

<b>Report on</b>	Derelict Buildings and Dilapidated Structures
<b>Date of Meeting</b>	11 <sup>th</sup> May 2021
<b>Reporting Officer</b>	Fiona McClements

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

<b>1.0</b>	<b>Purpose of Report</b>
1.1	To update members on the legal powers available to Council for dealing with Derelict Buildings and Dilapidated structures.
<b>2.0</b>	<b>Background</b>
2.1	The issue of Dilapidated and Dangerous Buildings and Neglected Sites has a negative impact on the visual amenity, public health and economic growth of a local authority and can often lead to an increase in anti-social behaviour.
2.2	There are a number of different pieces of legislation which could be relevant in any given scenario which are under the remit of different departments and organisations.
2.3	In 2016 DoE published a policy consultation on Dilapidated / Dangerous Buildings and Neglected Sites.
2.4	The purpose of the consultation was to gain views on the most appropriate approach to be taken in developing a legislative regime to address dilapidated / dangerous buildings and neglected sites.
2.5	The consultation stated that, "Ultimately, the desired outcome is that councils will have access to an effective, fit for purpose, regime that is applied consistently and proactively across all council areas, thereby enhancing the environment for all".
2.6	Several departments including Environmental Health, Building Control and Planning contributed to a joint consultation response which was presented by the Head of Building Control to the Environment Committee in 2016.
2.7	The agreed response confirmed Council's position that the development of the current policy consultation was strongly welcomed by Council, and that Council believed that the suite of existing provisions did not deliver the standards required for unoccupied buildings and sites within local communities. In order to reduce the adverse impacts from such buildings and sites and in order to best support local efforts to regenerate and develop local areas, Council stated in their response that they believed that an updated statutory regime was necessary.

2.8	By way of a refresh, the full consultation response that was made at the time is attached at Appendix 1.
2.9	Environmental Health are not aware of any updates from the Department of the Environment to the 2016 consultation.
<b>3.0</b>	<b>Main Report</b>
3.1	<p>There are a number of existing pieces of legislation available to the council relevant to dealing with Dilapidated sites and dangerous structures. As some of this legislation is not under the Environmental Health remit they are not considered further in this paper but would need to be taken into consideration in determining any future Council policy on the issue.</p> <p><b><u>Article 66</u></b></p>
3.2	This article in the Pollution Control and Local Government (NI) Order 1978 is entitled 'Ruinous and Dilapidated Buildings and Neglected Sites' and has been used in the past by Environmental Health to deal with complaints about ruinous or dilapidated structures
3.3	The legislation states that if it appears to a District Council that a building or structure is by reason of its ruinous or dilapidated condition is seriously detrimental to the amenities of the neighbourhood, the District Council <b>may</b> issue a notice to require the owner to execute such works of repair or restoration <b>or</b> if the owner so elects to take such steps for demolishing the building or structure, or any part of it and removing any rubbish or other material resulting from or exposed by the demolition as may be necessary in the interest of amenity.
3.4	The use and limitation of this article have long been an issue for Councils and several years ago in around 2010 a regional group of Environmental Health Officers prepared some advice notes on the use and limitations of using this legislative provision. This paper has been based on technical knowledge from EHOs and is not a definitive legal opinion.
3.5	In general, where a complaint is received, the Environmental Health department will endeavour to identify the owner of the property or site and try to informally reach a solution.
3.6	On some occasions EH are able to get the cooperation from the owner to take actions to secure the property, thereby preventing any unauthorised access. In recent months a number of cases of derelict buildings have been referred to Environmental Health from PSNI due to their concerns about anti-social behaviour associated with derelict buildings.
3.7	Due to the limitations of the current legislation as outlined, it is recommended that Council write to the Minister of the Environment to seek clarification on the outcome of the 2016 consultation and any proposed way forward.

<b>4.0</b>	<b>Other Considerations</b>
<b>4.1</b>	<b>Financial, Human Resources &amp; Risk Implications</b>
	Financial: Potential for MUDC to carry out works in default.
	Human: Staff time
	Risk Management: N/a
<b>4.2</b>	<b>Screening &amp; Impact Assessments</b>
	Equality & Good Relations Implications: N/a
	Rural Needs Implications: N/a
<b>5.0</b>	<b>Recommendation(s)</b>
5.1	Due to the limitations of the current legislation as outlined, it is recommended that Council write to the Minister to seek clarification on the outcome of the 2016 consultation and any proposed way forward.
<b>6.0</b>	<b>Documents Attached &amp; References</b>
6.1	Appendix 1 – MUDC response to the 2016 consultation.