

A

**Minutes of Meeting of Environment Committee of Mid Ulster District Council
held on Tuesday 12 May 2015 in Council Offices, Magherafelt**

Members Present

In the Chair, Councillor McFlynn (Chair)

Councillors Buchanan, Burton, Cuddy, Cuthbertson,
Gillespie, Glasgow, Kearney, McGinley, B McGuigan,
S McGuigan, McNamee, Mulligan, J O'Neill, Totten

**Officers in
Attendance**

Mr Cassells, Director of Environment and Property
Mr Currie, Lead Building Control Officer (Cookstown)
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
Mr Wilkinson, Head of Building Control
Miss Thompson, Committee Services/ Senior Admin
Officer

**Others in
Attendance**

Rivers Agency Northern Ireland

Messrs Calvert and O'Neill

NI Local Partnership on Traveller Issues

Councillor Jim Brown, Chairman (Mid and East Antrim
Borough Council) and Mr Billy Newburn, Secretary and
other representatives

The meeting commenced at 7.00 pm

E54/15 Apologies

Councillor Mullen.

E55/15 Declarations of Interest

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

E56/15 Rivers Agency Northern Ireland

The Chair welcomed Messrs Calvert and O'Neill to give their presentation on Flood Hazard and Risk Mapping.

Mr Calvert, Principal Engineer at Mapping and Modelling Unit of Rivers Agency provided Members with an overview of the Floods Directive. This Directive has been one of the main drivers for the production of detailed flood mapping and Rivers Agency have produced detailed flood maps for river, coastal and surface water. Flood maps and models for dam failure are also being progressed.

The Floods Directive has been very descriptive in terms of what it requires from flood risk maps, these maps should indicate the number of people potentially affected and the impact on economic activity in the area. This type of information will determine if the extent of flooding merits any intervention. Flood hazard maps should show areas which could be flooded in terms of low, medium and high probability including the flood extent, water depths and, where appropriate, the water flow. Mr Calvert presented various flood hazard/risk maps to Members as examples.

In terms of Mid Ulster, Mr Calvert advised that there are no significant flood risk areas in the district, there are however eight areas of further study. In these areas flood mapping has been produced to the same standard required by the Floods Directive for significant flood risk areas.

Mr Calvert also advised Members regarding access to flood maps via various portals for both the public and government agencies.

Councillor Cuddy enquired on procedure if flood plains are found to be infilled.

Mr O'Neill advised that infilling of a flood plain would be in contravention of planning policy and its enforcement would be led by planning.

Councillor J O'Neill thanked Rivers Agency for their ongoing assistance in relation to resolving flooding issues in the Coalisland area and commented that this is the first year housing has not been flooded in Coalisland.

Councillor Cuddy posed the scenario asking where the liability lies if Council passes a planning application for a property on the edge of a flood plain which later becomes flooded.

Mr O'Neill advised that Rivers Agency can provide advice and technical assessments based on probability but that the end decision on whether to grant planning permission lies with the planning department and Council.

(Messrs Calvert and O'Neill left the meeting at 7.20 pm)

E57/15 NI Local Government Partnership on Traveller Issues

The Chair welcomed representatives of the Northern Ireland Local Government Partnership on Traveller Issues to the meeting.

Councillor Brown (Mid and East Antrim Borough Council), Chairman of the Partnership provided Members with an overview of the role of the Partnership which is to provide a local government view on Traveller issues. Councillor Brown also made reference to the numerous achievements of the Partnership over past years and lobbying which is ongoing.

Councillor Brown advised that prior to reorganisation both Dungannon and Magherafelt Councils were members of the Partnership. Elected Members have found membership to the Partnership to be advantageous in providing advice and support on various Traveller issues and a good point of contact between organisations in UK mainland and Republic of Ireland. Councillor Brown also

advised of training courses for staff and elected members and being able to feed into consultations on policies affecting Travellers.

Councillor Brown referred to some of the new duties of Councils such as Community Planning and how this may impact on the Travelling community. Councillor Brown reminded Members that Mid Ulster Council has the highest Traveller occupation in Northern Ireland.

Mr Newburn, Secretary of the Partnership, provided Members with a brief history of the Partnership advising that it is an independent/voluntary organisation which receives no statutory funding. Mr Newburn suggested that Council nominate three elected members to the Partnership along with a Council Officer who can act as a point of contact.

Members agreed to discuss nomination to the Partnership at the next Party Leaders meeting.

(Councillor Brown, Mr Newburn and other representatives of the Partnership left the meeting at 7.38 pm)

E58/15 Receive and confirm minutes of the Environment Committee meeting held on Tuesday 14 April 2015

In relation to item E48/15 Councillor McNamee asked if response had been received from Minister regarding reimbursement for grass cutting and other functions no longer being carried out by TransportNI.

The Director of Environment and Property advised that this correspondence would not have been sent until after April Council meeting however he did not believe a reply has been received as yet.

Councillor McGinley referred to corporate branding on tonight's reports not being consistent.

The Director of Environment and Property advised he will make the Head of Democratic Services aware of this issue.

Proposed by Councillor S McGuigan
Seconded by Councillor McNamee and

Resolved That the Minutes of the Meeting of the Environment Committee held on Tuesday 14 April 2015 (E37/15 – E50/15 and E53/15) were considered and signed as accurate and correct.

Matters for Decision

E59/15 Proposed Loading Bay at Market Square, Dungannon

The Director of Environment and Property advised Members that Council have been consulted upon by TransportNI who are proposing to introduce a loading bay at

Market Square, Dungannon. TransportNI have stated that PSNI have been consulted and are in agreement with the proposal.

Proposed by Councillor Cuthbertson
Seconded by Councillor Cuddy and

Resolved That it be recommended to Council to agree to the proposal by TransportNI to introduce a loading bay at Market Square, Dungannon.

E60/15 Proposed Waiting Restrictions at Killyman Road, Dungannon

The Director of Environment and Property advised Members that Council have been consulted upon by TransportNI who are proposing to introduce stretches of limited waiting on Killyman Road, Dungannon. Waiting will be restricted in the layby on the Killyman Road, Dungannon Monday to Friday 8.15 am to 6.15 pm, maximum stay one hour no return within one hour. TransportNI have stated that PSNI have been consulted and are in agreement with the proposal.

Councillor Cuthbertson suggested that Council write to the Department of Justice asking that more car parking be provided on premises of Dungannon Court.

Proposed by Councillor Cuthbertson
Seconded by Councillor Burton and

Resolved That it be recommended to Council to agree with the proposal by TransportNI to introduce limited waiting at the layby on Killyman Road, Dungannon and also write to Department of Justice requesting further car parking be provided at Dungannon Court.

E61/15 Street Naming and Numbering for New Developments

Members were presented with policy for Street Naming and Property Numbering of new developments for Mid Ulster District Council.

The Council has responsibility for Street Naming and Property Numbering for new developments and the streets and properties erected thereon. In accordance with The Local Government (Miscellaneous Provisions (NI) Order 1995: Article 11, the Council is tasked with the requirement to approve Street Naming and Numbering of domestic and commercial buildings which may be located thereon .

Where a new development is proposed (i.e. domestic or commercial) which includes the provision of a new street or roadway, Council are obliged to agree an appropriate Road / Street name for the purpose of subsequent addressing. Each new street and each new building erected thereon is allocated a unique reference number. The Pointer Addressing System which is hosted and managed by Land and Property Services, allocates numbers in the form of "Unique Street Reference Number – USRN" and "Unique Property Development Number – UPRN". As a result the address can then be used by the Emergency Services and utilities to identify the location of the property concerned (e.g. connections for electricity, telephone, etc.) as well as providing the mechanism for obtaining personal legal documentation such as passports, etc.

The draft policy presented forms the basis for the consideration of requests in relation to Street Naming and Property Numbering of new developments across Mid Ulster District Council and will allow for a consistent approach to all requests across the District.

Proposed by Councillor B McGuigan
Seconded by Councillor Cuthbertson and

Resolved That it be recommended to Council to adopt the Street Naming and numbering Policy for new developments.

E62/15 Tenancy Agreements for Allotments and Community Gardens on Council Property

The Head of Technical Services presented report on Tenancy Agreements for allotments on Council property including Nunnery Hill Community Garden (Dungannon Park) and Gardening Spaces at Ballygawley Nature Garden.

There are currently 14 allotment plots at Nunnery Hill Community Garden (Dungannon Park) and 7 Gardening Spaces (raised beds) at Ballygawley Nature Garden, Dungannon. Plots are taken by Tenants on a yearly basis (1 April – 31 March), the conditions of letting are set out in the form of Tenancy Agreements issued by the former Council.

The Director of Technical Services advised that most of the existing plot holders have renewed their plot tenancy for this allotment year. The rates for this year have been kept the same. At Nunnery Hill Community Garden the current annual rent is £50 for full size individual plots and £30 for community group plots and half/quarter size individual plots. At Ballygawley the current annual rent is £5 for a raised bed.

As the Tenancy Agreements need to be updated for Mid Ulster District Council the Head of Technical Services drew attention to Section 5 of the Draft Tenancy Agreement in that the Tenant must live in the Mid Ulster District Council Area. Groups acting as tenant must be operational within the District Council area and at least 80% of the participants using the plot must live in the Mid Ulster District Council area.

The Council managed facilities are located at:

- Ballygawley Nature and Garden
- Nunnery Hill Community Garden (Dungannon Park)

A number of Community operated facilities are located and managed by:

- Carntogher Community Association
- Bellaghy Community Association
- Castledawson Community Association

It is proposed that the revised Tenancy Agreement arrangements will apply to all Council owned property and would come into effect at renewal dates.

Proposed by Councillor Buchanan
Seconded by Councillor Cuddy and

Resolved That it be recommended to Council to approve the Draft Tenancy Agreement for Allotments and Community Gardens on Council property.

E63/15 Bus Shelter Policy

The Head of Technical Services provided report on policy for the provision of bus shelters across Mid Ulster District Council area.

A number of key differences have been identified in the provision/administration of bus shelter provision inherited from the existing 3 legacy Councils, formerly each Council operated from a guideline framework but there is currently no policy in place for the provision of shelters.

Council is empowered under the Local Government Miscellaneous Provisions (NI) Order 1985, with the consent of the department to erect and maintain on any road within the district of the council, shelters for the protection from the weather or persons waiting to enter public service vehicles. At present there are approximately 370 shelters provided throughout the District managed by the Property Services department.

The Head of Technical Services advised that the policy presented will form the framework for administering bus shelter provision across Mid Ulster District Council. This will allow for consistency and alignment of internal procedures across the District. He also highlighted the procedure guide and application form which will form the process for dealing with a request for bus shelter provision.

In response to Councillor S McGuigan's question regarding outstanding requests for bus shelters the Head of Technical Services advised that there are three outstanding requests from the legacy Councils and that these are being progressed.

Councillors McFlynn and Burton both referred to the importance of maintaining to a good standard the bus shelters erected by Council.

Councillor Cuddy asked if there are any instances of bus shelters not being used.

The Head of Technical Services advised that if a bus shelter is reported as not being used this will be investigated. If it is deemed that the bus shelter is 'vacant' then it can be removed and kept in storage for future use.

Resolved That it be recommended to Council to adopt the Policy and Procedural Guidance for the provision of bus shelters across the Mid Ulster District Council area.

E64/15 Update to Affordable Warmth Scheme

The Director of Public Health and Infrastructure updated Members on the Affordable Warmth Scheme and provided the Service Level Agreement between Department for Social Development and Council.

The Affordable Warmth Programme builds on the success of the Affordable Warmth Pilots undertaken by local Councils and the Northern Ireland Housing Executive in 2013/14.

The Affordable Warmth Scheme was formally implemented on 18 September 2014 and is expected to run until 31 March 2017, with further extensions, subject to sufficient funding being made available.

As part of the implementation of the Affordable Warmth Programme, the Department for Social Development have committed to fund in full, the support costs for delivery of these arrangements in Mid Ulster District Council to the value of £153k for the 12 month period April 2015 – March 2016.

The Council's role in this Scheme is as outlined in the Service Level Agreement and in particular the following requirements:

- With the consent of the householder, conduct an initial survey to gather information to be forwarded to the Housing Executive for assessment on eligibility criteria for the scheme;
- Aim to refer a minimum of 1,000 completed surveys to the Housing Executive annually. (It was advised that 54 surveys were completed during the month of April). This will include non-targeted referrals;
- Report to DSD that the areas they are targeting are in line with the area poverty rating information provided by DSD;
- Provide householders participating in the scheme with information regarding Energy Advice;
- Where the householder agrees, refer their details (name, address contact number) to the Social Security Agency for the purposes of conducting a Benefit Entitlement Check with them.

Proposed by Councillor McNamee
Seconded by Councillor McGinley and

Resolved That it be recommended to Council to agree the Service Level Agreement between Department for Social Development and Mid Ulster District Council for the Affordable Warmth Scheme.

E65/15 Council response to Consultation on the Interim Report on the Implementation of the Welfare of Animals Act (NI) 2011

The Head of Environmental Health advised that the Department of Agriculture and Rural Development (DARD) has issued a Consultation seeking views on the Interim Report of the Review of the Implementation of the Welfare of Animals Act (NI) 2011. Members were provided with a report on Mid Ulster District Council's draft response to the consultation.

Following public concern regarding lenient sentencing in an animal cruelty case investigated and brought before the court, a motion was brought before the Northern Ireland Assembly on 31 March 2014. Consequently, Minister Michelle O'Neill established a Review of the Implementation of the Welfare of Animals Act (NI) 2011, chaired jointly by officials in DARD and Department of Justice (DOJ).

Five Working Groups were established to consider the issues raised by the stakeholders. The Working Groups were also tasked with exploring the options for improvement and proposing recommendations. One of the Working Groups had representation from all of the sub-region lead Councils and this Working Group focused on the issues which were raised by the stakeholders in relation to the enforcement of the animal welfare legislation by Councils.

Following the meetings with stakeholders and a review of the issues by the five working groups, an Interim Report has been produced and contains the emerging issues and the recommendations of the Review. This gives all interested parties the opportunity to consider the recommendations and submit any additional views and evidence before the final report is published in mid-2015.

The Review is considering the implementation of the Act under the following four themes:

- Sentencing
- Delivery Structures – farmed animals, non-farmed animals and wild animals
- Working together (facilitating enforcement)
- Serving the Public

The Head of Environmental Health advised that the Review has collated and considered all of the emerging issues that were raised during the meetings with stakeholders and has compiled a list of recommendations to be assigned to the relevant Bodies. A number of the recommendations will apply to Councils for implementation and these have been considered by members of the Animal Welfare Project Board.

In response to Councillor S McGuigan's question regarding funding and duplication of work the Head of Environmental Health advised that funding received from DARD is specifically for the enforcement of the non-farmed animal welfare service. The Head of Environmental Health agreed with Members' comments with regard to sharing of information and that ongoing partnership working is helping to improve effectiveness.

In response to Councillor Kearney's question regarding collection of carcasses the Director of Public Health and Infrastructure advised that Council has fulfilled its civic duty to date and will continue to work with other agencies in this regard.

Councillor Burton felt that Council's response to this consultation needs to be worded in the strongest way possible.

Councillor Cuddy referred to the recent television coverage in relation to puppy farms and asked if there is any learning for the Council from this coverage.

The Head of Environmental Health advised that there are breeding establishments within the Council area and advised that these premises are all inspected and licensed. The Head of Environmental Health advised that officers do follow up on any complaints received regarding such premises.

Numerous Members referred to the importance of establishing the remit of each individual department/agency with regard to animal welfare issues and points of contact for same in order to deal with problems as they arise in a more efficient manner.

Proposed by Councillor S McGuigan
Seconded by Councillor J O'Neill and

Resolved That it be recommended to Council to approve the Council response to the Interim Animal Welfare Review Report.

E66/15 Street Trading Procedures

The Director of Public Health and Infrastructure provided report to update Members on administration procedures for Licensing of Street Trading Activity. This Procedure for administration of the Street Trading Licensing regime across Mid Ulster will form part of an overall Licensing and Regulatory Policy.

The day to day administration and process of Street Trading Applications will be dealt with as a 'Delegated' matter as agreed by Committee. In most instances applications for the grant, renewal, transfer or variation of a licence are accompanied by copies of such plans, certificates or other documents as the Council may reasonably require.

As part of the administrative process, copies of applications are sent to statutory bodies such as the PSNI and Transport NI and any comments made as a result of such consultations are to be taken into consideration as part of the decision making process.

The Director of Public Health and Infrastructure advised that there is a duty on local authorities via the EU Services Directive and the Provision of Services Regulations to act 'in as timely a manner as possible' when processing such applications, with potentially large financial penalties for a local authority if their licensing processes are found to be overly restrictive or prohibitive to potential licensees.

Where objections have been lodged, or the application is deemed to have a particular local significance due to the nature, location or size of the proposed activity, the application will be brought to Committee for Members' consideration and determination.

The Director of Public Health and Infrastructure highlighted the proposal to levy a reduced fee of £25 for temporary trading at civic events and the need to establish at tonight's meeting whether a Mobile Trading licence should be issued for a particular locality or throughout the whole District.

Members were in agreement at the introduction of a reduced fee for civic events.

The Director of Public Health and Infrastructure also highlighted to Members question 14 on the street traders application form which asks the applicant to provide details of any previous convictions. Members were advised that this question has been added to streamline the application process as waiting time on Access NI checks can be lengthy.

Discussion ensued regarding Cookstown market which is in private ownership and the difficulties which may arise from this. In response, the Director of Public Health and Infrastructure referred to the recent Continental Market and advised of arrangement between owner of market and Council to defer the normal Saturday market in the town, a fee was paid for this arrangement.

Councillor McNamee referred to previous investigations by Cookstown District Council in seeking to establish market rights for the Saturday market in Cookstown however the cost of this process was found to be inhibitive at over 1 million.

Councillor Glasgow asked if checks are made to ensure pitches are being used.

The Director of Public Health and Infrastructure advised that trading pitches are regularly monitored and if a pitch is found not to be in use over a period of two months then Council will initiate discussions with the trader to establish what the reasons for non-use may be.

In response to Councillor Buchanan's question regarding traders insurance the Director of Public Health and Infrastructure advised that insurance can be sought under the Street Traders Association however Council does not make it a compulsory requirement of application to hold insurance. The only difference to this being is that if an event is being managed by Council then insurance will be required.

Councillor Burton referred to Aughnacloy market which has been in decline over recent years. Councillor Burton commented that Aughnacloy is a well-placed town and the need for Council to support traders and encourage them back to this market.

The Director of Public Health and Infrastructure advised that Council is working with town centre regeneration teams in supporting markets.

Referring back to Mobile Trading licences, Councillor McGinley felt there is a need to move away from issuing a licence for a particular area and that these types of licences should be issued to trade across the District.

Councillor McNamee expressed reservations at issuing Mobile Trading licences to trade across whole District.

Proposed by Councillor McGinley
Seconded by Councillor Cuddy and

Resolved That it be recommended to Council to agree guidance for Street Trading Applications. In addition, a reduced fee for £25 should be levied for temporary trading at civic events and Mobile Trading licences should be issued to trade across the entire Mid Ulster District.

Matters for Information

E67/15 Environmental Services Service Improvement Plan

Members noted the content of the service improvement plans for Environmental Services as previously circulated.

E68/15 Property Services Service Improvement Plan

Members noted the content of the service improvement plans for Property Services as previously circulated.

E69/15 Roll Out of Brown Bin Kerbside Collection Scheme

The Head of Environmental Services updated Members on the rollout of brown bins for the collection of garden and food waste to the remainder of the Dungannon and South Tyrone area which is now operational.

Capital funding was obtained under the DOE/WRAP Rethink Waste Fund in 2013 to purchase 7500 No. brown bins and 2 No. refuse collection vehicles to allow the roll out of the brown bin collection service to the remaining (primarily rural) areas in the Dungannon and South Tyrone borough area. The new vehicles and bins were purchased in 2014; however despite a commitment to commence collections at the start of 2015, the roll out of the service was not progressed and this therefore became an immediate priority for Environmental Services of Mid Ulster District Council on 1 April.

A number of meetings were held with the Environmental Services team in Dungannon at the start of April to identify resources required for the roll out of the scheme and to agree an implementation programme. The roll out of the scheme has involved reviewing the existing brown bin routes and whilst the majority of households will keep the same collection day some will now have a different collection day. Also some households will have a different collection day for the brown bin to their black/blue bin.

The Head of Environmental Services advised that it was necessary to purchase an additional load of brown bins (780 No) to cover outstanding areas at a cost of £13,338 (not allowed for in budget). The cost of printing promotional leaflets was £1000 and in addition the refuse crews were paid one hour overtime during week commencing 27 April to hand deliver same to affected households (21,400 No.) It is also be necessary to hire an additional refuse collection vehicle, every other week, at a cost of £600/week to ensure all areas cans be serviced.

Whilst it is hoped collection routes can be adequately serviced by existing collection crews it will be necessary to replenish the casual pool of HGV drivers/operatives to allow for sickness, leave etc. via a recruitment exercise to be undertaken in May.

As the roll out of (free of charge) brown bins to the entire Dungannon area is now complete, it is planned following a further period of one month to allow for any houses which may have been missed inadvertently, to introduce the £25 charge (as agreed previously by Council) for the supply of brown bins from 1 July 2015.

The roll out of the brown bin scheme will result in the collection of a considerable amount of additional garden and food waste for processing however the cost of same has been allowed for in the 2015/16 budget.

Councillor Cuddy referred to cardboard collection for businesses which is under review and due to stop at end of September and suggested that this be deferred until completion of works at civic amenity sites.

The Head of Environmental Services agreed to take on board the Members comments and look at extending the cardboard collection service for business until end of December 2015 when works at civic amenity sites is due for completion.

E70/15 Local Authority Collected Municipal Waste Management Statistics – October to December 2014

Members were provided with the NIEA Northern Ireland Local Authority Collected Municipal Waste Management Statistics Report for October to December 2014.

On a Northern Ireland basis, the latest figures show that for the first time since 2009/10, Northern Ireland's household dry recycling and composting rate has shown a slight decrease from the same quarter in the previous year (38.6% 2014/15, 39.1% 2013/14). Although there was a slight increase in dry recycling, this was offset by a decrease in composting. The net effect would have been almost zero except that household waste arising's have slightly increased (198,242t in 2014/15, 193,312t in 2013/14), causing this small decrease in the household recycling and composting rate.

Of all household waste collected 23.1% was recycled and 15.6% was composted. A recycling rate of 45.6% was recorded during the previous quarter for July - September 2014. (This decrease can partly be explained due to lower composting rates during winter months).

The total tonnage of household waste sent to landfill for this quarter was 88,826 tonnes, down 7.8% compared with the same period a year earlier (96,300 tonnes). This means that 44.8% of Northern Ireland's household waste was sent to landfill across the quarter.

In total, 59,497 tonnes of biodegradable LAC municipal waste were sent to landfill during this quarter, 7.7% less than in the same quarter the previous year (64,449 tonnes). This equated to 20.4% of the annual Northern Ireland Landfill Allowance Scheme (NILAS) allocation used in this quarter and 57.1% used in the first three quarters of the year.

According to the Department for Environment, the reduction in landfill has been largely achieved through an increasing proportion of waste being diverted for energy recovery, with much of that material being used in the production of refuse derived fuel (RDF).

In Mid Ulster, the performance in terms of waste recycling/composting has been poorer for the period October to December 2014, due to seasonality. The four latest quarters for which published data is available i.e. January 2014 to December 2014 shows the overall percentage of household waste recycled/composted by the three

existing Councils collectively was approximately 47%. This meets the NI Executive's Programme for Government interim recycling target of 45% by 2015. However there is further work / improvement required to achieve the EU Revised Waste Framework Directive target of recycling 50% of household waste by 2020.

With regards to NILAS performance, although Dungannon and South Tyrone Borough Council will individually exceed its annual NILAS allocation/target for 2014/15, Mid Ulster District Council as a whole will achieve compliance. The total annual NILAS allocation for Mid Ulster decreases to 21,330 tonnes in 2015/16 and falls progressively to 16,932 tonnes in 2019/20.

Again, based on the four latest quarters for which data is available, Mid Ulster as a whole has landfilled 15,700 tonnes of biodegradable LAC municipal waste. Therefore assuming no significant decrease in our performance (due to unforeseen circumstances) over the next four years NILAS target compliance should be achieved up to 2019.

Members felt that, going forward, a brief summary of waste/recycling statistics be provided.

E71/15 Notification of Buildings of Special Architectural or Historic Interest

Members were advised that Advanced Notice of Listing of Buildings of Special Architectural or Historic Interest has been received for St. Columba's Church, Sixtowns Road, Straw, Draperstown, Magherafelt BT45 7BD.

As part of the requirements of the Planning Act (Northern Ireland) 2011, the Northern Ireland Environment Agency must consult with the Local Authority concerned, should Council offer no comment within six weeks of receiving notice it is assumed that Council is in agreement with the proposed listing.

The Department in the report, have indicated that the seven-bay Gothic Revival Style Church, built in 1852-53, with sand stone detailing and a pitched internal slate roof, is of significant historical interest due to the fabric and detailing, both internally and externally and has been proposed for listing on this basis.

Councillor B McGuigan commented that this proposed listing further adds to the character of the building and it was

Resolved That it be recommended to Council that St. Columba's Church, Sixtowns Road, Straw, Draperstown be listed as a building of special architectural/historic interest.

E72/15 Entertainment Licensing Applications

Members considered report on Entertainment Licensing Applications received across Mid Ulster District Council for the month of April. The applications received are processed using the Delegated Authority Procedures agreed by Council.

Entertainment Licensing applications are received on a weekly basis throughout the District by the Building Control Service. Statutory Consultations are carried out with

PSNI and NIFRS for each Entertainment Licence Application submitted. All premises are inspected in accordance with the requirements for Entertainment Licence as outlined in the Policy and Procedures agreed by Committee and appropriate verification checks on equipment and documentation are undertaken.

The list of applications for April 2015 is as follows:

Name of Applicant	Name of Premises	Address of Premises	Type of Licence	Max No Patrons
DARD	Loughry College	76 Dungannon Road, Cookstown	Occasional	300
Lawrence Knox	Molesworth Presbyterian Church	69 Molesworth Street, Cookstown	Occasional	300
Gary Coleman	St Patrick GFC	111 Ballyneil Road, Loup	Occasional	440
H & T McGlone	Mary's Bar	10 Market Street, Magherafelt	Full	560
Desmond & Laura Salley	Salley's Bar and Restaurant	86 Main Street, Aughnacloy	Full	200
Ciaran McCausland	McCausland's Bar	38 Main Street, Donnaghmore	Full	TBC
Ciaran McCausland	The Brewers House	73 Castlecaulfield Road, Donaghmore	Full	TBC
Andrew Sleeth	Integrated College Dungannon	21 Gortmerron Link Road Dungannon	Occasional	640
Eamon McCaffrey	The Auction Room	24 The Square, Moy	Full	319
Ronald Graham	Royal British Legion Dungannon	54B Scotch Street, Dungannon	Full	150

Members noted the content of the report.

E73/15 Building Control Workload Analysis

Members were provided with an update on the workload analysis for Building Control across Mid Ulster District Council as below:

Workload Analysis	April 2015	Accumulative 2015/16
Total number of Applications	162	162
Full plans applications received	73	73
Building Notices applications received	76	76
Regularisations applications received	13	13
Estimated value of works submitted	£14,800,000	£14,800,000
Number of inspections carried out by Building Control Officers	963	963
Commencements	278	278
Domestic Dwellings	78	78
Domestic alterations and Extensions	186	186
Non-Domestic work	14	14
Completions	170	170
Domestic Dwellings	33	33
Domestic alterations and Extensions	130	130
Non-Domestic work	7	7

Members noted the content of the report.

E74/15 Proposed Charging for Policing Services at Special Events

The Director of Public Health and Infrastructure advised Members of notification received from PSNI Headquarters, in regards to a proposed Policy to Charge for the Provision of Policing Services under Section 11 of the Policing (Northern Ireland) Act 2000. These arrangements will primarily apply to Special Events and undertakings which occur on private property, for example concerts and sporting events. Although the legislation has been in place for some time, this will be a significant change in policy practice in regards to the Management and Policing of Special Events.

As Members may be aware, the Council is now operating a Mid Ulster District Council Safety Advisory Group and Terms of Reference have been drafted as part of the arrangements for addressing public safety at large scale events of this nature. A copy of the PSNI Policy in regards to this matter has been requested but is still to be received.

Members were asked to note, *“Where the PSNI have been unable to resolve concerns with the promoter/event organiser, the PSNI will seek to raise these concerns with the appropriate licensing body for the event, they may submit an*

objection for example to the granting of an Entertainment Licence or seek to have conditions placed on the Licence for the event. Whilst these avenues for raising safety and security concerns around a licensed event already exist they have been formalised in the new Policy as appropriate steps to take where agreement cannot be reached with the promoted/organiser.”

The Director of Public Health and Infrastructure advised that these arrangements would regularise the procedures for Policing at Special Events and it would be important to ensure that a co-ordinated approach is taken to address all issues of concern to ensure public safety. The introduction of the Mid Ulster District Council – Safety Advisory Group will assist in formulating these procedures. The PSNI have indicated they would be happy to provide further briefing on this matter at the request of Members.

Councillor McGinley felt that PSNI should be invited to a future meeting of Committee to seek clarification on what fees will be.

Councillor S McGuigan referred to the negative impact on small groups due to the proposed charging for policing services whilst other parades are not being looked in a similar manner. Councillor S McGuigan suggested that Council write to the Parades Commission and Minister for Justice to raise concerns.

Proposed by Councillor McGinley
Seconded by Councillor S McGuigan and

Resolved That it be recommended to Council to invite PSNI to a future meeting of Environment Committee to discuss proposed charging for policing services at special events. Council to also write to Parades Commission and Minister for Justice raising concern that small groups are being targeted with the proposed charges whilst other parades are not being looked at in the same manner.

E75/15 Building Control, Environmental Health and Technical Services Service Improvement Plans

Members noted the content of the service improvement plans for Building Control, Environmental Health and Technical Services as previously circulated.

Confidential Business

Proposed by Councillor McNamee
Seconded by Councillor S McGuigan and

Resolved That items E76/15 – E82/15 be taken as confidential business.

E83/15 Duration of Meeting

The meeting was called for 7.00 pm and ended at 9.20 pm.

CHAIR _____

DATE _____

B

Subject	Proposed 40mph Speed Limit at Clonoe, Coalisland and Galbally, Dungannon
Reporting Officer	Andrew Cassells, Director of Environment and Property

1	Purpose of Report
1.1	To seek the agreement of Members in relation to a proposal from Transport NI to introduce a 40mph speed limit at Clonoe, Coalisland and Galbally, Dungannon.

2	Background
2.1	Transport NI are consulting the Council as they are proposing to introduce 40mph speed limits at Clonoe, Coalisland and Galbally, Dungannon.

3	Key Issues
3.1	The consultation letter, dated 18 May 2015, received from Transport NI is attached as Appendix 1 to this report.
3.2	The map showing the proposed locations of the 40mph limits on the approaches into Clonoe, Coalisland is attached as Appendix 2. Members will note that the proposal is to erect the 40mph limit signs at the locations shown on the following roads: B 161 Annagher Road, B520 Moor Road (S), U1025 Cloghog Road, B161 Mountjoy Road, B520 Moor Road (N) and the U1010 Lisnastrane Road.
3.3	The map showing the extent of the proposed 40mph limit at Galbally, Dungannon is attached as Appendix 3. Members will note that the extent of the proposed 40mph limit is shown by a red line on this map and covers portions of the C634 Lurgylea Road, U914 Dernanaught Road and the U914 Crosscavanagh Road.
3.4	Transport NI state that the PSNI have been consulted and are in agreement with the proposal.

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

5	Other Considerations
5.1	The introduction of speed limits at these locations will assist in the management of road safety issues.

6	Recommendations
6.1	That the Environment Committee agrees with the proposal by Transport NI to introduce 40mph limits at Clonoe, Coalisland and Galbally, Dungannon.

7	List of Documents Attached
7.1	Appendix 1 – Letter from Transport NI dated 18 May 2015
7.2	Appendix 2 – Proposed 40mph limit at Clonoe, Coalisland – sketch map showing the position of the proposed limits.
7.3	Appendix 3 – Proposed 40mph limit at Galbally, Dungannon – sketch map showing the extent of the proposed speed limit.

Chief Executive
Mid Ulster Council
Magherafelt Office
Ballyronan
Magherafelt
BT45 6EN

**Western Division
Network Development**
County Hall
Drumragh Avenue
Omagh
Co Tyrone
BT79 7AF

Your ref:

Telephone: (028) 8225 4085

Our ref:

Text phone: (028) 9054 0022

Fax: (028) 8225 4173

18 May 2015

Email: TrafficWestern@drdni.gov.uk

www.drdni.gov.uk

Dear Mr Tohill

**PROPOSED 40MPH SPEED LIMIT AT CLONOE, COALISLAND AND
GALBALLY, DUNGANNON**

TransportNI is proposing to introduce a 40mph speed limit at Clonoe, Coalisland and Galbally, Dungannon as detailed on the attached maps.

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

Please bring these matters to the attention of your council.

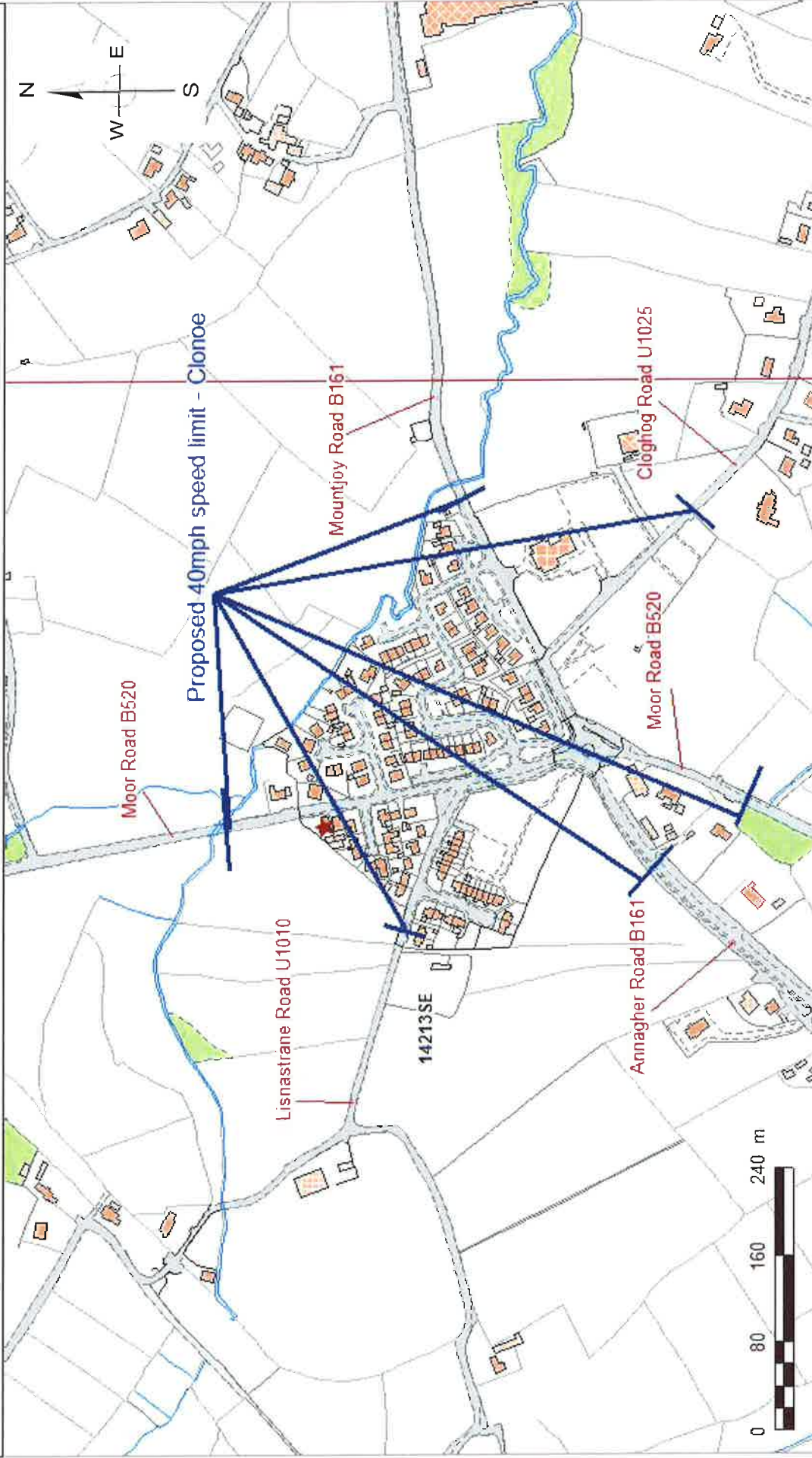
Yours sincerely



Mrs Hazel Burton
Traffic Management

Encs

Proposed 40mph at Clonoe



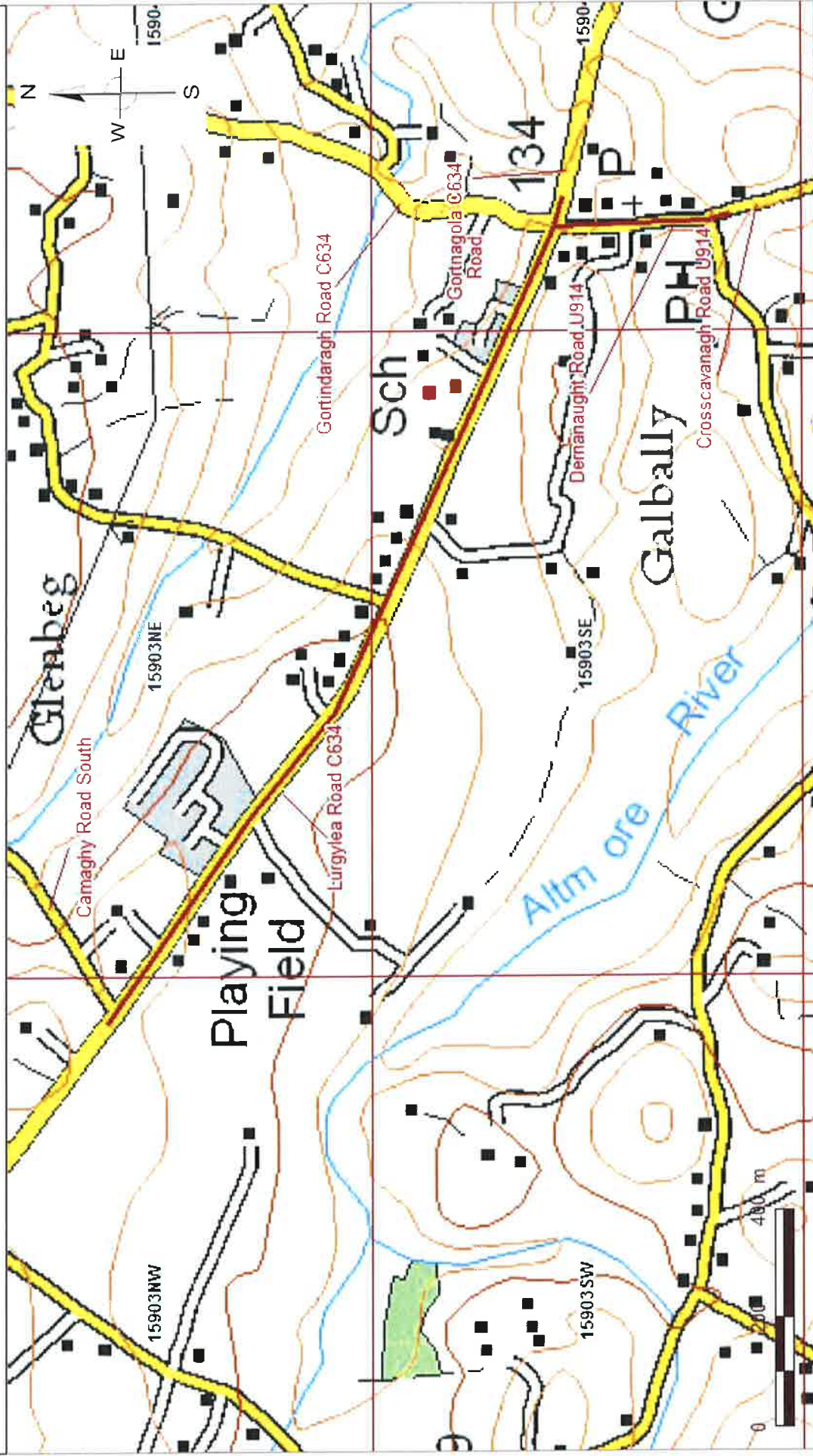
This material is based upon Crown Copyright and is reproduced with the permission of Land and Property Services under delegated authority from the Controller of Her Majesty's Stationery Office, © Crown copyright and database rights NIMA ES&LA214

Scale: 1:5000

Coords: x 285774.99
y 367279.60

12th January 2015

Proposed 40mph at Galbally



This material is based upon Crown Copyright and is reproduced with the permission of Land and Property Services under delegated authority from the Controller of Her Majesty's Stationery Office, © Crown copyright and database rights NIMA ES&LA214

Scale: 1:10000

Coords: x 270811.35
y 365654.09

16th January 2015



C

Subject	Proposed Disabled Parking Bay at Hillcrest, Aughnacloy
Reporting Officer	Andrew Cassells, Director of Environment and Property
Contact Officer	Andrew Cassells

1	Purpose of Report
1.1	To seek the agreement of Members in relation to a proposal from Transport NI to introduce a Disabled Parking Bay at Hillcrest, Aughnacloy.

2	Background
2.1	Transport NI are consulting the Council as they are proposing to introduce a Disabled Parking Bay at Hillcrest, Aughnacloy.

3	Key Issues
3.1	The consultation letter, dated 21 May 2015, received from Transport NI is attached as Appendix 1 to this report.
3.2	The map showing the proposed location of the Disabled Parking Bay at Hillcrest, Aughnacloy is attached as Appendix 2.
3.3	Transport NI state that the PSNI have been consulted and are in agreement with the proposal.

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

5	Other Considerations
5.1	None at this juncture

6	Recommendations
6.1	That the Environment Committee agrees with the proposal by Transport NI to introduce a Disabled Parking Bay at Hillcrest, Aughnacloy.

7	List of Documents Attached
7.1	Appendix 1 – Letter from Transport NI dated 21 May 2015
7.2	Appendix 2 – Proposed Disabled Parking Bay at Hillcrest, Aughnacloy – sketch map showing the position of the proposed disabled parking bay.

**Western Division
Network Development**
County Hall
Drumragh Avenue
Omagh
Co Tyrone
BT79 7AF

Chief Executive
Mid Ulster Council
Magherafelt Office
Ballyronan
Magherafelt
BT45 6EN

Your ref:

Telephone: (028) 8225 4085

Our ref: 351

Text phone: (028) 9054 0022

Fax: (028) 8225 4173

21 May 2015

Email: TrafficWestern@drdni.gov.uk

www.drdni.gov.uk

Dear Mr Tohill

PROPOSED DISABLED PARKING BAY AT HILLCREST, AUGHNACLOY

TransportNI is proposing to legislate to provide a disabled persons' parking bay at Hillcrest, Aughnacloy for a disabled resident, 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.

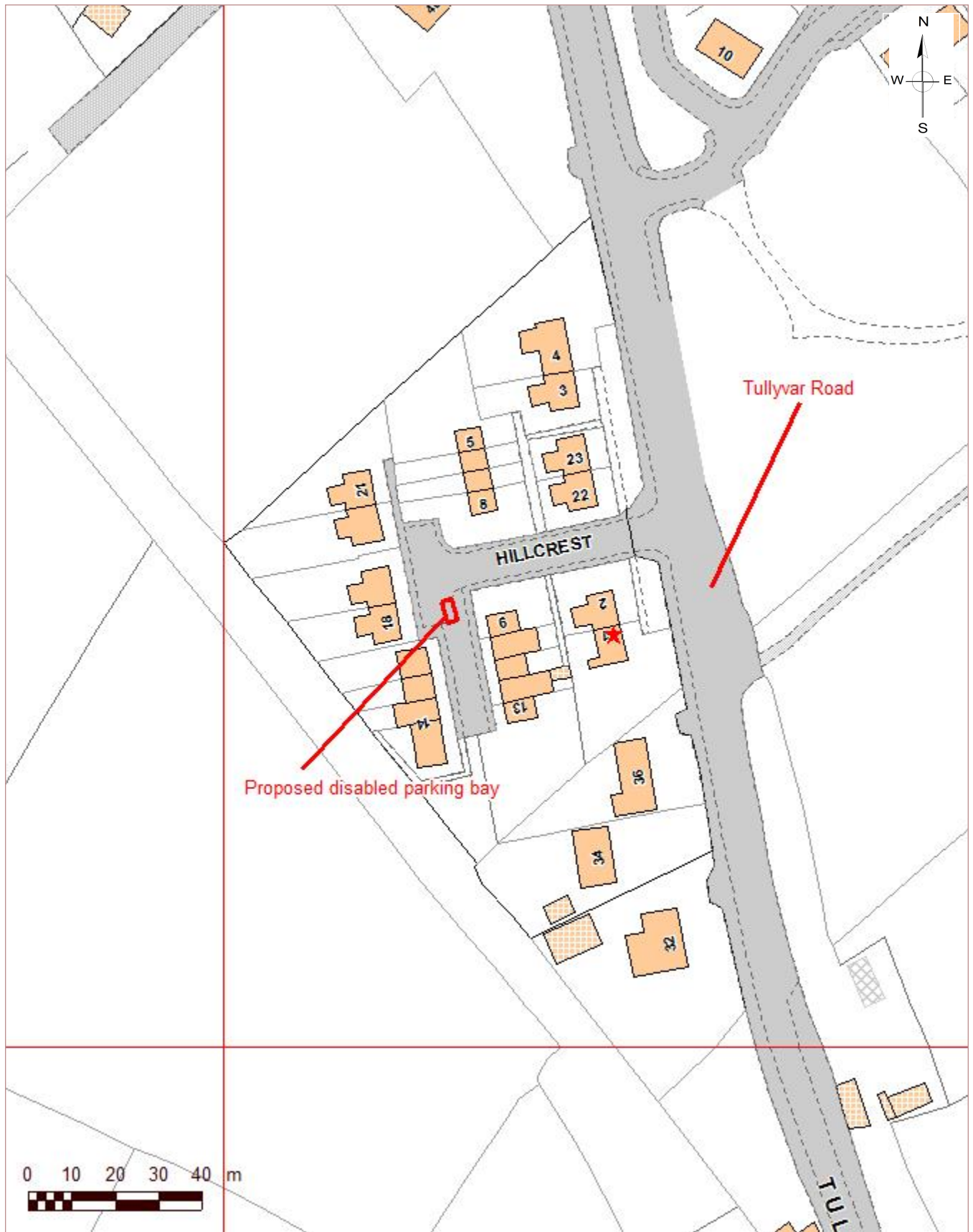
Yours sincerely



Mrs Hazel Burton
Network Development

Enc

Proposed disabled parking bay - Hillcrest, Aughnacloy



Scale: 1:1250

Date: 21st May 2015

Coords: x 266004.34

y 352808.82

This material is based upon Crown Copyright and is reproduced with the permission of Land and Property Services under delegated authority from the Controller of Her Majesty's Stationery Office, © Crown copyright and database rights NIMA ES&LA214

D

Subject	Charges for acceptance of recyclable commercial waste at Recycling Centres
Reporting Officer	Mark McAdoo, Head of Environmental Services

1	Purpose of Report
1.1	To seek approval on proposed scale of charges for the acceptance and disposal of recyclable commercial waste at Council Recycling Centres.

2.1	Background
2.1	At Environment Committee meeting on 8 October 2014 charges were agreed for the disposal of residual commercial waste at Recycling Centres. However a range of recyclable waste materials/items are also accepted at the sites from commercial sources and alignment of charges for same is required in order to ensure a consistent approach across all our facilities.

3	Key Issues
3.1	Included at Appendix 1 are the current charges applied at the existing Council sites in Cookstown, Dungannon and Magherafelt for the range of waste streams which may originate from commercial/industrial sources. Also included are the proposed charges for Mid Ulster District Council.
3.2	The majority of proposed charges relate to hazardous waste streams/items e.g. fridges/freezers, oils, paint etc. which incur significant disposal costs. Whilst it is proposed that charges should also apply for a number of other waste streams e.g. wood, hard plastics etc. it is also proposed that several e.g. paper/cardboard, green waste etc. should be accepted free of charge. The position in relation to green waste will have to be kept under close review as there is the potential for exceeding permitted licensed quantities
3.3	In the case of tyres it is proposed that these are not accepted at any site.

4	Resources
4.1	<u>Financial</u> The basis of the proposed charges is to ensure cost recovery for disposal.

4.2	<u>Human</u> Site attendants will require relevant training in the application of charges.
4.3	<u>Basis for Professional/ Consultancy Support</u> None
4.4	<u>Other</u> None

5	Other Considerations
5.1	Commercial waste will only be accepted at a facility where a weighbridge exists to weigh same i.e. Cookstown and Magherafelt Recycling Centres (plus Drumcoo from 2016) and landfill sites i.e. Ballymacombs, Magheraglass and Tullyvar.
5.2	Given the considerable cost of accepting and managing waste paints and cooking oils it is proposed that the acceptance of these hazardous waste streams (both from domestic and commercial sources) is restricted to the Recycling Centres located in each of the main towns i.e. only at Cookstown, Dungannon and Magherafelt sites.

6	Recommendations
6.1	Members are asked to approve the proposed scale of charges for the acceptance of recyclable commercial waste at Council Recycling Centres.

7	List of Documents Attached
7.1	Appendix 1 - Existing and proposed scale of charges for acceptances of recyclable commercial waste.

Existing and Proposed Charges for Acceptance of Recyclable Commercial Waste at Mid Ulster District Council Civic Amenity Sites/Recycling Centres

Material/Item	Cookstown Site Charge	Cookstown Details	Dungannon Site Charge	Dungannon Details	Magherafelt Site Charge	Magherafelt Details	Proposed Mid Ulster Charge
Fridges/ Freezers	£80 each	Cookstown and Moneymore. Less than 50 units per year. Collected by Avenue Recycling £30 each + £28 consignment note fee	£30 each	Units from other sites bulked at Drumcoo. Less than 50 units per year. Units delivered to Techrec £40/T plus £25 Consignment fee. (Arrangement now expired)	£45 each	Accepted at all sites. Less than 50 units per year	£50 each Only accepted at designated commercial sites Consignment note required.
Tyres	Don't accept from domestic or commercial	Any tyres from fly tipping etc. collected by Council then by R4	Don't accept from domestic or commercial	Tyres from fly tipping collected by council, bulked at Oaks Rd depot then delivered to R4. Tyres from fleet also disposed of in this way Prices same as Cookstown 17.5 light truck £4.50	Car £3.00	Accepted at all sites	Do not accept
		Passenger/VAN/4x4 £1.00			4x4 £7.80		
		Car rims £2.00			Van, light truck, small front tractor £8.40		
		19.5 truck £5.00			Truck and Bus £18.00		
		22.5 Truck £6.00			Large Tractor and super singles £24 - £48		
		S/Single £8.00					
		Tractor (large) £30.50					
Plasterboard	£70 per tonne (Cookstown only) (Based on BRL rates)	Cookstown only. Collected by McKinstry's £ 90/T plus £90 haulage	Don't accept from domestic or commercial		£100 per tonne (Magherafelt & Ballymacombs only).	Magherafelt and Ballymacombs only	£150/tonne
TV's &	£2 each	Cookstown and	Free	All sites.	Free	All sites	Free of Charge

Monitors		Moneymore. Collected free as WEEE		Collected free as WEEE		excluding Ballymacombs	Maximum of 10 units, plus consignment note
Fluorescent Tubes	£0.20 Each	Cookstown and Moneymore. Collected free as WEEE	Free	All sites. Collected free as WEEE	Free	All sites excluding Ballymacombs	Free of charge Maximum of 25 units, plus consignment note
Oil Filters & Oily Rags	£80 per 240 Litre bin	Cookstown and Moneymore. £109.50 per 240L bin plus £24 consignment fee	Didn't accept		Free	All sites excluding Ballymacombs	£750//tonne, plus consignment note
Paint / Paint Cans	£0.50 each	Cookstown and Moneymore. £258.5/T collected by ENVA	Didn't accept from domestic or commercial		Didn't accept from commercial	All sites. Collected by Enva	£300//tonne plus consignment note
Paper	Free	Cookstown and Moneymore. Picked up in blue bin lorry and sent with MDR for processing.	Free	All sites. MDR compactors hauled to Tullyvar transfer shed. Collected by RecyCo no cost. Clogher ship bulked at Tullyvar. Large paper banks at Coalisland and Drumcoo collected by Glassdon FOC	Free	All sites excluding Ballymacombs	Free of charge
Cardboard	Free	Cookstown and Moneymore. Bulked and baled in	Free	All sites. Collected in compactors.	Free	All sites excluding Ballymacombs	Free of charge

		Cookstown. £45 per tonne rebate.		Collected by McAtee £25/T Stored loose at Clogher and collected by Council lorry on Trade Cardboard Collection route – and then taken to Cookstown CAS.			
Plastic Bottles	Free	Cookstown and Moneymore. Picked up in blue bin lorry, sent with MDR for processing	Free	All sites. MDR compactors hauled to Tullyvar transfer shed. Collected by RecyCo no cost. Clogher ship bulked at Tullyvar.	Free	All sites excluding Ballymacombs	Free of charge
Glass bottles	Free	Cookstown and Moneymore. Collected by glassdon FOC	Free	All sites. Bottle banks collected by Glassdon FOC. Rental £7/week/site	Free	All sites	Free of charge
Flat Glass	Charged as general waste		Didn't accept from domestic or commercial		Free	Magherafelt only. £150 per collection RRR (£30/T)	£50/tonne
Green Waste	Free	Cookstown and Moneymore. Bulked at Cookstown. £39.15/T collected by NWP	Free	All sites. ROROs delivered to NWP Portadown £39.10/T. Clogher – skip transferred to Tullyvar transfer shed for bulking with brown bin	Free	All sites. Bulked at Magherafelt. £24/T collected by Simpro.	Free of charge (to be kept under review)

				waste, collected by NWP £45.14/T (SWaMP contract)			
Wood	Free	Cookstown and Money more. £30/t plus £170 haulage (McKinstry's)	Free	All sites. Cost now as per Cookstown contract	Free	All sites. Bulked at Magherafelt. Collected by RRR.£30/T	£75/tonne
Scrap metal	Free	Cookstown and Money more. Collected by T-Met £30/T current income	Free	All sites. Delivered to T-Met. (No contractual agreement, income subject to market prices)	Free	All sites. Bulked at Magherafelt. Collected by Mulhollands. £55/T income	Free of charge
Plastic Bags & Film	Free	Cookstown only. Baled on site and collected at zero cost.	Free	All sites but only Drumcoo & Coalisland with any quantity. Delivered to Cookstown site.	Free	Magherafelt only. Collected by RRR at zero cost.	Free of charge
Wet Batteries	Free	Cookstown and Money more.	Free	All sites. Collected free as WEEE via ERP	Free	Collected by Enva at no cost	Free of charge, plus consignment note
Dry Batteries	Free	Cookstown and Money more. Collected free as WEEE via ERP	Free	All sites. Collected free as WEEE via ERP	Free	Collected free as WEEE via ERP	Free of charge, plus consignment note
Hard Plastics	Free	Cookstown and Money more. Bulked up in Cookstown, transported to	Free	All sites. RORs hauled to Greenway £40/T (Clogher skip bulked at	Free	Magherafelt only. Collected by RRR £50/T	£100/tonne

		Greenway £175 haulage + £60 per tonne gate fee.		Tullyvar.) (Contract expired March 2015)			
LDA	Free	Cookstown and Moneymore. Collected free as WEEE	Free	All sites. Collected free as WEEE via ERP	Free	All sites excluding Ballymacombs. Collected free as WEEE	Free of charge
SDA	Free	Cookstown and Moneymore. Collected free as WEEE	Free	All sites. Collected free as WEEE via ERP	Free	All sites excluding Ballymacombs. Collected free as WEEE	Free of charge
Textiles	Free	Cookstown and Moneymore. £500/T collected by All-Tex (income)	Free	4 Sites – Salvation Army. Clogher – CTR. No income, no formal arrangement.	Free	All sites. Collected by CTR £330 income	Free of charge
Tetra	Free	Cookstown and Moneymore. Picked up in blue bin lorry, sent with MDR, £3 per tonne rebate	Free	All sites MDR compactors hauled to Tullyvar transfer shed, collected by RecoCo, no cost. (Clogher skip bulked at Tullyvar)	Free	All sites. Collected with plastic bottles. Included with blue bin MDR	Free of charge
Mineral Oil	Free	Cookstown and Moneymore. £0.14/L collected by ENVA (cost)	Free	All sites. £0.14/L collected by ENVA (cost) (SWaMP contract expired)	Free	All sites excluding Ballymacombs. Collected by Enva	20p/litre, plus consignment note
Cooking Oil	Free	Cookstown and Moneymore. Frylite	Free	All sites. Frylite collect FOC	Free	All sites excluding Ballymacombs. Collected by	Free of charge

						Frylite	
Rubble/Hardfill	Free (Small amounts)	Delivered to inert landfill in Pomeroy by own lorry. Zero gate fee.	Don't accept from domestic or commercial		Free (Small amounts)	All sites. Kealey £9/T plus £58 collection. RRR £5 delivered.	£20/tonne
Cans	Free	Cookstown and Moneymore. Picked up by Glassdon	Free	All sites. MDR compactors hauled to Tullyvar transfer shed, collected by RecoCo, no cost. (Clogher skip bulked at Tullyvar). Can banks collected by Glassdon FOC.	Free	All sites. M'felt in blue bin. Other sites goes to glassdon.	Free of charge

General Comments

All subject to specific site issues e.g. availability of space/containers etc.

If waste is coming from domestic source is it accepted free of charge

Minimum charge of £5 for all commercial waste

All hazardous waste must be accompanied by appropriate consignment note

E

Subject	Grounds Maintenance: Review of Grass Cutting
Reporting Officer	Terry Scullion, Head of Property Services
Contact Officers	Terry Scullion, Andrew Cassells

1	Purpose of Report
1.1	To seek the approval of Members to conduct a review of the level of service delivery in relation to the provision of Grounds Maintenance Services with a particular focus on grass cutting.

2	Background
2.1	<p>Within the overall remit of Grounds Maintenance the Council maintains many different types of areas including:</p> <ul style="list-style-type: none"> • Grounds associated with Council Offices, Depots and other buildings • Sports Pitches and associated grounds • Bowling Greens • Golf facilities • Parks and Cemeteries • Play Areas • Countryside walkways • Historical Graveyards and other ancient monuments • Roadside grass verges within some Towns and Villages • Gateway features such as major roundabouts on the outskirts of towns • Ornamental Flower beds including sponsored planting within Towns and Villages • Street Trees
2.2	<p>The need to develop a Mid Ulster District Council Policy in relation to the level of service provision has been highlighted by two main issues which have been previously discussed by Members at both Committee and Council, namely:</p> <ol style="list-style-type: none"> 1. The different approach adopted by the three legacy Councils in relation to the general cutting of road side verges and other associated grounds maintenance activities within the limits of the towns and villages across the Districts. 2. The refusal of Transport NI to continue to pay the Council for the grass cutting they should be undertaking within the town and village limits of the former Cookstown and Dungannon & S Tyrone Council areas.
2.3	In general terms the level of service provision (in relation to the cutting of verges within the confines of the public road) has been lower within the former

	<p>Magherafelt District Council area as that legacy Council did not enter into any agreement to cut areas that were the responsibility of Transport NI save for those in the vicinity of ornamental flowerbeds etc. As a result of Transport NI funding cutbacks in year only one cut is expected in the Magherafelt area, instead of five cuts in urban areas and twice in rural areas.</p>
2.4	<p>As a consequence there currently exists a variation in the level of grounds maintenance service delivery being provided across the Mid Ulster District Council area.</p>
2.5	<p>It has also become clear that the Council may be cutting grass and/or maintaining areas that are neither owned nor leased by the Council or fall within the remit of public open space maintained by the Council. It is therefore important that the Council establishes a policy in relation to both the extent and the level of service provision to be provided on a consistent basis across the whole District.</p>
2.6	<p>In planning any change in the level of service provision in relation to Grounds Maintenance this needs to be carried out both in line with the annual budget setting process and in line with the start of the 'growing season' which is usually taken as around the middle of March each year.</p>
2.7	<p>As we are currently well advanced in to the current growing season any proposed changes are therefore not planned to be enacted prior to March 2016. With the exception of any grass cutting and maintenance anomalies identified as a result of legacy Council practices on property that Council don't own or have no legal obligation to maintain, these will cease in the current growing season.</p>

3	Key Issues
3.1	<p><u>Approach/Principles</u></p> <p>The following principles would be considered important in carrying out the review in terms of parameters and objective setting:</p> <ul style="list-style-type: none"> • To, at least, work within existing budgets • To establish Ownership or reason for Council interest in any land which the Council maintains • Establish appropriate standards for the areas based on their usage, amenity level and value • Establish street and road works safety compliance • Establish resource levels required to maintain the areas • Cost proposals and compare to existing resource levels • Review standards of service delivery to ensure that these can be delivered from within existing resources • Wherever possible develop sustainable approaches which assist in meeting the Council's commitment in terms of biodiversity. • Where appropriate give notice to landowners/occupiers where the Council has no interest in the lands effective, in year that maintenance will cease, or from 1 April 2016 if outside of the growing season. <p>The extent and the standard of service provision; that the level of service provision is appropriate for the use to which the land or grounds are being used</p>

3.2	<p>and that it is consistent across the Council area.</p> <p><u>Aspirations</u></p> <p>That the Council only maintains property or lands which it has an interest in (through ownership, lease, or other arrangement).</p> <p>That the Council will seek to maintain roadside grass verges within all towns and village (30mph) limits where these are within the confines of the public road.</p> <p>That Council seek to maintain prominent gateways on aerial routes to and from the five largest largest towns in the district based on population size (i.e. Dungannon, Coalisland, Cookstown, Magherafelt and Maghera).</p> <p>To promote civic pride and cleanliness standards that weed control is undertaken in town and villages along footways and kerb edges with herbicide.</p> <p>It is possible that a change in standards will have to be effected in order to ensure consistency of approach across the district.</p>
-----	---

4	Resources
4.1	<p><u>Financial</u></p> <p>The Committee are already aware that there is essentially a £29,000 deficit in the Grounds Maintenance Budget for the current year as a result of the refusal of Transport NI to continue the payments made to two of the legacy Councils in respect of grass verge cutting within some towns and villages.</p> <p>It is a principle of the proposed review that the service will operate within its current level of resources. However discretionary service delivery on roadside grass verges beyond towns and village (30mph) limits where these are within the confines of the public road will be affected by the deficit.</p>
4.2	<p><u>Human</u></p> <p>Officer availability and time in relation to carrying out the review and implementing any proposals.</p>
4.3	<p><u>Basis for Professional/ Consultancy Support</u></p> <p>None at this stage although in terms of future asset management it is probable that how our lands and grounds managed will become an issue as we move to establish a GIS based approach to asset management.</p>
4.4	<p><u>Other</u></p> <p>None at this stage.</p>

5	Other Considerations
5.1	None.

6	Recommendations
6.1	That Members approve the carrying out of a review into the Grounds Maintenance service and addressing grounds maintenance anomalies as set out in the body of this report.

7	List of Documents Attached
7.1	None

F

Subject	Entertainment Licensing
Reporting Officer	William Wilkinson – Head of Building Control

1	Purpose of Report
1.1	To advise Members of a Consultation on proposed amendments to the Entertainment Licensing Legislation as issued by Department of the Environment.

2	Background
2.1	<p>Currently the Council has responsibility for Licencing places of Entertainment in accordance with The Local Government (Miscellaneous Provisions) (NI) 1985.</p> <p>The legislation has remained basically unaltered for the past 30 years, although there have been many changes in the range of entertainment on offer across Mid-Ulster and Northern Ireland in general.</p> <p>Currently there are four types of Licence which can be issued within the above legislation.</p> <ol style="list-style-type: none"> 1) Grant renewal of Full Licence (Annually). 2) Occasional Licences (14 Days within a one year period) 3) Temporary Licence (one-off event). 4) Outdoor Licence e.g. concert, etc.

3	Key Issues
3.1	<p>The Consultation Paper as issued by the Minister (see Appendix 2) contains 36 Proposals and Recommendations for amendments to the current legislation and licensing regime. There are a number of Key Proposals outlined in the Consultation Document for consideration as follows:-</p> <p><u>Recommendation 8</u></p> <ul style="list-style-type: none"> • Small premises used for pool, snooker and darts will no longer require an entertainment licence, unless there is an audience of over 200 watching a match, exhibition or competition. <p>Comments: The level of risk involved in premises of this nature is low and hence the proposal to exempt these premises from applying for an</p>

entertainment licence would be reasonable.

Recommendation 10

- Entertainment Licences (formerly annual licences) should be valid until surrendered or revoked i.e. lifetime licences. An alternative proposal that full licences would be valid for a period of 5 years with annual inspections carried out to ensure compliance.

Comment: It is considered that a licence issued for a three year period would be a practical alternative to the current proposal due to the type and nature of premises applying for such a licence eg. Nightclubs and the like .

Recommendation 11

- Removal of the need for payment or charge for admission (or payment in like kind) to the premises before the Entertainment Licensing Legislation would become applicable.

Comments: In the current legislation, an entertainment licence was not required where an admission charge (or payment in like kind) was not requested. This proposal clarifies the need for the application of an entertainment licence requirement in such circumstances . However some further consideration may be required for low risk , one – off , Voluntary and Community based events eg – Play Groups .

Recommendation 18

- Proposal for the issue of a Temporary (one-off) licence at short notice for small events of no more than 499 people. The permitted hours of entertainment between the hours of 9.00 a.m. and 11 p.m. with the licence being valid for no more than 3 days.

Comment: This proposal would be restrictive to organisations proposing one-off events due to the maximum numbers permitted and the latest permitted hours.

Recommendation 19

- Where entertainment is provided at a place which has an alcohol licence, the latest time of the entertainment licence should be aligned with the latest permitted time for the consumption of alcohol on those premises.

Comments: Due to the variation in closing times of premises at present, this proposal would remove the ambiguity which currently exists.

Recommendation 21

- The removal of the requirement to place public notices of the application in newspapers/local press and to be replaced with a system of using on-site notices (notices to be displayed for 21 days) as well as details of applications on the Council Website for public viewing.

Comments: It is considered that this proposal would be reasonable as

	<p>public notices in newspapers/local press are expensive and seldom are objections received as a result of the Public Notice.</p> <p><u>Recommendation 30</u></p> <ul style="list-style-type: none"> • A system of fixed penalties for offences is to be introduced including increased powers for Council to deal with unlicensed premises. <p>Comments: The system proposed would allow for a streamlined cost effective method of enforcement for the Council.</p> <p><u>Recommendation 35</u></p> <ul style="list-style-type: none"> • Circuses are to be licenced on a home authority basis whereby one Council issues the Licence and relevant conditions. Each subsequent Council inspects the circus while in their district to ensure that all conditions of the Licence as originally issued are in compliance. <p>Comments: This proposal provides clarity in relation to the licensing of circuses as Councils had adopted a range of approaches on this issue.</p>
--	---

4	Resources
4.1	<p><u>Financial</u></p> <p>Fee restructuring may result in a change to the level of income received by the Council from Entertainment Licensing, especially in relation to the introduction of a 5 year/lifetime licence for a venue in place of an annual licence.</p>
4.2	<p><u>Human</u></p> <p>Within current resources.</p>
4.3	<p><u>Basis for Professional/ Consultancy Support</u></p> <p>None.</p>
4.4	<p><u>Other</u></p> <p>None.</p>

5	Other Considerations
5.1	None.

6	Recommendations
6.1	Members to agree response to the Consultation having regard to the points noted within Section 3.

7	List of Documents Attached
7.1	Appendix 1 - Letter from Mark H Durkan MLA Minister for the Environment Appendix 2 - Consultation document for the Entertainment Licence Review

From the office of the
Minister of the Environment



Department of the
Environment

www.doeni.gov.uk

Entertainment Licensing
Review Consultees

DoE Private Office
8th Floor
Goodwood House
44 - 58 May Street
Town Parks
BELFAST
BT1 4NN

Telephone: 028 902 56019

Email: private.office@doeni.gov.uk

Your reference:

Our reference: SUB 332 2015

Dear Consultees

01 May 2015

On 22 July 2014, I announced a review of the entertainment licensing regime as the current legislation has been in place for almost 30 years. I wanted to make sure that Northern Ireland has a sensible entertaining licensing system which does not put undue obstacles in the way of businesses but ensures that the public are not put at risk, and that the entertainment does not create an unreasonable nuisance to people living in the area.

I invited representatives from various interest groups to look at the current legislation and make recommendations on modernising changes that they considered should be made.

I want to give all interested parties the opportunity to reflect and comment on those recommendations before I make any final decision on legislative change to entertainment licensing.

Today is the start of that consultation and I encourage all concerned to read the Report of the Entertainment Licensing Review Group and send any comments they may have to my Department for consideration by 26 June 2015.

Yours sincerely

MARK H DURKAN MLA
Minister of the Environment

ENTERTAINMENT LICENSING REVIEW

REPORT BY THE ENTERTAINMENT LICENSING REVIEW GROUP

February 2015

Crown Copyright 2015

This material may be freely reproduced except for sale or advertising purposes

ENTERTAINMENT LICENSING

THIS CONSULTATION DOCUMENT SEEKS VIEWS ON THE REPORT BY THE ENTERTAINMENT LICENSING REVIEW GROUP ON THE LICENSING OF ENTERTAINMENT IN NORTHERN IRELAND.

COMMENTS SHOULD BE SENT BY 26 JUNE 2015 TO:

LOCAL GOVERNMENT POLICY DIVISION

DEPARTMENT OF THE ENVIRONMENT

LEVEL 4

CAUSEWAY EXCHANGE

TOWNPARKS

1-7 BEDFORD STREET

BELFAST, BT1 7EG

E-MAIL: lgpdconsultations@doeni.gov.uk

THE FOLLOWING PERSONS WILL BE ABLE TO ANSWER QUERIES IN RELATION TO THIS CONSULTATION.

NAME	E-MAIL	TELEPHONE
BRENDA KELLY	brenda.kelly@doeni.gov.uk	028 90 823359
MARIE COCHRANE	marie.cochrane@doeni.gov.uk	028 90 823357

	Page
Summary of Recommendations	i
Chapter 1 – Introduction	1
Chapter 2 – Regulated Public Entertainment	5
Chapter 3 – Application Process	34
Chapter 4 – Sanctions	49
Chapter 5 – Model Terms and Conditions for Licences	53
Chapter 6 – Fees	57

SUMMARY OF RECOMMENDATIONS

- 1 When considering a licence application, councils should give due consideration to preventing, or minimising, any crime and disorder issues associated with the entertainment.
- 2 The new licensing regime should apply to the Crown.
- 3 The dual licensing system for indoor and outdoor entertainment should be replaced by one system covering both.
- 4 Applicants should be required to submit a plan of the premises or place which has the area(s) where entertainment will be provided clearly marked on the plan.
- 5 The entertainment licensing regime should apply to outdoor entertainment only when it is on private land.
- 6 The legislation should specify that any place, other than:
 - premises used only as a private dwelling house (including the garden and yard of the dwelling); and
 - an education establishment while it is being used as suchshould require a licence for the provision of regulated entertainment.
- 7 The legislation should make it clear that place includes a temporary structure such as a marquee.

SUMMARY OF RECOMMENDATIONS

- 8 Places which hire equipment to play pool, billiards, snooker or similar games should be excluded from the new entertainment licensing regime.
- 9 Matches, public contests, exhibitions, or displays of darts, pool, snooker, billiards or similar games where the audience capacity is 200 or more should require an entertainment licence.
- 10 An entertainment licence should be required where regulated entertainment will occur in a place licensed under the Cinemas (Northern Ireland) Order 1991.
- 11 An entertainment licence should be required whether or not there is an admission charge.
- 12 Regulated entertainment includes the following:
- a theatrical performance (including a display of hypnotism, and a performance by a comedian);
 - dancing, singing or music, or any entertainment of a like kind;
 - a circus;
 - any entertainment which consists of, or includes, any public contest, match, exhibition or display of boxing, wrestling, judo, karate or any similar sport; and
 - any match, public contest, exhibition or display of darts, pool, snooker, billiards or similar game where the audience capacity is 200 or more people.

SUMMARY OF RECOMMENDATIONS

- 13 The Department should be able to amend the list of regulated entertainment through subordinate legislation.
- 14 One council should be responsible for carrying out all the standard tent checks for a travelling circus. When a travelling circus locates to a district council area, that council will be responsible only for carrying out site-specific checks prior to issuing the licence.
- 15 A normal entertainment licence should be valid until surrendered by the licence holder or revoked by the council. If this is considered too great a change, a normal licence should be valid for at least 5 years.
- 16 The current provision for an occasional licence for entertainment on 14 specified days or 14 unspecified days in a year should be retained.
- 17 Licence holders (other than an occasional or temporary licence) should be required to agree any modifications or changes to the premises with the council before any work starts.
- 18 Provision for a temporary licence should be introduced which would apply to one event in a 12 month period from the date the licence is granted. The licence should be restricted to events of no more than 3 consecutive days where:
 - the expected audience is no more than 499 people; and
 - the hours of entertainment are from 9:00 to 23:00 only.

SUMMARY OF RECOMMENDATIONS

An application may be submitted up until 21 days prior to the event, but the council should have discretion to accept a late application if it considers it reasonable to do so. The council would have to make a determination by, at the latest, 24 hours before the entertainment is scheduled to begin. A person should not be permitted to apply for a temporary licence for an event where the council has already refused to grant a normal or occasional licence for the same event.

- 19 Where regulated entertainment is provided at a place which has an alcohol licence, the entertainment licence should be valid only until the last permitted time for consumption of alcohol on the premises. This change should be made at the earliest available opportunity.
- 20 On the insolvency of a licence holder, the licence may be reinstated to another person and remain in force for a discrete period of time. The legislation should clarify the accountability for any breach of an entertainment licence that has been transferred to an administrator or other insolvency office-holder.
- 21 The requirement for applicants to advertise in local newspapers should be removed and replaced by a combination of:
 - applicants displaying a notice for 21 days at the place where the entertainment will be provided; and
 - councils making details of all applications received available on their websites.

SUMMARY OF RECOMMENDATIONS

- 22 On receipt of an application for a temporary licence, councils must consult with PSNI and NIFRS.
- 23 Councils should be required to keep a register of all entertainment licences and make this available for inspection by the public. Councils should be encouraged to make the licensing register available on their websites.
- 24 Councils should have the power to vary a licence at any time. Licence holders, the PSNI and the NIFRS must be notified of the council's intended variation, and must be given the opportunity to be heard by the council.
- 25 Licence holders should be required to notify the council of any material change affecting the licence holder, or the entertainment specified in the licence.
- 26 Interested parties must be able to make representations about a licence in effect, at any time throughout the duration of the licence. Licence holders must be notified of the details of the representation and given the opportunity to be heard by the council.
- 27 The current provision allowing councils to make provisional grant of a licence for premises which are to be, or are in the process of being, constructed should be retained.

SUMMARY OF RECOMMENDATIONS

- 28 On the death of a licence holder, the licence should be deemed to have been granted to an executor and remain in force for a period of 3 months. The council should have the discretion to extend this period if the estate has not been settled.
- 29 Councils should be required to have a scheme of delegation for decisions in relation to entertainment licences.
- 30 A system of fixed penalties for breaches of the licensing system should be introduced.
- 31 Authorised officers of the council should have a power of entry to places where there is reasonable cause to suspect that unlicensed entertainment is being provided.
- 32 It should be an offence to refuse entry to an authorised officer of the council.
- 33 Councils should also be able to obtain a warrant authorising forced entry to a place where it is suspected that unlicensed entertainment is being provided.
- 34 Authorised officers of the council should have the power examine and take copies of records relating to the maintenance of safety at places providing entertainments.

SUMMARY OF RECOMMENDATIONS

- 35 Model terms, conditions and restrictions for entertainment licences should be provided by the Department. Tailored model terms, conditions and restrictions should be produced for circuses, charity boxing matches and acts of hypnotism.

- 36 Councils should be able to include such terms and conditions as the council considers necessary or expedient to secure reasonable safety at the entertainment and the terms and conditions may be such as to involve alterations or additions to the venue.

CHAPTER 1 – INTRODUCTION

BACKGROUND

1. Organisations and businesses in Northern Ireland offer a wide range of entertainment which is enjoyed by both local people and visitors. As well as contributing to the local economy the provision of entertainment makes a significant contribution towards making Northern Ireland a holiday destination that people would recommend to others.
2. The current entertainment licensing system was introduced in 1985. Given the fact that the legislation has been in place for almost 30 years and there have been many changes in the range of entertainment on offer in Northern Ireland over that period, the Environment Minister, Mark H Durkan, announced a review of entertainment legislation on 22 July 2014.
3. Mark H Durkan said: “As the Minister responsible for entertainment licensing, I want to make sure that Northern Ireland has a sensible system in place which does not put undue obstacles in the way of businesses but ensures that the public are not put at risk, and the entertainment does not create an unreasonable nuisance to residents in the area.”
4. The Minister invited representatives from various interest groups, including entertainment businesses, local government, the Police

Service of Northern Ireland (PSNI) and the Northern Ireland Fire and Rescue Service (NIFRS), to look at the current legislation and make recommendations on any changes needed by the end of the year.

TERMS OF REFERENCE AND MEMBERSHIP

5. The terms of reference of the Entertainment Licensing Review Group were as follows.

To review the legislation and associated model terms and conditions for entertainment licences and make recommendations to the Minister on any changes required to the current system. This would include the structure and level of fees for entertainment licences.

6. Membership of the Entertainment Licensing Review Group (“the Review Group”) was as follows.

Liz Loughran <i>(Chairperson)</i>	Local Government Policy Division
Colin Neill	Chief Executive, Pubs of Ulster
Rodney Gillis	Licensing Forum (N I)
David Brown	Licensing Forum (N I)
Kevin O'Neill	Group Commander NI Fire and Rescue Service
John Davidson	Chairperson, NI Federation of Clubs
Harry Beckinsale	Public Relations Officer, NI Federation of Clubs
John Conner	Police Service of Northern Ireland
Nigel Goddard	Superintendent, Police Service of Northern Ireland
Liam Quinn	Social Policy Unit, Department of Social Development
Gary Maxwell	Public Health, Department of Health, Social Services and Public Safety
Trevor Martin	Belfast City Council
Nora Largey	Belfast City Council
Andrew Irvine	City Centre Manager, Belfast City Centre Management

7. The Review Group was supported in its work by:

Marie Cochrane	Secretariat, DOE
Brenda Kelly	Secretariat, DOE
Mark Mulholland	Secretariat, DOE

8. The Review Group would also like to thank officials in the Economic Policy Unit of the Department of Enterprise Trade and Investment (“DETI”), the Health and Safety Executive Northern Ireland, the Insolvency Service (DETI), and the Department of Justice for their assistance during the review.

APPROACH TO THE REVIEW

9. The Review Group considered the systems for entertainment licensing which apply in Scotland; England and Wales; and the Republic of Ireland.
10. The findings from the DETI Business Red Tape Review of the Hospitality Sector also contributed to the final outcome of the review.

CHAPTER 2 – REGULATED PUBLIC ENTERTAINMENT

PURPOSE OF A LICENSING REGIME FOR PUBLIC ENTERTAINMENT

11. Some types of public entertainment, such as singing and dancing, have been subject to licensing for a very long time. When the current legislation was being considered by Parliament in 1985 the stated object of the licensing powers was to secure adequate standards of safety in places where large numbers of people congregate in confined spaces.

12. The purpose of the licensing regime could be broken into 2 main areas:
 - to ensure the safety of the individuals attending the entertainment; and
 - to avoid the entertainment causing undue disturbance to people in the surrounding area.

GENERAL

13. The Department of the Environment (“the Department”) is responsible for the legislation governing entertainment licensing and district councils (“councils”) are responsible for the administration of the licensing system. The legislation

determines, amongst other things, which types of entertainment are regulated, the duration of licences and the penalties for breaches of the licensing system.

14. Applications for an entertainment licence are considered and, if appropriate, approved by each council. It is for each council to determine what conditions should apply to each licence but the legislation does require the council to have regard to any model terms, conditions and restrictions published by the Department.

15. A wide variety of businesses and organisations provide entertainment in Northern Ireland. In the calendar year 2012 councils issued some 2,600 entertainment licences. To get some more up to date information, the Review Group asked councils for information about the entertainment licences they had granted in the past year. Seven councils responded to the request. These 7 councils had granted a total of 936 licences. A breakdown of the licences by type of premises is given below.

TYPE OF PREMISES	LICENCES GRANTED
PUBLIC HOUSE	322
HOTEL	43
RESTAURANT	39
SNOOKER/POOL HALL	15
AMUSEMENT ARCADE	25
CHURCH/PARISH HALL	83
ORANGE ORDER/RBP HALL	24
EDUCATIONAL INSTITUTION	28
COMMUNITY CENTRE	93
GAA CLUB	33
GOLF CLUB	28
SOCCER CLUB	18
RUGBY CLUBS	7
MARQUEE EVENTS	15
CIRCUSES	12
OTHER*	151

*OTHER includes libraries, theatres, various types of clubs such as cricket and bowling clubs, recreational centres, etc.

LEGISLATION IN OTHER JURISDICTIONS

16. In England and Wales entertainment licensing is governed by the Licensing Act 2003 (“the 2003 Act”), and in Scotland by the Civic Government (Scotland) Act 1982.

17. In the Republic of Ireland the licensing of outdoor entertainment events where the audience is over 5,000 fall under the Planning and Development Act 2000. The Licensing of Indoor Events Act 2003 is an addition to the Fire Services Act 1981 (which covers all aspects of fire safety and is applicable to both outdoor and enclosed venues) and is intended to ensure the safety of persons attending events taking place wholly or mainly in a building. Outdoor events are licensed by local authorities and indoor events are licensed by the fire authority.

LEGISLATION IN NORTHERN IRELAND

18. Article 3 of, and Schedule 1 to, the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985 (“the NI Order”) provide for entertainment licensing in Northern Ireland. Councils may grant, renew, transfer and vary entertainment licences regarding:
 - indoor places of entertainment; and
 - outdoor musical entertainment.

INDOOR ENTERTAINMENT

19. An entertainment licence is required for the following types of indoor entertainment:
 - a theatrical performance;
 - dancing, singing or music or any entertainment of a like kind;
 - a circus;
 - any entertainment which consists of, or includes, any public contest, match, exhibition or display of:
 - boxing, wrestling, judo, karate or any similar sport;
 - billiards, pool, snooker or any similar game;
 - darts;
 - any other sport or game prescribed by the Department.

20. Music or singing in a place used wholly or mainly for public religious worship, or performed as an incident of a religious meeting or service is exempted from the requirement of a licence.

21. Machines for entertainment or amusement, or equipment for playing billiards, pool, snooker or other similar games cannot be provided except in accordance with the terms of a licence unless the entertainment machines or equipment provided are incidental to the main purpose or use of the place, or the machines or equipment provided are wholly or mainly in the open air.

22. Gaming machines (machines with slots/apertures for cash/tokens for playing games of chance) are also excluded because they are regulated under the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985.

23. An entertainments licence is required at any place where on payment of a charge:
 - persons are admitted for entertainment or amusement;
 - meals or refreshments are supplied to the public; and
 - persons may use any machines or equipment for entertainment or amusement.

24. Charge includes any form of charge whenever paid and whether paid by money or money's worth.

25. Anywhere licensed under the Cinemas (Northern Ireland) Order 1991 is excluded from requiring an entertainment licence.

OUTDOOR ENTERTAINMENT

26. Outdoor musical entertainment is defined as entertainment that is wholly or mainly in the open air, is on private land, and contains music or singing as a substantial ingredient.

27. A number of outdoor events where there may be some element of music or singing are excluded from the licensing regime. These are a pleasure fair; garden fete; bazaar; sale of work; sporting or athletic event; exhibition, display or other function or event of a similar character; or a religious meeting or service. Outdoor entertainment such as pleasure fairs and funfairs are excluded because councils can control these through bye-laws made under article 67 of the Pollution Control and Local Government (Northern Ireland) Order 1978.

28. An entertainment licence, whether for indoor or outdoor entertainment, is valid for a maximum of 12 months.

AIMS OF THE ENTERTAINMENT LICENSING REGIME

29. The Review Group agreed that the main purpose of the licensing regime was still ensuring the safety of the individuals attending the entertainment and avoiding undue disturbance to people in the surrounding area.

30. The Review Group also agreed that when considering a licence application, councils should give due consideration to preventing,

or minimising, any crime and disorder issues associated with the entertainment.

Recommendation 1

When considering a licence application, councils should give due consideration to preventing, or minimising, any crime and disorder issues associated with the entertainment.

APPLICATION TO THE CROWN

31. The Review Group also discussed whether land owned by the Crown or government Departments should be included in the entertainment licensing regime. The general rule is that legislation does not apply to the Crown unless specifically stated in that piece of legislation. There was no provision about application to the Crown in the 1985 Order.

32. The corresponding legislation for England & Wales, the Licensing Act 2003 does apply to the Crown but entertainment licensing in Scotland does not. The Review Group considered that the new licensing regime should apply to the Crown. This would result in both Northern Ireland and Westminster Departments, such as Her Majesty's Revenue and Customs, requiring an entertainment licence for any regulated entertainment provided on land or in buildings owned by them.

Recommendation 2

The new licensing regime should apply to the Crown.

INDOOR AND OUTDOOR ENTERTAINMENT

33. The differentiation between the licensing of indoor and outdoor entertainment has resulted in businesses and organisations requiring two licences if they want to, for example, have music in the beer garden of a pub or a children's disco in the grounds of a community centre. The Review Group considered that this dual system places an undue administrative and cost burden on businesses and organisations which provide entertainment.

34. The Review Group recommended that the dual licensing system for indoor and outdoor events should be removed. This would have the advantage of allowing a business or organisation that may provide entertainment in an indoor and an outdoor part of its premises to have both covered in one licence, thus reducing the burden on both applicants and councils. A further advantage is that any entertainment which is considered regulated entertainment would require a licence irrespective of whether the event takes place indoors or outdoors.

Recommendation 3

The dual licensing system for indoor and outdoor entertainment should be replaced by one system covering both.

35. To enable both indoor and outdoor areas to be specified in one licence applicants would be required to provide a plan of the premises or place which clearly showed the area or areas which would be used for the provision of entertainment. This will allow authorised officers of the council to consider and inspect the area(s) for suitability and the council to hold a record of which area is licensed for entertainment.

Recommendation 4

Applicants should be required to submit a plan of the premises or place which has the area(s) where entertainment will be provided clearly marked on the plan.

36. The current legislation for outdoor entertainment, which provides for musical entertainment, was influenced by the growth in outdoor pop music festivals which prior to 1985 were not regulated. Since 1985 there has been a change in the types of outdoor entertainment.
37. Other outdoor entertainment events, which do not contain music or singing as a substantial ingredient, such as the 2014 boxing match at the Titanic Quarter, Belfast, have become popular in recent years. These events are not subject to the licensing regime.

38. Responsible organisers and businesses will take the necessary precautions to ensure the safety of the people attending the event and take steps to minimize any nuisance to people in the local area. But, given the potential risk to public safety and nuisance to others, it would not be appropriate to rely on the assumption that all events will be properly run.

39. The current legislation for outdoor entertainment applies only to entertainment that takes place on private land. The Review Group discussed whether this should be retained and concluded that it would not be appropriate to include areas of public land as there already legislation governing the use of public land such as roads.

40. The Review Group therefore proposed that the requirement for a licence would only apply to outdoor events on private land.

Recommendation 5

The entertainment licensing regime should apply to outdoor entertainment only when it is on private land.

PLACE OF ENTERTAINMENT

41. The legislation should be framed in such a way as to include any place, other than:

- premises used only as a private dwelling house (including the garden and yard of the dwelling); and
 - an education establishment while it is being used as such.
42. The Review Group recommended that the legislation should continue to specify that music or singing in a place used wholly or mainly for public religious worship or performed as an incident of a religious meeting or service should not require a licence.
43. The current exemptions for:
- a garden fete;
 - a bazaar;
 - a sale or work;
 - a pleasure fair; and
 - all sporting or athletic events, exhibitions or similar other than boxing, wrestling, karate, judo or similar sport,
- should continue to apply in the future.
44. Anecdotal evidence suggests that there is some confusion among the public about whether entertainment in a temporary structure, such as a marquee, is an indoor or an outdoor entertainment. The Review Group's recommendation for a single licensing system covering both indoor and outdoor entertainment should lessen this confusion. In the interests of clarity the Review Group also recommended that "place" should be defined to include

temporary structures and noted that this will clarify that temporary structures are included in the licensing system.

Recommendation 6

The legislation should specify that any place, other than:

- a. premises used only as a private dwelling house (including the garden and yard of the dwelling); and
- b. an education establishment while it is being used as such

should require a licence for the provision of regulated entertainment.

Recommendation 7

The legislation should make it clear that “place” includes a temporary structure such as a marquee.

DEFINITION OF REGULATED ENTERTAINMENT

45. The Review Group considered the types of entertainment currently regulated and concluded that there was no need to retain the need to licence places which hire equipment to play pool, billiards, snooker or similar games as these places did not represent a significant risk to public safety.

Recommendation 8

Places which hire equipment to play pool, billiards, snooker or similar games should be excluded from the new entertainment licensing regime.

46. The Review Group noted that some matches, public contests, exhibitions, or displays of darts, pool, snooker, billiards or similar games were for very small numbers and posed little risk to public safety. The Group recommended that such events should not require a licence. Members concluded however that where events were for a larger audience, the risk to public safety would be higher, as would the potential for undue disturbance. The Review Group therefore recommended that where the capacity is 200 or more people, a licence should be required. The Group agreed that capacity should refer to capacity of the audience of that entertainment event, and not the capacity of the building.

Recommendation 9

Matches, public contests, exhibitions, or displays of darts, pool, snooker, billiards or similar games where the audience capacity is 200 or more should require an entertainment licence.

47. There were a number of areas where it was unclear whether certain types of entertainment were included in the current licensing system. The Review Group recommended that the new definition of regulated entertainment should make it clear that comedy events such as stand up comedians, and hypnotism acts

were considered as theatrical performances and are, therefore, included in the licensing regime.

48. At the moment any place licensed under the Cinemas (Northern Ireland) Order 1991 does not require an entertainment licence. Some of the premises used for film exhibitions are also used for other types of entertainment. In view of this, the Review Group recommended that the blanket exemption for places licensed under the Cinemas (Northern Ireland) Order 1991 should be removed, and places licensed under the Cinemas Order should be required to have an entertainment licence where the place is being used to provide regulated entertainment.

Recommendation 10

An entertainment licence should be required where regulated entertainment will occur in a place licensed under the Cinemas (Northern Ireland) Order 1991.

49. The Review Group considered the current restriction of the licensing requirement to a place of entertainment where a charge is made. The Group noted that free events pose the same risks to public safety, and may cause the same undue nuisance as charged events, and therefore recommended the removal of this restriction.

Recommendation 11

An entertainment licence should be required whether or not there is an admission charge.

50. The Review Group proposed that the definition of regulated entertainment for the future licensing regime should include the areas listed at recommendation 12.

Recommendation 12

Regulated entertainment includes the following:

- a theatrical performance (including a display of hypnotism, and a performance by a comedian);
- dancing, singing or music, or any entertainment of a like kind;
- a circus;
- any entertainment which consists of, or includes, any public contest, match, exhibition or display of boxing, wrestling, judo, karate or any similar sport; and
- any match, public contest, exhibition or display of darts, pool, snooker, billiards or similar game where the audience capacity is 200 or more people.

51. At the moment any change in the types of entertainment included in the licensing system requires primary legislation, except where the Department wishes to add another sport or game which may be done through subordinate legislation.

52. The Review Group were of the view that it would be preferable for the Department to be able to amend the list of regulated entertainment as quickly as possible, and should investigate the possibility of using subordinate legislation to do so in the future.

Recommendation 13

The Department should be able to amend the list of regulated entertainment through subordinate legislation.

TRAVELLING CIRCUSES

53. Currently a travelling circus has to obtain an entertainment licence in each district council area it visits, for each site in that district council area. Before granting the entertainment licence each council must check:
 - tent issues such as the structural integrity, fire resistance, and seating areas in the tent; and
 - issues specific to the site such as emergency egress, noise to neighbouring premises, and public objections.

54. The Review Group noted that different councils will be carrying out the same checks of the tent even though the tent does not change. When considering the issue the Review Group drew on examples of more streamlined systems in other areas such as that for building control approval of standard house designs.
55. The Group recommended that one council (to be determined by all the councils on agreement) should be responsible for carrying out all standard tent checks for a travelling circus, and that the approval for those matters should be accepted by other councils. When a travelling circus locates to a district council area that council should check only the site-specific issues before granting the entertainment licence. This more streamlined system should lessen the burden on travelling circuses and councils.

Recommendation 14

One council should be responsible for carrying out all the standard tent checks for a travelling circus.

When a travelling circus locates to a district council area, that council will be responsible only for carrying out site-specific checks prior to issuing the licence.

56. Concerns have been raised in the past about the content of some entertainment and the potential for it to give rise to disturbance at the venue. It is, however, difficult to accurately determine whether

the content of a proposed entertainment, for example songs performed by a group of musicians, will cause a disturbance.

57. The Review Group noted that restricting content might be perceived as censorship, and interference with freedom of speech and artistic expression. The Review Group therefore concluded that this was not an issue for the future licensing regime.

TYPES AND DURATION OF LICENCES

58. The legislation allows councils to grant two types of licence. One applies to an unspecified number of entertainment events over a period of 12 months, or such shorter period as the council may think fit. This 'normal' licence would be used by, for example, commercial venues which offer a regular programme of entertainment throughout the year.
59. The other licence, known as an occasional licence, is valid for entertainment held on a maximum of 14 days specified in the licence or any 14 unspecified days within 12 months following the grant of the licence. An occasional licence is often used by community groups which organise a small number of events each year.

60. The European Union Services Directive 2006/123/EC (“the Services Directive”) requires that any limit on the duration of a licence may only be retained if it can be justified by an overriding reason relating to the public interest.
61. Since 2003 there has been no limit on the duration of a premises licence in England & Wales, the licence lasts until revoked or surrendered by the licence holder. In Scotland an entertainment licence is valid for a maximum of 3 years and in the Republic of Ireland a licence for an outdoor event is valid for the duration of the event(s), while a licence for indoor events is valid for one year.
62. Given the Services Directive, the Review Group was of the view that Northern Ireland should have permanent licences. It was, however, recognised that the public may have some reservations about an apparent major change from a system where the licence is valid for one year to a system where the licence remains valid until surrendered by the licence holder or revoked by the council. The Review Group considered that a possible half-way step would be for a licence to be valid for at least 5 years. This would significantly reduce the administrative burden on businesses and organisations which regularly provide public entertainment. It would also reduce the burden on councils.
63. To ensure that safety standards are maintained during the longer period for a normal entertainment licence, councils would conduct

an annual inspection of premises throughout the duration of the licence.

64. The Review Group recommended that the current provision for occasional licence should be retained without change as it is a useful option for some organisations, such as community groups, which tend to plan for the provision for events which may include regulated entertainment on a more short-term basis.

Recommendation 15

A normal entertainment licence should be valid until surrendered by the licence holder or revoked by the council.

If this is considered too great a change, a normal licence should be valid for at least 5 years.

Recommendation 16

The current provision for an occasional licence for entertainment on 14 specified days or 14 unspecified days in a year should be retained.

65. With a longer licensing period it is also likely that the owner of a building may wish to make some alteration to the premises. As such modifications may have implications for the safe provision of entertainment it is proposed that licence holders would be required to agree any modifications or changes to the premises

with the council before the work starts. This would allow the council to consider if the proposed change would make the premises unsuitable for the types of entertainment covered by the licence or if the conditions of the licence should be amended. A failure to do so would be considered an offence.

Recommendation 17

Licence holders (other than an occasional or temporary licence) should be required to agree any modifications or changes to the premises with the council before any work starts.

66. At the moment the entertainment licensing system cannot respond quickly to requests for a licence to cover what may be a one-off occasion for smaller businesses or community groups. In England & Wales organisations can apply for a temporary licence to cover regulated entertainment offered over a limited period. The Review Group was of the view that a temporary licence would be welcomed by both businesses and councils.
67. The legislation should make provision to allow for a temporary licence which would be valid for one event in a period of 12 months from the date of the licence being granted. The licence should only apply to an event:
- which lasts no more than 3 consecutive days;
 - licensed for 499 or less people; and
 - where the entertainment is only provided during the hours of 9:00 and 23:00.

68. The audience size has been restricted because events where there is an expected audience of 500 or more require considerable advance planning. The duration and hours of entertainment have been restricted to try and reduce the potential nuisance to residents in the locality.

69. It is proposed that an application for a temporary licence could be submitted up until 21 days before the event is scheduled to be held. It is also proposed that the council can accept a late application if it decides that it is reasonable to do so. The council would have to consider and determine whether to grant the licence by, at the latest, 24 hours before the entertainment is scheduled to begin. As short turn-around times would apply to such licences there would have to be some variation in the normal requirements for advertising and consultation with interested parties. This is discussed further in Chapter 3.

70. The legislation should prevent people from applying for a temporary licence where the council has already refused to grant a normal or occasional licence for the same event.

Recommendation 18

Provision for a temporary licence should be introduced which would apply to one event in a 12 month period from the date the licence is granted. The licence should be restricted to events of no more than 3 consecutive days where:

- the expected audience is no more than 499 people; and
- the hours of entertainment are from 9:00 to 23:00 only.

An application may be submitted up until 21 days prior to the event, but the council should have discretion to accept a late application if it considers it reasonable to do so.

The council would have to make a determination by, at the latest, 24 hours before the entertainment is scheduled to begin.

A person should not be permitted to apply for a temporary licence for an event where the council has already refused to grant a normal or occasional licence for the same event.

ALCOHOL AND ENTERTAINMENT LICENSING

71. The Review Group discussed entertainment in premises where an alcohol licence is also in effect. Alcohol licensing policy is the

responsibility of the Department for Social Development (DSD), and is dealt with by the Courts.

72. Alcohol licensing provides that premises may remain open until 11.00pm on weekdays and 10.00pm on Sundays. Late opening hours are available to pubs, hotels, restaurants and higher education establishments which provide food and/or entertainment to the public, enabling them to remain open until 1.00am on weekdays and 12.00am on Sundays. In both instances, the premises may remain open for an additional 30 minutes for drinking up time.

73. The Review Group noted that this means that premises must stop serving alcohol at 1.00am but may also have an entertainment licence that extends to 3.00am. Members commented that this has led to illegal sales of alcohol and caused difficulties for the PSNI. The Review Group recommended that where regulated entertainment is provided at a place which has an alcohol licence, the entertainment licence should be valid only until the last permitted time for consumption of alcohol.

74. It was noted that in 2012 DSD had consulted on proposed changes to the law regulating the sale and supply of alcohol. With the agreement of the then Minister for Environment, the DSD consultation document proposed that the grant of late opening hours will require that an associated entertainment licence must

not extend beyond the latest time alcohol can be consumed on the premises. This proposal was generally met with agreement with 53% of respondents agreeing/strongly agreeing that licences should be aligned. 16% of respondents stated that they disagreed/strongly disagreed and almost 31% neither agreed nor disagreed.

75. Members noted that DSD plans to make various changes to alcohol licensing through a Licensing Bill before the end of the current Assembly mandate in May 2016.

76. The proposal to align the hours of an entertainment licence and an alcohol licence can be accommodated either, by the Department, or by DSD, with the Minister of Environment's approval. The Review Group recommended that this change should be made at the earliest opportunity as it would help to dispel any ambiguity and confusion that currently exists.

Recommendation 19

Where regulated entertainment is provided at a place which has an alcohol licence, the entertainment licence should be valid only until the last permitted time for consumption of alcohol on the premises.

This change should be made at the earliest available opportunity.

INSOLVENCY

77. Currently, an entertainment licence lapses in the event of insolvency. The recent economic downturn highlighted some difficulties over where the legal responsibility lies for a breach of an entertainment licence where a business has become insolvent and an administrator is managing the business while trying to dispose of it as a going concern. It is possible that other businesses covered by an entertainment licence will become insolvent in the future.
78. In England and Wales the premises licence will lapse on the insolvency of the licence holder but may be reinstated to another person, thereby allowing licensable activities to continue to take place pending an application for the transfer of the licence.
79. An individual becomes insolvent on:
- the approval of a voluntary arrangement proposed by him;
 - being adjudged bankrupt or having his estate sequestrated;
or
 - entering into a deed of arrangement made for the benefit of his creditors or a trust deed for his creditors.
80. A company becomes insolvent on:
- the approval of a voluntary arrangement proposed by its directors;

- the appointment of an administrator in respect of the company;
- the appointment of an administrative receiver in respect of the company; or
- going into liquidation.

81. The Review Group recommended that the legislation should contain special arrangements for the continuation of an entertainment licence, for a discrete period of time, when the licence holder becomes insolvent. This would enable the business to continue to operate as a going concern and provide entertainment.

82. The Group recommended that the legislation should contain provision to deal with accountability for any breach of an entertainment licence following its transfer to an administrator or other insolvency office-holder, and noted this would bring a level of certainty for both regulators and those appointed to carry on the business during a period of insolvency.

Recommendation 20

On the insolvency of a licence holder, the licence may be reinstated to another person and remain in force for a discrete period of time.

The legislation should clarify the accountability for any breach of an entertainment licence that has been transferred to an administrator or other insolvency office-holder.

CHAPTER 3 – APPLICATION PROCESS

83. An application for an entertainment licence has to be made, in writing and in triplicate, to the council for the district where it is proposed to hold the entertainment. It is also possible to submit an application via an on-line portal to most councils.
84. Each council determines the form and details required on the application. The applicant also has to send 3 copies of any plans, certificates or other documents that the council requires and the appropriate fee as set by the Department.
85. The applicant also has to give public notice of the application by placing an advertisement in the local newspapers specified by the council within 7 days of the application. The requirement to advertise in a local newspaper does not apply to an application for an Occasional Licence for an educational institution or a church hall, chapel hall or other similar building occupied in connection with a place of public religious worship.
86. The advertisement has to state:
- that an application for the grant, renewal or transfer of a licence has been made;

- the nature of the entertainment and the address or location of the place where the entertainment will take place;
- the name and address of the applicant; and
- that representations in relation to the application may be made to the council by a set date.

87. The applicant has to send a copy of the advertisement to the council. Failure to do so will result in a delay in the processing of the application.

APPLICATION FORM

88. The amount of information applicants are required to give about the proposed entertainment varies from council to council. In some cases the applicants have to give details of the type of entertainment and the days and times on which it will be provided. Requiring all applicants to provide such information would seem to be a sensible approach, particularly if the normal licence period is increased to permanent or at least 5 years.

89. In England & Wales applicants are required to complete an operating schedule which must give a description of the premises, the types of regulated entertainment and the days and hours during which it is proposed that each type of regulated entertainment will be provided.

90. The Review Group did not think it appropriate to adopt a similar approach to England & Wales but there may be merit in a model application form and guidance notes which councils could use as a template for the proposed licensing regime.

PUBLIC NOTICE

91. The requirement to give public notice of an application through an advertisement in local newspapers is not popular because it adds a significant cost for the applicants. Also many councils and businesses question the value of advertising at a time when the total newspaper readership is falling.
92. Information was not readily available on whether advertising prompted any representations about licensing applications, however, 17 (65%) of the 26 councils responded to an ad hoc survey about advertising. Those 17 councils issue approximately 2,000 licences each year. Each of those applications would have to be advertised in at least one local newspaper but only 8 representations could be identified as having been made as a result of the advertisement. This does not suggest the advertising is fulfilling the desired purpose. The requirement to advertise an application for an entertainment licence also applies in England & Wales but there is an additional requirement to place a notice on,

or near, the place where the entertainment would be provided, advising the passing public about the application. In Scotland, however, the only requirement is to place a notice on, or near, the place where the entertainment would be provided. It is the licensing authority (the council) which must advertise the application in a local newspaper.

93. In the Republic of Ireland, an applicant must advertise the intention to apply for a licence for an outdoor event in one local newspaper and in one national newspaper 2 weeks before making the application. The notice must state, the applicant's name; that the applicant is applying for a licence to hold an event in accordance with Part XVI of the Planning and Development Act; the location and date of the proposed event; the type of event and the expected size of the audience. The notice also has to advise that people can inspect the application for a period of 4 weeks from the date of application at the named local authority offices and submissions or observations about the application should be made within 4 weeks of the date of application. There is no requirement for an applicant for an indoor event licence to advertise.

94. The Review Group recommended that the requirement to advertise in local newspapers should be removed. In future applicants should be required to place a notice on, or near, the place where the entertainment would be, for a fixed period. The notice has to be of at least A4 size, printed or typed in font size 16

and displayed in a place where it can conveniently be read by the public. The notice would give the following details:

- the name of the applicant and the type of the licence applied for;
- a postal address or description of the premises or place where the entertainment would be provided;
- a note advising the public that a map of the area to be used for entertainment is available on the council website;
- the hours of the entertainment; and
- particulars regarding representations (i.e. the address of the council and the closing date for submitting representations in writing).

95. As in Scotland applicants would be required to complete a declaration stating that the notice was displayed for the required period. If the applicant does not complete and submit the declaration to the council, the council should have the power to require the applicant to display the notice again for the required period. To give people in the surrounding area a reasonable opportunity of seeing the notice, it should be displayed for at least 21 days.

96. The requirement to display a notice would not apply to applications for a temporary licence. In the case of a temporary licence the council would only consult with the PSNI and the NIFRS.

Recommendation 21

The requirement for applicants to advertise in local newspapers should be removed and replaced by a combination of:

- applicants displaying a notice for 21 days at the place where the entertainment will be provided; and
- councils making details of all applications received available on their websites.

Recommendation 22

On receipt of an application for a temporary licence, councils must consult with PSNI and NIFRS.

LICENSING REGISTERS

97. In Great Britain licensing authorities have to hold a register giving details of all applications for licences and those that it has granted. The register must be available for inspection by a member of the public during normal business hours. In practice most licensing authorities make these details available to the public on their websites.

98. Licensing authorities in the Republic of Ireland are also required to hold licensing registers. These must give details of applications and the subsequent decisions; licences granted; appeals; revocations; and notices of cessation served. The Review Group recommended that licensing registers should be introduced in Northern Ireland. Councils should be required to make the register available to the public, and encouraged to make it available on the council website.

Recommendation 23

Councils should be required to keep a register of all entertainment licences and make this available for inspection by the public. Councils should be encouraged to make the licensing register available on their websites.

VARIATION OF LICENCES

99. Currently a licence holder may apply to the council to vary the terms, conditions or restrictions that have been placed on the licence. The council has the discretion to:
- make the variation of licence as requested in the application;
 - make such variations, other than those requested in the application, as it considers fit; or
 - refuse the application.

100. In Scotland, licensing authorities may vary a licence at any time, even if the licence holder has not applied for a variation. In such cases, the licensing authority must notify the licence holder and other relevant authorities, and must give them an opportunity to make representations on the matter.
101. Given the longer licensing period proposed for Northern Ireland, the Review Group considered that there may be a greater need for variation as councils may need to take action if, for example, there have been a number of minor infringements of the licence conditions.
102. It is proposed that the future licensing system should make it clear that councils may vary the terms of a licence at any time whether or not an application has been made by the licence holder.
103. It is also proposed that if a council decides it is necessary to vary the terms, conditions or restrictions of a licence, it must notify the licence holder, the PSNI and the NIFRS, all of whom must be given the opportunity to be heard by the council.
104. Councils would also have the power, as now, to suspend or revoke an entertainment licence.

Recommendation 24

Councils should have the power to vary a licence at any time.

Licence holders, the PSNI and the NIFRS must be notified of the council's intended variation, and must be given the opportunity to be heard by the council.

105. Licence holders should be required to notify the council of any material change affecting the licence holder or the entertainment specified in the licence. This will enable authorised officers of the council to review the licence and, if necessary, vary that licence.

Recommendation 25

Licence holders should be required to notify the council of any material change affecting the licence holder, or the entertainment specified in the licence.

REPRESENTATIONS ABOUT ENTERTAINMENT LICENCES

106. Currently when an application is made for the grant, renewal, transfer, or variation of a licence, public notice must be given. The notice must advise that any persons wishing to make representations about the application must advise the council,

within 28 days. In considering the application, the council must then have regard to the representation, and allow the person to appear before, and be heard by, the council. The council will also give the entertainment licence holder, or licence applicant, the same opportunity of appearing before, and being heard by, it.

107. In England and Wales an interested party or responsible authority can request, at any time, a review of a licence. An interested party is someone living or involved in a business in the vicinity or a group representing residents or businesses in that vicinity. A responsible authority includes, amongst others, the chief officer of the police authority for the area, the fire authority and the enforcement authority for the Health and Safety at Work etc. Act 1974. The request must be made to the licensing authority and the applicant must give the licence holder and responsible authorities a copy of the application. The licensing authority must give public notice of the review of the licence and invite representations.

108. The Review Group took the view that with the longer licence duration, members of the public should be given the opportunity to make representations throughout the term of the licence, and not just in response to an application made by the licence holder/applicant. The Group commented that members of the public may, for example, wish to complain about a noise problem that has developed during the period of the entertainment licence. The Group therefore recommended that the legislation should

provide that interested parties can make representations about an entertainment licence in effect, at any time. The licence holder must be informed of the details of the representation, and both the licence holder and all interested parties who make representations must be given the opportunity to be heard by the council.

Recommendation 26

Interested parties must be able to make representations about a licence in effect, at any time throughout the duration of the licence.

Licence holders must be notified of the details of the representation and given the opportunity to be heard by the council.

109. The Review Group noted in England and Wales licensing authorities only consider representations relevant to the licensing objectives. The licensing authorities then reject any representations that are:
- not relevant;
 - frivolous or vexatious; or
 - a repetition of an earlier representation (in the case of a member of the public making representations requesting a review of a licence).
110. The Group discussed adopting a similar approach by providing that councils in Northern Ireland should consider only those representations that are relevant to the main purpose of licensing in Northern Ireland i.e. –

- the safety of individuals attending the entertainment;
- avoiding undue disturbance to people in the surrounding area; and
- crime and disorder issues associated with that entertainment.

111. The Review Group took the view that it would not be appropriate to adopt such a restricted approach and recommended that the current arrangements, where councils determine whether a representation can be considered should continue it.

PROVISIONAL GRANT OF A LICENCE

112. The Review Group recommended that the current arrangements to allow councils to make a provisional grant of a licence for premises which are to be, or are in the process of being, constructed should continue.

Recommendation 27

The current provision allowing councils to make provisional grant of a licence for premises which are to be, or are in the process of being, constructed should be retained.

DEATH OF A LICENCE HOLDER

113. Currently if a licence holder dies the licence will be deemed to be transferred on application to a person carrying on the business until:
- a personal representative of the deceased has been duly constituted; or
 - the licence is transferred to some other person.
114. While this arrangement has worked well for a licensing period of 12 months it may not be suitable for a permanent licence or one of at least 5 years duration.
115. In England and Wales the licence has to be formally transferred in the event of the death of the licence holder. In Scotland the entertainment licence is deemed to have been granted to the executor on application. The licence remains in force until 3 months after the date of death but the council is able to extend the period on the request of the executor if it is satisfied the extension is necessary for the purpose of winding up the deceased's estate and that no other circumstances make it undesirable.

116. The Review Group recommended that on the death of a licence holder, the licence should be deemed to have been granted to an executor and remain in force for a period of 3 months, with the option for the council to extend this period if the estate has not been settled.

Recommendation 28

On the death of a licence holder, the licence should be deemed to have been granted to an executor and remain in force for a period of 3 months.

The council should have the discretion to extend this period if the estate has not been settled.

THE COUNCIL

117. The legislation vests the power to grant, vary or revoke a licence in the council. It is for the council to determine whether that power will be subject to the approval of the council at its monthly meeting or delegated to a committee or officers. In Great Britain the legislation requires councils to have a licensing committee which deal with a range of licensing activities including the sale of alcohol. The licensing committee may delegate some decisions to officers.

118. While the licensing system is different in Northern Ireland and councils would not necessarily deal with the volume and range of applications as their counterparts in Great Britain, the general principle of it being good practice to delegate decisions to the appropriate level would apply. The Review Group therefore, proposed that the legislation should require councils to have a scheme of delegation specifying the types of applications, etc. that can be dealt with by a committee and/or a person appointed by the council rather than the full council.

Recommendation 29

Councils should be required to have a scheme of delegation for decisions in relation to entertainment licences.

CHAPTER 4 – SANCTIONS

119. The 1985 Order makes it an offence to provide entertainment without a licence or to provide entertainment which is in breach of the terms, conditions or restrictions under which a licence is held. A penalty is subject to summary conviction. This leaves the council with the decision of whether to pursue court action which can be costly and time consuming.
120. Councils have the power to suspend a licence but it is limited to where the provision of entertainment is causing, or is likely to cause, a serious threat to public order or public safety.
121. The Review Group proposed the introduction of fixed penalty notices for breaches of the system to give councils the ability to deal with a problem quickly, reduce the cost to the council and lessen the burden on the Courts. As with other fixed penalties the person would have the option of paying or challenging the imposition of the fine in the Magistrates Court.
122. The level of fines associated with the fixed penalties is still to be agreed. However, the Group recognise that it is essential that the levels of penalties which are set are proportionate to the breach which has been committed. Discussions shall therefore continue

within the Group, and with the Department of Justice on the details of the scheme.

Recommendation 30

A system of fixed penalties for breaches of the licensing system should be introduced.

123. Although it is an offence to provide entertainment without a licence, the power of entry for an authorised officer of the council is limited to licensed premises. The Review Group therefore suggested that the existing powers of entry be extended to places where unlicensed entertainments are being provided or there is reasonable cause to suspect that this is the case.

124. While the council may receive a report of a case where it is suspected that entertainment is being provided without a licence, the council requires its authorised officers to have gathered evidence that will meet the standard of proof, before it could take the person to court. The lack of a power of entry makes it very difficult for councils to enforce this aspect of the legislation. Providing public entertainment without a licence poses a potential threat to public safety because the place has not been assessed for risks, suitability of the type of entertainment or for the number of people admitted. Over-crowding of a place presents a serious risk if an emergency evacuation is required.

125. The Review Group proposed that an authorised officer of the council should have a power of entry to any place in order to check if the entertainment is licensed. It is expected that councils would exercise this power only where there is reasonable cause to suspect that unlicensed entertainment is being provided.
126. As it is likely that unlicensed premises would try to prevent the entry of an authorised officer of the council, it is proposed to make it an offence to refuse entry to an authorised officer of the council. It is also proposed to give an authorised officer a power of forced entry provided the officer has obtained a warrant from the Magistrates Court.

Recommendation 31

Authorised officers of the council should have a power of entry to places where there is reasonable cause to suspect that unlicensed entertainment is being provided.

Recommendation 32

It should be an offence to refuse entry to an authorised officer of the council.

Recommendation 33

Councils should also be able to obtain a warrant authorising forced entry to a place where it is suspected that unlicensed entertainment is being provided.

127. The Review Group also suggested that the current powers of inspection be enhanced to enable authorised officers of the council, to examine records relating to the maintenance of safety at a place providing entertainments and the power to take copies of such records.

Recommendation 34

Authorised officers of the council should have the power to examine and take copies of records relating to the maintenance of safety at places providing entertainments.

CHAPTER 5 – MODEL TERMS AND CONDITIONS FOR LICENCES

128. Councils may impose terms, conditions and restrictions on each licence as it deems appropriate. In doing so councils must have regard to model terms, conditions and restrictions published by the Department (“model terms”).
129. The model terms comprise:
- model terms, conditions and restrictions for indoor entertainments, published in 1986;
 - model terms, conditions and restrictions for indoor entertainments technical requirements, published in 1988; and
 - additional conditions for places of entertainment providing dance events, published in 1998 (the technical requirements).

There are no model terms for outdoor entertainment events.

130. The Review Group noted that the model terms contained obsolete and out-of-date content, and did not reflect current entertainments. The content of the technical requirements is also out-of-date and councils refer instead to other information such as Building Regulations, British Standards, etc.

131. The Review Group discussed various options regarding the model terms, including removing the requirement for the Department to provide model terms. This would mean that each council would be responsible for preparing and maintaining licence conditions. Alternatively, councils could ask one of the professional groups such as, the Institute of Licensing or the Licensing Forum to produce model terms, conditions and restrictions. Members considered that it would be useful for the Department to continue to provide model terms.
132. The Review Group discussed revising the model terms to ensure the content is current, and reflects current types of entertainment. To this end, members agreed that tailored model terms, conditions and restrictions should be produced for events such as:
- circuses;
 - charity boxing matches; and
 - acts of hypnotism.
133. The revised model terms, conditions and restrictions are still to be agreed, however the Review Group suggested that the final document should be a single document which would refer to current versions of Building Regulations, British Standards, etc. rather than duplicating the actual detail of these in the document.

Recommendation 35

Model terms, conditions and restrictions for entertainment licences should be provided by the Department.

Tailored model, terms, conditions and restrictions should be produced for circuses, charity boxing matches and acts of hypnotism.

134. The Review Group also commented that the Fire and Rescue Services (Northern Ireland) Order 2006 (the 2006 Order) and changes in subsequent years have resulted in confusion about fire safety. The 2006 Order is the responsibility of the Department of Health, Social Services and Public Safety.
135. The model terms include model fire safety terms but the 2006 Order provides that any term, condition or restriction in connection with fire safety, other than those imposed by the 2006 Order, shall have no effect.
136. The Review Group considered the approach taken in the Safety of Sports Grounds (Northern Ireland) Order 2006 and concluded that this could be a suitable model for entertainment licensing. The Review Group recommended that councils should be able to include such terms and conditions as the council considers necessary or expedient to secure reasonable safety at the

entertainment and the terms and conditions may be such as to involve alterations or additions to the venue. The legislation should however, also make it clear that the conditions of an entertainment licence would have no effect to the extent that they would require a person to contravene any provision of Part III of the Fire and Rescue Services (Northern Ireland) Order 2006 or regulations made under it.

Recommendation 36

Councils should be able to include such terms and conditions as the council considers necessary or expedient to secure reasonable safety at the entertainment and the terms and conditions may be such as to involve alterations or additions to the venue.

CHAPTER 6 – FEES

137. When setting a fee or charge for a publicly provided service the norm is to charge at full cost. In the 2007 - 2008 year councils achieved an estimated recovery rate of less than 20%. The Department revised the level and structure of the fees for entertainment licences in September 2009 with an aim of recovering 52% of council expenditure with the intention to move towards full cost recovery. In the 2009-2010 year the rate of recovery had increased to 45%.
138. The subsequent economic downturn had a considerable impact on entertainment businesses and in the light of the difficult trading situation the Minister of the Environment decided not to increase the level of fees any further. It is estimated that councils currently achieve a recovery rate of around 50%.
139. The fees for a normal licence, an occasional licence and an outdoor event licence are payable on application and there are no other fee requirements for the duration of the licence.
140. The structure reflects the two types of licence i.e. indoor or outdoor and varies according to the capacity of the venue or

entertainment. A different level of fee applies to a normal and an occasional licence.

141. For indoor entertainments there are 6 capacity bands, and subsequently 6 fees for each type of licence. For outdoor entertainments there are 2 capacity bands, and subsequently 2 fees for each type of licence. An entertainment with a higher capacity attracts a higher fee. A concessionary rate applies to indoor entertainment organised by a charity or other non-profit making organisation. The current fees for indoor entertainment licences are given below.

TABLE 1 - INDOOR ENTERTAINMENT LICENCE FEES

Capacity of Premises/Location	Licence Fee	
	Normal	Occasional
Up to 100	£100	£50
101 - 200	£150	£75
201 - 300	£250	£125
301 - 500	£400	£200
501 – 1,000	£750	£375
More than 1,000	£1,000	£500

142. There are also flat-rate fees for specific entertainments, for example a circus, or an educational institution while not being used as such.

TABLE 2: OTHER FEES

	Rate
a circus	£50
a snooker hall, gaming centre etc	£100
an occasional licence for a church hall, school etc.	£50
Variation of a licence	£80

143. The level of fee for an outdoor entertainment licence varies according to whether the entertainment has a capacity of up to, or greater than 500 persons. The fee for a licence for an outdoor entertainment for up to 500 persons is £1,000 and for a capacity of over 500 persons, the fee is £2,000.
144. A concessionary fee rate for an outdoor entertainment licence of £125, where capacity is up to 500 persons, and £250, where capacity is greater than 500 is charged to charities and other non-profit making organisations.

APPROACH TO THE REVIEW

145. In England and Wales, where licences last for more than one year, fees for a premises licence are set according to 5 bands

determined by the rateable value of the premises, with additional fees where the capacity of the venue is over 5,000. The capacity fee varies across 11 bands where capacity ranges from 5,000 to 90,000 and over. An application fee (i.e. the fee determined by rateable value) and a capacity fee, where applicable, is paid upon application. An annual fee together with capacity fee, if applicable, is paid in every subsequent year of the licence.

146. No fee is charged for regulated entertainment in a case of an application by a proprietor of an educational institution in respect of premises that are, or form part of, an educational institution (i.e. a school or college) and the provision of entertainment is carried on by the educational institution for and on behalf of the purpose of the educational institution. An application in respect of premises that are, or form part of, a church hall, chapel hall or other similar building or a village hall or community hall or other similar building is also not charged a fee.

147. In Scotland licensing authorities (councils) determine their own fees, ensuring that the fees meet the costs of their licensing functions. Most councils charge an application fee and a yearly fee if the licence is granted. Many licensing authorities will offer a concessionary fee rate for community events. In the Republic of Ireland the fee for a licence for an outdoor event is a flat rate fee.

FUTURE FEES

148. The Review Group considered that its recommended changes to the licensing regime should result in decreased costs for councils. It also considered that the fees should reflect changes to costs incurred by councils.
149. The Review Group agreed that as it was recommending a single system covering both indoor and outdoor entertainment, the fees structure should reflect this.
150. Various options for the future fee structure were discussed including:
- fees based on capacity;
 - a flat-rate fee;
 - fees based on the rateable value of the premises;
 - a standard fee unless the capacity exceeds 1,000; and
 - councils setting their own fees.
151. Although the Group preferred fees based on capacity, final agreement was not reached. Members noted that further discussion is needed to reach an agreed position on the structure of fees.

152. As the Review Group is recommending permanent licences, it agreed that there may be merit in having a fee payable on application, plus a yearly fee. The Group noted that this would reflect the fact that while the bulk of the administration work will be done at application, there will also be work throughout the duration of the licence such as the councils' annual inspection of premises.

VARIATION OF A LICENCE

153. The current fee for an application for variation of the terms, conditions or restrictions of an entertainment licence is a flat-rate fee.
154. The Review Group noted that with a longer licensing period it is more likely that there will be requests to vary the licence in some way. It is proposed that a fee for the variation of a licence should continue in the new licensing regime. It is also proposed that a fee for the variation of a licence should apply to transfers of licences to other persons on the insolvency or death of the licence holder.

TEMPORARY EVENT LICENCE

155. Members discussed whether the fee for a temporary licence would be lower than the annual fee for a normal licence to reflect the limited work which would be undertaken by the councils before determining whether to grant the application or whether account should be taken of the fact that the time period for consideration of the application is much shorter and could require quite a lot of work by the council.

G

Subject	Licensing of Cinemas – Policy for Film Exhibition Licensing
Reporting Officer	William Wilkinson – Head of Building Control

1	Purpose of Report
1.1	That Members consider the Policy for Film Exhibition Licensing in accordance with The Cinema (Northern Ireland) Order 1991 for Mid Ulster District Council.

2	Background
2.1	Mid Ulster District Council has responsibility for issuing Film Exhibition Licences in accordance with Article 3 of The Cinema (Northern Ireland) Order 1991. Currently across Mid Ulster District Council area there are three venues which have Film Exhibition Licences.

3	Key Issues
3.1	Mid Ulster District Council has adopted the fee of £375 for the Grant / Renewal of the Film Exhibition Licence, in accordance with the Cinema (Northern Ireland) Order 1991.
3.2	There are currently three cinemas within Mid-Ulster District Council. The Council has responsibility for issuing Film Exhibition Licences in accordance with The Cinema (Northern Ireland) Order 1991. Each application is accompanied by the following documentation: <ul style="list-style-type: none"> • Periodic Inspection and Test Certificates completed by a Competent Electrical Engineer in respect of the electrical installation. • Lay-out Plans of premises (new applications only). • Certificate to confirm that Public Liability Insurance is paid. • A current Fire Risk Assessment.

Applicant	Premises	No. of Patrons
S Convery	Movie House, Maghera	443 (3 Screens)
Savoy Picture House Ltd	Ritz Cinema, Cookstown	830 (5 Screens)
Mid Ulster District Council	Ranfurly House, Arts & Cultural Centre	98 (1 Screen)

The Ritz Cinema Complex, Cookstown and The Movie House, Maghera have multiple screens which are showing films concurrently with a high number of patrons attending the premises on a daily basis.

The Ranfurly House has one screen which is mainly used for one-off shows and is managed by Mid-Ulster District Council. The inspection of the premises by Officers of the Council ensure that the premises are maintained in a safe manner for patrons attending the showings.

3.3 The Policy (attached at Appendix 1), will form the Primary Framework for administering the Grant / Renewals of Film Exhibition Licences, in accordance with the Cinema (Northern Ireland) Order 1991.

4	Resources
4.1	<u>Financial</u> Within current resources.
4.2	<u>Human</u> As above.
4.3	<u>Basis for Professional/ Consultancy Support</u> N/A.
4.4	<u>Other</u> N/A.

5	Other Considerations
5.1	None.

6	Recommendations
6.1	That Members agree the Draft Policy for 'Film Exhibition Licenses' as outlined at Appendix 1.

7	List of Documents Attached
7.1	Appendix 1 – Mid Ulster Draft Policy for 'Film Exhibition Licences'.

APPENDIX 1

MID ULSTER DISTRICT COUNCIL

Article 3 of The Cinemas (Northern Ireland Order 1991

FILM EXHIBITION LICENSING POLICY

1. A Film Exhibition Licence shall remain in force for a period not exceeding twelve months from the date of issue of licence.
2. Each application for the grant or renewal of a licence shall be submitted in triplicate and shall be accompanied by:—
 - (a) The appropriate fee as may be fixed by the Council.
 - (b) One copy of layout plans of the premises (plans shall not be required with subsequent renewal applications unless the premises have been altered).
 - (c) Confirmation regarding Public Liability Insurance and Limit of Indemnity.
 - (d) An electrical certificate completed and signed by a Competent Electrical Engineer (including inspection and test certificates in respect of the Fire Alarm System and Emergency Lighting).
 - (e) A fire risk assessment which will be current for three years subject to an annual review.
3. On receipt of each application a copy shall be forwarded to the Sub-Divisional Commander of the PSNI and the Northern Ireland Fire and Rescue Service.
4. Premises shall be inspected within 21 days following receipt of the application.
5. An applicant shall be informed of any matters requiring attention before the application can be approved. A maximum period of one month shall be allowed to enable items to be attended to.
6. If prior inspection has not been requested by the applicant a further inspection shall be carried out at the expiration of the period specified in (6). In the event of all items previously notified to the applicant not having been attended to in a satisfactory manner, the applicant shall be informed that the application will be refused unless all matters are satisfactorily attended to within a further period of fourteen days.

7. Where an application is refused the applicant shall be informed of the grounds for refusal and shall be informed of the right of appeal to the county court. The applicant shall also be informed that any breach of the Order may result in legal action.
8. Where following statutory consultations and inspection(s), the premises are considered to be in order the Director of Public Health and Infrastructure shall issue the Licence , as required under delegated authority approved by Council .
9. Each approved application for a licence shall be subject to such terms conditions and restrictions as the council may determine.
10. The maximum period that a licence may remain in force shall be twelve months.
11. An application for renewal of a licence shall be submitted to the District Council not less than four weeks before the date of expiry of the current licence.
12. During-performance inspections may be carried out from time-to-time. Any breaches of the licence conditions shall be brought to the licensee's attention and, where considered necessary, follow-up inspection(s) may be carried out. Failure to rectify any matters brought to the Licensee's attention or where breaches are of a particularly serious nature shall be reported to the Council to enable legal proceedings to be considered.
13. A review of this Policy will be undertaken after twelve months and appropriate revisions made as required (May 2015).

H

Subject	Public Analyst Appointment
Reporting Officer	Fiona McClements – Head of Environmental Health

1	Purpose of Report
1.1	To appoint a Public Analyst to act as Analyst(s) for Mid Ulster District Council.

2	Background
2.1	Prior to Local Government Reform, a contract to provide Public Analyst services for the 26 councils was awarded to Minton, Treharne and Davies Limited (in partnership with Worcestershire Scientific Services) for the period from 01 June 2014 for a period of two years with an option for renewal.

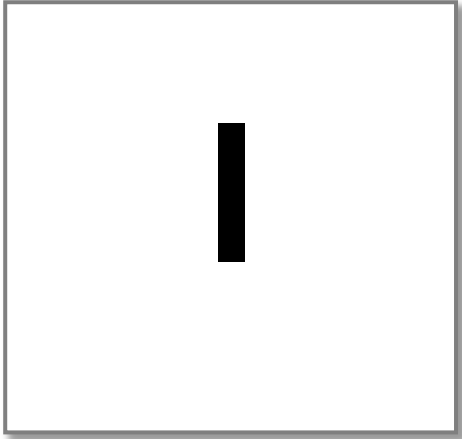
3	Key Issues
3.1	<p>Article 27 (1) of the Food Safety (NI) Order 1991 requires that the Council appoint one or more persons (Public Analyst(s)) to act as Analyst(s) within the district of the Council.</p> <p>The Framework Agreement on Official Feed and Food Controls by Local Authorities (amendment 5 April 2010), states that the Council shall ensure that a Food Analyst is appointed to carryout examination and analysis of food samples. In making these appointments, all relevant legal requirements and Codes of Practice shall be satisfied.</p> <p>The qualifications required by Analysts are set out in the Food Safety (Sampling and Qualifications) Regulations (NI) 2013.</p> <p>The Environmental Health Department is satisfied that the persons listed below who are employed by Minton, Treharne and Davies Limited and Worcestershire Scientific Services, fulfil the requirements of the Regulations for appointment as Public Analysts on behalf of Mid Ulster District Council.</p> <p>Susanne Brookes; B.Sc., MSc, M.Chem.A., FRSC., MAPA Registers Analytical Chemist</p> <p>Paul William Hancock; B.Sc., M.Chem.A., MRSC., AAPA.</p> <p>Alastair David Low; B.Sc., M.Sc., M.Chem.A., C.Chem., MRSC., AAPA</p> <p>Rachael Ann New; B.Sc., M.Chem.A., C.Sci., C.Chem., MRSC.</p> <p>John Antony Robinson; B.Sc., M.Sc., M.Chem.A., C.Sci., C.Chem., FRSC., MIFST., MAPA Registered Analytical Chemist Registered Expert Witness</p>

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

5	Other Considerations
5.1	None.

6	Recommendations
6.1	It is recommended that the above named persons are appointed as Public Analysts to Mid Ulster District Council under Article 27 (1) of the Food Safety (NI) Order 1991 under the terms of the original contract.

7	List of Documents Attached
7.1	None



Subject Test Purchasing

Reporting Officer Fiona McClements – Head of Environmental Health

1 Purpose of Report

1.1 The purpose of this report is to seek Council approval for test purchasing to be carried out throughout the District with regard to the selling of age restricted products such as tobacco/tobacco products and butane gas lighter fill.

2 Background

2.1 Councils have the responsibility for the enforcement of legislation relating to the sale of age restricted products such as tobacco/tobacco products and butane gas lighter refill. Within the Ten Year Tobacco Control Strategy for Northern Ireland, one of the objectives is for fewer people to start smoking, therefore reducing the availability of tobacco to young people will aid achieving this objective.

Test purchasing operations are designed to complement the overall enforcement programme dealing with age restricted products. For example, a test purchasing exercise for tobacco products would involve visiting all retailers within Mid Ulster District Council, information packs would be issued and explained, any questions from retailers addressed and staff training and signage provided, if required. Prior to any test purchasing exercises being carried out, letters would be issued to remind all retailers of the legislation and to advise that an exercise to establish compliance will be held within the following three months.

Available statistics in the table below shows the number of test purchases of tobacco products carried out in the legacy Cookstown and Magherafelt Councils from 2007 until 2014. Through raising awareness, compliance visits and working with local retailers a reduction in sales and enforcement actions are visible.

Historic data for both legacy Magherafelt and Cookstown District Councils

Magherafelt District Council Underage Sale of Tobacco/Butane Historic data						
Year	No Test Purchases	No Sales	of	Written Warning	Cautions	Prosecution
2007/08	15	11		0	3	8
2008/09	15	2		2	0	0
2009/10	21	2		2	0	0
2010/11	17	1		0	0	1
2011/12	14	0		0	0	0
2012/13	13	0		0	0	0
2013/14	11	2		0	2	0
2014/15	15	4		2	2	0

Significant trend noted with decrease in sales from 2007 /2008 to present day.

Cookstown District Council Underage Sale of Tobacco/Butane Historic data					
Year	No Test Purchases	No of Sales	Written Warning	Cautions	Prosecution
2008/2009	15	4	0	0	4
2009/2010	0	0	0	0	0
2010/2011	0	0	0	0	0
2011/2012	12	0	0	0	0
2012/2013	0	0	0	0	0
2013/2014	14	0	0	0	0

A survey carried out in Northern Ireland in 2010 revealed that for 51% of regular child smokers, newsagent, tobacconists or sweet shops were the usual source of cigarettes.

3	Key Issues
3.1	<p><u>Tobacco Product</u></p> <p>One of the biggest health challenges facing Northern Ireland is that of reducing smoking prevalence. Smoking remains one of the main causes of preventable death and illness.</p> <p>In 2010, 8% of children aged 11-16 years in Northern Ireland were current smokers. This is in spite of the fact that the minimum age of sale for tobacco products was increased to 18 in September 2008. Previous figure from the 2003 strategy on smoking had 14.5% of 11-16 year olds smoking, this shows the success of preventative measures in education, awareness and prevention of underage sales.</p> <p>Every year in Northern Ireland thousands of young people take up smoking and it is estimated that children who start smoking at the age of 15 are three times more likely to die of cancer due to smoking than the already high rate of those who become addicted in their mid-twenties.</p> <p>The uptake of smoking by children and young people is a major concern for the Department of Health, Social Services and Public Health and it's Ten Year Tobacco Control Strategy for Northern Ireland has made it a priority to reduce the amount of young people starting to smoke, as well as reducing the amount of 11-16 year olds who do smoke to 3% by 2020.</p> <p>The Public Health Agency provide the funding for both Tobacco Control officers working within Mid Ulster District Council area. One of the main priorities of the funding is to ensure effective underage sales regulation and a test purchasing programme for tobacco products. The PHA has set a target of 50 test purchase visits per Tobacco Control Officer which would equate to 50 visits for Mid Ulster District Council.</p>

3.2	<p><u>Butane</u></p> <p>Butane gas found in cigarette lighter refills is the most commonly abused substance in Northern Ireland.</p> <p>Northern Ireland has the highest mortality rate for Volatile Substance Abuse in the UK and butane gas lighter fuel is the substance of abuse in the vast majority of all incidents.</p> <p>More than 50% of all deaths from substance abuse are related to butane gas and around a third of those who die are first time users.</p>
-----	--

4	Resources
4.1	<p><u>Financial</u></p> <p>Purchasing costs of the products to be tested</p>
4.2	<u>Human</u> - Officer time.
4.3	<u>Basis for Professional/ Consultancy Support</u> - Not applicable.
4.4	<u>Other</u> - Not applicable.

5	Other Considerations
5.1	None.

6	Recommendations
6.1	<p>It is recommended that Mid Ulster District Council proceed with a programme of test purchasing for age restricted products such as tobacco and butane gas lighter refill.</p> <p>Prior to any test purchasing exercises being carried out, letters would be issued to remind all retailers of the legislation, provide advice and guidance, and to advise that an exercise to establish compliance will be held within the following three months.</p>

7	List of Documents Attached
7.1	None.

J

Subject: Full Approval of a Food Business Establishment under Regulation EC No 853/2004

Reporting Officer: Fiona McClements, Head of Environmental Health

1	Purpose of Report
1.1	To recommend to members the full approval of a food business trading as 'Allingham Transport Limited.' under the requirements of Regulation EC No 853/2004.

2	Background
2.1	Regulation EC No 853/2004, requires that establishments handling products of animal origin, must be approved. Coldstores handling products of animal origin, whether packaged or unpackaged, require approval. The coldstore at Allingham Transport Limited provides storage facilities for intermediary dairy products (bulk packs of cheese). The company made an application for approval under Regulation EC No 853/2004. A visit was made to the premises to assess compliance and it was noted during the course of the inspection that some procedural items and documentation required further revision. The premises were therefore offered conditional approval for a period of 3 months, to enable this work to be undertaken. After this 3 month period, a further visit was carried out to the business confirming that progress had been made; however some further work was required to complete the HACCP system. Conditional approval was extended for a further period of 3 months for final works to be completed.

3	Key Issues
3.1	A final visit has been recently made to the premises and has confirmed that all outstanding matters have now been dealt with. The premises was found to generally comply with the relevant requirements of Regulation EC No 852/2004 and Regulation EC No 853/2004 and all other associated legislation.

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

5	Other Considerations
5.1	None

6	Recommendations
6.1	It is recommended that Full Approval be granted to Allingham Transport Limited, 6 Grange Road, Cookstown, Co. Tyrone, BT80 8SB, with the Approval Number - UK ZT 021 EC.

7	List of Documents Attached
7.1	None

K



Subject	Local Air Quality Grant Application
Reporting Officer	Fiona McClements – Head of Environmental Health

1	Purpose of Report
1.1	To advise councillors of the change in funding to Councils from the DoE for Local Air Quality work.

2	Background
2.1	<p>Targets and objectives have been set for local air quality within the Air Quality Strategy for England, Scotland, Wales and Northern Ireland. Objectives prescribed for local air quality management control are detailed in the Air Quality Regulations (NI) 2003. Northern Ireland is also bound by the obligations imposed by the EU Directives 2008/50/EC on ambient air quality and cleaner air for Europe and 2004/107/EC relating to arsenic, cadmium, mercury, nickel and polycyclic aromatic hydrocarbons in ambient air. The Environment (NI) Order 2002 introduced a statutory framework for local air quality management in Northern Ireland. In addition the objective of the Local Air Quality Management Grant (LAQMG) scheme was to support positive initiatives under Article 18 of the Order, having regard to the guidance issued by the Department for that purpose, namely:-</p> <ul style="list-style-type: none">• carrying out an air quality review;• carrying out an assessment under articles 11 or 13• preparing and implementing an action plan; and• the assessment or management of the quality of air <p>The DoE have advised that the funding for all of NI in the form of a LAQM grant for 2015/16 is £100K which is a significant reduction of £500K on previous years. This limited budget is to be prioritised on the presence of Air Quality Management Areas (AQMA) and is allocated through an application process by the DoE. Staff costs which were part of the grant funding up until last year are no longer available under the current funding.</p>

3	Key Issues
3.1	There is a statutory duty on Councils to periodically undertake review and assessment of ambient air quality within their districts for present and future conditions. Where a district council determines that air quality standards or objectives are not, or are unlikely to be achieved within relevant periods, then the district Council is statutorily compelled to designate by Order an Air Quality Management area and to develop subsequently, an Air Quality Action plan in pursuit of the relevant objective(s).

	<p>Previously in the Dungannon area, Air Quality work was carried out through the Group staff and their work funded by the DoE, whereas Magherafelt and Cookstown were allocated £3820 and £3701 respectively for staff costs. Allocation of the staff funding was determined by the presence of an AQMA, whereby each council received 10p per head of population where no AQMA was present and 20p per head of population where AQMA was present.</p> <p>Dungannon has an AQMA at Newell Rd, Dungannon and Charlemont Streets, Moy, Magherafelt has one AQMA at Church Street Magherafelt. To this end Action Plans have been drafted and consulted on in an attempt to reduce the poor air quality in the respective areas. No AQMAs were declared in Cookstown.</p> <p>Presently under the Local Air Quality Management Grant Scheme: Air Quality Monitoring, Data Management, Maintenance of Equipment, Dispersion modelling, Initiatives and measures associated with Action Planning attract funding. However, this is dependent on the presence of an AQMA and on a percentage basis of <u>up to 50%</u>.</p> <p>This current application from Mid Ulster District Council is a bid for the supply and analysis of diffusion tubes for the period June 2015 – March 2016 by Cookstown and Magherafelt Offices, in order to continue to carry out LAQM duties within Mid Ulster District Council. Dungannon Office have a supply and analysis already secured through a previous contract through Southern Group Environmental Health Committee.</p>
--	--

4	Resources
4.1	<p><u>Financial</u></p> <p>Reduction in grant Aid from DoE. Grant application to be completed and forwarded to DoE for the reduced amount in a competitive process.</p>
4.2	<p><u>Human</u></p> <p>No staff costs included within the funding so Council has to absorb those costs.</p>
4.3	<p><u>Basis for Professional/ Consultancy Support</u></p>
4.4	<p><u>Other</u></p>

5	Other Considerations
5.1	None.

6	Recommendations
6.1	It is recommended that the Council supports the application for Air Quality Management Work.

7	List of Documents Attached
7.1	Appendix 1: Completed application form

Local Air Quality Management Grant Application Form

This form should be used by district councils who wish to submit a bid for financial assistance during 2015 - 2016 under Article 18 of the Environment (NI) Order 2002.

Before completing this form, applicants are strongly advised to read the information provided in the accompanying Guidance Notes. The application will not be able to be processed until all the relevant information has been provided.

You may also wish to consider consulting the LA support helpline on 0800 0327953, email LAQMHelpdesk@uk.bureauveritas.com or the DOE AEQ Unit before completing the form.

We prefer to receive applications by e-mail to rachael.singleton@doeni.gov.uk. The form can also be downloaded from www.doeni.gov.uk. A signed Certificate (the last page of the application form) should also be returned.

If you are completing a paper application, you may insert pages if there is not enough space on the form. Clearly mark the question to which the information refers.

SECTION A: You and Your Organisation

1) Is this a joint bid?

Yes

No

2) District councils covered by this application?

Mid Ulster District Council

3) Project Manager and Contact Details

Name:	Fiona McClements
Position in Organisation:	Head of Environmental Health
Expertise relevant to this project:	Head of Environmental Health
Telephone:	03000 132 132
Email:	Fiona.McClements@midulstercouncil.org
Address:	Dungannon Office, Circular Road, Dungannon
Postcode:	BT71 6DT

SECTION B: THE PROJECT

4) Project Location:

Mid Ulster Council area

5) Is this application for:

- Monitoring, Data Management or Maintenance Contracts
- Dispersion Modelling
- Initiatives/measures to Improve Air Quality as part of the Action Planning process
- Other Please Specify

6) Project Summary (Brief outline of the any activity to date, including previous funding over three years and the proposed Projects).

Previously Cookstown and Magherafelt Councils obtained grant funding from DOE to fund work in their constituent councils, for the supply and analysis of diffusion tubes and staff costs. Dungannon District Council was part of the joint bid made by Southern Group Environmental Health Committee, this grant funding related to supply and analysis of diffusion tubes, staff costs and dispersion modelling.

This application is a bid for the supply and analysis of diffusion tubes in order to continue to carry out LAQM duties within Mid Ulster District Council, it is noted that staff costs are no longer eligible under this application.

Supply and analysis of Diffusion tubes only for a limited period given renewal of contracts from previous Councils. From April 2016 contracts for supply and analysis will be covered under one contract.

7) Project Outcomes

7.1 Describe the outcomes or changes that your projects aim to bring about, how you will know that your outcome has been achieved and how you will measure this.

Table 1: Project Outcomes/Aims

Outcome/Aim	Measure of success and method of assessment
Fulfilment of the timetable of activities as required for Local Air Quality Management:	Completion of statutory time frames for Updating Screening and Assessment and Progress reports for Mid Ulster Council

SECTION C: OPTION APRAISAL

8) Consideration of options

8.1 Identify in the box below any equipment that you anticipate that you will require over the next year in order to meet the outcomes of your project? Identify which site this equipment is required for.

Table 2: Equipment required in 2015 - 2016

Equipment	2015 - 2016	Location	Can the equipment be leased?
Supply and analysis of Diffusion Tubes (inc. return carriage) - June 2015-October 2015	£343.50 exc. VAT	Mid Ulster District	No
Supply and analysis of Diffusion Tubes (inc. return carriage) -November 2015 - March 2016	£479.50 exc. VAT	Mid Ulster District	No

8.2 For each piece of equipment required can you identify the rationale (i.e. why is the equipment needed?). If you are replacing equipment, is the existing equipment at the end of its useful life? Has the equipment become unreliable? Are there concerns regarding the accuracy of the data the equipment is providing? Can the equipment be leased?

Table 3: Rationale for equipment requirements

Equipment	Rational
NOX tubes and analysis incl. return carriage	Monitoring of NOX is required to meet the monitoring requirements for the Local Air Quality Management areas and to aid with detailed assessments and progress reports

8.3 Identify in the box below the services that you will require over the next year in order to meet the projected outcomes of you project. Identify at which location these services are required. Provide a rationale for the service and state whether the project can be carried out in-house.

Table 4: Services required for 2015 - 2016

Service	2015 - 2016	Location	Can the work be carried out in-house?
N/A			

Table 5: Services required and rationale

Service	Rational
N/A	

8.4 Given the information above can you identify two possible options? The options should show a programme of work over the next year. Options should vary depending on the method of provision. For example a piece of equipment could be leased or purchased and a service could be carried out by council staff or a consultant could be employed to carry out the work.

8.5 Please note that if there are any other possible options please include these options where possible. For example if there is a joint bid options relating to this should be included

Option 1 (your proposal)

Supply and analysis of Diffusion Tubes by Gradko Environmental, (UKAS Accredited ISO/IED 17025 Standard

Option 2 (an alternative way of achieving your aims)

Supply and analysis by another laboratory

9) Cost of Options

9.1 Using the excel sheets provided in Annex 1, please provide detail costs of the programme options. This excel sheet should be submitted alongside your application.

10) Non-Monetary Cost & Benefits

10.1 Identify the non-monetary benefits of each of the options and then give the impact of each option on the non-monetary benefit.

Table 6: Impact Assessment of Non-Monetary Benefits

Non-Monetary Benefit	Option 1	Rational	Option 2	Rational
(e.g. Ease of implementation)				
Compliance with the Air Quality legislation	++	To fulfil the statutory obligations of the council	++	The supply and analysis aid in the statutory obligations of the council for LAQM
Overall Impact				

Impacts

- - Highly Negative
- Negative
/ No Impact
+ Positive
++ Highly Positive

11) Risk and Uncertainty

11.1 Please give details of the possible risks and uncertainties (financial and otherwise) associated with each option, the potential effects of these risks and uncertainties on the outcome of the project, and any action which could be taken to minimise or overcome these risks.

Table 6: Risk Register

Nature of Risk	Probability of Risk (High/Medium/Low)	Impact of Risk (High/Medium/Low)	How to reduce the risk
Inability of Diffusion tubes and labs to produce results on time	L	M	Do not appoint on cost only, Notification to approval authority
Vandalism of tubes	M	M	Re locate to area less likely to suffer from vandalism

Nature of Risk	Probability of Risk (High/Medium/Low)	Impact of Risk (High/Medium/Low)	How to reduce the risk
Inability of Diffusion tubes and labs to produce results on time	L	M	Do not appoint on cost only, Notification to approval authority
Targets of LAQM not being met	L	M	Ensuring adequate resource allocation to LAQM
Inability of Diffusion tubes and labs to produce accurate results	M	H	Do not appoint on cost only

12) Preferred Option

12.1 Rank the options (1, 2 and 3), in terms of which offers the greatest potential benefits

Table 7: Preferred option

Option	Cost (£)	Ranking	Non-Monetary Impact	Ranking	Risk	Ranking
Option 1		1	++	1	L	1
Option 2		2	+	2	L	2

12.2 Preferred Option and reason for choosing it:

The continuation of the established supply and analysis buy Gradko Environmental to allow for consistency, effectiveness and efficient service delivery.

13) Evaluation

Please provide some detail about how you expect to monitor and evaluate the project

The Council to coordinate aims and objectives for the AQMAs in each of the declaration areas
More active and visual promotion of Air Quality which could increase the awareness of the impact of over reliance on the private car and encourage alternative means of transport. More consideration of Air Quality implications within the response consultations to planning applications.

Please submit this form and all required documents by email or post to the address below. If e-mailed, post a signed copy of the certificate on the final page which should be received no later than 1 week after the closing date of the applications.

Rachael Singleton
Air and Environmental Quality
Environmental Policy Division
6th Floor
Goodwood House
44-58 May St
BELFAST
BT1 4NN

Tel: 028 90254761

Email: rachael.singleton@doeni.gov.uk

You are welcome to send feedback on this programme to the above address.

THE INFORMATION PROVIDED ON THIS FORM MAY BE MADE AVAILABLE TO OTHER DEPARTMENTS/AGENCIES FOR THE PURPOSE OF PREVENTING OR DETECTING CRIME.

Local Air Quality Management Grant Application

CERTIFICATE BY APPLICANT/ ORGANISATION

PROJECT TITLE: Local Air Quality Management Mid Ulster District Council

I certify that the information contained in this application is correct and confirm that these projects will be carried out as described.

I confirm that this organisation/ I will undertake regular monitoring of the project to ensure it conforms to the application and to keep adequate records for this purpose.

I will consult DOE immediately in writing if any significant changes to the project are proposed.

Signature of applicant: _____

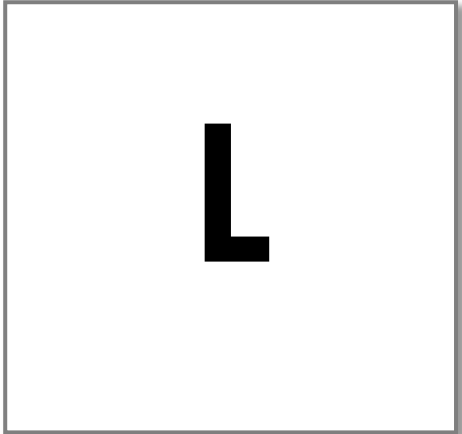
Name in block capitals: Fiona McClements

Status of signatory: Head of Environmental Health
(e.g. Secretary, director, project manager, etc)

Date: 19th May 2015

If your application is emailed, a signed hard copy of this page should be received within ONE WEEK of the closing date for applications.

This application was submitted by email on date: 20th May 2015



Subject	Coalisland and Dungannon (Drumcoo) Recycling Centres
Reporting Officer	Mark McAdoo, Head of Environmental Services

1	Purpose of Report
1.1	To provide members with an update on the closure, refurbishment and reopening of Recycling Centres in Coalisland and Dungannon (Drumcoo).

2	Background
2.1	Approval was granted previously to award a contract to A G Wilson Ltd to extend/refurbish the Recycling Centre at Drumcoo, Dungannon. Agreement was subsequently reached to extend the contract/rates to cover works at Coalisland Recycling Centre and to prioritise these given site health and safety concerns.

3	Key Issues
3.1	Works commenced at Coalisland Recycling Centre on 27 April 2015 and are due for completion on 29 May 2015 (one week ahead of the scheduled six week programme). The works included the installation of 4 no. static compactors with associated containers and handrails, resurfacing of vehicular access, kerbing and improvements to site lighting. The site will reopen at 9:00am on 6 June 2015.
3.2	Drumcoo Recycling Centre will close to the public at 8:00pm on Friday 5 June 2015 with the contractor commencing work on site Monday 8 th June. Works are programmed to last for six months until December 2015 and it is expected the site will reopen prior to Christmas.
3.3	The general public have made aware of the closure and alternative disposal arrangements via the website, local press release, signage/posters and flyers distributed on site (copy included at appendix 1).
3.4	A drawing of the agreed site layout for the refurbished site at Drumcoo, which will improve site safety and traffic segregation/flow, is enclosed at Appendix 2.

4	Resources
4.1	<u>Financial</u> The total cost of the refurbishment works at Coalisland Recycling Centre is

	<p>approximately £95,000 (including new waste compactors and containers). The total cost of the extension/refurbishment works at Drumcoo Recycling Centre will be approximately £550,000 (including new waste compactors and containers).</p>
4.2	<p><u>Human</u></p> <p>Site attendants currently employed at Drumcoo Recycling Centre will be re-deployed to the (reopened) Recycling Centre in Coalisland to assist with the anticipated increase in waste throughput or to general refuse collection/street cleansing duties within Environmental Services.</p>
4.3	<p><u>Basis for Professional/ Consultancy Support</u></p> <p>The contract/works are being managed in-house by Technical Services staff.</p>
4.4	<p><u>Other</u></p> <p>NIEA have been advised of the site works/closure, in accordance with licence conditions, however there are no other resource implications.</p>

5	Other Considerations
5.1	<p>One addition to the Drumcoo contract/works will be the installation of a second weighbridge to permit the weighing of HGV/Service vehicles in order to further improve traffic flow and data reporting (this will be required in any event should a waste transfer station be constructed at Drumcoo in the future).</p>

6	Recommendations
6.1	<p>Members are asked to note the contents of this report.</p>

7	List of Documents Attached
7.1	<p>Appendix 1 - Flyer regarding closure of Drumcoo Recycling Centre.</p>
7.2	<p>Appendix 2 - Drawing showing proposed site layout of Drumcoo Recycling Centre.</p>

Drumcoo Recycling Centre Dungannon

**Refurbishment Works
Closed from Saturday 6 June 2015.
Reopening December 2015.**

Drumcoo Recycling Centre is undergoing a £0.5M refurbishment this year to create new recycling facilities and improved traffic flow on site.

While the centre is closed, we would encourage you to use alternative facilities at:

- Coalisland Recycling Centre, Derry Road, Coalisland
(only suitable for cars and cars with trailers)
- Cookstown Recycling Centre, Molesworth Road, Cookstown
- Tullyvar Landfill Site, Tullyvar Road, Aughnacloy

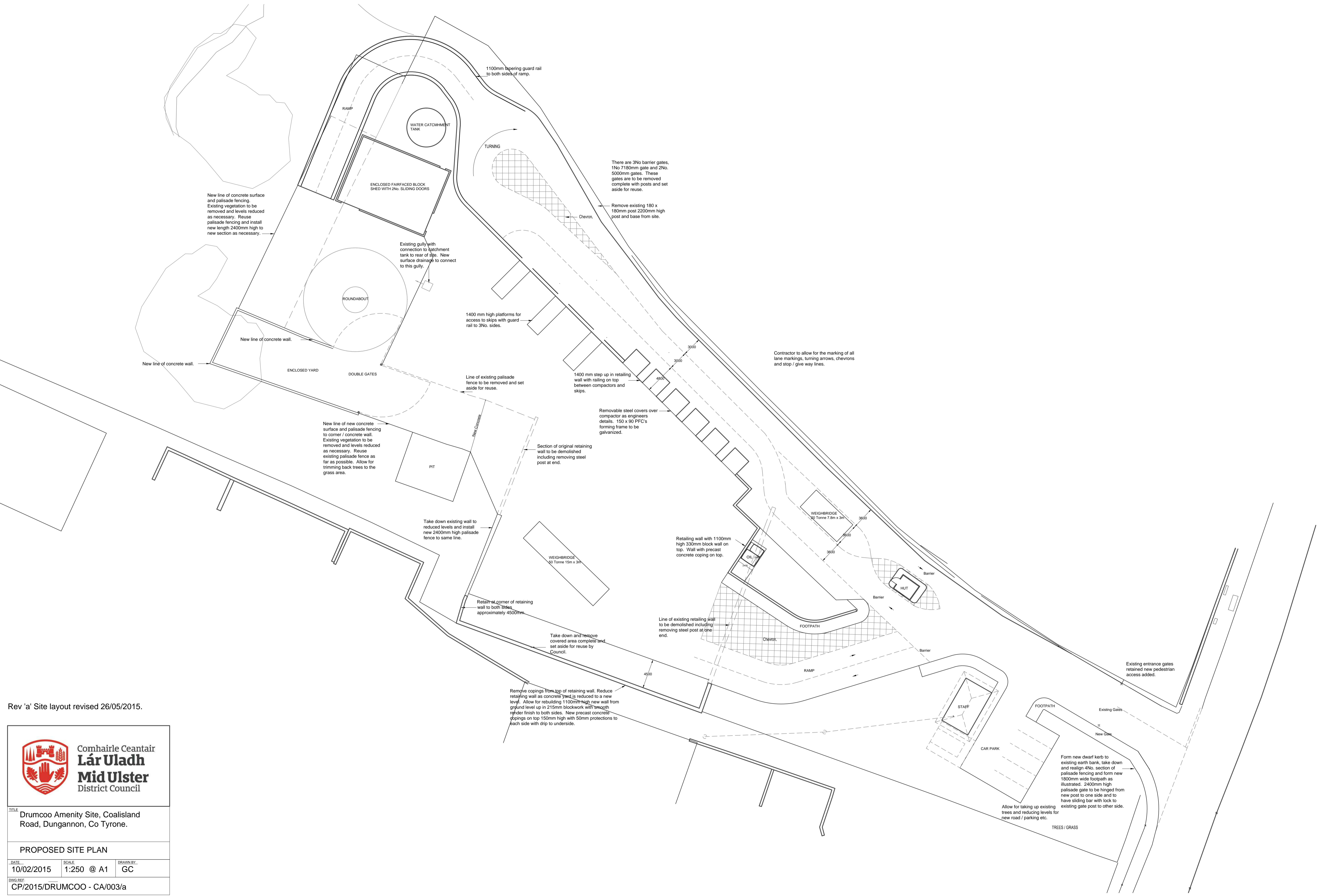
We apologise for any inconvenience while the work takes place.

For further information or to enquire about alternative options for recycling and waste disposal, please contact Environmental Services:

Tel: 028 8772 0390
E: recycling@midulstercouncil.org
www.midulstercouncil.org



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council



Rev 'a' Site layout revised 26/05/2015.

 <p>Comhairle Ceantair Lár Uladh Mid Ulster District Council</p>		
<p>TITLE Drumcoo Amenity Site, Coalisland Road, Dungannon, Co Tyrone.</p>		
<p>PROPOSED SITE PLAN</p>		
DATE	SCALE	DRAWN BY
10/02/2015	1:250 @ A1	GC
<p>DWG REF CP/2015/DRUMCOO - CA/003/a</p>		

M

Subject	Property Maintenance: Asset Inspections
Reporting Officer	Terry Scullion, Head of Property Services
Contact Officers	Terry Scullion, Andrew Cassells

1	Purpose of Report
1.1	To inform members on the programme of inspections of key property maintenance assets, namely bus shelters, roadside signage and off street car parks.

2	Background
2.1	A number of key differences have been identified in the inspection practices of key assets by the legacy Councils. Responsibility for inspection of off-street car parks was carried out by Transport NI prior to the transfer to Council on 1 st April 2015.
2.2	At present there are approximately 370 bus shelters provided throughout the district, in excess of 3,500 roadside signage and 23 off street car parks. All of these are managed by Property Services.
2.3	A range of other Council assets are maintained by Property Services, but planned inspections are carried out by other services as follows: <ul style="list-style-type: none"> • Play parks • Outdoor Gym equipment • Multi Use Games Areas • Water recreation sites • Forest trails • Countryside walks

3	Key Issues
3.1	<p><u>Current Practice</u></p> <p>Bus shelters in the three legacy areas are visually inspected a minimum of once per year, although much of it unrecorded. The external environs of the bus shelters are maintained during the grass cutting season to maintain safe access and improve visibility to varying frequencies across the legacy Council areas.</p> <p>Roadside signage has been surveyed in in Cookstown in 2014 for GIS mapping purposes. However no planned inspections take place. Repairs are carried out as identified by staff on the ground assisting with service delivery, the public or members. Only one of the three Councils carries out scheduled grass cutting around all Council roadside signage.</p>

3.2	<p>Off street car park inspections were carried out by Transport NI until 31st March 2015. The inspections were carried out every eight weeks and copies of the most surveys have been received from Transport NI. The car parks were surveyed by legacy Council staff in December 2014 and currently are due inspection.</p> <p><u>Planned Approach</u></p> <p>Bus Shelters – The post installation inspection will be carried out by Technical Services as the service administering Bus Shelter provision. Thereafter they will be visually inspected quarterly by Property Services and recorded on Council’s existing electronic asset management system for health and safety compliance.</p> <p>Roadside Council signage - The post installation inspection will be carried out by Technical Services as the service administering new signage. Thereafter signage will be visually inspected annually by Property Services. Although not a health and safety standard inspection, it will be recorded on electronic asset management system for good practice and to assist with GIS mapping.</p> <p>Off street car parks will be inspected every eight weeks. It will be a recorded safety inspection following the previous Transport NI inspection format for the immediate period which will focus on surface condition, street lighting, boundaries, etc.</p> <p>The inspection regime will generate reactive maintenance tasks required in the short term to deal with defects, some of which may be hazardous to users of bus shelters or car parks. The replacement or renewal over the longer term of unserviceable assets because of damage, general wear and tear will be dealt with through planned maintenance, subject to available budgets. Defect response times will vary depending on the severity of the defect, access and availability of resources.</p>
-----	---

4	Resources
4.1	<p><u>Financial</u></p> <p>As detailed in service budgets.</p>
4.2	<p><u>Human</u></p> <p>Officer availability and time in relation to developing and implementing an agreed inspection system with Corporate Health and Safety and to create GIS mapping</p>
4.3	<p><u>Basis for Professional/ Consultancy Support</u></p> <p>External training is required for competent staff to carry out off street car park inspections. At some stage in the future investment may be required to develop IT based mobile asset management systems for inspections.</p>

4.4	<u>Other</u> None at this stage.
-----	--

5	Other Considerations
5.1	None.

6	Recommendations
6.1	Members are requested to note the content of this report.

7	List of Documents Attached
7.1	None.

N

Subject	Building Control Report
Reporting Officer	William Wilkinson – Head of Building Control

1	Purpose of Report
1.1	To provide members with an update on the workload analysis for Building Control across Mid-Ulster District Council.

2	Background
2.1	<p>Building Control applications are received in three different forms:-</p> <ul style="list-style-type: none"> a Full Applications - submitted with detailed working drawings. b Building Notices - minor work not usually requiring detailed plans, e.g. provide insulation to roof space, etc. c Regularisation Applications – where work has been carried out without approval, an application must be submitted for retrospective approval.

3	Key Issues		
3.1	Workload Analysis	May 2015	Accumulative 2015/16
	Total number of Applications	138	300
	Full plans applications received	53	126
	Building Notices applications received	75	151
	Regularisations applications received	10	23
	Estimated value of works submitted	£6966500	£21,766,500
	Number of inspections carried out by Building Control Officers	805	1768
	Commencements	179	457
	Domestic Dwellings	60	138

	Domestic alterations and Extensions	111	297
	Non-Domestic work	8	22
	Completions	131	301
	Domestic Dwellings	16	49
	Domestic alterations and Extensions	106	236
	Non-Domestic work	9	16
	Property Certificates Received	187	384

4	Resources
4.1	<u>Financial</u> Within current budgets
4.2	<u>Human</u> Within current staffing arrangements
4.3	<u>Basis for Professional/ Consultancy Support</u> None
4.4	<u>Other</u> None

5	Other Considerations
5.1	None

6	Recommendations
6.1	Members are requested to note the content of this report.

7	List of Documents Attached
7.1	None.