

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

17 JANUARY 2006

Minutes of meeting held in the Council Offices, 7 Connell Street, Limavady at 7.00 pm on the above date.

PRESENT:

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

In Attendance: Committee Clerk and Director of Environmental Services.

APOLOGIES:

Councillors M Carten and Councillor Douglas.

MINUTES:

The minutes of meeting dated 5 December 2005 were approved and signed on the proposal of Councillor Chivers, seconded by Councillor Ó hOisín.

MATTERS ARISING:

River Roe Pollution Incident – 22 July 2005: The Director of Environmental Services tabled letter dated 14 December 2005 from EHS regarding investigation into the fish kill in the River Roe. He said that EHS had confirmed that the cause of the pollution had been quickly identified and were in the process of compiling a prosecution file to be forwarded to the Public Prosecution Service within a few weeks. Members noted that details of the case were sub-judice and EHS could not discuss the offender's details as this might jeopardise a successful prosecution.

DIRECTOR OF ENVIRONMENTAL SERVICES REPORTS – JANUARY 2006:

Building Control Department:

The Building Control report detailing applications approved, acknowledged and issued between 30 November 2005 and 9 January 2006 was adopted on the proposal of Councillor Coyle, seconded by Alderman Rankin.

Environmental Health Department:

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

Regulation of Cosmetic Piercing and Skin Colouring Businesses: The Director of Environmental Services informed members that from 1 November 2005 under

Article 31 and Schedule 2 of the Local Government Order 2005, Councils were given specific powers relating to the regulation of cosmetic piercing and skin colouring businesses. He said Council would be able to require persons carrying on such businesses to register themselves and their premises, and to observe byelaws relating to the cleanliness and hygiene of premises, practitioners and equipment.

As Council had already resolved to adopt the 1985 Order in relation to tattooing, ear piercing and electrolysis (Article 14), it was agreed that amended bye laws be brought to Council for formal adoption.

Consultation on Proposals to Reform Liquor Licensing Law in NI: The Director of Environmental Services explained that Council was in receipt of a consultation which sought comments on possible changes to the Licensing (NI) Order 1996 and the Registration of Clubs (NI) Order 1996. He outlined the key proposals and said these aimed to offer a degree of liberalisation and deregulation, which would give consumers greater choice and meet the needs of Northern Ireland's night-time economy and that relaxation of the law, would be matched and balanced by tougher powers for the police, courts and local licensing authorities.

Key Proposals:

- introduction of six licensing objectives to form the basic policy, legislation and regulation in respect of liquor licensing;
- to move from a court-based system to licensing authority under the aegis of Councils;
- to provide extension to opening hours up to 2 am Monday to Saturday and midnight on Sunday;
- to introduce or support the introduction of a range of measures for protection of children, including test purchasing powers and voluntary proof of age scheme, as well as additional flexibility around allowing children on licensed premises;
- introduction of effective measures to enforce licensing laws, such as temporary closure powers for the police, penalty points system for breaches of legislation and creation of new liquor licensing officers;
- abolition of current categories of licences in favour of dual system of personal and premises licences;
- abolish the surrender principle following proposed transfer of the licensing system to Councils.

In the debate that followed, members' comments to the key proposals were noted as follows:

- Alderman Rankin - queried effect longer opening hours would have on A&E departments, increase in anti-social behaviour, domestic violence, cancer, stroke & heart diseases and objected to abolition of surrender requirements;
- Councillor Cubitt – concern that this would lead to increase in drinking by young people, assaults on hospital staff and ill health by bar staff having to endure extra hours in a smoke filled environment;
- Councillor Stevenson – queried if the industry was being protected from competition;

- Alderman Mullan – voiced concern regarding enforcement of the legislation and effect this might have on the PSNI;
- Councillor Coyle - welcomed the introduction of voluntary IDs;
- Councillor Ó hOisín – welcomed the proposals, which were in line with European Legislation;
- Councillor Brolly – welcomed introduction of sanctions on pubs;
- Councillor Butcher – whilst Council may have more control, not enough focus was on control of off-licences and kids drinking in the streets;
- Councillor Chivers – concern as to the number of shops that would be able to sell alcohol.

Alderman Robinson stated that the DUP were opposed to the move of responsibility for liquor licensing to Councils and proposed that Council endorse the response of the Federation of Retail Licensed Trade to the consultation document. This was seconded by Councillor Robinson and on being put to the meeting was declared lost, with 3 voting for, 8 against and 2 abstentions.

It was agreed that the Director of Environmental Services would prepare a draft response with members' comments to the consultation document for the January Monthly meeting of Council.

Pollution Control – Recurring Nuisance: The Director of Environmental Services outlined that between October 2003 and January 2006, the department had received and investigated a number of complaints relating to blocked drains and malodour from a housing development in the Limavady area.

He explained that the development had initially been approved by DOE Planning Service with conditions that the sewage system complied with relevant statutory requirements. He added that the public health nuisance condition observed by officers had been resolved on a number of occasions by the private construction company who maintained the treatment & pumping station. In February 2004 a Notice of Abatement of Nuisance had been served under the Public Health (Ireland) Act 1878, which required work to be executed to ensure the drains ran clear and not to be blocked by sewage. A prohibition notice had also been served under Article 70 of the Pollution Control and Local Government Order 1978, to prohibit further recurrence of the nuisance by repairing the treatment plant which serviced the dwellings and to ensure tight fitting lids were provided on all inspection chambers.

It was noted during monitoring in February 2005 that the lids of the inspection chambers were not secured and in October 2005 sewage effluent was observed lying on the ground adjacent to the pumping station.

The Director of Environmental Services explained that further complaints of blocked sewers were received in November 2005 and again in January 2006 and officers were advised by an employee of the construction company that the pumping station had failed due to a blockage at the primary collection tank. The Prohibition Notice served in February 2004 had therefore been breached. Members noted that whilst the company had been advised in writing of these breaches and given an opportunity to make a statement verbally or in writing, to date no response had been received.

It was agreed that the matter be referred to Councils solicitor with a view to instigating legal proceedings against the construction company for breach of Article 70 of the Pollution Control and Local Government (NI) Order 1978.

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 Butcher, seconded by Alderman Rankin subject to the following:

Waste Management & Recycling Awareness Schemes – Primary School Wormeries: Members welcomed that all primary schools in Limavady would receive a wormery as part of Councils Waste Management & Recycling Scheme.

Consultation on the Waste Management Strategy for Northern Ireland – ‘Towards Resource Management’: The Director of Environmental Services tabled NILGA response to the consultation ‘Towards Resource Management’ on the Waste Management Strategy for Northern Ireland and NILGA summary report to the consultation. He also drew members attention to the fact that funding for waste management would be reduced from £10 to £7 million for 2006/07 and that grants could only be used for capital works, which would put an added burden on the ratepayer. Alderman Rankin suggested that the residents of the Borough be made aware that if they generated waste, this would contribute to higher charges.

It was agreed on the proposal of Councillor Coyle, seconded by Alderman Robinson that Council endorse the NILGA response to the consultation and that an emphasis would be put on the need for support from Central Government as District Councils should not be expected to carry this burden alone.

Scroggy Road Pitch: The Director of Environmental Services reported that on examination of the boundary fencing, it was decided to repair and raise the height of a section of existing fence behind Drumachose Mews. In response to Alderman Rankin, he agreed to investigate if Scroggy Road pitch would be accessed from open gates at Rathbeg Extention.

Curragh Road Playpark: Councillor Chivers requested that the Director of Environmental Services provide an update on provision of playpark at Curragh Road at the next Environmental Services meeting. She also queried the possibility if an audit of playparks in the Borough.

Dungiven Sports Pavilion and Community Centre – Provision of Children’s Play Room: Members noted that the community group had advised that funding had been awarded to support the project and that the Technical Services Manager had sought legal advice from Councils solicitor regarding contracts and insurance before any formal agreements/contracts would be entered into.

Benone Beach Toilet Block: The Director of Environmental Services reported that quotations had been received for the supply and installation of new laminate cubicles at Benone Beach Toilet Block and recommended that Council agree to the lowest quotation of £2,954.42 + VAT received from Carella Laminate Systems Ltd. Agreed.

HOUSING EXECUTIVE – TRAVELLER SITES:

The Director of Environmental Services tabled letter dated 5 December 2005 in which the Housing Executive requested if Council could identify available land to be used on an emergency basis by Traveller families for which they would be prepared to discuss some form of leasing arrangement and remuneration for the cost of cleaning on vacation of the land. It was agreed on the proposal of Councillor Coyle, seconded by Alderman Robinson that the Director of Environmental Services would write to advise the Housing Executive that Council had considered the request but currently no land was available.

ANY OTHER BUSINESS:

Waste Management Plan: It was agreed that Councils' consultants would present modifications to Councils Waste Management Plan at the February 2006 Environmental Services Meeting.

Greysteel – Change in Bye-Laws: The Director of Environmental Services explained to Councillor McElhinney that Council was awaiting a response from the PSNI regarding his request that Greysteel be included in bye-laws prohibiting the consumption of intoxicating liquor in designated places.

DDA Reports: The Director of Environmental Services informed members that DDA Reports had been completed and work identified for Roe Valley Leisure Centre, Benone Tourist Complex, Dungiven Sports Pavilion and the Council Offices and that the Director of Development would provide information regarding the leisure centres at the Development Services Meeting.

Staff Matters: Members noted that by the beginning of February the Environmental Services Directorate should be back to full staff complement for the first time in 7 months.

NEXT MEETING:

21 February 2006.

THIS CONCLUDED THE BUSINESS
(The meeting ended at 9 pm)