

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

**ENVIRONMENTAL SERVICES COMMITTEE
20 NOVEMBER 2012**

Minutes of meeting held in the Council Offices, 7 Connell Street, Limavady at 7.50pm on the above date.

PRESENT:

Aldermen M Coyle, J Rankin and G Robinson. Councillors, A Brolly, B Chivers, B Douglas, T McCaul, J McCorkell, D Nicholl, G Mullan (Chair), A Robinson and E Stevenson.

IN ATTENDANCE:

Chief Executive, Director of Environmental Services, Committee Clerk and Administrative Officer.

APOLOGIES: - Councillor O Beattie, S McGlinchey, C McLaughlin.

MINUTES:

The minutes of meeting dated 16 October 2012 were approved on the proposal of Alderman Jack Rankin, seconded by Councillor B Chivers.

MATTERS ARISING:

Page 2 – Objections to the Renewal of an Entertainment Licence: The Director of Environmental Services informed members that officers had again approached the PSNI to clarify their objections in relation to the renewal of an Entertainment Licence for Ban Joes, 82-84 Main Street, Dungiven but without success. He stressed the importance of getting clarification of the objections and the need to be able to substantiate them because if the licence is refused, the applicant had a right of appeal and the case may go to court. Alderman Michael Coyle proposed, seconded by Councillor B Chivers that officers should approach the PSNI to seek clarification of their objection to the renewal of the Entertainment Licence and if no response was forthcoming within a reasonable period of time, officers would be authorised to issue the licence. On being put to the vote the proposal was carried 8 for, 0 against and 0 abstentions.

Page 4 – Dungiven Castle Park: Members were advised that their concern over the lack of an overall management plan was being discussed by senior managers.

**DIRECTOR OF ENVIRONMENTAL SERVICES REPORTS –
NOVEMBER 2012:**

Building Control Department:

The Director of Environmental Services presented the Building Control Report which detailed applications approved, acknowledged, issued, cancelled rejected and withdrawn between 1 and 31 October 2012; consultations, building

regulations, entertainment licences issued and applications for entertainment licence; bi-lingual street nameplates, property certificates issued, and Facilities Management & Energy Management Report. The items for information were noted and the report was adopted on the proposal of Councillor B Chivers, seconded by Alderman Jack Rankin subject to the following:

Renewal of Entertainment Licence: Council had no objection to the application received for the grant of an Entertainment Licence for Joe O'Neill for Joe's Bar, 92-94 Main Street, Dungiven subject to no adverse comment from the police, fire service or public consultations.

Consultation on the Proposal for the Building (Prescribed Fees) (Amendment) Regulations (Northern Ireland) 2013: The Director of Environmental Services referred members to the proposed response to the consultation which had been discussed at last month's Environmental Services Committee meeting and outlined the main changes to the fees which were set in legislation and had not been amended since 1997. He explained the amended fee charges detailed on schedules 1 and 2 and the fee charges for type approval applications and advised that it was proposed to review the fees on an annual basis. The response was approved and it was agreed to return it to the Department as Council's response to the consultation.

Portable Appliance Testing: The Director of Environmental Services informed members that a joint procurement exercise had taken place between Limavady Borough Council, Coleraine Borough Council and Moyle District Council for the provision of Portable Appliance Testing for a 3 year period. Quotations had been sought which resulted in a significant saving on the contract price per unit and it was agreed, based on the evaluation, to award the contract for Portable Appliance Testing to PHS Compliance, 61A Main Street, Larne.

Addendum Approval for the Grant of an Occasional Liquor Licence: Council had no objection to the grant of an occasional liquor licence for Gortnaghey Community Association for premises at Gortnaghey Community Centre on 30 November 2012 and 14 December 2012 from C O'Neill, The Arcade Bar, Dungiven and for The Kevin Lynch Hurling Club at the Dungiven Community Hall on 28 December 2012 from C O'Neill, The Arcade Bar, Dungiven. *Alderman Michael Coyle declared an interest in Gortnaghey Community Association.*

Environmental Health Department:

The Director of Environmental Services presented the Environmental Health Report which detailed information relating to Environmental Health, consumer protection, food control, health, safety and well-being, Licensing & Regulatory and Pollution Control.

Sensor Safe Carbon Monoxide Monitor's – Update: The Director of Environmental Services reported that substantial efforts had been made by the owner of Sensor Safe to recover the faulty carbon monoxide monitors and to date over 1000 have been surrendered but about 470 remain unaccounted for. Sensor Safe has been directed to continue with their efforts to uplift any outstanding alarms and voluntary surrender them to Limavady Borough Council.

Alderman Robinson joined the meeting at 8.15 pm

Part Worn Tyres: The Director of Environmental Services reported that the Environmental Health Department had participated in a regional exercise to ascertain the level of compliance with the Motor Vehicles Tyres (Safety) Regulations 1994 (as amended) in relation to the safe supply of part-worn tyres. Within the Limavady Borough Council area the level of compliance was generally adequate and the next step would be to carry out test purchases at higher risk premises identified during inspections.

BIS Funding: It was reported that £15k funding had been secured from BIS (Business, Innovation and Skills) to carry out a surveillance exercise to ascertain whether the carbon monoxide monitors available to consumers were safe and met general safety requirements.

Roe Valley Fuel Stamp Scheme: Council approved the recommendation to continue to support the Roe Valley Fuel Stamp Scheme by contributing £5k funding to LCDI who would administer the scheme for another year.

Unlicensed Dog Offence [LR654-2012]: Council agreed that no further action be instigated in this case.

On Street Drinking Offences: It was agreed to refer the list of incidents detailed to the Council's solicitor with a view to legal proceedings being taken against the persons identified for contravention of the bye-law prohibiting the consumption of intoxicating liquor in a designated place. Members agreed that the Director of Environmental Services should write to the relevant department to suggest that "on the spot" fines or fixed penalties should be introduced as a better and more cost effective way of dealing with on street drinking offences. The Director of Environmental Services agreed to provide Councillor McCorkell with a list of designated areas which came under the bye laws for on street drinking.

Investigation into Fly-posting Offences at Greysteel [PC197-2012]: It was agreed that this case be referred to Council's solicitor with a view to legal proceedings being instigated against the owner of the business.

Investigation into Fly-posting Offences at Greysteel [PC201-2012]: It was agreed that this case be referred to Council's solicitor with a view to legal proceedings being instigated against the owner of the business.

Members commended the work carried out by officers in relation to the enforcement of fly-posting regulations in the Borough and stated that a difference was already noticeable in the town. A discussion followed concerning the problem encountered when enforcing the law regarding litter and members congratulated the street cleaners on the work they carried out in keeping the Borough tidy. The Director of Environmental Services advised that where there was evidence of littering, fixed penalties would be issued and if not paid would be followed up by court proceedings. He continued by suggesting that the press could assist in getting the message about litter enforcement across to the public.

The Environmental Health report and recommendations were approved on the proposal of Alderman Michael Coyle, seconded by Alderman G Robinson.

Technical Services Report:

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

Dungiven Household Recycling Centre: Members were informed that the Dungiven Household Recycling Centre was officially opened today, 20 November 2012 and that it was fully operational with very favourable comments from customers regarding the ease of use and range of materials which were being accepted at the site.

Backburn Path: It was agreed to give Officers the authority to accept the lowest quotation for the installation of lights at the steps to the rear of Connell Street leading onto the Backburn Path.

Scroggy Road 3-G Pitch: The Director of Environmental Services updated members regarding progress of works at the property adjacent to the Scroggy Road pitch. He advised that a number of fencing panels and a gate had been ordered and would be erected by Council's workforce upon delivery.

Christmas Lighting 2012: Members were advised that the additional lighting points at Connell Street Car Park, Main Street Limavady and Main Street Ballykelly as agreed at the September Environmental Services meeting had been installed and decorations fitted in preparation for the Christmas switch ons.

ANY OTHER BUSINESS:

Bus Shelter Greysteel: At a member's request it was agreed to carry out a survey to determine if criteria are met for provision of a bus shelter at Harvest Meadows, Dunlade Road, Greysteel.

Drumavalley Kick about Area: It was agreed that Councillors would attend a meeting with Drumavalley residents to discuss a number of issues regarding the kick about area and Alderman Michael Coyle and/or Councillor G Mullan could attend in lieu of Councillor O Beattie. The Director of Environmental Services to advise members of date of meeting.

Household Recycling Centre Limavady: Following a request from a member concerning the lack of facilities for disposing of plasterboard at the civic amenity site it was agreed that officers would investigate if improved signage could be provided at the site which would give details of what materials could be deposited there.

Lighting on Limavady By-Pass: A member raised concerns over the poor lighting on the by-pass on the Ballykelly Road section from Lisnakilly Roundabout to Killane Roundabout which was discouraging pedestrians from walking the by-pass at night. It was agreed to write to Roads Service regarding improved lighting on this section of the Limavady by-pass.

IN COMMITTEE on the proposal of Alderman G Robinson, seconded by Alderman Michael Coyle.

Contract for the Haulage, Recycling and Processing to End markets of Mixed Dry Recyclable Waste: The Director of Environmental Services recapped on the procurement exercise administered by the North West Region Waste Management Group which resulted in the contract for the above service being awarded to Regen Waste. Prior to the substantive contract commencing in September 2012, the same company had dealt with Council's dry recyclable waste under a short term contract from June to August 2012. He went on to explain that under the terms and conditions of both contracts Council should get back some of the revenue generated from processing the waste unless there were high levels of contamination. He explained that contamination rates up to 10% had to be dealt with by the contractor at no extra cost to Council but where contamination exceeded 10% the contractor could impose a scale of charges dependant upon the level of contamination. Prior to the award of the new contract the level of contamination of Councils mixed dry recyclable waste supplied to the previous service provider was generally in the region of 5% to 6% however since the award of the contract to Regen Waste the contractor has claimed that the contamination rate has increased to 15%. This would result in Council incurring a penalty and not receiving any income from the contract. To date Council has not received any payment from the service provider for the waste collected since the commencement of the initial contract in June 2012 and legal advice was now being sought.

The Director of Environmental Services advised that the dispute procedures contained within the contract had now been invoked and the initial 20 days allowed to resolve the matter would be up at the end of the week. If the dispute had not been resolved then Council would have to enter into arbitration. Members were advised that the company continued to take Council's waste whilst the dispute resolution was in progress.

During the discussion which followed the Director of Environmental Services explained, in accordance with the contract the two points at which contamination levels could be identified by either the contractor or Council staff:

- 1) At the point of collection of the waste by the contractors haulier from Councils waste transfer station at Aghanloo.
- 2) Upon receipt in the reception hall of the contractors Materials Recycling Facility. If at that point the contractor believes that the level of contamination may exceed 10% they must take a representative sample of the load and classify and weigh the acceptable and unacceptable material to establish the percentage contamination. For the results to be deemed valid the council must be given a reasonable opportunity to witness and verify the exercise.

Following the sampling and analysis of a load of Councils waste conducted by the contractor in September 2012 they concluded that the level of contamination was in excess of 15% and have subsequently applied the corresponding contamination charge to all waste delivered to the contractor since June 2012. This would result in Council paying the contractor for the processing of the waste as opposed to receiving an income or at the very least receiving a much reduced income. Officers have queried the claimed level of contamination and have asked the contractor for a breakdown of the contaminated materials but this information has not been provided. In addition the contractor has continued to notify Council of contamination levels allegedly in excess of 10% and has offered council the

opportunity to have further sampling and analysis carried out but at a charge to council of £1443 per batch.

The Director of Environmental Services assured members that Councils waste operatives check bins for contamination at the point of collection and would not accept a blue bin if it clearly contained contaminated materials. Furthermore during the loading of the waste at the transfer station there is a further opportunity to remove any visible contamination.

It was agreed to delegate authority to the Chief Executive and Director of Environmental Services to seek legal advice to enable Council to challenge Regen Waste Ltd claims about the level of contamination of blue bin waste.

OUT OF COMMITTEE on the proposal of Councillor B Douglas, seconded by Alderman Michael Coyle.

NEXT MEETING – 18 December 2012.

THE BUSINESS CONCLUDED AT 9.25 PM

Signed: _____
Chair of Meeting