

**A**

**Minutes of Meeting of Environment Committee of Mid Ulster District Council  
held on Wednesday 8 October 2014 in Cookstown District Council Offices**

<b>Members Present:</b>	In the Chair, Councillor Cuddy (Chair)  Councillors Buchanan, Burton (7.16 pm), Cuthbertson, Gillespie, Mallaghan, McAleer, McFlynn, McGinley, B McGuigan, S McGuigan, McNamee, Mullen (7.02 pm), Mulligan, J O'Neill, Reid (7.12 pm)
<b>Officers in Attendance:</b>	Mr Tohill, Chief Executive Mr Cassells, Director of Technical Services and Leisure Services (MDC) Mr Kelso, Director of Environmental Health and Building Control (CDC) Mr Law, Waste Operations Manager (DSTBC) Mr McAdoo, Head of Waste and Contracts Management (CDC) Mr Young, Director of Environmental Health (MDC) Miss Thompson, Secretariat (DSTBC)

The meeting commenced at 7.00 pm

**E18/14      Apologies**

None

**E19/14      Declarations of Interest**

The Chair reminded members of their responsibility with regard to declarations of interest.

**E20/14      Receive and confirm minutes of the Environment Committee meeting held on Wednesday 3 September 2014**

Councillor Mulligan queried why the minutes are being brought before committee again tonight when they had been adopted at the last Council meeting.

The Chief Executive advised that the minutes were essentially for information tonight as they had already been considered at the September Council Meeting.

Councillor Mulligan requested that item E14/14 of the minute be amended to read:

“UUP Members commented on the Tullyvar site and its potential to be used as a waste processing station in the future.”

The Chief Executive agreed to make the amendment as underlined above.

*Councillor Mullen entered the meeting at 7.02 pm*

## **Matters for Decision**

### **E21/14      Receive and consider proposed Waste Management and Technical Services Charges 2015/2016**

Mr McAdoo presented a report which provided a scale of charges for the period 1 April 2015 to 31 March 2016 for the following:

- Commercial Waste - Kerbside Collections

Bin Size	Cost per Collection	
	Residual	Recycling
120 Litre	£2.50	£1.25
240 Litre	£4.60	£2.30
360 Litre	£6.80	£3.40
660 Litre	£12.10	£6.05
1100 Litre	£19.90	£9.95

- Purchase of Wheeled Bins

Bin Size	Cost	Delivery Charge	Total (Exc VAT)
120/180 Litre	£25	£9	£34
240 Litre	£25	£9	£34
360 Litre	£50	£12	£62
660 Litre	£125	£12	£137
1100 Litre	£170	£12	£182

- Disposal of Commercial Waste at Recycling Centres

#### **Landfilled Waste**

Active Waste - £134 per tonne + vat

Inert Waste - £54 per tonne + vat

#### **Treated Waste**

Active - £120 per tonne + vat

Inert - £40 per tonne + vat

- Bulky Household Collections

It is recommended that all household bulky collections will be provided free of charge from 1 April 2015. This can be re-examined later in the first term of the new Council if necessary.

Councillor McFlynn sought clarity on irregularities relating to how people disposing of waste are charged at landfill sites. Mr McAdoo advised that this is a grey area but

typically households who are bringing small amounts of waste are not charged whereas those attending regularly and bringing larger amounts of waste as part of their business activity are charged.

Councillor Mallaghan questioned whether the collection of commercial waste was something Council wanted to undertake in future. Mr McAdoo advised that Council, where requested, has an obligation to provide for the collection of commercial waste and to levy a charge which covers both the cost of collection and disposal/ treatment of that commercial waste.

*Councillor Reid entered the meeting at 7.12 pm*

Proposed by Councillor Buchanan  
Seconded by Councillor McNamee and

**Resolved** That it be recommended to the Council to adopt the proposed charges as set out above for the period 1 April 2015 to 31 March 2016.

#### **E22/14      Receive and consider paper on Environmental Health Level of Charges/Fees and Fixed Penalties**

Mr Young provided a report regarding the current prescribed charges/fees and level of fixed penalties across the three councils.

Mr Young highlighted in some cases the level of fees/charges and fixed penalties are prescribed by applicable legislation whilst in other cases the level is left to the discretion of the Council, within specified parameters. In respect of the fees/charges and fixed penalties that are not prescribed, Mr Young took Members through appendix 1 of the report and asked for Members thoughts on what the level of charge/fee or fixed penalty should be for the Mid Ulster District Council.

*Councillor Burton entered the meeting at 7.16 pm*

During discussion the following was noted:

#### **High Hedges Act (NI) 2011**

Mr Young advised that investigations of complaints relating to this Act can be costly for Council, however to date, the number of complaints has been low and it was Members' decision whether they wanted to adopt a low fee or look more towards cost recovery.

Councillor Reid felt there is a need for Council to place a charge on the complainant.

#### **Street Trading Act (NI) 2001**

Councillor Burton felt that a higher street trading fee will mean the further decline of local markets and there is a need for Mid Ulster District Council to work to promote markets in the future.

## **Declaration of Interest**

Councillor Mullen declared an interest in this item but did not leave the room.

Councillor Mullen felt that street trading fees need to be kept low.

## **Local Government (Miscellaneous Provisions) (NI) Order 1985**

Mr Young spoke in relation to Schedule 2 of the above Order which defines a sex shop and specifies the requirement and procedure to obtain and hold a licence for such premises. At the moment Dungannon and South Tyrone Borough Council is the only Council of the three which has adopted Schedule 2.

Councillor McNamee proposed that Mid Ulster District Council adopt Schedule 2 of the Local Government (Miscellaneous Provisions) (NI) Order 1985.

Councillor Mullen felt that the fee for acupuncture/electrolysis/tattooing/piercing should be increased as these trades are more profitable than the current fee reflects.

## **Private Tenancies Order (NI) 2006 (PTO)**

Councillor S McGuigan stated there needs to be an appropriate fee to cover costs.

## **Betting and Gaming (NI) Order 2004**

The Chair, Councillor Cuddy, felt that the fee needs to be at the higher end to combat gambling problems.

## **Places of Marriage/Civil Partnerships**

Councillor Cuthbertson felt this fee should be at the upper end.

## **Dogs (NI) Order 1983 as amended**

Some charge to be imposed for the collection of unwanted dogs and harmonisation of kennel charges.

## **The Poisons (NI) Order 1976 The Poisons Regulations (NI) 1983**

Fee should be £5.

**Resolved** That it be recommended to the Council to take on board the comments as above and bring back a further report with recommendations for fees/charges and fixed penalties for Mid Ulster District Council.

## **Matters for Information**

### **E23/14      Receive paper on DARD Review of the Implementation of the Welfare of Animals Act**

Mr Young presented a report with regard to the current Review of the Implementation of the Welfare of Animals Act 2011 being carried out by the Department of Agriculture and Rural Development (DARD). Mr Young explained how the review will consider the implementation of the Welfare of Animals Act 2011 under the following themes:

- Sentencing for animal welfare offences
- Delivery structures for non-farmed animals currently being carried out through four Environmental Health Groups and Belfast
- Working together (both within and between several agencies)
- Serving the public (information and complaints)

The Chair, Councillor Cuddy, referred to the length of time and considerable cost to Councils in bringing such cases to court.

Councillor Burton expressed the need for this review to consider all aspects of animal welfare including provision of veterinary services.

The Chief Executive spoke in relation to the current cluster approach for the delivery of the Welfare of Animals Act 2011. Within the current Local Government Reform process the current structure will require changes but it will be important to maintain some sort of cluster approach to ensure the Act is delivered in the most appropriate way.

Mr Young advised that two officers from the cluster had been involved in discussion sessions. It is anticipated that DARD will produce an interim report by late November with a final report coming forward in early 2015.

### **E24/14      Receive paper on DSD Affordable Warmth Programme in Mid Ulster**

Mr Kelso presented a report in relation to the Affordable Warmth Programme advising that it is now operational across the Mid Ulster District Council area with surveyors in place undertaking household surveys. The Programme is 100% funded by DSD. Cookstown District Council will lead the Programme for 2014/15 with funding of £126,000. The proposed funding for 2015/16 has been set at £153,000 and it has also been confirmed that Programme funding will extend to 31 March 2019 with a review period at end of March 2017.

Mr Kelso reminded Members that eligibility for the Programme is targeted to the most vulnerable households across the three Councils with a prioritised address database provided by DSD. Mr Kelso also encouraged Members to make referrals

onto the Programme if they felt there are other vulnerable households and their eligibility can then be assessed.

Mr Kelso advised that an information workshop will be held in November to make installers of home heating equipment across the Mid Ulster District Council area aware of how to become involved in the Programme.

### **IN COMMITTEE**

Proposed by Councillor S McGuigan  
Seconded by Councillor Mallaghan and

**Resolved** That item E25/14 and E26/14 be taken 'in committee'.

### **E27/14 Duration of Meeting**

The meeting commenced at 7.00 pm and ended at 8.25 pm.

CHAIR \_\_\_\_\_

DATE \_\_\_\_\_

**B**



<b>Subject:</b>	Environmental Health and Building Control Level of Charges / Fees and fixed penalties
<b>Reporting Officer</b>	Maurice Young

<b>1</b>	<b>Purpose of Report</b>
1.1	To provide a summary of discretionary charges / fees and level of fixed penalties together with recommendations for adoption to apply within Mid Ulster Council within the realm of the committee

<b>2</b>	<b>Background</b>
2.1	<p>There is a variety of legislation enforced by Councils which regulates environmental controls whereby a permit, licence or registration is required to legally operate.</p> <p>The Environment committee was advised of charges and fixed penalties for which the level is set by legislation at the October 2014 meeting.</p> <p>Committee was also advised of a number of charges and fixed penalties whereby Council has discretion to set the level of charge or fixed penalty within the parameters of applicable legislation.</p>
2.2	Committee considered the various levels as applied by the existing three Councils and requested that a further paper be brought back which took account of those discussions together with officer's opinions and recommendations for appropriate charges and fixed penalties to be applied.

<b>3</b>	<b>Key Issues</b>
3.1	<p>It is essential that Mid Ulster Council decides the levels of charges fees and fixed penalties to apply from 1 April 2015 within the Council area.</p> <p>The various charges / fees and fixed penalties which may be applied with an element of discretion by Council are laid out in the appendix to this report item.</p> <p>Also included are officer comments and recommendations for consideration</p>
3.2	<p>Rationale for recommendations</p> <p>In making the recommendations in the appendix to this report item the following principles have been borne in mind</p> <ul style="list-style-type: none"> <li>• Due heed has been taken of the views of Members at the Environment committee meeting held on 8 October 2014</li> </ul>

	<ul style="list-style-type: none"> <li>• Cost recovery and maintenance of income has been considered as far as possible</li> <li>• The existing fees in the three Councils has been considered together with other neighbouring Councils if relevant</li> </ul>
--	---

<b>4</b>	<b>Resource Implications</b>
4.1	<b><u>Financial</u></b> Fees and charges are a relevant income source to enable Council to fulfil functions
4.2	<b><u>Human resources</u></b> Human resources required to discharge the functions will remain regardless of fees
4.3	<b><u>Assets and other implications</u></b> Protection of the environment is enhanced by a proper regulatory regime

<b>5</b>	<b>Other Considerations</b>
5.1	N/A

<b>6</b>	<b>Recommendations</b>
6.1	Committee is asked to consider prescribed fees / charges and fixed penalty levels and, as appropriate, to adopt the fees / charges and fixed penalties (as detailed in the appendix) they wish to apply after 1 April 2015 in Mid Ulster.

<b>7</b>	<b>List of Documents Attached</b>
7.1	Appendix A: detailing fees charges and fixed penalties

## **MID ULSTER – ENV HEALTH & BUILDING CONTROL TRANSITION WORKING GROUP**

This Appendix outlines existing fees / charges and fixed penalties applied for relevant functions by the three Councils together with recommendations for Mid Ulster District Council

The tables relate to fees / charges / fixed penalties where the payment level is determined by Council and a decision is required to implement in Mid Ulster

### **Rationale**

**In making the recommendations in the following tables the following principles have been borne in mind**

- **Due heed has been taken of the views of Members at the Environment committee meeting held on 8 October 2014**
- **Cost recovery and maintenance of income has been considered as far as possible**
- **The existing fees in the three Councils has been considered together with other neighbouring Councils if relevant**

## CHARGES AND FEES

HIGH HEDGES ACT (NORTHERN IRELAND 2011)	
<p>The Act introduced a formal complaints system operated by district councils but it is only used as a last resort as complainants are encouraged to seek a resolution themselves and a district council cannot receive a formal complaint unless evidence of attempts to resolve the complaint by the complainant is available.</p> <p>The Council effectively acts in an arbitral capacity</p> <p>The maximum fee that can be set is prescribed at £360 by the High Hedges (Fee) Regulations (N.I.) 2012 and High Hedges (Fee transfer) Regulations (N.I.) 2012.</p> <p>Magherafelt and Dungannon &amp; ST have taken the approach of charging a low fee to provide a service while discouraging cases with no substance. Cookstown has taken the approach of charging a higher fee to recover a greater proportion of costs. It has been estimated that a high hedge complaint will require 12-13 hours of an officer's time in addition to the cost of registering a remedial notice as a statutory charge. Additional costs can arise from obtaining an arborists opinion.</p> <p>Actual costs are likely to be well over the £300 mark but the number of cases that has proceeded to formal complaint since the introduction of the High Hedges (N.I.) Act 2011 has been low ( 7 across the three Councils) and it is a policy decision for Council if they wish to adopt a low fee or look more towards cost recovery</p>	
<b>Number of formal complaints made since measure enacted</b>	
Cookstown	1
Dungannon & ST	2
Magherafelt	4
<p>The majority of fees across the other existing Councils are in excess of £250. By way of example</p>	

Council	Fee for complaint
Banbridge BC	£360
Newtownabbey BC	£360
Belfast CC	£350
Limavady BC	£100
Derry CC	£50

It is also a policy decision for Council if they wish to transfer the fee if a remedial notice is served and at what level. The fee on transfer does not have to be the same as that charged to a complainant but has the same upper level at £360.

**Officers Comment: The fee should not be so low as to encourage frivolous complaints which would take up officer time. It is considered that the higher of the three fees currently adopted by the three councils should be adopted by Mid Ulster and that fee transfer should be automatic to the hedge owner on service of a remedial notice at the limit of the permissible range**

**Current charges and recommendations:**

<b><u>LEGISLATION</u></b>		Magherafelt	Cookstown	Dungannon &ST	<b>Mid Ulster</b>
<b>High Hedges Act (N.I.) 2011</b>	Fee to make a complaint <b>(Maximum permitted £360)</b>	£50	£250	£50	<b>£250</b>
	Repayment of fees staged for	No	Yes-50% where work done	No policy	<b>Yes-50% where work done</b>

	early withdrawal of complaint		before service of notice		before service of notice
	Fee transfer if remedial notice served <b>(Maximum permitted £360)</b>	£50	£250	£360	<b>£360</b>
	Policy re transfer of fees	Individual case by case	Transfer on Remedial Notice taking effect	Transfer on Remedial Notice taking effect	<b>Transfer on Remedial Notice taking effect</b>

### STREET TRADING ACT (N.I.) 2001

The Street Trading Act (Northern Ireland) 2001 enables district Councils to regulate street trading in their districts. It prohibits street trading unless the trader has a licence or a temporary licence granted by the district council

The types of licence are a “stationary” which relates to repeated trading in the same designated area, a “mobile” which allows trading by mobile traders in specified areas (e.g. ice cream van) and a “temporary” which is usually associated with events and is of temporary duration, often a day or part but can be up to seven days

The Council is permitted to charge maximum fees sufficient to recover the full costs of administering the scheme (this would not include enforcement) “taking one year with the other”

If the Council decides to charge fees it must **first** give notice of fees to all licence holders affected and publish a notice in 2 or more papers circulating locally. The notice must set out prescribed information including that the Council has prepared a statement which sets out how the proposed fees has been calculated and the location at which this can be inspected. Traders and the public have 28 days to make representations in relation to the fees and Council must take any representations into account before deciding on the level of fees. Once a decision is made a further public notice must be placed in 2 or more newspapers circulating in the area

The fees for Magherafelt have not been revised for several years, Cookstown reviewed in January 2012. Dungannon & ST have recently reviewed their fees and charge substantially more than the others.

The approach in licensing a street trader will be likely to affect the fee level

Number of street trading licences	Stationary	Mobile
Cookstown	5	2
Dungannon & ST	7	5
Magherafelt	15	12

**Officers comment: Adoption of the highest level fees will be likely to be detrimental to some markets. Dungannon & ST fees have been set bearing in mind an amount of recent designation work, and may be due to fall in any case.**

**Fees in other council areas vary significantly. A few examples from current councils outside Mid Ulster are listed below for stationary licences**

**Coleraine: £420**

**Fermanagh: £100**

**Armagh: £265**

**Craigavon: £320**

**Limavady: £200**

**Current charges and recommendations:**

**Note: Given recent case law there needs to be further consideration given to the aggregating of fees across the Council based on previously charged fees.**

**A decision will be required as to what costs are reasonable to include in order that a statement of how charges have been calculated can be prepared. For example the cost of designating may or may not be included**

**While officers consider the recommended fees to be reasonable given the wide divergence amongst existing Councils, it is recommended that Committee note the recommendations and that a more detailed paper be brought forward to enable a suitable process and case to be made for adoption of fees relative to street trading.**

		Magherafelt	Cookstown	Dungannon & ST	Mid Ulster
<b>Street Trading Act (N.I.) 2001 –</b>					
	Stationary	£152	£225 (based on	£580	<b>£275</b>



			day a week-£30 additional day)		
	Mobile	£135	£175	£225	<b>£175</b>
	Temporary	£46	£65 (£5 –civic events)	£60	<b>£65</b>
	Variation	None set	None set	£70	<b>£70</b>

**Officers also consider it would be prudent for the Council to note and confirm the existing Councils' designated areas as listed below**

### **Cookstown**

#### COOKSTOWN TOWN

Eastern side - 20 William St to 64 William St Eastern Side  
8 James St to 42 James St Fairhill  
Between Church car park entrance and No.1 Fairhill Road

#### COOKSTOWN DISTRICT

Lay-by at A29 East Bound Carriageway  
Lay-by at A29 West Bound Carriageway  
Coltrim Picnic Area

#### STEWARTSTOWN

Parking Area, The Square, Stewartstown

#### MONEYMORE

Lay-by at Bridger Street, Moneymore

**ROCK**

Parking Area, The Square, Rock

**POMEROY**

Parking Area, The Diamond, Pomeroy

BALLYRONAN Lay-by, Shore Road, Ballyronan

**COAGH**

Car park adjacent to the public toilets at Hanover Square,

**DRUM MANOR**

Lay-by adjacent to Drum Manor Forest Park, Drum Road, Cookstown

**CARNAN**

Lay-by at Mourneview Housing Development, Carnan

**ARDBOE**

Battery Harbour

**Dungannon & ST**

Anne Street, Dungannon

Thomas Street, Dungannon

Layby on Ballynakelly Road approaching Tamnamore roundabout

Granville industrial estate, Dungannon

Top half of Market Square, Dungannon

Part of layby at Killymaddy tourist centre

Part of the Square, Moy for sale of fruit and vegetables only

Part of Moores Street, Aughnacloy

**Magherafelt**

Central reservation, Market Square, Magherafelt

Car Park and lay-by adjacent to Coleraine Rd Maghera  
North side of St Patrick's Street Draperstown

Lay-by at Glenshane Pass Maghera

Gulladuff carpark

Lay-by adjacent to Moyola Bridge Tobermore

Grillagh Bridge Maghera

Grillagh picnic area Maghera

Lay-by Tobermore Rd Desertmartin

**CINEMAS (N.I.) ORDER 1991**

The Cinemas (N.I.) Order 1991 sets the maximum fees a Council can charge at £600 per year or £200 per month (not to exceed £600 in year) Fee to transfer a licence is set at a maximum of £120. There is no requirement to justify levels of fee set within that parameter. An application will entail officer time processing and inspecting / re-inspecting as necessary.

**Number of cinemas**

Cookstown 1

Dungannon & ST 2

Magherafelt 1

**Officer comments:** There is only one existing Cinema in Cookstown and Magherafelt. The number in Dugannon &ST has recently increased to 2. In Mid Ulster there will therefore be four. The recommended fee is set as an average of the three fees.

**It is recommended that the fee be reviewed after a year of operation**

**This review could also consider setting different fees for small cinemas (less than 100 seats)**

**Current charges and recommendations**

		Magherafelt	Cookstown	Dungannon &ST	Mid Ulster
<b>Cinemas (N.I.) Order 1991</b>					
	Cinema licensing	£225 per year	£500 per year	£400 per year	<b>£375</b>

**SCHEDULE 2 - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) (N.I.) ORDER 1985  
SEX ESTABLISHMENTS**

A Council may resolve that Schedule 2 to the Local Government (Miscellaneous Provisions) (N.I.) Order 1985 applies in their district and if the council so resolves they shall publish a notice to that effect at least twenty eight days before the specified commencement date

Dungannon & ST have so resolved, Magherafelt and Cookstown have not so resolved.  
Therefore the provisions of Schedule 2 apply in Dungannon & ST but not in Magherafelt or Cookstown

**It is a policy decision whether to adopt Schedule 2 or not**

If adopted schedule 2 defines a sex shop and specifies the requirement to hold a licence and sets out the requirements and procedure to obtain a licence

As regards fees the schedule states that an applicant shall pay a reasonable fee as determined by the Council. Dungannon & ST has set fees as above. There are no fees in Magherafelt or Cookstown as the provision does not apply

There are currently **no** licensed sex establishments in Mid Ulster

**Officer Comments: Council need to adopt Schedule 2 to the Local Government (Miscellaneous Provisions) (N.I.) Order 1985 to make the provision in force. A specified day of commencement must be set**

**In adopting Schedule 2 Council is required to publish notice that it has passed a resolution under Article 4 of the Local Government (Miscellaneous provisions) (N.I.) Order 1985. The notice must be published for 2 consecutive weeks with the first publication at least 28 days before the commencement date**

**It is recommended that Schedule 2 is adopted and that initial fees are as adopted by Dungannon &ST.**

The Dungannon & ST fees were set in 2006 and it is recommended that a review of the level of fees be undertaken after a year of operation.

Current charges and recommendations:

		Magherafelt	Cookstown	Dungannon & ST	Mid Ulster
<b>Local Government (Miscellaneous Provisions) (N.I.) 1985</b>					
	Sex shop licence	Provision not adopted	Provision not adopted	Grant £2,000 Renew £1,000 Transfer £375	<b>Grant £2,000 Renew £1,000 Transfer £375</b>

PART V - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) (N.I.) ORDER 1985 ACUPUNTURE ETC					
Part v of the Local Government (Miscellaneous Provisions) (N.I.) Order 1985 provides for adoption by Councils of the provisions of that section. The section requires registration for acupuncture tattooing ear-piercing and electrolysis. All three Councils have adopted this provision and are supported by bye-laws. The purpose of the legislation is to prevent the spread of infection. Council is permitted to charge such reasonable fees as it may determine.					
While there is wide divergence in percentage terms across the three Councils the amounts are relatively low					
<b>Number of premises</b>					
Cookstown		9			
Dungannon & ST		28			
Magherafelt		12			
<b>Officers comment: The fee is relatively small and is set at the middle of the three existing fees</b>					
<b>Current charges and recommendations:</b>					
		Magherafelt	Cookstown	Dungannon &ST	<b>Mid Ulster</b>
	Acupuncture / electrolysis / tattooing/ piercing	£75	£50	£25	<b>£50</b>

PRIVATE TENANCIES ORDER (N.I.) 2006 ENFORCEMENT ACTION					
<p>The Private Tenancies Order (N.I.) 2006 includes provisions relating to conditions in the private rented sector (PRS) and allows Council to serve certain notices to require repairs or improvements. A landlord in receipt of such notice is required to carry out works.</p> <p>The legislation allows Council to also charge the landlord for the costs of issuing the notices. Only Dungannon &amp; ST have adopted this to date. There have been no notices issued to date across the three Councils and costs recovery is therefore less important but the PRS work is likely to increase and Council may wish to consider this factor or review in a set time scale charges (If any)</p> <p><b>Officers comment: Committee members expressed the view that this charge should be levied. While there has not been a need to use this provision the Council involvement in the private rented sector is likely to grow</b></p> <p><b>Current charges and recommendations:</b></p>					
		Magherafelt	Cookstown	Dungannon & ST	Mid Ulster
Private Tenancies Order (N.I.) 2006 (PTO)					
Article 26 -PTO	Power to charge for enforcement action	Not yet exercised	Not yet exercised	Notice of disrepair £50 Notice of unfitness £150	<b>Notice of disrepair £50</b> <b>Notice of unfitness £150</b>



<b>BETTING AND GAMING (N.I.) ORDER 2004</b>					
The fee to renew an amusement permit is set to default at £250 but a Council may charge such amount as it thinks reasonable to balance income and expenditure.					
Magherafelt and Cookstown have adopted the default fee whereas Dungannon & ST has set the fee at £90					
<b>Number of premises</b>					
Cookstown		3			
Dungannon & ST		4			
Magherafelt		2			
<b>Officers comment: The default fee is set by legislation at £250 and it is considered that the renewal fee initially be set at £250 with a review on a cost recovery basis after a year</b>					
<b>Current charges and recommendations</b>					
		Magherafelt	Cookstown	Dungannon & ST	<b>Mid Ulster</b>
<b>Betting and Gaming (N.I.) Order 2004</b>					
May charge such amount as Council considers necessary to balance income and expenditure	Renew amusement permit (default £250)	£250	£250	£90	<b>£250</b>

PLACES OF MARRIAGE / CIVIL PARTNERSHIPS					
The legislation allows councils to charge “costs reasonably incurred”. The figures across the three councils varies significantly particularly when the longer time spell of an approval as regards Dungannon & ST is considered					
<b>Number of approved places of marriage</b>					
Cookstown 8					
Dungannon & ST 7					
Magherafelt 4					
<b>Officers Comments: Within the three councils there is considerable variance when the fees and the duration of an approval are considered. Officers consider that by aligning the period to three years it dilutes much of the disparity as well as cutting down on officer time.</b>					
<b>Many other councils use the three year approach with a fee of £400 e.g. Armagh, Ballymoney, Fermagh, Ballymena</b>					
<b>Some have lower charges e.g. Craigavon £200</b>					
<b>Current charges and recommendations</b>					
<b>It is also recommended that the fee be reviewed after a year to better consider cost recovery</b>					
		Magherafelt	Cookstown	Dungannon & ST	Mid Ulster
<b>Places of marriage /civil partnerships – Maximum costs reasonably incurred</b>	<b>approval</b>	£400 per year	£200 for first year or one off renewal £120 per year	£275 per 3 years £315 per 3 years if includes both	<b>£400 per three years</b>

<b>DOGS (N.I.) ORDER 1983</b>					
<p>Council provides a service in collecting unwanted dogs from householders and may charge a fee for same. Magherafelt does not charge a fee, the other two Councils do charge with the Dungannon &amp; ST fee dependant on whether the dog is licenced or not.</p> <p>It is a policy decision whether a fee for collection of unwanted dogs should be charged or what level. A low or zero fee encourages the responsible disposal of dogs</p> <p>Council will also lift stray dogs from within the area and owners are able to reclaim them. All three Councils charge “bed and board” fees which an owner must pay to reclaim their stray dogs. The levels across the Councils varies but not significantly</p> <p><b>Officers comments: Members were of the view that a fee should be paid for collection of unwanted dogs and the recommendation reflects that. Kennel fees are harmonised from not dissimilar positions</b></p> <p><b>Current charges and recommendations</b></p>					
		Magherafelt	Cookstown	Dungannon & ST	Mid Ulster
<b>Dogs (N.I.) Order 1983 as amended</b>	Collection of unwanted dogs licensed	£0	£15	£10	<b>£15</b>
	Collection of unwanted dogs unlicensed	£0	£15	£15	<b>£15</b>
	Kennel charges	Same day collection £40 Per overnight stay additional £11	Same day collection £30 Per overnight stay additional £15	Collection before next 11.00 a.m after receipt £15 Each additional day or part thereof past 11.00 additional £15	<b>Same day collection £30 Per overnight stay additional £15</b>

<b>POISONS (N.I.) ORDER 1976</b>					
<p>A duty is placed on Council by the legislation to register premises selling poisons. The duty within that legislation does not extend significantly beyond registration but Health and Safety considerations would be relevant. The poisons inspectorate would deal with any issues normally in consultation with the district council</p> <p><b>Number of registrations</b></p> <p>Cookstown            11</p> <p>Dungannon St    11</p> <p>Magherafelt        15</p> <p><b>Officers Comments: This fee is historically low and in line with other Councils</b></p> <p><b>Current charges and recommendations</b></p>					
		Magherafelt	Cookstown	Dungannon &ST	Mid Ulster
<b>THE POISONS (N.I.) ORDER 1976</b>	Registration of premises selling poisons /	£3	£5	£5	£5
<b>THE POISONS REGULATIONS (N.I.) 1983</b>	Renewal of registrations				
	Renewal /amendment of registrations	£3	£5	£3	£5

## FIXED PENALTIES – Discretionary

### Officers comments:

The levels at which fixed penalties are set are within relatively narrow bands. It is the officer's view that penalties should be set at the upper level of the permissible range and that discount for early payment be applied where permissible

### Current penalty levels and recommendations

Legislation		Magherafelt	Cookstown	Dungannon & ST	Mid Ulster
<b>Clean neighbourhoods and Environment Act (N.I.) 2011</b>					
Part 2 Article 29 (A) PCLG (NI) Order 1978 <b>Prescribed £200 minimum £60 for early payment</b>	Vehicles – Unauthorised abandonment	£200 prescribed – (within 7 days £120)	£200 prescribed	£200 prescribed	<b>£200 prescribed – (within 7 days £120)</b>
<b>Number of fixed penalties issued</b> 2012-2013    2013-2014					

Cookstown	0	0			
Dungannon & ST	0	0			
Magherafelt	0	0			
Section 3(1) Section 4(1) <b>Prescribed £100 minimum £60 for early payment</b>	Nuisance parking Repair of vehicles / sales	£100	£100	£100	<b>£100</b>
<b>Number of fixed penalties issued</b>	2012-2013	2013-2014			
Cookstown	0	0			
Dungannon & ST	0	0			
Magherafelt	0	0			
		Magherafelt	Cookstown	Dungannon &ST	<b>Mid Ulster</b>
Part 3 Article 3(1) Litter (NI) Order 1994 <b>Range £50 to £80 default £75 Minimum £40 for early payment</b>	Offence of throw down/drop/deposit and leave litter	£80 (within 7 days £50)	£80 (within 7 days £50)	£80	<b>£80 (within 7 days £50)</b>
<b>Number of fixed penalties issued</b>	2012-2013	2013-2014			

Cookstown	22	8			
Dungannon & ST	6	9			
Magherafelt	73	38			
		Magherafelt	Cookstown	Dungannon & ST	Mid Ulster
Part 3 Article 12C(1) – Litter Clearing Notice <b>Range £75 to £110 minimum £60 for early payment</b>	Failing to comply – Litter Clearing Notice	£110 (within 7 days £70)	£100	Not set	<b>£110 (within 7 days £70)</b>
<b>Number of fixed penalties issued</b> 2012-2013 2013-2014					
Cookstown	0	0			
Dungannon & ST	0	0			
Magherafelt	0	0			
		Magherafelt	Cookstown	Dungannon & ST	Mid Ulster
Part 3 Article 13 – Street Litter Control Notice <b>Range £75 to £110 minimum £60 for early payment</b>	Failing to comply – Street Litter Control Notice	£110 (within 7 days £70)	£100	Not set	<b>£110 (within 7 days £70)</b>

Number of fixed penalties issued		2012-2013	2013-2014		
Cookstown		0	0		
Dungannon & ST		0	0		
Magherafelt		0	0		
		Magherafelt	Cookstown	Dungannon & ST	Mid Ulster
Part 3 – Article 14B Schedule 1A – Free Distribution of Printed Material <b>Range £50 to £80 default £75</b> <b>Minimum £40 for early payment</b>	Unauthorised distribution of printed material	£80 (within 7 days £50)	£75	Not set	<b>£80 (within 7 days £50)</b>
Number of fixed penalties issued		2012-2013	2013-2014		
Cookstown		0	0		
Dungannon & ST		0	0		
Magherafelt		0	0		
		Magherafelt	Cookstown	Dungannon & ST	Mid Ulster
Part 4 Section 26(1) - Graffiti and Fly-Posting	Offence – Graffiti and Fly-posting	£80 (within 7 days £50)	£75	Not set	<b>£80 (within 7 days £50)</b>



Range £50 to £80 default £75 Minimum £40 for early payment					
<b>Number of fixed penalties issued</b>	2012-2013	2013-2014			
Cookstown	0	0			
Dungannon & ST	0	0			
Magherafelt	0	0			
		Magherafelt	Cookstown	Dungannon & ST	<b>Mid Ulster</b>
Dog Control Orders Range £50 to £80 default £75 Minimum £40 for early payment	Breach of dog control orders	£75 (default)	£75 (default)	£75 (default)	<b>£75</b>
<b>Number of fixed penalties issued</b>	2012-2013	2013-2014			
Cookstown	0	0			
Dungannon & ST	0	0			
Magherafelt	0	0			
		Magherafelt	Cookstown	Dungannon & ST	<b>Mid Ulster</b>

Alarm notification area <b>Range £50 to £80 default £75</b> <b>Minimum £40 for early payment</b>	Failure to nominate key holders in alarm notification area	£75 (default)	£75 (default)	£75 (default)	<b>£75</b>
<b>Number of fixed penalties issued</b> 2012-2013    2013-2014					
Cookstown		0	0		
Dungannon & ST		0	0		
Magherafelt		0	0		
		Magherafelt	Cookstown	Dungannon & ST	<b>Mid Ulster</b>
Section 8(1) Noise Act 1996 as set for district <b>Default £100</b> <b>Council may set lower levels for early repayment</b>	Night time noise from domestic premises	£100 (default)	£100 (default)	£110	<b>£100</b>
<b>Number of fixed penalties issued</b> 2012-2013    2013-2014					
Cookstown		0	0		
Dungannon & ST		0	0		
Magherafelt		0	0		

		Magherafelt	Cookstown	Dungannon & ST	Mid Ulster
<b><u>Private Tenancies (N.I.) Order 2006</u></b>					
Article 5(B) – PTO (tenancy deposit regs) <b>Maximum one fifth of maximum penalty (i.e.£500)</b>	accepting deposit other than money	£500	£500	£500	<b>£500</b>
<b>Number of fixed penalties issued</b> 2012-2013    2013-2014					
Cookstown		0	0		
Dungannon & ST		0	0		
Magherafelt		0	0		
		Magherafelt	Cookstown	Dungannon & ST	Mid Ulster
Article 65(A)4 – PTO Landlord registration <b>Maximum one fifth of maximum penalty (i.e.£500)</b>	Failure to register /letting without being registered	£500	£500	£500	<b>£500</b>
<b>Number of fixed penalties issued</b> 2012-2013    2013-2014					

Cookstown	0	0			
Dungannon & ST	0	0			
Magherafelt	0	0			
		Magherafelt	Cookstown	Dungannon & ST	Mid Ulster
<b>Dogs order Article 17(1) Range £50 to £80 Default £75 Early payment minimum £50</b>	Keeping dog without licence	£80 Early payment £50	£80 Early payment £50	£80 Early payment £50	<b>£80 Early payment £50</b>
<b>Number of fixed penalties issued</b> 2012-2013 2013-2014					
Cookstown	5	1			
Dungannon & ST	7	5			
Magherafelt	6	8			
<b>Dogs order Article 22(1) Range £50 to £80 Default £75 Early payment minimum £50</b>	Penalty for stray dogs	£80 Early payment £50	£80 Early payment £50	£80 Early payment £50	<b>£80 Early payment £50</b>
<b>Number of fixed penalties issued</b> 2012-2013 2013-2014					
Cookstown	5	8			

Dungannon & ST		11	17		
Magherafelt		5	5		
<b>Dogs order Article 35(3)</b> <b>Range £50 to £80</b> <b>Default £75</b> <b>Early payment minimum £50</b>	Control of dogs on certain roads and land	£80 Early payment £50	£80 Early payment £50	£80 Early payment £50	<b>£80</b> <b>Early payment</b> <b>£50</b>
<b>Number of fixed penalties issued</b>		2012-2013	2013-2014		
Cookstown		0	0		
Dungannon & ST		0	0		
Magherafelt		0	0		
<b>Dogs order Article 30 E (5)</b> <b>Range £50 to £80</b> <b>Default £75</b> <b>Early payment minimum £50</b>	Failure to notify transfer	£80 Early payment £50	£80 Early payment £50	£80 Early payment £50	<b>£80</b> <b>Early payment</b> <b>£50</b>
<b>Number of fixed penalties issued</b>		2012-2013	2013-2014		
Cookstown		0	0		
Dungannon & ST		0	0		
Magherafelt		0	0		

<b>Dogs order Article 30F(1) Range £50 to £80 Default £75 Early payment minimum £50</b>	Failure to comply with control conditions	£80 Early payment £50	£80 Early payment £50	£80 Early payment £50	<b>£80 Early payment £50</b>
<b>Number of fixed penalties issued</b>		2012-2013	2013-2014		
Cookstown		0	0		
Dungannon & ST		0	1		
Magherafelt		0	0		

C

<b>Subject</b>	Managing & Regulating Waste in Northern Ireland
<b>Reporting Officer</b>	Andrew Cassells

<b>1</b>	<b>Purpose of Report</b>
1.1	To inform Members of the publication by the Department of the Environment (NI) of an Operational Plan in relation to Managing and Regulating Waste in Northern Ireland.

<b>2</b>	<b>Background</b>
2.1	<p>On the 5 June 2013 the NIEA revoked the Waste Management Licence of City Industrial Waste Limited of Mobuoy Road, Derry/Londonderry following concerns regarding the waste processing operation conducted by City Industrial Waste Limited. Adjacent to the site (across the road) but not part of the City Waste operation is the location of Campsie Sands and Gravels where a substantial amount of illegally dumped waste was unearthed.</p> <p>An estimated total of 516,000 tonnes of macerated waste had been discovered by Northern Ireland Environment Agency (NIEA) officers in an area adjacent to the River Faughan in the townland of Mobuoy near Derry.</p> <p>This illegal waste was deposited in an area stretching to almost 1.4km in and around a licensed Materials Recycling Facility (MRF) owned and run by City Industrial Waste Ltd, with the majority of the waste being buried in sand and gravel pits which were originally excavated by Campsie Sand &amp; Gravel Ltd. It is not known who deposited this waste; however, this was a sophisticated operation which had been carried out over a number of years. A criminal investigation (Operation Sycamore) is on-going and two people have been arrested and questioned.</p> <p>The MRF site is regulated by the NIEA and has a history of repeated non-compliances. The site regulation was weak given that the operator repeatedly broke its waste licence conditions in relation to quantity and type of waste. There were a number of complaints about the running of the site and possible illegalities, not all of which were investigated fully at the time. It is possible that at least one of these complaints could have led to the discovery of the illegal dumping as early as 2008.</p> <p>Many external factors are facilitating criminals entering the waste industry and using it to carry out illegal activities such as the dumping of waste at Mobuoy. The key policy objective, driven by the European Commission, is to reduce waste including to landfill. This means that if criminals can enter the waste industry then it is easy to undercut legitimate operators by avoiding landfill tax and other costs by illegally disposing of waste.</p>
2.2	<p>As a result the NIEA appointed Chris Mills to carry out a review.</p> <p>This review was commissioned by the then Minister of the Environment, Alex Attwood MLA on the 5 June 2013.</p>



	<p>The Terms of Reference for the Review are as follows:-</p> <p>This review will support the DOE's on-going work to create a waste sector in Northern Ireland that complies with the law, protects the environment and underpins resource efficiency by conducting a review into:</p> <ol style="list-style-type: none"> <li>1. what transpired in relation to the waste facility at the Campsie site and to identify any failures that might have occurred in the regulation of this site, in respect of any sectors of central Government;</li> <li>2. the external factors leading to the extensive illegal waste dumping at the Campsie site;</li> <li>3. the lessons this incident provides for the future development and administration of waste management, resource efficiency and enforcement programmes.</li> </ol>
2.3	<p>The <b>Mills Report</b> was published in December 2013 and will have far reaching implications for the regulation of the Waste Industry in Northern Ireland.</p>
2.4	<p>The Key Recommendations of the Mills Report are:</p> <ul style="list-style-type: none"> <li>• The DOE should make the outcome of a waste sector that complies with the law, protects the environment and underpins resource efficiency, a priority.</li> <li>• Develop a comprehensive strategy, with a detailed action plan, to achieve this outcome, which initially focuses on preventing waste crime.</li> <li>• Create a new single Directorate within NIEA to bring together the existing regulatory and enforcement teams along with a new Intelligence Unit to achieve this outcome.</li> <li>• Adopt and develop the concept of "intelligent regulation" in order to be sufficiently adaptive to deal with a range of operators, from the criminal to the compliant.</li> <li>• Change the current appointment and recruitment processes to allow the targeted recruitment and appointment of staff with the right aptitudes, skills and experience to carry out regulatory work. This should be supported by structured training, professional development and a defined career structure.</li> <li>• Review in an integrated way the need for additional powers to carry out this work by means of a Task and Finish Group and involving all relevant DOE units including Planning with legal support and input from the PSNI.</li> <li>• Make it harder for waste to fall into the hands of criminal operators by strengthening the Duty of Care provisions, Fit &amp; Proper Person Test and systems for monitoring and analysing waste flows. 82</li> <li>• Limit the number of waste authorisations to the number necessary to meet Northern Ireland's projected waste needs and create the necessary new strategic waste infrastructure which can be more easily regulated and monitored.</li> <li>• Make changes to the current planning enforcement policy to no longer allow the granting of retrospective planning permission for sand and gravel workings.</li> <li>• Work through the Department of Justice to persuade the Judiciary of the seriousness of waste crime not just to the environment but to the economy of Northern Ireland, and to encourage them to ensure that sentencing for these offences is comparable to that of the rest of the UK.</li> <li>• Create a new sanction in the legislation to make the polluter pay to remediate or remove illegally deposited waste.</li> </ul>

	<ul style="list-style-type: none"> <li>• Ensure that the DOE works more closely with other Government Departments and Agencies in Northern Ireland, with the other Environment Agencies in the UK and Ireland and through relevant European organisations and initiatives, in order to combat waste crime and create a resource efficient Northern Ireland.</li> </ul> <p>The DOE have now (21 October 2014) published their Operational Plan which sets out how they intend to implement the some of the recommendations of the Mills Report. This Operational Plan is attached as an Appendix to this Report.</p>
--	---

<b>3</b>	<b>Key Issues</b>
3.1	<p>The Mills Report concluded that there were systemic failures in the management and regulation of the Northern Ireland waste sector including significant criminal infiltration some of which is linked to organised crime. It also identified issues for how the DOE has managed the waste sector and, in particular, how effectively it has responded to the challenge posed by those who are prepared to risk human health, the economy and the environment for significant and ill-gotten financial gains.</p> <p>It is clear that there are major problems in waste management in Northern Ireland. These problems will not be solved overnight. Nor will they be solved by relying on traditional enforcement activities alone.</p> <p>Instead, we must use every mechanism available to create a successful waste sector that enjoys the confidence of everyone in Northern Ireland. The Operational Plan sets out what is needed to do just that.</p> <p>The best way to reduce waste crime is to reduce the creation of waste in the first place. Many of the actions necessary to do this are already being implemented under the Waste Strategy which was published in October 2013.</p> <p>The Operational Plan focuses mainly on the task of ensuring that the residual waste that is still created is properly managed, whether that is by recycling, recovery or disposal.</p> <p>Critical to this is creating new partnership working between local councils and the Department. Powerful co-operation between the central and local arms of government will go a long way to ensuring the proper management of waste in Northern Ireland.</p> <p>The DOE also need to work closely with industry including the waste industry to promote resource efficiency and to ensure that all aspects of the waste legislation are complied with.</p> <p>Finally, the Operational Plan outlines actions to improve the Department's regulatory oversight of the waste sector and the enforcement action that underpins the whole system.</p> <p>A prosperous Northern Ireland is one in which the current illegal disposal of waste is consigned to its own rubbish bin. This Operational Plan maps out how we will make this happen. The creation of a more resource efficient economy with a successful waste sector will boost our prosperity and our right to a healthy</p>

	environment.
3.2	<p><b>Waste Management Strategy</b></p> <p><i>Delivering Resource Efficiency</i> has actions in six key areas:</p> <ol style="list-style-type: none"> <li>1. Waste prevention</li> <li>2. Recycling</li> <li>3. Other Recovery</li> <li>4. Disposal</li> <li>5. Better Regulation and Enforcement</li> <li>6. Communication and Education</li> </ol>
3.3	<p><b>DOE Operational Plan: Key Themes</b></p> <ol style="list-style-type: none"> <li>1. Enhanced Liaison and partnership working between Central and Local Government.</li> <li>2. Working with general industry to promote resource efficiency and legitimate waste disposal.</li> <li>3. Creating a compliant waste industry.</li> <li>4. Ensuring effective and efficient regulation and enforcement.</li> </ol>
3.4	<p><b>Theme 1 – Enhanced Liaison and Partnership Working between Central and Local Government</b></p> <p><i>The key aim of the activities under this theme is to create a much stronger partnership approach between central government (DOE) and local councils in all work on waste management.</i></p> <ul style="list-style-type: none"> <li>• Use the new Waste Co-ordination Group for effective planning of joint activities between Central and Local Government</li> <li>• Work closely with Chief Executives and senior officers of the new councils</li> <li>• Working with Local Authorities to ensure that the necessary waste infrastructure is developed across Northern Ireland</li> <li>• Explore new forms of joint working (e.g. the management of waste contracts) that help both central and local government deliver outcomes</li> <li>• Share and jointly analyse data and information to enable better planning and co-ordination of activities</li> <li>• Explore opportunities to share resources on joint actions (e.g. joint data management, joint inspections, joint meetings with waste operators)</li> <li>• Closer working with Local Authority Environmental Health Departments to ensure a joined up approach to improve the standards of waste activities</li> <li>• Develop voluntary Prosperity Agreements specific to the waste sector</li> </ul>

<b>4</b>	<b>Resources</b>
4.1	<b><u>Financial:</u></b> None at this juncture
4.2	<b><u>Human:</u></b> None at this juncture save for the potential increase in officer time in relation to implementing Theme 1.
4.3	<b><u>Basis for Professional/ Consultancy Support:</u></b> None at this juncture
4.4	<b><u>Other:</u></b> None at this juncture

<b>5</b>	<b>Other Considerations</b>
5.1	There is no doubt that the implementation of the recommendations in the Mills Report will lead to an improvement in the regulatory requirements for the Waste Management industry in Northern Ireland. Increasing and improving standards will ensure that there is less likelihood of damage to the environment. It is likely however that increases in compliance by the private sector with existing and proposed legislation will increase the costs of processing waste which will ultimately be reflected in higher gate prices.

<b>6</b>	<b>Recommendations</b>
6.1	Members are asked to note the contents of the report and to request updates on progress made in relation to the DOE Operational Plan as the Key Themes are developed.
6.2	Members are asked to recommend to Council that the Mid Ulster District Council endorses the actions of the Department in tackling illegal activity in the Waste Industry as set out in the DOE Operational Plan.

<b>7</b>	<b>List of Documents Attached</b>
7.1	Appendix A: Managing and Regulating Waste in Northern: DOE Operational Plan, October 2014

# **MANAGING AND REGULATING WASTE IN NORTHERN IRELAND**

## **DOE OPERATIONAL PLAN**

**October 2014**

## MINISTERIAL FOREWORD

The Mills Report concluded that we have systemic failures in the management and regulation of the Northern Ireland waste sector including significant criminal infiltration some of which is linked to organised crime. It also identified issues for how my Department has managed the waste sector and, in particular, how effectively we have responded to the challenge posed by those who are prepared to risk human health, the economy and the environment for significant and ill-gotten financial gains.

It is clear that we have major problems in waste management in Northern Ireland. These problems will not be solved overnight. Nor will they be solved by relying on traditional enforcement activities alone.

Instead, we must use every mechanism available to create a successful waste sector that enjoys the confidence of everyone in Northern Ireland. This Operational Plan sets out what is needed to do just that.

The best way to reduce waste crime is to reduce the creation of waste in the first place. Many of the actions necessary to do this are already being implemented under the Waste Strategy I published in October last year.

This Plan focuses mainly on the task of ensuring that the residual waste that is still created is properly managed, whether that is by recycling, recovery or disposal. Critical to this is creating new partnership working between local councils and my Department. Powerful co-operation between the central and local arms of government will go a long way to ensuring the proper management of waste in Northern Ireland.

We also need to work closely with industry including the waste industry to promote resource efficiency and to ensure that all aspects of the waste legislation are complied with.

Finally, the Plan outlines actions to improve the Department's regulatory oversight of the waste sector and the enforcement action that underpins the whole system.

A prosperous Northern Ireland is one in which the current illegal disposal of waste is consigned to its own rubbish bin. This Operational Plan maps out how we will make this happen. The creation of a more resource efficient economy with a successful waste sector will boost our prosperity and our right to a healthy environment.

**MARK H DURKAN**

**MINISTER OF THE ENVIRONMENT**

## INTRODUCTION

In October 2013, the Minister published Northern Ireland's new Waste Strategy: *"Delivering Resource Efficiency"*. This Strategy contains the vast majority of actions that the DOE will pursue to promote increased resource efficiency for a range of benefits, including business competitiveness, reducing greenhouse gas emissions, reducing litter and, in terms of this Operational Plan, helping to cut off the supply of waste that might be poorly managed or illegally disposed of.

*Delivering Resource Efficiency* has actions in six key areas:

1. Waste prevention
2. Recycling
3. Other Recovery
4. Disposal
5. Better Regulation and Enforcement
6. Communication and Education

The new Waste Strategy identifies that promoting resource efficiency and the regulation of waste are inter-linked activities. However, the key areas in the Strategy for the promotion of increased resource efficiency are areas 1-3 and 6.

DOE will promote increased resource efficiency through a series of actions which are detailed in *Delivering Resource Efficiency* which will not be repeated in this Operational Plan.

In addition, since the publication of *Delivering Resource Efficiency*, the Minister announced that NIEA will be developing voluntary Prosperity Agreements with organisations it works with such as businesses, trade associations and environment and heritage non-government organisations. Where NIEA develops Prosperity Agreements with businesses or trade associations, it will seek to include actions which help promote resource efficiency and reduce waste.

The first of these prosperity agreements was signed with Linden Foods and Linergy in August 2014 and included measures to use meat and bone meal as a resource and to increase awareness of waste issues and improved resource efficiency in the supply chain.

## IMPROVED MANAGEMENT AND REGULATION OF WASTE

The systemic failures and criminality that exist within the current system of waste management in Northern Ireland requires a new approach.

A key part of this new approach is for the DOE to improve the traditional methods of regulation and enforcement by implementing the recommendations set out in the Mills Report.

However, the Department alone cannot bring about the widescale changes needed. A major emphasis of this plan is to build much stronger collaborative partnerships. Key partners will be the 11 new local councils who will play a key role in managing the waste system, especially in relation to the collection and handling of waste.

The work to build these partnerships between central and local Government has already begun and this will form a key component of this operational plan.

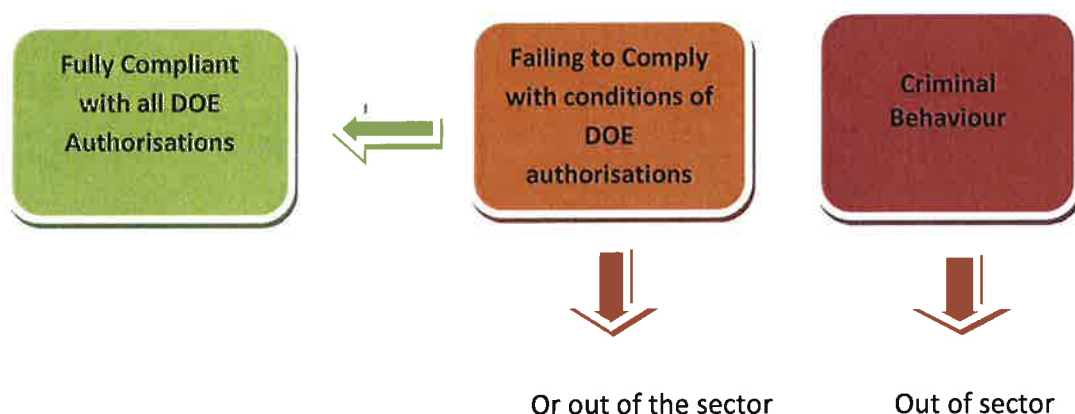
Equally important will be to build enhanced liaison with both general and waste industries to promote both resource efficiency and to ensure that the management of the waste produced complies with the relevant legislation.

At the other end of the scale, the system must deal effectively to prevent criminal involvement in the waste sector. This Operational Plan will include activities that make it more difficult for criminals to get hold of waste and dispose of it illegally. This is essential in order to ensure that the partnership work involving business, local and central government and the public to promote resource efficiency and legitimate waste management is not undermined.

To provide direction for delivering against this philosophy, the following model has been constructed to describe the outcomes we wish to achieve.

In simple terms, the aim is to move all operators currently in the orange box into the green box and to remove the criminal operators in the red box from the waste system.

The intention is to encourage and support all waste authorisation holders to move into the 'Fully Compliant' box. This will be done through a range of partnership working, information-sharing, skills development, guidance and advice, regulation, and, where appropriate, enforcement activity. For those operators in the third box, measures will be taken to make it more difficult for criminals to infiltrate the waste industry but where they do strong enforcement tools will be used to discourage criminal activity so that legitimate operators can conduct their business with confidence. The aim of the model is to move to a fully compliant waste industry in Northern Ireland.





This model will be delivered by a series of activities which are arranged under the following key themes.

## **KEY THEMES**

1. Enhanced Liaison and partnership working between Central and Local Government.
2. Working with general industry to promote resource efficiency and legitimate waste disposal.
3. Creating a compliant waste industry.
4. Ensuring effective and efficient regulation and enforcement.

A description of the activities under each theme follows – these will be regularly reviewed to ensure that they are sufficiently dynamic and flexible in order to keep up with changes in the sector.

### **Theme 1 – Enhanced Liaison and Partnership Working between Central and Local Government**

*The key aim of the activities under this theme is to create a much stronger partnership approach between central government (DOE) and local councils in all work on waste management.*

- Use the new Waste Co-ordination Group for effective planning of joint activities between Central and Local Government
- Work closely with Chief Executives and senior officers of the new councils
- Working with Local Authorities to ensure that the necessary waste infrastructure is developed across Northern Ireland
- Explore new forms of joint working (e.g. the management of waste contracts) that help both central and local government deliver outcomes
- Share and jointly analyse data and information to enable better planning and co-ordination of activities
- Explore opportunities to share resources on joint actions (e.g. joint data management, joint inspections, joint meetings with waste operators)
- Closer working with Local Authority Environmental Health Departments to ensure a joined up approach to improve the standards of waste activities
- Develop voluntary Prosperity Agreements specific to the waste sector

### **Theme 2 – Working with General Industry to promote Resource Efficiency and Legitimate Waste Disposal**

*The key aim of the activities under this theme is to work with the general business community to promote resource efficiency in order to minimise the residual waste to be managed and regulated.*

- Develop voluntary Prosperity Agreements with a focus on resource efficiency
- Work with trade associations to promote resource efficiency and business innovation
- Encourage industry to comply with its duty of care and the management of waste
- Focus on the regulation of problematic and harmful waste streams (e.g. tyres, plasterboard, wood, etc)

### **Theme 3 – Enhanced Liaison with the Waste Industry**

*The key aim of the activities under this theme is to assist all legitimate waste operators to comply with waste laws.*

- Develop and train NIEA client managers to be assigned to key waste operators
- Identify and build stronger relationships with key stakeholders in the waste sector
- Support the development of waste industry associations and representation to understand its needs and aspirations
- Improve the authorisation application processes
- Develop effective guidance for waste operators on key topics, eg, Planning and Authorisations
- Develop a risk based compliance model for the waste industry
- Apply the NIEA Enforcement Policy consistently

### **Theme 4 – Ensuring Effective and Efficient Regulation and Enforcement**

The key aim of this theme is to ensure that the regulator has the resources, skills and processes to regulate the waste industry and to combat waste crime.

Many of the actions needed to do this were set out in the Mills Report and work has already commenced to implement its recommendations.

The DOE should:

1. Make the outcome of a waste sector that complies with the law, protects the environment and underpins resource efficiency, a priority.
2. Develop a comprehensive strategy, with a detailed action plan, to achieve this outcome, which initially focuses on preventing waste crime.
3. Create a new single Directorate within NIEA, to bring together the existing regulatory and enforcement teams along with a new Assessment Unit, to achieve this outcome.
4. Adopt and develop the concept of “intelligent regulation” in order to be sufficiently adaptive to deal with a range of operators, from the criminal to the compliant.
5. Enhance the current appointment and recruitment processes to allow the targeted recruitment and appointment of staff with the right aptitudes, skills and experience to carry out regulatory and enforcement work. This should be supported by structured training, professional development and a defined career structure.

6. Review in an integrated way the need for additional powers to carry out this work by means of a Task and Finish Group and involving all relevant DOE units including Planning with legal support and input from the PSNI.
7. Make it harder for waste to fall into the hands of criminal operators by strengthening the Duty of Care provisions, Fit & Proper Person Test and systems for monitoring and analysing waste flows.
8. Strengthen the Enforcement Policy in relation to the granting of retrospective planning permissions, for sand and gravel workings.
9. Work through the Department of Justice to persuade the Judiciary of the seriousness of waste crime, not just to the environment but to the economy of Northern Ireland, and to encourage them to ensure that sentencing for these offences is comparable to that of the rest of the UK.
10. Create a new sanction in the legislation to make the polluter pay to remediate or remove illegally deposited waste.
11. Ensure that the DOE works more closely with other Government Departments and Agencies in Northern Ireland, with the other Environment Agencies in the UK and Ireland and through relevant European organisations and initiatives, in order to combat waste crime and create a resource efficient Northern Ireland.

In addition, the NIEA will ensure that its crime investigation and related powers are used judiciously, properly and effectively to prevent and reduce serious waste crime. It will do so working closely with the Police Service Northern Ireland, Organised Crime task Force, Department of Justice and other relevant law enforcement agencies both at home and abroad. The Agency's Environmental Crime Unit has already developed a number of measures to disrupt, deter and combat serious waste crime and is progressing a number of waste crime cases including that at Mobouy Road. A particular feature of prosecuting these cases is the use of alternative sanctions where appropriate, for example, through Serious Crime Prevention Orders and the use of the Proceeds of Crime Act Powers.

## **CONCLUSION**

The wide range of activities outlined in this Operational Plan will be used to deliver the aims of reducing the amount of waste created in Northern Ireland and developing a legitimate waste sector that manages the residual waste that is still produced.

All activities listed in this Operational Plan will be reported to the Deputy Secretary, Environment and Marine Group, in DOE. In turn, he will regularly report on implementation progress to the Minister, Permanent Secretary and DOE Board. This will ensure strong oversight of implementation and continued momentum to achieve the aims of the Operational Plan.

**D**

<b>Subject</b>	Recycling and Refuse Collection Service Policy
<b>Reporting Officer</b>	Mark McAdoo

<b>1</b>	<b>Purpose of Report</b>
1.1	To seek approval for a Refuse and Recycling Service Policy for Mid Ulster District Council

<b>2</b>	<b>Background</b>
2.1	<p>The three existing Councils currently have varying policies/practices in relation to the kerbside collection of recyclable and residual waste from households which require alignment in a common policy to take effect from 1<sup>st</sup> April 2015.</p> <p>Some key differences are as follows:</p> <ul style="list-style-type: none"> <li>• The number of blue bins collected (for recyclable waste) and brown bins (for organic waste) per household</li> <li>• The size of household i.e. number of residents which triggers eligibility for an additional or larger wheeled bin for residual waste</li> <li>• The sale or loan of additional bin(s) to households with particular requirements e.g. medical conditions resulting in additional waste</li> <li>• The collection of side waste (during the Christmas/New Year period)</li> <li>• The service delivery standard for bulky household waste collections i.e. undertaken on a specific day or within a set number of working days</li> </ul> <p>Across the three existing Councils there are approximately 500 assisted lift (back door) collections and 400 additional bin collections from domestic properties.</p>

<b>3</b>	<b>Key Issues</b>
3.1	<p>The proposed policy in relation to these matters is as follows:</p> <ul style="list-style-type: none"> <li>• Up to two blue bins will be collected per household and one brown bin per household (per fortnight)</li> <li>• Applications for the use of an additional 240 litre bin or a 360 litre black bin for residual waste based on size of household will only be considered where eight or more persons are permanently resident (in which case the bin must be purchased)</li> <li>• Where the use of an additional or larger bin is agreed for households with particular requirements e.g. medical reasons the bins will be provided on a loan basis (to be reviewed after a period of 24 months)</li> <li>• No side waste to be collected (save in very exceptional circumstances e.g. following a period of adverse weather when it has not been possible to provide a normal refuse collection service)</li> <li>• Household bulky collections to be provided with 10 working days of request being received</li> </ul>

<b>4</b>	<b>Resources</b>
4.1	<b><u>Financial</u></b> None
4.2	<b><u>Human</u></b> None
4.3	<b><u>Basis for Professional/ Consultancy Support</u></b> None
4.4	<b><u>Other</u></b> None

<b>5</b>	<b>Other Considerations</b>
5.1	<p>Cookstown and Dungannon Councils are in the process of rolling out the brown bin collection scheme to the remainder of their areas presently without the service. When this is completed in early 2015 (meaning all households in the Mid Ulster District will have the same three bin system) further consideration can be given to the introduction of a restriction on the size of (new) black bins for residual waste as is currently the case in the Magherafelt District Council area.</p>

<b>6</b>	<b>Recommendations</b>
6.1	<p>That the proposed Recycling and Refuse Collection policy is adopted for implementation from 1<sup>st</sup> April 2015.</p>

<b>7</b>	<b>List of Documents Attached</b>
7.1	Appendix A: Proposed Recycling and Refuse Collection Policy for Mid Ulster DC

## **RECYCLING AND REFUSE COLLECTION SERVICE POLICY**

### **1.0 AIM OF POLICY**

The aim of the Recycling and Refuse Collection Policy is to provide an effective and efficient service to all households within the Mid Ulster District.

### **2.0 PURPOSE OF POLICY**

Mid Ulster Council, in meeting increasing recycling and landfill diversion targets wishes to ensure that the collection of waste is managed in the most efficient manner possible with householders taking joint responsibility for the management of their waste. This policy sets out the parameters in which the Council and public must share ownership so as to meet National and European legislative requirements.

This Policy provides details the recycling, residual and assisted lift collection provisions for domestic and commercial properties.

The effectiveness of the Policy will be reviewed on an annual basis and updated in light of the Councils experiences and any changes to legislation. Any amendments to the Policy will be equality proofed with the necessary safeguards for individuals as outlined under Section 75 of the Northern Ireland Order 1998.

### **3.0 TYPES OF RECEPTACLES**

- 3.1 Black Bin - to be used for the separation, storage and collection of non-recyclable waste
- 3.2 Blue Bin - to be used for the separation, storage and collection of dry recyclables i.e. paper, cardboard, cans, plastics, glass etc.
- 3.3 Brown Bin - to be used for the separation, storage and collection of "organic waste" i.e. garden and food waste.

### **4.0 FREQUENCY OF COLLECTION:-**

- 4.1 The Council will collect one black bin of non-recyclable waste on a fortnightly basis.
- 4.2 The Council will collect one/two blue bins of dry recyclables on a fortnightly basis.
- 4.3 The Council will collect one brown bin of organic waste on a fortnightly basis

### **5.0 NUMBER OF BINS PER HOUSEHOLD**

- 5.1 The Council will collect only one 240 litre black bin per household per fortnight. **See Reference 9.0 for Exceptional Circumstances.**



## Appendix A

5.2 The Council will collect up to a maximum of 2 X 240 litre blue bins per household per fortnight where presented. The householder shall purchase the additional container.

5.3 The Council will collect only one 240 litre brown bin per fortnight.

Note: A smaller bin size of 120 or 180 litres is available for households with less waste requirements or space restriction.

### 6.0 COLLECTION SERVICE

6.1 All waste presented for collection by the Council, must be contained within an approved wheeled bin

6.2 Only bins which are in a sound condition will be collected by Council.

6.3 If a container is damaged by the Council's workforce or on the mechanisms of the collection vehicle, the Council will replace same free of charge at the discretion of the Council's Head of Environmental Services or his/her representative.

6.4 Where a container is lost or damaged by the occupier, such that it is not serviceable by the Council, it shall be deemed the responsibility of the occupier or owner to provide a container for collection. The occupier or owner can purchase a replacement container from the Council and must do so before the service will be resumed.

6.5 The Council provides, at a charge, wheeled bin refuse containers for domestic properties which can be purchased from the Environmental Services Department

6.6 Overfull or excessively heavy bins will not be collected by the Council.

6.7 No side refuse (i.e. waste not placed in the relevant bin) or additional waste will be collected save in very exceptional circumstances e.g. following a period of adverse weather when it has not been possible to provide a service. Any additional waste ought either to be stored by the householder until the next relevant collection day, or taken to one of the Recycling Centre provided by the Council.

6.8 All wheeled bins provided free of charge by the Council shall relate to the premises and should be left by the occupier on moving.

6.9 Householders shall be required to place each bin for emptying by 08.00am on the day of collection at a suitable collection point i.e. at the edge of, or at the entrance or laneway to the premises, at a point

## **Appendix A**

significant to the public road, or at such other places as may be determined by the Council. **See Reference 10.0 for Assisted Lift Support.**

- 6.10 The Council's refuse collection vehicles will generally not travel on private roadways or roads which have not been adopted by the DRD. However, the Council will collect waste in and around developments where roadways are under construction and a tarmaced base-coat laid and where safe, easy access and adequate turning space is provided, and it is reasonably assumed that the DRD will adopt such roadways. Such roadways must be capable of carrying heavy goods vehicles and will be assessed by the Head of Environmental Services or his/her representative.
- 6.11 Where an occupier of any premises fails to comply with the Council's policy requirements relating to the storage and collection of refuse, the Council shall not collect refuse from those premises and the occupiers will be obliged to ensure disposal of such refuse in a manner acceptable to the Council.
- 6.12 The Council will collect containers from areas which are constituted and recognised as being major industrial estates, however, the Council will not travel onto private roads or laneways to service single or home-based business units.
- 6.13 The occupier shall not place or cause to be placed in such containers, any such substance, or items which would endanger the safety of the Council's operators, agents, equipment or the public
- 6.14 The Council shall allow for the collection and disposal of all contents of the wheeled bin, with the exception of builders rubble, clinical waste, and , hazardous wastes e.g. oils, paints etc
- 6.15 The Council shall ensure that their employees behave in a courteous and orderly manner at all times and will create the minimum possible disturbance when visiting each occupier's premises.
- 6.16 The Council shall be required to provide a high quality service for the collection of waste from households which is consistent with the safe workings of the wheeled bin system.

### **7.0 CONTAMINATED BINS**

- 7.1 All bin contents will be subject to regular inspection/checking by Council staff.
- 7.2 Recycling (blue or brown) bins found to contain incorrect materials will not be emptied, as this would contaminate the full collection. A label will be placed on the bin and/or a house call made by inspecting staff to advise householders of the discrepancy. An

## Appendix A

additional leaflet on recycling and support from the Recycling officer is available from Council, **see reference 11.0.**

- 7.3 Residual (black) bins found to contain recyclable material on at least three occasions will not be emptied. Householders will first receive a label on their bin advising of the materials that could be recycled in the future, this will be supported by a leaflet on recycling and a house call to advise them of the discrepancy, **see reference 11.0.**
- 7.4 Households who continue to ignore the recycling requirements, and advice of Council, cannot avail of the waste collection service as this will impact on the recycling activities of other residents.

### 8.0 BULKY HOUSEHOLD COLLECTIONS

- 8.1 The Environmental Services Division currently provides, free of charge, a waste collection service for bulky household items. The majority of collections are for items such as fridges, freezers, washing machines, cookers, beds, chairs, three piece suites, carpets etc.
- 8.2 To avail of the service, arrangements can be made by contacting the Environmental Services Department. Items must be presented at the kerbside for collection from 8.00am on the morning of collection. Council will endeavor to make the collection within ten working days. **See Reference 10.0 Assisted Lift Support.**
- 8.3 The Council reserves the right to exclude certain types of items including builders rubble, farm waste, demolition materials and garden waste, bathroom or kitchen units, fireplaces etc. (i.e. items generally considered to be fixtures and fittings of a property).

### 9.0 EXCEPTIONS FOR ADDITIONAL BIN PROVISION

- 9.1 The Council recognises that there are groups of people (Section 75) within the District who may have additional needs and will consider applications for an additional black bins or the use of a 360 litre black bin in the following circumstances:
  - 9.1.1. A family or **household** size of more than eight, permanently residing at the property (in which circumstances payment must be made for the purchase of the additional or larger bin).
  - 9.1.2. Households with particular requirements, having an impact on the production of waste, i.e. **people with disabilities; medical conditions; carer responsibilities etc. (in which circumstances an additional or larger bin will provided on a loan basis for an initial period of 24 months)**
- 9.2 The following procedure will apply in relation to an application for additional black bin being collected:

## **Appendix A**

- 9.2.1. An application for additional bins to be collected must be made to the Environmental Services Division of the Council, giving details of the particular requirements (carer, family size etc.) or particular circumstances.
- 9.2.2. An assessment of the current waste and recycling collection from the household will be made by the Recycling Officer (by way of questionnaire and inspection).
- 9.2.3. A decision on the application will take into consideration the current level of recycling and potential improvements which could be realistically made by the householder.
- 9.2.4. An application for additional bin space will only be granted (even if the application criteria are met) if maximum use is being made of the recycling collection service. Advice and support will be provided by the Council and the Recycling Officer on maximising use of this service.
- 9.2.5. The Council will grant or refuse the application based on the information provided by the applicant and the Recycling Officer.
- 9.2.6. The applicant may appeal the decision through the Council's Appeal Process.
- 9.2.7. The Council reserves the right to restrict the number of bins if circumstances of the household change or if the recycling service is not being used.
- 9.2.8. The Council will review existing approvals on a 12-18 month review cycle (24 months for those based on disabilities/medical conditions).

### **10.0 ASSISTED LIFT SUPPORT**

- 10.1 If any occupier is deemed by the Council to be unfit to comply with the requirement at 6.9 or 8.2, by reason of disability, evidenced by a respected body of medical opinion, local GP, and where there is no other person in the household or carer capable of meeting the requirement in relation to 6.9, the Council shall make arrangements to collect the wheeled container or bulky goods only at the occupier's premises
- 10.2 In relation to bulky goods specific detail needs to be provided when making arrangements for collection. All bulky goods will only be lifted from outside of the house. Advice will be provided by Council's Environmental Services Division on how to maximise the supported lift service.

## **Appendix A**

- 10.3 A Council Officer may visit an individual to conduct both a site and needs analysis so as to ensure that the service is delivered to those entitled to this service in a fair and equitable manner.
- 10.4 An indemnity may be required from the householder should the Council have to drive its vehicle/s on private property. The householder will be required to sign appropriate documentation.
- 10.5 An application form is available from the Environmental Services Division.

### **11.0 INFORMATION AND SUPPORT**

- 11.1 Accessible information will be provided to householders on the types of waste to be placed in both blue and brown bins.
- 11.2 The Council will publicise its services in accessible formats.
- 11.3 Information can be sought through leaflet, by telephone/textphone and can be made available in alternative formats including large print, computer disk, audio cassette, braille, and minority languages to meet the needs of those who are not fluent in English.
- 11.4 A Recycling officer is available within the Council for direct support to suit a range of needs. For those not fluent in English, an interpreting service can be provided upon request. For persons with a hearing disability, a 'signed' service can be made available upon request.

### **12.0 COMMERCIAL WASTE COLLECTION**

The foregoing policy for domestic properties shall also apply to commercial premises and shall include the following:-

- 12.1 Commercial/industrial operators may purchase appropriately sized containers from the Environmental Services Department.
- 12.2 Any commercial/industrial operators which has requested the Council's collection service, may do so, by paying the appropriate collection fee relevant to container size . No refunds will be made in relation to availing of part of the service thereof, including bank/public holidays. For payment options and terms and conditions of service, please contact the Environmental Services Division.
- 12.3 The Council shall not be involved in the collection of clinical waste. Occupiers of premises generating clinical waste will be responsible for the safe disposal of such waste in accordance with the principles

## **Appendix A**

detailed in the guidance notes 'The safe Disposal of Clinical Waste' issued by the Health and Safety Advisory Committee of the Health & Safety Executive.

### **13.0 ABANDONED MOTOR VEHICLES COLLECTION**

Under the Pollution Control & Local Government (NI) Order 1978, the District Council is permitted to collect and dispose of abandoned motor vehicles.

The procedures are as follows:-

- 13.1 Council will require notification from the local PSNI requesting disposal of the said vehicle.
- 13.2 Council's Supervising Officer investigates, placing seven day notice on vehicle. Upon expiry of the seven days, the vehicle is photographed and arrangements made for collection and disposal.
- 13.3 Special arrangements will be made in terms of urgent removal i.e. burned out vehicles etc.

**This policy document can be made available, on request, in alternative formats including large print, computer disk, audio cassette, braille, and minority languages to meet the needs of those who are not fluent in English.**

**E**

<b>Subject</b>	Building Control Services
<b>Reporting Officer</b>	M G Kelso

<b>1</b>	<b>Purpose of Report</b>
1.1	To update Members on the current status of Building Control Service Convergence across Mid Ulster Councils and the key issues arising.

2	Background																																
2.1	<p>As Members will be aware, Building Control Services are a statutory function of Council, as set out within the Building Control Regulations (NI) 2012 and associated legislation.</p> <p>The services as outlined address the full range of Building Control functions for this purpose, including 'New Build' Applications, Building Notices and Regularisation Certificates for domestic and commercial build, along with Property Certificates, Postal Numbering and management of the Corporate Property Database.</p> <p>These functions being taken forward in conjunction with Capital Works and Contract Management in Magherafelt and Dungannon and various Licensing and Estate Management functions across all three Districts, which will be dealt with in a separate report.</p> <p>A breakdown of the work undertaken by Building Control Services for the 2013/14 year under the Building Control Regulations, is as shown in Table 1 below.</p> <p><b><u>Table 1 – Building Control Service Statistics – 2013 / 2014</u></b></p> <table><tr><th>FUNCTION</th><th>Cookstown</th><th>Dungannon</th><th>Magherafelt</th></tr><tr><td><b>New Applications:*</b></td><td></td><td></td><td></td></tr><tr><td>No. Received</td><td>208</td><td>332</td><td>266</td></tr><tr><td>No. Approved</td><td>218</td><td>391</td><td>252</td></tr><tr><td>No. Rejected / Withdrawn</td><td>17</td><td>25</td><td>14</td></tr><tr><td><b>Building Notices:*</b></td><td></td><td></td><td></td></tr><tr><td>No. Received</td><td>731</td><td>805</td><td>889</td></tr><tr><td>No. Completed</td><td>509</td><td>475</td><td>668</td></tr></table>	FUNCTION	Cookstown	Dungannon	Magherafelt	<b>New Applications:*</b>				No. Received	208	332	266	No. Approved	218	391	252	No. Rejected / Withdrawn	17	25	14	<b>Building Notices:*</b>				No. Received	731	805	889	No. Completed	509	475	668
FUNCTION	Cookstown	Dungannon	Magherafelt																														
<b>New Applications:*</b>																																	
No. Received	208	332	266																														
No. Approved	218	391	252																														
No. Rejected / Withdrawn	17	25	14																														
<b>Building Notices:*</b>																																	
No. Received	731	805	889																														
No. Completed	509	475	668																														



	<b>Regularisation Applications:*</b>  No. Received No. Completed	60 58	22 29	20 17
	<b>Inspections:</b>  No. of Domestic No. of Non-Domestic <b>TOTAL</b>	3096 268 3364	4752 340 5092	3771 273 4044
	<b>Completions:</b>  No. of Domestic No. of Non-Domestic <b>TOTAL</b>	734 42 776	703 130 833	903 31 934
* It should be noted that not all applications may be dealt with within the same 12 month period.				

<b>3</b>	<b>Key Issues</b>
3.1	<p><b><u>SOFTWARE CONVERGENCE PROGRAMME</u></b></p> <p>The three Departments committed to a Convergence Programme in October 2013. An initial piece of work was to identify and agree a common Software System. It was subsequently agreed to move forward with the Tascomi Software platform across all three Departments, this was initiated in May 2014.</p> <p>Mid Ulster Cluster was the first cluster of Councils to take this forward in Northern Ireland. The new platform will enable all applications to be assessed, processed and recorded in a common format and single database from 1<sup>st</sup> April 2015.</p>
3.2	<p><b><u>POSTAL NUMBERING - PROPERTY DATABASE / CERTIFICATES</u></b></p> <p>The Building Control Services are responsible for the updating and maintenance of the Council's Property database as part of the Memorandum of Understanding with Land and Property Services (LPS). The three individual Property Databases are also utilised for Postal and Address Numbering, for all 'New Build'. The database is also used across other Corporate functions eg property certificates, bin collection routes and mailshots. The refinement of the Property Databases is ongoing, in conjunction with LPS. This work also involves the identification and transfer of property details to the Armagh / Banbridge / Craigavon Cluster, as part of the proposed boundary changes.</p>
3.3	<p><b><u>PROCEDURAL ISSUES – PLAN ASSESSMENT / VALIDATIONS</u></b></p> <p>The convergence of the three Departments requires operational procedures to be reviewed and refined. Officer Sub-Groups have been established to develop</p>

agreed protocols for Plan Assessment and Validation and Regularisation with inspection and enforcement arrangements for addressing non-approved developments.

Service Performance Targets areas are also being reviewed to ensure consistency across the three localities for plan assessment and validation in conjunction with other service functions . A further report will be brought for Members' consideration on this matter.

3.4 **NEW PLAN ASSESSMENT - STRUCTURAL**

Detailed construction plans must be assessed and validated for design and detail, in accordance with current Design Regulations. It is recognised that technical and detailed structural assessments previously undertaken by Group Services, will require revised certification arrangements to be put in place, either by the employment of a fully accredited Structural Engineer, or utilising the services of a competent private consultancy, as and when required. This will be addressed as part of the Service Design Programme.

3.5 **DOCUMENT CHARGING SCHEMES**

The following Document Charging Schemes are currently in place for the constituent Councils' Building Control Services.

It is recognised that duplication services and re issue of approval documentation is often requested. The scaled charges as attached at Table 2 are currently in place. It should be noted that these have not been revised since their introduction. The proposed charges are as outlined.

**Table 2**

CHARGING SCHEME	Cookstown	Dungannon	Magherafelt	MUC PROPOSED
Re-stamping of Plans	-	£15	£10	<b>£20</b>
Re-Issue of Approval Certificates	-	£10	£10	<b>£15</b>
Legal Enquiries regarding Work Stages	-	£15	£20	<b>£25</b>
Postal Address Confirmation	-	£10	£10	<b>£15</b>
Archive Search	-	-	£20	<b>£25</b>
Exemption Letter	-	-	£10	<b>£15</b>

It is proposed that Mid Ulster agree a structured fee for these purposes for commencement in April 2015, if Members are in agreement.

	<p><b><u>SERVICE PERFORMANCE MEASURES / DELEGATED AUTHORITY</u></b></p> <p>Performance measures for the service are currently under review. It is proposed to link these with the wider Corporate Management Programme. A further report will be brought for Members' consideration on this issue.</p> <p>Further implementation measures will be brought to Members' attention in subsequent reports in regards to Service Indicators, Delegated Authority and Enforcement Policies.</p> <p><b><u>MID ULSTER - ON-LINE APPLICATIONS</u></b></p> <p>3.6 Currently the three offices operate a Hard Copy Plans based system for all new applications received. To assist with mobile working and increased efficiency within the service, it is proposed that the facility will be made available to enable new applications to be digitally submitted from 1<sup>st</sup> April 2015. This will assist with the implementation of an IT focussed application process and transition to full electronic submission for all applications in due course.</p> <p>3.7 It is recognised that a 'phased approach' will be necessary and dual application processes may be required in the short term, to allow these arrangements to be fully developed.</p> <p>It is proposed that the appropriate arrangements are made to pilot this process for receipt of <b>Building Notices</b> and <b>Regularisation Applications</b> in the first instance, with roll-out from April 2015.</p>
<b>4</b>	<b>Resource Implications</b>
4.1	<p><b><u>Financial</u></b></p> <p>As budgeted for within the Mid Ulster Convergence Programme 2014/15 and Service Budgets for 2015/16.</p>
4.2	<p><b><u>Human resources</u></b></p> <p>As stated.</p>
4.3	<p><b><u>Assets and other implications</u></b></p> <p>N/A.</p>
<b>5</b>	<b>Other Considerations</b>
5.1	N/A
<b>6</b>	<b>Recommendations</b>
6.1	That Members give approval to the proposed Document Charging and 'On-Line' Application Programmes, as outlined at Section 3.5 and 3.7.

<b>7</b>	<b>List of Documents Attached</b>
	N/A

**F**

<b>Subject</b>	EH / BC Risk Register 2014 / 2015
<b>Reporting Officer</b>	M G Kelso

<b>1</b>	<b>Purpose of Report</b>
1.1	To update Members on the Environmental Health / Building Control Transition Working Group Risk Register for the Transitional Period 2014/15.

<b>2</b>	<b>Background</b>
2.1	As Members will be aware, each Working Group has been requested to prepare a Risk Register for the Convergence Programme in the lead up to April 2015. A copy of the Environmental Health / Building Control Transition Group Risk Register is attached at Appendix 1.

<b>3</b>	<b>Key Issues</b>
3.1	<p>The Key Issues for transfer and convergence of the Environmental Health and Building Control Services are identified within the Transition Working Group Risk Register. The Transition Working Group have prepared a Project Plan to address the issues highlighted .</p> <p>The Key Issues relate to Finance, Human Resources, Service Delivery and Information Technology.</p> <p>The Control Measures and Actions with associated target dates are as outlined in the Register.</p> <p>As part of the Project Plan , structured Working Groups have been put in place to ensure the necessary actions are taken to ensure consistent and effective Service Delivery in April 2015.</p> <p>The Working Group Register will be reviewed and updated in accordance with Corporate guidelines.</p>

<b>4</b>	<b>Resource Implications</b>
4.1	<p><b><u>Financial</u></b></p> <p>N/A.</p>
4.2	<p><b><u>Human resources</u></b></p> <p>N/A.</p>

4.3	<b><u>Assets and other implications</u></b>  N/A.
-----	---

5	<b>Other Considerations</b>
5.1	None.

6	<b>Recommendations</b>
6.1	For Members' consideration and information.

7	<b>List of Documents Attached</b>
7.1	Appendix A: Environmental Health and Building Control Risk Register: 2014/ 15

# Appendix A - Environmental Health / Building Control - Transition Working Group Risk Register : Transitional Period 2014 - 2015

Corp Ref	Service Area	Description of Risk	Existing Control Measures	Consequence	Likelihood	Risk Rating	Assessor	Date	Previous Risk Rating	Risk Owner	Actions	Target Date	Progress
EH / BC 1	Human Resources	Failure to ensure sufficient competent staff to deliver Service post April 2015.	Retention of staff and training and capacity building being provided.	4	2	8	EH / BC	01-Sep-14	8		MUC to implement Staff Training and Capacity Programme across Services.	Feb-15	
EH / BC 2	Finance	Insufficient Budget / Resources to deliver BC & EH Services 2015/16.	Budget Setting to be based on 2014/15 current year plus functions Group deliver.	4	3	12	EH / BC	01-Sep-14	12		EH & BC to identify Service Delivery and Funding gaps and make provision in 2015/16 Budget allocation.	Dec-15	
EH / BC 3	Service Delivery	Insufficient preparation for Convergence of EH & BC Services resulting in poor and/or fragmented service delivery for statutory services post 2015.	EH / BC Service have identified Prioritisation Plans for implementation pre April 15.	4	2	8	EH / BC	01-Sep-14	8		EH / BC Working Group overseeing implementation of Prioritised Work Plans as presented to Environment Committee July 14.	Feb-15	
EH / BC 4	Information Technology	Variation in I.T. Software platforms impacting on Service Delivery provision post April 15.	IT Convergence Programme in place for merging Software Platforms.	4	2	8	EH / BC	01-Sep-14	8		EH / BC Working Group to progress I.T. Convergence Programme with I.T. Working Group / ICT Lead.	Jan-15	
EH/ BC 5	Finance	Roll-over of Capital Projects planned for completion by April 15, with resultant cost transferring to Mid Ulster Council 2015/16.	Project Plans in place for completion of committed programmes.	4	3	12	EH / BC	01-Sep-14	12		MUC to agree Budget settings for 2015/16 year, to include provision for roll-over Programmes.	Jan-15	
EH / BC 6	Finance	Uncertainty over future funding of Partnership Programmes and Joint Working (e.g. Public Health Agency).	EH Management Group working closely with external Partners to ensure continued Funding and delivery.	3	3	9	EH / BC	01-Sep-14	9		Establish new / revised arrangement for continuance of Partnership Funding post April 2015.	Jan-15	
EH / BC 7	HR / Service Delivery	Potential loss of Technical / Specialist support to professional service areas - Structural / Fire, Pollution, Food and Health & Safety, with demise of Group Services.	EH / BC Services undertake Baseline Study and identify areas for additional support.	3	3	9	EH / BC	01-Sep-15	9		Staff up existing teams to deliver required Services and seek additional support where required.	Jan-15	



# Appendix A - Environmental Health / Building Control - Transition Working Group Risk Register : Transitional Period 2014 - 2015

Corp Ref	Service Area	Description of Risk	Existing Control Measures	Consequence	Likelihood	Risk Rating	Assessor	Date	Previous Risk Rating	Risk Owner	Actions	Target Date	Progress
EH / BC 8	Service Delivery	Potential loss of Service functionality for Animal Welfare / Emergency Planning post April 2015.	Existing Service Delivery arrangement under review.	3	3	9	EH / BC	01-Sep-14	9		Develop agreed Service Delivery arrangements to ensure functional Service Delivery across all sectors post April 2015.	Jan-15	
EH / BC 9	Service Delivery	Possible lack of consistency in Service Delivery - Fees, Fines & Penalties, Performance, Enforcement - Legal Challenges.	Baseline undertaken of all service delivery functions.	3	3	9	EH / BC	01-Sep-14	9		Agreed procedures / guidance to be developed for consideration by MUC.	Dec-15	
EH / BC 10	Service Delivery	Lack of clarity regarding Transferred Functions / Revised Service Delivery arrangements.	Service Delivery arrangements currently under review.	3	3	9	EH / BC	01-Sep-14	9		Seek clarification where necessary and revise Service Delivery Programme accordingly.	Dec-15	

**G**

**Subject:** Waste and Technical Services Transitional Working Group Risk Register

**Reporting Officer:** Andrew Cassells

<b>1</b>	<b>Purpose of Report</b>
1.1	To provide Members with an update on the work of the Waste and Technical Services Transitional Working Group with regards to dealing with the “risks” identified in the 2014 – 2015 transition period (Appendix 1. Waste & Technical Services Transitional; Working Group Risk Register)

<b>2</b>	<b>Background</b>
2.1	<p>A risk has been defined as “the chance of exposure to the adverse consequences of future events”. All the risks identified have been assessed with regard to their consequence and likelihood. Each has been assigned a “risk owner” who is responsible for monitoring and acting upon the risk.</p> <p>Risks will be dealt with using one of the following methods:</p> <ul style="list-style-type: none"> <li>• <b>Prevention</b> – act to prevent the risk occurring or having an impact on the project</li> <li>• <b>Reduction</b> – reduce the likelihood of the risk occurring or limit its impact</li> <li>• <b>Transference</b> – pass the risk to a third party (e.g. use of insurance or penalty clauses)</li> <li>• <b>Contingency</b> – plan of action to come into force when a risk materialises</li> <li>• <b>Acceptance</b> – accept the possibility that the risk may occur (believing that either the risk will not occur or that the countermeasures are too expensive)</li> </ul> <p>One or more of these mechanisms are identified in the Existing Control Measures and Actions columns (in Appendix 1.).</p>

<b>3</b>	<b>Key Issues (as detailed in Appendix 1.)</b>
3.1	W&TS 1: Insufficient Budget/resources to deliver Waste & Technical Services in 2015/16
3.2	W&TS 2: Insufficient preparation for convergence of Waste & Technical Services resulting in poor and/or fragmented service delivery, particularly for transferring functions post April 2015

3.3	W&TS 3: Roll over of Capital Projects planned for completion by March 2015 with resultant costs transferring to MUC 2015/16
3.4	W&TS 4: Possible lack of consistency in Service delivery - fees, standards, performance, work systems, Health & Safety management
3.5	W&TS 5: Potential loss of efficiency regarding cross functional working to service, including direct labour services post April 2015

<b>4</b>	<b>Resources</b>
4.1	<b><u>Financial</u></b>  None at this juncture
4.2	<b><u>Human</u></b>  Officer time in relation to the Waste & Technical Services TWG and other MUDC TWGs.
4.3	<b><u>Basis for Professional/ Consultancy Support</u></b>  None at this juncture
4.4	<b><u>Other</u></b>  None at this juncture

<b>5</b>	<b>Other Considerations</b>
5.1	None at this time.

<b>6</b>	<b>Recommendations</b>
6.1	Members are requested to note the contents of the report and to receive regular updates on the Risk Register at future meetings of the Committee.

<b>7</b>	<b>List of Documents Attached</b>
7.1	Waste & Technical Services Working Group Risk register: Transition Period 2014 – 2015 (Appendix 1.)

# MUDC Waste Technical Services Transitional Working Group Risk Register: Transitional Period 2014-15

Corp Ref	Service Area	Description of Risk	Existing Control Measures	Consequence	Likelihood	Risk Rating	Assessor	Date	Previous Risk Rating	Risk Owner	Actions	Target Date	Progress
W&TS 1	W&TS	Insufficient Budget/resources to deliver W&T Services 2015/16	Budget Setting to be based on current year (2014/15) plus contributions to Waste Management groups	4	2	8	W&TS	14-Oct-14	8		W&TS to identify Service delivery and funding gaps and make provision in 2015/16 budget allocation based on anticipated service needs	ongoing	Budget build underway following hroup engagement with MUC Finance Lead and ongoing input to MUC capital plan.
W&TS 2	W&TS	Insufficient preparation for convergence of W&T Services resulting in poor and/or fragmented service delivery, particularly for transferring functions post April 2015	Lack of clarity on transferring functions addressed included on agenda of each working group meeting.	4	3	12	W&TS	14-Oct-14	12		Working group overseeing implementation of work plan presented to Environmental Committee in July '14. Independent condition survey of carparks required. Extension of enforcement and fee collection arrangements being considered through a SLA.	ongoing	Local land registry seraches underway. Condition survey to be commissioned of all transferring car parks to determine maintenance requirements and cost.
W&TS 3	W&TS	Roll over of Capital Projects planned for completion by March '15 with resultant costs transferring to MUC 2015/16	Project plans and budgets in place for completion of committed programmes	4	3	12	W&TS	14-Oct-14	12		Finance working group to agree budget settings for 2015/16, to include provision for roll over if required	31/01/2015	Monitoring ongoing by project owners
W&TS 4	W&TS	Possible lack of consistency in Service delivery - fees, standards, performance, work systems, Health and Safety management	Baseline undertaken of all service delivery functions	3	3	9	W&TS	14-Oct-14	9		Seek clarification on agreed Working group plan where necessary and revise accordingly	ongoing	Service reports presented to council identifying challenges and assisting with service alignment ongoing (e.g. Fees & charges, Waste Management groups, health and safety, etc)
W&TS 5	W&TS	Potential loss of efficiency regarding cross functional working to service, including direct labour services post April 2015	New structure approved and circulated to staff	3	3	9	W&TS	14-Oct-14	9		Service delivery arrangements to be kept under review in light of further detail from developing structure following senior staff appointments	31/01/2015	Ongoing review of service delivery arrangements