated funding.

The Chief Executive stated that, although Constable Craig's request could not be funded, the Council could make a contribution to the parent organisation catering for the needs of sufferers of Sanfillipo Syndrome. This could be considered at the next Council meeting scheduled to be held on Tuesday 9th October 2001.

Councillor Catherwood requested that Mr Henry inform Constable Craig of the potential contribution to the parent organisation.

It was

PROPOSED by Councillor T.J. Catherwood,
Seconded by Councillor P.H. McErlean, and:

RESOLVED: that the Committee should accept the Community Relations Officer's recommendations and recommend the proposed grants totalling £22,000 to the Council.

Mr Henry retired from the meeting at 8.25p.m.

4. Request from Mr P. McShane to remove the storage buildings at Draperstown Library

Mr Johnston explained that Mr McShane was proposing to develop the old corn store at High Street, Draperstown into a small community hall. The old corn store is situated immediately behind the library and Mr McShane believes that if the Council's two storage buildings were removed the appearance of the corn store would be enhanced by leaving a good forecourt. However, it was Mr Johnston's opinion that the Council needed to retain both stores as one is used to store equipment for the street sweepers in Draperstown and the other services that part of the old Courthouse previously used by the playgroup. Mr Johnston recommended that, unless Mr McShane can guarantee the permanent provision of suitable alternatives to these buildings, the Council should not demolish them.

The Chairman, Councillor Miss Lagan asked if the buildings in question were particularly unattractive.

Mr Johnston replied that they were not. He pointed out that if the Council were ever going to release the library it would need to supply a storage facility.

Councillor Kerr enquired if an alternative storage facility would have to be near the present buildings.

Mr Johnston replied that it would have to be convenient and certainly within Draperstown itself.

The Chief Executive stated that the library storage facility would have to be convenient to the library.

Councillor Groogan requested that Mr Johnston discuss the matter directly with Mr McShane.

The Chief Executive said that he could not understand why Mr McShane had not requested this at an earlier stage when alternative storage facilities could have been accommodated in the corn store.

Mr Johnston said that Mr McShane only appeared to be proposing the demolition of the two stores and not giving any consideration to their replacement.

On consideration, it was:

PROPOSED by Councillor P.E. Groogan,
Seconded by Councillor P.H. McErlean, and agreed to

RECOMMEND: that the Council should accept the officer's recommendations that unless Mr McShane can guarantee the permanent provision of suitable alternatives to these buildings, the Council should not demolish them.

5. Letter from Greenpeace seeking support for the Kyoto Protocol

Referring to a letter received from Greenpeace (Appendix 2), Mr Johnston said that the letter was in response to President Bush's withdrawal from the Kyoto Protocol, which was designed to protect the environment. The letter itself asked two questions:

- Firstly, because Mr Bush is from Texas and Esso is a Texan oil company, the letter is asking the Council to discontinue using Esso, if indeed it uses them currently; and
- Whether the Council will confirm that it supports the Kyoto Protocol.

Mr Johnston said that the first question was irrelevant because the Council does not use Esso products. However, Mr Johnston did wish to have clarification on the second question, i.e. did the Council support the Kyoto Protocol.

Councillor Junkin recalled a similar protest against Shell. However, he felt that the consumer needed large companies like Shell and Esso because, without them, there would be limited research into low pollution fuels. With regard to the Kyoto Protocol he said that he was personally annoyed at the United States' withdrawal from it.

Councillor J. F. Kerr stated he felt that the Council should respond to the first question by stating that it does not use Esso fuels. He felt that with regard to the second question he would be supportive of the Council declaring its support for the Kyoto Protocol.

On consideration, it was

PROPOSED by Councillor J. Junkin,
Seconded by Councillor J.F. Kerr, and agreed to

RECOMMEND: that the Council should forward a letter of reply to Greenpeace stating that it did not use Esso fuel and that it did support the Kyoto Protocol.

6. Request from Lower Castledawson Community Association for the provision of a bus shelter and litterbins in Riverside and Parkview

Mr Johnston referred to the letter (Appendix 3) and said that it requested the erection of a bus shelter and litterbins within the Riverside and Parkview estates, Castledawson. He explained that the Council's policy was to only erect bus shelters on main bus routes throughout the district with the emphasis being on rural roads. This policy was based on the principle that children in urban areas could wait in their houses until the bus was due to arrive. Mr Johnston further explained that the Council had already provided a major bus shelter adjacent to the public toilets in Castledawson. This bus shelter was approximately 100 yards from both these estates. Mr Johnston suggested that if the Council were to erect bus shelters in individual estates it would be establishing a costly precedent as there was the potential for many similar requests and each shelter could cost in the region of £6,000 to £8,000.

Referring to the request for litterbins, Mr Johnston stated that it was this Council's policy, and indeed the policy of most Councils, only to erect litterbins in areas where large numbers of people/children could generate litter, e.g. in commercial areas such as near confectionary shops, take-outs, schools, or along main streets in towns and villages. This practice facilitated an efficient servicing by street sweepers on a regular basis. In other areas where very little litter is generated people are expected to take their litter home and put it in a domestic bin. Mr Johnston felt that this was a reasonable expectation. He felt that if people would drop litter on the ground where they live the erection of a litterbin would be no deterrent. Mr Johnston also said that the erection of litterbins in estates would again establish a costly precedent as a relatively vandal-proof bin would cost approximately £400 and there might well be requests for up to 500 such bins.

In summary, Mr Johnston recommended that the Council did not agree to erect either bus shelters or litterbins within estates.

Councillor J. Junkin said that he could understand why this request had been made. Castledawson was fairly tidy but there had always been a lot of problems with the toilet block. If the Council erected any more structures they would probably be vandalised. In any event he felt that the Council's refusal to erect litterbins in Alexander Park,

Upperlands last year had already established a precedent in line with Mr Johnston's recommendation.

Councillor P. H. McErlean suggested that the Council should write to the community group to explain why the Council could not do what they requested.

Mr Johnston replied that he would write to the group and explain why their request could not be met.

Councillor T. J. Catherwood agreed that Mr Johnston's recommendation was the only way forward.

On consideration, it was

PROPOSED by Councillor P.H. McErlean,
Seconded by Councillor J. Junkin, and agreed to

RECOMMEND: that the Council does not erect litterbins or bus shelters in either Riverside or Parkview estates and that Mr Johnston should write to the community group and inform it of the reasons for the Council's decision.

7. Update on developments at Traad Park

Mr Johnston gave a report on developments at Traad Park. He explained that an issue had arisen whereby a number of fishermen were claiming rights over a portion of the lands that the Council purchased from the University of Ulster (UU) on 1st February 2001. He said that the actual title was complex, involving both registered and unregistered land and also various leasehold titles acquired from the Shaftesbury Estate of Lough Neagh.

Upon investigation by both officers and the Council's legal adviser it became apparent that the Council required to undertake a considerable amount of work to perfect its title. This work included:

- Negotiation of a new lease between the Council and the Shaftesbury Estate;
- Clarification of shooting rights affecting the property;
- Negotiation with the DoE and the Water Service; and
- Clarification of the position of Northern Ireland Electricity (NIE).

Mr Johnston alluded to the problems surrounding the purchase of lands from Scotts (Toomebridge) Ltd, of which the Members would be aware, and the current dispute over boundaries in that purchase. He explained that extensive enquiries had been carried out to establish the boundaries at Traad Park and any adverse rights affecting the property itself.

Legal opinion advised that the Council should, following the purchase from the UU, assert ownership in an effort to avoid claims for adverse possession and to identify any previously unidentified adverse claims against the property. This advice led to the erection of gates at the entrance to Traad Park, which in turn resulted in complaints from the fishermen. The fishermen requested a site meeting on 31st May 2001 which local Councillors attended, a result of which the following further questions were put to the Council's legal adviser:

Question 1. Was the Council acting properly in asserting title?

Answer: Yes. The Council's absolute ownership must be acknowledged by all Park users.

Question 2. Did the UU or any other organisation identify any locals with rights over Traad park other than the Gun Club, the Water Service and the NIE?

Answer: The UU was only able to identify Mr Bernard Coleman as previously having a lease over the pier on the said lands. This lease was dated 5th July 1984 and ran for a period of five years. In the lease Mr Coleman had been granted a right of way across (not down) the main entrance, and was allowed to stretch nets over a small area of land adjacent to the pier. The lease permitted Mr Coleman to use the pier solely for fishing by him and members of his family as holders of a licence from Toome Eel Fishery Company Limited. When the lease expired in 1989 Mr Coleman's solicitors, Messrs John J. McNally & Co requested a new lease for a further five year term from 5th July 1989 from the UU's solicitors. The UU was prepared to grant the extension but only until 4th July 1994, i.e. the end of the five year period. Mr. Coleman never signed this new lease. Mr Coleman would also have had to have obtained a new lease from the Shaftesbury Estate but it is unclear whether he ever did. In any event the Council's legal adviser wrote to Mr Coleman's solicitor (still Messrs John J. McNally & Co) on 20th March 2001. The Council's solicitor received a reply dated 21st March 2001 from Messrs John J. McNally & Co indicating that the solicitor dealing with this matter was on holiday. The Council's solicitor sent a further reminder on 4th June 2001 and still awaits a reply.

Question 3. Is Mr Gerald Coleman's assertion (at the site meeting on 31st May 2001) that the Coleman family owned the pier correct?

Answer: No. The pier is owned by Magherafelt District Council. Given that Mr B Coleman's lease expired in July 1989, legal opinion was that the Council must take affirmative action to assert title to prevent Mr Coleman claiming under adverse possession (a claim could be made after twelve years, i.e. in July 2001). This had been done. Mr Johnston further indicated that Mr B Coleman had, at the meeting on 31st May, stated that he was unaware of ever having or needing a lease with the UU. This was clearly incorrect.

Question 4. What action should the Council now take?

Answer: Although the Council would not want to interfere with the fishermen's means of making a living, legal opinion states that it is clear that the unregulated practices of the past pose problems for any responsible landowner, particularly the local Council, which intends to invest heavily in the area to promote it as a tourist attraction.

At the meeting on 31st May 2001, Mr B Coleman did acknowledge the Council's title to the property and now that the Coleman family have made some representations in this matter the officers believe that it would be prudent to enter into a temporary arrangement with this family to allow them to continue to avail of the facilities for a short period until they could permanently relocate elsewhere. This should be done by renewing the terms of the UU lease with Mr B Coleman for a maximum period of five years to allow the Coleman family time to relocate their activities.

Question 5. Can the Council be compromised?

Answer: Legal opinion states that the Council must be allowed to secure its own property by the erection of gates and fencing where appropriate. The Council almost certainly faces the prospect of having to resort to litigation over the boundaries of the adjacent property purchased from Scott (Toomebridge) Ltd and it is important that it is consistent in its approach to all boundary disputes, right of ways, etc, to prevent anger, claims of discrimination and preference, not to mention difficulties for individual Councillors when they are asked to explain the Council's policy. It should be remembered that the Council has a duty to all its ratepayers, not just the few affected by the purchase of the land from the UU. The Council's legal adviser had finally stated that the Council had acted properly in its steps to assert title. These steps had in turn prompted discussions with a number of the locals and the Council now has the opportunity to deal with the situation in a positive fashion having properly brought the issue to the fore.

Mr Johnston then asked the Chairman to seek the views of the Members on the matter.

Councillor Junkin asked if the Council did secure its boundaries what arrangements would be in place to let the Coleman's have access whenever they needed it.

Mr Johnston replied that if the Coleman family acknowledged the Council's ownership rights appropriate arrangements would be made.

The Chief Executive stated that it had a duty to defend all its boundaries but he felt that the legal recommendation was fair and reasonable to all parties.

Councillor T. J. Catherwood asked if the Coleman's accepted the Council's rights of ownership.

Mr Johnston said that Mr B. Coleman had acknowledged this at the site meeting but that Mr G. Coleman had argued that they owned the pier.

Mr Johnston further advised the Members that the officers had requested through Councillor Kelly that the Colemans detail what exactly they wanted and then the officers would meet them to discuss this. Mr Johnston recommended that the Council should, subject to the Colemans acknowledging the Council's ownership rights, take the advice of its legal adviser and offer the Colemans an opportunity to have a temporary access to the property (for a final maximum period of five years to allow the Coleman family time to relocate their activities) by renewing the terms of the previous UU lease with Mr B Coleman.

On consideration, it was

PROPOSED by Councillor P.E. Groogan,
Seconded by Councillor J. Junkin, and agreed to

RECOMMEND: that the Council, subject to the Colemans acknowledging the Council's ownership rights, should take the advice of its legal adviser and offer the Colemans an opportunity to have a temporary access to the property (for a maximum final period of five years to allow the Coleman family time to relocate their activities) by renewing the terms of the previous UU lease with Mr B Coleman.

8. Report on developments regarding the sale of plots of land at Glenburn, Magherafelt

Mr Johnston explained that the situation had now been concluded. A delay had arisen due to the death of one of the people wishing to purchase one of the six plots. This had introduced the possibility of one of the plots not being sold and therefore becoming landlocked and inaccessible to the Council for maintenance purposes. The matter had been resolved when one of the other purchasers had agreed to purchase it on the basis of the valuation produced by the Valuation and Lands Agency. The bills of sale have now been processed and are currently with the Council's solicitor.

Noted.

9. Request for a revised street nameplate at Queen's Avenue, Magherafelt

Mr Johnston explained that the request had been received from a new bread and breakfast hotel at Meeting Street, Magherafelt. However, access to this property was via Queens Avenue and the officers were recommending the erection of a sign at Queens Avenue stating "Queens Avenue – leading to 55/56/57 Meeting Street". This recommendation was made on the basis that such nameplates are only provided in situations where there is the potential for confusion.

On consideration, it was

PROPOSED by Councillor P.H. McErlean,
Seconded by Councillor J. Junkin, and agreed to

RECOMMEND: that the Council accept the officer's recommendation to erect a street nameplate at Queens Avenue, Magherafelt stating "Queens Avenue – leading to 55/56/57 Meeting Street".

10. Development of the Council Chamber

The Chairman, Miss K. A. Lagan, asked the Chief Executive if he had given the adequacy of the Council Chamber and the potential for renovation/extension of the Council Offices any further consideration.

The Chief Executive advised that there were a number of possible permutations and he should permission to commission some basic drawings of alternative renovations/extensions and indicative costs which he would then submit to the Council for consideration.

On consideration, it was

PROPOSED by Councillor Miss K.A. Lagan,
Seconded by Councillor J. Junkin, and agreed to

RECOMMEND: to the Council that the Chief Executive should commission some basic drawings of alternative renovations/extensions and indicative costs which he would then submit to the Council for consideration.

11. Proposal for a World War II museum in the old cinema building, Magherafelt

The Chief Executive referred to a letter from Mr M O'Reilly at (Appendix 4) and explained that the Council had been approached by a group from Cookstown who wished to establish a World War I & II museum in the Magherafelt area.

The group is made up of four gentlemen:

- Mr Mel O'Reilly
- Dr Harold Wray
- Mr John Greer
- Mr Gary Campbell

Between the four of them, these individuals have managed to gather a collection of WW1 & WW2 memorabilia with an estimated value of ½ million pounds. This collection includes a great variety of pieces and has items from nearly every country that took part in either campaign. The collection includes items such as uniforms, artillery items (which

have been made safe), radios and communication equipment, flags, bags and newspapers from the period. In the past the group had put on very successful exhibitions in Derry and Cookstown. The largest percentage of items came from Germany and were in very good condition. Some of these items were very collectable such as a SS officer's uniform.

The group is now looking for a permanent base for the collection and have made contact with the Magherafelt Trustees. The Trustees have told the group that they would be prepared to give it a long-term lease agreement for the old cinema on Queen Street, Magherafelt and would even invest in some refurbishment of the building.

The group has requested that the Magherafelt District Council consider becoming a partner in this venture as it was felt that this would give the project greater sustainability and potential. The Chief Executive stated that the level of partnership had not yet been fully discussed.

If the Council did become a partner in the venture there would be a greater opportunity for funding. The Chief Executive informed the Members that Mr Browne had made tentative enquires of the Heritage Lottery Fund to find out if this project would be eligible for funding. Mr Browne had been advised that the project could apply specifically to the Museums & Galleries Access Fund under the HLF. Interestingly unlike any other theme, in this case there is no upper limit of funding.

The Chief Executive explained that under the heritage lottery fund, four were criteria used for scoring projects:

- Heritage conservation
- National heritage
- Local heritage
- Heritage education and access

The proposed museum project would fall into every category except Local Heritage and would be a unique product in Northern Ireland.

The Chief Executive added that the project would also be a tremendous educational attraction in addition to being a very good general tourist attraction.

The Chief Executive sought the Members views on the proposal.

The Chairman, Councillor Miss Lagan asked if the proposal was sustainable.

The Chief Executive replied that it would need some subvention from the Council but that if the Council expressed an interest in principle of becoming involved it would allow the officers time to investigate the matter further.

Mr Johnston stated that the Council's involvement might increase the potential for grant assistance from other sources.

The Chairman, Miss Lagan asked if this would create a precedent which would compromise the Council's stance regarding support for The Flight of the Earls facility in Draperstown.

The Chief Executive stated that this was different in that the group was seeking Council support from the outset but the Flight of the Earls project could apply to be reconsidered for funding. If there was the possibility of such an application being received it would not be proper to decide upon its likelihood of success at this point.

Councillor Junkin asked if the Council could offer support for five years.

The Chief Executive replied that the most appropriate route to follow was to merely express an interest at this stage to allow the officers to investigate further.

Councillor Junkin expressed some reservations about the old cinema building as the most appropriate location for such a facility.

Mr Johnston replied that the Town Trustees had already met with the group and were prepared to offer the building on very good terms.

Councillor Kerr cautioned against making any commitment at this stage because it may commit the Council to other similar requests in the future.

On consideration, it was

PROPOSED by Councillor T.J. Catherwood,
Seconded by Councillor P.H. McErlean, and:

RESOLVED: that Committee should recommend to the Council that it authorise the officers to express an interest in the Council becoming a partner in a venture to locate a World Wars I & II museum in the old cinema building, Magherafelt. The officers should also be asked to research the matter further and bring back a more detailed report, including potential cost implications.

12. Any Other Business

Councillor J. Junkin gave the Chief Executive a copy of a Ballymena Borough Council publication entitled "In focus" and asked him to consider whether Magherafelt District Council could publish a similar newsheet for its ratepayers.

The meeting concluded at 9.20 p.m.

CHIEF EXECUTIVE.

The foregoing Minutes are hereby Confirmed.

_____ (Chairman)

_____ (Date)