

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

**ENVIRONMENTAL SERVICES COMMITTEE**

**16 JUNE 2009**

Minutes of meeting held in the Council Offices, 7 Connell Street, Limavady at 7.35 pm on the above date.

**PRESENT:**

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

**IN ATTENDANCE:**

Committee Clerk, Director of Environmental Services, Operations Manager and the Chief Executive.

**APOLOGIES:**

Councillors A Brolly and M Carten.

**APPOINTMENT OF CHAIRPERSON:**

The Mayor took the chair and sought nominations for the appointment of chair for the year 2009/10. He reminded members that it had been agreed at the 2009 AGM that the SDLP would chair this committee.

Alderman Coyle was agreed on the proposal of Councillor Mullan, seconded by Councillor Chivers.

**MINUTES:**

The minutes of meeting dated 19 May 2009 were approved on the proposal of Councillor Cubitt, seconded by Councillor Robinson.

**MATTERS ARISING:** - None.

**DIRECTOR OF ENVIRONMENTAL SERVICES REPORTS – JUNE 2009:**

***Building Control Department:***

The Director of Environmental Services presented the Building Control Report which detailed applications approved and issued in May 2009; Entertainment Licences Issued and Facilities Management & Energy Management Report. The report was adopted on the proposal of Councillor Mullan, seconded by Councillor Cubitt subject to the following:

**Energy Performance Certificate Legislation:** The Director of Environmental Services explained that in May 2008 Council had agreed to the request by the Department of Finance and Personnel (DFP) for enforcement responsibilities relating to the Energy Performance of Buildings (Certificates & Inspections)

Regulations (NI) 2008 to be undertaken by the Building Control Department. He said the DFP had now proposed an enforcement protocol with arrangements for the employment of four surveyors to carry out this work throughout NI and as part of the proposal, Councils are asked to provide expressions of interest in employing these surveyors.

It was recommended that Council decline the offer on the basis of administration costs associated with the employment, however, as these positions would cover all of NI, Building Control would be able to avail of their services at no expense to Council. Agreed.

**Gas Supply for RVLC:** It was agreed that the contract with Firmus Energy for supply of gas to Roe Valley Leisure Centre would be renewed for a two year period at a set price of 3.0 pence per kWh. It was noted that the set price would offset any rise in gas prices in the next two years and allow for accurate budgeting for gas.

***Environmental Health Department:***

The Director of Environmental Services presented the Environmental Health Report which detailed information relating to Consumer Protection, Emergency Planning, Food Control, Licensing & Regulatory; Street Trading Act (NI) 2001 and Pollution Control. The report and recommendations were accepted on the proposal of Councillor Cubitt, seconded by Councillor Ó hOisín subject to the following:

**Hygiene Emergency Prohibition Notices issued on the Old Polish Bakery:** The Director Environmental Services explained that following a catalogue of contraventions of the Food Hygiene (NI) Regulations, two Hygiene Emergency Prohibition Notices were served on the Old Polish Bakery in May & June 2009. He said that in light of breaches of one of the notices and the past record, it was recommended that offences be referred to Councils solicitor with the view to instigating legal proceedings against the operator of the Old Polish Bakery for breaches of the Food Hygiene (NI) Regulations 2006. It was also recommended that on successful conviction of the business operator that Councils solicitor makes a recommendation to the court to prohibit the food business operator participating in the management of any food business. Agreed.

**Proposals for a Waste Bill – Consultation Documents:** The Director Environmental Services outlined that the Department of the Environment were seeking the views of Council on proposals planned for inclusion in the forthcoming Waste Bill or in other appropriate Primary legislation. He said the proposals included:

- changes to the existing legislative framework for waste management and contaminated land in Northern Ireland
- additional legislation relating to local government contracts for waste management
- enabling legislation for a single Waste Disposal Authority and
- a minor amendment to the Producer Responsibility Obligations Order 1998.

The proposal to amend the Waste and Contaminated Land (NI) Order 1997 to allow councils to prosecute for offences relating to breaches of Articles 4 & 5,

prohibition of unauthorised disposal etc of waste and duty of care respectively was welcomed by members.

***Technical Services Department:***

The Director of Environmental Services presented the Technical Services Report and enlarged thereon. The items for information were noted and the report and recommendations were adopted on the proposal of Councillor Butcher, seconded by Alderman Rankin subject to the following:

**Vale Centre – Pitch Maintenance:** The Director Environmental Services reported that following a meeting between elected members and representatives of Greysteel Community Enterprises (GCE), the Board of GCE had confirmed that they would accept the Maintenance Schedule which had been forwarded to them by Council in April 2009, with the exception of one item. He said GCE had requested that 125 tonne of sand be applied to the grass based pitch twice per year for the next three years and thereafter an annual application of 80-100 tonnes of sand per year. He added that the total cost to Council for the additional sanding over and above what was included on the Maintenance Schedule would be £4,462.50.

The request by GCE for additional sanding was discussed at length by members and a number of proposals were made to progress the matter. It was queried if applying additional sand would solve the underlying drainage problem at the pitch and if agreeing to the request could open the floodgates to similar requests from other groups.

The meeting adjourned for 5 minutes at 8.40 pm.

Upon return at 8.45 pm, Councillor Cubitt proposed, seconded by Councillor Stevenson that based on the information within the report that Council keep the status quo and do not add any extra sanding to the Maintenance Schedule. The proposal was put to the meeting and declared lost, 6 for, 7 against.

Councillor Mullan proposed, seconded by Councillor McElhinney that Council supports the request by the Vale Centre for remedial work as outlined within the Technical Service Report at a cost of £4,462.50 as a one off final departure from the normal schedule of annual maintenance. A recorded vote was requested and the motion was put to the floor and declared carried, 7 for, namely Councillor Mullan, Councillor Chivers, Councillor Butcher, Councillor Carten, Councillor Ó hOisín, Alderman Coyle and Councillor McElhinney. Councillor Cubitt, Councillor Robinson and Alderman Robinson voted against the motion and Alderman Rankin, Councillor Douglas and Councillor Stevenson abstained from voting.

**ANY OTHER BUSINESS:**

- The Director Environmental Services agreed to pass on members congratulations to Technical Service staff on the clean up after the Jazz & Blues Festival.
- It was agreed that the Director Environmental Services would bring forward a recommendation on how to solve problem of rabbits in the cemetery for the August 2009 meeting.

- The Director Environmental Services agreed to investigate if a tree in the front of a shop in Main Street, Dungiven could be cut back further.
- The Director Environmental Services agreed to investigate what action would be taken about an overgrown garden in Drumsumn which was attracting mice and insects.
- Members noted that the Director of Development was pursuing provision of a play area at Hyacinth Avenue, Ballykelly.

**NEXT MEETING** – Tuesday 18 August 2009

**THIS CONCLUDED THE BUSINESS**  
**(The meeting ended at 9.10 pm)**

Signed: \_\_\_\_\_  
Chair of Meeting