

**LIMAVADY BOROUGH COUNCIL  
COMHAIRLE BHUIRG LÉIM AN MHADAIDH  
ENVIRONMENTAL SERVICES COMMITTEE**

**5 SEPTEMBER 2005**

Minutes of meeting held in the Council Offices, 7 Connell Street, Limavady at 7.30 pm on the above date.

**PRESENT:**

Aldermen G Mullan, G Robinson and J Rankin. Councillors P Butcher, L Cubitt, M Carten, B Chivers, M Coyle (chair), M Donaghy, C Ó hOisín, J F McElhinney, A Robinson and E Stevenson.

**In Attendance:** Committee Clerk, Director of Environmental Services and Acting Town Clerk & Chief Executive.

**APPOINTMENT OF CHAIR:**

The Mayor – Councillor Coyle reminded members that it had been agreed that the Environmental Services Committee would be chaired by a unionist member and sought nominations thereon. As there were no nominations it was agreed that Councillor Coyle would chair the September Environmental Services meeting.

**APOLOGIES:**

Councillor Douglas and Councillor Brolly.

**MINUTES:**

The minutes of previous meeting dated 1 August 2005 were approved and signed on the proposal of Councillor Carten, seconded by Councillor Cubitt.

**MATTERS ARISING:**

**Pollution of the River Roe:** The Director of Environmental Services tabled letter dated 11 August 2005 from Environment & Heritage Service (EHS), which detailed that within the first hour of arriving on site, EHS staff had investigated and identified the possible source of pollution which killed 120 salmon and 96 trout in the River Roe. He said the EHS were constrained in what it could tell Council as it was likely that the incident would lead to legal action following results of samples taken from the river and dead fish. Members noted that the EHS had indicated they were as open as possible with Council on this matter but were not at liberty to discuss certain aspects of the case.

Members voiced their disappointment that the EHS had not provided this information directly after the incident had occurred and Alderman Mullan queried the possibility of a cover up. In the debate that followed, members agreed that due to 15% loss of salmon in the River Roe and request by Councillor Ó hOisín for a salmonoid hatchery, that the Loughs Agency and Roe Angling Association would be invited to attend the next Environmental Services Committee meeting on Monday 3 October 2005.

**Grass Cutting:** The Director of Environmental Services referred to Councillor Donaghys' request for co-ordination on grass cutting and said whilst he would be happy to engage in discussions with Roads Service and the Housing Executive, Council could be taking on extra work and responsibilities. It was agreed that the Director of Environmental Services would investigate the possibility of co-ordination on grass cutting for 2006.

**Noise Complaint:** The Director of Environmental Services informed Councillor Cubitt that noise levels would continue to be monitored for compliance with noise abatement notice served on an entertainment venue in the Borough.

**Provision of Toilets - Ballykelly:** The Director of Environmental Services explained that the provision of toilets in Ballykelly was still being investigated.

**Signs – Alexander Road/Crawford Square:** The Director of Environmental Services referred to request by Councillor Cubitt for signs at Alexander Road and Crawford Square and said that the matter had been referred to the Housing Executive to determine if they were responsible for erecting signs in this instance.

## **DIRECTOR OF ENVIRONMENTAL SERVICES REPORTS – SEPTEMBER 2005:**

### ***Building Control Department:***

The Building Control report detailing applications approved, acknowledged and issued between 1 June and 30 June 2005 and 1 July and 26 July 2005 were tabled and noted.

**Licences:** It was agreed on the proposal of Councillor Cubitt, seconded by Councillor Ó hOisín that Council would approve the following licences:

- (1) Grant of an Occasional Entertainment Licence to Quay Vipers Motorcycle Club for marquee at Benone Tourist Complex from 23 – 25 September 2005 subject to no adverse comments from PSNI or Fire Brigade.
- (2) Renewal of Amusement Permit for Ian Madden, 3 Linenhall Street, Limavady subject to confirmation from the Fire Brigade that a valid Fire Certificate was in force for the premises.

### ***Environmental Health Department:***

The Director of Environmental Services presented the Environmental Services Report and enlarged thereon. The report was adopted, on the proposal of Alderman Rankin, seconded by Alderman Robinson subject to the following:

**Health & Safety – Failure to Comply with Statutory Notices:** The Director of Environmental Services reported that a hostel in the Dungiven area failed to comply with informal requests and Improvement Notices served on the owner to provide the department with Gas Safety and Electrical Safety Certificates. He said that the premises had been visited on a number of occasions regarding the certificates and following an inspection by a CORGI gas engineer, a Prohibition Notice was served on the owner of the hostel on 11 August 2005, prohibiting the use of the gas installation and fittings and required the gas to be disconnected.

Subsequent visit of 17 August 2005 revealed that the gas supply had not been disconnected; therefore the Prohibition Notice had been breached. He explained that an NICEIC electrical engineer had visited the hostel on 10 August and on his advice a further Prohibition Notice was served on the owner on 17 August prohibiting the use of electrical equipment at the premises being connected to an electrical supply above 12/24V as there was an imminent risk of serious personal injury to persons using the premises.

The Director of Environmental Services highlighted that on a subsequent visit to monitor compliance with the Notices, the owner asked two officers to leave the premises, thus preventing them performing their duties under the Health and Safety at Work (NI) Order 1978. He said that during the visit the owner indicated that the premises were no longer operating as a hostel, however, the business was continuing to advertise via the internet and is registered with the Northern Ireland Tourist Board for provision of accommodation.

Councillor Ó hOisín said the hostel brought in thousands of visitors to the area and the owner was not clear of what was required by the notices. The Director of Environmental Services agreed to write to the owner again before the matter be referred to Council's solicitor.

**Dogs (NI) Order 1983:** The Director of Environmental Services detailed statistical information for the month of July on stray and unwanted dogs. He explained to Alderman Mullan that Council had agreed to work with the North West Animal Shelter on providing new homes for stray animals and if the Animal Welfare Organisation identified a need for a specific type of dog, they would approach the dog pound regarding re-homing the dog in England. Councillor McElhinney referred to the large number of stray dogs in Greysteel and said it was time people took responsibility for their pets.

**Bye-Law Prohibiting the Consumption of Intoxicating Liquor in a Designated Place:** The Director of Environmental Services reported six incidents of drinking alcohol in a designated place contrary to the above bye-law and recommended that details be referred to Council's solicitor with a view to legal proceedings being taken against the persons identified. Agreed.

Councillor McElhinney referred to bottles being thrown at cars in Greysteel and suggested signs should be erected about drinking on the streets. The Director of Environmental Services agreed to liaise with the PSNI and DPP on Greysteel and other areas in the Borough where drinking on the street was a problem and the possibility of these areas being included in Council's street drinking bye-laws.

**Noise Complaint – Use of Quad Bikes in Field:** The Director of Environmental Services reported that two complaints had been received regarding the use of quad bikes in a field close to their homes and that the complainants had alleged that in previous weeks extensive works had been carried out within the field by landowner to create a course on which the bikes could be ridden. He said the landowner had been contacted about complaints of dust and noise and had been asked to ensure noise levels were not an annoyance to those persons living nearby. He added that following further complaints, monitoring was carried out and noise levels indicated that a nuisance did exist and as a result a Noise Abatement Notice was served. Members noted that Council would be informed if any breach of the notice was witnessed.

***Technical Services Department:***

The Director of Environmental Services presented the Technical Services Report and enlarged thereon. The report was adopted, on the proposal of Councillor Cubitt, seconded by Councillor Donaghy subject to the following:

**Playground at Blackburn Park:** The Director of Environmental Services informed members that the playground at Blackburn Park would be handed over from the contractor upon completion of outstanding minor works. He said 2 picnic tables would be installed on the site within the next two weeks and that the revised contract sum totalled £102,570 + VAT.

Members referred to recent vandalism at the site, where seats had been upturned and bins burned. Alderman Mullan said the individuals who vandalised the park and set fire to the Integrated Primary School were mindless thugs. Alderman Robinson agreed to raise the issue of playground security when the DPP next met with the PSNI.

**Multi-Purpose Civic Centre – Additional Asbestos Removal:** The Director of Environmental Services highlighted that prior to discovery of additional asbestos, the demolition contractor had already satisfactorily removed the asbestos identified in the initial White Young & Green report. He said the contractor had identified the suspected asbestos on 1 July 2005 and had suspended works in the vicinity to prevent disturbance of the material and subsequent release of fibres into the atmosphere. Samples were taken by White Young & Green and confirmation that the material was asbestos was received by Consarc on 11 July. After the contractor had liaised with the Health & Safety Executive and obtained advice on removal of the asbestos, costs were submitted by him to Consarc and Council officers authorised the contractor to proceed with removal of the asbestos.

The Director of Environmental Services sought an explanation to the asbestos omission from White Young & Green who clarified that whilst a type 3 survey of Limavady Town Hall had been carried out, the inspection was limited by the fact that no safety precaution were in place to facilitate access to the lift shaft and the survey was limited to a visual inspection only as explained in section 1.3 of the original report. White Young & Green indicated that it was regrettable that the material was not identified during the original survey and was of the opinion that it would have been almost impossible to identify material in light of above factors without compromising the safety of the surveyors.

The Director of Environmental Services pointed out that a Type 3 survey was defined in the Health & Safety Executive publication MDHS 100 as a “full access sampling and identification survey” and advises this type of survey should “locate and describe, as far as reasonably practicable, all asbestos containing materials, including those areas which may be difficult to reach”.

Councillor Donaghy queried why Council would have to pay the additional £13,800 costs due to this error. In the debate that followed, it was agreed on the proposal of Councillor Cubitt, seconded by Alderman Robinson that the Director of Environmental Services would engage in negotiations on settlement with White Young & Green.

**Legionella Bacteria Risk Assessments of Council Properties:** The Director of Environmental Services explained that Risk Assessment Surveys of Council premises had been received from Healthy Buildings International. He said the survey highlighted that various remedial works needed be carried out immediately and that Council devise a “Manage Control Scheme” to mitigate the potential proliferation of legionella bacteria. Members agreed to the quotation submitted by Healthy Buildings International for £5,490.00 + VAT for remedial works to Council’s twelve premises.

The Director of Environmental Services agreed to provide a copy of details of legionella bacteria risk assessments to Alderman Mullan.

**Provision of Playground at Curragh Road, Dungiven:** The Director of Environmental Services explained that as part of the complete project, Council was required to provide a public footpath along the full frontage of the site for playground at Curragh Road and Roads Service would advise if lighting was required on the path. He said Planning Service were opportunistic in terms of their requirement to provide the footpath, which would lead from the existing site to the boundary of the development limit indicated in the NAP and suggested Council seek a relaxation in terms of this requirement.

Members agreed to the estimated costs of £40,000 for provision of footpath, street lighting (if required) and site fencing. It was also agreed that negotiations would take place regarding cost of design and installation of playground.

**Vehicle and Plant Equipment:** The Director of Environmental Services outlined that specifications were being drawn up to tender for a number of new vehicles and plant equipment, which would replace some of those hired at present. Councillor Ó hOisín suggested the skips in Dungiven should be emptied more frequently as hired lorries were not available on Saturday to take full skips to recycling yard.

#### **ANY OTHER BUSINESS:**

**Invitation to 2006 Special Olympic Launch:** It was agreed on the proposal of Councillor Carten, seconded by Councillor Coyle that Alderman Rankin would attend the launch of 2006 Special Olympics in Parliament Buildings, Belfast on Monday 19 September 2005 at 11.30 pm.

**Technical Service Manager:** The Acting Town Clerk & Chief Executive informed members that following interviews, the position of Technical Service Manager had been offered to Mr John O’Brian and that he would commence employment in November 2005.

#### **NEXT MEETING:**

3 October 2005

**THIS CONCLUDED THE BUSINESS**  
**(The meeting ended at 9.40 pm)**