

**A**

**Minutes of meeting of Environment Committee of Mid Ulster District Council held on Monday 6 July 2015 in the Council Offices, Ballyronan Road, Magherafelt**

<b>Members Present</b>	Councillor McNamee, In the Chair  Councillors Buchanan, Cuddy (7.05 pm), Cuthbertson, Glasgow (7.08 pm), Kearney, McGinley, B McGuigan, Mullen (7.01 pm), Mulligan, O'Neill, Totten
<b>Officers in Attendance</b>	Mr Cassells, Director of Environment and Property Mr Fox, Lead Building Control Officer (Dungannon) Mr Kelso, Director of Public Health and Infrastructure Mr Lowry, Head of Technical Services Mr McAdoo, Head of Environmental Services Mrs McClements, Head of Environmental Health Mr Scullion, Head of Property Services Mrs Grogan, Committee Services/ Senior Admin Officer
<b>Others in Attendance</b>	<b>Lough Neagh Rescue</b> Mr Conor McGuckin Mr Liam Teague

The meeting commenced at 7 pm.

In the absence of the Chair, Councillor McFlynn, Councillor McNamee, Deputy Chair took the Chair.

*Councillor Mullen entered the meeting at 7.01 pm*

**E107/15 Apologies**

Councillors Burton, Gillespie, McFlynn and S McGuigan.

**E108/15 Declarations of Interest**

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

**E109/15 Lough Neagh Rescue**

The Chair welcomed Mr Conor McGuckin and Mr Liam Teague from Lough Neagh Rescue.

Mr McGuckin provided Members with a presentation on the work carried out by Lough Neagh Rescue.

Mr McGuckin advised that Lough Neagh Rescue has been serving the community for 25 years with Lifeboat Stations at Kinnego, Ardboe and Antrim. He informed the meeting that Lough Neagh was the largest lough in the British Isles being approximately 20 miles long and 9 miles wide with an average depth in the general body of the lough of 30' (9m) but very shallow round the margins of the lough. He added that the lough was very exposed and in windy conditions can become extremely rough very quickly. It is used extensively by a wide variety of recreational and commercial craft.

He said that Lough Neagh Rescue operated 4 Lifeboats providing a First Response capability to anywhere within its sphere of responsibility and was registered as a Company Ltd by Guarantee with nine volunteer directors being elected annually from their membership. Governance and developing fundraising strategies were undertaken by the board. He added that member collections, annual discretionary payments from local councils, donations from the public, fundraising events and partnership working helped to sustain the organisation.

*Councillor Cuddy entered the meeting at 7.05 pm.*

He added that rescues ranged from the commercial, leisure boater, jet skier, wildfowlers and tow-ins.

He further stated that Lough Neagh Rescue was regarded as equals among the other Emergency Services within Northern Ireland and regularly trained with agencies such as the Marine Coastguard Agency, NISAR, Ambulance Service, Mountain Rescue, PSNI, NIFR, Airport Fire Service and other SAR teams.

*Councillor Glasgow entered the meeting at 7.08 pm.*

Mr McGuckin stated that the organisation provided education on incident prevention, to include:

- 10% of volunteer time used on education within the community giving talks to schools, clubs, societies etc.
- Advisory Service to Yacht Club's, Fishermen, Leisure Boaters etc.
- Distribution & creation of Safety Literature including Admiralty Charts
- Third Party Training supplier
- Active members of Marine Safety Bodies (MSA, LNAC, S&N working group).

He added that Lough Neagh Rescue were proud of their achievements to date, which included:

- Over 400 people been rescued
- Over 600 people been assisted
- Major contributor in improvements to Navigation
- 100% voluntary (no paid employees)
- Facilitating Tourism growth

Mr McGuckin anticipated that in the future he hoped that Lough Neagh Rescue would ensure

- RCP (Response & Continuity Planning) for increased Waterways usage
- Increased presence on Lough Neagh at the Washingbay
- Flood/Swift Water Response Development teams
- Continued partnership with professional agencies
- Emergency Boat Code specification
- Successful completion of its current 5 year strategy
- Sustain its funding

The Chair thanked Mr McGuckin for his presentation and agreed that Lough Neagh Rescue was providing a very valuable service to the community on an annual basis, which was a tremendous achievement.

Mr McGuckin advised that there was a small piece of land at Washingbay and Lough Neagh Rescue would need the help of the Council to retain it.

In response to a query from Councillor McGinley, Mr McGuckin stated that Kinnego Marina and Coney Island were very busy with tourists and recreational activities. There was always a high risk of changeable tides which can prove to be treacherous at times. The use of a personal watercraft was required due to shallow waters.

In response to a query from Councillor O'Neill, Mr McGuckin advised that a jet-ski would only be required at the moment at Washingbay as the response team would have to get to the emergency as quickly as possible to give assistance to the Ardboe Rescue.

In response to a query on the areas of the Lough covered, Mr McGuckin stated that it depended on the Coastguard as they made the decisions as to where Lough Neagh Rescue crews were despatched.

Councillor McGinley asked that a follow up be done on the piece of land at Washingbay and be brought back to Committee.

Mr McGuckin asked Council to consider the possibility of having a Helicopter Landing Pad in Ardboe. He indicated that there would be an issue of tall street lighting at a nearby playpark which would need relocating.

The Chair thanked the representatives from Lough Neagh Rescue for attending.

*Lough Neagh Rescue representatives left the meeting at 7.30 pm*

The meeting agreed to discuss the Lough Neagh Rescue presentation in Confidential Business.

**E110/15      Confirm minutes of the Environment Committee held on Tuesday  
9 June 2015**

Proposed by Councillor McGinley  
Seconded by Councillor B McGuigan and



**Resolved** That the Minutes of the Meeting of the Environment Committee held on Tuesday 9 June 2015 (E84/15 – E106/15) were considered and signed as accurate and correct.

Councillor Mulligan raised concern about grass cutting being overlooked in the Clogher Valley area and there seemed to be an uneven distribution of services. He said the embankment approaching Augher was very overgrown and needed strimming.

He also advised that he had received a call from an irate resident from Augher village complaining about the lack of bedding plants and hanging baskets in the village and when he tried to contact Environmental Services Department there was no response.

The Head of Property Services advised that a Review of Grass Cutting was ongoing and that all areas previously covered by the three legacy Councils were still being covered. He said that he would follow up the matter and respond to Councillor Mulligan.

In response to a query from Councillor McGinley regarding Tyrone Waste Recycling, the Director of Public Health and Infrastructure advised that the matter had been referred for mediation and follow up.

In response to a query from the Chair regarding Entertainment Licensing and processes in place, the Director of Public Health and Infrastructure advised that he was awaiting a response from the PSNI.

The Chair enquired on an issue surrounding the Glenavon House Hotel, Cookstown which alleged they breached licensing laws by holding a teenage disco in its Sense nightclub. It was stated that alcohol was neither being sold nor taken by teenage children at the Club.

The Director of Public Health and Infrastructure stated that this could have been a test case by the PSNI, but will liaise with PSNI and report back to Committee.

The Director of Environment and Property advised that proposed 40mph speed limit at Clonoe would be implemented by the end of July by TransportNI.

Councillor Glasgow stated that he was trying to make contact with a member of staff within the Environmental Services and it took him 39 minutes to get through and enquired if there was an issue of staff shortages.

The Director of Environment and Property advised that he would investigate the matter.

## **Matters for Decision**

### **E111/15 Proposed 30mph Speed Limit extension at Moneymore Road, Magherafelt**

The Director of Environment and Property presented the previously circulated report to seek the agreement of Members on a proposal from TransportNI to extend the 30mph speed limit at Moneymore Road, Magherafelt.

Proposed by Councillor O'Neill  
Seconded by Councillor Mulligan and

**Resolved** That it be recommended to Council to agree the proposal by TransportNI to extend the 30mph limit at Moneymore Road, Magherafelt

### **E112/15 Proposed Stretch of 50mph Speed Limit at Moneymore Road, Magherafelt**

The Director of Environment and Property presented the previously circulated report to seek the agreement of Members on a proposal from TransportNI to introduce a stretch of 50mph speed limit at Moneymore Road, Magherafelt.

Proposed by Councillor Kearney  
Seconded by Councillor McGinley and

**Resolved** That it be recommended to Council to agree with the proposal by TransportNI to introduce a stretch of 50mph limit at Moneymore Road, Magherafelt.

### **E113/15 Proposed reduction to 30mph at Mountjoy Road, Brockagh, Ballybeg and the entire Mountjoy Castle Road**

The Director of Environment and Property presented the previously circulated report to seek the agreement of Members on the proposal from TransportNI to reduce the 40mph speed limit to 30mph at Mountjoy Road, Brockagh and the Ballybeg Road and to make the entire length of Mountjoy Castle Road 30mph which is currently part 60mph, part 40mph.

Proposed by Councillor Kearney  
Seconded by Councillor McGinley and

**Resolved** That it be recommended to Council to introduce the reduction of speed limits to 30mph at these locations as it will assist in the management of road safety issues.

**E114/15 Proposed Disabled Parking Bay at Castlevew, Castlecaulfield**

The Director of Environment and Property presented the previously circulated report to seek the agreement of Members on a proposal from TransportNI to introduce a Disabled Parking Bay at Castlevew, Castlecaulfield.

Proposed by Councillor Kearney  
Seconded by Councillor McGinley and

**Resolved** That it be recommended to Council to agree with the proposal by TransportNI to introduce a Disabled Parking Bay at Castlevew, Castlecaulfield.

**E115/15 Cemetery System Harmonisation**

The Head of Property Services presented the previously circulated report to seek approval to harmonise cemetery record keeping systems and provide streamlined documentation across the new Council area.

Proposed by Councillor Cuthbertson  
Seconded by Councillor Mulligan and

**Resolved** That it be recommended to Council to approve a procurement exercise to harmonise cemetery record keeping systems and provided streamlined documentation across the new Council area.

**E116/15 Service Level Agreement – Animal Welfare Services**

The Head of Environmental Health presented the previously circulated report to seek council approval to sign a Service Level Agreement between Mid Ulster District Council and Fermanagh & Omagh District Council and Derry City and Strabane District Council for the provision of Animal Welfare services across Mid Ulster area.

Proposed by Councillor Cuddy  
Seconded by Councillor Buchanan and

**Resolved** That it be recommended to Council to approve the signing of the SLA for continuing service provision on Animal Welfare Services.

**E117/15 Test Purchasing – Sunbed Act (NI) 2011**

The Head of Environmental Health presented the previously circulated report advising Members that the purpose of the report was to seek Council approval for test purchasing to be carried out throughout the Mid Ulster District in relation to the use, or hire of sunbeds.

Proposed by Councillor B McGuigan  
Seconded by Councillor McGinley and

**Resolved** That it be recommended to Council to implement a programme of test purchasing to be carried out throughout the District in relation to the use, or hire of sunbeds. Notification that a test purchasing exercise would be taking place within a 3 month time frame would be given.

**E118/15 Illegal Dumping of Animal Carcasses**

The Head of Environmental Health presented the previously circulated report to seek a Council position on the arrangements for responding to complaints on illegally dumped carcasses on public or private land.

Proposed by Councillor Mulligan  
Seconded by Councillor McGinley

**Resolved** That it be recommended to Council that the following arrangements for complaints received about dumped animal carcasses be adopted:

1. All complaints regarding animal carcasses to be referred to DARD for investigation and action as required under Animal By-Products legislation.
2. Complaints to be referred to NIEA where there is evidence of illegal dumping of carcasses taking place in contravention of the Waste and Contaminated Land legislation.
3. Fallen animals causing an obstruction on the roads to be referred to TransportNI.
4. Where there is a potential for a public health nuisance resulting from a dumped animal carcass, Environmental Health will investigate the nuisance to determine what action if any is required. In the event of nuisance conditions being determined and no other person or organisation being made amenable appropriate arrangements will be made to address the nuisance conditions as required under the Clean Neighbourhood and Environment Act (NI) 2011.
5. Where animal carcasses are dumped on Council owned land and where the person responsible for dumping the carcasses cannot be identified, the Council may in accordance with Animal By-Products Regulations dispose of the carcasses. The disposal of such carcasses would be a matter for the Council's Department of Environment and Property.

**E119/15 Service Level Agreement between Mid Ulster District Council and the Energy Performance of Building Team**

The Lead Building Control Officer presented the previously circulated report to seek approval from Members on the signing of a Service Level Agreement between Mid Ulster District Council and the Energy Performance of the Building Team, Belfast City Council for the period 1 April 2015 to 31 March 2016.

**Resolved** That it be recommended to Council that Members approve the signing of the Service Level Agreement and that officers investigate direct funding from Department of Finance and Personnel in future years.

### **E120/15 Street Naming and Property Numbering**

The Lead Building Control Officer presented the previously circulated report asking Members to consider the Street Naming of new residential housing developments within Mid Ulster District Council area.

Councillor McGinley asked for clarity on this policy.

The Director of Public Health and Infrastructure stated that at the June Council meeting issues were raised on the policy approach in referring to townland names in street naming. He added that they can be modified to give townland names more of a prominence if a member so wished.

In response to Councillor McGinley's question about incorporating townland names into street naming, the Director of Environment and Property stated that the townland names were incorporated on nameplates as a legacy from the three predecessor Councils.

Councillor Cuddy stated that he would not want to see too many street names being called after townlands as a lot of streets would be unworkable in larger towns.

Councillor Kearney said that it would be important that the Irish Language Officer checked the spelling of all townlands before proceeding.

Proposed by Councillor Kearney  
Seconded by Councillor B McGuigan and

**Resolved** That it be recommended to Council to agree the following Street Naming of new residential developments within Mid Ulster:

- a) Site off Moneymore Road, Magherafelt  
"Tafelta Rise"
- b) Site off Moneymore Road, Magherafelt  
"College Green"
- c) Site off Crewe Road, Maghera  
"Crewe Manor"

### **Matters for Information**

#### **E121/15 Building Control Report**

As previously circulated Members noted update on the workload analysis for Building Control Services across Mid-Ulster District Council.

Members noted the content of the report.

**E122/15 Entertainment Licensing Applications**

As previously circulated Members noted the content of Entertainment Licensing Applications across Mid Ulster District Council.

**E123/15 Health and Safety Service Improvement Plan and Corporate Risk Service Improvement Plan**

As previously circulated Members noted the content of Corporate Risk and Corporate Health and Safety Service Improvement Plans 2015/16.

**E124/15 Safety at Sports Grounds (Northern Ireland) Order 2006 on Regulated Stands**

As previously circulated Members noted the correspondence from Minister of Culture, Arts and Leisure.

**E125/15 Best Kept Large Town Award**

The Director of Environment and Property stated that Cookstown had won Ireland's 'Best Kept Large Town' title at an awards ceremony in Dublin.

He said the town faced stiff competition from across Ireland in the annual assessment of villages, towns and urban centres carried out by an expert panel of judges for the 'Tidy Towns' initiative, which considered everything from cleanliness and outward appearance of buildings to public facilities and the natural environment.

The Director of Environment presented the award to the Head of Property Services and congratulated him and his staff on the tremendous achievement.

Members agreed that it should be displayed in the Cookstown offices.

**Confidential Business**

Proposed by Councillor McGinley  
Seconded by Councillor O'Neill and

**Resolved** That items E126/15 – E133/15 be taken as confidential business.

**E134 /15 Duration of Meeting**

The meeting was called for 7.00 pm and ended at

CHAIR \_\_\_\_\_

DATE \_\_\_\_\_

**B**



<b>Subject</b>	<b>Recycling Education and Environmental Awareness Update</b>
<b>Date</b>	<b>8<sup>th</sup> September 2015</b>
<b>Reporting Officer</b>	<b>Mark McAdoo, Head of Environmental Services</b>

<b>1</b>	<b>Purpose of Report</b>
1.1	To update members on Recycling Education and Environmental Awareness activities in the Mid Ulster District Council area.

<b>2</b>	<b>Background</b>
2.1	<p>Environmental Services carries out a wide range of recycling education and environmental awareness activities throughout the Mid Ulster Council area to promote recycling and reduce waste to landfill, thus aiding in the meeting of recycling and NILAS targets.</p> <p>Prior to Local Government Reform this work was ongoing in the three council areas. Currently a joined up approach is being taken with the relevant Recycling and Education Officers working together to ensure consistency of message.</p>

<b>3</b>	<b>Key Issues</b>
3.1	<p><b>Aims of recycling educational activities:</b></p> <ol style="list-style-type: none"> <li>1. Explain the importance and benefits of recycling: both environmental and economic</li> <li>2. Explain the waste hierarchy</li> <li>3. Explain the legislative requirements</li> <li>4. Inform how to use the kerbside recycling schemes</li> <li>5. Inform of recycling centre and recycling point facilities</li> <li>6. Inform of recycling processes, end destinations and end products</li> <li>7. Agree actions to improve recycling performance in the school/home etc.</li> <li>8. Provide supporting materials/information to back up learning and encourage ongoing promotion of recycling</li> <li>9. Provide Council contact details / follow up on any further recycling queries</li> </ol> <p>Resources and activities are appropriately tailored for each audience and their specific requirements.</p>
3.2	<p><b>Current Activities</b></p> <p>Aims are met through a variety of methods:</p> <p><b>Direct Communications to households</b> Communications are distributed to householders for example when schemes are</p>

3.2	<p>rolled out or when materials that can be accepted are updated. Communications such as bin stickers and leaflets are distributed at council and community events. Other methods such as bin tags/labels are used to inform householders of the correct usage of kerbside collection schemes when needed. Design of Mid Ulster branded bin stickers and leaflets are underway in conjunction with the Communications and Marketing section to ensure consistency of branding etc.</p> <p><b>Presentations to schools and community organisations</b>  Schools receive a letter and email each school year informing them of the availability of environmental education talks and activities. Schools are contacted regularly throughout the year regarding competitions and events that may be of interest. Community groups can avail of same; talks are delivered in community venues and outside normal working hours as requested.</p> <p><b>Educational events and competitions</b>  The Environmental Youth Speak competition brings schools from across Northern Ireland together, with pupils finding innovative ways to tackle environmental issues. Other initiatives carried out with schools include the Big Spring Clean and Junk Couture in conjunction with ERP.</p> <p><b>Attendance at Council, School and Community events</b>  Recycling stands or the Education Vehicle are set up at council and community events such as the Cookstown Together Fun Day, Magherafelt Launch of the Festivals and Clogher Valley Show. Events are attended upon request such as Fresher's Fairs, school activity evenings, community fun days etc. The Mobile Recycling Trailer can be booked for use at such events in order to segregate recyclables from residual waste. This service is provided free of charge.</p> <p><b>Press coverage</b>  As well as gaining coverage from events and competitions, press coverage is gained through national and international awareness raising weeks such as Recycle Week, Compost Awareness Week (CAW) and European Week of Waste Reduction (EWWR).  Held annually in May, CAW allows householders to see and make use of the valuable compost produced from the waste placed in brown bins. Compost is given away free of charge to householders at recycling centres.  Held annually in November, EWWR asks householders, businesses and schools to register actions to reduce waste, based on an annual theme. The combined actions of local councils promoting EWWR in Northern Ireland resulted in NI being placed in third in the EU in 2013.</p> <p><b>Eco Schools Programme</b>  Mid Ulster District Council recently agreed to financially support the Eco Schools Programme, operated by Keep Northern Ireland Beautiful, in 2015/16. The programme covers 10 topics: waste; litter; energy; water; transport; healthy living; biodiversity; climate change; school grounds; and global perspective. Recycling Officer also supporting the Programme through conducting school visits, undertaking Green Flag assessments etc.</p> <p><b>Future Activities</b></p> <p>Ongoing activities have been planned for in conjunction with the Communications and Marketing section. These include:</p> <ul style="list-style-type: none"> <li>• launch of the Waste and Recycling Education programme available to schools and community organisations in September</li> </ul>
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	<ul style="list-style-type: none"> <li>• inclusion of recycling information in Insight magazine in October</li> <li>• promotion of European Week of Waste Reduction in November</li> <li>• awareness raising / PR coverage over the Christmas period</li> </ul> <p>A Recycling Education and Environmental Awareness Communications Plan will be prepared to formally harmonise the activities carried out and offered across the Mid Ulster District Council area.</p>
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<b>4</b>	<b>Resources</b>
4.1	<p><b><u>Financial</u></b></p> <ol style="list-style-type: none"> <li>1. Detailed costings of communications required as part of annual recycling education and awareness activities will be integrated into the future Recycling Education and Awareness Communications Plan.</li> <li>2. In order to maintain access to the Recycling Education Vehicle (which was made available previously through SWAMP) a Service Level Agreement (SLA) for the vehicle must be signed with Armagh City, Banbridge and Craigavon Borough Council (to which the asset was transferred) at an annual cost of £3,000 per Council. A copy of the SLA document is included at appendix 2.</li> </ol>
4.2	<p><b><u>Human</u></b></p> <p>As part of the proposed new Environmental Services staffing structure, three officers will be allocated to Recycling, Education and Awareness work/activities.</p>
4.3	<p><b><u>Basis for Professional/ Consultancy Support</u></b></p> <p>None required</p>
4.4	<p><b><u>Other</u></b></p> <p>None</p>

<b>5</b>	<b>Other Considerations</b>
5.1	<p>Details of 30 no. Recycling Education and Environmental Awareness activities/visits undertaken by Council officers during April to June 2015 are included at appendix 1 for information.</p>

<b>6</b>	<b>Recommendations</b>
6.1	<p>It is recommended that members note the Recycling Education and Environmental Awareness activities outlined in this report and approve the Service Level Agreement with Armagh City, Banbridge and Craigavon Council</p>

	for the continued use of the Waste Education Vehicle at a cost of £3,000 per year
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<b>7</b>	<b>List of Documents Attached</b>
7.1	Table of School/Community Visits and Awareness Raising Activities undertaken during April to June 2015 and related photographs
7.2	Service Level Agreement with ABC Council for Waste Education Vehicle

## Appendix 1

<b>Date</b>	<b>School / Group / Location</b>	<b>Details</b>
14-Apr	Brockagh P.S.	Visit to Cookstown CAS
17-Apr	Sperrinview Special School, Dungannon	Whole School Recycling Assembly
18-Apr	An Carn Community Association	Facilitated Spring Clean
23-Apr	St. Colm's High School	Clean Up (AM)
23-Apr	Bellaghy PS	Clean Up (PM)
24-Apr	Cookstown High School	Recycling talk year 8 class
24-Apr	Straw PS	Compost talk and compost for beds
28-Apr	PROBUS group	Recycling talk
28-Apr	Magherafelt Nursery	Recycling talk (3AM & 2 PM groups)
04-May	Compost Giveaway at Cookstown, Magherafelt, Drumcoo and Fivemiletown Recycling Centres	Compost Awareness Week 4th-10th May
05-May	Cookstown Rotary Club	Recycling talk
08-May	St. Colm's HS, Draperstown	Presentation of recycling certificates
08-May	St. Mary's PS, Glenview	Eco Schools Presentation
19-May	Augher Central PS	Recycling talks (whole school, 4 groups)
27-May	Edendork PS, Roan St Patricks PS, Eglis	Eco Schools Green Flag assessment
27-May	St. Mary's PS, Glenview	Visit to recycling centre
28-May	Magherafelt Nursery	Clean Up (3am & 2pm groups)
01-Jun	Loup Playgroup	Recycling talk (AM/PM group)
01-Jun	Coagh PS	Recycling talk P4/5
01-Jun	Integrated College, Dungannon	Recycling talk
04-Jun	St. Mary's PS, Draperstown	Recycling Games
05-Jun	Castledawson PS	Recycling Games
06-Jun	Straw Festival, Magherafelt	Education Vehicle / Recycling Games
15-Jun	Monday Club - British Legion	Recycling talk
16-Jun	St Patrick's College, Maghera	Recycled Mats & Home Composter
16-Jun	St. Mary's PS, Cabragh	Recycling talk, recycling games P4-7
19-Jun	Knocknagin PS, Desertmartin	Recycling Games
19-Jun	Oaks Centre, Dungannon	Recycling stand at Men's Health Event
20-Jun	Oaks Centre, Dungannon	Recycling stand at Men's Health Event
23-Jun	Magherafelt HS	Clean up



**Discovering Kids Playgroup**



**Environmental Youth Speak**





**Mobile Recycling Trailer**

# **Service Level Agreement**

## ***Waste Education Vehicle***

### ***July 2015***





## 1.0 Introduction

### 1.1 Funding

In 2011 the Southern Waste Management Partnership (SWaMP2008) successfully secured funding for a Waste Education Vehicle (WEV) through the Department of the Environment's Rethink Waste Capital Fund. The total amount funded through this project was **£108,331**.

### 1.2 Aim of Project

The aim of the process was to increase diversion of household waste from landfill through education, encouraging increased recycling and reuse of material to improve the quantity and quality of recyclates. This was achieved by raising awareness, changing attitudes and promoting behavioural change among residents of SWaMP2008.



### 1.3 Education

The WEV was used for school visits and public events and contains interactive IT-based education facilities.

The vehicle was used to help educate pupils in the eight SWaMP2008 council areas on the benefits of reducing, reusing and recycling and ultimately help reduce waste going to landfill.

On average each Council carried out 15 school visits per year, equating to 120 visits per year total, with each visit targeting approx. 80 children this equates to a captures target audience of 9600. It was also used at approx. 25 events per year throughout the region targeting almost 5000 people, giving a total audience of 14600 per year.

A sample of the WEV coverage is detailed below:

### WEV Schedule of Usage 2013 - 2014

<u>Date</u>	<u>Council</u>	<u>Location</u>
April	Omagh	Community Groups and schools
27 - 28 April	Craigavon	Schools
17th May	Omagh	Civic Amenity Sites
18th May	Fermanagh	Schools and Civic amenity sites
27 May - 7 June	Fermanagh	Schools and Civic amenity sites
10-14 June	Cookstown	Shopping centres
17-23 June	Armagh	Community groups and schools
7th July	Omagh	Omagh Show
6th - 7th Aug	Fermanagh	Enniskillen Show
27th July - 1st Aug	Dungannon	Clogher Show 31 July
23-27th Sept	Newry	Eco Schools Cluster meeting, Tescos
21 -24th Oct	Newry	Energy event, Newry on 24th and schools
25th -27th Oct	Banbridge	Craft Fair
28th Oct - 4th Nov	Armagh	New services launch events
11th - 22nd Nov	Newry	Schools
16th -20 Dec	Armagh	Shambles Market/Geogian Day
Feb	Omagh	Shopping centre
23rd Feb	Cookstown	School visits
March	Craigavon	School Visits and Civic Amenity Site Info Point.

#### 1.4 Achievements

The WEV won a prestigious Green Apple Environment Award in October 2011.



## 2.0 The Future

### 2.1 Costs:

Historically costs imposed on councils as a result of this project were very small as the project was staffed by existing Council employees. Additional costs were therefore limited to fuel, vehicle insurance, maintenance and road tax. Councils paid an annual contribution to cover these costs as detailed below:

Area	Bus Costs 2014-15
Armagh	£ 813.00
Banbridge	£ 813.00
Cookstown	£ 813.00
Craigavon	£ 813.00
Dungannon	£ 813.00
Fermanagh	£ 813.00
Newry and Mourne	£ 813.00
Omagh	£ 813.00
SWaMP2008	£ 6,504.00

### 2.2 Recommendations:

It is proposed that Jason Patterson will co-ordinate the following:

- Co-Ordinate the **schedule of usage** amongst participating Councils, ensuring maximum exposure for each Council.
- Co-Ordinate **PSV, Tax and insurance requirements** of the WEV with the nominated fleet manager.
- Finalise a **Service Level Agreement (SLA)** with participating Councils to cover:
  - **Fuel:** It is proposed that the same protocol as before will remain. That is- the last Council to use the WEV leaves it full of fuel, clean tidy and ready to use again by the next Council. **This IS VITAL.**
  - **Insurance** – It will be responsibility of each participating Council from Mid-Ulster (MU) and Fermanagh & Omagh (F&O), to provide adequate, satisfactory cover whilst using the vehicle. Whatever the cover, the onus will be on F&O and MU to prove that insurance is in place and notify JP. In addition, JP to investigate the possibility of joint insurance (which may be cheaper) and report back.

- The Running Costs are based on the cost information above and are referenced below:

Insurance  
Road Tax  
Maintenance Costs

These costs will be invoiced equally to the participating Councils as and when they arise, but an overall budget figure for the year should be £3000 per Council, unless major repairs are necessary.

**C**

<b>Subject</b>	<b>Proposed PV Solar Scheme – Magheraglass Landfill Site</b>
<b>Date</b>	<b>8<sup>th</sup> September 2015</b>
<b>Reporting Officer</b>	<b>Mark McAdoo, Head of Environmental Services</b>

<b>1</b>	<b>Purpose of Report</b>
1.1	To update members and to seek approval to progress a proposal for the installation of a 250 kW photovoltaic solar scheme at Magheraglass landfill site.

<b>2</b>	<b>Background</b>
2.1	Cookstown District Council previously considered the feasibility of installing a medium scale solar photovoltaic (PV) scheme at Magheraglass Landfill Site in conjunction with Renewable Power Systems (RPS) and in October 2014 agreed to meet the cost of submitting a planning application for the proposal.
2.2	The planning application (Ref: 1/2015/0013/F) and supporting planning statement was submitted to Planning on 14 <sup>th</sup> January 2015 with permission subsequently granted on 14 <sup>th</sup> April 2015; see copy of documentation included at appendix 1.

<b>3</b>	<b>Key Issues</b>
3.1	In summary a ground mounted solar PV Scheme is proposed that would occupy an area of approximately 0.5 ha with an installed capacity of 250 kw, with a smaller 10-25 kw sized scheme on the roof of the waste transfer building. The capped area of the landfill site would be ideally suited to the installation of solar panels given its open, south facing topography.
3.2	This is a unique opportunity to utilise the ‘spare’ proportion of the local electrical capacity (grid connection) that was acquired by RPS to serve the landfill gas electricity generation plant that was installed in 2012.
3.3	This scheme was previously identified as a future ‘aspirational’ capital project for Mid Ulster District Council.
3.4	The estimated capital cost of the scheme is £250k for the 250kw land based installation and £10-£25k for the 10-25 kw roof mounted scheme. It is projected the 250kw scheme would return an annual pre-tax profit of approx. £21,200 p.a. and the smaller 10-25kW scheme could return £4,500 p.a. The scheme would return index linked income to the Council for 20+ years (with a payback period of approx. 10 years). O&M costs of approx. £4k p.a. would be offset by savings in on-site electricity consumption.

3.5	The Department of Trade and Industry (DETI) announced in February that solar PV (50-250) kW projects will continue to receive 2 Renewable Obligation Certificates (ROCs) until 31 <sup>st</sup> March 2017 (it was previously proposed that it would drop to 1.6 ROCs post October 2015). The proposed changes will be adopted in The Renewables Obligation (Amendment) Order (N Ireland) 2015.
3.6	The scheme must therefore be procured, installed, commissioned and accredited by 1 <sup>st</sup> April 2017 in order to ensure the level of ROC support is protected (under what are known as “grandfathering rights”).
3.7	The next stage in the process is to submit a grid connection application to NIE to seek their agreement to transfer part of the existing connection to a new connection for the proposed solar PV scheme.

<b>4</b>	<b>Resources</b>
4.1	<b><u>Financial</u></b> The cost of submitting the NIE grid connection application is £6676.
4.2	<b><u>Human</u></b> None
4.3	<b><u>Basis for Professional/ Consultancy Support</u></b> Renewable Power Systems (RPS) will prepare and submit the grid connection application and supporting documentation to NIE at no additional cost.

<b>5</b>	<b>Other Considerations</b>
5.1	The Association of Public Service Excellence (APSE) Energy is currently running a local authority collaborative procurement framework that can be used to call down design and build contracts for land based solar PV schemes.  There are currently around a dozen authorities that have joined this collaboration and the benefit of joining is that the procurement and contractual work that would otherwise need to be undertaken has been taken care of by the lead local authority (in this case Northumberland County Council). Each member of the group can use the framework arrangement which has been set up to run for the next four years.  There would be a one off fee (up to £5000) payable to use the framework unlike the normal percentage fee arrangements that are usually the case for projects of this nature. Confirmation of the exact fee for using the framework and further details on joining arrangements are currently being sought from APSE Energy.

<b>6</b>	<b>Recommendations</b>
6.1	In relation to the proposed solar PV scheme at Magheraglass landfill site it is recommended that approval is granted for the necessary grid application to be submitted to NIE at a cost of £6676 and to avail of the APSE Energy collaborative procurement framework, if deemed suitable, at a cost of up to £5000.

<b>7</b>	<b>List of Documents Attached</b>
7.1	Copy of planning approval and supporting planning statement for solar PV project.





## APPROVAL OF PLANNING PERMISSION

Planning Act (Northern Ireland) 2011

Application No: I/2015/0013/F

Date of Application: 14th January 2015

Site of Proposed  
Development:

**Magheraglass landfill site**  
**Knockaleary Road**  
**Cookstown**

Description of Proposal:

**Installation of 250Kw solar array and associated  
infrastructure to include photovoltaic panels, support  
frames, inverter units, fencing and CCTV cameras**

Applicant: Cookstown District Council  
Address: 70 Burn Road  
Cookstown  
BT80 8DT

Agent: Renewable Power Systems NI  
Address: Unit 11  
Bedford Business Centre  
Bedford  
MK42 9TW

Drawing Ref: 01, 02, 03, 04, 05

Mid Ulster Council in pursuance of its powers under the above-mentioned Act hereby

### GRANTS PLANNING PERMISSION

for the above-mentioned development in accordance with your application subject to compliance with the following conditions which are imposed for the reasons stated:

1. As required by Article 61 of the Planning Act (Northern-Ireland) 2011, the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.



Reason: Time Limit.

2. Within 12 months of the cessation of electricity generation at the subject site, all above ground structures shall be removed and the site restored in accordance with a scheme to be submitted to and agreed with the Council at least one year prior to the commencement of any decommissioning works, unless otherwise agreed in writing.

Reason: To restore the site and maintain the landscape quality of the area.

Informatives

1. Subject to the above conditions the development shall be carried out in accordance with stamped approved plans No 01, 02, 03, 04 and 05 which were date stamp received 14th January 2015, so as to ensure a satisfactory form of development.
2. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.
3. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.

Dated: 14<sup>th</sup> April 2015

Planning Manager

E. M. Cullough

# **Planning Statement in Support of a Full Planning Application for the installation of a 250kW solar panel array**



At  
**Magheraglass Landfill Site**

On behalf of  
Cookstown District Council

Prepared and Submitted By  
Renewable Power Systems



Report Reference: RPS - Planning statement - Magheraglass Solar.docx

**12 January 2015**

**SITE ADDRESS:**

Magheraglass Landfill Site  
Knockaleary Road  
Cookstown  
BT80 9EH

**DATE ISSUED:**

12 January 2015

**REPORT REFERENCE:**

RPS - Planning statement - Magheraglass Solar.docx

**REPORT PREPARED BY:**

Renewable Power Systems NI (RPS)

**APPROVED AND AUTHORISED FOR SUBMISSION BY**

Andy Leach: Managing Director

Renewable Power Systems  
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Appendix A - Drawings

**LIST OF DRAWINGS:**

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RPS-MG-001	Location Plan	1:2000 @ A3
RPS-MG-002	Layout Plan	1:500 @ A3
RPS-MG-003	Solar PV Elevations	<i>Various</i>
RPS-MG-004	Inverter Housing	1:50 @ A3
RPS-MG-005	CCTV Details	1:20 @ A3

# 1 INTRODUCTION

## 1.1 General

- 1.1.1 The primary purpose of this Supporting Statement is to demonstrate that the Proposed Development of a 250kW solar photovoltaic (PV) array at Magheraglass Landfill site is acceptable in terms of planning policy and should therefore be granted Planning Permission.

### ***Application structure***

- 1.1.2 This document includes supporting documents/drawings that accompany the application. These are to be found in Appendix A – Drawings.

### ***The Applicant – Cookstown District Council***

- Cookstown District Council is the Applicant and Landowner for the proposed 250kW solar installation at Magheraglass Landfill site.
  - The District is an area largely in County Tyrone and partly in County Londonderry. It is set to merge with Dungannon and South Tyrone Borough Council and Magherafelt District Council in May 2015 under local government reorganisation in Northern Ireland to become Mid-Ulster District Council.
- 1.1.3 Council headquarters are in the District of Cookstown. Other villiages in the council area include Pomeroy, Moneymore, Coagh and Stewartstown and in the east the area is bounded by Lough Neagh. It covers an area of 235 square miles (610 km<sup>2</sup>) and has a current population of over 37,000.

### ***The Agent - Renewable Power Systems NI***

- 1.1.4 Renewable Power Systems Ltd has helped design and manage the project and may further advise the Applicant on construction, procurement and how to operate the solar array once commissioned.
- 1.1.5 Renewable Power Systems was established in 1991 and has since become one of the most successful designers, project managers and operators of

landfill electricity generation projects in the UK.

1.1.6 The business has developed to concentrate on the development of renewable energy projects and operates one of Northern Ireland's largest landfill gas project to date, a 5 MW landfill gas utilisation project in Belfast,

1.1.7 The Company is focused on specific target technologies in the renewable sector, including solar PV and wind energy, where it can best utilise its extensive practical experience of energy generation.

## 1.2 The Proposed Development

The Applicant is proposing to install a 250kW solar array at Magheraglass Landfill site. The installation will comprise of the following:

- A development area (red line boundary) of 0.83ha – “The Site”
- 1000 individual solar PV panels mounted on supporting frame structures
- 2 no. Inverter/electrical housing units
- Pole mounted CCTV cameras for security purposes
- Ancillary electrical infrastructure including cabling and trenching

The above details, taken together, are hereafter referred to in this document as the ‘Proposed Development’.

## 1.3 The Site

1.3.1 The Site, is located at Magheraglass Landfill site, Irish Grid Reference H 7299 7639, which is approximately 7.8 kilometres to the west of Cookstown town centre. The Site lies within Cookstown District Council.

1.3.2 Magheraglass landfill site is a fully engineered landfill opened in 1997 with an estimated life span of 25 years. The site accepts non-hazardous waste for disposal as well as recyclables for waste transfer to other facilities. The site handles approximately 35,000 tonnes of waste per year.

1.3.3 Renewable Power Systems currently operates the site's landfill gas



extraction system, flare and gas engine.

- 1.3.4 The Proposed Development Site is situated within the existing confines of Magheraglass Landfill site (Drawing RPS-MG-001. Appendix A). The landfill site measures 12ha in total. The Site development area (as shown within the red line planning boundary) measures 0.83ha and takes up approximately 6.9% of the total landfill site area.
- 1.3.5 The Site development area boundary is approximately 165m from the nearest residential property.
- 1.3.6 The PV panels will be situated on an area of capped former landfill. The Propose Development therefore makes use of a brownfield site.
- 1.3.7 An image of a portion of the Site is provided in Figure 1 below.



**Figure 1:** Proposed Development Site

## 1.4 Site selection

- 1.4.1 Magheraglass Landfill site is considered a highly suitable location for the proposed solar PV array for a number of reasons as outlined below:
- The site offers south facing, gently sloping topography that is desirable for a solar PV installation.

- The landfill nature of the site offers a brownfield development area that offers little prospect for other traditional forms of development due to poor ground conditions and other environmental controls.
- The landfill site currently has an adequate electrical grid connection to allow for the Proposed Development to output the generated renewable energy to the local electricity grid network.
- The solar PV is compatible with the ongoing requirements to manage the existing landfill gas infrastructure on the landfill site.
- The site is remote from neighbouring residential housing.
- The Proposed Development will offer additional income to the Council, which will contribute to the long term ongoing maintenance and restoration costs of the landfill site.

## 1.5 Recent Planning Application history

- 1.5.1 Cookstown District Council submitted a planning application (Ref: I/2012/0051/F) in 2012 relating to operations at the existing Magheraglass Landfill site.

The application was made for:

‘Retention of waste transfer station and construction of landfill gas utilisation plant (for production of electricity)’. It was granted on the 28/09/2012.

## 2 DEVELOPMENT DETAILS

### 2.1 General details

- 2.1.1 The Proposed Development is for a solar PV array consisting of 1000 no. panels and other ancillary structures to convert daylight into renewable electricity. The PV array will have a total maximum installed capacity of 250kW of electrical energy. A small portion of the generated renewable electricity will be utilised on-site with the surplus exported to the local grid network.

- 2.1.2 The access point to the Site would be from the existing landfill site entrance at Magheraglass Road. From the road entrance, access would be via the existing landfill site haul road. No new access roads would need to be constructed as part of the Proposed Development.
- 2.1.3 To facilitate installation a temporary, 'set up area' would be utilised for offloading equipment and materials from HGVs. Materials would then be transported to the application area for installation. This set up area would measure approximately 1000m<sup>2</sup> and would be entirely vacated at the end of the construction period. The likely area is identified in drawing RPS-MG-002.

#### ***Development environmental benefits***

- 2.1.4 The total annual renewable electricity generated by the solar panels is anticipated to be 177,000 kWh. This is equivalent to the annual electrical energy requirement of more than 47 residential properties. This is based on an average requirement of 3,744kWh per household<sup>1</sup>.
- 2.1.5 This amount of renewable energy generated would save approximately 800 kgCO<sup>2</sup> equivalent per annum when compared to the average grid supplied electricity in Northern Ireland<sup>2</sup>.

## **2.2 PV panels and ancillary structures**

### ***PV panels and mounting frames***

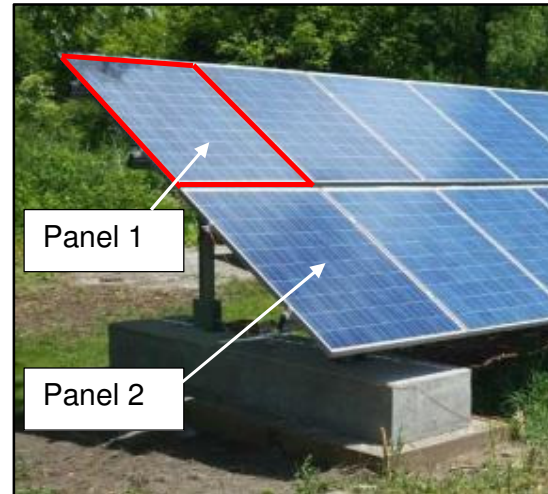
- 2.2.1 The Proposed Development layout is illustrated in the drawing RPS-MG-002 provided in Appendix A.
- 2.2.2 Solar panels fronted with glass and framed in aluminium would be fixed onto a galvanised steel frame structure. Each panel would be approximately 1.6m length x 1m width x 50mm thick.
- 2.2.3 Panels would be attached onto the frames one above another (See Figure 2). The panels are fixed in place and will not move to 'track' the sun.

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<sup>1</sup> Department of Energy and Climate change: Sub-national domestic electricity consumption statistics in Northern Ireland – June 2013 publication

<sup>2</sup> Assumed grid supplied elec at 0.452kg/kWh as per '2013 All-Island Fuel Mix Disclosure (9th July 2014)'

- 2.2.4 Each full assembly of 40 panels will measure approximately 3m height by 20m length when measured face on. 'Half' assemblies of panels will also be installed which would be approximately 10m length. The dimensions of the panels and assemblies are illustrated in the drawing RPS-MG-003 as provided in Appendix A.



**Figure 2:** Example PV panel arrangement

- 2.2.5 The mounting structure to which the panels are fixed would comprise a lightweight steel frame. The frame is then secured to a series of vertical galvanised steel supports. The supports would be fixed into concrete gravity foundations that would rest on top of the capped landfill surface (Figure 3). This installation method will ensure that the supports do not protrude through the landfill site capping.
- 2.2.6 The height of the front of the panels from the ground would be approximately 0.9m and the height of the back would be a maximum of 3m. The gap between rows of panels would be approximately 6 - 7m to ensure panels are not shaded by each other.

**Figure 3:** Example concrete gravity footing prior to panel installation



2.2.7 Rows of panels will be aligned in an east-west direction with the panels facing due south. The rows of panels will stretch the length and breadth of the Site (see Drawing RPS-MG-002. Appendix A), following the contours of the existing capped landfill, but respecting a minimum 5m buffer zone from any hedgerows or trees.

### ***Inverters***

2.2.8 The solar panels generate Direct Current (DC) electricity which must be converted into Alternating Current (AC) before being feed into the local electricity grid network. This is carried out by inverter units.

2.2.9 The inverters would be housed **with a transformer** in prefabricated housings (2 no. housings in total). The transformer converts the (AC) electricity to a higher voltage necessary for export to the local grid network. The approximate position of the housings is indicated in the layout drawing RPS-MG-002. Appendix A.

2.2.10 The approximate dimensions of the housings is illustrated in drawing RPS-MG-004. Appendix A. They measures approximately 6m length x 2.4m wide with a height of 2.8m. The housings would sit on a concrete base foundation.

2.2.11 The housings are fabricated from pre-constructed galvanised steel and coloured dark green.

### ***Grid connection***

- 2.2.12 High voltage (11Kva) electricity exiting the transformer would be fed into the existing on-site grid connection point via underground cables.
- 2.2.13 The significant advantage of installing the Proposed Development at Magheraglass Landfill site is that there is existing electrical infrastructure and available grid capacity necessary to connect the solar PV array due to the existing landfill gas generation project. This means that there is less ancillary development required.

### ***Fencing***

- 2.2.14 The Magheraglass Landfill site is enclosed by existing security fencing. The Proposed Development will therefore not require any additional fencing measures to be installed.

### ***Security***

- 2.2.15 In order to remotely monitor the site and detect any unauthorised access, CCTV cameras will be erected around the Site perimeter on poles of approximately 2.5 metres in height as shown in drawing RPS-MG-005. The cameras are directed into the solar farm, and employ infrared technology so lighting is not required.

### ***Landscaping***

- 2.2.16 The Proposed Development would be located on existing capped landfill area. No mature trees or hedgerows would be removed. The existing grass vegetation on the landfill site would be consolidated by continuing natural regeneration and regular maintenance to ensure the panels retained clear aspect to sunlight.
- 2.2.17 It is intended to manage grassed areas between the solar panel rows through a continuation of the existing landfill management practices in the short term.

## **2.3 Installation and operation**

- 2.3.1 Installation and operation of the Proposed Development would involve five

stages:

- 1 Pre-construction planning
- 2 Site preparation
- 3 Construction
- 4 Operation
- 5 Decommissioning

### ***1 - Pre-construction planning***

2.3.2 A detailed topographical survey would be undertaken prior to the commencement of development to confirm the up to date landfill site levels and help plan the detailed arrangement of the panels.

2.3.3 Health and Safety measures would be discussed, agreed and implemented.

2.3.4 Authorities and neighbours would be notified as appropriate.

### ***2 - Site preparation***

2.3.5 A temporary site office, welfare facilities and skips for waste/recycling would be sited at the designated temporary construction area. These items would be removed at the end of the construction period.

2.3.6 HGVs will enter the landfill site via the existing access road leading from Magheraglass road. HGVs would proceed to unload at the temporary construction area. Smaller vehicles would be used to transfer materials from the temporary construction area to where they were needed on the Site.

2.3.7 The CCTV system would be completed immediately prior to the materials being delivered to Site to prevent any risk of theft.

### ***3 - Construction***

2.3.8 Mountings, frames, PV panels, electric cables, and other materials (including and hard core and concrete or construction purposes) would be imported using vans, HGVs and lorries.

2.3.9 During the construction and decommissioning phases, traffic movement to

and from the Site will be kept to a minimum with deliveries proposed during typical working hours. No deliveries will be made outside of the hours of:

- 8am to 6pm Monday to Friday
- 8am to 1pm Saturday

2.3.10 The total number of HGVs visiting the Site is estimated as per Table 1.

<b>Table 1: Estimated HGV deliveries</b>	
<b>Transport</b>	<b>Number</b>
Delivery of frame structures	2
Delivery of concrete footings	3
Delivery of panel modules	2
Delivery of plant equipment	5
Delivery of hard-core/concrete	2
Delivery of ancillary equipment/materials	5
<b>Total HGV deliveries</b>	<b>19</b>

2.3.11 Deliveries of materials would be spread out over a two month period (dependent on weather conditions) such that the maximum number of movements of HGVs on any one day will be minimised.

2.3.12 An installation team would work on site to set the frame structures and concrete footings into the appropriate positions. The team would then assemble and fix the PV panels using clamps to create the assemblies of panels mentioned previously. The panels and inverter/transformer station would be linked using cables fixed to the back of the frame structures and electricity export cables would be trenched as required.

2.3.13 Cables would be laid in trenches using a mechanical excavator. The trenches would be backfilled with sand to protect the cables and prevent theft. Trenching will not penetrate the landfill capping layer.

2.3.14 The transformer and inverter housings would be brought in by HGV when weather conditions are suitable and manoeuvred into place using a mechanical lift.

2.3.15 At the end of the construction operations all waste materials would be



collected and disposed of in the appropriate manner.

#### **4 - Operation**

- 2.3.16 The PV array would be tested and linked to the grid network by Northern Ireland Electricity (NIE). Once commissioned, it would generate electricity for a period of up to 30 years.
- 2.3.17 An operations and maintenance programme would be established and would be largely based on remote monitoring. Occasional site visits would be made by individuals to check matters such as security and to undertake any maintenance and repair works required. Ordinarily, the site would be accessed by a van or small truck. The panels may also require periodic cleaning to maintain optimal efficiency, this would be via 4x4 vehicle.
- 2.3.18 Instances may arise where larger HGV vehicles would need to access the site in the case of a significant failure of a large component. It is not possible to predict the frequency, but such instances are not likely to occur more than once a year.

#### **5 - Decommissioning**

- 2.3.19 At the end Proposed Development's lifespan, the solar array would be 're-powered' with new panels, or de-commissioned. Should it de-commissioning take place, the temporary construction area would be re-established, and the installation would be switched off and disconnected from the electricity grid network. The ancillary buildings would be removed and the structure would be carefully dismantled. The mountings, foundations, supports, PV modules and cables would be removed and loaded into containers to be taken away by HGVs. Materials would be reused or taken to an appropriate location for recycling or disposal.
- 2.3.20 After decommissioning, the site would be reinstated and would revert to use appropriate to a capped landfill site.

## **3 RENEWABLE ENERGY POLICY**

### **3.1 European Policy**

The UK has signed up to the EU Renewables Directive, under which the legally binding target is for 15% of total UK energy consumption to be generated from renewables by 2020, with this target rising to 80% by 2050.

The UK's Renewable Energy Strategy (RES) sets out how the UK will increase its renewable energy generation and reduce greenhouse gas emissions. The RES is based on a scenario of 30% of electricity, 12% of heat and 10% of transport being generated from renewables by 2020.

In 2012 UK electricity generation from renewable sources was 12.9 %<sup>3</sup>. This represents an increase of 1.1% from 2012 levels. A much greater increase will be required in order to achieve 30% by the end of this decade as targeted.

In summary, there is a clear need and expectation that renewables deployment must be delivered. Solar projects are predicted to play an important and key part of the overall generation mix of renewables technologies operated within the UK.

### **3.2 National Policy**

The UK Government is committed to meeting its renewable energy targets which are set out in national policy through the Climate Change Act of 2008. Section 13 of this Act states that there is a duty for the Secretary of State to prepare proposals and policies for meeting carbon reduction targets. These obligations fall to Local Planning Authorities.

In 2011 the Department of Energy and Climate Change published the UK Renewable Energy Roadmap, which was further updated in 2013. This provides the framework for the provision of renewable energy deployment in the UK; it restates the Government's commitment to meeting our renewable energy targets.

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<sup>3</sup> Department of Energy and Climate Change (2014) Digest of UK Energy Statistics

October 2013 also saw the publication of the UK Solar PV Strategy Roadmap<sup>4</sup> which states that "Solar photovoltaic (PV) technology is a mature, proven technology and is a reliable source of renewable energy with an important role to play in the UK energy generation mix." Paragraph 13 of this Strategy notes that solar PV accounted for 12% of renewable electricity capacity in the UK at the time of publication.

There are also a large number of other National guidance documents relating to energy and renewable energy more specifically which support the Government's aim to significantly increase the amount of electricity generated in the UK from renewable sources.

### ***Regional Development Strategy (RDS) 2035***

The RDS sets out the Spatial Development Strategy for Northern Ireland. The RDS states that, at the time of publication, fossil fuels represent over 90% of Northern Ireland's power generation and over 70% of households still use oil for home heating.

Strategic Objective RG5: "Deliver a sustainable and secure energy supply". A key aim of this objective is listed as follows; "Increase the contribution that renewable energy can make to the overall energy mix."

Strategic Objective RG9: "Reduce our Carbon Footprint and facilitate mitigation and adaption to climate change whilst improving air quality" demonstrates the commitment of the Northern Ireland Executive to 'de-carbonisation'. The RDS states that consideration needs to be given to methods for reducing energy consumption and moving to more sustainable methods of energy production.

## **4 PLANNING POLICY STATEMENTS**

### **4.1 Planning Policy Statements**

- 4.1.1 'Planning Policy Statements' set out the policies of the Department on particular aspects of land-use planning and apply to the whole of Northern

---

<sup>4</sup> Department of Energy and Climate Change (2013) UK Solar PV Strategy Part 1: Roadmap to a Brighter Future

Ireland. These policies are required to be taken into account in preparing development plans and are also material to decisions on individual planning applications and appeals.

4.1.2 All development must be in conformity with PPS 1 and the general principles of planning and development. The guiding principle is that development should be approved, having regard to the Area Plan and all other material considerations, unless that proposed development will cause demonstrable harm to interests of acknowledged importance.

4.1.3 Furthermore, the Department of the Environment (DOE) will seek to ensure that in working towards sustainable development, it will aim to:

- 'plan for the region's needs for commercial and industrial development, food production, minerals extraction, new homes and other buildings, whilst respecting environmental objectives;'
- 'conserve both archaeological and built heritage and natural resources (including wildlife, landscape, water, soil and air quality), taking particular care to safeguard designations of national and international importance.'
- 'give preference, in the zoning of land, to the development of brownfield sites within built-up areas, before considering the development of greenfield sites, provided that this creates or maintains a good living environment'

4.1.4 The environmental impacts of the Proposed Development will be limited to the visual impact on the landscape, all other heritage, ecological and hydrological resources within or close to the site will not be impacted upon. The application will not fundamentally change the use of the brownfield (capped landfill) land and the associated construction works will be limited to simple trenching for cables and installation of the support frames for the panels.

***Planning Policy Statement 18: Renewable Energy***

4.1.5 Planning Policy Statement 18 (PPS18) sets out the DOE planning policy for

development that generates energy from renewable resources. The policy objective of this statement is to enable the siting of renewable energy locations within the built and natural environment in order to achieve Northern Ireland's renewable energy targets and realise the benefits of renewable energy, whilst ensuring the environmental, landscape, heritage and visual amenity impacts arising from developments are adequately addressed.

4.1.6 Policy RE1: Renewable Energy Development states that: Development that generates energy from renewable resources will be permitted provided the proposal, and any associated buildings and infrastructure, will not result in an unacceptable adverse impact on:

- public safety, human health, or residential amenity;
- visual amenity and landscape character;
- biodiversity, nature conservation or built heritage interests;
- local natural resources, such as air quality or water quality; and
- public access to the countryside

4.1.7 This policy requires that projects demonstrate how impacts will be mitigated during construction, operation and decommissioning and include details of compensatory measures such as habitat management plans and/or creation of new habitats. It also states that the wider environmental, economic and social benefits for renewable energy projects are material considerations that will be given significant weight in determining whether planning permission should be granted.

4.1.8 The Proposed Development is positioned away from significant public view and has a limited number of residences in close proximity. Air, water quality and residential amenity will not be adversely affected during the operation of the solar array due to the fact the Proposed Development will not involve the use of hydro-carbons, chemicals, foul sewage or other effluents and will have no moving parts or machinery that will generate a significant amount of noise.

***Planning Policy Statement 1: Natural Heritage***

- 4.1.9 Planning Policy Statement 2 (PPS 2) sets out the DOE planning policies for the conservation, protection and enhancement of natural heritage. Natural heritage is defined as 'the diversity of our habitats, species, landscapes and earth science features.'
- 4.1.10 The aim of this planning policy statement is to conserve, protect and enhance the abundance, quality, diversity and distinctiveness of the region's natural heritage and biodiversity and take actions to reduce the carbon footprint and adapt to the demands of climate change.
- 4.1.11 Policies NH1, NH2, NH3, NH4, NH5, NH6 relate to developments with adverse impacts on European and Ramsar Sites, Species Protected by Law, sites of national and local conservation importance, habitats, species or features of natural heritage importance and Areas of Outstanding Natural Beauty. Such developments will not be permitted unless there are exceptional circumstances and/or the impacts can be mitigated or compensated to the degree that the benefits outweigh the value of the habitat, species or feature.
- 4.1.12 No evidence of these species have been previously recorded in the vicinity of the Site. The Site is an area of capped landfill, adjacent to an area that is actively being filled by waste. It is considered unlikely to contain any ecological significant species.

***Planning Policy Statement 3: Access, Movement and Parking***

- 4.1.13 Planning Policy Statement 3 (PPS3) sets out the DOE planning policies for vehicular and pedestrian access, transport assessment, the protection of transport routes and parking
- 4.1.14 Policy AMP2: Access to Public Roads, states that: Planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access, onto a public road where:
- such access will not prejudice road safety or significantly inconvenience the flow of traffic;

- the proposal does not conflict with policy AMP3 Access to Protected Routes.
- 4.1.15 Consideration will be given to the nature and scale of the development, character of the existing development, location and number of existing accesses and the standard of the existing road network and local traffic conditions.
- 4.1.16 The Propose Development will utilise the existing landfill site entrance leading from Magheraglass Road. This access sufficient for all traffic associated with the project construction and operation. No new access roads will need to be constructed.

***Planning Policy Statement 6: Planning Archaeology and The Built Heritage***

- 4.1.17 Planning Policy Statement 6 (PPS6) outlines the main criteria that the DOE implement when assessing proposals which impact upon archaeological or built heritage.
- 4.1.18 Policy BH1: The preservation of Archaeological Remains of Regional Importance and their Settings states that: 'The Department will operate a presumption in favour of the physical preservation in situ of archaeological remains of regional importance and their settings.'
- 4.1.19 Historic Environment Records show that there are no recorded sites of national importance within the Site or in close proximity to the Site.
- 4.1.20 Policy BH2: The protection of Archaeological Remains of Local Importance and their Settings, states that: 'Development proposals which would adversely affect archaeological sites or monuments which are of local importance or their settings will only be permitted where the Department considers the importance of the proposed development of other material considerations outweigh the value of the remains in question.'
- 4.1.21 Historic Environment Records show that there are no recorded sites of local importance within the Site or in close proximity.

- 4.1.22 Policy BH11: Development affecting the Setting of a Listed Building, states that; The Department will not normally permit development which would adversely affect the setting of a listed building.' The nearest Listed Building is 2.4km from the Site boundary and it is therefore considered that the Proposed Development will have no impact upon it or its setting.

***Planning Policy Statement 15: Planning and Flood Risk***

- 4.1.23 Planning Policy Statement 15 (PPS15) sets out the DOE planning policies to minimise flood risk to people, property and the environment. It's objective is to 'adopt a precautionary approach by ensuring that both the available scientific evidence and the scientific uncertainties which exist in relation to flood risk are taken into account when determining planning application' and 'ensure that new development is not exposed to the direct threat of flooding and that it does not increase flood risk elsewhere.'
- 4.1.24 The Rivers Agency's Strategic Flood Maps indicates that all the Proposed Development area and the temporary construction compound are located outside the areas susceptible to flooding from rivers or surface water. Rainfall falling onto the panels would run off the panels and infiltrate into the ground at the same rate as it does in the site's existing brownfield state and the extent of the impermeable cover as a result of the footings for panels and ancillary buildings equates to a very small additional area.
- 4.1.25 As a result, there would be no potential for a dramatic increase of surface water on/or adjacent to the site.
- 4.1.26 Planning Policy Statement 21: Sustainable Development in the Countryside Policy CTY1; Development in the Countryside states that there are a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to aims of sustainable development. Non-residential types of development include 'renewable energy projects in accordance with PPS18.'



## 4.2 Cookstown Area Plan (2010)

### *Plan Policy MN 4 Restoration of Despoiled Land*

- *“In assessing proposals for mineral development the Department will use its development control powers to encourage the restoration of lands despoiled by mineral extraction, except where such lands have established important nature conservation interests.”*

- 4.2.1 The policy supporting text notes; “Some parts of Cookstown District have been despoiled by previously unregulated and unrestored mineral workings. This is particularly the case in the vicinity of Lough Fea, Killucan/Lough Doo, Knockaleery/Mullaghglass and Evishanoran. Where there are proposals to develop further mineral deposits in these areas, the Department will take into consideration opportunities to achieve the restoration and rehabilitation of such despoiled land”
- 4.2.2 The Proposed Development is located at Magheraglass landfill site near Knockaleery, an area identified for its degraded character associated with the quarrying and landfilling. The Proposed Development will aid the restoration of this site by providing a suitable, low impact land use appropriate for the brownfield site. The income from the scheme will provide the Council with additional funds to support the long term maintenance and restoration of the landfill site.

## 5 PLANNING CONSIDERATIONS

### 5.1 Overview

- 5.1.1 The following information is provided to assist the reader in making a judgement as to whether there are any significant adverse impacts that outweigh the benefits Proposed Development of the 250kW solar PV array; and, should the planning authority be minded to approve the planning application, whether any further mitigation is appropriate.

## 5.2 Designations

5.2.1 The Site and surrounding location has been assessed in relation to a wide range of Designations which include the following:

<b>Table 2: Designations list</b>	
<b>Designation</b>	<b>Comment</b>
Sites of International Conservation Importance (RAMSAR, SAC, SPA, NNR)	There are no sites within 2.5km of the Site boundary.
Sites of National Conservation Importance (ASSI, Nature Reserve)	The closest ASSI ( <i>Upper Ballinderry River</i> ) lies approximately 2.6km to the North of the site.
Sites of Local Nature Conservation Importance	No areas have been identified within close proximity to the Site
Local Nature Reserves	No areas have been identified within close proximity to the Site
Area of Significant Archaeological Interest	No areas have been identified within close proximity to the Site.
Scheduled Monuments	The nearest feature ( <i>TYR029033 – Tree Ring</i> ) is approximately 0.55km from the Site boundary.
Scheduled Areas	The nearest feature ( <i>SmrNumber. 038001 - Church and enclosure area surrounding the state care monument</i> ) is approximately 1.2km to the east of the Site boundary.
Historic Parks, Gardens and Demesnes	The closest site listed in the Register of Historical Parks and Gardens ( <i>Drum Manor Forest Park</i> ) is approximately 2.5km from the Site. It is not considered to be affected by the Proposed Development.
Built Environment Conservation Area	The Moneymore Conservation area is located at Cookstown centre which is approximately 7.8km East of the Site.
Listed Buildings	The nearest Listed Building is approximately 2.4km to the north of the Site. The Site is unlikely to have any impact upon Listed Buildings or their setting as a result.
World Heritage Sites	No areas have been identified within close proximity to the Site.
Areas of Outstanding Natural Beauty	The nearest ANOB (Sperrin) lies approximately 5.5 km to the north west. Neither the setting of or the views from these designated landscapes would experience

	any impact.
Local Landscape Policy Areas	There are no Local Landscape Policy Areas within the same visual envelope as the Site. The nearest such area is over 1.5km away (Ref: CON2/LLPA12 - Killeenan).

5.2.2 In summary, there is unlikely to be any significant impact on any of these designated features due to the large separation distances and the non-intrusive nature of the Proposed Development.

### ***Biodiversity***

5.2.3 The Site is formed from an area of capped landfill site which has a number of gas extraction wells, manifolds and other ancillary equipment in place. There is also a compacted gravel haul road that bisects the Site. The area has low level scrub vegetation that routinely managed by the landfill site operators via cutting and limited spraying for weed suppression. With the exception of the landfill site's boundary features such as hedgerows, the Site is considered to have low intrinsic ecological value.

### ***Flood Risk***

5.2.4 The Site has a convex landform ensuring suitable drainage from any rainfall/surface water. Site drainage will remain via the existing discharge point to the local stream to the south of the Site. The Site's elevation is approximately 180m AOD. The risk of flooding from rivers or surface water is considered extremely low.

5.2.5 This assessment is supported by the indicative level Rivers Agency flood mapping for rivers and surface water (see Figure 4). The Site is not located in any areas marked as susceptible to surface water or river flooding.

- 5.2.6 The Proposed Development infrastructure introduces a very small area of impermeable surfaces through the concrete foundations of the solar panel assemblies, inverter housing and other ancillary items (e.g. CCTV foundations). The rain falling on each solar panel module will run off the panels and flow/infiltrate in the sheltered rain shadow area underneath the down-slope of the panel assemblies.



**Figure 4:** NIEA Flood Mapping (*background image courtesy of Bing maps*)

- Areas of vegetation
- Areas susceptible to river flooding
- Areas susceptible to surface water flooding

- 5.2.7 Although the solar panels will divert the downward path of falling rain, being raised off the ground, they will not significantly reduce the permeable area of the Site in which they are sited.
- 5.2.8 The Proposed Development will therefore not result in any discernible change to quantity or rate of run-off from the site. The development will not significantly increase the risk of flooding on either the subject site, or the

surrounding areas

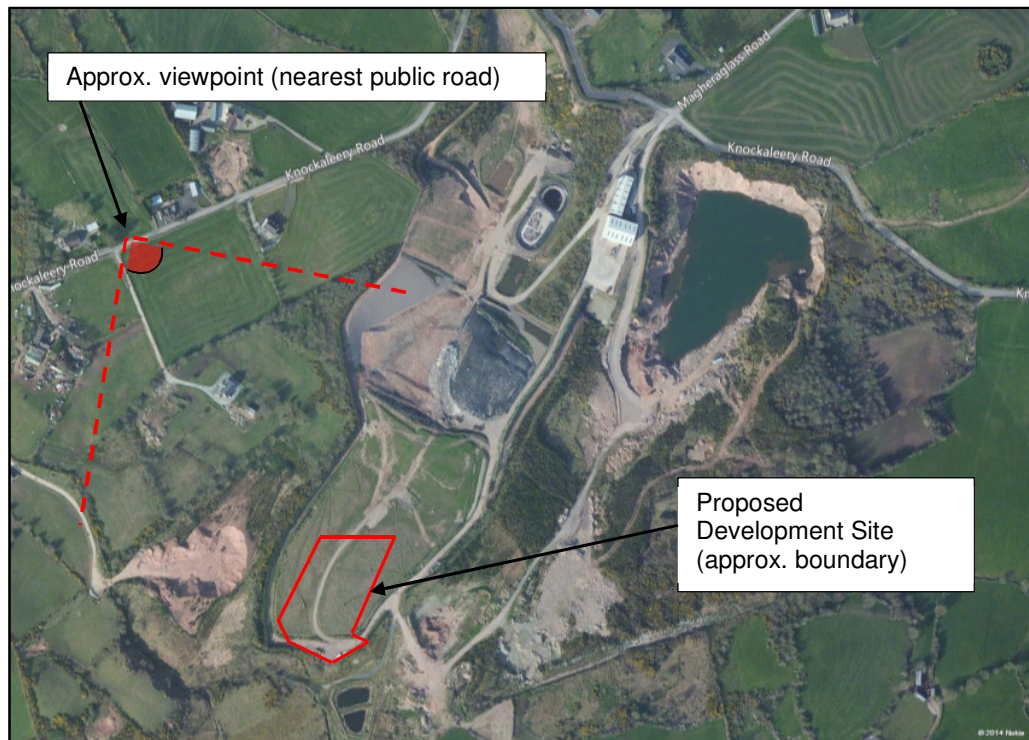
### ***Highways***

- 5.2.9 Access to the Site will be via the Magheraglass road entrance and the existing landfill site haulage road. No new roads will need to be constructed to access the site. Anticipated HVG movements for the construction phase are detailed previously in section 2.3.10.

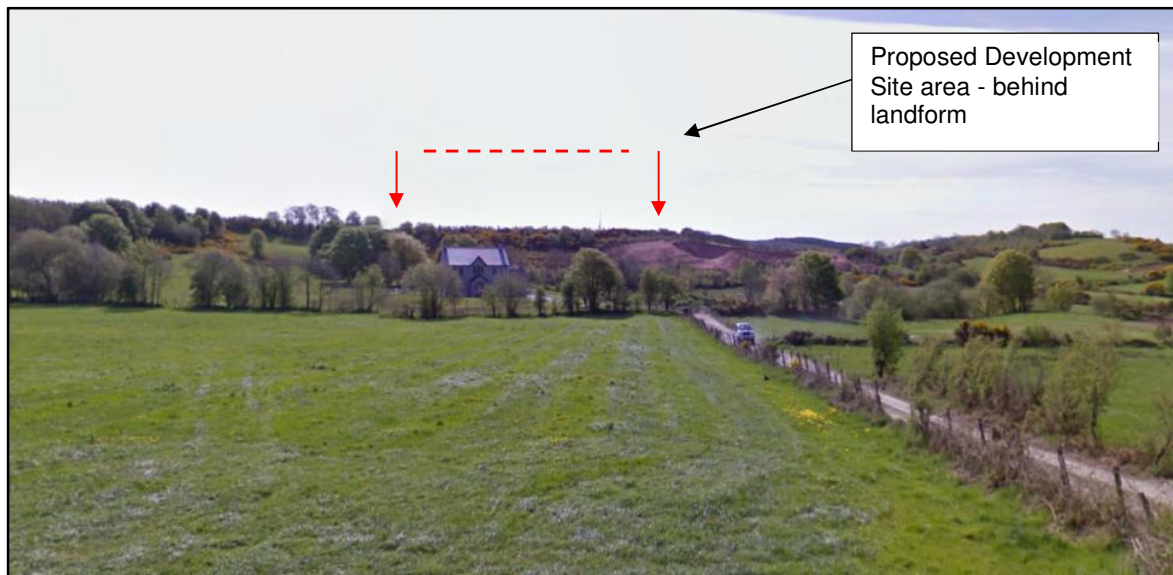
### ***Landscape and Visual Impact***

- 5.2.10 The Site lies on a gently sloping convex landform (capped landfill). The Site is located at a higher elevation than the majority of the surrounding residential properties. The nature of the local topography means that the Site will not be overlooked (see Figure 5 and Figure 6). The landfill site also has very good boundary screening from established vegetation which further shields any potential views of the Site. These factors, when taken together, ensure that there will be a low chance of any detrimental landscape and visual impact.
- 5.2.11 Any potential landscape impacts that may occur are entirely reversible as removing the solar array from the site would leave a negligible trace.





**Figure 5:** Viewpoint location – nearest public road  
(Base map courtesy of Bing maps)



**Figure 6:** Viewpoint image – nearest public road  
(Base map courtesy of Bing maps)

### ***Glare and reflections***

- 5.2.12 Glare is not considered to be a nuisance since solar panels are designed to maximise absorption of light by having a surface that is designed as anti-reflective and diffusing. Localised glare can be experienced, however, in close proximity to the panels. At a distance, the glare will simply be perceived as a lighter area in the landscape.
- 5.2.13 Reflection can occur when the recipient is positioned at the opposite side of the installation to the sun and when the sun is low in the sky. The reflection would only be observed when the recipient is looking towards the sun. The 'additional' impact of the installation in causing brightness from reflection is, therefore, minimal over and above that which would be experienced looking towards the sun without the installation in place.
- 5.2.14 The nearest residential property is 165m away from the Site boundary, whilst the nearest public road is approximately 300m. It is considered unlikely that members of the public would see the installation in the correct circumstances (e.g. aspect and elevation and time of day) to receive any significant glare or reflection effects.

### ***Noise***

- 5.2.15 Solar arrays are not noisy developments. The PV panels, which comprise the main feature of the solar array, do not generate any noise emissions.
- 5.2.16 The inverter housing are fitted with cooling fans, which generate a small amount of noise whilst the solar array is operating during the day. However, the housings are acoustically insulated to trap the large majority of any noise generated.
- 5.2.17 Solar arrays only operate during daylight hours, thus there is no noise generated at all in the evening, night and early morning, when ambient background noise levels are typically lowest. In practice, there will be no audible noise beyond the landfill site boundary once ambient noise is taken into account.

***Other Amenity concerns***

- 5.2.18 Limited dust and noise could potentially occur during installation/construction period, but the Site is sufficiently distant and screened from residential properties (165m) such that these temporary impacts would be not be significant. Working hours for construction purposes would be restricted to that considered appropriate by the Council, typically this would be 8-6pm Mon-Fri and 8-1pm Sat.

**1 SUMMARY**

- 5.2.19 The proposal is for a 250kW solar array, capable of generating approximately 177,000 kWh per annum, enough renewable electricity to power 47 typical NI households. The solar array would avoid approximately 800kg of carbon dioxide emissions associated with electricity generation each year, thus reducing the carbon footprint of Cookstown Council.
- 5.2.20 The proposal will not have any significant adverse impacts, upon residential amenity, ecology or any relevant environmental or other concern. The proposal will not increase the risk of flooding or effect surface water run-off. The Site is well-screened on all boundaries with limited visibility from any nearby residential properties. The physical appearance and settings of the nearest heritage features to the Site will not be harmed and the Site itself has no potential for archaeological remains due its former landfilled nature.
- 5.2.21 Existing landfill site operations and management practices will be maintained in the short term until closure of the landfill site which is anticipated by 2017.
- 5.2.22 At the end of Proposed Development's operational life, which is estimated as 30 years, the Site will be decommissioned, with all infrastructure removed from the Site.
- 5.2.23 The proposed 250kW solar array is consistent with national and local policy, and will contribute to wider renewable energy generation targets.



## **APPENDIX A - DRAWINGS**

### **Drawings**

<b>Reference</b>	<b>Title</b>	<b>Scale</b>
RPS-MG-001	Location Plan	1:2000 @ A3
RPS-MG-002	Layout Plan	1:500 @ A3
RPS-MG-003	Solar PV Elevations	<i>Various</i>
RPS-MG-004	Inverter Housing	1:50 @ A3
RPS-MG-005	CCTV Details	1:20 @ A3

**D**

<b>Subject</b>	<b>Proposed speed limit reduction at Tullyodonnell Road, Rockdale Road, Drumballyhugh Road and Oughterard Road, Rock, Dungannon</b>
<b>Date</b>	<b>8 September 2015</b>
<b>Reporting Officer</b>	<b>Andrew Cassells, Director of Environment and Property</b>

<b>1</b>	<b>Purpose of Report</b>
1.1	To seek the agreement of Members in relation to a proposal from Transport NI to reduce a 40mph speed limit to 30 mph on Rockdale Road, Drumballyhugh Road and Oughterard Road, Rock, Dungannon and to retain part of the Tullyodonnell Road at 40mph and reduce part to 30mph.

<b>2</b>	<b>Background</b>
2.1	Transport NI are consulting the Council as they are proposing to reduce a 40mph speed limit to 30 mph on Rockdale Road, Drumballyhugh Road and Oughterard Road, Rock, Dungannon and to retain part of the Tullyodonnell Road at 40mph and reduce part to 30mph.

<b>3</b>	<b>Key Issues</b>
3.1	The consultation letter, dated 30 June 2015, received from Transport NI is attached as Appendix 1 to this report.
3.2	The map showing the proposed location of the reduction to the 40 mph limit to 30 mph on the Rockdale Road, Drumballyhugh Road, Oughterard Road, and part of the Tullyodonnell Road, Rock is attached as Appendix 2. Members will note that the proposal is to erect the 30mph limit signs at the locations detailed on the map.
3.3	Transport NI state that the PSNI have been consulted and are in agreement with the proposal.

<b>4</b>	<b>Resources</b>
4.1	<b><u>Financial:</u></b> None
4.2	<b><u>Human:</u></b> None
4.3	<b><u>Basis for Professional/ Consultancy Support:</u></b> None
4.4	<b><u>Other:</u></b> None

<b>5</b>	<b>Other Considerations</b>
5.1	The introduction to reduce a 40mph speed limit to 30 mph at these locations will assist in the management of road safety issues.

<b>6</b>	<b>Recommendations</b>
6.1	That the Environment Committee agrees with the proposal by Transport NI to reduce a 40mph speed limit to 30 mph on Rockdale Road, Drumballyhugh Road and Oughterard Road, Rock, Dungannon and to retain part of the Tullyodonnell Road at 40mph and reduce part to 30mph.

<b>7</b>	<b>List of Documents Attached</b>
7.1	Appendix 1 – Letter from Transport NI dated 30 June 2015
7.2	Appendix 2 – Proposed reduction of speed limit at Rockdale Road, Drumballyhugh Road, Oughterard Road and Tullyodonnell Road, Rock – sketch map showing the position of the proposed limit.

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Dear Mr Tohill

**PROPOSED SPEED LIMIT REDUCTION – TULLYODONNELL ROAD,  
ROCKDALE ROAD, DRUMBALLYHUGH ROAD AND OUGHTERARD ROAD,  
ROCK**

TransportNI is proposing to reduce the 40mph speed limit on Rockdale Road, Drumballyhugh Road and Oughterard Road, Rock to 30mph, and retain part of the Tullyodonnell Road as 40mph and reduce part to 30mph, as shown on the attached map.

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

Please bring this matter to the attention of your council.

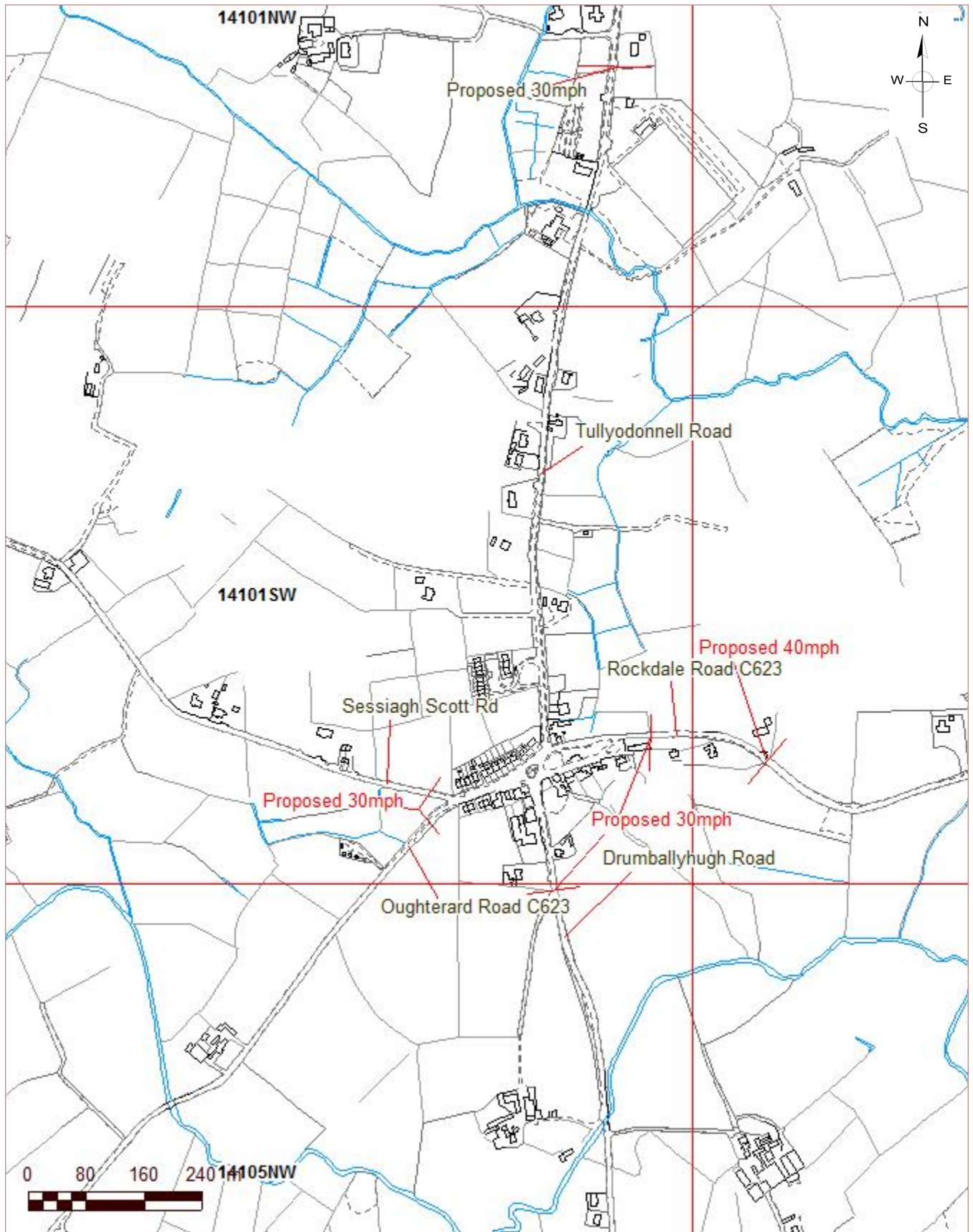
Yours sincerely



Mrs Hazel Burton  
Network Development

Enc

# Proposed 30mph - Rock area



Scale: 1:7500

Date: 30th June 2015

Coords: x 274977.71

y 371856.63

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**E**

<b>Subject</b>	<b>Proposed speed limit reduction at part of Whites Road, Dungannon</b>
<b>Date</b>	<b>8 September 2015</b>
<b>Reporting Officer</b>	<b>Andrew Cassells, Director of Environment and Property</b>

<b>1</b>	<b>Purpose of Report</b>
1.1	To seek the agreement of Members in relation to a proposal from Transport NI to reduce a stretch of 40mph speed limit to 30 mph on Whites Road, Dungannon.

<b>2</b>	<b>Background</b>
2.1	Transport NI are consulting the Council as they are proposing to reduce a stretch of 40mph speed limit to 30 mph at Whites Road, Dungannon.

<b>3</b>	<b>Key Issues</b>
3.1	The consultation letter, dated 26 June 2015, received from Transport NI is attached as Appendix 1 to this report.
3.2	The map showing the proposed location of the reduction to the 40 mph limit to 30 mph on Whites's road is attached as Appendix 2. Members will note that the proposal is to erect the 30mph limit signs at the locations detailed on the map.
3.3	Transport NI state that the PSNI have been consulted and are in agreement with the proposal.

<b>4</b>	<b>Resources</b>
4.1	<b><u>Financial:</u></b> None
4.2	<b><u>Human:</u></b> None
4.3	<b><u>Basis for Professional/ Consultancy Support:</u></b> None
4.4	<b><u>Other:</u></b> None



<b>5</b>	<b>Other Considerations</b>
5.1	The introduction of a reduced stretch of 40mph speed limit to 30 mph at this location will assist in the management of road safety issues.

<b>6</b>	<b>Recommendations</b>
6.1	That the Environment Committee agrees with the proposal by Transport NI to reduce a stretch of 40mph speed limit to 30 mph on Whites Road, Dungannon.

<b>7</b>	<b>List of Documents Attached</b>
7.1	Appendix 1 – Letter from Transport NI dated 26 June 2015
7.2	Appendix 2 – Proposed reduction of speed limit – sketch map showing the position of the proposed limit.

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26 June 2015

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Dear Mr Tohill

**PROPOSED SPEED LIMIT REDUCTION AT PART OF WHITES ROAD**

TransportNI is proposing to reduce a stretch of 40mph speed limit on Whites Road, to 30mph, as detailed on the attached map.

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

Please bring this matter to the attention of your council.

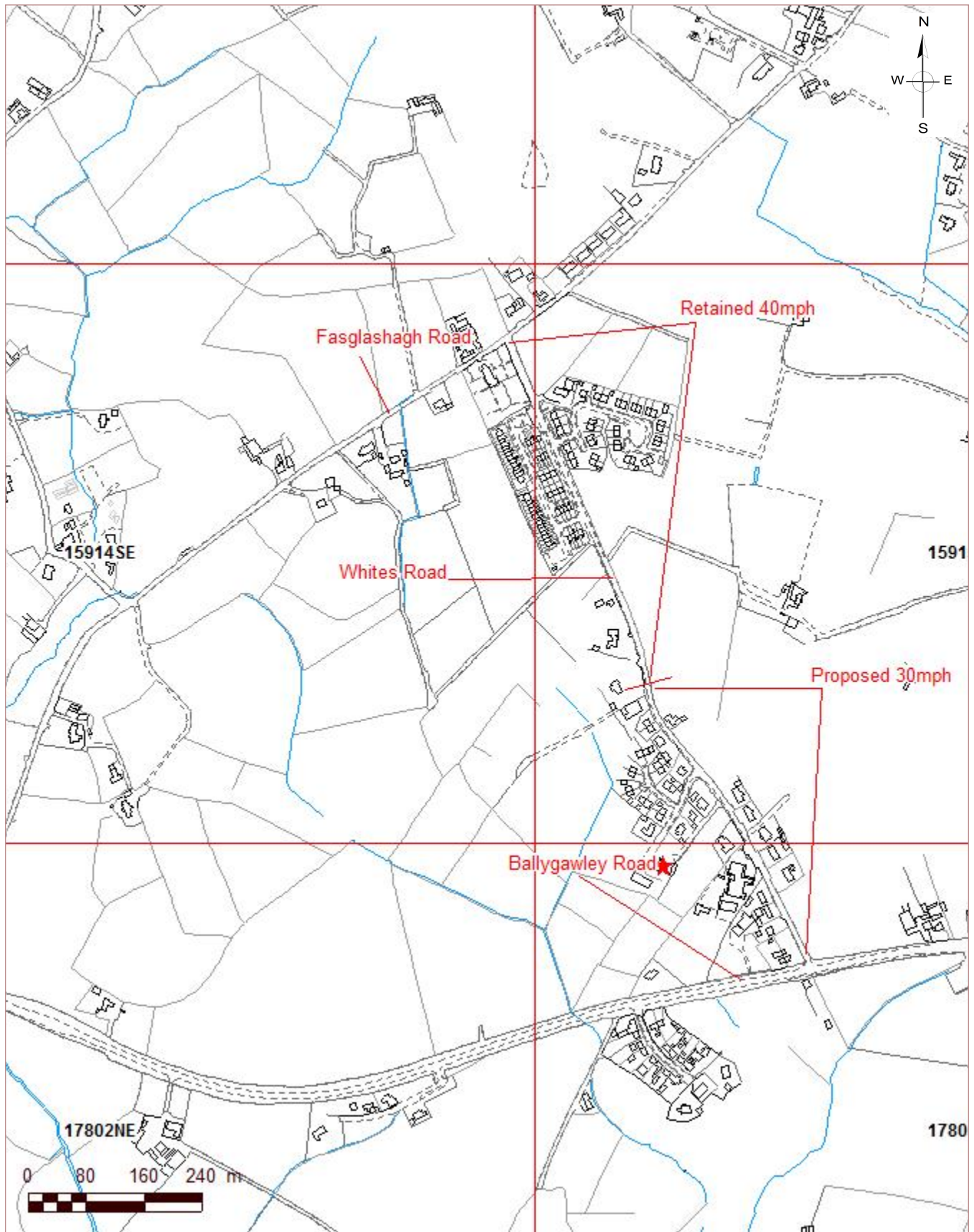
Yours sincerely



Mrs Hazel Burton  
Network Development

Enc

# Proposed introduction of 30mph on Whites Road, Dungannon



Scale: 1:7500

Date: 26th June 2015

Coords: x 269195.59

y 360597.67

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**F**

<b>Subject</b>	<b>Proposed speed limit reduction at Loup Road and Dunronan Road, Moneymore, Magherafelt</b>
<b>Date</b>	<b>8 September 2015</b>
<b>Reporting Officer</b>	<b>Andrew Cassells, Director of Environment and Property</b>

<b>1</b>	<b>Purpose of Report</b>
1.1	To seek the agreement of Members in relation to a proposal from Transport NI to reduce a 40mph speed limit to 30 mph on Loup Road and Dunronan Road, Moneymore, Magherafelt.

<b>2</b>	<b>Background</b>
2.1	Transport NI are consulting the Council as they are proposing to reduce a 40mph speed limit to 30 mph at Loup Road and Dunronan Road, Moneymore, Magherafelt.

<b>3</b>	<b>Key Issues</b>
3.1	The consultation letter, dated 30 June 2015, received from Transport NI is attached as Appendix 1 to this report.
3.2	The map showing the proposed location of the reduction to the 40 mph limit to 30 mph on Loup Road and Dunronan Road is attached as Appendix 2. Members will note that the proposal is to erect the 30mph limit signs at the locations detailed on the map.
3.3	Transport NI state that the PSNI have been consulted and are in agreement with the proposal.

<b>4</b>	<b>Resources</b>
4.1	<b><u>Financial:</u></b> None
4.2	<b><u>Human:</u></b> None
4.3	<b><u>Basis for Professional/ Consultancy Support:</u></b> None
4.4	<b><u>Other:</u></b> None

<b>5</b>	<b>Other Considerations</b>
5.1	The introduction to reduce a 40mph speed limit to 30 mph at these locations will assist in the management of road safety issues.

<b>6</b>	<b>Recommendations</b>
6.1	That the Environment Committee agrees with the proposal by Transport NI to reduce a 40mph speed limit to 30 mph on Loup Road and Dunronan Road, Moneymore, Magherafelt.

<b>7</b>	<b>List of Documents Attached</b>
7.1	Appendix 1 – Letter from Transport NI dated 30 June 2015
7.2	Appendix 2 – Proposed reduction of speed limit at Loup Road and Dunronan Road – sketch map showing the position of the proposed limit.

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30 June 2015

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[www.drdni.gov.uk](http://www.drdni.gov.uk)

Dear Mr Tohill

**PROPOSED SPEED LIMIT REDUCTION – LOUP ROAD AND DUNRONAN ROAD**

TransportNI is proposing to reduce a 40mph speed limit on Loup Road and Dunronan Road to 30mph, as detailed on the attached map.

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

Please bring this matter to the attention of your council.

Yours sincerely



Mrs Hazel Burton  
Network Development

Enc



# Proposed 30mph - Loup Road and Dunronan Road



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Scale: 1:5000  
Coords: x 289806.07  
y 384065.05

30th June 2015



**G**

<b>Subject</b>	<b>Local Authority Collected Municipal Waste (LACMW) Report and Northern Ireland Landfill Allowance Scheme (NILAS)</b>
<b>Date</b>	<b>8<sup>th</sup> September 2015</b>
<b>Reporting Officer</b>	<b>Mark McAdoo, Head of Environmental Services</b>

<b>1</b>	<b>Purpose of Report</b>
1.1	To inform members on the content of the NIEA Municipal Waste Management Statistics report for January to March 2015 and to seek approval for the transfer of NILAS allowances between the legacy Councils for the 2014/15 scheme year

<b>2</b>	<b>Background</b>
2.1	The NIEA Northern Ireland Local Authority Collected Municipal Waste (LACMW) Statistics Report for January to March 2015 was published by the Department of the Environment on 23 <sup>rd</sup> July; the full report is available via the below link:  <a href="http://www.doeni.gov.uk/index/information/asb/statistics/environment_statistics">http://www.doeni.gov.uk/index/information/asb/statistics/environment_statistics</a>
2.2	On the same date the NIEA issued the draft NILAS reconciliations for the 10 <sup>th</sup> scheme year (2015/14) for each of the legacy Councils as required under Regulation 13 of the Landfill Allowance Scheme (NI) Regulations 2004; copy of correspondence included at appendix 1.

<b>3</b>	<b>Key Issues</b>																
3.1	The NIEA quarterly Waste Management report for January to March 2015 will naturally be the last which contains separate statistics for the three legacy Council areas. The report provides (provisional) key performance indicator figures for all Councils; some of which are summarised in table 1 below:																
3.2	<p><b>Table 1</b></p> <table border="1"> <thead> <tr> <th>Council (legacy)</th> <th>Household waste recycled (to nearest %)</th> <th>Household waste landfilled (to nearest %)</th> <th>Annual waste collected per household (t)</th> </tr> </thead> <tbody> <tr> <td>Cookstown</td> <td>50%</td> <td>42%</td> <td>1.34</td> </tr> <tr> <td>Dungannon</td> <td>40%</td> <td>57%</td> <td>1.30</td> </tr> <tr> <td>Magherafelt</td> <td>52%</td> <td>16%</td> <td>1.33</td> </tr> </tbody> </table>	Council (legacy)	Household waste recycled (to nearest %)	Household waste landfilled (to nearest %)	Annual waste collected per household (t)	Cookstown	50%	42%	1.34	Dungannon	40%	57%	1.30	Magherafelt	52%	16%	1.33
Council (legacy)	Household waste recycled (to nearest %)	Household waste landfilled (to nearest %)	Annual waste collected per household (t)														
Cookstown	50%	42%	1.34														
Dungannon	40%	57%	1.30														
Magherafelt	52%	16%	1.33														
3.3	These figures confirm that two of the three legacy Councils exceeded the NI Executive's Programme for Government interim target of achieving 45% household recycling by 31 <sup>st</sup> March 2015																
3.4	The revised EU Waste Framework Directive will require Councils to recycle at least 50% of household waste by 2020. Collectively across the Mid Ulster region approximately 47% of household waste was recycled in 2014/15 which shows that some further improvement is required.																

3.5	The NIEA report also shows the amount of Biodegradable Local Authority collected Municipal Waste (BLACMW) sent to landfill by each Council in 2015/16 and associated utilisation of allocated annual landfill allowances; as summarised in table 2 below:																
3.6	<p><b>Table 2</b></p> <table border="1"> <thead> <tr> <th>Council (legacy)</th> <th>2014/15 annual NILAS allocation (tonnes)</th> <th>Amount of BLACMW landfilled (tonnes)</th> <th>% of 2014/15 NILAS allocation used</th> </tr> </thead> <tbody> <tr> <td>Cookstown</td> <td>5,908</td> <td>4,182</td> <td>70.8%</td> </tr> <tr> <td>Dungannon</td> <td>8,536</td> <td>9,611</td> <td>112.6%</td> </tr> <tr> <td>Magherafelt</td> <td>7,347</td> <td>2,091</td> <td>28.5%</td> </tr> </tbody> </table>	Council (legacy)	2014/15 annual NILAS allocation (tonnes)	Amount of BLACMW landfilled (tonnes)	% of 2014/15 NILAS allocation used	Cookstown	5,908	4,182	70.8%	Dungannon	8,536	9,611	112.6%	Magherafelt	7,347	2,091	28.5%
Council (legacy)	2014/15 annual NILAS allocation (tonnes)	Amount of BLACMW landfilled (tonnes)	% of 2014/15 NILAS allocation used														
Cookstown	5,908	4,182	70.8%														
Dungannon	8,536	9,611	112.6%														
Magherafelt	7,347	2,091	28.5%														
3.7	These figures, and correspondence from NIEA, confirm that Dungannon and South Tyrone Borough Council failed to meet its annual NILAS target by utilising 112.6% of the 8,536 allocated allowances available for the 2014/15 scheme year.																
3.8	Therefore a transfer of 1,075 tonnes needs to be made from another Council to Dungannon in order to stay within its allocation for the scheme year. It is proposed that this transfer is made from Magherafelt District Council as it had a large surplus allowance of 5,256 tonnes for the year.																
3.9	Transfer requests must be submitted on the official NIEA transfer form (NILAS 003; copy included at appendix 2) signed by Director or Chief Executive no later than six months after the end of the scheme year i.e. by 30 <sup>th</sup> September 2015.																

<b>4</b>	<b>Resources</b>
4.1	<p><b><u>Financial</u></b></p> <p>None</p>
4.2	<p><b><u>Human</u></b></p> <p>None</p>
4.3	<p><b><u>Basis for Professional/ Consultancy Support</u></b></p> <p>None required</p>

<b>5</b>	<b>Other Considerations</b>
5.1	The first Waste Data Flow (WDF) return for Mid Ulster District Council for the April to June 2015 quarter was submitted on 26 <sup>th</sup> August and NIEA will issue a report on same in October 2015.

<b>6</b>	<b>Recommendations</b>
6.1	It is recommended that approval is granted to make the necessary transfer of NILAS allowances between the (legacy) Councils for the 2014/15 scheme year.

<b>7</b>	<b>List of Documents Attached</b>
7.1	Appendix 1 - Copy NIEA correspondence dated 23 <sup>rd</sup> July - NILAS Reconciliation for 2014/15
7.2	Appendix 2 - NIEA "Request to Transfer NILAS Allowance" Form (NILAS 003)

NILAS Monitoring Team  
Waste Management  
Northern Ireland Environment  
Agency  
Klondyke Building  
Cromac Avenue  
Gasworks Business Park  
Lower Ormeau Road  
Malone Lower  
Belfast  
BT7 2JA

Email: [NILAS@doeni.gov.uk](mailto:NILAS@doeni.gov.uk)

23<sup>rd</sup> July 2015

Mr Andrew Cassells  
Director of Environment & Property  
Mid Ulster District Council  
Circular Road  
Dungannon  
Co Tyrone  
BT71 6DT

Our Ref: **Dungannon & South Tyrone Borough Council/ Draft Reconciliation  
2014/15**

Dear Mr Cassells,

**The Landfill Allowance Scheme (NI) Regulations 2004 (As amended)  
10<sup>th</sup> Scheme Year 2014/15 – Draft Reconciliation**

Under Regulation 13 of the above Regulations, the Monitoring Authority (NIEA) is required to prepare a draft reconciliation in relation to each District Council no later than 5 months after the end of the scheme year.

Regulation 14 requires the Monitoring Authority as soon as reasonably practicable after the end of the reconciliation period to reconcile the allowances available with the amount of Biodegradable Local Authority Collected Municipal Waste (BLACMW) sent to landfill as calculated under Regulation 13.

Through WasteDataFlow **Dungannon & South Tyrone Borough Council** has submitted quarterly returns for the scheme year 2014/15. From these returns NIEA

has calculated<sup>1</sup> the amount of Biodegradable Local Authority collected Municipal Waste (BLACMW) sent to landfill by each District Council for the scheme year 2014/15.

**The total amount of BLACMW sent to landfill by Dungannon & South Tyrone Borough Council, for the scheme year 2014/15, was 9,611 tonnes\* equating to 112.59% utilisation of the 8,536 allocated allowances available for the scheme year.**

Therefore, **Dungannon & South Tyrone Borough Council** currently\* needs to secure a transfer of at least **1,075** allowances from another district council in order to stay within its allocation for the scheme year.

The procedures and form required for transfers are available on the NIEA website at:  
[http://www.doeni.gov.uk/niea/nilas\\_guidance\\_to\\_dcs\\_august\\_2008.pdf](http://www.doeni.gov.uk/niea/nilas_guidance_to_dcs_august_2008.pdf);  
<http://www.doeni.gov.uk/niea/nilas003.pdf>

Transfer requests must be completed i.e. NIEA must have received an appropriately authorised request - an original signature is required - on the official form no later than six months after the end of the scheme year i.e. by Wednesday 30<sup>th</sup> September.

To date, the Monitoring Authority has not received any requests for the transfer or borrowing of allowances for the scheme year 2014/15.

\* As part of the monitoring of the Regulations NIEA will be continuing with its audit schedule relating to the scheme year 2014/15, and therefore the draft reconciliation figures may be subject to change.

Please do not hesitate to contact us with any queries.

Yours sincerely,



Adrian Gregory (Dr)  
**Waste Management Unit**

Cc: Regional Waste Management Group

<sup>1</sup>The mass balance is detailed at:

[http://www.wastedataflow.org/documents/guidancenotes/NorthernIreland/LandfillAllowanceScheme/KPI\\_\(g\)\\_DC\\_Mass\\_Balance\\_Schematic\\_v4.pdf](http://www.wastedataflow.org/documents/guidancenotes/NorthernIreland/LandfillAllowanceScheme/KPI_(g)_DC_Mass_Balance_Schematic_v4.pdf)

# REQUEST TO TRANSFER LANDFILL ALLOWANCES FORM

**NILAS 003**

<b>Transferor:</b> (District Council 'providing' allowances)	
--	--

<b>Transferee:</b> (District Council 'receiving' allowances)	
--	--

Total number of allowances to be transferred <sup>1</sup>	Scheme year <sup>2</sup>	Date transfer agreed

**Declaration:**

I declare that I have been authorised by the transferor to submit this transfer request.	
Signature _____	Date _____
Name _____ (Block Capitals)	
Position _____	

**Please return this form to:**

NILAS Monitoring Team  
 Land & Resource Management  
 Northern Ireland Environment Agency  
 Klondyke Building  
 Cromac Avenue  
 Gasworks Business Park  
 Belfast  
 BT7 2JA

Tel: (028) 9056 9429  
 Fax: (028) 9056 9376

Email: [NILAS@doeni.gov.uk](mailto:NILAS@doeni.gov.uk)



**GUIDANCE NOTES**

1. One allowance is equal to one tonne of Biodegradable Municipal Waste (BMW).
2. Scheme Year: Enter the scheme year for which the allowances are available to the transferor.
3. A transfer of allowances from one District Council to another District Council can only be transferred from one scheme year to the same scheme year.
4. A request to transfer allowances must be made to the monitoring authority BEFORE the end of the reconciliation period\* for the scheme year in which the transfer is agreed.
5. The monitoring authority is not required to consider a request to transfer allowances, unless it is made on the 'Request to Transfer Landfill Allowances Form'(NILAS 003)

\* reconciliation period means the period of 6 months following the end of a scheme year.

**H**



<b>Subject</b>	<b>Tullyvar Landfill Site - Joint Committee update and proposed site visit</b>
<b>Date</b>	<b>8<sup>th</sup> September 2015</b>
<b>Reporting Officer</b>	<b>Mark McAdoo</b>

<b>1</b>	<b>Purpose of Report</b>
1.1	To provide members with an update on the business of Tullyvar Joint Committee and to extend an invitation from the Chair of the Joint Committee, Councillor Mulligan, to members of the Environment Committee to visit the facility.

<b>2</b>	<b>Background</b>
2.1	<p>Tullyvar Joint Committee is a formal Committee initially established in 1992 under the former constituent Councils of Dungannon &amp; South Tyrone Borough Council and Omagh District Council under Section 19 Local Government Act (NI) 1972.</p> <p>The Joint Committee was granted autonomy to oversee and manage the operations of Tullyvar Landfill Site located on the main A5 between Ballygawley and Aughnacloy.</p> <p>With the re-organisation of Local Government, Mid Ulster District Council and Fermanagh and Omagh Council have inherited Tullyvar Joint Committee which now forms part of the democratic governance framework for the administration of Council services. Part 4, Paragraph 9 of the Local Government Act (NI) 2014 allows for arrangements to be made for the joint discharge of Council functions.</p> <p>Five representatives from Mid Ulster and Fermanagh &amp; Omagh Councils serve on the Joint Committee. The position of Chair is rotated on an annual basis between the Member Councils.</p>

<b>3</b>	<b>Key Issues</b>
3.1	Joint Committee meetings are currently held on a monthly basis supported by relevant Officers from each Council. A copy of the May and June papers are attached for members information.

3.2	<p>The proposed site visit and information briefing will help inform members and raise awareness of the ongoing operations and projects being developed on site to include:</p> <ul style="list-style-type: none"> <li>• an overview of the background and history to site development</li> <li>• the operational activities undertaken on site</li> <li>• the extent of sustainable and renewable energy projects developed on site to include the Landfill Gas Management System and the Wetlands Project</li> </ul>
-----	--

<b>4</b>	<b>Resources</b>
4.1	<p><b><u>Financial</u></b> None</p>
4.2	<p><b><u>Human</u></b> None</p>
4.3	<p><b><u>Basis for Professional/ Consultancy Support</u></b> N/A</p>
4.4	<p><b><u>Other</u></b></p>

<b>5</b>	<b>Other Considerations</b>
5.1	Committee papers will be presented to Environment Committee for information.

<b>6</b>	<b>Recommendations</b>
6.1	That members of the Environment Committee participate in a site visit and tour of Tullyvar Landfill Site to coincide with a Joint Committee meeting on 7 <sup>th</sup> October.

<b>7</b>	<b>List of Documents Attached</b>
7.1	Joint Committee Minutes of meetings held on 13 <sup>th</sup> May and 10 <sup>th</sup> June to include referenced appendices.



3<sup>rd</sup> June 2015

To: Councillor Burton )  
Councillor McGinley )  
Councillor McGuigan ) Mid Ulster District Council  
Councillor Mullen )  
Councillor Mulligan )

Mr A Cassells

Councillor Clarke )  
Councillor Fitzgerald )  
Councillor Rainey ) Fermanagh & Omagh District  
Councillor Shields ) Council  
Councillor Thompson )

Mr B Hegarty

Dear Sir/Madam

**Re: Tullyvar Landfill Site – Joint Committee Meeting**

A Meeting of the Management Committee for the development of Tullyvar Landfill Disposal Site will be held in the Office at **Tullyvar Landfill Site on Wednesday 10<sup>th</sup> June 2015 at 10.30am.**

1. Confirmation of Minutes of Annual General Meeting held on Wednesday 13<sup>th</sup> May 2015 (copy herewith)
2. Confirmation of Minutes of Meeting held on Wednesday 13<sup>th</sup> May 2015 (copy herewith)
3. Matters Arising from the Minutes
4. Financial Matters
  - 4.1 Statement of Payments dated May 2015 (copy herewith)

5. Update from Head of Waste Services/Site Manager's Report
6. Any Other Business
7. Date of Next Meeting
8. Site Tour – for interested Members/Officers (please bring sturdy footwear/coat)

Yours faithfully

**Andrew Cassells**

---

Director of Environment & Property

Copy: A Tohill  
K O'Gara  
M McAdoo  
T Law  
A McIlwrath  
K McGowan

**MINUTES OF TULLYVAR JOINT COMMITTEE AGM HELD ON WEDNESDAY 13<sup>TH</sup> MAY 2015 AT 10.30AM AT TULLYVAR LANDFILL SITE**

**PRESENT:**

**DUNGANNON:** Councillor Mulligan (Chair)  
Councillors Burton, McGinley, McGuigan & Mullen

**OMAGH:** Councillors Clarke, Fitzgerald, Rainey & Thompson

**OFFICERS:** Messrs Cassells, Law, McAdoo, McGowan, O'Gara  
and Miss McIlwrath

**APOLOGIES:** B Hegarty

***Meeting commenced at 10.35am***

**1. OUTGOING CHAIRMAN'S REMARKS**

The outgoing Chair, Councillor Clarke, paid tribute to all Members and Officers for their support and direction during his term in Office. Councillor Clarke called for nominations for Chair.

**2. ELECTION OF CHAIR**

Proposed by Councillor Burton  
Seconded by Councillor Rainey and agreed

That Councillor Mulligan be elected Chair.

Councillor Mulligan thanked Members for his nomination.

**3. ELECTION OF VICE CHAIR**

Proposed by Councillor Thompson  
Seconded by Councillor Fitzgerald and agreed

That Councillor Rainey be elected Vice Chair.

Councillor Rainey thanked Members for his nomination.



**MINUTES OF TULLYVAR JOINT COMMITTEE MEETING HELD ON WEDNESDAY 13<sup>TH</sup> MAY 2015 AT 10.30AM AT TULLYVAR LANDFILL SITE**

**PRESENT:**

**DUNGANNON:** Councillor Mulligan (Chair)  
Councillors Burton, McGinley, McGuigan & Mullen

**OMAGH:** Councillors Clarke, Fitzgerald, Rainey & Thompson

**OFFICERS:** Messrs Cassells, Law, McAdoo, McGowan, O'Gara  
and Miss McIlwrath

**APOLOGIES:** B Hegarty

**Meeting commenced at 10.45am**

**1. SITE HISTORY/OVERVIEW**

For the benefit of new Members and Officers, the Site Manager gave a brief overview of the site's history since its inception to present day developments. Copy presentation attached as Appendix One.

***Councillor Mallon entered the meeting at 10.40am***

Following the presentation, Members presented questions on the budgetary expenditure and electricity generation.

**2. CONFIRMATION OF MINUTES – 11<sup>TH</sup> MARCH 2015**

The above minutes were adopted.

Proposed by Councillor Rainey  
Seconded by Councillor McGuigan and agreed.

**3. MATTERS ARISING**

As per agenda items.

#### **4. FINANCIAL MATTERS**

##### **4.1 Statement of Payments dated March & April 2015**

The Statement of Payments dated March and April 2015 were presented for approval.

Proposed by Councillor Thompson  
Seconded by Councillor Burton and agreed.

#### **5. UPDATE REPORT FROM SITE MANAGER**

The Site Manager's Report was considered, copy attached as Appendix Two, reference being made to the undernoted:

##### **5.1 Phase 2 Capping and Early Closure Accommodation Works**

Following query from Councillor Clarke in relation to the prospect of Cell 4 development, the Site Manager confirmed that the Committee had approximately a one year window of opportunity to consider if it wished to progress, however, this would be based on a business case assessment balancing landfill diversion against capacity requirements. In terms of costs, it was anticipated that development would cost in the region of £800,000 to £1 million.

##### **5.2 Residual Waste Infrastructure Project**

T Law confirmed that the business case had been provided by RPS Consulting Engineers and would be considered in detail by Officers before a report would be presented to Committee.

***K O'Gara entered the meeting at 10.55am***

#### **6. ANY OTHER BUSINESS**

##### **6.1 Site Tour**

It was agreed that a site tour be organised following the next JC meeting in order to familiarise Members with the extent and ongoing site operations.

##### **6.2 Deeds**

A McIlwrath was granted permission to liaise with the Solicitor (Oliver Ross) to have the Deeds changed into the names of Mid Ulster and Fermanagh & Omagh Councils.

### **6.3 Sustainable Ireland**

Following discussion it was agreed that the Wetlands Project be entered in the Sustainable Ireland 2015 competition.

### **6.4 Chairman's Remarks**

The Chair, Councillor Mulligan, paid tribute to the work and commitment of all the past Elected Members and Officers who served on the Joint Committee and thanked existing Members and Officers for their continued support and direction.

## **7. DATE OF NEXT MEETING**

It was agreed to convene the next meeting on **Wednesday 10<sup>th</sup> June 2015 at 10.30am at Tullyvar Landfill Site.**

***Meeting ended at 11.00am***



## TULLYVAR TREASURERS ADVICE LISTING

Payment 15 May 2015

<b>Cheque No</b>	<b>Supplier Name</b>	<b>£</b>
000001	WYG ENVIROMENTAL	3,305.04
000002	COOTE'S BUILDERS MERCHANTS	31.92
000003	CONTRACT SERVICES	66.00
000004	CLIVE RICHARDSON LTD	2,564.10
000005	DSTBC	3,609.86
000006	GIBSON LIMITED	237,714.77
000007	HAMILTON CONTRACTS	18,792.30
000008	BRENNTAG	2,347.74
000009	AQUILIA UAS LTD	860.00
000010	CALVERT OFFICE EQUIPMENT LTD	71.54
000011	AA HYDRAULICS	80.04
000012	MCHUGH CRANE HIRE	252.00
000013	MCKEOWN CONTRACTS	684.00
000014	ENVIRO NI	1,144.80
000015	REA BROS	164.40
000016	ROAD SAFETY CONTRACTS LTD	5,485.06
000017	RENEWABLE POWER SYSTEMS	1,680.54

**Total** 278,854.11

# TULLYVAR LANDFILL SITE

## OVERVIEW

TULLYVAR LANDFILL SITE – OVERVIEW



### TULLYVAR LANDFILL SITE – OVERVIEW



### TULLYVAR LANDFILL SITE – OVERVIEW

#### Background

- Opened 1995
- Jointly owned and managed by Mid Ulster and Fermanagh & Omagh District Councils.
- Accepts a full range of household, inert, commercial and industrial waste each year.
- Tullyvar was one of the first fully engineered landfill sites to be built in Northern Ireland.
- Tullyvar was also one of the first sites in Northern Ireland to harness landfill gas to generate electricity
- Expected closure Nov 2017 without lining Cell 4.

## TULLYVAR LANDFILL SITE – OVERVIEW

## Void Space

April 2015

Cell	Capacity (M <sup>3</sup> )	Comments
1	80,000	Cell partially filled with the remainder is to be filled by 2017
2	24,000	Cell mostly filled with a portion permanently capped, the remainder is to be filled and capped by 2016
3	20,000	Cell mostly filled with a portion permanently capped, the remainder is to be filled and capped by 2016
4a	628,000	Not Constructed

## TULLYVAR LANDFILL SITE – OVERVIEW

## Statistics for Previous Year

- Landfilled approx. 65,000 Tonnes of Domestic, Commercial and Industrial wastes.
- Sales of approx. £800,000
- Electricity Generation Income of £50,000
- Approx. 29,000 tonnes of leachate treated and discharged to Moygashel Sewage Treatment Works.
- Approx. 5.2 GWhrs of electricity produced.

TULLYVAR LANDFILL SITE – OVERVIEW

## Budget

- Income for 2015/16 of approx. £780,000
- Operational expenses for 2015/16 of approx. £670,000
  - Leachate Treatment - £122,000
  - Salaries & Wages - £154,000
  - Plant Hire - £142,000
  - Stones & Cover - £28,000
  - Environmental Monitoring - £19,000

TULLYVAR LANDFILL SITE – OVERVIEW

## Future Developments

- Permanent Capping of a portion of Cell 2 covering approx. 10,000m<sup>2</sup> in Summer 2015 at a cost of approx. £150,000
- Permanent Capping of the remainder of Cells 2 & 3 covering approx. 14,000m<sup>2</sup> in Summer 2016 at a cost of approx. £210,000
- Expansion of the sites Integrated Constructed Wetlands on Cells 2 & 3 cap for the purposes of sustainably treating post closure leachate.



**TULLYVAR JOINT COMMITTEE – 13<sup>th</sup> MAY 2015****SITE MANAGER'S REPORT****1. Site Operational Update**

During March and April approx. 610 tonnes of leachate per week was discharged to Moygashel Sewage Treatment Works with an average Ammoniacal Nitrogen strength of 66 mg/l. The NIWater annual compliance report was received in April and Tullyvar was deemed compliant, the results of which are detailed in the table below:

Parameter	Annual Average	Limit	Compliance Score
Ammoniacal Nitrogen	34.1 mg/l	100 mg/l	100%
Chemical Oxygen Demand	704.1 mg/l O <sub>2</sub>	2000 mg/l O <sub>2</sub>	100%
Suspended Solids	191.3 mg/l	550 mg/l	100%
pH	Min 5.22 / Max 7.63	Min 5 / Max 10	100%

The electricity generation plant is still operating at full capacity, with the exception of some minor disruption to the gas extraction system due to the early closure accommodation works. The re-drilling of 3 gas extraction wells in April was carried out to accommodate the construction of the expanded wetlands and to take advantage of additional layers of infilling.

**2. Phase 2 Capping and Early Closure Accommodation Works**

The main contractor, Gibson (Banbridge) Ltd, began mobilising on-site on the week commencing the 16<sup>th</sup> February 2015. Works to date have concentrated on the small areas of lining required at the edges of Cells 1 & 3 to facilitate early closure if Cell 4 is not developed. Both areas have now been completed and regulatory approval of the Construction Quality Assurance (CQA) Validation Reports are being sought before infilling starts in these areas. It is expected that approval should be granted by the end of June 2015.

Works on the Phase 2 Capping works are due to recommence at the end of July 2015. A break in the project was agreed with the main contractor to allow additional filling in this area to achieve the approved landscape profile as well as to allow the more recently filled waste, time to settle.

**3. Void Space Survey**

At the beginning of April the sites annual topographical survey and void space analysis was carried out. A new technique using a drone camera flown over the site was used. The advantage of this technique is that it is competitive in price while also providing an overhead photographic record of the development of the site. As of April 2015, approx. 124,000m<sup>3</sup> of void space was still available once the new areas of lining were taken into consideration. This space is expected to last until the end of 2017 given predicted waste intake figures. There is also approx. 630,000m<sup>3</sup> of void space in Cell 4 which can be partially or wholly lined in the future if needed.

15<sup>th</sup> July 2015



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

To: Councillor Burton )  
Councillor McGinley )  
Councillor McGuigan )  
Councillor Mullen )  
Councillor Mulligan )

Mid Ulster District Council

Mr A Cassells

Councillor Clarke )  
Councillor Fitzgerald )  
Councillor Rainey )  
Councillor Shields )  
Councillor Thompson )

Fermanagh & Omagh District  
Council

Mr B Hegarty

Dear Sir/Madam

**Re: Tullyvar Landfill Site – Joint Committee Meeting**

A Meeting of the Management Committee for the development of Tullyvar Landfill Disposal Site will be held in the Office at **Tullyvar Landfill Site on Wednesday 22<sup>nd</sup> July 2015 at 10.30am.**

1. Confirmation of Minutes of Meeting held on Wednesday 10<sup>th</sup> June 2015 (copy herewith)
2. Matters Arising from the Minutes
3. Financial Matters
  - 4.1 Statement of Payments dated June 2015 (copy herewith)
4. Update from Head of Waste Services/Site Manager's Report
5. Any Other Business
6. Date of Next Meeting

Cookstown Office  
Burn Road  
Cookstown  
BT80 8DT

Dungannon Office  
Circular Road  
Dungannon  
BT71 6DT

Magherafelt Office  
Ballyronan Road  
Magherafelt  
BT45 6EN

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

Yours faithfully

**Andrew Cassells**

---

Director of Environment & Property

Copy:      A Tohill  
              K O'Gara  
              M McAdoo  
              T Law  
              A McIlwrath  
              K McGowan



**MINUTES OF TULLYVAR JOINT COMMITTEE MEETING HELD ON WEDNESDAY 10<sup>TH</sup> JUNE 2015 AT 10.30AM AT TULLYVAR LANDFILL SITE**

**PRESENT:**

- MID ULSTER:** Councillor Mulligan (Chair)  
Councillors Burton, McGuigan & Mullen
- FERMANAGH & OMAGH:** Councillors Rainey & Thompson
- OFFICERS:** Messrs Cassells, Law, McAdoo, McGowan, O'Gara  
and Miss McIlwrath
- APOLOGIES:** Councillor McGinley  
Mr B Hegarty

*Meeting commenced at 10.30am*

**1. CONFIRMATION OF MINUTES – AGM – 13<sup>TH</sup> MAY 2015**

The above minutes were adopted.

Proposed by Councillor McGuigan  
Seconded by Councillor Thompson and agreed.

**2. CONFIRMATION OF MINUTES – ORDINARY MEETING – 13<sup>TH</sup> MAY 2015**

The above minutes were adopted.

Proposed by Councillor Rainey  
Seconded by Councillor McGuigan and agreed.

**3. MATTERS ARISING**

As per agenda items.

*Councillor Mullen entered the meeting at 10.35am*

**4. FINANCIAL MATTERS**

#### **4.1 Statement of Payments – May 2015**

The Statement of Payments dated May 2015 was presented for approval.

##### **4.1.1. Gibson Limited**

Following query from Councillor Mulligan on payment to Gibson Ltd, the Site Manager confirmed that payment related to the first phase of the Lining Contract.

Subject to the aforementioned payments were approved.

Proposed by Councillor Thompson  
Seconded by Councillor McGuigan and agreed.

#### **5. UPDATE REPORT FROM SITE MANAGER**

The Site Manager's Report was presented, copy attached as appendix one, reference being made to the undernoted:

##### **5.1 Review of Site Plant**

Following query, the Site Manager confirmed that the previous review of site plant and subsequent contract hire had worked very successfully.

In terms of the proposed sale via public auction, Councillor Burton requested that consideration be given to using a local auction house.

Following discussion it was agreed to proceed to tender and procure a new tractor and dispose of obsolete plant via a local auction house.

Proposed by Councillor Thompson  
Seconded by Councillor Burton and agreed.

##### **5.2 Sustainable Ireland Awards**

The Site Manager outlined the background and development of the project which it was reported had met expectations and been very successful to date. Members and Officers discussed in brief the 60 year aftercare requirements, expected decrease in volume and strength of leachate over forthcoming years and the effectiveness of capping sites.

The Chair sought clarification on involvement of local schools. Site Manager confirmed that schools did visit the landfill site and it was proposed to erect an Interpretative Panel Board outlining the biodiversity elements and incorporate the wetlands project into future visits. It was agreed that the Site Manager liaise with the Biodiversity Officer.

It was reported that the process to submit an application had been extended to July after which entries would be shortlisted followed by an Award Ceremony in September.

### **5.3 Residual Waste Infrastructure Project**

T Law confirmed that Taggart's had provided the Economic Appraisal and were now engaged to undertake a Scoping Out Study to determine if Planning Service would require an Environmental Impact Assessment for the project. Members were informed that it was expected that the work would be completed within 2 weeks. Committee to be kept updated.

### **6. DATE OF NEXT MEETING**

It was agreed to convene the next meeting on **Wednesday 22<sup>nd</sup> July 2015 at 10.30am at Tullyvar Landfill Site.**

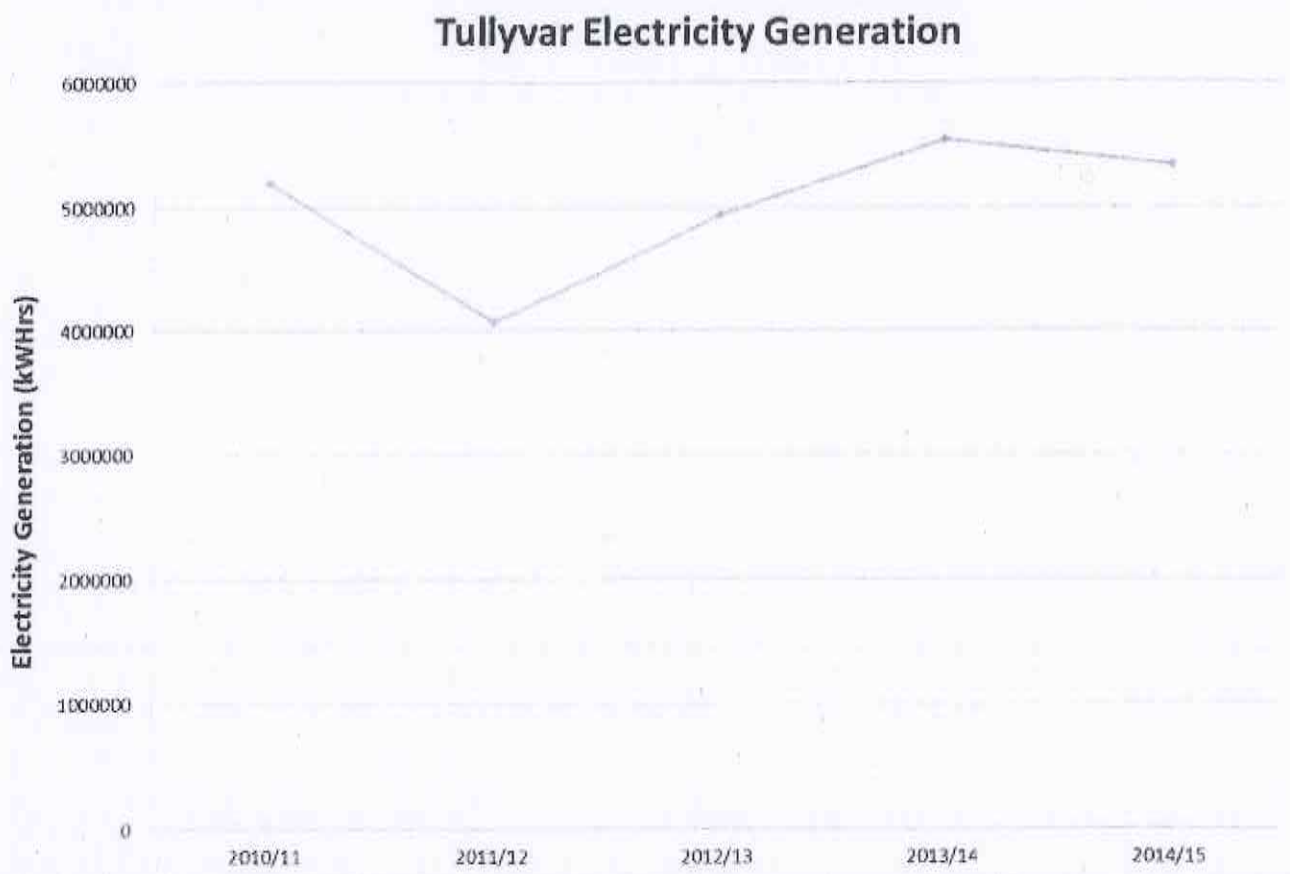
***Meeting ended at 11.00am***



**TULLYVAR JOINT COMMITTEE – 10<sup>th</sup> JUNE 2015****SITE MANAGER'S REPORT****1. Site Operational Update**

During May approx. 560 tonnes of leachate per week was discharged to Moygashel Sewage Treatment Works with an average Ammoniacal Nitrogen strength of 55.8 mg/l.

The electricity generation plant is currently operating at its full capacity of 800kW. May saw the completion of another full year of electricity generation, with a further royalty payment of £50,000 due in the coming months. The electricity generation plant has now been in operation for 5 years and in that time has generated 25 GWhrs of electricity, providing for the electricity needs of approx. 1,200 average households. A graph of the previous 5 years electricity generation is presented below:



Work on the Phase 2 Capping works are due to recommence at the end of July 2015. A break in the project was agreed with the main contractor to allow additional filling in this area to achieve the approved landscape profile as well as to allow the more recently filled waste, time to settle.

**2. Review of Site Plant**

Due to their age and condition, the sites 4WD tractors are no longer fit for purpose. Officers have reviewed the business case, and taking into account the rising maintenance bills and the cost of hiring replacement plant during breakdowns, are recommending that both tractors be disposed of via auction and a single replacement tractor purchased. A tractor of similar size and power to existing is estimated to cost between £45,000 and £50,000, offset by almost £20,000 from the sale of the old site plant. This option realises savings of approx. £37,000 to the sites operational expenses over the next 3 years.



Approval is therefore sought for the purchase of a single 4WD Tractor and the disposal to auction of the 2 old ones.

### **3. Sustainable Ireland Awards**

An entry is being prepared for submission to the 2015 Sustainable Ireland Awards in July based on the trial Integrated Constructed Wetlands on-site. Entries will be submitted into two categories; Environmental Project of the Year and Biodiversity Project of the Year highlighting the many environmental benefits the project will bring to the area. These include:

#### *3.1 Reduced Pollution to Waterways*

There was found to be significant removal of the main leachate contaminants, with an average reduction of approx. 99% of Biological Oxygen Demand (BOD) and Ammoniacal Nitrogen, and 96% of Suspended Solids. These are all detrimental to the health of watercourses and common causes of fish kills. Ammoniacal Nitrogen is toxic to fish, even in low concentrations while BOD depletes the available oxygen in the water so the removal of these pollutants greatly reduces the impact of the site on receiving watercourses.

#### *3.2 Reduced Pollution to Air*

During the aftercare period it would still have been necessary to make approx. 130 tanker journeys per year at 28 miles per trip. The use of the wetlands will eliminate these journeys saving around 6 tonnes of CO<sub>2</sub> emissions per annum or the equivalent to the carbon sequestered by 5 acres of forest in a year. Eventually, once the raw leachate becomes weak enough there will also be no further need for treatment prior to entering the wetlands, this is also expected to save a further 190 tonnes of CO<sub>2</sub> emissions per annum from reduced electricity usage. This is the equivalent to the electricity use of 66 average UK households or the carbon sequestered by 160 acres of forest in a year. These savings are all in addition to the CO<sub>2</sub> being taken in from the air by the growing plants providing long-term storage of the sequestered carbon.

#### *3.3 Increased Biodiversity*

In the construction of the wetlands 7 different varieties of wetland plants were introduced and many other different varieties of wild flowers, grasses, sedges and aquatic plants have emerged over the previous 2 years. The wetlands have also become an excellent habitat for a great variety of insects, invertebrates, water fowl and amphibians with sightings of, among others; dragonflies, damselflies, frogs, newts, water boatmen, pond skaters, butterflies, and diving beetles. There have also been 2 species of birds that have nested in the wetlands; Wrens and Reed Buntings. Some of these species are unique to wetlands and would not have been present on-site if not for the project, while other species have certainly benefited from the increased variety of habitats now present on-site.

#### *3.4 Reduced Landfill Aftercare Costs*

It is estimated that over the 60 year aftercare period that the use of the Wetlands to treat the sites post closure leachate will result in savings of approx. £385,000. In addition, the costs of running and maintaining the wetlands can be more tightly controlled using in-house resources as the costs of tankering and treatment by NIWater can be reasonably expected to rise more rapidly and unexpectedly. The money saved by this project will help alleviate some of the increasing financial burden of waste disposal on the local ratepayers.

#### *3.5 Improved Long Term Sustainability*

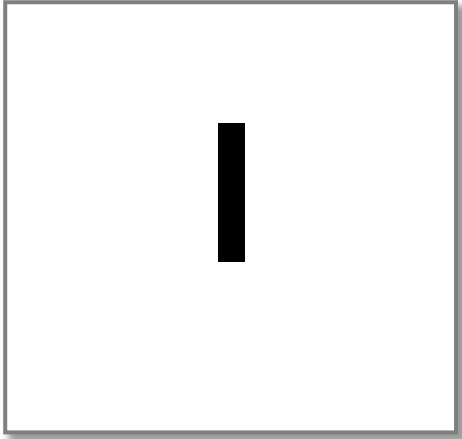
It is obvious that tankering the sites leachate over 14 miles by road to the nearest wastewater treatment works is unsustainable in the long term, especially given the 60 year expected aftercare period. The use of the wetlands for the treatment of the sites post closure leachate is a much more sustainable option, using natural processes to breakdown contaminants in the wastewater using minimal energy input while simultaneously developing an important habitat on-site.

## TULLYVAR TREASURERS ADVICE LISTING

Payment 16 June 2015

<b>Cheque No</b>	<b>Supplier Name</b>	<b>£</b>
000101	CALVERT OFFICE EQUIPMENT	290.40
000102	ARCO LIMITED	190.80
000103	ROAD SAFETY CONTACTS LTD	7,043.30
000104	RENEWABLE POWER SYSTEMS	1,887.14
000105	WYG ENVIRONMENTAL	587.52
000106	CAVANAGH KELLY	1,057.92
000107	CLIVE RICHARDSON LTD	3,427.20
000108	DSTBC	166.18
000109	EQUIPMENT PLANT HIRE LTD	1,848.00
000110	GIBSON LIMITED	198,767.37
000111	GOLDER ASSOCIATES UK LTD	8,240.00
000112	SHAW AUTOMATION LTD	1,712.53

**Total** 225,218.36



<b>Subject</b>	<b>Grounds Maintenance: Policy on Roundabout and Flowerbed Sponsorship</b>
<b>Date</b>	<b>8<sup>th</sup> September 2015</b>
<b>Reporting Officer</b>	<b>Terry Scullion, Head of Property Services</b>

<b>1</b>	<b>Purpose of Report</b>
1.1	To seek members approval for a sponsorship policy for flowerbeds and roundabouts maintained by Council.

<b>2</b>	<b>Background</b>
2.1	The legacy Councils have in the past sought or obtained requests for sponsorship from commercial businesses. In return for funding, signs/plaques were located at the roadside flowerbed or roundabout/gateway for an agreed period.
2.2	Sponsorship provides an effective marketing tool for businesses at key gateways and focal points across the district to promote their business, or association with a geographical location. The partnership between Council and the sponsor has helped improve the amenity value of the local environment and generated positive PR.

<b>3</b>	<b>Key Issues</b>
3.1	<p><u>Current Practice</u></p> <p>While each of the legacy Councils availed of sponsorship opportunities in the past, the method of attracting sponsorship and the income varied.</p> <p>In all areas sponsorship was publicly sought following requests either through an expression of interest, or an application process, in some instances both. Locations for sponsorship were often selected based on traffic levels, interest from potential sponsors, and sponsorship amount for sites Council owned or maintained. The sponsorship fee included the placement of one sign at an agreed location (or multiple locations depending on area size and visibility e.g. in a roundabout) and usually for a 12 month period.</p> <p>Although a number have lapsed, a sample of the most recent sponsors in the district is as follows:</p>



3.2	<b>LOCATION</b>	<b>SPONSOR</b>	<b>SPONSORSHIP (per annum) (£)</b>
	The Diamond Roundabout, Magherafelt	O2	500
	Knightsbridge, Cookstown	Tip Top Soils	360
	Dungannon Road Roundabout, Cookstown	O2	1,500
	Ballygawley Roundabout	Sanvic	5,000

Planned Approach

Council have always been mindful of placing any sign or plaque that could potentially compromise road safety, put the council at risk of litigation for failing in its statutory duty of care, or place a financial burden on the council in resolving issues at a later date. With this in mind, it's proposed to identify suitable locations across the district and publicly seek interest in sponsorship opportunities for areas to coincide with the new grounds maintenance season were no sponsorship exists, or a sponsorship agreement is no longer valid. The following sponsorship criteria is proposed:

- The plaque/sign (and any replacements) will be supplied by the successful sponsor for approval by Council and erected by Council
- The sign will comply with carriageway safety regulations and will be approximately 600mm X 200mm
- Only one organisation will sponsor each identified location
- One sign/plaque per flowerbed will be permitted
- Sponsorship will be sought for an initial period of 12 months, plus an option for two further 12 month periods
- Sponsorship signs will not be erected until payment is received in full for a 12 month period
- Council is not bound to accept the highest or any bid

<b>4</b>	<b>Resources</b>
4.1	<b><u>Financial</u></b>  None
4.2	<b><u>Human</u></b>  Officer availability and time in relation to identifying sites and seeking sponsorship applications.
4.3	<b><u>Basis for Professional/ Consultancy Support</u></b>  None.

<b>5</b>	<b>Other Considerations</b>
5.1	Consultation with Transport NI maybe required on sponsorship locations.

<b>6</b>	<b>Recommendations</b>
6.1	Members are requested to note the content of this report and approve a public process to seek sponsorship for flowerbeds and roundabouts for an initial period of 12 months, plus an option for two further 12 month periods.

<b>7</b>	<b>List of Documents Attached</b>
7.1	None.

**J**

<b>Subject</b>	<b>Landlord Registration Scheme Regulations (NI) 2014 Landlord Registration Information Sharing Protocol</b>
<b>Date</b>	<b>September 2015</b>
<b>Reporting Officer</b>	<b>Fiona McClements</b>

<b>1</b>	<b>Purpose of Report</b>
1.1	To enable members to consider the contents and terms of the Landlord Registration Information Sharing protocol, and permit the authorisation of officers to access data held by the Department of Social Development Landlord Registrar.

<b>2</b>	<b>Background</b>
2.1	<p>The Private Tenancies (NI) Order 2006 (as amended) requires landlords to register in accordance with the Landlord Registration Scheme Regulations (NI) 2014. Since February 2014, all private landlords are required to register immediately prior to letting a new tenancy, or where there is an existing tenancy, within 12 months. Registration will last for a period of 3 years at the end of which there is a requirement to re-register.</p> <p>The purpose of the Landlord Registration Scheme is to:</p> <ul style="list-style-type: none"> <li>• Allow tenants, neighbours and local councils to identify if landlords are registered</li> <li>• Provide information on the number of landlords in Northern Ireland and allow landlords to receive regular updates on the duties and responsibilities of landlords and tenants</li> <li>• Provide education and support to landlords</li> </ul> <p>Additionally, the scheme aims to improve tenants' confidence in their landlords and increase landlords' accountability by:</p> <ul style="list-style-type: none"> <li>• Promoting good practice</li> <li>• Ensuring the right advice and help is available</li> </ul> <p>The scheme also allows District Councils, the Department of Finance and Personnel and the Northern Ireland Housing Executive to carry out their legal duties.</p> <p>Landlords will be required to provide information such as their full name, address, telephone numbers and date of birth, correspondence address within NI, contact details of any agent acting for them and details for each dwelling to be let. Members of the public will have access to limited information but will be able to see if a landlord is registered by entering his or her name.</p>

	The protocol is deemed necessary to comply with the provisions of the Data Protection Act 1998, and to enable and assist the Council in the exercise of its functions under any provision of the Private Tenancies (Northern Ireland) Order 2006 and Article 54 of the Rent (Northern Ireland) Order 1978.
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<b>3</b>	<b>Key Issues</b>
3.1	<p>It is an offence for a landlord to let a dwelling house under a private tenancy and not register or to provide false information for registration. The Council are responsible for enforcement action and where a person is found guilty of either of these offences they may be issued with a fixed penalty.</p> <p>All terms specified within the Information Sharing Protocol must be adhered to in accordance with The Private Tenancies Order (NI) 2006 (as amended).</p> <p>Ensuring that all aspects of information sharing and disclosure of the information shall comply with the Data Protection Act 1998.</p>

<b>4</b>	<b>Resources</b>
4.1	<b><u>Financial</u></b> N/A
4.2	<b><u>Human</u></b> N/A
4.3	<b><u>Basis for Professional/ Consultancy Support</u></b> N/A
4.4	<b><u>Other</u></b> N/A

<b>5</b>	<b>Other Considerations</b>
5.1	<p>In accordance with general data protection principles, only the data that is necessary for the purposes of enabling and assisting the Council in the exercise of its functions under any provision of the Private Tenancies (NI) Order 2006 and Article 54 of the Rent (Northern Ireland) Order 1978 can be shared.</p> <p>Authorised officers within Council will be provided with unique Landlord Registration System log in details. Data that may be accessed includes information relating to landlords personal contact details and the ownership</p>

	<p>of private rented properties. The Council's internal procedures are to specify and document how this information will be used/exchanged.</p> <p>Effective systems must be established to ensure that data is securely stored and utilised, including encryption of data recorded and stored on computer systems and/or data bases. Data recorded utilising other formats or methods must be locked away safely.</p>
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<b>6</b>	<b>Recommendations</b>
6.1	Recommend that members agree adoption of the attached protocol and approve the authorisation of relevant officers to access and use information in accordance with the terms of same .

<b>7</b>	<b>List of Documents Attached</b>
7.1	The Landlord Registration Information Sharing Protocol

## **Information Sharing Protocol between the Landlord Registration Registrar and the Mid Ulster District Council**

### **1. Policy Statements and Purpose of Protocol**

The following protocols have been developed to assist the sharing of information required by Regulation 9 of The Landlord Registration Scheme Regulations (Northern Ireland) 2014. It is the intention that all aspects of information sharing and disclosure of the information shall comply with the Data Protection Act 1998.

The purpose of this document is to ensure there is a protocol for the sharing of certain personal data collected by the Registrar in its role as Data Controller of the Landlord Registration Scheme, where that personal data is needed for the purposes of enabling or assisting a council in the exercise of its functions under any provision of the Private Tenancies (Northern Ireland) Order 2006 and Article 54 of the Rent (Northern Ireland) Order 1978, as per The Landlord Registration Scheme Regulations (Northern Ireland) 2014.

### **2. Data**

#### **2.1 What data may be shared?**

Regulation 9 prescribes the nature of the data that must be shared between the Registrar and the Council.

The precise nature of the data that can be requested and supplied is:

- a) the landlord's full name;
- b) the name, address and contact number of any agent acting on a landlord's behalf;
- c) for each dwelling house let or to be let:-
  - i. the address including the postcode;
  - ii. the date the house was built;
  - iii. the name and contact details of all joint owners (if any);
- d) the landlords address, email address, telephone number(s) (including mobile telephone number(s));
- e) correspondence address for the landlord (which must be in Northern Ireland) if different from above;
- f) the landlord's date of birth;
- g) where the landlord is a landlord who is not liable under regulation 7 (2) to pay a fee:-
  - i. the House in Multiple Occupation registration certificate number; and
  - ii. the address of each House in Multiple Occupation; and,
- h) where the landlord is a company, the company registration number.

In keeping with general data protection principles only the data that is necessary for the purposes of enabling or assisting a council in the exercise of its functions under any provision of the Private Tenancies (Northern Ireland) Order 2006 and Article 54 of the Rent (Northern Ireland) Order 1978 should be requested. Asking for information in excess of that needed to perform a prescribed function could result in prosecution.

## **2.2 How should requests for data be made?**

The legislation provides for anyone with written authorisation from the Council to request relevant information from the Registrar.

All requests for such data should therefore make it clear that they have the proper authorisation from the Council.

Similar considerations apply to requests from the Department of Finance and Personnel and the Northern Ireland Housing Executive.

## **2.3 How is this information going to be exchanged?**

Authorised officers from within the Council will be provided with unique Landlord Registration System log in details. This will permit authorised officers to search the Register on a case by case basis for the information listed above. Council internal procedures should specify how this information will be used/exchanged and document that process. This must take account of the security classification of the information, for example personally identifiable information should not be sent by email unless the email systems are gsi compliant or approved encryption is used.

## **2.4 Timescales**

If there are any organisational time limits by which the data is required these should be included in the request, partners may wish to agree timescales for completion of requests.

## **2.5 How securely does the data need to be stored?**

The Council should ensure that:

- unauthorised staff and other individuals are prevented from gaining access to personal data;
- visitors are received and supervised at all times in areas where personal data is stored;
- all computer systems that contain personal data be password-protected (the level of security should depend on the type of data held, but ensure that only those who need to use the data have access);
- workstation/PC are not left signed on when not in use; and
- all disks, tapes or printouts are locked securely away when not in use;
- all new software is virus-checked prior to loading onto a Council machine;
- no personal data is transmitted by email;
- the intended recipients of a fax containing personal data are aware that it is being sent and can ensure security on delivery;



- paper files are stored in secure locations and only accessed by those who need to use them;
- personal data is not disclosed to anyone other than the Data Subject unless you have the Data Subject's consent, or it is a registered disclosure, required by law, or permitted by a Data Protection Act 1998 exemption.
- no information is left on public display in any form; and,
- desks are cleared at the end of each day and sensitive material is locked away safely.

### **2.6 Further Use of Data**

There should be no further use of the data collected as this is not permitted by the Regulations. When the information/data is no longer required, it should be securely deleted/destroyed.

### **3. Breach of confidentiality**

Article 64B of the PTO as inserted by Section 6 of the Housing (Amendment) Act (Northern Ireland) 2011 sets out the offences relating to unauthorised disclosure of information.

### **4. Requests for Disclosure of Information subject to legislation.**

All recorded information held by public sector agencies is subject to the provisions of the Freedom of Information Act 2000 and the Data Protection Act 1998. While there is no requirement to consult with third parties under FOIA, the partners in this protocol arrangement will consult the partner from whom the information originated and will consider their views to inform the decision making process.

### **5. Amendment to this protocol**

This protocol can only be amended with prior agreement of each partner.

Signed:  
Landlord Registration Registrar

Signed:  
Authorised Council Officer  
Mid Ulster District Council

**K**

<b>Subject</b>	<b>Dog Kennelling Tender</b>
<b>Date</b>	<b>September 2015</b>
<b>Reporting Officer</b>	<b>Fiona McClements – Head of Environmental Health</b>

<b>1</b>	<b>Purpose of Report</b>
1.1	To provide members with the outcome of the dog kennelling exercise that has been carried out for Mid Ulster District Council.

<b>2</b>	<b>Background</b>
2.1	The Council is obliged by law to collect stray dogs. These dogs must be kept for a minimum of 5 days before the Council can dispose of them. Therefore a kennelling facility must be provided by the Council to house any such dog collected for up to 5 days, and provide the care and standard of animal welfare that is required by related legislation. Since the Council does not have its own Kennels, such a facility must be sought from the private sector. This service has previously been tendered by the legacy Councils within MUDC.

<b>3</b>	<b>Key Issues</b>
3.1	The tender document included criteria such as Kennel registration, operational details, location, potential for noise complaints, experience of main staff, microchipping experience, rehoming arrangements, insurance and the cost of providing the service. The current contract has been extended until the new contract has been awarded in order to provide continuity of service provision.
3.2	The Tender was publicly advertised on 20 <sup>th</sup> June 2015 for a period of 3 weeks. Six requests for documentation were received. One Tender was submitted. The Tender was opened by the Council Chair, Councillor Linda Dillon on 7 <sup>th</sup> July 2015, in the presence of Procurement Staff. An Officer Panel assessed the tender documentation and undertook a site visit in regards to same.  The tender submitted by Drumbonaway Kennels, 184 Coagh Road, Stewartstown, at a value of £70,000 per annum for a period of 3 years was found to be satisfactory.

<b>4</b>	<b>Resources</b>
4.1	<b><u>Financial</u></b> Tender to be awarded at a fixed rate of £70,000 pa for a period of three years
4.2	<b><u>Human</u></b> None
4.3	<b><u>Basis for Professional/ Consultancy Support</u></b> None
4.4	<b><u>Other</u></b> None

<b>5</b>	<b>Other Considerations</b>
5.1	None

<b>6</b>	<b>Recommendations</b>
6.1	That Members approve the award of the Dog Kennelling Tender to Drumbonaway Kennels, 184 Coagh Road, Stewartstown, Co Tyrone, for a period up to 3 years, subject to suitable performance and renewal on an annual basis.

<b>7</b>	<b>List of Documents Attached</b>
7.1	See Tender / Contract documentation.



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

# **SPECIFICATION FOR**

## **DOG KENNELING FACILITIES AND RELATED SERVICES**

**SPECIFICATION PREPARED BY**

**ENVIRONMENTAL HEALTH  
DEPARTMENT**

**REFERENCE NUMBER**

**MID/T/0003**

**QUERIES REGARDING THE  
CONTENT OF THIS SPECIFICATION  
SHOULD BE DIRECTED TO**

The Procurement Unit,  
Council Offices, 15 Circular Road,  
Dungannon, Co Tyrone, BT71 6DT  
03000 132 132

**SUBMISSIONS TO BE RETURNED  
NO LATER THAN**

**12 NOON  
ON THURSDAY 2 JULY 2015**

# **CONTENTS**

- 1.0 Introduction**
- 2.0 Scope of Work or Service**
- 3.0 Background**
- 4.0 Service Conditions and Environmental Factors**
- 5.0 Statement of requirements**
- 6.0 Evaluation/Assessment Criteria**
- 7.0 Timescale**
- 8.0 Return of Submission**
- 9.0 Form of Tender**
  
- Appendix 1 Dog Figures for MUDC area for last 3 years**
- Appendix 2 DARD Criteria**

## **1.0 INTRODUCTION**

Mid Ulster District Council seeks Tenders for the provision of dog kennelling facilities and related services on a fixed price basis.

## **2.0 SCOPE OF WORK/SERVICE REQUIRED**

Kennelling is required for all stray dogs collected by the Dog Control Staff and all dogs handed over by members of the public which are no longer wanted. The contractor will also be expected to sell, rehome or humanely destroy and dispose of any such dogs which are not reclaimed by, or returned to, their owners. Mid Ulster District Council are committed to ensuring the welfare of dogs within their care and reducing the number of unwanted dogs humanely destroyed each year. Council currently operate a very successful rehoming programme through the services of Dogs Trust and their partner agency Homeward Bound, to take forward this programme. The contractor will be required to meet any cost incurred in the provision of this Service.

While the precise number of dogs requiring kennelling cannot be accurately predicted the figures in Appendix 1 for the last three years can provide an indication of the level of service potentially required.

## **3.0 BACKGROUND**

The Dogs (NI) Order 1983, as amended by the Dangerous Dogs (NI) Order 1991 made Councils in Northern Ireland responsible for a series of dog control measures including:

- Dog Licensing
- Seizure of stray Dogs
- Acceptance of unwanted dogs
- Control of dogs on certain roads and land
- Authority to investigate attacks on persons and livestock
- Control and registration of dangerous dogs
- The authority to instigate legal proceedings for offences under the legislation

The Council is therefore required to provide a kennelling facility that meets the requisite animal welfare standards to house any stray and unwanted dog that is collected or handed in.

## **4.0 SERVICE CONDITIONS AND ENVIRONMENTAL FACTORS**

**Kennels should be DARD Registered, Appendix 2.**

1. The premises of the kennelling establishment shall be of durable construction, shall be capable of being cleansed and disinfected and shall be of suitable size for the number of occupants and shall include exercising facilities.
2. The premises shall have an adequate water supply and adequate drainage.
3. The premises shall be adequately lighted, shall have adequate ventilation and be so constructed as to prevent the dogs therein being adversely affected by extremes of temperature.

4. Accommodation shall be constructed, and enclosed to the extent necessary to prevent the escape of any dog therein, and to afford maximum protection to the public.
5. Dogs shall be supplied with food suitable to their needs and clean drinking water shall be provided for them at all times.
6. Adequate clean bedding shall be provided for each dog and shall be renewed when soiled.
7. Dogs shall be adequately exercised and visited by the keeper of the establishment or an attendant at suitable intervals.
8. No dog shall be continuously exposed to direct sunlight.
9. All necessary precautions shall be taken to prevent and control the spread of infectious or contagious diseases among the dogs including the provision of adequate isolation facilities in which dogs found to be sick must be immediately placed pending veterinary treatment.
10. A separate treatment room provided with a wash-up sink, hot and cold water and treatment facility, for use by Veterinary Surgeon, should be available for use when on-site
11. All appropriate and necessary steps, consistent with the protection of persons, shall be taken to ensure the safe handling and removal of the dogs from the premises, in the case of fire or other emergency.

## **5.0 STATEMENT OF REQUIREMENTS**

1. The contractor shall accept and kennel any dog delivered by an Officer of the Council at any time between 9.00 am and 6.00 pm Monday – Friday. The acceptance of dogs at all other times shall be made reasonably available in accordance with this specification. Reasonable means such arrangements concerning times and means for receiving dogs (such as the provision of 24 hour access to a 'spare' kennel) that will be agreed between the Council and the successful contractor.
2. The contractor shall accept and kennel, following the payment of the appropriate unwanted dog fee, any unwanted dog delivered by a person resident within the Mid Ulster District Council Area during normal opening times. Ownership of unwanted dogs passes immediately to the contractor once signed over.
3. The contractor shall during normal opening time accept and kennel any dog found straying within the Mid Ulster District Council area delivered by a member of the public or Police Service.
4. The contractor shall release any dog to its keeper where the keeper has claimed it and paid all expenses incurred by reason of its detention (including the cost of veterinary treatment provided under Article 23(5) of the Dogs (NI) Order 1983) and has produced a valid licence or evidence that an application for a licence has been made to Mid Ulster District Council and the dog is micro chipped. If there is no valid licence then a new licence must be obtained.



5. The contractor may sell any unclaimed dogs following expiry of the statutory minimum period of five days from the day of seizure and may sell any unwanted dog duly signed over by its owner to the contractor. The contractor may set and keep the sale of dog fee. No dog shall be sold or given for the purposes of animal experimentation. It will be a matter for the Contractor to decide how long he decides to keep dogs for the purposes of resale. However at no time should it be the case that the contractor is unable to accept dogs from council officers due to a lack of kennel space because of the numbers of dogs kept for resale. Where an authorised Council Officer or the contractor is of the opinion that a dog (whether a stray or unwanted) should not be rehomed by virtue of having an aggressive nature such dog should not be sold or offered for sale. This will be confirmed by the Council in writing. Any dog deemed unsuitable for rehoming because of its aggressive nature may be passed to a suitable organisation or animal sanctuary once all statutory periods for its retention have been complied with. In such instances where such an aggressive dog cannot be passed to another organisation the Contractor will arrange for its humane destruction by a Veterinarian surgeon in accordance with current guidelines in such a manner as to minimum pain or distress to the animal concerned and disposed of.
6. Every dog sold, privately rehomed (as opposed to passed to a rehoming organisation or animal sanctuary) or reclaimed should be offered a voucher, when available, (provided by the Council in conjunction with the Dogs Trust) to have their dog neutered, along with all relevant information on neutering. The contractor will ensure that every effort is made to promote neutering schemes.
7. No dog shall be sold until the prospective owner has produced a valid licence or evidence that an application for a licence has been made.
8. The contractor will ensure that any person reclaiming a dog or purchasing a dog shall have the dog implanted with a microchip. Microchipping should only be carried out by suitably competent persons in accordance with current guidelines and standards.
9. The contractor shall humanely destroy impounded dogs on behalf of the Council under veterinary supervision in accordance with current guidelines and in such manner as to cause as little pain and distress to the dog as possible. The contractor shall make the appropriate arrangements for the disposal of the carcass of any dead dog and will be responsible for costs involved in destruction and disposal.
10. No stray dog shall be destroyed before the statutory minimum of five days after the day of seizure unless written authority has been given to the contractor by a duly authorised Officer of the Council.
11. The contractor shall maintain accurate records and accounts of all:
  - a) Dogs impounded in accordance with the Dogs (NI) Order 1983, including unwanted dogs, The Dangerous Dogs (NI) Order 1991 and other associated legislation.
  - b) Dogs returned to their keepers and all expenses recovered in respect thereof.

- c) Dogs sold, the prices for which the dogs were sold and the names and addresses of each purchaser.
  - d) Dogs destroyed or otherwise disposed of, including date of destruction and personnel involved.
  - e) Dog licence application forms received and accompanying fees.
12. All records and accounts concerning the above shall be made available to a duly authorised Officer of the Council on request.
13. The contractor shall provide all necessary food, water, equipment and shall arrange at their own expense where appropriate all veterinary treatment to maintain the dogs under his care in reasonable health and condition. The kennel will also be made available to Council Officers to carry out inspections to ensure that a high standard of animal welfare is maintained at all times.
14. The contractor shall provide adequate isolation kennels to restrict the spread of contagious diseases.
15. The contractor shall transfer all monies received in accordance with this specification to the Council on a monthly basis. The contractor may reclaim any essential veterinary costs incurred through compliance with condition 13 of this specification. A copy of the veterinary bill will be provided to the Council on request.
16. The contractor shall provide all insurance to cover for any liability whilst dogs are being held at the kennel and shall indemnify the Council against any claim during the course of holding any such dog.
17. The kennel shall be open to the public at a minimum of between the hours of 9.00 am to 5.00 pm Monday to Friday and from 10.00 am to 1.00 pm on Saturday, excluding Christmas Day. The kennels shall be adequately staffed during opening hours in order to provide a full and proper service to the public.
18. Proper security shall be provided for the kennels to prevent so far as reasonably practical the escape or unauthorised removal of Council dogs.
19. The contractor shall provide a telephone number, which will be advertised by the Council in order to facilitate members of the public contacting the kennels to make enquiries. Personnel shall be available to answer all enquiries during those hours the kennels are open to the public as detailed in Condition 17 above. An answerphone service will be provided to record calls made outside of these hours. The Council will advertise the location and service provided by the contractor in locally available publications and on the Council website.
20. The Council is dedicated to increasing the number of dogs reunited with their owners or rehomed. The contractor will take all steps necessary and provide details of how they intend to decrease the number of dogs which have a sound temperament and which are suitable for rehoming being destroyed. This may include passing the dogs to other organisations for rehoming after any period that the contractor has attempted to rehome the dog.
21. The contractor may only withdraw from the agreement by giving a minimum of six month's written notice.

22. The Council reserves the right to terminate the agreement on one month's notice should the tender not be operated to the entire satisfaction of the Council at all times. Should the contractor be in breach of any of the terms of this tender relating to the health, care or destruction of any dog then the Council maintains the right to terminate the contract immediately.
23. Should an authorised officer of the Council request in writing that a dog be kennelled for a period greater than this will be by agreement between the council and the contractor.
24. The contractor shall provide the service detailed above for a period of three years, with the possibility of an extension for a further two years upon satisfactory performance during the contracted period by giving notice in writing to the contractor, not later than 3 months before the end of the contract.

## 6.0 EVALUATION/ASSESSMENT CRITERIA

Tender submissions will be evaluated on the quality and costs of the service with certain scores and weightings applied to achieve the most economically advantageous tender. Criteria as follows: -

### **Pre-Qualification Criteria**

You must submit the following information in order for your submission to be successful and reach the evaluation stage.

<b>Employer Liability</b>	£10 million
<b>Public Liability</b>	£5 million
<b>Registration of kennels with DARD</b>	Copy of the DARD Certificate of Registration
<b>Opening hours for Council Staff &amp; the public</b>	Demonstrate opening hours 9am – 6pm, Monday - Friday for Council Staff. 10am – 5pm, Monday – Friday for Public Access.

**(Please submit copies of both Insurances with your submission & copy of Certificate of Registration with DARD)**

**Qualitative Assessment Criteria 70%**

Quality Criteria		Score
<b>Distance to Dungannon/ Cookstown/Magherafelt Offices of MUDC</b>		<b>(21%Total) As detailed below</b>
Cookstown Office	Less than 10 miles by road	7%
Dungannon Office	Less than 10 miles by road	7%
Magherafelt Office	Less than 10 miles by road	7%
Cookstown Office	Between 11 – 20 miles by road	3%
Dungannon Office	Between 11 – 20 miles by road	3%
Magherafelt Office	Between 11 – 20 miles by road	3%
Cookstown Office	Over 20 miles by road	0%
Dungannon Office	Over 20 miles by road	0%
Magherafelt Office	Over 20 miles by road	0%
<b>Experience of Main Staff Personnel in dog kennelling to include competence in the implantation of microchips</b>		<b>10%</b>
<b>Rehoming plans</b> Policy for rehoming dogs		<b>10%</b>
<b>Potential for Noise Complaints</b> (Suitability of location of premises and history of any previous noise complaints)		<b>9%</b>
<b>Operation of kennels</b> (Must include the number of Kennels available, exercise facilities, arrangements for disposal of and destruction of dogs, evacuation procedure, etc.) Please detail additional hours outside of the essential requirements, demonstrate how your premises are easily accessed by Public (i.e. location and viewing arrangements, facilities, reception etc.)		<b>20%</b>

**Price Assessment Criteria: 30%**

Price Criteria	Score
<b>Overall fixed price per year for 3 years</b>	<b>30%</b>

**THE EVALUATING PANEL WILL ARRANGE A SITE VISIT WITH ALL COMPANIES WHO SUBMIT A TENDER. THIS WILL FORM PART OF THE QUALITY EVALUATION SCORING AND WILL TAKE PLACE AFTER THE TENDER HAS CLOSED.**

**7.0 TIMESCALE**

The successful contractor must be able to provide the service from 1<sup>st</sup> July 2015 or as soon as practicable after this date.

**8.0 RETURN OF SUBMISSION**

Full documentation must be returned to the Chief Executive in a plain sealed envelope endorsed "**Tender for Dog Kennelling/Related Services**" to be received at the Mid Ulster District Council, Council Offices, Circular Road, Dungannon, BT71 6DT, no later than:

<b>12 NOON ON THURSDAY 2 JULY 2015</b>
--

# FORM OF TENDER – Part 1

Reference Number

MID/T/0003

Tender for

**PROVISION OF DOG KENNELING FACILITY  
AND RELATED SERVICES**

I/we hereby offer to provide the above mentioned goods/services as detailed in the attached specification and invitation to Tender for the sum of (exclusive of VAT):

**Price**      **Year 1**      £ \_\_\_\_\_  
                  **Year 2**      £ \_\_\_\_\_  
                  **Year 3**      £ \_\_\_\_\_

I/we have read and understand the Terms and Conditions of Contract and the supplementary statements and policies and agree: -

*To the terms and conditions set in this Tender, to any additional terms and conditions set out in the specification, that having completed this form a binding contract shall be made by this Tender and our acceptance thereof.*

Signature	Date
Address	
Telephone Number	
Fax Number	
Email	
VAT Registration Number	

**Notes/instructions to Tenderers**

**Tender prices must reflect all circumstances affecting, or likely to affect, the provision of the goods/services.**

**Completed Tenders should be addressed to the Chief Executive at, Mid Ulster District Council, Council Offices, 15 Circular Road, Dungannon, Co. Tyrone, BT71 6DT in a plain sealed envelope endorsed.**

**TENDER FOR DOG KENNELING & RELATED SERVICES**

To be received no later than 12 noon

**ON THURSDAY 2 JULY 2015**

**Tenders received after the specified date and time will not be considered.  
The Council are not bound to accept the lowest or any Tender.**

**OFFICE USE ONLY**

**Opened by**

**Date**

**Time**

Appendix 1

Impounded Stray and Unwanted Dogs					
Apr 2012-Mar 2013					
	Stray Dogs		Unwanted Dogs		Total Number of Dogs
Area	Total		Area	Total	Area
Cookstown	151		Cookstown	102	Cookstown
Dungannon	525		Dungannon	235	Dungannon
Magherafelt	161		Magherafelt	109	Magherafelt
<b>Total</b>	<b>837</b>			<b>446</b>	
Apr 2013 – Mar 2014					
	Stray Dogs		Unwanted Dogs		Total Number of Dogs
Area	Total		Area	Total	Area
Cookstown	137		Cookstown	82	Cookstown
Dungannon	486		Dungannon	137	Dungannon
Magherafelt	139		Magherafelt	121	Magherafelt
<b>Total</b>	<b>762</b>			<b>340</b>	
Apr 2014 – Mar 2015					
	Stray Dogs		Unwanted Dogs		Total Number of Dogs
Area	Total		Area	Total	Area
Cookstown	131		Cookstown	108	Cookstown
Dungannon	448		Dungannon	132	Dungannon
Magherafelt	130		Magherafelt	105	Magherafelt
<b>Total</b>	<b>709</b>			<b>345</b>	

**MID ULSTER DISTRICT COUNCIL**

**TENDER FOR THE PROVISION OF KENNELING SERVICES**

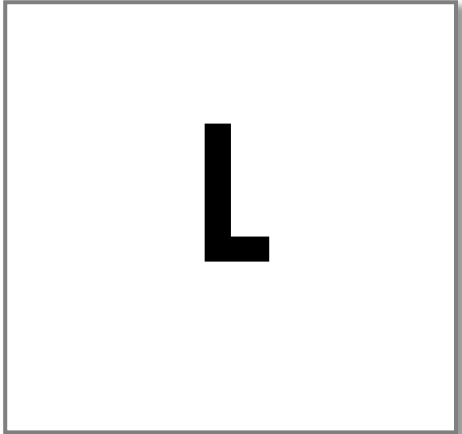
**PERIOD : 1 JULY 2015 – 30 JUNE 2018**

**(With an option to extend for 2 further years)**

**DARD Criteria for the Approval of Dog Pounds**

1. Pens shall be constructed of a durable material which is hard, impervious and smooth finished. The dimensions of the pens should be appropriate to the size of the dog accommodated.
2. Floors, walls, doors and gates should be constructed so as to facilitate proper drainage and cleansing.
3. Pens should be constructed so that adequate ventilation and lighting is provided but dogs must not be exposed continually to direct sunlight. Dogs should be provided with adequate clean bedding and must not be subjected to extremes of temperature.
4. Reasonable precautions should be taken to prevent and control the spread of infectious or contagious diseases, including the provision of adequate isolation facilities, replacement of soiled bedding, and the daily cleansing and disinfection of pens and exercise areas. Dogs should be provided with an adequate supply of clean drinking water at all times and feeding utensils should be thoroughly cleansed after each occasion of use.
5. Dogs should be provided with food suitable to their needs.
6. A suitable number of pens which are equipped to allow dangerous dogs to be fed, watered and exercised and their accommodation cleansed whilst maintaining a secure barrier between the dogs and personnel at all times.
7. Appropriate steps should be taken for the protection of dogs in the case of fire or other emergency.
8. In addition the Department shall have regard to the qualifications and experience of the person in charge of the dog pound and of any staff employed there.





<b>Subject</b>	<b>Licensing of Pavement Cafes Act (NI) 2014</b>
<b>Date</b>	<b>8<sup>th</sup> September 2015</b>
<b>Reporting Officer</b>	<b>Fiona McClements – Head of Environmental Health</b>

<b>1</b>	<b>Purpose of Report</b>
1.1	To advise Councillors on the proposal to bring the Licensing of Pavement Cafes Act (NI) 2014 into operation with effect from 1 April 2016.

<b>2</b>	<b>Background</b>
2.1	<p>The Act will introduce a statutory licensing scheme to be administered by district councils to allow councils to:</p> <ul style="list-style-type: none"> <li>- authorise a person carrying on a business involving the supply of food or drink to place tables, chairs etc in a public area;</li> <li>- require the applicant to fix a notice to the premises and submit a plan of the proposed pavement café area;</li> <li>- impose conditions on the licence;</li> <li>- vary, suspend or revoke the licence;</li> <li>- charge a reasonable fee; and</li> <li>- take enforcement action including removing the facilities in certain circumstances.</li> </ul> <p>An initial consultation on the draft legislation and accompanying guidance was carried out in late 2013, and responses to this were provided by councils, NILGA, the Licensing Forum and the Institute of Licensing, resulting in a number of changes to the draft guidance document.</p> <p>As a result, a new set of guidelines have been released. DSD have asked that Councils confirm that arrangements should be made to bring the Act into operation on 1 April 2016, and have asked for comments on the current working draft of the guidelines to the Act.</p> <p>Draft Licensing of Pavement Cafes Act (Northern Ireland) 2014 – can be accessed here: <a href="http://www.legislation.gov.uk/nia/2014/9/contents">http://www.legislation.gov.uk/nia/2014/9/contents</a>.</p> <p>The draft guidance document is available upon request.</p>

<b>3</b>	<b>Key Issues</b>
3.1	1. Whilst the Act provides a definition of ‘public’ land that can be licensed it is felt that this definition is not adequately clarified, which could lead

to inconsistencies and inequality, such as where one café may place chairs by virtue of private ownership of the land, whereas a neighbouring café may be refused a licence.

2. There is considerable emphasis on consultation with TransportNI as providing safeguards to the Council when determining whether a pavement café is suitable or not. TransportNI already have powers to deal with placing items that may cause obstructions. There is also some concern that Councils may decide to dedicate resources to preparing for the introduction of the scheme, only for it to be 'shelved' at the last minute as happened recently with legislation relating to Road Closure Orders.
3. The role of the planners in the scheme requires clarification as if a pavement café requires planning permission does it also need to be licensed, and vice versa. This was an ongoing issue with street trading, which was finally resolved with a declaration that, due to the temporary, moveable nature of the activity and the robust licensing scheme behind it, if a licence was issued then planning permission was not required.
4. There needs to be clarity in the exemption from licensing in a 'market'. It should be made explicit that such exemption only exists when the lawful market is being held.
5. There is no clarity in the provided guidance relating to clear path widths that should be maintained. Options could include a stated absolute value or no value submitted at all, given that applications are to be site specific and dealt with on a case by case basis.
6. Consideration could be given to a 'fast track' type licence to suit the seasonal nature of such an activity, similar to temporary street trading licences.
7. A licensed pavement café may result in areas in front of premises with a liquor licence being used for the consumption of alcohol. Such applications will require a robust consultation with the local PSNI to establish if such activity would cause a nuisance in a particular area.
8. The prevalence of this pavement café in the District is not at present known. Whilst there may be a number of smaller premises that decide to take advantage of good weather, it is not known how many other premises are prepared to provide seating of a more 'permanent' nature. It is therefore envisaged that a transitional period following the introduction of the legislation is permitted to allow councils at least one summer period to carry out some advisory visits and establish the extent of the activity. Such a scoping activity would allow for better regulation, giving business owners the opportunity to comply with the legislation as well as assisting councils with establishing a realistic charging system.

	9. Council will have to give consideration to a criteria for furniture etc that will be acceptable in such pavement cafes, as well as the types of barriers to be used.
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<b>4</b>	<b>Resources</b>
4.1	<p><b><u>Financial</u></b></p> <p>Should the legislation be introduced Mid Ulster District Council will need to determine a suitable level of fees for making such applications. In accordance with legislative guidance and based on full 'cost recovery'.</p>
4.2	<p><b><u>Human</u></b></p> <p>Staff resource.</p>
4.3	<b><u>Basis for Professional/ Consultancy Support</u></b>
4.4	<b><u>Other</u></b>

<b>5</b>	<b>Other Considerations</b>
5.1	None.

<b>6</b>	<b>Recommendations</b>
6.1	It is recommended that Council respond to the Consultation in the manner as outlined above.

<b>7</b>	<b>List of Documents Attached</b>
7.1	Letter to Chief Executives from DSD dated 3 July 2015.
7.2	Draft Response.
7.3	Draft Legislation.



District Council Chief Executives

Level 4, Lighthouse Building  
1 Cromac Place  
Gasworks Business Park  
Ormeau Road  
Belfast BT7 2JB  
028) 90829510 Network: 38510

3 July 2015

Dear Chief Executive

## **IMPLEMENTATION OF THE LICENSING OF PAVEMENT CAFÉS ACT (NI) 2014**

I am writing to advise you of the Department's intention to bring the Licensing of Pavement Cafés Act (NI) 2014 (the Act) fully into operation with effect from **1 April 2016**.

The Act balances the need for robust regulation of pavement cafés with the necessary flexibility for district councils to respond to local circumstances. Key stakeholders, including councils, have been calling for the introduction of a statutory licensing scheme for a number of years and the passing of the Act presents an opportunity to deliver in this respect.

The licensing scheme will allow owners of cafés, restaurants, pubs, or other premises selling food or drink, to apply to their local council for a pavement café licence. The Act places an onus on a council to grant a licence unless it has a good reason to refuse an application. When considering applications, councils will be required to consult with Transport NI and, where the associated premises is a public house, with the PSNI, before coming to a final decision. Councils will be able to impose a range of licence conditions, charge a reasonable fee and may vary, suspend or revoke the licence in certain circumstances. The Act provides councils with the power to remove facilities at unlicensed pavement cafés and creates several new offences to aid enforcement by council officers.

Here is a link to the Act and the Explanatory Notes <http://www.legislation.gov.uk/nia/2014/9/contents> The licensing scheme is similar to that for street trading, which as you know is regulated by councils. Local licensing officers will therefore be readily familiar with the detailed licensing and administrative tasks involved in bringing the new scheme into operation.

During its Assembly passage, NILGA gave evidence to the Social Development Committee about issues relating to scheme implementation, including the drafting of a guide to the Act, model terms/conditions, transitional arrangements and initial funding. It may be helpful to clarify the Department's position on these issues.

As regards scheme guidance the Department gave a commitment to take forward work on this when the legislation was passed. Since then we have received some 'informal' feedback from council licensing officers on a working draft of the guidelines and these have been amended to take account of a number of points made. The Department has also been engaged in discussions with Inclusive Mobility Transport Advisory Committee (Imtac) about issues in the guidelines relating to pedestrian access. Organisations representing visually impaired people have concerns that district councils will not enforce the scheme robustly; they have asked that the current working draft of the scheme guidelines be strengthened to protect pedestrians. In particular, they would like a minimum of 2m unobstructed width around a pavement café. This is dealt with in more detail in Para. 4.11 of the guidelines.

The Act does not specify minimum standards in terms of the size, layout or design of a pavement café. However, the Department believes the licensing scheme itself and measures incorporated in the Act; provide sufficient safeguards to ensure that authorised pavement cafés will be safe, well managed and sensitive to the needs of street users and the surrounding area. The most significant safeguard is the statutory requirement for councils to consult with Transport NI on individual applications. Transport NI is considered best placed to advise councils on the needs of pedestrians and access issues in relation to applications for a pavement café. While the draft guidelines state that a clear pedestrian route must be maintained at all times, it is considered that each pavement café application will need to be assessed on a site by site basis, having regard to the existing streetscape, traffic volume and the level of footfall.

The latest working draft of the guidelines is attached; the Department would be happy to consider any comments councils may wish to make on the draft. In particular, we would welcome your views on the concerns raised by Imtac and how far the guidelines need go in terms of setting minimum standards for pavement cafés.

NILGA also asked the Department to consider establishing a working group to look at this issue of 'model' terms and conditions for grant of a pavement café licence, in line with those applying to entertainment licences. The Department acknowledges the need to look in detail at the terms and conditions for grant of an entertainment licence, given the health and safety risks associated with the gathering of large numbers of people in a confined indoor area, where alcohol may be available. The Department questions the need to establish such a group for

pavement cafés as the conditions of a licence are likely to vary, depending on factors such as site location and nature of the associated premises. Establishing such a group would also have resource implications. The Department is however, currently drafting the 'form of licence' regulations which we believe should provide a 'template' for considering specific terms and conditions to be included in a licence. In due course, we will augment the draft guidelines in this regard.

NILGA also expressed some concerns about the volume of first-time applications and the cost of administering the scheme, which may exceed what a council will be comfortable charging businesses. We would expect that the majority of initial applications will be made in response to pro-active enforcement by council officials and as such the scheme can be rolled-out as resources are deployed by each council. As regards initial funding support, the Department believes this would be difficult to justify in the current economic climate, as the facility to apply for a licence does present an opportunity for a business to add to its profits. Ultimately, it will be for local businesses to decide whether or not to make an application, having regard to licensing and operational costs and the expected commercial benefits.

The Department now looks to district councils to make the preparations necessary to administer the new licensing scheme. The Department will, in due course, finalise the draft guidelines and technical regulations and update councils on progress. We would be grateful to receive, **by 30 September**, your confirmation that arrangements should be made to **bring the Act into operation on 1 April 2016**, and would welcome **your comments on the working draft of the guidelines** to the Act.

Yours sincerely

A handwritten signature in black ink that reads "Liam Quinn." The signature is written in a cursive, flowing style.

**Liam Quinn**  
**Head of Social Policy Unit**

**Enc. Working draft of guidelines for councils**



Department for Social Development  
Level 4, Lighthouse Building  
1 Cromac Place  
Gasworks Business Park  
Ormeau Road  
BELFAST  
BT7 2JB

Dear Sir/ Madam

### **Implementation of the Licensing of Pavement Cafes Act (NI) 2014**

I am writing in response to your letter of 3 July 2015 in relation to the proposal to implement the Licensing of Pavement Cafés Act (NI) 2014 on 1 April 2016.

The proposed implementation date of 1<sup>st</sup> April 2016, would benefit from a transitional implementation period to enable operational aspects of the legislative requirements to be refined.

The following comments should be considered in regards to the Draft Legislation and associated Guidance.

- 1) The issue of what is 'private' land and 'public' land is not adequately clarified – the current definitions does not provide a clear enough criteria for what area of land can or cannot be licensed, which may lead to inconsistencies across Councils when implementing the legislation. There may also be issues with situations where one café owner may extend his café outdoors by virtue of private ownership whilst another neighbouring café may be refused a licence because it could cause nuisance or interference to pedestrians.
- 2) The rationale and role of the Planning Department in this regulatory activity is unclear and in some ways unnecessary, given the temporary nature of the activity and the legislative Licensing Framework which will be utilised.
- 3) Further clarity on how and when, the exemption for operating a pavement café is required within a 'market' is needed to determine whether the exemption is only available during the times that a market is actually taking place?
- 4) There is some concern that 'pre- application' site meetings may be seen as a pre- determination of an application. Whilst there is benefit in such meetings to determine whether a site meets initial criteria, such meetings should not be seen as an 'agreement' that a licence application will be approved.

- 5) The matter of minimum widths of pavement that are needed for pedestrians needs to be clarified, or left out – currently the guidance suggests 2m clearance, or if this is not possible 1.5m or 1m should be an absolute minimum.
- 6) As such cafes will mainly be seasonal and potentially operated at the 'last minute'. Consideration should be given to a licence of a temporary or short term nature, to allow for such activity to be permitted for special events or occasions, along the lines of temporary street trading licences.
- 7) Consideration should be given to what details of the licence must be displayed on the premises. The draft form of licence regulations suggest a long document as the template for licences which will prove to be impractical for businesses to display. It is suggested that a requirement such as in the Street Trading Act to display only certain licence information should be considered, with it being a condition of licence to produce the full licence 'on demand' to an Officer of the Council.
- 8) The 'person responsible' for keeping the register of Pavement Café Licences and relevant information has not been identified.

We welcome this opportunity to comment on the proposals and the Draft Legislation and associated guidance.

If you require any further information please do not hesitate to contact these offices.

Yours faithfully



# Licensing of Pavement Cafés Act (Northern Ireland) 2014

CHAPTER 9

£6.00



# Licensing of Pavement Cafés Act (Northern Ireland) 2014

## CHAPTER 9

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5. Form, duration etc. of licence
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## Licensing of Pavement Cafés Act (Northern Ireland) 2014

### 2014 CHAPTER 9

An Act to make provision for the regulation by district councils of the placing on public areas of furniture for use for the consumption of food or drink.

[12th May 2014]

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

#### *Requirement for pavement café licence*

#### **Meaning of “pavement café licence” and other key terms**

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

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

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

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

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

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

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

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

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

### **Offence of placing furniture on public area without pavement café licence**

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

- (a) furniture for use for the consumption of food or drink supplied in or from the premises is placed on a public area in the course of the business, or
- (b) furniture for such use which has been placed on a public area in the course of the business remains on that public area,

each responsible person commits an offence.

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

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

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

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

- (a) the reference in subsection (2) to the person carrying on the business includes any of those persons; and
- (b) the reference in subsection (3)(a) to the person carrying on the business is to each of those persons.

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

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

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

### *Application for licence*

### **Application for licence**

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

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

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

(4) The application must include a plan which—

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

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

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

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

(7) In this section—

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

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

#### **Grant or refusal of licence**

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

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

(a) that all or any part of the public area where the applicant wishes to place temporary furniture for use for the consumption of food or drink is unsuitable for that purpose;

(b) that placing such furniture on, or on a particular part of, that area for use for the consumption of food or drink supplied in or from the premises specified in the application would be likely to result in undue interference or inconvenience to persons or vehicles in the vicinity, or in disorder;

(c) that, in connection with the application, the applicant made a statement which the applicant knew to be false in a material respect or failed to comply with section 11;

(d) that the applicant has at any time been granted a pavement café licence by the council which was revoked, or could have been revoked, for reasons within the applicant’s control.

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

(a) subsection (2)(a) applies as if the reference to the public area were to any of the public areas; and

(b) subsection (2)(b) applies as if the reference to that area were to those areas.

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



- (a) must consult the Department for Regional Development as regards that department's functions with respect to roads and the regulation of road traffic; and
  - (b) if the premises to which the application relates are premises licensed under the Licensing Order of a kind mentioned in Article 5(1)(a) of that Order, must (and in any other case may) consult the district commander for the police district in which the premises are situated.
- (5) The council may consult such other persons as it considers appropriate.
- (6) In deciding an application for a pavement café licence, the council must take into account any representations relating to the application which are made by any person to the council within the period allowed for representations (as defined by section 10(5)).

**Form, duration etc. of licence**

- 5.—(1) A pavement café licence must be in the prescribed form and must—
- (a) specify the holder of the licence, the premises to which it relates, and such other matters as may be prescribed; and
  - (b) include a plan showing the location and dimensions of the public area to which it relates.
- (2) In this Act, in relation to a pavement café licence, “the area covered by the licence” means the area shown under subsection (1) on the plan in the licence.
- (3) That area must be—
- (a) an area which was proposed under section 3(4) in the application for the licence; or
  - (b) an area at least 75% of which falls within an area which was so proposed;
- but this is subject to any power under the following provisions of this Act to vary the area covered by the licence.
- (4) If more than one public area was proposed in the application for the licence, the licence may relate to one public area or more than one, and if it relates to more than one—
- (a) the plan included in the licence under subsection (1) must show the location and dimensions of each of the public areas to which the licence relates;
  - (b) references in this Act to “the area covered by the licence” are to any of the areas shown on the plan in the licence; and
  - (c) subsection (3) applies in relation to any such area.
- (5) A pavement café licence shall (except where it is surrendered, revoked or suspended)—
- (a) remain valid for such period as is specified in the licence; or
  - (b) if no period is specified in the licence, remain valid indefinitely.
- (6) Subsection (5)(a) is subject to section 7 (renewal of licence).
- (7) A licence holder may at any time surrender a pavement café licence to the council and the licence shall then cease to be valid.

### **Conditions of licence**

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

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

(a) must be included in a pavement café licence if the premises specified in that licence are premises licensed under the Licensing Order of a kind mentioned in Article 5(1)(b) of that Order (off-licences); and

(b) may be included in any other pavement café licence (whether or not the premises specified in that licence are licensed under the Licensing Order) if the council is satisfied that permitting persons to consume intoxicating liquor when using furniture on the area covered by the pavement café licence would be likely to result in disorder.

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

(a) limiting the furniture which may be placed on the area covered by the licence by reference to the kind, amount, size or nature of the furniture;

(b) limiting the days or times when the furniture may be on that area;

(c) for securing that adequate arrangements are made for storing the furniture when not on that area;

(d) regulating the arrangements for payment to the council of fees imposed under section 12;

(e) for securing that such insurances and indemnities as may be specified in the licence are put in place;

(f) requiring the council to be notified of such matters as may be specified in the licence;

(g) requiring the surrender of any other pavement café licence in respect of the premises.

### *Renewal*

### **Renewal of licence**

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

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

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

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

(5) In deciding an application for renewal of a pavement café licence, the council must take into account any representations relating to the application

which are made by any person to the council within the period allowed for representations.

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

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

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

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

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

*Variation on application of licence holder*

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

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

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

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

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

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

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

(5) Where an application for a variation of the area covered by a pavement café licence is made to a council in accordance with this Act, the council must grant

the application unless it considers that it ought to refuse the application on one or more of the grounds set out in section 4(2).

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

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

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

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

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

### **Variation by removal of alcohol prohibition**

**9.**—(1) This section applies where—

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

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

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

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

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

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

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

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

*Applications: general provision*

**Applications: general provision**

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

(2) An application—

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

(3) An application must—

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

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

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

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

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

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

- (a) the grounds for that decision; and
- (b) the applicant’s rights under section 21 (appeals).

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

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

**Notice of application to be displayed**

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

(2) The applicant must ensure—

- (a) that, on the day when the application is sent to the council, the required notice is fixed to the premises specified in the application so as to be easily visible and legible to the public from outside the premises; and
  - (b) that the notice remains in position and so visible and legible until the end of the period allowed for representations.
- (3) In this section “the required notice” means a notice, in such form as may be specified by the council to which the application is made, which—
- (a) states that an application for the grant, renewal or variation of a pavement café licence (as the case may be) has been made in relation to the premises;
  - (b) specifies the date of the application;
  - (c) indicates that the council will make the application available to be viewed by the public until the end of the period allowed for representations;
  - (d) indicates how the application may be viewed;
  - (e) indicates that representations relating to the application may be made in writing to the council until the end of that period; and
  - (f) contains such other information as the council may specify.

## **Fees**

- 12.**—(1) A council may charge fees—
- (a) for the grant or renewal of a pavement café licence;
  - (b) for a variation of a pavement café licence under section 8 or 9.
- (2) Any fees charged by a council under this section shall be such as the council may determine.
- (3) But fees charged by a council under this section may only be—
- (a) such fees as may be sufficient in the aggregate, taking one year with another, to cover any reasonable administrative or other costs in connection with the council’s functions under this Act that are not otherwise recoverable; or
  - (b) such lower fees as the council may determine.
- (4) Before determining or altering any fees under this section the council must—
- (a) give notice of the proposed fees to licence holders affected by the proposal; and
  - (b) publicise the proposed fees by such means as it thinks appropriate.
- (5) The notice under subsection (4)(a) and publicity under subsection (4)(b) must indicate—
- (a) that a statement has been prepared showing how the proposed fees have been calculated;
  - (b) that the statement will be available to be viewed by the public until the end of a period specified in the notice and publicity, and how it may be viewed; and
  - (c) that representations relating to the proposed fees may be made in writing to the council until the end of that period.

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

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

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

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

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

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

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

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

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

#### *Change in persons carrying on business*

#### **Change in persons carrying on business**

**13.**—(1) Subsection (2) applies where—

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

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

(3) Subsection (4) applies where—

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

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

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



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

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

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

*Revocation, suspension and compulsory variation*

**Revocation of licence**

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

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

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

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

**Suspension of licence**

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

- (a) that all or any part of the public area where the licence permits the placing of temporary furniture for use for the consumption of food or drink has become, or is going to become, temporarily unsuitable for that purpose; or
- (b) that placing such furniture on, or on a particular part of, that area for use for the consumption of food or drink supplied in or from the premises



specified in the licence would, temporarily, be likely to result in undue interference or inconvenience to persons or vehicles in the vicinity or in disorder.

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

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

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

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

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

#### **Compulsory variation of section 6(3) conditions**

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

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

(2) But a council may make a variation under this section only if it considers that it ought to do so as a result of a material change in the circumstances on which the conditions specified in the licence under section 6(3) were based (or on the basis of which a particular condition was not so specified).

#### **Compulsory variation: prohibition of alcohol**

17.—(1) A council may at any time vary a pavement café licence which does not include an alcohol condition by inserting such a condition, but this is subject to subsection (3).

(2) In this section “an alcohol condition” means a condition requiring the licence holder not to permit persons to consume intoxicating liquor when using furniture on the area covered by the licence.

(3) A council may insert such a condition only if—

- (a) the premises specified in the licence are premises licensed under the Licensing Order of a kind mentioned in Article 5(1)(b) of that Order (off-licences); or
- (b) the council is satisfied that permitting persons to consume intoxicating liquor when using furniture on the area covered by the licence would be likely to result in disorder.

### **Compulsory variation of area covered by licence**

**18.**—(1) This section applies if at any time a council is satisfied, as respects part of the public area where a pavement café licence permits the placing of temporary furniture for use for the consumption of food or drink—

- (a) that that part has become, or is going to become, unsuitable for that purpose; or
- (b) that continuing to place such furniture on that part for use for the consumption of food or drink supplied in or from the premises specified in the licence would be likely to result in undue interference or inconvenience to persons or vehicles in the vicinity, or in disorder.

(2) Where this section applies, the council may (as an alternative to revoking the licence) make a variation of the area covered by the licence.

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

- (a) the reference in subsection (1) to part of the public area includes any of those public areas, or any part of any of those areas (and the references in subsection (1)(a) and (b) to “that part” are to be read accordingly); and
- (b) the power under subsection (2) to make a variation of the area covered by the licence includes power to vary the licence so that one or more of the areas covered by the licence (or any part or parts of them) cease to be covered by the licence.

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

**19.**—(1) Before deciding to revoke, suspend or make a compulsory variation of a pavement café licence, a council must (subject to subsection (5)) notify the licence holder in writing of its proposal to revoke, suspend or vary the licence.

(2) A notification under subsection (1) must state—

- (a) the grounds for the proposed revocation, suspension or variation; and
- (b) that representations in writing relating to the proposal may be made by the licence holder to the council until the end of a period specified in the notification.

(3) Any period specified under subsection (2)(b) must be at least 21 days beginning with the date when the notification is sent unless the council considers that there are particular circumstances which make a shorter period necessary in the public interest.

(4) In deciding whether to revoke, suspend or make the proposed variation of the licence the council must take into account any representations made by the licence holder within the period specified under subsection (2)(b).

(5) If it considers that there are particular circumstances which make it necessary to do so in the public interest, a council may decide whether to revoke, suspend or make a compulsory variation of a pavement café licence even though no notification has been given under subsection (1).

(6) Where a council decides to revoke, suspend or make a compulsory variation of a pavement café licence, the council must give notice in writing to the licence holder of the revocation, suspension or variation.

(7) A notice under subsection (6) must—

- (a) state when the revocation, suspension or variation takes effect;
- (b) in the case of suspension, state when the suspension ends;
- (c) state the grounds for the revocation, suspension or variation; and
- (d) include notice of the licence holder's rights under section 21 (appeals).

(8) A notice under subsection (6) may provide for the revocation, suspension or variation to take effect on the date when that notice is served on the licence holder, but only where the council considers that there are particular circumstances which make this necessary in the public interest.

(9) In any other case, the notice must give the licence holder such notice of the revocation, suspension or variation as the council considers reasonable in all the circumstances.

(10) A notice under subsection (6) may be withdrawn at any time before the revocation, suspension or variation takes effect.

(11) Where a suspension of a pavement café licence has taken effect, the council may—

- (a) extend the suspension on one or more occasions;
- (b) revoke the suspension by notice in writing to the person whose licence was suspended.

(12) Subsections (1) to (10) apply to an extension of a suspension as they apply to a suspension.

(13) Any reference in this section to compulsory variation of a pavement café licence is to variation of a pavement café licence under any of sections 16 to 18.

*Matters to be recorded in register*

**Matters to be recorded in register under Licensing Order**

**20.—**(1) Regulations may make provision—

- (a) requiring a district council to notify prescribed matters relating to a relevant pavement café licence to the person responsible for keeping the licensing register;
- (b) requiring a district council to send prescribed documents to that person;
- (c) requiring that person—
  - (i) to record, in a prescribed part of that register, matters notified under the regulations; and
  - (ii) to keep prescribed documents sent under the regulations.

(2) The regulations may include provision, in relation to—

- (a) matters required by the regulations to be recorded in the register, or
- (b) documents required by the regulations to be kept,

which applies or corresponds to any provision of the Licensing Order relating to matters required by or under that Order to be recorded in the register or to any documents required by that Order to be kept.

(3) In this section—

“the licensing register” means the register kept under Article 34 of the Licensing Order in which matters relating to the licence under that Order for the premises are recorded;

“a relevant pavement café licence” means a pavement café licence in respect of premises which are licensed under the Licensing Order.

### *Appeals*

#### **Appeals**

**21.**—(1) Where an application for—

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

is refused, the person who made the application may appeal against the refusal.

(2) Where a pavement café licence is granted, the licence holder may appeal—

- (a) against any condition specified in the licence under section 6(2)(b) or (3);  
or
- (b) if the area (or areas) shown in the plan in the licence are not the same as the area (or areas) proposed in the application, against the council’s decision with regard to any such area.

(3) Where a pavement café licence is granted or renewed and a period is specified under section 5(5)(a) in the licence, the licence holder may appeal against the council’s decision to specify that period.

(4) Where a pavement café licence held by a person is—

- (a) renewed subject to a variation under section 7(7),
- (b) varied under section 8(4)(b),
- (c) revoked under section 14,
- (d) suspended under section 15, or
- (e) varied under any of sections 16 to 18,

that person may appeal against the variation, revocation or suspension.

(5) Where a suspension of a pavement café licence is extended under section 19, the person whose licence was suspended may appeal against the extension.

(6) Any appeal under this section must be made to a court of summary jurisdiction by notice under Part 7 of the Magistrates’ Courts (Northern Ireland) Order 1981.

(7) An appeal under this section must be brought within 21 days beginning with the day after the date on which notice is given of the refusal, grant, renewal, variation, revocation, suspension or extension (as the case may be).

(8) On an appeal under this section, a court of summary jurisdiction may make such order as it considers appropriate and the council must give effect to that order.

*Powers of entry, removal, etc.*

**Powers of entry and inspection**

**22.**—(1) An authorised officer may at any reasonable time, in order to obtain information required by the council for a purpose mentioned in subsection (2)—

- (a) enter and inspect premises to which a pavement café licence relates, or to which an application for the grant, renewal or variation of such a licence relates;
- (b) inspect furniture placed on a public area for use for the consumption of food or drink supplied in or from any premises;
- (c) inspect any other object placed on a public area with such furniture.

(2) The purposes referred to in subsection (1) are—

- (a) the purpose of determining whether an application for a pavement café licence or the renewal or variation of such a licence should be granted or what conditions should be specified in such a licence;
- (b) the purpose of ascertaining whether a condition specified in a pavement café licence is being or has been complied with;
- (c) the purpose of determining whether a pavement café licence should be revoked, suspended, or varied under any of sections 16 to 18.

(3) An authorised officer exercising powers under this section must if required produce his or her authority.

(4) Any power under this section to enter and inspect premises does not apply to any part of the premises used as a dwelling.

**Power to remove unlicensed furniture**

**23.**—(1) A council may cause any temporary furniture which is unlicensed to be removed from a public area and stored.

(2) For the purposes of this section temporary furniture is “unlicensed” if—

- (a) it has been placed on a public area, in the course of a business, for use for the consumption of food or drink supplied in the course of that business in or from any premises; and
- (b) the person carrying on the business does not hold (or, if more than one person carries on the business, none of those persons holds) a pavement café licence in respect of the premises.

(3) Where any furniture is removed and stored under subsection (1), the council—

- (a) must, where the name and address of the person in the course of whose business the furniture was placed on the public area (“the responsible person”) is known, notify that person of the removal and storage and of how the furniture may be recovered; and
- (b) may recover from the responsible person the costs reasonably incurred by the council in removing and storing the furniture.

(4) Any charges incurred by a council in pursuance of subsection (1) shall be payable by the responsible person before the return of the furniture to that person.

(5) Where any furniture—

(a) has been removed under subsection (1), and

(b) has not been recovered by the responsible person within 3 months beginning with the date of its removal,

the council may take such steps as are reasonable to sell it or to dispose of it in such other way as the council thinks fit.

### **Offence of obstruction**

**24.**—(1) A person who intentionally obstructs an authorised officer acting in the exercise of powers under section 22 or 23 commits an offence.

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

### *Supplementary*

### **Service of notices and documents**

**25.**—(1) Without prejudice to section 24(2) of the Interpretation Act (Northern Ireland) 1954, any notice or other document required or authorised to be served on or sent or given to any person under this Act may be served, sent or given, in a case where an address for service using electronic communications has been given by that person, by sending it using electronic communications, in accordance with the condition in subsection (2), to that person at that address.

(2) That condition is that the notice or other document is—

(a) capable of being accessed by the recipient;

(b) legible in all material respects; and

(c) in a form sufficiently permanent to be used for subsequent reference;

and for this purpose “legible in all material respects” means that the information contained in the notice or document is available to the recipient to no lesser extent than it would be if served or given by means of a notice or document in printed form.

(3) Where a person uses electronic communications to transmit any notice or other document for any purpose of this Act, that person shall be taken to have agreed, except where a contrary intention appears, to the use of such communications and that his or her address for that purpose is the address incorporated into, or otherwise logically associated with, the notice or document.

(4) In this section “electronic communication” has the same meaning as in the Electronic Communications Act (Northern Ireland) 2001.

### **Power to make further provision**

**26.**—(1) The Department may by regulations make such supplementary, incidental, consequential or transitional provision as it considers necessary or expedient for the purposes of, or in consequence of, or for giving full effect to, any provision made by or under this Act.

(2) The provision which may be made under subsection (1) includes provision which amends or modifies any statutory provision (including this Act) or any document.

### **Regulations**

27.—(1) Subject to subsection (2), regulations made under this Act are subject to negative resolution.

(2) Regulations which include provision under section 26(1) that amends any statutory provision may not be made unless a draft of the regulations has been laid before and approved by a resolution of the Assembly.

### **Consequential amendments**

28. The statutory provisions set out in the Schedule have effect subject to the consequential amendments specified in that Schedule.

### **Byelaws**

29.—(1) Where, by creating an offence, a byelaw prohibits the consumption of intoxicating liquor in a particular place, the byelaw does not apply to any relevant pavement café area within that place.

(2) In this section “a relevant pavement café area” means a public area which—

(a) is an area shown under section 5 on the plan in a pavement café licence which is in force;

(b) for the time being has temporary furniture on it that under the terms of that licence is permitted to be on that area at that time;

(c) is associated with premises licensed under the Licensing Order which are—

(i) premises of a kind mentioned in Article 5(1)(a) of the Licensing Order;

(ii) a hotel;

(iii) a guest house in which the business of a restaurant is carried on;

(iv) a restaurant; or

(v) a refreshment room in public transport premises; and

(d) is not subject to an alcohol condition.

(3) For the purposes of subsection (2)(c)—

(a) the area is “associated with” particular premises if those premises are the premises in respect of which the pavement café licence relating to the area was granted;

(b) “hotel”, “guest house”, “restaurant”, and “public transport premises” have the same meanings as in the Licensing Order.

(4) For the purposes of subsection (2)(d), the area is “subject to an alcohol condition” if the pavement café licence relating to the area includes a condition requiring the licence holder not to permit persons to consume intoxicating liquor when using furniture on the area.

(5) In subsection (1) the reference to intoxicating liquor includes any liquor of a similar nature which falls within the byelaw.

### **Definitions**

30.—(1) In this Act—



“the area covered by the licence”, in relation to a pavement café licence, has the meaning given by section 5(2) or, where the licence relates to more than one public area, the meaning given by section 5(4)(b);

“authorised officer” means a person authorised by a council for the purposes of this Act;

“business” includes any business whether or not carried on for profit;

“council” means a district council;

“the Department” means the Department for Social Development;

“furniture” has the meaning given by section 1(3);

“intoxicating liquor” has the same meaning as in the Licensing Order;

“licensed under the Licensing Order”, in relation to premises, has the meaning given by subsection (2);

“the Licensing Order” means the Licensing (Northern Ireland) Order 1996;

“market area” means a place where a person has a right (exercisable at particular times) to hold a market or fair; and in this definition “right” means a right acquired by virtue of a grant (including a presumed grant) or acquired or established by virtue of a statutory provision;

“pavement café licence” has the meaning given by section 1(1);

“the period allowed for representations”, in relation to an application, has the meaning given by section 10(5);

“place”, when used as a verb, is to be read in accordance with section 1(7);

“premises” includes any place other than a public area, and any stall, moveable structure, vehicle or vessel;

“prescribed” means prescribed by regulations;

“public area” has the meaning given by section 1(2);

“regulations” means regulations made by the Department;

“sale of intoxicating liquor by retail” is to be read in accordance with Article 2(6) of the Licensing Order;

“statutory provision” has the meaning given by section 1(f) of the Interpretation Act (Northern Ireland) 1954;

“supplied”, in relation to food and drink, is to be read in accordance with section 1(6);

“temporary”, in relation to furniture, is to be read in accordance with section 1(4) and (5);

“variation”—

(a) in relation to conditions specified in a licence under section 6(3), has the meaning given by section 8(8);

(b) in relation to the area covered by a pavement café licence, has the meaning given by section 8(9);

“working day” means a day which is not a Saturday, Sunday or public holiday.

(2) For the purposes of this Act, premises are “licensed under the Licensing Order” if they are premises in which the sale of intoxicating liquor by retail is



authorised by a licence under the Licensing Order other than an occasional licence within the meaning of that Order.

(3) References in this Act to a business “involving” the supply of food or drink to members of the public, or of a section of the public, include a business where such supply of food and drink is ancillary to the principal activity of the business.

(4) A stall, moveable structure, vehicle or vessel in or from which food or drink is supplied is to be treated for the purposes of this Act as premises situated at the place where the stall, moveable structure, vehicle or vessel is when being used for the supply of food or drink.

(5) If a stall, moveable structure, vehicle or vessel is used for the supply of food or drink at more than one place, the premises which by virtue of subsection (4) are to be treated as situated at each such place are to be treated as separate premises.

#### **Short title**

**31.** This Act may be cited as the Licensing of Pavement Cafés Act (Northern Ireland) 2014.

#### **Commencement**

**32.—(1)** This Act, except sections 30 and 31 and this section, shall come into operation on such day or days as the Department may by order appoint.

(2) An order under this section may contain such transitional provisions as the Department thinks appropriate.

SCHEDULE

Section 28.

CONSEQUENTIAL AMENDMENTS

*The Roads (Northern Ireland) Order 1993 (NI 15)*

1. In Article 71(2) (offence of erecting structure on road), after paragraph (b) insert—

“(ba) in pursuance of a pavement café licence under the Licensing of Pavement Cafés Act (Northern Ireland) 2014; or”.

*The Licensing (Northern Ireland) Order 1996 (NI 22)*

2. After Part 5 insert—

“PART 5A

PAVEMENT CAFE AREAS

**Pavement café areas: definitions**

76A.—(1) In this Part, a “pavement café area” means a public area which—

- (a) is an area shown, under section 5 of the Licensing of Pavement Cafés Act (Northern Ireland) 2014, on the plan in a pavement café licence which is in force; and
- (b) for the time being has temporary furniture on it that under the terms of the pavement café licence is permitted to be on that area at that time.

(2) For the purposes of this Part, a pavement café area is “associated with” particular premises if those premises are (or are part of) the premises in respect of which the pavement café licence relating to the pavement café area was granted.

(3) In this Part the following expressions have the same meaning as in the Licensing of Pavement Cafés Act (Northern Ireland) 2014—

- “pavement café licence”;
- “public area”;
- “temporary furniture”.

**Sale for consumption on pavement café area not prohibited by Article 5(3)(b) or 51 in certain cases**

76B.—(1) This Article applies where—

- (a) a pavement café area is associated with premises for which a licence is in force;
- (b) those premises are—
  - (i) a hotel;

SCH.

- (ii) a guest house in which the business of a restaurant is carried on;
  - (iii) a restaurant; or
  - (iv) a refreshment room in public transport premises; and
- (c) the pavement café licence relating to the pavement café area does not include a condition requiring the licence holder not to permit persons to consume intoxicating liquor when using furniture on that area.

(2) For the purposes of the reference in Article 5(3)(b) to consumption off the premises, the pavement café area is to be treated as part of the premises.

(3) If the premises are a hotel, the pavement café area is also to be treated as part of the premises for the purposes of the references in Article 5(5)(b) to consumption off the premises and to a diner in the premises.

(4) If—

- (a) the premises are a restaurant, or a guest house in which the business of a restaurant is carried on, and
- (b) the business of the restaurant is carried on partly on the pavement café area,

the pavement café area is also to be treated for the purposes of Article 51(4)(a)(ii) (and, in the case of a guest house, Article 51(2)) as being a part of the restaurant.

**Pavement café area where consumption permitted: hours, conduct etc.**

76C.—(1) This Article applies where—

- (a) a pavement café area is associated with premises for which a licence is in force;
- (b) those premises are—
  - (i) premises of a kind mentioned in Article 5(1)(a);
  - (ii) a hotel;
  - (iii) a guest house in which the business of a restaurant is carried on;
  - (iv) a restaurant; or
  - (v) a refreshment room in public transport premises; and
- (c) the pavement café licence relating to the pavement café area does not include a condition requiring the licence holder not to permit persons to consume intoxicating liquor when using furniture on that area.

(2) For the purposes of the provisions mentioned in paragraph (3), the pavement café area is to be treated as part of the licensed premises with which it is associated.

(3) Those provisions are—

Article 41(1)(a)(ii), (c) and (d);

in Article 46—

- (a) any reference in paragraph (1)(a) to consumption in the premises;
- (b) the reference in paragraph (1)(b) to taking liquor from the premises;

Article 57A;

Article 60(1)(b) and (d)(i);

Articles 61 to 65;

in Article 69J(2), the reference to the premises;

Articles 73 and 74; and

Article 82.

(4) If the premises are of a kind mentioned in Article 5(1)(a), the pavement café area is also to be treated as part of the premises for the purposes of—

- (a) any reference in Article 43(2), 50(1) or 58(1)(a) to consumption off the premises or to consumption in the premises; and
- (b) where there is a condition under Article 43(2) in relation to the premises, any reference in that condition to consumption in the premises.

(5) If the premises are a hotel, the pavement café area is also to be treated as part of the premises for the purposes of the reference in Article 50(1) to consumption off the premises.

### **Young persons prohibited from certain pavement café areas**

76D.—(1) This Article applies where—

- (a) Article 76C applies; and
- (b) the pavement café area is used exclusively or mainly for the consumption of intoxicating liquor.

(2) For the purposes of Article 58(1)(c) and (2) to (14) (young persons prohibited from certain premises), the pavement café area is to be treated—

- (a) as part of the licensed premises with which it is associated;
- (b) as if it were a part falling within Article 58(1)(c)(ii); and
- (c) accordingly, as being included in any reference in Article 58 to any part of the licensed premises as mentioned in paragraph (1) of that Article.

(3) If a children's certificate is in force in respect of any part of the premises with which the pavement café area is associated, then (subject to paragraph (4)) the pavement café area is also to be treated for the purposes of Article 58(5)(b) as if it were a part of the premises for which the children's certificate is in force.

(4) If a children's certificate is in force in respect of any part of the premises with which the pavement café area is associated—

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- (a) the powers of a court of summary jurisdiction under Article 59(8) include power, on the application of the holder of the licence, to revoke the children’s certificate so far as relating to the pavement café area; and
- (b) the powers of a court of summary jurisdiction under Article 59(9) include power to revoke the children’s certificate so far as relating to the pavement café area if the court is satisfied, upon complaint made under Part 8 of the Magistrates’ Courts (Northern Ireland) Order 1981—
  - (i) that the pavement café area does not constitute an environment in which it is suitable for a person under the age of 18 to be present; or
  - (ii) in the case of a complaint made as mentioned in Article 59(9)(b), that any condition specified in Article 59(2)(b) to (d) or in Article 58(5) is not being complied with in respect of the pavement café area.

**Off-licence: penalty for consumption on pavement café area**

76E.—(1) This Article applies where—

- (a) a pavement café area is associated with premises for which a licence is in force; and
- (b) those premises are of a kind mentioned in Article 5(1)(b).

(2) For the purposes of the provisions mentioned in paragraph (3), the pavement café area is to be treated as part of the licensed premises with which it is associated.

(3) Those provisions are—

- Article 57(1)(a);
- Article 82(3) and (4).”.

*The Street Trading Act (Northern Ireland) 2001 (c. 8)*

3.—(1) Section 2 (activities which are not street trading) is amended as follows.

(2) In subsection (1), after paragraph (e) insert—

“(f) where a pavement café licence is in force, trading carried out in the area covered by the licence, if the trading—

- (i) takes place at a time when that area has temporary furniture on it that under the terms of the licence is permitted to be there at that time;
- (ii) is done in the course of a business which is carried on by the licence holder at the premises specified in the licence;
- (iii) relates to the supply of food or drink in or from those premises for consumption on that area; and
- (iv) does not involve a contravention of the conditions of the licence.”.

(3) After subsection (4) insert—

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“(5) Expressions used in paragraph (f) of subsection (1) and in the Licensing of Pavement Cafés Act (Northern Ireland) 2014 have the same meaning in that paragraph as in that Act.”.

*The Criminal Justice (Northern Ireland) Order 2008 (NI 1)*

4.—(1) Article 70 (designated public places) is amended as follows.

(2) In paragraph (2) (places that are not designated public places for the purposes of Articles 68 to 71 of that Order), after sub-paragraph (a) insert—

“(aa) a relevant pavement café area;”.

(3) After paragraph (6) insert—

“(7) In this Article “a relevant pavement café area” means a public area which—

(a) is an area shown under section 5 of the Licensing of Pavement Cafés Act (Northern Ireland) 2014 on the plan in a pavement café licence which is in force;

(b) for the time being has temporary furniture on it that under the terms of that licence is permitted to be on that area at that time;

(c) is associated with licensed premises which are—

(i) premises of a kind mentioned in Article 5(1)(a) of the Licensing (Northern Ireland) Order 1996;

(ii) a hotel;

(iii) a guest house in which the business of a restaurant is carried on;

(iv) a restaurant; or

(v) a refreshment room in public transport premises; and

(d) is not subject to an alcohol condition.

(8) For the purposes of paragraph (7)—

(a) the area is “associated with” particular premises if those premises are (or are part of) the premises in respect of which the pavement café licence relating to the area was granted;

(b) the area is “subject to an alcohol condition” if the pavement café licence relating to the area includes a condition requiring the licence holder not to permit persons to consume intoxicating liquor when using furniture on the area.”.

5.—(1) Article 72 (interpretation of Articles 68 to 71) is amended as follows.

(2) In the definition of “intoxicating liquor”, “licensed premises” and “occasional licence”—

(a) before ““intoxicating liquor” insert ““guest house”, “hotel”,”;

(b) for “and “occasional licence”” substitute “, “occasional licence”, “public transport premises” and “restaurant””.

(3) after that definition insert—

c. 9 *Licensing of Pavement Cafés Act (Northern Ireland) 2014*

SCH.

““pavement café licence”, “public area” and “temporary furniture”  
have the same meanings as in the Licensing of Pavement Cafés  
Act (Northern Ireland) 2014;”.

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**M**

<b>Subject</b>	<b>Petroleum Licensing</b>
<b>Date</b>	<b>8 September 2015</b>
<b>Reporting Officer</b>	<b>William Wilkinson – Head of Building Control</b>

<b>1</b>	<b>Purpose of Report</b>
1.1	To advise members of the Petroleum Licensing function within Mid Ulster District Council.

<b>2</b>	<b>Background</b>										
2.1	<p>The administration of the Petroleum Licensing function is carried out in accordance with the Petroleum Consolidation Act (NI) 1929 (as amended) and the Petroleum (Transfer of Licenses) Act (NI) 1937.</p> <p>An application for a Petroleum Licence is required when a person proposes to store more than 14 litres of petroleum.</p> <p>Currently there are 86 premises across Mid Ulster District which store and dispense petroleum. The annual income from petroleum licensing is £5514</p> <p>The schedule of fees for the storage of petroleum is contained within “The Health and Safety (Fees) Regulations (NI) 2012”.</p> <table border="1" data-bbox="331 1272 1398 1451"> <thead> <tr> <th>Quantity Stored</th> <th>Fees</th> </tr> </thead> <tbody> <tr> <td>To keep a quantity not exceeding 2500 litres</td> <td>£42</td> </tr> <tr> <td>Exceeding 2500 litres but not exceeding 50000 litres</td> <td>£58</td> </tr> <tr> <td>Exceeding 50000 litres</td> <td>£120</td> </tr> <tr> <td>Transfer of a Licence</td> <td>£8</td> </tr> </tbody> </table> <p>All premises are inspected on an annual basis and the licence issued accordingly where the premises are inspected and found to be in compliance with the conditions of the licence and the associated guidance.</p>	Quantity Stored	Fees	To keep a quantity not exceeding 2500 litres	£42	Exceeding 2500 litres but not exceeding 50000 litres	£58	Exceeding 50000 litres	£120	Transfer of a Licence	£8
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<b>3</b>	<b>Key Issues</b>
3.1	The Guide for Petroleum Filling Stations (Appendix 1) will form the primary framework for administering the petroleum licensing function across Mid Ulster District Council. The document gives guidance to applicants proposing to submit an application for the storage of petroleum. In addition the document will allow for consistency and alignment of the internal procedures across the District.

	The Petroleum Licensing Conditions (Appendix 2) will be forwarded to each applicant following the grant/renewal of their licence. The conditions as attached will ensure that they are fully informed of all aspects of their licence and their specific responsibilities ensuring that the premises are maintained in a safe operational condition.
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<b>4</b>	<b>Resources</b>
4.1	<b><u>Financial</u></b> None
4.2	<b><u>Human</u></b> None
4.3	<b><u>Basis for Professional/ Consultancy Support</u></b> None
4.4	<b><u>Other</u></b> None

<b>5</b>	<b>Other Considerations</b>
5.1	None

<b>6</b>	<b>Recommendations</b>
6.1	That members agree the “Guide for Petroleum Filling Stations” (Appendix 1) and the “Petroleum Licensing Conditions” (Appendix 2) for the licensing of premises storing and dispensing petroleum.

<b>7</b>	<b>List of Documents Attached</b>
7.1	Appendix 1 - Guide for Petroleum Filling Stations.
7.2	Appendix 2 - Petroleum Licensing Conditions.



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

# A Guide for Petroleum Filling Stations

**Cookstown Office**

Burn Road  
COOKSTOWN  
BT80 8DT

**Dungannon Office**

Circular Road  
DUNGANNON  
BT71 6DT

**Magherafelt Office**

Ballyronan Road  
MAGHERAFELT  
BT45 6EN

Tel: 03000 132 132

[info@midulstercouncil.org](mailto:info@midulstercouncil.org)

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

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# 1 When do I require a Petroleum Licence?

A Petroleum Licence is required for workplaces involved in dispensing petroleum-spirit connected with the refuelling of motor vehicles etc. For the purposes of petroleum licensing, "Petroleum-Spirit" means petroleum which has a flash point of less than 21°C and "dispensing" means manual or electrical pumping of petroleum-spirit from a storage tank into the fuel tank for an internal combustion engine, whether for the purposes of sale or not.

## ***How do I apply for a Petroleum Licence?***

You should write to:

Mr W Wilkinson  
Head of Building Control  
Mid Ulster District Council  
Magherafelt Office  
Ballyronan Road  
MAGHERAFELT  
BT45 6EN

Or you can download an Application for a Petroleum Licence, free of charge from:  
[www.midulstercouncil.org](http://www.midulstercouncil.org)

## ***How much does it cost?***

Costs are usually reviewed each year by the Health and Safety Executive for Northern Ireland but the current costs are:

Up to 2,500 litres (550 gallons)	£42 for each year of licence
Exceeding 2,500 litres (550 gallons) but not exceeding 50,000 litres (10, 998 gallons)	£58 for each year of licence
Exceeding 50,000 litres (10,998 gallons)	£120 for each year of licence
To Transfer a Licence	£8

Application forms are usually sent out the same day a request has been received, but it would be helpful if you can supply contact telephone/fax numbers and an email address.

## **What happens next?**

The Building Control Officer will then inspect your premises and he/she will also look at the site register.

Under no circumstances should you store more than 14 litres (3 gallons) of petroleum spirit without a licence as to do so makes it an offence under Section 1 of the Petroleum (Regulations) Acts (NI) 1929 & 1937.

***What happens if I do not pass an inspection?***

Depending again on the circumstances, you will receive a letter explaining where you do not comply and the steps to be taken to achieve full compliance. In extreme or dangerous conditions, any activity may be stopped by the issue of a legal Prohibition or Improvement Notice.

***Can I appeal and to whom?***

You can appeal to a Magistrate's Court against any LEGAL notices served on you or your business. Legal Notices are however, very rare indeed.

***Where can I get advice on Petroleum Licensing, Storage and Dispensing?***

You can get free advice from a Building Control Officer in Mid Ulster District Council.

## 2 Technical Guidance for the Storage & Dispensing of Petrol

### ***What is the Guidance that is applied to new and existing Petrol Filling Stations?***

In the case of new or major refurbished petrol filling stations or existing ones where any alterations are to be undertaken, the APEA/IP Document known as 'Guidance on the Design, Construction, Modification and Maintenance of Petrol Filling Stations' is the nationally approved code of practice that is to be followed.

### ***What does the Guidance cover?***

The following sections are contained in the Guidance:

Scope	Dispensers
Risk Assessment	Vapour Emission Control Systems
Hazardous Area Classification	Leak Detection
Planning and Design	Canopies and Buildings
Acceptance and Commissioning	Drainage Systems
Construction Safety	Electrical Installations
Tankage	Maintenance and In-Service Testing
Pipework Systems	Repairs and Modifications
Decommissioning	Glossary of Terms

### ***Is there any other Technical Guidance I should be aware of?***

Yes there is; it relates to operational issues and the document is known as HS(G) 41 'Construction, Operation and Maintenance of Petrol Filling Stations' (1990), published by the Health and Safety Executive ([www.hse.gov.uk](http://www.hse.gov.uk))

The document is however currently out of print. Please contact this office if you require details in relation to its content.

Another HSE guidance document for petrol stations is "HS(G) 146 – Assessing and Controlling the Risk of Fire and Explosion at Sites where Petrol is Stored and Dispensed as Fuel". The risk assessment criteria laid down in HS(G) 146 should strongly influence any decision in whether to replace existing mechanical or electrical equipment or installations.

The Northern Ireland Environment Agency (NIEA) has assisted in the production of pollution control guidance notes intended for all those who are involved in the planning, management and maintenance of petrol filling stations. They are based on guidance published on the Construction and Operation of Fuelling Stations – PPG7 and The Use and Design of Oil Separators in Surface Water Drainage Systems – PPG3.



To obtain a copy please contact this office. Alternatively the guidance is available to download from the Council website.

Additional guidance can also be sought from the undernoted bodies or alternatively from your petroleum supplier:-

- ✓ Environmental Agency [www.environment-agency.gov.uk](http://www.environment-agency.gov.uk)
- ✓ Petrol Retailers Association
- ✓ United Kingdom Petrol Industries Association

### 3 What should I keep in my Petroleum site register?

#### SITE REGISTER

##### ***What is a Petroleum Site Register?***

A Petroleum Site Register is a single document that contains key legal documents regarding a licensed Petroleum Site. Currently it is legal requirement under the Licensing Conditions for every Licensed Site to have a Register.

##### ***What documents should I keep?***

Depending on the Site, the following is a list of legal documents that should be kept within the register, or in the case of larger sites, a statement to say exactly where critical documents are held in the 'Back Office':

- 1 Current Annual Petroleum Licence AND the Conditions of Licence
- 2 Current Vapour Recovery Authorisation
- 3 Current Site Tank to Pump Diagram
- 4 Waste Transfer Notes AND Transfer Certificates
- 5 Staff Training Records
- 6 Current Annual Electrical Certificate
- 7 Wet Stock Records (Daily Reconciliation, Weekly and Monthly)
- 8 Petroleum Delivery Certificates
- 9 Product Safety Data Sheets (Fuels)
- 10 Site Maintenance Records
- 11 Records of Visits to Site by Persons, Contractors, etc
- 12 Detailed Site Plans (if available)
- 13 Emergency Procedures
- 14 Pollution Response Plan
- 15 Correspondence and Reports from Enforcing Authorities

##### ***How long should I keep these records?***

Ideally, 3 years depending on how busy the site is.

##### ***Can I make my own?***

You can, provided you follow the above basic requirements.

***Who will look at my Site Register?***

The Building Control Officer certainly but Trading Standards, Company Auditors and Health and Safety Advisors may too wish to see these records.

***Will my Supplier be able to provide me with a Site Register?***

Almost certainly, all of the major oil companies and operators have in-house Site Registers that meet all of the above criteria.

## 4 Decommissioning of Petrol Filling Stations

**Reference:** Guidance for the Design, Construction, Modification and Maintenance of Petrol Filling Stations APEA/AP Published March 2005 (2<sup>nd</sup> Edition) Section 15.

### 4.1 TEMPORARY DECOMMISSIONING

#### *Why Temporary?*

Temporary decommissioning should be carried out if the whole or part of the petrol containment system is taken out of service for a temporary period, up to one year or if future development and reinstatement is being considered following closure or refurbishment, to maintain adequate safety controls for the facility.

#### **Making Tanks Safe - A Brief Summary**

##### *Filling with Water*

- 1 All pipe work should be drained and then disconnected in the access chamber of each tank. The vent pipework however should remain connected.
- 2 Residual Petrol should be removed from the tank or compartments.
- 3 Each tank should be filled with water to a level just below the man lid.
- 4 All disconnected pipe work should be sealed with metallic components in the manhole chamber.
- 5 The vent pipe should be disconnected just above ground level.
- 6 Filling should continue until clear water appears at the disconnected vent pipe. Note: The liquid that first appears may contain significant amounts of product. Release of this material could cause a safety hazard and it should be collected safely for disposal.
- 7 Once the tank is full, the vent pipe work, together with the flame trap outlet should be reconnected to allow the tank to breathe.
- 8 The filling/dipping pipe should be securely locked.
- 9 Offset fill pipes should be adequately secured against unauthorised access, vandalism or inadvertent use.
- 10 The water content of the tank(s) should be investigated at intervals of not less than once every 3 months and any reduction in level should be investigated, notified to the Enforcing Authority and appropriate corrective action taken.

##### *Partially filling with Water or Diesel*

Where a tank(s) are taken out of service pending a decision on its future, it may be rendered temporarily safe, provided adequate controls can be maintained over the site by taking the following precautions.

- 1 Remove residual petrol, bottom tank and ensure that the fill pipe is intact.
- 2 Introduce sufficient water or diesel into the tank to maintain a liquid seal between the termination of the internal fill pipe and the tank vapour space. Note: Where diesel is being used it will be necessary to ensure electrical continuity between the tank and the tanker and that the flow rate is restricted to less than 1 m/s.
- 3 Fix suitable warning notice at the manhole.

- 4 Introduce a regular inspection regime to ensure that the facility is not interfered with and that the liquid seal is maintained at the fill pipe.

### ***Filling with Hydrophobic Foam***

- 1 All pipe work except the vent pipe work should be drained and then disconnected in the manhole chamber of the tank. The tank should be bottomed as detailed above. In addition it may be necessary to treat the bottom of the tank with a proprietary emulsifier to ensure, as far as possible that all residual petrol is removed.
- 2 The tank should be filled with hydrophobic foam generated on site and pumped directly into the tank. The foam should have a designed compressive strength of 15 tonnes/m<sup>2</sup>.

Tanks filled with hydrophobic foam can be reinstated by mechanical removal of the foam or by using a solvent and vacuum extraction method.

### ***Tanks left unused but with product remaining***

This is only acceptable if there is a surplus capacity. A liquid seal must be maintained. Maintenance schedules should also be retained.

### ***Dispensers***

These may be made temporarily safe if being left in situ. The following precautions should be taken.

- 1 The dispensers should be electronically isolated, all suction lines drained back and flexible connectors disconnected.
- 2 The dispenser suction entries should be plugged off and the suction and any vapour lines capped off in the under pump cavity.
- 3 The dispenser should be protected from vandalism by sturdy wooden encasement or other suitable material.

This method is only suitable for short periods of time (6 months maximum).

### ***Dispensers removed from Site***

The following measures should be undertaken:

- 1 Isolate electrically, drain all suction lines and disconnect flexible connectors.
- 2 Dispensers should be drained of residual petrol and purged with nitrogen. The suction entries should be placed in storage or dispatched for scrap.
- 3 Cap off the suction line and any vapour lines in the under pump cavity.
- 4 Infill the under pump cavity with a suitable backfill material.

### ***Interceptors***

Interceptor Chambers should be emptied of all liquid and sludge contents by a Hazardous Waste Disposal Contractor. The chambers should then be replenished with clean water.

## ***Electrical Installation***

This should be disconnected by an electrical contractor who will apply the appropriate degree of disconnection (up to removal of the main intake box) and isolation

## ***Reinstatement***

This depends on whether it was out of action for a short period (12 months) for cleaning or pending modifications or site development. A longer period may be agreed with the Petroleum Licensing Authority. In either case the procedure for reinstatement should be discussed with the Enforcement Authority before any work is commenced. The APEA guidance mentioned in Section 2 also contains useful information on this issue.

## ***Reinstatement following Short Term Decommissioning***

A full visual inspection should be carried out and any defects or omissions rectified or replaced as the case may be.

Normally, the only testing necessary will be to prove the integrity of the tank lid gasket and pipe work reconnections. A Risk Assessment should be carried out to determine whether further testing is necessary.

## ***Reinstatement following Long Term Decommissioning (12 months plus)***

The site should be risk assessed to establish whether there are adequate safeguards in place to control the risks of fire, explosion and environmental pollution from the storage and handling of petrol. The Filling Station electrical installation should be subjected to a full examination and test, with a compliance certificate issued before operating again.

## **4.2 PERMANENT DECOMMISSIONING**

### **(a) Underground Tanks to be removed – A Brief Summary**

Before any work is carried out to render a tank permanently safe, all pipe work carrying fuel should be drained back to the tank and residual product removed from the tank or compartments. Before commencing excavation of an underground tank it should be inerted to remove the risk of explosion using one of the methods detailed below:

- 1** Hydrophobic foam fill - Tank should be filled with hydrophobic foam generated on site and pumped directly into the tank. The foam should have a designed compressive strength of 8 tonnes/m<sup>2</sup> and at this density is appropriate for inerting tanks for a period not exceeding 6 months.
- 2** Nitrogen foam fill – High-expansion foam is produced in a generator using nitrogen, water and a detergent foam compound, which is then introduced in the tank via the fill pipe. Unless the tank is completely filled with nitrogen foam it will be necessary for a competent person to test the atmosphere inside the tank.
- 3** Nitrogen Gas - After tank is bottomed out all openings should be sealed except those required for the inlet of nitrogen and the exhaust outlet (vent pipe) to atmosphere. The nitrogen should then be introduced and the mixture leaving the tank vented so that the tank remains at atmospheric pressure throughout the entire operation. The

atmosphere in the tank should be tested and purging continued until oxygen levels have been reduced below 5%. On completion of the purging, the openings of the tank should be sealed and the tank excavated.

- 4 Water fill – After tank is bottomed out the suction pipe(s) should be disconnected and the tank connecting points sealed. The tank should then be completely filled with water. Care should be taken to ensure that any water/residual fuel does not over flow from the fill point. The vent pipe should then be disconnected and the tank connection point and fill point sealed. Extreme care to be taken not to puncture the tank with mechanical plant which would cause contaminated water to escape. Not a suitable method if there are leaks in the tanks. When tank ready for lifting from the excavation the water should be uplifted and disposed of as contaminated waste.
- 5 Dry ice – Only to be carried out by a competent specialist contractor. Following bottoming of tank, the vent pipes should be removed and all openings sealed except the one required for insertion of dry ice. At least 2kg of dry ice allowed for each cubic metre of tank volume, in pellet form or blocks less than 3cm diameter. Suitable personal protective equipment to be worn by operatives. Tank should be left for 12 hours and then the atmosphere tested taking readings from top, middle and bottom. When oxygen readings of less than 5% achieved at all levels, openings should be sealed and excavation work commenced. During excavation any holes found in the tank should be securely plugged.
- 6 Combustion gas – Special combustion gas generators available for this purpose can be used for inerting tanks. Procedure to be followed as per nitrogen gas above.
- 7 Cleaning - As an alternative to rendering a tank inert the tank can be cleaned and degassed. Method involves making the tank safe by removing all flammable materials and vapour. All residual petrol and sludge removed first and tank surfaces cleaned, forced ventilation applied until tank certified gas free by competent person.

### **Tank uplift, transportation and disposal**

Prior to lifting a tank a risk assessment and Safety Method Statement should be prepared. Tanks should not be lifted by chains or wire ropes unless they are protected to prevent contact with tank (to reduce risk of sparks and sources of ignition). Fabric straps with a design strength suitable for the tank weight should be used. Tanks should not to be lifted by placing chains or ropes around the tank lid as the neck can rip from the tank.

After excavation the words 'PETROL HIGHLY FLAMMABLE' should be painted in clear indelible letters at each end and/or on opposite sides of the tank. The recipient of the tank should be made aware of the tank's history in order that adequate precautions against fire and explosion can be taken when dealing with it.

These works must be carried out by a contractor competent in lifting tanks and should be accompanied by appropriate certification.

### **Dismantling redundant tanks on sites**

If a site is not currently being used to store petrol or if there is sufficient space to carry out the works safely, tanks can be broken up on site prior to disposal. Only cold cutting techniques should be used. Before dismantling, the tanks should be filled with water to prevent build up of flammable vapour, or alternatively be cleaned and certified gas free by a competent person. The

first step in dismantling should be to cut a large opening in the top of the tank or each compartment to provide adequate explosion relief and natural ventilation. Systematic demolition from the top downwards should then follow.

### **Pipework removal**

The removal of pipework should not be carried out until it has been drained and isolated from sources of vehicle fuel and the site earth bonding arrangements. Flushing the pipes with water should precede the removal and dismantling work as a precautionary measure.

### **(b) Underground Tanks to be left in situ – A Brief Summary**

The following methods should be considered if tanks are not to be excavated and removed from site but are to be left in situ.

#### **(i) Filling with sand and cement slurry**

With this method of decommissioning the tank is completely filled with a 20:1 sand/cement slurry. This mixture will set to form a solid homogeneous mass fill. The tank or all compartments should be bottomed and then inerted. Pipework should be disconnected and removed and the tank lid removed in preparation for the sand/slurry filling. The slurry should be vibrated during pouring to remove air pockets and ensure complete filling of tank.

#### **(ii) Filling with hydrophobic foam**

- 1 The tank should be bottomed and in addition it may be necessary to treat the bottom of the tank with a proprietary emulsifier to ensure, as far as possible that all residual petrol is removed.
- 2 The suction pipe(s) should be disconnected and tank orifices sealed. The vent pipe should be disconnected and a temporary ventilation outlet fitted by the contractor applying the foam.
- 3 Foam is generated on site and pumped through a hose connected to the fill pipe. Filling should continue until foam discharges through the temporary vent pipe which should then be removed and the vent connection securely capped. Additional pressure, typically 0,5 bar should then be applied to the foam.
- 4 Decommissioning is completed by replacing the tank fill cap securely and filling the access chamber with foam, sand or concrete.
- 5 Where impractical to remove redundant pipework, it can also be inerted by filling with foam.

#### **(iii) Filling with Foamed concrete**

Foamed concrete is a sand and cement slurry with added foam to give a mixture with a final density not exceeding 1200kg/m<sup>3</sup>. A similar procedure to be followed as for filling with sand slurry cement. Foamed concrete is normally added through an open tank lid following bottoming and inerting the tank with water



## **Oil/water separator and drainage**

Where practicable the oil/water separator should be exhumed and removed from the site for safe disposal. Alternatively the chamber(s) should be filled, in situ, with concrete slurry, sand or other similar inert material. Before removing or infilling it will be necessary to carry out the following preparatory work:

1. Arrangements made for removal of any liquid or sludge contained in the chambers by a hazardous waste disposal contractor.
2. All inlets to any associated redundant drainage system should be sealed off.
3. Outlet pipe from redundant oil/water separator should be sealed and capped off at the site boundary or at the point where it connects to any remaining live drainage system within the site. When the surface drainage is to remain operational the inlet and outlet pipes to the separator should be linked.

## **Electrical Installation**

Where the site is totally decommissioned and is to be demolished the electricity company should be requested to disconnect the supply prior to the commencement of the decommissioning work. In other cases a competent electrical contractor should apply the appropriate degree of disconnection and isolation.

## **Dispensers**

Dispensers may be removed from the site as per the procedure detailed under temporary decommissioning section.

## 5 Undertaking of work in Petrol Filling Stations

### ***What do I need to do before starting work on a Petrol Filling Station?***

Before any work is commenced on any part of the petrol installation, you must obtain approval from the Petroleum Licensing Authority.

Work means any work that involves storage tanks, pipe work, drainage systems, dispensers (pumps), sales buildings (where pumps are authorised), LPG Installations, any tank and line testing and any measuring equipment or devices.

You should give at least 28 days notice in writing but depending on the nature and extent of the work this may be relaxed if it is of a minor nature or an inspection will be carried out by the Petroleum Officer if deemed necessary.

### ***Do I need to have any documents whilst work is being undertaken?***

If the site has closed down you will need a visitors signing in book and display health and safety at work posters. You should also have site risk assessments and a safety method statement. All staff involved should have the appropriate safety protective clothing including high visibility vests, safety footwear and hard hats, if deemed a 'hard hat' area. Specific areas of work should be fenced or coned off with any warning signs prominently displayed.

Portable fire fighting equipment should be supplied and there should be emergency procedures laid down before work starts with access to a telephone within one minute's travel by foot.

### ***I wish to do Confined Space Access to part of the underground Installation***

Before any entry, you should undertake a pre-entry assessment and keep a record of it. Staff should have a means on them to demonstrate they have received the appropriate training in confined space access and have a working knowledge of a 'Man Down Procedure'. A 'surface man' should always be present whilst contractors are inside a confined space with entry restricted to 30 minutes maximum, with each committed member in a harness. A first aid kit should always be available.

### ***I wish to use Hot Work methods for cutting/welding***

Before doing this, you must obtain the approval of the Petroleum Licensing Authority in writing by submitting a supporting case study showing there are no alternatives. Risk assessments and safety method assessments are also to be submitted.

## 6 Notification of work in Petrol Filling Stations

It is a condition of the petroleum licence that any work that is undertaken on a petrol filling station or workplace installation that dispenses petrol must be notified to the Petroleum Licensing Authority in writing BEFORE that work commences.

The scope and extent of these works must be made known together with the name of the project manager and contractors involved.

On most occasions there will be the need for a site specific risk assessment and a safety method statement that must be submitted along with any notification.

It would also be helpful for a scale drawing to be submitted that can show where the work is taking place in conjunction with the hazardous areas.

Finally it is important to establish whether the work will cause either partial or total closure to take place and the additional safeguards necessary to protect contractors, staff and any members of the public where the work area must be segregated from any parts of the forecourt that remain open.

To assist those wishing to carry out work, you may submit the following notification of works form by one of the contact methods given.



**PETROL FILLING STATIONS  
 WORKPLACE PETROL INSTALLATIONS  
 NOTIFICATION OF WORKS FORM**

Name of Company/Contractors

Address of site works

Clients Name

Contact Nos

Address

Name of Project Manager/Engineer



Telephone No

Mobile No

Fax No

Email Address

Scope of Works (Description):

Do contractors have Valid Safety Passports?

Yes

**Other Submissions; Mark with an X;**

Specifications

Safety Method Statement

Risk Assessments

Site Plans – Existing

Site Plans – Proposed

Health & Safety Statement/Policy Documents

Signing In/Out Procedure In Force

Yes

Fencing Off

Yes

Closure - Partial

Yes

Closure - Total

Hours of Work Each Day

Proposed Start Date

Length of Works (Days/Weeks)

Proposed Finish Date

Signed

Print Name

Date

## 7 Tank and Line testing

### ***Mid Ulster District Council Policy***

Until 1996 it was normal to have both underground storage tanks and pipelines tested periodically. These periods were on installation, after 20 years, 25 years, 30 years and every 2 years thereafter.

The common practice now is to install Double Skin Steel Tanks and a pipe work system that either has secondary containment or twin walled that in each case, further reduces the risk of a leak and contamination.

Since 1996, there has been an increase in electronic gauging and monitoring for fuel leaks that are continuously measuring the contents and condition of the underground installation itself. Should a failure occur, both an audible and visual alarm will operate in the 'Back of Office' and in the majority of cases, automatically shuts the affected part of the installation down.

Sites having continuous monitoring will only be asked to test their tanks and pipelines if a leak is suspected, PROVIDED the Electronic Gauging System is maintained on a regular basis.

### ***Single Steel Tanks and Pipelines***

In the case of these types of installations, periodic testing will continue in the absence of more modern containment systems and continuous monitoring. Furthermore, any site that has a history of outflows and leaks will be subjected to periodic testing, irrespective of the kind of installation.

### ***Farms***

Taking into account the size of tanks and the low risk they pose, Self Certification will be arranged and the use of an 'Ullage' Test will be accepted. Here, the Licensee seals the tank fill point for 24 hours after taking a dip reading. After the 24 hours have elapsed a second dip reading is taken and provided there has been no reduction in the contents of the tank, it will be deemed to have passed.

It must be stressed that this facility may be removed if evidence of poor maintenance and management is recorded.

## 8 Dealing with leaks and spills

### ***Leaks and Spillages***

It is inevitable that at some stage, a fuel leak or spillage will take place on a Petroleum Licensed premises, the risk increases as the installation ages or the throughput of the site rises. The wear and tear on equipment such as delivery hoses, nozzles and valves will in time fail.

It is essential that a sound routine Maintenance Programme is in place to preserve the lifespan of the various components of the installation starting with simple checks through to specialist engineers attending the site to conduct maintenance work.

### ***Reporting leaks and Spillages***

It is a Condition of the Petroleum Licence to report any fire, explosion, leak or spillage but clearly some interpretation on this is necessary as the Petroleum Licensing could be contacted every time a few drops of fuel are spilt! Conversely, a leak or spillage of 100 litres represents a sizeable amount of fuel and in the case of petrol, can have catastrophic consequences if ignited.

The amount in either case to report a leak or spill should be 20 litres or more unless the circumstances suggest that site conditions will worsen.

In this case, the Licensee should contact the Petroleum Officer and the Northern Ireland Fire and Rescue Service.

### ***Information Required***

When reporting leaks and spillages, the caller should clearly state any or all of the following:

- Date and time of the incident
- Location or address of the incident
- A brief description of events leading to the incident
- Any accidents and injuries to people or property
- If the incident was captured on CCTV (if installed)
- What corrective action (if any) was taken at the time
- Who else has been informed of the incident
- If any of the Emergency Services were called (Police, Fire, Ambulance)

On receipt of the information you will be advised of the steps that will be taken, commencing with the reduction of any fire and explosion risk that may be posed.

### ***Pollution Incident Response Plan***

Although it is not a Condition of the Petroleum Licence, it is strongly recommended that all sites have their own 'Pollution Response Plan' that takes into account a major leak or spillage for up to the first hour of the incident occurring. This will involve Company Contacts and Specialist Contractors being called and the plan should cover any time of day or night.

## 9 Dangerous Substances and Explosive Atmosphere Regulations 2003

These Regulations implement the Chemical Agents Directive 98/24/EC (CAD) and the Explosives Atmospheres Directive 99/92/EC (ATEX 137). Known also as DSEAR, the regulations came into effect in Northern Ireland in 2003.

DSEAR require employers and the self employed to:

- Carry out a risk assessment of any work activities involving dangerous substances.
- Provide technical and organisational measures to eliminate or reduce as far as reasonably practicable the identified risks.
- Provide equipment and procedures to deal with accidents and emergencies.
- Classify places where explosive atmospheres may occur into zones and to mark those zones where necessary.

Overall, DSEAR can be seen as complimentary to the general duty to manage risks under the Management of Health and Safety at Work, making explicit good practices for reducing the risk to persons from fires, explosions and energy - releasing events which in turn are caused by dangerous substances such as flammable solvents and fuels.

It applies to substances that are known to be dangerous that include petrol and LPG and it is aimed at protecting persons from dangerous substances.

DSEAR requires employers (or self employed persons) to carry out a risk assessment before commencing any new work activity and in the case of an employer with 5 or more employees, to record the significant findings of the assessment as soon as possible that includes:

- The measures taken to eliminate and/or reduce the risk.
- Sufficient information to show the workplace and work equipment will be safe during operation and maintenance including any hazardous zones, any special measures to ensure the co-ordination of safety measures and procedures, when employers share a workplace.
- Arrangements to deal with accidents, incidents and emergencies.
- Measures taken to inform, instruct and train employees.

The risk assessment required by DSEAR is an identification and careful examination of the dangerous substances present in the workplace and the work activities involved.

DSEAR reflects the safety strategy of *ELIMINATION, CONTROL AND MITIGATION*.



## Advice and further Help

Should you wish to contact the Licensing officer for advice and guidance

In Person:

Call at Mid Ulster District Council – Building Control Department:

**Cookstown Office**

Burn Road  
COOKSTOWN  
BT80 8DT

**Dungannon Office**

Circular Road  
DUNGANNON  
BT71 6DT

**Magherafelt Office**

Ballyronan Road  
MAGHERAFELT  
BT45 6EN

In Writing:

William Wilkinson, Head of Building Control, Mid Ulster District Council, Magherafelt Office,  
Ballyronan Road, MAGHERAFELT BT45 6EN.

By Telephone:

Tel: 03000 132 132.

By Email:

[buildingcontrol@midulstercouncil.org](mailto:buildingcontrol@midulstercouncil.org)

## **Petroleum Licensing Conditions**

### **Part 1 - Definitions**

In the licence and for the purpose of these conditions (except in so far as the context otherwise requires) the following expressions shall have the meanings respectively assigned to them:

- 1.1 Approved** means the acceptance in writing by the Petroleum Licensing Authority.
- 1.2 Approved arrangements** means those arrangements relating to the design, construction and mode of operation of the licensed premises, which accord with the plans and specifications approved by the Petroleum Licensing Authority.
- 1.3 Inspector** means a person duly appointed in writing by the Petroleum Licensing Authority, under Section 21 of the Health & Safety at Work (Northern Ireland) Order 1978.
- 1.4 Competent person** means a person with enough practical and theoretical knowledge, training and actual experience to carry out a particular task safely and effectively. The person should have the necessary ability in the particular operation of the type of plant and equipment with which they are concerned, an understanding of relevant statutory requirements and an appreciation of the hazards involved. That person should also be able to recognise the need for specialist advice or assistance when necessary and to assess the importance of the results of examinations and tests. A 'person' can be taken to mean more than one, or a body corporate or unincorporated. It is therefore possible to appoint appropriate organisations (e.g. insurance companies or inspection bodies) to carry out tasks designated for competent persons.
- 1.5 Dangerous substance** means the same as that defined in the Dangerous Substances & Explosive Atmospheres Regulations (Northern Ireland) 2003.
- 1.6 Licence** means a licence authorising the keeping of petroleum-spirit issued by a Petroleum Licensing Authority pursuant to the Petroleum (Consolidation) Act (Northern Ireland) 1929 and 1937.
- 1.7 Licensed premises** means the premises in respect of which the licence is in force and shall include all buildings or parts of a building, tanks, pipework, pumps, dispensers, drainage, ancillary equipment, and forecourt area within that part of the premises relevant to the storage, delivery and dispensing of petroleum-spirit.

**1.8 Material alterations** mean any alteration, which could affect the risks from fire and explosion at the Licensed Premises and will include: -

- the change of or cessation of use of the licensed premises;
- the removal, temporary or permanent decommissioning, repair, replacement, modification or installation of any tank used for the storage of petroleum-spirit and any, pipeline or vapour pipeline associated with the storage and dispensing of petroleum-spirit;
- the change in use of a tank used to store petroleum-spirit;
- the removal without replacement of any petroleum-spirit pumps/dispensers;
- the installation of any pump/dispenser in a new location.
- the removal or installation of any part of the site's leak detection, spillage or delivery control system;
- a change in the Mode of Operation of the dispensing equipment;
- the removal or installation of any electrical equipment within the hazardous areas of the licensed premises;
- the construction of any buildings or works within the hazardous areas or elsewhere on the licensed premises; and
- the storage or cessation of storage of any other dangerous substances on the licensed premises

**1.9 Petroleum Licensing Authority** means Mid-Ulster District Council.

**1.10 Petroleum-spirit** means the same as that defined in section 23 of the Petroleum (Consolidation) Act (Northern Ireland) 1929 as amended.

**1.11 Mode of operation** means: -

- 'attended service' where a trained attendant operates the dispensing equipment;
- 'attended self-service' where the customers operate the dispensing equipment under the supervision of a trained attendant; and
- 'unattended self-service' or unmanned sites' where the customers operate the dispensing equipment without the supervision of a trained attendant.

**1.12 Suitable container** means: -

- a metal container satisfying the constructional and labelling requirements of the Petroleum-Spirit (Motor Vehicles etc) Regulations (Northern Ireland) 1930; or
- a plastic container satisfying the constructional and labelling requirements of the Petroleum-Spirit (Plastic Containers) Regulations (Northern Ireland) 1983; or
- a demountable fuel tank of a motor boat or similar vessel; or
- a United Nations approved container for the carriage of petrol.

**1.13 Supply** means sell or provide.

**Part 2 - General conditions**

- 2.1** The licence and any licence conditions issued, or copies of these documents, shall be kept on the licensed premises.
- 2.2** Where the licensee wishes to have the licence transferred to some other person or body, he shall notify the Petroleum Licensing Authority of the name and address of the proposed transferee at least 28 days before the occupation or ownership of the licensed premises is transferred to that other person or body.
- 2.3** The Licensee shall not undertake or permit to be undertaken any material alterations to the approved arrangements, unless the written consent of the Petroleum Licensing Authority has been obtained in advance.
- 2.4** The Licensee shall as soon as is reasonably practicable, notify the Petroleum Licensing Authority and confirm in writing the details of any: -
  - fire or explosion at the licensed premises;
  - significant spillage of petroleum-spirit or other dangerous substance at the licensed premises ;
  - actual or suspected leak of petroleum-spirit or other dangerous substance from the storage tanks, dispensers and the pipework installation at the licensed premises; and
  - other significant incident, which could affect the safe operation of the licensed premises.

**Part 3 - Dispensing and supply of petroleum-spirit**

- 3.1** No operating attendant shall be under the age of 16 years and when open for business the licensed premises shall be supervised by a competent person who shall not be under the age of 18 years.
- 3.2** The licensee shall not supply petroleum-spirit or any other dangerous substance to any person under the age of 16 years
- 3.3** Except where a petroleum-spirit dispenser is being tested for accuracy or during the course of repairs to the installation or any part thereof, petroleum-spirit shall only be dispensed into the fuel tank of an internal combustion engine, or into a suitable container. Any container used for this purpose shall immediately be securely closed and removed from the licensed premises or kept in a safe place.

**Part 4 – Record keeping**

- 4.1 The Licensee shall ensure that adequate records are kept of the petroleum-spirit monitoring and reconciliation system or the operation of any other suitable leak detection system or leak prevention system such that any leak of petroleum-spirit from the storage tanks or associated pipework is detected before a hazardous situation can arise.

Such records and documents should be retained for a minimum of 12 months and if requested be made available to the Petroleum Licensing Authority as soon as is reasonably practicable.

- 4.2 The licensee shall ensure that adequate records are kept of the maintenance regime and repairs carried out to the: -
- petrol installation; including the storage tanks, pipework, pumps and dispensers;
  - the spillage containment system; including drainage gullies and oil separators; and
  - any other plant or equipment located in areas classified as hazardous' within the meaning of regulation 7 of the Dangerous Substances & Explosive Atmospheres Regulations (Northern Ireland) 2003.

**Part 5 - Additional information**

- 5.1 As the licensee, you are reminded that compliance with Parts 1 to 4 of these Conditions of Petroleum Licence does not, in any way, absolve you from your statutory duties under the: -

- Electricity at Work Regulations (Northern Ireland) 1991
- Health and Safety at Work (Northern Ireland) Order 1978.
- Management of Health & Safety at Work Regulations (Northern Ireland) 2000; and
- Dangerous Substances & Explosive Atmospheres Regulations (Northern Ireland) 2003 (DSEAR) to control the risks of fires or explosives arising from the unloading (from road tankers), storage and dispensing of petroleum-spirit or any other dangerous substance.

- 5.2 Practical advice on how to comply with the requirements of the above Regulations and in particular DSEAR can be found in the following documents: -

- 'Petrol Filling Stations – Guidance on Managing the Risks of Fire & Explosions' <http://www.hse.gov.uk/LAU/LACS/65-58.htm>
- L138 'Dangerous Substances & Explosive Atmospheres - Approved Code of Practice & Guidance' 1. ISBN 0 7176 2203 7.
- L133 'Unloading Petrol from Road Tankers – Approved Code of Practice & Guidance' 1. ISBN 0 7176 2197 9.

## APPENDIX 2

- HSE NI 01 02-A 'Memorandum of Guidance on the Electricity at Work Regulations (Northern Ireland) 1991'<sup>1</sup>.
- Design, Construction, Modification, Maintenance & Decommissioning of Filling Stations (3rd edition). ISBN 978 0-85293-600-9. Available from the Energy Institute, 61 New Cavendish Street, London, W1G 7AR. 020 7467 7157.
- L21 'Management of Health and Safety at Work' – Management of Health and Safety at Work Regulations 1999 Approved Code of Practice and Guidance (2nd Edition) 1. ISBN 0 7176 2488 9.

<sup>1</sup> Health & Safety Executive publications are available from [HSE Books](#), PO Box 1999, Sudbury, Suffolk, CO10 2WA. Tel: 01787 881165.

**N**

<b>Subject</b>	<b>Report on LPS Vacant Properties</b>
<b>Date</b>	<b>8<sup>th</sup> September 2015</b>
<b>Reporting Officer</b>	<b>William Wilkinson</b>

<b>1</b>	<b>Purpose of Report</b>
1.1	To advise members on the “Building Control” and “Land and Property Services” – Joint Working Programme for the Mid Ulster Non-Domestic Vacancy Inspection Programme.

<b>2</b>	<b>Background</b>
2.1	<p>Land and Property Services (LPS) is a Division within the Department of Finance and Personnel and has responsibility for Mapping, Land Registration, Rates and Property Valuation in Northern Ireland.</p> <p>The Rates (Northern Ireland) Order 1978 provides the statutory cases for LPS to assess and collect rates for properties in Northern Ireland.</p> <p>Currently LPS has a list of all non-domestic rateable properties across Northern Ireland. The list is used to identify properties which are occupied or vacant.</p>

<b>3</b>	<b>Key Issues</b>
3.1	<p>Land and Property Services have requested all constituent councils to assist with the Non-Domestic Vacancy Control Programme. The programme is focused on ensuring that all commercial business activities are “Valued and Rated” for all purposes of rates collection including properties which had been declared as dormant and are now re-occupied.</p> <p>Currently within Mid Ulster District there are approximately 1300 commercial properties which are recorded as vacant. It is initially proposed that LPS forward a list of 30 properties across the district for inspection to be carried out on a monthly basis. The inspections will be carried out by Building Control Officers while visiting a locality as part of their daily duties.</p> <p>The Land and Property Services have published a document “Procedures for Occupancy Property Inspections” (see Appendix 1) which outlines the process of inspecting non-domestic premises which are currently noted as being vacant.</p> <p>The projected additional income to the Council would be dependent on the number of properties which are no longer vacant.</p>



	Number of properties occupied	Projected Additional Income to MUDC
	1 in 4	£154,926.70
	1 in 5	£123,941.36
	1 in 7	£88,494.13
	1 in 10	£61,970.68

As indicated above the Non-Domestic Vacancy Control Programme is financially beneficial to Mid Ulster District Council, although the actual financial benefit will be dependant on the number of properties which are no longer vacant.

<b>4</b>	<b>Resources</b>
4.1	<b><u>Financial</u></b> As costed within current Building Control Services
4.2	<b><u>Human</u></b> Time permitting within current available resources which will be kept under review.
4.3	<b><u>Basis for Professional/ Consultancy Support</u></b> N/A

<b>5</b>	<b>Other Considerations</b>
5.1	N/A

<b>6</b>	<b>Recommendations</b>
6.1	Members give approval to the roll-out of the Non-Domestic Vacancy Inspection Programme for Mid Ulster District Council.

<b>7</b>	<b>List of Documents Attached</b>
7.1	A copy of the "Land and Property Services" - "Procedures for Occupancy Property Inspections".

## LAND AND PROPERTY SERVICES

### PROCEDURES FOR OCCUPANCY PROPERTY INSPECTIONS

Version: 1.5(draft)  
Date: 31st October 2011  
Updated: 30<sup>th</sup> July 2015

## **Purpose**

This document sets out the procedures to follow when undertaking Land and Property Services (LPS) occupancy property inspections.

It details reasons why these inspections need to be performed and the various steps to be taken including roles and responsibilities.

Land and Property Services are required to assess and collect rates for properties in Northern Ireland under The Rates (Northern Ireland) Order 1977.

Occupancy property inspections are primarily required:-

1. To confirm the current situation with regard to vacancy or occupation of existing properties.
2. To investigate the current situation with new properties and obtain correct information to enable correct assessment of rates liability.
3. To substantiate, where appropriate, the position on properties where exemptions and exclusions from rates exist or are under consideration.

Appendices A, B & C provide detail on the valuation of properties, their capital values, effective dates and the calculation of rates bills. Appendix F provides a template property inspection sheet for completion.

A glossary of terms is included at appendix H.

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- 2.1 – 2.7 Preparation, Planning Field Visits**
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### **3. Council liaison with Land and Property Services**

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  - General Revaluation**
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## **1. INTRODUCTION**

- 1.1 The Rates (Northern Ireland) Order 1977 provides the statutory basis for Land & Property Services (LPS) to assess and collect rates for properties in Northern Ireland. Relevant areas of this Order are referred to in this document.
- 1.2 Ensuring accurate records of vacant properties, and accurate and complete information for billing all properties that are liable for rates, is of vital importance to the effectiveness of the rating system and the equity of rates.
- 1.3 LPS was criticised by the Public Accounts Committee (PAC) and had its accounts qualified for a number of reasons. These included not having sufficiently robust processes to manage vacant property and for not maintaining sufficiently detailed records in relation to vacant property. Management of vacant properties is critical to ensure the necessary accurate information is provided to Revenue & Benefits within LPS to facilitate the issue of a rates bill.
- 1.4 Valuation Lists provide valuation details of all properties in Northern Ireland which are subject to rates. Further detail on valuation including revaluation, net annual valuation and capital values is included at Appendix A.

- 1.5 The Regional rate is set by the Northern Ireland Executive, whereas District rates are set annually by each of the 11 Councils. Further detail including how the rates are used in the calculation of rates bills is included at Appendix B.
- 1.6 Certificates of Revision (CRs) are records of the valuation of properties for rating purposes as decided by Land and Property Services Valuation. These are issued to ratepayers following changes to the Valuation List such as the valuation of new properties and changes in valuation of existing properties. Further detail can be found at Appendix C.
- 1.7 The primary computer systems to support these processes are Abbacus and Assessment Office. More details are available at Appendix H.

**Abbacus:** This is the main computer system that supports the Rating element within Land and Property Services. It supports assessment, billing collection, recovery and benefits.

**Assessment Office (AO) System:** This IT system is used by staff working in LPS Valuation. The system supports a range of activities including the storage of property details and casework documents. The ultimate objective of the system is to hold the valuation of each property on the Valuation List and new valuation and changes to existing valuations are sent to the Abbacus system on a weekly basis, for the assessment and billing of rates.

**Pointer:** This is the comprehensive address database for Northern Ireland. It is managed and maintained by Land and Property Services.

1.8 It is proposed that an approach based on a mixture of data checks and physical inspections is adopted to manage inspection activities. Data checks against appropriate data sources will be used to validate low risk cases but on the ground physical inspections will be required for high risk cases. The Central Investigation Team (CIT) in Revenues and Benefits (R & B) will be responsible for overall management of the process within a framework agreed within R & B operations. It is envisaged that, subject to agreement, physical inspections will be carried out by either District or Borough Councils or Inspectors within LPS and data checks will be carried out by CIT. Work will be allocated by CIT and the results of checks and inspections will be input into the relevant IT systems by R & B Operations.

## **2. PROPERTY INSPECTION PROCESS**

### **OBJECTIVE**

- The primary objective is to collect **accurate occupier full name or owner full name and occupation date or date of ownership** to enable quick and accurate billing for rates to be carried out based on information collected.

2.1 The processes to be performed to obtain relevant property ownership and vacancy information required for assessment and billing purposes is detailed in the following paragraphs.

2.2 Relevant roles and responsibilities are detailed for specific parts of the process in addition to obligations to be observed in line with the Data Protection Act 1988 when gathering, forwarding and retaining data.

The inspection sheet for completion is provided at Appendix F.

2.3 Subject to agreement it is intended to commence this process as a pilot with participating councils from the 3<sup>rd</sup> October 2011 on a rolling 6 weekly programme which will include:

- Agreement with Revenues & Benefits Operations on number of cases which they can process (suggested volumes – 60 in Belfast and figures to be revised and agreed by other Councils.
- identification of cases based on value of property
- initial list allocation to councils
- 4 week inspection process and 2 week turnaround
- receipt and sift of inspection sheet returns
- commence process of completed work to assessment and billing
- commence further investigations on partial sheet returns
- allocation of further property lists for inspection process



- 2.4 Evaluation of the process will be carried out at the end of the financial year and agreement will be reached by management on the way forward. Additional Councils may be added during this period with the agreement of all parties. Rolling spreadsheets for each council will record ongoing completed work and subsequent bills generated. This will provide feedback data for Councils on an ongoing basis.

## **Preparation**

- 2.5 Staff should ensure that they have a valid Identification pass and a mobile phone.

All District & Borough Council Line Managers should also ensure that Property Inspectors have a valid driving licence with appropriate business insurance.

LPS will provide calling cards with specific CIT contact details.

## **Route Planning:**

- 2.6 Plan a safe route using all resources available such as Sat Nav (if applicable), Ordnance Survey Maps & Google Maps.

Visits should be agreed with Line Manager so as to maximise resources.

Staff should consider weather implications and time of year to ensure their Health & Safety at all times.

## **Field Visits**

- 2.7 Inspectors should only inspect properties if they feel it is safe to do so. If the property has not been inspected, it must be recorded for future reference.
- Unable to locate
  - No access
  - Unsafe.

If at any time staff are apprehensive about going to a property they should report this to their Line Manager. If it is agreed that the inspection should proceed the Line Manager

will then ensure that after 10-15 minutes the officer is contacted on their mobile phone.

The inspection sheet at Appendix F should be populated with agreed relevant details such as NAV, Prop ID & Description. Staff should also carry spare copies of inspection sheets to allow for errors.

Calling cards should be left when inspections are performed after a second visit.

## **Data Protection**

2.8 Inspectors are required to fulfil obligations regarding the gathering, forwarding and retention of data. These obligations are defined within the principles of the Data Protection Act 1988.

Data gathering arrangements should ensure that:

- specific responsibilities for security of data have been allocated to one or more managers;
- security measures take appropriate account of the physical environment in which data are held, including the security of premises and storage facilities;
- there are physical and logical controls to restrict access to data held electronically, so that only those named individuals who need to access the data for the purpose of data matching exercises can do so;
- all staff with access to data are given training that is sufficient to enable staff to appreciate why and how they need to protect the data. CIT are in liaison with LPS training unit.

These obligations are defined within the principles of the Data Protection Act 1988. The 8 specific principles are found at Appendix G of this document.

## INFORMATION FOR THE PUBLIC

### 2.9

- Vacancy Inspectors should have identification with them at all times.
- Vacancy inspectors should give their name on request.
- Inspectors should explain why they are looking for information and what information is required.
- Inspectors are authorised to collect data on behalf of LPS for Billing purposes.
- A copy of authorisation letter should be retained by the Inspector on visits.

## OBTAINING INFORMATION

### 2.10

- Information obtained will be used for the billing of rates.
- If the property is owner occupied, the **occupier full name, (no initials), and date occupation commenced is required for billing**
- Previous owner/occupier information should be obtained as far as reasonably possible
- If the property is vacant, the full name of the owner is required and the date they became the owner
- Billing addresses for owners should be obtained
- Inspectors should explore all reasonable avenues to gain information, but respect the owner/occupier's privacy.
- It is not sufficient to say 'appears' vacant/occupied. Every effort should be made to determine if the property is occupied or vacant.
- If there is a 'for sale/to let/sold sign', record the Agent.
- Use of photographic evidence to substantiate state of properties in a poor state of repair. This evidence can be associated with the inspection sheet for Valuation consideration.

## **INSPECTION SHEETS**

2.11 Inspection sheets should be filled in correctly and legibly

All relevant fields should be completed i.e. all mandatory fields and, if possible, the optional fields.

### **Names**

To facilitate the information required for correct billing of ratepayers full forenames and surnames should be entered in addition to correct titles. This is required in respect of both owner and occupier details and for non-domestic and domestic field visits.

Inspectors should identify

1. Is property vacant?
2. If vacant – who is owner/agent/previous occupier?
3. Is property for sale/ to let – who is agent?
4. Is property occupied?
5. If occupied – who is occupier/phone number?
6. Is occupier also the owner/phone number?
7. When did property become occupied by the current occupier?
8. Detail dates of 1<sup>st</sup> visit, 2<sup>nd</sup> visit etc.
9. Phone numbers of owners/occupiers/tenants/agents etc.
10. Company details if applicable
11. Change in property status

**Last Date Inspected** – date inspected or in the case of multiple visits, the last date inspected.

### **Occupancy:**

- if vacant then 'V'
- if occupied and name/date provided then 'O'
- if occupied and incomplete data provided then 'U' (further action required by LPS under Article 26 Rates Order)

Inspectors must endeavour to complete all areas on the inspection sheet relevant to the particular property they visit. Data will be identified as mandatory or optional. Every effort should be made to obtain the mandatory information and where possible, the optional information should be obtained. Where mandatory information cannot be provided digital photographs may be appropriate to provide evidence where required.

Completed inspection sheet(s) should be forwarded by hard copy or on agreed format with the local council to LPS Central Investigation Team, (CIT), Lanyon Plaza, 7 Lanyon Place, Town Parks, Belfast, BT1 3LP in a batch 4 weeks after receipt of the initially allocated list. Any additional evidence should also be attached to the hard copy of forwarded stating the relevant Property ID.

All data obtained via inspections, and sent to LPS CIT, will be actioned on a 6 week rolling programme. Any incomplete inspection sheets will be investigated by LPS CIT in an attempt to obtain the missing data needed to generate a rate account. Where missing data cannot be obtained by LPS CIT, the property will remain as vacant and will be included in the next full vacancy list, produced. Inspection staff will be made aware of when incomplete inspection sheets have been received by LPS CIT to assist with future data gathering.

### **3. Council liaison with Land and Property Services**

- 3.1 LPS is in consultation with District & Borough Councils on this process to ensure uniformity of approach and smooth generic liaison.
- 3.2 The EO1 will be the single point of contact with Councils on the work allocated and issues with cases. In the absence of the EO1 the EO2 will deputise.
- 3.3 In a similar fashion each Council should have a single point of contact on work issues and issues arising with a person nominated to deputise in their absence.
- 3.4 It is imperative that two way feedback is in place from the outset of the process to ensure areas of concern are flagged up and addressed.
- 3.5 The EO1 will keep the Local Authority Liaison Team apprised of overall statistics and will escalate strategic issues (i.e. non-casework issues) to them.
- 3.6 The EO1 will ensure that clear guidelines and instructions are available to Council staff and that appropriate training is delivered.

## Appendix A

### VALUATION LISTS

Valuation lists provide valuation details of all properties in Northern Ireland which are subject to rates. Prior to 1st April 2007 there was a single valuation list for both domestic and non-domestic properties. However from this date a separate list for domestic properties was introduced. The current valuation list for domestic properties commenced on the 1<sup>st</sup> April 2007, with the list for non domestic properties effective from 1st April 2003.

The Commissioner of Valuation within Land and Property Services is responsible for maintaining the Valuation Lists, which involves adding new properties to the list as they are complete, removing properties that become derelict or unfit for occupancy, and up-dating valuations following changes to properties.

[The Rates \(Northern Ireland Order 1977 Article 40\)](#)

[The Rates \(Northern Ireland\) Order 1977 Article 46](#)

[The Rates \(Northern Ireland\) Order 1977 Article 47](#)

[The Rates \(Northern Ireland\) Order 1977 Article 48](#)

### GENERAL REVALUATION

The purpose of a General Revaluation is to update rateable values based on up-to-date rental and property values, creating a closer, fairer link between these values and the amount of rates payable by individual ratepayers. A new valuation list resulting from General Revaluation should be prepared by the Commissioner and issued on or before 31st December in the fifth year after the year in which the list containing the previous General Revaluation was

issued. General Revaluations in Northern Ireland have been as follows, First – 1936, Second – 1957, Third – 1976, Fourth – 1997, Fifth – 2003. A revaluation of non-domestic properties was planned for April 2011 but was postponed and is now due to take place in April 2015. The 7<sup>th</sup> General Revaluation list has now been completed and is effective from 1<sup>st</sup> April 2015.

As a result of the Review of Rating Policy how domestic properties are valued changed. From the 1 April 2007 all domestic properties were valued for rating purposes on an estimate of their Capital Value. This period is referred to as the 6<sup>th</sup> billing period.

### **NET ANNUAL VALUATION (NAV)**

The valuation of all non- domestic rateable property is fixed on the basis of the rental value. The Net Annual Value (NAV) is an estimate of the yearly rent which the property could reasonably be let for assuming the following:

- Property was vacant
- Tenant agreed to pay rates
- Tenant agreed to be responsible for repairs
- Tenant agreed to be responsible for property insurance

### **CAPITAL VALUE (CV)**

As a result of the Review of Rating Policy, a capital value based domestic rating system was introduced in Northern Ireland from 1 April 2007. From this date the valuation of all domestic properties is based on an estimate of the amount the property might reasonably be expected to obtain if sold by a willing seller on the 1



January 2005 (antecedent date). Prior to 1 April 2007 domestic properties were rated on the NAV set on the property.

## Appendix B

### REGIONAL AND DISTRICT RATES

**The Regional Rate** is set by the Northern Ireland Executive; the same rate is applied throughout Northern Ireland. The Regional Rate has separate figures for domestic and non-domestic properties and funds services such as:

- Education
- Health
- Emergency Services
- Housing
- Roads
- Water and Sewerage.

**The District Rate** is set annually by each of the 11 District & Borough Councils; again different rates apply to domestic and non-domestic properties and funds services such as:

- Building Control
- Leisure facilities
- Environmental
- Tourism
- Community centres
- Arts, events and recreation

The Regional Rate and the District Rate are added together to become the Rates Poundage and together with the valuation of the property are a key component of any rate calculation.

### **HOW RATES BILLS ARE CALCULATED**

Once all the relevant information (property details, valuation, customer information etc) is gathered and input to the LPS ABBACUS computer system this will automatically calculate the amount of rates due, taking into account any capping, reliefs and allowances if appropriate due on the customer's account. The calculation process for domestic and non-domestic properties is made up as follows:

#### **Calculation Examples**

<b>Domestic</b>			<b>Non- Domestic</b>		
<b>Rateable Capital value of Property (CV)</b>			<b>Rateable Net Annual Value (NAV)</b>		
<b>X</b>			<b>X</b>		
<b>(Domestic Domestic</b>	<b>Regional District Rate)</b>	<b>+</b>	<b>(Non-Domestic Regional Rate + Non-Domestic District Rate)</b>		
<b>= Rates Payable</b>			<b>= Rates Payable</b>		

### **MIXED HERIDITAMENTS**

Properties which are defined by Valuation as having both domestic and non-domestic use will have a split valuation. In these cases the domestic part of the property would have a CV and the non-domestic element an NAV. A combination of both the CV and NAV is used when calculating rates liabilities for these properties.

## **Appendix C**

### **CERTIFICATES OF REVISION (CRs)**

A Certificate of Revision (CR) is a record of the valuation of a property for rating purposes as decided by Land and Property Services Valuation. These are issued to ratepayers following changes in valuation of properties, or new properties being added to the valuation list.

### **CIRCUMSTANCES IN WHICH CRs ARE ISSUED**

There are a number of circumstances which can result in CRs being issued. The main ones include:-

- New properties being added to the valuation list
- Property renovated or altered/merged
- Demolished properties
- Property deleted from the valuation list (demolished)
- Property made exempt or part exempt
- Result of an Appeal

CRs are issued by the District Valuer to ratepayers; at the same time the information contained on the certificate is transferred electronically to the ABBACUS system. Staff within LPS action CR's where all the information is available to complete the change.

## **EFFECTIVE DATES**

Each addition, alteration or deletion detailed on a CR must have an effective date, i.e., a date from which the change took place. Once the effective date for the change is identified and applied to the ABBACUS system the customers rate liability will be calculated with the change applied from that date. Article 13 of The Rates (Northern Ireland) Order 1977 governs the effect of alterations in the valuation list, defining the various rules and circumstances to consider when identifying the correct effective date.

[\*The Rates \(Northern Ireland\) Order 1977 Article 13\*](#)

## **COMPLETION NOTICES**

A completion notice may be served on the person entitled to possession of a newly constructed property if it is deemed that the property can be completed within 3 months. The process will be administered by LPS Valuation staff in conjunction with District & Borough Council Building Control sections.

## Appendix D

### District Council Contact Details:

<b>Council</b>	<b>Contact Name</b>	<b>Phone No</b>	<b>Email address</b>
Antrim & Newtownabbey	Jason York	028 94 463113	@antrimnewtownabbey.gov.uk
		028 90 340140	@antrimnewtownabbey.gov.uk
Armagh Banbridge & Craigavon	Jonathan Hayes		@armaghbanbridgecraigavon.gov.uk
	Kevin Fitzsimons		@armaghbanbridgecraigavon.gov.uk
	Richard Dale	028 38 312503	@armaghbanbridgecraigavon.gov.uk
Belfast	Francis Toland	028 90 270603	@belfastcity.gov.uk
	Roisin Adams	028 90 270826	@belfastcity.gov.uk
Causeway Coast & Glens	Aidan McPeake (Director)	028 70 347311	@causewaycoastandglens.gov.uk
	Justin Knox	028 70 347252	@causewaycoastandglens.gov.uk
Derry & Strabane		028 71 253253	@derrycityandstrabanedistrict.com
Fermanagh & Omagh			
Lisburn & Castlereagh		028 92 509372	@lisburncastlereagh.gov.uk
		028 90 494610	@lisburncastlereagh.gov.uk
Mid & East Antrim	Mabel Higgins	028 25 633485	@ballymena.gov.uk
	Stephen Montgomery	028 93 358000	@midandeastantrim.gov.uk
	Ross Reid	028 28 272313	@midandeastantrim.gov.uk
Mid Ulster		0300 013 2132	midulstercouncil.org
Newry, Mourne & Down	Darren Mullen	028 30 313000	@newryandmourne.gov.uk
	Christine Hanna	028 44 610829	@nmandd.org
Ards & North Down		0300 113 3333	@ardsandnorthdown.gov.uk

### **Exclusion Categories**

**There are 13 Exclusion Categories.**

#### **Qualifying Industrial Hereditament**

A property that has been constructed or adapted in the course of a trade or business for one or more of the following purposes:

1. The manufacture, repair or adaptation of goods or materials.
2. The working or processing of minerals.
3. The generation of electricity.

Evidence must be provided to show that the property was constructed or adapted for one of the above definitions.

#### **Occupation is prohibited by law**

Occupation of a non domestic property has been prohibited by a relevant law or court order.

Written confirmation detailing the specific reason(s) and precise basis why occupation is prohibited by law, eg evidence from the body or legal authority with the legal authority to prohibit occupation.

#### **Occupation is prohibited by a public authority**

A non domestic property is vacant due to action taken by or on behalf of a public authority with a view to prohibiting its occupation or to acquiring it.

Written third party evidence from the public body including detail of action and purpose.

## **Local Enterprise Agency (LEA)**

LEA's are limited companies funded in whole or in part by a public body to support and provide accommodation for small business development.

Exclusions can be granted for 12 months on properties that became vacant on or after 1<sup>st</sup> April 2007.

## **Property is a listed building or is the subject of a Building Preservation Notice**

If the property or part of a property is included in a list compiled under Article 42 of the Planning (Northern Ireland) Order 1991(b) or is the subject of a building preservation notice within the meaning of Article 42A of that Order.

Written confirmation from the NIEA and confirm Historic Building Number.

## **Property is a Historic Monument**

If the property or part of the property is included in the Schedule of Monuments compiled under Article 3(1) of the Historic Monuments and Archaeological Objects (NI) Order 1995(c).

Written confirmation from the NIEA

## **Property is the responsibility of the Personal Representatives of a Deceased Person**

The personal representative(s) is the person(s) who administers the deceased person's estate.

An exclusion may be granted if they are entitled to possession of the property only in their capacity as the personal representative of the deceased person. This is awarded from the date of the deceased person's death, until the deceased person's estate is settled.



Written confirmation from a practising solicitor or personal representative detailing:

Name of deceased

Date of death

Name of personal representative

Confirmation that the estate has yet to be settled

### **Trustee under Deed of Arrangement**

An exclusion may be granted if they are entitled to possession of the property in their capacity as a trustee under a deed of arrangement to which Chapter 1 of part VIII of the Insolvency (NI) Order 1989 applies.

Written confirmation from the trustee of their appointment and that they are the person entitled to possession.

### **Liquidator**

An exclusion may be granted if the liquidator can prove that the person is entitled to possession under Article 98 or Article 123 of the Insolvency (NI) Order 1989.

Written confirmation from the liquidator of their appointment, date of liquidation and that they are entitled to possession.

### **Company in Administration**

If the person entitled to possession is a company which is subject to an Administration Order, they may be granted an exclusion from 1<sup>st</sup> April 2010.

Written confirmation required: the date of the company went into administration

### **Foyle, Carlingford and Irish Lights Commission**

An exclusion may be granted if a property, other than a fishery where the above bodies under North/South Co-operation (Implementation bodies) Order 1999 is entitled to possession.

Written confirmation is required from the Commission detailing possession.

### **Bankruptcy Order**

If the person entitled to possession of the property is subject to a Bankruptcy Order, within the meaning of Parts I and VIII to X of the 1989 Order, they may be granted an exclusion.

Written confirmation of the date the order was in place, the bankruptcy reference order and that the person subject to the order is the person entitled to possession.

### **Insolvency or Winding up Order**

An exclusion may be granted if the person entitled to a possession of the property is subject to a winding up order made under the 1989 Order or is being voluntarily wound up.

Written confirmation of the date the order was in place and the full name of the insolvency practitioner and the registered office address.



<b>Property Add:</b>
----------------------

<b>Ownership Details</b>	
<b>Owner's Full Name(s)</b>	
<b>Company Name</b> <i>If applicable</i>	
<b>Date of Ownership</b>	
<b>Billing Address</b>	
<b>Owner's Contact Details</b>	<b>Landline</b> <b>Mobile</b> <b>Email</b>
<b>Is the Occupier a Limited company or PLC.</b> <i>Indicate which is applicable</i>	<b>Yes</b> <input type="checkbox"/> / <b>No</b> <input type="checkbox"/> <b>If yes input details</b>

<b>Occupier Details</b>	
<b>Occupier's Full Name</b>	1. 2.
<b>Business Trading Name</b>	
<b>Bill Address</b>	
<b>Occupier's Contact Details</b>	<b>Landline</b> <b>Mobile</b> <b>Email</b>
<b>Is the Occupier a Limited company or PLC.</b> <i>Indicate which is applicable</i>	<b>Yes</b> <input type="checkbox"/> / <b>No</b> <input type="checkbox"/> <b>If yes input details</b>
<b>Exact Start Date of lease</b>	
<b>Exact Start Date of occupation</b>	
<b>Exact End Date of occupation</b>	
<b>Exact End Date of lease</b>	

**\*Complete in Block Capitals**

<b>Agents</b>	
<b>Name of Managing, letting, Estate Agent</b>	
<b>Agents contact Details</b>	
<b>Solicitor details (if obtainable)</b>	
<b>Solicitor contact Details</b>	

Property Add:

**Evidence/Documentation:** - Whether property is occupied or vacant, including any visual / photographic evidence. Details of efforts made to obtain information (e.g. third parties spoken to, information obtained)

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**Any Additional Information:** - Building Control system/paper documentation held: e.g. hard copy papers relating to building control, site plans, maps.

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Signed ..... (Vacancy Inspector)

Print Name..... Date .....

**THE DATA PROTECTION PRINCIPLES**

- 1 Personal data shall be processed fairly and lawfully and, in particular, shall not be processed unless—
  - (a) at least one of the conditions in Schedule 2 is met, and
  - (b) in the case of sensitive personal data, at least one of the conditions in Schedule 3 is also met.
- 2 Personal data shall be obtained only for one or more specified and lawful purposes, and shall not be further processed in any manner incompatible with that purpose or those purposes.
- 3 Personal data shall be adequate, relevant and not excessive in relation to the purpose or purposes for which they are processed.
- 4 Personal data shall be accurate and, where necessary, kept up to date.
- 5 Personal data processed for any purpose or purposes shall not be kept for longer than is necessary for that purpose or those purposes.
- 6 Personal data shall be processed in accordance with the rights of data subjects under this Act.
- 7 Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data.
- 8 Personal data shall not be transferred to a country or territory outside the European Economic Area unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data.

## GLOSSARY OF TERMS

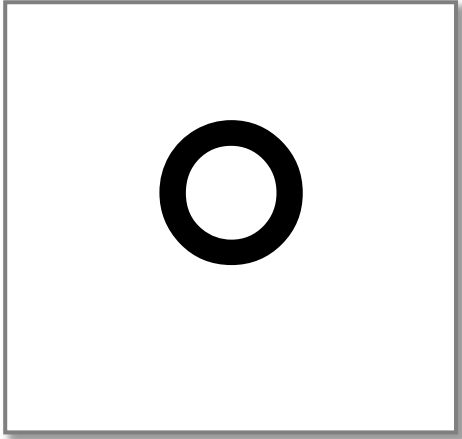
Term	Definition
<b>ABBACUS</b>	The Revenues and Benefits IT system ( <b>A</b> ssessment, <b>B</b> illing, <b>B</b> enefits and <b>C</b> ollection <b>U</b> ppdate <b>S</b> ystem) - supports the collection and recovery of rates and the administration of rating benefits and reliefs
<b>Allowances</b>	Taken into consideration when calculating Capital Value and Net Annual Value
<b>Antecedent Date</b>	A date that occurs prior to another date.
<b>Assessment Office (AO)</b>	The Assessment Office System (AO) is the IT system used by staff working in LPS Valuation. The system supports a range of activities including the storage of property details including address data and casework documents relative to the valuation of property. It is the verifiable source of the Domestic and Non-domestic Valuation Lists.
<b>Appeal</b>	Method of challenging valuation decisions
<b>Application for Revision</b>	How ratepayers request a revision of their valuation
<b>Assessment</b>	Calculation of rate liability
<b>Capital Value (CV)</b>	Figure used for calculating rate liabilities in the domestic sector
<b>CR (Certificate of Revision)</b>	Record of valuation following revision
<b>Change of Opinion</b>	Where the outcome of an application for revision or appeal results in the revision of similar properties in the location.
<b>Charitable Exemption</b>	100% relief for properties occupied by registered charities and used for public benefit or charitable purposes.
<b>Comments</b>	Reason for revaluation recorded on CR
<b>Completion Notice</b>	A completion notice may be served on the person entitled to possession of a newly constructed property if it is deemed that the property can be completed within 3 months. The process is administrated by LPS

	Valuation staff in conjunction with District & Borough Council Building Control sections.
<b>Distinguishment</b>	The description of a property or building.
<b>District Rate</b>	Figures set annually by each of the 26 District & Borough Councils, combined with the Regional Rate when calculating rates.
<b>Domestic</b>	A property used for domestic purposes i.e. as a home
<b>Effective Date</b>	Date a change of valuation applies
<b>Exemptions</b>	Categories where rates are fully or partially reduced, includes Industrial De-rating, Sport & Recreation, Freight & Transport and other exemptions.
<b>Exclusions</b>	Where an exclusion from rates liability has been determined as being due by LPS
<b>General Revaluation</b>	Method of updating rateable values based on up to-date rental and property values,
<b>Happening of Event</b>	The date any change happened or was complete, used in some circumstances to decide the effective date for the relevant change.
<b>Hereditament</b>	A unit of property to which a rateable value is applied
<b>Industrial De-rating</b>	Rate relief for industrial properties
<b>Land and Property Services (LPS)</b>	Agency responsible for mapping, land registration, rating and valuation.
<b>Net Annual Value (NAV)</b>	Figure used for calculating rate liabilities in the non - domestic sector
<b>Never Occupied</b>	Property that has not been occupied at any time (primarily new properties)
<b>Material Change</b>	Change to a property that effects the NAV or CV
<b>Maximum Capital Value</b>	The maximum capital value figure used in the assessment of domestic rates – currently £400k
<b>Mixed Hereditament</b>	A term commonly used to describe a property used for both domestic and non-domestic purposes
<b>Non-domestic</b>	A property used for any purpose other than domestic
<b>Northern Ireland</b>	Deals with appeals for domestic and non-



<b>Valuation Tribunal</b>	domestic properties
<b>Pointer</b>	Comprehensive address database for Northern Ireland, managed and maintained by LPS
<b>Poundage</b>	Combination of the Regional and District rate used for calculating rate liability.
<b>Proposed Occupier</b>	Occupier name provided by Valuation on a CR
<b>Rateable Value</b>	The figure used after deductions for exclusions and allowances for both CV and NAV. This is the figure used when calculating rate liabilities.
<b>Regional Rate</b>	A figure set by the Northern Ireland Executive, combined with the District Rate when calculating rate bills.
<b>Relevant Date</b>	Suggested effective/start date supplied by Valuation
<b>Revenue and Benefits (Revs &amp; Bens)</b>	Directorate within LPS responsible for the assessment, billing, collection and recovery of rates and the administration of benefits and reliefs.
<b>Vacant</b>	Period of time when the property is vacant or unused.
<b>Valuation</b>	Directorate responsible for all Domestic and Non-domestic rating assessments, Client Services and Valuation Admin Support.

DF1/11/404409



<b>Subject</b>	<b>Fire Risk Assessment of Buildings</b>
<b>Date</b>	<b>8 September 2015</b>
<b>Reporting Officer</b>	<b>William Wilkinson – Head of Building Control</b>

<b>1</b>	<b>Purpose of Report</b>
1.1	To advise members on the current position of Fire Risk Assessments for all premises under the control of Mid-Ulster District Council.

<b>2</b>	<b>Background</b>
2.1	<p>Following the introduction of “The Fire and Rescue Services (Northern Ireland) Order 2006” and “The Fire Safety Regulations (Northern Ireland) 2010” a fire risk assessments were required to be carried out on all Council Buildings occupied by staff or visited by the public. There are a number of key issues under the legislation which shall be addressed as follows:-</p> <ol style="list-style-type: none"> <li>i. Carry out a fire risk assessment identifying any possible dangers and risks.</li> <li>ii. Consider who may be at risk.</li> <li>iii. Eliminate or reduce the risk from fire as far as is reasonably possible and provide general fire precautions to deal with any remaining risk.</li> <li>iv. Take additional measures to make sure there is protection of flammable or explosive materials that are used or stored.</li> <li>v. Create a plan to deal with any emergency in the event of fire.</li> <li>vi. Where there are five employees or more, a record of the significant findings of the risk assessment and any actions to remove/reduce the risk should be recorded.</li> <li>vii. Review the risk assessment where considered necessary.</li> </ol>

<b>3</b>	<b>Key Issues</b>
3.1	<p><b><u>Key Issues</u></b></p> <p>Currently there are sixty premises under or partially under the control of Mid-Ulster District Council (See Appendix 1). The larger buildings have fire risk assessment carried out and recommendations forwarded for actioning. It is considered that all buildings listed should have a fire risk assessment carried out and reviewed as necessary.</p>

	<p>The period of time required for the review to be carried out is dependent on the nature and use of the premises. Buildings frequented by the public or where there is more than five employees habitually employed would merit a review at least every three years depending on their use.</p> <p>As indicated on the schedule , a recommended period for review of Fire Risk Assessment has been specified for each building.</p>
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<b>4</b>	<b>Resources</b>
4.1	<p><b><u>Financial</u></b></p> <p>As agreed with Property Services.</p>
4.2	<p><b><u>Human</u></b></p> <p>With current Building Control staff.</p>
4.3	<p><b><u>Basis for Professional/ Consultancy Support</u></b></p> <p>None.</p>
4.4	<p><b><u>Other</u></b></p> <p>N/A.</p>

<b>5</b>	<b>Other Considerations</b>
5.1	None.

<b>6</b>	<b>Recommendations</b>
6.1	Members agree to the completion of Fire Risk Assessments on all buildings as detailed on the schedule (See Appendix 1) and reviewed as necessary.

<b>7</b>	<b>List of Documents Attached</b>
7.1	Appendix 1 – Fire Risk Building List.

FIRE RISK BUILDING LIST

<b>No.</b>	<b>Building</b>	<b>Level of Risk</b>	<b>Risk Assessment Frequency (Years)</b>
1	Magherafelt Offices	Medium	3 + Reviewed Annually
2	Dungannon Offices	Medium	3 + Reviewed Annually
3	Cookstown Offices	Medium	3 + Reviewed Annually
4	Northland Row	Medium	3 + Reviewed Annually
5	Ranfurly House	Medium	3 + Reviewed Annually
6	Burnavon	Medium	3 + Reviewed Annually
7	Cookstown leisure Centre	Medium	3 + Reviewed Annually
8	Dungannon Leisure Centre	Medium	3 + Reviewed Annually
9	Maghera Leisure Centre	Medium	3 + Reviewed Annually
10	Meadowbank Old Pavilion	Medium	3 + Reviewed Annually
11	U.S. Grants Ancestral Homestead	Medium	3 + Occupier to provide
12	Gortgonis Community Centre/Gym	Medium	3 + Occupier to provide
13	Magherafelt Depot	Medium	3
14	Dungannon Depot	Medium	3
15	Cookstown Operational Services Yard	Medium	3
16	Magherafelt Recycling Centre	Medium	3
17	Killymaddy	Medium	3
18	Mid Ulster Sports Arena Pavilion	Medium	3
19	Mid Ulster Sports Arena Changing	Medium	3
20	Mid Ulster Sports Arena Indoor Pitch	Medium	3
21	Meadowbank Sports Arena	Medium	3
22	Moneymore Recreation Centre	Medium	3
23	Castlecaulfield Pavilion	Medium	3
24	Dungannon Park Pavilion	Medium	3
25	Round Lake Caravan & Pavilion	Medium	3
26	Greenvale Plant Room	Medium	3
27	Castledawson Civic Amenity Site	Low	5
28	Draperstown Civic Amenity Site	Low	5
29	Drumcoo Civic Amenity Site	Low	5
30	Fivemiletown Civic Amenity Site	Low	5
31	Coalisland Civic Amenity Site	Low	5
32	Maghera Civic Amenity Site	Low	5
33	Molesworth Civic Amenity Site	Low	5
34	Tullyvar Office	Low	5
35	Magheraglass Office	Low	5
36	Ballymacombe Office	Low	5
37	Coolehill Cemetery Office/store	Low	5
38	Cottagequinn Cemetery Office/store	Low	5
39	Forthill Cemetery Office/store	Low	5
40	Polepatrick Office/store	Low	5
41	Ballyronan Marina Office	Low	5
42	Knockloughrim Changing Rooms	Low	5
43	Boyne Row Changing Pavilion	Low	5
44	Cahore Changing Pavilion	Low	5
45	Magherafelt Bowling Pavilion	Low	5
46	Dungannon Bowling Pavilion	Low	5
47	Fairhill Bowling Pavilion	Low	5
48	Tobermore Golf Centre	Low	5
49	Mill Park Changing Pavilion	Low	5

50	Drumcoo Football Pavilion	Low	5
51	King George V Pavilion	Low	5
52	Dungannon Park Stores	Low	5
53	Brantry Lodge	Low	5
54	Benburb Pavilion	Low	5
55	Aughnacloy Pavilion	Low	5
56	Ballygawley Pavilion	Low	5

<b>No.</b>	<b>Buildings Occupied by Others</b>	<b>Occupied By</b>	<b>Level of Risk</b>	<b>Risk Assessment Frequency (Years) + Comment</b>
57	Tobermore Football Club (leased by council & sub leased to FC)	Tobermore Football Club	Medium	Occupier to provide
58	Greenvale Leisure Centre	Pulse	Medium	Occupier to provide
59	The Bridewell Centre	MUDC + Libraries N.I.	Medium	3 years - Council + Occupier to provide
60	Draperstown Old Court House	Wombles Playgroup	Medium	Occupier to provide
61	Gortalowry House	MUDC + Multiple Parties	Medium	3 years – Council + Request from landlord

**P**

<b>Subject</b>	<b>Update on Bulky Waste Collection Service</b>
<b>Date</b>	<b>8<sup>th</sup> September 2015</b>
<b>Reporting Officer</b>	<b>Mark McAdoo, Head of Environmental Services</b>

<b>1</b>	<b>Purpose of Report</b>
1.1	To update members on the operation and alignment of the Council's domestic bulky waste collection service.

<b>2</b>	<b>Background</b>
2.1	The three legacy Councils provided a service for the collection of bulky household items such as cookers, fridges, suites of furniture, mattresses etc. from residents.
2.2	At the Environment Committee meeting on 7 <sup>th</sup> October 2014 it was agreed that all bulky collections would be provided free of charge by Mid Ulster District Council.

<b>3</b>	<b>Key Issues</b>								
3.1	<p>During the three month period April to June 2015 the following number of bulky collections were carried out from the three Council depots:</p> <table> <tr> <td>Cookstown</td> <td>172 No.</td> </tr> <tr> <td>Dungannon</td> <td>255 No.</td> </tr> <tr> <td>Magherafelt</td> <td>250 No.</td> </tr> <tr> <td>Total</td> <td>677 No.</td> </tr> </table>	Cookstown	172 No.	Dungannon	255 No.	Magherafelt	250 No.	Total	677 No.
Cookstown	172 No.								
Dungannon	255 No.								
Magherafelt	250 No.								
Total	677 No.								
3.2	Some alignment of the service provision has been necessary over the quarter with a common service delivery standard now in place as outlined below:								
3.3	All requests for bulky waste collections must now be submitted in writing; these requests can be made online via the Council website (see appendix 1)								
3.4	To assist in scheduling/route planning the number of bulky items to be collected will be limited to three (per collection)								
3.5	All bulky waste collections will be carried out within 14 days (10 working days)								
3.6	Fixtures and fittings of a house such as bathroom suites and doors and large items such as garage doors and oil tanks will not be collected nor will garden waste or general waste e.g. bin bags								



3.7	As collections will not necessarily take place on a set day of the week householders are instructed to leave the items outside on the property in an accessible location for the Council to collect at any time
3.8	Under no circumstances will any employee enter a houses or garage/shed.
3.9	In order to improve customer service when, for whatever reason, it does not prove possible for the Council to collect the items a “calling card” will be left at the household requesting that they contact Environmental Services (see appendix 2)

<b>4</b>	<b>Resources</b>
4.1	<b><u>Financial</u></b> None
4.2	<b><u>Human</u></b> None
4.3	<b><u>Basis for Professional/ Consultancy Support</u></b> N/A

<b>5</b>	<b>Other Considerations</b>
5.1	None

<b>6</b>	<b>Recommendations</b>
6.1	Members are asked to note the contents of this report.

<b>7</b>	<b>List of Documents Attached</b>
7.1	Screenshot from Council webpage for Bulky Waste Collections
7.2	Copy of householder calling card for Bulky Waste Collections

Text Size: A A A Text Colour: C C C C

New phone number  
**03000 132 132**

[Contact us »](#)

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## SERVICES

[Abandoned Cars](#)

[Bins & Recycling](#)

[Brown Recycling Bins](#)

[Blue Recycling Bins](#)

[Bulky Waste Collections](#)

[Recycling Centres](#)

[When is my bin collection day?](#)

[Births, Deaths & Marriages](#)

[Building Control](#)

[Consumer Protection](#)

[Dogs & Animal Welfare](#)

[Food](#)

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[Health & Safety At Work](#)

[High Hedges](#)

[Noise](#)

[Off-Street Car Parking](#)

[Pollution](#)

## Bulky Waste Collections

We provide a free bulky waste collection service to our residents.

Examples of what we will collect

Cookers, fridges, carpets, suites of furniture and mattresses (please note that for health and safety reasons, mattresses must be covered in plastic)

Examples of what we won't collect

Fixtures and fittings of a house like bathroom suites, oil tanks, garage or internal/external doors, garden waste or general waste (e.g. bin bags).

To request a bulky waste collection, fill in the form below. We aim to collect your goods within 14 days.

If you need to speak to us, contact Environmental Services on 03000 132 132.

Name:

Address:

Tel No:

E mail address:

Please enter details of the items you would like to have collected:

We will only be able to collect the items you have listed. Please note that if you are asking us to collect a mattress, for health and safety reasons, all mattresses must be covered in plastic. Please tell us where the items will be left out for us to collect (e.g. your backyard, garden):

Submit

### Cookstown Office

Burn Road, Cookstown  
BT80 8DT

Opening Hours:  
Mon - Fri 9am - 5pm

### Dungannon Office

Circular Road, Dungannon  
BT71 6DT

### Magherafelt Office

Ballyronan Road, Magherafelt  
BT45 6EN

Opening Hours:  
Mon - Fri 9am - 5pm



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

We called today to collect bulky refuse item(s)  
from your house, but unfortunately you were out.

Could you please contact/telephone the  
Environmental Services Department on

**03000 132 132**

to arrange another collection.

**Q**

<b>Subject</b>	<b>Energy Management – Display Energy Certificates (DEC’s)</b>
<b>Date</b>	<b>8<sup>th</sup> September 2015</b>
<b>Reporting Officer</b>	<b>Terry Scullion, Head of Property Services</b>

<b>1</b>	<b>Purpose of Report</b>
1.1	To update members on the current position on Energy Management Certification for eligible properties owned by Mid Ulster District Council.

<b>2</b>	<b>Background</b>
2.1	Under the Energy Performance of Buildings (Certificates and Inspection) Regulations (Northern Ireland) 2008 and Amended Regulations 2014 Display Energy Certificates (DEC’s) are required to be displayed where buildings are frequently visited by public and have a floor area of more than 250m <sup>2</sup> . An Advisory report is produced in conjunction with a DEC.
2.2	A DEC is valid for 12 months (see appendix 1). An advisory report is valid for a period of seven years and indicate recommendations to improve the energy rating.
2.3	DEC’s show the actual energy usage of a public building and allow the public to see the energy efficiency of the building. Until recently DEC’s were only required for buildings with a total useful floor area of more than 500m <sup>2</sup> . Since 9 <sup>th</sup> July 2015 the useable floor area has reduced to 250m <sup>2</sup> .

<b>3</b>	<b>Key Issues</b>
3.1	Currently there are approximately sixty Council occupied buildings. It is considered approximately eighteen of these buildings require an annual assessment and to display a certificate.
3.2	The assessment must be carried out by a competent person accredited to produce DEC’s or an advisory report for that type of building. In the legacy Councils this function was carried out using trained building control officers, and in some instances an external third party. Historic fuel and energy consumption data is necessary for the assessment, and adjustments made according to typical occupancy, intensity of use, special energy uses, weather and climate.
3.3	On completion of the DEC it is then lodged on a national register by the assessor. Council are accountable to DFP (NI) to ensure compliance and avoid any penalties for non-compliance of the legislation. To this end all DEC’s have been reviewed and third party assessments commissioned were DEC’s have lapsed or are required to meet the revised floor area threshold.

3.4	Implementation of recommendations from current advisory reports will result in an improved rating, could reduce CO <sup>2</sup> emissions and energy savings. However implementation is subject to the availability of budget.
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<b>4</b>	<b>Resources</b>
4.1	<b><u>Financial</u></b> Within existing Council budgets.
4.2	<b><u>Human</u></b> With existing resources to review the status of current DEC's and advisory reports
4.3	<b><u>Basis for Professional/ Consultancy Support</u></b> Assessors required to complete lapsed/new DEC's and advisory reports to comply with legislation.

<b>5</b>	<b>Other Considerations</b>
5.1	None at this juncture.

<b>6</b>	<b>Recommendations</b>
6.1	Members are asked to note the contents of this report and buildings listed on the attached appendix.

<b>7</b>	<b>List of Documents Attached</b>
7.1	Appendix 1 – Sample DEC

# Sample Northern Ireland Display Energy Certificate

## Display Energy Certificate Northern Ireland How efficiently is this building being used?

Any Building  
Any Street  
ANY TOWN  
BTX XXX

**Certificate Reference Number:**  
XXXX-XXXX-XXXX-XXXX-XXXX

This certificate indicates how much energy is being used to operate this building. The operational rating is based on meter readings of all the energy actually used in the building. It is compared to a benchmark that represents performance indicative of all buildings of this type. There is more advice on how to interpret this information on the Government's website [www.dfpni.gov.uk](http://www.dfpni.gov.uk).

### Energy Performance Operational Rating

This tells you how efficiently energy has been used in the building. The numbers do not represent actual units of energy consumed; they represent comparative energy efficiency. 100 would be typical for this kind of building.

More energy efficient

**A** 0-25

**B** 26-50

**C** 51-75

**D** 76-100

**96**

..... 100 would be typical

**E** 101-125

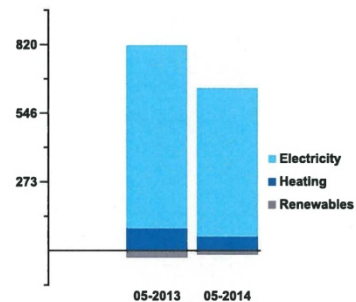
**F** 126-150

**G** Over 150

Less energy efficient

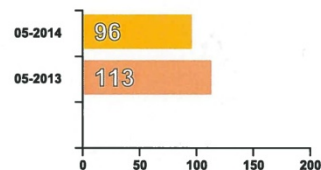
### Total CO<sub>2</sub> Emissions

This tells you how much carbon dioxide the building emits. It shows tonnes per year of CO<sub>2</sub>.



### Previous Operational Ratings

This tells you how efficiently energy has been used in this building over the last three accounting periods.



### Technical Information

This tells you technical information about how energy is used in this building. Consumption data based on actual meter readings.

Main heating fuel: Biomass  
Building environment: Mixed-mode with Mechanical Ventilation  
Total useful floor area (m<sup>2</sup>): 8498  
Asset Rating: 63

	Heating	Electricity
Annual Energy Use (kWh/m <sup>2</sup> /year)	96	127
Typical Energy Use (kWh/m <sup>2</sup> /year)	210	70
Energy from renewables	42.5%	0%

### Administrative Information

This is a Display Energy Certificate as defined in NI SR2008/170 as amended.

Assessment Software: DCLG, ORCalc, v3.6.2  
Property Reference: xxxxxxxxxxxx  
Assessor Name: Any assessor  
Assessor Number: XXXXXX  
Accreditation Scheme: Any scheme  
Employer/Trading Name: Any company  
Employer/Trading Address: Any address  
Issue Date: xx-xx-xxxx  
Nominated Date: xx-xx-xxxx  
Valid Until: xx-xx-xxxx  
Related Party Disclosure: No related party

Recommendations for improving the energy efficiency of the building are contained in the accompanying Advisory Report.

**R**



<b>Subject</b>	<b>Proposed HOUSING (AMENDMENT) BILL</b>
<b>Date</b>	<b>September 2015</b>
<b>Reporting Officer</b>	<b>Fiona McClements</b>

<b>1</b>	<b>Purpose of Report</b>
1.1	To consider comments to the Northern Ireland Assembly's Committee For Social Development in relation to the proposed Housing (Amendment) Bill

<b>2</b>	<b>Background</b>
2.1	<p>The purpose of the Housing (Amendment) Bill is to:</p> <ul style="list-style-type: none"> <li>• permit information-sharing for the purposes of identifying owners of empty homes;</li> <li>• extend the purposes for which information relating to anti-social behaviour may be disclosed;</li> <li>• enable housing grants made in the form of loans to be registered as statutory charges.</li> </ul>

<b>3</b>	<b>Key Issues</b>
3.1	<ul style="list-style-type: none"> <li>• The Department of Finance &amp; Personnel's Land &amp; Property Services holds information on empty homes in the private sector. However, there is no appropriate information sharing gateway under the Data Protection Act 1998 that would enable it to share information on the names and contact details of owners of the empty properties or even the full address of such properties with other organisations.</li> <li>• Because some organisations are reluctant to provide information about anti-social behaviour to social landlords on the grounds that this could breach data protection legislation, section 13 of the Housing (Amendment) Act (Northern Ireland) 2011 allows any person to disclose "relevant information" to a landlord under a secure tenancy if the information is disclosed for certain purposes. However, the purposes for which information may be disclosed do not include <i>seeking</i> an order for possession of a secure tenancy (as opposed to taking certain action where such an order has already been made), and the information which may be disclosed is restricted to information about certain orders of the court. It is therefore proposed to allow any person to disclose such information as may be required for the purpose of enabling the Housing Executive or a registered housing association to take any</li> </ul>

	<p>appropriate action in cases of anti-social behaviour.</p> <ul style="list-style-type: none"> <li>The Housing Executive is preparing, in co-operation with the Department for Social Development, a pilot scheme of loan assistance for private sector housing repairs and improvements. While the Housing Executive has power to register statutory charges in respect of most forms of grant assistance provided under the Housing (Northern Ireland) Order 1992 and the Housing (Northern Ireland) Order 2003, there is no power to register statutory charges in respect of loans made under Article 9 of the Housing (Northern Ireland) Order 1981.</li> </ul>
--	---

<b>4</b>	<b>Resources</b>
4.1	<b><u>Financial</u></b> N/A
4.2	<b><u>Human</u></b> N/A
4.3	<b><u>Basis for Professional/ Consultancy Support</u></b> N/A
4.4	<b><u>Other</u></b> N/A

<b>5</b>	<b>Other Considerations</b>
5.1	N/A

<b>6</b>	<b>Recommendations</b>
6.1	Members are asked to consider the contents of the proposed Housing (Amendment) Bill and agree the Draft comments for same.

<b>7</b>	<b>List of Documents Attached</b>
7.1	Draft Consultation response template



**Northern Ireland  
Assembly**

**COMMITTEE FOR SOCIAL DEVELOPMENT**

**Please use this form to submit written submissions in relation to the Housing (Amendment) Bill. Return to [committee.socialdevelopment@niassembly.gov.uk](mailto:committee.socialdevelopment@niassembly.gov.uk) by Friday 4<sup>th</sup> September 2015.**

**Name:** \_\_\_\_\_

**Organisation: (if applicable) MID ULSTER DISTRICT COUNCIL** \_\_\_\_\_

**Date: September 2015** \_\_\_\_\_

**Clause 1 – Sharing of information in relation to empty properties.**

**This clause provides for the transfer of data from the Department of Finance (DFP) and Personnel about empty homes to both The Department of Social Development (DSD) and the Northern Ireland Housing Executive (NIHE). This clause also allows The DSD and the NIHE to transfer data to DFP for rating functions.**

**Comment**

Mid Ulster District Council supports the purpose of the Bill in that it allows greater sharing of information with regard to empty homes. The Council recognises that there is lack of reliable data about the location and ownership of empty homes and a lack of mechanism for exchanging data. However given the existing statutory powers available (Dilapidated Properties) and those recently transferred via local government reform the inclusion of local District Councils to access DFP data should be considered.

Further transfer of regulatory powers in relation to Houses in Multiple Occupation and Unfitness from the NIHE to District Councils will result in closer working between statutory agencies. The ability to share data of this nature would ensure a better

effective delivery of the council's regulatory functions.

### **Clause 2 – Disclosure of information relating to anti-social behaviour**

**This clause provides that a person may disclose relevant information about anti-social behaviour to NIHE or a registered housing association where such information is disclosed for a relevant purpose. The Council currently has an information sharing protocol with NIHE; however registered Housing Associations were not signatories of the protocol.**

**Relevant information is classed in the Bill as any person residing in or visiting a dwelling has (or has allowed, incited or encouraged any other person)**

- **engaged in or is likely to engage in conduct likely to cause nuisance or annoyance**
- **used the dwelling for illegal purposes**
- **Or the condition of the dwelling has deteriorated by act of waste or neglect**

**A relevant purpose is classed as:**

- **An injunction under the Housing (NI) Order 2003 (against anti-social behaviour)**
- **An injunction under breach of tenancy agreement**
- **An anti-social behaviour order under the Anti-Social Behaviour (NI) Order 2004**
- **An order for possession on the grounds of behaviour causing annoyance or nuisance**
- **An order for possession of a dwelling house let under an introductory tenancy**
- **Conducting criminal proceedings**
- **Deciding whether to withhold consent to a mutual exchange of tenancies**
- **Deciding whether a secure tenant can exercise a right to buy**
- **To treat an applicant for housing accommodation of applicant for special assistance as ineligible**

### **Comment**

Mid Ulster District Council encourage the introduction of legislation to allow the sharing of information between Housing providers and in particular registered housing associations. Existing sharing arrangements under the Anti-social Behaviour Order should also be revisited allowing the exchange of information between NIHE relevant housing associations and District Councils , which would facilitate greater partnership working.

As the legislation provides a statutory basis for the sharing of information, it is recommended that the necessary protocols are in place prior to the transfer of data. The committee may also wish to consider the potential for data transfer relating to tenants in the private rented sector and those relevant statutory authorities.

**Clause 3 – Registration as statutory charge of certain loans**

**This clause provides that so long as any part of the principal of, or any interest on, a loan made by NIHE under Article 9 of the Housing (NI) Order 1981 (for certain purposes including make repairs or improvements to a house) remains outstanding, the loan is to be a charge on the house or building (s) in question, and that such charges shall be registered in the Statutory Charges Register.**

Comment

The Council has no comment to offer in respect of this clause.

**For official use only**

Date received: \_\_\_\_\_

Ref Number: \_\_\_\_\_

**S**

<b>Subject</b>	<b>Mid Ulster Fuel Stamp Savings Scheme</b>
<b>Date</b>	<b>September 2015</b>
<b>Reporting Officer</b>	<b>Fiona McClements</b>

<b>1</b>	<b>Purpose of Report</b>
1.1	To update members on the arrangements for the new Mid Ulster Fuel Stamp Scheme

<b>2</b>	<b>Background</b>
2.1	Oil Stamp Schemes were delivered by the 3 legacy councils to support householders who use heating oil or solid fuel to budget effectively and help reduce fuel poverty. Work has been ongoing to merge the three existing schemes into one for Mid Ulster including the design of stamps and savings cards and arrangements for regularised payments from retailers and fuel suppliers.

<b>3</b>	<b>Key Issues</b>
3.1	<p>The Mid Ulster Fuel Stamp scheme will operate from the official launch date on Thursday 24<sup>th</sup> September, 2015. The scheme will be managed by staff in the Environmental Health Service with support from the Finance Department .</p> <p>Stamps and cards from the 3 previous schemes will continue to be accepted through the conversion period and beyond.</p> <p>The scheme will be promoted via the council website and through local press.</p> <p>Participating retailers and fuel suppliers will be encouraged to remain on the scheme and will be provided with support and guidance during the conversion period.</p>

<b>4</b>	<b>Resources</b>
4.1	<p><b><u>Financial</u></b> Design and print of the new scheme materials including stamps, savings cards, leaflets and posters. The Southern PHA have funded the scheme within the legacy Dungannon geography in the region of approx. £2,000</p>

4.2	<b><u>Human</u></b> Communication through visits to retailers and written communication with both retailers and fuel suppliers advising and updating on changes to the scheme. Officer time to be spent on organising the launch, promoting the scheme, setting up new payment processes and dealing with queries from retailers, fuel suppliers and members of the public.
4.3	<b><u>Basis for Professional/ Consultancy Support</u></b> N/A
4.4	<b><u>Other</u></b> N/A

<b>5</b>	<b>Other Considerations</b>
5.1	N/A

<b>6</b>	<b>Recommendations</b>
6.1	Members agree the arrangements for the Mid Ulster Fuel Stamp Scheme and commencement event.

<b>7</b>	<b>List of Documents Attached</b>
7.1	Mid Ulster Fuel Stamp Savings Scheme Policy
7.2	Mid Ulster Fuel Stamp Savings Card
7.3	Mid Ulster Fuel Stamp Savings Information Leaflet





# Mid Ulster District Council FUEL STAMPS POLICY

Date: July 2015  
Version No: 0.2

# MID ULSTER DISTRICT COUNCIL'S FUEL STAMPS POLICY

## 1. STRATEGIC AIM

The overall aim is to operate a Fuel Stamp Saving Scheme throughout the Mid Ulster District by making fuel stamps available for purchase which can be used to make payment for fuel delivery. The scheme allows householders who use central heating fuel to budget effectively. This document describes Mid Ulster District Council's policy and arrangements for the Council's Fuel Stamp Saving Scheme.

## 2. BACKGROUND

Householders are said to be in fuel poverty if they need to spend more than 10% of their income on heating their home. In Northern Ireland 44% of households are struggling to keep their homes warm and this figure is likely to rise with increasing fuel costs.

Living in a cold damp home has a significant impact on the health and social well being of the population and is an underlying cause of many respiratory illnesses, strokes and cardiovascular disease being treated in hospitals. Fuel poverty has also been linked to mental health issues and social isolation.

The Warmer Healthier Homes Fuel Poverty Strategy for Northern Ireland (2011) highlights that there are three main factors which impact on fuel poverty. These are:

- Energy Efficiency within the home
- Fuel Price
- Income

In order to tackle fuel poverty effectively there is a need to have a wide range of approaches. One of these approaches is the establishment and running of the fuel stamp saving scheme for the Mid Ulster District.

Home heating fuel is more cost effective when bought in larger quantities, so saving over time is better than ordering small amounts on a regular basis.

## 3. FUEL STAMP SAVING SCHEME

Customers will purchase the Council's £5 fuel stamps from local retailers and attach these to a Council fuel stamp saving card. Customers will use these to make payment (or part payment) for a fuel delivery from a fuel supplier signed up to the Council's fuel stamp scheme. The Council will reimburse the fuel suppliers for the fuel stamps accepted as payment. (Subject to verification)

## 4. ARRANGEMENTS

The Council's Environmental Health Service will administer the Council's Fuel stamp saving scheme.

### **(a) Entering the scheme**

Any new retailer who wishes to enter the Fuel Stamp Saving Scheme will be subject to a Credit check being carried out. If this check is not favourable the retailer will not be permitted to enter the scheme at that time.

'Retailers' are defined as established commercial businesses that sell goods directly to individuals.

Fuel Suppliers wishing to enter the Fuel Stamp Saving scheme will be required to complete and sign Page 7 of this document and return to the Council, upon receipt of this form, the Council will set up a BACs Account to ensure payment is made.

Fuel Suppliers and Retailers all need to complete and sign the Declaration on page 6 of this document agreeing to the terms and conditions of the scheme.

Two copies have been provided, one to be returned to the Council as directed and one to be kept for your own records.

***(b) Issue of Fuel stamps and stamp cards.***

Retailers who join the scheme will receive a sheet of seventy £5 fuel stamps with a value of £350 and 50 stamp cards.

The Environmental Health Service will keep a record of the stamp sheet number and the retailer's details.

The retailer or their representative on site will be asked to sign for stamp sheets. It is the responsibility of the retailer to ensure that the details on the receipt are correct.

Retailers can order new stamps giving a preferred date of delivery by phoning the Environmental Health Service on –03000 132 132. Stamps can also be ordered via the following email address [environmentalhealth@midulstercouncil.org](mailto:environmentalhealth@midulstercouncil.org)

Retailers will be provided with a maximum of 4 stamp sheets at any one time. During busy periods including –Bank holidays additional stamp sheets may be provided to meet demand. Provision of additional sheets will be determined by Mid Ulster District Council.

Retailers can only buy whole stamp sheets in multiples of £350. Stamp sheets will not be broken down and given out for any amounts under £350. Retailers will have to pay for the full value of the number sheets held when sold – there will be no part payments. **Payment options open to retailers will be by BACs or via a lodgement book to make payments directly into the Council's bank account. In exceptional circumstances where these options are unavailable, existing retailers may pay by cheque or lodgement cards. CASH will not be accepted in any circumstances.**

***(c) Sale of stamps***

The Council fuel stamps are available to sell in retail outlets signed up to the scheme. Stamps have a retail value of £5. Customers will purchase stamps from retailers and save them on a fuel stamp saving card. The Council and retailers are not liable for fuel stamps or fuel stamp cards which are lost or stolen from

customers. Once the fuel stamps have been sold they are non refundable from either the stamp outlets (retailers) or the Council.

It is the responsibility of the Retailer to keep the Fuel Stamps in a safe location.

***(d) Purchase of Fuel***

Customers should include their name and address on their savings card. Only Mid Ulster District Council Fuel Stamps and stamps that were purchased under the former Cookstown District Council, Dungannon and South Tyrone Borough Council and Magherafelt District Council schemes will be accepted by Mid Ulster District Council. Neighbouring council stamps or stamps from other schemes will not be accepted.

Customers will contact a fuel supplier signed up to the Council's fuel stamp scheme and order a delivery of fuel. Customers will make payment or part payment for a delivery of fuel by giving the fuel supplier the Council fuel stamp saving card (or cards) with the Council £5 fuel stamps on it. The card does not need to be complete before using it to pay for fuel. It is the customer's responsibility to agree with their chosen fuel supplier, the price, delivery method and payment method.

***(e) Payment to Fuel Suppliers***

On receipt of the stamp cards the fuel supplier must deface or mark the stamps so they cannot be reused.

The claim form (cover sheet) must be completed and the fuel supplier will forward the fuel stamp cards to the relevant Environmental Health Office:

Environmental Health Service  
Mid Ulster Council Office  
Burn Road  
Cookstown  
Co Tyrone  
BT80 8DT

Environmental Health Service  
Mid Ulster Council Offices  
15 Circular Road  
Dungannon  
Co. Tyrone  
BT71 6DT

Environmental Health Service  
Mid Ulster Council Offices  
Ballyronan Road,  
Magherafelt  
BT45 6EN

The Council undertakes to make an electronic payment to the fuel supplier.

It is the responsibility of fuel suppliers to keep their own records of all stamp cards forwarded to the Council including customer details.

**(f) Lost, Stolen or damaged Cards**

The Council will not be liable for any stamps or cards which are lost, damaged or stolen from customers, retailers or fuel suppliers and also will not be liable for any items lost in transit.

**(g) Refunds**

After the stamps have been sold to a customer, the customer will not be able to obtain a refund from either the retailer or the Council.

**(h) Leaving the scheme**

Should a retailer or Fuel supplier decide to leave the Council's Fuel Stamp Saving Scheme, they should contact the Environmental Health Service and inform them of their intentions. For retailers, any unsold stamps will be returned and an outstanding credit will be paid within one week of notification of leaving the scheme. At the end of this period, Finance will invoice the retailer for any outstanding amounts.

**(i) Change of ownership – retail outlets**

Should a retail or fuel Suppliers' ownership change the council must be notified within one month. The previous owner will be expected to pay back the credit, in either money or stamps. If the new owner agrees to participate in the scheme they will be subject to a Credit Check and will be required to sign a new copy of the Policy.

**5. PUBLICITY OF THE FUEL STAMPS SAVING SCHEME**

The Council will help retailers and Fuel Suppliers by publicising the scheme through materials such as Posters and leaflets.

Press releases will be published in local papers at key times promoting the scheme.

**6. EVALUATION AND REVIEW**

The policy will be reviewed annually by the Environmental Health Service and changes communicated to retailers and suppliers.

## DECLARATION – to be completed by Fuel Suppliers and Retailers

I \_\_\_\_\_ of \_\_\_\_\_  
Retailer/Fuel Supplier (delete as appropriate) Company/Business Name

Understand the terms and conditions of the Council Fuel Stamps Saving Scheme and agree to comply with the terms and conditions as detailed in the Fuel Stamp Saving Scheme Policy.

<b>Fuel Supplier/ Retailer Company Name</b>	
<b>Contact Name</b>	
<b>Position Held</b>	
<b>Company Address</b>	
<b>Postcode</b>	
<b>Telephone Number</b>	
<b>Mobile Number</b>	
<b>Contact Address (Must be different to address given above)</b>	
<b>Postcode</b>	
<b>Telephone Number</b>	
<b>Mobile Number</b>	
<b>SIGNATURE</b>	



**TO BE COMPLETED BY FUEL SUPPLIER ONLY (FOR  
BACS PAYMENT)**

<b>SUPPLIER REFERENCE</b> (Office use Only)	
--	--

SUPPLIER CONTACT SECTION															
Company/Supplier Name															
Contact Name															
Position Held															
Company Address															
Postcode															
Telephone Number															
Fax Number															
Mobile Number															
Email Address for BACS Remittance															
BANK DETAIL SECTION															
Bank/Building Society															
Branch															
Account Name															
Account Number										Sort Code					
Building Society Reference															
SUPPLIER AUTHORISATION SECTION															
Signature															
Position held															
Date															
OFFICE USE ONLY															
INPUT BY								DATE							

Mid Ulster District Council is not liable for fuel stamps or fuel stamp collection cards which are lost or stolen from customers or stamp outlets. Once the fuel stamps have been purchased they are not refundable from either stamp retail outlets or Mid Ulster District Council.

**PLEASE COMPLETE IMMEDIATELY FOR YOUR OWN SECURITY**

Name: .....

Address: .....

Tel./Mob.: .....

Email: .....

For further information about the fuel stamp collection scheme, including participating retailers and oil suppliers, please contact:

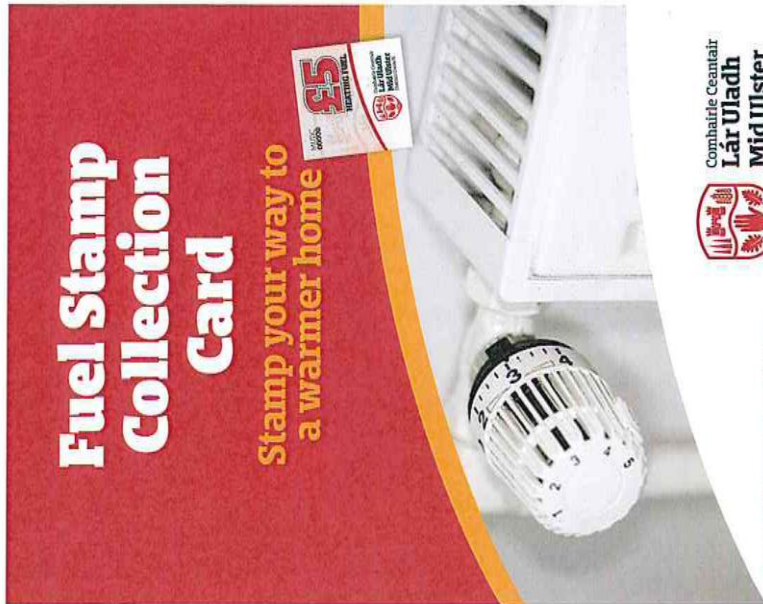
**COOKSTOWN OFFICE**    **DUNGANNON OFFICE**    **MAGHERAFELT OFFICE**  
 Burn Road                      Circular Road                      Ballyronan Road  
 Cookstown                      Dungannon                      Magherafelt  
 BT80 8DT                      BT71 6DT                      BT45 6EN

Tel: 03000 132 132    Email: [environmentalhealth@midulstercouncil.org](mailto:environmentalhealth@midulstercouncil.org)  
 Web: [www.midulstercouncil.org/fuelstamps](http://www.midulstercouncil.org/fuelstamps)



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PLACE STAMP HERE 1	PLACE STAMP HERE 2	PLACE STAMP HERE 3	PLACE STAMP HERE 4	PLACE STAMP HERE 21	PLACE STAMP HERE 22	PLACE STAMP HERE 23	PLACE STAMP HERE 24
PLACE STAMP HERE 5	PLACE STAMP HERE 6	PLACE STAMP HERE 7	PLACE STAMP HERE 8	PLACE STAMP HERE 25	PLACE STAMP HERE 26	PLACE STAMP HERE 27	PLACE STAMP HERE 28
PLACE STAMP HERE 9	PLACE STAMP HERE 10	PLACE STAMP HERE 11	PLACE STAMP HERE 12	PLACE STAMP HERE 29	PLACE STAMP HERE 30	PLACE STAMP HERE 31	PLACE STAMP HERE 32
PLACE STAMP HERE 13	PLACE STAMP HERE 14	PLACE STAMP HERE 15	PLACE STAMP HERE 16	PLACE STAMP HERE 33	PLACE STAMP HERE 34	PLACE STAMP HERE 35	PLACE STAMP HERE 36
PLACE STAMP HERE 17	PLACE STAMP HERE 18	PLACE STAMP HERE 19	PLACE STAMP HERE 20	PLACE STAMP HERE 37	PLACE STAMP HERE 38	PLACE STAMP HERE 39	PLACE STAMP HERE 40

Please stick your recently purchased stamps in correct numerical order, in the boxes above. **This fully completed card (1 - 40) totals £200.00**

Please stick your recently purchased stamps in correct numerical order, in the boxes above. **This fully completed section (1 - 20) totals £100.00**

# Fuel Stamp Scheme

## Stamp your way to a warmer home

The fuel stamp scheme is designed to help householders spread the cost of their central heating oil and solid fuel.

### How does the scheme work?

Collect a free fuel stamp collection card from any participating retailer. Complete the name, address and telephone number section as soon as you receive the card. Stamps costing £5.00 can be purchased from any participating retailer across the district. Once purchased, place the fuel stamps onto the card in the numbered spaces.

### Can I use any fuel stamp on my collection card?

You can only use Mid Ulster District Council fuel stamps or stamps that you have previously bought through the former Cookstown, Dungannon or Magherafelt Council Schemes.

### What do I do when I need fuel?

When you need oil or coal, contact your preferred participating supplier and let them know the amount of oil or coal you require and the value of the stamps you have saved.

The card, either complete or partly complete, can then be used as payment or part payment for heating oil or solid fuel with participating suppliers.

Partly completed cards can be used towards the cost of your fuel. If you use a partly completed card, then the cost of your order should be at least to the value of the stamps you have saved to date.

It is your responsibility to agree with your chosen fuel supplier the price, delivery amount and payment method.

### Where can I purchase stamps?

Stamps can be purchased from any participating retailer. The list of participating retailers and fuel suppliers is available from Mid Ulster District Council.

T: 03000 132 132

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

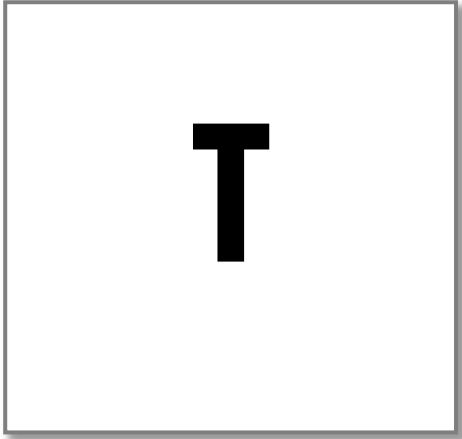
W: [www.midulstercouncil.org/fuelstamps](http://www.midulstercouncil.org/fuelstamps)



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



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





<b>Subject</b>	<b>Ballygawley Nature Walk &amp; Garden Project</b>
<b>Date</b>	<b>8<sup>th</sup> September 2015</b>
<b>Reporting Officer</b>	<b>Raymond Lowry – Head of Technical Services</b>
<b>Contact Officer</b>	<b>Sustainability Manager</b>

<b>1</b>	<b>Purpose of Report</b>
1.1	To inform members of the current stage of project completion.

<b>2</b>	<b>Background</b>
2.1	Ballygawley Nature Walk & Garden, located on a small site off Ballygawley Playing fields, was developed as an essential part of the Council's Sustainability programme with a focus on biodiversity and local food/sustainable consumption. The scheme received £20,000 funding from the Landfill Communities Fund and is currently being in the last stages of completion.
2.2	The project consisted of the creation of a combined wildlife garden and nature walk with a number of integrated raised beds for community growing at a site in close proximity to Ballygawley Main Street. The garden was developed in continuous consultation with Ballygawley Area Dev. Association Ltd. (BADA) and the local community. Right from the start there was a strong focus to sympathetically transform an overgrown area to allow community access without destroying its wildlife potential.
<b>3</b>	<b>Key Issues</b>
3.1	Currently all seven growing spaces have been rented out to local residents who are growing a range of produce in the raised beds. Plot-holders meet on a regular basis for gardening activities and receive guidance and practical support from The Conservation Volunteers.
3.2	The latest additions to the site consist of a picnic table, additional raised beds which will be used by the group as communal growing spaces and a number of trees planted in the nature area.
3.3	While the project has now been completed with regards to the allocated landfill tax funding Council support for the scheme is continuing in terms of plot allocation and administration, and the involvement of local schools and plot holders/community in events & activities in the garden.

<b>4</b>	<b>Resource Implications</b>
4.1	<p><b><u>Financial</u></b></p> <p>None</p>
4.2	<p><b><u>Human resources</u></b></p> <p>Departmental Staffing requirements are being reviewed and further update will be brought forward for information purposes</p>
4.3	<p><b><u>Assets and other implications</u></b></p> <p>N/A</p>

<b>5</b>	<b>Other Considerations</b>
5.1	None

<b>6</b>	<b>Recommendations</b>
6.1	Members note the current status as detailed

<b>7</b>	<b>List of Documents Attached</b>
7.1	Photos showing different aspects of the community garden.



## Ballygawley Nature Walk & Garden Project August 2015







New communal raised beds set up for potatoes, herbs, strawberries, wildflowers and unusual crops.



Native tree varieties planted in nature area of the garden



Picnic Table set up in meadow



**U**





<b>Subject</b>	<b>Building Control Report</b>
<b>Date</b>	<b>8 September 2015</b>
<b>Reporting Officer</b>	<b>William Wilkinson – Head of Building Control</b>

<b>1</b>	<b>Purpose of Report</b>
1.1	To provide members with an update on the workload analysis for Building Control across Mid-Ulster District Council.

<b>2</b>	<b>Background</b>		
2.1	Building Control applications are received in three different forms:- <ul style="list-style-type: none"><li>a Full Applications - submitted with detailed working drawings.</li><li>b Building Notices - minor work not usually requiring detailed plans, e.g. provide insulation to roof space, etc.</li><li>c Regularisation Applications – where work has been carried out without approval, an application must be submitted for retrospective approval.</li></ul>		
<b>3</b>	<b>Key Issues</b>		
3.1	<b>Workload Analysis</b>	<b>July/August 2015</b>	<b>Accumulative 2015/16</b>
	Total number of Applications	<b>448</b>	<b>966</b>
	Full plans applications received	<b>169</b>	<b>368</b>
	Building Notices applications received	<b>242</b>	<b>521</b>
	Regularisations applications received	<b>43</b>	<b>77</b>
	Estimated value of works submitted	<b>£19450000</b>	<b>£50,250,000</b>
	Number of inspections carried out by Building Control Officers	<b>1996</b>	<b>4861</b>

	Commencements	<b>547</b>	<b>1186</b>
	Domestic Dwellings	<b>121</b>	<b>308</b>
	Domestic alterations and Extensions	<b>406</b>	<b>824</b>
	Non-Domestic work	<b>20</b>	<b>54</b>
	Completions	<b>525</b>	<b>832</b>
	Domestic Dwellings	<b>118</b>	<b>208</b>
	Domestic alterations and Extensions	<b>190</b>	<b>577</b>
	Non-Domestic work	<b>17</b>	<b>47</b>
	Property Certificates Received	<b>364</b>	<b>933</b>
<b>3.2</b>	Over the past month a number of significant applications have been received as noted in Appendix 1.		

<b>4</b>	<b>Resources</b>
4.1	<b><u>Financial</u></b> Within current budgets.
4.2	<b><u>Human</u></b> Within current staffing arrangements.
4.3	<b><u>Basis for Professional/ Consultancy Support</u></b> None.
4.4	<b><u>Other</u></b> None.

<b>5</b>	<b>Other Considerations</b>
5.1	None.

<b>6</b>	<b>Recommendations</b>
6.1	Members are requested to note the content of this report.

<b>7</b>	<b>List of Documents Attached</b>
7.1	Appendix 1 List of significant applications received by Building Control.

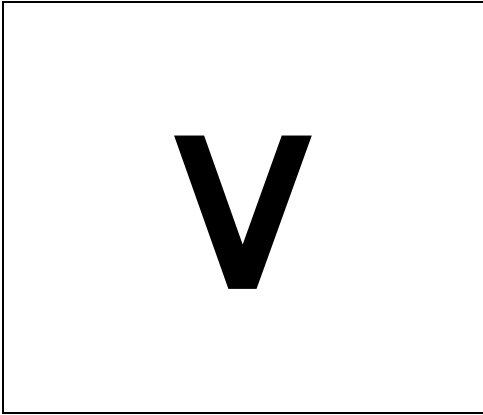
## Appendix 1

### Details of large applications which have been received by Mid Ulster Building Control in June 2015.

Applicant	Location of Development	Details of Development	Estimated Value of Development
Servite Fathers	Benburb Priory, Benburb	Alterations to Priory with a Building Control Fee of £2960	£504,000
St. Joseph's Grammar School	58 Castlecaulfield Road Donaghmore	460m <sup>2</sup> extension to school with a Building Control Fee of £2040	£320,000
K Hughes & Co.	110 Trewmount Road Moy	2100m <sup>2</sup> extension to factory with a Building Control Fee of £3500	£620,000
Coote Engineering	12 Lisdoart Road Ballygawley	1625m <sup>2</sup> extension to factory with a Building Control Fee of £3440	£600,000
J Kirkland	Richmond Hill Ballygawley	Erection of 6 No. Dwellings with a floor area of each dwelling of 150m <sup>2</sup> producing a total Building Control Fee of £1573	£450,000
D.K.J. Construction Ltd.	Killyliss Manor, Eglisish, Dungannon	Erection of 16 No. dwellings with a floor Area of 100m <sup>2</sup> producing a total Building Control Fee of £3435	£824,000

Landmark Developments	Killymeal Grange Dungannon	Erection of 8 No. dwellings with a floor area of each dwelling of 120m <sup>2</sup> producing a total Building Control Fee of £1917	£473,000
J Kirkland	Richmond Hill, Ballygawley	Erection of 22 No. dwellings with an average floor area of 115m <sup>2</sup> producing a total Building Control Fee of £4355	£1,280,000
P Scullion	Lough Mews, Ballyronan	Erection of 5 No. dwellings with an average floor area of 115m <sup>2</sup> producing a total Building Control Fee of £1518	£290,000
J McKernan	Church heights, Cookstown	Erection of 11 No. dwellings with an average floor area of 125m <sup>2</sup> producing a total Building Control Fee of £2891	£685,000
C D Enviro Ltd	Ballyreagh Industrial Estate Cookstown	1100m <sup>2</sup> extension to factory with a Building Control Fee of £2145	£341,000
Oliver Higgins	Creagh Industrial Centre Toome	Erection of 3000m <sup>2</sup> factory, workshop and offices with a Building Control Fee of £8646	£1,919,120
North Eastern Education & Library Board	46 Ballyronan Road, Magherafelt	420m <sup>2</sup> extension to school with a Building Control Fee of £2690	£450,000

M.M.S. (N.I.) Ltd	Creagh Industrial Park Toome	900m2 extension to warehouse with a Building Control Fee of £1720	£255,600
Moyola Precision Engineering Ltd.	6-8 Curran Road Castledawson	Refurbishment of existing factory with a Building Control Fee of £1743.75	£376,500
Gorsehill Ltd.	Unit 10 Station Road Industrial Estate Magherafelt	Erection of 1100m2 Industrial Unit and offices with a Building Control Fee of £2550	£361,500
R O'Boyle	53a Eden Road Knockclohrim	Erection of 900m2 Industrial Unit with integrated office with a Building Control Fee of £1815	£275,000





<b>Subject</b>	<b>Entertainment Licensing Applications</b>
<b>Date</b>	<b>8<sup>th</sup> September 2015</b>
<b>Reporting Officer</b>	<b>William Wilkinson – Head of Building Control</b>

<b>1</b>	<b>Purpose of Report</b>
1.1	To update members on Entertainment Licensing Applications across Mid Ulster District Council.

<b>2</b>	<b>Background</b>
2.1	<p>The Council has responsibility for Licensing Places of Entertainment in accordance with The Local Government (Miscellaneous Provisions) (NI) Order 1985.</p> <p>Entertainment Licensing applications are received on a continued basis across the District.</p> <p>Statutory Consultations are carried out with PSNI and NIFRS for each entertainment licence application (grant of renewal) submitted.</p> <p>An officer will carry out an inspection of each set of premises to ensure compliance on site and that all certification and information deemed necessary in accordance with the approved policy has been addressed.</p>

<b>3</b>	<b>Key Issues</b>
3.1	<p>As previously agreed a list of applications for all grant/renewal of Entertainment Licences in Mid Ulster District Council is attached (see Appendix 1). Each application is accompanied by the following documentation:</p> <ol style="list-style-type: none"><li>1 A current Fire Risk Assessment detailing the following:<ol style="list-style-type: none"><li>(a) means of escape from premises</li><li>(b) management responsibilities for day to day safety aspects</li><li>(c) details of review on an annual basis.</li></ol></li></ol> <p>The fire risk assessment submitted is audited by the inspecting officer.</p> <ol style="list-style-type: none"><li>2 Electrical certification is required for the following:<ol style="list-style-type: none"><li>(a) General electrical installation</li><li>(b) Emergency lighting system</li><li>(c) Fire alarm system.</li></ol></li><li>3 Details of current public liability insurance for premises.</li></ol>



	4 Copy of public advertisement in local press.
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<b>4</b>	<b>Resources</b>
4.1	<b><u>Financial</u></b> None
4.2	<b><u>Human</u></b> None
4.3	<b><u>Basis for Professional/ Consultancy Support</u></b> None
4.4	<b><u>Other</u></b> None

<b>5</b>	<b>Other Considerations</b>
5.1	None

<b>6</b>	<b>Recommendations</b>
6.1	Member are requested to note the content of this report.

<b>7</b>	<b>List of Documents Attached</b>
7.1	Appendix 1 – Schedule of applications received for the Grant/Renewal of Entertainment Licences.

## Appendix 1

### Schedule of applications received for the Grant/Renewal of Entertainment Licences in June 2015.

<b>Name of Applicant</b>	<b>Name of Premises</b>	<b>Address of Premises</b>	<b>Type of Licence</b>	<b>Max No Patrons</b>
M Marcus	Parkanaur Manor House	57 Parkanaur Road Castlecaulfield	Annual	100
Rev. Byrne	Coalisland Parochial Centre	12 Stewartstown Road Coalisland	Occasional	600
P Hagan	Hagan's Bar & Bar Bella	39 Irish Street Dungannon	Annual	530
S Salley	Aughnacloy Playing Fields	Dungannon Road Aughnacloy	Occasional	400
A Sinclair	Lissan Parish Hall	69 Turnaface Road Moneymore	Occasional	250
M Wilson	Mal's Bar & Restaurant	62 Hillhead Road Castledawson	Occasional	160
Glasgowbury	The Cornstore	20A High Street Draperstown	Occasional	200
Mid-Ulster District Council	Council Offices	15 Circular Road Dungannon	Occasional	322
S Corr	The Mill Court Bar & Restuarant	40 Main Street Coalisland	Annual	191
R Ewing	Jimmy Johnston's Bar	39/41 Main Street Aughur	Annual	213
M Lynch	Lulu's	80 Lower Scotch Street Dungannon	Annual	100

Mid-Ulster District Council	Railfest	Railway Park Ballygawley Road Dungannon	Occasional	2500
P Sandford	Dungannon Rugby Football Club	Stevenson Park, 30 Moy Road, Dungannon	Annual	190
D Whiteside	Whiteside's Bar	87 Main Street Clogher	Annual	157
M & J Hughes	The Gables Bar & Restaurant	40 Cookstown Road Dungannon	Annual	360
A McMin	Lissan House	8 Drumgrass Road Cookstown	Occasional	215