

A

**Minutes of Meeting of Mid Ulster District Council held on Thursday 24 July 2014
in the Council Offices, Circular Road, Dungannon**

Members Present: Councillor Mallaghan, Chair (Presiding Councillor)

Councillors Ashton, Bateson, Bell, Buchanan, Burton, Clarke, Cuddy, Dillon, Elattar, Forde, Gildernew, Gillespie, Glasgow, Kearney, McAleer, McElDowney, McFlynn, McGinley, B McGuigan, S McGuigan, McLean, McPeake, Molloy, Monteith, Mulligan, C O'Neill, J O'Neill, T Quinn, M Quinn, J Shiels, G Shiels, Totten and Wilson

Officers in Attendance: Mr A Tohill, Chief Executive
Mrs Canavan, Lead HR Officer
Mr Moffett, Change Management Officer
Mr O'Hagan, ICT Manager
Mr JJ Tohill, Lead Finance Officer
Mr Galvin, Head of Leisure Services (CDC)
Mrs Smith, Council Business Manager (D&STBC)

The meeting commenced at 7 pm

C27/14 Chair's Business

Best Wishes

The Chair referred to the hospitalisation of a SDLP Member and stated that if the Council was in agreement he would send get well wishes to the Member.

Proposed by Councillor Gildernew
Seconded by Councillor Bell and

Resolved That best wishes for a full and speedy recovery is sent to the Member.

Condolences

The Chair again spoke of a number of tragic incidents in the area. He referred in particular to the death of Mrs Roseleen Donaghy from Donaghmore, following a tragic accident while on holiday in Bulgaria, and stated that the sympathy of the Council was with the family.

C28/14 Apologies

Councillors Cuthbertson, McKinney, McNamee, Mullen, Reid and Robinson.

C29/14 Declarations of Interest

The Chair reminded members of their responsibility with regard to declaration of interest.

Matters for Decision

C30/14 Receive and consider minutes of matters transacted in “Open Business” at Council meeting held on Thursday 26 June 2014

Proposed by Councillor S McGuigan
Seconded by Councillor T Quinn and

Resolved That the Minutes of the Meeting of the Council held on Thursday 26 June 2014, transacted in ‘Open Business’ having been printed and circulated be taken as read and signed as correct.

C31/14 Receive and consider the minutes and recommendations of the Planning Committee meeting held on Wednesday 9 July 2014

Proposed by Councillor T Quinn
Seconded by Councillor Gildernew and

Resolved That the Minutes of the Meeting of the Planning Committee held on Wednesday 9 July 2014, having been printed and circulated be taken as read and adopted.

Planning Reform Consultation (P5/14)

The Chief Executive advised that, as discussed at Committee, a workshop in connection with the above issue will be held on Monday 4 August 2014 in Magherafelt at 5.30 pm to explore the legislation, see what impact it has for Mid Ulster and to agree a response. The workshop is open to any member who wishes to attend and a formal invite with all necessary paperwork will be issued to members.

Councillor Burton arrived at 7.08 pm.

C32/14 Receive and consider the minutes and recommendations of the Policy and Resources Committee meeting held on Wednesday 9 July 2014

Procurement of a Unified Communications System (PR10/14)

Councillor Glasgow asked that it be noted for the record that he and Councillor Reid voiced their opposition to the proposal.

Members Present

In the interest of accuracy an UUP Member stated that Councillors McLean and Molloy were noted as having put in apologies for the meeting and also were noted on the attendance list. He also spoke in relation to the need for Councillors who are not members of the committee to be clearly recorded as such.

Councillor Molloy confirmed that he was not in attendance and sent apologies for Policy and Resources Committee held on the 9 July and Development Committee held on the 10 July.

In relation to the attendance of councillors who are not members of a committee the Chief Executive stated that, going forward, the names would be recorded in a separate section as 'Members In Attendance'.

Proposed by Councillor McFlynn
Seconded by Councillor McGinley and

Resolved That the Minutes of the Meeting of the Policy and Resources Committee held on Wednesday 9 July 2014, having been printed and circulated, and subject to the foregoing, be taken as read and adopted.

C33/14 Receive and consider the minutes and recommendations of the Environment Committee meeting held on Thursday 10 July 2014

Proposed by Councillor B McGuigan
Seconded by Councillor M Quinn and

Resolved That the Minutes of the Meeting of the Environment Committee held on Thursday 10 July 2014, having been printed and circulated be taken as read and adopted.

C34/14 Receive and consider the minutes and recommendations of the Development Committee meeting held on Thursday 10 July 2014

To receive updates from Transition Working Group (D4/14) Development and Regeneration Working Group

An UUP Member stated that in relation to this item it was an UUP Member that made the comment and not a DUP Member as stated in the minutes.

Recording of Minutes

An UUP member raised concern in relation to comments in minutes being attributed to a party member and felt that there could be an equality issue

as there is only one independent and asked that appropriate committee give further consideration to this issue.

The Chief Executive stated he was happy to have further discussion on this issue.

The Chair stated that the matter would be taken to party leaders grouping for further discussion following which it would be brought back to the Council.

Proposed by Councillor McEldowney
Seconded by Councillor C O'Neill and

Resolved That the Minutes of the Meeting of the Development Committee held on Thursday 10 July 2014, having been printed and circulated, and subject to the foregoing, be taken as read and adopted.

To receive updates from Transition Working Groups (D4/14)

An UUP Member stated that in order to ensure continued successful roll-out of the Rural Development Programme and development and regeneration services across the Mid Ulster area it was important that, at an early stage, discussions are held with DARD officials and that the Minister should be invited to be involved in these discussions.

Proposed by Councillor Wilson
Seconded by Councillor S McGuigan and

Resolved That a meeting, on this issue, be organised with the Minister responsible for the Department of Agricultural and Rural Development.

IN COMMITTEE

Proposed by Councillor B McGuigan
Seconded by Councillor Clarke and

Resolved That items C35/14, C36/14 and C37/14 be taken in committee.

The press and public left the meeting at 7.15 pm.

C38/14 Duration of Meeting

The meeting commenced at 7.00 pm and ended at 7.40 pm.

CHAIR (Presiding Councillor) _____

B

Minutes of Special Meeting of Mid Ulster District Council held on Thursday 31 July 2014 in the Council Offices, Circular Road, Dungannon

Members Present: Councillor Mallaghan, Chair (Presiding Councillor)

Councillors Ashton, Bell, Burton, Clarke, Cuddy, Cuthbertson, Dillon, Elattar, Forde, Gildernew, Gillespie, Glasgow, Kearney, McEldowney, McFlynn, McGinley, B McGuigan, S McGuigan, McKinney, McLean, McPeake, Molloy, Monteith, Mulligan, C O'Neill, J O'Neill, M Quinn, J Shiels, G Shiels, Totten and Wilson

Officers in Attendance: Mr Tohill, Chief Executive
Mr Moffett, Change Management Officer
Mrs Smith, Council Business Manager (D&STBC)

The meeting commenced at 7 pm

SC1/14 Apologies

Councillors Bateson, Buchanan, Mullen, McAleer, McNamee, T Quinn, Reid and Robinson

SC2/14 Declarations of Interest

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

SC3/14 Notice of Motion

The Chair stated that everyone is aware of the conflict and humanitarian situation in Gaza and with the public support for rallies across Mid Ulster he had accepted the notice of motion as within standing orders and granted the meeting.

Councillor Molloy arrived at 7.03 pm.

Councillor McGinley in proposing the undernoted notice of motion stated that the situation in Gaza is a universal shame, called for an immediate end to the slaughter, a lifting of the blockade and an immediate deployment of humanitarian aid. He stated that given the protest rallies and demonstrations in the Mid Ulster area he felt it fitting that the motion should be brought before the Council.

'That Mid Ulster Council unequivocally condemns the appalling loss of life in Gaza and calls on the International Community, including the Irish and British Governments, the EU and the UN, to intensify its efforts to resolve the situation in Gaza. Every effort should be made to help bring about an immediate ceasefire and implement mechanisms to monitor such a ceasefire agreement, to lift the blockade of Gaza including the immediate deployment of humanitarian aid, and work towards a just and lasting resolution for the peoples of Palestine and Israel.'

Councillor C O'Neill seconded the motion. Councillor O'Neill concurred with the comments expressed by Councillor McGinley and stated that in the comfort of our homes it is hard to imagine what it is like for the residents of Gaza who had to flee their homes, some of which took sanctuary in schools which had subsequently been bombed with the slaughter of innocent men, women and children.

SF Members concurred with the comments expressed. They stated this was a humanitarian issue and there is nothing in the motion that anyone present could not support.

An SDLP Member read a statement supporting the motion. He spoke of the humanitarian issues, the thousands of families mourning, the bombing of refugee camps and stated there can be no justification for the murder of hundreds of civilians. He referred to the need for a ceasefire, for blockades to be lifted and a peaceful solution to be found to the Middle East conflict.

A DUP Member in commenting on the motion stated he did not believe any law abiding person could support the loss of life in the Middle East or anywhere in the world. He added the timing of the motion clearly demonstrated that it was an afterthought as there was ample opportunity to include it in the meeting held on Thursday 24 July. He expressed the view that the motion demonstrated the hypocrisy of SF; has no relation whatsoever to the Council; should not have been accepted; and was a waste of money calling Councillors and officers to a special meeting.

It was proposed and seconded that the motion therefore be withdrawn.

Proposed by Councillor McLean
Seconded by Councillor Cuthbertson

That the motion be withdrawn

The Chair stated that in terms of timing 7 days are required to place any notice of motion on the agenda for Council meetings. He added that the worst atrocities happened in Gaza after the last Council meeting.

UUP Members condemned the loss of life in the Middle East stating that there was a need for an immediate resolution. They expressed the view that Council is dealing with foreign policy before we have dealt with our own local policies and the considerable amount of business to be organised by the new Council. UUP Members queried under what part of Standing Orders was this motion and meeting granted. They expressed concern that acceptance of this motion was setting a precedent for single item agenda meetings with a cost to ratepayers, following which an amendment to the motion was proposed and seconded.

Proposed by Councillor Wilson
Seconded by Councillor Cuddy

'That this Council condemns in the strongest possible terms the appalling loss of lives in Gaza and Israel.

It calls on the Israel Government to end its military offensive and on Hamas to end its indiscriminate attacks on Israel.

It further calls on the UN and wider international community to work towards an immediate ceasefire, leading to a just and lasting peace for the people of Gaza and Israel.'

The Chair stated that he was satisfied that the motion sat within Standing Orders as significant effect on the diverse population of Mid Ulster who had shown their opposition to what was happening by attending rallies held throughout the area. He asked Councillor Wilson, mover of the amendment, to point out the significant differences between the motion under discussion and the amendment.

Councillor Wilson stated that the UN covered the British and Irish Governments and there was no need to list them. He added it was not only Israel but also Egypt which had placed blockades, the lifting of which will be part of the peace settlement that is hoped will happen sooner rather than later.

The Independent Member spoke in support of the motion and stated that it would be important to let the Irish Government know the feelings within the community, it therefore being important that the governments are mentioned in the motion. He added that the Irish Government abstained on a UN call for an enquiry which was a cowardly act. It is most important that we send a message of international solidarity. There are families living and working in the Mid Ulster area who have been affected by the events in Gaza.

A SF member stated that it was counterproductive to continue to reflect back to the past. The new Mid Ulster District Council should be showing

strong leadership and thinking of going forward together against these kinds of acts of violence and war against an oppressed people.

The Chair adjourned the meeting at 7.33 pm to give the proposer an opportunity to consider the amendment.

The meeting resumed at 7.37 pm.

The Chair, in addressing comments raised through discussion, stated that only the proposer of a motion can withdraw the motion and therefore cannot accept the proposal calling for the withdrawal of the same.

The proposer of the motion stated that following consideration of the amendment it is felt that pressure needed to be kept on the Irish and British Governments and that the original motion referred to lifting the blockade of Gaza, therefore not necessitating any amendments to the motion as proposed and seconded.

Amendment

The Chair put the amendment to the meeting.

A DUP Member stated party Members would be abstaining from the vote.

On a vote, 6 (six) members voted in favour and 19 (nineteen) members voted against.

The amendment fell

Original Motion

The proposal was put to the meeting and 19 (nineteen) members voted in favour and 6 (six) members voted against.

The Chair declared the original motion carried.

SC4/14 Duration of Meeting

The meeting was called for 7 pm and ended at 7.45 pm

CHAIR (Presiding Councillor) _____

C

Subject: Reconstitution of PCSP on 1 April 2015

Reporting Officer: Chief Executive

1	Purpose of Report
1.1	To seek party nominations to appoint a panel to shortlist and interview independent PCSP candidates.

2	Background
2.1	Members will be aware that Policing and Community Safety Partnerships are statutory bodies established under the Justice Act 2011 and that Councils are obliged to establish a PCSP structure in their locality.
2.2	On 1 April 2015, in line with the Local Government reorganisation, the current 26 PCSPs will be reconstituted as 11 – one for each of the new Council areas.
2.3	The existing PCSPs will continue to function, with Political members and independent members continuing to hold office for the duration of the shadow period until the reconstitution date of 1 April 2015.

3	Key Issues
3.1	The Justice Act [Schedule 1 paragraph 3 (3) (b)] requires that Councils, in appointing elected members to PCSPs, ensure that, so far as practicable, the political members reflect the balance of parties prevailing in the Council immediately after the last local general election.
3.2	Councils play a key role in the process of appointing independent members to PCSPs and, ideally, elected members would be appointed to the 11 new PCSPs in time for them to play their part in that process.
3.3	The recruitment exercise for independent members will commence in early autumn, so that it can be completed in time to reconstitute PCSPs on 1 April 2015. It is however not possible to have political members nominated in time for the recruitment process to begin.
	In appointing independent members, the Justice Act requires that “the

3.4	Policing Board shall, so far as practicable, secure that the members of the PCSP (taken together) are representative of the community in the district.” It is, therefore, essential that the political make-up of the PCSP is known in advance of the appointment of independent members.										
3.5	In order to resolve a way forward, the Department of Justice have agreed a procedure that will enable it to begin the process of recruiting independent members, and take it as far as having an appointable pool of candidates, from which independent members can be appointed by the Policing Board, once the make-up of the elected members of the PCSP is known.										
3.6	DOJ have requested that, in advance of September 2014, shadow Councils appoint a panel comprising at least two, and up to four, Councillors, one of whom would act as Chair, who will meet along with an independent panel member appointed by the Policing Board, to shortlist and interview independent PCSP candidates.										
3.7	Following discussions at a Party Representatives Group meeting it was agreed that a letter be issued to DOJ requesting that the panel for Mid Ulster comprise 5 councillors. In response DOJ have indicated, in the context of its Code of Practice on the Appointment of Independent Members, a panel of 4 is appropriate but has advised that if any Council considers that it has particular issues, such as a difficulty in achieving a political balance on the panel, it is possible to increase the number. DOJ have suggested that this should be by no more than one.										
3.8	DOJ will however expect any additional costs incurred as result of increasing the panel beyond four members to be met by the Council.										
3.9	Under D'Hondt, parties would be entitled to the following number of positions on a 4 and 5 member pane: <table border="1"> <thead> <tr> <th>4 Member Panel</th><th>5 Member Panel</th></tr> </thead> <tbody> <tr> <td>SF - 2</td><td>SF – 2</td></tr> <tr> <td>DUP- 1</td><td>DUP - 1</td></tr> <tr> <td>UUP - 1</td><td>UUP – 1</td></tr> <tr> <td></td><td>SDLP - 1</td></tr> </tbody> </table>	4 Member Panel	5 Member Panel	SF - 2	SF – 2	DUP- 1	DUP - 1	UUP - 1	UUP – 1		SDLP - 1
4 Member Panel	5 Member Panel										
SF - 2	SF – 2										
DUP- 1	DUP - 1										
UUP - 1	UUP – 1										
	SDLP - 1										

4	Resource Implications
4.1	<u>Financial</u>
4.1.1	Panel members would be entitled to receive appropriate expenses for training, shortlisting and interviewing, and the Policing Board intends to pay £100 per day. (£50 per half day, which is equal to less than 4 hours)

4.1.2	Should it be decided to agree upon a 5 member panel the approximate cost to council will be £450 plus any associated travel. This is based on 1 day Training; ½ day shortlisting; and 3 days interviewing.
4.2	<p><u>Human resources</u></p> <p>Discussions are continuing with DOJ on the role of council HR staff in the recruitment process.</p>
4.3	<p><u>Assets and other implications</u></p> <p>N/A</p>

5	Other Considerations
5.1	The appointment of councillors to the recruitment panel for independent PCSP members are not considered to be positions of responsibility in the context of the Local Government Act.
5.2	DOJ have requested that Councils should seek to ensure that the panel is representative in terms of gender and community background.
5.3	Training for those councillors who will participate on the panels will be delivered in September/October 2014.

6	Recommendations
6.1	Council agree on the size of the recruitment panel to participate in the recruitment process for PCSP independent members
6.2	Parties are requested to nominate representative(s) to the recruitment panel as agreed at 6.1 above, by D'Hondt, (representative in terms of gender and community background) comprising councillors, including a Chairperson, who will meet to shortlist and interview independent PCSP candidates.

7	Documents Attached
7.1	N/A

D

Subject: Draft Equality Scheme

Reporting Officers: Anne Marie Campbell; Claire Linney; Dominic McCanny

1	Purpose of Report
1.1	To seek approval under Section 75 of the Northern Ireland Act (1998), to develop an Equality Scheme for the Mid Ulster Council April 2015 to fulfil its Section 75 statutory duties.
1.2	To seek approval for the Disability Duties Scheme.
1.3	Draft documents are provided for consideration which follows the guidelines as recommended by the Equality Commission with the exception that the Mid Ulster Council will notify consultees of 'Screened Documents' 3 times per year rather than 4 times per year. This issue was discussed previously with the Statutory Transition Committee.

2	Background
2.1	The Mid Ulster Council has a statutory requirement to develop and implement an Equality Scheme under Section 75 of the Northern Ireland Act, 1998.
2.2	The draft Equality Scheme was previously brought before the Mid Ulster Statutory Transition Committee and approval given for the undertaking of public consultation on the same.
2.3	As part of the development of the Equality Scheme and Disability Duties consultation is required.

3	Key Issues
3.1	The consultation period will last for 12 weeks commencing September and concluding end November 2014. Public consultation events will be scheduled for September in the three areas of; Dungannon, Cookstown and Magherafelt, all in local Council Offices.
3.2	A regional consultation event on 24 th September in Lisburn City Council will be attended to take on board regional organisation considerations. Following on from this the consultation responses will be analysed and any appropriate amendments made prior to presentation and adoption by Mid Ulster Council.
3.3	Mid Ulster Council will then be required to prepare an appropriate 'Equality Action Plan' to address any inequalities as outlined in the legislation.

4	Resource Implications
4.1	<p><u>Financial</u></p> <ul style="list-style-type: none"> Financial outlay will be advertising in the local papers - £1,000. Making document available in alternate formats (if required), cost as incurred but approximately £2,000. Catering for public meetings - £100.00. Providing assistance for people with special requirements at public meetings (if required), cost as incurred but approximately £1,000 <p>Total approximate costs: £4,100 (if required)</p>
4.2	<p><u>Human resources</u></p> <p>Staff attendance at the consultation events – normal part of duties and therefore no additional financial costs.</p>
4.3	<p><u>Assets and other implications</u></p> <p>Provision of rooms in each Council for public meetings. No financial costs incurred.</p>

5	Other Considerations
5.1	Mid Ulster Shadow Council has had a duty to implement its statutory duties under Section 75 of the Northern Ireland Act, 1998. This 'Draft' Equality Scheme outlines how the Mid Ulster Shadow Council will implement these duties.

6	Recommendations
6.1	Approve 'Draft' Equality Scheme and Disability Duties to proceed to consultation.

7	List of Documents Attached
7.1	<p>Appendix A: Draft Equality Scheme</p> <p>Appendix B: Draft Disability Duties Scheme</p> <p>Appendix C: Consultation Response Booklet</p>

Draft Equality Scheme

for

Mid Ulster Council

2015 - 2020

Points of Contact

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**Drawn up in accordance with Section 75 and Schedule 9 of the
Northern Ireland Act 1998**

**This document is available in a range of formats on request. Please
contact us with your requirements.**

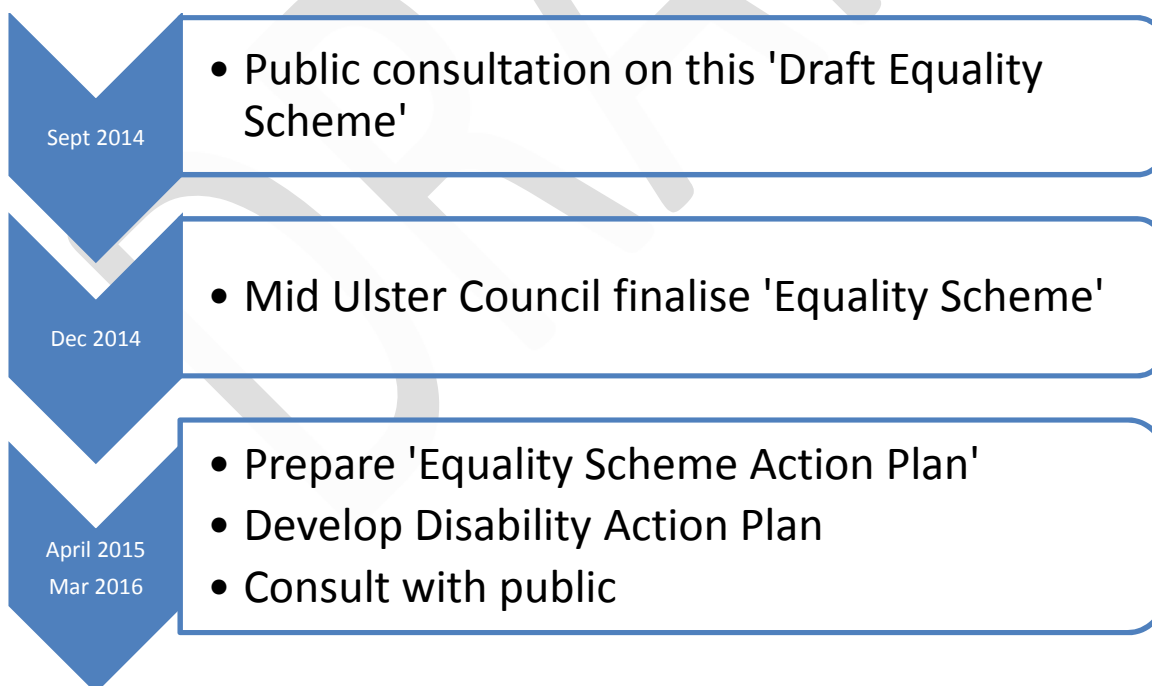
Introduction

In April 2015 Mid Ulster Council will undertake the work previously done by Cookstown District Council, Dungannon & South Tyrone Borough Council and Magherafelt District Council.

This 'Draft' Equality Scheme outlines how Mid Ulster Council commencing on 1st April 2015 will meet The Equality Scheme Duties.

This Draft Equality Scheme sets out the legal requirements for the Mid Ulster Council so that it meets Section 75 and Schedule 9 of the Northern Ireland Act, 1998, for the period April 2015 – March 2020. Due to the transition and reorganisation process for the delivery of existing services and new services, the Mid Ulster Council will develop new Equality Action Plan and Disability Action Plan, during the period May 2015 to October 2015, following an audit of inequalities and will include further consultation.

Timeline



Foreword

Section 75 of the Northern Ireland Act 1998 (the Act) requires public authorities, in carrying out their functions relating to Northern Ireland, to have due regard to the need to promote equality of opportunity and regard to the desirability of promoting good relations across a range of categories outlined in the Act¹.

This equality scheme sets out how the New Mid Ulster Council (Council) propose to fulfill the Section 75 statutory duties.

The Council will commit the necessary resources in terms of people, time and money to make sure that the Section 75 statutory duties are complied with and that the equality scheme is implemented effectively, and on time. Therefore:

We commit to having effective internal arrangements in place for ensuring our effective compliance with the Section 75 statutory duties and for monitoring and reviewing our progress.

We will develop and deliver a programme of communication and training with the aim of ensuring that all our staff and Elected Members are made fully aware of our equality scheme and understand the commitments and obligations within it. We will develop a programme of awareness raising for our consultees on the Section 75 statutory duties and our commitments in our equality scheme.

We, the Chairman and Chief Executive of the Mid Ulster Council (commencing April 2015), are fully committed to effectively fulfilling our Section 75 statutory duties across all our functions (including service provision, employment and procurement) through the effective implementation of our equality scheme.

We realise the important role that the community and voluntary sector and the general public have to play to ensure the Section 75 statutory duties are effectively implemented. Our equality scheme demonstrates how determined we are to ensure there are opportunities, for people affected by our work, to positively influence how we carry out our functions in line with our Section 75 statutory duties. It also offers the means whereby persons directly affected by what they consider to be a failure, on our part, to comply with our equality scheme, can make complaints.

¹ See section 1.1 of our Equality Scheme.

The promotion of equality of opportunity entails more than the elimination of discrimination. It requires proactive measures to be taken to facilitate the promotion of equality of opportunity between the categories identified in Section 75 (1). The equality duty permits the Council to take action to address disadvantage among particular sections of society – indeed such action may be an appropriate response to addressing inequalities. There is no conflict between the Section 75 statutory duties and other affirmative action measures or positive action measures which the Council as a public authority may undertake under anti-discrimination laws.

On behalf of the Council and our staff we are pleased to support and endorse this equality scheme which has been drawn up in accordance with Section 75 and Schedule 9 of the Northern Ireland Act 1998 and Equality Commission guidelines.

*Councillor
Chairman
Mid Ulster Council*

*Anthony Tohill
Chief Executive
Mid Ulster District Council*

Date _____

Points of Contact

Until a nominated contact for all Equality Scheme Duties is decided upon by the Mid Ulster District Council, please direct any query to either of the following individuals:

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Consultees and stakeholders will be made aware of the nominated Mid Ulster Equality contact as soon as possible.

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Chapter 1 Introduction

Section 75 of the Northern Ireland Act 1998

1.1 Section 75 of the Northern Ireland Act 1998 (the Act) requires the Council to comply with two statutory duties:

Section 75 (1)

In carrying out our functions relating to Northern Ireland we are required to have due regard to the need to promote equality of opportunity between

- persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation
- men and women generally
- persons with a disability and persons without
- persons with dependants and persons without.

Section 75 (2)

In addition, without prejudice to the obligations above, in carrying out our functions in relation to Northern Ireland we are required to have regard to the desirability of promoting good relations between persons of different religious belief, political opinion or racial group.

“Functions” include the “powers and duties” of a public authority². This includes our employment and procurement functions.

During the transition period to the new Mid Ulster Council, new functions will be allocated from the Northern Ireland Assembly and other public bodies. Once known these will be detailed in the updated Equality Scheme during 2015 – 2016.

Please see below under “Who we are and what we do” for a detailed explanation of our current functions.

² Section 98 (1) of the Northern Ireland Act 1998.

How we propose to fulfil the Section 75 duties in relation to the relevant functions of Mid Ulster Council

1.2 Schedule 9 4. (1) of the Act requires the Council as a designated public authority to set out in an equality scheme how it proposes to fulfil the duties imposed by Section 75 in relation to its relevant functions. This equality scheme is intended to fulfil that statutory requirement. It is both a statement of our arrangements for fulfilling the Section 75 statutory duties and our plan for their implementation.

1.3 We are committed to the discharge of our Section 75 obligations in all parts of our organisation and we will commit the necessary available resources in terms of people, time and money to ensure that the Section 75 statutory duties are complied with and that our equality scheme can be implemented effectively.

Who we are and what we do

The roles and functions of councils, established in the Local Government Act 1972 and in other legislation, fall into three types:

- **Direct** - councils are responsible for the provision and management of services
- **Representative** - council nominees sit on statutory bodies
- **Consultative** - councils reflect community views in the operation of range of statutory bodies, community concerns or give views on proposed admin decisions

Mid Ulster Council is for:

Refuse Collection and Disposal
Civic Amenity Provision
Street Cleansing
Public Conveniences
Health & Safety
Environmental Improvement
Building Control
Dog Control
Sundry Licensing
Leisure Centres

Recycling and Waste Management
Grounds Maintenance
Cemeteries
Food Safety
Environmental Protection
Estates Management & Maintenance
Inspection/Regulation of Buildings
Enforcement Byelaws, Litter etc.
Sports and Leisure Services
Sports and Recreational facilities

Parks, Open Space, Play
Arts, Heritage, Cultural Activities
Community Development
Planning Regulation

Community facilities
Registration Births/Deaths/Marriages
Good Relations
Area Plan Development

The Council also has a role in:

- Community Planning
- Economic Development
- Community Safety & police monitoring
- Sports Development
- Local Tourism
- Rural Development and Regeneration
- Urban Regeneration
- Local Parking

As part of the Reform of Local Government, Councils across Northern Ireland will undertake additional responsibility for new functions. These and any additional functions are all subject to the requirements of this Equality Scheme.

Chapter 2 Our arrangements for assessing our compliance with the section 75 duties

(Schedule 9 4. (2) (a))

2.1 Some of our arrangements for assessing our compliance with the Section 75 statutory duties are outlined in other relevant parts of this equality scheme (see paragraphs 4.1, 4.3, 5.3, 5.6, 6.8, 6.9, 10.1 and 10.2 below).

In addition we have the following arrangements in place for assessing our compliance:

Responsibilities and reporting

The management structure put in place to enable the Council to carry out its statutory responsibilities and to conduct its business are illustrated at Appendix 1.

Management Structure

(a) Elected Members form the statutory body responsible for all the activities of the Council. The Chief Executive discharges the implementation of the Equality Scheme on behalf of the Council and has overall management responsibility in doing so.

(b) Chief Executive

The Chief Executive is responsible for the overall performance of the executive functions of the Council. He is the designated Accounting Officer with responsibility for maintaining a sound system of internal control that supports the achievement of Council policies, aims and objectives, whilst safeguarding public funds and assets. The Chief Executive is also the accountable Equal Opportunities Officer which includes accountability for delivery of the Section 75 statutory duties.

The day-to-day implementation of the Equality Scheme will be undertaken by a senior officer in the Council.

(c) Senior Management Team

A Senior Management Team will assist the Chief Executive in the implementation of Council strategies and policies for key operational

matters. It also plans and develops service delivery for and makes recommendations within national and local policy frameworks and guidelines. The Senior Management Team ensures that equality considerations are included in Corporate Plans and Annual Business Plans. Performance of each Departmental area in relation to corporate business plans is reported to the Council. Implementation of equality and fairness is considered a corporate function for all members of the Senior Management Team.

(d) Individual Directorates

The organisational structure of the Council is based on outcomes and maximization of performance and service delivery and compliance. The quality of our service delivery and compliance is monitored regularly within the organisation. We are also accountable through both external audit (N I Audit Office) and internal auditor arrangements to ensure that standards are met in relation to 'Value for Money' and financial statements.

External Relationships

We will continue to develop links with other Government agencies, independent sector providers, and voluntary and community groups representing all categories of persons specified in Section 75 of the Northern Ireland Act 1998, including Trade Unions and professional organisations' and individuals.

2.2 We are committed to the fulfilment of our Section 75 obligations in all parts of our work.

2.3 Responsibility for the effective implementation of our equality scheme lies with the Chief Executive. The Chief Executive is accountable to the Council for the development, implementation, maintenance and review of the equality scheme in accordance with Section 75 and Schedule 9 of the Northern Ireland Act 1998, including any good practice or guidance that has been or may be issued by the Equality Commission.

2.4 If you have any questions or comments regarding our equality scheme, please contact in the first instance the Equality Contact(s) outlined at the beginning of the document and we will respond to you as soon as possible.

2.5 Objectives and targets relating to the statutory duties will be integrated into our strategic and operational business plans³.

2.6 Employees' job descriptions and performance plans reflect their contributions to the discharge of the Section 75 statutory duties and implementation of the equality scheme, where relevant. The personal performance plans are subject to appraisal in the annual performance review.

2.7 The Council prepares an annual report on the progress we have made on implementing the arrangements set out in this equality scheme to discharge our Section 75 statutory duties (Section 75 annual progress report).

The Section 75 annual progress report will be sent to the Equality Commission by 31 August each year and will follow any guidance on annual reporting issued by the Equality Commission.

Progress on the delivery of Section 75 statutory duties will also be included in our (organisational) annual report.

2.8 Annual Section 75 progress reports for Mid Ulster Council will be made available on the Mid Ulster website, in due course, or by contacting the current nominated equality contacts on Page 5:

2.9 The Council will liaise closely with the Equality Commission to ensure that progress on the implementation of our equality scheme is maintained.

2.10 Progress on implementing this Equality Scheme will be reported annually to the Council. Progress will also be reported to the Senior Management Team as part of routine updates on implementation of Corporate and Annual Business Plans.

We will continue with our established meetings with members of the Statutory Duty Unit of the Local Government Staff Commission and will liaise with them on common issues with the Equality Commission on Section 75 matters as they arise.

³ See Appendix 4 'Timetable for measures proposed' and section 2.11 of this equality scheme.

Action plan/action measures

2.11 The Council will develop an action plan to promote equality of opportunity and good relations. This action plan will be developed commencing April 2015 and will be consulted upon in 2015.

2.12 The action measures that will make up our action plan will be relevant to our functions. They will be developed and prioritised on the basis of an audit of inequalities. The audit of inequalities will gather and analyse information across the Section 75 categories⁴ to identify the inequalities that exist for our service users and those affected by our policies⁵.

2.13 Action measures will be specific, measurable, linked to achievable outcomes, realistic and time bound. Action measures will include performance indicators and timescales for their achievement.

2.14 We will develop any action plans for a period of between one and five years in order to align them with our corporate and business planning cycles. Implementation of the action measures will be incorporated into our business planning process.

2.15 We will seek input from our stakeholders and consult on our action plan before we send it to the Equality Commission and thereafter when reviewing the plan as per 2.16 below.

2.16 We will monitor our progress on the delivery of our action measures annually and update the action plan as necessary to ensure that it remains effective and relevant to our functions and work.

2.17 The Council will inform the Commission of any changes or amendments to our action plan and will also include this information in our Section 75 annual progress report to the Commission. Our Section 75 annual progress report will incorporate information on progress we have made in implementing our action plans/action measures.

2.18 Once finalised, our action plan will be available on the Council's website or by contacting, the nominated Equality Officer. Alternative formats will be made available, by contacting the nominated Equality Officer.
It will also be made available for staff on the Council's Intranet Site.

⁴ See section 1.1 of this equality scheme for a list of these categories.

⁵ See section 4.1 of this equality scheme for a definition of policies.

Chapter 3 **Our arrangements for consulting**

(Schedule 9 4. (2) (a)) - on matters to which a duty (S75 (1) or (2)) is likely to be relevant (including details of the persons to be consulted).

(Schedule 9 4. (2) (b)) on the likely impact of policies adopted or proposed to be adopted by us on the promotion of equality of opportunity.

3.1 We recognise the importance of consultation in all aspects of the implementation of our statutory equality duties. We will consult on our equality scheme, action measures, equality impact assessments and other matters relevant to the Section 75 statutory duties.

3.2 We are committed to carrying out consultation in accordance with the following principles (as contained in the Equality Commission's guidance '*Section 75 of the Northern Ireland Act 1998 – A Guide for Public Authorities (April 2010)*')

3.2.1 All consultations will seek the views of those directly affected by the matter/policy, the Equality Commission, representative groups of Section 75 categories, other public authorities, voluntary and community groups, our staff and their trades unions and such other groups who have a legitimate interest in the matter, whether or not they have a direct economic or personal interest.

Initially all consultees (see Appendix 3), as a matter of course, will be notified (by email or post) of the matter/policy being consulted upon to ensure they are aware of all consultations. Thereafter, to ensure the most effective use of our consultees' resources, we will take a targeted approach to consultation for those consultees that may have a particular interest in the matter/policy being consulted upon and to whom the matter/policy is of particular relevance. This may include for example regional or local consultations, sectoral or thematic consultation etc.

3.2.2 Consultation with all stakeholders will begin as early as possible. We will engage with affected individuals and representative groups to identify how best to consult or engage with them. We will ask our consultees what their preferred consultation methods are and will give consideration to these. Methods of consultation could include:

- Face-to-face meetings
- Focus groups

- Written documents with the opportunity to comment in writing
- Questionnaires
- Information/notification by email with an opportunity to opt in/opt out of the consultation
- Internet discussions or
- Telephone consultations.

This list is not exhaustive and we may develop other additional methods of consultation more appropriate to key stakeholders and the matter being consulted upon.

3.2.3 We will consider the accessibility and format of every method of consultation we use in order to remove barriers to the consultation process. Specific consideration will be given as to how best to communicate with children and young people, people with disabilities (in particular people with learning disabilities) and minority ethnic communities. We take account of existing and developing good practice, including the Equality Commission's guidance *Let's Talk Let's Listen – Guidance for public authorities on consulting and involving children and young people (2008)*.

We will liaise across the Mid Ulster Region with as wide a representation as possible, including the consultation list as attached. Consultation will include all Section 75 groupings.

Information will be made available, on request, in alternative formats⁶, in a timely manner, usually within 15 working days. We will ensure that such consultees have equal time to respond.

3.2.4 Specific training is provided to those facilitating consultations to ensure that they have the necessary skills to communicate effectively with consultees.

3.2.5 To ensure effective consultation with consultees⁷ on Section 75 matters, we will develop a programme of awareness raising on the Section 75 statutory duties and the commitments in our equality scheme by displaying information in this regard on the Mid Ulster website and providing this to any service user or other User groups / engagement / consultative panels established.

⁶ See Chapter 6 of our equality scheme for further information on alternative formats of information we provide.

⁷ Please see Appendix 3 for a list of our consultees.

3.2.6 The consultation period lasts for a minimum of twelve weeks to allow adequate time for groups to consult amongst themselves as part of the process of forming a view. However, in exceptional circumstances when this timescale is not feasible (for example implementing EU Directives or UK wide legislation, meeting Health and Safety requirements, addressing urgent public health matters or complying with Court judgements), we may shorten timescales to eight weeks or less before the policy is implemented. We may continue consultation thereafter and will review the policy as part of our monitoring commitments⁸.

Where, under these exceptional circumstances, we must implement a policy immediately, as it is beyond our authority's control, we may consult after implementation of the policy, in order to ensure that any impacts of the policy are considered.

3.2.7 If a consultation exercise is to take place over a period when consultees are less able to respond, for example, over the summer or Christmas break, or if the policy under consideration is particularly complex, we will give consideration to the feasibility of allowing a longer period for the consultation.

3.2.8 We are conscious of the fact that affected individuals and representative groups may have different needs. We will take appropriate measures to ensure full participation in any meetings that are held. We will consider for example the time of day, the appropriateness of the venue, in particular whether it can be accessed by those with disabilities, how the meeting is to be conducted, the use of appropriate language, whether a signer and/or interpreter is necessary, and whether the provision of childcare and support for other carers is required.

3.2.9 We make all relevant information available to consultees in appropriate formats to ensure meaningful consultation. This includes detailed information on the policy proposal being consulted upon and any relevant quantitative and qualitative data.

3.2.10 In making any decision with respect to a policy adopted or proposed to be adopted, we take into account any assessment and consultation carried out in relation to the policy.

⁸ Please see below at 4.27 to 4.31 for details on monitoring.

3.2.11 We provide feedback to consultees in a timely manner. A feedback report is prepared which includes summary information on the policy consulted upon, a summary of consultees' comments and a summary of our consideration of and response to consultees' input. The feedback is provided in formats suitable to consultees. (Please see also 6.3)

3.3 A list of our consultees is included in this equality scheme at Appendix 3 or by contacting the **nominated contacts** at Page 5 of this document.

3.4 Our consultation list is not exhaustive and is reviewed on a biennial basis to ensure it remains relevant to our functions and policies.

We welcome enquiries from any person/s or organisations wishing to be added to the list of consultees. Please contact any of the **nominated contacts** on Page 5 to provide your contact details and have your areas of interest noted; or have your name/details removed or amended. Please also inform us at this stage if you would like information sent to you in a particular format or language.

Chapter 4 **Our arrangements for assessing, monitoring and publishing the impact of policies**

(Schedule 9 4. (2) (b); Schedule 9 4. (2) (c); Schedule 9 4. (2) (d); Schedule 9 9. (1); Schedule 9 9.(2))

Our arrangements for assessing the likely impact of policies adopted or proposed to be adopted on the promotion of equality of opportunity (Schedule 9 4. (2) (b))

4.1 In the context of Section 75, 'policy' is very broadly defined and it covers all the ways in which we carry out or propose to carry out our functions in relation to Northern Ireland. In respect of this equality scheme, the term policy is used for any (proposed/amended/existing) strategy, policy initiative or practice and/or decision, whether written or unwritten and irrespective of the label given to it, eg., 'draft', 'pilot', 'high level' or 'sectoral'.

4.2 In making any decision with respect to a policy adopted or proposed to be adopted, we take into account any assessment and consultation carried out in relation to the policy, as required by Schedule 9 9. (2) of the Northern Ireland Act 1998.

4.3 The Council uses the tools of **screening** and **equality impact assessment** to assess the likely impact of a policy on the promotion of equality of opportunity and good relations. In carrying out these assessments we will relate them to the intended outcomes of the policy in question and will also follow Equality Commission guidance:

- the guidance on screening, including the screening template, as detailed in the Commission's guidance '*Section 75 of the Northern Ireland Act 1998 – A Guide for Public Authorities (April 2010)*' and
- on undertaking an equality impact assessment as detailed in the Commission's guidance '*Practical guidance on equality impact assessment (February 2005)*'.

Screening

4.4 The purpose of screening is to identify those policies that are likely to have an impact on equality of opportunity and/or good relations.

4.5 Screening is completed at the earliest opportunity in the policy development/review process. Policies which we propose to adopt will

be subject to screening prior to implementation. For more detailed strategies or policies that are to be put in place through a series of stages, we will screen at various stages during implementation.

4.6 The lead role in the screening of a policy is taken by the e policy decision maker in partnership with the Equality Officer who has the authority to make changes to that policy. Screening will also involve other relevant team members, those who implement the policy and staff members from other relevant work areas. Where possible we will include key stakeholders in the screening process.

4.7 The following questions are applied to all our policies as part of the screening process:

- What is the likely impact on equality of opportunity for those affected by this policy, for each of the Section 75 equality categories? (minor/major/none)
- Are there opportunities to better promote equality of opportunity for people within the Section 75 equality categories?
- To what extent is the policy likely to impact on good relations between people of a different religious belief, political opinion or racial group? (minor/major/none)
- Are there opportunities to better promote good relations between people of a different religious belief, political opinion or racial group?

4.8 In order to answer the screening questions, we gather all relevant information and data, both qualitative and quantitative. In taking this evidence into account we consider the different needs, experiences and priorities for each of the Section 75 equality categories. Any screening decision will be informed by this evidence.

4.9 Completion of screening, taking into account our consideration of the answers to all four screening questions set out in 4.7 above, will lead to one of the following three outcomes:

1. the policy has been 'screened in' for equality impact assessment

2. the policy has been 'screened out' with mitigation⁹ or an alternative policy proposed to be adopted
3. the policy has been 'screened out' without mitigation or an alternative policy proposed to be adopted.

4.10 If our screening concludes that the likely impact of a policy is 'minor' in respect of one, or more, of the equality of opportunity and/or good relations categories, we may on occasion decide to proceed with an equality impact assessment, depending on the policy. If an EQIA is not to be conducted we will nonetheless consider measures that might mitigate the policy impact as well as alternative policies that might better achieve the promotion of equality of opportunity and/or good relations.

Where we mitigate we will outline in our screening template the reasons to support this decision together with the proposed changes, amendments or alternative policy.

4.11 If our screening concludes that the likely impact of a policy is 'major' in respect of one, or more, of the equality of opportunity and/or good relations categories, we will normally subject the policy to an equality impact assessment. This screening decision will be recommended by the Policy Owner and Equality Officer to an appropriate Head of Service/Director within the Council, who will formally sign this off.

4.12 If our screening concludes that the likely impact of a policy is 'none', in respect of all of the equality of opportunity and/or good relations categories, we may decide to screen the policy out. If a policy is 'screened out' as having no relevance to equality of opportunity or good relations, the Policy Owner and Equality Officer will give details of the reasons for the decision taken. This screening decision will be 'signed off' by the appropriate Head of Service/Director within the Council.

4.13 As soon as possible following the completion of the screening process, the screening template, signed off and approved by the senior manager responsible for the policy, will be made available on the Mid Ulster website. Screening reports will also be made available from any of the nominated contacts as identified on page 5.

⁹ Mitigation – Where an assessment (screening in this case) reveals that a particular policy has an adverse impact on equality of opportunity and / or good relations, a public authority must consider ways of delivering the policy outcomes which have a less adverse effect on the relevant Section 75 categories.

4.14 If a consultee, including the Equality Commission, raises a concern about a screening decision based on supporting evidence, we will review the screening decision.

4.15 Our screening reports are published twice annually [see below at 4.20 - 4.22 and 4.23 for details].

Equality impact assessment

4.16 An equality impact assessment (EQIA) is a thorough and systematic analysis of a policy, whether that policy is formal or informal, and irrespective of the scope of that policy. The primary function of an EQIA is to determine the extent of any impact of a policy upon the Section 75 categories and to determine if the impact is an adverse one. It is also an opportunity to demonstrate the likely positive outcomes of a policy and to seek ways to more effectively promote equality of opportunity and good relations.

4.17 Once a policy is screened and screening has identified that an equality impact assessment is necessary, we will carry out the EQIA in accordance with Equality Commission guidance. The equality impact assessment will be carried out as part of the policy development process, before the policy is implemented.

4.18 Any equality impact assessment will be subject to consultation at the appropriate stage(s). (For details see above Chapter 3 “Our Arrangements for Consulting”).

Our arrangements for publishing the results of the assessments of the likely impact of policies we have adopted or propose to adopt on the promotion of equality of opportunity (Schedule 9 4. (2) (d); Schedule 9 9. (1))

4.19 We make publicly available the results of our assessments (screening and EQIA) of the likely impact of our policies on the promotion of equality of opportunity and good relations.

What we publish

4.20 Screening reports

These are published three times per year. Screening reports detail:

- All policies screened by the Council over each four month period

- A statement of the aim(s) of the policy/policies to which the assessment relates
- Consideration given to measures which might mitigate any adverse impact
- Consideration given to alternative policies which might better achieve the promotion of equality of opportunity;
- Screening decisions, i.e.:
 - whether the policy has been 'screened in' for equality impact assessment.
 - whether the policy has been 'screened out' with mitigation or an alternative policy proposed to be adopted.
 - Whether the policy has been 'screened out' without mitigation or an alternative policy proposed to be adopted.
- Where applicable, a timetable for conducting equality impact assessments
- A link to the completed screening template(s) on the Mid Ulster website

4.21 Screening templates

For details on the availability of our screening templates please refer to 4.13.

4.22 Equality impact assessments

EQIA reports are published once the impact assessment has been completed. These reports include:

- A statement of the aim of the policy assessed
- Information and data collected
- Details of the assessment of impact(s)
- Consideration given to measures which might mitigate any adverse impact
- Consideration given to alternative policies which might better achieve the promotion of equality of opportunity
- Consultation responses
- The decision taken
- Future monitoring plans.

How we publish the information

4.23 All information we publish is accessible and can be made available in alternative formats on request. Please see 6.3 below.

Where we publish the information

4.24 The results of our assessments (screening reports and completed templates, the results of equality impact assessments) are available on the Mid Ulster website or by contacting any of the nominated individuals on Page 5.

4.25 In addition to the above, screening reports (electronic link or hard copy on request if more suitable for recipients) which include all policies screened over a 4 month period are also sent directly to all consultees on a bi-annual basis.

4.26 We will inform the general public about the availability of this material through communications such as press releases where appropriate.

Our arrangements for monitoring any adverse impact of policies we have adopted on equality of opportunity (Schedule 9 4. (2) (c))

4.27 Monitoring can assist us to deliver better public services and continuous improvements. Monitoring Section 75 information involves the processing of sensitive personal data (data relating to the racial or ethnic origin of individuals, sexual orientation, political opinion, religious belief, etc.). In order to carry out monitoring in a confidential and effective manner, the Council follows guidance from the Office of the Information Commissioner and the Equality Commission.

4.28 We monitor any adverse impact on the promotion of equality of opportunity of policies we have adopted. We are also committed to monitoring more broadly to identify opportunities to better promote equality of opportunity and good relations in line with Equality Commission guidance.

4.29 The systems we have established to monitor the impact of policies and identify opportunities to better promote equality of opportunity and good relations are:

- The collection, collation and analysis of existing relevant primary quantitative and qualitative data across all nine equality categories on an ongoing basis

- The collection, collation and analysis of existing relevant secondary sources of quantitative and qualitative data across all nine equality categories on an ongoing basis
- An audit of existing information systems within one year of approval of this equality scheme, to identify the extent of current monitoring and take action to address any gaps in order to have the necessary information on which to base decisions
- Undertaking or commissioning new data if necessary.

4.30 If over a two year period monitoring and evaluation show that a policy results in greater adverse impact than predicted, or if opportunities arise which would allow for greater equality of opportunity to be promoted, we will ensure that the policy is revised to achieve better outcomes for relevant equality groups.

4.31 We review our EQIA monitoring information on an annual basis. Other monitoring information is reviewed on an ongoing basis.

Our arrangements for publishing the results of our monitoring (Schedule 9 4. (2) (d))

4.32 Schedule 9 4. (2) (d) requires us to publish the results of the monitoring of adverse impacts of policies we have adopted. However, we are committed to monitoring more broadly and the results of our policy monitoring are published as follows:

4.33 EQIA monitoring information is published as part of our Section 75 annual progress report [see 2.7]

4.34 Monitoring information will also be published and made available on the Mid Ulster Council website

4.35 All information published is accessible and can be made available in alternative formats on request. Please see below at 6.3 for details.

Chapter 5 Staff training

(Schedule 9 4.(2) (e))

Commitment to staff training

5.1 We recognise that awareness raising and training play a crucial role in the effective implementation of our Section 75 duties.

5.2 The Chief Executive will positively communicate the commitment of the Mid Ulster Council to the Section 75 statutory duties, both internally and externally.

To this end we have introduced an effective communication and training programme for all staff and an awareness raising programme for all elected members. We will ensure that our commitment to the Section 75 statutory duties is made clear in all relevant publications.

Training objectives

5.3 The Council has drawn up a detailed training plan for its staff and elected members which will aim to achieve the following objectives:

- to raise awareness of the provisions of Section 75 of the Northern Ireland Act 1998, our equality scheme commitments and the particular issues likely to affect people across the range of Section 75 categories, to ensure that our staff and elected members fully understand their role in implementing the scheme
- to provide those staff involved in the assessment of policies (screening and EQIA) with the necessary skills and knowledge to do this work effectively
- to provide those staff who deal with complaints in relation to compliance with our equality scheme with the necessary skills and knowledge to investigate and monitor complaints effectively
- to provide those staff involved in consultation processes with the necessary skills and knowledge to do this work effectively
- to provide those staff involved in the implementation and monitoring of the effective implementation of the Council's equality scheme with the necessary skills and knowledge to do this work effectively.

Awareness raising and training arrangements

5.4 The following arrangements are in place to ensure all our staff and elected members are aware of and understand our equality obligations.

- We will develop a summary of this equality scheme and make it available to all staff.
- We will provide access to copies of the full equality scheme for all staff; ensure that any queries or questions of clarification from staff are addressed effectively.
- Council staff will receive a briefing on this equality scheme following approval from the Equality Commission and within 6 months of this time.
- The Section 75 statutory duties form part of induction training for new staff.
- Focused training is provided for key staff within the Council who are directly engaged in taking forward the implementation of our equality scheme commitments (for example those involved in research and data collection, policy development, service design, conducting equality impact assessments, consultation, monitoring and evaluation).
- Where appropriate, training will be provided to ensure staff are aware of the issues experienced by the range of Section 75 groups.
- When appropriate and on an ongoing basis, arrangements will be made to ensure staff are kept up to date with Section 75 developments.

5.5 Training and awareness raising programmes will, where relevant, be developed in association with the appropriate Section 75 groups and our staff.

In order to share resources and expertise, the Council will, where possible, work closely with other bodies and agencies in the development and delivery of training.

Monitoring and evaluation

5.6 Our training programme is subject to the following monitoring and evaluation arrangements:

- We evaluate the extent to which all participants in this training programme have acquired the necessary skills and knowledge to achieve each of the above objectives.
- The extent to which training objectives have been met will be reported on as part of the Section 75 annual progress report, which will be sent to the Equality Commission.

- Directors and Heads of Service report further training needs requirements to the 'Training Officer and subsequently to the Equality Manager.

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Chapter 6 Our arrangements for ensuring and assessing public access to information and services we provide

(Schedule 9 4. (2) (f))

6.1 The Council is committed to ensuring that the information we disseminate and the services we provide are fully accessible to all parts of the community in Northern Ireland. We keep our arrangements under review to ensure that this remains the case.

6.2 We are aware that some groups will not have the same access to information as others.

In particular:

- People with sensory, learning, communication and mobility disabilities may require printed information in other formats.
- Members of ethnic minority groups, whose first language is not English, may have difficulties with information provided only in English.
- Children and young people may not be able to fully access or understand information.

Access to information

6.3 To ensure equality of opportunity in accessing information, we provide information in alternative formats on request, where reasonably practicable. Where the exact request cannot be met we will ensure a reasonable alternative is provided.

Alternative formats may include Easy Read, Braille, audio formats (CD, mp3 or DAISY), large print or minority languages to meet the needs of those for whom English is not their first language.

The Council will liaise with local representatives and groups across the Section 75 groups and will take account of existing and developing good practice.

We will respond to requests for information in alternative formats in a timely manner, usually 15 working days.

6.4 In disseminating information through the media we will seek to advertise in the press where appropriate.

6.5 Published information including Corporate Plans, Equality, Disability and Section 75 information is displayed on the Mid Ulster Council website and will be made available in alternative formats as appropriate.

Access to services

6.6 The Council are committed to ensuring that all of our services are fully accessible to everyone in the community across the Section 75 categories.

The Council also adheres to the relevant provisions of current anti-discrimination legislation.

6.7 The Council is committed to providing appropriate interpreting services and ensuring accessibility of our buildings and facilities.

Assessing public access to information and services

6.8 We monitor on an on-going basis across all our functions, in relation to access to information and services, to ensure equality of opportunity and good relations are promoted.

6.9 This activity includes:

- Monitoring of complaints
- Consideration and implementation of reasonable adjustments under the Disability Discrimination Act 1995
- Satisfaction Surveys
- Access to interpreting/translation services
- Article 55 Review

Chapter 7 Timetable for measures we propose in this equality scheme

(Schedule 9 4. (3) (b))

7.1 Appendix 4 outlines our timetable for all measures proposed within this equality scheme. The measures outlined in this timetable will be incorporated into our business planning processes.

7.2 This timetable is different from and in addition to our commitment to developing action plans/action measures to specifically address inequalities and further promote equality of opportunity and good relations. We have included in our equality scheme a commitment to develop an action plan. Accordingly, this commitment is listed in the timetable of measures at Appendix 4. For information on these action measures please see above at 2.11 – 2.18.

Chapter 8 Our complaints procedure

(Schedule 9 10.)

8.1 The Council are responsive to the views of members of the public. We will endeavour to resolve all complaints made to us.

8.2 Schedule 9 paragraph 10 of the Act refers to complaints. A person can make a complaint to a public authority if the complainant believes he or she may have been directly affected by an alleged failure of the authority to comply with its approved equality scheme.

If the complaint has not been resolved within a reasonable timescale, the complaint can be brought to the Equality Commission.

8.3 A person wishing to make a complaint that the Council has failed to comply with its approved equality scheme should contact :

The Chief Executive, Mid Ulster Council

8.4 We will in the first instance acknowledge receipt of each complaint within 5 – 10 working days.

8.5 The Equality Officer will carry out an internal investigation of the complaint and will respond substantively to the complainant within one (1) month of the date of receiving the letter of complaint. Under certain circumstances, if the complexity of the matter requires a longer period, the period for response to the complainant may be extended to two (2) months. In those circumstances, the complainant will be advised of the extended period within one month of making the complaint.

8.6 During this process the complainant will be kept fully informed of the progress of the investigation into the complaint and of any outcomes.

8.7 In any subsequent investigation by the Equality Commission, the Council will co-operate fully, providing access in a timely manner to any relevant documentation that the Equality Commission may require.

Similarly, Mid Ulster Council will co-operate fully with any investigation by the Equality Commission under sub-paragraph 11 (1) (b) of Schedule 9 to the Northern Ireland Act 1998.

8.8 The Council will make all efforts to implement promptly and in full any recommendations arising out of any Commission investigation.

Chapter 9 Publication of our equality scheme

(Schedule 9 4. (3) (c))

9.1 Our equality scheme is available free of charge in print form and alternative formats from contact(s) as per Page 5:

9.2 Our equality scheme is also available on the Mid Ulster website at:

9.3 The following arrangements are in place for the publication in a timely manner of our equality scheme to ensure equality of access:

- We will make every effort to communicate widely the existence and content of our equality scheme. This may include press releases, prominent advertisements in the press, the internet and direct mail shots to groups representing the various categories in Section 75.
- We will email a link to our approved equality scheme to our consultees on our consultation lists. Other consultees without e-mail will be notified by letter that the scheme is available on request. We will respond to requests for the equality scheme in alternative formats in a timely manner, usually within 15 working days.
- Our equality scheme is available on request in alternative formats such as Easy Read, Braille, large print, audio formats (CD, mp3, DAISY) and in minority languages to meet the needs of those not fluent in English.
- The Council will liaise with representatives of all Section 75 groups and takes account of existing and developing good practice.

9.4 For a list of our stakeholders and consultees please see Appendix 3 of the equality scheme. Visit the Mid Ulster website at:

www.midulstercouncil.org

or contact any of the nominated individuals on Page 5.

Chapter 10 Review of our equality scheme

(Schedule 9 8. (3))

10.1 As required by Schedule 9 paragraph 8 (3) of the Northern Ireland Act 1998 we will conduct a thorough review of this equality scheme. This review will take place either within five years of submission of this equality scheme to the Equality Commission or within a shorter timescale to allow alignment with the review of other planning cycles.

The review will evaluate the effectiveness of our scheme in relation to the implementation of the Section 75 statutory duties relevant to our functions in Northern Ireland.

10.2 In undertaking this review we will follow any guidance issued by the Equality Commission. A report of this review will be made public on the Mid Ulster Council's website and sent to the Equality Commission. Consultees will be notified of the availability of the review.

Appendix 1 Organisational chart

Details of the Mid Ulster Council organisational chart will be made available when the Council consults on its Action Plan in late 2015.

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Appendix 2 Example groups relevant to the Section 75 categories for Northern Ireland purposes

Please note, this list is for illustration purposes only, it is not exhaustive.

Category	Example groups
Religious belief	<p>Buddhist; Catholic; Hindu; Jewish; Muslims, people of no religious belief; Protestants; Sikh; other faiths.</p> <p>For the purposes of Section 75, the term “religious belief” is the same definition as that used in the <i>Fair Employment & Treatment (NI) Order</i>¹⁰. Therefore, “religious belief” also includes any <i>perceived</i> religious belief (or perceived lack of belief) and, in employment situations only, it also covers any “<i>similar philosophical belief</i>”.</p>
Political opinion ¹¹	Nationalist generally; Unionists generally; members/supporters of other political parties.
Racial group	Black people; Chinese; Indians; Pakistanis; people of mixed ethnic background; Polish; Roma; Travellers; White people.
Men and women generally	Men (including boys); Trans-gendered people; Transsexual people; women (including girls).
Marital status	Civil partners or people in civil partnerships; divorced people; married people; separated people; single people; widowed people.
Age	Children and young people; older people.
Persons with a disability	Persons with disabilities as defined by the Disability Discrimination Act 1995.
Persons with dependants	Persons with personal responsibility for the care of a child; for the care of a person with a disability; or the care of a dependant older person.
Sexual orientation	Bisexual people; heterosexual people; gay or lesbian people.

¹⁰ See Section 98 of the Northern Ireland Act 1998, which states: “*In this Act... “political opinion” and “religious belief” shall be construed in accordance with Article 2(3) and (4) of the Fair Employment & Treatment (NI) Order 1998.*”

¹¹ *ibid*

Appendix 3 List of consultees

(Schedule 9 4. (2) (a))

The Council's consultation list is reviewed on a biennial basis to ensure it remains relevant to our functions and policies. At any time individuals and organisations can request to be added or removed from our list of consultees.

List of stakeholders consulted

The following stakeholders have been made aware of this consultation. If there is an organisation that you feel might be able to contribute to this consultation, please let us know.

1. Action on Hearing Loss
2. Age UK – Northern Ireland
3. An Tearman
4. Aware NI
5. Barnardos
6. British Deaf Association
7. Cara-Friend
8. Carer's & Friends Mentally Handicapped
9. Carer's National Association NI
10. Child Care NI
11. Children's Law Centre
12. Children in Need
13. Citizens Advice
14. CINI
15. Chinese Welfare Association
16. Coalition on Sexual Orientation
17. Committee on the Administration of Justice
18. Community Disabled & Retired Association
19. Community Foundation Northern Ireland
20. Community Relations Council
21. Contact Northern Ireland
22. Cookstown Benefits Uptake Campaign
23. Cookstown Chamber of Commerce
24. Cookstown PCSP
25. Cookstown Enterprise Centre
26. Cookstown St Vincent de Paul
27. Cookstown Clergy
28. Co-Operation Ireland
29. COSTA
30. CWSAN
31. Council for the Homeless Northern Ireland

32. Cruse Bereavement Care (NI)
33. Democratic Unionist Party
34. Disability Action
35. Down's Syndrome Association
36. Dungannon SVDP
37. Dungannon Art Disability Stakeholder Forum
38. Dungannon Vineyard
39. Dungannon Churches Forum
40. Dungannon Clergy Forum
41. Dungannon First Steps Women's Group
42. Dungannon & Cookstown Women's Aid
43. Dungannon STEP Migrant Forum
44. Dungannon Clergy Forum
45. Dungannon LARG Disability Group
46. Dungannon Youth Forum
47. Dungannon Regeneration Partnership
48. Early Years
49. Employer's for Disability NI
50. Employers for Childcare
51. Equality Coalition
52. Equality Commission for Northern Ireland
53. Equality Forum NI
54. Foster Care Support Group
55. Foras na Gaelige
56. Gay Lesbian Youth NI
57. General Consumer Council
58. Gingerbread NI
59. GMB
60. Guide Dogs for the Blind Association
61. Housing Rights Service
62. Information Commissioners Office
63. Irish Congress of Trade Unions
64. Law Centre NI
65. Lesbian Advocacy Services Initiative
66. Lesbian Line
67. Local Government Staff Commission
68. Loup Women's Group
69. Mencap
70. Men's Action Network
71. Mid-Ulster Women's Network
72. Mind Wise
73. Muslim Family Association NI
74. National Children's Bureau
75. NIACRO

76. NIPSA
77. Northern Ireland Anti-Poverty Network
78. NIAMH
79. NICCY
80. ICTU
81. NICEM
82. NICVA
83. Northern Ireland Dyslexia Association
84. Northern Ireland Human Rights Commission
85. NIPSA
86. Northern Ireland Youth Forum
87. NSPCC NI
88. OFMDFM – Equality Unit
89. Older People's Advocate
90. Parents Advice Centre
91. Parents & Professionals & Autism
92. Participation Network
93. Playboard
94. Play NI
95. Polish Association NI
96. Praxis Care
97. Probation Board Northern Ireland
98. Queer Space
99. Rainbow Project
100. Royal National Institute for Blind
101. Royal National Institute for Deaf People
102. Rural Community Network
103. Rural Development Council
104. Samaritans
105. Save the Children
106. Sense NI
107. Simon Community
108. Sinn Féin
109. Social Democratic and Labour Party
110. Sperrins Tourism Ltd
111. Talking Newspaper Association
112. The Cedar Foundation
113. Traveller's Movement NI
114. Ulster Scots Agency
115. Ulster Supported Employment Ltd
116. Ulster Unionist Party
117. UNISON
118. Unite
119. Victim Support NI

- 120. Volunteer Now
- 121. William Keown Trust
- 122. Women into Politics
- 123. Women's Resource and Development Agency
- 124. Women's Support Network
- 125. Women's Network NI
- 126. Women's European Platform
- 127. Women's Aid NI
- 128. Youth Action
- 129. Youth Council for Northern Ireland
- 130. Youth Link Northern Ireland
- 131. Youth Net
- 132. Youth Forum NI

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Appendix 4 Timetable for measures proposed

(Schedule 9 4.(3) (b))

Measure	Lead responsibility (Proposed)	Timetable
Section 75 Annual Progress Report [2.7]	Chief Executive / Equality Officer	31 August (annually)
Action plan [2.11]	Equality Officer	[in line with consultation on equality scheme] March 2016 April 2015
Consultation on draft action plan [2.15]	Equality Officer	
Finalised action plan published [2.18]	Equality Officer / Chief Executive	
Arrangements for monitoring progress in place [2.16]	Equality Officer	
Consultation list reviewed and updated [3.4]	Equality Officer	October (Biennially)
Develop screening report template and publish biannually in accessible formats [4.15]	Equality Officer	April 2015
Screening reports will be published biannually on Council's website [4.15]	Equality Officer	Biannually
EQIA timetable [4.16]	Equality Officer will finalise and publish EQIA reports in conjunction with Head of Service. Outcomes of consultation will be published on the internet and issued to consultees.	Ongoing
Monitoring [4.28]	Equality Officer and Head of Service will revise policies as a result of analysing data to determine adverse impact or to promote equality of	Ongoing

<p>Review of monitoring information [4.31]</p> <p>Publication of monitoring information [4.33;4.34]</p>	<p>opportunity and good relations.</p> <p>Equality Officer and Head of Service will ensure monitoring of policies is up-to-date and relevant to the policy</p> <p>Equality Officer will publish monitoring information in the Annual Equality Progress Report for the Equality Commission.</p>	<p>Annually from inception of the policy implementation</p> <p>Annually in August.</p>
<p>Training [5.3]</p> <p>Development of summary scheme [5.4]</p> <p>Development of overall training programme [5.5]</p> <p>Focussed training, i.e. Policy Screening; EQIA preparation; Consultation; Data collection; Monitoring and Evaluation [5.4]</p>	<p>Equality Officer and Training Officer to draw up plan covering all aspects of staff training (awareness; data collection; policy development; consultations; EQIA preparation; screening; monitoring; evaluation and complaints handling.</p> <p>Equality Officer will issue summary scheme once approved by Equality Commission</p> <p>Equality Officer with Heads of Service will ensure that all staff will receive briefing on Equality Scheme once approved via email; departmental team meetings and on intranet</p> <p>Equality Officer will arrange training for lead officers as necessary</p>	<p>April - Sept 2015</p> <p>Within two months of approval</p> <p>Within six months of approval</p> <p>Commencing three months after approval of Equality Scheme and on-going</p>

Update training [5.4]	Equality Officer will keep training up to date in accordance with ECNI guidelines	Ongoing
Evaluation of training [5.6]	Equality Officer to assess learning of participants and provide refresher training if necessary	Ongoing
Assessing access to information and services [6.8]	Equality Officer to update preferred methods of communication of consultees; Ensure website information is current and up to date. Work with Local Government Staff Commission on accessibility issues.	Ongoing
Communication of equality scheme [9.3]	Equality Officer will detail availability of Equality Scheme on Council website; advertised in local newspapers; and Council communications	Within one month of approval by Equality Commission.
Notification of consultees [9.3]	Equality Officer will issue all consultees a copy of the Equality Scheme via their preferred method.	Within two months of approval by Equality Commission
Review of equality scheme [10.1]	Equality Officer will conduct a review of the Scheme as per Equality Commission's guidelines	Reviewed within 5 years or within a shorter timeline so as to align with other corporate planning cycles.
Any other measures proposed in equality scheme	Equality Officer to work closely with other Councils through the LGSC Statutory Duty Group so as to develop best practice.	Ongoing
	Equality Officer to work with ECNI to learn from and contribute to strategic direction of the Equality Agenda.	Ongoing
	Equality Officer to liaise with key stakeholders including Staff Unions; Voluntary and Community Groups; and other key stakeholders so as to build relationships and cooperative working	Ongoing

Appendix 5 Glossary of terms

Action plan

A plan which sets out actions a public authority will take to implement its Section 75 statutory duties. It is a mechanism for the realisation of measures to achieve equality outcomes for the Section 75 equality and good relations categories.

Action measures and outcomes

Specific measures to promote equality and good relations for the relevant Section 75 and good relations categories, linked to achievable outcomes, which should be realistic and timely.

Adverse impact

Where a Section 75 category has been affected differently by a policy and the effect is less favourable, it is known as adverse impact. If a policy has an adverse impact on a Section 75 category, a public authority must consider whether or not the adverse impact is unlawfully discriminatory. In either case a public authority must take measures to redress the adverse impact, by considering mitigating measures and/or alternative ways of delivering the policy.

Affirmative action

In general terms, affirmative action can be defined as being anything consistent with the legislation which is necessary to bring about positive change. It is a phrase used in the Fair Employment and Treatment Order (NI) 1998 to describe lawful action that is aimed at promoting equality of opportunity and fair participation in employment between members of the Protestant and Roman Catholic communities in Northern Ireland.

Article 55 Review

Under the Fair Employment and Treatment (NI) Order 1998, all registered employers must conduct periodic reviews of the composition of their workforces and of their employment practices for the purposes of determining whether members of the Protestant and Roman Catholic communities are enjoying, and are likely to continue to enjoy, fair participation in employment in each employer's concern.

These reviews, which are commonly known as Article 55 Reviews, must be conducted at least once every three years.

Audit of inequalities

An audit of inequalities is a systematic review and analysis of inequalities which exist for service users and those affected by a public authority's policies. An audit can be used by a public authority to inform its work in relation to the Section 75 equality and good relations duties. It can also enable public authorities to assess progress on the implementation of the Section 75 statutory duties, as it provides baseline information on existing inequalities relevant to a public authority's functions.

Consultation

In the context of Section 75, consultation is the process of asking those affected by a policy (ie, service users, staff, the general public) for their views on how the policy could be implemented more effectively to promote equality of opportunity across the 9 categories. Different circumstances will call for different types of consultation. Consultations could, for example, include meetings, focus groups, surveys and questionnaires.

Council of Europe

The Council of Europe, based in Strasbourg, covers virtually the entire European continent, with its 47 member countries. Founded on 5 May 1949 by 10 countries, the Council of Europe seeks to develop throughout Europe common and democratic principles based on the European Convention on Human Rights and other reference texts on the protection of individuals.

Desk audit

An audit of a draft equality scheme to ensure that the scheme conforms with the requirements on form and content as detailed in the Commission's Guidelines (the Guide).

Differential impact

Differential impact occurs where a Section 75 group has been affected differently by a policy. This effect could either be positive, neutral or negative. A public authority must make a judgement as to whether a policy has a differential impact and then it must determine whether the impact is adverse, based on a systematic appraisal of the accumulated information.

Discrimination

The anti-discrimination laws prohibit the following forms of discrimination:

- Direct discrimination

- Indirect Discrimination
- Disability Discrimination
- Victimisation
- Harassment

Brief descriptions of these above terms follow:

Direct discrimination

This generally occurs where a public authority treats a person less favourably than it treats (or, would treat) another person, in the same or similar circumstances, on one or more of the statutory non-discrimination grounds. A decision or action that is directly discriminatory will normally be unlawful unless: (a) in an age discrimination case, the decision can be objectively justified, or (b) in any other case, the public authority can rely on a statutory exception that permits it – such as a *genuine occupational requirement exception*; or, a *positive action exception* which permits an employer to use “welcoming statements” or to take other lawful positive action to encourage participation by under-represented or otherwise disadvantaged groups.

Indirect discrimination

The definition of this term varies across some of the anti-discrimination laws, but indirect discrimination generally occurs where a public authority applies to all persons a particular provision, criterion or practice, but which is one that has the effect of placing people who share a particular equality characteristic (e.g. the same sex, or religious belief, or race) at a particular disadvantage compared to other people. A provision, criterion or practice that is indirectly discriminatory will normally be unlawful unless (a) it can be objectively justified, or (b) the public authority can rely on a statutory exception that permits it.

Disability discrimination

In addition to direct discrimination and victimisation and harassment, discrimination against disabled people may also occur in two other ways: namely, (a) *disability-related discrimination*, and (b) *failure to comply with a duty to make reasonable adjustments*.

- (a) *Disability-related discrimination* generally occurs where a public authority, without lawful justification, and for a reason which relates to a disabled person’s disability, treats that person less favourably than it treats (or, would treat) other people to whom that reason does not (or, would not) apply.

- (b) *Failure to comply with a duty to make reasonable adjustments:* One of the most notable features of the disability discrimination legislation is that in prescribed circumstances it imposes a duty on employers, service providers and public authorities to take such steps as are reasonable to remove or reduce particular disadvantages experienced by disabled people in those circumstances.

Victimisation

This form of discrimination generally occurs where a public authority treats a person less favourably than it treats (or, would treat) another person, in the same or similar circumstances, because the person has previously exercised his/her rights under the anti-discrimination laws, or has assisted another person to do so. Victimisation cannot be justified and is always unlawful.

Harassment

Harassment generally occurs where a person is subjected to unwanted conduct that is related to a non-discrimination ground with the purpose, or which has the effect, of violating their dignity or of creating for them an intimidating, hostile, degrading, humiliating or offensive environment. Harassment cannot be justified and is always unlawful.

Economic appraisal

An economic appraisal is a systematic process for examining alternative uses of resources, focusing on assessment of needs, objectives, options, costs benefits, risks, funding and affordability and other factors relevant to decisions.

Equality impact assessment

The mechanism underpinning Section 75, where existing and proposed policies are assessed in order to determine whether they have an adverse impact on equality of opportunity for the relevant Section 75 categories. Equality impact assessments require the analysis of both quantitative and qualitative data.

Equality of opportunity

The prevention, elimination or regulation of discrimination between people on grounds of characteristics including sex, marital status, age, disability, religious belief, political opinion, dependants, race and sexual orientation.

The promotion of equality of opportunity entails more than the elimination of discrimination. It requires proactive measures to be taken to secure equality of opportunity between the categories identified under Section 75.

Equality scheme

A document which outlines a public authority's arrangements for complying with its Section 75 obligations. An equality scheme must include an outline of the public authority's arrangements for carrying out consultations, screening, equality impact assessments, monitoring, training and arrangements for ensuring access to information and services.

Good relations

Although not defined in the legislation, the Commission has agreed the following working definition of good relations: 'the growth of relations and structures for Northern Ireland that acknowledge the religious, political and racial context of this society, and that seek to promote respect, equity and trust, and embrace diversity in all its forms'.

Mainstreaming equality

The integration of equal opportunities principles, strategies and practices into the everyday work of public authorities from the outset. In other words, mainstreaming is the process of ensuring that equality considerations are built into the policy development process from the beginning, rather than being bolted on at the end. Mainstreaming can help improve methods of working by increasing a public authority's accountability, responsiveness to need and relations with the public. It can bring added value at many levels.

Mitigation of adverse impact

Where an equality impact assessment reveals that a particular policy has an adverse impact on equality of opportunity, a public authority must consider ways of delivering the policy outcomes which have a less adverse effect on the relevant Section 75 categories; this is known as mitigating adverse impact.

Monitoring

Monitoring consists of continuously scrutinising and evaluating a policy to assess its impact on the Section 75 categories. Monitoring must be sensitive to the issues associated with human rights and privacy. Public authorities should seek advice from consultees and Section 75 representative groups when setting up monitoring systems.

Monitoring consists of the collection of relevant information and evaluation of policies. It is not solely about the collection of data, it can also take the form of regular meetings and reporting of research undertaken. Monitoring is not an end in itself but provides the data for the next cycle of policy screening.

Northern Ireland Act

The Northern Ireland Act, implementing the Good Friday Agreement, received Royal Assent on 19 November 1998. Section 75 of the Act created the statutory equality duties.

Northern Ireland Human Rights Commission

A statutory body established under Section 68 of the Northern Ireland Act 1998, which works to ensure that the human rights of everyone in Northern Ireland are fully protected in law, policy and practice.

Northern Ireland Statistics & Research Agency (NISRA)

The Northern Ireland Statistics and Research Agency (NISRA) is an Executive Agency within the Department of Finance and Personnel (DFP).

They provide statistical and research information regarding Northern Ireland issues and provide registration services to the public in the most effective and efficient way.

OFMdFM

The Office of the First Minister and Deputy First Minister is responsible for providing advice, guidance, challenge and support to other NI Civil Service Departments on Section 75 issues.

PAFT

The Policy Appraisal and Fair Treatment (PAFT) Guidelines constituted the first non-statutory attempt at mainstreaming equality in Northern Ireland in January 1994. The aim of the PAFT Guidelines was to ensure that issues of equality and equity informed policy making and activity in all spheres and at all levels of government. PAFT has now been superseded by Section 75 of the Northern Ireland Act 1998.

Policy

The formal and informal decisions a public authority makes in relation to carrying out its duties. Defined in the New Oxford English Dictionary as 'a course or principle of action adopted or proposed by a government party, business or individual'. In the context of Section 75, the term **policies** covers all the ways in which a public authority carries out or

proposes to carry out its functions relating to Northern Ireland. Policies include unwritten as well as written policies.

Positive action

This phrase is not defined in any statute, but the Equality Commission understands it to mean any lawful action that a public authority might take for the purpose of promoting equality of opportunity for all persons in relation to employment or in accessing goods, facilities or services (such as health services, housing, education, justice, policing). It may involve adopting new policies, practices, or procedures; or changing or abandoning old ones. *Positive action* is not the same as *positive discrimination*.

Positive discrimination differs from positive action in that *positive action* involves the taking of lawful actions whereas *positive discrimination* involves the taking of unlawful actions. Consequently, *positive action* is by definition lawful whereas *positive discrimination* is unlawful.

Qualitative data

Qualitative data refers to the experiences of individuals from their perspective, most often with less emphasis on numbers or statistical analysis. Consultations are more likely to yield qualitative than quantitative data.

Quantitative data

Quantitative data refers to numbers, typically derived from either a population in general or samples of that population. This information is often analysed by either using descriptive statistics, which consider general profiles, distributions and trends in the data, or inferential statistics, which are used to determine 'significance' either in relationships or differences in the data.

SACHR

The Standing Advisory Commission on Human Rights (SACHR) has now been replaced by the Northern Ireland Human Rights Commission. SACHR, as part of its review of mechanisms in place to promote employment equality and reduce the unemployment differential, recommended that the PAFT Guidelines should be made a statutory requirement.

Screening

The procedure for identifying which policies will be subject to equality impact assessment, and how these equality impact assessments will be prioritised. The purpose of screening is to identify the policies which are

likely to have a minor/major impact on equality of opportunity so that greatest resources can be devoted to improving these policies. Screening requires a systematic review of existing and proposed policies.

Schedule 9

Schedule 9 of the Northern Ireland Act 1998 sets out detailed provisions for the enforcement of the Section 75 statutory duties, including an outline of what should be included in an equality scheme.

Section 75

Section 75 of the Northern Ireland Act provides that each public authority is required, in carrying out its functions relating to Northern Ireland, to have due regard to the need to promote equality of opportunity between:-

- persons of different religious belief, political opinion, racial group, age, marital status and sexual orientation;
- men and women generally;
- persons with a disability and persons without; and
- persons with dependants and persons without.

Without prejudice to these obligations, each public authority in carrying out its functions relating to Northern Ireland must also have regard to the desirability of promoting good relations between persons of different religious belief, political opinion or racial group.

Section 75 investigation

An investigation carried out by the Equality Commission, under Schedule 9 of the NI Act 1998, arising from the failure of a public authority to comply with the commitments set out in its approved equality scheme.

There are two types of Commission investigation, these are as follows:

1. An investigation of a complaint by an individual who claims to have been directly affected by the failure of a public authority to comply with its approved equality scheme;
2. An investigation initiated by the Commission, where it believes that a public authority may have failed to comply with its approved equality scheme.

Appendix 6

Public Consultations on this 'Draft' Equality Scheme will take place as follows:

Wednesday 24th September 2014 – 11:00am – 1:00pm

Magherafelt Council Offices

Wednesday 24th September 2014 – 2:00pm – 4:00pm

Dungannon Council Offices

Thursday 25th September 2014 – 7:00pm – 9:00pm

Cookstown Council Offices

Regional Event Organised by the Local Government Staff Commission.

Wednesday 24th September 2014 – 10am – 1:00pm in Lisburn City Council, Lagan Valley Island, The Island Centre, Lisburn, BT27 4RL

Council officer will be in attendance at the above regional event.

If you wish to meet with staff outside of these times please contact any of the contact(s) on Page 5 who will facilitate a meeting.

Draft Disability Plan for
Mid Ulster District Council

Drawn up in accordance with
Section 49A of the Disability Discrimination Act 1995
(as amended by the) Disability Discrimination (NI) Order 2006

This document is available in a range of formats on request. Please contact us with your requirements (see page 8 for contact details).

Anthony Tohill Chief Executive Mid Ulster District Council
--

Approved by the Equality Commission for Northern Ireland on

Foreword

Welcome to the Mid Ulster District Council Disability Plan (the Plan) for 2015 - 2020 which sets out how we as a Council intend to improve the quality of life for all people with disabilities who live in, work in or visit our district.

As a Council, we have a duty to tackle discrimination and disadvantage so that people feel safe from harassment and everyone has access to high quality services.

Our aim is not just to meet our legal duties, but to make disability equality a reality, by putting it at the centre of policy-making, service delivery and employment practice.

Finally as Chief Executive and Chair of Mid Ulster Council, we would like to express our personal commitment to the objectives set out in the Plan.

We, along with our employees, will work to meet the challenging targets that we will set ourselves, and will provide the support and leadership required to deliver success.

Councillor Cathal Mallaghan
Chairman

Anthony Tohill
Chief Executive

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Chapter 1 Purpose of the Disability Plan

1.1 Section 49A of the Disability Discrimination Act 1995 (as amended by the) Disability Discrimination (NI) Order 2006 requires the Council, in carrying out its functions, to have due regard to the need:

- to promote positive attitudes towards disabled people; and
- to encourage participation by disabled people in public life.

1.2 Under Section 49B of the DDA 1995, Mid Ulster District Council is also required to submit to the Equality Commission a Disability Action Plan showing how it proposes to fulfil these duties in relation to its functions.

1.3 The Council is committed to the fulfilment of its disability duties in all parts of its organisation and has set out how it intends to do so in this Plan.

Chapter 2 The Council – its role and functions

2.1 The Council performs four principal roles within its local area and district:

- Direct service provision in response to community needs and legislative requirements – setting priorities for the area and for the Council and being accountable for the choices made.
- A development role as enabler/facilitator on development areas such as; economic and community development initiatives enabling and empowering local people; setting out the vision for local strategies in partnership with other agencies.
- A representative role on boards such as health and education – championing the district.
- A consultative role on issues such as water, roads and housing, by providing a challenge to the performance of all of the delivery agencies in the district.

2.2 From 1 April 2015, in the performance of the above roles the Council will carry out functions in the following areas:

Refuse Collection and Disposal
Recycling and Waste Management
Civic Amenity Provision
Grounds Maintenance
Street Cleansing
Cemeteries
Public Conveniences
Food Safety
Health & Safety
Environmental Protection
Environmental Improvement
Estates Management Building Design and Maintenance
Building Control
Inspection/Regulation of New Construction
Dog Control
Enforcement Byelaws Litter etc.
Sundry Licensing
Sports and Leisure Services
Sports and Recreational facilities
Parks, Open Spaces, Playgrounds
Community facilities

Arts, Heritage and Cultural Facilities
Registration of Births, Deaths and Marriages

The Council also has a role in:

- Economic Development
- Community Development
- Community Safety
- Sports Development
- Summer Schemes
- Tourism

As part of the Reform of Local Government, Councils across Northern Ireland will undertake additional responsibility for new functions, such as Spatial Planning & Regeneration / Community Planning. These and any additional functions are all subject to the requirements of this Equality Scheme.

2.3 To enable the Council to provide the above services and perform its other functions, the Council must levy an annual rate and has the power to:

- acquire and dispose of land
- borrow money
- employ staff
- procure goods and services

2.4 To support and implement the above statutory functions and provision of services and facilities, the Council will adopt a wide range of policies.

Chapter 3 Public life positions over which the Council has responsibility

3.1 The Mid Ulster District Council has not made a final decision on public life positions during the Shadow period.

Chapter 4 The Council's commitment to the effective implementation of the Disability Plan

4.1 Mid Ulster District Council is committed to implementing effectively the disability duties and this Disability Plan. We will allocate all necessary resources (in terms of people,time and money) in order to effectively implement this plan, and where appropriate, build objectives and targets relating to the disability duties into corporate and annual business plans.

4.2 We will also put appropriate internal arrangements in place to ensure that the disability duties are complied with and this Disability Plan is effectively implemented.

4.3 We will ensure the effective communication of the Plan to employees and provide all necessary training and guidance for employees and elected members on the disability duties and the implementation of the Plan.

Overall responsibility for determining policy on how this will be achieved lies with the Elected Members, and day to day responsibility for carrying out the policy with the Chief Executive. As part of its corporate planning process, the Council will set objectives and targets relating to the disability duties. These will be reflected at all levels of planning within the Council including individual staff objectives.

A formal report of progress on meeting the objectives relating to the disability duties will be included in the Council's annual report.

Internal arrangements

The Council consists of 40 Elected Representatives, elected for a Shadow Period until April 2015, and then for a further four year period. The work of the Shadow Council is conducted through a system of committees:

Mid Ulster District Council – Committee Structure - Transitional Period

Functional alignment by Committee during the Transitional Period is as follows:-

Development Committee

Leisure, Sports Development, Parks Development, Open Spaces, Play Areas, Arts and Culture, Economic Development, Rural Development, Urban Regeneration, Tourism, Community Planning, Community Services, Visitor Attractions, Events, Advice Services, PEACE, INTERREG, DSD transferring functions, DCAL transferring functions.

Environment Committee

Waste Management, Refuse Collection, Street Cleansing, Recycling, Cemeteries, Grounds Maintenance, Property Maintenance, Vehicle Maintenance, Environmental Health, Dog Control, Building Control, Capital Projects, Licensing, Street Naming & Postal Numbering, Property Certificates, Bus Shelters, Biodiversity, Affordable Warmth, Home Accident Prevention, Public Toilets, DRD transferring functions.

Planning Committee

Capacity Building, Area Plan Preparations

Policy & Resources Committee

Finance, HR, Marketing & Communications, ICT, Corporate Governance, Corporate Policy, Audit, PCSP, Risk Management, Insurance, Member Services, Procurement, Registration, Payroll, Corporate H&S, Legal Services, Emergency Planning, Equality, Regional/Minority Languages, Committee Administration, Business Continuity Planning, Information Management. Any other business not covered by another committee.

The committee structure which will apply from April 2015 has not yet been agreed.

The Shadow Council normally meets in full session on the last Thursday of every month when it receives and decides on reports and recommendations from the various committees.

The work of the Mid Ulster Council operates under the leadership of the Chief Executive, Mr Anthony Tohill. He is responsible for giving the strategic direction and advice to the Council and oversees the preparatory work to ensure it is ready to deliver services, currently the responsibility of Cookstown District Council, Dungannon & South Tyrone Borough Council, Magherafelt District Council and a number of government departments, from 1 April 2015.

The Council's departmental structure will be agreed prior to April 2015.

The Chief Executive will be the point of contact for the Equality Commission. The point of contact for those seeking further information on the Plan, and the officer who will take specific responsibility for co-ordinating the day to day requirements for the delivery of the Plan will be determined when the departmental structure is agreed.

Chapter 5 Effective Engagement and Consultation

5.1 Mid Ulster District Council is committed to engage effectively with disabled people in the drafting, implementation, monitoring and review of this Plan.

The Council is committed to carrying out consultation in a meaningful manner in the development of its disability duties. In doing so the Council is keen to bring about change with and for people with disabilities and will therefore be focussing on the issue of involvement and participation in preparing and reviewing its Plan.

The Council's consultation process will be designed to ensure that people with disabilities are consulted at as early a stage as possible so that they can assist and inform the development of the Plan.

The Council will make every effort to remove any potential barriers to proper consultation by ensuring accessibility of documents in appropriate formats and in a timely fashion. Information will be made available on request in alternative formats including Braille, large print, disc and audio cassette. It will also be important to establish with people with a disability, the basis for dialogue and engagement during the life of the Plan. A variety of methods of discussion will be used such as meetings, one to one discussions, telephone and text phone discussions. Consideration will also be given to how best to communicate information to young people with a disability, as well as considering additional dimensions such as ethnicity, age, gender, sexual orientation and religious belief.

The Council believes it is important that people with disabilities are involved in the implementation, monitoring and review of the Plan. The Council will seek views and comments on the specific actions when they are developed and will consider amending them or including additional ones following the comments received.

Chapter 6 Annual report and 5 Year Review

6.1 The Council will prepare an annual report on the implementation of its Plan and undertake a 5 year review of the Plan. The annual report will be included as part of the Council's annual report to the Equality Commission on the implementation of our equality scheme.

6.2 A copy of the annual report and the 5 year review will be made available on the Council's website.

Chapter 7 Action measures

As the Shadow Council only came into being at its formal meeting following the election on 22 May 2014, it is not possible to list any action measures taken to date. However, examples of some of the recent action measures taken by the predecessor Councils i.e. Cookstown District Council, Dungannon & South Tyrone Borough Council and Magherafelt District Council are given below to give some indication of the nature of the actions which may be taken in the future:

- Arrange an annual consultation event for people with disabilities on the Council's implementation of the Disability Duties and Plan.
- Provided training on the disability duties to employees and elected Members.
- Prepare 6 monthly reports for Senior Management Team on meeting Disability Duties and Action Plan.
- Provide work experience for people with disabilities.
- Achieve William Keown Trust Award in making facilities accessible for people with disabilities.
- Ensure Council websites are compliant to WSC-AAA disability standards.
- Promote 'Companion' scheme for people with disabilities for Council activities.
- Provide opportunities for disabled athletes including elite athletes.
- Lobbying on strategic issues that impact on the quality of life for people with disabilities.

7.2 The measures which the Mid Ulster District Council intends to take in order to implement the disability duties will be formalised into an Action Plan following an audit of inequalities which will then be consulted upon from October 2015 – December 2015 and implemented on 1st March 2016.

Chapter 8 How the Disability Plan will be published

8.1 Following submission to the Equality Commission for Northern Ireland, this Plan will be available by contacting:

Until a nominated contact for all Equality Scheme Duties is decided upon by the Statutory Shadow Mid Ulster Council, please direct any query to either of the following individuals:

Dominic McCanny – Equality Manager

Cookstown District Council

Council Offices

Burn Road

Cookstown

BT80 8DT

Telephone No: 028 8676 2205

Textphone No: 028 8676 5827

E-mail: equality@cookstown.gov.uk

Claire Linney - Strategy & Policy Manager

Dungannon & South Tyrone Borough Council

Circular Road

Dungannon

BT71 6DT

Telephone No: 028 8772 0319

Textphone No: 028 8772 0332

E-mail: claire.linney@dungannon.gov.uk

Mrs Anne Marie Campbell - Director of Policy & Development

Magherafelt District Council

50 Ballyronan Road

Magherafelt

BT45 6EN

Telephone No: 028 7939 7979

E-mail: anne-marie.campbell@magherafelt.gov.uk

Consultees and stakeholders will be made aware of the nominated Mid Ulster Equality contact as soon as possible.

8.2 The availability of the Disability Plan will be advertised in the press and can be accessed on the following website:

www.midulstercouncil.org

8.3 The Council will, through our on-going work with people with disabilities and people with learning disabilities, find appropriate ways of communicating the Plan. The Plan will be produced in clear print and plain language, and will be available in alternative formats on request, including large print, Braille, audio cassette and computer disc.

8.4 The contents of the Plan will be highlighted through press releases, advertisements, Council literature and by meeting directly with disability organisations, representative groups and individuals

8.5 In addition, all employees will receive a summary Plan, and a full Plan will be available on the intranet or alternative format on request.

Mid Ulster District Council Consultation on the Draft Equality Scheme and Disability Plan

This questionnaire has been designed to help stakeholders respond to the Mid Ulster District Council Draft Equality Scheme and Disability Action Plan. Written responses are welcome either using this questionnaire template or in an alternative format which best suits your needs. If you would like to receive a copy of the consultation in an alternative format please contact any of us below to discuss your specific requirements in more detail.

Dominic McCanny – Equality Manager

Cookstown District Council

Council Offices

Burn Road

Cookstown

BT80 8DT

Telephone No: 028 8676 2205

Textphone No: 028 8676 5827

E-mail: equality@cookstown.gov.uk

Claire Linney - Strategy & Policy Manager

Dungannon & South Tyrone Borough Council

Circular Road

Dungannon

BT71 6DT

Telephone No: 028 8772 0319

Textphone No: 028 8772 0332

E-mail: claire.linney@dungannon.gov.uk

Mrs Anne Marie Campbell - Director of Policy & Development

Magherafelt District Council

50 Ballyronan Road

Magherafelt

BT45 6EN

Telephone No: 028 7939 7979

E-mail: anne-marie.campbell@magherafelt.gov.uk

Your response must be received by (To be Inserted) at 5:00pm

Freedom of Information and Data Protection Acts – Confidentiality Statement.

Mid Ulster District Council wishes to make its consultation process as open as possible, and is subject to the terms of the Freedom of Information Act 2000. Any information, which comes into the possession of Mid Ulster District Council, will be subject to disclosure under the provisions of that Act, unless an exemption applies. Only Mid Ulster District Council can make a decision regarding whether information is disclosable or not. In arriving at any decision to disclose or otherwise, Mid Ulster District Council will take account of the nature of the information, exemptions provided for in the Act, and the Public Interest. If the information is disclosable, Mid Ulster District Council has no discretion to prevent its disclosure. Responses to this consultation are invited on this basis.

If you reply to this consultation in a personal capacity, any personal details you supply will be processed in accordance with the Data Protection Act 1998 and will not be used for any purpose other than that for which they were collected. The Council may disclose this data to any person or organisation for the purpose for which it was collected, or where the Act allows disclosure

Your Details

Name	
Organisation*	
Address	
Email	
Contact Tele	

*If responding on behalf of an organisation

Consultation Summary

The Council's Draft Equality Scheme sets out how the Council will promote equality of opportunity and good relations in its day to day work.

The Draft Disability Action Plan sets out how Mid Ulster District Council intends to improve the quality of life for all people with disabilities, who live in, work in or visit our district.

We hope that organisations and individuals will use this opportunity to tell us whether we need to consider alterations to the Draft Equality Scheme and the Draft Disability Action Plan

Questions

Question 1. In relation to the Draft Equality Scheme are there any actions that should be included in the Disability Plan?

Question 2. In relation to the Draft Disability Plan are there any actions that should be included?

Question 3. Are there any additional comments which you wish to make which you feel may help us to deliver an effective Equality Scheme and Disability Plan?

Information about You – Completion is Voluntary

To help ensure that our consultations are reflecting the views of the community, please fill in the information below. Although we will use this statistical information in our analysis of the consultation response, it will not be linked to your personal details.

Please complete Section 1 if you are responding as an individual. Go to Section 2 if responding on behalf of an organisation.

Section One - If you are responding as an individual

1. Religious Belief

Do you have a religious belief? Yes ☐ No ☐ (Go to Q2)

If Yes are you,

Bahai	<input type="checkbox"/>	Hindu	<input type="checkbox"/>	Presbyterian	<input type="checkbox"/>
Baptist	<input type="checkbox"/>	Jewish	<input type="checkbox"/>	Roman Catholic	<input type="checkbox"/>
Buddhist	<input type="checkbox"/>	Methodist	<input type="checkbox"/>	Sikh	<input type="checkbox"/>
Church of Ireland	<input type="checkbox"/>	Muslim	<input type="checkbox"/>	Other	<input type="checkbox"/>

2. Political Opinion

How would you describe your political opinion?

Unionist generally ☐ Nationalist generally ☐ Other ☐

3. Racial Group

To which of these Racial Groups do you consider you belong?

Bangladeshi	<input type="checkbox"/>	Chinese	<input type="checkbox"/>	Pakistani	<input type="checkbox"/>
Black African	<input type="checkbox"/>	Indian	<input type="checkbox"/>	White	<input type="checkbox"/>
Black Caribbean	<input type="checkbox"/>	Irish Traveller	<input type="checkbox"/>	Other	<input type="checkbox"/>
Black (Other)	<input type="checkbox"/>	Mixed Ethnic Group	<input type="checkbox"/>		

4. Age

0-15 ☐ 16-19 ☐ 30-44 ☐ 45-59 ☐ 60-74 ☐ 75+ ☐

5. Marital Status

Co-habiting ☐ Married ☐ Divorced ☐ Separated ☐

Single ☐ Widowed ☐ Civil Partnership ☐

6. Sexual Orientation

Heterosexual ☐ Homosexual (Gay or Lesbian) ☐ Bi-sexual ☐

7. Gender

Female ☐ Male ☐ Trans-gender ☐

8. Disability

Under the Disability Discrimination Act 1995, a disabled person is defined as a person with “a physical or mental impairment which has a substantial and long-term effect on his/her ability to carry out normal day to day activities”.

Do you consider that you meet this definition of disability? Yes ☐ No ☐

If yes, please state the type of disability:

Visual Impairment ☐ Communications Difficulty ☐

Learning Difficulty ☐ Hearing Impairment ☐ Multiple Impairment ☐

Mobility Impairment ☐ Learning Difficulty ☐

9. Dependants

We are asking you to tell us something about your caring responsibilities. By that we mean looking after a child, whether as a parent, guardian or foster parent, or helping an adult carry out their daily routine. This might mean providing assistance to an adult relative or friend who is disabled or has a long term illness.

I look after children ☐ I help an adult with their daily routine ☐

Please indicate how often you undertake these responsibilities:

Daily ☐ Frequently ☐ Occasionally ☐

Section Two - If you are responding on behalf of an organisation does it deal with:

1. Persons of Differing Religious Belief: Yes ☐ No ☐

If Yes, will the focus be on all, or any of the following?

Bahai	<input type="checkbox"/>	Hindu	<input type="checkbox"/>	Presbyterian	<input type="checkbox"/>
Baptist	<input type="checkbox"/>	Jewish	<input type="checkbox"/>	Roman Catholic	<input type="checkbox"/>
Buddhist	<input type="checkbox"/>	Methodist	<input type="checkbox"/>	Sikh	<input type="checkbox"/>
Church of Ireland	<input type="checkbox"/>	Muslim	<input type="checkbox"/>	Other	<input type="checkbox"/>

2. Persons of Differing Political Opinion: Yes ☐ No ☐

If Yes, will the focus be on all, or any of the following?

Unionist ☐ Nationalist ☐ Other ☐

3. Persons of Differing Racial Groups: Yes ☐ No ☐

If Yes, will the focus be on all, or any of the following?

Bangladeshi	<input type="checkbox"/>	Chinese	<input type="checkbox"/>	Pakistani	<input type="checkbox"/>
Black African	<input type="checkbox"/>	Indian	<input type="checkbox"/>	White	<input type="checkbox"/>
Black Caribbean	<input type="checkbox"/>	Irish Traveller	<input type="checkbox"/>	Other	<input type="checkbox"/>
Black (Other)	<input type="checkbox"/>	Mixed Ethnic Group	<input type="checkbox"/>		

4. Persons of Different Age: Yes ☐ No ☐

If Yes, will the focus be on all, or any of the following?

0-15 ☐ 16-29 ☐ 30-40 ☐ 45-59 ☐ 60-74 ☐ 75+

Persons of Different Marital Status: Yes ☐ No ☐

If Yes, will the focus be on all, or any of the following?

Co-habiting ☐ Married ☐ Divorced ☐ Separated ☐
Single ☐ Widowed ☐ Civil Partnership ☐

5. Persons of Different Sexual Orientation: Yes ☐ No ☐

If Yes, will the focus be on all, or any of the following?

Heterosexual ☐ Homosexual (Gay or Lesbian) ☐ Bi-sexual ☐

6. Persons of Different Gender: Yes ☐ No ☐

If Yes, will the focus be on all, or any of the following?

Female ☐ Male ☐ Trans-gender ☐

7. Persons with a Disability: Yes ☐ No ☐

Under the Disability Discrimination Act 1995, a disabled person is defined as a person with “a physical or mental impairment which has a substantial and long-term effect on his/her ability to carry out normal day to day activities”.

If Yes, will the focus be on all. Or any of the following?

Visual Impairment ☐ Communications Difficulty ☐
Learning Difficulty ☐ Hearing Impairment ☐ Multiple Impairment ☐
Mobility Impairment ☐ Learning Difficulty ☐

8. Persons with Dependents: Yes ☐ No ☐

We are asking you to tell us something about your caring responsibilities. By that we mean looking after a child, whether as a parent, guardian or foster parent, or helping an adult carry out their daily routine. This might mean providing assistance to an adult relative or friend who is disabled or has a long term illness.

If Yes, will the focus be on all, or any of the following?

People who look after children ☐
People who help an adult with their daily routine ☐

E

Subject	Conferences/Seminars/Events
Reporting Officer	Chief Executive

1	Purpose of Report
1.1	To seek Member(s) interest for attendance and approve Officer attendance at the undernoted events and conferences. To approve associated expenses - mileage and fees, where applicable

2	Background
	N/A

3	Key Issues
3.1	SHSCT - Transforming Your Care in Action: 1 Person at a Time , 2 October 2014 at 3.30 pm in Seagoe Parish Centre, Portadown – A conference for the public about the personal impact of Transforming services in the Southern Trust as told by Service Users. Travelling costs - Councillor nomination(s)
3.2	NI Renewables Industry Group Planning Seminar , 3 September 2014 at 9.30 am in Derry/Londonderry – A one day event and wind farm visit exclusively for Planning Officers and Councillors. NIRIG is NI's leading renewable energy trade association and is a joint collaboration between the Irish Wind Energy Association and Renewable UK. Travelling costs – Councillor nomination(s)
3.3	CIPFA – NI Annual Conference , 25 September 2014 Stormont Hotel, Belfast. Fee £325 (early bird discount £295) + vat, travelling costs - Lead Finance Officer to attend

4	Resource Implications
4.1	<u>Financial</u> Fee for CIPFA conference. Travelling costs associated with all three events
4.2	<u>Human resources</u> N/A
4.3	<u>Assets and other implications</u> N/A

5	Other Considerations
5.1	N/A

6	Recommendations
6.1	Member(s) to indicate if they wish to attend 3.1 and 3.2.
6.2	Attendance of Lead Finance Officer at the CIPFA conference to be approved (3.3)

7	List of Documents Attached
7.1	Not applicable

F

Subject	Consideration of Mid Ulster Council's ongoing due diligence review of transferring functions
Reporting Officer	JJ Tohill, Lead Finance Officer

1	Purpose of Report
1.1	To consider and note the officers' assessment of the ongoing due diligence review of transferring functions (notably the Deloitte Report "Transfer of Functions and Powers to Local Government Due Diligence Review Final Report" (dated 22 May 2014) (the "Deloitte Report") and the subsequent Regional Transition Operational Board Secretariat, Department of Environment ("RTOB") Report "Local Government Reform Programme Transferring Departments - Budget Allocation Proposals" (dated August 2014).
1.2	To authorise the officers to respond to the Deloitte Report and the subsequent RTOB Report (as requested by the RTOB (closing date Sunday, 31 August 2014)) advising that a formal response will be submitted on conclusion of the officers' due diligence review, which requires more time to assess the limited information released to councils to date and to seek further information in relation thereto.
1.3	To authorise the officers to commission, in conjunction with the other new councils, a further review by Deloitte (to a specification agreed by the relevant officers within the new councils) in accordance with the officers' assessment of the minimum information required to form an opinion on the proposed budget allocations. The authorisation should extend to mandating the officers to, in so far as is necessary, to engage with Deloitte, RTOB, central government departments and other bodies as necessary to conduct a 'local' due diligence review of the proposed apportionment of the total budget for transferring functions between the eleven council.

2	Background
2.1	The Review of Public Administration (RPA) will facilitate the transfer of a range of functions (e.g. Planning, off street car parking, etc.) from central to local government with effect from 1 April 2015.
2.2	As part of the implementation of the RPA proposals, the Department of the Environment (DoE) agreed to fund a review of the transferring functions and powers in order to ensure that the transfer of functions

	would be 'rates neutral' at the point of transfer.
2.3	Belfast City Council, on behalf of local government, procured the services of Deloitte to undertake a due diligence review of the transferring functions. This exercise was funded by the DoE.
2.4	Following the release of the Deloitte Report, the RTOB produced a separate Report which presented materially different figures without providing any reconciliation to the earlier Deloitte Report.

3	Key Issues
3.1	<p>Review of the Deloitte Report and further consideration of the subsequent RTOB Report has identified a range of significant issues, including:</p> <ul style="list-style-type: none"> • An apparent divergence in opinion between local and central government into what 'rates neutral' at the point of transfer means; • A reliance on figures by RTOB, the origin of which is presently uncertain; • Significant divergence in opinion between central and local government in relation to the quantification of overheads; and • A failure to provide in respect of transferring functions and powers the statutorily specified 5% to 7% reserve balance imposed on local government
3.2	The Local Government Chief Executives Group, presently unhappy with the information provided to and by the Deloitte and RTOB Papers are presently engaging with the DoE, Department of Finance and Personnel, Department of Regional Development and Deloitte to enquire further into the proposed budget allocations.

4	Resource Implications
4.1	<p><u>Financial</u></p> <p>Individual councils are likely to be asked to contribute on a joint basis to the costs of engaging Deloitte to undertake a further due diligence exercise under the direct instruction of local government. Individual contributions could be in the region of £5,000 plus VAT.</p>
4.2	<p><u>Human resources</u></p> <p>The Lead Officer for Finance and the Chief Executive will engage with Deloitte, RTOB, central government departments and other bodies as necessary.</p>
4.3	<p><u>Assets and other implications</u></p> <p>N/A</p>

5	Other Considerations
5.1	N/A.

6	Recommendations
6.1	<p>Members are requested:</p> <p>(a) To authorise the officers to respond to the Deloitte Report and the subsequent RTOB Report (as requested by the RTOB (closing date Sunday, 31 August 2014)) advising that a formal response will be submitted on conclusion of the officers' due diligence review, which requires more time to assess the limited information released to councils to date and to seek further information in relation thereto; and</p> <p>(b) To authorise the officers to commission, in conjunction with the other new councils, a further review by Deloitte (to a specification agreed by the relevant officers within the new councils) in accordance with the officers' assessment of the minimum information required to form an opinion on the proposed budget allocations. The authorisation should extend to mandating the officers to, in so far as is necessary, to engage with Deloitte, RTOB, central government departments and other bodies as necessary to conduct a 'local' due diligence review of the proposed apportionment of the total budget for transferring functions between the eleven council.</p>

7	List of Documents Attached
7.1	N/A

G

Subject	Consideration of a proposed Allowance for Mid Ulster Council's Chair/ Presiding Councillor (and Vice Chair/ Deputy Presiding Councillor)
Reporting Officer	Lead Finance Officer

1	Purpose of Report
1.1	To consider the allocation of an allowance to the Chair and Vice Chair (and Presiding Councillor and Deputy Presiding Councillor) under the authority of section 32 of the Local Government Act (Northern Ireland) 2011 (the "2011 Act") and within the terms of the Council's Scheme of Allowance (approved by Council at its meeting held on Thursday, 26 June 2014).

2	Background
2.1	<p>Section 32 of the 2011 Act states:</p> <p>"32 (1) A council may pay an allowance to the chairperson of the council (2) A council may pay an allowance to any vice-chairperson of the council (3) An allowance under subsection (1) or (2) shall be of such amount as the council considers to be reasonable to meet the expenses of the office of chairperson or vice-chairperson as the case may be (4) An allowance under subsection (1) or (2) is in addition to any other allowance or other payment payable under this Part"</p>
2.2	Regulation 6 of the Local Government (Transitional, Supplementary, Incidental Provisions and Modifications) Regulations (Northern Ireland) 2014 (the "2014 Regulations") (dealing with positions of responsibility in new councils during the transitional period) states:
2.3	<p>"6 (1) A new council shall hold its first annual meeting within 21 days from the election day (2) At the meeting held under paragraph (1), Schedule 1 to the 2014 Act and paragraph (4) shall apply to the filling of positions of responsibility for the term ending 31st March 2015 (3) A new council shall appoint a presiding councillor and deputy presiding councillor to chair council meetings during the transitional period (4) For the purposes of paragraphs (1) and (2) —</p> <p style="padding-left: 40px;">(a) references in local government legislation to the "chair of the council" and "deputy chair of the council" shall mean the "presiding councillor of the new council" and "deputy presiding councillor of the new council" (b)"</p>
2.4	Regulation 6(4) therefore gives a council authority to pay an allowance to a Presiding (or Deputy Presiding) Councillor that is equivalent to any allowance that may be paid to a Chair or Vice Chair.

2.5	<p>Although there is some variation in methodology employed within each of the Councils, the three legacy Councils already make provision for the following amounts of Chair and Vice Chair allowance (full year aggregate amounts shown):</p> <ul style="list-style-type: none"> • Cookstown - £10,500 – centrally controlled • Dungannon - £3,300 (approx.) – centrally controlled hospitality • Magherafelt - £13,500 – delegated authority
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3	Key Issues
3.1	<p>The following points may be relevant:</p> <ul style="list-style-type: none"> • Although the allowance under consideration (section 32 of the 2011 Act refers) is (by reference to section 32 of the 2011 Act) “is in addition to any other allowance or other payment payable under this Part”, i.e. it is not technically a Special Responsibility Allowance (SRA) permitted under section 31 of the 2011 Act, Guidance on Councillors’ Allowances issued under cover of Circular LG 05/2012 recognises that “there is considerable variation in practice regarding the remuneration of mayor/deputy mayor and chairperson/vice-chairperson across councils” • The Guidance issued under cover of LG 05/2012 further states that “some councils award an allowance, whilst others reimburse receipted expenses only. Some councils pay part of their SRA Allocation to their mayor/deputy mayor and chairperson/vice-chairperson, whilst others split the allowance between the SRA and expenses headings” • The Guidance further states “the Department recommends that, where it is feasible, councils should use their SRA allocation, for the mayor/deputy mayor and chairperson/vice-chairperson allowances. The Department recommends that expenses for these offices, which should be receipted should be met under section 32 of the Finance Act.” • Any allowance paid to a Presiding and/or Deputy Councillor in the current financial year (2014/15) within the overall Special Responsibility Allowance limit specified by the Department will be reimbursed by the Department this year only; • The Departmental SRA limit of £58,333 (full year amount £70,000) has to date not been fully utilised by the Council. If the present allocation of £42,199 is uplifted by (say) £1,050 to accommodate a SRA in respect of (say) membership of the Partnership Panel (full year allocation), the amount utilised would be £43,249. This would leave £15,084 unapplied; • Although the officers are continuing to seek to clarify local government audit’s (LGA) and the Department’s interpretation of the Guidance issued under cover of LG 05/2012, it would appear that there is a tension in the apparent differentiation in the Guidance between an allowance which would be treated as a taxable salary and one which is intended to reimburse receipted expenditure; • Subject to final confirmation with LGA and the Department, it appears that the Council could, from the unutilised £15,084: <ul style="list-style-type: none"> • award an additional amount of SRA as salary to the Chair/Presiding Councillor and/or Vice Chair/Deputy Presiding Councillor up to the

	<p>individual limit of £11,667 (ten months) – this would be funded by the Department but would obviously only benefit the Vice-Chair/Deputy Presiding Councillor as the Presiding Councillor has already been awarded a SRA of £11,667; or</p> <ul style="list-style-type: none"> • award an expenses allowance under section 32 of the 2011 Act – this would probably not be funded by the Department. If the Council chose this option it would be free to establish any allowance but it should be mindful of the fact that no budget has been reserved for this. <p>3.2 If the Council is minded to approve any expenses allowance, it should have regard to the need to specify a formal policy in relation to how and when the relevant funds are expended. The Scheme of Allowances already stipulates:</p> <p>“3.4.2The Chair (or Presiding Councillor) and/or Vice Chair (or Deputy Presiding Councillor) will be required to account for the distribution/disbursement of any such allowance and must maintain such records as are prescribed by the Chief Financial Officer. These records and supporting documentation will remain the property of the Council and will be subject to audit. The records and supporting documentation may also form the basis of returns/disclosures to HM Revenue and Customs and other appropriate regulatory/judicial bodies.</p> <p>3.4.3Office bearers should, in accordance with paragraph 4.18 of The Northern Ireland Local Government Code of Conduct for Councillors (approved by the Northern Ireland Assembly on 27 May 2014) (and any equivalent paragraph in a future Code or similar), be aware of the requirement that Councillors must not use, or authorise others to use, the resources of the Council:</p> <ul style="list-style-type: none"> a) Imprudently; b) In breach of the Council’s requirements; c) Unlawfully; d) <u>Other than in a manner which is calculated to facilitate, or to be conducive to, the discharge of the functions of their Council or the office to which they have been elected or appointed</u> (emphasis added); e) Improperly for political purposes; or f) Improperly for private purposes” <p>3.3 In determining an expenses policy, the Council may wish to consider the following basic parameters which could govern all expenses to be reimbursed:</p> <ul style="list-style-type: none"> • Expenses must be wholly and exclusively incurred in the conduct of Chair/Vice Chair (or Presiding Councillor/Deputy Presiding Councillor) duties; • Expenses may include: <ul style="list-style-type: none"> • Reasonable (receipted) donations (say up to a maximum of £250) to individuals or organisations, charitable or otherwise, providing the proposed donee would not be deemed by the Council to be incompatible with the Council’s role in society and the purpose of the donation is compatible with the Council’s core values; • Reasonable (receipted) hospitality expenses (relative to the numbers
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	<p>entertained) where any expenditure relating to alcohol at any one function is generally limited to either the higher of £100 or 20% of the total bill for food and alcohol, such hospitality to be recorded (recipient(s), description, cost and occasion) recorded in an appropriate hospitality register;</p> <ul style="list-style-type: none"> • Reasonable (receipted) gifts (excluding alcohol and tobacco) subject to full disclosure of done, gift (description and cost) and occasion in an appropriate gifts and hospitality register; • Reasonable (receipted) travel and subsistence costs of the Chair/Vice Chair (or Presiding Councillor or Deputy Presiding Councillor) subject to the requirement that no other reimbursement has/will be made by the Council or any other individual, organisation or authority (separate declaration to be required); • In exceptional circumstances, reasonable (receipted) clothing costs which are required to enable the Chair/Vice Chair (or Presiding Councillor or Deputy Presiding Councillor) to perform their duties. • In areas of uncertainty, reference should be made to the Chief Executive or his nominee.
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4	Resource Implications
4.1	<p><u>Financial</u> Dependent upon the outcome of discussions with LGA and the Department..</p>
4.2	<p><u>Human resources</u> N/A</p>
4.3	<p><u>Assets and other implications</u> Appropriate registers will need to be maintained.</p>

5	Other Considerations
5.1	N/A.

6	Recommendations
6.1	Members review and discuss the information presented.

7	List of Documents Attached
7.1	N/A

H

Subject	Consideration of Mid Ulster Council's response to DFP Rating Policy Division's consultation exercise in relation to Review of Public Administration – Managing Convergence of District Rates
Reporting Officer	Lead Finance Officer

1	Purpose of Report
1.1	To consider and note the attached response to DFP Rating Policy Division's consultation exercise previously submitted to DFP (closing date Tuesday, 19 August 2014).

2	Background
2.1	Each of the new Councils established as a consequence of the Review of Public Administration (RPA) will strike a District Rate by 15 February 2015 for the year ended 31 March 2016. Due to District Rates previously being struck by 26 district councils, ratepayers in certain areas of the new Council District will, in the absence of any intervention by the Council or the Department, experience a new District Rate that is significantly different from that struck by the legacy Council.
2.2	Mid Ulster Council is not as significantly affected by the divergence in its three constituent legacy Councils' District Rates as other Councils are. This is because the legacy Councils 2014/15 district rate poundages were actually reasonably close together: <ul style="list-style-type: none"> • Cookstown – 0.002879 • Dungannon – 0.002542 • Magherafelt – 0.002693
2.3	The Executive has committed £30 million to the management of the convergence of district rates.

3	Key Issues
3.1	The NI Executive has agreed to allocate <u>up to</u> £30million to fund transitional arrangements to manage rates convergence and has developed an outline scheme which will adjust the district rate bills of those ratepayers facing increases as a result of RPA. Land & Property Services will implement the (final) scheme by applying a reduction to the domestic and non domestic District Rates which will be used to calculate rates bills. It will not involve grants being made to Councils nor will it require Councils to strike more than one rate for their respective areas.

3.2	The final scheme will have regard to the proposed eligibility for Transitional Relief (TR) for rates convergence, including the need for thresholds and any other conditions to ensure that the scheme works effectively and stays within budget.
3.3	The final scheme will also have regard to the period over which relief will be given, e.g. 4 years, and the level of relief to be given in each year, e.g. Year 1 - 80%, Year 2 - 60%, Year 3 - 40% and Year 4 - 20%

4	Resource Implications
4.1	<u>Financial</u> Individual councils will not be affected but affected ratepayers will be subsidised in accordance with the terms of the Scheme.
4.2	<u>Human resources</u> N/A
4.3	<u>Assets and other implications</u> N/A

5	Other Considerations
5.1	N/A.

6	Recommendations
6.1	Members are asked to note the attached response to DFP Rating Policy Division's consultation exercise previously submitted to DFP (closing date Tuesday, 19 August 2014).

7	List of Documents Attached
7.1	Appendix A: Response to DFP Consultation on Rates Convergence Scheme

18 August 2014

By email and first class post

Mr B McClure
Rating Policy Division
Department of Finance and Personnel
3rd Floor
Longbridge House
20 – 24 Waring Street
BELFAST
BT1 2EB

Dear Brian

DFP Consultation Paper
Review of Public Administration – Managing Convergence of District Rates

Further to the Department's request for responses in relation to the above consultation paper by Tuesday, 19 August 2014, I would refer you to the comments below and also to the answers to the questions posed in the consultation document.

Firstly Council welcomes the opportunity to comment on the consultation paper as rates convergence is a significant by-product of the reform process. Although Council also welcomes the allocation of £30 million to address rates convergence it would, of course, further commend the Executive for any additional funding that might be made available even at this late stage.

Council fully endorses the introduction of a transitional relief scheme and would recommend that any such scheme should:

- Be easily understood by ratepayers;
- Be applicable to all affected ratepayers;
- Maximise the relief provided; and
- Be provided over as long a period as possible (but at least over a complete council term).

Council also does not endorse the introduction of a multi-tier scheme or the introduction of any affordability thresholds.

However, notwithstanding the above comments, if the Department is soliciting a preference from the options quoted in the consultation document, option 3 would be this Council's preferred option.

As requested in the consultation document I attach the Council's responses to the ten questions posed therein on the attached schedule.

I trust that this meets with your requirements but if you would like to discuss any of the Council's comments in further detail, please do not hesitate to contact me, either by telephone on (028) 7939 7979 or by email at jj.tohill@midulatercouncil.org.

Yours sincerely,

JJ Tohill
Lead Officer for Finance

Enc.

**Mid Ulster Council responses to questions posed in
Managing Rates Convergence consultation document**

Question 1:

Do you agree that transitional relief should be provided to ratepayers adversely affected by the convergence of rates that will arise from the merging of Councils as a result of Local Government reform?

Answer:

Yes

Question 2:

Do you consider there to be an “acceptable” rates increase the ratepayer should bear before relief is applied?

- “The ratepayer should see no increase in their rate bill due to reform, other than what ‘normally’ occurs from year to year, for example due to inflation”.
- “It is acceptable for the ratepayer to bear a 5% increase in rates due to the reform (or more than 5%, or less than 5%)?”

Answer:

Council's view is that the ratepayer should see no increase in their rate bill due to reform, other than what ‘normally’ occurs from year to year, for example due to inflation.

Question 3:

- How long do you believe any transitional relief scheme should last?
 - Two years
 - Three Years
 - Four Years
 - Other

Answer:

Council's view is that the transitional relief scheme should maximise the relief provided to ratepayers over as long a period as possible. From the examples included within the consultation document, Council would prefer Option 3. However, Council would encourage the Department to seek to distribute the maximum funding available from the Executive and not to implement any option which would result in result in less than the maximum funding being allocated.

Question 4:

Based on the models provided in the document what level of relief do you think is acceptable over each year of the phasing in?

For Example:

- 100%, 66%, 33%
- 80%, 50%, 30%
- 80%, 60%, 40%, 20%

Answer:

See answer to question 3 above.

Question 5:

Do you have any suggestions how the scheme could be improved within the Executive's £30 Million budget?

See answer to question 3 above.

Question 6:

Do you think relief should be provided to all ratepayers affected by the scheme or just to ratepayers significantly affected? Or should there be a two tier scheme? (a longer one for ratepayers in areas most affected)

Council's view is that relief should be provided to all ratepayers affected via a single scheme.

Question 7:

Do you consider that any additional support should be provided for ratepayers detrimentally affected by the boundary changes as described in paragraph 21?

Answer:

Council's view is that, subject to consideration of equality issues, any potential additional support to those ratepayers should be funded by an amount in excess of the £30 million presently under consideration for allocation.

Question 8:

Do you have views on the differential impact of implementing this scheme?

Answer:

Council's view is that the scheme should be implemented so as to avoid any differential impact, i.e. a single scheme for all ratepayers.

Question 9:

Do you have additional evidence on differential impact this scheme may have?

Answer:

No

Question 10:

Have you any other views on the issues covered in this document?

Answer:

Council's view is that ideally the Executive would allocate funding in excess of £30 million to this scheme and would suggest that the scheme is reviewed in two years' time in accordance with the provisions of the Local Government Act (Northern Ireland) 2014.

Although not directly related to the issue of rates convergence Council would also use this opportunity to draw the Department's attention to the benefits of allowing councils to refinance existing loans with the PSLB without penalty.

Subject	Response to DoE Consultation on Standing Orders
Reporting Officer	Chief Executive

1	Purpose of Report
1.1	To update members on the final response prepared and submitted with the DoE on the Draft Local Government (Standing Orders) Regulations (Northern Ireland) 2014 and Model Standing Orders.

2	Background
2.1	The DoE issued draft regulations and model standing orders on the regulation of council business for consultation on 3 June. Commentary on the aforementioned was requested for submission by 15 August 2014.
2.2	Sections 37 and 38 of the Local Government Act (NI) 2014 make provision on standing orders for new councils, Mid Ulster District Council being one. Section 37 of the Act requires councils to make standing orders for the regulation of the proceedings and council business, whilst Section 38 enables the DoE to make regulations requiring councils to incorporate into their standing orders provisions which they set by regulations.
2.3	Policy and Resources Committee initially considered the matter at its meeting of 9 July. It was agreed that a workshop session be arranged to which all Members of Council be invited to participate. This workshop took place on 24 July at which twenty one council members attended.
2.4	A response was submitted with the DoE by the submission deadline of 15 August. The council response is appended as Appendix A.

3	Key Issues
3.1	<p>The council response makes commentary on the following standing orders:</p> <ul style="list-style-type: none"> • No3 Number of members needed to call a meeting • No4 Manner in which the summons may be circulated • No12 Order of business at meetings • No15 Time period on a matter appearing in minutes entitled to reply • No19.4 Addressing the chair • No7.1 Quorum for committees • No21.3 Publication timeframe for committee minutes

3.2	The Council response also makes reference to; decisions subject to call-in with particular reference to provision being made in the Councils constitution that a number of days elapse before a decision can be acted upon to facilitate call in; and legal opinion being sought within two to five working days.
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4	Resource Implications
4.1	<u>Financial</u> N/A
4.2	<u>Human resources</u> N/A
4.3	<u>Assets and other implications</u> N/A

5	Other Considerations
5.1	N/A

6	Recommendations
6.1	Members review and note receipt of response submitted with the DoE compiled following discussion on the matter at the workshop held on the 24 July.

7	List of Documents Attached
7.1	Appendix A: Response to draft regulations and model standing orders

Mid Ulster District Council response to DOE Consultation on the Draft Local Government (Standing Orders) Regulations (Northern Ireland) 2014 and Model Standing Orders

General

1. Standing Order No3 provides that 5 members or one fifth of the whole number of members may call a meeting of the Council. This figure should be 8 or one fifth in the context of a 40 member Council.
2. Standing Order No4 provides that a summons to attend a meeting shall be left or sent by ordinary post to the usual place of residence of every member. Council requests that the issuing of the summons can be via email.
3. Standing Order No12 provides for the Order of Business at Council meetings. The model Standing Orders make provision for the inclusion of matters arising and Any Other Business on the agenda. Council considers this provision to be bad administrative practice, of doubtful legality. Council notes that Standing Order No12 contradicts the correct provisions as outlined in Standing Order 4(3).
4. Standing Order No15 provides for any member to raise an issue regarding any matter appearing in the minutes submitted to the Council for approval. If they put the request in writing to the Chairperson of the committee 24 hours before the council meeting they are entitled to a reply when the proceedings of the committee are submitted for approval. Council considers 48 hours to be a more appropriate period.
5. Standing Orders No19.4 and 25.1 provide that the mode of address is to stand when addressing the Chair. Council considers that Members should be allowed to address the Chair while seated.
6. Standing Order 7.1 provides for a quorum at council meetings, Council considers that Standing Orders should include a quorum for committees and that this be set at one third on the whole number of members on the committee.

Call In

7. Council endorses the response submitted by the Committee on the Administration of Justice to this consultation exercise.
8. Council endorses the view of NILGA that some decisions of Council should also be subject to "call-in" subject to a provision being included in a Councils constitution that a certain number of days must elapse before a decision can be acted upon to allow it to be called in.

9. It is suggested that a legal opinion should be sought within one working day of an admissible call in under section 41(1) (b) of the Act. Councils considers that two to five working days is a more appropriate timeframe.
10. Standing Order No21.3 notes that committee minutes should be published within two working days of the meeting. Council considers that five working days is a more reasonable timeframe.

Subject	Consultation Response on Planning Reform and Transfer to Local Government: Proposals for Subordinate Legislation
Reporting Officer	Chief Executive

1	Purpose of Report
1.1	To update members on the Mid Ulster DC response made on the Phase 1 Public Consultation on Planning Reform and Transfer to Local Government.

2	Background
2.1	Mid Ulster DC will assume responsibility for Planning on 1 April 2015. Council has established a Planning Committee for the transitional period to make preparations for the transfer of planning to Mid Ulster DC. Committee members have received presentations from the Head of Development Plans and the Area Planning Manager currently assigned to Mid Ulster district.
2.2	DoE Planning issued a consultation document for comment by 20 August seeking commentary on proposals for subordinate legislation in the exercise of powers already in place under the Planning Act (NI) 2011. This consultation exercise is the first of a two phased public consultation linked to proposed reforms and improvements in the planning process, to facilitate a two-tiered planning system.
2.3	The Planning Committee at its meeting of 9 July initially considered the issue of forming a response to the Phase 1 Public Consultation document and agreed that a further meeting be convened to discuss the matter. The Planning Committee held a workshop on 4 August to which all council members were invited to attend.

3	Key Issues
3.1	Following the workshop discussion held on 11 August a response was compiled and submitted with DoE Planning by the submission deadline of 20 August. The council response is set out below as Appendix A.
3.2	<p>The council response provides commentary on:</p> <ul style="list-style-type: none"> • Local development plans • Statements of community involvement

	<ul style="list-style-type: none"> • Local, major and regionally significant planning applications • Processes on managing applications • Listed buildings • Management of applications on council owned lands
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4	Resource Implications
4.1	<u>Financial</u> N/A
4.2	<u>Human resources</u> N/A
4.3	<u>Assets and other implications</u> N/A

5	Other Considerations
5.1	This response provides commentary on the Phase 1 Public Consultation. Council will be invited to make commentary on Phase 2 and as such should provision time within its diary to consider a response.
5.2	The Phase 2 consultation is expected to commence in the Autumn of 2014 and will seek commentary on issues deemed important to implement planning system reforms but not essential for the system at the point of transfer of planning responsibilities to councils in April 2015.

6	Recommendations
6.1	Members review and note receipt of the response made to the Phase 1 Public Consultation on Proposals for Subordinate Legislation.

7	List of Documents Attached
7.1	Appendix A: Response to Planning Reform and Transfer to Local Government: Proposals for Subordinate Legislation



Department of the
Environment
www.doeni.gov.uk

**Planning Reform & Transfer to Local
Government:
Proposals for Subordinate Legislation
Phase 1 Public Consultation Paper
Response Form**

Once you have completed this form please return to:

Planning Reform & Transfer to Local Government Consultation – Phase 1
Planning Policy DivisionBT71
Department of the Environment
Level 6 Causeway Exchange
1-7 Bedford Street
Town Parks
Belfast
BT2 7EG

By e-mailto: PPDConsultations@doeni.gov.uk

or by text phone to 02890540642

All responses should be submitted to the Department no later than 20th August 2014

RESPONDENT INFORMATION

Please note that returning this form will help in managing your response as part of this consultation.

In keeping with our policy on openness, the Department will make responses to this consultation paper publically available. When publishing responses received on behalf of organisations the Department will also publish the organisation's name and address. When publishing responses received on behalf of individuals the Department will not publish details of the individual's name and address.

1. Name/Organisation

Mid Ulster District Council

Title (*Please tick as appropriate*)

Mr ☒ Ms ☐ Mrs ☐ Miss ☐ Dr ☐ Other

Surname

Tohill

Forename

Anthony

2. Postal Address

Mid Ulster District Council
C/o Dungannon & South Tyrone Borough Council Offices
Council Offices
Circular Road
DUNGANNON BT71 6DT

Postcode:

BT71 6DT

Phone:

028 8772 0300

Email:

anthony.tohill@midulstercouncil.org

3. Are you responding:

As an individual ☐

On behalf of a group/organisation ☒

4. Which of the following best describes the capacity in which you are responding:

Developer ☐

Agent/Architect ☐

Business ☐

Member of Public ☐

Community Group/Organisation ☐

Environment Group ☐

Council/Councillor ☒

MLA, MP, MEP ☐

Other ☐ please state:

5. Acknowledgement

Individual responses will not be acknowledged unless specifically requested.

Questions are numbered as they appear in the consultation paper

Question 1: Do you agree that local advertisement should mean that a council must place an advertisement for two consecutive weeks in at least one local newspaper circulating in its district?

Yes ☒ No ☐

Council members agree that local advertisements should be placed within at least one newspaper circulating in any given District Council area, on the basis that similar provisions are currently in place. Members added that more than one newspaper may be required to provide significant coverage and geographical reach across the District.

Department should give consideration as to how web-based advertising could also be used and maximised in the future.

Question 2: Do you agree with the list of statutory consultees for LDP preparation and are there any bodies/persons we have missed?

Yes ☐ No ☒

Members feel that further consideration be given to the statutory consultee list to be inclusive of other public bodies such as health trusts, education providers at different levels, Invest NI, NI Tourist Board, NI Water, Rivers Agency, Transport NI and the PSNI all of which have a role in providing local services, facilities and maintaining local infrastructure in Mid Ulster District Council area. At minimum arrangements should be made to ensure relevant agencies and non-departmental public bodies are made consultees via their parent Department.

On basis of the council's new remit and powers around community planning and associated general power of competence it would also be useful that Council directly consult with same bodies when preparing the Local Development Plan (LDP), integral to the plan preparation process.

Council contends that there should be a minimum 6 weeks statutory timescale for consultees to respond on any consultation made, but not a further excessive timescale which could restrict and holds up the process.

Neighbouring councils should only be consulted to the extent that matters which may affect the district of the adjoining Council (reference Section 3(4) of the 2011 Act).

Question 3: Do you agree with the preparation, content, agreement and publicity arrangements for the development plan timetable? If not, can you identify amendments which would offer greater benefits?

Yes ☐ No ☒

Council agrees with proposals contained within paragraph 3.21

However, with reference paragraph 3.24, Council also agrees that the timetable should be approved by resolution of Council but scope should be provisioned to permit this approval to be taken by a committee of Council, should this be delegated to it by Council.

The Department should **respond within 2 weeks** not 4 weeks and should **not** have the power to notify Council that it **requires more time** as this will delay plan preparation. Finally, Council feels that publicity requirements, paragraph 3.26, are excessive and need reviewed by the Department.

Question 4: Do you agree with this approach in relation to the involvement of statutory consultees in the preparation of a POP?

Yes ☒ No ☐

In referring to para 3.31, there is sufficient opportunity in the process to demonstrate how council has considered representations received from consultees on the Preferred Options Paper.

Question 5: Do you think that the proposed publicity and consultation arrangements for the POP are appropriate / adequate?

Yes ☐ No ☒

In reference to para 3.35 the consultation period should be 8 weeks, similar to other consultation time periods as outlined in para 3.55 & 3.62 and not 12 weeks as stated. Council adds that representations made on the Preferred Options Paper must be in writing. Substitute as **part of the preparation of the DPD** instead of before it is prepared.

Question 6: Do you agree with the form, content, publicity and consultation arrangements for the DPDs?

Yes ☒ No ☐

With reference para 3.37- 39 Council queries why 3.39 states that *only after the Council has adopted its PS can it begin preparation of its local policies plan?* Not in line with Section 8(7) &9(1) of 2011 Act. This is not in line with the objective of timely preparation of plans, instead initial work should be commenced as soon as representations are considered on Plan Strategy as part of a parallel process rather than sequential process.

Council queries the statutory basis in primary legislation for the need to advertise in the Belfast Gazette. It feels that this task will be onerous and have unnecessary cost implications.

Question 7: Do you agree with the arrangements for making representations and counter representations?

Yes ☒ No ☐

Representations received must be made in writing and again, council queries the need to advertise in the Belfast Gazette.

Question 8: Do you agree with the publicity requirements and other arrangements for independent examination?

Yes ☒ No ☐

Again, council does not agree with need to publish in Belfast Gazette and queries if this requirement is enshrined in primary legislation or is it a convention.

Question 9: Do you agree with the proposed soundness tests which will be elaborated upon in guidance? Are there other tests that you feel should be applied to the examination of the DPD?

Yes ☐ No ☒

In reference to Annex B as detailed on page 109 council welcomes the use of guidance rather than secondary legislation being made on same for use as part of the overall process.

With particular reference to C4 & CE1, Soundness Tests on neighbouring councils, it is noted that adjoining councils' plans are not in conformity with the RDS at present and out of date. As Local Development Plans should be based on Council's objectives, local policies and proposals for implementation should meet needs of its own council area even if they are in conflict with adjoining council area whose objectives/ needs may be different because of its particular need. It is noted that the Council could potentially be working to the slowest neighbouring Council if bound by CE1. It should only be in place for planning considerations deemed to have a significant impact on a neighbouring Council. CE1 may restrict council's plan preparations.

As a minimum the guidance needs to make transitional arrangements until each of 11 new councils has adopted first round of new plans.

Question 10: Do you agree with the withdrawal arrangements for a DPD?

Yes ☒ No ☐

Council agrees with the withdrawal arrangements as proposed but again queries the need to publish in the Belfast Gazette and asks that the Department review this requirement.

Question 11: Do you agree with the adoption arrangements for a DPD?

Yes ☒ No ☐

Council again queries the need to publish in Belfast Gazette.

Question 12: Do you agree with the arrangements for the monitoring, review and revision (if required) of the LDP?

Yes ☒ No ☐

Council agrees with the arrangements for the monitoring, review and revision of the local development plan. It believes the placing of an advertisement on its website should be sufficient, avoiding the need to place an advertisement in local press.

Question 13: Do you agree with the Department's intervention/default powers?

Yes ☒

No ☐

Council reluctantly agrees with the Department's intervention and default powers on the basis that it is unlikely to be invoked. Council would like to see an appeal mechanism included in this process other than having to rely on taking a judicial review, if required.

Question 14: Do you agree with the provisions relating to joint plans?

Yes ☒

No ☐

Council acknowledges that this provision is relevant more so to councils within the Belfast Metropolitan Area and scope for invoking this within a Mid Ulster District Council context will be limited.

Question 15: Do you agree with the provisions relating to the Department's power in relation to joint LDPs?

Yes ☒

No ☐

Council believes that these provisions should be used by the Department only as an exceptional power.

Question 16: Do you agree with the transitional arrangements for a LDP. If not, can you identify amendments which would offer better arrangements?

Yes ☒

No ☐

On consideration, Council agrees with the transitional arrangements as presented but notes that existing Local Development Plans which will therefore be in place until the new LDP is operational will all be outdated and have not taken account of current circumstances, being past their notional end dates.

Question 17: Do you agree with the proposed content of the SCI?

Yes ☒ No ☐

Members agree with the content as proposed but would ask that the Department also prepare a Statement of Community Involvement in a similar way, in respect of its planning functions. The process and contents should also be specified by regulations.

Question 18: Do you agree with the publicity, consultation and agreement requirements for the SCI?

Yes ☐ No ☒

The Council welcomes the discretionary power to consult. Council however, in relation to 4.13, queries why the SCI (statement of community involvement) must be adopted by resolution of Council as this is not required under primary legislation. Provision should be made also for adoption of same by a relevant Committee which would be sufficient and timely. To avoid delay in preparation/ adoption of the Plan the Department should have 2 weeks rather than 4 weeks to respond on the SCI.

Councils should be involved in preparation of any guidance on community involvement (4.16).

Question 19: Do you agree with the proposed classes and thresholds for major developments indicated in the Schedule at Annex C?

Yes ☐ No ☒

Major development classes/ thresholds should include EIA Developments under Schedule 2, where it is determined that applications are required to be accompanied by an ES. EIA Regulations includes 16 weeks for determination before non-determination appeal for such applications.

A threshold should be specified for regionally significant major retailing applications which should go to the Department for determination e.g. Sprucefield type applications or large scale out of town retail/mixed use proposals including factory outlet centres.

Question 20: Do you agree with the definition for determining local developments?

Yes ☒

No ☐

Council agrees with the definition except for applications which are categorised as EIA Development under Schedule 2, as noted above. In short, anything that requires an Environmental Impact Statement should have 'major development' definition.

Question 21: Do you agree with the proposed classes and thresholds for regionally significant developments indicated in the Schedule at Annex C?

Yes ☐

No ☒

Consideration should be given to inclusion of thresholds for regionally significant retail/mixed use applications to cover future applications such as that at Sprucefield, Lisburn or large factory outlet centres designed to serve whole/significant part of N. Ireland.

Annex C should explicitly contain a note which refers to tests for regional significance under 26(4) for clarity to ensure prospective agents/applicants and others, including the public, do not simply revert to the list to check the relevant classes/category.

Question 22: Do you agree with the proposed consultation, publicity and information requirements for pre-application community consultation?

Yes ☒

No ☐

All 'major developments' and 'regionally significant developments' should be subject to pre-application community consultation.

Documentation should be prescriptive on how these are undertaken in terms of engagement. Councils should be involved in developing best practice under para 7.6 on community engagement to be undertaken.

Question 23: Do you agree that applications made by the council or an elected member and applications relating to land in which the council has an interest should not be delegated to an appointed officer?

Yes ☐

No ☒

Council believes that applications submitted by a council official or a member should be dealt with and processed in the normal manner and managed through the Council's processes for managing conflicts of interest, The Scheme of Delegation for processing 'streamlined applications' should process all applications in the usual way with sufficient safeguards in place, in line with the scale and nature of applications.

Question 24: Do you agree with the proposed approach to preparing and adopting a scheme of delegation?

Yes ☒

No ☐

However Council Members believe that the scheme of delegation should coincide with the Council term of 4 years and not 3 years as proposed.

Question 25: Do you agree with the proposed call-in criteria for a Notification Direction? Should any other classes of development be included and, if so, why?

Yes ☐

No ☒

Para 11.2 (c) is not acceptable that *notification if government department or statutory consultee raises a significant objection to a major application*. It is believed that this undermines the principle of local decision making and fundamental role of the planning authority which is to reach a balanced decision on a planning application having regard to the local development plan, so far as material and to any other material considerations (Section 45 2011 Act). It is for the planning authority to decide what weight to give to comments from statutory consultees in reaching a decision, indeed many consultees do not understand their role in the planning process or the wider planning context.

Call-in will lead to delays and impact on planning performance as council cannot issue the decision for 28 days after Department receives all the relevant information on a call-in.

Consideration should be given to who will take the appeal against condition(s) attached to an approval if Department decides this should be attached and Council does not agree.

Question 26: Do you agree that the current neighbour notification process should be made statutory?

Yes

☐

No

☒

The neighbour notification process is an onerous and unnecessary one given publicity arrangements and requirements for pre application community consultation. There are known practical difficulties as it relies on the postal delivery service and constant checking during the processing of the application as new properties are constructed/occupied adjoining the application site. It has potential to lead to unnecessary legal challenges by objectors trying to delay and frustrate the implementation of developments/ decisions on applications.

It should not be made a statutory requirement given the various opportunities available to publicise applications to owners of adjacent properties and land.

Council considers that the onus and responsibility should be put on the applicant to notify owners of properties and land adjacent to where applications are being made for development and place a site notice to give notification of the proposed development. The Department should prescribe that applicants must erect site notices and notify those living /owning property within a specific radius.

Question 27: Are you content with the proposed definitions of “neighbouring land” and “affected occupier”? If not, please suggest an alternative explaining what additional benefits this would bring by way of enhanced engagement in the planning system.

Yes

☐

No

☒

It is felt that 90m radius is too wide, particularly in an urban area and as such should only be those immediately adjoining the site boundary.

A procedural NN should only be operational until another process such as site notices with an onus on the applicant is agreed. Benefits of the onus being on the applicant include, the actual site for proposed development being easily identified by those who may wish to make representations and can be checked on site by case officer during site visits.

English Planning Authorities erect site notices whilst the applicant erects them in ROI.

Question 28: Do you believe that councils should be required to advertise all applications for planning application in at least one newspaper circulating in the local area?

Yes

☒

No

☐

However, this is an onerous process for smaller scale applications for reserved matters to which no objections have been received when an outline application is submitted.

Question 29: Are the proposed lists of new statutory consultees set out in Annex D appropriate?

Yes

☒

No

☐

Members agree that the consultees as listed are appropriate and adequate as part of the consultation process.

Question 30: Are the types of development or circumstances listed in the Schedule at Annex D sufficient? Can you suggest any additions or omissions along with the reasons for your suggestions?

Yes

☒

No

☐

Council notes that for EIA development (para 14.8) the planning authority is required to consult with bodies with environmental responsibilities which may go beyond list of statutory consultees in Annex D.

Question 31: Do you believe that the proposed standard timeframe of 21 calendar days is appropriate in order to provide statutory consultees with enough time to make a substantive response?

Yes

☒

No

☐

Council agrees that this is a sufficient time period but does note that consultees have 4 weeks to reply to consultation on EIA development under relevant Regulations.

Question 32: Do you believe that the definitions of a substantive response are satisfactory or do you have other suggestions that the Department could consider?

Yes

☒

No

☐

Council is satisfied with the definition as presented at 4.16.

Question 33: Do you consider that the proposed reporting requirements are appropriate or are there other requirements you believe would offer further benefits?

Yes

☒

No

☐

Council is in agreement with reporting proposals listed in 14.19. Consideration should also be given to information being published in an 'annual report' on the consultee websites and scrutiny by relevant NI Assembly Committees on the basis that statutory consultees are, or form part, of government Departments.

Question 34: Do you agree with the application categories and types of applications which should, and should not, be accompanied by a Design and Access Statement?

Yes

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No

☒

Council considers that this will be not proportionate and will become too onerous on the planning applicant if planning applications are to be included and extended to those beyond applications defined as 'major development' applications e.g. single dwellings in sensitive areas.

Question 35: Do you agree with the proposals in relation to form and content and the requirement to take environmental sustainability into account in relation to design principles and concepts?

Yes

☒

No

☐

Council agrees provided it relates only to major developments and there is no duplication with existing building control regulations.

Question 36: Do you agree with the proposals for handling applications for non-material changes to a previous planning permission?

Yes ☒

No ☐

Council welcomes the bringing forward and inclusion of new provisions as referred in 16.1. In addition to a written statement there should be the option to ask for drawings or visuals to help determine if a change is material or not. Council would like to know what the fee is for making this type of application.

Question 37: Do you agree that councils' own applications, in the circumstances outlined above, should be subject to notification to the Department for consideration?

Yes ☐

No ☒

Council does not agree with the process, as detailed, giving notification to the Department if it decides to grant planning permission contrary to advice from consultee as it is for the planning authority to decide what weight to give to consultee advice when set against the development plan and other material considerations.

It is unclear why the loss of outdoor sports facilities, in particular, requires notification to the Department as the development plan and the relevant Planning Policy will be considered as part of the determination process by the planning authority (the council).

Councils believes the Department should reply within 14 calendar days and not 28 days as suggested which is too long to decide whether to call in the application. This has the potential to create uncertainty of outcome for all parties plus having a negative impact on performance targets.

In reference to para 17.3, Council strongly believes that any planning permission granted to Council /held on lands owned by a local authority should relate to the land and not be limited to the Council only should it decide to sell or transfer it.

Question 38: Do you agree that councils should be required to consult the Department on all applications for listed building consent?

Yes ☒

No ☐

Consultation should be undertaken when applications are submitted, similar to the current arrangements and not at the end, when the decision is made to approve.

Advice from the Department is material to a consideration to approve or refuse, and to any subsequent appeal against a refusal.

It would be more efficient and timely if early consultation is part of the process to include 21 days to reply, as presented in Annex D. Council believes proposals in 18.10 introduce a further, unnecessary delay to the process of deciding upon listed building consents.

Provision needs to be made for cases when urgent decisions are required in circumstances where there is an unsafe structure presenting danger to the public or local community, as was the case with the Hamilton Factory, Derry. In exceptional circumstances where the public is at risk, the Council should be able to determine applications for demolition by a shortened/urgent process, given Council's other responsibilities for dangerous structures.