



07 July 2020

Dear Councillor

You are invited to attend a meeting of the Environment Committee to be held in The Chamber, Magherafelt and by virtual means Council Offices, Ballyronan Road, Magherafelt, BT45 6EN on Tuesday, 07 July 2020 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

Anthony Tohill
Chief Executive

AGENDA

OPEN BUSINESS

1. Apologies
2. 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.
3. Chair's Business

Matters for Decision

- | | | |
|----|--|-----------|
| 4. | DfI Roads Proposal to Mid Ulster District Council -
Proposed Provision of a Disabled Persons' Parking Bay at
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| 5. | Street Naming and Property Numbering | 7 - 24 |
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between MUDC and DWI | 29 - 52 |
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Matters for Information

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| 12 | Tullyvar Joint Committee Update | 271 - 286 |
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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

23. Contract for the collection, disposal and treatment of waste paint and oils from Recycling Centres

Matters for Information

24. Confidential Minutes of Environment Committee held on 9 June 2020
25. Capital Projects Update
26. Cookstown Recycling Centre Fire Damage Assessment and Reinstatement works

Report on	Dfl Roads Proposal to Mid Ulster District Council - Proposed Provision of a Disabled Persons' Parking Bay at Highfield Road, Magherafelt
Date of Meeting	Tuesday 7 th July 2020
Reporting Officer	Andrew Cassells, Director of Environment & Property
Contact Officer	Andrew Cassells, Director of Environment & Property

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 measures to enhance the safety and development of the transport network with a range of transport proposals.
2.0	Background
2.1	Dfl Roads are consulting the Council with proposals to introduce measures designed to improve network safety, sustainability and efficiency to encourage safe and sustainable travel.
3.0	Main Report
3.1	<p>The following outlines the proposals to be brought to the attention of the Environment Committee:</p> <p>Proposed Provision of a Disabled Persons' Parking Bay at Highfield Road, Magherafelt</p> <p>Dfl Roads are proposing to provide a disabled persons' parking bay at the above noted location.</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:

	Human:
	<p>Risk Management:</p> <p>The introduction of the aforementioned proposal at this location will assist in the management of road safety issues.</p>
4.2	Screening & Impact Assessments
	<p>Equality & Good Relations Implications:</p> <p>The introduction of the aforementioned proposal at this location will assist DfI in the discharge of their duties in regard to disability.</p>
	Rural Needs Implications:
5.0	Recommendation(s)
5.1	That the Environment Committee endorses the proposal submitted by DfI Roads.
6.0	Documents Attached & References
6.1	<p>Appendix 1</p> <p>Letter from DfI Roads dated 25th June 2020; Proposed Provision of a Disabled Persons' Parking Bay at Highfield Road, Magherafelt</p>
6.2	<p>Appendix 2</p> <p>Drawing – Proposed Provision of a Disabled Persons' Parking Bay at Highfield Road, Magherafelt</p>



Department for

Infrastructure

An Roinn

Bonneagair

www.infrastructure-ni.gov.uk

Network Development

Chief Executive
Mid Ulster District Council
Ballyronan
Magherafelt
BT45 6EN

County Hall
Drumragh Avenue
Omagh

Tel: 028 8225 4085

25 June 2020

Dear Mr Tohill

PROPOSED PROVISION OF A DISABLED PERSONS' PARKING BAY AT HIGHFIELD ROAD, MAGHERAFELT

DfI Roads is proposing to legislate for a disabled persons' parking bay at Highfield Road, Magherafelt, as detailed on the attached map.

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

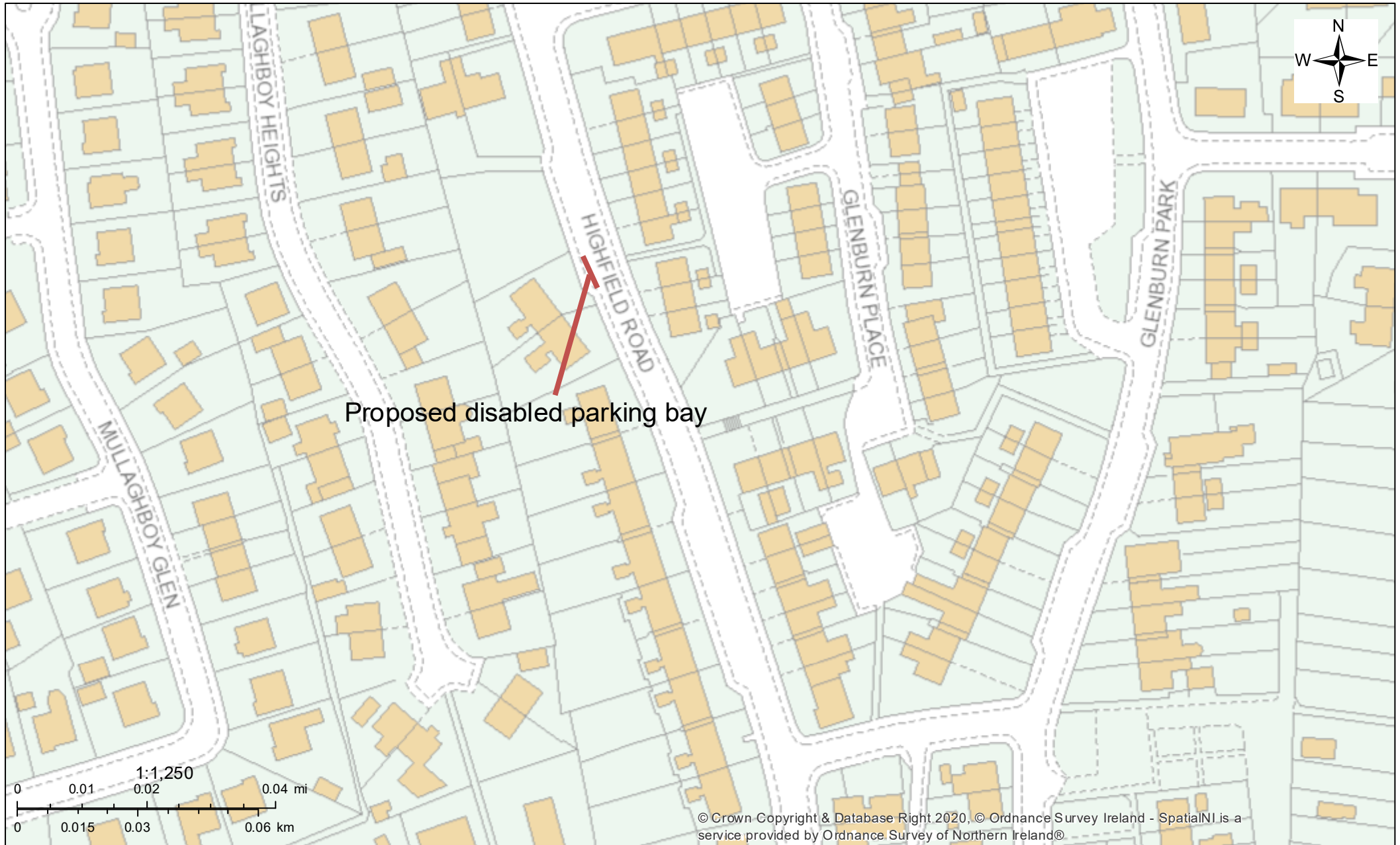
Please bring this matter to the attention of your council.

Yours sincerely

Mrs Hazel Burton
Network Development Section

Enc

Proposed disabled parking bay - Highfield Road, Magherafelt



Tuesday 23 June 2020 09:42:46

Report on	Street Naming and Property Numbering
Date of Meeting	7 th July 2020
Reporting Officer	William Wilkinson, Head of Building Control

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	For Members to consider the naming of new streets within residential Housing Developments within Mid-Ulster.
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 of approving Street Naming and Numbering of buildings erected thereon.
2.2	The Policy for Street Naming and Numbering, as adopted (see Appendix 1) forms the basis for considering proposals for the street naming of new developments.
3.0	Main Report
3.1	<p>The Building Control Department has received a request for the naming of a street within a proposed residential development as follows:</p> <p style="padding-left: 40px;">I. Site off Mullan Road, Coagh</p> <p>An application has been submitted by Beech Hill View Properties Ltd for the naming of a new street within a proposed residential development off Mullan Road, Coagh. The Developer has submitted the following options for consideration (See Appendix 2).</p> <p style="padding-left: 40px;">1. The Oaks 2. Mullan Lane</p> <p>As the options submitted are linked to the locality in each case, it is considered that each option demonstrates compliance with the policy as adopted.</p>

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: None
	Rural Needs Implications: None
5.0	Recommendation(s)
5.1	<p>It is recommended that consideration is given to the approval of the following proposals for the Street Naming of each street within a new residential development within Mid Ulster.</p> <p style="text-align: center;">I. Site off Mullan Road, Coagh</p> <p style="text-align: center;">Either The Oaks Or Mullan Lane</p>
6.0	Documents Attached & References
6.1	Appendix 1 - Policy for Street Naming and Numbering
6.2	Appendix 2 - Pro-forma containing street naming proposals, location map and site layout plan for new street off Mullan Road, Coagh.

Policy on Street Naming and Numbering

Document Control			
Policy Owner	Director of Public Health & Infrastructure		
Policy Author	Director of Public Health & Infrastructure		
Version	Version 1		
Consultation	Senior Management Team	Yes / No	
	Trade Unions	Yes / No	
Equality Screened by	Principal Building Control Officer	Date	20/02/2019
Equality Impact Assessment	N/A	Date	
Good Relations	N/A		
Approved By	Environment Committee	Date	12/03/2019
Adopted By	Council	Date	28/03/2019
Review Date		By Whom	
Circulation	Councillors, Staff		
Document Linkages			

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9.0	Support & Advice	
10.0	Communication	
11.0	Monitoring & Review Arrangements	

Appendices	Description	Page Number
A	Article 11 of the Local Government (Miscellaneous Provisions) (NI) Order 1995	
B	Naming of New Streets and Housing Developments: <i>Procedure</i>	
C	Renaming Existing Streets: <i>Procedures</i>	

1.0 INTRODUCTION

1.1 Mid Ulster District Council resolved that a policy and associated procedures be developed to guide the Council in accordance with the provisions of Article 11 of the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1995("the 1995 Order"), referenced in Appendix A to this policy, on;

- (i) Naming of New Streets and Housing Developments;
- (ii) Renaming and Re-numbering existing streets

2.0 Policy Aim & Objectives

2.1 **Policy Aim:** To ensure the naming of New Streets and Housing Developments is delivered in a fair, equitable and consistent manner.

2.2 Policy Objectives:

- To facilitate Mid Ulster District Council in meeting its statutory obligations with regard to local government Street Naming requirements
- To confirm the mechanism and process by which Mid Ulster District Council will name new streets and housing developments
- To provide residents with a process whereby they may request the renaming of their street
- To ensure street names are reflective of localities within which they are being proposed and engagement of all affected residents of streets where requests have been received to rename

3.0 Policy Scope and Legislative Framework

3.1 This policy relates specifically to the naming of New Streets/ Housing Developments and processing requests for the erection of nameplates expressing the name of the street in a language other than English. The statutory basis for this policy is contained within Article 11 of the 1995 Order.

- 3.2 This legislation empowers Council to authorise the naming of streets within its respective District. The 1995 Order provides for street naming, street numbering and the provision of street signs. It also provides the Council with a discretionary power to erect dual language street signs or second nameplates in a language other than English via Section 1a and 1b. A copy of the relevant statute is included in Appendix A.

Interpretation and Definitions

- 3.3 For purposes of this Policy the following interpretation/ definitions apply as set out within the 1995 Order:

- Nameplate - defined as a means of 'signifying a name in writing'
- Street - defined as 'any road, square, court, alley, passage or lane'.

4.0 Linkage to Corporate Plan

- 4.1 Referring to Mid Ulster District Council's Corporate Plan 2015-2019, this policy contributes toward the delivery of Corporate Theme 1 *Delivering for Our People*.

5.0 Naming of New Streets

- 5.1 Proposals for new Street names linked to traditional place names will be favorably considered and that if such a place name is traditionally in a language other than English, that name may also be considered as the name by which that place may be known. The procedure that will apply in relation to proposal under this [policy] is contained in Appendix [B]. Building names are not controlled by statute and do not form part of this Policy.
- 5.2 Criteria - General

To maintain the heritage and identity of the area administered by Mid Ulster District Council in naming a new Street and/ or Housing Development the following criteria shall be adhered to. The name chosen shall;

1. Reflect the local townland name, or a local geographical/ topographical, social or historical feature.
2. The name shall not use the townland name within which the street and/ or the housing development is situated. The townland name shall still form part of the postal address.

3. The name should not mark any historical or political event or any individual or family, living or deceased.
4. The prefix of the name can only be the same as an existing Street or Road name prefix in the locality if it is accessed from that street or road.
5. To avoid confusion over addresses the name should not sound similar to an existing Street or Road name in that District Electoral Area.
6. The erected nameplate shall express the name in English; and may express that name in any other language other than English in accordance with Article 11 of the 1995 Order.
7. Although not prescriptive or exhaustive the running order/hierarchy for Street naming should follow an easily understood pattern, for example:
 - Road–Street–Avenue–Mews–Drive–Lane–Close–Alley

6.0 Renaming and Renumbering Existing Streets

- 6.1 Provision shall be made for the renaming and renumbering of existing Streets within the Mid Ulster District Council area, where instances as noted in 7.2 below require that that this be undertaken to maintain a consistent approach to street naming. The 1995 Order empowers Council to authorise Street names within the area they administer. The procedure that will apply in relation to a proposal under this policy is contained in Appendix C.

6.2 Criteria - General

The renaming or renumbering of an existing street shall normally only be considered;

- To remove similar or the same street name in the immediate locality
- Where a street name has been 'lost'
- To correct an incorrectly spelt name
- If emergency services have reported problems in identifying and locating the street
- If postal services or other statutory agencies has reported problems in identifying and locating the street
- Where a request has been received by the Council and signed by not less than 50% of the occupiers of a street to which a change is being sought. This would be based on 1 occupier per premises on the relevant street

7.0 Roles and Responsibilities

- 7.1 **Director of Public Health and Infrastructure:** shall have responsibility for implementation of this policy by Mid Ulster District Council, through the Building Control Service.
- 7.2 **Building Control Service:** shall be responsible for implementing arrangements to administer; (i) requests to name New Streets and Housing Developments and (ii) requests to rename existing Streets.
- 8.0 Impact Assessments**
- 8.1.1 Equality Screening & Impact**
- 8.1.1 This policy has been subject to equality screening in accordance with the Council's equality scheme screening process. It has been 'screened out' for an Equality Impact Assessment.
- 8.2 Rural Needs Impact**
- 8.2.1 This policy has been subjected to a rural needs impact assessment and thus can demonstrate regard to rural needs when delivering this public service.
- 8.3 Staff & Financial Resources**
- 8.3.1 No issues have been identified which will impact on the delivery of Council business as a result of this policy being implemented. Valid requests for determination will be brought to attention of Committee.
- 9.0 Support and Advice**
- 9.1 Advice and guidance on the implementation of this should be sought from the Head of Building Control
- 10.0 Communication**
- 10.1 The Building Control Service within the Public Health & Infrastructure Department of Council is responsible for the communication, delivery and adherence to this policy
- 11.0 Monitoring and Review Arrangements**

- 11.1 Implementation of this policy will be routinely monitored and a formal review undertaken 24 months from its effective commencement date.

Appendix A
Article 11, Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1995

Street names and numbering of buildings

Powers of councils in relation to street names and numbering of buildings

11.—(1) A council may erect at or near each end, corner or entrance of any street in its district a nameplate showing the name of the street; and a nameplate erected under this paragraph—

- (a) shall express the name of the street in English; and
- (b) may express that name in any other language

(2) A council may, immediately adjacent to a nameplate erected under paragraph (1) which expresses the name of a street in English only, erect a second nameplate expressing the name of the street in a language other than English.

(3) Neither this Article nor anything done by a council thereunder authorises or requires the use of the name of a street expressed in a language other than English as, or as part of—

- (a) the address of any person; or
- (b) the description of any land; for

the purposes of any statutory provision.

(4) In deciding whether and, if so, how to exercise its powers under paragraph (1)(b) or (2) in relation to any street, a council shall have regard to any views on the matter expressed by the occupiers of premises in that street.

(5) Any person who—

- (a) obscures, pulls down or defaces any nameplate erected under paragraph (1) or (2);
- (b) erects in any street any nameplate showing as the name of the street a name different from that in any nameplate erected in the street under paragraph (1) or (2); or
- (c) erects in any street any nameplate purporting to show the name of the street, without the authorisation of the council for the district in which the street is situated,

shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.

(6) Where a council has exercised its powers under paragraph (1) in relation to any street, the occupier of each house or other building in that street shall ensure that that house or building is at all times marked with such number as the council may approve for the purposes of this Article.

(7) Where a person fails to comply with paragraph (6) the council may serve on him a notice requiring him to comply with that paragraph within 7 days from the date of service of the notice.

(8) A person who fails to comply with a notice served on him under paragraph (7) shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.

(9) Where a person fails to comply with a notice served on him under paragraph (7) in respect of any house or other building, the council may itself do anything which he has failed to do and may recover from that person summarily as a civil debt any expenses thereby reasonably incurred by it.

(10) In this Article—
“nameplate” includes any means of signifying a name in writing; “street” includes any road, square, court, alley, passage or lane.

(11) The power of a council to erect a nameplate under paragraph (1) or (2) includes power—

- (a) to erect it on any building or in such other manner as the council thinks fit; and
- (b) to cause it to be erected by any person authorised in that behalf by the council.

(12) The following statutory provisions shall cease to have effect, namely—

- (a) sections 64 and 65 of the Towns Improvement Clauses Act 1847^{F6};
- (b) in section 38 of the Towns Improvement (Ireland) Act 1854^{F7} the words “naming the streets and numbering the houses and also so much thereof as relates to”;
- (c) section 21 of the Public Health Acts Amendment Act 1907^{F8};
- (d) section 19 of the Public Health and Local Government (Miscellaneous Provisions) Act (Northern Ireland) 1949^{F9}; and
- (e) so much of any local Act as relates to the naming of streets or the numbering of houses or buildings;

Appendix B

Naming of New Streets and Housing Developments: *Procedure*

1. Developers should submit an application for a new Street/ Development naming to the Council's Building Control service within the Public Health and Infrastructure Department ("the Department") before any promotional activity on the sale of properties commences.
2. The applicant should recommend at least 2 but no more than 3 names per street for consideration, outlining how they consider the proposed names comply with the criteria referred to within Section 5.2 above
3. If the Department determines that the name(s) does not conform to the criteria within 5.2 of this Policy, the developer/applicant will be informed of this and asked to submit an alternative name(s) and/or written representations as to why they disagree. When the Council receives an alternative name(s) and the Council Officer deems that it meets the criteria then it will be recommended to the Council's Environment Committee for consideration.
4. If the developer/applicant is not in agreement with the Department's evaluation they can make written representations which will be considered at the next available meeting of the Environment Committee.
5. The developer/ applicant will be informed of the approved name following approval of the Environment Committee minutes at the next available Council meeting of Mid Ulster District Council
6. Should the Committee not accept any of the presented options the applicant/ developer will be informed of the Council's decision
7. If following the non-acceptance of a proposed name the applicant/ developer does not resubmit an alternative name to the Council within 8 weeks of the date of the decision letter, the Council may identify a name and notify the applicant/ developer of their intention to approve that name. The Council shall allow four weeks to elapse from the date of the notification of the name before presenting it to the next available Environment Committee
8. If a street name has been approved by the Council it shall not be considered for change within 6 months from the date of approval, unless in accordance with the Council's Standing Orders.
9. Names shall be shown on nameplates which will include the townland where relevant and erected in line with current Guidance.
10. New buildings will be allocated numbers consecutively with odd numbers to the right hand side and even numbers to the left hand side.

Appendix C

Renaming Existing Street Name: Procedures

This procedure provides guidelines for the procedure for renaming of existing street/road names which the 1995 Order empowers councils to authorise. The following procedure for canvassing the views of occupiers and the criteria to be applied in deciding whether to rename a street with an alternative in English shall be:

1. Upon receipt of a petition, signed by not less than 50% of the householders (based on one resident per household over the age of 18) of the street/road ("a Petition") the Council will consider a survey of the street/road in relation to the desired name change and reason for same.
2. The proposed name must meet the criteria set down in this policy for the naming of New Streets, as detailed within 5.2 of this policy.
3. If the Department considers the new name meets the criteria, approval to undertake the survey will be sought from the Environment Committee.
4. The Council will survey, by post, to the occupier(s) of each of the properties listed on the Electoral Register and one survey per established business as appears on the Non-Domestic Valuation List of that street/road or the part of a street/road affected at that time; seeking their views on the request to change the name. The survey shall be carried out by the Council's Building Control service.
5. Replies will be by way of a supplied self-addressed envelope and must be returned by the date specified in the correspondence giving notification of the survey and reason for same . Only replies received from registered occupiers by that date will be considered
6. The outcome of the survey will be presented to the Environment Committee and only where all occupiers (100 %) in the affected street agree with the proposed name change, will a recommendation be presented to approve the change.
7. Where a request is not approved any further request will not be considered until the expiry of a 12 month period from the date of the Environment Committee meeting where the outcome of the survey was considered.
8. Where a Petition to have an existing street renamed is not approved then the occupiers will be notified of this.
9. Where a new nameplate is erected. The decision to remove an existing nameplate will be made by Property Services, where deemed necessary to do so.

10. Historical nameplates may remain in place where they are fitted to an existing wall (or dwelling), where they will not affect directional issues. This shall be at the discretion of Property Services.
11. Where the Department receives a request from the emergency services, mail delivery services or other statutory bodies who have difficulty locating the street to rename it. They shall inform residents as noted above and consider to survey and rename the street upon the agreement of all households on that street. Such requests shall be notified to and approval sought from Environment Committee and outcome of survey reported to same.

New Street Name Proposals

Comhairle Ceantair
Lár Uladh
Mid Ulster
 District Council

Applicants Name & Address: Beech Hill View Properties Ltd,
 The Diamond Centre, Market Street,
 Magherafelt BT45 6ED

Description: Housing Development opposite and to the NE of 35-39A Drumenny Road, Derrycrin

Ref: LA09/2018/0626/F

	Proposed Street Name	Linkage to Locality	Reason for Choice
Option 1	The Oaks		Derrycrin in Irish is spelt Doire Crion which means "withered oak grove" hence "The Oaks"
Option 2	Mullan Lane		The proposed entrance to the development is accessed off Mullan Road and therefore in line with the Council's Policy Item 5.2.4
Option 3			

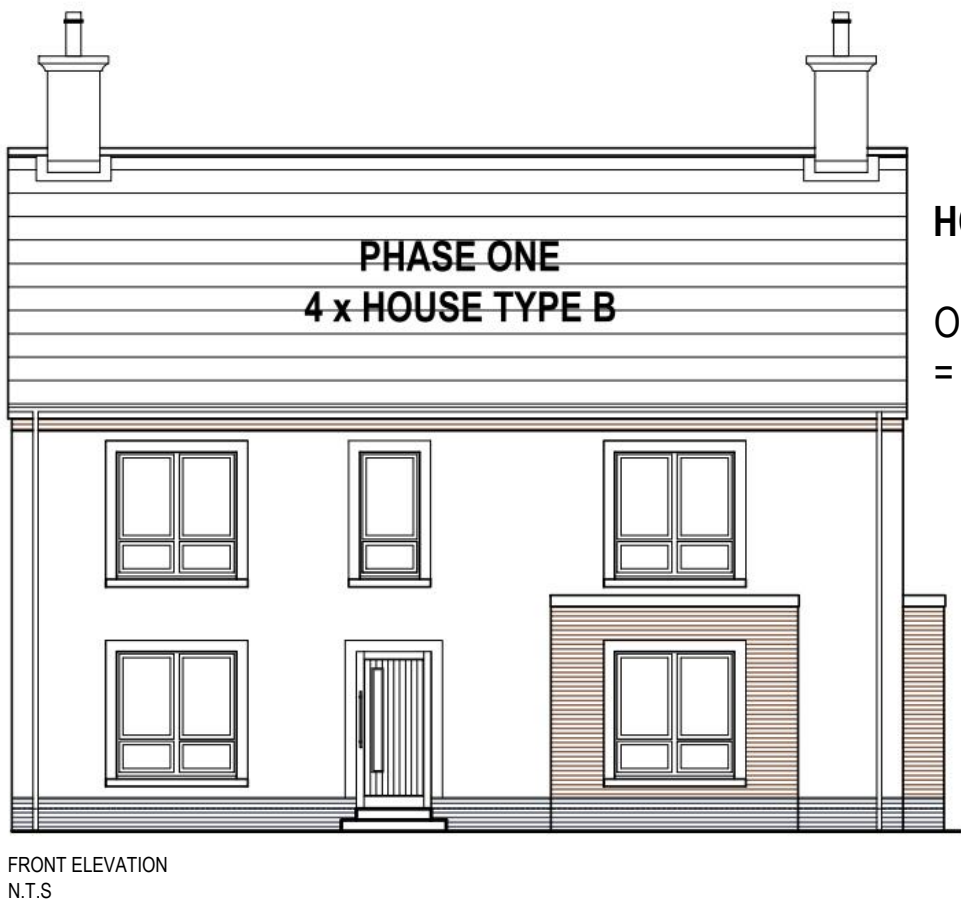
* Please avoid the use of apostrophes, hyphens, full stops and commas.

Please note that street naming proposals should be in accordance with Mid Ulster Council Policy (Attached)

Signed Justin McClay

Dated 2/6/2020

Appendix 2



HOUSE TYPE B

ONE UNIT
= 1350 Sq ft

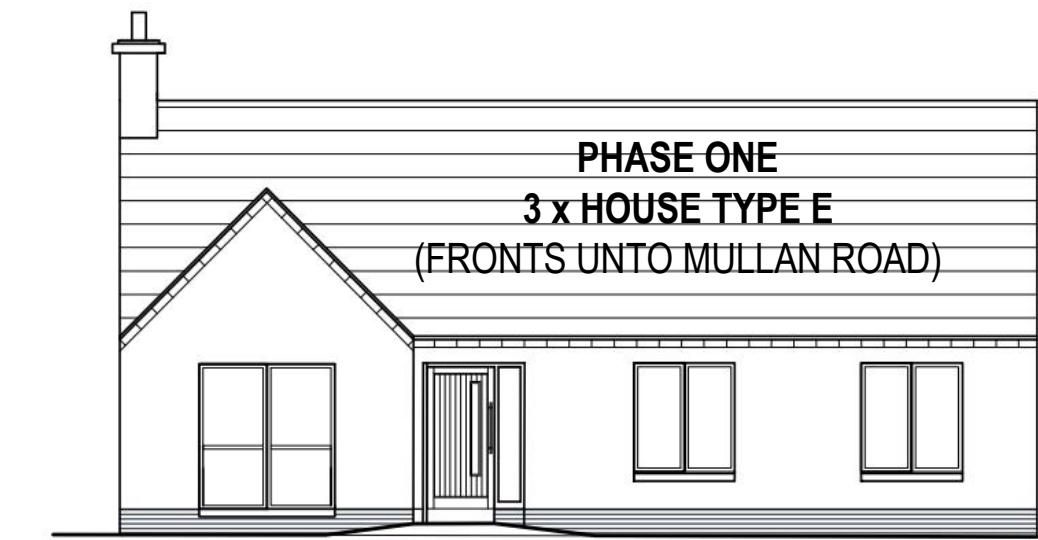
SEE DWG
17-45-06-B



HOUSE TYPE C

ONE UNIT
= 1150 Sq ft

SEE DWG
17-45-07-A



HOUSE TYPE E

HOUSE TYPE E

ONE UNIT
= 1200 Sq ft

SEE DWG
17-45-11-A

LANDSCAPE DESIGN APPROACH

RETENTION AND MANAGEMENT OF THOSE TREES AND SECTIONS OF HEDGEROW SCHEDULED TO BE RETAINED WITHIN THE SITE.

NEW BOUNDARY HEDGEROW AND TREE PLANTING TO CONTAIN THE DEVELOPMENT AND ASSIST IN ITS VISUAL ASSIMILATION INTO THE WIDER SURROUNDINGS.

NEW PLANTING WITHIN THE SITE TO ENHANCE THE SETTING AND CHARACTER OF THE DEVELOPMENT AND PLAY AN IMPORTANT PART IN CREATING A "SENSE OF PLACE".

LONG TERM SUSTAINABLE MANAGEMENT FOR ALL THE EXISTING AND PROPOSED LANDSCAPE FEATURES.

SPECIFICATION NOTES:

RETAINED TREES:
PROTECTIVE FENCING TO BE ERECTED AROUND RETAINED TREES PRIOR TO SITE WORKS COMMENCING.

NOTHING SHALL BE STORED OR PLACED IN ANY AREA FENCED FOR TREE PROTECTION AND THE GROUND LEVELS WITHIN THOSE AREAS SHALL NOT BE ALTERED. NOR SHALL ANY EXCAVATION BE MADE OR ANY OTHER WORKS CARRIED OUT.

ANY APPROVED ARBORICULTURAL WORK OR TREE SURGERY SHALL BE CARRIED OUT IN ACCORDANCE WITH BRITISH STANDARD 3998, 1989 RECOMMENDATIONS FOR TREE WORK.

TOPSOILING OPERATIONS:
STRIP TOPSOIL TO ITS FULL DEPTH FROM ALL AREAS OF HOUSING, ROADS AND OTHER BUILT STRUCTURES. CONSERVE IT FREE FROM PERENNIAL WEEDS. RETAINED FOR FUTURE USE IN STOCKPILES NO HIGHER THAN 2m IN DESIGNATED AREAS ON SITE.

THOROUGHLY CULTIVATE ALL SUB-SOILS BEFORE TOPSOIL APPLICATION. RIP ALL AREAS OF COMPACTED GROUND TO AN EVEN DEPTH OF 500mm. SHOULD THERE BE A SHORTFALL OF SUITABLE SITE TOPSOIL, IMPORT ADDITIONAL CLEAN TOPSOIL TO BS3882:2015.

SPREAD TOPSOIL TO THE FOLLOWING DEPTHS:

MOWN GRASS SWARD: 150mm
ORNAMENTAL SHRUBS AND PERENNIALS: 450mm
HEDGES: TRENCH 750mm WIDE AND 450mm DEEP

PLANTING GENERAL:
ALL PLANTING OPERATIONS SHALL BE CARRIED OUT IN ACCORDANCE WITH THE RELEVANT SECTIONS OF BS4428:1989

NEW SECTION OF HEDGEROW AS SHOWN:
A MIXED NATIVE HEDGEROW SHALL BE PLANTED. THIS SHALL COMPRISE THE FOLLOWING MIX:
CRATEGUS MONOGYNA 45%
CORYLUS AVELLANA 20%
CORNUS SANGUINEA 20%
ACER CAMPESTRE 15%

ALL SHALL BE SUPPLIED AS BARE ROOTED TRANSPLANTS 600-800mm HIGH AND NO MORE PLANTING A DOUBLE STAGGERED ROW, AT 250mm CENTRES, IN A TRENCH TOPSOILED TO 450mm DEPTH. ALL PLANTS SHALL BE FITTED WITH A RABBIT GUARD.

SPECIMEN TREES:
SPECIES SHALL BE PLANTED IN ACCORDANCE WITH THE PLANT SCHEDULE. ALL SHALL BE 14-16cm GIRTH ADVANCED NURSERY STOCK TREES. THEY SHALL BE PLANTED IN PITS 950mm DEPTH BACKFILLED WITH TOPSOIL MIXED WITH TP/MC 40% BY VOLUME WITH A SLOW RELEASE FERTILIZER AT NURSERY DEPTH. EACH TREE SHALL BE DOUBLE STAKED AND TIED. AFTER PLANTING EACH TREE SHALL BE THOROUGHLY WATERED AND THE AREA TOPPED TO 75mm DEPTH WITH AN ORNAMENTAL QUALITY BARK MULCH.

SHRUB AND GROUND OVER PLANTING:
SHALL BE PLANTED IN BEDS PREPARED AND TOPSOILED TO A DEPTH OF 450mm. AT PLANTING A SLOW RELEASE FERTILIZER SHALL BE APPLIED, AND AFTER PLANTING ALL BEDS SHALL BE MULCHED WITH ORNAMENTAL GRADE BARK MULCH TO A DEPTH OF 75mm. ALL PLANTS TO BE SUPPLIED IN 3L MIN SIZE POTS AND PLANTED AT A DENSITY OF 4 PER M² SQ. WITH THE EXCEPTION OF CAREX EVERGOLD, WHICH SHALL BE SUPPLIED IN 2L MIN SIZE POTS AND PLANTED AT A DENSITY OF 5 PER M² SQ.

AMENITY GRASS AREAS:
AREAS SHALL BE CULTIVATED AND STONE PICKED TO A DEPTH OF 150mm. A PROPRIETARY PRE-SEEDING FERTILIZER SHALL BE APPLIED PRIOR TO SEEDING AFTER WHICH THE AREAS SHALL BE SEED WITH AN A18 GRASS SEED MIXTURE (FOR HIGHWAY VERGES) BY BRITISH SEED HOUSES OR SIMILAR.

ESTABLISHMENT MAINTENANCE:
ALL PLANTING WORKS SHALL BE TO BE SUBJECT TO A 5 YEAR ESTABLISHMENT MAINTENANCE PROGRAMME, INCLUDING REPLACEMENT OF FAILED PLANTS ON AN ANNUAL BASIS. OPERATIONS SHALL INCLUDE MOVING, WEED CONTROL, WATERING, LITTER PICKING, PRUNING, TOP-DRESSING WITH FERTILIZER, TOPPING-UP MULCH, FENCING REPAIRS, REPLACING/FIXING SHELTERS, GUARDS, CANES AND STAKES.

PAVING:
450 X 450MM COLORED PAVING
FLAGS AS SHOWN, NON SLIP, HARD WEARING, SANDSTONE EFFECT, AS SHOWN. TO FOOTWAY FRONT AND REAR INCLUDING 10M² PATIO TO REAR.

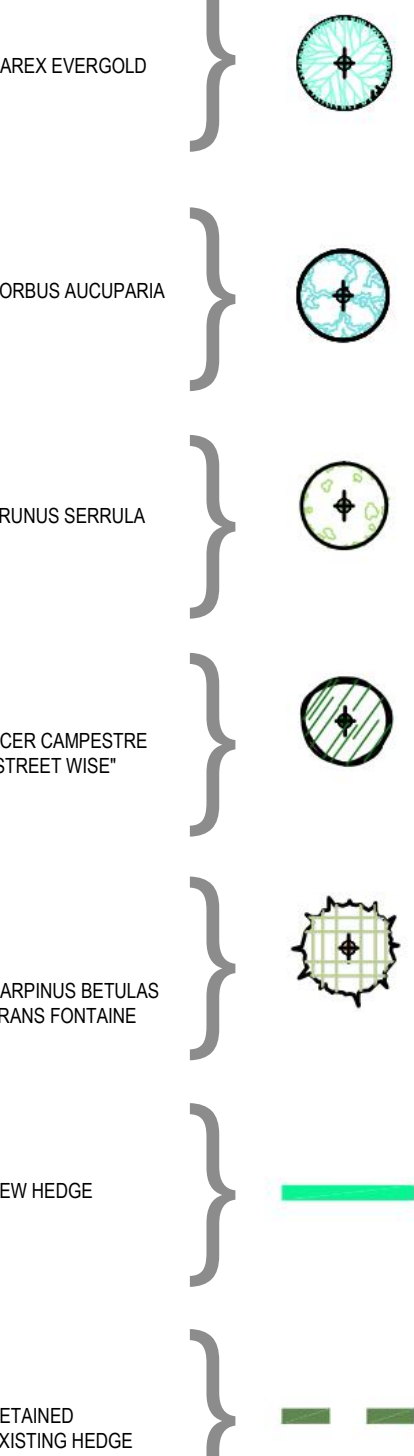
GRAVEL:
TO DRIVEWAYS AS SHOWN.
10MM BARLEY QUARTZ GRAVEL.
APPROX. 100M BY CED STONE OR OTHER EQUAL AND APPROVED, LAID ON AND INCLUDING PERMEABLE WEED SUPPRESSANT LAYER AS ARCHITECTS DRAWING. INCLUDE FOR 300MM STRIP TO FRONT AND REAR OF DWELLING AS SHOWN.

GRASS AREAS: PRIVATE GARDENS
FRONT AREA TO BE LAID OUT WITH GARDEN LAWN TURF (ROLLED TURF), ON PREPARED BASE. REAR GARDEN TO BE LEVELED WITH SELECTED TOP-SOIL, SEEDED AND MAINTAINED UNTIL HANDOVER.

RETAINED TREES:
PROTECTIVE FENCING TO BE ERECTED AROUND RETAINED TREES PRIOR TO WORKS COMMENCING.

NOTHING SHALL BE STORED OR PLACED IN ANY AREA FENCED FOR TREE PROTECTION AND THE GROUND LEVELS WITHIN THOSE AREAS SHALL NOT BE ALTERED. NOR SHALL ANY EXCAVATION BE MADE OR ANY OTHER WORKS CARRIED OUT.

TREES TO BE REMOVED AT FRONT FACING THE MULLAN ROAD TO ALLOW FOR VISIBILITY SPLAYS AT ACCESS. EXISTING TREES TO BE RETAINED.



AMENITY GRASS AREAS:
AREAS SHALL BE CULTIVATED AND STONE PICKED TO A DEPTH OF 150mm. A PROPRIETARY PRE-SEEDING FERTILIZER SHALL BE APPLIED PRIOR TO SEEDING AFTER WHICH THE AREAS SHALL BE SEED WITH AN A18 GRASS SEED MIXTURE BY BRITISH SEED HOUSES OR SIMILAR.

PUBLIC AMENITY SPACE

AREA	Sq. m.
A	1,310m Sq.
B	26,36m Sq.
C	333m Sq.
TOTAL	3976m Sq.

PLEASE CONSULT THE STRUCTURAL ENGINEER APPOINTED FOR ALL STEEL AND STRUCTURE CALCULATIONS. SIZES, LOCATIONS, NOTES ETC... ALL STRUCTURAL DIMENSIONS TO BE CHECKED ON SITE AND APPROVED WITH THE STRUCTURAL ENGINEER.

ALL FINISHES TO BE CONFIRMED AND APPROVED BY CLIENT FIRST BEFORE ANY ORDERS TAKE PLACE - ROOF FILES, GUTTERS, WINDOWS, WALL FINISH, DOORS, CHIMNEY ETC... ALL TO BE CHECKED AND APPROVED WITH CLIENT.

ALL WORKS TO BE CARRIED OUT IN ACCORDANCE WITH ACCREDITED CONSTRUCTION DETAILS (DCLC PUBLICATION)

ALL WORKS ON SITE TO BE EXECUTED BY COMPETENT CONTRACTORS IN FULL ACCORDANCE WITH ALL CDM HEALTH AND SAFETY REQUIREMENTS AND REGULATIONS.

ALL DIMENSIONS IN MILLIMETERS.
ALL DIMENSIONS TO BE CHECKED ON SITE

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Revisions:

Client

M. McALLISTER

Project Title

PROPOSED HOUSING DEV.

AT DRUMENNY ROAD

BALLINDERRY, COAGH

(PLANNING DRAWINGS)

Drawing Title

HOUSE TYPES AND LOCATION

PUBLIC AMENITY SPACE

SOFT LANDSCAPING & HT LAYOUT

Scale	Date	Dwg By
1:500 (A1)	04-09-2019	JC / AB

MANOR
ARCHITECTS

Architecture / Planning / Conservation

Stable Buildings, Manor House, 30a High Street,

Monemore, Co. L/derry, BT45 7PD

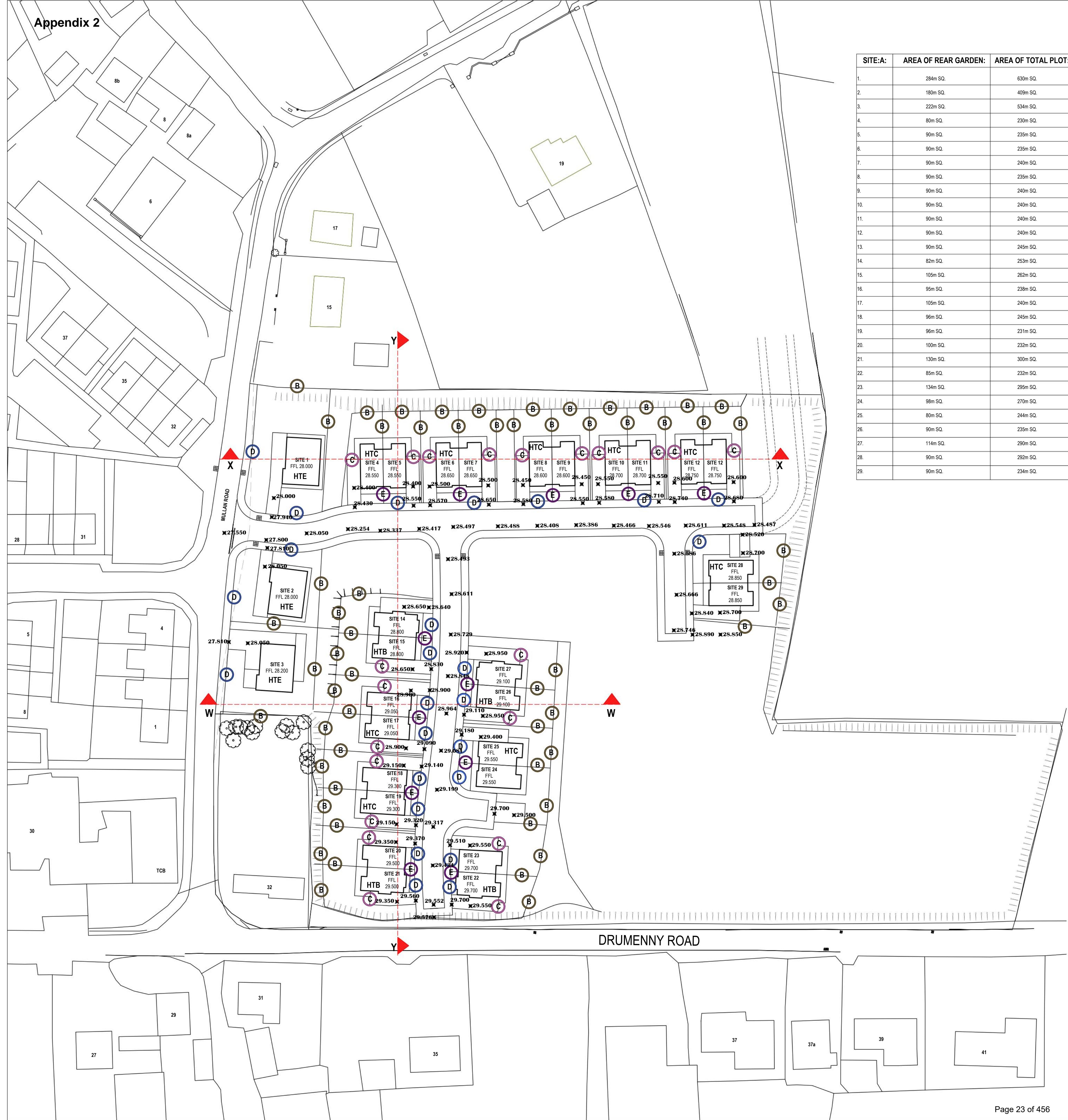
Telephone : 028 867 48367

Email: ma@manorarchitects.com

Web: www.manorarchitects.com

Drawing No.

17-45-02-A



SITE:A:	AREA OF REAR GARDEN:	AREA OF TOTAL PLOT:
1.	284m SQ.	630m SQ.
2.	180m SQ.	409m SQ.
3.	222m SQ.	534m SQ.
4.	80m SQ.	230m SQ.
5.	90m SQ.	235m SQ.
6.	90m SQ.	235m SQ.
7.	90m SQ.	240m SQ.
8.	90m SQ.	235m SQ.
9.	90m SQ.	240m SQ.
10.	90m SQ.	240m SQ.
11.	90m SQ.	240m SQ.
12.	90m SQ.	240m SQ.
13.	90m SQ.	245m SQ.
14.	82m SQ.	233m SQ.
15.	105m SQ.	262m SQ.
16.	95m SQ.	238m SQ.
17.	105m SQ.	240m SQ.
18.	96m SQ.	245m SQ.
19.	96m SQ.	231m SQ.
20.	100m SQ.	232m SQ.
21.	130m SQ.	300m SQ.
22.	85m SQ.	232m SQ.
23.	134m SQ.	295m SQ.
24.	98m SQ.	270m SQ.
25.	80m SQ.	244m SQ.
26.	90m SQ.	235m SQ.
27.	114m SQ.	290m SQ.
28.	90m SQ.	292m SQ.
29.	90m SQ.	234m SQ.

KEY FOR BOUNDARIES:

A

BOUNDARY A:
AT ENTRANCE

BRICK WALL:

RECONSTITUTED SANDSTONE COPING STONE ON 600X800 X1.8M HIGH PILLAR.

RED FACING BRICK TO MATCH THE HOUSING 800MM HIGH X 250MM THICK.

B

BOUNDARY B

1.8m HIGH
TIMBER FENCE:

C

BOUNDARY C

900mm HIGH
TIMBER FENCE:

D

BOUNDARY D

1.2m HIGH
WROUGHT IRON RAILINGS.

E

BOUNDARY E

900MM HIGH X 150MM WIDE RENDERED TO MATCH DWELLING WITH METAL RAILINGS AND LAUREL HEDGE BEHIND AS SHOWN.

SECTION

100X100MM PRECAST CONC. POST AND 75X100 PRECAST CONC. STAYS WITH APPROPRIATE HOLES TO TAKE HANGER BOLT.

44X69MM SPLAYED TREATED SW RUNNERS.

50X150MM CONCRETE KERB.

300X300X450MM CONCRETE AROUND POSTS.

FINISHED LEVEL OF FOOTPATH.

ELEVATION

20 X 144 TREATED SW VERTICAL BOARDS @ 175MM CENTRES.

44 X 69MM SPLAYED TREATED SW RUNNERS.

SECTION

50X150MM CONCRETE KERB.

300X300X450MM CONCRETE AROUND POSTS.

100X100MM PRECAST CONC. POST AND 75X100 PRECAST CONC. STAYS WITH APPROPRIATE HOLES TO TAKE HANGER BOLT.

FINISHED LEVEL OF FOOTPATH.

ELEVATION

20 X 144 TREATED SW VERTICAL BOARDS @ 175MM CENTRES.

44 X 69MM SPLAYED TREATED SW RUNNERS.

SECTION

1200MM HIGH WROUGHT IRON RAILINGS PAINTED BLACK.

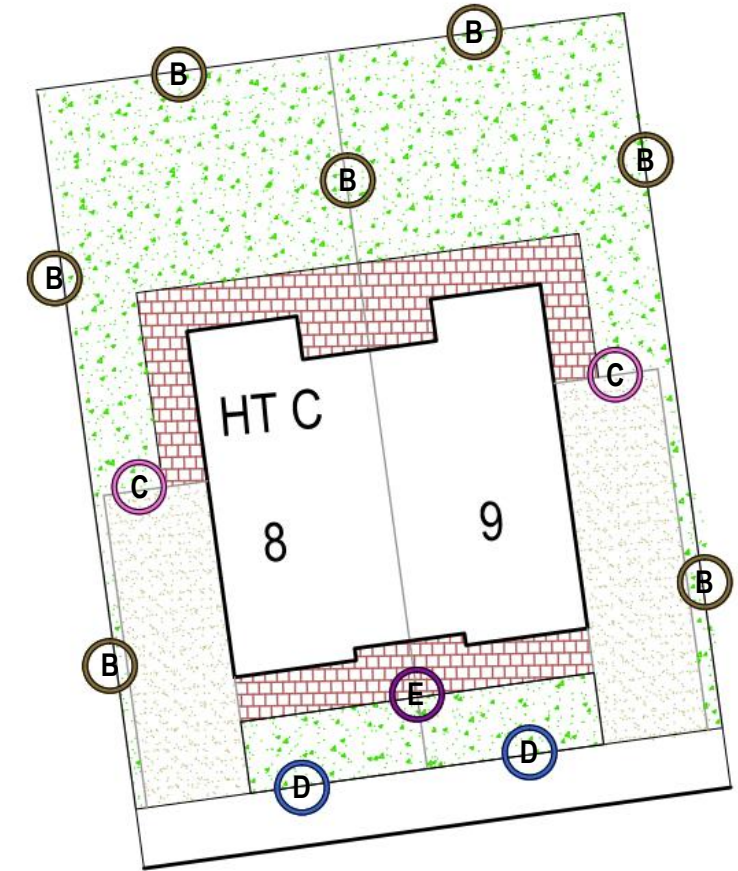
ELEVATION

RENDERED WALL.

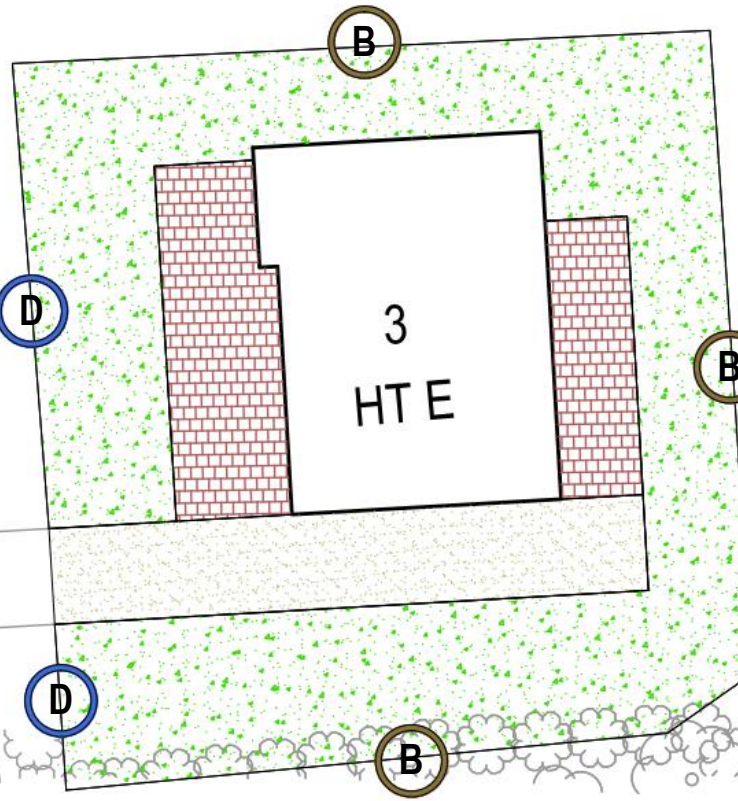
900MM HIGH X 150MM WIDE RENDERED TO MATCH DWELLING WITH METAL RAILINGS AND LAUREL HEDGE BEHIND AS SHOWN.

METAL RAILINGS PAINTED BLACK.

LAUREL HEDGE.



TYPICAL BOUNDARY POSITIONS:



TYPICAL BOUNDARY POSITIONS AT SITES 1, 2 AND 3:

ALL FINISHES TO BE CONFIRMED AND APPROVED BY CLIENT FIRST BEFORE ANY ORDERS TAKE PLACE. ROOF TILES, GUTTERS, WINDOWS, WALL FINISH, DOORS, CHIMNEY ETC., ALL TO BE CHECKED AND APPROVED WITH CLIENT.

ALL WORKS TO BE CARRIED OUT IN ACCORDANCE WITH ACCREDITED CONSTRUCTION DETAILS (DCLG PUBLICATION)

ALL WORKS ON SITE TO BE EXECUTED BY COMPETENT CONTRACTORS IN FULL ACCORDANCE WITH ALL CDM HEALTH AND SAFETY REQUIREMENTS AND REGULATIONS.

ALL DIMENSIONS IN MILLIMETERS.
ALL DIMENSIONS TO BE CHECKED ON SITE

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Revisions:		
Client		
M. McALLISTER		
Project Title		
PROPOSED HOUSING DEV. AT DRUMENNY ROAD BALLINDERRY, COAGH (PLANNING DRAWINGS)		
Drawing Title		
HOUSE TYPES AND LOCATION BOUNDARY TREATMENTS PROPOSED LEVELS		
Scale	Date	Dwg By
1:500 (A1)	04-09-2019	JC / AB
MANOR ARCHITECTS Architecture / Planning / Conservation Stable Buildings, Manor House, 30a High Street, Moneymore, Co. L/derry, BT45 7PD Telephone : 028 867 48367 Email: ma@manorarchitects.com Web: www.manorarchitects.com		
Drawing No.		
17-45-03-A		

Report on	Building Notices Fees
Date of Meeting	7 th July 2020
Reporting Officer	William Wilkinson, Head of Building Control

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 cancellation of Building Notice Applications and the associated fees applicable.
2.0	Background
2.1	<p>In most cases where construction works are proposed to a property, Building Regulations would be applicable. This requires you to make an application before proceeding with the work. There are three different types of applications:</p> <ol style="list-style-type: none"> <u>Full Plans Application</u> – Required in order to obtain 'Notice of Passing of Plans' for the design shown on drawings. <u>Building Notice Application</u> – For <u>domestic applications only</u> and allows for minor works to be carried out without the submission of full plans. <u>Regularisation Application</u> – This allows the Council to formally consider, as appropriate, unauthorised works carried out and completed without the submission of a Full Plans or Building Notice application, thereby issuing a retrospective approval for the works in question.
2.2	<p>A Building Notice Application mainly can be used in the following instances:</p> <ul style="list-style-type: none"> • Extensions to an existing dwelling e.g. kitchen extension (if less than 10sqm in floor area) • Converting a loft within a dwelling (if less than 3sqm in floor area) • Installation or alteration of services and fittings e.g. central heating appliance (stove or oil burner etc.) or replacement central heating systems • Installation of loft, cavity wall or solid wall insulation • Minor internal alterations to a dwelling
2.3	When a Building Notice application is received by Council the Building Control Department endeavour to validate the application within two working days. This involves the assessment of the information submitted as well as the accompanying fees if applicable.
2.4	In accordance with Article 11 (3) of the "Building (Prescribed Fees) Regulations (Northern Ireland) 1997, the Building Notice Fee shall be payable to a District Council when a Building Notice application is submitted.

2.5	The fee payable will be based on the works which are proposed and the amount applicable will be in accordance with Schedules 1 -3 of the above legislation.
2.6	The application subsequently remains valid for three years from the date of application. If the works do not commence within this three-year period, the application is cancelled. A Building Notice Application can also be withdrawn within this three-year period at the request of the applicant.
3.0	Main Report
3.1	The Building Regulations (Northern Ireland 2012) under 9(3) deems that a Building Notice shall only be considered to have validly if the building work to which it relates commenced within three years of the date on which the notice was given.
3.2	After the expiration of three years and if no notification of commencement has been received, a site inspection will be carried out to ascertain if any works had commenced. If it is found that no works has commenced, the application will be subsequently cancelled and relevant communication forwarded to the applicant.
3.3	However, in accordance with Article 3 (c) and 4(c) of the "Building (Prescribed Fees) Regulations (Northern Ireland) 1997, the Council is only authorised to charge fees on "the inspection in connection with the Principal Regulations of building works for which a building notice has been given to a district council".
3.4	Therefore in the case of a Building Notice, a refund of the fees submitted should be considered where requested as no inspections have been carried out.
3.5	It should be noted that the Legacy Cookstown District Council approved the refund of Building Notice fees in 2010 with £50 being deducted to cover the cost of the associated administrative work. Dungannon and South Tyrone Borough Council and Magherafelt District Council had taken an ad hoc approach to refunds for Building Notices and had no specific procedure in place.
3.6	A similar process should be actioned in the event of an applicant wishing to cancel or withdraw the Building Notice within three years of the date on which the notice was given. We will however require this request in writing before being actioned.
3.7	Since 2015, there has been a very low number of requests received for the refund of Building Notice fees
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	That Members approve the proposal to refund the Building Notice fees in accordance with the relevant legislation where work has not commenced, subject to the deduction of a £50 administration fee from the returnable Building Notice fee.
6.0	Documents Attached & References
	None.

Report on	Service level agreement and data sharing agreement between MUDC and DWI
Date of Meeting	7 th July 2020
Reporting Officer	Fiona McClements, Head of Environmental Health

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 Members approval to sign an updated Service Level Agreement and associated Data Sharing Agreement with the Drinking Water Inspectorate (DWI). The agreements outline the undertaking by Mid Ulster Council to carry out risk assessments and sampling of private water supplies under The Private Water Supplies Regulations (Northern Ireland) 2017 on behalf of the DWI.
2.0	Background
2.1	The Drinking Water Inspectorate (DWI) is a unit within the Northern Ireland Environment Agency (NIEA) responsible for regulating drinking water quality in Northern Ireland for both public and private supplies.
2.2	The DWI holds a register of all known private water supplies in Northern Ireland that come under the Private Water Supplies Regulations. The regulations apply to private supplies that serve more than one household for purely domestic purposes, or are used in commercial food and drink production.
2.3	The Environmental Health service has an ongoing arrangement to carry out sampling of private water supplies and carry out risk assessments of private water supplies on behalf of the Drinking Water Inspectorate. A number of Environmental Health officers are trained and authorised to either take samples and/or complete risk assessments. Risk assessments are due to be reviewed every 5 years. The DWI pay Councils to complete this work on their behalf.
2.4	There are currently 27 registered private water supplies in Mid Ulster, ranging from hotels, and commercial businesses to domestic supplies serving more than one household.
3.0	
3.1	<u>Private water supplies and DWI Covid 19 Update</u> As a result of Covid 19, DWI suspended sampling of private water supplies on 24 th March 2020 in response to Government guidance.
3.2	All private water supply sites were notified by DWI of the suspension of routine monitoring in the weeks following lockdown. DWI subsequently engaged with each council to establish sites that continued to operate in their area and which

	had closed. Environmental Health officers contacted all MUDC private water supplies that are registered in the Mid Ulster area with DWI and updated DWI on the status of these premises.
3.3	As the lockdown restrictions have been easing in recent weeks, some premises have been re-opening. DWI have been contacting businesses using a private water supply sector by sector, as the Executive announces the easing of restrictions.
3.4	DWI have also published new guidance for premises that have been closed for a period of time and where the water supply has not been in regular use. The guidance is available of the Mid Ulster District Council website: https://www.midulstercouncil.org/resident/health-wellbeing/coronavirus-advice-and-information/coronavirus-business-advice-and-support?viewmode=0
3.5	DWI have also been working with NI Water to put in place an Alternative Water Supply Policy, where the occupant(s) depending on a private water supply are vulnerable or shielding where a supply is insufficient. Support from NI Water has been secured through the provision of bottled water, where evidence has been provided on vulnerability. This is a route for an emergency supply of water which is now available as part of the COVID-19 response and should requests for support be received Environmental Health can refer these on to DWI.
3.6	Environmental Health will continue to work with DWI to resume sampling and Risk assessment services in accordance with the SLA, in line with government guidelines and Council recovery plans.
3.7	<u>Service Level Agreement and Data Sharing Agreement</u> Following a regional meeting of Environmental Health managers in January there was a request to DWI to increase the fees provided to councils for the risk assessment of private water supplies in line with resources required to complete this work. As a result, risk assessment fees increased from January 2020.
3.8	The Service Level Agreement has been reviewed and updated and now reflects the amended fees. A copy of the revised SLA is attached at Appendix 1 and the draft Data Sharing Agreement at Appendix 2.
3.9	The SLA outlines the arrangement between the Drinking Water Inspectorate for Northern Ireland and Mid Ulster District Council, appointed as a competent person, for the purpose of undertaking on behalf of the DWI risk assessments and sampling of private water supplies under The Private Water Supplies Regulations (Northern Ireland) 2017.
3.10	The data sharing agreement governs the transfer and sharing of information collected and retained by local Council Environmental Health Departments (EHDs) on behalf of the Drinking Water Inspectorate (DWI) to the DWI. It covers the need for routine or recurring transfers or access, including those where personal information is included in the transfer, as a requirement of the SLA between EHDs and DWI.

4.0	Other Considerations												
4.1	Financial, Human Resources & Risk Implications												
	Financial:												
	<table> <tr> <th>Activity</th><th>Unit Cost</th></tr> <tr> <td>Scheduled Sample Collection</td><td>£75/sample</td></tr> <tr> <td>Resample Collection (Investigation)</td><td>£75/sample</td></tr> <tr> <td>Completion of Full Risk Assessment</td><td>£450/risk assessment</td></tr> <tr> <td>Review of Risk Assessment (with site visit)</td><td>£200/risk assessment review</td></tr> <tr> <td>Review of Risk Assessment (without site visit)</td><td>£100/risk assessment review</td></tr> </table>	Activity	Unit Cost	Scheduled Sample Collection	£75/sample	Resample Collection (Investigation)	£75/sample	Completion of Full Risk Assessment	£450/risk assessment	Review of Risk Assessment (with site visit)	£200/risk assessment review	Review of Risk Assessment (without site visit)	£100/risk assessment review
Activity	Unit Cost												
Scheduled Sample Collection	£75/sample												
Resample Collection (Investigation)	£75/sample												
Completion of Full Risk Assessment	£450/risk assessment												
Review of Risk Assessment (with site visit)	£200/risk assessment review												
Review of Risk Assessment (without site visit)	£100/risk assessment review												
	Human: Staff time to complete sampling and risk assessments.												
	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 approve the updated Service Level Agreement and associated Data Sharing Agreement with the Drinking Water Inspectorate, for the purpose of undertaking, on behalf of the DWI, risk assessments and sampling of private water supplies under The Private Water Supplies Regulations (Northern Ireland) 2017.												
6.0	Documents Attached & References												
6.1	Appendix 1 – Service Level Agreement												
6.2	Appendix 2 – Data Sharing Agreement												

SERVICE LEVEL AGREEMENT

For the provision of services by the Environmental Health Department of XXXX Council to the Drinking Water Inspectorate for Northern Ireland

BETWEEN:

- (1) XXXX Council of (insert Council address) (hereinafter known as 'The Council')
and
- (2) Drinking Water Inspectorate for Northern Ireland acting on behalf of the
Department of Agriculture, Environment and Rural Affairs (DAERA) of
Klondyke Building, Cromac Avenue, Belfast, BT7 2JA (hereinafter referred to
as DWI) together known as 'the Parties'.

1.0 LEGISLATIVE BACKGROUND AND AUTHORISATION

- 1.1 This agreement outlines the arrangement between the Drinking Water Inspectorate for Northern Ireland and XXXX Council, appointed as a competent person, for the purpose of undertaking on behalf of the DWI risk assessments and sampling of private water supplies under The Private Water Supplies Regulations (Northern Ireland) 2017.
- 1.2 The ['Drinking water and health: a guide for public and environmental health professionals and for those in the water industry in Northern Ireland'](#)¹ document (hereinafter referred to as 'the Framework'), produced by the Drinking Water and Health Liaison Group outlines the roles and responsibilities of the key partner organisations and provides the basis for this agreement.

2.0 TERMS OF AGREEMENT

- 2.1 The Agreement shall replace the current agreement from the date of signature by both parties and shall remain in force for a period of two years (unless terminated in

¹ Drinking Water and Health – A guide for public and environmental health professionals and for those in the water industry in Northern Ireland.
<https://www.niwater.com/sitefiles/resources/pdf/reports/2020/guidancedocumentondrinkingwaterandhealth2020.pdf>

accordance with 2.2). At the expiry of the two year period, the parties may agree to extend the SLA on a bi-annual basis thereafter.

- 2.2 The Agreement may be terminated or not extended (as in Section 2.1) by either party on 12 months' written notice.
- 2.3 The Agreement shall be reviewed at least every two years, or on request at any time by either party (in accordance with Section 12.0). Any revised Agreement must have the approval of both Parties.
- 2.4 Any dispute in relation to the operation of the Agreement can be raised at the Annual Meeting (Section 7) for resolution. Any dispute requiring urgent resolution should be raised in writing by the relevant signatory(s) to the Chief Inspector of Drinking Water for resolution.

3.0 OBJECTIVES

- 3.1 The objectives of the Agreement are to establish administrative provision under which the Council will provide the professional services of council staff in roles where they are acting as agents of the DWI. It will enable the Council to provide sampling, risk assessment, and investigatory services, including staff and resources to DWI as defined in 3.2, and to define each party's role, responsibilities and obligations as detailed in the Annex A to this document. It will enable the DWI to individually authorise the Council to carry out duties on their behalf.
- 3.2 The services being provided by each of the Parties hereto are as listed below hereinafter referred to as the "Services". Further detail of the exact nature of the Services being provided is set out in Annex A hereto.

- **Private Supplies Registration**
- **Private Supplies Risk Assessment (including reviews)**
- **Private Supplies Sampling**
- **Private Supplies Investigations**
- **Private Supplies Training / Competency**

4.0. OPERATING PROCEDURES FOR THE COUNCIL

- 4.1 The Council shall ensure that delivery of the Services is carried out expeditiously and competently, in accordance with such timescales, conditions and costs as may be agreed with DWI.
- 4.2 The Council shall use reasonable endeavours to ensure that the staff resources necessary to discharge the Services are available.
- 4.3 Both the DWI and the Council have a legal obligation for the Health and Safety of their respective staff. The Parties hereto shall take all reasonable steps to ensure that all employees involved with the Services comply with the requirements of the Health & Safety at Work (Northern Ireland) Order 1978 and such other regulations as required.

5.0. OPERATING PROCEDURES FOR DRINKING WATER INSPECTORATE (DWI)

- 5.1 DWI is responsible for specifying the exact nature of the service required of the Council; monitoring the delivery of these services in accordance with this Agreement and subject to satisfactory completion of services, ensuring payment of agreed costs within 30 days from receipt of invoice.
- 5.2 DWI will issue quarterly invoice requests to the Council detailing the sampling and risk assessments undertaken in the previous quarter (3 months).
- 5.3 An annual programme of sampling will be issued by 31 December each year. This schedule will be subject to review and updated at least quarterly.
- 5.4 DWI will provide the Council with training, equipment and all sampling kit consumables as required to conduct sampling and risk assessments of registered private water supplies.
- 5.5 DWI will provide technical advice and guidance to the Council in relation to private water supplies.

- 5.6 All council staff carrying out duties on behalf of the DWI should be individually authorised by the DWI to perform those duties. A sample authorisation document is attached at Annex B.

6.0. BILLING ARRANGEMENTS

- 6.1 The Council will provide quarterly invoices to DWI based on the invoice requests issued by DWI for each quarter. DWI will ensure invoices are paid within 30 days of receipt.
- 6.2 The Chief Inspector of Drinking Water in consultation with the Council through Environmental Health NI (EHNI) will agree a Schedule of Fees which would be standard for all Councils.
- 6.3 The Schedule of Fees is given in Annex C and shall be updated in line with the review of this SLA, with the agreement of both Parties.

7.0 ANNUAL MEETING & ONGOING ENGAGEMENT

- 7.1 DWI will engage with the Council through Environmental Health (NI) (EHNI) and agree the membership and Terms of Reference for a Drinking Water Working Group. DWI will attend the EHNI every two years or as required at the request of either party. The Drinking Water Working Group will meet annually to discuss the provision of services covered by this agreement.
- 7.2 All day-to-day matters relating to the services covered by this Agreement shall be conducted by officers of either party operating under the terms of the Agreement.

8.0 CONFIDENTIALITY

- 8.1 Information relating to private drinking water supplies will be subject to the requirements of the Data Protection Act. All information received by or gathered by the Parties as a result of performing the Services shall be held in accordance with the Parties' respective Records Management / Information policy. A Data Sharing Agreement will be signed between the parties outlining how the information which is shared is stored and used.

9.0 LIABILITY

Each Party shall indemnify and keep indemnified, the other, against all claims, proceedings actions, damages, legal costs, expenses, fines, penalties, demands, loss or damage and any other liabilities, howsoever arising, whether in contract, tort, under statute, common law or otherwise directly or indirectly out of or in the course of or in connection with any provision or failure to provide those Services set out in this Agreement which are the responsibility of that party.

10.0 COMPLAINTS

If a complaint is received by either party in respect of the services carried out under this agreement, the Party receiving the complaint will inform the other in writing and the Parties will agree which Party will investigate the complaint.

11.0 FORCE MAJEURE

Neither party to this Agreement shall be liable to the other or shall be held to be in breach of this Agreement to the extent that it is prevented, hindered or delayed in the performance or observation of its obligations hereunder due to any cause beyond its control (including industrial action, strike, walk out, riot, civil disobedience, inclement weather, inability to obtain supplies, accident, pandemic or any other contingency whatsoever beyond its reasonable control).

12.0 AGREEMENT VARIATIONS

Both parties may request amendments to the scope of Services at any time by submitting a written request to the other party. Any variations will be made only with the consent of both Parties in writing. PROVIDED ALWAYS that DWI can agree that a variation can be implemented across all local Councils in Northern Ireland.

13.0 DISPUTE RESOLUTION

A dispute shall be deemed to have arisen when either Party notifies the other Party in writing to that effect.

The Parties shall use all reasonable efforts to resolve any dispute that may arise under this SLA through good faith negotiations. Each party shall nominate a senior representative of its management to meet at any mutually agreed location to resolve the dispute.

Where an attempt to resolve any dispute under this SLA and where initial contact between representatives of management of either Party has failed, the matter will be escalated to a discussion between a member of senior management from both parties hereto.

14.0 CONFLICT OF INTEREST

In the circumstances where the Council is providing the Service on premises which are in the ownership or control of the Council it is acknowledged that there may be a conflict of interest arising. The Council shall inform the DWI, if it believes that there may be a conflict of interest. The DWI shall, in consultation with the Council provide such staff as are necessary to assist with or carry on the Services in order to investigate a failure on the Council premises.

15.0 GOVERNING LAW

It is hereby agreed that this Agreement shall be governed by Northern Ireland law and that the Courts of Northern Ireland shall have exclusive jurisdiction in all matters arising hereunder.

16.0 AUTHORISATION

16.1 The authorised person² within the council and the Chief Inspector of Drinking Water authorise this agreement.

Council	Print Name	Signature	Position
<i>[Insert the position of relevant authorised person for XXXX Council]</i>			

Drinking Water Inspectorate	Print Name	Signature
Chief Inspector of Drinking Water for Northern Ireland	Catriona Davis	

16.2 The Agreement will take effect from *[Insert Date]*

² Chief Executive, Head of Service, or Director as appropriate

OPERATIONAL DELIVERY OF SERVICES**Private Supplies Registration****Councils to:**

- Advise DWI of new private water supplies when identified;
- Inform DWI of any changes to registered private supplies;
- Provide information on the annual review of the register of supplies and potential new supplies within required timescales.

Drinking Water Inspectorate to:

- Provide private water supply registration forms for completion;
- Notify council of newly registered supplies where received directly and provide copies of completed registration forms;
- Provide details of registered sites and any known potential new supplies to councils annually for review;
- Manage and maintain register of private water supplies.

Private Supplies Risk Assessment**Councils to:**

- Liaise with owner/users to collate information in preparation for the risk assessment;
- Undertake site visit to carry out risk assessment of private water supply;
- Complete/review a risk assessment of private water supply within the required timeframe (within 6 months for new supplies, and review every 5 years or sooner if circumstances change at a site or following an event);
- Follow up with owner/user on any information outstanding to complete risk assessment/review of the supply.

Drinking Water Inspectorate to:

- Provide methodology and guidance for completion of risk assessments;
- Provide electronic system for collation of risk assessment information;
- Provide historical data, where available, in preparation for risk assessment;
- On request, accompany councils on completion of risk assessments.

Private Supplies Sampling

Councils to:

- Liaise with the appointed contractor on the receipt and storage of sample bottles;
- Collect, transport and store samples in accordance with guidance provided by DWI;
- Undertake on-site testing with validated instrumentation and in line with the manufacturer's instructions for equipment being used;
- Ensure accurate completion of field sheets;
- Care for and store sampling kit and meters in accordance with manufacturer's instructions;
- Provide on-site meters for annual validation by DWI and sampling kits for inspection if required;
- Ensure consumables within sample kit are within expiry date;
- Advise DWI or appointed contractor as soon as possible if unable to collect scheduled samples;
- Adopt a flexible approach and liaise with DWI and the appointed contractor in the collection of scheduled monthly compliance samples.

Drinking Water Inspectorate to:

- Provide sampling kits and appropriate meters to councils for the purpose of sampling registered private supplies;
- Replenish sampling consumables on an annual basis or sooner if required;
- Validate on-site meters annually;
- Provide guidance on sampling and identification of appropriate sample points;
- Provide annual sampling schedule for the year and at least quarterly updates;
- Through contractor, arrange the provision of the necessary sample bottles and field sheets for the collection of samples each month;
- Adopt a flexible approach and liaise with councils and the appointed contractor in the collection of scheduled monthly compliance samples.

Private Supplies Investigations

Councils to:

- Provide points of contact to be notified in the event of failure;
- Notify owners/users of sample failures and provision of public health advice where DWI are unable to make contact;

- Adopt a flexible approach and liaise with DWI and the appointed contractor in the collection of resamples or other adhoc samples to ensure they are taken in a timely manner and in response to any public health concerns;
- Work in conjunction with DWI and other agencies in the investigation of failures as outlined in the Framework referred to in Section 1.2;
- Follow-up with owners/users to ensure the ongoing protection of public health.

Drinking Water Inspectorate to:

- Adopt a flexible approach and liaise with councils and the appointed contractor in the collection of resamples or other adhoc samples to ensure they are taken in a timely manner and in response to any public health concerns;
- To notify and liaise on public health failures to Public Health Agency;
- Provide onward advice in relation to public health to councils;
- Accompany council staff, on request, to investigate failures;
- Work in conjunction with council and other agencies in the investigation of failures as outlined in the Framework referred to in Section 1.2.

Private Supplies Training/Competency


Councils to:

- Permit only competent, authorised staff to undertake sampling and risk assessments;
- Complete designated DWI training courses to ensure ongoing competency in relation to private water supplies;
- Maintain appropriate auditable training records for staff;
- Facilitate DWI audits to ensure competency under the regulations.

Drinking Water Inspectorate to:

- Authorise all individual Council staff to carry out duties on behalf of the DWI;
- Provide staff undertaking sampling and risk assessments of private water supplies with the necessary training to ensure competency;
- Provide technical support/guidance in relation to risk assessments and private water supplies in general;
- Conduct annual audit of the service provided.

SAMPLE AUTHORISATION DOCUMENT

 <p>Card No.PWSXXX</p> <p>Expires: XX/XX/XXXX</p> <p>THE WATER AND SEWERAGE SERVICES (NORTHERN IRELAND) ORDER 2006: ARTICLE 124 RIGHTS OF ENTRY</p> <p>THE PRIVATE WATER SUPPLIES REGULATIONS (NORTHERN IRELAND) 2017:</p> <p>REGULATION 7—RISK ASSESSMENT</p> <p>REGULATION 12—SAMPLING</p>	<p>Issued by: The Department of Agriculture, Environment and Rural Affairs Northern Ireland Environment Agency Klondyke Building Cromac Avenue Gasworks Business Park Belfast BT7 2JA Tel No. 0845 302 0008</p> <p>and if found should be returned to this address or handed in to your local police station</p>
<p>This is to certify that is authorised to act on behalf of The Department of Agriculture, Environment and Rural Affairs to exercise and perform the powers and duties conferred upon him/her by the aforementioned legislation and as detailed below:</p> <p>..... Authorised Officer (DAERA)</p>	<p>Rights of entry, under Article 124 of The Water & Sewage Services Order (Northern Ireland) 2006 to enter any premises for the purpose of Regulation 7 Requirement to carry out a Risk Assessment and of Regulation 12 Sampling and Analysis under The Private Water Supplies Regulations (Northern Ireland) 2017.</p>

Each Officer's Warrant card will reflect their level of authorisation

SCHEDULE OF FEES

Activity	Unit Cost
Scheduled Sample Collection	£75/sample
Resample Collection (Investigation)	£75/sample
Completion of Full Risk Assessment	£450/risk assessment
Review of Risk Assessment (with site visit)	£200/risk assessment review
Review of Risk Assessment (without site visit)	£100/risk assessment review

SCHEDULE OF AMENDMENTS

Version Number	Issue Date	Detail of amendments from previous version	
		Section	Amendment
1.0	17 May 2017	N/A	
2.0	27 May 2020	1.2	Updated link to most recent version of Drinking Water and Health Guidance Document
		2.1	Replace <i>'take effect from'</i> with <i>'replace the current agreement'</i>
		3.2	Insert <i>'including reviews'</i> after <i>'Private Supplies Risk Assessment'</i>
		6.3	Replace <i>'from time to time with the agreement of both Parties'</i> with <i>'in line with the review of this SLA'</i>
		7.1	Replace paragraph
		8.0	Insert <i>'A Data Sharing Agreement will be signed between the parties outlining how the information which is shared is stored and used.'</i>
		11.0	Insert <i>'pandemic'</i>
		Annex A, Page 9: Private Supplies Investigations	Replace paragraph
		Annex B	Updated references to year of Regulations
		Annex C	Replace <i>Updated Schedule of Fees</i>
		Annex D	Insert new Annex



DATA SHARING AGREEMENT BETWEEN

**Northern Ireland Environment Agency, (NIEA)
Drinking Water Inspectorate (DWI)**

And

**Local Council Environmental Health
Departments**

1.	<p>Parties to the agreement</p> <table border="1"> <tr> <td data-bbox="280 289 943 531"> DAERA, NIEA, Drinking Water Inspectorate Klondyke Building, Cromac Avenue, Gasworks Business Park, Malone Lower, Belfast, BT7 2JA. </td><td data-bbox="943 289 1505 531"> Environmental Health Departments of Northern Ireland Councils </td></tr> </table>	DAERA, NIEA, Drinking Water Inspectorate Klondyke Building, Cromac Avenue, Gasworks Business Park, Malone Lower, Belfast, BT7 2JA.	Environmental Health Departments of Northern Ireland Councils
DAERA, NIEA, Drinking Water Inspectorate Klondyke Building, Cromac Avenue, Gasworks Business Park, Malone Lower, Belfast, BT7 2JA.	Environmental Health Departments of Northern Ireland Councils		
2.	<p>Introduction</p> <p>This document is an agreement which governs the transfer and sharing of information collected and retained by local Council Environmental Health Departments (EHDs) on behalf of the Drinking Water Inspectorate (DWI) to the DWI. It covers the need for routine or recurring transfers or access, including those where personal information is included in the transfer, as a requirement of the Service Level Agreement(s) between EHDs and DWI.</p> <p>The terms Data Controller, Personal Data, Data Processor, Data Subject and Information Commissioner shall take the meaning as set out in the General Data Protection Regulations.</p> <p>For the purpose of this agreement DWI, shall be declared Data Controller and EHDs, the Data Processor.</p> <p>Information to be transferred will include details of owners and users of private water supplies and information concerning compliance with drinking water quality regulations. As it can be difficult to determine the class of a private water supply owner or user (e.g. some may be sole-traders, limited companies, public bodies and some are private householders) all information will be treated as though it is personal data.</p>		
3.	<p>Purpose</p> <p>The information that is shared between the EHDs and DWI will be used to measure compliance with The Water and Sewerage Services (NI) Order 2006 and The Private Water Supplies Regulations (NI) Order 2017 (the Regulations).</p> <p>DWI, as the enforcing authority, is responsible for the enforcement of drinking water legislation and is required to take appropriate enforcement action to ensure the water supplied by a relevant person in relation to a private water supply (PWS) meets the requirements of the Regulations and is safe. Personal information is therefore required to identify a relevant person.</p> <p>The shared information enables the DWI to maintain a record of PWS sites and manage the risk assessment and monitoring programme for these supplies as required under the Regulations.</p>		

	<p>The information to be shared is that detailed on the PWS Registration Form and will include name and contact details of PWS owners and users, as well as information relating to monitoring results and risk assessments for which DWI is the regulatory authority.</p> <p>Not sharing this data could result in an unsafe PWS being used for drinking water and other domestic uses, posing a risk to public health.</p> <p>A Privacy Impact Assessment has been completed.</p>
4.	<p>Legal Basis for Data Sharing</p> <p>The DWI is permitted to collect this information as the regulatory authority for the following legislation:</p> <ul style="list-style-type: none"> • The Water and Sewerage Service (NI) Order 2006 • The Private Water Supplies Regulations (NI) 2017 <p>EHDs staff provide a service to DWI under a Service Level Agreement. This includes obtaining/processing personal data on behalf of the DWI. It is DWI that determines the manner or purpose of how the personal data is processed. The permitted use of this data is detailed in the DAERA Privacy Statement.</p> <p>Relevant laws, government directives and any current contracts for supply (if applicable) are acknowledged as binding, including:</p> <ul style="list-style-type: none"> • The Data Protection Act (1998) • The Freedom of Information Act (2000) • The Environmental Information Regulations 2004 <p>The Data Protection Act 1998 imposes a legal duty to protect any personal information collected from or about members of the public. This means that any personal information supplied will be processed principally for the purpose for which it has been provided.</p> <p>DWI and EHDs have a statutory duty to process personal data in compliance with the Data Protection Act.</p>
5.	<p>Organisations Involved</p> <p>EHDs will transfer information to the DWI and DWI will transfer information to EHDs.</p>
6.	<p>Data to be Shared</p> <p>Information provided in respect of and as a requirement of the SLA between EHDs and DWI are as follows:</p>

	<ul style="list-style-type: none"> • Contact details (including name, full address details, and telephone numbers) of private water supply owners and users (or other relevant persons) for sites which the DWI is the regulatory authority. • Grid reference of PWS source, volume used, purpose of the supply at the site. • Schematic layout of the supply source, treatment and distribution • Monitoring schedule and test results. • Risk assessment information • Letters and general correspondence on the data subject. • All relevant information required by the DWI to carry out its role as the regulatory authority. • All relevant information required by the DWI for audit purposes, • Investigation reports and information relating to potential and ongoing enforcement generated. <p>The information is gathered from the relevant person(s) responsible for the PWS by EHDs on behalf of DWI. Information may be shared or transferred between the parties to this agreement on an ongoing basis, as sites are identified and require to be registered or as communications are issued in relation to monitoring results, risk assessments etc. Only information required to meet the requirements of the Regulations should be gathered and shared or transferred.</p>
7.	<p>Information use</p> <p>EHDs will only use this information for the purposes for which it is collected. They will collect information on behalf of DWI. No information collected on behalf of DWI should be released to a third party without the express written authority of DWI.</p> <p>DWI will primarily use the information collected in relation to implementing the requirements of the Regulations. DWI may also use this information for other legitimate purposes in line with the Freedom of Information Act (2000) and The Environmental Information Regulations 2004 where such disclosure is in the public interest. Local councils will inform DWI of information requests it receives relating to DWI data.</p>
8.	<p>Requests for information</p> <p>DWI will retain responsibility for handling requests for information under DPA, FOI, and EIR. DWI will apply all necessary checks prior to the release of information to identify exemptions, including the Public Interest test.</p>
9.	<p>Responsibilities of each party</p> <p>Under this agreement, DWI is the Data Controller and EHDs are the Data Processors.</p>

	<p>DWI and EHDs should ensure that:</p> <ul style="list-style-type: none"> • unauthorised staff and other individuals are prevented from gaining access to personal data; • visitors are received and supervised at all times in areas where personal data is stored; • all computer systems that contain personal data be password-protected (the level of security should depend on the type of data held, but ensure that only those who need to use the data have access) • appropriate training is provided for the staff who access the information; • workstation/PC are not left signed on when not in use; • all disks, tapes or printouts are locked securely away when not in use; • all new software is virus-checked prior to loading onto a Council machine; • no personal data is transmitted by open email; • paper files are stored in secure locations and only accessed by those who need to use them; • personal data is not disclosed to anyone other than the Data Subject unless you have the Data Subject's consent, or it is a registered disclosure, required by law, or permitted by a Data Protection Legislation exemption; • no information is left on public display in any form; sensitive material is locked away safely at the end of each day; • No information is exploited for commercial purposes; • Crown Copyright and any intellectual property rights are invested in the information provided;
10.	<p>Security</p> <p>How will data be shared? Data will be transferred in a format compatible with DWI information technology systems. This includes transfer electronically via the Risk Assessment Web Application – (each user has a unique password), via email across the secure government network and occasionally in paper format via post or hand delivered (i.e. at meetings), in all cases an acknowledgement of receipt will be provided.</p> <p>Information will be protectively marked in line with Government Security Classifications.</p> <p>Information will be transferred/shared on both a routine and ad hoc basis. As data processor EHDs will process information as detailed in their Privacy Notices.</p> <p>DAERA Privacy Statement DWI takes data protection, freedom of information and environmental information issues seriously. It takes care to ensure that any personal information supplied to it is dealt with in a way which complies with the requirements of the Data Protection Act</p>

	<p>1998. This means that any personal information supplied will be processed principally for the purpose for which it has been provided.</p> <p>However, the Department is under a duty to protect the public funds it administers, and to this end may use the information you have provided for this purpose. It may also share this information with other bodies responsible for the audit or administration of public funds, in order to prevent and detect fraud.</p> <p>In addition, the Department may also use it for other legitimate purposes as outlined in the DAERA Privacy Statement.</p>
11.	<p>Retention and disposal</p> <p>The Private Water Supplies Regulations (NI) 2017 require that records for sampling an analysis be retained for 30 years, and all other information in relation to the site be retained for 10 years according to information retention procedures.</p> <p>Records are retained according to DAERA's record retention schedule which is reviewed annually.</p>
12.	<p>Security incidents or data breaches</p> <p>Processing means any operation performed on data including obtaining, recording, retaining, retrieving, analysing, matching with other datasets, using, disclosing.</p> <p>Data means information which:</p> <ul style="list-style-type: none"> a) is being processed by means of equipment operating automatically in response to instructions given for that purpose, b) is recorded with the intention that it should be processed by means of such equipment, c) is recorded as part of a relevant filing system or with the intention that it should form part of a relevant filing system, d) does not fall within paragraph (a), (b) or (c) but forms part of an accessible record as defined by section 68; or e) is recorded information held by a public authority and does not fall within any of paragraphs (a) to (d). <p>Each party must be fully engaged in the resolution of an incident by assisting in the investigation being carried out by the responsible partner.</p> <p>DWI will report any breaches of the agreement immediately, as "incidents", according to the DAERA Incident Management procedure. EHDs will report any breach of the agreement to DWI immediately and in accordance with the Council Security Incident Procedure.</p>

13.	<p>Review/Termination of Data Sharing Agreement</p> <p>This agreement will be reviewed every two years in line with the review of the SLA and can only be amended with agreement of both parties.</p>
14.	<p>Indemnity</p> <p>In the event of a breach of this agreement which results in a financial penalty, claim or proceedings, the parties agree to co-operate to identify and apportion responsibility for the breach and the defaulting party will accept responsibility for any such claim.</p>
15.	<p>Signatures</p> <p>I have read, understood and agree to abide by the terms and conditions of this agreement. All information received will only be used for the purpose defined and listed in the agreement.</p> <p>Signed on behalf of Drinking Water Inspectorate</p> <p>-----</p> <p>Name (block capitals): CATRIONA DAVIS</p> <p>Date:</p> <p>Signed on behalf of [Partner Business Name]</p> <p>-----</p> <p>Name (block capitals):</p> <p>Date:</p>

Report on	Guidance for Applicants on Pavement Café Licensing
Date of Meeting	7 th July 2020
Reporting Officer	Fiona McClements, Head of Environmental Health

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 of the pavement café licence application process and to seek agreement of the " <i>Licensing of Pavement Cafés Act (NI) Act – MUDC Guidance for Applicants</i> " document and its associated Equality Screening.
2.0	Background
2.1	Mid Ulster District Council has the power to regulate and licence pavement cafés as set out in the " <i>Licensing of Pavement Cafés Act (Northern Ireland) 2014</i> " ('the Act') and associated Regulations.
2.2	This statutory licensing scheme for the regulation of pavement cafes by district councils in Northern Ireland under the aforementioned legislation, facilitates the controlled expansion of suitable premises such as cafes, restaurants and pubs in support of a vibrant daytime and evening economy, in addition to general wellbeing of communities.
2.3	<p>The scheme allows Councils to:</p> <ul style="list-style-type: none"> • Authorise a person carrying on a business involving the supply of food and drink to place tables, chairs etc. in a public place; • Require the applicant to fix a notice to the premises and submit a plan of the proposed pavement café area; • Impose conditions on the licence; • Vary, suspend or revoke the licence; • Charge a reasonable fee; and • Take enforcement action including the removal of facilities in certain circumstances.
2.4	When the pavement café legislation was first introduced, Members resolved that zero application fee would apply and that licences would be granted to all applicants on an annual basis in the first instance.
2.5	<p>Concerns of disability action groups:</p> <p>Since the introduction of 'the Act' in 2014 there has been ongoing pressure on the NI Assembly from lobby groups for disabled people across Northern Ireland who have raised concerns that the guidance produced to date does not go far</p>

	<p>enough to prevent pavement cafés from causing further obstruction to pavement users; particularly those with disabilities. The guidance provided by the DfI Roads in respect of minimum footway widths has been the subject of significant concern for disabled groups.</p>
2.6	<p>In order to ensure that no sector of the community is adversely impacted by the implementation of the pavement café licensing regime, the guidance document has been subject to the MUDC Equality Screening process.</p>
3.0	Main Report
3.1	<p>As the Council is committed to supporting the hospitality sector as cafés, restaurants, bars and hotels move towards recovery from the Covid-19 pandemic, the application process for obtaining a pavement café has now opened.</p>
3.2	<p>The challenges that re-opening business premises may present in terms of social distancing, as well as the opportunities which on-street seating areas offer to help meet these requirements and to help create a café culture that the community can enjoy are recognised.</p>
3.3	<p>The draft MUDC guidance and associated forms prepared for applicants on the licensing of pavement cafés (Appendices 1 to 3) has been prepared to help those making an application and they detail the factors that may be taken into account when the decision to grant or refuse a pavement café licence is being considered.</p>
3.4	<p>The draft MUDC guidance is consistent with the Department for Communities' (DfC) "<i>Guidelines to the Licensing of Pavement Cafés Act (NI) 2014 – July 2019</i>" on the implementation of pavement café licensing (Appendix 4). The DfC guidelines on pavement cafés also incorporate information prepared by the 'Licensing Forum for Northern Ireland' (LFNI) and which is currently utilised by all Councils within Northern Ireland.</p>
3.5	<p>The MUDC guidance also includes Department for Infrastructure - Roads' (DfI Roads) technical information to ensure that there is a consistent application of interpretation regarding the factors relating to pavement café layout, design, and issues that may affect other pavement users such as those with disabilities.</p>
3.6	<p>As councils are required to consult with DfI – Roads when considering an application for a Pavement Café Licence, their advice is crucial to ensure that any implications for pedestrians and public safety issues are properly taken into account.</p>
3.7	<p>In addition to implementing 'the Act', the Council also has a statutory duty to consider the likely equality and good relations impacts of its proposed pavement café licensing guidance on all citizens, service users, staff and visitors to the district. An equality screening exercise in connection with the guidance, is underway (see Appendix 5).</p>

3.8	<p>The equality screening identified that three groups of the community were likely to experience a minor negative impact on their equality of opportunity, namely:</p> <ul style="list-style-type: none"> • Older citizens; particularly those with mobility or visual impairment; • Citizens with disability, particularly those who have mobility or visual impairment; and • Those who have dependants, particularly those with young children in prams.
3.9	<p>Although the impact on the above groups has been mitigated within the guidance, it is however recommended that Council re-evaluate the guidance within 3 months of its approval to ensure that any remaining negative impacts can be resolved at an early juncture within the implementation of the licensing regime.</p> <p><u>Making an Application</u></p>
3.10	<p>The application process is set out within the draft guidance for applicants and the suitability criteria for a pavement café licence to be considered is also given in more detail (on pages 10 – 14 of draft guidance). In general terms consideration of the following is required:</p> <ul style="list-style-type: none"> • Pedestrian and vehicular access; • Size, layout and boundaries; • Likely disturbance to other businesses or residents; • Furniture design; • Safety and control issues.
3.11	<p>‘Furniture’ includes chairs, umbrellas, barriers, heaters, menu boards etc. and all must be of good quality and of a temporary nature so that they can be removed within 20 minutes.</p>
3.12	<p>Every application for a pavement café licence will be considered on a case by case basis, however, in general the outdoor seating area should:</p> <ul style="list-style-type: none"> • Avoid conflict with the principal lines of pedestrian movement • Avoid conflict between customers going in and out of the pavement café, passing pedestrians and neighbouring premises. • Facilitate adherence to the current social distancing requirements / advice. • Ideally be confined to the frontage of its own premises with close integration of internal and external activities however this does not preclude a remote location. • Allow 10 metres clearance at road junctions / vehicular access for visibility. • Where street space is available a minimum clearance width of 2 metres

	<p>between the edge of the licensed site and the kerbside should be allowed. Where this is not possible because of physical constraints a minimum of 1.5 metres clear width should be provided.</p> <ul style="list-style-type: none"> When in use, the pavement café area should ideally be enclosed, by way of adequate screening, to demarcate the licensed area and contain the tables and chairs, in order to make it distinguishable to other pavement users, and to assist blind and visually impaired pedestrians.
3.13	<p>The area to be used must take into account other needs in the immediate vicinity (e.g. kerbside parking, loading bays, bus stops, emergency vehicle access, emergency exits, street cleaning machines, and pedestrian crossings).</p>
3.14	<p>Additionally, the pavement café area will need to be set-up immediately adjacent to the premises. However, a licence for a remote café may be granted where the proposed café does not interfere with both vehicular and pedestrian traffic flow; and the licence holder is able to demonstrate that they will be able to exercise proper control and supervision of the pavement café area.</p> <p><u>Hours of Operation</u></p>
3.15	<p>Licences will normally be granted for a set period between 8.00 am and 11.00 pm and will be reflective of the normal operating hours of the business. If the premises are licensed under the Licensing Order a licence will not be issued beyond 11.00pm, regardless of any additional operating hours that may apply to the premises.</p> <p><u>Supporting Documentation</u></p>
3.16	<p>All applications for a pavement café licence must be accompanied by the following:</p> <ul style="list-style-type: none"> Location plan Proposed Café plan <p>A plan must be provided to a scale of not less than 1:100 of the proposed pavement café area, the streetscape and all utilities and services including lampposts, bollards, fire hydrants, manholes, cycle stands, litter bins and any other items of street furniture located within the immediate vicinity. The dimensions of the proposed pavement café area must also be shown.</p> <ul style="list-style-type: none"> Details of the furniture <p>Provide details of the number, materials and types of chairs, tables, umbrellas, etc., to be provided in the café. (Manufacturers details of the furniture or photographs of the existing furniture would be an advantage).</p> <ul style="list-style-type: none"> A copy of the alcohol licence (if appropriate) Evidence of £5 million Public liability insurance cover (if successful)

	<ul style="list-style-type: none"> • Planning permission (where appropriate) • Management Control Plan (for Remote cafés) <p>If the pavement café is to be located away from the main premises or patrons and staff need to cross a public road to reach the café, then a management control plan must be provided.</p> <ul style="list-style-type: none"> • Signed Declaration regarding Public Notice of Consultation <p>A copy of the public notice and the associated signed certification form regarding same must be returned to the Environmental Health Service after the 28 day consultation period.</p> <p><u>Consumption of Alcohol</u></p>
3.17	If an applicant currently has an alcohol licence, Council may decide to grant a condition allowing the consumption (but not sale) of alcohol in the pavement café area, however, this will be subject to consultation with the PSNI.
3.18	Council may, at any time place “an alcohol condition” on a pavement café licence requiring the licence holder not to permit persons to consume intoxicating liquor when using furniture in the area covered by the licence.
3.19	Only premises licensed as a public house, a hotel, a restaurant or a guest house with a restaurant under the Licensing Order will be permitted to have their licensed area for the consumption of alcohol extended to include the pavement café area.
	<u>Consultation Process</u>
3.20	<p>It is recommended that businesses discuss their proposals with adjacent property occupiers to inform them of the application. When assessing an application, Council will also consult with the following agencies:</p> <ul style="list-style-type: none"> • Department for Infrastructure’s Roads Service (DfI Roads); and • The Police Service for Northern Ireland, where the premises is licensed to sell alcohol; • Any other Council Department, organisations or individuals as appropriate.
	<u>Making a Determination</u>
3.21	The Environmental Health Service will aim to provide a determination within 4 to 6 weeks from the date of receipt of a completed application, to allow full and proper consultation in line with Departmental Guidelines, site visits and input from consultees.

3.22	In the event of written representations and objections being received it may however, take up to 12 weeks for a final determination and ratification to be made by Committee and Council. <u>Refusing an application</u>
3.23	Should an applicant's proposal fail to meet the suitability criteria, then as an alternative to refusing an application they will be notified and may be advised on any amendments which could enable a better fit with the criteria and make the proposal more acceptable. Any objections received by Council will also form part of the considerations by Council to grant or vary a licence.
3.24	Although all applications will be considered on a case-by-case basis, it may not always be possible to accommodate pavement cafés in all locations due to factors such as visual impact, width restrictions, obstructions or very heavy pedestrian flow.
3.25	Should an application be refused the applicant may appeal the decision to the Magistrates' Court within 21 days of being notified of the Council's decision.
3.26	Licence holders may also appeal a decision to suspend or revoke a licence or vary the area and conditions of a Pavement Café Licence (as an alternative to revocation), or to limit the duration of a licence.
4.0	Other Considerations
4.1	Financial, Human Resources & Risk Implications
	Financial: N/a
	Human: Environmental Health Officers and Environmental Health administrative staff time to process applications and provide guidance to applicants.
	Risk Management: N/a
4.2	Screening & Impact Assessments
	Equality & Good Relations Implications: See attached Equality and Good Relations Screening report (Appendix 5).
	Rural Needs Implications:
5.0	Recommendation(s)
5.1	It is recommended that Members approve the draft MUDC " <i>Licensing of Pavement Cafés Act (NI) 2014 – Guidance for Applicants</i> ".
5.2	It is recommended that Members agree the Equality and Good Relations Screening Report in relation to the pavement café guidance and associated forms.

6.0	Documents Attached & References
6.1	Draft MUDC “ <i>Licensing of Pavement Cafés Act (NI) 2014 – Guidance for Applicants</i> ” (Appendix 1).
6.2	Application form – (Appendix 2).
6.3	Template Public Notice – Application for a Pavement Café Licence - (Appendix 3)
6.4	Department for Communities’ (DfC) “ <i>Guidelines to the Licensing of Pavement Cafés Act (NI) 2014 – July 2019</i> ” on the implementation of pavement café licensing (Appendix 4).
6.5	Equality and Good Relations Screening Report (Appendix 5).
6.6	Licensing of Pavement Cafés Act (Northern Ireland) 2014 – (Appendix 6).



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Licensing of Pavement Cafés Act (Northern Ireland) 2014

Guidance for Applicants

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Definitions

Furniture	Includes tables, chairs, umbrellas, barriers, heaters, menu boards, etc. which must be of a temporary nature and can be removed within 20 minutes.
Licensed area	A public area as defined on a plan approved by the Council as a pavement café.
Licensed period	The hours and days approved by Council when the licensed area can be used as a pavement café.
Licensee	Shall include their nominee in their absence.
Licensing Order	The Licensing (Northern Ireland) Order 1996.
Pavement Café Licence	The permission given by Council to allow placement of temporary furniture on a specified public area for customers to consume food or drink supplied from the licence holder's premises.
Public area	A place in the open air, to which the public has access, as of right and which is not a market area.
Public nuisance	Noise disturbance or other nuisance caused to residents or neighbouring businesses.

Introduction

Pavement cafés are becoming a familiar sight across the UK and Ireland. They can help develop a local café culture, which in turn can have a positive effect on urban environments, promote town and city centres, contribute to the general well-being of communities and appeal to tourists.

Tourism is a key driver for economic growth in Northern Ireland offering business opportunities to create jobs and generate wealth. Visitor attitude surveys undertaken by the Northern Ireland Tourist Board have highlighted the attractiveness of a vibrant café culture, especially for short breaks where shopping, good food and evening entertainment are high on the agenda. Well-regulated pavement cafes can contribute to an excellent visitor experience, enhance the attractiveness of a local area and encourage visitors to stay longer and spend more.

Legislation

Mid Ulster District Council has the power to regulate and licence pavement cafés as set out in the *Licensing of Pavement Cafés Act (Northern Ireland) 2014* and the associated Regulations.

The legislation and further guidance can be found on the Department for Communities website at <https://www.communities-ni.gov.uk/topics/dsd-law-and-legislation/social-law>

Additional advice or guidance can be obtained by contacting the Council's Environmental Health Service by email to environmentalhealth@midulstercouncil.org or by telephoning 03000 132 132.

Purpose of this guidance

This guidance document has been prepared to help those intending to make an application for a Pavement Café Licence. It also details the factors that may be taken into account when the decision to grant or refuse a pavement café licence is being considered.

Please note that this document is for guidance only and is not intended to be a definitive interpretation of the legislation.

What is a Pavement Café Licence?

A Pavement Café Licence ('a licence') authorises a person who carries on a business involving the supply of food or drink (in or from premises) to place temporary furniture (tables, chairs, etc.) on a public area for use by customers.

This includes cafés, restaurants, pubs, retail outlets providing refreshments, takeaways, supermarkets with a deli counter, etc.

Note: A licensed pavement café area will remain a public place for the purpose of public order and for environmental or other legislation.

Who may apply?

Any person or persons who carry on a business (in or from a premises), involving the supply of food or drink to the public, may apply for a Pavement Café Licence.

Is the area you want to use suitable for a pavement café?

This guidance document offers advice on what Council will consider appropriate for a Pavement Café Licence.

The suitability criteria required for a Pavement Café Licence is outlined in Appendix 1 and includes consideration of the following:

- Pedestrian and vehicular access;
- Size and layout;
- Likely disturbance to other businesses or residents;
- Furniture design;
- Safety issues.

In general, the pavement café area will need to be set-up immediately adjacent to the premises. However, a licence for a remote café may be granted where:

- The proposed café does not interfere with both vehicular and pedestrian traffic flow;

And

- The licence holder is able to demonstrate that they will be able to exercise proper control and supervision of the pavement café area.

Hours of operation

The Council will determine the hours and days of use for the pavement café area having regard to the location, likely disturbance to local residents, street cleansing or other businesses and representations from interested parties.

Licences will normally be granted for a set period between 8.00 am and 11.00 pm and will be reflective of the normal operating hours of the business. If the premises are licensed under the Licensing Order a licence will not be issued beyond 11.00pm, regardless of any additional operating hours that may apply to the premises.

Making an Application

Before submitting an application you should read this guide thoroughly to check whether your proposal meets all of the required criteria. You are advised to contact the Council to discuss your proposals **PRIOR** to submitting your application. This may help to minimise time wasted and expenditure on applications which may later be refused.

All applications for a pavement café licence must be accompanied by the following:

- **Location plan**

A plan must be provided to a scale not less than 1:2500 (preferably ordnance survey) showing the proposed pavement café marked in red and the adjoining streets and properties.

- **Proposed Café plan**

A plan must be provided to a scale of not less than 1:100 of the proposed pavement café area, the streetscape and all utilities and services including lampposts, bollards, fire hydrants, manholes, cycle stands, litter bins and any other items of street furniture located within the immediate vicinity. The dimensions of the proposed pavement café area must also be shown. Please see Appendix 4 for examples of pavement café plans.

- **Details of the furniture**

Provide details of the number, materials and types of chairs, tables, umbrellas, etc., to be provided in the café. (Manufacturers details of the furniture or photographs of the existing furniture would be an advantage).

- **A copy of your alcohol licence (if appropriate)**

If alcohol is to be served for consumption within the pavement café area, please provide a copy of your alcohol licence.

- **Public liability insurance**

If your application is successful, a copy of the public liability insurance certificate (minimum indemnity of £5m) showing that your cover includes the provision of a pavement café on a public footpath must be provided.

- **Planning permission (where appropriate)**

Evidence of planning permission should be provided, where appropriate.

- **Management Control Plan (for Remote cafés)**

If the pavement café is to be located away from the main premises or patrons and staff need to cross a public road to reach the café, then a management control plan must be provided.

- **Signed Declaration regarding Public Notice**

A copy of the public notice and the associated signed certification form regarding same should be returned to the Environmental Health Service at one of the Council's local offices after the 28 day period.

More information on the requirement to display a public notice can be found below.

Public Notice

Applicants are required to affix a public notice (Appendix 3) to the premises on the day the application is made to the Council. The notice must be positioned so as to be visible to the public for 28 days.

Interested parties can make representations to the Council in respect of an application. In addition, Council will make the application details available to be viewed by the public until the end of the period allowed for representations.

Applicants must complete the declaration on the application form stating that the required notice has been erected and that they will maintain it in place for 28 days from the date of application.

Consultation Process

It is recommended that businesses discuss their proposals with adjacent property occupiers to inform them of the application.

When assessing an application, Council will also consult with the following agencies:

- Department for Infrastructure's Roads Service (DfI Roads); and
- The Police Service for Northern Ireland where the premises is licensed to sell alcohol;
- Any other Council Department, organisations or individuals as appropriate.

How long will it take to process my application?

Council will aim to provide you with a determination within 4 to 6 weeks from the date of receipt of a completed application, which includes all the required plans and associated documentation for the licence proposal. This is to allow full and proper consultation in line with Departmental Guidelines, site visits and input from consultees. In the event of written representations and objections being received it may however, take up to 12 weeks for a final determination and ratification to be made by Committee and Council.

If there are objections to the granting of the licence, then it may be necessary for the above time period to be extended to consider those objections.

What if there are concerns with my application?

Applications are considered on a case-by-case basis, and any objections received by Council will form part of the considerations by Council to grant or vary a licence.

If an applicant's proposal fails to meet the suitability criteria, then they will be notified and may be advised on any amendments which could enable a better fit with the criteria.

Can my licence application be refused?

Yes. Each application will be considered on its own merits. However it may not always be possible to accommodate pavement cafés in all locations due to factors such as visual impact, width restrictions, obstructions or very heavy pedestrian flow.

As an alternative to refusing an application the Council may suggest changes to your proposal to make the proposal acceptable, for example by amending the size and shape of the licensed area.

Should an application be refused the applicant may appeal the decision to the Magistrates' Court within 21 days of being notified of the Council's decision.

Licence holders may also appeal a decision to suspend or revoke a licence or vary the area and conditions of a Pavement Café Licence (as an alternative to revocation), or to limit the duration of a licence.

Insurance Cover

Applicants will be required to hold £5 million public liability insurance cover. This insurance cover will need to include the operation of a pavement café on the public footpath at all times when the pavement café is operating. Evidence of this insurance cover must be provided when you are notified that your application has been successful, or at any time upon request from an authorised officer.

Duration of Pavement Café Licence

Once granted, a pavement café licence is valid for one year from the date of issue and an application to renew it must be made on an annual basis thereafter.

Changes to the Licence (Variation)

Any proposed changes to the licence such as the size of the licenced area or the proposed operating times must be notified and agreed in writing with the Council.

Transfer of a Licence

The transfer of a pavement café licence to another licence holder is not permitted.

Licence Fee

There is currently no fee for all applications for the grant, renewal or variation of a pavement café licence. The fee structure for pavement café licensing will be reviewed by Council on an annual basis.

What enforcement powers do the Council have?

Failure to obtain an appropriate licence or a failure to comply with the conditions attached to a licence may result in enforcement action being instigated against the 'responsible' person in line with Mid Ulster District Council's enforcement policy.

The 'responsible person' includes the person(s) carrying on the business and any other person(s) concerned in the management of the premises. Licence holders will be subject to unannounced monitoring visits in relation to their pavement café licence particularly throughout the first year of operation.

- **Unlicensed pavement cafés**

It is an offence to place furniture to be used for the consumption of food and drink on a public area without a Pavement Café Licence. This offence may be liable to a fine of up to £1,000 on summary conviction.

Council may also seize and remove any furniture placed on the pavement without a licence and may recover the costs reasonably incurred in removing and storing this furniture.

- **Suspension/Compulsory variation of a licence**

The Council may suspend a Pavement Café Licence when maintenance of street utilities is required or road works are scheduled. The licence can also be suspended for a breach of licence conditions, making false statements or failure to pay any fee due to the Council without good reason. During any period of suspension, the Pavement Café Licence is invalid and the Council may remove any furniture placed in the public area during the period of suspension.

The Council may also compulsorily vary a licence where part of an area has become unsuitable or its continued use is likely to result in interference or inconvenience to persons or vehicles in the vicinity or public order concerns.

The Council will consult with PSNI before varying a licence on public order grounds.

- **Revocation of licence**

A Pavement Café Licence may be revoked following breaches of licence conditions, where the licensed area is no longer suitable for temporary furniture, or where there is undue interference or inconvenience to persons or vehicles in the vicinity or public order concerns. The Council will consult with PSNI before revoking a licence on public order grounds.

- **Notice of revocation, suspension or compulsory variation**

If the Council proposes to revoke, suspend or vary the Pavement Café Licence conditions, the licence holder will be given 21 days' notice unless it is considered that such action needs to be taken immediately in the public interest.

An applicant can make representations to persuade Council not to revoke, vary or suspend the licence, within a specified period of 21 days of receipt of notification of Council's intention to do this.

Appendix 1: Suitability Criteria for a Pavement Café Licence

1. Design

The applicant must demonstrate that the pavement café will make a positive contribution to the street scene and is in keeping with the surrounding area and other buildings and public realm. Simple robust designs will be preferred and excessive or elaborate detail or signage should be avoided unless clearly justified. Applicants should also demonstrate commitment to the care and/or refurbishment of the external appearance of the building in which the business is housed, to ensure that the appearance of the street scene will be maintained and, where necessary, enhanced.

Street café proposals should not hinder reasonable use of the footpath, cause nuisance to adjacent frontages, or interfere with apparatus or access to apparatus within the footpath.

To this end the applicant shall comply with all statutory requirements and obtain all necessary permissions before making a licence application.

2. Size and layout

Each application will be considered on its own merits on a site by site basis, taking account of the characteristics of the site, the space available, the proposed layout of the café area and the current guidance or advice on social distancing requirements.

The pavement café will also need to be designed in such a way as not to compromise access where applicable. Any pavement café design/plan should be compliant with the requirements of the *Disability Discrimination Act 1995* (DDA) as amended.

In general the outdoor seating area should:

- Avoid conflict with the principal lines of pedestrian movement
- Avoid conflict between customers going in and out of the pavement café, passing pedestrians and neighbouring premises.
- Facilitate adherence to the current social distancing requirements / advice.
- Ideally be confined to the frontage of its own premises with close integration of internal and external activities however this does not preclude a remote location.
- Allow 10 metres clearance at road junctions / vehicular access for visibility.
- Where street space is available a minimum clearance width of 2 metres between the edge of the licensed site and the kerbside should be allowed. Where this is not possible because of physical constraints a minimum of 1.5 metres clear width should be provided.

The area to be used must take into account other needs in the immediate vicinity (e.g. kerbside parking, loading bays, bus stops, emergency vehicle access, emergency exits, street cleaning machines, and pedestrian crossings).

Where an application contains a proposal to establish a pavement café abutting neighbouring premises, the Council would advise that the applicant should discuss their proposal with the owners or occupiers of the adjoining premises before an application is made.

The limits of the approved café area will be agreed as part of the application process and it is important that no obstructions such as tables, chairs, portable advertising boards, planters or barriers are placed outside this approved area or left on the pavement or any part of the licensed area outside approved hours. A copy of the Pavement Café Licence (including approved plan) should be available on the premises for inspection on request.

When considering a new application Council must consult with DfI Roads before arriving at a decision. Such consultation will ensure that any possible implications for vehicular traffic or pedestrians, public safety issues, and environmental impacts are properly taken into account. For examples of pavement café layouts please refer to Appendix 4.

3. Boundaries

When in use, the pavement café area should ideally be enclosed, by way of adequate screening, to demarcate the licensed area and contain the tables and chairs, in order to make it distinguishable to other pavement users, and to assist blind and visually impaired pedestrians. Un-screened areas present higher risks, particularly for those people who use a walking stick or canes.

Barriers of the 'post and chain' type are not permitted as they are potentially hazardous to pedestrians. Portable, sturdy barriers with a top rail are recommended. Bases should not cause an obstruction or tripping hazard to pedestrians.

DfI Roads advise that screening should not however be placed in areas where it is likely to block visibility splays, e.g. at junctions.

The enclosure shall be removed both outside the licensed period and when the pavement café is not operating within the licensed period. The materials should, therefore, be lightweight in construction and portable, but stable enough to prevent collapse if accidentally walked into or overturned by a sudden gust of wind.

The design of the barrier should complement the character of the surrounding area and may be required to be of a specific design in order to maintain continuity along the street frontage. The colours and materials used for the enclosure should ensure that it is not visually dominant in longer views but will allow key elements to stand out against the background in close up.

Well maintained planters can be particularly attractive and can be appropriately used as part of the means of enclosure, but must be positioned within the licensed area. In certain circumstances, it may be possible to utilise existing street railings, planters and bins as a suitable means of enclosure.

4. Furniture

The furniture must be of high quality design and suitable for outdoor commercial use. Poor quality furniture will not be permitted.

The use of parasols, along with their locations, materials and colours must be specified as part of the design and must be positioned so that their extent is contained within the boundary to ensure they do not present a danger to any user of the pavement café or any other pedestrians.

Limited advertising may be permitted on areas of the pavement café arrangement; however applicants are advised to consult with Mid Ulster District Council's Planning Service for guidance. Proposed details should be provided with the application.

All furniture items, e.g. menu boards, signs and portable gas heaters need to be approved as part of the licensed area and details must be included in the application. The use of 'A' frame advertising boards will be discouraged, especially near to licensed areas as they can create an obstruction.

Where heating is to be provided, this must be of a type suitable for outdoor use and shall be placed within the licensed area. If patio style liquid petroleum gas (LPG) heaters are to be used, they must be adequately secured upright, be fitted with a flame failure device and be maintained in an efficient working order.

All furniture must be of a temporary nature that can be removed within 20 minutes at the end of the permitted period or when access to the area is required by any statutory body or in the event of an emergency. Details of where furniture is to be stored after the licensed period must be given in the application.

If the main premises operate for longer than the licensed period the applicant should give consideration where furniture is to be stored, this should be made clear within the application.

5. Environmental implications and other requirements

It will be the responsibility of the pavement café operator to keep the area clean and free of litter, during licensed/operational hours and after the conclusion of business each day. This will include the cleaning of spillages onto the pavement.

Proprietors must promote a safe, clean and generally welcoming environment in the pavement café area. The conduct of customers using the outdoor seating area will also be the responsibility of the operator.

All food premises must be registered with the Council's Environmental Health Department.

The Pavement Café Licence does not imply an exclusive right to the area and others have rights over it for events, maintenance, repairs, etc.

No amplified music or loudspeaker equipment shall be used in the pavement café area.

Proprietors should give consideration to dividing their outside café area into smoking and non-smoking sections, with each section clearly marked.

6. Safety and Control

It is the responsibility of the applicant to ensure that the pavement café and equipment used comply with all appropriate legislation in relation to food safety, health and safety and alcohol sales requirements. Applicants are reminded of their duties under *the Health and Safety at Work (Northern Ireland) Order 1978 and the associated regulations*, to carry out a risk assessment of the area and activities covered by the pavement café.

Applicants proposing to licence a pavement café which is remote from their main premises or where there is a need to cross a public road to reach the café area must provide a management plan for the pavement café and a proposal as to how the café will be controlled and supervised.

Individual pavement café operators will be responsible for securing full and proper insurance cover.

7. Other statutory requirements

Possible planning and rates impacts should be considered before making an application

- **Planning Service**

Depending on the circumstances of a proposed pavement café on a public area, a planning application may be required if development is to be undertaken. Anyone considering the establishment of a pavement café is advised to contact Mid Ulster District Council's Planning Service for advice and guidance on whether an application for planning permission is required or not.

- **Rates liability on grant of licence**

The Department of Finance has advised that for the vast majority of cases a marginal, seasonal increase in seating of a temporary nature under the terms of the Pavement Café Licence would be regarded as 'de-minimus' in rating terms and would not warrant a change in Net Annual Value (NAV). However, where the type of arrangement is assessed or evidenced that it adds to the rental value of the premises an adjustment to the NAV may be warranted. Each case will be considered on its merits and prospective applicants who have any concerns should consult with the District Valuer of the Land and Property Services before they make an application for a licence.

8. Consumption of Alcohol

If an applicant currently has an alcohol licence, Council may decide to grant a condition allowing the consumption (but not sale) of alcohol in the pavement café area, however, this will be subject to a full and thorough consultation with the PSNI.

If an applicant has an "off-licence only" business, the consumption of alcohol will **not** be permitted in your pavement café area.

Council may, at any time place “an alcohol condition” on a pavement café licence requiring the licence holder not to permit persons to consume intoxicating liquor when using furniture in the area covered by the licence.

Note Only premises licensed as a public house, a hotel, a restaurant or a guest house with a restaurant under the Licensing Order will be permitted to have their licensed area for the consumption of alcohol extended to include the pavement café area.

Appendix 2: Application Form

MUDC/LC/FOR/042/02



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Application for a Pavement Café Licence

I / We hereby make application to Mid Ulster District Council under the provisions of the Pavement Cafés Act (Northern Ireland) 2014 for the:

ABOUT THE LICENCE					
Type of Licence (tick one box)	Grant of new licence <input type="checkbox"/>		Renewal <input type="checkbox"/>		Variation <input type="checkbox"/>
Full Name of Applicant					
Address:					
	Postcode:		Tel:		
DoB:	Email:				
Designation: Owner / Director / Manager - or otherwise state					
PREMISES DETAILS					
Type of premises:					
Name of premises:					
Address:					
	Postcode:		Tel:		
OPERATING DETAILS - Proposed days and hours of operation of the Pavement Café					
Day	Hours of use		Day	Hours of use	
	From	To		From	To
Monday			Friday		
Tuesday			Saturday		
Wednesday			Sunday		
Thursday					
LICENSING DETAILS					
Is alcohol to be consumed within the curtilage of the Pavement Café?					YES / NO
Are the premises licensed under the Licensing (NI) Order 1996?					YES / NO
Public House <input type="checkbox"/>	Off Sales <input type="checkbox"/>	Restaurant <input type="checkbox"/>	Hotel <input type="checkbox"/>	Guest house with restaurant <input type="checkbox"/>	
PROPOSAL DETAILS:					
Total width of footpath: _____ m			Is the area within 10 metres of a road junction?		YES / NO
Dimensions of pavement café area:			_____m X _____m = _____ m ²		
Total number of tables:			Total number of chairs:		
Barrier Height:			Barriers Tap Rails:		YES / NO

SITE DETAILS – (see guidance document)	
Provide an area Location Plan, scale 1:1250, depicting location of Pavement Café and sufficient surrounding area with infrastructure.	Enclosed / To Follow
Provide a proposed Site Plan, scale not less than 1:100, depicting the street space occupied, size and type of barriers, number and type of tables and chairs, and any other pavement café furniture.	Enclosed / To Follow
Please state where the Pavement Café furniture will be stored when the premises is closed for business.	

DECLARATION
<ul style="list-style-type: none"> <i>I confirm that I wish to apply for a Pavement Café Licence for the development as described within this application.</i> <i>I confirm that I have placed the appropriate notice in a prominent place at or near the premises that it can easily be read by the public, and that the notice shall be displayed for 28 days from the date of this application.</i> <i>Data Protection Act 2018 and General Data Protection Regulation: I acknowledge that the personal information provided on this form will be processed and held by Mid Ulster District Council and its agents in connection with their statutory duties for the purpose of consulting on and determining my pavement café licence application. I acknowledge that MUDC will keep all personal data safe and secure and that any information provided may need to be shared, where it is permitted by law, with other agencies or organisations, such as Inland Revenue, etc. I also understand that Mid Ulster District Council's privacy notice can be viewed online at www.midulstercouncil.org</i> <p><i>I declare that I have read and understood the above statements and that all the above information contained in this application is correct to the best of my knowledge.</i></p> <p>Signed _____ Date: _____</p> <p>In connection with this application, if you provide any information which you know to be false, you shall be guilty of an offence and liable on conviction to a maximum fine of £1000.</p>

Please return your completed form, together with the required documentation to one of the local offices listed below.

Cookstown Office, Burn Road, Cookstown, BT80 8DT
Dungannon Office, Circular Road, Dungannon, BT71 6DT
Magherafelt Office, Ballyronan Road, Magherafelt, BT45 6EN

Telephone 03000 132 132
environmentalhealth@midulstercouncil.org
www.midulstercouncil.org

CHECKLIST

Application form - signed and dated.	
Location plan - to a scale of 1:1250 showing sufficient area around the proposed pavement café to enable consideration of all related issues.	
Site plan - to a scale of not less than 1:100 showing access points, building lines, boundaries, kerbs, table and chair arrangement, bins, lighting, trees, other items.	
Details of the furniture - including photographs/manufacturers details.	
Management Control Plan – if required for a 'remote' café area.	
Evidence of Public liability insurance.	
Planning permission - if appropriate.	
Notice of Application Fixed to Premises to be forwarded once 28 day period expires.	
Fee – currently a fee is not required.	

Appendix 3: Notice of Application

MUDC/LC/043/02

PUBLIC NOTICE



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Licensing of Pavement Cafés Act (Northern Ireland) 2014

APPLICATION FOR A PAVEMENT CAFÉ LICENCE

NOTICE IS HEREBY GIVEN THAT

(Name of applicant): _____

(Address of applicant): _____

has applied to Mid Ulster District Council for a Pavement Café Licence at:

(Name and address of premises) _____

A copy of the application may be inspected free of charge at the addresses below.

Persons wishing to make representation to the Council regarding the proposals must make representations in writing specifying the grounds of the objection, the name and address of the person making it and it must be signed by them or their agent.

Any objection relating to the application **must** be made within **28 days** of the date of this Notice to the Environmental Health Service at one of the addresses below.

Cookstown Office, Burn Road, Cookstown, BT71 6DT
Dungannon Office, Circular Road, Dungannon, BT45 6EN
Magherafelt Office, Ballyronan Road, Magherafelt, BT80 8DT

It should be noted that where an objection is made after the 28 day time period referred to, but before a final decision is taken on the application, it is appropriate for the Council to consider it, if there is sufficient reason why the objection was not made within the stated time period.

(Applicant's Signature) _____ (Date) _____

This site notice must be displayed for the whole of the period of 28 days in a prominent place at or near the premises so that it can be conveniently read by the public.

On the completion of 28 days the applicant must complete and return this form, along with the notice.

I _____ (*applicant*) hereby certify that for a period of at least 28 days ending on _____, I displayed this site notice in a prominent place at or near the premises so that it could conveniently be read by the public.

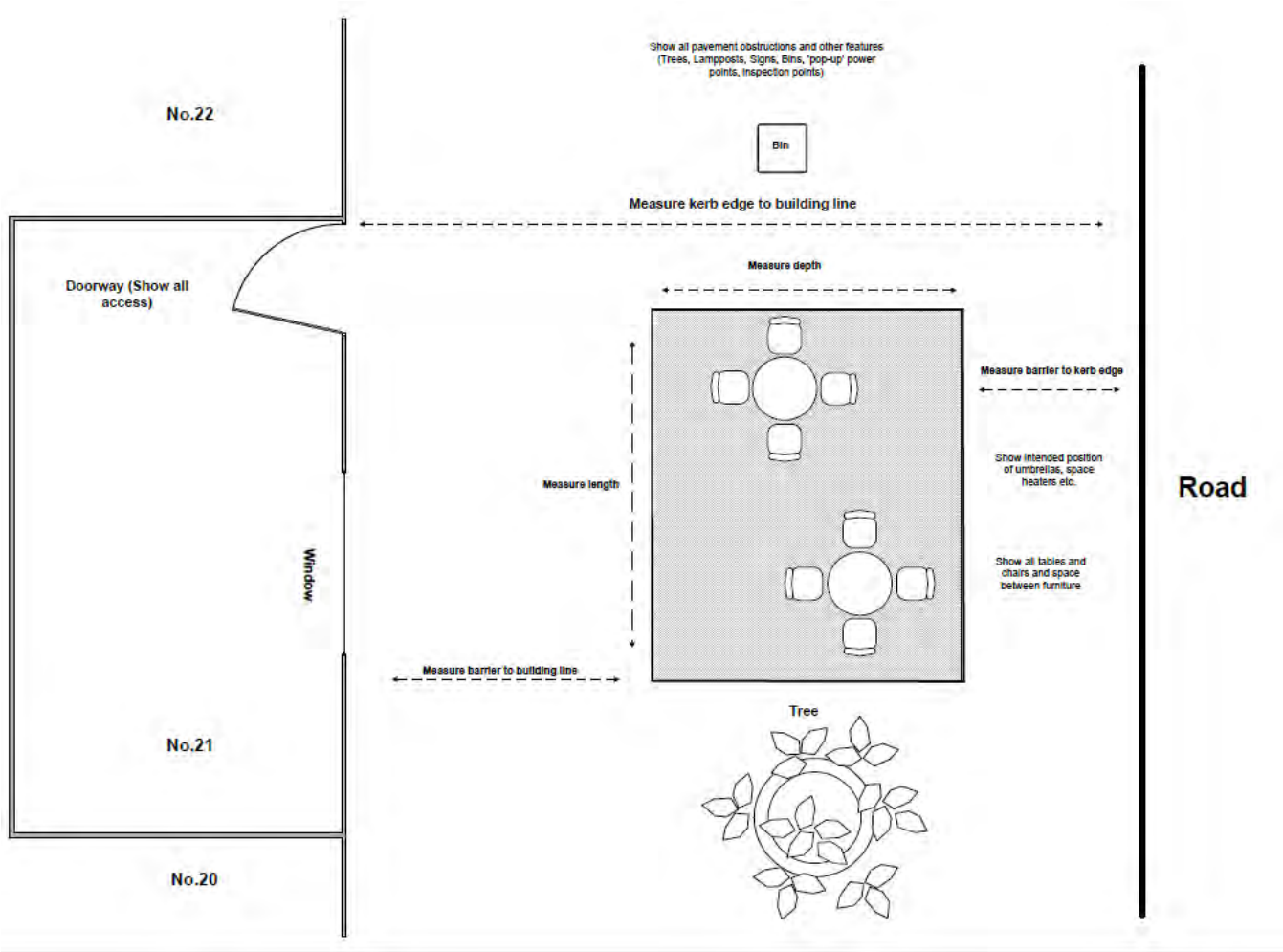
(*Applicant's Signature*): _____

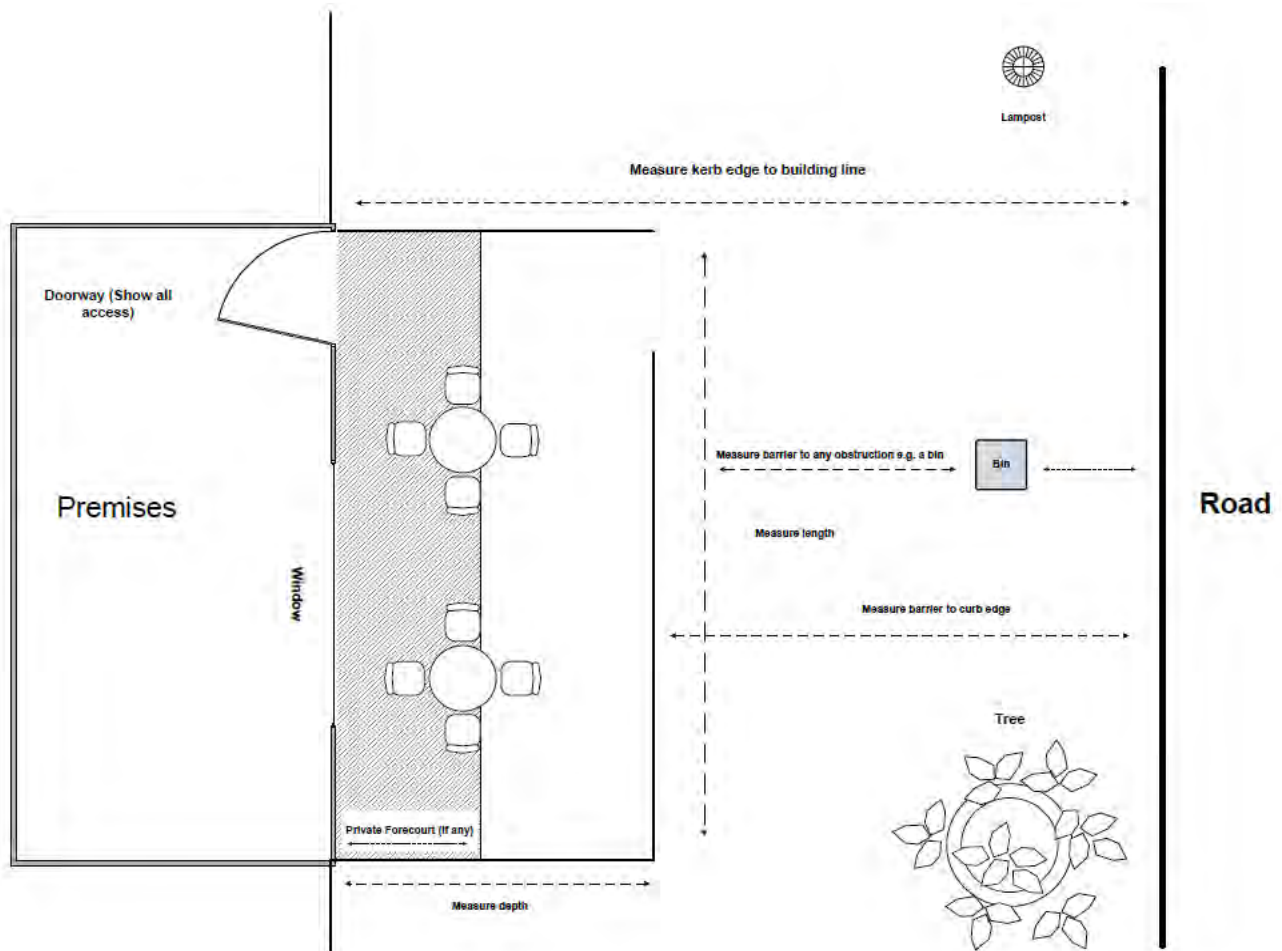
(*Date*): _____

Completed forms should be sent to one of the following addresses:

Cookstown Office, Burn Road, Cookstown, BT71 6DT
Dungannon Office, Circular Road, Dungannon, BT45 6EN
Magherafelt Office, Ballyronan Road, Magherafelt, BT80 8DT

Appendix 4 – Examples of Pavement Café Plans







Application for a Pavement Café Licence

I / We hereby make application to Mid Ulster District Council under the provisions of the Pavement Cafés Act (Northern Ireland) 2014 for the:

ABOUT THE LICENCE					
Type of Licence (tick one box)	Grant of new licence <input type="checkbox"/>		Renewal <input type="checkbox"/>		Variation <input type="checkbox"/>
Full Name of Applicant					
Address:					
	Postcode:		Tel:		
DoB:	Email:				
Designation: Owner / Director / Manager - or otherwise state					
PREMISES DETAILS					
Type of premises:					
Name of premises:					
Address:					
	Postcode:		Tel:		
OPERATING DETAILS - Proposed days and hours of operation of the Pavement Café					
Day	Hours of use		Day	Hours of use	
	From	To		From	To
Monday			Friday		
Tuesday			Saturday		
Wednesday			Sunday		
Thursday					
LICENSING DETAILS					
Is alcohol to be consumed within the curtilage of the Pavement Café?				YES / NO	
Are the premises licensed under the Licensing (NI) Order 1996?				YES / NO	
Public House <input type="checkbox"/>	Off Sales <input type="checkbox"/>	Restaurant <input type="checkbox"/>	Hotel <input type="checkbox"/>	Guest house with restaurant <input type="checkbox"/>	
PROPOSAL DETAILS:					
Total width of footpath: _____ m			Is the area within 10 metres of a road junction?		YES / NO
Dimensions of pavement café area:			_____ m X _____ m = _____ m ²		
Total number of tables:			Total number of chairs:		
Barrier Height:			Barriers Tap Rails:		YES / NO

SITE DETAILS – (see guidance document)	
Provide an area Location Plan, scale 1:1250, depicting location of Pavement Café and sufficient surrounding area with infrastructure.	Enclosed / To Follow
Provide a proposed Site Plan, scale not less than 1:100, depicting the street space occupied, size and type of barriers, number and type of tables and chairs, and any other pavement café furniture.	Enclosed / To Follow
Please state where the Pavement Café furniture will be stored when the premises is closed for business.	

DECLARATION
<ul style="list-style-type: none"> <i>I confirm that I wish to apply for a Pavement Café Licence for the development as described within this application.</i> <i>I confirm that I have placed the appropriate notice in a prominent place at or near the premises that it can easily be read by the public, and that the notice shall be displayed for 28 days from the date of this application.</i> <i>Data Protection Act 2018 and General Data Protection Regulation: I acknowledge that the personal information provided on this form will be processed and held by Mid Ulster District Council and its agents in connection with their statutory duties for the purpose of consulting on and determining my pavement café licence application. I acknowledge that MUDC will keep all personal data safe and secure and that any information provided may need to be shared, where it is permitted by law, with other agencies or organisations, such as Inland Revenue, etc. I also understand that Mid Ulster District Council's privacy notice can be viewed online at www.midulstercouncil.org</i> <p><i>I declare that I have read and understood the above statements and that all the above information contained in this application is correct to the best of my knowledge.</i></p> <p>Signed _____ Date: _____</p> <p>In connection with this application, if you provide any information which you know to be false, you shall be guilty of an offence and liable on conviction to a maximum fine of £1000.</p>

Please return your completed form, together with the required documentation to one of the local offices listed below.

Cookstown Office, Burn Road, Cookstown, BT80 8DT
Dungannon Office, Circular Road, Dungannon, BT71 6DT
Magherafelt Office, Ballyronan Road, Magherafelt, BT45 6EN

Telephone 03000 132 132
environmentalhealth@midulstercouncil.org
www.midulstercouncil.org

CHECKLIST

Application form - signed and dated.	
Location plan - to a scale of 1:1250 showing sufficient area around the proposed pavement café to enable consideration of all related issues.	
Site plan - to a scale of not less than 1:100 showing access points, building lines, boundaries, kerbs, table and chair arrangement, bins, lighting, trees, other items.	
Details of the furniture - including photographs/manufacturers details.	
Management Control Plan – if required for a 'remote' café area.	
Evidence of Public liability insurance.	
Planning permission - if appropriate.	
Notice of Application Fixed to Premises to be forwarded once 28 day period expires.	
Fee – currently a fee is not required.	

PUBLIC NOTICE



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Licensing of Pavement Cafés Act (Northern Ireland) 2014

APPLICATION FOR A PAVEMENT CAFÉ LICENCE

NOTICE IS HEREBY GIVEN THAT

(Name of applicant): _____

(Address of applicant): _____

has applied to Mid Ulster District Council for a Pavement Café Licence at:

(Name and address of premises) _____

A copy of the application may be inspected free of charge at the addresses below.

Persons wishing to make representation to the Council regarding the proposals must make representations in writing specifying the grounds of the objection, the name and address of the person making it and it must be signed by them or their agent.

Any objection relating to the application **must** be made within **28 days** of the date of this Notice to the Environmental Health Service at one of the addresses below.

Cookstown Office, Burn Road, Cookstown, BT71 6DT
Dungannon Office, Circular Road, Dungannon, BT45 6EN
Magherafelt Office, Ballyronan Road, Magherafelt, BT80 8DT

It should be noted that where an objection is made after the 28 day time period referred to, but before a final decision is taken on the application, it is appropriate for the Council to consider it, if there is sufficient reason why the objection was not made within the stated time period.

(Applicant's Signature) _____ (Date) _____

This site notice must be displayed for the whole of the period of 28 days in a prominent place at or near the premises so that it can be conveniently read by the public.

On the completion of 28 days the applicant must complete and return this form, along with the notice.

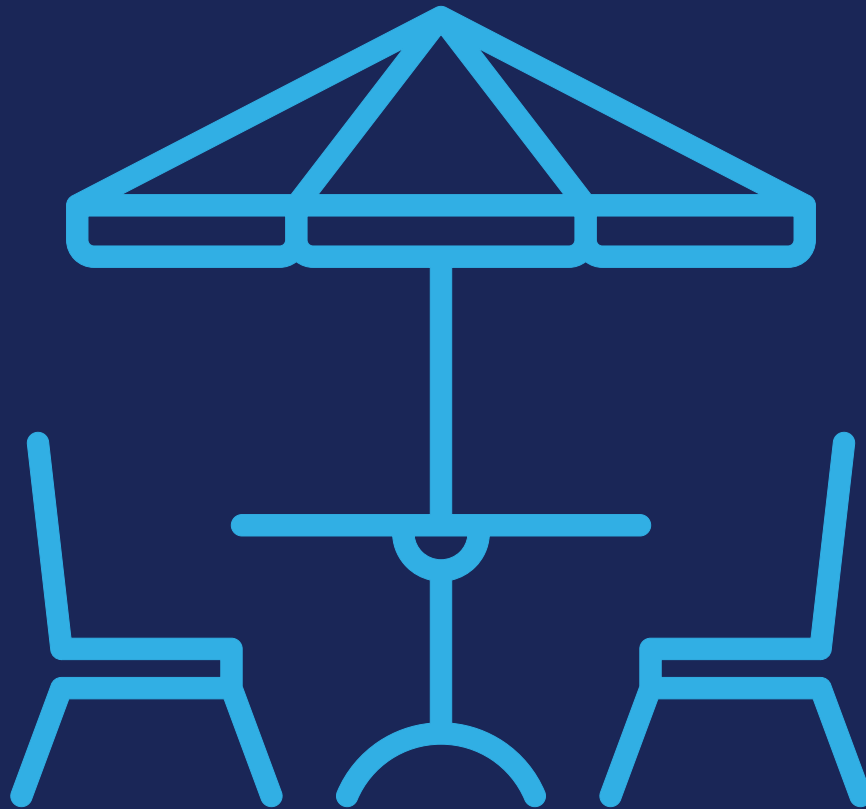
I _____ (*applicant*) hereby certify that for a period of at least 28 days ending on _____, I displayed this site notice in a prominent place at or near the premises so that it could conveniently be read by the public.

(*Applicant's Signature*): _____

(*Date*): _____

Completed forms should be sent to one of the following addresses:

Cookstown Office, Burn Road, Cookstown, BT71 6DT
Dungannon Office, Circular Road, Dungannon, BT45 6EN
Magherafelt Office, Ballyronan Road, Magherafelt, BT80 8DT



Guidelines to the Licensing of Pavement Cafés Act (Northern Ireland) 2014

July 2019

Guidelines to the Licensing of Pavement Cafés Act (Northern Ireland) 2014

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Introduction, background and overview of Act

Introduction

These guidelines have been prepared by the Department for Communities (the Department) to assist district councils with the implementation of the statutory licensing scheme contained in the Licensing of Pavement Cafés Act (NI) 2014 (“the Act”). The Act balances the need for robust regulation with the necessary flexibility for councils to respond to local circumstances.

The guidelines highlight the key legislative responsibilities of district councils, the criteria to be met, and procedures to be followed, when dealing with applications and the conditions under which pavement café areas should operate. The licensing scheme is subject to the Provision of Services Regulations 2009 (PSR 2009), which transposed into UK law Directive 2006/123/EC of the European Parliament (“the EU Services Directive”) on services in the internal market. District councils will need to be satisfied that their procedural rules or other requirements under the licensing scheme comply with PSR 2009. The guidelines address certain issues in this respect which may be of assistance to councils. Councils may find it helpful to refer to the [Handbook on the Implementation of the Services Directive](#) available on the European Commission’s website.

The Act prohibits the operation of a pavement café except under licence granted by a district council. Applications will be considered from owners of cafés, restaurants, pubs or other premises selling food or drink to the public. Councils will be able to impose a range of licence conditions, charge a reasonable fee and may vary, suspend or revoke the licence in certain circumstances. The Act provides councils with a power to remove facilities at unlicensed pavement cafés and several new offences are being created to aid enforcement.

A number of important safeguards have been included in the licensing regime to ensure that authorised pavement cafés will be safe, well managed and sensitive to the needs of street users and the surrounding area. While the operation of pavement cafés can provide commercial opportunities for local businesses, district

councils must ensure that the needs of pedestrians and other street users are not detrimentally affected.

It is the responsibility of each district council to design an appropriate pavement café licensing regime for their area within the boundaries of the relevant legislation. Councils may wish to use these guidelines as a basis for preparing their own operational guidance. In addition, the Licensing Forum Northern Ireland has produced a 'Guidance for Applicants' document to assist those intending to make an application for a pavement café licence. A copy of this guidance can be seen at Annex A. Although it is hoped that the guidelines will prove useful they 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.

For information on obtaining these guidelines in large print, Braille format or in another language, please contact:

**Social Policy Unit
Level 8, Causeway Exchange
1-7 Bedford Street
Belfast
BT2 7EG**

Telephone: 02890 823140
Email: social.policy@communities-ni.gov.uk

These guidelines are also available to download from the Department's website

<https://www.communities-ni.gov.uk/topics/dsd-law-and-legislation/social-law>

Background

Pavement cafés are becoming a familiar sight across the UK and Ireland. They can help develop a local café culture, which in turn can have a positive effect on urban environments, promote town and city centres, contribute to the general well-being of communities and appeal to tourists.

Tourism is a key driver for economic growth in Northern Ireland offering business opportunities to create jobs and generate wealth. Visitor attitude surveys undertaken by the Northern Ireland Tourist Board have highlighted the attractiveness of a vibrant café culture, especially for short breaks where shopping, good food and evening entertainment are high on the agenda. Well regulated pavement cafés can contribute to an excellent visitor experience, enhance the attractiveness of a local area and encourage visitors to stay longer and spend more.

In both Great Britain and the Republic of Ireland, café, restaurant and pub owners may apply to their local council for permission to place tables and chairs on the pavement outside their premises. However, in Northern Ireland the provision of tables and chairs on the pavement is prohibited under the Roads (NI) Order 1993. TransportNI has taken a pragmatic approach to the setting-up of pavement cafés, but this is regarded as an interim arrangement, pending introduction of a formal licensing scheme.

The Department carried out a thorough appraisal of the impact of pavement cafés in Northern Ireland, which included a literature review, a series of interviews with town centre managers and a survey of businesses. The appraisal concluded that a common, clear and transparent legislative framework was required to enable a pavement café culture to develop. A public consultation was carried out during 2011 to gauge opinion on a proposal to regulate pavement cafés and introduce a licensing scheme administered by local councils. There was a very positive response to the consultation with the majority of respondents calling for councils to be given both licensing and enforcement powers. A Bill, incorporating a statutory licensing scheme, to be administered solely by district councils, was introduced into the NI Assembly in June 2013 and received Royal Assent in May 2014.

The statutory licensing scheme contained in the Act follows the model used in the Street Trading Act (NI) 2001; however there are a number of significant differences between the two schemes. The Act contains 32 sections and one Schedule. A brief overview is set out below. Copies of the Act, Explanatory Notes and associated Regulations are on sale at The Stationary Office (TSO) Parliamentary Press, Mandela Way, London SE1 5SS.

Overview of Act

Sections 1 and 2 set out the general requirement to obtain a pavement café licence. Sections 3 to 12 set out the application procedures for the grant, renewal, and variation of a licence. Section 13 sets out the procedure when there are multiple licence holders and there is a change of a business partner. Sections 14 to 19 deal with revocation, suspension and compulsory variation of a licence. Section 20 makes provision for certain matters to be recorded in the register under liquor licensing law. Section 21 specifies the circumstances in which appeals can be made against a decision of a district council. Sections 22 to 24 give district councils powers of entry, removal etc for the purpose of enforcing the provisions of the Act. Supplementary matters are set out in Sections 25 to 32. The Schedule contains amendments to other legislation as a consequence of the introduction of the Act. The Act and the associated regulations came into operation on 1 October 2016.

Section 1 - Meaning of “pavement café licence” and other key terms

General

- 1.1 Section 1 provides a definition of a ‘pavement café licence’, what the licence authorises and other key terms for the purpose of the Act. It is important to make clear a pavement café licence simply authorises a person carrying on a business involving the supply of food or drink (in or from premises) to place furniture temporarily on a public area. A licensed area will remain a public place for the purpose of public order, environmental or other legislation.

What does a pavement café licence authorise?

- 1.2 Subsection (1) provides that a pavement café licence authorises a person who carries on a business involving the supply of food or drink (in or from premises) to place furniture (tables, chairs etc) on a public area for use by customers. A pavement café licence cannot be regarded as a substitute for any other licence or consent that may be required by statute or otherwise. For example, a pavement café associated with a mobile kiosk may be licensed under the Act and the kiosk itself may be licensed under the Street Trading Act (NI) 2001.
- 1.3 Councils will wish to note that in general the pavement café area will need to be set-up immediately adjacent to the premises. However, a licence for a remote café may be considered where:
- the proposed café does not interfere with both vehicular and pedestrian traffic flow; and
 - the licence holder is able to demonstrate that they will be able to exercise proper control and supervision of the pavement café area.

Licensable area

- 1.4 Sub-sections (2) to (7) are interpretative sections which clarify terms used to describe the nature of the licence. Subsection (2) makes clear that a ‘public area’ is a place in the open air to which the public has access, without payment, ‘as of right’. However, a ‘public area’ which has been acquired or

established as a 'market' is excluded. The same exemption applies to street trading.

- 1.5 The Street Trading Act (NI) 2001 has a broader definition of the licensable area which allows councils to control pitches established on open 'private' land close to a road. However, while a pavement café licence can be granted which would authorise interference with public rights over land it would not authorise interference with private rights, or afford any immunity against actions in respect of that interference. Anyone considering the establishment of a pavement café on private land is advised to contact the planning office of the relevant council for planning advice and guidance. In regard to this, full details of a proposed pavement café, may be required by the council planning office. That said, it is possible that pavement café furniture can potentially be placed on land that is both privately owned and public land. A practical example is where a café owner wishes to extend their café into a public area beyond the boundary of their site. In such circumstances a council could licence the public area.
- 1.6 Subsection (3) describes what 'furniture' is – tables, chairs, umbrellas to facilitate use by customers (this would exclude facilities used for the purpose of serving customers such as a till, bar, deli counter). All furniture, including menu boards associated with the pavement café area, must be placed within the licensed area. Café furniture should be appropriate to the locality and be of good quality. Ideally, the colour and design of furniture should provide a contrast with the background to take account of the needs of those with a visual impairment.
- 1.7 Subsections (4) and (5) place a duty on the licence holder to ensure that furniture placed in a licensed area is of a 'temporary' nature and can be removed swiftly (within 20 minutes). This definition highlights the temporary nature of a licensed pavement café, and the '20 minute' time limit adds meaning to the definition of what temporary furniture actually is and how quickly the furniture should be able to be removed. While it is expected that councils will require the furniture to be taken in after each day's trading, the Act

only requires that the furniture be capable of being removed within 20 minutes. It should be noted that Section 6 (Conditions of licence) provides a power to impose conditions to ensure the provision of adequate storage facilities when the pavement café is not in operation.

Section 2 - Offence of placing furniture on public area without pavement café licence

General

- 2.1 Section 2 creates an offence of placing furniture, for use for the consumption of food or drink, on a public area without a pavement café licence. This section applies to businesses involved in the supply of food or drink (in or from premises) to members of the public. An offence may be committed by the owner of the business and any person concerned with the management of the premises. The penalty on summary conviction is a fine of up to £1,000.

Details

- 2.2 Subsection (1) provides that an offence is committed, if at any time while a business involving the supply of food or drink (in or from premises) is being carried on, a 'responsible person' places furniture (for use for the consumption of food or drink) on a public area.
- 2.3 However, subsection (2) provides that no offence is committed if the furniture is temporary and the person carrying on the business holds a pavement café licence in respect of the associated premises.
- 2.4 Subsections (3) and (4) clarify the meaning of 'responsible person' for the purpose of establishing who has committed the offence. They make clear that an offence may be committed by either the person (or persons) carrying on the business or any person concerned in the management of the premises, or both.
- 2.5 Subsection (5) makes clear that an offence is committed even if the furniture was placed on a public area prior to commencement of the Act.
- 2.6 Subsection (6) provides that a person guilty of the offence is liable on summary conviction to a fine of up to £1,000 (level 3 on the standard scale). The pavement café offences are on a par with those for street trading.

2.7 Subsection (7) makes it a defence for the person charged to prove that they took all reasonable precautions and exercised due diligence to avoid commission of the offence. This is a common provision for offences of this nature. The effect is that the responsible person can escape liability for the offence only where they can prove that steps were taken to avoid commission of the offence, for example through the issue of 'Instruction Manuals' or 'Codes of Conduct' for management of the premises.

Section 3 - Application for licence

General

- 3.1 Section 3 provides details of how a business may apply to the local council for a pavement café licence. Applicants must attach a plan showing the location and dimensions of the proposed pavement café area (or areas) associated with the premises. Multiple applications are not permitted. This section should be read in conjunction with Section 10 (General provision) and Section 11 (Notice to be displayed).

Who may apply?

- 3.2 Subsections (1) and (2) provide that a person who carries on, or proposes to carry on a business (in or from premises) involving the supply of food or drink to the public, may apply for a licence. Premises eligible to apply range from cafés, restaurants and pubs, to retail outlets providing refreshments, takeaways and supermarkets with a deli counter.
- 3.3 Subsection (3) makes clear that only one set of premises may be specified in each application. Therefore, a retail chain could not submit a multiple application covering a range of outlets.

Requirement to prepare plan of area

- 3.4 Subsection (4) requires the applicant to submit a plan showing the location and dimensions of the proposed pavement café area(s) and to meet any other requirements specified by the district council. The plan should show the relationship between the pavement café area and the streetscape, for example, the proposed pedestrian corridor and existing street furniture in the immediate vicinity. Therefore a council may require the production of a definitive plan, drawn-to-scale, which includes details of the following:
- all utilities/services, including lampposts, bollards, fire hydrants, manholes, cycle stands, litter bins and other items of street furniture located within the immediate vicinity; and

- dimensions of the proposed pavement café area and the dimensions and location of the tables, chairs or other items of furniture to be located within the area.
- 3.5 It is possible that the pavement café area associated with each premises may be split into two or more areas.
- 3.6 Subsection (5) clarifies that an application must be sent to the district council where the premises are situated.
- 3.7 Subsection (6) draws the attention of prospective applicants to the need to have regard to the provisions of Section 10 (General provision) and Section 11 (Notice to be displayed).
- 3.8 Subsection (7) clarifies that ‘a relevant business’ means ‘a business involving the supply of food or drink to members of the public’, or of a section of the public.

Section 4 - Grant or refusal of licence

General

- 4.1. Section 4 places an onus on a district council to grant a pavement café licence unless one of the grounds for refusing an application applies. Before deciding on an application, a council must consult with the Department for Infrastructure's TransportNI and where the premises is a pub, the PSNI. A council may consult other appropriate organisations or individuals before deciding on an application. In addition, councils must take into account any representations made in connection with an application.
- 4.2 The likely adverse impacts on individuals or vehicles will need to be considered very carefully, particularly in relation to disabled people, older people and others with mobility needs including all pram and wheelchair users. The overriding premise is that the needs of users of the pavement are paramount and shall not be compromised to the extent that they cannot follow their natural route.

Grounds for refusal

- 4.3 Subsections (1) and (2) require a council to grant a pavement café licence unless one of the following grounds for refusal applies:
- the proposed pavement café area is unsuitable for that purpose;
 - the use of that area as a pavement café would be likely to result in undue interference or inconvenience to persons or vehicles in the vicinity, or in disorder;
 - the applicant has made, in connection with an application, a statement they knew to be false, or failed to fix a notice to the premises specified in the application, or has had a pavement café licence revoked for reasons within the applicant's control.
- 4.4 These powers are widely drawn to enable a council to take into account any factor it considers reasonable. However, a council cannot simply introduce a blanket ban on pavement cafés in its district. That said, a council may decide

that a particular street or local area is unsuitable for the occupation of pavement cafés. For example, there is a better prospect of multiple pavement cafés being permitted in a pedestrianised area as opposed to a busy high street. A council will however need to be able to justify any decision to exclude an area from the licensing scheme.

- 4.5 Subsection (3) applies where it is proposed to ‘split’ the pavement café area. A council will be able to refuse an application should the grounds in Section 4(2)(a) or (b) apply to one or more areas.

Consultation with TransportNI on pedestrian access and other issues

- 4.6 Subsection (4) places a duty on the district council, when considering a new application, to consult with TransportNI before arriving at a decision. Such consultation will ensure that any possible implications for vehicular traffic or pedestrians, public safety issues, and environmental impacts are properly taken into account.
- 4.7 The creation of a statutory licensing scheme is regarded as a very positive step in terms of safeguarding the interests of pedestrians, particularly disabled people, older people and those with mobility needs including all pram and wheelchair users. During the passage of the primary legislation concerns were expressed about the impact of unregulated pavement cafés on the mobility needs of the disabled. Assurances were given that these guidelines would place strong emphasis on placing the needs of all pedestrians at the heart of the licensing regime. Although TransportNI is considered best placed to advise councils on access issues, councils must have due regard to all current disability discrimination legislation when deliberating on pavement café licence applications.
- 4.8 The Act does not specify minimum standards in terms of the size, layout or design of a pavement café. District councils are best placed to make these decisions on a site by site basis, taking account of the characteristics of the site, the space available and the proposed layout of the café area. The views of TransportNI in this respect will be an important consideration. The

pavement café will also need to be designed in such a way as not to compromise access for vehicles for business or other purposes. Councils should ensure that any pavement café design/plan be Disability Discrimination Act 1995 compliant.

- 4.9 The Department considers it may be beneficial for a council official and a prospective applicant to have a preliminary discussion before a formal application is submitted. An initial site meeting may help the prospective applicant better understand the council's licensing requirements and whether a proposal is likely to be problematic in terms of size, location or layout or other local factors. This may save time and avoid the expense involved in working up an application that has little prospect of being approved. Although TransportNI will endeavour to attend site meetings during the pavement café application process, more straight forward applications should be pursued through correspondence.
- 4.10 Each application should be evaluated on its own merits. To a large extent the potential for establishment of a pavement café will very much depend on the type of premises and the facilities available, the existing streetscape, traffic volume and level of footfall, proximity to crossings, bus stops and taxi ranks. The needs of other users of the highway will be the paramount consideration. Councils must ensure that a clear pedestrian route is maintained at all times.
- 4.11 TransportNI advise that they take their guidance regarding preferred footway widths from ***The Design Manual for Roads and Bridges – TA 90/05 – The Geometric Design of Pedestrian, Cycle and Equestrian Routes.***^a As a result, they state the minimum width of a footway should be 2.0m and that this may be reduced to an absolute minimum of 1.5m in constrained environments. A width of 1.0m should only be allowed if there are single point obstructions, for example a litter bin or street lighting column. TransportNI also advise that any reduced footway widths should be restricted to 6.0m in length.

^a The Geometric Design of Pedestrian, Cycle and Equestrian Routes
www.standardsforhighways.co.uk/.../dmrb/vol6/section3/ta9005

- 4.12 A pavement café area should always be enclosed by way of adequate screening, where practicable, with the extent of enclosure depending on size and location. Barriers of the ‘post and chain’ type should be discouraged at all times as they are potentially hazardous to pedestrians. Portable, sturdy barriers with a top rail should be recommended. The main purpose of any pavement café screening should be to provide a clear demarcation between pedestrians and cafés and to enhance health & safety regarding obstructions, tripping hazards and to provide a clear indicator for the visually impaired. However, TransportNI advise that screening should not be placed in areas where it is likely to block visibility splays (sight lines) such as at junctions.

Consultation with PSNI

- 4.13 Subsection (4) also places a duty on the district council, when considering a new application associated with a public house, to consult with the PSNI, before arriving at a decision.

Consultation with others

- 4.14 Subsection (5) allows a council to consult any other organisations or individuals in connection with an application.

Consideration of planning issues

- 4.15 Councils consider and determine planning applications for local and major development proposals in accordance with legislation, planning policy, supplementary planning guidance and other relevant material considerations. Depending on the circumstances of a proposed pavement café on a public area, a planning application may be required if development is to be undertaken. Anyone considering the establishment of a pavement café is advised to contact the planning office of the relevant council for advice and guidance on whether an application for planning permission is required or not. To this end, the council planning office may request from a potential applicant, full details of a proposed pavement café, including drawings identifying the site, proposed layout and means of enclosure, as well as providing details of proposals such as alteration works, canopies, blinds, awnings and details of proposed advertisements/signage. Other consents, such as Consent to

Display an Advertisement and Listed Building Consent may also be required and, if so, an application in each appropriate case should be submitted to the planning office of the relevant council.

Pavement café abutting other premises

- 4.16 Where an application contains a proposal to establish a pavement café abutting neighbouring premises, councils may wish to consider making it a requirement for the applicant to obtain the written consent of the owner or operator of the adjoining premises. Councils will have the final say as to whether a licence should be granted and will need to be able to justify all licensing decisions.

Rates liability on grant of licence

- 4.17 The Department of Finance has advised that for the vast majority of cases a marginal, seasonal increase in seating of a temporary nature under the terms of the licence would be regarded as de-minimis in rating terms and would not warrant a change in Net Annual Value (NAV). Where the type of arrangement goes beyond the marginal, seasonal or temporary arrangement and it is assessed or evidenced that it adds to the rental value of the premises, an adjustment to the NAV may be warranted. Each case will be judged on its merits and will be the decision of the District Valuer. Councils will wish to refer prospective applicants, who have concerns in this respect, to the District Valuer, Land and Property Services.
- 4.18 Subsection (6) provides that a council must take into account any representations made within the period allowed for representations before deciding on an application. The period allowed for representations is 28 days beginning with the first working day after the date when the application is received [Section 10(5)].

The Disability Discrimination Act 1995 and Equality Legislation

- 4.19 Section 75 of the Northern Ireland Act 1998 states that councils must have due regard as to the equality of opportunity in the exercise of their functions. It is

important to note that all public bodies have a duty under the Disability Discrimination Order 2006 to promote the participation of people in public life.

4.20 Councils should have regard to an applicant's adherence to the Disability Discrimination Act 1995 (DDA) in the pavement café licence application process. The DDA requires all businesses to make '*reasonable adjustments*' in relation to access to premises and services by the disabled and that the reasonable adjustment duty in relation to goods, facilities or services is 'anticipatory' in nature and owed to the public at large.

Examples to which the duty applies within the DDA are:

- access to and use of any place which members of the public are permitted to enter; and
- facilities for entertainment, recreation or refreshment.

Councils should also be mindful that under Section 49A of the Disability Discrimination Act 1995 public authorities, when carrying out their functions must have due regard to the need to:

- promote positive attitudes towards disabled people; and
- encourage participation by disabled people in public life.

Section 5 - Form, duration etc of licence

General

- 5.1 Section 5 gives the Department a power to prescribe the form of a pavement café licence and district councils the power to vary the pavement café area applied for and decide how long a licence should last.

Regulations

- 5.2 Subsections (1) and (2) provide a regulation making power for the Department to prescribe the form of a pavement café licence. *The Licensing of Pavement Cafés (Form of Licence) Regulations (Northern Ireland) 2016* and associated explanatory memorandum can be accessed at <http://www.legislation.gov.uk/nisr/2016/132/contents/made>. The licence must specify the holder of the licence and the premises to which it relates and be accompanied by a plan showing the location and dimensions of the pavement café area.

Variation of area

- 5.3 Subsection (3) provides a council with a degree of discretion to vary the area covered by the pavement café proposed in the original application, rather than simply reject the application. However, after variation, at least 75% of the authorised area must fall within the area proposed in the original application. Any proposal to make more substantial changes to the pavement café area would require a fresh application, thereby giving interested parties an opportunity to make representations.
- 5.4 Subsection (4) allows a council to licence one or more public areas, if proposed in the application.

Duration of licence

- 5.5 Subsections (5) and (6) give a council the discretion to decide how long it wants a licence to remain valid. A council can also decide whether licences should all terminate (and hence fall for renewal) on a common date. The

default position is that all pavement café licences are to be granted for an indefinite period unless a council has specified a period in the licence. If a council limits the duration of a licence it will need to be able to justify this. The PSR 2009 also provides for circumstances where multiple applications are submitted in respect of a specific area. In such circumstances, authorisations should be set for an appropriate limited period, and may not be open to automatic renewal nor confer any other advantage on the provider whose authorisation has just expired. To not grant time-limited licences in these circumstances would be against competition policy.

- 5.6 Subsection (7) allows a licence holder to surrender the licence at which point it will become invalid.

Section 6 - Conditions of licence

General

- 6.1 Section 6 provides the power for a council to impose conditions on a pavement café licence. All licences must contain a condition requiring the holder not to place furniture in an area other than the area covered by the licence. Where the associated premises is an off-licence the council must include a condition prohibiting the consumption of alcohol in the pavement café area. Councils have discretion to impose a range of other conditions including conditions relating to the design and layout of the pavement café area, operating times, arrangements for the storage of furniture, public liability insurance and the payment of fees.

Standard conditions

- 6.2 Subsection (1) requires a pavement café licence to specify that temporary furniture must not be placed on any public area other than the area covered in the licence.
- 6.3 Subsection (2)(a) requires the inclusion of a prohibition on the consumption of alcohol at a pavement café, where the associated premises are licensed for off-sales only. This is to prevent alcohol purchased in the off-sales from being consumed in the pavement café area. Subsection (2)(b) allows a council to include an alcohol prohibition in any other pavement café licence, if it is satisfied that consumption of alcohol in the area covered by the licence would be likely to result in disorder.

Further conditions

- 6.4 Subsection (3) gives a council discretion to specify further conditions as it considers reasonable, including conditions relating to the design and layout of the pavement café area, operating times, arrangements for the storage of furniture and the payment of fees. Councils have the discretion to waive fees or impose a nominal charge. The licence holder may also be required to notify the council about matters specified in licence, for example material changes to

the associated premises such as the grant of a liquor licence, and to surrender any earlier pavement café licence associated with the premises.

- 6.5 Councils may wish to include a range of conditions to promote a safe, clean and generally welcoming environment in the pavement café area. To avoid the pavement café from becoming little more than a smoking area, councils may wish to make it a requirement that patrons be seated. Councils will wish to be assured that licence holders have suitable public liability insurance in place and could require the policy to be made available for inspection on request.
- 6.6 In most instances it would be appropriate to impose a condition requiring tables and chairs to be removed after each day's trading. This would facilitate councils and utilities in terms of inspection/repairs, cleaning, weed spraying, access etc. Councils will also need to be satisfied that adequate storage facilities are available.

Section 7 - Renewal of licence

General

- 7.1 Section 7 sets out the arrangements for renewal of a pavement café licence. The renewals procedure is broadly similar to that for new applications. However, a council will not be obliged to consult the statutory authorities mentioned in Section 4(4). On renewal, a council may vary the licence by:
- varying any conditions on the licence;
 - specifying any new conditions;
 - making a variation of the area; or by
 - adding or removing an alcohol condition.

Renewal applications

- 7.2 Subsection (1) allows a licence holder to apply for a renewal of a licence. This assumes that a council has decided not to grant the original licence for an indefinite period.
- 7.3 Subsection (2) requires a licence holder to follow the same procedure as for new applications (Section 10 and Section 11).
- 7.4 Subsection (3) requires a council to renew the licence unless one of the grounds in Section 4(2) applies.

Consultation with statutory authorities

- 7.5 Subsection (4) allows a council to consult any organisations or individuals in connection with an application. Consultation with the statutory authorities mentioned in Section 4(4) on renewals is not obligatory. However, TransportNI would welcome the opportunity to comment on any proposal to renew a licence. It is expected that council officials will be in regular contact with relevant TransportNI operational staff about pavement café issues. Therefore, any concerns about the continued use of an area for this purpose should already have been identified, and taken into account by the council, in advance of renewal. As a matter of good practice, councils should give TransportNI

advance notice of renewals, to facilitate comment. There is no statutory requirement to consult with the PSNI on renewals and such action would only be necessary if there were concerns about public order.

- 7.6 Subsection (5) provides that a council must take into account any representations made within the period allowed for representations before deciding on an application. The period allowed for representations is 28 days beginning with the first working day after the date when the application is received [Section 10(5)].

Licence duration and general conditions on renewal

- 7.7 Subsection (6) makes clear that any decision as to the form, duration and conditions of a licence (Section 5 and Section 6) should be taken in the same way as for initial grant.
- 7.8 Subsection (7) permits a council to make certain variations to the licence on renewal. A council may vary the licence conditions, specify new conditions, vary the area of the licence, insert an alcohol condition or remove an existing alcohol condition.
- 7.9 Subsection (8) allows a council to vary the area covered by a licence or the licence conditions, or specify new conditions, whether or not such an application has been made.
- 7.10 Subsection (9) sets out the procedure for dealing with an application to have an alcohol condition removed at the time of renewal. In such circumstances a council will be required to have regard to Section 9 which includes a requirement to consult the police.
- 7.11 Subsection (10) makes clear that an 'alcohol condition' has the same meaning as in Section 17, that is, a condition requiring the licence holder not to permit persons to consume alcohol on the area covered by the licence.

Section 8 - Variation of Section 6(3) conditions or of area covered by licence

General

- 8.1 Section 8 allows the holder of a pavement café licence to apply to the council for a variation of either the conditions of a licence or the area covered by the licence. The variation procedure is broadly similar to that for new applications. However, a council will not be obliged to consult the statutory authorities mentioned in Section 4(4).

Nature of variation

- 8.2 Subsections (1) and (2) allow a licence holder to apply for a variation of either the conditions of a pavement café licence [specified in Section 6(3)] or the area covered by the licence.

How applications are to be made

- 8.3 Subsection (3) provides that the variation procedure will broadly follow that for new applications [Section 10 and Section 11]. However, a council will not be obliged to consult the statutory authorities mentioned in Section 4(4).
- 8.4 Subsection (4) sets out the options available to a council when considering an application for a variation of licence conditions. A council may make the variation applied for, vary other existing conditions and/or impose new conditions, or simply refuse the application.
- 8.5 Subsection (5) provides that a council must grant an application for variation of an area unless one of the grounds in Section 4(2) applies.
- 8.6 Subsection (6) allows a council to consult any other organisations or individuals in connection with an application.
- 8.7 Subsection (7) provides that a council must take into account any representations made within the period allowed for representations before deciding on an application. The period allowed for representations is 28 days

beginning with the first working day after the date when the application is received [Section 10(5)].

- 8.8 Subsection (8) clarifies that a council can also remove any conditions when considering a variation.
- 8.9 Subsection (9) limits the extent to which an area may be varied to 75% of the authorised area. A council will not be able to vary the area applied for but must either grant or refuse the application in accordance with Section 8(5).
- 8.10 Subsection (10) clarifies that where variation of an area is to occur, all of the grounds in Section 4(2) apply to the new area to be granted.

Section 9 - Variation by removal of alcohol prohibition

General

- 9.1 Section 9 provides that where a pavement café licence contains an alcohol prohibition, the holder of the licence may, in certain circumstances, apply to a council for the licence to be varied by the removal of the alcohol prohibition. The council must consult with the police before deciding on such an application.

Nature of variation

- 9.2 Subsections (1) and (2) allow a licence holder to apply to the council to have an alcohol prohibition, imposed under Section (2)(b), removed. This section does not apply where the associated premises is an off-sales.

How applications are to be made

- 9.3 Subsection (3) makes clear that the procedure for new applications [Section 10 and Section 11] broadly applies.
- 9.4 Subsection (4) allows a council to either remove the prohibition, or if it is satisfied that its removal is likely to result in disorder, refuse the application.
- 9.5 Subsection (5)(a) requires the council to consult with the police before deciding on such an application. Subsection (5)(b) allows a council to consult any other organisations or individuals in connection with an application.
- 9.6 Subsection (6) provides that a council must take into account any representations made within the period allowed for representations before deciding on an application. The period allowed for representations is 28 days beginning with the first working day after the date when the application is received [Section 10(5)].

Section 10 - Applications: general provision

General

- 10.1 Section 10 sets out details of how applications for the grant, renewal or variation of a pavement café licence are to be made and a council's responsibility when such applications are received. It makes it an offence for a person, in connection with an application, to make a statement which is false in a material respect and to do so knowing it to be false. The penalty on summary conviction is a fine of up to £1,000.

Nature of applications

- 10.2 Subsection (1) provides that 'an application' means an application for the grant or renewal of a pavement café licence, or variation of a licence under Section 8 (conditions/area) or Section 9 (alcohol prohibition).

How applications are made

- 10.3 Subsection (2) requires an application to be made in writing and in such form, and at such time, as a council decides. A council may require a fee to be paid on application in accordance with Section 12.
- 10.4 Subsection (3) requires the applicant to confirm that the notice required by Section 11 has been fixed to the associated premises. The council can request additional information in connection with the application.
- 10.5 Subsections (4) and (5) require the council to make the application available to be viewed and publicise the fact that representations may be made within 28 days.
- 10.6 Subsection (6) allows a council to request further information or the production of documents (for example a liquor licence) in support of an application.

10.7 Subsection (7) requires a council, if it refuses an application, to state the grounds for refusal and advise the applicant of the appeal rights under Section 21.

10.8 Subsection (8) makes it an offence for a person, in connection with an application, to make a statement which is false in a material respect and to do so knowing it to be false. A person guilty of the offence is liable on summary conviction to a fine of up to £1,000 (level 3 on the standard scale). The pavement café offences are on a par with those for street trading.

Provision of Services Regulations 2009

10.9 As noted earlier, district councils will need to be satisfied that their procedural rules or other requirements under the licensing scheme comply with the Provision of Services Regulations 2009. These requirements include, but are not limited to, the following:

- *Length of time to process an application*
 - a council must publish the length of time expected to process an application and make this time period public in advance (e.g. on their website);
 - this time period can be extended once for a specified period, but a council must notify the applicant of this extension and the reasons for it;
 - if a council fails to process the application either within the initial time period set or after the extended period, a pavement café licence is deemed to be granted.
- *Acknowledgement of application*
 - all applications for a pavement café licence are to be acknowledged as quickly as possible;
 - this acknowledgement letter must refer to the time period for processing the application;
 - the letter should state that the licence is deemed to be granted if this period (or an extended time period) has expired.
- *Make application procedures public in advance*

- the particular authorisation procedures of a council must be made public in advance (on the website, or in another form considered reasonable by a council).

Section 11 - Notice of application to be displayed

General

- 11.1 Section 11 requires an applicant for the grant, renewal or variation of a pavement café licence to fix a notice (in a form specified by the council) to the premises specified in the application.

Nature of application

- 11.2 Subsection (1) provides that 'an application' means an application for the grant or renewal of a pavement café licence, or variation of a licence under Section 8 (conditions/area) or Section 9 (alcohol prohibition).
- 11.3 Subsection (2) requires the applicant to fix a notice to the premises on the day the application is sent to the council. The notice must be positioned so as to be visible and legible to the public until the end of the 28 day period allowed for representations. The notice period begins on the first working day after the date of the application is received by a council.
- 11.4 Subsection (3) allows a council to specify the form of the notice and sets out the range of information that should be included in the notice.

Section 12 - Fees

General

- 12.1 Section 12 gives a district council the power to charge fees which will enable it to offset the cost of administering the pavement cafés licensing scheme. Fees may be charged for the grant, renewal or variation of a licence. Section 12 does not specify a fee structure. Councils can determine the time and way in which fees are to be paid.

Circumstances in which a fee may be charged

- 12.2 Subsection (1) allows a council to charge a fee for the grant or renewal of a pavement café or for its variation under Section 8 (conditions/area) or Section 9 (removal of alcohol prohibition).

Level of fee

- 12.3 Subsections (2) and (3) allow a council to charge fees which will enable it to offset the cost of administering the pavement cafés licensing scheme. Councils have discretion to charge a reduced fee or waive all charges. The licensing scheme cannot be used as a general revenue raiser.

Procedure following the setting of fees

- 12.4 Subsections (4) to (12) place a requirement on a council to publicise the fees it intends to charge and make available the details of how these were calculated. Councils may decide to publish such information on their website or by other means. There will be a 28 day period for representations to be made.
- 12.5 If a council refuses an application for the grant, renewal or variation of a pavement café licence, it must refund any fee less any costs necessarily incurred in arriving at a decision. A refund must be given if a licence is revoked due to circumstances beyond the control of the licence holder. The amount to be refunded should take into account the period in which the licence has been in force and costs incurred in relation to grant or renewal. Councils have discretion to make refunds in any other circumstances.

Recovery of enforcement costs - court ruling

- 12.6 Councils will be aware of various court proceedings in relation to Timothy Martin Hemming and others v Westminster City Council (the effect of the EU Services Directive on the level of fees councils may set in relation to licensing of sex shops). The Supreme Court overturned the earlier Court of Appeal decision to the extent that it held that Article 13(2) of Directive 2006/123/EC deals only with authorisation procedures and fees relating to applications for permission to access or exercise a service activity, such as operating a sex shop. It does not prevent the imposition on those who receive licences of proportionate charges to fund the cost of administering and enforcing the licensing regime. A link to the Supreme Court decision and associated press release is attached for information.

https://www.supremecourt.uk/decided-cases/docs/UKSC_2013_0146_PressSummary.pdf

https://www.supremecourt.uk/decided-cases/docs/UKSC_2013_0146_Judgment.pdf

Section 13 - Change in persons carrying on business

General

- 13.1 Section 13 makes provision for changes to persons carrying on a business involving a partnership.

Circumstances in which licence can remain in force

- 13.2 Subsections (1) and (2) provide that where a licence refers to a business partnership and a partner dies or withdraws from the business, the licence may remain in force, with any remaining person(s) named in the licence treated as the licence holder.
- 13.3 Subsections (3) and (4) provide that if there is an addition to the partnership the new partner will be given the authority to place furniture on the area (similar to employees), but will not be deemed a licence holder of the current licence.
- 13.4 Subsection (5) makes clear that a pavement café licence may not be transferred from one person to another.

Section 14 - Revocation of licence

General

- 14.1 Section 14 sets out the circumstances in which a district council may revoke a pavement café licence. This can be for disciplinary reasons, for example, following breaches of the licence conditions, or due to circumstances beyond the control of the licence holder, due to permanent changes in site topography. Section 15 provides for suspension in certain circumstances. Councils may wish to introduce a '3 strikes and you're out' policy to breaches of the licence conditions, with the nature of non-compliance determining whether the licence should be revoked, or suspended for a limited period. Councils should consult with the PSNI before revoking a licence on public order grounds.

Circumstances in which revocation may be considered

- 14.2 Subsection (1) allows a council to revoke a pavement café licence at any time if it is satisfied that:
- the licensed area (or part thereof) has become, or is going to become, unsuitable for that purpose;
 - continuing to use all, or any part of the public area, for that purpose would cause undue interference or inconvenience to persons or vehicles in the vicinity, or be likely to result in disorder; or
 - the licence holder has –
 - in connection with any application, made a statement he/she knew to be false, or failed to fix a notice to the premises specified in the application;
 - persistently failed to comply with any condition of a licence;
 - failed to pay any fee (without good reason) to the council.
- 14.3 Subsection (2) clarifies that where the pavement café area is split into more than one site a council may still choose to revoke the licence if only one site is considered unsuitable for continuing use under subsection (1)(a) or (1)(b). A council could alternatively vary the area under Section 18.

Procedures

- 14.4 The procedures that a district council must follow in carrying out the revocation process are set out in Section 19.

Section 15 - Suspension of licence

General

15.1 Section 15 sets out the circumstances in which a district council may suspend a pavement café licence. A council could suspend a licence when utilities maintenance is required or road works are scheduled. The licence could also be suspended for disciplinary reasons. During any period of suspension, the pavement café licence would be invalid. Therefore, a council could remove any furniture placed in the public area during a period of suspension and prosecute for operating an unlicensed pavement café.

Circumstances in which suspension may be considered

15.2 Subsection (1) allows a council to suspend a pavement café licence if:

- the licensed area (or part thereof) is, or is going to become, temporarily unsuitable for that purpose; or
- continuing to use all, or any part of the public area, for that purpose would, temporarily, cause undue interference or inconvenience to persons or vehicles in the vicinity, or be likely to result in disorder.

15.3 Subsection (2) allows a council to suspend a licence (as an alternative to revoking it under Section 14) if the licence holder has made false a statement in connection with any application, or failed to fix a notice to the premises specified in the application, or has persistently failed to comply with any condition of a licence, or failed to pay any fee (without good reason) to the council.

15.4 Subsection (3) makes clear that if a licence is suspended and a person continues to place furniture on the public area he/she will be committing an offence under Section 2 (placing furniture without a licence).

15.5 Subsection (4) provides that the licence will remain valid for the purpose of surrender, renewal or variation, requirement to give notice about fees and powers of entry and inspection.

15.6 Subsection (5) applies where a pavement café area is split into more than one site. A council may choose to suspend the licence even if only one site is considered temporarily unsuitable for continuing use.

Procedures

15.7 The procedures that a district council must follow in carrying out the suspension process are set out in Section 19.

Section 16 - Compulsory variation of Section 6(3) conditions

General

- 16.1 Section 16 allows a council to vary any conditions attached to a pavement café licence where there has been a material change in circumstances.

Circumstances in which compulsory variation may be considered

- 16.2 Subsection (1) allows a council to vary conditions imposed under Section 6(3) and to add new conditions.
- 16.3 Subsection (2) provides that a council may make a variation only where there has been a material change in circumstances. This may happen if, for example, the associated premises obtain a liquor licence and a council considers it necessary, on police advice, to restrict opening hours.

Procedures

- 16.4 The procedures that a district council must follow in carrying out the compulsory variation process are set out in Section 19.

Section 17 - Compulsory variation: prohibition of alcohol

General

- 17.1 Section 17 allows a council, at any time, to impose a condition prohibiting the consumption of alcohol at a pavement café.

What an alcohol condition means

- 17.2 Subsection (1) allows a council, at any time, to vary a pavement café licence which does not have an alcohol condition by including such a condition, subject to the terms of subsection (3).
- 17.3 Subsection (2) clarifies that 'an alcohol condition' means a condition requiring the licence holder not to permit the consumption of alcohol in the public area.
- 17.4 Subsection (3) provides that prohibition may be imposed where the associated premises (for example a supermarket) obtains an off-sales licence, or the council is satisfied that consumption of alcohol in the pavement café area is likely to result in disorder. The council would need to consult the local police if there were public order concerns.

Procedures

- 17.5 The procedures that a district council must follow in carrying out the compulsory variation process are set out in Section 19.

Section 18 - Compulsory variation of area covered by licence

General

- 18.1 Section 18 allows a council to vary the area covered by a pavement café licence. This is regarded as an alternative to revocation where part of the area has become unsuitable or its continued use is likely to result in undue interference or inconvenience, or in disorder.

Circumstances in which compulsory variation may be considered

- 18.2 Subsection (1) allows a council to vary the area covered by a pavement café licence if it has become (or is going to become) unsuitable for use as a pavement café or continued use for this purpose is likely to result in undue interference or inconvenience to persons or vehicles in the vicinity, or in disorder.
- 18.3 Subsection (2) makes it clear that variation should only be considered as alternative to revocation.
- 18.4 Subsection (3) provides that where the pavement café is split into two or more separate areas any part may cease to be covered by the licence. However, it should be noted that variation of the area will be subject to the limits imposed by Section 8(9); that is after the variation at least 75% of the original area is retained. A more substantial change to the 'footprint' would require the licence to be surrendered and a new application made. This would protect the integrity of the application process by giving neighbours or regular users of the pavement in the vicinity, an opportunity to comment on the suitability of the revised plan.
- 18.5 Also, if it makes a variation of the area, the council may, in accordance with Section 16 (material change in circumstances) vary existing licence conditions imposed under Section 6(3), or specify new conditions.

Procedures

- 18.6 The procedures that a district council must follow in carrying out the compulsory variation process are set out in Section 19.

Section 19 - Notice of revocation, suspension or compulsory variation

General

- 19.1 Section 19 sets out the administrative steps that a council must take when it intends to revoke, suspend or compulsorily vary a pavement café licence. It must notify the licence holder of its intention in this regard and state the grounds for the proposed revocation, suspension or variation. The licence holder will have an opportunity to make representations to the council within a specified period, before a final decision is taken. In most instances this period will be at least 21 days. If considered necessary in the public interest a council may decide to revoke, suspend or vary a licence even though no notification has been given.

Notification procedure

- 19.2 Subsection (1) provides that before deciding to revoke, suspend or make a compulsory variation, a council must notify the licence holder in writing. This may be done electronically under Section 25.
- 19.3 Subsection (2) requires the notice to state the grounds for revocation etc, and that representations, in writing, may be made to the council until the end of a period specified in the notification. This will provide transparency in the decision-making process and ensure that a council is in full possession of the facts, before making final decisions.
- 19.4 Subsection (3) provides for a notification period of 21 days, unless there are particular circumstances which make a shorter period necessary in the public interest, for example where a utility requires access to the café area to carry out urgent repairs.
- 19.5 Subsection (4) makes clear that a council must take into account any representations properly made.
- 19.6 Subsection (5) allows a council to revoke etc a licence without notice if there are circumstances that make it necessary to do so in the public interest.

Notification of decision

- 19.7 Subsection (6) requires a council to give the licence holder notice, in writing, if it decides to revoke etc the licence.
- 19.8 Subsection (7) sets out what must be included in the notice issued under subsection (6).
- 19.9 Subsection (8) provides for the decision to revoke etc to take effect on the date the notice is served, if there are particular circumstances which make this necessary in the public interest. Otherwise, subsection (9) requires a 'reasonable' period of notice to be given.
- 19.10 Subsection (10) allows a notice given under subsection (6) to be withdrawn at any time before it takes effect.
- 19.11 Subsection (11) allows a council to repeatedly extend a period of suspension, for example if street repairs are taking longer than expected. There is also a power for a council to revoke a period of suspension, for example if work is completed early.
- 19.12 Subsection (12) makes clear that if a council intends to extend a period of suspension, it must follow the administrative steps as for the original suspension.
- 19.13 Subsection (13) makes clear that this section applies to compulsory variation under Section 16 (licence conditions), Section 17 (alcohol prohibition imposed) or Section 18 (area varied). Therefore, a council would not be required to give notice if the licence holder applied for a variation of a licence.

Section 20 - Matters to be recorded in register under Licensing Order

General

- 20.1 Section 20 gives the Department the power to make regulations requiring details of pavement café licences granted to premises holding a liquor licence, to be recorded in the relevant licensing register. This will provide legal clarity and aid enforcement of the licensing law by the police.

Power to make regulations

- 20.2 Subsection (1) gives the Department the power to make regulations requiring a district council to notify the court about pavement café licences associated with premises licensed under the Licensing (NI) Order 1996. It is important that the court is notified as the pavement café area will be treated as part of the licensed premises for the purpose of the licensing law, in accordance with paragraph 2 of the Schedule.
- 20.3 Subsection (1)(b) allows the Department to specify documents that must be sent to the court, for example the licence and plan showing the layout of the area. Subsection (1)(c) gives the Department the power to specify in regulations what the court must do when it receives a notification. The court will be required to note the addition of a pavement café, associated with the premises, in the licensing register and keep any documents sent by the council.
- 20.4 Subsection (2) allows the Department to specify details of entries to be made in the licensing register and the type of documents that must be kept. *The Licensing of Pavement Cafés (Register of Licences) Regulations (Northern Ireland) 2016* and associated explanatory memorandum can be accessed at <http://www.legislation.gov.uk/nisr/2016/127/made>
- 20.5 Subsection (3) formally defines several terms for the purpose of this section.

Section 21 - Appeals

General

21.1 Section 21 sets out the circumstances in which a new applicant or licence holder can lodge an appeal against a licensing decision of a district council. All appeals will be heard by a Magistrate's court. A new applicant may appeal a decision of a council to refuse the application or, where the licence is granted, the conditions imposed. Licence holders may appeal a decision not to renew the licence, or a refusal to vary the area or conditions of the licence or to remove an alcohol prohibition. Licence holders may also appeal a decision to suspend or revoke a licence or vary the area and conditions of a licence (as an alternative to revocation), or to limit the duration of a licence.

Circumstances in which there is a right of appeal

21.2 Subsection (1) allows an appeal to be made against a refusal to grant or renew a licence, to vary either the area or conditions of the licence (Section 8), or to remove an alcohol prohibition imposed under Section 9.

21.3 Subsection (2) provides that where a licence is to be granted an appeal may be made against any alcohol prohibition [Section 6(2)(b)] or other conditions imposed under Section 6(2)(3). An appeal can also be made against a decision to vary the area proposed in the application [Section 5(3)].

21.4 Subsection (3) provides for an appeal where a council decides to limit the duration of a licence under Section 5(5)(a).

21.5 Subsection (4) allows the holder of a licence to lodge an appeal in other circumstances, as follows:

- Where, on renewal, the licence is renewed subject to a variation under Section 7(7);
- a council makes a variation to the licence conditions, in addition to that applied for under Section 8(4)(b);
- the licence is revoked [Section 14] or suspended [Section 15]; or

- a council compulsorily varies the conditions or public area, or imposes an alcohol prohibition [Sections 16, 17 and 18].

21.6 Subsection (5) provides for an appeal where a council extends a period of suspension.

Procedures

21.7 Subsection (6) provides that all appeals shall be to a Magistrate's court. It should be noted that decisions taken by a council may continue to have full effect notwithstanding the lodging of a formal appeal. For example, where a council has decided to revoke a licence, it can require the pavement café area to remain closed while the appeal is being pursued.

21.8 Subsection (7) limits the period for lodging an appeal to 21 days from the date a council issues the notice of refusal.

21.9 Subsection (8) allows the court to make an order which the council must abide by. The order must fall within the scope of the council's powers under the Act.

Section 22 - Powers of entry and inspection

General

22.1 Section 22 enables a person authorised by a district council to enter and inspect premises, to which a pavement café licence or application relates, for certain purposes. These are:

- to determine whether an initial application, renewal, or variation should be granted, and what conditions should be specified;
- to determine if a condition specified in the licence is being or has been complied with; or
- to determine if a licence should be revoked, suspended or varied.

Powers of entry/inspection

22.2 Subsection (1) provides that an officer (authorised by a council for the purposes of the Act) may at any reasonable time enter and inspect premises to which a pavement café licence relates. The officer may also inspect items of furniture or other objects placed on the public area. Other objects may include for example gas heaters, umbrellas etc.

22.3 Subsection (2) explains the purpose for which the powers are to be exercised. That is to determine whether an application (including a renewal or variation) should be granted and what conditions should be imposed. An officer may also use the powers to ascertain whether the licence conditions are being complied with or to determine whether the licence should be revoked, suspended or varied.

22.4 Subsection (3) requires an authorised officer to carry identification.

22.5 Subsection (4) precludes an authorised officer from entering a dwelling.

Section 23 - Power to remove unlicensed furniture

General

- 23.1 Section 23 gives a district council the power to remove furniture from unlicensed pavement cafés. The power does not extend to premises where a pavement café licence is operative. It places a duty on the council to notify the owner. A council may recover the cost of removing and storing the furniture and, if not claimed within three months, may dispose of it.

Circumstances in which furniture may be removed

- 23.2 Subsection (1) allows a council to remove unlicensed 'temporary furniture'.
- 23.3 Subsection (2) provides that 'temporary furniture' is unlicensed if it is placed on a public area in the course of a business involved in the supply of food or drink and the associated premises does not hold a pavement café licence. Both criteria must be fulfilled before a council can remove the furniture. It should be noted that TransportNI has powers to remove items of furniture, being used for other purposes, which are causing an obstruction.
- 23.4 Subsection (3) places a duty on the council to notify the person responsible (if known) as to how the furniture may be recovered and allows the council to recover the cost of removing and storing the furniture.
- 23.5 Subsection (4) provides that the person who placed the furniture on the public area must pay any charges before the items are returned.
- 23.6 Subsection (5) allows a council to dispose of the furniture if it remains unclaimed after three months. While we are aware that councils in GB may act more quickly we believe three months is a reasonable period (there is a legal precedent for adopting such an approach under 'The Unauthorised Encampments (NI) Order 2005').

Section 24 - Offence of obstruction

General

- 24.1 Section 24 creates an offence of intentionally obstructing an authorised officer exercising the powers to enter and inspect premises or to remove unlicensed furniture. The penalty on summary conviction is a fine of up to £1,000.

Nature of offence

- 24.2 Subsection (1) creates an offence of obstructing an authorised officer in the exercise of powers under Section 21 to enter and inspect premises, or to remove unlicensed furniture under Section 23. An authorised officer means any person authorised by a council for the purposes of the Act.
- 24.3 Subsection (2) provides that a person guilty of the offence is liable on summary conviction to a fine of up to £1,000 (level 3 on the standard scale). The pavement café offences are on a par with those for street trading.

Section 25 - Service of notices and documents

General

- 25.1 Section 25 allows for the service of notices and documents for licensing purposes to be completed via electronic communication. This is necessary because the Interpretation Act (NI) 1954, which makes provision for the general operation and interpretation of legislation, is silent on this issue. Also, the EU Directive on Service in the Common Market specifies that electronic means must be made available for licensing purposes.

How notices and documents may be served

- 25.2 Subsection (1) provides that any notice or document that is served on or given to any person, can be sent by electronic communication, where an electronic address has been given. This is without prejudice to Section 24(2) of the Interpretation Act (NI) 1954 which sets out the arrangements for serving documents where none is specified in the relevant enactment.
- 25.3 Subsection (2) sets out the conditions for serving documents and notices electronically. This can be done where the document or notice is capable of being accessed by the recipient, is legible and is in a sufficiently permanent format.
- 25.4 Subsection (3) provides that any application received in electronic format can be processed by a council in that way, unless the applicant asks the council to communicate in printed form.
- 25.5 Subsection (4) provides a definition of electronic communication which is borrowed from the Electronic Communications Act (NI) 2001. There 'electronic communication' is defined as 'a communication transmitted (whether from one person to another, from one device to another or from a person to a device or vice versa) by means of an electronic communications network, or by other means but while in electronic form'.

Section 26 - Power to make further provision

General

- 26.1 Section 26 allows the Department to make consequential and transitional provisions where necessary for the purpose of implementing the Act. This can be regarded as standard for an Act of this nature.

Nature of regulation making powers

- 26.2 Subsection (1) gives the Department the power to make regulations in order to give full effect to any provision in the Act. The regulations may be of supplementary, incidental, consequential or transitional nature. Regulation making powers will allow the Department to deal simply and effectively with any legal impediments to the legislative intention, for example where an old, obscure or overlooked statutory provision relevant to the licensing scheme is subsequently identified.
- 26.3 Subsection (2) clarifies that the regulations may amend any statutory provision. Section 27(2) provides that any such regulations may not be made unless approved by the Assembly under the 'draft affirmative procedure'.

Section 27 - Regulations

General

- 27.1 Section 27 provides that regulations made under the Act are subject to negative resolution procedure. However, regulations that amend any statutory provision may not be made unless a draft has been laid before and approved by a resolution of the Assembly.

Assembly procedure

- 27.2 Subsection (1) provides that regulations made under the Act will be subject to negative resolution procedure in the Assembly. However, subsection (2) requires that any regulations made under Section 26(2) that amend any statutory provision will be subject to the 'draft affirmative procedure'. This means the regulations must be approved at a plenary session of the Assembly.

Section 28 - Consequential amendments

General

- 28.1 Section 28 gives legal effect to the provisions set out in the Schedule. The Schedule amends a number of pieces of primary legislation in order to give full effect to the legislative intention. This can be regarded as standard for an Act of this nature.

Nature of consequential amendments

- 28.2 Section 28 gives legal effect to the various provisions set out in the Schedule, subject to the consequential amendments specified in the Schedule. The Schedule contains amendments to the Roads (NI) Order 1993, the Licensing (NI) Order 1996, the Street Trading Act (NI) 2001 and the Criminal Justice (NI) Order 2008. These amendments are described in the narrative to the Schedule.

Section 29 - Byelaws

General

29.1 Section 29 provides an exemption for certain pavement cafés from the restrictions on drinking in designated areas. People consuming alcohol at these pavement cafés would otherwise be committing an offence. This provision has been included so as to avoid the need for councils to make new byelaws should they decide to authorise pavement cafés to operate in designated areas.

Extent of exemption

29.2 Subsection (1) exempts 'a relevant pavement café area' from the restrictions on drinking in areas designated by district councils.

29.3 Subsection (2) defines this area as that shown in the pavement café plan required under Section 5 and which for the time being has permitted furniture on it. The premises associated with the pavement café area must be either a pub, hotel, restaurant, guesthouse (with a restaurant open to the public), or a refreshment room in a public transport premises, licensed under the Licensing (NI) Order 1996. Additionally, the pavement café area must not be subject to an alcohol condition imposed by the council.

29.4 Subsections (3), (4) and (5) clarify the meaning of certain terms for the purpose of this section. In particular, subsection (4) explains that an alcohol condition means a condition requiring a pavement café licence holder not to permit the consumption of alcohol in the public area.

29.5 It should be noted that the Schedule provides a similar exemption for areas that may be designated by councils under the Criminal Justice (NI) Order 2008.

Section 30 - Definitions

General

- 30.1 Section 30 clarifies important terms used in the Act. Where a definition has not been provided, the word or phrase should be given its everyday meaning, unless defined in the Interpretation Act 1954.

Definitions

- 30.2 Subsection (1) provides a list of definitions for key words and phrases used throughout the Act.
- 30.3 Subsection (2) clarifies that for the purpose of consumption of alcohol at pavement cafés the associated premises are licensed premises only where a licence has been granted under the Licensing (NI) Order 1996. This does not however apply where the licence is an occasional licence. By their very nature occasional licences are provided for one-off events where the sale of alcohol would not otherwise be permitted, as such it would be impracticable for a council to complete the authorisation procedure associated with an application for a pavement café licence.
- 30.4 Subsection (3) clarifies that while a council may only grant a pavement café licence to a business involved in the supply of food or drink this need not be the main business activity. For example, a clothing retailer with a café or a supermarket with a deli counter would be eligible to apply for a pavement café licence.
- 30.5 Subsection (4) clarifies that any stall, moveable structure, vehicle or vessel with a pavement café will be treated as the associated premises for licensing purposes.
- 30.6 Subsection (5) provides that where any portable structure with a licensed pavement café is relocated it will be necessary for a new application to be made, as the licence is site specific.

Section 31 - Short title

General

- 31.1 Section 31 gives this legislation its short title which is the 'Licensing of Pavement Cafés Act (Northern Ireland) 2014'.

Title

- 31.2 Section 31 provides that this piece of legislation will be known as the Licensing of Pavement Cafés Act (Northern Ireland) 2014. The incorporation of the word 'Licensing' was considered important as it accurately describes the Act's purpose which is to introduce a statutory licensing scheme for pavement cafés. It is acknowledged that the use of this word adds 'liquor licensing' connotations to the legislation which might lead to some confusion as to the Act's primary function.

Section 32 - Commencement

General

- 32.1 Section 32 provides for the main functions of the Bill to come into operation on a date appointed in an order made by the Department. This is because it will take some time for councils to make the necessary preparations to begin receiving licensing applications.

How Act will be commenced

- 32.2 Subsection (1) provides that the main provisions of the Act will come into effect on such day or days as the Department may by order appoint. An exception is made in relation to Sections 30, 31 and 32 which will come into effect on Royal Assent for technical reasons. Order making powers are administrative in nature and not subject to Assembly control. It will fall to the Minister for Communities to decide the timescale for commencement following liaison with district councils as to their readiness to begin receiving applications.
- 32.3 Subsection (2) allows the Department to include transitional provisions in the order so as to facilitate a smooth transition from the present unregulated activity to a fully regulated licensing regime. This could include the phased introduction of certain provisions.

Schedule - Amendments to other legislation

General

1. The Schedule contains amendments to other primary legislation as a consequence of the introduction of the Act. A new Part 5A is inserted into the Licensing (Northern Ireland) Order 1996. Consequently, the provisions of the Licensing Order regarding opening hours, drinking up time, offences and penalties etc, will apply to relevant pavement café areas. However, councils will be able to curtail opening hours at the pavement café and impose an alcohol prohibition if there are concerns about disorder. The Criminal Justice (NI) Order 2008 is amended to provide an exemption for certain pavement cafés from the restrictions on alcohol consumption in designated areas. Technical amendments are made to the Roads (Northern Ireland) Order 1993 and the Street Trading Act (NI) 2001 so that a pavement café licensed by a council can operate lawfully.

Roads (NI) Order 1993

2. Paragraph 1 of the Schedule amends Article 71 (2) of the Roads (NI) Order 1993 in order that a pavement café licensed by a council, to operate on a road, can do so lawfully.

Licensing (NI) Order 1996

3. Paragraph 2 of the Schedule inserts a new Part 5A into the Licensing (Northern Ireland) Order 1996 which introduces new Articles 76A to 76E. A licence is granted under Article 5 of the Licensing Order to certain categories of premises to sell intoxicating liquor for consumption on or off the premises. The Licensing Order does not expressly state where a sale of intoxicating liquor takes place. Therefore the common law is relied on and such a sale is considered to take place at the location where the intoxicating liquor is appropriated to the contract, that is, the bar in the relevant premises. Consequently, Part 5A extends the area where alcohol may be consumed to include a pavement café area associated with certain categories of licensed premises but does not extend the area where intoxicating liquor can be sold.

Article 76A provides definitions for certain expressions used in new Part 5A in relation to pavement café areas.

Article 76B provides that for certain purposes a pavement café area, associated with certain categories of premises which may be granted a liquor licence under Article 5 of the Licensing Order, is to be treated as part of such premises. This ensures that a hotel, a guest house in which the business of a restaurant is carried on, a restaurant, or a refreshment room in public transport premises, which would otherwise be prohibited from selling intoxicating liquor for consumption off the premises, is permitted to sell intoxicating liquor for consumption in the pavement café area associated with the premises. This relaxation applies where the pavement café licence does not contain a condition prohibiting the consumption of alcohol in the pavement café area. Article 5 premises excluded are a conference centre, higher education institution, a seaman's canteen, indoor arena, places of public entertainment, on the basis that these premises are for paying patrons.

Article 76C provides that the pavement café area associated with relevant premises licensed under Article 5 of the Licensing Order will be subject to the licensing law. The relevant premises are a pub, a hotel, a restaurant, a guest house in which the business of a restaurant is carried on, or a refreshment room in public transport premises. The licensing law will apply to the pavement café area in terms of opening hours, drinking up time following the end of the permitted opening hours, drink promotions, sale or permitting the sale of alcohol to young people under 18 years of age, preservation of order and legal proceedings. It should be noted that where the relevant premises has a late licence, this permission will not extend to the pavement café area. This provision applies where the pavement café licence does not contain a condition prohibiting the consumption of alcohol in the pavement café area. In particular it ensures that where an off-sales section of a pub is not allowed to sell alcohol for consumption on the premises a similar prohibition applies to a pavement café area associated with the premises.

Article 76D provides that young persons under 18 years of age are not allowed in a pavement café area associated with a pub, a hotel, a restaurant, a guest

house in which the business of a restaurant is carried on, or a refreshment room in public transport premises where that area is used exclusively or mainly for the consumption of alcohol. A children's certificate in force for any part of the above premises will be treated as applying to the associated pavement café area. Following a complaint made under Part VIII of the Magistrates' Courts (Northern Ireland) Order 1981, a court may revoke a children's certificate relating to a pavement café area associated with any of the above mentioned premises.

Article 76E provides that it is a level 3 offence on the standard scale (£1,000) for any person who has purchased alcohol in an off-licence premises (which includes supermarkets) to consume it in the pavement café area associated with such premises. It is also an offence for a licence holder if such consumption takes place with his/hers or his/hers servant's or agent's knowledge or consent.

Street Trading Act (NI) 2001

4. Paragraph 3 of the Schedule amends Section 2 of the Street Trading Act (Northern Ireland) 2001 to ensure that activity engaged in by a pavement café licence holder in the area covered by the pavement café licence (if this is done in the course of a business supplying food or drink to the public), is excluded from the need to obtain a street trading licence.

Criminal Justice (NI) Order 2008

5. Paragraphs 4 and 5 of the Schedule amend Articles 70 and 72 of the Criminal Justice (Northern Ireland) Order 2008 to provide an exemption for certain pavement cafés from the restrictions on alcohol consumption in designated areas. The exemption applies to any pavement café area associated with a pub, hotel, restaurant, guesthouse (with a restaurant open to the public), or a refreshment room in a public transport premises, licensed under the Licensing (Northern Ireland) Order 1996. Additionally, the pavement café area must not be subject to an alcohol condition imposed by the council.

Licensing of Pavement Cafés Act (Northern Ireland) 2014



Guidance for Applicants



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Foreword

1. Under the provisions of the Licensing of Pavement Cafés Act (Northern Ireland) 2014, district councils may grant Pavement Café Licences on such terms and conditions and subject to such restrictions as may be reasonably specified in the licence.
2. In specifying any terms, conditions or restrictions in a licence, district councils shall have regard to the guidelines which have been prepared by the Department for Communities (the Department) to assist district councils with the implementation of the statutory licensing scheme. These guidelines highlight the key legislative responsibilities of district councils including the conditions under which pavement café areas should operate.
3. The Department's guidance document is available on their website, as follows:
<https://www.communities-ni.gov.uk/topics/dsd-law-and-legislation/social-law>.
4. Additionally district councils, through the Licensing Forum Northern Ireland (LFNI), have produced this supplementary guidance to assist with the administrative procedures associated with the Act and to promote consistency of approach across Northern Ireland. However, it is not intended that this guidance should be treated as a complete and authoritative statement of the law which is contained only in the Act and Regulations made under it.
5. A district council may modify or dispense with such aspects of this guidance as it thinks appropriate and adopt it for use within their own council area.

Definitions

Furniture	Includes tables, chairs, umbrellas, barriers, heaters, menu boards, etc. which must be of a temporary nature and can be removed within 20 minutes.
Licensed area	A public area as defined on a plan approved by the Council as a pavement café.
Licensed period	The hours and days approved by Council when the licensed area can be used as a pavement café.
Licensee	Shall include their nominee in their absence.
Licensing Order	The Licensing (Northern Ireland) Order 1996.
Pavement Café Licence	The permission given by Council to allow placement of temporary furniture on a specified public area for customers to consume food or drink supplied from the licence holder's premises.
Public area	A place in the open air, to which the public has access, as of right and which is not a market area.
Public nuisance	Noise disturbance or other nuisance caused to residents or neighbouring businesses.

Introduction

Pavement cafés are becoming a familiar sight across the UK and Ireland. They can help develop a local café culture, which in turn can have a positive effect on urban environments, promote town and city centres, contribute to the general well-being of communities and appeal to tourists.

Tourism is a key driver for economic growth in Northern Ireland offering business opportunities to create jobs and generate wealth. Visitor attitude surveys undertaken by the Northern Ireland Tourist Board have highlighted the attractiveness of a vibrant café culture, especially for short breaks where shopping, good food and evening entertainment are high on the agenda. Well-regulated pavement cafes can contribute to an excellent visitor experience, enhance the attractiveness of a local area and encourage visitors to stay longer and spend more.

Legislation

The power to licence pavement cafés is contained in the Licensing of Pavement Cafés Act (Northern Ireland) 2014 and associated Regulations. Further advice or guidance in relation to the legislation can be found on the Department for Communities website at <https://www.communities-ni.gov.uk/topics/dsd-law-and-legislation/social-law> or by contacting your local council.

Purpose of this guidance

This guidance document has been prepared by Officers of the Licensing Forum Northern Ireland to help those intending to make an application for a Pavement Café Licence and to assist with consistency of approach and administration by district councils.

Please note that this document is for guidance only and is not intended to be a definitive interpretation of the legislation.

What is a Pavement Café Licence?

A Pavement Café Licence ('a licence') authorises a person who carries on a business involving the supply of food or drink (in or from premises) to place furniture (tables, chairs, etc.) on a public area for use by customers. This includes cafés, restaurants, pubs, retail outlets providing refreshments, takeaways, supermarkets with a deli counter, etc.

Who may apply?

Any person or persons who carry on a business (in or from a premises), involving the supply of food or drink to the public, may apply for a Pavement Café Licence.

Is the area you want to use suitable for a pavement café?

This guidance document offers advice on what a Council will consider appropriate for a Pavement Café Licence. Appendix 1 outlines suitability criteria required for a Pavement Café Licence, including:

- Pedestrian and vehicular access;
- Size and layout;
- Likely disturbance to other businesses or residents;
- Furniture design;
- Safety issues.

In general, the pavement café area will need to be set-up immediately adjacent to the premises. However, a licence for a remote café may be granted where:

- The proposed café does not interfere with both vehicular and pedestrian traffic flow; and
- The licence holder is able to demonstrate that they will be able to exercise proper control and supervision of the pavement café area.

Hours of operation

A Council will set the hours and days of use for the pavement café area having regard to the location, likely disturbance to local residents or other businesses and representations from interested parties.

Licences will normally be granted for a set period between 8.00 am and 11.00 pm and will be reflective of the normal operating hours of the business. If the premises are licensed under the Licensing Order a licence will not be issued beyond 11.30pm, regardless of any additional operating hours that may apply to the premises.

What enforcement powers do the Council have?

Failure to obtain an appropriate licence or failure to comply with the conditions attached to a licence may result in enforcement action being instigated.

Unlicensed pavement cafés

It is an offence to place furniture (for the use for the consumption of food and drink) on a public area without a Pavement Café Licence. This offence may be liable to a fine of up to £1,000 on summary conviction.

A Council may also remove any furniture placed on the pavement without a licence and may recover the costs reasonably incurred in removing and storing this furniture.

Suspension/Compulsory variation of a licence

A Council may suspend a Pavement Café Licence when maintenance of street utilities is required or road works are scheduled. The licence can also be suspended for a breach of licence conditions, making false statements or failure to pay any fee due to the Council without good reason. During any period of suspension the Pavement Café Licence is invalid and a Council may remove any furniture placed in the public area during the period of suspension.

A Council may also vary a licence where part of an area has become unsuitable or its continued use is likely to result in interference or inconvenience to persons or vehicles in the vicinity or public order concerns.

A Council will consult with PSNI before varying a licence on public order grounds.

Revocation of licence

A Pavement Café Licence may be revoked following breaches of licence conditions, where the licensed area is no longer suitable for temporary furniture, or where there is undue interference or inconvenience to persons or vehicles in the vicinity or public order concerns or where the licence holder has failed to pay their fees. A Council will consult with PSNI before revoking a licence on public order grounds.

Notice of revocation, suspension or compulsory variation

If a Council proposes to revoke, suspend or vary Pavement Café Licence conditions you will be given 21 days' notice unless it is considered that such action needs to be taken immediately in the public interest.

An applicant can make representation to the Council to persuade the Council not to revoke, vary or suspend the licence, within a specified period of 21 days of receipt of notification of council's intention to do this.

Making an Application

Before submitting an application you should read this guide thoroughly to check whether your proposal meets all of the required criteria. You are advised to contact your Council to discuss your proposals PRIOR to submitting your application. This may help to minimise time wasted and expenditure on fees for applications which may later be refused.

Licence Fee

All applications for the grant, renewal or variation of a Pavement Café Licence must be accompanied by the relevant fee determined by the Council. A schedule of fees is available along with the application form and will also be published on the Council's website.

Location plan

A plan must be provided to a scale not less than 1:2500 (preferably ordnance survey) showing the proposed pavement café marked in red and the adjoining streets and properties

Proposed Café plan

A plan must be provided to a scale of not less than 1:100 of the proposed pavement café area, the streetscape and all utilities and services including lampposts, bollards, fire hydrants, manholes, cycle stands, litter bins and any other items of street furniture located within the immediate vicinity. The dimensions of the proposed pavement café area must also be shown. Please see Appendix 4 for examples of pavement café plans.

Details of the furniture

Provide details of the number, materials and types of chairs, tables, umbrellas, etc., to be provided in the café. (Manufacturers details of the furniture or photographs of the existing furniture would be an advantage).

Other information

- **Public liability insurance** cover with minimum indemnity of £5m will be required.
- Evidence of **planning permission** where appropriate.

Public notice

Applicants are required to affix a public notice to the premises on the day the application is made to the Council. The notice must be positioned so as to be visible to the public for 28 days. Interested parties can make representations to the Council in respect of an application. In addition, a Council will make the application details available to be viewed by the public on its website until the end of the period allowed for representations. You must complete the declaration on the application form stating that you have erected the required notice and that you will maintain it in place for 28 days from the date of application. Please see Appendix 3 for the public notice template.

Consultation

It is recommended that businesses discuss their proposals with adjacent property occupiers to inform them of the application.

When assessing an application, a Council will also consult with the following agencies:

- Transport NI; and
- The Police Service for Northern Ireland where the premises is licensed to sell alcohol;
- Any other Council Department, organisations or individuals as appropriate.

Depending on the nature of the application, a Council may also consult with such others as it deems necessary.

Can my licence application be refused?

Yes. Each application will be considered on its own merits. However it may not always be possible to accommodate pavement cafés in all locations due to factors such as visual impact, width restrictions, obstructions or very heavy pedestrian flow.

As an alternative to refusing an application a Council may suggest changes to your proposal to make the proposal acceptable, for example by amending the size and shape of the licensed area.

If your application is refused by the Council you will be informed of that decision and you will be refunded the application fee, less any administrative costs.

Should an application be refused the applicant may appeal the decision to the Magistrates' Court within 21 days of being notified of the Council's decision. Licence holders may also appeal a decision to suspend or revoke a licence or vary the area and conditions of a Pavement Café Licence (as an alternative to revocation), or to limit the duration of a licence.

How long will it take to process my application?

A Council will aim to provide you with a determination within weeks* from the date of receipt of a completed application including all the required plans and licence proposal. This is to allow full and proper consultation in line with Departmental Guidelines, site visits and consideration of any objections or other input from consultees.

** Each council will determine an appropriate timescale for this process.*

Appendix 1: Suitability Criteria for a Pavement Café Licence

1. Design

The applicant must demonstrate that the pavement café will make a positive contribution to the street scene and is in keeping with the surrounding area and other buildings and public realm. Simple robust designs will be preferred and excessive or elaborate detail or signage should be avoided unless clearly justified. Applicants should also demonstrate commitment to the care and/or refurbishment of the external appearance of the building in which the business is housed, to ensure that the appearance of the street scene will be maintained and, where necessary, enhanced.

Street café proposals should not hinder reasonable use of the footpath, cause nuisance to adjacent frontages, or interfere with apparatus or access to apparatus within the footpath. To this end the applicant shall comply with all statutory requirements and obtain all necessary permissions before making a licence application.

2. Size and layout

The Act does not specify minimum standards in terms of the size, layout or design of a pavement café. Each application will be considered on its own merits on a site by site basis, taking account of the characteristics of the site, the space available and the proposed layout of the café area. The pavement café will also need to be designed in such a way as not to compromise access where applicable. Any pavement café design/plan should be compliant with the requirements of the Disability Discrimination Act 1995.

In general the outdoor seating area should:

- Avoid conflict with the principal lines of pedestrian movement particularly for disabled people, older people and those with mobility needs including pram and wheelchair users.
- Avoid conflict between customers going in and out of the pavement café, passing pedestrians and neighbouring premises.
- Ideally be confined to the frontage of its own premises with close integration of internal and external activities however this does not preclude a remote location.

The area to be used must take into account other needs in the immediate vicinity (e.g. kerbside parking, loading bays, bus stops, emergency vehicle access, emergency exits, street cleaning machines, and pedestrian crossings).

Where an application contains a proposal to establish a pavement café abutting neighbouring premises, the Council would advise that the applicant should discuss their proposal with the owners or occupiers of the adjoining premises before an application is made.

The limits of the approved café area will be agreed as part of the application process and it is important that no obstructions such as tables, chairs, portable advertising boards, planters or barriers are placed outside this approved area or left on the pavement or any part of the licensed area outside approved hours. A copy of the Pavement Café Licence (including approved plan) should be available on the premises for inspection on request.

When considering a new application a Council must consult with TransportNI before arriving at a decision. Such consultation will ensure that any possible implications for vehicular traffic or pedestrians, public safety issues, and environmental impacts are properly taken into account.

It is the intention of LFNI to work closely with TransportNI to draw up technical guidelines which will assist with consistency of interpretation across Northern Ireland of the factors to consider for the layout and design of a pavement café and in particular to take account of other pavement and road users.

For examples of pavement café layouts please refer to Appendix 4.

3. Boundaries

When in use, the pavement café area should ideally be enclosed, by way of adequate screening, to define the licensed area and contain the tables and chairs, in order to make it distinguishable to other pavement users, and to assist blind and visually impaired pedestrians. Portable, sturdy barriers with a top rail are recommended. Bases should not cause an obstruction or tripping hazard to pedestrians.

The enclosure shall be removed both outside the licensed period and when the pavement café is not operating within the licensed period. The materials should, therefore, be lightweight in construction and portable, but stable enough to prevent collapse if accidentally walked into or overturned by a sudden gust of wind.

The design of the barrier should complement the character of the surrounding area and may be required to be of a specific design in order to maintain continuity along the street frontage. The colours and materials used for the enclosure should ensure that it is not visually dominant in longer views but will allow key elements to stand out against the background in close up.

Well maintained planters can be particularly attractive and can be appropriately used as part of the means of enclosure, but must be positioned within the licensed area. In certain circumstances, it may be possible to utilise existing street railings, planters and bins as a suitable means of enclosure.

4. Furniture

The furniture must be of a reasonable quality design and suitable for outdoor commercial use. Poor quality furniture will not be permitted.

The use of parasols, along with their locations, materials and colours must be specified as part of the design and must be positioned so that their extent is contained within the boundary to ensure they do not present a danger to any user of the pavement café or any other pedestrians.

Limited advertising may be permitted on areas of the pavement café arrangement; however applicants are advised to consult with their respective planning office for guidance. Proposed details should be provided with the application.

All furniture items, e.g. menu boards, signs and portable gas heaters need to be approved as part of the licensed area and details must be included in the application. Where heating is to be provided, this must be of a type suitable for outdoor use and shall be placed within the licensed area. If patio style liquid petroleum gas (LPG) heaters are to be used, they must be adequately secured upright, be fitted with a flame failure device and be maintained in an efficient working order.

All furniture must be of a temporary nature that can be removed within 20 minutes at the end of the permitted period or when access to the area is required by any statutory body or in the event of an emergency.

If the main premises operate for longer than the licensed period the applicant should give consideration where furniture is to be stored, this should be made clear within the application.

5. Environmental implications and other requirements

It will be the responsibility of the pavement café operator to keep the area clean and free of litter, during licensed/operational hours and after the conclusion of business each day. The conduct of customers using the outdoor seating area will also be the responsibility of the operator.

All food premises should be registered with the Council.

The Pavement Café Licence does not imply an exclusive right to the area and others have rights over it for events, maintenance, repairs, etc.

No amplified music or loudspeaker equipment shall be used in the pavement café area.

Proprietors must promote a safe, clean and generally welcoming environment in the pavement café area. Councils may make it a requirement that patrons using the area are seated at the furniture provided.

Proprietors should give consideration to dividing their outside café area into smoking and non-smoking sections, with each section clearly marked.

6. Safety and Control

It is the responsibility of the applicant to ensure that the pavement café and equipment used comply with all appropriate legislation in relation to food safety, health and safety and alcohol sales requirements.

Applicants are reminded of their duties, to carry out a risk assessment, under the Health and Safety at Work (NI) Order 1978 as they relate to the area and activities covered by the pavement café.

Applicants proposing to licence a pavement café which is remote from their main premises or where they need to cross a public pavement to reach the café area must be able to demonstrate that they will be able to exercise proper control and supervision of the pavement café area.

Individual pavement café operators will be responsible for securing full and proper insurance cover.

7. Other statutory requirements

You should also consider any possible Planning and Rates impacts before making your application.

Planning Service

Depending on the circumstances of a proposed pavement café on a public area, a planning application may be required if development is to be undertaken. Anyone considering the establishment of a pavement café is advised to contact the planning office of the relevant council for advice and guidance on whether an application for planning permission is required or not.

Rates liability on grant of licence

The Department of Finance has advised that for the vast majority of cases a marginal, seasonal increase in seating of a temporary nature under the terms of the Pavement Café Licence would not warrant a change in Net Annual Value (NAV). However, where the type of arrangement is assessed or evidenced that it adds to the rental value of the premises an adjustment to the NAV may be warranted. Each case will be considered on its merits and prospective applicants who have any concerns should consult with the District Valuer of the Land and Property Services.

8. Consumption of Alcohol

Alcohol **may** be consumed (but not sold) in a pavement café area unless:

- The business is an 'off sales' as defined under Article 5(1) (b) of the Licensing Order (an off-licence); or
- The Council is satisfied that permitting persons to consume intoxicating liquor in a pavement café would be likely to result in disorder; or
- The premises are not licensed under the Licensing Order (see note below) and are located within an area designated under the bye-laws prohibiting the consumption of intoxicating liquor in designated places.

Note

Only premises licensed as a public house, a hotel, a restaurant or a guest house with a restaurant under the Licensing Order will be permitted to have their licensed area for the consumption of alcohol extended to include the pavement café area.

Appendix 2 – Sample Application Form

APPLICATION FOR A PAVEMENT CAFÉ LICENCE

I / We hereby make application to ----- Council under the provisions of the Pavement Cafés Act (Northern Ireland) 2014 for the:

Pavement Café Application type - *tick as appropriate*

Grant

Renewal

Variation

Applicant details

Name: _____

Address: _____

_____ BT _____ Tel: _____

Email: _____ D o B: _____

Designation: Owner / Director / Manager - or otherwise state _____

Premises details

Type of premises: _____

Name: _____

Address: _____

_____ BT: _____ Tel: _____

Operating details - Proposed days and hours of operation of the Pavement Café

--

Licensing details

Is alcohol to be consumed in the curtilage of the Pavement Café?								YES	NO
Are the premises licensed under the Licensing (NI) Order 1996?								YES	NO
Public House		Off Sales		Restaurant		Hotel		Guest house with restaurant	

Proposal details:

Total width of footpath: _____ m			
Is the area within 10 metres of a road junction?		YES	NO
Dimensions of pavement café area: _____ m			
Total number of tables: _____			

Total number of chairs: _____			
Barrier Height: _____	Barriers	YES	NO
	Tap Rails:		

Site details – (see guidance document)

Provide an area Location Plan, scale 1:1250, depicting location of Pavement Café and sufficient surrounding area with infrastructure.		Here Enclosed	To Follow
Provide a proposed Site Plan, scale not less than 1:100, depicting the street space occupied, size and type of barriers, number and type of tables and chairs, and any other pavement café furniture.		Here Enclosed	To Follow
Please state where the Pavement Café furniture will be stored when the premises is closed for business.	State		
I confirm that I wish to apply for a Pavement Café Licence for the development as described within this application.		Tick	
I confirm that that the information provided in this application is correct.		Tick	
I confirm that I have placed the appropriate notice in a prominent place at or near the premises that it can easily be read by the public, and that the notice shall be displayed for 28 days from the date of this application.		Tick	

Applicant signature: _____

Date: _____

CHECKLIST

	Application form - signed and dated.
	Location plan - to a scale of 1:1250 showing sufficient area around the proposed pavement café to enable consideration of all related issues.
	Site plan - to a scale of not less than 1:100 showing access points, building lines, boundaries, kerbs, table and chair arrangement, bins, lighting, trees, other items.
	Details of the furniture - including photographs/manufacturers details.
	Risk Assessments
	Fee
	Public liability insurance
	Planning permission - if appropriate.
	Notice of Application Fixed to Premises

Appendix 3 – Notice of Application

<> COUNCIL

Licensing of Pavement Cafés Act (Northern Ireland) 2014

PUBLIC NOTICE

APPLICATION FOR A PAVEMENT CAFÉ LICENCE

NOTICE IS HEREBY GIVEN THAT

(Name of applicant) _____

(Address of applicant) _____

Has applied to <> Council for a Pavement Café Licence at

(Name and address of premises) _____

Any objection relating to the application should be made within 28 days of the date of this Notice.

The objection should be addressed to <>.

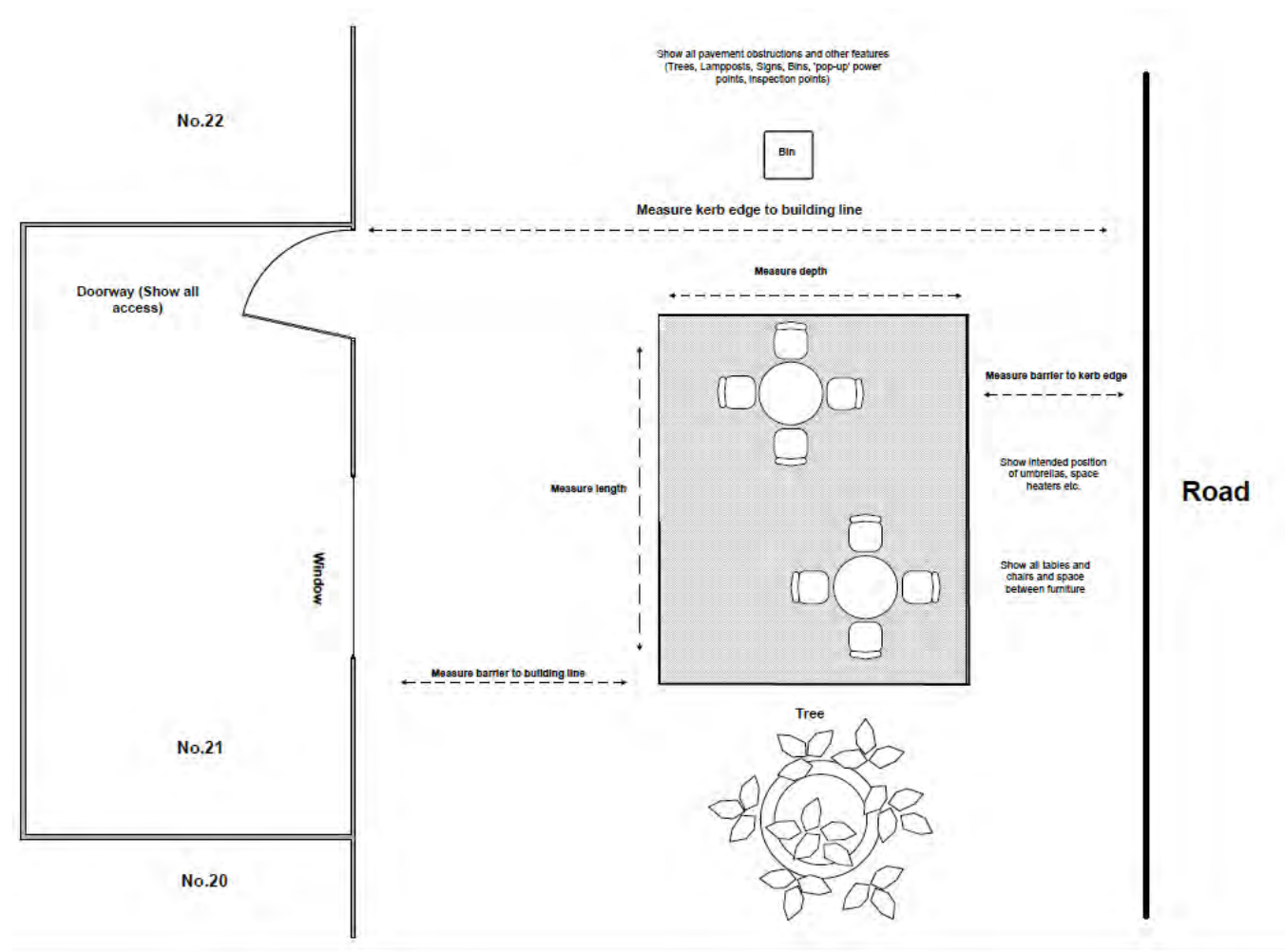
Any objection must be in writing and must specify the grounds of the objection, the name and address of the person making it and must be signed by them or their agent.

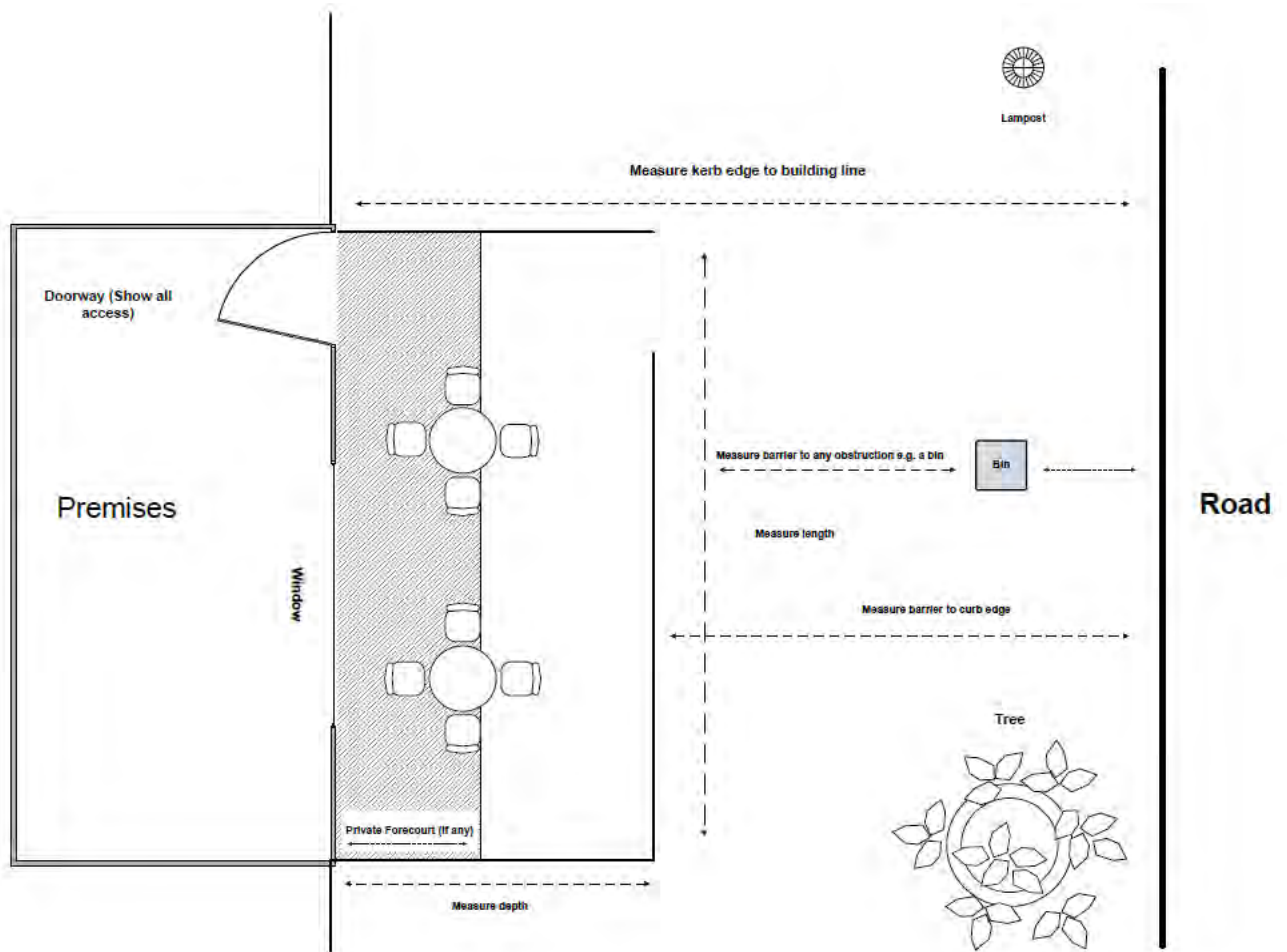
It should be noted that where an objection is made after the 28 day time period referred to, but before a final decision is taken on the application, it is appropriate for the Council to consider it, if there is sufficient reason why the objection was not made within the stated time period.

(Applicant's Signature) _____ (Date) _____

This site notice must be displayed for the whole of the period of 28 days in a prominent place at or near the premises so that it can be conveniently read by the public.

Appendix 4 – Examples of Pavement Café Plans







Introduction

Mid Ulster District Council has a statutory duty to screen its policies, procedures, practices/decisions. This Policy Screening Form and Report assists Council Departments to consider the likely equality and good relations impacts of the aforementioned, if any, placed upon our ratepayers, citizens, service users, staff and visitors to the district.

Section 1 – Policy scoping

This asks the Policy Author to provide details on the policy, procedure, practice and/or decision being screened and what available evidence you have gathered to help make an assessment of the likely impact on equality of opportunity and good relations. Reference to policy within this document refers to either of the aforementioned (policy, procedure, practice, and/ or decision).

Section 2 – Screening questions

This asks about the extent of the likely impact of the policy on groups of people within each of the Section 75 categories. Details of the groups consulted and the level of assessment of the likely impact. This includes consideration of multiple identity and issues.

Section 3 – Screening decision

This guides the Council to reach a screening decision as to whether or not there is a need to carry out an equality impact assessment (EQIA), or introduce measures to mitigate the likely impact, or the introduction of an alternative policy to better promote equality of opportunity.

Section 4 – Monitoring

This provides guidance to the Council on monitoring for adverse impact and broader monitoring.

Section 5 – Approval and authorisation

This verifies the Council's approval of a screening decision by a senior manager responsible for the policy.

Appendix A Screening Process

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Section 1 Policy Scoping & Information

The first stage of the screening process involves scoping the policy under consideration which sets the context and confirms the aims and objectives for the policy being screened. Scoping the policy helps to identify constraints as well as opportunities and will help the policy author to work through the screening process on a step by step basis.

1. Policy Name		
Licensing of Pavement Cafés Act (Northern Ireland) 2014 – Guidance for Applicants		
2. Is this an existing, revised or a new policy?		
New policy for Mid Ulster District Council		
3. What is it trying to achieve? (aims/outcomes)		
<p>The aim of this new guidance is to ensure that the Council's Environmental Health Service implement its pavement café licensing regime in a manner that is fair and equitable to all sectors of the community who may be affected by such applications being granted.</p> <p>This will be achieved by the following:</p> <ul style="list-style-type: none"> • Providing applicants with the appropriate advice and guidance on the application process and legal requirements; • Providing applicants with the appropriate advice and guidance on the suitability criteria for a pavement café licence, which includes but is not restricted to: <ul style="list-style-type: none"> ○ advice on the size and layout, ○ boundaries, ○ type of furniture, ○ Environmental implications and other requirements ○ Safety and control ○ Consumption of alcohol ○ Management of above <p>And</p> <ul style="list-style-type: none"> • By consistency of approach from officers who are processing applications for pavement café licences and the enforcement of same. 		
4. Are there any Section 75 categories which might be expected to benefit from the intended policy?		Yes
		No
		x

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6. Who initiated or wrote the policy?
The 'Health and Safety, Public Safety & Licensing' section of the Environmental Health Service.
7. Who owns and who implements the policy?
Mid Ulster District Council's Environmental Health Service.

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Implementation factors

		Yes	No
Are there any factors which could contribute to/ detract from intended aim/ outcome of the policy?			
<ul style="list-style-type: none"> If yes, are they financial? 			X
<ul style="list-style-type: none"> If yes, are they legislative? 		X	
<ul style="list-style-type: none"> If yes, Please specify 	<p>Financial: n/a</p> <p>Legislative:</p> <ul style="list-style-type: none"> Any future potential amendments to the Pavement Café Act (NI) 2014 which may be made by the NI Assembly. For example, in light of the Covid-19 situation and the business communities desire to kick start the hospitality industry by increasing the number of outdoor seating areas where food and drink may be consumed in response to public desire. Difficulties in undertaking appropriate statutory consultations due to time constraints and pressures on other agencies' resources which outside the control of council. 		
<ul style="list-style-type: none"> Other, Please specify 			

Stakeholders

The internal and external (actual or potential) that the policy will be impacted upon

	Yes	No
Staff	x	
Service Users	x	
Other public sector organisations	x	
Voluntary/community/ trade unions	x	
Other, please specify		

Others policies with a bearing on this policy

Policies	Owners
MUDC Enforcement Policy	Director of Public Health & Infrastructure.

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Available evidence

Information and available evidence (qualitative and quantitative) gathered to inform the policy under each of the Section 75 groups as identified within the Northern Ireland Act 1998.

Section 75 category	Details of evidence/information																																				
Religious belief	<p>63.77% of the population were brought up in the Catholic religion and 33.46% belong or were brought up in a Protestant and Other Christian (including Christian related) religion. Other religions comprised 690 (0.5%) and None 3,153 (2.28%) of the population (Source: 2011 Census).</p> <table><tr><th>Religion or Religion brought up in</th><th>No.</th><th>%</th></tr><tr><td>Catholic</td><td>88,375</td><td>63.77</td></tr><tr><td>Protestant and Other Christian (including Christian related)</td><td>46,372</td><td>33.46</td></tr><tr><td>Other religions</td><td>690</td><td>0.5</td></tr><tr><td>None</td><td>3,153</td><td>2.28</td></tr><tr><td>Total</td><td>138,590</td><td>100</td></tr></table>	Religion or Religion brought up in	No.	%	Catholic	88,375	63.77	Protestant and Other Christian (including Christian related)	46,372	33.46	Other religions	690	0.5	None	3,153	2.28	Total	138,590	100																		
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Total	138,590	100																																			
Political opinion	<p>Political party representation can be used as an approximate barometer of political opinion of people within Mid Ulster council area. The most recent local government/ council election in 2014 the percentage 1st preference vote share for each of the political party/ independents is detailed bellowed along with representation (seats) on Council (Source: NISRA):</p> <table><tr><th>Party</th><th>Votes</th><th>Percentage</th><th>Council Seats</th></tr><tr><td>SF</td><td>22,587</td><td>41.0%</td><td>18</td></tr><tr><td>DUP</td><td>9,723</td><td>17.6%</td><td>8</td></tr><tr><td>UUP</td><td>9,573</td><td>17.4%</td><td>7</td></tr><tr><td>SDLP</td><td>7,600</td><td>13.8%</td><td>6</td></tr><tr><td>Independent</td><td>2,689</td><td>4.9%</td><td>1</td></tr><tr><td>TUV</td><td>2,380</td><td>4.3%</td><td>0</td></tr><tr><td>Alliance</td><td>250</td><td>0.6%</td><td>0</td></tr><tr><td>UKIP</td><td>195</td><td>0.4%</td><td>0</td></tr></table>	Party	Votes	Percentage	Council Seats	SF	22,587	41.0%	18	DUP	9,723	17.6%	8	UUP	9,573	17.4%	7	SDLP	7,600	13.8%	6	Independent	2,689	4.9%	1	TUV	2,380	4.3%	0	Alliance	250	0.6%	0	UKIP	195	0.4%	0
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UKIP	195	0.4%	0																																		
Racial group	<p>According to the 2011 Census the overwhelming majority of the population 136,485 (98.48%) were classified as ‘white’. Within this total will be migrant communities, such as Polish, Lithuanian and so forth. Statistics indicate that the number of people in Mid Ulster Local Government District (LGD) born outside Northern Ireland is:</p> <table><tr><th>Place of Birth</th><th>No.</th></tr><tr><td>Great Britain</td><td>4,053</td></tr><tr><td>Republic of Ireland</td><td>2,250</td></tr></table>	Place of Birth	No.	Great Britain	4,053	Republic of Ireland	2,250																														
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	EU Countries (Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia and Slovenia)	6,795																												
	Other	2,280																												
	The minority ethnic language profile within the area can serve as a possible indicator of the Black & Minority Ethnic (BME) community profile within the district. The composition of language groups in Mid Ulster LGD area is also noted from the 2011 census by NISRA as:																													
	<table><tr><th>Main Languages of residents in Mid Ulster Council area</th><th>No.</th></tr><tr><td>English</td><td>125,715</td></tr><tr><td>Polish</td><td>2,008</td></tr><tr><td>Lithuanian</td><td>2,039</td></tr><tr><td>Portuguese</td><td>903</td></tr><tr><td>Irish (Gaelic)</td><td>404</td></tr><tr><td>Slovak</td><td>477</td></tr><tr><td>Russian</td><td>297</td></tr><tr><td>Latvia</td><td>261</td></tr><tr><td>Hungarian</td><td>117</td></tr><tr><td>Chinese</td><td>64</td></tr><tr><td>Tagalog/Filipino</td><td>38</td></tr><tr><td>Malaysian</td><td>33</td></tr><tr><td>Other</td><td>922</td></tr></table>		Main Languages of residents in Mid Ulster Council area	No.	English	125,715	Polish	2,008	Lithuanian	2,039	Portuguese	903	Irish (Gaelic)	404	Slovak	477	Russian	297	Latvia	261	Hungarian	117	Chinese	64	Tagalog/Filipino	38	Malaysian	33	Other	922
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Age	The age profile of Mid Ulster Local Government District area as at 2015 (Source, NISRA)																													
	<table><tr><th></th><th>Mid Ulster</th><th>Northern Ireland</th></tr><tr><td>Total Population</td><td>144,002</td><td>1,851,621</td></tr><tr><td>0-15 years</td><td>33,123</td><td>385,200</td></tr><tr><td>16-39 years</td><td>47,646</td><td>583,116</td></tr><tr><td>40-64 years</td><td>43,621</td><td>591,481</td></tr><tr><td>65+ years</td><td>19,612</td><td>291,824</td></tr><tr><td>Population Change % (2005-2015)</td><td>15.3%</td><td>7.2%</td></tr></table>			Mid Ulster	Northern Ireland	Total Population	144,002	1,851,621	0-15 years	33,123	385,200	16-39 years	47,646	583,116	40-64 years	43,621	591,481	65+ years	19,612	291,824	Population Change % (2005-2015)	15.3%	7.2%							
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Marital status	The below table sets out the marital status profile for Mid Ulster District Council area as extracted from results of the 2011 Census																																																					
		Mid Ulster		Northern Ireland																																																		
		No.	%	No	%																																																	
	Single (never married or never registered a same sex civil partnership) (Aged 16+)	38,353	35.97	517,393	36.14																																																	
	Married (Aged 16+)	54,192	50.82	680,831	47.56																																																	
	In a registered same sex civil partnership (Aged 16+)	62	0.06	1,243	0.09																																																	
	Separated (but is still legally married or still legally in a same sex civil partnership) (Aged 16+)	3,369	3.16	56,911	3.98																																																	
	Divorced or formerly in a same sex civil partnership which is now legally dissolved (Aged 16+)	4,139	3.88	78,074	5.45																																																	
	Widowed or surviving partner from a same sex civil partnership (Aged 16+)	6,523	6.12	97,088	6.78																																																	
Sexual orientation	No specific statistics are available from the 2011 government census for this Category and there are therefore no official statistics available in relation to persons of different sexual orientation. However, the Integrated Household Survey would include between 3% and 4% would be either gay, lesbian and/or bisexual. However, due to the nature of 'disclosure' in this area, umbrella organisations often state that the figure may be closer to 10%.																																																					
	<table><tr><th>Region</th><th>Heterosexual / Straight</th><th>Gay/ Lesbian</th><th>Bisexual</th><th>Gay/ Lesbian/ Bisexual</th><th>Other</th><th>Don't know /refuse</th><th>No response</th></tr><tr><td>England</td><td>92.54%</td><td>1.10%</td><td>0.51%</td><td>1.61%</td><td>0.33%</td><td>4.07%</td><td>1.45%</td></tr><tr><td>Wales</td><td>93.93%</td><td>1.04%</td><td>0.48%</td><td>1.52%</td><td>0.45%</td><td>2.99%</td><td>1.11%</td></tr><tr><td>Scotland</td><td>94.65%</td><td>0.82%</td><td>0.33%</td><td>1.14%</td><td>0.26%</td><td>2.59%</td><td>1.37%</td></tr><tr><td>N Ireland</td><td>93.00%</td><td>0.64%</td><td>0.96%</td><td>1.60%</td><td>0.26%</td><td>3.98%</td><td>1.17%</td></tr><tr><td>Total</td><td>92.80%</td><td>1.06%</td><td>0.51%</td><td>1.57%</td><td>0.32%</td><td>3.89%</td><td>1.42%</td></tr></table>							Region	Heterosexual / Straight	Gay/ Lesbian	Bisexual	Gay/ Lesbian/ Bisexual	Other	Don't know /refuse	No response	England	92.54%	1.10%	0.51%	1.61%	0.33%	4.07%	1.45%	Wales	93.93%	1.04%	0.48%	1.52%	0.45%	2.99%	1.11%	Scotland	94.65%	0.82%	0.33%	1.14%	0.26%	2.59%	1.37%	N Ireland	93.00%	0.64%	0.96%	1.60%	0.26%	3.98%	1.17%	Total	92.80%	1.06%	0.51%	1.57%	0.32%	3.89%
Region	Heterosexual / Straight	Gay/ Lesbian	Bisexual	Gay/ Lesbian/ Bisexual	Other	Don't know /refuse	No response																																															
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Research also conducted by the HM Treasury shows that between 5%-7% of the UK population identify themselves as gay, lesbian, bisexual or 'trans' (transsexual, transgendered and transvestite) (LGBT).																																																						

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Men & women generally	<p>The gender profile of Mid Ulster LGD is detailed as;</p> <table><tr><th></th><th colspan="2">Mid Ulster</th><th colspan="2">Northern Ireland</th></tr><tr><th></th><th>No.</th><th>%</th><th>No.</th><th>%</th></tr><tr><td>Male</td><td>72,958</td><td>50.2</td><td>887,323</td><td>49.00</td></tr><tr><td>Female</td><td>72,431</td><td>49.8</td><td>923,540</td><td>51.00</td></tr></table>		Mid Ulster		Northern Ireland			No.	%	No.	%	Male	72,958	50.2	887,323	49.00	Female	72,431	49.8	923,540	51.00					
	Mid Ulster		Northern Ireland																							
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Male	72,958	50.2	887,323	49.00																						
Female	72,431	49.8	923,540	51.00																						
Disability	<p>According to the 2011 NISRA census statistics 19.39% of people had a long-term health problem or disability that limited their day-to-day activities whilst 80.43% of people within the district stated their general health was either good or very good</p> <table><tr><th></th><th colspan="2">Mid Ulster</th><th colspan="2">Northern Ireland</th></tr><tr><th></th><th>No.</th><th>%</th><th>No.</th><th>%</th></tr><tr><td>Disability / long term health</td><td>26,870</td><td>19.39</td><td>374,646</td><td>20.69</td></tr><tr><td>No disability / long term health problem</td><td>111,720</td><td>80.61</td><td>1,436,217</td><td>79.31</td></tr></table> <p>In Northern Ireland the profile of persons with a disability has been reported by Disability Action as;</p> <ul style="list-style-type: none">• More than 1 in 5 or 21% of the population have a disability• 1 in 7 people have some form of hearing loss• 5,000 persons use sign language - British Sign Language and/or Irish Sign Language• There are 57,000 blind persons or persons with significant impairment• 52,000 persons with learning difficulties		Mid Ulster		Northern Ireland			No.	%	No.	%	Disability / long term health	26,870	19.39	374,646	20.69	No disability / long term health problem	111,720	80.61	1,436,217	79.31					
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Disability / long term health	26,870	19.39	374,646	20.69																						
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Dependants	<p>Persons with dependents may be people who have personal responsibility for the care of a child (or children), a person with a disability, and/ or a dependent older person. The below table provides a summary with respect Mid Ulster LGD.</p> <table><tr><th></th><th colspan="2">Mid Ulster</th><th colspan="2">Northern Ireland</th></tr><tr><th></th><th>No.</th><th>%</th><th>No.</th><th>%</th></tr><tr><td>Households with dependent children</td><td>18,626</td><td>38.99</td><td>238,094</td><td>33.86</td></tr><tr><td>Lone parent households with dependents</td><td>3,485</td><td>7.30</td><td>63,921</td><td>9.09</td></tr><tr><td>People providing unpaid care</td><td>12,821</td><td>10.69</td><td>231,980</td><td>11.82</td></tr></table> <p>Of the households in Mid Ulster Local Government District with dependent children, they can be summarised as;</p> <ul style="list-style-type: none">• 7,407 families in households have 1 dependent child• 6,394 families in households with two dependent children• 5,014 families in households with three dependent children <p>There are 37,306 dependent children within families.</p>		Mid Ulster		Northern Ireland			No.	%	No.	%	Households with dependent children	18,626	38.99	238,094	33.86	Lone parent households with dependents	3,485	7.30	63,921	9.09	People providing unpaid care	12,821	10.69	231,980	11.82
	Mid Ulster		Northern Ireland																							
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People providing unpaid care	12,821	10.69	231,980	11.82																						

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Needs, experiences and priorities

Taking into account the information referred to above, what are the different needs, experiences and priorities of each of the following categories, in relation to the particular policy/decision? Specify details for each of the Section 75 categories

Section 75 category	Details of needs/experiences/priorities
Religious belief	None in relation to this policy.
Political opinion	None in relation to this policy.
Racial group	None in relation to this policy.
Age	<p>There is likely to be a minor impact on older people from the implementation of the pavement café licensing regime across the District, particularly those with mobility or visual impairment.</p> <ul style="list-style-type: none">• Barriers / adequate screening should prevent pavement café customers from obstructing the pavement, which sometimes makes elderly and / or younger people feel uncomfortable when trying to pass.• In most cases the transfer of food and / or drink to the outside area will be advised to be through the use of table service for those older people and others who find it difficult to carry cups, trays etc.
Marital status	None in relation to this policy.
Sexual orientation	None in relation to this policy.
Men and women generally	None in relation to this policy.
Disability	There is likely to be a minor impact on those members of the community who have a disability, particularly those with mobility issues or visual impairment.

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	<ul style="list-style-type: none">• Well-designed screening will aid the visually impaired to navigate safely around the pavement café areas. However, it is acknowledged that poorly designed barriers could be a trip hazard for the visually impaired and others.• Specifying a minimum width for public access will ensure that wheelchair users (and those with prams) can negotiate the pavements safely.• Specifying that tables and chairs should be sufficiently spaces to enable wheelchair / highchair / pram access will ensure that the sitting out areas can be used by all.• Licence holders will be required to remove tables, chairs and other associated structures from the public area after trading hours
Dependants	<p>There is likely to be a minor impact on those members of the community with dependants. Those likely to be affected are those with young children in prams and those who have dependants that suffer from a physiological impairment.</p> <ul style="list-style-type: none">• Specifying a minimum width for public access will ensure that those with prams can negotiate the pavements safely.• Specifying that tables and chairs should be sufficiently spaces to enable wheelchair / highchair / pram access will ensure that the sitting out areas can be used by all.

Section 2 – Screening Questions

In making a decision as to carry out an Equality Impact Assessment (EQIA), the Council should consider its answers to the questions 1- 3 detailed below.

If the Council's conclusion is **none** in respect of all of the Section 75 equality of opportunity categories, then the Council may decide to screen the policy out. If a policy is 'screened out' as having no relevance to equality of opportunity, the Council should give details of the reasons for the decision taken.

If the Council's conclusion is **major** in respect of one or more of the Section 75 equality of opportunity, then consideration should be given to subjecting the policy to the equality impact assessment procedure.

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If the Council's conclusion is **minor** in respect of one or more of the Section 75 equality categories, then consideration should still be given to proceeding with an equality impact assessment, or to:

- measures to mitigate the adverse impact; or
- the introduction of an alternative policy to better promote equality of opportunity.

In favour of a 'major' impact

- a) The policy is significant in terms of its strategic importance;
- b) Potential equality impacts are unknown, because, for example, there is insufficient data upon which to make an assessment or because they are complex, and it would be appropriate to conduct an equality impact assessment in order to better assess them;
- c) Potential equality impacts are likely to be adverse or are likely to be experienced disproportionately by groups of people including those who are marginalised or disadvantaged;
- d) Further assessment offers a valuable way to examine the evidence and develop recommendations in respect of a policy about which there are concerns amongst affected individuals and representative groups, for example in respect of multiple identities;
- e) The policy is likely to be challenged by way of judicial review;
- f) The policy is significant in terms of expenditure.

In favour of 'minor' impact

- a) The policy is not unlawfully discriminatory and any residual potential impacts on people are judged to be negligible;
- b) The policy, or certain proposals within it, are potentially unlawfully discriminatory, but this possibility can readily and easily be eliminated by making appropriate changes to the policy or by adopting appropriate mitigating measures;
- c) Any asymmetrical equality impacts caused by the policy are intentional because they are specifically designed to promote equality of opportunity for particular groups of disadvantaged people;
- d) By amending the policy there are better opportunities to better promote equality of opportunity.

In favour of none

- a) The policy has no relevance to equality of opportunity.
- b) The policy is purely technical in nature and will have no bearing in terms of its likely impact on equality of opportunity for people within the equality categories.

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Screening questions

1. What is the likely impact on equality of opportunity for those affected by this policy, for each of the Section 75 equality categories (minor/ major/ none)		
Section 75 category	Details of policy impact	Level of impact? minor/major/none
Religious belief	This policy will be implemented on an equal basis	None
Political opinion	This policy will be implemented on an equal basis	None
Racial group	This policy will be implemented on an equal basis	None
Age	There is likely to be a minor impact on older people from the implementation of the pavement café licensing regime across the District, particularly those with mobility or visual impairment	Minor (negative)
Marital status	This policy will be implemented on an equal basis	None
Sexual orientation	This policy will be implemented on an equal basis	None
Men and women generally	This policy will be implemented on an equal basis	None
Disability	There is likely to be a minor impact on those members of the community who have a	Minor (negative)

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	<p>disability, particularly those with mobility issues or visual impairment.</p> <ul style="list-style-type: none"> Well-designed screening will aid the visually impaired to navigate safely around the pavement café areas. However, it is acknowledged that poorly designed barriers could be a trip hazard for the visually impaired and others. Specifying a minimum width for public access will ensure that wheelchair users (and those with prams) can negotiate the pavements safely. Specifying that tables and chairs should be sufficiently spaces to enable wheelchair / highchair / pram access will ensure that the sitting out areas can be used by all. Licence holders will be required to remove tables, chairs and other associated structures from the public area after trading hours 	
Dependants	<p>There is likely to be a minor impact on those members of the community with dependants. Those likely to be affected are those with young children in prams and those who have dependants that suffer from a physiological impairment.</p> <ul style="list-style-type: none"> Specifying a minimum width for public access will ensure that those with prams can negotiate the pavements safely. Specifying that tables and chairs should be sufficiently spaces to enable wheelchair / highchair / pram access will ensure that the sitting out areas can be used by all. 	Minor (negative)

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2. Are there opportunities to better promote equality of opportunity for people within Section 75 equality categories? (Yes/ No)		
Section 75 category	If Yes , provide details	If No , provide reasons
Religious belief		No
Political opinion		No
Racial group		No
Age		No
Marital status		No
Sexual orientation		No
Men and women generally		No
Disability		No
Dependants		No

3. Are there opportunities without prejudice, to the equality of opportunity duty, to better promote good relations between Section 75 equality categories, through tackling prejudice and/ or promoting understanding? (Yes/ No)		
	No	x
	Yes	
If yes, please detail the opportunities below:		

If yes is concluded to Question 3, then the policy will be referred to the Council's Good Relations Working Group for consideration. The Group will consider the

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potential opportunities and assess if and how the overall impact of a decision/policy can better promote good relations.

Additional Considerations - Multiple identity

Generally speaking, people can fall into more than one Section 75 category. Taking this into consideration, are there any potential impacts of the policy/decision on people with multiple identities? (*For example; disabled minority ethnic people; disabled women; young Protestant men; and young lesbians, gay and bisexual people*).

No – not applicable.

Provide details of data on the impact of the policy on people with multiple identities. Specify relevant Section 75 categories concerned.

Section 3 – Screening Decision

In light of answers provided to the questions within Section 3 select one of the following with regards the policy:

		Select One
1	Shall not be subject to an EQIA - <i>with no mitigating measures required</i>	
2	Shall not be subject to an EQIA - <i>mitigating measures/ alternative policies introduced</i>	X
3	Shall be subject to an EQIA	

If 1 or 2 above (i.e. not to be subject to an EQIA) please provide details of reasons why.

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If 2 above (i.e. not to subject to an EQIA) in what ways can adverse impacts attaching to the policy be mitigated or an alternative policy be introduced.

Given that minor negative has been identified for three groups (age, disability and dependants) mitigation measures will be put in place in order to limit the negative impact. Please see the mitigation section for details.

If 3 above (i.e. shall be subject to an EQIA), please provide details of the reasons.

Mitigation

When it is concluded that the likely impact is 'minor' and an equality impact assessment is not to be conducted, you may consider mitigation to lessen the severity of any equality impact, or the introduction of an alternative policy to better promote equality of opportunity.

Can the policy/decision be amended or changed or an alternative policy introduced to better promote equality of opportunity?

If so, give the **reasons** to support your decision, together with the proposed changes/amendments or alternative policy:

Mitigation measures in relation to this policy will include the following:

- This policy will be monitored/re-evaluated three months from its approval by Council. This is to ensure any negative impacts can be resolved at an early juncture in its implementation.
- Further consultation with voluntary and statutory groups representative of people with sight loss and physical disabilities will be carried out (in a more focused way than is currently possible) once COVID-19 restrictions are eased.

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Timetabling and prioritising

If the policy has been screened in for equality impact assessment, please answer the below to determine its priority for timetabling the equality impact assessment.

- **On a scale of 1-3 (1 being lowest priority and 3 being highest), assess the policy in terms of its priority for equality impact assessment.**

Priority criterion	Rating (1-3)
Effect on equality of opportunity	
Social need	
Effect on people's daily lives	
Relevance to a Council's functions	

Note: The Total Rating Score should be used to prioritise the policy in rank order with other policies screened in for equality impact assessment. This list of priorities will assist the Council in timetabling. Details of the Council's Equality Impact Assessment Timetable should be included in the Screening Reports.

- **Is the policy affected by timetables established by other relevant public authorities?**

Yes	
No	



Section 5 – Monitoring

Effective monitoring will help identify any future adverse impact arising from the policy which may lead the Council to conduct an equality impact assessment, as well as help with future planning and policy development. Please detail proposed monitoring arrangements below:

Implementation of this guidance will be subject to ongoing monitoring and review as pavement café licence applications are received and processed on a case by case basis. As part of Council's mitigating measures this guidance will be formally reviewed three months from the date it is approved by Council.

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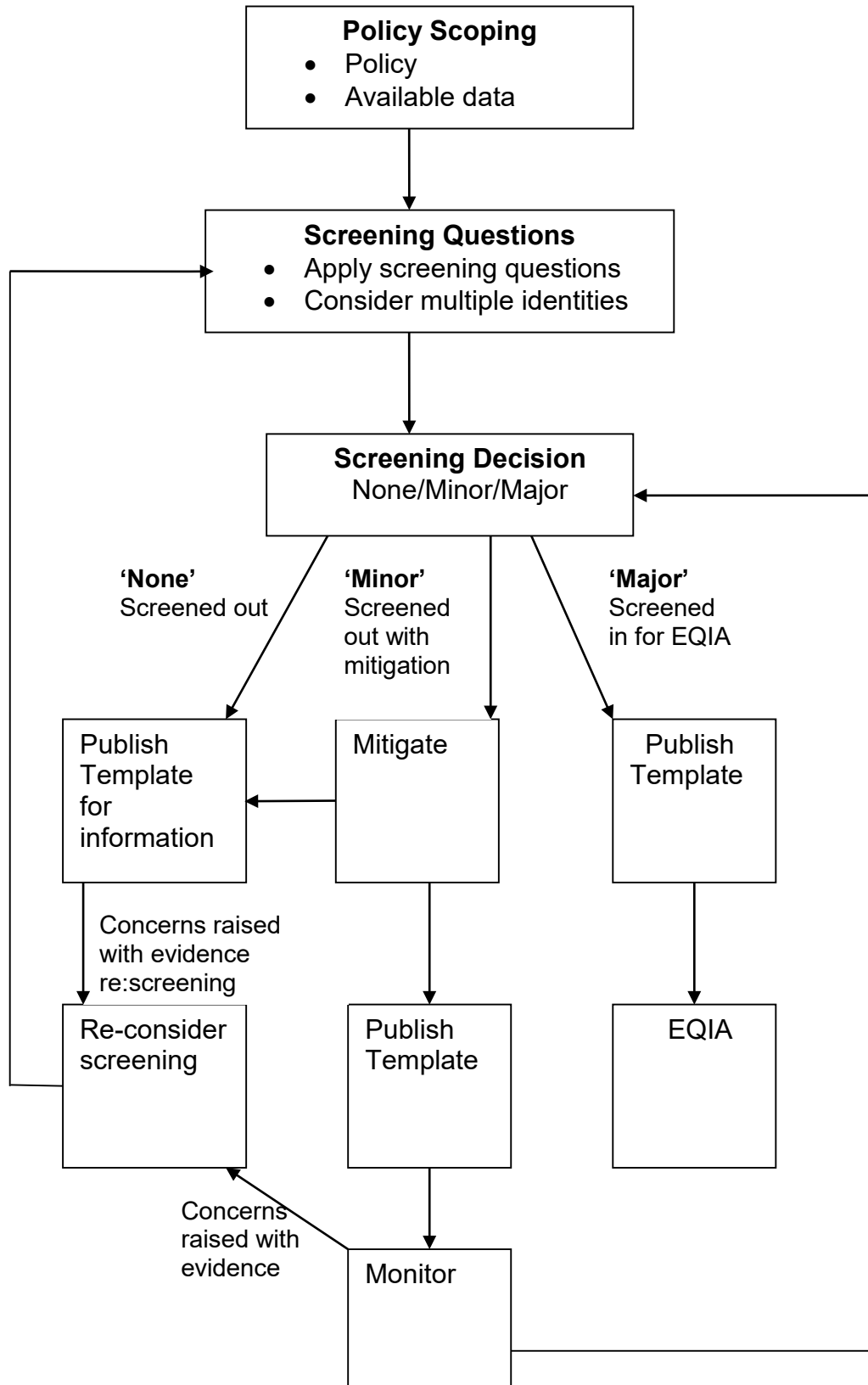
Section 6 – Approval and authorisation

Screened by:	Position/ Job Title	Date
	Principal Environmental Health Officer (Health and safety, Public Safety & Licensing)	22.6.20
Approved by:	Position/ Job Title	Date
	Director of Public Health & Infrastructure	24/06/20

Note: A copy of the Screening Template, for each policy screened should be 'signed off' and approved by a senior manager responsible for the policy; made easily accessible on the council website as soon as possible following completion and be available on request.

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Appendix A Mid Ulster District Council Screening Process





Licensing of Pavement Cafés Act (Northern Ireland) 2014

2014 CHAPTER 9

An Act to make provision for the regulation by district councils of the placing on public areas of furniture for use for the consumption of food or drink.
[12th May 2014]

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

Requirement for pavement café licence

Meaning of “pavement café licence” and other key terms

1.—(1) In this Act a “pavement café licence” means a licence authorising the licence holder to place on a public area (identified by the licence) temporary furniture for use for the consumption of food or drink supplied, in the course of a business carried on by the licence holder, in or from premises specified in the licence.

(2) In this Act “a public area” means a place in the open air—

- (a) to which the public has access, without payment, as of right; and
- (b) which is not in a market area.

(3) For the purposes of this Act, “furniture” means all or any of the following

- (a) tables;

(b) chairs;

(c) umbrellas, barriers, heaters and other articles for facilitating the use, by persons consuming food or drink, of tables and chairs in a public area.

(4) For the purposes of this Act, furniture placed on a public area by or on behalf of a person is “temporary” if that person can remove, or cause to be removed, all of it in 20 minutes.

(5) In subsection (4) “remove” means remove to a place which is not a public area.

(6) In this Act “supplied”, in relation to food or drink, means supplied to members of the public or of a section of the public.

(7) In this Act references to placing a thing are to placing it personally or by an employee or agent.

Annotations:

Commencement Information

II [S. 1](#) in operation at 1.10.2016 by [S.R. 2016/126](#), [art. 2](#)

Offence of placing furniture on public area without pavement café licence

2.—(1) Subject to subsection (2), if at any time while a business involving the supply of food or drink in or from any premises to members of the public, or of a section of the public, is being carried on (“the time in question”)—

(a) furniture for use for the consumption of food or drink supplied in or from the premises is placed on a public area in the course of the business, or

(b) furniture for such use which has been placed on a public area in the course of the business remains on that public area,

each responsible person commits an offence.

(2) Subsection (1) does not apply if the furniture is temporary and, at the time in question, the person carrying on the business holds a pavement café licence in respect of the premises.

(3) For the purposes of subsection (1) each of the following is a “responsible person”—

(a) the person carrying on the business; and

(b) any other person concerned in the management of the premises who is responsible for the furniture being placed on, or (as the case may be) remaining on, the public area.

(4) Where the business is carried on by more than one person—

(a) the reference in subsection (2) to the person carrying on the business includes any of those persons; and

Changes to legislation: There are currently no known outstanding effects for the Licensing of Pavement Cafés Act (Northern Ireland) 2014. (See end of Document for details)

(b) the reference in subsection (3)(a) to the person carrying on the business is to each of those persons.

(5) Subsection (1)(b) applies whether the furniture was placed on the public area before or after the commencement of this section.

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

(7) It is a defence for a person charged with an offence under this section to prove that that person took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

Annotations:

Commencement Information

I2 [S. 2](#) in operation at 1.10.2016 by [S.R. 2016/126](#), [art. 2](#)

Application for licence

Application for licence

3.—(1) A person who carries on, or proposes to carry on, a relevant business may apply to the relevant district council for a pavement café licence in respect of premises specified in the application.

(2) The premises specified must be premises in or from which food or drink is, or will be, supplied in the course of the business.

(3) Only one set of premises may be specified in the application, but this does not prevent a person from making two or more separate applications in respect of different sets of premises.

(4) The application must include a plan which—

(a) shows the location and dimensions of the public area (or each of the public areas) on which the applicant wishes to place temporary furniture for use for the consumption of food or drink supplied in or from the specified premises; and

(b) meets such other requirements as the council may specify.

(5) Any such area must be situated in the district of the relevant district council.

(6) Sections 10 and 11 apply in relation to an application under this section.

(7) In this section—

“a relevant business” means a business involving the supply of food or drink to members of the public, or of a section of the public;

“the relevant district council” means the council in whose district the premises specified in the application are situated.

Annotations:

Commencement Information

I3 [S. 3](#) in operation at 1.10.2016 by [S.R. 2016/126](#), [art. 2](#)

Grant or refusal of licence

4.—(1) A council must grant an application for a pavement café licence which is made to it in accordance with this Act unless it considers that it ought to refuse the application on one or more of the grounds set out in subsection (2).

(2) The council may refuse the application on any of the following grounds—

- (a) that all or any part of the public area where the applicant wishes to place temporary furniture for use for the consumption of food or drink is unsuitable for that purpose;
- (b) that placing such furniture on, or on a particular part of, that area for use for the consumption of food or drink supplied in or from the premises specified in the application would be likely to result in undue interference or inconvenience to persons or vehicles in the vicinity, or in disorder;
- (c) that, in connection with the application, the applicant made a statement which the applicant knew to be false in a material respect or failed to comply with section 11;
- (d) that the applicant has at any time been granted a pavement café licence by the council which was revoked, or could have been revoked, for reasons within the applicant's control.

(3) Where the applicant wishes to place temporary furniture for use for the consumption of food or drink on more than one public area—

- (a) subsection (2)(a) applies as if the reference to the public area were to any of the public areas; and
- (b) subsection (2)(b) applies as if the reference to that area were to those areas.

(4) Before deciding an application for a pavement café licence, a council—

- (a) must consult the Department for Regional Development as regards that department's functions with respect to roads and the regulation of road traffic; and
- (b) if the premises to which the application relates are premises licensed under the Licensing Order of a kind mentioned in Article 5(1)(a) of that Order, must (and in any other case may) consult the district commander for the police district in which the premises are situated.

Changes to legislation: There are currently no known outstanding effects for the Licensing of Pavement Cafés Act (Northern Ireland) 2014. (See end of Document for details)

(5) The council may consult such other persons as it considers appropriate.

(6) In deciding an application for a pavement café licence, the council must take into account any representations relating to the application which are made by any person to the council within the period allowed for representations (as defined by section 10(5)).

Annotations:

Commencement Information

I4 [S. 4](#) in operation at 1.10.2016 by [S.R. 2016/126](#), [art. 2](#)

Form, duration etc. of licence

5.—(1) A pavement café licence must be in the prescribed form and must—

- (a) specify the holder of the licence, the premises to which it relates, and such other matters as may be prescribed; and
- (b) include a plan showing the location and dimensions of the public area to which it relates.

(2) In this Act, in relation to a pavement café licence, “the area covered by the licence” means the area shown under subsection (1) on the plan in the licence.

(3) That area must be—

- (a) an area which was proposed under section 3(4) in the application for the licence; or
- (b) an area at least 75% of which falls within an area which was so proposed;

but this is subject to any power under the following provisions of this Act to vary the area covered by the licence.

(4) If more than one public area was proposed in the application for the licence, the licence may relate to one public area or more than one, and if it relates to more than one—

- (a) the plan included in the licence under subsection (1) must show the location and dimensions of each of the public areas to which the licence relates;
- (b) references in this Act to “the area covered by the licence” are to any of the areas shown on the plan in the licence; and
- (c) subsection (3) applies in relation to any such area.

(5) A pavement café licence shall (except where it is surrendered, revoked or suspended)—

- (a) remain valid for such period as is specified in the licence; or
- (b) if no period is specified in the licence, remain valid indefinitely.

(6) Subsection (5)(a) is subject to section 7 (renewal of licence).

(7) A licence holder may at any time surrender a pavement café licence to the council and the licence shall then cease to be valid.

Annotations:

Commencement Information

I5 S. 5 in operation at 1.10.2016 by S.R. 2016/126, art. 2

Conditions of licence

6.—(1) A pavement café licence must include a condition requiring temporary furniture not to be placed for use as mentioned in the licence on any public area other than the area covered by the licence.

(2) A condition requiring the licence holder not to permit persons to consume intoxicating liquor when using furniture on the area covered by the licence—

- (a) must be included in a pavement café licence if the premises specified in that licence are premises licensed under the Licensing Order of a kind mentioned in Article 5(1)(b) of that Order (off-licences); and
- (b) may be included in any other pavement café licence (whether or not the premises specified in that licence are licensed under the Licensing Order) if the council is satisfied that permitting persons to consume intoxicating liquor when using furniture on the area covered by the pavement café licence would be likely to result in disorder.

(3) A council may specify in a pavement café licence such other conditions as it considers reasonable, and those conditions may in particular include conditions—

- (a) limiting the furniture which may be placed on the area covered by the licence by reference to the kind, amount, size or nature of the furniture;
- (b) limiting the days or times when the furniture may be on that area;
- (c) for securing that adequate arrangements are made for storing the furniture when not on that area;
- (d) regulating the arrangements for payment to the council of fees imposed under section 12;
- (e) for securing that such insurances and indemnities as may be specified in the licence are put in place;
- (f) requiring the council to be notified of such matters as may be specified in the licence;
- (g) requiring the surrender of any other pavement café licence in respect of the premises.

Annotations:

Commencement Information

I6 S. 6 in operation at 1.10.2016 by S.R. 2016/126, art. 2

Renewal

Renewal of licence

7.—(1) A person who holds a pavement café licence in respect of any premises may apply to the council in whose district the premises are situated for renewal of the licence.

(2) Sections 10 and 11 apply in relation to an application under this section.

(3) A council must grant an application for renewal of a pavement café licence which is made to it in accordance with this Act unless it considers that it ought to refuse the application on one or more of the grounds set out in section 4(2).

(4) Before deciding an application for renewal of a pavement café licence the council may consult such persons as it considers appropriate.

(5) In deciding an application for renewal of a pavement café licence, the council must take into account any representations relating to the application which are made by any person to the council within the period allowed for representations.

(6) Sections 5 and 6 (form, duration and conditions of licence) apply to a pavement café licence as renewed as they apply to a pavement café licence as initially granted.

(7) When renewing a pavement café licence, a council may vary the licence—

- (a) by varying the conditions (if any) specified in the licence under section 6(3);
- (b) by specifying new conditions under section 6(3);
- (c) by making a variation (within the meaning given by section 8(9)) of the area covered by the licence;
- (d) by exercising any power that the council has under section 17 to insert an alcohol condition in the licence;
- (e) subject to subsection (9), by removing an alcohol condition from the licence.

(8) The licence may be varied under subsection (7)(a) to (c) whether or not an application has been made under section 8 and whether or not the council has power under any other provision of this Act to make the variation concerned.

(9) The licence may be varied under subsection (7)(e) only if an application under section 9 has been made and the council has decided in accordance with that section to remove the alcohol condition.

(10) In this section “alcohol condition” has the same meaning as in section 17.

Annotations:

Commencement Information

I7 S. 7 in operation at 1.10.2016 by S.R. 2016/126, art. 2

Variation on application of licence holder

Variation of section 6(3) conditions or of area covered by licence

8.—(1) A person who holds a pavement café licence in respect of any premises may apply to the council in whose district the premises are situated for—

- (a) a variation of the conditions, if any, specified in the licence under section 6(3); or
- (b) a variation of the area covered by the licence.

(2) The application must specify the variation that the applicant wishes to be made.

(3) Sections 10 and 11 apply in relation to an application under this section.

(4) Where an application for a variation of conditions specified in a pavement café licence under section 6(3) is made to a council in accordance with this Act, the council may—

- (a) make the variation applied for;
- (b) make such other variation of the conditions as it thinks fit (including by specifying conditions under section 6(3) that were not specified in the application); or
- (c) refuse the application.

(5) Where an application for a variation of the area covered by a pavement café licence is made to a council in accordance with this Act, the council must grant the application unless it considers that it ought to refuse the application on one or more of the grounds set out in section 4(2).

(6) Before deciding an application under this section the council may consult such persons as it considers appropriate.

(7) In deciding an application under this section, the council must take into account any representations relating to the application which are made by any person to the council within the period allowed for representations.

(8) Any reference in this Act to the variation of conditions specified in a licence under section 6(3) includes the removal of any such conditions.

(9) Any reference in this Act to a variation of the area covered by a pavement café licence is a reference to a variation of that area such that, after the variation, at least 75% of the area falls within the area as it was before the variation.

(10) In section 4(2)(a) as it applies for the purposes of subsection (5) above, the reference to the public area where the applicant wishes to place temporary furniture for use for the consumption of food or drink is to be read as a reference to the part of that area which is not already covered by the licence.

Annotations:

Commencement Information

I8 [S. 8](#) in operation at 1.10.2016 by [S.R. 2016/126](#), [art. 2](#)

Variation by removal of alcohol prohibition

9.—(1) This section applies where—

- (a) a person holds a pavement café licence in respect of any premises;
- (b) the pavement café licence includes a condition (“an alcohol condition”) requiring the licence holder not to permit persons to consume intoxicating liquor when using furniture on the area covered by the licence; and
- (c) the premises specified in the pavement café licence are not premises licensed under the Licensing Order of a kind mentioned in Article 5(1)(b) of that Order (off-licences).

(2) The holder of the pavement café licence may apply to the council in whose district the premises are situated for the pavement café licence to be varied by the removal of the alcohol condition.

(3) Sections 10 and 11 apply in relation to an application under this section.

(4) Where an application under this section is made to a council in accordance with this Act, the council may—

- (a) remove the alcohol condition; or
- (b) if it is satisfied that permitting persons to consume intoxicating liquor when using furniture on the area covered by the licence would be likely to result in disorder, refuse the application.

(5) Before deciding an application under this section the council—

- (a) must consult the district commander for the police district in which the premises are situated; and
- (b) may consult such other persons as it considers appropriate.

(6) In deciding an application under this section, the council must take into account any representations relating to the application which are made by any person to the council within the period allowed for representations.

Annotations:

Commencement Information

I9 S. 9 in operation at 1.10.2016 by [S.R. 2016/126](#), [art. 2](#)

Applications: general provision

Applications: general provision

10.—(1) In this section “an application” means an application for the grant or renewal of a pavement café licence or for the variation of a pavement café licence under section 8 or 9.

(2) An application—

- (a) must be made in writing, and in such form and way and at such time as the council to which the application is made may specify; and
- (b) if the council so requires, must be accompanied by any fee (or such part as the council may determine of any fee) payable under section 12.

(3) An application must—

- (a) confirm that the notice required by section 11 has been fixed as required by that section, and the date on which this was done; and
- (b) contain such information, and be accompanied by such documents, as the council may reasonably require.

(4) Where a council receives an application made in accordance with this Act, it must, by such means as it thinks appropriate—

- (a) make the application available to be viewed by the public until the end of the period allowed for representations; and
- (b) publicise the fact that representations relating to the application may be made in writing to the council until the end of that period.

(5) In this Act “the period allowed for representations”, in relation to an application, means 28 days beginning with the first working day after the date when the application is received by the council.

(6) The council may require the applicant to provide such further information or documents as it may consider necessary for dealing with the application.

(7) If it refuses an application, a council must give the applicant notice in writing of its decision and of—

- (a) the grounds for that decision; and

(b) the applicant's rights under section 21 (appeals).

(8) A person who, in connection with an application, makes a statement which is false in a material respect and does so knowing it to be false commits an offence.

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

Annotations:

Commencement Information

I10 [S. 10](#) in operation at 1.10.2016 by [S.R. 2016/126](#), [art. 2](#)

Notice of application to be displayed

11.—(1) This section applies where an application is made for the grant or renewal of a pavement café licence or for the variation of a pavement café licence under section 8 or 9.

(2) The applicant must ensure—

- (a) that, on the day when the application is sent to the council, the required notice is fixed to the premises specified in the application so as to be easily visible and legible to the public from outside the premises; and
- (b) that the notice remains in position and so visible and legible until the end of the period allowed for representations.

(3) In this section “the required notice” means a notice, in such form as may be specified by the council to which the application is made, which—

- (a) states that an application for the grant, renewal or variation of a pavement café licence (as the case may be) has been made in relation to the premises;
- (b) specifies the date of the application;
- (c) indicates that the council will make the application available to be viewed by the public until the end of the period allowed for representations;
- (d) indicates how the application may be viewed;
- (e) indicates that representations relating to the application may be made in writing to the council until the end of that period; and
- (f) contains such other information as the council may specify.

Annotations:

Commencement Information

I11 [S. 11](#) in operation at 1.10.2016 by [S.R. 2016/126](#), [art. 2](#)

Fees

12.—(1) A council may charge fees—

- (a) for the grant or renewal of a pavement café licence;
- (b) for a variation of a pavement café licence under section 8 or 9.

(2) Any fees charged by a council under this section shall be such as the council may determine.

(3) But fees charged by a council under this section may only be—

- (a) such fees as may be sufficient in the aggregate, taking one year with another, to cover any reasonable administrative or other costs in connection with the council's functions under this Act that are not otherwise recoverable; or
- (b) such lower fees as the council may determine.

(4) Before determining or altering any fees under this section the council must—

- (a) give notice of the proposed fees to licence holders affected by the proposal; and
- (b) publicise the proposed fees by such means as it thinks appropriate.

(5) The notice under subsection (4)(a) and publicity under subsection (4)(b) must indicate—

- (a) that a statement has been prepared showing how the proposed fees have been calculated;
- (b) that the statement will be available to be viewed by the public until the end of a period specified in the notice and publicity, and how it may be viewed; and
- (c) that representations relating to the proposed fees may be made in writing to the council until the end of that period.

(6) The period specified under subsection (5)(b) must be at least 28 days beginning with the day after the date when the proposed fees are first publicised.

(7) In reaching a decision about the determination or alteration of the fees, the council must take into account any representations made to it within the period specified under subsection (5)(b).

(8) Where the council has reached its decision, it must—

- (a) give notice of the decision to licence holders affected by the decision; and
- (b) publicise the decision by such means as it thinks appropriate.

(9) The council may determine the time and way in which fees are to be paid.

(10) Where a council refuses an application for the grant, renewal or variation of a pavement café licence, it must refund any fee paid less any costs necessarily incurred by the council in deciding the application.

(11) Where a pavement café licence is revoked under section 14(1)(a) or (b), the council must refund such part of any fee paid for the grant or renewal of the licence as appears to the council appropriate, having regard to—

- (a) the period for which the licence had been in force when revoked; and
- (b) any costs necessarily incurred by the council in deciding the application to grant or renew the licence.

(12) The council may refund, in such other circumstances as it considers appropriate, the whole or part of any fee.

Annotations:

Commencement Information

I12 [S. 12](#) in operation at 1.10.2016 by [S.R. 2016/126](#), [art. 2](#)

Change in persons carrying on business

Change in persons carrying on business

13.—(1) Subsection (2) applies where—

- (a) a pavement café licence was granted to two or more persons carrying on, or proposing to carry on, a qualifying business;
- (b) one or more of those persons has died or withdrawn from the business;
- (c) one or more of those persons (“the remaining person”) is still carrying on a qualifying business; and
- (d) the licence has not expired or been revoked or surrendered.

(2) The remaining person is to be treated as the holder of the licence.

(3) Subsection (4) applies where—

- (a) a pavement café licence was granted to a person or persons carrying on, or proposing to carry on, a qualifying business;
- (b) that person (or, if the licence was granted to two or more persons, any of them) is carrying on a qualifying business together with a person who is not a holder of the licence; and
- (c) the licence has not expired or been revoked or surrendered.

(4) The licence is to be taken to authorise the placing by the licence holder and that other person on the area covered by the licence of temporary furniture for use as mentioned in the licence.

(5) A pavement café licence may not be transferred from one person to another.

(6) But subsection (5) does not affect—

- (a) any power of a person to apply for a new pavement café licence in respect of premises for which a pavement café licence held by another person is in force;
- (b) the power of a licence holder to surrender a pavement café licence in respect of premises on the grant to another person of a new pavement café licence in respect of the premises.

(7) In this section “a qualifying business” means a business involving the supply of food or drink to members of the public, or of a section of the public, in or from the premises specified in the licence.

Annotations:

Commencement Information

I13 [S. 13](#) in operation at 1.10.2016 by [S.R. 2016/126](#), [art. 2](#)

Revocation, suspension and compulsory variation

Revocation of licence

14.—(1) A council may at any time revoke a pavement café licence if it is satisfied—

- (a) that all or any part of the public area where the licence permits the placing of temporary furniture for use for the consumption of food or drink has become, or is going to become, unsuitable for that purpose;
- (b) that continuing to place such furniture on, or on a particular part of, that area for use for the consumption of food or drink supplied in or from the premises specified in the licence would be likely to result in undue interference or inconvenience to persons or vehicles in the vicinity, or in disorder;
- (c) that the licence holder, in connection with an application for the grant, renewal or variation of the licence, made a statement which the applicant knew to be false in a material respect or failed to comply with section 11;
- (d) that the licence holder has persistently failed to comply with any condition of the licence; or
- (e) that the licence holder has, without reasonable explanation, failed to pay any fee due to the council under section 12.

(2) Where a pavement café licence permits the placing of temporary furniture on more than one public area—

- (a) subsection (1)(a) applies as if the reference to the public area were to any of the public areas; and
- (b) subsection (1)(b) applies as if the reference to that area were to those areas.

Changes to legislation: There are currently no known outstanding effects for the Licensing of Pavement Cafés Act (Northern Ireland) 2014. (See end of Document for details)

Annotations:

Commencement Information

I14 [S. 14](#) in operation at 1.10.2016 by [S.R. 2016/126](#), [art. 2](#)

Suspension of licence

15.—(1) A council may at any time suspend a pavement café licence if it is satisfied—

- (a) that all or any part of the public area where the licence permits the placing of temporary furniture for use for the consumption of food or drink has become, or is going to become, temporarily unsuitable for that purpose; or
- (b) that placing such furniture on, or on a particular part of, that area for use for the consumption of food or drink supplied in or from the premises specified in the licence would, temporarily, be likely to result in undue interference or inconvenience to persons or vehicles in the vicinity or in disorder.

(2) A council may also suspend a pavement café licence at any time (as an alternative to revoking it) if it is satisfied that any of the grounds set out in section 14(1)(c) to (e) is met.

(3) While a pavement café licence is suspended the licence is to be treated for all purposes (and, in particular, for the purposes of section 2(2)) as not being a valid pavement café licence.

(4) But subsection (3) does not apply for the purposes of—

- (a) the provisions of this Act relating to the surrender, renewal or variation of pavement café licences;
- (b) any requirement in section 12 to give notice to licence holders;
- (c) section 22 (powers of entry and inspection).

(5) Subsection (2) of section 14 applies for the purposes of subsection (1)(a) and (b) above as it applies for the purposes of subsection (1)(a) and (b) of that section.

Annotations:

Commencement Information

I15 [S. 15](#) in operation at 1.10.2016 by [S.R. 2016/126](#), [art. 2](#)

Compulsory variation of section 6(3) conditions

16.—(1) A council may at any time vary a pavement café licence by—

- (a) varying the conditions (if any) specified in the licence under section 6(3);
- or

(b) specifying new conditions under section 6(3).

(2) But a council may make a variation under this section only if it considers that it ought to do so as a result of a material change in the circumstances on which the conditions specified in the licence under section 6(3) were based (or on the basis of which a particular condition was not so specified).

Annotations:

Commencement Information

I16 [S. 16](#) in operation at 1.10.2016 by [S.R. 2016/126](#), [art. 2](#)

Compulsory variation: prohibition of alcohol

17.—(1) A council may at any time vary a pavement café licence which does not include an alcohol condition by inserting such a condition, but this is subject to subsection (3).

(2) In this section “an alcohol condition” means a condition requiring the licence holder not to permit persons to consume intoxicating liquor when using furniture on the area covered by the licence.

(3) A council may insert such a condition only if—

- (a) the premises specified in the licence are premises licensed under the Licensing Order of a kind mentioned in Article 5(1)(b) of that Order (off-licences); or
- (b) the council is satisfied that permitting persons to consume intoxicating liquor when using furniture on the area covered by the licence would be likely to result in disorder.

Annotations:

Commencement Information

I17 [S. 17](#) in operation at 1.10.2016 by [S.R. 2016/126](#), [art. 2](#)

Compulsory variation of area covered by licence

18.—(1) This section applies if at any time a council is satisfied, as respects part of the public area where a pavement café licence permits the placing of temporary furniture for use for the consumption of food or drink—

- (a) that that part has become, or is going to become, unsuitable for that purpose; or
- (b) that continuing to place such furniture on that part for use for the consumption of food or drink supplied in or from the premises specified in

Changes to legislation: There are currently no known outstanding effects for the Licensing of Pavement Cafés Act (Northern Ireland) 2014. (See end of Document for details)

the licence would be likely to result in undue interference or inconvenience to persons or vehicles in the vicinity, or in disorder.

(2) Where this section applies, the council may (as an alternative to revoking the licence) make a variation of the area covered by the licence.

(3) Where a pavement café licence permits the placing of temporary furniture on more than one public area—

- (a) the reference in subsection (1) to part of the public area includes any of those public areas, or any part of any of those areas (and the references in subsection (1)(a) and (b) to “that part” are to be read accordingly); and
- (b) the power under subsection (2) to make a variation of the area covered by the licence includes power to vary the licence so that one or more of the areas covered by the licence (or any part or parts of them) cease to be covered by the licence.

Annotations:

Commencement Information

I18 [S. 18](#) in operation at 1.10.2016 by [S.R. 2016/126](#), [art. 2](#)

Notice of revocation, suspension or compulsory variation

19.—(1) Before deciding to revoke, suspend or make a compulsory variation of a pavement café licence, a council must (subject to subsection (5)) notify the licence holder in writing of its proposal to revoke, suspend or vary the licence.

(2) A notification under subsection (1) must state—

- (a) the grounds for the proposed revocation, suspension or variation; and
- (b) that representations in writing relating to the proposal may be made by the licence holder to the council until the end of a period specified in the notification.

(3) Any period specified under subsection (2)(b) must be at least 21 days beginning with the date when the notification is sent unless the council considers that there are particular circumstances which make a shorter period necessary in the public interest.

(4) In deciding whether to revoke, suspend or make the proposed variation of the licence the council must take into account any representations made by the licence holder within the period specified under subsection (2)(b).

(5) If it considers that there are particular circumstances which make it necessary to do so in the public interest, a council may decide whether to revoke, suspend or make a compulsory variation of a pavement café licence even though no notification has been given under subsection (1).

(6) Where a council decides to revoke, suspend or make a compulsory variation of a pavement café licence, the council must give notice in writing to the licence holder of the revocation, suspension or variation.

(7) A notice under subsection (6) must—

- (a) state when the revocation, suspension or variation takes effect;
- (b) in the case of suspension, state when the suspension ends;
- (c) state the grounds for the revocation, suspension or variation; and
- (d) include notice of the licence holder's rights under section 21 (appeals).

(8) A notice under subsection (6) may provide for the revocation, suspension or variation to take effect on the date when that notice is served on the licence holder, but only where the council considers that there are particular circumstances which make this necessary in the public interest.

(9) In any other case, the notice must give the licence holder such notice of the revocation, suspension or variation as the council considers reasonable in all the circumstances.

(10) A notice under subsection (6) may be withdrawn at any time before the revocation, suspension or variation takes effect.

(11) Where a suspension of a pavement café licence has taken effect, the council may—

- (a) extend the suspension on one or more occasions;
- (b) revoke the suspension by notice in writing to the person whose licence was suspended.

(12) Subsections (1) to (10) apply to an extension of a suspension as they apply to a suspension.

(13) Any reference in this section to compulsory variation of a pavement café licence is to variation of a pavement café licence under any of sections 16 to 18.

Annotations:

Commencement Information

I19 [S. 19](#) in operation at 1.10.2016 by [S.R. 2016/126](#), [art. 2](#)

Matters to be recorded in register

Matters to be recorded in register under Licensing Order

20.—(1) Regulations may make provision—

- (a) requiring a district council to notify prescribed matters relating to a relevant pavement café licence to the person responsible for keeping the licensing register;

Changes to legislation: There are currently no known outstanding effects for the Licensing of Pavement Cafés Act (Northern Ireland) 2014. (See end of Document for details)

- (b) requiring a district council to send prescribed documents to that person;
- (c) requiring that person—
 - (i) to record, in a prescribed part of that register, matters notified under the regulations; and
 - (ii) to keep prescribed documents sent under the regulations.

(2) The regulations may include provision, in relation to—

- (a) matters required by the regulations to be recorded in the register, or
- (b) documents required by the regulations to be kept,

which applies or corresponds to any provision of the Licensing Order relating to matters required by or under that Order to be recorded in the register or to any documents required by that Order to be kept.

(3) In this section—

“the licensing register” means the register kept under Article 34 of the Licensing Order in which matters relating to the licence under that Order for the premises are recorded;

“a relevant pavement café licence” means a pavement café licence in respect of premises which are licensed under the Licensing Order.

Annotations:

Commencement Information

I20 [S. 20](#) in operation at 1.10.2016 by [S.R. 2016/126](#), [art. 2](#)

Appeals

Appeals

21.—(1) Where an application for—

- (a) the grant or renewal of a pavement café licence, or
- (b) a variation of a pavement café licence under section 8 or 9,

is refused, the person who made the application may appeal against the refusal.

(2) Where a pavement café licence is granted, the licence holder may appeal

- (a) against any condition specified in the licence under section 6(2)(b) or (3); or
- (b) if the area (or areas) shown in the plan in the licence are not the same as the area (or areas) proposed in the application, against the council's decision with regard to any such area.

(3) Where a pavement café licence is granted or renewed and a period is specified under section 5(5)(a) in the licence, the licence holder may appeal against the council's decision to specify that period.

(4) Where a pavement café licence held by a person is—

- (a) renewed subject to a variation under section 7(7),
- (b) varied under section 8(4)(b),
- (c) revoked under section 14,
- (d) suspended under section 15, or
- (e) varied under any of sections 16 to 18,

that person may appeal against the variation, revocation or suspension.

(5) Where a suspension of a pavement café licence is extended under section 19, the person whose licence was suspended may appeal against the extension.

(6) Any appeal under this section must be made to a court of summary jurisdiction by notice under Part 7 of the Magistrates' Courts (Northern Ireland) Order 1981.

(7) An appeal under this section must be brought within 21 days beginning with the day after the date on which notice is given of the refusal, grant, renewal, variation, revocation, suspension or extension (as the case may be).

(8) On an appeal under this section, a court of summary jurisdiction may make such order as it considers appropriate and the council must give effect to that order.

Annotations:

Commencement Information

I21 [S. 21](#) in operation at 1.10.2016 by [S.R. 2016/126](#), [art. 2](#)

Powers of entry, removal, etc.

Powers of entry and inspection

22.—(1) An authorised officer may at any reasonable time, in order to obtain information required by the council for a purpose mentioned in subsection (2)—

- (a) enter and inspect premises to which a pavement café licence relates, or to which an application for the grant, renewal or variation of such a licence relates;
- (b) inspect furniture placed on a public area for use for the consumption of food or drink supplied in or from any premises;
- (c) inspect any other object placed on a public area with such furniture.

Changes to legislation: There are currently no known outstanding effects for the Licensing of Pavement Cafés Act (Northern Ireland) 2014. (See end of Document for details)

- (2) The purposes referred to in subsection (1) are—
- (a) the purpose of determining whether an application for a pavement café licence or the renewal or variation of such a licence should be granted or what conditions should be specified in such a licence;
 - (b) the purpose of ascertaining whether a condition specified in a pavement café licence is being or has been complied with;
 - (c) the purpose of determining whether a pavement café licence should be revoked, suspended, or varied under any of sections 16 to 18.
- (3) An authorised officer exercising powers under this section must if required produce his or her authority.
- (4) Any power under this section to enter and inspect premises does not apply to any part of the premises used as a dwelling.

Annotations:

Commencement Information

I22 S. 22 in operation at 1.10.2016 by S.R. 2016/126, art. 2

Power to remove unlicensed furniture

23.—(1) A council may cause any temporary furniture which is unlicensed to be removed from a public area and stored.

- (2) For the purposes of this section temporary furniture is “unlicensed” if—
- (a) it has been placed on a public area, in the course of a business, for use for the consumption of food or drink supplied in the course of that business in or from any premises; and
 - (b) the person carrying on the business does not hold (or, if more than one person carries on the business, none of those persons holds) a pavement café licence in respect of the premises.
- (3) Where any furniture is removed and stored under subsection (1), the council—
- (a) must, where the name and address of the person in the course of whose business the furniture was placed on the public area (“the responsible person”) is known, notify that person of the removal and storage and of how the furniture may be recovered; and
 - (b) may recover from the responsible person the costs reasonably incurred by the council in removing and storing the furniture.
- (4) Any charges incurred by a council in pursuance of subsection (1) shall be payable by the responsible person before the return of the furniture to that person.

(5) Where any furniture—

- (a) has been removed under subsection (1), and
- (b) has not been recovered by the responsible person within 3 months beginning with the date of its removal,

the council may take such steps as are reasonable to sell it or to dispose of it in such other way as the council thinks fit.

Annotations:

Commencement Information

I23 [S. 23](#) in operation at 1.10.2016 by [S.R. 2016/126](#), [art. 2](#)

Offence of obstruction

24.—(1) A person who intentionally obstructs an authorised officer acting in the exercise of powers under section 22 or 23 commits an offence.

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

Annotations:

Commencement Information

I24 [S. 24](#) in operation at 1.10.2016 by [S.R. 2016/126](#), [art. 2](#)

Supplementary

Service of notices and documents

25.—(1) Without prejudice to section 24(2) of the Interpretation Act (Northern Ireland) 1954, any notice or other document required or authorised to be served on or sent or given to any person under this Act may be served, sent or given, in a case where an address for service using electronic communications has been given by that person, by sending it using electronic communications, in accordance with the condition in subsection (2), to that person at that address.

(2) That condition is that the notice or other document is—

- (a) capable of being accessed by the recipient;
- (b) legible in all material respects; and
- (c) in a form sufficiently permanent to be used for subsequent reference;

and for this purpose “legible in all material respects” means that the information contained in the notice or document is available to the recipient to no lesser

extent than it would be if served or given by means of a notice or document in printed form.

(3) Where a person uses electronic communications to transmit any notice or other document for any purpose of this Act, that person shall be taken to have agreed, except where a contrary intention appears, to the use of such communications and that his or her address for that purpose is the address incorporated into, or otherwise logically associated with, the notice or document.

(4) In this section “electronic communication” has the same meaning as in the Electronic Communications Act (Northern Ireland) 2001.

Annotations:

Commencement Information

I25 [S. 25](#) in operation at 1.10.2016 by [S.R. 2016/126, art. 2](#)

Power to make further provision

26.—(1) The Department may by regulations make such supplementary, incidental, consequential or transitional provision as it considers necessary or expedient for the purposes of, or in consequence of, or for giving full effect to, any provision made by or under this Act.

(2) The provision which may be made under subsection (1) includes provision which amends or modifies any statutory provision (including this Act) or any document.

Annotations:

Commencement Information

I26 [S. 26](#) in operation at 1.10.2016 by [S.R. 2016/126, art. 2](#)

Regulations

27.—(1) Subject to subsection (2), regulations made under this Act are subject to negative resolution.

(2) Regulations which include provision under section 26(1) that amends any statutory provision may not be made unless a draft of the regulations has been laid before and approved by a resolution of the Assembly.

Annotations:

Commencement Information

I27 [S. 27](#) in operation at 1.10.2016 by [S.R. 2016/126, art. 2](#)

Consequential amendments

28. The statutory provisions set out in the Schedule have effect subject to the consequential amendments specified in that Schedule.

Annotations:

Commencement Information

I28 S. 28 in operation at 1.10.2016 by S.R. 2016/126, art. 2

Byelaws

29.—(1) Where, by creating an offence, a byelaw prohibits the consumption of intoxicating liquor in a particular place, the byelaw does not apply to any relevant pavement café area within that place.

(2) In this section “a relevant pavement café area” means a public area which

- (a) is an area shown under section 5 on the plan in a pavement café licence which is in force;
- (b) for the time being has temporary furniture on it that under the terms of that licence is permitted to be on that area at that time;
- (c) is associated with premises licensed under the Licensing Order which are
 - (i) premises of a kind mentioned in Article 5(1)(a) of the Licensing Order;
 - (ii) a hotel;
 - (iii) a guest house in which the business of a restaurant is carried on;
 - (iv) a restaurant; or
 - (v) a refreshment room in public transport premises; and
- (d) is not subject to an alcohol condition.

(3) For the purposes of subsection (2)(c)—

- (a) the area is “associated with” particular premises if those premises are the premises in respect of which the pavement café licence relating to the area was granted;
- (b) “hotel”, “guest house”, “restaurant”, and “public transport premises” have the same meanings as in the Licensing Order.

(4) For the purposes of subsection (2)(d), the area is “subject to an alcohol condition” if the pavement café licence relating to the area includes a condition requiring the licence holder not to permit persons to consume intoxicating liquor when using furniture on the area.

Changes to legislation: There are currently no known outstanding effects for the Licensing of Pavement Cafés Act (Northern Ireland) 2014. (See end of Document for details)

(5) In subsection (1) the reference to intoxicating liquor includes any liquor of a similar nature which falls within the byelaw.

Annotations:

Commencement Information

I29 [S. 29](#) in operation at 1.10.2016 by [S.R. 2016/126](#), [art. 2](#)

Definitions

30.—(1) In this Act—

“the area covered by the licence”, in relation to a pavement café licence, has the meaning given by section 5(2) or, where the licence relates to more than one public area, the meaning given by section 5(4)(b);

“authorised officer” means a person authorised by a council for the purposes of this Act;

“business” includes any business whether or not carried on for profit;

“council” means a district council;

“the Department” means the Department for Social Development;

“furniture” has the meaning given by section 1(3);

“intoxicating liquor” has the same meaning as in the Licensing Order;

“licensed under the Licensing Order”, in relation to premises, has the meaning given by subsection (2);

“the Licensing Order” means the Licensing (Northern Ireland) Order 1996;

“market area” means a place where a person has a right (exercisable at particular times) to hold a market or fair; and in this definition “right” means a right acquired by virtue of a grant (including a presumed grant) or acquired or established by virtue of a statutory provision;

“pavement café licence” has the meaning given by section 1(1);

“the period allowed for representations”, in relation to an application, has the meaning given by section 10(5);

“place”, when used as a verb, is to be read in accordance with section 1(7);

“premises” includes any place other than a public area, and any stall, moveable structure, vehicle or vessel;

“prescribed” means prescribed by regulations;

“public area” has the meaning given by section 1(2);

“regulations” means regulations made by the Department;

“sale of intoxicating liquor by retail” is to be read in accordance with Article 2(6) of the Licensing Order;

“statutory provision” has the meaning given by section 1(f) of the Interpretation Act (Northern Ireland) 1954;

“supplied”, in relation to food and drink, is to be read in accordance with section 1(6);

“temporary”, in relation to furniture, is to be read in accordance with section 1(4) and (5);

“variation”—

(a) in relation to conditions specified in a licence under section 6(3), has the meaning given by section 8(8);

(b) in relation to the area covered by a pavement café licence, has the meaning given by section 8(9);

“working day” means a day which is not a Saturday, Sunday or public holiday.

(2) For the purposes of this Act, premises are “licensed under the Licensing Order” if they are premises in which the sale of intoxicating liquor by retail is authorised by a licence under the Licensing Order other than an occasional licence within the meaning of that Order.

(3) References in this Act to a business “involving” the supply of food or drink to members of the public, or of a section of the public, include a business where such supply of food and drink is ancillary to the principal activity of the business.

(4) A stall, moveable structure, vehicle or vessel in or from which food or drink is supplied is to be treated for the purposes of this Act as premises situated at the place where the stall, moveable structure, vehicle or vessel is when being used for the supply of food or drink.

(5) If a stall, moveable structure, vehicle or vessel is used for the supply of food or drink at more than one place, the premises which by virtue of subsection (4) are to be treated as situated at each such place are to be treated as separate premises.

Short title

31. This Act may be cited as the Licensing of Pavement Cafés Act (Northern Ireland) 2014.

Commencement

32.—(1) This Act, except sections 30 and 31 and this section, shall come into operation on such day or days as the Department may by order appoint.

(2) An order under this section may contain such transitional provisions as the Department thinks appropriate.

SCHEDULE

Section 28.

CONSEQUENTIAL AMENDMENTS

The Roads (Northern Ireland) Order 1993 (NI 15)

1. In Article 71(2) (offence of erecting structure on road), after paragraph (b) insert—

“(ba) in pursuance of a pavement café licence under the Licensing of Pavement Cafés Act (Northern Ireland) 2014; or”.

Annotations:

Commencement Information

I30 [Sch. para. 1](#) in operation at 1.10.2016 by [S.R. 2016/126](#), [art. 2](#)

The Licensing (Northern Ireland) Order 1996 (NI 22)

2. After Part 5 insert—

“PART 5A

PAVEMENT CAFE AREAS

Pavement café areas: definitions

76A.—(1) In this Part, a “pavement café area” means a public area which

- (a) is an area shown, under section 5 of the Licensing of Pavement Cafés Act (Northern Ireland) 2014, on the plan in a pavement café licence which is in force; and
- (b) for the time being has temporary furniture on it that under the terms of the pavement café licence is permitted to be on that area at that time.

(2) For the purposes of this Part, a pavement café area is “associated with” particular premises if those premises are (or are part of) the premises in respect of which the pavement café licence relating to the pavement café area was granted.

(3) In this Part the following expressions have the same meaning as in the Licensing of Pavement Cafés Act (Northern Ireland) 2014—

“pavement café licence”;

“public area”;

“temporary furniture”.

Sale for consumption on pavement café area not prohibited by Article 5(3)(b) or 51 in certain cases

76B.—(1) This Article applies where—

- (a) a pavement café area is associated with premises for which a licence is in force;
- (b) those premises are—
 - (i) a hotel;
 - (ii) a guest house in which the business of a restaurant is carried on;
 - (iii) a restaurant; or
 - (iv) a refreshment room in public transport premises; and
- (c) the pavement café licence relating to the pavement café area does not include a condition requiring the licence holder not to permit persons to consume intoxicating liquor when using furniture on that area.

(2) For the purposes of the reference in Article 5(3)(b) to consumption off the premises, the pavement café area is to be treated as part of the premises.

(3) If the premises are a hotel, the pavement café area is also to be treated as part of the premises for the purposes of the references in Article 5(5)(b) to consumption off the premises and to a diner in the premises.

(4) If—

- (a) the premises are a restaurant, or a guest house in which the business of a restaurant is carried on, and
- (b) the business of the restaurant is carried on partly on the pavement café area,

the pavement café area is also to be treated for the purposes of Article 51(4)(a)(ii) (and, in the case of a guest house, Article 51(2)) as being a part of the restaurant.

Pavement café area where consumption permitted: hours, conduct etc.

76C.—(1) This Article applies where—

- (a) a pavement café area is associated with premises for which a licence is in force;
- (b) those premises are—
 - (i) premises of a kind mentioned in Article 5(1)(a);

Changes to legislation: There are currently no known outstanding effects for the Licensing of Pavement Cafés Act (Northern Ireland) 2014. (See end of Document for details)

- (ii) a hotel;
 - (iii) a guest house in which the business of a restaurant is carried on;
 - (iv) a restaurant; or
 - (v) a refreshment room in public transport premises; and
- (c) the pavement café licence relating to the pavement café area does not include a condition requiring the licence holder not to permit persons to consume intoxicating liquor when using furniture on that area.

(2) For the purposes of the provisions mentioned in paragraph (3), the pavement café area is to be treated as part of the licensed premises with which it is associated.

(3) Those provisions are—

Article 41(1)(a)(ii), (c) and (d);
in Article 46—

- (a) any reference in paragraph (1)(a) to consumption in the premises;
- (b) the reference in paragraph (1)(b) to taking liquor from the premises;

Article 57A;

Article 60(1)(b) and (d)(i);

Articles 61 to 65;

in Article 69J(2), the reference to the premises;

Articles 73 and 74; and

Article 82.

(4) If the premises are of a kind mentioned in Article 5(1)(a), the pavement café area is also to be treated as part of the premises for the purposes of—

- (a) any reference in Article 43(2), 50(1) or 58(1)(a) to consumption off the premises or to consumption in the premises; and
- (b) where there is a condition under Article 43(2) in relation to the premises, any reference in that condition to consumption in the premises.

(5) If the premises are a hotel, the pavement café area is also to be treated as part of the premises for the purposes of the reference in Article 50(1) to consumption off the premises.

Young persons prohibited from certain pavement café areas

76D.—(1) This Article applies where—

- (a) Article 76C applies; and
- (b) the pavement café area is used exclusively or mainly for the consumption of intoxicating liquor.

(2) For the purposes of Article 58(1)(c) and (2) to (14) (young persons prohibited from certain premises), the pavement café area is to be treated—

- (a) as part of the licensed premises with which it is associated;
- (b) as if it were a part falling within Article 58(1)(c)(ii); and
- (c) accordingly, as being included in any reference in Article 58 to any part of the licensed premises as mentioned in paragraph (1) of that Article.

(3) If a children's certificate is in force in respect of any part of the premises with which the pavement café area is associated, then (subject to paragraph (4)) the pavement café area is also to be treated for the purposes of Article 58(5)(b) as if it were a part of the premises for which the children's certificate is in force.

(4) If a children's certificate is in force in respect of any part of the premises with which the pavement café area is associated—

- (a) the powers of a court of summary jurisdiction under Article 59(8) include power, on the application of the holder of the licence, to revoke the children's certificate so far as relating to the pavement café area; and
- (b) the powers of a court of summary jurisdiction under Article 59(9) include power to revoke the children's certificate so far as relating to the pavement café area if the court is satisfied, upon complaint made under Part 8 of the Magistrates' Courts (Northern Ireland) Order 1981—
 - (i) that the pavement café area does not constitute an environment in which it is suitable for a person under the age of 18 to be present; or
 - (ii) in the case of a complaint made as mentioned in Article 59(9)(b), that any condition specified in Article 59(2)(b) to (d) or in Article 58(5) is not being complied with in respect of the pavement café area.

Off-licence: penalty for consumption on pavement café area

76E.—(1) This Article applies where—

Changes to legislation: There are currently no known outstanding effects for the Licensing of Pavement Cafés Act (Northern Ireland) 2014. (See end of Document for details)

- (a) a pavement café area is associated with premises for which a licence is in force; and
 - (b) those premises are of a kind mentioned in Article 5(1)(b).
- (2) For the purposes of the provisions mentioned in paragraph (3), the pavement café area is to be treated as part of the licensed premises with which it is associated.
- (3) Those provisions are—
Article 57(1)(a);
Article 82(3) and (4).”.

Annotations:

Commencement Information

I31 [Sch. para. 2](#) in operation at 1.10.2016 by [S.R. 2016/126](#), [art. 2](#)

The Street Trading Act (Northern Ireland) 2001 (c. 8)

- 3.—**(1) Section 2 (activities which are not street trading) is amended as follows.
- (2) In subsection (1), after paragraph (e) insert—
- “(f) where a pavement café licence is in force, trading carried out in the area covered by the licence, if the trading—
- (i) takes place at a time when that area has temporary furniture on it that under the terms of the licence is permitted to be there at that time;
 - (ii) is done in the course of a business which is carried on by the licence holder at the premises specified in the licence;
 - (iii) relates to the supply of food or drink in or from those premises for consumption on that area; and
 - (iv) does not involve a contravention of the conditions of the licence.”.
- (3) After subsection (4) insert—
- “(5) Expressions used in paragraph (f) of subsection (1) and in the Licensing of Pavement Cafés Act (Northern Ireland) 2014 have the same meaning in that paragraph as in that Act.”.

Annotations:

Commencement Information

I32 [Sch. para. 3](#) in operation at 1.10.2016 by [S.R. 2016/126](#), [art. 2](#)

The Criminal Justice (Northern Ireland) Order 2008 (NI 1)

4.—(1) Article 70 (designated public places) is amended as follows.

(2) In paragraph (2) (places that are not designated public places for the purposes of Articles 68 to 71 of that Order), after sub-paragraph (a) insert—

“(aa) a relevant pavement café area;”.

(3) After paragraph (6) insert—

“(7) In this Article “a relevant pavement café area” means a public area which—

- (a) is an area shown under section 5 of the Licensing of Pavement Cafés Act (Northern Ireland) 2014 on the plan in a pavement café licence which is in force;
- (b) for the time being has temporary furniture on it that under the terms of that licence is permitted to be on that area at that time;
- (c) is associated with licensed premises which are—
 - (i) premises of a kind mentioned in Article 5(1)(a) of the Licensing (Northern Ireland) Order 1996;
 - (ii) a hotel;
 - (iii) a guest house in which the business of a restaurant is carried on;
 - (iv) a restaurant; or
 - (v) a refreshment room in public transport premises; and
- (d) is not subject to an alcohol condition.

(8) For the purposes of paragraph (7)—

- (a) the area is “associated with” particular premises if those premises are (or are part of) the premises in respect of which the pavement café licence relating to the area was granted;
- (b) the area is “subject to an alcohol condition” if the pavement café licence relating to the area includes a condition requiring the licence holder not to permit persons to consume intoxicating liquor when using furniture on the area.”.

Annotations:

Commencement Information

I33 Sch. para. 4 in operation at 1.10.2016 by S.R. 2016/126, art. 2

5.—(1) Article 72 (interpretation of Articles 68 to 71) is amended as follows.

(2) In the definition of “intoxicating liquor”, “licensed premises” and “occasional licence”—

- (a) before “ “intoxicating liquor” insert “ “ guest house ”, “hotel”, ”;
- (b) for “and “occasional licence”” substitute “, “occasional licence”, “public transport premises” and “restaurant””.

(3) after that definition insert—

““pavement café licence”, “public area” and “temporary furniture” have the same meanings as in the Licensing of Pavement Cafés Act (Northern Ireland) 2014;”.

Annotations:

Commencement Information

I34 [Sch. para. 5](#) in operation at 1.10.2016 by [S.R. 2016/126](#), [art. 2](#)

Changes to legislation:

There are currently no known outstanding effects for the Licensing of Pavement Cafés Act (Northern Ireland) 2014.

Report on	Bus shelter Updates
Date of Meeting	7 th July 2020
Reporting Officer	Raymond Lowry

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	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.
2.2.	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 over the next few weeks to progress the outstanding shelter applications (see Appendix 2 for minutes of meeting).
3.0	Main Report
3.1	<p>The following information headings will be covered:</p> <ul style="list-style-type: none"> • New applications made 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) • Progress update on stages 10-11 (see 3.6) • Update on statutory response times in relation to agreement on time related responses for application (see 3.7) • Other issues (see 3.8)
3.2	New Applications made in the past month – none.
3.3	Progress on stages 2-4 of the application process – see table in Appendix 1.
3.4	Request for Council to move to stage 5 of the application process – not applicable, no applications have met all criteria 1-4.

3.5	<p>Progress update on stages 6-9 – the applications below have been discussed with a view to getting approval:</p> <ul style="list-style-type: none"> • Dunlady Road/Keady/Kilrea Road, Crosskeys (see Table 3 Appendix 1 – reference 7) – this is an existing concrete “enterprise Ulster shelter and access is deemed dangerous as users have to exit the existing public footpath to gain access to shelter – recommendation to replace shelter in its current location with side piece omitted to allow safe access to the shelter from the footpath. 3rd party land therefore will not be required. • Milview, Dunamore (see Table 3 Appendix 1 – reference 1) subject to community engagement agreement shelter to be installed – report update to next meeting. • Stewartstown (see Table 2 Appendix 1 – reference 11) following delays of commitment from the Clearchannel / Translink in moving this forward recommendation is to install a council approved shelter (clear type) in the approved location – council approval required to proceed without funding. Once ratified by full Council in June progress to be made on same. • Meeting has taken place with Translink on 18th June to discuss applications and follow up on comments made by DfI Roads after the meeting on the 1st June 2020. The updates refer to discussion on the following shelters with detailed update provided in Appendix 1 with comments in red text under column noted “Progress”: <ul style="list-style-type: none"> • Derrycrinn PS, Ballinderry • Annaghabor Rd, Coalisland • Glebe Court, Castlecaulfield • Kildrum Estate, Galbally • Brackaville, Four corners Bar • Clonoe Crossroads • Meenagh Park, Coalisland • 148 Omagh Road, Ballygawley
3.6	<p>Progress update on stages 10-11</p> <ul style="list-style-type: none"> • Shelter installed in Augher – (see Table 4 in Appendix 1 – reference 1), remove from register after full Council in June. • Shelter installed at Ballymcpeake Road – (see Table 4 in Appendix 1 – reference 2), remove from register after full Council meeting in June.
3.7	<p>Progress on response times – response times have improved and a detailed report is to be provided at the next Committee meeting.</p>

3.8	<p>Other issues:</p> <ul style="list-style-type: none"> • Application (see Table 5 in Appendix 1 – reference 2) has been withdrawn and to be removed from the register. • Application (see Table 5 in Appendix 1 – reference 4) has failed to reach the required numbers as set out in the policy guidance and therefore to be removed from register. Discussions with Translink at meeting on the 18th June indicated that these numbers are arrived at over the course of a week to enable response times to be progressed and applications moved forward.
4.0	Other Considerations
4.1	<p>Financial, Human Resources & Risk Implications</p> <p>Financial: Within budget for Technical Services and Property services to action provision / installation costs within their budget.</p> <p>Human: Officer time to administer shelter applications.</p> <p>Risk Management: Non-delivery will have adverse impact of users of public transport.</p>
4.2	<p>Screening & Impact Assessments</p> <p>Equality & Good Relations Implications: N/a</p> <p>Rural Needs Implications: N/a</p>
5.0	Recommendation(s)
5.1	<p>Members to note the progress made on bus shelters within the district and provide approval for those noted in the following sections of the Main Report:</p> <ul style="list-style-type: none"> • Those listed in 3.5 • Those listed in 3.8
6.0	Documents Attached & References
6.1	Appendix 1 – Progress table with comments
6.2	Appendix 2 – Procedure guide for erection of Bus Shelters

Table 1 – Applications awaiting formal application to be submitted				
No	Location	Stage	Status / Comment	Progress status
1	Goland Road/ Armaghlaghey Road, Ballygawley - 2016/015	0	Awaiting Application Form to be returned. Confirmation required from Translink/applicant for preferred location.	Translink to confirm location, and confirmation of users. Programme, subject to agreement of location/numbers. Still await Stage 4 completion and on satisfactory receipt of same will bring stage 5 report to next available committee for approval to proceed to stages 6-10.
2	Tullyhogue Village	0	Residents declined original location as will promote anti-social behaviour. Limited options for alternative sites that suit bus pick-ups. Technical Services waiting for Translink and EA to respond.	New site to be identified within village. Programme to be confirmed when site identified and approved. Suitability of site proving difficult. If new location cannot be agreed a paper will be brought back to Council to have the application withdrawn.
3	Crossroads at Drumenny Road, Ballinderry - 2016/012	0	New file F5:G10 name - 2019-008 Derrychrin P.S. Site meeting with Cllr Gavin Bell 08-11-19. Translink confirmed numbers to be approx 50	Derrychrin PS, shelter to be erected away from shop needs moved 150m away, on LHS. Site proposed by Cllr Bell has safe footpath access to it. Site located on green of Eglis View. Meeting with Translink 18th June has indicated that translink are content to move stop to Eglis View approx 150m from current location at crossroads. resident engagement to process.
4	Glendavagh Road, Crilly, Aughnacloy - 2016/013	0	Application Form filled in during meeting with Cllr Burton	Cllr Burton to discuss with land-owners. Land on both sides of road either slopes up or down from road. Erection of new shelter will require a lot of excavation/fill. No response from Cllr Burton re land ownership.
5	Brough Road, Castledawson (Private Application) - 2018/001	0	Application Form Sent and awaiting return .	This was proposed as a temporary means for children to be lifted while the dual carriageway from Toome to Castledawson was being built.
6	Annaghoboe Road/ Washingbay Road Junction, Clonoe - 2017/006	0	Awaiting Application Form to be returned. Landowner approval required for siting of new shelter on Washingbay Road.	Landowner approval refused. Alternative site to be agreed. Programme to be confirmed when site identified. If new location cannot be agreed a paper will be brought back to Council to have the application withdrawn. Meeting with Translink 18th June and agreement in principal has been agreed. Translink to visit the site and revert back to Council with Comments.
7	Thornhill Road, Pomeroy	0	Request received from Keith Buchanan, Numbers to be confirmed with EA and Translink	request to EA/ Translink to be issued on receipt of application
Table 1 – New applications received since April 2020				
	None			

Table 2 – STAGES 2-4,				
1	Glebe Court, Castlecaulfield	4	Relocation of existing shelter, land ownership to be confirmed for new site.	Site location has been identified and discussed with DfI Roads and subject to confirmation of land ownership and resident consultation then this shelter provision will proceed. Meeting with Translink 18th June confirm acceptance of suitable location. resident consultation to commence.
2	Kildrum Estate, Galbally	4	new shelter provision	Site location has been identified and discussed with DfI Roads and subject to confirmation of land ownership and resident consultation then this shelter provision will proceed. Meeting with Translink 18th June and agreed position subject to site visit.
3	Derryvale, Coalisland	3	Proposed locations have been declined by Translink. Alternative sites being sought.	Alternative site to be found within area. Awaiting confirmation numbers from EA before proceeding. Programme to be confirmed when site identified and user numbers confirmed.
4	Cappagh Village	4	Existing shelter in dangerous location, no footpath. Community request to have children lifted in the village. Limited turning space for buses in village.	Translink currently assessing the feasibility of vehicle auto-tracking within the village and if this is deemed acceptable then new pick up / drop off location will be facilitated within the village. On receipt of confirmation shelter will be located to suit. Programmed for delivery subject to Translink approval for new location. Lind Dillon MLA and Cllr Niamh Doris are main applicants.
5	Brackaville, Four Seasons Bar, Coalisland	4	Limited space on existing footpaths. Translink deemed unsafe. New site required for shelter.	New site location for shelter to be found. Suitable sites are proving difficult to find. Programme to be confirmed when site identified. Sites Visits planned to progress locations and if none available paper to be brought back to Council to have the application withdrawn. Site visit held 21st February to identify potential new site with Translink and elected Members. Translink deemed both locations unsatisfactory. Resident consultation required including discussions with LAWN-owner to see if it can be used as a location. Discussions with DfI Roads have indicated that potential location can be facilitated pending community engagement. Meeting with Translink 18th June and agreement to move stop location. subject to resident engagement having no objections then this should proceed.
6	Clonoe Crossroads	4	Relocation of existing shelter as too close to junction. Land search in progress to find alternative suitable site.	New site to be agreed with DfI roads, and adjacent residents. Programed for delivery subject to site agreement. If new location cannot be agreed a paper will be brought back to Council to have the application withdrawn. Site visit held 21st February, potential site identified, Cllr Niamh Doris and Cllr Joe O'Neill to consult with landowner. Discussion with DfI have indicated a suitable location can be accommodated and subject to community engagement should be able to install. DfI Roads to check pedestrian crossing points in the locality. Meeting with Translink on the 18th June agreed that stop can be relocated from Dormans Bar, 30m to entrance housing. subject to all resident engagement and DfI then shelter should proceed to new location.
7	Meenagh Park, Coalisland	4	Site approved, resident consultation in progress.	Translink satisfied with location, final resident consultation required prior to Stage 5 report. Cllr Dan Kerr to discuss location of shelter with adjacent house-owner. Discussed with DfI Roads and subject to their internal consultation ie build out of bollards to be introduced to reduce impact of pedestrian with vehicles to be considered. Meeting with Translink on the 18th June confirmed acceptance of location and subject to resident engagement acceptance then shelter should proceed.
8	148 Omagh road, Ballygawley	4	Existing Bus stop/layby, report to committee required	Translink confirmed very few picked up though 6+dropped off each day. Awaiting EA response for numbers. Discussed with DfI roads and agreed shelter can be located subject to community engagement. Meeting with Translink 18th June posed no issues and agreed to move forward with location.
9	Drumullan	4	Translink and Education Authority to confirm user numbers to progress.	Existing shelter to be replaced with new shelter (minus one end piece) the removal of end piece will facility access from existing footpath thus meaning users will not have to egress onto public road to access the shelter. Progress - Property services instructed to proceed with replacement shelter

Table 3 – STAGES 5-8, 13NR				
No	Location	Stage	Status / Comment	Progress status
1	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.
2	Main Street, Bellaghy	6	Existing shelter removed, at chemist. Proposed new site has been objected to. New site to be found.	Discussed with DfI roads and alternative 2no locations have been agreed. Translink to confirm new Stop locations - awaiting same. Community engagement to complete to ensure all residents are in agreement to new shelter locations. Meeting with Translink on the 18th June confirmed they are content to move their stops and subject to reseedent engagement these can progress.
3	Knockloughrim Village	6	Landowner unknown for proposed site. Further investigations underway to determine landowner.	Additional landowner searches to be carried out for site. Programme to be confirmed when site identified. Progress - instructed to install shelter on confirmation of same.
4	Kingsisland Primary School	6	Final confirmation from primary school required to progress.	Compliant site location, final confirmation required from the school. To be programmed subject to final approval from school and Education Authority. Discussion to be had with DfI roads on compliant location. Install after no objections from community engagement.
5	Inishrush Village	6	Landowner clarified as NIHE.	NIHE to approve location for new shelter. Programme for delivery, subject to permission and legal agreements/ lands transfer from NIHE. Further update and community engagement to be confirmed
6	Tirkane Road, Maghera	6	Proposed site objected to by adjacent residents.	Alternative site to be found within area. Programme to be confirmed when site identified, due to objections. If new location cannot be agreed a paper will be brought back to Council to have the application withdrawn. Formal community engagement to be carried out at existing stop/pick up point. further updates to be provided.
7	Dunglady Road/Keady/Kilrea Road, Crosskeys	6	Original application was to relocate shelter. Current location has been deemed satisfactory and complies with DfI Roads requirements.	Current location has been approved by DfI roads and will remain. No requirement to alter. Complete. Shelter request to be removed from the register.
8	Magheracastle Road / Mountjoy Road, Brocagh	6	Pending withdrawal notification from applicant as proposed site on wrong side of the road for pick-up.	discussion with DfI Roads to be held in light of new agreed process principals. Report at next Council Meeting
9	Culnady Village	6	Site approved in centre of village, located on DfI Roads lands.	Site agreed on DfI Roads lands in centre of village. Awaiting final approval. Discussion and formal agreement to be held with DfI Roads on shelter installation.
10	Killeen Crossroads	6	Translink to provide alternative pick-up avoiding dangerous road crossing to Coole Road.	translink now relocated their stop / pick up location and new shelter can be provided at this location. Discussion with DfI Roads and community engagement to be held to close out formal process and instruction to given to install shelter.
11	Stewartstown	6	Translink to provide Clear Channel shelter at this location. Available budget for Translink causing delay.	No progress has been made with Clear Channel / Translink installing a shelter at this location. Discussion with DfI Roads and community engagement to be held to close out formal process and instruction given to install shelter
12	Killeenan Road/Camlough Road/ Loughdoo Road	6	Proposal to locate shelter in Kildress GAC, awaiting confirmation from Education Authority for pick up from the new location.	Shelter location to be agreed with EA / land owners and on confirmation of same instruction to install shelter will be given.
Table 3 – STAGE 9, 2NR,				
No	Location	Stage	Status / Comment	Progress status
1	Millview/Dunnamore Road, Dunnamore	9	Location agreed, site, DfI Roads compliant for new location.	Discussed with DfI Roads and location agreed in principal with mapping to be carried out and approved by DfI Roads. Community engagement to be finalised prior to install of shelter. Meeting with Translink 18th June acceptance of location. Subject to community engagement shelter should proceed as planned.

Table 4 – Stage 9 - Bus Shelters Installed				
No	Location	Stage	Status / Comment	Progress status
1	Augher village	10	Shelter erected August 2019.	Installed.
2	Ballymcpeake Road/ Mayogall Road junction	10	Location to be agreed with DFI roads, recent road widening works has improved the original location which had been refused by DFI Roads.	Installed.

Table 5 – Applications Withdrawn				
No	Location	Stage	Status / Comment	Progress status
1	Coole Road	Revisit application following Jan meeting	Re-open application	discussion with DfI Roads to be held in light of new agreed process principals. Report at next Council Meeting
2	Cappagh Road/Corlea Road, Dungannon	withdrawn	application closed - to be removed from register	Applicant (Principal of Galbally P.S.) withdrew application.
3	Duffs Corner, Ardboe	Revisit application following Jan meeting	Re-open application	discussion with DfI Roads to be held in light of new agreed process principals. Report at next Council Meeting
4	Credit Union, Moygashel	withdrawn	Site meeting between MUDC, Translink and Cllr Cuthbertson on 28-02-2020	Not enough passengers to satisfy requirement for bus shelter to be erected. Only Translink use this route. No EA buses on this route. CLOSED

MID ULSTER DISTRICT COUNCIL

PROCEDURE FOR ERECTION OF BUS SHELTERS

Stage 1

Send application form to person requesting Erection of Shelter (Application Form)

Stage 2

Acknowledge request (in writing) – standard letter sent

Stage 3

Carry out preliminary visit to investigate suitability of site

Stage 4

Contact Translink and SELB to confirm viability of erecting bus shelter i.e. recognised "Bus Stop", number and age of children, bus routes, etc.

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 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)

Stage 7

Send letters (with location maps) for approval/comments to the following: -
Transport NI/Water Service PSNI, BT and NIE
(Arrange follow-up site meetings if necessary)

Stage 8

Sign and return DRD Consent/Schedule at least six days prior to erection of bus shelter

Stage 9

Erect bus shelter

Stage 10

Send request to GIS officer to have new asset plotted.

Stage 11

Report back to Council

**Minutes of Meeting of Environment Committee of Mid Ulster District Council
held on Tuesday 9 June 2020 in Council Offices, Circular Road, Dungannon
and by virtual means**

Members Present

Councillor S McGuigan, Chair

Councillors Brown, Buchanan, Burton, Cuddy*,
Cuthbertson, Glasgow, Graham, N McAleer, S McAleer*,
McFlynn, B McGuigan, McNamee, Milne*, Totten, Wilson

**Officers in
Attendance**

Mr Cassells, Director of Environment and Property
Mr Kelso, Director of Public Health and Infrastructure
Mr Lowry, Head of Technical Services**
Mr McAdoo, Head of Environmental Services**
Mrs McClements, Head of Environmental Health**
Mr Scullion, Head of Property Services**
Mr Wilkinson, Head of Building Control**
Miss Thompson, Democratic Services Officer

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

** Denotes Officers present by remote means

The meeting commenced at 7.00 pm

The Chair, Councillor S McGuigan welcomed everyone to the meeting and those watching the meeting through the Live Broadcast. Councillor McGuigan 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.

E101/20 Apologies

None.

E102/20 Declarations of Interest

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

The Director of Environment and Property declared an interest in agenda item 4 – Sustainable NI – Renewal of annual subscription for 2020/21 as he stated he is a Director and current chair of Sustainable NI.

E103/20 Chair's Business

Councillor Milne referred to land at Hillhead Terrace, Castledawson. The Councillor stated that there has been controversy over the years as to who owns this piece of land and that he was now in receipt of correspondence from Land and Property Services which confirms that Council owns the land in question. Councillor Milne advised that this land had been maintained by Council up until the new policy in relation to grass cutting. The Councillor advised that he had asked the Head of Property Services to follow up on the matter.

The Head of Property Services confirmed that he had received the information sent to him by Councillor Milne and would follow up on the matter with Council's legal team and TransportNI. The officer stated that the piece of ground is likely to have transferred to the former Council pre 1972 and would then have transferred to DoE Roads Service. He stated that officers would confirm ownership of the land in due course.

Councillor Burton referred to the debate regarding the reopening of recycling centres and welcomed that some had reopened and that this is appreciated by the public however she stated there was a vast amount of frustration in the Fivemiletown area, from both residents and businesses and the chamber of commerce as to when the recycling centre in Fivemiletown is likely to reopen. Councillor Burton stated that residents and businesses in the area are rate payers and are receiving a lesser service. The Councillor stated this is a periphery area and that people in that area feel disconnected and asked that Councillors get an indicative date for the reopening of the recycling centre at Fivemiletown.

The Director of Environment and Property advised that Council has 11 recycling centres, 3 of which opened on the 18 May and another 3 which opened at the beginning of June. The other 5 centres remain closed and cannot reopen at the moment due to staff resources. The Director stated that an added difficulty with the smaller centres is that social distancing is difficult to maintain and advised that he could not give a specific date for the reopening of the remaining centres as he did not know when he would have the staff resource available. The Director assured Members that when resources do become available then they would adopt an approach which will allow the remaining centres to open in a safe manner.

Councillor Burton stated she was of the belief that there were enough staff resources, as confirmed by another officer, and that was why she was raising the matter tonight. Councillor Burton stated that Members were receiving mixed messages from officers.

The Director of Environment and Property advised that there were approximately 50 staff not available in the department at the moment. Some of these staff are furloughed and others are over 70 or are in the vulnerable category. The Director stated he was aware that HR were currently working their way through that list of staff and making a medical assessment on those staff to enable them to come back to work within the context of what their job is. The Director reiterated that as soon as resources become available then facilities would be reopened but that he did not want to open the remaining centres and then have to close them again because of staff shortages.

Councillor McNamee referred to recent fire at Cookstown recycling centre and asked for update as there was a great need for the centre in the town to be open.

The Director of Environment and Property referred to the report within the papers and confirmed that, following the fire, a structural engineers report was required and that he had seen a draft of this report today. The Director advised that the structural engineers report indicates that there is no damage to the structural steel within the building however there is damage to the gable end and roof cladding. The Director advised that a loss adjustor had visited the site and asked for a forensic investigation of the site. The Director advised that the site has been cleaned and the burnt materials removed.

The Director of Environment and Property advised that the area affected in the fire was where wood and mixed plastics were stored and that officers have been in contact with NIEA in relation to the potential for using part of an adjacent yard which is also in Council ownership but does not fall within the recycling centre permit. If NIEA permits the use of the yard then materials can be stored at this yard. The Director stated that there is a meeting on Thursday and after this he would be in a better position to provide a reopening date, the Director stated that if the centre can reopen with a limited service then officers would undertake to do so whilst being conscious of health and safety and traffic management at the site. The Director stated that officers are aware this is a very busy centre and that the site would be reopened as soon as practicable.

Councillor B McGuigan referred to Draperstown recycling centre which remains closed and that he had directed those stating they wanted to use the site to Maghera or Magherafelt centres in the interim. The Councillor referred to previous updates in relation to staff resources and hoped that staff could be returned soon.

The Director of Environment and Property advised that the recycling centre at Fivemiletown is confined and it would be difficult to maintain 2 metre social distancing at the site but that officers would want to have a programme in place to reopen the 5 remaining sites as and when resources become available. The Director advised that when the 3 main centres reopened they were extremely busy but that volumes of traffic at these sites are now back to normal.

Councillor Wilson felt it was a disgrace that the centre at Cookstown would be closed 2 weeks this Saturday and that Council was still waiting on the loss adjustor. Councillor Wilson proposed that Council write to the loss adjustors expressing dissatisfaction at the length of time taken to get their report as fly tipping was now becoming a problem. Councillor Wilson felt that reopening part of the site was feasible.

The Director of Environment and Property stated that if there was not a satisfactory outcome to the meeting scheduled for later in the week then he would write to the loss adjustors but at the moment it would be remiss to do anything which would jeopardise Council's claim. The Director stated that when clearance is given then the site could reopen within 48 hours.

Councillor Cuthbertson referred to meeting of Dungannon Regeneration Partnership (DRP) which took place today at which discussion took place in relation to Council's role in the enforcement of the Executive's legislation in relation to businesses opening and closing. The Councillor stated there were a number of businesses who were unsure what to do and if Council officers would be making visits and requesting

risk assessments. Councillor Cuthbertson stated that whilst he realised that Council were not the legislation setters the DRP would request that an officer attend a meeting of the Partnership next week to discuss issues. The Councillor further proposed that a workshop be held as soon as possible for Councillors in relation to legislation regarding the opening and closing of businesses as businesses needed answers.

The Director of Public Health and Infrastructure advised environmental health officers have been very responsive to queries and are guiding businesses as best possible. The Director stated that businesses should look at their individual practices and processes and do a risk assessment on these and again environmental health officers can provide advice on this. The Director stated that officers can facilitate a meeting with Dungannon Regeneration Partnership.

Councillor Cuthbertson asked if a workshop could also be organised as retailers did not know what to do on Friday and were afraid of being closed.

The Director of Public Health and Infrastructure stated that a workshop could be organised if it was the desire of the Committee.

Councillor Cuthbertson proposed that a workshop be held as soon as possible for Councillors in relation to the opening of businesses.

Councillor Buchanan seconded Councillor Cuthbertson's proposal.

Resolved That it be recommended to Council to organise a workshop for Councillors in relation to legislation relating to the opening of businesses.

Councillor McNamee stated he agreed with what had been said but it was most important that businesses get the information needed to allow them to reopen safely.

Councillor Graham stated that she had been contacted by sunbed salons who can maintain social distancing and are cleaned after each client and asked are they allowed to reopen on Friday.

The Director of Public Health and Infrastructure advised that they would need to look at the guidance in relation to the question raised and get back to the Member.

Matters for Decision

E104/20 Sustainable NI – Renewal of Annual Subscription for 2020/21

The Head of Technical Services presented previously circulated report which outlined correspondence from Sustainable NI in which a request was made for Council's continued financial support for the 2020/21 year.

Proposed by Councillor Wilson
Seconded by Councillor Brown and

Resolved That it be recommended to Council to continue to support Sustainable NI and make available a contribution of £5,000 for the 2020/21 financial year.

E105/20 Street Naming and Property Numbering

The Head of Building Control presented previously circulated report regarding the naming of new residential housing developments within Mid Ulster.

Site off Dungannon Road, Aughnacloy

Proposed by Councillor Burton
Seconded by Councillor Graham and

Resolved That it be recommended to Council to name development off Dungannon Road, Aughnacloy as Mill Pond Manor.

E106/20 Service Level Agreement for provision of Structural Engineering Services

The Head of Building Control presented previously circulated report which sought approval to sign a Service Level Agreement between Mid Ulster District Council and Fermanagh and Omagh District Council for the provision of specialist structural engineering services for Mid Ulster Building Control Service.

Councillor Wilson asked if these engineers were involved with Dungannon Leisure Centre.

The Head of Building Control advised that the service provided related to checking structural calculations on applications and structural issues on site. The issues in relation to Dungannon Leisure Centre were related to contracts.

Proposed by Councillor Wilson
Seconded by Councillor McNamee and

Resolved That it be recommended to Council to sign the Service Level Agreement between Fermanagh and Omagh District Council and Mid Ulster District Council for the provision of specialist structural engineering services.

E107/20 Northern Ireland Fire and Rescue Service – Termination of Memorandums of Understanding

The Head of Building Control presented previously circulated report which advised on the termination of Memorandums of Understanding by Northern Ireland Fire and Rescue Service with Mid Ulster District Council in relation to the enforcement of The Fire and Rescue Services (Northern Ireland) Order 2006 and the Fire Safety Regulations 2010.

Councillor Wilson felt that, following the most recent correspondence from NIFRS, Council were not in a position to do anything until further engagement had taken place in relation to the Memorandums of Understanding.

Members noted the content of the report.

E108/20 Bus Shelters Update

The Head of Technical Services presented previously circulated report which provided update on current bus shelter status following a recent bus shelter collaborative workshop.

Councillor Cuthbertson referred to application for bus shelter in Moygashel and that it had failed to reach the required numbers as set out in the policy and should be removed from the register. Councillor Cuthbertson asked how Translink work out the required number as it was very close in that 5 had been achieved and the required number was 6.

The Head of Technical Services advised he would check how the number was ascertained and come back to the Member.

Councillor B McGuigan referred to application for bus shelter at Tirkane Road, Maghera and that due to complications with the site he proposed that this application be removed from the register. In relation to application for Culnady Village the Councillor stated that this appeared to be almost over the line and hoped that the shelter would be in place shortly.

Proposed by Councillor Brown
Seconded by Councillor McNamee and

Resolved That it be recommended to Council approve the way forward outlined for proposed bus shelters as listed under sections 3.4, 3.5 and 3.8 of report and that application relating to request at Tirkane Road, Maghera be removed from the register.

Matters for Information

E109/20 Minutes of Environment Committee held on 10 March 2020

Members noted minutes of Environment Committee held on 10 March 2020.

Councillor McNamee referred to public toilets and that Mid and East Antrim Council had recently reopened their public toilet facilities. The Councillor commented that shops will be reopening from Friday and there will be a greater footfall in towns and asked where Council was at with the reopening of its toilet facilities.

The Director of Environment and Property advised that staff employed to work in toilet facilities are furloughed and there are no plans to reopen public toilets at the moment. The Director advised that, at the time of closure, all water systems were drained down in public toilet facilities. The Director advised that when the time comes to reopen, all facilities will require a deep clean and that staffing of facilities remains an issue. The Director advised that the reopening of facilities will be kept under review should there be any further relaxation in guidelines.

Councillor Cuthbertson stated he had discussed the reopening of facilities with officers and had suggested that the toilets at Dungannon Park could be opened as a pilot. The Councillor referred to guidance issued last week which indicated that public toilets could be opened and felt that Council should be taking a phased approach and that Dungannon Park was an ideal test.

Councillor B McGuigan referred to the toilets in Maghera and that he had flagged up the condition of these toilets at the March meeting and that they required a revamp. The Councillor felt that now was an opportune time to undertake this work when the toilets were closed.

The Director of Environment and Property stated he took on board the Councillors comments.

Councillor Burton stated the toilets in Augher also required a revamp.

Councillor Burton referred to discussion at March meeting in relation to fish being taken from White Lough. The Councillor stated that the Department stocks this Lough and informs the public through its website when the Lough has been restocked, in doing so, Councillor Burton felt it is easy for individuals to know when there is a lot of fish in the Lough and that stocks become depleted very quickly as nets are used to catch fish. Councillor Burton requested that the matter be raised with the Department.

The Director of Public Health and Infrastructure stated that the matter raised was more a Development Committee issue through the Parks section. The Director stated he would raise the matter with the relevant officer however if there is illegality then it is a fisheries matter.

E110/20 Building Control Workload

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

E111/20 Entertainment Licences

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

E112/20 Dual Language Signage Requests

Members noted previously circulated report which advised of requests for Dual Language Signage from residents on streets/roads in the District.

E113/20 Dual Language Signage Surveys

Members noted previously circulated report which advised on the results of surveys undertaken on all applicable residents on the streets/roads in response to Dual Language Signage nameplate requests. Where more than 51% of occupiers that respond indicate that they are in favour of the erection of Dual Language Signage, nameplates will be erected as below –

- Shanliss Road, Stewartstown
- Henderson Park, Stewartstown
- Roan Close, Eglis
- Beechville Heights, Eglis
- Sandymount, Magherafelt
- Cappagh Road, Dungannon
- Mullaghmore Park, Dungannon
- Charlemont Street, Dungannon
- Mossband Road, Coagh
- Lough Mews, Ballyronan
- Garden Street Mews, Magherafelt
- Oakvale Drive, Magherafelt
- Wellbrook Manor, Dungannon
- Silverhill, Maghera
- Castleview, Benburb
- Ferry Road, Coalisland
- Innishmore Heights, Coalisland
- Innishmore Park, Coalisland
- Ardmore Terrace, Coalisland
- Ardmore Park, Coalisland
- Glen Road, Coalisland
- Bracken Court, Coalisland
- Chestnut Hill, Coalisland
- Lisnastrane Court, Coalisland
- Columbas Villas, Coalisland
- Mourne Crescent, Coalisland

Where less than 51% of occupiers that responded indicate that they were not in favour of the erection of a Dual Language street nameplate, then the Dual Language nameplate will not be erected as below –

- Ballygruby Lane, Magherafelt
- Ruskey Road, Coagh
- Mulnagore Road, Dungannon
- Lodge Villas, Donaghmore

E114/20 Environmental Health Update Report

Members noted previously circulated report which provided update on the Environmental Health Service during the COVID 19 pandemic between 1 April and 16 May 2020.

Councillor Cuthbertson stated that at the Environment Committee in March it was advised that Environmental Health matters would be considered at the Development Committee going forward.

The Director of Public Health and Infrastructure advised that there had been no change to staff structures as yet.

The Director of Environment and Property advised that he would be continuing in his role until the end of September.

Councillor Glasgow referred to the increase of instances of flytipping and felt that the closure of recycling centres undoubtedly contributed to this. The Councillor referred to the number of groups that had organised litter picks in the recent period and the huge amount of material they had collected. Councillor Glasgow stated that it was important to nip any flytipping in the bud and try to get the number of complaints down to below last year's level.

Councillor McFlynn referred to flytipping and the ongoing issues at the picnic area at Newbridge which is a concern for local residents. The Councillor asked for an update on how Council was managing the situation there.

The Head of Environmental Services advised that Council along with the Housing Executive and DfI were aware of the situation at Newbridge. The officer advised that Council had arranged for Travellers at Newbridge to be able to dispose of their waste at Magherafelt recycling centre whilst it was still closed and that staff would call at Newbridge before the end of the week to arrange for the rest of the material to be brought to the recycling centre.

Councillor McFlynn asked for an update in relation to recent case of cruelty to horses.

The Head of Environmental Health advised that the matter is receiving attention, that there have been visits undertaken and that investigations were ongoing. The officer advised that as investigations were ongoing she was not in a position to advise any further on the matter at this stage.

E115/20 Tree Planting Scheme at Magheraglass Landfill Site

Members noted previously circulated report which advised of a new native broadleaf woodland at the former landfill site at Magheraglass, Cookstown.

Councillor Glasgow asked if maintenance of the trees would be done in house.

The Director of Environment and Property advised that the trees had been acquired through the Forest Expansion Scheme. This scheme is fully funded and includes maintenance for two years post planting which will be undertaken by a third party.

E116/20 Northern Ireland Local Authority Collected Municipal Waste Management (LACMW) Report for October – December 2019

Members noted previously circulated report which provide 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 3 of 2019/20, October to December 2019.

Councillor Wilson advised that he had received complaints that a number of blue bins had not been emptied in the Westland Gardens area of Magherafelt today.

The Director of Environment and Property advised that he would investigate and get back to the Councillor on the matter.

Live broadcast ended at 8.00 pm.

Local Government (NI) Act 2014 - Confidential Business

Proposed by Councillor B McGuigan
Seconded by Councillor McNamee and

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 E117/20 to E129/20.

Matters for Decision

- E117/20 3G Sports Pitch Maintenance Tender Report
- E118/20 Tender report for the appointment of Vehicle Suppliers
- E119/20 Tender report for the retrospective appointment of a Vehicle Supplier
- E120/20 Amenity and Planting Sponsorship
- E121/20 Dungannon Leisure Centre refurbishment – ICT Fees
- E122/20 Maghera High School Site Development – Fees

Matters for Information

- E123/20 Confidential Minutes of Environment Committee held on 10 March 2020
- E124/20 Property Services COVID 19 Service Delivery Impact
- E125/20 Environmental Services COVID 19 Services Delivery Impact
- E126/20 Phase 4 Capping Capital Works at Tullyvar Landfill Site
- E127/20 Fire at Cookstown Recycling Centre
- E128/20 To update Members on changes to Affordable Warmth Scheme in response to Covid-19
- E129/20 Capital Projects Update

E130/20 Duration of Meeting

The meeting was called for 7.00 pm and ended at 9.06 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 please raise your hand in the normal way and keep raised until advised to lower it
- 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.

Report on	Environmental Services Improvement Plan for 2020/21
Date of Meeting	7 July 2020
Reporting Officer	Mark McAdoo, Head of Environmental Services
Contact Officer	Mark McAdoo, Head of 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 inform Members of the content of the annual Service Improvement Plan (SIP) for Environmental Services for 2020/21.
2.0	Background
2.1	The Environmental Services Service Improvement Plan for 2019/20 was presented to the Environment Committee meeting in June 2019. A current Service Improvement Plan for Environmental Services for 2020/21 is therefore required.
3.0	Main Report
3.1	<p>Environmental Services is currently part of the Environment and Property* Directorate and is responsible for the provision and management of the following services/facilities:</p> <ul style="list-style-type: none"> • <i>Refuse and Recycling kerbside collections (domestic and commercial)</i> • <i>Recycling Centres (civic amenity sites)</i> • <i>Waste Transfer Station/Facilities</i> • <i>Landfill Site Management/Aftercare</i> • <i>Delivery of waste related capital projects</i> • <i>Waste recycling, treatment and processing</i> • <i>Bulky waste collections</i> • <i>Removal of fly tipping and abandoned vehicles</i> • <i>Street/road cleansing and litter bins</i> • <i>Environmental Education and Awareness</i> <p><i>*Environmental Services will move to form part Environment and Infrastructure from October 2020.</i></p> <p>The Service Improvement Plan for 2020/21 includes the following details/sections:</p>

	<ul style="list-style-type: none"> • <i>Purpose, scope and responsibilities of the service</i> • <i>Customers and stakeholders</i> • <i>Overview of performance in 2019/20</i> • <i>Budget and staffing complement for 2020/21</i> • <i>Service Work Plan for 2020/21</i> • <i>Service contribution to Council Corporate Improvement Objectives</i> • <i>Risk management of service</i> <p>A full copy of the Service Improvement Plan for 2020/21 is attached as an appendix to this report.</p>
4.0	Other Considerations
4.1	Financial, Human Resources & Risk Implications
	<p>Financial:</p> <p>The planned actions within the Service Improvement Plan will be delivered within the annual Environmental Services revenue budget of £11.7m which accounts for approximately 30% of the Council's total annual revenue budget for 2020/21.</p>
	<p>Human:</p> <p>A total of 214 employees (excluding casual and agency staff) work within Environmental Services which equates to around a third of the total workforce.</p>
	<p>Risk Management:</p> <p>The SIP includes a summary of the main risks facing the Service in 2020/21</p>
4.2	Screening & Impact Assessments
	<p>Equality & Good Relations Implications: The SIP includes a section on equality.</p>
	<p>Rural Needs Implications: Relevant policies will be screened as necessary.</p>
5.0	Recommendation(s)
5.1	Members are asked to note the contents of this report and Service Improvement Plan
6.0	Documents Attached & References
6.1	Environmental Services Service Improvement Plan for 2020/21



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Environmental Services

SERVICE PLAN – 2020/21

Date

Consulted within staff team

20/04/2020

Discussed & signed off by Director

24/06/2020

CONTENT

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1.0 OVERALL PURPOSE AND SCOPE OF THE SERVICE

1.1 Purpose and Scope of the Service

Environmental Services is part of the Environment and Property Department* and is responsible for contributing to the improvement of the local environment through the provision of all waste management and cleansing related services. Expenditure on Environmental Services accounts for around one third of the Councils total annual budget.

The facilities currently used in the delivery of the Environmental Services are as follows:

- *Ballymacombs Landfill Site/Recycling Centre*
- *Castledawson Recycling Centre*
- *Coalisland Recycling Centre*
- *Cookstown Recycling Centre*
- *Draperstown Recycling Centre*
- *Drumcoo Recycling Centre/Waste Transfer Station*
- *Fivemiletown Recycling Centre*
- *Maghera Recycling Centre*
- *Magherafelt Recycling Centre/Waste Transfer Station*
- *Magheraglass Landfill Site/Recycling Centre*
- *Moneymore Recycling Centre*
- *Tullyvar Landfill Site/Recycling Centre*

The vehicles/plant currently used in the delivery of Environmental Services are as follows:

- 36 No. 26 tonne refuse collection vehicles (including 6 No One Armed Vehicles)
- 3 No. 32 tonne hook lift/big bite waste transfer vehicles
- 3 No. 18 tonne refuse collection vehicles
- 3 No. 7.5 tonne refuse collection vehicles
- 5 No. 15 tonne mechanical sweepers
- 6 No. 2.5-5 tonne mechanical sweepers
- 5 No. 7 tonne vans
- 18 No. <3.5 tonne vans
- 5 No. telehandlers
- 2 No. wheeled excavators
- 2 No. shunters

**Environmental Services will move to form part of Environment and Infrastructure from October 2020*

1.2 Responsibilities

Environmental Services is responsible for the following functions/activities:

- *Refuse and Recycling kerbside collections (domestic and commercial)*
- *Provision of Recycling Centres*
- *Waste Transfer Facilities*
- *Landfill Site Management/Aftercare*
- *Delivery of waste related capital projects*
- *Waste recycling, treatment and processing*
- *Bulky waste collections*
- *Removal of fly tipping and abandoned vehicles*
- *Street and road cleansing*
- *Environmental Education and Awareness*

1.3 Customers & Stakeholders

Key customers and stakeholders for Environmental Services are as follows:

- All district householders (approx. 55,000 No)
- Commercial/trade customers
- Elected representatives i.e. Councillors/MLAs/MPs
- Local community groups/schools
- Housing/resident associations
- Central Government Departments e.g. DAERA/NIEA
- Northern Ireland Housing Executive
- Trade Union representatives
- Health and Safety Executive
- Other Council departments/staff

1.4 Performance Overview in 2019/20

The following table provides a summary and the impact made by last years' Service Plan:

2019/20 Performance Objectives/Overview:	End of Year Progress Status: Completed/Commenced/Other
• To recycle/compost at least 55% of our household waste	Completed
• To utilise less than 50% of our Northern Ireland Landfill Allowance Scheme (NILAS) annual allocation (final target year)	Completed
• To restrict the amount of household waste landfilled to no more than 25% of the total	Completed
• To complete capital project/works for the final closure/capping of Tullyvar landfill site (including creation of new wetlands)	Commenced (work substantially complete as at 31 st March 2020 – completion delayed due to Covid19)
• To undertake a review of Street Cleansing overtime and implement new part-time weekend posts and working arrangements	Completed
• To review Supervisory levels/cover and implement new part-time weekend posts	Completed
• To review environmental regulatory compliance audit at Recycling Centres	Completed
• To conduct further phase of refuse collection route optimisation in district	Completed
• To review financial provision models for closure/aftercare of three landfill sites	Completed
• To secure funding to support the delivery of waste management services/projects	Completed (external funding of £907k successfully applied for during the year)

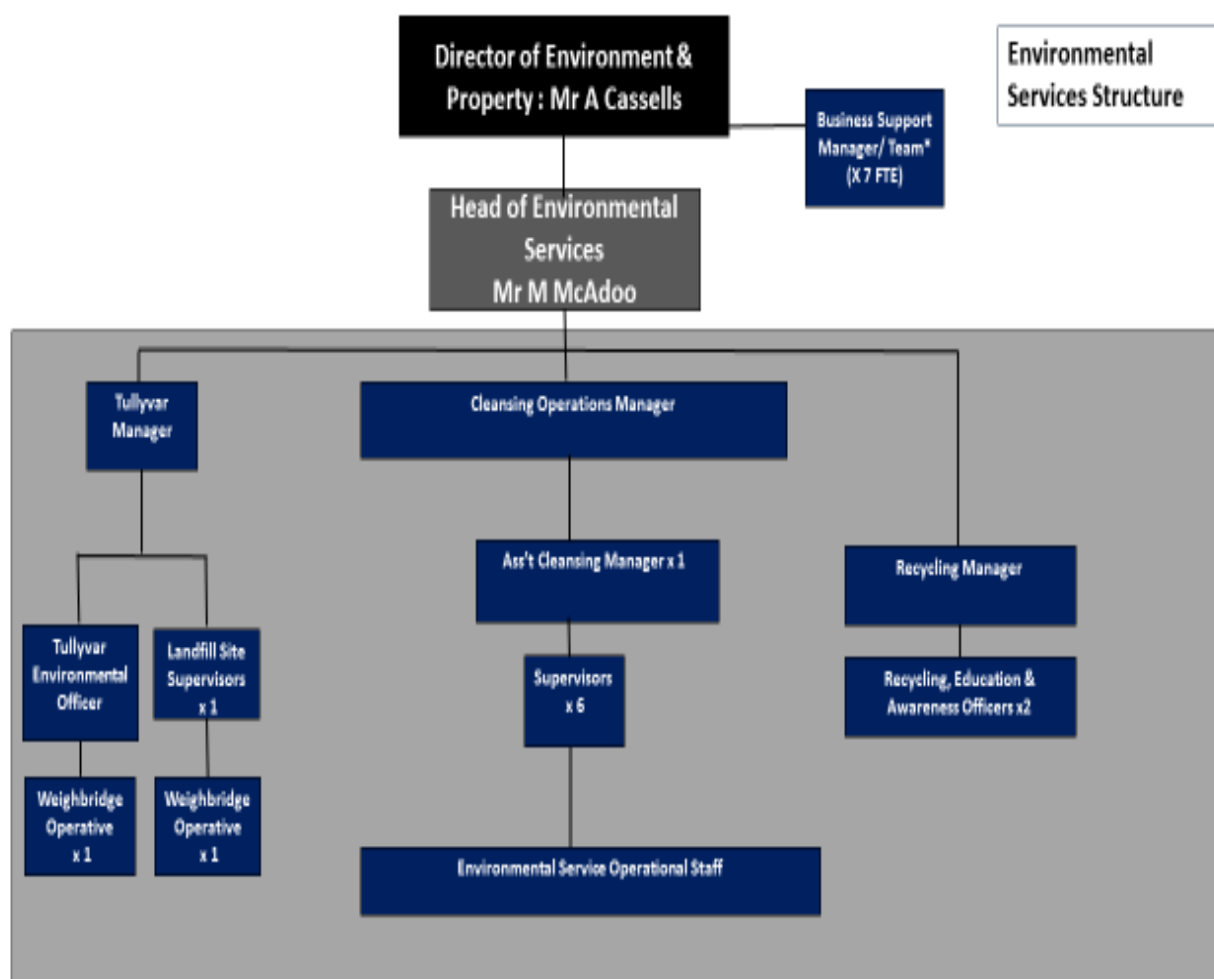
2.0 IMPROVING OUR SERVICE AND MANAGING PERFORMANCE - 2020/21

The following tables confirm the resources, financial and people, which the Service has access to throughout 2020-21 to deliver its actions, activities and core business.

2.1 Budget 2020/21

Service Budget Headings	£
Waste Recycling, Treatment and Processing	£6.1m
Refuse and Recycling Collection	£2.5m
Street and other Cleansing	£1.7m
Recycling Centres (including 2 No. waste transfer stations)	£0.8m
Landfill Sites (including 1 No. waste transfer station)	£0.4m
Environmental Education/Awareness	£0.2m
Budget for 2020-21	£11.7m

2.2 Staffing Complement - 2020/21



Post	Number
Head of Service	1
Managers	3
Officers/Supervisors	10
Recycling Centre Attendants (including Waste Plant Operatives)	30
Drivers	60
Refuse, Recycling and Street Cleansing Operatives	110
Total	214*

*Excludes agency and casual employees

2.3 SERVICE WORK PLAN 2020/21

Service Objective (What do we want to achieve?):	1. To manage recovery of service delivery following disruption by coronavirus pandemic
Link to Community Plan Theme:	Align to Corporate Plan Theme
<i>CMP 4.2 Health & Wellbeing - We have better availability to the right service, in the right place at the right time.</i>	<i>Service Delivery: 2.1 We will improve services for our citizens through the development and delivery of an innovation agenda</i>

What Service Development/Improvement will we undertake in 2020/21? (actions):	By When (Date?)	Lead Officers(s)	What difference will it make? (Outcomes/outputs)	How Will we Know? (Measures)
<ul style="list-style-type: none"> • Ensure continued/safe delivery of essential kerbside refuse collection including staggered start/finish times in depots, use of agency and redeployed staff, installation of vehicle cab partitions and hired vehicles for social distancing purposes (at significant additional cost to normal service delivery) • Undertake a phased reopening of Recycling Centres across the district (following closure on 26th March) when possible i.e. where appropriate access and social distancing measures can be introduced and resource staffing/levels permit • Recommence the bulky household waste collection service (including online payment system) as resources permit 	Apr – Dec 2020	MMcA	<ul style="list-style-type: none"> • Employee exposure to virus infection limited • No public health implications from non-collection of waste • Reduction in fly-tipping 	<ul style="list-style-type: none"> • Refuse collection service performing as normal • Over 50% of Recycling Centres reopened (3 sites reopened on 18/05/20) • Bulky household waste collections being provided as normal

Service Objective (What do we want to achieve?):	2. To recycle/compost at least 58% of household waste collected during the year
Link to Community Plan Theme:	Align to Corporate Plan Theme
<i>CMP 2.2 Infrastructure - We increasingly value our environment & enhance it for our children</i>	<i>Environment: 4.1 We will continue to reduce our dependency on landfill through waste reduction and increased recycling and recovery.</i>

What Service Development/Improvement will we undertake in 2020/21? (actions):	By When (Date?)	Lead Officers(s)	What difference will it make? (Outcomes/outputs)	How Will we Know? (Measures)
<ul style="list-style-type: none"> Optimised collections of kerbside residual, dry recyclable and compostable waste every fortnight (on alternate weeks) to include expanded coverage/use of One Armed Collection Vehicles (OAVs) in rural parts of the district Operation of network of Recycling Centres/Transfer Stations Delivery of Recycling Environmental Education Programme 	Apr 2020 – Mar 2021	MMcA	At least 42,000 tonnes of household waste recycled or composted by 31 st March 2021	<ul style="list-style-type: none"> Quarterly returns (WasteDataFlow) Quarterly/annual waste statistics NIEA reports

Service Objective (What do we want to achieve?):	3. To restrict the amount of household waste sent direct to landfill to no more than 5%
Link to Community Plan Theme:	Align to Corporate Plan Theme
<i>CMP 2.2 Infrastructure - We increasingly value our environment & enhance it for our children</i>	<i>Environment: 4.1 We will continue to reduce our dependency on landfill through waste reduction and increased recycling and recovery.</i>

What Service Development/Improvement will we undertake in 2020/21? (actions):	By When (Date?)	Lead Officers(s)	What difference will it make? (Outcomes/outputs)	How Will we Know? (Measures)
<ul style="list-style-type: none"> Optimised collections of kerbside residual, dry recyclable and compostable waste every fortnight (on alternate weeks) to include expanded coverage/use of One Armed Collection Vehicles (OAVs) in rural parts of the district Operation of network of Recycling Centres/Transfer Stations Delivery of Recycling Environmental Education Programme 	Apr 2020 – Mar 2021	MMcA	No more than 3000 tonnes of household waste sent direct to landfill by 31 st March 2021	<ul style="list-style-type: none"> Quarterly returns (WasteDataFlow) Quarterly/annual waste statistics NIEA reports

Service Objective (What do we want to achieve?):	4. To award a capital works contract for the extension of Magherafelt Recycling Centre
Link to Community Plan Theme:	Align to Corporate Plan Theme
<i>CMP 2.2 Infrastructure - We increasingly value our environment & enhance it for our children</i>	<i>Environment: 4.1 We will continue to reduce our dependency on landfill through waste reduction and increased recycling and recovery.</i>

What Service Development/Improvement will we undertake in 2020/21? (actions):	By When (Date?)	Lead Officers(s)	What difference will it make? (Outcomes/outputs)	How Will we Know? (Measures)
<ul style="list-style-type: none"> Finalise purchase of adjacent plot of land for extension Submit planning application and secure consent/approvals Undertake PQQ and ITT procurement exercises Obtain Council approval and start contract/works on site Claim proportion of DAERA capital funding secured (£895k) 	Apr 2020 – Mar 2021	MMcA	<ul style="list-style-type: none"> Modern/split level enhanced facility Improved traffic management Better waste segregation on site Improved levels of recycling/composting Increased customer satisfaction 	<ul style="list-style-type: none"> Quarterly returns (WasteDataFlow) Quarterly/annual waste statistics NIEA inspections/reports Customer feedback

Service Objective (What do we want to achieve?):	5. To undertake a major tree planting scheme at the former landfill site at Magheraglass
Link to Community Plan Theme:	Align to Corporate Plan Theme
<i>CMP 2.2 Infrastructure - We increasingly value our environment & enhance it for our children</i>	<i>Environment: 4.4 We will work to mitigate against impacts of climate change by taking steps to reduce our carbon emissions as an organisation.</i>

What Service Development/Improvement will we undertake in 2020/21? (actions):	By When (Date?)	Lead Officers(s)	What difference will it make? (Outcomes/outputs)	How Will we Know? (Measures)
<ul style="list-style-type: none"> Contractor (Indiwoods Ltd) to complete tree planting on closed landfill site Various species (approx. 11,200 stems c/w guards) to be planted over 5.6 hectares 100% funding (£24k) to be claimed from DAERA Forest Expansion Scheme 	<p>Apr 2020</p> <p>May 2020</p>	MMcA	<ul style="list-style-type: none"> Reduced maintenance and leachate on site Potential community/recreational resource Contribution to climate change with reduced carbon emissions Compensatory planting for other schemes 	<ul style="list-style-type: none"> Number of trees planted/established on site Related reduction in carbon emissions (one tonne of CO2 saved per six trees planted)

Service Objective (What do we want to achieve?):	6. To achieve environmental regulatory compliance for Fivemiletown Recycling Centre
Link to Community Plan Theme:	Align to Corporate Plan Theme
<i>CMP 2.2 Infrastructure - We increasingly value our environment & enhance it for our children</i>	<i>Environment: 4.4 We will work to mitigate against impacts of climate change by taking steps to reduce our carbon emissions as an organisation.</i>

What Service Development/Improvement will we undertake in 2020/21? (actions):	By When (Date?)	Lead Officers(s)	What difference will it make? (Outcomes/outputs)	How Will we Know? (Measures)
<ul style="list-style-type: none"> • Complete site survey and ground investigation report • Undertake tender/procurement exercise for appointment of contractor to install interceptor and complete works on site • Obtain P&R approval for funding (£70k) and Environment Committee approval to award tender • Contractor to complete site work (facility closed for duration) • Submit application for new discharge consent to NIEA WMU 	Apr - Dec 2020	MMcA	<ul style="list-style-type: none"> • No pollution from site • Improved site infrastructure e.g. repairs to surfacing • Compliance with regulatory consents 	<ul style="list-style-type: none"> • Monitoring results from Water Management Unit • Inspection reports from NIEA Waste Licensing

Service Objective (What do we want to achieve?):	7. To obtain ISO45001 H&S accreditation for Drumcoo Waste Transfer Station and HWRC
Link to Community Plan Theme:	Align to Corporate Plan Theme
<i>CMP 5.1 Vibrant & safe Communities - We are a safer Community</i>	<i>Service Delivery: 2.2 We will invest in our people to create a customer-focused, purposeful, skilled, high performing, engaged, healthy and safe work space.</i>

What Service Development/Improvement will we undertake in 2020/21? (actions):	By When (Date?)	Lead Officers(s)	What difference will it make? (Outcomes/outputs)	How Will we Know? (Measures)
<ul style="list-style-type: none"> Undertake improvements as identified in previous internal audit e.g. installation of HGV/trailer safety access platform (£16k) Facilitate Stage 1 external audit and Stage 2 site visit by SGS Ltd Address any non-conformances and implement corrective actions identified during external audit process 	Apr – Dec 2020	MMcA	<ul style="list-style-type: none"> Improved safety facilities on site Reduction in site accidents/incidents Enhanced reputation as exemplar facility 	<ul style="list-style-type: none"> Site accreditation Receipt of certification

Service Objective (What do we want to achieve?):	8. To complete public consultation and implement revised Waste Collection Service Policy
Link to Community Plan Theme:	Align to Corporate Plan Theme
<i>CMP 4.2 Health & Wellbeing - We have better availability to the right service, in the right place at the right time.</i>	<i>Service Delivery: 2.1 We will improve services for our citizens through the development and delivery of an innovation agenda</i>

What Service Development/Improvement will we undertake in 2020/21? (actions):	By When (Date?)	Lead Officers(s)	What difference will it make? (Outcomes/outputs)	How Will we Know? (Measures)
<ul style="list-style-type: none"> Assess feedback from 12 week public consultation exercise (ending on 29th May 2020) Review previous equality screening and rural proofing Final policy to be presented to Environment Committee and Council for approval 	<p>June 2020</p> <p>July 2020</p> <p>Sept 2020</p>	MMcA	<ul style="list-style-type: none"> New service provisions e.g. charge for second brown bin collections New user friendly policy which, for the first time, will detail all aspects of the waste collection service in one document. 	<ul style="list-style-type: none"> New policy implemented

Service Objective (What do we want to achieve?):	9. To obtain Final Business Case approval for Council operated Materials Recycling Facility
Link to Community Plan Theme:	Align to Corporate Plan Theme
<i>CMP 4.2 Health & Wellbeing - We have better availability to the right service, in the right place at the right time.</i>	<i>Service Delivery: 2.1 We will improve services for our citizens through the development and delivery of an innovation agenda</i>

What Service Development/Improvement will we undertake in 2020/21? (actions):	By When (Date?)	Lead Officers(s)	What difference will it make? (Outcomes/outputs)	How Will we Know? (Measures)
<ul style="list-style-type: none"> Review Final Business Case (FBC) for the development of a jointly (six Council) owned Materials Sorting and Recycling Facility (MSRF) at the Council site on Mullagh Road, Maghera Present FBC to Environment Committee for approval 	Dec 2020	MMcA	<ul style="list-style-type: none"> Enhanced regional co-operation on key waste management issue(s) Ability to deal with market uncertainty Increased transparency Sufficient long term capacity for recyclates 	<ul style="list-style-type: none"> FBC approved by Council

Service Objective (What do we want to achieve?):	10. To award new medium term contracts for recycling and waste management services
Link to Community Plan Theme:	Align to Corporate Plan Theme
<i>CMP 4.2 Health & Wellbeing - We have better availability to the right service, in the right place at the right time.</i>	<i>Environment: 4.1 We will continue to reduce our dependency on landfill through waste reduction and increased recycling and recovery.</i>

What Service Development/Improvement will we undertake in 2020/21? (actions):	By When (Date?)	Lead Officers(s)	What difference will it make? (Outcomes/outputs)	How Will we Know? (Measures)
<ul style="list-style-type: none"> Award new contracts for the collection, processing and treatment of kerbside collected commingled garden and food waste, Recycling Centre collected garden waste and bulky residual waste (Magherafelt area) and waste paint and oils Award new contract for waste related professional consultancy services (including for capital works) Resolve any outstanding contractual mediation/disputes 	Sep 2020 - Mar 2021	MMcA	<ul style="list-style-type: none"> Value for money to be demonstrated/proven More budget certainty Reduced risk of legal procurement challenge 	<ul style="list-style-type: none"> New contracts awarded

Performance Measures: <i>Should include any measures as outlined in work above and relevant measures from Community, Corporate, Performance Improvement Plan, Statutory, Corporate Health Indicators etc.</i>	Is the Measure, Statutory, Corporate, Existing, or New?	2017/18	2018/19	2019/20	2020/21 Target/Standard
The percentage of household waste collected by district councils that is sent for recycling (including waste prepared for reuse) [Household waste is defined in Article 2 of the Waste & Contaminated Land (NI) Order 1997 (a) and the Controlled Waste and Duty of Care Regulations (NI) 2013(b)]	Statutory (Local Government indicators and Standards) Order (Northern Ireland) 2015 W1	54.4%	56.01%	TBC	58%
The amount (tonnage) of Biodegradable Local Authority Collected Municipal Waste that is landfilled. [Local Authority collected Municipal Waste is defined in section 21 of the Waste Emissions Trading Act 2003 (c)]	Statutory (Local Government indicators and Standards) Order (Northern Ireland) 2015 W2	10,077 tonnes	5,687 tonnes	TBC	16,932 tonnes (based on last 2019/20 target)
The amount (tonnage) of Local Authority Collected Municipal Waste Arisings. [Local Authority collected Municipal waste arisings is the total amount of local authority collected municipal waste which has been collected by a district Council]	Statutory (Local Government indicators and Standards) Order (Northern Ireland) 2015 W3	79,993 tonnes	78,659 tonnes	TBC	N/A

3.0 OUR STATUTORY CONSIDERATIONS

In carrying out our responsibilities, the Service is cognisant of the statutory duties placed upon the council in the delivery of its services. Whilst the Service operates, under various obligations it is however mindful of the changing context in which it operates and endeavours to mainstream the equality and rural needs duties in the design and delivery of our functions.

3.1 EQUALITY DUTY

The council and by consequence our Service is committed to contributing towards its part in working towards fulfilling obligations under Section 75 of the Northern Ireland Act 1998 to ensure adequate time, staff and resources to fulfil our duties.

The Service will also work towards adherence to the council's Equality Scheme ensuring equality duties, together with promoting positive attitudes towards persons with a disability and the participation of people with a disability in public life when carrying out our functions.

3.2 RURAL NEEDS DUTY

The Service will be mindful of the rural needs of its customers when carrying out its functions and subsequent responsibilities, particularly in developing any new policies, plans or strategies throughout the year. In line with the Rural Needs Act (NI) 2016 we will give due regard to rurality in terms of needs in carrying out the activities within our Service.

3.3 RISK MANAGEMENT OF SERVICE

The purpose of risk management is to manage the barriers which prevents the Council from achieving its objectives. This section of the service plan includes space for the Service to input their key risks (in summary form), which have been identified during the business planning process. The Council uses risk management to maximize opportunities and minimize risks. This improves its ability to deliver priorities and improve outcomes. This is why the Council deems it important to link business planning and risk management. Risk Management aims to:

- Help the Council achieve its overall aims and objectives
- Manage the significant risks the Council faces to an acceptable level
- Assist with the decision making process
- Implement the most effective measures to avoid, reduce and control those risks
- Balance risk with opportunity
- Manage risk and internal controls in the most effective way.

Rating	Descriptor
16 - 25	Extreme Risk (immediate action required)
10 - 15	High Risk (urgent action required)
7 - 9	Moderate Risk (action required)
1 – 6	Low Risk (keep under review)

This table illustrates the risks identified to deliver the Services business in 2020-21

Risk Ref Number	Description of Risk	Risk Rating	Mitigation Activity
1.	Risk of employees contracting Covid19 viral infection	9	<p>At risk/vulnerable employees sent home/furloughed</p> <p>Staggered start/finish times for refuse collection</p> <p>Installation of partition/screens in vehicle cabs</p> <p>Hire/use of vans to reduce numbers in vehicle cabs to no more than 2 (loaders following refuse vehicles)</p> <p>Use of PPE and increased hygiene i.e. hand-washing.</p>
2.	Failure to meet statutory waste management targets	6	<p>Statutory quarterly reporting of recycling and landfill diversion performance to NIEA via the online Waste Data Flow system (confirms NILAS target and 2020 statutory 50% recycling target was achieved during 2018/19)</p> <p>Network of Recycling Centres (11 No.) and Waste Transfer Stations (3 No.) in operation across district</p> <p>Annual Recycling and Environmental Education Programme delivered across local schools, community groups etc including new “Recycling Hero” campaign.</p>

3.	Environmental pollution incident as a result of managing three landfill sites e.g. from leachate, landfill gas etc.	6	<p>Environmental monitoring contract and pollution insurance cover in place.</p> <p>Technically competent staff on site</p> <p>Landfill gas collection systems in place at all three sites (for flaring and/or production of electricity)</p> <p>Progressive capping/closure of landfill sites</p>
4.	Fraud, bribery or theft	6	<p>Monitoring of online CCTV at waste management facilities and on vehicle cameras systems as required.</p> <p>Pre-payment system at three main Recycling Centres to reduced receipt/handling of cash at relevant sites.</p>
5.	Failure to deliver waste related capital projects on time and within budget	9	<p>Utilisation of suitably qualified and experienced consultants to assist with project delivery</p> <p>Regular risk reduction meetings held on site</p>
6.	Inadequate Health and Safety systems and processes in place leading to injury to employee or member of the public.	9	<p>Health and Safety risk assessments in place for all activities including refuse route risk assessments</p> <p>Range of statutory and other health and safety training provided for all operatives and drivers</p>
7.	Legal/procurement challenge in relation to the award of a major contract	9	<p>Undertake regular procurement training/briefings</p> <p>Access legal advice and guidance in a timely manner</p>

Report on	Tullyvar Joint Committee Update
Date of Meeting	7 July 2020
Reporting Officer	Mark McAdoo, Head of Environmental Services
Contact Officer	Mark McAdoo, Head of 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 copy of the agenda and papers for the forthcoming Tullyvar Joint Committee meeting and AGM (currently scheduled for 8 th July 2020) including minutes of the last meeting held on 12 th February 2020 are attached for members' information.
4.0	Other Consideration
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	Latest papers for Tullyvar Joint Committee.

17th June 2020



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

To: Councillor Gildernew)
Councillor Graham)
Councillor McAleer)
Councillor McGuigan) Mid Ulster District Council
Councillor Robinson)

Mr A Cassells

Councillor Clarke)
Councillor Fitzgerald)
Councillor Garrity)
Councillor Rainey) Fermanagh & Omagh District
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 at Strule Arts Centre, Omagh on **Wednesday 24th June 2020 at 10.30am (immediately following the AGM)**. The option to join the meeting remotely will also be available via WebEx.

1. Confirmation of Minutes of Meeting held on Wednesday 12th February 2020 (copy herewith)
2. Matters Arising from the Minutes
3. Financial Matters
 - 3.1 Annual Report (as tabled at AGM)
4. Update from Head of Environmental Services/Site Manager's Report (copy herewith)
5. Any Other Business

6. Date of Next Meeting
- Wednesday 14th October 2020

Yours faithfully

Andrew Cassells

Director of Environment & Property

Copy: A Tohill
K O'Gara
M McAdoo
A McIlwrath
K McGowan

**MINUTES OF TULLYVAR JOINT COMMITTEE MEETING HELD ON WEDNESDAY
12TH FEBRUARY 2020 AT 10.30AM AT TULLYVAR LANDFILL SITE**

PRESENT:

FERMANAGH & OMAGH: Councillor Rainey (Chair)
Councillor Clarke & Thompson

MID ULSTER: -

OFFICERS: A Cassells, M Kelso, M McAdoo, J McCullagh,
K McGowan & A McIlwrath

APOLOGIES: Councillors Fitzgerald, Graham, McAleer & S McGuigan
K O'Gara

Meeting commenced at 10.30am

1. CHAIRMAN'S REMARKS

The Chair, Councillor Rainey, welcomed Mark Kelso to the meeting and paid tribute to A Cassells for his support and direction in relation to Tullyvar matters, wishing him well on his retirement from local government.

2. CONFIRMATION OF MINUTES – 9th OCTOBER 2019

The above minutes were adopted.

Proposed by Councillor Thompson
Seconded by Councillor Rainey and agreed.

3. MATTERS ARISING

As per agenda items.

4. SOLAR PANELS REPORT

A Cassells referred to report circulated to Members. It was noted that Tullyvar harnessed the gas which was turned into electricity, however, with gas levels depleting, Officers were considering alternative forms of utilising the valuable grid connection. Solar panels was a move towards sustainability and utilising renewable energy sources.

The report has confirmed a payback within 10 years based on an investment of £1.4 million. A Cassells made reference to the potential income from the fluff layer claim and the opportunity to use some of the income towards funding the project should the outcome be positive.

Generating electricity from a renewable source would help displace the use of fossil fuels and generate sufficient electricity to meet Tullyvar demands and export surplus to the grid. Noted it was a spend to save project and would aid income as the gas generation dropped off.

The Chair and Members fully supported the project.

Councillor Clarke enquired about the feasibility in placing a small wind turbine on site. A Cassells confirmed that wind and solar could complement each other on site.

Following discussion, Members fully supported the project and agreed that the matter be reconsidered in light of the outcome of the landfill tax claim.

Proposed by Councillor Clarke

Seconded by Councillor Thompson and agreed.

5. FINANCIAL MATTERS

5.1 2020/21 Budget

The Site Manager confirmed that a 2020/21 budget had been prepared, reference being made to Appendix 1 of his report. The projected operational expenditure for the year was estimated at £262,280, a decrease of approximately 7% to reflect a reduction in site operations. The Site Manager highlighted to Members the major costs relating to the £262K spend.

Following a query in relation to site Rates, the Site Manager confirmed an agreement with LPS for a reduction to £7K given the site's mothballing and a potential rebate of £30,000.

The Site Manager highlighted to Members that the site had £1,534,167.11 in its current account and net current assets/liabilities of £1,598, 508.31.

6. UPDATE REPORT FROM SITE MANAGER

The Site Manager's Report was considered, copy attached as appendix one, reference being made to the undernoted:

6.1 Landfill Tax Reclaim

The Site Manager confirmed potential income of £2.2 million to Tullyvar pending the outcome of the appeals process which should be known before the end of the year.

6.2 Purchase of Tractor

Members agreed to the purchase of the tractor as outlined in the report.

6.3 Site Operational Update

6.3.1 Leachate Treatment

The Site Manager confirmed compliance within all monitoring parameters.

6.3.2 Electricity Generation

Noted generation was down to approximately 47% due to the cessation of infilling and temporary disconnection of wells to facilitate the capping contract.

6.3.3 Mothballing

The Site Manager advised that mothballing operations were ongoing.

6.4 Phase 4 Capping Contract

The Site Manager updated Members as per the report.

Councillor Clarke sought clarification on the cement stabilisation process. The Site Manager outline the process involved and confirmed that approximately 60/80 tonnes of cement was mixed with the on-site material, the process proving very successful. The additional cost of the works was approximately £40,000. Members approved the additional expenditure.

A Cassells confirmed that it was anticipated that the works would be completed mid March dependent upon weather conditions. The seeding of the wetlands may be deferred until milder weather.

Following query from M Kelso, the Site Manager provided clarification on the purpose of the wetlands. The Site Manager confirmed that the pre-treatment of leachate resulted in no build-up of solids and therefore no sediment build up in the ponds. The plants were established and self-propagating. The existing wetland were well managed and monitored.

6.5 Adoption of Report

The Site Manager's report and all recommendations was adopted and agreed.

Proposed by Councillor Thompson
Seconded by Councillor Clarke and agreed.

7.0 ANY OTHER BUSINESS

7.1 Memorial Request

The Site Manager advised that an informal request had been received from the family/representatives of Marian Beattie who was murdered in close proximity to Tullyvar in 1973, to erect a memorial in the vicinity of Tullyvar marking her death, further details to be provided by the family representatives.

Members agreed in principle to the request, the Chair to get a formal letter outlining the details, with the Site Manager liaising with the family representatives to finalise arrangements.

Proposed by Councillor Clarke
Seconded by Councillor Thompson and agreed.

8.0 DATE OF NEXT MEETING

It was agreed that the next meeting be held on **Wednesday 10th June 2020 at 10.30am at Tullyvar Landfill Site** (scheduled AGM).

Following discussion, it was agreed that the current Chair, Councillor Rainey, continue for a further year in Office, given the reduction in frequency of meetings with only three having been held under the Member's tenure.

Meeting ended at 11.30am

TULLYVAR JOINT COMMITTEE – 12th FEBRUARY 2020**SITE MANAGER'S REPORT****1. Site Operational Update**

Between October 2019 and January 2020 approx. 200 tonnes of leachate per week was discharged to Cookstown Sewage Treatment Works. The NIWater compliance report for 2019 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	87 mg/l	400 mg/l	100%
Chemical Oxygen Demand	835 mg/l O ₂	2000 mg/l O ₂	100%
Suspended Solids	167 mg/l	500 mg/l	98%
pH	Min 5.26 / Max 7.73	Min 5 / Max 10	100%

The electricity generation plant is currently operating at approx. 375kW (47% Capacity). This is lower than normal, due to the cessation of infilling and a number of wells in Cell 1 being temporarily disconnected to facilitate site capping works. The capping works were planned so as to disrupt the gas field as little as possible and the work has been phased to ensure a majority of the wells are reconnected as quickly as possible. Works in this area should be substantially complete in the next month allowing gas extraction to return to normal.

Mothballing works completed over the last few months include the regrading works that will prepare Cell 4 for either lining or restoration and also reduce erosion and eliminate any unsafe rock faces. A large quantity of rock has also been extracted along the new groundwater drainage line to be crushed at a later date for use creating in access roads and paths around the site to facilitate water sampling and gas monitoring.

2. Financial Matters

A budget has been prepared by Officers for the 2020/21 period, the projected operational expenditure for the coming financial year is £262,280, a decrease of approx. 7% to reflect the further winding down of site operations. The major costs in the next financial year are £60,210 for leachate haulage (reflecting the decreased volumes generated post capping and increased use of the sites ICW), salaries and wages of £54,371, hire of plant / equipment of £24,280 and fees of £20,000. All costs are generally lower than the previous year due to reductions in site operations, with further significant reductions expected in the 2021/22 period once the site has been fully mothballed.

Site income for the year is predicted to be £262,659 mainly due to the predicted electricity generation royalties. This gives a balanced budget for the year and any small surplus will be added to the sites reserves.

The full budget and details of the last 6 months expenditure are detailed in Appendix 1. At the end of the first 6 months of the current financial year the site had £1,534,167.11 in its bank current account and a net current assets / liabilities position of £1,598,508.31.

3. Landfill Tax Reclaim

As agreed at the Joint Committee meeting on the 11th May 2016 the site has submitted claims with HMRC for the reclaim of Landfill Tax monies paid on material used in construction of the sites reverse fluff layer during the period from July 2012 to March 2018. The claim is being managed by KPMG through the appeals process along with a number of their other clients. The appeal to the Upper Tier Tribunal that was heard in November 2019 was found in our favour. HMRC may still ask leave to appeal but a win at this stage is positive and should the site ultimately be successful then there is a potential claim of £2,242,474.94 once KPMG's fees are taken into account.

5. Purchase of Tractor

Due to the age and condition of the sites current tractor it is recommended to replace it with a pre-used 4 wheel drive tractor in better condition. A pre-used tractor is being recommended as a good compromise between condition and cost given that it may only be required for a few years and the short term hire of a tractor would be cost prohibitive. A quotation exercise was recently completed with 5 submissions received prior to the closing date on the 16th January. Submissions were assessed on 21st January and approval is now being sought to award the contract to Brian Keys Tractors for a New Holland T6020. The tender price of £22,750 will be off-set from the sale of the old Deutz Agrostar 6.38 which shall be auctioned off following delivery of the new tractor in February. The tender price is also much lower than the £36,000 recently received from our insurance company to cover the theft of the New Holland T6.160 stolen in March 2019.

6. Phase 4 Capping

Works commenced in early October on the Phase 4 Capping of the site. The works consist of the installation of a composite capping system over an area of approximately 17,000m² of which approx. 10,500m² will be final capping and restoration and the remainder as an interim cap. A set of Integrated Constructed Wetlands to increase leachate treatment capacity and a groundwater drainage line are also being installed as part of the works. CivCo have been appointed as main contractor but the majority of the works are being completed on site by their sub-contractor, Contract Ground Services. The standard of work completed to date has been good and, a selection of photos showing the work to date have been included overleaf.

Works completed to date include the completion of the Phase 1 works on the intermediate cap and the laying of approx. 14,000m² of geotextiles and protection layer sub-soils. 95% of the drainage infrastructure has been installed and works on the wetlands are also well advanced. Progress has been hampered due to the wet weather over the winter resulting in the need for soil stabilisation works but the project should be completed in March only a few weeks behind schedule. The stabilisation works involved mixing cement into the wet clays under the area for the Integrated Constructed Wetlands to harden the surface and allow it to carry the weight of the construction plant and eventually the wetland bunds and the water contained within.

The works were awarded to CivCo for a total price of £488,810.50 plus VAT and a 10% contingency giving a total of £537,691.55. The 10% contingency was to allow for compensation events that are typical in a contract of this nature, however, the additional soil stabilisation works have resulted in compensation events over and above what was anticipated and approval is requested to increase the contingency to 18.6%, giving a total projected expenditure of £579,620.12. Project management fees due to WDR & RT Taggarts for the project were £13,749.71 for the first 12 weeks (as per the tender framework) with an additional £14,700 based on an expected project length of 26 weeks. These increased figures are still less than the £626,400 that has been allowed for in the site Closure and Aftercare Provisions.

Appendix 1 – 6 Month Accounts and Draft 2010/21 Budget

Account Code	Expense Description	2019/20 6 Mts TD	2019/20 Budget	2020/21 Budget
2176	SALES	0	0	0
2991	DEPOSIT A/C INTEREST	0	(500)	(500)
2501	GAS GENERATION INCOME	(236,363)	(401,000)	(262,159)
4990	MISC INCOME	0	(1,200)	0
	1 Total	(236,363)	(402,700)	(262,659)
2004	SALARIES & WAGES	19,432	36,051	54,371
2006	LEACHATE TREATMENT	36,898	74,880	60,210
2009 & 2117	MANAGEMENT CHARGE	0	11,000	11,000
2010	RATES	36,513	18,500	7,000
2011	INSURANCE	0	20,000	10,000
2012	HEAT & LIGHT	5,510	20,000	15,000
2018	REPAIRS & RENEWALS GENERAL	5,428	15,000	10,000
2021	REPAIRS VEHICLES	568	3,000	1,500
2024	BANK CHARGES	0	550	50
2029	TELEPHONE	162	2,250	500
2031	ADVERTISING	0	0	0
2030 & 2032	POST & STATIONERY	0	500	50
2033	COMPUTER SOFTWARE	639	0	0
2039	HIRE OF EQUIPMENT	5,645	7,404	24,280
2040	PROTECTIVE CLOTHING	68	400	400
2041	BLINDING MATERIALS	4,329	8,500	3,000
2035 & 2048	FEES & LEGAL FEES	21,840	25,000	20,000
2054	FUELS & OILS	5,540	2,500	11,000
2060	TRAVEL & SUBSISTENCE	1,113	1,000	2,500
2061 & 2145	TRAINING & CONFERENCES COURSES	0	750	750
2070	CHEMICALS	0	5,000	500
2072	WATER	194	1,000	500
2073	SITE ENGINEERING	0	5,000	8,000
2081	LANDFILL TAX ON BLINDING	0	0	0
2104	SAMPLES	12,671	21,569	21,569
2300	MISCELLANEOUS	40	1,000	100
8100	BAD DEBT WRITE-OFF/RECOVERED	0	0	0
8102	PROVISION FOR BAD DEBT	0	0	0
	2 Total	156,590	280,854	262,280
	Grand Total	(79,773)	(121,846)	(379)

Appendix 2 – Phase 4 Capping Photos



Picture showing the drainage layer geocomposite placed over the top of recently laid GCL and the application of a 300mm deep layer of protection material (left). Picture showing the drainage line / manholes from the unlined Cell 4 and the settlement pond / discharge point (right).



Pictures showing the stabilisation works with the application of cement powder (left) and the mixing with the regulation soils using a specialised blending plant (right).



Picture showing stabilised area after the cement has cured (left). Picture showing the construction of the wetlands on top of the stabilised area (right).

TULLYVAR JOINT COMMITTEE – 24th JUNE 2020

SITE MANAGER'S REPORT

1. Site Operational Update

Between February and May 2020 approx. 150 tonnes of leachate per week was discharged to Cookstown Sewage Treatment Works. The NIWater compliance report for the first quarter was received in April and Tullyvar was deemed compliant, the main results of which are detailed in the table below:

Parameter	Annual Average	Limit	Compliance Score
Ammoniacal Nitrogen	66 mg/l	400 mg/l	100%
Chemical Oxygen Demand	607 mg/l O ₂	2000 mg/l O ₂	100%
Suspended Solids	81 mg/l	500 mg/l	100%
pH	Min 5.36 / Max 6.89	Min 5 / Max 10	100%

The electricity generation plant is currently operating at approx. 410kW (51% Capacity). This is slightly higher than expected due to a number of wells in Cell 1 recently being reconnected following the site capping works. It is hoped that gas production will increase further over the coming months. Some additional perched leachate pumps are planned to be installed in Cell 1 which should further boost gas capture rates.

Mothballing works completed over the last few months include further regrading works that will prepare Cell 4 for either lining or restoration and also reduce erosion and eliminate any unsafe rock faces. Wildflower and wildgrass seed has been delivered to site in preparation for sowing the newly finished cap, this will be sown by site staff in the coming month.

2. Landfill Tax Reclaim

As agreed at the Joint Committee meeting on the 11th May 2016 the site submitted claims with HMRC for the reclaim of Landfill Tax monies paid on material used in construction of the sites reverse fluff layer during the period from July 2012 to March 2018. The claim is being managed by KPMG through the appeals process along with a number of their other clients. The appeal to the Upper Tier Tribunal that was heard in November 2019 was found in our favour, however, HMRC have since been given leave to appeal. It is requested that Members consider and approve advancing our claim to the next phase at a cost of £10,000 to cover the legal fees. Should the site ultimately be successful there is a potential claim of £2,242,474.94 once KPMG's fees are taken into account.

3. Potential Tree Planting Grant Application

It is proposed to create a new native broadleaf woodland at the site using approx. 6,000 locally sown and grown trees. The woodland will comprise of just over 3 Hectares of woodland running along the North, East and Southern boundaries of the site. The area adds to existing areas of forest already on-site and the Integrated Constructed Wetlands. The Forest Expansion Scheme, which is operated by the Forest Service, provides up to 100% of the approved woodland creation

costs in addition to a further 2 years of maintenance costs. The scheme is open to all landowners with a minimum of 3 Hectares of available space.

The proposed woodland will predominantly be comprised of the following species; Downy Birch, Silver Birch, Alder, Rowan, Wild Cherry, Aspen, Hazel, Crab Apple, Guelder Rose, Willow, Scots Pine, and Oak. The trees have been specifically chosen to have shallow roots so as to prevent damage to the capping membranes. The only exception is the Oak will only be planted outside the cap, to avoid penetration by the deep tap roots.

The trees will be planted in single species circular clusters (2,000 stems per ha) with varied spacing to make the woodland look as natural as possible, with meandering paths throughout and perimeter access retained. Trees will be protected with recycled clear plastic spiral guards and a cane and the Scots Pine will be protected using mesh guards with two canes. There will be 20% open space allowed for that will incorporate access tracks and open glades throughout the woodland.

The trees will be spot sprayed with glyphosate on completion of planting with ongoing maintenance for 2 years after including replacement of dead or dying trees where necessary and glyphosate spray application.

The site is partnering with the consultants Indiwoods who will prepare the application for funding and submit before the deadline of the 30th September. Indiwoods will also be responsible for the planting and maintenance of the woodland for the first 2 years. If successful, the necessary preparation work and planting shall be carried out between January and May 2021. Indiwoods had previously been involved with the establishment of similar woodlands at both Ballymacombs and Magheraglass Landfill Sites. There will also be an opportunity for local schools to be invited to participate in the tree planting on specially supervised days.

4. Phase 4 Capping

Works have now been completed on the Phase 4 Capping of the site. The works consisted of the installation of a composite capping system over an area of approximately 17,000m², a set of Integrated Constructed Wetlands to increase leachate treatment capacity and a groundwater drainage line in the floor of Cell 4. CivCo were appointed as main contractor but the majority of the works were completed on site by their sub-contractor, Contract Ground Services. The standard of work completed has been good and, a selection of photos showing the work to date have been included overleaf.

The works were awarded to CivCo for a total price of £488,810.50 plus VAT and contingency. Approval was granted at the Joint Committee Meeting in February to increase the contingency to allow for a total projected expenditure of £579,620.12. The final account is due to be received this month and is expected to be around £555,000. Some unexpected COVID-19 expenses were incurred as the contractor had to stop work for 6 weeks due to the restrictions impacting on the supply of raw materials. These expenses were offset by removing some items from the contract, such as the grass seeding which is now being completed in-house, resulting in savings of almost £20,000.

Appendix – Phase 4 Capping Photos



Picture showing the drainage layer geocomposite placed over the top of recently laid GCL and the application of a 300mm deep layer of protection material (left). Picture showing the drainage line / manholes from the unlined Cell 4 and the settlement pond / discharge point (right).



Pictures showing the lining of the wetlands central bund (left) and the finished cap and perimeter drainage system adjacent to the main office (right).



Picture showing the finished cap and access road (left) and the new Integrated Constructed Wetlands (right) showing them being initially filled, with approx. 300mm of water, following planting.

Report on	Property Services Service Improvement Plan 2020/21
Date of Meeting	7 th July 2020
Reporting Officer	Terry Scullion, Head of Property Services
Contact Officer	Terry Scullion, Head 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 of the content of and to seek approval for the annual Service Improvement Plan (SIP) for Property Services for 2020/21.
2.0	Background
2.1	The Property Services Improvement Plan for 2019/20 was approved at the Environment Committee meeting in June 2019. A SIP for the new financial year (2020/21) is now required.
3.0	Main Report
3.1	Property Services is part of the Environment and Property Directorate and is responsible for the following function areas across Mid Ulster District Council: <ul style="list-style-type: none"> • Property/Asset Management and Maintenance • Compliance and Energy Management • Fleet Management and Maintenance • Cemeteries (Operational and Historical) • Grounds Maintenance • Off Street Car Parking • Public Toilets
3.2	The Service Improvement Plan includes the following areas: <ul style="list-style-type: none"> • Purpose, scope and responsibilities of the service • Customers and stakeholders • Overview of performance in 2019/20, and challenges remaining • Indicative Budget and staffing complement for 2020/21 • Work plan for 2020/21 (linked to Corporate Improvement Objectives)

	<ul style="list-style-type: none"> • Key service Risks
3.3	A full copy of the Service Improvement Plan is attached in Appendix 1.
4.0	Other Considerations
4.1	Financial, Human Resources & Risk Implications
	<p>Financial: The planned actions within the Service Improvement Plan will be delivered within the Service budget when confirmed for 2020/21, and any other Council funds as approved to delivered services, subject to impacts Covid 19 has on delivery.</p>
	<p>Human: As per Property Services the current staffing structure, taking account of furlough staff due to Covid 19 and any future structure variations required to successfully deliver all the service improvements as outlined.</p>
	<p>Risk Management: As detailed in the attached Service Improvement Plan, and including ongoing delivery challenges as a result of Covid 19.</p>
4.2	Screening & Impact Assessments
	<p>Equality & Good Relations Implications: None</p>
	<p>Rural Needs Implications: None</p>
5.0	Recommendation(s)
5.1	Members are asked to note the contents of this report and to approve the Property Services Service Improvement Plan for 2020/21.
6.0	Documents Attached & References
6.1	Appendix 1 – Property Services Improvement Plan for 2020/21



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Property Services (Environment & Property Services

SERVICE PLAN - 2020 / 21

Date

Consulted within staff team

20/04/2020

Discussed & signed off by Director

25/06/2020

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1.0 OVERALL PURPOSE AND SCOPE OF THE SERVICE

1.1 Purpose and Scope of the Service

Property Services is part of the Environment and Property Directorate. Staff are located across Council depots and other Council locations. The service is responsible for the following functions across Mid Ulster District Council area:

- Property/Asset Management and Maintenance
- Compliance and Energy Management
- Fleet Management and Maintenance
- Cemeteries (Operational and Historical)
- Grounds Maintenance
- Off Street Car Parking
- Public Toilets

1.2 Responsibilities

The section is specifically responsible for the following functions:

- Processes and procedures in relation to asset management, building maintenance and repair services of Council properties, including structural, preventative, reactive maintenance, minor works, and emergency works that may arise.
- Compliance activities to ensure works and services enable Council to meet statutory and regulatory requirements in relation to its Building and Assets, including Safety, Energy Management, Asset management and inspections, Asbestos, and Legionella management.
- Management, maintenance, replacement and disposal of the Council's fleet, including compliance with Council's Fleet Operator's Licence (Goods Vehicles Licensing of Operators Act (NI) 2010) requirements.
- Management and administration of Customer focused Cemeteries service, ensuring that all legal statutes are complied with in the Council's active, and historical cemeteries.
- The development, delivery and maintenance of quality grounds maintenance and horticultural services across Council sites, public amenities, towns and villages.
- Management, development and performance monitoring of Council's Off Street Car Parks
- Front end service delivery of key amenities including Public Toilets and Maghera Walled Garden

- The provision and management of third party contracts, services and supplies to deliver an efficient and responsive service to internal and external Client services, and facilities.

1.3 Customers & Stakeholders

Customers & Stakeholders
<ul style="list-style-type: none"> • Elected members • Council staff/Internal Client Services • Trade Union representatives • Ratepayers/Public • Central Government (e.g. Transport NI, DfI, NIEA,) • Third party Contractors and service providers • Clergy/Undertakers/Funeral Directors • Awards/Accreditation bodies (e.g. NI Amenity Council, Tidy Towns, OHSAS 45001) • Community groups (e.g. Horticultural & Regeneration groups) • Other Councils/groups (e.g. Energy Manager's Forum, NI Grounds & Park Forum, TAG NI, Fleet Transport Association)

1.4 Performance Overview in 2019/20

The following table provides a progress summary and the impact made by last years' Service Plan (2019-2020). It also details key successes, a summary of the end of year progress, remaining challenges for the Service and how it made a difference.

2019/20 Performance Overview	End of Year Progress Status: Completed/Commenced/Other
<ul style="list-style-type: none"> • Implement a Fleet Management System to achieve Fleet Operator License compliance to 100% by March 2020. 	Substantially completed, progress limited by gaps in staff structure.
<ul style="list-style-type: none"> • Develop a three year phased plan to increase Community led toilet provision by 20% from its current baseline of 29 toilets 	Completed
<ul style="list-style-type: none"> • Development a building profile maintenance strategy and for the council estate with all buildings being surveyed and rated to 95% by March 2020 	Substantially completed, with full completion dependant on completing Council's Estate Strategy
<ul style="list-style-type: none"> • Develop, Implement and Review a "Pay on Foot Model" pilot scheme in one Council owned Off Street Car Park by March 2020 	Procured but implementation delayed as a result of COVID-19
<ul style="list-style-type: none"> • Inspect 100% of cemeteries memorials for safety in 5nr operational cemeteries and 50% in 28 old burial grounds 	Completed, including 100% of old burial grounds

<ul style="list-style-type: none"> • Develop a Cyclical Maintenance Plan that informs stakeholder of the roles and responsibilities of Grounds and Cemeteries by March 2020. 	Completed
<ul style="list-style-type: none"> • Develop an electronic management system for planning, reporting and inspection of works by Operatives and Supervisors 	Partial electronic system implemented due to budget constraints
Challenges Include:	
<ul style="list-style-type: none"> • Completion of Council's Estate Strategy and adoption by members. 	
<ul style="list-style-type: none"> • Availability of adequate budgets to ensure all aspects of essential maintenance and repair; improvement works; and increased maintenance requirements as a result of Council's Capital Programme can be undertaken. 	
<ul style="list-style-type: none"> • Management of historic cemeteries, including memorial safety programme remedials 	
<ul style="list-style-type: none"> • Post COVID-19 service recovery, including implementation of Pay on Foot Car park, and service delivery structure revision 	

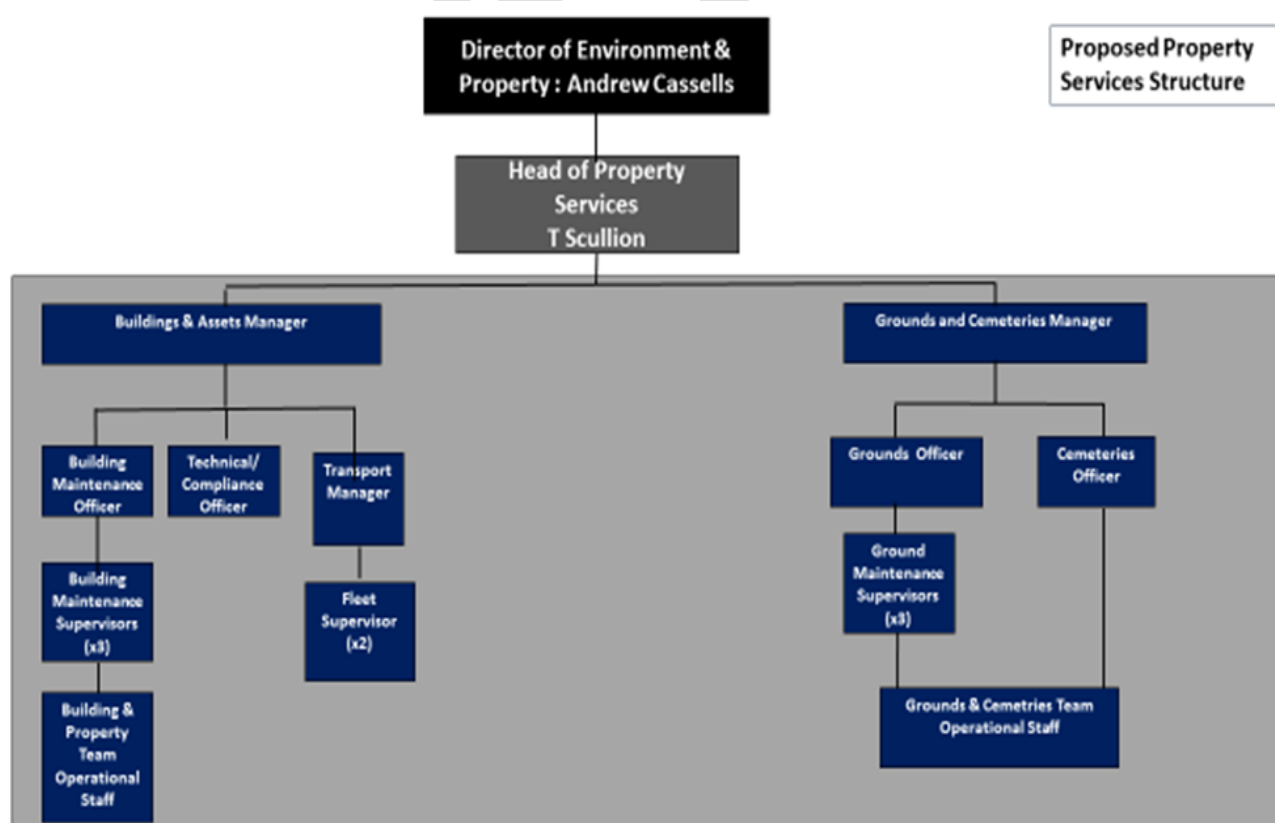
2.0 IMPROVING OUR SERVICE AND MANAGING PERFORMANCE - 2020/21

The following tables confirm the resources, financial and people, which the Service has access to throughout 2020-21 to deliver its actions, activities and core business.

2.1 Budget 2020/21

Service Budget Headings	£
Building Maintenance	1,565,148
Properties (Offices/Depots Utility & Energy)	334,456
Public conveniences	198,787
Vehicle Maintenance	1,308,762
Festive Lighting	19,816
Grounds Maintenance	1,332,333
Cemeteries	83,537
Off Street Car Parks	(275,485)
Property Services corporate cost	643,561
Net Budget for 2020-21 (TBC)	5,265,945

2.2 Staffing Complement - 2020/21



Following a review and subsequent reduction of Council's senior management structure in 2019, Property Services is currently provided under the existing Environment and

Property Department and will move into a new department called 'Environment and Infrastructure' during 20/21.

Staffing	No. of Staff
Head of Service	1
Managers	3
Officers	4
Remaining Team (Fleet & Cemetery gaps)	86
Total	96

As a result of Covid 19 approximately 40% of Property Services employees have been furloughed (e.g. Public Toilets attendants as facilities are closed, and other staff in 'at risk' groupings). A small number of staff from other directorates have been temporarily redeployed to assist.

2.3 Service Work Plan - 2020/21

This plan confirms the core activities and actions, which will form your Service Work Plan for 2020-21. This is a high-level capture of the Service activities as well as some improvement undertakings which the service will focus on throughout 2020-21. The Plan links to the Council's new 2020-2024 Corporate Plan priorities, Annual Corporate Improvement Plan Objectives, Corporate Indicators and Mid Ulster Sustainable Community Plan themes & outcomes:

SERVICE WORK PLAN 2020/21

Service Objective (What do we want to achieve?):	Research the application and introduce a trial of alternative fuelled Vehicles/Diverse Plant into Council's Fleet			
Link to Community Plan Theme:	Align to Corporate Plan Theme			
<i>CMP 2.2 Infrastructure - We increasingly value our environment & enhance it for our children</i>	<i>Environment: 4.4 We will work to mitigate against impacts of climate change by taking steps to reduce our carbon emissions as an organisation.</i>			
What are the key 'Business as Usual' activities we will deliver (actions):	By When (Date?)	Lead Officers(s)	What difference will it make? (Outcomes/outputs)	How Will we Know? (Measures)
<p>Deliver 2020 to 2021 Replacement Fossil Fuel Capital Programme (Plan 2019-2023):</p> <ul style="list-style-type: none"> Continue to purchase replacement of fossil fuel derived vehicles/diverse plant (fleet items) on an annual basis Schedule replacement vehicles/diverse plant based on age and application. Conduct regular benchmarking exercises with other companies/organisations in "next" practice green vehicle replacement programmes/ diverse plant /green technologies in order to reduce emissions (both GHG emissions and air pollutants) from vehicles used in Draw up annual procurement schedule (review green fleet criteria – whole life cost modelling)– include scope, requirements, budgets etc. Maintain asset/disposal register (e.g. auction items etc.) as per policy/protocol Staff learning and development familiarisation programme/guidance materials in place for new fleet items Review and revise Capital programme plan 	March 2021	PC SO'N	Minimise environmental impact and carbon footprint of Council's own activities	<p>Number of fleet items replaced against annual plan</p> <p>Asset/disposal register updated</p> <p>Staff learning and development in completed</p> <p>Annual Review Fossil Fuel Programme completed</p>

<p>Conduct audit and develop baseline Fossil fuel Usage Baseline Report on Fleet/diverse plant:</p> <ul style="list-style-type: none"> • Monitor the impact of the reduction of fossil fuelled (e.g. Diesel and Petrol powered) on Council operational vehicles/diverse plant • Consumption and usage of fossil fuel can be measured using fuel consumption reports and expenditure – • Monthly monitoring reports produced • Report compiled brought through SMT to committee 	March 2021	PC SO'N	Recognition Council's carbon footprint through fossil fuel usage .	Audit complete and Baseline Report produced.
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What Service Development/Improvement will we undertake in 2020/21? (actions):	By When (Date?)	Lead Officers(s)	What difference will it make? (Outcomes/outputs)	How Will we Know? (Measures)
<p>Purchasing up to two alternative fuel vehicles/diverse plant in year, and annually over the remaining years of the replacement programme.</p> <ul style="list-style-type: none"> • Benchmark (time series) fuel usage reports • This is subject to continued affordability post COVID-19, and easement of government public procurement exercises at this time. 	March 2021	PC SO'N	Reduction in the Councils carbon foot print through less fuel usage.	<p>Two vehicles purchased</p> <p>Production of time series annual Fuel Usage Reports</p>

Service Objective (What do we want to achieve?):	Implement a GPS Mobile asset Tracking and Garage Management System			
Link to Community Plan Theme:	Align to Corporate Plan Theme			
<i>CMP 2.1 Infrastructure - We are better connected through appropriate infrastructure</i>	<i>Environment: 4.4 We will work to mitigate against impacts of climate change by taking steps to reduce our carbon emissions as an organisation.</i>			
What are the key 'Business as Usual' activities we will deliver (actions):	By When (Date?)	Lead Officers(s)	What difference will it make? (Outcomes/outputs)	How Will we Know? (Measures)
Maintain current Masternaut GPS tracking system available in legacy Cookstown vehicles/diverse plant.	Annually	PC SON	Partial tracking & monitoring of the fleet	Cookstown Vehicles/diverse plant are GPS tracking reports
Maintain current Supatrak system is present in some Refuse Collection vehicles and is used for operational management of the fleet on a day to day basis.	Annually	PC SON	This enables tracking and monitoring of the fleet in part only.	Partial tracking fleet report
Maintain current management of the garage and its operations utilising manual and a paper based system in order to maintain compliance.	March 2021	PC SON	Regulatory compliance	Regular paper based productivity reports.

What Service Development/Improvement will we undertake in 2020/21? (actions):	By When (Date?)	Lead Officers(s)	What difference will it make? (Outcomes/outputs)	How Will we Know? (Measures)
<p>Research and procure a new GPS fleet tracking system with garage software to ensure all assets are tracked and maintained as per Council's Fleet Operator Licence. (This is subject to adequate budget provision, affordability and easement of government restrictions)</p> <ul style="list-style-type: none"> Conduct research, benchmark best practice Undertake current process mapping exercises for current GPS tracking and Garage paper based systems – understand the "as is" (current) versus the "to be" (future) requirements. Prepare procurement schedule 	January 2021	PC SO'N	<p>This GPS system will enable real time fleet analytics and performance reporting</p> <p>Efficient, real time and compliant electronic garage performance management system.</p>	<p>Research completed</p> <p>Process mapping exercise completed</p> <p>Procurement schedule on place</p> <p>Two project plans in place</p> <p>Learning and Development /guidance materials in place and completed</p>

<ul style="list-style-type: none"> • Develop associated implementation plan for new GPS tracking system • Develop associated implementation project plan for Garage software system • Develop associated learning and development and communication plans for staff regarding new software systems • Run, test and pilot systems • The introduction of asset tracking and garage software will enable real time fleet analytics on fleet compliance and maintenance Procurement exercises post COVID-19. 				GPS and Electronic Garage maintenance systems go live.
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Service Objective (What do we want to achieve?):	Continued Implementation of Community led Public Convenience Provision (Year 2 of 3)			
Link to Community Plan Theme:	Align to Corporate Plan Theme			
<i>CMP 4.2 Health & Wellbeing - We have better availability to the right service, in the right place at the right time.</i>	<i>Service Delivery: 2.1 We will improve services for our citizens through the development and delivery of an innovation agenda</i>			
What are the key 'Business as Usual' activities we will deliver (actions):	By When (Date?)	Lead Officers(s)	What difference will it make? (Outcomes/outputs)	How Will we Know? (Measures)
Maintain current management plans (schedules) of the existing public conveniences across the district to ensure they are clean and safe for users with limited available budget provision for operation and maintenance.	Ongoing	PC CMcG	Safe, clean and accessible provision will be obtained - affordability.	% of actions delivered against current public convenience plans
Termination notice issued to the remaining Automatic Public Conveniences (APC) in Caledon and Coalisland; and to seek alternative provision in Aughnacloy, Stewartstown and Tobermore following Council agreement in March 2020.	Ongoing	PC TS	Reduce cost of public toilet provision in the medium to long term	Agreements terminated for Caledon and Coalisland Alternative provision in plans for Aughnacloy, Stewartstown and Tobermore identified
Due to COVID 19 public toilet provision is temporarily closed and is likely to be one of the last facilities to reopen due to human and financial resources required for additional cleaning of shared surfaces and managing social distance compliance.	Ongoing	PC CMcG	Limited Council provision available in the months ahead.	-

What Service Development/Improvement will we undertake in 2020/21? (actions):	By When (Date?)	Lead Officers(s)	What difference will it make? (Outcomes/outputs)	How Will we Know? (Measures)
Implementation of the second year of a three year phased plan to increase Community led toilet provision by: <ul style="list-style-type: none"> • Increase community led toilet provision by 25% from current baseline. • The roll out further community led provision action plan 	March 2021	PC CMcG	Public conveniences provision will be delivered or provided by the community.	25% increase in community led toilet provision % of actions delivered against 2020 - 2021 phased plan

<ul style="list-style-type: none"> Will be promoted and implemented via the Building and Assets team, subject to affordability post COVID-19. 				Reduction in the number of Council owned public toilets.
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Service Objective (What do we want to achieve?):		Completion of Council's Estate Strategy		
Link to Community Plan Theme:		Align to Corporate Plan Theme		
CMP 2.1 Infrastructure - We are better connected through appropriate infrastructure		Service Delivery: 2.4 We will develop & implement an Asset Management Plan for the Council and, with our partners, work to develop a public sector-wide Asset Management Plan for Mid Ulster.		
What are the key 'Business as Usual' activities we will deliver (actions):	By When (Date?)	Lead Officers(s)	What difference will it make? (Outcomes/outputs)	How Will we Know? (Measures)
Update and conclude Council's Estates Strategy and Asset Management Plan: <ul style="list-style-type: none"> An agreed timebound strategic plan with indicative costs and that considers affordability challenges to effectively manage and maintain Council's assets, now and in the future. Taking account of COVID-19 office accommodation challenges, and Capital Programme budget constraints 	March 2021	TS PC	Council roadmap on how to utilise, acquire and dispose of Council assets	Completed Council's Estates Strategy in place
Property services continue to maintain Council's estate based on limited budget provision, and future budget uncertainty as a result of COVID-19 to ensure buildings, facilities and spaces are fit for use by staff and the general public by: <ul style="list-style-type: none"> Keeping up to date maintenance log (maintained) on the Alcumus computerised maintenance management system that will enable monitoring of year on year maintenance calls. 	March 2021	TS PC CMcG EmcD	A safe and compliant estate is achieved	Up-to-date Monthly Alcumus reports available % of maintenance activities achieved against log and within budget
Maintain management of the council's asset register in relation to leased and rented properties in conjunction with legal services and other departments to ensure the council's property rental income is adequately managed, including acquisitions and disposals subject to affordability.: <ul style="list-style-type: none"> Monitoring inspection regime in place and disseminated to all relevant staff members 	January 2021	TS PC EmcD	Full rental asset property rental income achieved and full inspections completed	Up-to-date Alcumus computerised maintenance management system reports !00% of asset property rental monitoring inspection regime completed.

<ul style="list-style-type: none"> Legal services and other Client services to ensure that assets are recorded and inspected on a structured basis to ensure good governance 				
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What Service Development/Improvement will we undertake in 2020/21? (actions):	By When (Date?)	Lead Officers(s)	What difference will it make? (Outcomes/outputs)	How Will we Know? (Measures)
Response to COVID 19 accommodation challenges by reconfiguring layouts of offices and meeting spaces to maximise space to meet social distancing obligations.	Ongoing	PS PC	Council offices, public interface locations in offices and meeting provision will be COVID secure.	Reconfigured layouts will be drawn to scale to include adequate social distancing, hand sanitisation locations, signage type and location, pedestrian flows, and maximum number per space. Implementation of COVID secure layouts.
<p>Documented Strategy and Asset Management Plan to provide strategic direction on the management, maintenance, acquisition and disposal of Council property assets it maintains, operates and develops its estate, including its long term accommodation requirements.</p> <ul style="list-style-type: none"> Work with other public sector bodies to help maximise opportunities to co-exist properties where feasible, cost effective, and beneficial. Communication matrix and plan in place to ensure members and senior management will promote the strategy and its aims and objectives to ensure the council estate is adequate for the council's long term direction 	March 2021	TS PC EmcD	Council will have a documented place shaping asset strategy	<p>Asset Management Strategy and Action plan in place</p> <p>Potential co-existing properties/locales identified with other public sector bodies.</p>
Develop a structured methodology to ensure asset maintenance undertaken is adequately resourced to achieve specific standards:	February 2021	TS PC EmcD	Maintenance resources will be allocated to council assets that are going to be required in the	Structured asset management standardisation matrices in place

<ul style="list-style-type: none"> • A matrix for the allocation of maintenance resources will ensure budget matches the maintenance standard required for the property or asset type and frequency • Cognisance of maintenance investment required to maintain schemes funded through Council's Capital Programme is recognised, captured and recorded 			long term, and investment reduced on assets that are not	Investment plans for short, medium and long term assets identified and plans in place
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Service Objective (What do we want to achieve?):	Implement new Cemetery Rules, Regulations and Memorial Safety Programme			
Link to Community Plan Theme:	Align to Corporate Plan Theme			
<i>CMP 4.2 Health & Wellbeing - We have better availability to the right service, in the right place at the right time.</i>	<i>Service Delivery: 2.1 We will improve services for our citizens through the development and delivery of an innovation agenda</i>			
What are the key 'Business as Usual' activities we will deliver (actions):	By When (Date?)	Lead Officers(s)	What difference will it make? (Outcomes/outputs)	How Will we Know? (Measures)
<p>Management and administration of Cemeteries service, ensuring that all legal statutes are complied with in the Council's active, and maintenance of historical cemeteries. To include</p> <ul style="list-style-type: none"> • Active cemeteries operating with specific COVID-19 restrictions for burials. • Plans for physical works to create medium term burial provision in Forthill and Cottagequinn Cemeteries. • Memorial safety inspections fully complete in active and historic burial grounds. • Newly alignment cemetery rules and regulations agreed by Council, subject to outcome of TU consultation. • Limited administration of historic burial grounds 	March 2021	EM KF	<p>Service continuity, with ongoing COVID restrictions.</p> <p>Readily available burial plots for sale</p> <p>A record of memorial stability for action</p> <p>Consistent rules and regulations across Council's cemeteries that can be implemented.</p> <p>Improved governance and control</p>	<p>Burials in accordance with the law</p> <p>Increased burial capacity for a minimum of three years in current burial sections</p> <p>Number of memorials repaired and correspondence issued to known deed holders.</p> <p>Cemetery Rules and regulations implemented and promoted</p> <p>Improved control of burials, and safety controls implemented on site.</p>

What Service Development/Improvement will we undertake in 2020/21? (actions):	By When (Date?)	Lead Officers(s)	What difference will it make? (Outcomes/outputs)	How Will we Know? (Measures)
<p>To promote and enhance Memorial Safety by:</p> <ul style="list-style-type: none"> • Issuing follow up letters and exhaust all other means of communicating with deed holders/families where a memorial is in need of repair. 	March 2021.	EM KF	Safe memorial space for cemetery visitors and workers.	To make safe/repair the 246 memorials that have been identified inspection programme.

<ul style="list-style-type: none"> • Council to undertake repair if a deed holder can't be contacted or is no longer alive, subject to affordability. • in the inspection programme that ensures Council meet its legislative responsibility & that its burial grounds are safe places to work and visit 				
<p>Council approval and Implementation of the new aligned Cemetery Rules & Regulations incorporating:</p> <ul style="list-style-type: none"> • the COVID 19 burial procedure for future use if required • an automated booking management portal for Funeral Directors (FDs) through Plotbox, and administration procedure to manage historic burial grounds. 	December 2020	EM KF	<p>A clear set of Rules & Regulations that are aligned for all active Cemeteries across the district that informs all stakeholders.</p> <p>Condition survey of historic burial grounds and a procedure that outlines legal, maintenance and administrative responsibilities</p> <p>Automated booking system that allows FDs to view real time burial slots live and request a booking instantly</p>	<p>Cemetery Rules & Regulations implemented</p> <p>Updated condition survey and procedure developed</p> <p>To have all bookings made through the online system</p>
To increase the burial capacity in Forthill and Cottagequinn by over 350 burials plots, subject to Capital funding	August 2020	TS PC DB EM KF	<p>Immediately available supply of plots for a minimum of 3 years in advance</p> <p>Update current burial provision records and capacity in all operational cemeteries</p>	<p>Burial provision extended by over 350 plots, and graves tagged</p> <p>Updated burial provision maps for operational cemeteries and burial capacity projections</p>

Service Objective (What do we want to achieve?):	Develop and implement an alternative operational delivery model structure for the Grounds, Building and Fleet Maintenance services.			
Link to Community Plan Theme:	Align to Corporate Plan Theme			
<i>CMP 4.2 Health & Wellbeing - We have better availability to the right service, in the right place at the right time.</i>	<i>Service Delivery: 2.1 We will improve services for our citizens through the development and delivery of an innovation agenda</i>			
What are the key 'Business as Usual' activities we will deliver (actions):	By When (Date?)	Lead Officers(s)	What difference will it make? (Outcomes/outputs)	How Will we Know? (Measures)
Maintain 4 operating location's Grounds, Building and Fleet Maintenance services are delivered using a combination of in-house and third party resources: <ul style="list-style-type: none"> Iterative changes have been implemented to deliver services from specific locations to improve efficiency, and some resources have been relocated on a temporary basis due to COVID-19 operating requirements to ensure continuity and effectiveness. 	Ongoing	PC EM SON	Services delivery continuity; on time , safely and within budget	In-house and third party maintain current standards of operation

What Service Development/Improvement will we undertake in 2020/21? (actions):	By When (Date?)	Lead Officers(s)	What difference will it make? (Outcomes/outputs)	How Will we Know? (Measures)
Develop new operating plan/model for vehicle repair and other service maintenance provision to include: <ul style="list-style-type: none"> Review of current operating bases, team structure, use of external resources, review of roles(supervisory) – skills, knowledge, behaviours, and Sustainability of current service delivery and develop . 	November 2020	TS PC SON EM	More responsive service delivery through an improved service structure	% of planned activities against new operating plan Implementation of a revised service structure. Less operating locations were services delivered from, but services delivery more effectively, with limited impact on internal Client services and ratepayers. Action plan for operating from

				<p>less locations with minimal impact on service delivery</p> <p>Costed business case and time bound plan to bring routine vehicle repair and maintenance services in-house, excluding specialist work.</p> <p>Reduction in the periods where operatives are left unsupervised.</p>
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DRAFT

Service Objective (What do we want to achieve?):	Implement and Review a “Pay on Foot Model” pilot scheme in one Council owned Off Street Car Park by March 2021			
Link to Community Plan Theme:	Align to Corporate Plan Theme			
<i>CMP 1.3 Economic Growth - Our Towns & Villages are vibrant & competitive</i>	<i>Economy: 3.5 We will have a prioritised, sustainably resourced programme of capital investment supporting the enhancement of facilities for local people & contributing to the regeneration of the district.</i>			
What are the key ‘Business as Usual’ activities we will deliver (actions):	By When (Date?)	Lead Officers(s)	What difference will it make? (Outcomes/outputs)	How Will we Know? (Measures)
Provision of a smarter technology platform that protects existing parking revenue streams by providing customer with a reliable, accessible, easy to use and flexible parking solution. <ul style="list-style-type: none"> Funding secured and procurement complete to implement a Pay on Foot car park trail at Central Car Park, Magherafelt but delayed by COVID -19. Due to COVID 19 there is no income from car parks and no enforcement is in place. 	October 2020	TS DB EMcD	Enhanced customer digital first parking solution	Civil infrastructure works completed by July 2020 Pilot ‘Pay on Foot’ Off Street Car Park Operating Model launched by August 2020 Pilot impact analysis report brought to committee by March 2021

What Service Development/Improvement will we undertake in 2020/21? (actions):	By When (Date?)	Lead Officers(s)	What difference will it make? (Outcomes/outputs)	How Will we Know? (Measures)

Service Objective (What do we want to achieve?):	Research and Develop a Carbon Management Plan during 20/21 and 21/22			
Link to Community Plan Theme:	Align to Corporate Plan Theme			
<i>CMP 2.1 Infrastructure - We are better connected through appropriate infrastructure</i>	<i>Environment: 4.4 We will work to mitigate against impacts of climate change by taking steps to reduce our carbon emissions as an organisation.</i>			
What are the key 'Business as Usual' activities we will deliver (actions):	By When (Date?)	Lead Officers(s)	What difference will it make? (Outcomes/outputs)	How Will we Know? (Measures)
<ul style="list-style-type: none"> DEC's assessments and certificates produced annually for buildings in Council's estate based on historical energy consumption data A number of M&E condition reports completed for key buildings and action plans for continued or alternative fuel use (e.g. Biomass, Gas, Oil, etc) LED lighting replacement schemes implemented were feasible, and subject to affordability 	Ongoing	TS PC EMcD	Enhanced awareness of high consuming energy systems and opportunity for improvement	DEC's completed by July 2020 Capital funding bid for sustainable energy improvements made by November 2020.

What Service Development/Improvement will we undertake in 2020/21? (actions):	By When (Date?)	Lead Officers(s)	What difference will it make? (Outcomes/outputs)	How Will we Know? (Measures)
<p>Conduct an audit and develop a Carbon Baseline Report on Council properties and assets including</p> <ul style="list-style-type: none"> Monitor the impact of emissions, fossil fuels consumption and energy usage from a renewal source, Carbon reduction mitigation measures, Research other industry/sector models, Engage with local gas providers, Consider legislative and environmental compliance with current or future organisational needs, Report compiled brought through SMT to committee 	January 2021	PC EMcD EM	Recognition Council's carbon footprint through fuel usage and mitigation measures .	Audit complete and Baseline Report produced.

Performance Measures: <i>Should include any measures as outlined in work above and relevant measures from Community, Corporate, Performance Improvement Plan, Statutory, Corporate Health Indicators etc.</i>	Is the Measure, Statutory, Corporate, Existing, or New?	2017/18	2018/19	2019/20	2020/21 Target/Standard
N/a					

3.0 OUR STATUTORY CONSIDERATIONS

In carrying out our responsibilities, the Service is cognisant of the statutory duties placed upon the council in the delivery of its services. Whilst the Service operates, under various obligations it is however mindful of the changing context in which it operates and endeavours to mainstream the equality and rural needs duties in the design and delivery of our functions.

3.1 EQUALITY DUTY

The council and by consequence our Service is committed to contributing towards its part in working towards fulfilling obligations under Section 75 of the Northern Ireland Act 1998 to ensure adequate time, staff and resources to fulfil our duties.

The Service will also work towards adherence to the council's Equality Scheme ensuring equality duties, together with promoting positive attitudes towards persons with a disability and the participation of people with a disability in public life when carrying out our functions.

3.2 RURAL NEEDS DUTY

The Service will be mindful of the rural needs of its customers when carrying out its functions and subsequent responsibilities, particularly in developing any new policies, plans or strategies throughout the year. In line with the Rural Needs Act (NI) 2016 we will give due regard to rurality in terms of needs in carrying out the activities within our Service.

3.3 RISK MANAGEMENT OF SERVICE

The purpose of risk management is to manage the barriers which prevents the Council from achieving its objectives. This section of the service plan includes space for the Service to input their key risks (in summary form), which have been identified during the business planning process. The Council uses risk management to maximize opportunities and minimize risks. This improves its ability to deliver priorities and improve outcomes. This is why the Council deems it important to link business planning and risk management. Risk Management aims to:

- Help the Council achieve its overall aims and objectives
- Manage the significant risks the Council faces to an acceptable level
- Assist with the decision making process
- Implement the most effective measures to avoid, reduce and control those risks
- Balance risk with opportunity
- Manage risk and internal controls in the most effective way.

This table illustrates the risks identified to deliver the Services business in 2019-20.

Risk Ref Number	Description of Risk	Risk Rating	Mitigation Activity
1.	Compliance and Risk in terms of statutory asset compliance and energy management	8	Statutory compliance planned through Alcumus Maintenance management system and development of maintenance plan
2.	Potential failure to manage and exploit assets by failure to utilise asset or poorly maintain	8	Computerised asset management and maintenance information system continuing to be populated
3.	Management of Active and Historic Cemeteries	8	Cemetery rules and regulations to be developed through a new Council Policy
4.	Procurement of Services, Contracts, consumables, and stock items to aid alignment of third party providers in compliance with procurement policy and governance	9	Service work plan developed and being actioned in conjunction with Procurement and Finance teams
5.	Fleet Management, compliance with MUDC's Operator's licence and Transport Management Undertaking	9	Transport Manager appointed and trainee Supervisors undergoing on the job training, mentoring and support
6.	Sufficient revenue and capital budget provision to maintain an growing estate and maintain demands of Council's Capital Programme	8	Annual budget pressures identified, and provisional capital commitment for large estate maintenance requirements

Rating	Descriptor
16 - 25	Extreme Risk (immediate action required)
10 - 15	High Risk (urgent action required)
7 - 9	Moderate Risk (action required)
1 – 6	Low Risk (keep under review)

Report on	Building Control Workload
Date of Meeting	7 th July 2020
Reporting Officer	William Wilkinson, Head of Building Control

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	June 2020	Accumulative 2020/21
	Total number of Applications	70	172
	Full plans applications received	52	143
	Building Notices applications received	16	26
	Regularisation applications received	2	3
	Estimated value of works submitted	£11,329,703	£29,365,389
	Number of inspections carried out by Building Control Officers	451	891

	Commencements	64	186
	Domestic Dwellings	36	132
	Domestic alterations and Extensions	24	46
	Non-Domestic work	4	8
	Completions	56	95
	Domestic Dwellings	39	64
	Domestic alterations and Extensions	9	19
	Non-Domestic work	8	12
	Property Certificates Received	109	217
3.2	As previously indicated, following the outbreak of Covid-19 the BC Department continued to provide the service delivery to the public across the District.		
3.3	It should be noted from the Workload Analysis in 3.1, that the full range of applications are still being received and administered in accordance with our procedures and performance criteria.		
3.4	Inspections are currently being carried out on site including the inspections of properties internally where possible and where the safety of our Building Control Officers can be assured.		
3.5	We are currently re-assessing our current Guidance and associated procedures in relation to inspections on-site to ensure that where possible, the full suite of inspections can be 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 Building Control.

Significant Developments June 2020

Applicant	Location of Development	Details of Development	Estimated value of development
J & A Developments	Off Coolreaghs Road, Cookstown.	Erection of 30 Dwellings (Ave Floor Area 126m ²) B.C. fee - £5,175	£2,419,200
Westland Developments	Off Mullaghmore Road, Dungannon.	Erection of 28 Dwellings (Ave Floor Area 75m ²) B.C. fee - £4,931	£1,338,580
Orchard County Contracts	Off Dungannon Road, Aughnacloy.	Erection of 17 Dwellings (Ave Floor Area 122m ²) B.C. fee - £4,175	£1,313,815
Carey Developments Ltd	Off Derrycourtney Road, Caledon.	Erection of 8 Dwellings (Ave Floor Area 110m ²) B.C. fee - £1,917	£558,800
Bloc Blinds	26B Station Road, Magherafelt.	Extension to Factory (Floor Area 929m ²) B.C. fee - £2,420	£396,000

Report on	Entertainment Licensing Applications
Date of Meeting	7 th July 2020
Reporting Officer	William Wilkinson, Head of Building Control

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.
2.2	Entertainment Licensing applications are received on a continued basis across the District.
2.3	Statutory consultations are carried out with PSNI and NIFRS for each Entertainment Licence application (grant or renewal) submitted.
3.0	Main Report
3.1	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.
3.2	<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 Details of current public liability insurance for premises

	4 Copy of public advertisement in local press
3.3	<p>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. Areas which would be inspected are as follows:</p> <ol style="list-style-type: none"> 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 5. All management documentation is in place
3.4	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 re-commenced where it is possible to do so and specifically where issues in relation to the current Covid-19 Guidance can be achieved.
3.7	In addition, within the correspondence to all licensees which accompanies newly issued licences, it is highlighted that on re-opening of their premises, the numbers permitted will be reduced in line with current Government Guidance regarding Covid-19.
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 – 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.

Schedule of applications received for the Grant/Renewal of Entertainment Licences in June 2020

Name of Applicant	Name of Premises	Address of Premises	Type of Licence	Days and Hours Granted	Number of Patrons
M Roulston	Ardara Country House	8 Gorteade Road, Maghera	Annual	Monday To Sunday From: 18.00 To: 01.00	100
M Marcus	Parkanaur Manor House	57 Parkanaur Road Dungannon	Annual	Monday to Sunday From: 08.00 To: 01.00	100
R Paul	Maghera Presbyterian Church Hall	7 Meeting House Avenue, Maghera	14 Unspecified Days	Monday To Saturday From: 17.00 To 24.00	360
E O'Neill	Coalisland Parochial Centre	12 Stewartstown Road, Coalisland	14 Unspecified Days	Monday To Sunday From: 19.30 To: 01.30	600
Knocknagin Hall Committee	St Mary's Parochial Hall	53 Knocknagin Road, Desertmartin	14 Unspecified Days	Monday To Sunday From: 09.00 To: 02.00	320

Name of Applicant	Name of Premises	Address of Premises	Type of Licence	Days and Hours Granted	Number of Patrons
P Murray	Moygashel Orange Hall	59 Main Street, Moygashel, Dungannon	Annual	Monday to Saturday From: 10.30 To: 01.00	100
P Bryson	Bryson's Bar & Restaurant	28 Union Road Magherafelt	Annual	Monday – Saturday From: 11.30 To: 02.00 Sunday From: 11.30 To: 24.00	456
F O'Donnell	Galbally Community Centre	40 Lurgylea Road Dungannon	14 Unspecified Days	Monday to Thursday From: 18.30 To: 22.30 Friday From: 18.30 To: 24.30 Saturday From: 18.30 To: 01.30 Sunday From: 20.00 To: 22.30	955

Schedule of applications issued for the Grant/Renewal of Entertainment Licences in June 2020

Name of Applicant	Name of Premises	Address of Premises	Type of Licence	Days and Hours Granted
B McNiece	Tomney's Bar	9-10 The Square, Moy	Annual	Monday To Saturday From: 11.30 To: 01.00 Sunday From: 12.30 To: 24.00
Rev E O'Neill	St Mary's Hall	West Street, Stewartstown	14 Unspecified Days	Monday To Sunday From: 10.00 To: 01.00
B McNiece	Tomney's Bar Courtyard	9 The Square, Moy	Annual	Monday to Saturday From: 11.30 To: 01.00 Sunday From: 12.30 To: 24.00

Appendix 2

Name of Applicant	Name of Premises	Address of Premises	Type of Licence	Days and Hours Granted
C McGlone	Cosy Inn	36 Rainey Street, Magherafelt	Annual	Monday To Saturday From: 11.30 To: 01.30 Sunday From: 12.30 To: 24.00
A Robinson	Corick House Hotel	20 Corick Road, Clogher	Annual	Monday To Sunday From: 09.00 To: 02.00
W McCracken	Desertcreat Church Hall	4 Desertcreat Road, Cookstown	14 Unspecified Days	Monday To Sunday From: 08.00 To: 24.00
J & L Forbes	LJ's Tavern	62 Rainey Street, Magherafelt	Annual	Monday To Saturday From: 11.30 To: 01.00 Sunday From: 12.30 To: 24.00

Appendix 2

Name of Applicant	Name of Premises	Address of Premises	Type of Licence	Days and Hours Granted
Knocknagin Hall Committee	St Mary's Parochial Hall	53 Knocknagin Road, Desertmartin	14 Unspecified Days	Monday To Sunday From: 09.00 To: 02.00
H O'Neill	Erins Own GAC	56 Quarry Road, Knockcloghrim	Annual	Monday To Saturday From: 12.00 To: 01.00 Sunday From: 12.00 To: 23.00
V Stewart	Lissan Parish Hall	69 Turnaface Road, Moneymore	14 Unspecified Days	Monday to Sunday From: 09.00 To: 01.00

Report on	Dual Language Signage Requests
Date of Meeting	7 th July 2020
Reporting Officer	William Wilkinson, Head of Building Control

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 Public Health and Infrastructure 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. Derryowen Place, Coalisland (see Appendix 1) 2. Millbrook Drive, Coalisland (see Appendix 2) 3. Loughview Gardens, Coalisland (see Appendix 3) 4. Kildara Close, Coalisland (See Appendix 4) 5. Gortview Manor, Coalisland (See Appendix 5) 6. Pine Grove, Coalisland (See Appendix 6) 7. Millview Meadows, Coalisland (See Appendix 7) 8. Hazelbrook, Coalisland (See Appendix 8) 9. Stewartstown Road, Coalisland (See Appendix 9) 10. Magheracastle Avenue, Coalisland (See Appendix 10) 11. Clonmeen Cottages, Coalisland (See Appendix 11)

	<p>12. Clondallon Close, Coalisland (See Appendix 12)</p> <p>13. Sanaghanroe Manor, Dungannon (See Appendix 13)</p> <p>14. North Close, Stewartstown (See Appendix 14)</p> <p>15. Roughan Way, Coalisland (See Appendix 15)</p> <p>16. Altowen Park, Coalisland (See Appendix 16)</p> <p>17. Knockmoy Park, Coalisland (See Appendix 17)</p> <p>18. Lisnakill Court, Coalisland (See Appendix 18)</p> <p>19. Blackwater Terrace, Coalisland (See Appendix 19)</p> <p>20. Killybrackey Heights, Dungannon (See Appendix 20)</p> <p>21. Fairmount Park, Dungannon (See Appendix 21)</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 1-21.
3.3	The requests which have been validated are proceeding to survey and will be processed following the relaxation of measures relating to Covid-19.
3.4	It is currently anticipated that access to the Electoral Office in Belfast will recommence during the month of July allowing the necessary information to be gained to enable surveys to be progressed.
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 Derryowen Place, Coalisland
6.2	Appendix 2 – Letter received from a resident of Millbrook Drive, Coalisland
6.3	Appendix 3 – Letter received from a resident of Loughview Gardens, Coalisland
6.4	Appendix 4 – Letter received from a resident of Kildara Close, Coalisland
6.5	Appendix 5 – Letter received from a resident of Gortview Manor, Coalisland
6.6	Appendix 6 – Letter received from a resident of Pine Grove, Coalisland
6.7	Appendix 7 – Letter received from a resident of Millview Meadows, Coalisland
6.8	Appendix 8 – Letter received from a resident of Hazelbrook, Coalisland
6.9	Appendix 9 – Letter received from a resident of Stewartstown Road, Coalisland
6.10	Appendix 10 – Letter received from a resident of Magheracastle Avenue, Coalisland
6.11	Appendix 11 – Letter received from a resident of Clonmeen Cottages, Coalisland
6.12	Appendix 12 – Letter received from a resident of Clondallon Close, Coalisland
6.13	Appendix 13 – Letter received from a resident of Sanaghanroe Manor, Dungannon
6.14	Appendix 14 – Letter received from a resident of North Close, Stewartstown
6.15	Appendix 15 – Letter received from a resident of Roughan Way, Coalisland
6.16	Appendix 16 – Letter received from a resident of Altowen Park, Coalisland
6.17	Appendix 17 – Letter received from a resident of Knockmoy Park, Coalisland
6.18	Appendix 18 – Letter received from a resident of Lisnakill Court, Coalisland
6.19	Appendix 19 – Letter received from a resident of Blackwater Terrace, Coalisland
6.20	Appendix 20 – Letter received from a resident of Killybrackey Heights, Dungannon
6.21	Appendix 21 – Letter received from a resident of Fairmount Park, Dungannon

Derryowen Place
Coolistand
BT71 4ST

2nd March 2020

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

Dear Sir/Madam,

I would like to request dual language signage (Irish) for my estate, "Derryowen Place" BT71 4ST please.

Yours Sincerely,

Mid Ulster District Council
5 MAR 2020
Building Control Department
(Magherafelt Office)

[REDACTED]
[REDACTED] MILLBROOK DRIVE
BT71 4XH

My name is [REDACTED]. I am interested in
dual language signage for my estate. Please
survey my estate for Irish language signage.

If you need any further information contact
on the above address

[REDACTED]



[redacted]
[redacted] Loughview Gardens
Coolisland
BT714LF

Dear Sir/Madam,

I am writing to you to request
dual Irish language signage for my estate.
Many people around here are Irish speaking and
many others have a very keen interest in the Irish
language.

I live at;

[redacted] Loughview Gardens
Coolisland
BT714LF

We would be very grateful for this to happen. If
you wish to confirm this request with me, you can
contact me via my home address.

Kind regards,
[redacted]



[REDACTED]
[REDACTED]
Kildara Close
MOUNTAIREN
Coal Island
BT71 4RN

DEAR Sir or Madam

I am writing
to you to enquire about DUEL Irish
Singage for my Housing area
I live in MOUNTAIREN
(See Above for my Home Address)

For Confirmation OR Further
Correspondance you can Contact
on The Above Address

Kind Regards
[REDACTED]



Sun Mon Tue Wed Thu Fri Sat

DATE / /

[REDACTED]
GORTVIEW MANOR

COALISLAND

BT74RX

TEL [REDACTED]

DEAR SIR/MADAM

I AM WRITING TO REQUEST IRISH LANGUAGE
SIGNAGE FOR MY HOUSING ESTATE GORTVIEW
MANOR GORTGONIS BT74RX.

FOR CONFIRMATION OR (~~INFO~~) FURTHER INFORMATION
I CAN BE CONTACTED ON THE ADDRESS ABOVE.

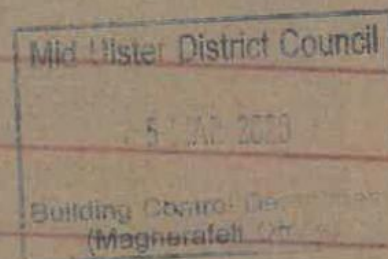
KIND REGARDS
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED] Pine Grove
Coalisland
BT71 4RZ

Dear Sir/Madam,

I am writing to request Irish language signage for my housing estate Pine Grove BT71 4RZ. For confirmation or further information I can be contacted on the address above.

Regards,
[REDACTED]



[REDACTED]
[REDACTED] MILLVIEW MEADOWS
COALISLAND
BT71 4XJ
TEL. [REDACTED]

DEAR SIR / MADAM.

I AM WRITING TO REQUEST
IRISH LANGUAGE SIGNAGE FOR MY
HOUSING ESTATE MILLVIEW MEADOWS
BT71 4XJ.

FOR CONFIRMATION OR FURTHER
INFORMATION - I CAN BE CONTACTED
ON THE ADDRESS ABOVE.

KIND REGARDS
[REDACTED]



[redacted]
Hazelbrooke
Coolistland
BT 714RU

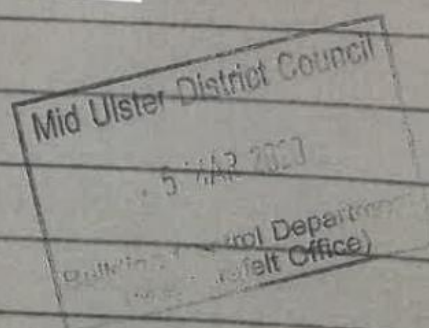
Dear Sir/Madam,

I am writing to ask about
a dual Irish language sign for my estate.
My family and various neighbours, are Irish
speaking people.
I live at,

[redacted] Hazelbrooke
Coolistland
Co. Tyrone
BT 714RU

And I would be more than grateful for this to happen.
If you wish to confirm my request with me you
can contact me via my home address which is stated
above or my email as follows: [redacted]

Kind Regards,
[redacted]



[redacted] Stewartstown Road
Coaliskind
CO Tyrone
BT71 4PF

Dear Sir/Madam,

I would like to request Irish language
Signs for Stewartstown Road, Coaliskind. I am a resident of
over 40 years and a Council ratepayer. If you require any
more information please call me.

Thank you
[redacted]
[redacted]

Mid Ulster District Council
- 6 MAR 2020
Building Control Department
(Magherafelt Office)



Sign in to edit and save changes to this file.



Magheracastle Avenue,
Mountjoy Road,
Brocagh
Coalisland
BT71 5FB
Email:
22.02.20

Dear Sir/Madam,

I wish to apply for Dual Irish Signage for my residential area (please see above). Should you wish to speak to me further or need confirmation please do not hesitate to contact me on the email above.

Thank you for your time
Kind Regards



[REDACTED]
[REDACTED] Clonmeen Cottages
Killen
Coalisland
BT71 5QN

Dear Sir/Madam,

I am writing to you to enquire about dual Irish Signage for my housing area. I live in Killen (See above for home address) for confirmation or further correspondence you can contact me on the above Address.

Kind Regards,
[REDACTED]



[REDACTED]
[REDACTED] Clondallon Close
Coalisland
BT71 5BS

Dear Sir/Madam

I am writing to ask about Irish language
Signage for my estate, can you please survey
my estate and start the appropriate process.
IF you need to contact me call me on the
number below.

[REDACTED]
Signed: [REDACTED]



04/03/2020

06 MAR 2020

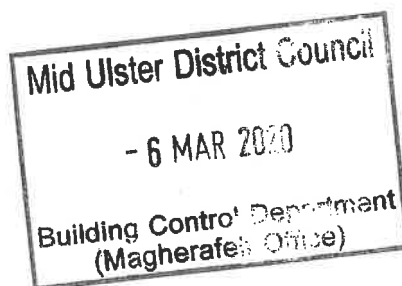
SANAGHANROE MANOR
ENGLISH
DUNGANNON
CO. TYRONE
BT70 1QL

An tUasal Wilkinson, a chara / Dear Mr Wilkinson

Please be advised that I would like my road sign to be displayed in Irish and English as per the Council's dual language signage policy. I confirm that I am a permanent resident at the above address.

Thanks you for your attention to this matter.


Le meas / Yours faithfully

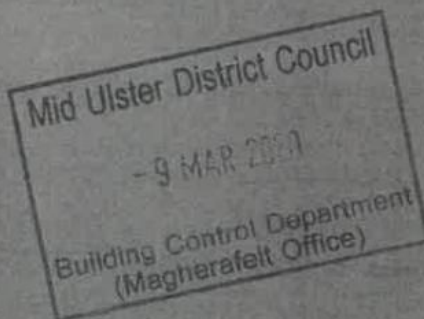


[REDACTED]
[REDACTED] North Close
Stewartstown
Co. Tyrone
BT71 5JY

Dear Sir / Madam.

I am writing to request an
Irish language sign for my estate.
North Close Stewartstown.
For Confirmation or further information
I can be contacted on the address
above.

Kind regards,
[REDACTED]



Roughan Way

Coalisland

BT714PD

9TH March 2020

Building Control Service

Mid Ulster Council

Ballyronan Road

Magherafelt

BT45 6EN

Dear Sir/Madam,

I would like to request dual language signage (Irish) for my housing row of "Roughan Way, Brackaville" BT714PD please.

Yours Sincerely,

Mid Ulster District Council
- 9 MAR 2020
Building Control Department
(Magherafelt Office)

ALTOWEN PARK
COALISLAND
DUNGANNON
BT71 4SP
09/03/2020

Dear Sir / Madam,

I am contacting
Council concerning Irish Language
Signage, which I would like to
request for my estate in which I
live in. My contact details are
above, please feel free to contact
me concerning this issue or
further confirmation. Thanking you.
Yours

Water District Council
- 9 MAR 2020
Building Control Department
(Magherafelt Office)

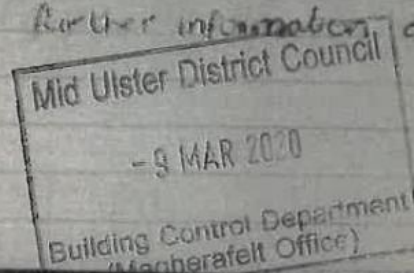
Appendix 17

[REDACTED]
[REDACTED] Knockmoy Park
Couliskin
BT71 4LU

Dear Sir/Madam,

I am writing to request Irish language signage for my housing estate Knockmoy Park BT714LU. I can be contacted on the address above for further information or confirmation.

Regards,
[REDACTED]



Appendix 18

Willie Wilkinson
C/O Mid-Ulster District Council

10th March 2020
~~7th May 2019~~

Dear Mr Wilkinson,

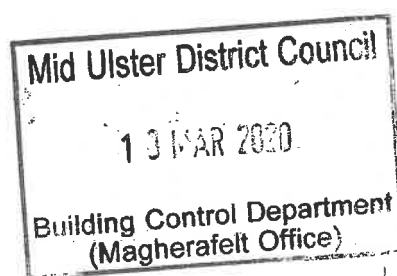
RE: Dual Language Signage

I am writing to ask you to initiate the Council Procedure for dual language signage, in Irish and English on,

HISNAKEEN COURT, CO. KESHAND
CO. T. / RONE BT71HRQ

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,



Willie Wilkinson
C/O Mid-Ulster District Council

10 March 2020

~~7th May 2019~~

Dear Mr Wilkinson,

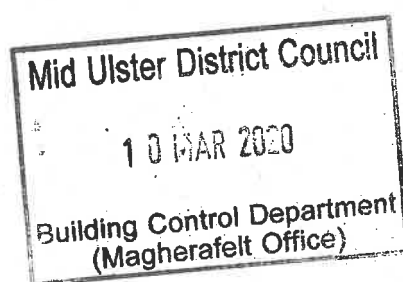
RE: Dual Language Signage

I am writing to ask you to initiate the Council Procedure for dual language signage, in Irish and English on,

BLACKWATER TEE CONGUSLAND
BT 71-4JR

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,



11 MAR 2020

Appendix 20

Killybrackey Heights

Dungannon

Co. Tyrone

BT71 6WP

5th March 2020

Dear Mid-Ulster Council/Comhairle Ceantair Lár Uladh,

I would like to make a request to Building Control Services within the Public Health and Infrastructure Department regarding the putting up of dual language signage (Irish-English) at Killybrackey Heights, Dungannon, Co Tyrone, BT71 6WP

I am an occupier of the address above and appear on the Electoral Register as maintained for the Electoral Office for NI.

Yours sincerely/Is mise le meas,

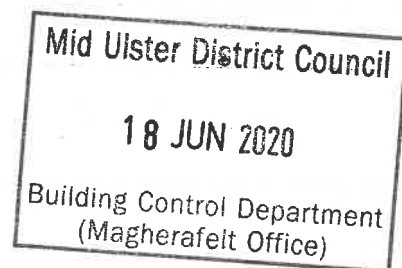


DEAR. SIR

I WOULD. LIKE TO
SEE A SNIGG. IN FAIRMOUNT
PARK. IN IRISH.

YOURS FAITHFULLY

FAIRMOUNT PARK
DUNGANNON
BT 70 1EB



Report on	Building Control Service Improvement Plan 2020/2021
Date of Meeting	7 th July 2020
Reporting Officer	William Wilkinson, Head of Building Control

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 of the content and seek approval for the annual Service Improvement Plan (SIP) for the Building Control Service for the period 2020/21.
2.0	Background
2.1	A Service Improvement Plan has been prepared for the Building Control Service for 2020/21 which will contribute towards the Council's Corporate Objectives.
2.2	<p>The Building Control Service is within the Public Health and Infrastructure Department and is responsible for the following function areas across Mid-Ulster District Council.</p> <ul style="list-style-type: none"> • Enforcement of Building Regulations • Entertainment Licensing • Petroleum Licensing • Cinema Licensing • Approval of places for Civil Marriages and/or Civil Partnerships. • Property Certificates • Street Naming and Dual Language Signage • Energy Performance of Building Regulations • Dangerous Structures • Enforcement of "Energy Performance of Buildings" legislation
3.0	Main Report
3.1	Within the Building Control Service Improvement Plan there are a number of actions and associated outcomes which have been identified. When the outcomes are achieved for the actions as identified, the service to our customers will be enhanced and improved.
3.2	<p>The Service Improvement Plan for 2019-2020 includes the following areas:-</p> <ul style="list-style-type: none"> • Purpose, scope and responsibilities of the service • Customers and stakeholders • Overview of performance in 2019/20 • Budget and staffing compliments for 2020/21

	<ul style="list-style-type: none"> • Service Work Plan for 2020/21 • Service Contribution to the Corporate Improvement Objectives/Projects • Risks for Building Control Service
3.3	It should be noted that the performance of the Building Control Service within Mid Ulster has resulted in response times for full plan applications – domestic and non-domestic, as well as amended plans being over 90% in each case. This performance would compare favourably with any other Council across N Ireland.
3.4	It is anticipated that the level of performance achieved by the Building Control Service will continue to meet and exceed the targets as specified within the Service Plan for 2020/21.
3.5	In addition, it is anticipated that there will be further challenges to the Building Control Department in 2020/21 due to Covid-19 and Brexit. The impact of both areas may result in the Construction Sector experiencing difficult trading conditions within Mid Ulster District Council which may impact on the Building Control Service.
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 the attached Building Control Service Improvement Plan for 2020-2021.
6.0	Documents Attached & References
6.1	Appendix 1 - Building Control Service Improvement Plan 2020-2021.



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Building Control Service
Department of Environment and
Infrastructure

SERVICE PLAN - 2020 / 21

Date

Consulted within staff team

12 /03/2020

Discussed & signed off by Director

/ /2020

CONTENT

SECTION	TITLE	PAGE NUMBER
1.0	OVERALL PURPOSE & SCOPE OF THE SERVICE	
1.1	Purpose and scope of the service	
1.2	Responsibilities	
1.3	Customers & Stakeholders	
1.4	Performance Overview in 2019/20	
2.0	IMPROVING OUR SERVICE AND MANAGING PERFORMANCE - 2020/21	
2.1	Budget - 2020/21	
2.2	Staffing Complement – 2020/21	
2.3	Service Work Plan – 2020/ 21	
3.0	OUR STATUTORY CONSIDERATIONS: RURAL NEEDS AND RISK	
3.1	Equality Duty	
3.2	Rural Needs Duty	
3.3	Risk	

1.0 OVERALL PURPOSE AND SCOPE OF THE SERVICE

1.1 Purpose and Scope of the Service

The Building Control Service has primary responsibility for the enforcement of the Building Regulations in accordance with Building Regulations (Northern Ireland) Order 1979 (as amended) within Mid-Ulster District.

The BC Service is responsible for the administration of Property Certificates on behalf of the Council as well as the Policy on Street Naming and Dual Language Signage.

The BC Service has also responsibility for the enforcement of the Energy Performance of Buildings Regulations throughout the District.

In addition, the BC Service carries out the licensing function for Entertainment Licensing, Petroleum Licensing, Cinema Licensing and Approved Places for Marriages and Civil Partnerships.

Currently there are 15 Building Control Officers and 1 Licensing Officer assisted by 5.5 Business Support Officers and 1 Licensing Support Officer located in 3 offices at Cookstown, Dungannon and Magherafelt to ensure that a high level of service is available across the District.

1.2 Responsibilities

The section is specifically responsible for the following functions:

- All plans submitted in accordance with the relevant legislation will be assessed and decisions issued.
- Building works in progress will be inspected as necessary to ensure as is reasonably practicable, Building Regulations are not contravened.
- The administration of Property Certificates which primarily details relevant information in relation to a property with regards to Building Control and Environmental Health issues where applicable.
- The administration of Street Naming and Property Numbering for all new streets – both Residential and Commercial developments
- The administration of the Dual Language Signage Policy.
- The inspection of Dangerous Structures in accordance with “The Public Health Acts Amendment Act 1907 – Section 30”
- The enforcement of The Energy Performance of Buildings Regulations to ensure the production of Energy Performance Certificates, Display Energy Certificates and Air Conditioning Certificates.

- The Licensing of Places of Entertainment in accordance with The Local Government (Miscellaneous Provisions) (NI) Order 1985
- The Licensing of Premises for the storage of Petroleum in accordance with the Petroleum (Consolidation) Act (NI) 1929.
- The Licensing of Cinemas in accordance with The Cinemas (NI) Order 1991
- Approval of venues for Civil Marriages and Civil Partnerships in accordance with The Marriage Regulations (NI) 2003, The Civil Partnership Act 2004 and The Civil Partnership Regulations (NI) 2005.

1.3 Customers & Stakeholders

Customers & Stakeholders
• Residents of the District
• Building Control Applicants
• Architects, Agents, Engineers and Contractors
• Licensing Applicants
• Elected Representatives
• PSNI and NIFRS
• NIHE
• Land and Property Services
• Solicitors and Estate Agents

1.4 Performance Overview in 2019/20

The following table provides a progress summary and the impact made by last years' Service Plan (2019-2020). It also details key successes, a summary of the end of year progress, remaining challenges for the Service and how it made a difference.

2019/20 Performance Overview	End of Year Progress Status: Completed/Commenced/Other
<ul style="list-style-type: none"> • 90% of all domestic applications were responded to by BC within 21 days 	637 domestic full plan applications were accessed with 91% of applications either being approval or a snag list being issued within 21 days from the date of validation

<ul style="list-style-type: none"> 90% of all non-domestic applications were responded to by BC within 35 days 	177 non-domestic full plan applications were assessed with 93% of applications either being approval or a snag list being issued within 35 days from the date of validation
<ul style="list-style-type: none"> 90% of all amended plans submitted were responded to by BC within 14 days 	1037 set of amended plans were submitted with 92% of applications either being approval or a further snag list being issued within 14 days from the date of submission
<ul style="list-style-type: none"> 45% of Building Notice and Regularisation Applications to be submitted online 	57% of all applications for Building Notices and Regularisation Applications were submitted online
<ul style="list-style-type: none"> 50% of Property Certificate Applications to be submitted online 	36% of Property Certificate Applications were submitted online.
<ul style="list-style-type: none"> Pilot and develop online facility for the submission of full plan applications 	Ongoing development of online portal for submission of full plan applications
<ul style="list-style-type: none"> 	

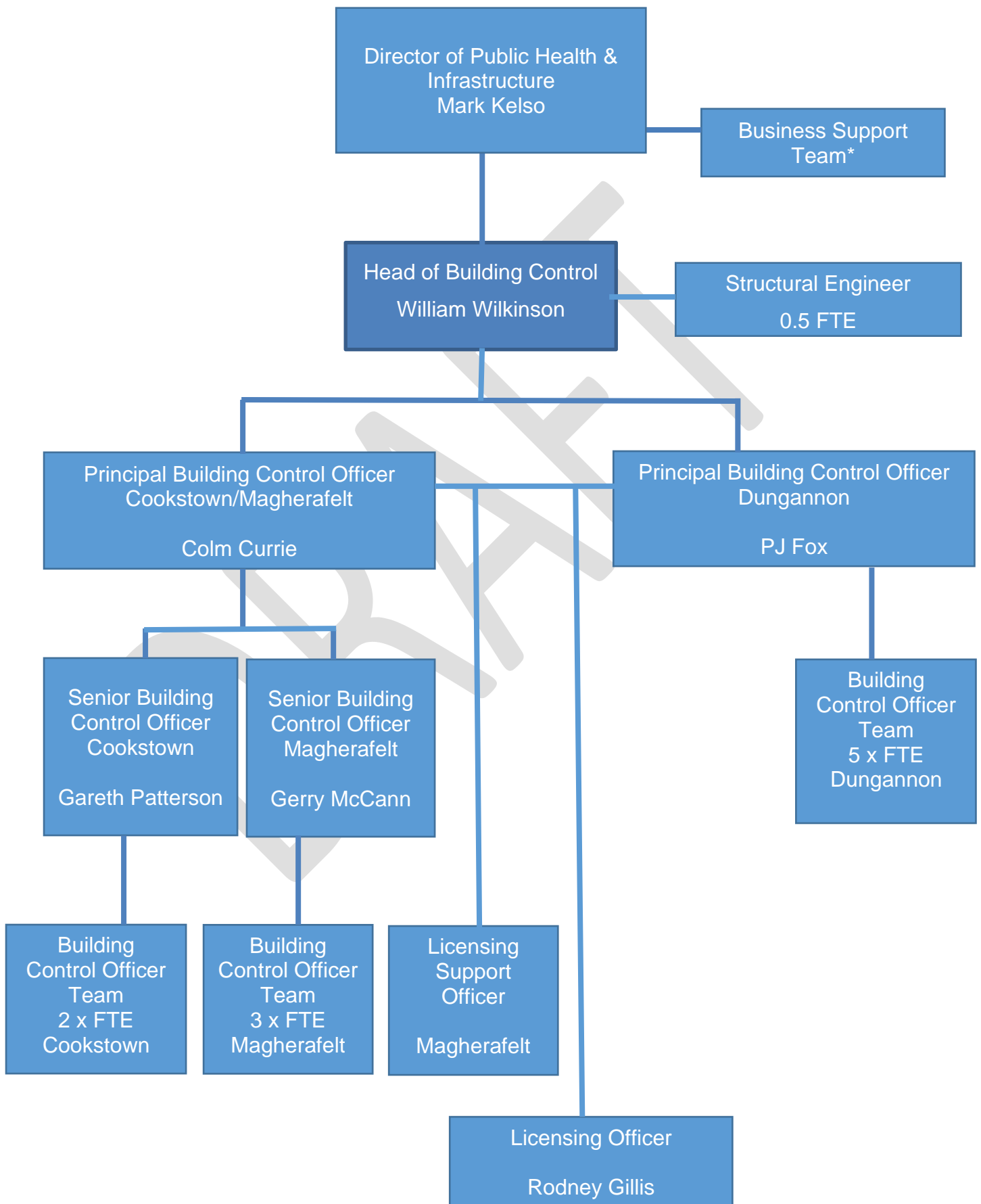
2.0 IMPROVING OUR SERVICE AND MANAGING PERFORMANCE - 2020/21

The following tables confirm the resources, financial and people, which the Service has access to throughout 2020-21 to deliver its actions, activities and core business.

2.1 Budget 2020/21

Service Budget Headings	£
To be confirmed following revisions .	
Gross Budget	
Income	
Net Budget for 2020-21	

2.2 Staffing Complement - 2020/21



Staffing	No. of Staff
Head of Service	1
Managers	4
Officers	11
Remaining Team	1
Total	17

DRAFT

2.3 Service Work Plan - 2020/21

This plan confirms the core activities and actions, which will form your Service Work Plan for 2020-21. This is a high-level capture of the Service activities as well as some improvement undertakings which the service will focus on throughout 2020-21. The Plan links to the Council's new 2020-2024 Corporate Plan priorities, Annual Corporate Improvement Plan Objectives, Corporate Indicators and Mid Ulster Sustainable Community Plan themes &

SERVICE WORK PLAN 2020/21

Service Objective (What do we want to achieve?):	e.g. Write service objective here			
Link to Community Plan Theme:	Align to Corporate Plan Theme			
CMP 1.1 Economic Growth - We prosper in a stronger & more competitive economy	Service Delivery: 2.1 We will improve services for our citizens through the development and delivery of an innovation agenda			
What are the key ‘Business as Usual’ activities we will deliver (actions):	By When (Date?)	Lead Officers(s)	What difference will it make? (Outcomes/outputs)	How Will we Know? (Measures)
To ensure decisions are issued in respect of domestic applications within 21 days for 90% of applications <ul style="list-style-type: none">Each application is allocated to an officer on validation of application with deadline detailedDaily monitoring of domestic applications by PBCO’s to ensure deadlines are met	31/03/2021	PJ Fox, Colm Currie	A high standard has been set for customers to have decisions issued in respect of domestic applications within 21 days	Decisions issued in respect of domestic applications within 21 days of validation for 90% of applications
To ensure decisions are issued in respect of non-domestic applications within 35 days for 90% of applications <ul style="list-style-type: none">Each application is allocated to an officer on validation of application with deadline detailedDaily monitoring of non-domestic applications by PBCO’s to ensure deadlines are met	31/03/2021	PJ Fox, Colm Currie	A high standard has been set for customers to have decisions issued in respect of non-domestic applications within 35 days	Decisions issued in respect of non-domestic applications within 35 days of validation for 90% of applications

<p>To ensure decisions are issued in respect of amended applications within 14 days for 90% of applications</p> <ul style="list-style-type: none"> • Each application is allocated to an officer on validation of application with deadline detailed • Daily monitoring of amended applications by PBCO's to ensure deadlines are met 	31/03/2021	PJ Fox, Colm Currie	A high standard has been set for customers to have decisions issued in respect of amended applications within 14 days	Decisions issued in respect of amended applications within 14 days of receipt for 90% of applications
<p>To ensure that all debt is collected in a timely manner</p> <ul style="list-style-type: none"> • Send regular reports to Finance Department detailing new inspection fees which are now due for invoicing • Send regular reports to Finance Department detailing all outstanding debt due for collection • Update Finance Department/Legal Services with applicant details to enable debt recovery process 	31/03/2021	PBCO's and SBCO's	Outstanding debt owed to Building Control Department for non-payment of inspection fees to be reduced	The level of outstanding aged debt to be reduced with continued liaison with the Finance Department and Legal Services.
<p>Investigate the development of a flexible home working process for Building Control Officers</p> <ul style="list-style-type: none"> • Reduce requirement for desk space in offices • Develop process for allocation of plans for assessment • Commence work from home and carry out inspections prior to returning to office/home 	31/03/2021	PBCO's and SBCO's	Reduction of office space in the Building Control Department	Number of officers who work from home or commence work prior to visiting office

What Service Development/Improvement will we undertake in 2020/21? (actions):	By When (Date?)	Lead Officers(s)	What difference will it make? (Outcomes/outputs)	How Will we Know? (Measures)

Service Objective (What do we want to achieve?):	e.g. write service objective here			
Link to Community Plan Theme:	Align to Corporate Plan Theme			
<i>CMP 4.2 Health & Wellbeing - We have better availability to the right service, in the right place at the right time.</i>	<i>Service Delivery: 2.1 We will improve services for our citizens through the development and delivery of an innovation agenda</i>			
What are the key 'Business as Usual' activities we will deliver (actions):	By When (Date?)	Lead Officers(s)	What difference will it make? (Outcomes/outputs)	How Will we Know? (Measures)
Increase Building Notice and Regularisation online Applications to 50% <ul style="list-style-type: none"> • Raise awareness of online facility with companies which make multiple applications • Encourage applicants to make applications online • Ensure all online applications are validated daily 	31/03/2021	PBCO's and SBCO's	Customers can avail of online facilities thereby have access to services 24/7	Number of applications received from the online portal for Building Notices and Regularisation Certificates
Increase Property Certificate applications received online to 50% <ul style="list-style-type: none"> • Continually raise awareness of online facility with Solicitors • Actively encourage non-participating Solicitors to utilise the online portal. Highlight introduction of £10 administration fee from 01/04/2021 for applications not submitted online • Staff to prioritise online applications to highlight the benefits of the online portal 	31/03/2021	PBCO's and SBCO's	Customers can avail of online facilities thereby have access to services 24/7. More efficient service for online applications	Number of applications received from the online portal property certificate applications

Develop online facility for the submission of Full Plan Applications <ul style="list-style-type: none"> • Liaise with Tascomi regarding provision of pilot scheme • Select agents to assist in the development of the online portal • Develop and finalise procedural document on successful implementation of pilot scheme • Initially accept the applications for alterations and extensions to domestic properties 	31/12/2020	PBCO's and SBCO's	Customers can avail of online facilities thereby have access to services 24/7. Submission of plans online will lead to a fully digital service	Availability of online portal for submission of full plan applications by Architects/Agents

What Service Development/Improvement will we undertake in 2020/21? (actions):	By When (Date?)	Lead Officers(s)	What difference will it make? (Outcomes/outputs)	How Will we Know? (Measures)
Investigate/pilot the development of an online portal for the submission of applications for the Grant/Renewal of Petroleum/Entertainment Licences <ul style="list-style-type: none"> • Investigate options available for online portal 	31/03/2021	PBCO's	Customers can avail of online facilities thereby having access to services 24/7. Submission of applications for the Grant/Renewal of Entertainment and Petroleum Licences online will lead to a fully digital service	Availability of online portal for submission of applications for the grant/renewal of Entertainment and Petroleum Licences

Service Objective (What do we want to achieve?):	e.g. write service objective here			
Link to Community Plan Theme:	Align to Corporate Plan Theme			
<i>CMP 4.1 Health & Wellbeing - We are better enabled to live longer healthier & more active lives</i>	<i>Environment: 4.4 We will work to mitigate against impacts of climate change by taking steps to reduce our carbon emissions as an organisation.</i>			
What are the key 'Business as Usual' activities we will deliver (actions):	By When (Date?)	Lead Officers(s)	What difference will it make? (Outcomes/outputs)	How Will we Know? (Measures)
Enforcement of Energy Performance of Buildings Regulations <ul style="list-style-type: none"> • Inspection of premises for compliance • Provide additional information to estate agents • Enforcement in relation to non-compliant estate agents and premises 	31/03/2021	PBCO's	Increased awareness of the energy performance of buildings	Monitoring of premises to access level of compliance with the requirements of the EPB legislation

What Service Development/Improvement will we undertake in 2020/21? (actions):	By When (Date?)	Lead Officers(s)	What difference will it make? (Outcomes/outputs)	How Will we Know? (Measures)

Performance Measures: <i>Should include any measures as outlined in work above and relevant measures from Community, Corporate, Performance Improvement Plan, Statutory, Corporate Health Indicators etc.</i>	Is the Measure, Statutory, Corporate, Existing, or New?	2017/18	2018/19	2019/20	2020/21 Target/Standard
BC to respond to 90% of domestic applications within 21 days	Corporate	94%	90%	91%	90%
BC to respond to 90% of non-domestic applications within 35 days	Corporate	96%	92%	93%	90%
Promotion of online facility for the submission of Building Notice and Regularisation Applications	Corporate	27%	41%	57%	50%

3.0 OUR STATUTORY CONSIDERATIONS

In carrying out our responsibilities, the Service is cognisant of the statutory duties placed upon the council in the delivery of its services. Whilst the Service operates, under various obligations it is however mindful of the changing context in which it operates and endeavours to mainstream the equality and rural needs duties in the design and delivery of our functions.

3.1 EQUALITY DUTY

The council and by consequence our Service is committed to contributing towards its part in working towards fulfilling obligations under Section 75 of the Northern Ireland Act 1998 to ensure adequate time, staff and resources to fulfil our duties.

The Service will also work towards adherence to the council's Equality Scheme ensuring equality duties, together with promoting positive attitudes towards persons with a disability and the participation of people with a disability in public life when carrying out our functions.

3.2 RURAL NEEDS DUTY

The Service will be mindful of the rural needs of its customers when carrying out its functions and subsequent responsibilities, particularly in developing any new policies, plans or strategies throughout the year. In line with the Rural Needs Act (NI) 2016 we will give due regard to rurality in terms of needs in carrying out the activities within our Service.

3.3 RISK MANAGEMENT OF SERVICE

The purpose of risk management is to manage the barriers which prevents the Council from achieving its objectives. This section of the service plan includes space for the Service to input their key risks (in summary form), which have been identified during the business planning process. The Council uses risk management to maximize opportunities and minimize risks. This improves its ability to deliver priorities and improve outcomes. This is why the Council deems it important to link business planning and risk management. Risk Management aims to:

- Help the Council achieve its overall aims and objectives
- Manage the significant risks the Council faces to an acceptable level
- Assist with the decision making process
- Implement the most effective measures to avoid, reduce and control those risks
- Balance risk with opportunity
- Manage risk and internal controls in the most effective way.

This table illustrates the risks identified to deliver the Services business in 2020-21. This table illustrates the risks identified to deliver the Services business in 2020-21.

Risk Ref Number	Description of Risk	Risk Rating	Mitigation Activity
1.	Non-Compliance of Building Regulations	6	1) Timetabled Staff meetings to discuss any discrepancies that may have occurred on site 2) Continue to monitor and develop system for ensuring consistency of inspections
2.	Delivery and consistent implementation of Policies & Procedures across Mid Ulster Council	6	Monitoring of Policies being carried out on a regular basis by Principal Officers
3.	Health & Safety: Scope of risk extends to: (1) Lone working (2) Daily visits to sites where safety risks are evident to officers	6	Risk assessments reviewed in conjunction with Health and Safety Advice team
4.	Fraud Scope of risk extends to: (1) Fraud generally (2) Cash and Cheque Handling	6	(1) Review financial procedures with Finance Service to ensure compliance with Council procedures for cash handling (2) Monitoring of finance procedures by Principal Officers on a regular basis
5.	Downturn in construction sector as a result of the implementation of Brexit and Covid - 19	6	Continually monitor applications to identify any marked reduction in activity within Construction Sector

Rating	Descriptor
16 - 25	Extreme Risk (immediate action required)
10 - 15	High Risk (urgent action required)
7 - 9	Moderate Risk (action required)
1 – 6	Low Risk (keep under review)

Report on	Mid Ulster is Growing from Home Project
Date of Meeting	7 th July 2020
Reporting 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 'Mid Ulster is Growing from Home' project.
2.0	Background
2.1	As one of the main priorities for Council's sustainability programme Mid Ulster District Council has been actively supporting the development of community run allotments and food growing projects across the district on an ongoing basis with many local gardening groups participating in the workshops and events offered to them. The programme contributes successfully to developing and maintaining a vibrant community food gardening sector in the district with many of the gardening groups doing very well in terms of numbers involved, food produced and new skills learnt.
2.2.	External funding secured from the Northern Healthy Lifestyles Partnership added to the number of events we could run and has provided an additional focus on wellbeing & improvement of mental & physical health through gardening.
2.3	Over the years the Sustainability Officer has actively supported and advised a number of new groups on how to set up or further develop/maintain their food gardens/allotments projects. Usually this would take place in conjunction with a site visit to the group's garden/communal area or, on request, Council would help groups organise/run an introductory session (e.g. seed sowing morning/planting session, etc.) to raise awareness and create interest within their community.
2.4	Through a longstanding partnership with The Conservation Volunteers (TCV) the Council and TCV have jointly supported several allotments/garden groups through regular practical sessions and tailored workshops in order to build up their gardening skills and capacities. In addition a number of bigger networking events have been organised every year, involving participations from several groups in a certain area. Some educational events also took place at the three Council operated allotment sites in Dungannon, Ballygawley, and Castledawson to increase community involvement at these sites.
2.5	Since March any of these communal events and activities have been put on hold due to Coronavirus.

3.0	Main Report
3.1	With the current Covid-19 pandemic and associated restrictions in place Council's Sustainability function responded quickly and set up the 'Mid Ulster is growing from Home' project at the end of March. Since then the project has been successful in providing ongoing support and guidance to Mid Ulster's community gardening & allotment groups as well as individual residents during the coronavirus pandemic and has helped them to grow some fresh food on their own at home during these difficult times.
3.2	The support given is entirely via electronic communication and consists of weekly emails on various food growing and gardening activities at home to accompany the participating gardeners through this growing season. There is no need to go out anywhere to do these activities and while people may not have had a great supply of seeds, equipment, horticultural supplies or even space, the project helped them to overcome these problems and do some gardening at home.
3.3	The themes covered take into consideration the time of year, current weather conditions and timing (e.g. what to sow when) as we have been going through the growing season and have also taken account of the particular situation everyone was facing i.e. people having to garden at home which might be very limited in space and open ground (making use of back yards, window sills, pots, etc.) and they may not actually have had much resources (in terms of seeds, soil/compost, tools, seeds trays, money, etc.). Participating gardeners are welcome to email back their ideas/gardening tips/photos of their gardens, etc. to share with the group, ask questions and suggest topics and their lively feedback has helped to tailor the contents of the weekly emails and guidance sheets.
3.4	<p>Realising the wider community interest and potential to expand our outreach the scheme was quickly opened beyond the initial target groups. Participants don't have to be a skilled gardener or belong to a gardening group, all Mid Ulster residents can take part, simply by requesting to have their email address added to the mailing list and start growing some fresh food - even if it's just a few salad leaves or herbs on the window sill. To create awareness among local residents and encourage them to join the home growing project information about the scheme was posted on a number of occasions on social media by Council's communication team and also published on the Council website – the Facebook posts in particular resulted in a fantastic response and enthusiasm from local people interested in growing fruit & veg during lockdown. Council staff were also invited to participate in the home growing activities.</p> <p>By now the Council has over 200 home gardeners on the project mailing list with a lot of newcomers to gardening, but also many experienced growers and among these we have a number of people from gardening or allotment groups who will forward the guidance to their members too.</p>

3.5	<p>The 'Mid Ulster is growing from Home' project has so far covered the following topics:</p> <ul style="list-style-type: none"> • Project Introduction & Planting Garlic followed by guidance on • 'Planting Potatoes' • 'Growing Herbs' • 'Sowing into Seed Trays' • 'Creating a vegetable plot in your garden' • 'Container growing' • 'Growing vegetables from groceries' • 'Growing on' seedlings and young plants • 'Growing flowers & attracting pollinators' • 'Taking Stock' • 'Growing a few super fruits' • 'Seed Saving' • 'Harvesting & Eating' <p>All above info available as PDF files and further topics will be added throughout the 2020 growing season. (Please see a few examples enclosed in the APPENDICES 1-5)</p>
3.6	<p>Feedback</p> <p>As continued high participation numbers and extremely positive feedback show the project has been a great encouragement and distraction for people struggling with isolating at home and has successfully helped many local residents to learn new gardening skills, become more self-reliant, and feel part of a wider gardening community. Participants are often amazed at their own success, sending in photos of their vegetable gardens and variety of crops harvested so far. They also mention the benefits of involving their children into the gardening activities and how they enjoy using re-cycled materials and making use of left-over seeds and raising plants from shop bought groceries. Increasingly people also report back of their joy to be able to share some of their home-grown vegetables with their neighbours.</p>
3.7	<p>Outlook</p> <p>Evidence from our own project, as well as similar reports from other organisations and the media, demonstrates that there has been a great uptake of gardening and food growing at home during the lockdown. Large numbers of people have turned to their own gardens to learn new skills, remain physical active and support their mental wellbeing during a phase of social isolation and crisis. Many of these newcomers to gardening would not have been active members of community gardening groups or allotments; some might want to join community gardening activities in the future, others may choose to keep gardening at home as part of their new 'normal'. These changes in habits towards healthier lifestyles can hopefully be maintained beyond the current crisis - especially if given a little bit of additional support in terms of resources and skills. A number of home growers are sheltering and deserve particular support to ensure that they can actually access the health & wellbeing activities offered within their communities.</p>

	It is planned to keep the project going throughout this growing season while adapting to changing circumstances which hopefully will allow us to re-introduce some elements of communal activities in the future in line with any further easing of restrictions and government guidelines.
4.0	Other Considerations
4.1	Financial, Human Resources & Risk Implications
	Financial: None, project might lead to further opportunities to apply for external grants.
	Human: Considerable time commitment by Sustainability Officer
	Risk Management: Project put in place to ensure continuation of community food growing support during lockdown in line with government rules & restrictions.
4.2	Screening & Impact Assessments
	Equality & Good Relations Implications: None – open to all residents, catering for all abilities and social/economic backgrounds.
	Rural Needs Implications: None
5.0	Recommendation(s)
5.1	Members to note the content of the report for information purposes on work being carried out by the Sustainability Officer.
6.0	Documents Attached & References
	Examples of project guidance sheets:
6.1	Appendix 1 – Mid Ulster is Growing from home intro
6.2	Appendix 2 - Sowing into Seed Trays'
6.3	Appendix 3 - Container Growing'
6.4	Appendix 4 - Growing Flowers & Attracting Pollinators'
6.5	Appendix 5 - Harvesting & Eating'

Mid Ulster is Growing from Home

2020 Growing Season



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Introduction

Hopefully you and your families are all keeping well, while you are trying to stay safe at home and adapt as best as you can to this very different life we are all suddenly facing due to the unsettling coronavirus situation.

- *maybe you are missing the regular gardening activities at your local community garden*
- *perhaps you had big plans what crops to grow this year on your allotment*
- *you increasingly feel the need to relax and focus your mind on practical tasks such as seed sowing, planting, weeding, watering your plants?*
- *or you wish more than ever that you had a self-sustaining fruit & veg garden at home and aren't so hopelessly dependent on shops & supermarkets to supply you with all your daily foods!*

So why not start growing some food at home?

You don't need to have a big garden - a backyard with a few large containers or even pots on a windowsill will be sufficient to grow a few herbs or leafy greens to add to your diets

Most gardening activities will require some form of soil. This can be topsoil from your garden, multi-purpose compost, well-rotted organic matter from an old compost heap or well-rotted animal manure, or even re-usable soil you could salvage from last years grow bags, window boxes or pot plants. Even without any soil or compost you can grow a few sprouted seeds to add to salads or stir-fries.

What food to grow? Try focus on a small number of vegetables with a big impact onto your diet for example to have some daily fresh salad leaves, add herbs known for their healing qualities and grow a few superfoods for immune boosting soups.

And what about seeds? Maybe you didn't get a seed order in yet and your gardening centre is now closed? A number of seed suppliers still take online seed orders although there might be a delay for dispatch and delivery and many of the larger supermarkets also sell a range of seed packets. You could also phone your local gardening centre to see whether they do deliveries.



You can also grow quite a few vegetables and herbs from foods bought in the shops!

So if you have recently bought potatoes, garlic, any packets of dried peas or beans or even some grain seeds such as quinoa or amaranth for cooking you can take a few for sowing into seed trays or planting into pots. Many spices in our cupboards are in fact also seeds and (if not too old) can be used to grow in the garden or window sill such as dill, caraway, cumin. Only whole seeds will work, not ground spice!

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Let's get started this week with planting Garlic,

which is almost fool proof to grow, but will take about 6 months to mature. If you have bought a head of garlic for cooking you can split off a few individual cloves and plant each of them to grow into a new whole head of garlic. Magic!

The young green stalks ('scapes') that grow from the garlic bulbs and will eventually produce flowers are also edible and can be used like chives or spring onions in **salads or champ**. Most gardeners cut them off in spring, before they flower, to encourage the garlic plants to produce bigger bulbs, but be careful not to damage the actual leaves or bulb.



Garlic will grow in pots or directly in the open ground. Plant each clove **with the pointy end up** (see photo) about an inch deep into the soil and 10 -15 cm apart.

Add more soil/compost to your pot to cover the cloves fully.

Make sure you keep them watered throughout the growing season!

Hope your garlic will grow well ☺

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Sowing into Seed Trays



Sowing into seed trays and keeping the trays for a few weeks indoors is an easy way to start off your vegetables, because you can give each young seedling the space, growing conditions and care it needs and you can start sowing earlier in the season when temperatures outside are still a bit too cold or your ground isn't quite ready. Raising a steady supply of seedlings throughout the growing season means you always have a few plants ready to transplant into your vegetable plot or outdoor planters when free space becomes available there.

Watch out: While most vegetables and herbs can be started in seed trays or little pots, a few deep rooting vegetables such as carrots or parsnips don't like being transplanted –they should only be sown directly into their permanent growing place.

What trays to use?



Modular trays with individual cells are handy for sowing because they will make transplanting very easy, but you can basically use any shallow tray or small pots among your recycling materials, such as plastic trays from packed fruit or veg, yoghurt or margarine pots, paper cups, egg cartons etc.

Make sure to drill some drainage holes into the bottom of your trays/pots if they don't have any and place another tray (without holes) underneath to catch the water when watering your plants.

Cut toilet roll tubes in half and place into trays to create plug trays and use old lolly pop sticks as plant labels. Clear plastic trays can also be used as a cover – to speed up germination.

How to sow:

Decide what you want to sow and have your prepared plant labels ready. Make sure to sow vegetables which you and your family actually like to eat! Peas are usually a great choice, as most people will enjoy harvesting them and love eating them directly fresh from the pods.

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Don't sow too many seeds of one variety – it's better to make successive sowings of small amounts (e.g. use one short row in a seed tray per vegetable) to ensure a steady supply of fresh produce throughout the summer.



Fill your trays with compost or soil. Don't compact the soil at this stage and don't overfill the cells.

Sow seeds by placing them into the trays and pressing them gently with your fingers down into the soil.

How deep you plant the seed depends on their size – about 2 times as deep as they are wide. So larger peas or bean seeds need to be pushed a good bit into the soil.

Vegetable seeds come in many different shapes and sizes:

For larger seeds (peas; beans; courgette; pumpkin; sunflowers) sow only one seed per module or 2-3 seeds in a little pot.

Make sure to plant courgette/squash seeds with their pointy end down and runner beans on their side with their scar facing downwards.

For other large vegetables, such as Kale, Cabbage, Chard, Spinach aim to sprinkle 1 or 2 seeds into each cell (don't worry if a few extra fall in, you can thin the seedlings out later).

Chives, Spring Onions, Leeks and beetroot can be sown as little bunches – just sprinkle a few seeds into each module and transplant the whole bunch of young plants when they are ready to go outside.

Sprinkle very small seeds (e.g. lettuce, herbs, some flowers) as thinly as you can into your trays and prick the seedlings out and transplant into bigger pots as soon as they have a few sets of leaves. If you leave them too long in crowded conditions they will become very leggy and impossible to separate.



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Used, damp tea bags can be used to enrich your compost/soil or you can even plant larger seeds such as peas & beans directly into the teabags if you have no potting compost or soil available



Once you have all rows in your tray sown out, cover you seeds completely with compost/soil.

You can use a riddle (soil sieve) if you have one to sieve a layer of fine compost over your seeds.

Press down the soil gently with your flat hands – this is important to ensure all seeds are in close contact with the soil.

Don't forget to mark each row with plant labels and water the trays properly before taking them into the house (or greenhouse/polytunnel/coldframe).

It will take 7-10 days for most vegetables to sprout, but some will take longer. Warm temperature will speed up germination and plant growth. Your seedlings will also require sufficient light and regular watering. Don't let the compost dry out completely, in very sunny conditions this may mean to water them twice a day - however, don't overwater neither!

So let's get started – and let me know which vegetable varieties you have sown 😊

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Container Growing



If you don't have any suitable open ground you can still grow some fresh produce in a couple of planters or growbags in your backyard, make use of window boxes or plant up a few large pots to sit on your window sills. Growing in containers is easy to do and much less strenuous than cultivating open ground. You can easily move smaller pots around according to changing temperatures and add interest and colour to your house or backyard.



Type of containers to use: You can re-use all sorts of old, recycled containers you may have available (including old buckets, wooden crates or plastic boxes/tubs, terracotta pots etc) as long as they have drainage holes and are large enough for the type of vegetable you want to grow. **Make sure you thoroughly clean your pots before use!**

Generally, the bigger the container the better. As they grow your plants will need sufficient root space and plenty of soil (=nutrients) to thrive. Small pots also tend to try out very quickly.

Most plants will thrive in full sun, some vegetables such as spinach, lettuce or rocket will do better in part shade. Lack of light can become a problem indoors – choose the sunniest window sills and swop/turn plants around if necessary.

Fill your containers with good quality potting compost. If you don't have enough you can mix in soil/well rotted organic matter/compost from old grow bags etc, but results may not be as good and as garden soil is not sterile you will get more weeds growing too.

You can **either sow directly or start your seedlings indoors in seed trays** and transplant into your containers at a later stage

Container growing requires regular watering – sometimes twice a day! Don't let the compost dry out completely or plants will wilt very quickly, or tend to bolt such as lettuce, rocket or spinach. On the other hand, make sure your plants don't sit in water, or they may start to rot.

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What can you grow?

Most vegetables, herbs and some fruit can be successfully grown in pots. Your limiting factors are likely to be finding appropriate containers and a suitable location where to put them. If you haven't been able to source any seed packets and have a very limited supply of compost you could try growing a few vegetables from seeds found in your grocery shopping: dried peas, butternut squash or chilli peppers should hopefully work well in a few big tubs.

- Individual **Tomato and chilli plants** do well in pots (12 inch or bigger) on very, sunny window sills. Both need a long, sunny growing season, so will work best if you have raised your seedlings early indoors. The plants will also need some form of stakes for support.
- **Herbs** are ideal pot plants – either on indoor window sills or in a sheltered outside place close to your kitchen. If you give each herb its own pot you can water according to each plant's needs.
- The easiest & most popular fruit to grow in containers are undoubtedly **Strawberries**. Even if you aren't currently able to purchase any plants from your garden centre you might be lucky to find a few runners that have self rooted in your garden, which you can easily pot up into 6 inch pots or several plants together into larger tubs
- Shallow rooting vegetables such as **lettuce, rocket, spinach, scallions, beetroots and oriental greens, such as mini pak choi or mizuna** are quick growing and can be sown directly into window boxes or any type of containers. Sow in small amounts regularly throughout the growing season for a steady supply of green leaves. **Swiss & Rainbow Chard** can also be sown into pots, spaced closer together than you would in the open ground and leaves picked early to add to salads.
- Sow **Carrots**, especially short, stubby varieties, directly into deeper containers such as window boxes or large tubs.
- Larger vegetables such as **Peas/Mangetout , Runner or Dwarf French Beans, cabbages, kale, courgette and squashes** are best started in seed trays or small pots and then transplanted into big containers at least 30 cm deep. Brassicas are heavy feeders and need a lot of soil, extra feeding might be necessary! Keep pots with tender plants such as runner beans, courgette/squash and sweet corn indoors until mid/end of May.



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Making best use of limited space:

If you are growing in a larger tub or planter you could plant one or two seedlings, such as kale or cabbage which will require a lot of space as they mature and combine them with a few climbers like peas or nasturtiums, which you can grow up vertically along a wigwam structure for support. While these plants are small you could even sow a small crop of salad leaves to fill the temporary gaps.

Plan a succession of crops – e.g. harvest early sowings of spinach and rocket by mid/end June and sow some leeks or oriental vegetables into the available space.

Repotting

It is useful to start small batches of sowings in seed trays throughout the growing season to raise young plants that can be planted out into larger containers (or the open ground) when space becomes available or temperatures have sufficiently risen. Once seeds have germinated you will discover that some plants grow with an astonishing speed and you will need to separate your seedlings and transplant them into pots as soon as you can handle them, usually when the first true leaves appear. Seedlings started in loo roll tubes can be planted out as they are, but I prefer to peel off the cardboard before transplanting.

Most seedlings will be transplanted at the same depth as they were growing before, but **Tomatoes** are an exception – plant tomato seedlings deeper into their new pot, so that the soil level sits just beneath their first seed leaves. Ease seedlings slowly out of the seed trays and handle them carefully either holding the entire root ball or at a leave when repotting. You may have to repot larger plants several times as they grow.



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Growing flowers and attracting pollinators



Flowers in the food garden

Even if you are mainly interested in growing fruit and veg it is still a good idea to include a few flowers in your plantings. Flowers don't only look and smell beautiful and add that spectacular dash of colour to your garden; they have many other beneficial uses which should earn them a spot in your vegetable plot. Early summer is a good time to sow most annual flowers directly in the ground.

Edible Flowers

- Sunflowers with their edible seeds are always very popular to grow with children – make sure to grow them along some structure to tie them up to like a fence or garden shed.
- Borage, nasturtiums, and pot marigolds (*calendula officinalis*) can also be easily sown directly or raised in seed trays/little pots and planted among your vegetables.
- Chive flowers are also edible and the impressive looking yellow flowers of courgette plants can be dipped in batter and fried as an unusual addition to your meal.

Other Useful Flowers

Comfrey

is a hardy perennial plant, which can be propagated from root cuttings and should be part of any vegetable garden (be careful to keep it under control though as it tends to spread). Comfrey leaves are brilliant compost activators and can also be used to make liquid plant feeds. Bees love their flowers.

Flax (Linseed)

must be one of the most useful plants on the planet as it can be grown for fibre, seeds/oil and ornamental purposes. It produces an abundance of beautiful little blue flowers throughout the summer. You can easily grow a few flax flowers from seed in pots or planters or directly in a well prepared patch of open ground.



Flowers as Companion Plants

Traditionally many gardeners have used flowers for companion planting, which is based on the idea that some plants help certain plants to grow better, while they may hinder the growth of others. In addition many flowers either deter and/or attract specific insects, which can be of great use for chemical free pest control.

- **Pot Marigolds** are great companion plants for many vegetables and can be generally grown to attract beneficial insects such as bees, butterflies and hoverflies into your garden.
- **Flax** (see photo) can be grown alongside carrots and potatoes to improve their flavour and to deter potato bugs
- **Nasturtiums** are good companion plants for potatoes, cucumbers, kale and squashes
- **Borage** is a useful flower to grow near apple trees or strawberries



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Flowers to repel pests

Organic growers make use of the insect repellent properties of some flowers and place them strategically around their vegetable beds.

- **Californian poppies** and **French Marigolds (Tagetes)** are well known to repel aphids; both attract hoverflies and ladybirds who are the natural predators of greenfly and aphids. French Marigolds are also planted close to tomatoes against whitefly.
- **Nasturtiums** will attract blackfly so that they don't attack your beans; grow them alongside marigolds to attract hoverflies as natural predators to the aphids. Nasturtiums can also be planted to attract the Cabbage White butterfly away from your cabbages.

Pollination



Most fruit and some vegetables need to be pollinated by bees or other insects to successfully produce a crop. So if you have apple trees in your garden or want to grow melons or soft fruit such as currants, strawberries or blueberries it is a good idea to attract bees and other pollinating insects by planting suitable flowers. Vegetables that rely on insect pollination include pumpkins, courgette, squashes, cucumbers and runner beans. (Sweetcorn is wind pollinated so always grow in blocks rather than rows, which helps to distribute the pollen efficiently.)

Timing – it's important to think about the timing of when you need the flowers to attract pollinators. Apple trees and Currant bushes flower early in spring, which is the time you want the bees around your garden.

Flowering Herbs

One of the best herbs to attract bees very early in the season is Rosemary, which flowers almost all year round – my own Rosemary bush is planted right beside one of my apple trees and Red Currant bush and seems to be daily visited by a stream of busy bumblebees. A little bit later in spring the purple flowers of chives and in mid/late summer Lavender and Thyme are extremely popular food sources for pollinators.



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Wildflowers

Many common wildflowers such as primroses, dandelions, red & white clover, buttercups, vetches and stinging nettles are also good food sources for pollinating insects and often flower much earlier in the season than most of our cultivated garden flowers. Of course you don't want them growing right in your vegetable plot, but maybe leave them in some other areas of your garden or create a dedicated wildlife patch.



Ornamental Flowers

If you want to sow or plant out a few annual cut flowers to attract pollinators you could try out Purple Tansy (*Phacelia tanacetifolia*), Cosmos, Zinnia, Sunflowers and French Marigolds, but only choose **single flowered varieties**, as modern bred double headed flowers are pretty much useless to bees.

You could also plant a few flowering shrubs that are popular with bees and other pollinators, such as Cinquefoil (*Potentilla fruticosa*), a very easy to grow little shrub (see right photo below) with an abundance of flowers from May until late autumn, or add pollinator friendly perennial flowers to your borders such as Rudbeckia, Asters or creeping Phlox (see photo on left), which can also be successfully grown in containers.



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Pollinators in the garden - by Mark Edgar, MUDC Biodiversity Officer

With many of our native habitats increasingly under threat, gardens have become ever more important for the survival of some of our well known species. The range of mini-habitats contained within a garden can support a rich variety of wildlife.



Providing Food for pollinators

To encourage pollinators (bees, bumblebees, hoverflies, etc.) into our gardens we only need to provide food (nectar and pollen) and shelter. Food can be provided by growing suitable flowers - types where the pollinator can access the nectar and pollen. Fortunately, we have a range of pollinators with a range of preferences, so there will be flowers available that both you and the pollinator will like. Recommended species to attract bees include (but not limited to): bluebell, honeysuckle, thyme, sedum, aster, rosemary, hebe, cornflower, poppies, and one of my own favourites, borage. I have found borage to be a favourite with the bees in my garden, in particular the early bumblebee (the smaller species of bumblebee). Apparently bees can see purple more clearly than any other colour. I know borage flowers are probably technically blue, but it is close enough to purple for me.



If chatting about plants for pollinators, there is one that I haven't yet mentioned. If you have room, a buddleia (also known as the butterfly bush) is always good. If you do have a buddleia, and you notice the number of bees and butterflies visiting it during the day, I would encourage you to go into your garden in the late evening with a torch and check out your butterfly bush. You may be surprised at the number, variety and colour of moths.

Another point to remember is that when selecting your plants, try to get a range of species so that something is always in flower right from early spring through to autumn. This will provide nectar throughout the season.

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Providing nesting for Pollinators

Hopefully with the food sorted, all you need now is somewhere for the bees to nest..... Natural habitats suitable for bees to make their nests are not as common as they once were. However, creating nesting sites in our gardens is very easy, and costs very little (or even nothing!) Wild bees nest in small colonies, so you won't get the swarms that we see in the movies! They have no interest in humans, are not aggressive, and just go about their business. In Ireland we have around 100 species of bee. We have 1 native honeybee, 20 species of bumblebee, and the rest are solitary bees. As their name suggests, solitary bees live on their own, so definitely no colonies. We will only see solitary bees for 6-8 weeks of the year. The rest of the time they are developing in the nest (as eggs and grubs) or hibernating, so please try not to disturb the nest.

Leave some wild patches for bumblebees ...

Perhaps the easiest way to provide a suitable place for bees to nest is to leave a small area to 'grow wild' during spring and summer. This will be suitable for bumblebees with some species making their nests above ground in the tussocky grasses, other species preferring to use burrows. They will use existing holes, or if you want to give them a helping hand, try an upturned flower pot (with a slate or tile set above the hole to prevent rain getting in, but high enough above the pot to allow access for the bumblebee through the hole).

... and some open ground for mining bees

With bumblebees catered for (as simple as that), let's think about the solitary bees. We have 77 species of solitary bee, and these are broadly divided into two groups, mining bees, of which there are 62 species, and cavity nesting bees, of which there are 15 species. Their names are fairly self-explanatory as to how they nest, mining bees burrow (mine) in bare ground, while cavity nesting bees use existing holes (cavities) in hollow stems, wood, or stone walls (different species using different cavities). So, after leaving a little patch to 'grow wild' for our bumblebees, the next habitat to create is to attract mining bees. All we have to do is leave (or create) an area of exposed ground. Clearing the vegetation from your chosen patch to leave bare ground is all you have to do! A variety of ground conditions (from flat to vertical slopes) will attract a variety of species. Any sloped areas are better if south facing to catch the summer sun. This simple action will provide a potential home for the vast majority of our bee species.

Build a bee home



If we want to attract cavity nesting bees into our gardens, we will have a little more work to do – but it is only a little! There are a range of bee homes available to buy, but home-made ones work just as well. Fill a flower pot with bamboo canes, or hollow stems (elder is good), with straw/hay packed around the edges to hold the bamboo in place. The bamboo can be hollowed out with piece of strong wire/narrow screwdriver. The straw/hay can be pinned in place with thin wire (opened paperclips) and excess straw trimmed to get it to look neater.

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When cutting the bamboo to size, sand off any sharp edges or splinters. This will deter bees from using the bamboo as they may scratch their wings when entering the hole. The bamboo should range in diameter to provide a range of hole sizes to attract different species.



Variations on this general idea can be made. A slightly fancier version is to use an old log with holes drilled in it, and bamboo filling the space between the log and the roof. Hopefully the photo shows that this is quite easy to make. This bee home can be set or hung in a suitable place or with the backboard can be fixed to a shed, fence or post.

Another type that I have made for the first time this year is just to drill a few holes in a piece of timber. I used 4 inch x 2 inch (as that is what I had lying about). I can't guarantee this will work, but it looks similar to ones that can be purchased and the same principles apply. A variety of hole diameters (I used 4, 6, and 8mm) with the hole supposed to be a minimum of 10cm deep. However, mine were a bit shorter as my drill bit wasn't quite 10cm long. Also, I didn't want to drill right through the wood as that would only create a wind tunnel. As when using bamboo, I just sanded around the entrance holes so any investigating bee wouldn't damage its wings on sharp edges, and fixed it to a fence post.



It is recommended that bee homes for cavity nesters should be fixed as high as possible, ideally 1.5-2m high, facing south-east to get the morning sun. However, this is not always possible, so if it is a bit lower (as some of mine are), or not quite facing the right direction, (as some of mine are, but they are roughly 'south-ish'), it is definitely worth trying a bee home or two.

If you are lucky enough for a bee to take up residence you will see the hole sealed off. Some species use mud, leafcutter bees use – leaves! Several bees (even different species) may all use the same bee home, but each will use a different hole. Each individual bee will collect nectar and pollen to create a food store at the back of the hole. It will lay one egg, and seal it off creating a chamber. It will



Mid Ulster is Growing from Home - 2020 Growing Season

repeat this process along the length of the bamboo, stem or hole, so that each hole may have from 3-4 up to 7-8 chambers. Each chamber has one egg, and a food supply for when the egg hatches. The adult bee will not emerge until the following spring, so try not to disturb the bee home over the winter.

There are some examples of huge bee-hotels which could accommodate hundreds if not thousands of bees. While the effort this has taken has to be applauded, the latest thinking now is that bigger is not always better. It has been found that such large congregations of bees attracts more predators and enables viruses, mites, and moulds to spread throughout the nests, destroying the food supply and killing the larva. It is suggested that creating a number of smaller bee homes and spreading them around your garden may be more beneficial than one large bee-hotel.

With many of our bee species in decline, anything we can do to give them a helping hand has to be worth a try. As many of these ideas are fairly easy, quick and inexpensive, why not give a couple of them a go?

Recording pollinators in your garden

I hope you have found this interesting, and that I have convinced you to help our bees. Some of you may already be aware of the All Ireland Pollinator Plan, but for those that aren't, please check out

<https://pollinators.ie/8-ways-to-help-pollinators-without-leaving-your-garden>

and take a look at the FIT Count (Flower-Insect Timed Count). Watch a 50x50cm patch of flowers for 10 minutes and record how many insects visit. As each patch takes only 10 minutes, why not try a couple of different patches with different types of flowers. See for yourself what ones attract the most insects. You don't need to be an invertebrate specialist for your records to make a real contribution. Definitely worth having a go at, and hopefully a few people will take part and show that we do have some good biodiversity in Mid Ulster.

To receive further guidance and food gardening tips throughout this growing season – make sure you are on the mailing list for the Mid Ulster is growing from Home Project.

For queries and feedback please email yvonne.zellmann@midulstercouncil.org

Mid Ulster is Growing from Home

2020 Growing Season



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Harvesting & Eating – Part 1

Summer has started and we can finally begin to lean a little bit back from all the hard start-up gardening work in the spring with endless sowings, re-potting, getting ground ready and structures put into place. Gardens are suddenly green and in flower and fruit and vegetables are starting to look like the real thing!



Eat it when it's ready!

Now it's time to enjoy and eat some of the first results of your hard efforts as your garden is getting more productive and a number of early crops can be harvested. To keep your garden going you need to pick your fruit and veg as it is getting ready; this might mean changing your eating habits – include a few fresh green leaves or ripe berries from your garden on a daily basis and get a bit more inventive when it comes to making up dishes with the available crops in your garden.



The fresher the better!

If you want to get the most out of your vegetables in terms of vitamins and nutrition – make sure to eat the produce as soon as possible after harvesting.

Once cut off spinach or salad leaves for example will lose a high percentage of their vitamin contents very quickly, so only pick your leaves when you are ready to prepare your salad and don't leave them sitting for hours!

Mid Ulster is Growing from Home - 2020 Growing Season

Lettuce/Rocket/Salad Crops

These fast growing vegetable crops will be ready for harvesting (keep sowing them throughout the summer for a steady supply), so you need to get into the habit of making fresh green leaves a daily addition to your meals.

If you have sown cut-and-come-again salad crops you can start picking a colourful mix of leaves for your daily salad or sandwich topping by carefully cutting/pinching individual leaves off each lettuce plant, leaving the remainder of the plant to regrow a few times. Or you can take out entire small plants from in between other plants and leave a few lettuces to grow into full heads for harvesting later.



Spinach/Chard

You can start to pick the leaves of spinach and chard as soon as they are big enough to eat. The young fresh leaves are very nice to eat raw in salads etc. The stalks of Swiss chard and other red & yellow varieties of chard are also edible and can be cut up to add to stir fries, risottos or any other vegetable dishes.



Don't wait until the entire plants are becoming very big, but rather get into a habit of harvesting daily – this might at the start only be a few leaves at a time.

Regular watering is also really important for these leafy type vegetables in order to prevent them from bolting - sending out sudden upwards growth. If individual plants are starting to bolt, you need to harvest the entire plant as they will now go into flower and their leaves will start to taste bitter.



Fruit

Pick strawberries and other soft fruit as soon as they are ripe – you may also need to protect your fruit bushes from the birds at this stage. Keep harvesting stalks of rhubarb for another month or so for some tasty home baking or for making jam - after July leave the rhubarb plants to recover for next year.

Mid Ulster is Growing from Home - 2020 Growing Season



Parsley ...

Parsley is certainly very slow to start from seed and your seed grown plants are probably not ready for harvesting yet. However, if you divided and replanted your supermarket parsley you should have a few sturdy, flourishing parsley plants by now.

And once parsley takes off it is usually growing very strong, so start using parsley in your day-to-day cooking in a range of dishes such as soups/stews, omelettes, scrambled eggs, risottos or just sprinkled over salads, sandwiches and ready cooked food.

Regular picking will ensure a continuous supply of new growth throughout the summer. For harvesting cut off a few whole stalks from the outside of the plants, rather than just snipping bits off across the tops.

... and other herbs

Don't forget to use the rest of your herbs neither:

Basil, thyme and oregano might have looked a bit sparse during spring, but will have started growing more strongly now with longer hours of sunlight and constant higher temperatures. Look around your window sill herbs or herb bed for inspiration in your daily cooking.



Peas

Once you see your pea plants in flower it won't be long before pods start to form. Mangetout and Sugarsnaps are eaten as whole, tender pods – raw, steamed or cooked - and should be harvested as soon as they reach eating size. For peas in the pod varieties you need to wait with harvesting until the pods fill up with delicious little round peas. (There are also many varieties which can be harvested both as early mangetout and later as fully formed peas.) It is really important to harvest your peas often and regularly as this will encourage the plants to grow more flowers and therefore more peas. If you leave the pods on the plants they probably think their job is done and stop producing, so you only get a smaller crop.



Mid Ulster is Growing from Home - 2020 Growing Season



Kale ...

Depending when it was sown kale might not be quite ready, but once the plants take off and have enough space, water and good soil they will usually be growing fast. You can get some early pickings of kale when thinning out a row of seedlings or by just removing a few outer leaves from young plants, leaving them in the ground for growing on.

... and other thinnings

Make sure you don't discard any seedlings when thinning out rows of other greens too such as broccoli, beetroot, sunflowers, cabbages, peas and radishes, but rather treat them as an additional harvest of nutritious microgreens. These thinnings can be eaten raw in salads and sandwiches, or used as pizza toppings and many other cooked dishes.



Courgette plants might show the first tiny courgettes developing which should be harvested when about four inches long. Don't let them get too big, rather keep harvesting them when young and your plants will keep producing a crop for a longer time. And remember that you can eat the flowers too, but don't harvest all the male flowers before the females have set or you end up with no courgettes.



Early Potatoes

If you have planted early potato varieties they should also soon be ready for harvesting. Look out for the flowering stage (see photo on right for second early 'Charlotte' currently in flower), which is when tubers form and make sure to water regularly during this time.

You can carefully check in the soil for the size of the tubers and start harvesting once they have reached the size of baby spuds.

Please note that main crop potatoes probably won't be ready for harvesting until much later (September/October) and are usually only lifted when their foliage has completely died down.



For next week's gardening mailing please send in your recipes and photos or your first home-grown harvests and dishes enjoyed ☺

To receive further guidance and food gardening tips throughout this growing season – make sure you are on the mailing list for the Mid Ulster is growing from Home Project.

For queries and feedback please email yvonne.zellmann@midulstercouncil.org

Report on	Technical Services COVID 19 Service Delivery Impact
Date of Meeting	7 th July 2020
Reporting 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 provide Members with an update on any service delivery impacts for Technical Services as a result of the COVID 19 pandemic.
2.0	Background
2.1	During the pandemic various Technical Services employees were identified as vulnerable / at risk and were tasked to work from home (remote working). Members should note that all staff were available during this period with one member of staff volunteering for redeployment to assist Council in delivery of critical key services i.e. waste services. All other staff within the department worked remotely from home or came into the office in on occasions. The Technical Services Manager was available within the office during this whole period to ensure continuity of information was collated and processing of payments to ICT / IST contracts.
2.2	<p>The key functions of delivery for Technical Services are as follows:</p> <ul style="list-style-type: none"> • Capital Projects • Sustainability • Biodiversity • Bus Shelters • Signage
2.3	The main focus at the outset of the pandemic was the management of capital projects, ensuring the contracts were maintained where possible, and the “cash flow” of these businesses were maintained by prompt processing of payments. The government guidelines meant that various schemes that were “live” at the time had to have works suspended.
2.4	The volume of work was considerable and with one staff member redeployed and another leaving the organisation, the decision to suspend activity on some aspects of the departmental work was taken – this included Bus Shelters and Signage.

3.0	Main Report
	<p>Capital Projects</p> <p>3.1 Due to COVID 19 guidance from CPD and central Government the following projects could not maintain labour forces or delivery of supplies and so were suspended:</p> <ul style="list-style-type: none"> • Coalisland Public Realm • A29 Roundabout • Aughnacloy Changing Rooms • Villages – Pomeroy • Villages – Group 5 • Davagh Forest Hub • Dungannon LC – snagging <p>3.2 New systems and processes had to be implemented to ensure a proper audit trail of approvals for finance payments. Technical Services have processed in excess of £600k for works completed on projects since the lock down period. Initial IT obstacles relating to restricted access to electronic files were resolved at the early stages of the pandemic.</p> <p>3.3 Projects at design stage were maintained by having virtual meetings on platforms such as Microsoft Teams Zoom etc. and this ensure meetings were not cancelled and further progress could be made on these projects.</p> <p>3.4 During the pandemic discussions have taken place with all relevant funding bodies and they have been sympathetic to time lines and some are indicating that additional funding maybe available to cover COVID costs.</p> <p>3.5 <i>Moving Forward</i> – the projects noted above have now all came back on site and Technical Services along with the appointed ICT teams are processing claims for COVID 19 related costs and seeking all necessary procurement / legal advice to mitigate cost / programme overruns. Staff are now coming into the office on a more frequent basis of 2-3 days per week. Team meetings will progress through the virtual platforms as noted above which will save officer travelling time and also reduce mileage costs for the department.</p> <p>Sustainability</p> <p>3.6 The Sustainability Officer has been available and remote working since lockdown commenced. The Sustainability Officer's main focus of work consists of actively supporting the district's community sector to develop community food growing projects such as allotments or community gardens as well as involvement of the community / stakeholders in other initiatives to raise awareness of wider sustainability issues.</p> <p>3.7 Council's Sustainability function responded quickly and set up the 'Mid Ulster is growing from Home' project at the end of March. Since then the project has been successful in providing ongoing support and guidance to Mid Ulster's community</p>

	<p>gardening & allotment groups as well as individual residents during the coronavirus pandemic and has helped them to grow some fresh food on their own at home during these difficult times. The support given is entirely via electronic communication and consists of weekly emails on various food growing and gardening activities at home to accompany the participating gardeners through this growing season. A full report on this initiative has been presented to the Environment Committee for information purposes.</p>
3.8	<p><i>Moving Forward</i> – evidence from the Mid Ulster is Growing from Home project demonstrates that there has been a great uptake of gardening and food growing at home during the lockdown. Large numbers of people have turned to their own gardens to learn new skills, remain physically active and support their mental wellbeing during a phase of social isolation and crisis. These changes in habits towards healthier lifestyles can hopefully be maintained beyond the current crisis – especially if given a little bit of additional support in terms of resources and skills. It is planned to keep the project going throughout this growing season while adapting to changing circumstances which hopefully will allow us to re-introduce some elements of communal activities in the future in line with any further easing of restrictions and government guidelines. The project model will be used to develop further sustainability programmes during the second half of this financial year, subject to available budget.</p> <p>Biodiversity</p>
3.9	<p>The Biodiversity Officer has been available and remote working since lockdown commenced. April to July would usually be the busiest period with regard to biodiversity surveys, public events, etc. During the lockdown, the Biodiversity Officer has been encouraging local people to observe, record and take action for the wildlife in their own gardens. This includes emailing identification guides of various taxa and where to look online for further information. This has been supported by replying to individual queries.</p>
3.10	<p>Since the easing of the lockdown, the Traad Bird Ringing program has been able to commence, albeit with a very limited number of people attending. Sticking to government guidelines, social distancing is maintained and there is no sharing of ringing equipment. Three sessions have been completed so far and the project is workable with guidelines adhered to. People wishing to attend will be on a rotation basis to ensure safety precautions are manageable. Future public gatherings will be arranged on a case by case basis, suitable to the relevant guidelines appropriate at the time.</p> <p>Bus Shelters</p>
3.11	<p>For the latter part of March and April this function within the department was suspended to ensure Capital Projects were administered in accordance with all new guidelines. Stakeholders such as DfI roads and Translink / EA were unavailable due to their own crisis management.</p>
3.12	<p>Since mid-May however the required staff and stakeholders are back on track and shelter applications are beginning to progress. Due to government guidance all meetings have taken place over the virtual platform and this has enabled the</p>

	<p>relevant officers to comment on various applications. Moving forward this will be continued and it is envisaged that applications will progress in a more efficient manner.</p> <p>Signage</p>
3.13	For the latter part of March and April this function within the department was suspended to ensure Capital Projects were administered in accordance with all new guidelines. Disruption in the Procurement service lead to a delay in the dual language signage / roads signage tender being released.
3.14	Since mid-May however the required staff are back on track and the tender is now due for release in June and should be presented for award to Council in August / September. Due to government guidance all meetings have taken place over virtual platforms and this has enabled the relevant officers to comment on various aspects of the procurement documents. Moving forward this will enable Council facilities to have dual language signage installed internally and externally to the various facilities throughout the district.
4.0	Other Considerations
4.1	Financial, Human Resources & Risk Implications
	Financial: COVID 19 is likely to bring additional financial pressures to the Capital Framework programme.
	Human: Staff will be tasked to come back into the workplace and all necessary risk assessment will be carried out to ensure places of work are managed in a safe manner.
	Risk Management: Social distancing measures and risk assessments are in line with up-to-date government and H&S guidance to meet the specific needs of the service.
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 this report.
6.0	Documents Attached & References
6.1	None

Report on	Technical Services Service Improvement Plan 2020/21
Date of Meeting	7 th July 2020
Reporting 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 inform Members of the content and seek approval for the Annual Service Improvement Plan (SIP) for Technical Services for the period 2020/21.
2.0	Background
2.1	A Service Improvement Plan has been prepared for Technical Services for 2020/21, which will contribute towards the Council's Corporate Objectives.
3.0	Main Report
3.1	<p>Technical Services is within the Public Health and Infrastructure Directorate and is responsible for the following function areas across Mid-Ulster District Council:</p> <ul style="list-style-type: none"> • Capital Project Delivery • Bus Shelter approval • Signage • Sustainability • Biodiversity
3.2	Within the Technical Services Service Improvement Plan (see Appendix 1) there are a number of actions and associated outcomes which have been identified.
3.3	When the outcomes are achieved for the actions as identified, the service to our customers will be enhanced and improved.
3.4	<p>The Service Improvement Plan for 2020/21 includes the following areas:</p> <ul style="list-style-type: none"> • Purpose, scope and responsibilities of the service • Customers and stakeholders • Overview of performance in 2019/20 • Budget and staffing compliments for 2020/21 • Work Plan for 2020/21 • Action Plan for 2020/21 • Key Risks for Service

4.0	Other Considerations
4.1	Financial, Human Resources & Risk Implications
	Financial: The planned actions within the service improvement Plan will be delivered within the service budget of approximately £307,100 for 2020/21 (Draft budget still to finalise) and other Council funds as approved to deliver services, manage Capital Projects etc.
	Human: Full population of the Technical Services staffing structure is required to successfully deliver all the service improvements.
	Risk Management: As detailed in the Service Improvement Plan
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 approve the Technical Services Service Improvement Plan for 2020/21.
6.0	Documents Attached & References
6.1	Appendix 1 – Technical Services Improvement Plan for 2020/21.



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District Council

Public Health & Infrastructure- Technical Services

SERVICE PLAN – 2020/ 2021

Date

Consulted within staff team

22 /04/2020

Discussed & signed off by Director

22 / 6 /2020

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1.0 OVERALL PURPOSE AND SCOPE OF THE SERVICE

1.1. Purpose and Scope of the Service

The Technical Services Section is led by the Head of Technical Services and is fundamentally focused on delivery of Capital Programme for the Council. Work outlined in this document assists the various Services within the Council to enhance their areas of responsibilities such as improvements to facilities in the following services: Leisure, Parks, Tourism, and Community.

Technical Services plays a supportive technical role to all Departments in the preparation of scoping of Capital project information for submission to the Capital Programme and thereafter overseeing the project commencement, construction and to completion.

Other areas of support for Council services that this department provides lies with Sustainability and Biodiversity.

1.2 Responsibilities

In order to deliver actions/programmes of work and tasks on behalf of the Council, Technical Services is divided into 3 separate functions:

- 1. Technical Services – Capital Delivery Team, Bus Shelters, Signage.*
- 2. Sustainability*
- 3. Biodiversity*

These functions are further detailed in the separate headings listed below;

The section is specifically responsible for the following functions:

Technical Services

This function is covered by Project Officers based in Cookstown Council offices, and the function delivers and is accountable for the following service provision:

- **Capital Delivery Team**
 - *Assist in the preparation of procurement documentation in relation to E - procurement of all necessary functions within the delivery of Capital Projects e.g. appointment of ICT professionals and IST (Contractors). In addition to these main appointments our team also engage in procurement of surveys/reports, etc. that are required to support the project delivery.*
 - *Assist in the preparation of scoping information / design concepts for Capital Project delivery*

- *Project manages the delivery of MUDC Capital Programme (Infrastructure) for Council.*
 - *Assist various departments in the stakeholder engagement process for Capital Projects.*
 - *Develop, deliver and manage internal Design Service, including Project management of small scale Capital Projects.*
 - *Liaise with “Client Teams” and funders in the delivery of Capital Projects.*
 - *Liaise with relevant stakeholders for delivery of Capital Projects*
 - *Report to the Councils Environment Committee on the progress of Councils Capital Projects on a monthly basis.*
 - *Report to Capital Working Group (performance management) on a quarterly basis with updates on Programme / budget delivery.*
- ***Bus Shelters***
 - *Responsible for administration of the application process / approval(s) on Bus Shelters throughout the District.*
 - *Obtaining all statutory consents for new / altered locations for Shelters*
 - *Notifying Property Services Department for erection of approved shelter. (Note Property Services to have ongoing control over the maintenance of all shelters in the district.*
 - *Report to Council Environment Committee on installation of new / removed Shelters in the district.*
- ***Signage***
 - *Responsible for Council facility Signage (Way finding only) throughout the District / facilities.*
 - *Notifying Property Services Department for erection of approved Signage (Road development / road names). (Note Property Services to have ongoing control over the maintenance of all signage in the district, Building Control to provide Council with approved naming of all new developments)*
 - *Report to Council Environment Committee on installation of new signage in the district.*

Sustainability

This function is covered by Sustainability Officer working part time based in Dungannon Council offices – Function delivers:

- ***Sustainability***
 - *Develop and co-ordinate the Council’s Sustainability Programme for the district in consultation with a wide range of community and statutory interests.*
 - *Provide advice and expertise to Heads of Services and other key officers on the integration of sustainable development in all service areas including planning and corporate sustainability projects*

- *Develop and implement innovative sustainability projects through the creation of partnerships with local communities, statutory bodies, NGO's, funding organisations and the private sector.*
- *Raise awareness of sustainable development both within the organisation and the wider community*
- *Provide practical nature conservation and other sustainability activities to facilitate community participation in the Sustainability Programme.*
- *Maintain contact with relevant agencies and support organisations on development within the regional and wider Sustainability context.*

Biodiversity

This function is covered by Biodiversity Officer working part time based in Dungannon council offices – Function delivers:

- ***Biodiversity***
 - *Contribute to delivery on the Northern Ireland Biodiversity Strategy via the implementation of the Mid Ulster Biodiversity Action Plan increasing biodiversity awareness among local community and wider public.*
 - *Provide guidance to MUDC in complying with obligations under the Wildlife and Natural Environment Act (NI) 2011, ensuring council fulfil their Biodiversity Duty wherever possible.*
 - *Provide advice and contribute to the development of Habitat Regulations Assessments (HRAs) for council projects.*

1.3 Customers & Stakeholders

Customers & Stakeholders
● Council (Officers, Elected Members)
● Funding bodies (DEARA, DfC, EA, LCF, Sport NI, SIF)
● Community / educational programme (Sustainability / Biodiversity)
● Members of the General Public
● External Agencies – DfI-Roads, NIW, NIE, BT, NIEA, LPS, PSNI, NIHE, HSE, PHA, Disability Action, Sport NI
● District Council Working Groups – sustainability / biodiversity
● Legal departments / solicitors
● ICT Consultants / Contractors
● Environmental NGOs (e.g. The Conservation Volunteers, Sustainable NI, NIEL, Woodlands Trust, Groundwork NI, Ulster Wildlife, RSPB, BTO, BRT)
● Fairtrade Foundations
● Local Businesses

1.4 Performance Overview in 2019/20

The following table provides a progress summary and the impact made by last years' Service Plan (2019-2020). It also details key successes, a summary of the end of year progress, remaining challenges for the Service and how it made a difference.

Within Technical Services we assisted our various "Client Teams" in terms of CIP 1 & 4 as noted below.

The following pages outlines how we commenced / completed various Capital Programmes that made an impact to the district in terms of enhanced facilities that encouraged new visitors and supported communities to adopt healthier lifestyles.

Council's 2019/20 Corporate Improvement Plan and 4 associated objectives for 2019-20

1. To assist the growth of the local economy by increasing the number of visitors to our district.
2. To support people to adopt healthier lifestyles by increasing usage of Council Recreational Facilities.

2019/20 Performance Overview	End of Year Progress Status: Completed/Commenced/Other
<ul style="list-style-type: none"> Preparation of harmonised standard procedural guides for delivery of Capital Projects, reviewed in line with Service Improvement Workshop. 	<p>All Capital Projects have now achieved harmonised files with a capital procedure guide in place.</p>
<ul style="list-style-type: none"> Delivery of Capital Projects as noted: Good progress has been made across the Capital Project Delivery as outlined in the Capital Programme 2017-2020 and further detailed in the various Activity sections as noted in table below. Further progress has been made in relation to gaining approval for the MUDC capital framework 2020-2024 	<p>Projects completed during 2019-20 are detailed below indicating month completed and project costs.</p> <ul style="list-style-type: none"> 26 Projects completed. (18 Business and Communities, 8 Leisure projects which included 8 play parks provision improvements) Value of circa £6.75m Construction Costs Value of ICT / survey ancillary costs was circa £350k for these projects Currently Technical Services are responsible for management of 20 ICT teams with a total ICT fees value of circa £1.6m 12 Projects are currently at construction phase having total value of £
<ul style="list-style-type: none"> Activity has been made in the following work streams as detailed in link to CMP 2.2: regarding the Capital delivery programme for CRP 3.4 Sustaining our Environment- Develop & enhance parks, Play areas & open spaces to encourage Physical activity open the countryside in a sustainable manner to our community. Capital delivery programme for the MURDP Village Programme and enhance offering to countryside facilities 	<p>Leisure:</p> <ul style="list-style-type: none"> 6 Play park village schemes completed to the value of approx £400k 5 projects contracts awarded in '19 with completion due in summer '19 ICT team appointed for Dungannon Park. Project value £1m.

	<p style="text-align: right;">Cont.</p> <p>Business and Communities:</p> <ul style="list-style-type: none"> • 1 Project awarded for the Davagh Forest Hub to the value of circa £1m in Oct 18 with works commenced in Jan 19. • ICT team appointed for Connecting Pomeroy. Project value circa £5m.
<ul style="list-style-type: none"> • Activity has been made in the following work streams as detailed in link to CMP 1.3: regarding the Capital delivery programme for CRP 3.3 Sustaining our Environment- Create and build a sense of civic pride in towns and villages across mid Ulster. Programme Delivery for the Public Realm Schemes and the MURDP Village Programme 	<p>Business and Communities:</p> <ul style="list-style-type: none"> • Coalisland Public Realm - IST contractor appointed for the delivery of the project by Autumn 2020 with an IST cost of circa £2.5m • Maghera Public Realm – ICT team appointed to the value of circa £150k. • Dungannon public realm – Still to be finalised and adopted back by DFI roads. • 5 Village schemes completed to the value of circa £400k in 18/19. • Additional Magherafelt alleyways project to be completed in summer '19 following funding allocation to MUDC.
<ul style="list-style-type: none"> • Activity has been made in the following work streams as detailed in link to CMP 4.2: regarding the Capital delivery programme for CRP 1.3 Delivering for our People- High quality, responsive indoor and outdoor recreational services 	<p>Leisure:</p> <ul style="list-style-type: none"> • ICT team appointed for Gortgonis Leisure Centre with a project value of £4m

	<ul style="list-style-type: none"> IST contractor appointed for the Dungannon LC repairs to the value of circa £2.3m and commenced in May '19 and took 9 months to construct.
<ul style="list-style-type: none"> Activity has been made in the following work streams as detailed in link to CMP 1.1: regarding the Capital delivery programme for CRP 1.2 Delivering for our People- Increase access to services and customers experience across the district in progression of Capital projects associated with Culture & Arts Programme 	<p>Business and Communities:</p> <ul style="list-style-type: none"> IST procured for the Seamus Heaney home ground trails. – Ongoing. ICT appointed for Hill of the O'Neill project – Ongoing.
<ul style="list-style-type: none"> Activity has been made in the following work streams as detailed in link to CMP 2.2: regarding CRP 3.4 Sustaining our Environment- Develop & enhance parks, Play areas & open spaces to encourage Physical activity open the countryside in a sustainable manner to our community regarding develop and renew Biodiversity Action Plan and increase awareness of Biodiversity throughout the district. Biodiversity's officer's focus of activities concentrated on the community involvement in innovative sustainability projects through the creation of partnerships and provision of practical nature conservation/sustainability activities. Underlying ALL activities is a focus on raising people's awareness of fundamental sustainability parameters. 	<p>Biodiversity</p> <ul style="list-style-type: none"> Advice provided for development of HRAs. Partnerships maintained and developed to deliver biodiversity gain. Species database regularly updated, with records sent to national recording centre. 32 public and training events held to raise awareness of local biodiversity
<ul style="list-style-type: none"> Activity has been made in the following work stream as detailed in link to CMP 3.2: regarding CRP 4.3 Building unity – Implement an organisational strategy for a modern workplace. <ul style="list-style-type: none"> Sustainability officer's focus of activities were to develop, monitor and review a sustainability framework for MUDC and seek council approval and promote sustainability with holding minimum of 10 public events during the year Sustainability officer's focus of activities concentrated on the community involvement in innovative sustainability projects through the creation of partnerships and provision of practical nature 	<ul style="list-style-type: none"> 14 public events held throughout the district to promote sustainability projects with a further 5 events postponed due to COVID-19. This year MUDC had its inaugural Steering group meeting in February 2020 and this will go to ensuring we can apply for Fairtrade District Status. This year we were able to secure funding to promote sustainability through the NHLP programme.

conservation/sustainability activities. Underlying ALL activities is a focus on raising people's awareness of fundamental sustainability parameters.	
<ul style="list-style-type: none"> Activity has been made in the following work stream as detailed in link to CMP 4.2: regarding CRP 1.1 Delivering for our People- High performing services focussed on customer and value for money in regards to Bus Shelter and signage delivery. 	<ul style="list-style-type: none"> Amendments to the existing bus shelter policy planned for quarter 2. Signage templates have been developed during course of the year with new agreed template in operation for standard/dual language signage. Technical services no longer involved in installation of the signage (Roads) to the district as this process is Managed by Building Control and Property Services.
<ul style="list-style-type: none"> Activity has been made in the following work stream as detailed in link to CMP 5.2: regarding CRP 4.6 Building Unity – Promotion of minority languages in the district. 	<ul style="list-style-type: none"> Progress has been made in the roll out of the dual language facility signage programme but not yet fully completed. External signage has been installed to leisure facilities along with 2 Parks, 5 cemeteries. Internal Signage completed to Moneymore Rec, Dgn LC, Knockmany, Davagh and Brantry Forests. Due to departmental pressures in taking on a considerable amount of additional Capital programmes Tech/Services and Procurement had to delay the tender process for roll out of all signage to the District facilities.
<ul style="list-style-type: none"> Obtained Satisfactory Assurance rating for External Auditor (ASM) in February 2018 for delivery of Capital Projects – recommendations were noted and are being implemented during 2018/19. 	<ul style="list-style-type: none"> All items on audit have been addressed and being implemented in Capital Delivery.

2.0 IMPROVING OUR SERVICE AND MANAGING PERFORMANCE - 2020/21

The following tables confirm the resources, financial and people, which the Service has access to throughout 2020-21 to deliver its actions, activities and core business.

2.1 Budget 2020/21 - Draft to be finalised

Service Budget Headings	£
Technical Services	240,571
Sustainability	36,07
Biodiversity	29,822
Gross Budget	312,717
Income	(5,617)
Net Budget for 2020-21	307,100

2.2 Staffing Complement - 2020/21

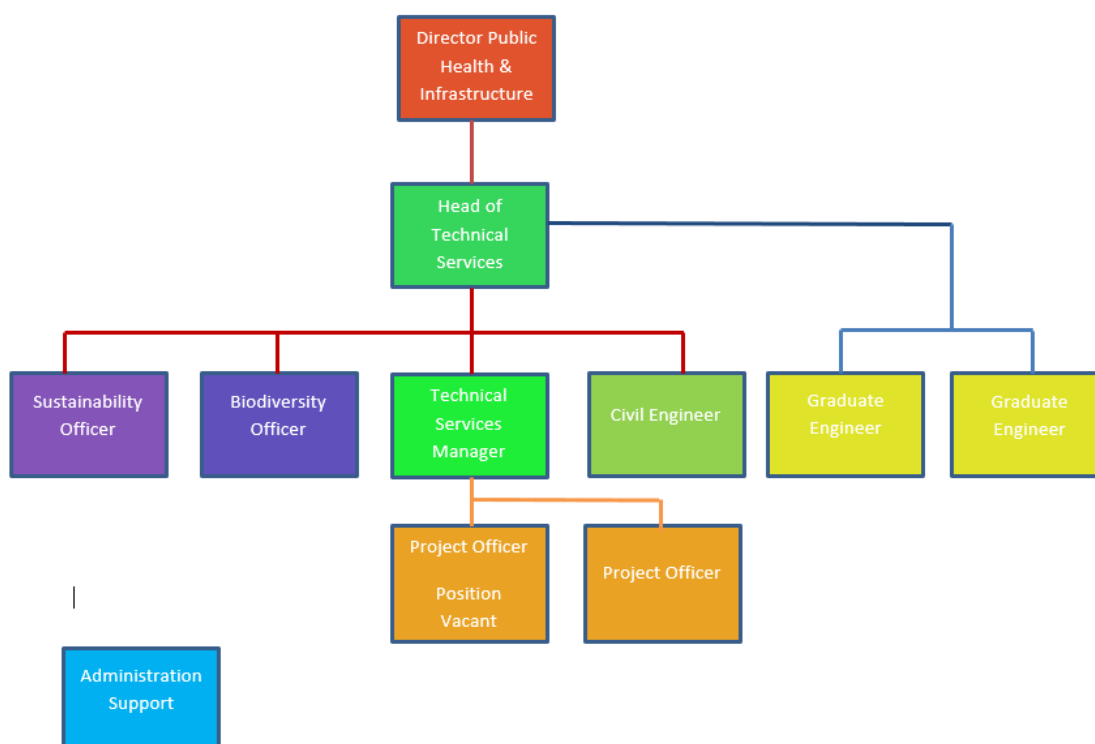


Figure 1

Staffing	No. of Staff
Head of Service	1
Managers	1
<i>Civil Engineer</i>	1
<i>Graduate Engineers</i>	2
<i>Project Officer</i>	2
<i>Sustainability</i>	0.43
<i>Biodiversity</i>	0.6
<i>Administration Support</i>	0.3
Remaining Team	0.0
Total	8.33

2.3 Service Work Plan - 2020/21

This plan confirms the core activities and actions, which will form your Service Work Plan for 2020-21. This is a high-level capture of the Service activities as well as some improvement undertakings which the service will focus on throughout 2020-21. The Plan links to the Council's new 2020-2024 Corporate Plan priorities, Annual Corporate Improvement Plan Objectives, Corporate Indicators and Mid Ulster Sustainable Community Plan themes & outcomes:

SERVICE WORK PLAN 2020/21

Service Objective (What do we want to achieve?):	Recovery Planning			
Link to Community Plan Theme:	Align to Corporate Plan Theme			
<i>CMP 5.1 Vibrant & safe Communities - We are a safer Community</i>	<i>Leadership: 1.3 We will work collectively to meet the identified needs and priorities of our citizens & connect the people of Mid Ulster</i>			
What are the key 'Business as Usual' activities we will deliver (actions):	By When (Date?)	Lead Officers(s)	What difference will it make? (Outcomes/outputs)	How Will we Know? (Measures)
COVID 19 Recovery Plan Issues – Capital Projects Define / review / establish process for Project Management of Capital Projects whilst confine to new government guidelines of social distancing etc.	Q2	JMcN ML RL (HoS)	Improved IT access to ensure projects can continue to progress through the various RIBA stages 0-4	Programme delays will be evident if projects are not progressed.
COVID 19 Recovery Plan Issues – Define / review / establish process for Sustainability delivery	Q2	YZ RL (HoS)	Due to current guidelines all events have been put on hold. Examine ways to progress / promote sustainability during "lock down"	Progress activity to be recorded and presented to council for information purposes.
COVID 19 Recovery Plan Issues – Define / review / establish process for Biodiversity delivery	Q2	ME RL (HoS)	Due to current guidelines all events have been put on hold. Examine ways to progress / promote Biodiversity during "lock down"	Progress activity to be recorded and presented to council for information purposes.
COVID 19 Recovery Plan Issues – Define / review / establish process for Bus Shelter delivery	Q2	JMcN JL RL (HoS)	By progression of this function the full implementation of the dual language signage can be rolled out to all facility venues.	Report to Council on monthly basis will record progress made.

COVID 19 Recovery Plan Issues – Define / review / establish process for Signage delivery	Q2	JMcN JL RL (HoS)	By progression of this function the full implementation of the dual language signage can be rolled out to all facility venues	Report to Council on monthly basis will record progress made.
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What Service Development/Improvement will we undertake in 2020/21? (actions):	By When (Date?)	Lead Officers(s)	What difference will it make? (Outcomes/outputs)	How Will we Know? (Measures)
We will examine all aspect of remote working (home) including how remote Team Meetings can be utilised to minimise face to face meetings, reduction in travelling time etc.	Q1	JMcN ML RL	This will ensure progress is made on scheme delivery and reduce carbon footprint of officers and professional advisors in that majority of meetings can be achieved through virtual platforms	Reduce mileage claims to the council compared to previous years

Service Objective (What do we want to achieve?):	e.g. write service objective here			
Link to Community Plan Theme:	Align to Corporate Plan Theme			
<i>CMP 2.2 Infrastructure - We increasingly value our environment & enhance it for our children</i>	<i>Economy: 3.5 We will have a prioritised, sustainably resourced programme of capital investment supporting the enhancement of facilities for local people & contributing to the regeneration of the district.</i>			
What are the key 'Business as Usual' activities we will deliver (actions):	By When (Date?)	Lead Officers(s)	What difference will it make? (Outcomes/outputs)	How Will we Know? (Measures)
Corporate Improvement Objective 4 We will contribute to the ongoing regeneration of our district by delivering a capital investment programme, enhancing facilities and opportunities for local people				
Completion of 15 number projects noted in Capital Programme delivery 2020-2024 to be delivered as approved by Council For Directorate of Leisure & Parks Services with a value circa £6m and commencement of a further 2 projects with a value of circa £5m	Q4	R L J McN M L	Completed schemes will have enhanced visitor experience with new/ refurbished facility upgrades. Upgrades will ensure facilities meet the public demand	Schemes will be completed and open to the public to use. Project costs will be presented to Env Committee on monthly basis
Completion of 3 number projects noted in Capital Programme delivery 2020-2024 to be delivered as approved by Council For Economic Development with a value circa £4.4m and commencement of a further project with a value of circa £2.5m	Q4	R L J McN M L	Completion of the Coalisland PR will enhance the local / visitor experience for the town. Dgn PR will see the closure of all outstanding defects and contract issues and handed back to DfI Roads. Maghera PR is planned to commence IST in Q4	Schemes will be completed and open to the public to use. Project costs will be presented to Env Committee on monthly basis

What Service Development/Improvement will we undertake in 2020/21? (actions):	By When (Date?)	Lead Officers(s)	What difference will it make? (Outcomes/outputs)	How Will we Know? (Measures)
<p>COVID – 19 pandemic has resulted in staff having to undertake a lot of their duties whilst working from home. We aim to use this period to reflect on the issues that have resulted from mid-March to look to improve the efficiency of the departmental responsibilities. We aim to review</p> <ol style="list-style-type: none"> 1. Process for ICT/IST Technical Meetings – new technology “Microsoft Teams” “Zoom” etc 2. Paperless office 	Q4	RL JMcN ML	Reduce officer time spent travelling to meetings	Reduction in mileage claims

Service Objective (What do we want to achieve?):		To deliver on Sustainability objectives		
Link to Community Plan Theme:		Align to Corporate Plan Theme		
<i>CMP 2.2 Infrastructure - We increasingly value our environment & enhance it for our children</i>		<i>Environment: 4.4 We will work to mitigate against impacts of climate change by taking steps to reduce our carbon emissions as an organisation.</i>		
What are the key 'Business as Usual' activities we will deliver (actions):	By When (Date?)	Lead Officers(s)	What difference will it make? (Outcomes/outputs)	How Will we Know? (Measures)
Corporate Improvement Objective 1 Mid Ulster District Council will seek to reduce the environmental impacts of our own activities and will contribute to the improvement of the wider environment through local action.	Q1-Q4	YZ, RL HoS JMcN	Less carbon emissions will assist in the Council assisting the national target of Climate Change targets	Regular reports to the working group will be presented to chart progress against proposed targets.
MUDC Climate change working group to be reviewed and establish departmental action points / goals for the programme delivery	Q1-Q4	YZ, RL HoS JMcN	Reduction in emissions will assist the overall objective targets for Climate Change	Report to Council will outline key objectives with what targets have been met.
Completion of all stages of Fairtrade Application (Stage 5 to complete) to enable MUDC to gain Fairtrade District status. Plan event around Fairtrade fortnight in February. Further promote Fairtrade within the Council facilities.	Q4	YZ	It will enable MUDC to gain Fairtrade District status and align with all other 11 District Councils in Northern Ireland.	Fairtrade District certification will be achieved.
Due to COVID-19 and "lock-down" imposed by government an initiative was established to promote sustainability from the gardens of your home. This promoted allotment style growing and has enable residents and community groups to engage in the sustainability ethos. As lock down eases a review will be required to establish benefits of its continuation	Q2	YZ	This initiative has given encourage to residents and their families in the sustainability issues around "growing from home".	Report will be taken to Council to review the initiative and give feedback on its success. Questionnaire results will published for the initiative.
Continued Allotment support to existing facilities and activity seek funding opportunities to deliver additional programmes	Q1-Q4	YZ	This will maintain encouragement to the users of the facilities.	Events will be facilitated and funding grant assistance will be disclosed.

What Service Development/Improvement will we undertake in 2020/21? (actions):	By When (Date?)	Lead Officers(s)	What difference will it make? (Outcomes/outputs)	How Will we Know? (Measures)
Streamline process for administration of bus shelter applications for the district	31/3/21	R Lowry J McNeill	Streamline process to delivery members request in a timely manner	Review annually and report monthly to council through the Env Committee
Promote use of virtual platforms for teams meeting in lieu of face to face office environment meetings	31/3/21	R Lowry J McNeill M Leavey	Reduce time spent travelling to meetings and reduction in mileage expenditure	Review annually and report monthly to council through the Env Committee
Have online response for Bus Shelters put on the website to reduce administration workload	31/3/21	R Lowry J McNeill	This will ensure all communication is transparent and reduce time spent in writing out to residents	Review annually and report monthly to council through the Env Committee

Performance Measures: <i>Should include any measures as outlined in work above and relevant measures from Community, Corporate, Performance Improvement Plan, Statutory, Corporate Health Indicators etc.</i>	Is the Measure, Statutory, Corporate, Existing, or New?	2017/18	2018/19	2019/20	2020/21 Target/Standard
Manage the Capital framework delivery plan and ensure all projects are delivered in timely manner in accordance with funding requirements	Corporate	2017-20 Capital Framework	2017-20 Capital Framework	2017-20 Capital Framework	2020-2024 Capital Framework
Bus Shelters	New measures			30 day response time for stakeholders to reply to queries	30 day response time as noted in 19/20

3.0 OUR STATUTORY CONSIDERATIONS

In carrying out our responsibilities, the Service is cognisant of the statutory duties placed upon the council in the delivery of its services. Whilst the Service operates, under various obligations it is however mindful of the changing context in which it operates and endeavours to mainstream the equality and rural needs duties in the design and delivery of our functions.

3.1 EQUALITY DUTY

The council and by consequence our Service is committed to contributing towards its part in working towards fulfilling obligations under Section 75 of the Northern Ireland Act 1998 to ensure adequate time, staff and resources to fulfil our duties.

The Service will also work towards adherence to the council's Equality Scheme ensuring equality duties, together with promoting positive attitudes towards persons with a disability and the participation of people with a disability in public life when carrying out our functions.

3.2 RURAL NEEDS DUTY

The Service will be mindful of the rural needs of its customers when carrying out its functions and subsequent responsibilities, particularly in developing any new policies, plans or strategies throughout the year. In line with the Rural Needs Act (NI) 2016 we will give due regard to rurality in terms of needs in carrying out the activities within our Service.

3.3 RISK MANAGEMENT OF SERVICE

The purpose of risk management is to manage the barriers which prevents the Council from achieving its objectives. This section of the service plan includes space for the Service to input their key risks (in summary form), which have been identified during the business planning process. The Council uses risk management to maximize opportunities and minimize risks. This improves its ability to deliver priorities and improve outcomes. This is why the Council deems it important to link business planning and risk management. Risk Management aims to:

- Help the Council achieve its overall aims and objectives
- Manage the significant risks the Council faces to an acceptable level
- Assist with the decision making process
- Implement the most effective measures to avoid, reduce and control those risks

- Balance risk with opportunity
- Manage risk and internal controls in the most effective way.

DRAFT

This table illustrates the risks identified to deliver the Services business in 2019-20.

Risk Ref Number	Description of Risk	Risk Rating	Mitigation Activity
1.	<i>Covid -19</i>	9	Legal advice NEC Contract guidance
2.	<i>Management of Contracts</i>	9	pre-cost estimates to be obtained and verified at RIBA stages in the contract(s) CE/ EW register developed within Contract File All Capital Projects exceeding £30k have NEC / JCT / formal contract clauses built in to ITT tender documents (4) Heads of Service regularly updated as to project status and invited to regular progress meeting. (2) Consistent approach to retention of data and recording of information across officer level exists.
3.	<i>Failing to protect environment.</i>	9	(1) Officer appointed with responsibility. (2) Procedures developed to ensure accurate measuring of results. (3) Manage within existing budgetary controls.
4.	<i>Failing to meet legal frameworks requirements as regards payments</i>	6	(1) Policies and procedures are in place within existing councils to meet legal frameworks requirements. Ensure adequate payment clause is inserted in all contract documents and this is included in all associated meetings (i.e. technical/Board Agenda)
5.	MUDC02. Delivery of Capital Project Schemes.	8	Business Case prepared and approved. Capital Project monthly review spread-sheet being developed for reporting on monthly basis to Senior Management team which will improve governance arrangements Expertise in-house and sourced externally. Framework developed for Departmental response times to enable projects to move freely and without delay.

			Procurement expertise in-house & policies/procedures in place. Regular monitoring meetings occurring. Regular reporting to SMT/Council/ stakeholders.
6.	Fraud, theft or bribery occurring within Technical Services	6	Essential staff have been trained in CPD procurement requirements Monitoring of invoices being submitted and verification from Contractors / Designers for fees owed to be carried out by HOS. Draft invoices for consideration issued to Project Officer/HoS/BS Manager. Process to have adequate evaluation carried out by suitably trained Council Staff who are regular trained on Council / CPD guidelines and appropriate time allocated to carry out the process. New process for authorisation of payments has been introduced since 1st April 2018. Agreed with Finance department and Director PH&I

As part of the recovery of the 1st wave of the Covid -19 pandemic, should a second or further waves occur we will switch to our emergency plans.

Rating	Descriptor
16 - 25	Extreme Risk (immediate action required)
10 - 15	High Risk (urgent action required)
7 - 9	Moderate Risk (action required)
1 – 6	Low Risk (keep under review)

Report on	Environmental Health Service Improvement Plan
Date of Meeting	7 th July 2020
Reporting Officer	Fiona McClements, Head of Environmental Health

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 of the content of the annual Service Plan for Environmental Health for 2020/21.
2.0	Background
2.1	As part of the corporate planning process, Service Improvement Plans are put in place within each service area. The Service Improvement Plan for 2020/21 for Environmental Health is attached at Appendix 1.
3.0	Main Report
3.1	<p>The Environmental Health Service is responsible for the following main core function areas across Mid Ulster District Council:</p> <ul style="list-style-type: none"> • Food Control • Consumer Protection • Public Health • Environmental Protection • Housing • Dog Control and Animal Welfare • Health & Safety • Health & Wellbeing Programmes • Licensing functions
3.2	<p>The Service Improvement Plan for 2020/21 includes the following areas:</p> <ul style="list-style-type: none"> • Purpose, scope and responsibilities of the services; • Customers and stakeholders; • Overview of performance 2019/20; • Staffing compliment for 2020/2021; • Action plan for 2020/21; • Risk Management/Register.
3.3	A full copy of the Service Improvement Plan is attached at Appendix 1. Attached at Appendix 2 is a summary of the main work carried out by the Environmental Health Service from 18th May to 19th June 2020.

4.0	Other Considerations
4.1	Financial, Human Resources & Risk Implications
	Financial: The planned actions within the Service Improvement Plan will be delivered within the annual services budget for 2020/21.
	Human: Environmental Health staffing allocation will be required to deliver statutory services and service improvements and targets.
	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 the Environmental Health Service Improvement Plan for 2020/21.
6.0	Documents Attached & References
6.1	Appendix 1: Service Improvement Plan for Environmental Health.
6.2	Appendix 2: Summary of the main work carried out by the Environmental Health Service from 18th May to 19th June 2020.



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Department Environmental Health

**SERVICE
PLAN
2020 / 21**

**At the Heart of Our
Community**

CONTENT

SECTION	TITLE	PAGE NUMBER
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1.3	Customers & Stakeholders	3
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1.0 OVERALL PURPOSE AND SCOPE OF THE SERVICE

1.1. Purpose and Scope of the Service

The Environmental Health Department is fundamentally about improving the health & wellbeing of local communities. Our work as outlined in this document makes important contributions towards all of the Council's key themes and objectives, but in particular, through aiming to keep our environment safe and where possible, promoting healthier choices.

The purpose of the Environmental Health Department continues to be the control of factors in the environment which can affect public health and safety within the realms of the Council's statutory obligations. This is mainly achieved by enforcing environmental health legislation in a reactive and proactive manner. The Department also plays a supportive, informative and advisory role in all aspects of Environmental Health including health and well-being.

1.2 Responsibilities

Regulatory and advisory work in relation to the following core function areas

1. Food Control
2. Consumer Protection
3. Public Health and Housing
4. Environmental Protection
5. Licensing
6. Dog Control and Animal Welfare
7. Health and Safety
8. Health and Wellbeing programmes

The section is specifically responsible for the following functions:

1.3 Customers & Stakeholders

Customers & Stakeholders
• Public Health Agency
• Food Standards Agency
• Health and Safety Executive Northern Ireland
• Northern Ireland Housing Executive
• Police Service of Northern Ireland
• Communities
• Residents
• Visitors to the District
• Businesses
• Department for communities
• Department of Agriculture, Environment and Rural Affairs
• Office of Product Safety and Standards

1.4 Performance Overview in 2019/20

The following table provides a progress summary and the impact made by last years' Service Plan (2019-2020). It also details key successes, a summary of the end of year progress, remaining challenges for the Service and how it made a difference.

1. *Delivering for Our People -High performing services focused on customers and value for money*
2. *Health and wellbeing of our community working together across agencies to focus on early intervention and prevention to reduce health inequalities*
3. *Economic Growth by providing support for Micro and SMEs*
4. *Vibrant and Safe Communities working towards having fewer people living in poverty and fewer areas of disadvantage in the community*

2019/20 Performance Overview	End of Year Progress Status: Completed/Commenced/Other
<ul style="list-style-type: none"> • 60% of all planning applications responded to within 21 working days 	52% of planning applications responded to within the 21 working days. 331 planning applications responded to. 2 public enquiries attended. Outstanding 2019 responses negatively affected 2020 response figures.
<ul style="list-style-type: none"> • Readiness to support MUDC businesses when Brexit decisions taken. 	Responded to all 100% of all business queries received in 2019/2020 regarding EU Exit.

<ul style="list-style-type: none"> 100% of Operational targets met in line with funding 	<p>Tobacco Control, Energy Efficiency and “Make a Change” targets were met in line with PHA Work Plan. All targets within Home Accident prevention were met except for a very small percentage of the over 65 visits not taking place due to COVID-19 during March. Some of the visits to families with children under 5 were also not carried out which had an effect on associated equipment delivery during COVID-19.</p>
<ul style="list-style-type: none"> Identify and meet with key stakeholders in local air quality on 2 occasions 	<p>Key stakeholders were met with on 1 occasion with regard to updating and amending Council Action Plan. Updated action plan has also been forwarded to Council Climate Change Group. March 2020 meeting postponed due to the Covid-19 situation.</p>
<ul style="list-style-type: none"> Assess and process 100% of compliant caravan parks within MUDC 	<p>Annual inspections completed for 2 of the 3 licenced sites. The visit to the remaining site scheduled for Q4 prior to the new spring / summer 2020 season commencing was not completed due to inspections ceasing with the Covid 19 situation.</p>
<ul style="list-style-type: none"> 85% of Food Standards (FS) Category A inspections to be carried out 	<p>100% of Food Standards Category A inspections carried out.</p>
<ul style="list-style-type: none"> Respond to 100% of House of Multiple Occupation (HMO) consultations within agreed timescale 	<p>No consultations received during this period</p>

2.0 IMPROVING OUR SERVICE AND MANAGING PERFORMANCE - 2020/21

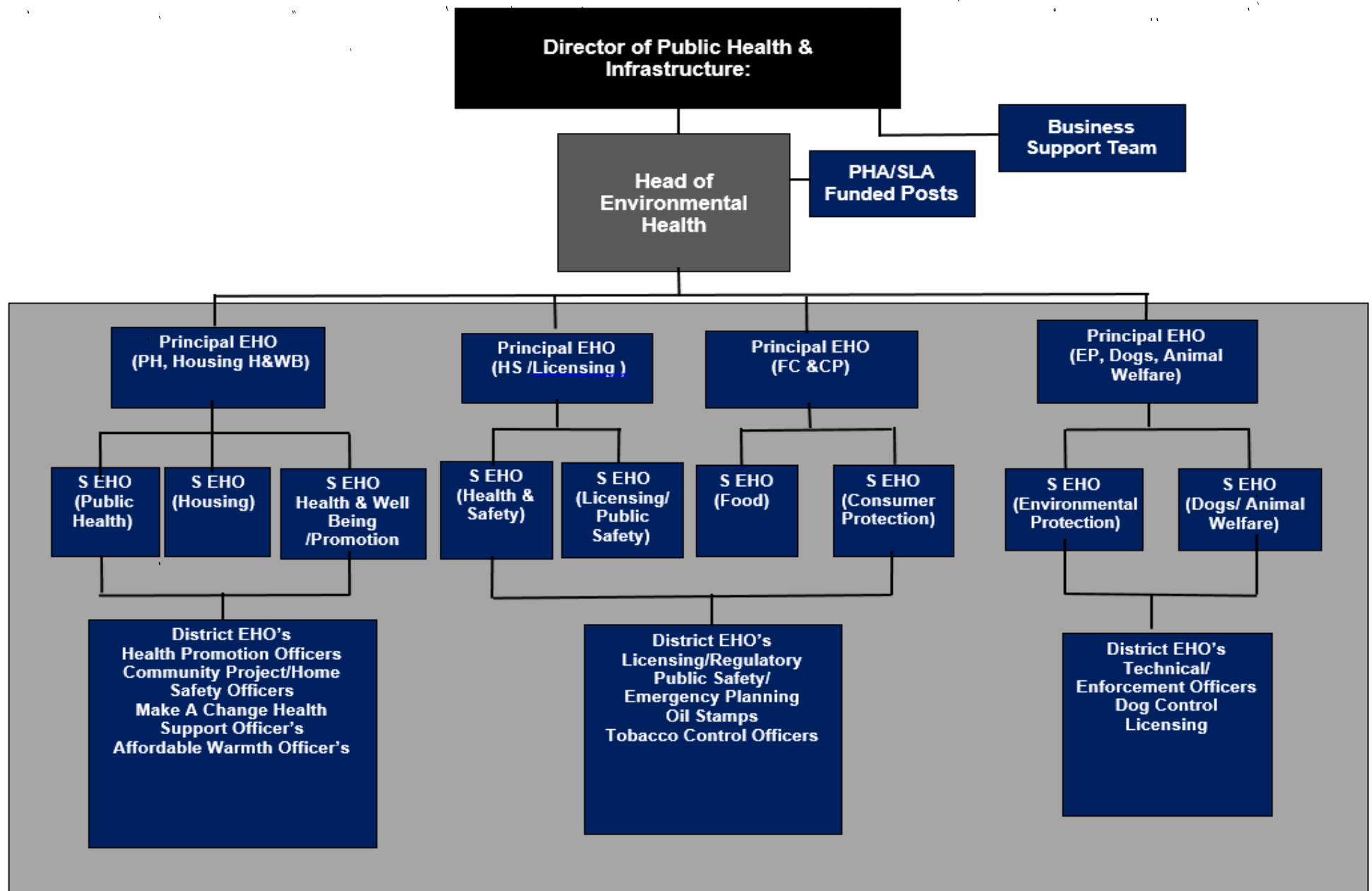
The following tables confirm the resources, financial and people, which the Service has access to throughout 2020-21 to deliver its actions, activities and core business.

2.1 Budget 2020/21 - Draft Budget (June 2020)

Service Budget Headings	£
Affordable Warmth Programme Total	tbc
Consumer Protection Total	475
Dog Control including Enforcement Total	175685
Environmental Health : General /Support Total	1,345,050
Food Safety Total	(76,095)
Health and Safety at Work Total	100
Health and Wellbeing	35,650
Health Inequalities Total	54,018
Home Accident Prevention Total	44,587
Home Energy Total	(4,433)
Other Licensing Total	(10,460)
Neighbourhood Total	6,000
Oil Stamps Total	Tbc
Pollution Control/Clean Air Total	(50,092)
Public Health Total	(3,230)
Gross Budget	2,109,606
Income	(592,351)
Net Budget for 2020-21	1,517,255

2.2 Staffing Complement – 2020/21

See Departmental Structure below



Staffing	No. of Staff
Head of Service	1
Managers	4 Principals 9 Seniors
Officers	25
Health & Wellbeing Team	7
Total	46

2.3 Service Work Plan - 2020/21

This plan confirms the core activities and actions, for EH for 2020-21. This is a high-level capture of the Service activities as well as some improvement undertakings which the service will focus on throughout 2020-21. The Plan links to the Council's new 2020-2024 Corporate Plan priorities, Annual Corporate Improvement Plan Objectives, Corporate Indicators and Mid Ulster Sustainable Community Plan themes & outcomes:

The social and economic disruption of COVID-19 has had and will continue to have a significant impact on our District, our citizens, the services we provide and the way we provide them. As lockdown restrictions ease, social distancing measures are enacted in the workplace and service provision gradually recovers, transitions and adapts to the 'next normal', the Council must consider the impact of COVID-19 on the plans which are currently being developed at all levels of the Service Planning and Performance Management Framework. The service has therefore included some of its recovery activities in this plan. How well we plan ahead now will determine how well we adapt to the challenges and opportunities within the post COVID-19 environment.

Service Objective (What do we want to achieve?):	e.g. Write service objective here			
Link to Community Plan Theme:	Align to Corporate Plan Theme			
CMP 1.3 Economic Growth - Our Towns & Villages are vibrant & competitive	Leadership: 1.3 We will work collectively to meet the identified needs and priorities of our citizens & connect the people of Mid Ulster			
What are the key 'Business as Usual' activities we will deliver (actions):	By When (Date?)	Lead Officers(s)	What difference will it make? (Outcomes/outputs)	How Will we Know? (Measures)
Work with other internal and external partners to provide support and guidance to business. Provide advice and guidance on food hygiene and safety matters to Food businesses when COVID-19 rules are less restrictive and food premises are preparing to re-open and changing their business models.	31/03/21	MM	Support for business in changing COVID-19 situation. Ensure that businesses have ready access to Food Hygiene & Food Standards advice and guidance. 90% of all queries responded to within 5 days.	Businesses will have access to the necessary Food Hygiene & Food Standards advice and guidance whilst preparing to change their business models and/or re-open after a period of closure helping to ensure food safety
Work with other internal and external partners to provide support and guidance to business. Provide advice and guidance on Health and Safety matters to relevant businesses when COVID-19 rules are less restrictive and premises are preparing to re-open	31/03/21	MP	Businesses who are intending to or who have resumed their work activities are supported to ensure that they take all reasonable steps to protect their employees and others who may be affected by the risks associated with Covid-19 in the workplace.	All requests from business operators for advice, guidance and advisory visits will be responded to within 5 days
Ensure Environmental Protection support and guidance provided to Pollution Prevention Control (PPC) premises in line with regulations and fee structure	31/03/21	CB	Provide support for business in changing COVID-19 situation through a revised service delivery model to ensure continuity of service provision to the 47 registered Pollution Prevention Control premises.	Businesses will have access to the necessary Environmental Protection support in line with Pollution Prevention Control regulations. 90% of all related Environmental Protection complaints to be responded to within 3 days.

Provide support on request to the MUDC climate change working group. Monitor current levels of air quality within the District, through maintenance of air quality monitoring network. Replace No2 tubes monthly. Additional 3 monitoring tubes in Magherafelt to monitoring background NO2 levels. Assess Pollutant levels against recognised standards in line with air quality objectives	31/03/21	CB	This will ensure that MUDC adequately monitors the District for air quality issues and takes suitable steps where exceedances of air quality objectives are noted. Investigation of air quality nuisance complaints, with appropriate action to resolve the problem	Submission of annual monitoring report. 85% of complaints responded to within 3 days
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What Service Development/Improvement will we undertake in 2020/21? (actions):	By When (Date?)	Lead Officers(s)	What difference will it make? (Outcomes/outputs)	How Will we Know? (Measures)
Health & Wellbeing key messages to be delivered taking into account the COVID -19 situation. Exploration of extended customer journeys through enhanced integration of services with leisure and parks teams to maximise benefit for customers.	31/03/21	AC	Maximising every existing contact within the 300 existing clients of the Health & Wellbeing programmes of energy efficiency, home accident prevention and "Make a change" within the Funded target audience to help support clients with key messages in the ongoing Covid -19 situation	300 clients on the existing programme re-engaged with to provide support on key messaging and to provide onward signposting as appropriate through integration with the parks and leisure services.
With respect to EU Exit, assist and advise businesses regarding changes in regulatory checks and controls which fall under EH remit.	31/03/21	MM	Support for business in advance of pending EU Exit. Ensure that businesses have access to relevant advice and assistance. 90% of all complaints responded to within 5 days.	Businesses that require advice or assistance will have access to the necessary advice and assistance to help ensure continued safe production of compliant product.

Service Objective (What do we want to achieve?):	e.g. write service objective here			
Link to Community Plan Theme:	Align to Corporate Plan Theme			
CMP 4.1 Health & Wellbeing - We are better enabled to live longer healthier & more active lives	Leadership: 1.3 We will work collectively to meet the identified needs and priorities of our citizens & connect the people of Mid Ulster			
What are the key 'Business as Usual' activities we will deliver (actions):	By When (Date?)	Lead Officers(s)	What difference will it make? (Outcomes/outputs)	How Will we Know? (Measures)
Respond to Public Health (PH) complaints as per Public Health & Housing unit plan targets	31/03/21	AC	Respond continuously to Public Health complaints as per Public Health & Housing unit plan	Complaint resolution as per operational targets and mechanisms (85% responded to within 5 working days).

What Service Development/Improvement will we undertake in 2020/21? (actions):	By When (Date?)	Lead Officers(s)	What difference will it make? (Outcomes/outputs)	How Will we Know? (Measures)
Review and develop new methods of service delivery to minimise H&S risks from COVID-19 across EH	31/1/8/20	HoS/Principals	Improved efficiency when resolving complaints while maximising staff safety	Revised protocols across all core function areas.
Development of new delivery models for how Health & Wellbeing key messages can continue be delivered to the target audience already within the Environmental Health database during the various stages of COVID-19. Work with internal partners to update and maximise referral pathways	31/03/21	AC	Establishment of new pathways to receive referrals allowing wider communications opportunities for delivery of key messages	Provision of key messages and information to those within the Health & Wellbeing database and those accessible through further connections with leisure and parks sections

What Service Development/Improvement will we undertake in 2020/21? (actions):	By When (Date?)	Lead Officers(s)	What difference will it make? (Outcomes/outputs)	How Will we Know? (Measures)
Further development of remote and rotational working arrangements for Environmental Health staff with adequate technology in place to facilitate fully operational office environment to ensure business continuity in any current or future situation. Use of Teams for meetings to continue and Environmental Health staff to be provided with suitable computer hardware such as laptops. Continued usage and support for web based platforms.	30/9/20	FMCC/Principal EHOs	Increased efficiency for resolution of complaints as readily available data irrespective of base location. Reduced carbon footprint in line with climate change measures	Minimal disruption to core function targets during any disruption. Increased staff safety. Reduced mileage for attendance at meetings

Performance Measures: <i>Should include any measures as outlined in work above and relevant measures from Community, Corporate, Performance Improvement Plan, Statutory, Corporate Health Indicators etc.</i>	Is the Measure, Statutory, Corporate, Existing, or New?	2017/18	2018/19	2019/20	2020/21 Target/Standard
The Dogs (Northern Ireland) Order 1983 makes provision for the licensing of dogs. Article 52 of the Order requires Councils to provide information relating to the operating of the Order as required by DAERA.	Existing	Returns made	Returns made	Returns made	Statistical return to be made
Food standards Agency: Data comprises of statutory return consisting of numbers of food hygiene and food standards inspections undertaken across the range of risk categories; number and type of food premises in the DC; number and type of samples taken - for microbiological purposes and for composition and labelling purposes; all enforcement actions; number of staff (FTE); promotional food safety and standards work undertaken.	Existing	Returns made	Returns made	Returns made	Statistical Return to be made
PHA targets for Home accident prevention, Energy efficiency and Make a change programmes for Health and wellbeing improvement across the targeted sections of the MUDC population.	Existing	Targets met	Targets met	Some slippage due to COVID-19	Revised measures due to COVID-19

3.0 OUR STATUTORY CONSIDERATIONS

In carrying out our responsibilities, the Service is cognisant of the statutory duties placed upon the council in the delivery of its services. Whilst the Service operates, under various obligations it is however mindful of the changing context in which it operates and endeavours to mainstream the equality and rural needs duties in the design and delivery of our functions.

3.1 EQUALITY DUTY

The council and by consequence our Service is committed to contributing towards its part in working towards fulfilling obligations under Section 75 of the Northern Ireland Act 1998 to ensure adequate time, staff and resources to fulfil our duties.

The Service will also work towards adherence to the council's Equality Scheme ensuring equality duties, together with promoting positive attitudes towards persons with a disability and the participation of people with a disability in public life when carrying out our functions.

3.2 RURAL NEEDS DUTY

The Service will be mindful of the rural needs of its customers when carrying out its functions and subsequent responsibilities, particularly in developing any new policies, plans or strategies throughout the year. In line with the Rural Needs Act (NI) 2016 we will give due regard to rurality in terms of needs in carrying out the activities within our Service.

3.3 RISK MANAGEMENT OF SERVICE

The purpose of risk management is to manage the barriers which prevents the Council from achieving its objectives. This section of the service plan includes space for the Service to input their key risks (in summary form), which have been identified during the business planning process. The Council uses risk management to maximize opportunities and minimize risks. This improves its ability to deliver priorities and improve outcomes. This is why the Council deems it important to link business planning and risk management. Risk Management aims to:

- Help the Council achieve its overall aims and objectives
- Manage the significant risks the Council faces to an acceptable level
- Assist with the decision making process
- Implement the most effective measures to avoid, reduce and control those risks
- Balance risk with opportunity
- Manage risk and internal controls in the most effective way.

This table illustrates the risks identified to deliver the Services business in 2020/21.

Risk Ref Number	Description of Risk	Risk Rating	Mitigation Activity
1.	Food Control and Brexit	6	Keep up to date with FSA/ DAERA and related guidance at local, regional and national level. Provision of adequate levels of EHOs (Food control) for support to relevant businesses.
2.	GDPR	6	Reminders at staff meetings
3.	Road Closures	4	Information widely available
4.	No Co-ordinated on-call food arrangement	6	Relying on food officers answering phones out of hours
5.	Fraud, bribery and theft	6	MUDC policies in place
6.	Health and safety especially in line with risks of infection especially COVID-19	12	Risk assessment to be reviewed for all staff and working practices to be reconsidered for COVID-19. Reviewed methods of delivery. Use of white board within offices for lone working.
7.	Transfer of HMO function to Councils	2	Service Level Agreement with Belfast City Council
8.	Complaints arising through the accelerated introduction of pavement cafes	6	Guidance and application requirements in place.

As part of the recovery of the 1st wave of the Covid -19 pandemic, should a second or further waves occur we will switch to our emergency plans.

Rating	Descriptor
16 - 25	Extreme Risk (immediate action required)
10 - 15	High Risk (urgent action required)
7 - 9	Moderate Risk (action required)
1 – 6	Low Risk (keep under review)

Main EH work for the period 18th May - 19th June. (approx. 4 weeks)

Health and safety, public safety and licensing

- 182 health and safety service requests have been received and actioned comprising of 89 requests for advice on restricted premises or social distancing, and 41 complaint investigations relating to restricted premises and social distancing issues .
- 48 service requests relate to normal licensing issues, which have been progressed in the usual manner
- Street trading and amusement permit licensing has continued as normal
- Investigative work and visits in relation to two fatal accidents and one major injury involving a young person is ongoing.
- Proactive mailshots have been sent out with letter and advice to:
 - Childcare settings
 - Funeral directors (2nd mailshot with updated information from Dept of Health)
 - Golf clubs
- Work on preparing to implement the pavement café licensing regime has taken place and is ongoing.
- Distributing H&S guidance to various sectors as it becomes available.

Public health, housing and Health and well-Being

- 138 Public Health service requests have been received and actioned
- 11 Private Tenancy service requests have been received and responded to
- Support was given by 3 members of staff to the community Hub on a weekly basis with weekly monitoring reports compiled and forwarded to DfC and Trust.
- Daily calls were made to members of Agewell to help with social isolation
- Follow up calls have been made with participants of the Make a change programme to ensure lifestyle support is sustained. Contacts have been made for Home accident work, energy efficiency and some equipment deliveries have been made.

- Work is ongoing to get a remote “slow cooking” programme up and running for those in food poverty. A short video demo of a slow cooker recipe has been made by Officers.
- Work is ongoing with maintaining the age friendly programme in order to secure funding for the next two years.
- Preparations made for the first Zoom call for Sure start for Home accident prevention work messages to be communicated.

N.B one member of staff was redeployed to Environmental services (0.5FTE)

Environmental protection and dog control

- 134 Service Requests have been received and responded to in comparison to 80 in the same period for last year. 72 were noise complaints and the noise procedure was worked through in the usual manner and outdoor monitoring undertaken for any complaints that had monitoring sheets returned. 22 noise complaints related to parties/ TV etc. and 25 to domestic animals, 6 to anti-social behaviours, and 19 fly-tipping complaints. Visits were undertaken as necessary and referrals made in the usual manner to NIEA and Environmental Services where appropriate. 9 odour complaints were received and actioned
- 45 Planning applications were responded to involving a number of background noise levels being monitored and site visits were undertaken for a number of these consultations.
- Air Quality monitoring continued through this period and visits were made to change 43 diffusion tubes at 21 sites throughout the District.

NB 1.5 FTE staff members redeployed during this period to Environmental services

- 80 dog complaints were received and dealt with. Reported strays and unwanted dogs were collected during this period through a scheduled collection system. All cases of attacks on livestock and persons have been investigated.
- 629 dog licences have been issued during this period with follow up phone calls to outstanding licence owners made.

Food Control and Consumer Safety

- 17 Category A & B food businesses (high risk) contacted and relevant information remotely assessed as per Food Standards Agency correspondence, contact recorded as surveillance under a specific COVID-19 Tascomi code for ease of retrieval.
- 15 businesses contacted re East/West checks for export/import/food brokering trade between Northern Ireland and GB.

- 37 butcher premises returned information on traceability, which was assessed remotely by officers.
- 63 service requests for food function, included queries re social distancing, re-opening, new premises, request for allergen information, Export Health Certificates, advice on safe catering records, FHRS queries, query re new approved establishment, query re registered premises, alleged illness, hygiene handling practices, food labelling, allergen complaint.
- 9 infectious disease notifications actioned.
- 12 online new food business applications plus 4 postal applications received and guided through registration and starting up process.
- 1 application for new approved establishment received and guided through the approval application process.
- 7 consumer protection service requests, including 1 complaint, received and actioned.
- 2 tobacco control service requests received (advice on smoking shelters/methanol cigarettes).
- Fuel stamp delivery has continued on a 1-2 deliveries per week basis.

There are currently 3 officers from the food team who have been re-deployed to assist with H&S or public health duties during this time.

Report on	Noise Complaint Statistics for Mid Ulster District Council 2019/ 2020
Date of Meeting	7 th July 2020
Reporting Officer	Fiona McClements, Head of Environmental Health

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	This report is compiled to inform members of the number of noise complaints received by Mid Ulster Council in the 2019/2020 financial year. The Environmental Health Service is required to make an annual return on noise statistics to the Department of Agriculture, Environment and Rural Affairs (DAERA).
2.0	Background
2.1	In the last financial year, the Council's Environmental Health Service received 375 noise complaints. The complaints relate to a wide spectrum of activities from noisy neighbours, barking dogs, industrial noise and noise from entertainment premises.
2.2	When complaints are received officers will send out a 'warning letter' to the person or the business complained of outlining the fact that a complaint has been received and specifying as clearly as possible what the complaint relates to. The letter provides contact details for the officers involved and advises that the person complained of can contact the officer to discuss the nature of the complaint. Most people do not wish to disturb others, and on most occasions the complaint can be resolved at this stage.
2.3	When the initial warning letter is sent out, the complainant is also sent out monitoring sheets that can be completed over a period of about three weeks if the noise complained of does not stop.
2.4	This year has also seen the introduction of the 'noise app' by the Environmental Health Service. This allows the complainant to record the noise complained of to their mobile phones and forward to Environmental Health via the app. The app records the date, time and location of the recording.
2.5	The noise app is helping to evaluate the noise complained of and has enabled prioritising resource towards the most urgent complaints. It is also helping to filter out those complaints that are unlikely to be substantiated and is saving valuable time and resource from having to chase up these complaints. The app is proving an extremely effective tool with regard to this matter.

2.6	If noise app recordings or the monitoring sheets indicate that further monitoring may be required, officers will arrange the installation of a noise monitor at the complainant's property. Following this monitoring, officers will make a decision on whether or not the noise complained of is sufficient to be considered a 'Statutory Nuisance'.
2.7	If the monitoring reveals that noise continues to be a problem sufficient to constitute a Statutory Nuisance an 'Abatement Notice' will be served. The 'Abatement Notice' requires the noise maker to take sufficient steps to either stop making the noise in question, or to reduce it to such a level that it no longer causes a problem. Failure to comply with the terms of the Abatement Notice is likely to lead to formal action being pursued by the Council.
3.0	Main Report
3.1	The total number of complaints received in the 2019/20 year was 375. This is broadly consistent with previous years' returns for the Council with an average of 393 complaints being made over the previous four years.
3.2	The complaints are broken down into numerous categories. Animal noise is consistently the most complained about category. This year the Service received a total of 194 (51.7%) complaints regarding animal noise. Animal noise covers noise from all animals, but it is overwhelmingly dogs that are the source of most of the complaints.
3.3	Mid Ulster also receives a comparatively large volume of complaints regarding industrial sources. To date Mid Ulster has had the highest number of industrial noise complaints for Northern Ireland Councils in each of the previous 4 years with an average of 24 complaints each year. Industrial noise complaints tend to be more complex than most other noise complaints, and can often be costly and difficult to resolve. This has a corresponding impact on resource both in terms of officer time and the use of specialist monitoring equipment for the Environmental Protection section.
3.4	There were 16 complaints received in relation to construction noise in this financial year. Domestic noise complaints make up 70% of complaints received in Mid Ulster compared with approximately 81% for Northern Ireland as a whole.
3.5	Mid Ulster served a total of 4 Abatement Notices last year spread out among domestic (dogs) and industrial and sporting sectors.
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: N/a
	Rural Needs Implications: N/a
5.0	Recommendation(s)
5.1	Members to note of the main points regarding noise complaints highlighted in this report.
6.0	Documents Attached & References
6.1	Appendix 1 – Noise Complaint Statistics 2019/2020

Noise Complaint Statistics Northern Ireland 2019/2020

Council Name: Mid Ulster District Council

Returning Officer: Conor Breslin

Contact Address: Council Offices

Burn Road

Cookstown

Co. Tyrone

Telephone: 03000 132 132

e-mail: conor.breslin@midulstercouncil.org

Signed:

Date:**28th May 2020**

Category of Source		Total Complaints Received	Number of Notices Served (under section 58 and 63/65 CNEA)	Number of Prosecutions (under section 65 CNEA)
Industrial	Industry/Manufacturing/Workshops	36	1	0
	Agricultural	13	0	0
	Wind Turbine (individual turbine)	0	0	0
	Wind Farm	0	0	0
Commercial & Leisure	Entertainment Premises	8	0	0
	Sports & Leisure	8	1	0
	Filling Stations / Car Wash	0	0	0
	Hot Food Bars / Restaurants	1	0	0
	Other Shops & Offices	0	0	0
	Security Alarms	1	0	0
	Other	8	0	0
Domestic	DIY	7	0	0
	Music / Television / Parties	45	0	0
	Animal Noise	194	2	0
	House Alarms	2	0	0
	Other neighbour noise	16	0	0
Construction	Construction Sites /Demolition Works	16	0	0
Transport	Road Vehicles	6	0	0
	Railways	0	0	0
	Civil Aircraft	0	0	0
	Military Aircraft	0	0	0
	Delivery Vehicles	1	0	0
	Vehicle Alarms	0	0	0
	Vehicle horns/revving engines/noisy exhausts	6	0	0
Noise in Street	Loudspeakers	0	0	0
	Road works	0	0	0
	Ice Cream Van Chimes	0	0	0
	Street Traders	0	0	0
	Street Performance/Public Address	0	0	0
	Children Playing	0	0	0
	Antisocial behaviour	7	0	0
	Other	0	0	0
TOTAL		375	4	0

Noise Act 1996

(as extended by Clean Neighbourhood and Environment Act)

	Warning Notices	Fixed Penalty Notices	Prosecutions	Seizures
Dwelling	0	0	0	0
Premises with exhibition licence	0	0	0	0
Premises with entertainment licence	0	0	0	0

Licenced premises	0	0	0	0
Premises with an occasional licence	0	0	0	0
Premises where meals/refreshments are supplied	0	0	0	0
Premises occupied by a registered club	0	0	0	0

Additional Information

Number of alarm notification areas designated pursuant to CNEA

0

Number of instances where a council officer has entered premises (without force) to silence an alarm

0

Number of instances where a council officer has entered premises (with force pursuant to a magistrate's warrant) to silence an alarm

0

Initiatives or schemes adopted to:

Increase noise awareness

Advice is provided on the Council web-site giving general information on noise control measures, and being responsible dog owners. Complainants can also report a problem online

Assist in controlling noise

Most complaints regarding barking dogs receive a visit from one of the Enforcement Officers who gives advice on responsible dog ownership, and methods of controlling dog barking.

The Council also works closely with both the PSNI and the NIHE in dealing with noise complaints on an inter-agency basis, with complaints to the PSNI being passed on to the Council, and the NIHE being advised of any complaints relating to their properties

The Environmental Health Service provides comment on many planning applications each year regarding potential noise disturbance. Potential problems are addressed at this stage to prevent noise issues arising when the proposed development is complete.

Aid enforcement

In common with most District Councils the vast majority of complaints to the department will result in a warning letter being sent to the person allegedly responsible for the disturbances, with monitoring sheets being sent to the complainant. If the warning letter does not result in an improvement and the complainant returns the monitoring sheets, an EHO will arrange for the Matron Noise Monitor to be left at the complainant's home to determine if there is any justification to the complaint. The majority of complaints are resolved by the sending of the warning letter.

The Environmental Health Service has also introduced the noise app during this year allowing complainants to record the noise they are complaining of on their mobile phone. This can then be submitted to the Environmental Health Service via the app. This records the noise in question and provides information on the date, time and location recorded. This helps substantiate complaints and provides good information to help officers evaluate and prioritise complaints. It also helps to filter out those complaints that are unlikely to be a nuisance saving time and resource in pursuing these complaints.

If monitoring indicates that there is a statutory nuisance an Abatement Notice will be served, with the possibility of legal proceedings should this be breached.

Justification or comments on notable/unusual results or changes in the nature of type of complaints received