



13 February 2018

Dear Councillor

You are invited to attend a meeting of the Environment Committee to be held in The Chamber, Magherafelt at Mid Ulster District Council, Ballyronan Road, MAGHERAFELT, BT45 6EN on Tuesday, 13 February 2018 at 19:00 to transact the business noted below.

Yours faithfully

Anthony Tohill  
Chief Executive

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## AGENDA

### OPEN BUSINESS

1. Apologies
2. Declarations of Interest
3. Chair's Business
4. Deputation - Aware NI

### Matters for Decision

- |     |                                                                                                                                 |         |
|-----|---------------------------------------------------------------------------------------------------------------------------------|---------|
| 5.  | DfI Roads Proposals to Mid Ulster Council - Proposed Part Time 20mph Speed Limit – Ballyronan Road and Oaklea Road, Magherafelt | 3 - 6   |
| 6.  | DfI Roads Proposals to Mid Ulster Council - Proposed Provision of a One Way System – Drumglass Way, Dungannon                   | 7 - 10  |
| 7.  | DfI Roads Proposals to Mid Ulster Council - Proposed Revocation Of One Way System – Ranaghan Road, Dungannon                    | 11 - 14 |
| 8.  | Mixed Dry Recycling (Blue Bin) Scheme Communications and Funding                                                                | 15 - 38 |
| 9.  | Procurement Framework for Testing, Inspection, Repair and Supply of Fire Extinguishing Installations and Equipment              | 39 - 40 |
| 10. | Grounds Maintenance - Seasonal Planting Display requests                                                                        | 41 - 44 |
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#### Matters for Information

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25	Entertainment Licensing Applications	283 - 292
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27	Fire Safety in Housing Executive Tower Blocks	297 - 336
28	The Food Standards Agency's consultation on The Condensed Milk and Dried Milk Regulations (Northern Ireland) 2018	337 - 340
29	Food Standards Agency Audit	341 - 360

**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

30. Outline Business Case: Crematorium: Joint Council Working
31. Replacement cardboard baler for Cookstown Recycling Centre
32. Public Artpiece - Castledawson Roundabout – Capital Project
33. Davagh Interpretive scheme – Capital Project
34. Contract for Haulage, Treatment and Disposal of Residual Waste

#### Matters for Information

35. Confidential Minutes of Environment Committee held on Tuesday 9 January 2018
36. Off Street Car Parking; Quarter 3 2017/2018
37. Capital Projects Update

<b>Report on</b>	DfI Roads Proposals to Mid Ulster Council - Proposed Part Time 20mph Speed Limit – Ballyronan Road and Oaklea Road, Magherafelt
<b>Reporting Officer</b>	Andrew Cassells, Director of Environment & Property
<b>Contact Officer</b>	Andrew Cassells, Director of Environment & Property

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

<b>1.0</b>	<b>Purpose of Report</b>
1.1	To seek the agreement of Members in relation to proposals from DfI Roads to introduce measures to enhance the safety and development of the transport network with a range of transport proposals.
<b>2.0</b>	<b>Background</b>
2.1	DfI Roads are consulting the Council with proposals to introduce measures designed to improve network safety, sustainability and efficiency to encourage safe and sustainable travel.
<b>3.0</b>	<b>Main Report</b>
3.1	<p>The following outlines the proposal to be brought to the attention of the Environment Committee:</p> <p><b>Proposed Part Time 20mph Speed Limit – Ballyronan Road and Oaklea Road, Magherafelt</b></p> <p>DfI Roads are proposing to introduce a part-time 20mph speed limit at Ballyronan Road and Oaklea Road, Magherafelt; i.e.; in the vicinity of The Woods Primary School.</p> <p>Consultation letter and location map of aforementioned proposal are attached as appendices to this report.</p>
<b>4.0</b>	<b>Other Considerations</b>
4.1	<p><b><u>Financial &amp; Human Resources Implications</u></b></p> <p>Financial: <b>None</b></p> <p>Human: <b>None</b></p>

<b>4.3</b>	<b><u>Risk Management Implications</u></b>  The introduction of the aforementioned proposal at this location will assist in the management of road safety issues.
<b>5.0</b>	<b>Recommendation(s)</b>
5.1	That the Environment Committee endorses the proposals submitted by DfI Roads.
<b>6.0</b>	<b>Documents Attached &amp; References</b>
6.1	<b>Appendix 1</b> Letter from DfI Roads dated 8 <sup>th</sup> January 2018; Proposed Part-Time 20mph Speed Limit, Ballyronan Road and Oaklea Road, Magherafelt.
6.2	<b>Appendix 2</b> Drawing – Proposed Part-Time 20mph Speed Limit at Ballyronan Road and Oaklea Road, Magherafelt.





Department for

**Infrastructure**

An Roinn

**Bonneagair**

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## Network Development

Mr A Tohill  
Chief Executive  
Mid Ulster District Council  
Ballyronan  
Magherafelt  
BT45 6EN

County Hall  
Drumragh Avenue  
Omagh

Tel: 028 8225 4085

8 January 2017

Dear Mr Tohill

### **PROPOSED PART TIME 20MPH SPEED LIMIT – BALLYRONAN ROAD AND OAKLEA ROAD, MAGHERAFELT**

DfI Roads is proposing to introduce a part time 20mph on Ballyronan Road and Oaklea Road, Magherafelt as detailed on the attached map.

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

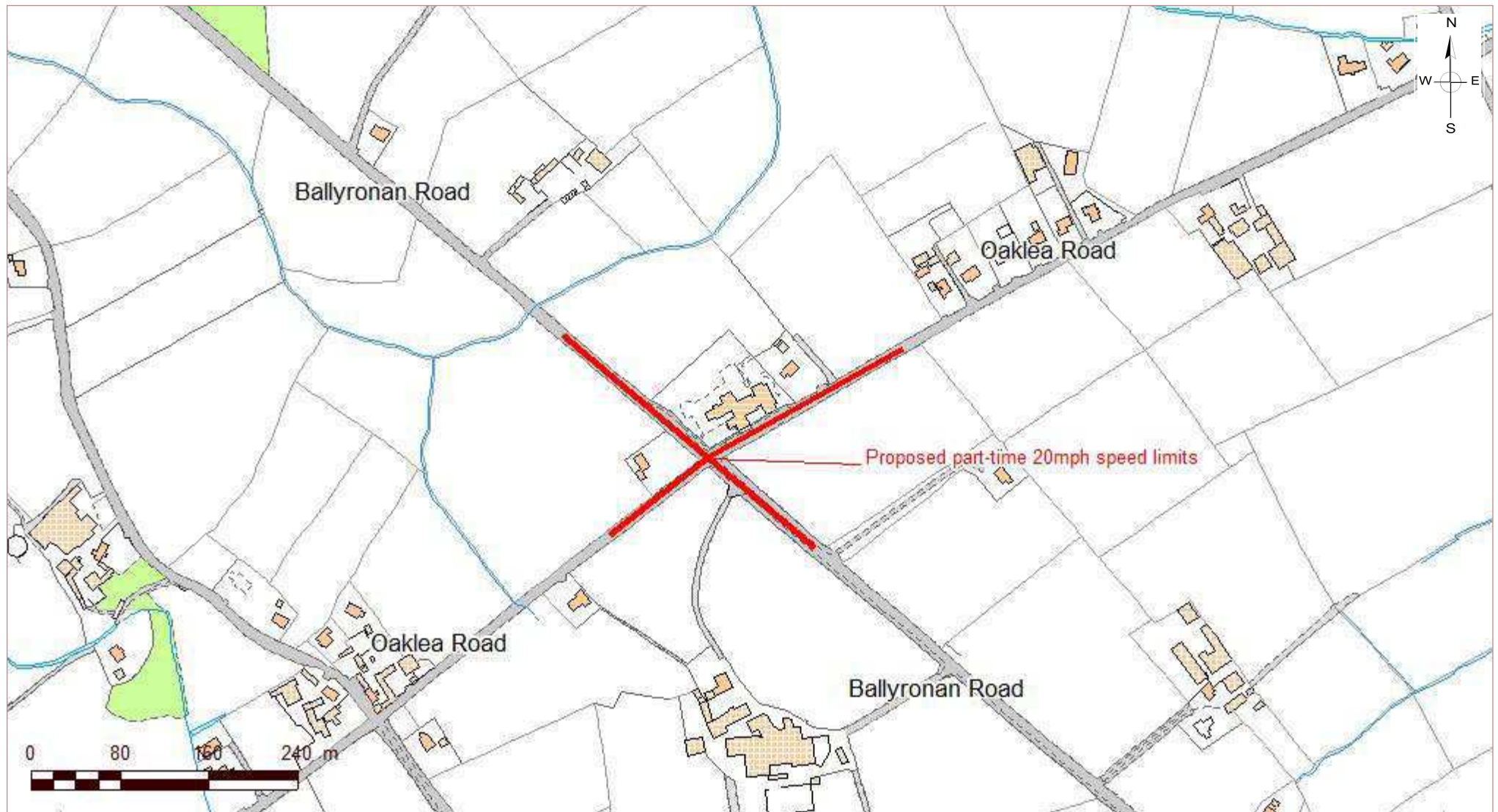
Please bring this matter to the attention of your council.

Yours sincerely

Mrs Hazel Burton  
Network Development Section

Enc

# Proposed part time 20mph speed limits - Ballyronan Road and Oaklea Road, Magherafelt



<b>Report on</b>	DfI Roads Proposals to Mid Ulster Council - Proposed Provision of a One Way System – Drumglass Way, Dungannon
<b>Reporting Officer</b>	Andrew Cassells, Director of Environment & Property
<b>Contact Officer</b>	Andrew Cassells, Director of Environment & Property

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

<b>1.0</b>	<b>Purpose of Report</b>
1.1	To seek the agreement of Members in relation to proposals from DfI Roads to introduce measures to enhance the safety and development of the transport network with a range of transport proposals.
<b>2.0</b>	<b>Background</b>
2.1	DfI Roads are consulting the Council with proposals to introduce measures designed to improve network safety, sustainability and efficiency to encourage safe and sustainable travel.
<b>3.0</b>	<b>Main Report</b>
3.1	<p>The following outlines the proposal to be brought to the attention of the Environment Committee:</p> <p><b>Proposed Provision of a One Way System – Drumglass Way, Dungannon</b></p> <p>A previous report tabled in Committee referred to Drumglass Way and Ranaghan Road, Dungannon. DfI Roads are now proposing to only introduce a One Way System at Drumglass Way, Dungannon.</p> <p>Consultation letter and location map of aforementioned proposal are attached as appendices to this report.</p>
<b>4.0</b>	<b>Other Considerations</b>
<b>4.1</b>	<p><b><u>Financial &amp; Human Resources Implications</u></b></p> <p>Financial: Not applicable</p> <p>Human: Not applicable</p>

<b>4.2</b>	<b><u>Equality and Good Relations Implications</u></b>  Not applicable.
<b>4.3</b>	<b><u>Risk Management Implications</u></b>  The introduction of the aforementioned proposals at this location will assist in the management of road safety issues.
<b>5.0</b>	<b>Recommendation(s)</b>
5.1	That the Environment Committee endorses the proposals submitted by DfI Roads.
<b>6.0</b>	<b>Documents Attached &amp; References</b>
6.1	<b>Appendix 1</b> Letter from DfI Roads dated 10 <sup>th</sup> January 2018; Proposed Provision of a One Way System at Drumglass Way, Dungannon.
6.2	<b>Appendix 2</b> Drawing – Proposed Provision of a One Way System at Drumglass Way, Dungannon.



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## Network Development

Chief Executive  
Mid Ulster District Council  
Ballyronan  
Magherafelt  
BT45 6EN

County Hall  
Drumragh Avenue  
Omagh

Tel: 028 8225 4085

10 January 2018

Dear Mr Tohill

### **PROPOSED ONE WAY SYSTEM – DRUMGLASS WAY, DUNGANNON**

Following my previous letter of 6 December 2017 please note that following consultation DfI Roads is now proposing to only introduce a one way system on Drumglass Way and not Ranaghan Road, Dungannon, as detailed on the attached map.

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

Please bring this matter to the attention of your council.

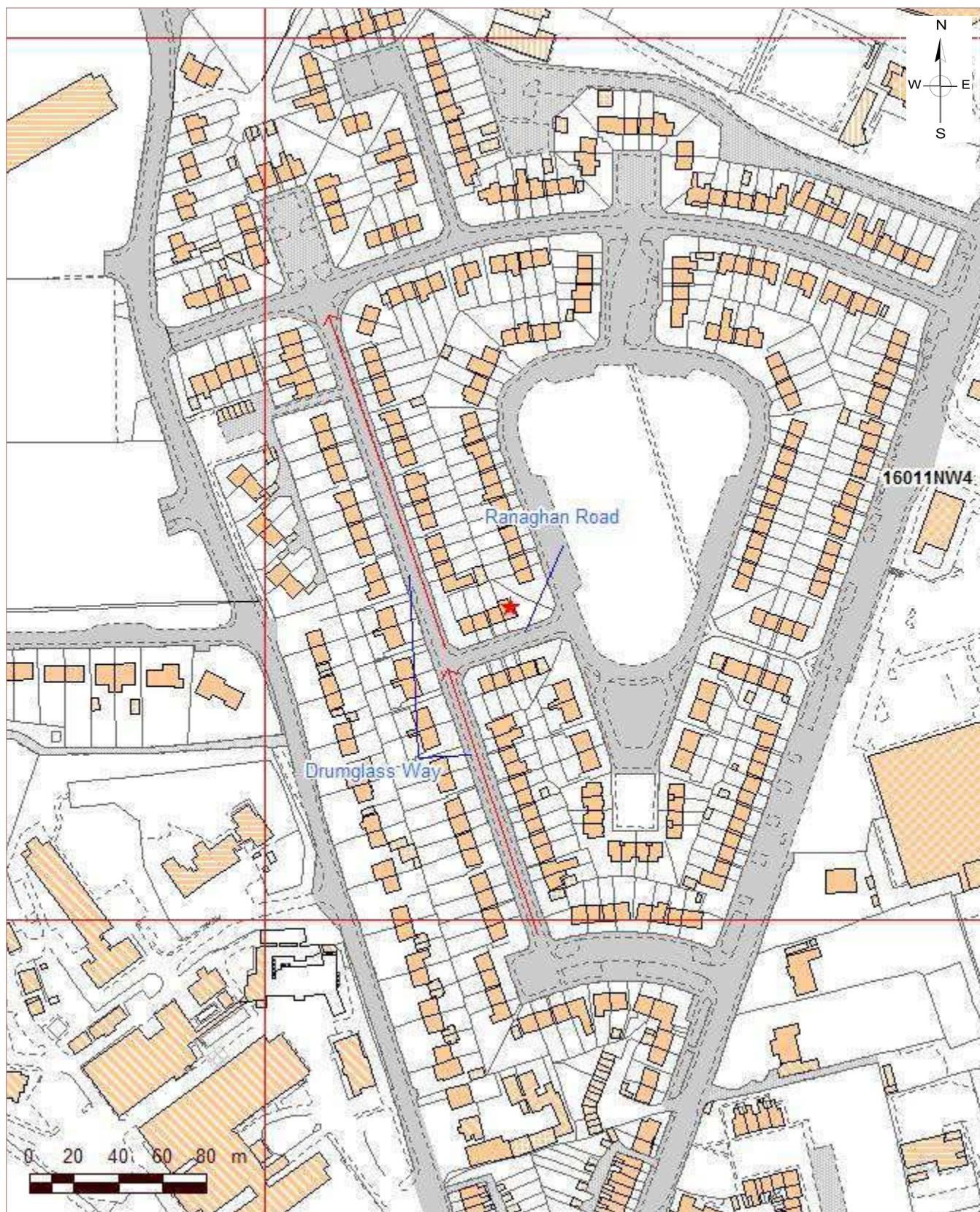
Yours sincerely

Mrs Hazel Burton  
Network Development

Enc



## Proposed one way system - Drumglass Way, Dungannon



<b>Report on</b>	DfI Roads Proposals to Mid Ulster Council - Proposed Revocation Of One Way System – Ranaghan Road, Dungannon
<b>Reporting Officer</b>	Andrew Cassells, Director of Environment & Property
<b>Contact Officer</b>	Andrew Cassells, Director of Environment & Property

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

<b>1.0</b>	<b>Purpose of Report</b>
1.1	To seek the agreement of Members in relation to proposals from DfI Roads to introduce measures to enhance the safety and development of the transport network with a range of transport proposals.
<b>2.0</b>	<b>Background</b>
2.1	DfI Roads are consulting the Council with proposals to introduce measures designed to improve network safety, sustainability and efficiency to encourage safe and sustainable travel.
<b>3.0</b>	<b>Main Report</b>
3.1	<p>The following outlines the proposal to be brought to the attention of the Environment Committee:</p> <p><b>Proposed Revocation Of One Way System – Ranaghan Road, Dungannon</b></p> <p>DfI Roads are proposing to revoke the existing one way system at Ranaghan Road, Dungannon, made on the One-Way Traffic (Dungannon) Order (NI) 1982.</p> <p>Consultation letter and location map of aforementioned proposal are attached as appendices to this report.</p>
<b>4.0</b>	<b>Other Considerations</b>
<b>4.1</b>	<p><b><u>Financial &amp; Human Resources Implications</u></b></p> <p>Financial: Not applicable</p> <p>Human: Not applicable</p>
<b>4.2</b>	<p><b><u>Equality and Good Relations Implications</u></b></p> <p>Not applicable.</p>

<b>4.3</b>	<p><b><u>Risk Management Implications</u></b></p> <p>The introduction of the aforementioned proposals at this location will assist in the management of road safety issues.</p>
<b>5.0</b>	<b>Recommendation(s)</b>
5.1	That the Environment Committee endorses the proposals submitted by DfI Roads.
<b>6.0</b>	<b>Documents Attached &amp; References</b>
6.1	<p><b>Appendix 1</b></p> <p>Letter from DfI Roads dated 25<sup>th</sup> January 2018; Proposed Revocation of One Way System at Ranaghan Road, Dungannon.</p>
6.2	<p><b>Appendix 2</b></p> <p>Drawing – Proposed Revocation of One Way System at Ranaghan Road, Dungannon.</p>





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## Network Development

Chief Executive  
Mid Ulster District Council  
Ballyronan  
Magherafelt  
BT45 6EN

County Hall  
Drumragh Avenue  
Omagh

Tel: 028 8225 4085

25 January 2018

Dear Mr Tohill

### **PROPOSED REVOCATION OF ONE WAY SYSTEM – RANAGHAN ROAD, DUNGANNON**

DfI Roads are proposing to revoke the existing one way system on Ranaghan Road, Dungannon, which was made on the One-Way Traffic (Dungannon) Order (NI) 1982 No 172.

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

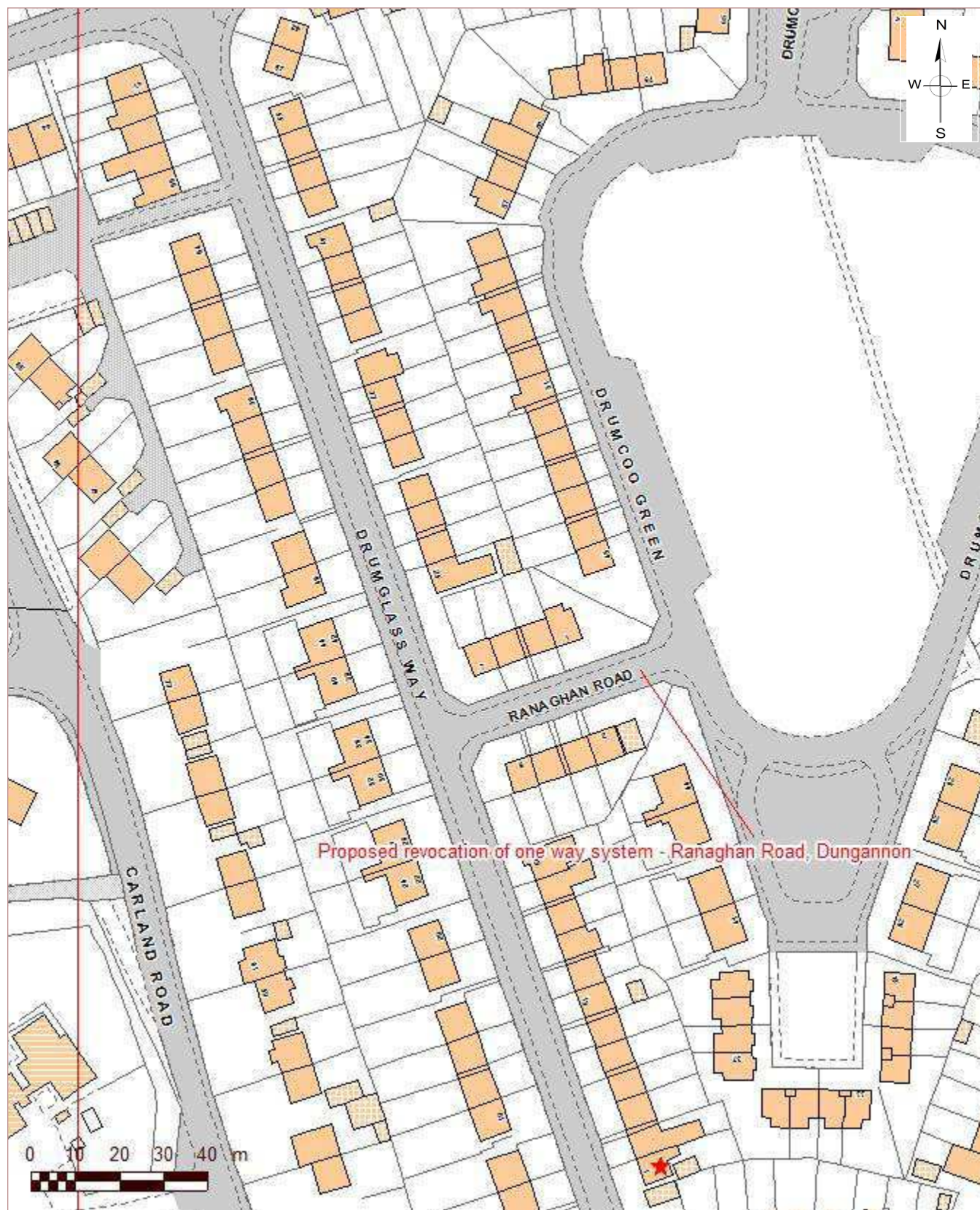
Please bring this matter to the attention of your council.

Yours sincerely

Mrs Hazel Burton  
Network Development

Enc

# Proposed revocation of one way system - Ranaghan Road, Dungannon



<b>Report on</b>	Mixed Dry Recycling (Blue Bin) Scheme Communications and Funding
<b>Reporting Officer</b>	Mark McAdoo, Head of Environmental Services
<b>Contact Officer</b>	Mark McAdoo, Head of Environmental Services

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

<b>1.0</b>	<b>Purpose of Report</b>
1.1	To update members on mixed dry recycling (blue bin) scheme communications and to seek approval for expenditure of funding on mixed dry recycling (blue bin) focused communications.
<b>2.0</b>	<b>Background</b>
2.1	Members will be aware that throughout 2017 recycling communications focused primarily on food waste diversion from landfill and maximising usage of the brown bin scheme. The planned focus for 2018 is dry recycling, i.e. maximising use of the blue bin scheme.
<b>3.0</b>	<b>Main Report</b>
3.1	Members will be aware that an analysis of the composition of all Council's waste is being carried out by RPS on behalf of the Waste and Resources Action Programme (WRAP). Whilst the final report has not yet been released findings from the first phase of the study shows that there is still some room for improvement in the household dry recycling rate.
3.2	<p>Key findings of Phase 1 of the waste composition analysis were that:</p> <ul style="list-style-type: none"> <li>- Residual (black bin) waste comprised 23.7% target dry recycling material</li> <li>- Blue bin waste comprised 14% of non-target material (contamination)</li> </ul> <p>Thus there are two key areas where Council can focus to increase dry recycling and decrease waste to landfill:</p> <ul style="list-style-type: none"> <li>- Reducing 'missed capture'</li> <li>- Reducing contamination in the blue bin</li> </ul>
3.3	<p>Communications will be carried out to:</p> <ul style="list-style-type: none"> <li>- Encourage residents to get all suitable recyclables out of the black bin and into the blue bin</li> <li>- Encourage residents to recycle items from all rooms in the house</li> <li>- Ensure residents can readily access information on what is and is not accepted in the blue bin</li> <li>- Motivate residents by providing "transformational" information, explaining what the items recycled get turned into and the environmental benefits, i.e. showing that recycling is worthwhile</li> </ul>

3.4	<p>This will build on the key message delivered through recycling communications to date – that recycling does “make a difference”.</p> <p>In the January to March 2018 quarter the main actions will be:</p> <ol style="list-style-type: none"> <li>1. Production of 10,000 blue bin accepted material stickers for household blue bins</li> <li>2. Design, print and distribution of 55,000 blue bin focused leaflets to all households</li> <li>3. Print and promotion of a householder’s “Your Guide to Recycling” (see attached)</li> <li>4. Ongoing educational school visits and recycling talks</li> <li>5. Promotion of the ‘Big Spring Clean’ to schools (March)</li> <li>6. Coordination of Mid Ulster Eco Speak school’s competition (to be held in April)</li> </ol>
3.5	<p>In order to assist with implementation of the above a funding application was submitted on 17<sup>th</sup> December to DAERA, via WRAP Local Authority Support and I am pleased to report that a Letter of Offer for £10,383 was received on 29<sup>th</sup> January (copy attached)</p>
3.6	<p>The “Your Guide to Recycling” will be translated into seven languages: Lithuanian, Russian, Bulgarian, Polish, Slovak, Tetum and Portuguese. This guide addresses a need for comprehensive recycling and waste management advice for those who do not have English as a first language and will be of particular help to recycling officers when making house calls to residents. Printed copies will also be distributed to key businesses and organisations in the district. The guide will also be made available on the Council website. PR activity to promote availability will take place when this guide is complete.</p>
<b>4.0</b>	<b>Other Considerations</b>
4.1	<p><b><u>Financial &amp; Human Resources Implications</u></b></p> <p>Financial: This latest letter of offer brings the total amount of external funding secured by Environmental Services for waste management in Mid Ulster district to approx. £330k.</p> <p>Human: Recycling officer time to submit funding application and deliver related actions.</p>
4.2	<p><b><u>Equality and Good Relations Implications</u></b></p> <p>The provision of a translated Recycling Guide in seven languages is to be welcomed.</p>
4.3	<p><b><u>Risk Management Implications</u></b></p> <p>Ongoing, targeted recycling communications are a key focus for Environmental Services to ensure the three bin system is utilised effectively and recycling rate is maximised. This reduces the risk of not meeting recycling targets or incurring landfill diversion penalties.</p>
<b>5.0</b>	<b>Recommendation(s)</b>
5.1	<p>Members are asked to note the contents of this report and to endorse the expenditure of funding on mixed dry recycling (blue bin) scheme related communications as outlined herein.</p>
<b>6.0</b>	<b>Documents Attached &amp; References</b>

6.1	WRAP/DAERA Project Funding Agreement "Your Guide to Recycling"
6.2	



Project Funding Agreement  
Ref: NIP008-002 PO:11988

Jill Eagleson  
Mid Ulster District Council  
Recycling Officer  
Ballyronan Road  
Magherafelt  
BT45 6EN

29 January 2018

Dear Jill,

**Re: WRAP Local Authority Support: Dry Recycling Waste Communications to Householders.**

We have reviewed your recent expression of interest and I am pleased to inform you that WRAP has agreed to offer Mid Ulster District Council a grant award of **£10,383** subject to your signed acceptance below and the submission of any required prerequisites.

Please note the items outlined in the Key Conditions section of the contract. This award is subject to monitoring and evaluation criteria being agreed. The metrics outlined in Section 1.2 of this Agreement will form the basis for reporting progress to DAERA in the form of a Post Project Review (PPR) Form (included as Project Schedule, Annex 1).

**Important:** Grant funds can only be used towards the eligible items detailed in the Project Schedule below and your project must be completed within the agreed timescales. In order to drawdown your grant, you will be required to complete a Grant Claim Form (template enclosed) attaching the required evidence as detailed in the milestones table.

If you wish to accept this award, please can an authorised signatory read and accept the full terms and conditions below, and sign and return this document to myself, Kathryn Tims (Project Manager) at the address above or by email to: [kathryn.tims@wrap.org.uk](mailto:kathryn.tims@wrap.org.uk).

Please find enclosed a New Grant Recipient Account Request Form template which should be completed on your headed paper and returned with the signed terms and conditions if you have not received a grant payment from WRAP in the last 6 months. On receipt of these documents we will issue a Purchase Order which should be referenced when making your claim as described above.

Should you have any questions or require further information please contact me on 028 9590 8023 or 07773 961894. Congratulations on receiving a grant award from WRAP, we look forward to working with you on this new project.

Yours sincerely

Kathryn Tims, Project Manager, NI

Enclosures:

Project Schedule & Terms and Conditions (including Annex 1, Post Project Evaluation Form)  
Grant Claim Form Template



# PROJECT SCHEDULE

**Document Version No: 1**

**The Contract Number:** NIP008-002: PO 11988

## (Definitions)

### 1. “The Project”

- 1.1 The aim of this project is to deliver a communication campaign with the aim of influencing and encouraging householders in the Mid Ulster District Council area to reduce dry recycling waste.
- 1.2 The campaign will deliver the following performance targets by the **31<sup>st</sup> March 2018**:
- To design and print 55,000 dry recycling “Unusual Suspects” leaflets; and
  - To design and print 10,000 Dry recycling Scheme accepted materials bin stickers.
- 1.3 WRAP shall provide funding support towards the eligible items detailed in Section 2 ‘Project Costs’ which shall lead to the following benefits:
- Increased awareness of the Council’s dry recycling communications service
  - Increased understanding by residents of which dry recyclables should be recycled
  - Dry recyclables diverted from landfill

### 2. “Project Costs”

- 2.1 The grant funds shall contribute towards the following eligible items only:

ITEM	Description/Deliverables	Total (Exc VAT)	Grant Contribution from WRAP (Exc VAT)
1	Design and print, 55,000 blue bin “Unusual Suspects” leaflets	£2,643	£2,643
2	Distribution company to distribute leaflet to 55,000 households.	£5,000	£5,000
3	Design, print and delivery of 10,000 A4 instructional bin stickers	£2,740	£2,740
	<b>TOTAL</b>	<b>£10,383</b>	<b>£10,383</b>

### 3. “Timescales & Milestones”

- 3.1 **Project commencement** date shall be: On the last date signed by contract parties.
- 3.2 **Project completion** date shall be: on or before the final milestone

Milestone	Description	Date	Grant Payment
1	ALL communication activities listed in Section 2 should be completed.	31 March 2018	£10,383
		<b>Total</b>	<b>£10,383</b>



#### **4. “Monitoring & Evaluation”**

- 4.1 On completion of the project the Recipient agrees to provide WRAP and the Department of Agriculture, Environment and Rural Affairs with on-going monitoring information. The Recipient shall report of Project progress by submitting a post project evaluation progress report to the Department. The Department reserves the right to return any report for rewriting should the Department, in it's sole discretion, deem the report is not of the standard expected.
- 4.2 All reports and monitoring data shall be submitted on the prescribed templates issued to the Recipient by the Department. The Post Project Review (PPR) Form is included as Project Schedule, Annex 1. Completed PPR's should be returned to the Department no later than the 30<sup>th</sup> April 2018.

#### **5. “Contacts”**

- 5.1 Day-to-day contact at for any queries relating to this grant shall be:

**For WRAP:**

Kathryn Tims

**Email** [kathryn.tims@wrap.org.uk](mailto:kathryn.tims@wrap.org.uk)

**Tel:** 028 9590 8023 or 07773 961894

**For Local Authority:**

**Name:** Jill Eagleson

**Email:** [jill.eagleson@midulstercouncil.org](mailto:jill.eagleson@midulstercouncil.org)

**Tel:** 03000 132 132

## TERMS AND CONDITIONS

**Between:**           **The Waste and Resources Action Programme** (Company No. 4125764) whose registered office is at 2<sup>nd</sup> Floor Blenheim Court, 19 George Street, Banbury, OX16 5BH (“WRAP”)

**And**                   **Mid Ulster District Council** (the “Recipient”) whose office is at Ballyronan Road, Magherafelt BT45 6EN.

**NOW IT IS HEREBY AGREED** as follows:

This agreement shall come into force when both parties have executed the agreement.

### 1. KEY OBLIGATIONS

#### 1.1 The Recipient undertakes:

- 1.1.1 to carry out, or procure the carrying out of, the Project, in accordance with the terms of this Agreement, in a good and workmanlike manner, with good quality materials and substances of their respective kinds, in accordance with the Project application and also with any regulatory consents, and to undertake due monitoring of the progress of the Project;
- 1.1.2 to report on the progress of the Project to WRAP as required by WRAP;
- 1.1.3 to meet and liaise with WRAP or their appointed staff as reasonably required by WRAP;
- 1.1.4 to permit WRAP, WRAP’s staff or appointed contractor to inspect the Project, discuss any Progress Reports and/or any payment applications as they may reasonably require during normal working hours and on reasonable prior notice and provide them with or ensure that they are provided with all necessary assistance and facilities for such purpose;
- 1.1.5 to report to WRAP in the requested manner and at the requested time;
- 1.1.6 to commence, or procure the commencement of, the Project on the Project Commencement Date;
- 1.1.7 to complete, or procure the completion of, the Project on or before the Project Completion Date.
- 1.1.8 The Recipient will, unless WRAP agrees otherwise, repay to WRAP any Project Funding paid to it as a result of an administrative error by WRAP, the Recipient, or any other person.
- 1.1.9 The Recipient will liaise with the WRAP Project Manager to develop and sign off the communication activity schedule;
- 1.1.10 The Recipient will liaise with the WRAP Project Manager and ensure WRAP communication template materials are used correctly.
- 1.1.11 the Recipient agrees to provide WRAP with project monitoring information detailed in 5 of the project schedule.

### 2. CONTRACTOR’S REPRESENTATIONS

- 2.1 The Recipient represents to WRAP at all times that the following representations are true and accurate in all material respects, and are not misleading, and will notify WRAP of any breach of any of such representations at the earliest opportunity:
  - 2.1.1 the Recipient is duly incorporated and validly existing and the Recipient has the power to enter into and perform, and has taken all necessary corporate action to authorise its entry into and performance of, this agreement;
  - 2.1.2 no breach of this agreement is continuing; and
  - 2.1.3 all information provided to WRAP for the purposes of this agreement is true and accurate as at the date it was provided and as at the date of this agreement.

### **3. INDEMNITY AND INSURANCE**

- 3.1 The Recipient will, on demand, indemnify and agrees to keep indemnified WRAP against all costs, expenses, actions, charges, claims, damages, proceedings and other liabilities sustained or incurred by WRAP as a result of any breach of this agreement by the Recipient.
- 3.2 The Recipient will maintain appropriate insurance cover for the Project with reputable insurers (and provide evidence of such insurance to WRAP on request).

### **4. CONFIDENTIALITY**

- 4.1 The Recipient will not make or consent to the making of any public statement or announcement, or engage in any promotional activity concerning this agreement or WRAP without WRAP's consent, not to be unreasonably withheld or delayed. Where WRAP provides such consent, the Recipient will acknowledge WRAP in any publicity material.
- 4.2 The design of all publications in any media produced by the Recipient in relation to this agreement must conform to standards communicated by WRAP from time to time to the Recipient and templates must be approved by WRAP or their appointed contractor in advance of publication.
- 4.3 The Recipient undertakes to maintain in confidence and not use for any purpose other than the performance of this agreement all information acquired or generated in consequence of this agreement or otherwise relating to WRAP which comes into its possession save where such information:
  - 4.3.1 is in the public domain;
  - 4.3.2 enters the public domain lawfully and through no breach of any obligation of confidentiality;
  - 4.3.3 is disclosed to the Recipient by a third party acting lawfully;
  - 4.3.4 is the subject of the express consent of WRAP for publication or disclosure; or is obliged to be disclosed by law.
- 4.4 WRAP may disclose information concerning the Project and the Recipient:
  - 4.4.1 to third parties in order to promote, as it thinks fit, its association with the Project and for the purposes of research, reporting to the government or any public bodies and provision of publicly available information, provided the information is not of a confidential nature and the Recipient has notified WRAP in writing of that confidentiality; and
  - 4.4.2 to its professional advisers and technical consultants as required solely for the purposes of this agreement.

### **5. TERMINATION**

- 5.1 WRAP may terminate this agreement immediately by written notice if:
  - 5.1.1 One of the following insolvency events occurs:
    - (a) a receiver, trustee or similar officer is appointed in respect of the whole or any part of the undertaking or assets of the Recipient or its assets;
    - (b) any action is taken for or with a view to the winding up (which includes, where such person is or has legal status other than as a company (as defined in the Companies Act 1985) any corresponding process applicable to that person) or administration of the Recipient (or the bankruptcy of the Recipient where applicable);
    - (c) the Recipient becomes, or is deemed to be insolvent (or, where applicable, bankrupt), unable to pay its debts as they fall due, or is deemed under applicable law to be so, or has an excess of liabilities over assets (taking into account contingent and prospective liabilities); or
    - (d) the Recipient ceases to operate (or, where applicable, dies or ceases to have legal capacity).
  - 5.1.2 the Recipient fails to comply with the terms of this agreement in any material respect (unless such non-compliance is remediable in the opinion of WRAP);

- 5.1.3 any representation made by the Recipient is or proves to have been incorrect or misleading in any material respect (unless such representation is remediable in the opinion of WRAP), and in such circumstances WRAP shall cancel all further payment under this agreement and may, at WRAP's discretion, demand repayment of all monies already paid for the Project (and the Recipient shall comply within any such demand).
- 5.2 WRAP will also have the right to terminate this agreement at any time by notice to the Recipient and in such circumstances WRAP will pay the Recipient a fair and reasonable amount for the Project completed to the satisfaction of WRAP before the date of termination but the Recipient will not be entitled to any other payment or recourse from WRAP.
- 5.3 In the event of termination, the Recipient will promptly provide WRAP with a full report on the status of the Project together with all information, documentation, property and materials relating to the Project as soon as reasonably practicable and in any event within 14 days.

## **6. MISCELLANEOUS**

- 6.1 Terms will have the meaning given to them in Project Activity Schedule above (Definitions).
- 6.2 Any notice under this agreement will be in writing and served by sending the same to the other party at its address set forth above marked for the attention of the company secretary or such other address from time to time notified by that party for the purpose of notices under this agreement.
- 6.3 The Recipient shall not assign or transfer any of its rights and/or obligations under this agreement.
- 6.4 The Recipient shall not enter into any subcontract for the performance of its obligations under this agreement except with the prior written consent of WRAP. Where a subcontract has been consented to by WRAP this shall not relieve the Recipient of any of its obligations under this agreement.
- 6.5 This agreement comprises the entire understanding of the parties in relation to the matters referred to in this agreement.
- 6.6 The authorised officers for the receipt of all day to day communications relating to this agreement shall be as stated in the Project Schedule hereto under day-to-day contacts.
- 6.8 Nothing in this agreement is intended to confer on any person any right to enforce any provision of this agreement which that person would not have had but for the Contracts (Rights of Third Parties) Act 1999.
- 6.9 The provisions of Clauses 4 (Confidentiality), 5 (Termination) and 6 (Miscellaneous) will survive the termination of this agreement irrespective of the reason for termination for a period of 6 years.
- 6.7 This agreement when executed by both parties shall become legal document covered under English and Welsh law.

### **IN WITNESS WHEREOF, the parties have executed this agreement.**

For and on behalf of: **The Waste and Resources Action Programme**

Signature:

.....

Print name:

Dr Ian Garner

Title:

Head of WRAP Northern Ireland

Date: 29.1.18

For and on behalf of:      **Local Authority: Mid Ulster District Council**

Signature:                      .....

Print name:                    .....

Title:                            .....

Date:                            .....

The above has full authorisation of the Recipient to act as signatory in respect of this grant agreement.

# Project Schedule, Annex 1

## DAERA PPR Template



## **DRY RECYCLING WASTE COMMUNICATIONS FUND FOR COUNCILS 2017-18**

### **POST PROJECT REVIEW (PPR) FORM**

**COUNCIL:**

**(TO BE COMPLETED BY COUNCIL)**

#### **Post Project Review (PPR) is sometimes referred to as Post Project Evaluation (PPE)**

The aim of the Post Project Review (PPR) is to examine the efficiency and effectiveness of the project. It is the main substance of an Ex post evaluation and follows on from the Project Evaluation Review (PER). It compares outturn against estimated costs and benefits and generally reviews success in achieving objectives.

The PPR should ideally be carried out by an independent source (i.e. someone outside of the project team). It is normally carried out after a suitable time has elapsed to allow the project to have become embedded. The timing for the review will be stated within the Funding Agreement.

#### **1. Assessment of Project Objectives**

Taking the objectives from the original application/economic appraisal, assess whether they were achieved or not and provide some commentary to support this i.e. recycling rate increases, amount diverted from landfill and so on.

Objective (as specified in the original application/economic appraisal)	Explanation/Commentary

#### **2. Tonnage Table**

Tonnage data for mixed and separate dry recycling waste collection schemes. This would be comparison data between the three months following the end of your communications activity and April to June 2017. It would be helpful if this was also presented as kg/hh/wk (i.e. the total kg collected in a week (or average week) divided by the total number of households served)

Material Collected	Apr to Jun 2017	Apr to Jun 2018*	Difference
<b>Tonnages</b>			
Mixed Dry Recycling Waste Collection (kg/hh/pw)			
Separate Dry Recycling Collection (kg/hh/pw) (add rows as necessary)			

**\* provisional figures**

### 3. Assessment of Monetary costs and benefits

Please provide the estimated recurrent cost/benefits (these should be consistent with what was outlined in the options appraisal) and the actual cost/benefits in the box below.

COSTS			
Description of costs	Estimated Costs (£)	Actual Cost (£)	Variance (%)
BENEFITS			
Description of benefit	Estimated Benefit (£)	Actual Benefit (£)	Variance (%)
Benefit to waste operational savings from additional dry recycling waste recycled			

If any cost varied by more than 10% please provide an explanation for this in the box below:

### 4. Additional Information as a consequence of the Communications project

In the table below, please provide if known:

- Any indication of numbers of individuals reached through your communications activities, e.g. Opportunities To See (OTS), Added Value Equivalent (AVE) for advertising;
- Any consumer / customer feedback information;
- Any identified issues with contamination, e.g. is food in packaging being presented?
- Any set out / participation data you may have pre and post intervention;
- Number of requests for containers / liner sacks, etc.

Additional information	Details
Numbers of households reached through our communications activities	



Any consumer / customer feedback information	
Any identified issues with contamination	
Any set out / participation data you may have pre and post intervention	
Number of requests for containers / liner sacks etc	
Number of bin stickers applied	
Number of leaflets/letters issued	
Relevant digital analytics e.g. website and social media	
Examples of dry recycling communications used	

## 5. Non-monetary benefits assessment

Evaluate to what extent the non-monetary benefits identified in the application/economic appraisal either have or have not been achieved and provide explanations to support this.

Non Monetary benefit (as specified in the original application/economic appraisal)	Explanation

Identify any additional Non-Monetary benefits not previously anticipated in the original application/economic appraisal in the box below.

--

## 6. Risks

In the box below detail any instances where impacts from identified risks required management/mitigation of and how well they were handled. Also outline any risks that were not foreseen and explain how these risks were handled.

Risk	Explanation

## 7. Value for Money

Value for money (VFM) requires an overall assessment of all the aspects considered in the evaluation. That is, using the boxes provided make a judgement as to the extent to which the project delivered value for money taking into account costs and benefits. Make sure to justify your VFM judgement in the box provided.

Given the information presented above do you believe the project still represented value for money?

☐ Yes ☐ No

Please use the box below to comment on the overall success of the project and demonstrate why the project did/did not provide VFM.

## 8. Lessons learned

Were any lessons learned about the ongoing project management with respect to preventing cost overruns, achieving objectives and managing the realisation of benefits that might benefit others conducting similar projects? Identify factors that went well with respect to the management of the project, which can be usefully applied to future projects.

Comments – you may add further comments about the project. You may attach reports or evidence of project achievements. List any attachments here

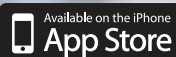
## 9. Dissemination of Lessons learned from the Project Evaluation

Please state in the box below how the Lessons Learned from this project evaluation will be disseminated amongst relevant staff.

PPE completed by

Date PPE Completed

**Please email this form, once completed, to [Philip Palmer, Rethink Waste and EU Funding Team, Environmental Policy Division, DAERA](mailto:philip.palmer@daera-ni.gov.uk) at [philip.palmer@daera-ni.gov.uk](mailto:philip.palmer@daera-ni.gov.uk)**



Download the  
Bin-Ovation FREE app



# Your Guide to **Recycling**

## It really does make a difference!

Every single item that you recycle or re-use makes a real difference – to our environment, to the costs of waste disposal and to the recycling targets which we have to meet.

The good news is that Mid Ulster has consistently had the highest recycling rate of all the council areas here, and that's thanks to the efforts of our residents.

**Call 03000 132 133** Page 31 of 360  
[www.midulstercouncil.org/recycle](http://www.midulstercouncil.org/recycle)



Comhairle Ceantair  
**Lár Uladh**  
**Mid Ulster**  
District Council

Let's **sort** it out!

A large collection of various household items including food, cleaning products, and tools, illustrating the need for sorting.

## A large, blue, rectangular recycling bin with a black wheel on the right side. The bin has a lid with a handle and a small latch. It is set against a white background.

Please remember, you must not use your blue bin to dispose of:

- ✗ Polystyrene or shredded paper
- ✗ Dirty waste
- ✗ Ceramics or pottery
- ✗ Food
- ✗ General waste



Let's **sort it** out!



## Brown Bin Food & Garden waste

Your brown bin is for food waste and garden waste. Use your handy kitchen caddy for your food waste and when it's full, empty it into your brown bin. Please remember, you must not use your brown bin to dispose of:

- ✗ Soil or stones
- ✗ Packaging
- ✗ Pet, animal waste or cat litter
- ✗ Plastic bags
- ✗ Waste that won't rot



**Keep your caddy clean! Line with kitchen paper, newspaper or compostable liners**

Liners are available from our recycling centres and council offices for £1 per roll.

garden waste	bread & pastries	dairy	fish	egg shells
food waste	fruit & vegetables	meat & bones	tea & coffee grounds	cold ashes

## Black Bin Non-recyclable waste

Your black bin is for waste that cannot be recycled, such as:

- ✓ Nappies / sanitary waste
- ✓ Polystyrene
- ✓ Wrappers / cling film
- ✓ Pet waste / cat litter

You must never use your black bin to dispose of food waste! All food waste, from vegetable peelings to plate scrapings must be recycled through your brown bin.



## Bin it **Right!** Get the right materials in the right bin



If you put the wrong waste in the wrong bin, we **will not be able to empty it** and you will have to remove the incorrect materials before your next collection day.

We are unable to collect bags of waste placed at the side of your bin and bins which are too full or which have no lids will not be collected.

## **Collection Days** Check your bin collection day online



If you are not sure when your bins are collected, you can check online by entering your address at [www.midulstercouncil.org/mycollectionday](http://www.midulstercouncil.org/mycollectionday).

- You can also check via our **Bin-ovation app** or by contacting us directly.
- And don't forget to leave your bins at the kerbside by **7.30am** on your collection day.

## Buying a Bin

### Purchase a bin from any of our depots

You can buy a standard size (240 litre) **blue, brown or black** bin at any of our depots, where replacement lids and wheels can also be purchased.

You can choose to collect your bin or to have it delivered (**£9 delivery charge**).



#### Cookstown Office

Burn Road,  
Cookstown,  
BT80 8DT

#### Dungannon Office

Circular Road,  
Dungannon,  
BT71 6DT

#### Magherafelt Office

Ballyronan Road,  
Magherafelt,  
BT45 6EN

**Opening Hours:** Monday - Friday 9am - 5pm  
**Call us on 03000 132 132**

## Bulky Household Collections

If you need to dispose of bulky items, such as cookers, fridges, washing machines, furniture, carpet or mattresses, we provide a collection service for up to 3 items from the kerbside at your property.

You can request a bulky collection online at [www.midulstercouncil.org/bulkycollections](http://www.midulstercouncil.org/bulkycollections).



**14**

We aim to collect within  
**14 days** of receiving your request.

**good to  
know**

# Recycling Centres

As well as your bins, there are also 12 centres across Mid Ulster for recycling and disposing of household waste.

- Ballymacombs Recycling Centre
- Castledawson Recycling Centre
- Clogher Recycling Centre
- Coalisland Recycling Centre
- Cookstown Recycling Centre
- Moneymore Recycling Centre
- Drumcoo Recycling Centre
- Fivemiletown Recycling Centre
- Maghera Recycling Centre
- Magherafelt Recycling Centre
- Draperstown Recycling Centre
- Tullyvar Recycling Centre



Our centres are all free to use (except for the disposal of commercial waste).

**For opening times** visit [www.midulstercouncil.org/recyclingcentres](http://www.midulstercouncil.org/recyclingcentres) or download our Bin-ovation app.

## What's accepted at our Recycling Centres

- 
- |                      |                     |                      |
|----------------------|---------------------|----------------------|
| ✓ Aerosols           | ✓ Batteries         | ✓ Car Batteries      |
| ✓ Cardboard          | ✓ Fluorescent Tubes | ✓ Food & Drinks Cans |
| ✓ Fridges & Freezers | ✓ Garden Waste      | ✓ Glass              |
| ✓ Paper              | ✓ Scrap Metal       | ✓ Small Appliances   |
| ✓ Textiles           | ✓ TVs & Monitors    | ✓ Used Engine Oil    |
| ✓ Large appliances   | ✓ Plastic bottles   | ✓ Hard plastics      |
| ✓ Wood & Timber      | ✓ Vegetable Oil     | ✓ Paint              |
-



# Thanks for Recycling

## It really does make a difference!

If you require recycling information for your household, recycling stickers for your bin or have any other recycling queries, please contact a member of the recycling team:

T: 03000 132 132

E: [recycling@midulstercouncil.org](mailto:recycling@midulstercouncil.org)

W: [www.midulstercouncil.org/recycling](http://www.midulstercouncil.org/recycling)

### 1. Blue Bin Recycling Sticker

**Into the blue bin!**

			
mixed paper & card	plastic bottles	household plastic packaging	large tins
			
foil trays	cartons	food tins & drink cans	mixed glass bottles & jars
		<b>NO THANKS!</b>	
aerosols	telephone directories	<ul style="list-style-type: none"> <li>✗ NO nappies</li> <li>✗ NO polystyrene or shredded paper</li> <li>✗ NO dirty waste</li> <li>✗ NO ceramics or pottery</li> <li>✗ NO food or any other general waste</li> </ul>	

 **Remember to leave your bins at the kerbside by 7.30am on collection day.**

Call 03000 132 132  
Email: [recycling@midulstercouncil.org](mailto:recycling@midulstercouncil.org)  
[www.midulstercouncil.org/recycling](http://www.midulstercouncil.org/recycling)



### 2. Brown Bin Recycling Sticker

**Feed your brown bin!**

			
garden waste	bread & pastries	dairy	fish
			
food waste	fruit & vegetables	meat & bones	tea & coffee grounds
		<b>NO THANKS!</b>	
egg shells	cold ashes	<ul style="list-style-type: none"> <li>✗ NO soil or stones</li> <li>✗ NO packaging</li> <li>✗ NO pet, animal waste or cat litter</li> <li>✗ NO plastic bags</li> <li>✗ NO waste that will not rot</li> </ul>	

**Download Bin-Ovation FREE Recycling App**  
Use the latest technology to help you Reduce Re-use & Recycle better for Mid Ulster!





### 3. No Food Waste Bin Sticker

## No food waste please!

Remember to use your brown bin for food waste all year round

Call 03000 132 132

[www.midulstercouncil.org/recycle](http://www.midulstercouncil.org/recycle)



**Remember to leave your bins at the kerbside by 7.30am on collection day.**

**This Householders' Recycling Guide**  
is available to download in:

- Lithuanian
- Polish
- Russian
- Tetum
- Portuguese
- Slovak
- Bulgarian

**Visit** [www.midulstercouncil.org/recycling](http://www.midulstercouncil.org/recycling)  
**Call** 03000 132 132

<b>Report on</b>	Procurement Framework for Testing, Inspection, Repair and Supply of Fire Extinguishing Installations and Equipment
<b>Reporting Officer</b>	Terry Scullion, Head of Property Services
<b>Contact Officer</b>	Eamon McDonnell, Technical/Compliance Officer

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

<b>1.0</b>	<b>Purpose of Report</b>
1.1	To seek member's approval for Council to avail of fire safety products and services from an established public procurement framework (ESPO).
<b>2.0</b>	<b>Background</b>
2.1	The Council has approx. 48 properties across the estate, and 150 vehicles including diverse plant which require servicing, repair and some replacement of fire safety equipment on an annual basis. Supply and maintenance is important to compliance with current fire legislation.
2.2	Recently suppliers have been provided on a quotation basis were legacy suppliers have been unable to retain quoted prices. As a result service the service been maintained. However a more sustainable procurement approach is required for longer term retention of such services.
<b>3.0</b>	<b>Main Report</b>
3.1	Rather than pursue a public procurement exercise and a tested framework contract is available from ESPO to provide the services Council require. This framework agreement is for Fire Safety Products and Services for UK public sector bodies including Schools and Academies, Local Authorities, Police & Emergency Services, NHS and HSC Bodies, Central Government Departments & their agencies and Registered Charities.
3.2	The framework has four customer package options: (supply only), (service only – fully Inclusive), (service only – semi-inclusive) and (service only – basic). Similar to other frameworks utilised by Council, the framework has the potential for reduced pricing via aggregation of volume of those on the framework. The framework period extends fromm January 2016 to January 2019, with an extension option to January 2020.
3.3	The Council has used a procurement frameworks to purchase equipment and services in the past with good effect. Purchasing from the ESPO for the Testing, Inspection, Repair and Supply of Fire Extinguishing Equipment is considered to be viable and adheres to Council's procurement policy requirements.

<b>4.0</b>	<b>Other Considerations</b>
4.1	<p><b><u>Financial &amp; Human Resources Implications</u></b></p> <p>Financial: Costs for Testing, Inspection, Repair and Supply of Fire Extinguishing Equipment are included within facility or maintenance budgets, and financial estimates for 18/19.</p> <p>Human: Officer time to arrange set up the contract with a local provider and access to fire safety equipment across the estate and fleet.</p>
4.2	<p><b><u>Equality and Good Relations Implications</u></b></p> <p>None.</p>
4.3	<p><b><u>Risk Management Implications</u></b></p> <p>The availability of fire safety equipment across the Council estate and fleet, and annual maintenance of same is essential to comply with current fire safety legislation to manage fire risk and adherence to insurance requirements.</p>
<b>5.0</b>	<b>Recommendation(s)</b>
5.1	Members are asked to approve the recommendation to use the ESPO Framework for Testing, Inspection, Repair and Supply of Fire Extinguishing Equipment.
<b>6.0</b>	<b>Documents Attached &amp; References</b>
6.1	None

<b>Report on</b>	Grounds Maintenance - Seasonal Planting Display requests
<b>Reporting Officer</b>	Terry Scullion, Head of Property Services
<b>Contact Officer</b>	Nat Woodside, Grounds and Cemeteries Manager

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

<b>1.0</b>	<b>Purpose of Report</b>
1.1	<p>For members to consider a request for Seasonal Planting Displays for the following:</p> <p>a) The Girls Brigade (NI) to mark the 125<sup>th</sup> anniversary of the Girls Brigade, and</p> <p>b) Tobermore Boys Brigade to mark their 60<sup>th</sup> anniversary</p>
<b>2.0</b>	<b>Background</b>
2.1	The Girls Brigade (NI) are celebrating their 125 <sup>th</sup> anniversary and as part of the celebration they are requesting all Councils to display a flower bed depicting their crest in a prominent location (see Appendix 1).
2.2	A local request has been made from Tobermore Boys Brigade for an existing flower bed that is planted and maintained by Council bed in front of the primary school to be planted to mark their 60 <sup>th</sup> anniversary.
2.3	In March 2016 a similar request was received from Dungannon Rotary Club to mark their 60 <sup>th</sup> Anniversary. A replacement tarpaulin was branded with their livery and installed at the M1 Gateway to Dungannon near Stangmore Roundabout, rather than seasonal planting to acknowledge the anniversary.
<b>3.0</b>	<b>Main Report</b>
3.1	While a policy is not in place for such requests, it is not uncommon to work with local stakeholders on seasonal planting scheme (e.g. Planting with school communities for Eco-Schools programmes, village groups with planting in return for maintenance support, etc). It may be an option for the two organisations to provide volunteers to take part in planting in partnership with council, and commit to maintenance of same for the season.
3.2	Alternatively it may be an option to seek payment for the creation of a Special Floral Displays similar to the arrangements applied to installations in Council's Memorial tree and Benches policy.
3.3	If members agree to proceed with either request in order to ensure maximum impact to it is recommended planting the display on an elevated bed. This may require the fabrication

	of a frame in order to hold the planting design on the slope. Consideration of planting in any location will also require a streetworks survey in order to safely carry out planting, preparation and regular maintenance. Depending on the location and the type of arrangement it may require consultation with Transport NI.
<b>4.0</b>	<b>Other Considerations</b>
<b>4.1</b>	<p><b><u>Financial &amp; Human Resources Implications</u></b></p> <p>Financial: Fabrication of metal racking and purchase of seasonal flowers is estimated at approx. £800 per bed, however this would be subject to the scale of the bed and site suitability. Seasonal planting provision for existing beds is subject to 18/19 financial year estimates.</p> <p>Human: This project will require staff time to facilitate the request which would include design and installation. Additional resource would be required in order to carry out maintenance activities.</p>
<b>4.2</b>	<p><b><u>Equality and Good Relations Implications</u></b></p> <p>It should be noted that no expressions of interest were sought from any other organisations or groups in the district. There is no current policy or programme in place to for such requests and these are currently dealt with on an ad-hoc basis.</p>
<b>4.3</b>	<p><b><u>Risk Management Implications</u></b></p> <p>N/A</p>
<b>5.0</b>	<b>Recommendation(s)</b>
5.1	Members are requested to note the content of the report and advise how they wish to proceed
<b>6.0</b>	<b>Documents Attached &amp; References</b>
6.1	Appendix 1 Letter From Girls Brigade (NI) and Image



To whom it may concern,

In 2018, Girls' Brigade NI (GBNI) will be celebrating their 125<sup>th</sup> Anniversary and we wish to arrange to have a number of flower bed displays across the province celebrating this great achievement.

GBNI is the largest youth organisation in Northern Ireland, reaching thousands of girls between the age of 3 and 18 from all different backgrounds and communities. In 2018, we will be celebrating the 125<sup>th</sup> Anniversary of Girls' Brigade. Throughout 2018 we are hosting various celebrations, activities, weekends and events in order to celebrate and commemorate. As part of this celebration we are aiming to have a flower bed in each council district. We would love for the Mid Ulster council area to have a flowerbed dedicated to our organisation especially because of the large number of GB companies that meet in your area.

We have already been in contact with Nat Woodside from your maintenance team and have been advised to put our request in writing. We appreciate you taking time to consider our request and appreciate the funding for the flower bed. We are looking forward to seeing the flowerbeds across the province celebrating this great anniversary.

As requested, we have attached an idea for the graphics design for the flowerbed, we are aware that this design may have to be altered. We have not used the crest as you advised as it would be difficult to replicate.

We are happy for the flower bed to be in a location of your choice. However, if you require us to pick the location, please let us know.

We would very keen to work with your media and marketing unit to arrange some PR once the flowerbed is ready.

Thank you for your help and support in organising and carrying out this task, please do not hesitate to contact us if we have missed any detail or if you need anything else.

Yours sincerely,

*Laura Kelso*

Enc.

**Girls' Brigade Northern Ireland**

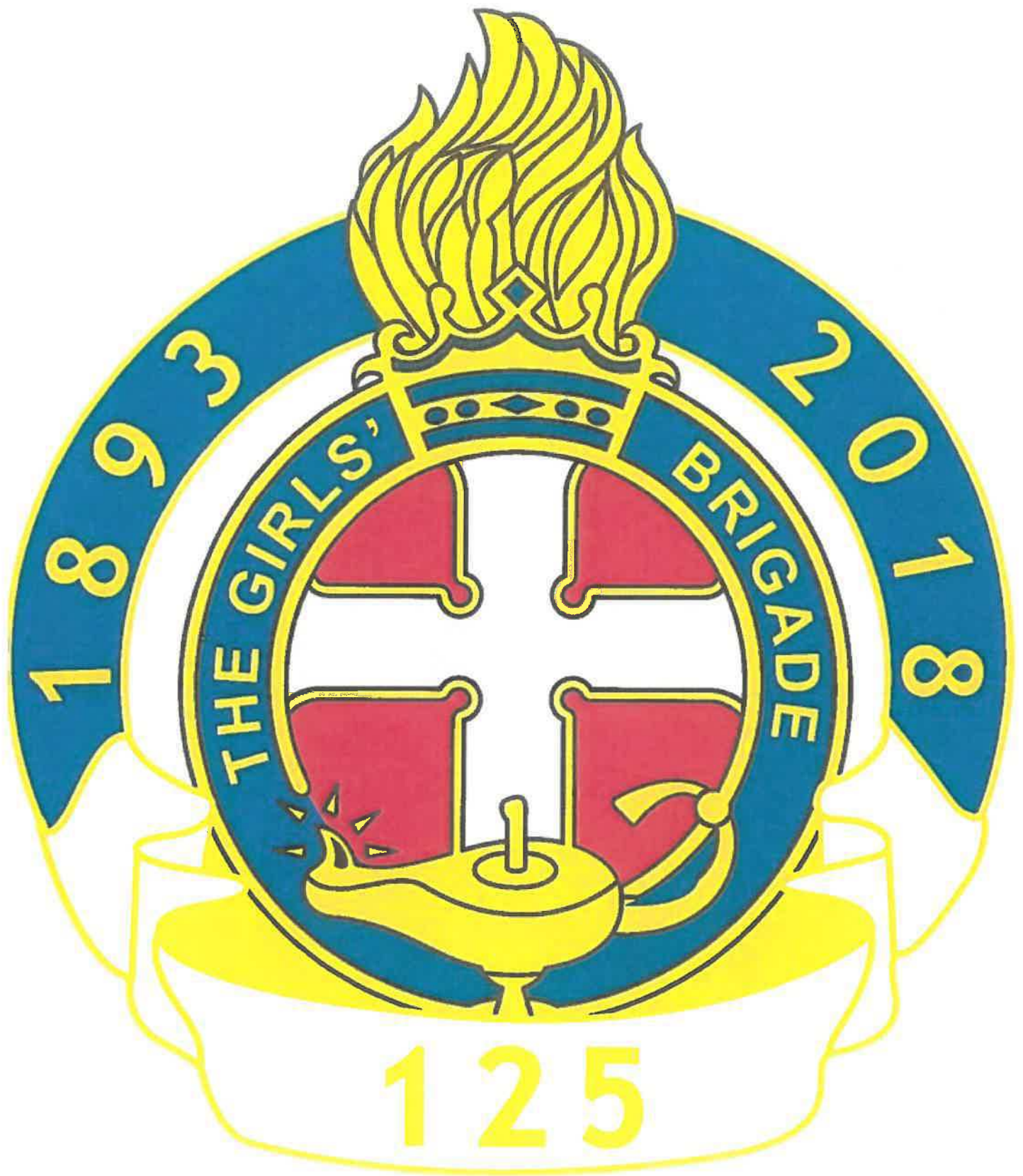
C2 Kilbegs Business Park  
Fergusons Way, Antrim, BT41 4LZ

tel: 028 9454 8054 email: [info@gbni.co.uk](mailto:info@gbni.co.uk)  
website: [www.gbni.co.uk](http://www.gbni.co.uk) shop: [www.gbnishop.co.uk](http://www.gbnishop.co.uk)

Patron - Lynda Bryans

The Girls' Brigade Northern Ireland is registered as a company limited by guarantee in Northern Ireland No. NI058531, registered with The Charity Commission for Northern Ireland NIC100405 and recognised as a charity for tax purposes by HMRC Reference No. XR34309. VAT Registration No. 254684143







<b>Report on</b>	Maintenance Activities on Roundabouts and Carriageways within the District
<b>Reporting Officer</b>	Terry Scullion, Head of Property Services
<b>Contact Officer</b>	Terry Scullion, Head of Property Services

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

<b>1.0</b>	<b>Purpose of Report</b>
1.1	To advise Members of the Health and Safety issues relating to the provision of grounds maintenance and other Council services frequently undertaken on dual carriageways, rural and trunk roads (including roundabouts) in the Council area; and put forward options to ensure compliance with these requirements for staff and contractors.
<b>2.0</b>	<b>Background</b>
2.1	Council are required under The Litter (Northern Ireland) Order 1994 to ensure that the land or roads for it is responsible are, in so far as is reasonably practicable, kept clear of litter. Whilst there is no such similar provision for grass cutting or planting on arterial routes, rural roads etc, Council provide this service within the District.
2.2	Members will also be aware of Council's obligation under the Health and Safety at Work (Northern Ireland) Order 1978 to ensure the safety of employees, contractors and the wider public at all times.
2.3	Routinely over many years Council has been maintaining rural roads in relation to grass cutting, planting, maintenance of bus shelters, litter clearance, etc. For the majority of roads these works were carried out on a 'rolling' basis with advisory signage deployed advising motorists that such work was taking place and with a Council vehicle used to provide protection for the employee(s) working on foot or by the roadside.
2.4	In response to safety concerns from LASAN (Local Authority Safety Advisory Network), with the endorsement of the HSENI, they produced formal Guidance in the form of a document entitled 'Safety at Street works and Road works Guidance' (Appendix 1). The document primarily focuses on traffic related issues associated with manual and mechanical activities carried out by Councils. The document goes on to discuss temporary traffic management, monitoring issues as well as the supervision and the training of staff.

2.5	In addition to the above Councils must also take due cognisance of The Traffic Safety Measures and Signs for Road Works and Temporary Situations – commonly known as Chapter 8.
2.6	Council in consideration with this Guidance have had many frontline staff trained in basis traffic management awareness, to levels T1 and T2. Supervisors trained to T6, and Managers to T7 to help with compliance. With further training planned in the coming weeks to address remaining staff gaps.
2.7	The Guidance also sets out the measures that should be taken to protect staff during these operations including signage, traffic restrictions, speed limits etc. On main arterial routes, roundabouts and dual carriageways it poses additional hazards for those engaged in typical maintenance activities, and require that Council undertake appropriate risk assessments and put in place robust control measures to protect staff. This may include applying temporary lane closures, speed restriction etc, all of which must be agreed in advance with TNI.
<b>3.0</b>	<b>Main Report</b>
3.1	In consideration of the issues as stated above Council is required to have appropriate health and safety measures in place in advance of undertaking grounds maintenance and other Council response services on the carriageway ensuring the protection of both employees and members of the public.
3.2	To ensure the matters raised by LASAN and the HSE were addressed properly Council officers engaged a traffic management specialist to advise on the appropriate sections of Chapter 8 and the LASAN Guidance, and to provide an informed professional insight into the relevant issues on traffic management, particularly in relation to grounds maintenance activities.
3.3	Arising from this is that training gaps among staff are being addressed during February and March. In addition there is a need to develop and implement an Safety Action Plan to address specific health and safety concerns on an individual road basis where works exceed 15mins (e.g. Roundabouts).
3.4	A review of such all such locations where grass cutting, planting, weeding, watering, etc occurs across the district with the intention of progressing with operations where its deemed safe to do so.
3.5	The traffic management specialists also advised that the signing of works on high-speed dual carriageways should be carried out by an external specialist Traffic Management company due to the high-risk nature of this work. On some occasions it may be possible to coordinate activities with Transport NI if undertaking any planned maintenance, if it's necessary for any Council maintenance.
3.6	<p>An area of significant concern is the maintenance of roundabouts on 60mph carriageways in the district maintained as per Council's Grounds Maintenance Delivery Outcomes Standards namely:</p> <ul style="list-style-type: none"> <li>• Castledawson Roundabout,</li> <li>• Magherafelt By pass roundabouts,</li> <li>• Dungannon Road Roundabout, Cookstown</li> <li>• Stangmore Roundabout, Dungannon</li> </ul>

	<ul style="list-style-type: none"><li>Ballygawley (Old Roundabout), Ballygawley</li></ul>																				
3.7	The Tamnamore roundabout was maintained up until last season, however it has been excluded from safety considerations as it is actually outwith of the area included in Council's Grounds Maintenance Delivery Outcomes Standards agreed in 2017, and will therefore not be maintained by Council in the 18/19 growing season.																				
3.8	Any Council led Grounds maintenance activities in these locations should be undertaken in accordance with the standards as set out in Chapter 8 and the Red Book code of Practice, as modified by IAN 115/08. To safely adhere to these safety standards, and retain the quality standard of grounds maintenance at these roundabouts the lowest risk period for Council to carry out this work is either during the night or on Sundays when traffic levels are lowest to reduce the risk to staff, based on the current system of work. The consequence is an increased cost to maintain the quality standard of maintenance.																				
3.9	Following the completion of training as detailed above all other works on high speed rural roads that are regarded as less high risk and roads with speed limits of 40mph and under will be undertaken by suitably trained and equipped in-house staff.																				
3.10	In consideration of the above the officer team have been reviewing and considering the options for continued grounds maintenance of roundabouts and dual carriageway areas:																				
3.11	<table><tr><th>No cuts per season</th><th>In-house cut within core hours (£)</th><th>External contractor within core hours (£)</th><th>In-house cut outside core hours (e.g. Sunday) (£)</th><th>External contractor outside core hours (e.g. Sunday) (£)</th></tr><tr><td>7</td><td>2,492.91</td><td>2,257.50</td><td>4,506.18</td><td>4,147.50</td></tr><tr><td>14</td><td>4,985.82</td><td>4,515.00</td><td>9,012.36</td><td>8,295.00</td></tr><tr><td>21 (17/18 standard)</td><td>7,478.73</td><td>6,772.50</td><td>13,518.54</td><td>12,442.50</td></tr></table>	No cuts per season	In-house cut within core hours (£)	External contractor within core hours (£)	In-house cut outside core hours (e.g. Sunday) (£)	External contractor outside core hours (e.g. Sunday) (£)	7	2,492.91	2,257.50	4,506.18	4,147.50	14	4,985.82	4,515.00	9,012.36	8,295.00	21 (17/18 standard)	7,478.73	6,772.50	13,518.54	12,442.50
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3.12	It should be noted that all such areas are the responsibility of Transport NI to maintain and costs are not reimbursed to Council following the withdrawal of funding by Transport NI at the start of the 2015/16 growing season.																				
3.13	A further consideration for Members should to be aware of is that in late 2016 Council agreed to commit approx. £15,000 to TNI for the installation of a Public Art Gateway Feature at Castledawson roundabout. See scheme sketch plans in Appendix 2. Subsequently a pre-condition of the scheme by TNI is that Council enter into a maintenance agreement associated with the proposed scheme in terms of grounds maintenance, litter clearance and other associated maintenance.																				
4.0	Other Considerations																				
4.1	<p><b><u>Financial &amp; Human Resources Implications</u></b></p> <p>Financial:</p> <p>Undertake grass cutting work at the roundabouts and other high speed carriageway areas for the 18/19 growing season through a third party contractor to the same frequency and standard as the 17/18 growing season, subject to being compliance with the in accordance with the standards as set out in Chapter 8 and the Red Book Code of</p>																				

	<p>Practice.</p> <p>Provision for grass cutting is subject to 18/19 financial year estimates, however no provision has been made to carry this work out through an external third party. As a consequence it may be necessary to make a saving through a reduction in other discretionary grounds maintenance areas such as a reduction in the extent of seasonal planting and associated maintenance across the district.</p> <p>Human:</p> <p>Officer time to manage the contract, monitor safety compliance and manage the impact of re coordinating seasonal planting and associated maintenance across the district.</p>
<b>4.2</b>	<p><b><u>Equality and Good Relations Implications</u></b></p> <p>N/A</p>
<b>4.3</b>	<p><b><u>Risk Management Implications</u></b></p> <p>Council has a duty of care to staff and the public to mitigate against such risks and put adequate management systems in place if undertake such work to avoid injury or claims.</p>
<b>5.0</b>	<b><u>Recommendation(s)</u></b>
<b>5.1</b>	<p>Members are requested to note the content of this report and recommendation to:</p> <ul style="list-style-type: none"> <li>• Continue maintaining the areas detailed to the same standard as the 17/18 season, however through a third party contractor to manage safety compliance at an approximate cost of £6,772.00, subject to a cost saving in another area of grounds maintenance, and</li> <li>• Approval to enter into discussions with Transport NI to more fully consider maintenance responsibilities associated with the installation of the Public Art Gateway feature at Castledawson roundabout.</li> </ul>
<b>6.0</b>	<b><u>Documents Attached &amp; References</u></b>
<b>6.1</b>	LASAN Safety on Street and Road works Guidance
<b>6.2</b>	Public Art Gateway Feature Illustration and Block Plan at Castledawson Roundabout

# **Safety at Street Works and Road Works Guidance**



## **Key Question**

***Ask yourself this question:***

***“Will someone coming along the road or footway from any direction understand exactly what is happening and what is expected of them?”***

## **Contents**

- 1. Introduction**
- 2. Definitions**
- 3. Council Activities applicable**
- 4. Decision Flowchart**
- 5. Risk Assessment**
- 6. Training**
- 7. PPE**
- 8. Equipment**
- 9. Vehicle Conspicuity**
- 10. References**

## **Appendix**

- **Sample Risk Assessment**
- **Sample Safe System of Work**
- **Safety At Street Works and Road Works Code of Practice**

## 1.0 Introduction

This document has been created to offer best practice guidance to Northern Ireland Local Authorities that perform work activities on or beside Public highways. Its guidance is based upon Chapter 8 – Traffic Safety Measures and Signs for Road Works and Temporary Situations and the Safety at Street Works and Road Works a Code of Practice.

A Working Group was commenced by LASAN with Representation from Castlereagh Borough Council, Dungannon & South Tyrone Borough Council, Newry & Mourne District Council, North Down Borough Council and the Health and Safety Executive Northern Ireland. The groups remit was to assess the work activities that Local Authorities perform on or beside Highways and offer best practice guidance. This document does not take the place of Chapter 8 or Safety at Street Works and Road Works ACOP but aims to guide local authorities of their duties and put in place best practice and tools to enable the safety of staff and members of the public.

Attached within the appendix are sample risk assessments, sample site plans and safe systems of work to assist Local Authorities in developing Safe operating Procedures.

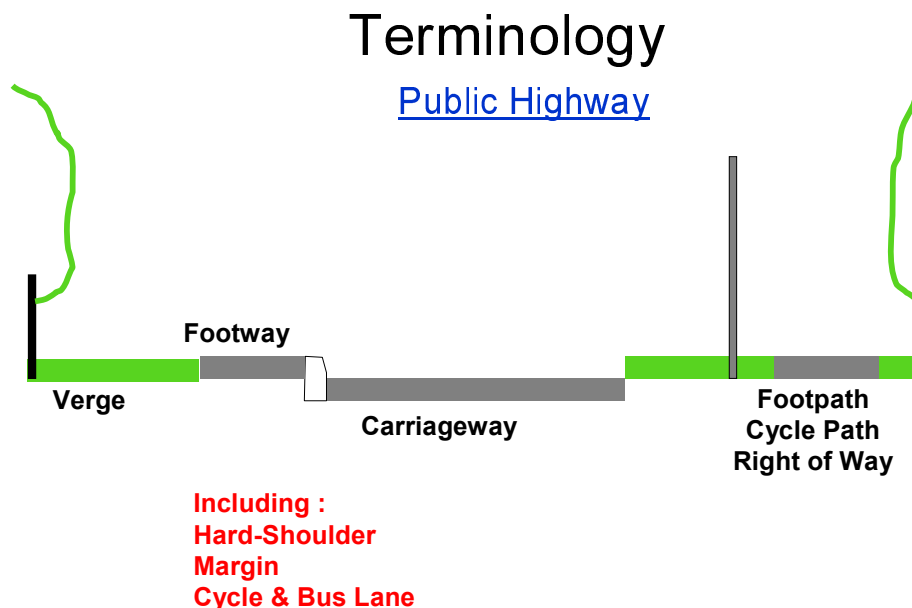
A PDF version of the Safety at Street Works and Road Works ACOP is also contained to be used as a practical aid for the development and ongoing management of site plans and Temporary Traffic Management.

### **Conditions to avoid**



## 2.0 Definitions

The terminology of Public Highway is shown below, the Public Highway encompasses the whole area as indicated below, commencing from the verge, footway, the main carriageway and any other footpaths and cycle paths.



**Road Works:** defined as any works or temporary restrictions which cause partial or total obstruction of any road or highway, whether on the verge, hard shoulder, footway, cycleway, bridleway or carriageway. Examples may include highway improvement schemes, excavations, structural or maintenance works of any kind, street works or any other work executed on or near the highway together with the necessary working space, safety zones, space required for the storage of any materials, the construction of any temporary structures and the operation of any constructional plant required for the execution of such work, including associated surveys and inspections.

**Verge:** \_\_\_\_\_ The verge is the area situated between the earth works slope or highway boundary and either the back of the hard shoulder or the edge of the carriageway.

**Hard Shoulder:** The hard shoulder is the area provided adjacent to the near side of the carriageway to offer a place for vehicles to stop in emergencies clear of main line traffic.

**Live Lane:** A traffic lane that does not form part of the works area or safety zone. Unless signing advises to the contrary, the hard shoulder should not be classified as a live lane.

**High Speed Dual Carriageway:** A dual carriageway road which is subject to a permanent speed limit of 50mph or more.



**Short, medium and long duration stops on the hard shoulder:** The following definitions include any work activity or any vehicle parked on or encroaching on the hard shoulder:

- Short duration; up to 15 minutes
- Medium duration; up to 90 minutes
- Long duration; over 90 minutes

**Stops on the verge:** The following definitions include any work activity or any vehicle parked on the verge

- Short duration; up to 15 minutes
- All others; over 15 minutes

**Works area:** The works area is the excavation, area that the work activity is being performed in.

**What is the working space:** The working space is the space around the works area where you will need to store tools, excavated material, equipment and plant, etc. It is also the space that you need to move around in to do the job.

You must leave enough working space to make sure that the movement and operation of the plant (e.g. swinging of jibs and excavator arms) is clear of passing traffic and is not encroaching into the safety zone, or adjacent footway or cycle track.

**What is the Safety Zone:** The safety zone is the zone provided to protect staff from traffic and to protect the traffic from staff activities.

***You must not enter the safety zone in the normal course of work. Materials and equipment must not be placed in the zone. You will need to enter the zone only to maintain cones and other road signs.***

The Safety Zone is made up of:

- **The length of the lead-in taper of cones (T)**

This will vary with the speed limit and the width of the works.

- **The longways clearance (L)**

This is the length between the end of the lead-in taper of cones (T) and the working space. It will vary with the speed limit.

- **The sideways clearance (S)**

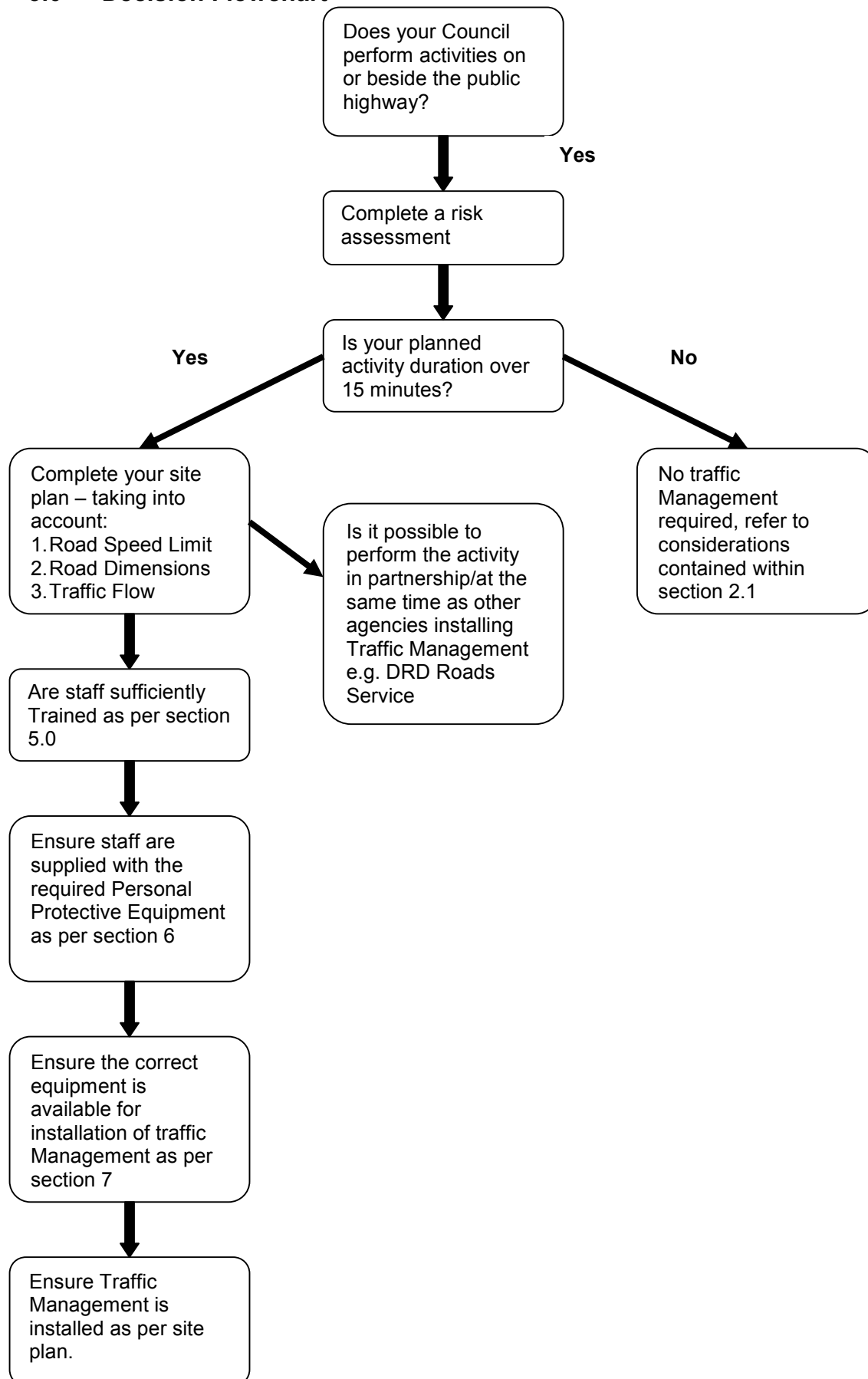
This is the width between the working space and moving traffic. The sideways clearance is measured from the outside edge of the working space to the bottom of the conical sections of the cones on the side nearest to the traffic. It will vary with the speed limit.

- **The exit taper**

This is always at 45° to the kerb-line or road edge.

Visual examples of the work area and safety zones can be found on pages 8, 9 & 10 of the Safety at Street Works and Road Works ACOP.

### 3.0 Decision Flowchart



## 4.0 Council Activities Applicable

The requirements to manage local authority works in the highway will be dependant on the speed of the road and the duration of the works, i.e. short duration or not.

The following list is not exclusive but a common range of Council activities that this guide may be applicable to.

<b>Fixed Works</b>	<b>Moving Works</b>
Planting	Litter Picking
Strimming	Street Sweeper
Grass Cutting	Spraying
Weeding	Waste Collection
Street Signs and Street Furniture	Watering of Hanging baskets/plants

Any works planned for hard shoulders or roadside verges needs to plan for:

- The length of time to carry out the work;
- Traffic volumes and patterns, including peak traffic flow information;
- Worker visibility, including if carried out in the hours of darkness;
- Available Parking locations, including the number of vehicles required;
- Getting in and out of the work location;

### **4.1 Fixed Short Duration Activities:**

Short Duration Activities (up to 15 minutes): NO TEMPORARY TRAFFIC MANAGEMENT IS REQUIRED, however a robust risk assessment is required taking into account Conspicuity of staff and traffic conditions.

Where short duration works are planned; i.e. up to 15 minutes, consideration must be given to the following:

- Carry out a Risk Assessment
- Plan to carry out work in periods of light traffic
- Ensure all staff are adequately trained, informed and supervised
- Carry out a site survey and plan prior to work
- If reduced visibility (weather conditions) do not embark on works
- When possible face oncoming traffic and work at least 18m from the front of the works vehicle
- Get in and out of the vehicle and load and unload tools and equipment from the nearside if possible

Note: If 1.2m distance from live lane cannot be achieved alternative temporary traffic management arrangements should be made.

## **4.2 Fixed Longer Duration Activities:**

If works/activities are longer than 15 minutes: TRAFFIC MANAGEMENT IS REQUIRED. Ensure a site risk assessment and site survey performed to identify the appropriate Temporary Traffic Management requirements.

## **4.3 Mobile/Moving Works**

Mobile/Moving works are those works which involve a vehicle or work team either standing for a short duration or operating at low speed along the carriage way where mobile lane closures are in-appropriate.

Examples of Council activities can be found in section 4.0.

Where a vehicle is deployed in Mobile/Moving works then that vehicle shall be equipped with a vehicle mounted “keep left/right” sign conspicuously on the rear or front of the vehicle as appropriate to show approaching drivers which side to pass. The sign should be covered when the vehicle is moving to or from the work area. See section 8 for further vehicle Conspicuity requirements.

Where Mobile/Moving Works are performed by work men without vehicles i.e. litter picking on the road then advance warning to traffic in each direction should be given by a “road works” sign with a supplementary plate with the activity and a “road narrows” sign.

With all these activities the following considerations must be given

- Carry out a Risk Assessment
- Plan to carry out work in periods of light traffic and low risk
- Ensure all staff are adequately trained, informed and supervised
- Carry out a site survey and plan prior to work
- If reduced visibility (weather conditions) do not embark on works

## **5.0 Risk Assessment**

While Local Authorities across Northern Ireland perform similar operation as per section 4.0, the environment that these are performed in differs greatly across the province. These differences will determine what levels of control are required when performing the risk assessment.

Considerations when performing the risk assessment should contain the following:

1. Speed Limit of the Carriageway
2. Type of carriage way i.e. single or dual carriageway.
3. The width of the carriageway
4. Work activity, and its impact upon the traffic.

5. The amount of traffic on the carriageway
6. Works vehicles and parking locations
7. Pedestrian access

Other considerations must also include whether it's possible to alter the activity or perform it in partnership of other agencies. If for example the activity is cutting grass or litter picking roads, then there is opportunity to link this work in with the Roads Service and utilise their expertise in signing, lighting and guarding or remove the activity. A further opportunity may be to use Road Service equipment to avoid the expenditure of purchasing. Sample risk assessments have been included in the appendices to assist in their development.

When attempting to assess the need for Temporary Traffic Management, similar considerations are required to decide upon the appropriate method. Training is an essential requirement to ensure that any such arrangements are performed correctly. Further assistance on assessment of Temporary Traffic Management can be found in appendix 1 of [http://www.ukas.com/library/Technical-Information/Pubs-Technical-Articles/Pubs-List/NHSS12D\\_%20Dec\\_2009.pdf](http://www.ukas.com/library/Technical-Information/Pubs-Technical-Articles/Pubs-List/NHSS12D_%20Dec_2009.pdf)

A Site Plan survey plan template has been included in the appendix to assist with the assessment and identification of Temporary Traffic Management.

## 6.0 Training

There are two different training schemes relating to working on or beside the highway. These are the (NRSWA) Street Works Scheme and the (NHSS) 12A, 12B, 12C and 12D Sector Scheme.

Dependent upon the risk assessment and Site Plan outcomes will indicate which scheme provides the adequate level of training for the activity your traffic management work activities are located at low speed/risk locations, the street works Scheme may be suitable. Where your activities involve mobile works or traffic management on high speed dual carriageways with hard shoulders then the NHSS 12D scheme will be required.

### **Street Works Qualifications for Supervisors and Operatives:**

Under the New Roads and Street Works Act (1991) (NRSWA), the installation, renewal, maintenance and inspection of underground apparatus in any street or roads must be under the control of competent people. The training applies to all highways and roads except motorways and dual carriageways with hard shoulders

This means that street works will be supervised by a qualified street works 'supervisor'. In addition, whether the street is excavated or not, a 'trained operative', with an 'operative' qualification must be present on site at all times when the work is in progress. One person may not cover the operative and supervisor roles for a site at the same time.

If you are working or supervising works in the highway, you could be required to hold one or more of the Street Works qualifications, depending on your job role.

There are sixteen units of competence for operatives and supervisors. Nine units are applicable to operatives and eight to supervisors. One of these units (Unit 1) applies to both groups.

Unit 2 Signing, Lighting and guarding for operators and Unit 10 Monitoring signing, lighting and guarding for supervisors provide training for Temporary Traffic Management. Both take a day to complete and on completion the trainee will be placed upon the Street Works register.

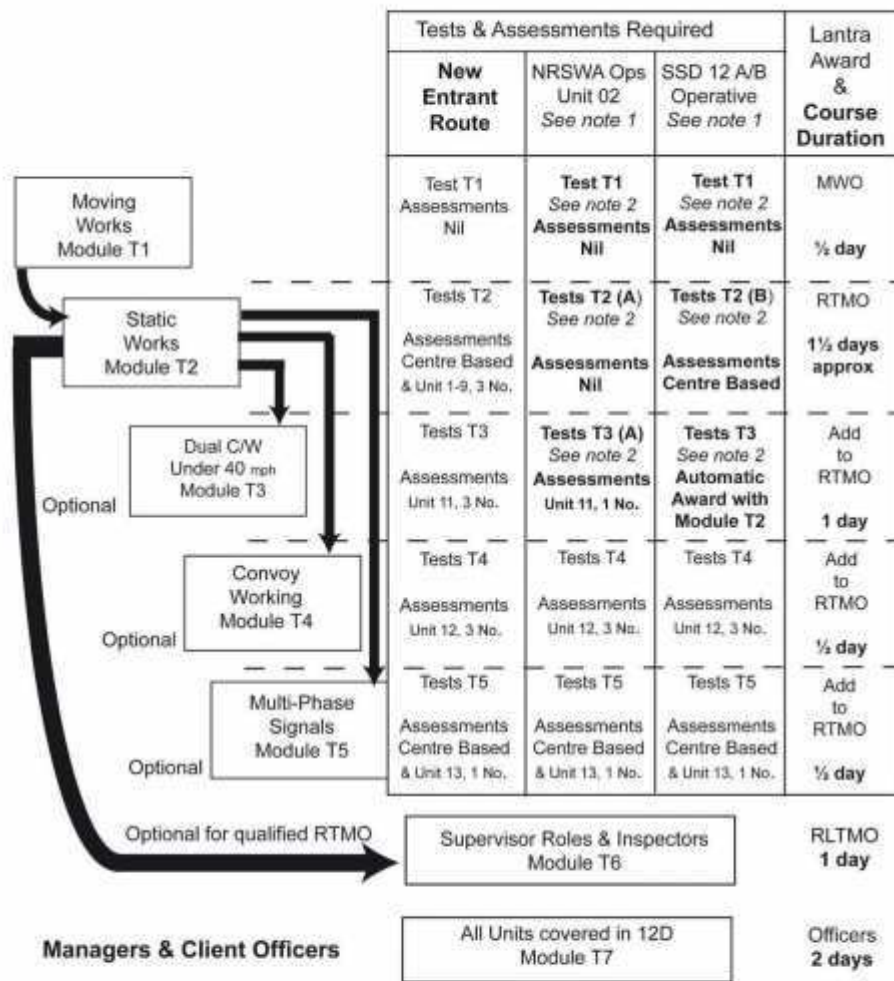
### **National Highway Sector Schemes 12D:**

National Highway Sector Schemes 12D Installing, maintaining and removing temporary traffic management on rural and urban roads is part of the nationally recognised training and competency assessment regime that is considered appropriate for the Highway Authorities road works traffic management activities.

NHSS 12D recognises the training assessment and accreditation for NRSWA Street Works, it provides for training and competency assessment beyond that required by the New Roads and Street Works Act (1991). It provides for training and competency assessment beyond that required by the 1991 Act including requirements for risk assessment and positive temporary traffic management for activities other than those covered in the act.

Similar to the Street works scheme, the NHSS 12D has a range of units that cover different elements of traffic management. These can be seen below in the Scheme sector 12 Route Map. On top of the formal training sessions, the 12D scheme also has a range of assessments at the training centre and on live roads prior to being certified.

## Scheme Sector 12D Route Map



**Note 1:** For Candidates requiring 12D with current certificates prior to 1 February 2005, and will only be available up to 31 August 2007

**Note 2:** Candidates following the Fast track route (in Bold) and failing to achieve 60% on relevant test, will be required to follow new entrant route.

## 7.0 PPE

Class 3 High Visibility Clothing conforming to BS EN471:1994 should be worn at all times. Jackets with sleeves must be worn on dual carriageways with a speed of 50mph or above. The colour should normally be fluorescent yellow with retro-reflective material should also comply with BS EN471:1994 Tables 2 & 5.

## 8.0 Equipment



## 8.1 Signs

- Advance Signs
- Road Works Ahead Sign
- Combination plates e.g. Grass cutting for men at work (
- Road Narrows Sign
- Keep Right/Keep Left Sign

End Sign: Indicates the end of the works, end of temporary restrictions, including speed limits associated with the works. It must be placed beyond works that are 50m or more in length, between the end of the

## 8.2 Cones and Lamps

Road Danger Lamps should be used at night on roads with a speed limit of 40mph or above, must not be higher than 1.5m above the road or 1.2m where the speed limit is more than 40mph.

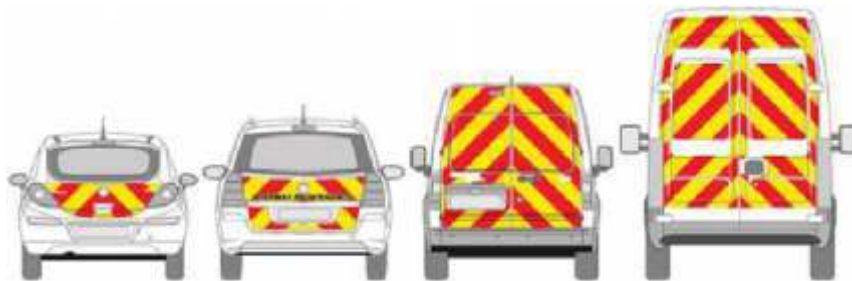
## 9.0 Vehicles and Conspicuity

Vehicles should be parked facing the same direction as the traffic flow; at least 0.5m away from the live lane in a manner that avoids obscuring sightlines. If this distance cannot be achieved, alternative temporary traffic management arrangements are required.

A roof-mounted flashing amber warning bar (comprising of two independent light sources) or two independent roof mounted flashing amber warning beacons visible through 360°, is to be used throughout the work period for short duration activities. For longer duration activities, the beacon should only be used when entering and leaving the works.

Any vehicle engaged in works on the highway not in an established work zone should be of a conspicuous colour.

In addition, on high speed roads, all vehicles stopping on the highway for work purposes or inspections shall be equipped with high visibility rear markings, examples can be seen below. Red retroreflective tape shall also be applied to all rear facing open doors, guardrails and equipment lockers.



Vehicles used for works purposes shall be identified by displaying to the rear the sign to diagram 7404 "HIGHWAY MAINTENANCE". The sign to diagram 7404 variant "MOTORWAY MAINTENANCE" may be used instead when working on motorways only.



Works vehicles should be kept clean to maintain conspicuity.

Motor vehicles with a maximum gross weight exceeding 7.5 tonnes and trailers with a maximum gross weight exceeding 3.5 tonnes must be fitted with rear markings in accordance with the Lighting Regulations. Further information on this can be found at:

<http://www.dft.gov.uk/vosa/repository/FTA%20DfT%20Conspicuity%20Guide.pdf>

## **10.0 References**

Safety at Street Works and Road Works – a Code of Practice (the Red Book)

Chapter 8 of the Traffic Signs Manual 2006 (Chapter 8)

Section 2.1 C8 Appendix 4 – Inspection Stops in Northern Ireland

C8 8.3 Inspection Stops

Guidance for Works on the Hard Shoulder and Road Side Verges on high Speed Dual Carriageways

Temporary Traffic Management on High Speed Roads – Good Working Practice

National Highway Sector Scheme 12D – Sector Scheme Document for installing maintaining and removing temporary traffic management on rural and urban roads

## **Site Plan Survey**

**Location** \_\_\_\_\_.

**Survey Completed by:**

**Date:**

<b>Type of Carriageway</b>	
<b>Speed Limit</b>	
<b>Carriageway Width</b>	
<b>Footway Width</b>	
<b>Site Length</b>	
<b>Position of proposed works (footway/Carriage way)</b>	
<b>Traffic Flow Over 3 Minute Period</b>	
<b>Duration of Works</b>	
<b>Unusual Features</b>	

**Indicate in the Boxes below how many of each item is required**

<b>Description of Equipment</b>	<b>Quantity</b>
<b>Road Works Ahead</b>	
<b>Road Narrows (from left)</b>	
<b>Road Narrows (from right)</b>	
<b>Keep Right Blue Arrow</b>	
<b>Keep Left Blue Arrow</b>	
<b>Stop and Go Boards</b>	
<b>Road Works End</b>	
<b>Cones</b>	
<b>Sand Bags</b>	
<b>Other (specify Below)</b>	

***To be marked upon the Work area site drawing***

<b>Activity</b>	<b>Street-works for the Park section</b>
-----------------	------------------------------------------



<b>Site</b>	Various Sites	<b>Reference</b>	T&E/066/PS/Streetworks
<b>Department</b>	OSU	<b>Revision</b>	01
<b>Assessor</b>		<b>Signature</b>	
<b>Manager</b>		<b>Signature</b>	
<b>Assessment Date</b>		<b>Review Date</b>	

<b>Severity/Hazard</b>	
Death	5
Severe illness or injury	4
Significant Injury	3
Minor injury	2
Nuisance	1

<b>Probability/Risk</b>	
Imminent	5
Very Likely	4
Likely	3
Possible	2
Unlikely	1

<b>Outcome (Severity x Likelihood)</b>	
20-25	Unacceptable
15-19	Very High
10-14	High
4-9	Normal
1-3	Low

No.	Hazard	Who is at Risk	Risk			Existing Controls (use bullet points)	Residual Risk			Further Controls Necessary? (9+)
			Severity	Likelihood	Risk		Severity	Likelihood	Risk	
1	Road Vehicles	Operator/ vehicle owners	5	4	20	<ul style="list-style-type: none"> <li>All work areas assessed and surveyed with clear instruction at each site</li> <li>Safe system of work in place and must be followed at all times</li> <li>Placement of roads signage and cones as per Chapter 8 legislation assessed and identified prior to activity taking place.</li> <li>Street works code of practice is to be used as the basis for all traffic management solutions.</li> <li>Placement of signage and cones to be performed by trained personnel to 12 D Parts 1 &amp; 2</li> <li>Safety zones for staff to be in place and maintained for the duration of the activity. Work activity is not to commence until the safety zones are established.</li> <li>Safety zones to be periodically checked to ensure they are in place</li> <li>PPE (HI-VIS) to class 3 standard to be worn by all staff during activity.</li> <li>Supervisors to monitor activities to ensure compliance with safe system of work.</li> <li>Staff must report any damaged/defective equipment immediately</li> <li>All operators must be Street works signing, lighting and</li> </ul>	3	2	6	Yes

No.	Hazard	Who is at Risk	Risk			Existing Controls (use bullet points)	Residual Risk			Further Controls Necessary? (9+)
			Severity	Likelihood	Risk		Severity	Likelihood	Risk	
						guarding trained •				
2	Parking of Council Vehicles	Operator/ vehicle owners	5	4	20	<ul style="list-style-type: none"> <li>All work vehicles/trailers must have chapter 8 hazard warning markings and signage as well as warning beacons.</li> <li>Warning beacons must be activated while parking and deploying.</li> <li>Safe system of work must be followed while parking vehicles.</li> <li>Vehicle operators must ensure parked vehicles do not inhibit pedestrian walk ways.</li> <li>Safety signage and cones must be stored correctly before transportation.</li> </ul>	3	2	6	Yes
3	Projectiles	Operator / vehicle owners / pedestrians	3	3	9	<ul style="list-style-type: none"> <li>Safety zones must be in operation prior to commencing activity.</li> <li>Operatives should walk the area to check for stones etc. prior to commencing work.</li> <li>Operators to take care when working close to the road area</li> <li>Operators should not allow the mower guards to go over the curb</li> <li>Operators to be aware of pedestrians and suspend work activities when required</li> </ul>	3	2	6	

No.	Hazard	Who is at Risk	Risk			Existing Controls (use bullet points)	Residual Risk			Further Controls Necessary? (9+)
			Severity	Likelihood	Risk		Severity	Likelihood	Risk	
4	Manual Handling	Operator	4	3	12	<ul style="list-style-type: none"> <li>Equipment to be stored upon trailer and brought to the road section where possible.</li> <li>Good manual handling techniques must be deployed whilst deploying safety signage, cones and work equipment.</li> <li>Mechanical aids to be used when possible</li> </ul>	3	2	<b>6</b>	
5	Incremental weather	Operator / Vehicle Owner	5	3	15	<ul style="list-style-type: none"> <li>Weather to be assessed before activity is commenced / where visibility for operators/vehicle owners is likely to be impaired then the activity must be suspended e.g. fog or heavy rain.</li> <li>All signage to be stabilized with sand bags / where windy conditions do not permit the safe standing of signage then the activity must be suspended</li> </ul>	3	2	<b>6</b>	



## Action Plan



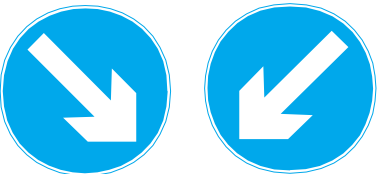
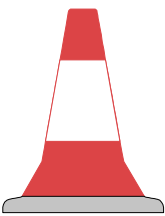

No.	Hazard	Action Required	By Whom	By When
1	Vehicles	Surveys of each work area to be performed		
2	Vehicles	Assessment of placement of roads signage and cones as per Chapter 8 legislation prior to activity taking place		
3	Vehicles/vehicle parking	All operators to receive street works signing, guarding and lighting training		
4	Vehicle Parking	All vehicles to have the appropriate chapter 8 signage and warning beacons installed		



## SAFETY SYSTEM OF WORK

### ROAD SAFETY PROCEDURES FOR WORKING ALONG PUBLIC HIGHWAYS

<b>Type of work:</b>	Maintaining green area beside public highways	<b>Reference</b>	T&ES/002/PS/SSW/ Streetworks
<b>Time of day work completed:</b>	Various	<b>Average duration:</b>	2 day
<b>Supervisor:</b>		<b>Relevant Documentation</b>	Risk Assessment - T&E/066/PS/Streetworks, Site Plan, Safety at Street Works and Road Works - A Code of Practice,
<b>Specialist skills or training required:</b>	12 D 7 Parts 1 & 2	<b>Is a permit to work required Y/N?</b>  <b>If “Yes”, what type?</b>	No
<b>Tools and equipment: (list)</b>	Road works signage, cones, enhanced vehicle and trailer with warning beacons, hazard markings and high way maintenance signage	<b>PPE and safety equipment: (list)</b>	All staff to where appropriate High Visibility clothing to Class 3 specification
<b>Significant risks associated with the task:</b>	<ul style="list-style-type: none"> <li>Vehicle collision with staff and/or work equipment</li> <li>Projectiles hitting passing vehicles and/or pedestrians</li> </ul>		
<b>Other factors that may affect the safe completion of the task:</b>	<ul style="list-style-type: none"> <li>Weather conditions that effect visibility of staff and vehicle users as well as high winds</li> </ul>		
<b>Safe Work Sequence</b>			
<b>Before</b>	<ul style="list-style-type: none"> <li>This safe system of work is designed to be followed in conjuncture with risk assessment ref: T&amp;E/066/PS/Streetworks and appropriate site plan indicating the location of traffic management</li> <li>Weather conditions must be assessed before commencement of activity with the supervisor, where visibility is effected by fog or heavy rain and/or high winds are present then the activity will be suspended in agreement with the supervisor.</li> <li>All staff must have the required PPE – High Visibility bottoms and tops to class 3 specification prior to commencing activity</li> </ul>		
<b>Parking</b>	<ul style="list-style-type: none"> <li>You must park your vehicle safely before you unload or set up signs. If you can't park it off the road make sure the vehicle can be seen clearly by other drivers. Turn on your roof-mounted amber beacon(s). Do not obstruct a footway or cycle track when parking off the road.</li> <li>You must park your vehicle at the designated parking area on the site plan</li> <li>If you can not do this then you must park your vehicle in a safe place. If you park in the road you must protect it from traffic going past Set up a 'Keep Right' sign at the outside corner of the vehicle, along with a Traffic Cone.</li> </ul>		

<b>Equipment required</b>	<div style="display: flex; justify-content: space-around; align-items: flex-start;"> <div style="text-align: center;">  Men at Work,         </div> <div style="text-align: center;">  Road narrowing to left or right         </div> <div style="text-align: center;">  Keep right or left         </div> </div> <div style="display: flex; justify-content: space-around; align-items: flex-start; margin-top: 20px;"> <div style="text-align: center;">  Cones         </div> <div style="text-align: center;">  Works ending         </div> </div>				
<b>Establishing the Safety zone</b>	<ul style="list-style-type: none"> <li>• If at all possible place signs so that they do not obstruct vehicles, cyclists, pedestrians or other road users</li> <li>• You are at greatest risk when setting out the signing and guarding, so great care is needed to ensure that you can see the traffic and the traffic can see you.</li> <li>• Wear your high visibility clothing (to class 3 standard) , putting it on before leaving the vehicle. It may be safer to get out of the vehicle on the passenger side, rather than stepping into the traffic stream</li> <li>• Make sure the roof-mounted amber beacon(s) are switched on and operating.</li> <li>• Ensure the cover is removed from the keep left or right sign.</li> <li>• Face the traffic when setting out signs, taking particular care when you are crossing the road to place signs.</li> <li>• Traffic management must be set out as per the site plan,</li> <li>• Signs, lights and guarding equipment must be secured against being blown over or out of position by the wind or by passing traffic, this is to be done with sand bags to provide balast.</li> <li>• Set out the traffic management in order as shown on pages 24 and 25 of the code of practice</li> </ul>				
<b>During</b>	<ul style="list-style-type: none"> <li>• Check regularly that signs have not been moved or damaged or become dirty, including when the site is left unattended for a period of time.</li> </ul>				
<b>After</b>	<ul style="list-style-type: none"> <li>• On completion of the works, ensure that all plant, equipment and surplus materials are removed promptly from the site. All signs, lighting or guarding equipment should be removed immediately.</li> <li>• Reverse the procedure for putting out the traffic management</li> <li>• Cones and signage must be collected single sided when performing activity on the dual carriageway i.e. the collection process goes up the left hand side of the road collecting, and then performs the same operation on the opposite side of the road. At no time should staff be crossing lanes to collect equipment.</li> <li>• Report any faulty equipment to your supervisor</li> </ul>				
<b>Risk assessments and other documentation relevant to work:</b>	T&E/066/PS/Streetworks				
<b>Safety procedure prepared by:</b>		<b>Signature:</b>		<b>Date:</b>	April 2012
<b>Safety procedure reviewed by:</b>		<b>Signature:</b>		<b>Date:</b>	
<b>Additional information:</b>					

This document should be distributed to all staff who are directly involved in the work, or who may be affected by it.

## SIZE AND SITING DISTANCE: DETAILS OF SIGNS AND CONES AND SAFETY ZONE DIMENSIONS

	Minimum and normal maximum siting distance (D) visibility of first sign in advance of lead-in	Minimum clear to first sign	Minimum size of signs (mm)	Minimum height of cones (mm)	Sideways Safety Zone (S)	Details of lead-in cone tapers (but see Notes below) Recommended lengths	Width of hazard (metres) including Safety Zone (S)						
							1	2	3	4	5	6	7
Single carriageway road, restricted to 30mph or less	20 to 45	60	600	450	0.5m	Length of taper (T) in metres	13	26	39	52	65	78	91
						Minimum No. of cones	4	4	6	7	9	10	12
						Minimum No. of lamps at night	3	3	5	6	8	9	11
Single carriageway road, restricted to speeds of 31 to 40mph inclusive	45 to 110	60	750	450	0.5m	Length of taper (T) in metres	20	40	60	80	100	120	140
						Minimum No. of cones	4	6	8	10	13	15	17
						Minimum No. of lamps at night	3	5	7	9	12	14	16
All-purpose dual carriageway road, restricted to 40mph or less	110 to 275	60	750	450	0.5m	Length of taper (T) in metres	25	50	75	100	125	150	175
						Minimum No. of cones	4	7	10	13	15	18	21
						Minimum No. of lamps at night	3	6	9	12	14	17	20
Single carriageway road, with speed limit of 50mph or more	275 to 450	75	750	450	1.2m	Length of taper (T) in metres	25	50	75	100	125	150	175
						Minimum No. of cones	4	7	10	13	15	18	21
						Minimum No. of lamps at night	3	6	9	12	14	17	20
All-purpose dual carriageway road, with speed limit of 50mph or more	725 to 1600	105	1200	750	1.2m	Length of taper (T) in metres	32	64	96	128	160	192	224
						Minimum No. of cones	5	9	12	16	19	23	26
						Minimum No. of lamps at night	4	8	11	15	18	22	25

Speed limit (mph)	30 or less	40	50	60	70
Minimum longways clearance (L) metres	1/2	15	30	60	100

### NOTES:

1. Lead-in tapers used with traffic control, and all exit tapers, shall be at about 45° to the kerb line with cones spaced 1.2 metres apart.
2. The maximum spacing distance of cones in longitudinal lengths of coning shall be 9 metres, but no fewer than 2 cones shall be used in any length between tapers.
3. In certain circumstances on congested roads with speed limits of 30mph or under, the taper may also be reduced to 45° (see page 7).



## APPENDIX

### Magherafelt Public Art – Artist Impression of Gateway Art, Castledawson Roundabout

View 1



View 2









<b>Report on</b>	Off Street Car Park Winter Maintenance
<b>Reporting Officer</b>	Terry Scullion, Head of Property Services
<b>Contact Officer</b>	Andrew Cassells, Director of Environment & Property

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

<b>1.0</b>	<b>Purpose of Report</b>
1.1	To consider treatment of Off Street Car Parks in Mid Ulster District following heavy snowfall or prolonged freezing.
<b>2.0</b>	<b>Background</b>
2.1	Following the transfer of 23 Off Street Car Parks to Council in April 2015, Council adopted the same position as Transport NI and agreed that the car parks wouldn't be treated following heavy snowfall or prolonged freezing.
2.2	As members are aware Council did not benefit financially from the transfer as the Council's grant was reduced by the net income from the off street car parks. There was no budget transfer from DRD in April 2015 to the Council in relation to Winter Maintenance of the car parks. The current Council position is that we do not carry any winter maintenance in any of the off street car parks and have no budget or the capacity in house to support any winter maintenance of the off street car parks.
2.3	Legal advice indicates that whether the Council charges, or not, (in relation to winter maintenance provision) for off street car parking it has no impact on the liability that may fall to the Council in this regard; they are all publically provided facilities.
<b>3.0</b>	<b>Main Report</b>
3.1	Following a review of current safety arrangements the main options are summarised below: <ol style="list-style-type: none"> <li>1. Do nothing (Status Quo)  This would include a continuation of the current risk based approach of control through signage to users to inform that the car park is not treated in ice or snow.</li> <li>2. Use in house resources to treat the car parks  This would incur additional cost of grit, staff time, plant and equipment, fuel. This would take frontline resources from other duties and a potential loss of service away from planned work. With the current working patterns of staff (approx 8am-4pm</li> </ol>

	<p>Monday to Friday) there would be a significant limitation to the work pattern required to be effective at gritting as the off street car parks are accessible 24/7.</p> <p>3. Engage with DfI (Transport NI) to grit as per their Schedule route and pay as you go</p> <p>Indications from Transport NI locally advised that their gritting teams, fleet and routes are at capacity and they would limited scope to provide a consistent service in relation to car park treatment. This would only be feasible where the car park was adjacent to a DfI Roads Gritting Route.</p> <p>4. Engage with the a third party contractor to carry out as required, or provide a fully monitored service</p> <p>A third party Contractor could provide a reactive Gritting and Snow Clearing Service, 24 hours per day, 7 days per week during the winter season. The contractor could monitor the temperatures through Daily Met Office Weather Report for each area and react depending on pre agreed trigger conditions being met. This would determine treatment requires for a 24 hour.</p> <p>Alternatively a contractor could be engaged to treat areas on a pay as you go basis when pre-agreed conditions are met and a Council request is received.</p> <p>For either service there is a significant cost to Council the value of which could vary from year to year.</p> <p>5. Include in the DfI Town Centre Footpath Clearance Agreement</p> <p>This would require an extension to the existing agreement with DfI Transport NI to meet the same trigger conditions for treatment. Similar to point 'b' above, significant adjustments to Council capacity would be required that may be cost prohibitive. Third party support would have to be utilised to support Council in fulfilling the agreement and manage the priorities between its own estate and that of others. This approach would only be feasible for the car parks in the five town centres within the District.</p> <p>6. Provide Grit Bins on a self-help basis during the winter season</p> <p>This is a similar approach to the remainder of occupied facilities in the Council estate and topped up by Council operatives for application by facilities.</p>
3.2	<p>Considering resource available, with the social and economic vitality of the towns, and the important roles the car parks play to provide access to local services, any future winter maintenance programme could prioritise treatment based on population size and footfall into two priority groupings:</p> <p>Priority 1 Town Off Street Car Parks for the removal of snow deposits, and were thick and persistent frost exists between 24 and 48 hours and is expected to continue based on local Daily Met Office Weather Reports.</p> <ul style="list-style-type: none"> <li>• Magherafelt</li> <li>• Cookstown</li> <li>• Dungannon</li> </ul> <p>Priority 2 Town Off Street Car Parks for the removal of snow deposits, and were thick and persistent frost exists in excess of 48 hours and is expected to continue based on local Daily Met Office Weather Reports, and only after Priority 1 areas have been satisfactorily attended to.</p>

	<ul style="list-style-type: none"> <li>• Maghera</li> <li>• Coalisland</li> </ul>
3.3	While the settlements are the same as the five areas included in Council's Winter Maintenance Agreement 18/19 with Transport NI. It should be noted the off street car parks are outwith of this agreement.
3.4	This would mean that the remaining Off Street Car Parks in Castledawson (Hillhead), Fivemiletown, and Clogher would remain untreated.
<b>4</b>	<b>Other Considerations</b>
<b>4.1</b>	<p><b>Financial &amp; Human Resources Implications</b></p> <p>Financial: There is no current budget provision for winter maintenance of off street car parks, and no provision has been made in the 18/19 estimates.</p> <p>The estimated cost, for a single treatment in a 24 hour period for Snow/ice clearance and gritting is averaging approximately £136.25 per carpark (subject to measurement). The service fee to undertake weather monitoring to trigger treatment of the carparks for the period 1<sup>st</sup> Nov -31<sup>st</sup> March would be approximately £3,020.00.</p> <p>Human: Maintenance response would have to be carried out by a competent third party due to limited in-house capacity. Officer time in managing winter maintenance arrangements.</p>
<b>4.2</b>	<p><b>Equality and Good Relations Implications</b></p> <p>It should be noted that Council does not provide a winter maintenance service to all of its other car parks or similar assets within its estate. There could, potentially, be issues arising from the Councils obligation to comply with Rural Needs Act.</p>
<b>4.3</b>	<p><b>Risk Management Implications</b></p> <p>Council has responsibility for upkeep and maintenance of car parks, and associated facilities. As the Council car parks are used by public, staff and visitors; arrangements must be in place to mitigate risk. This is currently controlled through fixed warning signage and regular car park inspection and defect repair.</p> <p>The Council currently has no overall Policy in relation to Winter Maintenance of its facilities.</p>
<b>5.0</b>	<b>Recommendation(s)</b>
5.1	Members are requested to note the content and agrees that Officers develop a Winter Maintenance Policy to cover the entire Council Estate (including Off Street Car Parks) with a view to reporting back to the Environment Committee prior to the 1 November 2018.

<b>6.0</b>	<b>Documents Attached &amp; References</b>
6.1	None

<b>Report on</b>	Dual Language Signage Survey
<b>Reporting Officer</b>	William Wilkinson
<b>Contact Officer</b>	William Wilkinson

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

<b>1.0</b>	<b>Purpose of Report</b>																								
1.1	To advise members on the result of surveys undertaken on all applicable residents on the streets/roads in response to Dual Language Signage Nameplates requests.																								
<b>2.0</b>	<b>Background</b>																								
2.1	<p>In accordance with the Local Government (Miscellaneous Provisions) NI Order 1995 – Article 11 the Council is tasked with the responsibility to erect dual language signs or second nameplates, adjacent to the nameplate in English.</p> <p>The Policy for Street Naming and Dual Language Signage – Section 6.0, as adopted (See Appendix 1) forms the basis for considering requests expressing the name in a language other than English, to both existing and new streets.</p> <p>Members had previously agreed to canvass, by post, all occupiers as listed on the Electoral Register residing on the streets/roads as noted below seeking their views on the request to erect dual-language street nameplates in the Irish Language as requested in each case.</p>																								
<b>3.0</b>	<b>Main Report</b>																								
3.1	The Building Control Service within the Public Health and Infrastructure Department issued occupiers of the undernoted streets, correspondence seeking their views on the request to erect a dual-language street nameplate on that streets/roads:																								
3.2	<p>Completed surveys were received by the return date and the outcome is as follows in each case:</p> <table border="1"> <thead> <tr> <th>Name of Street</th><th>Central Avenue, Cookstown</th></tr> </thead> <tbody> <tr> <td>Language Requested</td><td>Irish</td></tr> <tr> <td>Date Request Validated</td><td>18/10/2017</td></tr> <tr> <td>Survey Request Approved by Environment Committee</td><td>14/11/2017</td></tr> <tr> <td>Surveys Issued</td><td>21/11/2017</td></tr> <tr> <td>Surveys returned by</td><td>19/12/2017</td></tr> <tr> <td>Survey Letters Issued</td><td>29</td></tr> <tr> <td>Survey Letters Returned</td><td>12</td></tr> <tr> <td>Replies in Favour</td><td>11</td></tr> <tr> <td>Replies not in Favour</td><td>1</td></tr> <tr> <td>Invalid</td><td>0</td></tr> <tr> <td>Valid Returns</td><td>12</td></tr> </tbody> </table>	Name of Street	Central Avenue, Cookstown	Language Requested	Irish	Date Request Validated	18/10/2017	Survey Request Approved by Environment Committee	14/11/2017	Surveys Issued	21/11/2017	Surveys returned by	19/12/2017	Survey Letters Issued	29	Survey Letters Returned	12	Replies in Favour	11	Replies not in Favour	1	Invalid	0	Valid Returns	12
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<table><tr><td><b>Name of Street</b></td><td><b>Orritor Street, Cookstown</b></td></tr><tr><td>Language Requested</td><td>Irish</td></tr><tr><td>Date Request Validated</td><td>18/10/2017</td></tr><tr><td>Survey Request Approved by Environment Committee</td><td>04/12/2017</td></tr><tr><td>Surveys Issued</td><td>20/12/2017</td></tr><tr><td>Surveys returned by</td><td>17/01/2018</td></tr><tr><td>Survey Letters Issued</td><td>53</td></tr><tr><td>Survey Letters Returned</td><td>25</td></tr><tr><td>Replies in Favour</td><td>24</td></tr><tr><td>Replies not in Favour</td><td>1</td></tr><tr><td>Invalid</td><td>0</td></tr><tr><td>Valid Returns</td><td>25</td></tr><tr><td>Percentage of Favour</td><td>96%</td></tr></table>			<b>Name of Street</b>	<b>Orritor Street, Cookstown</b>	Language Requested	Irish	Date Request Validated	18/10/2017	Survey Request Approved by Environment Committee	04/12/2017	Surveys Issued	20/12/2017	Surveys returned by	17/01/2018	Survey Letters Issued	53	Survey Letters Returned	25	Replies in Favour	24	Replies not in Favour	1	Invalid	0	Valid Returns	25	Percentage of Favour	96%
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4.0	Other Considerations																											
4.1	<u>Financial &amp; Human Resources Implications</u>  Financial: Within current resources  Human: Within current resources																											
4.2	<u>Equality and Good Relations Implications</u>  None																											

<b>4.3</b>	<b><u>Risk Management Implications</u></b>  None
<b>5.0</b>	<b>Recommendation(s)</b>
5.1	That Members note content of this report and agree the application of Dual Language Nameplates in Irish for: <ul style="list-style-type: none"> <li><b>1. Central Avenue, Cookstown</b></li> <li><b>2. Beltonanean Road, Cookstown</b></li> <li><b>3. Willow Close, Dungannon</b></li> <li><b>4. Corlea Road, Dungannon</b></li> <li><b>5. Orritor Street, Cookstown</b></li> </ul>
<b>6.0</b>	<b>Documents Attached &amp; References</b>
6.1	Appendix 1 – Street Naming and Dual Language Signage – Section 6.0 : Dual Language Signage Nameplates Policy  Appendix 2 – Dual Language Nameplate Translation for each street/road



# **MID ULSTER DISTRICT COUNCIL**

## **Dual Language Signage Nameplates**

**(Article 11 of The Local Government (Miscellaneous Provisions) (NI) Order 1995)**

## **Revised Policy and Procedure**

### **6.0 DUAL LANGUAGE SIGNAGE NAMEPLATES**

6.1 The Council will apply this policy when considering applications for dual language signage expressing the name of the street in a language other than English, to both existing and new streets.

6.2 The 1995 Order gives the Council a discretionary power to erect dual language signs or second nameplates, adjacent to the nameplate in English. In exercising this discretionary power the Council must have regard to any views on the matter expressed by the occupiers of premises in that street.

#### **6.3 Criteria - General**

The Council in making arrangements and providing opportunities for dual language signage within street naming shall;

1. Have regard to any views on the matter expressed by occupiers of the street
2. For the purposes of the policy, “occupiers” shall mean any person who resides in a dwelling, including a house, flat, maisonette or house in multiple occupancy and which has its frontage immediately adjoining the street, hereafter referred to as ‘property’. Only the views of occupiers aged 18 or over in each property that is occupied and listed on the Electoral Register at the date of survey will be considered.
3. In relation to properties , the ‘occupier’ will include the owner and family members or tenants as listed on the current Electoral / Rates Register as residing at that address or tenants in actual possession of the premises, but not employees within such premises at the date of the survey.
4. The naming of the street in a language other than English does not authorise or require its use as, or part of, the address of any person or the description of the land for the purpose of any statutory provision; e.g., Building Control applications.

6.4 The provision of dual language Street Names will normally only be considered in the following circumstances:

- In the case of existing streets, where the Council has been petitioned and/or consulted with the occupiers of premises in that street and other persons it deems appropriate, in accordance with these arrangements.

### **Dual Language Signage Nameplates: *Procedure***

In deciding whether it should exercise its discretionary powers in relation to erection of dual language nameplates under Article 11 of the 1995 Order, the Council shall only do so after having regard to the views of occupiers of premises which has its frontage immediately adjoining that street.

The procedure for seeking and assessing the views of occupiers and criteria to be applied in deciding whether to erect a dual language nameplate in a language other than English is;

1. A valid petition or letter, signed by occupiers of the street must be made to Council to enable this matter to be considered. Requests should be made to Building Control Service within the Public Health and Infrastructure Department. A petition / letter request shall be valid if; it is from an occupier who appears on the Electoral Register as maintained by the Electoral Office for NI; the address of the petitioner is contained on the petition / letter and; the individuals name is clearly stated and the letter has been signed by the petitioner (who must be an occupier of premises on the street). A petition / letter may be received by email but it must be attached as a file and signed. The Council shall not accept a request made within the body of an email.
2. The Environment Committee will receive notification of submitted requests by way of valid petition as referenced at 1, above. A petition will be deemed to be valid where it is completed by a minimum of one householder on that street. Approval will be sought from the Environment Committee to undertake the survey requested by the valid petition / letter.
3. Upon agreement, the Council will canvass, by post, all occupiers listed on the Electoral Register and the Pointer addressing system of that street; seeking their views on the request to erect a dual-language street nameplate. Each letter will contain survey forms for the number of occupiers registered on the Electoral Register for that property at that time.
4. The occupiers will be advised of the date by which completed surveys must be returned. Incomplete or illegible survey returns will not be counted. Completed surveys must be returned in the self- addressed envelopes provided for that purpose. Only replies received by the specified date shall be considered.
5. For purposes of assessment where 51 % (rounded to nearest whole number) of the occupiers that respond indicate that they are in favour of the erection of a dual language street nameplate, then this shall be presented to the Environment Committee for decision recommending that the dual language street nameplate be approved and erected. The Environment Committee having considered the request and the result of the survey may agree to permit or not permit the erection of the dual language nameplate.
6. Where 51 % of occupiers (rounded to nearest whole number) that respond indicate that they are not in favour of the erection of a dual-language street nameplate, then this shall be presented to the Environment Committee for decision recommending that the dual language street nameplate shall not be approved or erected.
7. If the request is refused by those households surveyed, further requests will not be considered until the expiry of 12 months from the date at which the Environment Committee refuses it.

Adopted by Council 23/03/17

8. Where the request is granted and the other language is Irish, the Irish Language Section within Department of Culture and Leisure and / or an approved translator will provide the Irish language form of the street name. Any other language shall be obtained from an approved translation service the cost of which will be notified to the Environment Committee when receiving the report on the outcome of the survey. The other language will not be used to express the name of the street for statutory purposes
9. The font and size of lettering of the other language shall be in accordance with that as shown in Appendix E.
10. Following the Council's decision on the matter all occupiers of the street will be notified of the decision.
11. Where agreed, a new dual language nameplate will be erected at the start and finish of the street or road in question and at such points along it as required e.g. at other road junctions, in accordance with any operational requirements as determined by the Property Services Team.

## Appendix 2

### Dual Language Nameplate

	Current Name	Irish Translation
Road	Central Avenue	An Ascaill Láir
Townland	Loy	Baile na Loinge

	Current Name	Irish Translation
Road	Beltonanean Road	Bóthar Bhailte na nÉan
Townland	Corvanaghan Ballynasollus	Corr Bheannacháin Béal Átha na Solus

	Current Name	Irish Translation
Road	Willow Close	Clós na Sailí
Townland	Mullaghmore	An Mullach Mór

	<b>Current Name</b>	<b>Irish Translation</b>
<b>Road</b>	<b>Corlea Road</b>	<b>Bóthar na Coirre Léithe</b>
<b>Townland</b>	<b>Reclain</b> <b>Sessiadonaghy</b>	<b>Ráth Claon</b> <b>Seisíoch Dhonnchaidh</b>

	<b>Current Name</b>	<b>Irish Translation</b>
<b>Road</b>	<b>Orritor Street</b>	<b>Sráid an Arachtra</b>
<b>Townland</b>	<b>Cookstown</b>	<b>An Chorr Chríochach</b>



<b>Report on</b>	<b>Dual Language Signage Request</b>
<b>Reporting Officer</b>	<b>William Wilkinson</b>
<b>Contact Officer</b>	<b>William Wilkinson</b>

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

<b>1.0</b>	<b>Purpose of Report</b>
1.1	To advise Members of requests for Dual Language Signage from residents on the streets/roads in question.
<b>2.0</b>	<b>Background</b>
2.1	<p>In accordance with the Local Government (Miscellaneous Provisions) NI Order 1995 – Article 11 the Council is tasked with the responsibility to erect dual language signs or second nameplates, adjacent to the nameplate in English.</p> <p>The Policy for Street Naming and Dual Language Signage – Section 6.0, as adopted (See Appendix 1) forms the basis for considering requests expressing the name in a language other than English, to both existing and new streets.</p>
<b>3.0</b>	<b>Main Report</b>
3.1	<p>The Building Control Service within the Public Health and Infrastructure Department have received valid letters signed by occupiers of the street in each case requesting signage to be erected in a second language being “Irish” in each case adjacent to the nameplate in English as follows:-</p> <ol style="list-style-type: none"> <li>1. Ballyneil Road, Loup, Magherafelt - (See Appendix 2)</li> <li>2. Scotts Road, Loup, Magherafelt – (See Appendix 3)</li> <li>3. Birchwood Park, Loup, Magherafelt – (See Appendix 4)</li> <li>4. Ballyriff Road, Loup, Magherafelt – (See Appendix 5)</li> <li>5. Eglish Close, Loup, Magherafelt – (See Appendix 6)</li> <li>6. Kilreish, Loup, Magherafelt – (See Appendix 7)</li> <li>7. Ballymulligan Road, Loup, Magherafelt – (See Appendix 8)</li> <li>8. Loup Road, Moneymore – (See Appendix 9)</li> <li>9. Dunronan Road, Magherafelt - (See Appendix 10)</li> <li>10. Rogully Road, Loup, Magherafelt - (See Appendix 11)</li> <li>11. Ballyeglish Road, Loup, Magherafelt - (See Appendix 12)</li> <li>12. Ballygruby Lane, Moneymore - (See Appendix 13)</li> <li>13. Rock Road, Loup, Moneymore - (See Appendix 14)</li> <li>14. Anneeter Road, Cookstown – (See Appendix 15)</li> </ol> <p>The occupiers signing the requests in each case have been confirmed as residents of their particular street which has been evidenced by their listing on the current Electoral Register as required in accordance with the Policy as adopted. (See Appendix 1).</p>

<b>4.0</b>	<b>Other Considerations</b>
<b>4.1</b>	<b><u>Financial &amp; Human Resources Implications</u></b>  Financial: Within current resources Human: Within current resources
<b>4.2</b>	<b><u>Equality and Good Relations Implications</u></b>  None
<b>4.3</b>	<b><u>Risk Management Implications</u></b>  None
<b>5.0</b>	<b>Recommendation(s)</b>
5.1	That Members note the content of this report and agree to proceed to survey.
<b>6.0</b>	<b>Documents Attached &amp; References</b>
6.1	Appendix 1 – Street Naming and Dual Language Signage – Section 6.0 : Dual Language Signage Nameplates Policy  Appendix 2 – Letter received from resident of Ballyneil Road, Loup, Magherafelt  Appendix 3 – Letter received from resident of Scotts Road, Loup, Magherafelt  Appendix 4 – Letter received from resident of Birchwood Park, Loup, Magherafelt  Appendix 5 – Letter received from resident of Ballyriff Road, Loup, Magherafelt  Appendix 6 – Letter received from resident of Eglish Close, Loup, Magherafelt  Appendix 7 – Letter received from resident of Kilreish, Loup, Magherafelt  Appendix 8 – Letter received from resident of Ballymulligan Road, Loup, Magherafelt  Appendix 9 – Letter received from resident of Loup Road, Moneymore  Appendix 10 – Letter received from resident of Dunronan Road, Magherafelt  Appendix 11 – Letter received from resident of Rogully Road, Loup, Magherafelt  Appendix 12 – Letter received from resident of Ballyeglish Road, Loup, Magherafelt  Appendix 13 – Letter received from resident of Ballygruby Lane, Moneymore  Appendix 14 – Letter received from resident of Rock Road, Loup, Moneymore  Appendix 15 – Letter received from resident of Anneeter Road, Cookstown



# **MID ULSTER DISTRICT COUNCIL**

## **Dual Language Signage Nameplates**

**(Article 11 of The Local Government (Miscellaneous Provisions) (NI) Order 1995)**

## **Revised Policy and Procedure**

### **6.0 DUAL LANGUAGE SIGNAGE NAMEPLATES**

6.1 The Council will apply this policy when considering applications for dual language signage expressing the name of the street in a language other than English, to both existing and new streets.

6.2 The 1995 Order gives the Council a discretionary power to erect dual language signs or second nameplates, adjacent to the nameplate in English. In exercising this discretionary power the Council must have regard to any views on the matter expressed by the occupiers of premises in that street.

#### **6.3 Criteria - General**

The Council in making arrangements and providing opportunities for dual language signage within street naming shall;

1. Have regard to any views on the matter expressed by occupiers of the street
2. For the purposes of the policy, “occupiers” shall mean any person who resides in a dwelling, including a house, flat, maisonette or house in multiple occupancy and which has its frontage immediately adjoining the street, hereafter referred to as ‘property’. Only the views of occupiers aged 18 or over in each property that is occupied and listed on the Electoral Register at the date of survey will be considered.
3. In relation to properties , the ‘occupier’ will include the owner and family members or tenants as listed on the current Electoral / Rates Register as residing at that address or tenants in actual possession of the premises, but not employees within such premises at the date of the survey.
4. The naming of the street in a language other than English does not authorise or require its use as, or part of, the address of any person or the description of the land for the purpose of any statutory provision; e.g., Building Control applications.

6.4 The provision of dual language Street Names will normally only be considered in the following circumstances:

- In the case of existing streets, where the Council has been petitioned and/or consulted with the occupiers of premises in that street and other persons it deems appropriate, in accordance with these arrangements.

### **Dual Language Signage Nameplates: *Procedure***

In deciding whether it should exercise its discretionary powers in relation to erection of dual language nameplates under Article 11 of the 1995 Order, the Council shall only do so after having regard to the views of occupiers of premises which has its frontage immediately adjoining that street.

The procedure for seeking and assessing the views of occupiers and criteria to be applied in deciding whether to erect a dual language nameplate in a language other than English is;

1. A valid petition or letter, signed by occupiers of the street must be made to Council to enable this matter to be considered. Requests should be made to Building Control Service within the Public Health and Infrastructure Department. A petition / letter request shall be valid if; it is from an occupier who appears on the Electoral Register as maintained by the Electoral Office for NI; the address of the petitioner is contained on the petition / letter and; the individuals name is clearly stated and the letter has been signed by the petitioner (who must be an occupier of premises on the street). A petition / letter may be received by email but it must be attached as a file and signed. The Council shall not accept a request made within the body of an email.
2. The Environment Committee will receive notification of submitted requests by way of valid petition as referenced at 1, above. A petition will be deemed to be valid where it is completed by a minimum of one householder on that street. Approval will be sought from the Environment Committee to undertake the survey requested by the valid petition / letter.
3. Upon agreement, the Council will canvass, by post, all occupiers listed on the Electoral Register and the Pointer addressing system of that street; seeking their views on the request to erect a dual-language street nameplate. Each letter will contain survey forms for the number of occupiers registered on the Electoral Register for that property at that time.
4. The occupiers will be advised of the date by which completed surveys must be returned. Incomplete or illegible survey returns will not be counted. Completed surveys must be returned in the self- addressed envelopes provided for that purpose. Only replies received by the specified date shall be considered.
5. For purposes of assessment where 51 % (rounded to nearest whole number) of the occupiers that respond indicate that they are in favour of the erection of a dual language street nameplate, then this shall be presented to the Environment Committee for decision recommending that the dual language street nameplate be approved and erected. The Environment Committee having considered the request and the result of the survey may agree to permit or not permit the erection of the dual language nameplate.
6. Where 51 % of occupiers (rounded to nearest whole number) that respond indicate that they are not in favour of the erection of a dual-language street nameplate, then this shall be presented to the Environment Committee for decision recommending that the dual language street nameplate shall not be approved or erected.
7. If the request is refused by those households surveyed, further requests will not be considered until the expiry of 12 months from the date at which the Environment Committee refuses it.

Adopted by Council 23/03/17

8. Where the request is granted and the other language is Irish, the Irish Language Section within Department of Culture and Leisure and / or an approved translator will provide the Irish language form of the street name. Any other language shall be obtained from an approved translation service the cost of which will be notified to the Environment Committee when receiving the report on the outcome of the survey. The other language will not be used to express the name of the street for statutory purposes
9. The font and size of lettering of the other language shall be in accordance with that as shown in Appendix E.
10. Following the Council's decision on the matter all occupiers of the street will be notified of the decision.
11. Where agreed, a new dual language nameplate will be erected at the start and finish of the street or road in question and at such points along it as required e.g. at other road junctions, in accordance with any operational requirements as determined by the Property Services Team.

## Appendix 2

Public Health & Infrastructure Department  
Building Control Services  
Mid Ulster District Council  
50 Ballyronan Road  
Magherafelt  
Co Derry  
BT45 6EN



Dear Sir/Madam

I am a resident of

BALLYNEIL RD. LOUP  
M'FELT CO. DERRY BT45 7TE

I am making a formal request to have road/~~street~~ name in the Irish language.

I am aware that the council have adopted a Bilingual road and street name policy as a member of the electoral register, I am requesting the policy is provided for my address as given above.

Kind regards.

.....

### Appendix 3

Public Health & Infrastructure Department  
Building Control Services  
Mid Ulster District Council  
50 Ballyronan Road  
Magherafelt  
Co Derry  
BT45 6EN



Dear Sir/Madam

I am a resident of

....., Scotts Rd. Loup.  
Magherafelt Co. Derry

I am making a formal request to have road/street name in the Irish language.

I am aware that the council have adopted a Bilingual road and street name policy as a member of the electoral register, I am requesting the policy is provided for my address as given above.

Kind regards.

.....

## Appendix 4

Public Health & Infrastructure Department  
Building Control Services  
Mid Ulster District Council  
50 Ballyronan Road  
Magherafelt  
Co Derry  
BT45 6EN



Dear Sir/Madam

I am a resident of

..... Birchwood Park  
..... Loop

I am making a formal request to have road/street name in the Irish language.

I am aware that the council have adopted a Bilingual road and street name policy as a member of the electoral register, I am requesting the policy is provided for my address as given above.

Kind regards.

.....  
.....

## Appendix 5

Public Health & Infrastructure Department  
Building Control Services  
Mid Ulster District Council  
50 Ballyronan Road  
Magherafelt  
Co Derry  
BT45 6EN



Dear Sir/Madam

I am a resident of

Ballyronan Road Loup  
Magherafelt BT45 6EN

I am making a formal request to have road/street name in the Irish language.

I am aware that the council have adopted a Bilingual road and street name policy as a member of the electoral register, I am requesting the policy is provided for my address as given above.

Kind regards.

## Appendix 6

Public Health & Infrastructure Department  
Building Control Services  
Mid Ulster District Council  
50 Ballyronan Road  
Magherafelt  
Co Derry  
BT45 6EN



Dear Sir/Madam

I am a resident of

ENGLISH CLOSE, LOUP-

I am making a formal request to have road/street name in the Irish language.

I am aware that the council have adopted a Bilingual road and street name policy as a member of the electoral register, I am requesting the policy is provided for my address as given above.

Kind regards.



## Appendix 7

Public Health & Infrastructure Department  
Building Control Services  
Mid Ulster District Council  
50 Ballyronan Road  
Magherafelt  
Co Derry  
BT45 6EN



Dear Sir/Madam

I am a resident of

Kilris Loop Monymore.  
Co Derry.

I am making a formal request to have road/street name in the Irish language.

I am aware that the council have adopted a Bilingual road and street name policy as a member of the electoral register, I am requesting the policy is provided for my address as given above.

Kind regards.

## Appendix 8

Public Health & Infrastructure Department  
Building Control Services  
Mid Ulster District Council  
50 Ballyronan Road  
Magherafelt  
Co Derry  
BT45 6EN



Dear Sir/Madam

I am a resident of

Ballymilligan Rd  
Loup

I am making a formal request to have road/street name in the Irish language.

I am aware that the council have adopted a Bilingual road and street name policy as a member of the electoral register, I am requesting the policy is provided for my address as given above.

Kind regards.

## Appendix 9

Public Health & Infrastructure Department  
Building Control Services  
Mid Ulster District Council  
50 Ballyronan Road  
Magherafelt  
Co Derry  
BT45 6EN



Dear Sir/Madam

I am a resident of

..... Loop Road .....

..... Monymurree BT45 7SS .....

I am making a formal request to have road/street name in the Irish language.

I am aware that the council have adopted a Bilingual road and street name policy as a member of the electoral register, I am requesting the policy is provided for my address as given above.

Kind regards.

.....

## Appendix 10

Public Health & Infrastructure Department  
Building Control Services  
Mid Ulster District Council  
50 Ballyronan Road  
Magherafelt  
Co Derry  
BT45 6EN



Dear Sir/Madam

I am a resident of

Dunroan Rd

Magherafelt

I am making a formal request to have road/street name in the Irish language.

I am aware that the council have adopted a Bilingual road and street name policy as a member of the electoral register, I am requesting the policy is provided for my address as given above.

Kind regards.

## Appendix 11

Public Health & Infrastructure Department  
Building Control Services  
Mid Ulster District Council  
50 Ballyronan Road  
Magherafelt  
Co Derry  
BT45 6EN



Dear Sir/Madam

I am a resident of

..... ROGULLY ROAD .....

..... Cookstown. .....

I am making a formal request to have road/street name in the Irish language.

I am aware that the council have adopted a Bilingual road and street name policy as a member of the electoral register, I am requesting the policy is provided for my address as given above.

Kind regards.

.....

.....

## Appendix 12

Public Health & Infrastructure Department  
Building Control Services  
Mid Ulster District Council  
50 Ballyronan Road  
Magherafelt  
Co Derry  
BT45 6EN



Dear Sir/Madam

I am a resident of

Ballyeglish Road, The Loop,  
Magherafelt

I am making a formal request to have road/street name in the Irish language.

I am aware that the council have adopted a Bilingual road and street name policy as a member of the electoral register, I am requesting the policy is provided for my address as given above.

Kind regards.

\_\_\_\_\_

## Appendix 13

Public Health & Infrastructure Department  
Building Control Services  
Mid Ulster District Council  
50 Ballyronan Road  
Magherafelt  
Co Derry  
BT45 6EN



Dear Sir/Madam

I am a resident of

BALLYGRUBY LANE

BT 45 2XA

I am making a formal request to have road/street name in the Irish language.

I am aware that the council have adopted a Bilingual road and street name policy as a member of the electoral register, I am requesting the policy is provided for my address as given above.

Kind regards.

## Appendix 14

Public Health & Infrastructure Department  
Building Control Services  
Mid Ulster District Council  
50 Ballyronan Road  
Magherafelt  
Co Derry  
BT45 6EN



Dear Sir/Madam

I am a resident of

Rock Road.

Loup. BT457XQ

I am making a formal request to have road/street name in the Irish language.

I am aware that the council have adopted a Bilingual road and street name policy as a member of the electoral register, I am requesting the policy is provided for my address as given above.

Kind regards.



## Appendix 15

Mr Willie Wilkinson  
Mid Ulster District Council  
50 Ballyronan Road  
Magherafelt  
County Derry  
BT45 6EN



December 15<sup>th</sup>, 2017

Dear Mr Wilkinson,

I would like to congratulate Mid Ulster District Council for leading by example, in adapting an impressively comprehensive **Bilingual Road Signage Policy**. It has been received with sincere gratitude.

I note that you are Head of Building Control within MUDC, and it is with this in mind that I kindly request that my road avails of the opportunity to have its name recognised under your new bilingual road signage policy in Irish/English.

My Name:

I reside at the following address:

Aneeter Road, Cookstown, County Tyrone, BT80 0HZ

Road Name:

ANEETER ROAD

I would like to thank you for taking time to read this letter and look forward to hearing from you in due course.

Kind Regards

<

(Applicant)



<b>Report on</b>	Street Naming and Property Numbering
<b>Reporting Officer</b>	William Wilkinson
<b>Contact Officer</b>	William Wilkinson

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

<b>1.0</b>	<b>Purpose of Report</b>
1.1	For Members to consider the street naming of a new residential housing development within Mid-Ulster.
<b>2.0</b>	<b>Background</b>
2.1	<p>In accordance with the Local Government (Miscellaneous Provisions) NI Order 1995 – Article 11 the Council is tasked with the responsibility of approving Street Naming and Numbering of buildings erected thereon.</p> <p>The Policy for Street Naming and Dual Language Signage Policy – Section 5.0: Naming of New Streets, as adopted (See Appendix 1) forms the basis for considering proposals for the street naming of new developments.</p>
<b>3.0</b>	<b>Main Report</b>
3.1	<p>The Building Control Department has received a request for the naming of a new residential development as follows:-</p> <p style="text-align: center;"><b>I. Site off Favour Royal Road, Augher</b></p> <p>An application has been submitted by Carey Developments Ltd. for the naming of a street within a new residential development off Favour Royal Road, Augher. The developer has submitted the following options for consideration (See Appendix 2) in relation to a new street within the development.</p> <ol style="list-style-type: none"> <li><b>1. Stonebridge Manor</b></li> <li><b>2. Railway Manor</b></li> <li><b>3. Forest Mews</b></li> </ol> <p>As the options submitted are linked to the locality in each case, it is considered that each option demonstrates compliance with the policy as adopted.</p>

	<p><b>II. Site off Kilmascally Road, Dungannon</b></p> <p>An application has been submitted by N. Devlin for the naming of a street within a new residential development off Kilmascally Road, Dungannon. The developer has submitted the following options for consideration (See Appendix 3) in relation to a new street within the development.</p> <ol style="list-style-type: none"> <li><b>1. Kiltagh Manor</b></li> <li><b>2. Kiltagh Close</b></li> </ol> <p>As the options submitted are linked to the locality in each case, it is considered that each option demonstrates compliance with the policy as adopted.</p> <p><b>III. Site off Ranfurly Road, Dungannon</b></p> <p>An application has been submitted by Farasha Properties Ltd. for the naming of a street within a new residential development off Ranfurly Road, Dungannon. The developer has submitted the following options for consideration (See Appendix 4) in relation to a new street within the development.</p> <ol style="list-style-type: none"> <li><b>1. Castle Glen</b></li> <li><b>2. Mill Park</b></li> <li><b>3. Gortconey</b></li> </ol> <p>As the options submitted are linked to the locality in each case, it is considered that each option demonstrates compliance with the policy as adopted.</p>
<b>4.0</b>	<b>Other Considerations</b>
<b>4.1</b>	<p><b><u>Financial &amp; Human Resources Implications</u></b></p> <p>Financial: None Human: None</p>
<b>4.2</b>	<p><b><u>Equality and Good Relations Implications</u></b></p> <p>None</p>
<b>4.3</b>	<p><b><u>Risk Management Implications</u></b></p> <p>None</p>
<b>5.0</b>	<b>Recommendation(s)</b>
<b>5.1</b>	<p>It is recommended that consideration is given to the approval of one of the following options for the Naming of new Streets within residential developments located in Mid Ulster.</p> <ol style="list-style-type: none"> <li><b>1. Site off Favour Royal Road, Augher</b></li> </ol> <p> Either     <b>Stonebridge Manor</b>  Or         <b>Railway Manor</b>  Or         <b>Forest Mews</b> </p>

	<p><b>2. Site off Kilmascally Road, Dungannon</b></p> <p><b>Either     Kiltagh Manor</b>  <b>Or         Kiltagh Close</b></p> <p><b>3. Site off Ranfurly Road, Dungannon</b></p> <p><b>Either     Castle Glen</b>  <b>Or         Mill Park</b>  <b>Or         Gortconey</b></p>
<b>6.0</b>	<b>Documents Attached &amp; References</b>
6.1	<p>Appendix 1 - The Policy for Street Naming and Dual Language Signage Policy – Section 5.0: Naming of New Streets</p> <p>Appendix 2 - Pro-forma containing street naming proposals, location map and site layout plan for new street off Favour Royal Road, Augher</p> <p>Appendix 3 - Pro-forma containing street naming proposals, location map and site layout plan for new street off Kilmascally Road, Dungannon.</p> <p>Appendix 4 - Pro-forma containing street naming proposals, location map and site layout plan for new street off Ranfurly Road, Dungannon.</p>



# **MID ULSTER DISTRICT COUNCIL**

## **Street Naming and Property Numbering Policy for New Developments (Article 11 of The Local Government (Miscellaneous Provisions) (NI) Order 1995)**

### **Revised Policy and Procedure**

#### **5.0 NAMING OF NEW STREETS**

- 5.1 Proposals for new street names linked to traditional place names will be favorably considered and that if such a place name is traditionally in a language other than English, that name may also be considered as the name by which that place may be known.

#### **5.2 Criteria - General**

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

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

### **Naming of New Streets and Housing Developments: *Procedure***

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



# MID ULSTER DISTRICT COUNCIL

## New Street Name Proposals



Comhairle Ceantair  
**Lár Uladh**  
**Mid Ulster**  
District Council

Applicants Name & Address: **Carey Developments Ltd,**

Description: **82 CREVELLBOUGH ROAD, DUNBANNON**

**B. TYRONE BT16 1LN**

Ref: **F/2017/1743/MAST**

	Proposed Street Name	Linkage to Locality	Reason for Choice
Option 1	<del>Storebridge</del> Storebridge way	Storebridge adjacent to site	Store bridge beside site, keeping in with the period stone work in the area
Option 2	Railway way	Train station use to connect in the town	Keep in with local village history
Option 3	Forest ways	Site surrounded by foliage	Local area has quite a lot of forestry

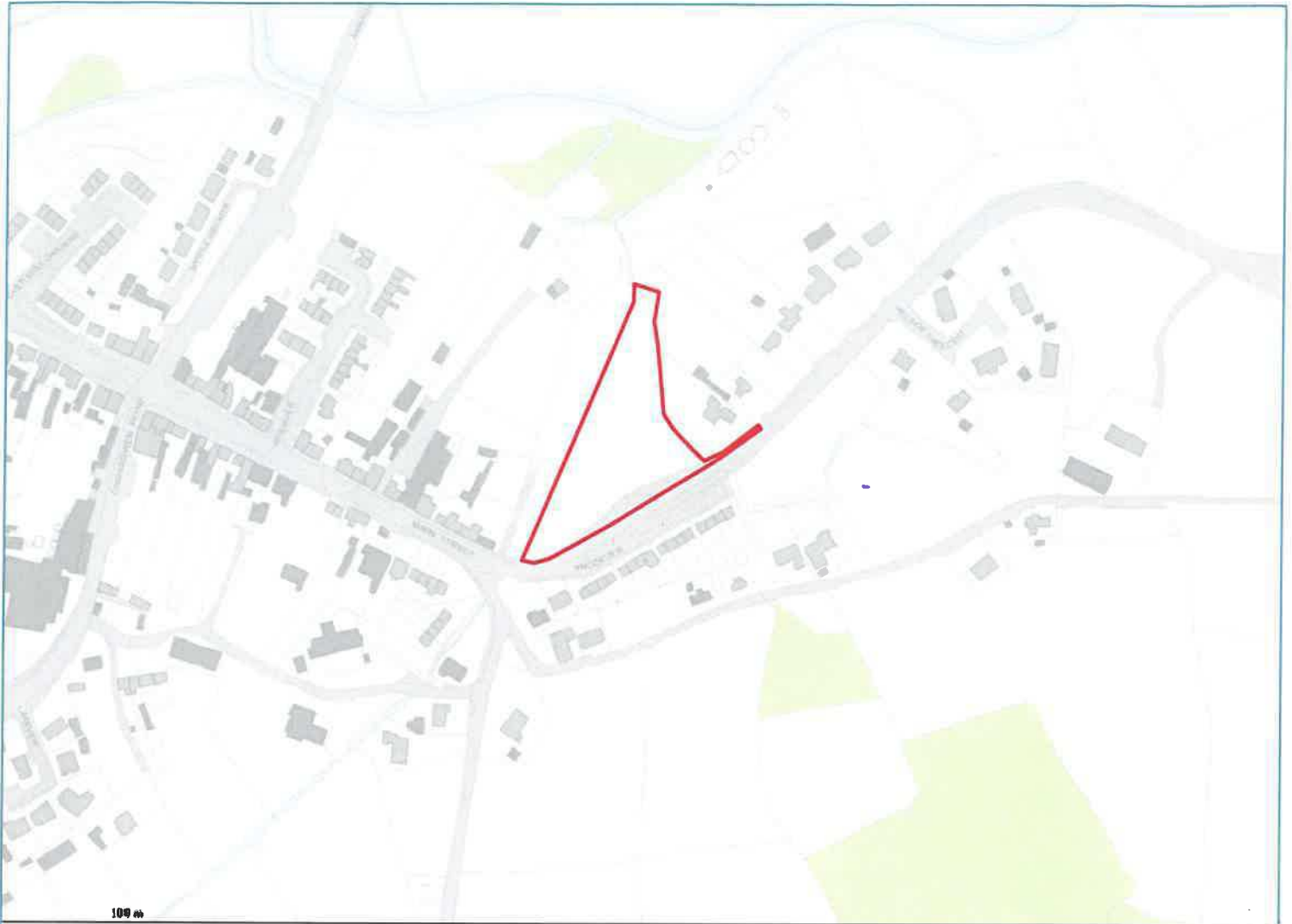
\* Please avoid the use of apostrophes, hyphens, full stops and commas.

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

Signed **Carey**

Dated **4/1/18**

## Appendix 2



Project: **Housing Development at Augher CoTyrone**

Client: **Mr Con Carey**

Drawing: **Location Map**

Job No: **3095-01**

Revisions:

Drawn By: **Aidan**

Checked By:

Date: **June 2015**

Scale: **1:2500**

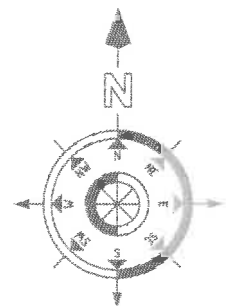
   **J AIDAN KELLY LTD**   

**CHARTERED MEMBER OF THE BRITISH INSTITUTE OF ARCHITECTURAL TECHNOLOGIST**

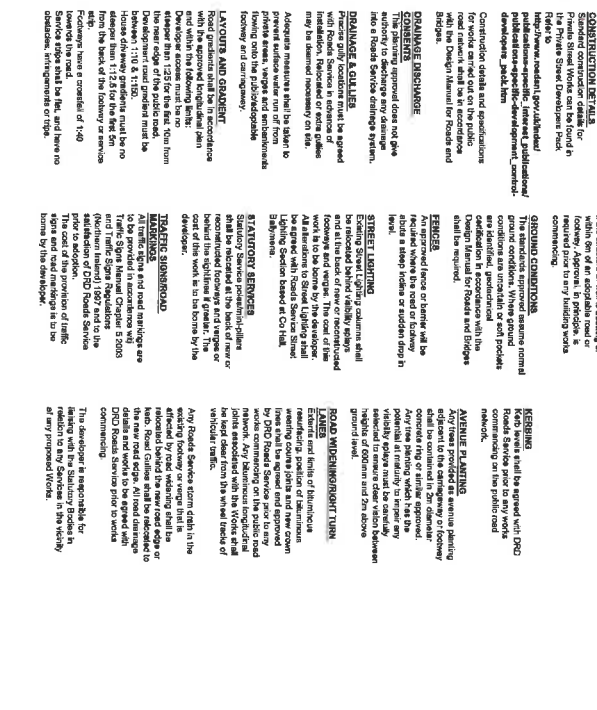
**50 Tullycullion Road Dungannon CoTyrone BT70 3LY**

**Tel:- 02887 767363**

**info@jakelly.co.uk**



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New Street Name Proposals



Comhairle Ceantair  
**Lár Uladh**  
**Mid Ulster**  
District Council

Applicants Name & Address:

Description:

Ref: F | 2017 | 1321

	Proposed Street Name	Linkage to Locality	Reason for Choice
Option 1	KILTAGH MANOR	KILTAGH WAS THE ORIGINAL NAME OF THE KILMASCALLY RD.	IT IS <del>THE</del> AN HISTORICAL NAME LINKED TO THE KILMASCALLY RD. SOME PEOPLE TODAY STILL LETEC TO IT AS KILTAGH. MY FIRST PREFERENCE IS KILTAGH MANOR, AS I THINK IT SUITS THE HOUSE TYPE IM BUILDING
Option 2	KILTAGH CLOSE		
Option 3			

Mid Ulster District Council  
29 JAN 2018  
RECEIVED  
(Magherafelt Office)

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

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

Signed *[Signature]*

Dated 20/1/18







Location Map 1:2500  
Ordnance Survey N.I.  
Reference: 126-13NW  
Site outlined red.  
R.O.W. shaded Green.

Mid Ulster District Council  
Building Control Department  
(Cookstown Office)

10 AUG 2017  
P.17.1321

Revisions:

Client  
Mr. N. Devlin

Project title  
Housing Development  
60.0m Northwest of  
No.32 Kilmascally Road  
Ardboe, Dungannon.

Drawing title  
Scheme Design Drawing  
Location Map.

Scale  
1:2500

Date  
16/08/05

Drawn by  
T.S.

Drg. No. 2005-02-00.


SIGHT LINES/VISIBILITY SPLAYS:  
Provide unobstructed sight lines/visibility splays at a distance of 100.0m eastwards & 100.0m westwards to the edge of the public Kilmascally Road from a point in the centre of the proposed site access. 4.5m back from the near edge of the public road.  
The adjacent carriageway (Kilmascally Road) is to be widened to 5.5m & a 2.0m wide footpath across the site frontage is to be provided as part of the proposed development.

2.0m footpath  
4.5m  
100.0m  
100.0m

Kilmascally Road

MID-ULSTER DISTRICT COUNCIL

Plans approved in pursuance of Article 13 of The Building Regulations (NI) Order 1979 (as amended).

Signed:   
Head of Building Control

Note: Where work has not been started within three years from the date of deposit of the plans the Council may, in accordance with Article 19, declare the deposit of the plans to be of no effect.

M G KELSO  
Director of Public Health & Infrastructure

Page 122 of 360

**MID ULSTER DISTRICT COUNCIL****New Street Name Proposals**

Applicants Name & Address: Farasha Properties Ltd  
34 Culrevoey Rd, Dungannon, BT71 4PY

Description: Housing Development

Ref: F/2017/0473

Mid Ulster District Council

22 JAN 2018

Building Control Department  
(Dungannon Office)

	Proposed Street Name	Linkage to Locality	Reason for Choice
Option 1	Castle Glen	Dungannon Castle and Glen, where the Site is located	Relates to Town and Location
Option 2	Mill Park	located adjacent to old Windmill Site	Relates to Windmill wood adjacent
Option 3	Gortconey	Site is a Hill	Irish name for Hill of the Rabbits

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

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

Signed .....

Dated 19/1/18 .....

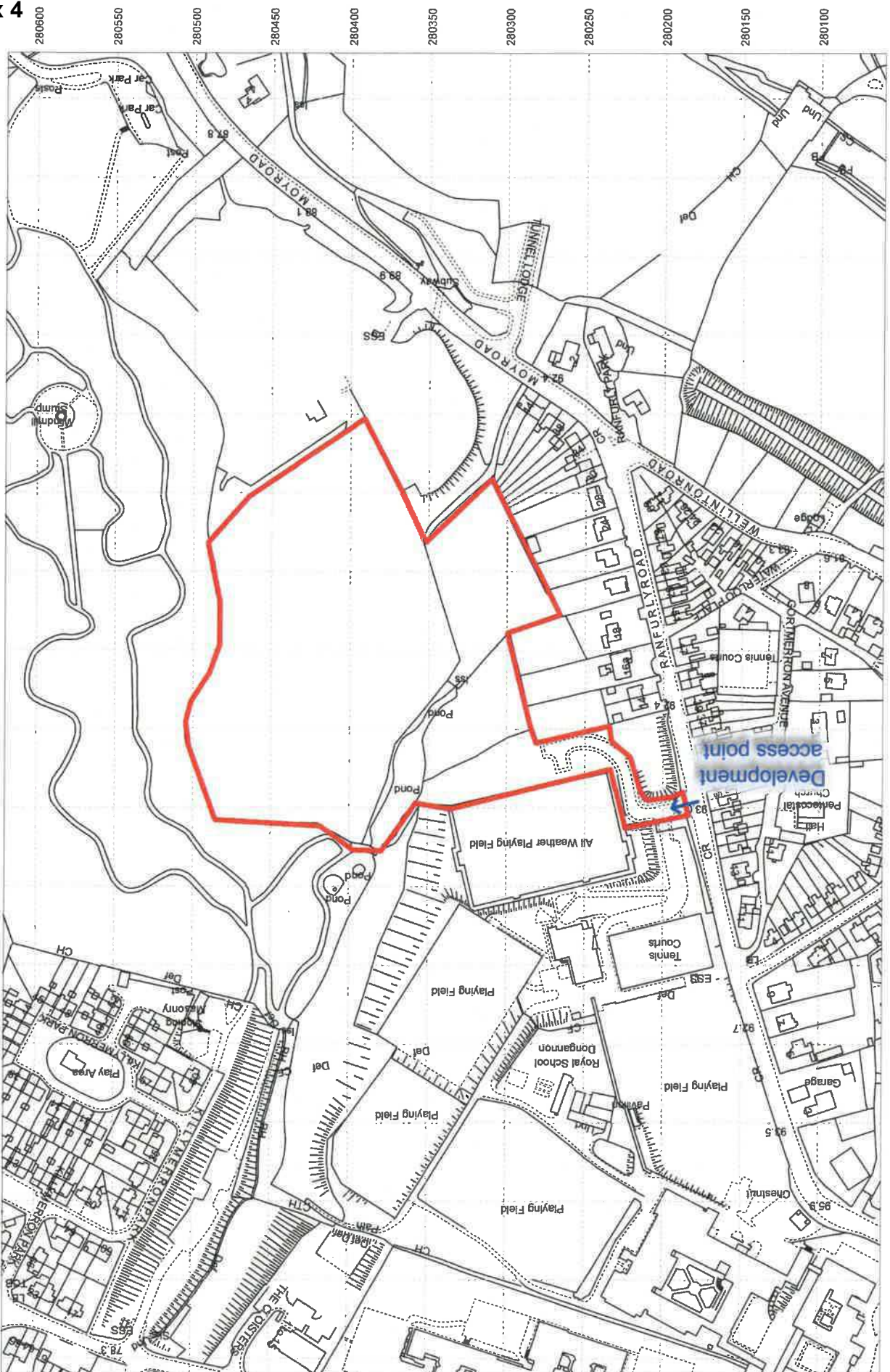


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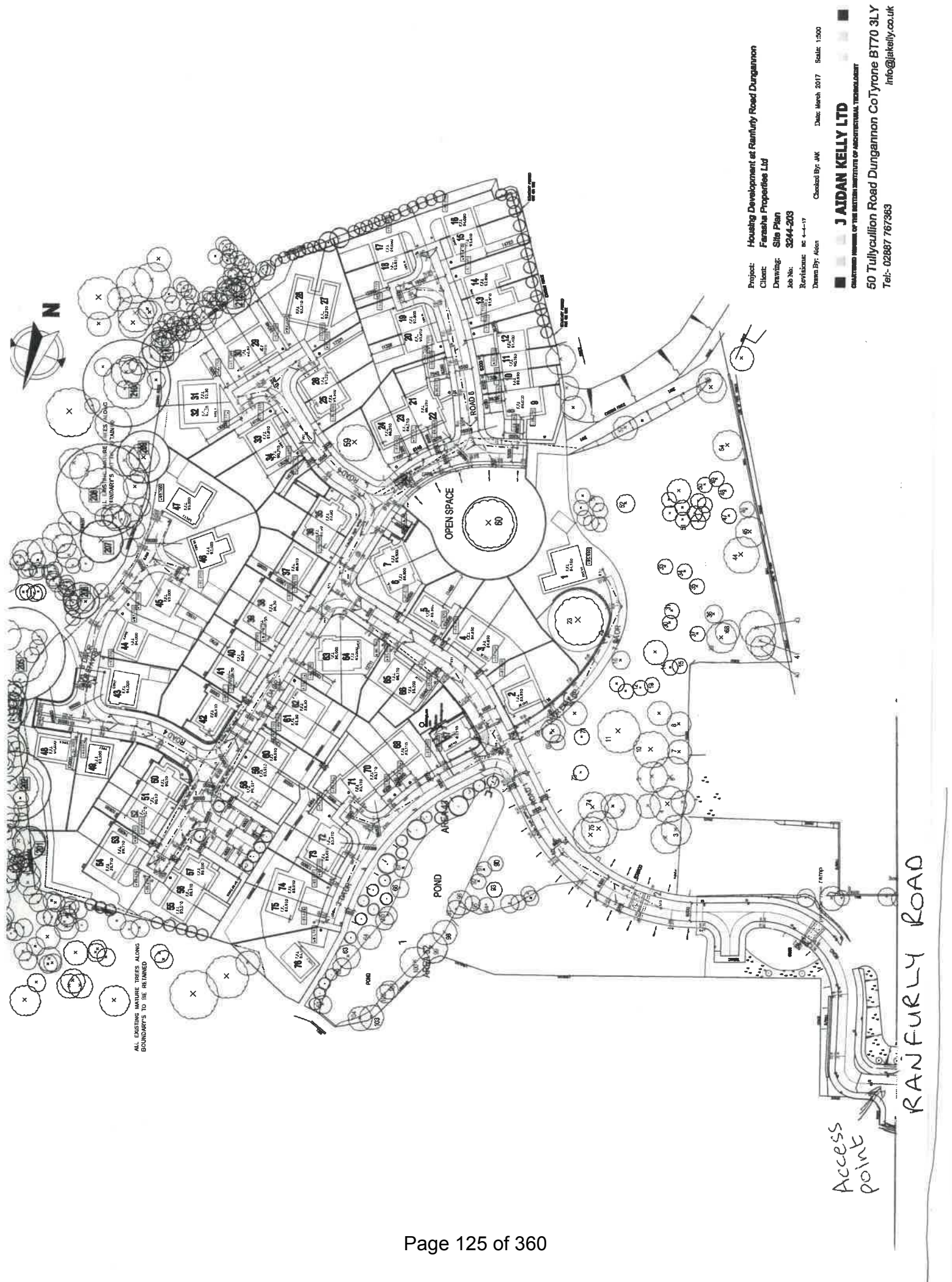
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<b>Report on</b>	Organ Donation
<b>Reporting Officer</b>	Fiona McClements
<b>Contact Officer</b>	Fiona McClements

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

<b>1.0</b>	<b>Purpose of Report</b>
1.1	To seek approval for MUDC response to the public consultation on a draft policy for Promoting Organ Donation and Transplantation in Northern Ireland.
1.2	To seek approval for comments on draft document "Promoting Organ Donation: A Local Government Code of Practice".
<b>2.0</b>	<b>Background</b>
2.1	Legislation was introduced by the Assembly in 2016, requiring the Department of Health to promote organ donation.
2.2	The Department of Health has recently launched a public consultation on a draft policy for the promotion of organ donation. It proposes a series of commitments centred around coordinated engagement and educational activities. The consultation will run until 5 <sup>th</sup> March 2018. The Department proposes a series of public consultation events during February, details of which have not been confirmed.
2.3	The Department is also seeking feedback from Councils and Trust Organ Donation Committee Chairs on a Draft Local Government Code of Practice on Organ Donation. The document has been recently circulated following a workshop for Councils and HSC Trusts, which was held in January 2017.
2.4	Following closure of the public consultation on 5 <sup>th</sup> March, The Department aims to publish and implement the final policy statement in April 2018. The Departments preference is that the final Code of Practice would be included, subject to approval/adoption processes as may be required by Councils.
<b>3.0</b>	<b>Main Report</b>
3.1	<p><b>Public Consultation</b></p> <p>Key information and Policy background has been published by Department of Health as part of the consultation process and includes:</p> <ul style="list-style-type: none"> <li>Organ Donation is where a person living or dead, donates their organs and tissue for transplant. In NI, your organs and tissues will only be used if you have given written prior consent e.g. if you have joined an Organ Donation Register (ODR), or if a close relative or friend does on your behalf after death.</li> <li>In NI, 770,000 have signed Organ Donor Register (42% population). This has increased from 30% in 2013 when "Taking Organ Donation to 2020" strategy was launched.</li> <li>At present 200 people in NI are on the transplant waiting list. Every year around 14 people in NI die waiting for a transplant.</li> <li>Only a small number of us will die in circumstances where organ donation is clinically possible (around 1%).</li> </ul>

3.2	<p>The Consultation (<b>Appendix 1</b>) proposes that activities to promote organ donation in Northern Ireland by Health and Social Care organisations will focus on <b>two primary objectives</b> to be implemented through <b>six key commitments</b> to drive increased rate of organ donation in Northern Ireland. One of the commitments is to work with Local Government to engage with local community based initiatives.</p>
3.3	<p>Objective 1: Encouraging positive actions and behaviours in relation to organ donation</p> <p>Commitments 1-5</p> <p>The Department commits to increasing awareness of organ donation and the rate of consent by families by:</p> <ol style="list-style-type: none"> <li>1. Developing a long term HSC Communications Programme;</li> <li>2. Providing ring-fenced funding to coordinate and deliver communications activity;</li> <li>3. Utilising the potential of civic society to engage with all sectors of the community;</li> <li>4. Working with Local Government to engage with local community based initiatives;</li> <li>5. Engaging with key target audiences including older citizens and children and young people, to ensure greater levels of awareness and responsibility by the current and future adult population.</li> </ol>
3.4	<p>Objective 2: Developing appropriate training for health care professionals to increase levels of consent in order to achieve the 2020 strategy target of 80%.</p>
3.5	<p>Commitment 6: The Department commits to increasing awareness of organ donation and the rate of consent by families by:</p> <ol style="list-style-type: none"> <li>6. Providing high quality organ donation awareness training for medical professionals.</li> </ol>
3.6	<p><b>Promoting Organ Donation a Local Government Code of Practice. (Appendix 2)</b></p> <p>The draft document at Appendix 2 sets out a number <b>guiding principles</b> for Councils in relation to promoting organ donation among their local communities. The code of practice also includes a list of <b>activities</b>, which is not exhaustive but aims to illustrate ways in which Councils can be effective partners in the achievement of the Department policy aims. The list of activities is as follows:</p> <ul style="list-style-type: none"> <li>• Establish formal links with the local HSC Trust Organ Donation Committee(s) in the Council area, for example by nominating a Council representative or liaison officer.</li> <li>• Explore ways to use existing communications channels (e.g. newsletters, public buildings, advertising spaces) to carry positive messages about organ donation.</li> <li>• Explore ways to link Council websites to the ODR and online information about organ donation, for example through end-of-transaction prompts when registering for Council services.</li> <li>• Ensure that opportunities to promote organ donation are included within Council communications plans.</li> <li>• Work with local HSC Trusts to jointly coordinate media coverage of organ donation stories with local interest, particularly around key regional and national organ donation events.</li> </ul>

	<ul style="list-style-type: none"> <li>• Seek opportunities to invite Specialist Nurses and organ donor families/transplant patients to meet with Councillors.</li> <li>• Maximise the use of localised statistical information about organ donation issues (e.g. ODR registrations, number of local people awaiting organs transplants) and promotional material to encourage discussion and positive action.</li> <li>• Promote organ donation amongst Council staff as part of wider staff welfare initiatives.</li> <li>• Contribute information about Council-led organ donation promotion initiatives to the Department's annual report to the Northern Ireland Assembly.</li> </ul>
<b>4.0</b>	<b>Other Considerations</b>
<b>4.1</b>	<p><b><u>Financial &amp; Human Resources Implications</u></b></p> <p>Financial: Currently no additional funding proposed for Councils</p> <p>Human: Existing - Wider than Environmental Health as likely to involve staff time from various Council Departments due to aspects of community planning, marketing and communications and staff welfare elements referred to within Draft COP.</p>
<b>4.2</b>	<p><b><u>Equality and Good Relations Implications</u></b></p> <p>None</p>
<b>4.3</b>	<p><b><u>Risk Management Implications</u></b></p> <p>None</p>
<b>5.0</b>	<b>Recommendation(s)</b>
5.1	That Council submit the proposed response to the Public Consultation Document Promoting Human Organ Donation and Transplantation in Northern Ireland attached at <b>Appendix 3</b> .
5.2	That Council agree to the proposed comments in respect of the Draft Code of Practice "Promoting Organ Donation: A local Government Code of Practice" at <b>Appendix 4</b> .
<b>6.0</b>	<b>Documents Attached &amp; References</b>
6.1	Appendix 1 - Consultation Proposals and Response Questionnaire
6.2	Appendix 2 - Draft Promoting Organ Donation: A Local Government Code of Practice
6.3	Appendix 3 - MUDC proposed Comments on Public Consultation "Promoting Human Organ Donation and Transplantation in NI"
6.4	Appendix 4 - MUDC proposed Comments on Draft Code of Practice "Promoting Organ Donation: A local Government Code of Practice"

## **PROMOTING HUMAN ORGAN DONATION AND TRANSPLANTATION IN NORTHERN IRELAND**



### **Consultation Proposals & Response Questionnaire**

**11 December 2017 – 12 March 2018**

## Consultation Proposals

### Policy Objectives and Key Commitments

Reflecting international best practice, activities to promote organ donation by Health and Social Care (HSC) organisations in Northern Ireland will focus on **two primary objectives** to be implemented through **six key commitments** to drive increased rates of organ donation in Northern Ireland.

#### **Objective 1: Encouraging positive actions and behaviours in relation to organ donation**

Positive actions and behaviours means making our organ donation wishes known. This primarily involves encouraging potential donors to join the Organ Donor Register (ODR), and helping people to discuss their organ donation wishes with family and friends. The Department working with the HSC will deliver this objective by developing and implementing the following measures, focussing on activities that encourage the consent discussion, drive registration, develop the ODR as an effective marketing tool, and support promotion at a local level.

##### Commitments 1-5

The Department commits to increasing awareness of organ donation and the rate of consent by families by:

1. Developing a long term integrated HSC Communications Programme;
2. Providing ring-fenced funding to coordinate and deliver communications activity;
3. Utilising the potential of civic society to engage with all sectors of the community;
4. Working with Local Government to engage with local community based initiatives;
5. Engaging with key target audiences including older citizens and children and young people, to ensure greater levels of awareness and responsibility by the current and future adult population.

**Objective 2: Developing appropriate training for healthcare professionals to increase levels of consent in order to achieve the 2020 strategy target of 80%**

Commitment 6

The Department commits to increasing awareness of organ donation and the rate of consent by families by:

6. Providing high quality organ donation awareness training for healthcare professionals.

Further detail on these commitments and consultation questions is provided below.



## **Commitment 1: Develop a long term integrated HSC Communications Programme**

Mass media advertising has been successful to a point in promoting positive attitudes towards organ donation, encouraging positive behaviours and influencing conversations, however the effect of this approach in isolation can be short-lived. When combined with a sustained and co-ordinated programme of activities embracing contemporary marketing techniques the impact can potentially be more beneficial. This approach aims to embed a shift in public attitudes and a change in behaviours over the longer term, resulting in an anticipated higher rate of consent to donation.

Public Information campaigns have, in the past, been delivered in Northern Ireland on an ad hoc basis by various stakeholders including charities, the Public Health Agency and NHS Blood and Transplant (NHSBT)<sup>1</sup>, working either individually or collectively, and in the absence of a coordinated, strategic and ongoing approach to communications.

The Department therefore proposes the development of a rolling 3-year integrated HSC communications programme, with annual priority plans. The programme will combine regional and local promotional initiatives with NHSBT's expertise and UK-wide evidence-informed campaign activity in a way that is suitably tailored to meet priorities identified for Northern Ireland organ donation activities.

The communications programme and annual plans will take account of existing public information sources<sup>2</sup> by engaging with the public on organ donation issues through various platforms including the mass media, social media and local promotional events.

Annual plans will place particular attention on coordinating promotional activities in collaboration with relevant stakeholders (including charities, patients, donor families, HSC Trusts, local councils), around key dates for organ donation each year.

**Question 1: Do you agree that a long term communications programme should be developed to promote organ donation through local, regional and national initiatives through various platforms?**

**Question 2: What activities do you think should be included in the communications programme?**

---

<sup>1</sup> [NHS Blood and Transplant \(NHSBT\)](#) is a Special Health Authority in the NHS which is responsible for the allocation of organs for transplantation is across Northern Ireland, England, Scotland and Wales; management of the Organ Donor Register (ODR); and running public information campaigns in relation to organ donation.

<sup>2</sup> The website <https://www.organdonationni.info> is the primary source of public health information about organ donation in Northern Ireland, providing statistics, promotional resources, responses to Frequently Asked Questions, and links to facilitate registration on the NHS Organ Donor Register (ODR).

## **Commitment 2: Providing ring-fenced funding to coordinate and deliver communications activity**

The Department commits to providing a ring-fenced annual budget to fund the Communications Programme, to include delivery of promotional activities by a regional coordinator.

The role of the coordinator will include the development and delivery of the communications programme, overseen by a steering group to include Health and Social Care (HSC) commissioners, HSC Trusts, clinicians and specialist nurses who are involved in organ donation and transplantation, as well as patient representatives. It will determine annual plans identifying priority areas for promotional campaign activity and funding in Northern Ireland, monitor the effectiveness of the programme and ensure consistency in its delivery across the region.

The coordinator will also be responsible for maintaining appropriate links with NHSBT's ongoing campaign activity at a UK level, in order to advise the steering group and coordinate as appropriate the delivery of any campaigns that will further Northern Ireland priorities within the available budget.

**Question 3: Do you agree that ring-fenced funding should be provided to coordinate and deliver communications activity by a regional coordinator?**

**Question 4: What do you think should be the funding priorities?**

### **Commitment 3: Utilising the potential of civic society to engage with all sectors of the community**

The communications programme will place particular focus on developing partnerships with employers and related business organisations, statutory organisations such as public libraries and universities, and community and voluntary organisations to maximise their contribution to promoting organ donation. Each of these bodies engage with their particular audiences, such as employees, clients and volunteers, through a variety of interfaces which have the potential to help drive ODR registration. Partnership working presents an opportunity to promote organ donation via these networks by tailoring communications in order to maximise their effectiveness.

Technology and contemporary communications will be used as far as possible, e.g. developing compelling, emotive and regular content for delivery through partners' websites and social networks, and using providing staff and customers with web links to both the ODR and to organ donation information.

Employers: Working initially with HR leaders in large employers, campaigns will support the provision of advice and resources to facilitate the development of bespoke Corporate Social Responsibility (CSR) programmes. Through these programmes, employers provide information and encourage staff to learn about organ donation, discuss their views and wishes with friends and family, and join the ODR. CSR programmes can also identify organ donation champions to take the lead in promoting organ donation within their respective organisations and communities, with appropriate support from the Department and HSC bodies. Some local companies have shown leadership in developing such initiatives, which can be used to educate and encourage others to do likewise.

Statutory Sector: Activities will seek to develop partnerships with statutory sector service providers will deliver tailored messages for various user groups, for example:

- Potential opportunities to collaborate with the Northern Ireland Blood Transfusion Service in jointly promoting blood and organ donation;
- Working with the network of Northern Ireland libraries as important community hubs to display information, provide literature, and host educational events;
- Working with schools and colleges – see also paragraph (v) below – to develop appropriate curricular and extra-curricular programmes to educate students about organ donation.

Community and Voluntary Sector: these organisations, particularly those involved in organising and playing sports, promoting health and wellbeing, or representing the interests of health service patients, collectively involve significant numbers of the Northern Ireland population who are generally receptive to positive health messages. Activities will

therefore seek to build partnerships with these organisations, to help stage promotional/learning events, and to provide information and resources which are suitable to the needs of their members.

**Question 5: Do you agree with the proposed approach to developing tailored partnerships with employers, the statutory sector, and the community and voluntary sector?**

**Question 6: Which partnerships do you think would be most effective in encouraging positive behaviours in relation to organ donation?**

#### **Commitment 4: Working with Local Government to engage with local community based initiatives**

Local Government's strong links with communities present a significant opportunity for positive engagement about organ donation at the local level. The Department therefore commits to working with HSC bodies and Northern Ireland's 11 local councils to collaborate on the development and implementation of local promotional campaigns using a variety of established communications channels. The aim will be to build on local community plan objectives aimed at improving the health and wellbeing of their citizens. The promotion of organ donation is seen by councils as an important element of that responsibility.

Local campaigns will be underpinned by a code of practice to support local councils: in the development of appropriate links with NHSBT to help deliver national promotional activities at a community level; closer partnership working between councils and HSC Trusts to jointly plan and coordinate promotional activities, messages and events; the development of volunteer networks to facilitate these activities; and the sharing of best practice across local government.

The Department will also publish local organ donation statistics available for every council area to support these local activities. Through this collaborative approach the Department aims to increase the number of ODR registrations and rates of donation in each council area.

**Question 7: Do you agree that collaboration between Local Councils and Health and Social Care is an effective means of promoting organ donation in local communities?**

**Question 8: What promotional activities would you wish to see delivered in this way?**

**Commitment 5: Engaging with key target audiences including older citizens and children and young people, to ensure greater levels of awareness and responsibility by the current and future adult population**

People of any age can register to be an organ donor<sup>3</sup>. It is therefore particularly important that children and young people are provided with appropriate information about what this means at an early age, in order to help them make an informed choice and discuss this with their friends and family.

The *Young Persons' Behaviour & Attitudes Survey 2016*<sup>4</sup> shows that children and young people in Northern Ireland have mostly favourable views in relation to organ donation, generally seeing it as something positive that can come out of someone's death. However, there is scope to improve their understanding around some aspects of organ donation, and less than half of those surveyed had discussed their views with their close family members.

Recognising the value of encouraging positive attitudes amongst young people towards health and wellbeing matters in general, the Department commits to ensuring that the communications programme will include a co-ordinated approach to working with schools and youth organisations in order to increase knowledge and understanding about organ donation, and encourage young people to discuss the subject amongst friends and family.

It will support and build upon established good practice that has been developed by local champions within Northern Ireland (including teachers, youth leaders, and pupils), to make educational resources and support available to expand and deliver curricular and extra-curricular programmes tailored for various age groups. The Department of Health will work with the Department of Education to facilitate the delivery of this part of the plan.

Furthermore, contrary to the myth that someone's age might prevent them from becoming an organ donor, it is important to remember that patients who die in circumstances where donation may be possible are considered individually, irrespective of how old they are. For example, in 2016/17, the average age of a deceased donor in the UK was 51, with 60% of donations coming from the over 50 age group<sup>5</sup>. The

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<sup>3</sup> Everyone irrespective of age or health and who is considered legally competent can join the NHS Organ Donor Register. Doing so provides legal consent for the donation of organs. Children can register but their parents, guardians or those with parental responsibility will be asked to provide their consent should the child's death lead to donation being considered.

<sup>4</sup> <https://www.nisra.gov.uk/sites/nisra.gov.uk/files/publications/YPBAS2016ToplineResults.pdf>

<sup>5</sup> Whether or not someone's organs after death can be safely used to help others is determined at the time through a number of assessments. Information from the patient's clinical and social history is also considered from medical records and the person's next of kin.

average age of a living donor was 47%, with 44% of donations coming from the over 50 age group<sup>6</sup>.

The communications programme will therefore also seek to deliver appropriate clear 'myth busting' messages to encourage those in older age groups to consider and discuss their organ donation wishes.

**Question 9: Do you agree that promotional activities should be targeted at key audiences including older citizens and children and young people?**

**Question 10: In what ways do you think this could be approached?**

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<sup>6</sup> Potential living kidney donors undergo a series of tests to ensure that they are suitable and that it is safe for them to donate.

## **Commitment 6: Providing high quality organ donation awareness training for healthcare professionals**

Only a small proportion of people die in circumstances where it may be possible for their organs to be donated. It is vitally important that in these circumstances families are given the option of consenting to organ donation. Usually this will be in a hospital intensive care setting, and the approach to families must be sensitively managed. They should be referred as early as possible to a *Specialist Nurse - Organ Donation* (SNOD) working within the intensive care unit and equipped with the specialist knowledge and skills to discuss donation and, if known, their loved one's wishes.

In order for referral opportunities to be realised, it is also important that all health professionals involved in the journey with that patient and their family are equipped with appropriate knowledge about organ donation and about the SNOD referral process.

Through this approach, discussing organ donation should become a normal part of end-of-life care for the families of patients in these circumstances. All families, where organ donation is a possibility, will be approached in line with best practice principles.

The Department has endorsed NICE CG135<sup>7</sup>, and NHSBT Best Practice Guidance on approaching the families of potential organ donors<sup>8</sup>, which reinforce that every approach to those close to the patient should be planned with the multidisciplinary team (MDT), should involve the SNOD, and should be clearly planned taking into account the known wishes of the patient. The ODR should be checked in all cases of potential donation, and this information must be discussed with the family as it represents the eligible donor's legal consent to donation.

In the UK as a whole in 2016/17, consent rates when a SNOD was involved in the discussion with the potential donor's family were 68.6%, compared to 27.5% when a SNOD was not involved.

These figures clearly demonstrate the positive difference that effective referral by appropriately trained professional makes to securing the consent of families. Maximising potential donation opportunities when they arise is the key to improving the consent rate and achieving the 2020 target of 80%. Non-referral of potential donors and the resultant low consent rates represent missed opportunities to save lives, and should therefore be minimised.

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<sup>7</sup> <https://www.nice.org.uk/guidance/CG135>

<sup>8</sup> [http://odt.nhs.uk/pdf/family\\_approach\\_best\\_practice\\_guide.pdf](http://odt.nhs.uk/pdf/family_approach_best_practice_guide.pdf)



Reflecting the above, the Department will work with the HSC, training bodies, universities, and NHSBT to develop and deliver appropriate training for various healthcare professionals involved at all stages of the consent journey. This will include GPs, medical students, medical trainees, consultants and specialist doctors, and trainee and post-registration nurses working in secondary care settings, in order to increase their awareness of organ donation issues and their understanding of the SNOD referral process.

**Question 11: Do you agree delivering appropriate training for healthcare professionals can be an effective way of increasing the level of consent for donation to proceed?**

**Question 12: In what ways do you think this could be approached?**

## **How to Respond in Writing**

Please send your completed responses by 5.00pm on Monday 12 March 2018 to:

Email: [OrganDonationConsultation@health-ni.gov.uk](mailto:OrganDonationConsultation@health-ni.gov.uk)

Hard Copy: Organ Donation Consultation  
Department of Health  
Room 1, Annex 1  
Stormont Estate  
Belfast  
BT4 3SQ

## **Further Information and Related Documents**

Large print, Braille and alternative language versions of this document are available on request to the above email address or postal address.

If you have any questions please contact [OrganDonationConsultation@health-ni.gov.uk](mailto:OrganDonationConsultation@health-ni.gov.uk)

### Promoting Organ Donation: A Local Government Code of Practice

*This Code of Practice contains a set of guiding principles and activities relating to the promotion of organ donation through closer collaboration between Northern Ireland's 11 Local Councils and the local Health and Social Care Trusts.*

#### Introduction

Northern Ireland consistently ranks highly compared to other regions and countries in terms of the positive attitudes of its people towards organ donation, and in the number of both living and deceased organ donors year on year. However, with more than 200 people on a transplant waiting list, and with less than half of the population on the Organ Donor Register (ODR), more can always be done to increase our levels of knowledge and understanding, and to encourage more people to discuss and register their organ donation wishes.

The Department of Health's policy on the promotion of organ donation [REF], published on [DATE], aims to increase the number of organs available for transplantation in Northern Ireland by focusing on public engagement and education about the benefits and the importance of becoming an organ donor, in order encourage more people to discuss their wishes with their family and friends. Only a small number (around 1%) of us will die in circumstances where organ donation is clinically possible. It is therefore vitally important that, when these circumstances do arise, the opportunity to help others is not lost, by ensuring that our organ donation wishes are known.

Northern Ireland's 11 Local Councils, through the delivery of their Community Plan objectives, are committed to working with Health and Social Care (HSC) organisations in their locality to improve the health and wellbeing of the local populations they serve. Collectively, Councils see the promotion of organ donation as an important element of that responsibility. Likewise, the Department of Health recognises the important and potentially influential role of local government partners in promoting organ donation through their existing strong links with their communities.

Close collaboration between HSC organisations and local government to develop and deliver local promotional campaigns is thus a key element in achieving the Department's policy aim of encouraging positive action and discussion in relation to organ donation, and ultimately to save and improve more lives by increasing the number of organs available for transplantation.

#### Purpose of the Code of Practice

This Code of Practice has been developed by the Department of Health and HSC organisations in partnership with Northern Ireland's 11 Local Councils. It provides a set of guiding principles in relation to promoting organ donation that have been

agreed across local government, as well as activities to encourage positive action and discussion particularly in local communities.

These principles and activities are aimed at supporting Councils: to develop and strengthen links with HSC organisations locally; to jointly plan and deliver promotional activities at a community level; to coordinate promotional messages and events; to develop volunteer networks to facilitate these activities; and to share best practice across local government.

## **Principles**

Northern Ireland's Local Councils are guided by the following principles in relation to promoting organ donation among their local communities:

- Councils support the Department of Health's overall policy aim of putting Northern Ireland amongst the world's best performing countries by 2020 and beyond. This will be achieved by working together to revolutionise attitudes to organ donation through a sustained and well-coordinated programme of communication activities.
- Organ donation, including the need for organ transplants, is an important local health matter which affects people, families, communities and the local economy.
- Councils, through their Community Plan commitments to improving the health and wellbeing of their local populations, are key stakeholders with an important role to play in promoting positive actions and discussion in relation to organ donation.
- Through their existing strong links with their local communities, Councils are well placed to help deliver key promotional messages about organ donation using various and well established channels of communication.
- Partnership working between HSC organisations and Councils is key to the success of local campaigns to promote organ donation, as it facilitates the provision of localised information, as well as the coordination of key messages in line with regional and national strategic priorities.
- Localised information provided by HSC organisations, coupled with Councils' strong communication channels, can help to drive registration on the Organ Donor Register (ODR) amongst the local population, and ultimately to increase the overall level of consent to organ donation within Northern Ireland as a region.

## Activities

The following list of actions and activities is not exhaustive but aims to illustrate ways in which Councils can be effective partners in the achievement of the Department of Health's policy aims:

- Establish formal links with the local HSC Trust Organ Donation Committee(s) in the Council area, for example by nominating a Council representative or liaison officer.
- Explore ways to use existing communications channels (e.g. newsletters, public buildings, advertising spaces) to carry positive messages about organ donation.
- Explore ways to link Council websites to the ODR and online information about organ donation, for example through end-of-transaction prompts when registering for Council services.
- Ensure that opportunities to promote organ donation are included within Council communications plans.
- Work with local HSC Trusts to jointly coordinate media coverage of organ donation stories with local interest, particularly around key regional and national organ donation events.
- Seek opportunities to invite Specialist Nurses and organ donor families/transplant patients to meet with Councillors.
- Maximise the use of localised statistical information about organ donation issues (e.g. ODR registrations, number of local people awaiting organs transplants) and promotional material to encourage discussion and positive action.
- Promote organ donation amongst Council staff as part of wider staff welfare initiatives.
- Contribute information about Council-led organ donation promotion initiatives to the Department's annual report to the Northern Ireland Assembly.

**List of Northern Ireland Councils**

- [Antrim and Newtownabbey Borough Council](#)
- [Ards and North Down Borough Council](#)
- [Armagh City, Banbridge and Craigavon Borough Council](#)
- [Belfast City Council](#)
- [Causeway Coast and Glens Borough Council](#)
- [Derry City and Strabane District Council](#)
- [Fermanagh and Omagh District Council - Enniskillen Office](#)
- [Lisburn and Castlereagh City Council](#)
- [Mid and East Antrim Borough Council](#)
- [Mid Ulster District Council - Dungannon](#)
- [Newry, Mourne and Down District Council](#)

## Promoting Human Organ Donation and Transplantation in Northern Ireland:

*A consultation on a policy to increase organ donor numbers*

### CONSULTATION RESPONSE FORM

I am responding:

As an individual \_\_\_\_\_

As a health and social care professional \_\_\_\_\_

On behalf of an organisation \_\_\_\_\_X\_\_\_\_\_

(please tick one option)

About you or your organisation:

Name:	Mark Kelso
Job Title:	Director of Public Health and Infrastructure
Organisation:	Mid Ulster District Council
Address:	Magherafelt office
Tel:	03000 132 132
E-mail:	<a href="mailto:Mark.kelso@midulstercouncil.org">Mark.kelso@midulstercouncil.org</a>

## **Commitment 1: Develop a long term integrated HSC Communications Programme**

**Question 1: Do you agree that a long term communications programme should be developed to promote organ donation through local, regional and national initiatives through various platforms?**

Yes          X  

No                   

Please feel free to comment below, providing evidence to support any alternative proposal:

The Council would be in agreement with a longer term communications programme to be developed to promote organ donation lead by the HSC. The programme would require a high degree of flexibility for any partner organisation to determine their level of resource available.

**Question 2: What activities do you think should be included in the communications programme?**

The activities included should be designed to match the target population based on statistical information available. The communications programme should have a focus on addressing known barriers to organ donation.

It would also be useful to develop good links with both local and regional media outlets in order that a consistent and staged communications programme is put in place.



**Commitment 2: Providing ring-fenced funding to coordinate and deliver communications activity**

**Question 3: Do you agree that ring-fenced funding should be provided to coordinate and deliver communications activity by a regional coordinator?**

Yes        X  

No                  

Please feel free to comment below, providing evidence to support any alternative proposal:

**Question 4: What do you think should be the funding priorities?**

The funding priorities of the HSC should best match the target population based on available statistics and known barriers.

**Commitment 3: Utilising the potential of civic society to engage with all sectors of the community**

**Question 5: Do you agree with the proposed approach to developing tailored partnerships with employers, the statutory sector, and the community and voluntary sector?**

Yes        X  

No                  

Please feel free to comment below, providing evidence to support any alternative proposal:

The Council would welcome this approach.

**Question 6: Which partnerships do you think would be most effective in encouraging positive behaviours in relation to organ donation?**

It would be important to work across a number of organisations as each would have access to different sections of the community including their own work force. Depending on the targeted area then partnership engagement may be prioritised.

**Commitment 4: Working with Local Government to engage with local community based initiatives**

**Question 7: Do you agree that collaboration between Local Councils and Health and Social Care is an effective means of promoting organ donation in local communities?**

Yes        X  

No                  

Please feel free to comment below, providing evidence to support any alternative proposal:

The Council would be fully supportive of this collaboration but work would have to take place within existing priorities within the community plan and within available resources.

**Question 8: What promotional activities would you wish to see delivered in this way?**

Bearing in mind the Council resources and time constraints, promotional activities would require to be incorporated within the current Health and wellbeing work currently being undertaken. Corporate promotion would be seen as a potentially effective targeting process within the organisation's own staff resource. Existing Council communications links including websites and social media could be used to disseminate positive messages regarding transplantation. Links to donor register could be made from Council websites.

**Commitment 5: Engaging with key target audiences including older citizens and children and young people, to ensure greater levels of awareness and responsibility by the current and future adult population**

**Question 9: Do you agree that promotional activities should be targeted at key audiences including older citizens and children and young people?**

Yes \_\_\_\_\_

No \_\_\_\_\_

Please feel free to comment below, providing evidence to support any alternative proposal:

Mid Ulster Council would support promotional activities at key audiences but would not be best placed to comment on the age of children to be included.

**Question 10: In what ways do you think this could be approached?**

Children and young people could play a valuable role in stimulating family discussions around donation and transplantation. However, it would be important to be sensitive to the concerns some parents may have regarding young children discussing issues around death.

**Commitment 6: Providing high quality organ donation awareness training for healthcare professionals**

**Question 11: Do you agree delivering appropriate training for healthcare professionals can be an effective way of increasing the level of consent for donation to proceed?**

Yes        X  

No                  

Please feel free to comment below, providing evidence to support any alternative proposal:

Mid Ulster council would be in agreement with appropriate training based on the statistics given.

**Question 12: In what ways do you think this could be approached?**

No comment

Please use the text box below to provide any additional comments you wish to provide regarding the promotion of organ donation in Northern Ireland:

## **Proposed comments on the Draft Promoting Organ Donation: A Local Government Code of Practice**

### **Introduction**

The introduction refers to each Council seeing the promotion of organ donation as an important element of the responsibility under the Community Plan. It is recommended that this section is amended to reflect general Council support in principle as it has not been identified specifically within Mid Ulster District Council Community Plan.

### **Purpose of the Code of Practice**

Consideration should be given to renaming the document from “Code of Practice” to another partnership type term. This paragraph refers to an agreed set of principles which can be supported through Council but the level of activities should be flexible to reflect the available resource within each council in line with community planning and other targets. The Council would support and welcome the development and strengthening of links within HSC organisations locally but within current resources.

### **Principles**

Mid Ulster District Council would be supportive of this work but within this section of the document there requires to be further flexibility for councils to provide the level of resources available in line with current priorities.

### **Activities**

The Council would support and welcome the establishment of formal links with local HSC Trust Organ Donation Committees and within resource to use existing communication channels to promote organ donation. There should however be flexibility for each council to determine the level of end of transaction prompts when registering for council services and in council communication plans. The Council would be supportive of organ donation promotion within the organisation.

<b>Report on</b>	Department for Communities Stakeholder Questionnaire on Safety at Sports Grounds Guidance in Northern Ireland
<b>Reporting Officer</b>	Fiona McClements
<b>Contact Officer</b>	Fiona McClements

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

<b>1.0</b>	<b>Purpose of Report</b>
1.1	To present for agreement a Mid Ulster District Council response to the Department for Communities' questionnaire on safety at sports ground guidance , response due 14 February .
<b>2.0</b>	<b>Background</b>
2.1	<p>In 2007 the Department of Culture, Arts and Leisure (the precursor to the Department for Communities) provided a substantial technical guide '<i>The Northern Ireland Guide to Safety at Sports Grounds</i>' to assist stakeholders in Northern Ireland (NI) to comply with the <i>Safety of Sports Grounds (Northern Ireland) Order 2006</i>. The guide, at that time, also assisted stakeholders on meeting the requirements of the new sports grounds safety certification scheme. This NI 'Red Guide' as it is commonly known was based on the 4th edition of the SGSA 'Guide to Safety at Sports Grounds' and was produced by Sport NI's Sports Grounds Safety Advisory Unit (SGSAU) on behalf of the Department.</p> <p>The SGSA guide was refreshed in 2008, providing additional advice on risk management, counter terrorism and training of stewards, producing version 5. The NI 'red guide' has not to date been updated to include any of this revised guidance.</p> <p>The SGSA is currently undertaking a major exercise to rewrite their guidance, which will result in version 6. This extensive rewrite will consolidate their position on significant and important guidance on safety at sports grounds. The new guide will recognise and build upon the need to assess risk and develop levels of safety that are proportionate to the risk and the achievement of reasonable levels of safety for each ground. As part of the rewrite, the SGSA held an initial consultation event on the wider definition of safety in the Public Record Office NI in June 2017. The new revised guide is likely to be issued later in 2018.</p> <p>The Department for Communities (DfC) is now seeking views from relevant stakeholders on the appropriateness of Northern Ireland (NI) adopting the Sports Grounds Safety Authority (SGSA) 'Guide to Safety at Sports Grounds'. Opinions are being sought via an online questionnaire that is open for submissions by stakeholders until 5pm on 14 February 2018, after which (DfC) will fully consider the views of respondents on the proposal before making any decision. When a decision has been reached, DfC will publish a final report indicating that decision.</p> <p>The proposal of adopting the SGSA new guide is to ensure that safety guidance for sports grounds in NI is current, exemplary and of the highest quality. The Department is keen to</p>

	<p>hear stakeholders' views on the appropriateness of this proposal; and in particular to identify any issues. If NI stakeholders support the adoption of the SGSA guide then the SGSA will include NI in the wider consultation planned for 2018 prior to the launch of version 6 of their guide.</p>
<b>3.0</b>	<b>Main Report</b>
3.1	<p>The existing NI red guide is substantially out of date and does not reflect the current SGSA risk based approach. The main reasons why the new SGSA guide should be welcomed in NI are set out below:</p> <ul style="list-style-type: none"> <li>• The SGSA is recognised internationally as a leading global body in the provision of safety at sports grounds advice. In the past, it has provided support and expertise to the organisers of many high profile events such as the 2012 London Olympic Games, Euro 2012 (Poland &amp; Ukraine) and the 2016 Rio Olympic Games.</li> <li>• Version 6 will reflect the many changes in the design and management of sports grounds. It will also cover dealing with threats to sports grounds that have become more common in recent years. At its core will remain the founding principle of being a means to establish a safe capacity for sports grounds.</li> <li>• The recent service level agreement between the SGSA and Sport NI to provide safety advice and guidance to all stakeholders in NI would support the adoption of the SGSA guide. From 1 November 2017, the SGSA assumed responsibility for carrying out the advisory and overseeing functions previously undertaken by the SGSAU of Sport NI, with that unit now responsible for managing this arrangement.</li> <li>• The SGSA produces a suite of documents that underpin the main guide. These documents, which are revised as circumstances dictate, would also be made available to NI stakeholders.</li> <li>• A key aspect of the new SGSA guide is that it will be internationally recognised and sport neutral, allowing it to be used for any sport.</li> <li>• Any existing confusion for NI stakeholders due to the existence of two guides would be removed.</li> <li>• The requirements of any new version of the guide is only applicable to new builds and <b>will not be applied retrospectively to any existing sports grounds</b>. This means that any sports grounds within MUDC such as those currently designated or those going through the safety certification process associated with Regulated Stands can be reassured that compliance will continue to be assessed against the requirements of the current NI Guide to Safety in Sports Grounds (i.e. The NI Red Guide).</li> </ul> <p>It is recommended that Council supports the adoption of the revised SGSA Guide to Safety at Sports Grounds in NI as it is an opportunity to align Northern Ireland guidance with best practice developments and improvements in safety design and management that are already in place for sports grounds in GB. As the requirements of the revised guide do not apply retrospectively, there will be no significant impact on the operation of existing sports grounds within Northern Ireland, but any new grounds proposed will however benefit from the improvements and innovations in safe design.</p> <p>A draft response to the DfC questionnaire is attached for members consideration .</p>



<b>4.0</b>	<b>Other Considerations</b>
<b>4.1</b>	<b><u>Financial &amp; Human Resources Implications</u></b> Financial: N/A Human: N/A
<b>4.2</b>	<b><u>Equality and Good Relations Implications</u></b> N/A
<b>4.3</b>	<b><u>Risk Management Implications</u></b> N/A
<b>5.0</b>	<b>Recommendation(s)</b>
5.1	It is recommended that Council supports the adoption of the revised SGSA Guide to Safety at Sports Grounds in NI and forward attached response to the Department for Communities consultation .
<b>6.0</b>	<b>Documents Attached &amp; References</b>
6.1	DfC Questionnaire and MUDC Draft Questionnaire Response on Safety at Sports Grounds Guidance in Northern Ireland.



## **Questionnaire on Safety at Sports Grounds Guidance in Northern Ireland**

### **Introduction**

The Department for Communities welcomes comments on the appropriateness of Northern Ireland (NI) adopting the Sports Grounds Safety Authority (SGSA) '*Guide to Safety at Sports Grounds*'. We want to ascertain and collate the views of relevant stakeholders on this proposal.

This questionnaire will be available for a period of 8 weeks from 21 December to 5pm on 14 February. The questionnaire has been sent to those stated in the document included in the related section. This questionnaire is on-line and responses will be received automatically once submitted by the respondent.

Following the 8 week period, the Department will fully consider the views of respondents on the proposal before making any decision.

When a decision has been reached the Department will publish a final report indicating that decision. This report will include a summary of responses, and will detail how any issues raised have been considered and, where appropriate, any action that has been taken as a result.

### **Background**

In 2007 the Department, (the precursor to the Department for Communities being the Department of Culture, Arts and Leisure), provided a substantial technical guide '*The Northern Ireland Guide to Safety at Sports Grounds*' (275 pages) to assist stakeholders in NI to comply with the Safety of Sports Grounds (Northern Ireland) Order 2006. The guide, at that time, also provided assistance to stakeholders on meeting the requirements of the new sports grounds safety certification scheme. This NI guide was based on the 4<sup>th</sup> edition of the SGSA '*Guide to Safety at Sports Grounds*' and was produced by Sport NI's Sports Grounds Safety Advisory Unit (SGSAU) on behalf of the Department.

The SGSA guide was refreshed in 2008, providing additional advice on risk management, counter terrorism and training of stewards, producing version 5. The NI guide has not been updated to include this revised guidance.

The SGSA is currently undertaking a major exercise to rewrite their guidance which will result in version 6. This extensive rewrite will consolidate their position on significant and important guidance on safety at sports grounds. The new guide will recognise and build upon the need to assess risk and develop levels of safety which are proportionate to the risk and the achievement of reasonable levels of safety for each ground. As part of the rewrite the SGSA held an initial consultation event, on the wider definition of safety, in the Public Record Office NI earlier this year in June. Further consultation is due to take place early in 2018 with the new guide expected to be issued later in the year.

## Rationale for Questionnaire

The NI guide is substantially out of date and additionally does not reflect the current SGSA risk based approach. The Department is therefore exploring the appropriateness of NI adopting the new SGSA guide. The following paragraphs highlight the main reasons why the Department is considering this approach.

- The SGSA is recognised internationally as a leading global body in the provision of safety at sports grounds advice. In the past it has provided support and expertise to the organisers of many high profile events such as the 2012 London Olympic Games, Euro 2012 (Poland & Ukraine) and the 2016 Rio Olympic Games.
- Version 6 will reflect the many changes in the design and management of sports grounds. It will also cover dealing with threats to sports grounds which have become more common in recent years. At its core will remain the founding principle of being a means to establish a safe capacity for sports grounds.
- The recent service level agreement between the SGSA and Sport NI to provide safety advice and guidance to all stakeholders in NI would support the adoption of the SGSA guide. From 1 November the SGSA assumed responsibility for carrying out the advisory and overseeing functions previously undertaken by the SGSAU of Sport NI, with that unit now responsible for managing this arrangement.
- The SGSA produces a suite of documents that underpin the main guide. These documents, which are revised as circumstances dictate, would also be made available to NI stakeholders.
- A key aspect of the new SGSA guide is that it will be internationally recognised and sport neutral, allowing it to be used for any sport.
- Any existing confusion for NI stakeholders due to the existence of two guides would be removed.

## Summary

The proposal of adopting the SGSA new guide is to ensure that safety guidance for sports grounds in NI is current, exemplary and of the highest quality. The Department is keen to hear stakeholders' views on the appropriateness of this proposal; and in particular to identify any issues.

If there is support for the adoption of the SGSA guide from NI stakeholders then arrangements will be made for SGSA to fully include NI in the wider consultation planned for early next year, prior to the launch of version 6 of their guide.

## **Draft MUDC Questionnaire Responses**

### **On Safety at Sports Grounds Guidance in Northern Ireland**

**Question 1: Which safety guide do you, or your organisation, most frequently reference when considering safety issues at sports grounds?**

The Northern Ireland Guide to Safety at Sports Grounds

☒

Sports Grounds Safety Authority (SGSA) Guide to Safety at Sports Grounds

☐

**Question 2: Do you think NI should consider adopting the Sports Grounds Safety Authority (SGSA) guide to Safety in Sports Grounds?**

Answer: YES

**If your answer to question 2 was 'Yes' please state your rationale for this answer:**

The adoption of the revised SGSA is welcome as it is an opportunity to align Northern Ireland guidance with best practice developments and improvements in safety design and management that are already in place for sports grounds in GB. As the requirements of the revised guide do not apply retrospectively, there will be no significant impact on the operation of existing sports grounds within Northern Ireland, but any new grounds proposed will however benefit from the improvements and innovations in safe design.

**Question 3: Do you wish to raise any issues on the potential adoption of the SGSA guide in NI?**

Answer: NO

**Please provide details of any issues on the potential adoption of the SGSA guide in NI that you wish to raise:**

Not Applicable

**Question 4: Do you have any concerns about safety guidance for sports grounds in NI?**

Answer: NO

**Please provide details of any concerns about safety guidance for sports grounds in NI that you wish to raise:**

Not Applicable

**Additional information - Please provide any other comments below.**

Mid Ulster District Council welcomes the consultation and supports any improvement to the standard of safety within sports grounds that is realised from the introduction of a revised guide for relevant stakeholders.

If you have any queries relating to this questionnaire please contact:

Lizanne Kennedy  
Sports & Lottery Branch  
Level 7, Causeway Exchange  
1-7 Bedford Street,  
Belfast  
BT2 7EG  
Telephone: 02890515270

E-mail: [sportsgroundssurvey.communities-ni.gov.uk](mailto:sportsgroundssurvey.communities-ni.gov.uk)



<b>Report on</b>	Guide to the Licensing of Houses in Multiple Occupation in Northern Ireland : Guidance for Local Government -Consultation
<b>Reporting Officer</b>	Fiona McClements
<b>Contact Officer</b>	Fiona McClements

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

<b>1.0</b>	<b>Purpose of Report</b>
1.1	To provide comment to the Department for Communities in relation to their consultation of Draft guidance "Guide to the Licensing of Houses in Multiple Occupation in Northern Ireland: Guidance for Local Government (draft Xxx 2018)".
<b>2.0</b>	<b>Background</b>
2.1	On 30 <sup>th</sup> January 2018 the Department for Communities consulted with all 11 Councils in Northern Ireland with a view to getting comment on amended draft guidance on HMO's for Councils. A response was requested by 14 February 2018.
<b>3.0</b>	<b>Main Report</b>
3.1	Members will be aware the HMO Bill received Royal Assent on the 12 May 2016. The Department of Communities are continuing to work on the regulations that will accompany this Act as they move forward with the transfer of the function to Councils. These regulations will provide further detail on the operation of the scheme and will be supported by this guidance prior to the commencement of the licensing scheme. This is the 2 <sup>nd</sup> draft of this guidance consulted with Councils.
3.2	The draft guidance is attached at Appendix 1
3.3	A response has been prepared and can be found at Appendix 2.
<b>4.0</b>	<b>Other Considerations</b>
<b>4.1</b>	<b><u>Financial &amp; Human Resources Implications</u></b> Financial: Currently being considered as part of the transfer of powers Human: Currently being considered as part of the transfer of powers
<b>4.2</b>	<b><u>Equality and Good Relations Implications</u></b> None
<b>4.3</b>	<b><u>Risk Management Implications</u></b> None
<b>5.0</b>	<b>Recommendation(s)</b>
5.1	It is recommended that Members support the response to this consultation.

<b>6.0</b>	<b>Documents Attached &amp; References</b>
6.1	Appendix 1- Guide to the Licensing of Houses in Multiple Occupation in Northern Ireland: Guidance for Local Government (draft Xxx 2018).
6.2	Appendix 2 – Proposed Mid Ulster District Council response.



# **GUIDE TO THE LICENSING OF HOUSES IN MULTIPLE OCCUPATION IN NORTHERN IRELAND:**

## **GUIDANCE FOR LOCAL GOVERNMENT**

**Xxx 2018**

DRAFT



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## **PART 1 INTRODUCTION**

### **What is this guidance for?**

1.1.1 This guidance is intended for Councils. It provides detailed guidance on the exercise of their functions in relation to HMO licensing under the Houses in Multiple Occupation Act (Northern Ireland) 2016. Councils must have regard to it on the exercise of their functions and their aim to provide better protection for tenants living in houses in multiple occupation. It may also be helpful to organisations working with Councils on HMO issues.

1.1.2 This guidance should be read in conjunction with the relevant legislation, and should not be interpreted as an authoritative statement as to the law in this area. The HMO policy will remain the responsibility of the Department for Communities. The licensing scheme will be subject to departmental approval with new agreed future monitoring and reporting arrangements.

### **Interpretation**

1.1.3 in this guidance:

- “The 2016 Act” means the Houses in Multiple Occupation Act (Northern Ireland) 2016.
- “HMO” means house in multiple occupation, within the meaning of the 2016 Act.
- HMO licence means a licence which is clarified under Section 7 of the Act.

### **Why is there regulation of HMOs?**

1.1.4. The Houses in Multiple Occupation (NI) Act 2016 will enable better regulation of HMOs and will transfer responsibility for regulating HMOs from the Housing Executive to Councils. This revised system of HMO regulation, means that this important function will now sit more appropriately with other critical government functions such as planning, building control and environmental health.

1.1.5 The purpose in bringing forward this new HMO regime is to properly and effectively regulate HMOs to ensure the health, safety and well-being of the occupants and at the same time minimise any negative impacts on the neighbourhood and surrounding area. While aspects remain similar to the previous regime, there are notable differences such as additional enforcement powers for Councils and increased penalties for criminal offences. An overview of the new regime, and specific guidance on enforcement powers, is provided within this guidance.

### **How was this guidance developed?**

1.1.6 Government officials worked with representatives from Councils and the Northern Ireland Housing Executive to produce the detail provided in this guidance.

1.1.7. The draft guidance has been subject of consultation with representatives from the Landlords Association. The issues raised during the consultation were fully considered in finalising the guidance.

### **What does the guidance contain?**

1.1.8 The guidance relates to the procedures and activities involved in the exercise by Councils of their functions under the 2016 Act which will allow Councils to better target those high risk properties, focus resources on licensing and enforce appropriate standards in HMOs.

Part 1 introduction.

Part 2 outlines HMO Licensing and key provisions within the 2016 Act.

Part 3 deals with the administration of licensing.

Part 4 discusses the standards expected in the living accommodation, and imposing licence conditions.

Part 5 deals with the identification, enforcement, complaints, data protection and sharing of information.

Annex A contains specifications relating to physical standards.

Annex B contains details relating to the Fixed Penalty Notices (FPNs)

## **PART 2 HMO LICENSING- GENERAL REQUIREMENTS**

### **2.1 OVERVIEW**

#### **What is the licensable activity?**

2.1.1 A licence is required for the occupation of living accommodation as an HMO. The application for a licence must be made by the owner of the living accommodation and has effect for a maximum of 5 years. The details of any agent authorised to act for the owner in relation to the occupation of the living accommodation must be specified in the application.

2.1.2 Section 26 of the 2016 Act applies where living accommodation is owned jointly by two or more persons. The licence may be applied for and held by any one of the owners or jointly.

2.1.3 Where there are joint owners but the application is made by only one of them, there is no requirement for the consent of other joint owners. Neither is there any requirement for other joint owners to be assessed as a fit and proper person.

#### **Can you transfer a licence to another property or person?**

2.1.4 No. They (or new owner if selling the property) must submit a new application as all prospective licence holders must make a fit and proper person declaration, an HMO licence is non-transferable and a licence must be held for each property.

#### **What is the definition of an HMO?**

2.1.5 A building or part of a building is an HMO within the meaning of the 2016 Act if the living accommodation is:

- occupied by three or more unrelated persons from three or more families, and
- occupied by them as their only or main residence, and
- either a house, premises or a group of premises owned by the same person with shared basic amenities.

2.1.6 The legislation covers not only ordinary houses, flats and bedsits, but also other types of residential accommodation including hostels and student halls of residence. Accommodation within a building which, although otherwise separate, shares use of a toilet, personal washing facilities or cooking facilities, is taken to form part of a single HMO. The accommodation must be licensed regardless of the type of owner as long as it is not otherwise exempt (see Schedule 1 of the 2016 Act).

2.1.7 The definition of "family" is set out in full in section 88 (2) and (3) of the 2016 Act. The definition includes couple, relative, married, unmarried and same-sex couples and stepchildren and foster children, as well as certain close blood relatives.

#### **Are there any types of buildings which are not Houses in Multiple Occupation?**

2.1.8 Schedule 1 of the 2016 Act lists types of building that are not houses in multiple occupation. This guidance should be read in conjunction with the primary legislation. Types exempted from definition include those:

- where the property is occupied only by the owners (note: explanation and detail at section 9);

- where the HMO is a building controlled or managed by those public sector bodies listed at section 2;
- establishments regulated by the Regulation and Quality Improvement Authority;
- buildings regulated otherwise than under this Act and specified in accompanying regulations;
- buildings occupied by students that are managed and controlled by an educational establishment, or a specified person or a person of a specified description, which is listed in the regulations and that educational establishment is a member of either code of practice referred to in the Houses in Multiple Occupation Regulations 2018;
- where the occupants are members of, and fully maintained by, a religious order whose principal occupation is prayer, contemplation, religious education or the relief of suffering;
- buildings owned by the crown and occupied by members of the armed forces;
- forces accommodation;
- prisons, a young offenders centre a juvenile justice centre or a remand centre;

2.1.9 Order making powers also exist under Schedule 1 of the 2016 Act to add, remove, or vary descriptions of exemptions.

#### **What sanctions are there for owners who operate an HMO without a licence?**

2.1.10 It is a criminal offence to operate an HMO without a licence. The maximum penalty is currently £20,000. Fixed Penalty Notices will also form part of this new licensing regime and will run alongside criminal offences. The consideration of issuing a Fixed Penalty Notice for breaches of the legislation provides Councils with an additional enforcement tool. The process for how they will issue a Fixed Penalty Notice is an operational matter for Councils. **Note Annex B attached.**

2.1.11 If a property ceases to be in multiple occupation whilst the licence is in force the owner or agent should contact the Council and return the licence; they will be committing a crime if they continue to operate as an HMO after surrendering their licence.

#### **Are agents affected by licensing?**

2.1.12 Where the owner of an HMO authorises an agent to act on his behalf, the agent's details must be included in the HMO licence application.

2.1.13 Agents should check that their clients (or prospective clients) are licensed where necessary. It is a criminal offence for anyone to act as an agent for an unlicensed owner of a licensable HMO, by doing anything "which directly permits or facilitates the occupation of the living accommodation" as an HMO. The maximum penalty is the same as for the unlicensed owner Fixed Penalty Notice - up to a maximum of £5,000 or £20,000 on summary conviction

2.1.14 In particular, the Council should ensure that when it serves a notice, under section 64, regarding a Fixed Penalty Notice that a copy of the notice and any accompanying documents should also be served on any agent specified on the licence application.

2.1.15 If a Council suspects that living accommodation is an HMO, they may ask anyone who receives rent directly or indirectly, in respect of the premises, for information about the accommodation including the owner's name and address. This would, in many cases, include agents. It is an offence to fail to comply with such a request, liable on summary conviction to

a fine not exceeding level 2 on the standard scale.

#### **How do the Provision of Services Regulations 2009 affect HMO licensing?**

2.1.16 The EU Services Directive aims to break down barriers to cross border trade in services between countries in the EU. The Directive has been implemented in the UK by the Provision of Services Regulations 2009 (S.I. 2009/2999).

2.1.17 While the Department for Communities is responsible for ensuring that legislation is compliant with the Directive, it is for Councils to ensure that their practices are compliant.

2.1.18 This guidance highlights some areas that authorities may wish to consider. For example, guidance on setting fees is provided at Section 3.4.

2.1.19 Councils should consider whether any special arrangements may be required for the service provided for all new licence applications. Furthermore, Councils may wish to note the need to ensure that service providers can obtain HMO licences through an online Point of Single Contact (PSC) and ensure that information is accurate and kept current.

2.1.20 Owners must be able to complete all HMO related transactions online.

2.1.21 Exemptions from the requirement to carry out transactions online should be made, as well as Council availability for the inspection of premises and the physical examination of the capability or professional integrity of HMO providers.

#### **Delivery dates for formal communications**

2.1.22 All formal communications required by the 2016 Act, including notices, requirements and applications, must comply with the 2016 Act. This sets out that formal communications must be made in writing, and a communication is served on someone if it is delivered, or sent to their address. A formal communication which is delivered, posted or sent in another manner which the sender reasonably considers likely to be delivered on the same or next day (for example by electronic means such as email), is, unless the contrary is proved, to be treated as having been delivered on the next working day.

#### **What happens to existing HMO Registrations on the transition to licensing?**

2.1.23 Transitional provisions will apply when the commencement order comes into force which will set out the transitional arrangements and explain that,

- in the main, on 1 April 2019 those registered under the current Registration Scheme will become licences under the new regime, with the original expiry date for renewal;
- Councils will consider the refunding of fees on application relating to the unexpired term of HMOs registered under the Registration Scheme;
- existing regulations/rights will apply under the Registration Scheme regime where the landlord has applied prior to 1 April 2019 whether the decision is pending or specific proceedings are ongoing.

**Commented [DG1]:** Subject to change as the department are awaiting Senior Counsel advice on this

2.1.24 The commencement order will clarify the agreed practicalities setting out in specific legal terms when the HMO registered property becomes licensed under the new regime. At the time of transfer no additional fee is required for any existing properties that move from registration to licensing.

2.1.25 The existing HMO position under the Registration Scheme will continue under the

new regime after transfer where an HMO has been suspended or suspension is being considered. These HMOs can then be followed up by Councils which may attract further inspection and associated enforcement action.

2.1.26 If a prosecution case has not been heard by the launch date for the licensing scheme it does not mean that the case should be withdrawn. The court will consider what occurred at the relevant time when the Registration Scheme was in place and if the conduct amounted to an offence under that scheme and so convict the offender accordingly.

## **2.2 APPLYING FOR AN HMO LICENCE**

### **What is the process for applying for a licence?**

2.2.1 Schedule 2 of the Act provides information on applications for HMO licences. The owner submits an application to the Council, together with the appropriate fee. The application must contain the information set out in Part 2 Section 8 of the Act, which means that it should include details of the living accommodation, the owner of the living accommodation (and any agent authorised to act for them), and "any other information which the Council may reasonably require". An example of such additional information might be details of any joint owners of the HMO (if not applying to be joint licence holders) and the day to day contact for the business.

2.2.2 Section 8 (3) of the Act describes the requirement for an applicant to publish notice of his HMO application and how to submit objections to the Council.

2.2.3 Further regulations also provide for; the duty and discretion of the Council on receipt of an application; for representations to be made in response to the notice; and the consequences of failing to comply with requirements.

### **What does the Council have to consider in deciding whether to grant a licence?**

2.2.4 Before it formally considers an HMO application, the Council has the discretionary power to refuse to consider it, if it considers that occupation of the accommodation as an HMO would be a breach of planning control.

2.2.5 In considering the application the Council has to satisfy itself:

- That the applicant, and their agent, has signed a self-declaration confirming fit and proper person status to operate an HMO.
- The Council must have regard to matters listed in section 10 of the Act.

2.2.6 If the Council is not so satisfied, they must refuse to grant the licence.

2.2.7 The Council must also satisfy itself:

- That the property is suitable for use as an HMO or could be made so by including conditions in the licence.

2.2.8 If the Council is not so satisfied, the Council has no power to grant the licence.

2.2.9 The Council cannot consider an application from the same applicant for the same accommodation, or any accommodation where refusal was on the grounds of failing the fit and proper test, within one year of refusal. This does not prevent the Council from



considering a further application where it is satisfied that there has been a material change of circumstances.

2.2.10 The Council must copy the application to the statutory authorities as stated in section 88 of the 2016 Act for the area, so that they can inform the Council of any information they consider relevant to the Council's consideration of the application. They may also provide information about any relevant complaints against the applicant or manager, or in relation to the property.

2.2.11 The Fire and Rescue Service has independent responsibility for enforcing fire safety legislation in HMOs in Northern Ireland through the Fire and Rescue Services (NI) Order 2006. Article 48 of the Fire and Rescue Services Order 2006 restricts the extent to which licensing regimes can deal with fire safety. The Council has a duty during inspection to examine the condition of the living accommodation as well as the safety and security of the persons likely to occupy it. The Council should therefore take into account the level of fire safety in the HMO and the extent of its compliance with the Fire and Rescue Services (NI) Order 2006 and may if it sees fit refuse to grant or remove licence on this basis. (See Section 3.6)

### **Making the licensing decision**

2.2.12 The Council has rights of entry and inspection under Sections 78-80 of the 2016 Act to enable it to assess whether the living accommodation is suitable for occupation as an HMO. These rights may also be exercised at any stage to assist the Council in exercising its licensing functions e.g. enforcement of the licensing regime, revoking or varying licences. Any information gathered from such an inspection will provide evidence to support the Council's decision as to whether or not to grant the licence.

2.2.13 The Council must also consider any objections to the application. Legislative provisions permits any person to make an objection to a licence application. The Council must copy any such objection to the applicant as per Schedule 2 Part 9 (5), and must notify the applicant of any other information they intend to take into account in considering the application.

2.2.14 The detail of the procedural requirements in relation to an application for an HMO licence are contained within Schedule 2 to the Act. Section 14 of the Act - Licence Conditions, should give careful consideration to the possibility of granting licenses subject to conditions, which may help to ensure that appropriate standards are maintained throughout the period of the licence.

2.2.15 Councils must keep a register of applications and the decisions made on them. Any individual, public representative or statutory body can apply for access to an extract from the register. However the person(s) making the request must have a genuine interest in the property. Information must be excluded from the register if it would jeopardise the safety or welfare of any person or the security of the premises.

### **Is there an appeals process?**

2.2.16 Section 67 of the Act applies to decisions taken by Councils. Any person on whom the Council is required to serve notice of a decision has the right to appeal against the decision. The requirements to serve notice will vary depending on the nature of the decision. Generally this includes the applicant, and anyone who has made a valid written representation. In some cases occupants of the premises must also be served a notice.

2.2.17 A person on whom a notice has been served may within 7 days of service of the notice request the Council to give a statement of its reasons for the decision.

2.2.18 Any appeal must be made within 28 days of receiving notice, .In determining an application for a HMO licence the Council shall –

- give the applicant an opportunity of appearing before and of being heard by the Council;
- give any person who has made any such representation, an opportunity of appearing before and of being heard by the Council;

#### **How long does it take for an application to be determined?**

2.2.19 The Council must process a licence application within a reasonable time. Authorities should aim to determine applications before the end of the period of 3 months beginning with the date on which the Council received it although it is appreciated that in certain cases, e.g. where physical changes to the living accommodation are to be made, additional time period might be required. A court of summary jurisdiction may extend the period in the case of a particular application.

#### **How long is an HMO licence valid?**

2.2.20 Section 19 states that an HMO licence lasts for five years, or a shorter period specified in that licence which cannot be less than six months. It starts on the date when notice of the decision to grant the licence is served on the owner, or another date specified in the licence. In the case of a licence granted because the Council did not come to a decision within the period required, the licence will last for one year from the end of that period. It is suggested that general practice should be that a licence is granted for a five year period, with licences of a shorter duration being granted where the Council is satisfied that a justification for a shorter period exists.

2.2.21 Such a justification might relate to the standards of the living accommodation e.g. where it is considered suitable for occupation as an HMO at the time the application is granted, but is unlikely to remain suitable for an extended period due to (for example) the age or state of the fixtures and fittings. In such a case, the Council might wish to grant the licence for one year only, so as to provide for regular checks of the continuing suitability of the accommodation.

#### **Can changes be made during the period of the licence?**

2.2.22 The Council can vary the terms of the licence at any time, either at their own discretion or if the licence-holder asks them to do so (for example to make a material change to the property). The licence holder must be given notice and an opportunity to be heard before a variation is imposed, and can appeal a decision to vary or refuse to vary a licence.

2.2.23 It should be noted that, in contrast to applications for the grant of a licence, Councils may charge a fee for the variation of an HMO licence. There may be cases in which the variation under consideration is so substantial as to amount, in effect, to the issue of a new licence. In such cases, Councils may consider it appropriate to request the licence holder submit an application for a new licence (accompanied by the appropriate fee). Councils should, however, take care not to request new applications unnecessarily, and bear in mind that the grounds on which a licence could be revoked (which could be relevant if the licence holder disputes the need to apply for a new licence) are limited. The ability to charge fees for

licence applications (as opposed to licence variations) should not be a determining factor.

#### **What happens when an owner sells their property or dies?**

2.2.24 Under Section 28 of the 2016 Act a licence may be transferred to another person only in accordance with the detail provided. An existing HMO licence transfers to the new owner of a licensed property and lasts for one month from the date of purchase, provided that the new owner is already entered on the Council's register of HMO's. If the new owner submits a licence application before the end of that month, the licence will continue in force until that application is determined. If the new owner is not a registered landlord, the licence expires on the date that ownership transfers.

2.2.25 Section 29 of the 2016 Act states that where a sole licensee dies an existing HMO licence is to be treated as being held from the date of death by the licensee's personal representatives, but ceases to have effect 3 months after that date. If the new owner submits a licence application before the end of the 3 month period, the licence will continue in force until that application is determined.

#### **When can a licence be revoked?**

2.2.26 A Council may revoke a licence at any time. There are a number of possible grounds that may lead to a revocation of a licence. These include that the licence holder or agent is no longer a suitable person, that the accommodation is no longer suitable for occupation as an HMO and cannot be made suitable, or that there has been a serious breach of the licence conditions. Section 23 also specifies that it does not matter if the Council has taken any other action or criminal proceedings have been commenced, the licence can still be revoked.

2.2.27 The Council must propose a date for a hearing and invite representations from interested parties. The Council must consider any oral representations made before deciding whether to revoke the licence. A revocation comes into force on the date by which the decision to revoke the licence may be appealed, or on the date when such an appeal is abandoned or finally determined other than by quashing the decision to revoke.

### **PART 3 ADMINISTRATION OF HMO LICENSING**

#### **3.1 OVERVIEW**

3.1.1 Before considering a licence application a Council may also consider whether occupation of the living accommodation as an HMO would be a breach of planning control. The purpose of HMO licensing is to achieve and maintain high standards of service in this part of the private rented sector by ensuring that the HMO owner and any agent is a fit and proper person, and ensuring the suitability of accommodation. A Council may also consider whether granting an HMO licence will result in an overprovision of HMOs in a locality.

3.1.2 HMOs provide an important supply of housing, particularly for some groups of people, such as students, mobile workers, and those who require support in a homely setting. However, many HMO occupiers are unaware of their rights, or have few housing choices, and are therefore vulnerable to exploitation.

3.1.3 The Department for Communities recognises the importance of HMO owners in providing flexible and affordable housing to occupiers, with HMO licensing ensuring that occupiers can enjoy accommodation that is safe and of a reasonable standard.

3.1.4 It is important that regulation of HMOs is effective but also proportionate and cost effective. Regulation that is disproportionate and unduly onerous could impact costs, increase rents, and ultimately deter some HMO owners from applying for HMO licences, putting occupiers at risk.

3.1.5 In administering the HMO licensing regime, Councils should seek to robustly tackle poor practice and unscrupulous owners.

3.1.6 In order to address any future concerns from HMO landlords it is suggested that Councils engage with HMO owners to ensure that they are operating the regulatory regime in compliance with the new legislation. Setting up a forum including local HMO owners can be a useful way to discuss general issues of concern and agree on steps to address them.

3.1.7 Councils must ensure that their assessment processes enable them to be satisfied that the statutory requirements for a licence to be granted are met.

## **3.2 CO-ORDINATION AND PREVENTING DUPLICATION**

3.2.1 Processing an application for an HMO licence may require the involvement of Council officers from several different sections. The officers involved are likely to represent:

- Legal services/licensing
- Environmental Health
- Planning
- Building Standards

3.2.2 Processing an application will also require the consideration of external bodies. These will include:

- Northern Ireland Fire and Rescue Service
- Police Service for Northern Ireland
- Sharing of information between Councils
- Court Service
- Disclosure and Barring Service

3.2.3 It is important that the work of all interests is well coordinated, licensing approvers will find it particularly difficult to form an accurate view where they receive conflicting reports. Co-ordination therefore needs to take place at all levels.

### **Administration of HMO licensing**

3.2.4 It is recommended that the nominated Councils establish a clearly identified team as the single point of contact for HMO enquiries, applications, objections and complaints. Information from other Council departments or partner agencies about suspected unlicensed HMOs, or suspected breaches of licence conditions, can feed into this team. The same team could provide a central point of co-ordination, with responsibility for distributing information about applications to the other officers whose views are required, organising joint visits to the property, collating reports, and organising action on complaints, as well as all correspondence with applicants and objectors.

3.2.5 Different sections within a Council will hold information that can usefully inform decisions on licence applications. HMO licensing teams are encouraged to investigate the scope for sharing information, for example through memoranda of understanding with teams

responsible for fire safety, landlord registration, housing, housing benefit, homelessness services, antisocial behaviour, noise nuisance, planning, building standards, etc.

## Technical Issues

3.2.6 Employment of varying standards and interpretations by HMO licensing officers and committees could impose additional compliance costs on HMO owners.

3.2.7 There must be a shared understanding among those officers involved in inspecting properties and processing applications. Councils will wish to put procedures in place to ensure that any differences of view between the various disciplines involved, about the standards to be applied or methods of satisfying the standards, can be resolved centrally and the agreed position clearly communicated to all inspecting officers.

3.2.8 It is suggested that procedures are put in place to enable an approach to be agreed internally where new situations arise, for example a type of HMO which has not previously been encountered, or new technology or a new approach which may offer a different way of satisfying standards. It may be possible for both technical and management issues to be addressed by the same group.

## 3.3 VERIFICATION OF COMPLIANCE WITH LICENSING REQUIREMENTS

3.3.1 A Council may refuse to consider an application for an HMO licence if it considers that occupation of the accommodation as an HMO would be a breach of planning control. This does not affect existing houses in multiple occupation that have transferred from the registration scheme to licensing under transitional provisions. A Council has no power to grant an HMO licence unless it is satisfied that the living accommodation is suitable for occupation as an HMO, and is satisfied that the owner (and any agent acting for the owner) is a fit and proper person and is not disqualified from holding a licence. A Council may refuse to grant an HMO licence if it considers that there is, or that the grant of the licence would result in, overprovision of HMOs in the area. Licence conditions may be imposed when granting a licence, to ensure that appropriate standards are maintained throughout the period of the licence.

3.3.2 There are various ways in which Councils can obtain evidence to verify that the standards are met and licensing conditions complied with:

- **direct inspection** involves officers of the Council checking standards in person, by inspecting the property, gathering evidence from occupiers and neighbours about the management of the property;
- **evidence from third parties** can confirm that certain requirements have been checked by an appropriate certifier or are controlled under other forms of regulation, and need not be checked again, or can provide a basis for further investigations;
- **evidence from the applicant or licence holder** may also be taken into account, although its usefulness and the extent to which the Council is content to rely on it may vary;

## 3.4 FEES

3.4.1 The 2016 HMO Act gives the Department the power to make provision about the charging of fees. The Department will consider proposals from Councils and agree a fee which will be set in the Houses in Multiple Occupation Regulations 2018. This will form part of a package of documents to be consulted on with the relevant stakeholders. Should Councils require a change to the fees after the initial 5 year period they will be required to write to the

Department and provide the rationale for the fee to be considered for amendment in regulations.

3.4.2 Councils should develop a fee structure for applications to cover the costs in administering their functions to provide assurance that the licensing system is self-sustaining. Councils should ensure their fee structure complies with the Provision of Services Regulations 2009 and must be related to the costs of operating the scheme and any overheads identified. The Provision of Services Regulations 2009 require that fees charged in relation to a licensing regime must not exceed the costs of all the procedures required to carry out this function. In undertaking this responsibility Councils will need to establish and identify the work involved in granting a licence and the likely costs associated with that work.

3.4.3 Enforcement against unlicensed operators is for the benefit of those who hold a licence and can be included in the fee. At the same time the Councils must not make a profit from the fees which must be reasonable and proportionate.

3.4.4 Income received by the Council from HMO licence fees should not be used to subsidise any other public service, nor should charges levied by the Council relating to any other public service be used to provide a subsidy for any work on HMO licensing.

3.4.5 Councils should ensure that appropriate and proportionate enforcement action can be taken in relation to HMO related offences and that appropriate advice and support can be supplied to HMO occupiers and owners.

3.4.6 Typical elements of the cost of granting a licence could include:

- administration — this could cover basic office administration to process the licence application, such as resource, copying, postage and the cost of handling fees;
- visits to the premises — this could cover the average cost of officer time if a premises visit is required as part of the authorisation process. It would also be normal to include 'on-costs' in this calculation. Councils will need to consider whether 'on-costs' include travel costs and management time;

3.4.7 Licence maintenance costs could include;

- Additional monitoring and inspection visits — Councils may wish to include a notional charge for routine risk based visits to premises in between licensing inspections where this is standard for all premises.  
As with the initial licensing visit, authorities can consider basing this figure on average officer time, travel and management costs as suggested above.
- Councils will want to consider how enforcement costs associated with complaints are funded. The majority of enforcement activity will be aimed at ensuring compliance with the licensing regime to protect both the public from rogue service providers and the trade from unregulated competition. Any calculations for ongoing enforcement action will need to consider that some cases may result in prosecution as a last resort, which is likely to incur costs, though an element of these costs may be recovered through the court processes and money obtained from Fixed Penalty Notices.

3.4.8 It is for Councils to take their own view on the appropriate action to achieve compliance with the EU Services Directive, but they may wish to consider the approach provided.

3.4.9 Applicants must be able to complete all their transactions online. Councils need to

ensure that service providers can obtain HMO licences through an online Point of Single Contact (PSC) and ensure that information is accurate and kept current. Details of fees should be made available online, by utilising the Point of Single Contact (PSC) website on the local Council's own website.

3.4.10 It is suggested that Councils make available to the public information on the activities covered by the licensing fee, to make clear all the activities which are involved in operating the regime.

### **3.5 FIRE SAFETY**

3.5.1 HMOs fall within the scope of the Fire and Rescue Services (NI) Order 2006. Under that legislation it is for the person or persons with duties under the legislation to determine what fire safety measures are appropriate to provide on the basis of an assessment of risk. Councils will also have a duty during inspection to examine the condition of the living accommodation as well as the safety and security of the persons likely to occupy it. The Council should therefore take into account the level of fire safety in the HMO and the extent of its compliance with the Fire and Rescue Services (NI) Order 2006 and may, if it sees fit, refuse to grant or remove licences on that basis.

3.5.2 Although the Northern Ireland Fire and Rescue Service (NIFRS) is a statutory consultee for HMO licenses under the Houses in Multiple Occupation Act (Northern Ireland) 2016, they have independent responsibility for enforcing the fire safety legislation in HMOs through the Fire and Rescue Services (NI) Order 2006. This is separate from the HMO licensing regime. This enforcement is done on a risk assessed basis with resources targeted at higher risk premises. Councils will be expected to agree a Memorandum of Understanding (MOU) with the NIFRS and agree how fire safety measures will be operated under licensing.

3.5.3 A Houses in Multiple Occupation Fire and Safety Guide will provide standards to be applied to HMO properties and is based on the principle that all occupants of a HMO should be able to leave the premises safely in the event of a fire.

### **3.6 RESTRICTION ON APPLICATIONS LINK TO PLANNING**

3.6.1 The HMO Subject Plan for Belfast City Council Area 2015 sets out that planning authorities should consider the need for HMO accommodation as part of the housing requirement for the area.

3.6.2 Landlords may wish to be aware of planning requirements in relation to Houses in Multiple Occupation.

3.6.3 A potential landlord considering setting up an HMO should therefore be encouraged to contact their Council planning department early on to establish the position.

3.6.4 High concentrations of HMOs can lead to a range of cultural, social, physical and economic changes in a community. Where the Council planning authority establishes a policy to manage HMO concentrations it should ensure that it is enforced. Schedule 2 Sections 5- 7 of the Act provides the operational process for refusal of applications that are in breach of planning control.

3.6.5 The 2016 Act gives a Council the discretionary power to refuse to consider an application for an HMO licence if it considers that occupation of the accommodation as an HMO would be a breach of planning control. Further details are provided at section 8 and 9.

3.6.6 The ability to refuse to consider an HMO licence application is separate from any planning enforcement powers, and is not intended to be an alternative use of those powers. Both regimes should operate together.

## **PART 4 STANDARDS AND LICENSING CONDITIONS**

### **4.1 OVERVIEW**

4.1.1 The 2016 Act gives Councils the discretionary power to refuse to consider an application for an HMO licence if it considers that occupation of the accommodation as an HMO would be a breach of planning control. The licensing of HMOs seeks to ensure high standards in terms of the suitability of a property owner (and their agent) to be an HMO owner (or to act for the owner) and the suitability of the living accommodation itself. It also allows the Council to consider overprovision. It should have regard to the factors set out in sections 41-61 of the 2016 Act.

### **4.2 PRELIMINARY REFUSAL: BREACH OF PLANNING CONTROL**

4.2.1. The Council may grant the licence only if it is satisfied that the occupation of the living accommodation as an HMO would not constitute a breach of planning control.

4.2.2 For the purposes of section 8(2) (a) of the 2016 Act (refusal of licence for breach of planning control), “breach of planning control” has the meaning given by section 131 of the Planning Act (Northern Ireland) 2011.

4.2.3 For provisions under which a decision to refuse a licence under section 8(2) (a) is treated differently from a refusal on other grounds, see—

- paragraphs 5 to 7 of Schedule 2 (procedure on refusal of application);
- section 25 (restriction on making applications after refusal);
- section 67(1) (d) (appeals).

### **4.3 SUITABILITY OF THE APPLICANT AND AGENT**

4.3.1 An essential part of considering a licence application is establishing whether the applicant, as well as any agent they wish to act for them in relation to the HMO, is a 'fit and proper' person. The fit and proper person test is intended to provide a level of assurance that the landlord or agent is a suitable person to let privately rented property.

4.3.2 It may prove useful to verify that the applicant is indeed the owner of the property if it is suspected that the applicant is dishonestly applying on behalf of an unsuitable owner. Councils may ask applicants to provide this information if required.

4.3.3 The Council should consider whether the applicant has any relevant convictions. Not all convictions would be relevant to a person's prospective role as an operator of an HMO. For example, motoring offences would not normally be relevant, but a conviction for fraud or theft could be since the operator would be in a position of trust.

4.3.4 If the HMO operator is subject to any other form of regulation the Council may also wish to approach the relevant regulatory authority for their comments. This would usually focus on the applicant's record of maintaining expected standards and their response if



concerns are raised. In addition, the Council should consider the advice of the Fire and Rescue Service on the applicant's approach to fire safety.

4.3.5 The Council must refuse an application if it considers that either the applicant or their agent is not a fit and proper person. The factors which the Council must have regard to in determining whether the applicant or agent are fit and proper are noted in Section 10 of the 2016 Act. Where an applicant or agent is not an individual, these tests apply to any director, partner or other person involved in the management of the company, trust or organisation.

4.3.6 The Council must have regard to whether the person has any offence involving:

- fraud or other dishonesty;
- violence;
- drugs;
- human trafficking; or
- a firearm (within the meaning of Article 2(2) of the Firearms (Northern Ireland) Order 2004);
- committed an offence listed in Schedule 3 to the Sexual Offences Act 2003 (offences attracting notification requirements);
- practised unlawful discrimination in, or in connection with, the carrying on of any business;
- contravened any provision of the law relating to housing or of landlord and tenant law; or
- acted otherwise than in accordance with a code of practice approved under section 63.

All of the detail required can be accessed via a self-assessment declaration. This will require applicants upon first application and renewal to declare and produce evidence of any criminal record.

4.3.7 As administrators of HMO licensing it is for the Council to decide whether the applicant is a fit and proper person to act as an HMO owner or agent based on all the information available. In exceptional cases Councils can verify an applicant's details with AccessNI/Disclosure and Barring Service should they need to authenticate credentials via criminal record checks provided by the landlord or their agent.

4.3.8 A Council is obliged to maintain a public register, including details of its decision in relation to each application, as well as in relation to variations, revocations and cancellations of licences, and any other information as it thinks fit. Councils might wish to include information about the grounds on which a licence was refused or revoked, which it is suggested might prove a useful resource for other licensing authorities.

## **4.4 SUITABILITY OF THE LIVING ACCOMMODATION**

### **Introduction**

4.4.1 One of the key aims of HMO licensing is to ensure that the accommodation provided is safe, of good quality, and has sufficient facilities for the number of occupants. This section sets out the factors which must be considered, together with examples of physical standards which it is recommended that local authorities apply in their assessment of living accommodation, on receipt of an application and as part of their enforcement activity. Technical details relating to the suggested standards are included in **Annex A**.

4.4.2 It should be noted that these standards are intended to provide reference points to help Councils determine whether living accommodation in respect of which an HMO licence has

been applied for, or has been granted, is suitable (or remains suitable) for occupation as an HMO. They should be applied flexibly, with the Council taking into account whatever material it considers relevant in assessing the suitability of the accommodation in accordance with Section 13 the 2016 Act.

4.4.3 HMO Licensing officers should always give consideration to alternative approaches proposed by the owner. In adopting and applying standards, licensing authorities should keep in mind the need to achieve a suitable level of accommodation which is safe and secure without placing a disproportionate burden on the owners of HMOs.

4.4.4 In general, local authorities should ensure that all licence applications are treated equally and fairly, regardless of whether the application is for accommodation which has not previously been licensed, or which has had a licence for some time. However, a flexible approach should be taken; in some cases, such as where an HMO has been operating with a licence for some time, it may be considered suitable for a new licence even if it does not meet certain standards which the Council would normally wish to apply to new accommodation or accommodation which has not previously been licensed.

4.4.5 It may be appropriate for the Council to balance the likely expense of any work required and the contribution that it would make to the safety of occupiers. This is a matter for the Council to determine what is appropriate or necessary in the context of a particular case. For example it may consider that it is more proportionate to require inexpensive work that contributes to occupier safety, such as installing a CO detector, than expensive work that does not impact on occupier safety but may improve facilities such as requiring additional kitchen or bathroom facilities or electrical outlets, where the existing facilities are functioning and in reasonable condition.

4.4.6 In such cases, Councils may still decide to grant the licence, but may consider imposing licence conditions which would enable the accommodation to be upgraded during the period of the licence. Some examples of circumstances in which this might be desirable are included in the coverage of individual standards below.

#### **Factors to be considered**

4.4.7 The 2016 Act requires that Councils are satisfied that the accommodation is suitable for occupation as an HMO (or can be made suitable by the inclusion of licence conditions). Section 13(2) sets out various factors that the Council must consider when coming to a decision on suitability of the accommodation. These are:

- the location of the accommodation;
- the condition of the accommodation;
- any amenities the accommodation contains;
- the safety and security of persons likely to occupy the accommodation;
- the possibility of undue public nuisance.

4.4.8 Section 12 also gives a Council the discretionary power to refuse to grant an HMO licence if it considers that there is, or that the grant of the licence would result in, overprovision of HMOs in the locality.

#### **4.5 THE LOCATION OF THE ACCOMMODATION**

4.5.1 The Council is required to consider the location of the accommodation in assessing whether it is suitable for occupation as an HMO.

4.5.2 This would allow a Council to take account of the locality, where it would be

unsuitable for an HMO. For example there might be a lack of safe access, or other factors that could endanger residents.

#### **4.6 THE CONDITION OF THE ACCOMMODATION**

4.6.1 Another factor which must be considered is the condition of the accommodation. In general terms, this is likely to cover the physical condition of the premises, as well as any additional aspects which might make the accommodation unfit for occupation as an HMO e.g. lack of adequate heating, damp, missing treads on stairs, lack of sound-proofing or inadequate dividing walls between bedrooms. However, Councils should take into account any material they consider relevant to their assessment.

4.6.2 Suggested standards which authorities should consider in relation to this factor are as follows:

##### **Space heating**

4.6.3 All units of accommodation must be equipped with adequate means of space heating.

4.6.4 It must be capable of maintaining a temperature of 21° Centigrade when the outside temperature is minus 1° Centigrade.

4.6.5 The heating must be available at all times and must be under the control of the occupant.

4.6.6 The heating must be safe and should be efficient and affordable. Electrical heating appliances must have a dedicated socket.

##### **Detection of Carbon Monoxide**

4.6.7 There must be installed a CO alarm which meets the requirements of BS EN 50291:2001 in the same room as any gas appliance. Alarms should be powered by a battery designed to operate for the working life of the alarm. Such alarms should incorporate a warning device to alert users when the working life is due to pass. This type of alarm is easier to change when the working life has expired as it does not require a specialist electrician.

4.6.8 HSE has undertaken research into the long term reliability and use of carbon monoxide alarms, available via the link that follows:  
<http://www.hse.gov.uk/research/trhtm/index.htm>

4.6.9 This research indicated that the sensors within CO alarms which detect carbon monoxide have a lifetime of between 5 - 7 years. This may mean that a resident has a CO alarm in place, but it is beyond its lifetime and therefore may not be providing the level of protection that the resident may think they have.

4.6.10 The research report also found that on occasion carbon monoxide alarms, although fitted in the same room as a gas appliance, were not fitted in the correct location to detect carbon monoxide. Guidance on the installation of carbon monoxide alarms is available in BS EN 50292:2002 and in the manufacturers' instructions.

4.6.11 The CO alarm must therefore be fitted in the correct location and not have passed, or be shortly about to pass, beyond its lifetime. Where the CO alarm is likely to pass beyond its lifetime during the licence period, it is strongly suggested that authorities consider including a licence condition to the effect that the alarm must be replaced within a specified timescale.

## **Chimneys, Flues and Fuels**

4.6.12 Any chimneys/flues that are in use must be cleaned annually.

4.6.13 Where the chimneys/flues will require to be cleaned during the licence period, it is strongly suggested that Councils consider including a licence condition to the effect that they must be cleaned within a specified timescale.

4.6.14 Liquid Petroleum Gas (LPG) heaters must not be used. Specifications for solid fuel, oil-fired or gas-fired heaters are as per the current relevant British Standards.

## **Lighting and ventilation**

### **4.6.15 Natural lighting**

All habitable rooms should have adequate natural lighting to enable domestic activities to be undertaken safely. A clear glazed window equivalent in size to 1/10th of the room floor area will be adequate. Where practical all kitchens, bathrooms and water closet compartments shall be provided with natural light via an area of clear glazing in the kitchen and obscure glazing in the bathrooms and WC compartments, situated in either a window and/or door equivalent in total area to at least 1/10th of the floor area of the room.

### **4.6.16 Artificial lighting**

Adequate electric lighting must be provided to all accessible parts of the building. Time switches shall not be permitted in kitchens and bathrooms. Light switches are to be suitably positioned so that they can be operated directly upon entering a room, hallway, or landing, with two way switches to enable operation at both top and bottom of a staircase.

### **4.6.17 Ventilation**

All habitable rooms should be ventilated directly to the open air by an opening window. Kitchens, bathrooms and WCs should be ventilated directly to the external air by a window, the openable area of which shall be equivalent to at least 1/20<sup>th</sup> of the floor area of the room and/or mechanical ventilation providing a minimum of three air changes per hour shall be provided. Such installations shall be fitted with an overrun device for a minimum of 20 minutes and be connected to the lighting circuit of the room. Neither an openable door giving access directly to the external air, nor a louvered opening in such a door will be acceptable for the purposes of these requirements. All rooms containing an open flue gas heating appliance must be provided with suitable and sufficient permanent ventilation.

## **Relationship to compliance with the Building Regulations**

4.6.18 The Physical Standards included in this guidance cover a range of issues, many of which are also addressed by Building Regulations. It should be borne in mind that the HMO licensing regime involves different considerations from the regulation of Building Standards, so the fact that a building meets all relevant building standards does not necessarily mean that it is suitable for occupation as an HMO.

4.6.19 In cases where the Council is considering requiring the applicant to carry out work on the living accommodation prior to granting the licence to make it suitable for use as an HMO,

or as a licence condition, officials should liaise with building standards officers so that the applicant can be advised of any relevant permissions that may be required, in order that they may be sought and obtained prior to commencement of the works.

#### **4.7 SECTION 13 (3) - ANY AMENITIES THE ACCOMMODATION CONTAINS**

4.7.1 Councils must also consider any amenities the accommodation contains. This is likely to include matters such as whether there are appropriate cooking and sanitary facilities, white goods such as refrigerators and washing machines, as well as adequate and appropriate storage for rubbish and recycling and facilities for drying clothes and bedding.

4.7.2 This should be considered in conjunction with the number and type of persons likely to occupy the dwelling. Acceptable levels of provision are indicated below, however a Council should be willing to take into account alternative proposals for provision to suit specific local circumstances.

4.7.3 The condition of the amenities should also be considered, e.g. are they in good working order and able to be kept clean and maintained.

4.7.4 Suggested standards which the Council should apply in considering this factor are as follows:

##### **Facilities for the storage, preparation and provision of food**

4.7.5 Wherever possible, living accommodation should contain appropriate amenities to permit occupiers to prepare, or be provided with, meals in the accommodation as well as snacks at reasonable times. In most cases this would be achieved by provision of kitchen facilities for resident use but in some types of accommodation meals may be prepared by staff.

4.7.6 The walls, floor, ceilings, work tops and cupboards of the kitchen must be sound, clean and, as appropriate, well decorated at the commencement of any tenancy. The kitchen must be laid out in such an arrangement as to allow for its safe use and be easy to keep clean and hygienic by the tenant.

4.7.7 No kitchen, kitchen/dining room or kitchen/living room shall be shared by more than 10 individuals or 6 households, irrespective of its total floor area.

##### **Food storage**

4.7.8 Each individual shall be provided with a proper food store, 0.18m<sup>3</sup> dry storage and 0.06m<sup>3</sup> cold storage, within the unit of accommodation. Households comprising of more than one individual will require more of each type of storage space. Where shared kitchens are provided, each individual or household sharing shall have their own proper food store either within the unit of accommodation or in the kitchen. The space in a sink unit below the sink will not be accepted for food storage.

Food Preparation a securely fixed worktop shall be provided for each individual or household using a kitchen, the minimum size of such worktops should be as follows-

<i>Household</i>	<i>Dimensions</i>
<b>1 individual or household</b>	<b>600mm x 600mm</b>
<b>2 individuals or households</b>	<b>1200mm x 600mm</b>

Increasing in width thereafter by 300mm per additional individual or household sharing.

In addition to any socket or point used for an electric cooker or oven, there shall be provided in each kitchen a minimum of:

<b><i>Household</i></b>	
<b>1-5 individuals</b>	<b>2 double sockets</b>
<b>6-10 individuals</b>	<b>3 double sockets</b>

Sockets should be positioned immediately adjacent to the work surface(s) and installed in compliance with the current edition of the Regulations for Electrical Installations of the Institution of Electrical Engineers.

#### Cooking of Food

4.7.9 Each kitchen shall be provided with a proper cooking appliance. The minimum acceptable will be a cooker with four rings or hot plates together with a grill and an oven in the following ratios:

<b><i>Household</i></b>	<b><i>Number of Cookers</i></b>
<b>1-5 individuals</b>	<b>1 cooker</b>
<b>6-10 individuals</b>	<b>2 cookers</b>
<b>1-3 households</b>	<b>1 cooker</b>
<b>4-6 households</b>	<b>2 cookers</b>

If due to the physical constraints of an existing kitchen (internal arrangement) the fitting of a second cooker would have a detrimental effect on the safety of anyone using that kitchen, a built in microwave oven may be provided. This will only be acceptable if the maximum occupancy within the unit does not exceed 7 individuals.

#### Disposal of Waste Water

4.7.10 Each kitchen shall be provided with a stainless steel (or other equal and approved material) sink and drainer (1000mm x 600mm minimum) properly located within a base unit and properly connected through an adequate sized trap to the drains.

Each sink shall have an adequate and wholesome supply of cold drinking water directly off the rising main. There shall also be an adequate continuous supply of hot water. In shared kitchens, sinks with adequate continuous supplies of hot and cold water shall be provided in the following ratios;

<b><i>Household</i></b>	
<b>1-5 individuals</b>	<b>1 sink</b>
<b>6-10 individuals</b>	<b>2 sinks</b>
<b>1-3 households</b>	<b>1 sink</b>
<b>4-6 households</b>	<b>2 sinks</b>

In kitchens requiring second sink a plumbed in full size dishwasher will be acceptable in lieu of a second sink.

#### 4.8 Personal washing facilities

4.8.1 Where a dwelling is not capable of occupation by more than 3 persons, as determined under Article 41 of the Houses in Multiple Occupation (N.I) Act 2016, the provision of a suitably located bath or shower, water closet (W.C.) and wash hand basin (separated or not),

with continuous supplies of hot and cold running water, shall be satisfactory for the purposes of these standards.

4.8.2 Where an en-suite bathroom or shower room, or a bathroom or shower room for the sole use of an individual or household, containing a suitable bath or shower, wash hand basin and W.C. is available, this shall be adequate.

4.8.3 Where the bathroom or shower room is shared, each individual or household sharing shall have a readily accessible bathroom or a shower room provided in the following ratios:

<b><i>Household</i></b>	
<b>5 individuals</b>	<b>1 bathroom or shower room</b>
<b>6 -10 individuals</b>	<b>2 bathrooms or shower rooms</b>
<b>11-15 individuals</b>	<b>3 bathrooms or shower rooms</b>

4.8.4 Where a bathroom or shower room is shared, it shall contain a wash hand basin within the compartment. However if due to the physical constraints of the bathroom or shower room a wash hand basin cannot be accommodated within the space, an additional wash hand basin shall be provided within each bedroom.

4.8.5 Where this is not applicable and the bathroom or shower room is shared, each occupant shall have an accessible W.C. compartment, separate from the bathroom or shower room, and containing a W.C. and a wash hand basin in the following ratios:

<b><i>Household</i></b>	
<b>1-5 individuals</b>	<b>1 water closet</b>
<b>6-10 individuals</b>	<b>2 water closets</b>
<b>11-15 individuals</b>	<b>3 water closets</b>

4.8.6 Where 2 W.C.'s are required (6-10 individuals sharing), 1 W.C. may be in a room also containing a bath or shower and a wash hand basin. Where 3 W.C.'s are required (11-15 individuals sharing), 1 W.C. may be in a room also containing a bath or shower and a wash hand basin.

4.8.7 External water closets shall not be reckonable for this purpose.

4.8.8 Where amenities are shared, each occupant should be able to reach a W.C. wash hand basin and bath or shower without having to pass through accommodation which is occupied exclusively by another individual or household.

4.8.9 No unit of accommodation should generally be more than one floor vertically, or 30 metres horizontally, from the nearest W.C. wash hand basin and bath or shower. Bathrooms, shower rooms and W.C. compartments shall be constructed as to ensure privacy.

4.8.10 Baths, showers, W.C.s and wash hand basins shall not be permitted in kitchens. Baths should be 1.67m minimum in length; shower trays 800mm X 800mm minimum and wash hand basins 360mm x 265mm minimum, each with its own continuous supplies of hot and cold running water.

4.8.11 Bathrooms, shower rooms and W.C. compartments should have surfaces which are designed to be reasonably smooth and non-absorbent and capable of being readily and easily cleaned. Floors should be slip resistant.

#### **4.9 SECTION 50 - SUITABILITY FOR NUMBERS IN OCCUPATION**

4.9.1 The Council must consider whether the accommodation is suitable for the particular number and type of persons likely to occupy it. The Council should therefore require the applicant to provide details of the proposed number of occupiers of the accommodation, and the nature of the accommodation to be provided. The Council should consider imposing a licensing condition to specify the maximum number of occupants for the premises.

4.9.2 The number of persons is principally relevant to ascertain whether there are sufficient bedrooms and amenities and to avoid overcrowding, and the type of occupier is relevant to ascertain any special facilities that might be required and whether the accommodation is appropriate to the proposed occupiers' needs.

4.9.3 In some cases this may overlap to an extent with the Council's consideration of the safety and security of persons likely to occupy the accommodation. For example, if the accommodation is intended to provide womens' refuge accommodation, it is likely that a higher degree of security (e.g. secure entry, locks on bedrooms etc.) is required. If the accommodation is intended for those requiring additional support, particular adaptations for the elderly or disabled may be necessary.

#### **4.10 Space and layout**

4.10.1 The living accommodation should not be overcrowded. Sleeping accommodation would generally be expected to be in the form of single or double bedrooms, although other arrangements may be more appropriate depending on the type and number of likely occupiers. Every room used as a bedroom would be expected to be capable of accommodating at least:

- a bed;
- a wardrobe (except where a built-in wardrobe of equal size is provided); and
- a chest of drawers;

together with adequate activity space.

4.10.2 Minimum room area expected is included in Annex A.

4.10.3 Suggested furniture and activity spaces are also given in Annex A.

4.10.4 All bedrooms would be expected to be located so that it is not necessary to pass through another bedroom to reach a bathroom, W.C. or circulation space.

4.10.5 Floor space would be expected to only be counted where there is a ceiling height of at least 1.5m. This means that, for example, attic bedrooms with coombed ceilings still need to provide a reasonable usable floor space.

#### **4.11 Treatment of children and resident owners**

4.11.1 A number of these standards refer to the space and facilities required according to the number of occupants of the property. In general, this relates to the number of adults. It is suggested that, for these standards, children over 11 years should be treated as full adults, children between one and ten years as equivalent to half an adult, and children under one should not be counted.



4.11.2 Where emergency accommodation is required, either for the whole family or for a child who cannot stay with his or her usual carer, Councils may wish to take a sympathetic approach to requests for variation of a licence where this would lead to the HMO exceeding the permitted number of occupiers.

4.11.3 Councils should note that, when assessing the standards and facilities required, licensing officers should take account of all the likely occupiers of the property, including the applicant where the proposal is for the owner to be resident in the HMO. For example, a couple renting out spare rooms in their own home to five occupiers from three families will need facilities appropriate for 7 people.

#### **4.12 SUBDIVISION OF ANY ROOMS WITHIN THE ACCOMMODATION**

4.12.1 Councils must consider whether any rooms within the property have been subdivided, as this may impact on their assessment of the suitability of the accommodation to be occupied as an HMO. In the case of rooms to be used for sleeping accommodation it is suggested that this should involve consideration of whether the dividing walls are of adequate thickness and quality; the dimensions of the rooms created; whether each room created has adequate natural light and ventilation; whether each room created has its own space heating and electrical sockets.

#### **4.13 ADAPTATION OF ANY ROOMS WITHIN THE ACCOMMODATION, RESULTING IN AN ALTERATION TO THE SITUATION OF THE WATER AND DRAINAGE PIPES WITHIN IT**

4.13.1 It is also necessary for Councils to consider any adaptations which have resulted in the displacement of the water and drainage pipes within the HMO. It is suggested that Councils should consider this in tandem with the possibility of public nuisance resulting from the HMO e.g. where the new location of the water and drainage pipes could result in noise nuisance to neighbouring occupiers, or the possibility of flooding.

#### **4.14 SAFETY AND SECURITY REQUIREMENTS**

4.14.1 The safety and security of occupiers is of utmost importance in assessing whether accommodation is suitable for occupation as an HMO. Councils are therefore required to consider this when deciding whether accommodation is suitable for use as an HMO. If it is considered that there are any risks to occupiers' safety and security, the licence should not be granted until remedial action has been taken and the Council is content that the risk has been removed.

4.14.2 In considering whether the accommodation is safe and secure, the Council should have regard to any material it thinks fit. There are links with consideration of the condition of the property, and perhaps its amenities and location. It is expected that in most cases a direct inspection of the accommodation will be required to check safety features and identify risks (unless there is a strong justification to the contrary), as well as verification by other means that appropriate standards are met, relevant certificates have been obtained, etc.

4.14.3 Examples of matters that should be considered include gas and electrical safety, whether appropriate secure entry and locking systems are in place, and wider issues such as whether fire safety requirements are met and that the structure of the building is safe. It may also be relevant to consider whether there are any identifiable risks in accessing the building.

4.14.4 Examples of suggested standards to be applied are as follows:

## **Gas and electrical safety**

### **General**

4.14.5 Any works to the gas or electrical installations must have been carried out in accordance with the relevant regulations and guidance.

4.14.6 Evidence must be supplied to the effect that an annual gas safety check has been carried out on all gas appliances by a Gas Safe registered engineer.

4.14.7 Appropriate certificates must be available to show that the electrical system (PIR or EICR) and any appliances provided by the HMO owner (PAT) have been examined by a competent person who has confirmed they are functioning properly and are safe.

4.14.8 Councils should be satisfied that the PIR or EICR certificate is up to date (these must be renewed at least every five years, or earlier as directed by the approved electrical contractor).

4.14.9 Councils should be satisfied that the PAT Certificate is up to date (these must be renewed at least annually, or earlier as directed by the approved electrical contractor).

4.14.10 The Council may also wish to be satisfied that information is displayed in the accommodation which highlights issues of electrical safety to occupiers, in terms of both maintenance of appliances and safe use of fused extension boards rather than adaptors. For example; to prohibit use of any particular equipment which appeared to be unsafe, or, in certain types of accommodation (such as hostel-type accommodation), to prohibit the use of any electrical equipment not provided by the HMO owner.

4.14.11 Councils may wish to include a licence condition to the effect that where any relevant certificate is due to expire or must be renewed part way through a licence period, this must be renewed with no break in continuity of certification.

### **Gas**

4.14.12 There must be evidence to demonstrate that all necessary checks of gas appliances have been carried out (e.g. an annual gas safety check under the Gas Safety (Installation and Use) Regulations 1998 or equivalent), and have been performed by a Gas Safe registered engineer.

4.14.13 The Council should request a copy of the current gas safety certificate to confirm that this has been done. The Licensee is required to retain the current gas safety certificate and those of the previous two years.

### **Electricity**

4.14.14 Most electrical sockets should be easily accessible. Other outlets may be inaccessible, for example those for white goods.

4.14.15 Where the number of electrical socket outlets is not suitable for every day activity, the Council may wish to consider granting the licence but including a licence condition to the effect that the number of outlets must be increased over a specified period of time.

### **PAT Certification**

4.14.16 A current Portable Appliance Test (PAT) Certificate must be held for all plug in appliances owned by the HMO owner. It should show whether the item passed or failed.

4.14.17 HMO owners do not have a duty to inspect electrical equipment belonging to the occupier. The Council may, where it considers appropriate, wish to be satisfied that HMO owners offer to / seek permission to PAT test their occupiers electrical equipment at the same time as carrying out their own annual portable appliance tests.

### **Security**

4.14.18 The accommodation must have secure locks on access doors and ground floor or accessible windows.

4.14.19 Where the Council considers that additional safety or security features are required in light of the type of person likely to occupy the accommodation (e.g. as a womens' refuge where additional secure entry arrangements may be required and/or locks on bedroom doors etc.), these would be expected to be installed prior to the Council granting the licence.

4.14.20 All door locks must be capable of being opened from the inside without recourse to a key, so that residents can escape in case of fire. HMO owners could be encouraged to consult the Crime Prevention Officer at the local Police Station for advice on security.

## **4.15 THE POSSIBILITY OF UNDUE PUBLIC NUISANCE**

4.15.1 When deciding whether accommodation is suitable for use as an HMO, the Council must consider whether such use of the property could result in undue public nuisance. It is likely that this will principally relate to matters such as the possibility of unacceptable levels of noise and disruption to neighbours.

4.15.2 An example of a suggested standard Councils would be expected to apply in considering this factor is as follows:

### **Noise reduction**

4.15.3 Noise is a significant source of complaints about HMOs from neighbours, and some physical aspects of the property can add to the problems. Councils should therefore be satisfied that appropriate measures have been taken to minimise noise nuisance, such as the installation of items such as door closers and extractor fans, and 'deafening' under the floors.

4.15.4 Further guidance on available measures to address noise nuisance should be available via Council's websites.

## **4.16 OVERPROVISION**

4.16.1 Councils have the discretionary power to refuse to grant a HMO licence if it considers that there is, or that the grant of a licence would result in, overprovision of HMOs in the locality. It is for the Council to determine the locality and the extent for which HMO type housing accommodation is required to meet that need. In considering whether to refuse to grant a licence on this ground the Council must have regard to whether there is an existing HMO licence in effect in respect of the living accommodation and, where known, the views of the applicant and any occupants. In considering whether there is overprovision, the Council must have regard to the number and capacity of licensed HMOs in the locality, as well as the need for HMO accommodation in the locality.

## **4.17 INSPECTIONS**

4.17.1 It is recommended that the default position should be that a direct inspection of the accommodation is required, unless the Council considers an alternative approach to be justified and it will not hinder its ability to be satisfied that the accommodation is suitable. Councils should be flexible in considering its approach to assessment of applications from different types of HMO provider. It is strongly suggested that an alternative to direct inspection should not be considered justified or appropriate in the case of accommodation that has not previously been a licensed HMO, or where there has been a break since it was last licensed. Direct inspections are particularly important to check that the requirements of the Council are complied with and to recommend any alterations. They also allow the assessment of the suitability of the duty holder's fire risk assessment and the fire safety measures present in the property. Even after a licence has been granted, as part of the Council's ongoing enforcement activity it is suggested that random checks and scheduled inspections at agreed intervals should be considered.

4.17.2 Councils should ensure that their procedures for assessing applications, including direct inspection where this takes place, are proportionate and cost-effective. In particular, an efficient and streamlined inspection process is likely to be welcomed by HMO owners and occupiers. HMO occupiers understandably prefer to minimise the number and frequency of officials visiting the accommodation. The cost and possibility of inconvenience for the owner should also be taken into account when arranging inspections or repeat inspections. If there appears to be duplication or a lack of co-ordination, those affected by the licensing regime may also feel that fees (and consequently rents) could be reduced by more efficient working.

4.17.3 There are three areas in which inspection and reporting processes can be streamlined: the number of visits made, the number of officers visiting the property, and the number of reports produced.

4.17.4 Council officers and other representatives are there to inspect and may offer guidance to the HMO owner, but the onus is on the applicant to comply and they should take independent advice where appropriate.

### **Reports**

4.17.5 Where the inspection visit is undertaken by multiple officers, either a single report or individual reports may be produced. It is likely to be most helpful to the HMO owner to receive a single note of all officers' findings. This will avoid any confusion if, for example, both building standards and HMO licensing officers comment on the same issue. The form of reporting to the licensing committee will depend on the committee's wishes, but again it is suggested that a single report might be considered, thereby avoiding conflicting advice. This would draw together contributions from each discipline in a standard format, addressing each issue in turn.

### **Sensitivity in inspection visits**

4.17.6 It is important for all inspecting officers to be aware that they are visiting someone's home, and to behave with sensitivity to that situation. Both the scheduling of visits and the behaviour of inspecting officers may need to take account of religious and cultural issues. Language issues may also arise, with either occupiers or HMO owners, and interpreting services (both for other languages and for special communication needs) should be made available where necessary.

4.17.7 Occupiers should have been made aware of the inspection by the HMO owner, but it

may be necessary to explain again why officers need to enter their rooms. In some cases the HMO owner or occupiers may be distressed or angry if changes to the property are suggested, so officers should be trained to deal sensitively with difficult reactions. Where occupiers are particularly vulnerable, for example in a womens' refuge or accommodation for people with community care needs, officers may wish to make special arrangements, being guided by the HMO owner or support workers. It may help, for example, to schedule extra time to meet with the occupiers in a communal area before inspecting their private rooms.

#### **Dealing with queries from architects and property managers**

4.17.8 Councils should ensure that they give consistent and useful advice to professionals such as architects and property managers who are thinking of converting or building premises expected to be licensable as HMOs. The detailed physical standards are set out in **Annex A**. These are intended to provide reference points to help determine whether an HMO provides an acceptable level of accommodation and they should be applied flexibly. Councils should also advise of any standard licensing conditions for physical standards that they routinely apply. Professionals will benefit from early and clear advice on the desired standards, and this should assist in ongoing compliance.

#### **Contact with occupiers**

4.17.9 Councils are expected to make occupiers aware of the process of HMO licensing and the standards to be expected, and to offer a contact point to raise any concerns. Occupiers in HMOs often have little awareness of their rights, and may have low expectations of standards. At the same time they may be reluctant to express any concerns for fear of harassment or eviction. For this reason it is not appropriate to meet with occupiers and the HMO owner at the same time. It is suggested that trying to contact occupiers in person at the HMO is unlikely to have a high success rate. Therefore sending letters addressed to each occupier (where known) is a better approach than simply leaving leaflets at the property.

4.17.10 In addition, a passive approach may not be sufficient to elicit responses from occupiers dissatisfied with the accommodation or management. A more effective strategy may be to ask occupiers to return a questionnaire asking about key issues, which can help inform whether the HMO owner is a 'fit and proper' person to hold a licence. If any problems are identified through this process, the Council should carefully consider how these are addressed with the HMO owner, with steps being taken to ensure that the HMO owner does not attach any blame to individual occupiers.

4.17.11 All contacts with occupiers must take account of possible barriers to communication such as first languages other than English, learning disabilities or literacy problems. Councils might wish to consider working in partnership with equalities and adult literacy groups in their area, who may be able to help both in providing suitable materials, interpreting, advocacy services, and in getting information about HMO licensing to their users, members or communities.

4.17.12 If occupiers express any concerns which require further investigation, they should be invited to discuss them. This discussion should normally be conducted by someone with an awareness of housing issues and the skills to deal with a client who may be distressed or nervous. It is usually best to conduct such discussions away from the HMO. Procedures should also be in place to refer occupiers to other sources of advice if they raise issues which are not directly connected with licensing, such as debt or mental health problems. If the occupier complains of criminal behaviour, either in connection with the management of the HMO or by residents or visitors to the property, the Council should encourage them to report this to police and consider providing them with appropriate support.

#### **4.18 POWER TO INCLUDE LICENCE CONDITIONS**

4.18.1 Good management by the HMO owner is vital if the aims of HMO licensing are to be achieved. Physical standards must be maintained, occupiers' rights must be respected, and any problems which arise during the period of the licence must be effectively addressed. Good management is also key to tackling the issues which most concern neighbours of HMOs, such as building maintenance, cleaning, and noise or disturbance. For these reasons, it is suggested that Councils should consider the implications of any management issues which come to their attention in deciding whether to grant (or later, to revoke or vary) an HMO licence. In particular, such information could be relevant to consideration of the suitability of the applicant or agent.

4.18.2 In addition, failure by the HMO owner or agent to comply with obligations to owners of neighbouring properties for communal maintenance and repair may result in action being taken against them by the Council, under nuisance or building standards legislation. Councils may wish to consider whether their policy would be for this to be taken into consideration in assessing whether the HMO owner or agent is a 'fit and proper' person.

4.18.3 Councils have a power to impose such licence conditions as they think fit which may, for example, require certain standards to be maintained through the period of the licence (Part 4 of the 2016 Act). As any failure to adhere to licensing conditions is an offence, and can result in the Council revoking the licence, these are an important tool in ensuring that HMO owners adhere to reasonable standards. However, given the gravity of the consequences for HMO owners of failing to comply, careful consideration should be given to any proposed condition before including it in a licence. Any condition included must be clearly drafted, so that it is clear as to what is expected of the licence-holder from the outset.

4.18.4 Councils should encourage HMO landlords to agree tenancy agreements with their tenants as good practice which should outline acceptable tenant behaviour and detail tenant activities or practices a landlord would not consider tolerable. Tenants should be made aware of their responsibilities and any possible consequences should they breach the conditions. If anti-social behaviour persists or is severe landlords should consider taking possession proceedings.

#### **4.19 RECOMMENDED LICENSING CONDITIONS**

4.19.1 The following key points are recommended as basic licensing conditions to be considered for inclusion in all HMO licences. The wording suggested here should be adapted as necessary depending on the circumstances of the application.

4.19.2 As set out above, the Council should consider carefully the relevance and appropriateness of these, and any other proposed licence conditions, before including them in a licence. Authorities should give careful consideration to the inclusion of additional conditions where this could help to ensure the continuing suitability of the accommodation for occupation as an HMO.

4.19.3 Councils must be mindful of the fact that failure to comply with a licence condition is a criminal offence, and can also result in the licence being revoked. They should therefore consider whether it would be reasonable and proportionate to impose a particular policy as a licence condition, or whether alternative means of securing the same result exist which would not result in criminalising a failure to comply.

4.19.4 The licence holder must take steps to ensure that the property, fittings and furniture,

including fire precautions, plumbing, gas and electrical installations are maintained throughout the period of the licence to the standard required. The HMO owner should hold all necessary certificates.

4.19.5 The HMO owner will be responsible for maintaining the structure of the house and fixtures and fittings for the supply and use of hot and cold water, gas and electricity. He will also be responsible for ensuring that other fixtures, furnishings and equipment provided by him for the use of occupiers are safe and fit for purpose. Specific legislation applies to gas appliances and soft furnishings.

4.19.6 The licence holder must ensure that advice to occupiers on action to be taken in the event of an emergency is clearly and prominently displayed within the living accommodation.

4.19.7 In the event of an emergency, such as a fire, gas leak or injury, it is important that occupiers know what to do and who to contact. The HMO owner must provide this information, with the tenancy agreement, and permanently and prominently display this within the property. In staffed accommodation it should state how to inform staff of an emergency. The information should also cover safety information such as the safe use of gas appliances, regular checking of smoke alarms, not tampering with fire doors, and so on.

4.19.8 HMO owners should consider providing guidance in alternate languages where appropriate.

4.19.9 The licence holder must ensure that the physical standards for HMO living accommodation assessed as suitable by the Council when approving the licence application are met at all times.

4.19.10 The licence holder must ensure that the number of persons residing in the premises shall not exceed the number of occupiers permitted.

4.19.11 An HMO licence should generally be granted for a specific number of occupiers within the property. Exceeding this number would be an offence as a breach of this licensing condition. It is open to the HMO owner to apply to the Council for a variation to their licence where the licence holder wishes to increase the number of occupiers. This request could incur an additional cost levied by the Council.

4.19.12 The licence holder must make the licence, including any conditions, available to occupiers, within the premises where it can be conveniently read by residents.

4.19.13 The licence holder must ensure that actions to secure repossession must be only by lawful means.

4.19.14 Where a Council has grounds to believe that the HMO owner may attempt unlawful eviction, but these grounds are not sufficient to warrant the HMO owner failing the 'fit and proper' test, then it may be appropriate to include a licensing condition to ensure that repossession can only be by lawful means.

4.19.15 In the great majority of cases occupiers will leave the property at the end of their lease. Indeed, HMO occupiers generally stay for relatively short periods of time in any one property. However, if difficulties arise, it is important that HMO owners follow the law in acting to remove an occupier. Where a formal tenancy exists, it is usually necessary for the HMO owner to obtain a court order requiring the occupier to leave. The HMO owner must always follow the procedure set out in the occupancy agreement. It is in all cases illegal to use any form of harassment to try to make an occupant leave. The illegal eviction or

harassment of occupiers are police matters and should be reported to them.

## **PART 5 IDENTIFICATION, ENFORCEMENT AND COMPLAINTS**

### **5.1 IDENTIFYING UNLICENSED HMOs**

5.1.1 Councils have various functions under the 2016 Act in relation to the enforcement of the HMO licensing regime, ranging from powers to vary and revoke licences, to powers to impose Fixed Penalty Notices and summary convictions offences.

5.1.2 To assist in the exercise of these enforcement functions, it is suggested that Councils should also take active steps to publicise the licensing regime to encourage all owners of HMOs to seek a licence as well as to increase the likelihood of unlicensed HMOs being brought to the Council's attention (e.g. by occupiers or neighbours). A wide range of methods and sources of information can be used.

- Most HMO owners will be happy to comply with the law when they know about it. Advertising the regime and making sure that information is readily available from relevant information points is a primary way of reaching this group. Active engagement with HMO owners' groups or forums can also be helpful.
- Identifying individual HMOs is key to effective enforcement of the regime. Various written and on-line sources may be available, including local advertising of rooms for rent, letting websites or approved lists of university accommodation.
- One of the best sources of information about unlicensed HMOs is people who live in and around or visit HMOs. Enquiries from current or prospective occupiers, complaints from neighbours and intelligence from other departments or partner agencies who visit the property in the course of their activities can all be harnessed to build up a database of possible unlicensed HMOs for further investigation.
- A Council has the power under section 49 to serve a notice on occupiers of a property, and any person receiving rent in relation to it (such as agents) to provide information to assist it in determining whether the living accommodation is an HMO. Failure to provide information is an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale. Councils should take account of potentially vulnerable occupiers who may fear retaliation from the HMO owner such as eviction or violence, and should carefully consider whether it is proportionate to serve a notice in those circumstances, and whether the information might be sought by an alternative means (e.g. requesting information from neighbours or other departments or partner agencies, or even inviting or requesting the occupier to volunteer information in a safe environment, without resorting to service of a formal notice under section 49 ).

5.1.3 In taking enforcement action to identify unlicensed HMOs, Councils should also take steps to identify any agent acting in relation to an unlicensed HMO - it is a criminal offence for anyone to act as such by doing anything "which directly permits or facilitates the occupation of that house" as an HMO. The maximum penalty is the same as for the unlicensed owner, a Fixed Penalty Notice of up to £5,000 fine or up to £20,000 on conviction.

### **5.2 ENFORCEMENT ACTION**

5.2.1 There are a wide variety of enforcement options available to Councils;



- A Council can revoke a licence at any time, if the owner or agent are no longer suitable (e.g. as not fit and proper), the living accommodation is no longer suitable and cannot be made so by varying the licence conditions, or any condition of licence has been breached;
- A Council can vary the terms of a licence at any time;
- Section 30 of the 2016 Act creates a number of criminal offences relating to HMO licensing. An owner of a licensable HMO without a licence is committing an offence (unless the owner has a reasonable excuse). A person who acts as an agent for an HMO which is not licensed also commits an offence. And where the owner of an unlicensed HMO instructs an agent to act in relation to that house, the owner commits an offence;
- Section 34 sets out some circumstances in which the owner of an HMO has a reasonable excuse for the purposes of sections 30(1) and 31(2) and (3). The Council may decide to require a licence holder to take action to rectify or prevent a breach of a licence condition;
- A Council has a general power, in order to enable or assist it to exercise its functions under the Act, to require a person owning, occupying or receiving rent in respect of land or premises to provide information about the land or premises, including the nature of that person's interest and the name and address of any other person with an interest. When this is done to establish whether there is a licensable HMO on the land or premises, the notice may also require the person to state their relationship to other occupants;
- A Council has a right of entry to any land or premises for the purpose of enforcing the HMO licensing regime, which is enforceable by court warrant.

5.2.2 In addition to the Council's own enforcement powers, Councils should compile evidence in relation to suspected unlicensed HMOs or other HMO offences to support any prosecution

5.2.3 Councils may develop their own policies for enforcement of the HMO licensing regime. It is however suggested that the Council should take into account the suggestions the following;

5.2.4 In many cases where an unlicensed HMO is identified, Councils should consider contacting the owner to inform them of the licensing requirement and request that they submit a licence application within a set period of time e.g. 14 days.

5.2.5 Any additional enforcement action to be taken will depend on the circumstances, in particular whether there are any occupiers of the property and whether there are any risks to their safety and security or the property is otherwise unsuitable for them to occupy.

#### **Rectification or Hazard Notices**

5.2.6 The Council may inspect the living accommodation (using rights of entry under section 78 of the 2016 Act where necessary) to assess the state of the property and to ascertain whether there is any need to serve a notice. Such a notice would require the owner to carry out work in order to make it reasonably fit for occupation. If the owner fails to do so, the Council is entitled to carry out the work and recover any costs incurred from the owner. Schedule 3 Part 2 Section 5 (1) of the 2016 Act applies to HMO rectification or hazard notices.

5.2.7 Where a hazard notice is served, or the Council otherwise requests that work is carried

out in order for a licence to be granted (without considering that a hazard notice is necessary) and the property is occupied prior to the grant of licence, the Council should work closely with the owner to ensure that any necessary works are completed quickly and so as to allow swift grant of licence e.g. 3 months from time of application.

5.2.8 There will inevitably be some owners who do not respond to such approaches, and against whom enforcement action must be taken. There will also be some who apply for a licence but are refused and others who have their licences revoked or suspended. These cases must be monitored to ensure the property does not continue to operate without a licence.

5.2.9 An owner who is unwilling or unable to obtain a licence may agree to cease operating the premises as an HMO. However, it may not be possible to do this immediately, because of the terms of tenancy agreements, either statutory or contractual.

### **Temporary Exemption Notice**

5.2.10 A Council can grant a temporary exemption order in response to an application by the owner of an unlicensed HMO that requires to be licensed. This could prevent the owner from committing an offence while they make arrangements to move the occupiers out of the premises. The owner must explain the steps to be taken to stop the premises from being an HMO, and the Council must be satisfied that these steps will be successful. The HMO does not need a licence during the term of the order, which is three months unless extended for no more than one further period of three months in exceptional circumstances. The notice may require the owner to carry out work to improve the safety or security for the occupants for the duration of the notice. This could involve minor works or the provision of removable equipment where licence conditions would normally require permanent, fixed items.

### **Fixed Penalty Notices**

5.2.11 Section 64-66 of the 2016 Act gives Councils the power to issue Fixed Penalty Notices which tends to be conferred in respect of lower level offending note **Annex B** attached. A Fixed Penalty Notice ("FPN") is a notice giving the recipient the opportunity of discharging any liability to conviction for an offence by paying a fixed sum of money within a particular period.

5.2.12 Councils should note the issuing of a notice is an alternative to prosecuting the offender. A commonly used formulation is that the giver of the notice has reason to believe that a person has committed an offence and there are grounds for instituting proceedings for an offence.

### **Prosecution**

5.2.13 The ultimate sanction in the licensing regime is prosecution. Licensing officers should take care in carrying out inspections or investigations into suspected unlicensed HMOs, that any evidence is collected in such a way that it would be admissible in court, if necessary. For example, to demonstrate that living accommodation which is suspected to be an unlicensed HMO does indeed satisfy the definition of HMO in the 2016 Act.

5.2.14 Councils may also find it beneficial to verify ownership of a property. It is the owner who should apply for a licence, but where the HMO owner has a criminal record or would likely be considered not to be a 'fit and proper' person, they may seek to appoint an agent.

5.2.15 Prosecution can be a lengthy process, and occupiers should not be subject to dangerous or unfit conditions in the meantime. If necessary, Councils should also consider

using other powers, or asking the Northern Ireland Fire and Rescue Service to use their powers, to require improvements to be made or that the property be closed down.

### **5.3 DEALING WITH COMPLAINTS**

5.3.1 Serious complaints may lead directly to enforcement action against the owner. Alternatively, a record of more minor complaints about a particular HMO may have an effect on the Council's decision when a subsequent application for a licence in respect of the premises is submitted. It may be helpful to establish liaison arrangements with teams responsible for the Clean Neighbourhood and Environment Act 2011. Similarly, some complaints made to HMO licensing officers may be more appropriately dealt with by anti-social behaviour teams or the police.

5.3.2 The Councils are likely to receive complaints about HMOs or suspected HMOs for a number of reasons. Occupiers may make complaints about the condition of the property or the actions of the owner. Neighbours may be concerned about the number of people in the property and their living conditions, or about noise and disturbance or anti-social behaviour attributed to the residents of the HMO or people visiting the property. In apartment block situations, in particular, neighbours may also make complaints about maintenance, cleaning of common areas, accumulations of refuse and water ingress.

5.3.3 Councils should keep a record of complaints, and investigate where this is considered appropriate. Complaints may bring to light HMOs which the Council were not previously aware of. They may also lead to the discovery of breaches of licensing conditions.

### **5.4 DATA PROTECTION AND SHARING OF INFORMATION**

5.3.4 Councils should ensure all employees involved in the operation and administration of the HMO regulatory function who have access to any personal information are fully aware of and abide by their duties and responsibilities under the Data Protection Act 1998. Before sharing personal information, staff will ensure all sharing is in line with statutory requirements as outlined in Sections 73-76 of the 2016 HMO Act.

## ANNEX A

### TECHNICAL SPECIFICATIONS FOR PHYSICAL STANDARDS

(See also SECTION 4.3)

#### SPACE AND LAYOUT

**The space standard and occupancy of each room within the house shall be based on the use made of the room.**

**Floor space should only be counted where there is a ceiling height of at least 1.5m.**

The space standard is contravened when the number of persons who sleep in the HMO exceeds the permitted number for that HMO. In determining for the purpose of subsection (1) the number of persons who sleep in an HMO—

- (a) no account is to be taken of a child under the age of one, and
- (b) a child aged 11 or less (but aged at least one) is to be counted as one-half of a person.

To calculate the permitted number for an HMO—

- (a) for each room in the HMO which is available as sleeping accommodation, determine, by reference to what type of room it is, which of Tables 1, 2 or 3 applies to that room,
- (b) determine, by reference to the floor area of the room, the permitted number of persons for that room, and
- (c) add together the permitted numbers for each of the rooms in the HMO.

The total is the permitted number for the HMO.

**Table 1**

**Rooms which are a bedroom (only)**

Floor area of room	Permitted number for the room
Less than 6.5m <sup>2</sup>	No account is to be taken of the room
6.5m <sup>2</sup> or more but less than 11m <sup>2</sup>	1
11m <sup>2</sup> or more but less than 15m <sup>2</sup>	2
15m <sup>2</sup> or more but less than 19.5m <sup>2</sup>	3
19.5m <sup>2</sup> or more	4 plus one additional person for each 4.5m <sup>2</sup> in excess of 19.5m <sup>2</sup>

**Table 2**

**Rooms which are a bedroom and living room**

<b>Floor area of room</b>	<b>Permitted number for the room</b>
Less than 10m <sup>2</sup>	No account is to be taken of the room
10m <sup>2</sup> or more but less than 15m <sup>2</sup>	1
15m <sup>2</sup> or more but less than 19.5m <sup>2</sup>	2
19.5m <sup>2</sup> or more	3 plus one additional person for each 4.5m <sup>2</sup> in excess of 19.5m <sup>2</sup>

**Table 3**

**Rooms which are a bedroom, living room and kitchen**

<b>Floor area of room</b>	<b>Permitted number for the room</b>
Less than 13m <sup>2</sup>	No account is to be taken of the room
13m <sup>2</sup> or more but less than 20.5m <sup>2</sup>	1
20.5m <sup>2</sup> or more	2 plus one additional person for each 4.5m <sup>2</sup> in excess of 20.5m <sup>2</sup>

For the purpose of HMO Act 2016, a room is available as sleeping accommodation if it is of a type normally used in the locality as a bedroom, as a bedroom and living room or as a bedroom, living room and kitchen (as the case may be).

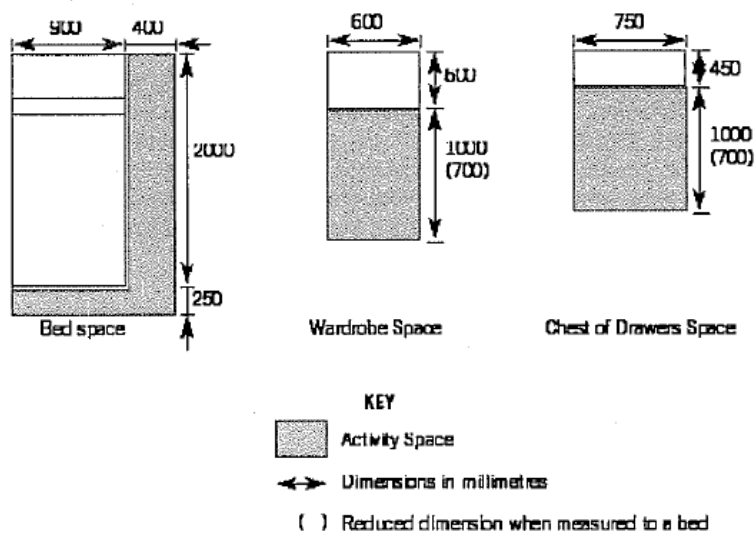
A certificate of the Council stating the number and floor areas of the rooms in an HMO, and that the floor areas have been determined in the manner specified in regulations, is evidence for the purposes of legal proceedings of the matters stated in it.

Where the amendments to space standards for ceiling heights, minimum bedroom widths and for communal living room, excluding any area used as a kitchen, represent an increase in standards, this is not viewed as a safety issue and should only be applied to new applications.

## Annex A

### Activity Spaces

#### Activity Spaces for bedrooms

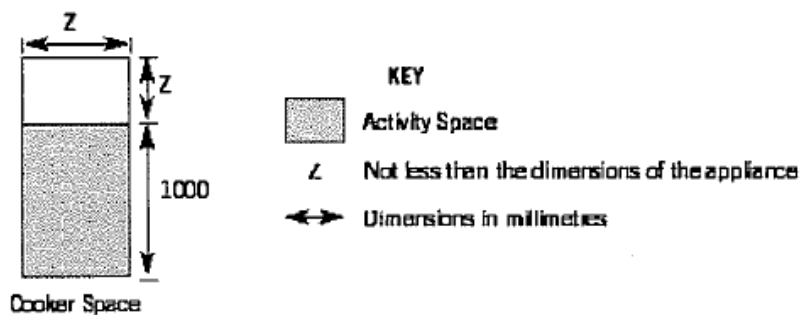


#### Notes:

1. An activity space is measured at floor level.
2. The shaded area of an activity space may overlap only the shaded area of another activity space.

### KITCHENS

#### Activity Space for Cookers



## Annex B

No	Offence	Location in Act	FPN	Criminal Penalty	Daily Fine
1	Unlicensed HMO: Agent	30(1)	£5,000	Subject on summary conviction of a fine up to £20,000 (Equivalent to Level 5)	Daily fine of £50
2	Unlicensed HMO: Owner	30(2)	£5,000	£20,000	Daily fine of £50
3	Breach of occupancy specified in licence	31(1)	£5,000	£20,000	Daily fine of £50
4	Contravention of overcrowding notice	60(1)	£5,000	£20,000	Daily fine of £50
5	Contravention of occupancy requirement of suitability notice	60(2)	£5,000	£20,000	Daily fine of £50
6	Uses or permits use of HMO subject to a hazard notice	60(4)	£5,000	£20,000	Daily fine of £50
7	Unauthorised disclosure of information obtained under section 73	75(1)	N/A	£20,000 and/or on conviction on indictment, to imprisonment for a term not exceeding 2 years	N/A
8	Unlicensed HMO: Owner authorises person to act on his behalf	30(3)	£2,500	Subject on summary conviction of a fine up to £10,000 (Equivalent to Level 4)	
9	Breach of licence conditions: owner/agent	31(2)	£2,500	£10,000	
10	Breach of licence conditions: person not named on licence	31(3)	£2,500	£10,000	
11	Person represents HMO as licensed when it is not	32	£2,500	£10,000	
12	Agent operating but not named on licence - other	33(1)	£2,500	£10,000	
13	Agent operating but not named on licence - owner	33(2)	£2,500	£10,000	
14	Failure to comply with rectification notice	37(1)	£2,500	£10,000	
15	Unlawful occupation	Para 8 of Sch 3	£500	Subject on summary conviction of a fine up to £1,000 (Equivalent to Level 3)	
16	Owner fails to complete works specified in hazard notice	60(6)	£500	£1,000	
17	Obstruction of a relevant person	80(5)	£500	£1,000	
18	Obstruction of works needed, under a Part 4 notice, TENs & rectification notices	82(4)	£500	£1,000	
19	Failure to comply with information notice	49	£200	Subject on summary conviction of a fine up to £500 (Equivalent to Level 2)	
20	Refusal to provide information under 68 & 70	74	£200	£500	
21	Providing false or misleading information	Para 17 of Sch 2	£200	£500	

DRAFT



## Proposed Guide to the Licensing of Houses in Multiple Occupation in Northern Ireland: Guidance for Local Government (Xxx 2018)

### Proposed Comments

Mid Ulster welcomes the opportunity to comment on the proposed “Guide to the Licensing of Houses in Multiple Occupation in Northern Ireland: Guidance for Local Government (draft Xxx 2018)” forwarded to Councils for comments on 30<sup>th</sup> January 2018.

Part	Comments
Part 1- Introduction	MUDC welcomes the guidance and acknowledges this guidance relates to the Northern Ireland legislation and previous consultations
Part 2 HMO Licensing- General Requirements 2.1 Overview	<p>2.1.3 The guidance on joint owners in 2.1.3 is welcomed. Concerns that where there are joint owners of a HMO that only one will be required to meet the ‘Fit and proper test’ Further clarity required on how to determine the fit and proper test requirement. Further clarity is requested where licenses are applied for jointly. Are all joint owners assessed as fit and proper persons?</p> <p>2.1.5 The wording of the definition of an HMO in this section of the guidance differs to the wording in the legislation which may lead to confusion.</p> <p>2.1.15 Where the guidance refers to offences it would be useful to include reference to the section of the act the offence relates to.</p> <p>2.1.21 Online transactions will create additional costs for Councils. Councils will need to consider how this will be managed within the proposed model for HMO function.</p> <p>2.1.23 Further clarity on refunding of fees on applications relating to the unexpired term of HMOs registered under the scheme is requested.</p>
2.2 Applying for an HMO licence	<p>2.2.1 “Part 2 Section 8 of the Act” should read “Schedule 2(1) of the Act” “any other information the Council should reasonably require” should read “ any other information which the Council may specify by general notice” Further clarity is requested by what is meant by “general notice” to aid consistency</p>

	<p>2.2 Section 8(3) HMO Act (NI) 2016 states that Schedule 2 makes provision about the procedural requirements relating to an application for an HMO Licence.</p> <p>2.2.3 Further regulations should be specified in the guidance and referenced for clarity.</p> <p>2.2.9 Further guidance is requested on what would be considered a “material change in circumstances”</p> <p>2.2.10 Information Sharing protocols may be required for sharing information.</p> <p>2.2.14 Further clarity is requested on the statement “section 14 of the Act-Licence conditions, should give careful consideration to the possibility of granting licences subject to conditions, which may help to ensure that appropriate standards are maintained throughout the period of the licence”</p> <p>2.2.15 Further guidance is needed on what information must be excluded from the register. Additional information is needed in relation to what constitutes a “genuine interest” in the property and “jeopardise the safety or welfare of any person or the security of the premises”.</p> <p>2.2.16 Further guidance is requested on the circumstances where the occupants of the premises must be served a notice.</p> <p>2.2.19 Three months is very limited given that in Scotland the period is 12 months. Further guidance is requested on the circumstances and process for extending the period via a court of summary jurisdiction</p> <p>2.2.23 This section is contradictory with regards to charging of fees for varying a licence</p> <p>2.2.24 Does this mean a new application is submitted? Does this mean a Planning application will be required and does that mean over supply comes into play in areas where the planning limits have been breached? Will this person have to meet Fit and Proper person test?</p>
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	<p>2.2.25 Further guidance should be provided where the licensees personal representatives are not registered landlords.</p>
Part 3 Administration of HMO Licensing	<p>3.2.4 “Nominated Councils” should be explained within the guidance It is the responsibility of Councils to determine the most appropriate administration processes and procedures</p>
Part 4 Standards and Licensing Conditions	<p>4.3.7 Further guidance is requested on what would be considered exceptional circumstances.</p> <p>4.4.7 The Department should ensure the wording in the guidance accurately reflects the wording in Section 13(2) of the Act to avoid confusion</p> <p>4.6 The Condition of the Accommodation. The accommodation standards are set out in the (Accommodation Standards) NI Regulations 2016. The Department should ensure that the guidance accurately reflects the wording of the regulations.</p> <p>4.9 Suitability for Numbers in Occupation HMO (Space Standards) NI Regulations 2016 set these out. The Department should ensure that the guidance accurately reflects the wording of these regulations.</p> <p>4.12 Subdivision of any rooms within the accommodation – We do not have this considered in Section 13 of the 2016 Act.</p> <p>4.13 Adaptation of any rooms within the accommodation resulting in an alteration to the situation of the water and drainage pipes within it – We do not have this considered in Section 13 of the 2016 Act</p> <p>4.14 Safety and Security Requirements4.14.2 More specific guidance is required.</p> <p>4.14.12 The gas regulations were updated in 2004</p> <p>4.19.15 Councils may also have a role in the enforcement of illegal eviction and harassment.</p>



<b>Report on</b>	Mid Ulster Bonfires - Update Report
<b>Reporting Officer</b>	Mark Kelso - Director Public Health & Infrastructure
<b>Contact Officer</b>	

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

<b>1.0</b>	<b>Purpose of Report</b>
1.1	To update members on the work of the Mid Ulster District Council – Bonfire Working Group and recommendations to address public safety concerns in regards to Bonfires held on Council property in the Mid Ulster area.
<b>2.0</b>	<b>Background</b>
2.1	<p>The Working Group was established in early 2017 following confirmation of a Council Motion on 25<sup>th</sup> June 2015 (as detailed below):</p> <p><b><i>“We welcome that the Minister of the Environment through his Agency the NIEA will bring in appropriate measures which adequately deal with used tyres as the current system does not rigidly control how suppliers do this. That this Council does not clean up the remains from bonfires from any other property that does not belong to the Council. On Council property that is used for bonfires, only suitable materials are used and all other materials such as tyres, rubbish, flags, election posters or effigies of individuals are removed. That this Council seeks to prosecute through its powers anyone who illegally dumps any hazardous materials on public or private lands associated to bonfires”.</i></b></p> <p>The Environment Committee was subsequently tasked to establish a Task and Finish - Bonfire Working Group to review and prepare Guidelines to assist with the provision of safer bonfires .</p> <p>The key objectives of the Working Group were identified as:</p> <ul style="list-style-type: none"> <li>• Review the current position regarding bonfires set up on Council property.</li> <li>• Explore the options for reducing negative environmental impacts around bonfires in conjunction with other statutory bodies.</li> <li>• Propose mechanisms for promotion of Bonfire Safety and sustainable bonfires/celebration events going forward.</li> </ul> <p>The Working Group considered a range of issues pertaining to local bonfire events held throughout the year and met with representatives from the various statutory agencies. Following discussion, it was agreed that Draft Guidelines be developed to assist local communities celebrate their cultural events safely. A copy of the Guidelines on Celebrate Safely is attached at Appendix 1.</p> <p>It should be noted that Council does not actively encourage or facilitate the use of Council property for the purposes of a bonfire activity. Examination of the roles and</p>

	<p>responsibilities of the relevant statutory organisations are as set out in the attached Position Paper (Appendix 1).</p> <p>The Working Group concluded in June 2017 that the best way to encourage positive outcomes for communities was to take forward an Inter Agency approach in conjunction with other statutory bodies . This approach followed the Partnership Working model identified in the Mid Ulster Community Plan and Council's Notice of Motion.</p>
2.2	<p><b><u>Recommendations from Working Group Discussions – June 2017</u></b></p> <p>The following recommendations were brought to Committee for members consideration following discussions with other partner agencies :</p> <ul style="list-style-type: none"> <li>• The establishment of a formal Inter Agency Working Group in order to develop a Short /Medium and Long term Action Plans to address bonfire safety.</li> <li>• Engagement with local communities who wish to host bonfires on Council land in order to ensure adherence to Good Practice from Council and other Statutory Agencies to promote public safety at bonfires .</li> </ul>
2.3	<p><b><u>Members concerns – August 2017 issues for consideration</u></b></p> <p>Following the celebration events held during the month of July 2017 a special meeting was called during the month of August to discuss a number of members concerns . These resulted from resident's complaints arising from events held on Council premises , in particular at Killymoon Play park , Cookstown and Killymerron Walkway ,Dungannon during the previous month .</p> <p>The Statutory Agencies ( PSNI , NIEA and NIFRS ) were also in attendance at the meeting to update members on their services response to complaints received .</p>
2.4	<p><b><u>Special Meeting August 2017 – Next Steps</u></b></p> <p>Following discussions at the Environment Committee meeting in August 2017 (Minute reference SE001/17) , it was resolved:</p> <p>That it be recommended to the Council that approval be given to:</p> <ol style="list-style-type: none"> <li>1) Members continuing on their work with the Bonfire Working Group and wait until the findings of the Flags and Emblems Committee being made known before inviting other agencies ie. PSNI, Fire Service and NIEA to becoming involved.</li> <li>2) Engagement with local communities who wish to host bonfires and those who don't wish to host bonfires on Council land to ensure adherence to Good Practice with Council and other Statutory Agencies to promote public safety at bonfires.</li> <li>3) Officers to prepare an Options Paper for the introduction of an application and licencing process, which should meet certain criteria for building bonfires, with this being done through the Bonfire Working Group and then brought back to committee for consideration.</li> <li>4) Illegal bonfires being put on the Risk Register and being brought back to committee.</li> </ol>

<b>3.0</b>	<b>Main Report</b>
	<b><u>Draft Options Paper – Bonfire Working Group – January 2018</u></b>
<b>3.1</b>	<p><b>Strategic Context</b></p> <p>No definitive guidance or direction has been provided by the NI Executive or Assembly in relation to how bonfires should be facilitated within local communities. It is recognised that in each of the 11 Council areas there are bonfires of varying scales to mark the 12<sup>th</sup> July Celebrations together with Halloween and Anti-Internment events.</p> <p>Within the Mid Ulster District Council area the most common types of bonfires are those held to mark the 12<sup>th</sup> July celebration. There are also a number of Halloween bonfires held across the District, however these are not held on Council property.</p> <p>Mid Ulster District Council has a number of policies and procedures which are applicable to the temporary use of Council land. Outside bodies who wish to use Council land to host events are obliged to comply with a specified set of guidelines defined for this purpose .</p>
<b>3.2</b>	<p><b>Event Management</b></p> <p>For the purpose of Council's guidance an 'event' is defined as, 'a planned and organised occasion taking place on an outdoor Council facility, outside the normal day to day business of the Council service, attracting members of the public or invited guests to the event'.</p> <p>Council's Event Safety Guidance requires outside bodies to complete a proforma in order to gain access to Council property. This process requires the organisers to demonstrate the following: (See Appendix 1 )</p> <ul style="list-style-type: none"> <li>• Details of an Event Organiser and event management</li> <li>• Safeguarding Policies of children and adults at risk of harm (when applicable)</li> <li>• Public Liability Insurance</li> </ul> <p>Outside of this general policy context Mid Ulster Council is not insured to have bonfires on its property. Unregulated Bonfires can carry a risk of serious injury being caused to someone, either during the building process or when the bonfires are lit if they are not appropriately managed and controlled.</p>
<b>3.3</b>	<p><b>Good Practice – Celebration Events – Appendix 2 &amp; 3 sets out some draft guidance for the management and construction of Bonfires / Beacons on Council sites . The Good Practice Guidance contained within the documentation incorporates structured draft guidance previously agreed by statutory agencies to address safety at celebration events and issued by legacy Councils to promote bonfire safety as part of a community / family event held on Council premises .</b></p> <p>The draft Guidance may be used to assist local communities in promoting safe and sustainable events as part of a wider community / family celebration event .</p>

## 4.0

**DRAFT OPTIONS**

The following Draft Options were identified by the Working Group for Committee consideration :

<b>Option No.</b>	<b>Option Title</b>
1.	Do Nothing- Maintain the Status Quo
2.	Examine Current NIHE Procedures with a View to Emulating
3.	Address Key Areas Where Risk has been Identified
4.	Develop a Strategic Action Plan (2 – 5 years)

**4.1 Option 1: Do Nothing: Maintain the Status Quo**

This option would involve not taking any action to improve and minimise the risk presented in the circumstances.

**4.2 Option 2: Review and Current NIHE Procedures or Similar**

This option would involve adopting programmes similar to those put in place by NIHE. This could include a bonfire management programme, a beacon project, funding for events provided by constituted group who meet Council's health and safety requirements for bonfire events.

**4.3 Option 3: Address Key Areas Where Risk has been identified**

This option would involve providing specific support for bonfire events in the District that are identified as having the highest levels of risk and are therefore most likely to cause damage to property and potentially damage good relations within the host community. Based on the information in Section 2 the sites would mostly likely include: Killymerron (Dungannon), Killymoon (Cookstown).

**4.4 Option 4: Strategic Action Plan ( 2 – 5 years)**

This option would involve developing and adopting a long-term strategy in relation to how bonfire events can be safely facilitated in the District over the next 5 years. This could include the production of an application procedure for use of Council facilities and open spaces for cultural celebrations while also providing alternative events and types of cultural expression.

## 5.0

**OPTIONS APPRAISAL**

This section of the report examines the feasibility of each of the options identified in Section 4.

**5.1 Option 1: Do Nothing: Maintain the Status Quo**

Council's motion passed in June 2015 together with the direction provided by the Environment Committee in August 2017 determines that this option is not credible because Council has indicated that the status quo is unworkable due to the breaches of Council's policy and the health and safety implications that occur as a result of the current situation.



**5.2 Option 2: Review and emulate Current NIHE Procedures or Similar**

Activities undertaken by the NIHE include the following:

- A 'beacon design and manufacture project' under the Fresh Start Agreement. These beacons will be used through Bonfire Management Programmes in Belfast and North Down and Ards Councils.
- The NIHE provide funding relating to the management of events dependant upon compliance with a number of conditions such as:
  - Tyres and toxic materials should not be collected or burnt on the bonfire and materials should be restricted to wood
  - Clearance space between bonfires and surrounding buildings should be at least 5 times the height of the bonfire
  - Groups should refrain from displaying of paramilitary trappings and paramilitary flags on or in the vicinity of the bonfire site
- A regional bonfire policy is being developed to encourage communities to improve bonfire management. The issue of 'designating' bonfire sites is currently being discussed at their Good Relations Steering Panel.

The NIHE maintain that there is a need 'to use local solutions to local issues and no one size fits all with regard to dealing with bonfires, particularly contentious ones'. They also indicate that both formal and informal approaches work best when alleviating some of the issues associated with bonfires.

However some aspects of NIHE schemes have been criticised. In recent times bonfires held on disused NIHE land have caused damage to adjacent private property.

**5.3 Option 3: Address Key Areas Where Risk has been Identified**

This option would involve focusing on the bonfires held on Council lands that present the highest level of risk. These risk levels are identified on the basis of whether or not toxic materials are burnt on the bonfire, the height of the bonfires in proximity to any houses in the surrounding areas and potential damage to homes and adjacent property and resident complaints. This option would require working with community representatives to implement solutions to the issues individual to each of the sites identified , and enable appropriate control to be brought to the high level risks being presented .

**5.4 Option 4: Develop a Strategic Action Plan (2 – 5 years)**

This option would involve the development of a 2 - 5 year strategy. This would involve examining the current risks associated with bonfire events. It would include assessing each of the host areas and identify where areas of risk exist and how they can be minimised. The aim of the strategy would be to support communities in the celebrating their cultural heritage in a positive way via managed events that will ensure that health and safety is paramount and that communities, businesses and residents who are near bonfire sites are not negatively impacted upon as a result.

6.0	<p><b>Alternative Future Events</b></p> <p>One suggestion has been for Council to run an inclusive festival, similar to the Temple (Burning Man) that was hosted by the legacy Derry City Council. This could be located in a Council park and could include schools and the wider community. It could be a family event that people would want to participate in and could be offered as an alternative to local bonfires, an inducement that could show there is a better and alternative way to celebrate culture.</p> <p>This type of festival would take significant effort and organisation and would involve sourcing a large number of volunteers and management of the health and safety implications.</p> <p>While a project such as this may not meet the needs of those individuals who enjoy organising and building bonfires in their own area, it would demonstrate that there are alternatives for communities and it would remove the exclusive focus from the local events.</p> <p><b>Possible Next Steps</b></p> <p>6.1 <b>Next Steps</b></p> <p>The Committee will wish to consider the options presented in this paper and consider which options should be taken forward . Members should be clear that more than one option can be selected and options can be amended as deemed necessary.</p> <p>The Working Group on reviewing the Options felt that in the Short Term appropriate action needed to be taken under Option 3 to resolve the issues at the two high risk sites at Killymoon and Killymerron where significant issues had been raised .Resident's concerns had highlighted both community safety and community tension issues which needed to be addressed to ensure that events are carried out in a safe and responsible manner.</p> <p>In the longer term it was felt that with the application of both Option 2 and 4 good progress could be made to implement the Strategic Action Plan and achieve safe and sustainable celebration events over a 2 – 5 year programme.</p> <p>6.2 <b>Equality and Good Relations Impacts and Rural Impact</b></p> <p>Council's Equality Scheme 2016-20 requires new or revised policies and practices to be subject to equality and good relations screening to ensure that any adverse impacts on equality of opportunity are identified.</p> <p>7.0 <b>LEGAL CONSIDERATIONS</b></p> <p>The absence of a clear statutory framework for bonfire management means public bodies are left to apply best practice in a pragmatic manner with support from other statutory agencies as necessary . Council in this instance has statutory responsibilities to protect public safety while ensuring the health and safety of its staff and workers. Experience would indicate that local communities must be engaged as early as practicable to avoid potential disengagement and encourage the application of good practice going forward .</p>
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	The Draft Options paper seeks to identify a range of options available to Council in this regard .The Bonfire Working Group felt that a combination of Options 2, 3 and 4 would be most effective (with a focus on Options 3 and 4) in addressing the primary issues over forthcoming months.
<b>8.0</b>	<b>Other Considerations</b>
<b>8.1</b>	<b><u>Financial &amp; Human Resources Implications</u></b>  Financial: As identified  Human: As identified
<b>8.2</b>	<b><u>Equality and Good Relations Implications</u></b>  As identified
<b>8.3</b>	<b><u>Risk Management Implications</u></b>  As identified
<b>9.0</b>	<b>Recommendation(s)</b>
9.1	That Members consider the Bonfire Working Group Draft Options Paper and options appraisal.
9.2	The Bonfire Working Group felt that a combination of Options 2, 3 and 4 would be most effective (with a focus on Options 3 and 4) in addressing the primary issues over forthcoming months .
9.3	That Members consider and agree the establishment of an Inter Agency Bonfire Management Group appropriately linked with the Policing and Community Safety Partnership to assist with practical implementation .
<b>10.0</b>	<b>Documents Attached &amp; References</b>
10.1	Appendix 1 – Draft Bonfire Working Group Options Paper



# **MID ULSTER DISTRICT COUNCIL**

## **Bonfire Working Group Celebration Events**

### **Draft Options Paper**

**January 2018**

## 1. Background

1.1 Council passed the following motion on 25<sup>th</sup> June 2015:

Section	Contents	Page Number
1	Background	3
2	Current Position	4
3	Strategic Context	5
4	Event Management	5 - 6
5	Draft Options	6 - 7
6	Options Appraisal	7 - 8
7	Decisions and Possible Next Steps	9

***“That this Council does not clean up the remains from bonfires from any other property that does not belong to the Council. On Council property that is used for bonfires, only suitable materials are used and all other materials such as tyres, rubbish, flags, election posters or effigies of individuals are removed. That this Council***

***seeks to prosecute through its powers anyone who illegally dumps any hazardous materials on public or private lands associated to bonfires”.***

- 1.2 The Bonfire Working Group was established in January 2017 to assist in the implementation of the Council motion. The Working Group is made up of Elected Members, the Directors of Public Health and Infrastructure (Chair), Business and Communities and other relevant Council Officers from Community Development, Environmental Health, PCSP and Democratic Services.
- 1.3 The Terms of Reference confirmed that the Working Group would be time bound and operate as a task and finish Working Group. It also confirmed that the Group would focus its attention on bonfires on Council owned land. The Working Group met on six occasions between January and August 2017. Progress was then reported back to the Environment Committee.
- 1.4 At a special meeting of the Environment Committee in August 2017 the following additional direction was given to the Bonfire Working Group:
  - **Members continue their work with the Bonfire Working Group and wait until the findings of the Flags and Emblems Committee being made known before inviting other agencies i.e. PSNI, Fire Service and NIEA to becoming involved.**
  - **Engage with local communities who wish to host bonfires and those who don't wish to host bonfires on Council land to ensure adherence to Good Practice with Council and other Statutory Agencies to promote public safety at bonfires.**
  - **Officers to prepare an Options Paper for the introduction of an application and licencing process, which should meet certain criteria for building bonfires, with this being done through the Bonfire Working Group and then brought back to committee for consideration.**
  - **Illegal bonfires be put on the Risk Register and be brought back to committee.**

## **2. Current Position**

- 2.1 Following establishment of the Working Group a scoping exercise was carried out to develop a baseline of any bonfires currently held on Council property across Mid Ulster District . It was identified that there are currently eight bonfires held on Council land, six of which have had no instances of anti-social behaviour identified to them in the last three years.

2.2 As part of the scoping exercise it was agreed that bonfires identified as burning tyres be deemed as increased risk . The sites identified include: Killymerron (Dungannon), Killymoon (Cookstown) and Monrush (Cookstown).

2.3 The Bonfire sites which have been identified as being sited on Mid Ulster District Council property over the last three years are as shown below:

Month	Council Controlled Site	Issues / Concerns
July	Beechway Play Area, Cookstown	No issues recorded
July	Killymoon Play Area, Cookstown	Resident complaints Tyres present
July	Monrush Play Area, Cookstown	Tyres present other waste on site
July	Moneymore Recreation Grounds Moneymore	No issues recorded  Fun day prior to event
July	Riverside Recreation Area, Castledawson	No issues recorded  Fun day prior to event
July	Killymerron Park, Dungannon	Residents complaints Tyres present
July	Mill Park, Tobermore	No issues recorded
July	Beechland, Magherafelt	No issues recorded

### 3. Strategic Context

3.1. No definitive guidance or direction has been provided by the NI Executive or Assembly in relation to how bonfires should be facilitated within local communities. It is recognised that in each of the 11 Council areas there are bonfires of varying scales to mark the 12<sup>th</sup> July Celebrations together with Halloween and Anti-Internment events.



- 3.2. Within the Mid Ulster District Council area the most common types of bonfires are those held to mark the 12<sup>th</sup> July celebration. There are also a number of Halloween bonfires held across the District, however these are not held on Council property.
- 3.3. Mid Ulster District Council has a number of policies and procedures which are applicable to the temporary use of Council land. Outside bodies who wish to use Council land to host events are obliged to comply with a specified set of guidelines defined for this purpose.

## **4. Event Management**

- 4.1. For the purpose of Council's guidance an 'event' is defined as, 'a planned and organised occasion taking place on an outdoor Council facility, outside the normal day to day business of the Council service, attracting members of the public or invited guests to the event'.
- 4.2. Council's Event Safety Guidance requires outside bodies to complete a proforma in order to gain access to Council property. This process requires the organisers to demonstrate the following: (See Appendix 1 )
- Details of an Event Organiser and event management
  - Safeguarding Policies of children and adults at risk of harm (when applicable)
  - Public Liability Insurance
- 4.3. Outside of this general policy context Mid Ulster Council is not insured to have bonfires on its property. Unregulated Bonfires can carry a risk of serious injury being caused to someone, either during the building process or when the bonfires are lit if they are not appropriately managed and controlled.
- 4.4. Good Practice – Celebration Events – Appendix 2 sets out some guidance for the management and construction of Bonfires / Beacons on Council sites. The Good Practice Guidance contained within the documentation incorporates structured guidance previously agreed by statutory agencies to address safety at celebration events and issued by legacy Councils to promote bonfire safety as part of a community / family event held on Council premises.
- 4.5. The Guidance may be used to assist local communities in promoting safe and sustainable events as part of a wider community / family celebration event.

## **5. Draft Options**

- 5.1 Councils across NI have implemented a range of practices through their own activities with a view to addressing and dealing with some of the issues arising

from the holding of bonfires both on their own property and that of third parties. The various approaches range from; no agreed policy; to no bonfires permitted; to facilitation via community grants. Given the variances in the practices above it is clear that no clear solution has been identified that addresses all the issues which can arise from these activities across the region.

- 5.2 Within the context of the baseline position and the current strategic context the following draft options have been developed:

<b>Option No.</b>	<b>Option Title</b>
<b>1.</b>	<b>Do Nothing- Maintain the Status Quo</b>
<b>2.</b>	<b>Examine Current NIHE Procedures with a View to Emulating</b>
<b>3.</b>	<b>Address Key Areas Where Risk has been Identified</b>
<b>4.</b>	<b>Develop a Strategic Action Plan (2 – 5 years)</b>

A description for each option is provided below:

**5.3 Option 1: Do Nothing: Maintain the Status Quo**

This option would involve not taking any action to improve and minimise the risk presented the circumstances.

**5.4 Option 2: Review and emulate Current NIHE Procedures or Similar**

This option would involve adopting programmes similar to those put in place by NIHE. This could include a bonfire management programme, a beacon project, funding for events provided by constituted group who meet Council's health and safety requirements for bonfire events.

**5.5 Option 3: Address Key Areas Where Risk has been identified**

This option would involve providing specific support for bonfire events in the District that are identified as having the highest levels of risk and are therefore most likely to cause damage to property and potentially damage good relations within the host community. Based on the information in Section 2 these sites would mostly likely include: Killymerron (Dungannon), Killymoon (Cookstown).

**5.6 Option 4: Strategic Action Plan (2 - 5years)**

This option would involve developing and adopting a long-term strategy in relation to how bonfire events can be safely facilitated in the District over the

next 5 years. This could include the production of an application procedure for use of Council facilities and open spaces for cultural celebrations while also providing alternative events and types of cultural expression.

## **6. Options Appraisal**

This section of the report will examine the feasibility of each of the options identified in Section 4.

### **6.1 Option 1: Do Nothing: Maintain the Status Quo**

Council's motion passed in June 2015 together with the direction provided by the Environment Committee in August 2017 determines that this option is not credible because Council has indicated that the status quo is unworkable due to the breaches of Council's policy and the health and safety implications that occur as a result of the current situation.

### **6.2 Option 2: Review and emulate Current NIHE Procedures or Similar**

Activities undertaken by the NIHE include the following:

- A 'beacon design and manufacture project' under the Fresh Start Agreement. These beacons have been used through Bonfire Management Programmes in Belfast and North Down and Ards Councils.
- The NIHE also provide funding relating to the management of events dependant upon compliance with a number of conditions such as:
  - Tyres and toxic materials should not be collected or burnt on the bonfire and materials should be restricted to wood
  - Clearance space between bonfires and surrounding buildings should be at least 5 times the height of the bonfire
  - Groups should refrain from displaying of paramilitary trappings and paramilitary flags on or in the vicinity of the bonfire site
- A regional bonfire policy is being developed to encourage communities to improve bonfire management. The issue of 'designating' bonfire sites is currently being discussed at their Good Relations Steering Panel.

The NIHE maintain that there is a need 'to use local solutions to local issues and no one size fits all with regard to dealing with bonfires, particularly contentious ones'. They also indicate that both formal and informal approaches work best when alleviating some of the issues associated with bonfires.

However, some aspects of NIHEs schemes have been criticised. In recent times bonfires held on disused NIHE land have caused damage to adjacent private property.

### **6.3 Option 3: Address Key Areas Where Risk has been Identified**

This option would involve focusing on the bonfires held on Council lands that present the highest level of risk. These risk levels are identified on the basis of whether or not toxic materials are burnt on the bonfire, the height of the bonfires in proximity to any houses in the surrounding areas and potential damage to homes and adjacent property and resident complaints. This option would require working with community representatives to implement solutions to the issues specific to each of the sites identified, and enable appropriate control to be brought to the high level risks being presented.

### **6.4 Option 4: Develop a Strategic Action Plan (2 – 5 years)**

This option would involve the development of a 2 - 5 year strategy. This would involve examining the current risks associated with bonfire events. It would include assessing each of the host areas and identify where areas of risk exist and how they can be best minimised. The aim of the strategy would be to support communities in celebrating their cultural heritage in a positive way via managed events that will ensure that health and safety is paramount and that communities, businesses and residents who are near bonfire sites are not negatively impacted upon as a result.

One idea has been for Councils to run an inclusive festival, similar to the Temple (Burning Man) that was hosted by the legacy Derry City Council. This could be located in a Council park and could include schools and the wider community. It could be a family event that people would want to participate in and could be offered as an alternative to local bonfires, an inducement that could show there is a better and alternative way to celebrate culture.

This type of festival would take significant effort and organisation and would involve sourcing a large number of volunteers and management of the health and safety implications.

While a project such as this may not meet the needs of those individuals who enjoy organising and building bonfires in their own area, it would demonstrate that there are alternatives for communities and it would remove the exclusive focus from these local events.

## **7. Decisions and Possible Next Steps**

### **7.1 Next Steps**

The Committee will wish to consider the options presented in this paper and reach agreement on which options should be taken forward. Members should be clear that more than one option can be selected and options can be amended as deemed necessary.

The Working Group on considering the Options felt that in the Short Term appropriate action needed to be taken on Option 3 to resolve the issues at the two high risk sites where significant issues had been raised. Resident's concerns had highlighted both community safety and community tension issues which needed to be addressed to ensure that events are carried out in a safe and responsible manner.

In the longer term it was felt that with the application of both Option 2 and 4 good progress could be made to implement the Strategic Action Plan and achieve safe and sustainable celebration events over a 2 – 5 year programme.

## **7.2 Equality and Good Relations Impacts and Rural Impact**

Council's Equality Scheme 2016-20 requires new or revised policies and practices to be subject to equality and good relations screening to ensure that any adverse impacts on equality of opportunity are identified.

Where an option is selected that might have a negative impact on Good Relations it is important to consider mitigating measures that could be implemented in order to address any negative impact on Good Relations.

## **Appendix 1**

# EVENT SAFETY GUIDANCE

## Outside Bodies Organising Events on Mid Ulster District Council Property

### 1.0 Introduction:

Mid Ulster District Council (Council) wishes to support organisers of any events and this guidance is intended to assist outside bodies to meet Council requirements and to help them to put on a successful event. It is important that Council receives the following information. Failure to comply with this request could result in permission to use Council Facilities being refused and/or funding being withdrawn.

### 2.0 Definition:

For the purpose of this guidance an event is defined as "a planned and organised occasion taking place on an outdoor Council facility, outside the normal day to day business of the Council service, attracting members of the public or invited guests to the event."

### 3.0 Council Requirements:

Council requires that Event organisers complete the Mid Ulster District Council Event Booking Proforma and submit to Council a minimum of three weeks prior to event.

Council also require:

- Evidence of Public Liability Insurance.
- Where those attending are under the age of 16 or considered to be vulnerable adults, copy of their Safeguarding and/or Child Protection Policy.
- Details of Event organiser.

Depending on the size of the event Council may also require

- A site location Map (preferably to scale).
- A suitable formal Risk Assessment and Event Safety Plan for the Event. The risk assessments should detail any significant hazards and the risk controls that have been put in place to mitigate the risk.
- An event safety plan developed from the risk assessment outlining the roles and responsibilities of those involved in the event and the actions that should be taken in the event of emergency.
- Evidence of consultation with appropriate authorities/statutory Bodies etc e.g. Fire, Police, Ambulance. Where necessary, current test certificates for plant or equipment (e.g. Funfair/arcade rides, electrical equipment, lifting plant and equipment, scaffold towers etc).
- Details of dedicated Safety Officer/Adviser for Event.
- Details of Steward Numbers being used to work at the Event.
- Insurance details of third party sub-contractors e.g. inflatable supplier.

Information submitted by the event organiser/hirer will be reviewed for adequacy by the appropriate Council Official and will be referred to the Councils Corporate Health and Safety team for comment if necessary.

Council reserves the right to not permit the running of an event on Council property.

 Cornhairle Ceantair <b>Lár Uladh</b> <b>Mid Ulster</b> District Council	<b>Mid Ulster District Council</b> <b>Event Proforma</b> (For Booking Events on Council Property)		Ref No. _____  Date Received. _____

1. Event Details					
Name of Event:			Name of Organisation		
			Name of Event Organiser		
Date of Event		Times of Event		Address of Event Organiser	
		Start	Finish		
				E Mail	
				Tel. Number	
Event Location:				Expected numbers attending	
Brief Description e.g. Fireworks, Race					
2. Event Activities: Please tick the appropriate boxes to show the activities and facilities you intend to utilize or permit at the event.					
Alcohol	<input type="checkbox"/>	Fireworks/Pyrotechnics	<input type="checkbox"/>	Music (Bands)	<input type="checkbox"/>
Animals	<input type="checkbox"/>	Food Stalls	<input type="checkbox"/>	Overhead/Trailing Leads	<input type="checkbox"/>
Barbecue	<input type="checkbox"/>	Inflatables	<input type="checkbox"/>	P.A. System	<input type="checkbox"/>
Bonfire	<input type="checkbox"/>	Lost Children Point	<input type="checkbox"/>	Portable Generator	<input type="checkbox"/>
Carnival/procession	<input type="checkbox"/>	Live Entertainment	<input type="checkbox"/>	Portable Staging	<input type="checkbox"/>
Crowd Barriers	<input type="checkbox"/>	Marquees	<input type="checkbox"/>	Portable Toilets	<input type="checkbox"/>
Fairground equipment	<input type="checkbox"/>	Market Traders Stalls	<input type="checkbox"/>	Stewarding/Security	<input type="checkbox"/>
Other (Describe)					

3. **Special requirements: Equipment & services** – eg mobile stage, PA sound equipment, tables and chairs, display boards, gazebos, additional toilets, etc.

--

--

4. **Third Parties involved:** Animal shows, etc.

--

**Insurance**

Mid Ulster District Council, require event organisers to indemnify the Council from any loss, damage or claim arising as a result of any negligence on behalf of the event organiser or any third party associated with the event; through the provision of appropriate insurance cover.

**Declaration**

I, as event organiser, undertake to provide the Council with all the necessary indemnity documentation (i.e. organisation/third party public liability insurance) in relation to this event. I am aware that the failure to provide the requisite documentation within 5 working days of the event may incur a cancellation

Signed \_\_\_\_\_ (Event Organiser)

**Children & Adult Safeguarding**

Clubs, Associations and/or adults making a booking, where those attending are under the age of 16 or considered to be vulnerable adults, must provide us with a copy of their Safeguarding and/or Child Protection Policy. Where no such Policy exists you must request and adhere to MUDC'S policy.

Child Protection Policy (Yes/No)

**Please complete form as appropriate and return to:**

Parks Section, Dungannon Park, 8 Ballynorthland Demesne, Dungannon, Co Tyrone BT71 7DS

Email: parks@midulstercouncil.org

**FOR OFFICIAL USE ONLY:**

Insurance Policies rec'd	Yes	No	Approved	Yes	No	Date
Print Name			Signature			

Agreed Cost	Payment Received				Date Payment made	To be Invoiced	
	Cash		Cheque		On Line		
£							
Copy form sent to Events team	Yes		No		Date Sent		



# Celebrate Safely!

Are you involved in organising  
a bonfire celebration?

## **Put safety first**

Never put lives at risk and always ensure responsible adults are in attendance at bonfires.

## **Protect people and property**

Ensure that bonfires are located away from homes, play areas, fuel tanks and power lines.

## **Always consider the environment**

Harmful toxins can be released when inappropriate materials are burned. Never burn tyres or any other hazardous material on a bonfire. Fumes from tyres can cause serious health issues.

## **Encourage a positive atmosphere**

Respect all cultures and traditions. Burning inappropriate material also includes other people's images, flags and election posters.

## **Remember the clean up**

Consider the arrangements for the bonfire clean-up and how any damaged surfaces can be restored.

For more information and advice about bonfire safety visit  
[www.midulstercouncil.org/celebratesafely](http://www.midulstercouncil.org/celebratesafely)

## Appendix 3

### MID ULSTER DISTRICT COUNCIL CELEBRATION EVENT

Mid Ulster District Council on receipt of an application duly made

from:.....Community Group

being registered for this purpose, grants approval for a celebration event at:

..... in accordance with this  
Scheme for the period :

From: ..... To: ..... subject to the  
Conditions of Approval as laid out below .

#### Conditions of Approval:

1. The Event is properly managed and stewarded to maintain all safety guidelines laid down.
2. A Bonfire if built must not exceed 30 feet in height.
3. Committee to ensure proper and relevant Public Liability Insurance documentation is provided to Council.
4. Any material placed on a Bonfire to be wood and contain no accelerants.
5. Tyres to be prohibited from use on a Bonfire.
6. Committee to ensure any Bonfire is safely built (height X 5 from nearest property).
7. Committee to agree a process for clear up of site as soon as possible in proceeding days after the event.
8. Committee to safeguard against any damage to property and / or boundaries and ensure site is kept tidy and well maintained .
9. Committee and Stewards to ensure there are no items (Flags /Memorabilia/posters) displayed or burnt that would cause political or religious offence to any individual / tradition within Mid Ulster Council area.
10. Committee to commit to and agree to manage the event in accordance with good practice guidelines as set down by Council for Celebration Events held on Council property.

Failure to adhere to any of the above Conditions of Approval will be treated as a breach of this Approval and result in Council taking action to prevent further breaches on their property.

MID ULSTER DISTRICT COUNCIL

DATED .....



Comhairle Ceantair  
**Lár Uladh**  
**Mid Ulster**  
District Council

<b>Report on</b>	Bus Shelters
<b>Reporting Officer</b>	Raymond Lowry, Head of Technical Services
<b>Contact Officer</b>	Raymond Lowry, Head of Technical Services

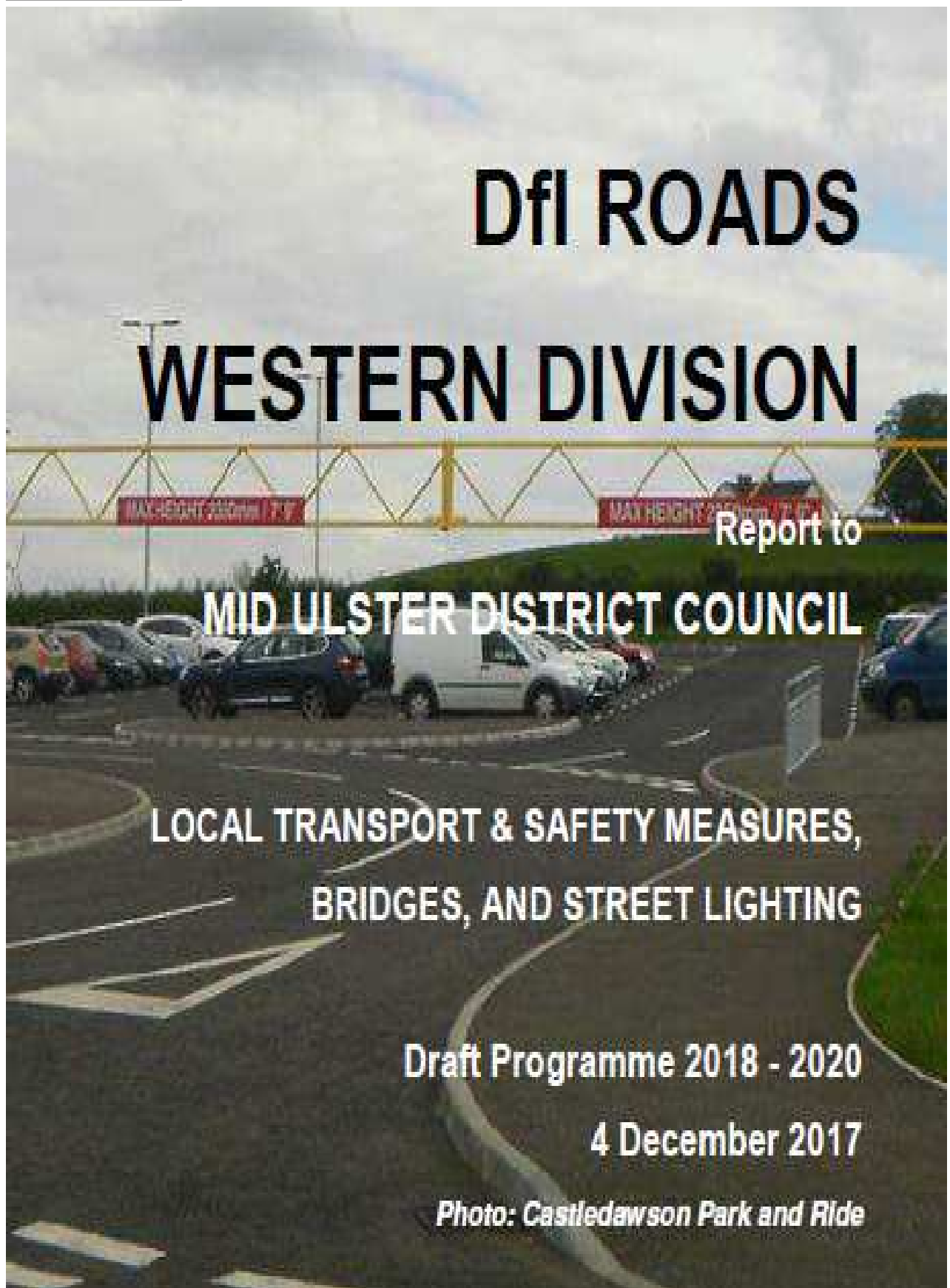
<b>Is this report restricted for confidential business?</b>	Yes	
If 'Yes', confirm below the exempt information category relied upon Rd,	No	X

<b>1.0</b>	<b>Purpose of Report</b>
1.1	To update Members on the progress of bus shelter applications at various locations throughout the District following scheduled meetings with DFI (Roads).
<b>2.0</b>	<b>Background</b>
2.1	In accordance with the Councils responsibility for the erection and maintenance of bus shelters and agreed policy – Appendix 2, Technical Services have been in discussions with DFI (Roads), on location of the proposed shelters and to ensure compliance with the Departments, Bus Shelter Design guide (see Appendix 3).
2.2	Site meetings were held at each of the 18 requested bus shelter sites with DFI (Roads) staff and members present where possible , drawings/map have been prepared to outline the current and proposed amended arrangements as requested by DFI (Roads) to meet their design guidance.
2.3	Ongoing discussions have also been held with Translink and their partner Clear Channel to clarify the procedure and criteria applied to selecting locations for high quality glazed shelters. Discussions are continuing with Translink regarding both existing and future applications , no firm commitment has been given by Translink as yet , they have indicated that each case is dealt with on its own merits.
2.4	Members should note there is no statutory basis for Council to amend or alter existing road infrastructure as part of these requirements. In some cases some very minor works such as adding a short path to a shelter sited on a grass verge may have been previously included however this was a rare occasion. The only exception to this position is those bus stops that may require re positioning within a Town Centre Public Realm scheme where work is completed by Council under a licence agreement with DFI Roads.
<b>3.0</b>	<b>Main Report</b>
3.1	<p><b>Site visits with DFI (Roads)</b></p> <p>The following lists indicate the various bus shelter application sites visited over two days. In brackets beside each location is the indicative infrastructure costs that are considered over and above the £2.5K standard shelter provision as a result of DFI Roads requirements .The DFI Roads proposals may also include acquisition of land and other statutory costs for any new site proposed.</p>

	<p><b>Site visit One;</b></p> <ul style="list-style-type: none"> <li>• Appendix 1, Junction of Magheracastle Rd and Mountjoy Rd, Brocagh ( £12k )</li> <li>• Appendix 2, Coole Rd, Aghamullan, Coalisland ( £2k )</li> <li>• Appendix 3, Killeen crossroads ( £TBC )</li> <li>• Appendix 4, Junction of Corlea Rd and Cappagh Road, Galbally ( £4k )</li> <li>• Appendix 5, Kingsisland Primary School ( £12-15k )</li> <li>• Appendix 6, Augher ( £1k )</li> <li>• Appendix 7, Junction of Annaghboe Rd and Washing Bay Rd, Clonoe ( £7-12k )</li> </ul> <p><b>Total Projected Additional Cost - £ 46 k</b></p> <p><b>Site visit Two;</b></p> <ul style="list-style-type: none"> <li>• Appendix 8, Stewartstown ( £1k )</li> <li>• Appendix 9, Duffs corner, Ardboe ( £12-13k )</li> <li>• Appendix 10, Junction of Kinrush Rd and Battery Rd, Moortown ( £6-8k )</li> <li>• Appendix 11, Junction of Ballymacpeake Rd and Mayogall Rd, Clady ( £5-17k )</li> <li>• Appendix 12, Innishrush ( £1k )</li> <li>• Appendix 13, Culnady ( £1k )</li> <li>• Appendix 14, Tirkane Rd, Maghera ( £0k )</li> <li>• Appendix 15, Junction of Kileen Rd/Camlough Rd/Loughdoo Rd, Kileen ( £10-13k )</li> <li>• Appendix 16, Junction of Dunlady Rd / Keady Rd / Kilrea Rd, Crosskeys, – <i>DfI have been consulted regarding existing shelter and are satisfied with current location – no further action deemed necessary</i></li> <li>• Appendix 17, Junction of Millview and Dunnamore Rd, Dunnamore ( £1k )</li> <li>• Appendix 18, Knockloughrim ( £1k )</li> </ul> <p><b>Total Projected Additional Cost - £ 56 k</b></p>
3.2	<p>At all of the above site visits (except Augher), DFI (Roads) have indicated new alternative proposed locations for the bus shelters. These locations are based on the DFI (Roads) adopted Bus Stop Design Guide. Fifteen of the new locations require permission from third party landowners to locate the shelters in the newly identified locations. No discussions have yet been had with land owners to determine if this location will be acceptable until further clarity is received from DFI Roads regarding their scheme of works.</p>
3.3	<p>DFI Roads – Western Division in their report to Committee in December 2017 outlined their Local Transport &amp; Safety Measures , Bridges and Street Lighting - Draft Programme 2018 – 2020 which specifically refers to the planned Safer Routes to Schools and Pedestrian Safety Measures planned as part of their programme of work . The projected cost of which amounted to approximately £ 50 k and £ 65 k respectively. There has been no reference to the need to enhance or improve existing School routes as referenced in this report - see Appendix 1.</p>
3.4	<p>Members to note that approved policy on the provision of bus shelters 1.1 states:</p> <p><i>“Council will erect a bus shelter where there is shown to be need, providing the location does not <b>present a safety</b> or nuisance problem and <b>adequate funding</b> is available – see appendix 20.</i></p>

3.5	<p>Under the Local Government ( Miscellaneous Provisions ) ( NI) Order 1985 -</p> <p><b>‘ A District Council may with the consent of the Department erect and maintain on any road within the District of the Council shelters for the protection from the weather of persons waiting to enter public service vehicles . ’</b></p> <p>Members are asked to note the additional costs for all new Bus Stop locations which will be required to ensure compliance with current DfI (Roads) requirements.</p>
3.6	<p>The Bus Stop Design Guide at Appendix 1 - Section 2.5 refers to Traffic Safety and states :</p> <p><b>‘Where a shelter is associated with an existing bus stop , planning permission normally be granted provided normal technical and environmental considerations can be met . This will include :</b></p> <ul style="list-style-type: none"> <li>- <b>shelter should not restrict visibility from road junctions or private accesses</b></li> <li>- <b>rainwater from shelter should not discharge onto private property</b></li> <li>- <b>no part of the shelter should normally be less than 0.5 m from the edge of the carriageway unless otherwise unavoidable to meet built heritage considerations.</b></li> </ul>
3.7	<p>If Members are in agreement it is proposed to review each of the sites identified against the Bus Stop Design Guide criteria for installation of Bus Shelters at ‘existing bus stops’ and check for compliance with these requirements. If criteria is deemed satisfied proceed with notification to DfI Roads of a proposed installation within the budget allowances set for this purpose.</p>
3.8	<p>If the current Bus Stop site is no longer suitable and a new bus stop site has to be identified then the full DfI Roads design criteria will have to be met. Further meetings will be arranged with DfI Roads / Translink to determine when they plan to carry out the necessary infrastructure work required to facilitate the new bus stop arrangements to allow a subsequent bus shelter provision by Council.</p>
<b>4.0</b>	<b>Other Considerations</b>
<b>4.1</b>	<p><b><u>Financial &amp; Human Resources Implications</u></b></p> <p>Financial: Property Services Budget allocation for shelter provision is £2.5 k per shelter.</p> <p>Human: Technical Services staff to manage programme delivery with Property services responsible for installation and ongoing future maintenance arrangements.</p>
<b>4.2</b>	<p><b><u>Equality and Good Relations Implications</u></b></p> <p>N/A</p>

<b>4.3</b>	<b><u>Risk Management Implications</u></b>  N/A
<b>5.0</b>	<b>Recommendation(s)</b>
5.1	Members to note content of this report and confirm agreement with direction provided at section 3.7 and 3.8 above for the shelter locations as referenced at section 3.1 of this report.
<b>6.0</b>	<b>Documents Attached &amp; References</b>
6.1	Appendix 1 – DFI Roads – Western Division – Local Transport & Safety Measures Bridges and Street Lighting - Draft Programme – 2018 – 2020 Appendix 2 – Mid Ulster DC - Bus Shelter Policy Appendix 3 – Please follow link below to Bus Stop Design Guide – Planning NI.  <a href="https://www.planningni.gov.uk/downloads/busstop-designguide.pdf">https://www.planningni.gov.uk/downloads/busstop-designguide.pdf</a>



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## DRAFT LT&SM PROGRAMME

### Safer Routes to Schools Scheme 2018 – 2020

#### Fountain Road, Cookstown, - Safer Routes to School Scheme

**Location:** U745 Fountain Road

The scheme aims to provide Safe Route to School Signs for the Cookstown Integrated Primary school located on Fountain Road / Clare Lane. It is located in a hollow between two hills on a straight stretch of carriageway and therefore is not very visible for vehicles travelling along the road. This will improve road safety for pedestrians and vehicles.

The scheme cost is estimated to be £10,000.



## DRAFT LT&SM PROGRAMME

### Safer Routes to Schools Scheme 2018 – 2020

#### Tirkane Road, Carntougher, Maghera, - Safer Routes to School Scheme

**Location:** C551 Tirkane Road

The scheme aims to provide Safe Route to School Signs for St Brigids Primary School and Naiscoil Charn Tochair located on the C551 Tirkane Road Maghera. The Naiscoil is located on a tree lined country road at the top of a small hill and therefore is not very visible for vehicles travelling from the country end. This will improve road safety for pedestrians and vehicles.

The scheme cost is estimated to be £10,000.



## DRAFT LT&SM PROGRAMME

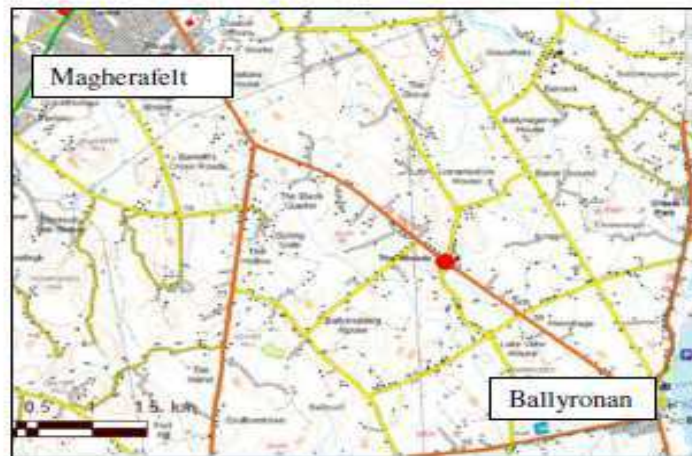
### Safer Routes to Schools Scheme 2018 – 2020

#### Woods Primary School – Temporary 20mph speed limit

**Location:** B160 Ballyronan Road, Magherafelt

The scheme will provide a temporary 20mph speed limit outside the school at certain times of the day. This will improve road safety for pedestrians and vehicles.

The scheme cost is estimated to be £30,000.





## **Policy on the Provision of Bus Shelters**



### **1.0 Bus Shelters – Mid Ulster District Council**

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

### **1.1 POLICY STATEMENT**

Council will erect a bus shelter where there is shown to be a need, providing the location does not present a safety or nuisance problem and adequate funding is available. Relocation of bus shelters should only take place as a result of either road alignment or the bus companies relocating their bus stops. All other cases of relocation should be resisted as long as there is an identified need for the shelter.

### **1.2 CRITERIA FOR THE ERECTION OF A BUS SHELTER**

1. Usage must be a minimum of 6 passengers over a period of a day and applications will be considered on a first come, first served basis, with Translink NI confirming this information.
2. The location must be a recognised bus stop.
3. Owners of property immediately adjacent to the bus stop will be consulted on the erection of the shelter, including the type of shelter.
4. At least two thirds of home owners/tenants in the vicinity (50 m radius) must have no objections to the shelter.
5. There should be no Transport NI/PSNI traffic branch objections on traffic grounds.
6. There must be sufficient budgetary provision available to provide the bus shelter.
7. Once refused a request may not be considered for a further 12 month period from the original decision.
8. Form TS/BSRF/01 to be completed and signed off by Head of Service.
9. Bus Shelter request to be approved by Environment Committee.

### **1.3 DESIGN OF BUS SHELTER**

The Council endeavour to provide good quality, comfortable bus shelters purchased through Procurement Department. Where appropriate they will endeavour to have bus shelters erected free of charge, other than services by Adshel. Council will consider in conservation areas the erection of shelters above this standard, but the cost of such shelters excluding erection and servicing costs shall not exceed £3000.00.



**Minutes of Meeting of Environment Committee of Mid Ulster District Council  
held on Monday 4 December 2017 in Council Offices, Ballyronan Road,  
Magherafelt**

**Members Present**

Councillor McGinley, Chair

Councillors Buchanan, Burton (7.19 pm), Cuthbertson,  
Kearney, McFlynn, B McGuigan, S McGuigan, McNamee,  
Mulligan, O'Neill (7.18 pm), Reid (7.05 pm)

**Officers in  
Attendance**

Mr Cassells, Director of Environment and Property  
Mr Kelso, Director of Public Health and Infrastructure  
Mr Lowry, Head of Technical Services  
Mr McAdoo, Head of Environmental Services  
Mrs McClements, Head of Environmental Health  
Mr Scullion, Head of Property Services  
Mr Wilkinson, Head of Building Control  
Mrs Grogan, Committee Services Officer

**In Attendance**

**Deputation – Department of Infrastructure - Roads**

Mr Alan McMurray, Network Maintenance Manager  
Ms Tracy Bratton, Network Development Engineer  
Mr Gerry Hackett, Network Maintenance Section Engineer  
Mr Neil Bratton, Network Maintenance Section Engineer

The meeting commenced at 7.00 pm

**E308/17      Apologies**

Councillors Glasgow and M Quinn.

**E309/17      Declarations of Interest**

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

**E310/17      Chair's Business**

The Chair welcomed David to the Environment Committee Meeting and advised that he was in attendance tonight as he was a keen Environmentalist and was keen to see how the meeting was conducted.

Councillor Cuthbertson referred tomorrow night's scheduled meeting due to take place in Dungannon on Off Street Carparking and raised concern as it was also the Development Committee meeting in Magherafelt and this will result in some members being unable to attend. He said that more consideration needed to be given when arranging meetings as too not clash with other meetings.

The Director of Environment & Property advised that it was difficult to get a date that doesn't clash with other meetings and was working around the availability of the Consultant. He said that it was an information meeting to keep members who were in attendance up to date.

Councillor Mulligan said that he wanted to show his appreciation to the Director of Environment & Property and his team on the good work carried out in Augher.

Councillor Kearney passed on condolences to the Director of Environment & Property on the recent death of his mother.

### **E311/17      Deputation – Department of Infrastructure – Roads**

The Chair, Councillor McGinley welcomed to the Committee representatives from the Department of Infrastructure, who were in attendance to provide an update on the Local Transport and Safety Measures, Bridges and Street Lighting Draft Programme for the Mid Ulster District Council Area for the period 2018 -2020.

Mr McMurray and Ms Bratton brought members through the report and advised that the draft programme contained proposed schemes generated by requests for improvements from the public, public representatives and schemes identified within Department for Infrastructure Roads. All the proposed schemes had been assessed in accordance with current procedures and were considered to be high priority and represent good value for money. The assessment procedure takes into account a number of factors including cost, traffic volumes and collisions.

The Department of Infrastructure Roads aims to deliver schemes within this programme but it was dictated by availability of funding and based on current funding levels; it will only be possible to deliver a small number of these schemes over the 2018-2020 period, but that the Division would however continue to bid for additional funding and plan ahead by developing schemes in terms of design and land acquisition to ensure that they are well placed to utilise additional funding should it become available.

*Councillor Reid entered the meeting at 7.05 pm.*

The Chair thanked Mr McMurray and Ms Bratton for their informative presentation and asked for Members comments or suggestions.

Councillor McNamee referred to the traffic calming initiative at Fairhill, Cookstown and advised that it was important that this be brought forward as a matter of urgency.

He also referred to projects for bringing schemes forward and in particular the Cookstown bypass and enquired what was happening with this as the Minister had indicated that funding had been secured.

Mr McMurray advised that he wasn't sure if funding was available at this time to the Department but would investigate the issue and forward on an update to the Committee.



Councillor Cuthbertson referred to the issue raised at the DEA meeting regarding Bush Road and enquired if there was any update on the matter.

Ms Bratton advised that presently that there was no further update but that consideration has been given to bidding for the purchase of the property and that this was progressing.

Councillor Cuthbertson stated that cycling had become very popular and that it was important to progress this as it was the way forward, but was curious to know why Killyman Road had a funding allocation of £120k and Augher to Clogher were being awarded a funding allocation of £150k. He said that in his view the Augher to Clogher roadway had the advantage of having footpaths implemented, which should have cut the cost unlike the Killyman Road where cycle provision was much needed.

Ms Bratton agreed that cycling had been very popular in Northern Ireland and that this comes out of an available funding budget.

*Councillor J O'Neill entered the meeting at 7.18 pm.*

*Councillor F Burton entered the meeting at 7.19 pm.*

Councillor McFlynn referred to Wood Primary School in Magherafelt and advised that this site was very dangerous and needed dealt with as a matter of urgency.

Ms Bratton advised that it was anticipated to have the scheme completed by the end of March 2018.

Councillor McFlynn referred to Doctor's Bridge, Cookstown Road, Moneymore and enquired if enough was being done to progress this.

Ms Bratton stated that she wasn't sure where Doctor's Bridge was at in terms of priority as there was little budget, but would endeavour to get an update.

Councillor B McGuigan referred to Boherdaile Bridge, Cloane Road, Moneyneany and said that it was on the schedule to replace the existing bridge parapet fencing and repair inverts. He said that he would be concerned as his fear would be that the decking on the bridge may drop down and wouldn't want money spent if further works had to be carried out.

Ms Bratton stated that she would follow the issue up.

Councillor Burton advised that she had received two different phone calls over the weekend regarding Legaroe Road, Ballygawley on the poor state of the road. She said that the people of the area were infuriated due to the large amount of potholes and dirt on the road and that they were previously assured that this would be sorted and to date this hasn't been the case.

Ms Bratton said that she would record concerns raised.

The Chair thanked the representatives from Roads Service for their attendance and said that it very worthwhile that they had a working relationship with the DEAs.

The representatives left the meeting at 7.30 pm.

### **Matters for Decision**

#### **E312/17      Environmental Services Proposed Scale of Charges for 2018/19**

The Head of Environmental Services drew attention to the previously circulated to seek approval for a proposed scale of charges in relation to Environmental Services for the period 1<sup>st</sup> April 2018 to 31<sup>st</sup> March 2019.

Councillor Cuthbertson enquired how much a 240L bin actually costs the Council.

The Head of Environmental Services advised that the cost of a bin was £18.00 but that this could increase.

In response to Councillor Reid's query about collection of bins, the Head of Environmental Services stated that most members of the public collect their bin from Council depots, but in the case of delivery it costs £9.00 to deliver a bin or more than one to an address.

Proposed by Councillor McNamee  
Seconded by Councillor Reid and

**Resolved:** That it be recommended to the Council to approve the proposed scale of charges as outlined.

#### **E313/17      Property Services Scale of Charges for 2018/19 - Cemeteries**

The Head of Property Services drew attention to the previously circulated report to seek approval for proposed scale of charges in relation to Operational Cemeteries for the period 1<sup>st</sup> April 2018 to 31<sup>st</sup> March 2019.

Proposed by Councillor Buchanan  
Seconded by Councillor S McGuigan and

**Resolved:** That it be recommended to the Council to approve the proposed scale of charges for Council Cemetery operations for the period 1<sup>st</sup> April 2018 to 31<sup>st</sup> March 2019.

#### **E314/17      Correspondence to Committee**

The Director of Environment & Property drew attention to the previously circulated report to seek approval in relation to:

- a) Request from NILGA to seek the support of the Council in nominating Castlecaulfield to represent Northern Ireland in the 'Village' category of the 2018 Royal Horticultural Society, Britain in Bloom Competition.

- b) Seek the Committee's views in relation to a request from Antrim and Newtownabbey Borough Council in relation to participate in a collaborative approach to the delivery of a Crematorium at Ballyearl, Doagh Road, Newtownabbey.

Proposed by Councillor B McGuigan

Seconded by Councillor Burton and

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

- a) Supporting the request from NILGA to nominate Castlecaulfield to represent Northern Ireland in the 'Village' category of the 2018 Royal Horticultural Society, Britain in Bloom Competition
- b) The Director of Environment & Property seeking further information in relation to the proposals of Antrim and Newtownabbey Borough Council and bring back a detailed report on the matter on the matter to a future meeting of the Environment Committee.

Councillor McNamee said that he was supportive of Castlecaulfield and Donaghmore being recommended for Britain in Bloom, but would like Officers to showcase other areas, including places where new Public Realm Schemes have taken place ie. Dungannon so that a competitive edge can be there for the spring time.

### **E315/17      Update Report on Old Burial Grounds**

The Head of Property Services drew attention to the previously circulated report to provide an update to members on the Old Burial Grounds in Mid Ulster District.

Councillor Burton enquired if there was any consultation with other areas and in particular, Clogher Graveyard as it was linked to the Cathedral. She said that this Council was trying to build up the issue of history and as Clogher was the oldest Cathedral, that careful consideration should be given to this issue. She advised that she would be concerned that this wasn't a good way to proceed for Mid Ulster and that more work needed to be done.

Councillor Burton also referred Aghaloo Graveyard and stated that this one was still being maintained and still has graves opened. She said that she was aware of one person advising that they were going to raise a complaint as there was limited access for family members and the elderly and the lack of proper bins for dead flowers etc.

The Head of Property Services said that no consultation had taken place with respective Churches and that the Council's review focused mainly through the Legal and Historical Environment within the Department of Communities and exercise on site. He said that the focus was on sites within Council maintained sites in previous stance in grounds maintenance.

In referring to Aghaloo Graveyard, the Head of Property Services advised that the Council had no management in these particular cemeteries and that he was aware of an issue with access and that it was never going to be up to a standard for a disability issue.

Councillor Burton said that an argument could be raised around the Health and Safety of Council Officers and that she would be equally concerned about people visiting graves and would be recommending to go the extra mile on this issue.

Councillor S McGuigan said that if we do accept the recommendation, there would be a need to liaise with the bodies of Churches responsible for insurance purposes as this could be a potential problem. He requested that sites are properly insured as there was a problem regarding one site within the legacy Dungannon Council.

The Head of Property Services advised that the rule of thumb was that if we don't own the lands then it wasn't the Council's responsibility.

Proposed by Councillor Cuthbertson  
Seconded by Councillor Burton and

To defer the recommendation until further discussion was held with representatives of Churches in the New Year.

Councillor Mulligan stated that the cemetery in Clogher was extremely old and that a lot of people were buried there who suffered in the time of the famine. He said that Clogher would have been the only cemetery which was operational and that only a section of it was maintained by the legacy Dungannon Council. He stated that some representatives from the Heritage group had made recommendations that the site be classed as one of the most historical. He also raised concern regarding one part of the boundary one part of the boundary wall of cemetery had been damaged. The graveyard at Killeeshil had a section maintained at the reformation and represents everyone across the community and would be supportive of the proposed recommendation of carrying out research beforehand.

**Resolved:** That it be recommended to defer the matter back to committee until discussion with Churches in the area has taken place.

### **E316/17      Street Naming Report**

The Head of Building Control drew attention to the previously circulated report to ask members to consider the street naming of a new residential housing development within Mid Ulster as follows:

#### **Site off Roskeen Road, Moygashel, Dungannon**

Options for consideration in relation to a new street within the development:

1. Roskeen Drive
2. Roskeen Close
3. Roskeen Avenue

Councillor Reid proposed Roskeen Avenue.

Councillor Cuthbertson said although it wasn't a huge issue, there were quite a few Avenues around the same area and suggested Roskeen Close.

Councillor Reid said that he was happy to support Councillor Cuthbertson's proposal.

Proposed by Councillor Cuthbertson  
Seconded by Councillor Reid and

**Resolved:** That it be recommended to the Council that approval be given to naming the development Roskeen Close.

### **E317/17 Renaming and Renumbering Existing Streets**

The Head of Building Control drew attention to the previously circulated report to advise members on the result of a survey undertaken on all applicable residents on the street/road in response to the Renaming and Renumbering of an existing street request.

Councillor Reid said that there would be a lot of disappointed people and that he had raised the issue a few months ago as there was a similar name in Coalisland.

Proposed by Councillor McNamee  
Seconded by Councillor S McGuigan and

**Resolved:** That it be recommended to the Council that approval be given to noting the contents of the report and to confirm the Street name of Lough Terrace, Newmills, Dungannon remains unchanged in accordance with Council Policy. A letter of confirmation to be issued to respondents highlighting reasons for the name.

### **E318/17 Dual Language Signage Request**

The Head of Building Control drew attention to the previously circulated report to advise members of requests received for Dual Language Signage from residents on the streets/roads in question.

Councillor Cuthbertson enquired if the requests received were all on the same template.

The Head of Building Control advised that he couldn't be sure as they were handed into reception at the Magherafelt office.

Proposed by Councillor McNamee  
Seconded by Councillor O'Neill and

**Resolved:** That it be recommended to the Council that approval be granted to noting the contents of the report and agree to proceed to survey.

## **E319/17      Dual Language Signage Survey**

The Head of Building Control drew attention to the previously circulated report to advise members on the result of surveys undertaken on all applicable residents on the streets/roads in response to Dual Language Signage Nameplates requests.

Proposed by Councillor McNamee  
Seconded by Councillor S McGuigan and

To accept the recommendation to approve dual language nameplates as proposed.

Proposed by Councillor Cuthbertson  
Seconded By Councillor Buchanan

To reject the recommendation.

The Chair stated that he would be adhering to the Council's Standing Orders and would not be taking Councillor Cuthbertson's proposal.

Councillor Cuthbertson stated that the issue should not be controversial and that everyone had the right to bring forward a proposal to any committee.

Councillor B McGuigan referred to vandalism of dual language nameplates in Desertmartin, Draperstown, Magherafelt and Maghera areas and stated that Mid Ulster Council had a duty to deliver dual language and signage to the people of the district. He said that there was an onus on the Council to keep signs readable and this was not the case as some signs were very badly damaged. He said that he found it strange that nameplates were not damaged up until now and would be of the opinion that some elements within this Chamber opposed the inclusion of dual language on signage. He stated that he would not be standing by and seeing this happen as he would be requesting that the Council repair the signs or in some instances replace them as Policy is now in place for dual language.

Councillor Reid stated that he wanted his name removed from Councillor B McGuigan's remark that *"people within the Chamber were leading people to think that it was the norm to damage signage"*, as he had no issue with dual language signage. He said that nameplates had been damaged for years and that Councillor Glasgow requested a report on costings on outside bodies coming in to repair or replace them and recommended putting this on hold until a report on costings was provided to inform members.

The Chair stated that he was satisfied that we were acting within Policy and that objections would be noted.

In response to Councillor Reid's request on costings, the Chair stated that costings had already been issued to members and if the Councillor so wishes, these can be reissued and if he still wasn't satisfied, a report could be prepared.

Councillor Reid stated that he would inform Councillor Glasgow of the outcome of the matter.

The Chair, Councillor McGinley returned to Councillor Cuthbertson's proposal made at the outset of the discussion. He enquired from Councillor Cuthbertson, on what grounds he would like a vote to be taken against the Officer recommendation.

Councillor Cuthbertson stated that 39 were in favour and 21 against for Dual Language Signage Nameplates at Killyliss Road and would be concerned about costs and that was his reason for not going along with the recommendation.

The Chair stated that as a request has been made for a vote on the recommendation that he would accept the call.

Those in favour of Councillor Cuthbertson proposal to reject the recommendation:

In favour - 3  
Against - 6

Those in favour of Councillor McNamee's proposal to accept the Officer recommendation:

In favour - 6  
Against - 3

**Resolved:** That it be recommended to the Council that approval be granted to members noting the content of the report and agree the application of Dual Language Nameplates in Irish for:

- 1. Killyliss Road, Dungannon**
- 2. Whitebridge Road, Dungannon**

The Chair advised that mechanisms were now in place and would encourage the Council to proceed with the matter.

## **E320/17      Air Quality Action Plan**

The Head of Environmental Health drew attention to the previously circulated report to inform members of the Air Quality Plan produced as part of our statutory duties required by the Local Air Quality Management framework. It outlines the action to be taken to improve air quality in Mid Ulster District Council up to 2023.

Councillor Cuthbertson said that he was aware that the three areas within the district were being monitored, but that in the past Church Street, Dungannon was monitored and asked why this wasn't the case now.

The Head of Environmental Health agreed that for a number of years Church Street, Dungannon was monitored, but that the air quality had improved in recent years and was no longer required.

Councillor S McGuigan enquired if we were getting support for this programme.

The Head of Environmental Health advised that she was liaising with other agencies and that actions taken would be in the long term, but that in the mean time promotional things will be carried out i.e. benefits of electric cars and cycling as multi-agency work takes a lot of time and input.

Councillor McFlynn referred to Church Street in Magherafelt which took in the lower part of King Street and enquired if this has been monitored from the new bypass was operational.

The Head of Environmental Health stated that there was continuous monitoring of the area.

In response to Councillor Kearney's query, the Head of Environmental Health advised that air monitoring was going on in the background and was unsure if the public were not always aware.

Proposed by Councillor B McGuigan  
Seconded by Councillor S McGuigan and

**Resolved:** That it be recommended to the Council to agree the Draft Mid Ulster Air Quality Action Plan and associated arrangements.

#### **E321/17      Landlord Registration Scheme Data Sharing Protocol**

The Head of Environmental Health drew attention to the previously circulated report to agree an updated sharing protocol between the Landlord Registration Registrar and Mid Ulster District Council.

Proposed by Councillor McNamee  
Seconded by Councillor O'Neill and

**Resolved:** That it be recommended to the Council to agree the revised Information Sharing protocol between the Landlord Registration Registrar and Council.

#### **E322/17      Keep Warm Packs**

The Head of Environmental Health drew attention to the previously circulated report to advise members of the availability and distribution of Keep Warm Packs as part of the Council's Health and Wellbeing Programmes.

Councillor Reid thanked the Head of Environmental Health for the report but raised concern about protocol being breached in the past regarding legacy Councils distribution of Keep Warm Packs. He said that the Vineyard and St Vincent de Paul



were very proactive in giving the packs to whoever needed them. He said that these breaches occurred during years 2014/15 and was shocked how this could happen as there were Council Officers employed to carry out monitoring of who received the packs and if this had been done properly then this type of irregularity would not have arisen in the first instance.

Proposed by Councillor Reid  
Seconded by Councillor Mulligan

That a full investigation be carried out on the breaching of protocol on distribution of Keep Warm Packs.

The Head of Environmental Health advised that legacy protocols were being used for distribution purposes. She said that the legacy Council's had each a different way of distributing the packs, with Magherafelt distributing the packs through Council members, Cookstown distributed the packs if they were requested and Dungannon's packs were distributed through the Vineyard Church and St. Vincent de Paul.

She said that there was now a new regional approach by PHA with criteria to be met and forms to be filled in with a postcode and how a person had to qualify for the packs. She said that details and forms were to be filled and returned to the Council before distribution of the packs and that it just was not a giving out exercise. She advised that there was still a few outstanding requests and still awaiting on forms, but that it was a situation from the legacy Councils and this was now an opportunity to take stock and determine the best way forward.

Councillor Reid said that he understood what was being said but that paperwork hadn't been filled in for the packs. He said that packs distributed from Magherafelt were given out to people in the South Tyrone area with political flyers enclosed. He said that he was aware of the facts and wanted a proper investigation carried out, as the person involved in the distribution of the packs was not even an elected member.

The Head of Environmental Health advised that all packs were stored in Cookstown and were very well monitored.

Councillor McNamee said that he would also have the same concerns as Councillor Reid and that he too was curious as to how many packs were issued through political parties.

Councillor McNamee said that he would be happy to second Councillor Reid's proposal.

The Head of Environmental Health stated that if other people wished to insert other literature into the packs Council would not be aware of this. She said that she was not aware of any arrangements for this within legacy Councils.

Councillor Burton stated that it was very important that people who were entitled to the Keep Warm Packs end up with them and said that she could assure the committee that she would be filling in the forms at the Dungannon office. She said that in the past PCSP Officers distributed these packs to the vulnerable at road

shows, but that now she would be concerned that the vulnerable and elderly who were unable to attend such events would miss out. She stated that the Southern Trust didn't want packs going to anyone who just turns up and that it was important to look at the criteria on how we distribute them and would be off the opinion that Council Officers go out and issue the packs to the people who need them the most.

The Head of Environmental Health said that there was no problem in people being referred, as Officers can do a house visit and advise them on other issues also, ie. Affordable Warmth and Health & Wellbeing across the whole area and that the pack could just be one element.

The Director of Public Health and Infrastructure said distribution of packs had presently been curtailed and he would arrange for a more detailed investigation report to be brought back to committee. He asked Members on how they wished to proceed regarding outstanding request for packs from genuine groups and individuals.

Councillor B McGuigan stated that Magherafelt Council did fill out a form and were issued with a pack, but within Mid Ulster that him or his party colleagues were not aware of the distribution of packs by members and enquired how they were informed of the process.

The Head of Environmental Health stated that no official process was in place for members and only came forward requesting packs.

The Chair stated that a lot of members weren't aware of the issue, including himself and said that concerns raised were justified.

Councillor Cuthbertson thanked the Head of Environmental Health for her explanation as he said that he was not up to speed on the matter as within the Dungannon area the Vineyard and St Vincent de Paul were proactive in distributing the packs on behalf the Council. He said that from what he heard tonight, it would think that a theft had taken place regarding the packs and that someone had physically come in and stole them. He enquired of the member who made the allocation to elaborate on this.

The Chair advised there had been no reference by anyone about theft of any kind issue related to how the packs were being distributed.

Councillor Mulligan stated that on broad terms that he would be supporting Councillor Reid's stance on this matter and that he also was not aware of the scheme until the last Council meeting as it was raised in unusual circumstances. He said that we were where we were and found it shameful that the Tyrone Courier had published such an article as only one political party was involved. He said that he found it strange that after three years we were still using the same practices that which were previously used in the legacy Councils and although members were not entirely happy with this, we should be moving forward as a new Mid Ulster Council.

Councillor McFlynn said that it was a very informative report and that legitimate people should be have been entitled to the Keep Warm Packs and if there was a

question of abuse, then this should be highlighted and who the person responsible for doing this was. She said that she would be supportive of what the Director of Public Health and Infrastructure had indicated sought clarity on regarding the distribution of packs to the requests outstanding, only in the instance that the vulnerable be accommodated and proper criteria adhered too.

Councillor Reid advised members that these were the words of the person making the complaint, which was publicised in three papers indicating that sample packs were circulated with political flyers enclosed. He said that it was important that people who were entitled to the Keep Warm Packs receive them, as this Council should be seen to be doing their best for the public. He stated that when a function was run in June last year, names were taken by two Officers who were appointed to issue the Keep Warm Packs.

The Chair advised that two proposals were in front of members tonight for decision, one to accept the Officer recommendation and another for to carry out an investigation into the inappropriate distribution of the packs in the past.

Councillor Reid said that when the report is brought back to committee that Community Transport and Agewell be included as a lot of people may not be able to attend such events through no fault of their own.

Proposed by Councillor Reid  
Seconded by Councillor Mulligan and

**Resolved:** That it be recommended to the Council that approval be granted to noting the content of the report and to agree the programme as outlined at Section 3.5 for distribution of Warm Home Packs and related Health and Wellbeing Programmes. An investigation to be carried out on concerns raised in relation to the media story regarding the inappropriate distribution of Keep Warm Packs.

### **E323/17      Pavement Cafés Licensing**

The Head of Environmental Health drew attention to the previously circulated report to agree a response to the Department of Communities (DfC) evaluation exercise on the Pavement Café Legislation on behalf of MUDC.

Proposed by Councillor McNamee  
Seconded by Councillor Kearney and

**Resolved:** That it be recommended to the Council to approve the content of the draft response to DfC on Pavement Café Licensing.

### **Matters for Information**

### **E324/17      Minutes of Environment Committee held on Tuesday 14 November 2017**

Members noted minutes of Environment Committee held on Tuesday 14 November 2017.

**E325/17      Magherafelt Refuse Collection Route Optimisation Project**

Members noted previously circulated report which informed members of forthcoming changes to refuse collection in the Magherafelt area.

**E326/17      Tullyvar Joint Committee Update**

Members noted previously circulated report which updated members on the business of the Tullyvar Joint Committee.

**E327/17      Environmental Services Christmas Working Arrangements**

Members noted previously circulated report which informed members of the planned working arrangements in respect of refuse collection and Recycling Centres during the Christmas and New Year holiday period.

**E328/17      Grounds Maintenance – Towns and Villages Awards Feedback**

Members noted previously circulated report which updated members of local success at the 2017 town and villages awards.

**E329/17      Building Control Workload**

Members noted previously circulated report which updated members on the workload analysis for Building Control across Mid Ulster District Council.

**E330/17      Entertainment Licensing Applications**

Members noted previously circulated report which updated members on Entertainment Licensing Applications across Mid Ulster District Council.

**E331/17      Private Tenancies Order**

Members noted previously circulated report which informed members of correspondence received from the Department for Communities on the Analysis of PTO Activity 2016/17 by Environmental Health Departments.

**E332/17      Burns & Scalds Video ‘Scarred for Life’**

Members noted previously circulated report which advised members on the launch of the burns and scalds video ‘Scarred for Life’. A soft media launch of the video which took place on 26<sup>th</sup> October 2017.

*Councillor Burton left the meeting at 8.45 pm.*

**Local Government (NI) Act 2014 – Confidential Business**

Proposed by Councillor S McGuigan

Seconded by Councillor O'Neill and

**Resolved:** In accordance with Section 42, Part 1 of Schedule 6 of the Local Government Act (NI) 2014 that Members of the public be asked to withdraw from the meeting whilst Members consider items E333/17 to E341/17.

**Matters for Decision**

E333/17 Contracts for Processing of Kerbside Commingled Recyclables

E334/17 Off Street Car Parking: Agency Agreement with Department for Infrastructure

E335/17 Service Level Agreement for Draperstown Public Convenience

E336/17 Installation of a Memorial Bench on Council Property

E337/17 Pomeroy Pitch Scheme – Capital Project

**Matters for Information**

E338/17 Confidential Minutes of Environment Committee held on 14 November 2017

E339/17 Capital Projects Update

**E340/17 Christmas Greetings**

The Chair wished members a very Happy Christmas and New Year.

**E341/17 Duration of Meeting**

The meeting was called for 7 pm and ended at 9.20 pm.

CHAIR \_\_\_\_\_

DATE \_\_\_\_\_



**Minutes of Meeting of Environment Committee of Mid Ulster District Council  
held on Tuesday 9 January 2018 in Council Offices, Burn Road, Cookstown**

**Members Present**

Councillor McGinley, Chair

Councillors Buchanan, Burton, Cuthbertson, Gillespie,  
Glasgow, Kearney, McFlynn, B McGuigan, S McGuigan,  
McNamee, Mulligan, O'Neill, M Quinn, Totten

**Officers in  
Attendance**

Mr Cassells, Director of Environment and Property  
Mr Kelso, Director of Public Health and Infrastructure  
Mr Lowry, Head of Technical Services  
Mr McAdoo, Head of Environmental Services  
Mrs McClements, Head of Environmental Health  
Mr Scullion, Head of Property Services  
Mr Wilkinson, Head of Building Control  
Miss Thompson, Committee Services Officer

The meeting commenced at 7.00 pm

**E001/18      Apologies**

Councillor Reid.

**E002/18      Declarations of Interest**

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

**E003/18      Chair's Business**

Councillor Burton referred to recent storms and spoke in relation to difficulties experienced with Councillor BT helpline in getting through to the right department. The Councillor advised she was given several different telephone numbers which were of no help and that she was also given an email address to which she was still waiting on a response from. Councillor Burton felt this was a very poor service from BT and that clarity was required on telephone numbers.

Councillor S McGuigan advised that he also contacted BT after recent storms and was given a telephone number which was able to offer assistance. The Councillor advised he could share this telephone number with Members.

*Councillor O'Neill entered the meeting at 7.03 pm.*

Officers agreed to follow up on issues raised by Councillor Burton to avoid this type of situation happening again and that clarity be sought on telephone numbers for BT.

Councillor Glasgow commended staff involved with putting Christmas trees up. The Councillor stated he had personally attended Christmas events in Coalisland and Maghera and that people speaking to him at those events complimented Council on the great work done.

Councillor Glasgow referred to previous discussions in relation to sheep worrying and asked if there was an update in relation to the on call dog warden service.

The Director of Public Health and Infrastructure advised that the officer team is in place with regard to the dog warden service, the on call service is still working under legacy arrangements however it is hoped that Mid Ulster arrangements will be finalised shortly.

### **Matters for Decision**

#### **E004/18      Minutes of Environment Committee held on Monday 4 December 2017 (Resolves approved at Council 14/12/17)**

Members considered the minutes of Environment Committee held on Monday 4 December 2017.

The Director of Public Health and Infrastructure referred to item E322/17 – Keep Warm Packs in which it was requested that the following comment be amended to read –

*‘The Head of Environmental Health stated that if other people wished to insert other literature into the packs Council would not be aware of this.’*

Councillor Burton referred to previous discussion in relation to old burial grounds and spoke in relation to the famine graves at Clogher Cathedral, the Councillor stated that there is frequent ongoing research in relation to graves at that Cathedral and furthermore that the Tourism department of Council are keen to promote such heritage sites. Councillor Burton felt that there was a need for Council departments to speak to each other in respect of this issue.

The Director of Environment and Property stated that he took on board the Councillor’s comments and that discussions can be taken forward with Council departments in conjunction with discussion with Churches in the area as agreed at December committee meeting.

Proposed by Councillor B McGuigan  
Seconded by Councillor McNamee and

**Resolved**      That it be recommended to Council to adopt the Minutes of the Environment Committee meeting held on Monday 4 December 2017 (E308/17 – E332/17 and E340/17 – E341/17) as circulated and subject to the foregoing.



**E005/18      DfI Roads Proposals to Mid Ulster Council – Proposed Provision of a One Way System**

Members considered previously circulated report which sought agreement in relation to proposal from Department for Infrastructure Roads with regard to proposed provision of a One Way System at Drumglass Way and Ranaghan Road, Dungannon.

Proposed by Councillor S McGuigan  
Seconded by Councillor Kearney and

**Resolved**      That it be recommended to Council to endorse the proposal submitted by Department for Infrastructure Roads in relation to proposed provision of a One Way System at Drumglass Way and Ranaghan Road, Dungannon.

**E006/18      DfI Roads Proposals to Mid Ulster District Council – Proposed No Waiting At Any Time Restriction**

Members considered previously circulated report which sought agreement in relation to proposal from Department for Infrastructure Roads with regard to proposed No Waiting At Any Time Restriction at Smith Street, Moneymore.

Proposed by Councillor S McGuigan  
Seconded by Councillor Kearney and

**Resolved**      That it be recommended to Council to endorse the proposal submitted by Department for Infrastructure Roads in relation to proposed No Waiting At Any Time Restriction at Smith Street, Moneymore.

**E007/18      Public Analyst Services**

The Head of Environmental Health presented previously circulated report which provided updated list of Public Analysts working on behalf of Public Analyst Scientific Services Limited, the company currently appointed by Mid Ulster District Council to provide Public Analyst services to Council.

Proposed by Councillor McNamee  
Seconded by Councillor McFlynn and

**Resolved**      That it be recommended to Council that the persons named below, who are employed by Public Analyst Scientific Services Limited, be appointed as Public Analysts to the Council under Article 27 (1) of the Food Safety (Northern Ireland) Order 1991 with immediate effect –  
Ronald Anthony Ennion BSc, MChemA, CChem, FRSC, MIFST  
Watney Elizabeth Moran MSc, MChemA, CChem, FRSC  
Duncan Kenelm Arthur BSc, MChemA, CChem, MRSC

Nigel Kenneth Payne MSc, MChemA, CChem, MRSC  
Joanne Hubbard BSc, MChemA, CChem, MRSC  
Kevin Wardle MSc, MChemA, CChem, MRSC  
Lilian Emma Jane Downie MChem, MChemA, CChem, MRSC

## **E008/18      Roads Miscellaneous Provisions Act (NI) 2010**

The Head of Environmental Health presented previously circulated report which sought approval in relation to fees for the restriction or closing of roads under The Roads Miscellaneous Provisions Act (NI) 2010.

Councillor S McGuigan asked if there was a legal requirement to advertise in press or whether social media could be utilised instead. The Councillor also referred to cleansing deposit and suggested this be waived for the first event applied for and depending on compliance in relation to waste management control whether it is chargeable for future events.

The Head of Environmental Health advised that it is in legislation that advertisement should be placed in a minimum of one newspaper.

Councillor B McGuigan referred to finishing time of 11pm for small events and asked if this was in legislation.

The Head of Environmental Health advised that the finishing time of 11pm is contained within guidance.

Councillor McNamee did not feel a higher charge for the film industry was necessary. The Councillor also proposed that the public liability insurance be reduced to £5 million.

The Head of Environmental Health advised that guidance normally suggests public liability insurance of either £5 or £10 million.

In response to Councillor Glasgow's question the Head of Environmental Health advised that the Continental Market held in Cookstown would be defined as a large event.

Councillor Glasgow also referred to previous community festival held in Cookstown and whether this would also be defined as a large event and that fees could be prohibitive for such an event.

The Head of Environmental Health advised that the event the Councillor was speaking about would be defined as a public procession which would be exempt from charge of fees.

Councillor Cuthbertson asked if there could be any comeback to Council on reducing the insurance liability to £5 million.

The Head of Environmental Health suggested that public liability insurance of £5 million be requested for small events and £10 million for large events.

Proposed by Councillor McNamee  
Seconded by Councillor Glasgow and

**Resolved** That it be recommended to Council that the following be approved –

Type of event	Admin Cost	Advertising Cost per paper	Refundable Deposit	Total Cost if using one paper for advertising (if deposit returned)
Community /small event	Waived	£250	£200	£250
Commercial / large event	£165	£250	£200	£415
Filming	£165	£250	£200	£415

- Public notices will be placed in one relevant paper local to the event together with upload of details onto the Council website.
- Where Mid Ulster District Council is the promoter of a special event that requires a road closure, fees should be paid internally to the Environmental Health licensing section commensurate with the event type.
- Cleansing deposit to be waived for first event applied for and depending on compliance in relation to waste management control after the event whether the cleansing deposit (£200) will be chargeable for future events applied for.
- A minimum of £5 million public liability insurance to be sought from promoters seeking road closures for small special events.
- A minimum of £10 million public liability insurance to be sought from promoters seeking road closures for large special events.

#### **E009/18 Changes to the Affordable Warmth Scheme Public Consultation**

*Councillor McGinley declared an interest in this item as he recently made a referral to the scheme.*

The Head of Environmental Health presented previously circulated report regarding public consultation on the Changes to the Affordable Warmth Scheme.

The Head of Public Health and Infrastructure suggested that views on this consultation could also be sought via Council's social media channels.

Councillor Burton referred to boiler replacement and felt that this should be extended to boilers aged 10 years and over and suggested that this comment be included within the response.

Councillor Glasgow felt that it should be emphasised that retaining local businesses to carry out work will help to ensure that deadlines in relation to the scheme are met and that applicants do not miss out.

Proposed by Councillor Burton  
Seconded by Councillor Gillespie and

- Resolved** That it be recommended to Council to –
- Respond to public consultation on Changes to the Affordable Warmth Scheme as set out in appendix to report with additional comments to be included in relation to extending boiler replacement to boilers aged 10 years and over and emphasis on retaining local businesses to ensure scheme delivery.
  - Consultation on proposed changes to Affordable Warmth Scheme to be posted on Council's social media channels to allow for views of wider public to be sought.

**E010/18      Participation in a Proposed Health and Wellbeing Showcase Event with Partners in the Southern Trust Area**

The Head of Environmental Health presented previously circulated report with regard to proposed Southern Area Health and Wellbeing Conference in which a request has been made to Council to participate in partnership planning and to provide financial support to run the event.

Councillor McNamee stated he would be happy to support the event if other Councils were also buying in.

The Head of Environmental Health advised that there was buy in from Armagh, Banbridge and Craigavon Council; Newry, Mourne and Down District Council and the Southern Trust and Southern PHA.

In response to Councillor Burton's question the Head of Environmental Health advised that the purpose of the event is to showcase to other organisations what is being done in the Southern area. It was advised that community reps will be invited to the event.

Councillor Burton stated that it was important for this event to be publicised in the community. The Councillor also expressed some reservations in relation to the proposed location of the event.

Proposed by Councillor Burton  
Seconded by Councillor McNamee and

- Resolved** That it be recommended to Council to support the planning of the Southern Area Health and Wellbeing Conference and seminar events and that further negotiations take place in relation to Council's contribution being made to the event.

**E011/18      Extension of Service Level Agreement relating to Health and Wellbeing Services**

The Head of Environmental Health presented previously circulated report which sought approval to extend the Interim Service Level Agreements for Health and Wellbeing Services.

Proposed by Councillor McFlynn  
Seconded by Councillor B McGuigan and

- Resolved**      That it be recommended to Council –
- To extend the Service Level Agreement with Armagh City, Banbridge and Craigavon Borough Council for the provision of Public Health funded service to 31 March 2018.
  - To extend the Service Level Agreement with Mid and East Antrim Borough Council for the provision of Public Health funded Tobacco Control Work to 31 March 2018.

**E012/18      Live Here Love Here Programme Update**

The Head of Environmental Health presented previously circulated report which provided update on key programme activity from the beginning of the 2017-18 financial year of the Live Here Love Here Campaign and to consider continuing Council membership of the Live Here Love Here Programme for 2018/19.

In response to Councillor Glasgow's question the Head of Environmental Health advised that as part of the Live Here Love Here media campaign Mid Ulster targeted dog fouling in which posters appeared in Cookstown, Dungannon and Magherafelt. The Councillor was further advised that the additional functionality of the Bin Ovation App was up and running through which dog fouling can be reported.

Councillor McFlynn felt that Live Here Love Here was a good scheme which allowed people to take ownership of an area.

Proposed by Councillor McFlynn  
Seconded by Councillor Glasgow and

- Resolved**      That it be recommended to Council to continue with membership of the Live Here Love Here Programme for 2018/19 at a cost of £21,000.

**E013/18      Street Naming and Numbering**

Members considered previously circulated report regarding the renaming of new residential housing development within Mid Ulster as follows –

Site off Drumreany Road, Castlecaulfield

Proposed by Councillor S McGuigan  
Seconded by Councillor J O'Neill and

**Resolved** That it be recommended to Council to rename development off Drumreany Road, Castlecaulfield as Torrent Meadow.

### **Matters for Information**

**E014/18 Dfl Proposals for Abandonment and Disposal of Land, 38 Annaghilla Road, Augher**

Members noted previously circulated report which advised of the Department for Infrastructure's intention to carry out abandonment and disposal of land at 38 Annaghilla Road, Augher.

**E015/18 Dfl Proposals for Abandonment of Land, 31 Dungannon Road, Cookstown**

Members noted previously circulated report which advised of the Department for Infrastructure's intention to carry out an abandonment of roadway at 31 Dungannon Road, Cookstown and Council's intention to retain the flowerbed on the portion of land for abandonment.

**E016/18 Annual NIEA Waste Management Statistics and NILAS Reports**

Members noted previously circulated report which provided detail on NIEA Northern Ireland Local Authority Collected Municipal Waste Management Statistics 2016/17 Annual Report and the Annual Northern Ireland Landfill Allowance Scheme 2016/17 Annual Report as published on 30 November 2017 in which it was highlighted that Mid Ulster District Council achieved the highest household waste recycling rate of all eleven Council during 2016/17 and the first to achieve/exceed the 50% statutory target set for 2020.

**E017/18 Northern Ireland Landfill Capacity Report**

Members noted previously circulated report which provided update on remaining landfill capacity in Northern Ireland.

**E018/18 Eco Schools Programme**

Members noted previously circulated report which provided update on participation in the Eco Schools programme within Mid Ulster.

**E019/18      Changes to scheme for the collection and processing of WEEE**

Members noted previously circulated report which provided update on changes to the scheme for the collection and processing of Waste Electronic and Electrical Equipment (WEEE) from Designated Collection Facilities (DCFs).

**E020/18      Update Report on Road Nameplate Inspections and Replacements**

Members noted previously circulated report which provided update on the 2017 inspection of road nameplates and replacements.

**E021/18      Mid Ulster Biodiversity Project**

Members noted previously circulated report which provided update on recent activities promoting community participation in conserving and enhancing the local biodiversity resource of Mid Ulster District.

**E022/18      Entertainment Licensing Applications**

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

**E023/18      Building Control Workload**

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

**Local Government (NI) Act 2014 - Confidential Business**

Proposed by Councillor McNamee  
Seconded by Councillor S McGuigan and

**Resolved**      In accordance with Section 42, Part 1 of Schedule 6 of the Local Government Act (NI) 2014 that Members of the public be asked to withdraw from the meeting whilst Members consider items E024/18 to E029/18.

**Matters for Decision**

- E024/18      Tender Report for Grounds Maintenance Services Call Off Contract
- E025/18      Report for the consideration of revising hours of opening for Maghera Walled Garden
- E026/18      Tender for the Supply of Comact Multi-Use Pedestrian Sweeper
- E027/18      Upperlands MUGA, Villages Scheme – Capital Project

**Matters for Information**

E028/18 Confidential Minutes of Environment Committee held on  
Monday 4 December 2017

E029/18 Capital Projects Update

**E030/18 Duration of Meeting**

The meeting was called for 7.00 pm and ended at 8.03 pm.

CHAIR \_\_\_\_\_ DATE \_\_\_\_\_



<b>Report on</b>	Tullyvar Joint Committee update
<b>Reporting Officer</b>	Mark McAdoo, Head of Environmental Services
<b>Contact Officer</b>	Mark McAdoo, Head of Environmental Services

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

<b>1.0</b>	<b>Purpose of Report</b>
1.1	To provide members with an update on the business of the Tullyvar Joint Committee.
<b>2.0</b>	<b>Background</b>
2.1	Tullyvar Joint Committee is a formal Committee initially established in 1992 under the former constituent Councils of Dungannon & South Tyrone Borough Council and Omagh District Council under Section 19 of Local Government Act (NI) 1972. Five Councillor/representatives from Mid Ulster and Fermanagh & Omagh Councils now serve on the Joint Committee which is supported by senior Officers from each of the Council.
<b>3.0</b>	<b>Main Report</b>
3.1	The last meeting of the Joint Committee was held on 10 <sup>th</sup> January 2018. The associated agenda and a copy of the latest Committee report/papers including minutes of the previous Committee meeting held on 8 <sup>th</sup> November are attached for information
3.2	The next (bi-monthly) Joint Committee meeting is scheduled for 14 <sup>th</sup> March 2018.
<b>4.0</b>	<b>Other Considerations</b>
<b>4.1</b>	<b><u>Financial &amp; Human Resources Implications</u></b>  Financial: None  Human: None
<b>4.2</b>	<b><u>Equality and Good Relations Implications</u></b>  N/A
<b>4.3</b>	<b><u>Risk Management Implications</u></b>  N/A

<b>5.0</b>	<b>Recommendation(s)</b>
5.1	Members are asked to note the content of this report and associated papers.
<b>6.0</b>	<b>Documents Attached &amp; References</b>
6.1	Latest papers for Tullyvar Joint Committee.



2<sup>nd</sup> January 2018

To: Councillor McAleer )  
Councillor McGinley )  
Councillor McGuigan ) Mid Ulster District Council  
Councillor Mulligan )  
Councillor Robinson )

Mr A Cassells

Councillor Clarke )  
Councillor Fitzgerald )  
Councillor Rainey ) Fermanagh & Omagh District  
Councillor Shields ) Council  
Councillor Thompson )

Mr B Hegarty

Dear Sir/Madam

**Re: Tullyvar Landfill Site Joint Committee Meeting**

A meeting of the Management Committee for the development of Tullyvar Landfill Disposal Site will be held in the Office at Tullyvar Landfill Site on **Wednesday 10<sup>th</sup> January 2018 at 10.30am.**

1. Confirmation of Minutes of Meeting held on Wednesday 8<sup>th</sup> November 2017 (copy herewith)
2. Matters Arising from the Minutes
3. Financial Matters
  - 3.1 Statement of Payments dated November & December 2017 (copies herewith)
4. Update from Head of Environmental Services/Site Manager's Report
5. Any Other Business
6. Date of Next Meeting

Yours faithfully

**Andrew Cassells**

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Director of Environment & Property

Copy:      A Tohill  
              K O'Gara  
              M McAdoo  
              A McIlwrath  
              K McGowan

**MINUTES OF TULLYVAR JOINT COMMITTEE MEETING HELD ON WEDNESDAY  
8<sup>TH</sup> NOVEMBER 2017 AT 10.30AM AT TULLYVAR LANDFILL SITE**

**PRESENT:**

**MID ULSTER:** Councillor McGuigan (Chair)  
Councillors McAleer, Mulligan & Robinson

**FERMANAGH & OMAGH:** Councillor Clarke

**OFFICERS:** A Cassells, M McAdoo, K McGowan, K O'Gara and  
A McIlwrath

**APOLOGIES:** Councillors Fitzgerald, McGinley & Thompson  
Mr Hegarty

***Meeting commenced at 10.30am***

**1. CONFIRMATION OF MINUTES – 13<sup>TH</sup> SEPTEMBER 2017**

The above minutes were adopted.

Proposed by Councillor Mulligan  
Seconded by Councillor Robinson and agreed.

**2. MATTERS ARISING**

As per agenda items.

**3. FINANCIAL MATTERS**

The Statement of Payments dated September and October 2017 were presented for approval.

Proposed by Councillor Mulligan  
Seconded by Councillor Clarke and agreed.

**4. UPDATE REPORT FROM SITE MANAGER**

The Site Manager's report was presented, copy attached as appendix one, reference being made to the undernoted:

***Councillor McAleer entered the meeting at 10.32am***



#### **4.1 Electricity Generation**

The Site Manager confirmed that electricity gas generation was relatively steady since the commencement of the scheme. To date over £619,000 income had been received.

#### **4.2 Void Capacity**

Following query from the Chair on compaction density, the Site Manager outlined the level and compaction density of operations.

#### **4.3 Leachate**

The Site Manager confirmed that leachate generation would reduce as more of the site was capped and the wetlands scheme developed. He anticipated that post closure all leachate generated on site would be treated through the wetlands scheme.

#### **4.4 Cell 4 Development**

Following query from the Chair, A Cassells confirmed that Councils were moving away from landfilling operations. He advised that there were a limited number of Council controlled landfills remaining with a number of private sector sites in operation. A Cassells referred to the five Council Waste Working Group who were currently considering options for the treatment of blue bin waste. A Cassells advised that a piece of work had been commissioned to consider issues across NI, the report currently available in draft format would be tabled at a future meeting. A Cassells advised the report determines existing capacity and how quickly it would be utilised; the impact of private sector sites and gate fee increases.

In terms of Tullyvar, A Cassells suggested that Cell 4 could be regarded as a strategic asset and the timing of the development of the site should be considered in context to Bombardier and ARC21 projects and Brexit implications.

It was indicated that the landfill capacity report could be presented to the next Joint Committee Meeting at which point Officers could update on the timeline for the viability of developing Cell 4.

K O'Gara referred to the NIEA report on landfill capacity in NI which suggested that there was only 2/3 years landfill capacity left by 2025.

Officers advised Members that the site would not close after ceasing to accept waste, but would be mothballed, hence retaining existing planning consent and PPC licence. A decision could be made in 12/18 months on the viability of developing Cell 4 with Officers keeping a watching brief on costs/gate fees in the interim.

Councillor Mulligan sought clarification on costs to re-open and develop Cell 4. The Site Manager confirmed that approximate costs for full lining would be in the region of £1million, however, it could be done in phases in order to fund the capital costs.

Members and Officers also discussed in brief issues relating to materials accepted; contamination levels in waste; fines; residual material (fly/bottom ash) post treatment; definition of wastes; future tariffs and spare capacity across Europe for Waste to Energy.

#### **4.5 Adoption of Report**

The Site Manager's Report was adopted.

Proposed by Councillor Mulligan  
Seconded by Councillor Clarke and agreed.

#### **5. DATE OF NEXT MEETING**

It was agreed that the next meeting be held on **Wednesday 10<sup>th</sup> January 2018 at 10.30am at Tullyvar Landfill Site**. A Mcllwraith to circulate 2018 meeting schedule at next meeting.

***Meeting ended at 11.05am***

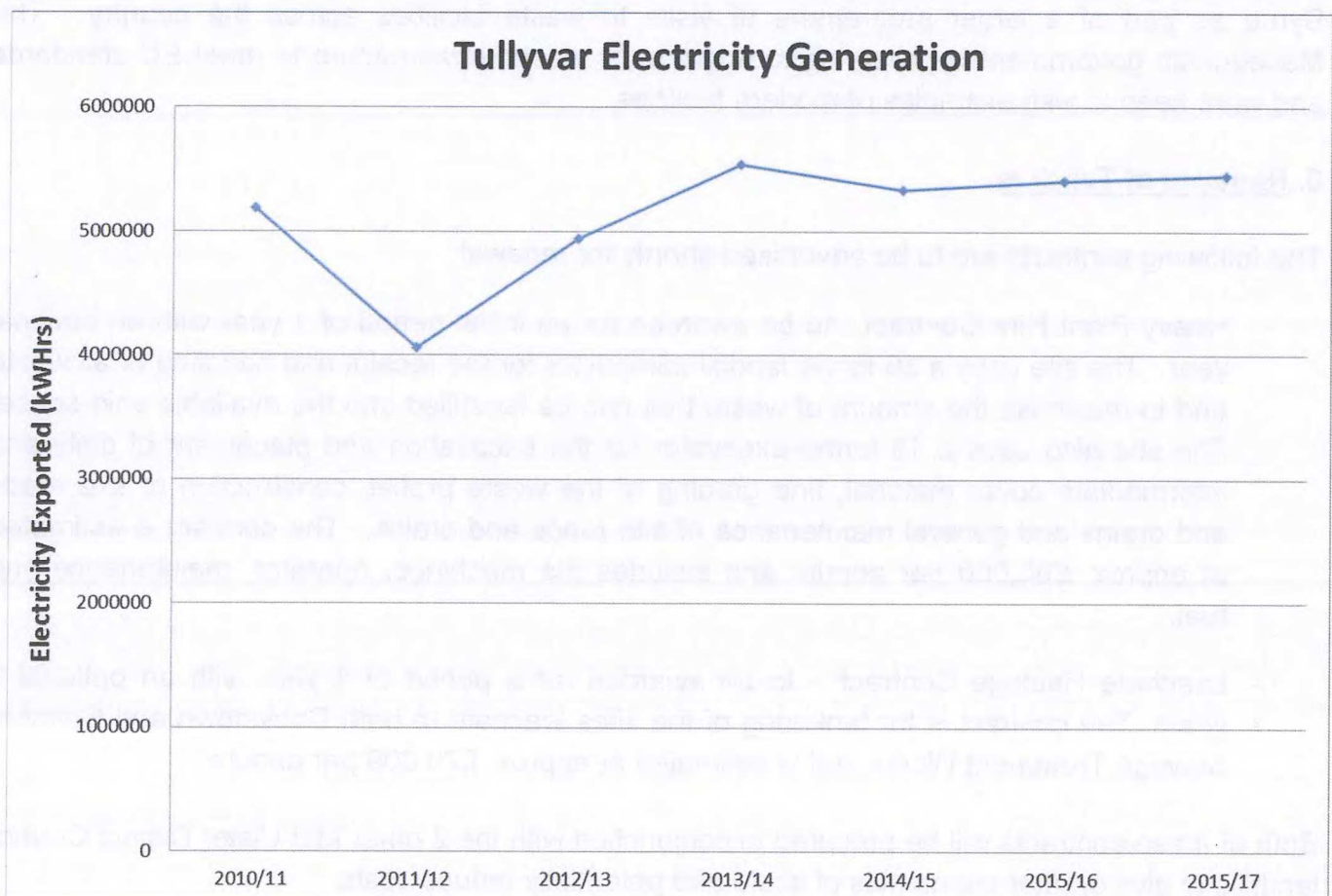


**TULLYVAR JOINT COMMITTEE – 8<sup>th</sup> NOVEMBER 2017****SITE MANAGER'S REPORT****1. Site Operational Update**

During September and October approx. 465 tonnes of leachate per week was discharged to Cookstown & Culmore Sewage Treatment Works with an average Ammoniacal Nitrogen strength of 36.0 mg/l. Additionally during this period approx. 1250 m<sup>3</sup> of treated leachate (approx. 145 tonnes per week) has been discharged through the sites Integrated Constructed Wetlands (ICW). The NIWater 9 month compliance report was received in October and Tullyvar was deemed compliant, the results of which are detailed in the table below:

Parameter	Annual Average	Limit	Compliance Score
Ammoniacal Nitrogen	45.8 mg/l	100 mg/l	95%
Chemical Oxygen Demand	1517.2 mg/l O <sub>2</sub>	2000 mg/l O <sub>2</sub>	89%
Suspended Solids	262.8 mg/l	550 mg/l	100%
pH	Min 5.00 / Max 9.19	Min 5 / Max 10	100%

The electricity generation plant is currently operating at approx. 720kW (90% Capacity). The previous years income figures are now available giving rise to a further royalty payment of £172,095.42. The electricity generation plant has now been in operation for 7 years and in that time has exported 36 GWhrs of electricity, providing for the electricity needs of approx. 1,200 average households. A graph of the previous 7 years electricity generation is presented below:





## TULLYVAR TREASUREERS ADVICE LISTING

07/11/2017

CHEQUE NO	SUPPLIER NAME	£
636	AA HYDRAULICS	118.80
637	BRIAN KEYS TRACTORS	835.20
638	LCC OIL	2,677.80
639	MCHUGH CRANE HIRE	252.00
640	MCALEER AND SONS	11.21
641	REA BROS	101.70
642	ROAD SFAETY CONTRACTS	9,691.02
643	RENEWABLE POWER NI	1,765.85
644	SAGE	1,467.60
645	WYG	1,840.85
646	COOTE'S	81.27
647	CONTRACT SERVICES	270.00
648	CAVANAGH KELLY	504.96
649	CLIVE RICHARDSON LTD	5,328.00
650	MUDC	16,151.61
651	NI WATER	1,126.78
652	HAMILTON CONTRACTS	10,300.80
653	BRENNTAG	1,733.68
654	MINI MIX CONCRETE	150.00
655	KDM HIRE	2,649.79

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**57,058.92**

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## TULLYVAR TREASUREERS ADVICE LISTING

05/12/2017

CHEQUE NO	SUPPLIER NAME	£
656	Calvert office Equipment	320.48
657	REA BROS	279.60
658	ROAD SFAETY CONTRACTS	19,644.25
659	PWT	612.00
660	COOTES BM	154.40
661	CAV KELLY	581.76
662	CLIVE RICHARDSON	4,464.00
663	BRENNTAG	650.13
664	AQUILA UAS	1,170.00
665	FP MCCANN	2,090.20
		<b><u>29,966.82</u></b>

<b>Report on</b>	Refuse Collection Route Optimisation Project Update
<b>Reporting Officer</b>	Mark McAdoo, Head of Environmental Services
<b>Contact Officer</b>	Mark McAdoo; Head of Environmental Services

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

<b>1.0</b>	<b>Purpose of Report</b>
1.1	To update members on changes to refuse collection arrangements in the Magherafelt area.
<b>2.0</b>	<b>Background</b>
2.1	As reported to Committee last November due to a major route optimisation exercise significant changes to the refuse collection days/arrangements are taking affect in the Magherafelt area from week commencing 29 <sup>th</sup> January 2018. The changes will impact around 15,000 homes (approximately 90% of households in the area) affecting: <ul style="list-style-type: none"> <li>• The day on which residents' bins are collected and/or</li> <li>• The combination of bins which residents put out for collection</li> </ul>
2.2	The changes will make our bin routes more balanced and efficient. We will also be able to increase the use of our 'one arm' vehicles (OAVs), where the emptying process is fully automated to empty more bins in non-urban areas (around 80% of such collections will be by OAV) which is a preferable collection method from a health and safety perspective.
<b>3.0</b>	<b>Main Report</b>
3.1	We recognise that this is a significant change to a core service and our aim has been to make it as smooth as possible for our customers. To that end, we have been directly communicating with residents throughout January by delivering an information card to their homes which provides details about the change and a calendar of their new collections for the next few months (of the fifteen variations of the card is attached).
3.2	We have been using local press and social media channels to highlight the changes. Residents can also check their new collection arrangements online at the following:  <a href="http://www.midulstercouncil.org/binchanges">www.midulstercouncil.org/binchanges</a>
3.3	However given the nature and size of this logistical exercise it is inevitable that some operational issues will arise and our planned response to these is as outlined below:
3.4	<i>Missed bins:</i> as we get used to the new routes, some bins may be missed in the first couple of weeks. We have allocated additional resources to our collection service to help ensure that we can empty bins which are missed.

3.5	<i>Incorrect bins put out for collection:</i> where residents have placed the wrong bin out for collection, we will leave another information card to highlight again the new collection arrangements and we will then collect the bin on the next scheduled collection day. However, if this is likely to prove problematic, we will do our best (where resources permit) to empty bins in advance of the next scheduled collection.
3.6	<i>Residents who will miss a blue bin collection:</i> the changes mean that some residents will miss a blue bin collection during week commencing 29 <sup>th</sup> January (and will receive an extra black bin collection instead) meaning they will have to wait until the following week for their recycling to be collected. If the blue bin is full, residents can dispose of their additional waste at a recycling centre or leave the additional material in a clear plastic bag which we will collect as a one-off on their next scheduled collection day.
3.7	<i>Queries from customers:</i> to help deal with an expected increase in volume of calls to the Magherafelt depot additional (temporary) administrative support has been put in place.
<b>4.0</b>	<b>Other Considerations</b>
<b>4.1</b>	<p><b><u>Financial &amp; Human Resources Implications</u></b></p> <p>Financial: Some additional agency/staff costs incurred in the delivery of calendar/cards. Also some extra overtime costs for refuse collection will be incurred in February as the changes are implemented (after which time any efficiencies can be properly assessed)</p> <p>Human: A significant amount of officer/supervisor time is involved in this major project.</p>
<b>4.2</b>	<p><b><u>Equality and Good Relations Implications</u></b></p> <p>N/A</p>
<b>4.3</b>	<p><b><u>Risk Management Implications</u></b></p> <p>Health and safety route risk assessments will be reviewed following implementation to ensure the changes mitigate against risks associated with household bin collections.</p>
<b>5.0</b>	<b>Recommendation(s)</b>
5.1	Members are asked to note the content of this report.
<b>6.0</b>	<b>Documents Attached &amp; References</b>
6.1	Sample bin collection card/calendar delivered to households in the Magherafelt area.

# Your bin collections are changing...

From the end of January 2018, your bin collections are changing:

- you may see a change to **the day** your bins are collected **and/or**
- you may see a change to **the combination of bins** being collected.

You will still receive a fortnightly collection for your blue, brown and black bins and you should continue to leave your bins out for collection by 7.30am on the days when they are due to be emptied.

We hope the calendar on the reverse of this card will make clear what colour bin(s) will be collected on which day.

If in doubt, you can check on line at  
**[www.midulstercouncil.org/binchanges](http://www.midulstercouncil.org/binchanges)**  
or contact us on **03000 132 132**  
E: **[environmentalservices@midulstercouncil.org](mailto:environmentalservices@midulstercouncil.org)**





# Your bin collections are changing...

To help you get used to the new collection scheme, the calendar below shows what colour bin(s) will be collected on which day for the next few months.

If you are in any doubt, don't forget you can check your collection day on line at **[www.midulstercouncil.org/binchanges](http://www.midulstercouncil.org/binchanges)** or why not download the **Bin-ovation App** to remind you? The app will also help you to remember what you can put in your blue, brown and black bins.



		● Blue bin Collection	● Black bin Collection	● Brown bin Collection
JANUARY 2017				
Monday 29			●	
FEBRUARY 2017				
Monday 5		●		●
Monday 12			●	
Monday 19		●		●
Monday 26			●	
MARCH 2017				
Monday 5		●		●
Monday 12			●	
Monday 19		●		●
Monday 26			●	
APRIL 2017				
Monday 2		●		●
Monday 9			●	
Monday 16		●		●
Monday 23			●	
Monday 30		●		●

Key: Mon Cycle A

Should you require this information in an alternative format please contact  
 01238 330360 or email [environmentalservices@midulstercouncil.org](mailto:environmentalservices@midulstercouncil.org)

<b>Report on</b>	<b>Entertainment Licensing Applications</b>
<b>Reporting Officer</b>	<b>William Wilkinson</b>
<b>Contact Officer</b>	<b>William Wilkinson</b>

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

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

3.2	<p>3 Details of current public liability insurance for premises</p> <p>4 Copy of public advertisement in local press</p> <p>Following the application for the Grant/Renewal of an Entertainment Licence being submitted and validated, an inspection is carried out to ensure that the premises are in compliance with all relevant guidance and legislation.</p> <p>Areas which would be inspected are as follows:</p> <ol style="list-style-type: none"> <li>1. Means of escape from the venue i.e. Final Exit Doors and Easy Opening Devices are satisfactory and escape routes are free from obstruction etc.</li> <li>2. All floor, wall, and ceiling coverings are in compliance and in good condition</li> <li>3. All firefighting equipment are correctly positioned and serviced as required</li> <li>4. The general condition of the premises is satisfactory</li> <li>5. All management documentation is in place</li> </ol>
4.0	<b>Other Considerations</b>
4.1	<p><b><u>Financial &amp; Human Resources Implications</u></b></p> <p>Financial: Within Current Resources Human: Within Current Resources</p>
4.2	<p><b><u>Equality and Good Relations Implications</u></b></p> <p>None</p>
4.3	<p><b><u>Risk Management Implications</u></b></p> <p>None</p>
5.0	<b>Recommendation(s)</b>
5.1	Members are requested to note the content of this report.
6.0	<b>Documents Attached &amp; References</b>
6.1	Appendix 1 – Schedule of applications received for the Grant/Renewal of Entertainment Licences.
6.2	Appendix 2 – Schedule of Entertainment Licence applications which have been granted/renewed.



## Appendix 1

### Schedule of applications received for the Grant/Renewal of Entertainment Licences in January 2018

Name of Applicant	Name of Premises	Address of Premises	Type of Licence	Days and Hours proposed	Max No of Patrons
Carntogher Community Association	An Coire	132A Tirkane Road Maghera	Annual	Monday to Sunday From : 09:00 To : 01:00	220
Woods Parish Hall	Woods Parish Hall	64 Carraloan Road Magherafelt	Annual	Monday To Friday From : 09:00 To : 01:30  Saturday From : 09:00 To : 24:00	270
St John Bosco Community Hall	St Mary's Church Hall	3 Culbane Road Portglenone	Annual	Monday To Sunday From : 08:00 To : 01:00	200

<b>Name of Applicant</b>	<b>Name of Premises</b>	<b>Address of Premises</b>	<b>Type of Licence</b>	<b>Days and Hours proposed</b>	<b>Max No of Patrons</b>
M Bradley	The Dugout Bar	94 Main Street Maghera	Annual	Monday To Thursday From : 11:30 To : 23:30  Friday To Saturday From : 11:30 To : 01:00  Sunday From : 12:30 To : 24:00	50
S McGuigan	Robert Emmets GAC	18 Halfgayne Road Maghera	Annual	Monday To Friday From : 18:00 To : 21:30  Saturday To Sunday From : 18:00 To : 23:30	500
J Hamilton	Pomeroy Presbyterian Church Hall	1 Edendoit Road Pomeroy	14 Unspecified Days	Monday to Sunday From :18:00 To 24:00	240

<b>Name of Applicant</b>	<b>Name of Premises</b>	<b>Address of Premises</b>	<b>Type of Licence</b>	<b>Days and Hours proposed</b>	<b>Max No of Patrons</b>
D Scott	Scott's Bar	72-76 Main Street Fivemiletown	Annual	Monday To Saturday From : 11:00 To : 01:00  Sunday From : 12:00 To : 24:00	140
R Owens	Shooters Amusement Centre	5 Thomas Street Dungannon	Annual	Monday To Thursday From : 10:00 To : 24:00  Friday & Saturday From : 10:00 To : 02:00  Sunday From : 10:00 To : 24:00	30
K McGuigan	The Shamrock Road	5-7 Patrick Street Draperstown	Annual	Monday To Saturday From : 11:30 To : 01:00 Sunday From : 12:00 To : 24:00	100

<b>Name of Applicant</b>	<b>Name of Premises</b>	<b>Address of Premises</b>	<b>Type of Licence</b>	<b>Days and Hours proposed</b>	<b>Max No of Patrons</b>
E Vallely	The Central Bar	28 Main Street Coalisland	Annual	Monday to Friday From : 11:30 To : 23:30  Saturday and Sunday From : 11:30 To : 01:00	85
L Knox	Molesworth Church Hall	69-71 Molesworth Street	Any 14 unspecified Days	Monday To Saturday From : 18:00 To : 01:00	250
H Davidson	Bellaghy Presbyterian Church Hall	50 Main Street Bellaghy	Annual	Monday To Sunday From : 09:00 To : 01:00	200
Msgnr Andrew Dolan PP VG	St Mary Parochial Hall	1 Tamlaghtduff Park Bellaghy	Annual	Monday To Sunday From : 10:00 To : 01:00	650

<b>Name of Applicant</b>	<b>Name of Premises</b>	<b>Address of Premises</b>	<b>Type of Licence</b>	<b>Days and Hours proposed</b>	<b>Max No of Patrons</b>
H O'Neill	Erins Own GAC	56 Quarry Road Knockcloghrim	Annual	Monday To Saturday From : 12:00 To : 01:00  Sunday From : 12:00 To : 23:00	500
M Davison	Davison's Bar	44 Main Street Castlecaulfield	Annual	Monday To Sunday From : 11:00 To : 01:00	180
Mid Ulster District Council	The Bridewell	6 Church street Magherafelt	Annual	Monday To Friday From : 08:00 To : 01:00  Saturday From : 08:00 To : 24:00  Sunday From : 08:00 To : 24:00	260

<b>Name of Applicant</b>	<b>Name of Premises</b>	<b>Address of Premises</b>	<b>Type of Licence</b>	<b>Days and Hours proposed</b>	<b>Max No of Patrons</b>
Mid Ulster District Council	Greenvale Leisure Centre	5 Princess Terrance Magherafelt	Annual	Monday To Sunday From : 09:00 To : 23:30	810

## Appendix 2

### Schedule of applications issued for the Grant/Renewal of Entertainment Licences in January 2018

Name of Applicant	Name of Premises	Address of Premises	Type of Licence	Days and Hours Granted
S Devlin	Sit and Sip Bar Lounge	28 Littlebridge Road Moneymore	Monday To Saturday : From: 11:00 To: 01:00  Sunday : From: 11:00 To: 24.00	Annual
A McCall	St Joseph's Grammar School	58 Castlecaulfield Road, Dungannon	Monday To Sunday : From: 09:00 To: 23.00	14 Unspecified Days
J Conway	The Belfast House	3 Orritor Street , Cookstown, Co. Tyrone Bt80 8be	Monday to Saturday : From: 11:30 To: 01:00  Sunday : From:12:00 To: 24:00	Annual

<b>Name of Applicant</b>	<b>Name of Premises</b>	<b>Address of Premises</b>	<b>Type of Licence</b>	<b>Days and Hours Granted</b>
H McGoldrick	Moyola Park Golf Club	15 Curran Road Shanemullagh Castledawson	Monday To Sunday : From: 10:00 To: 23.00	Annual
A Martin	Tullylagan Country House Hotel	40b Tullylagan Road Cookstown	Monday To Saturday : From: 11.30 To: 01.00  Sunday : From: 12.30 To: 24.00	Annual
H Downey	Downey's Bar	26-28 Queen Street Town Parks Of Magherafelt	Monday To Saturday : From: 11:30 To: 01:00  Sunday From: 12:30 To: 24.00	Annual



<b>Report on</b>	<b>Building Control Workload</b>
<b>Reporting Officer</b>	<b>William Wilkinson</b>
<b>Contact Officer</b>	<b>William Wilkinson</b>

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

<b>1.0</b>	<b>Purpose of Report</b>		
1.1	To provide Members with an update on the workload analysis for Building Control across Mid-Ulster District Council.		
<b>2.0</b>	<b>Background</b>		
2.1	<p>Building Control applications are received in three different forms:</p> <p>a Full Applications - submitted with detailed working drawings.</p> <p>b Building Notices - minor work not usually requiring detailed plans, e.g. provision of insulation to roof space, etc.</p> <p>c Regularisation Applications – where work has been carried out without an approval, an application must be submitted for retrospective approval.</p>		
<b>3.0</b>	<b>Main Report</b>		
<b>3.1</b>	<b>Workload Analysis</b>	<b>January 2018</b>	<b>Accumulative 2017/18</b>
	Total number of Applications	<b>186</b>	<b>1625</b>
	Full plans applications received	<b>77</b>	<b>661</b>
	Building Notices applications received	<b>89</b>	<b>803</b>
	Regularisations applications received	<b>20</b>	<b>161</b>
	Estimated value of works submitted	<b>£11,104,369</b>	<b>£132,065,494</b>
	Number of inspections carried out by Building Control Officers	<b>908</b>	<b>8929</b>

	Commencements	<b>170</b>	<b>1824</b>
	Domestic Dwellings	<b>47</b>	<b>536</b>
	Domestic alterations and Extensions	<b>117</b>	<b>1202</b>
	Non-Domestic work	<b>6</b>	<b>86</b>
	Completions	<b>162</b>	<b>1516</b>
	Domestic Dwellings	<b>48</b>	<b>385</b>
	Domestic alterations and Extensions	<b>107</b>	<b>1046</b>
	Non-Domestic work	<b>7</b>	<b>85</b>
	Property Certificates Received	<b>200</b>	<b>1786</b>
<b>3.2</b>	Over the past month a number of significant applications have been received as noted in Appendix 1.		
<b>4.0</b>	<b>Other Considerations</b>		
<b>4.1</b>	<b><u>Financial &amp; Human Resources Implications</u></b>  Financial: Within current resources Human: Within current resources		
<b>4.2</b>	<b><u>Equality and Good Relations Implications</u></b> None		
<b>4.3</b>	<b><u>Risk Management Implications</u></b> None		
<b>5.0</b>	<b>Recommendation(s)</b>		
5.1	Members are requested to note the content of this report.		
<b>6.0</b>	<b>Documents Attached &amp; References</b>		
6.1	Appendix 1 - List of significant applications received by Building Control.		

**Significant Developments January 2018**

<b>Applicant</b>	<b>Location of Development</b>	<b>Details of Development</b>	<b>External value of development</b>
Tullynure Construction Ltd	Loran Vale, Cookstown	Erection of 11no. Dwellings (average floor area 107m <sup>2</sup> ) B.C. fee - £2,657	£755,200
M Daly	156 Eglish Road, Eglish, Dungannon	Erection of Shop & Service Station (floor area 322m <sup>2</sup> ) B.C. fee - £3,985	£708,868
MDK Construction Ltd	Roxborough Manor, Moy	Erection of 6no. Dwellings (average floor area 110m <sup>2</sup> ) B.C. fee - £1,495	£373,560
Moneymore Primary School	2a Northland Drive Moneymore	Extension to school (floor area 127m <sup>2</sup> ) B.C. fee - £2,290	£370,000
T McKeown	161a Ballymaguire Road, Stewartstown	Extension & alterations to factory (floor area 810m <sup>2</sup> ) B.C. fee - £2,225	£356,197
Eurosprings (Ireland) Ltd	127 Ballynakilly Road, Coalisland	Erection of store (floor area 637m <sup>2</sup> ) B.C. fee - £2,065	£324,870



<b>Report on</b>	Fire Safety in Housing Executive Tower Blocks
<b>Reporting Officer</b>	William Wilkinson
<b>Contact Officer</b>	William Wilkinson

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

<b>1.0</b>	<b>Purpose of Report</b>
<b>1.1</b>	To advise Members on the findings of a report on Fire Safety in Housing Executive Tower Blocks (See Appendix 1).
<b>2.0</b>	<b>Background</b>
<b>2.1</b>	<p>Firstly, it should be noted that there are currently no buildings of this nature identified in the Mid-Ulster area which required investigation.</p> <p>Following the recent tragedy at Grenfell Towers, London which resulted in the deaths of 71 occupants, an "Independent Reference Group" was set up to identify issues regarding "Fire Safety in Housing Executive Tower Blocks".</p> <p>The membership of the group was drawn from various relevant organisations and bodies across Northern Ireland including NIHE, NIFRS, Building Control NI, Department of Finance – Building Standards Branch, Department for Communities as well as other relevant organisations.</p>
<b>3.0</b>	<b>Main Report</b>
<b>3.1</b>	<p>The primary focus of the group was on the cladding systems currently in place on NIHE tower blocks, combustibility of materials, structural design, installation and associated works relating to fire safety within the buildings.</p> <p>In addition, issues relating to effective fire prevention and fire safety measures in high rise residential buildings were to be considered.</p> <p>There were four main objectives of the Independent Reference Group as follows:</p> <ol style="list-style-type: none"> <li>1. The make-up of the cladding systems, along with the robust and stringent testing of those systems</li> </ol> <p><u>Findings:</u> No NIHE tower blocks were found to have used Aluminium Composite Material rain screening cladding similar to that used in the Grenfell Tower.</p> <p>The Claddings Systems in place in the NIHE tower blocks were tested and found to be broadly compliant with the current legislative requirements.</p> <ol style="list-style-type: none"> <li>2. Provide assurance that systems installed in tower blocks were in accordance with Building Regulations and best practice within the industry.</li> </ol>

	<p><u>Findings:</u> Following assessment of the cladding systems in place on the tower blocks, site specific issues were identified which required further action to be taken and as detailed in the attached report, these actions are nearing completion.</p> <p>3. Identify learning outcomes from Grenfell and identify appropriate actions required to NIHE tower blocks where appropriate.</p> <p><u>Findings:</u> A number of issues have been highlighted in relation to the testing of the cladding/rain screening systems as well as provision of fire protection measures which would provide additional protection to the residents.</p> <p>4. Discuss potential consequences which may arise from the findings of Grenfell in terms of legislative changes etc.</p> <p><u>Findings:</u> Initial findings would indicate that the current regulatory system for ensuring that fire safety in high rise and complex buildings will require additional amendments to further enhance fire safety within those buildings.</p> <p>In general, the initial work which has been carried out to date by the “Independent Reference Group” would indicate improvements are required to the regulatory requirements for buildings of this nature as well as additional fire safety measures leading to enhanced protection of its occupants.</p>
<b>4.0</b>	<b>Other Considerations</b>
<b>4.1</b>	<p><b><u>Financial &amp; Human Resources Implications</u></b></p> <p>Financial: None Human: None</p>
<b>4.2</b>	<p><b><u>Equality and Good Relations Implications</u></b></p> <p>None</p>
<b>4.3</b>	<p><b><u>Risk Management Implications</u></b></p> <p>No addition issues identified</p>
<b>5.0</b>	<b>Recommendation(s)</b>
5.1	It is recommended that Members note the content of this report.
<b>6.0</b>	<b>Documents Attached &amp; References</b>
6.1	Appendix 1 – Report on Fire Safety in Housing Executive Tower Blocks



**Independent  
Reference  
Group**

INTO FIRE SAFETY IN  
HOUSING EXECUTIVE  
TOWER BLOCKS

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# Fire Safety in Housing Executive Tower Blocks

Chair: Professor Alastair Adair

## Findings Report

JANUARY 2018

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# FOREWORD JANUARY 2018

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Dear Interim Chair

Thank you for the invitation to chair the Independent Reference Group into Fire Safety in Housing Executive tower blocks. The report is published at an important time when fire safety in high rise residential buildings, in particular those that are fitted with external cladding, is a primary consideration for the Housing Executive and the Department for Communities and also at a national level following the horrific Grenfell Tower fire. As you indicated in your letter of invitation that launched the Independent Reference Group, the aim of the investigation is to reassure residents of Housing Executive high rise residential buildings and other parties that the cladding systems are safe and existing fire safety provisions are effective, and to bring forward any associated fire safety recommendations that emerge. It is in that context that the report and its recommendations are submitted.

The primary focus is on the cladding systems on the four tower blocks, combustibility of materials, structural design, installation and associated works and these aspects are especially pertinent following the tragedy of the Grenfell fire. Nevertheless, two other aspects are important for adequate fire safety provision.

Effective fire prevention and fire safety measures in high rise residential buildings also must consider a wider range of factors relating to the integrity of the building in particular that compartmentation is not compromised and that fire detection measures are fully operative. In order to ensure that these measures are effective Fire Risk Assessments were extended to all 33 Housing Executive tower blocks.

It is also important to consider behavioural aspects of how high rise residential buildings are used by building owners and residents and their fire safety responsibilities are fully understood for example, not propping open fire doors or blocking access routes, and that residents' concerns regarding breaches of fire safety measures and the management of fire safety are listened to and acted upon.

It is clear from our work that the Housing Executive, Department for Communities and the contributing statutory agencies attach the utmost priority to adequate fire safety provision. The proactive manner in which the Housing Executive carried out full scale fire tests on the cladding and undertook comprehensive Fire Risk Assessments reviews is a very welcome outcome. This investigation has demonstrated the benefits of an inter-agency collaborative approach to review the construction of the cladding and fire safety systems and to ultimately ensure they are fit for purpose.

Nevertheless, significant challenges lie ahead, and in an environment of ongoing reductions in public expenditure there cannot be any compromise or shortcuts taken in fire safety provision in high rise residential buildings.

The scale of the Grenfell fire tragedy and the colossal impact on so many lives and families has shaken public confidence in the commitment of high rise residential building owners and statutory agencies to provide adequate fire safety provision.

The interim report of Dame Judith Hackitt's ongoing Independent Review of Building Regulations and Fire Safety is scathing in their finding that the current regulatory system for ensuring fire safety in high-rise buildings is not fit for purpose leaving room for those who want to take shortcuts to do so. While compliance with the regulations confirms that the buildings are safe this is predicated on the regulations being applied correctly and the integrity of the buildings is not compromised.

The onus will likely be placed on all participants in the regulatory system to demonstrate beyond doubt that they meet current or any future legislative requirements on fire safety provision. It is only by doing so that public confidence can be restored.

As demonstrated in this report of the Independent Reference Group (IRG) such challenges identified in detailed inspections and comprehensive Fire Risk Assessments of the tower blocks are often found to be the necessary catalysts for confirming and enhancing fire safety provision.

In the IRG report, recommendations are made with regard to both policy development and operational aspects. These recommendations should not be seen as a criticism of existing policy and practice which we believe is implemented by officials in the Housing Executive and the statutory agencies with the safety of residents as a primary concern.

In relation to policy, foremost among these is that the Housing Executive and the Department for Communities consider the outcomes of the Independent Review of Building Regulations and Fire Safety in England.

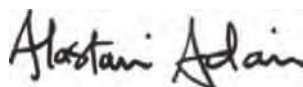
An examination of policy in relation to the role of the sprinkler systems within Housing Executive high-rise accommodation is recommended as the installation of sprinklers as a fire suppression measure may give greater confidence to residents.

In terms of operational aspects, the work identified in the Fire Risk Assessment Action Plan should be carried through to completion as a priority. We also recommend that communications with residents in tower blocks, be enhanced to ensure that fire safety procedures are clearly understood and identification of those residents in each block potentially requiring assistance.

I am grateful to the members of the Independent Reference Group who have each brought their own areas of expertise to the discussions and analysis that have been invaluable in the production of the report. Further details on the Independent Reference Group are outlined in Appendix 1. As might be expected, discussions have been detailed, wide-ranging and at times robust, and I am pleased that we have produced a unanimous report. I am also grateful to members of the Housing Executive Secretariat team Kim Smyth, Stefanie Winter and Jean Frazer (Ulster University). I am indebted to all of the group members who contributed to this report.

I trust that the report and its recommendations will make an effective contribution to ensuring the continuing safety of residents in Housing Executive high rise residential buildings.

Yours



Professor Alastair Adair  
Deputy Vice-Chancellor  
Ulster University  
Chair of the Independent Reference Group

# EXECUTIVE SUMMARY

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The **Rationale** for the establishment of the Independent Reference Group on Fire Safety in Housing Executive tower blocks was in response to the tragedy of the horrific Grenfell fire on 14 June 2017.

The fire occurred at the 24-storey Grenfell tower block of public housing flats in North Kensington, Royal Borough of Kensington and Chelsea, West London. As of 16 November 2017, 71 victims had been identified by the Metropolitan Police and Coroner. Occupants of 23 of the 129 flats died and around 255 people survived yet the colossal scale of the tragedy has impacted many lives.

Police and fire services believe the fire started accidentally in a fridge-freezer on the fourth floor. The rapid growth of the fire is thought to have been accelerated by the building's exterior cladding, comprising **Aluminium Composite Material rainscreen cladding with a combustible polyethylene core**. The use of these materials which did not meet the limited combustibility requirements of building regulations guidance has led to a national programme of extensive testing of the cladding on other high-rise buildings including the structural design and installation of the cladding. In addition, an independent review of building regulations and fire safety is in progress as well as a Public Inquiry.

Following the Grenfell fire the Interim Chair of the Housing Executive requested that an investigation be undertaken to explore and analyse precautionary measures in relation to fire safety in order to assure tower blocks residents of their safety.

The primary focus was on four tower blocks in which cladding systems were already installed (Cúchulainn House and Eithné House (Carlisle Multis) in North Belfast) or in the process of being installed (Carnet House (Dundonald) and Whincroft House (Braniel) in East Belfast). The initial aim of the review was to determine if there were any fire safety issues with regard to the cladding installations on the four tower blocks.

The cladding of such blocks is used to provide building protection, thermal insulation and weather resistance, and to improve the appearance of the buildings. The UK and Europe have set challenging goals in the areas of energy saving, carbon reduction and building resilience, and it is now clear that there is a need to understand better how cladding/façade systems behave in situ, during fires and how the combination of decoration and insulation materials, and joints within such systems influence the fire behaviour of the entire system (from material to system fire performance).

**It is important to note that none of the Housing Executive tower blocks have Aluminium Composite Material rainscreen cladding similar to that used in the Grenfell Tower.**

The Independent Reference Group review was further widened to encompass Fire Risk Assessments of all 33 Housing Executive tower blocks in order to identify any potential fire risks associated with these in light of the Grenfell tragedy. This review sought to ensure all the issues identified are documented and actioned as a priority in line with the Housing Executive's statutory and landlord obligations, to offer confidence and assurance to the residents living in the tower blocks and to demonstrate the ongoing commitment to residents' health and safety requirements.

The Housing Executive asked its contractors to put a temporary hold on the work they are carrying out to the Whincroft and Carnet tower blocks in order to examine anything further that needs addressing before completing the schemes.

There are four main **Objectives** of the Independent Reference Group as follows:

1. To explore in detail with colleagues in Building Control and Northern Ireland Fire and Rescue Service (NIFRS), the make-up of the cladding systems, along with the robust and stringent testing of these systems.
2. To undertake joint detailed site appraisal visits with Building Control and NIFRS to all four tower blocks, to provide assurance that the systems have been installed in accordance with Building Regulations and best practice.
3. To identify any early learning outcomes from Grenfell and identify any appropriate action required. This will include:
  - a. A desk top review of methods used to indicate compliance with external fire spread requirements in the UK;
  - b. Correspondence with BRE, to identify if the Housing Executive is required to undertake any further tests;
  - c. Liaise with colleagues in Department for Communities to gauge what actions are required from the Department for Communities and Local Government (DCLG) in England;
  - d. Identification of relevant literature and current thinking post Grenfell that might inform the work of the Independent Reference Group drawn from other sources i.e. BRE, BBA, RIBA, RICS, etc.;
  - e. The maintenance and condition of fire safety measures in tower blocks;
  - f. Role of communication with tenants and measures for safe evacuation of tenants in the event of a fire outbreak.
4. To discuss any potential consequences which may arise from the findings of Grenfell in terms of legislation changes or amended regulations which may apply retrospectively.

**Membership** of the Independent Reference Group was drawn from the principal departments and statutory agencies responsible for housing, fire safety and building control and are outlined within the Terms of Reference (Appendix 1). Observer status was granted to attendees who were not in a position to authorise the conclusions or recommendations of this report.

Declaration of potential conflicts of interest was a standing item on the agenda at the start of each meeting and was recorded in the minutes together with details of any action taken where appropriate. In the event there were no conflicts of interest declared.

In relation to **Timeframe and Working Method**, the objective was to progress the investigation in a systematic manner and as quickly as possible in order to assure the Housing Executive tenants and other residents that the cladding systems and fire precaution measures are robust and that the Independent Reference Group should incorporate any associated fire safety recommendations that emerge.

In terms of its working method, the investigation undertaken by the Independent Reference Group was objective, analytical, in-depth and wide ranging including:

- review of cladding materials;
- installation and additional works;
- compliance with Building Regulations, (in terms of external fire spread, internal fire spread in both the insulation and cavity where applicable);
- noting the stated observation in regard to the mechanical performance of the Vinylit System. (para 1.7)
- review of fire safety inspections for each of the 33 tower blocks (fire detection and suppression measures, operation of fire doors, compartmentation relative to vertical stairwell/shafts);
- identification of best fire safety practice following the Grenfell fire; and
- review of communications with tower blocks residents on fire safety procedures including the role of each tower block concierge in promoting good fire safety practice;

The role of the Chair was to ensure that all evidence presented was benchmarked against best practice and met all statutory and regulatory requirements.

The original working method envisaged the Independent Reference Group meeting no more than on two occasions with the bulk of the work being undertaken by Housing Executive officers and group members between the meetings.

The Independent Reference Group met on six occasions between August and November 2017 and once in January 2018. This was done in order to evaluate the evidence collected in support of each of the stated

objectives on the previous page and to interrogate this evidence in an objective, analytical and rigorous manner holding each member to account for the evidence brought forward, its source, validation and verification.

The principal findings were presented to the Board of the Northern Ireland Housing Executive at its meeting on 29 November 2017.

The **Principal Findings** of the investigation are:

In relation to **Objective 1**, the cladding systems used in Cúchulainn House, Eithné House and Whincroft House (Vinylit cladding and Rockwool insulation, para 1.1 and Carnet House (StoTherm Vario External Wall insulation, para 1.4) were tested by BRE Global Ltd. (2013 and 2009 respectively). The Housing Executive ensured that both systems had been subject to the **full scale fire test approach**, testing the “composite (entire) system” to demonstrate compliance with Building Regulation 36 (Appendix 2).

The two systems were subject to full scale fire tests to BS 8414-1 ‘Fire performance of external cladding systems - test methods for non-loadbearing external cladding systems applied to the face of the building’ and each was given a classification of fire performance in accordance with BR 135 fire performance of external thermal insulation for walls of multi-storey buildings (para 1.6).

The fire tests of the system used on Cúchulainn House, Eithné House and Whincroft House were sponsored by the refurbishment contractor Piperhill specifically for use on these buildings.

The Housing Executive in pursuit of a full-scale testing of the composite system has chosen this alternative way of complying with the current recommendation contained in Technical Booklet E to demonstrate (para 1.8) that the cladding systems comply with the Building Regulations.

However, the Independent Reference Group recognises that post Grenfell the adequacy and fitness for purpose of the building and fire safety regulations is under review (para 1.10-1.12).

To complete **Objective 2** comprehensive detailed site appraisal visits and fire safety assessments of the four refurbished Housing Executive tower blocks were undertaken by staff from the Housing Executive, Building Control and NIFRS in June with further visits in July 2017 (para 2.2, 2.7).

The assessments were extended to all 33 Housing Executive tower blocks and included all landlord common parts including lift plant rooms, roof access, lift lobbies and all landlord and resident store areas for each block. A review as to the suitability and sufficiency of existing fire measures together with current maintenance regime in respect of fire doors, compartmentation, signage, emergency lighting, fire alarm systems was conducted as well as how fire safety is managed within each individual building (para 2.3).

The findings of these visits resulted in reports of remedial action required by Building Control and NIFRS (Appendices 3 and 4). This has led to the development by the Housing Executive of a Tower Blocks Fire Safety Matrix (para 2.18) outlining areas where further attention is required and also best practice which, in a number of blocks, exceeds minimum requirements in terms of fire safety. The latter is being addressed through a Fire Risk Assessment Action Plan (Table 1 - para 2.22) with each significant finding given a priority classification for immediate remedial action.

In relation to **Objective 3**, a desk top review was undertaken of methods used to indicate compliance with fire safety requirements for external fire spread in tower blocks throughout the UK. Particular focus is on the requirements and guidance to prevent fire spread over the external walls of a building (para 3.2).

The study found that the regulations (requirements) relating to the prevention of external fire spread over the façade of a building are almost identical across the UK with some minor variation in wording (para 3.5). In terms of guidance issued under regulations there are two main approaches (Full Scale Fire Test Approach and Elemental Approach) to ensuring adequate resistance to fire spread over the external walls of a building (para 3.6-3.8) is provided. Both approaches may provide a means of demonstrating compliance with the Building Regulations across all parts of the UK (para 3.9).

The full range of literature included in the desk top review is outlined in (para 3.10).

**Communication with residents** and listening to their concerns is a key aspect of best fire safety practice with particular reference to ensuring there are measures for safe evacuation in the event of a fire outbreak.

Following the Grenfell Tower tragedy, the Housing Executive immediately sought to reassure residents



of high rise accommodation through a number of communications channels. These included:

- delivering a fire safety procedures leaflet to all residents on the days following the fire;
- issuing statements to the press;
- undertaking media appearances; and
- attending public meetings with residents.

Following individual inspections of each tower block the Housing Executive has developed a Fire Safety Matrix that sets out the contributions made to each block and the current issues pertaining given the Fire Risk Assessment reviews. There will be a number of documents published by the Housing Executive which form the basis of communications regarding fire safety in high rise blocks.

In terms of **Objective 4**, the Independent Reference Group recommends that any learning outcomes from interim and final reports of the Grenfell Public Inquiry and the Independent Review of Building Regulations and Fire Safety are considered and implemented as appropriate by the Housing Executive and the statutory authorities. In this regard, the Housing Executive will continue to work in collaboration with the local statutory authorities on any emerging issues that may arise to improve fire safety.

The interim report of Dame Judith Hackitt's ongoing Independent Review of Building Regulations and Fire Safety is scathing in their finding that the current regulatory system for ensuring fire safety in high-rise buildings is not fit for purpose leaving room for those who want to take shortcuts to do so. Individual cladding elements are being used as part of compound systems that are not being fully tested as complete systems. The widespread use of desktop studies to assess equivalence of products and systems is not properly controlled.

The findings emphasise an important qualification that they should not be interpreted as meaning that high rise buildings are unsafe as there are many contractors and building owners who accept their responsibilities and do the right thing. Changes to the regulatory regime on their own will not be sufficient unless there is a culture change away from one of doing the minimum required for compliance.

The review also covers behavioural aspects capturing and addressing residents' concerns, for example, propping open of fire doors or obstructions in access ways very quickly becomes a fire risk and requires proactive management by the building owner.

The Independent Reference Group reached the following **Conclusions**:

The investigation of fire safety interventions, procedures and risk assessments across all 33 Housing Executive tower blocks has been undertaken to ensure residents are safe and remedial measures set in place to offer confidence, assurance and an ongoing commitment to their health and safety.

The cladding systems installed on the four Housing Executive tower blocks meet current Building Regulation standards but due to the compromised smoke ventilation/extraction it will not be fully compliant until all remediation measures have been completed. Both cladding systems had been subject to a **full scale fire test approach**, testing the composite (entire) system.

**While compliance with the regulations confirms that the buildings are safe this is predicated on the regulations being applied correctly and the integrity of the buildings is not compromised.**

The fire safety inspections and comprehensive fire risk assessments of all 33 Housing Executive tower blocks has identified areas where further attention is required through a Fire Risk Assessment Action Plan with each significant finding given a priority classification for immediate remedial action.

Following individual inspections of each tower block the Housing Executive has developed a Fire Safety Matrix that sets out the contributions made to each block and areas for further work arising from the risk assessment reviews. There will be a number of documents published by the Housing Executive which form the basis of communications to residents regarding fire safety in high rise blocks.

The Fire Risk Assessment Action Plans are based on **effective compartmentation** as a first principle measure of fire protection. The Independent Reference Group considers the **installation of sprinklers** as a fire suppression measure may give greater confidence to residents.

Any learning outcomes from the interim and final reports of the Grenfell Public Inquiry and the Independent Review of Building Regulations and Fire Safety should be considered and implemented as appropriate by the Housing Executive and the statutory authorities. Potential legislative changes arising from the final report of Dame Judith Hackitt's Independent Review of Building Regulations and Fire Safety to be published in spring 2018 is particularly important.

The Independent Reference Group makes the following

**Recommendations:**

- the work identified in the Fire Risk Assessment Action Plan is carried through to completion as a priority;
- the cladding systems utilised on the four Housing Executive tower blocks are assessed against any new regulatory standards;
- the Housing Executive consider installing sprinkler systems within its high-rise accommodation;
- the Housing Executive enhances the resources within the existing compliance team to ensure a robust inspection, testing and maintenance regime is in place;
- the use of non-combustible facades is considered for any future cladding systems;
- that future learning outcomes or recommendations from the Grenfell Public Inquiry and the Independent Review of Building Regulations and Fire Safety are considered and implemented where necessary by the Housing Executive as soon as practically possible;
- all residents are updated through a further Housing Executive communication that sets out key findings for each block and what actions are being undertaken by way of mitigation.

**Addendum:** The fire at Coolmoyne House on 15 November 2017 occurred after the November meeting of the Independent Reference Group and is outside of the scope of this report. The Independent Reference Group recommends:

- any learning outcomes from the Coolmoyne fire are implemented by the Housing Executive as soon as practically possible;
- the 'Stay Put' strategy relating to this tower block is recognised to have operated successfully, remains good practice and should continue to be implemented pending any further update to British Standard guidance;
- communications with residents in tower blocks be enhanced to ensure fire safety procedures are clearly understood and identification of those residents in each block potentially requiring assistance.

**Finally,** the Independent Reference Group commends the Housing Executive and representatives of the contributing statutory agencies on the proactive manner in which it carried out the robust and stringent checks on the cladding and related systems to provide assurance on fire safety. These checks were undertaken without having a statutory obligation to do so and highlighted the benefits of an inter-agency collaborative approach to review the construction of the cladding and fire safety systems and to ultimately ensure they are fit for purpose.

# INTRODUCTION

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Following the tragic event at Grenfell Tower, I decided to establish an 'Independent Reference Group on Fire Safety in Housing Executive Tower Blocks'. I invited Professor Alastair Adair, Deputy Vice-Chancellor of Ulster University, to Chair the group and also invited representatives of all interested organisations to join the group.

The Independent Reference Group was empowered to call upon Housing Executive staff and contractors to provide relevant information and expertise, and some staff and Board Members have attended its meetings as observers. Over the past six months the group has been able to assemble a comprehensive and authoritative body of knowledge on the safety of the Housing Executive's tower blocks. This material draws upon the initial findings of the investigations into the causes and consequences of the Grenfell fire, including a wide range of other sources. It also reflects the current condition of our tower blocks, both those with cladding and those without.

We owe a considerable debt of gratitude to Professor Adair and other members of the Independent Reference Group who have devoted considerable time and energy into producing this report.

I also wish to thank the residents of our tower blocks, our staff and all our contractors for their

efforts and willingness to share their knowledge and understanding of the circumstances pertaining to our properties.

As ever, the safety and welfare of our tower block residents are paramount and this report, the first of what I suspect will be a series of documents, offers lessons on the safety of tower blocks. Even though there is more to learn, I am keen to ensure that the findings of the Independent Reference Group are the subject of early implementation.

Any comments that you might have on this report are most welcome. It is essential that we work together in order to ensure that we anticipate and take early action to avoid any repetition of the circumstances that led to the Grenfell fire.



Professor Peter Roberts  
Interim Chair  
Northern Ireland Housing Executive



# STATEMENTS

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The scale of the loss of life in the Grenfell Tower disaster was horrific and we continue to see the impact on the families and communities that have been affected. Understandably, in the light of these events, the safety of those living in high rise buildings within our local social housing sector has come under intense scrutiny.

I have been hugely impressed by the response in terms of close working and cooperation across the public sector in Northern Ireland that has been evident since the tragedy. This has ensured that prompt action has been taken where necessary to provide reassurance and safeguard the health and safety of the people who live in high rise social accommodation.

We also must recognise that this tragedy and the concerns that have been raised in its aftermath have shaken people's confidence in government and public services. All of us in positions of responsibility in the public sector must respond to this by being willing to examine critically what we do to ensure the safety of the public and to do this in an open and transparent way. That is why I welcome the proactive approach of the Northern Ireland Housing Executive in creating the Independent Reference Group. In my view, the group has been critically important in providing an invaluable and impartial view on the fire safety of our high rise social housing.

By setting up the group, the Housing Executive has demonstrated its ongoing commitment to safeguarding its tenants' health and safety and is ensuring there is prompt and transparent implementation of any findings.

I would like to take this opportunity to thank all those who have given their time, knowledge and expertise to the Independent Reference Group. In particular I would offer my thanks to Professor Alastair Adair of Ulster University, who in his role as Chair, has played a crucial role in ensuring the group has been successful in meeting its objectives.

Leo O'Reilly  
Permanent Secretary  
Department for Communities (DfC)

I wish to take this opportunity to thank the Housing Executive for the invitation to sit on the Independent Reference Group to review fire safety arrangements in relation to the tower blocks following the Grenfell tragedy on 14 June 2017. It was clear from the outset that the safety of residents was the primary focus which was demonstrated throughout by openness and transparency in all matters. The site visits were of considerable benefit to see first-hand arrangements in each of the four tower blocks fitted with cladding.

As would be expected in any review of fire safety matters, shortfalls were identified. NIFRS focus was to provide advice and encourage the Housing Executive to prioritise remedial actions starting at items that in the first instance would keep people safe in their individual flats, and then work away from the flats to the other parts of the tower blocks. Prior to the Grenfell tragedy, the replacement of all front doors in properties to fully rated FD30S fire doors, was a considerable upgrade to enhance the fire safety of residents and demonstrates significant commitment in this regard.

In domestic tower blocks, NIFRS can legislatively enforce measures for the protection of firefighters. NIFRS took a rigorous approach to inspecting each of the 33 tower blocks and serving notices where remedial actions were required. Each of these are followed up by NIFRS until all items are remedied.

For each tower block, the Housing Executive has developed an action plan to document work required and NIFRS would continue to encourage the Housing Executive to maintain focus on prioritising actions based on what will keep individuals safe in their flats, before working on items required elsewhere in each building. This work will take time to complete and NIFRS remains available to advise and support should this be required as resolutions are developed and matters are progressed.

Geoff Somerville  
Group Commander  
Northern Ireland Fire & Rescue Service (NIFRS)

# STATEMENTS CONTINUED

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Since the tragic events at Grenfell Tower, where many residents lost their lives, Belfast Building Control Service and Building Control NI (BCNI) have been working closely with colleagues in the Housing Executive to assist in providing advice and guidance in relation to building regulations compliance.

Specifically, we have been liaising with the Housing Executive in relation to issues around external fire spread and have reviewed cladding systems employed on four recently refurbished tower blocks in Belfast. In addition, we have also provided advice on staircase and lobby smoke ventilation in these four high rise blocks.

Representation from Belfast Building Control Service and BCNI was included on the Independent Reference Group to further provide advice and guidance relative to various aspects of fire safety under building regulations. Part of this work involved a review of the building regulations requirements and guidance across the UK in relation to external fire spread over the surface of a building to better inform the Housing Executive regarding the suitability of cladding systems used in Belfast.

Alan Mayrs  
Assistant Building Control Manager  
Belfast City Council

# BACKGROUND

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The Housing Executive's cladding programme for its tower blocks originated in a condition report for the Carlisle Multi-Storey Flat Blocks that noted concrete spalling in a number of the blocks.

Following appraisal, it was decided that a cladding system represented the best solution to protecting the structural works that needed to be carried out and, in addition, would address the blocks' poor thermal performance; Cúchulainn House was selected as the first block to be addressed.

However, given the end of the Housing Executive's capital improvement programme in 2008/09 the review of its Maintenance Investment Strategy in 2011 decided that further cladding schemes would only proceed if funding could be made available.

In 2014 Savills inspected all of the Housing Executive's tower blocks as part of the stock condition survey being carried out for the DfC/Housing Executive Joint Asset Commission and recommended that in line with practice elsewhere in the UK the Housing Executive should install cladding on its tower blocks for reasons of structural protection, thermal improvements and enhanced aesthetics.

The introduction of the Interim Investment Priorities (IIP) capital improvement programme in 2015 provided an opportunity to install cladding on a further three blocks, and Eithné House, Carnet House and Whincroft House were selected.

The continuation of the cladding programme for the Housing Executive's tower blocks will be considered as part of the further development of the Housing Executive's Tower Block Strategy and Action Plan.

# OBJECTIVE 1

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## TO EXPLORE IN DETAIL WITH COLLEAGUES IN BUILDING CONTROL (BC) AND NIFRS, THE MAKE-UP OF THE CLADDING SYSTEMS, ALONG WITH THE ROBUST AND STRINGENT TESTING OF THESE SYSTEMS.

### 1.0 Overcladding and Make-up of Cladding Systems

#### Cúchulainn House, Eithné House and Whincroft House

- 1.1 A Vinylit VinyTherm rainscreen system which has non-combustible Rockwool as the insulation material has been used to clad the three multi-storey blocks at Cúchulainn House, Eithné House and Whincroft House. The vertical rockwool cavity barriers and horizontal galvanized steel cavity barriers, along with the air cavity and the cladding rails and Vinylit cladding panels can be seen in the photograph overleaf.
- 1.2 This system was tested by BRE Global to BS 8414 Part 1 on 8 August 2013 and was classified in accordance with BR 135:2013:
  - BS 8414-1:2002 - See Appendix 2;
  - Classification of fire performance in accordance with BR 135:2013 Annex A - See Appendix 2;The system described above and the classification report met the performance criteria set out in Annex A of BR 135:2013 for internal and external fire spread within the cladding system. A further weather tightness test of overcladding and window assembly was also carried out.
- 1.3 The Vinylit cladding panel has a fire classification B-s3, d2 which is a European Standard and under the elemental approach would have complied with the requirements of Table 5.1 of Part E of the Building Regulations (NI): see Appendix 2 - Vinylit Classification Report. The insulation used in Cúchulainn House and Eithné House is 50mm "Rockwool RW3" insulation. The insulation used in Whincroft House is Duoslab 100mm Rockwool

insulation which provides an improved thermal standard.

#### Carnet House

- 1.4 The cladding system used at Carnet House is a StoTherm Vario External Wall Insulation (EWI) System made up of 120mm Expanded Polystyrene Grade EPS70E Grey Bead finished with an average of 9mm of reinforced plaster render. All products supplied contain the fire retardant additive and are therefore classified as FRA grade material. Again, the vertical and horizontal fire stops use Rockwool as can be seen in the photographs overleaf.
  - International Fire Consultants Field of Application Report PAR/10811/01 Revision A - See Appendix 2;

#### Cladding System - Fire Testing Regime and Performance Criteria

- 1.5 Before any cladding installation the Housing Executive, together with the Contractor (Piperhill Construction), ensured that both systems employed had been subject to a fire testing regime through BRE Global. Each system has been tested to BS 8414 Part 1 with the Sto-Vario system having been previously tested by BRE (7 April 2009) on behalf of the system supplier with the Vinylit system tested by BRE specifically for use on the Housing Executive schemes on behalf of the contractor Piperhill (8 August 2013). Each system has been given a classification of fire performance in accordance with BR 135.
- 1.6 For each system, a representative test specimen was constructed at BRE Global that represented **the composite (entire) system and with all the necessary firebreaks**. BR 135 contains three performance criteria and a classification method to evaluate the cladding system against testing to BS 8414-1. This performance criteria includes internal fire spread, external fire spread and mechanical performance. On page 16 is a summary of the test results from the respective reports with regard to each system for internal and external fire spread.



*Vynylit Rainscreen*



*Vynylit Rainscreen at Whincroft House*



*StoTherm Vario External Wall Insulation (EWI)*



*StoTherm Vario External Wall Insulation (EWI) at  
Carnet House*



TEST	PARAMETER	TEST RESULT	COMPLIANCE WITH BR 135
VINYLIT SYSTEM			
BS 8414-1	External Fire Spread	>15 mins	COMPLIANT
	Internal Fire Spread (Insulation)	>15 mins	COMPLIANT
	Internal Fire Spread (Cavity)	>15 mins	COMPLIANT
STO-VARIO SYSTEM (EWI)			
BS 8414-1	External Fire Spread	>15 mins	COMPLIANT
	Internal Fire Spread (Insulation)	>15 mins	COMPLIANT
	Internal Fire Spread (Cavity)	>15 mins	COMPLIANT

- 1.7 No failure criteria have been set for mechanical performance. However details of any system collapse, spalling, delamination or flaming debris should be included in any test report. The nature of the mechanical failure should be considered as part of the overall risk assessment when specifying the system. For the Vinylit System test, there was significant melting and delamination of the external Vinylit Panel resulting in flaming droplets. This stated observation did not impact on compliance with the relevant BR 135 parameters. The current Fire Risk Assessments reflect in detail both the fire testing regime and the system components. A further desktop review of Cúchulainn, Eithné and Whincroft Houses makes reference to the 'flaming droplets'. The FRA's advise that current mitigation is afforded by ensuring the immediate area at base of block is sterile. The projecting entrance lobby to Cúchulainn and Eithné has a non combustable surface.
- 1.8 From a regulatory perspective, the Building Regulations in Northern Ireland (specifically the supporting guidance document 'Technical Booklet E') requires an evaluation of individual components within the wall in buildings over 18m high and the application of minimum standards to the various materials employed regarding specific combustibility of insulation including cladding support materials and surface spread of flame classifications to external surfaces. **The full scale fire test approach to BS 8414 - 1 and BR 135 is not detailed in Technical Booklet E as an option as in other parts of the UK for compliance with Building Regulations;** however, it is noted that a cladding system based on this approach with its large scale fire test, provides an evaluation of potential performance more akin to a real fire scenario, rather than basing the assessment purely on individual product characteristics.
- 1.9 The Housing Executive, therefore, in pursuit of this **full scale fire test approach and testing the "composite (entire) system"** has used this alternative way of complying with the current recommendation contained in Technical Booklet E to demonstrate compliance with 'Building Regulation 36 - External Fire Spread' using BS 8414 -1 and BR 135.
- 1.10 The Independent Reference Group recognises that post Grenfell the adequacy and fitness for purpose of the building and fire safety regulations is under review in England as announced by the Department for Communities and Local Government and led by Dame Judith Hackitt. The Terms of Reference of this review can be found at: <https://www.gov.uk/government/news/independent-review-of-building-regulations-and-fire-safety-publication-of-terms-of-reference>
- 1.11 The Independent Reference Group recognises the importance of awaiting the outcome of the final report of the Independent Review of Building Regulations and Fire Safety in England undertaken by Dame Judith Hackitt.
- 1.12 Subject to the outcome of the review, a decision should be taken by the Housing Executive to assess the cladding systems on the four tower blocks against any new regulatory standards.

# OBJECTIVE 2

## TO UNDERTAKE JOINT DETAILED SITE APPRAISAL VISITS WITH BUILDING CONTROL AND NIFRS TO ALL FOUR TOWER BLOCKS AND TO PROVIDE ASSURANCE THAT THE SYSTEMS HAVE BEEN INSTALLED IN ACCORDANCE WITH BUILDING REGULATIONS AND BEST PRACTICE.

### 2.0 Fire Risk Assessments Finding and Actions

- 2.1 The narrative below makes reference to British Standards where applicable.
- 2.2 The Housing Executive’s Fire Safety and Health & Safety Teams carried out a comprehensive fire safety assessment to all 33 tower blocks between 14 and 16 June 2017. This was to identify any immediate fire safety issues requiring attention.
- 2.3 These assessments extended to all landlord common parts including lift plant rooms, roof access, lift lobbies and all landlord and resident store areas for each block. A review as to the suitability and sufficiency of existing fire measures together with current maintenance regime in respect of fire doors, compartmentation, signage, emergency lighting, fire alarm systems was conducted as well as how fire safety is managed within the blocks.

### Cladding system detail and installation to recently refurbished four tower blocks

- 2.4 Of the 33 assessments, four of these related to the tower blocks in receipt of cladding (as table below). The type of cladding system adopted, the status of the installation and any additional works are noted in each case.
- 2.5 The Vinylit rain-screen cladding system application is made up of an outer PVCu cladding panel mechanically fixed to Vinylit battens which in turn are supported by metal brackets. The insulation used in Cúchulainn House and Eithné House is 50mm “Rockwool RW3” insulation. The insulation used in Whincroft House is Duoslab 100mm Rockwool insulation which provides an improved thermal standard.

A small “ventilation” air gap exists between the insulation and outer cladding panel. Horizontal and vertical cavity barriers are applied on each elevation and at every change of occupancy floor level including the landlord common parts.

These cavity barriers limit the development of any fire and smoke within the cavity and linked to the system.
- 2.6 Carnet House uses a StoTherm Vario EWI (External Wall Insulation) cladding system. This uses a high quality Expanded Polystyrene Block (EPS) complete with a fire retardant and an external plaster render three coat slab system. Horizontal and vertical firebreaks again are incorporated within this arrangement and at the same depth as the EPS block. These firebreaks similarly frame up both horizontally and vertically at every change of occupancy including the landlord common parts. In this system, there is no cavity provision.

TOWER BLOCKS	CLADDING SYSTEM	STATUS OF INSTALLATION	ADDITIONAL WORKS
Cúchulainn House (New Lodge)	Vinylit System	Complete	Pyramidal Roof
Eithné House (New Lodge)	Vinylit System	Complete	Pyramidal Roof
Whincroft House (Braniel)	Vinylit System	Complete	Pyramidal Roof
Carnet House (Dundonald)	StoTherm Vario EWI System External Wall Insulation	Complete	None



## **Fire Risk Assessments - Critical Assessment(s) of Four Cladding Blocks and Summary of Report Findings in relation to Joint Site Appraisal Visits**

- 2.7 An initial appraisal visit of these four blocks was conducted by the Housing Executive's Fire Safety Manager & Quality Improvement Manager on 4 July 2017. The intent was to pursue a number of issues established relative to the cladding installations from the earlier assessments. Of particular interest, were concerns for Cúchulainn House and Eithné House relating to ventilation and smoke extraction provision following the completion of the refurbishment work with specific reference to lift lobby and drying areas and the addition of a pyramidal roof. Whincroft House had a similar issue with the enclosed pyramidal roof. Carnet House, using the EWI system is viewed as being currently compliant in terms of cladding installation.
- 2.8 The above findings were noted in a Technical Report in early July 2017 as a means of further demonstrating that critical assessment had taken place and in the context of a Fire Risk Assessment. This report acknowledged that with the application of any cladding system to tower blocks, that a "material change" has taken place - in Fire Risk Assessment terms that is regarded as a significant finding. At this stage, a series of conversations commenced with both Building Control (Belfast) and NIFRS. They were both asked by the Housing Executive to comment on and review the preliminary findings in terms of compliance with Building Regulations and the likely impact on fire-fighting operations. This draft report was tabled at the Independent Reference Group Meeting on 23 August 2017.
- 2.9 On 27 July 2017, the Housing Executive Fire Safety Manager & Quality Improvement Manager in conjunction with representatives from NIFRS and Building Control (Belfast) carried out a further critical assessment of all four recently clad tower blocks in line with Objective 2 requirements. This visit was aimed at both determining and confirming any potential variations to the systems and relative to the fire test reports.

2.10 This collaborative visit involved the "opening up" as below of the completed cladding system in the Carlisle multi tower blocks in several key areas such as drying areas and around window pods to seek assurance on presence of vertical cavity barriers and also Rockwool insulation how the material abutted the window pod typically at all levels. When assessing Cúchulainn House, we took the opportunity to assess the internal layout of one flat.

This allowed the domestic detection provision to be assessed and checked for operation and also the internal vertical shaft within the bathroom to be accessed and assessed for breaches in compartmentation. In summary, the following findings were established:

- Vertical cavity barriers were present at drying areas;
- The method employed around windows in terms of insulation was considered appropriate by Building Control and NIFRS;
- There was an absence of Rockwool insulation backing to cladding system within drying areas;
- Inlet ventilation arrangements previously existing within drying and refuse chute area and lift lobbies (lobby vents) at each level had been removed - this led to a less than satisfactory situation for smoke ventilation/clearance facilities and an impact on fire-fighting operations;
- Domestic detection within the flat met minimum standards, but in this case not operational in one flat;
- A number of breaches of structure compartmentation within the vertical services riser shaft (internal to flat).



*Evidence of 'opening up' and presence of vertical firebreaks in regard to Cúchulainn and Whincroft House tower blocks*



2.11 The provision of the pyramidal roof to three of the four blocks (para 2.7 above) was noted as a further issue of concern as it impacted on the ventilation provision and in regard to internal shunt ducts, refuse chutes, soil and ventilating pipes and most importantly smoke ventilation provision at uppermost level of the stair used for firefighting purposes. All of these service provisions previously vented to external air. In summary, the following findings were established:

- All services previously terminating above the flat roof surface and to external air are now terminating within an enclosed roof void and reliant wholly on eaves ventilation;

- Smoke ventilation and clearance were similarly compromised and there was no suitable containment for fire spread (or chimney effect) within vertical shafts such as the refuse chutes and shunt ducts;
- The absence of any form of cavity closers at the top walling to cladding installation.

### **Review of Building Regulation Matters in relation to Cladding Works, including Joint Site Appraisal Visits**

2.12 In terms of the application of Building Regulations the applicable legislation is the Building Regulations (NI) 2012. These regulations cannot be applied to the existing building unless alterations are carried out as they do not apply retrospectively.

In relation to the four tower blocks that have had insulated cladding systems and new roofs installed the Building Regulations (NI) 2012 are applicable to the works and in this regard Building Regulations applications were submitted for the works as follows: detail pertaining to each application is attached at Appendix 3 -

#### **Carnet House**

Application reference FP/2017/0115

Insulated cladding system to exterior façade;

#### **Eithné House**

Application reference BN/2016/2674

Insulated cladding system to exterior façade and new pitched roof;

#### **Cúchulainn House**

Application reference BN/2015/2563

Insulated cladding system to exterior façade and new pitched roof;

#### **Whincroft House**

Application reference FP/2017/0116

Insulated cladding system to exterior façade and new pitched roof.

Following the desk top review and site inspections at all four tower blocks as part of this independent review there were a number of issues that were identified both administratively in terms of the application process and technical compliance issues.

These have been summarised as follows:

## SUMMARY OF FINDINGS

2.13 Below are the findings identified

- a. The Building Control service did not identify any contraventions of Building Regulations in relation to the works carried out to Carnet House.
- b. In relation to the Building Regulations applications submitted for Eithné House and Cúchulainn House these were submitted as building notice applications which is at variance with regulation 9 of Building Regulations (NI) 2012. The type of application submitted should have been a full plans type application.
- c. Contraventions of the Building Regulations were identified in relation to the works carried out to Eithné House, Cúchulainn House and Whincroft House. The most significant issue was in relation to the provision of a pitched roof over all three blocks which had enclosed various services including natural stairwell smoke vents provided for smoke clearance in a fire situation. Other services such as soil vent pipes and building ventilation outlets also discharged into the new roof void. In addition, the issue of fire separation in relation to the services discharging into the roof had not been considered (See Appendix 4).
- d. In relation to works at Eithné House and Cúchulainn House the cladding system which had been installed had compromised the ability for smoke clearance of stairwell lobbies and fireman's stair. This alteration could be considered as having caused a greater contravention of the regulations in this regard.
- e. The plans associated with the application for Whincroft House did not provide any details in relation to the services being enclosed by the new pitched roof. The information provided with the building notice applications at Eithné House and Cúchulainn House did not provide any details of the services enclosed by the new pitched roof.
- f. The inspections carried out at Eithné House by the Building Control Service in their enforcement role did not identify the issues identified as part of this review and a completion certificate was issued. The responsibility for compliance with Building Regulations rests with the Housing Executive and their nominated agents and contractors.
- g. The Building Control Service do not appear to have been provided with the necessary commencement and completion notifications in relation to the works at Cúchulainn House and as such the works were not inspected under Building Regulations at the time the works were carried out.

In response to these findings, Belfast Building Control Service issued written advice to the Housing Executive on 2 August 2017 outlining where they considered contraventions of the Building Regulations to have occurred as a result of the cladding works.

Building Control correspondence and the Housing Executive response is attached at Appendix 4.

Following the identification of these issues a number of meetings took place to agree the remedial work required to ensure compliance with the Building Regulations. These meetings are detailed in the Housing Executive action plans and agreed solutions were developed.

## **NIFRS Formal Response to Joint Site Appraisal Visit and Findings**

- 2.14 NIFRS similarly responded regarding the above contraventions findings on 1 August 2017. They made a series of recommendations based on the above, which are summarised as follows:
- A Fire Risk Assessment is prepared for each block and that the significant findings are summarised and noted in a “prioritised Action Plan”;
  - Ensure that the smoke alarm in each flat is working, and if not, then repair;
  - Ensure compartmentation between each flat, common area and floor is checked and is re-instated on a systematic risk based approach;
  - Reinstate the smoke control measures to the previous standards installed prior to the cladding installation for public safety and to facilitate fire-fighting operations. This applied to both fireman’s stair and each lift lobby.
- 2.15 In regard to the above, the Housing Executive issued a formal response to NIFRS and offered assurances that all of the above issues within the respective tower blocks are being addressed.
- 2.16 For findings listed in 2.13(d) and the recommendations in 2.14 above, with regard to the reinstatement of the smoke control measures, NIFRS has since confirmed that they have in the interim put suitable mitigations in place to minimise the risks identified. These mitigation measures have been recorded on their internal systems and will be conveyed to their crews in the event of a fire occurrence in any of these tower blocks. The remediation works will be completed six months after commencement (para 2.26).
- 2.17 NIFRS correspondence and the Housing Executive response is attached at Appendix 4.

## **Fire Risk Assessments & Prioritised Action Plans - Housing Executive Fire Safety Manager**

- 2.18 Fire Risk Assessments (FRAs) for all 33 tower blocks have now been reviewed and documented in full by the Housing Executive Fire Safety Manager. These reflect comprehensive and in-depth assessments of each tower block in line with the requirements of a BS PAS 79 Fire Risk Assessment template. From this exercise, a tower block Fire Safety “matrix” has been developed. The matrix highlights those tower blocks where attention needs to be focused in terms of fire safety remediation works in the short to medium term. The matrix also highlights the positive contributions that have been made to the tower blocks generally over the years and from a fire safety perspective - notably, the fire provisions in a number of tower blocks that exceed minimum requirements.
- 2.19 Each FRA, as required, has a detailed action plan with each significant finding given a “priority classification”. In particular, all of the above issues linked to the cladding tower blocks are listed as part of their respective action plan and given “high priority”. Each finding is also assigned to either a person or a team for action. Briefings of all those assignees have since taken place.
- 2.20 In line with NIFRS recommendations, each FRA Action Plan requires an internal survey of each flat (within each tower block) and to assess the current domestic detection, its operation and the compartmentation relative to the vertical shaft. Undertaking this survey extends the Fire Risk Assessment consideration of all landlord common parts to include the flats’ vertical services riser shaft also.
- 2.21 Validation of the Progressive FRA Action plan for all 33 tower blocks is being overseen by the Housing Executive Fire Safety Manager and their team. (Appendix 5).
- 2.22 Immediate Fire Risk Assessment Action Plan Issues (Table 1) is included overleaf.

**TABLE 1: IMMEDIATE FIRE RISK ASSESSMENT ACTION PLAN**

TOWER BLOCK ACTIONS	ACTION TAKEN TO DATE	STATUS OF ACTION	TIMELINE TO COMPLETION
Undertake a Fire Risk Assessment for each tower block with a prioritised Action Plan	Fire Risk Assessments undertaken between 14 - 16 June 2017 Fire Risk Assessments all fully documented and briefing to all Action Plan assignees	Complete Complete	- -
FRA Action Plans - Address Primary Issues: Internal Survey of Flats and Domestic Detection Upgrade Outstanding Fire Doors to be addressed Breaches in compartmentation M&E Facilities (fire provisions) Management of Fire Safety	Cúchulainn, Eithné, Whincroft & Carnet Houses Quantified in terms of all blocks; mop-up scheme to be actioned <ul style="list-style-type: none"> <li>Immediate issues to be addressed with Cúchulainnn, Eithné, Whincroft &amp; Carnet Houses</li> <li>Briefing Meeting held with Project Manager</li> <li>Briefing Meeting(s) held with Area Managers</li> <li>Update/Progress Meetings</li> </ul>	Ongoing  Ongoing Jobs raised to action Complete Complete Complete	August 2018  August 2018 Review - December 2017  Review undertaken - December 2017
NIFRS Remedial Actions - 24/07/17 for each tower block	Dry Riser issues addressed Identified Fire Door issues addressed Smoke Ventilation service/maintenance records	Complete Complete Complete	- - -
Reinstatement of Smoke Ventilation provisions and extension of services from within Roof Void to external air	Meetings held with NIFRS, Building Control (Belfast), Project Managers, Consultant and Contractor as of: 03/08/17 - Briefing on issues to all parties 16/08/17 - Technical solution meeting 24/08/17 - Technical solution meeting 13/09/17 - Technical solution site meeting 03/10/17 - Technical solution meeting 29/11/17 - Site meeting to agree credible solution	Ongoing	Completion of the works will be six months after commencement
Review of all Fire Risk Assessment in regard to Action Plans	Desktop Review & Site Assessments scheduled for December 2017 and thereafter as further technical guidance emerges	Complete	December 2017

### **Pursuit of Credible Technical Solutions for Cladding Blocks with Statutory Bodies and Remediation Works**

- 2.23 The Housing Executive Fire Safety & Quality Improvement Managers previously tasked with oversight of the technical solutions to remedy the smoke ventilation and services issues within the new roof voids of three recently clad tower blocks (Cúchulainn, Eithné, Whincroft) noted in para 2.11 above can confirm that a credible solution has been agreed with NIFRS, Building Control (Belfast), Housing Executive project managers, consultant and contractor. This did not affect the fourth block at Carnet House as the existing flat roof was retained and refurbished.
- 2.24 With all three tower blocks, there continues to be both proactive and positive engagement on the above mentioned issues with NIFRS, Building Control (Belfast), Housing Executive project managers, consultant and contractor.
- 2.25 At the most recent meeting on 29 November 2017 all of the above parties were represented and broad agreement on technical solutions and methodology for moving forward was received. The validation process within Building Control is urgently being pursued to overcome the earlier stated contraventions.
- 2.26 These remediation works will be completed six months after commencement.

### **Information Note - Department of Finance (NI) relative to Building Regulations and Cladding or Re-Cladding of Buildings**

- 2.27 As of September 2017, the Department of Finance issued an Information Note to flag common Building Regulations issues to consider when reviewing cladding work particularly on tall buildings (>18m in height).
- 2.28 The fire safety issues raised as part of this note have each been considered and discussed independently with Building Control (Belfast). In each case, the fire related issues are accounted for in terms of the Housing Executive's Fire Risk Assessments and particularly in regard to compliance with BR 135 and full scale test data from BS 8414-1.



# OBJECTIVE 3

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## TO IDENTIFY ANY LEARNING OUTCOMES FROM GRENFELL AND IDENTIFY ANY APPROPRIATE ACTION REQUIRED

The Independent Reference Group recommends that any learning outcomes from the interim and final reports of the Grenfell Public Inquiry and the Independent Review of Building Regulations and Fire Safety are considered and implemented as appropriate by the Housing Executive and the statutory authorities. In this regard, the Housing Executive will continue to work in collaboration with the local statutory authorities on any emerging issues that may arise to improve fire safety.

The first issue to be addressed under this objective was to carry out a desk top review of methods used to indicate compliance in the UK as below.

### ***Objective 3(a) - Review of requirements and guidance in UK in relation to external fire spread.***

#### **Introduction**

- 3.0 The following information has been produced to inform the Independent Reference Group regarding fire safety in Housing Executive tower blocks of the fire safety requirements in relation to the external wall construction of buildings contained in National Building Regulations throughout the UK.
- 3.1 Building Regulations currently contain requirements to limit fire spread over the walls and roof of a building and to prevent fire spread between buildings.
- 3.2 This section is specifically related to requirements and guidance to prevent fire spread over the external walls of a building. The issue is currently under much scrutiny following the Grenfell Tower fire and should not be confused with the requirements and guidance to prevent fire spread between buildings which are a separate requirement.

- 3.3 The requirements and guidance in Northern Ireland, England, Scotland and Wales are summarised in detail in Appendix 6.

#### **Requirements**

- 3.4 The requirements under Building Regulations across the UK are generally functional based standards that are backed up by the provision of technical guidance documentation. The functional requirements outline how a building should perform in respect to areas such as structural safety, fire safety and sound transfer, for example. Compliance with the detail in technical guidance should in the majority of situations, offer a suitable solution which will satisfy the functional requirements of the regulations.

When reviewing the Building Regulations, it is useful to consider both the regulations commonly referred to as the 'requirement' and the technical guidance documentation commonly referred to as the 'guidance'. The relevant requirements and guidance across the UK are outlined in Appendix 6.

#### **Summary**

- 3.5 The regulations (requirements) relating to the prevention of external fire spread over the façade of a building are almost identical across the UK with some minor variation in wording.
- 3.6 In terms of guidance issued under regulations there are two main approaches to ensuring adequate resistance to fire spread over the external walls of a building.
- 3.7 **Full scale fire test approach** - for cladding systems it is acceptable to test the whole system and measure against a performance criteria given in the BRE Report Fire Performance of External Thermal Insulation of Multi-storey Buildings (BR 135) using full scale test data from BS 8414-1:2002 or BS 8414-2:2005.
- 3.8 **Elemental approach** - to evaluate each individual component within the wall and apply minimum standards to all materials in terms of their combustibility. In addition to apply minimum fire classification standards to external surfaces

depending on building height, type and proximity to a boundary.

3.9 Both these approaches may provide a means of demonstrating compliance with the Building Regulations across all parts of the UK albeit the full scale fire test approach is not an option within Technical Booklet E in Northern Ireland. However Building Control Northern Ireland (BCNI) sought the views of the Department of Finance and the following provided (See Appendix 8 - Department of Finance Information Note 'Cladding or Re-cladding of Buildings' paragraph 1 - Alternatives to the guidance in Technical Booklet E).

3.10 Key literature examined under the following objectives:

***Objective 3 (b) - Correspondence with BRE, to identify if the Housing Executive is required to undertake any further tests (See Appendix 7).***

- Letter from Department for Communities and Local Government (Page 163);
- Letter from BRE Global (Page 164);
- Reply email from Piperhill Construction Ltd to BRE (Page 165).

***Objective 3 (c) - Liaise with colleagues in Department for Communities and Local Communities (DCLG) to gauge what actions are required (See Appendix 8).***

- DCLG - 18 June 2017 (Page 167);
- DCLG - 22 June 2017 (Page 171);
- The Executive Office - 3 July 2017 (Page 183);
- DCLG - 13 July 2017 (Page 203);
- Department of Finance - (Information Note) - 27 September 2017 (Page 207);
- DCLG - Advice Note 13/111217 (Page 214);
- DCLG - Advice Note 14/111217 (Page 222).

***Objective 3 (d) - Literature review from other sources i.e. BRE, BBA, RIBA, RICS etc. (See Appendix 9).***

- RIBA Statement on Design for Fire safety; and the submission by RIBA Expert Advisory Group on Fire Safety (Page 226).

- Aluminum composite cladding - understanding the role of BBA Certificates (Page 230);
- Report to the Secretary of State by the Chief Fire and Rescue Adviser on the emerging issues arising from the fatal fire at Lakanal House, Camberwell on 3 July 2009 and associated documents (Page 236);
- "Fire Risks from External Cladding Panels - A Perspective from the UK." (Page 268) and;
- Written submission received from Dr Tom Woolley (Page 286).

3.11 Post Grenfell a large number of issues have been raised in the literature relating to fire safety and the utilisation of cladding systems in tower blocks. A few of the more salient issues are highlighted.

3.12 The need for an urgent review of the Building Regulations in England and Wales relating to fire safety in residential blocks over 18m and in particular greater clarity in the interpretation of Part B. On 30 August 2017, the Westminster Government published the terms of reference for the Independent Review of Building Regulations and Fire Safety to be led by Dame Judith Hackitt, the interim report was published in December 2017 and is included in Appendix 11. The principal issues from the interim findings are considered in para 4.12 below.

3.13 It is interesting to note that following the Lakanal House Fire in 2009, in which six people were killed, the All-Party Parliamentary Fire Safety and Rescue Group petitioned for the reform of Part B of the Building Regulations relating to fire safety to include the role of sprinklers in fire suppression and a review of cladding standards. The Lakanal House Fire report queried the suitability and sufficiency of the five-step fire risk assessments in place at that time. It was noted that the review of that process led to the development of the BS PAS 79 Fire Risk Assessment which addressed the queries surrounding the suitability and sufficiency of a fire risk assessment. The 2013 Coroner's report on the Lakanal incident recommended that the Department encourage providers of housing in high rise residential buildings containing multiple domestic premises to consider the retro fitting of sprinkler systems and also called for a review and simplification of the guidance to the English and Welsh Fire Safety Regulations.

- 3.14 The Independent Reference Group discussed the fitting of sprinkler systems to the Housing Executive tower blocks. The installation of a sprinkler system is often seen as a compensatory measure in lieu of other requirements whereas the Fire Risk Assessment Action Plans look to ensure adequate compartmentation as a first principle measure, to mitigate risk.
- 3.15 There is currently no statutory requirement for the installation of sprinkler systems in high rise residential buildings however, it is possible that there could be a legislative directive which would require their installation. It was noted that Wales introduced a mandatory regulation on 1 January 2016 to require the provision of automatic fire suppression systems in some residential buildings including flats and dwelling houses whether new or through conversion.
- 3.16 The Independent Reference Group are aware that prior to the Grenfell Tower tragedy the Housing Executive had developed a strategy for its high-rise blocks. It was considered that an investment (approximately £3M - £4M) would be required to install sprinklers in Housing Executive tower blocks with the need to relocate tenants until works could be carried out. However, surface mounted sprinklers could be installed and there would be no need to relocate tenants.
- 3.17 The Independent Reference Group also discussed the public perception of the use of sprinklers and acknowledged that whilst they do improve fire safety, consideration needs to be given to what is necessary, practical and value for money. The Independent Reference Group considered that there is a need to consider all the evidence before a decision is made including the costs which could be attributed to leaseholders if a decision was taken to install sprinklers.

#### **An Enforcers View of the Statutory Requirements for Sprinklers in Tower Blocks Contained in Building Regulations - Building Control Northern Ireland (BCNI).**

- 3.18 The following statement has been provided by BCNI and its Fire Safety Panel to feed into the debate on the need to retrospectively fit sprinklers in Housing Executive tower blocks and focuses on Building Control's opinion on

the statutory obligations under current Building Regulations for installation in such premises. To obtain a balanced view it would be necessary to seek a range of views on this matter such as the Department of Finance - Building Standards Branch and NIFRS and to take other factors such as public perception, current research on effectiveness of sprinkler systems and cost benefit analysis etc. into consideration.

- 3.19 There is currently no statutory 'mandatory' requirement to install sprinklers in residential buildings of any height in Northern Ireland under the current Building Regulations.
- 3.20 It is important to understand that if a requirement was introduced in Northern Ireland to require sprinklers under Building Regulations that this requirement is likely to only apply to newly constructed buildings or when buildings undergo certain material changes of use unless provisions are also introduced that would make the requirement mandatory in existing buildings.
- 3.21 Whilst the mandatory installation of sprinklers in residential buildings either new or altered is a future possibility it is too early to establish how the regulations in Northern Ireland will change as a result of the Independent Review of Building Regulations and Fire Safety in England post Grenfell. Historically the requirements in Northern Ireland have followed closely those made in England and therefore any changes to the regulations in England are likely to strongly influence any changes made in Northern Ireland.
- 3.22 It is worth reviewing the position across the rest of the UK in relation to the requirements for the installation of sprinklers in residential flats and dwellings contained in Building Regulations.
- 3.23 The requirements across the rest of the UK can be summarised as follows:
- In Scotland, there is a mandatory standard requiring an automatic fire suppression system in a number of residential type buildings in order to inhibit fire growth. The Standard applies to residential care buildings, high rise domestic buildings with a floor over 18m in height, and a building which forms the whole or part of a sheltered housing complex.
  - In Wales, there is a specific regulation requiring provision of automatic fire



suppression systems in a number of residential type buildings including care homes, halls of residence, boarding houses, HMOs, dwelling houses and flats.

- In England, there is no mandatory requirement to install automatic fire suppression systems in residential buildings. However, there is a functional regulation requiring the installation of suitable automatic fire suppression 'where reasonably necessary to inhibit fire spread within a building'. The guidance to this regulation in Approved Document B Volume 2 (Buildings other than dwelling houses) indicates that a building containing flats with a floor more than 30m above ground level is not permitted without the provision of an automatic sprinkler system to supplement the minimum periods of fire resistance required. It must be noted that the installation is not mandatory and it may be possible to avoid installation provided a sufficient fire safety argument can be provided.
- In Northern Ireland, there is no mandatory requirement to install automatic fire suppression systems in new or altered residential buildings contained in the Building Regulations nor is there a functional regulation referring to their installation. In addition, there is no recommendation to fit as standard automatic fire suppression in flats within the benchmark standards contained in Technical Booklet E and BS 5588 Part 1.

3.24 It should also be noted that for new residential buildings in Northern Ireland in terms of the five functional fire safety related building regulations the benchmark standards are set in guidance in Technical Booklet E (TBE). However, for the regulation on Means of Escape states "The means of escape in a flat should be in accordance with the 'relevant recommendations' of BS 5588 Part 1" - 'Fire precautions in the design, construction and use of buildings - Code of practice for residential buildings. If the guidance in TBE is followed there is generally a presumption of compliance with the regulations unless a particular circumstance is not one of the more common building situations.

3.25 Whilst BS 5588 Part 1 does not recommend the installation of sprinklers it is important to advise

that this code of practice has been withdrawn by BSI and superseded by BS 9991 - 'Fire safety in the design, management and use of residential buildings'. The revised document recommends sprinklers for flats with a floor over 30m above ground level but this is not explicitly linked with the relevant recommendations for means of escape. It also recommends sprinklers as a compensatory feature in buildings below 30m in certain situations generally linked to means of escape. Whilst the impact of this change to the guidance stipulated in TBE on Building Regulations requirements in NI is still under review by Building Control it is important that we bring this change to the British Standard to the attention of the Housing Executive. It is also important to note that BS 9991 has no legal status on its own and cannot itself impose requirements unless cited as a requirement in legislation.

3.26 Even with the update, BS 5588 Part 1 which is still cited in TBE the situation remains that there is currently no 'mandatory' requirement in Northern Ireland for the installation of sprinklers in new or existing residential buildings under the Building Regulations. The functional nature of the fire safety requirements under the Building Regulations means there are always alternative options to explore even when the recommendation in BS 9991 is taken into consideration.

3.27 The literature following the Grenfell tragedy has raised questions regarding the following:

- The effectiveness of compartmentation in containing a fire in a flat and in preventing fire spread around and up the outside of the building. In addition, the role of firebreaks installed in cladding systems in preventing the spread of fire.
- The effectiveness of smoke extraction/pressurisation systems where there is only one stairwell in the tower blocks. Some fire safety professionals have become critical of a reliance on pressurization as the dominant form of smoke control in high rise buildings.
- Criticism of procurement processes that prioritise price over quality and the use of 'desktop' approaches to demonstrating fire safety compliance. Indeed, it is argued that

such value engineering is supporting 'a race to the bottom' and prioritising price over quality that wrecks lives.

3.28 The Independent Reference Group received a written submission (Appendix 9) from Dr Tom Woolley, independent consultant on sustainability, materials and health issues in buildings. Dr Woolley raised a number of points which were followed up in a meeting with him, in particular that synthetic insulation materials pose significant health risks to occupants of buildings as a result of hazardous emissions and smoke toxicity in the event of a fire.

3.29 The adequacy of the current Building Regulations is being considered as part of Dame Judith Hackitt's ongoing Independent Review of Building Regulations and Fire Safety. The interim findings were published in December 2017 and a number of key points are relevant to the current IRG review as outlined in paragraph 4.12.

***Objective 3 (e) - The maintenance and condition of fire safety measures in tower blocks***

3.30 The Housing Executive has an inspection and maintenance regime in place to ensure that any facilities, equipment and devices provided for fire protection are inspected and maintained in line with all relevant British Standards and best practice procedures.

3.31 The Housing Executive continually reviews these processes and procedures to ensure that they meet its statutory obligations as a landlord.

3.32 The Independent Reference Group was particularly interested in receiving evidence of the quality assurance, checking and signing-off that such processes and procedures.

3.33 In June and July 2017, maintenance inspections (para 2.2, 2.8) identified a number of failures to the fire safety equipment particularly around dry risers.

3.34 The Housing Executive immediately commissioned a specialist contractor to undertake these remedial works (Table 1, para 2.22).

3.35 NIFRS is the enforcing authority for fire safety duties as detailed by The Fire and Rescue Services (Northern Ireland) Order 2006 (See Appendix 4).

3.36 Regulation 24 of The Fire Safety Regulations (Northern Ireland) 2010 requires the maintenance of measures provided in the common areas of private dwellings for protection of firefighters. As part of their responsibilities NIFRS carried out an audit of the 33 tower blocks in the Housing Executive portfolio. NIFRS issued two enforcement notices for works to the dry riser installations at Carnet House and Clarawood House on 26 July 2017. As noted above, these works had already been commissioned and were completed on 28 July 2017. These associated works were inspected and signed off as compliant by NIFRS.

3.37 NIFRS issued action plans for the remaining 31 towers for some remedial works to be undertaken to dry risers, smoke extraction and adjustments to isolated fire doors in landlord lobby areas.

3.38 Works commissioned to carry out action plans for the remaining 31 blocks are now successfully complete. In light of the findings of ongoing reviews and the issues highlighted above the Housing Executive is proposing to establish a fully resourced technically competent compliance team to ensure a fully robust inspection, testing and maintenance regime is in place.

3.39 To supplement the inspections and checks carried out by both the specialist contractors and the Housing Executive compliance technical team the Housing Executive has put in place a visual inspection regime for its concierge/caretaker staff. These members of staff carry out daily and weekly visual inspections. All inspections are recorded on the Concierge check list contained in Appendix 10 and any faults or failures are reported to the Tower Block Manager for urgent action by the specialist contractor.

3.40 Examples of the checklist in use and items to be inspected together with the frequency of inspections to be carried out by the concierge/ caretakers are included at Appendix 10. Fire Safety Awareness training for all concierge/ caretaker staff is taking place between December 2017 - January 2018. Refresher training will be undertaken periodically at suitable intervals as required.

***Objective 3 (f) - Role of communication with tenants and measures for safe evacuation of residents in the event of a fire outbreak***

**Background**

3.41 Following the Grenfell Tower tragedy, the Housing Executive immediately sought to reassure residents of high rise accommodation in Northern Ireland, through a number of communication channels. These included delivering a leaflet to all residents on the days following the fire, issuing statements to the press, undertaking media appearances and attending public meetings.

3.42 The objectives of this approach are:

- To reassure residents that the Housing Executive is working to ensure maximum fire safety compliance within their tower blocks;
- To update fire safety advice for residents of high rise blocks;
- To update stakeholders on the Housing Executive's work following the Grenfell Fire.

3.43 The Housing Executive's communication team and officers from the Housing Services and Asset Management divisions have responded to queries from the media, local representatives and other stakeholders. The approach is to be open, thorough and prompt in the responses to all requests for information. Housing Executive staff have also have been proactive in all aspects of communication regarding fire safety.

3.44 Following inspections of each tower block the Housing Executive has developed a matrix that sets out the alterations made to each block and the current issues pertaining given the risk assessment reviews. The Housing Executive intends to provide a Fire Safety update leaflet to each resident relative to their tower block and local political representative, tenant groups and other stakeholders.

**Key Stakeholders**

- Residents of tower blocks
- Housing Executive tenants
- Local political representatives
- NIFRS
- Local Councils
- Staff
- Departments
- Residents Groups

# OBJECTIVE 4

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## TO DISCUSS ANY POTENTIAL CONSEQUENCES WHICH MAY ARISE FROM THE FINDINGS OF GRENFELL IN TERMS OF LEGISLATION CHANGES OR AMENDED REGULATIONS WHICH MAY APPLY RETROSPECTIVELY

### 4.0 Information Note - Department of Finance (NI) relative to Building Regulations and Cladding or Re-Cladding of Buildings

- 4.1 As of September 2017, the Department of Finance has issued an Information Note to flag common Building Regulation issues to consider when reviewing cladding work or installing new cladding, particularly on tall buildings (>18m in height).
- 4.2 This Information Note on cladding and recladding of buildings has been developed in light of recent concerns raised around issues of external fire spread, wind loading on cladding and in particular external wall insulation.
- 4.3 In respect of Structural Safety (Regulation 30), there are concerns about potentially inadequate consideration of wind load and design calculations relating to cladding systems.
- 4.4 This Information Note was discussed by the Independent Reference Group and Belfast Building Control agreed to carry out a review of the structural aspects of the cladding design and installation with respect to wind loads and compliance with Regulation 30 (Stability) of the Building Regulations (NI) 2012. Regulation 30 requires that the cladding systems should be designed and constructed so that the combined dead, imposed and wind loads are sustained and transmitted to the ground, safely.
- 4.5 This review was undertaken by a consultant structural engineer in conjunction with Belfast Building Control and involved a review of information already available. The information included wind analysis reports, the BBA certificate for Sto render, original pull out test results for fixings, and the drawings and details for the two systems employed on the four Belfast tower blocks. A site visit was also carried out at Carnet House and Whincroft House on 24 October 2017 to review the actual method of installation on site for both systems.
- 4.6 In relation to the system installed at Carnet House which is the StoTherm Vario External Wall Insulation (EWI) system the review concluded that the system design and installation had adequately considered the max wind loading at top of building in loading zone A which was 2.951KN/m<sup>2</sup> and as such was deemed to be compliant with Regulation 30.
- 4.7 In relation to the system employed at Cúchulainn House, Eithné House and Whincroft House which is the Vinylit cladding system, there were three types of fixings that had to be considered.
- The fixing for the main support bracket to the wall;
  - The fixing to connect the cladding support rail to the main support bracket;
  - The fixing of the cladding panel to the support rail.
- 4.8 In relation to the fixing for the main support bracket, reliable test data was available and the capacity of these fixings greatly exceeded the applied wind suction loadings.
- 4.9 In relation to fixings 2 and 3 the consultant engineer was unable to obtain any reliable data for the actual fixings, so recommended further 'pull out' tests of these fixings which were carried out on 22 November 2017. The results of these tests indicate that the fixings have adequate capacity to resist maximum design wind loads incorporating the appropriate factor of safety.
- 4.10 The final report in relation to this matter will be provided to the Housing Executive as and when it becomes available.
- 4.11 The Department of Finance Building Standards Branch have provided the following comment in relation to potential Building Regulation legislation changes post Grenfell.

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*"The Grenfell Public Inquiry and the Building Regulations and Fire Safety Independent Review are on-going. The Department of Finance continues to liaise with officials in England and the other Devolved Administrations in relation to Building Safety issues post-Grenfell."*

#### 4.12 Building a Safer Future - Independent Review of Building Regulations and Fire Safety: Interim Report (Appendix 11)

4.13 The Independent Review of Building Regulations and Fire Safety seeks to provide assurance to residents of high-rise and complex buildings that these buildings are safe to live in and to ensure that there is a sufficiently robust regulatory system in place.

4.14 The review examines the entire regulatory framework, including the roles and responsibilities of people designing, planning and constructing buildings, the various enforcing and standard setting bodies and the wide range of owners and users of such buildings.

4.15 The interim findings indicate that **the current regulatory system for ensuring fire safety in high-rise and complex buildings is not fit for purpose**. This finding applies across the life cycle of a building, during construction and occupation and arises from the culture of the construction industry and the effectiveness of the regulators.

4.16 This finding is based on the following reasons as outlined in the report:

- Current regulations and guidance are too complex and unclear which can lead to confusion and misinterpretation in their application to high-rise and complex buildings.

- Clarity of roles and responsibilities is poor. Even where there are requirements for key activities to take place across design, construction and maintenance, it is not always clear who has responsibility for making it happen.
- Despite many who demonstrate good practice, the means of assessing and ensuring the competency of key people throughout the system is inadequate. There is often no differentiation in competency requirements for those working on high-rise and complex buildings.
- Compliance, enforcement and sanctions processes are too weak. What is being designed is not what is being built and there is a lack of robust change control. The lack of meaningful sanctions does not drive the right behaviours.
- The route for residents to escalate concerns is unclear and inadequate.
- The system of product testing, marketing and quality assurance is not clear.

4.17 Nevertheless, the findings emphasise an important qualification that **they should not be interpreted as meaning that high rise and complex buildings are unsafe**. Rather, the report notes that major building failures, including large-scale fires, are very rare and there are many contractors and building owners who accept their responsibilities and do the right thing.

4.18 In explaining the findings, the review indicates that the regulatory framework, comprising the written regulations/guidance and how they are interpreted in practice, is not fit for purpose, **leaving room for those who want to take shortcuts to do so**.



# CONCLUSIONS

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## THE INDEPENDENT REFERENCE GROUP DRAWS THE FOLLOWING CONCLUSIONS FROM THE REVIEW OF FIRE SAFETY MEASURES ACROSS THE 33 HOUSING EXECUTIVE TOWER BLOCKS:

1. The review of **Objective 1** demonstrates that the cladding systems recently installed on the four Housing Executive tower blocks meet current Building Regulation standards but due to the compromised smoke ventilation/extraction will not be fully compliant until all remediation measures have been completed. Prior to installation it was established that a fire testing regime had been applied (para 1.6). The Housing Executive in pursuit of ensuring fire safety used two systems that had been subject to a full-scale fire test of the composite system (Appendix 2). The Housing Executive has used an alternative route to compliance than the current recommendation in Building Regulations Technical Booklet E (para 1.9) to demonstrate that the cladding systems comply with Regulation 36 (External fire spread) of the Building Regulations.
2. The fire safety inspections and comprehensive fire risk assessments undertaken in **Objective 2**, to the four Housing Executive tower blocks, resulted in reports of remedial action required by Building Control (Appendix 3) and NIFRS (Appendix 4) and has led to the development by the Housing Executive of a Tower Block Fire Safety Matrix (outlining areas where further attention is required and also best practice which, in a number of blocks, exceeds minimum requirements. The latter is being addressed through an Immediate Fire Risk Assessment Action Plan (Table 1 - para 2.22) with each significant finding given a priority classification for immediate remedial action. A more detailed Progressive Fire Risk Action Plan is included in (Appendix 5).
3. In relation to **Objective 3** communication with residents is a key aspect of best fire safety practice in particular ensuring there are measures for safe evacuation in the event of a fire outbreak. Following inspections of each of the 33 tower blocks the Housing Executive has developed a Communications Matrix that sets out the contributions made to each block and the current issues pertaining, given the risk assessment reviews. There will be a number of documents published which form the basis of communications regarding fire safety in high rise blocks.
4. The Independent Reference Group discussed the use of sprinklers. Consideration needs to be given to what is necessary, practical and value for money. The installation of a sprinkler system is most often seen as a compensatory measure in lieu of other requirements whereas the Fire Risk Assessment Action Plans are ensuring adequate compartmentation as a first principle measure. Nevertheless, the installation of sprinklers as a fire suppression measure may give greater confidence to residents.
5. In terms of **Objective 4**, any learning outcomes from the interim and final reports of the Grenfell Public Inquiry and the Independent Review of Building Regulations and Fire Safety are considered and implemented as appropriate by the Housing Executive and the statutory authorities. In this regard, the Housing Executive will continue to work in collaboration with the local Statutory Authorities on any emerging issues that may arise to improve fire safety.

# RECOMMENDATIONS

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## THE INDEPENDENT TOWER BLOCK REFERENCE GROUP MAKES THE FOLLOWING RECOMMENDATIONS:

1. Noting the outcome of this group's review of the cladding systems and fire protection measures within the blocks, the Independent Reference Group recommend that the work identified in the Fire Risk Assessment Action Plan (Table 1 para 2.22) is carried through to completion as a priority.
  2. Subject to the eventual outcome of the Independent Review of Building Regulations and Fire Safety in England undertaken by Dame Judith Hackitt, the Independent Reference Group recommends that the cladding systems utilised on the four Housing Executive tower blocks are assessed against any new regulatory standards.
  3. The Independent Reference Group recommends that the Housing Executive consider installing sprinkler systems within its high-rise accommodation.
  4. The Independent Reference Group recommends that the Housing Executive enhances the resources within the existing compliance team to ensure a robust inspection, testing and maintenance regime is in place.
  5. The Independent Reference Group are aware that prior to the Grenfell Tower tragedy the Housing Executive had developed a strategy for its high-rise blocks, and recommend that they take into consideration any changes to the Building Regulations and consider the use of non-combustible facades in the future.
  6. The Independent Reference Group recommends that future learning outcomes or recommendations from the Grenfell tragedy are considered and implemented where necessary by the Housing Executive as soon as practically possible.
  7. The Independent Reference Group have requested that all residents are updated through a further Housing Executive communication that sets out key findings for each block and what actions are being undertaken by way of mitigation.
  8. The Independent Reference Group recommend that, having completed the assigned task, the Board now dissolve the group.
- ### Addendum
9. The Independent Reference Group recommends any learning outcomes from Coolmoynes are implemented by the Housing Executive as soon as practically possible.
  10. Arising from the publicity surrounding the Coolmoynes House incident, the Independent Reference Group would suggest:
    - 10.1 The 'Stay Put' Strategy relating to this Tower Block is reviewed and recognised to have operated successfully. It remains good practice and is reinforced by the Local Government Association (LGA) - Fire Safety in purpose built flats, 2011. This states a 'Stay Put' policy but it must be fully risk assessed and the building deemed suitable for its implementation. BS 9991:2015 also gives guidance on Stay Put Section 3.58.
    - 10.2 Communication to residents of the 'Stay Put' statutory guidance is reviewed and enhanced to ensure fire safety evacuation procedures are clearly understood and identification of those residents in each block potentially requiring assistance. Where identified these residents will be consulted and relevant information on any specific requirements should be held in NIFRS Fire Safe in each block.
    - 10.2 Notwithstanding the above point, that the substance of the report of the Independent Reference Group should be reported to the Board and, where appropriate, action should be taken.

## FIRE AT COOLMOYNE HOUSE IN DUNMURRY

- 11.1 A fire on the 9th floor occurred in Flat 9B Coolmoynes High Rise Tower Block on the evening of Wednesday 15 November 2017. The source of the fire was believed to be a defective toaster.
- 11.2 The configuration of the smoke detection system within the block is that each Housing Executive flat is fitted with three audible smoke alarms (smoke detectors fitted in the hallway and living room and a heat detector fitted in the kitchen). The fire spread through the living room and kitchen areas and into the hallway. The provision of an accredited flat entrance fire door-set to the flat in a 2010 scheme was hugely instrumental in containing the developed fire within the “flat of origin”. Externally the fire had limited spread with the window and door arrangement to Flat 10B immediately above compromised. The ‘Stay Put’ policy was in operation and proved effective in this situation.
- 11.3 Each communal area has an inaudible smoke detector which opens the automatic air vents on each communal landing. This detector is also linked to a fire panel which is monitored 24 hours a day by an offsite monitoring station. When smoke eventually filtered into the lift lobby at Level 9 serving four flats the automatic opening vent (AOV) operated to permit smoke to escape and allowed fire-fighting operations to be conducted in the normal fashion.
- 11.4 NIFRS mounted fire-fighting operations both externally by use of a turntable ladder appliance and also internally by means of the single fireman’s stair linked to a secondary and lift lobby at each level. NIFRS facilitated rescue of the occupant of Flat 9B. The fire in its totality was extinguished in 40 minutes.



# GLOSSARY

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ACM	Aluminium Composite Material
BBA	British Board of Agrément
BCNI	Building Control Northern Ireland
BR 135	Classification of the fire performance of the cladding system.
BRE	Building Research Establishment
BS 8414-1	Fire performance of external cladding systems - Part 1: Test method for non-loadbearing external cladding systems applied to the masonry face of a building
BSI	British Standards Institution
DCLG	Department for Communities and Local Communities
DfC	Department for Communities
EPS	Expanded Polystyrene Block
EWI	External Wall Insulation
FRA	Fire Risk Assessment
IRG	Independent Reference Group
NIFRS	Northern Ireland Fire and Rescue Service
PAS	Publicly Available Specification - Published by British Standards.
RIBA	Royal Institute of British Architects
RICS	Royal Institution of Chartered Surveyors
TBE	Building Regulations (NI) 2012 Technical Booklet E

## **APPENDIX 1 - TERMS OF REFERENCE & MEMBERSHIP**

### **Independent Reference Group on Fire Safety in Housing Executive Tower Blocks**

#### **Purpose**

The Interim Chair of the Housing Executive Board decided to set up an Independent Reference Group to explore and analyse the precautionary measures they have undertaken on their 33 tower blocks following the Grenfell tragedy.

The principal aim of the Reference Group will be to review the Housing Executive's cladding systems used on four tower blocks and identify any potential fire risks associated with these in light of the Grenfell tragedy. It will also review the recent Fire Risk Assessments of the blocks generally and ensure all the issues identified are documented and actioned as a priority in line with our statutory and landlord obligations.

The aim of the review is to offer confidence and assurance to the residents living in these blocks and to demonstrate our ongoing commitment to their health and safety requirements.

The Housing Executive has asked its contractors to put a temporary hold on the work they are carrying out to the Whincroft and Carnet tower blocks in order to examine anything further that needs addressing before completing the schemes.

#### **Objectives**

There are four main objectives of the Reference Group are as follows:

1. To explore in detail with colleagues in Building Control (BC) and Northern Ireland Fire and Rescue Service (NIFRS), the make-up of the cladding systems, along with the robust and stringent testing of these systems.
2. To undertake joint detailed site appraisal visits with Building Control and Northern Ireland Fire and Rescue Service to all four tower blocks, to provide assurance that the systems have been installed in accordance with Building Regulations and best practice.
3. To identify any early learning outcomes from Grenfell and identify any appropriate action required.

This will include:

- a. A desk top review of methods used to indicate compliance with external fire spread requirements in the UK;

- b. Correspondence with BRE, to identify if the Housing Executive is required to undertake any further tests;
  - c. Liaise with colleagues in Department for Communities to gauge what actions are required from the Department for Communities and Local Government (DCLG) in England;
  - d. Identification of relevant literature and current thinking post Grenfell that might inform the work of the Reference Group drawn from other sources i.e. BRE, BBA, RIBA, RICS etc.;
  - e. The maintenance and condition of fire safety measures in Tower Blocks;
  - f. Role of communication with tenants and measures for safe evacuation of tenants in the event of a fire outbreak.
4. To discuss any potential consequences which may arise from the findings of Grenfell in terms of legislation changes or amended regulations which may apply retrospectively?

### **Frequency**

To be determined by the Chair and as required based on project activity/need. The first meeting to be scheduled for early July, with a target to submit a report to the Board by August 2017.

### **Chaired by:**

Professor Alastair Adair, Deputy Vice-Chancellor, Ulster University

### **Administrative Support:**

Secretariat

### **Limitation of Scope**

The Reference Group may wish to widen its scope to include other issues as information becomes available.

### **Quorum**

The Reference Group quorum is established as Chair, plus five other members, one of which to include administration support from the Secretariat.

### **Responsibilities**

The Reference Group will:

- a. Ensure that the appropriate information and documentation is available to all members prior to the meeting.
- b. Will report to and provide assurance to the Chief Executive's Business Committee (CXBC) and Board;
- c. Provide unified and joint direction and guidance;
- d. Ensure effective communication of progress;
- e. Knowledge-share of all information and support the Independent Chair;
- f. Agree resources (people, money, equipment, accommodation);
- g. Monitor progress against plans and agreed objectives.

### Membership of the Independent Reference Group

Name	Role	Title
Prof. Alastair Adair	Chair	Deputy Vice Chancellor, Ulster University
Paul Isherwood	Attendee	Director of Asset Management, Housing Executive
Colm McQuillan	Attendee	Director of Housing Services, Housing Executive
Jonny Blease	Attendee	Head of Communications & Secretariat, Housing Executive
John Morrison	Attendee	Compliance Manager, Housing Executive
Adrian Blythe	Attendee	Quality Improvement Manager, Housing Executive
David Adamson	Attendee	Fire Safety Manager, Housing Executive
Geoff Somerville	Attendee	Group Commander, NIFRS
David Harbinson	Attendee	Northern Ireland Fire and Rescue Service
Mark Broadhurst	Attendee	SPTO, Hosing Advisory - DfC
Colm Deery	Attendee	PPTO, Housing Advisory - DfC
Alan Mayrs	Attendee	Assistant Building Control Manager - Belfast
Prof. Peter Roberts	Observer	Interim Chair, Housing Executive
Greg Lomax	Observer	Interim Vice-Chair, Housing Executive
Clark Bailie	Observer	Chief Executive, Housing Executive
Ian Snowden	Observer	DfC Regulation Team
Niall Sheridan	Observer	NIFHA
John Burke	Observer	Building Standards Branch - DoF
John Neely	Observer	Building Standards Branch - DoF
Sean McConville	Observer	BCNI Fire Safety Panel
Admin Support	N/A	Secretariat, Housing Executive

The attendance of deputies is at the discretion of the Chair and will need to be agreed in advance of any meeting.

The Reference Group may call others to attend meetings as appropriate and when required.

#### **Potential Conflicts of Interest**

Declaration of Interests will be a standing item on the agenda at the start of each meeting and will be recorded in the minutes together with details of any action taken where appropriate.

<b>Report on</b>	The Food Standards Agency's consultation on The Condensed Milk and Dried Milk Regulations (Northern Ireland) 2018
<b>Reporting Officer</b>	Fiona McClements
<b>Contact Officer</b>	Fiona McClements

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

<b>1.0</b>	<b>Purpose of Report</b>
1.1	To inform Council about the Food Standards Agency's Consultation on Condensed Milk and Dried Milk Regulations (Northern Ireland) 2018.
<b>2.0</b>	<b>Background</b>
2.1	<p>Currently domestic rules in this area are provided by the 2003 and 2008 Regulations. The 2003 and 2008 Regulations implement EU Directive 2001/114/EC and 2007/61/EC respectively. Directive 2001/114/EC lays down compositional standards relating to certain partly or wholly dehydrated preserved milk products intended for human consumption. Directive 2007/61/EC amends 2001/114/EC adjusting compositional standards relating to certain partly or wholly dehydrated preserved milk products intended for human consumption.</p> <p>Currently, the 2003 Regulations refer to the labelling requirements of the Food Labelling Regulations (FLR). However, the majority of the provisions contained in the FLR were revoked by the Food Information Regulations (Northern Ireland) 2014 (FIR). The references to the Food Labelling Regulations in the 2003 Regulations therefore need to be removed.</p> <p>Most of the references to the FLR in other food-related regulations were removed by the FIR in 2014. It was decided at the time not to use the FIR to remove the reference to the FLR from the 2003 Regulations. The rationale was at that time, a consultation was being undertaken by FSA in Northern Ireland to make a separate Statutory Rule (SR) to amend the 2003 Regulations, and it was intended to use those amendment Regulations to correct the references to the FLR. Those amendment Regulations were never made, effectively retaining the incorrect references to the FLR in the 2003 Regulations.</p> <p>The draft SR provides an opportunity to bring the condensed milk and dried milk regulations in line with other food labelling and compositional Regulations by introducing improvement notice provisions for non-compliance.</p> <p>Improvement notices would be used as part of the hierarchy of enforcement when informal measures are no longer appropriate and the contravention or issue should be elevated to formal enforcement action. If the conditions set by an improvement notice are not met then the non-compliance with those conditions will be a criminal offence. Businesses will have the opportunity to appeal against an improvement notice; appeals will be heard by a Magistrate's Court.</p>

<b>3.0</b>	<b>Main Report</b>
3.1	<p>This consultation provides stakeholders with an opportunity to comment on the draft Regulations contained in the consultation package. The Regulations are based on the proposed preferred option of consolidating the 2003 and 2008 Regulations, and to remove out of date references to the FLR and introduce improvement notice provisions for non-compliance.</p> <p>The Environmental Health Department of Mid Ulster District Council has prepared a response to the Food Standards Agency's consultation on The Condensed Milk and Dried Milk Regulations (Northern Ireland) 2018 and it is attached in Annex 1.</p>
<b>4.0</b>	<b>Other Considerations</b>
<b>4.1</b>	<p><b><u>Financial &amp; Human Resources Implications</u></b>  Financial: N/A  Human: N/A</p>
<b>4.2</b>	<p><b><u>Equality and Good Relations Implications</u></b>  N/A</p>
<b>4.3</b>	<p><b><u>Risk Management Implications</u></b>  N/A</p>
<b>5.0</b>	<b>Recommendation(s)</b>
5.1	It is recommended that Members note the content of the attached Environmental Health Department response to this Food Standards Agency consultation.
<b>6.0</b>	<b>Documents Attached &amp; References</b>
6.1	Consultation document from FSA and Mid Ulster District Council response to consultation (Appendix 1).

**FOOD STANDARDS AGENCY CONSULTATION  
on The Condensed Milk and Dried Milk Regulations (Northern Ireland) 2018**

**Consultation Closing Date:** 29<sup>th</sup> January 2018

**Responder:** The Environmental Health Department of Mid Ulster District Council

**Proposal**

The options being considered are:

1. Do nothing. Allow the 2003 and 2008 Regulations to remain in place with incorrect references to the FLR. This option may cause unintentional non-compliance by businesses making condensed milk and dried milk and cause confusion for enforcement authorities enforcing the 2003 and 2008 Regulations.
2. Revoke and replace the 2003 and 2008 Regulations to correct references to the FLR and take this opportunity to bring the condensed milk and dried milk regulations in line with other food composition and labelling regulations by introducing improvement notice provisions for non-compliance.

**Key proposals:**

- Revoke and replace the 2003 and 2008 Regulations
- Remove references to the FLR
- Introduce improvement notices provisions for non-compliance

**Response**

The Environmental Health Department of Mid Ulster District Council welcomes the opportunity to comment on the proposed Condensed Milk and Dried Milk Regulations (Northern Ireland) 2018 and responses to the questions asked by the Food Standards Agency as follows:

**Q1: We are not conducting an Impact Assessment as we don't believe there will be an impact on businesses or Enforcement Authorities. We would like to request that any businesses or Enforcement Authorities who feel they may be impacted by the change in regulations please respond to the consultation.**

Q1. The Environmental Health Department of MUDC does not feel MUDC will be impacted by the changes in the regulations as MUDC does not have any manufacturers or wholesalers of condensed milk and dried milk products.

**Q2: We invite stakeholders including Enforcement Authorities to comment on the enforcement proposals as outlined within the consultation package.**

Q2. The Environmental Health Department of Mid Ulster District Council supports the proposals to consolidate the 2003 and 2008 Regulations, to remove references to the Food labelling Regulations and to introduce improvement notices provisions for non-compliance.





<b>Report on</b>	Food Standards Agency Audit
<b>Reporting Officer</b>	Fiona McClements
<b>Contact Officer</b>	Fiona McClements

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

<b>1.0</b>	<b>Purpose of Report</b>
1.1	To inform Members about a recent Food Standards Agency audit on Mid Ulster District Council's Organisation and Management systems for the delivery of Official Controls with respect to food control.
<b>2.0</b>	<b>Background</b>
2.1	<p>The primary purpose of Food Standards Agency (FSA) audits of Enforcement Authorities is to provide assurance that local delivery of official controls for feed and food is compliant with EU and UK legal requirements and official guidance.</p> <p>In Northern Ireland, the power to set standards and monitor Enforcement Authorities' food law enforcement services was conferred on the FSA by The Food Standards Act 1999<sup>1</sup> and The Official Feed and Food Controls (Northern Ireland) Regulations 2009<sup>2</sup>. The audit was undertaken under section 12 of the Act and regulation 7 of the Regulations.</p> <p>This audit programme has been implemented because of the reform of local government, which saw the councils in Northern Ireland (NI) reduce from 26 to 11 in April 2015. It will form part of the FSA in NI's annual audit programme for the next four years. The aim of the audit programme is to determine whether official control activities and related results comply with planned arrangements and whether these arrangements are implemented effectively and are suitable to achieve the objectives of the relevant food legislation.</p> <p>The specific aims of the is audit programme are:</p> <ul style="list-style-type: none"> <li>• Evaluate the organisational and management systems each of the 11 LAs have implemented to ensure they are effective and suitable to achieve the objectives of the relevant food law.</li> <li>• Assist in the identification and dissemination of good practice to aid consistency</li> <li>• Provide a means to identify under performance in LA food law enforcement systems</li> <li>• Provide information to aid the formulation of Agency policy.</li> </ul>
<b>3.0</b>	<b>Main Report</b>
3.1	All eleven new district councils (DCs) in Northern Ireland have been included in the audit programme that will run between March 2017 and June 2020.

<sup>1</sup> [Food Standards Act 1999 c.28](#)

<sup>2</sup> [The Official Feed and Food Controls \(Northern Ireland\) Regulations 2009](#)

	<p>Mid Ulster District Council (DC) was selected for audit at this stage in the audit programme because:</p> <ul style="list-style-type: none"> <li>• of the number of legacy councils involved in the merger (three – Magherafelt DC, Cookstown DC, and Dungannon and South Tyrone Borough Council)</li> <li>• the geographical size of the Council (third largest council by area)</li> </ul> <p>The audit included the assessment of local arrangements for service planning, delivery and review, provision and adequacy of officer training and authorisations and internal service monitoring arrangements. Maintenance and management of appropriate records in relation to the councils' delivery of food law enforcement activities are also covered.</p> <p>The Food Standard Agency Northern Ireland's Report on Mid Ulster District Council's Organisation and Management systems for the delivery of Official Controls in Northern Ireland is attached. A summary of the auditor findings is as follows:</p> <p>Mid Ulster DC had a comprehensive system in place for recording food officers' competency and training.</p> <p>The Council had clearly delegated authority to authorise officers, grant approvals and instigate legal proceedings. Officers had been authorised generally in respect of the Local Government Act (Northern Ireland) and specifically under the Regulations relating to food made under the Act.</p> <p>The Council had developed and implemented a documented procedure that described how internal monitoring was carried out within the food service. However, there were limited records of internal monitoring for the last two years.</p> <p>Mid Ulster DC had a system of policies and procedures that covered the range of control procedure subject areas listed in Annex II, Chapter II of Regulation (EC) No. 882/2004. However, there were issues with some of these procedures, which require reviewing.</p> <p>The auditors found a good level of detail in the records for interventions carried out at FBOs. However, there were some inconsistencies regarding reports left with FBOs after interventions.</p> <p>Mid Ulster DC had a comprehensive range of procedures that addressed all aspects of enforcement activities. In all cases examined enforcement action had been correctly carried out.</p> <p>Sampling records for four establishments were reviewed. The auditors found suitable records, information and follow-up in relation to all sample results. Suitable evidence was available to demonstrate that complaints had been correctly recorded and investigated by the Council.</p> <p>An action plan on addressing the recommendations made by the FSA auditors has been agreed and is included in Annex 1 of the Food Standards Agency report.</p>
<b>4.0</b>	<b>Other Considerations</b>
<b>4.1</b>	<p><b><u>Financial &amp; Human Resources Implications</u></b></p> <p>Financial: N/A</p>

	Human: Implementation of action plan to address recommendations highlighted in the FSA Audit report.
4.2	<b><u>Equality and Good Relations Implications</u></b>  N/A
4.3	<b><u>Risk Management Implications</u></b>  N/A
<b>5.0</b>	<b>Recommendation(s)</b>
5.1	It is recommended that members note the content of the Food Standards Agency's report is noted.
<b>6.0</b>	<b>Documents Attached &amp; References</b>
6.1	The Report on Mid Ulster District Council's Organisation and Management systems for the delivery of Official Controls in Northern Ireland.

**Food Standards Agency  
in Northern Ireland**



## **Report on District Council Organisation and Management systems for the delivery of Official Controls in Northern Ireland**



**21 – 23 November 2017**

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## 1.0 INTRODUCTION

### 1.1 Background

- 1.1.1 The primary purpose of Food Standards Agency (FSA) audits of Enforcement Authorities is to provide assurance that local delivery of official controls for feed and food is compliant with EU and UK legal requirements and official guidance.
- 1.1.2 In Northern Ireland, the power to set standards and monitor Enforcement Authorities' food law enforcement services was conferred on the FSA by The Food Standards Act 1999<sup>3</sup> and The Official Feed and Food Controls (Northern Ireland) Regulations 2009<sup>4</sup>. The audit was undertaken under section 12 of the Act and regulation 7 of the Regulations.
- 1.1.3 When conducting audits of competent authorities, the FSA follows the detailed guidelines set out in an EC Decision 2006/677/EC<sup>5</sup>.
- 1.1.4 The Framework Agreement on Local Authority (LA) Food Law Enforcement<sup>6</sup> sets out the arrangements through which the FSA audits LA enforcement activities to help ensure that LAs are providing an effective service to protect public health.
- 1.1.5 The overarching aims of the audit scheme are to:
- Help to protect public health by promoting effective local enforcement of food law
  - Maintain and improve consumer confidence
  - Assist in the identification and dissemination of good practice to aid consistency
  - Provide information to aid the formulation of FSA policy
  - Promote conformance with the '*Food Law Enforcement – Standard*' and any relevant central guidance or Codes of Practice
  - Provide a means to identify underperformance in LA food law enforcement
  - Promote self-regulation and peer review
  - Identify continuous improvement

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<sup>3</sup> [Food Standards Act 1999 c.28](#)

<sup>4</sup> [The Official Feed and Food Controls \(Northern Ireland\) Regulations 2009](#)

<sup>5</sup> [Commission Decision \(2006/677/EC\) of 29 September 2006 setting out the guidelines laying down criteria for the conduct of audits under Regulation \(EC\) No 882/2004 of the European Parliament and of the Council on official controls to verify compliance with feed and food law, animal health and animal welfare rules](#)

<sup>6</sup> [Chapter 5 of the Framework Agreement on Local Authority Food Law Enforcement: 'Audit Scheme'](#)

## **1.2 Reason for audit**

1.2.1 All eleven new district councils (DCs) in Northern Ireland have been included in the audit programme that will run between March 2017 and June 2020.

1.2.2 Mid Ulster District Council (DC) was selected for audit at this stage in the audit programme because:

- of the number of legacy councils involved in the merger (three – Magherafelt DC, Cookstown DC, and Dungannon and South Tyrone Borough Council)
- the geographical size of the Council (third largest council by area)

## **1.3 Scope and objectives of the audit programme**

1.3.1 The specific objectives of this audit programme are to:

- evaluate the organisation and management systems each of the 11 DCs have implemented to ensure they are effective and suitable to achieve the objectives of the relevant food law
- assist in the identification and dissemination of good practice to aid consistency
- provide a means to identify under performance in council food law enforcement systems
- provide information to aid the formulation of Agency policy

1.3.2 The audit included the assessment of local arrangements for service planning, delivery and review, provision and adequacy of officer training and authorisations and internal service monitoring arrangements. Maintenance and management of appropriate records in relation to the councils' delivery of food law enforcement activities are also covered.

## **1.4 Audit criteria**

1.4.1 The audit criteria are the legislation, policies, procedures or other requirements used as a reference against which audit evidence is compared, i.e. the standard against which the auditee's activities are assessed. For the purposes of this audit these will be:

- Regulation (EC) No. 882/2004 of the European Parliament on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules
- Regulation (EC) No. 178/2002 of the European Parliament and of the Council laying down the general principles and requirements of food law,

establishing the European Food Safety Authority and laying down procedures in matters of food safety

- The Official Feed and Food Controls Regulations (Northern Ireland) 2009 (as amended), in so far as they relate to food
- Relevant Mid Ulster DC policies and procedures

## **1.5 Overview of Mid Ulster DC**

- 1.5.1 Mid Ulster DC straddles two counties, running from Swatragh in the north to Fivemiletown in the south and from the Sperrin Mountains in the west to the shores of Lough Neagh in the east. The area is represented by forty councillors across 7 District Electoral Areas including Carntogether, Clogher Valley, Cookstown, Dungannon, Magherafelt, Moyola and Torrent. Council offices are in Cookstown, Dungannon and Magherafelt.
- 1.5.2 As the third<sup>7</sup> largest of the new council areas, Mid Ulster DC covers a geographical area of 1,826km<sup>2</sup> and serves a population of 145,389<sup>8</sup>. Mid Ulster experienced a population growth of 12.9% from 2005 to 2015 compared to the Northern Ireland average of 7.2%.
- 1.5.3 One third of the residents live in urban areas whilst two thirds inhabit rural areas. The main towns are Cookstown, Coalisland, Dungannon, Magherafelt and Maghera.
- 1.5.4 Employment concentrates on manufacturing, engineering, construction and agri-food industries. A total of 71% of the population aged between 16 and 64 are economically active.
- 1.5.5 At the time of audit, there were approximately 1682 registered food businesses within Mid Ulster DC's area including hotels, restaurants, takeaways, manufacturers, retailers, wholesalers, and distributors/transporters.

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<sup>7</sup> ["Standard Area Measurements \(2016\) for Administrative Areas in the United Kingdom". Office for National Statistics. Retrieved 08 December 2017](#)

<sup>8</sup> ["Population Estimates for UK, England and Wales, Scotland and Northern Ireland, Mid-2016". Office for National Statistics. Retrieved 08 December 2017](#)



## **2.0 EXECUTIVE SUMMARY**

- 2.1** Mid Ulster DC had a comprehensive system in place for recording food officers' competency and training.
- 2.2** The Council had clearly delegated authority to authorise officers, grant approvals and instigate legal proceedings. Officers had been authorised generally in respect of the Local Government Act (Northern Ireland) and specifically under the Regulations relating to food made under the Act.
- 2.3** The Council had developed and implemented a documented procedure that described how internal monitoring was carried out within the food service. However, there were limited records of internal monitoring for the last two years.
- 2.4** Mid Ulster DC had a system of policies and procedures that covered the range of control procedure subject areas listed in Annex II, Chapter II of Regulation (EC) No. 882/2004. However, there were issues with some of these procedures which require reviewing.
- 2.5** The auditors found a good level of detail in the records for interventions carried out at FBOs. However, there were some inconsistencies regarding reports left with FBOs after interventions.
- 2.6** Mid Ulster DC had a comprehensive range of procedures that addressed all aspects of enforcement activities. In all cases examined enforcement action had been correctly carried out.
- 2.7** Sampling records for four establishments were reviewed. The auditors found suitable records, information and follow-up in relation to all sample results. Suitable evidence was available to demonstrate that complaints had been correctly recorded and investigated by the Council.

### **3.0 AUDIT FINDINGS**

#### **3.1 Organisation and Management**

##### *Auditor Competence and Training*

- 3.1.1 Auditors examined specific training records for four food officers. All four officers had the required level of continuous professional development (CPD) as required by paragraph 4.10.1 of the Food Law Code of Practice (Northern Ireland) (FLCoP)<sup>9</sup>, which included activity specific training. In most cases officers had completed significantly more than the required level of CPD.
- 3.1.2 The officers had also provided evidence of qualifications as required by paragraph 4.4 of the FLCoP
- 3.1.3 Mid Ulster DC had a system in place for recording each food officer's assessment of competency. The auditors specifically examined the competency assessment records for four food officers. Sufficient detail was provided in these records to provide the auditors with a very good insight into each of the officers' competencies and experience.
- 3.1.4 The competency assessment records covered the following areas:
- Inspection of food establishments
  - Use of enforcement sanctions
  - Sampling
  - Import and export controls
  - Reactive investigations

##### *Authorised Officers*

- 3.1.5 Mid Ulster DC had clearly delegated authority to authorise officers on behalf of the Council to the Council's Director of Public Health and infrastructure. The granting of approval to establishments carrying out activities under Regulation (EC) 853/2004 was also delegated to the Director of Public Health and infrastructure. The Council Solicitor had been granted delegated powers in relation to the instigation of legal proceedings.
- 3.1.6 Authorisation had been general in respect of the Local Government Act (Northern Ireland) 2014 and specific under the Regulations relating to food

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<sup>9</sup> [Northern Ireland Food Law Code of Practice](#)

made under the Act, including the Food Safety (NI) Order 1991, the Food Hygiene Regulations (NI) 2006 and Food Hygiene Rating (NI) Act 2016.

- 3.1.7 We did note some enforcement actions that had not been included under the process of specific officer authorisation. Specifically, Fixed Penalty notices under the Food Hygiene Rating Act (Northern Ireland) 2016 and Improvement Notices under The Food Information Regulations (Northern Ireland) 2014.
- 3.1.8 The auditors examined the authorisation records for four officers and noted in all four cases the authorisation documents had been signed by the Director of Public Health and infrastructure.
- 3.1.9 We observed the Director of Public Health and infrastructure was the only person to have received delegated powers to authorise Food Service officers and to grant approvals for establishments carrying out activities under Regulation (EC) 853/2004. While this does not present an issue, it may be prudent to have a second person with the same delegated powers as the Director of Public Health and infrastructure.

#### *Internal Monitoring*

- 3.1.10 The Council had recently introduced a documented procedure that detailed comprehensive qualitative and quantitative arrangements for internal monitoring. It is planned to implement this procedure in January 2018.
- 3.1.11 Some evidence was provided for internal monitoring including some accompanied visits and monitoring of establishment file records for the last two years. However, it was not systematic or routine.

#### **Recommendation**

- (i) The Council should:

Ensure suitable internal monitoring is carried out on the activities described in the internal monitoring procedure.

Article 8 point 3(a) of 882/2004 – control & verification procedures states competent authorities shall have procedures in place to verify the effectiveness of official controls that they carry out.

#### *Control Procedures*

3.1.12 Article 8 of Regulation (EC) No. 882/2004 states the competent authority shall carry out official controls in accordance with documented procedures. Mid Ulster DC had a system of policies and procedures that covered the range of control procedure subject areas listed in Annex II, Chapter II of Regulation (EC) No. 882/2004. In addition, Mid Ulster DC had documented and implemented procedures for the following activities required for the effective functioning of official controls:

- Equipment maintenance and calibration
- Food complaints
- Maintenance of the food premises database
- Reviewing and updating policies and procedures

3.1.13 However, we did note some procedures which needed reviewed to ensure they reflect the activities of the food service, e.g. to update and clarify the information contained within them, e.g. Approvals and Authorisation procedures, flow charts in some enforcement procedures.

3.1.14 We would recommend the Council also review new procedures after a suitable implementation period to ensure they are fit for purpose and reflect the Council's current systems and processes.

#### Recommendation

(ii) The Council should:

Ensure it regularly reviews its range of control procedures to ensure they are fit for purpose and reflect the activities of the Council. Particularly the procedures for:

- Authorisation of officers
- Approval of establishments
- Illegally Imported food

Article 8 of 882/2004 – control & verification procedures: Competent authorities shall carry out official controls in accordance with documented procedures. These procedures shall contain information and instructions for staff performing official controls including, inter alia, the areas referred to in Annex II, Chapter II.

## 3.2 Delivery of Official Controls

### *Approved Establishments*

- 3.2.1 Approval records for four approved establishments were examined by the auditors. Approval documentation was provided for three, however we did not receive the approval documentation for one.
- 3.2.2 We also noted two establishments had been granted approval by the Director of Public Health and infrastructure.

### *Interventions and Control Activities*

- 3.2.3 The auditors examined the intervention records for ten food establishments, including reports left with the FBO, checklists used to record details of inspections and communication / letters sent to FBOs.
- 3.2.4 In the majority of cases a sufficient level of detail was recorded to indicate official controls had been carried out correctly and letters sent to FBOs following interventions were clear about legal requirements and advice.
- 3.2.5 In some cases, we observed reports left with an FBO following an intervention that did contained inconsistencies or incomplete information regarding the intervention e.g. identifying the type of intervention carried out and the proposed action to be taken by the Council officer.
- 3.2.6 The auditors reviewed the records for three unrated establishments, based on type of establishment and time since registration. In all cases, suitable reasons were provided to explain why the establishment had not yet been risk rated, e.g. no activity, very low risk activities.
- 3.2.7 During the audit, the Council's food service database was examined and in all cases records and information were found. The Council also had a contract in place with the food service database provider which covered arrangements for both backup of the database and contingency planning.

### *Enforcement*

- 3.2.8 Mid Ulster DC had provided the auditors with a comprehensive range of procedures that addressed all aspects of potential enforcement activities.
- 3.2.9 The records for one Remedial Action Notices (RANs) and three detention notices issued under Regulation 9 of the Food Hygiene Regulations (NI) 2006 were examined. All notices had been drafted, issued and completed as required by the relevant legislation and contained accurate references to legislation.

*Sampling and Complaints*

- 3.2.10 Mid Ulster DC had provided the auditors with a range of procedures that addressed sampling policies, associated guidance, and the system for food sampling. Sampling programmes were also provided for 2015/16 and 2016/17.
- 3.2.11 The auditors examined the sampling records for four samples and found suitable records, information and follow-up in relation to all sample results.
- 3.2.12 Four food complaints were examined. All four had been suitably investigated and closed.

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## Annexe A - Action Plan

Audit Date: 21-23 November 2017

RECOMMENDATION	PLANNED IMPROVEMENTS	DUE DATE
<p>(i) The Council should:</p> <p>Ensure suitable internal monitoring is carried out on the activities described in the internal monitoring procedure.</p> <p>Article 8 point 3(a) of 882/2004 – control &amp; verification procedures states competent authorities shall have procedures in place to verify the effectiveness of official controls that they carry out.</p>	<p>The Internal Monitoring Activities will commence in Quarter 4 of 2017/18 in a systematic manner as outlined in MUDC/FC/PRO/008. The process will be reviewed after 6 months to determine if the frequency stated in the procedure is sustainable and necessary to verify the effectiveness of the controls in place.</p>	<p>Ongoing from Quarter 4 of 2017/18</p>
<p>(ii) The Council should:</p> <p>Ensure it regularly reviews its range of control procedures to ensure they are fit for purpose and reflect the activities of the Council. Particularly the procedures for:</p> <ul style="list-style-type: none"> <li>• Authorisation of officers</li> <li>• Approval of establishments</li> <li>• Illegally Imported food</li> </ul>	<p>The RIAMS system is used within Mid Ulster District Council's Environmental Health Department. Each procedure under Food Control has been uploaded to RIAMS and there is a review date set for each procedure as they are added which will generate an alert to review the procedure at the appropriate interval. This will ensure a periodic review of procedures can be undertaken to confirm that the procedures are fit for purpose and reflect the activities of Mid Ulster District Council. Any amendments which are required prior to the planned review dates will be implemented by the PEHO/SEHO and cascaded to food team</p>	<p>Ongoing process</p>



RECOMMENDATION	PLANNED IMPROVEMENTS	DUE DATE
<p>Article 8 of 882/2004 – control &amp; verification procedures: Competent authorities shall carry out official controls in accordance with documented procedures. These procedures shall contain information and instructions for staff performing official controls including, inter alia, the areas referred to in Annex II, Chapter II.</p>	<p>members via RIAMS and food team meetings. A number of the control procedures have been amended and re-issued as a result of comments and recommendations made by the auditors, in particular:</p>	
	<p>Approval of establishments – attached</p>	<p>22 January 2018</p>
	<p>Illegally imported food – attached</p>	<p>22 January 2018</p>
	<p>Authorisation of officers – the NIFMG procedure has been amended for MUDC and will be reported to council via the Environment Committee for approval. On approval, the procedure will be implemented with immediate effect.</p>	<p>Review in progress</p>

## Annexe B - Glossary

Audit	Audit means a systematic and independent examination to determine whether activities and related results comply with planned arrangements and whether these arrangements are implemented effectively and are suitable to achieve objectives.
Authorised Officer	A suitably qualified officer who is authorised by the Local Authority to act on its behalf in, for example, the enforcement of legislation.
Environmental Health Officer (EHO)	Officer employed by the local authority to enforce food safety legislation.
Food Business Operator (FBO)	This refers to the natural or legal persons responsible for ensuring that the requirements of food law are met within the food business under their control.
Food hygiene	The legal requirements covering the safety and wholesomeness of food.
Food Law Code of Practice (Northern Ireland) April 2012 (FLCoP)	Article 39 of the Food Safety (NI) Order 1991 (the Order), Regulation 22 of the Food Hygiene Regulations (NI) 2006 and Regulation 6 of the Official Feed and Food Controls Regulations (NI) 2009, which empower the Department of Health Social Services and Public Safety to issue codes of practice concerning the execution and enforcement of that legislation by district councils. This code is issued as guidance to competent authorities on the enforcement of food legislation. It relates to Northern Ireland only.
Food Standards Agency (FSA)	<p>The Food Standards Agency is an independent Government department set up by an Act of Parliament in 2000 to protect the public's health and consumer interests in relation to food.</p> <p>Everything we do reflects our vision of Safe Food and Healthy Eating for all.</p>
Framework Agreement	The Framework Agreement consists of:

	<p>Chapter One Service Planning Guidance</p> <p>Chapter Two The Standard</p> <p>Chapter Three Monitoring of Local Authorities</p> <p>Chapter Four Audit Scheme for Local Authorities</p> <p>The Standard sets out the Agency's expectations on the planning and delivery of food law enforcement.</p>
Full Time Equivalents (FTE)	A figure which represents that part of an individual officer's time available to a particular role or set of duties. It reflects the fact that individuals may work part-time, or may have other responsibilities within the organisation not related to food enforcement.
Local Authority (LA)	an organization that is officially responsible for all the public services and facilities in a particular area.
Food Law Practice Guidance (Northern Ireland) October 2012 (FLPG)	Guidance issued by the Food Standards Agency to assist district councils with the discharge of their statutory duty to enforce the Food Safety (NI) Order 1991, Regulations made under it, and food law made under the European Communities Act 1972.
Pre-visit Questionnaire (PVQ)	Used by FSA auditors to request information prior to an <i>audit visit</i> , to maximise the effectiveness of the time spent with a local authority.
Risk rating	A system that rates food premises according to risk and determines how frequently those premises should be inspected. For example, high risk premises should be inspected at least every 6 months.
Service Plan	A document produced by a Local Authority setting out their plans on providing and delivering a food service to the local community.

