



08 March 2022

Dear Councillor

You are invited to attend a meeting of the Environment Committee to be held in The Chamber, Dungannon and by virtual means Council Offices, Circular Road, Dungannon, BT71 6DT on Tuesday, 08 March 2022 at 19:00 to transact the business noted below.

A link to join the meeting through the Council's remote meeting platform will follow.

Yours faithfully

Adrian McCreesh
Chief Executive

AGENDA

OPEN BUSINESS

1. Notice of Recording
This meeting will be webcast for live and subsequent broadcast on the Council's You Tube site [Live Broadcast Link](#)
2. Apologies
3. Declarations of Interest
Members should declare any financial and non-financial interests they have in the items of business for consideration, identifying the relevant agenda item and the nature of their interest.
4. Chair's Business

Matters for Decision

- | | | |
|----|---|---------|
| 5. | DfI Roads Proposal to Mid Ulster District Council -
Proposed Introduction Of No Waiting At Any Time –
Mullaghboy Crescent, Magherafelt | 3 - 6 |
| 6. | DfI Roads Proposal to Mid Ulster District Council -
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Matters for Information

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Items restricted in accordance with Section 42, Part 1 of Schedule 6 of the Local Government Act (NI) 2014. The public will be asked to withdraw from the meeting at this point.

Matters for Decision

22. Entertainment Licensing
23. Energy Contract Renewal - Delegated authority approval
24. Property Services 2022/23 funding pressures
25. Frameworks for the Purchase of Refuse/Recycling Products
26. Contract for the Collection, Treatment and Recycling / Recovery of Road Sweepings from Recycling Centres
27. Contract for collection and processing of bio-waste
28. Town Shared Space Project - Coalisland

Matters for Information

29. Confidential Minutes of Environment Committee held on Tuesday 8 February 2022
30. Magherafelt Recycling Centre and Waste Transfer Station
31. Capital Framework – ICT Contracts Update
32. Capital Framework – IST Contracts Update
33. Capital Projects – Scoping Contracts Update

Report on	Dfl Roads Proposal to Mid Ulster District Council - Proposed Introduction Of No Waiting At Any Time – Mullaghboy Crescent, Magherafelt
Date of Meeting	Tuesday 8 th March 2022
Reporting Officer	Terry Scullion, Assistant Director of Property Services
Contact Officer	Terry Scullion, Assistant Director of Property Services

Is this report restricted for confidential business?	Yes	
If 'Yes', confirm below the exempt information category relied upon	No	X

1.0	Purpose of Report
1.1	To seek the agreement of Members in relation to proposals from Dfl Roads to introduce a stretch of no waiting at any time on Mullaghboy Crescent, Magherafelt.
2.0	Background
2.1	Dfl Roads are consulting the Council with proposals to introduce a stretch of no waiting at any time on Mullaghboy Crescent, Magherafelt.
3.0	Main Report
3.1	<p>The following outlines the proposal to be brought to the attention of the Environment Committee:</p> <p>PROPOSED INTRODUCTION OF NO WAITING AT ANY TIME – MULLAGHBOY CRESCENT, MAGHERAFELT</p> <p>Dfl Roads are proposing to introduce a stretch of no waiting at any time on Mullaghboy Crescent, Magherafelt.</p> <p>PSNI have been consulted regarding the proposal.</p> <p>Consultation letter and location maps of aforementioned proposal are attached as appendices to this report.</p>
4.0	Other Considerations
4.1	Financial, Human Resources & Risk Implications
	Financial: None
	Human: Officer time in drafting reports

	Risk Management: The introduction of the aforementioned proposal at these locations will assist in the management of road safety issues.
4.2	Screening & Impact Assessments
	Equality & Good Relations Implications: The introduction of the aforementioned proposal at these locations will assist DfI in the discharge of their statutory duty.
	Rural Needs Implications: The rural needs assessment would be conducted by DfI Roads.
5.0	Recommendation(s)
5.1	That the Environment Committee endorses the proposal submitted by DfI Roads.
6.0	Documents Attached & References
6.1	Appendix 1 – Letter from DfI Roads dated 31 st January 2022; proposed introduction of No Waiting at any time – Mullaghboy Crescent, Magherafelt
6.2	Appendix 2 – Map – Mullaghboy Crescent, Magherafelt – proposed No Waiting at any time



Department for

Infrastructure

An Roinn

Bonneagair

www.infrastructure-ni.gov.uk

Network Development

Chief Executive
Mid Ulster District Council
Ballyronan
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BT45 6EN

County Hall
Drumragh Avenue
Omagh

Tel: 028 8225 4085

31 January 2022

Dear Mr McCreesh

PROPOSED INTRODUCTION OF NO WAITING AT ANY TIME – MULLAGHBOY CRESCENT, MAGHERAFELT

DfI Roads is proposing to introduce a stretch of no waiting at any time on Mullaghboy Crescent, Magherafelt as shown on the enclosed map.

PSNI have been consulted regarding the proposal.

Please bring this matter to the attention of your council.

Yours sincerely

Mrs Hazel Burton
Network Development Section

Enc

Proposed no waiting at any time - Mullaghboy Crescent, Magherafelt



31/01/2022, 11:12:23

Report on	Dfl Roads Proposal to Mid Ulster District Council - Proposed Introduction of No Waiting At Any Time – Feenys Lane, Dungannon
Date of Meeting	Tuesday 8 th March 2022
Reporting Officer	Terry Scullion, Assistant Director of Property Services
Contact Officer	Terry Scullion, Assistant Director of Property Services

Is this report restricted for confidential business?	Yes	
If 'Yes', confirm below the exempt information category relied upon	No	X

1.0	Purpose of Report
1.1	To seek the agreement of Members in relation to proposals from Dfl Roads to introduce No Waiting At Any Time – Feenys Lane, Dungannon.
2.0	Background
2.1	Dfl Roads are consulting the Council with proposals to introduce No Waiting At Any Time – Feenys Lane, Dungannon.
3.0	Main Report
3.1	<p>The following outlines the proposal to be brought to the attention of the Environment Committee:</p> <p>Proposed introduction of No Waiting At Any Time – Feenys Lane, Dungannon</p> <p>Dfl Roads is proposing to introduce a stretch of no waiting at any time on Feenys Lane, Dungannon.</p> <p>PSNI have been consulted regarding the proposal.</p> <p>Consultation letter and location map of aforementioned proposal are attached as appendices to this report.</p>
4.0	Other Considerations
4.1	Financial, Human Resources & Risk Implications
	Financial: None
	Human: Officer time in drafting reports

	Risk Management: The introduction of the aforementioned proposal at these locations will assist in the management of road safety issues.
4.2	Screening & Impact Assessments
	Equality & Good Relations Implications: The introduction of the aforementioned proposal at these locations will assist DfI in the discharge of their statutory duty.
	Rural Needs Implications: The rural needs assessment would be conducted by DfI Roads.
5.0	Recommendation(s)
5.1	That the Environment Committee endorses the proposal submitted by DfI Roads.
6.0	Documents Attached & References
6.1	Appendix 1 – Letter from DfI Roads dated 7 th February 2022; proposed No Waiting At Any Time – Feenys Lane, Dungannon.
6.2	Appendix 2 – Drawings – proposed No Waiting At Any Time – Feenys Lane, Dungannon.

Network Development

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Omagh

Tel: 028 8225 4085

7 February 2022

Dear Mr McCreesh

PROPOSED INTRODUCTION OF NO WAITING AT ANY TIME – FEENYS LANE, DUNGANNON

DfI Roads is proposing to introduce a stretch of no waiting at any time on Feenys Lane, Dungannon, as shown on the enclosed map.

PSNI have been consulted regarding the proposal.

Please bring this matter to the attention of your council.

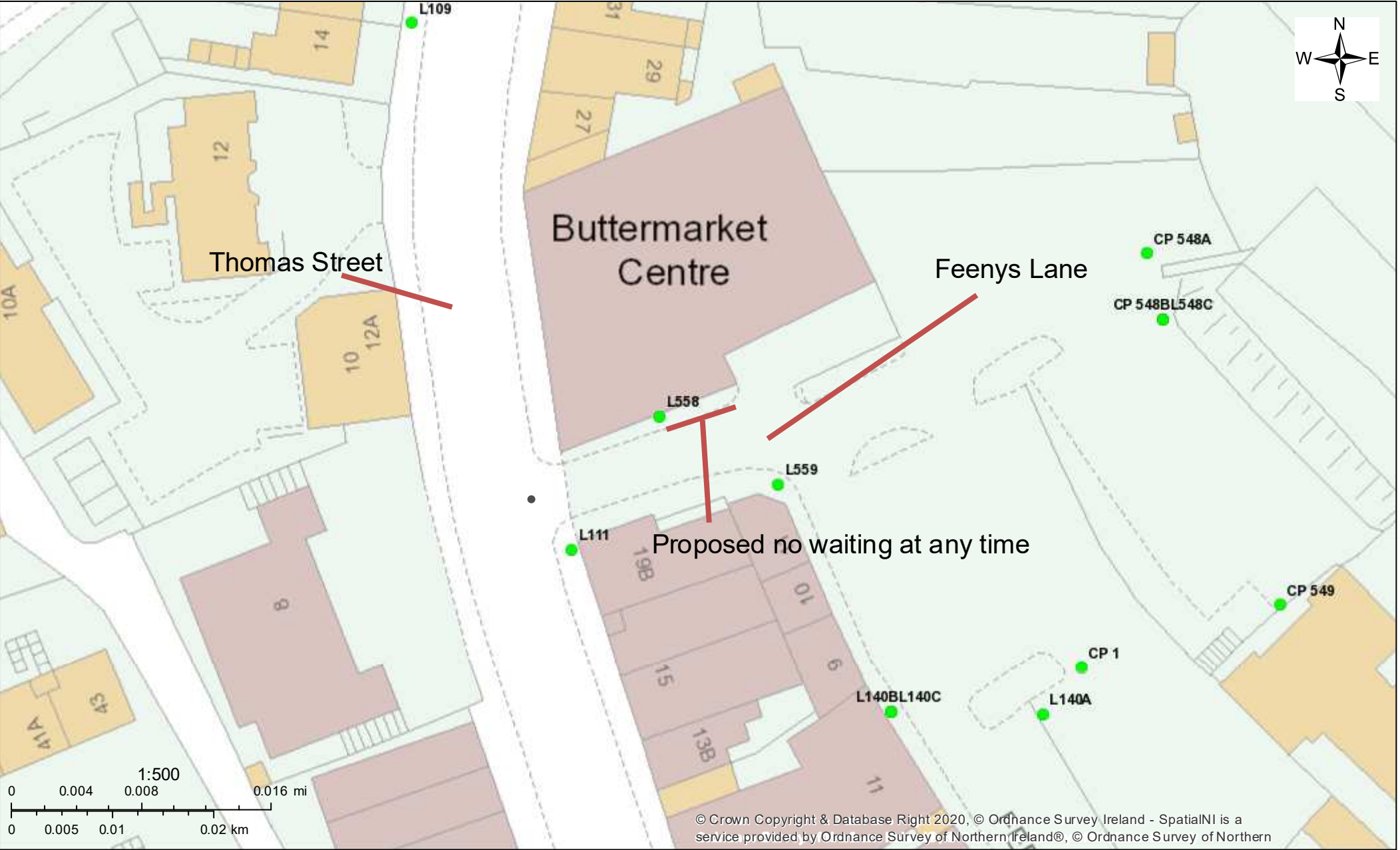
Yours sincerely



Mrs Hazel Burton
Network Development Section

Enc

Proposed no waiting at any time - Feenys Lane, Dungannon



- North
- South
- West
- East

07/02/2022, 12:19:19

Report on	Dfl Roads Proposal to Mid Ulster District Council - Proposed extension of existing Traffic Calming measures at Pomeroy Road, Donaghmore
Date of Meeting	Tuesday 8 th March 2022
Reporting Officer	Terry Scullion, Assistant Director of Property Services
Contact Officer	Terry Scullion, Assistant Director of Property Services

Is this report restricted for confidential business?	Yes	
If 'Yes', confirm below the exempt information category relied upon	No	X

1.0	Purpose of Report
1.1	To seek the agreement of Members in relation to proposals from Dfl Roads to extend existing Traffic Calming measures at Pomeroy Road, Donaghmore.
2.0	Background
2.1	Dfl Roads are consulting the Council with proposals to extend existing Traffic Calming measures at Pomeroy Road, Donaghmore.
3.0	Main Report
3.1	<p>The following outlines the proposal to be brought to the attention of the Environment Committee:</p> <p>Proposed extension of existing Traffic Calming measures at Pomeroy Road, Donaghmore</p> <p>Following a number of representations regarding vehicle speeds, Dfl Roads is proposing to extend existing Traffic Calming measures at Pomeroy Road, Donaghmore.</p> <p>Consultation letter and location map of aforementioned proposal are attached as appendices to this report.</p>
4.0	Other Considerations
4.1	Financial, Human Resources & Risk Implications
	Financial: None
	Human: Officer time in drafting reports
	Risk Management: The introduction of the aforementioned proposal at these locations will assist in the management of road safety issues.

4.2	Screening & Impact Assessments
	Equality & Good Relations Implications: The introduction of the aforementioned proposal at these locations will assist DfI in the discharge of their statutory duty.
	Rural Needs Implications: The rural needs assessment would be conducted by DfI Roads.
5.0	Recommendation(s)
5.1	That the Environment Committee endorses the proposal submitted by DfI Roads.
6.0	Documents Attached & References
6.1	Appendix 1 – Letter from DfI Roads dated 17 th February 2022; proposed extension of existing Traffic Calming measures at Pomeroy Road, Donaghmore.
6.2	Appendix 2 – Drawings – proposed extension of existing Traffic Calming measures at Pomeroy Road, Donaghmore.

Mr Adrian McCreesh
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17th February 2022

Dear Mr McCreesh

TRAFFIC CALMING PROPOSALS FOR EXTENDING EXISTING TRAFFIC CALMING MEASURES, POMEROY ROAD, DONAGHMORE

Following a number of representations regarding vehicle speeds at the above location, DFI Roads are proposing to extend existing Traffic Calming measures to address local safety concerns.

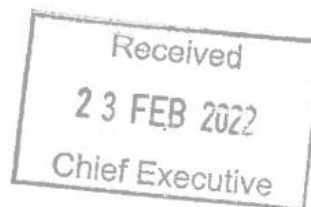
The full extent of this proposal is illustrated on the attached layout drawing. I would appreciate if you could bring this matter to the attention of the relevant councillors for this area.

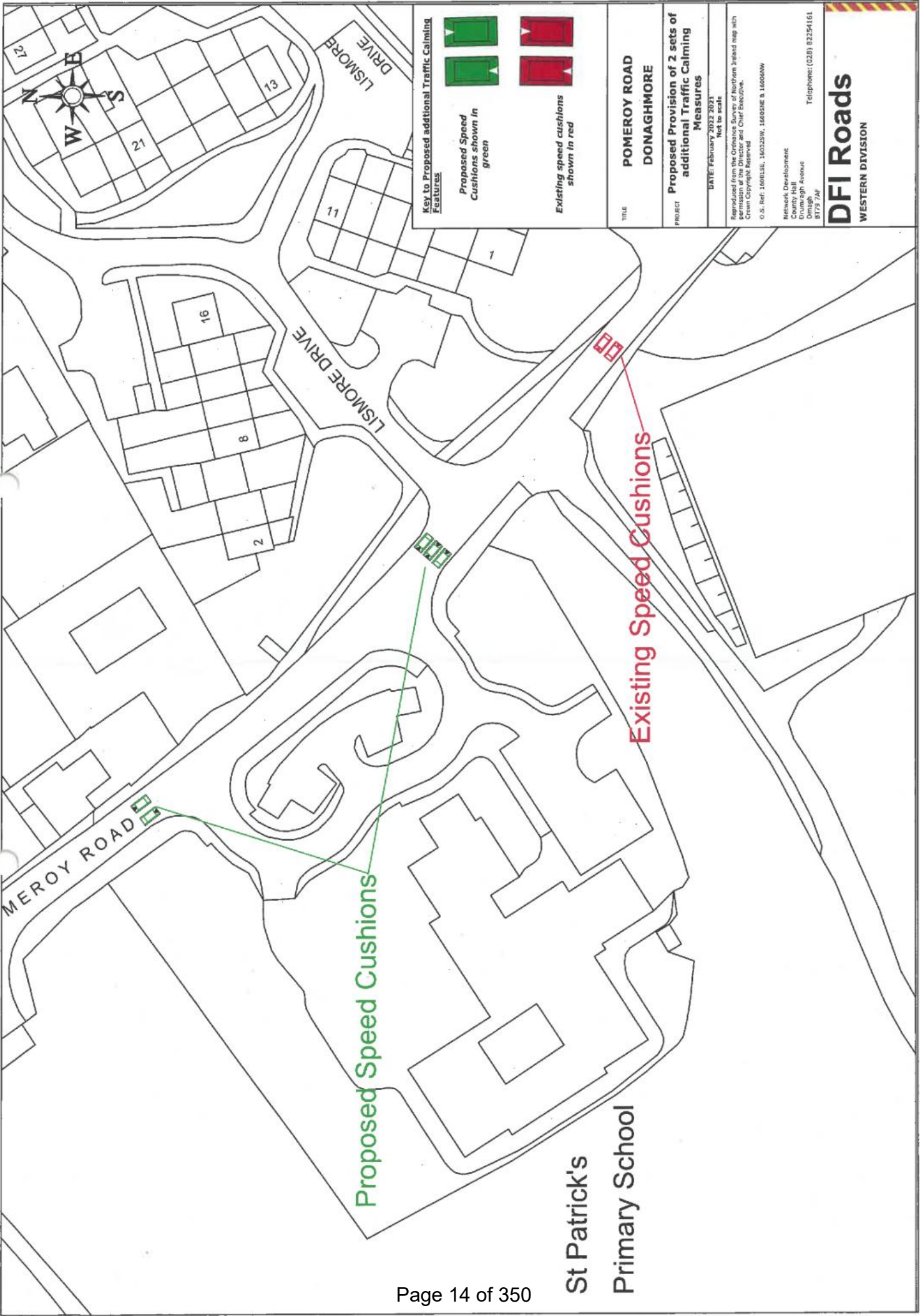
If you, or any elected representatives have any comments on our proposal please feel free to contact me using the above email address or by contacting me directly on **07825141873**

I trust that you will find this information helpful.

Yours sincerely

Brendan Elliott
Network Development 2





Report on	Draft Consultation Response DFI Options Paper on Inconsiderate Pavement Parking
Date of Meeting	8 th March 2022
Reporting Officer	Terry Scullion, AD Property Services
Contact Officer	Ann McAleer, Corporate Policy and Equality Officer

Is this report restricted for confidential business?	Yes	
If 'Yes', confirm below the exempt information category relied upon	No	x

1.0	Purpose of Report
1.1	To make elected members aware of the draft consultation response developed on behalf of Mid Ulster District Council in response to the Consultation on Inconsiderate Pavement Parking.
2.0	Background
2.1	DFI launched this consultation on Inconsiderate Pavement Parking 21 December 2021. Council agreed to submit a response at the January 22 Full Council meeting.
3.0	Main Report
3.1	The draft response examines the issues associated with Inconsiderate Pavement Parking in Mid Ulster District Council area and provided recommendations for improvements.
3.2	The draft response has been developed in conjunction with the relevant department within Council. Mid Ulster Disability Forum were also consulted in order to ensure that their views were considered as part of Council's response.
4.0	Other Considerations
4.1	Financial, Human Resources & Risk Implications
	Financial: N/A
	Human: N/A
	Risk Management: N/A
4.2	Screening & Impact Assessments
	Equality & Good Relations Implications: None
	Rural Needs Implications: None
5.0	Recommendation(s)
5.1	It is recommended that Council approve the draft response for submission.

6.0	Documents Attached & References Appendix : DF Inconsiderate Pavement Parking Draft Consultation Response DFI Options Paper
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1 March 2022

Traffic & Development Control Policy Branch

Room 2.11

Department for Infrastructure

Clarence Court

10-18 Adelaide Street

Belfast BT2 8GB

Email: RoadsEngineeringServices@infrastructure-ni.gov.uk

Ref: Consultation on Inconsiderate Pavement Parking

To whom it may concern:

Mid Ulster District Council would like to take this opportunity to put forward its views and opinion in relation to the Consultation on the Inconsiderate Pavement Parking Options Paper.

Mid Ulster District Council notes that there is currently no single piece of legislation that prohibits all vehicles from inconsiderate and obstructive parking and as such Council welcomes the consultation and hopes that the outcomes of the consultative process will address the broad issue of inconsiderate pavement parking, and lead to welcome support measures that curtails inconsiderate parking on footpaths.

Mid Ulster District Council holds the opinion that if people were consciously made aware of the impact that inconsiderate parking can have, that this increased level of awareness could reduce the need for enforcement as outlined in the options paper. Continuation of the Department's campaign on "Think Before You Park" and the use of public communications/promotion/awareness raising would be helpful to

achieve this. This public information campaign should alert drivers to the consequences of inconsiderate pavement parking and the negative impact it can have on other road and pavement users, particularly people with disabilities and carers using buggies. It should also raise awareness and show drivers how parking on the pavement can endanger all pavement users by forcing them into oncoming traffic, including people with disabilities, older people, children and people pushing prams. It is also important to specifically consider that people with sight loss and visual impairments, as well as people who are wheelchair users and other who experience mobility issues are significantly adversely effected by having to access the road because of vehicles parked on pavements. There is also evidence of limited driver awareness of the relevant laws in relation to pavement parking. Therefore increased awareness of the regulations in conjunction with the impact on the aforementioned groups would also be welcomed by the Council.

Mid Ulster District Council area, like other neighbouring Districts has a majority of rural dwellers. Rural settlements frequently experience a lack of dedicated parking to facilitate essential services such as access to schools and pharmacies, places of worship, general retail outlets and markets. Access to these services is now particularly important during this time of Covid recovery. The Council is also aware that on-street residential areas are becoming more and more constrained, as car ownership continues to rise alongside increases in home and business deliveries. This means car parking is often displaced onto pavements and other public space off the carriageway. Therefore many drivers park wherever they can, often on the pavement to ensure the road is still accessible. In many places parking on the pavement is so common it has become a social norm.

Therefore Council would also recommend that there is a need to balance needs in residential areas where on street parking is limited; in town centres where loading areas/provision for deliveries are limited, in locations where towns public realm has created civic spaces for markets/events/art, maintenance activities or set ups for festive and seasonal events and the need to provide safe access and egress for those with mobility issues where it becomes dangerous when it was necessary to move onto the road in order to get around vehicles parked on footpaths.

As such, while Council can see positive aspects within the options presents, it would consider that none of these options fully address all the challenges and broader issues that need to be considered to fully address the causes and provide practical solutions to inconsiderate pavement parking. The introduction of a ban definitely not supported because of the impact this would have on narrow streets where there is no off-street parking nearby and where traffic flow and access for emergency vehicles must be maintained.

Council would also encourage additional support and improved management and regulation measures across settlements proportionate to location specific layout and viability in that settlement e.g. many streets not designed to accommodate today's volumes of traffic and vehicle numbers. Maximising opportunity to support good public realm design and regeneration solutions in town and villages is important. This is particularly important in rural communities where public transport infrastructure isn't as good as larger urban centres.

It should also be considered that pavements are not generally engineered to be driven on and repairs to damaged pavements are expensive, particularly at a time when public sector resources are under huge pressure. This creates further hazards to people walking

Finally, Council would also be grateful if the department could provide a timescale by which to introduce measure and resourced properly to do so and should be done most cost-effectively. This could be further complimented by improved management and regulation that could align with off street car park management approach adopted in the charged car parks across Mid Ulster.

In conclusion, while Mid Ulster District Council is keen to see a workable solution brought forward and implemented to resolve the issue of inconsiderate pavement parking. However, resolution of this issue cannot be found via a one size fits all approach and this issue cannot be considered without first considering the impact of a lack of parking in both residential and urban areas, as well as a lack of frequent and reliable public transport, particularly in rural areas.

Yours sincerely

INCONSIDERATE PAVEMENT PARKING

Options Paper

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PAVEMENT PARKING

Options Paper

What is the Problem?

Many of our streets were not designed to accommodate today's volumes of traffic and vehicle numbers, and at some locations, due to narrow roads and the absence of driveways, some people choose to park on the pavement(footway) rather than obstructing the carriageway (road). However pavements are not designed to be used for this purpose, they are for use by people, not for the parking of vehicles.

While parking on the pavement may appear to help address one problem by helping to keep vehicular traffic moving, it can often create other issues, and at some locations pedestrians are being forced onto the carriageway and into the flow of traffic. This is an issue for all people but especially for those who are blind or partially sighted, for those with mobility difficulties, and also those using prams or buggies.

Footways are also not designed to support the weight of a vehicle and pavement parking can result in damage to the surface, with repairs costs placing an additional financial burden on the public purse. The resulting damage to the pavement can also lead to a trip hazard which can result in personal injury, with compensation paid out on any associated claims further impacting the public purse.

This paper outlines the difficulties caused by pavement parking and sets out possible options for dealing with it. The Department is seeking your views on the issue and on the options suggested, including possibly dealing with vehicles parked across dropped kerbs.

You will be able to provide comment on this options paper until 18 March 2022.

Where possible, response should be made via Citizen Space on the NI Direct website using the following link:

<https://consultations2.nidirect.gov.uk/dfi-1/pavement-parking-consultation>

Other ways to respond are included in the 'How to Respond' section at the end of the paper.

Background

Although the term 'footway' is used in legislation, the more commonly used term 'pavement' is also used in this document to describe the part of a road which is located alongside the carriageway on which there is a public right of way on foot. This is distinct from a 'footpath' which is remote from a road.

Rule 244 in the Highway Code NI states: *"DO NOT park partially or wholly on the footway or footpath unless signs permit it. Parking on the footway or footpath can obstruct and seriously inconvenience pedestrians, people in wheelchairs or with visual impairments and people with prams or pushchairs."* The Department's road safety and sustainable travel social media channels regularly post reminders about this rule.

The Police Service of Northern Ireland (PSNI) has powers to enforce against a vehicle found to be causing a general obstruction under Regulation 119 of the Motor Vehicles (Construction and Use) Regulations (Northern Ireland) 1999 or found obstructing the access to premises under Article 5c of the Roads (Restriction of Waiting) Order (Northern Ireland) 1982.

With the exception of heavy commercial vehicles (Article 30 of the Road Traffic (Northern Ireland) Order 1995), there is no single piece of legislation that prohibits vehicles from parking on footways; however, where there are parking restrictions, these apply to both the carriageway and footway, and consequently the Department can carry out enforcement action against vehicles parked in contravention of such restrictions.

The Department has powers to introduce footway parking bans. There are a number of locations where the Department has prohibited footway or verge parking in response to localised problems caused by vehicles either being parked on the footway, or causing damage to the verge.

There is also a blanket order which prohibits parking in the following areas for traffic management and road safety reasons:

- i. on a footway adjacent to clearway;
- ii. on a footway adjacent to a controlled area at Zebra, Pelican and Puffin crossings;
- iii. on a central reservation adjacent to a clearway;
- iv. on a cycle track adjacent to a clearway; or
- v. on a verge adjacent to a controlled area at Zebra, Pelican and Puffin crossings.

The Position Elsewhere

Scotland

The Transport (Scotland) Bill 2019 provided the powers to introduce a national ban on pavement and double parking in Scotland to make it easier for local authorities to ensure its pavements and roads are safer and more accessible to all.

The Bill received Royal Assent on 15 November 2019 and it includes three different parking bans:

- i. A pavement parking ban;
- ii. A ban on double parking; and
- iii. A ban on parking across a dropped kerb.

Transport Scotland is currently drafting guidelines for local authorities to use when identifying exempted streets. The local authorities will be given 12 months to review their areas, ahead of the overall Act coming into effect, to identify the streets that are to be exempted by Order under Section 50 of the Act.

England

During 2020 the Department for Transport (DfT) consulted on three possible options for dealing with pavement parking in England, the options were:

- i. to rely on improvements to the existing Traffic Regulation Order system;
- ii. to allow local authorities with CPE powers to enforce against 'Unnecessary obstruction of the pavement'; or
- iii. to introduce national pavement parking prohibition similar to that in place in London (with the option for exemptions).

The DfT received 15,000 responses to the consultation and has yet to report on the findings.

There has been a blanket ban on pavement parking in London since 1974, although some pavement parking is permitted using marked bays and traffic signs.

The London ban is promoted under three main strands:

- i. to prevent obstruction to pedestrians;
- ii. to prevent damage to the footway, reducing repairs and injuries; and
- iii. to maintain footways as an amenity, as the presence of cars and other vehicles parked on footways, verges and other pedestrian areas is viewed as detrimental to the urban environment.

Ireland

Pavement parking is also prohibited in the Republic of Ireland. In Dublin, it is enforced by An Garda Síochána, and vehicles found partially parked on the footway and causing an obstruction can be clamped. Vehicles parked with all four wheels on the footway are automatically clamped.

Wales

In October 2020 the Welsh Government announced plans to give Councils greater powers to prevent pavement parking by 2022. This approach would be similar to one of the options that was consulted on in England.

Wales has also been giving the matter some detailed consideration with the Wales Pavement Parking Task Force Group, which was set up on the direction of the Deputy Minister for Economy and Transport, reporting on the issue. The group's findings were published in October 2020.

The group rejected adoption of the outright ban being pursued in Scotland, stating that it was '*overly slow and complex*'. Instead they decided to give local authorities the power to fine people for parking on pavements, which they consider can be implemented much quicker.

The current intention is that local authorities would have the power to enforce against vehicles found to be causing an obstruction by July 2022.

Cardiff Council recently initiated an 18-month pilot scheme in City Road. Signs have been installed which show where the zone starts and ends and any vehicle that parks partially or fully on the pavement within the zone will be liable to a £70 Penalty Charge Notice. The scheme is being monitored to see if enforcement addresses the ongoing problems. If deemed successful, similar schemes could be introduced in other areas of the city that are currently experiencing problems with pavement parking.

Considerations

Vehicles parked inconsiderately on footways present real challenges for other road users, and in particular have adverse impacts for blind or partially sighted people and those who have mobility difficulties. While most people are aware of the issues caused, some still choose to park on the pavement, especially if it is outside their home and are likely to be reluctant to change their behaviour if it means parking somewhere less convenient. There needs to be greater recognition that footways are designed for people and should not be used for the parking of vehicles.

Removing vehicles from footways would ensure that space is available for its intended use, which is the safe passage of people.

A ban on footway parking would have clear benefits in terms of facilitating people with mobility issues including those using wheelchairs and walking aids, those with visibility or hearing impairments, along with those using prams and push chairs. It could also encourage more walking and more active lifestyles.

An outright ban on footway parking - either similar to that already in place in London, being introduced in Scotland, or being consulted

on in England - would show a strong commitment to promoting sustainable modes and ensuring that the footway network is both accessible and connected.

Achieving a reduction in damage to footways is another reason for introducing footway parking bans. As well as ensuring smoother surfaces, which are safer for walking and wheelchair users, it could potentially result in a reduction in maintenance costs, personal injuries and the resultant compensation claims and financial settlements.

Options

Three options are under consideration:

Option 1- introduce individual bans using the Department's existing powers.

Option 2- introduce an outright ban on pavement parking, possibly with some exceptions.

Option 3- introduce powers that would allow the Department's Traffic Attendants to enforce against vehicles found to be parked on the pavement and causing an obstruction.

Option 1 – introduce individual bans using the Department's existing powers.

The Department could make an Order to prohibit footway parking in individual streets where there is evidence of inconsiderate footway parking. Traffic signs would be required to indicate the extent of each individual prohibition.

Associated measures such as making a street one-way may also be required, if it is determined that the pavement parking ban will result in an increase in on-street parking leading to traffic progression issues. Consideration could also be given to managing parking by designating parking places and marking bays where parking is permitted. This could include bays which are partially on the carriageway and partially on the footway (see figure 1), and while this does not remove the footway parking altogether, it helps to keep the remaining space on the footway free to allow people to

pass safely. This approach is widely adopted in London Boroughs where there is an overall ban.

Option 1 would use existing legislative provision and it would seek to address inconsiderate pavement parking. It would be a controlled way of dealing with the issue, targeting those areas where problems are more evident.

Presently there is no formal guidance on how schemes should be selected and this would need to be developed.

Dealing with streets on an individual basis could be a slow process.

Option 2 – introduce an outright ban on pavement parking, possibly with some exemptions.

This option would be similar to that which has operated in London since 1974 and the approach currently being taken forward in Scotland.

This option would require changes to primary legislation to prohibit pavement parking, except at locations where the Department decides to allow it.

Where pavement parking is to be permitted by exemption, traffic signs and bay markings would be needed to indicate where pavement parking is permitted. This has the potential to add to the proliferation of traffic signs on our streets. The bay could be placed completely on the pavement where there is sufficient width, or 'part on / part off' as shown in Figure 1.

The legislation for both London and Scotland also includes exceptions to the prohibition for certain vehicles including, for example, breakdown or emergency service vehicles; highway maintenance vehicles; utility maintenance vehicles; or where it can be proved that a vehicle had been used for loading and unloading goods (typically for up to 20 minutes).



Figure 1 A residential London street which has an exemption from the London-wide pavement parking prohibition. Vehicles can park partially on the pavement within parking bays which are marked on the pavement

This option would establish a general rule against pavement parking, except where there is specific permission for it.

This approach would establish a consistent rule that '*you must not park on a pavement except where signs permit*'. Traffic signs and bay markings would only be needed to show drivers where pavement parking was still allowed.

In many areas pavement parking is possibly still required, so consideration would be needed to determine whether it should continue to be allowed, care would also be needed to ensure that a general ban does not have unintended consequences such as simply displacing parked vehicles to other areas.

It is likely that the introduction of a general prohibition would need a significant implementation period. Time would need to be allowed for the process of identifying and implementing exemptions, along with the production of guidance to identify streets to be exempted. It is not known at this stage how many streets would need to be exempted from a general prohibition in any single town or city.

Option 3 - introduce powers that would allow the Department's Traffic Attendants to enforce against vehicles found to be parked on the pavement and causing an obstruction.

The offence of unnecessary obstruction of the road already exists; although this is only enforceable by the PSNI as a criminal matter, under Regulation 119 of Motor Vehicles (Construction and Use) Regulations (Northern Ireland) 1999, which says '*No person in charge of a motor vehicle or trailer shall cause or permit the vehicle to stand on a road so as to cause any unnecessary obstruction of the road*'.

Under this option Traffic Attendants would be able to enforce obstruction as a civil matter, by issuing Penalty Charge Notices (PCNs) to vehicles found to be causing an obstruction of the pavement, without reasonable excuse. This would enable the Department to address inconsiderate obstructive pavement parking, without the need to prohibit pavement parking generally.

It is not proposed to fully decriminalise (meaning completely removing enforcement from the PSNI) as there may be some circumstances where a particularly dangerous obstruction of the pavement is more appropriately dealt with by the police as a criminal matter. Under this option, unnecessary obstruction of the pavement could therefore be enforced by either the PSNI (using a Fixed Penalty Notices (FPN) or by the Department issuing of a PCN). In the unlikely event of two penalties being simultaneously issued to the same vehicle, a Police FPN would take precedence over a PCN issued by a Traffic Attendant (the PCN would need to be cancelled and any payment refunded).

Unnecessary obstruction of the road other than the pavement would remain a matter for the PSNI.

Option 3 could be achieved by removing the 'pavement' from 'road' in Regulation 119 of Motor Vehicles (Construction and Use) Regulations (Northern Ireland) 1999 [Motor Vehicles \(Construction and Use\) Regulations \(Northern Ireland\) 1999 \(legislation.gov.uk\)](https://www.legislation.gov.uk/uksi/1999/119/regulation-119) - which makes unnecessary obstruction of the road an offence - and adding it to the list of contraventions subject to civil enforcement.

This option would also include exceptions, for example, breakdown or emergency service vehicles; highway maintenance vehicles;

utility maintenance vehicles; or where it can be proved that a vehicle had been used for loading and unloading goods.

While it is considered necessary to include exemptions for emergencies, and to maintain free-flowing traffic and to facilitate loading and unloading, we do not propose to exempt Blue Badge holders, or any other business need. The aim of the policy is to keep the pavement free of obstruction as far as possible; and we believe that use of other exemptions would undermine this objective.

It is acknowledged that the concept of 'unnecessary obstruction' is inherently vague so guidance will be needed. This would need to be agreed with all key stakeholders and in particular those groups representing people with limited mobility.

Unlike a general ban, an exercise to identify streets to be exempted would not be required, and it would not be necessary to place traffic signs and bay markings to indicate where pavement parking is still permitted. This is particularly relevant in rural areas where pavement parking is less likely to be a problem, and where placing signs to permit it might be regarded as unnecessary and disproportionate.

Enforcement against this offence would be more targeted than through adoption of a general prohibition of pavement parking, however it would be possible to penalise inconsiderate pavement parking.

Currently any parking restrictions enforced by the Department's Traffic Attendants are clearly defined using traffic signs and road markings, for example, yellow lines or white bay markings. By contrast, '*unnecessary obstruction*' will not be marked or signed in the locality and would therefore be more difficult to define. Careful consideration and detailed assessment would be required in each case.

Unlike a general ban under option 2 the message to motorists may not be as clear.

If this option was pursued, guidance would be needed to clarify the definition of an obstruction of the pavement, without reasonable excuse, in order to prevent inconsistent enforcement.

‘Unnecessary obstruction’ does not lend itself to a simple definition that works in all circumstances. It would be almost impossible to anticipate all of the possible real-world circumstances and to prescribe them in regulations. Instead, it is proposed to define the scenarios where pavement parking would, and would not, be deemed appropriate in guidance and our parking protocols which could be updated more quickly than regulations.

These protocols would need to be accompanied by appropriate media messages.

However, it may still not be possible to comprehensively define what we mean by unnecessary obstruction in guidance. It may be relatively easy to define a pavement obstruction but not so easy to define when it is necessary. For example, ‘Obstruction’ could be determined by whether the pavement width between the vehicle and the backline of the pavement is sufficiently wide to not obstruct the passage of a wheelchair user or person with a pram or buggy. Leaving a minimum width of say 1.5m between the parked vehicle and the back edge of the pavement could be deemed to be not causing an obstruction of the pavement. This width is derived from Section 3 of the DfT’s [inclusive mobility guidance](#); it is the absolute minimum required for a wheelchair user and pedestrians to pass one another.

Parking Across Dropped Kerbs

Irrespective of the option chosen to deal with pavement parking, the Department would also propose to explore ways of addressing vehicles parked inconsiderately across kerbs that have been specifically lowered or ‘dropped’ to help people cross the road. This is opposed to kerbs that have been dropped to facilitate vehicular access across the pavement for which the PSNI can already deal with under Article 5c of the Roads (Restriction of Waiting) Order (Northern Ireland) 1982.

Most dropped kerb facilities are found at junctions and existing regulations (the Roads (Restriction of Waiting) Order (Northern Ireland) 1982) makes it an offence to park within 15m of a junction. However the Department’s Traffic Attendants can only enforce these restrictions if the corner has been marked on the ground with double yellow lines, otherwise the PSNI would have to take action.

Elsewhere and away from junctions, the Department can only act if there is some form of restriction that applies on that part of the road. The PSNI can and does use its power under Regulation 119 of Motor Vehicles (Construction and Use) Regulations (Northern Ireland) 1999 but this sort of common parking violation could be better dealt with by the Department's Traffic Attendants.

Questions

What is your name?

What is your email address?

If you enter your email address then you will automatically receive an acknowledgement email when you submit your response.

What is your organisation / group?

Provide name if you are responding on behalf of an organisation / group.

If responding on behalf of a larger organisation, please make it clear who the organisation represents and, where applicable, how the views of members were assembled.

1. Do you think that pavement parking is a problem? **Y/N**
2. Do you think action is necessary to manage pavement parking differently to the current approach? **Y/N**
3. Do you think a general ban on pavement parking is necessary? **Y/N**
4. Do you think that pavement parking would be better handled on a more targeted street-by-street basis? **Y/N**
5. Do you think exceptions could be allowed for pavement parking under specific circumstances? **Y/N**
6. Do you think marking out parking bays that are partially on the pavement would help to manage pavement parking? **Y/N**
7. If in some limited circumstances pavement parking is allowed, how much space should vehicles be allowed to take up?
 - The width of a car
 - Leaving the width of a wheelchair
 - Leaving sufficient width to allow two wheelchairs to pass one another

- It is too difficult to say as different people have different needs
- It depends on the location

8. Do you think that inconsiderate parking across dropped kerbs is also an issue that needs addressed? **Y/N**

9. In the options paper, three options are proposed, namely:

Option 1 - introduce individual bans using the Department's existing powers.

Option 2 – introduce an outright ban on pavement parking, possibly with some exceptions.

Option 3 – introduce powers that would allow the Department's Traffic Attendants to enforce against vehicles found to be parked on the pavement and causing an obstruction.

Please tell us which option you think would be most suitable to address pavement parking in Northern Ireland?

- Option 1,
- Option 2,
- Option 3,
- None
- Other

Please use the following text box should you wish to provide some reasoning for your choice.

[Text box]

10. If you have any further views, thoughts or input which you would like to share, please detail below

[Text box]

HOW TO RESPOND

You will be able to provide comment on this options paper until 18 March 2022.

Where possible, response should be made using Citizen Space on the NI Direct website via the following link:

<https://consultations2.nidirect.gov.uk/dfi-1/pavement-parking-consultation>

The Department for Infrastructure has actively considered the needs of people with visual impairments in accessing this options paper.

The text will be made available in full on the Department's website which allows for e-readers (including the most recent versions of JAWS, NVDA and VoiceOver).

The text may be freely downloaded and translated by individuals or organisations for conversion into other accessible formats.

Our accessibility statement at Department's Accessibility Statement gives more information.

Please ensure that your response reaches us before the closing date.

If you would like further copies of this options paper or if you would like alternative or accessible formats (Braille, audio CD, etc.) please contact the Department on 028 90541014.

Responses to the options paper should be made online via Citizen Space as indicated above or, if that is not possible, by e-mailing RoadsEngineeringServices@infrastructure-ni.gov.uk .

If you prefer to provide a written response please post it to:

Traffic & Development Control Policy Branch
Room 2.11
Department for Infrastructure
Clarence Court
10-18 Adelaide Street

When responding, please state whether you are responding as an individual or representing the views of an organisation or group. If responding on behalf of a larger organisation, please make it clear who the organisation represents and, where applicable, how the views of members were assembled.

Confidentiality & Data Protection

Information contained in your response may be made public by DfI. If you do not want all or part of your response made public, please state this clearly in the response by marking your response as 'CONFIDENTIAL'. Any confidentiality disclaimer that may be generated by your organisation's IT system or included as a general statement in your correspondence will be taken to apply only to information in your response for which confidentiality has been specifically requested.

Information provided in response to this options paper, excluding personal information, may be subject to publication or disclosure in accordance with the access to information regimes (this is primarily the Freedom of Information Act 2000 (FOIA)).

The Department will process your personal data in line with the Department's Privacy Notice. Personal data provided in response to this options paper will not be published.

If you want other information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence. In view of this, it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

As indicated above, the Department will publish a summary of responses following completion of the options paper process. Your response, and all other responses to the options paper, may be disclosed on request. The Department can only refuse to disclose information in exceptional circumstances. Before you submit your response, please read the paragraph below and it will give you guidance on the legal position about any information given by you in response to this options paper.

The Freedom of Information Act 2000 gives the public a right of access to any information held by a public authority, namely, the Department in this case. This right of access to information includes information provided in response to a consultation or an options paper. The Department cannot automatically consider as confidential information supplied to it in response to a consultation or an options paper. However, it does have the responsibility to decide whether any information provided by you in response to this options paper, excluding information about your identity, should be made public or treated as confidential.

NEXT STEPS

The information gathered as a result of this options paper will be considered by the Department and an analysis presented to the Minister for consideration. This process may result in a formal consultation which would include a preferred option to help inform how the Department intends to deal with pavement parking and any legislative change required as a result.

Report on	Works at Dungannon Roundabout
Date of Meeting	8 th March 2022
Reporting Officer	Mark McAdoo, Assistant Director, Environmental Services
Contact Officer	Eunan Murray, Grounds & Cemeteries Manager

Is this report restricted for confidential business?	Yes	
If 'Yes', confirm below the exempt information category relied upon	No	X

1.0	Purpose of Report
1.1	To update members on works at the Thomas Street roundabout in Dungannon
2.0	Background
2.1	Significant development works have taken place in recent years across the main gateway roundabouts in the Mid Ulster district including the A29/Loughry roundabout in Cookstown and more recently the Castledawson roundabout.
2.2	The redevelopment of the Dungannon roundabout has been identified as another potential project in the Council Capital Framework 2020-2024 (subject to funding).
2.3	In advance of any major redevelopment scheme some preparatory (first phase) works are now required to clear and refresh the existing landscaping/structures on the roundabout and to address risks associated with the maintenance of the site.
3.0	Main Report
3.1	The maintenance of the existing seasonal "butterfly" planting at the roundabout including watering of same will no longer be feasible due to the significant traffic management measures that would have to be put in place to facilitate this. Indeed DfI Roads have now advised that a lane closure must be put in place when such maintenance is being undertaken in the future which is not feasible as this would create a "bottle neck" at this gateway roundabout 2-3 times a week during the summer season. Therefore perennial planting in the raised beds is now planned and the butterfly structures will be relocated to Polepatrick and Maghera Walled Garden where they can be safely maintained with no traffic management issues.
3.2	The existing trees on site have also been surveyed by Dr Philip Blackstock (see report included at appendix 1) and he has reported that both are of average quality and have a fairly limited life expectancy with significant work required e.g. the Norway maple has a weak fork and is currently vulnerable to crown failure.

3.3	In order to clear/prepare the site for a larger scheme it is proposed to replace the two large trees with a small group of trees that can be replanted elsewhere if necessary when a larger redevelopment scheme is undertaken at a later date.
3.4	These planned works will give the roundabout an instant refresh whilst leaving the site in a state suitable for further development works when funding is available. The second phase development works could include the replacement of perimeter railings and the installation of a central art piece as key features of the scheme.
4.0	Other Considerations
4.1	Financial, Human Resources & Risk Implications
	Financial: In December 2021 the Development Committee approved the transfer of £20,000 from Economic Development to Ground Maintenance for phase 1 of the works.
	Human: Staff resources to deliver and supervise the planned works as outlined.
	Risk Management: Removal of the seasonal planting addresses a significant health and safety risk.
4.2	Screening & Impact Assessments
	Equality & Good Relations Implications: N/A
	Rural Needs Implications: N/A
5.0	Recommendation(s)
5.1	Members are requested to approve the approach being taken regarding works at Thomas Street roundabout.
6.0	Documents Attached & References
6.1	Appendix 1 - Tree Survey Report

TREE SURVEY AND REPORT

FOR

THOMAS STREET ROUNDABOUT, DUNGANNON

FEBRUARY 2022

COMMISSIONED BY

MID ULSTER DISTRICT COUNCIL

Dr Philip Blackstock

PB

TREE SURVEY AND REPORT

On trees growing in the grounds of

Thomas Street Roundabout, Dungannon

For

Mid Ulster District Council

Terms of reference

This report was commissioned to record information on trees growing on or immediately adjacent to the above site (as defined in BS5837:2012). Obvious defects in these trees were noted, as were features that may create an impediment to a statutory provision or cause a nuisance. Recommendations for tree works that will eliminate, as far as is possible, the risk from dead or dangerous trees, abate nuisance and address the legal requirements of statutory providers have been included.

Methodology

Trees growing on the above site were subject to a visual inspection carried out from the ground. The base of each trunk was 'sounded' to identify significant basal decay and evidence of recent alterations to site conditions was noted. Measurements, distinguishing features and evidence of defects were collated electronically on site. No other methods for establishing the condition of these trees were used.

Site surveyed on

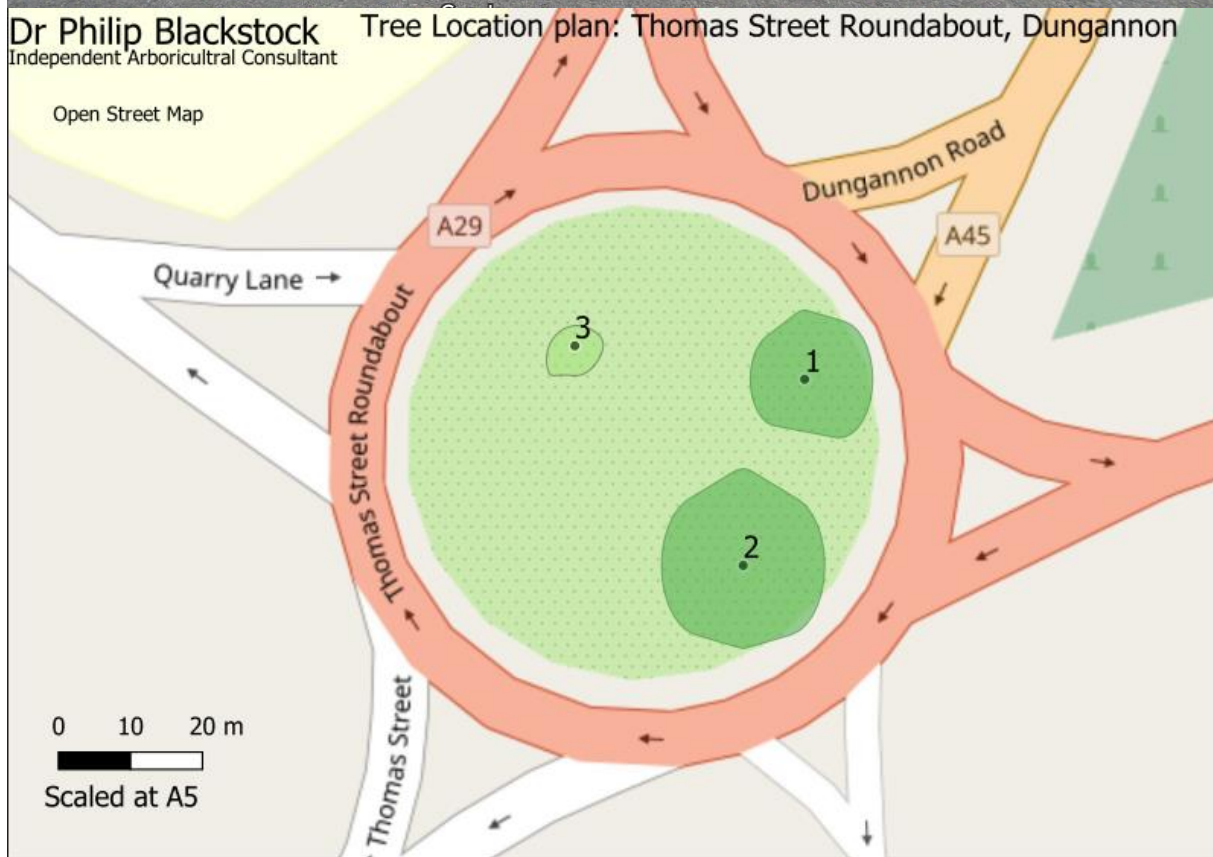
2020

(It is recommended that the trees reported on here are re-surveyed within five years of this report, or where significant deterioration has become evident, whichever is sooner)

Survey carried out and report compiled by

**Dr Philip Blackstock, 26 Tullynahinnion Road, Portglenone BT44 8EL
Telephone 02825 821202, Fax 02825 821295, Mobile 07767 393075,
Email: trees@philipblackstock.com**

TREES AT THOMAS STREET ROUNDABOUT, DUNGANNON



Top; Google Streetview Screenshot of trees growing on the above site and, bottom, sketch plan indicating location of trees

**REPORT ON TREES GROWING AT THOMAS STREET ROUNDABOUT,
DUNGANNON
FEBRUARY 2022**

- 1. Location & visual impact of the trees.** The trees reported on here are growing in a busy, well-managed suburban roundabout in Dungannon. As such, these trees are seen by thousands of drivers every day. As such, these trees have some significance in the local landscape.
- 2. Historical development of the site.** The two trees reported on here were probably planted about forty years ago as part of a larger landscape effort. The Cabbage pals are younger and seem to have grown from a coppiced stump, or stumps within the last ten years or so.
- 3. Tree condition & recommendations.** Both trees reported on here are of average quality and have a fairly limited life expectancy. The Norway maple has a weak fork and is vulnerable to crown failure if it is not pruned. The alder is nearing the end of its normal life expectancy and has probably less than ten or fifteen years left. It is understood that plans are being considered for the development of the above site. To ensure that trees to be retained are not damaged during construction, the Arboricultural method statements (that are included in this report) relevant to this project should be adopted.

All other recommendations are as per attached tree survey report sheets.

Dr Philip Blackstock

ARBORICULTURAL METHOD STATEMENTS

Protection of trees. A protective barrier, 2.3m high and comprising a vertical and horizontal framework of scaffolding, well braced to resist impacts and securely supporting weldmesh panels, (as illustrated in Figs 2 & 3 of BS5837:2012) shall be erected around the base of all trees to be retained on site. This barrier shall be clearly identified on site by the attachment of all-weather signs of suitable dimension stating: 'CONSTRUCTION EXCLUSION ZONE – NO ACCESS'. The line of this fence shall be at least the distance defined in the attached plan, or as otherwise directed by Dr Philip Blackstock. No construction traffic, materials or debris will be permitted within this zone of protection.

Access facilitation pruning. If it is deemed appropriate to trim back retained trees to provide adequate access to approved construction works, all such tree works should be undertaken by a competent and suitably qualified tree surgeon (will associated support, as defined in the Health and safety section of this report). Such works shall remedy any tree related conflict with proposed structures or access in a way that ensure that not less than 70% of live buds are retained within the tree canopy. The aim of the tree works shall be to retain the general form of the tree by a combination of crown thinning, reduction of end weight (tipping back of outermost branches) and the re-forming of the trees crown to create a pleasing and balanced crown. No branch, limb or trunk greater than 100mm diameter shall be cut in the process of reducing end weight.

Temporary surfaces within zone of protection. Where temporary access is to be established within the 'zone of protection' surrounding retained trees, (for example, during demolition of existing buildings), ground surfaces will be protected by a layer of sharp sand, approx. 50 mm thick, overlaid with a geotextile membrane on which a temporary surface of no fines granular material, at least 150 mm thick, (as detailed by a competent Civil or Structural Engineer) is laid. Where traffic is turning on these surface, stout planks will be laid over the geotextile membrane and below the granular material. The trunks of adjacent trees shall be suitably protected as indicated on site by Dr Philip Blackstock.

Demolition within the zone of protection. If it is deemed necessary to carry out demolition works within a construction exclusion zone surrounding retained trees, (for example, to remove existing paths), or kerbs, only pedestrian operated plant, or low ground pressure plant that is less than 2 tonnes gross weight fully loaded, shall be permitted. Such plant shall only be operated on existing hard surfaces, or where temporary surfaces have been established. In any case, no excavations within the root protection zone of these retained trees shall be permitted, except only, under close supervision, with the use of an 'Air Spade' or by the careful use of hand tools in a way that retains, without damage, all exposed roots with a diameter greater than 25mm.

Scaffolding within zone of protection. Where scaffolding is to be established within the 'zone of protection' surrounding retained trees, the existing undisturbed ground surfaces shall be protected by a layer of sharp sand, approx. 50 mm thick, overlaid with a geotextile membrane. Stout planks, such as closely side-butt scaffold boards, will be laid over the geotextile membrane and scaffolding will be constructed on these planks with additional stays, as directed by a competent person. Adequate protective fencing, as Illustrated in Figs 2 & 3 of BS5837:2012, will be maintained between scaffolding and adjacent trees.

Construction of hard surfaces close to retained trees. Where permanent surfaces are to be constructed close to retained trees, within the zone of protection as defined by BS5837: 2012, carefully remove accumulated organic material and loose soil, leaving existing topsoil in situ. Protect root zone with a layer of sharp sand and, on this, establish a firm sub-base of no-fines granular material supported on a geotextile membrane and a three-dimensional cell product (as defined by a competent Civil or Structural Engineer). Construct the paved area on this sub-base using established design guidelines (and no-fines granular material) with a porous surface finish such as pavers or porous bitmac.

Alterations of levels on lands adjoining construction exclusion zones. Where it is deemed appropriate to lower ground levels on land adjoining a root protection zone established around a retained tree, all excavations and the subsequent construction of supporting structures shall be managed in a way that excludes access by construction traffic to the construction exclusion zone. Where such alterations result in the lowering of existing surfaces, the existing ground water environment within the root protection zone shall be maintained by the insertion of a root barrier behind proposed supporting structures. This shall consist of a non-porous barrier carefully inserted in a way that maintains the existing soil moisture regime surrounding the retained tree. Where alterations result in the raising of levels, these shall be designed and detailed by a competent Civil or Structural Engineer to ensure no alterations to ground conditions within the root protection zones.

Landscaping within the root protection zone. If it is deemed necessary to carry out landscaping, planting or re-instatement works within a construction exclusion zone surrounding retained trees, only pedestrian operated plant, or low ground pressure plant that is less than 2 tonnes gross weight fully loaded, shall be permitted. Such works should be supervised by competent Horticulturalists and be timed and designed to ensure that no soil compaction occurs. In any case, no excavations within the root protection zone of these retained trees shall be permitted, except only, under close supervision, with the use of an 'Air Spade' or by the careful use of hand tools in a way that retains, without damage, all exposed roots with a diameter greater than 25mm.

Construction of garden walls within the root protection zones of retained trees. No trench foundations are to be permitted within the root protection area of a retained tree. If walls, railings or other light structures are to be constructed within the root protection area of retained trees, these structures should be supported on point foundations excavated using a 300mm diameter drill or augur. (If in situ concrete foundations are to be constructed, the sides of the foundation pit, to 1.0m deep, should be lined with a non-porous lining.) In any case, no excavations for point foundations are to be permitted within 1.5m of a retained mature or semi mature tree. Excavations for these point foundations should be more than 2.0 apart and the wall or railings should be supported on a beam, or similar, constructed so that its underside is at least 50mm above existing topsoil level. As the roots of large, retained trees may cause some movement within the top 1.0 m of the soil profile, all foundations should be designed by a competent Structural or Civil Engineer and be constructed to account for this.

HEALTH AND SAFETY

Working with trees is a hazardous occupation. It is important that competent tree surgery contractors are employed to carry out tree works. These contractors should carry all relevant insurance cover and should comply with the recommendations outlined below.

Notwithstanding the following recommendations, all tree surgeons and accompanying staff should comply with all the requirements contained in the Health and Safety at Work (NI) Order 1978 and all subsequent legislation made thereunder.

Staff qualifications, experience and training

Only skilled operatives should be employed for tree work identified as appropriate in the attached tree condition report sheets. These skilled operatives should have a proven expertise and experience in the areas of work specified and should hold all relevant certificates of competence.

Operatives using chain saws to fell trees must have National Proficiency Test Council certificate of competence Units CS 30, 31*, 32*, 33* (* whichever is appropriate for the size of tree being felled) if they are working from the ground and, in addition, Units CS 38, 39, 40 & 41 if they are climbing.

All operatives undertaking work near underground or over-head electric cables must have attended a Northern Ireland Electricity Safety Awareness course. They must comply with the guidelines laid down in AFAG Safety Guide 804: Electricity at work; Forestry and Arboriculture. Where there is a risk of a climber, equipment or parts of a tree touching or coming close to overhead cables, the advice of Northern Ireland Electricity must be sought, and adhered to, before work commences.

Work wear

All operatives should wear the appropriate safety clothing for the task being performed as specified in the relevant safety codes. Where operatives are employed on tree work near public roads, or when the available lighting is poor, they should wear high visibility 'florescent' jackets or waistcoats

Tools and Equipment

Tree surgeons should use such tools and equipment deemed suitable to complete the specified task. All bladed tools should be sharp and in a serviceable condition. All plant and machinery operated by the tree surgeon should be tested and certified to comply with all current legislation. All vehicles should be taxed and roadworthy. Machinery and vehicles should carry operational fire extinguishing equipment to the standards required by insurers.

All machinery should be used in accordance with the manufacturers' instructions. These machines should carry warning notices as specified by the relevant AFAG safety guide.

Climbing equipment for tree work is subject to the Provision and Use of Work equipment regulations (NI) 1998 (PUWER), the Lifting Operations and Lifting Equipment Regulations (NI) 1998 (LOLER) and is also subject to the Personal Protective Equipment at Work regulations (NI) 1992 (PPE Regs). Operatives using climbing equipment should be familiar with, and comply with, these and all other relevant regulations.

First aid

All chain saw operatives should have a current First Aid Certificate. No chain saw operative should be left working on site without an additional first aider present. These operatives should be familiar with AFAG Safety Guide 802: Emergency Planning and First Aid.

All operatives should have immediate access to a first aid kit conforming to SI 1981 No 917 and FSC 34, and, in addition, carry a personal first aid kit which includes a large sterile wound dressing.

Site organisation

Tree surgeons should ensure that a team of at least three people carry out all tree climbing, pruning and tree felling operations. When undertaking tree climbing work, one of the grounds staff must be competent to perform aerial rescue and be conversant with AFAG Safety Guide 401: Aerial Tree Rescue. In addition, one of the ground staff must be made responsible for ensuring that there is no trespass into the working zone when tree pruning, or felling operations are taking place. Adequate staff should be available during tree work operations to ensure that no un-authorised persons or livestock enter the working area.

Tree surgeons should provide and constantly maintain all necessary warning and direction notices, cones and barriers when carrying out tree works that are adjacent to a road or footpath used by the public. These should conform to the recommendations and directions given in;

- Chapter 8 of the Traffic Signs Manual 1993, published by DRD
- Section 174 of the NI orders of the Highways Act
- Section 65 & 142 of the New Roads and Street Works Act
- Safety at Street Works and Road Works code of practice 1993
- Any other relevant legislation

Where tree works are to be carried out over or adjacent to, public roads, the contractor should arrange the work to avoid traffic congestion and public inconvenience. They should make arrangements with the Police Service of Northern Ireland and the Department for Regional Development Roads Service as may be found necessary.

Where tree works are to be carried out over, or adjacent to, railway lines, the contractor shall liaise with Translink, informing them of the tree works to be carried out and complying with any requests made by Translink or its agents in relation to timing of operations, safety, staffing levels and competence or any other reasonable request.

KEY TO SURVEY SHEETS

TITLE	DESCRIPTION
Tree No	The identification number of the tree, as indicated on site by a metal identification tag attached to the tree and defined with the prefixes; 'T' (tree), 'G' (group of trees) and 'W' (area of wood)
Species	The common English name of the tree, as used by Alan Mitchell in 'A field Guide to the trees of Britain and Northern Europe' (Collins, London, 1974)
Age	The life-cycle age of the tree, described as Y = young (vigorous growth, non-flowering), YM = young-mature (vigorous growth, some flowering, maturing crown), EM = early mature (vigorous growth; mature crown), M = mature (slowing growth, full crown, flowering) and OM = over-mature (Little growth, heavy flowering, thinning crown or dieback)
Condition	The condition of the tree, as assessed by a visual inspection on site and described as Good (near perfect form and condition), Fair (normal form, sometimes requiring remedial works), Poor (significant weakness or rot, requiring substantial remedial works or felling) and Dead (dead standing tree or stump)
Height	The height of the tree, given in metres
Crown spread	The radial crown spread of the tree for each of the four cardinal points, given in metres
DBH	The diameter of the tree trunk, measured at approximately 1.3 metres above ground level and given in centimetres
Tree form	A general description of the tree as seen on site, including distinguishing features
Defects	The presence of weakness, rot or infection within the tree. This supports the recommendations given for appropriate tree works
Obstacle	The presence of a manmade structure that is, in some way, being affected or obstructed by the tree
Recommendations	An outline tree management plan identifying the level and type of tree works that would be appropriate to ensure that the site remains safe and that the tree develops in a safe and satisfactory manner
Category	A categorisation of each tree, based on its arboricultural qualities and following Table 1 of BS5837:2012; with A ; denoting trees that are particularly good examples of their species, B ; denoting a tree of moderate quality, C ; denoting a tree of low quality or limited life expectancy and U ; denoting trees that cannot realistically be retained
Priority (if given)	An assessment of the priority of recommended tree works, based on the likelihood of tree failure and described as urgent (immediate action is required, often entailing control of access until work is completed), 3 months (work to be completed within the existing budget year; and before expected autumn or winter storms), 1 year (work to be included in the next budget year) and routine (non-urgent tree work)
Target (if shown)	The structures and uses put to ground that could be affected if the tree fails and described as High (including vehicular access, buildings and play areas), Medium (footpaths and maintained grass) and Low (un-occupied or un-maintained lands)

ARBORICULTURAL TERMS

The following interpretation of the terms used in the attached tree survey report sheets should be adopted when fulfilling their recommendations.

Crown clean

The removal of broken, diseased, dying or dead branches or snags that are either over 50 mm in diameter or are more than 200 mm in length.

Remove ivy

The cutting of ivy stems at their point of entry into the soil, taking care not to damage the tree. All branches, stalks and creepers of both alive and dead ivy should be removed from the crown of the tree.

Trim or remove branch stumps

The cutting of all branch stumps or snags back to just outside the branch collar and branch bark ridge.

Remove swing / tree hut / sign etc.

The removal of structures within the crown or attached to the tree, including nails or other fastenings.

Trim / tidy / remove epicormics

The removal of all soft growth or epicormics growing from the trunk of the tree, up to a height of 2.4 m.

Crown lift to above eye level / over footpath.

The removal of all soft growth, including epicormics and all lateral branches, up to a height of 2.4 m above ground level. When lifting the crown, upright laterals may be retained.

Crown lift over carriage / driveway etc

The removal of all lateral branches and soft growth that are overhanging, or within 1.0 m of, a road or lane, up to a height of 5.1 m.

Trim back from building

The removal of all lateral branches and soft growth growing within 2.0 m from the wall and from within at least 3.0 m from a window and above the roof of a building.

Clear overhead cables

The removal of all branch growth from within, or likely to come within, 1.0 m from overhead telephone cables.

Where overhead electric cables are encountered, the tree surgeon must liaise with engineers from Northern Ireland Electricity and must conform to their recommendations and advice. All staff undertaking work near underground or overhead electric cables should have attended a Northern Ireland Electricity Safety Awareness course and must comply with the guidelines laid down in AFAG Safety Guide 804: Electricity at work; Forestry and Arboriculture.

Reduce / remove competing leaders

The trimming back or removal of all but one dominant, upright stem in a way that creates an apical crown angle of less than 90°. Competing stems should be trimmed well back to a side branch showing strong horizontal growth patterns or should be removed to just above the branch collar and branch bark ridge.

Reduce end weight

The reduction of the crown of a tree by trimming back the branch tips by the described amount. Branch tips should be trimmed back to a suitable lateral twig or branch (in strict accordance with the recommendations contained in BS3998:2010, Tree Work, in a way that maintains the general crown characteristics of the tree and its species. **In all cases, no branch, limb or trunk greater than 100mm diameter shall be cut in the process of reducing end weight.**

Re-form Crown

The carrying out of such trimming and branch removal as is necessary to create (or recreate) a tree crown architecture capable of supporting additional tree growth and that complies with the normal crown form for that species. **In all cases, no branch, limb or trunk greater than 100mm diameter shall be cut in the process of reducing end weight.**

Topping, Re-Pollarding, Re-Coppicing

The removal of all growth back to the required height. In most circumstances, it will not be possible to trim back to a suitable lateral branch and, because of this; cuts should be cleanly executed and should produce a sloping surface that will not collect water.

Prune as per Belfast Street Tree

The complete pruning of a tree, which is a combination of crown reduction, crown lifting and crown thinning in a way that preserves the characteristics of the tree and its species. All growth removed during pruning must be taken back to an appropriately sized lateral branch, twin or bud to leave an acceptable crown form. **In all cases, no branch, limb or trunk greater than 100mm diameter shall be cut in the process of reducing end weight.**

Retrenchment Pruning

The phased reduction of the crown of veteran and old pollarded trees, removing or reducing end weight in the upper crown and spreading branches to emulate the natural decline of tree crowns with age. In most circumstances, it will not be possible to trim back to a suitable lateral branch and, because of this; cuts should be cleanly executed and should produce a sloping surface that will not collect water.

Fell

The complete felling of a tree in a safe manner, leaving a smoothly surfaced stump that is cut as close to ground level as is possible.

Apply cable brace

Supply and attached a restraint system to support a suspect fork or excessive end weight. The restraint system should comply with the recommendations contained in Annex D of BS3998:2010 and should be located; and be of sufficient robustness, to perform its function. If wire ropes and associated fittings are used, these should conform to the recommendations contained in BS462:1983.

Thin stems as appropriate

Thin out re-sprouting coppice, groups of trees or areas of wood by felling damaged, weak or suppressed stems; or stems that are not likely to form part of a dominant canopy in five years. These thinning operations should not, generally, remove more than 20% of the dominant canopy of the coppice, group or wood. Care should be taken to ensure that retained stems are not damaged and that all cut stumps are smoothly surfaced and as close to the ground as is possible.

Any other terms used

If he is any doubt, the tree surgeon should contact Dr Philip Blackstock on 00442825 821202 or 00447767 393075 for clarification of these or any other terms used in the attached tree survey report sheets.

Statement of truth

I Dr Philip Blackstock confirm that I have made clear which facts and matters referred to in this report are within my own knowledge and which are not. Those that are within my own knowledge I confirm to be true. The opinions I have expressed represent my true and complete professional opinions on the matters to which they refer.

Signed:



Date:

3rd February 2022

QUALIFICATIONS

National Diploma of Horticulture (R.H.S) Inter.

Diploma in Industrial Management

M.Sc. in Environmental Management (A Field Survey of Unmanaged Roadside Cuttings in South Antrim)

D.Phil. in Forestry (Broad-Leaved Tree and Shrub Invasion of Conifer Plantations in Ireland)

Professional member of the Arboricultural Association

Registered Forestry Consultant with the Irish Forest Service

EMPLOYMENT

1996 to present

Arboricultural and Woodland Consultant

Duties include carrying out tree and vegetation surveys and providing tree and woodland management plans, completing reports and liaising with clients, providing court appearances etc. for public and private clients.

ARBORICULTURAL AND FORESTRY EXPERIENCE AND EXPERTISE

I have carried out surveys and produced reports on the health, condition, amenity value and landscape value of more than 250,000 trees since 1983. Since 1996 I have been fully employed as an Arboricultural and Forestry Consultant. Clients have now included most of the Local Authorities, Health Trusts and Government Departments within Northern Ireland. Private clients have included Solicitors, Architects and Developers. I have also lectured, to foundation degree level, on arboriculture and forestry.

I have provided expert opinion (including Court appearances) for many clients involved in litigation or in planning appeals since 1996. Topics covered by these opinions have included the predictability of failure in trees, amenity and financial evaluation of damage to trees, evidence of subsidence caused by trees, evidence of unsafe tree surgery practices leading to injury, and tree related evidence in boundary and planning disputes.

I have maintained a research interest in the effects of environmental influences on tree and shrub regeneration in Ireland and on the development of woody biodiversity in recently planted woods. I have also a research interest in the distribution of and environmental influences on deciduous tree diseases, tree stability and in the incidence of dangerous roadside trees.

Dr Philip Blackstock

Report on	Ireland's Best Kept Town Awards 2022
Date of Meeting	8 th March 2022
Reporting Officer	Mark McAdoo, Assistant Director, Environmental Services
Contact Officer	Eunan Murray, Grounds & Cemeteries Manager

Is this report restricted for confidential business?	Yes	
If 'Yes', confirm below the exempt information category relied upon	No	X

1.0	Purpose of Report
1.1	To seek approval to enter Castlecaulfield in Ireland's 2022 Best Kept Awards Competition
2.0	Background
2.1	The Northern Ireland Amenity Council Awards promote achievement and excellence in Amenity and Environmental Sustainability and is important in recognising high quality environments to live and work. It encourages towns and villages right across Northern Ireland to look their best, boosting civic pride and helping to keep their areas tidy.
3.0	Main Report
3.1	<p>Approval was also granted previously (at January Environment Committee) to enter the following towns and villages in the Northern Ireland Best Kept Awards 2022:</p> <ol style="list-style-type: none"> 1. Dungannon 2. Cookstown 3. Magherafelt 4. Coalisland 5. Maghera 6. Tobermore 7. Donaghmore 8. Swatragh 9. Caledon 10. Stewartstown 11. Castlecaulfield
3.2	Castlecaulfield won the Northern Ireland Amenity Council (NIAC) Best Kept Small Village Award in 2019 but due to the pandemic there was no Ireland's Best Kept Competition in 2020. However NIAC has advised that all 2019 winners have been selected to represent the region in Ireland's Best Kept this year and have requested confirmation from Council for the nomination.
3.3	Competition judging will take place during the month of May with an awards ceremony for the winners being held in June of this year (date and venue to be confirmed).

4.0	Other Considerations
4.1	Financial, Human Resources & Risk Implications
	Financial: Within existing resources.
	Human: Within existing resources.
	Risk Management: N/A
4.2	Screening & Impact Assessments
	Equality & Good Relations Implications: N/A
	Rural Needs Implications: N/A
5.0	Recommendation(s)
5.1	Members are asked to note the contents of this report and approve the nomination of Castlecaulfield into Ireland's Best Kept Small Town Awards Competition for 2022.
6.0	Documents Attached & References
6.1	None

Report on	Sustainable NI Support
Date of Meeting	8 March 2022
Reporting Officer	Mark McAdoo, Assistant Director, Environmental Services
Contact Officer	Mark McAdoo, Assistant Director, Environmental Services

Is this report restricted for confidential business?	Yes	
If 'Yes', confirm below the exempt information category relied upon	No	X

1.0	Purpose of Report
1.1	To seek approval to provide continued financial support to Sustainable NI (SNI).
2.0	Background
2.1	Sustainable NI (SNI) is a non-profit organisation which works with local authorities and others to advance sustainable development in Northern Ireland since 1998. To date, Sustainable NI has been financially supported by local authorities with additional funding from other government organisations such as the NI Housing Executive, NI Assembly and DAERA. MUDC have supported the work of Sustainable NI with an annual subscription fee of £5,000 for the last four years.
2.2	Sustainable NI has developed longstanding experience of the sustainable development agenda in Northern Ireland and has continuously worked over the years to provide professional advice on all aspects of sustainable development with expertise on a wide variety of issues including climate change/low carbon economy, green procurement, renewable energy/energy efficiency, waste minimisation/tackling plastics, sustainable transport and sustainable food projects.
2.3	SNI has published a range of associated support materials and tool kits for officers'/members' guidance and reference. In recent years Sustainable NI has been instrumental in providing expert advice to local authorities on the legislative requirements needed to comply with the NI Sustainable Development Duty and to keep abreast on new environmental/sustainability developments and policies within NI, UK/Ireland and the wider global contexts. Details of these activities are included within the SNI Annual Report for 2020/21 (copy included at appendix 1).
3.0	Main Report
3.1	Correspondence has been received from Nichola Hughes, Executive Director of Sustainable NI requesting that Council continues supporting their work through a renewed subscription of £6,000 for the 2022/23 year (see appendix 2).

3.2	<p>The correspondence from SNI notes that their fees have remained at £5,000 per year since 2014 despite inflation and they are offering additional services next financial year to reflect the uplift in cost. In return for the subscription SNI will:</p> <ul style="list-style-type: none"> • Assist Council to comply with the Sustainable Development Statutory Duty (Section 25) through dissemination of ideas, advice, support, research, policy guidance and best practice • Promote greater understanding and awareness of sustainability and climate issues within Council through attendance at forums and meetings as and when required • Facilitate the Sustainable Development Forum which promotes and shares good practice among councils and public sector organisations in the region • Facilitate the All Party Group on Climate Action which helps develop a shared understanding of key climate issues across political parties to inform decision making • Help Council assess sustainability performance within your organisation through a sustainability audit (new for 2022/23) • Provide one internal training session on 'Understanding Section 25 – The Statutory Duty on Sustainable Development' (new for 2022/23)
3.3	<p>In the draft NI Climate Change (No.2) Bill there is provision for the DAERA to impose specified climate change reporting duties on public bodies. This will require Council to prepare reports including a statement of the authority's proposals and policies for adapting to, or mitigating the effects of, climate change in the exercise of its functions and an assessment of the progress of the authority towards implementing these proposals and policies. In effect this will require Mid Ulster District Council to undertake a Climate Change and Sustainable Development Strategy and Action Plan and associated performance reporting framework. As the proposed services to be provided by SNI under the annual subscription fee do not extend to preparing such a Strategy further discussion will be held with the body to explore how they may be able to assist the Council in meetings this requirement.</p>
4.0	Other Considerations
4.1	Financial, Human Resources & Risk Implications
	Financial: Annual contribution of £6,000 to Sustainable NI for 2022/23 which is available in the 2022/23 revenue budgets.
	Human: As the post of Sustainability Officer within the Council is currently vacant the advice/assistance of Sustainable NI on sustainability issues is vital at this time.
	Risk Management: Failure to participate could adversely affect the Councils ability to properly comply with the Sustainable Development Statutory Duty (Section 25).
4.2	Screening & Impact Assessments
	Equality & Good Relations Implications: N/A

	Rural Needs Implications: N/A
5.0	Recommendation(s)
5.1	Members are asked to approve the annual subscription of £6,000 to Sustainable NI
6.0	Documents Attached & References
6.1	Appendix 1 - Sustainable NI Annual Report 2021/22
6.2	Appendix 2 - Correspondence from Sustainable NI



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Annual Report 2020/21

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Message from our Executive Director

As we start to recover from the pandemic – keeping everything crossed – we’ll need to summon all our energy to tackle the climate and ecological crisis and achieve net-zero carbon emissions in the shortest time possible.

This is a monumental challenge. It must be met with equal ambition. The COP26 summit in November is our last chance to save the world from dangerous levels of climate change. World leaders have a moral responsibility to rise to the challenge, by pledging to decarbonise their economies by 2050.

Organisations in Northern Ireland are waking up to this challenge. The government is developing policies and legislation to reconcile economic success and environmental damage.

Sustainable Northern Ireland is a small organisation. We cannot make the changes necessary to achieve a sustainable future alone.

We can however work with our partners, particularly statutory bodies with significant influence on policy, to make a difference. Local authorities influence around a third of carbon emissions in their areas, so we continue to prioritise our resources to support and guide councils to push the boundaries on what can be achieved when it comes to sustainability and climate action.

At Sustainable Northern Ireland our ambition is clear: to achieve a world where prosperity is achieved in ways that are good for people and the planet.

So, what’s your ambition?

Nichola Hughes
Sustainable NI
Executive Director



2020/21

The year in numbers

sustainable**NI**



12

funders



1,125

social media
followers



643

People reached over
12 learning events



10K

sessions on
our website



7.7K

users of
our website



68

sustainability
practitioners trained



Sharing Ideas



The pandemic led us to switch our communications and forums to online-only, enabling us to share information and spread awareness to even more people.

Facilitating Peer to Peer Support & Learning

All things considered it was another successful year for the Sustainable Development Forum, holding four virtual meetings despite challenges posed by the pandemic. The June meeting focussed on COVID19 impacts and opportunities to build back better. In September, we launched the 3rd phase of the nationwide [Sustainable Food Places](#) programme which resulted in four councils receiving grant funding from Sustain to develop local sustainable food partnerships.

In December, the group heard from Cenex who discussed a range of sustainable travel options from greening fleet vehicles to installing EV charging infrastructure. Sara Lynch then fired up imaginations on the possibilities of corporate sustainability as she outlined her approach to embedding sustainability across operations, teaching and research activities at Queen's University Belfast.

The March meeting introduced the Government's new Walking and Cycling Champion, who told members about the Minister for Infrastructure's approach to active travel and financial support available through the Blue Green Infrastructure Fund.



Sharing Ideas

Examining the work of the UK Climate Assembly

In November 2020, we hosted a [webinar](#) examining the constructive work of the UK Climate Assembly and the resulting recommendations report “The Path to Zero” as well as discussing the prospect of a localised Climate Assembly for Northern Ireland with key stakeholders from government and local government.

Promoting funding for EV charge points

To remedy a lack of uptake of the [On-street Residential Chargepoint Scheme \(ORCS\)](#) – a fund of £20 million to increase EV infrastructure, in September 2020 we hosted a webinar in partnership with the Energy Saving Trust, to provide local authorities with information on the application process, the procurement and the installation of EV charge points.

Introducing a Plan to Tackle Single Use Plastic on the Government Estate

SNI supported DAERA in the development of a Plan to remove unnecessary plastic from the government estate. Local councils followed in the government’s footsteps, taking measures to remove unnecessary plastic from their buildings, operations, and events with support from Sustainable NI through the [Tackling Plastic NI](#) project.

Providing Training on Sustainable Procurement

We provided a limited amount of training this year for councils, upon request. The training focussed on sustainable procurement strategies and aimed to equip staff with knowledge, understanding and confidence to integrate social and environmental considerations into the procurement of goods and services.

Case Studies

Tackling the climate and ecological emergencies involves transforming towns and cities into places that make it easy for people to live and work sustainably, with space for nature.

We collated several case studies this year to show what this looks like in practice, including:

[Ormeau Parklet, Belfast](#) [View project >](#)

[Dingle 2030, Kerry](#) [View project >](#)

[Bonham Quay, Galway](#) [View project >](#)



Shaping Policy

We draw on our practical experience to influence policy for a better, more sustainable future.

Campaign for a Climate Change Bill

A key milestone for climate action in Northern Ireland came on Wednesday 21 October following the submission of a [Climate Change Bill](#) to the Northern Ireland Assembly by a cross party group of MLAs.

Sustainable NI worked with eNGOs and academics to shape the development of the Bill, identify sponsors and foster political support through the All Party Group on Climate Action to enable a successful passage through the Assembly.

Build Back Better Campaign

Experiences and lessons learned throughout the pandemic were distilled into a series of digital [communications](#) to outline ways in which public bodies might champion a green recovery from the pandemic.

We also supported the development of the environment sector's [Plan for a Green Recovery](#) resulting in an [Economic Recovery Action Plan](#) which sets out actions to kick-start economic recovery in Northern Ireland and build a more competitive, inclusive and green economy.



All Party Group on Climate Action

We established the All Party Group in 2020 to provide a forum for discussion between politicians, NGOs, business leaders and academics, to drive progress on climate action in Northern Ireland.

The **All Party Group** met five times this year and explored:

- Government's approach to Green Growth and Climate Action (June)
- Youth voice on climate change (August)
- Decarbonising the social housing sector (December)
- Nature based solutions for climate change (January)
- Carbon impact of the construction sector (March)

These meetings are an invaluable way to develop a shared understanding of key climate issues across political parties, to help inform decision making in councils and the Northern Ireland Assembly.



With input from:



Influencing the Development of a new Energy Strategy

We fed into the development of the new Energy Strategy for Northern Ireland, led by the Department for Economy. Over the course of 2020 and early 2021, we attended several energy stakeholder workshops and submitted written evidence on what new policy and support should look like for the decarbonisation of our energy mix.

Other government consultations that we responded to:

- Discussion Document on a Climate Change Act for NI
- Discussion Document on the Future of Recycling
- Draft Transmission Development Plan 2020-2029
- Consultation on Environmental Plans, Principles and Governance for Northern Ireland
- Consultation on the EU PEACE PLUS Programme
- Discussion Document on a Clean Air Strategy for NI
- Consultation on the Programme for Government Framework



Influencing the Electric Vehicle Agenda

With the UK Government's ban on the sale of petrol and diesel cars coming into effect from 2030, the focus is now switching to electric vehicles. However, with only 300 charge points in the network, Northern Ireland has been slow to upgrade and invest in the public charge point network.

We wrote to the Minister for Infrastructure to outline the need to accelerate the expansion of the public EV charging network in Northern Ireland and provide support to councils to access funding from the Office of Zero Emission Vehicles (OZEV). Whilst progress remains slow, Derry City and Strabane District Council has created a Northern Ireland Electric Vehicle Consortium Working Group to progress the EV agenda and Sustainable NI will be working within this group to accelerate the transition.



Creating sustainable organisations

We developed a sustainability framework to help partners create truly sustainable businesses, communities and cities.

Climate conscious policies

Working together with sustainability officers from local councils, we developed a corporate sustainability policy, screening tool and guidance designed to help local authorities align their projects and decisions with the UN SDGs and overarching UK carbon target of net-zero by 2050.

Measuring sustainability performance

Using our sustainability framework, we designed a performance tool to help organisations keep tabs on how sustainable their operations are, based around key pillars of social, environmental and economic performance aligned to the UN Sustainable Development Goals.

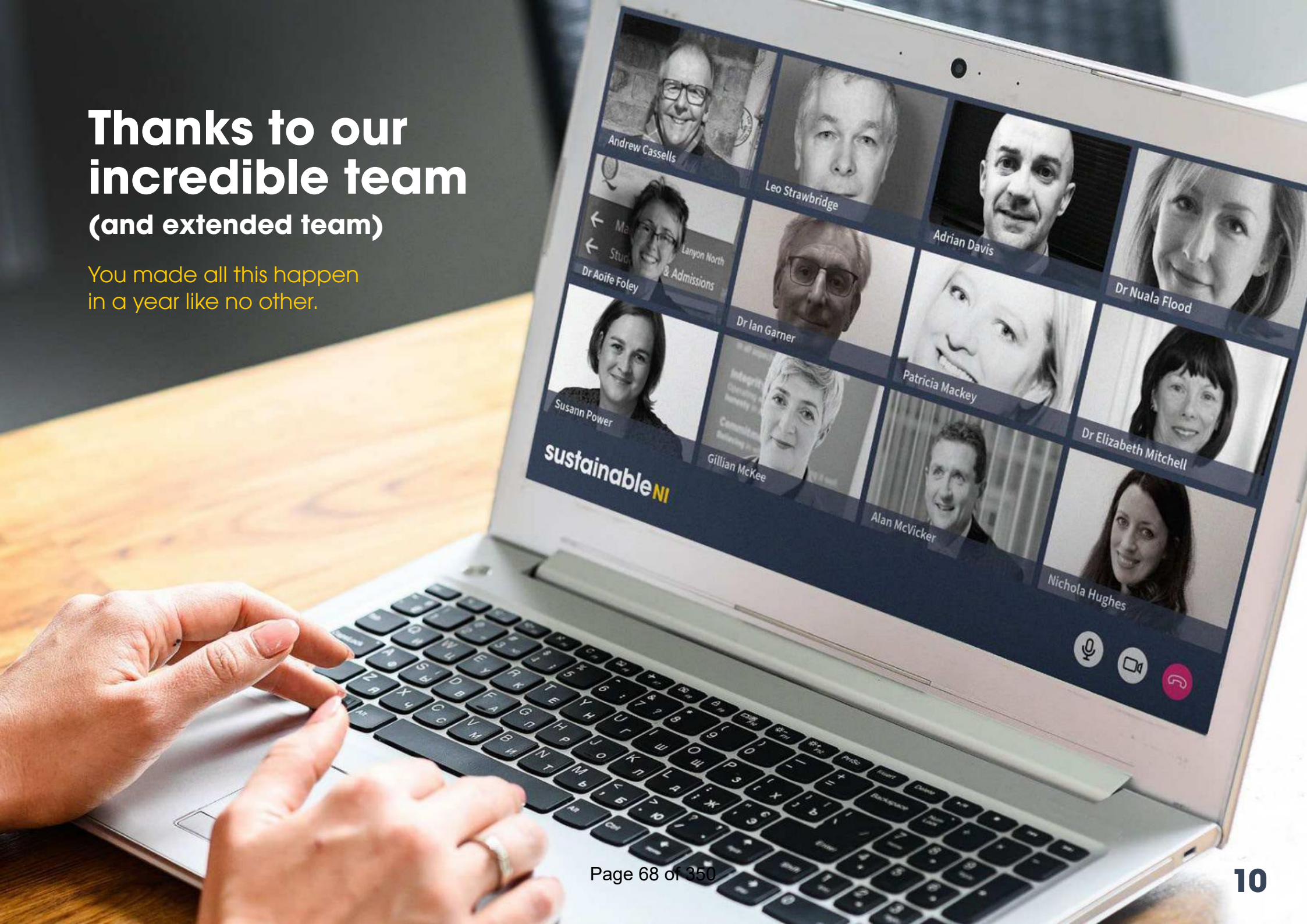
Practical advice and support

We provide technical support and advice for sustainability practitioners and elected members. This involves answering questions, producing/creating and sharing resources, showcasing best practice and reviewing sustainability strategies and plans.



Thanks to our incredible team (and extended team)

You made all this happen
in a year like no other.



Priorities for 2021 /22

Our priorities for this year are to:



Capitalise on COP26

Working through our networks, we aim to persuade and inspire businesses and governments to increase their ambition in the run up to the COP climate summit in November 2021.



Re-define what we do

Rather than try to do everything, we will reflect on what we do best and identify the areas where we can make the biggest contribution. A key outcome will be to re-define our mission and update our funding model. We will communicate this to our stakeholders through a new corporate plan.



Invest to grow

We will hire staff in an effort to support delivery and expand our operations. There will be an emphasis on business development and identifying revenue streams that will help advance the organisation.



Look after our staff

We will support colleagues' wellbeing and keep finding better ways of working and connecting as we navigate our way through another year of this devastating pandemic.

Our funders in 2020/21

The trustees and staff would like to place on record their gratitude to all the organisations and individuals who continue to support the work of the charity. Our work would not be possible without the support of our partners and funders. Thank you.

Grant funders this year were:

Local authorities



Government



Public Bodies



Board of Directors and Staff

The Board of Directors meets four times a year to determine the strategic direction of the organisation, to provide guidance, facilitate networking, help to secure funding and to support the delivery of the charity's objectives. The board has a broad range of experience from local government, academia, public health, business, and the environment.

sustainableNI

Directors

Chair.....	Andrew Cassells
Vice Chair	Leo Strawbridge
Treasurer.....	Adrian Davis
Directors	Dr Nuala Flood
.....	Dr Aoife Foley
.....	Dr Ian Garner
.....	Patricia Mackey
.....	Dr Elizabeth Mitchell
.....	Dr Susann Power
.....	Gillian McKee
.....	Alan McVicker

Staff

Executive Director	Nichola Hughes
Business Development Manager	Alison Miller

Financial Summary

31 March 2021

	Notes	2021 £	2020 £
Fixed Assets			
• Tangible assets	11	-	-
		0	0
Current Assets			
• Receivables	12	13,365	13,365
• Cash at bank and in hand		61,285	48,939
		74,650	62,304
Creditors: amounts falling due within one year	13	(2,970)	(5,005)
Net current assets		71,680	57,299
TOTAL ASSETS LESS CURRENT LIABILITIES		71,680	57,299
Creditors: amounts falling due after more than one year		-	-
Net assets		71,680	57,299
The funds of the charity			
<i>Unrestricted income funds:</i>			
• General funds	16	71,680	62,303
		71,680	62,303
<i>Restricted income funds:</i>			
• Single Use Plastic (SUP) Project	16	-	-
• Environmental Fund	16	-	(5,004)
Total funds		71,680	57,299

The notes on pages 14 to 20 form part of these financial statements.

For the year ended 31st March 2021, the company was entitled to exemption under Article 257A of the Companies (Northern Ireland) Order 1986. No members have required the company to obtain an audit of its accounts for the year in question in accordance with Article 257B(2).

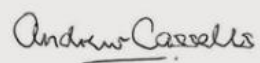
The directors acknowledge their responsibilities for complying with the requirements of the Companies Act 2006 with respect to accounting records and the preparation of accounts.

Extracted Statement of Financial Activities for the year ended 31st March 2021

The statement of financial activities includes all gains and losses in the year.

The financial statements were approved by the Board of Directors on 7th December 2021 and signed on their behalf by:

Andrew Cassells



Adrian Davis



	Notes	Unrestricted Funds £	Restricted funds £	Totals 2021 £	Totals 2020 £
Income					
<i>from donations and legacies</i>					
• Donations	3	-	-	0	-
• Grants	3	60,000	5,004	65,004	66,000
<i>from charitable activities</i>					
• Business income and sponsorship	3	250	-	250	-
• Project admin	3	10,192	-	10,192	5,835
<i>from other activities</i>					
• Investment income	3	112	-	112	155
Total income		70,554	5,004	75,558	71,990
Expenditure					
<i>on raising funds</i>					
• Promotional costs	4	264	-	264	600
<i>on charitable activities</i>					
• Employee costs	4	51,919	-	51,919	39,142
• Premises costs	4	747	-	747	672
• Travel & training costs	4	383	-	383	1,088
• General administration costs	4	4,846	-	4,846	6,027
• Programme costs	4	279	-	279	13,463
<i>On other items</i>					
• Legal & professional fees	4	2,580	-	2,580	2,580
• Other expenses	4	159	-	159	226
• Depreciation of assets	4	-	-	0	-
Total expenditure		61,177	0	61,177	63,798
Net income / (expenditure) for the year		9,377	5,004	14,381	8,192
Transfers between funds	10	-	-	0	-
Net movement in funds for the year		9,377	5,004	14,381	8,192
<i>Reconciliation of funds</i>					
• Fund balances brought fwd at 1st April		62,303	(5,004)	57,299	49,107
• Fund balances carried fwd at 31st March		71,680	0	71,680	57,299



Our vision

A world where prosperity is achieved in ways that are good for people and the planet.

Our mission

Building a sustainable and resilient society by inspiring, influencing and informing.



Inspire

We inspire individuals and organisations by sharing stories of success



Influence

We influence policy and practice by providing technical and strategic support



Inform

We share knowledge about how to address common sustainability challenges

Our values

SNI aspires to excellence in everything it does. We pride ourselves on being:

Knowledgeable

we focus on understanding the global and national issues around sustainability and sharing that knowledge with key stakeholders

Collaborative

we work closely with partners to co-design and deliver solutions to common sustainability challenges

Transformative

we put sustainability at the heart of society in Northern Ireland, transforming how people think, live and work

Our status

Sustainable NI is a non-profit organisation which works with government and others to advance sustainable development in Northern Ireland.

SNI is evolving. Established in 1998, we are now a registered charity (Charity No NIC103426) as well as a company limited by guarantee in Northern Ireland (Company No NI038784). We are governed by a Board of Trustees comprising academics and representatives from the public, private and voluntary and community sectors.

We have put environmental and social goals at the heart of what we do and are diversifying our funding base. Delivering for governments and public bodies is the cornerstone of our approach.

Our partners

SNI works with and supports government, local authorities, businesses, and others; acting as a catalyst for positive action to build a sustainable and resilient society. For a full list of our partners, please see www.sustainableni.org/our-partners



sustainableNI

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Sustainable Northern Ireland is a
Company limited by guarantee No
NI038784 and a Charity registered with
the Charity Commission for Northern
Ireland No. NIC103426

Published December 2021



sustainableni.org

Adrian McCreesh
Chief Executive
Mid Ulster District Council
Burn Road
Cookstown
BT80 8DT

26 November 2021

Subscription Request 2022-23

Dear Adrian

I am writing to thank you for your continued support for Sustainable Northern Ireland and have pleasure in attaching our latest Annual Report which provides a summary of our activities in 2020-21.

Sustainable Northern Ireland is a small organisation. We cannot make the changes necessary to achieve a sustainable future alone. We can however work with our partners, particularly statutory bodies with significant influence on policy, to make a difference. Local authorities influence around a third of carbon emissions in their areas, so we continue to prioritise our resources to support and guide councils to push the boundaries on what can be achieved when it comes to sustainability and climate action.

2020-21 Highlights

- Facilitated four meetings of the Sustainable Development Forum an enabler of peer-to-peer support and learning on sustainability and climate action matters across the public sector.
- Circulated responses to key policy consultations such as the Energy Strategy, Programme for Government, Climate Change Bill, Clean Air Strategy, Future of Recycling etc.
- Wrote to the Minister for Infrastructure outlining the need to accelerate the expansion of the public EV charging network and provide support to councils to support this agenda.
- Helped establish the Northern Ireland Electric Vehicle Consortium Working Group.
- Provided 1-2-1 technical advice and support for sustainability and climate change leads.
- Developed a template sustainability policy and screening tool to help organisations align their plans, policies and projects with sustainable development and a low-carbon future.
- Facilitated five meetings of the All-Party Group on Climate Action
- Facilitated a webinar sharing the key findings of the UK Climate Assembly and the resulting recommendations report "The Path to Zero".
- Produced a 'Plan to Reduce Single Use Plastic' that was implemented by the NI Civil Service and shared with Councils and Non-Departmental Public Bodies.

2022-23 Funding Request

Next year we will be increasing our subscription to £6,000. As you may be aware, our fees have remained at £5,000 per year since 2014, despite inflation. We are pleased to offer additional services next financial year to reflect the uplift in cost.

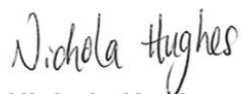
In return for your subscription Sustainable Northern Ireland will:

- Assist Council to comply with the Sustainable Development Statutory Duty (Section 25) through dissemination of ideas, advice, support, research, policy guidance and best practice
- Promote greater understanding and awareness of sustainability and climate issues within Council through attendance at forums and meetings as and when required
- Facilitate the Sustainable Development Forum which promotes and shares good practice among councils and public sector organisations in the region
- Facilitate the All Party Group on Climate Action which helps develop a shared understanding of key climate issues across political parties to inform decision making
- Help you assess sustainability performance within your organisation through a sustainability audit (New)
- Provide one internal training session on 'Understanding Section 25 – The Statutory Duty on Sustainable Development' (New)

I hope the Council will continue to support Sustainable Northern Ireland, despite the pressures on local authority budgets. If you decide to proceed with a subscription in 2022-23, please send a purchase order by 31 March to facilitate prompt invoicing and payment in April. Our payment terms are 30 days from the date of the invoice and all services will cease in the event of non-payment.

If you would like any additional information, or if you have any queries in relation to this request, please do not hesitate to contact me.

Sincerely,



Nichola Hughes

Executive Director

Report on	Bus Shelters Update
Date of Meeting	08 March 2022
Reporting Officer	Raymond Lowry (Head of Technical Services)
Contact Officer	Raymond Lowry (Head of Technical Services)

Is this report restricted for confidential business?	Yes	
If 'Yes', confirm below the exempt information category relied upon	No	X

1.0	Purpose of Report
1.1	To update Members on the current bus shelter status.
2.0	Background
2.1	Council is empowered under the Local Government Miscellaneous Provisions (NI) Order 1985, with the consent of the department to erect and maintain on any road within the district of the council, shelters for the protection from the weather or persons waiting to enter public service vehicles. Bus shelters are erected following local representations. They are provided, particularly for those who have to use public services who may have to stand out in the inclement weather.
2.2.	Following the bus shelter collaborative workshop held in March 2020, the bus shelter process was discussed and agreed at the Council meeting held on the 27 th March 2020. Members are advised in a monthly report of progress made on the various applications that have been lodged with the department.
2.3	Due to the Covid-19 pandemic progress has been delayed with unavailability of staff and priority of workloads within the various departments involved in dealing with the shelter installation. MUDC / DfI Roads have met (through "Microsoft Teams") to discuss a selection of these projects and will continue to carry out similar meetings to progress shelter applications.
2.4	Members to note current Procedural guide approved by Council March 2021. (see appendix 1)

3.0	Main Report																								
3.1	<p>The following information headings will be covered:</p> <ul style="list-style-type: none"> • New applications received in the past month (see 3.2) • Progress on stages 2-4 application process (see 3.3) • Request for Council to move from stage 5 (see 3.4) • Progress update on stages 6-9 (see 3.5) • Neighbour Notification summary and detailed analysis (see 3.6) • Projects recommended for approval (3.7) • Projects recommended for withdrawal (see 3.8) • Shelters passed to Property Services for installation (3.9) • Progress update on stages 10-11 (see 3.10) • Update on statutory response times in relation to agreement on time related responses for application (see 3.11) • Other issues (see 3.12) 																								
3.2	New Applications received in the past month – 0Nr in the past month.																								
3.3	Progress on stages 2-4 of the application process – see table in Appendix 1.																								
3.4	<p>Requests for Council to move from stage 5 of the application process – 4Nr,</p> <ul style="list-style-type: none"> • Coagh Road, Stewartstown. • Garrison Road, Curran. • Beatrice Villas/William Street, Bellaghy. • Hillhead, Stewartstown. 																								
3.5	Progress update on stages 6-9 – the applications below have been discussed with a view to getting approval:																								
3.6	<p>Summary of Neighbour Notifications</p> <ul style="list-style-type: none"> • Reenaderry Road, Reenaderry, (see Table 4 Appendix 2 – reference 09) Neighbour notification completed. <table border="1"> <thead> <tr> <th>Shelter Location</th><th>Reenaderry Road, Reenaderry</th></tr> </thead> <tbody> <tr> <td>Bus Shelter Requested</td><td>28 April 2021</td></tr> <tr> <td>Date Request Validated</td><td>03 May 2021</td></tr> <tr> <td>Survey Issued</td><td>02 February 2022</td></tr> <tr> <td>Survey Returned By</td><td>16 February 2022</td></tr> <tr> <td>Survey Letters Issued (No.)</td><td>4</td></tr> <tr> <td>Survey Letters Returned</td><td>0</td></tr> <tr> <td>Replies in Favour</td><td>0</td></tr> <tr> <td>Replies not in Favour</td><td>0</td></tr> <tr> <td>No response</td><td>4</td></tr> <tr> <td>Valid Returns</td><td>0</td></tr> <tr> <td>Percentage that have no objections</td><td>100%</td></tr> </tbody> </table>	Shelter Location	Reenaderry Road, Reenaderry	Bus Shelter Requested	28 April 2021	Date Request Validated	03 May 2021	Survey Issued	02 February 2022	Survey Returned By	16 February 2022	Survey Letters Issued (No.)	4	Survey Letters Returned	0	Replies in Favour	0	Replies not in Favour	0	No response	4	Valid Returns	0	Percentage that have no objections	100%
Shelter Location	Reenaderry Road, Reenaderry																								
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Percentage that have no objections	100%																								

In accordance with the Bus Shelter Policy, where more than 51% of the completed replies returned by occupiers indicate that they are in favour of the installation of a bus shelter, it is confirmed that the bus shelter at Reenaderry road, Reenaderry is recommended to be installed, (subject to final Land owner agreement).

3.7 **Projects noted below are recommended for approval** – 1 Nr application currently being recommended for approval, - Reenaderry Road, Reenaderry

3.8 **Projects noted below are recommended for withdrawal** – 1 Nr application, Jordan Engineering, Benburb, is being recommended for withdrawal due to not being able to find a suitable site for the new bus shelter location.

3.9 Members to Note the following shelters as listed in Table 3 have been passed over to Property Services for installation and these are currently being programmed for installation within their current workload. Further discussions ongoing with Technical services to confirm / clarify installation requirements

Table 3

Shelter Location	Current Status	Date programmed by Property Services for installation	Shelter type to be installed
Washingbay Road, Moor Road, Clonoe	Approved	Q4	Glazed
Main Street, Bellaghy (SH HomePlace)	Approved	Q4	Glazed, Cantilever

3.10 **Progress update on stages 10-11** – 2nr shelters installed since date of last meeting,

- Brackaville, Coalisland.
- Drummullan village

3.11

Progress on response times – Agreed response times within 30 days with statutory agencies.

Statutory Agencies	Number requests sent	Reply <30 Days	Reply >30 Days
Translink	2	0	2
Education Authority	1	1	0
DfI Roads	0	0	0
NIHE	1	0	1

**Translink,
Responses Outstanding** 1. Brough Road, Castledawson
2. Annanaghboe road, Clonoe

**Education Authority,
Responses Outstanding** 1. Millix road, Ballygawley

**NIHE
Responses Outstanding** 1. Innishrush Village

3.12

Interagency Meeting: Statutory update meeting held 10 February 2022, with DFI Roads and Translink, to discuss new Bus shelter locations, response times and any other issues.

New contacts for DFI (Roads) and Translink introduced in a bid to help progress current applications

Elected members to be invited for update on all existing issues regarding Bus Shelter delivery at a meeting date to be confirmed. .

3.13

Other issues: None to report.

4.0	Other Considerations
4.1	Financial, Human Resources & Risk Implications
	Financial: Within budget for Technical Services and Property services to action provision / installation costs within their budget.
	Risk Management: Non-delivery will have adverse impact of users of public transport.
4.2	Screening & Impact Assessments
	Equality & Good Relations Implications: N/a
	Rural Needs Implications: N/a
5.0	Recommendation(s)
5.1	Members to note the content of the report on the progress made on bus shelters within the district.
5.2	Members are asked to approve the following: <ul style="list-style-type: none"> • Those listed in 3.4 - 4Nr applications to move to stage 5, as below, Coagh Road, Stewartstown. Garrison Road, Curran. Beatrice Villas/William Street, Bellaghy. Hillhead, Stewartstown. • Those listed in 3.7 – Approval for Reenaderry road to proceed to Property Services for installation • Those listed in 3.8 – Approval for withdrawal of 1nr shelter at Jordan Engineering, Benburb.
6.0	Documents Attached & References
6.1	Appendix 1 – March 2021 - Procedural guide
6.2	Appendix 2 – Progress table with comments

Procedural Guide on the Provision of Bus Shelters



1.0 Bus Shelters – Mid Ulster District Council

Council is empowered under the Local Government Miscellaneous Provisions (NI) Order 1985, with the consent of the Department for Infrastructure (DfI) to erect and maintain on any road within the district of the council, shelters for the protection from the weather or persons waiting to enter public service vehicles. Bus shelters are erected following local representations. They are provided, particularly for those who have to use public services who may have to stand out in the inclement weather.

1.1 PROCEDURAL STATEMENT

Council will erect a bus shelter where there is shown to be a need, providing the location does not present a safety or nuisance problem and adequate funding is available. Relocation of bus shelters should only take place as a result of either road alignment or the bus companies relocating their bus stops. All other cases of relocation should be resisted as long as there is an identified need for the shelter. Any relocation as a result of retail business / property owner request will only be considered if an alternative suitable location (distance restrictions will be considered) can be accommodated AND the retail business / property owner covers all associated costs for relocated shelter.

If there is any reported anti-social behaviour over a 12 month period at the location of a new/existing shelter the shelter location will be reviewed by Council with an option to remove the shelter and make good the existing surfaces.

1.2 CRITERIA FOR THE ERECTION OF A BUS SHELTER

1. Usage must be a minimum of 6 passengers over a period of a day and applications will be considered on a first come, first served basis, with Translink NI / Education Authority confirming this information. Less than 6 passengers will only be considered by a Council/DEA approval process.
2. The location must be at a recognised bus stop.
3. Following validation, the Council will canvass, by post, all property addresses within 50m frontage to the bus stop (25m either side) on the erection of the shelter, including the type of shelter.
4. At least 51% of the addresses surveyed must have no objections to the shelter.

NOTE - for the purposes of assessment where 51% (rounded to the nearest whole number) of property addresses that respond indicate that they are not in favour of the erection of a shelter, then the results of the survey will be forwarded to the Environment Committee for information confirming that the shelter will not be approved or erected.)

Appendix 1

5. There should be no Department for Infrastructure Roads objections on traffic grounds.
6. There must be sufficient budgetary provision available to provide the bus shelter.
7. All Survey results that do not meet the essential criteria to be reported to Council for consideration.
8. Once refused a request may not be considered for a further 12 month period from the original decision by Council.
9. Form TS/BSRF/01 to be completed and signed off by Head of Service.
10. Bus Shelter request to be approved by Environment Committee.

1.3 DESIGN OF BUS SHELTER

The Council endeavour to provide good quality, comfortable bus shelters purchased through the Procurement Department. Where appropriate they will endeavour to have bus shelters erected free of charge, other than services by Adshel.

1. All shelters within 30mph speed limits will have shelter in accordance with **Example A**, (as below).
2. All shelters outside 30mph speed limits will have shelter in accordance with **Example B**, (as below).

Council will consider in conservation areas the erection of shelters above this standard, but the cost of such shelters excluding erection and servicing costs shall not exceed £3000.00.



Example A, within
30mph speed limits,
Glazed shelter.



Example B, outside
30mph speed limits,
painted metal shelter.

1.4 REPLACEMENT OF BUS SHELTERS

Any defective shelters that require replacement as part of their life span to be replaced using location criteria and shelter design Examples A or B as noted above as part of the maintenance of the Council Estate .

1.5 PROVISION OF BUS SHELTERS – PROCESS

Stage 1: Send application form to person requesting Erection of Shelter.

Stage 2: Acknowledge receipt of request (in writing) – standard letter sent.

Stage 3: Carry out preliminary visit to investigate suitability of site.

Stage 4: Contact Translink / SELB / Private approved Coach Companies to confirm viability of erecting bus shelter i.e. recognised "Bus Stop", number and age of children, bus routes etc. 1st organisation to respond with numbers meeting the criteria i.e. 6 or more then proceed to next stage.

Note – shelters only provided at locations where it is confirmed a minimum of six people await / board buses.

Organisational Name	Contact Name	Contact Number	

Stage 5: Report to Environment Committee to seek Council approval/instruction.

Stage 6: Identify landowner e.g. Housing Executive, local farmer, etc. and obtain their written consent for erection of bus shelter and consult with adjoining properties (contact local Councillor and arrange site meeting if necessary). Elected members to be notified by email when letters are to be issued to neighbours for information purposes.

Stage 7: Send letters (with location maps) for approval/comments to DfI (Roads) / Water Service, PSNI, BT and NIE (arrange follow-up site meetings if necessary).

Stage 8: Sign and return DfI (Roads), Article 66, Consent/Schedule at least six days prior to erection of bus shelter.

Stage 9: Erect bus shelter – Example A or Example B (see 1.3).

Stage 10: Send request to GIS officer to have new asset plotted, and add to shelter register which is to be forwarded to Procurement Department, for insurance cover. Information to include erection/ maintenance/ ownership/ risk assessments / inspection regime / legal agreements between Council and the relevant landowners.

Stage 11: Report back to Council.

Date

Our Ref: MUDC/TS/BS/

The Occupier

Address 1

Address 2

Postcode

Dear Sir/Madam,

Re: Application for Provision of Bus Shelter at [Enter Location]

Mid Ulster District Council have received an application to erect a bus shelter at the above location and as noted in attached map (see Appendix 1).

The Council's Procedural Guide on the Provision of Bus Shelters outlines that validated applications are subject to neighbour notification. Those who meet the following criteria are eligible to register their preference on this matter:

- All property addresses within 50m frontage to the bus stop (25m either side) on the erection of the shelter, including the type of shelter

Our records indicate that this address is within 50m criteria and therefore subject to neighbour notification.

If approved Council would install Bus Shelter type **[Enter Bus Shelter Example A or B]** as detailed in Appendix 2.

On completion of this survey Council will provide a determination on this request on the basis of the majority preference as submitted. For approval to be considered, at least 51% (majority) of respondents must be in favour of the proposal.

Please read carefully the statements on the survey form attached. Tick your preferred option in the appropriate box, print your name and address and sign the document. The completed survey form(s) should be returned to this office by either:

- a. returning in Self Addressed Envelope provided, or
- b. emailing to Technicalservices@midulstercouncil.org

Forms received after **[Enter Day and Date]** will not be considered.

Thank you for your time completing this survey.

If you have any queries on the above, please contact (Officer Name) in the Cookstown Office by email at (,,,,,,,) or by telephone on 03000 132 132 Ext: 24400.

Yours faithfully,

A handwritten signature in blue ink, appearing to read 'Raymond Lowry', is enclosed in a thin black rectangular border.

Raymond Lowry
Head of Technical Services

Encs.

Cc DEA Councillors



PROVISION OF BUS SHELTER – SURVEY FORM

1. **I HAVE NO OBJECTIONS** to have a Bus Shelter erected at **[Enter Location]**

☐

2. **I DO NOT WISH** to have a Bus Shelter erected at **[Enter Location]**

☐

If you have ticked this box please give reason for objection

Reason for Objection:

Name: _____
(CAPITALS)

Address: _____

Signature: _____

The Results of this survey will be available to view on the MUDC website
www.midulstercouncil.org under Council Meetings but should you wish to receive written
correspondence detailing the outcome of the survey please tick this box. ☐

Data Protection

In accordance with Data Protection Legislation, Mid Ulster District Council has a duty to protect any data we hold. The information you provide on this survey form will be used for the purposes of processing your survey and will not be shared to any third party unless law or regulation compels such a disclosure. Information will be retained in accordance with the Council's Retention and Disposal Policy.

Appendix 1

[Insert Map of proposed Bus Shelter location]

Appendix 2

BUS SHELTER TYPE

See below Example A - within 30mph speed limits, glazed shelter.



See below Example B - outside 30mph speed limits, painted metal shelter.



Table 1 – Applications awaiting formal application to be submitted (1nr)				
No	Location	Stage	Status / Comment	Progress status
1	Thatch Inn, Hillhead Road	0	Presented to Translink for comment	Exact location for shelter to be determined with DFI Roads, in relation to A6 new road alignment. DFI roads to confirm if shelter to fall under their remit to install rather than MUDC.
Table 2 – New applications received since last Committee (0nr)				
0				No new shelter applications this month
Table 3 – STAGES 2-4, (12nr)				
1	Derryvale, Coalisland	3	Proposed location has been declined by Translink. Alternative sites being sought.	Site visit held, 08 February with DFI roads and Translink to agree site. Alternative location has been identified, Landowner to be identified as adjacent to existing field access. DFI roads to confirm.
2	Brough Road, Castledawson (Private Application) - 2018/001	3	Application Form returned .	User numbers requested by Translink/EA . Translink Have reported 4nr passengers, Reminder to be sent to Translink for user numbers, EA do not use this route.
3	Tirkane Road, Maghera	2	Application Form returned .	Site visit held, identified site for shelter. User numbers to be revisited and updated by Translink.
4	Coagh Rd, Stewartstown	4	New application	Application form signed and progressing with letters sent to Translink and EA to confirm user numbers. Translink confirmed they do not pick-up at this location. EA confirmed 8nr passengers.
5	Annaghmore Rd, Clonoe	3	New application	Application form signed and progressing with letters sent to Translink and EA to confirm user numbers.
6	Cloverhill, Moy	3	Application received	Passenger numbers requests sent to Translink and Education Authority confirmed, Translink are reviewing pick up locations and this potentially will be moved into Moy village. During discussions at the statutory meeting 13/02/2021, Translink advised that this will be confirmed at the next stakeholder meeting in March 2022.
7	Killeshill- A29 Ballygawley Road	3	Application received	Application form received, Translink confirming numbers, DFI to visit site after passenger numbers confirmed.
8	119 Millix Road, Ballygawley	3	Application received	Application form received, Translink confirmed not one of their routes, awaiting EA response, DFI to visit site after passenger number confirmed.

9	The Mills, Coalisland	3	Application received	Requests sent to Translink and EA for passenger numbers
10	Hillead, Stewartstown	4	Site visit 24 January 2022, application form completed	Passenger numbers confirmed by Translink, 20 plus children
11	William Street/Beatrice Villas, Bellaghy	4	Site visit 20 January 2022, application form completed	Passenger numbers confirmed by Translink, 30nr children
12	Garrison Road, Curran	4	Site visit 28 January 2022	Passenger numbers confirmed by Translink and EA, 9nr

Table 4 – STAGES 5-8, (10 NR)

No	Location	Stage	Status / Comment	Progress status
1	Tullyhogue Village	6	Residents declined original location as will promote anti-social behaviour. Limited options for alternative sites that suit bus pick-ups.	New site identified within village. Travel directions and pick up numbers confirmed with EA and Translink still to respond. Reminder sent. Discussed at recent Statutory meeting, site visit to be arranged to review proposed locations with DFI Roads, w/c 7/03/2022
2	St Colmans Park, Moortown	6	Met applicant on site 9 October 2020, site agreed.	NIHE confirmed that they are the registered owner. Letter sent from applicant to Minister for comment on the requirement by NIHE to sell/ lease grounds. Nearest neighbour returned 27 October 2021, no responses received. NIHE application sent to explore lease/purchase options 08/02/2022
3	Glendavagh Road, Crilly, Aughnacloy - 2016/013	6	Application Form filled in during meeting with Cllr Burton	Site visit held with DFI roads. Site identified, subject to landowner agreement. Translink confirmed 0nr users, EA confirmed 6nr users. Site visit to be confirmed with EA and DFI roads for site location, w/c 7 March 2022.
4	Church street , Cookstown	6	Site meeting held with applicant, user number requests issued to Translink and EA	User numbers requested from Translink and EA. Translink responded to say they lift 20nr passengers. EA confirmed 10nr users. Site estate agent for adjacent vacant site to be consulted on shelter location. Reminders sent. Site meeting 08 April confirmed site for shelter subject to approval.
5	Kinrush Road/Battery Road Junction, Moortown	6	Original site limited space, alternative site to be confirmed.	Original location deemed not acceptable although alternative location has now been identified and progress to install shelter to programmed. TS programmed to discuss with DFI roads at next meeting and progress to instruct to install shelter.
6	Kingsisland Primary School	6	Final confirmation from primary school required to progress.	Meeting to be held with school on exact location of shelter, location drawing circulated to school and church for final approval for shelter location. Meeting held with Primary school. A Planning application has been lodged to extend the school. (On hold subject to Planning decision)
7	Magheracastle Road / Mountjoy Road, Brocagh	6	Pending withdrawal notification from applicant as proposed site on wrong side of the road for pick-up.	Report at next Council Site meeting held 3 August, site agreed, requests sent to Translink and EA for number confirmation. Reminders sent to both parties awaiting responses

8	Goland Road/ Armaghlaghey Road, Ballygawley - 2016/015	6	Site and user numbers confirmed .	Translink users confirmed, 10nr. Location to be agreed with DFI roads./ Translink. Site visit planned for w/c 7 March 2022
9	Reenaderry Rd, Reenaderry	6	New application	User numbers confirmed by Translink, 16nr users. DFI roads confirmed suitability, landowner consultation required, for exact location. Nearest neighbour returned, approved. To go to committee to move to installation stage
10	Eglis View, Ballinderry	6	Application pending Statutory authorities meeting	Following recent DEA meeting, 09/08/2021. Site visit to be arranged with DFI Roads w/c 7 March 2022, to review new location. DFI roads also to review footpath provision to see if it can be funded under their Active travel programme.

Table 5 – STAGE 9, (2NR),

No	Location	Stage	Status / Comment	Progress status
1	Clonoe Crossroads	9	Relocation of existing shelter as too close to junction. Land search in progress to find alternative suitable site.	Shelter to be installed by end of March 2022
2	Main Street, Bellaghy	9	Existing shelter removed, at chemist. Proposed new sites have been identified at Seamus Heaney HomePlace.	Shelter to be installed by end of March 2022

Table 6 – Stage 10-11 - Bus Shelters Installed (15nr)

No	Location	Stage	Status / Comment	Progress status
1	143 Omagh road, Ballygawley	10	Existing Bus stop/layby, report to committee required	Installed.
2	Millview/Dunnamore Road, Dunnamore	10	Location agreed, site, DFI Roads compliant for new location.	Installed.
3	Kildrum Estate, Galbally	10	New shelter provision at entrance to housing development.	Installed.
4	Thornhill Road, Pomeroy	10	Location opposite community Hall	Installed.

5	Killeenan Road/Camlough Road/Loughdoo Road	10	Proposal to locate shelter in Kildress GAC.	Installed.
6	Glebe Court, Castlecaulfield	10	Relocation of existing shelter, land ownership to be confirmed for new site.	Installed.
7	Culnady Village	10	Site approved in centre of village, located on DFI Roads lands.	Installed.
8	Stewartstown	10	Translink to provide Clear Channel shelter at this location. Available budget for Translink causing delay.	Installed.
9	Credit Union, Moygashel	10	Location agreed with MUDC, Translink and Cllr Cuthbertson on 28-02-2020	Installed.
10	Cappagh Village	10	Existing shelter in dangerous location, no footpath. Community request to have children lifted in the village. Limited turning space for buses in village.	Installed.
11	Whitebridge, Ballygawley	10	New request for shelter	Installed.
12	Annaghboe Road/Washingbay Road Junction, Clonoe - 2017/006	10	Siting of new shelter on Washingbay Road.	Installed.
13	Killeen, Lisacclare Road	10	Translink provided alternative pick-up avoiding dangerous road crossing to Coole Road. New pick-up on Lisacclare Road	Installed.
14	Brackaville, Four Seasons Bar, Coalisland	10	New location agreed with DFI roads and Translink	Installed.
15	Drummullan village	10	Replacement shelter with narrow sides to aid access	Installed.

Table 7 – Applications to be Withdrawn/ Re- visited (7Nr)				
No	Location	Stage	Status / Comment	Progress status
1	Coole Road	Revisit application	Re-open application	Discussion with DfI Roads to be held in light of new agreed process principals. Report at next Council Meeting
2	Main Street, Benburb	6	Review Application	Following recent DEA meeting 06/08/2021, Objection status still evident in current position – recommendation – seek statutory comments on the proposed slightly adjusted position. Discussed at Statutory meeting 13/12/2021, DfI Roads to visit to review proposed location w/c 31st January 2022
3	Innishrush Village	6	Application pending Statutory authorities meeting	Following recent DEA meeting 19/08/2021, Objection status still evident in current position – recommendation – seek statutory comments on the proposed slightly adjusted position
4	Bellaghy, Overends layby	6	Withdraw Application	Following recent DEA meeting 11/08/2021, agreed to withdraw the current application
5	Meenagh Park, Coalisland	6	Withdraw Application	Application to be withdrawn by applicant
6	Knockloughrim Village	9	Landowner unknown for proposed site. Further investigations underway to determine landowner.	Parks department have agreed location within their site. Nearest neighbour consultation returned, did meet required criteria to proceed. Approved, passed to Property Services 27/08/2021 for installation. Translink confirmed change of bus route with pick-up moved to the centre of village, discussed at statutory agencies meeting 13/12/2021. New shelter is not to be installed.
7	Jordan Engineering, Benburb	4	Meeting organised with Cllr Burton on site to agree location. Not agreed	Shelter application withdrawn by applicant, unable to find suitable location for shelter

**Minutes of Meeting of Environment Committee of Mid Ulster District Council
held on Tuesday 8 February 2022 in Council Offices, Ballyronan Road,
Magherafelt and by virtual means**

Members Present

Councillor Brown

Councillors Buchanan*, Burton, Cuthbertson*, Glasgow*,
Graham*, Kearney, N McAleer, S McAleer*,
B McGuigan*, S McGuigan*, McNamee, Milne*, O'Neill*,
Totten, Wilson

**Officers in
Attendance**

Mrs Campbell, Strategic Director of Environment
Mr Fox, Principal Building Control Officer**
Mr Lowry, Head of Technical Services**
Mr McAdoo, Assistant Director of Environmental
Services**
Ms Mezza, Head of Marketing and Communications**
Mr Scullion, Assistant Director of Property Services**
Miss Thompson, Democratic Services Officer

* Denotes members and members of the public present in remote attendance

** Denotes Officers present by remote means

*** Denotes others present by remote means

The meeting commenced at 7.00 pm

The Chair, Councillor Brown welcomed everyone to the meeting and those watching the meeting through the Live Broadcast. Councillor Brown in introducing the meeting detailed the operational arrangements for transacting the business of the committee in the chamber and by virtual means, by referring to Annex A to this minute.

E032/22 Apologies

None.

E033/22 Declarations of Interest

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

E034/22 Chair's Business

Councillor N McAleer stated he wanted to bring to attention concerns which had been raised with him regarding access to Lough Neagh for fishing boats in the Ardboe and Moortown areas. The Councillor stated there have been complaints in

relation to a significant build up of sand and debris and this, combined with recent low water levels, is hampering access in and out of the quays. Councillor N McAleer advised that there has historically been an agreement in place to dig out the quays and assist with access but that in recent years this has not been happening. The Councillor stated that there are some barges and boats with digging capabilities which are not being utilised and that department guidelines are preventing digging from taking place. Councillor N McAleer proposed that Council write to the Department for Infrastructure and Rivers Agency asking them to clarify their position regarding digging around the quays and also asking them how they propose to resolve the issues with access to Lough Neagh.

Councillor McNamee seconded Councillor N McAleer's proposal.

Resolved That it be recommended to Council to write to the Department for Infrastructure and Rivers Agency asking them to clarify their position regarding digging around the quays and also ask them how they propose to resolve the issues with access to Lough Neagh.

Councillor Buchanan asked for the current position of Council's Car Park Strategy which the Environment Committee approved 3-4 years ago. The Councillor stated urgent clarity was needed in relation to car parking charges in Cookstown and whether last night's rates increase proposed by Sinn Féin and SDLP included car parking charges in Cookstown and also whether last night's decision overrides the Car Park Strategy for the whole of Mid Ulster.

The Chair, Councillor Brown asked that a report on the current position of the Car Park Strategy be brought to the next meeting of the Environment Committee.

The Director of Environment agreed to bring a report to next month's meeting.

Matters for Decision

E035/22 DfI Roads Proposal to Mid Ulster District Council - A6 – Castledawson to Toome — Proposed De-Restriction Order

Members considered previously circulated report which sought agreement in relation to Proposed De-Restriction Order for the A6 Castledawson to Toome.

Councillor Milne asked what the De-Restriction Order was for as it was not clear.

The Chair, Councillor Brown stated it was his understanding that the De-Restriction Order related to the de-restriction of speed limits at junctions as outlined in the report.

Proposed by Councillor Milne
Seconded by Councillor Wilson and

Resolved That it be recommended to Council to endorse the proposal submitted by Department for Infrastructure Roads in relation to proposed De-Restriction Order for the A6 Castledawson to Toome.

E036/22 DfI Roads Proposal to Mid Ulster District Council - Proposed 40mph Dungannon Road roundabout Sandholes Road, Dungannon Road, Tullywiggan Road, Grange Road and Ardculmer Road, Cookstown

Members considered previously circulated report which sought agreement in relation to Proposed 40mph Dungannon Road roundabout Sandholes Road, Dungannon Road, Tullywiggan Road, Grange Road and Ardculmer Road, Cookstown.

Proposed by Councillor Milne
Seconded by Councillor Wilson and

Resolved That it be recommended to Council to endorse the proposal submitted by Department for Infrastructure Roads in relation to proposed 40mph Dungannon Road roundabout Sandholes Road, Dungannon Road, Tullywiggan Road, Grange Road and Ardculmer Road, Cookstown.

E037/22 Fees for Entertainment Licences

The Assistant Director of Property Services presented previously circulated report which advised of the Department of Communities consultation exercise on a review of the current Determination issued by the Department of Communities in March 2021 in relation to Fees for Entertainment Licences.

Councillor McNamee felt that if the Executive are going to continue to meet the loss of income to Council then the current arrangement of charging £1 for the renewal of an entertainment licence could continue. However, if the Executive do not continue to meet the loss of income to Council then Council should revert to charging fees at pre April 2021 levels from April 2022. The Councillor stated it is unclear whether the Executive will continue to meet the cost of renewal of entertainment licences and clarity would be needed on this.

The Chair, Councillor Brown highlighted that the letter from the Department does not give an indication of whether costs will continue to be met and asked if Council are taking a presumption that they will be.

The Assistant Director of Property Services stated that Council would currently be taking a presumption that costs will continue to be met and suggested that Council write to the Department to seek clarity on whether this is the case.

Councillor Wilson asked when the licence fees are due.

The Assistant Director of Property Services stated it depends on when a licence expires and that licence fees are due for premises on an ongoing basis throughout the year. The officer advised that the current measure of the £1 charge for a licence renewal will run to 31 March 2022.

Councillor Wilson stated that if Council do not receive a response which clarifies the position of the Department there could be a situation in which a premises whose licence expires on 31 March will be charged £1 for a renewal and another premises whose licence runs out on 1 April will be charged at the pre April 2021 rate and that this is not very fair. Councillor Wilson asked when the funding from the Department ends.

The Chair, Councillor Brown stated that on reading the letter from the Department it looks as though funding will close at the end of March and that the letter is asking Council whether it wants to continue with the £1 charge or whether it wants to revert back to pre April 2021 levels. The Chair referred to Councillor McNamee's suggestion for Council to write to the Department to ask whether they are prepared to continue to cover the loss of income to Council.

Councillor McNamee proposed that Council write to the Department to ask whether they are prepared to continue to cover the loss of income to Council in charging £1 for the renewal of an entertainment licence.

Councillor Wilson seconded Councillor McNamee's proposal.

Resolved That it be recommended to Council to write to the Department to ask whether they are prepared to continue to cover the loss of income to Council in charging £1 for the renewal of an entertainment licence.

E038/22 Plastic Promise

The Assistant Director of Environmental Services presented previously circulated report which sought approval to sign the Live Here Love Here Plastic Promise in order to make a commitment to reducing the consumption and usage of single use plastic items.

Councillor B McGuigan proposed the recommendation. The Councillor stated that everyone is aware of the problems caused by plastic especially in rivers and oceans and that it is important to start somewhere and that by signing up to the Plastic Promise Council is taking the initiative.

Councillor Kearney seconded Councillor B McGuigan's proposal.

Councillor Kearney referred to the previous agenda item and highlighted that there are some areas of hospitality that are only getting their monies now and that he felt this is a good enough reason to hold off in relation to fees for entertainment licences.

Resolved That it be recommended to Council to sign the Plastic Promise as outlined within the report.

Matters for Information

E039/22 Environment Committee minutes of meeting held on 11 January 2022

Members noted minutes of Environment Committee held on 11 January 2022.

E040/22 Better Recycling Grant Scheme

Members noted previously circulated report which provided outcome of a funding application submitted to WRAP under the Better Recycling Campaign.

E041/22 Northern Ireland Local Authority Collected Municipal Waste Management (LACMW) Report for July to September 2021

Members noted previously circulated report which provided update on Council's performance in relation to recycling and landfill diversion targets as outlined in the NIEA Northern Ireland Local Authority Waste Management Statistics Report for Quarter 2 of 2021/22 from July to September 2021.

E042/22 Bus Shelters Update

Members noted previously circulated report which provided an update on current bus shelter status.

E043/22 Mid Ulster Fairtrade

Members noted previously circulated report which provided an update on Council's Fairtrade resolution to application stage for Fairtrade District Status.

E044/22 Building Control Workload

Members noted previously circulated report which provided update on the workload analysis for Building Control.

E045/22 Entertainment Licensing Applications

Members noted previously circulated report which provided update on Entertainment Licensing Applications across the Mid Ulster District.

E046/22 Dual Language Signage Surveys

Members noted previously circulated report which advised of the result of surveys undertaken on all applicable residents on the streets/roads in response to Dual Language Signage Nameplate requests.

Live broadcast ended at 7.14 pm.

Local Government (NI) Act 2014 - Confidential Business

Proposed by Councillor McNamee
Seconded by Councillor N McAleer

Resolved In accordance with Section 42, Part 1 of Schedule 6 of the Local Government Act (NI) 2014 that Members of the public be asked to withdraw from the meeting whilst Members consider items E047/22 to E054/22.

Matters for Decision

E047/22 Flower Bed and Roundabout Sponsorship
E048/22 Lift Maintenance and Servicing Tender report
E049/22 Entertainment Licensing

Matters for Information

E050/22 Environment Committee Confidential Minutes of meeting held on 11 January 2022
E051/22 Waste Management Covid19 Emergency Funding
E052/22 Capital Framework – ICT Contracts Update
E053/22 Capital Framework – IST Contracts Update
E054/22 Capital Projects – Scoping Contracts Update

E055/22 Duration of Meeting

The meeting was called for 7.00 pm and ended at 7.25 pm

CHAIR _____

DATE _____

Annex A – Introductory Remarks from the Chairperson

Good evening and welcome to the Council's [Policy & Resources/Environment/Development] Committee in the Chamber, [Dungannon/Magherafelt] and virtually.

I specifically welcome the public watching us through the Live Broadcast. The Live Broadcast will run for the period of our Open Business but will end just before we move into Confidential Business. I let you know before this happens.

Just some housekeeping before we commence. Can I remind you:-

- If you have joined the meeting remotely please keep your audio on mute unless invited to speak and then turn it off when finished speaking
- Keep your video on at all times, unless you have bandwidth or internet connection issues, where you are advised to try turning your video off
- If you wish to speak please raise your hand in the meeting or on screen and keep raised until observed by an Officer or myself
- Should we need to take a vote this evening I will ask each member to confirm whether they are for or against the proposal or abstaining
- When invited to speak please introduce yourself by name to the meeting
- For any member attending remotely, if you declare an interest in an item, please turn off your video and keep your audio on mute for the duration of the item
- If referring to a specific report please reference the report, page or slide being referred to
- Lastly, I remind the public and press that taking photographs of proceedings or using any means to enable anyone not present to see or hear proceedings, or making a simultaneous oral report of the proceedings are not permitted

Thank you and we will now move to the first item on the agenda - apologies and then roll call of all other Members in attendance.

Report on	Dfl Roads Proposal to Mid Ulster District Council – 20mph on Tullagh View, Cookstown
Date of Meeting	Tuesday 8 th March 2022
Reporting Officer	Terry Scullion, Assistant Director of Property Services
Contact Officer	Terry Scullion, Assistant Director of Property Services

Is this report restricted for confidential business?	Yes	
If 'Yes', confirm below the exempt information category relied upon	No	X

1.0	Purpose of Report
1.1	To inform Members regarding proposals from Dfl Roads to introduce a 20mph on Tullagh View, Cookstown.
2.0	Background
2.1	Dfl Roads consulted the Council regarding proposals from Dfl Roads to introduce a 20mph on Tullagh View, Cookstown. The PSNI were also consulted.
3.0	Main Report
3.1	Dfl Roads proposed the introduction of a 20mph on Tullagh View, Cookstown to be brought to the attention of the Environment Committee.
3.2	In a letter dated 31 st January 2022 Dfl Roads advised in error that the PSNI had approved of the proposed 20mph on Tullagh View, Cookstown. In a letter dated 11 th February 2022 Dfl advised that the PSNI could not approve the proposal due to the short distance which they cover, which would mean they could not enforce it. This proposal will therefore not proceed any further.
3.3	The Dfl Roads correspondence and location map of the aforementioned proposal are attached as appendices to this report.
4.0	Other Considerations
4.1	Financial, Human Resources & Risk Implications
	Financial: N/a
	Human: Officer time in drafting reports
	Risk Management: N/a
	Screening & Impact Assessments

4.2	
	Equality & Good Relations Implications: N/a
	Rural Needs Implications: N/a
5.0	Recommendation(s)
5.1	That the Environment Committee notes the correspondence submitted by DfI Roads.
6.0	Documents Attached & References
6.1	Appendix 1 – Letter from DfI Roads dated 31 st January 2022, proposing to introduce a 20mph on Tullagh View, Cookstown
6.2	Appendix 2 – Map – Tullagh View, Cookstown – proposed 20mph
6.3	Appendix 3 – Letter from DfI Roads dated 11 th February 2022, stating the proposal will not proceed any further.

Western Division Network Development



Department for

Infrastructure

An Roinn

Bonneagair

www.infrastructure-ni.gov.uk

Mr Adrian McCreesh
Chief Executive
Mid Ulster District Council
Ballyronan
Magherafelt
BT45 6EN

County Hall
Drumragh Avenue
Omagh

Tel: 028 8225 4085

31 January 2022

Dear Mr McCreesh

PROPOSED 20MPH – TULLAGH VIEW, COOKSTOWN

DfI Roads is proposing to introduce a 20mph on Tullagh View, Cookstown as shown on the attached map.

PSNI have been consulted and are in agreement with the proposal.

Please bring this matter to the attention of your council.

Yours sincerely

Mrs Hazel Burton
Network Development Section

Enc

Proposed 20mph - Tullagh View, Cookstown



31/01/2022, 16:21:30

Western Division Network Development



Department for

Infrastructure

An Roinn

Bonneagair

www.infrastructure-ni.gov.uk

Mr Adrian McCreesh
Chief Executive
Mid Ulster District Council
Ballyronan
Magherafelt
BT45 6EN

County Hall
Drumragh Avenue
Omagh

Tel: 028 8225 4085

11 February 2022

Dear Mr McCreesh

PROPOSED 20MPH – TULLAGH VIEW, COOKSTOWN

In my letter of 31 January 2022 I advised you in error that the PSNI had approved of the proposed 20mph on Tullagh View, Cookstown.

The PSNI cannot approve the proposal due to the short distance which they cover, which would mean they could not enforce it. Therefore this proposal will not proceed any further. Sorry for any inconvenience this may have caused.

If you have already brought my letter of 31 January to your Councils attention can you please notify them of this update.

Yours sincerely

Mrs Hazel Burton
Network Development Section

Enc

Report on	Building Control Workload
Date of Meeting	8 th March 2022
Reporting Officer	Terry Scullion, Assistant Director of Property Services
Contact Officer	PJ Fox, Principal Building Officer

Is this report restricted for confidential business?	Yes	
If 'Yes', confirm below the exempt information category relied upon	No	X

1.0	Purpose of Report		
1.1	To provide Members with an update on the workload analysis for Building Control across Mid-Ulster District Council.		
2.0	Background		
2.1	<p>Building Control applications are received in three different forms:-</p> <ul style="list-style-type: none"> a Full Applications - submitted with detailed working drawings. b Building Notices - minor work not usually requiring detailed plans, e.g. provision of insulation to roof space, etc. c Regularisation Applications – where work has been carried out without an approval, an application must be submitted for retrospective approval. 		
3.0	Main Report		
3.1	Workload Analysis	February 2022	Accumulative 2021/22
	Total number of Applications	281	1959
	Full plans applications received	58	706
	Building Notices applications received	209	1125
	Regularisation applications received	14	128
	Estimated value of works submitted	£12,910,393	£169,168,402
		851	7,420

	Number of inspections carried out by Building Control Officers		
	Commencements	192	1869
	Domestic Dwellings	60	645
	Domestic alterations and Extensions	120	1078
	Non-Domestic work	12	146
	Completions	123	1420
	Domestic Dwellings	45	557
	Domestic alterations and Extensions	71	780
	Non-Domestic work	7	83
	Property Certificates Received	172	1995
3.2	As previously indicated, the Building Control Department have continued to provide a full service to the Public as required during the Covid-19 Pandemic.		
3.3	It should be noted from the Workload Analysis in 3.1, that the full range of applications are being received and administered in accordance with our procedures and performance criteria.		
3.4	It can also be noted that the demand for the service has increased over the past number of months and Building Regulation applications submitted are now at pre pandemic levels		
3.5	All inspections are now being carried out as requested subject to a risk assessment being completed.		
4.0	Other Considerations		
4.1	Financial, Human Resources & Risk Implications		
	Financial: Within Current Resources		
	Human: Within Current Resources		
	Risk Management: None		

4.2	Screening & Impact Assessments
	Equality & Good Relations Implications: None
	Rural Needs Implications: None
5.0	Recommendation(s)
5.1	Members are requested to note the content of this report.
6.0	Documents Attached & References
6.1	Appendix 1 – List of significant applications received by the Building Control Service

Significant Developments February 2022

Applicant	Location of Development	Details of Development	Estimated value of development
D & L Trading	1a Fairhill, Maghera.	Erection of 6no. Apartments B.C. fee - £2,140	£340,000
Smallwood Contracts Ltd	Tobin Drive, Cookstown.	Erection of 4no. dwellings (Ave floor area 114m2) B.C. fee - £1,194	£328,242

Report on	Entertainment Licensing Applications
Date of Meeting	8 th March 2022
Reporting Officer	Terry Scullion, Assistant Director of Property Services
Contact Officer	Colm Currie, Principal Building Officer

Is this report restricted for confidential business?	Yes	
If 'Yes', confirm below the exempt information category relied upon	No	X

1.0	Purpose of Report
1.1	To update Members on Entertainment Licensing applications across Mid Ulster District Council.
2.0	Background
2.1	The Council has responsibility for licensing places of entertainment in accordance with The Local Government (Miscellaneous Provisions) (NI) Order 1985. Entertainment Licensing applications are received on a continued basis across the District. Statutory consultations are carried out with PSNI and NIFRS for each Entertainment Licence application (grant or renewal) submitted.
3.0	Main Report
3.1	<p>As previously agreed a list of applications for all grant/renewal of Entertainment Licences in Mid Ulster District Council is attached (see Appendix 1). The number of applications received on a monthly basis will vary depending on the date of expiry of the current licence.</p> <p>Each application is accompanied by the following documentation:</p> <ol style="list-style-type: none"> 1 A current Fire Risk Assessment detailing the following: <ol style="list-style-type: none"> (a) means of escape from premises (b) management responsibilities for day to day safety aspects (c) details of review on an annual basis <p>The fire risk assessment submitted is audited by the inspecting officer.</p> 2 Electrical certification is required for the following: <ol style="list-style-type: none"> (a) General electrical installation (b) Emergency lighting system (c) Fire alarm system

3.2	3 Details of current public liability insurance for premises
	4 Copy of public advertisement in local press
	Following the application for the Grant/Renewal of an Entertainment Licence being submitted and validated, an inspection is carried out to ensure that the premises are in compliance with all relevant guidance and legislation.
	3.3 Areas which would be inspected are as follows:
	1. Means of escape from the venue i.e. Final Exit Doors and Easy Opening Devices are satisfactory and escape routes are free from obstruction etc.
	2. All floor, wall, and ceiling coverings are in compliance and in good condition
	3. All firefighting equipment are correctly positioned and serviced as required
	4. The general condition of the premises is satisfactory
3.4	5. All management documentation is in place
	Entertainment licensing applications have continued to be processed where possible including statutory consultations with external Bodies as required by legislation.
	3.5 Licences have been issued where inspections had been completed and all points requiring attention have been addressed.
	3.6 Inspection of venues have continued where possible to do so and specifically where issues in relation to the current Covid-19 Guidance can be achieved.
	3.7 From 26 January 2022 some Covid-19 restrictions had been lifted which included the reopening of nightclubs and these premises are permitted to operate up to their maximum occupancy numbers.
4.0	Other Considerations
4.1	Financial, Human Resources & Risk Implications
	Financial: Within Current Resources
	Human: Within Current Resources
	Risk Management: Within Current Resources
4.2	Screening & Impact Assessments
	Equality & Good Relations Implications: None

	Rural Needs Implications: None
5.0	Recommendation(s)
5.1	Members are requested to note the content of this report.
6.0	Documents Attached & References
6.1	Appendix 1 – Schedule of applications received for the Grant/Renewal of Entertainment Licences.
6.2	Appendix 2 – Schedule of Entertainment Licence applications which have been granted/renewed.

Appendix 1 – Schedule of applications received for the Grant/Renewal of Entertainment Licences February 2022

Name of Applicant	Name of Premises	Address of Premises	Type of Licence	Days and Hours proposed	Max Number of Patrons
PP L Boyle	St Brigid's Parochial Hall	51 St. Lurachs Road Maghera	14 Unspecified Days	Monday to Sunday From: 18.00 To: 22.00	187
G Williamson	The Valley Hotel	42 Fairhill Road Cookstown	Annual	Monday To Saturday From: 11.30 To: 12.30 Sunday From: 12.30 To: 01.00	300
P Varela	Tropicana Inns	60 Main Street Fivemiletown	Annual	Monday to Sunday From: 11.00 To: 01.30	480
P Quinn	The Old Rectory	96 Lower Scotch Street Dungannon	Annual	Monday To Saturday From: 11.30 To: 01.00 Sunday From: 11.30 To: 24.00	150

Name of Applicant	Name of Premises	Address of Premises	Type of Licence	Days and Hours proposed	Max Number of Patrons
B Ruddy	Rock St Patricks GAC Community Hub	38 Trewmount Road Dungannon	14 Unspecified Days	Monday To Sunday From: 09.00 To: 01.00	241
M Gribbin	Moyola Park Golf Club	5-29 Tullyodonnell Road Dungannon	Annual	Monday To Sunday From: 10.00 To: 23.00	400

Appendix 2 – Schedule of Entertainment Licence applications which have been Granted/Renewed/Varied in March 2022

Name of Applicant	Name of Premises	Address of Premises	Type Of Licence	Days and Hours Granted
R Mulholland	Ballyscullion House	61 Ballyscullion Road, Bellaghy	Annual	Monday - Sunday From: 10.00 To: 01.00
N Downey	Downey's Jubilee Bar	124 Main Street, Fivemiletown	Annual	Monday - Thursday From: 11.30 To: 23.00 Friday & Saturday From: 11.30 To: 02.00 Sunday From: 12.00 To: 22.00
J Conway	The Belfast House	3 Orritor Street, Cookstown	Annual	Monday - Saturday From: 11.30 To 01.00 Sunday From 12.00 To 00.00

Name of Applicant	Name of Premises	Address of Premises	Type Of Licence	Days and Hours Granted
P Bryson	Brysons Bar	28 Union Road, Magherafelt	Annual	Monday - Saturday From: 11.30 To 02.00 Sunday 11.30 To 00.00
T Jebb	The Oldtown Inn	12-14 Oldtown Street, Cookstown	Annual	Monday - Saturday From 11.30 To 01.00 Sunday 11.30 To 00.00
D O'Kane	The Taphouse Bar & Restaurant	37 Main Street, Bellaghy	Annual	Monday – Thursday From 11.30 To 01.30 Friday & Saturday From 11.30 To 02.00 Sunday From 12.30 To 00.00

Name of Applicant	Name of Premises	Address of Premises	Type Of Licence	Days and Hours Granted
Mid Ulster District Council	Seamus Heaney Home Place	45 Main Street, Bellaghy	Annual	Monday - Thursday From 10.00 To 23.00 Friday & Saturday From 10.00 To 01.00 Sunday 13.00 To 22.00
F Donnelly	St Patrick's Academy	37 Killymeal Road, Dungannon	Any 14 unspecified days	Monday - Sunday From 09.00 To 22.00
P & M Mulgrew	The Roadside Tavern	36-38 The Square, Stewartstown	Annual	Monday - Saturday From 11.30 To 01.00 Sunday From 12.00 To 00.00

Name of Applicant	Name of Premises	Address of Premises	Type Of Licence	Days and Hours Granted
S Whiteside	Whiteside's Bar	87 Main Street, Clogher	Annual	Monday - Saturday From 11.00 To 01.00 Sunday From 11.00 To 00.00
H & T McGlone	Mary's Bar	10 Market Street, Magherafelt	Annual	Monday – Saturday From 11.30 To 03.00 Sunday From 12.30 To 03.00
H & T McGlone	Secrets Nightclub & Dormans Bar	15 - 17 Queen Street, Magherafelt	Annual	Monday - Saturday From 11.30 To 03.00 Sunday From 12.30 To 03.00

Name of Applicant	Name of Premises	Address of Premises	Type Of Licence	Days and Hours Granted
Rev L Boyle	Drummullan Parish Hall	81 Moneyhaw Road, Moneymore	Any 14 unspecified days	Monday - Sunday From 10.00 To 22.00
D Jardine	The Gas Works	7-13 Perry Street, Dungannon	Annual	Monday - Thursday From 11.00 To 01.00 Friday - Saturday From 11.00 To 01.30 Sunday From 12.00 To 01.00
C Martin	Cartwheel Bar	25 James Street, Cookstown	Annual	Monday - Saturday From 11.30 To 01.30 Sunday From 12.00 To 00.30

Name of Applicant	Name of Premises	Address of Premises	Type Of Licence	Days and Hours Granted
R Lagan	Watty Grahams GAC	62 Tirkane Road, Maghera	Annual	Monday - Sunday From 09.00 To 01.00
Rev E O'Neill	Coalisland Parochial Centre	12 Stewartstown Road, Coalisland	Any 14 unspecified days	Monday - Sunday From 19.30 To 01.30
J H Atkinson	The Inn	47 Main Street, Castledawson	Annual	Monday - Saturday From 12.00 To 01.00 Sunday From 1200 To 00.00
S Devlin	Sit and Sip Bar Lounge	28 Littlebridge Road, Moneymore	Annual	Monday - Thursday From 13.00 To 22.30 Friday & Saturday From: 12.00 To 01.30 Sunday From 12:00 To: 00:00

Name of Applicant	Name of Premises	Address of Premises	Type Of Licence	Days and Hours Granted
P Hagan	Hagan's Bar & Bar Bella	39 Irish Street, Dungannon	Annual	Monday - Sunday From: 11.30 To 01.00
C McGlone	Cosy Inn	36 Rainey Street, Magherafelt	Variation	Monday - Saturday From: 11.30 To 03.00 Sunday From: 12.30 To 03.00
M Carolan	CRAIC Theatre	Dungannon Road, Coalisland	Annual	Monday - Sunday From: 09.00 To 23.00
S Thom	Royal Hotel	64-72 Coagh Street, Cookstown	Annual	Monday - Saturday From 11.00 To 01.00 Sunday From: 11.00 To 00.00
C Hodgett	Cookstown Hockey Club	48 Molesworth Street, Cookstown	Annual	Monday - Sunday From: 13.00 To 01.00

Name of Applicant	Name of Premises	Address of Premises	Type Of Licence	Days and Hours Granted
J Lamont	Cookstown Royal British Legion	19 Burn Road, Cookstown	Annual	<p>Monday - Thursday From: 11.30 To 23.00</p> <p>Friday & Saturday From: 11.30 To 01.00</p> <p>Sunday From: 11.30 To 23.00</p>
F McAnallen	Bottle of Benburb	245 Derryfubble Road, Dungannon	Annual	<p>Monday - Wednesday From: 12.00 To 00.00</p> <p>Thursday - Saturday From: 12.00 To 01.00</p> <p>Sunday From: 12.00 To 00.30</p>

Name of Applicant	Name of Premises	Address of Premises	Type Of Licence	Days and Hours Granted
F Brunt	St John's Parish Halls	Murley Road, Fivemiletown	Any 14 Unspecified days	Monday - Thursday From: 09.00 To 23.00 Friday From: 09.00 To 00.00 Saturday From: 09.00 To 23.00 Sunday From: 09.00 To: 22.00

Report on	Dual Language Signage Requests
Date of Meeting	8 th March 2022
Reporting Officer	Terry Scullion, Assistant Director of Property Services
Contact Officer	Colm Currie, Principal Building Officer

Is this report restricted for confidential business?	Yes	
If 'Yes', confirm below the exempt information category relied upon	No	X

1.0	Purpose of Report
1.1	To advise Members of requests for Dual Language Signage from residents on the streets/roads in question.
2.0	Background
2.1	In accordance with the Local Government (Miscellaneous Provisions) NI Order 1995 – Article 11 the Council is tasked with the responsibility to erect dual language signs or second nameplates, adjacent to the nameplate in English.
2.2	The Policy for Dual Language Nameplate Signage as adopted forms the basis for considering requests expressing the name in a language other than English, to both existing and new streets.
2.3	In accordance with the Policy as adopted, the Environment Committee will be informed of requests which have been validated and are proceeding to survey.
3.0	Main Report
3.1	<p>The Building Control Service within the Environment Directorate have received valid letters signed by occupiers of the street in each case requesting signage to be erected in a second language being “Irish” in each case adjacent to the nameplate in English as follows:-</p> <ol style="list-style-type: none"> 1. Union Place, Dungannon (see Appendix 1) 2. Leitrim Road, Castledawson (see Appendix 2) 3. Sperrin Mews, Magherafelt (see Appendix 3) 4. Princess Terrace, Magherafelt (see Appendix 4) 5. Camaghy Road South, Galbally (Appendix 5) 6. Oaks Road, Dungannon (see Appendix 6) 7. Knockavaddy Road, Dungannon (see Appendix 7) 8. Rathbeg, Cookstown (see Appendix 8) 9. Queen Street, Magherafelt (see Appendix 9)

	<p>10. Westland Drive, Magherafelt (see Appendix 10)</p> <p>11. Creenagh Lane, Dungannon (see Appendix 11)</p> <p>12. Glendale Manor, Maghera (see Appendix 12)</p> <p>13. Ardmore Road, Coalisland (see Appendix 13)</p> <p>14. Coolnafranky Park, Cookstown (see Appendix 14)</p>
3.2	The occupiers signing the requests in each case have been confirmed as residents of their particular street which has been evidenced by their listing on the current Electoral Register as required in accordance with the Policy as adopted, see letters of request attached in Appendices 1-14.
3.3	It should also be noted that the Electoral Office only reopened on 07/02/22 and are still only permitting restricted access to members of the public, including Officers of the Council. As a result, applications are now being processed at a much slower rate due to limited access at present.
4.0	Other Considerations
4.1	Financial, Human Resources & Risk Implications
	Financial: Within Current Resources
	Human: Within Current Resources
	Risk Management: None
4.2	Screening & Impact Assessments
	Equality & Good Relations Implications: None
	Rural Needs Implications: None
5.0	Recommendation(s)
5.1	That Members note the content of this report.
6.0	Documents Attached & References
6.1	Appendix 1 – Letter received from a resident of Union Place, Dungannon
6.2	Appendix 2 – Letter received from a resident of Leitrim Road, Castledawson
6.3	Appendix 3 – Letter received from a resident of Sperrin Mews, Magherafelt
6.4	Appendix 4 – Letter received from a resident of Princess Terrace, Magherafelt

6.5	Appendix 5 – Letter received from a resident of Camaghy Road South, Galbally
6.6	Appendix 6 – Letter received from a resident of Oaks Road, Dungannon
6.7	Appendix 7 – Letter received from a resident of Knockavaddy Road, Dungannon
6.8	Appendix 8 – Letter received from a resident of Rathbeg, Cookstown
6.9	Appendix 9 – Letter received from a resident of Queen Street, Magherafelt
6.10	Appendix 10 – Letter received from a resident of Westland Drive, Magherafelt
6.11	Appendix 11 – Letter received from a resident of Creenagh Lane, Dungannon
6.12	Appendix 12 – Letter received from a resident of Glendale Manor, Maghera
6.13	Appendix 13 – Letter received from a resident of Ardmore Road, Coalisland
6.14	Appendix 14 – Letter received from a resident of Coolnafranky Park, Cookstown

***Union Place
Dungannon
Co Tyrone
BT70 1DL***

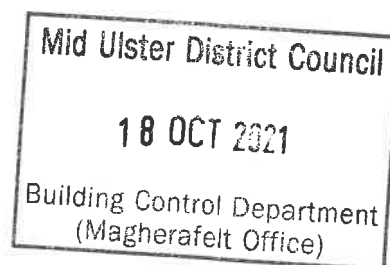
14th October 2021

Mr Willie Wilkinson
Building Control Service
Mid Ulster Council
Ballyronan Road
Magherafelt
BT45 6EN

I request dual language signage (Irish/English) for Union Place, Dungannon.

I own and reside at Union Place, Dungannon, Co Tyrone, BT70 1DL.

Yours faithfully



Appendix 2 – Letter received from a resident of Leitrim Road, Castledawson

Leitrim Road

Castledawson

William Wilkinson

Mid Ulster District Council

50 Ballyronan Road

MAGHERAFELT

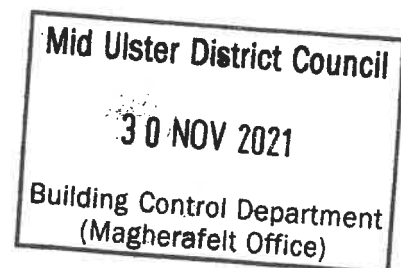
BT45 6EN

RE: Bilingual Street sign

Dear Sir,

I would like to request that my Street be surveyed by Mid Ulster District Council to allow it to be named in Irish and English.

Yours sincerely



Appendix 3 – Letter received from a resident of Sperrin Mews, Magherafelt

Sperrin Mews

Magherafelt

William Wilkinson

Mid Ulster District Council

50 Ballyronan Road

MAGHERAFELT

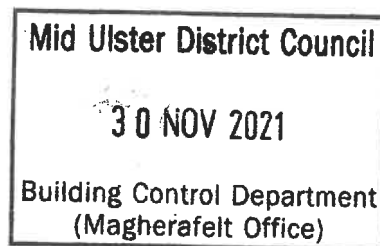
BT45 6EN

RE: Bilingual Street sign

Dear Sir,

I would like to request that my Street be surveyed by Mid Ulster District Council to allow it to be named in Irish and English.

Yours sincerely



Appendix 4 – Letter received from a resident of Princess Terrace, Magherafelt

Princess Terrace

Magherafelt

William Wilkinson

Mid Ulster District Council

50 Ballyronan Road

MAGHERAFELT

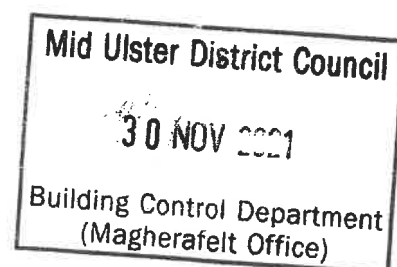
BT45 6EN

RE: Bilingual Street sign

Dear Sir,

I would like to request that my Street be surveyed by Mid Ulster District Council to allow it to be named in Irish and English.

Yours sincerely



CAMAGHY Rd South
GALBALLY
Dungannon
Co. Tyrone BT 70 2NL.

Willie Wilkinson
C/O Mid-Ulster District Council
Cookstown

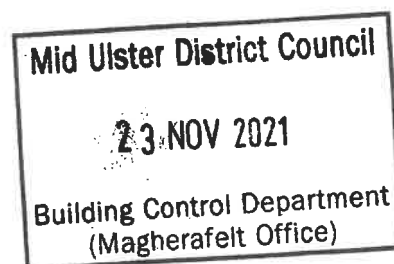
Dear Mr Wilkinson,

RE: Dual Language Signage

I am writing to ask you to initiate the Council Procedure for dual language (Irish & English) signage
on CAMAGHY Road South, GALBALLY, Dungannon. BT 70 2NL

In accordance with the Policy, by way of my signature below, I am giving consent, as a resident of
the road, to now carry out the relevant Procedure recently agreed by Council.

Yours sincerely,



Appendix 6 – Letter received from a resident of Oaks Road, Dungannon

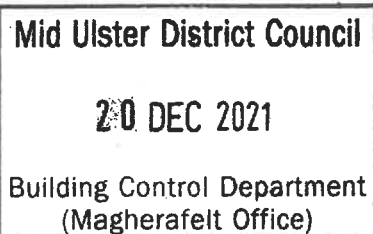
Oaks Road
Dungannon
Tyrone
BT71 4AR

15th December 2021

Willie Wilkinson
Building Control Service,
Mid Ulster Council
Ballyronan Road,
Magherafelt,
BT45 6EN

I request dual language signage (Irish/English) for Oaks Road, Dungannon.

Yours



Appendix 7 – Letter received from a resident of Knockavaddy Road, Dungannon

Knockavaddy Road
Dungannon
Co. Tyrone
BT70 3JR

Dual Language Signage Requests
C/O Building Control Service
Directorate of Public Health & Infrastructure
Mid-Ulster District Council
Burn Road
Cookstown
BT80 8DT

18th January 2022

Dear Sir /Madam

Request to Implement Mid-Ulster District Council Policy & Procedure for Dual Language Signage

I am writing to ask if you would initiate the Council Procedure for Irish language signage at Knockavaddy Road, Dungannon

In line with the dual language policy, by way of my signature below I am giving consent, as a resident of the area, for you to now carry out the relevant procedure as agreed by Mid Ulster Council.

Yours sincerely,

1



Appendix 8 – Letter received from a resident of Rathbeg, Cookstown

Rathbeg
Cookstown
Co. Tyrone
BT80 8HR

Willie Wilkinson
C/O Building Control Service
Directorate of Public Health & Infrastructure
Mid-Ulster District Council
Burn Road
Cookstown
BT80 8DT

14th January 2022

Dear Mr Wilkinson,

Request to Implement Mid-Ulster District Council Policy & Procedure for Dual Language Signage

I am writing to ask if you would initiate the Council Procedure for Irish language signage at Rathbeg, Cookstown

In line with the dual language policy, by way of my signature below I am giving consent, as a resident of the area, for you to now carry out the relevant procedure as agreed by Mid Ulster Council.

Yours sincerely,

Mid Ulster District Council
21 JAN 2022
Building Control Department
(Magherafelt Office)

Queen Street

Magherafelt

Terry Scullion

Mid Ulster District Council

50 Ballyronan Road

MAGHERAFELT

BT45 6EN

RE: Bilingual Street sign

Dear Sir,

I would like to request that my Street be surveyed by Mid Ulster District Council to allow it to be named in Irish and English.

Yours sincerely

Mid Ulster District Council

- 1 FEB 2022

Building Control Department
(Magherafelt Office)

Appendix 10 – Letter received from a resident of Westland Drive, Magherafelt

; Westland Drive

Magherafelt

Terry Scullion

Mid Ulster District Council

50 Ballyronan Road

MAGHERAFELT

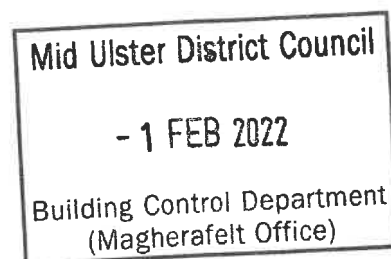
BT45 6EN

RE: Bilingual Street sign

Dear Sir,

I would like to request that my Street be surveyed by Mid Ulster District Council to allow it to be named in Irish and English.

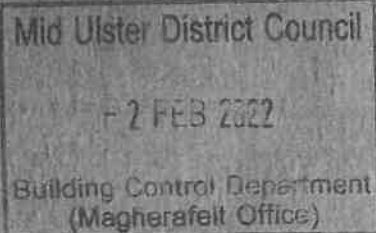
Yours sincerely



This is a letter from an occupier of [redacted] Greenagh Lane, Dungannon, BT71 6RB, requesting the installation of bilingual signage on Greenagh Lane, in order to;

- Replace an existing road sign which has been broken and not repaired
- Reflect my family's transition to using Irish as our primary home language
- Maintain consistency with the installation of bilingual signage throughout Greenagh and neighbouring townlands
- Ensure post displaying Irish language addresses within this area can be delivered without issue

Thank You,



Glendale Manor,
Glen Road,
Maghera
BT46 5GY
03/02/2022

To whom it may concern,

I would like to request that we may have bilingual signage, in both Irish and English, for our park.

If you require any further information, please do not hesitate to contact me.

Regards,

Mid Ulster District Council
- 8 FEB 2022
Building Control Department
Magherafelt Office

Willie Wilkinson
C/O Mid-Ulster District Council

8th FEB 22

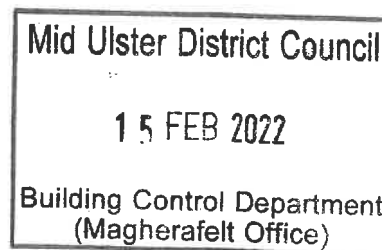
Dear Mr Wilkinson,

RE: Dual Language Signage

I am writing to ask you to initiate the Council Procedure for dual language signage, in Irish and English on, full Address *Bóthar an Aird Mhoir*
ARDMORE RD COALISLAND

In accordance with the Policy I am giving consent, as a resident of the road, to now carry out the relevant Procedure recently agreed by Council.

Yours sincerely,



Coolnafranky Park
Cookstown
Co. Tyrone
BT80 8PW

Dual Language Signage Requests
C/O Building Control Service
Directorate of Public Health & Infrastructure
Mid-Ulster District Council
Burn Road
Cookstown
BT80 8DT

18th January 2022

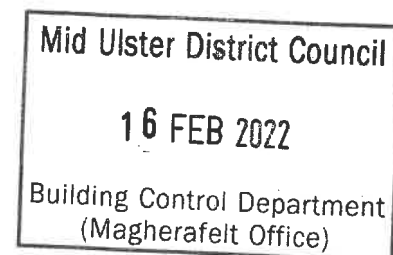
Dear Sir /Madam

Request to Implement Mid-Ulster District Council Policy & Procedure for Dual Language Signage

I am writing to ask if you would initiate the Council Procedure for Irish language signage at Coolnafranky Park, Cookstown

In line with the dual language policy, by way of my signature below I am giving consent, as a resident of the area, for you to now carry out the relevant procedure as agreed by Mid Ulster Council.

Yours sincerely,



Report on	The Licensing and Registration of Clubs (Amendment) Act (Northern Ireland) 2021 – Phase 2
Date of Meeting	8 th March 2022
Reporting Officer	Terry Scullion, Assistant Director of Property Services
Contact Officer	Colm Currie, Principal Building Officer

Is this report restricted for confidential business?	Yes	
If 'Yes', confirm below the exempt information category relied upon	No	X

1.0	Purpose of Report
1.1	The purpose of this report is to advise Members on further changes to the liquor licencing laws in Northern Ireland by virtue of the Licensing and Registration of Clubs (Amendment) Act (NI) 2021, some of which will have implications for Entertainment Licensing.
2.0	Background
2.1	The Licensing (Northern Ireland) Order 1996, "the Licensing Order", sets out the general licensing systems, including procedures governing the granting or renewal of licences by county/magistrates' courts, permitted hours for the sale of alcoholic drinks, conduct of premises, conditions pertaining to the presence of children in licensed premises, and enforcement. The Registration of Clubs (Northern Ireland) Order 1996, "the Clubs Order", does the same for the supply of alcoholic drinks in private members' clubs.
2.2	The legislation was amended by the Licensing and Registration of Clubs (Amendment) Act (Northern Ireland) 2011, and included measures related to closure powers for police, penalty points, proof of age requirements and irresponsible drinks promotions. These measures were aimed at striking a balance between facilitating the sale of alcoholic drinks, public safety and the public interest. The Licensing of Pavement Cafés Act (Northern Ireland) 2014 inserted Part 5A in the Licensing Order, effectively extending the licensed area of certain premises to a specified public area.
2.3	Following Consultations on Liquor Licensing Laws in October 2016 and November 2019 by the Department in relation to Liquor Licensing Laws in Northern Ireland, views were sought from all interested individuals and organisations on whether any changes to the law could be made in the future to allow a more flexible and modern licensing framework to develop.

2.4	In November 2021 Committee was updated on the first phase of the amendments of the relevant sections of the legislation have been introduced and effective since 1 st October 2021. It was resolved that Entertainment Licensing premises may have permitted hours extended to 3.00am where requested by the applicant, and were the PSNI have no comments in relation to Public Order or Disturbance. The report from the meeting of 9 th November 2021 is attached in Appendix 1. Other phases will come into effect over the next few years. This report outlines phase two of the liquor licensing legislation being effective from 6 th April 2022.
2.5	It should be noted that the primary responsibility for the enforcement of the above legislation is the PSNI. However, there are aspects of the legislation which will directly affect aspects of the entertainment licensing regime for certain venues.
3.0	Main Report
3.1	The Licensing and Registration of Clubs (Amendment) Act (NI) 2021 amends the Licensing Order and the Registrations of Clubs (NI) 1996 and is attached in appendix 2.
3.2	<p>The key changes, which will take effect in phases are attached in appendix 3, and include:</p> <ul style="list-style-type: none"> • All additional restrictions on opening hours over Easter weekend will be removed; • Opening hours on Sunday evenings will be the same as any other night; • Pubs and Hotels can apply to open until 2:00 am, up to 104 nights per year (instead of 1:00 am); • Smaller pubs will be able to open to 1:00 am, up to 104 nights per year; • Drinking-up time will be increased to 1 hour (allowing pubs to stay open until 3am); • There will be flexibility around opening hours for bars at major events; • A new category of licence will be created for local producers of craft beers, ciders and spirits (allowing drink producers to obtain a licence to sell off-sales alcohol and, in limited circumstances, open taprooms so customers can buy drink alcohol on site); • Cinemas will be able to apply for a liquor licence and serve drink to customers watching a movie; • Sporting clubs will be able to use their grounds for functions up to 6 times per year; • Registered clubs will be able to open to 1:00 am, up to 104 nights per year; • Self-service of alcohol and sales by vending machines will be prohibited; • Restrictions will be placed on off-sales drinks promotions; • Loyalty schemes will not be able to award or redeem points for the sale of alcoholic drinks.
3.3	Phase two amendments have been made to the liquor licensing legislation and detailed below effective from 6 th April 2022:

Section 7: Major Events

A new Article 48A to the Licensing Order has been added which gives the Department the power designate an event being held in NI, which will attract significant interest, as a major event and make a “major event order”.

The Department is currently developing a framework for the processing of major event orders which will be made available at the earliest opportunity.

Section 9: Places of public entertainment

This section amends Article 2 of the Licensing Order to include cinemas as a place of public entertainment, allowing them to apply for a licence to sell intoxicating liquor on the premises.

Section 10: Licence for off-sales

This section adds local producers of intoxicating liquor to the categories of premises under Article 5(1) of the Licensing Order which may be granted a liquor licence.

Section 10 also adds new Articles 52B, C and D to the Licensing Order which set out specific conditions which apply to a local producer’s licence:

Local producer’s licence: sales on own premises

New Article 52B allows a local producer of intoxicating liquor to apply for a licence to sell their own products, from their own premises for consumption off the premises. Only intoxicating liquor produced on the premises may be sold.

Local producer’s licence: sale on other licensed premises

New Article 52C allows local alcohol producers to sell their own products (produced on their own production premises), for consumption off the premises, in certain other licensed premises to include hotels, conference centres, indoor arena and places specified in an occasional licence.

The sale must be ancillary to an event, which is being held on those premises wholly, or mainly to promote food, drink or craftwork produced in Northern Ireland.

Local producer’s licence: sales not on licensed premises

New Article 52D permits local producers of intoxicating liquor to sell their own products, (produced on their own production premises), for consumption off the premises, at a place which is not licensed for the sale of alcohol in any way.

An event must be held at that place which is open to the public to wholly or mainly promote food, drink or craftwork in Northern Ireland.

Section 12: Requirement for off licence

A new Article 5A in the Licensing Order requires that where a remote sales of intoxicating liquor takes place in any way other than in person:

- The place of dispatch in Northern Ireland must be licensed to sell intoxicating liquor for consumption off the premises; and

- The person making the sale, personally or by a servant or agent, is the holder of the licence.

This section also amends Article 66 of the Licensing Order (conditions as to delivery of intoxicating liquor), requiring any person, who is not a servant or agent of the licence holder, and who is delivering intoxicating liquor to the purchaser, to make the delivery without reasonable delay, and to have with them a receipt from the holder of the licence for the purchase of intoxicating liquor.

Section 13: Removal of requirements for children's certificates, etc

This section repeals Article 59 of the Licensing Order (children's certificates) which required licensees to hold a children's certificate if they wished young people under 18 years of age to be allowed in areas of the premises which contained a bar or are used mainly or exclusively for the consumption of intoxicating liquor.

The section makes further amendments to ensure all safeguards remain in place before young people under 18 years of age are allowed in areas of the premises, which contain a bar or are used mainly or exclusively for the consumption of intoxicating liquor.

Section 14: Underage functions

A new Article 58A in the Licensing Order permits a court to make an order specifying a certain part of a licensed premises as suitable to hold underage functions when they are satisfied the required conditions have been met. A new Article 58B in the Licensing Order provides for authorisations for specific functions.

This section also makes changes to Article 108 of the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985. It is now an offence for gaming machines to be made available in any part of licensed premises in which an underage function is being held.

Section 15: Private functions

This section amends Article 58 of the Licensing Order which relates to under 18s in licensed premises. Under 18s will be able to remain on licensed premises up to 1.00am, or to attend a private function, provided certain conditions are met.

Section 16: Delivery of intoxicating liquor to young persons

This section amends Article 60 of the Licensing Order which relates to the sale, etc., of intoxicating liquor to young persons. It makes it an offence for a licensee, or servant or agent, to make a home delivery of intoxicating liquor (purchased by an adult) to any person under 18 years of age.

It also provides that in court proceedings, licensees, or servants or agents, may rely on a defence of due diligence by demonstrating that, when delivering the intoxicating liquor, they recorded details of any proof of age document they had requested in the delivery book or on an invoice.

Section 17: Restaurants and guest houses: notice displaying licence conditions

3.4	<p>This section amends Article 51 of the Licensing Order (conditions as to sale etc. in guest houses and restaurants). It adds a new Article 51(4A) which requires a restaurant, and a guest house which also has a restaurant, to display a notice detailing the conditions in relation to the sale and consumption of intoxicating liquor in the premises.</p> <p>Section 22: Occasional licences: conditions This section allows for the police to appear at a hearing of an application for an occasional licence and ask for terms and conditions to be placed on it. There is also an opportunity, on request by the holder of the occasional licence, for a magistrates' court to vary or remove any of the terms or conditions if it is satisfied that it is appropriate to do so.</p> <p>Section 26: Body Corporate: change of directors This sections deals with licence holders which are made up of a body corporate. Article 4 of the Licensing Order (persons to whom licences may be granted) is amended to require a body corporate licence holder to notify the courts and police of any change of directorship within 28 days. Article 72 of the Licensing Order (suspension of licence) is also amended to allow the suspension of a licence on the grounds that the body corporate is no longer fit to hold a licence, having not informed the courts and police of a change of directorship.</p>
3.5	<p>It is noted that the current 5-year licensing period for Northern Ireland liquor licences ends on 30 September 2022 and Renewal applications must be submitted to the court by 9 August 2022.</p> <p>A further report will be brought to a future Committee setting out any potential implications for Council's Entertainment Licencing policy.</p>
4.0	Other Considerations
4.1	Financial, Human Resources & Risk Implications
	Financial: Within Current Resources
	Human: Within Current Resources
	Risk Management: None
4.2	Screening & Impact Assessments
	Equality & Good Relations Implications: None
	Rural Needs Implications: None

5.0	Recommendation(s)
5.1	That Members note the content of this report.
6.0	Documents Attached & References
6.1	Appendix 1 – The Licensing and Registration of Clubs Committee report of 9 th November 2021
6.2	Appendix 2 – The Licensing and Regulations of Clubs (Amendment) Act (NI) 2021
6.3	Appendix 3 – Licensing and Registration of Clubs (Amendment) Act (NI) 2021 DfC Guide, February 2022

Report on	The Licensing and Registration of Clubs (Amendment) Act (Northern Ireland) 2021
Date of Meeting	9 th November 2021
Reporting Officer	William Wilkinson

Is this report restricted for confidential business?	Yes	
If 'Yes', confirm below the exempt information category relied upon	No	X

1.0	Purpose of Report
1.1	To advise Members on The Licensing and Registration of Clubs (Amendment) Act (Northern Ireland) 2021 which came into operation on 1 st October 2021.
2.0	Background
2.1	Following Consultations in October 2016 and November 2019, in relation to Liquor Licensing Laws in Northern Ireland, the first phase of the amendments of the relevant sections of the legislation have been introduced and has come into operation on 1 st October 2021. It is anticipated that there will be further amendments to the liquor licensing legislation in due course.
2.2	It should be noted that the primary responsibility for the enforcement of the above legislation will be the PSNI. However, there are aspects of the legislation which will directly affect aspects of the entertainment licensing regime for certain venues.
3.0	Main Report
3.1	<p>The main amendments to the liquor licensing legislation is as noted below and as detailed in "The Licensing and Registration of Clubs(Amendment) Act (Northern Ireland) 2021 Guide" – see Appendix 1:</p> <p>Section 1 - Removal of restrictions at Easter Easter weekend permitted hours now mirror what is available for any other weekend throughout the year. Section 1 of the Act amends Articles 30, 42, 44, 45 and 47 of the Licensing Order by removing all references to Good Friday and Easter Sunday.</p> <p>Section 2 - Removal of restrictions on late opening for on-sales on Sunday Section 2 of the Act amends Articles 30, 42, 44, 45 and 47 of the Licensing Order removes the restrictions on late opening on Sunday nights, this means that closing times on a Sunday will be the same as any other night. It is important to note, there will be no changes to the opening times for licensed premises on a Sunday.</p>

Section 3 - Public houses and hotels; further additional hours

Section 3 of the Act allows pubs and hotels (which already have an Article 44 order) to apply to the courts for later opening for an additional hour, up to 104 nights in any year. Food and/or entertainment will need to continue to be provided during late opening.

This is not an automatic entitlement – licensees must apply for these additional hours, if they choose to do so.

Section 4 - Alignment of closing time for liquor and entertainment

Section 4 of the Act, introduces Article 44C of the Licensing Order which means that entertainment provided during later opening must stop at the end of “drinking-up” time. This effectively means that Entertainment licences can be issued up to 3am on a premises where a further additional hours order has been granted.

Currently, where possible, the majority of Entertainment Licences issued by this Council reflect the existing liquor licensing hours. It will not be an offence to provide entertainment beyond the latest time currently licensed, provided the entertainment does not go on beyond the latest hour for the consumption of alcohol, therefore there will be no need to amend entertainment licences already issued until such times as the licence is being renewed and the applicant can demonstrate there is a further additional hours order in place.

Where an entertainment licence goes beyond the latest time for consumption of alcoholic drinks, the additional permitted hours are no longer valid, and sales of alcoholic drinks must stop at 11pm.

Section 5 - Police authorisations for additional hours

Section 5 of the Act amends Article 45 of the Licensing Order to increase the number of late night authorisations the police may grant to small pubs from 20 to 104.

Larger pubs, which have an Article 44 order, will also be allowed to apply to the police for late night opening on a night the Article 44 does not cover, until 1am, up to 20 times per year.

Notice of any applications to the police must be displayed on or near the relevant premises during the three weeks before the first occasion to which the application relates. A copy of the notice must also be served on the district council.

Section 6 - Extension of drinking-up time

Section 6 of the Act amends Article 46 of the Licensing Order to extend the current drinking-up time in all licensed premises from 30 minutes to one hour.

Section 8 - Licensed race track; Sunday sales

Section 8 of the Act amends Article 42 of the Licensing Order to permit licensed race tracks within the place of public entertainment definition to sell alcoholic drinks on a Sunday.

	<p>Section 27 - Removal of exemption for angostura bitters Section 27 of the Act amends Article 2 of the Licensing Order which means that Angostura bitters are now categorised as intoxicating liquor and can only be sold in licensed premises.</p>
3.2	As noted in Section 4 detailed in 3.1, it is highlighted that the newly introduced legislation now aligns the closing time for liquor and entertainment licensing.
3.3	Currently, Mid Ulster District Council has a Policy whereby Entertainment Licensed premises may have permitted hours to 2.00 am where requested by the applicant and where PSNI have no comments in relation to Public Order or Disturbance.
3.4	As a result of the amendments to the legislation, in effect premises cannot provide entertainment beyond the liquor licensing hours which would include the drinking up time of 1 hour. Therefore, where in line with the latest permitted time to sell alcohol and include drinking up time, entertainment is now permitted to continue to 3am in line with the amended legislation.
3.5	In addition, where premises do not hold a liquor licence, in order to align the permitted hours from an entertainment licensing perspective, it is considered that Mid Ulster District Council may wish to extend the latest permitted time to 3am where requested for all venues.
4.0	Other Considerations
4.1	Financial, Human Resources & Risk Implications
	Financial: Within Current Resources
	Human: Within Current Resources
	Risk Management: None
4.2	Screening & Impact Assessments
	Equality & Good Relations Implications: None
	Rural Needs Implications: None
5.0	Recommendation(s)
5.1	That Members note the content of this report and agree that Entertainment Licensing premises may have permitted hours to 3.00 am where requested by the applicant and where PSNI have no comments in relation to Public Order or Disturbance.
6.0	Documents Attached & References
6.1	Appendix 1 – The Licensing and Registration of Clubs(Amendment) Act (Northern Ireland) 2021 Guide



Licensing and Registration of Clubs (Amendment) Act (Northern Ireland) 2021

CHAPTER 7

£11.50



Licensing and Registration of Clubs (Amendment) Act (Northern Ireland) 2021

CHAPTER 7

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SCHEDULES:

- Schedule 1 Minor and consequential amendments
- Schedule 2 Repeals



Licensing and Registration of Clubs (Amendment) Act (Northern Ireland) 2021

2021 CHAPTER 7

An Act to make provision about liquor licensing and the registration of clubs.

[26th August 2021]

BE IT ENACTED by being passed by the Northern Ireland Assembly and assented to by Her Majesty as follows:

PART 1

LICENSING

Permitted hours

Removal of additional restrictions at Easter

1.—(1) In Article 30 of the Licensing Order (occasional licences), in paragraph (7), omit “, Easter Day or Good Friday”.

(2) In Article 42 of that Order (general permitted hours), in paragraph (1)—

(a) in sub-paragraph (a), omit “Good Friday or”, and

(b) omit sub-paragraph (b) and the following “and”.

(3) In paragraph (2)(b) of that Article, omit “or Easter Day”.

(4) In paragraph (3) of that Article, omit “and (b)”.

(5) In Article 44 of the Licensing Order (additional permitted hours), in paragraph (6)(a), omit “Easter Day or Good Friday,”.

(6) In Article 45 of that Order (authorisations for additional permitted hours), in paragraph (3)(a), omit “, Easter Day or Good Friday”.

(7) In Article 47 of that Order (extension licences), in paragraph (6)(a), omit “Easter Day or Good Friday,”.

(8) In Article 50 of that Order (restrictions as to sales for consumption off premises), in paragraph (1), omit “or Easter Day”.

Removal of restrictions on late opening for on-sales on Sunday

2.—(1) In Article 30 of the Licensing Order (occasional licences), in paragraph (1)(c), for paragraphs (ii) and (iii) substitute—

“(ii) on Sundays, between half past 12 in the afternoon and 1 in the morning of the day next following,”.

(2) In Article 42 of the Licensing Order (general permitted hours)—

(a) in paragraph (1), after sub-paragraph (a) and the following “and” insert—

“(aa) on Sundays, other than Christmas Day, from half past 12 in the afternoon to 11 in the evening; and”,

(b) in paragraph (1)(c), for the words from “except” to “Christmas Day” substitute “on Christmas Day,”, and

(c) in paragraph (3), for “paragraph (1)(c)” substitute “paragraph (1)(aa) and (c)”.

(3) In Article 42 of the Licensing Order, after paragraph (1) insert—

“(1A) Neither paragraph (1)(aa) nor, in a year when Christmas Day is on a Sunday, paragraph (1)(c) applies in the case of premises of a kind mentioned in Article 5(1)(a) with respect to which a direction under Article 7(10) or 15(5)(a) is in force.”.

(4) In Article 44 of the Licensing Order (orders for additional permitted hours), in paragraph (2), for the words from “the hours—” to “shall” substitute “the hours on any day from 11 in the evening to 1 in the morning of the day next following shall”.

(5) In Article 45 of that Order (authorisations for additional permitted hours), in paragraph (1), for the words from “the hours—” to “in addition to” substitute “the hours on any day from 11 in the evening to 1 in the morning of the day next following in addition to”.

(6) In Article 47 of that Order (extension licences), in paragraph (1)(b), for paragraphs (ii) and (iii) substitute—

“(ii) on Sundays, between half past 12 in the afternoon and 1 in the morning of the day next following,”.

Public houses and hotels: further additional hours

3.—(1) After Article 44 of the Licensing Order insert—

“Public houses or hotels: order for further additional permitted hours

44A.—(1) In the case of premises of the kind referred to in Article 5(1) (a) or an hotel, a county court or court of summary jurisdiction may, when making an order under Article 44(1), also make an order under paragraph (3) or (4) of this Article.

(2) In the case of premises of the kind referred to in Article 5(1)(a), or an hotel, to which an order under Article 44 applies, a court of summary

jurisdiction may, at any time, upon the application of the holder of the licence for those premises made in compliance with the procedure set out in Schedule 9, make an order under paragraph (3) or (4).

(3) An order under this paragraph may direct that, on each day specified in the order (being a day specified in the order under Article 44), an additional hour beginning immediately after the end of the period authorised by the order under Article 44 is to be included in the permitted hours for the premises to which that order applies for the purposes referred to in paragraph (2) of that Article.

(4) An order under this paragraph may direct that, on each day specified in the order (being a day other than one specified in the order under Article 44), the hours that would be included in the permitted hours if the day were one specified in the order under Article 44 and an additional hour beginning immediately after the end of those hours are to be included in the permitted hours for the premises to which that order applies.

(5) An order under paragraph (4) is subject to a condition that, during the hours authorised by the order, the premises may be used for the sale of intoxicating liquor only if they are also being used for the provision of—

- (a) musical or other entertainment; or
- (b) substantial refreshment; or
- (c) both such entertainment and refreshment.

(6) In paragraph (5), “entertainment” has the same meaning as in Article 44 (see paragraph (8) of that Article).

(7) A court must not make an order under paragraph (3) or (4) unless the court is satisfied that—

- (a) the business will be conducted during the hours mentioned in that paragraph and any period immediately following their termination in such a manner as not to cause undue inconvenience to persons residing in the vicinity of the premises; and
- (b) the hours mentioned in that paragraph will not cause undue inconvenience to persons residing in the vicinity of the premises.

(8) The court may, accordingly, make the order subject to such terms and conditions as the court thinks fit for the purpose of avoiding such inconvenience as is mentioned in paragraph (7).

(9) Subject to paragraph (10), where notice of an application under paragraph (2) has been served on the clerk of petty sessions, the clerk may make the order sought as if the application had been made to the clerk and may do so in the absence of the applicant.

(10) Where—

- (a) a notice of objection to the application has been served upon the clerk and has not been withdrawn, or
- (b) the clerk is of the opinion, for any other reason, that the application should be made to the court,

the clerk must require the application to be made to the court and must notify the applicant and the objector, if any, of the requirement and of the time and place of the hearing.

(11) Paragraphs (6) and (7) of Article 44 apply in relation to an order under paragraph (3) or (4) of this Article as they apply in relation to an order under paragraph (1) of that Article; and for that purpose—

- (a) the reference to that Article in the opening words of paragraph (6) of that Article is to be read as including a reference to this Article, and
- (b) the references to paragraph (2) of that Article are to be read as references to paragraph (3) or (as the case may be) paragraphs (4) and (5) of this Article.

(12) Not more than 104 days in any year may be specified in an order or orders made under this Article.

(13) Regulations may modify paragraph (12) so as to substitute a different number of days for the number for the time being specified there.

(14) Regulations may not be made under paragraph (13) unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.

Orders under Article 44A: revocation, modification etc.

44B.—(1) An order under Article 44A may be revoked or modified by a court of summary jurisdiction on the application of the holder of the licence.

(2) Where a court of summary jurisdiction is, in the case of premises in relation to which an order under Article 44A has been made, satisfied for the purposes of paragraph (3), the court may act under paragraph (4) in relation to the order.

(3) A court is satisfied for the purposes of this paragraph in the case of premises if, on a complaint made under Part 8 of the Magistrates' Courts (Northern Ireland) Order 1981, it is satisfied that, on a previous day specified in an order under Article 44A in relation to the premises—

- (a) the business carried on in the premises was conducted during the hours mentioned in paragraph (3) or (4) of Article 44A (as the case may be) or any period immediately following their termination in such a manner as to cause undue inconvenience to persons residing in the vicinity of the premises; or
- (b) such hours caused undue inconvenience to persons residing in the vicinity of the premises; or
- (c) in the case of a complaint made by the district commander for the police district in which the premises are situated, the specified part or parts of the premises were not used for the purposes mentioned in paragraph (3) or (5) of Article 44A (as the case may be).

(4) The court may—

- (a) revoke the order under Article 44A that is referred to in paragraph (2) of this Article; or
- (b) modify the order or, in relation to the order, the hours mentioned in paragraph (3) or (4) of Article 44A (as the case may be); or
- (c) make the continuance of the order subject to such terms and conditions as the court thinks fit.”.

(2) In Schedule 9 to the Licensing Order (procedure for certain applications), after paragraph 2 insert—

“2A. A person who intends to make an application under Article 44 or 44A must (in addition to complying with the duty under paragraph 2)—

- (a) not more than 6 weeks nor less than 2 weeks before the time of the court sitting at which the application is to be made, cause notice of the application to be published at least once in 2 newspapers circulating in the vicinity of the premises to which the application relates;
- (b) during the 3 weeks before that time, cause notice of the application to be displayed on or near the premises to which the application relates.”.

(3) In that Schedule—

- (a) in the title, after “44” insert “, 44A”,
- (b) in paragraph 1, after “44” insert “, 44A”, and
- (c) in paragraph 4, after sub-paragraph (b) insert—
 - “(ba) in the case of an application under Article 44A, on any ground mentioned in Article 44A(5) or (7);”.

Alignment of closing time for liquor and entertainment

4. After Article 44B of the Licensing Order (inserted by section 3(1)) insert—

“Alignment of closing time for liquor and entertainment

44C.—(1) This Article applies in relation to any occasion on which an entertainments licence in force in respect of premises to which an order under Article 44 applies would (but for this Article) permit entertainment that was being provided in the premises to continue to be provided in the premises after the end of the hours mentioned in Article 44(2).

(2) The hours mentioned in Article 44(2) do not apply in relation to the premises on that occasion and the hours specified in Article 42 apply instead in relation to the premises on that occasion.

(3) But the entertainments licence continues in force on that occasion and accordingly permits entertainment to be provided in the premises after the end of the hours specified in Article 42.

(4) If an order under Article 44A(3) or (4) applies in relation to the premises, the references in this Article to the hours mentioned in Article 44(2) are to be read as including a reference to the additional hour authorised by that order.

(5) The references in this Article to the hours specified in Article 42 are references to those hours as extended by Article 46.

(6) In this Article—

“entertainment” has the same meaning as in Article 44, and

“entertainments licence” means a licence under paragraph 3 of Schedule 1 to the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985.”.

Police authorisations for additional hours

5.—(1) In Article 45 of the Licensing Order (authorisations for additional permitted hours), in paragraph (1)—

- (a) omit “other than premises to which an order under Article 44 applies”,
- (b) before “occasion to which the application relates” insert “first”, and
- (c) in the full-out words at the end, for “on any 1 occasion specified in the authorisation” substitute “on such occasions specified in the authorisation as the commander thinks fit”.

(2) After that paragraph insert—

“(1A) In the case of premises to which an order under Article 44 applies, an authorisation under this Article is subject to a condition that, during the additional hours authorised, the premises may be used for the sale of intoxicating liquor only if they are also being used for the provision of—

- (a) musical or other entertainment; or
- (b) substantial refreshment; or
- (c) both such entertainment and refreshment.

(1B) In paragraph (1A), “entertainment” has the same meaning as in Article 44 (see paragraph (8) of that Article).”.

(3) For paragraph (2) of that Article substitute—

“(2) In the case of premises to which an order under Article 44 applies, not more than 20 authorisations shall be granted under this Article to the holder of the licence of the premises in any year.

(2A) In the case of premises of any other description, not more than 104 authorisations shall be granted under this Article to the holder of the licence of the premises in any year.

(2B) Regulations may modify paragraph (2) or (2A) so as to substitute a different number of authorisations for the number for the time being specified there.

(2C) Regulations may not be made under paragraph (2B) unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.”.

(4) After paragraph (3) of that Article insert—

“(4) A person who intends to make an application under this Article shall—

- (a) during the 3 weeks before the first occasion to which the application relates, cause notice of the application to be displayed on or near the premises for which the authorisation is to be sought;
 - (b) not less than 3 weeks before that time, serve a copy of the notice of the application on the district council for the district in which the premises are situated.
- (5) The notice under paragraph (4) must specify the kind of premises to which the application relates and must contain such information as may be prescribed by magistrates' courts rules.
- (6) The following provisions of this Article apply where a complaint is made to a court of summary jurisdiction under Part 8 of the Magistrates' Courts (Northern Ireland) Order 1981 on the grounds—
- (a) that the business carried on in premises to which an authorisation under this Article applies is being conducted during the hours mentioned in paragraph (1) or any period immediately following their termination in such a manner as to cause undue inconvenience to persons residing in the vicinity of the premises; or
 - (b) that such hours are causing undue inconvenience to persons residing in the vicinity of the premises.
- (7) Where the court is satisfied that the grounds of the complaint are made out, it may—
- (a) revoke the authorisation; or
 - (b) modify the authorisation or, in relation to the authorisation, the hours mentioned in paragraph (1); or
 - (c) make the continuance of the authorisation subject to such terms and conditions as the court thinks fit.
- (8) The terms and conditions which may be imposed under paragraph (7)(c) include those requested by the district commander of the police district in which the premises are situated.”.

Extension of “drinking-up time”

6.—(1) In Article 46 of the Licensing Order (exceptions from prohibition of sale etc. of intoxicating liquor outside permitted hours), in paragraph (1), in each of sub-paragraphs (a) and (b), for “30 minutes” substitute “60 minutes”.

(2) After paragraph (3) of that Article insert—

“(4) Regulations may modify paragraph (1)(a) or (b) so as to substitute “30 minutes” for “60 minutes”.

(5) Regulations may not be made under paragraph (4) unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.”.

Major events

7.—(1) After Article 48 of the Licensing Order (but before the following cross-heading) insert—

“Major event orders

Extension of permitted hours for major events

48A.—(1) Where the Department considers that an event which is to take place in Northern Ireland will attract significant public interest (whether throughout Northern Ireland or in certain areas only), it may make an order (a “major event order”) which—

- (a) designates the event as a major event, and
- (b) provides that, during the period specified in the order, the permitted hours for any place or premises to which the order applies are the hours specified in the order.

(2) A major event order may apply to—

- (a) all licensed premises either in Northern Ireland as a whole or in the area or areas specified;
- (b) all licensed premises of a specified kind either in Northern Ireland as a whole or in the area or areas specified;
- (c) any place or premises for which an occasional licence has been granted and which is or are situated on the site where the event is to take place.

(3) In specifying an area for the purposes of paragraph (2)(a) or (b), a major event order may in particular do so by reference to the place or premises at which the event is to take place or the area in the vicinity of the place or premises.

(4) The Department may vary or revoke a major event order; and the circumstances in which it may revoke an order include, in a case where the period specified under paragraph (1)(b) includes two or more days, circumstances in which it considers it necessary to do so because of disorder, or expected disorder, at or in the vicinity of the place or premises at which the event is taking place.

(5) The period specified in a major event order may not include Christmas Day.

(6) The hours specified in a major event order are in addition to the hours permitted by any occasional licence, any order under Article 44 or 44A, any authorisation under Article 45 or any extension licence, which applies to a place or premises to which the major event order applies.

(7) If, in the case of premises to which an order under Article 44, 44A or 48 applies, the event designated by a major event order is to take place on a day which is not specified in an order under Article 44 or 44A or an extension licence, the major event order has effect as if that day were so specified.

(8) A major event order may make consequential, incidental or supplementary provision (including provision which modifies provisions of this Order for the purpose of giving effect to the major event order).

(9) Before making a major event order, the Department must consult such persons as it considers appropriate.

Major event order: conditions

48B.—(1) A major event order may impose conditions; and it may (without prejudice to the generality of section 17(5)(b)(ii) of the Interpretation Act (Northern Ireland) 1954) impose conditions which, in particular, vary according to whether they relate to the sale of intoxicating liquor for consumption on, or for consumption off, a place or premises.

(2) A major event order may not authorise at any place or premises, other than the place or premises at which the event is to take place, the sale of intoxicating liquor for consumption off that place or premises.

(3) Accordingly, a major event order may, in so far as it applies to a place or premises for which an occasional licence has been granted, authorise during the period specified under Article 48A(1)(b) the sale of intoxicating liquor for consumption off the place or premises specified in the licence, despite the prohibition in Article 30(5)(b).

(4) Paragraphs (2) and (3) do not apply in the case of a place or premises for which an occasional licence has been granted to the holder of a licence for a restaurant.

(5) A major event order which authorises the sale of intoxicating liquor for consumption in a place or premises also authorises, during the first 60 minutes after the conclusion of the hours specified in the order, the consumption of intoxicating liquor in the place or premises.

(6) A major event order which authorises the sale of intoxicating liquor for consumption off any place or premises also authorises, during the first 60 minutes after the conclusion of the hours specified in the order, the taking of intoxicating liquor in a sealed container from the place or premises.

(7) Regulations under Article 46(4) may also modify paragraph (5) or (6) of this Article so as to substitute “30 minutes” for “60 minutes”.

(8) A major event order, in so far as it applies to premises of any of the kinds mentioned in Article 5(1), does not affect the requirement to comply with the conditions relating to the sale of intoxicating liquor which apply to premises of that kind.

(9) Any person acting in contravention of a condition imposed by a major event order is guilty of an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.”.

(2) In Part 1 of Schedule 10A to the Licensing Order (penalty points for offences punishable with level 3 fine), at the appropriate place insert—

“48B(9)	Contravening condition of major event order	3-4”
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Licensed race tracks: Sunday sales

8.—(1) In Article 42 of the Licensing Order (permitted hours), in paragraph (3), after “a theatre” insert “or (subject to paragraph (4)) premises on a licensed track”.

(2) After that paragraph insert—

“(4) The permitted hours for premises on a licensed track do not include any time on Christmas Day.

(5) In this Article, “licensed track” has the meaning given in the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985.”.

Types of licensed premises

Places of public entertainment: inclusion of cinemas

9.—(1) In Article 2 of the Licensing Order (interpretation), in paragraph 2—

(a) in the definition of “places of public entertainment”, after sub-paragraph (a) insert—

“(aa) premises used as a cinema;”

(b) at the appropriate place insert—

““cinema” means any place which is used primarily and ordinarily for a film exhibition within the meaning of Article 2 of the Cinemas (Northern Ireland) Order 1991 and the use of which for such exhibitions is licensed under Article 3 of that Order;”.

(2) In Article 42(3) of the Licensing Order (general permitted hours) before “a theatre” insert “a cinema,”.

Local alcohol producers

Licence for off-sales

10.—(1) In Article 5 of the Licensing Order (premises for which licence may be granted), in paragraph (1), after sub-paragraph (1) insert “;

(m) premises in which the business of producing intoxicating liquor is carried on in accordance with any certificate of registration, licence or other authorisation which is required by a statutory provision.”.

(2) After paragraph (6) of that Article insert—

“(7) Paragraph (1)(m) applies only where the business in question is carried on wholly or mainly in Northern Ireland.”.

(3) After Article 52A of the Licensing Order insert—

“Local producer’s licence: sales on own premises

52B.—(1) A local producer’s licence shall not authorise—

(a) the sale of intoxicating liquor unless it is produced in the production premises;

(b) the sale of intoxicating liquor for consumption in the production premises, except in so far as that is permitted by Articles 52E and 52F.

(2) But a local producer's licence shall, where one or more persons are being given a tour of the production premises, authorise the provision to each person of a sample of intoxicating liquor produced in the premises for consumption in the premises, so long as no charge is made for providing the sample separate from the charge made for giving the tour.

(3) In paragraph (2), "sample", in relation to intoxicating liquor, means an amount (whether in one serving or more) which does not exceed the amount prescribed in regulations.

(4) Where the holder of a local producer's licence, personally or by a servant or agent, sells intoxicating liquor or makes it available for purchase in the production premises in contravention of paragraph (1), the holder is guilty of an offence.

(5) Where the holder of a local producer's licence, personally or by a servant or agent, provides a person with intoxicating liquor in contravention of paragraph (2), the holder is guilty of an offence.

(6) Where intoxicating liquor is available for purchase in accordance with this Article, the holder of the local producer's licence shall at all times display in the production premises a notice in the form and manner, and containing the information, prescribed by regulations; and a person acting in contravention of this paragraph is guilty of an offence.

(7) Where, having purchased intoxicating liquor from the holder of a local producer's licence, a person consumes the liquor—

(a) in the production premises, or

(b) in premises which adjoin or are near the production premises and which belong to the holder of the licence or are under the holder's control or used by the holder's permission,

that person and the holder of the licence, if the consumption is with the holder's or a servant's or agent's knowledge or consent, are each guilty of an offence.

(8) A person guilty of an offence under paragraph (4) is liable on summary conviction to a fine not exceeding level 4 on the standard scale or to imprisonment for a term not exceeding 3 months or to both.

(9) A person guilty of an offence under paragraph (5), (6) or (7) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(10) In this Article and Articles 52C to 52F—

"local producer's licence" means a licence for premises of a kind mentioned in Article 5(1)(m), and

"production premises", in relation to a local producer's licence, means the premises to which the licence relates.

Local producer's licence: sale on other licensed premises

52C.—(1) A local producer's licence shall authorise the holder of the licence, personally or by a servant or agent, to sell by retail in licensed premises to which this Article applies intoxicating liquor produced in the production premises if the sale—

- (a) is for consumption off those licensed premises, and
- (b) is ancillary to an event which is held wholly or mainly to promote food, drink or craftwork produced in Northern Ireland or relates to agriculture in Northern Ireland.

(2) The licensed premises to which this Article applies are—

- (a) an hotel;
- (b) a conference centre;
- (c) an indoor arena;
- (d) an outdoor stadium;
- (e) a place or premises specified in an occasional licence.

(3) Regulations may modify paragraph (2) so as to add or remove a reference to licensed premises of a specified kind.

(4) Regulations may not be made under paragraph (3) unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.

(5) Where the holder of a local producer's licence, personally or by a servant or agent, sells intoxicating liquor or makes it available for purchase in contravention of paragraph (1), the holder is guilty of an offence.

(6) Where intoxicating liquor is made available for purchase in accordance with this Article, the holder of the local producer's licence shall at all times display in the licensed premises to which this Article applies at the point of sale of the intoxicating liquor a notice in the form and manner, and containing the information, prescribed in regulations; and a person acting in contravention of this paragraph is guilty of an offence.

(7) A person guilty of an offence under paragraph (5) is liable on summary conviction to a fine not exceeding level 4 on the standard scale or to imprisonment for a term not exceeding 3 months or to both.

(8) A person guilty of an offence under paragraph (6) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Local producer's licence: sales not on licensed premises

52D.—(1) A local producer's licence shall authorise the holder of the licence, personally or by a servant or agent, to sell by retail in a place which is not licensed premises intoxicating liquor produced in the production premises if the sale—

- (a) is for consumption away from that place, and

(b) is ancillary to an event being held at that place, which is open to the public and in relation to which each of the following three conditions is satisfied.

(2) The first condition is that the Department, in response to a request made by the person organising the event, has published a statement that, in its opinion, the event—

(a) is being held to promote food, drink or craftwork produced in Northern Ireland or relates to agriculture in Northern Ireland, and

(b) is of importance to the area of Northern Ireland in which it is being held.

(3) The second condition is that a senior local police officer, in response to a request made by the person organising the event, has given the person written approval for intoxicating liquor to be sold at the event for consumption away from the place where the event is being held.

(4) The third condition is that a senior local police officer, in response to a request made by the holder of the local producer's licence, has given the holder written approval for the sale by the holder, or a servant or agent, of intoxicating liquor at the event in accordance with this Article.

(5) A request under paragraph (2), (3) or (4) must be made in writing at least two weeks before the day (or the first day) on which the event is due to be held.

(6) In considering a request under paragraph (2), the Department must consult such persons as it considers appropriate.

(7) The holder of a local producer's licence is also authorised to provide any person at the event in question with a sample of the intoxicating liquor for consumption at the event as an inducement to purchase the intoxicating liquor; and for this purpose, "sample" has the same meaning as in Article 52B.

(8) A person who, being the holder of a local producer's licence, personally or by a servant or agent, sells intoxicating liquor or makes it available for purchase in contravention of paragraph (1), is guilty of an offence.

(9) Where the holder of a local producer's licence, personally or by a servant or agent, provides a person with intoxicating liquor in contravention of paragraph (7), the holder is guilty of an offence.

(10) Where intoxicating liquor is made available for purchase in accordance with this Article, the holder of the local producer's licence shall at all times display at the point of sale of the intoxicating liquor a notice in the form and manner, and containing the information, prescribed by regulations; and a person acting in contravention of this paragraph is guilty of an offence.

(11) Where, having purchased intoxicating liquor from the holder of a local producer's licence, a person consumes the liquor at the place where the event is being held, that person and the holder of the licence, if the

consumption is with the holder's or a servant's or agent's knowledge or consent, are each guilty of an offence.

(12) A person guilty of an offence under paragraph (8) is liable on summary conviction to a fine not exceeding level 4 on the standard scale or to imprisonment for a term not exceeding 3 months or to both.

(13) A person guilty of an offence under paragraph (9), (10) or (11) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(14) In this Article—

“place” includes “premises”, and

“senior local police officer” means a police officer of, or above, the rank of inspector designated for the purpose of giving approvals under this Article by the district commander for the police district in which the place where the event is being held is situated.”.

(4) In Article 2 of the Licensing Order (interpretation), after paragraph (6) insert—

“(6A) In this Order any reference to the production of intoxicating liquor includes a reference to the brewing, fermenting or distilling of intoxicating liquor but does not include a reference merely to the packaging of intoxicating liquor.”.

(5) In Article 42 of that Order (general permitted hours), in each of paragraphs (1) and (2), after “Article 5(1)(b)” insert “or (m)”.

(6) In each of the following provisions of that Order, after “Article 5(1)(b)” insert “or (m)”—

(a) Article 46(1)(a)(ii) (exception for sales outside permitted hours),

(b) Article 56(1) (penalty for permitting consumption in unlicensed part of premises), and

(c) Article 58(1)(b) (prohibition on young persons).

(7) In Part 1 of Schedule 1 to that Order (application for grant of licence), after paragraph 3 insert—

“3A. In the case of an application for the grant of a licence for premises of a kind mentioned in Article 5(1)(m), the notice mentioned in paragraph 1(c) must be accompanied by a copy of any certificate of registration, licence or other authorisation which is required by a statutory provision for the production of intoxicating liquor in the premises.”.

(8) In Part 1 of Schedule 4 to that Order (application for renewal of licence), after paragraph 4 insert—

“4A. In the case of an application for the renewal of a licence for premises of a kind mentioned in Article 5(1)(m), the notice mentioned in paragraph 3 must be accompanied by a copy of any certificate of registration, licence or other authorisation which is required by a statutory provision for the production of intoxicating liquor in the premises.”.

(9) In Part 1 of Schedule 10A to that Order (penalty points for offences punishable with level 3 fine), at the appropriate place insert—

“52B(9)	Provision of sample in contravention of local producer’s licence. Failure by local producer to display notice on own premises. Consumption on premises of intoxicating liquor purchased there	3-4
52C(8)	Failure by local producer to display notice at point of sale on other licensed premises.	3-4
52D(13)	Provision of sample in contravention of local producer’s licence. Failure by local producer to display notice at point of sale at unlicensed place. Consumption of intoxicating liquor at unlicensed place	3-4”

(10) In Part 2 of Schedule 10A to that Order (penalty points for offences punishable with level 4 fine), at the appropriate place insert—

“52B(8)	Failure by local producer to comply with licence on own premises	4-5
52C(7)	Failure by local producer to comply with licence on other licensed premises	4-5
52D(12)	Failure by local producer to comply with licence at unlicensed place	4-5”

Sales and consumption of intoxicating liquor in local producer’s premises

11.—(1) After Article 52D of the Licensing Order (inserted by section 10(3)) insert—

“Local producer’s premises: suitability for on-sales

52E.—(1) In respect of premises which are of a kind mentioned in Article 5(1)(m) and part of which is structurally adapted, and used or intended to be used, for the purpose of providing persons frequenting the

premises with intoxicating liquor produced in the premises for consumption in the premises—

- (a) a county court which grants a local producer's licence or declares a local producer's licence provisionally granted to be final, on the application of the person applying for the grant or declaration, or
- (b) a court of summary jurisdiction, at any time, on the application of the holder of the local producer's licence made in compliance with the procedure set out in Schedule 9,

may, by order, specify any part of the premises as being suitable for the sale of intoxicating liquor produced in the premises for consumption in the premises during the hours specified in Article 42(6).

(2) A court shall not make an order under paragraph (1) unless it is satisfied that the part of the premises specified in the order is suitable for the sale of intoxicating liquor produced in the premises for consumption in the premises.

(3) An order under paragraph (1) may be revoked by a court of summary jurisdiction—

- (a) on the application of the holder of the licence; or
- (b) where, on complaint made under Part 8 of the Magistrates' Courts (Northern Ireland) Order 1981, the court is not satisfied that the requirements of paragraph (2) have continued to be complied with.

Local producer's premises: authorisation for on-sales

52F.—(1) In the case of premises of a kind specified in Article 5(1)(m) in respect of which an application has been made for an order under Article 52E, the court hearing the application may, if it makes the order, also grant an authorisation under this Article on an application made in compliance with the procedure set out in Schedule 10.

(2) In the case of premises of that kind in respect of which an order under Article 52E has effect, a court of summary jurisdiction may, on an application made in compliance with the procedure set out in Schedule 10, grant an authorisation under this Article.

(3) An authorisation under this Article may authorise the holder of the local producer's licence, on the day and during the hours specified in the authorisation, to sell in the part of the premises to which the order under Article 52E applies intoxicating liquor produced in the production premises for consumption in that part of the premises.

(4) Not more than 104 authorisations shall be granted under this Article to the holder of a local producer's licence in any year.

(5) Regulations may modify paragraph (4) so as to substitute a different number of authorisations for the time being specified there.

(6) Regulations may not be made under paragraph (5) unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.

(7) Nothing in this Article permits an authorisation under this Article to authorise the sale of intoxicating liquor on Christmas Day.

(8) Where the holder of a local producer's licence, personally or by a servant or agent, sells intoxicating liquor or makes it available for purchase in contravention of an authorisation under this Article, the holder is guilty of an offence.

(9) Where intoxicating liquor is made available for purchase in accordance with an authorisation under this Article, the holder of the local producer's licence shall at all times display in the part of the premises to which the order under Article 52E applies a notice in the form and manner, and containing the information, prescribed in regulations; and a person acting in contravention of this paragraph is guilty of an offence.

(10) A person guilty of an offence under paragraph (8) is liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(11) A person guilty of an offence under paragraph (9) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.”.

(2) In Article 30 of the Licensing Order (occasional licences), after paragraph (1) insert—

“(1A) An occasional licence may not be granted for any part of premises of a kind mentioned in Article 5(1)(m) to which an order under Article 52E applies.”.

(3) In Article 42 of the Licensing Order (general permitted hours), in each of paragraphs (1) and (2), after “or (m)” (inserted by section 10(5)) insert “(subject to paragraph (6))”.

(4) In that Article after paragraph (5) (inserted by section 8(2)) insert—

“(6) In the case of premises of a kind mentioned in Article 5(1)(m) to which an order under Article 52E applies, the permitted hours for a part of the premises specified in the order on a day on which an authorisation under Article 52F has effect are the hours on that day from 4 in the afternoon to 10 in the evening.”.

(5) In Article 46 of the Licensing Order (exception for sales outside permitted hours), in paragraph (1)(a)(ii), after “or (m)” (inserted by section 10(6)(a)) insert “(but see paragraph (1A))”.

(6) In that Article, after paragraph (1) insert—

“(1A) The reference in paragraph (1)(a)(ii) to premises of a kind mentioned in Article 5(1)(m) does not include a reference to premises of that kind with respect to which an order under Article 52E is in force.”.

(7) In Article 56 of the Licensing Order (penalty for permitting consumption of intoxicating liquor in unlicensed part of premises), after paragraph (1) insert—

“(1A) The exception in paragraph (1) for premises of a kind mentioned in Article 5(1)(m) does not apply to premises of that kind to which an order under Article 52E applies during the period for which an authorisation under Article 52F has effect.”.

(8) In Article 58 of the Licensing Order (young persons prohibited from certain premises), in paragraph (5), before “if” insert “, or who is in licensed premises of a kind mentioned in Article 5(1)(m) to which an order under Article 52E applies at a time when an authorisation under Article 52F has effect,”.

(9) In Schedule 9 to the Licensing Order (procedure on certain applications)—

(a) in the title, after “48” insert “, 52E”,

(b) in paragraph 1, after “48” insert “, 52E”, and

(c) in paragraph 4, after paragraph (c) insert—

“(ca) in the case of an application under Article 52E, on the ground mentioned in Article 52E(2);”.

(10) In Schedule 10 to the Licensing Order (applications for extension licences)—

(a) after paragraph 1 insert—

“1A. In this Schedule “authorisation” means an authorisation under Article 52F.”,

(b) in paragraph 2, after “the grant of a licence” insert “or authorisation”, and

(c) in paragraph 4, after “the granting of the licence” insert “or authorisation”.

(11) In Part 1 of Schedule 10A to the Licensing Order (penalty points for offences punishable with level 3 fine), at the appropriate place insert—

“52F(11)	Failure by local producer to display notice on part of premises to which authorisation under Article 52F applies	3-4”
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(12) In Part 2 of Schedule 10A to the Licensing Order (penalty points for offences punishable with level 4 fine), at the appropriate place insert—

“52F(10)	Failure by local producer to comply with authorisation under Article 52F	4-5”
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Remote sales

Requirement for off-licence

12.—(1) After Article 5 of the Licensing Order insert—

“Remote sales: requirement for off-licence

5A. Where a sale of intoxicating liquor by retail is made otherwise than in person and the premises from which the intoxicating liquor is despatched are in Northern Ireland, the sale is not authorised for the purposes of this Order unless—

(a) the premises are licensed for the sale of intoxicating liquor for consumption off the premises, and

- (b) the person making the sale, personally or by a servant or agent, is the person who holds that licence.”.
- (2) In Article 66 of the Licensing Order (conditions as to delivery of intoxicating liquor), after paragraph (1) insert—
 - “(1A) Where, in the case of a sale of the kind mentioned in Article 5A, the person who is to deliver the intoxicating liquor to the purchaser is not a servant or agent of the holder of the licence for the premises from which the intoxicating liquor is despatched, that person must—
 - (a) secure that the delivery is made without unreasonable delay, and
 - (b) when making the delivery, be carrying a receipt from the holder of the licence, or a servant or agent, for the purchase of the intoxicating liquor.”.
- (3) In paragraph (2) of that Article, after “paragraph (1)” insert “or (1A)”.
- (4) In paragraph (3) of that Article, for “this Article” substitute “paragraph (1)”.

Young people in licensed premises

Removal of requirement for children’s certificate, etc.

- 13.—(1) Article 59 of the Licensing Order (children’s certificates) is repealed.
- (2) In Article 58 of that Order (prohibition of young persons from certain premises), in paragraph (5)—
 - (a) after “is in a part of licensed premises” insert “mentioned in paragraph (1) (c)”,
 - (b) omit sub-paragraph (b) and the following “and”,
 - (c) after sub-paragraph (c) (but before the following “and”) insert “and
 - (ca) the person under the age of 18 is in the premises at a time when meals, and beverages suitable for persons under that age (including drinking water), are also available for consumption on the premises;”, and
 - (d) in sub-paragraph (d), for “the certificate is operational” substitute “the person under the age of 18 is not in the premises in the evening at any time after 9”.
- (3) In paragraph (6) of that Article—
 - (a) in sub-paragraph (a), for “before the certificate ceased to be operational” substitute “before 9 in the evening”, and
 - (b) for sub-paragraph (b) substitute—
 - “(b) the person under the age of 18 is not in the premises in the evening at any time after half past 9.”.
- (4) Omit paragraphs (7), (8) and (9) of that Article.
- (5) In paragraph (10) of that Article—
 - (a) for “, (3), (7), (8) or (9)” substitute “or (3)”,
 - (b) in sub-paragraph (a), omit “or (7)”, and
 - (c) in sub-paragraph (b), for “, (3), (8) or (9)” substitute “or (3)”.

(6) In paragraph (11) of that Article, omit “or (8)”.

(7) In Article 60B of the Licensing Order (duty to display notice relating to age), in paragraph (3)(a), after “intoxicating liquor” insert “or in relation to offences concerning the presence of such persons in licensed premises”.

Underage functions

14.—(1) After Article 58 of the Licensing Order insert—

“Suitability of certain premises for underage functions

58A.—(1) In respect of premises to which this Article applies—

- (a) a county court which grants a licence or declares a licence provisionally granted to be final, on the application of the person applying for the grant or declaration, or
- (b) a court of summary jurisdiction, at any time, upon the application of the holder of the licence for those premises made in compliance with the procedure set out in Schedule 9,

may, by order, specify any part of the premises as being suitable for underage functions.

(2) In this Article and Article 58B, “underage function” means a function which is designed to appeal to persons under the age of 18 in particular.

(3) A court must not make an order under paragraph (1) unless it is satisfied—

- (a) that the part of the premises specified in the order is structurally adapted for the purpose of having functions held in it;
- (b) that appropriate steps have been taken for securing the safety of persons under the age of 18 while attending an underage function in that part of the premises and that it is otherwise suitable for underage functions;
- (c) that suitable arrangements are in place for securing that persons under the age of 18 attending the function do not have access to any other part of the premises which is used for the sale of intoxicating liquor.

(4) An order under paragraph (1) may be revoked by a court of summary jurisdiction—

- (a) on the application of the holder of the licence; or
- (b) where, on complaint made under Part 8 of the Magistrates’ Courts (Northern Ireland) Order 1981, the court is not satisfied that the requirements of paragraph (3) have continued to be complied with.

(5) The premises to which this Article applies are—

- (a) any part of premises of a kind mentioned in Article 5(1)(a) which is structurally adapted, and used or intended to be used, for the purpose of providing persons frequenting the premises with a main table meal at midday or in the evening, or both;

- (b) an hotel;
- (c) a restaurant;
- (d) a conference centre;
- (e) a higher education institution;
- (f) an indoor arena;
- (g) an outdoor stadium.

Authorisations for underage functions

58B.—(1) A court of summary jurisdiction, or a clerk of petty sessions acting under paragraph (3), may, on an application made in compliance with the procedure set out in Schedule 10 by the holder of a licence for premises which are or include premises for which an order under Article 58A is in force, grant an authorisation under this Article.

(2) An authorisation under this Article may authorise the holder of the licence to hold an underage function—

- (a) in such part of the premises for which the order is in force as is specified in the authorisation, and
- (b) on the day so specified during such hours as are so specified ending no later than 1 in the morning of the next day.

(3) Subject to paragraph (4), where notice of an application for an authorisation under this Article has been served upon the clerk of petty sessions, the clerk may grant the authorisation as if the application had been made to the clerk and may do so in the absence of the applicant.

(4) Where—

- (a) a notice of objection has been served upon the clerk and has not been withdrawn, or
- (b) the clerk is of the opinion, for any other reason, that an application for an authorisation under this Article should be made to the court,

the clerk must require the application to be made to the court and must notify the applicant and the objector, if any, of the requirement and of the time and place of the hearing.

(5) It is a condition of an authorisation under this Article that, during the period for which the authorisation is in force—

- (a) each dispenser of intoxicating liquor in the part of the premises for which the authorisation is in force must be incapable of operation, and
- (b) access to any other container of intoxicating liquor in that part must be prevented.

(6) A court of summary jurisdiction which grants an authorisation under this Article may attach to the authorisation such other conditions as the court thinks fit.

(7) In the case of an indoor arena, the references in paragraph (5) to the part of the premises for which the authorisation is in force are to be read as including a reference to any entrance to that part.

(8) If a condition attached to the authorisation is contravened, the holder of the licence is guilty of an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(9) The holder of a licence, personally or by a servant or agent, or such a servant or agent, must not, during the period for which an authorisation under this Article is in force—

- (a) sell intoxicating liquor to, or make it available for purchase by, a person aged 18 or over in the part of the premises for which the authorisation is in force;
- (b) permit a person aged 18 or over to consume intoxicating liquor in the part of the premises for which the authorisation is in force.

(10) A person who contravenes paragraph (9) is guilty of an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(11) A person aged 18 or over who consumes intoxicating liquor in a part of premises for which an authorisation under this Article is in force is guilty of an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.”.

(2) In Article 58 of the Licensing Order (prohibition of young persons from certain premises), in paragraph (13), after sub-paragraph (g) insert “; or

- (h) in a part of the licensed premises for which an order under Article 58A is in force during a period for which an authorisation under Article 58B is in force or during the first 30 minutes after the authorisation has ceased to be in force.”.

(3) In Part 1 of Schedule 1 to the Licensing Order (application for grant of licence), in paragraph 7, for “or 48” substitute “, 48 or 58A”.

(4) In Schedule 9 to the Licensing Order (applications to court)—

- (a) in the title, after “52E” (inserted by section 11(9)(a)) insert “or 58A”,
- (b) in paragraph 1, after “52E” (inserted by section 11(9)(b)) insert “or 58A”, and
- (c) in paragraph 4, after paragraph (ca) (inserted by section 11(9)(c)) insert—
“(cb) in the case of an application under Article 58A, on any ground mentioned in Article 58A(3);”.

(5) In Schedule 10 to the Licensing Order (applications for extensions and authorisations), in paragraph 1A (inserted by section 11(10)(a)), after “52F” insert “or 58B”.

(6) In Part 1 of Schedule 10A to the Licensing Order (penalty points for offences punishable with level 3 fine), at the appropriate place insert—

“58B(8) or (10)	Contravening conditions attached to authorisation	3-4”
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	for underage function; selling etc intoxicating liquor to, or permitting consumption of it by, person aged 18 or over during underage function	
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(7) In Article 108 of the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985 (use of gaming machines on premises), after paragraph (4) insert—

“(4ZA) Gaming machines shall not be made available in any part of licensed premises within the meaning of the Licensing (Northern Ireland) Order 1996 in which an authorisation under Article 58B of that Order (underage functions) is in force during the period for which it is in force.”.

Private functions

15.—(1) In Article 58 of the Licensing Order (young persons prohibited from certain premises), after paragraph (4) insert—

“(4A) Paragraphs (1) and (2) shall not apply with respect to a person under the age of 18 who is in a part of licensed premises in the evening at any time after half past 9 if—

- (a) a private function is being held in that part of the premises (and, accordingly, the public do not have access to that part of the premises while the function is being held);
- (b) the person under 18 is attending the function in the company either of a parent of that person or of a parent of another person who is under 18 and attending the function;
- (c) a meal consisting of at least a main course is being served at the function; and
- (d) the person under 18 does not consume any part of the meal at a counter or structure which is being used wholly or mainly as a bar.”.

(2) In Article 2 of the Licensing Order (interpretation), in paragraph (2), at the appropriate place insert—

““parent”, in relation to a person under the age of 18, includes any individual who—

- (a) has parental responsibility for that person (within the meaning of the Children (Northern Ireland) Order 1995), or
- (b) has care of that person.”.

Delivery of intoxicating liquor to young persons

16.—(1) In Article 60 of the Licensing Order (sale, etc., of intoxicating liquor to young persons), in paragraph (1), for “Subject to paragraph (5), the” substitute “The”.

(2) In paragraph (5) of that Article—

- (a) for “Paragraphs (1) and (4)” substitute “Paragraph (4)”, and
- (b) omit sub-paragraph (a).
- (3) In paragraph (7A) of that Article, in sub-paragraph (a)—
 - (a) after “the holder of the licence or his servant or agent” insert “—
 - (i) ”, and
 - (b) after “paragraph (7B);” insert “and
 - (ii) entered in the delivery book or invoice that the holder, servant or agent was carrying as mentioned in Article 66(1)(a)(ii) the description of the document that was shown;”.
- (4) At the end of that Article insert—

“(9) Articles 67(9) and 68(5) do not apply to a delivery of intoxicating liquor to a person under the age of 18 in contravention of this Article.”.

Conduct of licensed premises

Restaurants and guest houses: notice displaying licence conditions

17.—(1) In Article 51 of the Licensing Order (conditions as to sale etc. in guest houses and restaurants), after paragraph (4) insert—

“(4A) Where a restaurant is licensed for the sale of intoxicating liquor, the holder of the licence must at all times display the notice specified in paragraph (4B)—

- (a) at each part of the restaurant mentioned in paragraph (4)(a)(ii); and
- (b) in a position where it is readily visible to any person seeking to purchase intoxicating liquor.

(4B) The notice referred to in paragraph (4A) must—

- (a) contain such information in relation to the conditions mentioned in paragraph (3) as is prescribed in regulations, and
- (b) be in such form and of such dimensions as are so prescribed.”.

(2) In paragraph (2) of that Article, at the end insert “; and paragraph (4A) shall apply in relation to the restaurant.”

(3) After paragraph (5) of that Article insert—

“(6) A holder of a licence acting in contravention of paragraph (4A) shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.”.

(4) In Part 1 of Schedule 10A to the Licensing Order (penalty points for offences punishable with level 3 fine), at the appropriate place insert—

“51(6)	Failure to display notice relating to licence conditions.	3-4”
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Prohibition on self-service and sales by vending machines

18.—(1) After Article 54 of the Licensing Order insert—

“Self-service and vending machines

Prohibition on self-service and sales by vending machines

54A.—(1) In any licensed premises, intoxicating liquor must not be sold or made available for purchase for consumption in or off the premises in a form which would enable a person to whom it was sold (or a person that person is with) to operate the dispenser of the liquor.

(2) In any licensed premises, intoxicating liquor must not be sold or made available for purchase for consumption in or off the premises by means of a vending machine.

(3) The activities prohibited by this Article include making available in a public or common part of the premises concerned intoxicating liquor for consumption in or off the premises which, in the absence of the licence holder or a servant or agent, persons are trusted by the licence holder—

(a) to pay for by placing money in a container, or by some other process, which the licence holder has provided for that purpose in a public or common part of the premises, or

(b) to agree to pay for by recording by a process which the licence holder has provided for that purpose in a public or common part of the premises the intoxicating liquor appropriated.

(4) Regulations may provide that, where prescribed conditions are satisfied, paragraph (2) does not apply in the case of—

(a) licensed premises within Article 5(1)(a) which provide accommodation for guests such as is mentioned in Article 46(3);

(b) licensed premises within Article 5(1)(c);

(c) licensed premises within Article 5(1)(d).

(5) A holder of a licence acting in contravention of paragraph (1) or (2) is guilty of an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.”.

(2) In Part 1 of Schedule 10A to the Licensing Order (penalty points for offences punishable with level 3 fine), at the appropriate place insert—

“54A(5)	Selling intoxicating liquor in a form which enables self-service or by means of vending machine	3-4”
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Restrictions on off-sales drinks promotions in supermarkets etc.

19.—(1) After Article 57 of the Licensing Order insert—

“Restrictions on off-sales drinks promotions in supermarkets etc.

57ZA.—(1) In the case of licensed premises of a kind mentioned in Article 5(1)(b) (other than premises the whole of which may be used for the sale of intoxicating liquor), the holder of the licence, personally or by a servant or agent, or such a servant or agent, must not carry on an off-sales

drinks promotion relating to those licensed premises on any part of the premises of which the licensed premises form part other than a part in which intoxicating liquor is made available for purchase.

(2) In the case of licensed premises of a kind mentioned in Article 5(1)(b), the holder of the licence, personally or by a servant or agent, or such a servant or agent, must not carry on an off-sales drinks promotion relating to those licensed premises—

- (a) anywhere in the vicinity of the premises of which the licensed premises form the whole or part, or
- (b) anywhere in the vicinity of any other premises of which licensed premises of a kind mentioned in Article 5(1)(b) form the whole or part.

(3) In paragraph (2), the reference to the vicinity of premises is to the area that extends 200 metres from the boundary of the premises.

(4) Regulations may modify paragraph (3) so as to substitute a different distance for the distance for the time being specified there.

(5) A person acting in contravention of paragraph (1) or (2) is guilty of an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(6) In this Article, “off-sales drinks promotion”, in relation to licensed premises, means an activity which promotes, or seeks to promote, in relation to those premises specifically the purchase on the premises of intoxicating liquor for consumption off the premises.

(7) A reference in this Article to carrying on an off-sales drinks promotion in relation to licensed premises—

- (a) includes a reference to displaying or making available a publication which relates wholly or mainly to promoting the purchase on those premises of intoxicating liquor for consumption off the premises;
- (b) does not include a reference to carrying on an activity which promotes, or seeks to promote, the purchase of intoxicating liquor as part of a combination of products designed to constitute a meal;
- (c) does not include a reference to the provision of a scheme of the kind referred to in Article 57ZB.

(8) Regulations may not be made under paragraph (4) unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.”.

(2) In Part 1 of Schedule 10A to the Licensing Order (penalty points for offences punishable with level 3 fine), at the appropriate place insert—

“57ZA(5)	Breaching restrictions on drinks promotions	3-4”
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Prohibition of loyalty schemes

20.—(1) After Article 57ZA of the Licensing Order (inserted by section 19(1)) insert—

“Prohibition of loyalty schemes

57ZB.—(1) The holder of a licence for premises of any kind mentioned in Article 5(1) must not operate a scheme which—

- (a) provides awards to a member of the scheme in consequence of the purchase by the member of intoxicating liquor in the premises, and
- (b) entitles the member to redeem the awards, in the amount specified in the scheme, in exchange for the opportunity to purchase intoxicating liquor at a reduced price or to receive it free of charge.

(2) A person acting in contravention of paragraph (1) is guilty of an offence and is liable on conviction to a fine not exceeding level 5 on the standard scale.”.

(2) In Part 3 of Schedule 10A to the Licensing Order (penalty points for offences punishable with level 5 fine) insert at the appropriate place—

“57ZB(2)	Operating a loyalty scheme	5-6”
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Minimum price for alcohol

21.—(1) The Department of Health must, before the third anniversary of the whole of this Act coming into operation—

- (a) bring forward to the Assembly legislation to set a minimum price for the sale or supply of intoxicating liquor in Northern Ireland and to prohibit its sale or supply in Northern Ireland below that price, or
- (b) if it is not reasonably practicable for the Department to comply with paragraph (a), make a statement to the Assembly on why it is not reasonably practicable to do so.

(2) In this section, “intoxicating liquor” has the same meaning as in the Licensing Order.

Occasional licences: conditions

22.—(1) In Schedule 7 to the Licensing Order (application for occasional licence), after paragraph 4 insert—

“4A. The district commander mentioned in paragraph 2(a) may appear at the hearing of the application to request that the licence be granted subject to the terms and conditions specified by the district commander.”.

(2) In Article 30 of the Licensing Order (occasional licence), in paragraph (1), after sub-paragraph (c) insert “, and

- (d) if a request has been made under paragraph 4A of Schedule 7, subject to such terms and conditions,”.

(3) In that Article, after paragraph (4) insert—

“(4A) In the case of an occasional licence which is subject to terms and conditions imposed under paragraph (1)(d), a court of summary jurisdiction may, if it is satisfied on an application by the holder of the licence that it is appropriate to do so, vary or remove any of those terms or conditions.

(4B) Schedule 7 applies in relation to an application under paragraph (4A) as it applies in relation to an application for the grant of an occasional licence.”.

(4) In that Article, after paragraph (8) insert—

“(8A) Where an occasional licence has been granted subject to terms and conditions under paragraph (1)(d) and any of those terms or conditions is not observed, the holder of the licence shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.”.

(5) In Part 1 of Schedule 10A to the Licensing Order (penalty points for offences punishable with level 3 fine) insert at the appropriate place—

“30(8A)	Failure to observe term or condition of occasional licence	3-4”
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Miscellaneous

Independent review of licensing system including surrender principle

23.—(1) The Department for Communities must, before the first anniversary of this Act receiving Royal Assent, appoint an independent person (“the reviewer”) to conduct a review of the system in Northern Ireland for authorising the sale by retail of intoxicating liquor (“the licensing system”).

(2) The review must include the following—

- (a) an assessment of the operation of the surrender principle, an examination of options for reforming it and an assessment of the implications of those options for licence holders;
- (b) an analysis of the geographical distribution of licensed premises in Northern Ireland;
- (c) an analysis of the economic and social impact of the licensing system and the impact of the licensing system on personal and public health;
- (d) an assessment of the extent to which the licensing system meets consumer demand and local community needs, when set alongside the impact it has on personal and public health and on public order;
- (e) whatever recommendations for improving the licensing system that the reviewer considers appropriate.

(3) The reviewer must complete the review within two years of the appointment being made.

(4) The reviewer, having completed the review, must provide a report to the Department; and the Department, having received the report, must—

- (a) lay the report before the Assembly, and
- (b) arrange for it to be published.

(5) The Department must, within six months of the publication of the report, publish a plan setting out how it proposes to respond to the report.

(6) The Minister for Communities must, within six months of the publication of the report, make an oral statement to the Assembly about the plan published under subsection (5).

(7) The Department for Communities may by regulations modify subsection (3), or modify subsection (6), so as to substitute a different period for the period for the time being specified there.

(8) Regulations may not be made under subsection (7) unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.

(9) In this section—

- (a) the reference to an independent person includes a reference to a group of independent persons, an independent organisation or a group of independent organisations,
- (b) the references to intoxicating liquor, licences and licensed premises are to be construed in accordance with the Licensing Order, and
- (c) the reference to the surrender principle is a reference to the part of the procedure for granting a licence that is provided for in Article 7(4)(e) of the Licensing Order.

Annual publication of the number of licences

24.—(1) The Department for Communities must, as soon as reasonably practicable after the beginning of each year, publish a statement of each of the following as at 31st December in the previous year—

- (a) the number of licences in force for premises of a kind mentioned in Article 5(1)(a) of the Licensing Order;
- (b) the number of licences in force for premises of a kind mentioned in Article 5(1)(b) of the Licensing Order;
- (c) the number of premises of a kind mentioned in Article 5(1)(a) of the Licensing Order in each district electoral area or, if the Department considers that it is feasible to reckon the number of such premises by reference to smaller areas, in each of those areas;
- (d) the trends which may be observed from the numbers referred to in paragraphs (a) to (c).

(2) In subsection (1), “licences” and “premises” each have the same meaning as in the Licensing Order.

Code of practice

25.—(1) At the beginning of Part 6 of the Licensing Order (miscellaneous) insert—

“Code of practice

Code of practice

76F.—(1) Where a person or group of persons which the Department considers to have a relevant interest produces a relevant code of practice, the Department may approve the code.

- (2) A person or group has a “relevant interest” if the person or group—
- (a) is representative of persons whose business involves the sale of intoxicating liquor under a licence, or
 - (b) is representative of persons whose business involves the production of intoxicating liquor, or
 - (c) is representative of persons whose business involves dealing wholesale in intoxicating liquor, or
 - (d) is engaged in research into, or otherwise has an interest in, the effects of the consumption of intoxicating liquor on personal or public health or on public order.
- (3) A code of practice is relevant if it relates to—
- (a) the display or sale of intoxicating liquor in licensed premises, or
 - (b) activities designed to promote the sale of intoxicating liquor in licensed premises whether for consumption in or off such premises.

(4) Where the Department approves a relevant code of practice, it must give notice of its approval in the Belfast Gazette.

(5) Before deciding whether to approve a relevant code of practice, the Department must consult the Police Service of Northern Ireland.

(6) Where a person or group of the kind referred to in paragraph (1) amends a relevant code of practice, the Department may approve the amendments; and paragraphs (4) and (5) apply in relation to approving an amendment as they apply in relation to approving a code, unless the Department does not consider the amendment significant enough for those paragraphs to apply.

(7) The Department may withdraw its approval of a relevant code or of an amendment to it; and paragraphs (4) and (5) apply in relation to withdrawing approval of a code or amendment as they apply in relation to approving it.”.

(2) In Article 7(4) of the Licensing Order (grant of licence: matters of which court must be satisfied), after sub-paragraph (b) (but before the following “and”) insert “and

- (ba) that the applicant is aware of the responsibilities under any code of practice which the Department has approved under Article 76F (and from which it has not withdrawn its approval);”.

(3) In Article 14(4) of the Licensing Order (renewal of licence by clerk of petty sessions: grounds for clerk to refer to court), after sub-paragraph (f) (but before the following “or”) insert “or

(fa) the clerk is not satisfied that the applicant has been complying with any code of practice which the Department has approved under Article 76F (and from which it has not withdrawn its approval);”.

(4) In Article 15(2) of the Licensing Order (renewal of licence by court: matters of which court must be satisfied), after sub-paragraph (b) (but before the following “and”) insert “and

(ba) that the applicant is aware of the responsibilities under, and has been complying with, any code of practice which the Department has approved under Article 76F (and from which it has not withdrawn its approval);”.

(5) In Article 22(6) of the Licensing Order (transfer of licences: matters of which the court must be satisfied), after sub-paragraph (b) (but before the following “and”) insert “and

(ba) that the applicant is aware of the responsibilities under any code of practice which the Department has approved under Article 76F (and from which it has not withdrawn its approval);”.

Body corporate: change of directors

26.—(1) In Article 4 of the Licensing Order (persons to whom licences may be granted), at the end insert—

“(5) Where a person becomes or ceases to be a director of a body corporate which is the holder of a licence, the body must, within the period of 28 days of that change taking effect, serve notice of the change upon—

(a) the chief clerk; and

(b) the district commander of the police district in which any premises to which the licence applies are situated.

(6) A person who contravenes paragraph (5) shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.”.

(2) In Article 72 of the Licensing Order (suspension of licence), after paragraph (1) insert—

“(1A) The grounds specified in Article 15(2)(b) (fitness to hold licence) include the grounds that, following a person becoming or ceasing to be a director of a body corporate which is the holder of the licence in question, the body is no longer fit to hold the licence.”.

(3) In Part 3 of Schedule 10A to the Licensing Order (penalty points for offences punishable with level 5 fine), insert at the appropriate place—

“4(6)	Failure to notify courts and police of change of directorships	5-6”
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Removal of exemption for angostura bitters

27. In Article 2(2) of the Licensing Order (interpretation), in the definition of “intoxicating liquor”—

- (a) omit sub-paragraph (a) (which excludes angostura bitters from that definition), and
- (b) in the full-out words beneath sub-paragraph (e), omit “(a),”.

PART 2

REGISTRATION OF CLUBS

Extension of premises

Sporting clubs

28.—(1) In Part 1 of the Registration of Clubs Order (registration of clubs), after Article 15 insert—

“Extension authorisations

Extension authorisations for sporting clubs

15A.—(1) On the application of the secretary of a sporting club, the district commander for the police district in which the premises of the club are situated may, in writing, authorise the extension of the area of the premises in respect of which the club is registered.

(2) An authorisation under this Article authorises the club to hold a function at which intoxicating liquor may be supplied in the area of the premises to which the authorisation applies to members of the club, and guests of members of the club, who are present at the function (with Article 30 applying in relation to the function accordingly).

(3) An authorisation under this Article authorises the supply of intoxicating liquor during the permitted hours on the day or days specified in the authorisation; but the number of days so specified—

- (a) may exceed one only if the district commander is satisfied that there are exceptional circumstances which justify granting an authorisation for more than one day; and
- (b) in a case where the district commander is so satisfied, must not exceed 5.

(4) A district commander may refuse an application for the grant of an authorisation under this Article only if the district commander is satisfied that the function is likely to attract people in such numbers that it would not be practicable to accommodate them in the premises in respect of which the club is registered.

(5) An application for an authorisation under this Article must be accompanied by a plan showing the area of the proposed extension.

(6) Not more than 6 authorisations may be granted under this Article to any club in any year.

(7) Regulations may modify paragraph (6) so as to substitute a different number of authorisations for the number for the time being specified there.

(8) In the case of a sporting club in respect of which an authorisation under this Article has effect, a reference in this Order to the premises of the club includes, in relation to any time at which the authorisation has effect, a reference to the area to which the authorisation applies.

(9) Regulations may not be made under paragraph (7) unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.”.

(2) In Article 2 of the Registration of Clubs Order (interpretation), in paragraph (2), in the definition of “sporting club”, at the end insert “and, in the case of a sporting club in respect of which an authorisation under Article 15A has effect, a reference to the premises of the club is to be construed in accordance with paragraph (8) of that Article”.

(3) In Article 3 of the Registration of Clubs Order (restriction on supply etc. of intoxicating liquor on club premises), at the end of paragraph (1) insert “or unless the supply or consumption is authorised in accordance with Article 15A”.

Alterations to premises

Consent required for alterations to premises

29.—(1) After Article 12 of the Registration of Clubs Order insert—

“Alterations to club premises

Consent required for certain alterations to premises

12A.—(1) An alteration shall not, subject to paragraph (2), be made to the premises of a registered club if the alteration—

- (a) gives increased facilities for drinking in any part of the premises which contains a bar; or
- (b) adds to any part of the premises which contains a bar or substitutes one such part of the premises for another; or
- (c) conceals from observation a part of the premises in which intoxicating liquor is supplied; or
- (d) affects the means of passage between a part of the premises which contains a bar and the remainder of the premises or any road or other public place.

(2) An alteration such as is mentioned in paragraph (1) may be made if—

- (a) an application under this Article has been made by the secretary of the club to a county court and the court has made an order consenting to the alteration; or
- (b) the alteration is required by order of some lawful authority and, before the alteration is made, notice of the requirement is served by the secretary of the club on the clerk of petty sessions.

(3) The procedure for applications under paragraph (2)(a) is set out in Part 1 of Schedule 4A, and Part 2 of that Schedule has effect in relation to notices under paragraph (2)(b).

(4) If an alteration such as is mentioned in paragraph (1) is made to premises otherwise than in accordance with an order of the county court or an order of some lawful authority, a court of summary jurisdiction may order the registered club to restore, as far as is practicable, the premises to their original condition within a period fixed by the order.

(5) The period fixed by an order under paragraph (4) may be extended by order of a court of summary jurisdiction on the application of the secretary of the club.

(6) If paragraph (2)(b) is not complied with, the registered club and every official of the club are each guilty of an offence and each liable on summary conviction to a fine not exceeding level 2 on the standard scale.

(7) If the registered club makes default in complying with an order under paragraph (4), the club and every official of the club are each guilty of an offence and each liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding 6 months or to both.

(8) This Article does not apply to an extension such as requires authorisation under Article 15A.”.

(2) After Schedule 4 to the Registration of Clubs Order insert—

“SCHEDULE 4A
APPLICATIONS AND NOTICES UNDER ARTICLE 12A
PART 1
APPLICATIONS FOR CONSENT TO ALTERATIONS

1. In this Part “application” means an application under Article 12A(2) (a).

2. The secretary of a club which intends to make an application must, not less than 3 weeks before the time of the opening of the court sitting at which the application is to be made, serve notice of the application upon the chief clerk and at the same time serve a copy of the notice upon—

- (a) the district commander for the police district in which the premises of the club are situated; and
- (b) the person whose name is recorded in the register of clubs as the owner of the premises of the club.

3. The notice mentioned in paragraph 2 must be in such form and, without prejudice to paragraph 4, must contain such other information as may be prescribed by county court rules.

4. The applicant must attach a plan of the premises showing the alteration to—

- (a) the notice mentioned in paragraph 2, and
- (b) the copy of that notice which is served upon the district commander.

5. The district commander upon whom notice is required by paragraph 2 to be served or the person whose name is recorded in the register of clubs

as the owner of the premises of the club may appear at the hearing of the application and object to the court consenting to the alteration to which the application relates.

6. A person intending to object under paragraph 5 must, not less than 1 week before the time of the opening of the court sitting at which the application is to be made—

- (a) serve upon the applicant notice of the intention to object, briefly stating the grounds for so doing;
- (b) serve a copy of the notice upon the chief clerk.

PART 2

NOTICES OF ALTERATIONS REQUIRED BY AUTHORITIES

7. The notice must be in such form and, without prejudice to paragraph 8, must contain such other information as may be prescribed by magistrates' courts rules.

8.—(1) The secretary of the club must attach to the notice a plan of the premises showing the proposed alterations.

(2) The alterations shown in the plan mentioned in sub-paragraph (1) must be authenticated by or on behalf of the authority in question in the manner prescribed by magistrates' courts rules.”.

(3) In Article 16 of the Registration of Clubs Order (register of clubs), in paragraph (2), after paragraph (d) insert—

“(da) particulars of any order made under Article 12A(2)(a), (4) or (5) in respect of the premises of the club and of any requirement in respect of those premises notice of which is served under Article 12A(2)(b);”.

(4) In Part 3 of Schedule 6 to that Order (penalty points for offences punishable with level 5 fine) at the appropriate place insert—

“12A(7)	Failure to comply with court order to make alterations etc.	5-6”
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Permitted hours

Removal of additional restrictions at Easter

30.—(1) In Article 24 of the Registration of Clubs Order (general permitted hours), in paragraph (1)—

- (a) in sub-paragraph (a), omit “Good Friday or”, and
- (b) omit sub-paragraph (b) and the following “and”.

(2) In paragraph (2) of that Article—

- (a) in sub-paragraph (a)(i), omit “Good Friday or”,
- (b) omit sub-paragraph (a)(ii), and
- (c) omit sub-paragraph (b) and the following “and”.

(3) In Article 25 of the Registration of Clubs Order (consumption of liquor after permitted hours), omit sub-paragraph (b) and the preceding “or”.

(4) In Article 26 of the Registration of Clubs Order (authorisations for special occasions), in paragraph (3), omit “, Easter Day or Good Friday”.

Removal of restrictions on late opening on Sunday

31.—(1) In Article 24 of the Registration of Clubs Order (general permitted hours), in paragraph (1)—

(a) after sub-paragraph (a) and the following “and” insert—

“(aa) on Sundays other than Christmas Day, from half past 12 in the afternoon to 11 in the evening; and”, and

(b) in sub-paragraph (c), omit “Sunday or”.

(2) In Article 26 of the Registration of Clubs Order (authorisations for special occasions), in paragraph (1)(a), for paragraphs (ii) and (iii) (but not the “or” following paragraph (iii)) substitute—

“(ii) on Sundays, from 11 in the evening to 1 in the morning of the day next following,”.

Extension of “drinking-up time”

32.—(1) In Article 25 of the Registration of Clubs Order (consumption after permitted hours of liquor supplied during those hours), the text of which becomes paragraph (1), in sub-paragraph (a), for “30 minutes” substitute “60 minutes”.

(2) After paragraph (1) of that Article insert—

“(2) Regulations may modify paragraph (1)(a) so as to substitute “30 minutes” for “60 minutes”.

(3) Regulations may not be made under paragraph (2) unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.”.

Increase in number of authorisations for special occasions

33.—(1) In Article 26 of the Registration of Clubs Order (authorisation for special occasions), in paragraph (2), for “85” substitute “104”.

(2) After paragraph (2) of that Article insert—

“(2A) Regulations may modify paragraph (2) so as to substitute a different number of authorisations for the number for the time being specified there.

(2B) Regulations may not be made under paragraph (2A) unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.”.

(3) After paragraph (4) of that Article insert—

“(5) A person who intends to make an application under this Article shall—

- (a) during the 3 weeks before the first occasion to which the application relates, cause notice of the application to be displayed on or near the premises of the club;
 - (b) not less than 3 weeks before that time, serve a copy of the notice of the application on the district council for the district in which the premises of the club are situated.
- (6) The notice under paragraph (5) must contain such information as may be prescribed by magistrates' courts rules.
- (7) The following provisions of this Article apply where a complaint is made to a court of summary jurisdiction under Part 8 of the Magistrates' Courts (Northern Ireland) Order 1981 on the grounds—
- (a) that the business carried on in the premises of the club is being conducted during the hours mentioned in paragraph (1) or any period immediately following their termination in such a manner as to cause undue inconvenience to persons residing in the vicinity of the premises; or
 - (b) that such hours are causing undue inconvenience to persons residing in the vicinity of the premises.
- (8) Where the court is satisfied that the grounds of the complaint are made out, it may—
- (a) revoke the authorisation; or
 - (b) modify the authorisation or, in relation to the authorisation, the hours mentioned in paragraph (1); or
 - (c) make the continuance of the authorisation subject to such terms and conditions as the court thinks fit.
- (9) The terms and conditions which may be imposed under paragraph (8)(c) include those requested by the district commander of the police district in which the premises of the club are situated.”.

Major events

34.—(1) After Article 26 of the Registration of Clubs Order (but before the following cross-heading), insert—

“Major event orders

Extension of permitted hours for major events

26A.—(1) Where the Department considers that an event which is to take place in Northern Ireland will attract significant public interest (whether throughout Northern Ireland or in certain areas only), it may make an order (a “major event order”) which—

- (a) designates the event as a major event, and
- (b) provides that, during the period specified in the order, the permitted hours for registered clubs to which the order applies are the hours specified in the order.

(2) A major event order may apply to all registered clubs in Northern Ireland as a whole or in the area or areas specified.

(3) In specifying an area for the purposes of paragraph (2), a major event order may in particular do so by reference to the place or premises at which the event is to take place or the area in the vicinity of the place or premises.

(4) A major event order may impose conditions.

(5) The Department may vary or revoke a major event order; and the circumstances in which it may revoke an order include, in a case where the period specified under paragraph (1)(b) includes two or more days, circumstances in which it considers it necessary to do so because of disorder, or expected disorder, at or in the vicinity of the place or premises at which the event is taking place.

(6) The period specified in a major event order may not include Christmas Day.

(7) The hours specified in a major event order have effect in addition to the hours permitted by any authorisation under Article 26 which applies to a registered club to which the major event order applies.

(8) A major event order may make consequential, incidental or supplementary provision (including provision which modifies provisions of this Order for the purpose of giving effect to the major event order).

(9) Before making a major event order, the Department must consult such persons as it considers appropriate.

(10) Any person acting in contravention of a condition imposed by a major event order is guilty of an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.”.

(2) In Article 2 of the Registration of Clubs Order (interpretation), in paragraph (2), in the definition of “permitted hours”, for “Article 26” substitute “Articles 26 and 26A”.

(3) In Part 1 of Schedule 6 to the Registration of Clubs Order (penalty points for offences punishable with level 3 fine) at the appropriate place insert—

“26A(10)	Contravening condition of major event order	3-4”
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Young people in registered clubs

Removal of requirement for children’s certificate, etc.

35.—(1) Article 33 of, and Schedule 5 to, the Registration of Clubs Order (children’s certificates) are repealed.

(2) In Article 32 of that Order (young persons prohibited from bars), in paragraph (4)—

- (a) after “is in a part of club premises” insert “as mentioned in paragraph (1)”,
- (b) omit sub-paragraph (b) and the following “and”,

- (c) after sub-paragraph (c) (but before the following “and”) insert “and
 - (ca) the person under the age of 18 is in the premises at a time when meals, and beverages suitable for persons under that age (including drinking water), are also available for consumption on the premises;”, and
- (d) in sub-paragraph (d), for “the certificate is operational” substitute “the person under the age of 18 is not in the premises in the evening at any time after 9”.
- (3) In paragraph (5) of that Article—
 - (a) in sub-paragraph (a), for “before the certificate ceased to be operational” substitute “before 9 in the evening”, and
 - (b) for sub-paragraph (b) substitute—
 - “(b) the person under the age of 18 is not in the premises in the evening at any time after half past 9.”.
- (4) Omit paragraphs (6), (7) and (8) of that Article.
- (5) In paragraph (9) of that Article—
 - (a) for “, (3), (6) or (8)” substitute “or (3)”,
 - (b) in sub-paragraph (a), omit “or (6)”, and
 - (c) in sub-paragraph (b), omit “or (8)”.
- (6) In each of paragraphs (10) and (11) of that Article, omit “or (7)”.
- (7) In Article 34A of the Registration of Clubs Order (duty to display notice relating to age), in paragraph (3)(a), after “intoxicating liquor” insert “or in relation to offences concerning the presence of such persons in club premises”.

Underage functions

36.—(1) After Article 32 of the Registration of Clubs Order insert—

“Authorisation for underage functions

32A.—(1) On the application of the secretary of a registered club, the district commander for the police district in which the club is situated may, in writing, grant an authorisation under this Article.

(2) An authorisation under this Article may authorise the club to hold an underage function—

- (a) in such part of the club premises as is specified in the authorisation, and
- (b) on the day so specified during such hours as are so specified ending no later than 1 in the morning of the next day.

(3) In this Article, “underage function” means a function which is designed to appeal to persons under the age of 18 in particular.

(4) A district commander must not grant an authorisation under this Article unless the district commander is satisfied that suitable arrangements are in place for securing that persons under the age of 18

attending the function do not have access to any part of the premises which is used for the supply, consumption or storage of intoxicating liquor.

(5) It is a condition of an authorisation under this Article that, during the period for which the authorisation is in force—

- (a) each dispenser of intoxicating liquor at a bar in the part of the club premises for which the authorisation is in force must be incapable of operation, and
- (b) access to any other container of intoxicating liquor in that part must be prevented.

(6) If the condition in paragraph (5) is contravened, the registered club and every official of the club at the time of the contravention are each guilty of an offence and each liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(7) A registered club must not, during the period for which an authorisation under this Article is in force—

- (a) supply intoxicating liquor to a person aged 18 or over in the part of the premises in which the authorisation is in force; or
- (b) permit a person aged 18 or over to consume intoxicating liquor in the part of the premises in which the authorisation is in force.

(8) If paragraph (7) is contravened—

- (a) the registered club;
- (b) every official of the club at the time of the contravention; and
- (c) the person supplying the intoxicating liquor or, as the case may be, permitting the consumption of the intoxicating liquor,

are each guilty of an offence and each liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(9) A person aged 18 or over who consumes intoxicating liquor in a part of club premises for which an authorisation under this Article is in force is guilty of an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.”.

(2) In Article 32 of the Registration of Clubs Order (prohibition on young persons from bars), in paragraph (13), after sub-paragraph (c) insert “; or

- (d) in a part of club premises for which an authorisation under Article 32A is in force or during the first 30 minutes after the authorisation has ceased to be in force.”.

(3) In Part 1 of Schedule 6 to that Order (penalty points for offences punishable with level 3 fine), at the appropriate place insert—

“32A(6) or (8)	Contravening conditions on access to intoxicating liquor; supplying intoxicating liquor to, or permitting consumption of it by, a person aged 18	3-4”
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	or over during underage function	
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(4) In Article 106 of the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985 (use of gaming machines in registered clubs), after paragraph (7) insert—

“(7A) No gaming machine shall be made available in any premises mentioned in paragraph (1) for which an authorisation under Article 32A of the Registration of Clubs (Northern Ireland) Order 1996 (underage functions) is in force during the period for which it is in force.”.

Private functions

37. In Article 32 of the Registration of Clubs Order (young persons prohibited from bars), after paragraph (3) insert—

“(3A) Paragraphs (1) and (2) shall not apply with respect to a person under the age of 18 who is in a part of club premises as mentioned in paragraph (1) in the evening at any time after 9 if—

- (a) a private function is being held in that part of the club premises (and, accordingly, other members or guests of other members do not have access to that part of the premises while the function is being held);
- (b) the person under 18 is attending the function in the company either of a parent of that person or of a parent of another person who is under 18 and attending the function;
- (c) a meal consisting of at least a main course is being served at the function; and
- (d) the person under 18 does not consume any part of the meal at a counter or structure which is being used wholly or mainly as a bar.

(3B) In its application to a sporting club, paragraph (3A) has effect as if the reference to any time after 9 were a reference to any time after 10.

(3C) In paragraph (3A), “parent”, in relation to a person under the age of 18, includes any individual who—

- (a) has parental responsibility for that person (within the meaning of the Children (Northern Ireland) Order 1995), or
- (b) has care for that person.”.

Young people prohibited from bars

38.—(1) In Article 32(13) of the Registration of Clubs Order (young persons prohibited from bars), in sub-paragraph (a), for “during the part of the permitted hours before 10 in the evening” substitute “—

- (i) on a day in the period that begins on and includes 1 May and ends on and includes 30 September, during the permitted hours or, if by virtue of Article 26 the permitted hours continue after 11 in the evening, during the part of the permitted hours before that time;

- (ii) on a day not in the period mentioned in paragraph (i) if solely for the purpose of attending a prize-giving ceremony, during the permitted hours or, if by virtue of Article 26 the permitted hours continue after 11 in the evening, during the part of the permitted hours before that time;
 - (iii) on any other day to which neither paragraph (i) nor paragraph (ii) applies, during the part of the permitted hours before 10 in the evening;”.
- (2) In Article 32 of that Order, in paragraph (13)(b), for “10 in the evening” substitute “the time in the evening provided for under sub-paragraph (a)”.
- (3) In that Article, after paragraph (13) insert—
- “(13A) In the case of a sporting club at which more than one prize-giving ceremony is held in a calendar year, paragraph (13)(a)(ii) has effect only for the purpose of allowing persons under the age of 18 to attend up to three such ceremonies in the club premises in that calendar year in reliance on that provision.”.
- (4) In that Article, in paragraph (14), for “10 in the evening” substitute “the time in the evening provided for under paragraph (13)(a)”.
- (5) In that Article, after paragraph (14) insert—
- “(15) Regulations may modify paragraph (13)(a)(i) so as to substitute a different period for the period for the time being specified there.
- (16) Regulations may modify paragraph (13A) so as to substitute a different number of prize-giving ceremonies for the number for the time being specified there.
- (17) Regulations may not be made under paragraph (15) or (16) unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.”.

Conduct of registered clubs

Prohibition on self-service and supply by vending machines

39.—(1) Before Article 32 of the Registration of Clubs Order (and the preceding cross-heading) insert—

“Self-service and vending machines

Prohibition on self-service and supply by vending machines

31C.—(1) A registered club must not supply intoxicating liquor for consumption in the club premises in a form which would enable the member or guest to whom it is supplied (or a member or guest that person is with) to operate the dispenser of the liquor.

(2) A registered club must not supply by means of a vending machine in the club premises intoxicating liquor for consumption in the premises.

(3) The activities prohibited by this Article include making intoxicating liquor available for consumption in the premises of a registered club

which, in the absence of an official, manager or servant employed in the club, members or guests are trusted by the committee of management or governing body of the club—

- (a) to pay for by placing money in a container, or by some other process, which the club has provided for that purpose, or
- (b) to agree to pay for by recording by a process which the club has provided for that purpose the intoxicating liquor appropriated.

(4) If paragraph (1) or (2) is contravened the registered club is guilty of an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.”.

(2) In Part 1 of Schedule 6 to the Registration of Clubs Order (penalty points for offences punishable with level 3 fine), at the appropriate place insert—

“31C(4)	Supplying intoxicating liquor in a form which enables self-service or by means of vending machine	3-4”
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Restrictions relating to advertisements

40.—(1) In Article 38 of the Registration of Clubs Order (restrictions on advertisements), in paragraph (1), for the words from “no person shall” to “the premises of a registered club” substitute “any advertisement drawing attention to any function to be held in the premises of a registered club must include a clear statement to the effect that the function may be attended only by members of the club and guests of members of the club;”.

(2) For paragraph (2) of that Article substitute—

“(2) Paragraph (1) does not apply to an advertisement in so far as it relates to a function the whole proceeds of which are, after deduction of the expenses of the function, to be devoted to charitable or benevolent purposes.”.

Miscellaneous

Code of practice

41.—(1) At the beginning of Part 5 of the Registration of Clubs Order (miscellaneous) insert—

“Code of practice

Code of practice

41K.—(1) Where a person or group of persons which the Department considers to have a relevant interest produces a relevant code of practice, the Department may approve the code.

(2) A person or group has a “relevant interest” if the person or group—

- (a) is representative of registered clubs, or

- (b) is representative of persons whose business involves the production of intoxicating liquor, or
 - (c) is representative of persons whose business involves dealing wholesale in intoxicating liquor, or
 - (d) is engaged in research into, or otherwise has an interest in, the effects of the consumption of intoxicating liquor on personal or public health or on public order.
- (3) A code of practice is relevant if it relates to the display or supply, or activities designed to promote the supply or consumption, of intoxicating liquor in registered clubs.
- (4) Where the Department approves a relevant code of practice, it must give notice of its approval in the Belfast Gazette.
- (5) Before deciding whether to approve a relevant code of practice, the Department must consult the Police Service of Northern Ireland.
- (6) Where a person or group of the kind referred to in paragraph (1) amends a relevant code of practice, the Department may approve the amendments; and paragraphs (4) and (5) apply in relation to approving an amendment as they apply in relation to approving a code, unless the Department does not consider the amendment significant enough for those paragraphs to apply.
- (7) The Department may withdraw its approval of a relevant code or of an amendment to it; and paragraphs (4) and (5) apply in relation to withdrawing approval of a code or amendment as they apply in relation to approving it.”.
- (2) In Article 5(5) of the Registration of Clubs Order (grant of registration: matters of which court must be satisfied), after sub-paragraph (i) insert “; and
- (j) that each of the officials of the club is aware of the responsibilities under any code of practice which the Department has approved under Article 41K (and from which it has not withdrawn its approval).”.
- (3) In Article 7(4) of the Registration of Clubs Order (renewal of registration by clerk of petty sessions: grounds for clerk to refer to court), after sub-paragraph (b) (but before the following “or”) insert “or
- (ba) the clerk is not satisfied that the applicant has been complying with any code of practice which the Department has approved under Article 41K (and from which it has not withdrawn its approval).”.
- (4) In Article 8(3) of the Registration of Clubs Order (renewal of registration: matters of which court must be satisfied), after sub-paragraph (d) insert “; and
- (e) that each of the officials of the club is aware of the responsibilities under, and has been complying with, any code of practice which the Department has approved under Article 41K (and from which it has not withdrawn its approval).”.

PART 3

GENERAL

Guidance

- 42.**—(1) The Department for Communities must issue guidance about—
- (a) the effect of the Licensing Order,
 - (b) the effect of Part 1 of this Act on that Order and the practical implementation of Part 1 of this Act, and
 - (c) such other matters as the Department considers appropriate in connection with licensing premises for the sale of intoxicating liquor (within the meaning of the Licensing Order).
- (2) The Department for Communities must issue guidance about—
- (a) the effect of the Registration of Clubs Order,
 - (b) the effect of Part 2 of this Act on that Order, and
 - (c) such other matters as the Department considers appropriate in connection with the registration of clubs.
- (3) The Department for Communities must—
- (a) keep any guidance issued under this section under review, and
 - (b) revise any guidance issued under this section if the Department considers revision to be necessary in light of review.
- (4) The Department for Communities must publish any guidance issued or revised under this section.

Review

- 43.**—(1) The Department for Communities must review and make a report on the implementation and effectiveness of each provision of Part 1 and of each provision of Part 2—
- (a) as soon as practicable after the third anniversary of the commencement of that provision, and
 - (b) at least once in every five years after the making of the previous report on the implementation and effectiveness of that provision.
- (2) The Department for Communities must—
- (a) lay a copy of each report under this section before the Assembly, and
 - (b) having done that, publish the report.
- (3) The Department for Communities may by regulations provide that subsections (1) and (2) are to cease to have effect on the date specified; but the regulations may not specify a date which is earlier than the tenth anniversary of this Act receiving Royal Assent.
- (4) Regulations under this section are not to be made unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.

Interpretation

44. In this Act—

“the Licensing Order” means the Licensing (Northern Ireland) Order 1996,

“the Registration of Clubs Order” means the Registration of Clubs (Northern Ireland) Order 1996, and

“statutory provision” has the meaning given in section 1(f) of the Interpretation Act (Northern Ireland) 1954.

Minor and consequential amendments

45.—(1) Schedule 1, which contains minor amendments and amendments consequential on provision made by this Act, has effect.

(2) The Department for Communities may by regulations make provision in consequence of this Act.

(3) Regulations under this section may—

(a) amend, repeal, revoke or otherwise modify a statutory provision;

(b) include transitional, transitory or saving provision in connection with the coming into operation of provision made by the regulations.

(4) Regulations under this section are subject to negative resolution, except as mentioned in subsection (5).

(5) Regulations under this section which contain (whether alone or with other provision) provision that amends the text of Northern Ireland legislation or an Act of Parliament are not to be made unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.

(6) The power conferred by this section is not restricted by any other provision of this Act.

Repeals

46. The statutory provisions specified in Schedule 2 are repealed to the extent specified.

Commencement and short title

47.—(1) The following provisions of this Act come into operation on the day after Royal Assent—

(a) section 44,

(b) section 45(2) to (6),

(c) this section, and

(d) in Schedule 1, paragraphs 1, 7(1) and (3), 11, 14 and 16 and section 45(1) so far as relating to those provisions.

(2) The other provisions of this Act come into operation on such day or days as the Department for Communities may by order appoint.

(3) An order under this section may make such transitional or saving provision, or such transitory modifications of this Act, as the Department considers appropriate in connection with the coming into operation of a provision of this Act.

(4) This Act may be cited as the Licensing and Registration of Clubs (Amendment) Act (Northern Ireland) 2021.

SCHEDULES

SCHEDULE 1

Section 45

MINOR AND CONSEQUENTIAL AMENDMENTS

Licensing (Northern Ireland) Order 1996

1. The Licensing Order is amended as follows.
- 2.—(1) Article 2 (interpretation) is amended as follows.
 - (2) In paragraph (2)—
 - (a) omit the definition of “children’s certificate”,
 - (b) in the definition of “licensed premises”, in the full-out words at the end, after “Articles” insert “52C, 52D, 52E,”,
 - (c) at the appropriate place insert—

““major event order” means an order under Article 48A;”,
 - (d) in the definition of “permitted hours”, after “44,” insert “44A”, and
 - (e) in that definition, for “and 47” substitute “, 47 and 48A”.
 - (3) In paragraph (4), for “(l)” substitute “(m)”.
 - (4) After paragraph (10) insert—

“(11) In this Order (other than Part 4A and Article 77A(3)) any reference to a district commander for a police district includes a reference to any other member of the Police Service of Northern Ireland nominated by the district commander.”.
3. In Article 5 (premises for which a licence may be granted), in paragraph (3)—
 - (a) for “Article 51(1)(b)” substitute “Articles 48B(2) to (6), 51(1)(b) and 52C(1)”,
 - (b) for “(l)” substitute “(m)”, and
 - (c) in sub-paragraph (b), at the beginning insert “except in the case of premises of a kind mentioned in Article 5(1)(m),”.
4. In Article 15(2)(e) (renewal of licence), for “(l)” substitute “(m)”.
5. In Article 17(3) (renewal of licence: certain provisions not to apply), after “44” insert “, 44A”.
6. In Article 22(6)(c)(ii) (transfer of licence), for “(l)” substitute “(m)”.
- 7.—(1) Article 34 (register of licences) is amended as follows.
 - (2) In paragraph (1)—

- (a) in sub-paragraph (f), after “44”, insert “, 44A”, and
- (b) omit sub-paragraph (g).
- (3) In paragraph (4), for “Department” substitute “Department of Justice”.
- 8. In Article 58(1)(b) (prohibition on young persons in premises which sell intoxicating liquor for consumption off the premises), at the end insert “in which intoxicating liquor is made available for purchase”.
- 9. In Article 69F (consideration of closure order by court of summary jurisdiction), in paragraph (2)—
 - (a) in sub-paragraph (c), after “Article 44” insert “or 44A”, and
 - (b) in sub-paragraph (c)(ii), after “Article 44(2)” insert “or Article 44A(3) or (4) (as the case may be)”.
- 10. In Article 76D (young persons prohibited from certain pavement café areas), omit paragraphs (3) and (4).
- 11. In Article 77A (conditions and licences for indoor arenas and outdoor stadia), in paragraph (3), after “the indoor arena” insert “or outdoor stadium”.
- 12. In Schedule 1 (application for certain orders at same time as application for licence), in paragraph 7—
 - (a) after “44” insert “, 44A”,
 - (b) omit “or for a children’s certificate”, and
 - (c) omit “or, as the case may be, the children’s certificate”.
- 13. In Schedule 9 (certain applications to court)—
 - (a) in the title, omit “or 59”,
 - (b) in paragraph 1, omit “or 59”, and
 - (c) in paragraph 4, omit paragraph (d).

Registration of Clubs (Northern Ireland) Order 1996

- 14. The Registration of Clubs Order is amended as follows.
- 15.—(1) Article 2 (interpretation) is amended as follows.
 - (2) In paragraph (2), omit the definition of “children’s certificate”.
 - (3) After paragraph (4) insert—

“(5) In this Order (other than Part 4A) any reference to a district commander for a police district includes a reference to any other member of the Police Service of Northern Ireland nominated by the district commander.”.
- 16. In Article 16(5) (alteration of register of clubs), for “Department” substitute “Department of Justice”.
- 17. In Article 32(5) (prohibition on young persons from bars: exception where meal being eaten), in sub-paragraph (a), after “a meal” insert “consisting of at least a main course and”.
- 18. In Article 52(1) (modifications of Schedules), for “, 4 and 5” substitute “and 4”.

19. In Schedule 1 (provisions to be included in club rules), after paragraph 13 (day membership at sporting clubs) insert—

“13A. But paragraph 13 entitles a person to use facilities of the club on the day in question only if the person also engages in sporting activities of the club on that day; and paragraph 14 applies subject to this paragraph.”.

20. In Schedule 2 (applications for grant of registration), omit paragraph 5.

SCHEDULE 2

Section 46

REPEALS

Short Title	Extent of Repeal
Licensing (Northern Ireland) Order 1996	<p>In Article 2(2)—</p> <p>(a) the definition of “children’s certificate”, and</p> <p>(b) in the definition of “intoxicating liquor”, sub-paragraph (a) and, in the full-out words beneath sub-paragraph (e), “(a),”.</p> <p>In Article 30(7), the words “, Easter Day or Good Friday”.</p> <p>Article 34(1)(g).</p> <p>In Article 42(1)(a), the words “Good Friday or”.</p> <p>Article 42(1)(b) and the following “and”.</p> <p>In Article 42(2)(b), the words “or Easter Day”.</p> <p>In Article 44(6)(a), the words “Easter Day or Good Friday,”.</p> <p>In Article 45(1), the words “other than premises to which an order under Article 44 applies”.</p> <p>In Article 45(3)(a), the words “, Easter Day or Good Friday”.</p> <p>In Article 47(6)(a), the words “Easter Day or Good Friday,”.</p> <p>In Article 50(1), the words “or Easter Day”.</p> <p>Article 58(5)(b) and the following “and”.</p> <p>Article 58(7), (8) and (9).</p> <p>In Article 58(10)(a), the words “or (7)”.</p> <p>In Article 58(11), the words “or (8)”.</p>

	<p>Article 59.</p> <p>Article 60(5)(a).</p> <p>Article 76D(3) and (4).</p> <p>In Schedule 1, in paragraph 7, the words “or for a children’s certificate” and “or, as the case may be, the children’s certificate”.</p> <p>In Schedule 9—</p> <p>(a) in the title, the words “or 59”,</p> <p>(b) in paragraph 1, the words “or 59”, and</p> <p>(c) paragraph 4(d).</p>
Registration of Clubs (Northern Ireland) Order 1996	<p>In Article 2(2), the definition of “children’s certificate”.</p> <p>In Article 24(1)(a), the words “Good Friday or”.</p> <p>Article 24(1)(b) and the following “and”.</p> <p>In Article 24(1)(c), “Sunday or”.</p> <p>In Article 24(2)(a)(i), the words “Good Friday or”.</p> <p>Article 24(2)(a)(ii).</p> <p>Article 24(2)(b) and the following “and”.</p> <p>Article 25(b) and the preceding “or”.</p> <p>In Article 26(3), the words “, Easter Day or Good Friday”.</p> <p>Article 32(4)(b) and the following “and”.</p> <p>Article 32(6), (7) and (8).</p> <p>In Article 32(9)(a), the words “or (6)”.</p> <p>In Article 32(9)(b), the words “or (8)”.</p> <p>In Article 32(10), the words “or (7)”.</p> <p>In Article 32(11), the words “or (7)”.</p> <p>Article 33.</p> <p>In Schedule 2, paragraph 5.</p> <p>Schedule 5.</p>



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**THE LICENSING AND REGISTRATION OF
CLUBS (AMENDMENT) ACT
(NORTHERN IRELAND) 2021
GUIDE**

Department for Communities February 2022

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INTRODUCTION

This guide outlines the provisions of the ***Licensing and Registration of Clubs (Amendment) Act (Northern Ireland) 2021*** (the Act) which received Royal Assent on 26 August 2021. **The first phase of changes came into effect on 1 October 2021; phase 2 will come into effect on 6 April 2022.**

It will be of particular interest to the licensed trade, registered clubs, courts and police but should be a useful source of information for district councils, the legal profession and the general public.

The information contained in this guide should not be treated as a complete and authoritative statement of the law which is contained only in the Act and regulations made under it. This guide will be updated as and when outstanding provisions are due to come into effect.

As licensing law is a complex piece of legislation, licence holders may wish to engage the services of a solicitor in terms of bringing any applications through the courts. It is the responsibility of the licence holder to ensure that they, their servants and agents, are fully aware of their requirements under licensing law.

Copies of the Act and associated regulations may be purchased from the Stationery Office at www.tsoshop.co.uk or by contacting the TSO Customer Services on 0870 6005522. Alternatively, this legislation may be accessed at legislation.gov.uk.

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Background

The Department for Communities is responsible for the policy and legislation regulating the retail sale and supply of alcoholic drinks in Northern Ireland.

The current law dates back to 1996 and reform was an Executive priority under the New Decade New Approach Deal.

The aim of licensing law is to try and strike a balance between the controls which are necessary for the protection of public health and the preservation of public order, and on the other hand, individual freedom of choice and the opportunity for local businesses to meet customer's expectations.

The Act amends the Licensing (Northern Ireland) Order 1996 (the Licensing Order) and the Registration of Clubs (Northern Ireland) Order 1996 (the Clubs Order).

The key changes include*:

- Pubs and Hotels can apply to open until 2am up to 104 nights per year;
- Smaller pubs will be able to open to 1am up to 104 nights per year;
- Drinking-up time will be increased to 1 hour;
- All additional restrictions on opening hours over Easter weekend will be removed;
- Opening hours on Sunday evenings will be the same as any other night;
- There will be flexibility around opening hours for bars at major events;
- A new category of licence will be created for local producers of craft beers, ciders and spirits;
- Cinemas will be able to apply for a liquor licence and serve drink to customers watching a movie;
- Sporting clubs will be able to use their grounds for functions up to 6 times per year;
- Registered clubs will be able to open to 1am up to 104 nights per year;
- Self-service of alcohol and sales by vending machines will be prohibited;
- Restrictions will be placed on off-sales drinks promotions;
- Loyalty schemes will not be able to award or redeem points for the sale of alcoholic drinks.

*** The changes made by the Act will not come into operation at the same time. This guide will be updated as and when outstanding changes are due to come into effect.**

LIQUOR LICENCE RENEWAL REMINDER

Northern Ireland liquor licence holders are reminded that the current 5-year licensing period ends on 30 September 2022.

Further reminders will be published by the Department for Communities in the local press in July 2022.

The process for renewing licences is detailed in Schedule 4 to the Licensing Order (Applications for the renewal of licences), Part 1 (General procedure).

Renewal applications must be submitted to the court by 9 August and at the same time a copy of the notice of application must be served on:

- (a) the district commander for the police district in which the premises are situated;
- (b) where the applicant resides in some other police district, upon the district commander of that police district;
- (c) the district council for the district in which the premises are situated.

PART 1 – LICENSING

Section 1: Removal of additional restrictions at Easter - Commenced 1 October 2021

Easter weekend permitted hours now mirror what is available for any other weekend throughout the year.

Section 1 amends Article 30 of the Licensing Order (Occasional licences), Article 42 (General permitted hours), Article 44 (Additional permitted hours), Article 45 (Authorisations for additional permitted hours), Article 47 (Extension licences) and Article 50 (Restrictions as to sales for consumption off premises) by removing all references to Good Friday and Easter Sunday.

The above Articles relate to the permitted hours for the sale of intoxicating liquor under the authority of an occasional licence or in licensed premises (both on and off-sales).

Section 2: Removal of restrictions on late opening for on-sales on Sunday - Commenced 1 October 2021

This section brings the end of general and additional permitted hours on any Sunday into line with those permitted on any other day (11pm with general permitted hours, 1am the following morning with additional hours, or 2am the following morning in pubs and hotels with further additional permitted hours).

Opening times for on-sales on Sundays (12.30pm) and Christmas Day hours (12.30pm -10pm) remain the same.

Section 2 amends Article 30 of the Licensing Order (Occasional licences), Article 42 (General permitted hours), Article 44 (Additional permitted hours), Article 45 (Authorisations for additional permitted hours) and Article 47 (Extension licences) and removes the restrictions on late night permitted hours on a Sunday (currently restricted to 10pm with general permitted hours or 12 midnight with additional hours) for premises licensed for the sale and consumption of intoxicating liquor on the premises.

Section 3: Public houses and hotels: further additional hours - Commenced 1 October 2021

This section allows certain pubs and hotels to apply for an additional hour up to 104 times per year.

Section 3 introduces new Articles 44A and 44B in the Licensing Order in relation to further later opening for public houses and hotels.

The new Article 44A (Order for further additional permitted hours) gives a court ¹or clerk of petty sessions a power, in certain circumstances, to extend later opening by one hour in public houses or hotels which are structurally adapted to provide entertainment and/or substantial refreshment and which hold a court order for later opening under Article 44.

This means that on a night that a pub or hotel has an Article 44 order in place (until 1am), an order under Article 44A permits later opening for an additional one hour (2am).

On a night that a pub or hotel, which has an Article 44 order but not for that night, an order under Article 44A also permits later opening for three hours in premises (11.00pm – 2.00am).

Musical or other entertainment and/or substantial refreshment must be provided throughout the later opening just as if an order under Article 44 applied that day.

A late licence granted under an Article 44A may be made for a maximum of 104 days in any year (twelve month period) but may not be made for Christmas Day.

The Department may, subject to the approval of the NI Assembly, make regulations in the future to change the number of days on which orders under Article 44A may be made.

The new Article 44B (Orders under Article 44A: revocation, modification etc.) provides powers for a magistrates' court to revoke or modify an order for further later opening or to place terms and conditions on an order.

These powers mirror the powers a court has for later opening made under Article 44. The reasons why it may be necessary to revoke or modify a late opening order are if the business was conducted in such a manner to cause undue inconvenience to local residents, or that the hours caused undue inconvenience to local residents, or that the part of the premises mentioned in the order wasn't being used for the purposes of providing entertainment and/or substantial refreshment.

¹ an application can be made to the county court at the grant of a licence application or a magistrates' court at any point in the future

It is important to note that a licence holder applying to a court of summary jurisdiction for an order under Article 44A is required to follow the process set out in Schedule 9 to the Licensing Order (procedure for certain applications), including placing a notice of the application in local newspapers* and display the notice on or near the premises.

The administrative court forms to apply to the county and magistrates' courts for an order under Article 44A which will allow pubs and hotels to apply for further additional permitted hours can be downloaded from the Department's website at:

<https://www.communities-ni.gov.uk/publications/licensing-and-registration-clubs-amendment-act-ni-2021-guide>

*Newspaper notice - There is no legislative requirement to include the full list of dates for which the application relates, however the notice should include details of where any interested person may find those dates.

Section 4: Alignment of closing time for liquor and entertainment - Commenced 1 October 2021

This section ensures that entertainment stops at the end of drinking-up time.²

Section 4 adds a new Article 44C in the Licensing Order (Alignment of closing time for liquor and entertainment) to ensure that the entertainment provided during later opening under Article 44, or further later opening under Article 44A, is not allowed to continue after the end of "drinking-up time". This ensures that entertainment must end at the latest at 2.00am when an Article 44 order applies and 3.00am when an Article 44A order applies.

² If a licence holder wishes to continue entertainment beyond drinking-up time, any order for additional (or further) additional permitted hours is invalidated, and the sale of intoxicating liquor must cease at 11pm.

Section 5: Police authorisations for additional hours - Commenced 1 October 2021

This section does two things;

- allows pubs which have an Article 44 order in place to apply to the police for ad-hoc late opening, up to 20 times per year; and
- increases the number of times smaller pubs, (which are not structurally adapted and therefore can't apply for an Article 44 order), can apply to the police for late opening from 20 to 104.

Article 45(1) of the Licensing Order (authorisations for additional permitted hours) is amended to allow police to authorise later opening (11.00pm- 1.00am), in pubs which have a court order for later opening under Article 44, on a day that is not covered in the Article 44 order.

These pubs can apply for the ad-hoc late nights up to 20 times in any year, and must continue to provide entertainment and or substantial refreshment on the ad-hoc nights granted by the police.

A new Article 45(2A) increases the number of authorisations to pubs not holding an order for later opening under Article 44 from 20 days to 104 days in any year. Multiple dates may be included in one application to the police.

A new Article 45(2B) provides the Department with a power to make regulations [subject to the approval of the NI Assembly] to change the number of days in which orders under Article 45(2) or (2A) may be made.

It is important to note that subsection (4) inserts new paragraphs (4) to (8) to Article 45 to require a licence holder applying for an authorisation under this Article, to display a notice of the application on or near the relevant premises during the three weeks before the first occasion to which the application relates.

A copy of the notice must also be served on the district council.

An administrative form of notice that pubs can use to comply with the requirement to display under Article 45 can be can be downloaded from the Department's website at:

<https://www.communities-ni.gov.uk/publications/licensing-and-registration-clubs-amendment-act-ni-2021-guide>

Applications should be addressed to the district licensing officer, or the duty inspector, of the local police district in which the premises is situated.

Furthermore, there is provision for complaints from the police, council or any person owning or residing in premises within the vicinity, to be made to the courts where

undue inconvenience is caused to local residents as a result of a late night authorisation. Courts are given the power to revoke an authorisation, modify the hours of an authorisation, or make an authorisation subject to such terms and conditions as it thinks fit, including those requested by the district commander of the police of the district in which the premises are situated.

Section 6: Extension of “drinking-up time” - Commenced 1 October 2021

This section increases drinking-up time from 30 minutes to 1 hour.

Section 6 amends Article 46 of the Licensing Order (Exceptions from prohibition of sale etc., of intoxicating liquor outside permitted hours).

Subsection (1) amends Article 46(1) which provides for the duration of the “drinking-up time” at the end of normal opening hours or later opening in licensed premises, substituting the current “30 minutes” with “60 minutes”.

Subsection (2) provides the Department with a power to make regulations to allow “drinking-up time” to revert to 30 minutes, subject to the approval of the NI Assembly

Section 7: Major Events - Commencing 6 April 2022

This section adds a new Article 48A to the Licensing Order which gives the Department the power designate an event being held in NI, which will attract significant interest, as a major event and make a “major event order”.

A major event order may:

- specify the permitted hours and days for the sale of intoxicating liquor, outside of what is currently available under the Licensing Order.
- apply to all licensed premises in NI as a whole or a specific area.
- specify a type of premises within NI as a whole or a specific area.
- apply to a place or premises which has been granted an occasional licence, situated on the site of the major event.

The Department must consult with appropriate persons. These persons may vary depending on the event, however examples would be the police and council local to where the event is taking place.

It is important to note:

- any event which is being considered for a major event order must be being held at a place or premises which is already licensed, either under Article 5(1) or Article 30 of the Licensing Order.
- the Department may also impose conditions for on or off-sales in any major event order (under a new Article 48B). Failure to comply may result in a fine of up to £1,000 on summary conviction.
- that off-sales may be permitted only from the place or premises at which the event is taking place.
- The period specified in a major event order may not include Christmas Day.

The Department is currently developing a framework for the processing of major event orders which will be made available at the earliest opportunity.

Section 8: Licensed race tracks: Sunday sales - Commenced 1 October 2021

This section allows the sale of intoxicating liquor at licensed race tracks on a Sunday.

Section 8 amends Article 42 of the Licensing Order (General permitted hours) to permit “licensed race tracks”³, within the “place of public entertainment” category of premises which may be granted a liquor licence, to sell intoxicating liquor on Sundays (not including Christmas Day) from 30 minutes before the entertainment and 30 minutes after, between the hours of 12.30pm and 11.00pm.

Section 9: Places of public entertainment – Commencing 6 April 2022

This section amends Article 2 of the Licensing Order to include cinemas as a place of public entertainment, allowing them to apply for a licence to sell intoxicating liquor on the premises.

The process for applying for a liquor licence is the same as for any other premises and is set out in Article 7 of and Schedule 1 to the Licensing Order.

As the process for applying for a liquor licence is through the County Courts it is recommended that any potential applicant engages the services of a specialist solicitor.

³ As defined in Article 2 of the Licensing Order place of public entertainment (c) premises on a licensed track within the meaning of the [1985 NI 11.] Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985

Cinemas will be allowed to sell intoxicating liquor

- from 30 minutes before the entertainment and up to 30 minutes after,
- between 11.30am to 11pm on weekdays,
- 12.30pm to 11pm on Sundays and
- 12.30pm to 10pm on Christmas day.

It is important to note that the current licensing period (which runs for 5 years) ends on 30 September 2022 and any licence granted up to and including 30 June 2022 will need to be renewed by 30 September 2022.

Renewal applications must be submitted to the court by 9 August 2022. Any licence granted in July, August and September 2022 will be carried forward into the next licensing period.

Section 10: Licence for off-sales – Commencing 6 April 2022

This section adds local producers of intoxicating liquor to the categories of premises under Article 5(1) of the Licensing Order which may be granted a liquor licence.

The process for applying for a liquor licence is the same as for any other premises and is set out in Article 7 of and Schedule 1 to the Licensing Order.

As the process for applying for a liquor licence is through the County Courts it is recommended that any potential applicant engages the services of a specialist solicitor.

Section 10 also adds new Articles 52B, C and D to the Licensing Order which set out specific conditions which apply to a local producer's licence.

Local producer's licence: sales on own premises

New Article 52B allows a local producer of intoxicating liquor to apply for a licence to sell their own products, from their own premises for consumption off the premises. Only intoxicating liquor produced on the premises may be sold.

Selling other intoxicating liquor or selling for consumption on the premises carries a fine of up to £2,500 or up to 3 months in prison, or both.

A sample may be provided for consumption on the premises as part of a tour of the premises, provided no charge is made for the sample separate to the charge for the tour.

Providing samples without a tour carries a fine of up to £1,000.

The following samples, allowed per person per day, must not be exceeded –

- 1.5 pints (852mls) Beer or Cider up to and including 6% ABV; or
- 1 pint (568mls) Beer or Cider above 6% ABV; or
- 3 measures (35mls) of any spirit; or
- 3 measures (70mls) of any liqueur

A notice detailing the conditions of the licence held must also be displayed at all times. The notice will be added to the guide once it has been finalised.

Failure to display this notice carries a fine of up to £1,000.

This notice is important as it is an offence for a person, having purchased intoxicating liquor from the holder of the licence, to consume it in the production premises or in premises which adjoin or are near the production premises and which belong to the holder of the licence or are under his control or used by his permission.

The licence holder, if the consumption is with the holder's or a servant's or agent's knowledge or consent, will also be guilty of the offence.

Local producer's licence: sale on other licensed premises

New Article 52C allows local alcohol producers to sell their own products (produced on their own production premises), for consumption off the premises, in certain other licensed premises.

These licensed premises are:

- an hotel;
- a conference centre;
- an indoor arena;
- an outdoor stadium;
- a place or premises specified in an occasional licence.

The sale must be ancillary to an event which is being held on those premises wholly or mainly to promote food, drink or craftwork produced in Northern Ireland.

Sales for consumption on the premises or in any other category of licensed premises carries a fine of up to £2,500 or up to 3 months in prison, or both.

It should also be noted that the holder of the licence must display at all times a notice detailing the conditions of the licence held at the point of sale. The notice will be added to the guide once it has been finalised.

Failure to display this notice carries a fine of up to £1,000.

Local producer's licence: sales not on licensed premises

New Article 52D permits local producers of intoxicating liquor to sell their own products, (produced on their own production premises), for consumption off the premises, at a place which is not licensed for the sale of alcohol in any way.

An event must be being held at that place which is open to the public to wholly or mainly promote food, drink or craftwork in Northern Ireland.

A number of approvals must be obtained prior to the event taking place. It is advisable that the approvals are obtained at the earliest opportunity.

The person organising the event must make a request to the Department asking it to publish a statement (and this statement must be published) that the event:

- is being held to promote food, drink or craftwork produced in Northern Ireland or relates to agriculture in Northern Ireland; and
- is of importance to the area of Northern Ireland in which it is being held.

The person organising the event must make a request to the local police and have obtained written approval from a senior local police officer for intoxicating liquor to be sold at the event for consumption away from the place where the event is being held.

The holder of the local producer's licence must make a request to the local police and have obtained written approval from a senior local police officer that the holder of the licence, or a servant or agent, is permitted to sell intoxicating liquor at the event. Similarly, the intoxicating liquor being sold must have been produced on the licence holder's production premises and sold for consumption away from the place the event is being held.

It should also be noted that the holder of the licence must display at all times a notice detailing the conditions of the licence held at the point of sale. The notice will be added to the guide once it has been finalised.

Local producers may provide samples at the event.

The following samples, allowed per person per day, must not be exceeded –

- 1.5 pints (852mls) Beer or Cider up to and including 6% ABV; or
- 1 pint (568mls) Beer or Cider above 6% ABV; or

- 3 measures (35mls) of any spirit; or
- 3 measures (70mls) of any liqueur

These are maximum amounts and are intended to allow local producers who have a larger product range to offer smaller samples of more products.

The Department of Health encourages that such samples are taken over an appropriate period of time; that drink-driving is completely discouraged and that water and soft drinks are also available.

Industrial de-Rating information

It should be noted that any Industrial de-Rating currently granted to a local producer's premises may be impacted by any licence granted for the sale of intoxicating liquor from those premises.

The primary function of the premises will dictate whether Industrial de-Rating is retained or not however each premises needs to be individually assessed in accordance with the rating legislation.

Where the premises are used for other purposes such as a part of the premises set aside for the retail sale of intoxicating liquor for consumption off the premises (off-sales), this part will be subject to rates payable at the full rate and a rates reassessment will need to be carried out by Land & Property Services (LPS). Licence holders should apply for a rates reassessment once licensing or physical changes have been made to premises.

LPS is unable to provide estimates of the potential impact on rateable value or Industrial de-Rating in advance of changes having been undertaken, however prospective licence holders who wish to contact LPS for further information may do so by emailing valuation@lpsni.gov.uk.

It is important to note that the current licensing period ends on 30 September 2022 and any licence granted up to and including 30 June 2022 will need to be renewed by 30 September 2022.

Renewal applications must be submitted to the court by 9 August 2022. Any licence granted in July, August and September 2022 will be carried forward into the next licensing period.

Section 12: Requirement for off licence – Commencing 6 April 2022

This section relates to remote sales of intoxicating liquor.

A new Article 5A in the Licensing Order requires that where a sale takes place in any way other than in person:

- the place of dispatch in Northern Ireland must be licensed to sell intoxicating liquor for consumption off the premises; and
- the person making the sale, personally or by a servant or agent, is the holder of the licence.

This section also amends Article 66 of the Licensing Order (conditions as to delivery of intoxicating liquor), requiring any person, who is not a servant or agent of the licence holder, and who is delivering intoxicating liquor to the purchaser, to make the delivery without reasonable delay, and to have with them a receipt from the holder of the licence for the purchase of intoxicating liquor.

Failure to make the delivery without unreasonable delay or to carry the relevant receipt carries a fine of up to £1000).

Section 13: Removal of requirements for children's certificates, etc. – Commencing 6 April 2022

This section repeals Article 59 of the Licensing Order (children's certificates) which required licensees to hold a children's certificate if they wished young people under 18 years of age to be allowed in areas of the premises which contained a bar or are used mainly or exclusively for the consumption of intoxicating liquor.

The section makes further amendments to ensure all safeguards remain in place before young people under 18 years of age are allowed in areas of the premises which contain a bar or are used mainly or exclusively for the consumption of intoxicating liquor.

These safeguards include:

- meals must be available,
- a young person must be accompanied by an adult and sit away from the bar,
- a young must leave the premises by 9.00pm (9.30pm if consuming a meal purchased before 9.00pm).

Section 14: Underage functions – Commencing 6 April 2022

This section relates to the suitability of certain premises and authorisation for those premises to hold functions which are designed to appeal to under 18s in particular (underage functions).

The licensed premises in question are:

- pub;
- an hotel;
- a restaurant;
- a conference centre;
- a higher education institution;
- an indoor arena;
- an outdoor stadium.

A new Article 58A in the Licensing Order permits a court to make an order specifying a certain part of a licensed premises as suitable to hold underage functions when they are satisfied the required conditions have been met.

These conditions include:

- that the part of the premises specified in the order is structurally adapted for the purpose of having functions held in it;
- that appropriate steps have been taken for securing the safety of under 18s while attending an underage function in that part of the premises and that is it otherwise suitable for underage functions;
- that suitable arrangements are in place for securing under 18s attending the function do not have access to any other part of the premises which is used for the sale of intoxicating liquor.

A new Article 58B in the Licensing Order provides for authorisations for specific functions.

The holder of a licence must apply to the relevant magistrates' courts for an authorisation for each underage function. The procedure which must be followed is set out in Schedule 10 to the Licensing Order.

An authorisation permits under 18s to be in the part of the premises which has been granted a suitability order up to 1.00am to attend the function, and up to 1.30am following the function.

A condition of the authorisation is that during the period for which the authorisation is in force:

- each dispenser of intoxicating liquor in the part of the premises where the function is taking place must be incapable of operation; and
- access to any other container of intoxicating liquor in that part must be prevented.

A court may place other conditions as it thinks fit. Failure to comply with any condition carries a fine of up to £1,000.

Sales of intoxicating liquor to anyone aged 18 or over in the part of the premises where the function is taking place is an offence.

The licence holder, servant or agent, is also not permitted to allow anyone aged 18 or over to consume intoxicating liquor in that part.

Furthermore, a person aged 18 or over is not permitted to consume intoxicating liquor in the area authorised for the underage function whilst the function takes place.

Sales, permission to consume, and consumption, all carry a fine of up to £1,000.

This section also makes changes to Article 108 of the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985. It is now an offence for gaming machines to be made available in any part of licensed premises in which an underage function is being held.

Section 15: Private functions – Commencing 6 April 2022

This section amends Article 58 of the Licensing Order which relates to under 18s in licensed premises. Under 18s will be able to remain on licensed premises, to attend a private function, provided certain conditions are met.

The conditions are:

- the function is held in a part of the premises where the public do not have access to for the duration of the function;
- the person under 18 is in the company either of a parent or of a parent of another person who is under 18 and attending the function;
- at least a main meal is being served at the function; and
- the person under 18 does not consume any part of that meal at a counter or structure that is being used wholly or mainly as a bar.

NB: “parent” includes any individual who has parental responsibility for that person or has care of that person.

Section 16: Delivery of intoxicating liquor to young persons – Commencing 6 April 2022

This section amends Article 60 of the Licensing Order which relates to the sale, etc., of intoxicating liquor to young persons.

It makes it an offence for a licensee, or servant or agent, to make a home delivery of intoxicating liquor (purchased by an adult) to any person under 18 years of age.

It also provides that in court proceedings, licensees, or servants or agents, may rely on a defence of due diligence by demonstrating that, when delivering the intoxicating liquor, they recorded details of any proof of age document they had requested in the delivery book or on an invoice.

Section 17: Restaurants and guest houses: notice displaying licence conditions – Commencing 6 April 2022

This section amends Article 51 of the Licensing Order (conditions as to sale etc. in guest houses and restaurants). It adds a new Article 51(4A) which requires a restaurant, and a guest house which also has a restaurant, to display a notice detailing the conditions in relation to the sale and consumption of intoxicating liquor in the premises.

The notice will be added to this guide once it has been finalised.

Failure to display the notice carries a fine of up to £1,000.

Section 21: Minimum price for alcohol - Commenced 1 October 2021

This section places a duty on the Department of Health to, within 3 years of whole of this Act coming into operation, bring forward to the Assembly, legislation introducing minimum pricing for the sale and supply of intoxicating liquor and to prohibit its sale or supply below that price.

Section 22: Occasional licences: conditions – Commencing 6 April 2022

This section allows for the police to appear at a hearing of an application for an occasional licence and ask for terms and conditions to be placed on it.

There is also an opportunity, on request by the holder of the occasional licence, for a magistrates' court to vary or remove any of the terms or conditions if it is satisfied that it is appropriate to do so.

Failure to comply with terms and conditions placed on an occasional licence carries a fine up to £1,000.

Section 23: Independent review of licensing system including surrender principle - Commenced 1 October 2021

This section places a duty on the Department for Communities to appoint an independent person, within one year of this Act receiving Royal Assent, to undertake a review of the licensing system.

Subsections (2) and (3) set out the areas to be covered by the review and stipulate that the appointed person must report and make recommendations within two years of their appointment.

Subsections (4), (5) and (6) require the Department to lay the report of the review before the Assembly, publish the report, and, within six months of publication, produce and publish an action plan to address the recommendations of the review report.

Subsections (7) and (8) give the Department the power to modify by regulation the time periods by which the review and the Department's response must be completed, subject to the approval of the Assembly.

Section 24: Annual publication of the number of licences - Commenced 1 October 2021

This section requires the Department for Communities to publish an annual statement of the number of liquor licences in force for public houses and off-licences and any trends which may be observed from these numbers.

Licensed public houses are to be listed by district electoral area or, where feasible, by reference to smaller areas within each of those areas.

Section 26: Body Corporate: change of directors – Commencing 6 April 2022

This sections deals with licence holders which are made up of a body corporate.

Article 4 of the Licensing Order (persons to whom licences may be granted) is amended to require a body corporate licence holder to notify the courts and police of any change of directorship within 28 days.

Failure to comply with this requirement carries a fine up to £5,000, or up to 6 months imprisonment, or both.

Article 72 of the Licensing Order (suspension of licence) is also amended to allow the suspension of a licence on the grounds that the body corporate is no longer fit to hold a licence, having not informed the courts and police of a change of directorship.

Section 27: Removal of exemption for angostura bitters - Commenced 1 October 2021

This section effectively includes angostura bitters, a product of high alcohol content which is used to flavour a wide variety of drinks and food, in the definition of intoxicating liquor. This means that they may only be sold in licensed premises, or in the licensed part of premises.

PART 2 - REGISTRATION OF CLUBS

Section 28: Sporting Clubs – Commencing 6 April 2022

This section deals with extending an area of a sporting club authorised to supply intoxicating liquor.

New Article 15A in the Clubs Order (Extension authorisations for sporting clubs) allows police to authorise, in writing, a sporting club to extend the area of its premises which is registered to supply intoxicating liquor for the purpose of holding a function.

The function must be likely to attract more people than could be accommodated in the registered club premises, and the application to the police must include a plan showing the area of the proposed extension.

The extended area will be treated as part of the registered club premises for the duration of the authorisation and therefore the function will be subject to the conditions set out in Article 30 (Functions in registered clubs) of the Licensing Order.

No more than 6 authorisations may be granted in any year. An authorisation may exceed 1 day only in exceptional circumstances, determined by the police, and must not exceed 5 days.

Section 30: Removal of additional restrictions at Easter - Commenced 1 October 2021

Easter weekend permitted hours now mirror what is available for any other weekend throughout the year.

Section 30 amends Article 24 (general permitted hours), Article 25 (consumption of liquor after permitted hours) and Article 26 (authorisations for special occasions) of the Clubs Order to remove all Easter restrictions.

This corresponds with changes made for licensed premises in Section 1 of the Act.

Section 31: Removal of restrictions on late opening on Sunday - Commenced 1 October 2021

This section brings the end of general and extended permitted hours on any Sunday into line with those permitted on any other day (11pm with general permitted hours, and 1am the following morning for special occasions).

Opening times on Sundays (12.30pm) and Christmas Day hours (12.30pm -10pm) remain the same.

Section 31 amends Article 24 of the Clubs Order (general permitted hours) and Article 26 (authorisations for special occasions) and removes the restrictions on late night permitted hours on a Sunday (currently restricted to 10pm and 12pm respectively) for registered clubs.

Section 32: Extension of “drinking-up time” - Commenced 1 October 2021

This section increases drinking-up time from 30 minutes to 1 hour.

Section 32 amends Article 25 of the Clubs Order (consumption after permitted hours of liquor supplied during those hours) to create similar provisions for the duration of the “drinking-up time” in private members’ clubs to those set out in Section 6 of the Act in relation to licensed premises⁴.

Section 33: Increase in number of authorisations for special occasions - Commenced 1 October 2021

This section increases the number of late nights a club can apply to the police for.

Section 33 amends Article 26 of the Clubs Order (authorisation for special occasions) to increase the number of authorisations which can be granted by the police to any club in any year from 85 to 104.

Subsection (2) inserts new paragraphs (2A) and (2B) to Article 25 to give the Department the power to modify by regulation, subject to Assembly approval, the number of authorisations which can be granted for the time specified.

It is important to note that subsection (3) inserts new paragraphs (5) to (9) to Article 26 to require a person applying for an authorisation under this Article, to display a notice of the application on or near the club premises for which the authorisation is sought during the three weeks before the first occasion to which the application relates.

A copy of the notice must also be served on the district council.

An administrative form of notice that registered clubs can use to comply with the requirement to display under Article 26 can be can be downloaded from the Department’s website at

⁴ See page 7 of this guide for Section 6

<https://www.communities-ni.gov.uk/publications/licensing-and-registration-clubs-amendment-act-ni-2021-guide>

Applications should be addressed to the district licensing officer, or the duty inspector, of the local police district in which the premises is situated.

Furthermore, there is provision for complaints to be made from the police, council or any person owning or residing in premises within the vicinity, to the courts where undue inconvenience is caused to local residents as a result of a late night authorisation. Courts are given the power to revoke an authorisation, modify the hours of an authorisation, or make an authorisation subject to such terms and conditions as it thinks fit, including any which may be requested by the district commander of the police of the district in which the club premises are situated.

Section 34: Major Events – Commencing 6 April 2022

This section adds a new Article 26A to the Clubs Order which gives the Department the power to make a “major event order” which will:

- designate an event, held in NI, as a major event; and
- specify the permitted hours for the sale supply of intoxicating liquor, outside of what is currently available under the Clubs Order.

The period specified in a major event order may not include Christmas Day.

The Department must consult with appropriate persons. These persons may vary depending on the event however examples would be the police and council local to where the event is taking place.

The Department may also impose conditions for the supply of intoxicating liquor in any major event order. Failure to comply may result in a fine of up to £1,000 on summary conviction.

The Department is currently developing a framework for the processing of major event orders which will be made available at the earliest opportunity.

Section 35: Removal of requirement for children’s certificate, etc. – Commencing 6 April 2022

This section repeals Article 33 of and Schedule 5 to the Clubs Order (children’s certificates) which required a registered club to hold a children’s certificate if they wished young people under 18 years of age to be allowed in areas of club premises which contained a bar or are used mainly or exclusively for the consumption of intoxicating liquor.

The section makes further amendments to ensure all safeguards remain in place before young people under 18 years of age are allowed in areas of the premises which contain a bar or are used mainly or exclusively for the consumption of intoxicating liquor.

These safeguards include:

- meals, and beverages suitable for young people under 18 years of age, must be available,
- a young person must be accompanied by an adult and sit away from the bar,
- a young must leave the premises by 9.00pm (9.30pm if consuming a meal purchased before 9.00pm).

Section 36: Underage functions – Commencing 6 April 2022

This section relates to the suitability of a registered club to hold a function which is designed to appeal to under 18s in particular (underage functions).

A district commander, for the police district in which the club is situated, will need to be satisfied of the following conditions before authorising a function:

- that suitable arrangements are in place for securing under 18s attending the function do not have access to any other part of the premises which is used for the supply, consumption or storage of intoxicating liquor;
- each dispenser of intoxicating liquor at a bar in the part of the club premises where the function is being held are incapable of operation;
- access to any other container of intoxicating liquor is prevented.

The authorisation will specify the area in the registered club to hold the function and the duration of the function, up to 1.00am.

A registered club must not supply or permit consumption of intoxicating liquor to anyone aged 18 or over in the area of the club authorised to hold the function.

Failure to comply with these conditions means:

- the club,
 - every official in the club at the time the conditions were contravened and
 - the person supplying or permitting the consumption of the intoxicating liquor,
- are each guilty of an offence and each liable to a fine of up to £1,000.

This section also makes changes to Article 108 of the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985. It is now an offence for gaming machines to be made available in any part of licensed premises in which an underage function is being held.

Section 37: Private functions – Commencing 6 April 2022

This section amends Article 32 of the Clubs Order (young persons prohibited from bars) which relates to under 18s in part of club premises which contain a bar or is used exclusively or mainly for the supply, consumption or storage of intoxicating liquor. Under 18s will be able to remain on club premises after 9pm (or 10pm if in sporting club premises), to attend a private function, provided certain conditions are met.

The conditions are:

- the private function is held in a part of the club premises where other members, or guests of other members, do not have access to that part of the club for the duration of the function;
- the person under 18 is in the company either of a parent or of a parent of another person who is under 18 and attending the function;
- at least a main meal is being served at the function; and
- the person under 18 does not consume any part of that meal at a counter or structure that is being used wholly or mainly as a bar.

NB: “parent” includes any individual who has parental responsibility for that person or has care of that person.

Section 38: Young people prohibited from bars – Commencing 6 April 2022

This section amends Article 32 of the Clubs Order (young persons prohibited from bars). It extends the last time that young people under 18 years of age may be in the bar area of sporting club premises from 10.00pm to 11.00pm during the summer months (1 May to 30 September).

New Article 32(13A) further allows a young person to remain in the bar area of a sporting club premises until 11.00pm at any time of the year, up to 3 times per calendar year, to attend a prize-giving ceremony.

Section 40: Restrictions relating to advertisements – Commencing 6 April 2022

This section amends Article 38 of the Clubs Order (restrictions on advertisements relating to functions in clubs) which restricts advertising to solely within club premises unless the function was for sport, game or other physical recreation.

Clubs are now permitted to advertise any function outside of club premises provided, where appropriate, the advertisement clearly states that only members of the club and their guests may attend the function.

It is important to note that the statement must be clearly visible on the advertisement.

Advertisements relating to functions where the proceeds are devoted to charitable or benevolent purposes will not be required to include such a statement.

PART 3 - GENERAL

Section 42: Guidance - Commenced 1 October 2021

This section places a duty on the Department for Communities to produce and publish guidance on the effects of the licensing legislation and the registration of clubs legislation, the effects of the provisions of this Act and the practical implementation of Part 1, and any other matters it considers appropriate in relation to those issues.

Section 43: Review - Commenced 1 October 2021

This section requires the Department for Communities to review and report on each of the provisions in Parts 1 and 2 of this legislation as soon as is practicable after the third anniversary of the commencement of that provision and thereafter, at least once in every five years. The Department is required to lay each of these reports before the Assembly, and must then publish the reports.

The Department has a power to make regulations to discontinue these requirements, but not from any date earlier than the tenth anniversary of the Act receiving Royal Assent. The regulations cannot come into operation unless and until approved by the Assembly.

Section 44: Interpretation

In this Act:

“the Licensing Order” means the Licensing (Northern Ireland) Order 1996,

“the Registration of Clubs Order” means the Registration of Clubs (Northern Ireland) Order 1996, and

“statutory provision” has the meaning given in section 1(f) of the Interpretation Act (Northern Ireland) 1954.

Report on	Entertainment Licensing Legislation
Date of Meeting	8 th March 2022
Reporting Officer	Terry Scullion, Assistant Director of Property Services
Contact Officer	Colm Currie, Principal Building Officer

Is this report restricted for confidential business?	Yes	
If 'Yes', confirm below the exempt information category relied upon	No	X

1.0	Purpose of Report
1.1	The purpose of this report is to update Members on the review of Entertainment Licensing legislation.
2.0	Background
2.1	The Department for Communities has responsibility for the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985, the legislation governing Entertainments Licensing. This legislation was previously the responsibility of the Department of the Environment.
2.2	In 1986 the then Department of the Environment published 'Model Terms Conditions and Restrictions for Indoor Entertainments'. In 1988 the publication of a series of 'Technical Requirements' were published. In 1998, District Councils were issued a circular of additional 'Model Public Entertainment Licence Conditions aimed at improving Health and Safety of Young People at Dance Events'.
2.3	The current entertainment licensing scheme has been in place since 1985 and was reviewed in 2015 when the Minister invited key representatives from the entertainment industry to review and make recommendations on changes to the licensing system.
2.4	The aim of the review was to update both the legislation and the Model Terms and Conditions, to remove outdated provisions that no longer have beneficial effect and introduce new ones to deal with innovative issues.
2.5	The Review Group reported its findings in February 2015, making 36 recommendations for a future licensing regime. Although recommendations were subject to a public consultation and an expectation that more detailed proposals would be developed by the Department, the review ceased in 2016.

2.6	In 2021 the Department re-established the Review Group to re-examine its previous work. The Department subsequently circulated a revised version of the Model Terms, Conditions and Restrictions which replaces existing guidance that Councils should have regard to as part of its Entertainment Licensing process.
3.0	Main Report
3.1	Under Article 3 of the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985 district councils may grant entertainments licences, on such terms and conditions, and subject to such restrictions as may be specified in the licence. In specifying any terms, conditions or restrictions in a license, councils should have regard to any model terms, conditions and restrictions published by the Department.
3.2	The revised Model Terms, Conditions and Restrictions circular from the Department for Communities is attached in appendix 1. The document is broken down into four sections – one relates to the requisites for applying for a licence; the second is technical requirement for premises; then management rules/terms and conditions and the fourth is a collection of appendices with additional recommendations for ‘special’ events/ entertainments.
3.3	The document itself is helpful and is a very good start to reviewing conditions that are very out of date and do not reflect adequately the types of entertainment that is currently being provided across the wide spectrum of premises that are licensed to provide such. It should also be noted the document has been issued without a public consultation on its content.
3.4	A stated within the circular a council may modify or dispense with such of these model terms, conditions and restrictions as it thinks appropriate for the premises or venue and of the type of entertainment provided. Although there is no obligation on a council to follow the identified technical standards set out in the guidance, it will be for the council to demonstrate that those requirements have been satisfied by other means.
3.5	At this juncture further time is required to consider the guidance. A further report will be brought to a future Committee setting out the implications for Council's Entertainment Licencing policy.
4.0	Other Considerations
4.1	Financial, Human Resources & Risk Implications
	Financial: Within Current Resources
	Human: Within Current Resources
	Risk Management: None

4.2	Screening & Impact Assessments
	Equality & Good Relations Implications: None
	Rural Needs Implications: None
5.0	Recommendation(s)
5.1	That Members note the content of this report.
6.0	Documents Attached & References
6.1	Appendix 1 – Department for Communities revised Model Terms, Conditions and Restrictions Circular, January 2022



Department for
Communities
www.communities-ni.gov.uk

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Department for
Communities

Chief Executive of each District Council

Local Government & Housing
Regulation Division
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Belfast BT2 7EG

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1 February 2022

Dear Chief Executive

LOCAL GOVERNMENT CIRCULAR LG 7/22

MODEL TERMS, CONDITIONS AND RESTRICTIONS (REVISED) WHICH MAY BE SPECIFIED IN ENTERTAINMENTS LICENCES BY COUNCILS UNDER THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) (NORTHERN IRELAND) ORDER 1985)

As you know Article 3 of, and Schedule 1 to, the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985, as amended by Article 52 of the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1992, make provision that certain specified entertainments shall not be provided at any places, except under, and in accordance with, the terms, conditions and restrictions that are included in entertainment licences granted by district councils. Paragraph 3(3) of Schedule 1 to the legislation requires that in specifying any terms, conditions or restrictions in a licence the council shall have regard to any model terms, conditions and restrictions published for these purposes by the Department.

In June 1986 the then Department of the Environment for Northern Ireland (DOE), published "Model Terms Conditions and Restrictions for Indoor Entertainments" which became known as the "Management Rules", followed in July 1988 by the publication of a series of "Technical Requirements" which were to form an integral part of the model terms, conditions and restrictions. Additional "Model Public Entertainment Licence Conditions Aimed at Improving the Health and Safety of Young People at Dance Events" were issued to District Councils in April 1998 under Circular No LG 19/98.

You will also be aware that a review of the entertainment licensing system, initiated by the DOE in July 2014, made some 36 recommendations for a future licensing regime, two of which related to the update and modernisation of the Department's published Model Terms, Conditions and Restrictions. During 2014/2015 the Review Group did considerable work to combine, revise and update the contents of this guidance with the aim of setting out a consistent and uniform set of modern technical and management standards which councils could apply to premises/venues seeking an entertainments licence. Unfortunately, all work on the recommendations of the review was halted in late 2016 and this remained the position until January 2020 when work was restarted on the restoration of the Assembly.

The Department has now completed the significant work on updating the guidance commenced by

the original Review Group, with additional updating on some issues which have arisen since the report of the review was published. In particular I would draw your attention to Part B, Section 16 of the revised document which contains a new section on crowd safety and signposts detailed guidance on the subject.

In specifying any terms, conditions or restrictions in an entertainments licence councils should now have regard to the revised version of the Model Terms, Conditions and Restrictions as published (copy attached) which replaces the existing guidance mentioned in paragraph two above.

This guidance will of course be further amended as required by any future relevant developments.

Yours sincerely

A handwritten signature in cursive script, reading "Liam Quinn".

Liam Quinn
Assistant Director of Local Government and Housing Regulation



Department for

Communities

www.communities-ni.gov.uk

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Department for

Commonities

MODEL TERMS, CONDITIONS AND RESTRICTIONS (revised)

**which may be specified in entertainments licences by
councils under the Local Government (Miscellaneous
Provisions) (Northern Ireland) Order 1985**

Technical Requirements and Management Rules for Indoor & Outdoor places of entertainment

January 2022

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1. Foreword

Use of this document

1. Under Article 3 of, and Schedule 1 to, the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985 district councils may grant entertainments licences, on such terms and conditions, and subject to such restrictions as may be specified in the licence. In specifying any terms, conditions or restrictions in a licence, district councils should have regard to any model terms, conditions and restrictions published by the Department.
2. Accordingly, the responsible Department at the time, the Department of the Environment for Northern Ireland set up a Working Party to formulate terms, conditions and restrictions which may be specified in entertainment licences. In June 1986 the Working Party published the "Model Terms Conditions and Restrictions for Indoor Entertainments" which became known as the "Management Rules", followed by the publication in July 1988 of a series of "Technical Requirements" which were to form an integral part of the model terms, conditions and restrictions. Additional "Model Public Entertainment Licence Conditions Aimed at Improving the Health and Safety of Young People at Dance Events" were issued to District Councils in April 1998.
3. This document combines, revises and updates the contents of the above publications. It aims to set out a consistent and uniform set of modern technical and management standards which councils can apply to premises/venues seeking an entertainment licence.
4. A council may modify or dispense with such of these model terms, conditions and restrictions as it thinks appropriate for the premises or venue and for the type of entertainments provided therein. Although there is no obligation on a council to follow the identified technical standards set out in this guidance, it will be for the council to demonstrate that those requirements have been satisfied by other means. In applying any identified technical standard, councils should use the most recent standard available.
5. The issue of any licence for the premises shall not derogate from other powers or duties of the council or any other authority's statutory provisions.

2. Definitions

Definitions
"approval of the Council" "consent of the Council" means the prior approval or prior consent of the Council in writing.
"approved" "permitted", means approved, or permitted, by the Council in writing.
"children" means any persons under the age of 16 years.
"young person" means any person aged 16 or 17.
"licence" means a licence granted, renewed or transferred as the case may be by the Council for the purpose of providing the types of entertainment on premises mentioned in the licence.
"licensee" means a person or persons, a corporate body or any association of persons licensed by a Council to keep and use premises for the types of entertainment as set out in a licence.
"licensing conditions" are the terms, conditions and restrictions under which a licence is granted, renewed or transferred and shall include the Model Terms, Conditions and Restrictions and Technical Requirements of the Council.
"notice" means notice in writing.
"premises" means any place subject to the licensing provisions in Schedule 1 to the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985, and includes all parts of the property to which persons have access in connection with the entertainment.

3. Applications – supporting documentation

3.1 There are a range of documents which councils may require to support an application for the grant or renewal of an entertainments licence and, on the annual maintenance of a licence, councils may require a declaration by the licensee that all such documentation is current. Councils may also require proof of relevant documentation at any point in the life of a licence. Failure to renew relevant documentation during the life of a licence will be a breach of the licence condition and subject to enforcement action. The following paragraphs set out some of the most common documents and certificates which councils will require.

3.2 Insurance (Annual)

A certificate is required to confirm that, as set out in the Local Government (Miscellaneous Provisions) Northern Ireland Order 1985 a valid policy of public liability insurance is held in respect of premises providing entertainment, to cover all events held under the licence. An appropriate level of indemnity insurance, as required by the relevant council, should be provided. The insurance policy certificate must be valid and effective throughout the operational period of the licence and any such further period during which entertainment is provided pending renewal of the entertainments licence.

3.3 Door Supervisors

A certificate is required to confirm that, as set out in the Private Security Industry Act 2001, if a venue employs Door Supervisors, those persons are qualified and licensed by the Security Industry Authority. Certification is required with each new application.

3.4 Newspaper Advert

Within 7 days of making an application for a grant, renewal, variation or transfer of an entertainments licence the applicant must give public notice by placing an advertisement in one newspaper that is distributed or sold in the area in which the premises is located. Proof of this advertisement is required, clearly showing the newspaper and the date that the advert was placed.

3.5 Fire Extinguishers Certificate (Annual)

All fire extinguishers shall be inspected and tested annually in accordance with BS 5306-3:2006 and a certificate from the equipment suppliers or signed by an approved competent person, indicating that the portable fire extinguishers have been examined and tested shall be provided. Certification is required with each new application.

3.6 Electrical Installation Certification (As Certified by Engineer)

All periodic inspection and testing shall be carried out in accordance with the current edition of the Institute of Engineering and Technology Regulations for electrical installations inspection and testing and as recommended in BS 7671. The maximum period between inspections shall be 3 years unless declared otherwise by the inspecting contractor. A certificate confirming that electrical installations have been inspected and tested by a competent person is required, with each new application, and when alterations to the installation are carried out, or every three years thereafter.

3.7 Emergency Lighting Certificate (Annual)

All emergency lighting systems shall be inspected and tested annually in accordance with the current edition of BS 5266: Part 1, 2005, Annual Test. The type of test certificate is to be as recommended in BS 5266: Part 1, 2005, Appendix C. Any variation to this type of certificate must be approved by the Council. Certification is required with each new application and every year thereafter.

3.8 Fire Alarm System Certificate (Annual)

All fire alarms shall be inspected and tested annually in accordance with the current edition of BS 5839: Part 1, 2002, incorporating amendments 1, 2 and 3 with particular reference to Section 7, User Responsibilities Annual Inspection and Test. The type of test certificate is to be as recommended in BS 5839: Part 1, 2002, Appendix C. Certification is required with each new application and every year thereafter.

3.9 Fire Risk Assessment

A fire risk assessment is required and, as set out in the Fire Safety Regulations (Northern Ireland) 2010, is to be carried out by an appropriate and competent person. A fire risk assessment is an organised and methodical look at the premises, identifying the hazards and assessing the risks, the potential for a fire to occur and the harm it could cause to people in and around the premises. A copy of the fire risk assessment is required with each grant, transfer or variation application.

3.10 Gas Appliances and Equipment

A certificate, from a competent person, is required, stating that any liquefied petroleum gas (LPG) installations and equipment have been tested and comply with the recommendations of the Liquefied Petroleum Gas Industry Technical Association (LPGITA) and the Health and Safety Executive Guidance Notes. Certification is required with each new application and every two years thereafter.

3.11 Ceiling

This certificate may be required during inspection of the premises, where for example a ceiling has ornamental plaster or other imposed loadings. The certificate should confirm their condition and structural integrity. The certificate may be issued by either an architect, structural engineer, or a building surveyor, and is required every four years.

3.12 Structural

This certificate is requested at grant stage only and the council reserves the right to request it for other applications, to confirm that the premises satisfy the requirements of BS 6399: Part 1 1996; Design loading for Buildings; Part 1 Code of Practice for Dead and Imposed loads. Where a dance/music event is to be provided the Council may require loading strengths in excess of those tabulated in the British Standards. The certificate is to be issued by a structural engineer/competent technical person, confirming the structural suitability of the place to be licensed for entertainment and certifying that the walls, floors, ceilings and roof are in a safe and satisfactory condition for the purpose for which the place is to be used. Certification is required with each new application or when structural alterations are carried out, and every five years thereafter.

Part A - Technical Requirements

4. Building Regulations

The place shall be so constructed, maintained and managed, so far as is reasonably practical, to ensure the health and safety of persons in and about the place. All technical requirements in premises licensed for entertainment in Northern Ireland must comply with the technical requirements of the relevant Building Regulations and associated guidance set out in the following documents:

Legislation

Building Regulations (Northern Ireland) 2012

Building (Amendment) Regulations (Northern Ireland) 2012

The Building Regulations (1979 Order) (Commencement No. 3) Order (Northern Ireland) 2012

The Building Regulations (2009 Amendment Act) (Commencement No. 2) Order (Northern Ireland) 2012

The Building Regulations (2009 Amendment Act) (Commencement) Order (Northern Ireland) 2009

The Building Regulations (1979 Order) (Commencement No. 2) Order (Northern Ireland) 1982

The Building Regulations (1979 Order) (Commencement No. 1) Order (Northern Ireland) 1980

Legislation is available on the [Legislation.gov.uk](http://legislation.gov.uk) website.

Department of Finance Building Regulations Technical Booklets

Materials and workmanship - July 2013

Site preparation and resistance to moisture - October 2012

Structure - October 2012

Fire safety - October 2012

Conservation of fuel and power in buildings - October 2012

Conservation of fuel and power in buildings other than dwellings - October 2012

Technical Booklets F1 and F2 – amendments - February 2014

Resistance to the passage of sound - October 2012

Stairs, ramps, guarding and protection from impact - October 2012

Solid waste in buildings - October 2012

Ventilation - October 2012

Combustion appliances and fuel storage systems - October 2012

Physical infrastructure for high-speed communications networks - January 2017

Drainage - October 2012

Sanitary appliances, unvented hot water storage systems and reducing the risk of scalding - October 2012

Access to and use of buildings - October 2012

Glazing - October 2012

All current Building Regulation Technical Booklets are available on the Department of Finance website [Building Regulations in Northern Ireland | Department of Finance \(finance-ni.gov.uk\)](http://Building Regulations in Northern Ireland | Department of Finance (finance-ni.gov.uk))

5. Sanitary Accommodation

The premises shall be so constructed, maintained and managed, so far as reasonably practical, to ensure sufficient sanitary accommodation is provided for persons in and about the place.

The following will be used by the council in the assessment of the premises:

Guidance

- BS 6465-1:2006+A1:2009 Sanitary installations. Code of practice for the design of sanitary facilities and scales of provision of sanitary and associated appliances

6. Access to and Use of Buildings for Persons with Disabilities

The place shall be so constructed, maintained and managed, so far as reasonably practical, to ensure persons with disabilities can have full access to all public areas and avail of all facilities in and about the place.

The following will be used by the council in the assessment of the premises:

Legislation

- Disability Discrimination Act 2005 - for existing premises

Guidance

- Department of Finance Building Regulations (Northern Ireland) 2012 Technical Booklet R and/or
- BS 8300-2: Design of an accessible and inclusive built environment code of practice - for new build premises

7. Noise

The place shall be so constructed, maintained and managed, so far as reasonably practical, to ensure that persons in and about the place and persons in neighbouring properties are not unduly affected by noise.

Because of the individual nature of each premises and the type of entertainments provided, it is recommended that each application is accompanied by an acoustic report as required or as is necessary, from a Noise Consultant, setting out the requirements to meet the Councils conditions.

To aid the Noise Consultant the following Regulations and guidance documents will be used by the council in the assessment of the premises.

Legislation:

- within the premises - Health and Safety at Work (NI) Order 1978
- arising from the premises - The Clean Neighbourhoods and Environment Act (Northern Ireland) 2011
- The Noise Act 1996

Guidance documents:

- BS 8233:2014 Guidance on sound insulation & noise reduction for buildings

- British Research Establishment Digest 379, DG379 'Double glazing for heat and sound insulation'
- Noise Advisory Council's 'Draft Code of Practice on Sound Levels in Discotheques' published May 1986
- Health and Safety Executive's 'Code of Practice for Reducing the Exposure of Employed Persons to Noise' published 1972
- Health and Safety Executive's 'Noise at work: A brief guide to controlling the risks'

8. Seating Layouts

Any seating provided in the place, whether fixed or loose, shall not prejudice the means of escape or the health and safety of patrons within a premises.

The following will be used by the council in the assessment of the premises:

Guidance

- BS 9999:2008 Annex D, Section D.3, Paragraphs D.3.1-D.3.5

9. Fixtures, Fittings, Fabrics and Furnishings

The selection and/or use of fixtures, fittings, fabrics and furnishings should not present an unacceptable increase in the volume of combustible materials in a building. The nature of the materials should not give rise to the rapid spread of smoke or fire in a building.

The following will be used by the council to determine the suitability, or otherwise, of materials for use within entertainment venues:

Guidance

- BS 5867-2:2008 Fabrics for curtains, drapes and window blinds. Flammability requirements. Specification
- BS 4790:1987 - Method for determination of the effects of a small source of ignition on textile floor coverings
- Building Regulations (Northern Ireland) 2012 Technical Booklet E, Section 3
- BS 9999: 2008 Code of practice for fire safety in the design, management and use of buildings, Annex D Paragraph D.3.6
- BS 476: Part 6 - Fire tests on building materials and structures. Method of test for fire propagation for products

10. Fire Extinguishers

The number type, siting and installation of firefighting equipment shall be as agreed with the Northern Ireland Fire and Rescue Service (NIFRS) and the Council.

Portable fire extinguishers shall comply with the appropriate British Standard for the type recommended and be serviced in accordance with the following:

Guidance

- BS 5306-8:2012 Selection and positioning of portable fire extinguishers – Code of practice.
- BS 5306-3:2009 Commissioning and maintenance of portable fire extinguishers – Code of practice

11. Premises Having a Stage

All stages used for entertainments licensing purposes shall be so designed, constructed and maintained, so as to ensure the safety of persons in and about the structure.

The following guidance documents will be used by the council in the assessment of all stages, platforms and access galleries in the premises:

Guidance

- BS 6399-1:1996 Loading for buildings. Code of practice for dead and imposed loads
- BS 9999:2008 Code of practice for fire safety in the design, management and use of buildings, Annex D Paragraph D.5

12. Special Installations and Effects

Any special installations and/or effects should be arranged so as to minimise any risk to the public, performers and staff. Special installations and effects are considered to be those installations which are both permanent and temporary in nature.

The special effects are inclusive of items such as:-

- Pyrotechnics
- Lasers
- Strobe lighting
- Smoke machines
- Foam canons/machines
- Paint canons/machines
- Real flame

This list is not considered to be exhaustive. In all situations, it is the responsibility of the licensee to notify the Councils' entertainments licensing section of their intention to provide any special installation and/or effect.

In determining the suitability of a proposal to provide a Special Installation or Special Effects, the following guidance will be used by the Council in its assessment:

Guidance

- Association of British Theatre Technicians 'Code of practice for firearms and ammunition' and 'Code of practice for pyrotechnics and smoke effects'
- Health and Safety Executive/Local Authorities (HELA) guidance note 'Disco lights and flicker sensitive epilepsy'
- Health and Safety Executive's 'The radiation safety of display laser installations' HS(G)95 HSE Books 1996 ISBN 0 7176 0691

- International Electrotechnical Commission (IEC) publication 'Safety of laser products - Part 3. Guidance for laser displays and shows. IEC 825 - 3 1995'
- The Institution of Lighting Engineers 'Lasers, Festival and Entertainment Lighting Code 1995'

Advance notification to the council

- Where a special installation and/or effects are to be used ... days' notice shall be given to the Council.
- The licensee must ensure a risk assessment is carried out on the proposed special installation and/or effect, specific to the premises where it is to be used. A copy of the risk assessment, along with any other relevant certificates specific to the special effect, must accompany the notice provided to the council.
- The council must also be informed of the identification of the competent person who will be responsible for the special installation and/or effect.
- All special effects are to be used in accordance with the manufacturer's instructions and relevant legislation.

13. Temporary Structures

All temporary structures used as part of an Entertainment Licensed event shall be so designed, constructed and maintained, so as to ensure the safety of persons in and about the structure. Because of the individual nature of such temporary structures it is recommended that each structure is accompanied by a report/certificate from a structural engineer.

To aid the structural engineers, the following guidance will be used by the council in the assessment of a temporary structure:

Guidance

- Institution of Structural Engineers publication 'Temporary demountable structures. Guidance on procurement, design and use. (Third Edition) (2007)'
- Building Research Establishment Digest 483, 'Wind loads on temporary stage decks 2004'
- BS EN 13782:2005. Temporary structures — Tents — Safety
- Building Research Establishment information paper IP3/00, 'Temporary demountable grandstands: dynamic response'
- BS EN13200-6:2006. Spectator facilities — Part 6: Demountable (temporary) stands
- BS 1139-6:2014. Metal scaffolding – Part 6: Prefabricated tower scaffolds outside the scope of BS EN 1004, but utilizing components from such systems – Specification
- Building Research Establishment Digest 426, 'The response of structures to dynamic crowd loads. 1997'
- Greater London Council 'Code of Practice for pop concerts – A guide to safety, health & welfare at one day events'
- Chartered Institute of Environmental Health (CIEH) 'Noise Council code of practice on environmental noise at concerts' Published 1995

14. Outdoor Areas and Events

Outdoor areas

Outdoor areas where entertainment is provided shall be so designed, constructed and maintained to ensure adequate provisions for the health, safety and welfare of patrons using the area and to ensure that persons in and about the place and in neighbouring properties are not unduly affected by noise.

To ensure that outdoor areas, such as beer gardens and smoking areas, comply with the Model terms due consideration should be taken of:-

- Means of escape
- Sanitary Facilities
- Noise Breakout

For technical guidance on compliance with the above points, refer to the relevant guidance signposted in Part A, section 4 (Building Regulations) of this document.

Smoking areas

Smoking areas must comply with the Smoking (Northern Ireland) Order 2006. This legislation prohibits smoking in most enclosed and substantially enclosed workplaces and public places.

Outdoor Events

All outdoor entertainment events shall be so organised to ensure that the health, safety and welfare of persons in and about the event is maintained and protected and that all noise mitigating factors have been considered so as to protect the local amenity. Because of the individual nature and varying size and scale of outdoor events, it is recommended that each applicant follows the guidelines set out in Appendix A of this document in relation to:

- Appendix A1 - Health and Safety Requirements at an Outdoor Event
- Appendix A2 - Noise Control Procedure for an Outdoor Event

The following will be used by the Council in the assessment of the premises:

Guidance

- The Purple Guide to Health, Safety and Welfare at Music and Other Events.
- Department for Communities and Local Government – Fire Safety Risk Assessment for Open Air Events and Venues - [Fire safety risk assessment: open-air events and venues - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/344442/Fire_safety_risk_assessment_for_open-air_events_and_venues.pdf)

Part B – Management Rules

15. General Rules

15.1 The licence shall be posted up in some conspicuous location in the premises.

15.2 A copy of the licensing conditions shall be kept in the premises and shall be readily available for inspection.

15.3 The premises shall not be used for any of the purposes for which the premises are licensed, except on the days and between the hours set out in the licence. In exceptional circumstances the permitted hours of use for the purposes authorised by the licence may be varied with the consent of the Council. In this respect not less than ... months' notice of application for permission to vary the permitted hours of use shall be given to the Council.

15.4 Premises which are also licensed under the Licensing (Northern Ireland) Order 1996 (as amended by the Licensing and Registration of Clubs (Amendment) Act (NI) 2021) shall ensure the alignment of closing time for the consumption of liquor and entertainment on the premises. Entertainment provided during later opening or further later opening is not allowed to continue after the end of "drinking-up time". Entertainment must end at the latest at 2.00am for later opening and 3.00am for further later opening. An entertainment licence can be granted for the provision of entertainment beyond the latest time for consumption of alcoholic drinks as set out above, however, such a licence will have the effect that any order for additional (or further additional) permitted hours is invalidated, and the sale of intoxicating liquor on those premises must cease at 11pm. This paragraph shall not apply to premises registered under the Registration of Clubs (Northern Ireland) Order 1996.

15.5 The numbers of persons on the premises at any one time shall not exceed the maximum number stated in the licence and a system of accounting and recording numbers shall be kept for inspection by an authorised inspector of the Council.

15.6 The premises should be managed in line with the Fire Risk Assessment (FRA), which has been developed for the premises.

15.7 A valid policy of insurance must be held by the licence holder throughout the period of the licence, insuring him in respect of any liability which may be incurred by him in respect of the death of or bodily injury to any person while on or about the premises. The insurance policy must be available for inspection by an authorised officer of the Council.

15.8 All parts of the premises, both indoor and outdoor, shall be open for inspection at all reasonable times by an authorised officer of the Council, an officer of the Police Service of Northern Ireland (PSNI) or an authorised officer of the NIFRS for the purpose of observing whether the terms, conditions and restrictions subject to which the licence is held are being complied with.

15.9 No alteration in construction, lay-out, furnishings or otherwise of the premises shall be made without the consent of the Council.

15.10 The licensee shall:

- take all reasonable precautions to ensure the safety of all persons on the premises and shall retain control over all parts of the premises; and
- ensure that the licensing conditions are observed.

This includes where, in any case, the licensee permits the premises to be kept or used by a hirer, lessee, or similar person, for the purposes of entertainment. Reasonable precautions include meeting the requirements of any other statutory provision.

15.11 No entertainments which:

- are dance/music events; or
- use special installations or effects or are otherwise likely to present special risks to patrons; or
- are specially presented for children

shall be provided until the Council's consent has been obtained.

For **dance/music events** (...) months' notice of any such entertainment shall be given to the Council together with either names of the groups or artists booked to appear or, if that information is not available, an indication of the age of the audience such entertainment is expected to attract.

For the **other entertainments referred to above** (...) days' notice of any such entertainment shall be given to the Council.

16. Crowd safety

16.1 As set out under 'definitions' earlier in this document, for the purposes of this guidance *"premises" means any place subject to the licensing provisions in Schedule 1 to the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985, and includes all parts of the property to which persons have access in connection with the entertainment.*

16.2 Whether the event is being held indoor or outdoor, the licensee and all other staff involved in crowd management should think about what may cause harm to event staff and visitors through crowd movement, dynamics and behaviour as people arrive, enter, move around a venue, exit and disperse.

16.3 They should assess crowd safety risks and identify hazards and take reasonable steps to eliminate or reduce the risks, giving due consideration to young people and people with disabilities or learning difficulties when deciding the appropriate action to take. Risk assessment is about identifying and taking proportionate measures to control the risks at the venue to ensure the safety of all those attending the event as well as those staff engaged in managing the event.

16.4 As an early priority, organisers should establish that they can manage a crowd safely for the type of event and at the venue chosen.

16.5 Even if the event is free or takes place wholly or partly on urban streets or open spaces, the same crowd management principles should still be applied to help make it as safe as possible.

Detailed guidance on this issue is set out in the following document:

- Health and Safety Executive's, 'Managing crowds safely – A guide for organisers at events and venues' - [Event safety - Crowd management \(hse.gov.uk\)](https://www.hse.gov.uk/event-safety-crowd-management/)

17. Control and Operation

17.1 The licence holder, or a nominated responsible person:

- must be present and in charge at all times when the premises are open to the public for the purposes stated on the licence;
- shall be responsible for the maintenance of good order and decent behaviour in the premises and shall ensure any offenders are removed from the premises;
- must take all necessary measures to ensure compliance with the conditions of the licence and must not be engaged in any other duties which would interfere with the exercising of general supervision over the premises.

17.2 Nothing shall be displayed, acted, represented, recited or sung which is profane, or is indecent or likely to result in a breach of the peace.

17.3 No drunkenness nor any violent, quarrelsome, disorderly, riotous or improper conduct shall be permitted on the premises.

17.4 Music or noise arising from the entertainment provided on the premises shall not cause unreasonable disturbance or annoyance to the occupiers of other properties in the neighbourhood. The Council may require the level of sound of any music or other form of entertainment to be reduced to its satisfaction.

17.5 Loudspeakers broadcasting to the street or in the near vicinity of the premises are prohibited.

17.6 Where the entertainment is to be presented specially for children, or where entertainment is provided and attracts a substantial number of children, the additional conditions in **Appendix C** shall also apply.

17.7 The whole of the premises shall be kept clean, ventilated and free from any accumulation of dirt, rubbish or flammable materials. Yard areas shall be kept in a clean condition and free of rubbish and litter and a sufficient number of suitable receptacles with proper fitting covers shall be provided for the purpose of receiving rubbish, dust and refuse from the premises.

17.8 Sanitary accommodation and washing facilities provided in the premises shall be maintained in good working order, kept clean, ventilated, disinfected and supplied with all proper requisites.

17.9 Any removable fastenings permitted by the Council for securing exit doors when the public are not on the premises shall be removed before any member of the public is admitted to the premises and shall not be replaced while any member of the public is on the premises.

17.10 Temporary dressing and quick-change rooms shall not be provided except with the consent of the Council. The number of performers, including orchestral personnel, shall not exceed the number, which in the Council's opinion, is considered adequate for dressing and retiring room accommodation.

17.11 Cylinders for the storage of compressed air, oxygen, hydrogen, or other gases shall not be used except with the consent of the Council, and where permitted shall be used in strict accordance with any conditions imposed as considered necessary by the Council.

17.12 Where a Liquefied Petroleum Gas (LPG) supply is provided in the premises for whatever purpose, the whole of the installations, works, piping, appliances, cylinders, storage tanks, etc, shall be as recommended by the UKLPG (trade association for the LPG industry in the UK) and to the satisfaction of the Council.

17.13 No portable cooking and heating appliances shall be used except with the consent of the Council.

17.14 In relation to any special performance, contest or display if it is intended that the number of persons on the premises shall exceed the maximum stated in the licence then (...) month's notice of the event shall be given to the Council seeking the consent of the Council to agree the maximum number of persons permitted on the premises for that special performance, contest or display.

17.15 Doors to rooms from which the public are to be excluded must be kept locked at all times when the rooms are not occupied.

17.16 Additional licensing conditions for premises licensed for specific types of entertainment are contained in the following appendices:-

Appendix:

A – Outdoor entertainments.

B – Additional conditions for theatrical performances in theatres.

C – Additional conditions for indoor children's entertainment and where children may be accommodated on the premises.

D – Additional conditions for dance/music events.

E - Indoor boxing, cage-fighting, kick-boxing, snooker, darts and similar types of public contests, matches, exhibitions or displays.

F – Additional conditions for circuses.

18. Emergency Precautions/Conditions relating to public safety

18.1 The premises shall comply with the requirements of the current British Standard Code of Practice as published by the British Standards Institution.

18.2 Firefighting equipment shall be provided by the licensee, kept in good working order and all fire extinguishers shall bear a stamp or label to indicate that they have been inspected and serviced by the suppliers of the equipment or other competent person within the past year (see Part A, section 10).

18.3 The licensee shall take all reasonable measures for securing adequate access to the premises for fire appliances, ambulances, police vehicles and other vehicles which may be required in an emergency.

18.4 The licensee shall maintain and keep all fittings of gas or electrical installations in proper, safe and unobstructed condition.

18.5 Adequate means of communication with emergency services shall be provided.

18.6 The licensee or the responsible person nominated by him and whose name is entered in the log book described at (g.) below shall be in charge of the premises to ensure that before the premises are opened to the public and during the time the entertainment is taking place that the safety arrangements are in order as follows:-

- (a) All exit doors are easily and immediately openable from the inside and all restrictive fastenings have been removed. All fire doors shall be maintained in the closed position.
- (b) All gangways, passageways and exit doors and all stairways are free from obstruction and no person, except persons employed in the premises, shall stand, sit or remain in any such means of escape.
- (c) All parts of the premises are adequately lighted, the illuminated exit door signs and emergency lighting in escape routes are operating effectively.
- (d) All items of firefighting equipment are in their recommended positions and are in working order.
- (e) All open heating appliances are of a fixed type and are properly guarded and no combustible materials are situated close to such appliances.
- (f) All staff, attendants, stewards, etc, are trained or instructed on the action to be taken in the event of an emergency, including the method of calling the emergency services and the fastest means of evacuating the premises in a safe and orderly manner. The NIFRS shall be called to any fire outbreak, however slight. Instructions to staff in the event of fire shall be permanently displayed on the premises, in the staff rooms or other such positions approved by the Council.
- (g) A log book in the form approved by the Council is to be kept and signed by the licensee or nominated person in charge that he has carried out the fire safety measures specified in (a) to (f) aforesaid.
- (h) Where closely seated audiences are involved an announcement shall be made at the start of each performance indicating the location of exits.

18.7 Carpets and other floor coverings must be secured and maintained so that they will not be likely to ruck or to be in any way a source of danger. Mats must be flush with the surface of the floor.

18.8 Coverings to seats shall be kept in a good state of repair at all times and any upholstered seating must be maintained in a flame-retarded condition and must meet, on a continuous basis, the pass criteria for:

- smouldering ignition source 0
- flaming ignition source 1; and
- crib ignition source 5

when tested in accordance with section 5 of BS 5852:2006.

18.9 All curtains, hangings, and decorations must be maintained in a flame-retarded condition and must be arranged so that they do not obstruct exits, fire safety signs or firefighting equipment.

18.10 Where the Council requires the licensee to provide facilities for the disabled on the premises:

- the facilities shall be maintained in accordance with relevant legislation;

- where the entertainment involves a closely seated audience the siting of wheelchair spaces shall be adjacent to escape routes and approved by the Council;
- staff shall be aware at all times of the presence and location of persons with a disability in the premises and shall in the case of fire or other emergency, if necessary with assistance from other persons, organise the evacuation of such persons from the premises.

SPECIMEN LOG BOOK FOR LICENSING OF PLACES OF ENTERTAINMENT

PAGE 1

NAME OF PLACE:

LOCATION/ADDRESS:

NAME OF LICENSEE:

LICENCE NUMBER:

[illegible]

This part of the log book to be used only to record
 (i) instructions and drill training in case of fire or other emergency
 (ii) actual incidences
 (iii) inspection by an authorised officer of the Council

(i) RECORD OF INSTRUCTIONS AND DRILL TRAINING IN CASE OF FIRE OR OTHER EMERGENCY					
Dates of instruction	Times and duration of instruction or drill	Name of instructor	Names of persons receiving instruction or drill	Nature of instruction or drill	Signed (person-in-charge)

(ii) INCIDENTS OF FIRE OR OTHER EMERGENCY				
Date of incident	Time of occurrence	Location of fire/emergency	Time and method of informing Fire & Rescue Service	Other action taken

(iii) INSPECTION BY AN AUTHORISED OFFICER OF THE COUNCIL		
Date of inspection	Time of inspection	Comments

Appendix A - Outdoor Events

A1. Health and Safety Requirements at an Outdoor Event

The licensee or a nominated responsible person shall, during the whole time that the place is open to the public, be in control of the place at all times and shall be assisted by sufficient staff of competent adult attendants who are readily identifiable and who will have been specifically instructed as to their duties, the main aim of which is the orderly evacuation of the place and the avoidance of panic in the event of an emergency.

The licensee shall put in place all reasonable measures to secure adequate access to any marquee(s) and associated site for the emergency services.

An Event Management Plan (EMP) specific to your event must be received by the Council **at least (...) weeks** before the event is due to take place.

The EMP must consist of the following detailed information:

- Site plan layout
- Crowd management provisions
- Means of escape provisions
- Stewarding details
- Special effects including information on the use of lasers
- Temporary structures
- Electrical systems being installed and testing arrangements
- First aid provisions
- Sanitary accommodation, including provisions for disabled people
- Traffic management arrangements
- Ticket sales for the event and details of outlets where they are being sold
- Noise Management Plan
- Firefighting equipment
- Waste disposal provisions
- General information, such as disabled provisions, access for the Emergency Services and site telephone number and event organisers lead contact numbers
- Risk Assessment
- Liaison with Emergency Services
- Evacuation procedure

Certification will be required confirming:

- The design of the stage and that it has been erected in accordance with the manufacturer's instructions
- Any fabric and linings are non-flammable or of durably flame retardant material
- The electrical installation is maintained and will prevent danger arising therefrom
- All fire extinguishers are properly maintained
- Any tiered seating has been erected in accordance with manufacturer's instructions
- A valid policy of insurance shall be held by the licensee throughout the period of the event insuring in respect of any liability, which may be incurred by him in respect of the death of or bodily injury to any person while in or about the site.

A2. Noise Control Procedure for an Outdoor Event

Planning

1. Appoint competent & experienced consultant.
2. Undertake noise propagation assessment for venue and background noise survey.
3. Identify appropriate noise limit at nearest noise sensitive premises for the event.
4. Event organiser should verify viability of event to ensure noise limits can be achieved.
5. Submit copy of noise assessment/background survey report to the Council for approval/agreement (minimum 8 weeks prior to event taking place).
6. Develop the Event Management Plan and Noise Management Plan to confirm:
 - Site layout plan indicating the stage and mixer desk position
 - PA system specification and design/layout
 - The agreed noise limit details
 - Details of sound test to take place prior to event
 - Arrangements for noise monitoring (and recording of measurements) during the event
 - Robust arrangements for dealing with complaints (and recording of complaint information/actions taken during the event)
 - Appropriate contact details for the event representative(s) including the specific noise management representative
7. Submit the Event Management Plan and Noise Management Plan prior to pre event meeting (minimum 6 weeks prior to event taking place).
8. Submit all neighbour notification details including draft of leaflet/extent of area to be notified (minimum 4 weeks prior to event taking place in order to meet delivery period).
9. Attend pre event meeting to discuss any issues.

Prior to commencement of event

10. Deliver neighbour notification leaflets/letters (minimum 21 days prior to event taking place).
11. Installation of the stage, mixer desk and PA system.
12. Notify the Building Control Service of the date and time of the sound test(s) (minimum 72 hours prior to event taking place). The Service will then liaise with the Environmental Protection Unit to ensure an officer is present for the test.
13. Undertake sound test to set the noise limit at the mixer desk to achieve the noise limit at the nearest noise sensitive premises.

During the event

14. Monitor noise regularly throughout the event at the agreed locations and record all measurements taken. Details of measurements to be communicated at agreed intervals to the control room.
15. Record details of any complaints received and corrective action taken.

After the event

16. Produce post event noise report to include:
 - Noise measurement details of sound test
 - Noise measurement details during the event performances
 - Complaint details and corrective actions taken
 - Detailed log of the entire event, including the details of all meetings and subsequent actions
17. Attend post event debrief meeting to discuss any issues arising.

SUMMARY – Minimum notification prior to event taking place

1. 8 weeks
Submit copy of Noise Assessment/Background Survey report.
2. 6 weeks
Submit the Event Management Plan and Noise Management Plan.
3. 4 weeks
Submit all neighbour notification details including draft leaflet/letter and extent of area to be notified.
4. 21 days
Deliver neighbour notification leaflets/letters.
5. 72 hours
Notify the Building Control Service of the date and time of the sound test(s).

NB: Whilst the noise control procedure is primarily tailored for large major events, the Council accept that these requirements may not always be applicable for small and medium sized events.

In this instance, the Council will endeavour to work with the relevant event organisers and agree appropriate measures and procedures to ensure the event is appropriately.

Appendix B - Performances in theatres

Definitions

"stage" means that part of the premises which is constructed or arranged for the performance thereon of plays or entertainments of the like kind.

"separated stage" means a stage that is separated from the remainder of the premises and will include the provision of a safety curtain in the proscenium opening.

"open stage" means a stage that is not separated from the remainder of the premises.

"stage area" means in addition to the stage itself, any scene dock, workshop, stage basement, staff or orchestra room, store or other portion ancillary to the stage.

- B1
- (a) The stage shall be so constructed as to minimise the risk of fire.
 - (b) During a performance the under-stage area shall not be used for any purpose other than access by performers or movement of stage settings. Such settings shall not remain in the under-stage area if not immediately required.
 - (c) The under-stage area shall be maintained at all times clear of all storage other than that mentioned in B1(c).
 - (d) The public shall not be seated within the stage area during any performance except-
 - with the consent of the Council; and
 - when there are no scenery or properties on the stage during the performance.
- B2
- (a) The scenery and properties used on an open stage shall only be constructed of the following:-
 1. non-combustible material; or
 2. inherently non-flammable material; or
 3. timber or timber based material with a surface spread of flame rating of not less than Class 1 as defined by British Standard 476; Part 7; or
 4. durably flame-retarded material; or
 5. rigid polyvinyl chloride sheeting which is classified as self-extinguishing when tested in accordance with British Standard 2782.
 - (b) The ropes attached to counterweights of scenery shall be tested by a competent person appointed by the licensee at such intervals as may be necessary as a safeguard against failure.

- B3 (a) All scenery, properties, etc, other than those required for use in the current production or rehearsals of impending productions shall be stored in rooms specifically designated for such purposes.
(b) Scenery, properties etc, shall be kept clear of gangways, exits, escape routes and final exits at all times. (see also B1(b))
- B4 (a) Any workshop or store shall be separated from the stage and from the remainder of the premises to the Council's satisfaction.
(b) Shutters to openings for the passage of scenery between the stage and workshop shall be kept closed when the public is on the premises.
- B5 Firefighting equipment as required by the Council shall be kept ready for use on the stage area, dressing rooms and in the passages immediately approaching the dressing rooms and attention shall be directed to the equipment by notices fixed immediately above the equipment. (see also Part B, section 18.6 (d))
- B6 Explosives or highly flammable substances shall not be used except with the consent of the Council. Where performances incorporate these substances, a member of the Northern Ireland Fire and Rescue Service shall remain within the stage area during the whole time the public are on the premises. The responsibility for hiring such person rests with the licensee who shall also be responsible for paying for such service.
- B7 Where scenery, properties, etc, are used on stage at least one person shall have practical training in fire prevention and extinction. This person shall act as fireman and remain within the stage area during the whole of the time that the premises are open to the public. This person should also be easily be identified e.g. by uniform, or armband etc.
- B8 Corridors and staircases which form the means of escape from the stage area and the signs indicating the exits shall be adequately and continuously lit while the premises are in use.
- B9 On premises where a safety curtain is provided to the proscenium opening, a person trained to operate the safety curtain shall remain within the stage area during the whole of the time that the premises are in use for the presentation of a stage production and the public are on the premises.
- B10 (a) In the case of fire, the safety curtain must be lowered at once, and its descent once started

must not be stopped.

(b) Drop curtains shall not be lowered in place of the safety curtain.

(c) At the safety curtain release position there shall be displayed instructions on the operation of the safety curtain together with notices giving effect to the requirements at (a) and (b) above.

(d) The words **"SAFETY CURTAIN"** shall be painted conspicuously on the curtain so as to be clearly visible to the audience.

(e) The safety curtain shall be lowered and raised in the presence of each audience and the following notice printed on the programme of performance:

'THE SAFETY CURTAIN WILL BE LOWERED AND RAISED IN THE PRESENCE OF EACH AUDIENCE'

(f) In the event of the safety curtain being out of order, the licensee shall immediately notify the Council.

(g) Whenever the safety curtain is lowered, sufficient lights shall be immediately lighted in addition to the minimum lighting, to give effective general illumination in the auditorium.

(h) No scenery, properties or other apparatus shall at any time during the performance cross the plane of descent of the safety curtain, and shall not in any circumstances interfere with its descent.

(i) Except with the consent of the Council, scenery or properties shall not be placed on the auditorium side of the safety curtain.

- B11 (a) Where there is a lantern light over the stage the moving parts shall be tested periodically to ensure that they are in efficient working order.
- (b) There shall be no obstruction to the upward flow of air from the stage to the lantern light and the release lines and other controlling gear shall be kept readily accessible and secured in such a manner as to permit of their immediate release.
- (c) Each test and a statement of the result thereof shall be recorded in the Log Book (see also Section B, section 18.6(g)).
- (d) Release lines shall be indicated by a conspicuous notice which must not be obscured.
- (e) Spare fusible links shall be kept in reserve.

- B12 The conditions set out at Part B, 17.10, 17.11, 17.12 and 18.6(a), (c) and (f) along with those at Appendix B.2(b), B.3(a) and (b), B.4(b), B.5, B.6, B.7, B.10(e), (g), (h) and (i) and B.11(a) shall be exhibited in a conspicuous position so that all staff and performers may be acquainted with their contents.

Appendix C - Additional conditions where children's entertainment is provided

- C1 The licensee shall comply with the provisions of section 30 of the Children and Young Persons Act (Northern Ireland) 1968.
- C2 Standing or sitting by children in the gangways is prohibited.
- C3 Whether children are accompanied or unaccompanied by parents or guardians:
- (a) When special performances or entertainments are given for children or are attended by large parties of children, the number of adult attendants on duty in the auditorium, hall or assembly enclosure, shall be on a scale of one attendant for every 50 children or part thereof, but shall be increased to one to every 20 children or part thereof if they are accommodated on a floor above or below ground level. As far as conditions permit it shall be arranged that such children shall sit in a group together.
 - (b) The attendants shall be stationed at appropriate places on the premises and be properly instructed as to their duties to enable them to take charge of and take all reasonable precautions for the safety of the children whilst on the premises and to control the movement of the children and other persons entering or leaving the premises.
 - (c) The attendants shall each wear a white armlet not less than 100mm wide with a badge thereon bearing either the words "Children's Attendant" or other suitable symbol.
 - (d) Unless accompanied by parents or guardians, or included in an organised party of children, children shall not be admitted to floors or tiers more than one storey above or below the level at which the final exits discharge and shall not be permitted to sit in the front row unless so accompanied.
 - (e) Where children are accommodated above or below ground level an attendant shall be stationed at each exit leading to an escape route.
 - (f) No child apparently under the age of 5 years shall be admitted to a children's entertainment unless during the whole time that such child is on the premises it is accompanied by an adult person bona fide in charge of the child; e.g., parent or guardian.
 - (g) The level of lighting in the auditorium shall be as great as possible consistent with the effective presentation of the entertainment.
- C4 If provision is made on the premises for accommodating parents or guardians of children separately from the children then:-

- (a) (i) the accommodation for children shall be at the level at which the final exits discharge. In no circumstances shall the children's accommodation be on a floor above the level at which their parents or guardians are accommodated or at basement level;
- (ii) the part of the premises provided for children shall be adjacent to an external wall and shall have at least 2 exits one of which is a final exit or leads directly to a final exit; and
- (iii) if the accommodation for children adjoins the parents' or guardians' accommodation then there shall be a sufficient aggregate width of exits for both groups.
- (b) The number of staff in charge of the children shall be sufficient to evacuate them speedily in an emergency but in no case shall be less than those required by C.3(a) above.
- (c) Staff shall be specially instructed in their duties with regard to any order which may be given to evacuate the children (see also Part B, section 18.6(f)).
- (d) If the accommodation for children is on a different level to that of the parents or guardians then parents or guardians shall be advised that in the event of an emergency, their children will be evacuated by the licensee's supervising staff and in no circumstances shall the parents or guardians attempt to reach the children's accommodation.
- (e) The parents or guardians shall be advised of or shown the exit that the children will use and the place of safety to which they will be taken to be collected if it is necessary to evacuate the premises. Notices setting out the procedure to be followed in an emergency shall be prominently displayed and copies of the procedure notice shall be given to the parents or guardians for their information when they leave their children.

- C5
- (a) The licensee shall comply with Article 138 of the Children (Northern Ireland) Order 1995 and the Children (Public Performances) Regulations (Northern Ireland) 1996.
 - (b) Children shall not take part in any entertainment on the premises if the arrangements for the said children have not been approved by the Council. The licensee shall give at least (...) months' notice to the Council of any proposed entertainment involving children detailing numbers of children, sex, ages and their participation in the performance.

Appendix D - Additional conditions for dance/music events

- D1 If not provided as permanent features of the premises the following details shall be submitted to the Council no later than (...) weeks prior to the event taking place:-
- (a) proposed temporary platform or stage and associated safety barriers;
 - (b) stage lighting towers, control console platforms and associated safety barriers;
 - (c) special effects, e.g. laser and strobe lighting and any other special stage effects;
 - (d) proposals for televising or filming, including the number and positioning of vehicles, equipment and associated vehicles; and
 - (e) electrical supply arrangements for amplification and public address systems.
- D2 Unless the audience reaction to the performance warrants a higher level of supervision the number of attendants shall not be less than one for every 100 persons in a place without seating or one for every 200 persons for a closely seated audience of over 16 years of age (see also C3 and C4 of Appendix C).
- D3 When required by the Council, admission to the premises shall be by ticket only. If some tickets are for sale at the entrance then their number shall be limited to that which, together with the tickets sold in advance, does not exceed the maximum number stated in the licence (see also Part B, section 15.5).
- D4 To assist with the control of the audience the licensee shall ensure that the services of a competent compere are engaged and shall also ensure that the event starts promptly at the advertised time and finishes not less than one half hour before the time specified by the Council (see also Part B, section 16).
- D5 At least one fully equipped first aid point shall be located on the premises to the Council's satisfaction and such point(s) shall be sited remote from the stage and shall be clearly signposted.
- D6
- (a) Noise levels shall be controlled in order not to cause annoyance to occupiers living close to the premises and to minimise the risk of hearing damage to the audience, performers and staff (see also Part B, section 17.4).
 - (b) In certain cases the Council will require that an approved LAeq meter or sound level meter shall be provided at the console and shall be available for inspection at all times by the Council's authorised officers.

- D7 Notices shall be provided throughout the premises to indicate clearly the location of all available services and facilities such as toilets, refreshments, drinking water, first aid points etc, all of which shall be clearly signposted.
- D8 (a) A protective barrier of adequate strength and minimum height of 1200mm shall be provided between the stage and auditorium for a non-closely seated audience. A minimum distance of 3000 mm between stage and barrier shall be maintained throughout the duration of the performance.
- (b) Any barrier shall be formed in the shape of an arc the sides of which curve away from the audience. Suitable relief outlets at the ends of the barriers shall be provided for the audience. Such outlets shall be so arranged that they do not provide vantage points for viewing the concert with consequent obstruction of the outlets.
- D9 Dressing rooms shall be so sited in relation to the stage as to ensure that no member of the public can gain access to the backstage area and should, where possible, be at least 6000 mm away from stage and area occupied by the public (see also Part B, section 17.10).
- D10 (a) The permanent electrical installation of the premises shall, so long as members of the public are present, be in the charge of a competent electrician with sufficient knowledge of the installation to enable him to maintain and control it as may be necessary to keep it in safe working order.
- (b) Whenever extensive stage lighting and special effects are provided, a competent electrician shall remain within the stage area as long as the equipment is in use.
- D11 (a) No glass containers shall be permitted for the service of any drinks and no glass bottles shall be sold or distributed to any member of the audience.
- (b) The licensee shall ensure that every effort is made to prevent any member of the public from bringing glass containers onto the premises. Warnings to this effect shall be displayed in conspicuous positions outside the premises and at the entrance. Such warnings shall state, quite clearly, that failure to comply with this requirement shall result in admission being refused or, if entry has been gained, the eviction of the offender.

Appendix E - Additional conditions for indoor sporting contests, exhibitions or displays

- E1 Before any public contest, match, exhibition or display takes place the licensee shall ensure that the Council is informed at least (...) months in advance of the number of contests and competitors taking part (see also Part B, section 17.14).
- E2 (a) All temporary seating shall be firmly fixed to the floor or to the base of stepped tiers or otherwise secured so that such seating cannot be displaced.
(b) Rostra or other removable or demountable units, used to support temporary seating, shall be of rigid construction and be capable of supporting all persons who use it plus all other imposed and dead loads without deflection, movement or other danger to the public, staff and performers. Suitable means shall be made for interlocking adjacent rostra in position.
(c) All temporary seating shall be constructed so as to present no danger to any person using it.
(d) If temporary seating is provided on a platform supported by tubular scaffolding or similar demountable structures, the space beneath the platform on which the seats are placed shall not be used for any purpose and shall be maintained entirely clear of all storage and rubbish.
- E3 There shall be a clear space of 2500 mm around wrestling rings inside which the public shall not be permitted.
- E4 (a) Boxing and wrestling rings shall be in a position approved by the Council and the licensee and promoter shall satisfy themselves as to the strength and stability of the ring when installed.
(b) A skirt shall be used around the base of the ring and shall be made of rigid, non-combustible material, to the Council's satisfaction.
(c) At no time shall the public enter the confines of the ring.
- E5 (a) Dressing room and washing/showering facilities, including an adequate supply of hot and cold water, shall be supplied for use on the premises to the Council's satisfaction.
(b) The firefighting equipment as required by the Council shall be provided in each dressing room and shall be ready for use.
- E6 A fully equipped first aid facility shall be provided on the premises to the Council's satisfaction.

Appendix F - Additional conditions for circuses

- F1 (a) Firefighting equipment as required by the Council shall be provided by the licensee and kept in a position as agreed by the Council. The equipment shall be maintained to the current safety standard and an annual test certificate will be required to be provided to the Council.
(b) The tent material shall be of inherently flame resisting material and a certificate to this effect shall be supplied to the Council.
- F2 (a) The on-site installation of all electrical equipment shall be carried out by a competent person.
(b) The complete electrical installation, including emergency lighting, illuminated emergency exit signs, generators, etc. shall be maintained in a safe condition and a valid electrical certificate of inspection and testing by a competent contractor shall be provided to the Council.
- F3 (a) There shall be readily available, to the satisfaction of the Council, a means to summon the emergency services to the site.
(b) Access and egress for emergency service vehicles shall be maintained at all times, and car parking shall be controlled so as not to obstruct such vehicles.
(c) There shall be suitable and sufficient exits to evacuate all persons in the event of an emergency. Exits should be "easy opening" to the satisfaction of the Council and shall be clearly indicated with an illuminated exit sign.
- F4 (a) A secondary lighting system should be available in the form of self-contained luminaires or an automatic start generator.
(b) All secondary lighting systems (including exit and emergency exit signs) shall be the maintained type in accordance with the current British Standard.

Report on	Public/Bank Holiday working arrangements for 2022/23
Date of Meeting	8th March 2022
Reporting Officer	Mark McAdoo, Assistant Director Environmental Services
Contact Officer	Mark McAdoo, Assistant Director Environmental Services

Is this report restricted for confidential business?	Yes	
If 'Yes', confirm below the exempt information category relied upon	No	X

1.0	Purpose of Report																																													
1.1	To update members on the proposed public/bank holiday working arrangements for Environmental Services for the period 1 st April 2022 to 31 st March 2023.																																													
2.0	Background																																													
2.1	Environmental Services are required to provide an ongoing service on a number of designated public/bank holidays throughout the year including refuse/recycling collections and the operation of Recycling Centres and Waste Transfer Stations.																																													
3.0	Main Report																																													
3.1	<p>The planned arrangements for public holiday working in 2022/23 are as follows:</p> <table><tr><th colspan="3">Refuse Collection/Street Cleansing/Waste Transfer</th></tr><tr><th>Holiday</th><th>Date</th><th>Arrangement</th></tr><tr><td>Easter Monday</td><td>Monday 18 April 2022</td><td>Normal Working</td></tr><tr><td>Easter Tuesday</td><td>Tuesday 19 April</td><td>Normal Working</td></tr><tr><td>Early May BH</td><td>Monday 2 May</td><td>Normal Working</td></tr><tr><td>Spring BH</td><td>Thursday 2 June</td><td>Normal Working</td></tr><tr><td>Platinum Jubilee BH</td><td>Friday 3rd June</td><td>Normal Working</td></tr><tr><td>July BH1</td><td>Tuesday 12 July</td><td>Saturday 9 July</td></tr><tr><td>July BH2</td><td>Wednesday 13 July</td><td>Normal Working</td></tr><tr><td>Summer BH</td><td>Monday 29 August</td><td>Normal Working</td></tr><tr><td>Boxing Day</td><td>Monday 26 December</td><td>Saturday 24 December</td></tr><tr><td>Christmas Day (Holiday)</td><td>Tuesday 27 December</td><td>Normal Working</td></tr><tr><td>Extra Statutory Holiday</td><td>Wednesday 28 December</td><td>Normal Working</td></tr><tr><td>New Year's Day (Holiday)</td><td>Monday 2 January 2023</td><td>Normal Working</td></tr><tr><td>St Patrick's Day</td><td>Friday 17 March</td><td>Normal Working</td></tr></table>	Refuse Collection/Street Cleansing/Waste Transfer			Holiday	Date	Arrangement	Easter Monday	Monday 18 April 2022	Normal Working	Easter Tuesday	Tuesday 19 April	Normal Working	Early May BH	Monday 2 May	Normal Working	Spring BH	Thursday 2 June	Normal Working	Platinum Jubilee BH	Friday 3 rd June	Normal Working	July BH1	Tuesday 12 July	Saturday 9 July	July BH2	Wednesday 13 July	Normal Working	Summer BH	Monday 29 August	Normal Working	Boxing Day	Monday 26 December	Saturday 24 December	Christmas Day (Holiday)	Tuesday 27 December	Normal Working	Extra Statutory Holiday	Wednesday 28 December	Normal Working	New Year's Day (Holiday)	Monday 2 January 2023	Normal Working	St Patrick's Day	Friday 17 March	Normal Working
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St Patrick's Day	Friday 17 March	Normal Working																																												

	Recycling Centres		
	Holiday	Date	Arrangement
	Easter Monday	Monday 18 April 2022	Closed
	Easter Tuesday	Tuesday 19 April	Open
	Early May BH	Monday 2 May	Closed
	Spring BH	Thursday 2 June	Closed
	Platinum Jubilee BH	Friday 3 June	Closed
	July BH1	Tuesday 12 July	Closed
	July BH2	Wednesday 13 July	Open
	Summer BH	Monday 29 August	Closed
	Boxing Day	Monday 26 December	Closed
	Christmas Day (Holiday)	Tuesday 27 December	Open
	Extra Statutory Holiday	Wednesday 28 December	Open
	New Year's Day (Holiday)	Monday 2 January 2023	Closed
	St Patrick's Day	Friday 17 March	Closed
4.0	Other Considerations		
4.1	Financial, Human Resources & Risk Implications		
	Financial: Any Saturday on which a refuse collection service is provided will be treated as a "substitute" Public Holiday with additional payments as per with national conditions.		
	Human: Employees have to request leave if they do not want to work a public/bank holiday. In addition to enhanced payment rates employees are entitled to appropriate TOIL.		
	Risk Management: N/A		
4.2	Screening & Impact Assessments		
	Equality & Good Relations Implications: N/A		
	Rural Needs Implications: N/A		
5.0	Recommendation(s)		
5.1	Members are asked to note the content of this report.		
6.0	Documents Attached & References		
6.1	None		

Report on	Tullyvar Joint Committee Update
Date of Meeting	8 March 2022
Reporting Officer	Mark McAdoo, Assistant Director, Environmental Services
Contact Officer	Mark McAdoo, Assistant Director, Environmental Services

Is this report restricted for confidential business?	Yes	
If 'Yes', confirm below the exempt information category relied upon	No	X

1.0	Purpose of Report
1.1	To provide members with an update on the business of the Tullyvar Joint Committee.
2.0	Background
2.1	Tullyvar Joint Committee is a formal Committee initially established in 1992 under the former constituent Councils of Dungannon & South Tyrone Borough Council and Omagh District Council under Section 19 of Local Government Act (NI) 1972. Five Councillor/representatives from Mid Ulster and Fermanagh & Omagh Councils now serve on the Joint Committee which is supported by senior Officers from each of the two Councils.
3.0	Main Report
3.1	A meeting of the Joint Committee was held on 9 th February. A copy of the associated agenda and a copy of the latest Committee report/papers including minutes of the previous meeting held on 29 th September 2021 are attached for members' information.
3.2	The next Joint Committee meeting is scheduled to take place on 14 th September 2022.
4.0	Other Considerations
4.1	Financial, Human Resources & Risk Implications
	Financial: None
	Human: None
	Risk Management: None
4.2	Screening & Impact Assessments
	Equality & Good Relations Implications: N/A
	Rural Needs Implications: N/A

5.0	Recommendation(s)
5.1	Members are asked to note the content of this report and associated papers.
6.0	Documents Attached & References
6.1	Appendix 1 – Latest papers for Tullyvar Joint Committee.

2nd February 2022



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

To: Councillor Gildernew)
Councillor Graham)
Councillor McAleer)
Councillor McGuigan) Mid Ulster District Council
Councillor Robinson)

Mrs AM Campbell

Councillor Clarke)
Councillor Fitzgerald)
Councillor Garrity)
Councillor Rainey) Fermanagh & Omagh District Council
Councillor Thompson)

Ms A McCullagh

Dear Sir/Madam

Re: Tullyvar Landfill Site Joint Committee Meeting

A meeting of the Management Committee for the development of Tullyvar Landfill Disposal Site will be held in Dungannon Council Chamber on **Wednesday 9th February 2022 at 10.30am. A Zoom link will also be sent to Members to facilitate remote access.**

1. Confirmation of Minutes of the AGM Meeting and Ordinary Meeting held on Wednesday 29th September 2021 (copies herewith)
2. Matters Arising from the Minutes
3. Financial Matters
 - 3.1 9 Months Accounts & 2022/23 Budget Report
4. Update from Assistant Director of Environmental Services /Site Manager's Report (copy herewith)
5. Any Other Business

6. Date of Next Meeting
- Wednesday 14th September 2022 at 10.30am

Yours faithfully

Anne-Marie Campbell

Director of Environment

Copy: A McCreesh
J News
M McAdoo
A McIlwrath/P Bradley
K McGowan

**MINUTES OF TULLYVAR AGM HELD ON WEDNESDAY 29TH SEPTEMBER 2021
AT 10.30AM VIA ZOOM/TULLYVAR LANDFILL SITE**

PRESENT:

MID ULSTER: Councillor McAleer (Tullyvar) - Chair
Councillors Gildernew (Zoom), Graham (Zoom),
McGuigan (Zoom), Robinson (Tullyvar)

FERMANAGH & OMAGH: Councillors Garrity (Zoom), Rainey (Tullyvar) &
Thompson (Tullyvar)

OFFICERS: M Kelso (Tullyvar)
A-M Campbell (Zoom)
M McAdoo (Tullyvar)
K McGowan (Tullyvar)
A McIlwrath (Tullyvar)

APOLOGIES: Councillors Clarke & Fitzgerald

Meeting commenced at 10.30am

1. OUTGOING CHAIR'S REMARKS

The Chair thanked Joint Committee Members for affording him the opportunity to serve and thanked Members and Officers for their support throughout his term in office. The Chair referred to the significant changes at the site over the years since its inception and wished to put on record his thanks to the Site Manager and Officers for their continued efforts and diligence in the site management.

2. ELECTION OF CHAIR

Proposed by Councillor Robinson
Seconded by Councillor Thompson and agreed

That Councillor McAleer be elected Chair.

Councillor McAleer thanked Members for her Election and called for nominations for the Vice Chair.

3. ELECTION OF VICE CHAIR

Proposed by Councillor Thompson
Seconded by Councillor Garrity and agreed

That Councillor Rainey be elected Vice Chair.
Councillor Rainey thanked Members for his Election.

4. **ANNUAL FINANCIAL REVIEW**

The Site Manager outlined the annual financial report, copy previously circulated, highlighting the income and expenditure for 20/21.

The Chair thanked the Site Manager for the detailed overview and commended Officers on the efficient operation of the site.

Following query from the Chair, the Site Manager confirmed approximately 9000 trees were planted in April and there could well be some loss given the extreme dry period which followed the planting programme, however, the trees were in the early stages of establishment.

5. **ADOPTION OF REPORT**

The Site Manager's Financial Overview report was adopted.

Proposed by Councillor Thompson
Seconded by Councillor Robinson and agreed

Meeting ended at 10.45am

**MINUTES OF TULLYVAR JOINT COMMITTEE MEETING HELD ON WEDNESDAY
29TH SEPTEMBER 2021 AT 10.45AM VIA ZOOM/TULLYVAR LANDFILL SITE**

PRESENT:

MID ULSTER: Councillor McAleer (Tullyvar) - Chair
Councillors Gildernew (Zoom), Graham (Zoom),
McGuigan (Zoom), Robinson (Tullyvar)

FERMANAGH & OMAGH: Councillors Garrity (Zoom), Rainey (Tullyvar) &
Thompson (Tullyvar)

OFFICERS: M Kelso (Tullyvar)
A-M Campbell (Zoom)
M McAdoo (Tullyvar)
K McGowan (Tullyvar)
A McIlwrath (Tullyvar)

APOLOGIES: Councillors Clarke & Fitzgerald

Meeting commenced at 10.45

1. CONFIRMATION OF MINUTES – 10TH FEBRUARY 2021

The minutes of the above meeting were adopted.

Proposed by Councillor Thompson
Seconded by Councillor Gildernew and agreed.

2. MATTERS ARISING

As per agenda items.

3. UPDATE REPORT FROM SITE MANAGER

The report of the Site Manager, as previously circulated, was considered, reference being made to the undernoted:

3.1 Gas Generation

It was noted that since the commencement of the gas generation project in May 2010, approximately £1,386M had been generated in income.

3.2 Site Visit by Lisburn & Castlereagh Council

Following query from the Chair, the Site Manager outlined the background and purpose for the visit by a delegation from Lisburn & Castlereagh. The visit was informative and an opportunity to highlight the ongoing environmental and sustainable projects on site.

The Site Manager offered a tour to any Elected Member interested in a walkover of the site, post the conclusion the Joint Committee meeting, or at another suitably convenient time.

3.3 Adoption of Site Manager's Report

The Site Manager's report was adopted.

Proposed by Councillor Thompson
Seconded by Councillor McGuigan and agreed.

4. ANY OTHER BUSINESS

4.1 Collection of Farm Plastics

Councillor Robinson sought an update on the collection of farm plastics. The Site Manager confirmed that a report was presented to the Environment Committee in MUDC in April and whilst there was no immediate plans to change the current arrangements for collection and treatment of farm plastics, it was agreed to include and address the options for farm plastics within a wider plastics recycling campaign being launched by MU.

4.2 Cell 4 Development

Councillor Gildernew highlighted the value of the asset in terms of future void capacity should the need arise for Cell 4 development. The Site Manager confirmed that Cell 4 had 650,000 cubic metres of void which provided valuable future options

4.3 Landfill Related Services Tender

Following query from Councillor Rainey on Lot 5 of the procurement exercise, the Site Manager provided clarification on the pH dosing required in the system. The Site Manager confirmed that the optimum dosing programme had been achieved over the years in order to keep the monitoring parameters at the correct levels.

4.4 Water Sampling

Following query from Councillor Robinson, the Site Manager advised that sampling across the site varied from a monthly, quarterly and annual basis depending on the boreholes and parameters being tested. The Site Manager confirmed that with the mothballing of the site, the monitoring regime had been reduced and hence the annual sampling costs had also reduced.

5. DATE OF NEXT MEETING

It was agreed to convene the next meeting on Wednesday 9th February 2022 at 10.30am, venue to be confirmed. A McIlwrath to circulate to Members the proposed meeting dates for 2022.

Meeting ended at 11.10am

TULLYVAR JOINT COMMITTEE

PROPOSED MEETING DATES – 2022

DATE/TIME	LOCATION
Wednesday 9 th February 2022 at 10.30am	Tullyvar Landfill Site
Wednesday 14 th September 2022 at 10.30am	Tullyvar Landfill Site

TULLYVAR JOINT COMMITTEE – 9th FEBRUARY 2022

SITE MANAGER'S REPORT

1. Site Operational Update

Between September 2021 and January 2022 approx. 145 tonnes of leachate per week was discharged to Cookstown Sewage Treatment Works. The Annual NIWater compliance report for 2021 was received in January and Tullyvar was deemed compliant, the main results of which are detailed in the table below:

Parameter	Annual Average	Limit	Compliance Score
Ammoniacal Nitrogen	114 mg/l	400 mg/l	100%
Chemical Oxygen Demand	1017 mg/l O ₂	2000 mg/l O ₂	100%
Suspended Solids	93 mg/l	500 mg/l	100%
pH	Min 6.03 / Max 7.69	Min 5 / Max 10	100%

Mothballing works have continued until early December and included further regrading works that will prepare Cell 4 for either lining or restoration. Some minor grading works are still required but this work has been postponed until summer 2022 to allow the steep banks to dry out. Pictures showing the works are shown below:



A further year of electricity generation was completed at the end of May 2021 in which the site generated 3.39 GWHrs of electricity. A sum of £99,311.88 has now been invoiced to Renewable Power Systems, bringing the total income to date from landfill gas to approx. £1,385M.

2. Financial Matters

A budget has been prepared by Officers for the 2022/23 period, the projected operational expenditure for the coming financial year is £184,748, a decrease of approx. 8% to reflect the further winding down of site operations. The major costs in the next financial year are £57,658 for leachate haulage, salaries and wages of £31,500, environmental monitoring costs of £19,200, fees of £12,500, and electricity at £12,000. Some costs have increased due to the increase in contractual rates for leachate haulage, environmental monitoring and plant hire but have been partially offset from reduced leachate haulage and planned site works.

Site income for the year is estimated at £89,698 from the predicted electricity generation royalties. This gives a net expenditure for the year of £95,050 which will be funded from the sites reserves. In addition to this operational expenditure, a further £12,000 of capital expenditure is proposed to improve site security. This expenditure covers £10,000 for a secure shed to store site vehicles and £2,000 to upgrade the on-site CCTV system for remote monitoring.

The full budget and details of the last 9 months expenditure are detailed in Appendix 2. At the end of the first 9 months of the current financial year the site had £737,692.73 in its bank current account / reserves so additional funding from the two Councils will not be necessary for the foreseeable future.

3. NI Landfill Capacity Report

At the Joint Committee meeting on the 29th September 2021 it was agreed to commission a review by the Mid Ulster District Councils appointed waste consultants, WDR & RT Taggart, to review future landfill capacity in Northern Ireland. The main purpose of the report was to determine if, or when, Tullyvar would need to develop Cell 4 should a shortage of landfill capacity develop.

The report covered the following:

- Current landfill capacity;
- The latest reported volume of waste landfilled;
- Northern Ireland future landfill capacity looking at a number of scenarios such as the early closure of Local Authority owned sites, the potential implementation of the arc21 EfW facility (Beacon), potential waste growth and statutory recycling targets;
- Identification of potential sites for development; and
- Ranking of potential development sites based on a series of criteria.

According to the report, at the start of 2021, there was approximately 7.2m tonnes of landfill capacity in Northern Ireland. The majority of this landfill capacity is held in two sites by two private sector operators, Cottonmount Landfill and Aughrim Landfill. This capacity has the potential to rise to 7.9m tonnes of waste if Phase 4 of Tullyvar was to be developed in the future.

The report notes that there will only be a small number of landfill site operator's by around 2025, all of which will be private sector. Therefore, there is the potential that landfill gate fees may increase. An assessment was then carried out on potential sites that could be developed to provide additional capacity and prevent a lack of competition in the landfill market. Of the list below only 1 Local Authority site was considered due to the potential void and the consents that are currently in place.

- Phase 4 at Tullyvar;
- Cam Road, Macosquin;
- Ladyhill Quarry, Antrim.

In order to protect Local Authorities from the potential rise in landfill gate fees it is considered that the most viable option for future landfill capacity would be the remaining capacity at Tullyvar Landfill Site. This would be the preferred site due to the infrastructure that is currently in place such as the welfare facilities, leachate treatment plant, wetlands, and landfill gas infrastructure. Therefore, the development costs of landfill capacity at Tullyvar verses Cam Road and Ladyhill would be substantially lower.

However, from the modelling conducted, currently there is no reason to reopen Tullyvar Landfill at this point in time due to the following;

- Circular Economy targets increasing the recycling rate to 55% by 2025, 60% by 2030, 65% by 2035, and no more than 10% of municipal waste to landfill by 2035. This will result in a continued decreasing volume of residual waste to be landfilled.
- Many Council Corporate Plans now make commitments to reducing dependency on landfill by increasing recycling, reusing and recovering energy from Council collected waste further reducing the need for landfill capacity.
- Technology has significantly advanced over the past 10 years with the rise of automation, artificial intelligence and near infra optical sorting. These advances in technology have improved recovery rates of materials recovery facilities. Such improvements in technology have resulted in less residual waste from dirty MRF processes that need to go to Landfill (35% to 14.6%).
- Due to the decline in Local Authority landfill sites those Councils that historically relied on landfill will now have to consider residual waste treatment contracts.
- Extension of Craigmore Landfill offering an additional 616,000 tonnes of landfill capacity in January 2021.
- Modelled projections show no deficit in landfill capacity by 2030.

It is recommended that this landfill capacity review is undertaken in another 2 years in order to assess the future landfill capacity and any impacts that new technologies / processes may have on the volume of waste landfilled.

4. Sale of Obsolete Plant and Equipment

Now that operations on site have ceased it is necessary to dispose of old obsolete equipment to auction. It is proposed to auction of the following items:

- Deutz 6.38 Agrostar – Surplus to requirements, New Holland 6020 to be retained for activities on-site in the interim. Age and condition of this tractor would necessitate replacement in the event of the site reopening so there is no benefit in its retention.
- Bridgemont Surface Mounted Weighbridge – Replacement / repair of damaged ramps, load cells and indicator estimated at approx. £10,000. Weighbridge is no longer required so the best economical option would be to auction it off and replace with a new weighbridge in the event of re-opening.
- 2 No. trailers – Surplus to requirements following refurbishment of Recycling Centre and their replacement with compactor skips.
- Slurry Tanker – Originally purchased for leachate transport but more recently used for road cleaning and dust suppression. No longer required for these purposes and the tractor mounted sweeper is to be retained for road sweeping.

Appendix 1 – Interim Financial Review

1. Income & Expenditure

Draft accounts for the first 9 months of the 2021/22 financial year have been prepared with the main points summarised below. Please note that some figures may be subject to minor changes before being submitted to auditors.

- There has been no income for the year to date, however, £6,438.68 was recovered from longstanding debtors. A further £ 99,311.88 is expected before the end of the year as a gas royalty payment from Renewable Power Systems.
- Operational expenses for the first 9 months totalled £132,558.73 compared to a budget of £150,017.00. The main apparent underspends were for leachate related expenses and rates, however, some costs in these categories are due before the end of the year so any underspend at year end will not be as significant. The top 5 expenditure items are listed below:

▪ Leachate Tankering & Treatment	£31,192.94
▪ Salaries & Wages	£23,439.15
▪ Hire of Equipment	£21,700.38
▪ Environmental Monitoring	£10,603.11
▪ Insurance	£10,440.00

2. Balance Sheet

The balance sheet figures as of the 31st December 2021 are presented below:

Current Assets	-	£843,746.06
Current Liabilities	-	£121,419.69
Net Current Assets / Liabilities	-	£722,326.37

Other Items:

Cash on Account	-	£737,692.73
Closure & Aftercare Provision	-	£191,433.72

Appendix 2 – 9 Month Accounts and Proposed 2022/23 Budget

Account Code	Expense Description	2021/22 9 Mts TD*	2021/22 Budget	2022/23 Budget
2176	SALES	0	0	0
2991	DEPOSIT A/C INTEREST	0	0	0
2501	GAS GENERATION INCOME	0	(133,257)	(89,698)
4990	MISC INCOME	0	0	0
	1 Total	0	(133,257)	(89,698)
2004	SALARIES & WAGES	23,439	39,240	31,500
2006	LEACHATE TREATMENT	31,193	60,210	57,658
2009 & 2117	MANAGEMENT CHARGE	8,250	11,000	11,000
2010	RATES	0	8,500	8,500
2011	INSURANCE	10,440	10,500	10,500
2012	HEAT & LIGHT	8,081	10,000	12,000
2018	REPAIRS & RENEWALS GENERAL	502	6,000	5,000
2021	REPAIRS VEHICLES	3,315	1,500	1,500
2024	BANK CHARGES	26	50	50
2029	TELEPHONE	0	300	300
2031	ADVERTISING	0	0	0
2030 & 2032	POST & STATIONERY	0	50	50
2033	COMPUTER SOFTWARE	0	0	0
2039	HIRE OF EQUIPMENT	21,700	11,240	4,340
2040	PROTECTIVE CLOTHING	0	300	300
2041	BLINDING MATERIALS	0	0	0
2035 & 2048	FEES & LEGAL FEES	9,353	15,000	12,500
2054	FUELS & OILS	5,597	5,000	4,000
2060	TRAVEL & SUBSISTENCE	0	1,000	1,000
2061 & 2145	TRANING & CONFERENCES COURSES	0	750	750
2070	CHEMICALS	0	2,000	2,000
2072	WATER	59	1,000	500
2073	SITE ENGINEERING	0	2,000	2,000
2081	LANDFILL TAX ON BLINDING	0	0	0
2104	SAMPLES	10,603	14,280	19,200
2300	MISCELLANEOUS	0	100	100
8100	BAD DEBT WRITE-OFF/RECOVERED	0	0	0
8102	PROVISION FOR BAD DEBT	0	0	0
	2 Total	132,559	200,020	184,748
	Grand Total	132,559	66,763	95,050

21047

Northern Ireland Landfill Capacity Report

V00

Waste & Engineering

We have been involved in waste management and waste facility developments for more than 50 years.



Report

TITLE	Northern Ireland Landfill Capacity Report
PROJECT	21047
CLIENT	Mid Ulster District Council
DATE	January 2022
STATUS	FINAL
VERSION	00
AUTHOR	Kerry Brogan

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1 Introduction

Taggarts have been appointed by Mid Ulster District Council to undertake a study into future landfill capacity in Northern Ireland. This is the third review of Northern Ireland landfill capacity which allows a tracked comparison of changes in the market.

Northern Ireland has seen a change in the management of waste over the past 17 years, moving from landfill disposal of waste to the recycling and composting of appropriate wastes with a large volume of the residual waste sent for processing and energy recovery.

Even with the waste treatment and processing solutions currently delivered and proposed by the private and public sector it is acknowledged that there will still be the need for non-hazardous landfill capacity in Northern Ireland to deal with material that cannot be recovered.

The purpose of this report is to look at the existing landfill capacity in Northern Ireland and assess the potential future capacity requirements.

2 Scope of the Study

The scope of this study is to assess:

1. Current landfill capacity;
2. The latest reported volume of waste landfilled;
3. Northern Ireland future landfill capacity looking at a number of scenarios such as the early closure of Local Authority owned sites, the potential implementation of the arc21 EfW facility (Beacon), potential waste growth and statutory recycling targets;
4. Identification of potential sites for development; and
5. Ranking of potential development sites based on a series of criteria.

3 Policy Context

3.1 Introduction

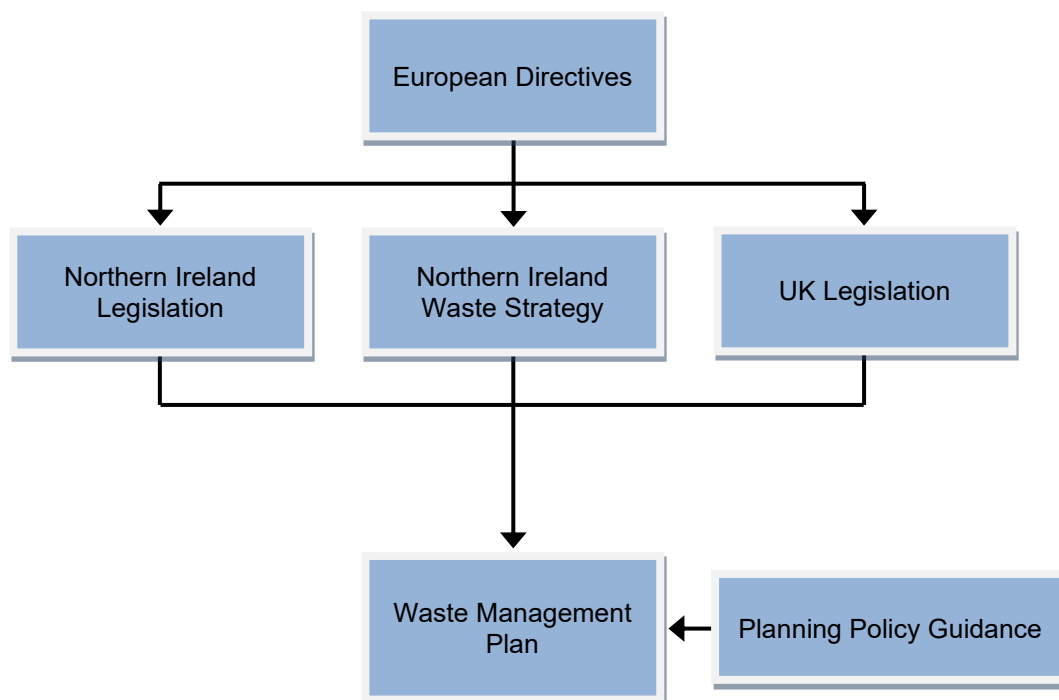
Current and future waste management activities are influenced by the legislative and policy framework in Northern Ireland. This includes EU waste policy which aims to reduce the environmental and health impacts of waste and improve resource efficiency. The majority of waste policy and guidance is based on EU Directives which are then translated into National legislation and policy within certain timescales.

Waste legislation in Northern Ireland is implemented in three levels, comprised of European Union Directives, UK wide legislation and Northern Ireland specific legislation and policy (Northern Ireland Orders, Regulations and national planning guidelines). In Northern Ireland, EU Directives are implemented through primary and secondary legislation. Primary legislation includes Orders and Acts and secondary legislation includes Regulations and planning guidelines.

This Section provides an overview of current and anticipated waste policy and legislative measures in order to identify and understand the key issues that need to be taken into account when assessing landfill capacity requirements.

The overall place and strategic influence of EU policy in the legislative and policy framework in Northern Ireland is set out in Figure 3.1 below.

Figure 3.1 Legislative and Policy Framework



It should be stressed that this Section provides a simple overview of waste policy and legislation. It is not exhaustive and does not detail every piece of legislation or every policy measure.

3.2 Current EU Waste Policy and Legislation

The EU gives strong direction to its member states on waste issues and much of UK and NI waste policy and guidance is based on EU legislation. EU waste policy and legislation had an initial focus in putting in place measures to manage and control waste and this led to the adoption of the Waste Framework Directive (75/442/EEC) in 1975. This, together with the Hazardous Waste Directive, which was also originally adopted in 1975, and the Waste Shipment Regulation (Regulation (EEC) 259/93) put in place the regulatory framework for waste. These pieces of legislation define waste, and other fundamental concepts including licensing, and put in place controls for the handling and movement of waste, to prevent damage to the environment or human health.

Recycling, re-use and energy recovery, in preference to the disposal of waste came with the 1996 Waste Strategy Communication from the European Commission which:

- Reinforced the Waste Hierarchy.
- Re-affirmed the 'polluter pays' principle for waste; and
- Developed the concept of Priority Waste Streams.

The Thematic Strategy on the Prevention and Recycling of Waste is one of the seven thematic strategies programmed by the Sixth Community Environmental Action Programme which was adopted by the European Commission on 21 December 2005. The Strategy confirmed the need to shift direction in order to meet the challenges of the future in delivering a sustainable approach to waste and resource management. The Strategy noted the need to assess the existing definitions of recovery and disposal, the need for a generally applicable definition of recycling and a debate on the definition of waste.

Directive 2006/12/EC of the European Parliament and of the Council of 5 April 2006 on waste established the legislative framework for the handling of waste. It defines key concepts such as waste, recovery and disposal and puts in place the essential requirements for an establishment of waste management operations to have a permit or to be registered and placed an obligation for member States to prepare waste management plans. Furthermore is also established principles such as an obligation to handle waste in a way that does not have negative impacts on the environment or human health, an encouragement to apply the waste hierarchy and, in accordance with the polluter-pays principle, a requirement that the costs of disposing of waste must be borne by the holder of waste, by previous holders or by the producers of the product from which the waste came.

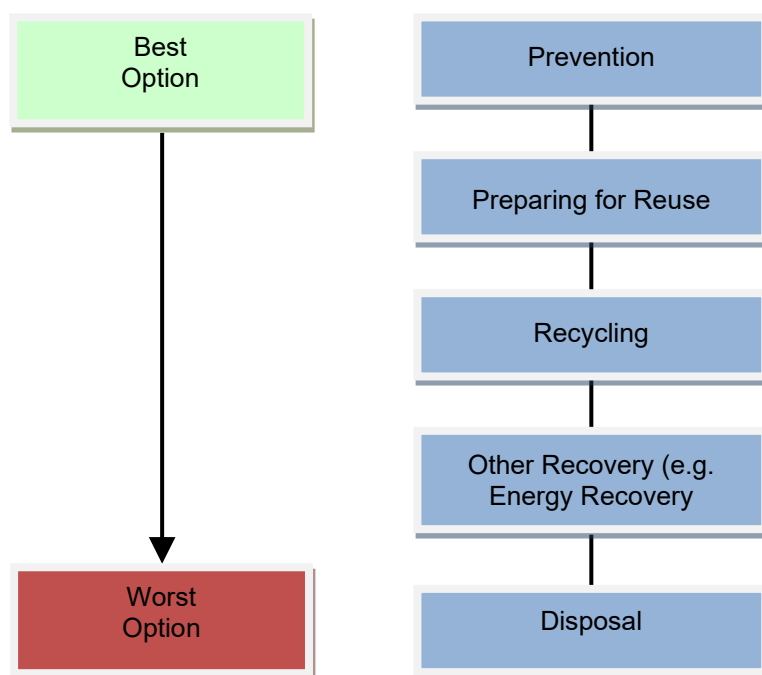
The outcome of the Thematic Strategy on the Prevention and Recycling of Waste resulted in the revision of the Waste Framework Directive.

3.2.1 Revised Waste Framework Directive (WFD)

The Waste Framework Directive (2008/98/EC) is the overarching legislative framework and is of particular significance to the study. It provides a foundation for sustainable waste management practice and defines waste. This Directive, which was adopted on the 19th November 2008, sets out measures to minimise the negative effects of the generation and management of wastes on human health and the environment and aims to reduce the use of resources. This Directive also repealed the directive on Waste Disposal (75/439/EEC).

A key component of the revised WFD is the new Waste Hierarchy, the primary purpose of which is to, minimise adverse environmental effects from waste and to increase resource efficiency in waste management and policy. Article 4 of the WFD sets out the new Waste Hierarchy as a priority order for waste management, as set out in Figure 3.2 below.

Figure 3.2 Waste Management Hierarchy



Waste prevention is set out as the most favourable option even though it is not technically a waste measure, as it occurs before a material becomes waste. However, the reduction of waste through reuse or other policy initiatives is a key objective of turning waste into a resource. Preparing for Reuse has also been included in the new Waste Hierarchy above Recycling with the aim of also improving resource efficiency.

When applying the Waste Hierarchy the WFD states that measures should be taken to encourage the options that deliver the best overall environmental outcomes.

In order to move towards a recycling society with a high level of resource efficiency the revised WFD also implements new targets for the reuse and recycling of materials.

- To achieve a recycling rate of 50% (including preparing for reuse) of household waste by 2020.
- To achieve a recovery rate of 70% (including preparing for reuse, recycling and other materials recovery) for all non-hazardous construction and demolition waste by 2020.

The revised WFD also specifies the requirement for waste management plans and strategies to be established which set out the current waste management situation, as well as the measures to be taken to improve reuse, recycling, recovery, and disposal of waste.

The revised WFD sets out measures that Member States may implement in order to extend Producer Responsibility and to strengthen the reuse, prevention, recycling, and other recovery of waste. Member States may therefore take legislative or non-legislative measures to make sure that anyone who professionally develops, manufactures, processes, treats, sells, or imports products has extended producer responsibility. This may include an acceptance of returned products and of the waste that remains after products have been used, as well as the subsequent management of the waste and financial responsibility for such activities.

The requirements of the revised WFD have been transposed into Northern Ireland legislation through the Waste Regulations (Northern Ireland) 2011.

3.2.2 Circular Economy Package- 2020

The UK is committed to moving towards a more circular economy which will see resources in use as long as possible, extracting maximum value from them, minimizing waste, and promoting resource efficiency. The Circular Economy Package (CEP) introduces a revised legislative framework, identifying steps for the reduction of waste and establishing an ambitious and credible long-term path for waste management and recycling.

As such Northern Ireland is subjected to renewed recycling targets, as laid out below:

- 55% of municipal waste by 2025;
- 60% of municipal waste by 2030;
- 65% of municipal waste by 2035; and
- No more than 10% to landfill by 2035.

These targets have been transposed into national and local legislation through the Waste (Circular Economy) (Amendment) Regulations (Northern Ireland) 2020.

3.2.3 Landfill Directive

The aim of the Landfill Directive (99/31/EC) is to provide measures, procedures and guidance to prevent or reduce as far as possible the negative effects on the environment from landfill waste. This is to be implemented through changing the way waste is disposed and progress up the waste management hierarchy achieved, through the minimisation of waste being sent to landfill.

Key objectives of the Landfill Directive include:

- The categorisation of landfills as inert, non-hazardous and hazardous;
- Ban on the co-disposal of hazardous and non-hazardous waste;
- Ban on the disposal of tyres;
- Ban on the landfill of certain types of hazardous wastes such as clinical or infectious;
- Standard waste acceptance procedures, which include the treatment of waste prior to landfilling;
- Operating permits, including the provisions for closure and aftercare;
- Technical standards for the lining and capping of landfills;
- Practice pre-treatment of waste going to landfill; and
- Reduction in the amount of biodegradable waste sent to landfill.

The requirements of this Directive are implemented in Northern Ireland through the Landfill (Northern Ireland) Regulations, 2003 SR 297 (as amended) and the Landfill (Amendment) Regulations (Northern Ireland), 2011 SR 101.

3.2.4 Industrial Emissions Directive

The Industrial Emissions Directive (2010/75/EC) recasts seven existing EU Directives including the Waste Incineration Directive, the Integrated Pollution Prevention and Control (IPPC) Directive, Solvents Directive and Large Combustion Plants Directive.

The Directive aims to improve the interaction between the seven Directives that it will replace, as well as strengthening the provisions in them.

The current legislative framework uses the concept of "best available techniques" (BAT) for dealing with potential pollution. Under this, the conditions in each installation's permit have to be based upon the application of BAT relevant to the industry sector concerned.

The Directive gives more emphasis to BAT requirements and some activities become newly subject to IPPC, but the framework of the existing Directives as currently implemented in the UK remain otherwise mostly unchanged.

The Directive was implemented into UK law in January 2013 and is implemented in Northern Ireland through the Pollution, Prevention and Control (Industrial Emissions) Regulations (Northern Ireland), 2012.

3.2.5 Transfrontier Shipment of Waste Regulations

The Transfrontier Shipment of Waste Regulations 2007 as amended by the Transfrontier Shipment of Waste (Amendment) Regulations 2008 set out procedures for the movement of all waste materials within and outside the EU.

They are made in accordance with and deal with the enforcement of Regulation (EC) 1013/2006 on shipments of waste, which sets out details for the supervision and control of shipments of waste.

3.2.6 Environmental Impact Assessment Directive

The Environmental Impact Assessment Directive (85/337/EC), as amended by Directive 97/11/EC, concerns the impact of the development on the environment prior to the granting of planning permission for a proposed development.

This Directive is implemented in Northern Ireland through the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 1999.

3.2.7 Environmental Liability Directive

The Environmental Liability Directive (2004/35/EC) aims to establish a framework of environmental liability based on the 'polluter-pays' principle, in order to prevent and remedy environmental damage.

This Directive applies to:

- Environmental damage, or the threat of any damage, from any of the following occupational activities;
 - operation of installations under Directive 96/61/EC, on integrated pollution prevention and control,
 - waste management operations,
 - discharges into inland surface waters,

- discharges into groundwater,
- discharge or injection of pollutants into surface water or groundwater,
- water abstraction and impoundment of water,
- manufacture, use, storage, processing, filling, release and transport of dangerous substances or preparations, plant protection products or biocidal products,
- transport of dangerous or polluting goods,
- operation of installations under Directive 84/360/EEC, on air pollution from industrial plants,
- any contained use or deliberate release of genetically modified organisms,
- transboundary shipments of waste,
- operation of storage sites in accordance with Directive 2009/31/EC, on the geological storage of carbon dioxide; and
- damage, or the threat of any damage, to protected species and natural habitats caused by any occupational activities not listed above.

The Directive is implemented in Northern Ireland through the Environmental Liability (Prevention and Remediation) Regulations (Northern Ireland) 2009 SR2009/252.

3.3 EU Thematic Strategies

Thematic Strategies have been developed to reorganise the legislation concerning the environment with an aim of simplifying the complex legislative package. Seven separate strategies have been developed. These strategies focus on key environmental impacts, three of which are relevant to waste management in Northern Ireland.

3.3.1 Thematic Strategy on the Prevention and Recycling of Waste-December 2005

This strategy is concerned with the environmental impact of emissions from poorly managed waste and inefficient consumption and production patterns. Additionally, the Strategy intends to encourage more recycling within Member States.

A report from the Commission to the European parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on the Thematic Strategy on the Prevention and Recycling of Waste was completed in 2011. This Communication reviewed progress towards achieving the Strategy's objectives.

This communication concluded that the Strategy has played an important role in guiding policy development and that significant progress has been achieved on a number of fronts, particularly in the improvement and simplification of legislation, the establishment and diffusion of key concepts such as the waste hierarchy and life-cycle thinking, on setting focus on waste prevention, on coordination of efforts to improve knowledge, and on setting new European collection and recycling targets.

3.4 National and Local Policy and Legislative Context

3.4.1 Introduction

The framework within which waste facilities are developed is provided by specific legislative and policy measures which include:

- Waste Legislation - including UK legislation and Northern Ireland Orders and Regulations.
- Waste Management Strategy - setting out government's policy for the management of waste. Associated guidance provides clarification and information on aspects of waste management policy, and its implementation.
- Land Use Planning - Strategies, Area Plans and Planning Policy Statements.

It is the framework that implements the requirements of EU policy and Directives, as set out in above, at the regional level. This section therefore provides an overview of waste policy and legislation in place in Northern Ireland to consider those issues relevant to the study.

Waste legislation is a complicated issue, and this section seeks to provide a simple overview, summarising the key relevant legislative provisions of the main pieces of legislation.

3.4.2 Waste Management Policy

Northern Ireland Waste Management Strategy: Delivering Resource Efficiency-October 2013

The Strategy is a revision of the current Northern Ireland Waste Management Strategy: Towards Resource Management which was published in March 2006 and set the strategic direction for waste management in Northern Ireland at the time.

The Strategy moves the emphasis of waste management in Northern Ireland from resource management (with landfill diversion as the key driver) to resource efficiency, that is, using resources in the most effective way while minimising the impact of their use on the environment. This Strategy has a renewed focus on waste prevention (including reuse), preparing for reuse and recycling in accordance with the waste hierarchy, as set out in Figure 3.2.

The key principles of the Strategy are:

- Waste Hierarchy – indicates the relative priority of the different methods of managing waste.
- Life Cycle Approach – to take into account the overall impacts that an approach or service will have throughout its whole life, that is, from cradle to grave.
- Polluter Pays Principle – means that waste generators should pay the costs of providing services to manage their wastes.
- Proximity Principle – emphasises the need to treat or dispose of waste as close as practicable to the point of generation, the minimise the environmental impact of waste transportation
- Integration of Waste Streams – encouraging the development of waste management solutions that encompass all waste.

In agreement with the European Commission the definition of municipal waste in Northern Ireland has been broadened and this is reflected in the revised Strategy. The definition now includes waste from all households and all wastes of similar nature and composition to households, including commercial wastes, whoever collects it. Previously, the definition only included wastes which were collected by Councils, and these are now defined as Local Authority Collected Municipal Waste. These revised definitions are set out below.

- Municipal Waste – waste from households and other waste which is similar in nature to waste from a household. This includes Commercial and Industrial waste which is similar in nature to waste from a household.

- Local Authority Collected Municipal Waste – waste that is collected by, or on behalf of, a Council

The targets set out in the Strategy include:

Household Waste

- To achieve a recycling rate of 45% (including preparing for reuse) of household waste by 2015 (Programme for Government Target).
- To achieve a recycling rate of 50% (including preparing for reuse) of household waste by 2020.
- To achieve a recycling rate of 60% (including preparing for reuse) of Local Authority Collected Municipal Waste)

3.4.3 Waste Management Legislation

Primary Legislation

Waste and Contaminated Land (Northern Ireland) Order, 1997 SI 2778 (including Amendments)- November 1997

This Order was enacted into Northern Ireland legislation in March 1998 and largely incorporates European Waste Framework Directive 75/442/EEC and Amendments. The aim of the Order is to set out provisions relating to waste on land, the collection and disposal of waste, land contamination by pollution, the controlled use, supply or storage of prescribed substances and articles and the obtaining of information on potentially hazardous substances. The Order enacts provisions relating to the effective management of wastes including Duty of Care Regulations, Registration of Carriers, Waste Management Licensing, Hazardous Waste and Producer Responsibility.

The Order also included the requirement for a Waste Management Strategy to be developed for the recovery and disposal of waste in Northern Ireland, along with a Waste Management Plan to be prepared for each Council including appropriate arrangements for managing controlled waste arisings.

The Waste and Emissions Trading Act, 2003

The main aim of this Act is to meet European Landfill Directive objectives and develop a system for the disposal of biodegradable waste, including biodegradable municipal waste. Within this Act, Government have been allocated landfill allowances to distribute to waste disposal authorities on a yearly basis. Landfill allowances can be bought, traded, or sold to

allow targets to be met. The DAERA NI determine how much biodegradable municipal waste can be sent to landfill and it is the responsibility of the allocating authority to ensure that these levels are not exceeded.

Secondary Legislation

The Waste Regulations (Northern Ireland) 2011 SR 127-March 2011

These Regulations came into effect in April 2011 and implement the revised Waste Framework Directive. The Regulations apply the waste hierarchy as a priority order in waste prevention and management policy:

- Prevention;
- Preparing for re-use;
- Recycling;
- Other recovery (e.g., energy recovery); and
- Disposal.

The provisions relating to:

- The Waste Hierarchy, came into force on 8 October 2011; and
- The separate collection of at least paper, metal, plastic and glass will come into force on 1 January 2015.

These Regulations implement Directive 2008/98/EC, on waste (the revised Waste Framework Directive), in order to help achieve its overall objectives of:

- Protecting the environment and human health;
- Reducing waste and encouraging it to be used as a substitute for other non-renewable resources;
- Making sure the EU becomes a recycling society by applying the principles of:
 - Self-sufficiency,
 - Polluter pays, and
 - Proximity.

The Landfill Allowance Scheme (Amendment) Regulations (Northern Ireland) 2011

The Northern Ireland Landfill Allowances Scheme (NILAS) came into force on 1st April 2005 and applies to Northern Ireland only. They supplement the Waste and Emissions Trading Act,

2003 by making detailed provisions for the allocation, borrowing, transfer and monitoring of landfill allowances allocated to Councils.

The Landfill Allowances Scheme (Amendment) (Northern Ireland) Regulations, 2005 came into force on 1st March 2006 and provide an amendment to the Landfill Allowances Scheme whereby the level of penalty to which a Council is liable for failing to meet the landfill diversion targets is reduced from £200 per tonne, as specified in the Waste and Emissions Trading Act, 2003 to £150 per tonne.

The Landfill Allowances Scheme (Amendment) Regulations (Northern Ireland) 2009, No. 46 came into operation on 1 April 2009, amend the NILAS 2004 Regulations by reducing from 71% to 64% by weight (rounded up to the nearest tonne), the assumed amount of biodegradable municipal waste in an amount of collected municipal waste.

It should be noted that Defra has been in discussions with the European Commission in regard to changing the way in which the UK meets its landfill allowance targets. As a result of this, a consultation was issued in March 2010 with the aim of addressing the implications of changing the approach adopted by the UK in meeting the diversion targets. Key to this was a change in the way in which municipal waste is classified with plans proposed to broaden this definition to include most notably commercial or industrial wastes not collected by or in control of Councils. The implication of this was a significant increase in the amount of waste classified as municipal waste.

This would subsequently require a change to the targets for diverting BMW from landfill, although it has been stated that the Authority allowances will not be affected for the portion of the waste formally defined as municipal. In order to achieve this, there was a need for the UK to review the way in which obligations have been reported. It would appear that the current preferred option would be to measure the BMW content of the waste at the point at which it is landfilled, based on the tonnages of the waste and the European Waste Catalogue Codes to which the waste pertains.

In addition, consideration has been afforded to changing the approach adopted by the UK in meeting the targets. The proposals for this include additional landfill restrictions as well as using the statutory recycling targets and waste prevention plans within the revised Waste Framework Directive as drivers for change.

The Landfill Allowances Scheme (Amendment) Regulations (Northern Ireland) SR 2011/373 amend the Landfill Allowances Scheme (Northern Ireland) Regulations 2004 by providing for the use of the term "local authority collected municipal waste". The term "local authority collected municipal waste" was introduced to the Waste and Emissions Trading Act 2003

(c.33) (the “2003 Act”) by the Waste and Emissions Trading Act 2003 (Amendment) Regulations 2011 (S.I.2011 No.2499). The term is used in provisions relating to the setting up and operation of landfill allowance schemes and is distinguished from the use of the term “municipal waste” to describe the waste that must be diverted from landfills under Article 5(2) of Council Directive 1999/31/EC on the landfill of waste.

It is the Department’s view that NILAS will, in the short term at least, maintain an important role in contributing to reductions in BMW to landfill in line with the new EU landfill diversion targets.

Waste Management Licensing Regulations (Northern Ireland), 2003 and Amendments- November 2003

The Waste Management Licensing Regulations (Northern Ireland) 2003, which came into operation on 19th December 2003, implement the waste licensing requirements of the Waste and Contaminated Land Order. Northern Ireland Environment Agency is directly responsible for the implementation of these Regulations.

Under the 1997 Order, licenses will be required to authorise:

- The deposit of controlled waste in, or on, land;
- The disposal and treatment (including recovery) of controlled waste; and
- The use of certain mobile plant to control or treat controlled waste.

All facilities must be covered by a licence unless they hold Pollution Prevention and Control (PPC) permits (as is the case for incinerators and landfills) or they hold a registered exemption from licensing.

Transfrontier Shipment of Waste Regulations, 2007 SI 1711 (as amended)-June 2007

These Regulations enforce Regulation (EC) No 1013/2006 of the European Parliament and of the Council on shipments of waste.

These Regulations:

- Set out the competent authorities for the purposes of the Community Regulation.
- Requires the Secretary of State to implement a waste management plan that contains his policies on the bringing into, or dispatch from, the United Kingdom of waste for disposal.

- Requires the Secretary of State to consult on that plan and requires the competent authorities of dispatch and destination to object to shipments of waste that do not comply with that plan.
- Creates a number of offences in relation to the shipping of waste which breach and/or fail to comply with the requirements of the Community Regulation in relation to management of shipments such as shipments of waste to or from the United Kingdom to or from other member States, to exports of waste to and from the United Kingdom to third countries, to the transit of waste through the United Kingdom to and from third countries.
- Sets out the fees that will apply in Northern Ireland. Regulation 47 provides for competent authorities to recover the costs of take-back under Articles 22 and 24 of the Community Regulation.
- Sets out the procedure applicable to the application for an approval of a financial guarantee or equivalent insurance.
- Provides that the Regulations must be enforced by the competent authorities and sets out the enforcement powers of competent authorities, authorised persons and officers of Revenue and Customs.

The Controlled Waste Regulations (Northern Ireland), 2002 (as amended)-July 2002

These Regulations came into force on the 27 August 2002 and apply to Northern Ireland only. They allow Regulations to be made for the treatment of waste of any description and are made in accordance with the Waste and Contaminated Land (Northern Ireland) Order. The Regulations provide definitions of the wastes to be classified under household waste, commercial and industrial waste as well as classifying the types of household waste for which a collection charge may be made by Councils.

Pollution, Prevention and Control Regulations (Northern Ireland), 2003 SR46

The Pollution, Prevention and Control Regulations (Northern Ireland), 2003 establishes a regulatory system that employs an integrated approach to controlling the environmental aspects of industrial activities such as energy generation, metals, minerals, waste management of chemicals, textile treatment, food production and intensive farming. This system is designed to protect the environment as a whole through a single permitting process by promoting the use of clean technology using Best Available Techniques (BAT). These regulations were amended in 2004 and 2007 to include additional activities.

It should be noted that these regulations will be revoked and replaced on 14th January 2014 by the Pollution, Prevention and Control (Industrial Emissions) Regulations (Northern Ireland), 2012. These are discussed in further detail below.

Pollution, Prevention and Control (Industrial Emissions) Regulations (Northern Ireland) SR 2012 / 453

These new Regulations came into force in January 2013. They implement Directive 2010/75/EU on industrial emissions (integrated pollution, prevention and control) and incorporates a number of other EU measures on industrial pollution (including those on waste incineration, large combustion plant and solvent emissions). These new regulations will revoke the current Pollution, Prevention and Control Regulations (Northern Ireland), 2003 on 7th January 2014.

In particular, the regulations will require those facilities that recover, or undertake a mix of disposal and recovery of non-hazardous waste with a capacity exceeding 75 tonnes per day involving one or more of the following activities to operate under a Pollution Prevention and Control permit. With regard to waste management, these activities include:

- Biological treatment;
- Pre-treatment of waste for incineration or co-incineration;
- Treatment of slags and ashes; and
- Treatment in shredders of metal waste, including waste electrical and electronic equipment and end-of-life vehicles and their components.

Landfill Tax Regulations, 1996 and Amendments

The Landfill Tax Regulations outline various administrative procedures which relate to the operation of the landfill tax system, specifically the registration of those organisations that intend to make disposals covered by the tax and the payment of tax.

These Regulations came into force on 1st May 2004 and apply to England, Wales and Northern Ireland. They amend the Landfill Tax Regulations, 1996 by increasing the maximum credit that landfill site operators may claim against their annual landfill tax liability.

The Landfill Tax (Amendment) Regulations 2009 which come into force on 1st September 2009 revoke Part of the Landfill Tax Regulations 1996 which relates to temporary disposals of material on a landfill site and introduce a new requirement to give information and keep records in relation to information areas. Material on a landfill site which is not going to be disposed of as waste must be deposited in an information area until the Commissioners clarify the taxable status of the material.

The Landfill Tax (Prescribed Landfill Site Activities) Order 2009, which comes into force on 1st September 2009, prescribes certain activities which take place on a landfill site for the

purposes of the Finance Act. The effect of this is that the prescribed activities will be treated as disposals and will be subject to landfill tax. Three of the activities are the use of material to create or maintain temporary hard standing, the use of material to create or maintain a temporary screening bund and the use of material to create or maintain a temporary haul road. The Regulation provides for landfill tax to be re-credited when material has been used in one of these three ways and is subsequently used for site restoration.

3.5 **Waste Management Plans**

3.5.1 **Waste Management Plans**

The aim of the current 3 Waste Management Plans are to develop a waste management system that meets the region's needs and contributes to economic and sustainable development. The defined objectives of the Plans are as follows:

1. To develop treatment facilities and / or let contracts to meet the needs of the individual regions.
2. To minimise the amount of waste produced within the region.
3. To maximise resource efficiency.
4. To minimise environmental impacts.
5. To ensure, as a minimum, that the identified facilities and services are in place in time to enable district councils to meet their statutory targets and obligations.
6. To encourage regional self-sufficiency, as far as practicable and economical, within the Regions.
7. To ensure that the actions and measures identified in the Plan are:
 - a. Deliverable, with respect to timescales for implementation; and
 - b. Practical, building upon existing services and facilities within the region.
8. To identify and manage risks (financial, planning and contractual) in a systematic manner, to ensure that risks lie with those parties' best placed to manage them effectively.
9. To adopt a regional approach to the sharing of targets to ensure that Northern Ireland as a whole is able to meet its targets, with individual action and targets agreed for each Council, taking into account demographic factors, including spread of population and associated costs for the provision of services.

3.6 **Planning Policy**

3.6.1 **Shaping Our Future- Regional Development Strategy for Northern Ireland 2035**

Shaping Our Future: The Regional Development Strategy for Northern Ireland (RDS 2035 'Building a Better Future') was published in March 2012 and informs the spatial aspects of all

other strategies. It complements the Sustainable Development Strategy and highlights the contribution that recycling more waste and recovering energy from it can make to a reduction in carbon footprint and Greenhouse Gas Emissions (GHG).

The Strategy recognises that managing our waste is a significant part of how we treat our environment and highlights the need to manage waste sustainably. This will be achieved by applying both the waste hierarchy, introduced by the Waste Framework Directive, and the proximity principle when developing treatment or disposal facilities in order to minimise the environmental impacts of waste transport.

3.6.2 Northern Ireland Sustainable Development Strategy

The Northern Ireland Sustainable Development Strategy ('Everyone's Involved') was adopted by the Northern Ireland Executive in May 2010. The Strategy sets out the principles and strategic objectives to ensure socially responsible economic development while protecting the resource base and the environment for future generations.

The six strategic objectives of the strategy are:

- Building a dynamic, innovating economy that delivers the prosperity required to tackle disadvantage and lift communities out of poverty;
- Strengthening society such that it is more tolerant, inclusive and stable and permits positive progress in quality of life for everyone;
- Driving sustainable, long term investment in key infrastructure to support economic and social development;
- Striking an appropriate balance between the responsible use and protection of natural resources in support of a better quality of life and a better quality environment;
- Ensuring reliable, affordable and sustainable energy provision and reducing our carbon footprint; and
- Ensuring the existence of a policy environment which ensures the overall advancement of sustainable development in and beyond government.

4 Review of Existing Landfill Capacity

4.1 Assessment of Active Sites in Northern Ireland

Taggarts have extensive knowledge of the waste industry in Northern Ireland. This has been gained through our involvement in the majority of municipal and commercial and industrial waste infrastructure in Northern Ireland.

Using this knowledge, backed up by the NIEA public register of PPC Permitted sites, we have developed a list of active and recently closed landfill sites. The status of landfill sites in Northern Ireland is identified in Table 4.1.

Table 4.1 Status of Northern Ireland Landfill Sites

Landfill	Operator	Status
Drummee	Fermanagh and Omagh District Council	Active
Craigmore	Coleraine Skip Hire and Recycling	Active
Cottonmount	Biffa	Active
Aughrim	Clearway	Active
Mullaghglass	Alpha Resource Management	Active
Magheraglass	Mid Ulster District Council	Closed April 2017
Lisbane	Armagh Power Generation Ltd	Closed and Closure Plan implemented. Only receiving inert waste for restoration
Craigahulliar	Causeway Coast and Glen Borough Council	Active
Drumanakelly	Newry Mourne and Down District Council	Closed 2016
Tullyvar	Mid Ulster District Council	Mothballed/Capped 2020
Ballymacombs	Mid Ulster District Council	Mothballed/Capped
Crosshill	Eastwoods	Active
Aughnagun	Newry Mourne and Down District Council	Closed 2015

4.2 Assessment of Capacities and Input Rates

In order to undertake an assessment of the current remaining landfill capacities, waste input rates and total tonnage of waste landfilled in Northern Ireland, Taggarts lodged an Environmental Information Request with NIEA.

This Environmental Information Request included:

1. Reported remaining landfill capacities from the Annual Reports submitted in January 2021
2. Tonnage landfilled in each site during 2020; and
3. Total tonnage landfilled in Northern Ireland during 2020.

A summary of this information is presented in Table 4.2.

Table 4.2 Reported Landfill Capacities 2021

Landfill	Landfilled 2020 (t)	Remaining Capacity for 2021 (t)
Drummee	25,994	76,000
Craigmore	107,602	616,000
Cottonmount	71,454	3,440,000
Aughrim	67,357	2,500,000
Mullaghglass	294,129	128,000
Magheraglass	0	0
Lisbane	0	0
Craigahulliar	29,514	74,960
Drumanakelly	0	0
Tullyvar	0	0
Ballymacombs	0	37,600
Crosshill	60,535	377,040
Total	656,585	7,249,600

As can be seen from Table 4.2 at the start of 2021 there was approximately 7.2m tonnes of landfill capacity in Northern Ireland. The majority of this landfill capacity is held in two sites by two private sector operators, Cottonmount Landfill and Aughrim Landfill. This capacity has the potential to rise to 7.9m tonnes of waste if Phase 4 of Tullyvar was to be developed in the future.

Table 4.2 also highlights the current trend in the Local Authority owned and operated landfill sites going through a phase of early closure, with both Magheraglass and Drumanakelly receiving their last waste inputs in 2017 and 2016 respectively. This trend is further outlined

by the early closure of Aughnagun 2015 and the mothballing of Tullyvar in 2018 followed by closure in 2020.

Ballymacomb Landfill has been mothballed/capped and to date there is no viable reason to reopen and complete.

It is evident that there is a declining capacity in some of Local Authority owned landfills sites as well as a decline in overall operators.

5 Northern Ireland Future Landfill Capacity

In order to determine landfill capacity in Northern Ireland, Taggarts considered it necessary to look at this in two stages. The first is current filling rates up to 2023. This allows an assessment of when current sites will reach capacity and close.

The second step is an assessment of landfill capacity required post the 50% recycling target which was achieved by 2020 and the recycling targets as introduced by the Circular Economy Package involving a 55% recycling target by 2025 and a 60% recycling target by 2030. This assessment was projected up to 2030. This assessment allows a projection of landfill capacity for Northern Ireland allowing the identification of how landfill capacity will be affected by the above targets.

Finally, a sensitivity analysis has been completed on the post 2023 scenario. This sensitivity analysis assesses the impact of the arc21 energy from waste (EfW) (the Beacon Project), if it was to be developed. A sensitivity analysis has also been conducted to assess the impact of Northern Ireland maintaining the 2020 landfill rate and waste growth rate.

5.1 Assessment of Landfill Capacity 2021 – 2022

In order to calculate the future landfill capacity in Northern Ireland it was considered an important task to calculate when Local Authority and Privately owned landfill capacity would run out based on current landfilling rates.

In order to complete this assessment, it was predicted that waste landfilled would increase year on year by 1.3%. This assumption is based on the waste growth figure reported through WasteDataFlow for the years 2016/17, 2017/19, 2018/19, 2019/20, and 2020/21.

Table 5.1 highlights the Local Authority Collected Municipal Waste (LACMW) arisings and percentage growth rate for the above years.

Table 5.1 Reported LACMW Figures and Growth Rate

	2016/17	2017/18	2018/19	2019/20	2020/21	Average
Northern Ireland LACMW	985,994	977,817	990,233	998,985	1,031,169	
% Growth Rate	1.7	-0.8	1.3	0.9	3.2	1.3

The 1.3% waste growth figure was applied to an assessment of the waste landfilled at each site outlined in Table 4.2 as well as the reported total Northern Ireland landfill figure for 2020.

Based on the figures reported for LACMW landfilled (WasteDataFlow) and the total tonnage of waste landfilled (NIEA), it has been possible to calculate the tonnage of waste landfilled that is not LACMW. It has been assumed that this difference is associated with commercial and industrial (C&I) waste.

Table 5.2 LACMW and C&I Waste Tonnages

Waste Type	Tonnage Landfilled
LACMW	234,956
Commercial and Industrial	421,629*
Total	656,585

*Assumed C&I waste landfilled due to difference between overall landfill rate and LACMW landfilled

By comparison to the Northern Ireland Landfill Capacity Report 2016 there has been a decrease in the total weight of LACMW landfilled from 390,256t to 234,956t. C&I waste to landfill when compared to 2016 has increased from 304,161t to 421,629t. The overall tonnage landfilled has decreased from 694,417t to 656,585t.

The assumed and modelled overall landfill tonnage including both LACMW and C&I waste is presented in Table 5.3.

Table 5.3 Predicted Landfill Tonnages

Total	2020	2021	2022
Landfilled	656,585	665,777	675,098

An assessment was completed based on the above assumptions of waste growth, commercial and industrial waste and LACMW arisings landfilled, and the total tonnage of waste landfilled. The waste input rates in 2020 plus a 1.3% waste growth were assumed for the waste input rates to each landfill. The outcome of this assessment and the predicted years for closure for each landfill up to 2023 is presented in Table 5.4.

Table 5.4 Predicted Landfill Rates to 2023

Landfill	2021 Capacity ¹	2020 Landfilled	Year of Filling		Remaining Capacity for 2023 ²
			2021	2022	
Drummeem	76,000	25,994	26,322	26,653	23,025
Craigmore	616,000	107,602	108,958	110,331	396,712
Cottonmount	3,440,000	71,454	72,354	73,266	3,294,380
Mullaghglass	128,000	294,129	294,129	294,129	-460,258

Landfill	2021 Capacity ¹	2020 Landfilled	Year of Filling		Remaining Capacity for 2023 ²
			2021	2022	
Aughrim	2,500,000	67,357	68,206	69,065	2,362,729
Craigahulliar	74,960	29,514	29,886	30,262	14,812
Tullyvar	0	0	0	0	0
Ballymacombs	37,600		0	0	37,600
Crosshill	377,040	60,535	61,298	62,070	253,672

¹ As of 1st January 2021

² As of 1st January 2023

As each site closes there will be the need to direct waste to other active landfill sites. Based on the waste flow model and Table 5.4 it is possible to predict the tonnage of waste that will have to be diverted to other sites each year.

Due to Mullaghglass reaching capacity it is possible to predict the tonnage of waste that will have to be filled elsewhere up to 2023. This is presented in Table 5.5.

Table 5.5 Additional Waste Requiring Landfill Capacity

Total Capacity Required (t)
474,205

From the assessment outlined in Table 5.4 for post 2023 it is anticipated that all Local Authority owned landfill sites will be closed / mothballed.

Post 2023 the only sites with remaining active landfill capacity will be:

- Drummee (limited capacity);
- Cottonmount;
- Aughrim;
- Craigahulliar (limited capacity);
- Crosshill; and
- Craigmore

Based on the modelled assumptions, Drummee and Craigahulliar will have limited capacity post 2022 with circa 23,000 tonnes and circa 15,000 tonnes respectively for 2023. It should also be noted that Crosshill's planning and PPC Permit limits the waste acceptance to wastes excluding domestic, household and food wastes. The PPC Permit for the site does not permit EWC Code 20 03 01 Mixed Municipal Waste.

Based on the assessment of capacity at the end of 2022 there would be an estimated circa 5.9m tonnes of capacity for 2023. This capacity figure does not take account of the potential 650,000 tonnes (650,000m³ @1.0t/m³) of capacity if Phase 4 at Tullyvar was developed (Density value based on the infilling of fines from mechanical processing of residual waste post 2020). The future capacity in Phase 4 of Tullyvar is further considered in Section 6 and 7 of this report.

Post 2022 landfill capacity is summarised in Table 5.6.

Table 5.6 Post 2022 Landfill Capacity

Item	Capacity (t)
Remaining Capacity	5,908,725

As outlined above the capacity post 2022 will be held in 6 sites. Drummee and Craigahulliar have limited capacity post 2022 as shown in figure 5.4 for the remaining capacity in 2023. Crosshill is not permitted to directly accept domestic/household waste. This results in the majority of the landfill capacity being held in 2 private sector sites, Aughrim, Cottonmount.

It has been estimated based on current fill rates that Aughrim and Cottonmount will have circa 2.4m and 3.3m tonnes of capacity respectively for 2023. This figure does not take account of the additional waste that will require landfill capacity up to 2022 due to the closure of landfill sites.

If an assumption was made that this waste was landfilled in Cottonmount, then post 2020 the capacity of the Cottonmount landfill would be reduced to circa 2.7m tonnes.

As the majority of landfill capacity will be held by 2 sites and with decline in operators, this may have the potential to increase landfill gates fees for those parties looking to dispose of waste in landfill. A summary of the estimated landfill capacity post 2022 is provided in Table 5.7.

Table 5.7 Summary of Estimated Landfill Capacity Post 2022

Landfill	Remaining Capacity for 2023 (Post 2022) (t)
Drummee	23,025
Craigmore	396,712
Cottonmount	3,294,380
Aughrim	2,362,729
Craigahulliar	14,812
Ballymacombs	37,600

Landfill	Remaining Capacity for 2023 (Post 2022) (t)
Crosshill	253,672
Total	6,382,930
Additional Capacity Required due to Waste Diverted from Closed Sites	474,205
Revised Estimated Capacity	5,908,725

5.2 Assessment of Landfill Capacity Post 2022

5.2.1 Impact of Circular Economy Targets

The main impact on landfill capacity will be the decreasing volume of residual waste to be landfilled as a result of the Circular Economy Targets. Resulting from the Circular Economy Package, Northern Ireland is now subjected to renewed recycling targets, as laid out below:

- 55% of municipal waste by 2025;
- 60% of municipal waste by 2030;
- 65% of municipal waste by 2035; and
- No more than 10% to landfill by 2035.

A model was created to estimate the potential LACMW generation between 2020/21 and 2029/30. This model takes account of the current generation of LACMW and applies a 1.3% waste growth up to 2030. The model also applies the current Northern Ireland recycling rate at 50% recycling with the statutory 55% recycling rate applied by 2025 and 60% applied by 2030. Table 5.8 outlines the predicted LACMW and residual waste up to 2030.

Table 5.8 Predicted LACMW and Residual Waste

Year	Predicted LACMW (t)	Predicted Residual (t)
2020/21*	1,031,169	515,585
2021/22*	1,044,574	522,287
2022/23*	1,058,154	529,077
2023/24*	1,071,910	535,955
2024/25**	1,085,844	488,630
2025/26**	1,099,960	494,982
2026/27**	1,114,260	501,417
2027/28**	1,128,745	507,935
2028/29**	1,143,419	514,539

Year	Predicted LACMW (t)	Predicted Residual (t)
2029/30***	1,158,283	463,313

*Statutory 50% recycling rate

**Statutory 55% recycling rate

***Statutory 60% recycling rate

5.2.2 Assumption of all LACMW Post 2023 Pre-Treated

In order to derive a prediction of landfill capacity requirements, an assumption has been made that all LACMW is sent for pre-treatment post 2023. This is due to the closure of all but 2 Council owned landfill sites. Using the WasteDataFlow reported figures it has been assumed that 14.6% of LACMW sent for pre-treatment is not suitable for energy recovery and is landfilled. This percentage to landfill has decreased in the last two years from the 35% reported in the previous Northern Ireland Landfill Capacity 2019 Report.

A model was therefore created to assess the tonnage of waste to be landfilled post 2023 if all LACMW was pre-treated in MRF's with a 14.6% to landfill rate. The outcome of this model is presented in Table 5.9.

Table 5.9 Prediction of Landfill Tonnes if all LACMW is Pre-Treated

Year	Predicted Residual (t)	Predicted Landfill (t)
2020/21	515,585	515,585
2021/22	522,287	522,287
2022/23	529,077	529,077
2023/24	535,955	78,249
2024/25	488,630	71,340
2025/26	494,982	72,267
2026/27	501,417	73,207
2027/28	507,935	74,159
2028/29	514,539	75,123
2029/30	463,313	67,644

5.2.3 Estimation of C&I Waste Landfilled

Landfill capacity requirements cannot be viewed just in the context of what will be required for LACMW. C&I waste also represents a significant source of waste requiring landfill capacity. The published information on the Northern Ireland quantity of C&I waste is very limited, however this is believed to be similar in quantity to the tonnage of LACMW.

In order to calculate the tonnage of C&I waste an Environmental Information Request was lodged with NIEA. This Environmental Information Request sought details on the total volume of waste landfilled in 2020.

A known tonnage of LACMW waste was landfilled in 2020/21 (WasteDataFlow). The known tonnage of LACMW landfilled was subtracted from the total tonnage of waste landfilled. The difference in landfill figures was then assumed to be C&I waste.

The above calculation allowed a ratio of LACMW to C&I waste landfilled to be assumed. It has been assumed that 179.5% of the tonnage of LACMW landfilled will equate to the tonnage of C&I waste landfilled. By comparison to the Northern Ireland Landfill Capacity Report 2019, this percentage has increased from 139.5%.

The above calculation for C&I waste, as well as a 1.3% waste growth, was applied to calculate the tonnage of waste up to 2030.

The summary of the C&I waste landfilled up to 2030 is presented in Table 5.10.

Table 5.10 Prediction of C&I Waste Landfilled

Year	Estimated C&I Waste Landfilled (t)
2020/21	421,629
2021/22	426,941
2022/23	432,321
2023/24	437,768
2024/25	443,284
2025/26	448,869
2026/27	454,525
2027/28	460,252
2028/29	466,051
2029/30	471,924

5.2.4 Review of Capacity up to 2030

Taking into consideration the assumptions outlined in Sections 5.2.1 to 5.2.3 of this report, it is possible to estimate the landfill capacity requirements year on year from 2020 to 2030. Table 5.11 summaries the annual and total landfill capacity requirements for both LACMW and C&I waste between 2020 and 2030.

Table 5.11 LACMW and C&I Landfill Capacity Requirements

Year	LACMW Landfill (t)	C&I Waste Landfill (t)	Total Landfill Requirement (t)
2021/22	522,287	443,284	664,858*
2022/23	529,077	448,869	673,235*
2023/24	78,249	454,525	532,775
2024/25	71,340	460,252	531,592
2025/26	72,267	466,051	538,319
2026/27	73,207	471,924	545,130
2027/28	74,159	477,870	552,028
2028/29	75,123	483,891	559,014
2029/30	67,644	489,988	557,632
Total	2,078,937	4,634,422	5,154,583

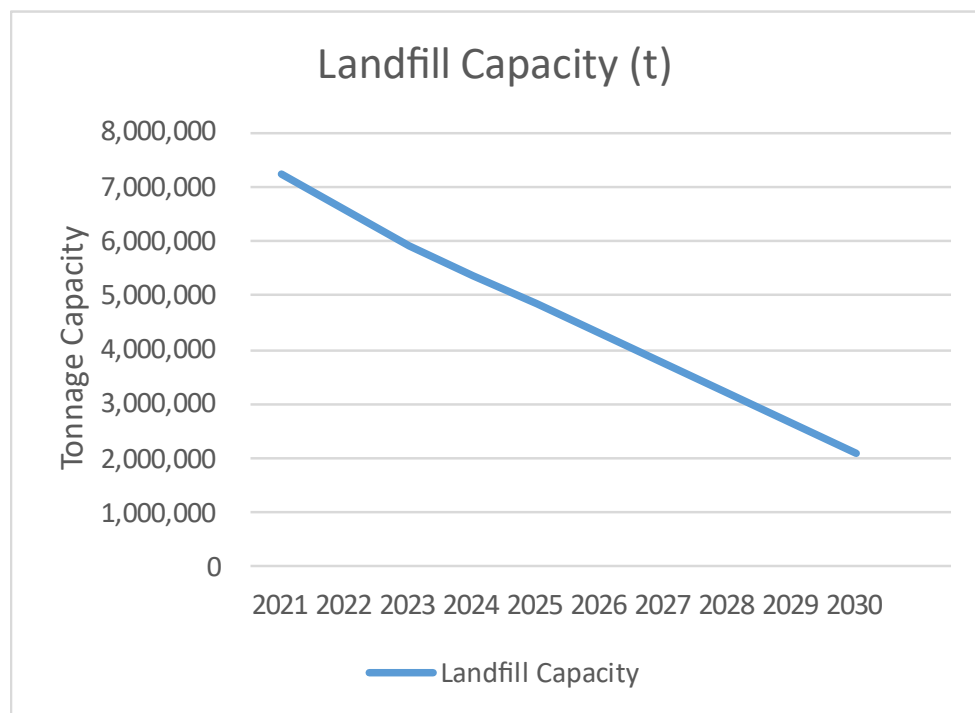
*Modified figures based on 2020 fill rates plus 1.3% waste growth rate. This is due to some councils already using treatment contracts.

Using the figures presented in Table 5.11 it is possible to calculate the declining landfill capacity and when a deficit in landfill capacity occurs. The predicted declining landfill capacity is presented in Table 5.12 and Figure 5.1.

Table 5.12 Declining Landfill Capacity

Year	Landfill Capacity (t)
2021	7,249,600
2022	6,584,742
2023	5,911,507
2024	5,378,732
2025	4,847,140
2026	4,308,821
2027	3,763,691
2028	3,211,663
2029	2,652,649
2030	2,095,017

Figure 5.1 Declining Landfill Capacity



As can be seen from Table 5.12 and Figure 5.1 it is predicted that a deficit in landfill capacity will not occur by 2030. The landfill capacity projected for the year 2030 is 2,095,017t. In comparison, the Northern Ireland Landfill Capacity Report 2019 had predicted a deficit in landfill capacity by 2028 with a shortfall in deficit at 379,793t.

5.3 Impact of arc21 EfW on Post 2022 Landfill Capacity

arc21 is the waste management group covering 6 Local Authorities in the east of Northern Ireland. arc21 is currently in a procurement process looking to deliver a Mechanical Biological Treatment facility and an incinerator with energy recovery at Hightown Quarry, Newtownabbey.

The implementation of the arc21 EfW will result in no LACMW to landfill due to the proposals including incineration and an incinerator bottom ash processing plant.

On 13th September 2017 the Department for Infrastructure granted planning permission for the development. However, the outcome of a Judicial Review on 14th May 2018 ruled that the granting of permission was unlawful in the absence of a minister.

The outcome of the Judicial Review has further delayed the project. The Northern Ireland Landfill Capacity Report 2016 modelled the impact of the arc21 project as a sensitivity analysis. This sensitivity analysis was modelled to have an impact from 2021/2022.

The arc21 sensitivity analysis was conducted again for this Landfill Capacity Report 2022 with a revised operational year of 2027/28 assuming the project will reach financial close in 2022 with a 5 year construction and commissioning phase. The impact was modelled on the landfill capacity up to 2030.

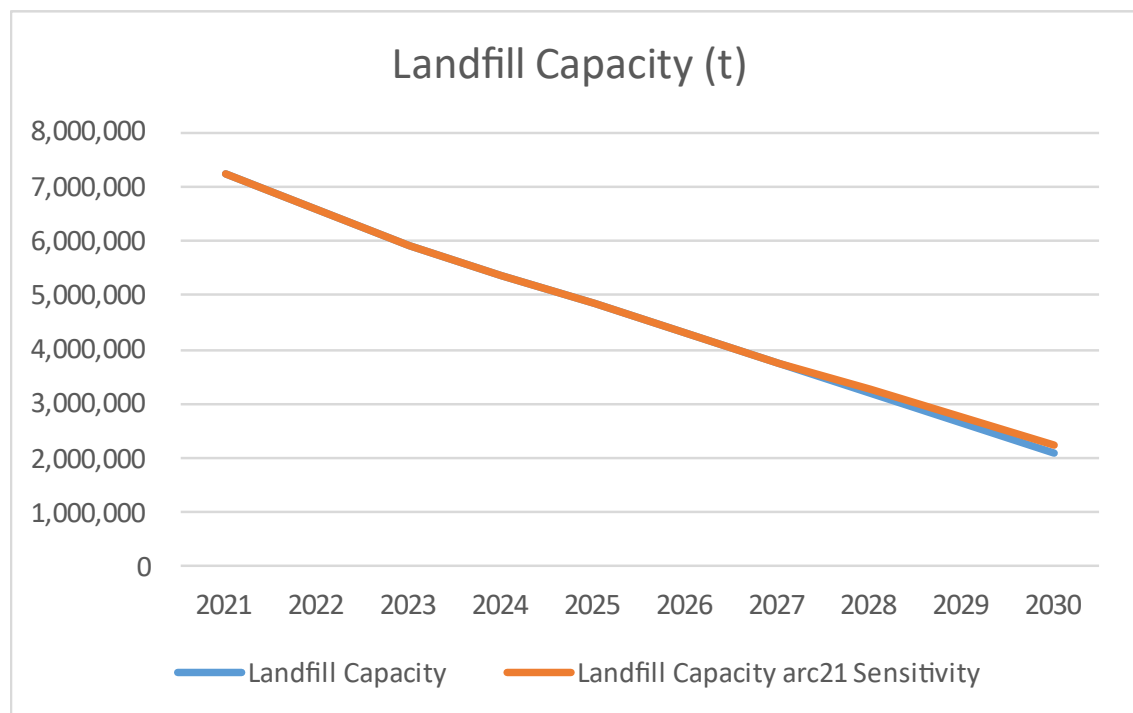
The impact that the arc21 EfW facility has on landfill capacity is presented in Table 5.13 and Figure 5.2.

Table 5.13 Impact of arc21 EfW on Landfill Capacity

Year	Landfill Capacity arc21 Sensitivity
2021	7,249,600
2022	6,584,742
2023	5,911,507
2024	5,378,732
2025	4,847,140
2026	4,308,821
2027	3,763,691
2028*	3,255,367
2029	2,740,625
2030	2,222,858

* arc21 operational

Figure 5.2 Impact of arc21 EfW on Landfill Capacity



As can be seen from Table 5.13 and Figure 5.2 under the arc21 sensitivity, a deficit in landfill capacity by 2030 is not predicted, therefore the arc21 sensitivity has a minimal impact on landfill capacity by 2030.

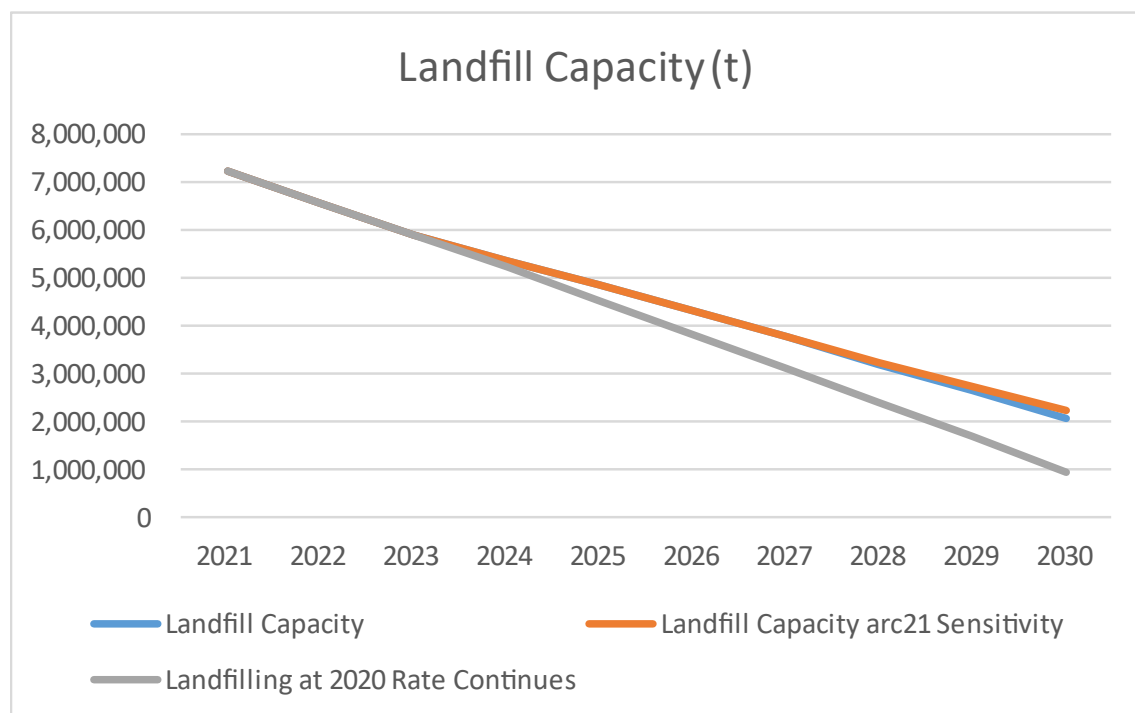
5.4 Impact of Continued Landfilling at 2020 Rate plus 1.3% Waste Growth Rate

A further sensitivity on landfill capacity was assessed. This sensitivity included the continuation of the 2020 landfilling rate with the current 1.3% waste growth rate. The impact of this scenario is presented in Table 5.14 and Figure 5.3.

Table 5.14 Impact of Continued Landfilling at 2020 Rate plus 1.3% Waste Growth Rate

Year	Landfilling at 2020 Rate Continues
2021	7,249,600
2022	6,584,742
2023	5,911,507
2024	5,229,789
2025	4,539,481
2026	3,840,476
2027	3,132,663
2028	2,415,932
2029	1,690,169
2030	955,263

Figure 5.3 Impact of Continued Landfilling at 2020 Rate plus 1.3% Waste Growth Rate



As can be seen from Table 5.14 and Figure 5.3 the implementation of a continued 2020 landfilling, and waste growth rate of 1.3%, results in 1.1m tonnes less capacity in 2030 than the model whereby all Local Authority waste is sent for pre-treatment in 2023.

6 Identification of Potential Development Sites

As highlighted in Section 5 of this report, post 2022 there will be limited competition in the landfill market with the majority of landfill capacity held between two privately owned sites, Aughrim and Cottonmount. Limited capacity will be held in Drummee and Craigahulliar post 2022 (circa 23,000 and 15,000 tonnes respectively in 2023) with circa 254,000 tonnes available at Crosshill which is not permitted to accept domestic/household waste.

RiverRidge Holdings Limited secured planning permission for an extension of the Craigmore Landfill Site, LA01/2018/1154/F dated 19th February 2019. This approval granted permission for an increase in height to the existing landfill as well as the creation of additional landfill cells which has now been constructed and has increased the previous capacity at the site. As of January 2021, this site had a remaining capacity of 616,000 tonnes.

Even with the increased capacity at Craigmore there will still only be a small number of landfill site operator's post 2022, all of which will be private sector. Therefore, there is the potential that landfill gate fees may increase.

An assessment has been created of potential sites that could be developed to provide additional capacity and prevent a lack of competition in the landfill market. Of the list below only 1 Local Authority site was considered due to the potential void and the consents that are currently in place.

1. Develop Phase 4 at Tullyvar;
2. Cam Road, Macosquin, development of the landfill site;
3. Ladyhill Quarry, Antrim, try and reinstate previous planning permission and PPC Permit for the non-hazardous landfill;

A high level assessment has been completed of the above options and is presented in Section 7 of this report.

7 Ranking of Proposed Development Sites

In order to provide a ranking of the most viable option for the development of future landfill capacity a pro's and cons assessment of the options identified in Section 6 of this report was undertaken.

This pros and cons assessment is presented in Tables 7.1 to 7.3.

Table 7.1 Assessment of Additional Void at Tullyvar

Pro's	Cons
<ul style="list-style-type: none"> ▪ Existing planning permission and PPC Permit for the development of Phase 4. ▪ Existing infrastructure such as leachate treatment plant, landfill gas engine, weighbridge and offices. ▪ Established grid connection for landfill gas engine. ▪ Established landfill site, therefore landfill principle established in the area. ▪ Significant void circa 650,000m³. Based on a density of 1t/m³ could represent a capacity of 650,000t. ▪ Well established wetlands for leachate treatment and discharge to surface water. 	<ul style="list-style-type: none"> ▪ May face local objection to continued operation as residents may have the opinion that the site is due to close, extended impact on residential receptors. ▪ CQA Plan to be submitted to NIEA detailing the design of Phase 4. ▪ Wetlands not designed to take leachate from Phase 4.

<ul style="list-style-type: none"> ▪ Council owned site therefore security in gates fees. 	
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*Density of 1t/m³ assumed based on the majority of waste infilled being MRF fines.

Table 7.2 Assessment of Additional Void at Cam Road

Pro's	Cons
<ul style="list-style-type: none"> ▪ Planning permission expiry 14th April 2016, however NIEA have released an update on landfill capacity in which they state the site has planning permission. ▪ Significant void circa 1.25m m³. Based on a density of 1t/m³ could represent a capacity of 1.25m t. ▪ NIEA report that this site is currently going through the permitting process. ▪ Close proximity to existing waste management facilities. 	<ul style="list-style-type: none"> ▪ Uncertainty in the capital development costs. ▪ May face local objection as residents may believe the site will not be developed due to the former developer going into administration (B Mullan and Sons Ltd). ▪ All infrastructure such as leachate treatment plant, landfill gas engine, weighbridge and offices would have to be constructed prior to waste acceptance. Significant capital expenditure prior to revenue generation. ▪ Uncertainty in ability to get a grid connection for a landfill gas engine.

*Density of 1t/m³ assumed based on the majority of waste infilled being MRF fines.

Table 7.3 Assessment of Additional Void at Ladyhill

Pro's	Cons
<ul style="list-style-type: none"> ▪ Significant void circa 3.2m m³. Based on a density of 1t/m³ could represent a capacity of 3.2m t. 	<ul style="list-style-type: none"> ▪ The site is believed to have Planning permission. ▪ PPC Permit has been revoked. A new PPC Permit application would be required. ▪ May face local objection as residents may believe the site will not be developed due to the potential expiration of planning. ▪ All infrastructure such as leachate treatment plant, landfill gas engine, weighbridge and offices would have to be constructed prior to waste acceptance. Significant capital

Pro's	Cons
	<p>expenditure prior to revenue generation.</p> <ul style="list-style-type: none"> Void is based on the steep wall of the quarry. Expensive steep wall lining system required. Road improvements required to widen Ladyhill Road to 6m in width. Expensive capital works. Uncertainty in ability to get a grid connection for a landfill gas engine.

*Density of 1t/m³ assumed based on the majority of waste infilled being MRF fines.

7.1 Final Ranking of Sites

Following the above high level pros and cons assessment it is considered that the ranking of most viable future landfill capacity would be as follows:

Table 7.5 Ranking of Sites

Ranking	Site	Comments
1 st	Tullyvar Landfill Site	<ul style="list-style-type: none"> Existing Planning Permission Existing PPC Permit Site Infrastructure in place Council control over landfill gate fees
2 nd	Cam Road Landfill Site	<ul style="list-style-type: none"> Reported that planning permission is still active Large void All infrastructure would have to be developed Development of a new landfill site in a new area
3 rd	Ladyhill Landfill Site	<ul style="list-style-type: none"> May need to confirm planning permission Expensive lining works required Large capital expenditure required for road upgrade

8 Conclusions

It is acknowledged that there will still be the need for non-hazardous landfill capacity in Northern Ireland to deal with material that cannot be recovered.

The waste hierarchy implemented through the Revised Waste Framework Directive and the Northern Ireland Waste Management Strategy places the following priority in waste management:

- Prevention;
- Preparing for re-use;
- Recycling;
- Other recovery (e.g. energy recovery); and
- Disposal.

However, it is accepted that landfill disposal is a key element of the waste management mix to deal with waste that cannot be recycled or disposed with energy recovery.

A waste flow model was created to assess the landfill capacity post 2022 based on the current filling of landfill sites and a 1.3% waste growth. This waste flow model identified that post 2022 the majority of landfill capacity will be held by 2 sites. Therefore, this may have the potential to increase landfill gates fees for those parties looking to dispose of waste in landfill.

The outcome of landfill capacity post 2022 is summarised in Table 8.1

Table 8.1 Summary of Estimated Landfill Capacity Post 2022

Landfill	Remaining Capacity for 2023 (Post 2022) (t)
Drummee	23,025
Craigmore	396,712
Cottonmount	3,294,380
Aughrim	2,362,729
Craigahulliar	14,812
Ballymacombs	37,600
Crosshill	253,672
Total	6,382,930
Additional Capacity Required due to Waste Diverted from Closed Sites	474,205

Landfill	Remaining Capacity for 2023 (Post 2022) (t)
Revised Estimated Capacity	5,908,725

A model was created to estimate the potential LACMW generated between 2020 and 2033. This model took into account a 1.3% waste growth up to 2033. In order to derive a prediction of landfill capacity requirements post 2022, an assumption has been made that all LACMW is sent for pre-treatment starting 2023/24, as all but 2 Local Authority landfill sites will be closed. Using the WasteDataFlow reported figures it is evident that 14.6% of LACMW sent for pre-treatment is not suitable for energy recovery and is currently landfilled. A calculation of C&I waste was also completed to estimate the required landfill volume for this waste stream. This calculation outlined that 179.5% of the tonnage of LACMW landfilled will equate to the tonnage of C&I waste landfilled.

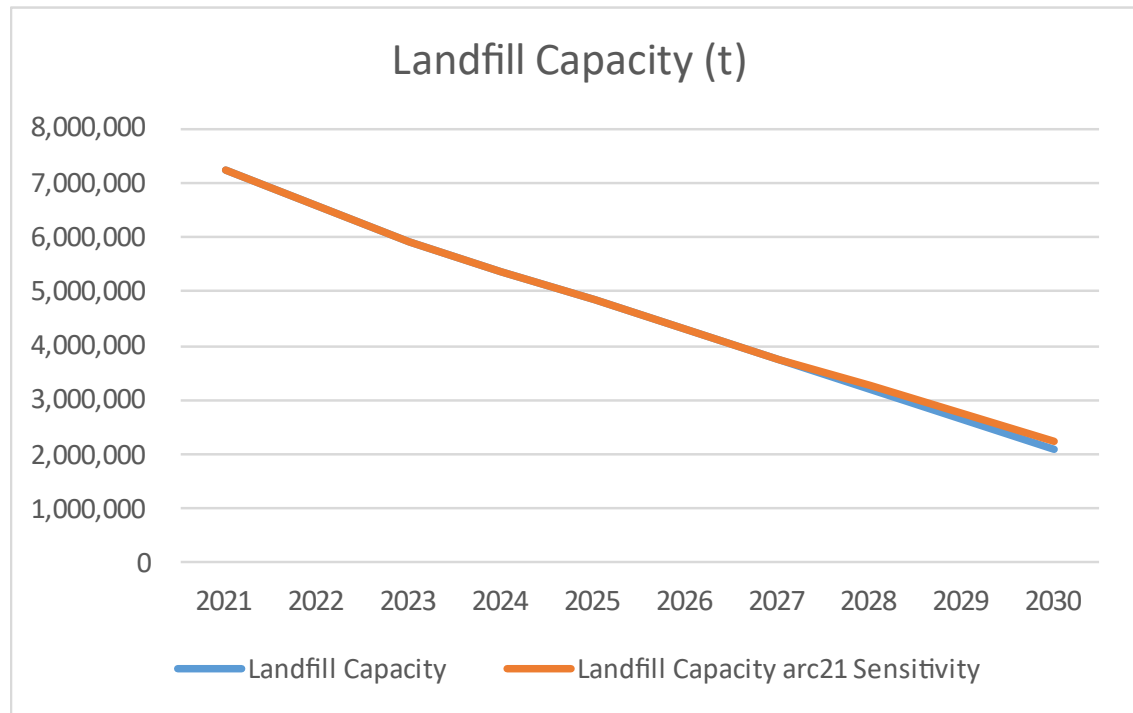
Using the above inputs to a waste flow model the 2020 to 2030 landfill capacity requirements have been estimated. The landfill capacity requirements are presented in Table 8.2 and Figure 8.1.

A sensitivity analysis was applied to the landfill capacity requirements in terms of the development and operation of the arc21 EfW facility. The impact of this sensitivity is presented in Table 8.2 and Figure 8.1.

Table 8.2 Declining Landfill Capacity Assessment

Year	Landfill Capacity (t)	Landfill Capacity arc21 Sensitivity (t)
2021	7,249,600	7,249,600
2022	6,584,742	6,584,742
2023	5,911,507	5,911,507
2024	5,378,732	5,378,732
2025	4,847,140	4,847,140
2026	4,308,821	4,308,821
2027	3,763,691	3,763,691
2028	3,211,663	3,255,367
2029	2,652,649	2,740,625
2030	2,095,017	2,222,858

Figure 8.1 Declining Landfill Capacity



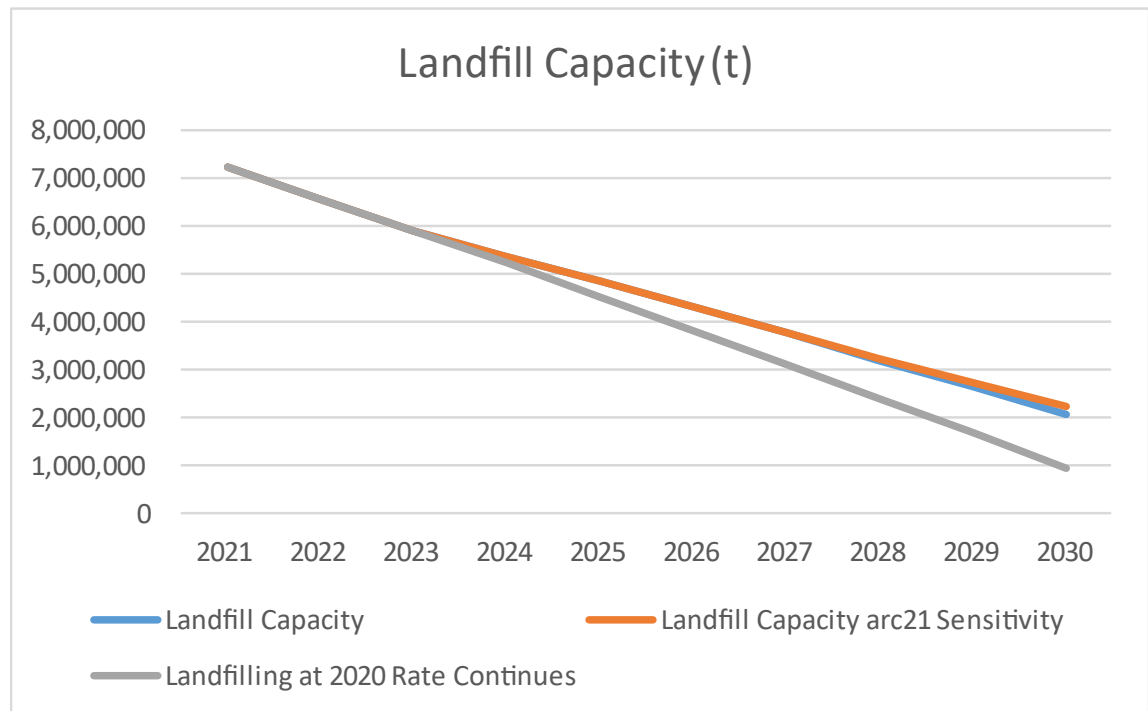
As can be seen from Table 8.1, 8.2 and Figure 8.1, the pre-treatment and arc21 sensitised models have a minimal impact on landfill capacity in 2030.

A further sensitivity on landfill capacity was assessed. This sensitivity included the continuation of the 2020 landfilling rate with the current 1.3% waste growth rate. The impact of this scenario is presented in Table 5.14 and Figure 5.3.

Table 8.3 Impact of Continued Landfilling at 2020 Rate plus 1.3% Waste Growth Rate

Year	Landfilling at 2020 Rate Continues
2021	7,249,600
2022	6,584,742
2023	5,911,507
2024	5,229,789
2025	4,539,481
2026	3,840,476
2027	3,132,663
2028	2,415,932
2029	1,690,169
2030	955,263

Figure 8.2 Impact of Continued Landfilling at 2020 Rate plus 1.3% Waste Growth Rate



As can be seen from Table 5.14 and Figure 5.3 the implementation of a continued 2020 landfilling and waste growth rate again has a minimal impact on landfill capacity by 2030.

Given the potential lack of competition in the landfill market post 2022 it is considered that landfill gate fees may rise.

RiverRidge Holdings Limited secured planning permission for an extension of the Craigmores Landfill Site, LA01/2018/1154/F dated 19th February 2019. This approval granted permission for an increase in height to the existing landfill as well as the creation of additional landfill cells which has now been constructed and has increased the previously reported capacity. As of January 2021, this site had 616,000 tonnes of capacity remaining.

Even with the increased capacity at Craigmores there will still only be a small number of landfill site operator's post 2022, all of which will be private sector. Therefore, there is the potential that landfill gate fees may increase.

A study of the most viable future landfill capacity was completed using a high level pros and cons assessment. This assessment considered that the ranking of most viable future landfill capacity would be as follows:

1. Tullyvar Landfill Site – due to the existing Planning Permission and PPC Permit with site infrastructure in place. This option could also offer Councils control over landfill gate fees.
2. Cam Road Landfill Site – it is reported that planning permission is still active for the site with the site having a significant void capacity. However, all infrastructure would need to be developed at this site.
3. Ladyhill Landfill Site – planning permission may still be active for the site. The development of the site would include expensive lining works due to the steep wall of the quarry. A large capital expenditure would also be required to upgrade the road to the site.

There is the potential for all Local Authority landfill sites to be closed in the early to mid 2020's. This will result in all landfill capacity being controlled by the private sector. If landfill gate fees were to rise due to only a small number of operators in the market, it is our view that competition in the market would develop.

In order to protect Local Authorities from the potential rise in landfill gate fees it is considered that the most viable option for future landfill capacity would be the remaining capacity at Tullyvar Landfill Site. This would be the preferred site due to the infrastructure that is currently in place such as the welfare facilities, leachate treatment plant, wetlands, and landfill gas infrastructure. Therefore, the development costs of landfill capacity at Tullyvar verses Cam Road and Ladyhill would be substantially lower.

However, from the modelling conducted, currently there is no reason to reopen Tullyvar Landfill at this point in time due to the following;

- Circular Economy targets increasing the recycling rate to 55% by 2025, 60% by 2030, 65% by 2035, and no more than 10% of municipal waste to landfill by 2035. This will result in a continued decreasing volume of residual waste to be landfilled.
- Technology has significantly advanced over the past 10 years with the rise of automation, artificial intelligence and near infra optical sorting. These advances in technology have improved recovery rates of materials recovery facilities. Such improvements in technology have resulted in less residual waste from dirty MRF processes that need to go to Landfill (35% to 14.6%).
- Treatment contracts – due to the decline in Local Authority landfill sites those Councils that historically relied on landfill will now have consider residual waste treatment contract.
- Extension of Craigmole Landfill offering an additional 616,000 tonnes of landfill capacity in January 2021.
- Modelled projections show no deficit in landfill capacity by 2030.

This should however be kept under continuous review with regards to future waste growth and landfill capacity to assess if reopening Tullyvar is required.

It is recommended that a bi-annual review of landfill gate fees is undertaken to assess the landfill market and any potential risks associated with landfill gate fee increases.

9 Recommendations

Tullyvar represents the most viable future landfill capacity in the event of landfill gate fees increasing due to lack of competition in the market. The requirement for reopening Tullyvar should be under continuous review. The decision to proceed with the development of phase 4 at Tullyvar can be again ratified following the outcome of the 2024 landfill capacity report, if this report identifies a significant decrease in landfill capacity with a significant increase in landfill gate fees.

It is recommended that this landfill capacity review is completed every 2 years in order to assess the future landfill capacity and any impacts that new technologies / processes may have on the volume of waste landfilled.

It is recommended that reviews of this landfill capacity study are completed on the total volume of waste landfilled in 2022 and 2024.

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