



02 December 2021

Dear Councillor

You are invited to attend a meeting of the Policy & Resources Committee to be held in The Chamber, Magherafelt and by virtual means Council Offices, Ballyronan Road, Magherafelt, BT45 6EN on Thursday, 02 December 2021 at 19:00 to transact the business noted below.

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

Yours faithfully

Adrian McCreesh
Chief Executive

AGENDA

OPEN BUSINESS

1. 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. | Report of Corporate Good Relations Working Group Meeting: November 2021 | 3 - 6 |
| 5. | Request to Light Up Buildings | 7 - 8 |
| 6. | Policies for Mid Ulster District Council | 9 - 44 |
| 7. | Amendment to Council Scheme of Delegation | 45 - 68 |
| 8. | Member Services | |

Matters for Information

- | | | |
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| 9 | Policy and Resources Committee minutes of meeting held on 4 November 2021 | 69 - 76 |
| 10 | Review of Hate Crime Legislation - Duty to Remove Hate Expression | 77 - 130 |

11	Performance Improvement Six Month Progress Update (Q1-Q2 2021-22)	131 - 188
12	Changes to Telephony Network	189 - 192

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

- 13. Staffing Matters for Decision
- 14. 2022-2023 Rates Estimates
- 15. Treasury Management

Matters for Information

- 16. Policy and Resources Committee Confidential minutes of meeting held on 4 November 2021
- 17. Staffing Matters for Information
- 18. Financial Report for the 7 months ended 31 October 2021
- 19. Contracts & DAC

Report on	Report of Corporate Good Relations Working Group Meeting: November 2021
Date of Meeting	Thursday 2 nd December 2021
Reporting Officer	Philip Moffett, Assistant Director OD, Strategy & Performance
Contact Officer	Ann McAleer, Corporate Policy & Equality Officer

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

1.0	Purpose of Report
1.1	The report provides details of the outworking's of the Corporate Good Relations Working Group that was held on Monday 1 st November 2021.
2.0	Background
2.1	Mid Ulster District Council's Equality Scheme 2021-26 requires that meetings of the Corporate Good Relations Working Group are held with the purpose of the promoting good relations in the following areas (but not exclusive to); flags, emblems, language, bonfires, street naming and internal and external aspects of Good Relations.
3.0	Main Report
3.1	This meeting was requested to follow up on the motion carried/passed by Council in May 2021, relating to 'constitutional change'.
3.2	Members in attendance agreed to seek professional support for the preparation, planning and delivery of the proposed consultative workshops. Oversight was considered and it was agreed that governance arrangements for taking the work forward should form part of the specification used in procuring the professional support, whereby the appointed individual/organisation will be required to provide periodic check-ins with an appointed steering group of members and officer, where relevant.
4.0	Other Considerations
4.1	Financial, Human Resources & Risk Implications
	Financial: Professional support can be costed at approximately £15,000. This figure is not currently allocated to or available within Departmental budgets.

	Human: Officer time
	Risk Management: None identified, face to face was held in line with Covid guidelines/restrictions.
4.2	Screening & Impact Assessments
	Equality & Good Relations Implications: Meeting held in accordance with Equality Scheme requirements.
	Rural Needs Implications: RNIA has been completed for the policy considered. The motion will have a RNIA completed prior to implementation.
5.0	Recommendation(s)
5.1	It is recommended that Members review, comment as appropriate and approve the report of the Corporate Good Relations Working Group meeting held on Monday 1 st November 2021.
6.0	Documents Attached & References
	Appendix A: Report of Corporate Good Relations Working Group meeting (November 2021)

Report of Corporate Good Relations Working Group of Mid Ulster Council held on Monday 1st November at 5.00pm in the Council Chamber, in Dungannon (and accessed remotely via Zoon)

Attendees **Members:** Councillors J McNamee, S McPeake, C Corry, N Doris, M Kearney, I Milne
Other Member Attendees: Councillor M Quinn,
Officers: P Moffett, A McAleer
Facilitator: J Kremer (Good Relations Facilitator)
Apologies: Councillors K Ashton, P McLean and K Black

Apologies None

AGENDA	MATTERS AGREED	ACTIONS & RESPONSIBILITY
1.0	Welcome	
	P. Moffett provided a welcome to the meeting.	No action required
2.0	Election of a Chairperson	
	The election of Cllr J McNamee was proposed by Cllr S McPeake and seconded by Cllr C Corry.	No action required
3.0	Policy Referrals	
	<p>a) <u>Notice of Motion- Constitutional Change-Consideration of Options Paper</u></p> <p><u>Agreed</u></p> <ul style="list-style-type: none"> To use the 5 thematic areas of Community Planning as a starting basis for consultation workshops but for these themes to be broadened where necessary or appropriate. To consult with other Councils to find out their approach to constitutional change. 	Governance arrangements for taking the work forward to form part of the

	<ul style="list-style-type: none"> To seek professional support for the branding, preparation, planning and delivery of the proposed consultation workshops. (Proposed by Cllr. Doris and seconded by Cllr. Mc Peake). It was considered that this would be less than the £30,000 threshold set for tender procurement The appointed individual/organisation I be required to provide periodic check-ins with a project delivery group made up of members and officer(s) and that this form part of the specification of requirements within the procurement. <p>b) <u>Other suggested actions included:</u></p> <ul style="list-style-type: none"> Engagement of external speakers to inform the group and encourage useful debate. Opportunities should be provided to speak about all relevant Good Relations information during these meetings. <p>c) <u>Proposed Legislation Duty on the Removal of Hate Crime Expression</u></p> <p><u>Agreed that:</u></p> <ul style="list-style-type: none"> following the meeting information on the proposed review of legislation should be communicated to members via email. An information paper should be provided to P&R committee in relation to the review of the legislation and the potential impact on Council. 	<p>specification used for the procurement of professional support</p> <p>Other Councils to be contacted.</p> <p>Future agenda item to include open discussion on relevant topics.</p> <p>Information to be emailed to Members.</p> <p>Information paper to be developed and submitted to Dec. P&R Committee.</p>
5.0	Identification of Training	
	The Corporate Policy & Equality Officer informed members that she has liaised with the relevant officer regarding Elected Member Development activities. The possibility for collaborative exercises was discussed.	Ongoing
7.0	Date of the Next Meeting	
	It was <u>agreed</u> to hold the next in December.	Date and time to be set and communicated to Members
Meeting concluded at 6.05pm		

Report on	Request(s) to Illuminate Council Property – 2021
Date of Meeting	Thursday 2 nd December 2021
Reporting Officer	P Moffett, Assistant Director Organisational Development Strategy & Performance
Contact Officer	As above

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	<p>To consider request received to illuminate/light up the Council's three designated properties to raise awareness of and mark;</p> <ul style="list-style-type: none"> National Day of Reflection Wednesday 23 March 2022 <p>Details on request received are set out below</p>
2.0	Background
2.1	The Council has a policy and procedural arrangements in place to facilitate the illuminating/lighting-up of its designated properties from requests made by charitable organisations for charitable causes. The designated properties are the Bridewell, the Burnavon and Ranfurly.
2.2	The policy confirms that requests are considered by the Council's Policy & Resources Committee. Should the scheduling of the committee not permit requests being considered within the timeframes to make a determination they can be presented to monthly Council.
3.0	Main Report
3.1	<p>Requests for consideration and recommendation by Committee:</p> <ol style="list-style-type: none"> To illuminate the three designated properties on - Wednesday, March 23, 2022 to mark the National Day of Reflection to <i>support those who've been bereaved during the pandemic and to reflect on the lives of those who have died from Covid or other cause</i> - the colour be Yellow <p>The policy scope extends to requests made by charitable organisations for the promotion of its charitable cause on a given date or set of dates.</p>
4.0	Other Considerations
4.1	Financial, Human Resources & Risk Implications
	Financial: Not applicable

	Human: Not applicable
	Risk Management: Not applicable
4.2	Screening & Impact Assessments
	Equality & Good Relations Implications: Not applicable
	Rural Needs Implications: Not applicable
5.0	Recommendation(s)
5.1	That the Committee considers making recommendation to light up the designated properties to mark Marie Curie National Day of Reflection on <i>Wednesday 23 March 2022</i> .
6.0	Documents Attached & References
	Not Applicable

Report on	Policies for Mid Ulster District Council
Date of Meeting	Thursday 2 nd December 2021
Reporting Officer	Marissa Canavan, Director of Organisational Development
Contact Officer	Marissa Canavan, Director of Organisational Development

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 of new Menopause Support Policy, Payment of Subscriptions to Professional Bodies Policy and Term Time Working Procedure (as part of the Flexible Working Arrangements Policy) developed for Mid Ulster District Council.
2.0	Background The purpose of these Policies and accompanying Procedure is to:- <ul style="list-style-type: none"> • provide a standardised approach across Council re: eligibility of payment of subscriptions for individual membership by Officers of relevant professional bodies; • to provide guidance for staff and managers on providing appropriate support to manage menopausal related symptoms at work & • to provide guidance to employees re: Term time working procedure, which will form part of Council's Flexible Working Arrangements Policy.
3.0	Main Report
	<p>These policies and accompanying procedure aim to support staff and managers. The Term Time working procedure provides details of the application process & the calculation of pay and leave for employees requesting Term Time working arrangements.</p> <p>The Payment of Subscriptions to Professional Bodies Policy sets out which professional bodies are currently recognised by Council and the process for payment of professional body fees i.e. those deemed Essential and/or Desirable as per relevant job specifications.</p> <p>The Menopause Support Policy recognises that Menopause is a workplace issue and this policy sets out guidelines for staff and signposting of support measures available with the aim of improving the experience at work for staff and providing appropriate guidance to line managers.</p> <p>Consultation on these Policies and associated procedure has taken place with SMT, Trade Unions and Staff.</p>

4.0	Other Considerations
	Financial, Human Resources & Risk Implications
4.1	Human: - to ensure employees are better able to manage their work-life balance & caring responsibilities re: provision of term time working. To adopt a positive approach to staff experiencing menopausal symptoms at work & to support the health & wellbeing of staff To ensure a more consistent approach to reimbursing employees for membership of professional bodies in order to effectively discharge their duties & provide them with further opportunities for networking, discounted learning & development etc.
4.2	Financial: - To ensure employees are appropriately financially supported by Council in an affordable and equitable manner re: payment of relevant professional membership fees. To ensure that there is the necessary HR budget available to meet the payment of subscriptions to relevant professional bodies.
4.3	Risk Management: Robust policies and procedures may result in more engaged workforce who perform better with improved health & safety & wellbeing and better work-life balance.
4.4	Screening & Impact Assessments
	Equality & Good Relations Implications: N/A
	Rural Needs Implications: N/A
5.0	Recommendation(s)
	Members are asked to approve the Menopause Support Policy, Payment of Subscriptions to Professional Bodies Policy and Term Time Working (as part of the Flexible Working Arrangements Policy for Mid Ulster District Council.
6.0	Documents Attached & References
	Menopause Support Policy Payment of Subscriptions to Professional Bodies Policy Term Time Working Procedure – (Addendum to Flexible Working Arrangements Policy)

MENOPAUSE SUPPORT POLICY

Document Control			
Policy / Procedure Owner (name, role & section)	Organisational Development Directorate		
Policy/ Procedure Author (name, role & section)	Tanya Gwynne Organisational Development Directorate		
Version	v1.1		
Consultation	Senior Management Team Labour Relations Agency Equality Commission Trade Unions	Yes /No Yes /No Yes /No Yes /No	
Procedure agreed by Trade Unions	Yes / No		
Equality Screened by		Date	
Equality Impact Assessment		Date	
Approved By		Date	
Adopted By		Date	
Review Date		By Whom	
Circulation	Mid Ulster DC staff		
Document Linkages	Equal Opportunities Policy Managing Attendance Policy & Procedures Health & Safety Policy A Guide to Performance Management – Mid Ulster District Council Learning & Development Policy Dignity at Work Policy Discipline & Grievance Procedure Flexible Working Arrangements Policy Data Protection Policy		

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1.0 INTRODUCTION

Mid Ulster District Council is committed to providing an inclusive and supportive working environment for everyone who works here. Menopause is a natural part of every woman's life, and for many can be positively managed through lifestyle adjustments however, it is **not** always an easy transition. With the right support, it can be much better. Whilst not every woman experiences symptoms, supporting those who do will improve their experience at work.

Menopause should not be taboo or 'hidden'. We want everyone to understand what menopause is, and to be able to talk about it openly, without embarrassment. This is not just an issue for women, men should be aware too. The changing age of the UK's workforce means that between 75% and 80% of menopausal women are in work and self-managing their symptoms whilst at work. Research shows that the majority of women are unwilling to discuss menopause-related health problems with their line manager, nor ask for the support or adjustments that they may need.

The Council recognises that perimenopause and menopause are workplace issues and Council will seek to provide appropriate support to employees.

This policy sets out the guidelines for members of staff and managers on providing appropriate support to manage menopausal symptoms at work. A similar positive approach will be adopted by managers, to staff experiencing menstrual symptoms during their working career, to support the health and wellbeing of staff.

2.0 CONTEXT

This policy cover types of menopause, symptoms of menopause, roles and responsibilities of Council, Management and staff, guidance for Managers dealing with staff who are experiencing menopause symptoms and sources of support.

3.0 OBJECTIVE

The aim of this policy is to:

- Foster an environment in which colleagues can openly and comfortably engage in conversations about menopause.
- Ensure everyone understands what menopause is and are clear on the organisation's policy and practices, supported by Human Resources and/or Occupational Health if required.

- Educate and inform managers about the potential symptoms of menopause, and how they can support women at work.
- Ensure that women experiencing menopause symptoms feel confident to discuss it, and ask for support and any reasonable adjustments so they can remain at work and continue to be successful in their roles.
- Reduce absenteeism due to menopausal symptoms.
- Assist staff to fulfil their potential within Mid Ulster District Council, retaining valuable skills and experience within the organisation.
- Assure women that we are a responsible employer, committed to supporting their needs during menopause.
- Provide a safe and inclusive work environment for staff in accordance with Council's Dignity at Work & Equal Opportunities Policies and not subject an employee to harassment or abuse relating to the menopause.
- Comply with the following legislation:-
Health and Safety at Work Order (NI) 1978 (Amended 1998)
Sex Discrimination (NI) Order 1976
Disability Discrimination Act (DDA) 1995
Employment Equality (Age) Regulations (NI) 2006
Section 75 of the Northern Ireland Act 1998
Data Protection Act 2018

4.0 SCOPE OF PROCEDURE

This policy applies to all staff and managers. It is aimed at supporting all women working for Mid Ulster District Council although it is understood that others may experience menopause type symptoms, such as trans-men and non-binary people. While the words woman/she/her are used throughout this document, this support is designed for all work colleagues. The Council will support all colleagues experiencing perimenopause and menopause transition and they should be encouraged to ask for help if they need it.

5.0 DEFINITIONS

Natural Menopause is defined as a biological stage in a woman's life that occurs when she stops menstruating, and reaches the end of her natural reproductive life. Usually, it is defined as having occurred when a woman has not had a period for twelve consecutive months (for women reaching menopause naturally). The average age for a woman to reach menopause is 51, however, it can be earlier or later than this due to surgery, illness or other reasons.

Premature ovarian insufficiency (premature menopause) – Approximately 1 in 100 affected people will experience menopause before 40 years of age (naturally or as an effect of a medical condition or treatment).

Perimenopause is the time leading up to menopause when a woman may experience changes, such as irregular periods or other menopausal symptoms. This can be years before menopause. They may still have regular periods when they first start to get

symptoms, many did not realise that they are experiencing peri-menopause and may not understand what is causing their symptoms.

Post-menopause is the time after menopause has occurred, starting when a woman has not had a period for twelve consecutive months.

Medical or surgical menopause can occur suddenly at any age when the ovaries are damaged by specific treatments such as chemotherapy, radiotherapy or surgery.

6.0 EMPLOYEES' RESPONSIBILITIES

All employees are responsible for:

- Taking a personal responsibility to look after their health;
- Being open and honest in conversations with managers/HR and Occupational Health;
- If a member of staff is unable to speak to their line manager, or if their line manager is not supporting them, they can speak to Human Resources, their Union, or a member of the staff Health & Wellbeing committee (see Appendix xx)
- Contributing to a respectful and productive working environment;
- Being willing to help and support their colleagues;
- Understanding any necessary adjustments their colleagues are receiving is as a result of their menopausal symptoms.
- Educating themselves about menopause and become familiar with the terms of this policy.

7.0 LINE MANAGERS' RESPONSIBILITIES

Line Managers (see Appendix 1 for Managers' Guidance)

All Line Managers should:

- Familiarise themselves with the Menopause Policy and Guidance and take part in any mandatory menopause awareness training provided by the Council;
- Be ready and willing to have open discussions about menopause, appreciating the personal nature of the conversation, and treating the discussion sensitively and professionally; recognise sickness absence related to the menopause/peri-menopause as a potential long term and fluctuating health condition.
- Use the guidance in Appendix 1, signposting and reviewing together, before agreeing with the individual how best they can be supported, and any adjustments required;
- Look at suitability of and discuss all adjustments which may assist the staff member to manage their symptoms whilst carrying out their job e.g.:- flexible working, temporary change of hours/start/finish times, hybrid working etc.

- Record adjustments agreed, and actions to be implemented;
- Ensure ongoing dialogue and review dates;
- Ensure that all agreed adjustments are adhered to.
- Ensure all members of their Team are aware of the policies, where to find information and seek support:- e.g. Westfield Health, Occupational Health, Human Resources
- Being alert to unacceptable behaviour and take appropriate action to stop it.
- Conduct Risk Assessments in consultation with Health & Safety to minimise/remove workplace risks for women experiencing menopausal symptoms.

Where adjustments are unsuccessful, or if symptoms are proving more problematic, the Line Manager, in conjunction with the Human Resources Department, may:

- Discuss a referral to Occupational Health for further advice;
- Refer the employee to Occupational Health;
- Review Occupational Health advice, and implement any recommendations, where reasonably practical;
- Review and make further adjustments if required.

8.0 HUMAN RESOURCES RESPONSIBILITIES

- Offer guidance to managers via Policy Briefing sessions so they are better equipped to sensitively conduct helpful conversations, and provide the right support.
- Attend training sessions and provide awareness on policy to staff.
- Monitor and evaluate the effectiveness of our strategies and interventions to assist staff affected by menopause in respect of related absence levels and performance.
- Arrange for a risk assessment, which considers the specific requirements of menopausal women, and ensure that the working environment is suitable and will not make women's symptoms worse.
- Review Managing Attendance Policy – to include guidance to staff and managers with respect to menopause/peri-menopause symptoms (see Appendix 1) which recognises sickness absence related to the menopause/peri-menopause as a potential long term and fluctuating health condition.
- Consider impact of menopause when implementing relevant policies and procedures e.g. managing attendance, performance management, discipline & grievance.

9.0 OCCUPATIONAL HEALTH RESPONSIBILITIES

- Provide support and information to employees who are referred to the service to discuss health related issues as a result of menopause.
- Provide support and advice to employees, managers, and Human Resources in relation to workplace adjustments, if required.
- Signpost to appropriate sources of help and advice.

10. SYMPTOMS

- 10.1** It is important to note that not every woman will notice every symptom, or even need help or support. However, 75% of women do experience some symptoms and 25% could be classed as severe.

During the time of perimenopause women may begin to experience symptoms due to changes in their hormone levels. The severity of these symptoms may vary in different individuals.

Symptoms can manifest both physically and psychologically including, but not exclusively, hot flushes, poor concentration, headaches, panic attacks, heavy/light periods, anxiety and loss of confidence.

Other symptoms include:

- Difficulty sleeping
- Fatigue
- Skin irritation
- Dry eyes
- Urinary problems
- Hair Loss
- Mood Swings
- Vaginal discomfort
- Changes to periods
- Memory Problems



Line Managers should refer to Appendix 1 – Symptom Support re: considering reasonable adjustments for their employees.

11. Monitoring and Review

This policy will be reviewed every 4 years by Council and, if necessary, revised in consultation with recognised Trade unions in light of changing employment legislation and relevant case law and best practice.

12. Equality Screening & Impact

This policy has been subject to equality screening in accordance with the Council's screening process. This policy has been screened out.

The Equality Commission (NI), Irish Congress of Trade Unions and Labour Relations Agency has recently produced joint guidance entitled "Promoting Equality in Employment for Women Affected by Menopause".

This guidance recognises that while statutory equality legislation does not expressly provide protection for menopause or perimenopause, those who suffer discrimination in employment, that is related directly or indirectly to them having menopausal symptoms may be able to seek legal remedies if alleging that they have suffered unlawful discrimination or harassment on the grounds of sex, disability or age.

13. Rural Needs Impact

This policy and the sources of support within are accessible to the rural community listing online and telephone support sources for further information.

14. Learning & Development

Training on this policy; (to include symptoms and signposting & support measures) will be provided to relevant staff and managers including Trade Union Representatives.

APPENDIX 1 - Manager's Guidance for Colleague Discussions

MUDC recognise that every woman is different, and it is, therefore, not feasible to set out a structured set of specific guidelines. Regular, informal conversations between



Manager and employee can enable discussions about issues related to menopause. One of the most valuable things a Manager can do is listen and respond sympathetically if issues relating to menopause are reported. These conversations can assist to identify support at work, which can make a real difference with how employees cope with

menopause. This may enable them to continue working well, productively and to remain at work. This policy is a guide for Managers and the reasonable adjustments guidance will also support Managers in managing menopause within their team.

If an employee wishes to speak about their symptoms, or just to talk about how they are feeling (they may not recognise themselves that they are symptomatic), or if a male employee wishes to speak about a family member, please ensure that you:

- Allow adequate time to have the conversation;
- Find an appropriate room to preserve confidentiality;
- Encourage them to speak openly and honestly;
- Suggest ways in which they can be supported (see symptoms below)
- Agree actions, and how to implement them (you should use the appendix 1a to record meeting, so that all parties agree what has been discussed, and the next steps, before the meeting ends). Ensure that this record is treated as confidential, and is stored securely.
- Agree if other members of the team should be informed, and by whom;

- Ensure that designated time is allowed for a follow up meeting. Do not rely on quick queries during chance encounters in the corridor or break room.

Council's Managing Attendance Policy (Section 3.5) notes that in exceptional circumstances of a sensitive nature an employee may request that a return to work interview is conducted by another line manager, for example a line manager of the same gender as the employee.

SYMPTOMS SUPPORT

Symptoms can manifest both physically and psychologically, including, but not exhaustively or exclusively; support for women should be considered, if practical, as detailed below:

Hot Flushes

- Request temperature control for their work area, such as a fan on their desk (where possible a USB connected desk fan to ensure environmentally friendly) or moving near a window, or away from a heat source;
- Access to drinking water
- Be allowed to adapt prescribed uniforms, such as removing a jacket:
- For staff not required to wear a uniform recommend loose fitting layers and cotton fabrics rather than manmade fibres
- Have access to a rest room for breaks if their work involves long periods of standing or sitting, or a quiet area if they need to manage a severe hot flush.
- Turning cameras off when on Teams calls.
- Heavy/light periods
- Have permanent access to washroom facilities
- Request an extra uniform
- Ensure sanitary products are available in washrooms

Headaches

- Have ease of access to drinking water;
- Offer a quiet space to work
- Offer noise-reducing headphones to wear in open offices
- Have time out to take medication if needed.

Difficulty Sleeping/Night sweats

- Ask to be considered for flexible working, particularly if experiencing lack of sleep.

Low Mood

- Agree time out from others, when required, without asking permission.
- Encourage to visit GP to discuss symptoms (advise of Doctor Line 24/7 GP Service available through Westfield Health for members – 0345 612 3861 or from a mobile +44 (0) 203 88 9094)
- Identify a 'time out space' to be able to go 'clear their head'.

- Contact one of Council's Mental Health First Aiders and Support Resources; (See Appendix 2 & 4) – who could signpost sources of support.

Loss of Confidence

- Ensure there are regular Personal Development discussions;
- Have regular protected/blocked time with their Manager to discuss issues – agree a regular time to meet.
- Agree protected time/blocked time to catch up with tasks/work.

Poor Concentration/Memory Problems

- Discuss if there are times of the day when concentration is better/worse and adjust the working pattern/practice temporarily accordingly
- Review task allocation and workload;
- Provide books for lists, action boards or other memory-assisting equipment
- Offer a quiet space to work if possible.
- Offer noise-reducing headphones in open offices.
- Agree protected/blocked time in an open office that an individual is having 'protected time' so they are not disturbed or to catch up with works/tasks..

Anxiety/Panic Attacks

- Promote counselling services offered through Westfield Health, the Council EAP on 0800 092 0987.
- Contact a Mental Health First Aider (See Appendix 4) – who could signpost sources of support.
- Provide opportunities to discuss openly any concerns/difficulties.
- Regular supervision/review with Manager for additional support if required.
- Access to a quiet area for a short break if required
- Encourage to visit GP to discuss symptoms (advise of Doctor Line 24/7 GP Service available through Westfield Health for members – 0345 612 3861 or from a mobile +44 (0) 203 88 9094)

Bone/Joint Problems

- A woman's bones can lose strength at a faster rate after the menopause; this is because levels of oestrogen decrease. A DXA Scan (a special x-ray) can detect osteopenia (if an individual has a lower bone density than the average adult of their age, bone strength naturally declines from the late thirties) or osteoporosis, to identify any necessary treatment to help to prevent bone density loss or fractures.

An individual can take positive steps throughout their life, prior to the menopause, to protect their bone health with a nutritional diet, safe exposure to vitamin D in sunlight / use of vitamin D supplements, if necessary and undertake regular weight bearing exercise to help keep bones strong. See Self Help Advice below.

- Risk assessments and moving and handling assessment – contact Health and Safety
- Consider temporary adjustments or modifications to work task

There may also be occasions when a referral to Occupational Health to give specific advice regarding the workplace will be considered.

The above suggested adjustments by symptom type are merely a guide for Managers to assist their staff with the symptoms of menopause. If a Manager has concerns about menopause related absence, the Manager should contact Human Resources for further information and advice.

Self Help Advice

There is a lot of advice to women highlighting the importance of lifestyle choices (see Appendix 2 Signposting and Support for further information) before, during and after the menopause and the benefits of:

1. Eat healthy – research has shown that a balanced diet can help alleviate some symptoms and help keep bones healthy.
2. Eating regularly
3. Drinking plenty of water, some women find chilled water helps.
4. Exercising regularly – exercise can help to reduce hot flushes and improve sleep. It can also boost mood and maintain strong bones.
5. If using Display Screen Equipment or undertaking work of a sedentary nature, take regular breaks to stand/ move around and limit time of use to ideally 20 minutes at a time to reduce musco-skeletal problems occurring; (complete DSE module on 'e' learning platform) See further information in the below hyperlink <http://ergo.human.cornell.edu/hedges3Ss.JPG>
6. Consulting your GP on the management of menopause and to ensure that any symptoms are not due to other causes.
7. Not smoking.
8. Cutting down caffeine, alcohol and spicy food.
9. Having access to natural light.
10. Getting adequate rest and relaxation.

Appendix 1a

Confidential Colleague Discussion – Template *(this form should be signed off by Employee & the Line Manager & copy retained by Line Manager, in accordance with Council's Data Protection Policy & current Data Protection legislation).*

Member of staff details:			
Name		Job Title	
Department/Service		Location	

Present at meeting (line manager name and position)

Agreed Actions/Adjustments:

- **Examples:-**
- Start Time – change start time if staff are experiencing disturbed sleep
- Work from home – Hybrid Working Procedure
- Ensure staff have access to cold water whilst working
- Easy access to toilets
- Ensure temperature is comfortable – e.g. provision of fan or access to fresh air
- Adjust staff uniform requirements, provide more items of uniform
- Provide extra space for storage of additional/change of clothes during day
- Grant time off to attend medical appointments

Date

Summary of Discussion:

Date of next review meeting

Signed (Member of staff)

Signed (Manager)

Appendix 2 Signposting and Support

- All colleagues can access **counselling** by contacting Westfield Health on 0800 092 0987
- The Daisy Network – www.daisynetwork.org.uk
- Healthtalk.org
www.healthtalk.org/peoples-experiences/older-life/menopause/topics
- **National Institute for Health and Care Excellence (NICE) guidelines.** These explain how your GP will determine what types of treatments and interventions they can offer you. You can find out more information by using the following link <https://www.nice.org.uk/guidance/ng23/ifp/chapter/About-this-information>.
- The **National Health Service** provides an overview of menopause. You can find more at <http://www.nhs.uk/Conditions/Menopause/Pages/Introduction.aspx>.
- **Menopause information.** The Royal College of Obstetricians and Gynaecologists offer further information in a dedicated area of their website at: <https://www.rcog.org.uk/en/patients/menopause/>.
- **Premature Ovarian Insufficiency (POI)** information and support on very early menopause. You can find out more at <https://www.daisynetwork.org.uk>.
- **Information on hysterectomy.** This provides an insight into surgically induced menopause as a result of having a hysterectomy. Further details can be found at <https://www.hysterectomy-association.org.uk>.
- A **Government Report**, researched by the University of Leicester's School of Business has been published. Read more here [Menopause transition: effects on women's economic participation](#).
- **Menopause Matters**
further information at: <https://www.menopausematters.co.uk/>



- **Menopause Cafes** – online conversations about menopause
- **Menopause Café** – Bangor

<https://www.menopausecafe.net/events-calendar/>

<https://www.menopausecafe.net/events/menopause-cafe-bangor-uk/>

- Henpicked

<https://henpicked.net/>

Appendix 3 Health & Wellbeing Committee Members

Anne-Marie Campbell – Leisure and Outdoor Recreation

Sheila Loughran – Business Support Manager

Clare McNulty – Human Resources

Marita McGirr – Human Resources

Garry McCreesh – Environment and Property

Brian Holmes – Environment and Property

Seamus McElroy – Environment and Property

Alastair McGuckin – Outdoor Recreation

Elizabeth McLaughlin – Leisure -Greenvale

Jean Connolly - Planning

Fiona Duffin – Health and Safety

Mary Quinn-Ryan- Finance

Catherine McKenna - Environmental Health

Appendix 4 Mental Health First Aiders (as at 28/9/21- to be updated)

Mental Health First Aiders	Directorate	Department	Contact Details
Anne-Marie Campbell	Leisure		annemarie.campbell@midulstercouncil.org Internal Extension: 23700
Clare McAnulty	Organisational Development	HR	clare.mcanulty@midulstercouncil.org Mobile: 07827 991 902 Internal extension: 24333
Linda Carson	Organisational Development	HR	linda.carson@midulstercouncil.org Mobile: 07760 762 180 Internal extension: 22053
Marita McGirr	Organisational Development	HR	marita.mcgirr@midulstercouncil.org Mobile: 07827 991 910 Internal Extension: 24340
Sheila Loughran	Leisure and Outdoor Recreation	Organisational Development	sheila.loughran@midulstercouncil.org Internal extension: 24409
Liz McLaughlin	Leisure and Outdoor Recreation	Leisure	elizabeth.mclaughlin@midulstercouncil.org Internal Extension: 25095
Jill Gilliland	Leisure and Outdoor Recreation	Leisure	jill.gilliland@midulstercouncil.org Internal extension: 24804
Seamus McElroy	Environment and Property	Property Services	Contact Property Services
Brian Holmes	Environment and Property	Property Services	Contact Property Services
Melanie Patterson	Public Health and Infrastructure	Environmental Health	melanie.patterson@midulstercouncil.org Mobile: 07766 740 916 Internal extension: 24117
Fiona Duffin	Public Health and Infrastructure	Health and Safety	fiona.duffin@midulstercouncil.org Internal extension: 23120
Andrew Carson	Leisure and Outdoor Recreation	Leisure	andrew.carson@midulstercouncil.org . Internal extension: 24804
Anthony Carey	Leisure and Outdoor Recreation	Leisure	anthony.carey@midulstercouncil.org Internal extension: 23829

Payment of Subscriptions To Professional Bodies Policy

Document Control			
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Policy/ Procedure Author (name, role & section)	Marissa Canavan Organisational Development Directorate		
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1.0 INTRODUCTION

This document sets out Mid Ulster District Council's approach to eligibility of payment of subscriptions for individual membership by officers of professional bodies.

2.0 CONTEXT

Some positions and roles fulfilled by employees may require memberships of a Professional Body to permit them to exercise their duties. Where it is considered necessary, membership of a professional body must be specified as an 'essential' criterion in the person specification for the job role. Professional membership fees will only be paid to one professional body at any one given time even if the employee has multiple employment contracts.

Payment of subscriptions to permit an Officer to be a member of a professional body should be prescribed at the outset by the Director in the Vacancy Authorisation form. All memberships will be reviewed by SMT at each January meeting and additional professional bodies may be added in line with changes in legislation, requests from employees as per Appendix B form of this policy, continuous professional development as per the Learning & Development Policy where there is a justified business need.

3.0 OBJECTIVE

Council will pay for subscriptions to ensure that employees required to maintain professional or other membership of relevant bodies in order to effectively discharge their duties and/or conditions of employment. This is to ensure that employees are appropriately financially supported by the Council in an affordable and equitable manner.

4.0 POLICY SCOPE

This policy applies to all Mid Ulster Council employees who are employed in a contract of employment, for a minimum period of six months. This policy does not apply to former NICS Planning staff who transferred to the employment of Mid Ulster District Council on 1 April 2015 and are currently employed by Council in accordance with the terms and conditions of employment contained within NICS Staff Handbook; (Section 5.03 refers to Subscriptions to Professional Bodies).

Corporate Membership by the Council of a particular body/association, which relates to common local government interests; (e.g. PPMA, NILGA etc.) is not dealt with under this policy. This will be dealt with separately in the name of Mid Ulster District Council as a corporate body and paid by invoice by the relevant department e.g. O.D for membership of PPMA etc.

5.0 PROCEDURES & IMPLEMENTATION

The Human Resources Department will hold sufficient budget to meet the approved expenditure of relevant professional body membership fees of Council staff.

Human Resources Department will make 100% payment of professional memberships fees directly to the professional body where membership is deemed 'essential' in the job specification for the employee's current job role.

Employee Request for Payment of Membership Fees of relevant Professional Body

It is the responsibility of staff seeking payment for 'membership of a professional body' which is deemed 'essential' for their job role, to follow Council's procurement procedures by forwarding details of address etc. to the Corporate Learning & Development Manager so requisition order can be raised to the professional body to enable an invoice to be paid by Council in a timely manner.

On receipt of the invoice, the H.R. Department will check details against the 'Membership of Professional Bodies' folder on the 'k' drive and also at Appendix A of this policy to process an order etc. so that payment can be made directly to the relevant professional body.

Career Break/Secondments

If an employee goes on a career break or takes up a seconded post outside Council where there is no 'Essential' requirement for membership of a professional body, the employee will be expected to maintain their membership at their own expense during any such period. Upon return to their substantive role, if eligibility criteria is still being met, the invoice from the professional body will be processed for payment purposes at the next renewal date.

New Professional Bodies

Written requests for membership of a new professional body should be made using Appendix B form, outlining justification for this payment and the business need. A request will be considered initially by the Director or Chief Executive as applicable, who if in agreement, will forward the Appendix B form via the Corporate Learning & Development Manager for consideration to SMT at its January review meeting.

SMT will review all Appendix B request forms at its January meeting and subsequently make provision for any new professional body membership approvals in the HR budget for the following financial year.

New Professional Body – Essential Criteria

If deemed 'Essential' the new professional body will be added to Appendix A of this policy. When completing future Vacancy Authorisation Forms, Directors and Managers should refer to Appendix A of this policy with respect to the vacant post's job duties and identify any associated or new relevant professional, body membership required, for the effective discharge of duties.

New Professional Body - Desirable Criteria

If after consideration, SMT decide that membership of the professional body is 'desirable' but not an essential requisite for the post, up to a maximum of £200 may be re-claimed by the employee who will submit their paid receipt through the 'expenses' field on the CoreHR system to be reimbursed via their salary.

6.0 SUPPORT & ADVICE

For further information about the policy please contact the Corporate Learning & Development Manager.

7.0 COMMUNICATION

The policy information will be communicated internally through planned 'Policy Briefing' sessions for managers and will be posted on the Council's staff intranet and will also be available in hard copy in Policy folder in each service area/directorate.

The policy will also form part of the induction process for all new staff.

10.0 EQUALITY SCREENING & IMPACT

This policy has been subject to equality screening in accordance with the Council's screening process. The policy has been 'screened out' and no equality issues arose and the policy is not subject to an equality impact assessment.

11.0 REVIEW

Implementation of this policy will be routinely monitored and 'eligible memberships of professional bodies' will be reviewed annually by the Senior Management Team at its January meeting. A formal review will be undertaken every 4 years from its effective date in line with Council policy.

APPENDIX A

LIST OF JOB TITLES & APPROVED PROFESSIONAL BODIES WHICH ARE DEEMED 'ESSENTIAL' IN JOB SPECIFICATIONS

Department & Job Title	Professional Body	As per Job Spec Essential Yes/No
<u>Chief Executive's</u>		
Council Solicitor	Law Society of N Ireland	Essential
Temp Solicitor	" "	"
<u>Finance</u>		
Director of Finance	Institute of Chartered Accountants Ireland	Essential
Head of Finance	" "	"
Finance Manager	" "	"
Accountant	ACCA	"
Internal Audit Manager	Chartered Institute of Internal Auditors or equivalent	"
<u>Organisational Development</u>		
Director of O.D.	Chartered Institute of Personnel & Devlpt	Essential
Head of H.R.	" "	"
HR Manager	" "	"
Corporate L&D Manager	" "	"
Bus Transformational Manager	" "	"
HR Business Partner	" "	"
HR Graduate	" "	"

<u>Public Health Infrastructure</u>		
<u>Environmental Health</u>		
	Chartered Institute of Environmental Health	Essential
Head of Service	“ “	Relevant
Principal EHO	“ “	Qn held
Senior EHO	“ “	entitles Corp
		membership of CIEH
District EHO		
<u>Building Control</u>		
Building Surveyor	Chartered Institute of Building or Chartered Association of Building Engineers or other appropriate professional building related institution or association	Essential
		“
<u>Health & Safety</u>		
Health & Safety Manager	Institute of Safety & Health (I.O.S.H) or equivalent body	Essential
Health & Safety Officer	“ “	
<u>Planning</u>		
Planning Manager	Royal Town Planning Institute (R.T.P.I) or IPI (Irish Planning Institute)	Yes
Principal Planning Tech Officer	“ “ “	Yes
Senior Planning Tech Officer	“ “ “	Yes
Higher Planning Tech Officer	“ “ “	Yes
Planning Officer	“ “ “	Yes

**This list is not exhaustive & will be kept under review by SMT each January & may be amended.*

APPENDIX B

Request for Payment of Subscription to Professional Body (where not prescribed as 'Essential' in Job Specification for the current post)

Name _____ Department _____ Date _____

Professional Body (personal membership):-

Demonstrate the business need to Council for your membership to the professional body

Name of Professional Body:

Business Need to Council:

I, _____ (Director) recommend/do not recommend* that the request be granted for payment. (* delete as appropriate). Date: _____

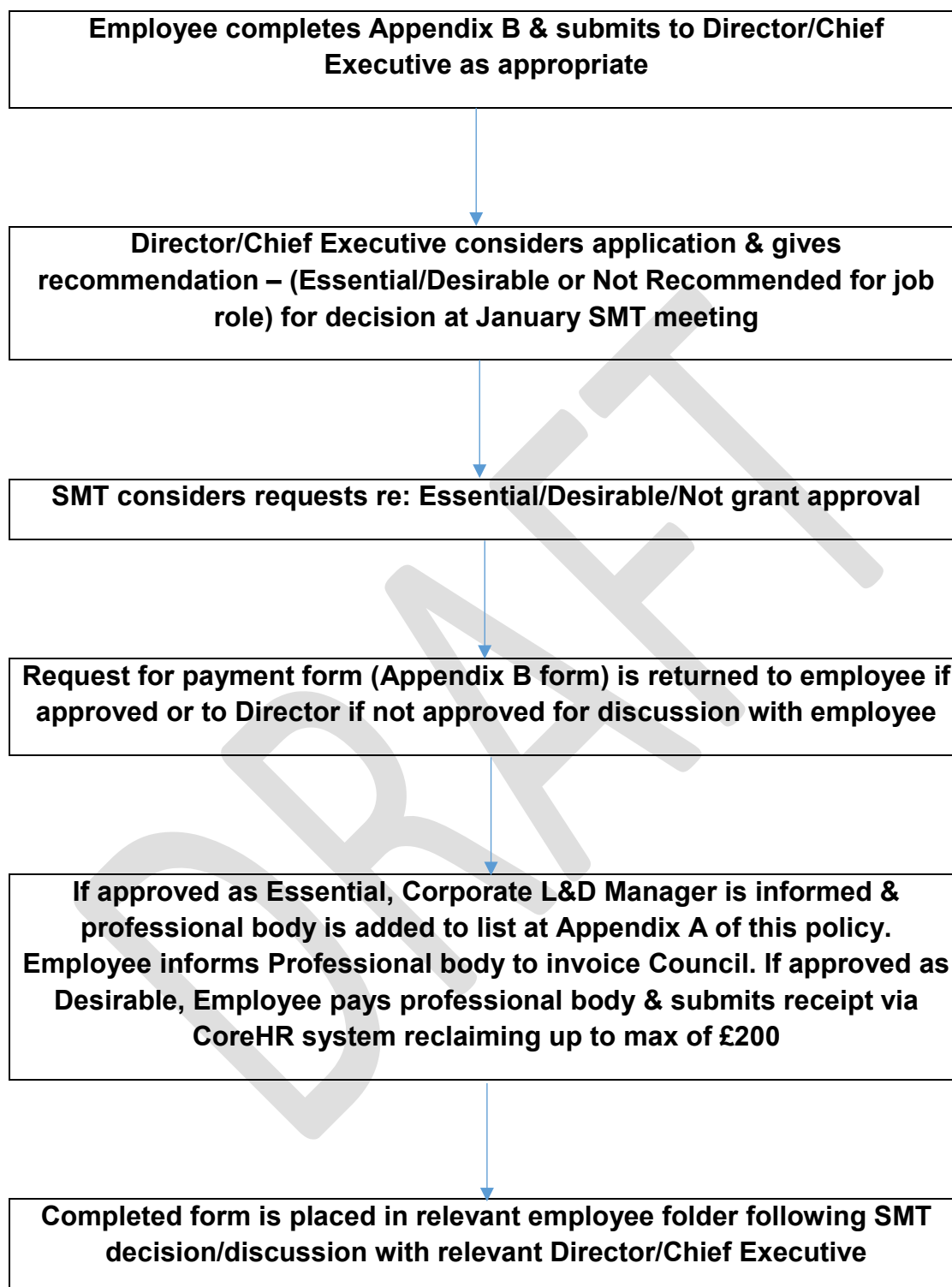
If recommended, Director will bring request to the January meeting of SMT for consideration

If not approved, please outline reason for decision:-

Date Employee notified of decision _____

**If approved, please forward to employee & retain copy on employee's record within H.R.*

PROCESS FOR APPROVAL (for Professional Bodies not already deemed as 'Essential' as per Person Specification)



1. Introduction & Scope

1.1 This document outlines Council's term-time working arrangements, which are available to employees. Although term-time working is typically viewed as a form of flexible working which promotes work-life balance, to enable parents/guardians with school aged children to spend more time with their children over the school holidays, **all** eligible employees, not only parents/guardians, may apply for term-time working under the Council's Flexible Working Arrangements Policy. This is in accordance with The Employment Right NI Order 1996, The Work and Families NI Order 2006, The Work and Families Act (NI) 2015 and The Flexible Working Regulations (NI) 2015.

Employers for Childcare NI Childcare Survey in 2020 reported that 67% of parents, who took part in the survey in Tyrone and 90% of parents participating in the survey in Fermanagh, reported that there was not sufficient childcare available in their area. The lack of suitable available childcare was generally greater in rural areas compared to availability in urban areas. Overall the survey reported that, spend on childcare was an average of £135 per week (or £540 per month) in 2020, with childcare expenditure accounting for the largest monthly household outgoing for a third of families, ahead of mortgage or rent payments. An updated Childcare Strategy is expected to be developed by NI Executive during 2021/2022. This Childcare Strategy with the appropriate financial investment will support child development, parental employment, workforce development, social inclusion and the local economy.

1.2 National Joint Council for Local Government Services (NJCLGS) is currently completing a Review of Term Time Working Advice and NJCLGS has recently issued advice to Councils on term time working on 28 June 2021. Further associated guidance is expected in due course. Council's Term Time Working Arrangements may therefore be subject to further review, on receipt of any updated advice from NJCLGS and any emerging relevant case law and or legislative changes in this area. These Term Time Working Arrangements do not apply to Planning Staff that transferred from NICS to Mid Ulster District Council on 1 April 2015 (RPA) and who remain on the terms and conditions of service of NICS as per Section 3.10 of NICS Employee Handbook.

1.3 The Council will consult with trade unions and staff in respect of these Term Time Working Arrangements. Term Time Working will complement existing policies such as Council's Equal Opportunities Policy and support the implementation of Council's legislative responsibilities under Section 75 of the Northern Ireland Act 1998 including the promotion of equal opportunities to those with dependents and persons without and The Rural Needs Act (NI) 2016 which seeks to improve outcomes for rural residents. Term Time working will support a range of other flexible working arrangements currently available to employees, including flexi-time, career break and carer's leave etc.

2. General Principles

2.1 As term-time working is a form of flexible working, the same general principles for implementing the policy apply — in other words, Council will aim:-

- a. to accommodate the request where feasible, and
- b. ensure that, while it is recognised that there may be circumstances when it is not possible to approve a request, such decisions are justified based on specified business grounds as per Article 112G – Employment Rights (NI) Order 1996 as amended.

2.2 The decision whether or not to approve an application for term-time working

will be based, on business need. That means that approval should be granted provided there is no adverse impact on service delivery.

2.4 If the number of term time working applications within a Team exceeds the number that can be accommodated, but there is capacity for *some* term-time working, applications will be assessed on date of application received/ any extenuating personal/business needs identified. Where possible, requests that cannot be accommodated for a particular school/academic year may be accommodated the following year/s as per service needs.

2.5 A member of staff may apply to have any school holiday period covered by Term-time working and must outline this in his/her application, the periods during which they wish to be absent from work (preferably in blocks of complete weeks). An absence may start on any day of the working week. Only in exceptional circumstances can the dates of absence be changed after the term-time working arrangement has been formally accepted.

2.6 Term-time working applications will be approved for one annual leave/financial year only; therefore, staff who wish to avail of term-time working for more than one year must reapply each year. The employee's terms and conditions of employment will be revised on an annual basis, in accordance with the financial/annual leave year timescale 1 April to 31 March.

The Department of Education (NI) has outlined that the school year consists of 200 days. School holidays may differ between individual schools and not all schools will take the same holidays. Schools can also use up to 10 days for staff training and development purposes.

The Department of Education (NI) has listed the following potential dates for school holidays in 2022 school year, as noted below. These dates may be subject to change if government advice in respect of Covid 19 changes during the period.

Event	Date(s)	Total day (Mon-Fri)
Easter – Term 2	14- 22 April 2022	7
May Day – Term 3	2 May 2022	1
Late Spring Bank Holiday/ Platinum Jubilee Bank Holiday – Term 3	2 & 3 June 2022	2
Summer Holidays	1 July 2022- 31 August 2022 approx.	44
Halloween – Term 1	29 & 31 October 2022	2
Christmas – Term 1	27 Dec 2022– 5 Jan 2023	8
Mid Term – Term 2	17 & 18 February 2023	2
St Patrick's Day – Term 2	17 March 2023	1

2.7 Term Time working typically consists of 39 weeks or approximately 195 days for a term time employee working 5 days per week. A member of staff may also apply for a variation to his/her normal working pattern for the duration of the term-time working year, for example if a member of staff normally works five full days per week, he/she may wish to work five mornings or five afternoons for the duration of the term-time working arrangement. Staff should note, however, that, if this request is approved, the change will be temporary and will be effective for one school year only. If an employee is seeking such a variation to apply on a permanent basis this should be clearly stated by the employee on the term time working application form. It should also be noted that requests for changes to the normal work pattern, under this section, would normally be considered when the application for term-time working is made.

3. Calculation of Pay and Leave for Term Time Working Employees

3.1 If a term-time working application request is approved for an employee, basic salary will be reduced to correspond with the number of weeks' absence and paid over 12 equal monthly instalments (for a monthly paid employee) and approximately 52 equal weekly instalments (for a weekly paid employee). If an employee who is working on a Term Time only basis has a contractual change of hours and/ or pay partway through the term time year, it will be necessary for the employee's pay to be re-calculated, from the date of the effective change. All pay related calculations must comply with Working Time Regulations (NI) 2016, Part-time Workers Regulations (NI) 2000, Equal Pay Act (NI) 1970 as amended, Pensions (NI) Order 1995 as amended. A decision in respect of Harpur Trust v Brazel (2019) is expected to be made by the Supreme Court later in 2021. This case relates to the calculation of annual leave for a part-year worker. Further guidance may subsequently be issued by NJCLGS after this decision is issued. A copy of the advisory model pay and leave calculations are provided in Part 4.12 NJCLGS Guidance Section 6 (issued 28 June 2021). A copy of this guidance will be displayed on Council's staff intranet for staff information purposes.

An example is provided below for **illustration purposes only** based on Part 4.12 NJCLGS Guidance referred to above, for the purpose of calculating total leave and pay for a term time employee. (Please note that this example may be subject to change with reference to the above noted employment case, which was previously heard at the Court of Appeal).

(a) Full time Employee monthly paid working throughout the year for five days a week with 5+ years' continuous employment service. The total number of paid days available annually is $365/7 \times 5 = 260.71$ days

Less

Annual Leave	25 days
Public/Bank Holidays	12 days
Total leave	37 days

Available working days in the year = 260.71 days - 37 days total leave = 223.71 available working days for a full-time employee working 37 hrs. pw. (working all year round and with 5+ years' recognised continuous employment service)

223.71 available working days produces a total leave entitlement of 37 days for a full-time employee (with 5+ years' recognised employment service)

1 actual working day for full time employee with 5+ years' employment service working all year round, produces 0.1653926 days of paid leave for this full time employee.

The above ratio of actual working days and the corresponding paid leave entitlement for a full time employee must be proportionally applied in the annual leave and pay calculation for a term time only employee, as detailed below.

(b) Term Time Employee (37 hrs. pw) – calculation of leave and pay applicable. Assume the term time employee works five days a week for 39 weeks and the employee has 5+ years continuous employment service. The number of available days available annually is $39 \times 5 = 195$ days

1 actual working day for a full-time employee with 5+ years' continuous employment service equates to 0.1653926 days paid leave (as noted in (a) above)

195 working days for a Term Time employee will produce 32.2515 days of total leave for a Term Time employee.

The total number of paid days (days worked + paid leave) for Term Time employee = 195 days + 32.2515 days leave = 227.25135 days per year, compared with 260.71 days paid days for a full-time employee working all year round.

The Term Time employee working 37 hrs.pw will be paid the equivalent proportion of $227.25135/260.71$ or 87.16641% of the working days of a full time equivalent employee.

If e.g. the full time equivalent employee is paid a salary of £24,000, per annum gross, the term time employee working 37 hrs. pw for 39 weeks on the equivalent salary scale point will be £20,920 approx. gross pay per annum (£24,000 p.a. x 87.16641%) or £1,743.33 per month gross pay over a period of 12 months.

227.25135 total paid days of the term time employee is equivalent to 45.45 total paid weeks (approx.) of the term time employee working 37 hrs. pw.

However if the term time employee works less than 37 hours per week a further adjustment will be required to pay and leave as detailed in (c) below.

(c)Term Time Employee working < 37 hours per week

If the term time employee works e.g. 14.8 hours per week, the salary of the term time employee will need a pro-rata calculation to be applied on the following basis

Paid working hours of full time employee (all year round)

Total days paid 260.71 days for full time employee with 5+ years' continuous service equates to 1929.254 paid hours (7.4 hrs. per day) (as per (a) above)

Paid working hours of Term time employee (37 hrs. pw)

227.25135 total paid days of term time employee 37 hrs. pw with 5+ years' continuous service = 1,681 total hours of term time employee (as per (b) above)

Pro –rata pay for term time employee working 14.8/37 hours per week x1, 681 total hours of term time employee working 37 hrs. pw= 672.4 hours to be paid to term time employee

As a proportion of full time employee's paid working hours $672.4/1929.254$ this term time employee will be paid 34.84% of the total hours of full time equivalent employee working all year round.

Based on full time equivalent employee's salary of £24,000 per annum (gross), term time employee's salary is £8,363.44 gross per annum approx. based on working 14.8 hours per week term time only. (34.84% of £24,000 pa)

The annual leave entitlement of term time employee working 14.8 hrs. pw will be calculated as noted below.

1 actual working day for a full-time employee with 5+ years' service (working year round) equates to 0.1653926 day's leave as per (a) above

If a term time employee works 2 days per week (14.8 hrs. pw) for 39 weeks = 78 working days for the term time employee.

78 working days will produce a total leave entitlement of 12.90 days approx. rounded up to 13 days leave for term time employee (including public/bank holidays) ($78 \times 0.1653926 = 12.9$ days total leave)

Total paid days of term time employee = 91 days (78 working days+13 days total leave)

4. Pensions

4.1 An employee who is a member of the NILGOSC pension scheme will continue to have his/her employment service calculated for pension membership purposes.

4.2 It is important to note, however, that any member of staff considering 'term time' arrangements, should seek advice from NILGOSC for detailed information on how any proposed term time working arrangement will affect his/her pension benefits.

4.3 A copy of Council's Pension Contributions Banding Policy is available on the staff intranet for reference purposes.

5. Annual Leave and Public Holidays

5.1 Staff should be aware that a successful application for term-time working would result in an adjusted leave entitlement to that of a full time employee as previously noted in Section 3 above. This scaling adjustment to his/her annual leave allowance and public holiday entitlement will be made for the period covered by the term time working arrangement as per Part 4.12 of the relevant Guidance issued by NJCLGS on 28 June 2021. All full time employee working year round will currently receive a total minimum leave entitlement of 34 days leave (i.e. 6.8 weeks) per year (including 22 days annual leave and normally a total of 12 public and bank holidays in the leave year) which exceeds the minimum leave entitlement under the Working Time (NI) Regulations 2016 of 5.6 weeks' leave.

The Council will consider adopting a system that designates when a term time employee actually takes their leave. NJCLGS notes that this is likely to have implications relating to sickness absence and NJCLGS plans to issue further guidance in due course. NJCLGS notes that employees on term time only contracts will normally be contractually obliged to take leave they accrue outside of school term time.

Term Time employees will be entitled to public and bank holidays that occur during the leave year as per calculations illustrated in Section 3 above. This entitlement is unaffected by whether the public holiday occurs on a normal working day for the employee. This will be accounted for in the employee's total paid leave calculation, which the employee will be notified of in advance of the term time working arrangement commencing.

If Government announces an additional public holiday, a term time employee's paid leave should reflect the additional public holiday or an additional period of paid leave during the term time would be granted.

The leave year for term time employees will run from 1 April to 31 March.

A term time employee's line manager will be expected to provide relevant communication updates to a term time employee in the school holiday period, or any relevant work developments/ team changes, in advance of the employee's planned return to work.

6. Sickness Absence

6.1 The normal provisions for paid sickness absence will continue to apply if staff are unable to attend work due to illness, and any such payments will be calculated on the employee's earnings, as applicable to the relevant term time working arrangements. Further advice is expected from NJCLGS with respect to eligibility for occupational sick pay during a period when a term time employee is not contracted to work. NJCLGS has noted in June 2021 that it plans to issue further guidance to Councils in respect of sickness absence and sick pay relating to term time only employees.

7. Maternity Leave and Pay

7.1 Employees will continue to be entitled to paid maternity leave as per the relevant qualifying conditions (noted in Part 2 Section 11 of NJCLGS Agreement on Pay and Conditions of Service). NJCLGS has advised in June 2021 that it plans to issue further guidance, in due course to Councils, on a range of issues including maternity, parental leave, shared parental leave and adoption leave and this Addendum will be updated accordingly thereafter.

8. Application Process — Timetable

8.1 The following is a list of the key dates in the application process for term-time working.

a. January — H.R. Department will notify all staff to the availability of term-time working and provide advice on how to access relevant guidance and application forms. The closing date for applications will be the final Friday in January or as near as possible to this time. Applicants must complete the relevant application form and forward the completed form to their line manager with a copy of the completed form sent to human.resources@midulstercouncil.org. HR will maintain a written record of all flexible working requests made by an employee and a record of all decision outcomes, for the purpose of monitoring and reporting on the effectiveness of Council's Flexible Working Arrangements Policy.

b. February — A meeting will be arranged with employee and the relevant line manager to discuss term time working arrangements request. Employee has the right to be accompanied at this meeting by a trade union representative or a work colleague of the employee's choice.

c. March — H.R. department will notify the applicant of decision in writing and copy this to the relevant Director, following inclusion of the applicant's term time working request in SMT /P&R Reports in February/ March of the particular year of application. HR will send employee an outline of the proposed terms and conditions of service not later than 15 March, where the application has been approved. Alternatively, HR will send the employee written notification of the reason(s) for the refusal not later than 15 March and forward a copy of the appeal arrangements.

d. 22 March— the employee will advise HR whether he/she wishes to accept the revised terms and conditions as outlined in the previous correspondence.

Approved Applications

8.2 When an application for term-time working has been approved by the relevant Director and SMT the HR Department will notify the employee in writing in March, outlining the revised terms and conditions of employment.

8.3 On receipt of the confirmation letter from the HR Department, the member

of staff must consider the revised terms and conditions of employment as outlined and confirm in writing their decision to accept or decline these to the HR Department by 22 March of the particular year of application.

9. Declined Applications

9.1 When an application for term-time working has been declined, the HR department will also inform the member of staff in writing in March of the particular year of application. The response will give an explanation of the reason(s) the application has been refused. The HR Department will send a copy of the explanation to the applicant by 15 March of the relevant year and retain a copy of the documentation for the employee's personal file.

10. Right of Appeal

10.1 A member of staff may appeal against a decision to refuse an application for term-time working as noted in the Flexible Working Arrangements Policy (section 1.11).

11. Special Leave

The Council will ensure that employees working on a term time only basis will have equal access to that of full and part time employees to the agreed arrangements for both paid and unpaid special leave.

12. Calculation of Statutory Redundancy Pay

When calculating a week's pay for the purpose of calculating redundancy pay for a term time only employee, the calculation should be based on the number of weeks actually worked (including paid leave) by the employee. In the example given in Section 3(b) above the calculation of a week's pay for statutory redundancy, purposes would be based on 1/45.45 weeks of the employee's annual pay.

13. Termination of Term-Time Working Arrangements

13.1 If an application for term-time working has been successful, the employee is expected to remain as a term-time employee for the period 1 April to 31 March. Should he/she wish to terminate the term-time working arrangement before he/she has taken the agreed period(s) of absence, he/she should apply to his/her Director, giving a minimum of one month's written notice. Where, for justifiable business reasons, it becomes necessary for a Department to terminate a member of staff's term-time working arrangement, he/she must be given a minimum of one month's written notice and full reasons for the termination. Term time working arrangements should normally be in place for a 12-month period.

14. Learning & Development

An employee working on a term time only basis will be given equal access to learning and development opportunities. Where temporary cover is required in respect of a term time working employee, this temporary vacancy will be initially internally trawled within Mid Ulster District Council, in accordance with Part B of LGSC Code of Procedures on Recruitment and Selection.

15. Continuity of employment service

15.1 Term Time Only employees will have continuity of employment (Part 2 Paragraph 14 of NJCLGS Agreement on Pay and Conditions of Service is applicable) and periods of school closures should not be treated as a break in employment service.

16. Other Assistance

16.1 It is recognised that an employee may request term-time working to enable the employee to care for their children during school holidays or to care for other dependents. There are a range of other options available that are also aimed at helping staff with caring responsibilities (e.g. Employers for Childcare Benefits Advisory Service, freephone 0800 028 3008 can provide information and advice on tax credits, childcare vouchers etc.), flexi time, parental leave, the temporary re-arrangement of working hours, job share, career break, and carer's leave.

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Appendix 1

GUIDELINES FOR CONSIDERING TERM-TIME APPLICATIONS

1.1 Directors/Heads of Service should strive to accommodate as many applications as possible, while at the same time ensuring that there are sufficient staff present to meet the business needs of the service. This includes, not only ensuring the delivery of the service, but also that a non-term-time member of staff is able to have his/her reasonable annual leave requirements met during the school holiday periods.

1.2 In determining the number of applications that can be accommodated, the Director should consider the options available for covering absences. Examples of some of these are listed below:

- a) employing temporary staff;
- b) requesting assistance from other departments on a temporary basis
- c) asking other part-time staff if they would be prepared to work full-time over the summer months

1.3 If, after considering the above, the number of applications still exceeds the number that can be accommodated, but there is capacity for some term-time working, the Director should meet with staff to discuss the possibility of meeting part of each request.

Approved Applications

2.1 When an application for term-time working has been approved, the employee will receive written notification of this decision in March of the relevant year, accompanied by the relevant terms and conditions associated with the proposed term time working arrangement.

2. Refused Applications

2.1 As stated in section 2.1, applications for term-time working should be considered on a business grounds basis only. An application can be refused only where there is a clear, justifiable business reason. The business ground(s) for refusing an application must be one of those listed below:

- a. the burden of additional costs;
- b. detrimental effect on ability to meet customer demand;
- c. inability to re-organise work among existing staff;
- d. inability to recruit additional staff;
- e. detrimental impact on quality;
- f. detrimental impact on performance; and
- g. planned structural changes.

2.2 When an application for term-time working has been refused, the Director must complete the relevant section of the Term-time Working Application Form providing an explanation of the reason(s) for refusal, and send a copy of this form to HR Department by 10 March of the particular year of the application.

Report on	Amendment to Council Scheme of Delegation for Senior Officers
Date of Meeting	Thursday 2 nd December 2021
Reporting Officer	P Moffett, Assistant Director OD, Strategy and Performance
Contact Officer	P Moffett, Assistant Director OD, Strategy and Performance

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 and seek members' approval on amendments to the council's Scheme of Delegation for Senior Officers to reflect the new organisational structure, agreed by Council in July 2021
2.0	Background
2.1	<p>The Council agreed a new organisational structure in July 2021 which resulted in a series changes to the then council structure. The key changes to the structure are summarised as:</p> <ul style="list-style-type: none"> • The number of Departments and as a consequence Strategic Directors has been reduced to five • The new Departments being Corporate Services & Finance; Organisational Development, Strategy and Performance; Communities and Place; Environment and Planning • The number of Heads of Service have been reduced and seven Assistant Directors now form part of the structure across four department and the Chief Executive's business area • Environmental Health and its associated functions will now fall within the new Communities and Place Department and be delivered alongside Leisure • Legal Services will now fall within Corporate Services and Finance Department
2.2	These changes were agreed by Council at its meeting in July 2021. In considering and agreeing a new organisational structure members were informed and it was agreed that an updated Scheme of Delegation would be brought back to Policy and Resources Committee for consideration, arising from the structure amendments.
3.0	Main Report
3.1	The Scheme of Delegation has been reviewed and amended to reflect the changes to the organisational structure. The updated Scheme is attached as Appendix A to this report.

3.2	<p>Amendments have been made throughout the Scheme to reflect the titling of the new departments and strategic directors. The key amendments to the document are, however, as follows:</p> <ul style="list-style-type: none"> • Matters previously delegated to council solicitor will now be delegated to the Strategic Director of Corporate Services and Finance • Matters delegated in the area of environmental health and related service areas will be to the Strategic Director of Communities and Place • Matters delegated in the areas of building control and related service areas will be to the Strategic Director of Environment <p>Whilst the purpose of this review has been to align our Scheme of Delegation to the new organisational structure the opportunity has been taken to make some minor changes throughout the document, where deemed necessary.</p> <p>Environmental Health and Related Matters - Delegation</p>
3.3	<p>As the Chief Executive continues to fill the new organisational structure it should be noted that at this point the post of Strategic Director of Communities and Place is being recruited for and vacant at this time. It is therefore recommended that the council's Director of Public Health and Infrastructure, or in their absence the Chief Executive, be delegated areas pertaining to Environmental Health and related matters, where required under the Scheme until such times as the Strategic Director of Communities and Place takes up post.</p>
3.4	<p>Members will recall that it was previously agreed by Council that the Director of Public Health and Infrastructure would remain in post until March 2022. It was further agreed subject to Council agreement that this may be extended to fulfil business requirement commitments at that time to deliver and complete projects as part of the council's capital programme.</p>
4.0	Other Considerations
4.1	Financial, Human Resources & Risk Implications
	Financial: not applicable
	Human: not applicable
	Risk Management: agreement to the amendments will ensure the appropriate delegation is in place eliminating the risk to clarity on delegated authority to senior officers and ensure a seamless delivery of council services.
4.2	Screening & Impact Assessments

	Equality & Good Relations Implications: not applicable
	Rural Needs Implications: not applicable
5.0	Recommendation(s)
5.1	The committee give consideration to and authorises the amendments to the Scheme of Delegation for Officers to reflect the new organisational structure.
5.2	The committee also agrees that the Director of Public Health & Infrastructure, or in their absence the Chief Executive, has delegated authority on areas pertaining to environmental health and related matters where required under the Scheme until the new Strategic Director of Communities and Place takes up post.
6.0	Documents Attached & References
	Appendix A – Scheme of Delegation for Senior Officers

Appendix A

Mid Ulster District Council

Scheme of Delegation for Senior Officers

First Published March 2015

Revised March 2020

Last Revised **Subject to December 2021 P&R Consideration**

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1.0 INTRODUCTION

- 1.1 This Scheme of Delegation ('the Scheme') is made by Mid Ulster District Council pursuant to Sections 2 and 7 of the Local Government (Northern Ireland) Act 2014. The Local Government (Northern Ireland) Act 2014 ('the Act') states that 'a council may arrange for the discharge of any of its functions by a committee, a sub-committee, an officer of the council or by any other council. This scheme has been developed with specific reference to matters delegated to senior officers. Senior officers for the purpose of this scheme are identified in Appendix A.
- 1.2 The purpose of the Scheme is to set out the decisions and authorisations which Senior Officers can make or grant without any further reference to Council or Committees subject to, where highlighted, the relevant Committee being kept advised by means of regular reports in relation to the exercise of these delegated powers. The Scheme is designed to aid the integrated management of the organisation, the effective deployment of resources and the efficient delivery of services.
- 1.3 In line with the Act this Scheme does not delegate to Senior Officers any matter which may only be discharged by the council itself:
 - (i) Making a district rate under the Rates (Northern Ireland) Order 1977
 - (ii) Making a determination under section 13(1) of Local Government Finance Act (Northern Ireland) 2011 (affordable borrowing limit) and monitoring an amount determined
 - (iii) Borrowing money, and
 - (iv) Acquiring and disposing of land
- 1.4 A Senior Officer may only exercise a delegated function under this Scheme subject to, and in accordance with:
 - (i) The agreed plans (including but not limited to Corporate and Departmental Plans), policies, programmes and objectives approved by the Council
 - (ii) The Standing Orders, Financial Regulations, Equality Scheme, Codes of Conduct and any other relevant governance policies contained within the Council's Constitution
 - (iii) The agreed estimates for their Department
- 1.5 Delegation to deal with any matter shall not derogate from the power of the Council or the relevant Committee to call for a report on any decision or action taken under the Scheme.
- 1.6 A Senior Officer may, notwithstanding their power of delegation, refer a matter to the relevant Committee in any case requiring discussion or in unusual circumstances.
- 1.7 Authority to take decisions and other actions pursuant to the Scheme shall be exercised in the name of the delegated officer but not necessarily personally by them. In the absence of the officer to whom a function is delegated, the function may be

exercised by the officer(s) responsible for the performance of their duties during such absence.

- 1.8 Where the authority is given, but without naming an officer, such authority shall be deemed as authorising the Chief Executive or the appropriate Senior Officer to take such steps.
- 1.9 In any case where the exercise of a delegated power involves considerations within the remit of another Senior Officer, the Senior Officer exercising the power shall consult with that other Senior Officer prior to taking any final decision.
- 1.10 The Chief Executive may exercise the powers delegated to any Senior Officer and to any proper officer except in the relation to those functions allocated to the Chief Financial Officer, within the meaning of the Local Government Finance Act (Northern Ireland) 2011, unless he or she is appointed as the Chief Financial Officer for the purposes of the Act.
- 1.11 In the event that a senior officer's post ceases to exist or his or her responsibilities are transferred to another senior officer, temporarily or permanently, then the powers given by this scheme shall be exercisable by the officer in whose area of responsibility the power falls to be exercised.
- 1.12 Any reference in the Scheme to a statutory enactment shall be deemed to include any modification thereof.
- 1.13 Authority to exercise any delegated power shall include authority to take all reasonable necessary actions of an incidental or consequential nature.
- 1.14 Where the Council or a committee gives authority for the doing of anything, the officer designated shall be entitled to take all necessary steps for doing such a thing.

2.0 GENERAL PRINCIPLES ON DELEGATION

- 2.1 Where decisions are taken by officers under delegated powers and authority the following principles and conditions shall be taken considered and applied at all times:
 - Powers shall be exercised in accordance with the Constitution and Standing Orders of Mid Ulster Council
 - The officer exercising such powers shall give effect to any resolution of the Council or committee, upon any matter of principle or policy in relation to the functions concerned
 - Where an officer is authorised to take decisions, action to implement such decisions shall be taken in the name of (but not necessarily personally by) that officer.
 - The officer dealing with a matter shall arrange any inter-departmental or member level consultation that shall be required. If inter-departmental agreement is not reached at senior officer level, the matter shall be referred to the Chief Executive for consideration.

- In a case of where the officer exercising the power considers that a new departure in policy is likely to be involved, or if the implications are such that the officer considers that such course is necessary, the matter shall be referred to the Chief executive for consideration
- The exercise of delegated authority shall be subject to there being adequate and appropriate budgetary provision, in the year of exercise and future years.
- Any decision which may attract to the Council legal liability shall be taken in consultation with the Strategic Director of Corporate Services and Finance
- Any decision which has significant financial implications shall be taken in consultation with the Strategic Director of Corporate Services and Finance or, in their absence, the Assistant Director of Finance, Legal, Governance and Transformation
- The exercise of functions under the scheme shall have regard to all relevant considerations

3.0 DELEGATED FUNCTIONS: GENERAL

The exercise of the following general functions is delegated to all Senior Officers:

3.1 General administration

- 3.1.1 Taking all necessary action for the effective day-to-day management, administration and supervision of the department, services and land and property assets for which the Senior Officer is responsible.
- 3.1.2 Implementing those actions, programmes and initiatives which the Senior Officer is responsible for, as set out in agreed Council plans subject to regular reporting to the relevant Committee and to the expenditure being within agreed estimates.
- 3.1.3 Engaging consultancy assistance, where required, subject to relevant Council policies and regular reporting to the relevant Committee on the use of this delegated authority.
- 3.1.4 Carrying out surveys and other research in connection with the functions of the department, subject to Council policies on procurement.
- 3.1.5 Responding to consultation documents on matters which are routine or which do not have significant policy or financial implications for the Council.
- 3.1.6 Making initial applications for grant funding from external bodies where there is not sufficient time for Council approval to be obtained provided that there is no Commitment for Council funding and that any subsequent decision to proceed remains subject to Committee approval.
- 3.1.7 Developing and implementing specific promotions, schemes and events (including the provision of prizes) in line with any relevant Council policies.

- 3.1.8 Instructing the Strategic Director of Corporate Services and Finance to take legal proceedings in regard to the recovery of debt(s), the enforcement of contractual rights, the service of notices, the prosecution of statutory offences and the instituting and defending of claims and proceedings affecting the Senior Officer's department.

3.2 Finance

- 3.2.1 Paying the cost of an employee's professional fees where it is legally necessary for the employee to perform their duties in line with the Local Government Finance (Northern Ireland) Act 2011
- 3.2.2 Writing off any loss of money (including bad debts) and loss of stores and obsolete equipment and materials in accordance with the limits outlined in the Financial Regulations.
- 3.2.3 Approving payments to employees for damage to personal apparel or other items up to a limit of £500 where the damage has occurred in the course of the duties of that employee.
- 3.2.4 Authorising any employees to attend training and development events, technical visits and courses within their jurisdiction, subject to any relevant Council policies.
- 3.2.5 Authorising appropriate payments to employees in their department in respect of telephone, travel and subsistence allowances, standby and call out allowances, overtime, additional duties, in accordance with Council policies.
- 3.2.6 Granting of small scale hospitality pursuant to sec. 37 and 38 of the Local Government Finance (Northern Ireland) Act 2011 subject to the financial limits set.

3.3 Emergencies and cases of urgency

- 3.3.1 Taking such measures, including incurring expenditure, as may be required in emergency situations or cases of urgency, subject to advising the appropriate Chair and reporting to the appropriate Committee as soon as possible.

3.4 Management of Land & Property Assets

The exercise of the following delegated powers is in relation to the management of the land and property assets, for example, cultural centres, leisure centres, parks and open spaces but excluding the 3 Civic Council Offices which are the responsibility of the Strategic Director of Organisational Development, Strategy and Performance. The use of these delegated powers is subject to paragraph 1.3 above that there is no disposal, holding or acquisition of land involved.

- 3.4.1 Permitting the use of such assets by Council departments and services and outside bodies in accordance with any relevant Council policies.

- 3.4.2 Varying the opening times of, or restricting access to, or closing such assets in special circumstances (for example to permit maintenance or other operational reasons) in consultation with the Chairman of the relevant Committee.
- 3.4.3 Approving the holding of non-controversial events, conferences and promotions in such assets and applying any necessary hire and/or admission charges or discounted pricing in line with Council policies.
- 3.4.4 Approving, after consultation with the Chairman of the relevant Committee and Council, requests received in respect of deemed controversial events and activities in such assets where there is not sufficient time for Council approval to be obtained, subject to a report being taken to Committee as soon as possible thereafter
- 3.4.5 Granting temporary licences for the use of Council assets for the purpose of events/car parking or other temporary uses on appropriate commercial terms, subject to consultation with the Strategic Directors of Corporate Services and Finance; Environment and; Communities and Place.

3.5 Human Resources

The exercise of the following delegated powers is subject to consultation with the Strategic Director of Organisational Development, Strategy and Performance to ensure that decisions are taken in accordance with any relevant Council policies and that, where necessary, the appropriate Committee is kept fully advised by way of regular reporting. Staff management changes which result in an increase in the approved staffing establishment and staffing budget for a department and/ or which effect any changes to posts at third tier and above Assistant Director level, will be subject to approval by the Council.

- 3.5.1 Undertaking service reviews, including the deletion of permanent posts and the creation of new permanent posts, provided that there is no increase in the Department's approved staffing establishment and staffing budget for permanent posts, subject to approval of the Chief Executive.
- 3.5.2 Creating new temporary posts provided that there is no increase in the Department's approved staffing establishment and staffing budget, in accordance with Organisational Development, Strategy and Performance Department's approach.
- 3.5.3 Approving the use of agency resources in accordance with all relevant Council policies, following approval from Strategic Director for Organisational Development, Strategy and Performance.
- 3.5.4 Appointing successful applicants to posts in line with the employment policies and practices adopted by the Council.
- 3.5.5 Agreeing to a one month overlap period for the appointment of employees, provided that this can be accommodated within budget.

- 3.5.6 Allowing or disallowing all requests for leave, of any kind, in accordance with the Schemes of Conditions of Service adopted by the Council.
- 3.5.7 Approving paid or unpaid leave of absence subject to all relevant Council policies.
- 3.5.8 Taking action, including terminating or varying contracts of employment in respect of employees in the relevant department in accordance with Council policies following consultation with the Director of Organisational Development, Strategy and Performance.

3.6 Procurement

The exercise of the following delegated powers is subject to consultation with the Strategic Director of Corporate Services and Finance to ensure decisions are taken in accordance with relevant Council policies, including Standing Orders and the Financial Regulations, and that where necessary, the appropriate Committee is fully advised by way of regular reporting.

Under the Local Government (Northern Ireland) Act 1972 any contract that exceeds the statutory amount of £30,000 exclusive of VAT must be made under the Corporate Seal. The Corporate Seal can only be affixed when there is a resolution of the Council.

- 3.6.1 Procuring goods, services or works under the statutory limit of £30,000 where the procurement:
 - (1) is in relation to matters of a routine or recurring nature; or
 - (2) is in relation to the operational requirements of the Department; or
 - (3) is contained within an agreed Council plan.
- 3.6.2 Authorising the completion of a contract for the procurement of goods, services or works over the statutory limit of £30,000, following a tender exercise, where the Council has approved the invitation to tender and been notified of the award of the contract in accordance with the predetermined award criteria.
- 3.6.3 Approving the changing of sureties by contractors provided the Council's interests remain fully protected.
- 3.6.4 Determining a contract awarded by the Council where the contractor is in breach of contract and unable or unwilling to proceed therewith, subject to prior consultation with the Chairman of the relevant Committee, Council Solicitor and Director of Finance.
- 3.6.5 Taking action to ensure contract compliance and negotiating claims and contract variations.
- 3.6.6 Signing maintenance agreements subsequent to capital acquisitions agreed by the Council subject to consultation with the Strategic Director of Corporate Services and Finance.
- 3.6.7 Making arrangements for the supply of goods and services pursuant to Section 105 of the Local Government Act (Northern Ireland) 1972.

4.0 DELEGATED FUNCTIONS: BY OFFICER

4.1 Chief Executive

The Chief Executive is the head of paid service who is accountable to Mid Ulster District Council for the delivery of its statutory and non-statutory services. The post is specifically responsible for marketing and communications, rural development, economic development, physical regeneration, tourism and the transferred functions from the former Department for Enterprise, Trade and Investment.

In addition to those areas identified as general delegated functions, at 3.0 above, the post holder is also delegated authority to:

- Sign legal documents on behalf of the council
- Sign documents to which a seal is affixed in line with section 120(2) of the Local Government (NI) Act 1972
- Affix the corporate seal, as required on resolution of the council
- To sign annual accounts and annual governance statements as Chief Financial Officer (CFO)

The Deputy Chief Executive is delegated the functions above at 4.1, with the exception of the signing of the annual accounts and annual governance statements, during periods of leave of the Chief Executive.

4.2 Strategic Director of Communities and Place

The Strategic Director of Communities and Place is responsible for and accountable to the Chief Executive for the delivery of community services; Policing and Community Safety Partnership; former transferred functions of the Department for Social Development; cultural venues; arts development; languages; events; licensing matters extending to street trading, betting, gaming lotteries and amusements and others within the environmental health remit; health and safety advice to businesses, employees and members of the public; public health and housing; food control; pollution control; leisure; sports development; water recreation sites; open spaces; play parks and countryside access functions.

In addition to those areas identified as general delegated functions, at 3.0 above, the post holder is also delegated authority to:

- To sign and issue notices on behalf of Council
- In accordance with the relevant statutory provisions as listed in Appendix B1, to act for and on behalf of Council, and authorise staff where required, to

meet the required service provision, and the regulation and enforcement of relevant statutory powers as conferred on Council

4.3 Strategic Director of Environment

The Director of Environment and Infrastructure is responsible for and accountable to the Chief Executive for waste management; cleansing; recycling; vehicle maintenance and fleet operator compliance; property/asset management; cemeteries; grounds maintenance; off street car parking functions; Building Regulations; entertainment licensing, property certificates; capital planning and capital project delivery; sustainability; biodiversity and; emergency planning and corporate health and safety functions.

In addition to those areas identified as general delegated functions, at 3.0 above, the post holder is also delegated authority to:

- To sign and issue notices on behalf of Council
- Issue 'Seven Day Notices' in respect of abandoned vehicles under the Pollution Control and Local Government (NI) Order 1978, as amended
- Authorise the relevant Service officers to act on behalf of council to exercise functions, as follows, in line with Building Control statutory rules detailed in Appendix B2 in regard to:
 - (a) enforcing all regulations, orders and bye-laws made under the said legislation
 - (b) issuing and serving certificates and notices
 - (c) granting and refusing authorisations, approvals and consents, rejecting plans
 - (d) exercising any powers in relation to the issue (but not refusal) of licences
 - (e) effecting (but not cancelling or refusing to effect) registrations and maintaining statutory registers
 - (f) authorising individual officers for the purpose of exercising any statutory power
 - (g) dispensing with or relaxing, or refusing to dispense with or relax Building Regulations and inviting representations thereon, and extending prescribed periods
 - (h) exercising powers in relation to the energy performance of buildings
 - (i) exercising of powers under Article 18 of the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985 in relation to the removal or obliteration of graffiti, placards or posters

4.4 Strategic Director of Corporate Services and Finance

The Strategic Director of Corporate Services and Finance is responsible for and accountable to the Chief Executive for the administration of finance to include debtors, creditors and payroll and information computer technology, legal matters, governance and transformation functions within Council.

In addition to those areas identified as general delegated functions, at 3.0 above, the post holder is also delegated authority to:

- Instituting legal proceedings on behalf of Council, acting on the instructions of council or the relevant Senior Officer

4.5 Strategic Director of Organisational Development, Strategy and Performance

The Strategic Director of Organisational Development, Strategy and Performance is responsible for and accountable to the Chief Executive for the delivery of the human resource and registration services functions within Council; responsibility for the 3 Civic Council Offices; democratic and committee services; business support; customer services; corporate strategy; performance and; community planning functions of council.

No specific matters are delegated as of the date of this scheme

4.6 Service Director of Planning

The Service Director of Planning is responsible for and accountable to the Chief Executive for the delivery of Development Planning and Enforcement and Development Management functions of council.

In addition to those areas identified as general delegated functions, at 3.0 above, the post holder is also delegated authority to:

- Determine all local development applications as detailed in Appendix C, whether for approval or refusal, with the exception of those as contained
- On processing planning consents, certificates, tree preservation orders, enforcement of planning control and other determinations to the extent as detailed in Appendix C

APPENDIX A: SENIOR OFFICER

In this Scheme the expression Senior Officer means:

- Chief Executive
- Strategic Director of Communities and Place
- Strategic Director of Environment
- Strategic Director of Organisational Development, Strategic and Performance
- Strategic Director of Corporate Services and Finance
- Service Director Planning

APPENDIX B1: STATUTORY RULES

Environmental Health Functions

Legislation	<p>Animal By Products Regulations (NI) 2003</p> <p>Anti-Social Behaviour (NI) Order 2004</p> <p>Betting, Gaming, Lotteries & Amusements (NI) Order 1985</p> <p>Building Regulations (NI) Order 1979 (as amended)</p> <p>Building Regulations (NI) 2012 (as amended)</p> <p>Building (Prescribed Fees) Regulations (NI) 1997 (as amended)</p> <p>Caravans Act (Northern Ireland) 1963</p> <p>Children and Young Persons (Protection from Tobacco) (Northern Ireland) Order 1991</p> <p>Cinemas (NI) 1994</p> <p>Clean Air (Northern Ireland) Order 1981</p> <p>Clean Neighbourhoods and Environment Act (NI) 2011</p> <p>Construction Products Regulations 1991</p> <p>Consumer Protection Act 1987</p> <p>Dangerous Dogs 1991</p> <p>Dogs (NI) Order 1983</p> <p>Energy Performance of Buildings (Certificates and Inspections)(Amendment) Regulations (NI) 2014</p> <p>Environment (NI) Order 2003</p> <p>European Communities Act 1972</p> <p>Fire & Rescue Services NI Order 2006</p> <p>Food and Environment Protection Act 1985</p> <p>Food Hygiene Regulations (NI) 2006</p> <p>Food Labelling Regulations (NI) 1996</p> <p>Food (Northern Ireland) Order 1989</p> <p>Food safety (Temperature Control) Regulations (NI) 1995</p> <p>Food Safety (Northern Ireland) Order 1991</p> <p>General Product Safety Regulations 2005</p> <p>Good Rule and Government Bylaws</p> <p>Hairdressers Act (NI) 1939</p> <p>Health and Safety at Work (Northern Ireland) Order 1978</p> <p>Health and Personal Social Services (NI) Order 1978</p> <p>High Hedges Act (NI) 2011</p>
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	<p>Industrial Pollution Control (Northern Ireland) Order 1997</p> <p>Licensing (NI) Order 1996</p> <p>Litter (Northern Ireland) Order 1994</p> <p>Local Government Act (Northern Ireland) 1972 - Byelaws</p> <p>Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985</p> <p>Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1992</p> <p>Noise Act 1996</p> <p>Petroleum (Consolidation) Act (NI) 1929</p> <p>Pleasure Grounds Bylaws</p> <p>Poisons (Northern Ireland) Order 1976</p> <p>Pollution Control and Local Government (Northern Ireland) Order 1978</p> <p>Pollution Prevention and Control Regulations (Northern Ireland) 2003</p> <p>Private Tenancies (NI) Order 2006</p> <p>Public Health Acts 1878 to 1971</p> <p>Public Health and Local Government (Miscellaneous Provisions) Act 1949</p> <p>Rats and Mice Destruction Act 1919</p> <p>REACH Enforcement Regulations 2008</p> <p>Rent (Northern Ireland) Order 1978</p> <p>Shops (Sunday Trading etc) (Northern Ireland) Order 1997</p> <p>Street Trading Act (Northern Ireland) 2001</p> <p>Smoking (NI) Order 2006 and associated Regulations</p> <p>Sunbeds Act (Northern Ireland) 2011</p> <p>Safety of Sports Grounds (Northern Ireland) Order 2006</p> <p>Tobacco Advertising and Promotion Act 2002</p> <p>Volatile Organic Compounds in Paints, Varnishes and Vehicle Refinishing Products Regulations 2005</p> <p>Waste and Contaminated Land (NI) Order 1997</p> <p>Welfare of Animals Act (NI) 2011</p> <p>Welfare Services Act (Northern Ireland) 1971</p> <p><u>EC Regulations</u></p> <p>Regulation (EC) No 178/2002 Laying Down the General</p>
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	<p>Principles and requirements of Food Law, Establishing the European food Safety Authority and Laying Down Procedures in matters of Food Safety</p> <p>Regulation (EC) No 852/2004 The Hygiene of Foodstuffs</p> <p>Regulation (EC) No 853/2004 Laying Down Specific Hygiene Rules for Food of Animal Origin</p> <p>Regulation (EC) No 854/2004 Laying Down Specific Rules for the Organisation of Official Controls on Products of Animal Origin Intended for Human Consumption</p> <p>Regulation (EC) No 882/2004 Official Controls Performed to Ensure the Verification of Compliance with Feed and Food law, Animal Health and Animal Welfare Rules</p> <p>Regulation (EC) No. 1907/2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals.</p>
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APPENDIX B2: STATUTORY RULES

Building Control Functions

- Building Regulations (Northern Ireland) Order 1979 (as amended)
- Building Regulations (Northern Ireland) 2012 (as amended)
- Petroleum (Regulations) Act (Northern Ireland) 1929 and 1937
- Clean Neighbourhoods and Environment Act (NI) 2011
- Health and Safety at Work (Northern Ireland) Order 1978
- Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985
- Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1995
- Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1992
- Public Health Acts 1878 to 1971
- The Energy Performance of Buildings (Certificates and Inspections) (Amendment) Regulations (Northern Ireland) 2009
- Building (Prescribed Fees) (Amendment) Regulations (Northern Ireland) 2013

- **APPENDIX C DELEGATED AUTHORITY ON PLANNING MATTERS**

Scheme of Delegation of Planning Applications

The Scheme of Delegation for planning applications was agreed by Mid Ulster District Council at its meeting of *Thursday 23 April* following approval by the Department of the Environment for Northern Ireland on 1 April. The approval is in accordance with Section 31 of The Planning Act (NI) 2011. The Scheme of Delegation takes effect from Wednesday 1 April.

Part A – Mandatory applications for determination by the Planning Committee:

Statutory requirements require that certain types of application must be determined by the planning committee and these cannot therefore be delegated to officers:

- Applications which fall within the Major category of development;
- An application for planning permission where the application is made by the council or an elected member of the council, and
- The application relates to land in which the council has an interest/estate.

Part B – Delegated Applications:

The appointed person within the Council is the Service Director of Planning

To determine all local development applications with the exception of:

- Applications which are significant departures from the Development Plan or planning policy and which are recommended for approval.
- Applications submitted by the Chief Executive, Directors, planning staff, or their close relatives (parents, partners, siblings, and children).
- Applications attracting valid planning objection including those from a statutory consultee, where the officer's recommendation is to approve.
- Any application referred to the Planning Committee by a Council Member, subject to a valid planning reason being provided by the Member for the deferral.
- All refusals of planning permission.
- Applications where the Service Director of Planning considers that the proposal merits consideration by the Committee, for example an application subject to an Enforcement Notice where the recommendation is to refuse permission.
- Applications where a legal agreement is required.

Part C – Publicity:

On adoption of this scheme of delegation the council made a copy

- available on the councils website at www.midulstercouncil.org

- available at Mid Ulster Council Offices
Magherafelt Office
50 Ballyronan Road
Magherafelt
BT45 6EN

An advert was placed in the local press.

Scheme of Delegation of planning consents, certificates, tree preservation orders, enforcement of planning control and other determinations

The Scheme of Delegation for planning consents, certificates, tree preservation orders, enforcement of planning control and other determinations was agreed by Mid Ulster District Council at its meeting of *Thursday 23 April*. The Scheme of Delegation takes effect from Wednesday 1 April and is in accordance with Section 7 (4) (b) of the Local Government Act 2011.

The Planning Committee shall be required to consider and determine:

- the serving of a Tree Preservation Order;
- confirmation of a Provisional Tree Preservation Order.

Delegated planning consents, certificates, orders and other decisions:

The Planning Manager is delegated the authority to:

- serve a Provisional Tree Preservation Order;
- determine an application:
 - to carry works to a Protected Trees;
 - for Hazardous Substance Consent;
 - for a Certificate of Lawful Use of Development and for Non Material Changes.

All applications for listed building consent, conservation area consent and advertisement consent are delegated with the exception of the following which require determination by the Planning Committee:

- The application is made by the council or an elected member of the council.
- The application relates to land in which the council has an interest.
- The application is submitted by the Chief Executive, Director, planning staff, or close relatives (parents, partners, siblings, and children)
- The application has attracted valid planning objection including those from a statutory consultee, where the officer's recommendation is to approve.
- The application is recommended for refusal.
- Where the Service Director of Planning considers that the proposal merits consideration by the Committee.

The Planning Committee reserves the right to request a report for information purposes on any of these delegated matters.

Investigation of Breaches of Planning Control and Enforcement Action:

The Planning Committee shall be required to consider and determine the serving of an Enforcement Notice, Stop Notice, and Listed Building Enforcement Notice.

The Service Director of Planning is delegated the authority to:

- investigate all complaints of a breach of planning control and where appropriate may close a case on the grounds that a breach has not occurred or that it is not expedient or in the public interest to take action;
- serve of a Breach of Condition or Submission Notice;
- instruct the District Solicitor in the pursuit of legal action provided the Committee is aware of the action and may instruct the Planning Manager to cease or to hold in abeyance any legal proceedings.

The Service Director of Planning may in exceptional circumstances and where there is a risk to human health or safety serve an enforcement notice or stop notice.

The Planning Committee reserves the right to request a report for information purposes on any of these delegated matters.

Minutes of Meeting of Policy and Resources Committee of Mid Ulster District Council held on Thursday 4 November 2021 in the Council Offices, Circular Road, Dungannon and by Virtual Means

Members Present

Councillor McKinney, Chair

Councillors Ashton, Buchanan, Cuddy, Elattar*, Forde*, Gildernew*, Kearney, S McAleer*, S McGuigan*, S McPeake*, Molloy, Quinn*, Totten*

Officers in Attendance

Mr McCreesh, Chief Executive
Mrs Canavan, Strategic Director of Organisation Development, Strategy and Performance
Mr Browne**, Head of Tourism
Mrs Donnelly**, Council Solicitor
Mrs Dyson**, Head of HR
Mr Gordon**, Assistant Director Health, Leisure & Wellbeing
Mr Kelso, Director of Public Health & Infrastructure
Ms Mezza**, Head of Marketing and Communications
Mr Moffett, Assistant Director of Organisation Development, Strategy and Performance
Mr McCance**, Head of Culture and Arts
Mr O'Hagan, Head of ICT
Mr Scullion**, Assistant Director of Property
Mr Tohill, Strategic Director of Corporate Service and Finance
Mrs Grogan, Democratic Services Officer

* Denotes members present in remote attendance

** Denotes Officers present by remote means

*** Denotes others present by remote means

The meeting commenced at 7.00 pm

The Chair, Councillor McKinney welcomed everyone to the meeting and those watching the meeting through the Live Broadcast. Councillor McKinney 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.

PR200/21 Apologies

Councillor McLean.

PR201/21 Declarations of Interest

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

Councillor Cuddy declared a non-pecuniary interest in agenda item 14 – Dungannon Lands.

PR202/21 Chair's Business.

None.

PR203/21 Update on Department for Communities Access and Inclusion Programme 2021/22

The Head of Culture and Arts presented previously circulated report to:

- Provide members with an update on the 2021/22 Department for Communities Access and Inclusion Funding Programme
- Provide members with the list of projects approved for funding by Department for Communities
- Seek approval to set up specific finance codes to incur expenditure for each project where required
- Seek approval to utilise the approved Council framework contractors, where required
- Seek approval to initiate a tender process to appoint a suitably qualified contractor to install automated doors at the five locations as identified within section 3 of this report

Proposed by Councillor Cuddy
Seconded by Councillor S McGuigan and

Resolved That it be recommended to Council that approval be granted:

(i) Update on the 2021/22 Department for Communities Access and Inclusion Funding Programme

Noted.

(ii) List of projects approved for funding by Department for Communities

Noted.

(iii) Set up specific finance codes to incur expenditure for each project where required

Resolved To set up specific finance codes to incur expenditure for each project where required.

(iv) Utilise the approved Council framework contractors, where required

Resolved To utilise the approved Council framework contractors, where required, to deliver the projects identified.

- (v) **Initiate a tender process to appoint a suitably qualified contractor to install automated doors at the five locations as identified within section 3 of this report**

Resolved To initiate a tender process to appoint a suitably qualified contractor for the installation of automated doors at the following five locations - Bridewell, Mid Ulster Sports Arena, Maghera Leisure Centre, Cookstown Leisure Centre and Tobermore Golf Club.

PR204/21 Cahore Playing Fields, Draperstown

The Assistant Director Health, Leisure & Wellbeing presented previously circulated report to provide information to members on a paper which was approved at the Development Committee in October 2021 and to seek a budget allocation of £55,000 towards Cahore Playing Fields.

Councillor Cuddy advised that there had been a discussion at the last Development Committee regarding this and whilst he didn't vote against it, felt it was down to the process again. He said that he didn't realise until towards the end of the meeting that there was other funding coming from other Departments which was good to see but would still be concerned about Council improving pitches which could be developed into 3G pitches anyway.

Councillor Cuddy enquired how much the landlord was being paid for the site in the first instance as he would have concerns about the process as quite a few pitches which the Council own was well below standard. He was aware of the Pitch Strategy 5 Year Plan and said it important to avail of any investment that was coming from anywhere but felt that it was important to treat everyone the same as there were other pitches identified long before this one which hadn't availed of any support.

The Assistant Director Health, Leisure & Wellbeing advised that full costings and details were outlined within the appendix but stated the Landlord rental costs were £7072.65 per annum but anticipated that there would be a saving to be derived with the leasing and a potential payback within a four year term. He said that it was worth noting that whilst Officers were seeking approval for £55,000 tonight, only a proportion would be spent at the start on the GAA pitch with or without leasing as these works were likely to be required. He advised that this was being brought ahead of the Pitch Strategy as this proposal was brought before the commencement of the Pitch Strategy and also to help the local soccer club with their bid into a funding scheme to help develop a floodlit 3G pitch as proof of tenure likely to be a requirement but Officers would be working hard to make sure there was a mechanism within the Pitch Strategy to deal with other requests throughout the District. He stated that a good workshop had taken place last Monday night and hoped to convene another workshop with members in the coming weeks with a view to bringing forward the Pitch Strategy early in the New Year and hoped that this would outline a mechanism for future upgrades for the remainder of the assets across the District.

The Chair referred to comment about savings and asked how this payback over 4 years was going to come into place as this would be very welcome.

The Assistant Director Health, Leisure & Wellbeing advised that currently Council were paying rental costs to the Landlord, ongoing maintenance fees, staff costs, equipment, cutting and maintenance of the three pitches and also the pavilion. In addition there was staff costs every time the pavilion was opened and closed and each time the pitches were facilitated for bookings, so by moving towards the leasing model where the clubs would be taking on responsibility over the opening, closing, staffing, supervision and general upkeep, this would negate the need for Council staff to attend site as this would be facilitated by the two local clubs. Taking all this into consideration this would be the basis where annual savings would be made and also generate some income derived from the LPS valuations which the clubs agreed to meet and income from the hire of the pavilion on an annual basis also.

Councillor S McPeake stated that he would have no hesitation in proposing the recommendation as works at this site was long overdue. He referred to the workshop last Monday night which had taken place and advised that the request for this site was made some time ago. He said that he knew the pitch well and the difficulties for children to play on it within the last year as it was well below standard and stated that the Assistant Director Health, Leisure & Wellbeing had outlined the savings well which were going to be accrued over the next number of years and the fact that the Clubs were going to take it on with LPS valuations and take all the maintenance and work out of our hands which could only be beneficial to the Council.

Councillor Cuddy said that by listening to comments tonight, it was his understanding that Council staff would not be involved in the cleaning and maintenance of the pavilion and asked if this was the case.

The Assistant Director Health, Leisure & Wellbeing advised that outside of Councils statutory duties around legionella, etc that's all that would be proposed by Council staff. The opening, closing and cleaning of the pavilion would be the responsibility of the two Clubs which would be managed on an account management basis to ensure that the terms of the agreement were carried out as required. He clarified that the Council would have little to no involvement moving forward.

Councillor Elattar said that she would be happy to second the recommendation as it was a good idea. She referred to last Development Committee where the issue was raised and commended Officers on outlining the case very well and advised that this project would be a huge benefit to the community and a good payback for Council.

Proposed by Councillor S McPeake
Seconded by Councillor Elattar and

Resolved That it be recommended to Council that approval be given to:

- (i) Proceed to progress to the next stage by drafting, agreeing and executing terms with the successful submissions in line with LPS valuations for pitch 1, 2 and 3 for a period of 25 years with option to extend
- (ii) Proceed to engage with the landlord and extend the term where relevant to ensure agreements are co-terminus
- (iii) Assign a rental value of £1,000 per annum to the pavilion for a separate key-holding agreement – subject to annual review and monitoring

- (iv) Agree budget allocation of £55,000 for the upgrade of the pitches to an acceptable standard.

PR205/21 Sport NI Multi Facility Fund Application

The Assistant Director Health, Leisure & Wellbeing presented previously circulated report to update members of the progress of the Sport NI Multi Facility Fund Application and to seek approval for match funding allocation from the Council's Capital Framework 2020-2024.

Proposed by Councillor Buchanan
Seconded by Councillor Molloy and

Resolved That it be recommended to Council to note the progression of the project and to grant approval for Council to provide match funding of £1.6 million as part of the Council's Capital Framework 2020-2024.

PR206/21 Elected Members Development Working Group

The Assistant Director of Organisation Development, Strategy and Performance presented previously circulated report which asked for members to consider meeting of the Elected Member Development Working Group held on 26 October 2021.

Proposed by Councillor Kearney
Seconded by Councillor Molloy and

Resolved That it be recommended to Council to approve the report of the Elected Member Development Steering Group meeting and actions contained, held on Tuesday 26 October 2021.

PR207/21 Member Services

No issues.

Matters for Information

PR208/21 Minutes of Policy and Resources Committee held on 7 October 2021

Members noted Minutes of Policy and Resources Committee held on 7 October 2021.

**PR209/21 Local Government Partnership on Travellers Issues:
Subscription 2021-22**

Members noted update on request from the Northern Ireland Local Government Partnership on Travellers Issues for annual subscription for period 2021-22.

Live broadcast ended at 7.16 pm.

Local Government (NI) Act 2014 – Confidential Business

Proposed by Councillor Cuddy
Seconded by Councillor Molloy 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 Member consider items PR210/21 to PR223/21.

Matters for Decision

PR210/21 DFI Roads – Wayleave Agreement – Play Park
PR211/21 Augmented Reality and Trail Interpretation for Davagh Forest (Cookstown), Slievemore (Mayo) and Ballyronan Marina (Magherafelt)
PR212/21 Cookstown – Lands
PR213/21 Dungannon – Lands
PR214/21 Staffing Matters for Decision
PR215/21 2022/23 Rate Estimates
PR216/21 Banking Services

Matters for Information

PR217/21 Confidential Minutes of Policy and Resources Committee held on 7 October 2021
PR218/21 Financial Report for 6 months ended 30 September 2021
PR219/21 Contracts and DAC
PR220/21 Leisure Services VAT Update
PR221/21 Rate Support Grant Update
PR222/21 Staff Matters for Information
PR223/21 Recovery of Building Control Fees

PR224/21 Duration of Meeting

The meeting commenced at 7 pm and concluded at 8.20 pm.

Chair _____

Date _____

Annex A – Introductory Remarks from the Chairperson

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

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

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

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

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

Report on	Review of Hate Crime Legislation - Duty to Remove Hate Expression
Date of Meeting	Thursday 2 nd December 2021
Reporting Officer	Philip Moffett, Assistant Director (OD, Strategy & Performance)
Contact Officer	Ann McAleer, Corporate Policy & Equality Officer

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

1.0	Purpose of Report
1.1	The purpose of this report is to inform members of the plans by the Department of Justice (DOJ) to bring forward legislative changes via consolidated Hate Crime legislation.
1.2	This matter was raised at the Corporate Good Relations Working Group and recommended that an information report be placed at the next available meeting of Committee.
2.0	Background
2.1	A commitment to review Hate Crime legislation was included in the draft Programme for Government 2016-21 and, in May 2019, the Department of Justice appointed Judge Desmond Marrinan to carry out an independent Review of Hate Crime Legislation.
2.2	This Review considered whether the existing legislation represents the most effective approach for the justice system to deal with criminal conduct motivated by hatred, malice, ill-will or prejudice, including hate crime and abuse which takes place online.
2.3	Judge Marrinan's Final Report was published on 1 December 2020 making 34 recommendations. The final report is comprehensive and is available from the Department of Justice website by accessing the following link: https://www.justice-ni.gov.uk/publications/hate-crime-legislation-independent-review
2.3	Whilst the report is wide ranging having an impact across wider society and the public sector in how it approaches matters pertaining to hate crime, recommendation 15 specifically references local councils. An executive summary of the report of all the recommendations is attached as appendix A. The full report is accessible through the aforementioned link.

3.0	Main Report
3.1	<p>The final report makes 34 recommendations of which recommendation 15 makes reference to local councils:</p> <p><i>There should be a clear and unambiguous statutory duty on relevant public authorities including Councils, the Department for Infrastructure and the Northern Ireland Housing Executive, to take all reasonable steps to remove hate expression from their own property and, where it engages their functions, broader public space.</i></p>
3.2	The Department of Justice wrote to Councils in September 2021 to inform Chief Executives that, <i>‘the Minister agrees with the Report’s overall assessment’</i> .
3.3	On that basis DOJ commenced an officer level consultative process with information gathering workshops held in October 2021. The purpose of the workshop was to get feedback on the potential impacts and practical out-workings for Councils.
3.4	The workshop consultation topics included; what Councils do to ensure removal of hate expression from council property, whether or not Councils have a specific definition/threshold regarding what constitutes a hate expression, relevant records that are kept and any current engagement with (including statutory, voluntary and community sector) to assist decisions on removal of hate expressions.
3.5	As part of the consultation process the DOJ were made aware that in November 2019 it was resolved by Mid Ulster District Council to approve the continuation of the informal approach for offensive graffiti either reported to or identified by Environmental Health staff in the Mid Ulster Council area to explore the possibility of working with Youth Justice in respect of removal of non-offensive graffiti.
3.6	In relation to the removal of hate expression other than graffiti, the Environment & Property directorate respond to requests that come direct from Elected Members/Senior Management on an ad-hoc basis, particularly if the hate expression was on Council property.
3.7	To date, the feedback provided to DOJ confirms that steps are already currently being taken by Council to remove hate expression from Council property. Therefore, Council are already adhering to some of the proposals of the revised legislation. However, if the proposed changes to the legislation are introduced there would be an additional level of intervention in relation to hate expression required by Council requiring possible increased expenditure and robust documentation in relation to decisions taken on hate crime expression.
4.0	Other Considerations
4.1	Financial, Human Resources & Risk Implications
	Financial: Financial implications yet to be determined.

	Human: Human resources implications currently unclear.
	Risk Management: Risks implications will be identified once the legislation is finalised.
4.2	Screening & Impact Assessments
	Equality & Good Relations Implications: Currently no action is required by Council, therefore no equality screening is required.
	Rural Needs Implications: Currently no action is required by Council, therefore no Rural Needs Impact Assessment is applicable.
5.0	Recommendation(s)
5.1	It is recommended that members note, consider and comment as necessary on the proposed legislative changes as detailed within the Executive Summary of Hate Crime legislation attached as appendix A.
6.0	Documents Attached & References
	Appendix A: Executive Summary of <i>Hate Crime Legislation in Northern Ireland (independent Review)</i>



Hate crime legislation in Northern Ireland

Independent Review

Executive Summary

EXECUTIVE SUMMARY

Background to the Review

1. In 2017, following calls for a review of hate crime legislation in Northern Ireland from a range of sources, a commitment was made by the then Minister of Justice, Claire Sugden MLA, to come back to the Assembly and confirm whether she intended to initiate a review of the legislative framework on hate crime. Whilst a response was not provided prior to the dissolution of the Assembly, a commitment to review hate crime legislation was included in the draft Programme for Government. On 6 June 2019, the *Department of Justice* announced the appointment of an independent review into hate crime legislation in Northern Ireland to be conducted by me and to write a report with recommendations for the Minister of Justice.

Scope of Review

2. The remit for the Review is set out in chapter 1 of the final report.

Acknowledgements

3. I have been supported by a small review team comprising of Noel Marsden, senior review manager, Ken Mack, senior information officer, Ciara McFall, Victoria Mullan and Zell Blake, office managers, and researchers Claire Milliken, Dr Arlene Robertson and Dr Katy Radford. Secretarial support was provided by Karen Caldwell.

4. I have been very fortunate in having such talented and dedicated people work with me on this review. Their professionalism, support and unstinting commitment, combined with their good sense and wisdom, made my task that much easier and I thank them for their support and encouragement throughout the review.

5. At the outset of the review, I invited a number of individuals to form a reference group to act as catalysts for developing new ideas and as a quality mechanism for the

review. This reference group was split into a Core Expert Group and a Key Stakeholder Group. These groups had a wide range of experience and expertise and worked tirelessly to assist me to complete the task.

6. In particular, I was fortunate in persuading a number of leading academics in this field from the United Kingdom and Ireland to join the Core Expert Group.

7. This group scrutinised and challenged emerging ideas to ensure that any recommendations would be robust and practicable. They gave their time freely and generously and made significant and creative suggestions throughout the whole process of the review.

8. I owe them my sincere thanks for their invaluable assistance.

9. Special thanks are also due to the members of the Key Stakeholder Group who provided valuable insights into all areas of the work.

10. I am particularly grateful to the victims of hate crime who willingly shared their experiences. Undoubtedly their 'voice' has helped form an important focus for many of the recommendations made in this review.

Public Consultation

11. At the outset I took seriously the importance of public consultation as an intrinsic and valuable part of the review. This included the assistance of members of the general public, as well as those who have a particular interest in the subject, whether as those engaged in the criminal justice system or other stakeholders. The importance of hearing from victims cannot be underestimated. They provided valuable understanding and lessons to be gained from their experiences that helped inform and shape the review.

12. A consultation paper was published in January 2020.

13. The questions set out in the consultation paper were of both an open and closed nature and invited the opinions, reflections and expressions of views from individuals and organisations interested in this important public debate.

14. In addition to the consultation paper, there was an online questionnaire dealing with the key issues. Responses to the consultation paper proved to be important and the online questionnaire attracted 799 responses.

15. In total, there were 247 responses to the consultation paper. This figure includes responses from 189 individuals and 58 organisations.

16. In the case of the online responses, inevitably many responses replicated the views of other responses. Nevertheless, careful consideration was given to all the responses, notwithstanding any duplication of opinions.

17. Careful consideration has also been given to the views of all respondents in the review and these have been taken account of in making my various recommendations.

18. During the time allowed for the consultation process, the review team organised a series of public outreach events throughout Northern Ireland. This proved successful and allowed members of the public to air their views and provide an input into the review.

19. Since the work of the review began in June 2019, the review team has also met or had discussions with a large number of organisations and individuals.

20. As a result, I have had the benefit of the widest range of informed opinion, expertise and knowledge. It is important to emphasise that meeting with victims of hate crime has been particularly important in understanding how they have been affected and what their aspirations are for reformed legislation.

Summary of Key Findings and Recommendations

Definition of Hate Crime – Chapter 3

21. There is no clear and universally accepted definition in law or related disciplines of the term “hate” or “hate crime”.

22. As well as being a legal concept, ‘hate crime’ is also a criminological concept referring to a group of crimes as defined by national criminal laws. It is not one particular offence.

23. In legal terms, the first element of a hate crime is an act that constitutes a crime under ordinary criminal law. This may be described as the base or basic offence. Such crimes can range from petty crimes to much more serious offences.

24. The second element of a hate crime is that the criminal act is committed with a particular motive or bias. It is this crucial element of bias that differentiates hate crimes from ordinary crimes. The bias motive is the perpetrator’s prejudice towards the victim.

25. The victim is selected because of their real or perceived connection, attachment, affiliation, support or membership of a protected group.

26. It is important to distinguish between criminal expressions of bigotry (hate speech) and the commission of criminal offences with a bias motive (hate crime). Hate speech offences are generally considered separate to and apart from hate crime laws.

27. A hate crime then is defined in the first instance as a base offence which is committed with a hate or bias element; where no non-hate equivalent of the offence exists on the statute book, then no hate crime can exist.

28. The great majority of organisational respondents to the consultation paper and the online survey agree that punishing hate crime more severely is justified. Specifically, 95% of organisational responses to the consultation paper agreed. On the other hand, 90% of individuals disagreed.

29. In the online survey, 58% of respondents agreed whilst 17% disagreed.

30. I recommend the following definition of Hate Crime:

Recommendation 1

A hate crime may be defined as a criminal act perpetrated against individuals or communities with protected characteristics based on the perpetrator's hostility, bias, prejudice, bigotry or contempt against the actual or perceived status of the victim or victims.

Scale of Hate Crime in NI – Chapter 4

31. The problems of hate crime and discrimination against various minority communities have been observed as a persistent and recurrent problem across Northern Ireland for the past two decades.

32. Beginning in 2016, the number of racist hate motivated incidents has overtaken sectarian motivated incidents so that by 2018/19 there were no fewer than 1124 racist hate motivated incidents as against 865 sectarian hate motivated incidents.

33. In 2018/19, racist hate abuse in Northern Ireland accounted for almost half of all reported occurrences with hate motivation, while sectarian abuse accounted for just over one third.

34. In the same period just over one in ten reports of hateful abuse were of a homophobic nature, whilst other occurrences, (disability, faith/religion and transphobic) combined, accounted for less than 10% of the total.

35. The most recent available figures updated to 30 June 2020 showed a welcome reduction of 6 fewer racist incidents and 78 fewer racist crimes recorded in the 12 months from July 2019 to June 2020.

36. However, transphobic incidents and crimes saw the largest increases across all hate motivation strands, with 29 more incidents and 26 more crimes in the same period. While disability incidents fell by 10, there were 8 more crimes. The number of sectarian incidents decreased by 13 and the number of sectarian crimes fell by 19.

37. Homophobic incidents and crimes rose by 18 and 15 respectively. Faith/religion incidents fell from 45 to 36 and crimes decreased from 23 to 15.

38. The overall figures can be misleading as they appear to indicate that racial and sectarian hate crimes are similar in frequency, but when one considers the statistics in relation to the proportion of the population from a black or multi-ethnic background, the reality becomes much more concerning. In practical terms, there is approximately a one in 31 chance of being the victim of a reported racial hate incident compared to

approximately one in 1777 chance of being a victim of a reported sectarian hate incident.

39. The prevalence of hate crime in Northern Ireland and its rise suggests that Northern Ireland's society as a whole needs to address the problem of hate crime in a holistic way. Improvements in the criminal law need to be supported by educative schemes and preventative strategies.

40. As a general expectation arising from the consultation process for this review, I would advocate that all education sectors in Northern Ireland need to address the problem of hate crime, as do private and public sectors of employment.

Current Law on Hate Crime in NI and a Proposed New Hate Crime Model – Chapters 5 and 6

41. At present, no specific offence of 'hate crime' exists in Northern Ireland.

42. The Criminal Justice (No. 2) (Northern Ireland) Order 2004 (the 2004 Order) was introduced to ensure that the perpetrators of offences aggravated by hostility received a higher sentence following conviction. This law enables a sentence to be increased where it is proven that the basic offence of which a person has been convicted was motivated by hostility against one of the currently protected characteristics (race, religion, sexual orientation or disability) or where the offender demonstrated hostility against one of those characteristics either at the time of committing the offence or immediately before or after it.

43. Aside from the stirring up offences referred to in part III of the Public Order (Northern Ireland) Order 1987 (the 1987 Order) and Section 37 of the Justice Act (Northern Ireland) 2011 (dealing with indecent or sectarian chanting at regulated

sports matches), provision for hate crime in Northern Ireland centres exclusively on the enhanced sentencing provisions of the 2004 Order.

44. In Scotland, the model allows any existing offence to be aggravated by prejudice in respect of one or more of the protected characteristics of race, religion, disability, sexual orientation and transgender identity. This approach does not involve the creation of new specific offences; rather, it involves an existing offence, such as an assault, being motivated by or demonstrating hostility in respect of one or more protected characteristics.

45. The current enhanced sentencing approach in Northern Ireland attracts a good deal of sharp criticism from respondents, with the great majority wishing to see significant changes in the law and the introduction of specific aggravated hate crime offences as in England and Wales or a statutory aggravation model similar to that employed in Scotland.

46. Nothing I have read or reviewed since the launch of the consultation paper in January 2020 has given me any assurance that this enhanced sentencing law is working any better now or is capable of being reformed. It is now some sixteen years since its introduction and it has been the subject of widespread criticism for many years. The review has received feedback from many stakeholders and respondents calling for its reform.

47. Arguably, one of the core issues for this Review is to decide whether or not it is better to tackle hate crime through an aggravated offence model.

48. I have concluded that an aggravated offence model, i.e. where a hate crime aggravation can be added to any offence and tried as such, is more appropriate than the enhanced sentencing model and has a much better chance of providing an effective approach for the justice system to address hate crime. It will encourage the

police to collect evidence of hate in all cases at an early stage – something that does not appear to happen under current arrangements. Among other advantages, it would also mean that the aggravation can appear on the defendant's record, but arguably also gives greater protection to the defendant as it requires the prosecution to prove the aggravation at the offence stage which fits well with the legal doctrine of fair labelling.

49. There is also a question of principle. If the element of 'hate' is left to the sentencing stage, the law seems to be treating the 'hate' element as another type of aggravation on a par with a number of other aggravating factors, such as vulnerability. However, by putting the 'hate' element into the offence stage, the legislature would be making it clear that the 'hate' element means that a different sort of wrong/harm has been caused by the defendant – one that cuts to the heart of our values as a progressive liberal society. I believe that that principle is seriously diluted in a sentencing only system.

50. I am particularly attracted to the Scottish model in terms of its simplicity and efficacy. It can deal with any offence, not just the limited suite of offences currently dealt with as aggravated offences for race and religion alone under the 1998 Act in England and Wales. The statutory aggravation provisions in Scotland do not create new offences.

51. In the current and further proposed Scottish provisions, there is a requirement on the sentencing court to state on conviction that the offence was aggravated in relation to the particular characteristic; to record the conviction in a way that shows that the offence was so aggravated; and to take the aggravation into account in determining the appropriate sentence. In addition, the sentencing court is required to state, where the sentence in respect of the offence is different from that which the court would have imposed if the offence were not so aggravated, the extent of the reason for that difference, or otherwise, the reasons for there being no such difference. It is noted that in Scotland, charges can proceed with more than one statutory

aggravation – for example, in cases where the conduct in question is motivated by malice and ill will relating to both religion and disability.

52. In the light of what has been discussed above, and with very strong support overall from a significant number of respondents to the consultation paper in Northern Ireland, it is possible to make a number of recommendations as follows:

Recommendation 2

Statutory aggravations should be added to all existing offences in Northern Ireland following the model adopted in Scotland and become the core method of prosecuting hate crimes in Northern Ireland. This would mean that any criminal offence could be charged in its aggravated form.

Recommendation 3

If the recommendation at 2 is accepted and made into law, the enhanced sentencing provisions of the Criminal Justice (No. 2) (Northern Ireland) Order 2004 would be unnecessary and should be repealed and replaced by suitably drafted consolidated hate crime provisions.

For the avoidance of doubt, those Articles of the 2004 Order providing for higher maximum sentences for certain criminal offences should be retained.

Recommendation 4

If the recommendations at 2 and 3 above are accepted, no increase in maximum sentences for any criminal offence is required.

Recommendation 5

While I am content to retain the notion of “hostility”, I am satisfied that the introduction of a wider range of attitudes such as “bias, prejudice, bigotry and contempt” may well prove beneficial, particularly as there is no standard legal definition of “hostility”.

Recommendation 6

I am persuaded that a variation of the ‘by reason of’ threshold should be added as a third threshold to supplement the current thresholds of (a) demonstration of hostility, and (b) motivation.

Recommendation 7

Adopting Section 28 of the Crime and Disorder Act 1998 as a starting point, its equivalent in Northern Ireland could read:

. . . Any offence (the basic offence) may be aggravated in relation to (one or more of the protected characteristics) for the purposes of this section if:

- (a) At the time of committing the offence, or immediately before or after doing so, the offender demonstrates towards the victim of the offence hostility, bias, prejudice, bigotry or contempt based on the victim's membership (or presumed membership) of one or more of (name the protected characteristic/s); or**
- (b) The offence is motivated (wholly or in significant part) by hostility bias, prejudice, bigotry or contempt towards members of (name the protected characteristic/s) based on their membership (or presumed membership) of that group/s; or**
- (c) The offence is committed (wholly or in significant part) by reason of hostility, bias, prejudice, bigotry or contempt based on the victim's membership (or presumed membership) of (one or more of the protected characteristic/s).**
- (d) However, if:**
 - (i) the basic offence is proved but;**
 - (ii) the aggravation is not proved, the offender's conviction is as if there was no reference to the aggravation and the conviction will be solely for the basic offence.**

Recommendation 8

A consequential section to that described in Recommendation 7 should read:

Consequences of Aggravation

- (1) When it is proved that the offence is so aggravated, the court must –**
- (i) State on conviction that the offence is so aggravated and the type of hostility, bias, prejudice, bigotry or contempt by which the offence is aggravated by reference to one or more of the protected characteristics;**
 - (ii) Record the conviction in a way that shows that the offence is so aggravated and the type of hostility, bias, prejudice, bigotry or contempt by which the offence is aggravated, by reference to one or more of the protected characteristics;**
 - (iii) In determining the appropriate sentence, treat the fact that the offence is so aggravated as an aggravating factor that increases the seriousness of the offence; and**
 - (iv) In imposing sentence, state (a) where the sentence in respect of the offence is different from that which the court would have imposed if the offence were not so aggravated, the extent of and the reasons for the difference or (b) otherwise, the reasons for there being no such difference.**

Protected Characteristics – Chapter 7

Discussion

53. In recommending new hate crime legislation for Northern Ireland, it is also necessary to address the categories of protected characteristics and the question of whether or not there is a need for additional categories of protected characteristics to

be added. The characteristics presently protected under the law in Northern Ireland are race, religion, sexual orientation and disability.

54. These protected characteristics are the most commonly protected in comparable jurisdictions and I have concluded that these current categories of protected characteristics should remain in the law of Northern Ireland.

Gender

55. The Terms of Reference for the Review ask it to consider, in particular, whether new categories of hate crime should be created for characteristics such as gender and any other characteristics, which are not currently covered.

56. Any informed analysis of gender and gender identity involves examining the wider spectrum of gender identities which include cis gender, transgender and non-binary gender identities.

57. None of the UK jurisdictions currently include gender per se under hate crime legislation

58. The inclusion of gender in any hate crime protected category is not straightforward. Gender continues to divide advocates of hate crime laws with some recognising the misogynistic nature of much sexual and domestic violence against women, but others express concern that gender will swamp other hate crime offences and argue that it is better addressed under criminal laws already developed for this purpose.

59. As also highlighted in the commentary on chapter 13, there is also evidence that women in particular – including politicians and others in high profile positions – are at significant risk of being targeted online. This has led to calls for legislators to

give serious consideration to the inclusion of gender as a protected characteristic for any online offences.

60. There was no clear consensus from the consultation responses on the question of whether gender and gender identity should be included as protected characteristics in Northern Ireland hate crime legislation. This is an important finding and underlines the challenges of legislating in this area.

61. Organisations were split in their views, with 55% 'for' and 45% 'against' the inclusion of gender and gender identity. In contrast, 92% of individuals were opposed to the inclusion of gender and gender identity.

62. In the online survey, 77% of respondents agreed that gender should be a protected characteristic, whilst 74% felt that transgender identity should be similarly protected.

63. A further complicating factor is that, particularly in the case of organisational respondents, some held differing views on the inclusion of gender and gender identity, while others focused heavily on misogyny in their comments. Even among those supportive of gender there were differing views on whether this should cover both men and women.

64. A recurring argument was that the inclusion of gender and gender identity as protected characteristics would pose a serious threat to freedom of speech and religious expression. This view was particularly prevalent among faith sector organisations and individual respondents. These respondents argued that the inclusion of the proposed characteristics would further undermine meaningful discussion and debate, and related to this, they expressed concerns about the potential criminalisation of the expression of religious beliefs and opinions.

65. I am satisfied that gender should be covered as a protected characteristic (rather than misogyny) and that it should be neutral in the sense that using the term sex/gender would also provide protection to men.

66. There were very significant differences between organisational responses and individual responses on the issue of whether or not transgender identity should be included as a protected characteristic.

67. 73% of organisations felt that it should, whereas 97% of individual responses argued that it should not.

68. I am satisfied that transgender identity requires protection. I note that it is already protected in Scotland and in England and Wales. I think it is important, where possible, to offer similar levels of protection to groups throughout the United Kingdom. I am also satisfied that variations in sex characteristics requires protection.

Age

69. Age is not a protected characteristic under the existing hate crime laws. Including it would protect all age groups, although one would imagine that the majority of such cases are likely to involve crimes against older people. Recommending older age as a characteristic would probably mean including an agreed age.

70. The majority of respondents to the review were opposed to the inclusion of age as a protected characteristic. On the other hand, 63% of respondents to the online survey agreed that age should be included as a protected characteristic.

71. The inclusion of age as a protected characteristic is likely to be controversial. However, having weighed up all the submissions received including the expert evidence submitted to the review, I consider that there is sufficient evidence of

hostility-based offences against the elderly to include age as a protected characteristic.

72. Although I have seen very little evidence to suggest that offences are being committed against young people because they are young people, it is of course possible that such behaviour does occur.

73. It is therefore preferable to adopt an approach where a protected characteristic of age generally is introduced rather than an elder specific protection.

Intersectionality

74. Intersectionality describes a situation where hate crime is experienced on more than one characteristic, for example, someone who is disabled and gay.

75. The consultation paper asked respondents whether or not they considered that intersectionality is an important factor to be taken into consideration in any new hate crime legislation. If the answer to that question was in the affirmative, it then asked for views on the best way to achieve this.

76. Not for the first time, there was a significant difference in opinion between individuals and organisations. 83% of organisations answered positively, as opposed to only 12% of individuals.

77. Among those respondents who indicated that intersectionality should be considered, it was felt that this was crucial to gaining a comprehensive understanding of the victim's experiences of hostility, prejudice and violence, and of the nuances of harm suffered.

78. Additionally, it was suggested that taking intersectionality into account in legal responses to hate crime would:

- Allow for greater visibility and understanding of the multiple factors motivating hostility;
- Reassure victims that their nuanced experience would be taken seriously by the judicial system, which, in turn, will encourage reporting; and
- Allow for specific harm on the grounds of two or more particular characteristics to be considered and addressed.

79. There is strong evidence to suggest that seeking to incorporate the notion of intersectionality into a new statutory aggravation model would create challenges in attempting to reflect more than one protected characteristic in prosecuting aggravated offences. For example, in England and Wales, if the prosecution has to deal with a case involving racial and religious hostility, this can create real difficulties.

80. The *Law Commission* provisionally suggests a novel approach to this by the inclusion of a provision allowing for the recognition of hostility based on “one or more characteristics”. Thus, the characteristics could be specified in the charge or count on the indictment, but conviction would only require the jury to be satisfied that at least one had been met on the evidence given by the prosecution.

81. I agree with the approach of the *Law Commission* in England and Wales on this important issue.

82. My recommendations on characteristics are therefore as follows:

Recommendation 9

All current protected characteristics in Northern Ireland – race, religion, disability and sexual orientation should continue to receive protection under the proposed model set out in Recommendation 2, together with the new recommended protected characteristics of age, sex/gender and variations in sex characteristics.

For the avoidance of doubt, the protected characteristic of sex/gender includes transgender identity.

The protected characteristics will be protected for all purposes including any amended public order provisions.

Recommendation 10

Provision should be made for any future legislation to be framed in such a way as to allow any other protected characteristic to be added to the list of protected characteristics referred to in Recommendation 9 above by statutory instrument if sufficient evidence emerges to show such a group or groups are victims of hate crime or hate speech. The reasoning behind this recommendation is to allow suitable protection to be provided in the changing circumstances of the time.

Recommendation 11

Any new legislation should provide appropriate recognition of the importance of intersectionality and be reflected in the drafting of the statutory aggravations to existing offences referred to in Recommendation 2.

Sectarianism – Chapter 8

83. Although the remit for this review does not explicitly reference sectarianism as requiring special attention, it does ask the review to consider whether existing hate crime legislation represents the most effective approach for the justice system to deal with criminal conduct motivated by hatred, malice, ill-will or prejudice.

84. The term ‘sectarianism’ does not have a precise legal meaning but is used frequently in everyday speech.

85. Sectarianism elicits differing responses from different groups in Northern Ireland, but there is a growing consensus in the community about attempting to address its causes and prevent it from continuing to act to undermine good relations in our society, bringing with it severe damage, loss of life and suffering.

86. Whilst most people claim to recognise it when they see it, defining and dealing with it in the criminal law has proved to be a much more difficult task.

87. Various definitions of sectarianism have been attempted, although none are enshrined in law. None of the possible definitions appear to be sufficiently clear to be easily adapted into a legislative formulation, capable of legal enforcement and appropriate prosecution. A common thread running through the literature on sectarianism is the presence of some form of ‘hostility’, which provides a building block towards consensus.

88. 75% of the organisations who responded to the consultation paper were in favour of there being a specific reference to the term ‘sectarian’ within any new hate crime legislation. Individual responses were different, with 65% of individuals disagreeing.

89. The current 'religious group' indicator does not adequately capture the meaning and impact of sectarianism, which extends beyond religion to include aspects of nationality and political identity.

90. Among those who were generally supportive of the expansion of the indicators, many agreed that the inclusion of 'political opinion' as an indicator was not appropriate. In particular, it was argued that this would risk capturing legitimate political speech and conflict with human rights obligations and freedom of speech, such as Article 10 of the European Convention on Human Rights.

91. It is useful to look at the experience of other relevant jurisdictions. The Working Group on defining sectarianism in Scots law in its final report of November 2018 noted that this is a complex issue. It argued that a single, intersectional, sectarian aggravator could have two key advantages for police and prosecutors. Firstly, it would streamline decision making where the accused's conduct immediately before, during or after the offence might arguably fall within racial or religious aggravations, where the hostility evinced is of a sectarian character. In addition, a single compound aggravator avoids the need for duplication where, for example, the accused's behaviour could arguably ground both the religious and a racial aggravator, observing that there is no reason in principle why a sectarian prejudice aggravator should be any more difficult to apply in practice than the existing aggravators based on religious and racial prejudice.

92. I agree with the Scottish Working Group that, although this is a complex issue, that is not a sufficient reason not to establish a workable legal definition. I am persuaded that the principle of fair labelling should apply so that criminal acts of prejudice can be named for what they are, whether that be anti-Catholicism; anti Protestantism; sectarianism or any other descriptor. Whilst I acknowledge concerns expressed by other communities, I believe that sectarianism in Northern Ireland should be specifically defined as an issue that exists between Christian communities in Northern Ireland at this time. I do not believe that enough is understood about sectarianism in relation to other communities in Northern Ireland to make the

application of 'sectarianism' to these communities meaningful in a legal or social sense.

93. I am clear that the crimes of this nature committed against such individuals, whether Catholic, Protestant or no religion, should be covered by new hate crime legislation and that the gaps in protection should be rectified.

94. I am satisfied, therefore, that the current legislative and policy construction in relation to sectarianism is not only complex, but also inconsistent and must be addressed.

95. After careful consideration, I therefore recommend as follows:

Recommendation 12

The findings of the report of the Working Group on defining sectarianism in Scots law in November 2018 should be applied in Northern Ireland – subject to any necessary adjustments.

Recommendation 13

There should be a new statutory aggravation for sectarian prejudice. It is recommended that the introduction of the new offence of statutory aggravation for sectarian prejudice should be carefully monitored by the proposed Hate Crime Commissioner on an annual basis and provide an annual report to the Northern Ireland Assembly.

Stirring up offences – Chapter 9

96. The review's Terms of Reference includes the consideration of the implementation and operation of the current legislative framework for incitement offences, in particular, Part III of the Public Order (Northern Ireland) Order 1987 (the 1987 Order), and make recommendations for improvements.

97. Part III of the 1987 Order relates to 'stirring up hatred or arousing fear'.

98. Stirring up hatred is conduct which encourages others to hate a particular group. It is important to distinguish this concept from the definition of 'hate crime' discussed in the early part of this review. In a hate crime, the baseline conduct (or basic offence) is already criminal; it is the motive or demonstration of hostility that marks it out currently as a hate crime. However, a stirring up hatred offence may criminalise conduct which would not otherwise be criminal. These so-called 'stirring up' offences criminalise certain forms of hate speech and should be clearly distinguished from hate crime generally.

99. Hate speech has been defined as speech that "expresses, encourages, stirs up or incites hatred against a group of individuals distinguished by a particular feature or set of features such as race, ethnicity, gender, religion, nationality and sexual orientation".

100. Historically, while Part III of the 1987 Order may be a key element in legislation pertaining to hate speech, it has been little used and there continues to be limited awareness of the law.

Freedom of expression

101. The law in Northern Ireland does not draw any distinction whatsoever between offences relating to racial hatred and other protected groups. All are treated equally under the current law.

102. In Northern Ireland, there are no express provisions protecting freedom of expression in relation to criticism of religious beliefs. Until recently, the same could be said in relation to there being no express provision protecting freedom of expression in relation to sexual orientation

103. The consultation paper asked respondents whether the term 'hatred' is the appropriate test use in the stirring up offences under the 1987 Order. Although the great majority of respondents did not consider the term 'hatred' as the appropriate test, there was little support for lowering the bar.

104. Although the term 'hatred' sets a very high bar for prosecution, I am satisfied that this is appropriate given the seriousness of such offences and the potential impact on freedom of speech if a lower threshold was employed.

105. Another key issue in considering the operation of the 1987 Order and making recommendations for improvements is whether Northern Ireland should amend legislation to add the equivalent to Sections 4, 4A and 5 of the Public Order Act 1986. Such provisions are not currently part of the law in Northern Ireland. The relevant parts of the Public Order Act 1986 are set out in more detail in chapter 9 of this report.

106. Section 4 creates an offence of using, distributing or displaying threatening or abusive or insulting words or behaviour with intent to cause that person to believe that immediate unlawful violence would be used against him or another by any person, or to provoke the immediate use of unlawful violence by that person or another, or whereby that person is likely to believe that such violence would be used or it is likely that such violence would be provoked.

107. Section 4A differs from Section 4 in that, rather than a requirement for immediate violence, an offence under Section 4A is committed if there is an intention to cause harassment, alarm or distress and that harassment, alarm or distress is caused.

108. An offence under Section 5 is committed if threatening or abusive words or behaviour or disorderly conduct are used within the hearing or sight of a person likely to be caused harassment, alarm or distress.

109. There are no direct equivalents to these provisions within the current law of Northern Ireland.

110. The consultation paper asked respondents whether there is merit in adding equivalent provisions to Sections 4, 4A and 5 of the Public Order Act 1986 to the Public Order (Northern Ireland) Order 1987.

111. This question provoked remarkable disagreement between the responses from organisations and the responses from individuals. A strong majority of organisations (89%) supported the proposition whereas the ten individuals who responded all disagreed. Most of those who disagreed expressed concerns about freedom of speech being curtailed and legitimate criticism or opinion being interpreted as stirring up hatred.

112. The consultation paper noted that in relation to the use of words or behaviour or display of written material under Article 9(3) of the 1987 Order no offence is committed where the words or behaviour are used, or the written material is displayed, by a person inside a dwelling and are not heard or seen except by other persons in that or another dwelling. I observed that it was unclear why stirring up hatred inside a building is considered acceptable and the same expression outside the building would be considered an offence.

113. At the time this defence was introduced, the Internet had not been developed. It is now available very widely and in most homes. If the dwelling defence is read literally, much that is posted online could fall into this category. Even if one was to enter into a legalistic discussion about how, in this time of smart phones, a defendant could realistically argue that he had no reason to believe that his words will be seen by a person outside a dwelling, it is clear that this offence is not ideally suited to the online era.

114. The consultation paper asked whether the dwelling defence under Article 9(3) of the Public Order (Northern Ireland) Order 1987 should be retained. Organisations were evenly split in their views whilst the great majority of individuals supported retaining the defence.

115. It is interesting to compare these answers (to question 32) with a virtually identical question (question 42) about the dwelling defence was asked in the context of online harm.

116. In answer to question 42, 76% of organisations agreed that the dwelling defence should be amended/removed, while 63% of individuals disagreed.

117. There was general consensus among respondents that the dwelling defence was outdated, redundant and particularly problematic in a context where individuals can reach large and potentially global audiences via the Internet and social media. The dominant view among most respondents was that the dwelling defence should be removed.

118. The consultation paper then asked respondents whether or not there should be an explicit defence of 'private conversations' in stirring up legislation to uphold privacy protection. 100% of organisations who responded supported this proposition together with 83% of individuals.

119. The consultation paper sought the views of respondents on whether the requirement that the Director of Public Prosecutions (DPP) gives consent to any prosecutions taken under Part III of the 1987 Order is necessary and appropriate. There was widespread agreement that such a provision is necessary and appropriate. Some 78% of organisations and 69% of individuals agreed.

120. There was strong consensus among respondents that this was necessary to safeguard against potential misuse of the legislation. Specific concerns focused on freedom of speech and the need to ensure that individuals were sufficiently protected from prosecution of trivial or unfounded allegations.

121. The consultation paper also sought the views of respondents as to whether or not any new proposed additional characteristics or groups should also be included under the groups protected by the stirring up provisions in Part III of the Public Order (Northern Ireland) Order 1987. 74% of organisations agreed with this proposition as compared to only 2% of individuals who agreed.

122. With a few exceptions, individual responses were similar (in a few cases identical) and they comprised a limited range of key points.

123. The consultation paper asked: should the defences of freedom of expression present in the Public Order Act 1986 for religion and sexual orientation be specifically added as defences to Part III of the Public Order (Northern Ireland) Order 1987? A strong majority (97%) of individuals were in favour, while organisations were relatively balanced in their views, with 48% and 52% answering 'yes' and 'no' respectively.

124. Further, it asked: should the express defence of freedom of expression for same-sex marriage in Article 8(2) of the 1987 Order be retained in law or repealed?

125. Respondents' comments indicated that they strongly endorsed retention of the express defence of freedom of expression for same-sex marriage. This view was taken by the majority of individual respondents and some organisational respondents.

126. Finally, it asked: if there are to be offences dealing with the stirring up of hatred against protected groups, does there need to be any specific provision protecting freedom of expression? 56% of organisations agreed with this proposition as did all of the individual respondents.

127. No evidence has been brought to my attention of any miscarriages of justice in Northern Ireland in the 33 years since the passing of the 1987 Order, which would justify the assertion that the protection for freedom of expression in Northern Ireland is significantly more limited than in England and Wales, or that the risks of injustice are greater in Northern Ireland.

128. When the 1987 Order was passed into law, the Internet did not exist as we know it today. As things stand, there is no explicit legislative provision for online publication. The Internet now provides unprecedented means for people to communicate and connect, providing a platform for social and political discussion, analysis and comment. It has become a major platform for online hate speech.

129. Although the provisions of the 1987 Order were not designed or enacted with the Internet in mind, the courts have shown flexibility to accommodate material posted online. In terms of jurisdiction, it makes sense to clarify this issue by stating that any material downloadable in the United Kingdom is within the jurisdiction of the UK courts – including the courts of Northern Ireland.

Recommendation 14

The Public Order (Northern Ireland) Order 1987, or its replacement in a new Hate Crime and Public Order Bill, should be amended to:

- (a) include all the current and proposed protected characteristics referred to in Recommendation 9;**
- (b) introduce articles equivalent to Sections 4, 4(a) and 5 (as amended) of the Public Order Act 1986 with the proviso that the dwelling defences in those sections be removed.**
- (c) repeal Article 8 (2);**
- (d) repeal the dwelling defence in Article 9 (3);**
- (e) include a specific defence for private conversations.**
- (f) the test of hatred for the stirring up offences should remain unchanged.**
- (g) all decisions on whether or not to prosecute these offences should be taken personally by the Director of Public Prosecutions**
- (h) there should be no express defences for freedom of expression in relation to religion, sexual orientation or any other of the protected characteristics. However,**
- (i) there should be formal statutory recognition of the importance of freedom of expression Article 10 rights and all other rights guaranteed by the European Convention on Human Rights and Fundamental Freedoms, in particular, rights guaranteed under Articles 6, 8, 9 and 14**
- (j) the term ‘publication’ in article 10 should be amended to include ‘posting’ or ‘uploading material online’.**
- (k) intentionally stirring up hatred or arousing fear should be treated differently to the use of words or behaviour likely to stir up hatred or arouse fear:**
 - (1) where it can be shown that the speaker intended to stir up hatred or arouse fear, it should no longer be necessary to demonstrate that the words used were threatening, abusive or insulting.**
 - (2) where intent to stir up hatred or arouse fear cannot be proven, it should be necessary for the prosecution to demonstrate that:**
 - (i) the defendant’s words or behaviour were threatening or abusive;**
 - (ii) the defendant’s words or behaviour were likely to stir up hatred or arouse fear;**
 - (iii) the defendant knew or ought to have known that his words or behaviour were threatening or abusive; and**
 - (iv) the defendant knew or ought to have known that his words or behaviour were likely to stir up hatred or arouse fear.**

Removing Hate Expression from Public Space – Chapter 10

130. In this chapter, I address the question of the extent to which the law should regulate hate expression displayed in public places. This includes the question of the powers and duties of public authorities to remove sectarian and other hateful graffiti or items displayed on roadsides or other public property.

131. Section 75(2) of the Northern Ireland Act 1998 places a good relations duty on public authorities, which means that a public authority must have regard to the desirability of promoting good relations between persons of different religious beliefs, political opinion or racial groups when carrying out its functions.

132. Clearly, any public authority which tolerates incitement of hatred in its functions is not promoting good relations. This question of hate expression displayed in public places clearly intersects with any review of hate crime legislation in Northern Ireland.

133. There are a number of human rights treaty obligations entered into by the United Kingdom, which place positive duties on relevant public authorities to tackle hate expression, including the European Convention on Human Rights and Fundamental Freedoms (ECHR).

134. Under Section 32 of the Police (Northern Ireland) Act 2000 and common law, the *PSNI* have fundamental duties such as their duty to take steps to bring offenders to justice. They are also under a duty to prevent the commission of criminal offences.

135. There are also a number of specific powers vested in other public authorities. For example, *district councils* in Northern Ireland have powers to remove or obliterate graffiti detrimental to the amenity of any land in its district, or any placard or poster in its district that does not have planning permission.

136. Powers are also vested in the *Department for Infrastructure* under planning legislation to remove items and recover the cost of doing so for any unauthorised materials on lampposts or other street furniture.

137. The consultation paper sought responses as to whether any recommendation should be considered to clarify and strengthen the law to regulate duties to tackle hate expression in public space.

138. There was strong support for this idea among organisations – 88% percent of organisations agreed. This included a measure of agreement across the political spectrum.

139. Although support was considerably less prevalent among individuals – with 47% answering ‘yes’ – the overall approval for this idea was 67%.

140. A number of organisations expressed concern at what they saw as the relative lack of action to tackle this issue from public authorities.

141. It is only fair to observe that this area of the law sets many challenges for public bodies, including the *PSNI*. However, the overwhelming response to the consultation question on this issue should be respected. It is also obvious that there are political sensitivities in play on issues such as this.

Recommendation 15

There should be a clear and unambiguous statutory duty on relevant public authorities including Councils, the Department for Infrastructure and the Northern Ireland Housing Executive, to take all reasonable steps to remove hate expression from their own property and, where it engages their functions, broader public space.

Restorative Justice - Chapter 11

142. As part of its remit, the review is asked to consider whether there is potential for alternative or mutually supportive restorative approaches for dealing with hate motivated offending.

143. Restorative justice has been defined as a process of independent, facilitated contact, which supports constructive dialogue between the victim and the person who has harmed arising from an offence or alleged offence.

144. The present position in Northern Ireland is that there is statutory provision for restorative justice for defendants who are under 18 years of age, primarily through the use of youth conferencing which is delivered at both a diversionary level (when recommended by the *PPS*), and as a court ordered disposal.

145. Numerous reviews and reports have all held this model of conferencing in high esteem. However, in terms of those defendants over 18, none of the existing legislative provisions apply.

146. If a model along the lines presently employed for youth justice is envisaged, legislation would be required as any emerging restorative justice approaches for adults would require a statutory disposal involving pre-court and court ordered sanctions. In this event, I noted in the consultation paper that a likely provider would be the *PBNI*, a statutory body which enjoys acceptance by, and the confidence of, all parts of the community in Northern Ireland. I envisaged that in such a scenario, the existing accredited community-based restorative justice bodies would act to complement the work of such an agency.

147. With regard to the consultation, in respect of asking whether restorative justice should be part of the criminal justice process in dealing with hate crime in Northern

Ireland, there was overwhelming support for this proposition – 90% – from organisations. There was also very strong support from individuals – 73% – for this proposition.

148. In respect of asking whether restorative justice schemes should be placed on a statutory footing, there was even stronger support from organisations and individuals. 94% of organisations and 79% of individuals agreed with this proposal.

149. One consultation question asked whether there should be a formal justice agency responsible for the delivery of adult restorative justice for hate crime. 95% of organisations and 62% of individuals agreed with this proposition.

150. Another question asked respondents to envisage what role could be played in the delivery of adult restorative justice for hate crime by the accredited community-based restorative justice organisations. A number of respondents noted the wealth of experience and expertise of accredited community-based restorative justice organisations, placing them in a strong position to contribute to the effective delivery of adult restorative justice for hate crime. One respondent argued that the involvement of such organisations was particularly important in the context of Northern Ireland, where levels of trust and confidence in the police and criminal justice system to tackle hate crime are generally low.

151. Respondents were also asked whether they considered diversion from prosecution as an appropriate method of dealing with low-level hate crimes, as per the practice in Scotland. There was considerable support for this proposition; 94% of organisations agreed, together with 71% of individuals. However, a degree of caution was urged. Some respondents suggested that victims should have the option to choose, while others thought that the decision to use diversion should be taken on a case-by-case basis.

152. Having examined the arguments carefully, I conclude that there is a very strong case for providing that restorative justice should be made an integral part of the criminal justice process in dealing with hate crime in Northern Ireland.

153. The acknowledged success of the provision for those who are under 18 encourages confidence that, with appropriate adjustments, the model operated by the *Youth Justice Agency* can be replicated for those who are over 18.

154. Placing such provision on a statutory basis will help to ensure consistency in the application of restorative justice processes and enable the system to be completely victim led and victim focused.

Recommendation 16

There should be a new statutory scheme for restorative justice for over 18s, organised and delivered on lines similar to the Youth Justice Agency in Northern Ireland.

Recommendation 17

It is desirable that such a statutory restorative justice framework be established with the necessary financial funding.

Recommendation 18

The new statutory scheme for restorative justice should be independent of the Department of Justice.

Recommendation 19

As such a scheme will involve referrals from the Public Prosecution Service and the Courts, it is recommended that it should be run by a statutory agency such as the Probation Service for Northern Ireland.

Recommendation 20

The presently accredited restorative justice groups should continue to provide community support and support to the statutory agency, which would take the lead in any such collaboration.

Recommendation 21

There should be further consideration of the benefits of establishing a Centre of Excellence for Restorative Justice.

Recommendation 22

Diversion from prosecution is an appropriate method of dealing with low-level hate crimes. The model as per the practice in Scotland appears to offer an efficient and practical template.

Victims – Chapter 12

155. As mentioned in the introduction, the importance of victims lies at the centre of this review.

156. Hate crime in Northern Ireland is significantly under-reported. Although reporting figures have improved, this was from a low in 2010/2011 of just over 18% of those in Great Britain who experienced hate crime being prepared to report the matter to the police. There is no reason to suspect that patterns of reporting in Northern Ireland are now any better, meaning that a significant proportion of hate crime continues to remain unrecorded by the police.

157. The consultation paper sought the views of the public as to how high levels of underreporting might be improved.

158. Although I do not make any specific recommendation for legislative change to deal with this issue directly, I am satisfied that the introduction of better and more effective hate crime laws as a result of this review will instil new levels of confidence among victims and marginalised communities, and will encourage them to come forward and better trust the police and other actors in the criminal justice system with more confidence than up to now.

159. On a practical level, one theme became clear in the responses – the necessity to provide appropriate and effective support for victims and inform the training of those working with victims.

160. The *Hate Crime Advocacy Service (HCAS)*, which began its work in July 2013, is comprised of a hate crime advocacy co-ordinator based in *Victim Support NI*, and hate crime advocates based in host organisations – *Leonard Cheshire Disability*, the *Migrant Centre NI*, with two advocates based in Belfast and Foyle, and the *Rainbow Project* for LGBT victims.

161. The service was developed to provide victims of hate crime with access to specialist support tailored to their needs. Information and guidance is made available

through the service to help victims make decisions and choices to increase their safety and well-being.

162. It is clear to me that the work of *Victim Support NI* and the *HCAS* plays a vital role in increasing the engagement of victims of hate crime with the criminal justice system at all levels, and in helping victims to cope and deal with the effects of hate crime and support them through a very difficult process.

163. In the consultation a majority of organisations (89%) acknowledged that the service was valuable in supporting victims of hate crime through the criminal justice process, whilst 63% of individuals agreed, giving an overall percentage in support of 81%.

164. A majority (94%) of organisational respondents and 60% of individuals considered that the funding model for the service should be placed on a permanent basis, as opposed to the present annual rolling contract model, giving an overall approval percentage of 81%.

165. There was general agreement that the service requires further improvement, in order to improve levels of service and ensure more victims are supported through the criminal justice process.

166. A common suggestion was that improvement would only be obtained through the provision of a more sustainable model of funding. At the time of writing, my understanding is that a new funding model is under consideration by the *DoJ* and the *PSNI*.

167. This is a service which is vital for victims and it must be sustained on a permanent reliable basis. The precarious funding model and the uncertainty it creates is unacceptable and concerning.

168. Additional resources will be required, particularly if this work is expanded and the number of advocates increased to allow for a better geographical spread of services and the inclusion of new protected characteristics as recommended in this report.

169. The consultation paper asked two questions in relation to anonymity and restrictions on reporting:

- (i) Do you consider that, in certain circumstances, press reporting of the identity of the complainant in a hate crime should not be permitted?
- (ii) In what circumstances should a restriction on press reporting of the identity of the complainant in hate crime be permissible?

170. A substantial majority of the organisations which responded to this question considered that, in certain circumstances, the identity of a complainant in a hate crime case should not be published. The views of individuals who responded were evenly split.

171. Overall, a large majority of respondents (83%), considered that, in certain circumstances, press reporting of the identity of the complainant in a hate crime case should not be permitted.

172. I have serious concerns that many victims will be discouraged from giving evidence in cases where perpetrators (alleged or otherwise) choose to exercise a right to cross examine their victims in person. It is widely accepted that such cross

examination can cause the victim significant distress and can sometimes amount, on occasion quite deliberately, to a continuation of the abuse.

173. I believe there is a strong argument to put victims of hate crime on the same footing as domestic violence and sexual violence witnesses.

Recommendation 23

The work of the *Hate Crime Advocacy Service* should be expanded and placed on a permanent statutory footing to ensure a more sustainable funding model with specialised advocates appointed to support victims for all protected characteristics thus ensuring that the right to advocacy acknowledged in the Victims Charter is guaranteed.

For the avoidance of doubt, such specialised advocates should include a dedicated religious hate crime advocate who can also deal with sectarian hatred. The proposed dedicated advocate for sex/gender could also deal with any victims regarding variation of sex characteristics.

Recommendation 24

Complainants in criminal proceedings involving the proposed aggravated offences or stirring up offences should automatically be eligible for consideration of special measures when giving evidence, including the use of live links or screens.

Protection for complainants in hate crime/hate speech criminal proceedings should be provided as follows:

(i) no person charged with any aggravated or stirring up offence may in any criminal proceedings cross-examine a witness who is the complainant either –

(a) in connection with that offence or

(b) in connection with any other offence with which that person is charged in the proceedings

Online hate speech – Chapter 13

174. Online harm may take many forms. Much of it is committed on social media and brings with it a '**public**' element which is quite distinct from off-line hate speech. This 'public' element needs to be distinguished from 'public order' which lies at the heart of some of the offences to be discussed below. The public element of online hate is about the potential for reputational damage or for public humiliation and embarrassment when comments appear on social media.

175. This is compounded by the fact that an attack carried out on the Internet is potentially **permanent** in nature, and can have an almost limitless **reach**. Whilst there is no doubt that off-line attacks can leave permanent scars and can cause immeasurable pain, the attacks themselves will usually be of a finite nature; and, once a perpetrator is caught, can be stopped.

176. However, the **permanency** and **reach** of the Internet can mean the online attacks never go away, even if a perpetrator is caught. This results in the victims of online hate being at risk of being exposed to the attack time and time again, thus rendering them re-victimised.

177. This demonstrates that the harm caused by online hate goes far beyond the impact of the words themselves. In some cases, damage can occur simply because the hateful material appears online.

178. Furthermore, there is increasing evidence that online attacks of this kind can have an impact on victims' ability to maintain a public presence on the Internet. There is evidence that victims of cyber hate change their online behaviour in order to avoid attacks. In an era when having a presence online is crucial – both for social and professional reasons – this is something that cannot be ignored; particularly, when we know that it is often minority groups that are most affected. There is also evidence that women in particular – including politicians – are at significant risk of being targeted online. This has led to calls for legislators to give serious consideration to the inclusion of sex/gender as a protected characteristic for any online offences.

179. There are strong and compelling arguments made by many respondents that online hate speech is a serious and growing problem which needs to be addressed.

180. The UK Government's 'Online Harms' White Paper, published in 2019, aims to go far beyond legislating for the notice and take-down process, and puts forward a proposed extensive regulatory regime that would put it at the forefront of online regulation worldwide.

181. It proposes:

- a new duty of care to be imposed on Internet companies which will require them to take reasonable steps to keep users safe, and prevent other persons being harmed as a direct consequence of activity on their services;
- Internet companies to be required to comply with this duty of care and compliance will be overseen by an independent regulator;
- The regulator to have a suite of powers to ensure compliance with the duty of care and will have punitive powers such as the imposition of fines;
- The regulator to set out codes of conduct which will outline to companies how they can satisfy the duty of care and will also set out the expectation of how complaints procedures will work and operate;
- There will also be various other aspects to the regulator's powers such as the power to request information about how a company's algorithm works; and
- broadly speaking, Internet companies to be required to remove material that is considered harmful.

182. The consultation paper asked '**... Should social media companies be compelled under legislation to remove offensive material posted online?**'

There was strong support for this proposal from both organisations (86%) and individuals (71%).

183. It also asked respondents whether or not the term 'publication' in the 1987 Order should be amended to include 'posting or uploading material online'.

184. 100% of organisational respondents agreed that it should together with 79% of individual respondents giving an average response of 91% in favour.

185. Question 46 in the consultation paper posed the question of whether or not the Malicious Communications (Northern Ireland) Order 1988 should be adapted to deal with online behaviour?

186. There was widespread agreement with this proposal. All of the organisations which responded agreed together with 88% of individual respondents.

187. The approach that commanded most support was to update the legislation and make it applicable to contemporary society, particularly given the growth of the use of the Internet and social media.

188. The final question in the area of online harm raised in the consultation paper asked respondents:

Should online harm be part of a general law applying to hate crime?

189. There was strong support for the inclusion of online harm in the general law on hate crime both among organisations and individual respondents. 81% of organisations and 75% of individuals who responded agreed.

Recommendation 25

The proposals contained in the United Kingdom Government's 'Online Harms' White Paper (2019) should be implemented in full.

Given that legislation in this area is a reserved matter, the Assembly in Northern Ireland should consider whether or not to encourage implementation of these proposals by the Government of the United Kingdom, or, in the alternative, seek the agreement of the Secretary of State for Northern Ireland to allow the Assembly to enact appropriate legislation on this issue in Northern Ireland.

Recommendation 26

In terms of jurisdiction for dealing with online hate speech, the law should be clarified to confirm that any online material downloadable in Northern Ireland is acknowledged to be within the jurisdiction of the courts of Northern Ireland.

Recommendation 27

There should be a legal requirement on social media companies to ensure that potential users who wish to avail of their services must provide verifiable personal information before they are permitted to use those services.

As this recommendation involves legislating in respect of a reserved matter, see Recommendation 25 above.

Recommendation 28

There should be a mechanism by which the offending behaviour must be removed from the Internet by the offender, or through a court order imposed on the relevant social media company.

Recommendation 29

The PPS should make their prosecution guidelines for cases involving electronic communications public and disseminate them in an appropriate way.

Recommendation 30

Article 3 of the Malicious Communications (Northern Ireland) Order 1988 should be amended to explicitly bring within its ambit electronic communications. The word ‘publication’ should be amended to refer to ‘posting’ or ‘uploading material online’.

Hate Crime Legislation Consolidation – Chapter 14

190. At present, hate crime legislation, such as it is, has developed in a piecemeal and uncoordinated way over many years.

191. The consultation paper asked respondents whether or not they believed that there would be benefit in bringing all hate crime/hate speech legislation in Northern Ireland together in one consolidated piece of legislation.

192. The responses to the consultation paper in Northern Ireland revealed very strong support for producing one consolidated piece of legislation in the area of hate crime/hate speech. 91% of organisations agreed with this proposal, together with 63% of individuals, giving an overall approval of 79%.

193. It was a generally held view that the current laws were considered to be outdated, under-utilised, and subject to significant gaps.

194. The opportunity to consider hate crime/hate speech offences in the round should include consideration of all relevant current statutes, including the Malicious Communications (Northern Ireland) Order 1988, Section 37(3) of the Justice Act 2011 and The Protection from Harassment (Northern Ireland) Order 1997.

195. I acknowledge that some legislation, such as the Communications Act 2003, deals with reserved matters and may not necessarily fall under the jurisdiction of the Assembly – at least without the consent of the Secretary of State for Northern Ireland.

Recommendation 31

All hate crime and hate speech law – including public order legislation, apart from law dealing with reserved matters – should be consolidated into a new Hate Crime and Public Order (Northern Ireland) Bill.

Legislative Scrutiny and Oversight – Chapter 15

196. There was unanimous support from respondents to the consultation paper that any new legislation on hate crime should be subject to post-legislative scrutiny.

197. I think a period of three years should give time to allow the legislation to bed in and be fully understood and put into practice by those involved in the criminal justice system.

198. One particular advantage of such scrutiny is that this may well facilitate the addition of certain new characteristics as protected groups if the evidence base is sufficient to demonstrate that targeted criminality has developed into serious social problems that serve to justify criminal proscription.

199. The establishment of a Hate Crime Commissioner for Northern Ireland might well complement the legislative reform options I have outlined in this Review and underscore the importance of hate crime and hate speech.

200. This would be to encourage good practice in the prevention, detection, investigation and prosecution of offences associated with hate crime, as well as the identification of victims and perpetrators of those offences.

201. Such a Commissioner might well also have an important role in keeping hate crime legislation under review.

202. Consideration could also be given to whether or not such a role would be full-time or part-time. A solution to the question of financial commitment might well be to provide for a Domestic Abuse/Hate Crime Commissioner whose responsibilities would straddle both areas of criminality.

Recommendation 32

There should be post-legislative scrutiny by the *Assembly* to monitor the effectiveness of any new legislation on hate crime and hate speech. It is recommended that such scrutiny should occur regularly at three-year intervals and, if possible, include an element of public consultation.

Recommendation 33

An office of a Hate Crime Commissioner for Northern Ireland should be established. I believe that the issues involved in the area of hate crime and hate speech fully justify such a dedicated post.

Recommendation 34

In the alternative, I recommend that the role of such a Commissioner could properly be shared and that, therefore, there should be established a joint shared post of Hate Crime and Domestic Abuse Commissioner. I believe this would work well because the remit for this post relates to specific criminal contexts which are not dissimilar.

203. Chapter 16 is the final chapter. It explores the role of sentencing guidance in dealing with hate crime/hate speech. It then examines the wider societal issue of challenging hatred and prejudice in Northern Ireland, focusing on the key role to be played by education and encouraging the next generation to respect difference and diversity in helping to build a shared and integrated society. Going forward, it is essential that society in Northern Ireland should recognize both collective and individual responsibility to prevent hatred and advance mutual understanding.

Desmond Marrinan

30 November 2020

Judge Desmond Marrinan was called to the Bar of Northern Ireland in 1972 and later to the Irish Bar. He specialised in criminal law, EC law and professional negligence until his appointment as a County Court judge in 2003. He served as such until 2018 dealing mostly with criminal trials in the Crown Court and continues to sit as a deputy County Court judge. From 2008 – 2011 he served as the Recorder of Londonderry. He was formerly the vice- chair of the Law reform Advisory Committee. From 1971 – 1978 he lectured in public law at the Queen's University of Belfast and latterly was an external examiner for the Institute of Professional Legal Studies at Queen's University Belfast. He presently serves as one of the Parole Commissioners for Northern Ireland.

Report on	Performance Improvement Six Month Progress Update (Q1 to Q2 - 2021/22)
Date of Meeting	Thursday 2 nd of December 2021
Reporting Officer	Philip Moffett, Assistant Director
Contact Officer	Lisa Jenkins, Performance & Quality Officer

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

1.0	Purpose of Report
1.1	The report provides members with information on the review of Council's performance against our seven statutory and three corporate performance improvement indicators and standards, along with an overview of the Corporate Health Indicators for the first six months of 2021/22. The report also provides a performance progress summary against the Council's four corporate improvement objectives and their associated project plans. The indicators and standards, the 4 improvement projects and corporate health indicators are contained within our Two Year Performance Improvement Plan for 2021/22 to 2022/23.
2.0	Background
	Council Discharging Duties under the Local Government Act (NI) 2014
2.1	Part 12 of the Local Government Act (NI) 2014 sets a General Duty of Improvement in that, "a Council must make arrangements to secure continuous improvement in the exercise of its functions". The legislation sets out that a Council must consult upon and publish an annual forward looking Performance Improvement Plan by 30 th of June each year, setting out how it aims to make arrangements to secure improvements in the "exercise of its functions".
2.2.	The process of developing the Council's improvement objectives involved engagement between Senior Management, Heads of Service and the Democratic Services Team. This engagement identified potential areas for improvement across the council from which four proposed improvement objectives were identified for consideration and approved by elected members as a focus for continuous improvement.
2.3	The Council's four improvement objectives, rationale and associated links to the Community and Corporate Plan were considered and approved by elected members at their March 2021 Policy & Resources committee meeting for public consultation. The outcome of the consultation undertaken throughout March to April 2021, and a report on the final improvement

	objectives were considered by Senior Management, and subsequently considered by elected members for approval at their April 2021 Policy & Resources Committee before being considered by Council
2.4	<p>Each improvement objective is aligned with an improvement project and associated activities/measures. Each project is under the direction of senior responsible officer (Head of Service). In year there are 35 improvement activities. This report offers details of our six month progress, Quarter One (Q1) and Quarter Two (Q2) in delivering the Improvement Objectives contained within our Performance Improvement Plan 2021/22.</p> <p>The Corporate Improvement Projects (CIP's) and associated activities included in the Performance Improvement Plan for 2021/22 are:</p> <ol style="list-style-type: none"> 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 - currently there are 18 improvement activities 2) We will ensure a more connected Mid Ulster where new technologies and ways of working, empower citizens to get the best services that matter to them – currently 5 improvement activities. 3) To create cleaner neighbourhoods, where everyone takes responsibility for their waste and the environment – currently 9 improvement activities. 4) We will contribute to the ongoing regeneration of our district by delivering a capital investment programme, enhancing facilities and opportunities for local people – currently there are 3 improvement activities.
2.5	<p>The performance/progress of the Council's four corporate improvement projects 2021 - 2022 IS in Appendix One.</p> <p>Statutory & Corporate Performance Improvement Indicators/Standards</p>
2.6	<p>Local Government (Performance Indicators and Standards) Order (NI) 2015 has specified performance indicators and standards for Mid Ulster District Council on Economic Development, Planning and Waste Management (there are currently seven statutory indicators/standards). Statutory indicators and standards/targets have been set by the former Department of the Environment (now Department for Communities), on which to report annually, as part of the performance improvement arrangements for district councils, (hereafter referred to as statutory “set for us” performance measures). The aim of the performance measures is to promote the improvement of service delivery for the functions specified.</p>
2.7	<p>Council has identified three self-imposed performance improvement indicators and standards and hereafter referred to as “self-imposed” performance measures. These form an integral part of our Performance Improvement Plan for 2021/22. Taken together all ten measures (statutory and self-imposed indicators) feed into the Corporate Performance “Health” Indicators/Measures (of which there are 28 in total – see 2.7). All of the performance indicators, statutory, self-imposed and organisational health</p>

	<p>indicators, are considered as forming part of our day-to-day business and act as a barometer of how the Council is improving Corporately. The Performance Progress of the statutory and set by us indicators/standards is outlined in Appendix Two (refer to Mid Ulster District Council Performance Improvement Plan 2021 to 20201Statutory & Corporate Performance Improvement Indicators - Six Month Progress Report 2021/22).</p> <p>Reporting on the Councils Corporate “Health Indicators”</p> <p>The committee previously agreed a suite of “<i>Corporate Health Indicators</i>” for reporting on to elected members. Reporting on the Corporate health indicators provides a barometer of how the council is doing across its services; Indicators are effectively a ‘performance dashboard’, providing a summary of how the Council is doing across 8 key areas:</p> <ul style="list-style-type: none"> • Economy • Waste management • Council facilities • Better responses • Resident satisfaction • Staffing • Engaged workforce • Finance <p>Refer to Appendix Three</p>
3.0	Main Report
	<p>Reporting onStatutory & Self-Imposed Performance Indicators and Standards</p> <p>3.1 The Performance Improvement Plan 2021 to 2022 - Statutory and Corporate Improvement Indicator Report for the first six months of 2021/22, gives an overview of progress in relation to managing and monitoring Mid Ulster Council’s Corporate Improvement Performance Indicators (refer to Appendix Two). Some of the data which form the statutory “set for us” indicators are reliant on third party information being supplied to Council services and are classed as management data as opposed to ‘audited’ data.</p> <p>3.2 The management of Mid Ulster’s District Council’s 10 Statutory and Self-Imposed Indicators is a key mechanism within the Council’s Performance & Improvement Framework. Information relating to the 10 indicators will be updated and provide:</p> <ul style="list-style-type: none"> • Performance against target, assessment, action plan, & comparative trend analysis (over time). • Reporting & management accountabilities. • Target Direction; more is better, less is better etc. - (refer to measures i.e. numbers/percentages).

	<ul style="list-style-type: none"> • Performance trend, which utilises symbols to show whether there is improvement, no change or a fail /or change in a performance indicator compared to the last period. • Results against targets are assessed using a red, amber, green (RAG reporting) status; this shows whether performance is on or exceeds target (green), whether it is close to target (amber), or failing (red), blue signifies the action is completed, and the colour purple indicates that information is not yet available. • Links to the corporate plan • Activity of all 10 Performance Improvement PI's, at Senior management Team, will be closely monitored, as part of the overall information to ensure Council reacts appropriately to changing levels of demand/performance
3.3	<p>A summary of Corporate Performance Improvement Indicators at end of Q1 to Q2 2021/22 is below:</p> <p>Quarter One</p> <ul style="list-style-type: none"> a) 7 indicators are reported as Green – on target b) 1 indicator is close to target - Amber c) 2 indicators are red in that they are falling short of the pre-defined standard d) 0 indicators are awaiting data to be supplied (in the main supplied by government departments) - Purple <p>Quarter Two</p> <ul style="list-style-type: none"> a) 3 indicators are reported as Green – on target b) 0 indicator is close to target – Amber c) 3 indicators are red in that they are falling short of the pre-defined standard d) 4 indicators are awaiting data to be supplied (in the main supplied by government departments) - Purple <p>Monitoring and Reporting the Corporate Improvement Plan Projects</p>
3.4	<p>The activities/measures are outlined in Appendix One. Monitoring of the Corporate Improvement Plan is made through the quarterly reporting of services' operational improvement objectives, contained within the annual service improvement plans (SIPS).</p>
3.5	<p>The SIPS are part of Council's approach to ensuring/mitigating action to manage, maintain and improve performance or to re-prioritise work in consultation with management, staff and members.</p> <p>The Corporate Improvement Projects Q1 to Q2 – 2021/22 Six Month report is divided into four sections. Each section concentrates on reporting the progress against each improvement objective and related project outline. The reporting</p>

format explains how each activity or measure in the project has progressed (commentary section), highlights the delivery dates, expected outcomes (the difference it will make); as well as the current quarter's status (through RAG reporting).

Summary of Corporate Improvement Projects (CIP's) Six Month Progress

3.6 Outlined below is a summary of the Corporate Improvement Plan Projects' activity for Q1 to Q2 2021/22. Council is currently monitoring 35 improvement actions/measures throughout the four Improvement Project Plans (CIPS) during 2021/22. **To date in Q2 there are:**

- a) **28** actions are **on target**
- b) **5** actions are **trending away** from target
- c) **1** actions have been **completed**
- d) **1**actions have **missed** their target
- e) **0** actions/measures are **awaiting data**.
- f) **0** actions **not due to have started**

Evaluation on Six-Month Progress of Four Improvement Projects 2021/22

3.7 To provide an assessment on progress of the improvement plan and an informed judgement, the following assessments have been made, based on information made available from services (Table 1. – Evaluation Descriptors).

3.8 Those improvement objectives assessed as “Excellent” or “Good” are not a cause for concern. Areas assessed as “acceptable” will require a watching brief, while areas evaluated as “improvement required” require attention. Evaluation is made using the following. Table 1. – Evaluation Descriptors

Status	Evaluated as	Explanation
Green	Excellent	All actions and measures are on track
Amber	Good	Actions and Measures are mostly on track, several are falling marginally short of planned targets
Orange	Acceptable	Some actions and measures have deviated from plan and some are falling short of planned targets
Red	Improvement required	Actions and measures are mostly falling short of planned targets

Table 2. - Evaluation of progress Q1 to Q2 - 2021/22 Four Improvement Projects

	Q1 Apr – Jun	Q2 Jul - Aug
Improvement Project One	Overall Evaluation for Improvement Project One	
1) CIP 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 - currently there are 18 improvement activities/measures	Excellent	Good
Improvement Project Two	Overall Evaluation for Improvement Project Two	
2) CIP 2 – We will ensure a more connected Mid Ulster where new technologies and ways of working, empower citizens to get the best services that matter to them – currently 5 improvement activities	Excellent	Good
Improvement Project Three	Overall Evaluation for Improvement Project Three	
3) CIP 3 – To create cleaner neighbourhoods, where everyone takes responsibility for their waste and the environment – currently 9 improvement activities	Excellent	Excellent
Improvement Project Four	Overall Evaluation for Improvement Project Four	
4) CIP 4 –.We will contribute to the ongoing regeneration of our district by delivering a capital investment programme, enhancing facilities and opportunities for local people – currently there are 3 improvement activities	Excellent	Acceptable

4.0 Other Considerations

4.1 Financial, Human Resources & Risk Implications

Financial: N/A

Human: N/A

	Risk Management: Data contained in the Council's Six Month Performance Improvement Progress Report is provisional, as unaudited "data" and is characterised as management information. All in-year results may be subject to later revision.
4.2	<u>Screening & Impact Statements</u>
	Equality & Good Relations Implications: N/A
	Rural Needs Implications: N/A
5.0	Recommendation(s)
5.1	Members review the performance achieved, and assess progress and performance against the standards/targets and provide commentary as necessary.
6.0	Documents Attached & References
	<p>Appendix One: Corporate Improvement Projects 2021/2022– Six Month Progress Update (Q1 to Q2)</p> <p>Appendix Two: Statutory & Corporate Performance Improvement Indicators (Six-Month Progress Report 2021/22)</p> <p>Appendix Three: Corporate Health Indicators Infographic Q1 to Q2 (2021-22)</p>

Mid Ulster District Council

Statutory & Corporate Performance

Improvement Indicators

Q1 to Q2 - Six Month Progress Report

2021 – 2022

Performance Measures 2021 to 2022 - Statutory & Corporate Performance Indicators

Statutory Indicators – Set for Us

Under the Local Government (Performance Indicators and Standards Order (Northern Ireland) 2015), statutory performance indicators and standards have been set as part of the performance improvement arrangements for district councils (i.e. set for us). Performance measures have been specified for the functions of: Economic development, Planning and Waste management.

The aim of the performance measures is to promote the improvement of service delivery. The information is currently collated by the Department for the Economy, Department for Infrastructure and DAERA (Department for Agriculture, Environment and Rural Affairs) respectively and published on their websites. Once released to Council, this information is published for citizens and other stakeholders to assess Council's performance in these areas. Until validated by the Departments aforementioned, data will remain as management information.

Corporate Performance Indicators – Set by Us

During 2016/17, Council, in the absence of an agreed region wide performance management framework, decided to concentrate on ensuring the data quality of three of its proposed "set by us" or "self-imposed" performance indicators, standards/targets, with the aim of improving service delivery, across the three indicators; namely:

1. **Prompt Payments** - (Prompt payments speed up cash flow from the public sector to its suppliers, particularly SME's),
2. **Freedom of Information Requests (FOI) Responded to within 20 days**, (Council meets its statutory obligations, customer requests are met within specified timeframes and citizens can get information in a timely manner through a transparent process), and
3. **Percentage lost time rate of sickness absence** – (shows the percentage of total time available that has been lost due to any type of absence during a certain time period. The indicator is based on full time equivalent (FTE) employees - useful as a general measure of the significance of sickness absence levels for an organisation).

Benchmarking With Other Councils

Work was due to have commenced on the development of an overarching regional benchmark framework for Northern Ireland Councils. A draft action plan relating to activities to develop this framework, has been developed by Council Officers from the Local Government Performance Working Group, however due to the Covid-19 Pandemic this has been delayed. Average Days Lost p.a. (due to sickness absence) and prompt payments performance data, has been supplied by the Department for Communities. Benchmark data appears where the information is available in this report and is contained in Council's Annual Performance Assessment Report. Where other local Council's benchmark data are available (annual), the data is included in the report. Data quality is a central part of the Council's operational business and performance management. Performance measures including Absence information, Freedom of Information Requests, and Prompt Payments information is used every day across the Council to help inform management decisions, plan services, benchmark performance and cost, and inform target setting.

Rag Status, Target Direction and Performance Trend – Colours, Symbols and Descriptors.

Table One – RAG Status and Descriptors

Status – Evaluated As	Explanation
GREEN	Met or exceeded target
AMBER	Missed target narrowly
RED	Missed Target Significantly
PURPLE	Information not available

Table Two – Target Direction

Target Direction	Descriptor
More Is Better	A bigger value for this measure is best
Less Is Better	A smaller value for this measure is best

Table Three - Performance Trend

Direction of Travel		
The direction of travel shows if performance has improved, declined, or been maintained relative to previous quarter.		
Performance Improved	Performance Remained Same	Performance Declined
↑	↔	↓

STATUTORY INDICATOR & STANDARD Ref. No. : ED1 - MORE IS BETTER

ED1: The number of jobs promoted through business start-up activity from 1 st April 2016 to 30 th September 2021.						July-Sept 2021 Actual (Quarter Two)		Standard to be Met	Trend on Previous Quarter	Status																																																								
<div><h3>ED1- The No. of Jobs Promoted Through Business Start Up 2016 - 2021</h3><table border="1"><caption>ED1- The No. of Jobs Promoted Through Business Start Up 2016 - 2021</caption><thead><tr><th>Time</th><th>Jobs Promoted</th></tr></thead><tbody><tr><td>Q1 16.17</td><td>69</td></tr><tr><td>Q3 16.17</td><td>71</td></tr><tr><td>Yr End</td><td>70</td></tr><tr><td>Q2 17.18</td><td>46</td></tr><tr><td>Q4 17.18</td><td>256</td></tr><tr><td>Q1 18.19</td><td>68</td></tr><tr><td>Q3 18.19</td><td>62</td></tr><tr><td>Yr. End</td><td>44</td></tr><tr><td>Q2 19.20</td><td>49</td></tr><tr><td>Q4 19.20</td><td>223</td></tr><tr><td>Q1 20.21</td><td>38</td></tr><tr><td>Q3 20.21</td><td>41</td></tr><tr><td>Yr. End</td><td>56</td></tr><tr><td>Q2 21.22</td><td>68</td></tr><tr><td>Q4 21.22</td><td>204</td></tr><tr><td>Q1 22.23</td><td>52</td></tr><tr><td>Q3 22.23</td><td>45</td></tr><tr><td>Yr. End</td><td>41</td></tr><tr><td>Q2 23.24</td><td>47</td></tr><tr><td>Q4 23.24</td><td>185</td></tr><tr><td>Q1 24.25</td><td>21</td></tr><tr><td>Q3 24.25</td><td>30</td></tr><tr><td>Yr. End</td><td>30</td></tr><tr><td>Q2 25.26</td><td>43</td></tr><tr><td>Q4 25.26</td><td>126</td></tr><tr><td>Q1 26.27</td><td>39</td></tr><tr><td>Q3 26.27</td><td>41</td></tr></tbody></table></div>						Time	Jobs Promoted	Q1 16.17	69	Q3 16.17	71	Yr End	70	Q2 17.18	46	Q4 17.18	256	Q1 18.19	68	Q3 18.19	62	Yr. End	44	Q2 19.20	49	Q4 19.20	223	Q1 20.21	38	Q3 20.21	41	Yr. End	56	Q2 21.22	68	Q4 21.22	204	Q1 22.23	52	Q3 22.23	45	Yr. End	41	Q2 23.24	47	Q4 23.24	185	Q1 24.25	21	Q3 24.25	30	Yr. End	30	Q2 25.26	43	Q4 25.26	126	Q1 26.27	39	Q3 26.27	41	41		210 jobs p.a.	↑	RED
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Oct -Dec 2020 Actual (Quarter Three)		Standard to be Met	Trend on Previous Quarter	Status																																																														
30		210 jobs p.a.	↔	RED																																																														
Analysis: MORE IS BETTER. Q2 Business Plans figure is higher than Q2 in 2020/21 (68 vs 51) resulting in higher jobs (41 vs 31), due to the impact of Covid last year, and is almost back to pre-Covid level of 2019/20 (45 jobs). Figures are higher than previous Q4 due to Council having offered a small start up grant of £250 to clients in March 2021. DfE / Invest NI require Councils to use a lower conversion rate (Plans - Jobs) of 0.6 (not RSI rate 0.75762). This performance level is higher than Q1 in 2020/21 and is currently ahead of target schedule to meet the EU Prog target, but not the Statutory Target. DfE and DfC are going out to consultation with Councils and key stakeholders on the statutory targets and performance indicators, in response to Councils' requests following the Capaxo Review (June 2020). The Contract Management Team (L&CCC) have been liaising regularly with the Contractor (ENI); following approval from funders, ENI are offering both 'virtual' and physical delivery which is working well for clients and enquiry levels are good. Comparison with last year, same reporting period: Performance higher from Q2 in 2020/21, but slightly lower than the same period, pre-Covid.																																																																		
Action Plan: At least 342 Plans are needed to be delivered by Mid Ulster to ensure Statutory 'Jobs promoted' target is achieved by March 2022. Q1 & Q2 figures (80) account for 38% of this. 264 Plans are required for EU Programme targets, which are on schedule.																																																																		
Comparator (annual)	2016/17	2017/18	2018/19	2019/20	2020/21																																																													
NI Council	208	159	164	157	130																																																													
Lead Officer: Adrian Mc Creesh - Director Business & Communities. Purpose of Performance Indicator (PI): The number of jobs promoted through business start-up activity (Business start-up means the delivery of completed client led business plans under the Department of the Economy Regional Start Initiative or its successor Programmes).																																																																		

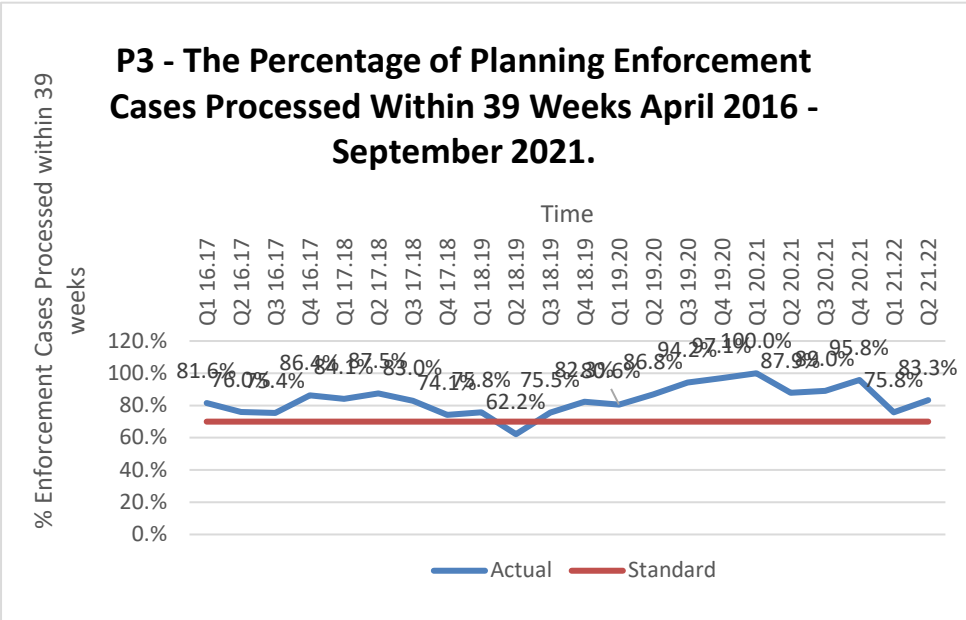
STATUTORY INDICATOR & STANDARD Ref. No. : P1 - LESS IS BETTER

P1: Major applications processed from date valid to decision or withdrawn within an average of 30 weeks - from 1 st April 2016 to 30 th September 2021						July-Sept 2021 Actual (Quarter Two)	Standard to be Met	Trend on Previous Quarter	Status
<div><p>P1 Average Processing Time of Major Planning Applications from Date Valid to Decision or Withdrawal within an Average of 30 Weeks 2016 - 2021</p></div>						92.6 weeks	30 weeks	↓	RED
						Apr-June 2021 Actual (Quarter One)	Standard to be Met	Trend on Previous Quarter	Status
						63.4 weeks	30 weeks	↑	RED
						Jan – March 2021 Actual (Quarter Four)	Standard to be Met	Trend on Previous Quarter	Status
						84.4 weeks	30 weeks	↓	RED
						Oct - Dec 2020 Actual (Quarter Three)	Standard to be Met	Trend on Previous Quarter	Status
						74.2 weeks	30 weeks	↑	RED
						Analysis: LESS IS BETTER: - Performance figures for Q2 show 92.9weeks. What does this mean: That issuing 5 Major applications has impacted on average processing times. But well done to the team for getting more applications out the door and reducing the numbers we are holding. Comparison with last year same reporting period: 86.4 weeks last year, shows an increase of approx 6 weeks. .			
Comparator (annual)	2016/17	2017/18	2018/19	2019/20	2020/21	Action Plan: Major applications team to continue to operate under Planning Managers oversight and with monthly group meeting remaining in place.			
NI Council Average	68.6 weeks	50.2 weeks	59 weeks	52.8 weeks	61.4 weeks				
Lead Officer: Dr. Chris Boomer – Planning. Purpose of PI: Planning Department deals with MAJOR Planning applications faster - [An application in the category of major development within the meaning of Planning (Development Management Regulations (NI) 2015(a)).									

STATUTORY INDICATOR & STANDARD Ref. No. : P2 - LESS IS BETTER

P2: Average processing time of Local Planning Applications from date valid to decision or withdrawn within an average of 15 weeks from 01/04/16 - 30/09/21						July-Sept 2021 Actual (Quarter Two)	Standard to be Met	Trend on Previous Quarter	Status																																																																								
<div><p>P2 Average Processing Time of Local Planning Applications from Date Valid to Decision or Withdrawal within an Average of 15 Weeks 2016 - 2021</p><table border="1"><thead><tr><th>Time</th><th>Actual</th><th>Standard</th></tr></thead><tbody><tr><td>Q1 16.17</td><td>14.7</td><td>15</td></tr><tr><td>Q2 16.17</td><td>14.6</td><td>15</td></tr><tr><td>Q3 16.17</td><td>14.8</td><td>15</td></tr><tr><td>Q4 16.17</td><td>13.8</td><td>15</td></tr><tr><td>Q1 17.18</td><td>13.2</td><td>15</td></tr><tr><td>Q2 17.18</td><td>14.2</td><td>15</td></tr><tr><td>Q3 17.18</td><td>13.8</td><td>15</td></tr><tr><td>Q4 17.18</td><td>18.2</td><td>15</td></tr><tr><td>Q1 18.19</td><td>18.1</td><td>15</td></tr><tr><td>Q2 18.19</td><td>16.8</td><td>15</td></tr><tr><td>Q3 18.19</td><td>18.2</td><td>15</td></tr><tr><td>Q4 18.19</td><td>14</td><td>15</td></tr><tr><td>Q1 19.20</td><td>12.6</td><td>15</td></tr><tr><td>Q2 19.20</td><td>12.8</td><td>15</td></tr><tr><td>Q3 19.20</td><td>12.5</td><td>15</td></tr><tr><td>Q4 19.20</td><td>14</td><td>15</td></tr><tr><td>Q1 20.21</td><td>16.6</td><td>15</td></tr><tr><td>Q2 20.21</td><td>17.6</td><td>15</td></tr><tr><td>Q3 20.21</td><td>16.6</td><td>15</td></tr><tr><td>Q4 20.21</td><td>16</td><td>15</td></tr><tr><td>Yr. End</td><td>14.2</td><td>15</td></tr><tr><td>Q1 21.22</td><td>14.8</td><td>15</td></tr><tr><td>Q2 21.22</td><td>14.8</td><td>15</td></tr></tbody></table></div>						Time	Actual	Standard	Q1 16.17	14.7	15	Q2 16.17	14.6	15	Q3 16.17	14.8	15	Q4 16.17	13.8	15	Q1 17.18	13.2	15	Q2 17.18	14.2	15	Q3 17.18	13.8	15	Q4 17.18	18.2	15	Q1 18.19	18.1	15	Q2 18.19	16.8	15	Q3 18.19	18.2	15	Q4 18.19	14	15	Q1 19.20	12.6	15	Q2 19.20	12.8	15	Q3 19.20	12.5	15	Q4 19.20	14	15	Q1 20.21	16.6	15	Q2 20.21	17.6	15	Q3 20.21	16.6	15	Q4 20.21	16	15	Yr. End	14.2	15	Q1 21.22	14.8	15	Q2 21.22	14.8	15	14.8 weeks	15 weeks	↓	GREEN
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						Analysis: LESS IS BETTER Performance figures show 15.6 weeks for Q2. Just missing 15 week target but our YTD average is 14.8 weeks. What does this mean: Care should be taken when reading them because although we are still on target for local applications our performance has slipped and our caseloads have increased. We will need a big push to stay on track for the end of the year target. Comparison with last year same reporting period: 15.6 weeks for last years quarter. This years Q2 is an improvement.																																																																											
Comparator (annual)	2016/17	2017/18	2018/19	2019/20	2020/21	Action Plan: Local applications processing times now back within target. To monitor performance via Team leads and HOS. Re-allocation of files to take place to cover team lead impending career break. Dedicated HPTO group meetings held Oct to focus on agreed action.																																																																											
NI Council Average	16.2 weeks	15.2 weeks	14.8 weeks	14 weeks	17.8 weeks																																																																												
Lead Officer: Dr. Chris Boomer – Planning. Purpose of PI. Planning Department deal with LOCAL Planning applications faster - Local applications means an application in the category of local development within the meaning of the (Development Management) Regulations (NI) 2015, and any other applications for approval or consent under the Planning Act (NI) 2011 (or any orders or regulations made under the Act).																																																																																	

STATUTORY INDICATOR & STANDARD Ref. No. : P3 - MORE IS BETTER

P3: The percentage of planning enforcement cases processed within 39 weeks from 1 st April 2016 to 30 th September 2021.						July-Sept 2021 Actual (Quarter Two)		Standard to be Met	Trend on Previous Quarter	Status																																														
<div><p>P3 - The Percentage of Planning Enforcement Cases Processed Within 39 Weeks April 2016 - September 2021.</p><table><thead><tr><th>Time</th><th>Actual</th></tr></thead><tbody><tr><td>Q1 16.17</td><td>81.6%</td></tr><tr><td>Q2 16.17</td><td>76.0%</td></tr><tr><td>Q3 16.17</td><td>78.4%</td></tr><tr><td>Q4 16.17</td><td>86.4%</td></tr><tr><td>Q1 17.18</td><td>84.1%</td></tr><tr><td>Q2 17.18</td><td>87.5%</td></tr><tr><td>Q3 17.18</td><td>83.0%</td></tr><tr><td>Q4 17.18</td><td>74.1%</td></tr><tr><td>Q1 18.19</td><td>75.8%</td></tr><tr><td>Q2 18.19</td><td>62.2%</td></tr><tr><td>Q3 18.19</td><td>75.5%</td></tr><tr><td>Q4 18.19</td><td>82.8%</td></tr><tr><td>Q1 19.20</td><td>80.6%</td></tr><tr><td>Q2 19.20</td><td>86.8%</td></tr><tr><td>Q3 19.20</td><td>94.2%</td></tr><tr><td>Q4 19.20</td><td>97.1%</td></tr><tr><td>Q1 20.21</td><td>100.0%</td></tr><tr><td>Q2 20.21</td><td>87.9%</td></tr><tr><td>Q3 20.21</td><td>92.0%</td></tr><tr><td>Q4 20.21</td><td>95.8%</td></tr><tr><td>Q1 21.22</td><td>75.8%</td></tr><tr><td>Q2 21.22</td><td>83.3%</td></tr></tbody></table></div>						Time	Actual	Q1 16.17	81.6%	Q2 16.17	76.0%	Q3 16.17	78.4%	Q4 16.17	86.4%	Q1 17.18	84.1%	Q2 17.18	87.5%	Q3 17.18	83.0%	Q4 17.18	74.1%	Q1 18.19	75.8%	Q2 18.19	62.2%	Q3 18.19	75.5%	Q4 18.19	82.8%	Q1 19.20	80.6%	Q2 19.20	86.8%	Q3 19.20	94.2%	Q4 19.20	97.1%	Q1 20.21	100.0%	Q2 20.21	87.9%	Q3 20.21	92.0%	Q4 20.21	95.8%	Q1 21.22	75.8%	Q2 21.22	83.3%	83.3%		70%	↑	GREEN
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83%		70%	↓	GREEN																																																				
Analysis: MORE IS BETTER During Q2 83.3% of cases to conclusion this quarter - within 70% target. What does this mean: Good to report that the enforcement team is keeping the enforcement investigations up to date. Comparison with last year same reporting period: approx 4% lower but still well within target.																																																								
Action Plan: Maintain Management																																																								
Comparator (annual)	2016/17	2017/18	2018/19	2019/20	2020/21																																																			
NI Council Average	80.7%	77%	81%	81.4%	69.9%																																																			
Lead Officer: Dr. Chris Boomer – Planning. Purpose of PI: Planning Department bring more enforcement cases to target conclusion within 39 weeks. Enforcement cases are investigations into alleged breaches of planning control under Part 5 of the Planning Act (NI) 2011 (or under any orders or regulations made under the Act.																																																								

STATUTORY INDICATOR & STANDARD Ref. No.: W1 - MORE IS BETTER

W1: The % of household waste collected by District Councils that is sent for recycling (including waste prepared for reuse) from 1 st April 2016 to 30 th September 2021.						July-Sept 2021 Actual (Quarter Two)	Standard to be Met	Trend on Previous Quarter	Status																																														
<div><h3>W1 - The Percentage of Household Waste Collected by District Councils That is Sent for Recycling 2016 to 2021</h3><table border="1"><thead><tr><th>Quarter</th><th>% Recycling Rate</th></tr></thead><tbody><tr><td>Q1 16.17</td><td>55.35%</td></tr><tr><td>Q2 16.17</td><td>55.14%</td></tr><tr><td>Q3 16.17</td><td>50.01%</td></tr><tr><td>Q4 16.17</td><td>45.19%</td></tr><tr><td>Q1 17.18</td><td>58.32%</td></tr><tr><td>Q2 17.18</td><td>56.70%</td></tr><tr><td>Q3 17.18</td><td>54.58%</td></tr><tr><td>Q4 17.18</td><td>47.15%</td></tr><tr><td>Q1 18.19</td><td>59.73%</td></tr><tr><td>Q2 18.19</td><td>56.38%</td></tr><tr><td>Q3 18.19</td><td>56.26%</td></tr><tr><td>Q4 18.19</td><td>50.82%</td></tr><tr><td>Q1 19.20</td><td>63.25%</td></tr><tr><td>Q2 19.20</td><td>62.47%</td></tr><tr><td>Q3 19.20</td><td>58.52%</td></tr><tr><td>Q4 19.20</td><td>50.79%</td></tr><tr><td>Q1 20.21</td><td>60.68%</td></tr><tr><td>Q2 20.21</td><td>63.27%</td></tr><tr><td>Q3 20.21</td><td>57.36%</td></tr><tr><td>Q4 20.21</td><td>54.75%</td></tr><tr><td>Yr End 2020.21</td><td>58.91%</td></tr><tr><td>Q1 21.22</td><td>60.90%</td></tr></tbody></table></div>						Quarter	% Recycling Rate	Q1 16.17	55.35%	Q2 16.17	55.14%	Q3 16.17	50.01%	Q4 16.17	45.19%	Q1 17.18	58.32%	Q2 17.18	56.70%	Q3 17.18	54.58%	Q4 17.18	47.15%	Q1 18.19	59.73%	Q2 18.19	56.38%	Q3 18.19	56.26%	Q4 18.19	50.82%	Q1 19.20	63.25%	Q2 19.20	62.47%	Q3 19.20	58.52%	Q4 19.20	50.79%	Q1 20.21	60.68%	Q2 20.21	63.27%	Q3 20.21	57.36%	Q4 20.21	54.75%	Yr End 2020.21	58.91%	Q1 21.22	60.90%	Not available	NILAS Scheme to Dec 2020		PURPLE
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60.9% (12,310 tonnes)	NILAS Scheme to Dec 2020	↑	GREEN																																																				
Jan – March 2021 Actual (Quarter Four)	Standard to be Met	Trend on Previous Quarter	Status																																																				
54.75% (10,040 tonnes)	NILAS Scheme to Dec 2020	↓	GREEN																																																				
Oct-Dec 2020 Actual (Quarter Three)	Standard to be Met	Trend on Previous Quarter	Status																																																				
57.38% (10,646 tonnes)	NILAS Scheme to Dec 2020	↓	GREEN																																																				
Analysis: MORE IS BETTER : Increase of 2,270 tonnes compared to previous quarter. This is attributable to seasonality Comparison with last year,same reporting period - Increase of 1,310 tonnes																																																							
Action Plan: Maintain management																																																							
Comparator (annual)	2016/17	2017/18	2018/19	2019/20	2020/21																																																		
NI Council Average	*44.4%	48.1%	50%	51.9%	50.7%																																																		
Lead Officer: Andrew Cassells Director - Environment & Property. Purpose of PI. : Meet Statutory Targets – Households Waste is as defined in Article 2 of the Waste and Contaminated Land (NI) Order 1997 (a) and the Controlled Waste and Duty of Care Regulations (NI) 2013 (b) - Household Waste is as defined in Article 2 of the Waste and Contaminated Land (NI) Order 1997 (a) and the Controlled Waste and Duty of Care Regulations (NI) 2013 (b) -																																																							

* Annual Report from Department of Agriculture, Environment and Rural Affairs.

STATUTORY INDICATOR & STANDARD Ref. No. : W2 - LESS IS BETTER

W2: The amount (tonnage) of Biodegradable Local Authority Collected Municipal Waste that is landfilled from 1 st April 2016 to 30 th September 2021						July-Sept 2021 Actual (Quarter Two)	Standard to be Met	Trend on Previous Quarter	Status																																																						
<div><p>W2 - Mid Ulster The Amount (Tonnage) of Biodegradable Local Authority Collected Municipal Waste that is landfilled 2016 to 2021</p><table><caption>W2 - Mid Ulster The Amount (Tonnage) of Biodegradable Local Authority Collected Municipal Waste that is landfilled 2016 to 2021</caption><thead><tr><th>Time</th><th>Tonnage</th></tr></thead><tbody><tr><td>Q1 16-17</td><td>3,287</td></tr><tr><td>Q2 16-17</td><td>3,287</td></tr><tr><td>Q3 16-17</td><td>3,799</td></tr><tr><td>Q4 16-17</td><td>4,498</td></tr><tr><td>Yr. Total 16-17</td><td>14,846</td></tr><tr><td>Q1 17-18</td><td>2,501</td></tr><tr><td>Q2 17-18</td><td>14,846</td></tr><tr><td>Q3 17-18</td><td>2,339</td></tr><tr><td>Q4 17-18</td><td>2,248</td></tr><tr><td>Yr. Total 17-18</td><td>10,077</td></tr><tr><td>Q1 18-19</td><td>2,989</td></tr><tr><td>Q2 18-19</td><td>1,865</td></tr><tr><td>Q3 18-19</td><td>2,026</td></tr><tr><td>Q4 18-19</td><td>1,288</td></tr><tr><td>Yr. Total 18-19</td><td>508</td></tr><tr><td>Q1 19-20</td><td>5,687</td></tr><tr><td>Q2 19-20</td><td>33</td></tr><tr><td>Q3 19-20</td><td>34</td></tr><tr><td>Q4 19-20</td><td>16</td></tr><tr><td>Yr. Total 19-20</td><td>465</td></tr><tr><td>Q1 20-21</td><td>1,506</td></tr><tr><td>Q2 20-21</td><td>29</td></tr><tr><td>Q3 20-21</td><td>42</td></tr><tr><td>Q4 20-21</td><td>39</td></tr><tr><td>Yr. Total 20-21</td><td>1,482</td></tr><tr><td>Q1 21-22</td><td>343</td></tr></tbody></table></div>						Time	Tonnage	Q1 16-17	3,287	Q2 16-17	3,287	Q3 16-17	3,799	Q4 16-17	4,498	Yr. Total 16-17	14,846	Q1 17-18	2,501	Q2 17-18	14,846	Q3 17-18	2,339	Q4 17-18	2,248	Yr. Total 17-18	10,077	Q1 18-19	2,989	Q2 18-19	1,865	Q3 18-19	2,026	Q4 18-19	1,288	Yr. Total 18-19	508	Q1 19-20	5,687	Q2 19-20	33	Q3 19-20	34	Q4 19-20	16	Yr. Total 19-20	465	Q1 20-21	1,506	Q2 20-21	29	Q3 20-21	42	Q4 20-21	39	Yr. Total 20-21	1,482	Q1 21-22	343	Not Available	No set target 2020/21		PURPLE
						Time	Tonnage																																																								
						Q1 16-17	3,287																																																								
						Q2 16-17	3,287																																																								
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Q1 21-22	343																																																														
Apr-June 2021 Actual (Quarter One)	Standard to be Met	Trend on Previous Quarter	Status																																																												
343 tonnes	No set target 2020/21	↑	GREEN																																																												
Jan – March 2021 Actual (Quarter Four)	Allowance 2020/21	Trend on Previous Quarter	Status																																																												
439 tonnes	No set target 2020/21	↓	GREEN																																																												
Oct - Dec 2020 Actual (Quarter Three)	Allowance 2020/21	Trend on Previous Quarter	Status																																																												
405 tonnes	No set target 2020/21	↓	GREEN																																																												
Analysis: LESS IS BETTER Decrease of 96 tonnes compared to previous quarter. There is no NILAS target for 2021/22. Comparison with last year,same reporting period: Increase of 47 tonnes																																																															
Action Plan: Maintain Management																																																															
Lead Officer: Andrew Cassells - Director Environment & Property. Purpose of PI: Meet Statutory Targets -Local Authority collected Municipal Waste as defined in section 21 of the Waste Emissions Trading Act 2003 (c)																																																															

*Annual Report from Department of Agriculture, Environment and Rural Affairs.

STATUTORY INDICATOR & STANDARD Ref. No.: W3 - LESS IS BETTER

W3: The amount (tonnage) of Local Authority Collected Municipal Waste Arisings from 1 st April 2016 to 30 th September 2021.						July-Sept 2021 Actual (Quarter Two)	Standard to be Met	Trend on Previous Quarter	Status																																												
<div><h3>W3 - MUDC amount (tonnage) of Local Authority Collected Municipal Waste Arisings 2016 - 2021</h3><table><caption>W3 - MUDC amount (tonnage) of Local Authority Collected Municipal Waste Arisings 2016 - 2021</caption><thead><tr><th>Time</th><th>Tonnage</th></tr></thead><tbody><tr><td>Q1 16.17</td><td>21,749</td></tr><tr><td>Q2 16.17</td><td>22,555</td></tr><tr><td>Q3 16.17</td><td>19,002</td></tr><tr><td>Q4 16.17</td><td>19,527</td></tr><tr><td>Q1 17.18</td><td>21,370</td></tr><tr><td>Q2 17.18</td><td>22,179</td></tr><tr><td>Q3 17.18</td><td>18,678</td></tr><tr><td>Q4 17.18</td><td>17,765</td></tr><tr><td>Q1 18.19</td><td>21,781</td></tr><tr><td>Q2 18.19</td><td>20,876</td></tr><tr><td>Q3 18.19</td><td>17,982</td></tr><tr><td>Q4 18.19</td><td>18,019</td></tr><tr><td>Q1 19.20</td><td>21,024</td></tr><tr><td>Q2 19.20</td><td>22,023</td></tr><tr><td>Q3 19.20</td><td>18,489</td></tr><tr><td>Q4 19.20</td><td>19,109</td></tr><tr><td>Q1 20.21</td><td>19,724</td></tr><tr><td>Q2 20.21</td><td>24,621</td></tr><tr><td>Q3 20.21</td><td>20,998</td></tr><tr><td>Q4 20.21</td><td>20,711</td></tr><tr><td>Q1 21.22</td><td>23,298</td></tr></tbody></table></div>						Time	Tonnage	Q1 16.17	21,749	Q2 16.17	22,555	Q3 16.17	19,002	Q4 16.17	19,527	Q1 17.18	21,370	Q2 17.18	22,179	Q3 17.18	18,678	Q4 17.18	17,765	Q1 18.19	21,781	Q2 18.19	20,876	Q3 18.19	17,982	Q4 18.19	18,019	Q1 19.20	21,024	Q2 19.20	22,023	Q3 19.20	18,489	Q4 19.20	19,109	Q1 20.21	19,724	Q2 20.21	24,621	Q3 20.21	20,998	Q4 20.21	20,711	Q1 21.22	23,298	Not Available	NA		PURPLE
						Time	Tonnage																																														
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Apr-June 2021 Actual (Quarter One)	Standard to be Met	Trend on Previous Quarter	Status																																																		
23,298 tonnes	NA	↓	GREEN																																																		
Jan – March 2021 Actual (Quarter Four)	Standard to be Met	Trend on Previous Quarter	Status																																																		
20,711 tonnes	NA	↑	GREEN																																																		
Oct - Dec 2020 Actual (Quarter Three)	Standard to be Met	Trend on Previous Quarter	Status																																																		
20,993 tonnes	NA	↑	GREEN																																																		
						Analysis: LESS IS BETTER: Increase of 3,574 compared to previous quarter. This is attributable to seasonality. Comparison with last year,same reporting period - Increase of 2,587 tonnes																																															
Comparator (annual)	2016/17	2017/18	2018/19	2019/20	2020/21	Action Plan: Maintain Management																																															
NI Council Average	*89,636 tonnes	88,892 tonnes	90,021 tonnes	90,817 tonnes	Not Available until Nov 2021																																																
Lead Officer: Andrew Cassells Director Environment & Property. Purpose of PI :.Meet Statutory Targets - Local Authority collected Municipal waste arisings is the total amount of local authority collected municipal waste which has been collected by a district Council																																																					

*Annual Report from Department of Agriculture, Environment and Rural Affairs.

CORPORATE PERFORMANCE IMPROVEMENT INDICATOR & STANDARD Ref. No.: CORP 1a - MORE IS BETTER

CORP1 (a): Prompt Payment- 90% of invoices paid within 30 day target from 1 st April 2016 to 30 th September 2021.						July-Sept 2021 Actual (Quarter Two)	Standard to be Met	Trend on Previous Quarter	Status																																														
<div><p>CORP1a: 90% of Invoices Paid Within 30 days - April 2016 to Sept 2021</p><table><caption>% Invoices paid within 30 days</caption><thead><tr><th>Time</th><th>% Invoices paid within 30 days</th></tr></thead><tbody><tr><td>Q1 16.17</td><td>99%</td></tr><tr><td>Q2 16.17</td><td>99%</td></tr><tr><td>Q3 16.17</td><td>98%</td></tr><tr><td>Q4 16.17</td><td>99%</td></tr><tr><td>Q1 17.18</td><td>98%</td></tr><tr><td>Q2 17.18</td><td>97%</td></tr><tr><td>Q3 17.18</td><td>98%</td></tr><tr><td>Q4 17.18</td><td>97%</td></tr><tr><td>Q1 18.19</td><td>94%</td></tr><tr><td>Q2 18.19</td><td>93%</td></tr><tr><td>Q3 18.19</td><td>94%</td></tr><tr><td>Q4 18.19</td><td>94%</td></tr><tr><td>Q1 19.20</td><td>93%</td></tr><tr><td>Q2 19.20</td><td>93%</td></tr><tr><td>Q3 19.20</td><td>95%</td></tr><tr><td>Q4 19.20</td><td>96%</td></tr><tr><td>Q1 20.21</td><td>94%</td></tr><tr><td>Q2 20.21</td><td>95%</td></tr><tr><td>Q3 20.21</td><td>94%</td></tr><tr><td>Q4 20.21</td><td>98%</td></tr><tr><td>Q1 21.22</td><td>92%</td></tr><tr><td>Q2 21.22</td><td>97%</td></tr></tbody></table></div>						Time	% Invoices paid within 30 days	Q1 16.17	99%	Q2 16.17	99%	Q3 16.17	98%	Q4 16.17	99%	Q1 17.18	98%	Q2 17.18	97%	Q3 17.18	98%	Q4 17.18	97%	Q1 18.19	94%	Q2 18.19	93%	Q3 18.19	94%	Q4 18.19	94%	Q1 19.20	93%	Q2 19.20	93%	Q3 19.20	95%	Q4 19.20	96%	Q1 20.21	94%	Q2 20.21	95%	Q3 20.21	94%	Q4 20.21	98%	Q1 21.22	92%	Q2 21.22	97%	97%**	90%	↑	GREEN
						Time	% Invoices paid within 30 days																																																
						Q1 16.17	99%																																																
						Q2 16.17	99%																																																
						Q3 16.17	98%																																																
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Apr-June 2021 Actual (Quarter One)	Standard to be Met	Trend on Previous Quarter	Status																																																				
92%*	90%	↓	GREEN																																																				
Jan – March 2021 Actual (Quarter Four)	Standard to be Met	Trend on Previous Quarter	Status																																																				
98%	90%	↑	GREEN																																																				
Oct Dec 2020 Actual (Quarter Three)	Standard to be Met	Trend on Previous Quarter	Status																																																				
94%	90%	↓	GREEN																																																				
Analysis: MORE IS BETTER Quarter one outturn is in excess of target but is slightly down on the Q1 figure for the same period last year. Quarter Two outturn of 97% is an improvement on Quarter one performance of 92% and 95% for the same quarter last year and is in excess of target. *Includes only period 1 and 2 due to new system implementation **Includes periods 3,4,5 and 6 due to new system implementation																																																							
Action Plan: Maintain Management																																																							
Comparator (annual)	2016/17	2017/18	2018/19	2019/20	2020/21																																																		
NI Council Average	84%	82%	86%	86%																																																			
Lead Officer: JJ Tohill Director of Finance. Purpose of PI: Prompt payments speed up cash flow from the public sector to its suppliers, particularly SME’s. Council recognises that late payments are a key issue for business, especially for smaller businesses as it can adversely affect their cash flow & jeopardises their ability to trade & we recognise that as a Public body we should set a strong example by paying promptly. Indicator that allows Council to have a “signal” that it has an effective prompt payment system delivery, has in place a clear framework for managing prompt payments, in order to support an environment in which ambitious businesses flourish. The Department for Communities requests information from councils at the end of each Quarter on the processing of invoices as detailed in the following circular https://www.communities-ni.gov.uk/publications/circular-lg-192016-guidance-prompt-payments																																																							

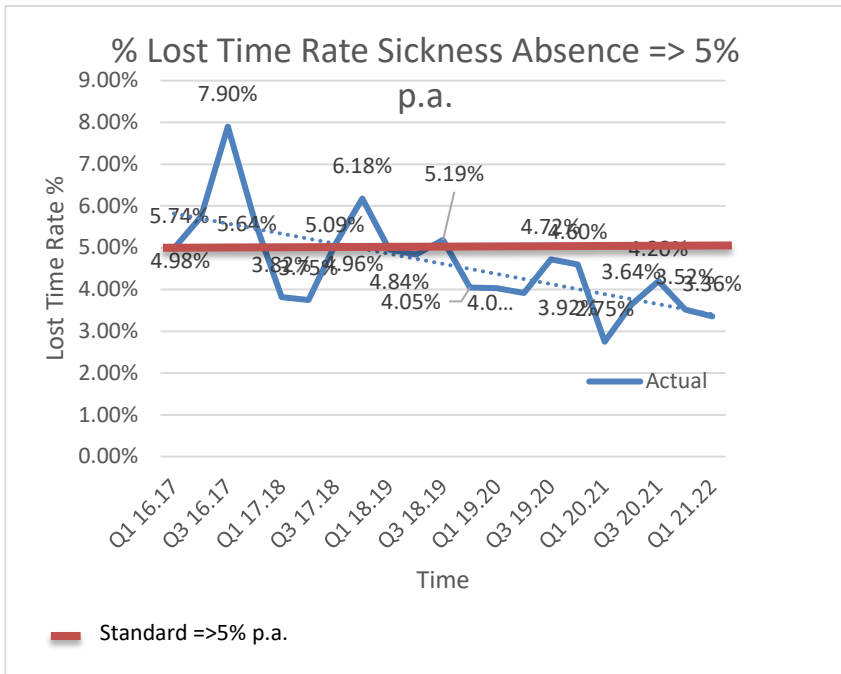
CORPORATE PERFORMANCE IMPROVEMENT INDICATOR & STANDARD Ref. No. : CORP 1b - MORE IS BETTER

CORP1 (b): Prompt Payment - 80% of invoices paid within 10 day target from 1 st April 2016 to 30 th September 2021						July-Sept 2021 Actual (Quarter Two)	Standard to be Met	Trend on Previous Quarter	Status																																														
<div><h3>CORP1b: 80% Invoices Paid Within 10 Days</h3><table><caption>Chart Data: % Invoices paid within 10 dys.</caption><thead><tr><th>Quarter</th><th>% Invoices paid within 10 dys.</th></tr></thead><tbody><tr><td>Q1 16.17</td><td>84%</td></tr><tr><td>Q2 16.17</td><td>80%</td></tr><tr><td>Q3 16.17</td><td>87%</td></tr><tr><td>Q4 16.17</td><td>87%</td></tr><tr><td>Q1 17.18</td><td>83%</td></tr><tr><td>Q2 17.18</td><td>84%</td></tr><tr><td>Q3 17.18</td><td>87%</td></tr><tr><td>Q4 17.18</td><td>84%</td></tr><tr><td>Q1 18.19</td><td>82%</td></tr><tr><td>Q2 18.19</td><td>85%</td></tr><tr><td>Q3 18.19</td><td>83%</td></tr><tr><td>Q4 18.19</td><td>82%</td></tr><tr><td>Q1 19.20</td><td>82%</td></tr><tr><td>Q2 19.20</td><td>81%</td></tr><tr><td>Q3 19.20</td><td>85%</td></tr><tr><td>Q4 19.20</td><td>85%</td></tr><tr><td>Q1 20.21</td><td>81%</td></tr><tr><td>Q2 20.21</td><td>80%</td></tr><tr><td>Q3 20.21</td><td>80%</td></tr><tr><td>Q4 20.21</td><td>82%</td></tr><tr><td>Q1 21.22</td><td>63%</td></tr><tr><td>Q2 21.22</td><td>74%</td></tr></tbody></table><p>Standard 80% invoices paid within 10 dys</p></div>						Quarter	% Invoices paid within 10 dys.	Q1 16.17	84%	Q2 16.17	80%	Q3 16.17	87%	Q4 16.17	87%	Q1 17.18	83%	Q2 17.18	84%	Q3 17.18	87%	Q4 17.18	84%	Q1 18.19	82%	Q2 18.19	85%	Q3 18.19	83%	Q4 18.19	82%	Q1 19.20	82%	Q2 19.20	81%	Q3 19.20	85%	Q4 19.20	85%	Q1 20.21	81%	Q2 20.21	80%	Q3 20.21	80%	Q4 20.21	82%	Q1 21.22	63%	Q2 21.22	74%	74%**	80%	↑	AMBER
						Quarter	% Invoices paid within 10 dys.																																																
						Q1 16.17	84%																																																
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Apr-June 2021 Actual (Quarter One)						Standard to be Met	Trend on Previous Quarter	Status																																															
63%*						80%	↓	RED																																															
Jan – March 2021 Actual (Quarter Three)						Standard to be Met	Trend on Previous Quarter	Status																																															
82%						80%	↑	GREEN																																															
Oct - Dec 2020 Actual (Quarter Three)						Standard to be Met	Trend on Previous Quarter	Status																																															
80%						80%	↔	GREEN																																															
Analysis: MORE IS BETTER - Q1 outturn is below target due to the implementation of the new finance system which resulted in a period of time when normal payment processing was not able to take place. Q2 outturn of 74% is improved on the Q1 performance of 63% but still short of the target of 80% due to issue with the implementation of the new system.																																																							
Action Plan:																																																							
*Includes only period 1 and 2 due to new system implementation																																																							
**Includes periods 3,4,5 and 6 due to new system implementation																																																							
Comparator (annual)	2016/17	2017/18	2018/19	2019/20	2020/21																																																		
NI Council Average	46%	47%	52%	58%																																																			
Lead Officer: JJ Tohill Director of Finance																																																							
Purpose of PI: Prompt payments speed up cash flow from the public sector to its suppliers, particularly SME’s. Council recognises that late payments are a key issue for business, especially for smaller businesses as it can adversely affect their cash flow & jeopardises their ability to trade & we recognise that as a Public body we should set a strong example by paying promptly. Indicator that allows Council to have a “signal” that it has an effective prompt payment system delivery, has in place a clear framework for managing prompt payments, in order to support an environment in which ambitious businesses flourish. The Department for Communities requests information from councils at the end of each Quarter on the processing of invoices as detailed in the following circular https://www.communities-ni.gov.uk/publications/circular-lg-192016-guidance-prompt-payments																																																							

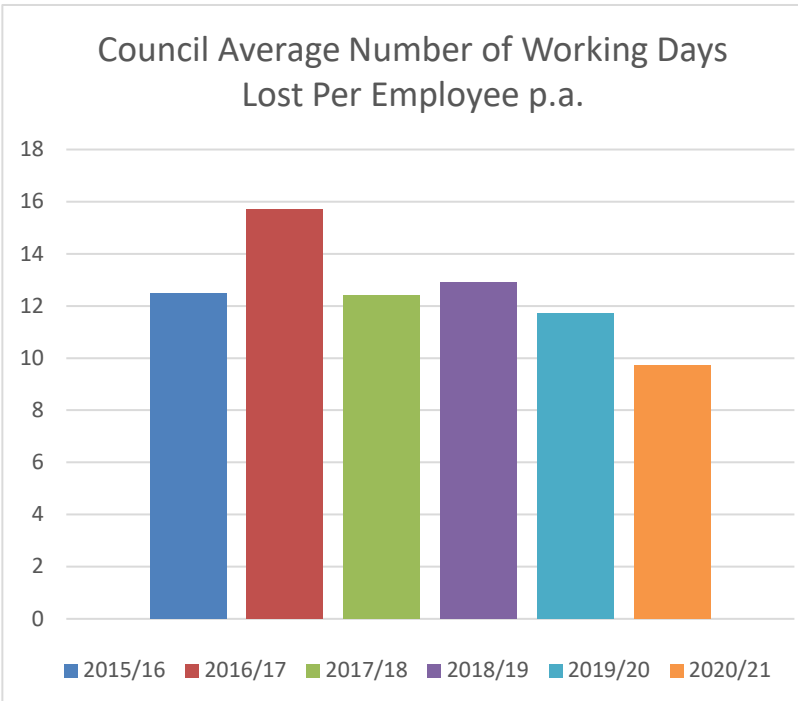
CORPORATE PERFORMANCE IMPROVEMENT INDICATOR & STANDARD Ref. No. : CORP 2 - MORE IS BETTER

CORP2: 90% Freedom Of Information requests responded to within 20 days from 1 st April 2016 to 30 th September 2021.						<table><tr><th>July-Sept 2021 Actual (Quarter Two)</th><th>Standard to be Met</th><th>Trend on Previous Quarter</th><th>Status</th></tr><tr><td>84%</td><td>90%</td><td>↓</td><td>RED</td></tr><tr><th>Apr-June 2021 Actual (Quarter One)</th><th>Standard to be Met</th><th>Trend on Previous Quarter</th><th>Status</th></tr><tr><td>88%</td><td>90%</td><td>↑</td><td>AMBER</td></tr><tr><th>Jan – March 2021 Actual (Quarter Four)</th><th>Standard to be Met</th><th>Trend on Previous Quarter</th><th>Status</th></tr><tr><td>76%</td><td>90%</td><td>↓</td><td>RED</td></tr><tr><th>Oct -Dec 2020 Actual (Quarter Three)</th><th>Standard to be Met</th><th>Trend on Previous Quarter</th><th>Status</th></tr><tr><td>88%</td><td>90%</td><td>↓</td><td>AMBER</td></tr></table>				July-Sept 2021 Actual (Quarter Two)	Standard to be Met	Trend on Previous Quarter	Status	84%	90%	↓	RED	Apr-June 2021 Actual (Quarter One)	Standard to be Met	Trend on Previous Quarter	Status	88%	90%	↑	AMBER	Jan – March 2021 Actual (Quarter Four)	Standard to be Met	Trend on Previous Quarter	Status	76%	90%	↓	RED	Oct -Dec 2020 Actual (Quarter Three)	Standard to be Met	Trend on Previous Quarter	Status	88%	90%	↓	AMBER														
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<div>90% of FOI Requests Responded to Within 20 Days 2016/17 to 2021/22</div> <table><caption>% FOI requests responded to within 20 days</caption><thead><tr><th>Quarter</th><th>% FOI requests</th></tr></thead><tbody><tr><td>Q1 16.17</td><td>74%</td></tr><tr><td>Q2 16.17</td><td>83%</td></tr><tr><td>Q3 16.17</td><td>90%</td></tr><tr><td>Q4 16.17</td><td>85%</td></tr><tr><td>Q1 17.18</td><td>86%</td></tr><tr><td>Q2 17.18</td><td>78%</td></tr><tr><td>Q3 17.18</td><td>84%</td></tr><tr><td>Q4 17.18</td><td>82%</td></tr><tr><td>Q1 18.19</td><td>83%</td></tr><tr><td>Q2 18.19</td><td>80%</td></tr><tr><td>Q3 18.19</td><td>95%</td></tr><tr><td>Q4 18.19</td><td>85%</td></tr><tr><td>Q1 19.20</td><td>89%</td></tr><tr><td>Q2 19.20</td><td>85%</td></tr><tr><td>Q3 19.20</td><td>88%</td></tr><tr><td>Q4 19.20</td><td>90%</td></tr><tr><td>Q1 20.21</td><td>93%</td></tr><tr><td>Q2 20.21</td><td>92%</td></tr><tr><td>Q3 20.21</td><td>88%</td></tr><tr><td>Q4 20.21</td><td>76%</td></tr><tr><td>Q1 21.22</td><td>88%</td></tr><tr><td>Q2 21.22</td><td>84%</td></tr></tbody></table> <p>Target 90% response</p>						Quarter	% FOI requests	Q1 16.17	74%	Q2 16.17	83%	Q3 16.17	90%	Q4 16.17	85%	Q1 17.18	86%	Q2 17.18	78%	Q3 17.18	84%	Q4 17.18	82%	Q1 18.19	83%	Q2 18.19	80%	Q3 18.19	95%	Q4 18.19	85%	Q1 19.20	89%	Q2 19.20	85%	Q3 19.20	88%	Q4 19.20	90%	Q1 20.21	93%	Q2 20.21	92%	Q3 20.21	88%	Q4 20.21	76%	Q1 21.22	88%	Q2 21.22	84%	<p>Analysis: MORE IS BETTER: -To end of the 2nd quarter the council has received and processed 189 FOI requests, up 100 from the end of Q1. Although the numbers continue to be down compared to the period pre-pandemic the number is however up slightly when compared to last year. At this point (end of Q2) 159 requests had been responded to within 20 days of receipt, whilst 30 requests were not responded to within the threshold with some still to be respond. The council has again fallen short this Qtr, falling slightly behind the last Qtr attainment of 88%. Although it has fallen short it is still within the mid 80% mark. The number of requests are down when compared to pre-covid period the council is still falling short of the 90% period, giving an indication that the same blockages/delays remain within some service areas in processing and providing the required information in time to allow a response to be made, which has been identified as being in 2 service areas.</p>			
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<p>Lead Officer : Philip Moffett Head of Democratic Services</p> <p>Purpose of PI: The measure is needed to ensure that Council meets its statutory obligations and that customer requests are met within a specified timeframes. Citizens can get information in a timely manner through a transparent process.*FOI statistics in N Ireland Councils- data is not currently available – awaiting regional framework</p>																																																							

CORPORATE PERFORMANCE IMPROVEMENT INDICATOR & STANDARD Ref. No. : CORP 3 - LESS IS BETTER

CORP3a: Lost time Rate Absence of 5% or less from 01/04/16- 30/09/21						July-Sept 2021 Actual (Quarter Two)				Standard to be Met		Trend on Previous Quarter		Status									
<div><p>% Lost Time Rate Sickness Absence => 5% p.a.</p><p>Lost Time Rate %</p><p>Time</p><p>Standard =>5% p.a.</p></div>						Not Available				= >5% p.a.				PURPLE									
						Apr-June 2021 Actual (Quarter One)				Standard to be Met		Trend on Previous Quarter		Status									
						3.36%				= >5% p.a.		↑		GREEN									
						Jan – March 2021 Actual (Quarter Four)				Standard to be Met		Trend on Previous Quarter		Status									
						3.52%				= >5% p.a.		↑		GREEN									
						Oct -Dec 2020 Actual (Quarter Three)				Standard to be Met		Trend on Previous Quarter		Status									
						4.20%				= >5% p.a.		↓		GREEN									
												<p>Analysis: LESS IS BETTER..</p> <p>For Q2 unfortunately % Loss and average days lost cannot be supplied at this time as the relevant the reporting module is still being configured from CORE HR data. Q1 was supplied as PAMS and Core were at that stage running in paralell but this is nolonger the case. For Q1 the current % loss rate is 3.36% (1662.50 days), 79.5 days less than last quarter. In comparison to the same quarter last year there has been an increase from 2.75% (1337 total days lost) to 3.36%, 1662.5 days lost. Although these figures represent an increase from same period last year it must be highlighted that last years Q1 figures were impacted greatly by COVID 19. To summarise there continues to be a reduction in the number of days lost due to absence each quarter.</p> <p>.</p>											
<table><tr><th>Comparator (annual)</th><th>2016/17</th><th>2017/18</th><th>2018/19</th><th>2019/20</th><th>2020/21</th></tr><tr><td>NI Council Average</td><td>% data not available regionally</td><td>% data not available regionally</td><td>6.26%</td><td>6.3%</td><td>% not yet available</td></tr></table>						Comparator (annual)	2016/17	2017/18	2018/19	2019/20	2020/21	NI Council Average	% data not available regionally	% data not available regionally	6.26%	6.3%	% not yet available	<p>Action Plan:</p> <p>Continue to monitor and manage the absence levels in line with MUDC Policy and Procedures</p> <p><i>% data for LTR Sickness Absence in N Ireland Councils only supplied by Deptmtnt for Communities for 2018/19 and 2019/20– awaiting regional framework</i></p>					
Comparator (annual)	2016/17	2017/18	2018/19	2019/20	2020/21																		
NI Council Average	% data not available regionally	% data not available regionally	6.26%	6.3%	% not yet available																		
<p>Lead Officer: M Canavan Director Org. Development - Purpose of PI: Lost Time Rate (LTR) shows the % of total time available that has been lost due to sickness absence during a certain time period. The indicator is based on full time equivalent (FTE) employees, useful as a general measure of the significance of sickness absence levels for an organisation.</p>																							

CORPORATE PERFORMANCE IMPROVEMENT INDICATOR & STANDARD Ref. No. : CORP 3 - LESS IS BETTER

CORP3b: Average Number of Working Days Lost per employee (Sickness Absence – Annual) 01/04/15- 30/09/21						July-Sept 2021 Actual (Quarter Two)	Standard to be Met	Trend on Previous Quarter	Status
<div>Council Average Number of Working Days Lost Per Employee p.a.</div>  <div>■ 2015/16 ■ 2016/17 ■ 2017/18 ■ 2018/19 ■ 2019/20 ■ 2020/21</div>						Not Available	=> 13 days p.a		PURPLE
						Apr-June 2021 Actual (Quarter One)	Standard to be Met	Trend on Previous Quarter	Status
						2.3 days	=> 13 days p.a	↑	GREEN
						Jan – March 2021 Actual (Quarter Four)	Standard to be Met	Trend on Previous Year	Status
						2.4 days	=> 13 days p.a	↑	GREEN
						Oct - Dec 2020 Actual (Quarter Three)	Standard to be Met	Trend on Previous Year	Status
						2.91 days	=> 13 days p.a	↓	GREEN
						Analysis: LESS IS BETTER. For Quarter Two unfortunately Average Number of Working Days Lost cannot be supplied at this time as the relevant the reporting module is still being configured from CORE HR data. Q1 was supplied as PAMS and Core were at that stage running in paralell but this is nolonger the case. For Q1 2021/22 perormance has improved by 0.1 days down from Q4 2020/21 2.4 days to 2.3 days Q1 2021/22			
Comparator (annual)	2016/17	2017/18	2018/19	2019/20	2020/21	Action Plan: Continue to monitor and manage the absence levels in line with MUDC Policy and Procedures			
*NI Council Average	14.9 days	14.9 days	13.8 days	13.9 days	Not Yet available				
Lead Officer: M Canavan Director Organisational Development - Purpose of PI: Lost Time Rate (LTR) shows the average number of days lost per employee due to sickness absence p.a. The indicator is based on full time equivalent (FTE) employees, useful as a general measure of the significance of sickness absence levels for an organisation and as a benchmark measure to contrast with other organisations.									

*Supplied by Northern Ireland Audit Office's 'Annual Local Government Auditor's Report'.

Corporate Improvement Projects - (CIP's)

2021-2022

Quarter One to Quarter Two
Six Month Progress Update

Mid Ulster District Council's Corporate Improvement Projects for 2021 - 2022

The Four Improvement Projects :

Project One – 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.

Project Two - We will ensure a more connected Mid Ulster where new technologies and ways of working, empower citizens to get the best services that matter to them.

Project Three - To create cleaner neighbourhoods, where everyone takes responsibility for their waste and the environment

Project Four - We will contribute to the ongoing regeneration of our district by delivering a capital investment programme, enhancing facilities and opportunities for local people

Key: Improvement Activity Status Colours and Descriptors

Green	Signifies everything is on track in terms of activity, deliverables, scope, budget, & timeframe. Performance is moving in the right direction.
Amber	Signifies performance is moving away from target, some items may need corrective action, are still within tolerance.
Red:	Signifies there is a problem shift in the wrong direction, which may require a response from senior management.
Grey:	Not due to have started
Blue	Signifies PI, target, outcome achieved/completed
Purple:	Information not available

CIP ONE OBJECTIVE - 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. – **18 Activities. SRO - : Head of Environmental Services**

What are we going to do?	Timescale	Outcomes - What difference will it make?	Status				Comments
			Q1	Q2	Q3	Q4	
1. Plant additional trees at Tullyvar Landfill Site to add to the native woodlands previously created at Magheraglass and Ballymacombs Landfills.	Starting 26/04/21 Completion - 31/05/21	8,800 Trees planted establishing a new native woodland at Tullyvar Landfill Site offsetting an additional 1,400 tonnes per year of Carbon per annum.					During Q1 - Tree planting was completed on site May/June 2021 offsetting approx. 1,400 tonnes of carbon per annum and a funding claim submitted to DAERA for £20,232. During Q2 Year 1 funding of £15,834.60 was received from DAERA
2. Increase the Council recycling rate to further boost the carbon reductions associated with recycling.	Starting - 01/04/21 completion - 31/03/22	Offsetting an additional 800 tonnes per year of Carbon p.a., as a result of the improved recycling performance.					WDF return for Q1 to be submitted 31/08/21. Quarter 1 recycling rate of 60.47%. The tonnage recycled in Q1 offsets approx. 12,000 tonnes of carbon equivalent

What are we going to do?	Timescale	Outcomes - What difference will it make?	Status				Comments
			Q1	Q2	Q3	Q4	
3. Manage Landfill Gas emissions at the Tullyvar, Magheraglass and Ballymacombs Landfill Sites.	Starting - 01/04/21 Completion - 31/03/22	Reduction of 14,000 tonnes per year of Carbon equivalent per annum and generates an income of £130,000 from the sale of electricity.					The LFG plant in operation throughout quarter 1. Both LFG plants operational over 90% of the time during Q2. Latest annual generation reports received in Q2, 3.39GWhrs generated at Tullyvar and 0.35GWhrs generated at Magheraglass. This is £99,311.88 of income from the sale of electricity generated, this was lower than expected due to site capping works and slightly reduced price per KWhr
4. Increase participation in the Eco-Schools programme, which encourages and directs young people to think about climate action including litter,	Starting - 01/04/21 Completion - 31/03/22	All schools in Mid Ulster engaged in programme and pupils well informed on the environmental impacts of their activities.					Financial support for programme for 2021/22 agreed and order placed with KNIB in April 2021. Number of schools registered in council area – 123. The Number of

What are we going to do?	Timescale	Outcomes - What difference will it make?	Status				Comments
			Q1	Q2	Q3	Q4	
recycling, energy saving, and water conservation							schools who have achieved the Green Flag – 74. The Number of schools with current Green Flags – 31 (25%) (NI Average – 24%)
5. Increase the re-use of Council's technological hardware i.e. it is recycled and re-used.	01/05/2021 -31/03/2022	Establish links to Community partners and opportunities for technology recycling - Forty Council Desktops recycled for safe use and distribution in the Community.					Security software purchased Collection of redundant It equipment underway to Magherafelt
6. Monitor and review air quality across the District to determine whether national air quality objectives are being met	Starting - 01/04/21 Completion - 31/03/23	2020 Air Quality statistics to be compiled and produced as a Report for 2021					In Q1 129 NO ₂ tubes have been exposed and sent for analysis in the 1st quarter. Air quality statistics for 2020 have been compiled and are currently being incorporated into annual report. Air Quality Action plan to be updated in Q3

What are we going to do?	Timescale	Outcomes - What difference will it make?	Status				Comments
			Q1	Q2	Q3	Q4	
							further to air quality report. In Q2 119 NO ₂ tubes changed in 3 month period. Reduction due to a number of lamp posts on which the tubes are mounted being replaced by LED lamp posts with loss of tubes. Air Quality Report continues to be compiled.
7. Environmental Health Services will control the environmental impacts of certain specified industrial activities through an industrial permitting process by inspecting permitted premises to ensure compliance with Environmental permits.	start 1/4/21-completion 31/3/23)	Local Air Pollution Prevention and Control (LAPPC) - Conduct scheduled inspections of premises to ensure that premises are complying with air emission targets as outlined in their Environmental Permits - (currently. 74 premises that have Environmental permits issued by Mid Ulster District Council).					In Q1 there were 18 out of 21 planned visits for this period undertaken within the quarter. In Q2 there were 21 inspections out of 18 scheduled inspections undertaken in this quarter. On target.

What are we going to do?	Timescale	Outcomes - What difference will it make?	Status				Comments
			Q1	Q2	Q3	Q4	
8. Number of homes helped to improve the energy efficiency of their homes - (linkages to affordable warmth).	start 1/4/21- completion 31/3/22(funding dependent)	Help provide Energy Efficiency Advice to 247 homes.					During Q1 there were 22 homes helped by providing energy efficiency advice and 58 referrals to the Affordable Warmth Scheme. During Q2 there were 22 homes helped by providing energy efficiency advice and 44 Affordable Warmth referrals
9. Using the Arts to Increase engagement with local schools and wider community of recycling and upcycling.	Start 1/6/21 Completion 31/3/22	Junk Art schools programme made available to local schools (60 schoolchildren) and deliver four Arts and Crafts “recycling and upcycling” workshops for the wider public as part of Burnavon Arts Programme.					The Burnavon is currently working with 8 Learning Unit / Special Schools across Mid Ulster on this project (total of 160 students). The project will be concluded in Autumn/Winter 2021. The Burnavon are working with 8 main stream schools on this project (total of 160 students). Burnavon staff have been discussion with

What are we going to do?	Timescale	Outcomes - What difference will it make?	Status				Comments
			Q1	Q2	Q3	Q4	
							Councils Recycling Officer who will facilitate information talks to the students and will source recycled compost for the project. The project will be concluded in Spring 2022
10. Produce best practice Sustainability Guidelines for businesses applying to construct premises on serviced sites within the proposed Maghera Business Park in terms of the environment and reducing carbon emissions.	01/06/21 - 31/03/22	Future proofed Sustainability guidelines for the construction of premises on serviced sites within the proposed Maghera Business Park to support a low carbon future					DfI's decision to "call in" the Council's planning application for the proposed Maghera Business Park has impacted activities and timelines for this scheme. Communication has taken place with the CEO and Director of Public Health & Infrastructure and due to the mitigating situation, a decision has been taken to

What are we going to do?	Timescale	Outcomes - What difference will it make?	Status				Comments
			Q1	Q2	Q3	Q4	
							pause the development of sustainability guidelines until the outcome is known of the planning decision on Maghera Business Park. The "call in" is being progressed and further updates will be given in the next quarter.
11. Raise community awareness/resilience of climate crisis and increase participation in practical action for climate friendly/low carbon lifestyles	1/4/21 - 31/3/22	Review, deliver and further develop sustainability 'Change one bit' project (100 participants in programme) and undertake 4 environmental/sustainability/nature conservation activities					In Q1 Change 'one bit' project activities now completed – preparing participants evaluation – questionnaires. Outcomes of evaluations and feedback received during project will inform review. Project Report to be finalised by 31 August. Liaised with NHLP re climate friendly components for Salad Kits – agreed that

What are we going to do?	Timescale	Outcomes - What difference will it make?	Status				Comments
			Q1	Q2	Q3	Q4	
							NHLP/Groundwork to supply MUDC with 100 seed packs which will be used to make up 100 climate friendly salad growing packs encouraging local groups/residents to grow a few healthy salad crops on their window sill in an environmentally friendly manner. It is envisaged to distribute the packs in August as part of the UK National Allotments Week (9-15 August 2021) through a number of allotment sites/community gardens in the district. In Q2 Change 'one bit' project activities now completed. Project Evaluation Report completed in Q2. Liaised with NHLP re climate

What are we going to do?	Timescale	Outcomes - What difference will it make?	Status				Comments
			Q1	Q2	Q3	Q4	
							friendly components for Salad Kits and this has been completed. In Q2 Change 'one bit' project activities now completed. Project Evaluation Report completed in Q2. Liaised with NHLP re climate friendly components for Salad Kits and this has been completed.
12. Increase community involvement in sustainable food growing /gardening/self-sufficiency - leading to positive changes in residents' diet / lifestyles towards low-carbon food production and consumption	1/4/21 - 31/3/22	Provide practical gardening support and networking opportunities for community gardening/allotment groups across Mid Ulster through the Revised "Mid Ulster is Growing from Home" scheme established- (15 groups involved) and ensure 5 new groups/gardens supported					In Q1 worked with TCV, MUDC Biodiversity Officer, Property Services and Parks to run event at Maghera Walled Garden during allotments week targeting local allotments/community gardening groups and residents in area. Event scheduled for 11 August 2021. In Q2 event in

What are we going to do?	Timescale	Outcomes - What difference will it make?	Status				Comments
			Q1	Q2	Q3	Q4	
							Maghera walled garden took place with good participation. Sustainability Officer has now left MUDC and unfortunately will have a delay in Actions until further appointment is made for the post.
13. Create a joined-up approach across all services in order to build a Council framework, addressing the interrelationships between Biodiversity, Habitats and Invasive Species in order to identify key new policy/enhancement activity.	1/4/21 - 31/3/22	Development of new Council framework, which identifies new policies/activity in relation to biodiversity, habitats and invasive species.					First meeting took place in July. With the changing structures with senior officers affecting Q2 it is proposed that the target date be extended to Q4 to ensure adequate time and responsible people are in place to deal with the issues under this heading. Discussion paper prepared by Biodiversity Officer to roll out to the various departments for discussion and feedback and

What are we going to do?	Timescale	Outcomes - What difference will it make?	Status				Comments
			Q1	Q2	Q3	Q4	
							appropriate actions to be developed for same.
14. Introduce and pilot sustainability assessment (screening tool) for 50% capital projects (Early stages).	1/4/21 - 31/3/22	Council can increasingly demonstrate that sustainable development and climate change considerations are being integrated in their decision making process around capital projects.					Meeting took place with Sustainable NI and Technical Services capital Team and sustainability Officer 27 / 07 / 2021 and further review of the documents is underway by Technical Services - review to take place Q3
15. Submit the Draft Plan Strategy for Independent Examination (IE) in 2021/2022, which will include policy to protect our environment e.g. including the Sperrins, Lough Neagh and Clogher Valley and; policy, which encourages more sustainable forms of transport,	(01/04/21 - 30/09/2022) - this is dependent on external timelines	Submission of Plan Strategy for IE, which includes policy that will guide, enhance and protect the local environment while encouraging sustainability					Following consideration by Planning Committee and Full Council the Plan was submitted to the Department at the end of May 2021. Awaiting dates for Public Examination.

What are we going to do?	Timescale	Outcomes - What difference will it make?	Status				Comments
			Q1	Q2	Q3	Q4	
and reduces the need to travel by private vehicles.							
16. Research the application and introduction of alternative fuelled Vehicles/Diverse Plant into Council's Fleet and develop Fossil Fuel Usage Baseline Report on Fleet/diverse plant.	01/04/21 - 31/03/22	Two alternative fuel vehicles/diverse plant purchased and the production of time series annual Fuel Usage Reports in place.					Delays with procurement in securing vehicles. Vehicles needed before monitoring can be carried out
17. Research and develop a Mid Ulster District Council's Estates Carbon Management Plan 20/21 and by 21/22 develop monitoring arrangements for MUDC properties reference the impact of : 1. • Emissions.	01/04/21 - 31/03/22	Display Energy Certificates (DEC's) assessments completed across MUDC estate and monitoring/measurement methodology for collating; emissions, fossil fuel consumption, energy usage and renewal source identified and applied.					DEC 's completed and presented to Committee in September '21. Carbon baselining ongoing and monitoring measurement methodology

What are we going to do?	Timescale	Outcomes - What difference will it make?	Status				Comments
			Q1	Q2	Q3	Q4	
2. • Fossil fuel consumption. 3. • Energy usage. 4. • Renewal source.							
18. Develop and agree Hybrid Working as part of flexible working arrangements policy - by September 2021.	target date for start June 2021 target date for completion September 2021	Promote Flexible Working opportunities to Staff and potential job applicants while reducing carbon emissions associated with staff commuting.					Outline of key components of hybrid working arrangements developed in Sept 2021. LRA is expected to issue guide to employers on Hybrid Working in Q3.

CIP1 Project Links to:

Community Plan -: Infrastructure - We increasingly value our environment and enhance it for our children &

Corporate Plan - : Environment - We will work to mitigate against the impacts of climate change by taking steps to reduce carbon emissions as an organisation.

CIP TWO OBJECTIVE - - We will ensure a more connected Mid Ulster where new technologies and ways of working, empower citizens to get the best services that matter to them. - 5 Activities: SRO Head of Communications & Marketing

What are we going to do?	Timescale	Outcomes - What difference will it make?	Status				Comments
			Q1	Q2	Q3	Q4	
1. Development of a Four-Year Digital Transformation Strategy.	Project start: May 2021 Project completion: March 2022	Digital strategy and action plan will set the organisation's digital direction, enabling it to leverage opportunities and impact of digital technologies, to innovate and improve, realising cultural,					During Q1 a specification was issued in July 2021 and was on track to appoint consultant by end of September 2021. By Q2 one submission was received. A decision to proceed to appointment has been approved by the Director of Finance.

What are we going to do?	Timescale	Outcomes - What difference will it make?	Status				Comments
			Q1	Q2	Q3	Q4	
		organisational and operational change, and adding value for the organisation, its stakeholders and customers.					
2. Establishment of a Digital Leadership Team	Project start: June 2021 Project completion: Ongoing until at least March 2022	Create Digital leaders at all levels who are responsible for delivering the Digital Transformation Strategy - ensuring our people are					An approach has been agreed by SMT during the presentation of digital transformation strategy in May 2021. The Digital leadership team to be recruited by a revised date (December 2021).

What are we going to do?	Timescale	Outcomes - What difference will it make?	Status				Comments
			Q1	Q2	Q3	Q4	
		supported and appropriately skilled to embrace a digital culture.					
3. Development of a new digital system to support the delivery of Planning		Bespoke to Mid Ulster (and at a reduced cost), which integrates processes online including applications and payments, enhancing the planning experience for stakeholders and citizens,					The Implementation of project plan for new IDOX Planning System has been completed. Data migration is in progress

What are we going to do?	Timescale	Outcomes - What difference will it make?	Status				Comments
			Q1	Q2	Q3	Q4	
		while also streamlining internal system management.					
4. Development of digital systems to support the delivery of Financial Services.		Efficient and effective financial management information system, providing easy access, self-service to financial ledgers, financial information and reporting for all					The "Tech One" phase 1 has been implemented. The implementation of Phase 2 pilot - across : 1 facilities, 1 leisure, 1 front of house is in progress.

What are we going to do?	Timescale	Outcomes - What difference will it make?	Status				Comments
			Q1	Q2	Q3	Q4	
		services, with improved controls and governance.					
5. Implementation of Phase 2 of the HR System to support the delivery of Human Resources.		E-enabled human resource management information system, providing easy access, self-service for staff, incorporating modern efficient recruitment and Learning & Development modules and					Implementation of Phase 2 of the CORE HR System across MUDC, which specialises in both Learning & Development & Recruitment has commenced with a revised date of March 2022 agreed.

What are we going to do?	Timescale	Outcomes - What difference will it make?	Status				Comments
			Q1	Q2	Q3	Q4	
		advanced reporting for all services.					

CIP2 Project Links to:

Community Plan -: *Economic Growth – We prosper in a stronger and more competitive economy*

Corporate Plan - Service Delivery - We will improve services for our citizens through the development and delivery of an innovation agenda.

CIP THREE OBJECTIVE– To create cleaner neighbourhoods, where everyone takes responsibility for their waste and the environment – **9 Activities: SRO Head of Environmental Health**

What are we going to do?	Timescale	Outcomes - What difference will it make?	Status				Comments
			Q1	Q2	Q3	Q4	
1.Develop enhanced enforcement options paper for Council decision-	01/04/2021 - 31/03/2022	Standardised pathway for intelligence gathering, higher number of Fixed penalty notices served and benchmark position for Fixed Penalty Notices across all Northern Ireland Councils.					In Q1 authorisation of parks staff has been agreed through council and currently with HR. Monitoring schedule in place. Target 12.5 FPN's per quarter. Actual 19. Paper presented to council and agreement reached at council for private enforcement to be progressed. currently working through HR process. In Q2 Staff authorisations still with HR. Target 12.5 Fixed Penalties served per quarter. Second quarter 15 for Littering and dog fouling. Overall target 50. To date 34. Further committee paper presented to Council and more information requested. further committee paper to be compiled.

What are we going to do?	Timescale	Outcomes - What difference will it make?	Status				Comments
			Q1	Q2	Q3	Q4	
2. Support and promote local community clean-ups and events e.g. Big Spring Clean organised by schools, community groups and sports clubs	Starting - 01/04/21 Completion - 31/03/22	10% increase in number of clean-ups supported in each district electoral area (DEA) across Mid Ulster district.					Cumulative total of 39 clean-ups supported in 2021/22 to date
3. Develop a Community engagement programme for Maghera Walled Garden	01/04/21-31/03/22	Friends of Maghera Walled Garden established and actively engaged.					Council have engaged with 9 community groups that are active in the Maghera area and they have agreed to maintain raised beds on site. The 9 Community Groups have been maintaining their allocated beds on a regular occurrence for over 3 months and feedback has been positive. The groups have learnt new skills from the assistance provided by the 2 council staff on site.

What are we going to do?	Timescale	Outcomes - What difference will it make?	Status				Comments
			Q1	Q2	Q3	Q4	
							Further to a request from the groups, a very successful Environmentally Friendly Gardening Event was held on site on 11 August with over 40 people in attendance. Topics covered included; Climate Friendly Planting, Late Summer Sowing, Pollinators and Bio Diversity. An Engagement Forum Event with the groups and council was held on 29 September with 10 people in attendance. Feedback was very positive and a number of suggestions put forward by the groups will be considered by council moving forward. The groups were thankful for the opportunity. As part of the Communications Plan it was agreed to; old engagement events twice a year (next one is scheduled for April 2022) engage with the groups when on site

What are we going to do?	Timescale	Outcomes - What difference will it make?	Status				Comments
			Q1	Q2	Q3	Q4	
							during opening (MWG Opens Easter-Oct) communicate via email throughout the year with the groups host 1-2 events on site that will benefit the groups. A brief benchmarking exercise on Friends Groups has been carried out with two other councils on the procedures and processes they undertook to establish groups. Initial feedback is that it must be driven by the community and not council. It has been agreed to undertake a research visit with one of the established groups in Belfast to garner more information. their work is required at a corporate level on developing a Volunteer Framework for our stakeholders/partners.
4. Co-ordinate and deliver a programme of Town and	01/04/21 to 31/03/23	Contributes to well-maintained					2021/2022 79 Letters of offer have been issued to businesses on the ranked reserve list. 6

What are we going to do?	Timescale	Outcomes - What difference will it make?	Status				Comments
			Q1	Q2	Q3	Q4	
Village Spruce Up - Deliver 73 grant schemes in 2021/22 and up to 60 schemes in 2022/23	(Years 3 and 4).	towns and villages resulting in a positive aesthetics.					additional Letters of offer have been issued since first quarter due to underspend incurred from scheme delivery. 022/2023 It is anticipated that up to 42 schemes will be issued with a Letter of Offer up to the value of £148,484. A paper was brought to September 2021 Development Committee to update on 2021/22 spruce up scheme and request the ring-fencing of monies for 2022/2023. Approval was granted to ring-fence monies for 2022/2023 and to complete a quotation exercise to appoint a chartered architect to manage 2022/2023:- officers are currently liaising with procurement. Monthly reviews on scheme spend have been conducted:- up to 30 September 2021, 16 schemes completed to value of £57,148.75. Annual Report

What are we going to do?	Timescale	Outcomes - What difference will it make?	Status				Comments
			Q1	Q2	Q3	Q4	
							anticipated June 2022 to Development Committee. 79 Letters of Offer have been issued up to value of £250k: - up to 30 September 2021, 16 schemes completed to value of £57,148.75.
5. Co-ordinated litter/ recycling educational programme in place for participating schools	1/4/21-31/3/23	Educational programme made available to all primary schools and delivery schedule in place					No visits made due to Covid restrictions. Initial information presented to elected members and no additional funding allocated but to be kept under review. small grants assessment took place in April with allocated funding of £10,500 to 24 groups to be spent in year. The small grants programme won't open again until 22-23 year so this target is complete for this year.
6. Develop, manage and deliver a marketing and communication activity plan	Starting - 01/04/21	Increased public awareness of effects of					Public media campaign in draft format. 46/162 recorded dog foul/litter incidents in Qrt 2. Data collection ongoing. 3 DEA

What are we going to do?	Timescale	Outcomes - What difference will it make?	Status				Comments
			Q1	Q2	Q3	Q4	
2021/22 aimed at reducing littering and awareness of dog fouling across Council parks.	Completion - 31/03/22	littering and dog fouling across the District.					meetings facilitated. 3 meetings with EH linked to DEA schedules. 2 stakeholder community group meetings facilitated Ballyronan & Fivemiletown. Progress against plan sits at 30%
7. Develop extended coverage of Forest Schools programme across all seven District Electoral Area's (DEA's) - DEA's are Carntogher, Clogher Valley, Cookstown, Dungannon, Magherafelt, Moyola, Torrent in Mid Ulster District	(Phase One) 2022/23 linked to review end of Phase One	Work in partnership to broaden the invitation to schools, youth groups to take part in the Forest Schools Programme across the Districts green					On-going development post Covid scheduling of consultation with FSNI for future programme content. 2 new locations identified Knockmany Forest and Round Lake FMT. 4 New schools shortlisted in Clogher Valley DEA

What are we going to do?	Timescale	Outcomes - What difference will it make?	Status				Comments
			Q1	Q2	Q3	Q4	
		and blue spaces.					
8. Continue to raise Parks and Open Green Spaces management standards across Council Properties by attaining one additional Green Flag/Blue Standard award by 2022	Starting - 01/04/21 Completion - 31/03/22	Enhancing horticultural, cleanliness, biodiversity, community involvement, and environmental management standards across the Districts recreational spaces.					Davagh Dark Skies Park shorted for 2022 Initial background application commenced

What are we going to do?	Timescale	Outcomes - What difference will it make?	Status				Comments
			Q1	Q2	Q3	Q4	
9. Provide environmental volunteering opportunities and support community groups to manage local environmental projects.		Strengthening the provision of environmental volunteering opportunities within the District					Knockmany Forest stakeholder volunteer group established. Fivemiletown/Round Lake / Community Group SLA in negotiations progressing to draft Agreement.

CIP3 Project Links to:

Community Plan -: Infrastructure- We increasingly value our environment and enhance it for our children.

Corporate Plan - Environment - We will continue to promote and protect our environment through our environmental and anti-littering programmes of education, awareness raising and enforcement

CIP FOUR OBJECTIVE - We will contribute to the ongoing regeneration of our district by delivering a capital investment programme, enhancing facilities and opportunities for local people. – **3 activities – SRO Head of Technical Services**

What are we going to do?	Timescale	Outcomes - What difference will it make?	Status				Comments
			Q1	Q2	Q3	Q4	
1. Undertake the Project management of Council's current committed live Capital Works Programme 2020 - 2024 with an indicative spend < £26m	1/4/21 - 31/3/22	Contribute to the ongoing regeneration of our district.					1 st and 2nd meetings of took place on 7 th July & 30 th Sept 2021 with HoS invited to attend Capital reports presented monthly Environment Committees (no August Committee held). IST Capital reports presented to Environment Committees held on 5 th July, 14 th September (no August Committee held). ICT Capital reports presented to Environment Committees held on 14 th April, 11 th May, 15 th June) 5 th July, 14 th September (no August Committee held). Scoping Projects reports presented to Environment Committees held on 14 th April, 11 th May, 15 th June 5 th July, 14 th September (no August Committee held). Annual report capital projects planned for

What are we going to do?	Timescale	Outcomes - What difference will it make?	Status				Comments
			Q1	Q2	Q3	Q4	
							end of Q4 2021-22 Meeting schedules for Q3 to develop web page access to note Capital Project Delivery
2. Research, develop and implement a pilot capital project procedural guide.		Efficient management and governance of capital programme					First Mtg took place 7th July 2021 with HoS invited to attend regarding Capital Procedural Guide. 2nd Mtg took place 30th Sep 2021. Draft Capital project procedural guide issued to all HoS 8th July 2021. New MUDC structure has meant that Ass Dir Appointments now wish to have some additional time to reflect on their department structure and it is now proposed that a new planned delivery date of this will be reviewed in Q4 of the 2 year objective. Awareness session through HoS to be organised in Q4 as for point 1 raised. Review of Guide to be organised in Q4. Benchmark exercise completion to be organised in Q4 as for point 1 raised. Process mapping capital projects processes "as is" completed by planned for end

What are we going to do?	Timescale	Outcomes - What difference will it make?	Status				Comments
			Q1	Q2	Q3	Q4	
							of Q4 2021-22. Undertake " to be" capital project mapping exercises to be organised in Q3 2022-23. Capital Project Procedural Guidance updated by) to be organised for Q4 2022-23
3. Develop a skills/competency matrix/ tool to map required and desired skills for capital projects team/client services teams and conduct training/development programmes to optimise efficiencies and workflows by April 2022.		Streamline processes for efficiency compromises within the capital projects team through staff development.					First Mtg took place 7th July 2021 with HoS invited to attend. 2nd Mtg took place 30th Sep 2021 with HoS invited to attend. Due the changes in Senior management structures Q2 planned deadlines have not been achieved and with current workload we are now proposing this be reviewed for delivery in Q4 within the 2 year objective

CIP4 Project Links to:

Community Plan -: Economic Growth - We prosper in a stronger and more competitive economy.

Corporate Plan - Economy - We will continue to identify opportunity sites for development proposals and to deliver against existing plans for other key strategic sites (including Ann Street, Dungannon and the former Maghera High School site).

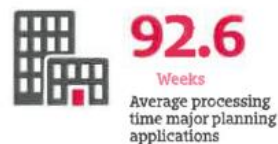


Corporate Health Indicators

Statistics available ending September 2021

Mid Ulster District Council

Economy



Waste Management



Council Facilities



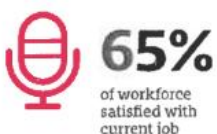
Better Responses



Staffing



Engaged Workforce



Finances



Report on	Telephony Changes
Date of Meeting	December 2021
Reporting Officer	Barry O'Hagan
Contact Officer	same

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 on the change and implications to changes in the UK telephony infrastructure and withdrawal of copper-based services in 2025.																				
2.0	Background																				
2.1	As part of the migration to digital based services the copper-based network and its associated telephone and services carried on it are to be phased out by December 2025 by BT Openreach. That migration will require Council to assess and plan for that migration, so services are sustained. Within the timescales Council will seek to provide alternative services in compliance with the key dates as per appendix 1.																				
3.0	Main Report																				
3.1	<p>As part of the modernisation of the telephone infrastructure across the UK , BT Openreach have now issued STOP/SELL across certain exchanges across Mid Ulster. The provision of copper-based telephone and data services will shut down in Dec 2025.</p> <p>It is anticipated that all exchanges will STOP/SELL copper services by sept 2023. Whilst these dates are currently under review, there is a significant impact across the Council services ands buildings;</p> <ul style="list-style-type: none">• Alarm Lines• CCTV• Door entry• Systems Emergency Lines• Lift lines• Red Care lines• Payment lines• Unmanned sites• Voice & Data services <p>The following exchanges across Mid Ulster are currently listed with Openreach on their STOP/SELL programme.</p> <table><tr><th>Exchange Name</th><th>Exchange Location</th><th>Exchange Code</th><th>Order restriction implementation Date</th></tr><tr><td>Cookstown</td><td>Mid Ulster</td><td>NICK</td><td>29-Apr-22</td></tr><tr><td>Dungannon</td><td>Mid Ulster</td><td>NIDG</td><td>29-Apr-22</td></tr><tr><td>Magherafelt</td><td>Mid Ulster</td><td>NIMF</td><td>29-Apr-22</td></tr><tr><td>Bellaghy</td><td>Bellaghy</td><td>NIBY</td><td>02-Aug-22</td></tr></table>	Exchange Name	Exchange Location	Exchange Code	Order restriction implementation Date	Cookstown	Mid Ulster	NICK	29-Apr-22	Dungannon	Mid Ulster	NIDG	29-Apr-22	Magherafelt	Mid Ulster	NIMF	29-Apr-22	Bellaghy	Bellaghy	NIBY	02-Aug-22
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Cookstown	Mid Ulster	NICK	29-Apr-22																		
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Magherafelt	Mid Ulster	NIMF	29-Apr-22																		
Bellaghy	Bellaghy	NIBY	02-Aug-22																		

	Coalisland	Coalisland	NICI	02-Aug-22
	Coagh	Mid Ulster	NICH	01-Nov-22
	Fivemiletown	Mid Ulster	NIFN	01-Nov-22
	<p>The withdrawal of these products will mean Council migrating to digital communication services over an internet/ethernet or other GSM based products depending on the options and compatibility of various suppliers and their availability.</p> <p>Work has already begun addressing the potential replacement of lift systems which is being scoped with the next maintenance procurement exercise. System boards in lift systems are typically incompatible with digital services and will require an upgrade path.</p> <p>Council as part of its capital and refurbishment programme will seek to specify and replace analogue solutions as opportunity arises within our property maintenance and refurbishment and capital teams. In particular mechanical and electrical works (M&E) works will reflect and specify only compatible digital hardware and systems.</p> <p>The wider impact across the estate will require</p> <ul style="list-style-type: none"> • Complete review of our existing line estate • Plan, Replace and Connect to replacement technologies • Make some financial provision for hardware over the next 36 months <p>Some financial resources will be required across ICT, property services and capital teams as the business impact is determined</p>			
4.0	Other Considerations			
4.1	Financial, Human Resources & Risk Implications			
	<p>Financial: As part of a wider business impact assessment the overall cost will be determined across several services within property, capital and IT. The overall financial has not been determined.</p>			
	<p>Human: Not applicable</p>			
	<p>Risk Management: The risk has not yet appeared on IT or corporate risk registers. Once a full review and determination of the scope of impact and resource required Officers will be better informed to carry out a risk assessment across several services.</p>			
4.2	Screening & Impact Assessments :n/a			
	Equality & Good Relations Implications: n/a			
	Rural Needs Implications: n/a, some rural sites may be impacted depending on the availability of service options available.			
5.0	Recommendation(s)			
5.1	Members to note the contents of the report.			
6.0	Documents Attached & References			
	Appendix 1 BT Key Dates			

Key dates that impact all our customers & Communication providers

An additional 13 exchanges to be FTTP only and stop selling copper based products from 29th June 2021, a further 155 exchanges will go stop sell 5th October 2021, another 51 on 25th Jan 2022 and 77 on 29th April 2022.

Openreach to fully withdraw WLR products by 2025. All voice calls will be made over IP Voice services.

Openreach runs exchange migration pilots in Salisbury and Mildenhall. New PSTN and ISDN lines not available in Salisbury from 1st December 2020 and Mildenhall from 4th May 2021.
All withdrawn by December 2022

