



07 March 2024

Dear Councillor

You are invited to attend a meeting of the Policy & Resources Committee to be held in The Chamber, Cookstown and by virtual means at Burn Road, Cookstown BT80 8DT on Thursday, 07 March 2024 at 19:00 to transact the business noted below.

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

Yours faithfully

Adrian McCreesh
Chief Executive

AGENDA

OPEN BUSINESS

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

Matters for Decision

- | | | |
|----|--|--------|
| 6. | Draft Consultation Response on the DFI Water and Sewerage Charges - Options for Revenue Raising Consultation | 3 - 6 |
| 7. | Request(s) to Illuminate Council Property | 7 - 8 |
| 8. | Scheme of Delegation for Senior Officers | 9 - 40 |
| 9. | Member Services | |

Matters for Information

10. Policy & Resources Committee Minutes of Meeting held on 8 February 2024 41 - 48
11. Performance Improvement: Local Government Auditor's Audit and Assessment (Section 95) Report 2023-24 49 - 76

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

12. SHHP Bellaghy Bawn Writers Residency Project
13. Insurances – 2024/25
14. Members Allowances Update
15. Land and Property Matters
16. Capital Programme Budget Priorities

Matters for Information

17. Policy & Resources Confidential Minutes of meeting held on 8 February 2024
18. Staff Matters for Information
19. Financial Report 10 Months to 31 January 2024
20. Treasury Management - Update
21. Contracts and DAC Registers - Update

Report on	Draft Consultation Response on the DFI Water and Sewerage Charges - Options for Revenue Raising Consultation
Date of Meeting	7 March 2024
Reporting Officer	Joe McGuckin, Head of Strategic Services and Engagement
Contact Officer	Ann McAleer, Policy Engagement and Equality Officer

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

1.0	Purpose of Report
1.1	To inform elected members of the consultation response developed on behalf of Mid Ulster District Council in response to the DFI Water and Sewerage Charges - Options for Revenue Raising Consultation.
2.0	Background
2.1	Members were informed about the above named consultation at January's Full Council meeting where it was agreed to submit a response on behalf of the Council.
2.2	The deadline for submission of a response is 13 March 2024.
3.0	Main Report
3.1	This consultation outlines different options to generate revenue from charging for water and sewerage services in Northern Ireland, with a focus on creating sustainable public finances.
3.2	Members indicated that they strongly oppose the options included in the revenue raising consultation. These comments have been reflected in the attached draft response.
4.0	Other Considerations
4.1	Financial, Human Resources & Risk Implications
	Financial: N/A
	Human: N/A
	Risk Management: N/A
4.2	Screening & Impact Assessments
	Equality & Good Relations Implications: This consultation was accompanied by a relevant Equality Screening document for consideration as part of the consultation process.
	Rural Needs Implications: This consultation was accompanied by a relevant Rural Needs Impact Assessment for consideration as part of the consultation process.

5.0	Recommendation(s)
5.1	It is recommended that Council review and approve the draft response for submission.
6.0	Documents Attached & References Appendix A: Mid Ulster District Council's draft response to DFI Water and Sewerage Charges - Options for Revenue Raising Consultation

7 February 2024



Department for Infrastructure

12-18 Adelaide Street

BELFAST

BT2 8GB

Email: waterchargesconsultation@infrastructure-ni.gov.uk

Reference: DFI Water and Sewerage Charges - Options for Revenue Raising Consultation

To whom it may concern:

Mid Ulster District Council would like to take this opportunity to provide comments on DFI Water and Sewerage Charges - Options for Revenue Raising Consultation.

Mid Ulster District Council would argue strongly against the introduction of the proposed charges. The Council understands why revenue raising options are currently being examined. However, in relation to these proposed charges, the Council maintains its stance that regional rate charges already include charges for water services.

This issue has been raised previously with NI Water. During NI Water's last presentation to the Council, the representatives were informed that water and sewerage charges are already funded by the revenues raised via the regional rate. Therefore, it is the opinion of the Council that members of the public are already paying water charges, and as such this area of public service provision should not be considered in relation to revenue raising.

Furthermore, the Council would argue strongly that these charges should not be introduced during a time when the public is attempting to recover from the recent cost of living crises and additional inflationary pressures that have had such a negative impact on household finances. While it is clear that vulnerable households absolutely need to be protected from revenue raising, it should also be recognised that it's not only vulnerable households in receipt of state benefits, who need to be shielded from these additional cost burdens.

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It is the opinion of Mid Ulster District Council, that revenue raising should be focused upon the members of society who can afford to pay extra, not struggling households who are already finding it impossible to make ends meet. The Council look towards the impending UK Budget announcements in March, which will hopefully alleviate some of the financial pressures on both households and public services in Northern Ireland and allow time for any potential future revenue raising mechanisms to be considered fully and carefully over the longterm.

Finally, as stated previously, the Council want to highlight these proposed costs are already accounted for as an aspect of regional charges. Therefore, ratepayers should not be asked to cover the costs of access to water and sewerage provision twice.

Mid Ulster District Council looks forward to being informed of the outcome of this consultation.

Yours sincerely

Cllr Dominic Molloy
Chairperson, Mid Ulster District Council

Report on	Request(s) to Illuminate Council Property
Date of Meeting	7 March 2024
Reporting Officer	Joseph McGuckin, Head of Strategic Services and Engagement
Contact Officer	Eileen Forde, Member Support Officer

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

1.0	Purpose of Report
1.1	<p>To consider requests received to illuminate and light up the Council's three designated properties to raise awareness for the following:</p> <ul style="list-style-type: none"> • Linking Generations NI: Global Intergenerational Week 2024: 24 April: Colour Pink • Sarcoidosis UK: global Sarcoidosis Awareness Month: 26 April: Colour Blue
2.0	Background
2.1	The Council has a policy and procedural arrangements in place to facilitate the illuminating/lighting-up of its designated properties from requests made by charitable organisations for charitable causes. The designated properties are the Burnavon, Bridewell and Ranfurly House.
2.2	The policy confirms that requests are considered by the Council's Policy and Resources Committee. Should the scheduling of the committee not permit requests being considered within the timeframes for determination, they can be presented to monthly Council.
3.0	Main Report
3.1	<p>The Council has received correspondence from organisations requesting that consideration be given to lighting up our three designated council properties. Requests for consideration and recommendation by Committee:</p> <ul style="list-style-type: none"> • Linking Generations NI: Global Intergenerational Week 2024: 24 April: Colour Pink • Sarcoidosis UK: global Sarcoidosis Awareness Month: 26 April: Colour Blue

3.2	<p>Scope of the Council Arrangements</p> <p>The policy scope extends to requests made by charitable organisations for the promotion of its charitable cause on a given date or set of dates.</p>
4.0	<p>Other Considerations</p>
4.1	<p>Financial, Human Resources & Risk Implications</p> <p>Financial: Not applicable</p> <p>Human: Not applicable</p> <p>Risk Management: Not applicable</p>
4.2	<p>Screening & Impact Assessments</p> <p>Equality & Good Relations Implications: Council policy and procedural arrangements have been referred to.</p> <p>Rural Needs Implications: Not applicable</p>
5.0	<p>Recommendation(s)</p>
5.1	<p>That the Committee considers making recommendation to light up the designated properties on the dates specified to mark:</p> <ul style="list-style-type: none"> • Linking Generations NI: Global Intergenerational Week 2024: 24 April: Colour Pink • Sarcoidosis UK: global Sarcoidosis Awareness Month: 26 April: Colour Blue
6.0	<p>Documents Attached & References</p>
	<p>None</p>

Report on	Scheme of Delegation for Senior Officers – Review and Amendments
Date of Meeting	8 th March 2024
Reporting Officer	Claire McNally, Assistant Director Corporate Services & Finance
Contact Officer	Claire McNally, Assistant Director Corporate Services & Finance

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

1.0	Purpose of Report
1.1	To update and seek members' approval on amendments to the council's Scheme of Delegation for Senior Officers.
2.0	Background
2.1	The Council agreed a new organisational structure in July 2021 which resulted in a series of changes to the then council structure.
2.2	An updated Scheme of Delegation ("Scheme") was brought to Policy and Resources Committee for consideration, arising from the restructuring and this amended Scheme was approved in December 2021.
2.3	As is good practice, the Council's Scheme is reviewed regularly and a number of further amendments were proposed and agreed in relation to Planning matters only in April 2023.
2.4	At that time, members were advised that a wider review of the Scheme of Delegation was ongoing and a further report on the remaining aspects of the Scheme was to follow in due course.
2.5	Since then, there have been further changes in Planning with the retirement of the Service Director; and the Council is also in receipt of an Audit from Food Standards Agency with commentary and recommendation around the Council's Scheme. This report and the proposed changes within the Scheme as revised in the Appendix, seek to address these and some other issues.
3.0	Main Report
3.1	As noted above, this report deals with the overall review of the Scheme and the Scheme will be continued to be kept under review.
3.2	In summary, the main proposed amendments to the Scheme, as well as including some changes to layout and picking up on minor errors, include:-

Delegated Functions (General)

- Para 3.1.8 (new) – All Senior Officers can approve the use of marketing and promotional material
- 3.1.9 (amended) – Senior Officers can instruct the Council’s legal representative in relation to legal instructions etc. Upon reflection of some of the changes to the Scheme in December 2021, it was felt that on this particular paragraph, it was more practical and proper that this aspect should be amended to broadly reflect how things operated before the restructuring in 2021 (rather than Senior Officers instructing the Strategic Director of Corporate Services and Finance, a legal representative is instructed directly);
- Para 3.2.2 (deleted) – it was felt that the writing off of bad debts etc., should be a Council decision until such times as there is a review of the legislation and the Council’s Financial Regulations under our Constitution;
- Para 3.4.4 (moved) – this paragraph around approving requests re controversial events has moved to the Chief Executive, rather than a decision any Senior Officer can take;
- Para 3.4.5 (deleted) – the granting of temporary licences has been deleted, as a licence is considered a disposal, and decisions around disposing of land cannot be delegated;

Delegated Functions (by Officer)

- Chief Executive – provision included here to allow Chief Executive to step in to another Senior Officer’s shoes to take decision in their absence; to make minor amendments to the Scheme; and to settle claims or legal proceedings in the Council’s best interests;
- Strategic Director of Communities and Place – clarifying and itemising all those matters that the SDCP can take decisions on, with decisions around refusal of authorisations, approvals, consents, licences, permits etc. being reserved for the Committee; specifying other delegated powers as a learning based on good practice; moving Article 18 of the 1985 Order to this Directorate from another;
- Strategic Director of Environment - clarifying and itemising all those matters that the SDCP can take decisions on, to include land and property specific matters; off-street parking specific authority; delegated authority included for the SDE to withdraw and/or suspend authorisations, approvals and consents; refusing licence where supporting documents haven’t been provided within 8 weeks;
- Planning – the task is to reassign those responsibilities delegated to the Service Director to the Head of Strategic Planning and the Head of local Planning. The Head of Strategic Planning is responsible for progressing the Local Development Plan and processing Major Proposals. As of 1st April that role will also take responsibility for the enforcement function. The Head of Local Planning takes on the responsibility of managing the two area teams which deal with planning applications (i.e., those applications that are not major or regionally significant), consents and other determinations.

Appendices

- Appendix A (Senior Officers) – the Head of Strategic Planning and the Head of Local Planning have both been included for now within the definition of

	<p>Senior Officer under the Scheme and this will be kept under review. Note also that the job titles of these roles are due to change as of 1 April and when they are agreed, those will replace the current respective job titles;</p> <ul style="list-style-type: none"> • Appendix B1 and B2 (Legislation) – these have been reviewed and tidied up to ensure they accurately relate to and reflect the Directorate to which the regulatory functions belong; • Appendix C (Planning Matters) – As noted above, the planning functions under the responsibility of each of the Heads are to be delegated to the respective Head. Note in relation this Appendix C of the Scheme of Delegation, the Service Director of Planning is engaging with members via Planning Committee in relation to the proposed changes to the planning functions. The proposed changes in relation to local development applications (Part B) will also be forwarded to Dfl Planning for approval as required under legislation. Dfl will need to approve the revised Scheme in so far as it relates to changes to local development applications, which is their only remit under the regulations.
4.0	Other Considerations
4.1	Financial, Human Resources & Risk Implications
	Financial: not applicable
	Human: not applicable
	<p>Risk Management: Agreement to the amendments will ensure the appropriate delegated authority is in place with clarity surrounding same. This will improve the governance arrangements and decision making ability with increased clarity on delegated functions to the Senior Officers throughout the Council and ensure a seamless delivery of council services.</p>
4.2	Screening & Impact Assessments
	Equality & Good Relations Implications: not applicable
	Rural Needs Implications: not applicable
5.0	Recommendation(s)
5.1	Members recommend to Council that the amended Scheme of Delegation for Senior Officers included as an Appendix to this report is approved and takes effect on 1 st April 2024.
6.0	Documents Attached & References
	Scheme of Delegation for Senior Officers

Mid Ulster District Council

Scheme of Delegation for Senior Officers

First Published	March 2015
Revised	March 2020
Revised	December 2021
Revised	[March] 2024

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1.0 INTRODUCTION

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

In the absence of the officer to whom a function is delegated, the function may be exercised by the officer(s) responsible for the performance of their duties during such absence.

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

2.0 GENERAL PRINCIPLES ON DELEGATION

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

agreement is not reached at senior officer level, the matter shall be referred to the Chief Executive for consideration.

- In a case of where the officer exercising the power considers that a new departure in policy is likely to be involved, or if the implications are such that the officer considers that such course is necessary, the matter shall be referred to the Chief executive for consideration
- The exercise of delegated authority shall be subject to there being adequate and appropriate budgetary provision, in the year of exercise and, insofar as is reasonably foreseeable and practicable, of future years.
- Any decision which may attract to the Council any unusual or onerous legal liability shall be taken with legal advice from the Council's legal representative and in consultation with the Strategic Director of Corporate Services and Finance.
- Any decision which has significant financial implications shall be taken in consultation with the Strategic Director of Corporate Services and Finance or, or, in their absence, the Assistant Director of Corporate Services and Finance.
- The exercise of functions under the scheme shall have regard to all relevant considerations and not take in to account any irrelevant matters.

3.0 DELEGATED FUNCTIONS: GENERAL

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

3.1 General administration

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

Commitment for Council funding and that any subsequent decision to proceed remains subject to Committee approval.

- 3.1.7 Developing and implementing specific promotions, schemes and events (including the provision of prizes) in line with any relevant Council policies.
- 3.1.8 Approving the use of marketing and promotional measures to attract and retain users and members of Council's services as considered useful.
- 3.1.9 Instructing the Council's Legal representative(s) to instigate legal proceedings in regard to the recovery of debt(s), the enforcement of contractual rights, the service of notices, the prosecution of statutory offences and the instituting and defending of claims and proceedings affecting the Senior Officer's department.

3.2 Finance

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

3.3 Emergencies and cases of urgency

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

3.4 Management of Land & Property Assets

The exercise of the following delegated powers is in relation to the management of the land and property assets, for which the Senior Officer is responsible. The use of these delegated powers is subject to paragraph 1.3 above that there is no disposal, holding or acquisition of land involved.

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

- 3.4.2 Varying the opening times of, or restricting access to, or closing such assets in special circumstances (for example to permit maintenance or other operational reasons) in consultation with the Chairman of the relevant Committee.
- 3.4.3 Approving the holding of non-controversial events, conferences and promotions in such assets and applying any necessary hire and/or admission charges or discounted pricing in line with Council policies.

3.4.4

3.5 Human Resources

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

- 3.5.1 Undertaking service reviews, including the deletion of permanent posts and the creation of new permanent posts, provided that there is no increase in the Department's approved staffing establishment and staffing budget for permanent posts, subject to approval of the Chief Executive.
- 3.5.2 Creating new temporary posts provided that there is no increase in the Department's approved staffing establishment and staffing budget, in accordance with Organisational Development, Strategy and Performance Department's approach.
- 3.5.3 Approving the use of agency resources in accordance with all relevant Council policies, following approval from Strategic Director for Organisational Development, Strategy and Performance.
- 3.5.4 Appointing successful applicants to posts in line with the employment policies and practices adopted by the Council.
- 3.5.5 Agreeing to a one month overlap period for the appointment of employees, provided that this can be accommodated within budget.
- 3.5.6 Allowing or disallowing all requests for leave, of any kind, in accordance with the Schemes of Conditions of Service adopted by the Council.
- 3.5.7 Approving paid or unpaid leave of absence subject to all relevant Council policies.
- 3.5.8 Taking action, including terminating or varying contracts of employment in respect of employees in the relevant department in accordance with Council

policies following consultation with the Director of Organisational Development, Strategy and Performance.

3.6 Procurement

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

Under the Local Government (Northern Ireland) Act 1972 any contract that exceeds the statutory amount of £30,000 exclusive of VAT must be made under the Corporate Seal. The Council's Standing Orders require a resolution of the council in order for the Corporate Seal to be affixed.

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

4.0 DELEGATED FUNCTIONS: BY OFFICER

4.1 Chief Executive

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

Anything delegated to a Senior Officer is also delegated to the Chief Executive who has authority to act on their behalf and to exercise any relevant function accordingly.

The Chief Executive is also delegated authority to:

- Sign legal documents on behalf of the council
- Making minor amendments to the Scheme of Delegation to reflect organisational, functional or legislative changes, to include any new legislation regarding existing functions.
- Sign documents to which a seal is affixed in line with section 120(2) of the Local Government (NI) Act 1972
- Affix the corporate seal, as required on resolution of the council
- To sign annual accounts and annual governance statements as Chief Financial Officer (CFO)
- The power to compromise or settle all claims made, or legal proceedings involving the Council as appears necessary or desirable in the best interests of the Council
- Approve, after consultation with the Chairman of the relevant Committee and Council, requests received in respect of deemed controversial events and activities in/on the Council's land and property assets where there is not sufficient time for Council approval to be obtained, subject to a report being taken to Committee as soon as possible thereafter

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

4.2 Strategic Director of Communities and Place

The Strategic Director of Communities and Place is responsible for and accountable to the Chief Executive for the delivery of community services; Policing and Community Safety Partnership; cultural venues; arts development; languages; events; the provision of regulation and advice in relation to those functions within the Environmental Health remit, namely, health and safety, public safety and food control; pollution control; public health, housing and HMOs; tobacco control; consumer protection relating to non-food products; dog control and animal welfare; licensing matters extending to street trading; road closures for special events; betting, gaming lotteries and amusements; pavement cafés; societies' lotteries; closing orders, Sunday trading; licensing of caravans; Health and Wellbeing programmes; leisure; sports development; water recreation sites; open spaces; play parks and countryside access functions.

The exercise of the functions listed below in relation to the legislation set out in Appendix B1 and to the legislation made thereunder, in line with relevant Council policies, is delegated to the Strategic Director of Communities and Place:-

- enforcing all regulations, orders and bye-laws made under the said legislation;
- Issuing, signing and serving certificates, notices and orders;
- granting, (but not withdrawing, suspending and refusing authorisations, approvals and consents;
- exercising any powers in relation to the issue (but not refusal) of permits and licences;
- effecting (but not cancelling or refusing to effect) registrations and maintaining statutory registers;
- authorising individuals, acting on behalf of the Council, for the purpose of exercising any statutory power;
- executing works in default of compliance with any notice and in an emergency where empowered by statute, and recovering costs;
- Exercising all powers in relation to the issue (but not refusal) of Houses in Multiple Occupation;
- exercising of powers under Article 18 of the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985 in relation to the removal or obliteration of graffiti, placards or posters
- Authorising under Article 22 (2) (C) (i) of the Health and Safety at Work (Northern Ireland) Order 1978 on behalf of Council, suitable persons to accompany inspectors who have been appointed by the Council under Article 21 of the said Order

- Protecting public rights of way and generally enforcing the Access to the Countryside (Northern Ireland) Order 1983
- Detaining a dog or causing a dog to be disposed of, sold or destroyed in accordance with Articles 23 or 48 of The Dogs (Northern Ireland) Order.

4.3 Strategic Director of Environment

The Strategic Director of Environment is responsible for and accountable to the Chief Executive for waste management; cleansing; recycling; vehicle maintenance and fleet operator compliance; property/asset management; public toilets; cemeteries; grounds maintenance; off street car parking functions; Building Regulations; road and street naming and numbering; licensing (i.e. entertainment, marriage/civil partnerships, cinema, and petroleum) , property certificates; capital planning and capital project delivery; sustainability; biodiversity; bus shelters; signage; emergency planning and corporate health and safety functions.

The exercise of the following functions, in line with relevant Council policies, is delegated to the Strategic Director of Environment:

- obtain a valuation of any land or land and property asset from Land and Property Services or any other valuation agency appointed by Council to act in their place.
- sign and issue notices on behalf of Council

Issue 'Seven Day Notices' in respect of abandoned vehicles under the Pollution Control and Local Government (NI) Order 1978, as amended
- to enter in to wayleaves, easements, works licences and other licences or agreements, where the Council is the grantee/licencee¹ etc., in consultation with the Council's legal representative
 - Make Orders for the charges to be paid in connection with the use of an off street parking place,
 - Make Orders for the use of any off-street parking place and conditions on which it may be used,
 - Make Orders restricting the use of a specified off-street parking place
 - Make Orders for the suspension of the use of an off-street parking place or any part of it for specified occasions or circumstances and in consultation with the Council's legal representative, entering into arrangements for the use of the said parking place.
 - The functions listed below in relation to the legislation set out in Appendix B2 and legislation made thereunder for which the Strategic Director of Environment has responsibility:
 - (a) enforcing all regulations, orders and bye-laws made under the said legislation
 - (b) issuing and serving certificates and notices

¹ For the avoidance of doubt, this does not include entering in to agreements which would be considered a "disposal" under Section 45 of the Interpretation Act (NI) 1954 - <https://www.legislation.gov.uk/apni/1954/33/section/45> . This function cannot be delegated under Section 7 Local Government (NI) Act 2014 - <https://www.legislation.gov.uk/nia/2014/8/section/7>

- (c) granting, withdrawing, suspending and refusing authorisations, approvals and consents and rejecting plans
- (d) exercising all powers in relation to the issue (but not refusal) of licences
- (e) refusing licences where all of the necessary supporting docs not provided within 8 weeks of application, or the application is otherwise incomplete, inaccurate or falsified;
- (f) effecting (but not cancelling or refusing to effect) registrations and maintaining statutory registers
- (g) authorising persons and officers pursuant to relevant legislation for the purposes of exercising any statutory power
- (h) dispensing with or relaxing, or refusing to dispense with or relax Building Regulations and inviting representations thereon, and extending prescribed periods
- (i) exercising powers in relation to the energy performance of buildings
- (j) lodging objections to notices of applications received (licensing, registration of clubs, betting gaming etc.)

4.4 Strategic Director of Corporate Services and Finance

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

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

4.5 Strategic Director of Organisational Development, Strategy and Performance

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

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

4.6 Planning

The Head of Strategic Planning is responsible for and accountable to the Chief Executive for the delivery of Development Planning, Major Applications within the Development Management function and Enforcement functions of council.

In addition to those areas identified as general delegated functions, at 3.0 above, the Head of Strategic Planning is also delegated authority to:

- Determine those matters delegated to the post holder within Appendix C of this Scheme

The Head of Local Planning is responsible for and accountable to the Chief Executive for the delivery of all other applications that are not considered “Major” within the Development Management functions of the Council.

In addition to those areas identified as general delegated functions, at 3.0 above, the Head of Local Planning is also delegated authority to:

- Determine those matters delegated to the post holder within Appendix C of this Scheme

APPENDIX A: SENIOR OFFICER

In this Scheme the expression Senior Officer means:

- Chief Executive
- Strategic Director of Communities and Place
- Strategic Director of Environment
- Strategic Director of Organisational Development, Strategy and Performance
- Strategic Director of Corporate Services and Finance
- Head of Strategic Planning*
- Head of Local Planning*

* Note the job titles of these Senior Officers are due to change as of 1 April 2024.

APPENDIX B1: STATUTORY RULES

Environmental Health Functions (Strategic Director of Communities and Place)

Note that these are the principal pieces of legislation under which the Council derives its functions. This list is not exhaustive. Any delegation to an officer to take action under a particular statutory provision, or relevant local authority bye-law, shall be deemed to authorise action under any statutory re-enactment or amendment of that provision, and any statutory regulations, order, or direction made under that provision both before and after the date of this Scheme. References to statutory requirements in this scheme include relevant European legislation and directives as applicable.

Legislation	<p>Animal By Products Regulations (NI) 2003</p> <p>Anti-Social Behaviour (NI) Order 2004</p> <p>Betting, Gaming, Lotteries & Amusements (NI) Order 1985</p> <p>Caravans Act (Northern Ireland) 1963</p> <p>Caravans Act (Northern Ireland) 2011</p> <p>Children and Young Persons (Sale of Tobacco etc.) Regulations (Northern Ireland) 2008</p> <p>Children and Young Persons (Protection from Tobacco) (Northern Ireland) Order 1991</p> <p>The Cigarette Lighter Refill (Safety) Regulations 1999</p> <p>Clean Air (Northern Ireland) Order 1981</p> <p>Clean Neighbourhoods and Environment Act (NI) 2011</p> <p>Construction Products Regulations 1991</p> <p>Consumer Protection Act 1987</p> <p>Consumer Rights Act 2015</p> <p>Criminal Justice and Police Act 2001</p> <p>Dangerous Dogs 1991</p> <p>Dogs (NI) Order 1983</p> <p>Energy Performance of Buildings (Certificates and Inspections)(Amendment) Regulations (NI) 2014</p> <p>Environment (NI) Order 2002</p> <p>European Communities Act 1972</p> <p>Fire & Rescue Services NI Order 2006</p> <p>Food and Environment Protection Act 1985</p> <p>Food Hygiene Regulations (NI) 2006</p> <p>Food Labelling Regulations (NI) 1996</p> <p>Food (Northern Ireland) Order 1989</p> <p>Food safety (Temperature Control) Regulations (NI) 1995</p> <p>Food Safety (Northern Ireland) Order 1991</p> <p>General Product Safety Regulations 2005</p> <p>Good Rule and Government Bylaws</p> <p>Hairdressers Act (NI) 1939</p> <p>Health and Safety at Work (Northern Ireland) Order 1978</p> <p>Health and Personal Social Services (NI) Order 1978</p>
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High Hedges Act (NI) 2011
Housing (Amendment) Act (Northern Ireland) 2011
Houses in Multiple Occupation Act (Northern Ireland) 2016
Industrial Pollution Control (Northern Ireland) Order 1997
Landlord Registration Scheme Regulations (Northern Ireland) 2012
Licensing (NI) Order 1996
Litter (Northern Ireland) Order 1994
Local Government Act (Northern Ireland) 1972 - Byelaws
Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985
Licensing of Pavement Cafés Act (Northern Ireland) 2014
Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1992
Noise Act 1996
Petroleum (Consolidation) Act (NI) 1929
Pleasure Grounds Byelaws
Poisons (Northern Ireland) Order 1976
Pollution Control and Local Government (Northern Ireland) Order 1978
Pollution Prevention and Control (Industrial Emissions) Regulations (Northern Ireland) 2013
Private Tenancies (NI) Order 2006
Private Tenancies Act (Northern Ireland) 2022
Public Health Acts 1878 to 1971
Public Health and Local Government (Miscellaneous Provisions) Act 1949
Rats and Mice Destruction Act 1919
REACH Enforcement Regulations 2008
Rent (Northern Ireland) Order 1978
Road Traffic Regulation (Northern Ireland) Order 1997
Roads (Miscellaneous Provisions) Act (Northern Ireland) 2010
Shops (Sunday Trading etc) (Northern Ireland) Order 1997
Standardised Packaging of Tobacco Products Regulations 2015
Street Trading (Regulation) Act Northern Ireland 1929
Street Trading Act (Northern Ireland) 2001
Smoking (NI) Order 2006 and associated Regulations
Sunbeds Act (Northern Ireland) 2011

The Sunbeds (Fixed Penalty) (General) Regulations (NI) 2012
The Sunbed (Fixed Penalty) (Amount) Regulations (NI) 2012
The Sunbed (Information) Regulations (Ni) 2012
Safety of Sports Grounds (Northern Ireland) Order 2006
Tobacco Advertising and Promotion Act 2002
Tobacco Retailers Act (Northern Ireland) 2014
Tobacco and Related Products Regulations 2016
Volatile Organic Compounds in Paints, Varnishes and Vehicle Refinishing Products Regulations 2012
Waste and Contaminated Land (NI) Order 1997
Welfare of Animals Act (NI) 2011
Welfare Services Act (Northern Ireland) 1971

EC Regulations

(Please note that this is not an exhaustive list of all Commission Implementing Regulations and decisions amending (EU) regulations or Directives below.)

Regulation (EC) No 178/2002 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

Regulation (EC) No 852/2004 The Hygiene of Foodstuffs

Regulation (EC) No 853/2004 Laying Down Specific Hygiene Rules for Food of Animal Origin

Regulation (EU) No 1169/2011 The Provision of food information to consumers

Regulation (EU) 2017/625 (Official Controls Regulations)

Food Control Legislation

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The Food Safety (1991 Order) (Commencement) Order (Northern Ireland) 1991

The Food Safety (Northern Ireland) Order 1991 (Consequential Modifications) Order (Northern Ireland) 1991
Food Standards Act 1999

Food Standards Act 1999 (Transitional and Consequential Provisions and Savings) Regulations (Northern Ireland) 2000

The Food Safety (Northern Ireland) Order 1991 (Amendment) Regulations (Northern Ireland) 2004

Consumer Protection Legislation

The Construction Products Regulations 2013

The Construction Products (Amendment Etc.) (Eu Exit) Regulations 2019

The Construction Products (Amendment Etc.) (Eu Exit) Regulations 2020

The Consumer Protection (Enforcement) (Amendment Etc.) (Eu Exit) Regulations 2019

The Consumer Protection (Enforcement) (Amendment Etc.) (Eu Exit) Regulations 2020

The Consumer Rights (Enforcement and Amendments) Order 2016

Consumer Rights Act 2015 (Enforcement) (Amendment) Order 2019

The Coordination of Regulatory Enforcement (Enforcement Action) Order 2009

The Coordination of Regulatory Enforcement (Procedures For Reference To LBRO) Order 2009

The Coordination of Regulatory Enforcement (Regulatory Functions In Scotland and NI) Order 2009

The Coordination of Regulatory Enforcement (Enforcement Action) (Amendment) Order 2013

The Coordination of Regulatory Enforcement (Enforcement Action) (Amendment) Order 2014

The Coordination of Regulatory Enforcement (Enforcement Action) (Amendment) (No 2) Order 2014

The Enterprise Act 2016

The Enterprise and Regulatory Reform Act 2013

The European Communities Act 1972

European Union (Future Relationship) Act 2020

European Union (Withdrawal) Act 2018

European Union (Withdrawal Agreement) Act 2020

The Health Act 2009

Directive 2014/40/EU on the Manufacture, Presentation and Sale of Tobacco and Related Products

Regulation (EU) 2019/ 1020 On Market Surveillance and Compliance of Products (MSC)

APPENDIX B2: STATUTORY RULES

Building Control and Licensing Functions (Strategic Director of Environment)

Note that these are the principal pieces of legislation under which the Council derives its functions. This list is not exhaustive. Any delegation to an officer to take action under a particular statutory provision, or relevant local authority bye-law, shall be deemed to authorise action under any statutory re-enactment or amendment of that provision, and any statutory regulations, order, or direction made under that provision both before and after the date of this Scheme. References to statutory requirements in this scheme include relevant European legislation and directives as applicable.

- Building Regulations (Northern Ireland) Order 1979 (as amended)
- Building Regulations (Northern Ireland) 2012 (as amended)
- Building (Amendment) Regulations (Northern Ireland) 2022
- Building (Prescribed Fees) Regulations (NI) 1997 (as amended)
- Building (Prescribed Fees) (Amendment) Regulations (Northern Ireland) 2013
- Building (Prescribed Fees) (Amendment) Regulations (Northern Ireland) 2022
- Cinemas (NI) 1994
- Civil Partnership Act 2004
- Clean Neighbourhoods and Environment Act (NI) 2011
- Energy Performance of Buildings (Certificates and Inspections)(Amendment) Regulations (NI) 2009 & 2014
- Fire & Rescue Services NI Order 2006
- Health and Safety at Work (Northern Ireland) Order 1978
- Licensing and Registration of Clubs (Amendment) Act (Northern Ireland) 2021
- Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985
- Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1995
- Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1992
- Local Government Act (NI) 2014

- Marriage (Northern Ireland) Order 2003
- Petroleum (Consolidation) Act (NI) 1929
- Petroleum (Transfer of Licences) Act (Northern Ireland) 1937
- Public Health Acts 1878 to 1971
- Towns Improvement Clauses Act 1947
- Towns Improvement (Ireland) Act 1854

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

Scheme of Delegation of Planning Applications

The Scheme of Delegation for planning applications was agreed by Mid Ulster District Council at its meeting of [Thursday 28th March 2024] following approval by the Department for Infrastructure on INSERT March 2024. The approval is in accordance with Section 31 of The Planning Act (NI) 2011.

The revised Scheme of Delegation takes effect from [01st April 2024].

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

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

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

Part B – Delegated Applications:

The appointed person within the Council is the Head of Local Planning

To determine all local development applications with the exception of:

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

Part C – Publicity:

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

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

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

An advert was placed in the local press.

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

As well as determining planning applications, the Council will also have to administer the enforcement of planning and the processing of other planning consents, orders etc. The Scheme of Delegation for Senior Officers in relation to planning consents, certificates, orders, enforcement and other determinations was agreed by Mid Ulster District Council at its meeting of [Thursday 28th March 2024]. The Scheme of Delegation takes effect from [1st April 2024] and is in accordance with Section 7 (4) (b) of the Local Government (Northern Ireland) Act 2014.

The following matters are delegated to the Head of Strategic Planning:

- The investigation of complaints of breach of planning control including the decision to not take enforcement action and/or to close an enforcement case or investigation and/or to withdraw or vary an enforcement notice;
- In exceptional circumstances, such as; immediate risk to human health; environmental harm etc., issue an Enforcement Notice or Stop Notice, subject to the Planning Committee being informed at the next available opportunity.
- The service of a Breach of Condition Notice, Submission Notice or planning contravention notices
- To instruct the Council's Legal representative to make an application to the Courts for Injunctions, subject to the Chair and Vice Chair of the Planning Committee being informed.
- Application to the Magistrates Court for a warrant to enter land and/or buildings in accordance with the powers provided in the Planning Act (Northern Ireland) 2011.
- Determination of the type of planning appeal and amendments to Council's case during the course of the appeal, subject to consultation with the Chair of the Planning Committee as deemed appropriate by the Head of Development Management.

(b) Matters relating to Major and Regionally Significant Planning applications and proposals (defined by the Planning (NI) Act 2011 and supporting legislation)

- In respect of the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2012 or any successor legislation, to:-
 - Issue screening opinions determining whether developments fall within Schedule (1) and (2);
 - Issue scoping opinions as to the information to be provided in any statement, and undertake appropriate consultations and notifications;
 - Determine whether an application should be accompanied by an Environmental Statement.
- Negotiating Section 76 Planning Agreements including developer contributions on planning applications prior to a final decision being taken by the Planning Committee.
- The preparation of evidence on behalf of Council and defending planning decisions at Planning Appeals, Independent Examinations and other Hearings.
- Discharge of Planning Conditions
- In respect of the Planning (Management of Waste from Extractive Industries) Regulations (Northern Ireland 2015 or any successor, to consider and approve a waste management plan
- Instruct the Council's Legal representative in relation to any legal action on any major or regionally significant planning matters, provided the Committee is informed.

(c) Local Development Plan

- Engage freely with the Planning Appeals Commission at the Independent Examination pre-hearing stage.
- To provide additional information or to request same, where the Commissioner deems this necessary.
- Agree minor, typographical or factual changes or modifications to the Local Development Plan documents.
- Agree changes to the justification and amplification text, for example to provide greater clarity on a particular policy.
- Agree changes to a particular policy or proposal in the draft Local Development Plan document suggested by the Commissioner, where that change would not fundamentally alter the thrust of that policy / proposal, or the change is necessary to make the policy / proposal sound, with no substantive implications for other aspects of the Plan or overall objectives of the policy.
- Instruct the Council's Legal representative in relation to any legal action on planning matters, provided the Committee is informed.

(d) Tree Preservation Orders

Determination of any application for carrying out works to trees subject to a tree preservation order.

The following matters are delegated to the Head of Local Planning

(e) Other Consents and Certificates

- Determination of any application for a Certificate of Lawful Development.
- Determination of any application for Advertisement Consent or variations of same.
- Determination of any Hazardous Substance Consent.
- Applications for Non Material Changes.
- Determination of applications for Certificates of Alternative Development Value.
- Determination of applications for Urgent Crown Development and Crown Listed Building Consent.
- Determination of a Correction Notice.
- Discharge of Planning Conditions.
- Registering Notices and Charges in the Statutory Charges Register.
- To make determinations under Section 46 (Power to Decline).
- To make determinations under Section 48 (Power to decline).

(f) Listed Building and Conservation Area Consents

- Determination of any application for Listed Building Consent.
- Determination of any application for Conservation Area Consent.

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

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

- Where the Head of Local Planning considers that the proposal merits consideration by the Committee.
- Responding to minor consultations on planning matters on behalf of the Council, which do not fall within the remit of the Planning Committee.

(g) Matters relating to Local Planning applications (defined by the Planning (NI) Act 2011 and supporting legislation as other planning applications not defined as regionally significant or major)

- In respect of the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2012 or any successor legislation, to:-
 - Issue screening opinions determining whether developments fall within Schedule (1) and (2);
 - Issue scoping opinions as to the information to be provided in any statement, and undertake appropriate consultations and notifications;
 - Determine whether an application should be accompanied by an Environmental Statement.
- Negotiating Section 76 Planning Agreements including developer contributions on planning applications prior to a final decision being taken by the Planning Committee.
- The preparation of evidence on behalf of Council and defending planning decisions at Planning Appeals, Independent Examinations and other Hearings.
- In respect of the Planning (Management of Waste from Extractive Industries) Regulations (Northern Ireland 2015 or any successor, to consider and approve a waste management plan
- Instruct the Council's Legal representative in relation to any legal action on local planning matters, provided the Committee is informed.

The Head of Local Planning is delegated the authority in relation to the preparation of evidence on behalf of Council and defending planning decisions at Planning Appeals, Independent Examinations and other Hearings in respect of local planning matters.

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

Minutes of Meeting of Policy and Resources Committee of Mid Ulster District Council held on Thursday 8 February 2024 in the Council Offices, Circular Road, Dungannon and by Virtual Means

Members Present

Councillor Corry, Chair

Councillors Bell*, Brown*, F Burton*, J Burton*, Cahoon, Gildernew, Johnston*, McAleer, McLean*, McLernon, S McPeake*, Molloy*, Totten*, Wilson*

Officers in Attendance

Mr McCreesh, Chief Executive**

Mrs Canavan, Strategic Director of Organisation Development, Strategy and Performance (SD: ODSP)

Ms Dyson, Head of Human Resources (HoHR)**

Ms Keys, Marketing and Communications Manager (MCM)

Mr McGuckin, Head of Strategic Services and Engagement (HoSS&E)

Mrs McNally, Assistant Director of Corporate Services and Finance (AD: CS&F)**

Mr Moffett, Assistant Director of Organisational Development, Strategy & Performance (AD: ODSP)

Mr O'Hagan, Head of IT (HoIT)

Ms Porter, Capital Planning Manager (CPM)

Mr Scullion, Assistant Director of Property Services (AD: PS)

Mr Tohill, Strategic Director of Corporate Services & Finance (SD: CS&F)

Mrs Grogan, Committee and Member Services Officer

* Denotes members present in remote attendance

** Denotes Officers present by remote means

*** Denotes others present by remote means

The meeting commenced at 7.00 pm.

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

PR024/24 Notice of Recording

Members noted that the meeting would be webcast for live and subsequent broadcast on the Council's You Tube site.

PR025/24 Apologies

None.

PR026/24 Declarations of Interest

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

PR027/24 Chairs Business

None.

Matters for Decision

PR028/24 Good Employment Charter for Mid Ulster District Council

The Assistant Director: Org Development, Strategy and Performance (AD: ODSP) presented previously circulated report which sought approval for draft Mid Ulster District Council Good Employment Charter. The draft charter has been developed as part of Council's arrangements for a Community Wealth Building Framework and Plan.

The AD: ODSP advised members as part of the research undertaken, Council liaised with the Living Wage Foundation in the development of the Good Employment Charter and also worked with Belfast City Council in the development of the Charter. The actual Charter itself is composed of five broad themes: fair pay, employee engagement and voice, learning and development, health & wellbeing and inclusive workplaces which is a broad Charter of principles in which this organisation will abide by subject to comment this evening. The AD: ODSP advised members that this item had went to the Community Wealth Building Working Group last week and comments made have been taken on board and reflected in the final Charter for agreement tonight.

The Chair advised that she had attended the meeting of the Community Wealth Building Working Group and felt that it was an exciting opportunity to lead the way and be good employers.

Councillor Gildernew said that she would be happy to propose the Council's Good Employment Charter as it was good to see Council prioritising employee's wellbeing. The member enquired if trade unions have been involved in the development of the Charter.

The AD: ODSP advised trade unions were involved at a certain level but would need to get clarification on this matter. He said that Council did involve directly the Living Wage Foundation which included membership and development of the Charter would not diminish any relationship Council would have with unions as an employer.

Proposed by Councillor Gildernew
Seconded by Councillor Brown and

Resolved That it be recommended to Council to approve the draft Good Employment Charter for Mid Ulster District Council.

Councillor F Burton said that in the past Council had established a forum working group where Council would engage with colleges, universities and employers and enquired if this was still up and running. The member advised that a lot of employers had indicated to her that they struggle sometimes to get young people involved in some of the courses that they would like to get them engaged in. The member said that she sought clarification on this when talking about Good Employment Charter.

The Strategic Director of Organisation Development, Strategy and Performance (SD: ODSP) advised that Officers engage with colleges and universities on a regular basis especially when doing work placements with a number of those out at the moment. When doing apprenticeship schemes engagement directly takes place with universities and colleges and were also involved heavily with career fairs and go directly into schools to provide information about jobs and career opportunities for Council also. The SD: ODSP said that this was an ongoing process to try and increase engagement which was important especially with young people coming along as there was a need to attract students at that early stage into the organisation to give them an awareness of what Council actually does and what career opportunities there is within Council.

PR029/24 Requests to Illuminate Council Properties

The Head of Strategic Services and Engagement (HoSS&E) presented previously circulated report which sought approval to illuminate and light up the Council's three designated properties to raise awareness for the following:

- VOYPIC – Voice of Young People in Care: Care Day: 16 February 2024: Colour: Yellow
- Cystic Fibrosis Trust – Cystic Fibrosis Trust's 60th Anniversary: 20 February 2024: Colour: Yellow
- Marie Curie: Memory Stones of Love – Day of Reflection for those lost in the Covid Pandemic: 3 March 2024: Colour: Yellow
- RNLI: 200th Anniversary: 4 March 2024: Colour: Yellow
- Nerve Tumours UK – Shine a Light on NF: 17 May 2024: Colour: Blue
- Prader-Willi Syndrome (PWS) Association UK: Go Orange Day: 31 May 2024: Colour: Orange
- NHS Organ Donor Register: Organ Donation Week: 23 September 2024: Colour: Pink

Proposed by Councillor McAleer

Seconded by Councillor Cahoon

Resolved That it be recommended to Council to illuminate the three designated Council properties as follows –

- VOYPIC – Voice of Young People in Care: Care Day: 16 February 2024: Colour: Yellow
- Cystic Fibrosis Trust – Cystic Fibrosis Trust's 60th Anniversary: 20 February 2024: Colour: Yellow
- Marie Curie: Memory Stones of Love – Day of Reflection for those lost in the Covid Pandemic: 3 March 2024: Colour: Yellow
- RNLI: 200th Anniversary: 4 March 2024: Colour: Yellow
- Nerve Tumours UK – Shine a Light on NF: 17 May 2024: Colour: Blue

- Prader-Willi Syndrome (PWS) Association UK: Go Orange Day: 31 May 2024: Colour: Orange
- NHS Organ Donor Register: Organ Donation Week: 23 September 2024: Colour: Pink

Councillor J Burton said that he would like to note that this was the first committee meeting since the cancer diagnosis of King Charles and said that on behalf of himself and his colleagues he would like to send on his best wishes to King Charles and the wider Royal family and that they were in our thoughts and prayers at this time.

PR030/24 Improvement Objectives: 2024-2025 (Proposed) and Timeline for Public Consultation

The Head of Strategic Services and Engagement (HoSS&E) presented previously circulated report which sought approval to agree the proposed improvement objectives for 2024/25, as set in compliance with the Local Government Act (NI) 2014 (the Act) and subsequent guidance as issued by the Department for Communities (LG21/2016 onwards) and establish timelines for a public consultation exercise relating to the proposed improvement objectives.

Proposed by Councillor Brown
Seconded by Councillor F Burton and

Resolved That it be recommended to Council to approve the four draft improvement objectives for 2024-2025 and the initiation of consultation together with associated timeline.

PR031/24 Draft Consultation Response on Research on Investigating Future Provision for Victims of Violence and Domestic Abuse within the Northern Ireland Housing Selection Scheme

The Head of Strategic Services and Engagement (HoSS&E) presented previously circulated report which advised of the consultation response developed on behalf of Mid Ulster District Council in response to the Research on Investigating future provision for victims of violence and those at risk/under threat of violence including victims of domestic abuse within the Northern Ireland Housing Selection Scheme.

The HoSS&E advised that a few additional relevant statistics had been added and attached which had been received in relation to Mid Ulster's response. These were received from the Community Development team since the papers were circulated and a final response will be circulated tomorrow if agreeable.

Councillor Gildernew said that she would be happy to propose the consultation response on Investigating the Future Provision for Victims of Violence and Domestic Abuse within the Northern Ireland Housing Selection Scheme.

Councillor Gildernew felt that the intimidation points should not have been removed from the scheme and that these points should be retained, and the scheme broadened to include those at risk from domestic violence. There is a need to protect those facing serious and immediate threat to themselves and their families and there should be robust verification of intimidation points to ensure they are allocated appropriately, to those at genuine risk and to prevent others on the housing list, including those with

homeless points, from being unfairly disadvantaged. SafeLives commissioned a report in 2018, which found that approximately one-third of homeless women stated that domestic abuse contributed to their homelessness. There is a need to ensure adequate provision of emergency/refuge accommodation as well as adequate access to safe housing in the Mid Ulster area. No survivor should be prevented from leaving their abuser due to fears of facing homelessness and often the assurance of safe housing can help break this cycle.

Councillor F Burton said that she was happy to second the proposal and to concur with comments made by previous speaker as a former PCSP member. The statistics we have in Mid Ulster for domestic violence against women and sometimes against men was absolutely horrific and anything that we can do to try and lessen that is much needed. The member felt that this could be an ideal opportunity to add in the fact that the Crime Prevention Officer regularly provides locks, bolts and safety items to families and felt it was ironic that it was the Handyvan Scheme of Agewell that usually goes out to fit those. Members may be aware that there was now a struggle to ensure that the Handyvan scheme was future-proof and felt that this could be an ideal opportunity to flag this to housing, police or whoever was responsible due to the real fear come 31st March that this service may no longer be available. The member advised that this service provides incredible work not only for this type of work but also for the elderly and real vulnerable of our society and those who suffer really badly with mental health.

Councillor Corry concurred with previous speakers and said that this was something that Agewell may not be aware of that they do fit safety equipment for people who have suffered domestic abuse. She felt that what was included in the consultation response was very good and when looking at urban and rural difference that this was something she came across in regards to temporary accommodation being only available in Belfast or Derry area. The member said that for anyone coming from a rural area, this is not feasible as they are being lifted from any support network that they may have there and for their children going to school. The member referred to Councillor Gildernew's comment in regards to taking away the whole intimidation points and the need to have this being investigated more robustly and why a person is reporting this and not being taken away. She said that she looked forward to seeing the response going forward and hoped that they would listen.

Proposed by Councillor Gildernew
Seconded by Councillor F Burton and

Resolved That it be recommended to Council to approve the draft response for submission.

PR032/24 Member Services

No issues.

Matters for Information

PR033/24 Minutes of Policy and Resources Committee held on 11 January 2024

Members noted Minutes of Policy & Resources Committee held on 11 January 2024.

PR034/24 Revised Photographic Policy

Members noted update on minor changes to the Council's Photographic Policy to reflect the required policy review undertaken.

PR035/24 Performance Improvement Nine Month Assessment

Members noted update in relation to monitoring information on the review of Council's performance against our seven statutory and three corporate performance improvement indicators and standards, along with an overview of the Corporate Health Indicators for the first nine months of 2023/24. The report also provides a performance progress summary against the Council's four corporate improvement objectives and their associated project plans (known as CIP plans). The indicators and standards, the 4 improvement projects and corporate health indicators are contained within our Two-Year Performance Improvement Plan (PIP plan) for 2023/24 to 2024/25.

PR036/24 Update from CRWG Meeting and Mid Ulster Sports Awards

Members noted update in relation to the outworking's of the most recent Civic Recognition Working Group meeting held on 16th January 2024.

Councillor Wilson advised that he had nothing against the Sports Awards as he had nominated people for it but was not happy about the process that has been undertaken. The member said that he had looked and reviewed the minutes of the previous meetings and did not see anywhere that the running of this event or indeed the process of this event is actually in the hands of a working group and as an elected rep himself, had no input whatsoever on how that evening would be run or given any chance to have his tuppence worth in there. He said that he had been informed previously that this had been agreed by Council but had to come back to this committee and was only coming back now as a fait accompli and would have to say that he was not happy about the process. The member sought clarification on who's decision it was to put nominations back another week.

The Head of Strategic Services and Engagement (HoSS&E) advised that the matter was discussed at the last Council meeting and the Chief Executive had updated members in relation to the required approvals that were sought at Council and basically the working group put the meat on the bones of what was agreed as such in terms of the approval and the resolution basically of what come out of that meeting. In terms of nominations the HoSS&E advised that a lot of nominations has been received in relation to Mid Ulster Sports Awards across all the sporting bodies and organisations, both groups and individuals and Council is very happy with the response received to date. It was always the intention to extend the nominations by a further week which was always the plan, to go out for two weeks with the opportunity to extend for a further third week and he encouraged all to participate to get involved if you haven't done so already as it was a great opportunity.

Councillor Wilson thanked the HoSS&E for the update and said he looked forward to him coming back with the relevant details.

Councillor Corry said that she would like to thank the working group on their work and on a personal note she was very excited and was looking forward to it as there has

been a real buzz this last couple of weeks around the nominees and competition associated with it.

Live broadcast ended at 7.20 pm.

Local Government (NI) Act 2014 - Confidential Business

Proposed by Councillor McLernon
Seconded by Councillor Gildernew

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 PR037/24 to PR050/24.

Matters for Decision

PR037/24 Land and Property Matters
PR038/24 Maghera Regeneration Project: Public Realm ICT Fees
PR039/24 Department of Finance - Finance Rating Revenue Raising Consultation
PR040/24 SOC & SIEM Tender Report
PR041/24 Website Governance Update and Contract Extension
PR042/24 Staffing Matters for Decision

Matters for Information

PR043/24 Confidential Minutes of Policy & Resources Committee held on 11 January 2024
PR044/24 Staffing Matters for Information
PR045/24 Managing Attendance Update Report Q3
PR046/24 Update Report on Industrial Action January 2024 – Leisure Services
PR047/24 Home Office Cyber Security Update
PR048/24 Financial Report for 9 Months ended 31 December 2023
PR049/24 Contracts and DAC Registers
PR050/24 2024/25 Rate Estimates Update

P051/24 Duration of Meeting

The meeting was called for 7.00 pm and ended at 7.40 pm.

Chair _____

Date _____

Annex A – Introductory Remarks from the Chairperson

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

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

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

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

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

Report on	Performance Improvement: Local Government Auditor's Audit and Assessment (Section 95) Report 2023-24.
Date of Meeting	Thursday 7 th March 2024
Reporting Officer	J Mc Guckin, Head of Strategic Services and Engagement
Contact Officer	L Jenkins, Corporate Performance & Quality Officer

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

1.0	Purpose of Report
1.1	To update the committee and members of the key findings of the Local Government Auditor's Audit and Assessment (Section 95) Report 2023-24.
2.0	Background
	Local government Auditor's Improvement Audit and Assessment Report 2023-24
2.1	Part 12 of the Local Government Act (NI) 2014 ('the Act') places a duty on Councils' to make arrangements to secure continuous improvement in the exercise of their functions. This includes setting improvement objectives for each financial year and putting in place arrangements to achieve those objectives, as well as publishing annual progress reports.
2.2	The Act places a statutory duty on the Local Government Auditor (LGA) to: <ul style="list-style-type: none"> a) Report (via the Improvement Audit) whether each Council has discharged its duties in relation to improvement planning, the publication of improvement information and the extent to which each Council has acted in accordance with the *Department's Guidance. During the course of this work the LGA may make statutory recommendations under section 95 of the Act. b) Assess annually (via the Improvement Assessment) whether a Council is likely to make the required arrangements to secure continuous improvement in that year. The Local Government Auditor also has the discretion to assess and report whether a Council is likely to comply with these arrangements in future years.
3.0	Main Report
	Audit and Assessment (Section 95) Report 2023 to 2024 and Certificate of Compliance
3.1	Northern Ireland Audit Office (NIAO) issued correspondence on the 22 nd of November 2023, which included a letter to the Chief Executive (Appendix One), which clarified that the Local Government Auditor had not certified the improvement audit for Council with an unqualified opinion. The correspondence also highlighted, in terms of the audit assessment, that the LGA concluded that the Council is likely to comply with Part 12 of the Local Government Act (Northern Ireland) 2014 (the Act) during 2022 to 2023. No Statutory

	<p>recommendations were made in respect of the Council nor was there a requirement for a special inspection. The LGA made one proposal for improvement</p>
3.2	<p>Accompanying the letter was a copy the final Audit and Assessment (Section 95) 2023-24 Report (refer to Appendix Two), this document also contains the original Audit and Assessment Certificate of Compliance (refer to page 8 in report - Annex A).</p>
3.3	<p>The Local Government Auditor had also forwarded the Council’s letter and Audit and Assessment Report to the Department of the Communities (DfC). By 31st of March 2024 the LGA will publish an Annual Improvement Report on the Council on the NIAO website, making it publicly available. This will summarise the key outcomes in this report.</p>
	<p>Certificate of Compliance – Council’s Performance Improvement Arrangements</p>
3.4	<p>Audit Opinion – Improvement Audit</p> <p>The LGA has certified the performance arrangements with unqualified opinion, without modification. She certifies an improvement audit and improvement assessment has been conducted. The LGA states that as a result, she believes that Mid Ulster District Council has discharged its performance improvement and reporting duties, including its assessment of performance for 2022-2023 and its improvement plan for 2023-2024, and has acted in accordance with the Guidance.</p>
3.5	<p>Improvement Assessment</p> <p>The LGA has assessed whether the Council is likely to comply with its performance improvement responsibilities under Part 12 of the Local Government Act (Northern Ireland) 2014 (the Act). This is called the ‘improvement assessment’. In her opinion, the Council is likely to discharge its duties in respect of Part 12 of the Act during 2023-24 and has demonstrated a track record of improvement.</p>
3.6	<p>The LGA did not exercise her discretion to assess and report whether the Council is likely to comply with these arrangements in future years.</p> <p>Audit Findings and Status of the Audit</p>
3.7	<p>During the audit and assessment the LGA identified no issues requiring a formal statutory recommendation under the Act. The LGA made one proposal for improvement (refer to Appendix Two - page 6). Proposals for improvement represent good practice which should assist the Council meeting its responsibilities for performance improvement. The LGA is not minded to carry out a special inspection under section 95(2) of the Act.</p> <p>LGA Proposal for Improvement</p>
3.8	<p>Following significant engagement with relevant council officers throughout September to October 2023, no formal recommendations were issued to the Council as a result of the audit. One proposal for improvement was introduced, as outlined under the thematic area of, “Governance Arrangements” (refer to page 6 in Appendix Two).</p>

Thematic Area	LGA Issue	Proposal For Improvement	Management Response
<p>2. Governance Arrangements</p>	<p>The last internal audit review of Performance Improvement was completed in 2019-20. Performance improvement does not form part of the 2022-23 internal audit plan.</p>	<p>The Council should consider the benefit of using Internal Audit periodically to provide assurance on the integrity and operation of the Council's performance improvement framework.</p>	<p>Council's Internal Audit Team are currently undertaking an audit of Council's "Corporate and Business Planning" (February 2024, with audit findings to follow)</p> <p>The audit will go some way in looking at performance improvement as it will consider if there is a joined-up approach which incorporates and links the Corporate Plan, annual Business Plans at the Operational level, Community Planning, Performance Improvement Plan (PIP), and any other relevant plans (i.e. *performance management)</p> <p>The objectives of the audit are: To ensure that:</p> <ul style="list-style-type: none"> • There are adequate and efficient arrangements in place to ensure a joined-up approach to performance management. • Performance at a corporate and operational level is effectively planned, monitored, and reported. <p>On receipt of any audit findings an action plan will be developed to ensure arrangements are put in place to reduce audit risks and enhance controls.</p> <p><i>*Performance Management is referring to the processes and systems used to plan, monitor, and manage the overall success of the</i></p>

			<i>Council. In Council this includes the Corporate Plan, annual Business Plans at the Operational level, Community Planning, Performance Improvement Plan, and any other relevant plans.</i>
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LGA Detailed Observations

The LGA Section95 report also includes an annex of detailed observations made during the actual LG audit (Refer to Appendix Two pages 11-18). While not a proposal for improvement Council views the LGA observations with associated references as 'points of good practice' and have also included them in the table below with a management response.

Thematic Area	LGA Observations	Management Response
2. Governance Arrangements	<p>The Council has assigned responsibility for scrutiny of its performance improvement framework to the Policy and Resources Committee. The Audit Committee oversight role has developed to include quarterly monitoring of the activity of the Policy and Resources Committee, specifically in respect of the scrutiny of the Council's Performance Improvement Plans and Reports, and this is a standing item on the agenda for reporting. The Policy and Resources Committee Terms of Reference (TOR) has been updated to reflect performance improvement responsibilities. However it is noted that the Terms of Reference does not specifically outline the duties of the Performance Improvement service area within the Council.</p> <p>It is recommended as best practice going forward that the duties are detailed within this document.</p>	An updated outline of the duties of the Council's Performance Improvement Service area has been developed and the terms of reference of Policy and Resources Committee will be amended to include same.
7. Collection Use and Publication of	It was noted in last year's Section95 report as a proposal for improvement, that an electronic performance management system	Council Officers have undertaken broad research into current data performance/business

	<p>Performance Information</p>	<p>would be a more efficient way of capturing the growing central repository of performance information. The Council currently use Microsoft Excel templates to track performance of statutory and self-imposed indicators on a quarterly basis. This, however, is a very labour intensive method of collecting performance information, and is susceptible to human error in terms of the robustness and accuracy of content and the Council should consider whether an electronic performance management system should be procured</p>	<p>intelligence electronic platforms, which would capture Council's hierarchy of plans (Strategic and Operational Performance Management and associated 'Business Intelligence') and briefing overviews of system outline and potential implementation have been completed. to progress same. An Options Paper/ Business Case will be presented to SMT for approval and or consideration.</p>
4.0	Other Considerations		
4.1	Financial, Human Resources & Risk Implications		
	Financial: not applicable, arrangements being delivered within existing resource		
	Human: not applicable, arrangements currently being delivered within existing resource		
	Risk Management: Will assist in council's compliance with Part 12 of the Local Government (NI) Act 2014		
4.2	<u>Screening & Impact Statements</u>		
	Equality & Good Relations Implications: Not applicable No specific implications neutral impact on S75 groups and neutral impact on promotion of good relations		
	Rural Needs Implications: not applicable		
5.0	Recommendation(s)		
5.1	That the committee notes the findings of Audit and Assessment (Section 95) Report 2023-24 presented by the Northern Ireland Audit Office.		
6.0	Documents Attached & References		
	Appendix One: NIAO Correspondence dated 27 th of November 2023		
	Appendix Two: Audit and Assessment (Section. 95) Report 2023-24.		

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

22 November 2023

Dear Adrian,

MID ULSTER DISTRICT COUNCIL: IMPROVEMENT AUDIT AND ASSESSMENT – DRAFT AUDIT AND ASSESSMENT REPORT 2023-24

I attach a copy of our draft audit and assessment report, which sets out the findings and conclusions from our work to date. The draft findings have previously been discussed with Lisa Jenkins during the audit.

The Local Government Auditor (LGA) is proposing an unqualified audit opinion. In terms of the assessment, the LGA has concluded that the Council is likely to comply with Part 12 of the Local Government Act (Northern Ireland) 2014 (the Act) during 2022-23. No statutory recommendations will be made to the Department this year in respect of the Council nor is there a requirement for a special inspection.

Section three of the report sets out our key audit and assessment findings including proposals for improvement, which are not formal recommendations, but lower priority matters that we think might assist the Council in meeting its performance improvement responsibilities in future years.

In line with section 95 of the Local Government Act 2014, we are required to send a final version of the report to the Council and the Department by 30 November 2023. I should therefore be grateful if you would confirm by close of play 28 November 2023 that the draft report is a fair summary of the relevant facts or suggest what amendments should be made.

Yours sincerely,



Karen Costley
Audit Manager



Northern Ireland
Audit Office

Audit and Assessment Report 2023-24

Report to the Council and the Department for Communities under Section 95 of the Local Government (Northern Ireland) Act 2014

Mid Ulster District Council
22 November 2023

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We have prepared this report for Mid Ulster District Council's sole use. You must not disclose it to any third party, quote or refer to it, without our written consent and we assume no responsibility to any other person.

1. Key Messages

Summary of the audit

Audit outcome	Status
Audit opinion	Unqualified opinion
Audit assessment	The LGA has concluded that the Council is likely to comply with Part 12 of the Local Government Act (Northern Ireland) 2014 (the Act) during 2023-24
Statutory recommendations	The LGA made no statutory recommendations
Proposals for improvement	The LGA made one new proposal for improvement

This report summarises the work of the Local Government Auditor (LGA) on the 2023-24 performance improvement audit and assessment undertaken on Mid Ulster District Council. We would like to thank the Chief Executive and his staff, particularly the Performance Improvement Manager, for their assistance during this work.

We consider that we comply with the Financial Reporting Council (FRC) ethical standards and that, in our professional judgment, we are independent and our objectivity is not compromised.

Audit Opinion

The LGA has certified the performance arrangements with an unqualified audit opinion, without modification. She certifies an improvement audit and improvement assessment has been conducted. The LGA also states that, as a result, she believes that Mid Ulster District Council (the Council) has discharged its performance improvement and reporting duties, including its assessment of performance for 2022-23 and its 2023-24 improvement plan, and has acted in accordance with the Guidance.

Audit Assessment

The LGA has assessed whether the Council is likely to comply with its performance improvement responsibilities under Part 12 of the Local Government Act (Northern Ireland) 2014 (the Act). This is called the 'improvement assessment'.

In her opinion, the Council is likely to discharge its duties in respect of Part 12 of the Act during 2023-24 and has demonstrated a track record of improvement. The LGA did not exercise her discretion to assess and report whether the Council is likely to comply with these arrangements in future years.

Audit Findings

During the audit and assessment we identified no issues requiring a formal statutory recommendation under the Act. We made one proposal for improvement (see Section 3). This represents good practice which should assist the Council in meeting its responsibilities for performance improvement. Detailed observations on thematic areas are provided in Annex B.

Status of the Audit

The LGA's audit and assessment work on the Council's performance improvement arrangements is now concluded. By 31 March 2024 she will publish an Annual Improvement Report on the Council on the NIAO website, making it publicly available. This will summarise the key outcomes in this report.

The LGA did not undertake any Special Inspections under the Act in the current year.

Management of information and personal data

During the course of our audit we have access to personal data to support our audit testing. We have established processes to hold this data securely within encrypted files and to destroy it where relevant at the conclusion of our audit. We can confirm that we have discharged those responsibilities communicated to you in accordance with the requirements of the General Data Protection Regulations (GDPR) and the Data Protection Act 2018.

Other matters

Sustainability and Climate Change

Councils have begun to address the issue of climate change and sustainability, with individual councils at varying stages of progress. If councils are to link climate change and sustainable action to their performance objectives or even as part of their wider continuous improvement arrangements in future years, it will be necessary to consider arrangements to improve, including ensuring adequate resourcing and gathering of accurate data.

Benchmarking

The issue of benchmarking with other councils has been part of the work plan for the Performance Improvement Working Group (PIWG) for several years and limited progress has been made on this matter. Progress on this issue would allow a broader range of functions to be compared to support councils with their General Duty to Improve, in accordance with section 84 of the Local Government (Northern Ireland) Act 2014. We acknowledge that delays to this process were faced because of the COVID-19 pandemic.

2. Audit Scope

Part 12 of the Act provides all councils with a general duty to make arrangements to secure continuous improvement in the exercise of their functions. It sets out:

- a number of council responsibilities under a performance framework; and
- key responsibilities for the LGA.

The Department for Communities (the Department) has published 'Guidance for Local Government Performance Improvement 2016' (the Guidance) which the Act requires councils and the LGA to follow. Further guidance to clarify the requirements of the general duty to improve was issued by the Department during 2019.

The improvement audit and assessment work is planned and conducted in accordance with the Audit Strategy issued to the Council, the LGA's Code of Audit Practice for Local Government Bodies in Northern Ireland and the Statement of Responsibilities.

The improvement audit

Each year the LGA has to report whether each council has discharged its duties in relation to improvement planning, the publication of improvement information and the extent to which each council has acted in accordance with the Department's Guidance. The procedures conducted in undertaking this work are referred to as an "improvement audit". During the course of this work the LGA may make statutory recommendations under section 95 of the Act.

The improvement assessment

The LGA also has to assess annually whether a council is likely to comply with the requirements of Part 12 of the Act, including consideration of the arrangements to secure continuous improvement in that year. This is called the 'improvement assessment'. She also has the discretion to

assess and report whether a council is likely to comply with these arrangements in future years.

The annual improvement report on the Council

The Act requires the LGA to summarise all of her work (in relation to her responsibilities under the Act) at the Council, in an 'annual improvement report'. This will be published on the NIAO website by 31 March 2024, making it publicly available.

Special inspections

The LGA may also, in some circumstances, carry out special inspections which will be reported to the Council and the Department, and which she may publish.

DRAFT

3. Audit Findings

This section outlines key observations in the form of proposals for improvement, arising from following thematic areas of the Council’s audit and assessment:

- General duty to improve;
- Governance arrangements;
- Improvement objectives;
- Consultation;
- Improvement plan;
- Arrangements to improve
- Collection, use and publication of performance information; and
- Demonstrating a track record of improvement.

These are not formal recommendations, which are more significant matters which require action to be taken by the Council in order to comply with the Act or Guidance. Proposals for improvement include matters which, if accepted, will assist the Council in meeting its performance improvement responsibilities. The LGA may follow up how key proposals have been addressed in subsequent years. We recommend however that the Council’s Audit Committee track progress on all proposals for improvement.

Our procedures were limited to those considered necessary for the effective performance of the audit and assessment. Therefore, the LGA’s observations should not be regarded as a comprehensive statement of all weaknesses which exist, or all improvements which could be made.

Detailed observations for the thematic areas can be found at Annex B.

Thematic area	Issue	Proposal for improvement
Governance Arrangements	The last internal audit review of Performance Improvement was completed in 2019-20. Performance improvement does not form part of the 2022-23 internal audit plan.	The Council should consider the benefit of using Internal Audit periodically to provide assurance on the integrity and operation of the Council’s performance improvement framework.

Draft

4. Annexes

Annex A – Audit and Assessment Certificate

Audit and assessment of Mid Ulster District Council’s performance improvement arrangements

Certificate of Compliance

I certify that I have audited Mid Ulster District Council’s (the Council) assessment of its performance for 2022-23 and its improvement plan for 2023-24 in accordance with section 93 of the Local Government Act (Northern Ireland) 2014 (the Act) and the Code of Audit Practice for local government bodies.

I also certify that I have performed an improvement assessment for 2023-24 at the Council in accordance with Section 94 of the Act and the Code of Audit Practice.

This is a report to comply with the requirement of section 95(2) of the Act.

Respective responsibilities of the Council and the Local Government Auditor

Under the Act, the Council has a general duty to make arrangements to secure continuous improvement in the exercise of its functions and to set improvement objectives for each financial year. The Council is required to gather information to assess improvements in its services and to issue a report annually on its performance against indicators and standards which it has set itself or which have been set for it by Government departments.

The Act requires the Council to publish a self-assessment before 30 September in the financial year following that to which the information relates, or by any other such date as the Department for Communities (the Department) may specify by order. The Act also requires that the Council has regard to any guidance issued by the Department in publishing its assessment.

As the Council’s auditor, I am required by the Act to determine and report each year on whether:

- The Council has discharged its duties in relation to improvement planning, published the required improvement information and the extent to which the Council has acted in accordance with the Department’s guidance in relation to those duties; and

- The Council is likely to comply with the requirements of Part 12 of the Act.

Scope of the audit and assessment

For the audit I am not required to form a view on the completeness or accuracy of information or whether the improvement plan published by the Council can be achieved. My audits of the Council's improvement plan and assessment of performance, therefore, comprised a review of the Council's publications to ascertain whether they included elements prescribed in legislation. I also assessed whether the arrangements for publishing the documents complied with the requirements of the legislation, and that the Council had regard to statutory guidance in preparing and publishing them.

For the improvement assessment I am required to form a view on whether the Council is likely to comply with the requirements of Part 12 of the Act, informed by:

- a forward looking assessment of the Council's likelihood to comply with its duty to make arrangements to secure continuous improvement; and
- a retrospective assessment of whether the Council has achieved its planned improvements to inform a view as to its track record of improvement.

My assessment of the Council's improvement responsibilities and arrangements, therefore, comprised a review of certain improvement arrangements within the Council, along with information gathered from my improvement audit.

The work I have carried out in order to report and make recommendations in accordance with sections 93 to 95 of the Act cannot solely be relied upon to identify all weaknesses or opportunities for improvement.

Audit opinion

Improvement planning and publication of improvement information

As a result of my audit, I believe the Council has discharged its duties in connection with (1) improvement planning and (2) publication of improvement information in accordance with section 92 of the Act and has acted in accordance with the Department for Communities' guidance sufficiently.

Improvement assessment

As a result of my assessment, I believe the Council has discharged its duties under Part 12 of the Act and has acted in accordance with the Department for Communities' guidance sufficiently.

In my opinion, the Council has demonstrated a track record of ongoing improvement and I believe that the Council is likely to comply with Part 12 of the Act during 2023-24.

I have not conducted an assessment to determine whether the Council is likely to comply with the requirements of Part 12 of the Act in subsequent years. I will keep the need for this under review.

Other matters

I have no recommendations to make under section 95(2) of the Local Government (Northern Ireland) Act 2014.

I am not minded to carry out a special inspection under section 95(2) of the Act.

Colette Kane
Local Government Auditor
Northern Ireland Audit Office
106 University Street
BELFAST
BT7 1EU

xx November 2023

Annex B – Detailed observations

Thematic area	Observations
General duty to improve	<p>The Council’s arrangements to secure continuous improvement (including community planning, corporate planning, Service Plans and its Performance Improvement Framework and processes within) incorporate the seven aspects of improvement into its assessments of functions and services. The Council held workshops with Senior Management and Heads of Service to identify current and future issues for Mid Ulster citizens that the Council should focus on. The Council engaged with the public through its community planning consultation process to strengthen its understanding of community needs and what its citizens and stakeholders want. Key improvement areas designated by the Council within its Performance Improvement Plan include Infrastructure and Economic Growth which are aligned to its Community Plan outcomes.</p> <p>The Council have a Corporate Management and Improvement Policy which aims to explain the framework to managers, employees, members, partners and the public to demonstrate the Council’s commitment to continuous improvement. The Council had also developed “A Guide to Developing Engaging and Performing in Mid Ulster District Council – Managing Performance Toolkit (DEP).” This is based around Deming’s Plan Do Check Act (PDCA) cycle and is a continuous quality improvement model. This aids the implementation of the Council’s eight step approach to managing performance and is in line with the guidance definition of ‘improvement framework’.</p> <p>Quarterly performance reports are prepared for the Chief Executive, Senior Management Team, and Policy and Resources Committee.</p>

Thematic area	Observations
Governance arrangements	<p>The Council has published results of benchmarking against other Councils for the 2022-23 statutory indicators in section six of the annual assessment report. Where comparisons have been made with the other ten Councils in Northern Ireland, they are in a narrative format and reference to quantitative data also been supplied in tabular/graphical format.</p> <p>The Council's governance arrangements supports effective decision making and oversight, relating to its responsibility for continuous improvement in its functions and it continues to develop these.</p> <p>Responsibility for delivering performance improvement objectives rests with established project teams under the direction of a Senior Responsible Officer appointed by the Chief Executive's Directorate. The team looks after the corporate planning and service delivery and improvement planning processes alongside performance management and improvement.</p> <p>The Council has assigned responsibility for scrutiny of its performance improvement framework to the Policy and Resources Committee. The Audit Committee oversight role has developed to include quarterly monitoring of the activity of the Policy and Resources Committee, specifically in respect of the scrutiny of the Council's Performance Improvement Plans and Reports, and this is a standing item on the agenda for reporting. The Policy and Resources Committee Terms of Reference has been updated to reflect performance improvement responsibilities. However it is noted that the Terms of Reference does not specifically outline the duties of the Performance Improvement service area within the Council. It is recommended as best practice going forward that the duties are detailed within this document.</p>

Thematic area	Observations
	<p>An Internal Audit review of Performance Improvement (PI) has not been carried out since 2019-20. Within section three of this report, we have included a proposal for improvement relating to this.</p>
Improvement objectives	<p>The Council has clearly detailed the rationale for selecting each of the four objectives within the Performance Improvement Plan, and has included results from the consultation exercise undertaken that demonstrates support for the objectives . Based on the results of the consultation, the Council determined that no changes to the proposed objectives were required.</p> <p>The improvement objectives all meet at least one of the seven criteria required by legislation and relate to the functions and services identified for improvement set out in the 10-year Community Plan and the Council’s Corporate Plan (2020-2024) themes and outcomes. The objectives were selected on the basis of a range of factors including an analysis of available statutory, corporate and service performance measures, information from performance reports, as well as engagement with elected Members, the Senior Management Team, Heads of Service and consultation with citizens.</p> <p>For each improvement objective, the Council sets out:</p> <ul style="list-style-type: none"> • Why have we chosen this Improvement Objective? • Actions – What are we going to do? (Including Activities and Outcomes) • How will we know? (What we delivered and Achievement) • Visible improvements residents, businesses or visitors expect to see. • Partnerships – Who do we need to work with? • Link to District Community Plan Themes and Outcomes. • Link to Corporate Plan Theme. • Performance Improvement Aspects which this improvement objective aims to deliver against.

Thematic area	Observations
	<p>The outcomes of each objective are clearly documented within the performance improvement plan and each of the objectives are robust, deliverable, and demonstrable. Specific measurements and targets are included for each activity which will allow the Council to determine if they have been achieved.</p>
Consultation	<p>An internal process involving Heads of Service and Senior Management identified emerging objectives and improvement projects for 2023-24 that would contribute to achieving the Council's objectives. The proposed objectives were approved by the Policy & Resources Committee prior to consultation. The Council carried out consultation on its improvement objectives with ratepayers, local business representatives, community, voluntary groups and staff.</p> <p>The Council undertook a consultation exercise from Monday 27 February to Friday 21 April 2023 (eight weeks) on the Council's draft corporate improvement objectives. To help raise the profile and transparency of the performance improvement framework, a number of communication channels were used including advertising in local newspapers, on the Council's website, through multiple social media platforms and internal staff meetings. The Council received 34 responses. The questions within the consultation survey directly related to each improvement objective.</p> <p>The proposed improvement objectives, rationale and associated links to the Community and Corporate Plan were considered and approved by elected members at the February 2023 Policy & Resources Committee meeting. The outcome of the consultation exercise undertaken and a report on the final improvement objectives were considered by Senior Management and subsequently considered by elected members at the June 2023 Policy & Resources Committee before being approved by the Council.</p> <p>The consultation involved a survey that was available for completion online and by post. To ensure maximum engagement, the process was promoted through a variety of</p>

Thematic area	Observations
	<p>communication channels including the Council’s website and the Council’s social media outlets. Internal staff meetings were also used to gather feedback.</p>
Improvement plan	<p>The Council’s Performance Improvement Plan, was presented to Policy and Resources Committee and the Improvement Plan was published following the full Council meeting in July 2023.</p> <p>A self-analysis exercise was undertaken by the Council to review the previous year’s draft two year (2021 – 2023) improvement objectives, to establish their continued relevancy for the period 2023-24 to 2024-25. The exercise was undertaken in order to ensure that the improvement objectives were based on:</p> <ul style="list-style-type: none"> • a thorough, evidence-based understanding of the communities the Council serves; • local needs and the Council’s capacity to address those needs; • improvement objectives that correspond directly with the Council’s priorities for improvement in the hierarchy of plans; • the context of the current economy; • short, medium and long term needs of the Council; and • many drivers and enablers both external and internal relating to improvement. <p>Senior management, were content with the review of the proposed improvement objectives. The rationale for each improvement objective, associated links to the Community and Corporate Plan were considered and approved by elected members as a focus for continuous improvement at their Policy and Resources committee meeting 9th of February 2023 and thereafter were ratified at the February 2023 Council meeting.</p> <p>The proposed improvement objectives form the basis of Council’s two-year performance improvement plan (PIP) for 2023-24 to 2024-25.</p>

Thematic area	Observations
	<p>The PIP clearly sets out the basis on which each objective was selected, together with related projects and key actions that will contribute to the achievement of the higher-level objectives, the visible improvements residents, businesses, or visitors can expect, and how success will be measured. It also reflects how citizens and other stakeholders of the Council will be better off as a direct result of the improvement process.</p> <p>The Plan benefits promotes the transparency and meaningfulness of the Council's commitment to continuously improve its functions.</p> <p>The Plan includes a separate section on the statutory imposed performance indicators and standards and provides information on the arrangements for managing, improving and tracking the Council's performance in relation to the statutory indicators.</p>
Arrangements to improve	<p>The Council is required to establish arrangements to deliver on its improvement objectives each year.</p> <p>The underlying projects in relation to the improvement objectives are supported by delivery plans and budgets for use by operational teams. These are being project managed and have lines of accountability, including risk management, to senior management and Members.</p> <p>In addition, Members and Officers at full council and committee meetings with a strategy or policy and oversight focus receive regular updates from senior management on how these established arrangements to improve are progressing.</p>
Collection, use and publication of performance information	<p>In September 2023, the Council published the 'Annual Self-Assessment Report 2022-23' which includes details of:</p> <ul style="list-style-type: none"> its performance in discharging the general duty to secure continuous improvement in 2022-23;

Thematic area	Observations
	<ul style="list-style-type: none"> • results of its 2022-23 statutory performance standards compared with the same standards in the prior year; and • results of its 2022-23 self-imposed performance standards and indicators relating to its General Duty to Improve, and where applicable, comparisons with the same standards in the prior year. <p>The document provides information on its performance in discharging the general duty to secure continuous improvement and has highlighted the progression, status and outcomes for citizens (what they can expect to see), throughout the four improvement objectives.</p> <p>The document also clearly highlights achievements regarding 2022-23 statutory performance standards compared with the same standards from 2016-17 onwards and also includes results of the self-imposed performance standards and indicators from 2016-17 onwards. The assessment also includes benchmarking with other Councils where performance data was available.</p> <p>The report has been laid out in such a way as to provide transparent and meaningful information to the lay reader. This has been achieved by placing performance improvement of the Council in context, both legislatively and in relation to current regional issues that may impact on the Council's ability to achieve the statutory indicators/standards.</p> <p>It was noted in last year's s95 report as a proposal for improvement, that an electronic performance management system would be a more efficient way of capturing the growing central repository of performance information. The Council currently use Microsoft Excel templates to track performance of statutory and self-imposed indicators on a quarterly basis. This, however, is a very labour intensive method of collecting performance information, and is susceptible to human error in terms of the robustness and accuracy of content and the Council should consider whether an electronic performance management system should be procured.</p>

Thematic area	Observations
Demonstrating a track record of improvement	<p>The Council established the current improvement objectives in 2021 for 2021-22 and 2022-23 which has allowed the Council to demonstrate a record of improvement across the two years. The Council has extended these objectives to 2023-24 in a decision taken after Consultation.</p> <p>For each of the statutory indicators, the Council has reported results against 2021-22 and eight years of results (where applicable) has been presented in a combination of line graphs and bar charts to demonstrate the trends over time. The Council has also presented results of other councils for comparison against the current year. MUDC has ranked higher than other Councils in results for the third planning indicator (P3) (seven of the Councils met the target), achieved second highest levels of waste recycled in waste indicator one (W1), lowest levels of landfill waste in waste indicator two (W2) against other councils and have the fourth lowest tonnage levels per waste indicator three (W3) against other councils. MUDC were one of two councils that did not achieve the statutory target for economic development indicator one (ED1) and also did not achieve planning indicator one (P1) although no councils achieved this target. MUDC were also one of eight councils who did not achieve the target for planning indicator two (P2).</p> <p>The statutory planning indicator two (P2) has shown a decline in performance in the current year in comparison with the prior years and the target set. The other six statutory indicators have shown improvement on prior year.</p> <p>Of the self-imposed indicators and standards, two have improved from the previous year and one remained in line with prior year which is an improvement on prior year where only one indicator demonstrated improvement.</p> <p>Overall, MUDC has been able to demonstrate a track record of improvement.</p>

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