

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

7 MARCH 2005

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

PRESENT:

Present: Aldermen J Dolan and M Carten. Councillors A Brolly, B Brown, B Chivers, L Cubitt (in the chair), M Donaghy, B Douglas, D Lowry, G Mullan, M McGuigan, J Rankin and E Stevenson.

In Attendance: Committee Clerk, Acting Town Clerk & Chief Executive, Chief Environmental Health Officer and the Acting Chief Technical Service Officer.

APOLOGIES:

Alderman G Robinson, Councillor Coyle and the Town Clerk

MINUTES:

The minutes of previous meeting dated 7 February 2005 were approved and signed on the proposal of Alderman Carten, seconded by Alderman Dolan.

MINUTES OF CHANGE MANAGEMENT SUB COMMITTEE:

IN COMMITTEE: The minutes of the Change Management Sub Committee dated 7 February 2005 were adopted and signed on the proposal of Councillor A Brolly, seconded by Councillor Douglas subject to the following:

Councillor Rankin requested that Council be provided with usage and expenditure figures for Benone Tourist Complex. The Acting Town Clerk & Chief Executive said it was difficult to get exact figures due to golf membership.

Councillor Mullan welcomed the recommendation of undertaking a feasibility study and suggested that although Benone sold itself during the summer months, Council should investigate other events, such as bowls or improvement of the food provision in the complex. The Acting Town Clerk & Chief Executive recommended that the feasibility study be undertaken externally. Agreed.

The minutes of the Change Management Sub Committee dated 28 February 2005 were adopted and signed on the approval of Councillor A Brolly, seconded by Councillor Douglas subject to Councillor Lowry recording serious reservations regarding the recommendations.

It was agreed on the proposal of Councillor Douglas, seconded by Councillor Brown that the new directors would take up their responsibilities as soon as possible.

MATTERS ARISING:

Damage to Turmeel Footbridge: The Acting Town Clerk & Chief Executive advised members that he was in the process of arranging a meeting with the Chief Recreation & Tourism Officer and the Countryside Access Officer regarding damage to Turmeel footbridge.

CHIEF ENVIRONMENTAL HEALTH OFFICER'S REPORT – MARCH 2005:

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

Contamination of Food Products Containing Sudan 1: The Chief Environmental Health Officer reported that the Environmental Health Department had issued letters to 261 local food producers, retailers and caterers informing them of the food hazard warning issued by the Food Standard Agency on products contained Sudan 1. He said that the Environmental Health Department had advised removing the products from sale and subsequent to this had carried out random visits to check if affected products were still being sold.

Harassment and Illegal Eviction: The Chief Environmental Health Officer advised members that the department had received information from a former tenant of a privately rented property at Main Street, Limavady alleging that he had been harassed and unlawfully evicted from his accommodation. He said that upon being investigated, it would appear that in November 2004 the property in which the complainant resided was sold by its then owner and that the present owner had documentation which showed that he purchased the property with vacant possession.

The Chief Environmental Health Officer explained that from the evidence available, it was unclear if the complainant was still in occupation of the property at the time of the alleged eviction/harassment and if the complainant was not a tenant then the new owner could not be held liable for eviction. It was agreed that no actions be taken in respect of this matter as the evidence available would be insufficient to prove beyond reasonable doubt in any criminal proceedings that the actions of the new owner of the property would have constituted harassment or illegal eviction.

Anti-Social Behaviour (NI) Order 2004: The Chief Environmental Health Officer referred to the Anti-Social Behaviour (NI) Order 2004 (ASBO's) which came into effect on 25 August 2004 and said that this made provision to prevent behaviour which causes or is likely to cause harassment, harm or distress to others and to protect the public from anti-social activities which disrupt the lives of the wider community.

The Chief Environmental Health Officer detailed the main elements of the Order and said that a District Council, PSNI or NIHE could apply to a Magistrates Court for an ASBO to be made in respect of any person aged 10 years or over provided certain conditions were fulfilled.

The Chief Environmental Health Officer explained that following the introduction of the 2004 Order a Working Group had been established consisting of

representatives of the PSNI, NIHE and District Councils in order to develop guidelines to assist the main agencies with ASBO applications. He said that the guidelines had been developed with the benefit of informed experience from the use of ASBO's in England and Wales and that they were intended to ensure consistency of practice throughout Northern Ireland.

Members noted that in the six month since the 2004 Order was introduced, no ASBO's had been issued in Northern Ireland.

The Chief Environmental Health Officer pointed out that sometimes it was difficult for the relevant agencies to obtain sufficient evidence to support a successful criminal prosecution and that this often resulted in the perpetuation of nuisance and harassment to the community with no apparent resolution for the victims. He said that it should be remembered that whilst an ASBO was a civil order, a breach of that Order would result in the holder acquiring a criminal record. Accordingly, the relevant agencies might wish to consult with other appropriate agencies, including social services, youth justice and probation service or consider alternative interventions such as warning letters or Acceptable Behaviour Contracts (ABC's), restorative cautions or informal warnings.

Certificate in Health and Safety: Members congratulated Miss Marie Doohar, Environmental Health Officer on acquiring the NEBOSH Certificate in Health and Safety.

Chewing Gum on Footpaths: In response to members' concerns at littering, the Chief Environmental Health Officer said that if a person was observed depositing chewing gum on footpaths, this would be considered a littering offence and could lead to prosecution.

The Acting Town Clerk & Chief Executive explained that the removal of chewing was problematic as the footpath took on 'a measles effect' and that the ideal solution would be to clean the entire area but this would be at a substantial cost.

CHIEF TECHNICAL SERVICES OFFICER'S REPORT – MARCH 2005:

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

Proposed Management of North West Regional Waste Management Group:

The Acting Chief Technical Service Officer informed members that a protocol had been proposed to facilitate the orderly management of landfill allowances within the North West Regional Waste Management Group. He said that given the requirements of the Northern Ireland Landfill Allowance Scheme and Waste Emissions and Trading Act, the Councils of the NWRWMG would treat the issue of excess allowances in line with the Group's agreed approach to regional waste management.

The Acting Chief Technical Service Officer explained that if banking of allowances was not permitted, then excess allocations in any year would only be made available to other councils in Northern Ireland after the member Councils of the Group had received the necessary additional allocations.

Members agreed to accept the recommended protocol on the basis of a fair and equitable allowance management system within the North West Regional Waste Management Group.

House of Commons – Northern Ireland Affairs Committee – Waste Management Report: The Acting Chief Technical Service Officer referred to the Waste Management Report from the Northern Ireland Affairs Committee which had made headline news in the media during the week. He summarised the main conclusions and recommendations for members' convenience.

It was agreed that the contents of the report would be placed on the agenda for the next Northern Ireland Strategic Intergovernmental Waste Management Partnership meeting and that the Minister be asked to implement the report of the Northern Ireland Affairs Committee.

Policy on the Provision of Public Conveniences: The policy on the Provision of Public Conveniences was formally adopted by members.

Policy Revision – Street Naming: The Acting Chief Technical Service Officer presented a draft revision on the Street Naming Policy. He said that members had raised queries in relation to additional or replacement of Street Name Plates in some Housing Executive or partial Housing Executive estates and that after meeting with Housing Executive officers, responsibility had been agreed as follows:

- *Housing Executive to provide **additional** signs if over 50% of houses in estates were Housing Executive owned.*
- *Housing Executive/Council in joint partnership to provide **additional** signs if less than 50% of houses in estate were Housing Executive owned.*
- *Council would be responsible for **replacement** of signs only if these were located on pathways or green areas and not attached to Housing Executive property.*

Councillor Lowry welcomed the revised policy and said the proposed £300 application fee for the erection of street name plate was nominal given the use of Council resources.

It was agreed on the proposal of Councillor Lowry, seconded by Councillor Rankin that the draft policy be accepted in principle, subject to being reviewed annually and formal adopted by the full Council.

Drainage at Drumavalley Playing Field: The Acting Chief Technical Service Officer informed members that investigations into drainage at Drumavalley playing field had revealed that a section of blocked and partially collapsed concrete storm drainage pipe was responsible for the slow drainage of water from the adjacent sheugh.

Councillor Mullan said he would not be prepared to accept the recommendation of removing and replacing the offending section of pipe as this would not solve the drainage or rat problem as the sheugh would still be left open. He added that if Drumavalley playing field was properly drained, it would be one of the best

pitches in the Borough and could be used for hosting Milk Cup matches. He additional advised exploring every avenue to find a solution to the problem.

The Acting Town Clerk & Chief Executive explained that the field was made up of 3 layers of soil, peat and white sand and that to undertake complete drainage would be a major problem as there was no fall to take the water away.

It was agreed on the proposal of Councillor Stevenson, seconded by Councillor Douglas that the Acting Chief Technical Service Officer would present additional costings on drainage at a future meeting of Council and that the pipe be repaired in the meantime.

BUILDING REGULATIONS APPLICATIONS (schedule enclosed):

The District Chief Building Control Officer's report detailing applications approved, acknowledged and issued between 2 February 2005 and 1 March 2005 was tabled and noted.

ANY OTHER BUSINESS:

Dungiven Civic Amenity Site: Councillor Brown declared an interest in the discussion and left the meeting.

The Acting Town Clerk & Chief Executive explained that a price had been negotiated for the proposed civic amenity site at Dungiven. The recommended price of £139,950 was agreed on the proposal of Councillor Lowry, seconded by Councillor McGuigan subject to planning permission and written confirmation of reasonableness by the Valuation and Lands Agency.

Councillor Stevenson voiced his opposition and said this was a waste of money.

NEXT MEETING:

4 April 2005

THIS CONCLUDED THE BUSINESS

(The meeting ended at 9.45 pm)