



15 June 2021

Dear Councillor

You are invited to attend a meeting of the Environment Committee to be held in The Chamber, Dungannon and by virtual means Council Offices, Circular Road, Dungannon, BT71 6DT on Tuesday, 15 June 2021 at 19:00 to transact the business noted below.

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

Yours faithfully

Adrian McCreesh  
Chief Executive

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## AGENDA

### OPEN BUSINESS

1. Apologies
2. Declarations of Interest  
Members should declare any financial and non-financial interests they have in the items of business for consideration, identifying the relevant agenda item and the nature of their interest.
3. Chair's Business

### Matters for Decision

- |    |  |         |
|----|--|---------|
| 4. | DfI Roads Proposal to Mid Ulster District Council -<br>Proposed 40MPH Speed Limit – Castlecaulfield Road,<br>Donaghmore, Dungannon           | 3 - 6   |
| 5. | DfI Roads Proposal to Mid Ulster District Council -<br>Proposed 40MPH Speed Limit – Killeenan Road and<br>Cloughfin Road, Cookstown          | 7 - 10  |
| 6. | DfI Roads Proposal to Mid Ulster District Council -<br>Proposed Provision of a Disabled Persons' Parking Bay at<br>Leckagh Walk, Magherafelt | 11 - 14 |
| 7. | DfI Roads Proposal to Mid Ulster District Council -<br>Proposed 40MPH Speed Limit – Tullydraw Road,<br>Dungannon                             | 15 - 18 |
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18	Building Control Workload	271 - 276
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20	Building Control Service Improvement Plan 2021-22	285 - 306
21	Environmental Health Service Improvement Plan 2021-22	307 - 324
22	Technical Services Service Improvement Plan 2021-22	325 - 380
23	Bus Shelters Update	381 - 404

**Items restricted in accordance with Section 42, Part 1 of Schedule 6 of the Local Government Act (NI) 2014. The public will be asked to withdraw from the meeting at this point.**

#### Matters for Decision

24. Award of Contracts for Landfill Site Related Services
25. Installation of Memorial Tree on Council Property
26. Tender Report for Heating Upgrades at Council Properties
27. Entertainment Licensing – Tropicana Inns

#### Matters for Information

28. Confidential Minutes of Environment Committee held on 11 May 2021
29. Off Street Car Parking: Annual Income Update
30. Update on Former Railway Track Lands, Coalisland
31. Affordable Warmth SLA and Energy Efficiency Advice Service
32. Capital Framework – ICT Contracts Update
33. Capital Framework – IST Contracts Update
34. Capital Projects – Scoping Contracts Update

<b>Report on</b>	DfI Roads Proposal to Mid Ulster District Council - Proposed 40MPH Speed Limit – Castlecaulfield Road, Donaghmore, Dungannon
<b>Date of Meeting</b>	Tuesday 15 <sup>th</sup> June 2021
<b>Reporting Officer</b>	Terry Scullion, Head of Property Services
<b>Contact Officer</b>	Terry Scullion, Head of Property Services

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

<b>1.0</b>	<b>Purpose of Report</b>
1.1	To seek the agreement of Members in relation to proposals from DfI Roads to introduce measures to enhance the safety and development of the transport network with a range of transport proposals.
<b>2.0</b>	<b>Background</b>
2.1	DfI Roads are consulting the Council with proposals to introduce measures designed to improve network safety, sustainability and efficiency to encourage safe and sustainable travel.
<b>3.0</b>	<b>Main Report</b>
3.1	<p>The following outlines the proposals to be brought to the attention of the Environment Committee:</p> <p><b>Proposed 40MPH Speed Limit – Castlecaulfield Road, Donaghmore, Dungannon</b></p> <p>DfI Roads are proposing to introduce a 40mph speed limit on the Castlecaulfield Road, Donaghmore, Dungannon.</p> <p>Consultation letter and location map of aforementioned proposal are attached as appendices to this report.</p>
<b>4.0</b>	<b>Other Considerations</b>
<b>4.1</b>	<b>Financial, Human Resources &amp; Risk Implications</b>
	Financial: None
	Human: Officer time in drafting reports

	<p>Risk Management:</p> <p>The introduction of the aforementioned proposal at this location will assist in the management of road safety issues.</p>
<b>4.2</b>	<p><b>Screening &amp; Impact Assessments</b></p>
	<p>Equality &amp; Good Relations Implications:</p> <p>The introduction of the aforementioned proposal at this location will assist DfI in the discharge of their statutory duty.</p>
	<p>Rural Needs Implications:</p> <p>The rural needs assessment would be conducted by DfI Roads.</p>
<b>5.0</b>	<b>Recommendation(s)</b>
5.1	That the Environment Committee endorses the proposal submitted by DfI Roads.
<b>6.0</b>	<b>Documents Attached &amp; References</b>
6.1	<p><b>Appendix 1</b></p> <p>Letter from DfI Roads dated 26<sup>th</sup> May 2021; Proposed 40mph speed limit on the Castlecaulfield Road, Donaghmore, Dungannon</p>
6.2	<p><b>Appendix 2</b></p> <p>Drawing – Proposed 40mph speed limit on the Castlecaulfield Road, Donaghmore, Dungannon</p>





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

County Hall  
Drumragh Avenue  
Omagh

Tel: 028 8225 4085

26 May 2021

Dear Mr McCreesh

**PROPOSED 40MPH – CASTLECAULFIELD ROAD, DONAGHMORE,  
DUNGANNON**

DfI Roads is proposing to introduce a 40mph speed limit on Castlecaulfield Road, Donaghmore, Dungannon, as shown on the enclosed map.

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

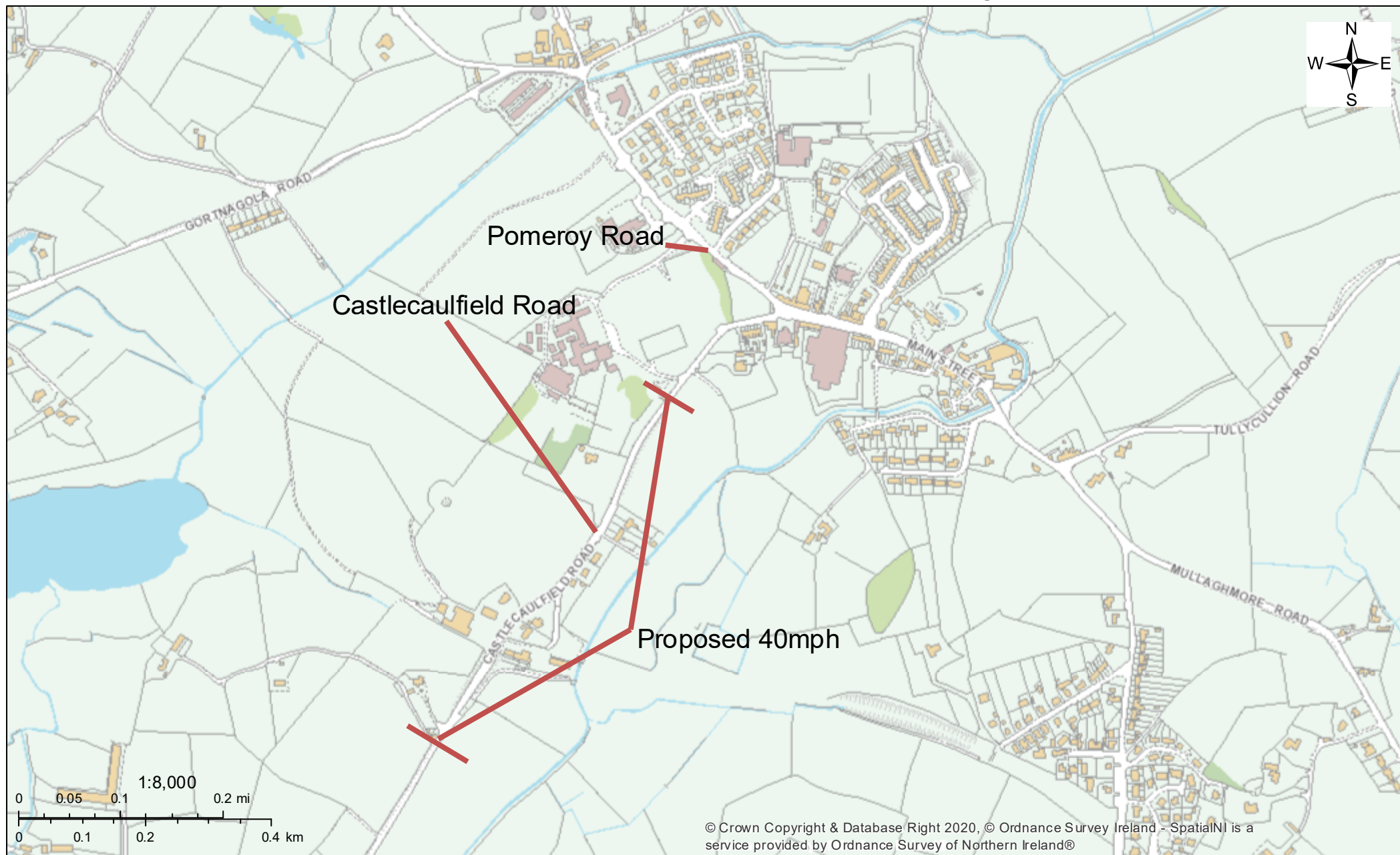
Please bring this matter to the attention of your council.

Yours sincerely

Mrs Hazel Burton  
Network Development Section

Enc

# Proposed 40mph - Castlecaulfield Road, Donaghmore



Wednesday 26 May 2021 14:07:37

<b>Report on</b>	Dfl Roads Proposal to Mid Ulster District Council - Proposed 40MPH Speed Limit – Killeenan Road and Cloughfin Road, Cookstown
<b>Date of Meeting</b>	Tuesday 15 <sup>th</sup> June 2021
<b>Reporting Officer</b>	Terry Scullion, Head of Property Services
<b>Contact Officer</b>	Terry Scullion, Head of Property Services

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

<b>1.0</b>	<b>Purpose of Report</b>
1.1	To seek the agreement of Members in relation to proposals from Dfl Roads to introduce measures to enhance the safety and development of the transport network with a range of transport proposals.
<b>2.0</b>	<b>Background</b>
2.1	Dfl Roads are consulting the Council with proposals to introduce measures designed to improve network safety, sustainability and efficiency to encourage safe and sustainable travel.
<b>3.0</b>	<b>Main Report</b>
3.1	<p>The following outlines the proposals to be brought to the attention of the Environment Committee:</p> <p><b>Proposed 40MPH Speed Limit – Killeenan Road and Cloughfin Road, Cookstown</b></p> <p>Dfl Roads are proposing to introduce a 40mph speed limit on the Killeenan Road and Cloughfin Road, Cookstown</p> <p>Consultation letter and location map of aforementioned proposal are attached as appendices to this report.</p>
<b>4.0</b>	<b>Other Considerations</b>
<b>4.1</b>	<b>Financial, Human Resources &amp; Risk Implications</b>
	Financial: None
	Human: Officer time in drafting reports

	<p>Risk Management:</p> <p>The introduction of the aforementioned proposal at this location will assist in the management of road safety issues.</p>
<b>4.2</b>	<p><b>Screening &amp; Impact Assessments</b></p> <p>Equality &amp; Good Relations Implications:</p> <p>The introduction of the aforementioned proposal at this location will assist DfI in the discharge of their statutory duty.</p> <p>Rural Needs Implications:</p> <p>The rural needs assessment would be conducted by DfI Roads.</p>
<b>5.0</b>	<b>Recommendation(s)</b>
5.1	That the Environment Committee endorses the proposal submitted by DfI Roads.
<b>6.0</b>	<b>Documents Attached &amp; References</b>
6.1	<p><b>Appendix 1</b></p> <p>Letter from DfI Roads dated 26<sup>th</sup> May 2021; Proposed 40mph speed limit on the Killeenan Road and Cloughfin Road, Cookstown</p>
6.2	<p><b>Appendix 2</b></p> <p>Drawing – Proposed 40mph speed limit on the Killeenan Road and Cloughfin Road, Cookstown</p>



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

County Hall  
Drumragh Avenue  
Omagh

Tel: 028 8225 4085

26 May 2021

Dear Mr McCreesh

**PROPOSED 40MPH – KILLEENAN ROAD AND CLOUGHFIN ROAD,  
COOKSTOWN**

DfI Roads is proposing to introduce a 40mph speed limit on Killeenan Road and Cloughfin Road, Cookstown, as shown on the enclosed map.

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

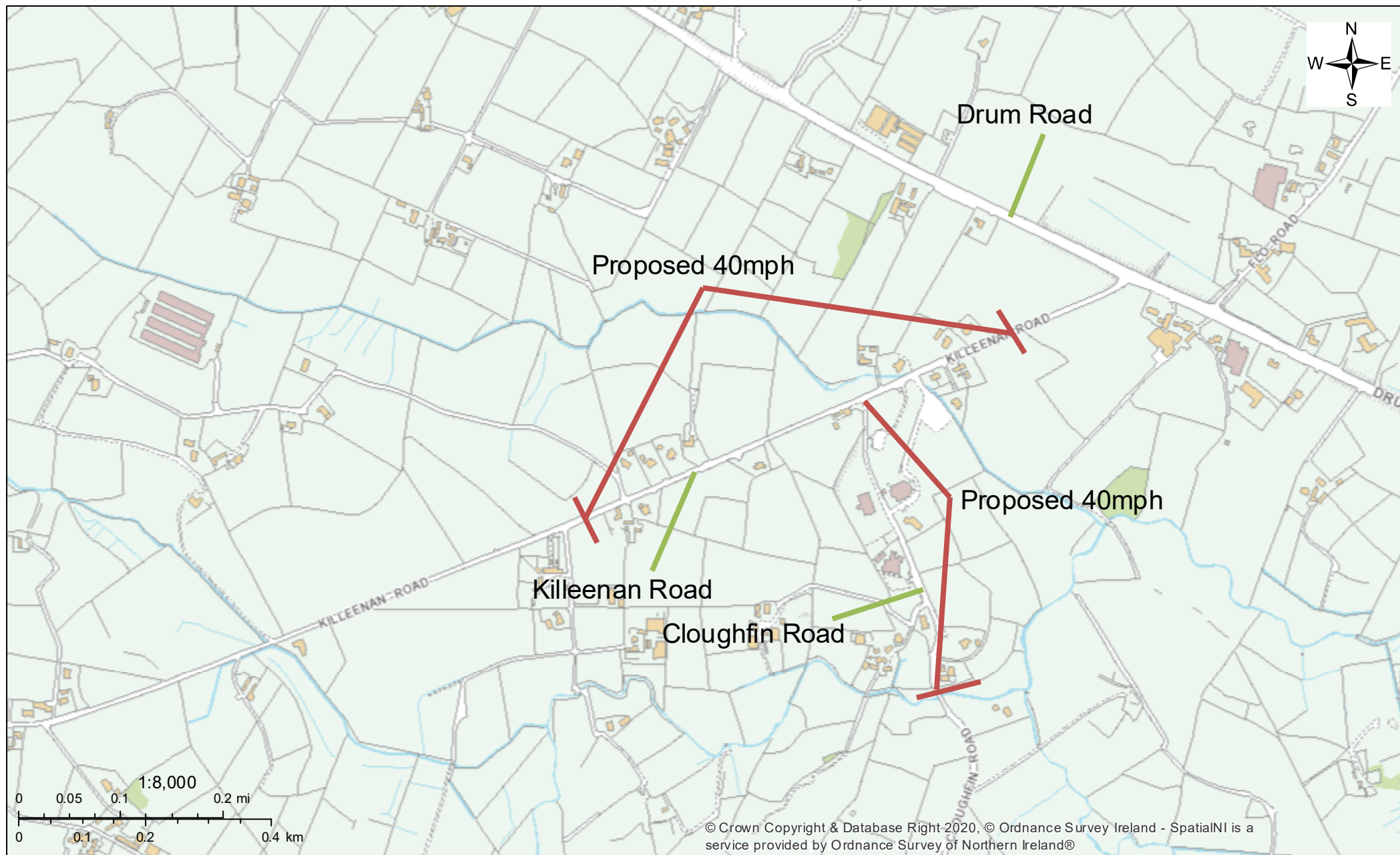
Please bring this matter to the attention of your council.

Yours sincerely

Mrs Hazel Burton  
Network Development Section

Enc

# Proposed 40mph - Killeenan Road and Cloughfin Road, Cookstown



Wednesday 26 May 2021 15:05:28

<b>Report on</b>	Dfl Roads Proposal to Mid Ulster District Council - Proposed Provision of a Disabled Persons' Parking Bay at Leckagh Walk, Magherafelt
<b>Date of Meeting</b>	Tuesday 15 <sup>th</sup> June 2021
<b>Reporting Officer</b>	Terry Scullion, Head of Property Services
<b>Contact Officer</b>	Terry Scullion, Head of Property Services

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

<b>1.0</b>	<b>Purpose of Report</b>
1.1	To seek the agreement of Members in relation to proposals from Dfl Roads to introduce measures to enhance the safety and development of the transport network with a range of transport proposals.
<b>2.0</b>	<b>Background</b>
2.1	Dfl Roads are consulting the Council with proposals to introduce measures designed to improve network safety, sustainability and efficiency to encourage safe and sustainable travel.
<b>3.0</b>	<b>Main Report</b>
3.1	<p>The following outlines the proposal to be brought to the attention of the Environment Committee:</p> <p><b>Proposed Provision of a Disabled Persons' Parking Bay at Leckagh Walk, Magherafelt</b></p> <p>Dfl Roads are proposing to provide a disabled persons' parking bay at the above noted location.</p> <p>Consultation letter and location map of aforementioned proposal are attached as appendices to this report.</p>
<b>4.0</b>	<b>Other Considerations</b>
<b>4.1</b>	<b>Financial, Human Resources &amp; Risk Implications</b>
	Financial: None

	Human: Officer time in drafting reports
	<p>Risk Management:</p> <p>The introduction of the aforementioned proposal at this location will assist in the management of road safety issues.</p>
<b>4.2</b>	<b>Screening &amp; Impact Assessments</b>
	<p>Equality &amp; Good Relations Implications:</p> <p>The introduction of the aforementioned proposal at this location will assist DfI in the discharge of their duties in regard to disability.</p>
	<p>Rural Needs Implications:</p> <p>The rural needs assessment would be conducted by DfI Roads.</p>
<b>5.0</b>	<b>Recommendation(s)</b>
5.1	That the Environment Committee endorses the proposal submitted by DfI Roads.
<b>6.0</b>	<b>Documents Attached &amp; References</b>
6.1	<p><b>Appendix 1</b></p> <p>Letter from DfI Roads dated 11<sup>th</sup> May 2021; Proposed Provision of a Disabled Persons' Parking Bay at Leckagh Walk, Magherafelt</p>
6.2	<p><b>Appendix 2</b></p> <p>Drawing – Proposed Provision of a Disabled Persons' Parking Bay at Leckagh Walk, Magherafelt</p>





Department for

**Infrastructure**

An Roinn

**Bonneagair**

[www.infrastructure-ni.gov.uk](http://www.infrastructure-ni.gov.uk)

## **Network Development**

Chief Executive  
Mid Ulster District Council  
Ballyronan  
Magherafelt  
BT45 6EN

County Hall  
Drumragh Avenue  
Omagh

Tel: 028 8225 4085

11 May 2021

Dear Mr McCreesh

### **PROPOSED PROVISION OF A DISABLED PERSONS' PARKING BAY AT LECKAGH WALK, MAGHERAFELT**

DfI Roads is proposing to legislate for a disabled persons' parking bay at Leckagh Walk, Magherafelt, as detailed on the attached map.

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

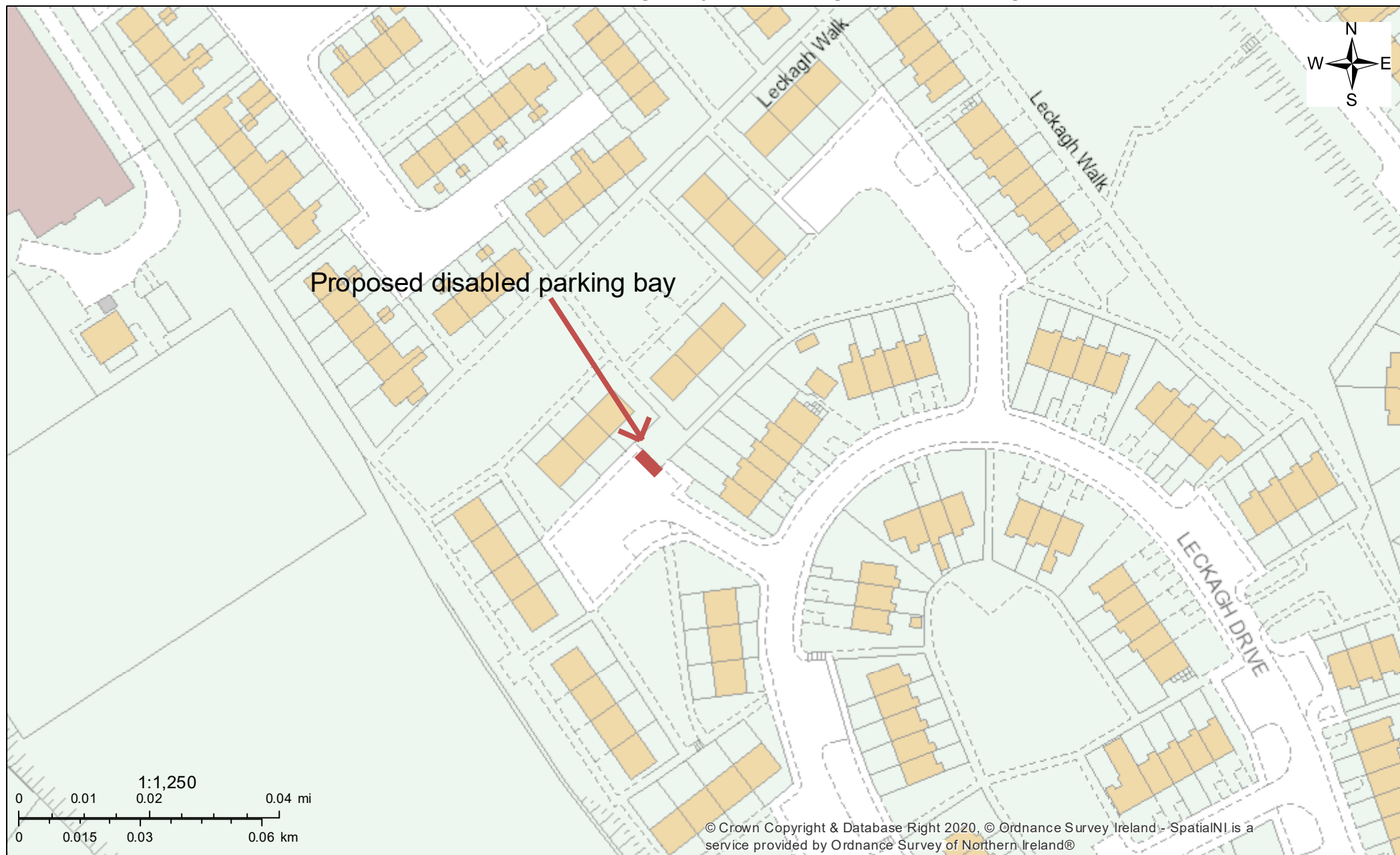
Please bring this matter to the attention of your council.

Yours sincerely

Mrs Hazel Burton  
Network Development Section

Enc

# Proposed disabled parking bay - Leckagh Walk, Magherafelt



Tuesday 11 May 2021 15:47:39

<b>Report on</b>	DfI Roads Proposal to Mid Ulster District Council - Proposed 40MPH Speed Limit – Tullydraw Road, Dungannon
<b>Date of Meeting</b>	Tuesday 15 <sup>th</sup> June 2021
<b>Reporting Officer</b>	Terry Scullion, Head of Property Services
<b>Contact Officer</b>	Terry Scullion, Head of Property Services

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

<b>1.0</b>	<b>Purpose of Report</b>
1.1	To seek the agreement of Members in relation to proposals from DfI Roads to introduce measures to enhance the safety and development of the transport network with a range of transport proposals.
<b>2.0</b>	<b>Background</b>
2.1	DfI Roads are consulting the Council with proposals to introduce measures designed to improve network safety, sustainability and efficiency to encourage safe and sustainable travel.
<b>3.0</b>	<b>Main Report</b>
3.1	<p>The following outlines the proposals to be brought to the attention of the Environment Committee:</p> <p><b>Proposed 40MPH Speed Limit – Tullydraw Road, Dungannon</b></p> <p>DfI Roads are proposing to introduce a 40mph speed limit on the Tullydraw Road, Dungannon.</p> <p>Consultation letter and location map of aforementioned proposal are attached as appendices to this report.</p>
<b>4.0</b>	<b>Other Considerations</b>
<b>4.1</b>	<b>Financial, Human Resources &amp; Risk Implications</b>
	Financial: None
	Human: Officer time in drafting reports

	<p>Risk Management:</p> <p>The introduction of the aforementioned proposal at this location will assist in the management of road safety issues.</p>
<b>4.2</b>	<b>Screening &amp; Impact Assessments</b>
	<p>Equality &amp; Good Relations Implications:</p> <p>The introduction of the aforementioned proposal at this location will assist DfI in the discharge of their statutory duty.</p>
	<p>Rural Needs Implications:</p> <p>The rural needs assessment would be conducted by DfI Roads.</p>
<b>5.0</b>	<b>Recommendation(s)</b>
5.1	That the Environment Committee endorses the proposal submitted by DfI Roads.
<b>6.0</b>	<b>Documents Attached &amp; References</b>
6.1	<p><b>Appendix 1</b></p> <p>Letter from DfI Roads dated 14<sup>th</sup> May 2021; Proposed 40mph speed limit on the Tullydraw Road, Dungannon</p>
6.2	<p><b>Appendix 2</b></p> <p>Drawing – Proposed 40mph speed limit on the Tullydraw Road, Dungannon</p>



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

County Hall  
Drumragh Avenue  
Omagh

Tel: 028 8225 4085

14 May 2021

Dear Mr McCreesh

**PROPOSED 40MPH – TULLYDRAW ROAD, DUNGANNON**

DfI Roads is proposing to introduce a 40mph speed limit on Tullydraw Road, Dungannon, as shown on the enclosed map.

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

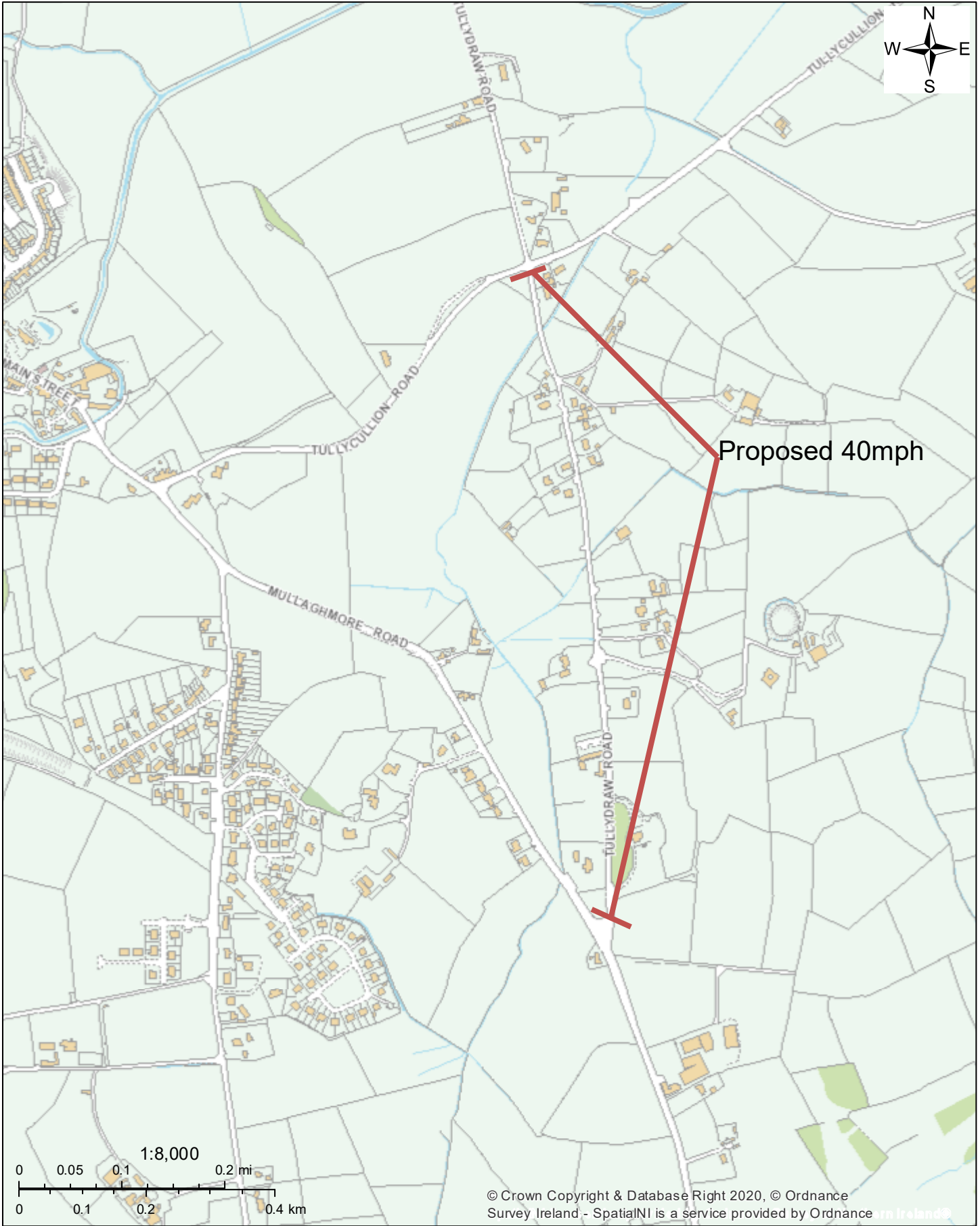
Please bring this matter to the attention of your council.

Yours sincerely

Mrs Hazel Burton  
Network Development Section

Enc

Proposed 40mph speed limit - Tullydraw Road, Dungannon



Friday 14 May 2021 17:53:57

<b>Report on</b>	Street Naming and Property Numbering
<b>Date of Meeting</b>	15 <sup>th</sup> June 2021
<b>Reporting Officer</b>	William Wilkinson

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

<b>1.0</b>	<b>Purpose of Report</b>
1.1	For Members to consider the naming of new streets within residential Housing Developments within Mid-Ulster.
<b>2.0</b>	<b>Background</b>
2.1	In accordance with the Local Government (Miscellaneous Provisions) NI Order 1995 – Article 11 the Council is tasked with the responsibility of approving Street Naming and Numbering of buildings erected thereon.
2.2	The Policy for Street Naming and Numbering, as adopted (see Appendix 1) forms the basis for considering proposals for the street naming of new developments.
<b>3.0</b>	<b>Main Report</b>
3.1	<p>The Building Control Department has received a request for the naming of a street within a proposed residential development as follows:</p> <p style="text-align: center;"><b>i. Site off Tullyodonnell Road, The Rock, Dungannon</b></p> <p>An application has been submitted by FP Developments Ltd for the naming of a new street within a proposed residential development off Tullyodonnell Road, The Rock, Dungannon. Building Control has received an application for the erection of 13 No Dwellings. It should be noted that no dwellings have yet commenced on site. The options submitted are as noted below:</p> <p style="margin-left: 40px;"><b>1. Carrick Heights</b> <b>2. Carrick Drive</b></p> <p>As the options submitted are linked to the locality in each case, it is considered that each option demonstrates compliance with the policy as adopted.</p>
3.2	<p>The Building Control Department has received a request for the naming of a street within a proposed residential development as follows:</p> <p style="text-align: center;"><b>ii. Site off Moneymore Road, Cookstown</b></p>

	<p>An application has been submitted by Advanced Timbercraft Ltd t/a Kudos for the naming of a new street within a proposed residential development off Moneymore Road, Cookstown. Building Control has received an application for the erection of 5 No Dwellings. It should be noted that a Building Control Application has been received for the erection of 5 dwellings and 3no. dwellings have recently commenced on site. The options submitted are as noted below:</p> <p><b>1. The Linen Gate</b>  <b>2. Linen Lodge</b>  <b>3. Linen Cottages</b></p> <p>As the options submitted are linked to the locality in each case, it is considered that each option demonstrates compliance with the policy as adopted.</p>
<b>4.0</b>	<b>Other Considerations</b>
<b>4.1</b>	<b>Financial, Human Resources &amp; Risk Implications</b>
	Financial: None
	Human: None
	Risk Management: None
<b>4.2</b>	<b>Screening &amp; Impact Assessments</b>
	Equality & Good Relations Implications: None
	Rural Needs Implications: No
<b>5.0</b>	<b>Recommendation(s)</b>
<b>5.1</b>	<p>It is recommended that consideration is given to the approval of one option within each of the following proposals for the Street Naming of a street within a new residential development within Mid Ulster:</p> <p><b>i. Site off Tullyodonnell Road, The Rock, Dungannon</b></p> <p><b>Either Carrick Heights</b>  <b>Or Carrick Drive</b></p> <p><b>ii. Site off Moneymore Road, Cookstown</b></p> <p><b>Either The Linen Gate</b>  <b>Or Linen Lodge</b>  <b>Or Linen Cottages</b></p>



<b>6.0</b>	<b>Documents Attached &amp; References</b>
6.1	Appendix 1 – Policy for Street Naming and Numbering.
6.2	Appendix 2 – Pro-forma containing street naming proposals, location map and site layout plan for new street off Tullyodonnell Road, The Rock, Dungannon.
6.3	Appendix 3 – Pro-forma containing street naming proposals, location map and site layout plan for new street off Moneymore Road, Cookstown.



## Policy on Street Naming and Numbering

Document Control			
Policy Owner	Director of Public Health & Infrastructure		
Policy Author	Director of Public Health & Infrastructure		
Version	Version 2		
Consultation	Senior Management Team	Yes / No	
	Trade Unions	Yes / No	
Equality Screened by	Principal Building Control Officer	Date	27/04/21
Equality Impact Assessment	N/A	Date	
Good Relations			
Approved By	Environment Committee	Date	11/05/21
Adopted By	Council	Date	
Review Date		By Whom	
Circulation	Councillors, Staff		
Document Linkages			

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4.0	Linkage to Corporate Plan	
5.0	Naming of new Streets	
6.0	Renaming Existing Streets	
7.0	Roles & Responsibilities	
8.0	Impact Assessments <ul style="list-style-type: none"> <li>• Equality Screening &amp; Rural Needs Impact</li> <li>• Staff &amp; Financial Resources</li> </ul>	
9.0	Support & Advice	
10.0	Communication	
11.0	Monitoring & Review Arrangements	

Appendices	Description	Page Number
A	Article 11 of the Local Government (Miscellaneous Provisions) (NI) Order 1995	
B	Naming of New Streets and Housing Developments: <i>Procedure</i>	
C	Renaming Existing Streets: <i>Procedures</i>	

## **1.0 INTRODUCTION**

1.1 Mid Ulster District Council resolved that a policy and associated procedures be developed to guide the Council in accordance with the provisions of Article 11 of the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1995("the 1995 Order"), referenced in Appendix A to this policy, on;

- (i) Naming of New Streets and Housing Developments;
- (ii) Renaming and Re-numbering existing streets

## **2.0 Policy Aim & Objectives**

2.1 **Policy Aim:** To ensure the naming of New Streets and Housing Developments is delivered in a fair, equitable and consistent manner.

### **2.2 Policy Objectives:**

- To facilitate Mid Ulster District Council in meeting its statutory obligations with regard to local government Street Naming requirements
- To confirm the mechanism and process by which Mid Ulster District Council will name new streets and housing developments
- To provide residents with a process whereby they may request the renaming of their street
- To ensure street names are reflective of localities within which they are being proposed and engagement of all affected residents of streets where requests have been received to rename

## **3.0 Policy Scope and Legislative Framework**

3.1 This policy relates specifically to the naming of New Streets/ Housing Developments and processing requests for the erection of nameplates expressing the name of the street in a language other than English. The statutory basis for this policy is contained within Article 11 of the 1995 Order.

- 3.2 This legislation empowers Council to authorise the naming of streets within its respective District. The 1995 Order provides for street naming, street numbering and the provision of street signs. It also provides the Council with a discretionary power to erect dual language street signs or second nameplates in a language other than English via Section 1a and 1b. A copy of the relevant statute is included in Appendix A.

### **Interpretation and Definitions**

- 3.3 For purposes of this Policy the following interpretation/ definitions apply as set out within the 1995 Order:

- Nameplate - defined as a means of 'signifying a name in writing'
- Street - defined as 'any road, square, court, alley, passage or lane'.

### **4.0 Linkage to Corporate Plan**

- 4.1 Referring to Mid Ulster District Council's Corporate Plan 2015-2019, this policy contributes toward the delivery of Corporate Theme 1 *Delivering for Our People*.

### **5.0 Naming of New Streets**

- 5.1 Proposals for new Street names linked to traditional place names will be favorably considered and that if such a place name is traditionally in a language other than English, that name may also be considered as the name by which that place may be known. The procedure that will apply in relation to proposal under this [policy] is contained in Appendix [B]. Building names are not controlled by statute and do not form part of this Policy.
- 5.2 Criteria - General

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

1. Reflect the local townland name, or a local geographical/ topographical, social or historical feature.
2. The name shall not use the townland name within which the street and/ or the housing development is situated. The townland name shall still form part of the postal address.

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

## **6.0 Renaming and Renumbering Existing Streets**

- 6.1 Provision shall be made for the renaming and renumbering of existing Streets within the Mid Ulster District Council area, where instances as noted in 7.2 below require that that this be undertaken to maintain a consistent approach to street naming. The 1995 Order empowers Council to authorise Street names within the area they administer. The procedure that will apply in relation to a proposal under this policy is contained in Appendix C.

### **6.2 Criteria - General**

The renaming or renumbering of an existing street shall normally only be considered;

- To remove similar or the same street name in the immediate locality
- Where a street name has been 'lost'
- To correct an incorrectly spelt name
- If emergency services have reported problems in identifying and locating the street
- If postal services or other statutory agencies has reported problems in identifying and locating the street
- Where a request has been received by the Council and signed by not less than 50% of the occupiers of a street to which a change is being sought. This would be based on 1 occupier per premises on the relevant street

## **7.0 Roles and Responsibilities**

- 7.1 **Director of Public Health and Infrastructure:** shall have responsibility for implementation of this policy by Mid Ulster District Council, through the Building Control Service.
- 7.2 **Building Control Service:** shall be responsible for implementing arrangements to administer; (i) requests to name New Streets and Housing Developments and (ii) requests to rename existing Streets.
- 8.0 Impact Assessments**
- 8.1.1 Equality Screening & Impact**
- 8.1.1 This policy has been subject to equality screening in accordance with the Council's equality scheme screening process. It has been 'screened out' for an Equality Impact Assessment.
- 8.2 Rural Needs Impact**
- 8.2.1 This policy has been subjected to a rural needs impact assessment and thus can demonstrate regard to rural needs when delivering this public service.
- 8.3 Staff & Financial Resources**
- 8.3.1 No issues have been identified which will impact on the delivery of Council business as a result of this policy being implemented. Valid requests for determination will be brought to attention of Committee.
- 9.0 Support and Advice**
- 9.1 Advice and guidance on the implementation of this should be sought from the Head of Building Control
- 10.0 Communication**
- 10.1 The Building Control Service within the Public Health & Infrastructure Department of Council is responsible for the communication, delivery and adherence to this policy
- 11.0 Monitoring and Review Arrangements**



- 11.1 Implementation of this policy will be routinely monitored and a formal review undertaken 4 years from its effective commencement date.

**Appendix A**  
**Article 11, Local Government (Miscellaneous Provisions) (Northern**  
**Ireland) Order 1995**

*Street names and numbering of buildings*

**Powers of councils in relation to street names and numbering of buildings**

11.—(1) A council may erect at or near each end, corner or entrance of any street in its district a nameplate showing the name of the street; and a nameplate erected under this paragraph—

- (a) shall express the name of the street in English; and
- (b) may express that name in any other language

(2) A council may, immediately adjacent to a nameplate erected under paragraph (1) which expresses the name of a street in English only, erect a second nameplate expressing the name of the street in a language other than English.

(3) Neither this Article nor anything done by a council thereunder authorises or requires the use of the name of a street expressed in a language other than English as, or as part of—

- (a) the address of any person; or
- (b) the description of any land; for

the purposes of any statutory provision.

(4) In deciding whether and, if so, how to exercise its powers under paragraph (1)(b) or (2) in relation to any street, a council shall have regard to any views on the matter expressed by the occupiers of premises in that street.

(5) Any person who—

- (a) obscures, pulls down or defaces any nameplate erected under paragraph (1) or (2);
- (b) erects in any street any nameplate showing as the name of the street a name different from that in any nameplate erected in the street under paragraph (1) or (2); or
- (c) erects in any street any nameplate purporting to show the name of the street, without the authorisation of the council for the district in which the street is situated,

shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.

(6) Where a council has exercised its powers under paragraph (1) in relation to any street, the occupier of each house or other building in that street shall ensure that that house or building is at all times marked with such number as the council may approve for the purposes of this Article.

(7) Where a person fails to comply with paragraph (6) the council may serve on him a notice requiring him to comply with that paragraph within 7 days from the date of service of the notice.

(8) A person who fails to comply with a notice served on him under paragraph (7) shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.

(9) Where a person fails to comply with a notice served on him under paragraph (7) in respect of any house or other building, the council may itself do anything which he has failed to do and may recover from that person summarily as a civil debt any expenses thereby reasonably incurred by it.

(10) In this Article—  
“nameplate” includes any means of signifying a name in writing; “street” includes any road, square, court, alley, passage or lane.

(11) The power of a council to erect a nameplate under paragraph (1) or (2) includes power—

- (a) to erect it on any building or in such other manner as the council thinks fit; and
- (b) to cause it to be erected by any person authorised in that behalf by the council.

(12) The following statutory provisions shall cease to have effect, namely—

- (a) sections 64 and 65 of the Towns Improvement Clauses Act 1847<sup>F6</sup>;
- (b) in section 38 of the Towns Improvement (Ireland) Act 1854<sup>F7</sup> the words “naming the streets and numbering the houses and also so much thereof as relates to”;
- (c) section 21 of the Public Health Acts Amendment Act 1907<sup>F8</sup>;
- (d) section 19 of the Public Health and Local Government (Miscellaneous Provisions) Act (Northern Ireland) 1949<sup>F9</sup>; and
- (e) so much of any local Act as relates to the naming of streets or the numbering of houses or buildings;

## **Appendix B**

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

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



## **Appendix C**

### **Renaming Existing Street Name: Procedures**

This procedure provides guidelines for the procedure for renaming of existing street/road names which the 1995 Order empowers councils to authorise. The following procedure for canvassing the views of occupiers and the criteria to be applied in deciding whether to rename a street with an alternative in English shall be:

1. Upon receipt of a petition, signed by not less than 50% of the householders (based on one resident per household over the age of 18) of the street/road ("a Petition") the Council will consider a survey of the street/road in relation to the desired name change and reason for same.
2. The proposed name must meet the criteria set down in this policy for the naming of New Streets, as detailed within 5.2 of this policy.
3. If the Department considers the new name meets the criteria, approval to undertake the survey will be sought from the Environment Committee.
4. The Council will survey, by post, to the occupier(s) of each of the properties listed on the Electoral Register and one survey per established business as appears on the Non-Domestic Valuation List of that street/road or the part of a street/road affected at that time; seeking their views on the request to change the name. The survey shall be carried out by the Council's Building Control service.
5. Residents of the existing street being surveyed to be made aware at time of survey of issues which will arise if the street is successfully renamed.
6. Replies will be by way of a supplied self-addressed envelope and must be returned by the date specified in the correspondence giving notification of the survey and reason for same . Only replies received from registered occupiers by that date will be considered
7. The outcome of the survey will be presented to the Environment Committee and only where all occupiers (100 %) in the affected street agree with the proposed name change, will a recommendation be presented to approve the change.
8. Where a request is not approved any further request will not be considered until the expiry of a 12 month period from the date of the Environment Committee meeting where the outcome of the survey was considered.
9. Where a Petition to have an existing street renamed is not approved then the occupiers will be notified of this.

10. Where a new nameplate is erected. The decision to remove an existing nameplate will be made by Property Services, where deemed necessary to do so.
11. Historical nameplates may remain in place where they are fitted to an existing wall (or dwelling), where they will not affect directional issues. This shall be at the discretion of Property Services.
12. Where the Department receives a request from the emergency services, mail delivery services or other statutory bodies who have difficulty locating the street to rename it. They shall inform residents as noted above and consider to survey and rename the street upon the agreement of all households on that street. Such requests shall be notified to and approval sought from Environment Committee and outcome of survey reported to same.

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

Applicants Name &amp; Address:

FP DEV LTD 6A TULLYDONNELL RO, ROCK  
DUNGANNUN

Description:

Ref: F/2020/1587/MAST

F.2020.1587  
18 Feb '21

	Proposed Street Name	Linkage to Locality	Reason for Choice
Option 1	CARRICK HEIGHTS	SITE IS IN ROCK VILLAGE	CARRICK IS ANOTHER NAME FOR ROCK SITE IS ELEVATED ON A RIDGE
Option 2	CARRICK DRIVE	SITE IS IN ROCK VILLAGE	CARRICK IS ANOTHER NAME FOR ROCK DRIVE IS ON YOUR LIST FOR STREET NAMING
Option 3			

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

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

Signed ..... *[Signature]* .....

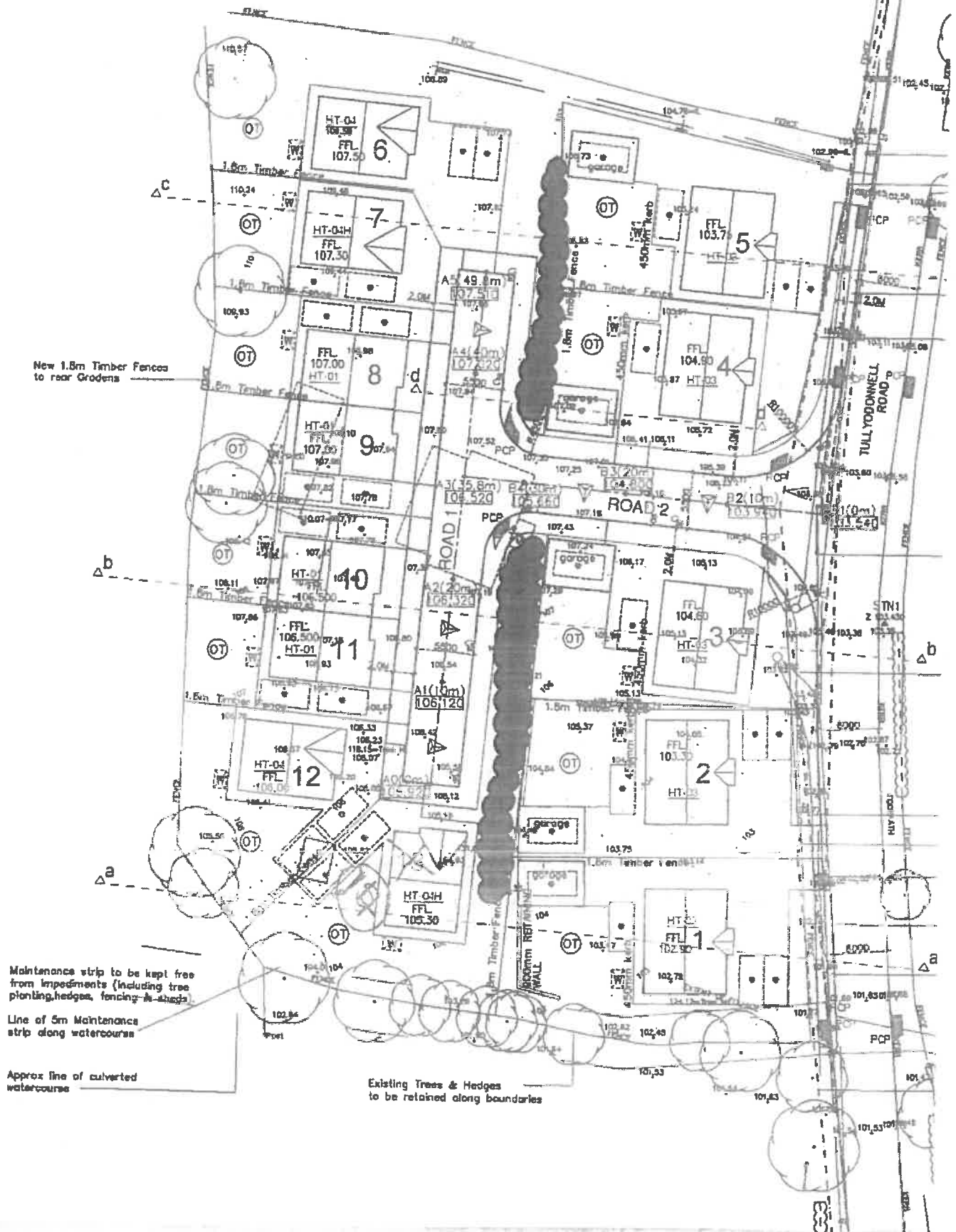
Dated ..... 2.2.21 .....





# Appendix 2

F. 2020.1587  
18 Feb '21



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

Applicants Name & Address: **ADVANCED THREBERGET LTD t/a KUDAS**

Description: **SITE of 5 ECO FRIENDLY HOUSES for DOWNSIZING to .**

Ref: **all Enquiries: address to Eileenor@rocketmail.com.**  
**F/2021/0736**

	Proposed Street Name	Linkage to Locality	Reason for Choice
Option 1	<b>"THE LINEN GATE"</b> <b>OFF MONEYMORE ROAD</b> <b>COOKSTOWN</b>	COOKSTOWN famous for its LINEN in bygone days. also it is going to be a "gated" development	We do not want a name to be predominant at indicating these dwellings are for elderly. (planning agreement)
Option 2	LINEN LODGE OFF MONEYMORE ROAD COOKSTOWN	"	We definitely do not want to like the name Weavers - as folk connect this to the home. - These dwellings will be expensive for older folk downsizing
Option 3	LINEN COTTAGES OFF MONEYMORE ROAD.	"	

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

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

Signed **Leanne** .....

Dated **06/05/2021** .....

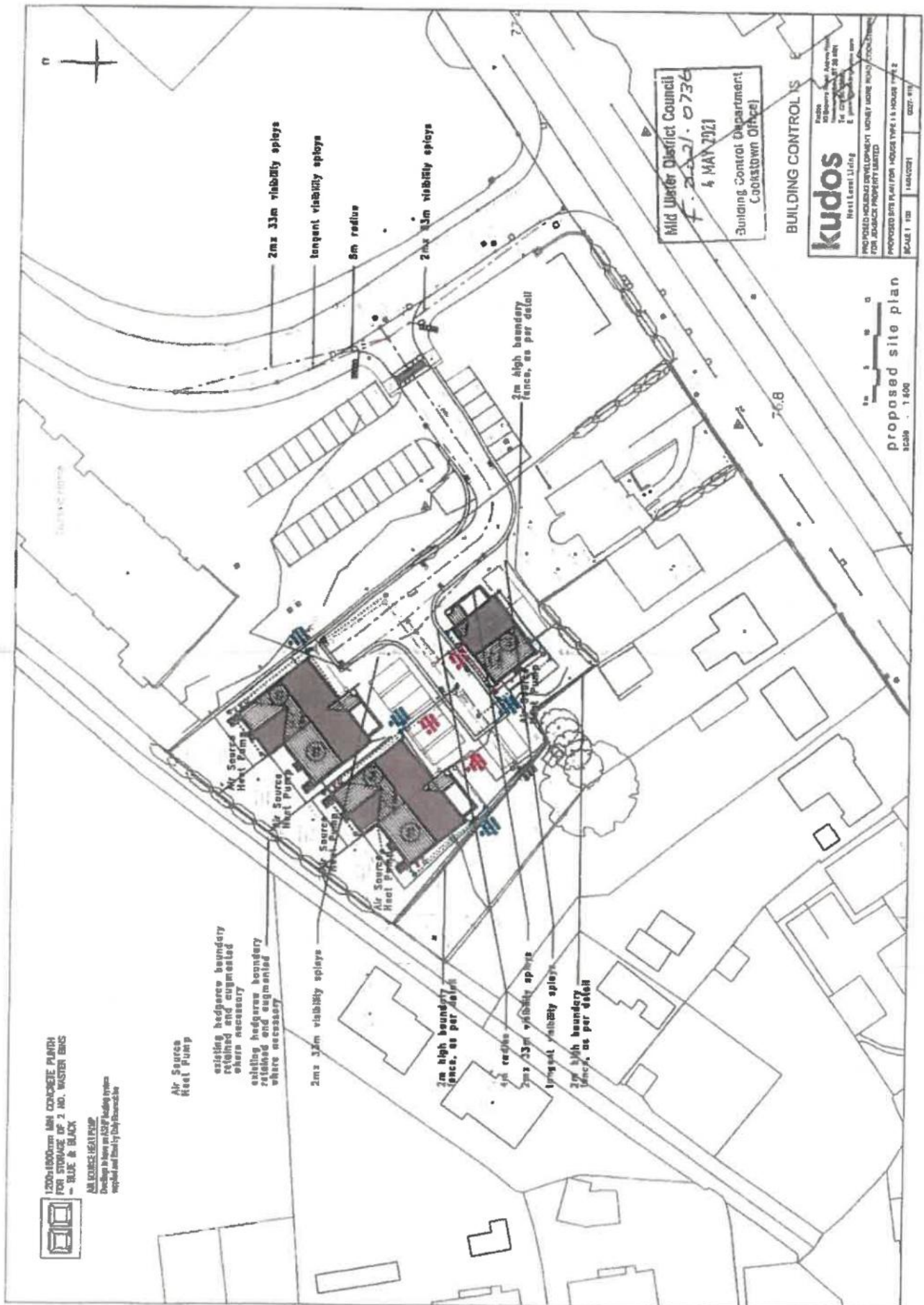
Mid Ulster District Council

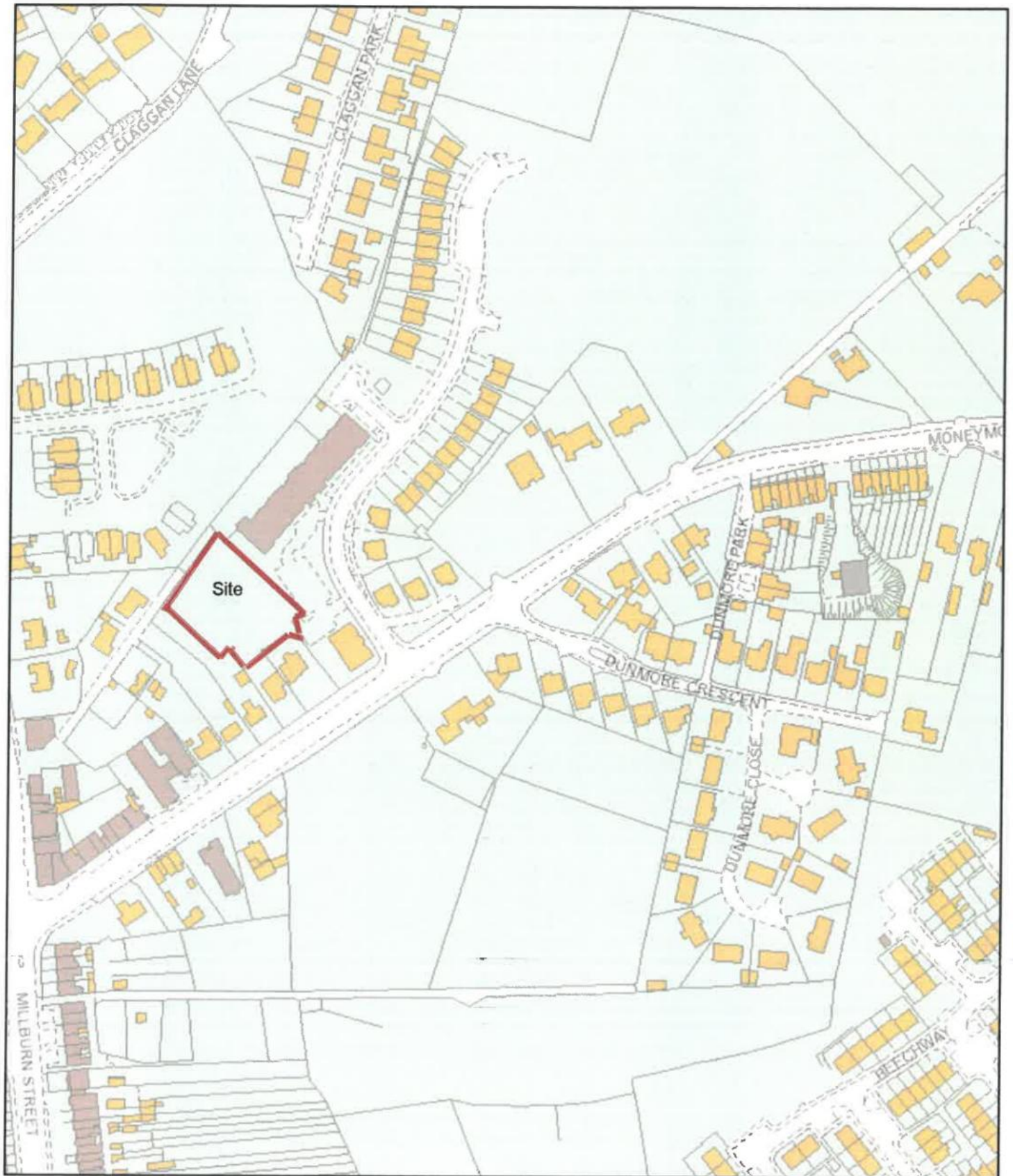
10 MAY 2021

Building Control Department  
(Cookstown Office)

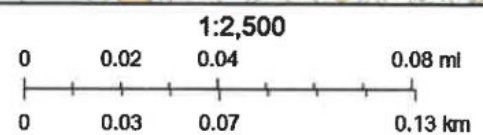
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<b>Report on</b>	Service Level Agreement - Structural Engineering Services
<b>Date of Meeting</b>	15 <sup>th</sup> June 2021
<b>Reporting Officer</b>	William Wilkinson

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

<b>1.0</b>	<b>Purpose of Report</b>
1.1	To seek approval to sign a Service Level Agreement between Mid Ulster District Council and Fermanagh and Omagh District Council for the provision of specialist structural engineering services for its Mid Ulster Building Control Service.
<b>2.0</b>	<b>Background</b>
2.1	A Service Level Agreement has been in place from 1 <sup>st</sup> April 2015 with specialist structural services being provided by a Specialist Building Control Officer employed by Fermanagh and Omagh District Council on the understanding that a shared structural engineering assessment service would be provided equally across both District Council areas. The cost of this structural engineering service provided is shared equally between both councils
<b>3.0</b>	<b>Main Report</b>
3.1	<p>The services covered in this agreement are outlined in the attached Service Level Agreement and are subject to performance review of the service provided. The services provided to Mid-Ulster District Council by the Specialist Structural Engineer are as follows:</p> <ul style="list-style-type: none"> <li>• Assessment of structural calculations/details for Building Regulation applications including structural related issues on site where required</li> <li>• Professional opinion/investigations to be provided for generic structural issues</li> <li>• Assessment of Dangerous Structures as requested on site</li> <li>• Advice on structural aspects of Capital Projects</li> <li>• Structural Surveys/Reports for Council Buildings</li> <li>• Structural Assessments for other Council Departments; e.g. Planning</li> <li>• Undertake other related duties within the necessary skills and competencies of Building Control</li> </ul>

<b>4.0</b>	<b>Other Considerations</b>
<b>4.1</b>	<b>Financial, Human Resources &amp; Risk Implications</b>
	Financial: £45,000 per annum
	Human: The service will continue to be carried out by the Specialist Building Control Officer providing structural engineering assessments, advice, guidance and assistance.
	Risk Management: The continuation of the Service Level Agreement with Fermanagh and Omagh District Council for Specialist Structural Services will mitigate the risk on Building Control Officers in relation to structural matters.
<b>4.2</b>	<b>Screening &amp; Impact Assessments</b>
	Equality & Good Relations Implications: None
	Rural Needs Implications: None
<b>5.0</b>	<b>Recommendation(s)</b>
5.1	It is recommended that Mid Ulster District Council approve the signing of the attached Service Level Agreement for provision of specialist structural engineering services for 2021 / 22.
<b>6.0</b>	<b>Documents Attached &amp; References</b>
6.1	Appendix 1 – Service Level Agreement document between Fermanagh and Omagh District Council and Mid-Ulster District Council.



**Service Level Agreement**

**SPECIALIST STRUCTURAL SERVICES**

**2021/22**

**Between**

**FERMANAGH AND OMAGH DISTRICT COUNCIL**

**AND**

**MID ULSTER DISTRICT COUNCIL**

**April 2021**

# **Service Level Agreement – Specialist Structural Services**

## **Between**

Fermanagh & Omagh District Council and Mid Ulster District Council

(Hereafter referred to as the Agreement and the Stakeholders)

## **1.0 Background**

The Chief Executives of Fermanagh and Omagh District Council and Mid-Ulster District Council have agreed that the specialist structural engineering services provided by Mr Liam O'Neill who is employed by Fermanagh and Omagh District Council will be a shared service between Fermanagh and Omagh District Council and Mid-Ulster District Council for the delivery of specialist services. The nature and scope of the shared specialist services to be delivered and the corresponding financial arrangements across both councils are as outlined below:

- Assessment of structural calculations/details for Building Regulation applications including structural related issues on site where required
- Professional opinion/investigations to be provided for generic structural issues
- Assessment of Dangerous Structures as requested on site
- Advice on structural aspects of Capital Projects
- Structural Surveys/Reports for Council Buildings
- Structural Assessments for other Council Departments; e.g. Planning.
- Undertake other related duties within the necessary skills and competencies of Building Control

The Agreement shall take effect from 01 April 2021 and shall remain in force unless, further to review by the Chief Executives, the provision of a shared service is no longer deemed necessary.

## **2.0 Shared Objectives**

### **2.1 The Objectives of the Agreement are:**

- To define and give effect to the role, responsibilities and obligations of the stakeholders;
- To establish the scope and level of service delivery available for each stakeholder;
- To formalise monitoring and review arrangements; and
- To establish arrangements for financing the shared services model.

### **3.0 Review of the Service Level Agreement**

**3.1** The Stakeholders shall jointly review the Agreement on an annual basis.

**3.2** The Review Process will be initiated and facilitated by the Head of Building Control and Licensing (FODC) and the Head of Building Control (Mid Ulster District council) 3 months prior to the end of the financial year.

**3.3** The Stakeholders may propose at any time during the Period to revise the Agreement, and agree any reasonable alteration or addition to or omission from the Agreement. In the event of such a revision being proposed, each stakeholder shall assess what resources, if any, will be involved, prior to agreeing to the revision.

### **4.0 Performance Review and Reporting**

**4.1** The Employee shall forward a monthly report to the stakeholders detailing all specialist services carried out for the period as set out in Appendix 1. This will include detailed work sheets indicating workloads, type of work, time spent, performance measure etc for each Council area.

**4.2** The Stakeholders shall jointly review performance under the Agreement on a quarterly basis, providing such reports as required to inform the process.

**4.3** The Heads of Service shall ensure that necessary action as agreed is taken to maintain a high level of Service Delivery.

**4.4** Following the annual review process the Heads of Service shall report on the Agreement to their respective Chief Executives.

### **5.0 Level of Service Delivered**

**5.1** Each Stakeholder is responsible for ensuring the Specialist Structural Service is delivered within the Agreement and that it is reported on as detailed in section 4.

**5.2** The Specialist Structural Services covered by this Agreement would include:-

- Assessment of structural calculations/details for Domestic Building Regulation applications – (Comments returned within 10 Working Days from date of receipt)
- Assessment of structural calculations/details for Non-Domestic Building Regulation applications – (Comments returned within 15 Working Days from date of receipt)

- Assessment of structural related issues on site where required
  - (a) 1 Day – Urgent Requests
  - (b) 5 Days – Non-Urgent Requests
- Professional opinion/investigations to be provided for generic structural issues which arise in relation to construction details on site, changes to the Building Regulations and new products introduced to the market
- Assessment of Dangerous Structures as requested on site
  - (a) Response to Urgent Issues – Immediate or within 24 Hours)
  - (b) Non-Urgent Issues – 3 Working Days
- Provide structural design calculations for Capital Projects
- Carry out site inspections for structural designs on Capital Projects
- Provide structural engineering advice on preparation of cost estimate for Capital Projects
- Advice/Guidance on structural aspects of Buildings/ground conditions etc
- Structural Surveys/Reports for Council Buildings
- Structural Assessments for other Council Departments; e.g. Planning.
- Undertake other related duties within the necessary skills and competencies of Building Control

**NB. Specialist Structural Services relating to the Building Regulations have priority over other areas of work as listed above.**

**5.3** Each stakeholder is responsible for monitoring the delivery of services on an ongoing basis.

**5.4** Mid Ulster District Council shall either authorise the specialist officer to undertake lone working on their behalf or ensure that when there is a requirement for the specialist officer to make site visits, that he/she is appropriately authorised and accompanied by an authorised officer of the council.

## **6.0 Financial Arrangements**

**6.1** The Financial arrangements for the Specialist Structural Services have been agreed as follows:-

- Salary (including employer's costs) and Travel is equally divided between Councils (50/50)
- 5% Administration (includes accommodation, heat, light, power, telephone, postage, printing, stationery etc.)

**6.2** Fermanagh and Omagh District Council will invoice Mid Ulster District Council on a Quarterly basis. Invoicing to include salary (including employer's costs) and mileage costs attributed for the Specialist Structural Services for the relevant period.

**6.3** Payment will be subject to receipt of a progress monitoring report as detailed in Section 4.2 and satisfactory performance against targets.

## **7.0 Health and Safety**

**7.1** The employee must adhere to the Health and Safety requirements of each respective Council. This includes adherence to health and safety requirements specific to Council offices as well as in the delivery of services external to the Council offices such as lone working and site specific requirements. Personal Protective Equipment will be provided for the employee, as necessary, by each Council.

**7.2** The Head of Building Control or other Head of Service in the respective Councils are responsible for informing employee of Health and Safety requirements relevant to their Department.

## **8.0 Resolution of Disputes**

**8.1** Any day to day matters which give cause for concern or dispute, which have the potential to impact on the fulfilment of requirements within the Agreement, and which cannot be resolved by the Officers directly involved, will be referred to Line Management.

**8.2** If a situation arises which Line Managers are unable to resolve, it will be referred to the relevant Head of Service / Director.

## **9.0 Insurance Requirements**

**9.1** Mid Ulster District Council should ensure they have appropriate insurance in place to cover the delivery of the activities outlined in this agreement.

## **10.0 Data Protection**

**10.1** In accordance with Data Protection legislation, both parties have a duty to protect any personal data it holds. The information provided to Fermanagh and Omagh District Council in relation to the Service Level Agreement will be used for the purposes of the shared specialist services and will not be shared with any third party unless required by legislation. Information will be retained in accordance with the respective Council's Retention and Disposal Policy

**SIGNED ON BEHALF OF**

**FERMANAGH & OMAGH DISTRICT COUNCIL**

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Chief Executive

**MID ULSTER DISTRICT COUNCIL**

---

Chief Executive

## Appendix 1 Specialist Structural Services – Monthly Report

Month:

Measurable Objective	Target	NUMBER OF APPLICATIONS											
		Q1 (1/4/21-30/6/21)			Q2 (1/7/21-30/9/21)			Q3 (1/10/21-31/12/21)			Q4 (1/1/22-31/3/22)		
		Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar
<ul style="list-style-type: none"> <li>Assessment of structural calculations/details for Domestic applications</li> </ul>	Comments returned within 10 Working Days from date of receipt												
<ul style="list-style-type: none"> <li>Assessment of structural calculations/details for Non-Domestic applications</li> </ul>	Comments Returned within 15 Working Days from date of receipt												
<ul style="list-style-type: none"> <li>Assessment of structural related issues on site where required</li> </ul>	Urgent Requests – 1 Day Non-Urgent Requests – 5 Days												
<ul style="list-style-type: none"> <li>Professional opinion/investigations to be provided for generic structural issues which arise in relation to construction details on site, changes to the Regulations and new products introduced to the market.</li> </ul>													

Measurable Objective	Target	NUMBER OF APPLICATIONS											
		Q1 (1/4/21-30/6/21)			Q2 (1/7/21-30/9/21)			Q3 (1/10/21-31/12/21)			Q4 (1/1/22-31/3/22)		
		Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar
<ul style="list-style-type: none"> <li>Assessment of Dangerous Structures as requested</li> </ul>	Response to Urgent Issues – Immediate Response to Non-Urgent Issues – 3 Working Days												
<ul style="list-style-type: none"> <li>Provide structural design calculations for Capital Projects</li> </ul>													
<ul style="list-style-type: none"> <li>Carry out site inspections for structural designs on Capital Projects</li> </ul>													
<ul style="list-style-type: none"> <li>Provide structural engineering advice on preparation of cost estimate for Capital Projects</li> </ul>													
<ul style="list-style-type: none"> <li>Advice/Guidance on structural aspects of Buildings/ground conditions etc</li> </ul>													

Measurable Objective	Target	NUMBER OF APPLICATIONS											
		Q1 (1/4/21-30/6/21)			Q2 (1/7/21-30/9/21)			Q3 (1/10/21-31/12/21)			Q4 (1/1/22-31/3/22)		
		Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar
<ul style="list-style-type: none"> <li>Structural Surveys/Reports for Council Buildings</li> </ul>													
<ul style="list-style-type: none"> <li>Structural Assessments for other Council Departments; e.g. Planning.</li> </ul>													
<ul style="list-style-type: none"> <li>Undertake other related duties within the necessary skills and competencies of Building Control</li> </ul>													







<b>Report on</b>	Application for Approval for Civil Marriages/Civil Partnerships
<b>Date of Meeting</b>	15 <sup>th</sup> June 2021
<b>Reporting Officer</b>	William Wilkinson

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

<b>1.0</b>	<b>Purpose of Report</b>
1.1	To advise Members on an application received from Killymoon Golf Club for the Place Approval for Civil Marriages/Civil Partnerships
<b>2.0</b>	<b>Background</b>
2.1	In accordance with "The Marriage Regulations (Northern Ireland) 2003 (See Appendix 1), the Council has authority to approve a place where Civil Marriages/Civil Partnerships may be solemnised. A Place Approved if issued can be for a single event or for a three year period.
2.2	Following an application being submitted for the "Place Approval" of a venue, a Public Notice should be placed at the venue for 21 days. An objection can subsequently be submitted to the Council detailing their reasoning in relation to the application.
2.3	In addition the Council carries out non statutory consultations with the PSNI and NIFRS.
2.4	<p>In accordance with Regulation 20 of The Marriage Regulations (Northern Ireland) 2003 it states the following:</p> <ol style="list-style-type: none"> <li>1. The authority shall not grant an approval if the application has not been made in accordance with these regulations.</li> <li>2. The authority shall not grant an approval if, in its opinion- <ol style="list-style-type: none"> <li>(a) The place will compromise the solemnity and dignity of civil marriage:</li> <li>(b) The place has a resent or continuing connection with any religious body or religious practice which would be incompatible with the use of that place for the solemnisation pf civil marriages: or</li> <li>(c) The place does not fulfil any other reasonable requirements which the authority considers appropriate to ensure that the facilities provided at the place are suitable.</li> </ol> </li> <li>3. The authority shall not grant an approval without- <ol style="list-style-type: none"> <li>(a) Having regards to the guidance issued by the Registrar General under regulation 34: and</li> </ol> </li> </ol>

	<p>(b) Taking account of any objections in respect of the application which have been made in accordance with regulation19.</p> <p>4. The authority shall not grant a place approval if, in its opinion, the applicant is not a fit and proper person.</p>
<b>3.0</b>	<b>Main Report</b>
3.1	An application was received on 14 <sup>th</sup> May 2021 from Killymoon Golf Club, Killymoon Road, Cookstown for the Place Approval for the main function room within their premises for Civil Marriages/Civil Partnerships.
3.2	We subsequently carried out non statutory consultations with the PSNI and NIFRS on 14 <sup>th</sup> May 2021.
3.3	The response received from the PSNI detailed issues in relation to the “Registration of Clubs (NI) Order 1996) – see Appendix 2. The correspondence raised concerns which the PSNI in relation to compliance with the above legislation.
3.4	However, it is considered that in accordance with the Marriage Regulations (Northern Ireland) Order, the comments submitted by the PSNI does constitute an objection as detailed in Regulation 20 as detailed in CI 2.4 of this report.
3.5	An inspection of the premises has been carried out by the Licensing Officer with no issues being raised. In addition, an Entertainment Licence is currently in place for the Function Room at the premises.
3.6	It should be noted that a previous application for Place Approval for Civil Marriage/Civil Partnership, was approved by the legacy Cookstown District Council with no objections having been received from the PSNI.
<b>4.0</b>	<b>Other Considerations</b>
<b>4.1</b>	<b>Financial, Human Resources &amp; Risk Implications</b>
	Financial: None
	Human: None
	Risk Management: None
<b>4.2</b>	<b>Screening &amp; Impact Assessments</b>
	Equality & Good Relations Implications: None
	Rural Needs Implications: None

<b>5.0</b>	<b>Recommendation(s)</b>
5.1	It is recommended that the application for the “Place Approval for Civil Marriages/Civil Partnerships” at Killymoon Golf Club, Killymoon Road, Cookstown is approved with an advisory note attached highlighting the requirements of “The Registration of Clubs (NI) Order 1996”
<b>6.0</b>	<b>Documents Attached &amp; References</b>
6.1	Appendix 1 - The Marriage Regulations (Northern Ireland) 2003
6.2	Appendix 2 – Correspondence from PSNI



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STATUTORY RULES OF NORTHERN IRELAND

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**2003 No. 468**

**MARRIAGE**

**The Marriage Regulations (Northern Ireland) 2003**

*Made - - - - 3rd November 2003*

*Coming into operation 1st January 2004*

The Department of Finance and Personnel in exercise of the powers conferred on it by Articles 3(3) and (4), 4(1), 7(1), (2), (5) and (6), 8(3) and (4), 17, 18(3), (4) and (6), 21(4), 22(3), 24(3), 27(1), 29(2), 35(3), 36(1) and (3) and 39(2) of the Marriage (Northern Ireland) Order 2003<sup>(1)</sup>, and of all other powers enabling it in that behalf, hereby makes the following Regulations.

**Citation and commencement**

1. These regulations may be cited as the Marriage Regulations (Northern Ireland) 2003 and shall come into operation on 1st January 2004.

**Interpretation**

2. In these regulations –

“approval” means place approval or temporary place approval;

“approval holder” means the person on whose application the approval was granted pursuant to these regulations or a person who is deemed to be the approval holder under regulation 32;

“approved place” means a place which has been approved by an authority under these regulations and for which said approval is still current;

“applicant” means an applicant for an approval;

“authority” means the local registration authority as referred to in Article 30 of the Order;

“place” means any place whose position within the district can be suitably defined in words or figures for the purpose of recording where the civil marriage was solemnised and includes any premises, fixed building, temporary structure, enclosures and similar structures, land and any vessels or vehicles;

“place approval” means the approval, by an authority of a place where civil marriages may be solemnised for a period in its district;

“temporary place approval” means approval by an authority of a place where a civil marriage may be solemnised for one occasion in its district;

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(1) [S.I.2003/413 \(N.I. 3\)](#)

“the Order” means the Marriage (Northern Ireland) Order 2003.

### **Marriage Notice**

3.—(1) A marriage notice shall be in the form as set out in Schedule 1.

(2) The marriage notice for each party to a marriage intended to be solemnised in Northern Ireland shall be served on the registrar at least 14 days before the date of intended marriage except where –

- (a) the registrar has received a written request from one or both of the parties giving the reason why 14 days notice cannot be given; and
- (b) the registrar has been authorised by the Registrar General to reduce the period of 14 days notice to such shorter period as he considers necessary.

4. The registrar may require either of the parties to the marriage to give the marriage notice in person to the registrar for the district in which the marriage is to take place or to a registrar of any other district where –

- (a) the registrar is not satisfied that the marriage notice has been completed correctly; or
- (b) there is any doubt about the identity of the parties; or
- (c) there appears to be a legal impediment to the marriage; or
- (d) any of the documents submitted is not in order.

### **Marriage Notice Book**

5. The prescribed particulars, in relation to a person to be taken from each marriage notice received by the registrar, shall be that person’s –

- (a) surname and name;
- (b) address;
- (c) marital status;
- (d) date of birth; and
- (e) date of intended marriage.

### **Marriage schedule**

6.—(1) A marriage schedule shall be in the form set out in Schedule 2.

(2) The registrar shall issue the marriage schedule within a period of 14 days before the date of the intended marriage.

(3) If for any reason the marriage cannot be solemnised at the place specified in the marriage schedule the registrar may substitute or direct the officiant to substitute the new place in the marriage schedule already issued.

(4) In the circumstances listed in paragraph (5), where the officiant specified in the marriage schedule cannot solemnise the marriage then another officiant may solemnise the marriage and substitute his name in the marriage schedule.

(5) The circumstances, in relation to the officiant specified in the marriage schedule referred to in paragraph (4), are that officiant’s –

- (a) sudden death;
- (b) sudden illness; or
- (c) unavoidable delay.



### **Certificate in Respect of Legal Capacity to Marry**

7.—(1) The certificate to be issued under Article 8(3) of the Order shall be in the form set out in Schedule 3.

(2) The registrar shall not issue a certificate before the expiration of a period of 14 days from the date of receipt of the marriage notice.

### **Notices to return schedule**

8.—(1) The notice to be served under Article 17(1) of the Order shall be in the form set out in Schedule 4.

(2) The notice to be served under Article 17(2) of the Order shall be in the form set out in Schedule 5.

### **Medical statement**

9. The medical statement for the purposes of Article 18(6) of the Order shall be in the form set out in Schedule 6.

### **Second Marriage Ceremony**

10. For the purposes of Article 21(4) of the Order –

- (a) the marriage notice shall be in the form set out in Schedule 7;
- (b) the marriage schedule shall be in the form set out in Schedule 8;
- (c) Article 6 of the Order shall apply as if paragraph (6)(b) were omitted.

### **Consent**

11. The relevant consents for the purpose of Article 22 of the Order shall be in the form set out in Schedule 9.

12. The prescribed particulars to be taken from each consent or from an order made under Article 23 of the Order shall be –

- (a) date of intended marriage;
- (b) name and surname of each party;
- (c) address of each party;
- (d) age of each party;
- (e) name of each person giving consent;
- (f) name of Health and Social Services Board or Health and Social Services Trust (if applicable); and
- (g) date of consent or order.

### **Corrections**

13.—(1) The Registrar General or any registrar may –

- (a) correct any clerical error in a registration of marriage; and
- (b) correct any error of fact or substance in a registration of marriage if a person requiring the error to be corrected produces documentary proof of the true facts or produces a statutory declaration specifying the true facts or statutory declaration by a credible witness possessing knowledge of the true facts.

(2) The statutory declaration referred to in paragraph (1)(b) shall be in the form set out in Schedule 10.

### **Detained persons**

**14.** The statement for the purposes of Article 29 of the Order shall be in the form as set out in Schedule 11.

### **Civil marriage in approved places**

#### **Applicants for an approval of a place for marriage**

**15.—(1)** An application for a place approval may, following the procedures set out in regulation 16, be made to the authority by any person.

(2) An application for a temporary approval may, following the procedures set out in regulation 17, be made to the authority by either of the parties to an intended civil marriage in respect of any place which at the time of the application has not place approval, other than one where an approval will expire before the date of the intended civil marriage.

#### **Place approvals**

**16.—(1)** An applicant for place approval shall deliver to the authority an application in writing to include –

- (a) the name and address of the applicant; and
- (b) a description of the place where it is intended that civil marriages will be solemnised sufficient to identify that place and to allow the authority to inspect it and, in the case of a vessel or vehicle, a description of that vessel or vehicle and the location at which it may be inspected.

(2) The required fee, or an amount on account of that fee, determined in accordance with regulation 26, must accompany the application.

(3) The applicant shall provide the authority with such additional information as the authority may reasonably require in order to determine the application.

(4) The authority may, if it considers it to be appropriate after receiving the application, arrange for the place to be inspected.

#### **Temporary place approvals**

**17.—(1)** An applicant for a temporary place approval shall deliver to the authority an application in writing to include –

- (a) the name and address of the applicant;
- (b) the date and time of the intended civil marriage; and
- (c) a description of the place where it is intended that the civil marriage be solemnised sufficient to identify that place and to allow the authority to inspect it and, in the case of a vessel or vehicle, a description of that vessel or vehicle and the location at which it may be inspected.

(2) The required fee, or an amount on account of that fee, determined in accordance with regulation 26, must accompany the application.

(3) The applicant shall provide the authority with such additional information as the authority may reasonably require in order to determine the application.

(4) The authority may, if it considers it to be appropriate after receiving the application, arrange for the place to be inspected.

### **Public notice**

**18.—**(1) As soon as practicable after receiving an application the authority shall, in accordance with paragraph (2), cause a notice to be placed on public display at the place named in the application.

(2) The notice referred to in paragraph (1) shall –

- (a) identify the place and the applicant;
- (b) state the date and time of the intended civil marriage, in relation to a temporary place approval;
- (c) state that objections to the application may be made to the authority in accordance with regulation 19; and
- (d) state the address at which the application can be inspected and the address to which such objections should be given.

### **Objections**

**19.—**(1) Any person may give notice in writing to the authority of an objection to an application in accordance with this regulation.

(2) The authority shall consider the objection provided that the objection –

- (a) specifies the name and address of the person making it;
- (b) specifies reasons for the objection; and
- (c) was made to the authority within 21 days from the date on which notice was placed on public display under regulation 18.

(3) On special cause shown, the authority may consider an objection to which this regulation applies notwithstanding that it was not made within the period required by paragraph (2)(c).

(4) The authority shall send a copy of any objection submitted in accordance with this regulation to the applicant.

### **Determination of applications**

**20.—**(1) The authority shall not grant an approval if the application has not been made in accordance with these regulations.

(2) The authority shall not grant an approval if, in its opinion –

- (a) the place will compromise the solemnity and dignity of civil marriage;
- (b) the place has a recent or continuing connection with any religious body or religious practice which would be incompatible with the use of that place for the solemnisation of civil marriages; or
- (c) the place does not fulfil any other reasonable requirements which the authority considers appropriate to ensure that the facilities provided at the place are suitable.

(3) The authority shall not grant an approval without –

- (a) having regard to the guidance issued by the Registrar General under regulation 34; and
- (b) taking account of any objections in respect of the application which have been made in accordance with regulation 19.

(4) The authority shall not grant a place approval if, in its opinion, the applicant is not a fit and proper person.

### **Conditions attached to approvals**

**21.** In granting an approval the authority –

- (a) shall attach to a place approval the standard conditions contained in Schedule 12; and
- (b) may attach to a temporary place approval such conditions, and to a place approval such further conditions, as it considers reasonable in order to ensure that the facilities provided at the place are suitable.

### **Notification of decisions**

**22.—**(1) The authority shall, within 7 days of its decision, notify the applicant in writing of that decision including any conditions attached to an approval under regulation 21.

(2) If an application for an approval is refused, or if any conditions are attached under regulation 21(b), the authority shall include with the notification under paragraph (1) –

- (a) the reasons for its decision; and
- (b) details of the right to a review of a decision in accordance with regulation 30.

(3) The authority shall, at the same time as it notifies the applicant under paragraph (1), send a copy of any approval to the registrar.

### **Restriction on successive applications**

**23.** Where the authority has refused an application for an approval it shall not, within one year of that refusal, consider a subsequent application for the same kind of approval in respect of the same place unless, in its opinion, there has been a material change of circumstances.

### **Duration of approvals**

**24.—**(1) Subject to regulations 25(3), 28 and 29, a place approval shall be valid from the date it is granted for a period of three years, or such lesser period as the authority may determine.

(2) Subject to regulations 28 and 29, a temporary place approval shall be valid only for the date stated in that approval unless the authority, on the request of the applicant in writing, agrees to amend the stated date.

### **Renewal of place approvals**

**25.—**(1) An application for renewal of a place approval may be made by the approval holder.

(2) Regulations 16 and 18 to 24 shall apply to an application to renew a place approval as they apply to an application for a place approval and as though any reference in them –

- (a) to an applicant were to an applicant for renewal; and
- (b) to a grant of a place approval were to a renewal of a place approval.

(3) If an application for renewal has been made in accordance with paragraphs (1) and (2) and that application has not been finally determined or withdrawn before the date on which the approval would otherwise expire, the approval shall continue in effect until such time as the application is finally determined or withdrawn.

### **Fees for applications and renewals**

**26.—**(1) An authority may, in accordance with this regulation, determine a fee in respect of an application for an approval, or the renewal of a place approval.

(2) A fee determined for a particular application or renewal shall not exceed the amount which reasonably represents the costs incurred or to be incurred by the authority in respect of that application or renewal.

(3) An authority may charge a fee in respect of an application or renewal, or an amount on account of such fee, where it has not yet incurred any costs in respect of that application or renewal.

### **Fees for attendance of Registrars**

**27.** An authority may determine a fee in respect of the attendance by the registrar at approved places and any such fee shall –

- (a) be the amount which reasonably represents the costs incurred or to be incurred directly or indirectly by the authority in respect of that attendance; and
- (b) be payable to the authority by the parties to an intended civil marriage not less than 14 days, or such lesser period as the authority may determine, prior to the solemnisation of the marriage.

### **Revocation and suspension of approvals**

**28.—**(1) An authority may revoke or suspend an approval in accordance with the provisions of this regulation.

(2) An authority may revoke or suspend an approval if in its opinion –

- (a) the approval holder has failed to comply with one or more of the conditions attached to the approval under regulation 21;
- (b) the approved place is no longer suitable for the solemnisation of civil marriages, having regard to regulation 20(2); or
- (c) in the case of a place approval, the approval holder is not or is no longer a fit and proper person.

(3) Subject to paragraph (6), an authority before revoking or suspending an approval shall give –

- (a) the approval holder; and
- (b) any person who has made representations relevant to the matters to be considered at the hearing,

an opportunity to be heard by the authority or, if that person prefers, to submit written representations.

(4) The authority shall have complied with its duty under paragraph (3) if it has served on the persons referred to in that paragraph, not later than 21 days before the hearing, notice that the authority propose to hold a hearing, together with a copy of any representations referred to in paragraph (3)(b) and a note of the grounds upon which the revocation or suspension of the approval is to be considered.

(5) A revocation or suspension of an approval shall, subject to paragraph (7), come into operation –

- (a) upon expiry of the period for applying for a review under regulation 30; or
- (b) where such an application has been lodged, when the review has been determined in favour of the revocation or suspension.

(6) If an authority, at any time after granting an approval, determines that the circumstances justify immediate suspension it may, without prejudice to its other powers and duties, suspend the approval immediately.

(7) The period of suspension of an approval shall be the unexpired portion of the duration of that approval, or such shorter period as the authority may determine; and the effect of suspension shall be that the approval shall cease to have effect during the period of the suspension.

(8) An authority may, whether upon an application made to them or not, recall a suspension of an approval made under this regulation.

(9) An authority shall within 7 days of its decision under paragraph (1) serve notice of its decision, together with details of the right to a review of the decision under regulation 30, on the approval holder and any person who in pursuance of paragraph (3)(b) was heard by or submitted written representation to, the authority before it reached its decision.

(10) Upon receipt of the notice of revocation or suspension under paragraph (9) the approval holder shall forthwith serve notice of the revocation or suspension on all parties whose intended marriages have not yet been solemnised in the place in respect of which the notice of revocation or suspension has been received.

### **Variation of approvals**

**29.**—(1) Subject to the following paragraphs an authority may, at any time, vary the conditions attached to an approval under regulation 21(b) on any grounds it thinks fit.

(2) An authority, before proceeding to vary an approval under paragraph (1) shall, no later than 7 days before the day on which the proposed variation is to be considered, notify the approval holder in writing of the proposed variation and shall give that person an opportunity to be heard by the authority on that day or, if preferred by the approval holder, to submit written representations.

(3) An authority shall, within 7 days of its decision under paragraph (1), serve notice of its decision on the approval holder, together with details of the right to a review of the decision under regulation 30.

(4) A variation of an approval shall come into operation –

- (a) upon expiry of the period for applying for a review under regulation 30; or
- (b) where such an application has been lodged, when the review has been determined in favour of the variation.

### **Review**

**30.**—(1) An applicant or an approval holder may seek a review by the authority of any decision made by the authority in relation to an application (including any decision to revoke or suspend, or to vary any of the conditions imposed in relation to, an approval granted in pursuance of that application).

(2) An application for review under paragraph (1) must be lodged with the authority within 14 days of the date of receipt of the notice served by the authority informing the approval holder of its decision.

(3) On review under paragraph (1) the authority shall notify the applicant or the approval holder of its decision together with details of the right of appeal to the county court in accordance with regulation 31.

### **Appeal**

**31.**—(1) An applicant or an approval holder may appeal any decision made by an authority on review under regulation 30 to the county court.

(2) An appeal under paragraph (1) must be lodged within 28 days of the date of receipt of the notice served under regulation 30(3).

- (3) An appeal under paragraph (1) may be made only on one or more of the following grounds –
- (a) that the authority's decision was based on an error of law;
  - (b) that the authority's decision was based on an incorrect material fact;
  - (c) that the authority has acted contrary to natural justice; or
  - (d) that the authority has acted unreasonably in the exercise of its discretion.

### **Deemed approval holder**

**32.**—(1) Without prejudice to the provisions of these regulations as to the duration, or the revocation, suspension or variation, of an approval, a place approval shall remain in operation notwithstanding that the approval holder ceases to have an interest in the approved place and the person to whom his interest is transferred shall be deemed to be the approval holder in his place.

(2) Where a person is deemed to be an approval holder under paragraph (1) that person shall immediately notify the authority of that fact, whereupon the authority shall consider the matter and may revoke, suspend or vary the approval, in accordance with regulations 28 and 29.

### **Registers of approved places**

**33.**—(1) Each authority shall keep a register of every approved place within its area for which an approval has been granted, containing –

- (a) the name, description and full postal address (if any) of the approved place;
- (b) the name and address of the approval holder;
- (c) the date of grant of the approval and, where that approval is renewed, the date of such renewal; and
- (d) the due date of expiry of that approval and, where the approval is suspended, the date on which such suspension takes effect, the period of that suspension, and any date of recall.

(2) The authority shall make the appropriate entries in the register forthwith on the grant of any approval and shall amend the register forthwith on notification that any of the details listed in paragraph (1) have changed or on revocation of the approval.

(3) The authority shall, on making or amending any entry in the register under paragraph (2), deliver forthwith a copy of that entry or amendment to the Registrar General and to the registrar.

(4) The authority shall make the register available for public inspection during the normal working hours of the authority.

### **Guidance concerning grants of approval and approved places**

**34.** The Registrar General shall from time to time issue guidance supplementing the provisions made by these regulations for or in connection with the approval of places where civil marriages will be solemnised.

### **Certified Copies of Entries**

**35.** The document given under Article 35(3) of the Order –

- (a) shall be in the form as set out in Schedule 13 where it is being issued from the General Register Office; and
- (b) shall be in the form as set out in Schedule 14 where it is being issued by a Registrar.

**36.**—(1) The document given under Article 36 of the Order shall be in the form as set out in Schedule 15.

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(2) The statutory provisions to be prescribed under Article 36 of the Order are listed in Schedule 16.

Sealed with the Official Seal of the Department of Finance and Personnel on 3rd November 2003.

L.S.

*T. N. Caven*  
Senior Officer of the  
Department of Finance and Personnel



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## SCHEDULE 1

Regulation 3

## MARRIAGE NOTICE NORTHERN IRELAND

*Article 3 of the Marriage (Northern Ireland) Order 2003*

Must be served on the Registrar at least 14 days before the date of the intended marriage.

A About the intended marriage				THIS SPACE FOR REGISTRAR'S USE ONLY Marriage Notice Reference ..... Date Document Returned .....			
1. Date of marriage	Day	Month	Year				
2. Place of marriage							
B About yourself							
3. Current Forename(s)				Previous Name(s) & Surname			
Current Surname(s)				Maiden Name			
4. Present or last occupation							
5. Retired (tick box)	Yes <input type="checkbox"/>	No <input type="checkbox"/>	6. Sex (tick box)		Male <input type="checkbox"/>	Female <input type="checkbox"/>	
7. Marital status (tick box)	Single <input type="checkbox"/>	Widowed <input type="checkbox"/>	Divorced <input type="checkbox"/>	8. Date of Birth	Day	Month	Year
9. Place of birth	10. Country of residence			11. Nationality			
12. Usual residence							
				Postcode			
C About your father							
13. (a) Current Forename(s).....							
(b) Current Surname(s) .....							
(c) Previous Name(s) & /Surname(s) .....							
14. Present or last occupation							
15. Retired (tick box)	Yes <input type="checkbox"/>	No <input type="checkbox"/>	16. Is he still living (tick box)		Yes <input type="checkbox"/>	No <input type="checkbox"/>	
D About your mother							
17. (a) Current Forename(s) .....							
(b) Current Surname(s) .....							
(c) Previous Name & /Surname(s).....							
18. Maiden Surname							
19. Present or last occupation							
20. Retired (tick box)	Yes <input type="checkbox"/>	No <input type="checkbox"/>	21. Is she still living (tick box)		Yes <input type="checkbox"/>	No <input type="checkbox"/>	
E About the officiant (complete this part if you intend to have a religious marriage)							
22. Name and religious denomination of the officiant.				..... Name			
				..... Denomination			
23. Signature of that person to indicate that (s)he is willing to act as officiant.				.....Signature			

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F About the other party to the intended marriage

24. Forename(s) in full .....  
Surname(s).....

25. Usual residence & Postcode. ....

G Documents to be submitted by you with this Notice

<p>26. FOR ALL PERSONS</p> <p>Is your birth certificate enclosed? (tick box)      Yes      No    <input type="checkbox"/>      <input type="checkbox"/></p>	<p><i>If you are unable to produce your birth certificate, state the reason here.</i></p>
<p>27. IF YOU ARE DIVORCED OR PREVIOUS MARRIAGE WAS ANNULLED</p> <p>Is your decree of divorce or annulment enclosed? (tick box)      Yes      No    <input type="checkbox"/>      <input type="checkbox"/></p>	<p><i>The Registrar will require proof of the termination of the earlier marriage. If you are unable to produce the official decree of divorce or annulment, state the reason for not doing so as this will affect whether or not the ceremony can proceed.</i></p>
<p>28. IF YOU ARE A WIDOW OR WIDOWER</p> <p>Is the death certificate of your former spouse enclosed? (tick box)      Yes      No    <input type="checkbox"/>      <input type="checkbox"/></p>	<p><i>The Registrar will require proof of the death. If you are unable to produce a death certificate of your previous spouse, state the reason for not doing so.</i></p>
<p>29. NATIONALITY</p> <p>Have you enclosed your passport or other document(s) to prove your nationality? (tick box)      Yes      No    <input type="checkbox"/>      <input type="checkbox"/></p>	<p><i>If for any reason you are unable to enclose documentation to prove nationality please state the reason. If you are a United Kingdom Citizen, who does not have a passport, your birth certificate may be sufficient.</i></p>

H

30. DECLARATION

I solemnly declare –

- (i) that I am the person named at B3;
- (ii) that I and the person named at Part F intend to be married on the date entered in Part A and by the officiant named at Part E;
- (iii) that there is no impediment caused by being within the prohibited degrees of relationship, affinity or adoption and that I know of no other legal impediment to our marriage;
- (iv) that all the particulars and other information given by me on this notice are correct to the best of my knowledge and belief; and
- (v) that each document submitted by me in accordance with Part G of this notice is genuine.

Signed: .....

Date: .....

**Note:** A person who supplies false information to a Registrar or uses, gives or sends any certificate, document or declaration required for the purposes of this marriage notice which is false or has been forged in any way is liable to prosecution.

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## SCHEDULE 2

Regulation 6

## MARRIAGE SCHEDULE

*Article 7 of the Marriage (Northern Ireland) Order 2003*

In the case of a religious marriage **this Schedule must be returned** to the issuing Registrar **within three days** of the marriage to enable it to be registered.

Registered at Entry No

Marriage Notice Reference

1. Date of Marriage			
2. Place of Marriage			
3. Forename(s) Surname	<b>Bridegroom</b>	<b>Bride</b>	
4. Occupation			
5. Marital Status			
6. Date of birth			
7. Country of birth			
8. Usual address			
9. Father's Full Name Occupation			
10. Mother's Full Name Maiden surname Occupation			
11. Parties Married	<i>(Groom's Signature)</i>	<i>(Bride's Signature)</i>	
12. Witnesses' Signatures	<i>(Signature)</i>	<i>(Signature)</i>	
Names and	<i>Full name in block capitals</i>	<i>Full name in block capitals</i>	
Addresses	<i>Address</i>	<i>Address</i>	
13. Officiant/Registrar	<i>(Signature)</i>		
	<i>Full name in block capitals</i>		

For Official Use Only  
14. Registered by

*(Signature)**Registrar*

15. Registered on

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## SCHEDULE 3

Regulation 7

## CERTIFICATE IN RESPECT OF LEGAL CAPACITY TO MARRY

*Marriage (Northern Ireland) Order 2003*

Name:.....

Address: .....

has applied to me for a certificate under Article 8(3) of the Marriage (Northern Ireland) Order 2003 and has supplied to me the information shown below concerning his/her marriage.

	<b>Bridegroom</b>	<b>Bride</b>
Surname		
Christian or forenames		
Marital status		
Nationality		
Date of birth		
Place of residence		
Country of residence		
Where marriage is to take place		

*I hereby certify that he/she has complied with the requirements set out in the Marriage (Northern Ireland) Order 2003 and that he/she is not known to be subject to any legal incapacity under the law of Northern Ireland which would prevent his/her marrying.*

Signature: .....

Registrar for the District of ..... Northern Ireland

Date of issue: .....

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#### SCHEDULE 4

Regulation 8

##### NOTICE UNDER ARTICLE 17(1) OF THE MARRIAGE (NORTHERN IRELAND) ORDER 2003

To: ..... From:  
..... The Registrar of Marriages  
..... District of .....  
..... Address .....  
.....

The Marriage Schedule issued on ..... for a marriage to take place on  
..... at ..... has not been  
returned to this office.

You are hereby required under Article 17(1) of the Marriage (Northern Ireland) Order 2003 to arrange  
for the Marriage Schedule to be delivered to me within 8 days from the date of service of this notice.

..... Registrar

..... Date

#### SCHEDULE 5

Regulation 8

##### SECOND NOTICE UNDER ARTICLE 17(2) OF THE MARRIAGE (NORTHERN IRELAND) ORDER 2003

To: ..... From:  
..... The Registrar of Marriages  
..... District of .....  
..... Address .....  
.....

##### SECOND NOTICE - FAILURE TO RETURN MARRIAGE SCHEDULE

A notice was served on you on ..... requiring you to return to this office within 8 days  
of the service of the notice the Marriage Schedule issued in respect of your marriage.

As you have failed to comply with that notice you are hereby required, under Article 17(2) of the Marriage  
(Northern Ireland) Order 2003, to attend personally at this office within 8 days from the date of service  
of this notice and bring the Marriage Schedule with you to enable me to register the marriage.

If you fail to comply you shall be guilty of an offence under Article 38(2)(c) of the Marriage (Northern  
Ireland) Order 2003 and be liable on summary conviction to a fine not exceeding £100.

..... Registrar

..... Date

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

## SCHEDULE 6

Regulation 9

## STATEMENT BY REGISTERED MEDICAL PRACTITIONER

*Article 18(6) of the Marriage (Northern Ireland) Order 2003*

Intended marriage of

..... and .....  
 (Full Names of man) (Full Names of woman)

I..... being a registered Medical Practitioner,

state that in my opinion .....  
 (Name of patient)

who is at present residing at ..... ought not, by reason of serious illness or serious disability, to move or be moved from the place stated above and it is likely that it will be the case for at least the following three months, that by reason of the illness or disability, (s)he ought not to move or be moved from that place.

Date ..... (Signed) .....

Address .....

## SCHEDULE 7

Regulation 10

## MARRIAGE NOTICE NORTHERN IRELAND

*Articles 3 & 21 (2nd Marriage) of the Marriage (Northern Ireland) Order 2003*

Must be served on the Registrar at least 14 days before the date of the intended marriage

A About the intended marriage				THIS SPACE FOR REGISTRAR'S USE ONLY Marriage Notice Reference ..... Date Document Returned .....			
1. Date of marriage	Day	Month	Year				
2. Place of marriage							
B About yourself							
3. Current Forename(s)				Previous Name(s) & Surname Maiden Name			
Current Surname(s)							
4. Present or last occupation							
5. Retired (tick box)		Yes <input type="checkbox"/>	No <input type="checkbox"/>	6. Sex (tick box)		Male <input type="checkbox"/>	Female <input type="checkbox"/>
7. Marital status Previously went through a marriage ceremony at ..... on.....				8. Date of Birth		Day	Month
9. Country of birth		10. Country of residence		11. Nationality			
12. Usual residence							

Postcode 

--	--	--	--	--	--	--	--	--	--

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## C About your father

13. (a) Current Forename(s).....  
 (b) Current Surname(s).....  
 (c) Previous Name(s) & /Surname(s) .....

## 14. Present or last occupation

15. Retired (*tick box*) Yes ☐ No ☐ 16. Is he still living (*tick box*) Yes ☐ No ☐

## D About your mother

17. (a) Current Forename(s).....  
 (b) Current Surname(s).....  
 (c) Previous Name & /Surname(s).....

## 18. Maiden Surname

## 19. Present or last occupation

20. Retired (*tick box*) Yes ☐ No ☐ 21. Is she still living (*tick box*) Yes ☐ No ☐

## E About the other party to the intended marriage

22. Forename(s) in full .....  
 Surname(s).....  
 Usual residence.....

## 23. Postcode.

## F Documents to be submitted by you with this Notice

<p>24. FOR ALL PERSONS</p> <p>Is your birth certificate enclosed? (<i>tick box</i>) Yes <input type="checkbox"/> No <input type="checkbox"/></p>	<p><i>If you are unable to produce your birth certificate, state the reason here.</i></p>
<p>25. IF YOU ARE DIVORCED OR PREVIOUS MARRIAGE WAS ANNULLED</p> <p>Is your decree of divorce or annulment enclosed? (<i>tick box</i>) Yes <input type="checkbox"/> No <input type="checkbox"/></p>	<p><i>If you are unable to produce the official decree of divorce or annulment, state the reason for not doing so. The Registrar will require proof of the termination of the earlier marriage.</i></p>
<p>26. IF YOU ARE A WIDOW OR WIDOWER</p> <p>Is the death certificate of your former spouse enclosed? (<i>tick box</i>) Yes <input type="checkbox"/> No <input type="checkbox"/></p>	<p><i>If you are unable to produce a death certificate of your previous spouse, state the reason for not doing so. The Registrar may require proof of the death</i></p>

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<p>27. NATIONALITY</p> <p>Have you enclosed you passport or other document(s) to prove your nationality? (tick box)      Yes      No  <input type="checkbox"/>      <input type="checkbox"/></p>	<p><i>If for any reason you are unable to enclose documentation to prove nationality please state the reason. If you are a United Kingdom Citizen, who does not have a passport, your birth certificate may be sufficient.</i></p>
<p>28. STATUTORY DECLARATION BY BOTH PARTIES</p> <p>(1) Stating they have previously gone through a marriage ceremony with each other.</p> <p>(2) Specifying the date and place at which and the circumstances in which they went through the marriage.</p>	

G

29. DECLARATION

I solemnly declare –

- (i) that I am the person named at B3;
- (ii) that I and the person named at Part E intend to be married on the date entered in Part A;
- (iii) that there is no impediment caused by being within the prohibited degrees of relationship, affinity or adoption and that I know of no other legal impediment to our marriage;
- (iv) that all the particulars and other information given by me on this notice are correct to the best of my knowledge and belief; and
- (v) that each document submitted by me in accordance with Part G of this notice is genuine.

Signed: .....

Date: .....

Note: A person who supplies false information to a Registrar or uses, gives or sends any certificate, document or declaration required for the purposes of this marriage notice which is false or has been forged in any way is liable to prosecution.



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## SCHEDULE 8

Regulation 10

## MARRIAGE SCHEDULE

*Articles 7 & 21 (2nd Marriage) of the Marriage (Northern Ireland) Order 2003*

Registered at Entry No.		Marriage Notice Reference	
<input type="text"/>		<input type="text"/>	
1. Date of Marriage			
2. Place of Marriage			
3. Forename(s) Surname	<b>Bridegroom</b>	<b>Bride</b>	
4. Occupation			
5. Marital Status	Previously went through a marriage ceremony at ..... ON .....		
6. Date of birth			
7. Country of birth			
8. Usual address			
9. Father's Full Name Occupation			
10. Mother's Full Name Maiden surname Occupation			
11. Parties Married	<i>(Groom's Signature)</i>	<i>(Bride's Signature)</i>	
12. Witnesses' Signatures	<i>(Signature)</i>	<i>(Signature)</i>	
Names	<i>Full name in block capitals</i>	<i>Full name in block capitals</i>	
Addresses	<i>Address</i>	<i>Address</i>	
13. Registrar Performing the marriage	<i>(Signature)</i>		
	<i>Full name in block capitals</i>		
<i>For Official Use Only</i> 14. Registered by	<i>(Signature)</i>		
15. Registered on			

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## SCHEDULE 9

Regulation 11

## FORM OF CONSENT TO THE MARRIAGE OF A YOUNG PERSON

*Article 22 of the Marriage (Northern Ireland) Order 2003*

Intended Marriage of.....

Address.....

with (name of other party). ....

Address .....

I (a) ....., being the (b).....

and I (a) ....., being the (b).....

of the above named .....a young person, aged ..... years,

and being the persons whose consent to h ..... Marriage is required by Marriage (Northern Ireland) Order 2003 do hereby give consent to the above Marriage.

Witness my hand this .....day of..... 2 .....

Signature of person giving consent .....

Address .....

Witness to the above Signature .....

Qualification .....

Address .....

Witness my hand this .....day of..... 2 .....

Signature of person giving consent .....

Address .....

Witness to the above Signature .....

Qualification .....

Address .....

(a) Insert Name in full. (b) Insert "Father", "Mother" or "Guardian" or where a residence order is in force or was in force immediately before the young person reached the age of sixteen "the person with whom the young person lives or lived" as the case may be.

The.....Board/Trust, being the designated Health and Social Services Trust/Board in the care order dated..... hereby consents to the intended marriage as described above.

Signed ..... on behalf of the above Trust/Board this.....day of.....2 .....

Qualification .....

In the presence of.....signature.....name and surname

Qualification.....

Where only one Parent gives consent - please state reason below –

.....

Registrar's Signature:.....Date: .....

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## SCHEDULE 10

Regulation 13

### STATUTORY DECLARATION IN CASE OF ERROR OF FACT OR SUBSTANCE IN A REGISTRATION OF A MARRIAGE

#### *Marriage (Northern Ireland) Order 2003*

Registrar's District .....  
I/We ..... of .....  
being ..... of /the person(s) whose marriage on ..... (day)..... (month) ..... (year)  
was entered on the ..... (day) ..... (month)..... (year) at No .....  
in the Registration of a Marriages of the above District do solemnly and sincerely declare according to  
the best of my/our knowledge and belief that it is erroneously stated .....  
.....  
and that instead thereof it should be stated.....  
  
Signature(s) of } .....  
person(s) making } .....  
declaration } .....  
  
Declared before me this ..... day of ..... 2 ....  
  
Signature of Person in  
whose presence declaration  
was made .....  
  
Qualification .....

## SCHEDULE 11

Regulation 14

### STATEMENT BY THE RESPONSIBLE AUTHORITY

#### *Article 29 of the Marriage (Northern Ireland) Order 2003*

Intended marriage of .....(Full Names of man)  
and .....(Full Names of woman) on.....date  
I .....being/on behalf of the Responsible Authority  
(Full Names)  
for the place of Detention/Hospital/Special Accommodation known as  
(Address) .....  
at which .....is being detained  
(Name of person)  
state that the Responsible Authority has no objection to the intended marriage taking place in the above  
establishment.  
(Signed) .....  
Designation .....  
Address .....  
.....  
Date.....  
**To be made not more than 21 days before the date on which the marriage notice is given**

## SCHEDULE 12

Regulation 21

## STANDARD CONDITIONS TO BE ATTACHED TO PLACE APPROVALS

*Article 18 of the Marriage (Northern Ireland) Order 2003*

1. The approval holder is responsible for compliance with these conditions and must make arrangements to ensure that in his or her absence a person of suitable responsibility is available in this regard.

2. The approval holder (or his or her delegate) shall be available in or at the approved place for a minimum of one hour prior to each civil marriage ceremony and throughout the ceremony itself.

3. The approval holder must notify the authority immediately of any change to any of the following –

- (a) the nature of the approved place from that described in the application for approval;
- (b) the name, description and full postal address (if any) of the approved place; and
- (c) the address of the approval holder.

4. Where a person is deemed to be an approval holder under regulation 32, that person shall be obliged to notify the authority immediately of that fact in accordance with regulation 32(2).

5. The approved place must be made available for inspection by the authority at all reasonable times.

6. No food or drink may be sold or dispensed or consumed in any approved place in which a marriage ceremony is to take place within one hour prior to that ceremony or during the ceremony itself, except where the ceremony takes place in a separate room or similarly defined space within the approved place in which case this restriction shall apply only to that room or space.

7. The arrangements made by the approval holder for each civil marriage ceremony must meet with the prior written approval of the registrar.

8.—(1) Any reference to an approved place on any sign or notice, or on any stationery or publication, or within any advertisement, relating to that place may state, subject to subparagraph (2), that the approved place has been approved by the authority as a venue for civil marriages in pursuance of the Order and if it does so, must state that such an approval does not bind the authority to perform or provide a service without prior consultation with and agreement of said authority.

(2) Any reference under (1) shall not state or imply any recommendation of the approved place or its facilities by the authority, the Registrar General or any of the officers or employees of either of them.

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## SCHEDULE 13

Regulation 35

REGISTRATION OF MARRIAGE IN NORTHERN IRELAND  
CERTIFIED COPY OF AN ENTRY IN MARRIAGE REGISTRATION RECORDS

*Marriage (Northern Ireland) Order 2003*

MARRIAGE Registered in the District of		Entry No :
1. Date of Marriage		
2. Place of Marriage		
3.	<b>Bridegroom</b>	<b>Bride</b>
Forename(s) Surname		
4. Occupation		
5. Marital Status		
6. Date of birth		
7. Country of birth		
8. Usual address		
9. Father's Full Name Occupation		
10. Mother's Full Name Maiden surname Occupation		
11. Parties Married	(Groom's Signature)	(Bride's Signature)
12. Witnesses' Signatures	(Signed)	(Signed)
Addresses	Address	Address
13. Officiant/Registrar	(Signed)	
14. Registered by	(Signed)	
15. Registered on		

Certified to be a true copy of an entry in the Marriage Registration Records in the custody of the Registrar General for Northern Ireland and given under the Seal of the General Register Office on .....

*The Registrar General shall cause any document given by him under Article 35 of the Marriage (Northern Ireland) Order 2003 to be stamped with the seal of the General Register Office of which judicial notice shall be taken*

**CAUTION :THERE ARE OFFENCES RELATING TO FALSIFYING OR ALTERING A CERTIFICATE AND USING OR POSSESSING A FALSE CERTIFICATE.**

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**WARNING: A CERTIFICATE IS NOT EVIDENCE OF IDENTITY**

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## SCHEDULE 14

Regulation 35

REGISTRATION OF MARRIAGE IN NORTHERN IRELAND  
CERTIFIED COPY OF AN ENTRY IN MARRIAGE REGISTRATION RECORDS

*Marriage (Northern Ireland) Order 2003*

MARRIAGE Registered in the District of		Entry No :
1. Date of Marriage		
2. Place of Marriage		
3. Forename(s) Surname	<b>Bridegroom</b>	<b>Bride</b>
4. Occupation		
5. Marital Status		
6. Date of birth		
7. Country of birth		
8. Usual address		
9. Father's Full Name Occupation		
10. Mother's Full Name Maiden surname Occupation		
11. Parties Married	<i>(Groom's Signature)</i>	<i>(Bride's Signature)</i>
12. Witnesses' Signatures	<i>(Signed)</i>	<i>(Signed)</i>
Addresses	<i>Address</i>	<i>Address</i>
13. Officiant/Registrar	<i>(Signed)</i>	
14. Registered by	<i>(Signed)</i>	
15. Registered on		

Certified to be a true copy of an entry in the Marriage Registration Records in my custody

.....Registrar

.....Date

**CAUTION : THERE ARE OFFENCES RELATING TO FALSIFYING OR ALTERING A CERTIFICATE AND USING OR POSSESSING A FALSE CERTIFICATE.**

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## SCHEDULE 15

Regulation 36

## EXTRACT FROM MARRIAGE REGISTRATION RECORDS

*Marriage (Northern Ireland) Order 2003*

Issued only for the purposes of .....

Extract of a MARRIAGE Registered in the District of		Entry No :
1. Date of Marriage		
2. Place of Marriage		
3. Forename(s) Surname	<b>Bridegroom</b>	<b>Bride</b>
4. Occupation		
5. Marital Status		
6. Date of birth		
7. Country of birth		
8. Usual address		
9. Registered by		
10. Registered on		

Extract taken from the Marriage Registration Records held in the custody of the Registrar General / Registrar which should only be used for the purpose specified.

Signed.....

Date .....

## SCHEDULE 16

Regulation 36

LIST OF STATUTORY PROVISIONS WHERE AN EXTRACT FROM  
MARRIAGE REGISTRATION RECORDS CAN BE ISSUED UNDER  
ARTICLE 36 OF THE MARRIAGE (NORTHERN IRELAND) ORDER 2003

The Industrial Assurance and Friendly Societies Act (Northern Ireland) 1948 ([1948 c. 22](#))

The Exchequer and Financial Provisions Act (Northern Ireland) 1950 ([1950 c. 3](#))

The Social Security Contributions and Benefits (Northern Ireland) Act 1992

The Social Security Administration (Northern Ireland) Act 1992

The Social Security (Northern Ireland) Acts 1975 to 1986

## EXPLANATORY NOTE

*(This note is not part of the Regulations.)*

These Regulations made under the Marriage (Northern Ireland) Order 2003 make provision for the various forms and particulars to be prescribed in connection with the preliminaries to, and the solemnising of civil and religious marriages. They also include procedures required for the approval of places by a local registration authority (“an authority”) for civil marriage other than at the Registrar’s Office.

In particular the regulations set out –

- (1) the form required for giving notice of intention to marry (“the marriage notice”) and the requirement for giving 14 days notice (regulation 3) and the giving of notice in person (regulation 4);
- (2) the particulars to be taken from each marriage notice and kept by the registrar (regulation 5);
- (i) the form of marriage schedule and the requirement for the registrar to issue it within the 14 day period prior to the marriage (regulation 6(1) and (2));
- (ii) the circumstances where a marriage may be solemnised in a different place to that specified in the marriage schedule (regulation 6(3));
- (iii) the circumstances where a marriage may be solemnised by a person other than the one specified in the marriage schedule (regulation 6(4) and (5));
- (4) the form of certificate in respect of legal capacity to marry to be issued where a person wishes to marry abroad (regulation 7);
- (5) the form of notices for the return of the marriage schedule after the marriage (regulation 8);
- (6) the form of medical statement required where by reason of serious illness or disability a marriage is to take place at home or in hospital (regulation 9);
- (7) the form of marriage notice and marriage schedule where there is a second marriage ceremony and the modification of Article 6 of the Order in the circumstances where there is a second marriage ceremony (regulation 10);
- (8) the form of consents required for persons over 16 years of age but under 18 years of age (regulation 11) and the particulars to be taken from each consent or court order (regulation 12);
- (9) the provision for correcting errors and the form of the statutory declaration to be completed (regulation 13);
- (10) the form of statement by a responsible authority where either party is detained in prison or hospital (regulation 14);
- (11) the parties who may apply for approval of a place for the solemnisation of a civil marriage and the application procedures which those parties must follow for the different types of approval (regulations 15, 16 and 17);
- (12) the requirements for public notice of applications and third party objection procedure (regulations 18 and 19);
- (13) the considerations to be taken into account by an authority in determining an application (regulation 20);
- (14) the procedure for attaching standard conditions to a place approval (as set out in Schedule 12 to the Regulations) and non-standard conditions to either place or temporary approvals



(regulation 21), the notification of decisions (regulation 22), and a restriction on successive applications (regulation 23);

(15) the duration of approvals (regulation 24) and the procedure for renewal (regulation 25);

(16) the determination and charging of fees by an authority for the approval of places and renewal of approvals (regulation 26) and in respect of the attendance by registrars at approved places (regulation 27);

(17) the grounds and procedures for revocation, suspension and variation of an approval (regulations 28 and 29);

(18) the procedures for review of any decision by an authority under these regulations (regulation 30);

(19) the grounds and procedures for appeal to the county court (regulation 31);

(20) the deeming of a person who takes over the interest in a place approval as the approval holder (regulation 32);

(21) the requirements for the keeping of registers of approved places (regulation 33);

(22) the duty on the Registrar General to issue supplementary guidance (regulation 34);

(23) the form of a certified copy of an entry in the marriage registration records in the custody of the registrar and the Registrar General (regulation 35); and

(24) the extract from the marriage registration records to be issued for certain statutory provisions and the list of these provisions (regulation 36).



## Police Service of Northern Ireland

Your Ref: CM/CTN/018/2021

25<sup>th</sup> May 2021

Head of Building Control  
Mid Ulster District Council  
Magherafelt

Dear Willie,

Application by Killymoon Golf Club to hold Civil Marriages / Civil Partnerships:

The above premises is a registered club and must fulfil certain criteria to hold functions under Art 30 of Registration of Clubs (NI) Order 1996.

The criteria includes that the function is organised by the club, related to the objects of the club, for the benefit of the club as a whole and only members of the club and their guests are present at the function.

I do not believe that Civil Partnerships and/or Civil Marriages satisfy the conditions relating to club functions.

Yours Sincerely,

Paul Larkin

Constable  
Mid Ulster District PSNI

<b>Report on</b>	The Roads Miscellaneous Provisions Act (NI) 2010 – Road Closures
<b>Date of Meeting</b>	15 <sup>th</sup> June 2021
<b>Reporting Officer</b>	Fiona McClements

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

<b>1.0</b>	<b>Purpose of Report</b>
1.1	To request that Members make a determination on an application for a Road Closure Order in connection with a special event to be held on 31 July 2021.
<b>2.0</b>	<b>Background</b>
2.1	Further to previous reports, Members will be aware that The Roads Miscellaneous Provisions Act (NI) 2010 introduced by The Department for Infrastructure (DfI) permits the closure of roads for the holding of special events.
2.2	<p>The above legislation enables Council to deal with requests to close public roads for special events in its area. Special Events are defined as:</p> <ul style="list-style-type: none"> <li>• Any sporting event, social event or entertainment which is held on a public road; or</li> <li>• The making of a film on a public road (including making TV programmes, films or advertisements).</li> </ul>
2.3	<p>Special Events do not include the following:</p> <ul style="list-style-type: none"> <li>• Public processions;</li> <li>• Motor road races;</li> <li>• Cycle races or trials; or</li> <li>• Road works</li> </ul>
2.4	<p>The underlying principle in relation to special events on roads is that it would not be reasonably practicable to hold the event elsewhere. The restriction or prohibition of traffic using the public road will only be permitted for:</p> <ul style="list-style-type: none"> <li>• Facilitating the holding of a special event, or</li> <li>• Enabling members of the public to watch a special event, or</li> <li>• Reducing traffic disruption in adjacent streets</li> </ul>
2.5	Although the legislation provides the Council with the power to prohibit or restrict the use of a public road, an Order cannot be made that would at any time prevent pedestrian access to any premises situated on or adjacent to the road, or to any other premises accessible for pedestrians from and only from the road.

<b>3.0</b>	<b>Main Report</b>
3.1	<p>The Environmental Health Service has received the following application for a Road Closure Order to facilitate the holding of a special event:</p> <ul style="list-style-type: none"> <li>• Tri Limits Triathlon Club – Tri Tyrone 70.3– Saturday 31st July 2021</li> </ul> <p>The application seeks to temporarily restrict or prohibit all vehicular traffic from using the following roads between the hours of 09:00 and 17:30 in order to facilitate the event:</p> <ul style="list-style-type: none"> <li>➤ Road Closure, Old Ballygawley Road, Dungannon from junction Parkanaur Road, East to junction Old Caulfield Road.</li> <li>➤ Lane Closure, Old Ballygawley Road, East bound from its junction with Woodlough Road to its junction with Parkanaur Road.</li> </ul>
3.2	<p>The application has been processed by the Environmental Health Service after receipt of a completed application form, payment of the appropriate fee, and submission of a range of supporting information which includes:</p> <ul style="list-style-type: none"> <li>• Traffic Management Plan / Traffic Signing Schedule prepared by one of the DfI authorised Traffic Management Companies</li> <li>• Evidence of Public Liability Insurance</li> <li>• Details of consultees and feedback received</li> <li>• Evidence of consultation with emergency services</li> </ul>
3.3	A fee of £219 has been invoiced in respect of this application.
3.4	The necessary consultation has been undertaken with the various statutory bodies (PSNI, NIFRS, NIAS) and DfI in relation to each application and public notices of consultation have been placed in the local press.
3.5	Although some feedback has been received some statutory consultee responses remain outstanding at the time of report. The Environmental Health Service will hopefully be in a position to update Members of any particular concerns or representations raised by the consultation process at the time of Committee.
3.6	The applicant has been advised that due regard has to be given to proceeding in line with the Covid restrictions in place at that time.
3.7	It is therefore recommended that Members make a determination that the “Road Closure Order outlined above, be made in line with DfI guidance, subject to no objections being received during the consultation process and DfI giving consent”.

<b>4.0</b>	<b>Other Considerations</b>
<b>4.1</b>	<b>Financial, Human Resources &amp; Risk Implications</b>
	Financial: £219 for the application process to cover advertising
	Human: Staff time
	Risk Management: N/a
<b>4.2</b>	<b>Screening &amp; Impact Assessments</b>
	Equality & Good Relations Implications: N/a
	Rural Needs Implications: N/a
<b>5.0</b>	<b>Recommendation(s)</b>
5.1	It is recommended that Members make a determination that the Road Closure Order outlined in Section 3.1 of the report be made in line with the Dfl guidance, subject to no objections being received during the consultation process and Dfl consent being granted.
<b>6.0</b>	<b>Documents Attached &amp; References</b>
6.1	Appendix 1 – Application.



## Appendix 1

### Applications for Road Closure Orders

Promoter Name	Promoter Address	Event Details	Date	Time From/To
Tri Limits Triathlon Club	12 Carneeny Lane, Pomeroy, Dungannon	Triathlon Ireland Middle Distance Championships. Swim 1.9Km, Cycle 90Km and Run 21.1 Km	Saturday 31 <sup>st</sup> July 2021	09:00 -17:30





<b>Report on</b>	Private Tenancies – update on current proposals
<b>Date of Meeting</b>	15 <sup>th</sup> June 2021
<b>Reporting Officer</b>	Fiona McClements

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

<b>1.0</b>	<b>Purpose of Report</b>
1.1	To inform members of recent communications from the Department for Communities regarding Departmental Response to the Review of the Private Rented Sector; draft Private Tenancies Bill and regional Environmental Health response; and proposals to transfer registration of Landlords to councils.
<b>2.0</b>	<b>Background</b>
2.1	In 2017 the Department for Communities (DfC) carried out a consultation “Review of the Private Rented sector”. MUDC were consulted as part of this process and comments were agreed by MUDC and forwarded to the Department for Communities.
2.2	<p>The aim of the review was to consider the current and potential future role of the sector and assess the effectiveness of current regulation, identifying where improvements could be made to help make the private rented sector a more attractive housing option.</p> <p>It set out proposals on:</p> <ul style="list-style-type: none"> <li>• Supply</li> <li>• Affordability</li> <li>• Security of Tenure</li> <li>• Tenancy Management</li> <li>• Property Standards</li> <li>• Dispute Resolution</li> </ul>
2.3	The Department subsequently published a “Proposals for Change” document which set out the feedback received from consultees.
2.4	<p>A link to The Proposals for Change document is below:</p> <p><a href="https://www.communities-ni.gov.uk/consultations/private-rented-sector-northern-ireland-proposals-change">https://www.communities-ni.gov.uk/consultations/private-rented-sector-northern-ireland-proposals-change</a></p>

<b>3.0</b>	<b>Main Report</b>
	<u>Departmental response to Proposals to Reform the Private Rented Sector</u>
3.1	On 4 <sup>th</sup> May 2021, the Communities Minister, Deidre Hargey published the Departmental response to the consultation on proposals to reform the private rented sector. She advised that she intended to ask the Executive to bring legislation to the Assembly to implement some of the proposals published in the response to the consultation.
3.2	The new legislative proposals will include a longer notice to quit period will also look to implement a number of other proposals including ensuring that all private tenants are issued with a written agreement of tenancy terms, making it a mandatory requirement for private landlords to provide smoke and carbon monoxide detectors and to carry out periodic electrical checks and restricting rent increases to once in any 12 month period.
3.3	The Departmental response to the Consultation on the Review of the Private Rented Sector (PRS) published on 4 <sup>th</sup> May 2021 is attached at Appendix 1.
	<u>Proposal to transfer the registration of landlords to local councils</u>
3.4	The Department for Communities have also initiated work to improve the PRS through a proposal to transfer the registration of landlords to local councils. This would see councils being provided with additional powers to strengthen and provide local enforcement of the PRS, funded by registration fees.
3.5	An update presentation by Environmental Health provided to elected members at a Housing update meeting on Thursday 27 <sup>th</sup> May is also attached for your information at Appendix 2.
3.6	A meeting of the regional Working Group that DfC has set up to examine the proposals is due to take place in the next few weeks (date to be confirmed by DfC).
	<u>Private Tenancies Bill</u>
3.7	DfC have also issued correspondence attached at Appendix 3 to stakeholders including the regional Environmental Health Managers Group (EHNI). DfC have advised that they plan to bring forward some of the proposals during the current NI Assembly mandate; with others that require further research such as Letting Agent Regulation, the introduction of Grounds for Eviction and Fitness Standards, brought forward in the longer term.
3.8	A draft of the proposed Private Tenancies Bill has been forwarded to regional Environmental Health managers group and Public Health and Housing Subgroup for consideration and review.

3.9	<p>Key Proposals in the Bill include:</p> <ul style="list-style-type: none"> <li>• restriction on rent increases;</li> <li>• deposit amount restricted to one month's rent;</li> <li>• time limit to protect a deposit with one of the scheme administrators extended to 28 days and time limit to provide confirmation to tenant extended to 35 days;</li> <li>• certain offences in connection with tenancy deposits to be continuing offences;</li> <li>• tenants to be given prescribed information relating to the tenancy;</li> <li>• requirement for receipts to be provided where rent payment is made in cash;</li> <li>• extension of the length of the Notice to Quit period to be provided by landlords;</li> <li>• providing a statutory limit on the tenancy deposit amount requested for a private tenancy;</li> <li>• making it a legal requirement for private landlords to have working smoke and carbon detectors installed in their rented properties and to carry out periodic electrical checks;</li> <li>• provision to make regulations concerning the energy efficiency of dwelling-houses let under a private tenancy.</li> </ul>
3.10	The Bill is currently being finalised and the Department hope, subject to Executive approval, to progress the Bill through the NI Assembly before the end of the current mandate which is March 2022.
3.11	The proposed primary legislation will outline the wider principles of the legislative changes with much of the detail to be provided in subsequent regulations.
3.12	Additionally it is proposed that DfC officials will carry out a subsequent engagement exercise with key stakeholders on the proposed detail to be included in regulations which will provide for the new proposed standards and clarify responsibilities and obligations expected.
3.13	The regional Environmental Health groups' response to the proposals is attached at Appendix 4.
<b>4.0</b>	<b>Other Considerations</b>
<b>4.1</b>	<b>Financial, Human Resources &amp; Risk Implications</b>
	Financial: N/a
	Human: The proposed legislative changes will have significant resource implications for the Environmental Health service.
	Risk Management: N/a

<b>4.2</b>	<b>Screening &amp; Impact Assessments</b>
	Equality & Good Relations Implications: N/a
	Rural Needs Implications: N/a
<b>5.0</b>	<b>Recommendation(s)</b>
5.1	Members are asked to note the content of this report.
5.2	Members may consider writing to DfC to welcome the proposals which strengthen the regulation of the Private Rented Sector, and request that the Department give due consideration to providing Councils with suitable funding arrangements to enable them to effectively implement any new legislative requirements which Council may be responsible for.
<b>6.0</b>	<b>Documents Attached &amp; References</b>
6.1	Appendix 1 – Departmental response published 4 <sup>th</sup> May 2021.
6.2	Appendix 2 – Environmental Health Presentation- May 21.
6.3	Appendix 3 – DfC correspondence to stakeholders, including EHNI.
6.4	Appendix 4 – Regional EHNI response.
6.5	Appendix 5 – Draft Private Tenancies Bill



# Departmental Response

## Consultation on the Review of the Role and Regulation of the Private Rented Sector

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# Ministerial Foreword



As Minister for the Department for Communities I am delighted to welcome the publication of the Departmental response to the 2017 consultation on proposals for change for the Private Rented Sector (PRS).

These proposals demonstrate the value of collaborative working between the Department and its stakeholders with a co-design approach front and centre.

Organisations representative of Section 75 groups, private individuals including landlords and tenants, and a range of housing professionals submitted a total of 52 responses to the proposals document.

Delivering an ambitious reform of the PRS in this mandate, accompanied by primary legislation was always going to be challenging. However it is clear reform is urgently needed to improve protections in the PRS particularly for the most vulnerable in our communities. This need has been brought into sharper focus in dealing with the uncertainty of how the pandemic is affecting those living in the sector.

I want to future proof the PRS and will do this by ensuring that people and families who live in this sector have a safe and secure home. I will ask the Executive to bring legislation to the Assembly to build on my Department's 2017 review of the PRS. Officials are working with the Office of Legislative Council on new legislative proposals which will include measures to improve the safety, security and quality of the PRS. It's not as far reaching as I might like, but it needs to be achievable in the 11 months left in the mandate.

This will include a longer notice to quit period. For me, 4 weeks is too short a time for anyone to be asked to leave their home, find a suitable new house they can afford, maybe find a new school and childcare for their kids, and pack up their belongings. It's not enough. My Department consulted on 8 weeks (after the first 12 months in a tenancy), but I think it needs to be longer. Ideally 6 months and I've asked my officials to explore what is possible.

The legislation will also look to implement a number of other proposals including, for example, ensuring all private tenants are issued with a written agreement of tenancy terms, making it a mandatory requirement for private landlords to provide smoke and carbon monoxide detectors and to carry out periodic electrical checks and restricting rent increases to once in any 12 month period.

Outside of this, work is already underway to improve the PRS through a proposal to transfer the registration of landlords to local councils. This would see councils being provided with additional powers to strengthen and provide local enforcement of the PRS, funded by registration fees.

There are other things we need to look at over a longer timescale. Issues such as Letting Agent Regulation, the introduction of Grounds for Eviction and Fitness Standards.

I don't underestimate the challenges ahead – none of us do. However it is refreshing to see that there is a lot of common ground across stakeholders to deliver the changes needed to improve protections for renters into the future. I look forward to continuing to work closely with you all in overcoming the challenges ahead.

**Deirdre Hargey**



**Minister for Communities**



# Background

The latest consultation on firm proposals for change ended on 3 April 2017 and the detail provided in this document gives a succinct summary of the proposal along with the departmental response to each proposal in turn.

The consultation document sought responses firstly to a total of 16 proposals covering:

- Supply
- Affordability
- Security of Tenure
- Tenancy Management
- Property Standards
- Dispute Resolution

Secondly responses were also sought to 20 proposals for amendments to the Private Tenancies (Northern Ireland) Order 2006, the Landlord Registration and the Tenancy Deposit Scheme Regulations.

## Responses to Consultation

The Department received 52 responses to the consultation on firm proposals for change before the closing date of 3 April 2017. The breakdown of those who responded is shown below:

- 11 Landlords/Landlord Reps
- 8 Council Reps

- 7 Public Bodies
- 6 Housing Professionals
- 6 Charities
- 5 Letting Agents
- 3 Consultants
- 2 Housing Associations
- 2 Other Government Departments
- 2 Tenant Representatives

In addition a tenant survey was conducted on the general proposals. Responses from tenants mirror those of the 52 responses above however 2 proposals attracted greater support from tenants namely the proposal for 5 yearly electrical checks and the proposal to introduce a fitness declaration at the point of registration.

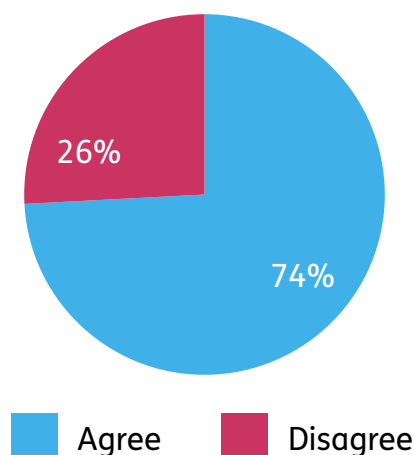
The Department also hosted 4 public events in Belfast, Craigavon, Coleraine and Cookstown where around 60 people attended. The Department also presented at the Chartered Institute of Housing's 'First to Know' event, Housing Rights 'Housing Practitioners' meeting and at Tenancy Deposit Scheme Northern Ireland Advisory Group.

**PROPOSAL 1 – Commission work to gauge the appetite of institutional investors with existing portfolios of Private Rented Sector (PRS) properties in Great Britain to invest in Northern Ireland and the conditions needed to support such investment.**

**Responses to Consultation**

There were 23 responses to this proposal of which 17 (74%) supported the proposal and 6 (26%) were not in favour of the proposal.

**Proposal 1 - Institutional Investors**



Some of those who disagreed felt that as most landlords (84%) in Northern Ireland own 1 or 2 properties it is better to ensure these landlords provide safe, decent accommodation and are aware of their legal obligations rather than encouraging institutional investors. Others do not believe that large scale, institutional investors represent a viable option to tackling the housing supply shortage, as they are unlikely to meet the needs of renters particularly around affordability issues. However, all means of investment should be encouraged to increase supply.

**Conclusion/Departmental Response**

The Department and council, working with colleagues in Strategic Investment Board, commissioned research on establishing the need for Build to Rent (BtR) in Northern Ireland. The purpose of the research was to provide sound evidence on whether BtR is suitable for the housing market here and can increase housing supply. The final version of the report has been received and shared with relevant bodies and its findings are under consideration. The Department continues to work closely with key stakeholders through the jointly chaired 'Joint Regeneration Group' which has a focus on Belfast city centre. This group is exploring ways to implement the key strategic actions which flowed from the City Centre Taskforce and was chaired by the Head of the Civil Service and the CEO of Belfast City Council. One such action is to increase the residential population of the city centre.

Research completed and shared with relevant bodies so this recommendation is completed.

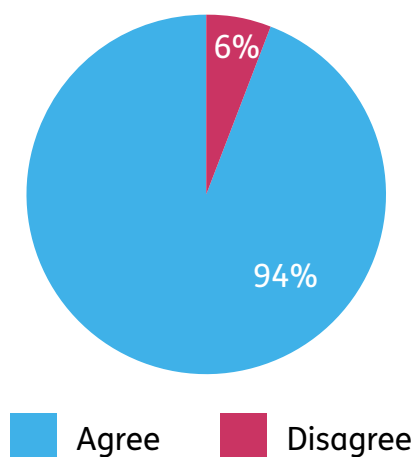
The Department will take forward discussions with other Departments and bodies as necessary, however the focus of the Department's work will be on the protection of tenants in the PRS and increasing social and intermediate housing supply.

**PROPOSAL 2 – Explore opportunities to use money available for shared housing through the Fresh Start agreement to incentivise the development of more mixed-tenure housing areas, including private rented accommodation, underpinned by a shared ethos.**

**Responses to Consultation**

There were 18 responses to this proposal of which 17 (94%) supported the proposal and 1 (6%) was not in favour of the proposal.

**Proposal 2 - Mixed Tenure**



The respondent who disagreed with the proposal suggested that money from the Fresh Start agreement should be invested in public sector housing options which are most likely to provide affordable, purpose-built accommodation which meets the needs of its tenants.

**Conclusion/Departmental Response**

The Department is using Fresh Start funding to deliver additional shared housing; the Fresh Start funding will increase delivery (in 2020/21) from 200 units to approximately

400 units (design and planning for the additional schemes will determine the final number of units developed).

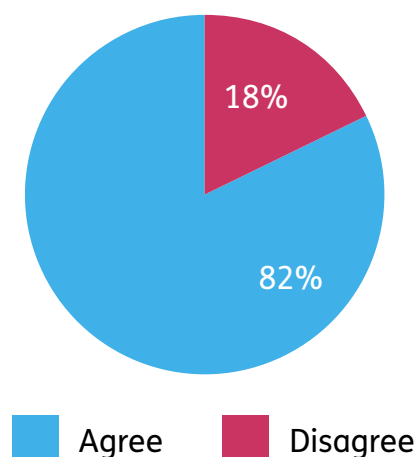
Although not through Fresh Start funding, the Department intends to deliver shared / mixed tenure housing on the St Patrick's Barracks site in Ballymena.

**PROPOSAL 3 – Scope the opportunities with Housing Associations for greater involvement in the PRS.**

**Responses to Consultation**

There were 22 responses to this proposal of which 18 (82%) supported the proposal and 4 (18%) were not in favour of the proposal.

**Proposal 3 - Housing Associations**



Some of those who disagreed suggested that rather than Housing Associations investing in the PRS they could instead offer their experience in a tenancy management role in dealing with vulnerable client groups to PRS landlords. Others considered that with such a large social housing waiting list Housing

Associations should be concentrating on social housing.

### Conclusion/Departmental Response

The Department held preliminary discussions with some Housing Associations and the Northern Ireland Federation of Housing Associations (NIFHA) to discuss the potential of their involvement in the PRS. The Department is clear that increasing the supply of social housing is a priority for Housing Associations.

Private Sector Leasing (PSL) schemes can create an opportunity to expand the availability of good quality, longer-term, affordable homes within the PRS. The Department has begun to explore the opportunities to establish a PSL scheme here. It is intended that further focussed engagement with landlords and housing providers will take place to progress this issue.

PSL schemes operate in England, Scotland, Wales and the South of Ireland, whereby private rented stock is leased from the private rented property owner/landlord for periods of up to 20 years. These properties must meet a high quality standard, and can be offered by the leasing authority for general needs use, or for temporary accommodation for those awaiting a social rented allocation. Tenancies are normally set for a period of up to five years, with the potential for extension.

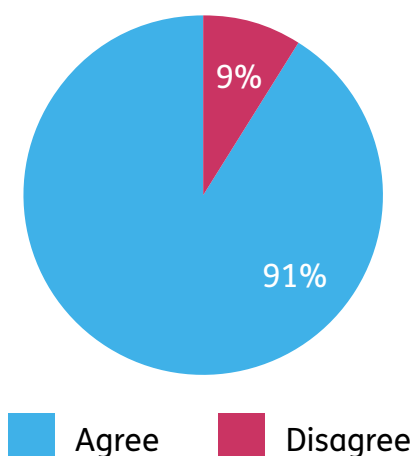
The intention of a long-term leasing scheme of this kind is to further increase the volume of well managed and well maintained housing stock within the PRS. This can be of benefit to the tenant, and those landlords who experience issues in effectively managing and maintaining properties, particularly “accidental” landlords. The Department is now exploring what a long-term leasing scheme of this kind would look like in the Northern Ireland market context, and will seek views in developing and delivering a PSL scheme.

### PROPOSAL 4 – To introduce legislation to stipulate that rents can only be increased once in any 12 month period.

#### Responses to Consultation

There were 34 responses to this proposal of which 31 (91%) supported the proposal and 3 (9%) were against the proposal. Of the 91% that supported the proposal, 35% said the proposal didn't go far enough.

#### Proposal 4 - Rent Increase



Of the 9% who disagreed with the proposal some felt it was too rigid and needed to be more flexible to enable landlords to respond if changing circumstances meant that their costs became volatile (rises to interest rates or inflation).

### Conclusion/Departmental Response

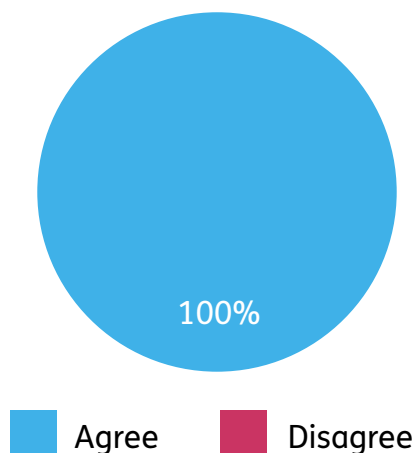
The Department will introduce legislation to restrict the number of times a landlord can increase the rent to once in any 12 month period. This will be part of a PRS Bill which the Department aims to deliver in this mandate.

**PROPOSAL 5 – The Department will seek to bring forward legislation to ensure all private tenants are issued with a written agreement which must contain mandatory terms regardless of the type or length of the tenancy.**

### Responses to Consultation

There were 32 responses to this proposal with all 32 supporting the proposal.

### Proposal 5 - Tenancy Agreements



### Conclusion/Departmental Response

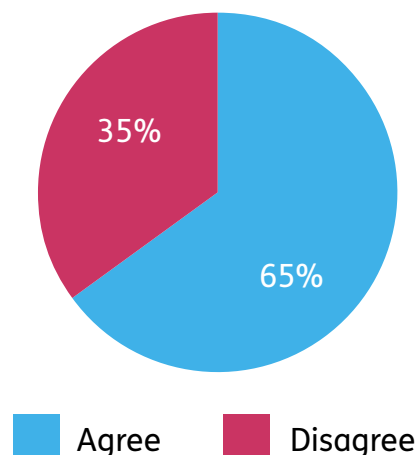
The Department will make it mandatory that landlords will provide their tenants with a written statement of tenancy terms which will include prescribed information. We will also repeal the requirement for a rent book and introduce a requirement for receipts where rent payment is made in cash.

**PROPOSAL 6 – Amend the notice to quit period from 4 weeks to 2 months for tenancies lasting longer than 12 months.**

### Responses to Consultation

There were 34 responses to this proposal of which 22 (65%) supported the proposal and 12 (35%) were not in favour of the proposal.

### Proposal 6 - Notice to Quit



There were mixed responses to this proposal with those in support saying that this would give a more adequate period for tenants to find alternative accommodation and those against concerned that landlords may then ask for 2 months' rent in advance making

accessibility to the PRS even harder for tenants.

### Conclusion/Departmental Response

The Department considers that the notice to quit period landlords have to give tenants should be extended.

The Minister in a statement to the Assembly in November 2020 expressed her intention to extend the notice to quit, and to consider if it was possible to extend it to 6 months.

We have commenced a consultation process to gauge the implications of this and views of the sector around this proposal.

Until this has been completed the Department will proceed with the proposal extending the notice to quit period a landlord is required to give to 8 weeks. A provision for the Department to change the NTQ period to 6 months or a period less than that will also be provided in legislation to allow time for further policy development and a public consultation process around the 6 months NTQ to gauge the implications of this and views of the sector around this proposal

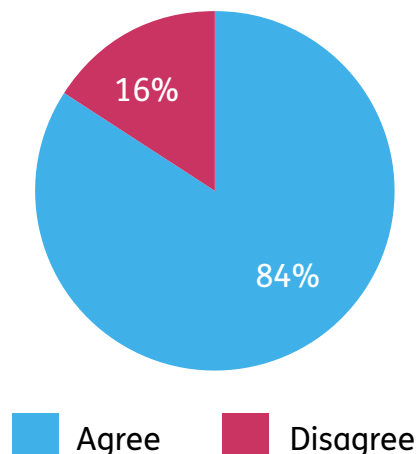
Given the concerns around affordability and in order to mitigate against landlords charging 8 weeks deposit which would make access to the PRS even more difficult for those on low income the Bill will introduce an offence for a landlord to charge a deposit of more than 1 months' rent.

**PROPOSAL 7 – The Department will seek to introduce legislation for a Fast Track Eviction Scheme which may include mandatory grounds for possession and provide appropriate safeguards to ensure fairness.**

### Responses to Consultation

There were 32 responses to this proposal of which 27 (84%) supported the proposal and 5 (16%) were not in favour of the proposal.

#### Proposal 7 - Fast Track Eviction



There was a high level of support for a Fast Track Eviction Scheme. However those who were opposed to the proposal believed it would be more appropriate that the Department invested in mediation services which could be used to ensure vulnerable people are not put at risk of homelessness. Others felt that in order to develop policy in this area there would need to be an objective evidence base to substantiate the argument largely put forward by landlords that the current eviction process is both too expensive and lengthy. It was also thought that this proposal would be best supported by the introduction of a housing panel.

### Conclusion/Departmental Response

The Department has been gathering more evidence on this proposal. Firstly, from landlords on their experience of taking a possession order case through the court and secondly from statistics available from the Department of Justice. Further research has also been carried out on the Fast Track Eviction process in England and Wales. In light of:

- Lack of statistics on PRS evictions in N.I.
- Lack of evidence that a new process is required; and
- Lack of evidence that fast track eviction actually works

The Department will therefore put a fast track eviction scheme on hold for now as evidence is difficult to obtain. As a long term aspiration we will seek to explore ways to get the necessary evidence. The Department will also consider the outcomes of the mediation pilot and work with Department of Justice to explore the potential to use the mediation service to resolve disputes thus preventing the need for cases to progress to court

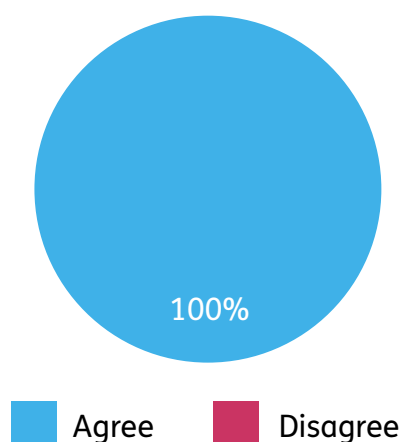
As part of a programme of longer term work the Department will consider the possibility of creating grounds for eviction and stakeholders will be consulted on this. However this will not be part of a PRS Bill delivered in this mandate.

### PROPOSAL 8 – To review the impact of the Chartered Institute of Housing (CIH) training course and explore the funding options for an extension of the course.

#### Responses to Consultation

There were 29 responses to this proposal with all 29 supporting the proposal.

#### Proposal 8 - Landlord CIH Training



### Conclusion/Departmental Response

CIH delivered a 'Learning to Let' training course to registered private landlords from April 2016-March 2019, partly subsidised by the Department. Training was provided to 335 registered landlords/letting agents.

An evaluation of the training showed that the impact was limited and the training has been discontinued.

The Department will continue to work with CIH to consider further options.

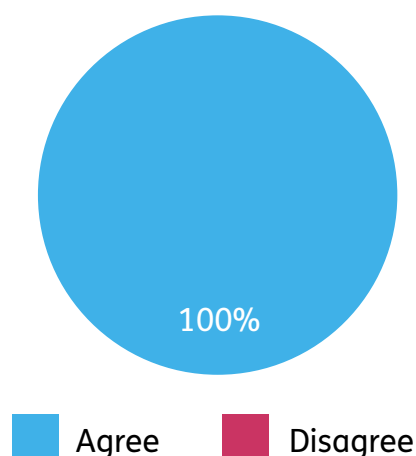


### **PROPOSAL 9 – The Department will fund a pilot dedicated landlord advice line.**

#### **Responses to Consultation**

There were 29 responses to this proposal with all 29 supporting the proposal.

#### **Proposal 9 - Landlord Helpline**



#### **Conclusion/Departmental Response**

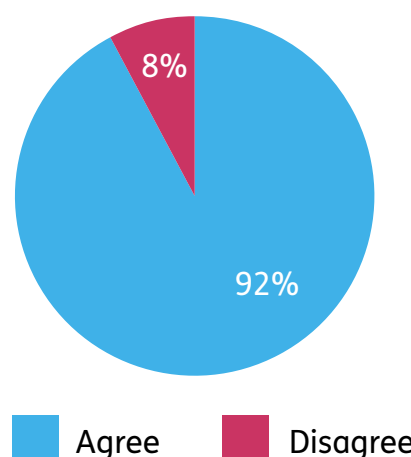
In the interim period from the completion of the review to the restoration of the Northern Ireland Executive the Department conducted a pilot landlord helpline service with Housing Rights as our delivery partner. Following an evaluation of the pilot the service was procured and a contract awarded for delivery of the scheme on a permanent basis.

### **PROPOSAL 10 – To develop a tenant information pack which a landlord must provide to the tenant at the commencement of the tenancy.**

#### **Responses to Consultation**

There were 37 responses to this proposal of which 34 (92%) supported the proposal and 3 (8%) were not in favour of the proposal.

#### **Proposal 10 - Tenant Information Pack**



Those who disagreed stated that tenants already receive information at the commencement of a tenancy and there is no evidence to suggest whether it is read or not.

#### **Conclusion/Departmental Response**

While working on and developing a written statement of tenancy terms this highlighted duplication in the information that would also be provided in a tenant information pack. Therefore this is being subsumed into the written statement of tenancy terms proposal and we will signpost tenants to the Smart Renter website. This will therefore not be part of a PRS Bill delivered in this mandate.

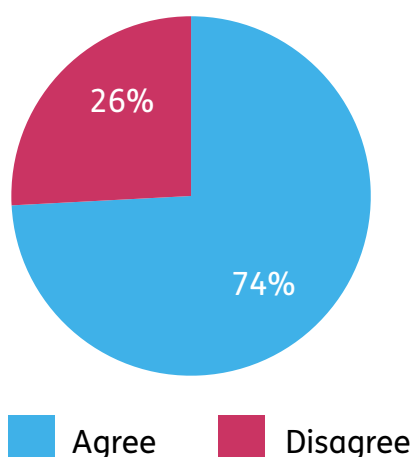


### **PROPOSAL 11 – Amend the Landlord Registration Regulations to incorporate a fitness declaration at the point of registration.**

#### **Responses to Consultation**

There were 31 responses to this proposal of which 23 (74%) supported the proposal and 8 (26%) were not in favour of the proposal.

#### **Proposal 11 - Fitness Declaration**



Those who disagreed typically felt this proposal was too light touch and reaffirmed their support for a mandatory licensing scheme for the PRS while private landlords see licensing as an unnecessary heavy regulatory burden.

#### **Conclusion/Departmental Response**

This recommendation from the 2017 review has somewhat been overtaken by recent developments. A project group has been established with representatives from all eleven councils to explore the potential to transfer the landlord registrar function from the Department to them. This would involve a reform of the system to include inspections

and would be closely linked to a review of the current fitness standard.

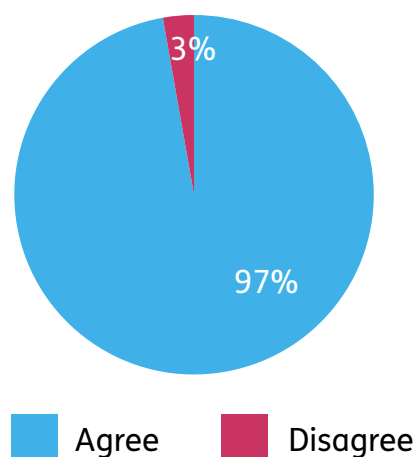
Therefore in order to achieve this aim we will take it forward as part of this current project.

### **PROPOSAL 12 – To introduce a regulatory framework for all letting agents including bringing forward legislation to ban letting agent fees.**

#### **Responses to Consultation**

There were 34 responses to this proposal of which 33 (97%) supported the proposal and 1 (3%) was not in favour of the proposal.

#### **Proposal 12 - Letting Agent Regulation**



There was significant support for this proposal as currently there is no form of letting agent regulation. However not everyone thought that all fees should be banned. Instead they supported a ban on fees for tenants subject to exemptions for expenses reasonably incurred by agents e.g. replacing lost keys, repairing damage to property caused by tenant.

## Conclusion/Departmental Response

While the consultation was underway the Department became aware of ongoing legal proceedings involving an existing piece of legislation ('The Commission on Disposal of Lands NI Order 1986') introduced by the then Department of Finance and Personnel which bans fees for services delivered for the benefit of the landlord.

The Department issued guidance to landlords and tenants on the findings of the court case.

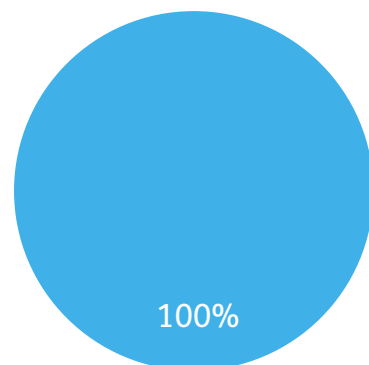
The 2017 review stated that the Department would not only look at banning letting agent fees but would also introduce a regulatory framework for all letting agents. However the cross cutting nature of this issue necessitates further detailed work with colleagues in other Departments and therefore while this is not part of the current Bill the Department will pursue in the long term.

**PROPOSAL 13 – To introduce legislation as soon as practicable to make it a mandatory requirement for private landlords to provide smoke and carbon monoxide detectors and to carry out periodic electrical checks.**

## Responses to Consultation

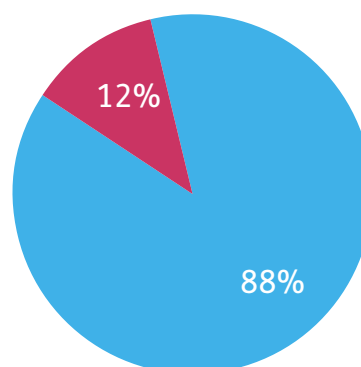
Responses to this Proposal came in two parts – There were 32 responses to the smoke and carbon monoxide detectors proposal with all 32 supporting the proposal whereas there were 33 responses to the introduction of periodic electrical checks with 29 (88%) supporting the proposal and 4 (12%) were not in favour of it.

## Proposal 13 - Smoke & Carbon Monoxide Alarms



■ Agree ■ Disagree

## Proposal 13 - Electrical Safety Checks



■ Agree ■ Disagree

The main objection to the electrical checks is that 5 years is too frequent. It was also said that it was unfair because it would only be a requirement for the PRS and not for owner occupied or social rented sectors and also it could prove costly for private landlords.

## Conclusion/Departmental Response

It is proposed to make an enabling power in primary legislation which will make it obligatory for any domestic private rented property to be subject to periodic electrical

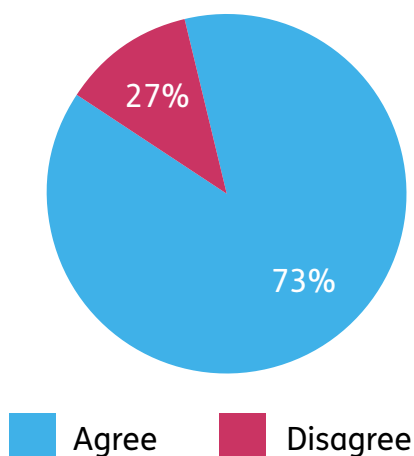
checks. This will impose duties on landlords to carry out a periodic electrical check for any domestic private rented property. As a result landlords will be prevented from commencing a new lease where an electrical check has not been certified. The certification process will confirm that such checks have been carried out. The enabling power will be part of a PRS Bill delivered in this mandate and will be followed by a set of regulations.

**PROPOSAL 14 – To introduce legislation around Energy Performance Certificate (EPC) ratings similar to that in England & Wales where landlords will be prevented from commencing a new lease where the EPC of that dwelling is below the minimum permitted energy efficiency level of a band/rating level (ratings still under consideration).**

### Responses to Consultation

There were 30 responses to this proposal of which 22 (73%) supported the proposal and 8 (27%) were not in favour of the proposal.

### Proposal 14 - EPC Ratings



Of those that disagreed with the proposal the main concern was that the cost of making relevant improvements to properties will be prohibitive for landlords. They stated that government funding in the form of grant or loan funding should be made available.

### Conclusion/Departmental Response

As the rates of fuel poverty are highest in the PRS the Department proposes to make an enabling power in primary legislation which will make it obligatory for any domestic private rented property in NI to have a minimum EPC rating. This will also be an important element of work to improve energy efficiency across all tenures of our housing stock and enable us to meet our commitments to achieve net zero carbon by 2050.

The Department will work with experts in the area of energy efficiency and colleagues in the Department for the Economy who are developing the Energy Strategy to bring forward proposals on appropriate EPC standard setting, the timeframes for delivery and consideration around exemptions for particular properties.

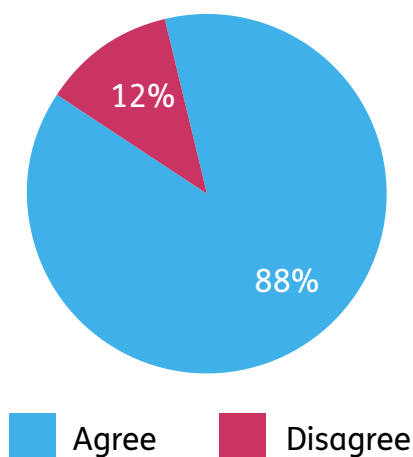
The Department will include an enabling power as part of a PRS Bill delivered in this mandate and this will be followed by a set of Regulations.

**PROPOSAL 15 – Amend legislation so that all unfit properties built before 1956 are subject to rent control.**

**Responses to Consultation**

There were 25 responses to this proposal of which 22 (88%) supported the proposal and 3 (12%) were not in favour of the proposal.

**Proposal 15 - Rent Control Date**



Those who had objections to this proposal felt that any property, irrespective of its age, should be subject to rent control if it fails to meet the fitness standard. Also contained in the feedback received were comments on the current fitness standard and the urgent need for this to be reviewed.

**Conclusion/Departmental Response**

It is important to note that the Department will be undertaking a review of the fitness standard and that the proposal to transfer landlord registration to councils will, in the slightly longer term, drive improvements in the PRS fitness levels. That said it is our intention to amend the date in the Prescribed

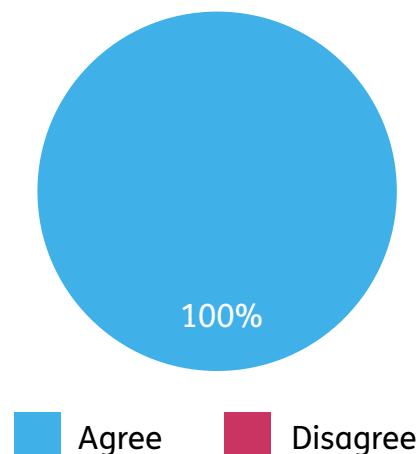
Dwelling-house Regulations (Northern Ireland) 2007 from 1945 to 1956. This will be done in parallel to the Bill being delivered in this mandate.

**PROPOSAL 16 – The Department will examine the financial case for establishing an independent housing panel for Northern Ireland.**

**Responses to Consultation**

There were 28 responses to this proposal with all 28 supporting the proposal.

**Proposal 16 - Housing Panel**



**Conclusion/Departmental Response**

The intervening period between the review of the Role and Regulation of the Private Rented Sector in 2017 and the restoration of the Northern Ireland Executive saw the Department commence pilot projects which will be vital in informing future decisions around a Housing Panel, such as, the scope, functions and cost of such a panel.

While not part of the current Bill evaluation of the mediation pilot, the landlord helpline

service and the project to look at the Landlord Registrar function transfer are ongoing pieces of work pivotal to inform the decision on a future housing panel.

As well as the 16 main proposals for change in the 2017 consultation document the Department also consulted on amendments to other existing pieces of PRS legislation.

Since the introduction of the Private Tenancies (Northern Ireland) Order 2006 the Department had identified a number of areas that required clarification.

Post project evaluations of the Landlord Registration and Tenancy Deposit Schemes also brought about some recommendations for changes to the legislation.

The following pages set out responses to these particular changes a few of which will be part of a PRS Bill delivered in this mandate. The others will be amended by subordinate legislation in due course.

# Private Tenancies Order Proposals for Change

A summary of consultation responses and recommendations on the '2006 Private Tenancies Order (PTO) proposals for change' are set out in the following paragraphs.

## **PTO Proposal 1 – Tenant to be provided with a rent book.**

### **Responses to Consultation**

There were 10 responses to this proposal with all 10 supporting the proposal.

### **Conclusion/Departmental Response**

The Department will not implement this proposal as the requirement for a rent book is being repealed.

## **PTO Proposal 2 – Tenant to be provided with a rent book which must contain certain specified information.**

### **Responses to Consultation**

There were 9 responses to this proposal with all 9 supporting the proposal.

### **Conclusion/Departmental Response**

The Department will not implement this proposal as the requirement for a rent book is being repealed.

## **PTO Proposal 3 – Notice of Unfitness/ Disrepair. Amend Articles 18(4) & 19(4) of the PTO to specify a period of less than 21 days to require a person to carry out work where there is imminent danger.**

### **Responses to Consultation**

There were 9 responses to this proposal with all 9 supporting the proposal.

### **Conclusion/Departmental Response**

The Department will implement this proposal.

## **PTO Proposal 4 – Functions of the appropriate district council. Create an offence similar to that in Article 28 for Article 36 if a person obstructs an authorised officer of the council from entering the property.**

### **Responses to Consultation**

There were 11 responses to this proposal of which 7 (64%) supported the proposal and 4 (36%) were not in favour of it.

Those who disagreed preferred that the onus should be on the landlord to give officers access to their property after the landlord makes an application for a Certificate of Fitness.

Article 36 states what a council must do where it has received an application for a fitness inspection from either a landlord or a tenant.

### **Conclusion/Departmental Response**

The Department will not implement this proposal as it agrees that where a landlord requests a fitness inspection they should ensure a council officer has access to the property. It is unlikely that a tenant who requested a fitness inspection would then obstruct an inspector. In addition this proposal has the potential of criminalising tenants.

### **PTO Proposal 5 – Prosecution of Offences. Article 68(3) change ‘councils may’ to ‘councils shall’ so rather than enabling make it a requirement.**

#### **Responses to Consultation**

There were 11 responses to this proposal of which 6 (55%) supported the proposal and 5 (45%) were not in favour of it.

Those who disagreed believe that this would conflict with the Government’s Better Regulation Agenda and the Enforcement Concordat.

### **Conclusion/Departmental Response**

The Department will not implement this proposal as recent legal advice suggests it would not be desirable to make this an absolute duty as there may be circumstances where it is not possible or desirable to carry out every inspection.

### **PTO Proposal 6 – Private Tenancies (Forms) Regulations (Northern Ireland) 2007 Schedule 2 Form 1 (Include a requirement for landlords to provide electrical certification as part of application for fitness certificate).**

#### **Responses to Consultation**

There were 9 responses to this proposal of which 8 (89%) supported the proposal and 1 (11%) was not in favour of it.

### **Conclusion/Departmental Response**

The Department will not implement this proposal because it will not be necessary when the regular electrical checks become compulsory.

# Tenancy Deposit Schemes (TDS) Proposals or Change

A summary of consultation responses and recommendations on the 'Tenancy Deposit Schemes Regulations' are set out in the following paragraphs.

## **TDS Proposal 1 – Retrospective Protection**

### **Responses to Consultation**

There were 15 responses to this proposal of which 7 (47%) supported the proposal and 8 (53%) were not in favour of it.

There was a mixed response to the proposal to introduce retrospective protection. Some of those against cited that it would be impossible to determine, at the point of protecting the deposit, the condition of a property that had been rented 10 or more years ago.

### **Conclusion/Departmental Response**

At the time of the consultation in 2016 it seemed reasonable that since the Tenancy Deposit Schemes had come into operation in 2013 that deposits prior to this date should also be protected. However, due to the passage of time and by the time legislation is brought forward it will be nearly 10 years since the Tenancy Deposit Schemes commenced. Recent evidence from the Scheme Administrators shows an average tenancy lasts 18 months therefore we see little value in taking this proposal forward.

The Department will not implement this proposal as part of a PRS Bill delivered in this mandate.

**TDS Proposal 2 – Time limit for deposit protection – The Department will amend legislation to allow landlords additional time to protect the deposit so landlords will have 28 days to protect the deposit and 35 days to give the required information to the tenant.**

### **Responses to Consultation**

There were 13 responses to this proposal with all 13 supporting the proposal.

### **Conclusion/Departmental Response**

The Department will implement this proposal as part of a PRS Bill delivered in this mandate.

**TDS Proposal 3 – Prosecution Time Bar- Amend TDS Legislation so that time limitation will not be a barrier to enforcement.**

### **Responses to Consultation**

There were 12 responses to this proposal of which 11 (92%) supported the proposal and 1 (8%) was not in favour of it.

The only objection was that if there was only an extension to the time limit then the same issue could arise.



### **Conclusion/Departmental Response**

The Department will implement this proposal as part of a PRS Bill delivered in this mandate so that time limitation will not be a barrier to enforcement action.

### **TDS Proposal 4 – Fixed Penalties – Amend TDS Legislation to allow part of the penalty to be paid to the tenant.**

#### **Responses to Consultation**

There were 12 responses to this proposal of which 3 (25%) supported the proposal and 9 (75%) were not in favour of it.

Those against stated that the tenant would not be disadvantaged as their deposit would now be protected.

### **Conclusion/Departmental Response**

The Department will not implement this proposal. Councils will still be entitled to all fixed penalty monies to assist with the implementation of the Private Tenancies Order.

### **TDS Proposal 5 – Court Decisions – Change TDS Legislation so that courts can order the landlord to protect the deposit.**

#### **Responses to Consultation**

There were 10 responses to this proposal of which 9 (90%) supported the proposal and 1 (10%) was not in favour of it but did not give a reason.

### **Conclusion/Departmental Response**

The Department will work with the Department of Justice and amend the Private Tenancies Order to ensure this proposal can be implemented.

### **TDS Proposal 6 – Monies in designated accounts – Explore feasibility of allowing TDS administrators to use monies in designated accounts to work with Housing Associations to invest in affordable housing.**

#### **Responses to Consultation**

There were 11 responses to this proposal of which 10 (90%) fully supported the proposal and 1 (10%) was not in favour of it stating that monies should remain with the scheme administrators to reduce costs of the insurance scheme.

### **Conclusion/Departmental Response**

The Department will explore how scheme administrators should use monies in designated accounts.

### **TDS Proposal 7 – Proactive approach by Council Environmental Health Officers.**

#### **Responses to Consultation**

There were 11 responses to this proposal of which 9 (80%) fully supported the proposal and 2 (20%) were not in favour of it. Those opposing did not agree that councils should be using resources to pursue minor non-compliance issues.

### **Conclusion/Departmental Response**

The Department will continue to encourage all councils to be more proactive and use the legislative powers available to them to prosecute for non-compliance.

### **TDS Proposal 8 – Correspondence address – Amend para 1(d) of Schedule 1 to the TDS Regulations (NI) 2012 to change ‘Northern Ireland’ to ‘United Kingdom’.**

#### **Responses to Consultation**

There were 10 responses to this proposal of which 9 (90%) fully supported the proposal and 1 (10%) was not in favour of it as they thought this might discourage institutional investors.

### **Conclusion/Departmental Response**

The Department will implement this proposal.

### **TDS Proposal 9 – Transfer between schemes – Amend Regulation 14 to insert a timeframe for transfer of a deposit and protection between schemes.**

#### **Responses to Consultation**

There were 9 responses to this proposal with all 9 supporting the proposal.

### **Conclusion/Departmental Response**

The Department will implement this proposal.

# Landlord Registration Scheme (LRS) Proposals for Change

A summary of consultation responses and recommendations on the 'Landlord Registration Scheme Regulations' are set out in the following paragraphs.

## **LRS Proposal 1 – Registration Fee – The Landlord Registration fee to be re-examined at registration renewal.**

### **Response to Consultation**

There were 10 responses to this proposal with all 10 fully supporting the proposal.

### **Conclusion/Departmental Response**

This was reviewed as part of overall Landlord Registration Scheme evaluation in late 2016/early 2017.

## **LRS Proposal 2 – Enforcement – Liaise with councils to improve enforcement processes to ensure all landlords are complying with the law and registering.**

### **Responses to Consultation**

There were 9 responses to this proposal of which 8 (90%) fully supported the proposal and 1 (10%) was not in favour of it stating that enforcement processes are already sufficiently robust.

### **Conclusion/Departmental Response**

The Department will continue to liaise with councils on this.

## **LRS Proposal 3 – Accountability – To advise landlords twice yearly explaining how the registration fee is used.**

### **Responses to Consultation**

There were 9 responses to this proposal with all 9 fully supporting the proposal.

### **Conclusion/Departmental Response**

The Department will implement this proposal.

## **LRS Proposal 4 – Renewal Process – Examine the possibility of making the renewal process fully electronic by removing the clerical application facility at renewal.**

### **Responses to Consultation**

There were 9 responses to this proposal with all 9 fully supporting the proposal.

### **Conclusion/Departmental Response**

This proposal will not be implemented as legal advice is that the Department cannot impose the removal of the clerical application facility. The Department is encouraging all landlords to renew electronically. For clerical applications the registration fee is £80 as opposed to £70 for an electronic application.

**LRS Proposal 5 – Correspondence address – Amend para 1(e) of Schedule 1 to the LRS Regulations (NI) 2014 to change ‘Northern Ireland’ to ‘United Kingdom’.**

### **Responses to Consultation**

There were 9 responses to this proposal of which 8 (90%) fully supported the proposal and 1 (10%) was not in favour of it as they thought this might discourage institutional investors.

### **Conclusion/Departmental Response**

The Department will implement this proposal.











# Private Rented Sector Regulation update

Environmental Health

May 2021

# Overview

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- Environmental Health role
- DfC Review of Private Rented Sector
- Proposed Changes

# Environmental Health role

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## Regulatory Roles

- Public Health
- Housing (Private Tenancy Legislation)

## Health and Wellbeing Advisory Role

- Affordable Warmth
- Energy Efficiency Advice
- Home Accident Prevention service

# Private Tenancies (NI) Order 2006

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## Landlord Obligations

- application for fitness inspections if property is pre 1945 (exemptions apply)
- repair obligations
- comply with notice to quit periods
- provide tenants with a rent book, free of charge
- ensure tenants are free from harassment and illegal eviction

# Current Fitness standard

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- Be structurally stable
- Be free from serious disrepair
- Be free from dampness prejudicial to health
- Have adequate provision for heating, lighting and ventilation
- An adequate piped supply of wholesome water
- Facilities for the preparation and cooking of food
- WC, Fixed bath or shower and Wash hand basin
- Drainage of foul, waste and surface water

# Fitness Standard Review

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- DfC consultation 2016/2017 on a Review of the Fitness standard
- MUDC provided a detailed response to Consultation recommending HHSRS risk based standard used In England and Wales
- Extract from Minister's statement 4<sup>th</sup> May 2021

“It is clear reform is urgently needed to improve protections in the private rented sector particularly for the most vulnerable in our communities. **The initial Bill is only the start. In the longer term I will also address issues such as Letting Agent Regulation, the introduction of Grounds for Eviction and Fitness Standards.** These improvements have been a long time coming and will enhance conditions for tenants living in the sector.”

- May form part of Landlord Registration proposals

# Tenancy Deposit Schemes/ Landlord Registration Scheme

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- Tenancy Deposit Schemes introduced in 2013.  
Landlords to protect deposits in independent schemes
- Landlord Registration Scheme was introduced in 2014,  
to enable all private landlords to register and provide  
details of themselves and their properties creating a  
single database of landlords. Landlords pay £70 fee for  
3 year registration.

Using receipts from the LRS fee, DFC covers staff costs/ NI  
direct costs of administering the scheme, Landlord Advice  
line, independent Housing Mediation Service

# DfC Private Rented Sector Review and Proposals for Change

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The Department set out a number of proposals including-

- Restrict number of times rent can be increased in a 12 month period
- Ensure all private tenants issued with a written agreement with mandatory terms
- Increase min notice to Quit from 4 weeks to 2 months
- Pilot a dedicated Landlord advice line
- Amend the Landlord Registration regulations to incorporate a fitness declaration at the point of registration
- Other recommendations <https://www.communities-ni.gov.uk/consultations/private-rented-sector-northern-ireland-proposals-change>
- MUDC response 2017 broadly welcomed the proposals



# Houses in Multiple Occupation (HMOs)

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- Function transferred from NIHE to Councils in April 2019
- Belfast City Council HMO unit deliver the function on behalf of all NI Councils
- SLA in place
- All HMOs must be licenced
- Further information at

<https://www.belfastcity.gov.uk/nihmo>

# Potential for transfer of Landlord Registration to Councils

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- DfC established a working group in March 2020 with Council, SOLACE and DfC representatives
- DfC Appointed Consultants (ASM) to review options
- Options considered include model similar to HMO model
- Potential for Fitness standard declaration to be incorporated at point of registration
- DfC Minister statement May 21 “..... work is already underway to improve the PRS through a proposal to transfer the registration of landlords to local councils. This would see councils being provided with additional powers to strengthen and provide local enforcement of the PRS, funded by registration fees”
- Discussions are ongoing. Meeting of working group planned for March 21 postponed

# Private Tenancies Bill

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- DFC have announced earlier this month (May 21) that they intend to bring forward legislation to
  - Extend the notice to quit period, restrict deposits;
  - Ensure all private tenants are issued with a written agreement of tenancy terms;
  - Restrict rent increases to once in a 12 month period;
  - Make it a mandatory requirement for private landlords to provide smoke and carbon monoxide detectors and to carry out periodic electrical checks; and
  - Introducing an enabling power in primary legislation which will make provision for the introduction and enforcement of minimum standards of energy efficiency in the Private Rented Sector.
- Committee report is being prepared for the Environment Committee to update members on the proposals

**From: Head of Private Rented Branch**

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**Conrad.Murphy@communities-  
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**Date: 30 April 2021**

Dear Sir/Madam

## **ENGAGEMENT WITH KEY STAKEHOLDERS ON DRAFT PRIVATE TENANCIES BILL**

The Department intend to publish its response to the consultation on proposals to reform the private rented sector (PRS) on Tuesday 4 May 2021. You will see from the response that the Department plans to bring forward proposals during the current NI Assembly mandate; with others that require further research such as Letting Agent Regulation, the introduction of Grounds for Eviction and Fitness Standards, brought forward in the longer term.

Our purpose in writing to you is to make you aware that the Department is continuing to work with the Office of Legislative Council on the legislative proposals for this mandate.

To that end, a draft of the proposed Private Tenancies Bill is being sent to you for your consideration and review.

Whilst this is in draft form, and therefore subject to change, the majority of drafting has been completed. Key Proposals in the Bill include:

- restriction on rent increases;
- deposit amount restricted to one month's rent;
- time limit to protect a deposit with one of the scheme administrators extended to 28 days and time limit to provide confirmation to tenant extended to 35 days;
- certain offences in connection with tenancy deposits to be continuing offences;
- tenants to be given prescribed information relating to the tenancy;
- requirement for receipts to be provided where rent payment is made in cash;
- extension of the length of the Notice to Quit period to be provided by landlords;
- providing a statutory limit on the tenancy deposit amount requested for a private tenancy;
- making it a legal requirement for private landlords to have working smoke and carbon detectors installed in their rented properties and to carry out periodic electrical checks;
- provision to make regulations concerning the energy efficiency of dwelling-houses let under a private tenancy.

Collectively these key proposals will assist in addressing the aim of the 2017 review which was to make the PRS a safer and more secure housing option for a wider range of households. This includes the most vulnerable in our society who, in part, due to limits on social housing provision, find themselves in this sector. These much needed changes will ensure better regulation of the PRS and offer greater protection to private renters.

The Bill is currently being finalised and it is hoped, subject to Executive approval, to progress the Bill through the NI Assembly before the end of the current mandate which is March 2022.

This means that we are now working to a very tight timeframe in order to deliver the Bill within the current mandate.

While the Department is providing you with details on the key policy and legislative proposals to be included in the Private Tenancies Bill, we wish to remind you that the primary legislation outlines the wider principles of the legislative changes with much of the detail to be provided in subsequent regulations.

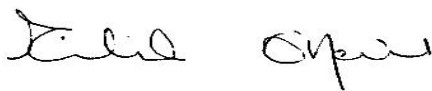
Additionally it is proposed that officials will carry out a subsequent engagement exercise with key stakeholders on the proposed detail to be included in regulations which will provide for the new proposed standards and clarify responsibilities and obligations expected.

We would be grateful for any comments you may have on the content of this draft Bill by 7 May 2021 and have included a separate sheet for your comments.

We look forward to examining your comments to the new legislative proposals. Please return responses to [prs@communities-ni.gov.uk](mailto:prs@communities-ni.gov.uk)

Many thanks

Yours sincerely,



Eilish O'Neill  
Head of Private Rented Branch



Conrad Murphy  
Head of Private Rented Branch

	Name	Organisation	Date
Completed by			

COMMENTARY ON CLAUSES	comments
<p><b>Clause 1: Tenant to be given notice regarding certain matters; grant of tenancy</b></p> <p>Clause 1 inserts new Articles 4A and 4B. Article 4A introduces a requirement for the landlord of a private tenancy to provide the tenant, free of charge, with a written statement of the main terms of the tenancy within 28 days of the granting of the tenancy.</p> <p>Subsection (4) refers that any landlord who fails to comply with paragraph (2) is guilty of an offence under this Order.</p>	<p>Happy with content of this clause.</p>

COMMENTARY ON CLAUSES	comments
<p><b>Clause 1: Tenant to be given notice regarding certain matters; variation of certain terms</b></p> <p>Article 4B introduces a requirement for the landlord of a private tenancy to provide the tenant, free of charge, within 28 days with any variations of prescribed terms.</p> <p>Subsection (5) refers that any landlord who fails to comply with paragraph (2) is guilty of an offence under this Order.</p> <p>Amendments to Article 68 and 68A provides the powers for prosecution and punishment of offences up to level 4 of the standard scale on summary conviction with the two offences being subject to the fixed penalty notice regime of the 2006 Order.</p> <p>As previous Article 4 of the Private Tenancies Order (Northern Ireland) 2006 was repealed in error by the 2011 Housing (Amendment) Act (Northern Ireland). This clause permits section 1 of the Housing (Amendment) Act (Northern Ireland) 2011 to be omitted.</p>	<p>Happy with content of this clause.</p>



COMMENTARY ON CLAUSES	comments
<p><b>Clause 2: Tenant to be given notice regarding certain past matters</b></p> <p>Clause 2 introduces material provided for in Schedule 1 which contains the substance for giving notice to the tenants of dwelling houses that are let under a private tenancy for cases relating to transitional matters.</p> <p>This clause enables any tenant where the tenancy was granted on or after 30 June 2011 (date that previous Article 4 was repealed in error) but before the date on which the Bill comes into operation to be provided, free of charge, with a written statement of the main terms of the tenancy or any alterations to said agreement.</p>	<p>Happy with content of this clause.</p> <p>There may however be a large amount of resources required following the 29<sup>th</sup> day after this clause is commenced due to every existing tenancy granted on or after 30 June 2011 potentially having to be provided prescribed information in prescribed format sent to their tenants.</p>

COMMENTARY ON CLAUSES	comments
<p><b>Clause 3: Tenant to be provided with a rent receipt for payment in cash</b></p> <p>Clause 3 replaces Article 5 of the 2006 Order and introduces a requirement where rent is paid in cash, for the landlord of a private tenancy to provide the tenant, free of charge, with a rent receipt detailing the payment date, amount paid, if any amount remains outstanding that amount or if paid in full that fact.</p> <p>Subsection 5 paragraph (5) makes a breach of paragraphs (2) or (3) an offence under the 2006 Order and permits that where a landlord fails to comply it punishes the landlord and where an agent has been appointed to provide the receipt, also that agent. If there is no agent and there is a breach then the landlord is guilty; if there is an agent and there is a breach, then both the landlord and agent are guilty.</p> <p>Paragraph (6) applies in the case of a controlled tenancy.</p> <p>This clause provides consequential amendments to Article 50 and inserts (4) to clarify that “similar document” does not include a receipt under Article 5(2); and additionally amends Article 66(1)(a) to “a rent book”</p> <p>Paragraph (8) provides for the offence to be a continuing offence and allows for punishment where a landlord is deemed to commit a further offence.</p>	<p>This is welcomed to bring receipting of rent payment in line with current practices.</p> <p>It is noted however that there is no opportunity to pay fixed penalty notice in lieu of prosecution which we believe would be a suitable enforcement for this offence.</p>

COMMENTARY ON CLAUSES	comments
<p><b>Clause 4: Limit on tenancy deposit amount; Breach of tenancy deposit limit; recoverability of excess</b></p> <p>Clause 4 new Article 5ZA limits the amount of deposit that is required in connection with a private tenancy to no more than 1 month's rent and where an excess of 1 month's rent has been paid then the amount exceeding that amount is recoverable by the person that paid it. This will only apply to deposits received after the commencement of this Bill and not retrospectively to those deposits taken before the legislation comes into operation.</p> <p>Subsection (2) provides a definition of 1 month's rent in cases where the private tenancy does not calculate rent monthly.</p> <p>New Article 5ZB provides for the breach of tenancy deposit limit and recoverability of excess and takes account of different circumstances where the deposit might be retained by the landlord.</p> <p>Subsection (3) introduces punishment and prosecution of offences up to level 4 on the standard scale, subparagraph (4) refers to the option to consider a fixed penalty notice under the 2006 Order fixed penalty regime.</p> <p>This Clause provides a number of consequential amendments.</p>	<p>Happy with content of this clause.</p>

COMMENTARY ON CLAUSES	comments
<p><b>Clause 5: Tenancy deposit schemes: time limits</b></p> <p>Clause 5 amends Article 5B of the 2006 Order and extends the time limits for a deposit to be protected in an approved scheme in paragraph (3) from 14 days to 28 days and gives additional time for a landlord to provide the information to the tenant and amends paragraph (6)(b) from 28 days to 35 days.</p>	<p>Happy with content of this clause.</p>

COMMENTARY ON CLAUSES	comments
<p><b>Clause 6: Certain offences in connection with tenancy deposits to be continuing offences</b></p> <p>Clause 6 amends Article 5B of the 2006 Order making the offences under Article 5B (3) or (6) a continuing offence as long as the tenancy deposit breach persists. There will be no time barrier on prosecuting a person who fails to comply with the set requirements.</p>	<p>Extremely happy with content of this clause as we have been requesting it for many years.</p>

COMMENTARY ON CLAUSES	comments
<p><b>Clause 7: Restriction on rent increases</b></p> <p>Clause 7 applies to any private tenancy, except a controlled tenancy, and amends the 2006 Order by inserting 5C after 5D which provides that the rent payable under a private tenancy may not be increased more than once in any 12 month period. This will mean that there is no restriction upon when the first increase may take place but there must be a minimum of 12 months between increases. Any proposed increase should be made in writing.</p> <p>The Department may make regulations under the draft affirmative procedure to prescribe circumstances where this restriction in paragraph (2) does not apply.</p> <p>Subsection 5D paragraph (1) applies to any private tenancy, except a controlled tenancy, and provides the requirement to give written notice of increase specifying the date on which the rent will take effect and the rent payable after the increase. The details of the notice will be specified in regulations made by the Department.</p>	<p>We found this clause strange in that it prescribes what a landlord must do but the clause has no detail regarding an offence for not doing what is required, no penalty for not adhering to the requirements and no enforcement authority in relation to investigation of this matter.</p> <p>We would also have concerns relating to historic rent increases. This clause would seem to imply that the offence may be taken back to first 12 months of the tenancy.</p>

COMMENTARY ON CLAUSES	comments
<p><b>Clause 8: Fire, smoke and carbon monoxide</b></p> <p>Clause 8 is intended to reduce the risk of injury or death caused by fire, smoke and carbon monoxide.</p> <p>Subsections 11B to 11E set out a requirement on private landlords to provide fire, smoke and carbon monoxide detectors and details the landlord and tenant duties with regard to these.</p> <p>The Department will subsequently bring forward proposals in regulations with the standards expected which are intended to reduce the risk of injury or death caused by fire, smoke or carbon monoxide.</p> <p>Subsection 11F paragraph (3) provides that a landlord is guilty of an offence under this Order with punishment and prosecution of offences up to level 4 on the standard scale, paragraph (4) refers to the option to consider a fixed penalty notice under the 2006 Order fixed penalty regime.</p> <p>This clause also contains various consequential amendments.</p>	<p>Happy with intention of this clause and look forward to further consultation and information on new regulations.</p> <p>Confirmation is needed in regard to what will be the <b>Prescribed Date</b> referred to in 11A (b).</p> <p>In relation to this provision we would ask for guidance on provision of battery powered devices versus hard wired installation. We are unsure as to what regime will be put in place for houses that have not presently got devices installed.</p> <p>The requirement under Building Regulations for installation of smoke alarms only applies to properties built or substantially renovated after 1994.</p> <p>Whilst it would appear that there is an offence under 11B (1) we also have concerns in relation to fire safety in those common parts of the tenancy as there does not appear to be an offence for this area in 11D.</p>

COMMENTARY ON CLAUSES	comments
<p><b>Clause 9: Energy Efficiency Regulations</b></p> <p>Clause 9 introduces Schedule 2 and notes its purpose with the provision of an enabling power to make regulations concerning the energy efficiency of dwelling houses let under a private tenancy.</p>	<p>Happy with intention of this clause and look forward to further consultation and information on new regulations.</p>



COMMENTARY ON CLAUSES	comments
<p><b>Clause 10: Electrical safety standards Regulations</b></p> <p>Clause 10 introduces Schedule 3 and notes its purpose with the provision of an enabling power for the Department to make regulations concerning electrical safety standards in private tenancies.</p>	<p>Happy with intention of this clause and look forward to further consultation and information on new regulations.</p> <p>The issue of electrical installations in the private rented sector have been a great concern for many councils across Northern Ireland, and we would welcome any requirement to have regular checks along with certification and enforcement. We would welcome new mandatory electrical testing such as that which exists in Scotland. The provisions there include properties to have fixed wiring checks, Electrical Installation Condition Report, at least every 5 years. The EICR must also include a PAT test (Portable Appliance Test) on portable electric appliances that the landlord has included as part of the rental. There should however be further consultation in regard to what is a competent person.</p> <p>We would request that a clause is included regarding Gas Safety with the requirement for annual checks by a registered gas engineer. This is enforced by HSENI at present but we would believe that as the enforcement authority for PTO then this requirement would be better serviced by district councils with the offence included within PTO similar to the above mentioned Electrical requirements.</p>

COMMENTARY ON CLAUSES	comments
<p><b>Clause 11: Notice to Quit</b></p> <p>Clause 11 introduces a number of amendments to Article 14</p> <p>This clause will now extend the mandatory notice to quit period for landlords to provide to tenants to 8 weeks (after the first 12 months and until the tenancy is 10 years old). The notice to quit for tenancies longer than 10 years will remain unchanged at 12 weeks.</p> <p>In the case where a notice by a landlord is issued for a tenant to quit a dwelling house under a private tenancy this will have to be provided in the prescribed form and must contain prescribed information as subsequently set by the Department in regulations.</p> <p>In the case where a notice by a tenant is given such a notice will need to be given in writing with the relevant period being 4 weeks if the tenancy has not been in existence for more than 10 years; 12 weeks if the tenancy has been in existence for more than 10 years.</p> <p>This clause includes a provision to alter the notice to quit periods by way of regulations by draft affirmative procedure and must consult with landlord and tenant representatives before laying any drafts.</p> <p>This clause also contains various consequential amendments.</p>	<p>Happy with content of this clause and welcome the clarity within.</p>

COMMENTARY ON CLAUSES	comments
<p><b>Schedule 1:</b></p> <p>Establishes the procedures to be followed where an existing tenant did not receive a written statement of the main terms of the tenancy during the period that Article 4 was repealed. The tenant should be given that statement and any alterations regarding such past matters within 28 days of the commencement of this Bill.</p> <p>Paragraphs 1 and 2 are similar to Article 4A and 4B and provides for particular cases where a tenant is to be given notice.</p> <p>Paragraph 3, 4 and 5 provides if a landlord is guilty of an offence under this Order that punishment and prosecution of offences are set at up to level 4 on the standard scale, with the option to consider a fixed penalty notice under the 2006 Order fixed penalty regime.</p> <p>Article 72(2) of the 2006 Order the Department may make regulations under paragraph 1, 2, or 5 which are subject to the negative resolution procedure.</p>	<p>This clause may involve a large amount of resources being required following the 29<sup>th</sup> day after this clause is commenced due to every existing tenancy granted on or after 30 June 2011 potentially having to be provided prescribed information in prescribed format sent to their tenants.</p> <p>Complaints may arise at any date after commencement relating to variations made many years before with very scant evidence and detail.</p>

COMMENTARY ON CLAUSES	comments
<p><b>Schedule 2</b></p> <p>Sets out the power for the Department to make regulations to detail the requirements around energy efficiency of dwelling houses let under a private tenancy and what the minimum level any Energy Performance Certificate should be set at.</p> <p>Regulations will also provide which particular dwelling houses that will be exempt from any prohibitions imposed by the regulations.</p> <p>This schedule provides a power for the Department to specify in regulations any offences committed by virtue of non-compliance.</p> <p>An amendment to Article 72 provides that when making the regulations the Department must consult the Department for the Economy, district councils and such persons as appear to the Department to be representative of landlords and any other people the Department considers appropriate.</p>	<p>We welcome any future provisions that improve the thermal quality of any rented property and a new mandatory requirement that a property has to have a minimum EPC rating is a good starting point. Having reviewed the previous 2016 House Condition Survey we would have concerns that quite a large number of properties in this sector may be D standard and below (75,000 properties).</p> <p>We believe that a substantial economic package will be required to improve the standard in this sector.</p> <p>We also find this provision somewhat limited when we have been campaigning to have the Fitness Standard reviewed to include this as one element requiring change. Our concerns have always been that landlords can set up tenancies in properties that only meet our very basic fitness standard and with these provisions those properties in the lowest thermal standard may become an area of empty home blight if funding and technology are not available for improvement. It is also recognised that replacing the boiler with a more efficient replacement can sometimes lift a property substantially without addressing the other thermal deficiencies.</p> <p>We look forward to the further discussion and consultation in this matter and how these changes will sit alongside the Energy Performance Building Regulations 2015 that are presently enforced by councils through our Building Control Departments.</p>

COMMENTARY ON CLAUSES	comments
<p><b>Schedule 3</b></p> <p>Provides for the Department to make regulations which will make it obligatory for any domestic private rented property to be subject to periodic electrical checks. The regulations will detail the requirements around electrical safety standards in private tenancies which will involve certification so that proof will exist that such checks have been carried out with the power to create an offence.</p>	<p>Happy with content of this schedule and Clause 10 and await any further discussion and consultation in this matter.</p> <p>We still emphasise the situation in relation to Gas safety which we believe should be included in this Bill as it presents a serious risk to both serious physical injury and/or asphyxiation.</p>



# Private Tenancies Bill

[27/4/2021 9:39:2]

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A

## BILL

TO

Amend the law relating to private tenancies.

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

### **Tenant to be given notice regarding certain matters [j11]**

1.—(1) The 2006 Order is amended in accordance with subsections (2) to (4).

(2) In Part 2, after the italic heading “*Particulars relating to the tenancy, etc.*” insert—

5       **“Tenant to be given notice regarding certain matters: grant of tenancy**

4A.—(1) This Article applies where a private tenancy of a dwelling-house is granted on or after the date on which section 1 of the Private Tenancies Act (Northern Ireland) 2021 comes into operation.

10       (2) The landlord under the tenancy must, within 28 days after the date on which the tenancy is granted, give to the tenant a notice—

(a) in the prescribed form, and

(b) containing the prescribed particulars and other prescribed information relating to the tenancy.

15       (3) A tenant must not be required to make a payment in respect of any notice under paragraph (2).

(4) A landlord who fails to comply with paragraph (2) is guilty of an offence under this Order.

### **Tenant to be given notice regarding certain matters: variation of certain terms**

20       4B.—(1) This Article applies where, on or after the date on which section 1 of the Private Tenancies Act (Northern Ireland) 2021 comes into operation, a prescribed term of a private tenancy of a dwelling-house is

varied; and it applies regardless of the date on which the tenancy was granted.

(2) The landlord under the tenancy must, within 28 days after the date on which the term of the tenancy is varied, give to the tenant a notice—

- 5 (a) in the prescribed form, and
- (b) containing the prescribed information relating to the variation of the term.

(3) In paragraphs (1) and (2) “varied” includes varied by omission.

10 (4) A tenant must not be required to make a payment in respect of any notice under paragraph (2).

(5) A landlord who fails to comply with paragraph (2) is guilty of an offence under this Order.”.

(3) In Article 68(1) (prosecution and punishment of offences), after “Article” insert “4A(4), 4B(5),”.

15 (4) In Article 68A (fixed penalty for certain offences)—

(a) in paragraph (1), after “has committed—” insert—

“(za) an offence under Article 4A(4) or 4B(5);”;

(b) in paragraph (8), after “under Article” insert “4A(4), 4B(5),”.

(5) Omit section 1 of the Housing (Amendment) Act (Northern Ireland) 2011.

20 **Tenant to be given notice regarding certain past matters [j11A]**

2. Schedule 1 provides for the giving of notice regarding certain matters to the tenants of dwelling-houses that are let under a private tenancy on the date on which section 1 comes into operation—

- 25 (a) where the tenancy was granted on or after 30 June 2011 but before the date on which section 1 comes into operation;
- (b) where certain terms of the tenancy were varied on or after 30 June 2011 but before the date on which section 1 comes into operation.

**Tenant to be provided with a rent receipt for payment in cash [j12]**

3.—(1) The 2006 Order is amended as follows.

30 (2) For Article 5 substitute—

**“Tenant to be provided with a rent receipt for payment in cash**

5.—(1) This Article applies where the tenant of a dwelling-house let under a private tenancy makes any payment of rent in cash.

35 (2) The landlord must provide the tenant with a written receipt for the payment stating—

- (a) the date of payment;
- (b) the amount paid;
- (c) if any amount remains outstanding, that amount;
- (d) if no further amount remains outstanding, that fact.

40 (3) The receipt must be provided—

## *Private Tenancies*

- (a) at the time the payment is made, or
- (b) if that is not possible, as soon as reasonably possible after that time.

5 (4) A tenant must not be required to make a payment in respect of the provision of the receipt.

(5) If the landlord under a private tenancy fails to comply with paragraph (2) or (3), the following are guilty of an offence under this Order—

- (a) the landlord, and
- 10 (b) any person appointed by the landlord to provide the receipt.

(6) Paragraph (7) applies where, in the case of a controlled tenancy, a receipt complying with paragraph (2)(a) and (b) was provided in accordance with paragraph (3) and—

- (a) where no further amount in fact remained outstanding—
  - 15 (i) the receipt stated that there was an amount outstanding, and
  - (ii) that amount consists wholly of a sum that is irrecoverable by virtue of Article 50(1); or
- (b) where an amount in fact remained outstanding (“the true arrears”)—
  - 20 (i) the receipt stated as outstanding an amount that was more than the true arrears, and
  - (ii) the difference between the stated amount and the true arrears consists wholly of a sum that is irrecoverable by virtue of Article 50(1).

25 (7) It is a defence for a person charged with an offence under paragraph (5) to prove that the landlord had a bona fide claim that the sum mentioned in paragraph (6)(a)(ii) or (b)(ii) was recoverable.

(8) If any default in respect of which a landlord is convicted of an offence under paragraph (5) continues for more than 14 days after that conviction, that landlord is deemed to have committed a further offence under that paragraph in respect of that default.”.

(3) In Article 50, after paragraph (3) insert—

“(4) In paragraph (2) “similar document” does not include a receipt under Article 5(2).”.

35 (4) In Article 66(1)(a), for “the rent book; or” substitute “a rent book [*or ...*]; or”.

(5) In Article 68(1), for “5(4)” substitute “5(5)”.

### **Limit on tenancy deposit amount[j4A]**

**4.—**(1) The 2006 Order is amended as follows.

40 (2) After Article 5 insert—

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### *“Limit on tenancy deposit amount*

#### **Tenancy deposit limit of 1 month’s rent**

5 **5ZA.**—(1) A person must not require the payment of a tenancy deposit in connection with a private tenancy that is in excess of the amount of 1 month’s rent payable under the tenancy.

(2) “1 month’s rent payable under the tenancy”, where the rent under a private tenancy is not payable monthly, means—

10 (a) where the rent under the tenancy is payable for periods of whole months, the rent for a period divided by the number of months in the period;

(b) where the rent is payable for periods determined otherwise than by reference to whole months, the rent attributable to 1 day’s letting under the tenancy multiplied by 30.

15 (3) A person who contravenes paragraph (1) is guilty of an offence under this Order.

(4) Where a person—

(a) is convicted of an offence under paragraph (3), and

(b) has received a tenancy deposit in excess of the amount of 1 month’s rent payable under the tenancy,

20 the court may order the excess to be repaid to the person who paid it.

(5) In this Article—

“tenancy deposit”, in relation to a private tenancy, means any money intended to be held (by the landlord or otherwise) as security for—

25 (a) the performance of any obligations of the tenant arising under or in connection with the tenancy, or

(b) the discharge of any liability of the tenant so arising;

“money” means money in the form of cash or otherwise.

#### **Breach of tenancy deposit limit: recoverability of excess**

30 **5ZB.**—(1) A tenancy deposit, in relation to a private tenancy, is irrecoverable to the extent that it exceeds the amount of 1 month’s rent payable under the tenancy (and this is so despite anything in any agreement).

(2) Where, in connection with a private tenancy—

35 (a) a tenancy deposit is, on or after the commencement date, paid or retained (as defined in paragraph (3)), and

(b) [*at that time or at any time thereafter*] the deposit exceeds the amount of 1 month’s rent payable under the tenancy,

the excess is recoverable by the person who paid it.

(3) For the purposes of paragraph (2), if—

40 (a) a tenancy deposit is paid (at any time) in connection with a <<fixed-term>> private tenancy [*or a protected tenancy*],

## Private Tenancies

5 (b) on or after the commencement date, on *<or after>* the ending of that tenancy, the landlord and tenant enter into a new private tenancy *<of that or another dwelling-house>* (whether a fixed-term tenancy or a periodic one) *[or a statutory tenancy comes into existence]*, and

(c) on the granting *[or, as the case may be, coming into existence]* of the new tenancy, *<some or>* all of the deposit continues to be held *[(by the landlord or otherwise)]* in connection with the new tenancy,  
10 the deposit is retained in connection with the new tenancy as from the date on which the tenancy is granted *[or, as the case may be, comes into existence]*.

(4) Paragraph (1) does not apply where a person seeks to recover a tenancy deposit under or in connection with a legal obligation that was in  
15 existence before the commencement date (regardless of when the obligation accrues).

(5) Paragraph (2) does not apply where the tenancy deposit paid or retained was required to be paid or (as the case may be) liable to be retained under or in connection with a legal obligation that was in  
20 existence before the commencement date (regardless of when the obligation accrues).

(6) In this Article—  
“1 month’s rent payable under the tenancy” and “tenancy deposit”  
have the same meaning as in Article 5ZA;  
25 “the commencement date” means the date on which this Article comes into operation.”.

(3) In Article 68(1) (prosecution and punishment of offences), after “5(5)” (as inserted by section 3(5)) insert “, 5ZA(3)”.

(4) In Article 68A (fixed penalty for certain offences)—  
30 (a) in paragraph (1), after sub-paragraph (za) (as inserted by section 1) insert—  
“(zb) an offence under Article 5ZA(3);”;  
(b) in paragraph (8), after “4B(5),” (as inserted by section 1) insert “5ZA(3),”.

### Tenancy deposit schemes: time limits [j6]

35 **5.** In Article 5B of the 2006 Order (requirements relating to tenancy deposits)—  
(a) in paragraph (3), for “14 days” substitute “28 days”;  
(b) in paragraph (6)(b), for “28 days” substitute “35 days”.

### Certain offences in connection with tenancy deposits to be continuing offences [j7]

40 **6.** In Article 5B of the 2006 Order (requirements relating to tenancy deposits), after paragraph (11) insert—

“(11A) A person who commits an offence by failing to comply with the requirements of paragraph (3) or (6) continues to commit the offence throughout any period during which the failure continues.”.

**Restriction on rent increases [j2]**

5     7.—(1) The 2006 Order is amended as follows.

(2) After Article 5B insert—

*“Rent increases*

**Restriction on frequency of rent increases**

10     5C.—(1) This Article applies to any private tenancy except a controlled tenancy (within the meaning given by Article 40(4)).

(2) The rent payable under a tenancy to which this Article applies may not be increased—

(a) within the period of 12 months beginning with the date on which the tenancy is granted, or

15     (b) within the period of 12 months beginning with the date on which the last increase took effect;

but this is subject to regulations under paragraph (3).

(3) The Department may by regulations specify circumstances in which paragraph (2) does not apply.

20     (4) Circumstances specified under paragraph (3) may include, in particular, circumstances in which the dwelling-house let under the tenancy is renovated, refurbished, altered or extended.

**Requirement to give written notice of increase**

25     5D.—(1) This Article applies to any private tenancy except a controlled tenancy (within the meaning given by Article 40(4)).

(2) The rent payable under a tenancy to which this Article applies may not be increased unless the landlord gives written notice complying with paragraphs (3) to (5).

(3) The notice must specify—

30     (a) the date on which the increase in the rent will take effect, and

(b) the rent that will be payable after the increase.

(4) The date specified under paragraph (3)(a) must be not less than 2 months after the date on which the notice is given to the tenant.

(5) The notice must—

35     (a) contain such other information, and

(b) be in such form,

as may be prescribed.”.

(3) In Article 72(3) (regulations subject to the draft affirmative procedure), after “5A,” insert “5C,”.

**Fire, smoke and carbon monoxide alarms, etc.[j3]**

**8.**—(1) The 2006 Order is amended as follows.

(2) After Article 11 insert—

**“Application of Articles 11B to 11F**

5       11A.—(1) The provisions set out in Articles 11B to 11F apply in relation to—

- (a) any private tenancy of a dwelling-house granted on or after the date on which section 8 of the Private Tenancies Act (Northern Ireland) 2021 comes into operation, and
- 10       (b) any private tenancy of a dwelling-house granted before the date on which section 8 of the Private Tenancies Act (Northern Ireland) 2021 comes into operation (but only from the prescribed date).

(2) For the purposes of paragraph (1)(b), a statutory tenancy is to be treated as if it were a private tenancy granted before the commencement of  
15       section 8 of the Private Tenancies Act (Northern Ireland) 2021 (regardless of when the dwelling-house in question became subject to the statutory tenancy).

**Landlord’s duties: fire, smoke and carbon monoxide alarms**

20       11B.—(1) The landlord under a private tenancy must keep in repair and in proper working order—

- (a) sufficient appliances for detecting fire or smoke, and for giving warning in the event that they are detected, and
- (b) sufficient appliances for detecting whether carbon monoxide is present at levels that are harmful to people, and for giving warning  
25       if it is.

(2) The Department may by regulations set minimum standards for the purpose of determining whether the duties under paragraph (1) have been complied with.

30       (3) The standards that may be set under paragraph (2) include standards as to the number, type and condition of appliances that should be installed in circumstances specified in the regulations.

(4) A landlord who fails to comply with a duty under paragraph (1) is guilty of an offence under this Order.

**Tenant’s duties: fire, smoke and carbon monoxide alarms**

35       11C. The tenant under a private tenancy—

- (a) must take proper care of the appliances installed for the purposes of Article 11B as a good tenant;
- (b) must make good any damage to those appliances wilfully or negligently done or caused by the tenant, by any tenant of his or  
40       hers or by any other person lawfully living in or lawfully visiting the premises.

**Landlord's duties: private tenancy of part of a building**

11D. Where a dwelling-house let under a private tenancy consists of a part of a building, the duties imposed on the landlord by Article 11B may require the landlord to position appliances in a part or parts of the building not comprised in the tenancy.

**General qualification on landlord's duties**

11E. The duties imposed on the landlord by Article 11B do not require the landlord to carry out works or repairs for which the tenant is liable by virtue of Article 11C.

**Knowledge of disrepair**

11F. A landlord is not under a duty to carry out works by virtue of Article 11B unless the landlord has actual knowledge (whether because of notice given by the tenant or otherwise) of the need for those works.”

(3) In Article 68(1) (prosecution and punishment of offences), after “5ZA(3),” (as inserted by section 4) insert “11B(4),”.

(4) Article 68A (fixed penalty for certain offences) is amended as follows.

(5) In paragraph (1)—

(a) at the end of sub-paragraph (a), omit “or”;

(b) after that sub-paragraph insert—

“(aa) an offence under Article 11B(4);”.

(6) In paragraph (8), after “5B(10)” insert “, 11B(4)”.

**Energy efficiency regulations [j8]**

9. Schedule 2 contains amendments to the 2006 Order enabling the Department for Communities to make regulations concerning the energy efficiency of dwelling-houses let under a private tenancy.

**Electrical safety standards regulations [j9]**

10. Schedule 3 contains amendments to the 2006 Order enabling the Department for Communities to make regulations concerning electrical safety standards in dwelling-houses let under a private tenancy.

**Notice to quit [j4]**

11.—(1) The 2006 Order is amended in accordance with subsections (2) to (8).

(2) Article 14 (length of notice to quit) is amended in accordance with subsections (3) to (6).

(3) For paragraph (1) substitute—

“(1) A notice by a landlord to quit a dwelling-house let under a private tenancy is not valid unless—

(a) it is in the prescribed form and contains the prescribed information, and



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(b) it is given not less than the relevant period before the date on which it is to take effect.”.

(4) In paragraph (1A)(a) and (b), for “5 years” substitute “12 months”.

(5) After paragraph (2) insert—

5 “(3) The Department may by regulations amend paragraph (1A) so as to provide that—

(a) in relation to a tenancy in existence for more than 12 months but not more than 10 years, the relevant period is a period that is more than 8 weeks but not more than 6 months;

10 (b) in relation to a tenancy in existence for more than 10 years, the relevant period is a period that is more than 12 weeks but not more than 6 months.

(4) Regulations under sub-paragraph (a) or (b) of paragraph (3) may—

15 (a) provide that any amendments do not apply in relation to cases specified in the regulations;

(b) provide that the relevant period is different in different cases within that sub-paragraph described by reference to the period for which the tenancy has been in existence.

20 (5) Any amendment made by virtue of regulations under paragraph (3) does not apply in relation to a notice to quit given before the date on which the amendment comes into operation.”.

(6) At the end of the heading to the Article add “: by landlords”.

(7) After Article 14 insert—

### **“Length of notice to quit: by tenants**

25 14A.—(1) A notice by a tenant to quit a dwelling-house let under a private tenancy is not valid unless—

(a) it is given in writing, and

(b) it is given not less than the relevant period before the date on which it is to take effect.

30 (2) For the purposes of paragraph (1) the relevant period is—

(a) 4 weeks, if the tenancy has not been in existence for more than 10 years;

(b) 12 weeks, if the tenancy has been in existence for more than 10 years.

35 (3) Paragraph (1) applies regardless of the date on which the private tenancy was granted.

(4) The Department may by regulations amend paragraph (2) so as to provide that, in relation to a tenancy in existence for more than 12 months but not more than 10 years, the relevant period is a period that is more than 4 weeks but not more than 12 weeks.

40 (5) Regulations under paragraph (4) may provide that the relevant period is different in different cases within that paragraph described by reference to the period for which the tenancy has been in existence.

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(6) Any amendment made by virtue of regulations under paragraph (4) does not apply in relation to a notice to quit given before the date on which the amendment comes into operation.”.

(8) In Article 72 (provisions concerning regulations)—

5 (a) in paragraph (3), after “5C,” (as inserted by section 7) insert “14, 14A,”;

(b) after paragraph (6) (as inserted by Schedule 3) insert—

“(7) Before laying a draft of regulations under Article 14 or 14A before the Assembly, the Department must consult—

(a) such persons as appear to it to be representative of landlords;

10 (b) such persons as appear to it to be representative of tenants.”.

(9) In consequence of subsection (3), omit section 3(2) of the Housing (Amendment) Act (Northern Ireland) 2011.

(10) The amendments made by this section do not apply in relation to a notice to quit given before the date on which this section comes into operation.

### 15 **Interpretation [jINT]**

**12.** In this Act “the 2006 Order” means the Private Tenancies (Northern Ireland) Order 2006.

### **Commencement [jCOMM]**

20 **13.—**(1) This section, section 12 and section 14 come into operation on the day after the day on which this Act receives Royal Assent.

(2) The other provisions of this Act come into operation on such day or days as the Department for Communities may by order appoint.

(3) An order under this section may make such transitory or transitional provision, or savings, as the Department for Communities considers appropriate.

### 25 **Short title [jST]**

**14.** This Act may be cited as the Private Tenancies Act (Northern Ireland) 2021.

SCHEDULES

SCHEDULE 1

Section 2.

TENANT TO BE GIVEN NOTICE REGARDING CERTAIN PAST  
MATTERS [S3]

*Tenancies granted on or after 30 June 2011 but before the coming into operation  
of section 1*

1.—(1) This paragraph applies where—

(a) a private tenancy of a dwelling-house was granted on or after 30 June 2011  
but before the commencement date; and

(b) the dwelling-house is let under that tenancy on the commencement date.

(2) The landlord under the tenancy must, within 28 days after the  
commencement date, give to the tenant a notice—

(a) in the prescribed form, and

(b) containing the prescribed particulars and other prescribed information  
relating to the tenancy.

(3) A tenant must not be required to make a payment in respect of any notice  
under sub-paragraph (2).

(4) A landlord who fails to comply with sub-paragraph (2) is guilty of an  
offence.

*Variation of certain terms on or after 30 June 2011 but before the coming into  
operation of section 1*

2.—(1) This paragraph applies where—

(a) on or after 30 June 2011 but before the commencement date, a prescribed  
term of a private tenancy of a dwelling-house was varied; and

(b) the dwelling-house is let under that tenancy on the commencement date;  
and it applies regardless of the date on which the tenancy was granted.

(2) The landlord under the tenancy must, within 28 days after the  
commencement date, give to the tenant a notice—

(a) in the prescribed form, and

(b) containing the prescribed particulars and other prescribed information  
relating to the tenancy.

(3) In paragraph (1) “varied” includes varied by omission.

(4) A tenant must not be required to make a payment in respect of any notice  
under sub-paragraph (2).

(5) A landlord who fails to comply with sub-paragraph (2) is guilty of an offence.

*Punishment and prosecution of offences under this Schedule*

3. A person who is guilty of an offence under paragraph 1 or 2 is liable on  
5 summary conviction to a fine not exceeding level 4 on the standard scale.

4. Proceedings for an offence under paragraph 1 or 2 may be instituted by the appropriate district council.

*Fixed penalty notices*

5.—(1) This paragraph applies where on any occasion an authorised officer of a  
10 district council has reason to believe that a person (“P”) has committed an offence under paragraph 1 or 2.

(2) The authorised officer may give P a notice in the prescribed form offering P the opportunity of discharging any liability to conviction for the offence by payment of a fixed penalty.

15 (3) A fixed penalty payable under this paragraph is payable to the district council whose officer gave the notice.

(4) Where P is given a notice under this paragraph in respect of an offence—

(a) no proceedings may be instituted for that offence before the expiration of the period of 14 days, or such other period as may be specified in the  
20 notice, following the date of the notice; and

(b) P may not be convicted of that offence if P pays the fixed penalty before the expiration of that period.

(5) A notice under this paragraph must give such particulars of the circumstances alleged to constitute the offence as are necessary for giving  
25 reasonable information of the offence.

(6) A notice under this paragraph must also state—

(a) the period during which, by virtue of sub-paragraph (4), proceedings will not be taken for the offence;

(b) the amount of the fixed penalty; and

30 (c) the person to whom and the address at which the fixed penalty may be paid.

(7) The fixed penalty payable to a district council under this paragraph in respect of an offence under paragraph 1 or 2 is an amount determined by the council, being an amount not exceeding one-fifth of the maximum fine payable on  
35 summary conviction of that offence.

(8) In any proceedings a certificate which—

(a) purports to be signed on behalf of the clerk of the council, and

(b) states that payment of a fixed penalty was or was not received by a date specified in the certificate,

40 is evidence of the facts stated.

(9) A district council may use amounts paid to it in pursuance of notices under this paragraph only for the purposes of its functions under this paragraph, the 2006 Order or such other of its functions as may be prescribed.

(10) In this paragraph “authorised officer”, in relation to a district council,  
5 means an officer of the council who is authorised in writing by the council for the purposes of this paragraph.

*Supplementary and interpretation*

6. Regulations under paragraph 1, 2 or 5 are subject to negative resolution.

7. In paragraphs 1 and 2 “the commencement date” means the date on which  
10 section 1 comes into operation.

8. Any expression that is used in both this Schedule and the 2006 Order has the same meaning in this Schedule as in that Order.

SCHEDULE 2

Section 9.

15 ENERGY EFFICIENCY REGULATIONS [S1]

1. The 2006 Order is amended as follows.

2. After Article 11F (as inserted by section 8) insert—

*“Energy efficiency*

**Energy efficiency of dwelling-houses let under a private tenancy**

20 11G.—(1) The Department may by regulations provide that a person may not—

(a) grant a private tenancy of a dwelling-house to which paragraph (2) applies;

(b) continue to let out under a private tenancy a dwelling-house to  
25 which paragraph (2) applies.

(2) This paragraph applies to a dwelling-house—

(a) that is of such description of dwelling-house as is provided for by the regulations,

(b) in relation to which there is an energy performance certificate, and

(c) that falls below such level of energy efficiency (as demonstrated by  
30 the energy performance certificate) as is provided for by the regulations.

(3) The regulations may provide that a dwelling-house that is of such description as is provided for by the regulations is exempt from such  
35 prohibitions imposed by the regulations as are prescribed in the regulations.

(4) In this Article “energy performance certificate” has the meaning given by the Energy Performance of Buildings (Certificates and Inspections) Regulations (Northern Ireland) 2008.

(5) The Department may by regulations amend the definition of “energy performance certificate” in paragraph (4).

**Private tenancy energy efficiency regulations: power to create an offence**

5 11H.—(1) Regulations under Article 11G may provide that a person who breaches a prohibition imposed under paragraph (1) of that Article is guilty of an offence.

(2) Any offence created by virtue of paragraph (1)—

- (a) is not to be triable on indictment or punishable with imprisonment;  
10 (b) is not to be punishable with a fine exceeding level 5 on the standard scale.”.

3. In Article 68(3) (prosecution by appropriate district council), after “this Order” insert “(including any offence created by virtue of Article 11H)”.

4. In Article 68A (fixed penalty for certain offences)—

- 15 (a) in paragraph (1), after sub-paragraph (aa) (as inserted by section 8) insert—  
“(ab) an offence created by virtue of Article 11H; or”;  
(b) in paragraph (8), after “or 65A(4)” insert “or an offence created by virtue of Article 11H”.

20 5. In Article 72 (provisions concerning regulations), after paragraph (4) insert—

“(5) Before making regulations under Article 11G, the Department must consult—

- (a) the Department for the Economy,  
(b) district councils,  
25 (c) such persons as appear to the Department to be representative of landlords, and  
(d) such other persons as the Department considers appropriate (which may include landlords).”.

SCHEDULE 3

30

Section 10.

ELECTRICAL SAFETY STANDARDS REGULATIONS [S2]

1. The 2006 Order is amended as follows.

2. After Article 11H (as inserted by Schedule 2) insert—

*“Electrical safety standards*

35 **Electrical safety standards for dwelling-houses let under a private tenancy**

11I.—(1) The Department may by regulations impose duties on the landlord of a dwelling-house let under a private tenancy for the purposes of ensuring that electrical safety standards are met during the period when  
40 the dwelling-house is let under the tenancy.

(2) “Electrical safety standards” means standards specified in, or determined in accordance with, the regulations in relation to—

(a) the installations in the dwelling-house for the supply and use of electricity, or

(b) electrical fixtures, fittings or appliances provided by the landlord.

(3) The duties imposed on the landlord may include duties to ensure that a qualified person has checked that the electrical safety standards are met.

(4) The regulations may make provision about—

(a) how and when checks are carried out;

(b) who is qualified to carry out checks.

(5) The regulations may require the landlord to undertake works as a result of checks carried out by the qualified person.

(6) The regulations may require the landlord—

(a) to obtain a certificate from the qualified person confirming that electrical safety standards are met;

(b) to give a copy of the certificate to the tenant, or a prospective tenant, or any other person specified in the regulations;

(c) where the electrical safety standards are not met, to obtain from the qualified person a written description of the works required to meet the standards.

(7) Regulations under this Article are referred to in Articles 11J and 11K as “electrical safety standards regulations”.

#### **Electrical safety standards regulations: power to create an offence**

11J.—(1) Electrical safety standards regulations may provide that a landlord who fails to comply with a duty imposed under Article 11I(1) is guilty of an offence.

(2) Any offence created by virtue of paragraph (1)—

(a) is not to be triable on indictment or punishable with imprisonment;

(b) is not to be punishable with a fine exceeding level 5 on the standard scale.

#### **Electrical safety standards regulations: other enforcement**

11K.—(1) Electrical safety standards regulations may make provision, for the enforcement of a duty imposed under Article 11I(1)—

(a) under which a landlord may be required to take remedial action;

(b) under which a district council may, with the consent of the tenant, arrange for a person to enter the dwelling-house and take remedial action.

(2) Regulations under paragraph (1) may also include, in particular—

(a) provision about procedural matters;

(b) where the provision is made in connection with paragraph (1)(a), provision enabling the landlord to make representations against any requirement to take remedial action;

(c) where the provision is made in connection with paragraph (1)(b), provision—

(i) about appeals against any proposed remedial action;

5 (ii) enabling a district council to recover from the landlord any costs incurred by it in taking remedial action;

(iii) about the application of costs recovered.”.

3. In Article 68(3) (prosecution by appropriate district council), after “11H” (as inserted by Schedule 2) insert “or 11J”.

4. In Article 68A (fixed penalty for certain offences)—

10 (a) in paragraph (1)(ab) (as inserted by Schedule 2), after “11H” insert “or 11J”;

(b) in paragraph (8), after “11H” (as inserted by Schedule 2) insert “or 11J”.

5. In Article 72 (provisions concerning regulations), after paragraph (5) (as inserted by Schedule 2) insert—

15 “(6) Before making regulations under Article 11I, the Department must consult—

(a) district councils,

(b) such persons as appear to the Department to be representative of landlords, and

20 (c) such other persons as the Department considers appropriate (which may include landlords).”.



**Minutes of Meeting of Environment Committee of Mid Ulster District Council  
held on Tuesday 11 May 2021 in Council Offices, Ballyronan Road, Magherafelt  
and by virtual means**

**Members Present**

Councillor S McGuigan, Chair

Councillors Brown\*, Buchanan\*, Burton\*, Cuthbertson,  
Graham\*, N McAleer\*, S McAleer\*, McFlynn\*,  
B McGuigan\*, McNamee\*, Milne\*, O'Neill\*, Totten\*,  
Wilson\*

**Officers in  
Attendance**

Mr Kelso, Director of Public Health and Infrastructure  
Mr Lowry, Head of Technical Services\*\*  
Mr McAdoo, Head of Environmental Services\*\*  
Mrs McClements, Head of Environmental Health\*\*  
Mr Scullion, Head of Property Services\*\*  
Mr Wilkinson, Head of Building Control\*\*  
Miss Thompson, Democratic Services Officer

\* Denotes members and members of the public present in remote attendance

\*\* Denotes Officers present by remote means

The meeting commenced at 7.00 pm

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

*The Chair, Councillor S McGuigan stated that as this was his last meeting as Chair of the Environment Committee he wanted to thank officers and Members for their work and co-operation throughout the year.*

**E123/21      Apologies**

Councillor Glasgow.

**E124/21      Declarations of Interest**

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

**E125/21      Chair's Business**

Councillor Wilson referred to email received by Members in relation to issues at Davagh, the Councillor stated he was aware some of the issues related to the contract which was confidential. The Councillor stated that at the last meeting he had asked if Council was in contact with the local mountain biking group and that

assurances were given that Council was however on reading the email received this did not appear to be the case. Councillor Wilson asked for a report on how many meetings have taken place between Council and mountain bike groups since it was agreed to do the trails.

Councillor Wilson also enquired what role Police and Council have with regards to Covid marshalling and referred to a number of incidents at the weekend regarding crowding in pubs. Councillor Wilson asked for clarification on this for the next committee meeting.

The Director of Public Health and Infrastructure advised that there is a contractual issue in relation to Davagh and that an update would be provided later in the meeting. In relation to the number of meetings held with mountain bike groups, the Director stated he would refer this query to the Leisure and Recreation Directorate.

In relation to the reopening of premises at the weekend the Director of Public Health and Infrastructure stated that officers were aware of issues regarding a number of commercial premises across the District and one in particular in Cookstown. The Director advised that Council had been in close liaison with the business prior to reopening and again since reopening in response to the issues highlighted. The Director advised that licensed premises are primarily the responsibility of the Police and that Council have worked closely with the PSNI in relation to the issues raised and that such incidents should not be repeated.

Councillor McNamee referred to his previous request for an inspection to be carried out in relation to Cookstown Public Realm Scheme to identify any defects and damage and asked if this had been completed.

The Director of Public Health and Infrastructure stated he would follow up on this issue with Councillor McNamee.

## **Matters for Decision**

### **E126/21      DfI Roads Proposal to Mid Ulster District Council - Proposed Provision of a Disabled Persons' Parking Bay at Church Street, Ballygawley**

Members considered previously circulated report which sought agreement in relation to proposed provision of a Disabled Persons' Parking Bay at Church Street, Ballygawley.

Proposed by Councillor Burton  
Seconded by Councillor S McGuigan and

**Resolved**      That it be recommended to the Chief Executive that he operate his Delegated Authority Resolve under Section 3.3 of the Scheme of Delegation for Senior Officers to endorse the proposal submitted by Department for Infrastructure Roads in relation to proposed provision of a Disabled Persons' Parking Bay at Church Street, Ballygawley.

**E127/21      DfI Roads Proposal to Mid Ulster District Council - Proposed Traffic Calming Measures & Footway Extension for Favour Royal Road, Augher**

Members considered previously circulated report which sought agreement in relation to proposed traffic calming measures and footway extension for Favour Royal Road, Augher.

Proposed by Councillor Burton  
Seconded by Councillor S McGuigan and

**Resolved**      That it be recommended to the Chief Executive that he operate his Delegated Authority Resolve under Section 3.3 of the Scheme of Delegation for Senior Officers to endorse the proposal submitted by Department for Infrastructure Roads in relation to proposed traffic calming measures and footway extension for Favour Royal Road, Augher.

**E128/21      Street Naming and Property Numbering**

The Head of Building Control presented previously circulated report which considered the naming of new streets within residential Housing Developments within Mid-Ulster.

Site off Lurgylea Road, Dungannon

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

**Resolved**      That it be recommended to the Chief Executive that he operate his Delegated Authority Resolve under Section 3.3 of the Scheme of Delegation for Senior Officers to name development off Lurgylea Road, Dungannon as Glenburn View.

**E129/21      Review of Policy on Street Naming and Numbering**

The Head of Building Control presented previously circulated report which advised on the review of the policy on Street Naming and Numbering.

Councillor B McGuigan proposed the policy with the amendments. The Councillor referred to some of the names submitted for housing developments in the past which no thought had gone into by the developer and stated he would be supportive of contact being made with community/historical groups in the locality regarding naming as he felt it is prime opportunity to bring old place names back.

Councillor McNamee seconded Councillor B McGuigan's proposal.

Councillor Burton stated that not every area would have a historical group and asked if community groups and other groups such as Chamber of Commerce could be included.

The Head of Building Control stated that the policy refers to historical or community groups and that most areas would have either one or both of these types of group. The officer stated it is difficult to specify the kinds of group but that the policy points in the direction of a group who could provide a developer with an effective input regarding the naming of a development.

**Resolved** That it be recommended to the Chief Executive that he operate his Delegated Authority Resolve under Section 3.3 of the Scheme of Delegation for Senior Officers to approve the Policy on Street Naming and Numbering as reviewed and set out at appendix to report.

### **E130/21      Review of Policy on Dual Language Nameplate Signage**

The Head of Building Control presented previously circulated report which advised on the review of the Policy on Dual Language Nameplate Signage.

Councillor Graham referred to the positioning of a second language on signage and that it is stated that this is at the discretion of Council on where it is placed. The Councillor asked who took the decision to place a second language above English and why. Councillor Graham stated that English is spoken, written and understood by everyone and that no one is taking away the right to display a second language, whatever the language may be but if it is the case of Nationalists being able to do whatever they want because they have the greater numbers on Council then she felt this was pathetic. Councillor Graham stated that all that was being asked was that English comes first and that the point of a second language is that it comes second to English.

Councillor Graham stated that Equality and Good Relations in relation to this matter seemed to be a joke and referred to the number of complaints she had received in relation to signage and the bad feeling that is being created between neighbours. The Councillor stated that she had recently seen five signs which had been defaced and that four had been sprayed green, white and orange. Councillor Graham felt that this is an attempt to intimidate and is similar to the continual defacing of signage for Londonderry on which the London is painted over. Councillor Graham stated she was aware of a housing development in a mixed area which had been surveyed in relation to dual language signage and that this had caused suspicion and upset, the Councillor stated that some saw this as a way of marking out territory and although the sign did not go up it has caused tensions in the area and that this is the reality of the policy. Councillor Graham stated that the policy does nothing to further community relations and costs a fortune in terms of both time and money and needs to be looked at again. Councillor Graham stated that in her opinion the simple solution would be to keep any second language second where it belongs.

Councillor Buchanan proposed that the Policy on Dual Language Nameplate Signage as reviewed is not approved as the legal opinion which was sought regarding the positioning of second language on signage should have been sought from an independent solicitor not from Mid Ulster Council's own solicitor. The Councillor stated that the interpretation of the word adjacent on the policy is wrong and means signs should be side by side. Councillor Buchanan referred to the Good Relations mitigation identified and that territory is being marked out similar to flags and emblems and is a form of cultural branding.

Councillor Buchanan stated that because there are no minimum percentages or quotas for having a dual language nameplate sign, these signs are being foisted on Unionist areas. The Councillor stated that the campaign is not driven by practical need, symbolic equality or human right being withheld but by political strategy. Councillor Buchanan stated that if British symbols were being placed in Nationalist areas it would be stopped by Council and branded as sectarian.

The Director of Public Health and Infrastructure stated that the existing policy has been in place for some time and was previously drafted following a number of workshops and being brought to committee in various drafts before being adopted. The Director stated that as part of the original process Members and officers reflected on the legacy arrangements in place and that in Magherafelt a policy was in place where the Irish Language was placed above English on signage.

The Director of Public Health and Infrastructure advised that Council's Solicitor is there to provide structured legal opinion to officers and that this is not an issue. The Director advised that if Members have an issue with this then it should be brought to the attention of the Chief Executive. The Director advised that the legal opinion provided by Council Solicitor is based on Article 11, Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985 which states that Council has the power to erect nameplate signage in such manner as it sees fit.

Councillor McNamee stated that the policy has already been ratified by Council and that Members were continuing to hear the hype and hysteria that the Irish Language is causing in communities. The Councillor felt this is outrageous given the continuous attacks on Irish Language signage with no condemnation. Councillor McNamee proposed the recommendation to approve the policy on Dual Language Nameplate Signage and also asked for an update regarding access to the Electoral Office.

Councillor N McAleer seconded Councillor McNamee's proposal and stated it was very disappointing but unsurprising to hear the comments from some Unionist Councillors. The Councillor stated there was a lot of talk about signs being divisive but very little is said about signs being destroyed across the District. Councillor N McAleer referred to signage on the Mullanahoe Road which was destroyed, this was despite 72 surveys being issued and 64 being returned in favour, 7 being against and one invalid response. Councillor N McAleer also referred to signage on the Tullydraw Road which has been destroyed on several occasions again despite 77% agreeing to the signage being erected. Councillor N McAleer stated that Unionist Councillors needed to call out the destruction of signage instead of picking holes in the policy.

The Head of Building Control stated that officers have been in contact with the Electoral Office as regards getting access to information. The officer advised there is no indication of when staff will be able to access these offices however with ongoing relaxations it is hoped the offices may reopen in the coming weeks.

Councillor Cuthbertson referred to comment in relation to legacy Magherafelt policy and stated that there was no previous policy in place in Magherafelt but rather a word of mouth arrangement. Councillor Cuthbertson stated that he had made the request for the written legal opinion and would hold a similar view as Councillor Buchanan. Councillor Cuthbertson referred to staffing arrangements within the legal

team and asked if Council has its own solicitor at the moment and the potential need for independent legal advice. Councillor Cuthbertson also referred to the Section 75 screening and that anyone conducting such screening needs to have the proper training, the Councillor stated it is not clear who undertook the screening and suggested that such screening would be better done by a third party outside of Council. Councillor Cuthbertson stated that the screening has revealed three minor marks and that there needs to be mitigation. Councillor Cuthbertson stated that when full legal advice has been obtained then further consideration can be given to the policy and figures which he felt are skewed in relation to surveys issued and responses received. Councillor Cuthbertson referred to condemnation of defacing of signs and asked where the condemnation was regarding the signs which were defaced with green, white and orange paint. Councillor Cuthbertson seconded Councillor Buchanan's proposal.

Councillor Graham stated that she had not mentioned Irish Language but had referred to a second language. Councillor Graham stated that Unionists feel there is no one listening to their views on this Council simply because the Unionist Councillors are outnumbered.

Councillor McNamee stated it is clear that it is the Irish Language Councillor Graham is referring to. Councillor McNamee stated that his party would condemn attacks on any signage.

The Director of Public Health and Infrastructure stated that a Council Solicitor has been appointed and is in place and is providing full legal advice to Council. The Director referred to the Section 75 screening and that there are some mitigation measures that need to be considered within the Good Relations Working Group, the Director stated this group should be allowed to reflect on the matter and report back to the relevant committee. The Director advised that the policy before Members tonight is fit for purpose.

Members voted on Councillor Buchanan's proposal –

For – 6

Against - 9

**Resolved** That it be recommended to the Chief Executive that he operate his Delegated Authority Resolve under Section 3.3 of the Scheme of Delegation for Senior Officers to approve the Policy on Dual Language Nameplate Signage as reviewed and set out at appendix to report.

## **E131/21 Bus Shelters Update**

The Head of Technical Services presented previously circulated report which provided an update on current bus shelter status.

The Chair, Councillor S McGuigan acknowledged that there is a reduced number of staff within the team and commended officers on keeping the work going.

Councillor O'Neill expressed thanks for getting the application for Annaghmore Road, Clonoe onto the list.

Councillor McFlynn stated it was her understanding that there are some objections regarding the proposed bus shelter at Eglish View, Ballinderry and this may need to be removed from the list until issues of concern are resolved.

The Head of Technical Services stated that consultation on the Eglish View bus shelter is due to close on 13 May and that so far a number of objections have been received and that these will be taken on board.

Councillor Cuthbertson expressed thanks to the Property Services team regarding assurances given for maintenance of bus shelters. Councillor Cuthbertson asked if the bus shelter for Moygashel had been ordered yet.

The Head of Technical Services advised he would come back to Councillor Cuthbertson on whether the bus shelter had been ordered.

Proposed by Councillor Brown  
Seconded by Councillor Cuthbertson and

**Resolved** That it be recommended to the Chief Executive that he operate his Delegated Authority Resolve under Section 3.3 of the Scheme of Delegation for Senior Officers to note the content of the report and the progress made on bus shelters within the district.

#### **E132/21 Derelict Buildings and Dilapidated Structures**

The Head of Environmental Health presented previously circulated report which provided update on the legal powers available to Council for dealing with Derelict Buildings and Dilapidated structures.

Councillor B McGuigan stated that dereliction is an issue right across the District especially in conservation areas. The Councillor stated that those who own listed buildings may want to repair them but that there is little or no support for them in the form of grant aid to do so. The Councillor stated there is a high cost in relation to the upkeep of such buildings and that these buildings need to be fit for purpose. Councillor B McGuigan referred to partnership working and felt it would be worthwhile for Council to meet with Historic Environment Division (HED) in order to address issues of dereliction.

The Head of Environmental Health stated that this can be considered to see where it fits best with a view to putting a partnership in place.

Councillor Cuthbertson stated he had raised this issue following a fire at a derelict house in January. Councillor Cuthbertson felt there also needed to be a conversation with the PSNI in relation to derelict buildings as their opinion is that Council could board up a dangerous building and seek to recover its costs at a later date. The Councillor felt it would be beneficial to discuss this issue with PSNI so everyone knows what their responsibility is as regards derelict buildings.

Proposed by Councillor Cuthbertson  
Seconded by Councillor Milne and

- Resolved** That it be recommended to the Chief Executive that he operate his Delegated Authority Resolve under Section 3.3 of the Scheme of Delegation for Senior Officers to –
- Write to the Minister to seek clarification on the outcome of the 2016 consultation on Dilapidated / Dangerous Buildings and Neglected Sites and any proposed way forward.
  - Consider partnership working with Historic Environment Division in relation to derelict buildings.
  - Discuss measures to address issues regarding derelict buildings with PSNI.

**E133/21 Office for Product Safety and Standards and the ongoing work on product safety**

The Head of Environmental Health presented previously circulated report which provided update relating to product safety work carried out by the Environmental Health Department, and update on expected continuing funding from the Office of Product Safety and Standards (OPSS).

Proposed by Councillor Milne  
Seconded by Councillor N McAleer and

- Resolved** That it be recommended to the Chief Executive that he operate his Delegated Authority Resolve under Section 3.3 of the Scheme of Delegation for Senior Officers to note the content of this report and move forward when a confirmed offer of funding has been received.

**Matters for Information**

**E134/21 Minutes of Environment Committee held on 13 April 2021**

Members noted minutes of Environment Committee held on 13 April 2021.

Councillor Cuthbertson referred to bin collections and that since the last Environment Committee a new policy has come into effect regarding collection of a second brown bin. The Councillor stated he had received a number of calls in relation to this and that people were angry and feel that the implementation of the new policy could lead to flytipping of green waste. Councillor Cuthbertson stated that it would have been useful to identify and notify those already getting a second brown bin collected of the consultation at the time. Councillor Cuthbertson stated that the situation needed to be monitored to ensure there is no flytipping of green waste.

Councillor Burton stated she had also been contacted by a number of people with similar concerns. The Councillor asked how many households have a second brown bin collected and reflected that some people do not even use one brown bin and asked if there is any flexibility as it is causing angst in the community especially as people bought a second brown bin and it is not now being collected.

The Head of Environmental Services stated that there was a public consultation over 12 weeks last year and as a result the fee for collecting a second brown bin was reduced from £100 to £50 per year. The officer advised that a number of people



have paid this charge and got their sticker for collection of a second brown bin. The officer stated he did not anticipate this affects more than 100 households in the District and that if people have excess green waste and do not want to pay the charge then Council would provide a free home compost unit therefore it is not felt flytipping will become an issue.

Councillor O'Neill referred to a property at Coney Park, Clonoe which has not been used for approximately 8 years. The Councillor stated that the hedges around the property have become overgrown and are growing into other neighbouring properties, the Councillor stated that litter and rats at the property are also an issue. Councillor O'Neill asked what Council can do to protect the other neighbouring properties and residents.

The Head of Environmental Health stated she would contact the Councillor in relation to the matter.

Councillor Burton asked if there was any flexibility in relation to the collection of the second brown bin as flytipping of green waste can cause problems for animals and that not everyone is content using a home compost unit as it can attract vermin.

The Head of Environmental Services stated that garden waste in a home compost unit should not attract rats. The officer stated it was difficult to offer flexibility as a number of people have now paid the charge and there is the mitigation of a home compost unit for those who don't want to pay. The officer advised that the policy is being implemented as previously agreed and is not due to be reviewed until October 2022.

The Chair, Councillor S McGuigan stated that the situation could be kept under review.

#### **E135/21      Northern Ireland Local Authority Collected Municipal Waste Management (LACMW) Report for October to December 2020**

Members noted previously circulated report which provided update on Council's performance in relation to recycling and landfill diversion targets.

The Head of Environmental Services stated that it was pleasing that Mid Ulster Council had again achieved the highest recycling rate and lowest landfill rate and given the situation during the pandemic credit should go to the householders of Mid Ulster for continuing to recycle during this time.

#### **E136/21      Mid Ulster Big Spring Clean 2021**

Members noted previously circulated report which provided update on the Mid Ulster Big Spring Clean Campaign 2021.

#### **E137/21      Environmental Services Service Improvement Plan for 2021/22**

Members noted previously circulated report which detailed the Environmental Services Service Improvement Plan for 2021/22.

### **E138/21      Property Services Service Improvement Plan for 2021/22**

Members noted previously circulated report which detailed the Property Services Service Improvement Plan for 2021/22.

### **E139/21      Building Control Workload**

Members noted previously circulated report which provided update on the workload analysis for Building Control.

### **E140/21      Entertainment Licensing Applications**

Members noted previously circulated report which provided update on Entertainment Licensing Applications across the Mid Ulster District.

Councillor McFlynn commended staff who worked on the Big Spring Clean and provided assistance to groups. The Councillor felt this is an excellent project and can be built on for future years.

*Live broadcast ended at 8.04 pm.*

### **Local Government (NI) Act 2014 - Confidential Business**

Proposed by Councillor Brown  
Seconded by Councillor O'Neill and

**Resolved** In accordance with Section 42, Part 1 of Schedule 6 of the Local Government Act (NI) 2014 that Members of the public be asked to withdraw from the meeting whilst Members consider item E125/21 (part of) and items E141/21 to E149/21.

#### **Matters for Decision**

E125/21	Chair's Business (continued)
E141/21	Extension of Waste Recycling and Processing Contracts
E142/21	Off street Car Parking: Future Provision Update
E143/21	Tender report for the appointment of a Vehicle Supplier
E144/21	Dog kennelling and related services
E145/21	Clean Neighbourhood Action Plan

#### **Matters for Information**

E146/21	Confidential Minutes of Environment Committee held on 13 April 2021
E147/21	Capital Framework – ICT Contracts Update
E148/21	Capital Framework – IST Contracts Update
E149/21	Capital Projects – Scoping Contracts Update

### **E150/21      Duration of Meeting**

The meeting was called for 7.00 pm and ended at 8.52 pm.

CHAIR \_\_\_\_\_

DATE \_\_\_\_\_

## **Annex A – Introductory Remarks from the Chairperson**

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

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

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

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

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



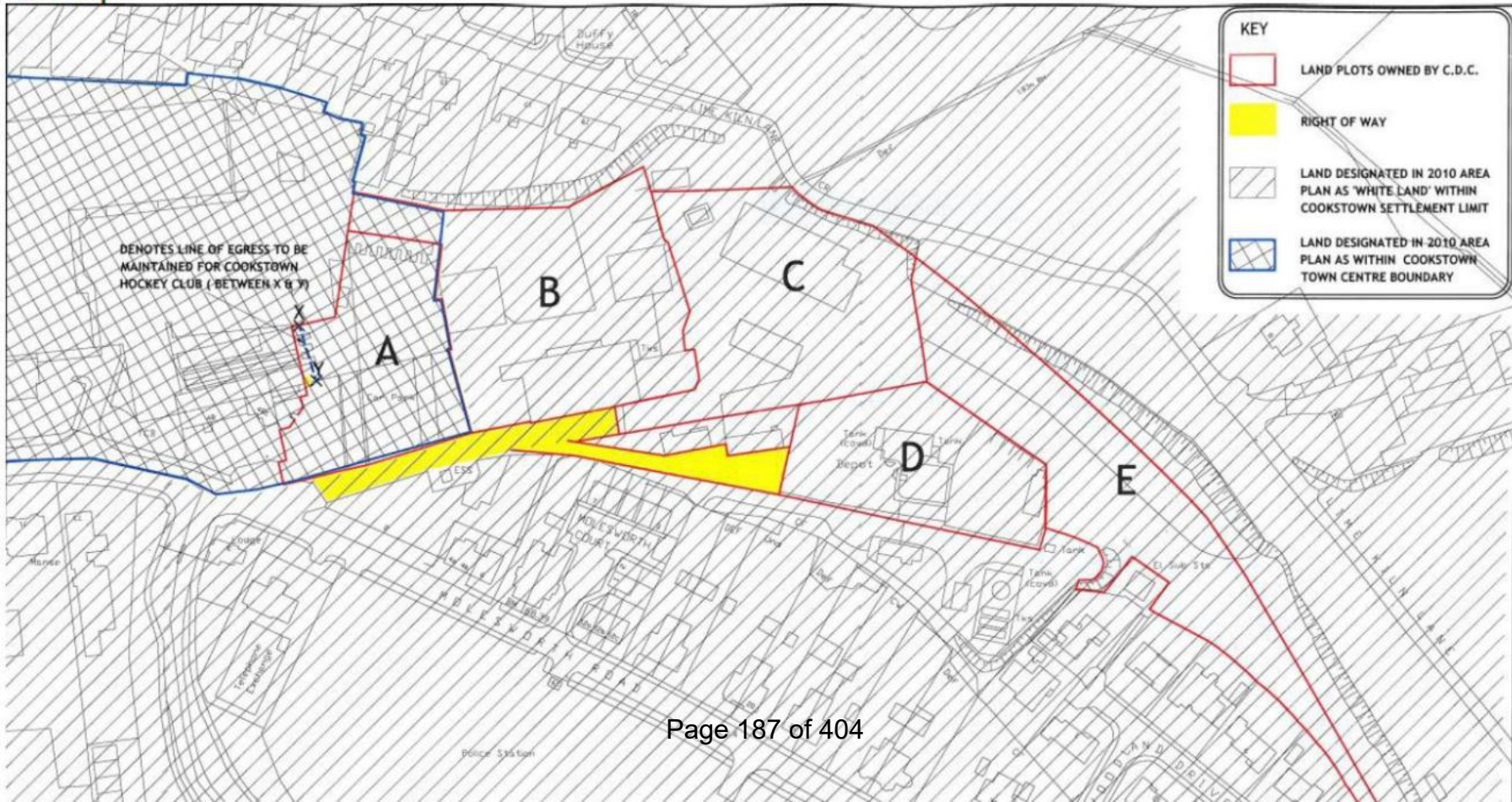
<b>Report on</b>	Lands at Railway Yard, Molesworth Road, Cookstown
<b>Date of Meeting</b>	15 <sup>th</sup> June 2021
<b>Reporting Officer</b>	Mark McAdoo, Head of Environmental Services
<b>Contact Officer</b>	Mark McAdoo, Head of Environmental Services

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

<b>1.0</b>	<b>Purpose of Report</b>
1.1	To update members on the use of lands at Railway Yard, Molesworth Road, Cookstown.
<b>2.0</b>	<b>Background</b>
2.1	The Council currently owns a portfolio of several plots of land at Railway/Station Yard off Molesworth Street, Cookstown. The sites (denoted A - E on attached map) comprise some 5.5 acres centred upon the existing Council Recycling Centre facility (site C).
<b>3.0</b>	<b>Main Report</b>
3.1	Following the fire at Cookstown Recycling Centre on 30 <sup>th</sup> May 2020 it was necessary to utilise the lands located to the west of the Recycling Centre (site B) for the temporary bulking up and storage of waste timber and plastics collected at the Recycling Centre.
3.2	As this portion of land was not covered by the existing Waste Management Licence (WML) temporary approval to use the site for this purpose was obtained from the Northern Ireland Environment Agency (NIEA) under the terms of their Covid-19 <i>Regulatory Position Statement (RPS) for Temporary Storage and / or Treatment of Waste at a Site That Does Not Hold a Waste Management Licence or Permit.</i>
3.3	Whilst following the repairs to the fire damage at the Recycling Centre it was possible to move the storage of the timber back to the main site it was necessary to retain the storage of bulky plastics on the adjacent site given the space constraints and the necessity to segregate these materials so as to help reduce the future risk of fire on site. The adjacent site also continues to act as an "over flow" for waste timber at busy times.
3.4	The existing waste management licence for the Recycling Centre was granted in 2008.
3.5	As the existing NIEA RPS approval for the use of the adjacent site expires on 30 <sup>th</sup> June and we wish to continue using the site for waste transfer/storage it will be necessary to submit an application for a revised Waste Management Licence for the entire site i.e. incorporating the existing Recycling Centre (site C) and adjacent portion of land (site B).
3.6	In order to obtain a new waste management licence planning approval is normally required. In this case given the historical use of the adjacent site (for more than 5 years) for the occasional storage of waste materials, skips, bins etc. it was possible to submit an application for a Certificate of Lawfulness of Existing Use or Development (CLEUD).

3.7	An application for a CLEUD was submitted to the Planning Service on 4 <sup>th</sup> February 2021 and approval received on 12 <sup>th</sup> May 2021 (ref LA09/202/0187/LDE as per copy attached).
3.8	An application for a new waste management licence can therefore now be submitted to NIEA prior to the expiration of the temporary approval for the site on 30 <sup>th</sup> June 2021.
3.9	It should be noted the granting of this approval will be of assistance to the Council in any potential future development of the site, for example, as a Council depot/transfer station.
<b>4.0</b>	<b>Other Considerations</b>
4.1	<b>Financial, Human Resources &amp; Risk Implications</b>
	Financial: The cost of preparing and submitting the CLEUD application was £4,185 The cost of preparing and submitting the WML application will be £4,700
	Human: None
	Risk Management: The continued use of the adjacent site will reduce the risk of fire at the Recycling Centre.
4.2	<b>Screening &amp; Impact Assessments</b>
	Equality & Good Relations Implications: None
	Rural Needs Implications: None
<b>5.0</b>	<b>Recommendation(s)</b>
5.1	Members are asked to note the content of this report.
<b>6.0</b>	<b>Documents Attached &amp; References</b>
6.1	Map showing Council owned lands at Railway/Station Yard, Cookstown
6.2	CLEUD for lands bounding to the west of Cookstown Recycling Centre

# Site Map







**CERTIFICATE OF LAWFULNESS OF EXISTING USE OR DEVELOPMENT**

**Planning Act (Northern Ireland) 2011: Section 169**

Application No: **LA09/2021/0187/LDE**

Date of Application: **4th February 2021**

Site of Proposed  
Development:

**Lands bounding to the West of Cookstown Recycling  
Centre Railway Yard Molesworth Street Cookstown**

Description of Proposal:

**Existing use as a Council Operational Services depot for  
operations which include the storage, bulking and transfer  
of waste, storage of skips and bins, vehicle parking and  
storage and equipment storage**

Applicant: Mid Ulster District Council  
Address: Magherafelt Office  
Ballyronan Road  
Magherafelt

Agent: WDR and RT Taggart Ltd  
Address: Russell Business Centre  
40-42 Lisburn Road  
Belfast  
BT9 6AA

Drawing Ref: 01/1, 02/1, 03, 04, 05, 06, 07, 08

Mid Ulster District Council hereby

**CERTIFIES**

that on **4th February 2021** the use described in the First Schedule to this certificate in respect of the land specified in the Second Schedule to this certificate and edged red on the plan attached to this certificate, would have been lawful within the meaning of Section 169 of the Planning (Northern Ireland) 2011, for the following reason(s):

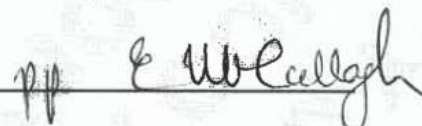




The Council, having considered the information provided, is satisfied that sufficient evidence has been submitted to demonstrate that the land and buildings as identified on the attached drawing numbers 01/1, 03, 04, 05, 06, 07, 08 received 12th April 2021 and 02/1 received 14th April 2021 has been used for the purpose stated in the First Schedule for more than five years up to and including the date of the application and the time for enforcement action has expired.

Dated: 12th May 2021

Planning Manager





The First and Second Schedule are attached hereto together with a plan. Please read the footnotes including your rights of appeal.

Schedules and Notes attached to:

#### **CERTIFICATE OF LAWFULNESS OF EXISTING USE OR DEVELOPMENT**

Application No: LA09/2021/0187/LDE

Applicant: Mid Ulster District Council

Location: Lands bounding to the West of Cookstown Recycling Centre  
Railway Yard Molesworth Street Cookstown

---

#### **FIRST SCHEDULE**

##### **Description of use certified:**

Existing use as a Council Operational Services depot for operations which include the storage, bulking and transfer of waste, storage of skips and bins, vehicle parking and storage and equipment storage

#### **SECOND SCHEDULE**

##### **Land specified in the Certificate:**

Lands bounding to the West of Cookstown Recycling Centre  
Railway Yard Molesworth Street Cookstown

---





**NOTES:**

1. This certificate is issued solely for the purpose of Section 169 of the Planning Act (Northern Ireland) 2011.
2. It certifies that the use specified in the First Schedule taking place on the land described in the Second Schedule was lawful, on the specified date and, thus, was not liable to enforcement action under Section 138 or 139 of the Planning Act (Northern Ireland) 2011.
3. This certificate applies only to the extent of the use described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use which is materially different from that described or which relates to other land may render the owner or occupier liable to enforcement action.
4. If this Certificate has been granted in a form which the Council has modified the description of the use, operations or other matter in your application or has substituted an alternative description for that description and if you do not accept the Council's decision you may appeal by giving notice to the Planning Appeals Commission (PAC). Under Section 173 (appeals against refusal or failure to give decision on application) of the Planning Act (Northern Ireland) 2011 and Article 11(6) of the Planning (General Development Procedure) Order (Northern Ireland) 2015.



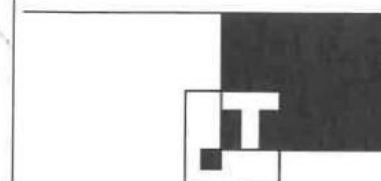


2 Planning Office  
RECEIVED  
12 APR 2021  
File No. Mid Ulster District Council

Planning Act  
(NI) 2011  
**GRANTED**  
For the reasons set out on  
**LA 09/21/0187**  
Decision Form No. 3  
Date 12 MAY 2021

o/i

REVDATE	DESCRIPTION	DRN	CRD
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WDR & RT TAGGART

CLIENT  
MID ULSTER DISTRICT COUNCIL

CONTRACT  
COOKSTOWN HOUSEHOLD  
WASTE RECYCLING CENTRE

DRAWING  
SITE LOCATION PLAN

SCALE	1:1,250 @A3	DATE	07.01.21
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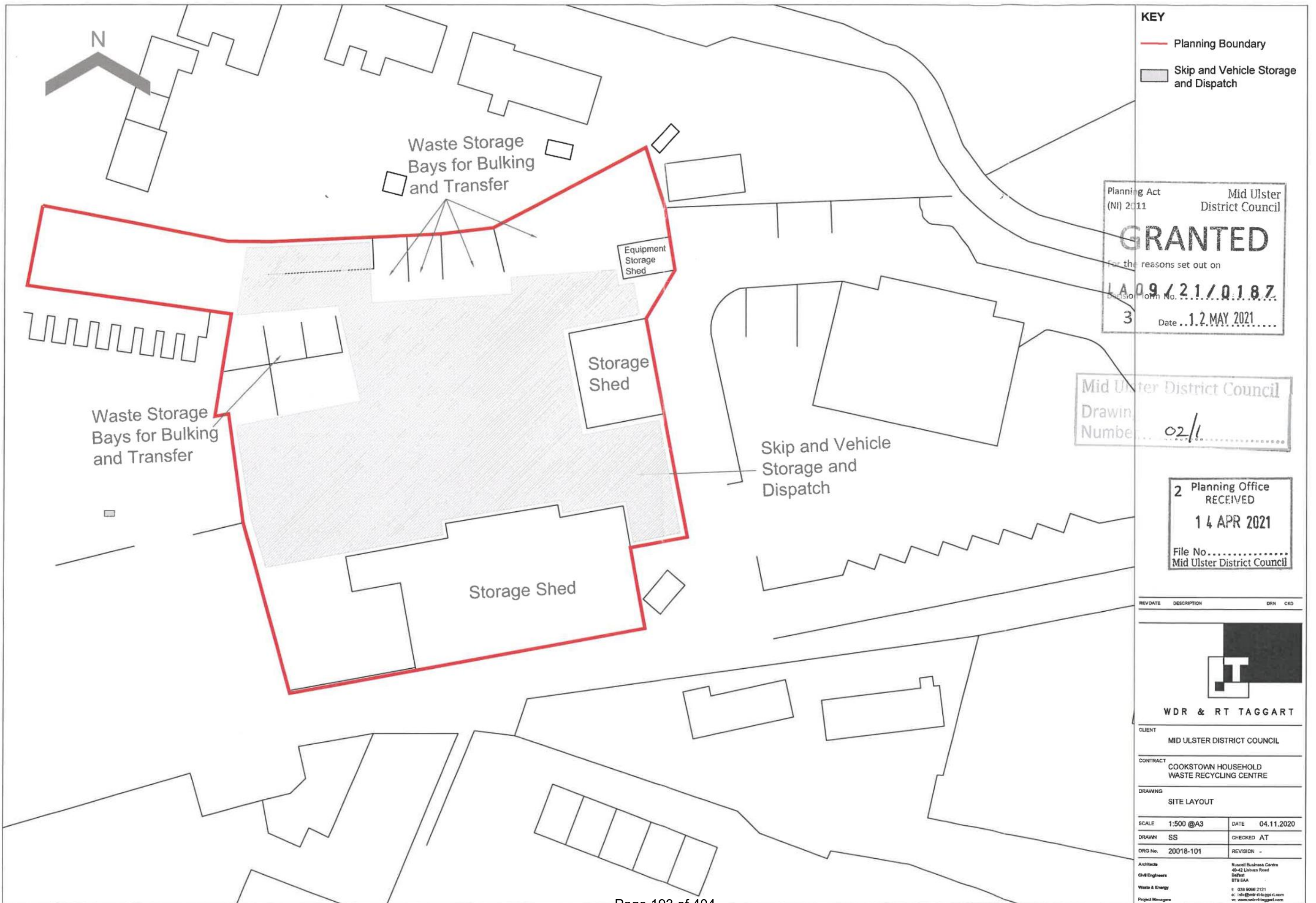
DRAWN	SS	CHECKED	AT
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DRG No.	20018-PL01	REVISION	-
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Architect	Russell Business Centre 40-42 Lisburn Road Belfast BT9 8AA
Civil Engineer	
Waste & Energy	
Project Manager	

T: 028 9096 2121  
E: info@wdr-rtaggart.com  
W: www.wdr-rtaggart.com





**KEY**

- Planning Boundary
- █ Skip and Vehicle Storage and Dispatch

Planning Act (NI) 2011

Mid Ulster District Council

**GRANTED**

For the reasons set out on

LA 09/21/0187

Decision Form No. 3

Date 12 MAY 2021

Mid Ulster District Council

Drawing Number 02/1

2 Planning Office RECEIVED

14 APR 2021

File No. ....

Mid Ulster District Council

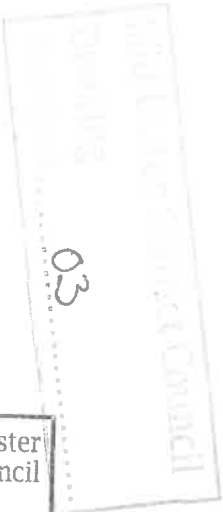
REV	DATE	DESCRIPTION	DRN	CKD
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**WDR & RT TAGGART**

CLIENT		MID ULSTER DISTRICT COUNCIL
CONTRACT		COOKSTOWN HOUSEHOLD WASTE RECYCLING CENTRE
DRAWING		SITE LAYOUT
SCALE	1:500 @A3	DATE 04.11.2020
DRAWN	SS	CHECKED AT
DRG No.	20018-101	REVISION -
Architects		Russell Business Centre 40-42 Lishinn Road Belfast BT9 6AA
Civil Engineers		
Waste & Energy		t: 028 9066 2121 e: info@wdr-rttaggart.com w: www.wdr-rttaggart.com
Project Managers		

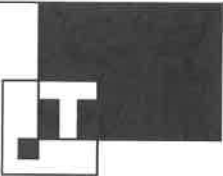
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For the reasons set out on  
**LA 09 / 21 / 0187**  
Decision Form No. ....  
3 Date ..12 MAY 2021....

REVDATE	DESCRIPTION	DRN	CKD
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WDR & RT TAGGART

CLIENT MID ULSTER DISTRICT COUNCIL	
CONTRACT COOKSTOWN HOUSEHOLD WASTE RECYCLING CENTRE	
DRAWING FLOOR PLAN - MAIN STORAGE SHED	
SCALE 1:250 @A3	DATE 26.01.21
DRAWN SS	CHECKED AT
DRG No. 20018-PL02	REVISION -
Architects Civil Engineers Waste & Energy Project Managers	Russell Business Centre 40-42 Lisburn Road Belfast BT9 6AA t: 028 9066 2121 e: info@wdr-rt-taggart.com w: www.wdr-rt-taggart.com

Side Elevations (North)

Canopy

Store

Front Elevations (West)

Platform

Front Elevations (East)

Side Elevations (South)

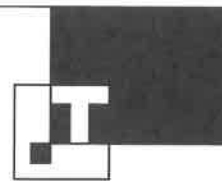
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Mid Ulster District Council

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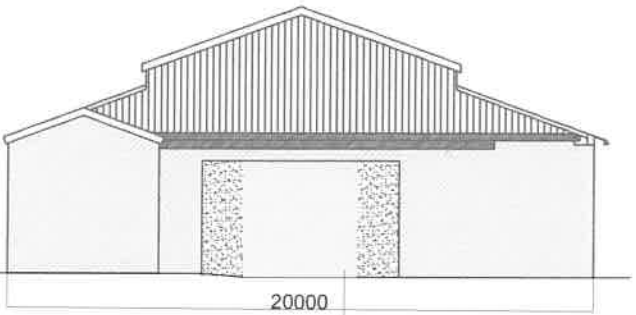
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(NI) 2011  
Mid Ulster  
District Council  
**GRANTED**  
For the reasons set out on  
**LA 09/21/0187**  
Decision Form No. ....  
3 Date **12 MAY 2021**

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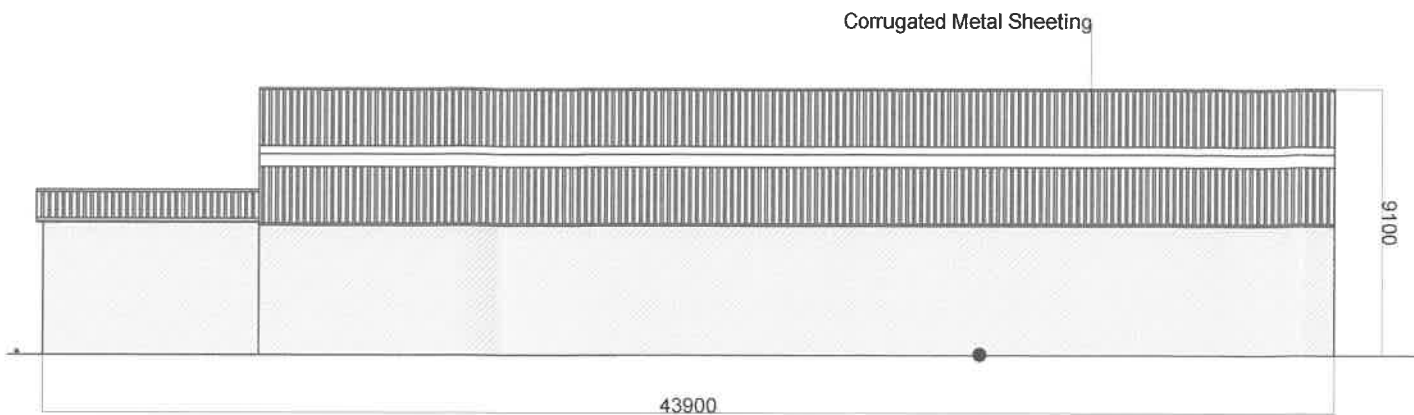


WDR & RT TAGGART

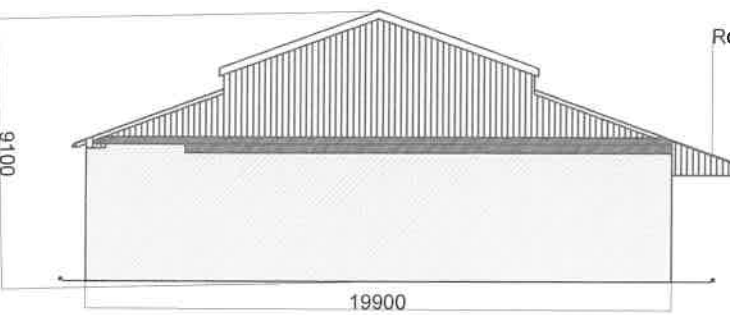
CLIENT	MID ULSTER DISTRICT COUNCIL
CONTRACT	COOKSTOWN HOUSEHOLD WASTE RECYCLING CENTRE
DRAWING	ELEVATIONS - MAIN STORAGE SHED
SCALE	1:250 @A3
DATE	27.01.21
DRAWN	SS
CHECKED	AT
DRG No.	20018-PL05
REVISION	-
Architects	Russell Business Centre 40-42 Lisburn Road Belfast BT9 6AA
Civil Engineers	
Waste & Energy	t: 028 9066 2121 e: info@wdr-rt-taggart.com
Project Managers	w: www.wdr-rt-taggart.com



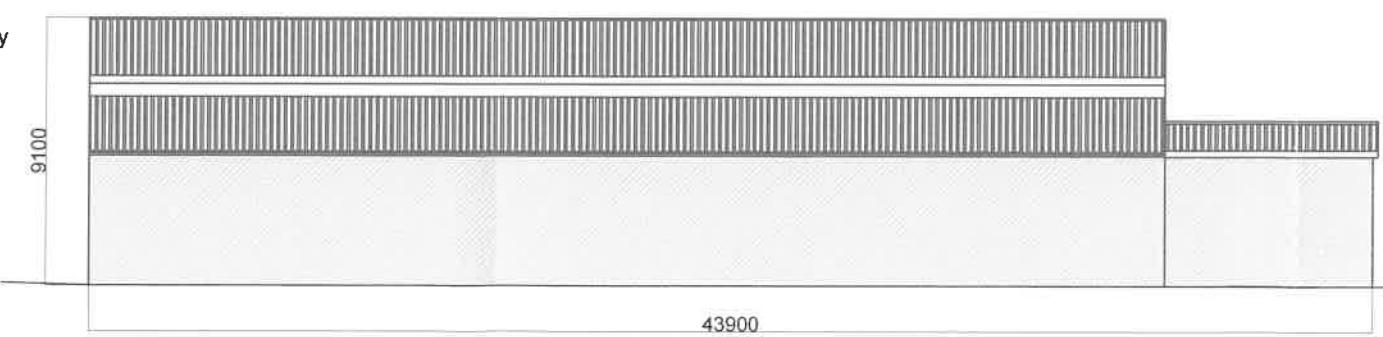
Front Elevations (West) Steel Sheeted Galvanised Doors



Side Elevations (North)

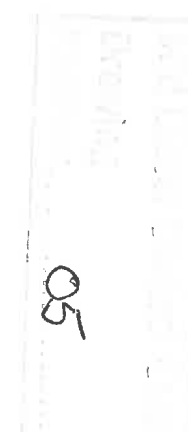


Front Elevations (East)

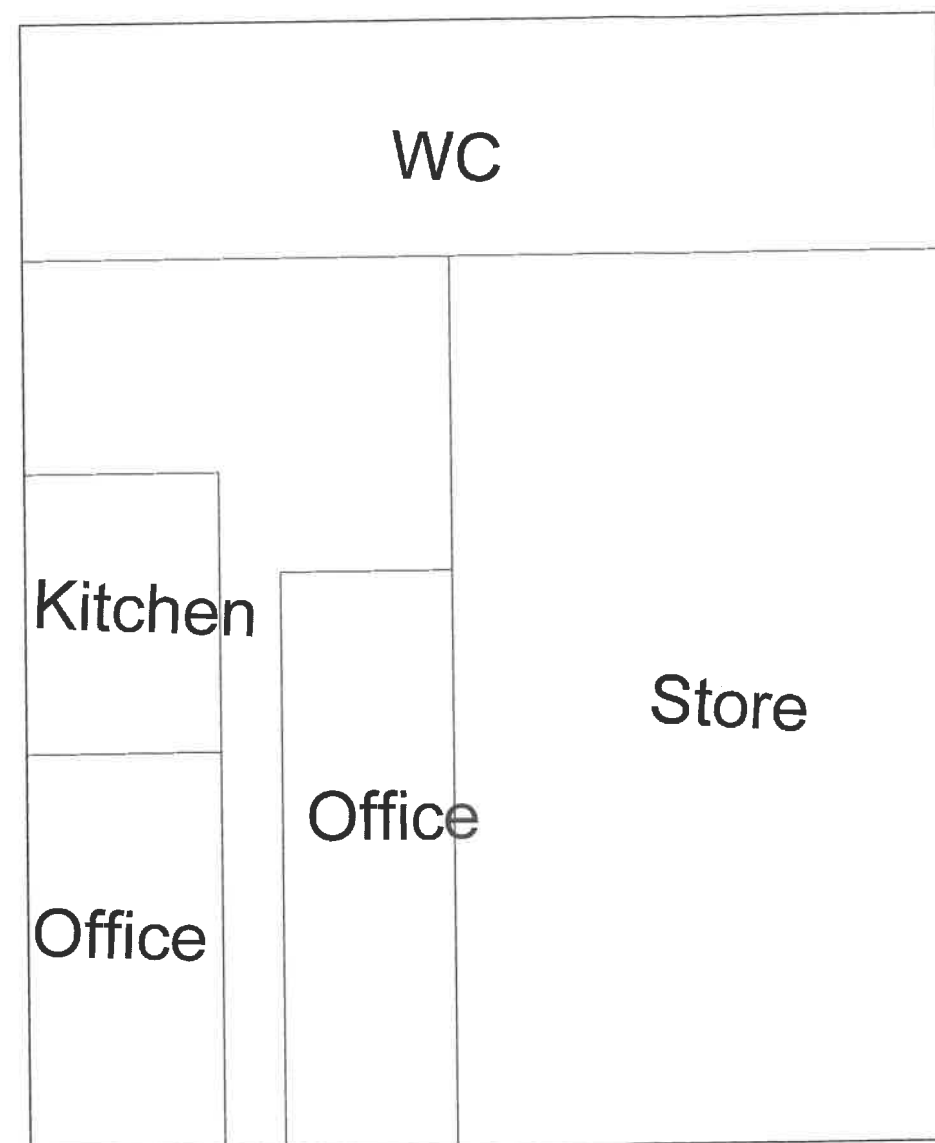


Side Elevations (South)

KEY



Front Elevations (West)

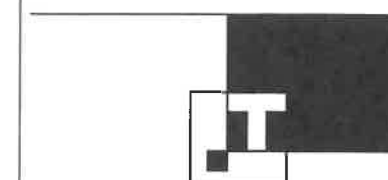


Front Elevations (East)



Side Elevations (South)

REV	DATE	DESCRIPTION	DRN	OKD
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WDR & RT TAGGART

CLIENT

MID ULSTER DISTRICT COUNCIL

CONTRACT

COOKSTOWN HOUSEHOLD  
WASTE RECYCLING CENTRE

DRAWING

FLOOR PLAN - SECONDARY  
STORAGE SHED

SCALE	1:100 @A3	DATE	26.01.21
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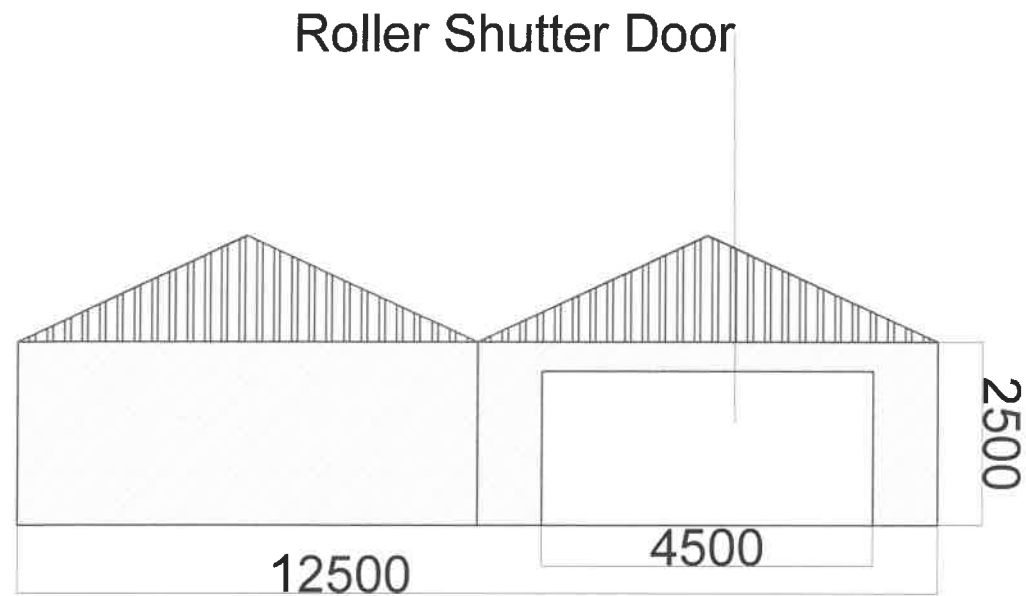
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DRG No.	20018-PL03	REVISION	-
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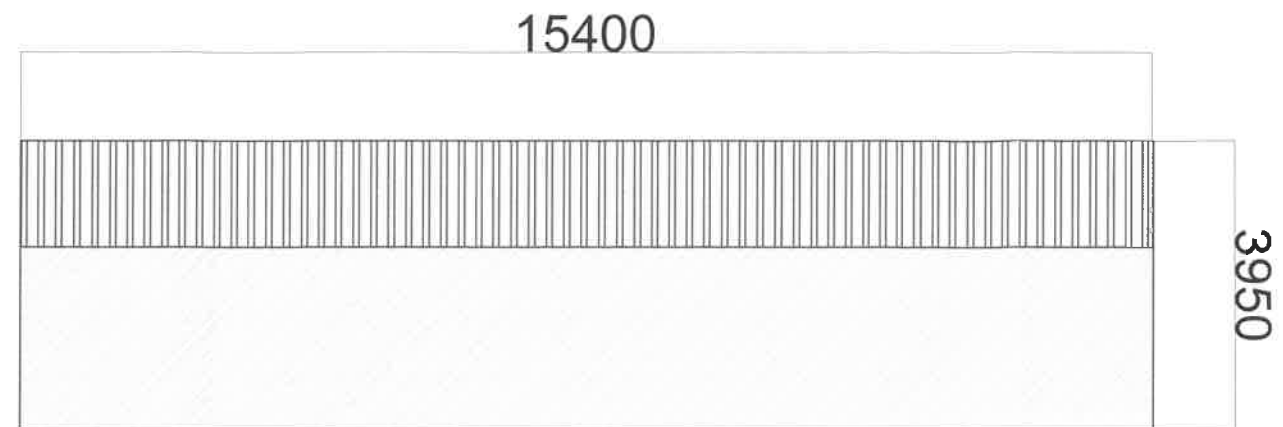
Architects	Russell Business Centre 40-42 Lisburn Road Belfast BT9 6AA
Civil Engineers	
Waste & Energy	
Project Managers	

t: 028 9066 2121  
e: info@wdr-rtaggart.com  
w: www.wdr-rtaggart.com

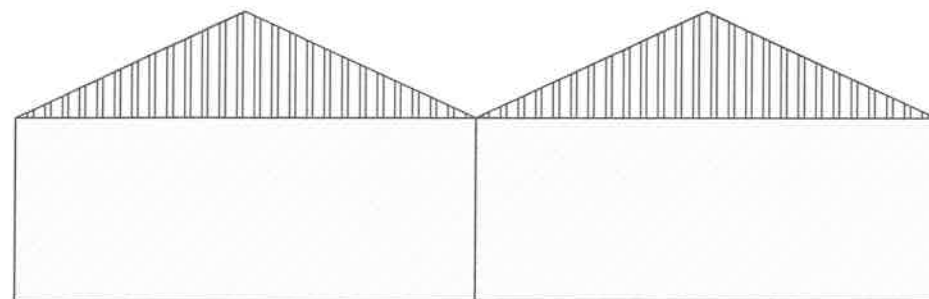




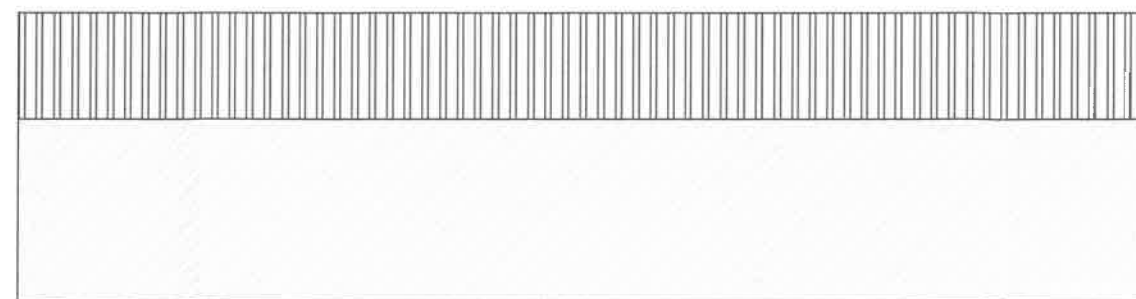
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Side Elevations (East)



Front Elevations (North)



Side Elevations (West)

# KEY

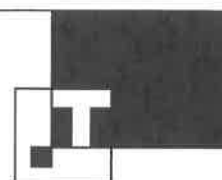
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12 APR 2021

File No. ....  
Mid Ulster District Council Mid Ulster  
(NI) 2011 District Council

**GRANTED**

For the reasons set out on  
**LA 09 / 21 / 0187**  
Decision form No. ....  
3 Date 12 MAY 2021

07.04.21 Scale Updated SS  
REVDATE DESCRIPTION DRN OKD



WDR & RT TAGGART

CLIENT  
MID ULSTER DISTRICT COUNCIL

CONTRACT  
COOKSTOWN HOUSEHOLD  
WASTE RECYCLING CENTRE

DRAWING  
ELEVATIONS - SECONDARY  
STORAGE SHED

SCALE 1:100 @A3 DATE 27.01.21

DRAWN SS CHECKED AT

DRG No. 20018-PL06 REVISION -

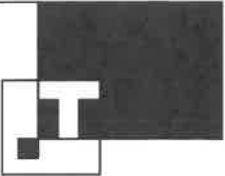
Architects  
Civil Engineers  
Waste & Energy  
Project Managers  
Russell Business Centre  
40-42 Lisburn Road  
Belfast  
BT9 6AA  
t: 028 9068 2121  
e: info@wdr-rt-taggart.com  
w: www.wdr-rt-taggart.com

Front Elevations (We

KEY

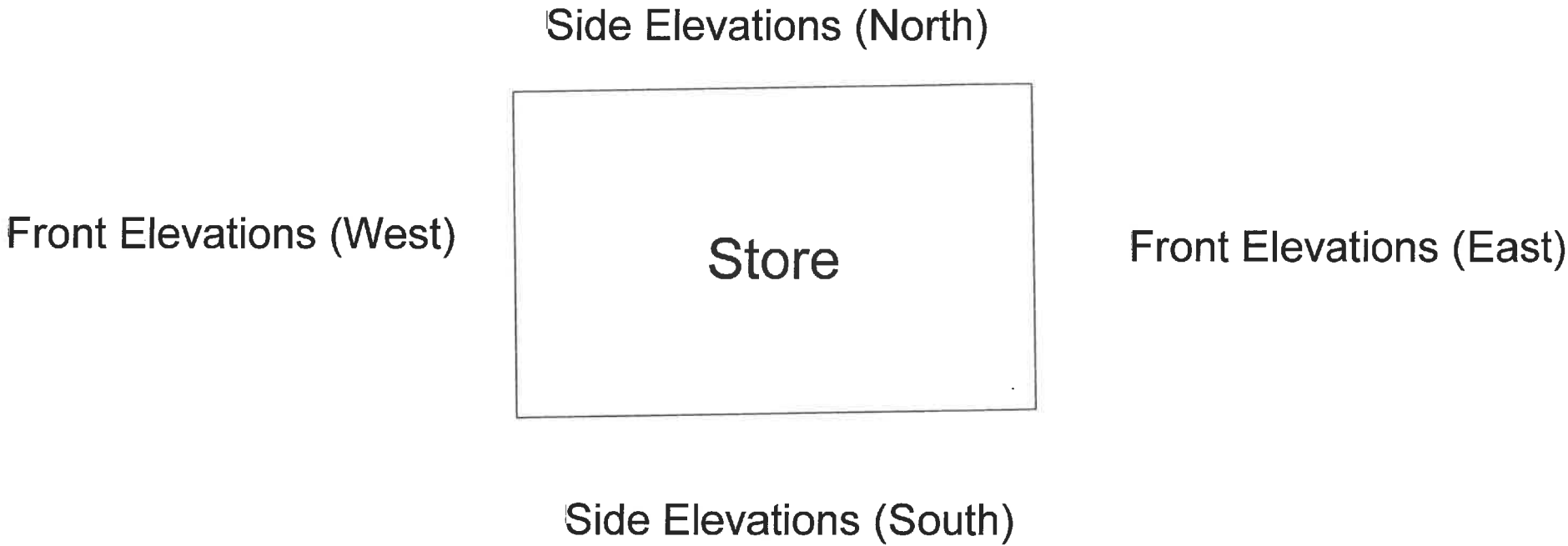
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File No.....  
Mid Ulster District Council

Planning Act (NI) 2011  
Mid Ulster District Council  
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For the reasons set out on  
**LA 09 / 21 / 0187**  
Decision form No. ....  
3 Date 12 MAY 2021



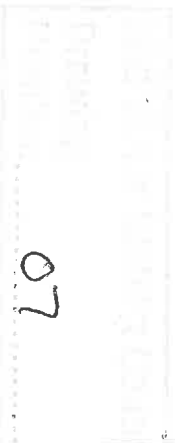
WDR & RT TAGGART

CLIENT	
MID ULSTER DISTRICT COUNCIL	
CONTRACT	
COOKSTOWN HOUSEHOLD WASTE RECYCLING CENTRE	
DRAWING	
FLOOR PLAN - EQUIPMENT STORAGE SHED	
SCALE 1:100 @A3	DATE 26.01.21
DRAWN SS	CHECKED AT
DRG No. 20018-PL04	REVISION -
Architects Civil Engineers Water & Energy Project Managers	Russell Business Centre 40-42 Lisburn Road Belfast BT9 6AA t: 028 9096 2121 e: info@wdr-rt-taggart.com w: www.wdr-rt-taggart.com

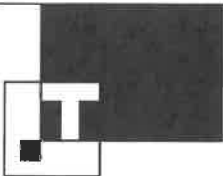


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Mid Ulster District Council

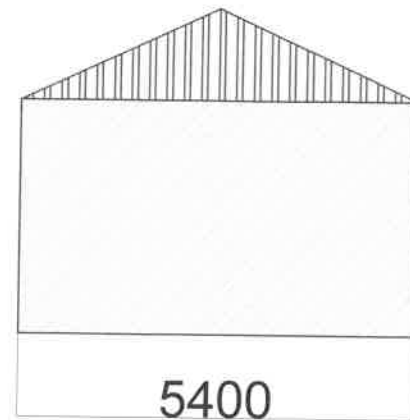


Planning Act (NI) 2011  
Mid Ulster District Council  
**GRANTED**  
For the reasons set out on  
**LA 09/21/0187**  
Decision form No. ....  
12 MAY 2021  
3 Date .....

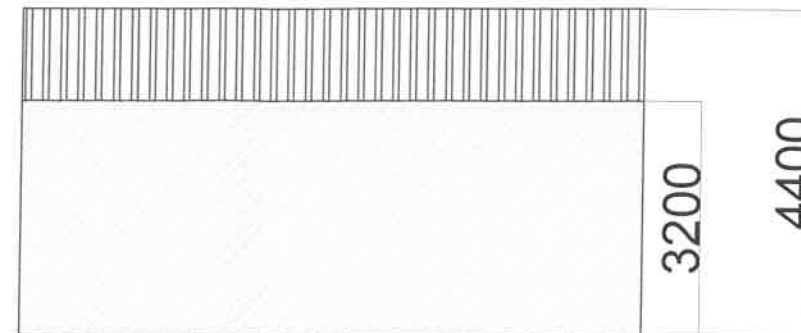


WDR & RT TAGGART

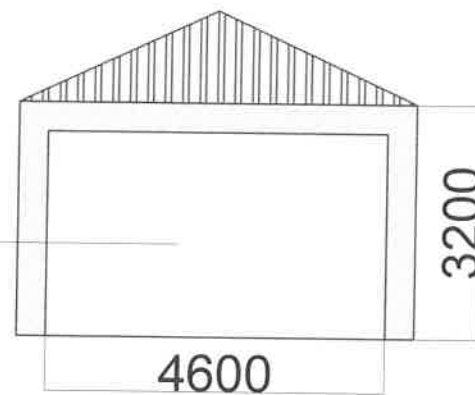
CLIENT MID ULSTER DISTRICT COUNCIL	
CONTRACT COOKSTOWN HOUSEHOLD WASTE RECYCLING CENTRE	
DRAWING FLOOR PLAN - EQUIPMENT STORAGE SHED	
SCALE 1:100 @A3	DATE 26.01.21
DRAWN SS	CHECKED AT
DRG No. 20018-PL04	REVISION -
Architects Civil Engineers Waste & Energy Project Managers	Rustell Business Centre 40-42 Lisburn Road Belfast BT9 6AA t: 028 9066 2121 e: info@wdr-rt-taggart.com w: www.wdr-rt-taggart.com



Front Elevations  
(East)

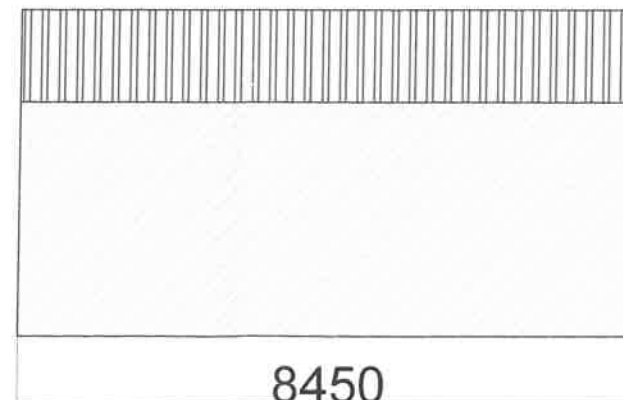


Side Elevations (North)



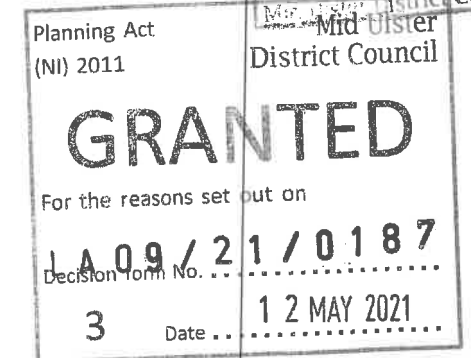
Roller Shutter Door

Front Elevations  
(West)



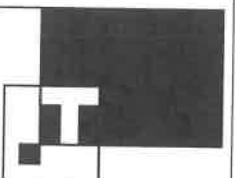
Side Elevations (South)

KEY



File No. ....  
Mid Ulster District Council

REVDATE DESCRIPTION DRN OKD



WDR & RT TAGGART

CLIENT  
MID ULSTER DISTRICT COUNCIL

CONTRACT  
COOKSTOWN HOUSEHOLD  
WASTE RECYCLING CENTRE

DRAWING  
ELEVATIONS - EQUIPMENT  
STORAGE SHED

SCALE	1:100 @A3	DATE	27.01.21
DRAWN	SS	CHECKED	AT
DRG No.	20018-PL07	REVISION	-

Architects	Russell Business Centre 43-47 Lisburn Road Belfast BT9 6AA
Waste & Energy	t: 028 9066 2121 e: info@wdr-rt-taggart.com w: www.wdr-rt-taggart.com
Project Managers	

## Form P19

### EXPLANATORY NOTES TO ACCOMPANY APPROVALS

Type of Approval	See Notes
(a) Planning Permission or Approval of Reserved Matters	1, 2, 3 & 4
(b) Consent to Display Advertisements	1, 2, 4 & 5
(c) Listed Building Consent	1, 2, 4 & 6

#### Notes

1. If you are unhappy with the conditions placed on the permission/approval/consent granted by the Council or Department for Infrastructure (the Department) you may appeal to the Planning Appeals Commission, Park House, 87-91 Great Victoria Street, Belfast BT2 7AG [Tel: (028) 9024 4710] within 4 months of receipt of the notice. Guidance on Appeal procedures is available on the Planning Appeals Commission's website ([www.pacni.gov.uk](http://www.pacni.gov.uk)) or by contacting the Commission directly at the aforementioned address.
2. You should check whether further approval is required under other legislation, such as the Building Regulations or the Water Act.
3. If your proposal involves an access or any vehicular crossing of the highway, it is in your interest to notify your intentions to the authorities responsible for electricity, telephones, water, etc to allow them the opportunity to carry out any planned works first and so avoid breaking through any newly made surfaces.
4. Failure to adhere to the approval plans or comply with conditions attached to this permission is a contravention of the Planning Act (Northern Ireland) 2011 [or the Planning (Control of Advertisements) Regulations (Northern Ireland) 1973 in the case of advertisements], and may result in enforcement action.
5. If you intend to display an advertisement on land which is not in your possession you should first obtain the consent of the landowner or the person(s) entitled to grant such permission.
6. If you have obtained Listed Building Consent to demolish a building you must not do so before the Department for Communities Historic Environment Division has:
  - (i) Been given reasonable access to the building for one month following the granting of consent; or
  - (ii) Stated that it has completed its record of the building; or
  - (iii) Stated that it does not wish to record it.

The Department for Communities Historic Environment Division can be contacted at [HEDPlanning.General@doeni.gov.uk](mailto:HEDPlanning.General@doeni.gov.uk) or Tel: (028) 9082 3177 or (028) 9082 3126.



<b>Report on</b>	Update on prepayment system at Recycling Centres
<b>Date of Meeting</b>	15 <sup>th</sup> June 2021
<b>Reporting Officer</b>	Mark McAdoo, Head of Environmental Services
<b>Contact Officer</b>	John Murtagh, Waste Contracts Compliance & Data Management Officer

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

<b>1.0</b>	<b>Purpose of Report</b>
1.1	To update members on the operation of the prepayment system for the acceptance of commercial waste at Cookstown, Drumcoo and Magherafelt Recycling Centres.
<b>2.0</b>	<b>Background</b>
2.1	A previous internal audit carried out identified the handling of cash received for the acceptance of commercial/trade waste at Recycling Centres as a theft/fraud risk.
2.2	As a result a pre-payment system was introduced on 4 <sup>th</sup> June 2018 at Cookstown, Dungannon and Magherafelt Recycling Centres (the only sites where commercial residual waste is accepted and which have weighbridges to weigh such waste).
2.3	One year later in June 2019 functionality was added to the Council website which permitted online payments to be made on the system. At this point all cash payments/handling for commercial waste disposal at the three sites ceased.
2.4	The installation of the prepayment system was a planned contribution to one of the Council's four Corporate Improvement Objective for 2017-19 namely, <i>"to improve the accessibility of our services by increasing the number available online"</i> .
2.5	An internal audit on the system was received in February 2020 which provided a satisfactory level of assurance. However one of the recommendations of the audit was that six monthly updates would be provided to Committee on the operation of the system; hence the submission of this paper for members information.
<b>3.0</b>	<b>Main Report</b>
3.1	Commercial customers are required to maintain a minimum credit balance on their account in order to use their card at a Recycling Centre (this is currently set at a level of £35 – about a quarter of the current cost to dispose of one tonne of waste).

3.2	As of 31 March 2021 there were a total of 634 customers registered on the system (up from 393 at the end of June 2020).
3.3	In the twelve month period between 01 April 2020 and 31 March 2021 a total of £41,413.54 income/revenue has been processed through the prepayment system i.e. credited onto swipe card/accounts.
3.4	During the same period a total of 98 online payments amounting to £9570.24 have been received accounting for over 23% of the total payments made on the system. (up from 20% for the period June 2019 – June 2020).
3.5	The cashless card/swipe system has proved beneficial during the recent pandemic as there has been no need for interaction between site attendants and customers.
3.6	The GenWaste prepayment system includes a waste data and recording function which is also being utilised at the Councils three waste transfer stations located at Drumcoo, Magheraglass and Magherafelt to record and report all municipal waste transported in and out of from these sites by either the Council or our contractors. This function has also benefitted officers in the reporting of quarterly Waste Management Licensing and Waste Data Flow returns to DAERA.
<b>4.0</b>	<b>Other Considerations</b>
<b>4.1</b>	<b>Financial, Human Resources &amp; Risk Implications</b>
	Financial: The cost of installing the GenWaste prepayment system in 2018 was £25,000. Since that time a further £3,500 has been spent on developing the online payment functionality and related reports as well as the purchase of additional swipe cards.
	Human: Office time required for developing the system in partnership with Precia Molen Ltd
	Risk Management: The prepayment system has reduced the risk of fraud/theft from cash handling.
<b>4.2</b>	<b>Screening &amp; Impact Assessments</b>
	Equality & Good Relations Implications: N/A
	Rural Needs Implications: N/A
<b>5.0</b>	<b>Recommendation(s)</b>
5.1	Members are asked to note the content of this report.



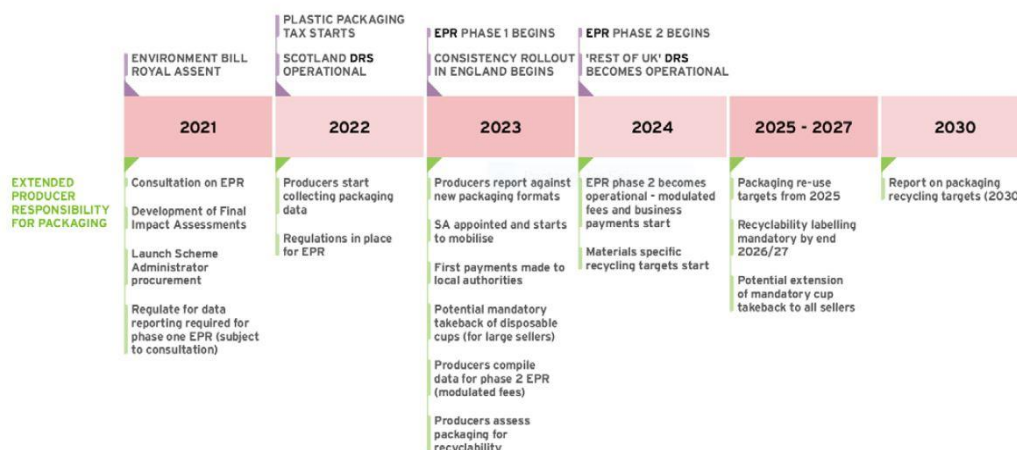
<b>Report on</b>	Consultation on Extended Producer Responsibility for Packaging
<b>Date of Meeting</b>	15 <sup>th</sup> June 2021
<b>Reporting Officer</b>	Mark McAdoo, Head of Environmental Services
<b>Contact Officer</b>	Mark McAdoo, Head of Environmental Services

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

<b>1.0</b>	<b>Purpose of Report</b>
1.1	To inform members of a recent UK wide consultation on Extended Producer Responsibility (EPR) for Packaging Waste by DAERA, DEFRA and the Scottish and Welsh Governments.
<b>2.0</b>	<b>Background</b>
2.1	The UK Government and the Devolved Administrations are committed to protecting the environment and have all signalled their strong intent to introduce Extended Producer Responsibility for packaging so that producers pay the full costs of dealing with the waste they produce. These commitments include those in NI <i>Waste Management Plan</i> 2019.
2.2	In order to comply with the Ireland/Northern Ireland Protocol under the EU Withdrawal Agreement, the UK Government must ensure that Northern Ireland continues to transpose the Packaging and Packaging Waste Directive, as amended. The Directive was most recently amended by the Waste Circular Economy Package which requires Extended Producer Responsibility for packaging.
2.3	The system of producer responsibility for packaging has been in place in the UK since 1997 and has helped to increase recycling of packaging waste from 25% 20 years ago to 63.9% in 2017. However, as with any system that is over 20 years old, it needs reform. In 2019 Government set out the case for significant reforms to the current system in the consultation document <i>Reforming the UK Packaging Producer Responsibility System</i> . This included making producers responsible for the full net cost of managing packaging once it becomes waste, setting more ambitious targets for producers, and introducing clear and consistent labelling for recyclability.
2.4	A further consultation on these proposals was published on 24 <sup>th</sup> March inviting responses no later than 4 <sup>th</sup> June 2021. A full copy of the consultation document (which extends to 213 pages and seeks responses to 104 questions) is available via the below link however a summary of the proposals contained therein are outlined in the remainder of this report.  <a href="https://consult.defra.gov.uk/extended-producer-responsibility/extended-producer-responsibility-fopackaging/supporting_documents/23.03.21%20EPR%20Consultation.pdf">https://consult.defra.gov.uk/extended-producer-responsibility/extended-producer-responsibility-fopackaging/supporting_documents/23.03.21%20EPR%20Consultation.pdf</a>

<b>3.0</b>	<b>Main Report</b>
3.1	Under the proposals set out in the consultation, packaging producers will be made responsible for the full cost of managing the packaging they place on the market. Government estimates that their costs will be in the region of £2.7bn in the first full year.
3.2	This cost transfer, from the public purse and those who dispose of packaging waste, will incentivise producers to question whether the packaging they use is necessary, could be reduced or not used at all. Government also proposes introducing obligations, possibly in the form of packaging reuse targets from 2025, to provide an additional incentive to reduce packaging use and encourage take up of reuse or refill models. Government will bring forward proposals by the end of 2023 working with the sector on the details in advance of this. Given businesses are already exploring such models this commitment will send a strong signal to accelerate their development/deployment in advance of 2025.
3.3	Producers' fees will be varied (modulated), providing further incentive to support the achievement of scheme outcomes, such as increased recycling. For example, producers who use unrecyclable packaging (such as polystyrene or black plastic), will be required to pay higher fees thereby incentivising them to use recyclable packaging. Fees will also be modulated to deliver funding to support additional upgrading of infrastructure to allow recycling of currently unrecyclable materials, where producers are willing to invest e.g. fund the roll out of collections for plastic films, where reduction of packaging is not possible, or to incentivise greater uptake of reuse and refill models and systems.
3.4	In driving increased recycling, it is important that quality does not reduce but is enhanced. The consultation therefore includes proposals to maintain and enhance the quality of material through collection and sorting, to ensure more of what is collected is recycled, including back into packaging, and encourages more domestic reprocessing and fewer exports of poor quality and contaminated packaging for recycling.
3.5	To support consumers in homes and businesses across the country to make the right recycling decisions, all packaging will be clearly and consistently labelled to inform consumers whether it can or cannot be recycled. This will reduce confusion and make it easier for us all to do the right thing. To inform the fees packaging producers pay, and how they label their packaging, producers will need to self-assess their packaging to determine its recyclability. This will not just be based on whether it is technically recyclable, as can be the case at present, but also on whether the infrastructure is in place to enable packaging to be recycled (i.e. nationwide collection and sorting systems).
3.6	As part of full net cost payments, producers of commonly littered packaging, such as fast food packaging and single use cups, will be made responsible for the costs of its management. This will place a strong incentive on those producers to seek to prevent littering, and where this is not possible, ensure it is effectively managed through litter bins and street cleansing. In addition the consultation is also seeking views on whether sellers of filled single use paper cups should be required to provide takeback facilities for single use paper cups and ensure these are recycled. In the longer term, recycling targets will be introduced for laminated card, which will help facilitate increased 'on the go' recycling of single use cups, in places such as transport hubs, where necessary, to meet targets.
3.7	The proposal is for the first phase of Extended Producer Responsibility to be established in 2023, enabling initial payments for household packaging waste to local authorities from October 2023. This will depend on the ability of the Scheme Administrator to mobilise and establish the necessary systems and processes to commence roll-out. Subject to parliamentary approval of the Environment Bill, Government will undertake an open procurement exercise starting in late 2021 and would aim to appoint the successful

Scheme Administrator in early 2023. Further elements of Extended Producer Responsibility, including modulation of fees based on recyclability of packaging, payments for the management of litter and payments to businesses for the cost of managing packaging waste would be introduced in Phase 2, from 2024 (see Figure 1).



**Figure 1 - Phased introduction of Extended Producer Responsibility - indicative timeline**

- 3.8 The consultation proposes minimum recycling targets for the six packaging materials. These equate to an overall recycling rate for Extended Producer Responsibility packaging of 73% by 2030. It also proposes the introduction of a recycling target for fibre-based composite packaging such as food and drink cartons and single use paper cups.
- 3.9 The consultation confirms that Government intends to progress with the broad scope of full net costs of managing packaging which includes:
- The collecting, sorting and recycling of packaging waste from households and businesses;
  - The collecting and disposing of packaging in the residual waste stream from households only;
  - Litter and refuse management costs, including bin and ground litter
- 3.10 The estimates indicate that the annual packaging waste management costs that producers will be required to pay will be in the region of £2.7bn in the first full year of implementation (corresponding to £35m for Northern Ireland) with £1bn of this related to packaging waste collected from households, £1.5bn for packaging waste collected from businesses, and £200m for the management of bin and ground packaging litter.
- 3.11 In confirming this approach, Government recognises that this is not a new cost for the economy, but a transfer from one part to another. This will incentivise producers to reduce their use of packaging, adopt reusable packaging where reduction is not feasible, or use easily recyclable packaging, and fund the recycling and management of single use packaging where it remains necessary.
- 3.12 The Northern Ireland Local Government Association (NILGA) produced a response to the consultation in conjunction with the Technical Advisors Group Northern Ireland (TAGNI), National Association of Waste Disposal Officers (NAWDO) and Local Authority Advisory Committee (LARAC) which is attached as an appendix for the information of members.

<b>4.0</b>	<b>Other Considerations</b>
<b>4.1</b>	<b>Financial, Human Resources &amp; Risk Implications</b>
	<p>Financial: If the proposals are implemented as outlined in the consultation the Council will benefit significantly by receiving payments from the EPR Scheme to manage the packaging waste elements of recyclables collected at the kerbside and also through litter collection.</p>
	<p>Human: None</p>
	<p>Risk Management: None</p>
<b>4.2</b>	<b>Screening &amp; Impact Assessments</b>
	<p>Equality &amp; Good Relations Implications: None</p>
	<p>Rural Needs Implications: None</p>
<b>5.0</b>	<b>Recommendation(s)</b>
<b>5.1</b>	Members are asked to note the content of the consultation and response from NILGA.
<b>6.0</b>	<b>Documents Attached &amp; References</b>
<b>6.1</b>	NILGA response to the EPR consultation

## **NILGA response to the UK Government (Defra via DAERA) consultation on Extended Producer responsibility for Packaging**

**30<sup>th</sup> April 2020**

The following response has been prepared in liaison with council technical advisors, and further to policy discussions with relevant industry representatives, government officials and council officers in England, Northern Ireland and Wales. NILGA would particularly like to thank NAWDO, LARAC, TAG(NI) and arc21 for their invaluable assistance.

This consultation requires response by 4<sup>th</sup> June 2020, and further to consideration by the NILGA Executive Committee, will be forwarded to councils to assist in their individual deliberations. Councils will be requested to revert to NILGA with any suggested additions or amendments.

This is one of two consultations, which collectively present a massive change for current waste management practices and council waste activities, particularly the financial aspects of that activity. It presents opportunities as well as challenges, and it will be vital for councils in Northern Ireland to work together to ensure local government here has a strong voice at the table as these policies, and the details of these policies are developed.

It will be imperative to ensure that local government in Northern Ireland is prepared to push for its fair share of resources coming out of these changes, and that we don't fall foul of a shift in practice which will extract high value recyclates from the system, before they ever reach councils. Councils will need to be adequately protected against a system which could leave us with the low value, expensive/ impossible to recycle materials at the end of the line.

Councils in Northern Ireland are in a particularly precarious position, with limited and lessening landfill availability, no local recourse to incineration at present, and continuing systemic turbulence due to COVID 19 and Brexit, all of which could result in stockpiling. There is potential for the policy within these consultations to increase risk and expense for councils, but also to present economic opportunities. It will be necessary to lobby strongly for local application of policy and to reserve the right to seek 'tweaking' appropriate to Northern Ireland, bearing in mind demographics and expectation of performance. What councils collect and how they collect will change as a result of these proposals, and they will have less say in how that happens. Northern Ireland local government needs to make a concerted effort to guard against unintended consequences as a result of these proposals and it is vital that we inform the development of the proposed new governance models for the new producer responsibility and deposit return schemes.

**Derek McCallan**  
**Chief Executive**

**30<sup>th</sup> April 2020**

## 1.0 INTRODUCTION

NILGA, the Northern Ireland Local Government Association, is the representative body for district councils in Northern Ireland. NILGA represents and promotes the interests of the 11 Northern Ireland district councils and is supported by all the main political parties. Waste management (including collection, disposal, recycling and treatment) is a key issue for local government due to the huge impact it has on our resources, economy and environment.

Resource and waste management have potential for job creation, combined with a positive environmental impact through modernising processes and infrastructure. NILGA is pleased to be able to have an opportunity to comment on the proposals on Extended Producer Responsibility for Packaging (EPR); we trust that our comments will be taken into account when developing the final proposals.

For further details on this response, please contact NILGA [office@nilga.org](mailto:office@nilga.org).

## 2.0 GENERAL COMMENTS

NILGA welcomes this consultation on an Extended Producer Responsibility scheme for Packaging, given our member councils' commitment to recycling, their role as the principal domestic waste and recycling provider in Northern Ireland, and the sizable impact that any extended Packaging Producer Responsibility Scheme (EPRS) will have on councils and their waste management services.

Further to response to the 2019 EPRS consultation, which ran during a period of heightened political sensitivity in Northern Ireland, our members and officers have now had opportunity to consider the direction of travel on recycling and waste management. It should be noted however, that several pieces of policy are referenced in or are otherwise pertinent to the consultation document that have not been finalised and are not available. These include:

- Northern Ireland Environment Strategy – initial consultation closed February 2020
- Future of Recycling and Separate Collection of Waste – consultation closed October 2020
- DAERA policy confirmation on TEEP 'technically, environmentally and economically practical'
- Climate Strategy/Legislation/Policy
- Circular Economy Strategy /policy
- Materials Recycling Facility code of conduct

Although we acknowledge that COVID -19 has required a government focus and has caused delays in policy delivery, the lack of clarity arising locally from this policy vacuum presents difficulty in fully replying to the current consultation.

It will also be necessary, the contemporisation of policy and delivery on packaging notwithstanding, to explore how to better manage other materials, such as textiles and hazardous waste. We look forward to an ongoing policy conversation with DAERA and DEFRA as policy develops.

### **3.0 NILGA POSITION ON AN EXTENDED PACKAGING PRODUCER RESPONSIBILITY SCHEME**

The choice and design of a reformed PRS must make a significant improvement towards national recycling targets, a zero waste culture and circular economy ambitions.

Councils in Northern Ireland have invested for decades in improving kerbside recycling, although recycling rates across NI have more recently been impacted by the change to lifestyles brought about by COVID 19. In 2019/20 they reached an average 51.3%, but are currently showing a downturn, with a quarterly provisional figure of 47.3% for Q3 2020 published recently.

Local government, as the principal domestic, and largest Northern Irish waste and recycling management provider, needs to have an influential role in development of and in the governance of any future scheme, looking at investment decisions, mitigating between financial risks, practicalities and national ambitions and addressing potential future changes required of the scheme.

Northern Ireland local government needs to have a seat at the table when the responses to this consultation are being assessed and decisions on a system designed to include Northern Ireland are being taken. Local government in Northern Ireland is open to adjusting and restructuring its waste services in light of change, but this needs to be a two-way conversation, shaping both existing waste services and an EPRS in light of what is feasible, effective and desirable. The wider regional context will need to be considered in shaping this policy including the limitations of the NI planning system (currently under review) and the mandatory coalition required for regional decision-making.

It is imperative that councils in Northern Ireland are afforded their fair share of resources coming out of these changes, and that they don't fall foul of a shift in practice which will extract high value recyclates from the system, before they ever reach councils. Councils will need to be adequately protected against a system which could leave them with the low value, expensive/ impossible to recycle materials at the end of the line. Direct lines of communication and financial mechanisms must be set up between the scheme administrator and councils in Northern Ireland in the event of these proposals being taken forward.

Given the past experience of how landfill tax formed part of the NI 'block' funding and has never been appropriately returned to councils here, NILGA would urge Defra to ensure that the direct financial relationship between the scheme administrator and councils is robust, without diversion of responsibility to the devolved administration.

The scheme needs to allow for the geography of Northern Ireland and its social set-up. It needs to address the challenges presented by the border, and by the physical separation from the other

nations participating in the scheme. This presents significant issues particularly with regard to transfers, transport and possible illegal activity; there is growing concern in relation to the potential for fraud – particularly in relation to the Deposit Return Scheme (DRS) - and NILGA will refer to this in detail in our response to the concurrent DRS consultation.

The scheme must also not disadvantage vulnerable social groups. The outworking of this consultation will shape the relationship with citizens, and necessary communications messages, including labelling decisions.

## **Principles**

NILGA is broadly in agreement with the overarching and governing principles set out on pages 26 and 27 of the consultation document. We particularly welcome the intent to develop a more coherent system, to incentivise businesses and to have the full net cost of managing packaging borne by producers. We also welcome the intent to enable flexibility of scheme implementation as appropriate for each UK region.

Further to our comments above regarding the policy vacuum currently being experienced in Northern Ireland, NILGA highlights Governing Principle 5 as presenting difficulty for all involved in recycling delivery in Northern Ireland, particularly in the short term. We trust that DAERA colleagues are using their good offices to ensure that the outstanding policies and strategies are finalised as soon as possible.

NILGA is also keen to highlight Governing Principle 7 as needing particular consideration for Northern Ireland due to the potential for fraud and waste crime related to the land border with Republic of Ireland, and the elevated levels of waste crime in Northern Ireland generally. NILGA supports the establishment of an appropriately resourced independent Environment Agency in Northern Ireland to improve environmental compliance and enforcement in the region.

## **4.0 RESPONSES TO CONSULTATION QUESTIONS**

Questions 1-5 are administrative seeking detail on NILGA.

### ***Principles, Outcomes and Targets***

#### **Q6: Do you agree or disagree with the proposed framework for setting packaging targets?**

NILGA is broadly supportive of the proposed framework, with the caveat that there is currently no clarity in Northern Ireland on the future collections systems required (consultation closed October 2020). This is already impacting on council contracts, and while we accept that the systemic change on the way is massive, it would be helpful to iron out these details at an early stage in the change process.

We would also highlight that Northern Ireland also has no Materials Recycling Facility (MRF) code of conduct, which again adds to the lack of clarity locally.



**Q7: Do you agree or disagree that the business packaging waste recycling targets set for 2022 should be rolled over to the calendar year 2023?**

Agree - NILGA is of the view that a transition year to the new system will be necessary, will allow the Scottish system to bed in and to allow more time for an appropriate data and evidence system to be in place.

**Table 3 - Proposed recycling targets for packaging in scope of Extended Producer Responsibility**

EPR Packaging Materials	2024	2030
Plastic	41%	56%
Wood	38%	39%
Aluminium*	30%	30%
Steel*	85%	92%
Paper/Card	76%	85%
Glass	71%	81%
Recycling rate delivered by targets	63%	73%

Notes:

- i. Excludes materials proposed to be in scope of deposit return schemes (Scottish and England, Wales and Northern Ireland)*
- ii. Includes some provision for metals recovered for recycling from incinerator bottom ash\**
- iii. Targets are not comparable with the recycling rates achieved under the current scheme.*

**Q8: Do you agree that the recycling target to be met by 2030 for aluminium could be higher than the rate in Table 3?**

Agree - Once clarity is attained on the outworking of this and the Future of Recycling in NI consultations, and contracts awarded accordingly, it should be possible to increase the recycling figure for aluminium. It should be noted however, that there is currently no local authority incinerator provision in Northern Ireland, and materials exported for incineration in other countries (e.g. Republic of Ireland) will result in metals being lost from the system in the UK.

**Q9: Do you agree or disagree with the proposed minimum target to be met by 2030 for glass set out in Table 3?**

Unsure - The uplift to a figure of 81% for 2030 in Table 3 seems ambitious, given the potential impact is as yet unknown, of the two Deposit Return Schemes for the UK.

NILGA would also urge Defra and DAERA to consider the potential impact and skewing of figures due to fraud resulting from the major differences between the proposed DRS for Northern Ireland, and that for the Republic of Ireland. The Republic of Ireland Scheme is not proposed to include glass, which could see an uplift of cross-border glass recycling with the purpose of financial gain. It will be vital to ensure that packaging producers are aware of this issue, and are supported by government both sides of the border, to develop the necessary labelling or other mechanisms preventing fraudulent glass 'returns' in Northern Ireland.

**Q10: What should the glass re-melt target for 2030 for non-bottle packaging be set at?**

NILGA has no view on this issue.

**Q11: Do you agree or disagree with the proposed minimum target to be met by 2030 for plastic set out in Table 3?**

Agree – provided the necessary work takes place to improve film and flexible plastic packaging. Clear labelling of different types of plastic may be required to assist the public in understanding how best to recycle, and to help develop further improvements in separation practice.

**Q12: Do you think a higher recycling target should be set for wood in 2030 than the minimum rate shown in Table 3?**

Unsure - NILGA would prefer to wait for the recommendations of the cross-sector working group in relation to future targets. Although a 1% increase in the target seems to be unambitious, the potential for unintended consequences in this area of work is accepted.

**Q13: If higher recycling targets are to be set for 2030, should a sub-target be set that encourages long term end markets for recycled wood?**

Unsure – this will again depend on the recommendations of the cross-sector working group, but NILGA agrees that wood packaging waste should be sent to the most environmentally beneficial use, including longer term applications. For example, locally, councils in Northern Ireland are working with community groups to reuse wood waste (e.g. old pallets) through building benches, garden planters etc. for use in community gardens and alley-gating schemes.

**Q14: Do you agree or disagree with the proposed minimum target to be met by 2030 for steel set out in Table 3?**

Agree - Once clarity is attained on the outworking of this and the Future of Recycling in NI consultations, and contracts awarded accordingly, it should be possible to increase the recycling figure for steel. It should be noted however, that there is currently no local authority incinerator provision in Northern Ireland, and materials exported for incineration in other countries (e.g. Republic of Ireland) will result in metals being lost from the system in the UK.

**Q15: Do you agree or disagree with the proposed minimum target to be met by 2030 for paper/card set out in Table 3?**

Agree – provided the necessary work is done to review the mixed grade protocols to monitor changes in the mix of packaging and non-packaging paper.

**Q16: Do you agree or disagree with the proposal to set recycling targets for fibre based composites?**

Agree- if still believed to be appropriate further to the publication of the report on the ongoing research, and data gathered for 2022 and 2023.

**Q17: Do you agree or disagree that there may be a need for ‘closed loop’ recycling targets for plastics, in addition to the plastics packaging tax?**

Agree- NILGA accepts that closed loop recycling targets may be necessary, but we would be keen to ensure 'quality' is properly clarified, with agreed materials standards in place, particularly given the link to payments to waste management services providers. We welcome the intent to assess the impact of the introduction of new measures prior to potentially introducing new targets.

**Q18: Please indicate other packaging material that may benefit from closed loop targets.**

NILGA is of the view that the list of such materials may develop over time, as technology and infrastructure develops; as such it will be necessary to keep this area under review.

### ***Producer Obligations for Full Net Cost Payments and Reporting***

**Q19: Do you agree or disagree that Brand Owners are best placed to respond effectively and quickly to incentives that are provided through the scheme?**

- a. Agree.

**Q20: Are there any situations where the proposed approach to imports would result in packaging being imported into the UK which does not pick up an obligation (except if the importer or first-owner is below the de minimis, or if the packaging is subsequently exported?**

Unsure

**Q21: Of options 2 and 3, which do you think would be most effective at both capturing more packaging in the system and ensuring the smallest businesses are protected from excessive burden?**

- b. Option 3, would on the face of it, appear to be the least complex most easily understood system. In the face of such drastic change to the resource management and recycling arrangements in the UK, this would be preferable as a 'starter' system. Should it become evident further down the line (further to review), that a more complex system would be more effective and/or better protect small businesses, then a change could be introduced at that stage.

**Q22. If either Option 2 or Option 3 is implemented, do you consider there to be a strong case to also reduce the de-minimis threshold as set out in Option 1.**

The additional complexity, and resulting administration and enforcement accompanying lowering of the de-minimis threshold would suggest that the case for reduction is fairly weak. Again however, once the new system 'beds in' and is more widely understood, and as the UK ambitions towards a zero waste approach strengthen, there may be room for review.

**Q23. Do you think that Online Marketplaces should be obligated for unfilled packaging in addition to filled packaging?**

- a. Yes, provided there is a threshold set. There is a high probability that small and micro-businesses are using online marketplaces to supply their packaging materials – for example

micro-food businesses (e.g. operating from domestic premises and selling at markets) purchasing catering packaging.

**Q24: Do you foresee any issues with Online Marketplaces not being obligated for packaging sold through their platforms by UK-based businesses?**

- c. Unsure

**Q25: This proposal will require Online Marketplaces to assess what packaging data they can collate and then, where there are gaps to work together to create a methodology for how they will fill those gaps. Do you think there are any barriers to Online Marketplaces developing a methodology by the start of the 2022 reporting year (January 2022)**

- a. Yes – this timeline is overly ambitious in the context of the time need for legislative passage and confirmation of legislative requirements. It may be the case that the Online Marketplaces are already collaborating on this issue, but January 2022 leaves very little room for manoeuvre.

**Q26: Is there any packaging that would not be reported by the obligation as proposed? (except for packaging that is manufactured and sold by businesses who sit below the de-minimis)**

- b. Close attention will need to be paid to the cross-border business activity in Ireland, particularly for businesses such as the dairy, food and drinks businesses which employ multiple border crossings in the course of their production processes. This may be also be complicated by the NI Protocol.

**Q27: Do you agree or disagree that the allocation method should be removed?**

- c. Neither agree nor disagree. Careful consideration will be required in relation to increasing administrative burdens on small businesses, particularly in the current (Covid-related) economic circumstances. A cost-benefit analysis may be necessary to ensure the benefits of removing the allocation method outweigh the costs – both administrative and environmental, given the small percentage of producers and tonnage involved.

### ***Producer Disposable Cups Takeback Obligation***

**Q28: Do you agree or disagree that a mandatory, producer led takeback obligation should be placed on sellers of filled disposable paper cups?**

- a. Yes, but it is vital that a takeback scheme is supplemented by fees to cover the costs of litter infrastructure and control. The issue with disposable cups is that they are frequently transported to beauty spots, parks or other areas that attract outdoor activity, or discarded by roadsides in more rural areas, rather than remaining in the environs of the seller. Pragmatic, solutions-oriented conversations will be required with councils in relation to management of the cups that are not captured through takeback arrangements.

**Q29: Do you agree or disagree with the proposed phased approach to introducing any takeback obligation, with larger businesses/sellers of filled disposable paper cups obligated by the end of 2023, and the obligation extended to all sellers of filled disposable paper cups by the end of 2025?**

- a. Agree

### ***Modulated Fees and Labelling***

**Q30: Do you think that the proposed strategic frameworks will result in a fair and effective system to modulate producer fees being established.**

- c. Unsure. For example, discussions with local government and other service providers will be necessary in relation to the circumstances where modulation provides for “targeted additional funding to be raised against a specific packaging format to fund improvements to collection, sorting or reprocessing infrastructure”.

**Q31: Do you agree or disagree that the Scheme Administrator should decide what measures should be taken to adjust fees if a producer has been unable to self-assess, or provides inaccurate information? This is in addition to any enforcement action that might be taken by the regulators.**

- a. Yes

**Q32: Do you agree or disagree with our preferred approach (Option 1) to implementing mandatory labelling?**

- a. Agree, but it is noted that the assessment, monitoring and compliance activity required will be a sizeable task for the operator of the scheme, and will take some time to establish and to come into operation.

**Q33: Do you agree or disagree with the proposal that all producers could be required to use the same ‘do not recycle’ label?**

- a. Agree.

**Q34: Do you think that the timescales proposed provide sufficient time to implement the new labelling requirements?**

- c. Unsure. It is noted that the assessment, monitoring and compliance activity required will be a sizeable task for the operator of the scheme, and will take some time to establish and to come into operation.

**Q35: Do you agree or disagree that the labelling requirement should be placed on businesses who sell unfilled packaging directly to small businesses?**

- a. Agree

**Q36: Do you think it would be useful to have enhancements on labels, such as including ‘in the UK’ and making them digitally enabled?**

- a. Yes. A label specifying 'in the UK' would be more widely used, and a greater aid to consumer understanding than digital enablement, although NILGA is not opposed to digital enablement.

**Q37: Do you agree or disagree that local authorities across the UK who do not currently collect plastic films in their collection services should adopt the collection of this material no later than the end of financial year 2026/27?**

The current lack of clarity on the future of recycling in Northern Ireland results in this question being more difficult to answer than it should otherwise be.

- a. Agree. March 2027 appears to give ample lead-in time for a change of this nature; to source potential contractors, award contracts and ensure appropriate equipment is available.

**Q38: Do you agree or disagree that collections of plastic films and flexibles from business premises across the UK could be achieved by the end of financial year 2024/25?**

- c. Neither agree nor disagree

In Northern Ireland, council collections from business premises are limited, and it would be inappropriate for NILGA to comment on collection possibilities in other jurisdictions.

**Q39: Do you think there should be an exemption from the 'do not recycle' label for biodegradable / compostable packaging that is filled and consumed (and collected and taken to composting/anaerobic digestion facilities that accept it), in closed situations where reuse or recycling options are unavailable?**

- c. Neither agree nor disagree. It is noted that there are only limited numbers of facilities that can accept this material. It may be the case that such use in Northern Ireland would require the used packaging to be shipped elsewhere for treatment, potentially triggering issues with the NI Protocol.

**Q40. Do you consider that any unintended consequences may arise as a result of the proposed approach to modulated fees for compostable and biodegradable packaging?**

- c. Unsure

### ***Payments for Managing Packaging Waste***

**Q41. Do you agree or disagree with the proposed definition and scope of necessary costs?**

- a. Agree, with caveats outlined below.

The list of necessary costs is very broad and seemingly comprehensive, which is encouraging for councils. It includes covers services that are already in place (i.e. not just newly introduced services) and support/staff costs associated with running and improving the services, including communications with residents.

It is noted that retrospective payment looks unlikely for services introduced in the past, and although this seems fair, we would seek clarity on whether transitional costs will be covered. It is also highlighted that councils may be investing in necessary changes now (depending on contract cycles), and NILGA would be keen to see Government note this and work with producers and the eventual Scheme Administrator to ensure councils in this position are adequately recompensed. NILGA is keen to ensure that early adopters are not discouraged in this regard, and to counter the risk of inertia due to councils delaying until EPR payments are confirmed service changes. We would also highlight the potential for inflation of necessary costs, should all councils implement service changes at the same time.

We would seek clarity on consequential costs of removing recyclables from disposal/recovery: calorific value, tonnages, and trust that service change costs necessary to implement efficiencies, such as modelling, route optimisation, will be appropriately taken into account by Government

NILGA has some concerns in relation to the additional officer time that will be required for contract management, data (WasteDataFlow returns), compliance, procurement, transition for contracts/facilities. Our councils will need to adequately prepare for this and the likely need for much more rigorous monitoring/accountability to ensure producers are provided with the evidence they require.

NILGA would also urge Defra and DAERA to consider the following:

- Additional disposal contract costs related to failure to achieve guaranteed minimum tonnages (assuming significant waste decreases) and changes in calorific value
- Development of greater clarity in relation to optimisation and calculation of support/staff costs, and the mechanism used. NILGA notes the potential for use of CIPFA figures in this regard.
- Cost of contract change: how will this be calculated? When is a contract change deemed necessary and would be paid? How will Government or the Scheme Administrator differentiate between costs that an LA would incur anyway and those incurred as a result of the change mandated.

### ***Payments for managing packaging waste from households***

**Q42: Do you agree or disagree that payments should be based on good practice, efficient and effective system costs and relevant peer benchmarks?**

☒ **Agree**

**If you disagree, please detail any issues you think there are with this approach and how you think payments should instead be calculated.**

NILGA agrees with basing payments on good practice. We are keen to ensure that the number of categories established is pragmatic, to ensure councils have an incentive to improve. We noted,

however that the tool developed by Government/WRAP is completely advisory, whereas the future scheme administrator will determine what the system should be. It would therefore be helpful for the approach to be pre-agreed, in collaboration with local government and producers, before delivery commences.

Again, NILGA notes the potential impact on council contracts and the likely need to vary or terminate long term arrangements. Advice from Government on when contractual change will be appropriate and how costs of such change will be met would be extremely helpful, as a priority area of work. Likewise, advice would be welcome on the transition period and how flexible this may be.

In the experience of NILGA, enforced attempts to improvement council practice can be counter-productive, in contrast to our preferred approach of continuous self-improvement. NILGA is of the view that often the most useful benchmark for any council is their own performance, as resident behaviours differ between council areas (we note that the Waste Data Flow system is already used to inform performance improvement). There should be monitoring of system performance as opposed to scheme benchmark (i.e. pre-EPR performance).

While we acknowledge that benchmarking may be a positive driver for value for money, in terms of councils that have not invested previously we believe that there may be reluctance to be assigned 'family groups'. More work will be needed by government to drive better local government understanding and acceptance of family groups; councils must have confidence that they are representative. NILGA would support system design which builds in opportunity for councils to challenge their categorisation. It is likely that councils will view imposed standardisation as unfair, due to the disparities that always exist, and the considerable differences that can be seen between authorities (via nearest neighbour analysis. In this regard we would also query the rurality 'grouping' of local authorities, which we note has already required increase in number from 6 to 9.

**Q43. Do you agree or disagree that the per tonne payment to local authorities for packaging materials collected and sorted for recycling should be net off an average price per tonne for each material collected?**

- ☒ Agree  
☐ Disagree  
☐ Neither agree nor disagree

***If you disagree, please detail how material value should be netted-off a local authority's payment.***

NILGA supports the reform by which producers would bear the brunt of price volatility of materials, and trust that payments will be set up to enable the system to account for market fluctuations. There will be contract winners and losers - contractors and councils – and the material ownership issue may have implications for existing contracts. It will be necessary for government to be aware of the nuances to existing council MRF contracts, in terms of fixed value, rebates, differing risk share % etc.



The most appropriate approach for handling material value to packaging waste from households seems to be to net off material value from a local authority's payment, however we would query whether a quarterly adjustment to this price (to reflect market fluctuation) would be sufficient, or whether a longer period would provide greater certainty for investment decisions. Netting off should not take place in anticipation of projected income. We note that a view has been expressed that the proposed approach incentivises authorities to achieve a higher price than the average in order to achieve surplus income.

**Q44. Do you agree or disagree that the Scheme Administrator should have the ability to apply incentive adjustments to local authority payments to drive performance and quality in the system?**

- ☒ Agree  
☐ Disagree  
☐ Neither agree nor disagree

***If you disagree, please detail why you think the ability to apply an incentive adjustment should not apply.***

NILGA agrees that this could help achieve objectives and that the Scheme Administrator will be best placed to do this (once they better understand how waste services work).

**Q45. Do you agree or disagree that local authorities should be given reasonable time and support to move to efficient and effective systems and improve their performance before incentive adjustments to payments are applied?**

- ☒ Agree  
☐ Disagree  
☐ Neither agree nor disagree

If you disagree, please provide the reason for your response.

**Q46. Should individual local authorities be guaranteed a minimum proportion of their waste management cost regardless of performance?**

- ☒ Agree  
☐ No  
☐ Unsure

***Please provide the reason for your response.***

Authorities should receive a payment for their authority 'grouping' based on the optimum performance for the group. If they perform badly, then the EPR payment will not come close to covering their costs.

**Q47. Do you agree or disagree that there should be incentive adjustments or rewards to encourage local authorities to exceed their modelled recycling benchmarks?**

- ☐ Agree
- ☐ Disagree
- ☒ Neither agree nor disagree

***If you disagree, please detail why you think incentive adjustments should not be applied to encourage local authorities to exceed their recycling performance benchmarks.***

As above, the incentive to authorities should be to reduce costs below the optimum payment for their group, so that they get a surplus. It should be up to the Scheme Administrator to determine if further incentives/rewards are required.

**Q48. Do you agree or disagree that unallocated payments should be used to help local authorities meet their recycling performance benchmarks, and contribute to Extended Producer Responsibility outcomes through wider investment and innovation, where it provides value for money?**

- ☒ Agree
- ☐ Disagree
- ☐ Neither agree nor disagree

***If you disagree, please detail how you think any unallocated payments to local authorities should be used.***

Agree, but it is not clear why there would be unallocated costs.

**Q49. Do you agree or disagree that residual payments should be calculated using modelled costs of efficient and effective systems based on the average composition of packaging waste within the residual stream?**

- ☐ Agree
- ☒ Disagree
- ☐ Neither agree nor disagree

***If you disagree, please detail how you think residual waste payments should instead be calculated.***

Residual waste composition does (and could continue to) vary considerably between authorities. This is an opportunity to understand these differences far better by funding regular composition analyses for each authority. This must be fully funded under EPR. It should lead to composition analyses becoming more efficient through economies of scale and technological advancement (e.g. AI).

The results of the composition analyses could then be combined to create a reasonable optimised composition for each authority 'grouping', on which payments should be based.

**Q50. Do you agree or disagree that a disposal authority within a two-tier authority area (England only) should receive the disposal element of the residual waste payment directly?**

- ☒ **Agree**  
☐ Disagree  
☐ Neither agree nor disagree

This question does not apply to Northern Ireland, but this proposal would be logical because the disposal authority incurs the costs,

***Payments for managing packaging waste from businesses***

**Q51. Do you agree or disagree that there remains a strong rationale for making producers responsible for the costs of managing packaging waste produced by businesses?**

- ☒ **Agree**  
☐ Disagree  
☐ Neither agree nor disagree

***If you disagree, please provide the reason for your response.***

**Q52. Do you agree or disagree that all commercial and industrial packaging should be in scope of the producer payment requirements except where a producer has the necessary evidence that they have paid for its management directly?**

- ☒ **Agree**  
☐ Disagree  
☐ Neither agree nor disagree

If you disagree, please provide the reason for your response.

**Q53. Which approach do you believe is most suited to deliver the outcomes being sought in paragraph 8.84?**

- ☒ **Option 1**  
☐ Option 2  
☐ Option 3  
☐ All could work  
☐ Do not know enough to provide a view

***Paragraph 8.84 seeks to:***

- *Improve the effectiveness of packaging waste collection services*
- *Increase the efficiency of packaging waste collection services*
- *Be fair and transparent*
- *Be deliverable and enforceable on the ground*

Option 1, also known as the 'per tonne approach' is the option that is best linked to the producer pays principle and the actual costs of managing the waste. Option 2 involves compliance schemes, which adds complication. Option 3 is a 'free bin' option which appears to have potential for exploitation, i.e. contamination of the free bin.

**Q54. Do you disagree strongly with any of the options listed in the previous question?**

- ☒ Yes
- ☐ No
- ☐ Unsure

If you answered 'yes', please explain which and provide your reason.

Option 3 appears to have potential for exploitation, i.e. contamination of the free bin.

**Q55. Do you think there will be any issues with not having either Packaging Recovery Notes/Packaging Export Recovery Notes or the business payment mechanism (and as a result recycling targets) in place for a short period of time?**

- ☐ Yes
- ☐ No
- ☒ Unsure

If you answered 'yes', please detail what issues you think there will be.

### ***Payments for managing packaging waste: data and reporting requirements***

**Q56. Do you agree or disagree with the proposal to introduce a sampling regime for packaging as an amendment to the MF Regulations in England, Wales and Scotland and incorporation into new or existing regulations in Northern Ireland?**

- ☒ Agree
- ☐ Disagree
- ☐ Neither agree nor disagree

***If you disagree, please detail why you think the proposed sampling regime for packaging waste should not be incorporated as an amendment to MF Regulations in England, Wales and Scotland and incorporated into new or existing regulations in Northern Ireland.***

Building on, and improving, the existing legislation seems logical.

**Q57. Do you agree or disagree with the proposal to require all First Points of Consolidation to be responsible for sampling and reporting in accordance with a new packaging waste sampling and reporting regime?**

- ☒ Agree
- ☐ Disagree
- ☐ Neither agree nor disagree

***If you disagree, please detail who you think should be required to meet the packaging sampling and reporting regime for Extended Producer Responsibility purposes.***

Sampling should take place as early as possible in the process so that contamination issues can be linked to the source and addressed.

**Q58. Do you agree or disagree that the existing MF Regulations' de-minimis threshold of facilities that receive 1000 tonnes or more per annum of mixed waste material would need to be removed or changed to capture all First Points of Consolidation?**

- ☒ Agree
- ☐ Disagree
- ☐ Neither agree nor disagree

***If you disagree, please detail why you think a de-minimis threshold is required.***

As previously stated, NILGA is of the view that more composition analyses should take place and these should be fully funded by EPR payments.

**Q59. Do you think the following list of materials and packaging formats should form the basis for a manual sampling protocol?**

- ☐ Yes
- ☐ No
- ☒ Unsure

***If you answered 'no', what other materials, format categories or level of separation should be included as part of the manual sampling protocol?***

The current list appears simplistic, but NILGA would query whether we should be specifying it at this stage. It may be best for producers (the Scheme Administrator) to determine this.

**Q60. Do you think it is feasible to implement more rigorous sampling arrangements within 6-12 months of the regulations being in place?**

- ☐ Yes
- ☐ No
- ☒ Unsure

***If you answered 'no', please provide the reason for your response and detail what should be considered in determining an appropriate implementation period.***

Again, this may be best left to the Scheme Administrator to determine.

**Q61. Do you think visual detection technology should be introduced from 2025 to further enhance the sampling regime?**

- ☒ Yes
- ☐ No
- ☐ Unsure

***If you answered 'no', please detail why you think it should not be considered as a medium to long-term method of sampling.***

More work is clearly needed to see if this is technically feasible and cost effective, but a target date should serve to speed up development of the technology.

**Q62. Do you think existing packaging proportion protocols used by reprocessors would provide a robust and proportionate system to estimate the packaging content of source segregated materials?**

- ☐ Yes
- ☐ Yes, with refinement
- ☐ No
- ☒ **Unsure**

***If you answered 'no', please detail why you think these would not be suitable to use to determine the packaging content in source segregated material.***

It should be established quickly, if existing packaging proportion protocols are robust enough to provide accurate data.

**Q63. Do you agree or disagree that minimum output material quality standards should be set for sorted packaging materials at a material facility?**

- ☐ Agree
- ☒ **Disagree**
- ☐ Neither agree nor disagree

***If you disagree, please provide the reason for your response.***

The market should determine if material from a MRF is of sufficient quality. This will be reflected in cost/income for the material, which should work its way through the system.

**Q64. Do you agree or disagree that material facilities that undertake sorting prior to sending the material to a reprocessor or exporter should have to meet those minimum standards in addition to just assessing and reporting against them?**

- ☐ Agree
- ☒ **Disagree**
- ☐ Neither agree nor disagree

***If you disagree, please provide the reason for your response.***

See above.

**Q65. Do you think any existing industry grades and standards could be used as minimal output material quality standards?**

- ☐ Yes

- ☐ No  
☒ Unsure

***If you answered 'yes' please provide evidence of standards you think would be suitable for use as minimal output material standards.***

### ***Payments for managing packaging waste: reporting and payment cycles***

**Q66. Do you agree or disagree that local authority payments should be made quarterly, on a financial year basis?**

- ☒ Agree  
☐ Disagree  
☐ Neither agree nor disagree

If you disagree, please provide the reason for your response and/or suggest any alternative proposals.

**Q67. Do you agree or disagree that household and business packaging waste management payments should be based on previous year's data?**

- ☐ Agree  
☒ Disagree  
☐ Neither agree nor disagree

***If you disagree, please provide any concerns you have with the proposed approach and/or any alternative proposals.***

This delay is too long and the risk is that the payment becomes divorced from reality, reducing the incentive for improvements in performance. This is an opportunity to incentivise the waste sector to increase the speed and efficiency of waste data reporting.

### ***Litter payments***

**Q68. Do you agree or disagree that the costs of litter management should be borne by the producers of commonly littered items based on their prevalence in the litter waste stream as determined by a composition analysis which is described in option 2?**

- ☒ Agree  
☐ Disagree  
☐ Neither agree nor disagree

***If you disagree, please provide the reason for your response and/or provide an alternative approach to litter management costs being based on a commonly littered basis.***

NILGA believes that on the face of it, this proposal is fair and in-line with the producer pays principle; the producer of frequently littered products will be incentivised to find ways to reduce littering, and should become more aware of and involved in litter prevention. (We are aware that there is an

alternative view, that costs should be distributed evenly across the system to avoid over-complication).

However, there are a number of issues that NILGA would be keen to see government consider, including how this is linked to costs associated with flytipping as well as litter clean-up.

It will be important to ensure that consumers – i.e. users /disposers of the packaging - are held responsible for their actions as part of the new system, and thought should be given as to how to use the system to drive up recyclability of materials. It is also noted that formal funding streams are available, and producers could be encouraged to help local volunteer groups, and to fund anti-litter campaigns and enforcement.

It will also be important to avoid duplication and over-complication within the system e.g. overlap between different items.

It will also be important to consider how would this work for smaller businesses – particularly retailers - to ensure the burden of costs and bureaucracy are not excessive, and to maximise the benefits of their more direct relationship with consumers.

**Q69. In addition to local authorities, which of the following duty bodies do you agree should also receive full net cost payments for managing littered packaging? Please select all that apply.**

- ☒ **Other duty bodies**
- ☒ **Litter authorities**
- ☒ **Statutory undertakers**
- ☐ None of the above
- ☒ **Any other(s) - please specify**

***If you selected 'Any other(s)' - please specify here.***

All organisations that incur costs from managing litter should receive full net cost payments for managing littered packaging, including voluntary and community sector organisations, schools and landowners. The scheme may be more effective with input from councils, in relation to demonstration of support for community groups via litter picking kits, collecting litter etc.

**Q70. Do you agree or disagree that producers should contribute to the costs of litter prevention and management activities on other land?**

- ☒ **Agree**
- ☐ Disagree
- ☐ Neither agree nor disagree

***If you disagree, please provide the reason for your response.***

This is fair and in-line with the producer pays principle, but may be hard to measure and open to interpretation. Again, consideration will need to be given to how the scheme is linked to flytipping.



To ensure a fair approach to producers is maintained over time, a focus on enforcement and discouraging undesirable behaviour may be helpful.

**Q71. Do you agree or disagree that local authority litter payments should be linked to improved data reporting?**

- ☒ Agree
- ☐ Disagree
- ☐ Neither agree nor disagree

***If you disagree, please detail why you think litter payments should not be linked to improved data reporting.***

Good data reporting should form part of an 'optimised system' for litter collection and management. Therefore this should be factored in to the EPR payment received for litter. Consideration will need to be given to resourcing increased separation of materials within litter bin provision, and more generally, to cost recovery for additional separation, time requirements etc. A budget for compositional analysis would also be welcome, in acknowledgement of the recording difficulties presented by the 'mixed' nature of litter.

NILGA would welcome improvement of statutory definitions of 'litter' and 'flytipping'

**Q72. Do you agree or disagree that payments should be linked to standards of local cleanliness over time?**

- ☐ Agree
- ☒ Disagree
- ☐ Neither agree nor disagree

***If you disagree, please provide the reason for your response.***

This proposal could result in unnecessary over complication - with associated costs, and potential disincentivisation of councils. If the payment is linked to tonnage of litter collected and managed, the onus is on the local authority to collect litter to the extent that it deems sufficient for its residents. Additionally, payment linked to cleanliness over time is unlikely to be fair on councils where cleanliness is an issue and which may be struggling - more support is needed in these areas. Introduction of cleanliness monitoring standards, where a large number of councils have perhaps dropped this, will also have associated costs.

### ***Scheme administration and governance***

**Q73. Do you agree or disagree that the functions relating to the management of producer obligations in respect of household packaging waste and litter including the distribution of payments to local authorities are managed by a single organisation?**

- ☒ Agree
- ☐ Disagree
- ☐ Neither agree nor disagree

The appointment and governance of the Scheme Administrator (SA) is critical to making the EPR scheme work, so that producers meet the full net costs of managing the packaging that they produce and that the waste management systems put in place are efficient and effective. NILGA is of the view that the SA should be a not for profit organisation although it is difficult to see who might be interested in operating it as such unless they had a vested interest – in which case it would not be an independent body.

The governance structure of the SA needs to reflect the stakeholders involved in the system and hence it is essential that local government is appropriately included given it is such a key player in the success of this scheme. Little detail has been provided around governance arrangements but there should be a seat for a local government representative on any governing Board. Proper consideration will need to be given as to the involvement of local government from the devolved administrations. It is not clear how managing the SA through a contractual arrangement with Government allows for stakeholder engagement and feedback to both producers and local authorities. The process for award is to be competitive but it is not clear how bids will be assessed and what criteria will be used for awarding the contract. Also there is insufficient detail given around performance management of the SA and KPIs. Interested SAs are expected to outline how stakeholders will be represented as part of the scheme management but it is unclear how much of a role local authorities will have on the overall scheme administration or indeed in developing the 'Invitation to Tender' documentation so that their interests are truly represented.

**Q74. Overall which governance and administrative option do you prefer?**

☒ **Option 1**

☐ Option 2

☐ Neither Option 1 nor Option 2

***Please provide the reason for your response.***

Option 1 provides clarity of purpose for the Scheme Administrator with its role and responsibilities being able to be clearly defined. Introducing compliance schemes as an interface with producers to meet their obligations introduces another layer of complexity and it's hard to see what value it would add to the arrangements that will need to be put in place to deliver the objectives of the scheme.

**Q75. How do you think in-year cost uncertainty to producers could be managed?**

☒ **A reserve fund**

☐ In-year adjustment to fees

☐ Giving individual producers flexibility to choose between options 1) and 2)

☐ No preference

☐ Need more information to decide

A reserve fund managed by the Scheme Administrator would minimise the risk to producers of in-year fluctuations in cost. However producers would need to contribute to set up the fund and hence a mechanism to enable this to happen would need to be devised and agreed.

**Q76. Under Option 1, does the proposed initial contract period of 8-10 years (2023 to 2030/32) provide the necessary certainty for the Scheme Administrator to adopt a strategic approach to the management and delivery of its functions and make the investments necessary to deliver targets and outcomes?**

Option 1 - Scheme Administrator delivers all functions.

- ☒ Yes  
☐ No  
☐ Unsure

***If you answered 'no', please detail what you think would be an appropriate contract length.***

This time period is long enough to give stability to all parties involved in the scheme allowing confidence in the necessary investment without being so long that it will not have the flexibility to grow & adapt with the changing landscape.

**Q77. Under Option 2, does the proposed initial contract period of 8-10 years (2023 to 2030/32) provide the necessary certainty for the Scheme Administrator to adopt a strategic approach to the management and delivery of its functions and make the investments necessary to deliver targets and outcomes?**

Option 2 - Scheme Administrator delivers functions related to household packaging waste and litter.

- ☒ Yes  
☐ No  
☐ Unsure

***If you answered 'no', please detail what you think would be an appropriate contract length.***

This time period is long enough to give stability to all parties involved in the scheme allowing confidence in the necessary investment without being so long that it will not have the flexibility to grow & adapt with the scheme.

**Q78. Do you agree or disagree with the timeline proposed for the appointment of the Scheme Administrator?**

- ☐ Agree  
☐ Disagree  
☒ Neither agree nor disagree

***If you disagree, please provide the reason for your response.***

The timeline for launching the procurement process to appointment of the SA seems ambitious given the complexity of all that is involved from preparation of the 'Invitation to Tender', evaluation of bids and mobilisation of the awarded SA. It is not clear how much float has been built into the programme to allow for unforeseen hiccups or even a potential challenge to the bidding process.

**Q79. If the Scheme Administrator is appointed in January 2023 as proposed, would it have sufficient time to mobilise in order to make payments to local authorities from October 2023?**

- ☐ Yes
- ☐ No
- ☒ **Unsure**

***If you answered 'no' please provide the reason for your response.***

NILGA is keen to see government and the successful bidder avoid optimism bias in this area of work. The SA has an incredible amount of administration work to undertake from Jan 2023 to be able to make any payments with confidence to local authorities in Oct 2023. Prospective bidders should be asked to submit their own programmes to demonstrate how this timeline could realistically be met recognising the number of local authorities and producers involved & the systems that would need to be established in realistic timescales.

**Q80. Do you agree or disagree with the approval criteria proposed for compliance schemes?**

- ☒ **Agree**
- ☐ Disagree
- ☐ Neither agree nor disagree

***If you disagree, please provide the reason for your response.***

**Q81. Should Government consider introducing a Compliance Scheme Code of Practice and/or a 'fit and proper person' test?**

- ☐ A Compliance Scheme Code of Practice
- ☐ A 'fit and proper person' test for operators of compliance schemes
- ☒ **Both**
- ☐ Neither
- ☐ Unsure

***Please provide the reason for your response.***

In order to give confidence in the compliance schemes that are established there needs to be a Code of Practice which includes the need for a 'fit and proper person' test to be an operator of a compliance scheme.

**Q82. Do you agree or disagree with the proposed reporting requirements for Option 1?**

- ☒ **Agree**
- ☐ Disagree
- ☐ Neither agree nor disagree

**Q83. Do you agree or disagree with the proposed reporting requirements for Option 2?**

- ☒ Agree  
☐ Disagree  
☐ Neither agree nor disagree

### *Reprocessors and exporters*

**Q84.. Do you agree or disagree with the proposal that all reprocessors and exporters handling packaging waste will be required to register with a regulator?**

- ☒ Agree  
☐ Disagree  
☐ Neither agree nor disagree

***If you disagree, please provide the reason for your response and detail any exemptions to the registration requirement that should apply.***

This is essential to ensure that the scheme is managed and monitored effectively and all packaging is accounted for.

**Q85. Do you agree or disagree that all reprocessors and exporters should report on the quality and quantity, of packaging waste received?**

- ☒ Agree  
☐ Disagree  
☐ Neither agree nor disagree

This is essential to ensure that the scheme is managed and monitored effectively and all packaging is accounted for.

**Q86. What challenges would there be in reporting on the quality and quantity of packaging waste received at the point of reprocessing and/or export?**

***Please also provide specific detail on any processes, measures and/or costs that would be necessary to address these challenges.***

Reporting accurately on quality and quantity of packaging is key to ensuring the success of the scheme and flow of payments. Robust systems will need to be put in place in order that this is achieved.

Additional challenges may present as a result of the ongoing outworking of the UK's exit from the EU, particularly in relation to border crossings on the island of Ireland and movements between GB and NI.

**Q87. Do you think contractual arrangements between reprocessors and material facilities or with waste collectors and carriers are a suitable means for facilitating the apportionment and flow of**

recycling data back through the system to support Extended Producer Responsibility payment mechanisms, incentives and targets?

- ☒ Yes  
☐ No  
☐ Unsure

*If you answered 'no', please provide the reason for your response and suggest any alternative proposals for using the quantity and quality data reported to support payments, incentives and targets.*

Supply of accurate and timely data is key to having confidence in the EPR system and trying to eliminate fraud. Contractual arrangements set out the obligations of the parties

**Q88. Do you agree or disagree that exporters should be required to provide evidence that exported waste has been received and processed by an overseas reprocessor?**

- ☒ Agree  
☐ Disagree  
☐ Neither agree nor disagree

*If you disagree, please detail why you think exporters should not have to provide this evidence.*

Ensuring accurate data for all packaging waste that has genuinely been recycled is a core principle behind the success of the scheme

**Q89. Do you agree or disagree that only packaging waste that has achieved end of waste status should be able to be exported and count towards the achievement of recycling targets?**

- ☐ Agree  
☐ Disagree  
☒ Neither agree nor disagree

*If you disagree, please detail why you think it would not be necessary for waste to meet end of waste status prior to export.*

It is not clear how this would work in practice – end of waste classification is usually obtained by the material going through a treatment process. Hence it is unclear how waste that has yet to be actually recycled could be classified as ‘end of waste’ prior to export. It could also potentially be open to abuse.

**Q90. Do you agree or disagree that there should be a mandatory requirement for exporters to submit fully completed Annex VII forms, contracts and other audit documentation as part of the supporting information when reporting on the export of packaging waste?**

- ☒ Agree  
☐ Disagree  
☐ Neither agree nor disagree

***If you disagree, please detail why you think these additional registration requirements on exporters are not required.***

Ensuring accurate data for all packaging waste that has genuinely been recycled is a core principle behind the success of the scheme

**Q91. Do you agree or disagree that regulators seek to undertake additional inspections of receiving sites, via 3rd party operators?**

- ☒ Agree
- ☐ Disagree
- ☐ Neither agree nor disagree

***If you disagree, please detail why you think it would not be necessary to undertake additional inspections and provide any alternative arrangements which could be implemented.***

This will help to give confidence in the recycling of materials as well as verifying data to be accurate.

### ***Compliance and enforcement***

**Q92. Do you agree or disagree with the proposed approach to regulating the packaging Extended Producer Responsibility system?**

- ☒ Agree
- ☐ Disagree
- ☐ Neither agree nor disagree

***If you disagree, please detail any perceived problem or issues with the proposed regulation of the system and provide comments on how the system could be regulated more effectively.***

The Regulator will need to have sufficient resources and funding to be able to undertake this role effectively. NILGA is aware that the Northern Ireland Enforcement Agency is already experiencing significant resource pressures so provision of adequate funding is key to ensuring regulation of the system in Northern Ireland. Resource will also be required to guard against potential cross-border fraud (e.g. arising from abuse of the forthcoming Deposit Return Scheme). NILGA would be keen to see the establishment of an independent regulator in Northern Ireland, to assist in improving environmental regulation in the region more generally.

**Q93. Do you have further suggestions on what environmental regulators should include in their monitoring and inspection plans that they do not at present?**

***Please answer here***

NILGA has nothing further to add at present, but looks forward to ongoing discussions with local government as policy on this area of work develops.

**Q94. In principle, what are your views if the regulator fees and charges were used for enforcement?**

It seems appropriate that enforcement is covered by these fees, but it is noted that in the experience of local government in Northern Ireland, costs of enforcement are rarely covered by the fees and charges in place – particularly over time. For an effective system with fit for purpose regulation, all enforcement costs should be covered and this issue subject to regular review.

**Q95. Would you prefer to see an instant monetary penalty for a non-compliance, or another sanction as listed below, such as prosecution?**

The level of penalty should be proportionate to the level of non-compliance ranging from a fixed penalty notice for minor breaches to prosecution for major offences.

**Implementation timeline**

**Q96. Do you agree or disagree with the activities that the Scheme Administrator would need to undertake in order to make initial payments to local authorities in 2023 (as described above under Phase 1)?**

- ☐ Agree
- ☐ Disagree
- ☒ Neither agree nor disagree

**If you disagree, please provide the reason for your response.**

The activities highlighted all appear to be required in order to make payments to councils from 2023 but it is not clear whether this is comprehensive and whether other activities will be required. As part of the Invitation to Tender submission, bidders should be asked to set out all of the activities that are required along with a realistic timeline, so that this can be assessed.

**Q97. Do you think a phased approach to the implementation of packaging Extended Producer Responsibility, starting in 2023 is feasible and practical?**

- ☒ Yes
- ☐ No
- ☐ Unsure

***If you answered 'no', please provide the reason for your response and detail any practical issues with the proposed approach.***

The timeline is very tight and relies on the necessary legislation being in place and the SA being appointed. Ideally it would be preferable if full net costs could be met in 2023 but realistically this will be very difficult to achieve, so NILGA would encourage a prudent approach. Making payments to councils to collect additional packaging materials for recycling beyond the core materials needs to be tempered with markets being available for those materials – citing packaging film is a good example where there are currently very limited markets and little evidence to suggest that this will have changed by 2023.



**Q98. Do you prefer a phased approach to implementing Extended Producer Responsibility starting in 2023 with partial recovery of the costs of managing packaging waste from households or later implementation, which could enable full cost recovery for household packaging waste from the start?**

- ☒ **Phased approach starting in 2023**
- ☐ Later implementation
- ☐ Unsure

Flow of funding to support the cost of managing packaging in the waste stream by producers should be forthcoming from 2023 recognising the limitations are such that full net cost recovery will not be possible until 2024. NILGA would defer to the views expressed by colleagues in England in relation to the preferred approach for two-tier authorities.

**Q99. Of the options presented for reporting of packaging data for 2022 which do you prefer?**

- ☐ Option 1
- ☒ **Option 2**
- ☐ Neither

*If you answered 'neither' please suggest an alternative approach.*

Option 1 would only include the packaging for which producers would be obligated to meet full net costs, but a complete view of all packaging managed by producers would be seen under Option 2.

**Q100. Are there other datasets required to be reported by producers in order for the Scheme Administrator to determine the costs to be paid by them in 2023?**

- ☐ Yes
- ☐ No
- ☒ **Unsure**

*If you answered 'yes', please detail which datasets will be needed.*

NILGA does not have detailed insight into all information that may be required by the SA to determine the full costs.

### **Questions from Annex 1 to Consultation Document**

**Q101. Which of the definitions listed below most accurately defines reusable packaging that could be applied to possible future reuse/refill targets or obligations in regulations?**

Further information to help answer this question (and the 4 that follow) can be found in Annex 1 of the consultation document.

- ☐ Definition in The Packaging (Essential Requirements) 2015
- ☐ Definition in The Packaging and Packaging Waste Directive (PPWD)
- ☒ **Definition adopted by The UK Plastic Pact/The Ellen MacArthur Foundation**

☐ None of the above

If you selected 'none of the above', please provide the reason for your response, including any suggestions of alternative definitions for us to consider.

**Q102. Do you have any views on any of the listed approaches, or any alternative approaches, for setting reuse and refill targets and obligations? Please provide evidence where possible to support your views.**

NILGA is aware of the difficulties associated with monitoring and measuring waste prevention and of the huge disparities in practice from consumer to consumer. It is likely that an element of 'business ownership' will enhance the system and encourage consumers to increase reuse, but it will be extremely important to communicate well, the key messages to the public required to effect substantive change.

**Q103. Do you agree or disagree that the Scheme Administrator should proactively fund the development and commercialisation of reuse systems?**

☐ Agree

☐ Disagree

☒ Neither agree nor disagree

***Please provide the reason for your response.***

Discussions with local government and other service providers will be necessary in relation to the circumstances where the Scheme Administrator proactively funds the development and commercialisation of reuse systems.

**Q104. Do you agree or disagree that the Scheme Administrator should look to use modulated fees to incentivise the adoption of reuse and refill packaging systems?**

☐ Agree

☐ Disagree

☒ Neither agree nor disagree

***Please provide the reason for your response.***

Discussions with local government and other service providers will be necessary in relation to the circumstances where modulation provides for targeted additional funding to be raised against a specific packaging format to incentivise the adoption of reuse and refill packaging systems.

***Disclaimer***

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<b>Report on</b>	Consultation on Introducing a Deposit Return Scheme (DRS)
<b>Date of Meeting</b>	15 <sup>th</sup> June 2021
<b>Reporting Officer</b>	Mark McAdoo, Head of Environmental Services
<b>Contact Officer</b>	Mark McAdoo, Head of Environmental Services

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

<b>1.0</b>	<b>Purpose of Report</b>
1.1	To inform members of a recent consultation on the introduction of a Deposit Return Scheme (DRS) in England, Wales and Northern Ireland.
<b>2.0</b>	<b>Background</b>
2.1	Moving towards a more circular economy, where resources are kept in use for as long as possible and waste is minimised, and ensuring the UK is a world leader in resource efficiency and resource productivity is a priority for Government. Across the UK, consumers go through an estimated 14 billion plastic drinks bottles, 9 billion drinks cans and 5 billion glass bottles a year. The UK Government for England, the Welsh Government and the Department of Agriculture, Environment and Rural Affairs in Northern Ireland have all made commitments to develop policy which work towards achieving these aims, including introducing a deposit return scheme which has been committed to in various publications including <i>Northern Ireland's Waste Prevention Plan</i> .
2.2	In 2019, Defra launched the consultation on Introducing a Deposit Return Scheme in England, in conjunction with the Welsh Government and the Department of Agriculture, Environment and Rural Affairs in Northern Ireland. That consultation set out the aims of introducing a deposit return scheme, which would be to reduce the amount of littering, boost recycling levels for relevant material, offer the enhanced possibility to collect high quality materials in greater quantities and promote recycling through clear labelling and consumer messaging.
2.3	A further consultation on these proposals was published on 24 <sup>th</sup> March inviting responses no later than 4 <sup>th</sup> June 2021. A full copy of the consultation document (which extends to 98 pages and seeks responses to 71 questions) is available via the below link however a summary of the proposals by chapter are outlined in the remainder of this report.  <a href="https://consult.defra.gov.uk/environment/consultation-on-introducing-a-drs/supporting_documents/DRS%20Consultation%20FINAL%20.pdf">https://consult.defra.gov.uk/environment/consultation-on-introducing-a-drs/supporting_documents/DRS%20Consultation%20FINAL%20.pdf</a>

<b>3.0</b>	<b>Main Report</b>
<b>3.1</b>	<p><b>Chapter 1: Scope</b></p> <p>This chapter sets out the scheme participants who will take on obligations under the deposit return scheme – namely producers, retailers and the Scheme Administrator (Deposit Management Organisation). These obligations include requiring producers to sign up to the Deposit Management Organisation and carry out reporting obligations, paying a producer registration fee to the Deposit Management Organisation to fund the deposit return scheme, and placing a redeemable deposit on in-scope drinks containers they place on the market. Retailers will be required to accept all deposit return scheme containers returned to their store and ensure the deposit price is added to the purchase price of an in-scope drink at the point of purchase.</p> <p>It is proposed that the scope of a deposit return scheme should be determined based on material rather than product and that the scheme captures PET plastic bottles, glass bottles, and steel and aluminium cans. With regards to the size of containers included, the Welsh Government's preferred option for Wales is an all-in scheme but remain committed to working in partnership with the UK Government and the Department of Agriculture, Environment and Rural Affairs in Northern Ireland so that the scheme is as consistent as possible across Wales, England and Northern Ireland. The UK Government for England and Department of Agriculture Environment and Rural Affairs in Northern Ireland have remained open on scope with regards to introducing a deposit return scheme in England and Northern Ireland and would like to use this consultation to gain further views on whether the deposit return scheme should be an all-in scheme (including drinks containers up to 3L in size) or an on-the-go (drinks containers under 750ml in size and excluding those containers sold in multipacks) scheme.</p>
<b>3.2</b>	<p><b>Chapter 2: Targets</b></p> <p>This chapter proposes that legislation will set out targets for a proportion of drinks containers placed on the market to be collected for recycling. It is proposed that there should be an obligation placed on the Deposit Management Organisation to achieve a 90% collection rate after three years from introduction of the scheme in order to ensure high performance of the deposit return scheme, with a phasing in approach for the targets over this three-year period. The UK Government for England, the Welsh Government and the Department of Agriculture, Environment and Rural Affairs in Northern Ireland will have the same statutory targets for collecting material.</p> <p>It is not proposed that recycling targets should be imposed on the Deposit Management Organisation in addition to collection targets, due to difficulties arising with how the Deposit Management Organisation ensures this material has been recycled once sold to a reprocessor. Instead, in order to ensure that all material collected through a deposit return scheme will be recycled, it is proposed that there should be a legal obligation on the Deposit Management Organisation to ensure that the material that is collected via a deposit return scheme is passed on to a reprocessor and evidence is provided of this.</p> <p>The UK Government for England, the Welsh Government and the Department of Agriculture, Environment and Rural Affairs in Northern Ireland will be obligated to report the overall packaging recycling rates by each part of the United Kingdom (England, Wales and Northern Ireland) in 2025 and 2030, reflecting both the packaging recycling through Extended Producer Responsibility and a deposit return scheme.</p>

3.3	<p><b>Chapter 3: Scheme Governance</b></p> <p>This chapter outlines the role of the Deposit Management Organisation whose role is to manage the operation of the deposit return scheme. The Deposit Management Organisation will be responsible for meeting the high collection targets set out in legislation and will be appointed via a competitive tender process which the consultation explains. The Deposit Management Organisation will operate across these parts of the United Kingdom (England, Wales and Northern Ireland) and functions will be conferred on it via a combination of regulations and a contract, managed jointly by the three Governments which are set out in the chapter.</p> <p>The consultation elaborates on how the Deposit Management Organisation will be held accountable for the success of the scheme, by a combination of the following: regulations, the tender process to appoint the Deposit Management Organisation, and a series of performance indicators set out in a contract between Government and the Deposit Management Organisation.</p>
3.4	<p><b>Chapter 4: Financial Flows</b></p> <p>The chapter sets out the proposals for the Deposit Management Organisation to be funded via three revenue streams: material revenue, producer registration fees, and unredeemed deposits. It considers how burdens can be minimised for smaller producers and seek views on how unredeemed deposits should be invested in the system, proposing that they are reinvested to part-fund the operation of the scheme.</p> <p>The chapter also discusses the approach to setting the deposit level, proposing not to fix a deposit level in legislation but rather set out a minimum, and possibly maximum deposit within the secondary legislation. This will ensure the Deposit Management Organisation have the flexibility to set and change the deposit level as a critical lever to meeting the targets set in legislation. It proposes that the Deposit Management Organisation have the ability to set a fixed or variable rate deposit and seeks further views on this approach.</p>
3.5	<p><b>Chapter 5: Return Points</b></p> <p>This chapter sets out further details of the retailer options in the deposit return scheme, proposing that all retailers who sell in-scope drinks containers will be obligated to accept returns of in-scope material by hosting a return point. This will likely be via reverse vending machine or manual return points, but the regulations will be broad in nature to ensure alternative methods of return are not ruled out if the Deposit Management Organisation wish to explore these.</p> <p>It sets out a selection of approaches for online retailers selling in-scope containers to offer a take-back service and seek views on details of how the deposit return scheme could work for takeaway meal delivery services. It also presents the policy for retailers to receive a handling fee from the Deposit Management Organisation to compensate them for any costs incurred in hosting a return point. There is also the option for voluntary return points to be established by non-retail actors including the hospitality industries.</p> <p>The chapter also discusses the potential for innovation in technology to be deployed in a deposit return scheme system and provides further detail on how this might support the return points provisions through the use of smart phone applications allowing the electronic redemption of a deposit.</p>

3.6	<p><b>Chapter 6: Labelling</b></p> <p>This chapter proposes mandatory labelling be legislated for as part of the deposit return scheme to ensure the smooth functioning of the scheme so that retailers, on-trade sites, consumers and those responsible for recycling or reusing containers, are able to quickly and easily identify in-scope containers. It also views labelling as a necessary measure to significantly minimise the risk of fraud, ensuring that once containers are scanned and returned, they lose their deposit value and cannot be returned again. Labelling will also provide clarity for consumers in understanding what drinks containers are captured by the deposit return scheme.</p>
3.7	<p><b>Chapter 7: Local authorities</b></p> <p>This chapter explores the impact a deposit return scheme will have on local authorities and the way in which containers in scope of the scheme will be treated when these containers, despite the introduction of the deposit return scheme and specified return point provision, still end up in local authority waste streams. Most pressing is the need to seek views on how local authorities should be financially reimbursed for the costs involved in treating scheme material. The consultation proposed three options, the first being a 'do nothing' approach and allowing local authorities to redeem the deposits of deposit return scheme containers collected in their waste streams. The second option is to allow the Deposit Management Organisation to make payments to local authorities for these materials via the Extended Producer Responsibility Scheme Administrator. The third option presented is a hybrid option, whereby the Deposit Management Organisation pays a deposit value on containers that are returned and any additional scheme material in local authority waste streams is covered by a funding formula in Option 2. A preference for Option 2 being taken forward for the final scheme design is stated in the consultation.</p>
3.8	<p><b>Chapter 8: Compliance Monitoring and Enforcement</b></p> <p>This chapter provides an overview of how the deposit return scheme will be monitored and enforced. It considers the environmental regulators in England, Wales and Northern Ireland are best placed to be Scheme Regulators for a deposit return scheme for drinks containers and to monitor and enforce the actors that are obligated under the scheme. In addition to this, it is considered there is a role for local authorities / Trading Standards to regulate the consumer-facing obligations that are placed on retailers.</p> <p>The chapter provides examples of the typical offences that could be committed by different scheme participants and which regulator would be responsible for dealing with the offence. It also provides an indication of what penalties might be employed for those committing offences in the scheme, ensuring any enforcement response is proportionate and appropriate to the situation</p>
3.8	<p><b>Impact Assessment</b></p> <p>The consultation Impact Assessment on a deposit return scheme for drinks containers looked at three scenarios for the period 2023-2034. For the purpose of the Impact Assessment, for the considered scheme options the assumed deposit level is 20p, with an 85% collection rate for the containers in scope.</p>
3.9	<p>The Northern Ireland Local Government Association (NILGA) produced a response to the consultation in conjunction with the Technical Advisors Group Northern Ireland (TAGNI), National Association of Waste Disposal Officers (NAWDO) and Local Authority Advisory Committee (LARAC) which is attached as an appendix for the information of members.</p>



<b>4.0</b>	<b>Other Considerations</b>
4.1	<b>Financial, Human Resources &amp; Risk Implications</b>
	Financial: Council could potentially benefit from claiming unclaimed deposits from in-scope containers collected through kerbside recycling collection schemes or via direct financial support from the DMO via the Extended Producer Responsibility Scheme Administrator.
	Human: None
	Risk Management: At an operational level the introduction of DRS should see a decrease in littering and the associated risks of collecting same (particularly from rural roads).
4.2	<b>Screening &amp; Impact Assessments</b>
	Equality & Good Relations Implications: None
	Rural Needs Implications: None
<b>5.0</b>	<b>Recommendation(s)</b>
<b>5.1</b>	Members are asked to note the content of the consultation and response from NILGA.
<b>6.0</b>	<b>Documents Attached &amp; References</b>
6.1	NILGA response to the DRS consultation



## **NILGA response to the UK Government (Defra via DAERA) consultation on introducing a Deposit Return Scheme (DRS) in England, Wales and Northern Ireland**

**10<sup>th</sup> May 2020**

The following response has been prepared in liaison with council technical advisors, and further to policy discussions with relevant industry representatives, government officials and council officers in England, Northern Ireland and Wales. NILGA would particularly like to thank NAWDO, LARAC, TAG(NI) and arc21 for their invaluable assistance.

This consultation requires response by 4<sup>th</sup> June 2020, and further to consideration by the NILGA Executive Committee, will be forwarded to councils to assist in their individual deliberations. Councils will be requested to revert to NILGA with any suggested additions or amendments.

This is one of two consultations, which collectively present a massive change for current waste management practices and council waste activities, particularly the financial aspects of that activity. It presents opportunities as well as challenges, and it will be vital for councils in Northern Ireland to work together to ensure local government here has a strong voice at the table as these policies, and the details of these policies are developed.

It will be imperative to ensure that local government in Northern Ireland is prepared to push for its fair share of resources coming out of these changes, and that we don't fall foul of a shift in practice which will extract high value recyclates from the system, before they ever reach councils. Councils will need to be adequately protected against a system which could leave us with the low value, expensive/ impossible to recycle materials at the end of the line.

Councils in Northern Ireland are in a particularly precarious position, with limited and lessening landfill availability, no local recourse to incineration at present, and continuing systemic turbulence due to COVID 19 and Brexit. There is potential for the policy within these consultations to increase risk and expense for councils, but also to present economic opportunities. It will be necessary to lobby strongly for local application of policy and to reserve the right to seek 'tweaking' appropriate to Northern Ireland, bearing in mind demographics and expectation of performance. What councils collect and how they collect will change as a result of these proposals, and they will have less say in how that happens. Northern Ireland local government needs to make a concerted effort to guard against unintended consequences as a result of these proposals and it is vital that we inform the development of the proposed new governance models for the new producer responsibility and deposit return schemes.

**Derek McCallan**  
**Chief Executive**

**30<sup>th</sup> April 2020**

## 1.0 INTRODUCTION

NILGA, the Northern Ireland Local Government Association, is the representative body for district councils in Northern Ireland. NILGA represents and promotes the interests of the 11 Northern Ireland district councils and is supported by all the main political parties. Waste management (including collection, disposal, recycling and treatment) is a key issue for local government due to the huge impact it has on our resources, economy and environment.

Resource and waste management have potential for job creation, combined with a positive environmental impact through modernising processes and infrastructure. NILGA is pleased to be able to have an opportunity to comment on the proposals for introducing a Deposit Return Scheme (DRS) in England, Wales and Northern Ireland; we trust that our comments will be taken into account when developing the final proposals.

For further details on this response, please contact NILGA [office@nilga.org](mailto:office@nilga.org).

## 2.0 GENERAL COMMENTS

NILGA welcomes this consultation on introducing a Deposit Return Scheme (DRS) in England, Wales and Northern Ireland, given our member councils' commitment to recycling, their role as the principal domestic waste and recycling provider in Northern Ireland, and the sizable impact that a Deposit Return Scheme and an Extended Packaging Producer Responsibility Scheme (EPRS) will have on councils and their waste management services.

Further to response to the 2019 DRS consultation, which ran during a period of heightened political sensitivity in Northern Ireland, our members and officers have now had opportunity to consider the direction of travel on recycling and waste management. It should be noted however, that several pieces of policy are pertinent to this consultation document that have not been finalised and are not available. These include:

- Northern Ireland Environment Strategy – initial consultation closed February 2020
- Future of Recycling and Separate Collection of Waste – consultation closed October 2020
- DAERA policy confirmation on TEEP “technically, environmentally and economically practical”
- Climate Strategy/Legislation/Policy
- Circular Economy Strategy /policy
- Materials Recycling Facility code of practice

Although we acknowledge that COVID -19 has required a government focus and has caused delays in policy delivery locally and nationally, the lack of clarity arising locally from this policy vacuum presents difficulty in fully replying to the current consultation.

It will also be necessary, the contemporisation of policy and delivery on packaging notwithstanding, to explore how to better manage other materials, such as textiles and hazardous waste. We look forward to an ongoing policy conversation with DAERA and DEFRA as policy develops.

### **3.0 NILGA POSITION ON THE INTRODUCTION OF A DRS IN NORTHERN IRELAND**

The choice and design of a DRS must make a significant improvement towards national recycling targets, a zero waste culture and circular economy ambitions.

Northern Ireland local government needs to have a seat at the table when the responses to this consultation are being assessed and decisions on a system designed to include Northern Ireland are being taken. Local government in Northern Ireland is open to adjusting and restructuring its waste services in light of change, but this needs to be a two-way conversation, shaping existing waste services, an EPRS and DRS in light of what is feasible, effective and desirable. NILGA is of the view that it is unfortunate that the EPRS and DRS consultations and work are being carried forward in tandem as this increases uncertainty and complexity in the system.

The wider regional context will need to be considered in shaping this policy including the limitations of the NI planning system (currently under review) and the mandatory coalition required for regional decision-making.

It is imperative that councils in Northern Ireland are afforded their fair share of resources coming out of these changes, and that they don't fall foul of a shift in practice which will extract high value recyclates from the system, before they ever reach councils. Councils will need to be adequately protected against a system which could leave them with the low value, expensive/ impossible to recycle materials at the end of the line. Direct lines of communication and financial mechanisms must be set up between the scheme administrator (DMO) and councils in Northern Ireland in the event of these proposals being taken forward.

Given the past experience of how landfill tax formed part of the NI 'block' funding and has never been appropriately returned to councils here, NILGA would urge Defra to ensure that the financial relationship between the scheme administrator and councils in Northern Ireland is direct and robust, without diversion to the devolved administration.

The scheme needs to allow for the geography of Northern Ireland and its social set-up. It needs to address the challenges presented by the border, and by the physical separation from the other nations participating in the scheme. This presents significant issues particularly with regard to transfers, transport and possible illegal activity; there is growing concern in relation to the potential for fraud which could develop around the Deposit Return Scheme (DRS).

The scheme must also not disadvantage vulnerable social groups. The outworking of this consultation will shape the relationship with citizens, and necessary communications messages, including labelling decisions.

## 4.0 RESPONSES TO CONSULTATION QUESTIONS

Questions 1-5 are administrative, seeking detail on NILGA.

### *A Deposit Return Scheme in a post-COVID context*

**Q6. Given the context of the COVID-19 pandemic we are currently experiencing, do you support or oppose our proposals to implement a deposit return scheme for drinks containers in 2024?**

**a) Support**

**Q7. Do you believe the introduction of a deposit return scheme will have an impact on your everyday life?**

- a) Yes, a detrimental impact
- b) No, there will be no impact

NILGA is of the view that overall, the introduction of a DRS will have a positive social and environmental impact on everyday life, as a result of the likely reduction in littering. However, the potential negative impact on older people, those in lower socio-economic groups and those without access to a car - arising from their lessened ability to engage with a DRS – cannot be ignored, and solutions must be developed to assist engagement in these circumstances.

**Q8. Have your views towards implementation of a deposit return scheme been affected following the economic and social impacts of the COVID-19 pandemic?**

- a) Yes - because of economic impacts
- b) Yes – because of social impacts
- c) Yes – because of both economic and social impacts**
- d) No
- e) Not sure

***Please elaborate on your answer if you wish.***

NILGA agrees with the elongation of the implementation timeframe as proposed by government within this consultation. The shock to the economy and social impact experienced by the waste and resource efficiency sector cannot be discounted and adequate recovery time will need to be built into the implementation planning for a DRS.

## ***1. Scope of the Deposit Return Scheme***

### ***In-scope containers***

**Q9. Do you agree that the cap should be included as part of the deposit item in a deposit return scheme for**

- a) Plastic bottle caps on plastic bottles – Yes**
- b) Aluminium bottle caps on glass bottles - Yes**

c) Corks in glass bottles – Yes

d) Foil on the top of a can/bottle or used to preserve some drinks – Yes

### *Size of Container*

***For questions 10, 11, 12, 13, 14, 15 respondents should note that these questions are only applicable to the outstanding decision on the final scope of a deposit return scheme to be made in England and Northern Ireland, since the Welsh Government have already presented a preference for an all-in deposit return scheme.***

**Q10. Do you believe we have identified the correct pros and cons for the all-in and on-the-go schemes described above?**

**a) Yes**

NILGA particularly welcomes the acknowledgement on P23 of the consultation document, that consideration will need to be given of the impact of a new scheme on local authorities. This will be the case regardless of whether the all-in or on-the-go system is the eventual decision.

**Q11. Do you foresee any issues if the final scope of a deposit return scheme in England and Northern Ireland does not match the all-in decision taken in Wales? E.g. an on-the-go scheme in England and an all-in scheme in Wales.**

**a) Yes**

With both Scotland and Wales opting for an all-in scheme, the potential for consumer confusion and other disbenefits would be greater than desired, particularly if England should opt for an on-the-go scheme. Although geographically removed from the other UK jurisdictions, NILGA sees advantages to producers and retailers if a common approach is taken.

NILGA is keenly aware of the high levels of cross border activity that occur within the agri-food industry on the island of Ireland and that a number of our larger producers (e.g. Coca-Cola) operate on an all-island basis. This poses some practical challenges, and a NI-only DRS on the island of Ireland could create some unmanageable complexities for producers, limit packaging innovation and choice for NI consumers and potentially encourage cross-border fraud. It could also fail to incentivise packaging weight reduction and further place NI at competitive disadvantage in relation to the Republic of Ireland (which is particularly problematic when NI is endeavouring to maintain industry confidence during a time of great societal and economic uncertainty).

NILGA is already aware of growing concerns regarding the potential for cross-border fraud arising from the difference between the scheme proposed for Republic of Ireland (no glass) and that for Northern Ireland (including glass). It may be the case that areas close to boundaries between GB jurisdictions, similar issues could be experienced; a lot will depend on effective labelling throughout these islands.

**Q12. Having read the rationale for either an all-in or on-the-go scheme, which do you consider to be the best option for our deposit return scheme?**

- a) All-in
- b) On-the-go

In our 2019 consultation response to Defra, NILGA had suggested that a useful approach would be incremental, starting with an on-the-go scheme and working towards an all-in scheme, to allow the new EPR and DRS systems and administrators to ‘bed-in’ before expanding the scheme. However, given the approach being taken in both Scotland and Wales, we would acknowledge that it may now be more consistent to develop an all-in scheme from the start. The cost implications of an incremental approach would also counter the benefits.

However, the implementation of an all-in scheme would be a displacement activity, potentially having a heavy impact on council revenue schemes. This displacement effect is likely to be less with recycling “on the go”. Such a system, while limited in scope, would predominantly capture large amounts of materials that typically do not end up in the recycling stream, and that produce significant littering with significant associated costs and environmental damage.

**Q13. Given the impact Covid-19 has had on the economy, on businesses and consumers, and on everyday life, do you believe an on-the-go scheme would be less disruptive to consumers?**

- a) Yes
- b) No**

Introduction of any new scheme will be disruptive to consumers, but if a new scheme is to be implemented then it would be preferable that it is easily understood, easy to participate in and resulting in the greatest benefit to society.

Any disruption to consumers is likely to be felt in the interface with their local council and the changes required to service delivery. Discussions with local government waste managers in 2019 indicated that a Northern Irish deposit return system should preferably focus on a small part of the recycling market (“recycling on the go”), to assist in addressing the potential risk of deposit return offering little additional benefit (capture rates, littering etc) for the size of financial investment required.

**Q14. Do you agree with our proposed definition of an on-the-go scheme (restricting the drinks containers in-scope to less than 750 ml in size and excluding multi-pack containers)?**

- a) Yes
- b) No**

Containers from multi-packs are often used by families etc. for packed lunches, and as such should be included in all types of DRS and at the same deposit level, if reduction in litter is one of the aims



of the scheme. It is also noted that on-the-go plastic drinks bottles (e.g. 1 litre sports type bottles of water) can often be larger than 750ml.

**Q15. Do you agree that the size of containers suggested to be included under an on-the-go scheme are more commonly consumed out of the home than in it?**

- a) Yes
- b) No
- c) Difficult to say

The consultation document notes on P25 that it can't be predicted where drinks will be consumed, but that research indicated consumption outside the home was more likely to be using smaller plastic bottles.

**Q16. Please provide any information on the capability of reverse vending machines to compact glass?**

NILGA has no relevant information in relation to this issue.

**Q17. Do you agree that the scope of a deposit return scheme should be based on container material rather than product?**

Yes, although clear labelling will be required to ensure that good communication of what is included is easily understood by the consumer.

**Q18. Do you agree with the proposed list of materials to be included in scope?**

Yes, although it is highlighted that there may be confusion and in all likelihood fraudulent activity, arising from the fact that Northern Ireland shares a land border with the Republic of Ireland. The Republic is developing a DRS excluding glass, and it is likely that cross-border consumers will attempt to dispose of glass containers (many of which are currently identical north and south, distributed on an island-wide basis) in return facilities in Northern Ireland. This would be a greater challenge for an all-in scheme than on-the-go.

**Q19. Do you consider there will be any material switching as a result of the proposed scope?**

This is certainly possible, and it would be useful to examine the operation of schemes in other places, to assess the likelihood of this being an issue in the UK.

## **2. Targets**

**Q20. Which of the following approaches do you consider should be taken to phase in a 90% collection target?**

- a) 70% in year 1, 80% in year 2, 90% in year three and thereafter

**b) 75% in year 1, 80% in year 2, 90% in year three and thereafter**

c) 75% in year 1, 85% in year 2, 90% in year three and thereafter

d) 80% in year 1, 85% in year 2, 90% in year three and thereafter

NILGA would prefer option b) to concur with the findings of the Defra Impact Assessment, to guard against optimism bias during and immediately following pandemic recovery, to give time for the economy to stabilise and to assist councils in reconfiguration of services.

Sufficient feedback loops (targets or financial instruments/measures) will be required to ensure individual producers have every incentive to improve their own environmental performance.

Also, the ongoing statutory role for councils (both collection & disposal functions) needs to be taken into account to prevent unintended consequences of different bodies “chasing target materials” such that the costs to society are not minimised.

**Q21. What collection rate do you consider should be achieved as a minimum for all materials after 3 years?**

a) 80%

b) 85%

**c) 90% collection rate should be achieved for all materials**

In line with the aspirations for a successful, high-performing scheme, the target from 3 years and onwards should be suitably ambitious.

**Q22. Is it reasonable to assume that the same collection targets could be met with an on-the-go scheme as those proposed for an all-in scheme for in-scope materials?**

**Yes**, provided the scheme is well-communicated to consumers, and support to participate provided where necessary.

### *Targets by England, Wales and Northern Ireland*

**Q23. Who should report on the volumes of deposit return scheme material placed on the market in each part of the United Kingdom (England, Wales and Northern Ireland) for the proposed deposit return scheme, and what would be the implications of these obligations?**

a) The producer/importer

b) The retailer

c) Both the producer/importer and retailer

NILGA does not have sufficient information to enable a meaningful response.

**Q24. What evidence will be required to ensure that all material collected is passed to a reprocessor for the purpose of calculating the rate of recycling of deposit return scheme material?**

NILGA would be keen to see realised, the increase in UK reprocessing capacity discussed in the consultation document, and would highlight the growing concentration of reprocessing and remanufacture businesses that have developed in Northern Ireland in recent years.

Local government is aware of the monitoring difficulties that can be associated with multiple changes of ownership of recyclate – particularly when export is involved. We also note that this issue forms part of a wider policy conversation, included in the ‘sister’ EPR consultation. It will be for government, the Deposit Management Organisation, producers and reproducers, to develop and agree an appropriate system for calculating the rate of recycling from DRS material.

### **3. Scheme Governance**

**Q25. What length of contract do you think would be most appropriate for the successful bidder to operate as the Deposit Management Organisation?**

NILGA has no strong view on this issue.

#### ***Tender process***

As part of the tender process, bidders will be asked to answer questions regarding how they plan to run the deposit return scheme. These questions could include topics such as:

- Outlining a plan to demonstrate how the organisation will meet the stated objectives of the scheme.
- Ensuring representation and feedback from a wide variety of affected stakeholders throughout the decision-making process.
- Ensuring clear dispute resolution pathways are set out and accessible to all affected parties.
- Outlining a clear communications strategy and how its performance would be evaluated, including wider messaging such as anti-littering and behaviour change campaigns.
- Outlining a methodology for how handling fees and producer fees would be determined.
- Outlining the environmental ambitions of the operation of the scheme itself
- Overall cost plan for the scheme and how you will maximise value for money, including proposals for using unredeemed deposits effectively – how to achieve the outcomes at the best cost.
- How the consumer experience will be managed and enhanced ensuring deposits are as easy to redeem as it is to purchase the drink in the first place.
- How innovation could be deployed to maximise the effectiveness of the scheme.
- How existing collection and recycling infrastructure could be utilised to provide greater value for money.
- What fraud prevention measures will be included and how fraud will be managed and minimised.
- Demonstrating the social value that the scheme will deliver, and specific initiatives bidders would employ to maximise this value.

**Q26. Do you agree that the above issues should be covered by the tender process?**

**Yes**

**Please list any other issues you believe should be covered as part of the tender process.**

Outlining how the DMO will work with local councils, and their planning offices, in relation to provision and siting of infrastructure,

## **Contract Management**

**Q27. Do you agree that the above issues should be monitored as Key Performance Indicators?**

**Yes.**

**Please list any further issues you believe should be covered by Key Performance Indicators.**

NILGA has nothing further to add.

## **Digital Infrastructure for the Deposit Return Scheme**

**Q28. Do you agree that Government should design, develop and own the digital infrastructure required to register, and receive evidence on containers placed on the market on behalf of the Deposit Management Organisation and regulators?**

**Yes**

***Please elaborate on your answer***

If the arrangements for the DMO are to be timebound, i.e. with a tender for a specified period, there is potential for the successful bidder to change over time. It is vital that the intellectual property and digital operating systems developed can be maintained, irrespective of who wins the tender at any given time. This would indicate that government should be the owner of the digital infrastructure required. The designer and developer are also likely to be appointed from the private sector, through a separate tender process, at the behest of government.

**Q29. Government will need to understand the needs of users to build digital services for deposit return scheme. Would you like your contact details to be added to a user panel for deposit return scheme so that we can invite you to participate in user research (e.g. surveys, workshops interviews) or to test digital services as they are designed and built?**

**No**

## **4. Financial Flows**

### **Producer Registration Fees**

**Q30. What is an appropriate measure of small producers for the purposes of determining the payment of registration fees?**

#### **• Taxable Turnover**

- Drinks containers placed on the market
- Any other

### **Unredeemed Deposits**

**Q31. Is a high level of unredeemed deposits funding the scheme problematic?**

**Yes**

***Please explain your answer.***

It is vitally important that the deposit return scheme is viewed in the context of the size of the investment required (by the public and private sector, and individual citizens), compared to the contribution it is likely to make towards national targets. If there is a high level of unredeemed deposits, producers could argue that their fees are unfair and unnecessary. The biggest financial contributors to the scheme would be citizens, 'paying' for the scheme through unrecovered deposits. We cannot assume that it is only wealthier people who are prepared to lose their deposit. The elderly, disabled or disadvantaged people and those with little access to relevant transport might have to forego redeeming their deposits. This must be avoided, as noted in the consultation document

NILGA again notes that councils in Northern Ireland currently spend more than £31m p.a. on clear up of litter and illegal dumping activity, but have 'built-in' reliance on the revenue streams associated with recyclates that may negate any savings associated with litter reduction as a result of a DRS. A detailed Northern Ireland specific cost-benefit analysis would be vitally important prior to unpicking the current system – particularly in relation to the proposed 'all in' system.

**Q32. Which option to treatment of unredeemed deposits do you support?**

**Option 2** – *unredeemed deposits part fund the system but there is a minimum producer fee per annum and excess funds are asked about during tender*

**Q33. With option 2, do you foresee any unintended consequences of setting a minimum percentage of the net costs of the deposit return scheme that must be met through the producer fee?**

If, e.g. due to a rapidly changing business environment, producers fall in number, there is potential for a greater burden to fall on a smaller number of producers.

**Q34. If a floor is set do you consider that this should be set at:**

- a) 25% of net costs
- b) 33% of net costs
- c) 50% of net costs**
- d) Other

**Please provide any evidence to support your response.**

**Q35. Do you agree that any excess funds should be reinvested in the scheme or spent on other environmental causes?**

Both. Given the quantum of finance that should be available, it is likely that both will be possible.

NILGA notes that investment may be necessary to ensure read-across between the forthcoming DRS in Northern Ireland and that planned for the Republic of Ireland. It would be helpful if the UK and Irish governments could work together to develop some consistency on DRS policy and delivery.

### ***Start-up Costs and Operational Costs***

**Q36. What should be the minimum deposit level set in legislation?**

- a.) 10p
- b.) 15p**
- c.) 20p
- d.) Other

The level of the deposit should be set by the DMO, so that it can be varied in the light of experience. The findings of the Kantar research are noted as indicating a 15p minimum would be acceptable, with the 20p 'round' figure preferred.

**Q37. Do you agree that there should be a maximum deposit level set in legislation?**

**Yes.**

***If yes, what should be the maximum deposit level set in legislation?***

- a.) 30p
- b.) 40p
- c.) 50p**
- d.) Other

NILGA welcomes that these levels will be articulated in secondary legislation, as they will undoubtedly require review in line with inflation.

**Q38. Recognising the potentially significant deposit costs consumers could pay on a multipack purchase, how best can we minimise the impact of the scheme on consumers buying multipacks?**

NILGA would encourage Government to research the solutions to this issue employed in other countries with a DRS, which could be put in place in the UK.

**39. Do you agree with our approach to letting the Deposit Management Organisation decide on whether to adopt a fixed or variable deposit level, particularly with regards to multipacks?**

**Yes.**

## 5. Return Points

**Q40. Do you agree that all retailers selling in-scope drinks containers should be obligated to host a return point, whether it is an all-in or on-the-go deposit return scheme? Please provide any evidence to further explain your answer.**

**Yes**

NILGA is of the view that it is essential to ensure that return of in-scope containers is as easy as possible for the consumer. All retailers selling in-scope drinks containers should be obligated to participate in provision of a return point, with a de minimis in place to exempt smaller retailers, however 'hosting' implies provision on the retail premises, which may not always be possible, for example in small-scale stores of large chain retailers/cafes. Discussions will be required with local planning authorities, and with disability organisations in relation to the potential addition of more 'street furniture' to an already crowded landscape. We welcome the recognition that technological innovations may come into play, providing additional return points for consumers to use, and recognise that the DMO may enable collaborative approaches to provision of return points e.g. between neighbouring businesses in local high streets. Local Business Improvement Districts may be helpful stakeholders in this regard.

**Q41. Given the proposed extensive distribution and availability of return points for consumers to return bottles to, do you think customers would be likely to experience delays / inconveniences in returning drinks containers? If so, how long or how frequently would such delays be likely to arise for?**

Provided consumers are not required to return containers to the place of purchase, inconvenience should be kept to a minimum.

### *Online purchases of in-scope drinks containers*

*Option 1: Obligate all retailers selling in-scope containers online to offer a takeback service*

*Option 2: Use a 'de minimis' based approach to obligate qualifying retailers selling in-scope containers to offer a takeback service*

*Option 3: No obligation placed on retailers selling in-scope containers to offer a takeback service*

**Q42. Do you have a preference, based on the 3 options described above, on what the schemes approach to online takeback obligations should be? We welcome views from stakeholders on who this obligation should apply to, including if there should be an exception for smaller retailers or low volume sales. Please explain your answer**

**Option 2**

NILGA views option 2 as being the most practical, with the additional provision of a centralised takeback service to facilitate the collection of containers purchased online.

Another exemption from the takeback obligations should be considered, in relation to those retailers selling bulk quantities directly to consumers e.g. wine merchants or breweries, which are operating nationally via direct online sales. The practical and environmental costs of these companies attempting a takeback scheme would be considerable, in contrast to national supermarkets who are operating local delivery systems.

Thought will need to be given in relation to how a takeback scheme would operate for local supermarket delivery services as it may be extremely difficult from a hygiene point of view to take back used drinks containers in the same vehicle in which fresh food is being delivered to multiple households.

Regular compositional analysis will be required to ensure appropriate knowledge is developed of how much of this packaging is disposed of via household collections. This analysis should be funded via the DMO.

### *Handling Fee*

**Q43. Do you agree with the proposed criteria for the calculation of the handling fee?**

**Yes**

**Would you propose any additional criteria are included for the calculation of the handling fee?**

Other costs should be covered, for example building control, planning permission fees.

### *Exemptions to hosting a Return Point*

**Q44. Please tick which exemptions you agree should be included under the scheme:**

- Close proximity ☒
- Breach of safety ☒

### **Any further comments you wish to make**

It is noted that the UK is 'a nation of shopkeepers', many of which are small and micro-sized. Assessing exemptions will be a mammoth task and difficult to achieve without sufficient local knowledge. NILGA is therefore concerned that the DMO (or indeed retailers) may turn to councils for assistance in relation to this exercise, and we are keen to ensure that suitable arrangements are put in place to cover any administrative or inspection costs incurred by councils in this regard.

It is also noted that at the outset of the scheme, the 'close proximity' information required by small retailers will not be available, as the location of 'alternative return points' is likely to be unknown. The provision and development of communal facilities should be explored for areas with large numbers of small retailers, potentially in liaison with e.g. town centre or Business Improvement District managers, and council planning offices.

**Q45. Please can you provide any evidence on how many small and micro sized retail businesses we might likely expect to apply for an exemption to hosting a return point, on the grounds of either close proximity to another return point or on the compromise of safety considerations?**



NILGA does not have access to such data. This information may be available from trade organisations such as the Federation of Small Businesses, Retail NI and Hospitality Ulster, or could be collated from local authorities and Department of Finance (NI) LPS on the basis of rates payments and economic development data.

### *Obligations on exempted retailers*

**Q46. Do you think obligations should be placed on retailers exempted from hosting a return point to display specific information informing consumers of their exemption?**

**Yes**

If yes, please tick what information retailers should be required to display:

- a.) Signage to demonstrate they don't host a return point; **X**
- b.) Signage to signpost consumers to the nearest return point; **X**
- c.) Anything else?

Yes - Information on in-scope containers

**Q47. Do you agree with our rationale for not requiring retailers exempted on the basis of a breach of safety not to be required to signpost to another retailer?**

**Yes**

Please explain your answer.

Provision locally of a communal (possibly community owned) facility would overcome the issue of forcing one retailer to 'advertise' another.

### *Revoking an Exemption*

**Q48. How long do you think exemptions should be granted for until a review date is required to ensure the exemption is still required?**

- a.) 1 year
- b.) 3 years**
- c.) 5 years or longer

Three years, or on change of ownership of the premises, or return point host premises.

### *Using Technology in a Deposit Return Scheme*

**Q49. Do you think the scheme could benefit from technological solutions being incorporated as a method of return, alongside reverse vending machines and manual return points?**

**Yes**

**Q50. How could a digital deposit return scheme solution be integrated into existing waste collection infrastructure? Please explain your answer.**

Improved provision of separate collection for in-scope containers will be necessary, with emphasis on cleaning the containers beforehand. It should be noted that not all householders have

smartphones, and so an alternative return provision would need to continue unless another form of scanner is provided. Good communication of change will be required.

It is highlighted that the withdrawal of in-scope materials from household collections for a period of time, followed by resuming (an albeit altered) collection, will have significant impacts on council costs and contract arrangements. Suitable lead-in times will be required for changes of this nature, and provision should be made for councils to access the deposits lost from containers placed in household collection without householder redemption.

**Q51. What are the potential fraud control measures a digital deposit return scheme could bring?**

A digital system could assist in managing the risk associated with bin-raiding by people seeking to claim the deposits from other people's discarded drinks containers (from litter bins or recycling bins left out for collection). It is essential that any additional costs falling to Councils from such fraudulent activity (particularly in the short term) should be included in the calculation of FNCR so that producers do indeed pay the full cost of managing their wastes.

It is also noted that digital controls would assist in reducing the risk of cross-border fraud, but this would be further safeguarded by collaborative working between the government of the Republic of Ireland, DAERA and DEFRA, and the relevant DMO arrangements.

**Q52. Do you think a digital deposit return scheme could ensure the same level of material quality in the returns compared to a tradition return to retail model, given containers may not be returned via a reverse vending machine or manual return point where there is likely to be a greater scrutiny on quality of the container before being accepted?**

**No**

**Please explain your answer.**

This is unlikely in the short term - and will require good communication with householders in relation to their new collection arrangements. In Northern Ireland, for example, when separate food waste collections began, an uncompromising public messaging campaign was instigated. Some councils also found it useful to place large warning stickers on the bins of those residents who continued to placing food in the residual waste bin, to deter this and encourage take up of the new system. Suitable receptacles were provided for each household. New systems take time to bed in, and the DMO would need to factor in at least an initial dip in quality, in our view.

**Q53. If the digital deposit return scheme system can be integrated into the existing waste collection infrastructure would its implementation and running costs be lower? Please provide evidence to support your answer.**

Any new system will require provision of suitable receptacles and infrastructure, good communication with the public and integration of new collection routes/separate collection mechanisms. The main identifiable cost saving would be if there was use of existing council vehicles, but if the collection is outsourced to the private sector, then a new collection contract would need to be established.

The dip in collections, from the existing system to a reverse vending machine system, followed by return (in the main) to an improved form of collections, is likely to result in increased costs, due the chopping and changing in contracts and materials flows/supply chain.

### *Planning Permission for hosting a reverse vending machine*

**Q54. Do you support the proposal to introduce a new permitted development right for reverse vending machines, to support the ease of implementation for the scheme?**

**Yes**

**Do you have any amendments or additional parameters you would propose are reflected in the permitted development right?**

It should be noted that planning legislation in Northern Ireland is completely separate from that in England, and will require liaison with the Department for Infrastructure (NI) for change to be effected. The relevant legislation would be the *Planning (General Permitted Development) Order (Northern Ireland) 2015*.

## *6. Labelling*

**Q55. Do you agree that the following should be part of a mandatory label for deposit return scheme products?**

a) an identification marker that can be read by reverse vending machines and manual handling scanners. **Yes**

b) a mark to identify the product as part of a deposit return scheme. **Yes**

c) the deposit price.

**Yes**, although it should be noted that any changes to the deposit price will require a lead in time for producers to alter labels appropriately.

**Q56. Are you aware of further measures that can be taken to reduce the incidence and likelihood of fraud in the system?**

It should be ensured that the labelling system is difficult to counterfeit.

### *UK Internal Market Act – Mutual Recognition of Goods*

**Q57. Do you agree with our proposals to introduce mandatory labelling, considering the above risk with regards to containers placed on the market in Scotland?**

**Yes**, although NILGA would defer to colleagues in Scotland on this issue, and the views of e.g. Scottish Whisky producers should be sought. The all-island agri-food market in Ireland, although a separate issue, must also be given consideration.

**Q58. Do you consider the risk of incorrectly labelled products entering the markets of England, Wales or Northern Ireland via Scotland to be a significant risk?**

This is a possible risk, but it is hoped that Scottish drinks producers will be amenable to requirements in place in other part of the UK.

**Please provide any evidence to support your answer.**

NILGA has no quantitative or qualitative evidence in this regard, but cross-border customer numbers may be available from relevant trade bodies.

**Q59. Do you consider leaving any labelling requirements to industry to be a better option than legislating for mandatory labelling requirements?**

**No.**

**Please explain your answer.**

Mandatory labelling provides more clarity for all in the system and is less open to interpretation of requirements/style variations.

***Impact on Small Producers***

**Q60. Are you aware of any other solutions for smaller producers who may not currently label their products? Please explain your answer.**

Stickers provided by DMO seems to be an appropriate solution, but views should be sought from smaller producers and via appropriate trade bodies, e.g. NI Food and Drink [www.nifda.co.uk](http://www.nifda.co.uk).

***Lead-in Times***

**61. We believe 18 months is a sufficient period of time for necessary labelling changes to be made. Do you agree?**

a.) Yes/ No

**N/A**

**Can you provide any evidence to support your answer?**

NILGA does not have sufficient information to enable an answer to be given to this question. It is noted that the industry previously indicated that 2-3 years was necessary.

***Producer/Retailer processes***

**62. Will your processes change as a result of mandatory labelling? Yes/ No/ Don't know. Please explain your answer.**

**N/A**

***Future proofing***

**63. Do you agree that our proposed approach to labelling will be able to accommodate any future changes and innovation? Yes / No / **Don't know****

Are you aware of any upcoming technology in the field of labelling?

No.

## 7. Local Authorities and Local Councils

### Options Presented:

*1: Do nothing. Local authorities redeem deposits of deposit return scheme containers in collection streams.*

*2: The DMO makes payments for deposit return scheme containers appearing in all local authority waste streams (preferred option).*

*3: Hybrid option – The DMO pays a deposit value on containers that are returned and any additional deposit return scheme material in local authority waste streams is covered by a funding formula.*

**Q64. Do you agree that local authorities will be able to separate deposit return scheme containers either themselves or via agreements with material recovery facilities to regain the deposit value?**

- Yes

- No

**Please explain your answer**

Arrangements could be made, with the necessary resources made available, and a realistic timeline in relation to contracts, staffing etc., to institute a new system, although the infrastructure deficit in Northern Ireland is likely to cause issues, with much greater reliance on contractors than preferred, and difficulty in complying with the proximity principle.

It should be noted that in Northern Ireland, there is no Materials Recycling Facility code of practice in place, and that this will need to be addressed by DAERA as a matter of urgency. We are also awaiting the outcome of a recent 'Future of Recycling' consultation, which will have a direct bearing on the outcome of this question.

**Q65. Do you agree that local authorities will be able to negotiate agreements with material recovery facilities to ensure gate fees reflect the increased deposit values in waste streams or a profit sharing agreement on returned deposit return scheme containers was put in place?**

- Yes

- No

**Please explain your answer.**

These are massive systemic changes, and both councils and MRF operators need to grapple with how they adapt to resulting changes in composition. A great deal of pre-planning will be required. It must be emphasised that all material collected at kerbside does not mirror all material gathered in EPR and the proposed DRS.

In terms of material value, if councils are developing a gate fee contract they won't know what benefit they are getting in terms of reduced gate fee for that recycling element, but would get something offset against costs as if 'built in'. Councils could be in a precarious position as the market value for some of the products is extremely high, with uncertainty in relation to return if these are offset and councils are paying through a gate fee mechanism. Attention needs to be paid to composition and councils will need to explore data provision with some contractors. Also recycling targets will be affected, with implications for council legal obligations. There are issues for Northern Ireland arising from the ongoing infrastructure and policy deficit, as noted at Q64.

**Q66. In order to minimise the risk of double payments from the Deposit Management Organisation to local authorities, where should data be collected regarding the compositional analysis to prevent the containers then being allowed to be redeemed via return points?**

The principle of Option 2 sounds reasonable if material cannot be reasonably separated out, although the payment mechanism and associated costs for an 'efficient and effective collection' and the various payment groups would require further consultation and agreement. There should also be capacity for an appeals system if a council can demonstrate it has been inappropriately categorised or the payments do not reflect the costs incurred.

Compositional analysis would be required at the MRF, checking individual bins is a very expensive process and is likely to be less representative due to a smaller sample size. Compositional analysis at the MRF does potentially open the system up to fraud where councils may receive a relatively constant payment and the MRFs claim any excess deposits if there are any.

It is noted that an assumption has been made that the proportion of 70% of recycling of drinks beverage packaging would continue once the DRS material has been removed. NILGA believes this is unlikely to remain constant as residents which currently recycle well may be more likely to use the DRS return options. The 7% estimation for the kerbside recycling may therefore not be representative if the high DRS rate of 90% is achieved, furthermore the proportion in the residual could also be higher. Further modelling and compositional once the DRS system is in place would be required to ensure council payments were representative of the materials being collected.

NILGA notes a recent survey of LARAC members which found that there was no overall preference for who should be undertaking, organising the compositional analysis between the MRF, The DMO, or an approved third party. LARAC members were however clear that it should not be the local authority which has to undertake the compositional analysis.

**Q67. How difficult do you think this option would be to administer, given the need to have robust compositional analysis in place? Please explain your answer.**

This option is only a potential approach if the majority of councils can separate DRS material which will rely on MRFs to provide the data. Having reliance on compositional analysis is expensive and would need to be carried out on a regular basis to ensure it is representative. If a variable deposit is

introduced, this would be very difficult to verify in a standard compositional analysis and would require even greater monitoring.

A simpler and cheaper alternative is to consider mass balance. If it is known what has been placed on the market, the vast majority of this will have a relatively quick turnover. It would therefore be reasonable to assume that once the deposits have been reclaimed at return points most of the remaining material will be collected by local authorities either in the kerbside recycling, residual bin or littered. Occasional compositional analysis could be completed to confirm this. Therefore, NILGA considers it will be difficult to administer this option and does not support it.

**Q68. What option do you think best deals with the issue of deposit return scheme containers that continue to end up in local authority waste streams?**

**a. Option 1**

**b. Option 2**

**c. Option 3**

**Please briefly state the reasons for your response. Where available, please share evidence to support your view.**

NILGA strongly supports option 2, as this maximises the potential return of DRS material and offers a fair system of payment to cover all the DRS material councils collect (recycling, litter, and residual).

The DMO will be able to determine the weight/quantity of all in-scope material placed on the market and, through return points, determine the proportion that has been redeemed. Assuming that the system is sufficiently effective to minimise or eradicate material 'leakage', and that reporting timescales account for material that may be retained by the householder with the intention of redeeming deposits in future (stockpiling) it can be reasonably stated that all remaining material will fall upon the council to deal with, through kerbside recycling, residual waste containers, HWRCs, litter (on street and in litter bins) and also illegal waste disposal (fly tipping). A council should not be financially disadvantaged for failures in the DRS that the council cannot control.

## ***8. Compliance Monitoring and Enforcement***

**Q69. Are there any other producer obligations you believe the Environmental Regulators should be responsible for monitoring and enforcing?**

In Northern Ireland particularly, attention will need to be paid to cross-border (North/South) producer activity, as we are aware that producers may be operating on an all-island basis. This will be important, specifically in relation to appropriate labelling. Additional complexity may arise as a result of Brexit, and enforcement/monitoring activity may be necessary to include in checks at sea and air ports.

**Q70. Are local authorities (through the role Trading Standards and the Primary Authority Scheme) best placed to enforce certain retailer obligations?**

**Yes**, with appropriate resources provided. It must be highlighted that in Northern Ireland, there is a split in responsibilities. The Department for Economy is responsible for Trading Standards (e.g. weights and measures), with the 11 district councils responsible for Consumer Safety/Protection.

Given the scale of the proposed DRS, and in light of 'Better Regulation' principles it is the NILGA view that the regulation of retailer obligations in Northern Ireland would be best delivered by councils, aligned with other responsibilities such as environmental health, which see council officers in retail premises on a regular basis in a regulatory role. It is important for both Defra and DAERA to note that at present, the New Burdens Doctrine applicable in other parts of the UK, is not in place yet in Northern Ireland and that appropriate resources will be required to ensure regulation by councils can take place.

**Please give any alternative suggestions.** **N/A**

**To what extent will local authorities be able to add monitoring and enforcement work for the deposit return scheme to existing duties they carry out with retailers?**

Adequate resources, including initial training, will be required. See response to Q70 above.

**Q71. In addition to those in the table, are there any other types of breaches not on this list that you think should be? If so, what are they? These may include offences for participants not listed e.g. reproprocessors or exporters.**

**Producers:** adding a label to product that doesn't meet requirements

**Importers** (to NI from Scotland or Republic of Ireland): Non-compliance with labelling requirements

**Exporters** (from Scotland): Non-compliance with labelling requirements

**Retailers:** Not storing returned material safely – should include hygiene and pest proofing requirements

**Councils, MRF operators:** Fraudulent activity

**Q72. Are there any vulnerable points in the system? Please explain your answer?**

Materials movements, between UK regions and between NI and ROI, could cause complexities and potential confusion for producers, particularly small producers, as well as provide opportunities for fraudulent activity.

Storage of in-scope containers could lead to fraudulent activity.

The scale of the system will cause compliance and enforcement difficulties for the DMO unless sufficient and credible staffing is provided at local level. In Northern Ireland, this will require a sufficiently resourced regulator (which we believe should be independent rather than an offshoot of DAERA), and sufficiently resourced councils (in the absence of appropriate New Burdens arrangements). Provision of a regional office of the DMO should be considered.

**Q73. Do you see a role for the Deposit Management Organisation to seek compliance before escalating to the Regulator?**



**Yes,** for retailers, producers and councils; early attempts to resolve issues can only assist in the smooth running of the system and development of good communications/working relationships.

**Q74. Do you agree with the position set out regarding enforcement response options? If not, please expand your answer.**

Further to our response to Q73, if the DMO is a provider of advice and guidance, then an initial advisory/guidance stage from the regulator could prove duplicative and unnecessarily elongate the regulatory process. A regulation 'flow' should include any initial DMO activity in this regard.

NILGA is keen to ensure that the costs of enforcement are fully covered, to ensure that enforcement can be delivered effectively. It is the experience of local government in Northern Ireland that a system reliant on fixed penalty payments for cost recovery usually requires supplementary resources to cover the accompanying burden of administrative and legal costs.

## **9. Implementation Timeline**

**Q75. Do you have any comments on the delivery timeline for the deposit return scheme? Please pose any views on implementation steps missing from the above?**

The timeline seems very ambitious, and will need to take into account the lead-in times required by scheme participants, particularly where production or contracting changes are required.

Additionally, a number of key policy pieces are not in place in Northern Ireland, such as decisions on the future of recycling, 'TEEP' policy and a MRF code of practice; these will need to be agreed and published as soon as possible.

NB: The current NI Assembly mandate is due to end in 2022, with an accompanying period of heightened political sensitivity around the election and consequent constraints on time available for legislative passage. This may have an impact on timings for regulations required to be passed by the NI Assembly. Additionally, implementation of the Planning Act (Northern Ireland) 2011 is under review, which may impact on timing of changes to planning legislation (e.g. PD rights) that are necessary to the implementation of the DRS.

The timeline for consideration and delivery of the necessary digital infrastructure seems overly optimistic.

**Q76. How long does the Deposit Management Organisation need from appointment to the scheme going live, taking into account the time required to set up the necessary infrastructure? Please provide evidence to support your answer.**

a.) 12 months

b.) 14 months

c.) 18 months

**d.) Any other (please specify)**

At least two years, if not longer.

**Q77. Depending on the final decision taken on the scope of the scheme in England and Northern Ireland – all-in or on-the-go – what, if any, impact does this have on the proposed implementation period?**

An all-in scheme is likely to take longer to set up and implement due to the wider variety of materials, container sizes, greater need for storage space/provision of reverse vending machines at retail outlets, more complexity in development of local circular economy jobs.

## **10. Summary of Approach to Impact Assessment**

**Q78. Do you agree with the analysis presented in our Impact Assessment?**

**Yes –** broadly, but with the caveat below.

**Please briefly state the reasons for your response. Where available, please share evidence to support your view.**

NILGA notes that in the associated Impact Assessment, only limited data is available from the developed administrations, and that “territorial data that will allow a bottom up compilation of estimations at that level is being sought”. Projections from England in relation to the impact assessment for Northern Ireland may or may not be useful.

### **Disclaimer**

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<b>Report on</b>	Building Control Workload
<b>Date of Meeting</b>	15 <sup>th</sup> June 2021
<b>Reporting Officer</b>	William Wilkinson

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

<b>1.0</b>	<b>Purpose of Report</b>		
1.1	To provide Members with an update on the workload analysis for Building Control across Mid-Ulster District Council.		
<b>2.0</b>	<b>Background</b>		
2.1	<p>Building Control applications are received in three different forms:-</p> <p>a Full Applications - submitted with detailed working drawings.</p> <p>b Building Notices - minor work not usually requiring detailed plans, e.g. provision of insulation to roof space, etc.</p> <p>c Regularisation Applications – where work has been carried out without an approval, an application must be submitted for retrospective approval.</p>		
<b>3.0</b>	<b>Main Report</b>		
3.1	<b>Workload Analysis</b>	<b>May 2021</b>	<b>Accumulative 2021/22</b>
	Total number of Applications	<b>170</b>	<b>400</b>
	Full plans applications received	<b>60</b>	<b>133</b>
	Building Notices applications received	<b>88</b>	<b>232</b>
	Regularisation applications received	<b>22</b>	<b>35</b>
	Estimated value of works submitted	<b>£9,576,722</b>	<b>£22,152,452</b>
	Number of inspections carried out by Building Control Officers	<b>665</b>	<b>1215</b>

	Commencements	181	343
	Domestic Dwellings	63	121
	Domestic alterations and Extensions	106	197
	Non-Domestic work	12	25
	Completions	129	233
	Domestic Dwellings	43	77
	Domestic alterations and Extensions	77	139
	Non-Domestic work	9	17
	Property Certificates Received	211	375
3.2	As previously indicated, the Building Control Department have continued to provide a full service to the Public as required during the Covid-19 Pandemic.		
3.3	It should be noted from the Workload Analysis in 3.1, that the full range of applications are being received and administered in accordance with our procedures and performance criteria.		
3.4	It can also be noted that the demand for the service has increased over the past number of months and Building Regulation applications submitted are now at pre pandemic levels		
3.5	All inspections are now being carried out as requested subject to a risk assessment being completed.		
<b>4.0</b>	<b>Other Considerations</b>		
<b>4.1</b>	<b>Financial, Human Resources &amp; Risk Implications</b>		
	Financial: Within Current Resources		
	Human: Within Current Resources		
	Risk Management: None		
<b>4.2</b>	<b>Screening &amp; Impact Assessments</b>		

	Equality & Good Relations Implications: None
	Rural Needs Implications: None
<b>5.0</b>	<b>Recommendation(s)</b>
5.1	Members are requested to note the content of this report.
<b>6.0</b>	<b>Documents Attached &amp; References</b>
6.1	Appendix 1 – List of significant applications received by the Building Control Service.



**Significant Developments May 2021**

<b>Applicant</b>	<b>Location of Development</b>	<b>Details of Development</b>	<b>Estimated value of development</b>
Care Facilities Ltd	80a Fairhill Road, Cookstown.	Extension to Care Home (Floor Area 656 m2) B.C. fee - £4,570	£826,000
ARC Developments NI Ltd	Kilcronagh Business Park, Cookstown.	Erection of Workshop & Offices (Floor Area 1159m2) B.C. fee - £3,410	£593,408
D & L Trading Ltd	Off Station Road, Magherafelt. .	Erection of 5 Dwellings (Ave Floor Area 150m2) B.C. fee - £1,518	£476,250
Kilcronaghan Parish Church	3 Wood Road, Tobermore. .	Erection of Church Hall (Floor Area 405m2) B.C. fee - £2,540	£419,580
Kudos	Off Moneymore Road, Cookstown. .	Erection of 5 Dwellings (Ave Floor Area 95m2) B.C. fee - £1,362	£301,625





<b>Report on</b>	Entertainment Licensing Applications
<b>Date of Meeting</b>	15 <sup>th</sup> June 2021
<b>Reporting Officer</b>	William Wilkinson

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

<b>1.0</b>	<b>Purpose of Report</b>
1.1	To update Members on Entertainment Licensing applications across Mid Ulster District Council.
<b>2.0</b>	<b>Background</b>
2.1	The Council has responsibility for licensing places of entertainment in accordance with The Local Government (Miscellaneous Provisions) (NI) Order 1985.
2.2	Entertainment Licensing applications are received on a continued basis across the District.
2.3	Statutory consultations are carried out with PSNI and NIFRS for each Entertainment Licence application (grant or renewal) submitted.
<b>3.0</b>	<b>Main Report</b>
3.1	<p>As previously agreed a list of applications for all grant/renewal of Entertainment Licences in Mid Ulster District Council is attached (see Appendix 1). The number of applications received on a monthly basis will vary depending on the date of expiry of the current licence. Each application is accompanied by the following documentation:</p> <ol style="list-style-type: none"> <li>1 A current Fire Risk Assessment detailing the following: <ol style="list-style-type: none"> <li>(a) means of escape from premises</li> <li>(b) management responsibilities for day to day safety aspects</li> <li>(c) details of review on an annual basis</li> </ol> <p>The fire risk assessment submitted is audited by the inspecting officer.</p> </li> <li>2 Electrical certification is required for the following: <ol style="list-style-type: none"> <li>(a) General electrical installation</li> <li>(b) Emergency lighting system</li> <li>(c) Fire alarm system</li> </ol> </li> <li>3 Details of current public liability insurance for premises</li> </ol>

	4 Copy of public advertisement in local press
3.2	<p>Following the application for the Grant/Renewal of an Entertainment Licence being submitted and validated, an inspection is carried out to ensure that the premises are in compliance with all relevant guidance and legislation. Areas which would be inspected are as follows:</p> <ol style="list-style-type: none"> <li>1. Means of escape from the venue i.e. Final Exit Doors and Easy Opening Devices are satisfactory and escape routes are free from obstruction etc.</li> <li>2. All floor, wall, and ceiling coverings are in compliance and in good condition</li> <li>3. All firefighting equipment are correctly positioned and serviced as required</li> <li>4. The general condition of the premises is satisfactory</li> <li>5. All management documentation is in place</li> </ol>
3.3	Entertainment licensing applications have continued to be processed where possible including statutory consultations with external Bodies as required by legislation.
3.4	Licences have been issued where inspections had been completed and all points requiring attention have been addressed.
3.5	Inspection of venues have re-commenced where it is possible to do so and specifically where issues in relation to the current Covid-19 Guidance can be achieved.
3.6	In addition, within the correspondence to all licensees which accompanies newly issued licences, it is highlighted that on re-opening of their premises, the numbers permitted will be reduced in line with current Government Guidance regarding Covid-19.
<b>4.0</b>	<b>Other Considerations</b>
<b>4.1</b>	<b>Financial, Human Resources &amp; Risk Implications</b>
	Financial: Within Current Resources
	Human: Within Current Resources
	Risk Management: None
<b>4.2</b>	<b>Screening &amp; Impact Assessments</b>
	Equality & Good Relations Implications: None
	Rural Needs Implications: None

<b>5.0</b>	<b>Recommendation(s)</b>
5.1	Members are requested to note the content of this report.
<b>6.0</b>	<b>Documents Attached &amp; References</b>
6.1	Appendix 1 – Schedule of applications received for the Grant/Renewal of Entertainment Licences.
6.2	Appendix 2 – Schedule of Entertainment Licence applications which have been granted/renewed.



**Schedule of applications Received for the Grant/Renewal of Entertainment Licences in June 2021**

<b>Name of Applicant</b>	<b>Name of Premises</b>	<b>Address of Premises</b>	<b>Type of Licence</b>	<b>Days and Hours proposed</b>	<b>Max Number of Patrons</b>
E O'Neill	St Mary's Hall	West Street Stewartstown	14 Unspecified Days	Monday To Sunday From: 10.00 To: 01.00	200
K Corley	Aghaloo Community Centre	70 Moore Street, Aughnacloy	Annual	Monday to Thursday From: 09.00 To: 23.00  Friday And Saturday From: 09.00 To: 24.00  Sunday From: 09.00 To: 24.00	460
W L Richardson	Richardson's Bar	9 Main Street, Tobermore	Annual	Monday To Saturday From: 11.30 To: 01.00  Sunday From: 10.30 To: 01.00	101

Appendix 1

<b>Name of Applicant</b>	<b>Name of Premises</b>	<b>Address of Premises</b>	<b>Type of Licence</b>	<b>Days and Hours proposed</b>	<b>Max Number of Patrons</b>
P Gervin	Gervin's Bar	1 Barrack Square, Coalisland	Annual	Monday To Saturday From: 11.30 To: 01.00  Sunday From: 12.00 To: 24.00	339
C Eastwood	Pot Black Snooker Club	2b Burn Road, Cookstown	Annual	Monday To Sunday From: 10.00 To: 02.00	86
S Boyle	The Cosy Corner Bar	68 Gulladuff Road, Gulladuff	Annual	Monday To Saturday From: 11.30 To: 01.00  Sunday From: 12.30 To: 22.00	60

**Schedule of applications Issued for the Grant/Renewal of Entertainment Licences/Place approval in May 2021**

<b>Name of Applicant</b>	<b>Name of Premises</b>	<b>Address of Premises</b>	<b>Type of Licence</b>	<b>Days and Hours Granted</b>
L Knox	Molesworth Church Hall	69-71 Molesworth Street, Cookstown	14 Unspecified Days	Monday to Friday From: 18.00 To: 01.00  Saturday From: 18.00 To: 24.00
E Donaghy	Donaghy's Bar	26 William Street, Dungannon	Annual	Monday to Saturday From: 11.30 To: 01.00  Sunday From: 12.30 To: 10.30

<b>Name of Applicant</b>	<b>Name of Premises</b>	<b>Address of Premises</b>	<b>Type of Licence</b>	<b>Days and Hours Granted</b>
G Williamson	The Valley Hotel	60 Main Street, Fivemiletown	Annual	Monday to Saturday From: 11:30 To: 01.00  Sunday From: 12:30 To: 01.00
Messrs A Robson, A Beacom & H McCleary	Corick House Hotel	20 Corick Road, Clogher	Annual	Monday To Sunday From: 09.00 To: 02.00
C Eastwood	The Rusty Key	64-66 Main Street, Pomeroy	Annual	Monday To Saturday From: 11.30 To: 01.00  Sunday From: 12.30 To: 24.00



<b>Report on</b>	Building Control Service Improvement Plan 2021-22
<b>Date of Meeting</b>	15 <sup>th</sup> June 2021
<b>Reporting Officer</b>	William Wilkinson

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

<b>1.0</b>	<b>Purpose of Report</b>
1.1	To inform members of the content of the annual Service Improvement Plan (SIP) for the Building Control Service for the period 2021/22.
<b>2.0</b>	<b>Background</b>
2.1	A Service Improvement Plan has been prepared for the Building Control Service for 2021/22 which will contribute towards the Council's Corporate Objectives.
2.2	<p>The Building Control Service is within the Public Health and Infrastructure Directorate and is responsible for the following function areas across Mid-Ulster District Council:</p> <ul style="list-style-type: none"> <li>• Enforcement of Building Regulations</li> <li>• Entertainment Licensing</li> <li>• Petroleum Licensing</li> <li>• Cinema Licensing</li> <li>• Approval of places for Civil Marriages and/or Civil Partnerships.</li> <li>• Property Certificates</li> <li>• Street Naming and Dual Language Signage</li> <li>• Energy Performance of Building Regulations</li> <li>• Dangerous Structures</li> <li>• Enforcement of "Energy Performance of Buildings" legislation</li> </ul>
<b>3.0</b>	<b>Main Report</b>
3.1	<p>Within the Building Control Service Improvement Plan there are a number of actions and associated outcomes which have been identified. When the outcomes are achieved for the actions as identified, the service to our customers will be enhanced and improved. The Service Improvement Plan for 2021-2022 includes the following areas:</p> <ul style="list-style-type: none"> <li>• Purpose, scope and responsibilities of the service</li> <li>• Customers and stakeholders</li> <li>• Overview of performance in 2020/21</li> <li>• Budget and staffing compliments for 2021/22</li> <li>• Service Work Plan for 2021/22</li> </ul>

	<ul style="list-style-type: none"> <li>• Service Contribution to the Corporate Improvement Objectives/Projects</li> <li>• Risks for Building Control Service</li> </ul>
3.2	It should be noted that the performance of the Building Control Service within Mid Ulster has resulted in response times for full plan applications – domestic and non-domestic, as well as amended plans being over 90% in each case. This performance would compare favourably with any other Council across N Ireland.
3.3	It is anticipated that the level of performance achieved by the Building Control Service will continue to meet and exceed the targets as specified within the Service Plan for 2020/21.
3.4	In addition, it is anticipated that there may be further challenges to the Building Control Department in 2021/22 due to Covid-19 and Brexit. The impact of Covid-19 and Brexit to date has not resulted in the Construction Sector experiencing a sustained downturn with the property market and construction/development sector within Mid Ulster District Council regaining and maintaining a strong level of activity.
<b>4.0</b>	<b>Other Considerations</b>
<b>4.1</b>	<b>Financial, Human Resources &amp; Risk Implications</b>
	Financial: Within current resources
	Human: Within current resources
	Risk Management: None
<b>4.2</b>	<b>Screening &amp; Impact Assessments</b>
	Equality & Good Relations Implications: None
	Rural Needs Implications: None
<b>5.0</b>	<b>Recommendation(s)</b>
5.1	That members note the content of the attached Building Control Service Improvement Plan for 2021-2022.
<b>6.0</b>	<b>Documents Attached &amp; References</b>
6.1	Appendix 1 – Building Control Service Improvement Plan 2021-2022.



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

*Building Control Service  
Department of Public Health and  
Infrastructure*

**SERVICE PLAN - 2021 / 22**

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## Foreword

At the start of 2020, Northern Ireland faced the spread of the global Covid-19 pandemic, which in turn has impacted on the way, Mid Ulster District Council delivers its services to communities. The Council's initial response was to protect frontline services, support the vulnerable in the community and ensure continuity of services.

On the Council's road to recovery and reinstatement of services, we have established 'Recovery Activities' that will enable the Council to learn from the impacts that Covid 19 caused, i.e. the new and emerging challenges that services face and the opportunities that have emerged from new ways of working. These 'Recovery Activities' will support the Council's Corporate Plan and this Service Plan will also support the delivery of these higher level objectives and associated outcomes for the residents of the District.

To make sure that we are transparent in what we are aiming to achieve, there is a series of activities outlined within the Service Plan. It should be noted, that it is proposed, that this will be a dynamic service plan, in light of Council's ongoing response to the Pandemic, reflecting the changing context within which it has been developed. Any changes that need to be made to the service plan (i.e. new actions added, or actions removed) will be reported to the Director of the Department as well as being reported as part of our 'business as usual' performance monitoring activity through committee papers during 2021/22.

## **1.0 OVERALL PURPOSE AND SCOPE OF THE SERVICE**

### **1.1 Purpose and Scope of the Service**

The Building Control Service has primary responsibility for the enforcement of the Building Regulations in accordance with Building Regulations (Northern Ireland) Order 1979 (as amended) within Mid-Ulster District.

The BC Service is responsible for the administration of Property Certificates on behalf of the Council as well as the Policy on Street Naming and Dual Language Signage.

The BC Service has also responsibility for the enforcement of the Energy Performance of Buildings Regulations throughout the District.

In addition, the BC Service carries out the licensing function for Entertainment Licensing, Petroleum Licensing, Cinema Licensing and Approved Places for Marriages and Civil Partnerships.

Currently there are 15 Building Control Officers and 1 Licensing Officer assisted by 5.5 Business Support Officers and 1 Licensing Support Officer located in 3 offices at Cookstown, Dungannon and Magherafelt to ensure that a high level of service is available across the District.

### **1.2 Responsibilities**

***The section is specifically responsible for the following functions:***

- All plans submitted in accordance with the relevant legislation will be assessed and decisions issued.
- Building works in progress will be inspected as necessary to ensure as is reasonably practicable, Building Regulations are not contravened.
- The administration of Property Certificates which primarily details relevant information in relation to a property with regards to Building Control and Environmental Health issues where applicable.
- The administration of Street Naming and Property Numbering for all new streets – both Residential and Commercial developments
- The administration of the Dual Language Signage Policy.
- The inspection of Dangerous Structures in accordance with “The Public Health Acts Amendment Act 1907 – Section 30”

- The enforcement of The Energy Performance of Buildings Regulations to ensure the production of Energy Performance Certificates, Display Energy Certificates and Air Conditioning Certificates.
- The Licensing of Places of Entertainment in accordance with The Local Government (Miscellaneous Provisions) (NI) Order 1985
- The Licensing of Premises for the storage of Petroleum in accordance with the Petroleum (Consolidation) Act (NI) 1929.
- The Licensing of Cinemas in accordance with The Cinemas (NI) Order 1991
- Approval of venues for Civil Marriages and Civil Partnerships in accordance with The Marriage Regulations (NI) 2003, The Civil Partnership Act 2004 and The Civil Partnership Regulations (NI) 2005.

### 1.3 Customers & Stakeholders

Customers & Stakeholders
• Residents of the District
• Building Control Applicants
• Architects, Agents, Engineers and Contractors
• Licensing Applicants
• Elected Representatives
• PSNI and NIFRS
• NIHE
• Land and Property Services
• Solicitors and Estate Agents

#### 1.4 Performance Overview in 2020/21

The Covid-19 pandemic has been one of the most significant challenges that Mid Ulster District Council has ever faced. It has required sudden and dramatic changes to the way we work, as Councillors and officers. The previous year has saw Council hold fast with front line service delivery and the section below outlines; our response during 2020 to 2021 i.e. what we achieved, the remaining challenges, and how our service made a difference.

2020/2021 Performance Response/ Overview (What we achieved- Measured Activities)	End of Year Progress Status: Activity was - Completed /Commenced/ Other
<ul style="list-style-type: none"> <li>90% of all domestic applications were responded to by BC within 21 days</li> </ul>	624 domestic full plan applications were assessed with 94% of applications either being approval or a snag list being issued within 21 days from the date of validation
<ul style="list-style-type: none"> <li>90% of all non-domestic applications were responded to by BC within 35 days</li> </ul>	129 non-domestic full plan applications were assessed with 95% of applications either being approval or a snag list being issued within 35 days from the date of validation
<ul style="list-style-type: none"> <li>90% of all amended plans submitted were responded to by BC within 14 days</li> </ul>	972 set of amended plans were submitted with 93% of applications either being approval or a further snag list being issued within 14 days from the date of submission
<ul style="list-style-type: none"> <li>Increase Building Notice and Regularisation online Applications to 50%</li> </ul>	57% of all applications for Building Notices and Regularisation Applications were submitted online
<ul style="list-style-type: none"> <li>Increase Property Certificate applications received online to 50%</li> </ul>	61% of Property Certificate Applications were submitted online
<ul style="list-style-type: none"> <li>Development of online facility for the submission of full plan applications</li> </ul>	Final testing of online facility ongoing with the view to the facility being available to architects /agents for the submission of full plan applications
<ul style="list-style-type: none"> <li></li> </ul>	
<ul style="list-style-type: none"> <li></li> </ul>	



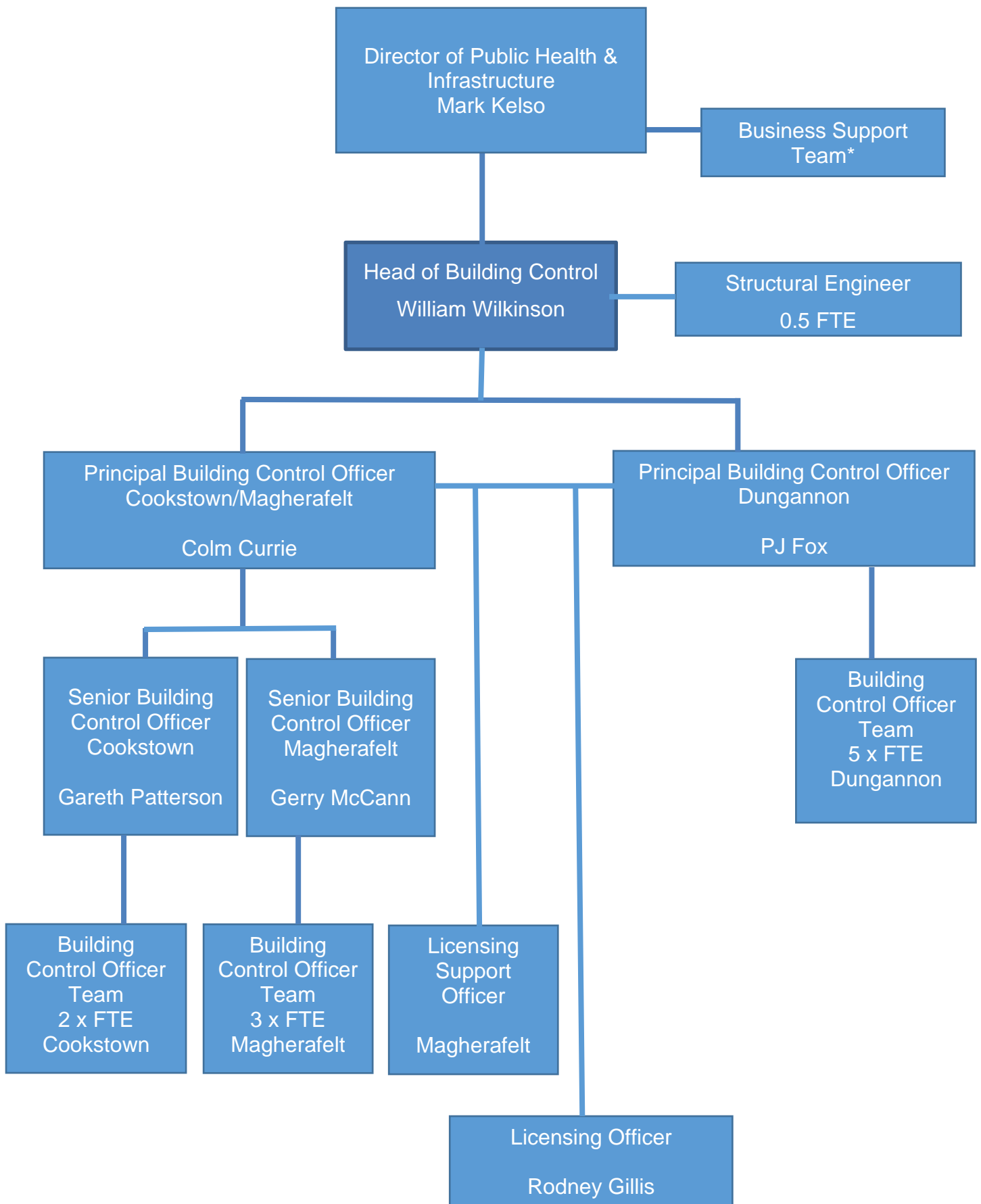
## **2.0 IMPROVING OUR SERVICE AND MANAGING PERFORMANCE - 2021/22**

The following tables confirm the resources, financial and people, which the Service has access to throughout 2021-22 to deliver its actions, activities and core business.

### **2.1 Budget 2021/22**

<b>Service Budget Headings</b>	<b>£</b>
Building Control Income	(£692,900)
Building Control Staff Costs	£702,098
Building Control Office Costs	£4,675
Service Level Agreement – Specialist Structural Services	£45,000
Property Certificate Income	(£90,850)
Licensing Staff Costs	£78,228
Licensing Income	(£56,925)
Gross Budget	£830,001
Income	(£840,675)
Net Budget for 2021-22	(£10,674)

## 2.2 Staffing Complement - 2021/22



<b>Staffing</b>	<b>No. of Staff</b>
Head of Service	1
Managers	4
Officers	11
Remaining Team	1
<b>Total</b>	<b>17</b>

## 2.3 Service Work Plan - 2021/22

This plan confirms the core activities and actions, which will form your Service Work Plan for 2021-22. This is a high-level capture of the Service activities as well as some improvement undertakings which the service will focus on throughout 2021-22. The Plan links to the Council's new 2020-2024 Corporate Plan priorities, Annual Corporate Improvement Plan Objectives, Corporate Indicators and Mid Ulster Sustainable Community Plan themes & outcomes:

### SERVICE WORK PLAN 2021/22

Service Objective (What do we want to achieve?):	e.g. XX			
Link to Community Plan Theme:	Align to Corporate Plan Theme			
<i>CMP 1.1 Economic Growth - We prosper in a stronger &amp; more competitive economy</i>	<i>Service Delivery: 2.1 We will improve services for our citizens through the development and delivery of an innovation agenda</i>			
What are the key ‘Business as Usual’ activities we will deliver (actions):	By When (Date?)	Lead Officers(s)	What difference will it make? (Outcomes/outputs)	How Will we Know? (Measures)
To ensure decisions are issued in respect of domestic applications within 21 days for 90% of applications <ul style="list-style-type: none"><li>Each application is allocated to an officer on validation of application with deadline detailed</li><li>Daily monitoring of domestic applications by PBCO’s to ensure deadlines are met</li></ul>	31/03/2022	PJ Fox, Colm Currie	A high standard has been set for customers to have decisions issued in respect of domestic applications within 21 days	Decisions issued in respect of domestic applications within 21 days of validation for 90% of applications

<p>To ensure decisions are issued in respect of non-domestic applications within 35 days for 90% of applications</p> <ul style="list-style-type: none"> <li>• Each application is allocated to an officer on validation of application with deadline detailed</li> <li>• Daily monitoring of non-domestic applications by PBCO's to ensure deadlines are met</li> </ul>	31/03/2022	PJ Fox, Colm Currie	A high standard has been set for customers to have decisions issued in respect of non-domestic applications within 35 days	Decisions issued in respect of non-domestic applications within 35 days of validation for 90% of applications
<p>To ensure decisions are issued in respect of amended applications within 14 days for 90% of applications</p> <ul style="list-style-type: none"> <li>• Each application is allocated to an officer on validation of application with deadline detailed</li> <li>• Daily monitoring of amended applications by PBCO's to ensure deadlines are met</li> </ul>	31/03/2022	PJ Fox, Colm Currie	A high standard has been set for customers to have decisions issued in respect of amended applications within 14 days	Decisions issued in respect of amended applications within 14 days of receipt for 90% of applications
<p>To ensure that all new addresses are registered and activated on the LPS Pointer Addressing Database</p> <ul style="list-style-type: none"> <li>• Each new dwelling to be registered and allocated an address at validation stage</li> <li>• Street nameplate signage for new developments to be erected following occupation of dwellings</li> </ul>	31/03/2022	PBCO's and SBCO's	Each new property being erected and subsequently occupied will be registered on the Pointer Addressing Database	<p>Each property will be allocated an "Unique Property Reference Number" by LPS following the verified submission of an application to Building Control.</p> <p>Street nameplates to be erected on new streets following occupation of properties on that street.</p>

What <b>Service Development/Improvement</b> will we undertake in <b>2021/22? (actions):</b>	<b>By When (Date?)</b>	<b>Lead Officers(s)</b>	<b>What difference will it make? (Outcomes/outputs)</b>	<b>How Will we Know? (Measures)</b>
Develop an agile working process for Building Control Officers <ul style="list-style-type: none"> <li>• Reduce requirement for desk space in offices</li> <li>• Investigate the use of Council buildings located throughout the district for use as a hot desk space</li> <li>• Research location of Wi Fi hotspots within District where not close to Council buildings</li> <li>• Commence work from home and carry out inspections prior to returning to office/home and vice versa</li> <li>• Work remotely where workload facilitates in terms of plan assessments etc.</li> </ul>	31/03/2022	PBCO's and SBCO's	<p>Can assist to alleviate current pressures on Building Control office space due to social distancing requirements from Covid pandemic by a blend of home working and better utilisation of other council buildings</p> <p>Potentially reduce the travelling required by officers, thereby reducing mileage expenditure, which will in turn reduce the carbon footprint of the Building Control Department</p> <p>All officers have access to mobile IT equipment and can connect to all Building Control IT systems remotely, therefore officers can create some of the relevant communications electronically (i.e. Rejection &amp; Defects letters) and distribute via email without the requirement of using current Business Support Services</p>	<p>All officers have access to mobile IT equipment and can connect via remotely. Therefore continuation of current workloads/ targets should be maintained.</p> <p>Communications generated electronically reducing demand on Business Support, thus reducing duplication of works.</p>

<b>Service Objective (What do we want to achieve?):</b>	<b>e.g. XX</b>			
<b>Link to Community Plan Theme:</b>	<b>Align to Corporate Plan Theme</b>			
<i>CMP 4.2 Health &amp; Wellbeing - We have better availability to the right service, in the right place at the right time.</i>	<i>Service Delivery: 2.1 We will improve services for our citizens through the development and delivery of an innovation agenda</i>			
<b>What are the key 'Business as Usual' activities we will deliver (actions):</b>	<b>By When (Date?)</b>	<b>Lead Officers(s)</b>	<b>What difference will it make? (Outcomes/outputs)</b>	<b>How Will we Know? (Measures)</b>
Increase Building Notice and Regularisation online Applications to 50% <ul style="list-style-type: none"> <li>• Raise awareness of online facility with companies which make multiple applications</li> <li>• Encourage applicants to make applications online</li> <li>• Ensure all online applications are validated daily</li> </ul>	31/03/2022	PJ Fox Colm Currie	Customers can avail of online facilities thereby have access to services 24/7	Number of applications received from the online portal for Building Notices and Regularisation Certificates
Increase Property Certificate applications received online to 75% <ul style="list-style-type: none"> <li>• Continually raise awareness of online facility with Solicitors</li> <li>• Actively encourage non-participating Solicitors to utilise the online portal.</li> <li>• Staff to prioritise online applications to highlight the benefits of the online portal</li> </ul>	31/03/2022	PJ Fox Colm Currie	Customers can avail of online facilities thereby have access to services 24/7. More efficient service for online applications	Number of applications received from the online portal property certificate applications

<b>What Service Development/Improvement will we undertake in 2021/22? (actions):</b>	<b>By When (Date?)</b>	<b>Lead Officers(s)</b>	<b>What difference will it make? (Outcomes/outputs)</b>	<b>How Will we Know? (Measures)</b>
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<p>Launch online facility for the submission of Full Plan Applications</p> <ul style="list-style-type: none"> <li>• Liaise with Tascomi regarding provision of online facility on Council Direct</li> <li>• Develop and finalise procedural documentation for Officers on implementation of online facility</li> <li>• Initially accept the applications for alterations and extensions (up to 60m2) to domestic properties with the view to developing the Online Service</li> </ul>	31/03/2022	PBCO's and SBCO's	<p>Customers can avail of online facilities thereby have access to services 24/7.</p> <p>Submission of plans online will lead to a fully digital service being available.</p>	<p>Availability of online portal for submission of full plan applications by Architects/Agents.</p>
<p>Investigate further file digitisation of files</p> <ul style="list-style-type: none"> <li>• Access to all files available to all Officers remotely</li> <li>• Long term preservation of records</li> <li>• Easy retrieval of digitised information</li> </ul>	31/03/2022	PBCO's and SBCO's	<p>Potentially can reduce carbon footprint of the Building Control Department as file information is available to others digitally in lieu of hard copy and officers do not require to travel to main offices to access the relevant information.</p> <p>Can assist to alleviate current pressures on storage space in Building Control offices</p> <p>File records can be accessed digitally, therefore can be accessed remotely, thereby easy retrieval of information</p>	<p>All officers have access to mobile IT equipment and can connect via remotely. Therefore access to this information is available without visiting main offices and continuation of work practices (i.e. site inspections) remain undisrupted</p> <p>Use of paper/ printing should be reduced, therefore effectively reducing ongoing departmental costs if a further digitised project is carried out.</p>



<b>Service Objective (What do we want to achieve?):</b>	<b>e.g. XX</b>			
<b>Link to Community Plan Theme:</b>	<b>Align to Corporate Plan Theme</b>			
<i>CMP 2.2 Infrastructure - We increasingly value our environment &amp; enhance it for our children</i>	<i>Environment: 4.4 We will work to mitigate against impacts of climate change by taking steps to reduce our carbon emissions as an organisation.</i>			
<b>What are the key 'Business as Usual' activities we will deliver (actions):</b>	<b>By When (Date?)</b>	<b>Lead Officers(s)</b>	<b>What difference will it make? (Outcomes/outputs)</b>	<b>How Will we Know? (Measures)</b>
Enforcement of Energy Performance of Buildings Regulations <ul style="list-style-type: none"> <li>• Inspection of premises for compliance</li> <li>• Provide additional information to estate agents</li> <li>• Enforcement in relation to non-compliant estate agents and premises</li> <li>• All new Buildings to have an EPC in place where applicable</li> </ul>	31/03/2022	PBCO's and SBCO's	Increase in EPB Legislation compliance from Estate Agents in accordance with the agreed Procedural Document	Monitoring and enforcement will show that there will be a measured reduction in the number of non-compliant estate agents due to the risk of receiving a Penalty Charge Notice

What <b>Service Development/Improvement</b> will we undertake in <b>2021/22? (actions):</b>	<b>By When (Date?)</b>	<b>Lead Officers(s)</b>	<b>What difference will it make? (Outcomes/outputs)</b>	<b>How Will we Know? (Measures)</b>
				<b>This is not a long narrative but a clear measurement e.g. %, #, £, date etc.</b>

## **2.4 RISK MANAGEMENT OF SERVICE**

The purpose of risk management is to manage the barriers which prevents the Council from achieving its objectives. This section of the service plan includes space for the Service to input their key risks (in summary form), which have been identified during the business planning process. The Council uses risk management to maximize opportunities and minimize risks. This improves its ability to deliver priorities and improve outcomes. This is why the Council deems it important to link business planning and risk management. Risk Management aims to:

- Help the Council achieve its overall aims and objectives
- Manage the significant risks the Council faces to an acceptable level
- Assist with the decision making process
- Implement the most effective measures to avoid, reduce and control those risks
- Balance risk with opportunity
- Manage risk and internal controls in the most effective way.

This table illustrates the risks identified to deliver the Services business in 2021-22.

Risk Ref Number	Description of Risk	Risk Rating	Mitigation Activity
1.	Non-Compliance of Building Regulations	6	1) Timetabled Staff meetings to discuss any discrepancies that may have occurred on site 2) Continue to monitor and develop system for ensuring consistency of inspections
2.	Delivery and consistent implementation of Policies & Procedures across Mid Ulster Council	6	Monitoring of Policies being carried out on a regular basis by Principal Officers
3.	Health & Safety: Scope of risk extends to: (1) Lone working (2) Daily visits to sites where safety risks are evident to officers	6	Risk assessments reviewed in conjunction with Health and Safety Advice team
4.	Fraud Scope of risk extends to: (1) Fraud generally (2) Cash and Cheque Handling	6	(1) Review financial procedures with Finance Service to ensure compliance with Council procedures for cash handling (2) Monitoring of finance procedures by Principal Officers on a regular basis
5.	Downturn in construction sector as a result of the implementation of Brexit	6	Continually monitor applications to identify any marked reduction in activity within Construction Sector
6.	Failure to meet budget requirements due to the impact of Covid-19	6	Continually monitor financial income to identify any level of reduction of income within Building Control Service

Rating	Descriptor
16 - 25	Extreme Risk (immediate action required)
10 - 15	High Risk (urgent action required)
7 - 9	Moderate Risk (action required)
1 – 6	Low Risk (keep under review)

### **3.0 OUR STATUTORY CONSIDERATIONS**

In carrying out our responsibilities, the Service is cognisant of the statutory duties placed upon the council in the delivery of its services. Whilst the Service operates, under various obligations it is however mindful of the changing context in which it operates and endeavours to mainstream the equality and rural needs duties in the design and delivery of our functions.

#### **3.1 EQUALITY DUTY**

The council and by consequence our Service is committed to contributing towards its part in working towards fulfilling obligations under Section 75 of the Northern Ireland Act 1998 to ensure adequate time, staff and resources to fulfil our duties.

The Service will also work towards adherence to the council's Equality Scheme ensuring equality duties, together with promoting positive attitudes towards persons with a disability and the participation of people with a disability in public life when carrying out our functions.

#### **3.2 RURAL NEEDS DUTY**

The Service will be mindful of the rural needs of its customers when carrying out its functions and subsequent responsibilities, particularly in developing any new policies, plans or strategies throughout the year. In line with the Rural Needs Act (NI) 2016 we will give due regard to rurality in terms of needs in carrying out the activities within our Service.

<b>Report on</b>	Environmental Health Service Improvement Plan 2021-22
<b>Date of Meeting</b>	15 <sup>th</sup> June 2021
<b>Reporting Officer</b>	Fiona McClements, Head of Environmental Health

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

<b>1.0</b>	<b>Purpose of Report</b>
1.1	To inform Members of the content of the annual Service Plan for Environmental Health for 2021/22.
<b>2.0</b>	<b>Background</b>
2.1	As part of the corporate planning process, Service Improvement Plans are put in place within each service area. The Service Improvement Plan for 2021/22 for Environmental Health is attached at Appendix 1. These are supported by more detailed Unit plans for each core function area.
<b>3.0</b>	<b>Main Report</b>
3.1	<p>The Environmental Health Service is responsible for the following main core function areas across Mid Ulster District Council:</p> <ul style="list-style-type: none"> <li>• Food Control</li> <li>• Consumer Protection</li> <li>• Public Health</li> <li>• Environmental Protection</li> <li>• Housing</li> <li>• Dog Control and Animal Welfare</li> <li>• Health &amp; Safety</li> <li>• Health &amp; Wellbeing Programmes</li> <li>• Licensing functions</li> </ul>
3.2	<p>The Service Improvement Plan for 2021/22 includes the following areas:</p> <ul style="list-style-type: none"> <li>• Purpose, scope and responsibilities of the services;</li> <li>• Customers and stakeholders;</li> <li>• Overview of performance 2020/21;</li> <li>• Staffing compliment</li> <li>• Action plan for 2021/22;</li> <li>• Risk Management/Register.</li> </ul>
3.3	A full copy of the Service Improvement Plan is attached at Appendix 1.

<b>4.0</b>	<b>Other Considerations</b>
<b>4.1</b>	<b>Financial, Human Resources &amp; Risk Implications</b>
	Financial: The planned actions within the Service Improvement Plan will be delivered within the annual services budget for 2021/22.
	Human: Environmental Health staffing allocation will be required to deliver statutory services and service improvements and targets.
	Risk Management: N/A
<b>4.2</b>	<b>Screening &amp; Impact Assessments</b>
	Equality & Good Relations Implications: N/A
	Rural Needs Implications: N/A
<b>5.0</b>	<b>Recommendation(s)</b>
5.1	Members are asked to note the contents of this report and the Environmental Health Service Improvement Plan for 2021/22.
<b>6.0</b>	<b>Documents Attached &amp; References</b>
6.1	Appendix 1 – Service Improvement Plan for Environmental Health.





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

# ***Environmental Health Department***

**SERVICE PLAN - 2021 / 22**

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## Foreword

At the start of 2020, Northern Ireland faced the spread of the global Covid-19 pandemic, which in turn has impacted on the way, Mid Ulster District Council delivers its services to communities. The Council's initial response was to protect frontline services, support the vulnerable in the community and ensure continuity of services.

On the Council's road to recovery and reinstatement of services, we have established 'Recovery Activities' that will enable the Council to learn from the impacts that Covid 19 caused, i.e. the new and emerging challenges that services face and the opportunities that have emerged from new ways of working. These 'Recovery Activities' will support the Council's Corporate Plan and this Service Plan will also support the delivery of these higher level objectives and associated outcomes for the residents of the District.

To make sure that we are transparent in what we are aiming to achieve, there is a series of activities outlined within the Service Plan. It should be noted, that it is proposed, that this will be a dynamic service plan, in light of Council's ongoing response to the Pandemic, reflecting the changing context within which it has been developed. Any changes that need to be made to the service plan (i.e. new actions added, or actions removed) will be reported to the Director of the Department as well as being reported as part of our 'business as usual' performance monitoring activity through committee papers during 2021/22.

## 1.0 OVERALL PURPOSE AND SCOPE OF THE SERVICE

### 1.1. Purpose and Scope of the Service

The Environmental Health Department is fundamentally about improving the health & wellbeing of local communities. Our work as outlined in this document makes important contributions towards all of the Council's key themes and objectives, but in particular, through aiming to keep our environment safe and where possible, promoting healthier choices.

The purpose of the Environmental Health Department continues to be the control of factors in the environment which can affect public health and safety within the realms of the Council's statutory obligations. This is mainly achieved by enforcing environmental health legislation in a reactive and proactive manner. The Department also plays a supportive, informative and advisory role in all aspects of Environmental Health including health and well-being.

### 1.2 Responsibilities

Regulatory and advisory work in relation to the following core function areas

1. Food Control
2. Consumer Protection
3. Public Health and Housing
4. Environmental Protection
5. Licensing
6. Dog Control and Animal Welfare
7. Health and Safety
8. Health and Wellbeing programmes

### 1.3 Customers & Stakeholders

Customers & Stakeholders
• Public Health Agency
• Food Standards Agency
• Health and Safety Executive Northern Ireland
• Northern Ireland Housing Executive
• Police Service of Northern Ireland
• Communities
• Residents
• Visitors to the District
• Businesses
• Department for communities
• Department of Agriculture, Environment and Rural Affairs
• Office of Product Safety and Standards

#### 1.4 Performance Overview in 2020/21

The Covid-19 pandemic has been one of the most significant challenges that Mid Ulster District Council has ever faced. It has required sudden and dramatic changes to the way we work, as Councillors and officers. The previous year has seen Council hold fast with front line service delivery and the section below outlines our response during 2020 to 2021 i.e. what we achieved, the remaining challenges, and how our service made a difference.

<b>2020/2021 Performance Response/ Overview (What we achieved- Measured Activities)</b>	<b>End of Year Progress Status: Activity was - Completed /Commenced/ Other</b>
Support for business in changing COVID-19 situation. Ensure that businesses have ready access to Food Hygiene & Food Standards advice and guidance. 90% of all queries responded to within 5 days.	98% responded to within 5 days
Businesses who are intending to or who have resumed their work activities are supported to ensure that they take all reasonable steps to protect their employees and others who may be affected by the risks associated with Covid-19 in the workplace. All requests from business operators for advice, guidance and advisory visits will be responded to within 5 days	99% responded to within 5 days
Provide support for business in changing COVID-19 situation through a revised service delivery model to ensure continuity of service provision to the 74 registered Pollution Prevention Control premises. 90% of all related Environmental Protection complaints to be responded to within 3 days.	All Registered PPC premises contacted as scheduled. 92% of PPC premise related complaints responded to within 3 days
Adequately monitor the District for air quality issues and take suitable steps where exceedances of air quality objectives are noted. Investigation of air quality nuisance complaints, with appropriate action to resolve the problem. 85% of complaints responded to within 3 days	N02 Tubes changed on schedule. 93% of air quality nuisance complaints responded to within 3 days
Health & Wellbeing key messages to be delivered taking into account the COVID -19 situation. Exploration of extended customer journeys through enhanced integration of services with leisure and	55 Clients re-engaged with through MAC programme

<p>parks teams to maximise benefit for customers. Clients on the existing programme re-engaged with to provide support on key messaging and to provide onward signposting as appropriate through integration with the parks and leisure services.</p>	
<p>With respect to EU Exit, assist and advise businesses regarding changes in regulatory checks and controls which fall under EH remit. 90% of all complaints to be responded to within 5 days.</p>	<p>FC – 100% of service requests responded to within 5 days CP – 100% of service requests responded to within 5 days.</p>
<p>Respond continuously to Public Health complaints as per Public Health &amp; Housing unit plan. Respond to 85% complaints within 5 working days</p>	<p>96% responded to within 5 working days</p>
<p>Review and develop new methods of service delivery to minimise H&amp;S risks from COVID-19 across EH</p>	<p>Development of new ways for delivering services through remote means and minimising onsite inspection time. Risk assessments in place.</p>
<p>Development of new delivery models for how Health &amp; Wellbeing key messages can continue be delivered to the target audience already within the Environmental Health database during the various stages of COVID-19. Work with internal partners to update and maximise referral pathways</p>	<p>New delivery models in place for delivery of H&amp;WB messages during COVID -19. Internal partners had to close at points throughout the year due to covid-19 so pathways not available throughout.</p>
<p>Further development of remote and rotational working arrangements for Environmental Health staff with adequate technology in place to facilitate fully operational office environment to ensure business continuity in any current or future situation.</p>	<p>Use of Teams for meetings. Environmental Health staff provided with suitable computer hardware such as laptops. Continued usage and support for web based platforms.</p>

## 2.0 IMPROVING OUR SERVICE AND MANAGING PERFORMANCE - 2021/22

The following tables confirm the resources, financial and people, which the Service has access to throughout 2021-22 to deliver its actions, activities and core business.

### 2.1 Budget 2021/22

Service Budget Headings	£
Affordable Warmth Programme Total	
Consumer Protection Total	
Dog Control including Enforcement Total	
Environmental Health : General /Support Total	
Food Safety Total	
Health and Safety at Work Total	
Health and Wellbeing	
Health Inequalities Total	
Home Accident Prevention Total	
Home Energy Total	
Other Licensing Total	
Neighbourhood Total	
Oil Stamps Total	
Pollution Control/Clean Air Total	
Public Health Total	
Gross Budget	
Income	
Net Budget for 2021-22	

### 2.2 Staffing Complement - 2021/22

Staffing	No. of Staff
Head of Service	1
Managers	4 Principals 9 Seniors
Officers	25
Health & Wellbeing Team	6
<b>Total</b>	<b>45</b>

See Departmental Structure below.

**Director of Public Health & Infrastructure:**

**Head of Environmental Health**

**PHA/SLA  
Funded Posts**

**Principal EHO  
(PH, Housing H&WB)**

**S EHO  
(Public Health)**

**S EHO  
(Housing)**

**S EHO  
Health & Well  
Being  
/Promotion**

**District EHO's  
Health Promotion Officers  
Community Project/Home  
Safety Officers  
Make A Change Health  
Support Officer's  
Affordable Warmth Officer's**

**Principal EHO  
(HS /Licensing )**

**S EHO  
(Health &  
Safety)**

**S EHO  
(Licensing  
/ Public  
Safety)**

**District EHO's  
Licensing/Regulatory  
Public Safety/  
Emergency Planning  
Oil Stamps  
Tobacco Control Officers**

**Principal EHO  
(FC &CP)**

**S EHO  
(Food)**

**S EHO  
(Consumer  
Protection)**

**Business  
Support Team  
x 8 FTE**

**Principal EHO  
(EP, Dogs, Animal  
Welfare)**

**S EHO  
(Environmental  
Protection)**

**Specialist  
EHO**

**S EHO  
(Dogs/ Animal  
Welfare)**

**District EHO's  
Technical/  
Enforcement  
Officers  
Dog Control  
Licensing**



### 2.3 Service Work Plan - 2021/22

This plan confirms the core activities and actions, which will form EH Work Plan for 2021-22. This is a high-level capture of the Service activities as well as some improvement undertakings which the service will focus on throughout 2021-22. The Plan links to the Council's new 2020-2024 Corporate Plan priorities, Annual Corporate Improvement Plan Objectives, Corporate Indicators and Mid Ulster Sustainable Community Plan themes & outcomes:

## SERVICE WORK PLAN 2021/22

Service Objective (What do we want to achieve?):	e.g. XX			
Link to Community Plan Theme:	Align to Corporate Plan Theme			
<i>CMP 2.2 Infrastructure - We increasingly value our environment &amp; enhance it for our children</i>	<i>Environment: 4.4 We will work to mitigate against impacts of climate change by taking steps to reduce our carbon emissions as an organisation.</i>			
What are the key 'Business as Usual' activities we will deliver (actions):	By When (Date?)	Lead Officers(s)	What difference will it make? (Outcomes/outputs)	How Will we Know? (Measures)
Support on request the MUDC Climate Change group. Monitor current levels of air quality within the District, through maintenance of air quality monitoring network. Replace No2 tubes monthly. Assess Pollutant levels against recognised standards in line with air quality objectives	March 2022	CB	This will ensure that MUDC adequately monitors the District for air quality issues and takes suitable steps where exceedances of air quality objectives are noted.	Monthly monitoring results and annual review
Respond to all major planning applications within 21 days	March 2022	CB	Ensure support for continued development	Statistical records

What <b>Service Development/Improvement</b> will we undertake in <b>2021/22? (actions):</b>	<b>By When (Date?)</b>	<b>Lead Officers(s)</b>	<b>What difference will it make? (Outcomes/outputs)</b>	<b>How Will we Know? (Measures)</b>
Review time spend on planning responses to ensure capacity within the dept. to achieve the expected corporate demand. Work with planners to further prioritise planning types requiring EH input.	September 2021	CB	Improved response times	Improved response times
Engagement with key stakeholders in local air quality	March 2022	CB	Raise Air quality matters with relevant stakeholders	2 meetings per year to deliver on the Air quality strategy
Internal EH meetings to continue over TEAMS as far as possible to reduce Corporate carbon footprint and reduce mileage costs	March 2022	FMCC	reduce Corporate carbon footprint and reduce mileage costs	EH meetings to be delivered virtually

DRAFT

<b>Service Objective (What do we want to achieve?):</b>	<b>e.g. XX</b>			
<b>Link to Community Plan Theme:</b>	<b>Align to Corporate Plan Theme</b>			
<i>CMP 2.2 Infrastructure - We increasingly value our environment &amp; enhance it for our children</i>	<i>Environment: 4.2 We will continue to promote and protect our environment through our environmental and anti-littering programmes of education, awareness-raising and enforcement.</i>			
<b>What are the key 'Business as Usual' activities we will deliver (actions):</b>	<b>By When (Date?)</b>	<b>Lead Officers(s)</b>	<b>What difference will it make? (Outcomes/outputs)</b>	<b>How Will we Know? (Measures)</b>
Enforcement of the litter legislation through responding to complaints and monitoring the district. Monitoring schedule in place across the main areas of footfall.	March 2022	AC/CB	Increased enforcement with a zero tolerance approach	Monitoring schedule in place across the main areas of footfall Number of fixed penalty notices

<b>What Service Development/Improvement will we undertake in 2021/22? (actions):</b>	<b>By When (Date?)</b>	<b>Lead Officers(s)</b>	<b>What difference will it make? (Outcomes/outputs)</b>	<b>How Will we Know? (Measures)</b>
Exploration of improved intelligence into the EH in relation to detection of offences and resultant enforcement action.	March 2022	FMcC	Increased enforcement with a zero tolerance approach	Increased numbers of Fixed penalty notices served

<b>Service Objective (What do we want to achieve?):</b>	<b>e.g. XX</b>			
<b>Link to Community Plan Theme:</b>	<b>Align to Corporate Plan Theme</b>			
<i>CMP 1.3 Economic Growth - Our Towns &amp; Villages are vibrant &amp; competitive</i>	<i>Leadership: 1.3 We will work collectively to meet the identified needs and priorities of our citizens &amp; connect the people of Mid Ulster</i>			
<b>What are the key 'Business as Usual' activities we will deliver (actions):</b>	<b>By When (Date?)</b>	<b>Lead Officers(s)</b>	<b>What difference will it make? (Outcomes/outputs)</b>	<b>How Will we Know? (Measures)</b>
Work with internal and external partners to provide support and guidance to business on food safety during the various stages of the pandemic	March 2022	MM	Support for local business	Provide support to businesses on Food safety on a priority basis as per the FSA recovery plan
Work with internal and external partners to provide support and guidance to relevant businesses on the covid regulations	March 2022	MP	Support for local business	Provide support to businesses on Health & Safety on a priority basis as per the recovery plan

<b>What Service Development/Improvement will we undertake in 2021/22? (actions):</b>	<b>By When (Date?)</b>	<b>Lead Officers(s)</b>	<b>What difference will it make? (Outcomes/outputs)</b>	<b>How Will we Know? (Measures)</b>

## **2.4 RISK MANAGEMENT OF SERVICE**

The purpose of risk management is to manage the barriers which prevents the Council from achieving its objectives. This section of the service plan includes space for the Service to input their key risks (in summary form), which have been identified during the business planning process. The Council uses risk management to maximize opportunities and minimize risks. This improves its ability to deliver priorities and improve outcomes. This is why the Council deems it important to link business planning and risk management. Risk Management aims to:

- Help the Council achieve its overall aims and objectives
- Manage the significant risks the Council faces to an acceptable level
- Assist with the decision making process
- Implement the most effective measures to avoid, reduce and control those risks
- Balance risk with opportunity
- Manage risk and internal controls in the most effective way.

This table illustrates the risks identified to deliver the Services business in 2021-22. *(These should be extracted from the Service's Risk Register DO NOT COPY AND PASTE YOUR COMPLETE RISK REGISTER HERE - THIS AREA IS FOR A SUMMARY NARRATIVE ONLY)*

Risk Ref Number	Description of Risk	Risk Rating	Mitigation Activity
1.	Food Control and Brexit	6	Keep up to date with FSA/ DAERA and related guidance at local, regional and national level. Provision of adequate levels of EHOs (Food control) for support to relevant businesses.
2.	GDPR	6	Reminders at staff meetings
3.	No Co-ordinated on-call food arrangement	9	Relying on food officers answering phones out of hours
4.	Health and safety especially in line with risks of infection especially COVID-19	9	Risk assessment to be reviewed for all staff and working practices to be reconsidered for COVID-19. Reviewed methods of delivery. Use of white board within offices for lone working.

Rating	Descriptor
16 - 25	Extreme Risk (immediate action required)
10 - 15	High Risk (urgent action required)
7 - 9	Moderate Risk (action required)
1 – 6	Low Risk (keep under review)

### 3.0 OUR STATUTORY CONSIDERATIONS

In carrying out our responsibilities, the Service is cognisant of the statutory duties placed upon the council in the delivery of its services. Whilst the Service operates, under various obligations it is however mindful of the changing context in which it operates and endeavours to mainstream the equality and rural needs duties in the design and delivery of our functions.

#### 3.1 EQUALITY DUTY

The council and by consequence our Service is committed to contributing towards its part in working towards fulfilling obligations under Section 75 of the Northern Ireland Act 1998 to ensure adequate time, staff and resources to fulfil our duties.

The Service will also work towards adherence to the council's Equality Scheme ensuring equality duties, together with promoting positive attitudes towards persons with a disability and the participation of people with a disability in public life when carrying out our functions.

#### 3.2 RURAL NEEDS DUTY

The Service will be mindful of the rural needs of its customers when carrying out its functions and subsequent responsibilities, particularly in developing any new policies, plans or strategies throughout the year. In line with the Rural Needs Act (NI) 2016 we will give due regard to rurality in terms of needs in carrying out the activities within our Service.





<b>Report on</b>	Technical Services Service Improvement Plan 2021-22
<b>Date of Meeting</b>	15 <sup>th</sup> June 2021
<b>Reporting Officer</b>	Raymond Lowry Tech Services Manager

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

<b>1.0</b>	<b>Purpose of Report</b>
1.1	To inform Members of the content of the annual Service Improvement Plan (SIP) for Technical Services for the period 2021/22.
<b>2.0</b>	<b>Background</b>
2.1	A Service Improvement Plan has been prepared for Technical Services for 2021/22, which will contribute towards the Council's Corporate Objectives.
2.2	The Head of Technical Services has been tasked to act as Senior Responsible Officer (SRO) for the management of CIP 4 – “We will contribute to the ongoing regeneration of our district by delivering a capital investment programme, enhancing facilities and opportunities for local people”.
<b>3.0</b>	<b>Main Report</b>
3.1	Technical Services is within the Public Health and Infrastructure Directorate and is responsible for the following function areas across Mid-Ulster District Council. <ul style="list-style-type: none"> <li>• Capital Project Delivery</li> <li>• Bus Shelter approval</li> <li>• Signage</li> <li>• Sustainability</li> <li>• Biodiversity</li> </ul>
3.2	Within the Technical Services Service Improvement Plan (see Appendix 1) there are a number of actions and associated outcomes which have been identified.
3.3	When the outcomes are achieved for the actions as identified, the service to our customers will be enhanced and improved.
3.4	The Service Improvement Plan for 2021/22 includes the following areas: <ul style="list-style-type: none"> <li>• Purpose, scope and responsibilities of the service</li> <li>• Customers and stakeholders</li> <li>• Overview of performance in 2020/21</li> <li>• Budget and staffing compliments for 2021/22</li> <li>• Work Plan for 2021/22 (linked to Corporate Improvement Objectives)</li> <li>• Action Plan for 2021/22</li> <li>• Key Risks for Service</li> </ul>

<b>4.0</b>	<b>Other Considerations</b>
<b>4.1</b>	<b>Financial, Human Resources &amp; Risk Implications</b>
	Financial: The planned actions within the service improvement Plan will be delivered within the service budget of approximately £311,390 for 2021/22, and other Council funds as approved to deliver services, manage Capital Projects etc.
	Human: Full population of the Technical Services staffing structure is required to successfully deliver all the service improvements. This is currently under review as 2 vacant posts exist and are not anticipated to be in position until Q3 of the year.
	Risk Management: As detailed in the Service Improvement Plan
<b>4.2</b>	<b>Screening &amp; Impact Assessments</b>
	Equality & Good Relations Implications: N/A
	Rural Needs Implications: N/A
<b>5.0</b>	<b>Recommendation(s)</b>
5.1	Members are asked to note the content of this report and approve the Technical Services Service Improvement Plan for 2021/22.
<b>6.0</b>	<b>Documents Attached &amp; References</b>
6.1	Appendix 1 – Technical Services Improvement Plan for 2021/22.
6.2	Appendix 2 – Capital Framework Members Briefing April 2021.



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

# ***Public Health & Infrastructure- Technical Services***

**SERVICE PLAN – 2021/ 2022**

Date

Consulted within staff team

10/05/2021

Discussed & signed off by Director

20 / 5 /2021

## CONTENT

SECTION	TITLE	PAGE NUMBER
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1.3	Customers & Stakeholders	
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<b>2.0</b>	<b>IMPROVING OUR SERVICE AND MANAGING PERFORMANCE - 2020/21</b>	
2.1	Budget - 2021/22	
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<b>3.0</b>	<b>OUR STATUTORY CONSIDERATIONS: RURAL NEEDS AND RISK</b>	
3.1	Equality Duty	
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3.3	Risk	

## **1.0 OVERALL PURPOSE AND SCOPE OF THE SERVICE**

### **1.1. Purpose and Scope of the Service**

*The Technical Services Section is led by the Head of Technical Services and is fundamentally focused on delivery of Capital Programme for the Council. Work outlined in this document assists the various Services within the Council to enhance their areas of responsibilities such as improvements to facilities in the following services: Leisure, Parks, Tourism, and Community.*

*Technical Services plays a supportive technical role to all Departments in the preparation of scoping of Capital project information for submission to the Capital Programme and thereafter overseeing the project commencement, construction and to completion.*

*Other areas of support for Council services that this department provides lies with Sustainability and Biodiversity.*

### **1.2 Responsibilities**

*In order to deliver actions/programmes of work and tasks on behalf of the Council, Technical Services is divided into 3 separate functions:*

- 1. Technical Services – Capital Delivery Team,*
- 2. Technical services - Bus Shelters,*
- 3. Technical services - Signage.*
- 4. Sustainability*
- 5. Biodiversity*

*These functions are further detailed in the separate headings listed below;*

***The section is specifically responsible for the following functions:***

#### **Technical Services**

*This function is covered by Project Officers based in Cookstown Council offices, and the function delivers and is accountable for the following service provision:*

- **Capital Delivery Team**
  - *Assist in the preparation of procurement documentation in relation to E - procurement of all necessary functions within the delivery of Capital Projects e.g. appointment of ICT professionals and IST (Contractors). In addition to these main appointments our team also engage in procurement of surveys/reports, etc. that are required to support the project delivery.*

- *Assist in the preparation of scoping information / design concepts for Capital Project delivery*
  - *Project manages the delivery of MUDC Capital Programme (Infrastructure) for Council.*
  - *Assist various departments in the stakeholder engagement process for Capital Projects.*
  - *Develop, deliver and manage internal Design Service, including Project management of small scale Capital Projects.*
  - *Liaise with “Client Teams” and funders in the delivery of Capital Projects.*
  - *Liaise with relevant stakeholders for delivery of Capital Projects*
  - *Report to the Councils Environment Committee on the progress of Councils Capital Projects on a monthly basis.*
  - *Report to Capital Working Group (performance management) on a quarterly basis with updates on Programme / budget delivery.*
- ***Bus Shelters***
    - *Responsible for administration of the application process / approval(s) on Bus Shelters throughout the District.*
    - *Obtaining all statutory consents for new / altered locations for Shelters*
    - *Notifying Property Services Department for erection of approved shelter. (Note Property Services to have ongoing control over the maintenance of all shelters in the district.*
    - *Report to Council Environment Committee on installation of new / removed Shelters in the district.*
- ***Signage***
    - *Responsible for Council facility Signage (Way finding only) throughout the District / facilities.*
    - *Notifying Property Services Department for erection of approved Signage (Road development / road names). (Note Property Services to have ongoing control over the maintenance of all signage in the district, Building Control to provide Council with approved naming of all new developments)*
    - *Report to Council Environment Committee on installation of new signage in the district.*

### **Sustainability**

*This function is covered by Sustainability Officer working part time based in Dungannon Council offices – Function delivers:*

- ***Sustainability***
  - *Develop and co-ordinate the Council’s Sustainability Programme for the district in consultation with a wide range of community and statutory interests.*

- *Provide advice and expertise to Heads of Services and other key officers on the integration of sustainable development in all service areas including planning and corporate sustainability projects*
- *Develop and implement innovative sustainability projects through the creation of partnerships with local communities, statutory bodies, NGO's, funding organisations and the private sector.*
- *Raise awareness of sustainable development both within the organisation and the wider community*
- *Provide practical nature conservation and other sustainability activities to facilitate community participation in the Sustainability Programme.*
- *Maintain contact with relevant agencies and support organisations on development within the regional and wider Sustainability context.*
- *Progress development of Climate Change within the organisation implement appropriate objectives agreed by Council*
- *Progress Fairtrade registration and continue to promote Fairtrade throughout the district and Council Facilities*

### **Biodiversity**

*This function is covered by Biodiversity Officer working part time based in Dungannon council offices – Function delivers:*

- **Biodiversity**
  - *Contribute to delivery on the Northern Ireland Biodiversity Strategy via the implementation of the Mid Ulster Biodiversity Action Plan increasing biodiversity awareness among local community and wider public.*
  - *Provide guidance to MUDC in complying with obligations under the Wildlife and Natural Environment Act (NI) 2011, ensuring council fulfil their Biodiversity Duty wherever possible.*
  - *Provide advice and contribute to the development of Habitat Regulations Assessments (HRAs) for council projects.*

## **1.3 Customers & Stakeholders**

<b>Customers &amp; Stakeholders</b>
● Council (Officers, Elected Members )
● Funding bodies ( DEARA, DfC, EA, LCF, Sport NI, SIF )
● Community / educational programme ( Sustainability / Biodiversity )
● Members of the General Public
● External Agencies – DfI-Roads, NIW, NIE, BT, NIEA, LPS, PSNI, NIHE, HSE, PHA, Disability Action, Sport NI
● District Council Working Groups – sustainability / biodiversity
● Legal departments / solicitors
● ICT Consultants / Contractors

<ul style="list-style-type: none"> <li>• Environmental NGOs ( e.g. The Conservation Volunteers, Sustainable NI, NIEL, Woodlands Trust, Groundwork NI, Ulster Wildlife, RSPB, BTO, BRT )</li> </ul>
<ul style="list-style-type: none"> <li>• Fairtrade Foundations</li> </ul>
<ul style="list-style-type: none"> <li>• Local Businesses</li> </ul>

#### 1.4 Performance Overview in 2020/21

The following table provides a progress summary and the impact made by last years' Service Plan (2020-2021). It also details key successes, a summary of the end of year progress, remaining challenges for the Service and how it made a difference.

Within Technical Services we assisted our various "Client Teams" in terms of CIP 1 & 4 as noted below.

The following pages outlines how we commenced / completed various Capital Programmes that made an impact to the district in terms of enhanced facilities that encouraged new visitors and supported communities to adopt healthier lifestyles.

Council's 2020/21 Corporate Improvement Plan and 4 associated objectives for 2020-21

1. To assist the growth of the local economy by increasing the number of visitors to our district.
2. To support people to adopt healthier lifestyles by increasing usage of Council Recreational Facilities.

The Covid 19 pandemic has been the most significant challenges that the department (Organisation) has faced. This has increased the workload of the department in dealing with new industry claims for delays to schemes and having to deliver the works in a more controlled environment to ensure "safe Systems of Work" are implanted throughout the sites.

The Sustainability / Biodiversity teams have had to adopt new ways of communicating through delivery of their programmes as events could not be staged.



2020/21 Performance Overview	End of Year Progress Status: Completed/Commenced/Other
<ul style="list-style-type: none"> <li>Preparation of harmonised standard procedural guides for delivery of Capital Projects, reviewed in line with Service Improvement Workshop.</li> </ul>	<p>All Capital Projects have now achieved harmonised files with a capital procedure guide in place.</p>
<ul style="list-style-type: none"> <li>Update on the Capital Framework delivery at DEA and Full council level in Q4 of 2020/2021 to review works completed, works in progress and planned works for the remaining Projects listed in the framework. This resulted in amendments being made to the framework with new paper presented to Council in April 2021 – See appendix 1 of Members Presentation</li> </ul>	<p>Although projects have been disrupted with COVID 19 pandemic they all continue to progress with minimal delays as outlined in the projected Framework</p>
<ul style="list-style-type: none"> <li>Delivery of Capital Projects as noted: Good progress has been made across the Capital Project Delivery as outlined in the Capital Programme 2020-2024 and further detailed in the various Activity sections as noted in table below.</li> </ul>	<p>Projects completed during 2020-21 are detailed below including indicative costs.</p> <ul style="list-style-type: none"> <li>26 Projects completed. (25 Business and Communities, 1 Leisure project.</li> <li>Value of circa £1.58m Construction Costs</li> <li>Value of ICT / survey ancillary costs was circa £182k for these projects</li> <li>Currently Technical Services are responsible for management of 23 ICT teams with a total ICT fees value of circa £2.27m</li> <li>27 Projects are currently at construction phase having total value of £8.85m</li> </ul>
<ul style="list-style-type: none"> <li>Activity has been made in the following work streams as detailed in link to CMP 2.2: regarding the Capital delivery programme for CRP 3.4 Sustaining our Environment- Develop &amp; enhance parks, Play areas &amp; open spaces to encourage Physical activity open the countryside in a sustainable manner to our community. Capital delivery programme for the MURDP Village Programme and enhance offering to countryside facilities</li> </ul>	<p>Leisure:</p> <ul style="list-style-type: none"> <li>11 Village Play park schemes completed to the value of approx. £310k</li> <li>Aughnacloy changing rooms - £74k</li> </ul> <p>Business and Communities:</p>

	<ul style="list-style-type: none"> <li>• 1 Project delivered for the Seamus Heaney Trails to the value of circa £710k in 2020.</li> <li>• 1 Project delivered at the A29 Roundabout to the value of £55k.</li> </ul>
<ul style="list-style-type: none"> <li>• Activity has been made in the following work streams as detailed in link to CMP 1.3: regarding the Capital delivery programme for CRP 3.3 Sustaining our Environment- Create and build a sense of civic pride in towns and villages across mid Ulster. Programme Delivery for the Public Realm Schemes and the MURDP Village Programme</li> </ul>	<p>Business and Communities:</p> <ul style="list-style-type: none"> <li>• Coalisland Public Realm - IST contractor appointed for the delivery of the project by Summer 2021 with an IST cost of circa £3.21m</li> <li>• Maghera Public Realm – ICT team appointed to the value of circa £150k.</li> <li>• Dungannon public realm – Still to be finalised and adopted back by DFI roads.</li> <li>• 20 Village schemes completed to the value of circa £731k in 20/21.</li> </ul>
<ul style="list-style-type: none"> <li>• Activity has been made in the following work streams as detailed in link to CMP 4.2: regarding the Capital delivery programme for CRP 1.3 Delivering for our People- High quality, responsive indoor and outdoor recreational services</li> </ul>	<p>Leisure:</p> <ul style="list-style-type: none"> <li>• ICT team appointed for Gortgonis Leisure Centre with a project value of circa £5.1m. Scheme now 50% through RIBA stage 4</li> </ul>
<ul style="list-style-type: none"> <li>• Activity has been made in the following work streams as detailed in link to CMP 1.1: regarding the Capital delivery programme for CRP 1.2 Delivering for our People- Increase access to services and customers experience across the district in progression of Capital projects associated with Culture &amp; Arts Programme</li> </ul>	<p>Business and Communities:</p> <ul style="list-style-type: none"> <li>• Seamus Heaney home ground trails Completed in 2020/2021</li> </ul>
<ul style="list-style-type: none"> <li>• Activity has been made in the following work streams as detailed in link to CMP 2.2: regarding CRP 3.4 Sustaining our Environment- Develop &amp; enhance parks, Play areas &amp; open spaces to encourage Physical activity open the countryside in a sustainable manner to our community regarding</li> </ul>	<p>Biodiversity</p> <ul style="list-style-type: none"> <li>• Advice provided for development of HRAs.</li> </ul>

<p>develop and renew Biodiversity Action Plan and increase awareness of Biodiversity throughout the district. Biodiversity's officer's focus of activities concentrated on the community involvement in innovative sustainability projects through the creation of partnerships and provision of practical nature conservation/sustainability activities. Underlying ALL activities is a focus on raising people's awareness of fundamental sustainability parameters.</p>	<ul style="list-style-type: none"> <li>• Advice provided for biodiversity enhancement for capital projects, and development of council parks and open spaces.</li> <li>• Partnerships maintained and developed to deliver biodiversity gain.</li> <li>• Species database regularly updated, with records sent to national recording centre.</li> <li>• Due to Covid restrictions only 9 public training events were undertaken, each with strictly limited participants. However, partnerships developed with other organisations (BTO, NIEA, BC, AIPP, CEDaR, etc.) to promote and deliver on-line training to encourage people in Mid Ulster take positive biodiversity action for themselves during lockdown.</li> </ul>
<ul style="list-style-type: none"> <li>• Activity has been made in the following work stream as detailed in link to CMP 3.2: regarding CRP 4.3 Building unity – Implement an organisational strategy for a modern workplace. <ul style="list-style-type: none"> <li>- Sustainability officer's focus of activities were to promote sustainability and to fully involve local residents/community in programme of activities around sustainability/climate change. Due to the ongoing pandemic and restrictions the programme had to be fully adapted to offer activities for residents they can carry out in their own homes, as no events were able to take place.</li> <li>- Sustainability officer's focus of activities concentrated on the community involvement in innovative sustainability projects through</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Due to COVID 19 we were unable to progress the next stage of the Fairtrade application to ensuring we can apply for Fairtrade District Status.</li> <li>• This year we were able to secure funding to promote sustainability through the NHLP programme.</li> <li>• Apr - Oct 20- Mid Ulster is Growing from Home project – 200 participants; weekly advice and activities on growing fruit and veg at home; focus on environmental good practice, waste reduction, sustainable food growing and encouraged people to stay at home (therefore reducing carbon emissions from travel)</li> </ul>

the creation of partnerships and provision of practical nature conservation/sustainability activities. Underlying ALL activities is a focus on raising people's awareness of fundamental sustainability parameters.	<ul style="list-style-type: none"> <li>• Dec 20 - Mar 21 – Pilot project 'Change one bit' (ongoing) carried out with 90+ participants - awareness raising and monthly practical activities &amp; target setting on 4 main topics to reduce carbon emissions and increase climate friendly lifestyles among participants. The project has received funding from the NHLP.</li> <li>• Additional funding from NHLP was secured for a 'Take learning outside' project to be delivered by Parks section as an extension to Council's Forest School Scheme.</li> </ul>
<ul style="list-style-type: none"> <li>• Activity has been made in the following work stream as detailed in link to CMP 4.2: regarding CRP 1.1 Delivering for our People- High performing services focussed on customer and value for money in regards to Bus Shelter and signage delivery.</li> </ul>	<ul style="list-style-type: none"> <li>• Amendments to the existing bus shelter policy completed in Q4.</li> </ul>
<ul style="list-style-type: none"> <li>• Activity has been made in the following work stream as detailed in link to CMP 5.2: regarding CRP 4.6 Building Unity – Promotion of minority languages in the district.</li> </ul>	<ul style="list-style-type: none"> <li>• Technical services in the procurement of signage framework supplier Q4 2020/2021. Programme for role out of signage (incorporating Dual language) in Q4 2020/2021.</li> <li>• External signage has been installed to Davagh OM visitor centre.</li> </ul>
<ul style="list-style-type: none"> <li>• Obtained Satisfactory Assurance rating for External Auditor (ASM) in February 2018 for delivery of Capital Projects – recommendations were noted and are being implemented during 2018/19.</li> </ul>	<ul style="list-style-type: none"> <li>• All items on audit have been addressed and being implemented in Capital Delivery with exception of the Capital Procedural guide – this is under review</li> </ul>

## 2.0 IMPROVING OUR SERVICE AND MANAGING PERFORMANCE - 2021/22

The following tables confirm the resources, financial and people, which the Service has access to throughout 2021-22 to deliver its actions, activities and core business.

### 2.1 Budget 2021/22 -

Service Budget Headings	£
Technical Services	247,263
Sustainability	27,923
Biodiversity	41,821
Gross Budget	312,717
Income	(5,617)
Net Budget for 2020-21	311,390

### 2.2 Staffing Complement - 2021/22

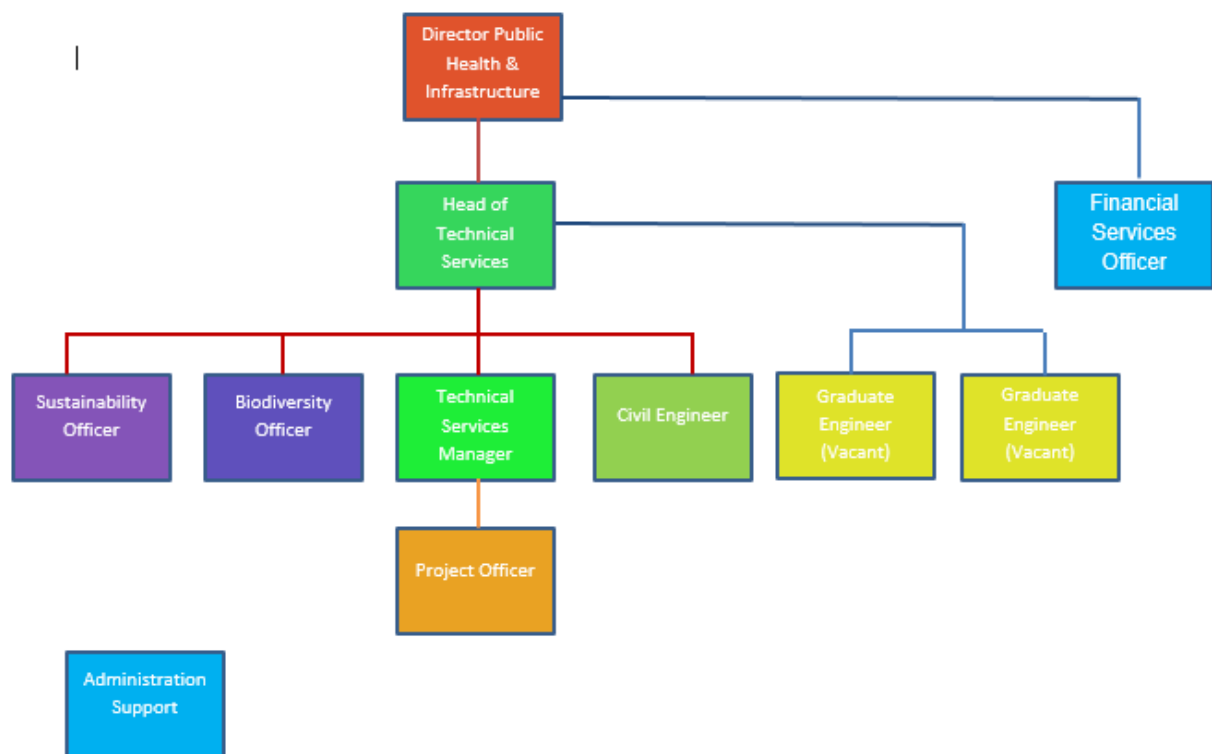


Figure 1

<b>Staffing</b>	<b>No. of Staff</b>
Head of Service	1
Managers	1
<i>Civil Engineer</i>	1
<i>Graduate Engineers</i>	2 ( Vacant at present )
<i>Project Officer</i>	1
<i>Sustainability</i>	0.43
<i>Biodiversity</i>	0.6
<i>Administration Support</i>	0.3
Remaining Team	0.0
<b>Total</b>	<b>7.33</b>

### **2.3 Service Work Plan – 2021/22**

This plan confirms the core activities and actions, which will form your Service Work Plan for 2020-21. This is a high-level capture of the Service activities as well as some improvement undertakings which the service will focus on throughout 2020-21. The Plan links to the Council's new 2020-2024 Corporate Plan priorities, Annual Corporate Improvement Plan Objectives, Corporate Indicators and Mid Ulster Sustainable Community Plan themes & outcomes:

## SERVICE WORK PLAN 2021/22

Service Objective (What do we want to achieve?):		Recovery Planning		
Link to Community Plan Theme:		Align to Corporate Plan Theme		
CMP 5.1 Vibrant & safe Communities - We are a safer Community		Leadership: 1.3 We will work collectively to meet the identified needs and priorities of our citizens & connect the people of Mid Ulster		
What are the key 'Business as Usual' activities we will deliver (actions):	By When (Date?)	Lead Officers(s)	What difference will it make? (Outcomes/outputs)	How Will we Know? (Measures)
Capital Projects Define / review / establish process for Project Management of Capital Projects whilst confining to new government guidelines of social distancing during COVID 19 pandemic etc.	March 2022	JMcN ML RL (HoS)	Improved IT access to ensure projects can continue to progress through the various RIBA stages 0-4	Programme delays will be evident if projects are not progressed.
Sustainability – Define / review / establish process for Sustainability delivery	March 2022	YZ RL (HoS)	Due to current guidelines all events have been put on hold. Examine ways to progress / promote sustainability during "lock down"	Progress activity to be recorded and presented to council for information purposes on a quarterly basis.
Biodiversity – Define / review / establish process for Biodiversity delivery	March 2022	ME RL (HoS)	Due to current guidelines, general public events are on hold. Projects requiring volunteer involvement are being undertaken with restricted participation, with all Government and Council guidelines being adhered to. Continue to examine ways to progress/promote biodiversity during 'lock down'.	Progress activity to be recorded and presented to council for information purposes on a quarterly basis.
Bus Shelter – Define / review / establish process for Bus Shelter delivery	March 2022	JMcN (TS Officers)	By progression of this function the full implementation of the dual language signage can be rolled out to all facility venues.	Report to Council on monthly basis will record progress made.
Signage – Define / review / establish process for Signage delivery	March 2022	JMcN RL (HoS)	By progression of this function the full implementation of the dual language signage can be rolled out to all facility venues	Report to Council on quarterly basis will record progress made.



What <b>Service Development/Improvement</b> will we undertake in <b>2020/21? (actions):</b>	<b>By When (Date?)</b>	<b>Lead Officers(s)</b>	<b>What difference will it make? (Outcomes/outputs)</b>	<b>How Will we Know? (Measures)</b>
We will examine all aspect of remote working (home) including how remote Team Meetings can be utilised to minimise face to face meetings, reduction in travelling time etc.	Q2	JMcN ML RL	This will ensure progress is made on scheme delivery and reduce carbon footprint of officers and professional advisors in that majority of meetings can be achieved through virtual platforms	Reduce mileage claims to the council compared to previous years

<b>Service Objective (What do we want to achieve?):</b>	<b>e.g. write service objective here</b>			
<b>Link to Community Plan Theme:</b>	<b>Align to Corporate Plan Theme</b>			
<i>CMP 2.2 Infrastructure - We increasingly value our environment &amp; enhance it for our children</i>	<i>Economy: 3.5 We will have a prioritised, sustainably resourced programme of capital investment supporting the enhancement of facilities for local people &amp; contributing to the regeneration of the district.</i>			
<b>What are the key 'Business as Usual' activities we will deliver (actions):</b>	<b>By When (Date?)</b>	<b>Lead Officers(s)</b>	<b>What difference will it make? (Outcomes/outputs)</b>	<b>How Will we Know? (Measures)</b>
Corporate Improvement Objective 4 We will contribute to the ongoing regeneration of our district by delivering a capital investment programme, enhancing facilities and opportunities for local people  CIP01, CIP02 and CIP03 to be managed by Head of Technical Services	March 2023	RL	Contribute to the ongoing regeneration of our district	Regular reports to the working group / SRO will be presented to chart progress against proposed targets.
Completion of 20 number projects noted in Capital Programme delivery 2020-2024 to be delivered as approved by Council For Directorate of Leisure & Outdoor Recreation with a value circa £6.1m and commencement of a further 14 projects with a value of circa £12m	Q4	R L J McN M L	Completed schemes will have enhanced visitor experience with new/ refurbished facility upgrades. Upgrades will ensure facilities meet the public demand	Schemes will be completed and open to the public to use. Project costs will be presented to Env Committee on monthly basis
Completion of 2 projects noted in the capital programme delivery 2020-2024 to be delivered as approved by council for Economic Development with a value circa £4.4m and commencement of 8 number projects noted in Capital Programme delivery 2020-2024 to be delivered as approved by Council For Economic Development with a value circa £12.7m.	Q4	R L J McN M L	Completion of the Coalisland PR will enhance the local / visitor experience for the town. Dgn PR will see the closure of all outstanding defects and contract issues and handed back to Dfl Roads.	Schemes will be completed and open to the public to use. Project costs will be presented to Env Committee on monthly basis

What <b>Service Development/Improvement</b> will we undertake in <b>2021/22? (actions):</b>	<b>By When (Date?)</b>	<b>Lead Officers(s)</b>	<b>What difference will it make? (Outcomes/outputs)</b>	<b>How Will we Know? (Measures)</b>
<p>COVID – 19 pandemic has resulted in staff having to undertake a lot of their duties whilst working from home/office. We aim to use this period to reflect on the issues that have resulted from March 2020 pandemic to look to improve the efficiency of the departmental responsibilities. We aim to review</p> <ol style="list-style-type: none"> <li>1. Process for ICT/IST Technical Meetings – new technology “Microsoft Teams” “Zoom” etc</li> <li>2. Paperless office</li> </ol>	Q4	RL JMcN ML	Reduce officer time spent travelling to meetings	Reduction in mileage claims

Service Objective (What do we want to achieve?):		To deliver on Sustainability objectives		
Link to Community Plan Theme:		Align to Corporate Plan Theme		
CMP 2.2 Infrastructure - We increasingly value our environment & enhance it for our children		Environment: 4.4 We will work to mitigate against impacts of climate change by taking steps to reduce our carbon emissions as an organisation.		
What are the key 'Business as Usual' activities we will deliver (actions):	By When (Date?)	Lead Officers(s)	What difference will it make? (Outcomes/outputs)	How Will we Know? (Measures)
Corporate Improvement Objective 1 <b>Milestone: Raise community awareness of climate crisis and increase participation in practical action for climate friendly lifestyles</b> Key Actions: (1) review and further develop Change 'one bit' project (2) active involvement of community groups and individual residents in practical environmental & nature conservation activities	March 2023	HoS YZ,	(1) Increased community awareness and active participation in climate action activities  (2). increased community resilience and adaptation to low carbon lifestyles	Regular reports to the working group / SRO will be presented to chart progress against proposed targets.
Corporate Improvement Objective 1 <b>Milestone: continue to provide practical support for community food growing projects such as gardening clubs, allotments and community gardens</b> Key Actions: (1) continue to provide practical gardening support and networking opportunities for community gardening/allotment groups across Mid Ulster and increase the number of groups involved	March 2023	HoS YZ,	(1) Increased community involvement in sustainable food growing/gardening leading to positive changes in residents' diet & lifestyles towards low-carbon food production & consumption  (2) Increased levels of community food growing skills, self-sufficiency and community resilience	Regular reports to the working group / SRO will be presented to chart progress against proposed targets.

(2) work in partnership with others to maximise available support for local groups (3) explore and further develop the Mid Ulster is Growing from Home scheme				
<p>Corporate Improvement Objective 1</p> <p><b>Milestone: introduce and pilot sustainability assessment for capital projects</b></p> <p>Key Actions:</p> <p>(1) work with Sustainable NI to review and adapt draft sustainability screening tool</p> <p>(2) carry out sustainability assessment in the early stages of a number of capital projects</p>	March 2023	HoS YZ,	<p>(1) Council considers environmental and climate change impact of their capital projects and seeks to reduce any negative impact found</p> <p>(2) Council can increasingly demonstrate that sustainable development and climate change considerations are being integrated in their decision making process around capital projects</p>	Regular reports to the working group / SRO will be presented to chart progress against proposed targets.
MUDC Climate change working group to be reviewed and establish departmental action points / goals for the programme delivery	Q1-Q4	YZ, RL HoS JMcN	Reduction in emissions will assist the overall objective targets for Climate Change	Report to Council will outline key objectives with what targets have been met.
<p>Completion of all stages of Fairtrade Application (Stage 5 to complete) to enable MUDC to gain Fairtrade District status.</p> <p>Plan event around Fairtrade fortnight in February.</p> <p>Further promote Fairtrade within the Council facilities.</p>	Q2 Application and remaining part of year promoting FT	YZ	It will enable MUDC to gain Fairtrade District status and align with all other 1District Councils in Northern Ireland.	Fairtrade District certification will be achieved.
Due to COVID-19 and “lock-down” imposed by government an initiative was established to promote sustainability from the gardens of your home. This promoted allotment style growing and has enable residents and community groups to engage in the	Q2	YZ	This initiative has given encourage to residents and their families in the sustainability issues around “growing from home”.	Report will be taken to Council to review the initiative and give feedback on its success. Questionnaire results will published for the initiative.

sustainability ethos. As lock down eases a review will be required to establish benefits of its continuation				
Continued Allotment support to existing facilities and activity seek funding opportunities to deliver additional programmes	Q1-Q4	YZ	This will maintain encouragement to the users of the facilities.	Events will be facilitated and funding grant assistance will be disclosed.
<p>Corporate Improvement Objective 1</p> <p><b>Milestone: Create a joined-up approach across all services in order to build a Council framework, addressing the interrelationships between aspects such as: Climate change, Sustainability, Biodiversity, Habitats, Invasive Species in order to identify key new policy/enhancement activity.</b></p> <p>Key Actions:</p> <p>(1) Meeting of CIP1 group by end Q1</p> <p>(2) Paper developed by service contributors relating to above environmental aspects (i.e. current good practice/research/benchmarking/) - forwarded to HoS by end Q2</p> <p>(3) Service audit survey/template developed and forwarded out to HoS for completion start Q3, matched against Aspects paper above</p> <p>(4) Each service undertake and map their current service activities in relation to key aspects - complete excel audit /template survey with current activities/baselines &amp; areas for improvement end of Q3</p> <p>(5) Results of surveys collated - findings paper developed and discussed by working group to form potential new policy/procedural development end Q4</p> <p>(6) Proposals paper developed to SMT with recommendations regarding new procedures/policy development work aligned to environmental aspects Q1 (2022/23).</p>	March 2023	HoS RL ME	Have proposals to initiate and develop a new Council Framework which will contribute to the improvement and enhancement of Mid Ulster's environment	Regular reports to the working group / SRO will be presented to chart progress against proposed targets.

What <b>Service Development/Improvement</b> will we undertake in <b>2021/22? (actions):</b>	<b>By When (Date?)</b>	<b>Lead Officers(s)</b>	<b>What difference will it make? (Outcomes/outputs)</b>	<b>How Will we Know? (Measures)</b>
Promote use of virtual platforms for teams meeting in lieu of face to face office environment meetings. – Ongoing process in line with technology available.	Q1	R Lowry J McNeill M Leavey	Reduce time spent travelling to meetings and reduction in mileage expenditure	Review annually and report monthly to council through the Env Committee

<b>Performance Measures:</b> <i>Should include any measures as outlined in work above and relevant measures from Community, Corporate, Performance Improvement Plan, Statutory, Corporate Health Indicators etc.</i>	Is the Measure, Statutory, Corporate, Existing, or New?	2017/18	2018/19	2019/20	2020/21 Target/Standard
Manage the Capital framework delivery plan and ensure all projects are delivered in timely manner in accordance with funding requirements	Corporate	2017-20 Capital Framework	2017-20 Capital Framework	2017-20 Capital Framework	2020-2024 Capital Framework
Bus Shelters	New measures			30 day response time for stakeholders to reply to queries	30 day response time as noted in 21/22



### **3.0 OUR STATUTORY CONSIDERATIONS**

In carrying out our responsibilities, the Service is cognisant of the statutory duties placed upon the council in the delivery of its services. Whilst the Service operates, under various obligations it is however mindful of the changing context in which it operates and endeavours to mainstream the equality and rural needs duties in the design and delivery of our functions.

#### **3.1 EQUALITY DUTY**

The council and by consequence our Service is committed to contributing towards its part in working towards fulfilling obligations under Section 75 of the Northern Ireland Act 1998 to ensure adequate time, staff and resources to fulfil our duties.

The Service will also work towards adherence to the council's Equality Scheme ensuring equality duties, together with promoting positive attitudes towards persons with a disability and the participation of people with a disability in public life when carrying out our functions.

#### **3.2 RURAL NEEDS DUTY**

The Service will be mindful of the rural needs of its customers when carrying out its functions and subsequent responsibilities, particularly in developing any new policies, plans or strategies throughout the year. In line with the Rural Needs Act (NI) 2016 we will give due regard to rurality in terms of needs in carrying out the activities within our Service.

#### **3.3 RISK MANAGEMENT OF SERVICE**

The purpose of risk management is to manage the barriers which prevents the Council from achieving its objectives. This section of the service plan includes space for the Service to input their key risks (in summary form), which have been identified during the business planning process. The Council uses risk management to maximize opportunities and minimize risks. This improves its ability to deliver priorities and improve outcomes. This is why the Council deems it important to link business planning and risk management. Risk Management aims to:

- Help the Council achieve its overall aims and objectives
- Manage the significant risks the Council faces to an acceptable level
- Assist with the decision making process
- Implement the most effective measures to avoid, reduce and control those risks
- Balance risk with opportunity
- Manage risk and internal controls in the most effective way.

This table illustrates the risks identified to deliver the Services business in 2021-22.

Risk Ref Number	Description of Risk	Risk Rating	Mitigation Activity
1.	<i>Covid -19</i>	9	Legal advice NEC Contract guidance
2.	<i>Management of Contracts</i>	9	Pre-cost estimates to be obtained and verified at RIBA stages in the contract(s) CE/ EW register developed within Contract File All Capital Projects exceeding £30k have NEC / JCT / formal contract clauses built in to ITT tender documents (4) Heads of Service regularly updated as to project status and invited to regular progress meeting. (2) Consistent approach to retention of data and recording of information across officer level exists.
3.	<i>Failing to protect environment.</i>	9	(1) Officer appointed with responsibility. (2) Procedures developed to ensure accurate measuring of results. (3) Manage within existing budgetary controls.
4.	<i>Failing to meet legal frameworks requirements as regards payments</i>	6	(1) Policies and procedures are in place within existing councils to meet legal frameworks requirements. Ensure adequate payment clause is inserted in all contract documents and this is included in all associated meetings ( i.e. technical/Board Agenda )
5.	<i>MUDC02. Delivery of Capital Project Schemes.</i>	8	Business Case prepared and approved. Capital Project monthly review spread-sheet being developed for reporting on monthly basis to Senior Management team which will improve governance arrangements Expertise in-house and sourced externally. Framework developed for Departmental response times to enable projects to move freely and without delay. Procurement expertise in-house & policies/procedures in place.

			Regular monitoring meetings occurring. Regular reporting to SMT/Council/ stakeholders.
6.	<i>Fraud, theft or bribery occurring within Technical Services</i>	6	Essential staff have been trained in CPD procurement requirements Monitoring of invoices being submitted and verification from Contractors / Designers for fees owed to be carried out by HOS. Draft invoices for consideration issued to Project Officer/HoS/BS Manager. Process to have adequate evaluation carried out by suitably trained Council Staff who are regular trained on Council / CPD guidelines and appropriate time allocated to carry out the process. New process for authorisation of payments has been introduced since 1st April 2018. Agreed with Finance department and Director PH&I
7.	<i>Staff resources</i>	12	Full staff resource required to undertake the Capital Programme proposed. Currently Technical services are 2 staff members down from start of Q1 2021/22 and recruitment will only be implemented in Q3 of the 2021/22 year.

**As part of the recovery of the 2nd wave of the Covid -19 pandemic, should a third or further waves occur we will switch to our emergency plans.**

Rating	Descriptor
16 - 25	Extreme Risk (immediate action required)
10 - 15	High Risk (urgent action required)
7 - 9	Moderate Risk (action required)
1 – 6	Low Risk (keep under review)



# **Mid Ulster District Council**

## **Capital Programme 2020-2024**

### **Capital Workshop Members Briefing**

### **27th April 2021**

**Directorate Public Health & Infrastructure**



# **Agenda**

- 1. Welcome / Background**
- 2. Capital Framework Update April 2020 – March 2021**
- 3. Current Projects in Construction / Design April 2021**
- 4. Capital Framework 2020-2024**
- 5. Other DEA Requests - Workshop Discussions held Feb/March 2021**
- 6. Members Comments**



## **Section 2**

# **Capital Framework Update**

## **April 2020 – March 2021**

# Section 2 –Capital Framework Update

## April 2020 – March 2021



**Walkway - Moyola River**



**Turf Man – Bellaghy**



**Long Point Wood – Strand At Lough Beg**



**Eel Works Art Piece – Toome**

**Seamus Heaney Trails – Capital £840k**



# Section 2 –Capital Framework Update

## April 2020 – March 2021



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



**Connecting Pomeroy Demolition - £42k**



**Aughnacloy changing rooms - £81k**



**A29 Roundabout - £56k**



# Section 2 –Capital Framework Update

## April 2020 – March 2021



**Stewartstown - £36K**



**Brocagh - £38K**



**Villages Pomeroy - £208k**



**Villages Sandholes - £25K**

### Other Village Projects

Moortown – 18k	Knockloughrim – 11k
Bush – 15k	Ballymcguigan – 46k
Ackinduff/Killeeshil – 50k	Cappagh – 4k
Eglish – 68k	Kileen/Washingbay – 34k
Clonoe – 24k	Tullyhogue – 23k
Culnady – 8k	Kildress - 47k
Tamlaght – 18k	
Innishrush – 19k	
Curran – 7k	

### Summary

- **23 Projects Delivered**
- **£1.72m Total Value**



## **Section 3**

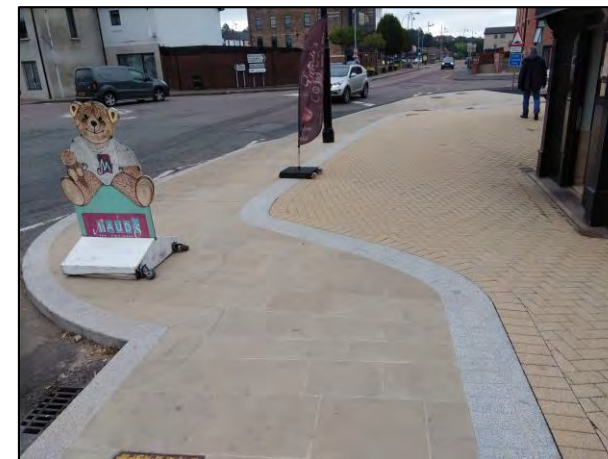
# **Current Projects in Construction April 2021**



## Section 3 – Current Projects in Construction April 2021



**Coalisland Public Realm – EST £4.3m**



**Roundlake Park – EST £1.09m**





## Section 3 – Current Projects in Construction April 2021



**Maghera Leisure Centre – EST £1.29m**



**Ballyronan Marina & Tourism – EST £1.8m**





## Section 3 – Current Projects in Construction April 2021



**Castledawson – £149k**



**Moneymore – £116k**



**Donaghmore Riverside Walk - £82K**



**Draperstown - £121k**



**Aughnacloy – £115k**



**Moy - £107k**

**Peace IV – EST £690k**

**(Draperstown, Moy, Castledawson, Donaghmore, Moneymore, Aughnacloy)**





## Section 3 – Current Projects in Construction April 2021



**Moydamlaght Forest – EST £86k**



**Davagh MBT – EST £329k  
(Under Review)**



**Portglenone Fishing Stands – EST £73k**



**Washing Bay – EST £104k**



**Davagh Solar & Archaeological Trails – EST £575k**

### Other Village Projects in Completion

**Broughderg – EST £27k**

**Galbally – EST £20k**

### Construction Stage Summary

- 20 Live Construction Projects
  - Will Be Complete Within the next 2 - 4 months
  - With Total Est Value of £10.38m



## **Section 3**

# **Current Projects in Design**

## **April 2021**



## Section 3 – Current Projects in Design April 2021

### Design Stage Summary

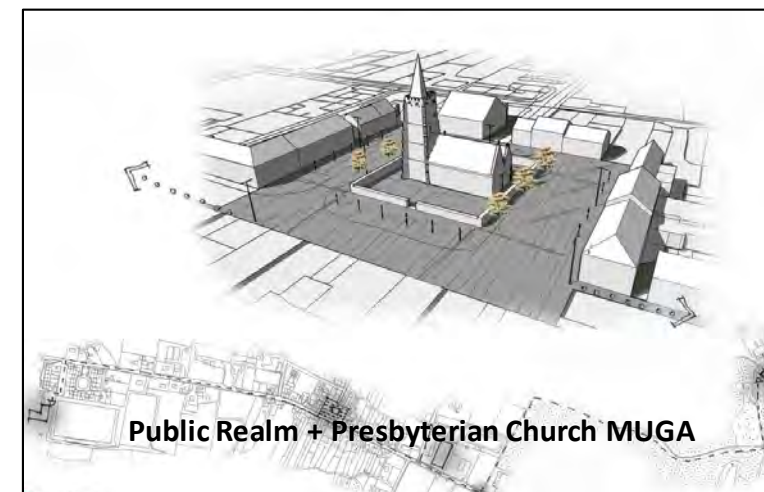
- 10 Projects at Design Stage
  - Connecting Pomeroy – EST £4.55m
  - Gortgonis Health & Well Being Hub – EST £4.25m
  - Railway Park – EST £1.5m
  - Maghera Public Realm – EST £2.5m
  - Active Travel – EST £759k
    - Coalisland Canal Towpath
    - Maghera Lighting
    - Eglish Footpath extension
    - Bellaghy Footpath Extension
    - Clonoe Footpath Extension
    - Clogher Footpath Extension
  - Total EST value of £13.6m





## Section 3 – Current Projects in Design April 2021

### Connecting Pomeroy – EST £4.55m

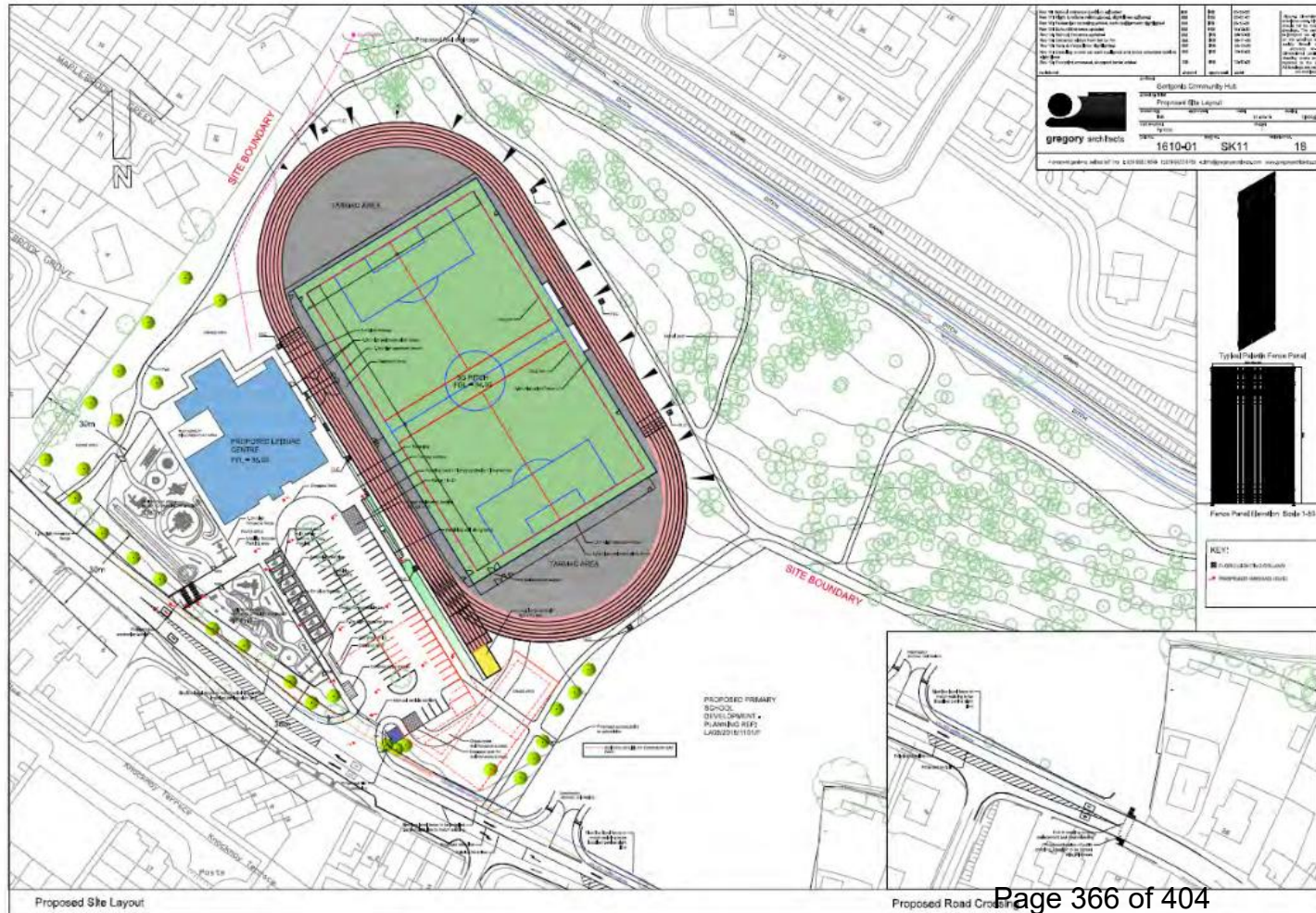






## Section 3 – Current Projects in Design April 2021

### Gortgonis Health & Well Being Hub – EST £4.25m





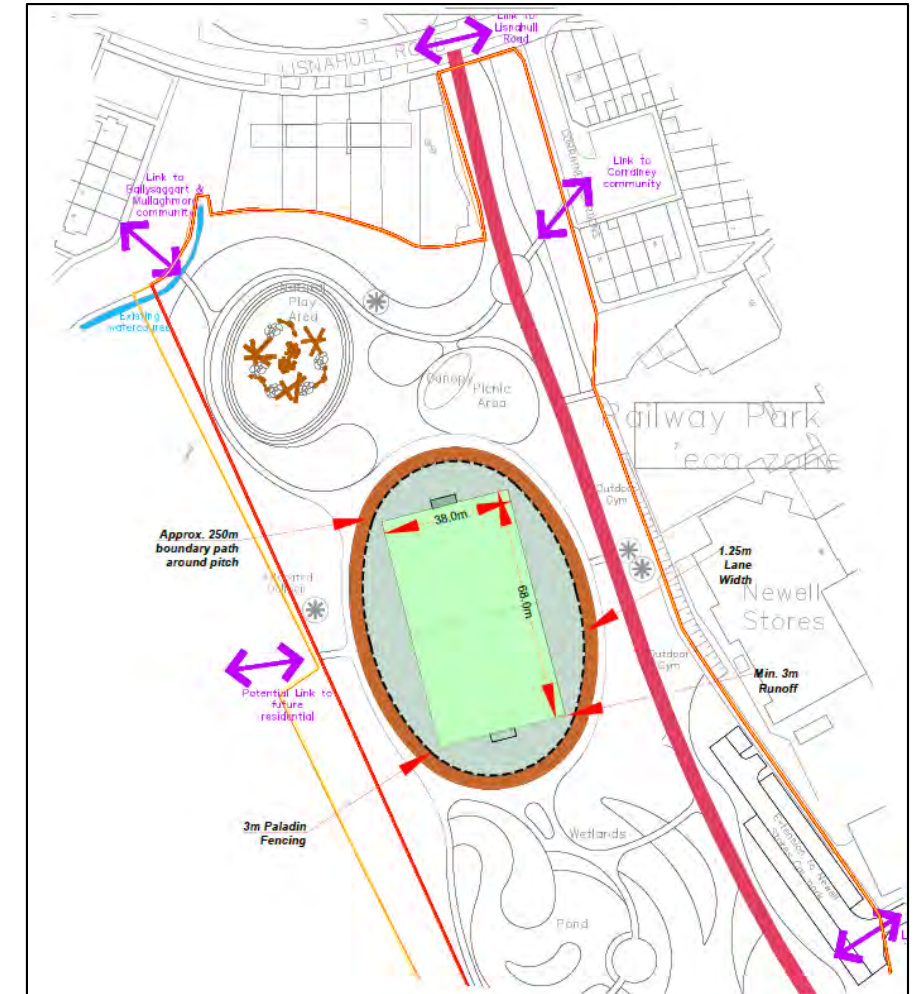






# Section 3 – Current Projects in Design April 2021

## Railway Park – EST £1.5m







## Section 3 – Current Projects in Design April 2021

Active Travel – EST £759k



**Maghera Street Lighting**



**Eglish Footpath Extension**



**Coalisland Footpath Street Lighting**



**Bellaghy Footpath Extension**



**Clogher Footpath Extension**



**Clonoe Footpath Extension**



# **Section 4**

## **Capital Framework**

### **2020-2024**



## **Section 5**

# **Other DEA Requests – Workshop Discussions Feb/March 2021**

# Section 5 – Other DEA Requests – Workshop Discussions

## Feb/March 2021

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

### Carntogher DEA

- Trust Autism Centre, Maghera
- Moydamlaght phase 2
- Newferry to Toome Blue way
- Ballymacombs
- Largantogher park, HS site, Maghera



# Section 5 – Other DEA Requests – Workshop Discussions

## Feb/March 2021

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

### Cookstown DEA

- Cabin wood development and access
- Town park for Cookstown
- Fairhill play area
- Civic Building

# Section 5 – Other DEA Requests – Workshop Discussions

## Feb/March 2021



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

### Clogher Valley DEA

- DDA compliance for Glencull walkway
- Gateway to Fermanagh
- Greenway through Clogher valley
- Beaghmore mountain
- Dunroyle forest Ballygawley
- Slieve Bay
- Parkanaur
- Lumfords Glen
- Caledon-Castlecaulfield Greenway
- Favour Royal Rd, St Patricks Chair and Well
- Fishing stands- River Blackwater
- Sculpture at summit in Knockmany
- Ballygawley roundabout upgrade
- Carlton College
- Ross Lough
- Mollies Lough
- Favour Royal forest
- US Grants development
- Augher, new gym
- Fivemiletown Amenity site
- Caledon- Caledon lough, EI scheme

# Section 5 – Other DEA Requests – Workshop Discussions

## Feb/March 2021



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

### Dungannon DEA

- 3G pitch at Dungannon Park
- Playpark at Bush
- Shared Campus in Moy
- Moy redevelopment
- Develop Drumcoo to Park status
- Extend the Earls project using Railway line around Dungannon
- Windmill Wood redevelopment
- Ballysaggart Lough redevelopment
- Dungannon Park to Cottagequinn cemetery to Black Lough

# Section 5 – Other DEA Requests – Workshop Discussions

## Feb/March 2021



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

### Magherafelt DEA

- Greenways –gap in walk at Lough Fea
- Manor Park Spruce-up
- Lough Fea Garden tidy-up

# Section 5 – Other DEA Requests – Workshop Discussions

## Feb/March 2021



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

### Moyola DEA

- TRAAD development and links to Ballyronan
- Develop other side of riverside walk at Moyola, links to Golf course
- PR scheme for Draperstown/ conservation area
- Fairhill currently leased by MUDC, develop as play area
- Active Travel, - new street lighting up to Straw

# Section 5 – Other DEA Requests – Workshop Discussions

## Feb/March 2021



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

### Torrent DEA

- Donaghmore play area upgrade, 4G or similar
- Aquaduct in Newmills development
- Larger playpark required for Killeen
- Altmore forest redevelopment
- Drumcairn Forest development
- Coalisland Amenity site upgrade for users



# Members Comments





<b>Report on</b>	Bus Shelters Update
<b>Date of Meeting</b>	15 <sup>th</sup> June 2021
<b>Reporting Officer</b>	Raymond Lowry

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

<b>1.0</b>	<b>Purpose of Report</b>
1.1	To update Members on the current bus shelter status.
<b>2.0</b>	<b>Background</b>
2.1	Council is empowered under the Local Government Miscellaneous Provisions (NI) Order 1985, with the consent of the department to erect and maintain on any road within the district of the council, shelters for the protection from the weather or persons waiting to enter public service vehicles. Bus shelters are erected following local representations. They are provided, particularly for those who have to use public services who may have to stand out in the inclement weather.
2.2.	Following the bus shelter collaborative workshop held in March 2020, the bus shelter process was discussed and agreed at the Council meeting held on the 27 <sup>th</sup> March 2020. Members are advised in a monthly report of progress made on the various applications that have been lodged with the department.
2.3	Due to the Covid-19 pandemic progress has been delayed with unavailability of staff and priority of workloads within the various departments involved in dealing with the shelter installation. MUDC / DfI Roads have met (through "Microsoft Teams") to discuss a selection of these projects and will continue to carry out similar meetings to progress shelter applications.
2.4	Members to note that an update workshop was held in January 2021 with elected members to review the existing Bus Shelter procedural guide / policy. This has now been presented to the March Committee/Council for approval and Technical Service have revisited all applications that had been put "On Hold" (see Summary 3.6 for information).

3.0	Main Report																																																				
3.1	<p>The following information headings will be covered:</p> <ul style="list-style-type: none"><li>• New applications made in the past month (see 3.2)</li><li>• Progress on stages 2-4 application process (see 3.3)</li><li>• Request for Council to move from stage 5 (see 3.4)</li><li>• Progress update on stages 6-9 (see 3.5)</li><li>• Neighbour Notification summary and detailed analysis (see 3.6)</li><li>• Projects recommended for approval (3.17)</li><li>• Projects recommended for withdrawal (see 3.18)</li><li>• Shelters passed to Property Services for installation (3.19)</li><li>• Progress update on stages 10-11 (see 3.20)</li><li>• Update on statutory response times in relation to agreement on time related responses for application (see 3.21)</li><li>• Other issues (see 3.22)</li></ul>																																																				
3.2	<b>New Applications made in the past month – None.</b>																																																				
3.3	<b>Progress on stages 2-4 of the application process – see table in Appendix 1.</b> <ul style="list-style-type: none"><li>• Annaghmore Road, Clonoe.</li><li>• Coagh Road, Stewartstown.</li><li>• Reenaderry Road, Coalisland</li></ul>																																																				
3.4	<b>Requests for Council to move from stage 5 of the application process – Killeen, Lisacclare Road, to proceed to stage 5 of the application process this month.</b>																																																				
3.5	<b>Progress update on stages 6-9 – the applications below (3.7 – 3.16) have been discussed with a view to getting approval.</b>																																																				
3.6	<b>Summary of Neighbour Notifications</b> <p>The Table below is a summary of results for re-issued Neighbour notifications. A detailed analysis of each communication is as detailed under headings 3.7 - 3.16.</p> <table><tr><th>Point Nr</th><th>Shelter Location</th><th>Approved</th><th>Not Approved</th></tr><tr><td>3.7</td><td>Main St, Benburb</td><td></td><td>Not approved</td></tr><tr><td>3.8</td><td>Innishrush Village</td><td></td><td>Not Approved</td></tr><tr><td>3.9</td><td>Bellaghy, Main St/William St</td><td></td><td>Not Approved</td></tr><tr><td>3.10</td><td>Meenagh Park</td><td></td><td>Not Approved</td></tr><tr><td>3.11</td><td>Eglish View, Ballinderry</td><td></td><td>Not Approved</td></tr><tr><td></td><td></td><td></td><td><b>5Nr</b></td></tr><tr><td>3.12</td><td>Cappagh Village</td><td>Approved</td><td></td></tr><tr><td>3.13</td><td>Seamus Heaney HomePlace</td><td>Approved</td><td></td></tr><tr><td>3.14</td><td>Knockcloghrim village</td><td>Approved</td><td></td></tr><tr><td>3.15</td><td>Annaghnaboe Rd</td><td>Approved</td><td></td></tr><tr><td>3.16</td><td>Whitebridge Rd</td><td>Approved</td><td></td></tr><tr><td></td><td></td><td><b>5Nr</b></td><td></td></tr></table>	Point Nr	Shelter Location	Approved	Not Approved	3.7	Main St, Benburb		Not approved	3.8	Innishrush Village		Not Approved	3.9	Bellaghy, Main St/William St		Not Approved	3.10	Meenagh Park		Not Approved	3.11	Eglish View, Ballinderry		Not Approved				<b>5Nr</b>	3.12	Cappagh Village	Approved		3.13	Seamus Heaney HomePlace	Approved		3.14	Knockcloghrim village	Approved		3.15	Annaghnaboe Rd	Approved		3.16	Whitebridge Rd	Approved				<b>5Nr</b>	
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3.7

- **Main Street, Benburb** (see Table 4 Appendix 1 – reference 14) Neighbour notification completed.

Shelter Location	Main Street, Benburb
Bus Shelter Requested	23 July 2020
Date Request Validated	27 July 2020
Survey Issued	05 May 2021
Survey Returned By	19 May 2021
Survey Letters Issued (No.)	3
Survey Letters Returned	1
Replies in Favour	0
Replies not in Favour	1
No response	2
Valid Returns	1
Percentage that have objections	100%

In accordance with the Bus Shelter Policy, where more than 51% of the completed replies returned by occupiers indicate that they are not in favour of the installation of a bus shelter, it is confirmed that the bus shelter at **Main Street, Benburb is recommended not to be installed.**

3.8

- **Innishrush Village** (see Table 4 Appendix 1 – reference 12) Neighbour notification completed.

Shelter Location	Innishrush, Portglenone
Bus Shelter Requested	15 August 2016
Date Request Validated	26 August 2016
Survey Issued	05 May 2021
Survey Returned By	19 May 2021
Survey Letters Issued (No.)	12
Survey Letters Returned	6
Replies in Favour	3
Replies not in Favour	3
No response	6
Valid Returns	6
Percentage that have objections	50%

In accordance with the Bus Shelter Policy, where more than 51% of the completed replies returned by occupiers indicate that they are in favour of the installation of a bus shelter, it is confirmed that the bus shelter at **Innishrush, Portglenone is recommended not to be installed.**

3.9	<ul style="list-style-type: none"> <li>• <b>Bellaghy- Main Street/ William Street</b> (see Table 4 Appendix 1 – reference 8) Neighbour notification completed.</li> </ul> <table border="1" data-bbox="308 297 1353 792"> <thead> <tr> <th>Shelter Location</th><th>Main Street, Bellaghy</th></tr> </thead> <tbody> <tr> <td>Bus Shelter Requested</td><td>06 December 2016</td></tr> <tr> <td>Date Request Validated</td><td>07 December 2016</td></tr> <tr> <td>Survey Issued</td><td>06 May 2021</td></tr> <tr> <td>Survey Returned By</td><td>20 May 2021</td></tr> <tr> <td>Survey Letters Issued (No.)</td><td>11</td></tr> <tr> <td>Survey Letters Returned</td><td>4</td></tr> <tr> <td>Replies in Favour</td><td>2</td></tr> <tr> <td>Replies not in Favour</td><td>2</td></tr> <tr> <td>No response</td><td>7</td></tr> <tr> <td>Valid Returns</td><td>4</td></tr> <tr> <td>Percentage that have objections</td><td>50%</td></tr> </tbody> </table> <p data-bbox="341 831 1445 974">In accordance with the Bus Shelter Policy, where more than 51% of the completed replies returned by occupiers indicate that they are in favour of the installation of a bus shelter, it is confirmed that the bus shelter at <b>Bellaghy – Main Street/ William Street is recommended not to be installed.</b></p>	Shelter Location	Main Street, Bellaghy	Bus Shelter Requested	06 December 2016	Date Request Validated	07 December 2016	Survey Issued	06 May 2021	Survey Returned By	20 May 2021	Survey Letters Issued (No.)	11	Survey Letters Returned	4	Replies in Favour	2	Replies not in Favour	2	No response	7	Valid Returns	4	Percentage that have objections	50%
Shelter Location	Main Street, Bellaghy																								
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3.10	<ul style="list-style-type: none"> <li>• <b>Menagh Park, Coalisland</b> (see Table 4 Appendix 1 – reference 18) Neighbour notification completed.</li> </ul> <table border="1" data-bbox="308 1160 1353 1655"> <thead> <tr> <th>Shelter Location</th><th>Menagh Park, Coalisland</th></tr> </thead> <tbody> <tr> <td>Bus Shelter Requested</td><td>26 June 2019</td></tr> <tr> <td>Date Request Validated</td><td>28 June 2019</td></tr> <tr> <td>Survey Issued</td><td>28 April 2021</td></tr> <tr> <td>Survey Returned By</td><td>12 May 2021</td></tr> <tr> <td>Survey Letters Issued (No.)</td><td>9</td></tr> <tr> <td>Survey Letters Returned</td><td>6</td></tr> <tr> <td>Replies in Favour</td><td>0</td></tr> <tr> <td>Replies not in Favour</td><td>6</td></tr> <tr> <td>No response</td><td>3</td></tr> <tr> <td>Valid Returns</td><td>6</td></tr> <tr> <td>Percentage that have objections</td><td>100%</td></tr> </tbody> </table> <p data-bbox="341 1693 1445 1836">In accordance with the Bus Shelter Policy, where more than 51% of the completed replies returned by occupiers indicate that they are in favour of the installation of a bus shelter, it is confirmed that the bus shelter at <b>Meenagh Park is recommended not to be installed.</b></p>	Shelter Location	Menagh Park, Coalisland	Bus Shelter Requested	26 June 2019	Date Request Validated	28 June 2019	Survey Issued	28 April 2021	Survey Returned By	12 May 2021	Survey Letters Issued (No.)	9	Survey Letters Returned	6	Replies in Favour	0	Replies not in Favour	6	No response	3	Valid Returns	6	Percentage that have objections	100%
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Survey Letters Returned	6																								
Replies in Favour	0																								
Replies not in Favour	6																								
No response	3																								
Valid Returns	6																								
Percentage that have objections	100%																								

3.11

- **Eglish View, Ballinderry** (see Table 4 Appendix 1 – reference 17) Neighbour notification completed.

Shelter Location	Eglish View, Ballinderry
Bus Shelter Requested	09 May 2016
Date Request Validated	10 May 2016
Survey Issued	29 April 2021
Survey Returned By	13 May 2021
Survey Letters Issued (No.)	7
Survey Letters Returned	6
Replies in Favour	0
Replies not in Favour	6
No response	1
Valid Returns	6
Percentage that have objections	100%

In accordance with the Bus Shelter Policy, where more than 51% of the completed replies returned by occupiers indicate that they are in favour of the installation of a bus shelter, it is confirmed that the bus shelter **at Eglish View, Ballinderry, is recommended not to be installed.**

3.12

- **Cappagh Village** (see Table 4 Appendix 1 – reference 3) Neighbour notification completed.

Shelter Location	Cappagh Road, Cappagh
Bus Shelter Requested	29 June 2018
Date Request Validated	01 July 2018
Survey Issued	28 April 2021
Survey Returned By	12 May 2021
Survey Letters Issued (No.)	3
Survey Letters Returned	2
Replies in Favour	2
Replies not in Favour	0
No response	1
Valid Returns	2
Percentage that have no objections	100%

In accordance with the Bus Shelter Policy, where more than 51% of the completed replies returned by occupiers indicate that they are in favour of the installation of a bus shelter, it is confirmed that the bus shelter **at Cappagh Road, Cappagh is recommended to be installed.**

3.13

- **Bellaghy – Seamus Heaney HomePlace** (see Table 4 Appendix 1 – reference 9) Neighbour notification completed.

Shelter Location	Main Street, Bellaghy
Bus Shelter Requested	06 December 2016
Date Request Validated	07 December 2016
Survey Issued	06 May 2021
Survey Returned By	20 May 2021
Survey Letters Issued (No.)	12
Survey Letters Returned	3
Replies in Favour	3
Replies not in Favour	0
No response	9
Valid Returns	3
Percentage that have no objections	100%

In accordance with the Bus Shelter Policy, where more than 51% of the completed replies returned by occupiers indicate that they are in favour of the installation of a bus shelter, it is confirmed that the bus shelter at **Bellaghy – Seamus Heaney HomePlace is recommended to be installed.**

3.14

- **Knockloughrim** (see Table 4 Appendix 1 – reference 10) Neighbour notification completed.

Shelter Location	Quarry Road, Knockcloghrim
Bus Shelter Requested	19 May 2017
Date Request Validated	21 May 2017
Survey Issued	06 May 2021
Survey Returned By	20 May 2021
Survey Letters Issued (No.)	5
Survey Letters Returned	3
Replies in Favour	2
Replies not in Favour	1
No response	2
Valid Returns	3
Percentage that have no objections	67%

In accordance with the Bus Shelter Policy, where more than 51% of the completed replies returned by occupiers indicate that they are in favour of the installation of a bus shelter, it is confirmed that the bus shelter at **Knockloughrim is recommended to be installed.**

3.15

- **Annaghnaboe, Coalisland** (see Table 4 Appendix 1 – reference 15)  
Neighbour notification completed.

Shelter Location	Annaghnaboe, Coalisland
Bus Shelter Requested	05 December 2016
Date Request Validated	07 December 2016
Survey Issued	05 May 2021
Survey Returned By	19 May 2021
Survey Letters Issued (No.)	1
Survey Letters Returned	0
Replies in Favour	0
Replies not in Favour	0
No response	1
Valid Returns	0
Percentage that have no objections	100%

In accordance with the Bus Shelter Policy, where more than 51% of the completed replies returned by occupiers indicate that they are in favour of the installation of a bus shelter, it is confirmed that the bus shelter at **Annaghnaboe, Coalisland is recommended to be installed.**

3.16

- **Whitebridge Road, Ballygawley** (see Table 4 Appendix 1 – reference 4)  
Neighbour notification completed.

Shelter Location	Whitebridge Road, Ballygawley
Bus Shelter Requested	01 September 2020
Date Request Validated	02 September 2020
Survey Issued	28 April 2021
Survey Returned By	12 May 2021
Survey Letters Issued (No.)	1
Survey Letters Returned	0
Replies in Favour	0
Replies not in Favour	0
No response	1
Valid Returns	0
Percentage that have no objections	100%

In accordance with the Bus Shelter Policy, where more than 51% of the completed replies returned by occupiers indicate that they are in favour of the installation of a bus shelter, it is confirmed that the bus shelter at **Whitebridge Road, Ballygawley is recommended to be installed.**

3.17	<b>Projects noted below are recommended for approval</b> – No Applications are currently being recommended for approval.																						
3.18	<b>Projects noted below are recommended for withdrawal</b> – No applications are being recommended for withdrawal.																						
3.19	Members to Note the following shelters as listed in Table 1 have been passed to Property Services for installation and currently being programmed for installation.																						
	<b>Table 1</b>																						
	<table border="1"> <thead> <tr> <th>Shelter Location</th><th>Current Status</th><th>Date passed to Property Services as approval</th><th>Shelter type to be installed</th></tr> </thead> <tbody> <tr> <td>Washingbay Road, Moor Road, Clonoe</td><td>Approved</td><td>17/12/2020 Final location to be agreed on site prior to installation instruction being given</td><td>Glazed</td></tr> <tr> <td>Brackaville, Coalisland</td><td>Approved</td><td>17/12/2020, Final location being agreed with applicant. Once agreed, information will be passed to Property Services</td><td>Glazed</td></tr> <tr> <td>Drummullan village</td><td>Replacement shelter with one side removed to allow safe access from existing footpath</td><td>21/10/2020 Delay in installation as a special cantilevered shelter had to be procured to meet site conditions.</td><td>Metal</td></tr> <tr> <td>Moygashel Village</td><td>Approved</td><td>17/12/2020 Delay in installation as a special cantilevered shelter had to be procured to meet site conditions.</td><td>Glazed</td></tr> </tbody> </table>			Shelter Location	Current Status	Date passed to Property Services as approval	Shelter type to be installed	Washingbay Road, Moor Road, Clonoe	Approved	17/12/2020 Final location to be agreed on site prior to installation instruction being given	Glazed	Brackaville, Coalisland	Approved	17/12/2020, Final location being agreed with applicant. Once agreed, information will be passed to Property Services	Glazed	Drummullan village	Replacement shelter with one side removed to allow safe access from existing footpath	21/10/2020 Delay in installation as a special cantilevered shelter had to be procured to meet site conditions.	Metal	Moygashel Village	Approved	17/12/2020 Delay in installation as a special cantilevered shelter had to be procured to meet site conditions.	Glazed
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Moygashel Village	Approved	17/12/2020 Delay in installation as a special cantilevered shelter had to be procured to meet site conditions.	Glazed																				
3.20	<b>Progress update on stages 10-11</b> – 2nr shelters installed since date of last meeting. <ul style="list-style-type: none"> <li>• Culnady Village</li> <li>• Stewartstown</li> </ul>																						



3.21 **Progress on response times** – Agreed response times within 30 days with statutory agencies.

Statutory Agencies	Number requests sent	Reply <30 Days	Reply >30 Days
Translink	3	1	2
Education Authority	3	1	2
DfI Roads	0	0	0
NIHE	1	0	1

**Translink,  
Responses Outstanding**

1. Mountjoy Road, Brocagh
2. Tullyhogue Village, Tullyhogue
3. Brough Road, Castledawson

**Education Authority,  
Responses Outstanding**

1. Mountjoy Road, Brocagh
2. Brough Road, Castledawson
3. Coagh, road, Stewartstown

**NIHE  
Responses Outstanding**

1. Innishrush Village

- **Interagency Meeting;** Statutory update meeting held 11 May 2021 with DfI Roads, Education Authority, NIHE and Translink, to discuss new Bus shelter locations, response times and any other issues. Next meeting scheduled for 17 June 2021.

3.22 **Other issues:** None to report.

<b>4.0</b>	<b>Other Considerations</b>
4.1	<b>Financial, Human Resources &amp; Risk Implications</b>
	Financial: Within budget for Technical Services and Property services to action provision / installation costs within their budget.
	Risk Management: Non-delivery will have adverse impact of users of public transport.
4.2	<b>Screening &amp; Impact Assessments</b>
	Equality & Good Relations Implications: N/a
	Rural Needs Implications: N/a
<b>5.0</b>	<b>Recommendation(s)</b>
5.1	Members to note the content of the report on the progress made on bus shelters within the district.
<b>6.0</b>	<b>Documents Attached &amp; References</b>
6.1	Appendix 1 – New Procedural guide
6.2	Appendix 2 – Progress table with comments
6.3	Appendix 3 – Installed Shelters

# Procedural Guide on the Provision of Bus Shelters



## 1.0 Bus Shelters – Mid Ulster District Council

Council is empowered under the Local Government Miscellaneous Provisions (NI) Order 1985, with the consent of the Department for Infrastructure (DfI) to erect and maintain on any road within the district of the council, shelters for the protection from the weather or persons waiting to enter public service vehicles. Bus shelters are erected following local representations. They are provided, particularly for those who have to use public services who may have to stand out in the inclement weather.

### 1.1 PROCEDURAL STATEMENT

Council will erect a bus shelter where there is shown to be a need, providing the location does not present a safety or nuisance problem and adequate funding is available. Relocation of bus shelters should only take place as a result of either road alignment or the bus companies relocating their bus stops. All other cases of relocation should be resisted as long as there is an identified need for the shelter. Any relocation as a result of retail business / property owner request will only be considered if an alternative suitable location (distance restrictions will be considered) can be accommodated AND the retail business / property owner covers all associated costs for relocated shelter.

If there is any reported anti-social behaviour over a 12 month period at the location of a new/existing shelter the shelter location will be reviewed by Council with an option to remove the shelter and make good the existing surfaces.

### 1.2 CRITERIA FOR THE ERECTION OF A BUS SHELTER

1. Usage must be a minimum of 6 passengers over a period of a day and applications will be considered on a first come, first served basis, with Translink NI / Education Authority confirming this information. Less than 6 passengers will only be considered by a Council/DEA approval process.
2. The location must be at a recognised bus stop.
3. Following validation, the Council will canvass, by post, all property addresses within 50m frontage to the bus stop (25m either side) on the erection of the shelter, including the type of shelter.
4. At least 51% of the addresses surveyed must have no objections to the shelter.

NOTE - for the purposes of assessment where 51% (rounded to the nearest whole number) of property addresses that respond indicate that they are not in favour of the erection of a shelter, then the results of the survey will be forwarded to the Environment Committee for information confirming that the shelter will not be approved or erected.)

## Appendix 1

5. There should be no Department for Infrastructure Roads objections on traffic grounds.
6. There must be sufficient budgetary provision available to provide the bus shelter.
7. All Survey results that do not meet the essential criteria to be reported to Council for consideration.
8. Once refused a request may not be considered for a further 12 month period from the original decision by Council.
9. Form TS/BSRF/01 to be completed and signed off by Head of Service.
10. Bus Shelter request to be approved by Environment Committee.

### 1.3 DESIGN OF BUS SHELTER

The Council endeavour to provide good quality, comfortable bus shelters purchased through the Procurement Department. Where appropriate they will endeavour to have bus shelters erected free of charge, other than services by Adshel.

1. All shelters within 30mph speed limits will have shelter in accordance with **Example A**, (as below).
2. All shelters outside 30mph speed limits will have shelter in accordance with **Example B**, (as below).

Council will consider in conservation areas the erection of shelters above this standard, but the cost of such shelters excluding erection and servicing costs shall not exceed £3000.00.



**Example A**, within  
30mph speed limits,  
Glazed shelter.



**Example B**, outside  
30mph speed limits,  
painted metal shelter.

## 1.4 REPLACEMENT OF BUS SHELTERS

Any defective shelters that require replacement as part of their life span to be replaced using location criteria and shelter design Examples A or B as noted above as part of the maintenance of the Council Estate .

## 1.5 PROVISION OF BUS SHELTERS – PROCESS

**Stage 1:** Send application form to person requesting Erection of Shelter.

**Stage 2:** Acknowledge receipt of request (in writing) – standard letter sent.

**Stage 3:** Carry out preliminary visit to investigate suitability of site.

**Stage 4:** Contact Translink / SELB / Private approved Coach Companies to confirm viability of erecting bus shelter i.e. recognised "Bus Stop", number and age of children, bus routes etc. 1<sup>st</sup> organisation to respond with numbers meeting the criteria i.e. 6 or more then proceed to next stage.

**Note** – shelters only provided at locations where it is confirmed a minimum of six people await / board buses.

Organisational Name	Contact Name	Contact Number	

**Stage 5:** Report to Environment Committee to seek Council approval/instruction.

**Stage 6:** Identify landowner e.g. Housing Executive, local farmer, etc. and obtain their written consent for erection of bus shelter and consult with adjoining properties (contact local Councillor and arrange site meeting if necessary). Elected members to be notified by email when letters are to be issued to neighbours for information purposes.

**Stage 7:** Send letters (with location maps) for approval/comments to DfI (Roads) / Water Service, PSNI, BT and NIE (arrange follow-up site meetings if necessary).

**Stage 8:** Sign and return DFI (Roads), Article 66, Consent/Schedule at least six days prior to erection of bus shelter.

**Stage 9:** Erect bus shelter – Example A or Example B (see 1.3).

**Stage 10:** Send request to GIS officer to have new asset plotted, and add to shelter register which is to be forwarded to Procurement Department, for insurance cover. Information to include erection/ maintenance/ ownership/ risk assessments / inspection regime / legal agreements between Council and the relevant landowners.

**Stage 11:** Report back to Council.

Date

Our Ref: MUDC/TS/BS/

The Occupier

Address 1

Address 2

Postcode

Dear Sir/Madam,

**Re: Application for Provision of Bus Shelter at [Enter Location]**

Mid Ulster District Council have received an application to erect a bus shelter at the above location and as noted in attached map (see Appendix 1).

The Council's Procedural Guide on the Provision of Bus Shelters outlines that validated applications are subject to neighbour notification. Those who meet the following criteria are eligible to register their preference on this matter:

- All property addresses within 50m frontage to the bus stop (25m either side) on the erection of the shelter, including the type of shelter

Our records indicate that this address is within 50m criteria and therefore subject to neighbour notification.

If approved Council would install Bus Shelter type **[Enter Bus Shelter Example A or B]** as detailed in Appendix 2.

On completion of this survey Council will provide a determination on this request on the basis of the majority preference as submitted. For approval to be considered, at least 51% (majority) of respondents must be in favour of the proposal.

Please read carefully the statements on the survey form attached. Tick your preferred option in the appropriate box, print your name and address and sign the document. The completed survey form(s) should be returned to this office by either:

- a. returning in Self Addressed Envelope provided, or
- b. emailing to [Technicalservices@midulstercouncil.org](mailto:Technicalservices@midulstercouncil.org)

Forms received after **[Enter Day and Date]** will not be considered.

Thank you for your time completing this survey.

If you have any queries on the above, please contact ( Officer Name ) in the Cookstown Office by email at ( ,,,,,,, ) or by telephone on 03000 132 132 Ext: 24400.

Yours faithfully,

A handwritten signature in blue ink, appearing to read 'Raymond Lowry', enclosed in a thin black rectangular border.

Raymond Lowry  
**Head of Technical Services**

Encs.

**Cc DEA Councillors**



## **PROVISION OF BUS SHELTER – SURVEY FORM**

1. **I HAVE NO OBJECTIONS** to have a Bus Shelter erected at **[Enter Location]**

☐

2. **I DO NOT WISH** to have a Bus Shelter erected at **[Enter Location]**

☐

If you have ticked this box please give reason for objection

Reason for Objection:

Name: \_\_\_\_\_  
(CAPITALS)

Address: \_\_\_\_\_

Signature: \_\_\_\_\_

The Results of this survey will be available to view on the MUDC website  
[www.midulstercouncil.org](http://www.midulstercouncil.org) under Council Meetings but should you wish to receive written  
correspondence detailing the outcome of the survey please tick this box. ☐

### **Data Protection**

In accordance with Data Protection Legislation, Mid Ulster District Council has a duty to protect any data we hold. The information you provide on this survey form will be used for the purposes of processing your survey and will not be shared to any third party unless law or regulation compels such a disclosure. Information will be retained in accordance with the Council's Retention and Disposal Policy.



## Appendix 1

**[Insert Map of proposed Bus Shelter location]**

## Appendix 2

### BUS SHELTER TYPE

**See below Example A** - within 30mph speed limits, glazed shelter.



**See below Example B** - outside 30mph speed limits, painted metal shelter.



Table 1 – Applications awaiting formal application to be submitted (0nr)				
No	Location	Stage	Status / Comment	Progress status
0				No new applications awaiting formal application
Table 2 – New applications received since last Committee (0nr)				
0				No new applications since last Committee
Table 3 – STAGES 2-4, (8nr)				
1	Derryvale, Coalisland	3	Proposed location has been declined by Translink. Alternative sites being sought.	Site visit held, 08 February with DFI roads and Translink to agree site. Alternative location has been identified, Landowner to be identified as adjacent to existing field access. DFI roads to confirm.
2	Jordan Engineering, Benburb	4	Meeting to be organised with Cllr Burton on site to agree location	Site visit held, 08 February 2021 with DFI roads and Translink to review shelter location options. TS to discuss existing routes with EA, and discuss possible new location with landowner. Potential new application to be lodged by current applicant.
3	Brough Road, Castledawson (Private Application) - 2018/001	3	Application Form returned .	User numbers requested by Translink/EA . Translink Have reported 4nr passengers, EA to confirm numbers. Reported up to 21 passengers use the stop. <b>Reminder sent to Translink for user numbers</b>
4	Killeen Crossroads	4	Translink to provide alternative pick-up avoiding dangerous road crossing to Coole Road.	Translink now relocated their stop / pick up location and new shelter can be progressed at this location. Discussion with DFI Roads held and community engagement close out formal process. <b>Neighbour notification to be issued after Council approves Stage 5.</b>
5	Tirkane Road, Maghera	2	Application Form returned .	Site visit 08 April, identified site for shelter. User numbers to be revisited by Translink.
6	Coagh Rd, Stewartstown	3	New application	Application form signed and progressing with letters sent to Translink and EA to confirm user numbers
7	Annaghmore Rd, Clonoe	3	New application	Application form signed and progressing with letters sent to Translink and EA to confirm user numbers
8	Reenaderry Rd, Reenaderry	2	New application	Application form signed. Site visit took place on 05 May with applicant, letters sent to Translink and EA to confirm user numbers
Table 4 – STAGES 5-8, (18 NR)				
No	Location	Stage	Status / Comment	Progress status
1	Tullyhogue Village	6	Residents declined original location as will promote anti-social behaviour. Limited options for alternative sites that suit bus pick-ups.	New site identified within village. Site meeting took place with applicant and Translink. <b>Travel directions and pick up numbers confirmed with EA and Translink still to respond. Reminder sent.</b>
2	St Colmans Park, Moortown	6	Met applicant on site 9 October 2020, site agreed.	<b>NIHE confirmed that they are the registered owner. Letter sent from applicant to Minister for comment on the requirement by NIHE to sell/ lease grounds. Confirmed land must be transferred by either lease or purchase, negotiations ongoing with applicant for potential alternative site.</b>
3	Cappagh Village	8	Existing shelter in dangerous location, no footpath. Community request to have children lifted in the village. Limited turning space for buses in village.	Site meeting held on 01 December, new location has been agreed for the shelter. Local community group have discussed with adjacent neighbours who appear in favour of the proposed location. Landowner investigation underway. <b>Neighbour notification returned 100% approval.</b>
4	Whitebridge, Ballygawley	8	New request for shelter	<b>Private Landowner identify. Site agreed with DFI Roads and EA. Neighbour notification returned approved to proceed.</b>

5	Glendavagh Road, Crilly, Aughnacloy - 2016/013	6	Application Form filled in during meeting with Cllr Burton	Site visit held 08 February 2021, with DfI roads. Site identified, subject to landowner agreement. Translink confirmed 0nr users, EA confirmed 6nr users. Site visit to be confirmed with EA and DfI roads for site location. Neighbour notification to be issued.
6	Church street , Cookstown	6	Site meeting held with applicant, user number requests issued to Translink and EA	User numbers requested from Translink and EA. Translink responded to say they lift 20nr passengers. EA confirmed 10nr users. Site estate agent for adjacent vacant site to be consulted on shelter location. Reminders sent. Site meeting 08 April confirmed site for shelter subject to approval.
7	Kinrush Road/Battery Road Junction, Moortown	6	Original site limited space, alternative site to be confirmed.	Original location deemed not acceptable although alternative location has now been identified and progress to install shelter to programmed. TS programmed to discuss with DfI roads at next meeting and progress to instruct to install shelter.
8	Bellaghy, Overends layby	8	Proposed site at Overends Layby adjacent to recent EI scheme paved area.	Discussed with DfI roads and alternative 2no locations have been agreed. Translink to confirmed locations . Community engagement to complete to ensure all residents are in agreement to new shelter locations. Translink and DfI roads have confirmed they are content to move their stops and subject to reseedent engagement these can progress. Neighbour notification returned 50% approval, not to proceed.
9	Main Street, Bellaghy	8	Existing shelter removed, at chemist. Proposed new sites have been identified at Seamus Heaney HomePlace.	Discussed with DfI roads and alternative 2no locations have been agreed. Translink to confirmed locations . Community engagement to complete to ensure all residents are in agreement to new shelter locations. Translink and DfI roads have confirmed they are content to move their stops and subject to reseedent engagement these can progress. Neighbour notification returned 100% to proceed.
10	Knockloughrim Village	8	Landowner unknown for proposed site. Further investigations underway to determine landowner.	Parks department have agreed loction within their site, Neighbour consultation, closed 20 October 2020. Nearest neighbour consultation returned, did not meet required criteria. Neighbour notification 67% in favour of shelter.
11	Kingsisland Primary School	6	Final confirmation from primary school required to progress.	Meeting to be held with school on exact location of shelter, location drawing circulated to school and church for final approval for shelter location. Meeting held with Primary school. A Planning application has been lodged to extend the school. (On hold subject to Planning decision)
12	Inishrush Village	8	Landowner clarified as NIHE.	NIHE to approve location for new shelter. Programme for delivery, subject to permission and legal agreements/ lands transfer from NIHE. Further update and community engagement to be confirmed. NIHE to consider if lands to be transferred to MUDC. Neighbour notification returned 50% in favour, not to proceed
13	Magheracastle Road / Mountjoy Road, Brocagh	6	Pending withdrawal notification from applicant as proposed site on wrong side of the road for pick-up.	Report at next Council Site meeting held 3 August, site agreed, requests sent to Translink and EA for number confirmation. Reminders sent to both parties awaiting responses
14	Main street, Benburb	6	Site meeting held with Cllr Molloy, user number requests issued to Translink and EA	User numbers requested from Translink and EA. Translink confirmed 25 passenger numbers. EA confirmed they lift no passengers at this stop. Landowner to be identified and neighbour notification returned 0% in favour, not to proceed.
15	Annaghboe Road/ Washingbay Road Junction, Clonoe - 2017/006	8	Landowner approval required for siting of new shelter on Washingbay Road.	Landowner approval refused. Alternative site to be agreed. Programme to be confirmed when site identified. If new location cannot be agreed a paper will be brought back to Council to have the application withdrawn. Meeting with Translink 10th September and approval has been agreed for new site. Neighbour notification returned, proceed to next stages, no objections.
16	Goland Road/ Armaghlughey Road, Ballygawley - 2016/015	6	Site and user numbers confirmed .	Translink users confirmed, 10nr. Location to be agreed with DfI raods./ Translink. Neighbour notification issued.

17	Eglish View, Ballinderry	8	Landowner content with siting of shelter on open space, identified	User numbers confirmed. Neighbour notification returned 0% in favour, not to proceed.
18	Meenagh Prk, Coalisland	8	DFI roads/Translink approved location beside existing bus stop	User number confirmed. Neighbour notification returned 0% in favour, not to proceed.

**Table 5 – STAGE 9, (4NR),**

No	Location	Stage	Status / Comment	Progress status
1	Drumullan	9	Translink and Education Authority to confirm user numbers to progress.	Existing shelter to be replaced with new shelter ( minus one end piece ) the removal of end piece will facility access from existing footpath thus meaning users will not have to egress onto public road to access the shelter. Progress - Property services instructed to proceed with replacement shelter. Design input required for location to complete, narrower sides required.
3	Credit Union, Moygashel	9	Site meeting between MUDC, Translink and Cllr Cuthbertson on 28-02-2020	Request sent to Translink to re-assess the passenger numbers in this location as requested by applicant. Neighbour notification approved shelter. Passed to property Services for installation. Design input required for location to complete, narrower sides required.
3	Clonoe Crossroads	9	Relocation of existing shelter as too close to junction. Land search in progress to find alternative suitable site.	Discussion with DfI have indicated a suitable location can be accommodated and subject to community engagement should be able to install. DfI Roads to check pedestrian crossing points in the locality. Relocation agreed with Translink 11 September 2020, from Dormans Bar, 30m to housing entrance. Neighbour notification issued. and returned with approval for the bus shelter to proceed. Passed to property services for installation.
4	Brackaville, Four Seasons Bar, Coalisland	9	Limited space on existing footpaths. Translink deemed unsafe. New site required for shelter.	Discussions with DfI Roads have indicated that potential location can be facilitated pending community engagement. Translink have approved location subject to neighbour agreement to removal of hedging. Applicant to approach resident for permission. Currently agreeing final location on site with applicant. Nearest neighbour consultation did meet required criteria. Shelter passed to Property services for installation.

**Table 5 – Stage 10-11 - Bus Shelters Installed (8nr)**

No	Location	Stage	Status / Comment	Progress status
1	143 Omagh road, Ballygawley	10	Existing Bus stop/layby, report to committee required	Installed.
2	Millview/Dunnamore Road, Dunnamore	10	Location agreed, site, DfI Roads compliant for new location.	Installed.
3	Kildrum Estate, Galbally	10	New shelter provision at entrance to housing development.	Installed.
4	Thornhill Road, Pomeroy	10	Location opposite community Hall	Installed.
5	Killeenan Road/Camlough Road/ Loughdoo Road	10	Proposal to locate shelter in Kildress GAC.	Installed.

6	Glebe Court, Castlecaulfield	10	Relocation of existing shelter, land ownership to be confirmed for new site.	Installed.
7	Culnady Village	10	Site approved in centre of village, located on DFI Roads lands.	Installed.
8	Stewartstown	10	Translink to provide Clear Channel shelter at this location. Available budget for Translink causing delay.	Installed.

**Table 7 – Applications to be Withdrawn/ Re- visited (2Nr)**

No	Location	Stage	Status / Comment	Progress status
1	Coole Road	Revisit application following Jan meeting	Re-open application	discussion with DfI Roads to be held in light of new agreed process principals. Report at next Council Meeting
2	Duffs Corner, Ardboe	Revisit application following Jan meeting	Withdrawn	Application withdrawn by applicant April Committee

## APPENDIX 3 - INSTALLED SHELTERS



Stewartstown- New shelter installed in Stewartstown Square.



Culnady- New clear shelter installed in Culnady

