



03 February 2022

Dear Councillor

You are invited to attend a meeting of the Policy & Resources Committee to be held in The Chamber, Magherafelt and by virtual means Council Offices, Ballyronan Road, Magherafelt, BT45 6EN on Thursday, 03 February 2022 at 19:00 to transact the business noted below.

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

Yours faithfully

Adrian McCreesh
Chief Executive

AGENDA

OPEN BUSINESS

1. 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. | MUDC Response to the Department of Communities Consultation on The Local Government (Performance Indicators and Standards) (Amendment) Order (Northern Ireland) 2022 | 3 - 28 |
| 5. | Request to Illuminate Council Properties | 29 - 30 |
| 6. | Reservoirs Act (Northern Ireland) 2015 – Consultation | 31 - 148 |
| 7. | Member Services | |

Matters for Information

- | | | |
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| 8 | Minutes of Policy and Resources Committee held on Wednesday 12 January 2022 | 149 - 154 |
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9	Performance Improvement Update Qtr. 1 - Qtr. 3 (2021-2022)	155 - 206
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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

10. Staffing Matters for Decision
11. Land and Property Update
12. Lands at Lisnahull, Dungannon - Lease
13. Peace IV Shared Spaces
14. Environmental Improvement Works
15. Procurement and Supply Fleet Replacements
16. 2022/23 Rate Estimates

Matters for Information

17. Confidential Minutes of Policy and Resources Committee held on Wednesday 12 January 2022
18. Staffing Matters for Information
19. Full Fibre NI (FFNI) Project Update Report February 2022
20. Financial Report for 9 months ended 31 December 2021
21. Contracts and DAC

Report on	Council draft response to Department for Communities consultation on proposals to amend performance indicator and standards in the Local Government (Performance Indicators and Standards) Order (Northern Ireland) 2015
Date of Meeting	Thursday 3 rd February 2022
Reporting Officer	P Moffett, Assistant Director: Org. Development, Strategy & Performance
Contact Officer	L Jenkins, Performance & Quality Officer

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

1.0	Purpose of Report
1.1	To inform members on Council's response to the consultation that covers proposals by the Department for the Economy (DfE) to amend the current (DfE) performance indicator and standards included within the Local Government (Performance Indicators and Standards) Order (Northern Ireland) 2015 to include the Department for the Economy's (DfE) proposed revised performance indicator and standards in respect of economic development).
2.0	Background
2.1	<p>Statutory Performance Improvement Indicators /Standards.</p> <p>Under the Local Government (Performance Indicators and Standards Order (Northern Ireland) 2015), statutory performance indicators and standards have been set as part of the performance improvement arrangements for district councils. Performance measures have been specified for the functions of: Economic Development, Planning and Waste management, on which to report annually, as part of the performance improvement arrangements for district councils. The aim of the performance measures is to promote the improvement of service delivery for the functions specified.</p>
2.2.	<p>Proposals to Amend the Order in Respect of Economic Development</p> <p>The Department for Communities has commenced a consultation on proposals to amend the Local Government (Performance Indicators and Standards) Order (Northern Ireland) 2015 to include the Department for the Economy's (DfE) proposed revised performance indicator and standards in respect of Economic Development (refer to Appendix One - The Local Government (Performance</p>

	<p>Indicators and Standards) (Amendment) Order (Northern Ireland) 2022). The proposed amendments cover revisions to the performance indicator and standards placed on councils in relation to DfE's policy area of job promotion through a business plan development programme. This consultation closes on 28 February 2022.</p> <p>The consultation is being undertaken by the Local Government & Housing Regulation Division in the Department for Communities (DfC) (which is the responsible department for specifying, under s89 of the Local Government Act (NI) 2014, local government performance indicators and standards). However the policy in respect of these proposed amendments is the responsibility of DfE.</p>
3.0	Main Report
3.1	<p>Context of proposals to change the Orders' standards (jobs promotion) - following on from the Capaxo Review (June 2020)</p> <p>Mid Ulster District Council welcomes the Department for the Economy (DfE) proposals to amend the current (DfE) performance indicator and standards, (refer to Appendix Two). Included within the Local Government (Performance Indicators and Standards) Order (Northern Ireland) 2015 (hereby referred to as the Order) in relation to DfE's policy area of job promotion through a business plan development programme. The proposals to change the Orders standards follow on from the Capaxo Review (June 2020 – an independent review commissioned by Councils of the Northern Ireland Business Start Up Programme (NISUPB), also known as the Go For it Programme (GFI) target figures). The review had proposed a new rationale for allocating job creation targets by Council area using a broad range of data to create a proportionality formula that could be applied to each Council area to produce a jobs target range for each area.</p> <p>The proposed standards aim to amend and hence reduce Mid Ulster's statutory standard to 153 jobs (job creation) from April 2022, from the current standard of 210 contained within the Order since 2015. Council have supported the revised targets as they more accurately reflect the changed economic realities of the sub-region, including high employment and the loss of migrant population.</p>
3.2	<p>Delivery Start Up Support Model Post March 2023.</p> <p>With NIBSUP ending in March 2023, significant work is being undertaken to identify and scope mechanisms for future delivery. In 2021, an initial review was undertaken to consider what the future business start-up support model should comprise, based on good practice research from other locations. Over recent months the 11 Councils have been working on an Options Analysis and Belfast City Council (acting as lead) has commissioned research to inform the delivery of business start-up support post-2023 and undertake a Business Case for this. Looking ahead, there is a case for substantive change to the approach to both the delivery and the performance measurement of future mechanisms of support.</p> <p>This case for change is also driven by the new business funding and support landscape and also significant new policy imperatives, including the ambitions</p>

3.3	<p>articulated in DfE's '10x Economy Vision', highlighting the importance of fostering a culture of entrepreneurship and supporting new business development, DfE's Recovery Action Plan, the City/Growth Deals, and in DfC's own policy arena, the focus of Employability NI on establishing local Labour Market Partnerships in each Council area.</p> <p>Targets and Performance Indicators Post March 2023</p> <p>The current Statutory Order requires the reporting of 'the number of jobs promoted through business start-up activity (defined as 'the delivery of client led business plans under the Council-led Northern Ireland Business Start Up Programme or successor programmes'). Council agrees the proposed targets and associated performance indicators outlined in relation to the Mid Ulster District are appropriate only for the final year of the NIBSUP i.e. 2022/23. However, the targets and performance indicators post-March 2023, must be re-shaped to ensure they reflect the range of outputs of the new support offering.</p> <p>Council would urge the Departments for the Economy and Communities, and also Invest NI, to work collaboratively with Council Working Groups and SOLACE during the design process for this new entrepreneurship support programme, which must include the development of new, relevant and appropriate targets and indicators, and also to ensure that resources are also secured to support its delivery.</p>
4.0	Other Considerations
4.1	Financial, Human Resources & Risk Implications
	Financial: N/A
	Human: N/A
4.2	<u>Screening & Impact Statements</u>
	Equality & Good Relations Implications: N/A
	Rural Needs Implications: N/A
5.0	Recommendation(s)
5.1	Members reflect on and adopt the Council's draft response to the consultation to amend the current (DfE) performance indicator and standards included within the Local Government (Performance Indicators and Standards) Order (NI) 2015 to include the Department for the Economy's (DfE) proposed revised performance indicator and standards for economic development specific to Mid Ulster district
6.0	Documents Attached & References

	<p>Appendix One: Consultation The Local Government (Performance Indicators and Standards) (Amendment) Order (Northern Ireland) 2022</p> <p>Appendix Two: Council's response to the consultation on The Local Government (Performance Indicators and Standards) (Amendment) Order (Northern Ireland) 2022, in respect of Economic Development</p>
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The Local Government (Performance Indicators and Standards) (Amendment) Order (Northern Ireland) 2022

SCOPE OF CONSULTATION	
SCOPE OF THIS CONSULTATION	This consultation seeks views on proposed amendments to the Local Government (Performance Indicators and Standards) Order (Northern Ireland) 2015 (“the 2015 Order”) to take account of proposed changes to the current Department for the Economy DfE performance indicator and standards included in the 2015 Order.
GEOGRAPHICAL SCOPE	These proposed amendments relate to Northern Ireland only.

BASIC INFORMATION

This consultation covers proposals by the Department for the Economy (DfE) to amend the current (DfE) performance indicator and standards included within the Local Government (Performance Indicators and Standards) Order (Northern Ireland) 2015.

The proposed amendments cover revisions to the Performance Indicator and Standards placed on councils in relation to DfE's policy area of job promotion through a business plan development programme.

BODY/BODIES RESPONSIBLE FOR CONSULTATION

This consultation is being undertaken by the Local Government & Housing Regulation Division in the Department for Communities (DfC) (which is the responsible department for specifying, under s89 of the Local Government Act (NI) 2014, local government performance indicators and standards). However the policy in respect of these proposed amendments is the responsibility of DfE.

DURATION

This consultation is open from 21 December 2021 to 28 February 2022.

ENQUIRIES

For any enquiries about the consultation please email the Department at:

lgpdconsultations@communities-ni.gov.uk

or write to:

Local Government Performance Indicators and Standards Consultation,
Department for Communities,
Local Government & Housing Regulation Division,
Level 4,
Causeway Exchange,
1-7 Bedford Street,
Town Parks,
Belfast,
BT2 7EG

HOW TO RESPOND

Please email your consultation response to:

lgpdconsultations@communities-ni.gov.uk

or post to:

Local Government Performance Indicators and Standards Consultation
Department for Communities,
Local Government & Housing Regulation Division,
Level 4,
Causeway Exchange,
1–7 Bedford Street,
Town Parks,
Belfast,
BT2 7EG

When you reply it would be very useful if you could confirm whether you are replying as an individual or submitting an official response on behalf of an organisation.

If you are replying on behalf of an organisation please include:

- your name,
- your position in the organisation (if applicable),
- the name of your organisation,
- an address (including postcode),
- an email address.

CONSULTATION RESPONSE	<p>We will consider the responses received and publish an outcome report on the Departmental website.</p> <p>In line with good practice and sustainable development, this document has been published electronically.</p>
ACCESSIBILITY	<p>A range of alternative formats are available upon request from this Department.</p> <p>Please email the Department at: lgpdconsultations@communities-ni.gov.uk</p> <p>Or write to:</p> <p>Local Government Performance Indicators and Standards Consultation, Department for Communities, Local Government & Housing Regulation Division, Level 4, Causeway Exchange, 1–7 Bedford Street, Town Parks, Belfast, BT2 7EG.</p>

HOW WE CONSULT	
CONSULTATION PRINCIPLES	<p>The consultation is being conducted in line with the Fresh Start Agreement (Appendix F6 – Eight Steps to Good Practice in Public Consultation - Engagement). These eight steps give clear guidance to Northern Ireland departments on conducting consultations.</p>
FEEDBACK ON THE CONSULTATION PROCESS	<p>We value your feedback on how well we consult. If you have any comments about the consultation process (as opposed to comments about the issues which are the subject of the consultation), including if you consider that the consultation does not adhere to the values expressed in the Eight Steps to Good Practice in Public Consultation - Engagement or that the process could be improved, please address them to:</p> <p>Local Government Performance Indicators and Standards Consultation, Department for Communities, Local Government & Housing Regulation Division, Level 4, Causeway Exchange, Town Parks1–7 Bedford Street, Belfast, BT2 7EG</p> <p>Email: lgpdconsultations@communities-ni.gov.uk</p> <p>Please title your correspondence as “Feedback on the Consultation Process”.</p>

**PRIVACY, CONFIDENTIALITY
AND ACCESS TO
CONSULTATION RESPONSES**

For this consultation, we may publish all responses except for those where the respondent indicates that they are an individual acting in a private capacity (e.g. a member of the public). All responses from organisations and individuals responding in a professional capacity may be published. We will remove names, email addresses and telephone numbers from these responses; but apart from this we will publish them in full. For more information about what we do with personal data please see our consultation privacy notice.

Your response, and all other responses to this consultation, may be disclosed on request in accordance with the Freedom of Information Act 2000 (FOIA) and the Environmental Information Regulations 2004 (EIR); however all disclosures will be in line with the requirements of the Data Protection Act 2018 and the General Data Protection Regulations (EU) 2016/679.

If you want the information that you provide to be treated as confidential it would be helpful if you could explain to us why you regard the information you have provided as confidential, so that this may be considered should the Department receive a request for the information under the FOIA or EIR.

DfC is the data controller in respect of any personal data that you provide and DfC's privacy notice, which gives details of your rights in respect of the handling of your personal data, can be found at: **<https://www.communities-ni.gov.uk/dfc-privacy-notice>**.

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1. Purpose of the Consultation - Scope and timeframe

- 1.1 This consultation covers proposals to amend the Local Government (Performance Indicators and Standards) Order (Northern Ireland) 2015 (the 2015 Order) to include the Department for the Economy's (DfE) proposed revised performance indicator and standards in respect of economic development.
- 1.2 The proposed amendments cover revisions to the performance indicator and standards placed on councils in relation to DfE's policy area of job promotion through a business plan development programme.
- 1.3 The closing date for submitting responses is 28 February 2022.
- 1.4 The Department will consider and respond to comments it receives during this consultation.
- 1.5 Responses are invited to this consultation about any aspect set out in this paper.

2. Introduction

- 2.1 Part 12 of the Local Government Act (Northern Ireland) 2014 (the 2014 Act) put in place a framework to support continuous improvement in the delivery of council services, in the context of strategic objectives and issues that are important to those who receive the services. Councils are required to gather information to assess improvements in their services and to report annually on their performance against indicators which they have either set themselves or that have been set by departments.
- 2.2 Section 89 of the 2014 Act allows the Department for Communities (DfC), by Order, to specify performance indicators and standards for councils in order to improve the exercise of their functions. This can include performance indicators and standards which other Departments deem relevant and have requested DfC to include within such an Order.

- 2.3 The Local Government (Performance Indicators and Standards) Order (Northern Ireland) 2015 (the 2015 Order), which is currently in operation, was made under section 89 of the 2014 Act. The 2015 Order acts as the legislative vehicle for 3 other departments to set performance indicators and standards for councils, being:

- the Department for the Economy (DfE) – in respect of business start-up activity
- the Department for Infrastructure (DfI) – in respect of planning
- the Department of Agriculture, Environment and Rural Affairs (DAERA) – in respect of waste management

- 2.4 DfE has requested that its performance indicator and related standards in the 2015 Order be amended.

3. Background

- 3.1 The current Economic Development Indicator included in the 2015 Order relates to the number of jobs promoted through business start-up support. This is a calculated figure based on the number of client-led business plans created through the Northern Ireland Business Start-Up Programme (NIBSUP), also known as the Go for It (GFI) programme.
- 3.2 The job promotion standards, in the 2015 Order, were developed from a five-area model by DfE in conjunction with Invest NI, informed by an economic appraisal on the Regional Start Initiative (RSI, forerunner to NIBSUP), which set rates for each area based on their potential to deliver. The key variable in this model is the number of business plans approved, to which a conversion rate is applied to determine job creation figures.
- 3.3 When the Transfer of Functions to local government took place in April 2015, DfE set the job targets based on the 2011-2015 Programme for Government (PfG) target, to create 6500 local jobs, or 1625 jobs per year, which was then split across each council area, approximately following the RSI programme split. These targets have remained in place since that date.
- 3.4 The new GFI programme, which began on 1 April 2021, recently received approval from Invest NI for funding under the European Regional Development Funding (ERDF) measure for Local Economic Development (LED). Lisburn and Castlereagh City Council will be the council lead for this GFI programme. As a consequence of this new programme being introduced, the 2015 Order needs amended.

4. Details of proposed amendments

- 4.1 This section contains details on the proposed amendments to the 2015 Order. A draft of the Local Government (Performance Indicators and Standards) (Amendment) Order (Northern Ireland) 2022 and related Statutory Guidance have been prepared (see Annex A and B respectively) and we would welcome comments on both these drafts.
- 4.2 This consultation proposes to retain the current Economic Development indicator at this time, and to amend the standards to reflect the outcome of research undertaken and agreed with councils in 2019. The Economic Development indicator of number of jobs created remains in line with the draft PfG and draft Industrial Strategy. Additionally, the primary focus of support under the European Regional Development Funding (ERDF) measure for Local Economic Development is job creation and interventions supported by the Measure will need to deliver against this.
- 4.3 The proposed revised standards are based on an independent review of the NIBSUP/ GFI job target figures commissioned by the councils in 2018. The review proposed a new rationale for allocating job creation targets by council area, using data such as recent business start programmes in Northern Ireland, NI Statistic and

Research Agency data for NI job creation by council Area, Global Entrepreneurship Monitor data for job creation by council area and DfE Data for job creation by council area.

- 4.4 The data compiled was then used to create a Proportionality Formula that could be applied to each Council area to produce a jobs target range for each area. The following three indices are used:
- the proportion of NI Small Businesses within Council Areas
 - the proportion of NI Micro Enterprises within Council Areas
 - the proportion of NI Business Births by Council Area
- 4.5 Each of the 11 councils considered the proposed figures for their respective area and the agreed standards were provided to DfE by the GFI administration team for the purpose of replacing the existing statutory targets.
- 4.6 Details of the proposed standards, by council area, can be found in the draft amendment Order (see Annex A).
- 4.7 DfE confirmed with the GFI team prior to this consultation that the targets remain appropriate and current for use as Statutory Standards. They will remain under review.

4.8 DfE acknowledges that in the future there may be developments in approach around indicators of local economic development and business start-up in line with wider developments in the policy ecosystem, and looks forward to working in partnership with local government as future policy direction is developed. In particular, while the current proposed standards relate directly to activity funded through the GFI programme, there will be a range of activity undertaken by Councils that support new businesses that is not necessarily reflected in the current figures. DfE would be keen to understand and reflect this wider activity through future standard-setting, based

on appropriate research and data. It is, however, important to update the current standards now, based on the available data, to align with the GFI programme which commenced in April 2021.

4.9 Finally, the use of business plans created through the programme as a proxy for jobs created is retained in the current proposal, as this also aligns to the approach in the GFI programme. Future research in the appropriate measure to be used to either approximate or verify jobs created is an area that DfE will be interested in exploring in any future review.

5. Impact Assessments

5.1 As DfE is responsible for the policy relating to the proposed amendments it has completed all the required impact assessments. Copies of these can be found at <https://www.economy-ni.gov.uk/publications/impact-assessments-consultation-local-government-order-2015>.

5.2 DfE has confirmed that it considers that the draft Order does not contain proposals to change policy in a

substantive way, therefore, no adverse impact on the categories of person in section 75 of the Northern Ireland Act 1998 are identified.

5.3 DfE has confirmed that it has not conducted a regulatory impact assessment as the proposed changes will have no regulatory impact.

5.3 DfE has confirmed that it considers that the proposed amendments in the draft Order will not have any differential impact on people living in rural areas.

6. Human Rights

- 6.1 The Department believes that the proposals set out in the draft Order are compatible with the Human Rights Act 1998.

Annex A

STATUTORY RULES OF NORTHERN IRELAND

2022 No.

LOCAL GOVERNMENT

The Local Government (Performance Indicators and Standards) (Amendment) Order (Northern Ireland) 2022

Made - - - - - *XXst/nd/rd/th Month 2022*
Coming into operation - - - *X XXst/nd/rd/th Month 2022*

The Department for Communities⁽¹⁾ makes the following Order in exercise of the powers conferred by section 89(1) of the Local Government Act (Northern Ireland) 2014⁽²⁾ and now vested in it⁽³⁾.

In accordance with section 89(2) of that Act, the Department has consulted councils and such associations or bodies representative of councils, such associations or bodies representative of officers of councils and such other persons or bodies as appear to the Department to be appropriate.

Citation and commencement

1. This Order shall be cited as The Local Government (Performance Indicators and Standards) (Amendment) Order (Northern Ireland) 2022 and shall come into operation on XXst/nd/rd/th Month 2022.

Amendment of The Local Government (Performance Indicators and Standards) Order (Northern Ireland) 2015

2. The Local Government (Performance Indicators and Standards) Order (Northern Ireland) 2015⁽⁴⁾ shall be amended in accordance with Article 3.

3. For Schedules 1 (economic development indicators) and 2 (economic development standards) of the Local Government (Performance Indicators and Standards) Order (Northern Ireland) 2015 substitute Schedules 1 and 2 within the Schedule.

(1) Formerly known as the Department for Social Development; see the Departments Act (Northern Ireland) 2016 c.5 (NI).

(2) 2014 c. 8 (N.I.)

(3) See S.R. 2016 No. 76, Article 8 of and Schedule 5 to the Departments (Transfer of Functions) Order (Northern Ireland) 2016 transferred functions to the Department for Communities which were previously exercisable by the Department of the Environment

(4) S.R. 2015 No. 327

“SCHEDULE 1

Article 2

ECONOMIC DEVELOPMENT INDICATORS

Council	Indicator reference number	Indicator
All councils	ED 1	The number of jobs promoted through business start-up activity ⁽¹⁾

(1) Business start-up activity means the delivery of client led business plans under the Council-led Northern Ireland Business Start-up Programme (NIBSUP) or successor programmes.

SCHEDULE 2

Article 2

ECONOMIC DEVELOPMENT STANDARDS

<i>Council</i>	<i>Standard reference number</i>	<i>Standard</i>
	EDS 1	To promote in each financial year the following number of jobs through business start-up activity ⁽¹⁾
Antrim and Newtownabbey		80
Ards and North Down		123
Armagh, Banbridge and Craigavon		182
Belfast		325
Causeway Coast and Glens		128
Derry and Strabane		140
Fermanagh and Omagh		170
Lisburn and Castlereagh		116
Mid and East Antrim		111
Mid Ulster		153
Newry, Mourne and Down		173

(1) Business start-up activity means the delivery of client led business plans under the Council-led Northern Ireland Business Start-up Programme (NIBSUP) or successor programmes”

EXPLANATORY NOTE

(This note is not part of the Regulations)

This Order amends The Local Government (Performance Indicators and Standards) Order (Northern Ireland) 2015 by updating Schedules 1 (economic development indicators) and 2 (economic development standards).

Annex B

DRAFT GUIDANCE

ECONOMIC DEVELOPMENT PERFORMANCE INDICATORS AND STANDARDS

1. The statutory performance indicator and standards have been set by the Department for the Economy (DfE) as part of the governance and performance management arrangements for the economic development functions transferred to local government in 2015. It is critical to ensure that these functions are carried out, and are seen to be carried out, in a clear, fair and consistent manner and that best practice is applied across the district councils.

2. The Indicator and Standards have been prepared under the Northern Ireland Business Start-Up Programme (NIBSUP), also known as the Go for It (GFI) programme. In order to ensure consistency and reliability of performance data, reporting on the performance indicator and standards will be carried out centrally by Lisburn and Castlereagh City Council as GFI coordinating team and reported to DfE. DfE will publish or arrange for this performance data to be published on an annual basis.

3. This will allow for accurate comparison between Councils across performance indicators and standards and will provide the DfE Minister and the public with assurance over the performance. Central reporting will also ensure that DfE continues to meet its statutory obligations under the Code of Practice for Official Statistics when reporting performance at the Regional level.

DATA COLLECTION ARRANGEMENTS

Northern Ireland Go For It Programme 1 April 2021 – 31 March 2023

4. The GFI team will submit monthly data lists to DfE within 5 working days of the end of each month, in relation to

- the number of business plans completed for each Council area within Northern Ireland
- the number of equivalent jobs promoted within each Council area

REPORTING AND MONITORING

5. The reporting and monitoring arrangements are as follows:

- Invest NI will audit a random sample of all transactions associated with Business Start including initial meetings, workshops and business plans
- The GFI team has its own internal audit procedure which is undertaken on a 20% basis of all transactions and quality of business plans
- The GFI team produces a monthly report for Invest NI by way of ensuring compliance with data integrity, funding and quality of business plans
- Performance of individual council areas will be tracked and documented on a monthly basis forming the basis of monthly meetings between Invest NI and the GFI team.
- Validation of monthly quantity of Business plans will be completed by an external agency on an annual basis

VALIDATION OF DATA

6. The data validation arrangements are as follows:

- The GFI team will conduct quality validation on 20% of the plans produced each month
- The plans will be selected at random from the final agreed monthly file.
- The key areas of validation will be in keeping with the Terms of Reference agreed with Invest NI and the validation process will:
 - ensure that the plan includes a robust set of financial projections consistent with the project described in the plan
 - ensure that analysis of the plans (specifically financial information) identifies any significant issues and specific commentary should be made where issues exist
 - ensure the plan is evidenced-based, with a minimum of 10% of the first year's sales justified in the market section. This should be supported with customer names and contract values
- In addition, the validation process will be used to identify best practice
- A summary of the validation will be prepared by the GFI team each month and be made available to Invest NI and Councils.

Available in alternative formats.

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Appendix Two: Response to Consultation Draft

Local Government Performance Indicators and Standards Consultation,
Department for Communities
Local Government & Housing Regulation Division,
Level 4
Causeway Exchange,
Town Parks 1–7 Bedford Street,
Belfast
BT2 7EG

XX January 2022

Dear Sir Madam

Re: Mid Ulster District Council's response to proposals by the Department for the Economy (DfE) to amend the current (DfE) performance indicator and standards included within the Local Government (Performance Indicators and Standards) Order (Northern Ireland) 2015 in relation to DfE's policy area of job promotion through a business plan development programme

Mid Ulster District Council welcomes the Department for the Economy (DfE) proposals to amend the current (DfE) performance indicator and standards included within the Local Government (Performance Indicators and Standards) Order (Northern Ireland) 2015 (hereby referred to as the Order) in relation to DfE's policy area of job promotion through a business plan development programme.

The proposals to change the Order's standards follow on from the recommendations of the Capaxo Review (June 2020) – an independent review commissioned by Councils of the Northern Ireland Business Start Up Programme (NIBSUP), also known as the Go For it Programme (GFI) target figures.

The Review had proposed a new rationale for allocating job creation targets by Council area using a broad range of data to create a proportionality formula that could be applied to each Council area to produce a jobs target range for each area.

The proposed standards aim to reduce Mid Ulster's statutory standard to 153 jobs (job creation) from April 2022, from the current standard of 210 contained within the Order since 2015. Council have supported the revised targets as they more accurately reflect the changed economic realities of the sub-region, including high employment and the loss of migrant population.

With NIBSUP ending in March 2023, significant work is being undertaken to identify and scope mechanisms for future delivery. In 2021, an initial review was undertaken to consider what the future business start-up support model should comprise, based on good practice research from other locations.

Over recent months the 11 Councils have been working on an Options Analysis and Belfast City Council (acting as lead) has commissioned research to inform the delivery of business start-up support post-2023 and undertake a Business Case for this. Looking ahead, there is a case for substantive change to the approach to both the delivery and the performance measurement of future mechanisms of support.

This case for change is also driven by the new business funding and support landscape and also significant new policy imperatives, including the ambitions articulated in DfE's '10x Economy Vision', highlighting the importance of fostering a culture of entrepreneurship and supporting new business development, DfE's Recovery Action Plan, the City/Growth Deals, and in DfC's own policy arena, the focus of Employability NI on establishing local Labour Market Partnerships in each Council area.

The current Statutory Order requires the reporting of 'the number of jobs promoted through business start-up activity (defined as 'the delivery of client led business plans under the Council-led Northern Ireland Business Start Up Programme or successor programmes'). Council agrees the proposed targets and associated performance indicators outlined in relation to the Mid Ulster District are appropriate only for the final year of the NIBSUP i.e. 2022/23. However, the targets and performance indicators post-March 2023, must be re-shaped to ensure they reflect the range of outputs of the new support offering.

Going forward, Mid Ulster District Council would urge the Departments for the Economy and Communities, and also Invest NI, to work collaboratively with Council Working Groups and SOLACE during the design process for this new entrepreneurship support programme, which must include the development of new, relevant and appropriate targets and indicators, and also to ensure that resources are also secured to support its delivery.

Yours faithfully

Councillor Paul Mc Lean
Chair
Mid Ulster District Council

Report on	Request(s) to Illuminate Council Property – 2022
Date of Meeting	3 February 2022
Reporting Officer	P Moffett, Assistant Director Organisational Development Strategy & Performance
Contact Officer	As above

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

1.0	Purpose of Report
1.1	<p>To consider requests received to illuminate/light up the Council's three designated properties to raise awareness of and mark;</p> <p>Elhers-Danlos Syndromes (EDS)</p> <p>Details on request received are set out below</p>
2.0	Background
2.1	The Council has a policy and procedural arrangements in place to facilitate the illuminating/lighting-up of its designated properties from requests made by charitable organisations for charitable causes. The designated properties are the Bridewell, the Burnavon and Ranfurly.
2.2	The policy confirms that requests are considered by the Council's Policy & Resources Committee. Should the scheduling of the committee not permit requests being considered within the timeframes to make a determination they can be presented to monthly Council.
3.0	Main Report
3.1	<p>Requests for consideration and recommendation by Committee:</p> <p>To illuminate the three designated properties on</p> <p>1 Thursday 20 May 2022 to mark Ehlers-Danlos Syndromes (EDS) – the colour to be red.</p> <p>The policy scope extends to requests made by charitable organisations for the promotion of its charitable cause on a given date or set of dates.</p>
4.0	Other Considerations
4.1	Financial, Human Resources & Risk Implications
	Financial: Not applicable

	Human: Not applicable
	Risk Management: Not applicable
4.2	Screening & Impact Assessments
	Equality & Good Relations Implications: Not applicable
	Rural Needs Implications: Not applicable
5.0	Recommendation(s)
5.1	That the Committee considers making recommendation to light up the designated properties on the dates specified to mark: 1 1 Thursday 20 May 2022 to mark Ehlers-Danlos Syndromes (EDS) – the colour to be red.
6.0	Documents Attached & References
	Not Applicable

Report on	Reservoirs Act (Northern Ireland) 2015 – Consultation
Date of Meeting	3 rd February 2022
Reporting Officer	Mark Kelso

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

1.0	Purpose of Report
1.1	To update Members on the recent consultation launched by Department for Infrastructure on 29 th November 2021 in regards to the Implementation of the Reservoirs Act (NI) 2015 and the additional controls which will be applied . See correspondence from Department for Infrastructure – Water & Drainage Division in Appendix 1.
2.0	Background
2.1	This consultation provides the opportunity to comment on the draft secondary legislation required to further commence and implement the key elements of the management and maintenance regime for reservoir safety provided by the Reservoirs Act (NI) 2015 (the Act).
2.2	The consultation was issued on 29 th November 2021 for an 8 week consultation period with response by 23 rd January 2022. A draft response has been forwarded to the Department indicating a full response will be provided once agreed at Committee and Council , with amendments as necessary .
3.0	Main Report
3.1	Members will be aware that the Reservoir Act (NI) 2015 which came into effect in 2015 introduced a range of new responsibilities for Council as the identified Reservoir Manager for the designated reservoirs assigned to Council in Mid Ulster specifically at Dungannon Park and Ballysaggart Lough , Dungannon . Planned Statutory Controls
3.2	The consultation outlines key statutory controls which are planned to be introduced through secondary legislation. These to include Registration, Designation, supervision by a Supervising Engineer, inspection by an Inspecting Engineer and a requirement to undertake Remedial Measures in the Interest of Safety.
3.3	The planned management and maintenance regime is designed to minimise the risk of flooding due to an uncontrolled release of water resulting from a structural failure at the dam or reservoir .

	<p>The Department indicate that these controls if correctly implemented will safeguard human life, the environment, cultural heritage and economic activity.</p> <p>Designation of Reservoirs</p> <p>3.4 The Department is planning to implement a Designation for each reservoir which will result in a 'classification of High, Medium and Low Consequence.</p> <p>The Department of Infrastructure will act as the 'regulator' in this regard and the level of designation placed on each reservoir determines the level of regulation and management applied through the Reservoirs Act.</p> <p>Draft Consultation Response</p> <p>3.5 The Department has made a general reference to potential for grant funding to support this implementation however no detail has been provided of the scale or extent of any funding to be made available. I have summarized below our draft response on particular issues below. The draft response is attached at Appendix :</p> <p>Statutory Controls</p> <p>3.6 It is noted that this legislation is being brought into play without any detailed consideration of the 'actual financial impact' being placed on 'new duty holders'</p> <p>'Duty Holders including Mid Ulster District Council should be able to bid for and obtain financial support to undertake any planned or programmed remedial or improvement works which are now required to ensure the continued safety of the reservoir structures.</p> <p>Funding packages in particular should be prioritised to Reservoirs now designated as High or Medium Consequence , which require sizeable capital improvement works to ensure their structural integrity and continued good maintenance going forward</p> <p>Reservoir Designation</p> <p>3.7 Section 22 of the Reservoirs Act notes that in giving a designation the Department will consider;</p> <p>(a) the potential adverse consequences of an uncontrolled release of water from the controlled reservoir,</p> <p>(b) the probability of such a release.</p> <p>However, the planned implementation suggests that the probability of such a release will not be considered in the designation process, as there 'is presently no agreed industry methodology for assessing the probability of an uncontrolled release of water from a reservoir.'</p>
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	<p>This seems to neglect the guidance within the Department for Environment and Rural Affairs “Guide to risk assessment for reservoir safety management” which sets out a tiered quantitative approach to risk assessment for UK Reservoirs, including a quantitative assessment of the probability of failure.</p>
3.8	<p>A full copy of the draft consultation response is attached at Appendix 2 .If members have any further comments these can be reflected in the response provided. Just to note Council has progressed the appointment of technical consultant teams to undertake technical assessments in preparation for the statutory controls which will now be applied. Further reports on progress will be brought forward in due course.</p>
4.0	Other Considerations
4.1	Financial, Human Resources & Risk Implications
	Financial: As referenced in the report
	Human: N/a
	Risk Management: As referenced in the report
4.2	Screening & Impact Assessments
	Equality & Good Relations Implications: N/a
	Rural Needs Implications: N/a
5.0	Recommendation(s)
5.1	<p>That members note the content of the report and approve the draft Consultation response on Implementation of the Reservoirs Act (NI) 2015 as outlined in Appendix 2.</p>
6.0	Documents Attached & References
6.1	Appendix 1 – Department for Infrastructure correspondence.
6.2	Appendix 2 – Draft Consultation Response.
6.3	Appendix 3 – Consultation document.

Water and Drainage Policy Division



Department for

Infrastructure

An Roinn

Bonneagair

www.infrastructure-ni.gov.uk

Mid Ulster District Council,
Burn Road,
Cookstown
BT80 8DT

Clarence Court
10-18 Adelaide Street
BELFAST
BT2 8GB
Tel: 02890 346200

Our reference: IN/21/902162

26 November 2021

Dear Consultee

Consultation on secondary legislation to further commence and implement the requirements of the Reservoirs Act (Northern Ireland) 2015.

You are invited to comment on the draft secondary legislation required to further commence and implement the key elements of the management and maintenance regime for reservoir safety provided by the Reservoirs Act (NI) 2015 (the Act).

The key elements include registration, designation, supervision by a supervising engineer, inspection by an inspecting engineer and a requirement to undertake measures in the interest of safety. This management and maintenance regime will minimise the risk of flooding due to an uncontrolled release of water resulting from dam or structural failure of a reservoir therefore safeguarding human life, the environment, cultural heritage and economic activity.

Although the Department is not required to include reservoir designation criteria in legislation, we are also seeking your views on the draft designation criteria which the Department will use to give controlled reservoirs a reservoir designation. A reservoir designation of either High Consequence, Medium Consequence, or Low Consequence will be given to each controlled reservoir and this designation will determine the level of regulation and management required by the Act.

Consultation arrangements

More details on the draft Orders and Regulations as well as the draft designation criteria and how to respond to the consultation are set out in the consultation document which can be viewed on the Department's website <https://www.infrastructure-ni.gov.uk/publications/reservoir-safety-legislation-commence-and-implement-reservoirs-actni-2015>. The consultation document will be available for response, and comment for a period of 8 weeks from 29 November 2021 to 23 January 2022. Hard copies or alternative formats of the consultation document

can be requested by telephone 028 92 626662, by e-mail Flooding&DrainagePolicy@infrastructure-ni.gov.uk or by post Reservoirs Team, Department for Infrastructure, Water and Drainage Policy Division, Room 15 Benson House, Benson Street, Lisburn BT28 2BG.

I look forward to receiving your response to this consultation.

Yours faithfully

A handwritten signature in black ink, reading "Alison Clydesdale". The signature is written in a cursive, flowing style.

Alison Clydesdale
Director of Water and Drainage Policy Division

Reservoirs Act (NI) 2015 - Response Form

Name / Organisation:

Address:

E-mail Address:

Reservoir Manager – Yes/No (please delete as appropriate)

List of consultation questions for response:-

PART 1 – Commencement

- Q1 Do you agree that the sections of the Act that the Department proposes to commence, include the key elements of the reservoir safety regime envisaged by the Act?

It is noted that this legislation is being brought into play without any detailed consideration of the 'actual financial impact' being placed on 'new duty holders'

'Duty Holders including Mid Ulster District Council should be able to bid for and obtain financial support to undertake any planned or programmed remedial or improvement works which are now required to ensure the continued safety of the reservoir structures.

Funding packages in particular should be prioritised to Reservoirs now designated as High or Medium Consequence, which require sizeable capital improvement works to ensure their structural integrity and continued good maintenance going forward

PART 2 – Regulations

- Q2 Do you agree with the level of information that it is proposed is held on the controlled reservoirs register?

See response to Question 1 . In bringing forward any planned improvements to existing reservoirs Mid Ulster District Council should be able to draw on a package of support funding from the Department of Infrastructure put in place for this purpose . Any data required to be displayed should be in accordance with Data Protection principles .

- Q3 Do you agree with the level of information that it is proposed should be provided by reservoir managers at registration?

See response to Question 1 and 2.

- Q4 Do you agree with the standard frequency of visits proposed for a high or medium consequence reservoir?

See response to Question 1 and 2.

- Q5 Do you agree that the proposed level of emergency response information displayed at or near a reservoir is sufficient?

Not required , display should only provide the reservoir name, registration number and contact details for the Department and Emergency Services only.

- Q6 Do you agree with the proposed approach to stop notices set out in the draft Regulations at Annex D?

Department should retain the control to undertake immediate remedial work if required in the event that more than one landowner is involved due to potential for delay or dispute.

- Q7 Do you agree that consideration is given to an appropriate and affordable grant scheme to assist with the cost of reservoir safety works?

A suitably costed and approved Grant Scheme is required to be put in place as a matter of priority – See response to Question 1 and 2 .

PART 3 – Designation Criteria

- Q8 Do you agree with the proposed criteria which will be used to give a reservoir a high, medium or low consequence designation?

Section 22 of the Act notes that in giving a designation the department will consider;

- (a) the potential adverse consequences of an uncontrolled release of water from the controlled reservoir,
- (b) the probability of such a release.

However, the planned implementation suggests that the probability of such a release will not be considered in the designation process, as there 'is presently no agreed industry methodology for assessing the probability of an uncontrolled release of water from a reservoir.' This seems to neglect the guidance within the Department for Environment and Rural Affairs "Guide to risk assessment for reservoir safety management" which sets out a tiered quantitative approach to risk assessment for UK Reservoirs, including a quantitative assessment of the probability of failure.

Without consideration of the overall risk as a function of consequence and probability, Reservoir Managers will be in a position where new development downstream or a change in environmental or cultural asset designation within the downstream inundation zone will automatically change a reservoir designation for potentially low to high risk. Not only will Reservoir Managers have no option for the recovery of the additional associated costs, but without consideration of the overall risk no investment at the site to reduce the likelihood of failure can have any impact on the rating.

If overall risk was considered, investment to reduce the likelihood of failure, and reduce the overall risk to an acceptable level (which could be determined and reviewed by the Department) would be possible, incentivising Reservoir Managers to reduce the likelihood of failure. The cost of any subsequent

improvement work necessitated by new development within the 'zone of consequence' downstream should be equally apportioned to that development to mitigate unnecessary or unsustainable cost to the reservoir operator .

Thank you for taking the time to respond to this consultation. Please send your response to e-mail address FloodingandDrainagePolicy@infrastructure-ni.gov.uk or postal address:-

Reservoirs Team
Department for Infrastructure
Water and Drainage Policy Division
Room 15 Benson House
Benson Street
Lisburn BT28 2BG



Department for
Infrastructure

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www.infrastructure-ni.gov.uk

RESERVOIRS ACT (Northern Ireland) 2015

Consultation on proposals to commence sections of the Reservoirs Act (Northern Ireland) 2015, and introduce the secondary legislation required to implement the fundamental elements of the reservoir safety policy in Northern Ireland and the criteria which will be used to give controlled reservoirs a reservoir designation.



FOREWORD

The Reservoirs Act (Northern Ireland) 2015 introduces a proportionate regulatory and management framework for reservoir safety that will help protect citizens from flooding as a result of reservoir failure. As responsibility for reservoir safety functions has recently transferred to my Department, I am now in a position to consult on plans to commence implementation of the Reservoirs Act.

This consultation document provides details on the planned further commencement of the Reservoirs Act and sets out proposals to be included in secondary legislation for:

- How the volume of water held above the natural level of the surrounding land is to be calculated;
- How reservoir managers will register a controlled reservoir with the Department;
- Information held on the publically available controlled reservoirs register;
- Frequency of visits to a controlled reservoir by a supervising engineer;
- Recording of water levels and record keeping by a reservoir manager;
- Display of emergency information at a controlled reservoir;
- Dispute Referral process;
- Stop Notices;
- Establishing of Panels of Reservoir Engineers and the sections of the Act under which members may be commissioned;
- Provision to enable the Department to pay reservoir safety grants to reservoir managers; and
- Form and content of notices, form of written statements, reports and certificates under the Act.

Although not required to be included in secondary legislation, the consultation also covers the criteria that the Department will apply when giving a designation to a controlled reservoir. The designation of a reservoir will determine the management and maintenance regime required for the controlled reservoir.

All of the above are fundamental components of the reservoir safety policy and will start to embed the operation of a management regime which is based on industry best practice for the safety of reservoirs. The implementation of the Reservoirs Act will mean that those reservoirs within the scope of the Act, are subject to a regulated system of scrutiny and control, which in turn will provide assurance in terms of the protection of people, property, the environment and economic activity.

This consultation is targeted at those on whom the legislation will impact and those with an interest in the management and maintenance of reservoirs to ensure reservoir safety. You will wish to note that I am planning to introduce regulations that would allow for consideration of an appropriate and affordable grant scheme to assist with the cost of reservoir safety works.

It is important that you have an opportunity to consider the proposals and express your views and I would therefore encourage you to respond to the consultation.

NICHOLA MALLON MLA
Minister for Infrastructure

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Executive Summary

This targeted consultation provides details on the commencement of a number of sections of the Reservoirs Act (Northern Ireland) 2015 (the Act) and invites comments on proposals for secondary legislation to implement the fundamental elements of a management and maintenance regime for reservoir safety provided for by the Act. These elements include registration, designation, supervision by a supervising engineer, inspection by an inspection engineer and a requirement to undertake measures in the interest of safety.

This consultation also includes the proposed criteria that the Department will apply when giving a designation to a controlled reservoir. Although the Department is not required to include the designation criteria in legislation, your views on the proposals are extremely important as the reservoir designation will determine the level of regulation and management required at a controlled reservoir.

Regulatory Purpose

The Act provides for a regulatory and management regime for controlled reservoirs in order to protect people, the environment, cultural heritage and economic activity from the risk of flooding due to an uncontrolled release of water. The Act requires the managers of all controlled reservoirs to register their reservoir(s) with the Department and for the Department to give each controlled reservoir a reservoir designation. The reservoir designation, which is based on the consequential impact of an uncontrolled release of water in the inundation area of the reservoir, will determine the level of regulation and management required. Controlled reservoirs will be given a designation of either High Consequence, or Medium Consequence, or Low Consequence.

The Act provides for proportionate regulation according to the consequence of reservoir failure with high consequence reservoirs requiring a higher degree of regulation and management than those reservoirs designated as medium or low consequence. When the Act is fully implemented it will provide greater safety for people, property, economic activity, infrastructure, the environment, and cultural heritage from the risk of flooding from reservoirs.

It should be noted that in order for the legislation to be effective, it will require the introduction of secondary legislation in conjunction with the commencement orders.

Consultation aims

The consultation aims to give those who are involved with, or have an interest in, reservoirs an opportunity to provide comments in relation to the

Department's proposals in relation to the Reservoirs Act (NI) 2015. In particular, the consultation is interested in obtaining the views of reservoir managers on the sections of the Act which the Department proposes to commence, the draft Regulations and Orders and the designation criteria for controlled reservoirs.

The sections which the Department proposes to commence are listed at Annex A and B.

The Regulations and Order that the Department proposes to make are provided at Annexes C, D, and E.

The draft designation criteria is detailed at pages 26 - 31.

Your views will help ensure that the draft Regulations and Orders are appropriate and will introduce the fundamental elements of the reservoir safety policy. Information on how to respond to the consultation is available on Page 7. A list of the consultation questions are provided at Annex G

The closing date for responses is 23 January 2022. All responses received by this date will be considered by the Department.

1. Consultation Arrangements

Timetable

- 1.1 This consultation document will be available for response, and comment for a period of 8 weeks from 29 November 2021 to 23 January 2022. The document can be viewed on the Department's website: <https://www.infrastructure-ni.gov.uk/publications/reservoir-safety-legislation-commence-and-implement-reservoirs-actni-2015>

- 1.2 Following the consideration of consultation responses and development of a consultation report, it is envisaged that the legislation will be progressed through the Assembly process.

How to respond

- 1.3 We would welcome your views on the commencement of the Act, the draft Regulations and Orders and the proposed draft designation criteria for controlled reservoirs. Please provide comments in writing by completing and returning the Response Form (see consultation website page) which contains the questions at Annex G to this document before the closing date of 5.00pm on 23 January 2022.

- 1.4 Responses should be sent to e-mail:
FloodingandDrainagePolicy@infrastructure-ni.gov.uk. or

Reservoirs Team
Department for Infrastructure
Water and Drainage Policy Division
Room 15 Benson House
Benson Street
Lisburn
BT28 2BG

We will acknowledge receipt of your submission.

Alternative formats

- 1.5 If you require the document in hard copy or a format such as Braille, auto tape or large print please contact us at the e-mail or address provided or telephone 028 92626662.

Freedom of Information Act 2000 - Confidentiality of Consultations

- 1.6 Please note that all responses will be treated as public and may be published on the Department's website. If you do not want your response to be used in this way or if you would prefer for it to be used anonymously, please indicate this when responding.
- 1.7 Following consideration of all responses, a report may be published on the Department's website. Information you provide in your response, including personal information, could be published or disclosed under Freedom of Information Act 2000 or Environmental Information Regulations 2004.

2. Background

- 2.1 The Reservoirs Bill for Northern Ireland received Royal Assent on 24 July 2015 and is known as the Reservoir Act (Northern Ireland) 2015. The Department for Infrastructure (the Department) received statutory responsibility for the Reservoirs Act on 2 June 2021, following a Transfer of Functions Order being made by The Executive Office. The Department is now in a position to consider further commencement and the secondary legislation required to implement the reservoir safety regime envisaged in legislation.
- 2.2 This Act introduces a proportionate regulatory and management framework for reservoir safety in Northern Ireland. It aims to manage the flood risk from an uncontrolled release of water due to reservoir failure from reservoirs capable of holding 10,000 cubic metres of water above the natural level of any part of the surrounding land. These reservoirs are known as “controlled reservoirs”.
- 2.3 The reservoir safety framework is based on industry best practice. It requires reservoir managers to register their reservoir with the Department and for the Department to give each controlled reservoir a designation of High, or Medium, or Low consequence. The reservoir designation will determine the level of regulation and management required for the reservoir. The key elements of the management and maintenance regime include registration, designation, supervision of a reservoir, inspections of reservoirs and a requirement to undertake measures in the interest of safety.
- 2.4 Integral to the management framework is the supervision and inspection of reservoirs by specialist civil engineers known as reservoir panel engineers. The Department will establish panels of engineers and appoint engineers to the panels who are suitably qualified and experienced. Reservoir managers will commission engineers from the panels to supervise, inspect, construct or alter a controlled reservoir, or undertake other duties as required by the Act.
- 2.5 The Act and Explanatory Notes are available on the website at <http://www.legislation.gov.uk/nia/2015?title=Reservoirs%20Act>.

PART 1 - COMMENCEMENT

3. Commencement of the Reservoirs Act (NI) 2015

- 3.1 Some provisions of the Act came into operation on the day following Royal Assent i.e. 25 July 2015. These provisions are sections 1, 2, 5, 6, 42, 93 to 97, 126 to 128, 130, 132 and Schedule 2. These provisions include; the definition of a controlled reservoir, who is the reservoir manager, and powers of entry for the Department.
- 3.2 The remaining sections of the Act will come into operation on such day or days as the Department, by order, appoints. This consultation concerns those sections of the Act that the Department proposes to commence and the Regulations and Orders that it proposes to make, at this time. The sections which the Department proposes to commence are listed in the Schedules to the draft Commencement Orders at Annexes A and B.
- 3.3 Two commencement Orders are being consulted on (Annex A and B). This is due to the requirement within the Act that some sections can only be commenced when a draft Order has been laid before, and approved by a resolution of the Assembly (Annex B refers) i.e. draft affirmative Assembly procedure.
- 3.4 It should be noted that both commencement orders must be made at the same time to ensure that the reservoir safety policy is commenced and implemented and operates effectively.

PART 2 - REGULATIONS AND ORDER

4. Regulations and Order

- 4.1 While the Act provides the policy framework for the reservoir safety management and maintenance regime, the Department is required to make secondary legislation which will provide clarification or the details to effectively implement the Act and enable reservoir managers to comply with the Act.
- 4.2 The Department is proposing to introduce those regulations or orders which are essential to commence implementation of the Act and which will bring Northern Ireland into line with a similar reservoir safety regime operating in the rest of the UK. These are:-
- Calculation of the volume of a reservoir;
 - Information to be held on a controlled reservoirs register;
 - Information to be provided by a reservoir manager to register a reservoir;
 - Frequency of Visits by supervising engineers;
 - Recording of water levels and record keeping by a reservoir manager;
 - Display of emergency response information;
 - Dispute Referral process;
 - Stop Notices;
 - Establishment of Panels of Reservoir Engineers and the sections of the Act under which members of Panels may be commissioned;
 - Provision to enable the Department to pay reservoir safety grants to reservoir managers; and
 - Form and content of notices, the form of written statements, reports and certificates under the Act.
- 4.3 The Department proposes to make two Regulations and one Order and these are detailed in draft at Annexes C, D and E. Two Regulations are required due to requirements within the Act that some are made by negative resolution procedure in the Assembly (Annex C refers) and others can only be made when the draft regulations are laid before, and approved by a resolution of the Assembly (Annex D refers).

- 4.4 It should be noted that both Regulations must be made to ensure the effective implementation of the reservoir safety policy and to support the commencement orders.
- 4.5 Each of the provisions included in the regulations are discussed in more detail below.

5. Calculation of the volume of water held above the natural level of the surrounding land

- 5.1 Section 4(2) of the Act provides the Department with the power, by regulation to make provision as to:
- a) how the volume of water capable of being held above the natural level of any part of the surrounding land is to be calculated; and
 - b) the meaning of “natural level” and “surrounding land”.
- 5.2 The Department has set out in the draft Regulations at Annex C the way the volume of water held in a reservoir above the natural level of the surrounding land will be calculated. It is proposed that the regulations will be as consistent as possible with the specifications for calculating the capacity of reservoirs in England, Scotland and Wales and therefore is based on the following general principles which may apply for all types of reservoirs:-
- The capacity is the estimated volume of water that would escape from a reservoir in the event of reservoir failure. This may be less than the total volume of water in the reservoir as any water held at or below the natural level of any part of the surrounding land will not escape.
 - The volume of water capable of being held above the natural level of any part of the surrounding land will be determined with reference to the bed of the reservoir, the top water level and the toe of the reservoir.
 - Silt or other material on the bed of a reservoir above the natural level of the surrounding land is included in the calculation of volume as silt or other material could be capable of flowing if a reservoir was to fail.

- In the case of a reservoir with a gated spillway it will be assumed that the gates are closed and, therefore, the top of the gate is the top water level.

- 5.3 The Department has also defined in the draft Regulations the meaning of “natural level” as the level of the natural land remaining after the construction or any alteration of a reservoir and “surrounding land” as being the land adjacent to a reservoir.

6. Information to be held on the controlled reservoirs register

- 6.1 Section 9 of the Act requires the Department to establish and maintain a register of controlled reservoirs. The Department has set out in the draft regulations at Annex C the information that it is proposed will be held on the controlled reservoirs register.
- 6.2 As required by the Act, the Department will make the register available for public inspection.
- 6.3 Registration of a controlled reservoir in the controlled reservoirs register is the first stage of the management and maintenance regime under the Act.

7. Information to be provided by a reservoir manager to register a controlled reservoir with the Department

- 7.1 Section 10 of the Act provides that a reservoir manager of a controlled reservoir must register the reservoir with the Department. The Department has specified the information that a reservoir manager must provide to the Department to register a reservoir in Schedule 1 to the draft Regulations at Annex C.
- 7.2 The information to be provided is necessary to enable the Department to communicate with reservoir managers at all times

e.g. in emergency situations. This includes the location of the reservoir and reservoir manager(s) name and contact details including mobile telephone numbers and the details of the part of the reservoir for which a manager has responsibility. This is particularly important where there are multiple reservoir managers for a reservoir and each reservoir manager must register that part of the reservoir for which they have responsibility.

- 7.3 Where a reservoir manager has nominated another reservoir manager to act on their behalf, as permitted by section 7 of the Act, the nominee reservoir manager must register the reservoir on behalf of the nominating manager, if responsibility for doing so is specified in the nomination. The name of the nominated reservoir manager must be provided to the Department as part of the registration process.
- 7.4 Sections 11 to 13 of the Act provides the timeframes for the registration of controlled reservoirs. Generally this will be 6 months from the date of commencement of Section 10 of the Act. The Act provides provision for the Department, where it considers it appropriate to do so, to extend the time period for a reservoir manager to provide it with information, and for different time periods to be specified for receipt of different information.

8. Frequency of visits to a controlled reservoir by a supervising engineer

- 8.1 Section 25 of the Act provides that a controlled reservoir designated as high consequence or medium consequence must be under the supervision of a supervising engineer at all times i.e. on an ongoing basis. A reservoir manager must commission a supervising engineer from the appropriate panel of engineers within 6 months of the reservoir designation taking effect. Section 26 of the Act provides the duties of a supervising engineer.
- 8.2 Section 27 makes provision for the Department to make regulations by draft affirmative procedure for:-
- a) there to be a standard frequency of visits that must be made by a supervising engineer to a high or medium consequence reservoir; and

b) the standard frequency to be different should the Department consider that the reservoir is of an acceptable standard as regards how it is being maintained.

8.3 The proposed standard frequency of visits and the different frequency of visits as well as the documents that will be considered by the Department in its decision as to a reservoir being of an acceptable standard as regards how it is being maintained, and the appeal process, is set out in the draft regulations at Annex D.

8.4 Notwithstanding the requirements contained in the regulations, section 35(4)(i) makes provision for an inspecting engineer to require a supervising engineer to visit a reservoir more frequently than is required by the regulations.

9. Recording of water levels and record keeping by a reservoir manager

9.1 Section 37 of the Act sets out the matters that reservoir managers of reservoirs designated as high or medium consequence have to keep a record of (known as “the recorded matters”) and it allows the Department, by regulations, to set out other matters that should be recorded. The regulations may also provide the information and form of the record to be maintained in respect of the recorded matters.

9.2 Schedule 2 to the draft regulations at Annex C sets out the other matters that must be recorded under section 37 and Schedule 3 to the regulations provide for the information to be included in relation to the recorded matters and the form of the record to be maintained.

9.3 Specifying the form of record keeping has a number of purposes:-

- It brings together key information about the operation of the reservoir that could be valuable in the event of any problem.
- It acts as a diary of the life of the reservoir, for example recording of maintenance, works, problems and steps to resolve those problems.
- Allows engineers commissioned in respect of the reservoir and the Department to identify and use the required data more easily.

- 9.4 The matters to be recorded and the information and form of record is similar to records maintained under reservoir safety legislation in the rest of the UK.

10 Display of emergency response information at a reservoir

- 10.1 Section 59(1) of the Act requires that reservoir managers of controlled reservoirs must ensure that emergency response information is displayed at or near the reservoir.
- 10.2 Section 59(2) provides that emergency response information is such information about the reservoir and the reservoir manager that is specified in regulations made by the Department. The information to be displayed is specified in the draft regulations at Annex C.
- 10.3 Section 59(4) enables the Department to give directions by notice to reservoir managers of controlled reservoirs as to the manner and location of the information to be displayed.

11. Dispute Referral process

- 11.1 The dispute referral process provides a form of arbitration between reservoir managers and construction or inspecting engineers. The Act provides that reservoir managers may challenge-
- a direction and/or recommendation given by an inspecting engineer in an inspection report; or
 - a direction given by a construction engineer in a safety report or certain matters contained in a preliminary certificate or a final certificate
- by referring it to a referee in accordance with regulations made by the Department under section 66. Any direction, recommendation or matter which is the subject of the dispute referral process,

will be suspended until the dispute process is determined by the referee or is withdrawn by the reservoir manager.

- 11.2 A referee is a reservoir engineer who is a member of an appropriate panel of engineers established by the Department, commissioned either by:
- agreement between the reservoir manager and the relevant engineer; or
 - where no agreement is reached, by the Institution of Civil Engineers (ICE).
- 11.3 The proposals are set out in draft Regulations at Annex C.
- 11.4 A referee has the power to modify any direction, recommendation or matter that is subject to a challenge and any inspection report, safety report, preliminary certificate or final certificate that are modified has effect in its modified form. A referee is required to give the reservoir manager and the relevant engineer a referral certificate containing his decision along with any modified report or certificate.
- 11.5 The dispute referral process being proposed is similar to the process in operation in the rest of the UK.

12. Stop Notices

- 12.1 Section 77 gives the Department powers to make regulations to permit the serving of a stop notice on a reservoir manager. A stop notice is defined as a notice prohibiting the carrying on of an activity, or permitting the carrying on of an activity by another until such steps as specified in the notice have been taken. The Act indicates the circumstances in which a stop notice may be issued and lists the conditions the Department must meet before exercising its power under the regulations. The Act also provides that regulations may:
- specify the content of a stop notice;
 - provide for the issue of completion certificates;
 - make provision for compensation to be paid to a reservoir

manager for loss suffered as a result of the serving of a stop notice;

- provide for right of appeal; and
- provide for offence and penalties as well as a defence to a charge of an offence.

12.2 In summary the draft regulations at Annex D provide that:-

- A stop notice must include information as to the grounds for giving the notice, rights of appeal and the consequence of non-compliance.
- Where after giving a stop notice to a reservoir manager, the Department is satisfied that the reservoir manager has taken all the steps specified in the notice, the Department must issue the reservoir manager with a completion certificate.
- A stop notice ceases to have effect on the giving of a completion certificate.
- The reservoir manager to whom the stop notice is given may at any time apply for a completion certificate.
- The Department must make a decision whether to give a completion certificate within 14 days of any application.
- A reservoir manager on whom a stop notice is given may appeal to the Water Appeals Commission against the notice or against the decision not to give a completion certificate.
- The Department (in certain circumstances) must consider a claim for compensation by a reservoir manager for loss suffered as a result of the serving of a stop notice.
- The Department will consider the claim for compensation and decide on the appropriate amount of compensation payable.
- The time periods for appeals to the WAC and powers securing that the Commission may confirm, quash or vary the Department's decisions as well as making it an offence not to comply with a stop notice and provides for a defence to a charge in proceedings for an offence.
- The Department has a power to recover costs reasonably incurred in relation to the serving of a notice.

13 Establishment of panels of reservoir engineers and the sections of the Act under which members of Panels may be commissioned

13.1 Reservoir engineers will play an important role in the supervision, inspection and construction of controlled reservoirs under the Act. Section 102 enables the Department to establish one or more panels of reservoir engineers and to appoint suitable engineers to be members of such panels. The Department must by order specify the sections within the Act and the types of reservoir in relation to which members of such panels may be commissioned by reservoir managers to undertake various roles.

13.2 It is proposed that the Department will establish 4 panels of reservoir engineers. These are the:

- All reservoir panel
- Service reservoirs panel
- Non-impounding reservoirs panel
- Supervising panel.

13.3 The difference between the panels is based on the function. The first three are “inspecting panels”, where members are qualified to design, supervise the construction of, and inspect the different kinds of reservoirs i.e. members of the all reservoir panel may undertake functions on all types of reservoirs, while members of service panel and non-impounding panel can only carry out functions in relation to service reservoirs and non-impounding reservoirs respectively. These engineers can also act as supervising engineers for any reservoir. Supervising engineers are qualified to supervise all reservoirs under the Act and advise the reservoir managers on the safety of a reservoir between inspections.

13.4 The draft Order at Annex E provides the sections of the Act under which members of each panel may be commissioned and is summarised below:-

All Reservoirs Panel - members of this panel are qualified to design and supervise the construction and alteration of, to inspect and

report upon, to act as supervising engineers, to act as referees and for the purposes of emergency powers for all the reservoirs to which the Act applies.

Service Reservoirs Panel - members of this panel are qualified to design and supervise the construction of, to inspect and report on, and to act for the purposes of emergency powers for service reservoirs and to act as supervising engineer for all reservoirs to which the Act applies. A service reservoir is a non-impounding reservoir which is constructed of brickwork, masonry, concrete or reinforced concrete.

Non-impounding Reservoir Panel - members of this panel are qualified to design and supervise the construction and alteration of, inspect and report upon, to act for the purposes of emergency powers for non-impounding reservoirs and to act as supervising engineers for all reservoirs to which the Act applies. Non-impounding reservoirs do not obstruct or impede the flow of a watercourse, they are filled by pumping or manmade leats etc from an adjacent watercourse.

Supervising Engineers Panel - members of this panel are qualified to supervise all reservoirs to which the Act applies.

- 13.5 These panels of engineers are the same as the panels of reservoir engineers established under the Reservoirs Act 1975, which applies to England and Wales, and the panels of reservoir engineers established under the Reservoirs (Scotland) Act 2011. They recognise the experience and qualifications that an engineer requires to undertake specific roles under the Act. An engineer may specialise in one or more roles therefore an engineer may be appointed to one or more panels, with the exception of the All Reservoirs Panel as they will be qualified to fulfil the roles or functions of an inspecting, supervising and construction engineer for all categories of controlled reservoirs.
- 13.6 Section 103 enables transitional arrangements for the first appointment of engineers to the Northern Ireland panels, utilising appointments made under the Reservoirs Act 1975 to the Defra panels.
- 13.7 For future appointments, the Institution of Civil Engineers (ICE) will recommend to the Department those engineers that it considers suitable for appoint to the appropriate Northern Ireland panels as it does with appointments to the panels in England, Wales and Scotland.

14. Provision to enable the Department to pay reservoir safety grants to reservoir managers

- 14.1 Section 114 of the Act provides the Department with the power by regulations to provide for payment of grants to reservoir managers of controlled reservoirs for the purposes of enabling or assisting the managers to comply with their obligations arising by virtue of the Reservoirs Act.
- 14.2 The draft regulations at Annex D provide for a grant scheme to be developed and be subject to such terms and conditions as the Department may determine (including conditions as to repayment in the event of contravention of the other terms or conditions on which the grant is made).
- 14.3 Options are currently being developed to inform consideration of an appropriate and affordable grant scheme to assist with the cost of reservoir safety works.

15. Form and content of notices, the form of written statements, reports and certificates under the Act

- 15.1 Under the Reservoirs Act there are a number of requirements for reservoir managers to provide notices to the Department and for panel engineers to issue reports, certificates and written statements to reservoir managers. Section 118 of the Act enables the Department to make further provision in regulations about the form and content of any notice and the form of any report, written statement, or certificate under the Act.
- 15.2 Schedules 5 to 12 to the draft regulations at Annex C provide the form and content of notices to be provided by reservoir managers and schedules 13 to 28 provide the form of any written statement,

reports or certificates to be provided by supervising engineers, inspecting or construction engineers.

- 15.3 The reason for providing the form and content of notices, forms etc. is that it will ensure reservoir managers and engineers provide consistent and easy to understand records. These forms are similar to the forms required under reservoir safety legislation in the rest of the UK.

PART 3 - DESIGNATION

16. Designation Criteria

- 16.1 Section 17 of the Act requires the Department to give a controlled reservoir a reservoir designation as soon as reasonably practicable after registering the reservoir in the controlled reservoirs register. The reservoir designation will determine the management and maintenance regime that will apply to a controlled reservoir as provided by the relevant sections of the Act.
- 16.2 The Department will give each controlled reservoir one of the following designations:-
- High consequence reservoir
 - Medium consequence reservoir
 - Low consequence reservoir
- 16.3 When giving a reservoir designation the Department must take account of the matters provided for by Section 22(1) of the Act, in so far as it is reasonably practicable to do so. These matters are :-
- The potential **adverse consequence** of an uncontrolled release of water from the controlled reservoir, and
 - The **probability** of such a release.
- 16.4 **Adverse Consequences** - Section 22(2) of the Act provides that the potential adverse consequences of an uncontrolled release of water include the potential damage to any of the following:
- Human life or human health;
 - The environment;
 - Economic activity; and
 - Cultural heritage.
- 16.5 The potential adverse consequences to the matters listed above will be scored against set criteria for each designation category as detailed in the summary table below. The highest designation scored against each of the criteria for any of the above will be the designation that the reservoir is given.

- 16.6 **Probability** - There is presently no agreed industry methodology for assessing the probability of an uncontrolled release of water from a reservoir. Therefore, until such time an industry methodology is agreed, the Department will give a reservoir designation based on the potential adverse consequences of an uncontrolled release of water from the controlled reservoir.

Reservoir Designation Maps

- 16.7 To assist in the reservoir designation process the Department has produced two sets of maps for each controlled reservoir. One map shows the flood extent of the reservoir inundation and the other map which will be used for designation purposes will show depths and velocities within the inundation area. The flood extent maps will be publically available at <https://dfi-ni.maps.arcgis.com/home/index.html> however the maps showing depths and velocity will not be available to the public as this information is considered official sensitive.
- 16.8 The maps, developed using computer models, will assume total reservoir failure and show the extent of the potential flooding and detail the depth and velocity of the flood water in the inundation area. The methodology used to produce the inundation maps takes account of the materials used to construct the reservoir and the type of reservoir i.e. whether it is an impounding, non-impounding or service reservoir.
- 16.9 The maps when overlaid with relevant datasets will also detail any of the receptors listed and the designation Panel will consider the impacts on these receptors against the designation criteria. The criteria is detailed in the summary table below.
- 16.10 In addition, as appropriate, engineering and professional judgement/ advice as well as local knowledge may be taken into account when determining the reservoir designation.
- 16.11 The Department will give a controlled reservoir a reservoir designation by notice served on the reservoir manager. The Act provides a reservoir manager with the right for a review of the designation (section 20) and following a review a right of appeal to the Water Appeals Commission (section 21 refers). The Act also requires the Department to re-assess the reservoir designation when it considers it appropriate and in any event at least every 10 years (section 18 refers).

Designation Criteria - Summary Table

Consequence Designation of Controlled Reservoirs			
	High	Medium	Low
Human Life and Health	Risk to life or health for one or more persons within the reservoir inundation area determined by one or more property/properties within the area(s) and represented as danger to all (red), danger to most (orange) or danger to some (yellow) on the Flood Hazard to People mapping.	Not applicable - no requirement for a medium designation in relation to human life and health.	No risk to life or health identified within the reservoir flood inundation area represented as very low hazard (green) on the Flood Hazard to People inundation mapping.
Environment	Not applicable - no requirement of a high consequence designation in relation to the environment.	The inundation from a reservoir is likely to cause loss or a severe impact on one or more SAC, SPA, ASSI or Ramsar features i.e. assessed as having moderate or high vulnerability assessed as a function of 'Susceptibility' x 'Resilience'.	The inundation from a reservoir is likely to cause a significant impact on one or more SAC, SPA, ASSI or Ramsar features i.e. assessed as having very low or low vulnerability assessed as a function of 'Susceptibility' x 'Resilience'

Consequence Designation of Controlled Reservoirs			
	High	Medium	Low
Economic Activity - Commercial/ Business	<p>There is one or more commercial property(ies) or business(es) in the reservoir inundation area and</p> <p>the velocity of water is equal or greater than 2m/s and the depth and velocity combined is equal to or greater than 3m²/s in the inundation area ($V \geq 2\text{m/s}$ and $DV \geq 3\text{m}^2/\text{s}$) represented as red or orange coloured banding on the Binnie and Partners reservoir inundation mapping</p>	<p>Not applicable - no requirement for a medium designation in relation to economic activity Commercial / Business</p>	<p>There is one or more commercial property(ies) or business(es) in the reservoir inundation area and the velocity of water is less than 2m/s or depth and velocity combined is less than 3m²/s in the inundation area ($V < 2\text{m/s}$ or $DV < 3\text{m}^2/\text{s}$) represented as green coloured banding on the Binnie and Partners reservoir inundation mapping.</p>
Economic Activity - transport	<p>There are any of the following in the inundation area:-</p> <p>Motorway</p> <p>A class road</p> <p>Airport</p> <p>Railway</p>	<p>There are B Class and C Class roads in the reservoir inundation area.</p>	<p>There are unclassified roads in the reservoir inundation area.</p>

Consequence Designation of Controlled Reservoirs			
	High	Medium	Low
Economic Activity - Agriculture land	Not applicable - no requirement for a High designation	There is agricultural land classified as Grade 1 or Grade 2 within the inundation area and the velocity of water is equal or greater than 2m/s and the depth and velocity combined is equal to or greater than 3m ² /s in the inundation area ($V \geq 2\text{m/s}$ and $DV \geq 3\text{m}^2/\text{s}$) represented as red or orange coloured banding on the Binnie and Partners reservoir inundation mapping	There is agricultural land classified as Grade 3, Grade 3a, Grade 3b, Grade 4 or Grade 5 within the inundation area or there is agricultural land classified as Grade 1 or Grade 2 in the inundation area and the velocity is less than 2m/s or depth and velocity combined is less than 3m ² /s ($V < 2\text{m/s}$ or $DV < 3\text{m}^2/\text{s}$) represented as green coloured banding on the Binnie and Partners reservoir inundation mapping.

Consequence Designation of Controlled Reservoirs			
	High	Medium	Low
Cultural Heritage	<p>The velocity of water is greater than 2m/s and depth and velocity combined is greater than 7m²/s in the inundation area ($V > 2\text{m/s}$ and $DV > 7\text{m}^2/\text{s}$ represented as red on the inundation map) and</p> <p>there is one or more of the following in the inundation area:- a world heritage site, a listed building, a historic monument in state care, a scheduled historic monument.</p>	<p>The velocity of water is less than 2m/s and depth and velocity combined is greater than 3m²/s but less than 7m²/s in the inundation area ($V < 2\text{m/s}$ and $3\text{m}^2/\text{s} < DV < 7\text{m}^2/\text{s}$) represented as orange on the inundation map) and</p> <p>there is one or more of the following in the inundation area:- a world heritage site, a listed building, a historic monument in state care, a scheduled historic monument.</p>	<p>The velocity of water is less than 2m/s or depth and velocity combined is less than 3m²/s in the inundation area ($V < 2\text{m/s}$ or $DV < 3\text{m}^2/\text{s}$) represented as green on the inundation map</p> <p>and</p> <p>there is one or more of the following in the inundation area:- a world heritage site, a listed building, a historic monument in state care, a scheduled historic monument.</p>

ANNEXES

ANNEX A

DRAFT STATUTORY RULES OF NORTHERN IRELAND

2019 No. 000

FLOOD RISK MANAGEMENT

**The Reservoirs (2015 Act) (Commencement No. 1)
Order (Northern Ireland) 20****

Made - - - -

The Department for Infrastructure ^(a) makes the following Order in exercise of the powers conferred by section 130(2) of the Reservoirs Act (Northern Ireland) 2015^(b) and now vested in it.

Citation and interpretation

1.—(1) This Order may be cited as The Reservoirs (2015 Act) (Commencement No. 1) Order (Northern Ireland) 20**.

(2) In this Order “the Act” means the Reservoirs Act (Northern Ireland) 2015.

Appointed Day

2. The day appointed for the coming into operation of the provisions of the Act specified in the Schedule is <Date> <Month> 20**.

Sealed with the Official Seal of the Department for Infrastructure on



Address
Date

To insert name
A senior officer of the
Department for Infrastructure

^(a) S.R. 2021 No.114 (see article 4).

^(b) 2015 c.8 (N.I.).

SCHEDULE 1

Provisions of the Act coming into operation in accordance with Article 2

<i>Provisions of the Act</i>	<i>Subject matter</i>
Section 3	Matters to be taken into account under section 2(3)
Section 4	Controlled reservoirs: further provision
Section 7	Multiple reservoir managers: supplementary
Section 8	Duty of multiple reservoir managers to co-operate
Section 9	Controlled reservoirs register
Section 10	Reservoir managers' duty to register with the Department
Section 11	Structures or areas which are controlled reservoirs on the relevant date
Section 12	Structures or areas which become controlled reservoirs after the relevant date
Section 13	Structures or areas which are the subject of regulations under section 2(3)
Section 15	Registration: supplementary
Section 16	Offences: registration
Section 17	Giving a reservoir designation
Section 18	Periodic re-assessment of reservoir designation
Section 19	Date on which reservoir designation given under Section 17 or given as different designation under Section 18 takes effect
Section 20	Review by Department of its decision under Section 17 or Section 18
Section 21	Appeal against Department's decision in a review under Section 20
Section 22	Matters to be taken into account under sections 17(3), 18(2), 20(3)(b)(ii) and 21(5)(a)
Section 23	Matters to be taken into account under sections 17(3), 18(2), 20(3)(b)(ii) and 21(5)(a): further provision.
Section 24	High-consequence reservoirs, medium-consequence reservoirs and low-consequence reservoirs: further provision
Section 25(3)	Definition of supervising engineer
Section 26(10) for the purposes of sections 26 and 35	Duties etc. in relation to supervision
Section 30(1)	Inspection timings
Section 30(5) in so far as it defines an "inspecting engineer" as an engineer duly commissioned under section 34 to inspect a high-consequence or medium-consequence reservoir when required by section 30, 31 or 32	Definition of an inspecting engineer

Section 31(1) and (6)	Inspection timings: - reservoir subject to a pre-commencement inspection report and meaning of relevant date
Section 32	Inspection timings: other qualifications
Section 33	Pre-commencement inspection report
Section 34(1)(a), (2), (4) and (5)	Commissioning of an inspecting engineer to undertake inspection
Section 35(1), (4)(a), (b), (e), (f), (g) and (h), (5)(a), (6)(a) and (c) and (7)	Duties etc. in relation to inspection
Section 38(1)(e), except in relation to the requirements of section 34(1)(b)	Offences in relation to requirements of 34(1)(a) commission of inspection engineer and associated penalties as they relate to offences commenced
Section 38(2)(c)	Offence: notice of commission of inspecting engineer
Section 38(3) in relation to an offence under section 38(1)(e) that is attributable to a failure to comply with the requirements of section 30, 31, 32 or 34(1)(a)	Penalties in relation to offences
Section 38(3) in relation to an offence under section 38(2)(c)	Penalty in relation to offence
Section 41	Application of Part 3 etc.
Section 43	Notice to Department and commissioning of construction engineer
Section 44	Supervision of relevant works and reservoir safety by construction engineer
Section 45	Safety report
Section 46	Safety report: compliance
Section 47	Preliminary certificate
Section 48	Construction certificate
Section 49	Final certificate
Section 50	Preliminary and final certificate: compliance
Section 51	Termination of supervision by construction engineer
Section 52	Offences: construction or alteration
Section 53	Offences: failure to comply with safety direction in safety report, preliminary certificate or final certificate
Section 54	Defences: offences under 53(1)
Section 55	Controlled reservoirs subject to relevant works on the commencement date
Section 58	Maintenance of records
Section 59(2) and (3)	Display of emergency response information

Section 60(1)(c), and section 60(3) so far as it relates to failure to comply with requirements of section 58	Offences under Part 4
Section 61	Referral to referee: directions in safety report or inspection report
Section 62	Referral to referee: requirements in preliminary certificate or final certificate
Section 63	Commissioning of referee
Section 64	Powers of referee: referral under section 61(2)
Section 65	Powers of referee: referral under section 62(1)
Section 66	Procedure etc.
Section 67(1)(b) and (c), (2) and (3)	Enforcement notice: commissioning an inspecting or construction engineer
Section 68 in so far as it concerns the commissioning of an inspecting or construction engineer	Offence: failure to comply with a notice under section 67(2)
Section 69 in so far as it concerns the commissioning of an inspecting or construction engineer	Commissioning of engineer by Department
Section 70(b) and(c)	Commissioning by the Department: engineers' reports, certificates, recommendations etc.
Section 74 in relation to an offence under section 53(1)(a)	Offence: failure to comply with direction in safety report further remedies
Section 75	Emergency powers
Section 76 as regards costs in relation to the commissioning of an inspecting or construction engineer under section 69 or costs under section 75	Recovery of costs
Section 77	Stop notices
Section 78	Stop notices: content and procedure
Section 79	Stop notices: compensation
Section 80	Stop notices: enforcement
Section 90(1)(a)	Consultation: section 77(2)(stop notices)
Section 90(2) in relation to the consultation required by section 77(2)	Persons to be consulted
Section 91 in relation to regulations under section 77(1)	Recovery by the Department of certain costs in relation to regulations under section 77(1)

Section 98, except so far as it defines a “relevant engineer” as a supervising engineer (including a nominated representative of a supervising engineer under section 26(7) who is acting as such in the event of the supervising engineer being unavailable)	Affording of reasonable facilities to engineers
Section 99	Power of the Department to require information and assistance from reservoir managers
Section 100, in relation to failure to comply with the requirements of section 98 as respects a relevant engineer who is not a supervising engineer (including a nominated representative of a supervising engineer under section 26(7) (a) who is acting as such in the event of the supervising engineer being unavailable), and in relation to failure to comply with the requirements of section 99	Offences: section 98 and 99
Section 101	Power to require information and assistance from others
Section 102	Panels of reservoir engineers
Section 103	Appointment of members to panels: further provision
Section 104	Removal of panel members
Section 105	Dissolution or alteration of panels etc.
Section 106	Review of decision not to appoint, or to remove civil engineers from panels etc.
Section 107	Consultation with Institution of Civil Engineers
Section 108	Reimbursement of costs incurred by Institution of Civil Engineers

Section 109(1) and (3) to (5), except so far as relating to: an appeal by virtue of regulations under 27(1); an appeal under section 76 as regards costs in relation to the commissioning of a supervising engineer under section 69; an appeal under section 76 as regards costs under section 71 or 73; or an appeal by virtue of regulations under section 81(1), 83(1) or 86(1)	Power of Water Appeals Commission to award costs in appeals
Section 109(2)(a) and (e)	Power of Water Appeals Commission to award costs in appeal under section 21 and by virtue of regulations under section 77(1)
Section 109(2)(d) except so far as relating to: an appeal under section 76 as regards costs in relation to the commissioning of a supervising engineer under section 69; or an appeal under section 76 as regards costs under section 71 or 73.	Power of Water Appeals Commission to award costs in appeals
Section 110 except so far as relating to: an appeal by virtue of regulations under 27(1); an appeal under section 76 as regards costs in relation to the commissioning of a supervising engineer under section 69; an appeal under section 76 as regards costs under section 71 or 73; or an appeal by virtue of regulations under section 81(1), 83(1) or 86(1)	Orders as to costs in relation to an appeal
Section 111 except so far as relating to: an appeal by virtue of regulations under 27(1); an appeal under section 76 as regards costs in relation to the commissioning of a supervising engineer under section 69; an appeal under section 76 as regards costs under section 71 or 73; or an appeal by virtue of regulations under section 81(1), 83(1) or 86(1)	Fees in relation to appeals
Section 112	Time limit for certain summary offences under the Act
Section 113	National security: further provision
Section 115	Assessment of engineers' reports etc.

Section 116	Publication of information as regards ranges of costs of engineers' services
Section 117	Notice to the Department of revocation of commissioning, or resignation, of engineer
Section 118	Form and content of notices, reports, certificates etc.
Section 119	Electronic serving or giving of notices or other documents
Section 120	Change to the Institution of Civil Engineers
Section 121	Civil liability
Section 122	Application to the Crown
Section 123	Enforcement in relation to the Crown
Section 124	Service or giving of notices or other documents: the Crown
Section 125	Offences by bodies corporate and partnerships
Section 129	Minor and consequential amendments and repeals
Schedule 1	Pre-commencement inspection reports: review of decision under section 33(2)
Schedule 3	Minor and consequential amendments
Schedule 4	Repeals

EXPLANATORY NOTE

(This note is not part of the Order)

This Order provides for the coming into operation of the provisions of the Reservoirs Act (Northern Ireland) 2015 listed in the Schedule to the Order.

ANNEX B

Draft Order laid before the Assembly under Section 130(3) of the Reservoirs Act (Northern Ireland) 2015, for approval

DRAFT STATUTORY RULES OF NORTHERN IRELAND

20 No.*****

FLOOD RISK MANAGEMENT

**The Reservoirs (2015 Act) (Commencement No. 2) Order
(Northern Ireland) 20****

<i>Made</i>	- - - -	***
<i>Laid before the Assembly in draft</i>		***
<i>Coming into operation</i>		***

The Department for Infrastructure^(a), in exercise of the powers conferred by section 130(2) of the Reservoirs Act (Northern Ireland) 2015^(b) and now vested in it, makes the following Order.

Citation and interpretation

1. — (1) This Order may be cited as the Reservoirs (2015 Act) (Commencement No. 2) Order (Northern Ireland) 20**.
- (2) In this Order “the Act” means the Reservoirs Act (Northern Ireland) 2015.

Appointed Day

2. The day appointed for the coming into operation of the provisions of the Act listed in the Schedule is <Date> <Month> 20**.

Sealed with the Official Seal of the Department for Infrastructure on ***



Address
Date

Name to be inserted
A senior officer of the Department for Infrastructure

^(a) S.R. 2021 No. 114 (see article 4).

^(b) 2015 c.8 (N.I.)

SCHEDULE

Provisions of Act coming into operation in accordance with Article 2

<i>Provisions of the Act</i>	<i>Subject matter</i>
Section 25(1), (2), (4) and (5)	Supervision requirement and commissioning of supervising engineer etc.
Section 26 (1) to (9)	Duties etc. in relation to supervision
Section 26(10), for the purposes of sections 27 to 31 and 37	References to supervising engineer
Section 27	Regulations as to visits by supervising engineer
Section 28	Visual inspection directed under section 26(4) (a): further provision
Section 29	Nominated representative under section 26(7) (a): further provision
Section 30(2) to (4)	Inspection timing: general requirements
Section 30(5), in so far as it defines an “inspecting engineer” as an engineer duly commissioned under section 34 to supervise the taking of a measure referred to in section 34(1)(b)	Definition of an inspecting engineer
Section 31(2) to (5)	Inspection timing: reservoir subject to pre-commencement inspection report
Section 34(1)(b) and (3)	Requirement to commission inspecting engineer to supervise the taking of any measure as mentioned in section 35(4)(e) or taking of a pre-commencement safety recommendation, and the definition of a pre-commencement safety recommendation
Section 35(2), (3) (4)(c), (d) and (i), (5)(b) and (6) (b)	Duties etc. in relation to inspection – specifying duty of a reservoir manager, definition of a pre-commencement inspection report certificate, measures to be specified in an inspection report and need to copy to a supervising engineer
Section 36	Inspection reports: compliance
Section 37	Recording of water levels etc. and record keeping
Section 38(1)(a), (b), (c), (d), and (f)	Offences in relation to sections 25(2), 28(1), 28(2)(a), 28(2)(c), and 37 regarding supervision, inspection and record keeping
Section 38(1)(e) in relation to the requirements of section 34(1)(b)	Offence: securing the supervision by inspecting engineer
Section 38(2)(a), (b), (d) and (e)	Offences in relation to sections 25(4), 26(8)(a) or (b), 35(2) and 36(2)(b) regarding notice to the Department of commissioning of supervising engineer and giving copies of reports etc. to supervising or inspection engineer, and notice to the Department of commissioning of any other qualified engineer

Section 38(3) in relation to an offence under section 38(1) (a), (b), (c), (d) or (f) or (2)(a), (b), (d) or (e)	Penalties in relation to offences
Section 38(3) in relation to an offence under section 38(1)(e) that is attributable to a failure to comply with the requirements of section 34(1)(b)	Penalty in relation to offence
Section 39	Offence in connection with inspection: failure to secure compliance with safety direction or recommendation
Section 40	Defences: offence under section 39(1)
Section 67(1)(a)	Enforcement notice – commissioning of a supervising engineer per section 25(2)
Section 68 in so far as it concerns the commissioning of a supervising engineer	Offence: failure to comply with a notice under section 67(2)
Section 69 in so far as it concerns the commissioning of a supervising engineer	Commissioning of engineer by Department
Section 70(a)	Commissioning by the Department: engineers' reports, certificates, recommendations etc.
Section 71	Enforcement notice: safety measures
Section 72	Offence: failure to comply with notice under section 71(2)
Section 73	Department's power to arrange taking of safety measures
Section 74 in relation to an offence under 39(1)	Offence: failure to comply with direction in inspection report or pre-commencement safety recommendation: further remedies
Section 76 as regards costs in relation to the commissioning of a supervising engineer under section 69 and costs under section 71 or 73	Recovery of costs
Section 92	Publication of enforcement action
Section 98, so far as it defines a "relevant engineer" as a supervising engineer (including a nominated representative of a supervising engineer under section 26(7)(a) who is acting as such in the event of the supervising engineer being unavailable)	Affording reasonable facilities to engineers
Section 100, in relation to failure to comply with the requirements of section 98 as respects a relevant engineer who is a supervising engineer (including a nominated representative of a supervising engineer under section 26(7)(a) who is acting as such in the event of the supervising engineer being unavailable)	Offences: section 98
Section 109(1) and (3) to (5), so far as relating to: an appeal by virtue of regulations under section 27(1); an appeal under section 76 as regards costs in relation to the commissioning of a supervising engineer under section 69; or an appeal under section 76 as regards costs under section 71 or 73	Power of the Water Appeals Commission to award costs in relation to an appeal

Section 109(2)(b)	Award of costs in relation to an appeal by virtue of regulations under section 27
Section 109(2)(d) so far as relating to: an appeal under section 76 as regards costs in relation to the commissioning of a supervising engineer under section 69; or an appeal under section 76 as regards costs under section 71 or 73	Award of costs in relation to an appeal under section 76
Section 110 so far as relating to: an appeal by virtue of regulations under section 27(1); an appeal under section 76 as regards costs in relation to the commissioning of a supervising engineer under section 69; or an appeal under section 76 as regards costs under section 71 or 73	Orders as to costs in relation to an appeal
Section 111 so far as relating to: an appeal by virtue of regulations under section 27(1); an appeal under section 76 as regards costs in relation to the commissioning of a supervising engineer under section 69; or an appeal under section 76 as regards costs under section 71 or 73	Fees in relations to appeals
Section 114	Grants

EXPLANATORY NOTE

(This note is not part of the Order)

This Order provides for the coming into operation of the provisions of the Reservoirs Act (Northern Ireland) 2015 listed in the Schedule to the Order.

ANNEX C

DRAFT STATUTORY RULES OF NORTHERN IRELAND

20 No.****FLOOD RISK MANAGEMENT****The Reservoirs (Northern Ireland) Regulations 20****

<i>Made</i>	- - - -	20**
<i>Laid</i>		20**
<i>Coming into operation</i>	-	20**

The Department for Infrastructure makes the following Regulations in exercise of the powers conferred by sections 4(2), 9(2), 10(2), 37(1)(e), 37(2), 58(3), 59(2), 66(1), 188 and 127(4) of the Reservoirs Act (Northern Ireland) 2015^(a).

In accordance with section 4(3) of that Act, the Department has consulted the Institution of Civil Engineers and other organisations as it considers appropriate in relation to the calculation of volume.

PART 1**Introduction****Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Reservoirs (Northern Ireland) Regulations 20** and shall come into operation on <Date> 20**.

(2) In these Regulations—

“the Act” means the Reservoirs Act (Northern Ireland) 2015^(b);

“the Department” means the Department for Infrastructure;

“final certificate” means a certificate prepared by a construction engineer in accordance with section 49 of the Act;

“inspection report” means a report prepared by an inspecting engineer in accordance with section 35 of the Act;

“preliminary certificate” means a certificate prepared by a construction engineer in accordance with section 47 of the Act;

“relevant engineer” has the same meaning as section 63(4) of the Act;

“safety report” means a report prepared by a construction engineer in accordance with section 45 of the Act;

^(a) 2015 c. 8 (N.I.)

^(b) 2015 c. 8 (N.I.)

PART 2

Capacity, Registration and Record Keeping

Calculation of volume

2.—(1) For the purposes of sections 1, 2, 41, 45 and 49 of the Act the volume of water capable of being held above the natural level of any part of the surrounding land is to be calculated by measuring the volume of water (in cubic metres) which is capable of being held—

- (a) above the bed of the reservoir; and
- (b) between the toe of the reservoir and its top water level.

(2) Water not capable of flowing out of the reservoir over natural land in the event of an uncontrolled release of water from the reservoir shall not be included in the calculation.

(3) In paragraph (1)—

“bed” in relation to a reservoir includes any silt or other material that is incapable of flowing out of the reservoir over natural land in the event of an uncontrolled release of water;

“natural level” is the level of the natural land remaining after the construction or any alteration of a reservoir;

“surrounding land” is the land adjacent to a reservoir;

“toe” in relation to a reservoir means the point on the downstream side of a dam, reservoir wall, or embankment where the base of the dam, reservoir wall or embankment, as the case may be, meets the lowest natural level of any part of the surrounding land including the lowest bed level of any watercourse;

“top water level” means—

- (a) in the case of a reservoir with a fixed overflow sill, the lowest crest level of that sill;
- (b) in the case of a reservoir the overflow from which is controlled wholly or partly by movable gates, siphons or otherwise, the maximum level to which water may be held exclusive of any provision for flood storage; or
- (c) in the case of a reservoir designed for the purpose of holding back floodwater, the maximum level to which floodwater may be held during any flood event exclusive of any provision for overflow

Controlled reservoirs register

3. The Department will establish and maintain a controlled reservoirs register which must contain the information in relation to each controlled reservoir as specified below—

- (a) name and location of the reservoir;
- (b) designation of the reservoir; and
- (c) a copy of the reservoir inundation outline map.

Information to be provided by a reservoir manager to register a controlled reservoir

4.— (1) The reservoir manager of a controlled reservoir must, under section 10(1) of the Act, register the reservoir with the Department in accordance with sections 11 to 13 of the Act by providing the Department, in writing, with the information specified in Schedule 1.

(2) For the purposes of maintaining the controlled reservoirs register, the Department may request further information or documents in relation to a reservoir from a reservoir manager and the reservoir manager must provide such information to the Department within 28 days of any such request.

Recording of water levels etc. and record keeping

5. — (1) The record of matters (“the recorded matters”) to be maintained by a reservoir manager under section 37(1) of the Act must, in addition to the matters required by subsection (1)(a) to (d) of that section, include the other matters specified in Schedule 2.

(2) The information to be included in relation to the recorded matters and the record to be maintained under section 37(1) must be in the form as specified in Schedule 3.

Record of repairs

6. The information about repairs to low consequence reservoirs to be contained in a record of relevant documents pursuant to section 58(3) (maintenance of records) of the Act must be in the form set out in Schedule 4.

PART 3

Emergency Response and Dispute Referral

Display of emergency response information

7. The reservoir manager of a controlled reservoir must ensure that the following information is displayed at or near the controlled reservoir at all times—

- (a) reservoir name;
- (b) name and address of reservoir manager;
- (c) registration number;
- (d) contact number for the reservoir manager;
- (e) contact telephone number for the Department in the event of an emergency at a high consequence or medium consequence reservoir.

Time within which a referee may be commissioned by agreement

8. The time within which a referee (“the referee”) may be commissioned under section 63(1)(a) (commissioning of referee) of the Act by agreement between the reservoir manager and the relevant engineer, is a period of 60 days beginning with, as the case may be—

- (a) the day on which the inspection report or the safety report, which contains the direction or recommendation which is to be referred to the referee by the reservoir manager under section 61(2) of the Act, was given to the reservoir manager; or
- (b) the day on which the preliminary certificate or the final certificate, which contains the matters which are to be referred to the referee by the reservoir manager under section 62(1) of the Act, was given to the reservoir manager.

Time within which a request to the Institution of Civil Engineers to commission a referee may be made

9. The time within which a request to the Institution of Civil Engineers for the commissioning of a referee (“the referee”) under section 63(1)(b) of the Act may be made, is a period of 70 days beginning with, as the case may be—

- (a) the day on which inspection report or safety report, which contains the direction or recommendation which is to be referred to the referee by the reservoir manager under section 61(2) of the Act, was given to the reservoir manager; or
- (b) the day on which the preliminary certificate or the final certificate, which contains the matters which are to be referred to the referee by the reservoir manager under section 62(1) of the Act, was given to the reservoir manager.

Procedure and manner of the request

10. —(1) Any request to the Institution of Civil Engineers for the commissioning of a referee (“the referee”) under section 63(1)(b) of the Act must be made in writing.

(2) Where the subject of the referral to be made to the referee is a direction or recommendation contained in a safety report or an inspection report, the request must be accompanied by—

- (a) the safety report or the inspection report containing the direction or recommendation;
- (b) a statement specifying the terms of the direction or recommendation in the safety report or, as the

case may be, the inspection report for which the commission is requested;

- (c) where the report containing the direction is a safety report, any safety measure certificate given in relation to the report; and
- (d) where the report containing the direction is an inspection report, any interim inspection compliance certificate given in relation to the report.

(3) Where the subject of the referral to be made to the referee is a matter contained in a preliminary certificate or final certificate, the request must be accompanied by—

- (a) the preliminary certificate or the final certificate which contains the matter; and
- (b) a statement specifying the matter in the preliminary certificate or, as the case may be, the final certificate for which the commission is requested.

Procedure in the referral before the referee

11. —(1) A referee commissioned under section 63(1) must, within a period of 28 days beginning with the day on which the referee is commissioned, invite the reservoir manager in question to give to the referee a statement in writing of the grounds of challenge under, as the case may be—

- (a) section 61(2) (referral to referee: directions or recommendation in a safety report or inspection report) of the Act; or
- (b) section 62(1) (referral to referee: matters in preliminary certificate or final certificate) of the Act.

(2) Where a reservoir manager is invited to give a statement under paragraph (1), the reservoir manager must give the statement in writing to the referee within a period of 28 days beginning with the day on which the reservoir manager is invited to do so.

(3) Where a referee is given a statement in accordance with paragraph (2), the referee must give a copy of the statement to the relevant engineer and invite the engineer to give to the referee observations in writing in relation to the statement within a period of 28 days beginning with the day on which the engineer was given the copy of the statement.

(4) Where the referee is given observations in accordance with paragraph (3), the referee—

- (a) must give a copy of the observations to the reservoir manager and invite the manager to give to the referee comments in writing in relation to the observations within a period of 21 days beginning with the day on which the manager was given the copy of the observations; and
- (b) may arrange to meet the reservoir manager and the relevant engineer, or their representatives, to hear any observations that either party may wish to make orally.

(5) The referee may carry out an investigation and this may include an inspection of the reservoir in question (with or without the reservoir manager and the relevant engineer, or their representatives) before making a decision under, as the case may be—

- (a) section 64 (powers of referee: referral under section 61(2)) of the Act; or
- (b) section 65 (powers of referee: referral under section 62(1)) of the Act.

Cost of investigation and proceedings (including the remuneration of the referee)

12. The cost of any investigation and proceedings (including the remuneration of the referee) arising in consequence of a referral under section 61(2) or section 62(1) of the Act are expenses for the purposes of section 66(2) of the Act (expenses of the investigation and proceedings to be paid by the reservoir manager who makes the referral).

PART 4

Form and Content of Notices, Reports, Certificates etc.

Notices by reservoir managers

13. A notice required to be given by a reservoir manager under the Act must be in the form and include the content as specified below—

- (a) Schedule 5: notice under section 7(5) (nomination of reservoir manager);
- (b) Schedule 6: notice under section 15(1) (ceasing to be a reservoir manager);
- (c) Schedule 7: notice under section 15(2) (becoming a reservoir manager);
- (d) Schedule 8: notice under section 25(4) (commissioning of supervising engineer);
- (e) Schedule 9: notice under section 34(2) (commissioning of inspecting engineer);
- (f) Schedule 10: notice under section 43(1) (proposed relevant works);
- (g) Schedule 11: notice under section 43(2) (commissioning of construction engineer);
- (h) Schedule 12: notice under section 117(1) (revocation of commission of a reservoir engineer).

Notices by supervising engineers

14. — (1) A notice required to be given by a supervising engineer under section 26(2)(a) the Act must be in the form and include the content as set out in Schedule 13;

(2) A notice required to be given by a supervising engineer under section 26(2)(g) or (h) must be in the form and include the content as set out in Schedule 14.

Statement by supervising engineer

15. An annual statement given by a supervising engineer under section 26(5) of the Act must be in the form set out in Schedule 15.

Reports by inspecting or construction engineer

16. An inspection report given by an inspecting engineer under section 35 of the Act must be in the form set out in Schedule 16.

17. A safety report given by a construction engineer under section 44 of the Act must be in the form as set out in Schedule 17.

Certificates by inspecting engineer

18. A certificate given by an inspecting engineer under the Act must be in the form as specified below—

- (a) Schedule 18: certificate under section 36(3) (interim inspection compliance certificate);
- (b) Schedule 19: certificate under section 36(5) (inspection compliance certificate).

Certificates by construction engineer

19. A certificate given by a construction engineer under the Act must be in the form as specified below—

- (a) Schedule 20: certificate under section 46 (safety measure certificate);
- (b) Schedule 21: certificate under section 47 (preliminary certificate);
- (c) Schedule 22: certificate under section 48 (construction certificate);
- (d) Schedule 23: certificate under section 49(1) (final certificate for purposes of construction or alteration of a controlled reservoir);
- (e) Schedule 24: certificate under section 49(3) (final certificate for the purposes of discontinuance of a controlled reservoir);
- (f) Schedule 25: certificate under section 49(5) (final certificate for the purposes of abandonment of a controlled reservoir).

Certificates by a referee

20. A certificate given by a referee under the Act must be in the form as specified below—

- (a) Schedule 26: referral certificate under section 64 (referral under section 61(2));
- (b) Schedule 27: referral certificate under section 65 (referral under section 62(1)).

Notice of resignation of engineer

21. A notice regarding the resignation of a reservoir engineer commissioned in relation to a reservoir pursuant to section 117(2) of the Act must be in the form set out in Schedule 28.

Sealed with the Official Seal of the Department for Infrastructure on 20**

(L.S.)

A senior officer of the Department for Infrastructure

SCHEDULE 1

Regulation 4(1)

INFORMATION TO BE PROVIDED BY A RESERVOIR MANAGER TO REGISTER A CONTROLLED RESERVOIR

Reservoir details

Name and location of the controlled reservoir

Reservoir type (i.e. impounding, non-impounding, service)

Public Access – Yes /No

Reservoir manager details (if more than one reservoir manager the details for each manager must be provided).

Name of reservoir manager

Contact name and contact details (if organisation/company)

Part of reservoir with management responsibility

Grid reference of part of reservoir with management responsibility

Postal address of reservoir manager

E-mail address of reservoir manager

Landline telephone number of reservoir manager

Mobile telephone number of reservoir manager

Name of nominated reservoir manager (if applicable)

SCHEDULE 2

Regulation 5(1)

OTHER MATTERS OF WHICH A RECORD MUST BE MAINTAINED UNDER SECTION 37(1) OF THE ACT

- (a) The name of any reservoirs engineer commissioned by the reservoir manager.
- (b) A description of the access to the reservoir.
- (c) The certified level up to which the reservoir may store water, its surface water area, capacity and fetch.
- (d) The structural character of the dam(s), reservoir wall(s) or embankment(s), their date (or approx. date) of completion (if known), height, level of the top of the dam(s), reservoir wall(s) or embankment(s) and of the wave wall above ordnance datum.
- (e) Details of draw off works, bottom outlets, or any other means of lowering the water level, together with their maximum rates of discharge.
- (f) The physical characteristics of direct and indirect catchment areas of the reservoir and method of filling from indirect catchment areas.
- (g) The standard average annual rainfall on direct and indirect catchment areas of the reservoir.
- (h) The type, location and level of spillway works and the safety provisions made in connection with their operation.
- (i) Details of relevant work notified to the Department under section 43 of the Act (proposed works to construct or alter a controlled reservoir).
- (j) The measures taken in the interests of safety or which might affect safety.
- (k) Details of directions by a supervising engineer.
- (l) Any unusual events which could affect the safety of the reservoir.
- (m) The commission of any referee under section 61 of the Act.
- (n) A drawing register detailing all drawings of the reservoir (where available) and its component parts.
- (o) All instrumentation at the reservoir.
- (p) The extent of opening of valves, gates and penstocks, and related information.

SCHEDULE 3

Regulation 5(2)

INFORMATION AND FORM OF RECORD TO BE MAINTAINED UNDER SECTION 37(1) OF THE RESERVOIRS ACT (NORTHERN IRELAND) 2015

RECORD OF MATTERS IN RESPECT OF A CONTROLLED RESERVOIR UNDER SECTION 37(1) OF THE RESERVOIRS ACT (NORTHERN IRELAND) 2015 (“the Act”)

If any of the information is not relevant in relation to the reservoir, “Not Relevant” should be inserted beside the relevant section.

Any information to be provided may be supplemented with relevant drawings

Name and location of reservoir	
Name and address of reservoir manager(s)	

Details of directions under section 37(3) of the Act

Details of any directions by the supervising engineer, inspecting engineer or construction engineer under section 37(3) of the Act as to the manner in which the information is to be recorded and the intervals at which the record is to be updated.

Date	Details of Direction	Name of engineer

WATER LEVELS AND DEPTH OF WATER

A record of water levels and depth of water including the flow of water over the waste weir or overflow should be maintained by recording appropriate entries in the form below

Date	Water level in the reservoir measured relative to the top water level (in metres) (record positive if above top water level and negative if below top water level)	Name of person responsible for entry
Date	Depth of water flowing over waste weir or overflow (in metres)	Name of person responsible for entry

Method of recording water levels		

Datum to which levels are referred e.g. ordnance datum or the level of the overflow sill:

LEAKAGES, SETTLEMENTS OF WALLS OR OTHER WORKS AND REPAIRS

A record of leakages, settlements of walls or other works, and repairs should be maintained by recording entries in the form below

Position and extent of any leakage from the reservoir or settlement of walls or other works, giving date of discovery	Description of action taken consequent on discovery of leakage or settlement (including details of any notifications to the supervising engineer)	Name of person responsible for entry	Date action taken

Details of repairs undertaken on reservoir	Name of person who carried out the works	Date repairs carried out

RESERVOIR ENGINEERS COMMISSIONED BY THE RESERVOIR MANAGER**Supervising engineer**

Name:		
Address:		
E-mail address:		
Telephone number (within normal working hours)		
Telephone number (outside normal working hours)		
Period of commission	Date period began	
	Date period ends (or ended)	

Inspecting engineer

Name:		
Address:		
E-mail address:		
Reason for commission (to inspect the reservoir or to supervise the taking of a safety measure or a pre-commencement safety recommendation)		
Period of commission	Date period began	
	Date period ends (or ended)	

Construction engineer

Name:		
Address:		
E-mail address:		
Contact telephone number:		
Reason for commission (tick as appropriate)	Construction of a controlled reservoir (other than restoration to use)	
	Restoration to use of a controlled reservoir	
	Abandonment of a controlled reservoir	
	Discontinuance of a controlled reservoir	
	Other alteration of a controlled reservoir	
Period of commission	Date commenced	
	Date ends (or ended)	

RESERVOIR ACCESS

Description of access giving any restrictions on load, width or height of vehicles using access and details of the construction of the access route:

CERTIFIED LEVEL UP TO WHICH THE RESERVOIR MAY STORE WATER, ITS SURFACE WATER AREA, CAPACITY AND FETCH

Level up to which water may be stored exclusive of flood storage:

Capacity (in m ³)	At the top water level:	
	Between lowest natural level of any part of the surrounding land and the top water level:	
	Between the lowest natural level of any part of the surrounding land and level, as last specified in a certificate given under the Act, exclusive of any provision for flood storage:	

Surface water area (in m ² or km ²)	At the top water level:	
	At level up to which water may be stored, exclusive of flood storage, as it was last specified in a certificate given under the Act:	

Fetch (in metres):	
Fetch direction:	

STRUCTURAL CHARACTER OF DAM, RESERVOIR WALL OR EMBANKMENT

Type (tick as appropriate)	Date of construction
Earth: (specify sealing membrane or core)	
Rockfill: (specify sealing membrane or core)	
Gravity:	
Buttress:	
Other (specify as appropriate)	

DETAILS OF DRAW-OFF WORKS, BOTTOM OUTLETS, ETC

	Details	Maximum rate of discharge (in m ³ /s)
Draw-off works		
Bottom outlets		
Any other means of lowering the level of the water		

PHYSICAL CHARACTERISTICS OF DIRECT AND INDIRECT CATCHMENT AREAS, ETC

Direct catchment area (m ² or km ²):	
Indirect catchment area (m ² or km ²):	

Method of bringing water into the reservoir from the indirect catchment area, with details of any control (including location) or pumps provided and the maximum inflow capacity:

Physical characteristics of direct and indirect catchment areas which affect the rate of storage of water:

STANDARD AVERAGE ANNUAL RAINFALL ON DIRECT AND INDIRECT CATCHMENT AREAS

Details of standard average annual rainfall on the direct and indirect catchment areas of the reservoir according to the meteorological office records:

SPILLWAY WORKS: TYPE, LOCATION AND LEVEL AND THE SAFETY PROVISIONS MADE IN CONNECTION WITH THEIR OPERATION

Type and location (if independent of main dam structure):

	Crest level	Length	Other particulars
Fixed crest weirs			
Syphons (state if air regulated saddle siphons)			
Other gates or valves			
Movable crest gate			
Tunnels or other features affecting discharge capacity			
Emergency spillway			

Movable gates or valves

Methods of operation (tick as appropriate)	Manual	
	Automatic	
	Float control	
Sequence of operation:		
Source of power:		
Standby arrangement:		

RELEVANT WORK NOTIFIED TO THE DEPARTMENT UNDER SECTION 43 OF THE ACT

Category of relevant work notified to the Department (tick as appropriate)	Construction of a reservoir (other than restoration to use)	
	Restoration to use of a reservoir	
	Abandonment of a reservoir	
	Discontinuance of a reservoir	
	Other alteration of a reservoir	
Details of work:		
Date of notice to the Department:		

MEASURES TAKEN IN THE INTERESTS OF SAFETY OR WHICH MIGHT AFFECT SAFETY

Details of measures directed in a safety report	Dates(s) when measure taken

Details of measures (not for the maintenance) specified in an inspection report which the reservoir manager is directed (under section 35(4)(e)) to ensure are taken under supervision, and the period of time specified within which the measure is to be taken.	Date(s) when measure taken

Details of measures (for the maintenance of the reservoir) specified in an inspection report which the reservoir manager is directed (under section 35(4)(f)) to ensure are monitored by the supervising engineer.	Date(s) when measure taken

Details of any recommendation (relating to the maintenance of the reservoir) which are included pursuant to section 35(4)(b)	Date(s) when recommendation taken

DIRECTIONS BY A SUPERVISING ENGINEER

Details of any direction given under section 26(4) of the Act by the supervising engineer and date of visual inspection completed and observations made			
Date	Details of direction	Date of visual inspection	Observations made

UNUSUAL EVENTS WHICH COULD AFFECT THE SAFETY OF THE RESERVOIR

A record of unusual events, such as seismic activity, that have a bearing on the safety of the reservoir should be maintained by recording entries in the form below

Details of any unusual events which have occurred at or near the reservoir	Date(s) of occurrence of any such events

COMMISSION OF REFEREES UNDER THE ACT

Name of Referee	Date of commission

DRAWING REGISTER

A register of drawings of the reservoir (where available) and its component parts should be maintained by recording appropriate entries in the form below.

Drawing number	Drawing title	Revision number	Approval date

INSTRUMENTATION AT THE RESERVOIR

A record of the type, location, age and condition of instruments installed at the reservoir should be maintained by recording appropriate entries in the form below.

The location of instruments with their reference numbers should be shown on the relevant drawings of the reservoir.

Site reference number instrument	Type and serial number of instrument and key details	Location at the reservoir	Date of installation	Conditions and assessment date

EXTENT OF OPENING OF VALVES, GATES AND PENSTOCKS

A record of the extent that valves, gates and penstocks are open should be maintained by recording appropriate entries in the form below.

Date	Type and location of equipment (gate, valve and penstock)	Extent of opening	Name, signature and position of engineer or person responsible for the entry
Method of recording extent of opening for each type of equipment:			

Procedures used for opening each type of equipment and for reading the extent of opening:

SCHEDULE 4**Regulation 6**

INFORMATION ABOUT REPAIRS TO LOW CONSEQUENCE RESERVOIRS TO BE INCLUDED IN RECORD OF RELEVANT DOCUMENTS UNDER SECTION 58(3) OF THE RESERVOIRS ACT (NORTHERN IRELAND) 2015

INFORMATION ABOUT REPAIRS TO LOW CONSEQUENCE RESERVOIRS TO BE INCLUDED IN RECORD OF RELEVANT DOCUMENTS UNDER SECTION 58(3) OF THE RESERVOIRS ACT (NORTHERN IRELAND) 2015		
Reservoir registration number (as specified in the controlled reservoir register)		
Name and location of reservoir (including grid references, if possible)		
Name and address of reservoir manager(s)		
Details of repairs to reservoir	Name of person, position, and signature of person or engineer who carried out the works or repair	Date repairs carried out

SCHEDULE 5

Regulation 13(a)

FORM AND CONTENT OF NOTICE UNDER SECTION 7(5) OF THE RESERVOIRS ACT (NORTHERN IRELAND) 2015 – NOMINATION OF RESERVOIR MANAGER

NOTICE OF NOMINATION OF RESERVOIR MANAGER UNDER SECTION 7(5) OF THE RESERVOIRS ACT (NORTHERN IRELAND) 2015	
Name of reservoir.	
Name and address (including postcode) and telephone number of the nominating manager.	
Name and address (including postcode) and telephone number of the nominee.	
Date on which nomination takes effect.	
The requirements which the nominee will fulfil and the rights to be exercised under the Reservoirs Act (NI) 2015 are as follows:-	
Signature of nominating manager.	
Date	
I hereby accept all of the responsibilities specified in this nomination.	
Signature of nominee.	
Date	

This notice must, not later than 28 days after the date the notice is signed by the nominee, be given by the nominating reservoir manager to the Department and all other managers of the reservoir and any supervising engineer, inspecting engineer, other qualified engineer, or construction engineer, commissioned in relation to the reservoir.

SCHEDULE 6

Regulation 13(b)

FORM AND CONTENT OF NOTICE UNDER 15(1) OF THE RESERVOIRS ACT
(NORTHERN IRELAND) 2015 – CEASING TO BE A RESERVOIR MANAGER

NOTICE OF CEASING TO BE A RESERVOIR MANAGER UNDER SECTION 15(1) OF THE RESERVOIRS ACT (NORTHERN IRELAND) 2015	
Name of reservoir.	
Name and address (including postcode) of the person ceasing to be the reservoir manager.	
Date when cessation of being the reservoir manager takes effect.	
Name and address (including postcode) of the person who has (or will) become the reservoir manager.	
Signature of the person ceasing to be the reservoir manager	
Date	

SCHEDULE 7

Regulation 13(c)

FORM AND CONTENT OF NOTICE UNDER 15(2) OF THE RESERVOIRS ACT
(NORTHERN IRELAND) 2015– BECOMING A RESERVOIR MANAGER

NOTICE OF BECOMING A RESERVOIR MANAGER UNDER SECTION 15(2) OF THE RESERVOIRS ACT (NORTHERN IRELAND) 2015	
Name of reservoir.	
Name and address (including postcode) and telephone number of the person who has (or will) become the reservoir manager.	
Date when becoming the reservoir manager takes effect.	
Name and address (including postcode) of the person ceasing to be the reservoir manager.	
Signature of person who has (or will) become the reservoir manager.	
Date	

SCHEDULE 8

Regulation 13(d)

FORM AND CONTENT OF NOTICE OF COMMISSION OF SUPERVISING
ENGINEER UNDER SECTION 25(4) OF THE RESERVOIRS ACT
(NORTHERN IRELAND) 2015

NOTICE OF COMMISSION OF SUPERVISING ENGINEER UNDER SECTION 25(4) OF THE RESERVOIRS ACT (NORTHERN IRELAND) 2015	
Name of reservoir.	
Name and address (including postcode) of the reservoir manager.	
Name of the supervising engineer/Business address (including postcode)/E-mail address/ Telephone number(s)	
Date of commission.	
Signature of reservoir manager	
Date	

SCHEDULE 9

Regulation 13(e)

FORM AND CONTENT OF NOTICE OF COMMISSION OF INSPECTING ENGINEER
UNDER SECTION 34(2) OF THE RESERVOIRS ACT (NORTHERN IRELAND) 2015

NOTICE OF COMMISSION OF INSPECTING ENGINEER UNDER SECTION 34(2) OF THE RESERVOIRS ACT (NORTHERN IRELAND) 2015	
Name of reservoir.	
Name and address (including postcode) of reservoir manager.	
Name/Business Address (including postcode)/ E-mail address/Telephone number(s) of the inspecting engineer commissioned.	
Date of commission.	
Engineer commissioned to *inspect reservoir/*supervise measures in the interest of safety (*delete as appropriate)	
Signature of reservoir manager	
Date	

SCHEDULE 10

Regulation 13(f)

FORM AND CONTENT OF NOTICE OF PROPOSED RELEVANT WORKS AS
REQUIRED BY SECTION 43(1) OF THE RESERVOIRS ACT
(NORTHERN IRELAND) 2015.

NOTICE OF PROPOSED RELEVANT WORKS UNDER SECTION 43(1) OF THE RESERVOIRS ACT (NORTHERN IRELAND) 2015	
* Location of the proposed works to construct a controlled reservoir.	
*Name of the controlled reservoir which is to be altered.	
Type of works to be undertaken at a controlled reservoir:	<p>* Construction (including restoration to use)</p> <p>*Alteration (not amounting to discontinuation or abandonment)</p> <p>*Abandonment (structure is to be made incapable of filling with water above the natural level of any part of the surrounding land)</p> <p>*Discontinuance (structure is to be made incapable of holding 10,000 cubic metres of water above the natural level of any part of the surrounding land)</p>
Date when the proposed works will commence.	
Date (or approximate date) when the proposed work will be completed.	
Signature of reservoir manager	
Date	

*Delete as appropriate

SCHEDULE 11

Regulation 13(g)

FORM AND CONTENT OF NOTICE OF COMMISSION OF CONSTRUCTION
ENGINEER UNDER SECTION 43(2) OF THE RESERVOIRS ACT
(NORTHERN IRELAND) 2015

NOTICE OF COMMISSION OF CONSTRUCTION ENGINEER UNDER SECTION 43(2) OF THE RESERVOIRS ACT (NORTHERN IRELAND) 2015	
Name of reservoir.	
Name/Business Address (including postcode)/ E-mail address/Telephone number(s) of the construction engineer commissioned.	
Date of commission.	
Construction engineer commissioned to supervise the *construction/*alteration/*abandonment/*discontinuance of a controlled reservoir. *Delete as appropriate	
Signature of reservoir manager	
Date	

SCHEDULE 12

Regulation 13(h)

FORM AND CONTENT OF REVOCATION OF A COMMISSION OF A RESERVOIR
ENGINEER UNDER SECTION 117(1) OF THE RESERVOIRS ACT
(NORTHERN IRELAND) 2015

NOTICE UNDER SECTION 117(1) OF THE ACT AS REGARDS REVOCATION OF A RESERVOIR ENGINEER	
Name and Location of Reservoir	
Reservoir Manager Name	
Name of reservoir engineer whose commission has been revoked	
Role in which Engineer commissioned i.e. Inspecting Engineer, Supervising Engineer, Construction Engineer	
Date revocation took/takes effect	
Signature of Reservoir Manager	
Date	

SCHEDULE 13

Regulation 14(1)

FORM AND CONTENT OF NOTICE GIVEN BY A SUPERVISING ENGINEER
UNDER SECTION 26(2)(a) OF THE RESERVOIRS ACT
(NORTHERN IRELAND) 2015

NOTICE GIVEN BY A SUPERVISING ENGINEER UNDER SECTION 26(2)(a) OF THE RESERVOIRS ACT (NORTHERN IRELAND) 2015	
Name of reservoir.	
Name of reservoir manager.	
The matters that might affect the safety of the reservoir are as follows:	(insert matters)
Signature of supervising engineer	
Date	

SCHEDULE 14

Regulation 14(2)

FORM AND CONTENT OF NOTICE GIVEN BY A SUPERVISING ENGINEER
UNDER SECTION 26(2)(g) or 26(2)(h) OF THE RESERVOIRS ACT
(NORTHERN IRELAND) 2015

NOTICE GIVEN BY A SUPERVISING ENGINEER UNDER SECTION 26(2)(g) or 26(2)(h) OF THE RESERVOIRS ACT (NORTHERN IRELAND) 2015	
Name of reservoir.	
Name of the reservoir manager.	
Which section(s) failed to comply with:- i.e. (g) (i), (ii), (iii) or (h)	Details of failure to comply
(insert section)	(insert details)
Signature of supervising engineer	
Date	

SCHEDULE 15

Regulation 15

FORM OF ANNUAL STATEMENT BY SUPERVISING ENGINEER UNDER SECTION 26(5) OF THE RESERVOIRS ACT (NORTHERN IRELAND) 2015

ANNUAL STATEMENT BY SUPERVISING ENGINEER UNDER SECTION 26(5) OF THE RESERVOIRS ACT (NORTHERN IRELAND) 2015	
Reservoir name.	
I [insert name of engineer] being a member of [insert name of panel to which engineer is appointed], commissioned to supervise the above named controlled reservoir, state in relation to the reservoir that during the period beginning with [insert period start date] and ending with [insert period end date]- (1) In relation to the matters referred to in section 26(2) (a) to (h) and (j) and (k) of the Reservoirs Act (NI) 2015:-	
Matters	Date and reason for any notice issued/Is the reservoir manager's compliance satisfactory/unsatisfactory/General Observations/or N/A
(a) I gave notice to the reservoir manager of anything that may affect the safety of the reservoir.	
(b) I monitored the reservoir manager's compliance with directions or recommendations in the latest inspection report as to measures to be taken in the interests of safety for its maintenance.	
(c) I monitored or watched any matter specified to be monitored or watched in the latest inspection report (see 'note' below).	
(d) I monitored any matter specified to be monitored in a safety report.	
(e) I monitored the reservoir manager's compliance with any preliminary or final certificate.	
(f) I monitored any matter in the final certificate until the next inspection of the reservoir.	
(g) I gave notice to the reservoir manager and Department of any failure to comply with: <ul style="list-style-type: none"> • any directions in the latest inspection report as to measures in the interests for safety which are measures for the maintenance of the reservoir; and/or • a safety report; and/or • a preliminary certificate. 	
(h) I gave notice to the reservoir manager and the Department of any failure to comply with a final certificate.	

(i) I monitored the reservoir manager's compliance with the requirement of section 37 – recording of water levels etc. and record keeping.	
(j) I undertook site visits to the reservoir on (enter dates).	
2. The reservoir manager [insert name of reservoir manager] took the following measures in the interests of reservoir safety or otherwise to maintain the reservoir:- [insert measures or 'None' if applicable]	
3. I gave the reservoir manager a written recommendation in accordance with section 26(3) to have the reservoir inspected and specified that the inspection should take place by [insert date or N/A if not applicable]. This was copied to the Department on [enter date].	
4. I gave the reservoir manager a written direction in accordance with section 26(4)(a) to carry out a visual inspection of the reservoir for the purpose of identifying anything which may affect the safety of the reservoir on [insert date of direction or N/A if not applicable]. This was copied to the Department on [enter date].	
5. A written record of the visual inspection is maintained *Yes/No. [*delete as appropriate or N/A if not applicable].	
6. Notice of anything identified that may affect the safety of the reservoir was provided to me on *[enter date]. *N/A if not applicable [*delete as appropriate]	
Signature	
Date	

Note: The 'latest inspection report' includes a pre-commencement inspection report under section 33 of the Act.

SCHEDULE 16

Regulation 16

FORM OF INSPECTION REPORT BY AN INSPECTING ENGINEER UNDER
SECTION 35 OF THE RESERVOIRS ACT (NORTHERN IRELAND) 2015

INSPECTION REPORT BY AN INSPECTING ENGINEER UNDER SECTION 35 OF THE RESERVOIRS ACT (NORTHERN IRELAND) 2015	
Name of the reservoir.	
Name of the reservoir manager.	
Name of the inspecting engineer.	
Date(s) of the inspection.	
Inspection report details	
<p>1. I consider that the following measures should be taken in the interests of the safety of the reservoir including measure(s) for the maintenance of the reservoir. I direct the reservoir manager to ensure that the measures are taken in accordance with 5 and 6 below as appropriate: (Insert 'None' if appropriate)</p> <p>2. I consider:</p> <p>(a) That the following matter(s) are relevant to the maintenance of the reservoir: (Insert 'None' if there are no such matters)</p> <p>(b) I make the following recommendation as regards the matter(s) relevant to the maintenance of the reservoir: (Insert 'None' if there are no recommendation as regards the matter).</p> <p>3. The following measure(s) in the interests of the safety of the reservoir were also specified in the previous inspection report: (Insert 'None' if appropriate).</p> <p>4. The following measure(s) in the interests of the safety of the reservoir, which were specified in the previous inspection report, have not been taken and I consider it/they should no longer be taken because of the reason(s) specified below in relation to each measure: (Insert 'None' if appropriate).</p> <p>5. I direct that the reservoir manger takes the following safety measure(s) under the supervision of an inspecting engineer and within the period of time stated: (Insert 'None' if appropriate).</p> <p>6. I direct the reservoir manager to ensure that the following safety measure(s) in relation to maintenance is/are monitored by a supervising engineer: (Insert 'None' if appropriate).</p> <p>7. I recommend that the following matter(s) should be monitored by a supervising engineer until the next inspection of the reservoir: (Insert 'None' if appropriate).</p> <p>8. I recommend the next inspection of the reservoir should take place not later than (*Insert date).</p> <p>9. I consider that the supervising engineer should visit the reservoir more frequently than is required of the supervising engineer by virtue of regulations made under section 27(1) of the Reservoirs Act (NI) 2015: Insert at what intervals, when, or in what circumstances, any additional visit(s) should take place. (Insert 'N/A' if more frequent visits are not required).</p>	
Signature	
Date	

*It should be noted that controlled reservoirs that are given a Medium Consequence designation are not subject to the 10 year inspection cycle. Rather, reservoirs given a Medium Consequence designation are required to be inspected within one year of the initial designation being given and thereafter as recommended by the supervising engineer or at any time recommended by an inspecting engineer in an inspection report.

SCHEDULE 17

Regulation 17

FORM OF SAFETY REPORT BY CONSTRUCTION ENGINEER UNDER SECTION 44
OF THE RESERVOIRS ACT (NORTHERN IRELAND) 2015

SAFETY REPORT BY CONSTRUCTION ENGINEER UNDER SECTION 44 OF THE RESERVOIRS ACT (NORTHERN IRELAND) 2015	
Name of reservoir.	
Name of reservoir manager.	
Name of construction engineer.	
Date(s) of safety inspection.	
<p>I consider that the following measures are necessary in the interests of the safety of the controlled reservoir (see note below):</p> <p>I direct the reservoir manager to ensure that the measures specified in this report are taken under my supervision and within the period of time that I have specified.</p> <p>I consider that the following matters should be monitored by the supervising engineer until I issue a final certificate in respect of the relevant works: (delete if there are no such matters)</p>	
Signature	
Date	

Note

Where the safety report relates to a controlled reservoir which is being:

1. Constructed, restored to use, or is subject to alteration for the purpose of increasing or decreasing capacity (but not abandonment or discontinuance), the measures must include in particular any measures the construction engineer considers should be taken before the reservoir may safely be used for the collection and storage of water;

2. Discontinued, the measures must include in particular any measures the construction engineer considers are necessary to secure that the resulting structure:

- (a) is incapable of holding 10,000 cubic metres of water above the natural level of the surrounding land; and
- (b) may safely be used for the collection and storage of water above the natural level of any part of the surrounding land.

3. Abandoned, the measures must include in particular any measures the construction engineer considers are necessary to secure that the reservoir is incapable of filling with water above the natural level of any part of the surrounding land.

SCHEDULE 18

Regulation 18(a)

FORM OF INTERIM INSPECTION COMPLIANCE CERTIFICATE UNDER SECTION
36(3) OF THE RESERVOIRS ACT (NORTHERN IRELAND) 2015

FORM OF INTERIM INSPECTION COMPLIANCE CERTIFICATE UNDER SECTION 36(3) OF THE RESERVOIRS ACT (NORTHERN IRELAND) 2015	
Name of reservoir.	
Name of reservoir manager.	
I [insert name of engineer] being a member of [insert name of panel to which engineer is appointed], commissioned by the *reservoir manager/Department [*delete as appropriate] as the engineer to supervise the taking of measures specified in an inspection report dated [insert date of inspection report] in relation to the above named controlled reservoir:	
I am satisfied that the following measure(s) directed in the inspection report has/have been taken: [Insert measure(s) directed in the report which has or have been taken and the date on which it was/they were taken.]	
I am satisfied that the following measure(s) directed in the inspection report have yet to be taken: [insert measure(s) directed in the report which has or have yet to be taken].	
Signature	
Date	

SCHEDULE 19

Regulation 18(b)

FORM OF INSPECTION COMPLIANCE CERTIFICATE UNDER SECTION 36(5) OF
THE RESERVOIRS ACT (NORTHERN IRELAND) 2015

FORM OF INSPECTION COMPLIANCE CERTIFICATE UNDER SECTION 36(5) OF THE RESERVOIRS ACT (NORTHERN IRELAND) 2015	
Name of reservoir.	
Name of reservoir manager.	
I [insert name of engineer] being a member of the [insert name of panel to which engineer is appointed] , commissioned by the *reservoir manager/Department [delete as appropriate] as the engineer to supervise the taking of measures specified in an inspection report dated [insert date of inspection report] in relation to the above named controlled reservoir, am satisfied that all the measure(s) directed in the inspection report has/have been taken. The measure(s) were completed on (insert date of completion) .	
Signature	
Date	

SCHEDULE 20

Regulation 19(a)

FORM OF SAFETY MEASURE CERTIFICATE UNDER SECTION 46 OF THE
RESERVOIRS ACT (NORTHERN IRELAND) 2015

FORM OF SAFETY MEASURE CERTIFICATE UNDER SECTION 46 OF THE RESERVOIRS ACT (NORTHERN IRELAND) 2015	
Name of the reservoir.	
Name of the reservoir manager.	
<p>I [insert name of engineer] being a member of the [insert name of panel to which engineer is appointed], commissioned as the construction engineer to supervise the taking of measures specified in a safety report dated [insert date of safety report] in relation to the above named controlled reservoir, am satisfied that the following measure(s) directed in the safety report has/have been taken:</p> <p>[Insert measure(s) directed in the report which has or have been taken].</p> <p>The measure(s) was/were completed on (insert date(s) of completion).</p> <p>The following measure(s) directed in the safety report have yet to be taken:</p> <p>[insert measure(s) directed in the report which has or have yet to be taken or None if no further measures to be taken]</p> <p>I consider that the following measure(s) specified in the safety report need no longer be taken: [insert measure(s) that no longer need to be taken or N/A if not applicable].</p>	
Signature	
Date	

SCHEDULE 21

Regulation 19(b)

FORM OF PRELIMINARY CERTIFICATE UNDER SECTION 47 OF THE
RESERVOIRS ACT (NORTHERN IRELAND) 2015

PRELIMINARY CERTIFICATE BY CONSTRUCTION ENGINEER UNDER SECTION 47 OF THE RESERVOIRS ACT (NORTHERN IRELAND) 2015	
Name of reservoir.	
Name of reservoir manager.	
<p>I [insert name of engineer] being a member of [insert name of panel to which engineer is appointed], commissioned to supervise the relevant works for the purpose of the</p> <p>[construction (including restoration to use)]</p> <p>[alteration (not amounting to the discontinuance or the abandonment)]</p> <p>[abandonment]</p> <p>[discontinuance] (delete as appropriate) of the above named controlled reservoir</p> <p>am satisfied that the</p> <p>[reservoir may be safely filled (wholly or partially) with water].</p> <p>or</p> <p>[level of water in the reservoir should be reduced]. (delete as appropriate)</p> <p>The level of water held in the reservoir must not exceed [insert the level (above ordnance datum) that the water in the reservoir must not exceed] (the “specified level”).</p> <p>I require you as the reservoir manager to ensure that the level of water in the reservoir does not exceed the specified level.</p> <p>[The following requirements are imposed as to the manner in which the level of water in the reservoir may be increased or decreased;</p> <p>[insert requirements that the engineer considers appropriate as to the manner in which the level of water in the reservoir may be increased or decreased].] (delete if no requirements imposed)</p> <p>This certificate:</p> <p>(a) Replaces any previous preliminary certificate applicable to the reservoir in respect of these relevant works; and</p> <p>(b) Ceases to have effect on the issue of the final certificate applicable to the reservoir in respect of these works.</p>	
Signature	
Date	

SCHEDULE 22

Regulation 19(c)

FORM OF CONSTRUCTION CERTIFICATE UNDER SECTION 48 OF THE
RESERVOIRS ACT (NORTHERN IRELAND) 2015

CONSTRUCTION CERTIFICATE BY CONSTRUCTION ENGINEER UNDER SECTION 48 OF THE RESERVOIRS ACT (NORTHERN IRELAND) 2015	
Name of reservoir.	
Name of the reservoir manager.	
<p>I [insert name of engineer] being a member of [insert name of panel to which engineer is appointed], commissioned to supervise relevant works for the purpose of the</p> <p>[construction (including restoration to use)]</p> <p>[alteration (not amounting to the discontinuance or the abandonment)]</p> <p>[abandonment]</p> <p>[Discontinuance] (delete as appropriate)</p> <p>of the above named controlled reservoir [for which a preliminary certificate was given on [insert date of certificate] (delete if no preliminary certificate given), being satisfied that the relevant works have been completed to a satisfactory standard, certify that the relevant works have been executed satisfactorily in accordance with the detailed drawings and descriptions included in the annex to this certificate. (see note below).</p>	
Signature	
Draft	

Note

In accordance with section 48(3)(a) of the Reservoirs Act (Northern Ireland) 2015, the annex must contain detailed drawings and descriptions giving full information about the relevant works, including the dimensions, water levels and details of the geological strata or deposits encountered in bore holes, trial holes or excavations made in connection with the works.

SCHEDULE 23

Regulation 19(d)

FORM OF FINAL CERTIFICATE UNDER 49(1) OF THE RESERVOIRS ACT
(NORTHERN IRELAND) 2015 FOR THE PURPOSES OF CONSTRUCTION OR
ALTERATION OF A CONTROLLED RESERVOIR

FINAL CERTIFICATE BY CONSTRUCTION ENGINEER UNDER SECTION 49(1) OF THE RESERVOIRS ACT (NORTHERN IRELAND) 2015	
Name of reservoir.	
Name of the reservoir manager.	
<p>I [insert name of engineer] being a member of [insert name of panel to which engineer is appointed], commissioned to supervise relevant works for the purpose of the</p> <p>[construction (including restoration to use)]</p> <p>[alteration (not amounting to the discontinuance or the abandonment)] (delete as appropriate)</p> <p>of the above named controlled reservoir [for which a preliminary certificate was given on [insert date of certificate]] (delete if no preliminary certificate given),</p> <p>consider that the reservoir is sound and satisfactory and may safely be used for the collection and storage of water.</p> <p>[I recommend that an early inspection of this reservoir should take place before [insert date by which the inspection should take place].](delete if an early inspection is not appropriate) (see note below)</p> <p>[I consider that the following matters should be monitored, until the first or next inspection of this reservoir under section 32 of the Reservoirs Act (Northern Ireland) 2015 is undertaken, by the supervising engineer commissioned in relation to the reservoir under section 25 of that Act:- [insert matters which the construction engineer considers should be monitored].] (delete if no matters are considered appropriate).</p> <p>The level of water held in the reservoir must not exceed [insert the level (above ordnance datum) that the water in the reservoir must not exceed] (the “specified level”). The reservoir manager must ensure that the level of water in the reservoir does not exceed the specified level.</p> <p>[The following requirements are imposed as to the manner in which the level of the water in the reservoir may be increased or decreased:</p> <p>[insert requirements that the construction engineer considers appropriate as to the manner in which the level of water in the reservoir may be increased or decreased].] (delete if no such requirements)</p>	
Signature	
Date	

NOTE

In accordance with section 32 the reservoir manager must secure that a high or medium consequence reservoir which has been subject to relevant works is inspected before the end of the period of 2 years beginning with the date of the final certificate for the relevant works.

SCHEDULE 24

Regulation 19(e)

FORM OF FINAL CERTIFICATE UNDER SECTION 49(3) OF THE RESERVOIRS
ACT (NORTHERN IRELAND) 2015 FOR THE PURPOSES OF DISCONTINUANCE
OF A CONTROLLED RESERVOIR

FINAL CERTIFICATE BY CONSTRUCTION ENGINEER UNDER SECTION 49(3) OF THE RESERVOIRS ACT (NORTHERN IRELAND) 2015	
Name of the reservoir.	
Name of the reservoir manager.	
I [insert name of engineer] being a member of [insert name of panel to which engineer is appointed] , commissioned to supervise relevant works for the purpose of the discontinuance of the above named controlled reservoir, am satisfied: <ul style="list-style-type: none">(i) that the discontinuance has been safely completed;(ii) that the resulting structure or area is incapable of holding 10,000 cubic metres of water above the natural level of any part of the surrounding land; and(iii) that the resulting structure or area is sound and satisfactory and may safely be used for the collection and storage of water.	
The level of water held in the reservoir must not exceed [insert the level (above ordnance datum) that the water in the reservoir must not exceed] (the “specified level”). The reservoir manager must ensure that the level of water in the reservoir does not exceed the specified level.	
[The following requirements are imposed as to the manner in which the level of the water in the reservoir may be increased or decreased: [insert requirements that the engineer considers appropriate as to the manner in which the level of the water in the reservoir may be increased or decreased]. (delete if there are no such requirements).]	
Signature	
Date	

SCHEDULE 25

Regulation 19(f)

FORM OF FINAL CERTIFICATE UNDER SECTION 49(5) OF THE RESERVOIRS
ACT (NORTHERN IRELAND) 2015 FOR THE PURPOSES OF ABANDONMENT OF
A CONTROLLED RESERVOIR

FINAL CERTIFICATE BY CONSTRUCTION ENGINEER UNDER SECTION 49(5) OF THE RESERVOIRS ACT (NORTHERN IRELAND) 2015	
Name of reservoir.	
Name of the reservoir manager.	
I [insert name of engineer] being a member of [insert name of panel to which engineer is appointed] , commissioned to supervise relevant works for the purpose of the abandonment of the above named controlled reservoir am satisfied that the: (i) abandonment has been safely completed; and (ii) the resulting structure or area is incapable of filling with water above the natural level of any part of the surrounding land.	
Signature	
Date	

SCHEDULE 26

Regulation 20(a)

FORM OF REFERRAL CERTIFICATE UNDER SECTION 64 OF THE RESERVOIRS
ACT (NORTHERN IRELAND) 2015

REFERRAL CERTIFICATE BY REFEREE UNDER SECTION 64 OF THE RESERVOIRS ACT (NORTHERN IRELAND) 2015	
Name of the reservoir.	
Name of the reservoir manager.	
<p>I (insert name of referee) being a member of (insert name of the panel of engineers) having been commissioned by [insert name of reservoir manager or Institution of Civil Engineers] (delete as appropriate) to investigate the referred matters (below) regarding a [direction] [recommendation] (delete as appropriate) contained in a [safety report] [inspection report] (delete as appropriate) dated (insert date of report) given by (insert name of engineer who signed the report):</p> <p>As the referee on these matters I have decided [not] to modify the report. (delete as appropriate)</p> <p>[Accordingly, I revise [the report dated (insert date of report)] [and] [the certificate dated (insert date of certificate) which was given with reference to the report,] in the following manner:-] (delete as appropriate if referee decides not to modify the report or insert modifications as appropriate if referee decides to modify the report)] (delete if not applicable)</p> <p>[A copy of the modified [report] [certificate] (delete as appropriate) is attached.](delete if not applicable)</p>	
Signature	
Date	

SCHEDULE 27

Regulation 20(b)

FORM OF REFERRAL CERTIFICATE UNDER SECTION 65 OF THE RESERVOIRS
ACT (NORTHERN IRELAND) 2015

REFERRAL CERTIFICATE BY REFEREE UNDER SECTION 65 OF THE RESERVOIRS ACT (NORTHERN IRELAND) 2015	
Name of the reservoir.	
Name of the reservoir manager.	
<p>I (insert name of referee) being a member of (insert name of panel of engineers) having been commissioned by [insert name of reservoir manager] [Institute of Civil Engineers] (delete as appropriate) to investigate the referred matters (below) regarding a matter contained in the [preliminary certificate] [final certificate] (delete as appropriate) dated (insert date of certificate) given by (insert name of engineer who signed the certificate).</p> <p>As the referee on these matters I have decided [not] to modify the certificate. (delete as appropriate)</p> <p>[Accordingly, I revise the certificate dated (insert date of certificate) in the following manner:- (delete if referee decides not to modify the certificate or insert modifications as appropriate if referee decides to modify the certificate)](delete if not applicable)</p> <p>[A copy of the modified certificate is attached.](delete if not applicable)</p>	
Signature	
Date	

SCHEDULE 28

Regulation 21

NOTICE REGARDING THE RESIGNATION OF A RESERVOIR ENGINEER
COMMISSIONED IN RELATION TO A RESERVOIR UNDER SECTION 117(2) OF
THE RESERVOIRS ACT (NORTHERN IRELAND) 2015

NOTICE UNDER SECTION 117(2) OF THE ACT AS REGARDS RESIGNATION OF A RESERVOIR ENGINEER	
Name and Location of Reservoir	
Reservoir Manager Name	
Name of Reservoir Engineer resigning	
Role in which Engineer commissioned i.e Inspecting Engineer, Supervising Engineer, Construction Engineer	
Date resignation took/takes effect	
Signature of Reservoir Engineer	
Date	

EXPLANATORY NOTE

(This note is not part of the Regulations)

The Reservoirs Act (Northern Ireland) 2015 makes provision for regulations to be made to provide information and procedures to facilitate reservoir managers of controlled reservoirs to implement the requirements of various sections of the Act. These Regulations make provision for:

- (a) How the volume of water capable of being held in a controlled reservoir above the natural level of the surrounding land is to be calculated and provides the definition of various parts of a reservoir (regulation 2);
- (b) The information to be held on the controlled reservoirs register (regulation 3);
- (c) The information that a reservoir manager must provide to the Department to register a controlled reservoir (regulation 4 and Schedule 1);
- (d) The matters to be recorded and the information and form of record that must be maintained in respect of “the recorded matters”.(regulation 5 and 6 and Schedules 2, 3 and 4)
- (e) The emergency response information that must be displayed at a controlled reservoir (regulation 7);
- (f) The detail in relation to the dispute referral process, including the time within which a reservoir manager may commission a referee or request the Institution of Civil Engineers to commission a referee, the procedure and manner of the request, the procedure to be followed by the referee in any investigation and the expenses to be paid by the reservoir manager who made the referral to a referee (regulation 8 to 12);

- (g) The form and content of notices to be given by reservoir managers and the form of notices, statement, reports and certificates to be given by reservoir engineers engaged in work in connection with a controlled reservoir (regulation 13 to 21 and Schedules 5 to 28).

These Regulations do not introduce any new policy and as no significant impact on business, charities or voluntary bodies in addition to the assessment prepared for the introduction of the reservoir safety policy provided for by the Act is foreseen, no regulatory impact assessment has been prepared for these

Regulations.

ANNEX D

Draft Regulations laid before the Assembly under 27(1), 77(1) and 114 of the Reservoirs Act (Northern Ireland) 2015, and subject to affirmative resolution of the Assembly

STATUTORY RULES OF NORTHERN IRELAND

20 No.*******FLOOD RISK MANAGEMENT****The Reservoirs (Visits by Supervising Engineers, Stop Notices and Grants) Regulations (Northern Ireland) 20****

Made - - - -

Coming into operation -

The Department for Infrastructure makes the following Regulations in exercise of the powers conferred by sections 27(1), 77(1), 114 and 127(4) of the Reservoirs Act (Northern Ireland) 2015(a).

The Department has consulted, as required by Section 77(2) and in accordance with Section 90 of the Act, in relation to the serving of a Stop Notice.

Citation, commencement and interpretation

1. — (1) These Regulations may be cited as the Reservoirs (Visits by Supervising Engineers, Stop Notices and Grants) Regulations (Northern Ireland) 20** and shall come into operation on????.

(2) In these Regulations—

- (a) “annual written statement” is a statement prepared by a supervising engineer under section 26(5); and
- (b) a reference to a section is a reference to a section of the Reservoirs Act (Northern Ireland) 2015^(a).

Visits by a supervising engineer

2. — (1) Subject to paragraph (3) a supervising engineer must visit a high-consequence or medium-consequence reservoir in accordance with the standard frequency of visits as specified in paragraph (2).

(2) The standard frequency of visits which will apply to a high or medium consequence controlled reservoir is:—

- (a) High Consequence: a supervising engineer must visit the reservoir at least once in every 12 month period;
- (b) Medium Consequence: a supervising engineer must visit the reservoir at least once in every 36 month period.

^(a) 2015 c.8 (N.I.)

(3) If the Department considers that a high-consequence or medium-consequence reservoir is of an acceptable standard as regards how it is being maintained a supervising engineer must visit the reservoir in accordance with the different standard frequency of visits as specified in paragraph (4).

(4) The different standard frequency of visits by a supervising engineer that will apply to a high-consequence or medium-consequence controlled reservoir is:—

(a) High Consequence: a supervising engineer must visit the reservoir at least once in every 24 month period;

(b) Medium Consequence: a supervising engineer must visit the reservoir at least once in every 60 month period.

(5) The Department will notify a reservoir manager of the standard frequency of visits or the different standard frequency of visits which applies to their controlled reservoir and accordingly the visits that must be made to it by the supervising engineer.

(6) Nothing in this regulation shall affect the power of an inspecting engineer under section 35(4)(i) to require a supervising engineer to visit a reservoir more frequently and to specify in the inspection report what intervals, when, and in what circumstances, any additional visit should take place.

Acceptable standard as regards how a controlled reservoir is being maintained

3. — (1) The Department will decide whether a controlled reservoir is of an acceptable standard as regards how it is being maintained, and therefore for a reservoir to be of a different standard frequency of visits, taking account of, as appropriate, the following in relation to a reservoir—

(a) a pre-commencement inspection report which does not contain any measures that should be taken in the interests of safety; or

(b) a pre-commencement inspection report certificate(s) which specifies that each or all of the measures that should be taken in the interests of safety contained in a pre-commencement inspection report have been taken; or

(c) an inspection report which does not contain any directions for measures in the interests of safety or does not include any matters that the inspecting engineer recommends should be monitored by a supervising engineer until the next inspection of the reservoir; or

(d) an inspection compliance certificate which specifies that all of the measures directed in an inspection report, or the pre-commencement inspection report, have been taken; and

(e) an annual written statement which:—

(i) does not contain anything that the supervising engineer considers might affect the safety of the reservoir;

(ii) specifies that anything that the supervising engineer considers might affect the safety of the reservoir, previously notified to the reservoir manager under section 26(2)(a), has been resolved;

(iii) specifies that the reservoir manager has complied with any direction in the latest inspection report as regards any measure that should be taken in the interests of safety which is a measure for its maintenance;

(iv) specifies that the reservoir manager has complied with any recommendation in a pre-commencement inspection report as to a measure that should be taken for its maintenance;

(v) specifies that the supervising engineer has monitored any matters that the inspecting engineer recommends should be monitored in the latest inspection report;

- (vi) specifies any notice given to the reservoir manager as to failure to comply with—
 - (aa) any direction or recommendation in the latest inspection report as to measures in the interests of safety as regards the maintenance of a reservoir;
 - (bb) a safety report;
 - (cc) a preliminary or final certificate;
- (vii) specifies that the reservoir manager has complied with a recommendation as to the next inspection of a reservoir;
- (viii) specifies that the reservoir manager has complied with a direction to undertake a visual inspection.

(2) The Department must review the standard frequency of visits by a supervising engineer to a controlled reservoir every time that it receives one of the documents mentioned in paragraph (1) in relation to a reservoir and decide whether or not it considers that the reservoir is of an acceptable standard as to how it is being maintained.

(3) The Department must notify a reservoir manager within 14 days of making its decision, as to—

- (a) whether or not it considers that the reservoir is of an acceptable standard as regards how it is being maintained and accordingly the standard frequency of visits that must be made to it by a supervising engineer;
- (b) the reasons why it is considered, or is not considered, to be of an acceptable standard as to how it is maintained; and
- (c) that the reservoir manager has a right of appeal against the decision of the Department.

Right of appeal against the decision of the Department

4.—(1) A reservoir manager may appeal to the Water Appeals Commission against the decision of the Department. Any appeal must be made in writing within 14 days from the date of the notice which contains the decision.

(2) The decision in respect of which an appeal is made continues to have effect pending a decision by the Water Appeals Commission.

(3) The Water Appeals Commission has the power to confirm or quash the decision of the Department and it must notify the reservoir manager and the Department of its determination.

(4) Where the Water Appeals Commission determines to quash the decision of the Department the Department must issue a notice, within 14 days from the date on which it receives the determination of Water Appeals Commission, to the reservoir manager specifying the frequency of visits that is to be made by a supervising engineer to the reservoir.

Stop Notices

5.—(1) The Department may, by notice (a stop notice) served on a reservoir manager, prohibit a reservoir manager of a controlled reservoir from doing any of the following until the manager has taken the steps specified in the notice—

- (a) carrying on an activity specified in the notice, or
- (b) permitting the carrying on by another of an activity so specified.

(2) A stop notice may only be served in relation to a case where either—

- (a) a reservoir manager is carrying on the activity, or the activity is being carried on by another with the permission of the manager, and the Department reasonably considers that the activity as so carried on either—
 - (i) presents a risk to the safety of the reservoir that may result in an uncontrolled release of water from it, or
 - (ii) involves or is likely to involve the commission of an offence under the Act as specified under paragraph (4), or
- (b) The Department considers that a reservoir manager is likely to carry on, or permit the carrying on of, the activity and that the activity as likely to be carried on either—
 - (i) will present a risk to the safety of the reservoir that may result in an uncontrolled release of water from it, or
 - (ii) will involve, or is likely to involve, the commission of an offence under the Act as specified under paragraph (4).

(3) Where the Department proposes to exercise its power to serve a stop notice in a case mentioned in paragraph (2)(a)(i) or (2)(b)(i) (risk to the safety of the reservoir)—

- (a) the Department must, before it exercises its power—
 - (i) at its own expense commission an engineer who is a member of a panel of reservoir engineers established under section 102 who may (by virtue of an Order under that section) be commissioned in respect of section 77 in relation to the reservoir; and
 - (ii) take into account any recommendation made by the engineer about the steps to be taken by the reservoir manager to remove or reduce the risk to the safety of the reservoir;
- (b) the steps specified in any such stop notice must be steps which will remove or reduce the risk to the safety of the reservoir referred to in paragraphs (2)(a)(i) or (2)(b)(i).

(4) The Department may only issue a stop notice to a reservoir manager in the case of paragraphs (2)(a)(ii) or (2)(b)(ii) where it reasonably considers that the activity as carried on, or as likely to be carried on, involves, will involve or is likely to involve the commission of an offence under one or more of the following provisions—

- (a) section 38(1)(e) in relation to 34(1)(b) (failure to commission an inspecting engineer to supervise any measure in the interests of safety);
- (b) section 52(1) (failure to commission a construction engineer to supervise works to construct or alter a controlled reservoir);
- (c) section 52(2)(a) (failure to give notice to the Department of proposed works to construct or alter a controlled reservoir);
- (d) section 53(1)(a) (failure to take safety measures as directed in a safety report issued by a construction engineer); and
- (e) section 53(1)(b) (failure to undertake any requirements in the manner specified in a preliminary or final certificate issued by a construction engineer).

Information to be included in a stop notice

6. A stop notice must include information as to—

- (a) the grounds for serving the stop notice,
- (b) the steps to be taken by the reservoir manager and the timeframe within which such steps are to be taken,
- (c) the consequences for non-compliance with the stop notice, and
- (d) the details for an appeal to the Water Appeals Commission.

Appeal as to the serving of a stop notice

7. — (1) A reservoir manager on whom a stop notice has been served may appeal to the Water Appeals Commission against the decision of the Department to issue it.

(2) The appeal must be made in writing within 14 days beginning with the day on which the Department served the stop notice on the reservoir manager.

(3) The appeal may be made on any of the following grounds—

- (a) the decision was based on an error of fact,
- (b) the decision was wrong in law,
- (c) the decision was unreasonable,
- (d) any step specified in the notice is unreasonable.

(4) The Water Appeals Commission may confirm, quash or vary the decision and it must notify the reservoir manager and the Department of its determination.

(5) Where the Water Appeals Commission determines to quash or vary the decision, the Department must withdraw the stop notice or, as the case may be, amend the stop notice, within 14 days of the date on which it receives the determination of the Water Appeals Commission.

(6) A stop notice continues to have effect pending the determination of an appeal by the Water Appeals Commission.

Completion Certificate

8.— (1) Where, after serving a stop notice, the Department is satisfied that a reservoir manager has taken all the steps specified in the stop notice, the Department must give the reservoir manager a certificate to that effect (a completion certificate).

(2) A stop notice ceases to have effect when the Department gives the reservoir manager a completion certificate.

(3) A reservoir manager on whom a stop notice is served may at any time apply for a completion certificate.

(4) The Department must make a decision as to whether, or not, to give a completion certificate within 14 days from the date an application for a completion certificate is made by a reservoir manager.

(5) Where the Department decides to give a completion certificate, it must give the completion certificate to the reservoir manager within 14 days of making its decision.

(6) Where the Department decides not to give a completion certificate it must, within 14 days of making its decision, give the reservoir manager notice in writing of that decision and advise the reservoir manager of the right of appeal to the Water Appeals Commission against the decision.

(7) The appeal may be made on any of the following grounds—

- (a) based on an error of fact,
- (b) wrong in law,
- (c) unreasonable.

(8) An appeal to the Water Appeals Commission against the decision of the Department must be made in writing within 14 days from the date of the notice which contains the decision.

(9) The Water Appeals Commission may confirm or quash the decision of the Department not to give a completion certificate and it must notify the reservoir manager and the Department of its determination.

(10) Where the Water Appeals Commission determines that the decision should be quashed, the Department must give a completion certificate within 14 days from the receipt of the Water Appeals Commission determination.

Claim for Compensation

9. — (1) A reservoir manager may make a claim for compensation from the Department for loss suffered as a result of a stop notice being served in the circumstances where the loss was attributed to—

- (a) a stop notice the issue of which is quashed on appeal by the Water Appeals Commission under regulation 7;
- (b) any step in the notice which is varied on appeal by the Water Appeals Commission under regulation 7.

(2) The claim for compensation must—

- (a) be made in writing to the Department;
- (b) detail the loss suffered as a result of the serving of the stop notice and contain supporting evidence of such loss;
- (c) specify the amount of compensation claimed in respect of the loss;
- (d) be made within 60 days from the date of the determination of the Water Appeals Commission to quash the issue of the stop notice or vary the stop notice.

(3) Where a reservoir manager makes a claim for compensation, the Department must, within a period of 28 days beginning with the day that the claim is received, make a decision—

- (a) as to whether or not to pay compensation; and
- (b) if the decision is to award compensation, the amount of the compensation.

(4) The Department must, within 14 days of making a decision under paragraph (3), give the reservoir manager notice in writing of its decision. Where the decision is not to award compensation, or as the case may be, to award an amount of compensation which is less than the amount claimed, it must specify the reasons for that decision in the notice and that the reservoir manager has a right of appeal to the Water Appeals Commission against the decision.

(5) A reservoir manager may appeal, within 14 days beginning with the date of the notice, to the Water Appeals Commission against the decision of the Department—

- (a) not to award compensation; or
- (b) as to the amount of compensation payable.

(6) The Water Appeals Commission has the power to confirm, quash or vary the decision of the Department and it must notify the reservoir manager and the Department of its determination.

Payment of compensation

10. — (1) Where the Department decides to award the amount of compensation claimed it must make the payment to the reservoir manager—

- (a) within a period of 14 days from the date of making its decision where the Department is in possession of the required information to process the payment; or
- (b) within a period of 14 days from the date of receiving the required information to process the payment from the reservoir manager.

(2) Where the Department has decided to award compensation less than the amount claimed and no appeal has been made by the reservoir manager under regulation 9(3), or any such appeal has been withdrawn, it must make the payment to the reservoir manager—

- (a) within a period of 14 days of the expiry date for a reservoir manager to make an appeal to the Water Appeals Commission, or as the case may be, within a period of 14 days from the receipt of confirmation that the appeal has been withdrawn where the Department is in possession of the required information to process payment to the reservoir manager; or
- (b) within a period of 14 days from the date of receiving the required information to process the payment from the reservoir manager.

(3) Where a reservoir manager appeals against the decision of the Department not to award compensation or the amount of compensation payable, the Department must make any such payment in accordance with the determination of the Water Appeals Commission—

- (a) within a period of 14 days of the receipt of the determination of the Water Appeals Commission where the Department is in possession of the required information to process the payment; or
- (b) within a period of 14 days from the date of receiving the required information to process the payment from the reservoir manager.

Offences and Penalties

11. Where a reservoir manager on whom a stop notice is served fails to comply with it, the reservoir manager commits an offence and is liable—

- (a) on summary conviction, to imprisonment for a term not exceeding 6 months, or to a fine not exceeding £20,000, or to both,
- (b) on conviction on indictment—
 - (i) for a first such offence, to imprisonment for a term not exceeding 12 months, or to a fine, or to both,
 - (ii) for any subsequent such offence, to imprisonment for a term not exceeding 2 years, or to a fine, or to both.

Defence

12. It is a defence to a charge in proceedings for an offence under regulation 11 for the reservoir manager to show both—

- (a) that the failure to comply with the stop notice was as a result of either an accident which could not reasonably have been foreseen or natural cause or force majeure which was exceptional and could not reasonably have been foreseen; and

- (b) that the reservoir manager—
 - (i) took all practicable steps to prevent an uncontrolled release of water from the reservoir,
 - (ii) took all practicable steps as soon as was reasonably practicable to rectify the failure,
 - (iii) provided particulars of the failure to the Department as soon as practicable after the failure arose.

Recovery of costs by the Department

13. — (1) The Department may, by notice served, require a reservoir manager on whom a stop notice is served to pay the amount of any costs reasonably incurred by the Department in relation to (and up to the time of) the service of the stop notice.

(2) The costs to be recovered may include—

- (a) investigation costs;
- (b) administration costs;
- (c) costs of obtaining expert advice, including legal advice.

(3) A notice served on a reservoir manager to recover costs must include—

- (a) a breakdown of the costs;
- (b) the total amount to be paid;
- (c) how payment is to be made;
- (d) the period within which the payment is to be made;
- (e) the right of appeal and the timeframe within which an appeal may be made.

(4) A reservoir manager on whom a notice is served may appeal to the Water Appeals Commission against the following—

- (a) the decision of the Department to impose the requirement to pay costs,
- (b) the decision of the Department as to the amount of the costs.

(5) An appeal to the Water Appeals Commission must be made in writing and within 14 days from the date of the notice specifying the costs to be recovered.

(6) The Water Appeals Commission may confirm, quash or vary the decision of the Department and it must notify the reservoir manager and the Department of its determination.

(7) Where a reservoir manager makes an appeal under paragraph (4) to the Water Appeals Commission, the notice specifying the costs is suspended until the Water Appeals Commission makes its determination or the reservoir manager withdraws the appeal.

Payment of costs

14. — (1) Subject to paragraph (2) and (3), a reservoir manager on whom a notice is served must pay the costs specified in the notice within 30 days from the date of the notice.

(2) Where a reservoir manager makes an appeal under regulation 13(4) and the Water Appeals Commission confirms or varies the decision, the reservoir manager must pay the amount specified in the

notice, or as the case may be, the amount determined by the Water Appeals Commission, within 30 days from the date of the receipt of the determination of the appeal.

(3) Where a reservoir manager withdraws an appeal, the amount specified in the notice must be paid within 30 days from the date of the confirmation that the appeal has been withdrawn.

Grants

15. — (1) The Department may pay such grants as it considers appropriate to reservoir managers of controlled reservoirs to enable or assist the managers to comply with their obligations under the Act .

(2) The payment of any such grant to reservoir managers of controlled reservoirs shall be subject to such terms and conditions as the Department determines and may include conditions for the repayment of such grant in the event of contravention of the other terms or conditions on which the grant is made.

Sealed with the Official Seal of the Department for Infrastructure on ?????????

(L.S.)

An Other

A senior officer of the Department for Infrastructure

EXPLANATORY NOTE

(This note is not part of the Order)

The Reservoirs Act (Northern Ireland) 2015 makes provision for regulations to be made regarding the frequency of visits by a supervising engineer to a high or medium consequence reservoir and to provide the power for the Department to serve stop notices, in certain circumstances, on reservoir managers of controlled reservoirs. It also makes provision for the Department by regulation to introduce a grant, subject to terms and conditions, to enable or assist reservoir managers of controlled reservoirs to comply with their obligations under the Act.

The Regulations in relation to the frequency of visits by supervising engineers make provision for:

- (a) a standard frequency of visits by a supervising engineer that will apply to a high or medium consequence controlled reservoir (regulation 2(2));
- (b) for a different standard frequency of visits to be applicable if the Department decides that the reservoir is of an acceptable standard as regards how it is being maintained (regulation 2(4));
- (c) the documents that will be considered and what needs to be specified or contained in the documents for the Department to decide that the reservoir is of an acceptable standard as regards how it is being maintained (regulation 3);
- (d) a right of appeal for the reservoir manager to the Water Appeals Commission against the Department's decision and the procedures for the appeal (regulation 4).

In relation to Stop Notices, the Regulations provide for

- (a) the Department to serve a stop notice on a reservoir manager prohibiting a reservoir manager from carrying on of an activity or permitting the carrying on by another of an activity specified in the notice until the reservoir manager has taken the steps specified in the notice (regulation 5(1));
- (b) a stop notice to be served in the circumstances where the Department reasonably considers that an activity as being carried on by the reservoir manager or by another, or an activity is likely to be carried on by the reservoir manager or by another and that the activity is or is likely to present a risk to the safety of the reservoir or involves, will involve or is likely to involve the commission of certain specified offences under sections 38(1)(e), 52(1), 52(2)(a) and 53(1) of the Act (regulation 5(2)&(4));
- (c) Information to be included in a stop notice (regulation 6), the issue of completion certificates (regulation 8), for a reservoir manager to make a claim for compensation in specified circumstances (regulation 9), for the Department to pay compensation to a reservoir manager (regulation 10) and for the Department to recover costs reasonably incurred from a reservoir manager in relation to the service of a stop notice (regulation 13);
- (d) a right of appeal by a reservoir manager to the Water Appeals Commission against the Department's decisions to serve a stop notice (regulation 7), not to issue a completion certificate (regulation 8(7)), not to pay compensation or not to pay the amount of compensation claimed (regulation 9(5)), and the Department's decision to impose the requirement to pay costs and the amount of such costs (regulation 13(4));
- (e) offences and penalties where a reservoir manager fails to comply with a stop notice and a defence to a charge in proceedings for an offence (regulations 11 & 12).

As regards the introduction of grants the Regulations provide for the Department to pay grants to reservoir managers to enable or assist them to comply with their obligations of the Act. Any such grant will be subject to such terms and conditions as the Department may determine (regulation 15).

These Regulations do not introduce any new policy therefore no business and regulatory impact assessment has been prepared for these Regulations as no significant impact on business, charities or voluntary bodies is foreseen in addition to the assessment prepared for the introduction of the reservoir safety policy provided for by the Reservoirs Act (Northern Ireland) 2015.

ANNEX E

DRAFT STATUTORY RULES OF NORTHERN IRELAND

20** No.000

FLOOD RISK MANAGEMENT**The Reservoirs (Commissioning of Panel Engineers) Order (Northern Ireland) 20*****Made* - - - -*Date* 20***Coming into operation* -*Date* 20**

The Department for Infrastructure, makes the following Order in exercise of the powers conferred by section 102(1)(c) of the Reservoirs Act (Northern Ireland) 2015^(a).

In accordance with section 107(c) of that Act, the Department has consulted the President of the Institution of Civil Engineers (or a committee of that Institution appointed for the purpose of the consultation).

Citation, commencement and interpretation

1. — (1) This Order may be cited as the Reservoirs (Commissioning of Panel Engineers) Order (Northern Ireland) 20** and comes into operation on Date 20**.

(2) In this order—

“impounding reservoir” means a controlled reservoir which is formed by impounding a watercourse in a natural valley by means of a dam;

“non-impounding reservoir” means a controlled reservoir which is not designed to obstruct or impede the flow of a watercourse;

“section” refers to a section of the Reservoirs Act Northern Ireland 2015;

“service reservoir” means a non-impounding reservoir which is constructed of brickwork, masonry, concrete or re-enforced concrete.

(3) References to a named panel are references to the panel of that name established under section 102(1)(a).

a. 2015 c.8 (NI)

All reservoirs (Northern Ireland) Panel

2. A member of the All Reservoirs (Northern Ireland) Panel may undertake roles and responsibilities on all types of reservoirs (impounding, non-impounding and services reservoirs) and may be commissioned under—

- (a) section 20(3);
- (b) section 25;
- (c) section 29;
- (d) section 33(2);
- (e) section 34;
- (f) section 36(2);
- (g) section 43;
- (h) section 56;
- (i) section 57;
- (j) section 63;
- (k) section 69;
- (l) section 71;
- (m) section 73;
- (n) section 75;
- (o) section 77; or
- (p) Schedule 1

Non-impounding Reservoirs (Northern Ireland) Panel

3. A member of the Non-impounding Reservoirs (Northern Ireland) Panel may be commissioned under—

- (a) section 20(3) for the purposes only of making recommendation regarding a review of risk designation in respect of a non-impounding reservoir;
- (b) section 25;
- (c) section 29;
- (d) section 33(2) for the purposes only of consultation regarding a pre-commencement report in respect of a non-impounding reservoir;
- (e) section 34 for the purposes only of an inspecting engineer in respect of a non-impounding reservoir;
- (f) section 36(2) for the purposes only of compliance with inspection report in respect of a non-impounding reservoir;
- (g) section 43 for the purposes only of a construction engineer in respect of a non-impounding reservoir;

- (h) section 56 for the purposes only of determining if an incident has occurred in respect of a non-impounding reservoir;
- (i) section 57 for the purposes only of approving flood plans in respect of a non-impounding reservoir;
- (j) section 63 for the purposes only of refereeing referrals under dispute referral in respect of a non-impounding reservoir;
- (k) section 69 for the purposes only of the Department commissioning an engineer for a non-impounding reservoir;
- (l) section 71 for the purposes only of an enforcement notice regarding safety measures in respect of a non-impounding reservoir;
- (m) section 73 for the purposes only of the Department arranging the taking of safety measures in respect of a non-impounding reservoir;
- (n) section 75 for the purposes only of emergency powers in respect of a non-impounding reservoir;
- (o) section 77 for the purposes only of stop notices in respect of a non-impounding reservoir; or
- (p) Schedule 1 for the purposes only of a review of a decision regarding a pre-commencement report in respect of a non-impounding reservoir.

Service Reservoirs (Northern Ireland) Panel

4. A member of the Service Reservoirs (Northern Ireland) Panel may be commissioned under—

- (a) section 20(3) for the purposes only of making recommendation regarding a review of risk designation in respect of a service reservoir;
- (b) section 25;
- (c) section 29;
- (d) section 33(2) for the purposes only of consultation regarding a pre-commencement report in respect of a service reservoir;
- (e) section 34 for the purposes only of an inspecting engineer in respect of a service reservoir;
- (f) section 36(2) for the purposes only of compliance with inspection report in respect of a service reservoir;
- (g) section 43 for the purposes only of a construction engineer in respect of a service reservoir;
- (h) section 56 for the purposes only of determining if an incident has occurred in respect of a service reservoir;
- (i) section 57 for the purposes only of approving flood plans in respect of a service reservoir;
- (j) section 63 for the purposes only of refereeing referrals under dispute referral in respect of a service reservoir;
- (k) section 69 for the purposes only of the Department commissioning an engineer for a service reservoir;
- (l) section 71 for the purposes only of an enforcement notice regarding safety measures in respect of a service reservoir;

- (m) section 73 for the purposes only of the Department arranging the taking of safety measures in respect of a service reservoir;
- (n) section 75 for the purposes only of emergency powers in respect of a service reservoir;
- (o) section 77 for the purposes only of stop notices in respect of a service reservoir; or
- (p) Schedule 1 for the purposes only of a review of a decision regarding a pre-commencement report in respect of a service reservoir.

Supervising Engineers (Northern Ireland) Panel

5. A member of the Supervising Engineers (Northern Ireland) Panel may be commissioned under sections 25 or 29 for all types of reservoirs.

Sealed with the Official Seal of the Department for Infrastructure on ***

A senior officer of the Department for Infrastructure

Date



EXPLANATORY NOTE

(This note is not part of the Order)

This Order specifies the sections of the Reservoirs Act (Northern Ireland) 2015 under which a member of a panel established under section 102(1)(a) of that Act may be commissioned to undertake a particular purpose as required by the Act.

The panels referred to in the Order were established under section 102(1) by the Department.

This Order does not introduce any new policy therefore no business and regulatory impact assessment has been prepared for this Order as no significant impact upon business, charities or voluntary organisations is foreseen in addition to the assessment prepared for the introduction of the reservoir safety policy provided for by the Reservoirs Act (Northern Ireland) 2015.

ANNEX F

List of consultees - Targeted consultation

Reservoir Managers / owners of reservoirs in Northern Ireland

Institution of Civil Engineers

British Dam Society

Engineers Ireland

Office of Public Works (ROI)

District /Borough Councils

Ulster Farmers Union

Ulster Angling Federation

CIWEM

NIAPA

Ulster Coarse Fishing Federation

UK Government Departments with responsibility for reservoirs - Defra, Welsh Government, Scottish Government

UK Reservoir Safety Regulators - SEPA, EA, NRW

ANNEX G

List of Consultation Questions

PART 1 - Commencement

- Q1 Do you agree that the sections of the Act that the Department proposes to commence, include the key elements of the reservoir safety regime envisaged by the Act?

PART 2 - Regulations

- Q2 Do you agree with the level of information that it is proposed is held on the controlled reservoirs register?
- Q3 Do you agree with the level of information that it is proposed should be provided by reservoir managers at registration?
- Q4 Do you agree with the standard frequency of visits proposed for a high or medium consequence reservoir?
- Q5 Do you agree that the proposed level of emergency response information displayed at or near a reservoir is sufficient?
- Q6 Do you agree with the proposed approach to stop notices set out in the draft Regulations at Annex D?
- Q7 Do you agree that consideration is given to an appropriate and affordable grant scheme to assist with the cost of reservoir safety works?

PART 3 - Designation Criteria

- Q8 Do you agree with the proposed criteria which will be used to give a reservoir a high, medium or low consequence designation?



Department for

Infrastructure

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Minutes of Meeting of Policy and Resources Committee of Mid Ulster District Council held on Wednesday 12 January 2022 in the Council Offices, Circular Road, Dungannon and by Virtual Means

Members Present

Councillor McKinney, Chair

Councillors Buchanan, Cuddy, Doris, Elattar*, Forde*, Gildernew*, Kearney, S McAleer*, S McGuigan, McLean S McPeake, Molloy*, Quinn*, Totten*

Officers in Attendance

Mr McCreesh, Chief Executive
Mrs Canavan, Strategic Director of Organisation Development, Strategy and Performance
Mr Kelso, Director of Public Services & Infrastructure
Ms Mezza**, Head of Marketing and Communications
Mr Moffett, Assistant Director of Organisation Development, Strategy and Performance
Ms McNally**, Assistant Director of Finance, Legal, Governance and Transformation
Mr O'Hagan, Head of ICT
Mr Scullion**, Assistant Director of Property Services
Mr Tohill, Strategic Director of Corporate Service and Finance
Mrs Grogan, Democratic Services Officer

Others in Attendance

Councillor Glasgow

* Denotes members present in remote attendance

** Denotes Officers present by remote means

*** Denotes others present by remote means

The meeting commenced at 7.00 pm

The Chair, Councillor McKinney welcomed everyone to the meeting and those watching the meeting through the Live Broadcast. Councillor McKinney 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.

PR001/22 Apologies

Councillors Ashton.

PR002/22 Declarations of Interest

None.

PR003/22 Chair's Business

None.

Matters for Decision

PR004/22 Request to Light Up Buildings

The AD: ODSP presented previously circulated report which considered requests received to illuminated/light up the Council's three designated properties to raise awareness of and mark:

- Chest Heart & Stroke: National Heart Month
- Chartered Communications on behalf of St Vincent de Paul: Highlight the Charity

Proposed by Councillor Kearney
Seconded by Councillor McLean and

Resolved That it be recommended to Council to light up the three designated
Council properties as follows:

- (i) National Heart Month on Tuesday 1 February 2022 – colour Red
- (ii) St Vincent de Paul Charity on Tuesday 27 September 2022 – colour Blue

Councillor Doris advised that she had a meeting with the Samaritans this week where she took part in a useful information session and would be confident that all of members would be aware of the good work that they do. She asked that a request to light up the designated buildings be put on the agenda for 21 December 2022 which was the longest day of the year, the colour green.

Resolved That it be recommended to Council to light up the three designed Council properties for Samaritans on Wednesday 21 December 2022 – colour green.

Councillor Quinn declared an interest in St Vincent de Paul as he was a member.

Matters for Information

PR005/22 Policy and Resources Committee held on 2 December 2021

Members noted Minutes of Policy and Resources Committee held on 2 December 2021.

PR006/22 Background: Syringes for Cuba/End the Blockade Campaign

Members noted previously circulated report which provided background on the Syringes for Cuba/End the Blockade campaign. This campaign was referenced in a letter from Fermanagh and Omagh District Council which came before October Council meeting.

PR007/22 Implementation of Motion Carried by Council May 2021 – Constitutional Change

Members noted previously circulated report which informed on the implementation of the motion carried by the Council in May 2021 in the area of Constitutional Change.

Councillor McLean wanted to record his party's opposition to the matter as in today's climate £16,000 could be better spent.

Councillor Cuddy concurred with Councillor McLean's comments. He stated that a lot of money was lost through Covid by this Council trying to cover all the gaps and trying to provide an adequate service to the ratepayer which was difficult to do. He said that it was inevitable that there would be an increase in the rates this year and didn't want to put an extra burden on the ratepayer as a lot of services were closed and not provided. He advised that his party did not participate in the Good Relations Working Group as it was off no benefit to them and by reading the report it indicates that the Good Relations Group agree whatever they want and totally out of his party's remit and was confused why an issue like this was brought at this time. He enquired if this was going to help the good relations community or would it impact it and nowhere in the report was it stated an officer as saying that it could impact good relations within a community and this was one of the reasons why the Ulster Unionist Party seen no benefit in going along to these meetings. He expressed his disappointment especially when there was so much more going on and this was the direction we had to go as there was always three or four Notice of Motions each month going through and this one has come back with a lot of costings. This was the first Notice of Motion where the Council were really contributing a lot of money and was disappointing to see ratepayer's hard earned money going towards it. He concluded by saying that he had no confidence in the process.

PR008/22 Performance Improvement: Local Government Auditor's Audit and Assessment Report 2020-21

Members noted update which provided information of the key findings of the Local Government Auditor's Audit and Assessment Report 2020-21.

In response to Councillor McLean's query, the SD: CS&F advised that unqualified in an audit report is as good as it gets. He said that regardless of what kind of an audit being presented the objective was to get to the position an issue of an unqualified opinion and after that if there were any issues, then these would be modified.

Live broadcast ended at 7.10 pm.

Local Government (NI) Act 2014 – Confidential Business

Proposed by Councillor Cuddy
Seconded by Councillor S McGuigan 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 Member consider items PR009/22 to PR021/22.

Matters for Decision

PR009/22	Staffing Matters for Decision
PR010/22	Ballysaggart Lough Retaining Wall
PR011/22	Department for Communities: Call for Evidence on Remote/Hybrid Meetings for Council
PR012/22	Committee Management System
PR013/22	2022-2023 Rates Estimates Updates
PR014/22	Ann Street Update
PR015/22	Mid-South West Growth Deal
PR016/22	Maghera Public Realm Scheme

Matters for Information

PR017/22	Policy and Resources Committee Confidential Minutes of Meeting held on 2 December 2021
PR018/22	Financial report for 8 months ended 30 November 2021
PR019/22	Contracts and DAC
PR020/22	Staffing Matters for Information
PR021/22	Update on Appointments to Senior Management Structure

PR022/22 Duration of Meeting

The meeting commenced at 7 pm and concluded at 8.20 pm.

Chair _____

Date _____

Annex A – Introductory Remarks from the Chairperson

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

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

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

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

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

Report on	Performance Improvement Update Qtr. 1 - Qtr. 3 (2021-2022) on four improvement projects and Performance Improvement Indicators/standards
Date of Meeting	Thursday 3 rd February 2022
Reporting Officer	P Moffett, Assistant Director
Contact Officer	L Jenkins, Performance & Quality Officer

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

1.0	Purpose of Report
1.1	The report provides members with monitoring information on the review of Council's performance against our seven statutory and three corporate performance improvement indicators and standards, along with an overview of the Corporate Health Indicators for the first nine months of 2021/22. The report also provides a performance progress summary against the Council's four corporate improvement objectives and their associated project plans. The indicators and standards, the 4 improvement projects and corporate health indicators are contained within our Two Year Performance Improvement Plan (PIP) for 2021/22 to 2022/23.
2.0	Background
2.1	<p>Council Discharging Duties under the Local Government Act (NI) 2014</p> <p>Part 12 of the Local Government Act (NI) 2014 sets out a General Duty of Improvement in that, "a Council must make arrangements to secure continuous improvement in the exercise of its functions". It sets out that a Council must consult upon and publish an annual Performance Improvement Plan by 30th of June each year, setting out how it aims to make arrangements to secure improvements in the "exercise of its functions".</p>
2.2.	<p>The process of developing the Council's improvement objectives involved engagement between Senior Management, Heads of Service and the Democratic Services Team. This engagement identified potential areas for improvement across the council from which four proposed improvement objectives were identified for consideration and approved by elected members as a focus for continuous improvement.</p> <p>The Council's four improvement objectives, rationale and associated links to the Community and Corporate Plan were considered and approved by elected members at their March 2021 Policy & Resources committee meeting for public consultation. The outcome of the consultation undertaken throughout March to April 2021, and a report on the final improvement objectives were considered by Senior Management, and subsequently considered by elected</p>

	members for approval at their April 2021 Policy & Resources Committee before being considered by Council
2.3	Each improvement objective within Council's PIP plan is aligned with an improvement project and associated activities/measures. Each project is under the direction of senior responsible officer (Head of Service/Assistant Director). In year there are 35 improvement activities. This report offers details of our nine month progress, Quarter One (Q1), Quarter Two (Q2) and Quarter Three (Q3) in delivering the Improvement Objectives contained within our Performance Improvement Plan 2021/22.
2.4	<p>The Corporate Improvement Projects (CIP's) and associated activities included in the Performance Improvement Plan for 2021/22 are:</p> <ol style="list-style-type: none"> 1) Mid Ulster District Council will seek to reduce the environmental impacts of our own activities and will contribute to the improvement of the wider environment through local action - currently there are 18 improvement activities 2) We will ensure a more connected Mid Ulster where new technologies and ways of working, empower citizens to get the best services that matter to them – currently 5 improvement activities 3) To create cleaner neighbourhoods, where everyone takes responsibility for their waste and the environment – currently 9 improvement activities 4) We will contribute to the ongoing regeneration of our district by delivering a capital investment programme, enhancing facilities and opportunities for local people – currently there are 3 improvement activities. <p>The performance/progress of the Council's four corporate improvement projects 2021 - 2022 are found in Appendix One (Corporate Improvement Projects 2021/22 Nine Month Progress Update Q1 – Q3)</p>
2.5	<p>Statutory & Corporate Performance Improvement Indicators/Standards</p> <p>Local Government (Performance Indicators and Standards) Order (NI) 2015 has specified performance indicators and standards for Mid Ulster District Council on Economic Development, Planning and Waste Management (there are currently seven statutory indicators/standards). Statutory indicators and standards/targets have been set by the former Department of the Environment (now Department for Communities), on which to report annually, as part of the performance improvement arrangements for district councils, (hereafter referred to as statutory “set for us” performance measures). The aim of the performance measures is to promote the improvement of service delivery for the functions specified.</p>
2.6	Council has identified three self-imposed performance improvement indicators and standards and hereafter referred to as “self-imposed”

	<p>performance measures. These form an integral part of our Performance Improvement Plan for 2021/22. Taken together all ten measures (statutory and self-imposed indicators) feed into the Corporate Performance “Health” Indicators/Measures (of which there are 28 in total – see 2.7). All of the performance indicators, statutory, self-imposed and organisational health indicators, are considered as forming part of our day-to-day business and act as a barometer of how the Council is improving Corporately. The Performance Progress of the statutory and set by us indicators/standards is outlined in Appendix Two (refer to Mid Ulster District Council Performance Improvement Plan 2021 to 2022 Statutory & Corporate Performance Improvement Indicators - Nine Month Progress Report 2021/22).</p>								
2.7	<p>Reporting on the Councils Corporate “Health Indicators”</p> <p>The committee at its meeting of October 2017 considered a suite of “<i>Corporate Health Indicators</i>” for reporting on to elected members, presented by the Head of Communications. Council at its November 2017 meeting approved the corporate health indicators. Reporting on the Corporate health indicators provides a barometer of how the council is doing across its services; Indicators are effectively a ‘performance dashboard’, providing a summary of how the Council is doing across 8 key areas:</p> <table><tr><td>Economy</td><td>Waste Mgt.</td><td>Council Facilities</td><td>Better Responses</td></tr><tr><td>Resident Satisfaction</td><td>Staffing</td><td>Engaged Workforce</td><td>Finance</td></tr></table> <p>Refer to Appendix Three.</p>	Economy	Waste Mgt.	Council Facilities	Better Responses	Resident Satisfaction	Staffing	Engaged Workforce	Finance
Economy	Waste Mgt.	Council Facilities	Better Responses						
Resident Satisfaction	Staffing	Engaged Workforce	Finance						
3.0	<p>Main Report</p>								
3.1	<p>Monitoring & Reporting on the Statutory & Self-Imposed Performance Indicators and Standards</p> <p>The Performance Improvement Plan 2021 to 2022 - Statutory and Corporate Improvement Indicators Report for the first nine months of 2021/22, gives an overview of progress in relation to managing and monitoring Mid Ulster Council’s Corporate Improvement Performance Indicators (refer to Appendix Two). Some of the data which form the statutory “set for us” indicators are reliant on third party information being supplied to Council services and are classed as management data as opposed to ‘audited’ data.</p> <p>The management of Mid Ulster’s District Council’s 10 Statutory and Self-Imposed Indicators is a key mechanism within the Council’s Performance & Improvement Framework. Information relating to the 10 indicators will be updated and provide:</p> <ul style="list-style-type: none">• Performance against target, assessment, action plan, & comparative trend analysis (over time).• Reporting & management accountabilities.								

- Target Direction; more is better, less is better etc. - (refer to measures i.e. numbers/percentages).
- Performance trend, which utilises symbols to show whether there is improvement, no change or a fail /or change in a performance indicator compared to the last period.
- Results against targets are assessed using a red, amber, green (RAG reporting) status; this shows whether performance is on or exceeds target (green), whether it is close to target (amber), or failing (red), blue signifies the action is completed, and the colour purple indicates that information is not yet available.
- Links to the corporate plan
- Activity of 10 Performance Improvement PI's, at Senior management Team, will be closely monitored, as part of the overall information to ensure Council reacts appropriately to changing levels of demand.

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A summary of 10 Corporate Performance Improvement Indicators at end of Q1 to Q3 2021/22 is outlined below:

Quarter One

- 7 indicators are reported as Green – on target
- 1 indicator is close to target - Amber
- 2 indicators are red in that they are falling short of the pre-defined standard
- 0 indicators are currently awaiting data to be supplied (in the main supplied by government departments) - Purple

Quarter Two

- 6 indicators are reported as Green – on target
- 0 indicator is close to target – Amber
- 3 indicators are red in that they are falling short of the pre-defined standard
- 1 indicator is currently awaiting data to be supplied (in the main supplied by government departments) - purple.

Quarter Three

- 1 indicator is reported as Green – on target
- 0 indicator is close to target – Amber
- 2 indicators are red in that they are falling short of the pre-defined standard
- 7 indicators are currently awaiting data to be supplied (in the main supplied by

3.2

Monitoring and Reporting the Corporate Improvement Plan Projects

The activities/measures in the Corporate Improvement Projects (CIP's) are outlined in Appendix One. Monitoring of the Corporate Improvement Plan is

	<p>made through the quarterly reporting of services' operational improvement objectives, contained within the annual service improvement plans (SIPS).</p> <p>The SIPS are part of Council's approach to ensuring/mitigating action to manage, maintain and improve performance or to re-prioritise work in consultation with management, staff and members.</p> <p>The Corporate Improvement Projects (CIP's) Q1 to Q3 – 2021/22 Nine Month report is divided into four sections. Each section concentrates on reporting the progress against each improvement objective and related project outline. The reporting format explains how each activity or measure in the project has progressed (commentary section), highlights the delivery dates, expected outcomes (the difference it will make); as well as the current quarter's status (through RAG reporting).</p>
3.3	<p>Summary of Corporate Improvement Projects (CIP's) Nine Month Progress</p> <p>Outlined below is a summary of the Corporate Improvement Plan Projects' activity for Q1 to Q3 2021/22. Council is currently monitoring 35 improvement actions/measures throughout the four Improvement Project Plans (CIPS) during 2021/22. To date in Q3 there are:</p> <ul style="list-style-type: none"> a) 24 actions - on target b) 8 actions - trending away from target c) 1 action - completed d) 1 action - missed target e) 1 action - awaiting data/no longer deemed in year priority by SMT f) 0 actions not due to have started
3.4	<p>Evaluation on the Nine-Month Progress of Improvement Projects 2021/22.</p> <p>To provide an assessment on progress of the improvement plan and an informed judgement, the following assessments have been made, based on information made available from services (Table 1 - Evaluation Descriptors).</p> <p>Those improvement objectives assessed as "Excellent" or "Good" are not a cause for concern. Areas assessed as "acceptable" will require a watching brief, while areas evaluated as "improvement required" require attention. Evaluation is made using the following:</p>

Table 1. - Evaluation Descriptors

Status	Evaluated as	Explanation
Green	Excellent	All actions and measures are on track
Amber	Good	Actions and Measures are mostly on track, several are falling marginally short of planned targets
Orange	Acceptable	Some actions and measures have deviated from plan and some are falling short of planned targets
Red	Improvement required	Actions and measures are mostly falling short of planned targets

Table 2. - Evaluation of progress in Q1 to Q3 - 2021/22 Improvement Projects.

	Q1 Apr – Jun	Q2 Jul - Aug	Q3 Oct - Dec
Improvement Project One	Overall Evaluation for Improvement Project One		
1) CIP 1 - Mid Ulster District Council will seek to reduce the environmental impacts of our own activities and will contribute to the improvement of the wider environment through local action - currently there are 18 improvement activities/measures	Excellent	Good	Good
Improvement Project Two	Overall Evaluation for Improvement Project Two		
2) CIP 2 – We will ensure a more connected Mid Ulster where new technologies and ways of working, empower citizens to get the best services that matter to them – currently 5 improvement activities	Excellent	Good	Good
Improvement Project Three	Overall Evaluation for Improvement Project Three		
3) CIP 3 – To create cleaner neighbourhoods, where everyone takes responsibility for their waste and the environment – currently 9 improvement activities	Excellent	Excellent	Excellent

	<table><tr><td>Improvement Project Four</td><td colspan="3">Overall Evaluation for Improvement Project Four</td></tr><tr><td>4) 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 – currently there are 3 improvement activities</td><td>Excellent</td><td>Acceptable</td><td>Acceptable</td></tr></table>	Improvement Project Four	Overall Evaluation for Improvement Project Four			4) 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 – currently there are 3 improvement activities	Excellent	Acceptable	Acceptable
Improvement Project Four	Overall Evaluation for Improvement Project Four								
4) 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 – currently there are 3 improvement activities	Excellent	Acceptable	Acceptable						
4.0	Other Considerations								
4.1	Financial, Human Resources & Risk Implications Financial: N/A Human: N/A Risk Management: The data quality contained in this Performance Improvement Progress Report is provisional, as unaudited “data” and characterised as management information. In-year results may be subject to later revision.								
4.2	<u>Screening & Impact Statements</u> Equality & Good Relations Implications: N/A Rural Needs Implications: N/A								
5.0	Recommendation(s)								
5.1	Members review the performance and progress against the standards/targets and provide commentary as necessary.								
6.0	Documents Attached & References Appendix One: Corporate Improvement Projects 2021/2022– Nine Month Progress Update (Q1 to Q3) Appendix Two: Mid Ulster District Council Statutory & Corporate Performance Improvement Indicators (Nine-Month Progress Report 2021/22). Appendix Three: Corporate Health Indicators Infographic Q1 to Q3 2021-22								

Corporate Improvement Projects - (CIP's)

2021-2022

Quarter One to Quarter Three
Nine Month Progress Update

Mid Ulster District Council's Corporate Improvement Projects for 2021 - 2022

The Four Improvement Projects :

- Project One** Mid Ulster District Council will seek to reduce the environmental impacts of our own activities and will contribute to the improvement of the wider environment through local action.
- Project Two** We will ensure a more connected Mid Ulster where new technologies and ways of working, empower citizens to get the best services that matter to them.
- Project Three** To create cleaner neighbourhoods, where everyone takes responsibility for their waste and the environment
- Project Four** We will contribute to the ongoing regeneration of our district by delivering a capital investment programme, enhancing facilities and opportunities for local people

Key: Improvement Activity Status Colours and Descriptors

Green	Signifies everything is on track in terms of activity, deliverables, scope, budget, & timeframe. Performance is moving in the right direction.
Amber	Signifies performance is moving away from target, some items may need corrective action, are still within tolerance.
Red:	Signifies there is a problem shift in the wrong direction, which may require a response from senior management.
Grey:	Not due to have started
Blue	Signifies PI, target, outcome achieved/completed
Purple:	Information not available or no longer a priority (refer to individual activity for further details)

CIP ONE OBJECTIVE - Mid Ulster District Council will seek to reduce the environmental impacts of our own activities and will contribute to the improvement of the wider environment through local action. – **18 Activities. SRO - : Head of Environmental Services**

What are we going to do?	Timescale	Outcomes - What difference will it make?	Status				Comments
			Q1	Q2	Q3	Q4	
1. Plant additional trees at Tullyvar Landfill Site to add to the native woodlands previously created at Magheraglass and Ballymacombs Landfills.	Starting 26/04/21 Completion - 31/05/21	8,800 Trees planted establishing a new native woodland at Tullyvar Landfill Site offsetting an additional 1,400 tonnes per year of Carbon per annum.					During Q1 - Tree planting was completed on site May/June 2021 offsetting approx. 1,400 tonnes of carbon per annum and a funding claim submitted to DAERA for £20,232. During Q2 Year 1 funding of £15,834.60 was received from DAERA COMPLETED
2. Increase the Council recycling rate to further boost the carbon reductions associated with recycling.	Starting - 01/04/21 completion - 31/03/22	Offsetting an additional 800 tonnes per year of Carbon p.a., as a result of the improved recycling performance.					Q2 recycling rate of 61.05% The tonnage recycled in Q2 offsets approx. 8,400 tonnes of carbon equivalent

What are we going to do?	Timescale	Outcomes - What difference will it make?	Status				Comments
			Q1	Q2	Q3	Q4	
3. Manage Landfill Gas emissions at the Tullyvar, Magheraglass and Ballymacombs Landfill Sites.	Starting - 01/04/21 Completion - 31/03/22	Reduction of 14,000 tonnes per year of Carbon equivalent per annum and generates an income of £130,000 from the sale of electricity.					Both LFG plants operational over 90% of the time during Q3
4. Increase participation in the Eco-Schools programme, which encourages and directs young people to think about climate action including litter, recycling, energy saving, and water conservation	Starting - 01/04/21 Completion - 31/03/22	All schools in Mid Ulster engaged in programme and pupils well informed on the environmental impacts of their activities.					Financial contribution of £2,975 to KNIB for support of the Eco Schools Programme was agreed and approved by Environment Committee in Jan 2022. 100% of schools registered on programme. 23% of schools currently with Green Flag status, Recycling, Education & Awareness Officer currently engaging with schools whose Green Flag awards have lapsed due to COVID-19 cutbacks and

What are we going to do?	Timescale	Outcomes - What difference will it make?	Status				Comments
			Q1	Q2	Q3	Q4	
							restrictions on after-school clubs.
5. Increase the re-use of Council's technological hardware i.e. it is recycled and re-used.	01/05/2021 -31/03/2022	Establish links to Community partners and opportunities for technology recycling - Forty Council Desktops recycled for safe use and distribution in the Community.					No. of Desktops repurposed into the community – no further update.
6. Monitor and review air quality across the District to determine whether national air quality objectives are being met	Starting - 01/04/21 Completion - 31/03/23	2020 Air Quality statistics to be compiled and produced as a Report for 2021					129 tubes replaced in three month period. Air Quality Report continues to be compiled. Air Quality Action plan to be updated in Q4 further to air quality report being submitted.
7. Environmental Health Services will control the environmental impacts of certain specified	start 1/4/21- completion 31/3/23)	Local Air Pollution Prevention and Control (LAPPC) - Conduct scheduled inspections of premises					There were 22 scheduled visits to the permitted premises in this quarter. This is an overall total of

What are we going to do?	Timescale	Outcomes - What difference will it make?	Status				Comments
			Q1	Q2	Q3	Q4	
industrial activities through an industrial permitting process by inspecting permitted premises to ensure compliance with Environmental permits.		to ensure that premises are complying with air emission targets as outlined in their Environmental Permits - (currently. 74 premises that have Environmental permits issued by Mid Ulster District Council).					61 visits to date. Overall target =74 Tascomi records maintained.
8. Number of homes helped to improve the energy efficiency of their homes - (linkages to affordable warmth).	start 1/4/21- completion 31/3/22(funding dependent)	Help provide Energy Efficiency Advice to 247 homes.					60 homes helped by providing Energy Efficiency Advice. HWB worked with Comms to promote Energy efficiency Service and MUDC Fuel stamp scheme on Council website and social media channels 90 referrals to households eligible for Affordable Warmth scheme.

What are we going to do?	Timescale	Outcomes - What difference will it make?	Status				Comments
			Q1	Q2	Q3	Q4	
9. Using the Arts to Increase engagement with local schools and wider community of recycling and upcycling.	Start 1/6/21 Completion 31/3/22	Junk Art schools programme made available to local schools (60 schoolchildren) and deliver four Arts and Crafts “recycling and upcycling” workshops for the wider public as part of Burnavon Arts Programme.					5 of 8 schools have completed the 'Bug Hotel' Project. Remainder to be completed in early 2022. Schools agreed to participate. To be delivered Spring 2022.
10. Produce best practice Sustainability Guidelines for businesses applying to construct premises on serviced sites within the proposed Maghera Business Park in terms of the environment and reducing carbon emissions.	01/06/21 - 31/03/22	Future proofed Sustainability guidelines for the construction of premises on serviced sites within the proposed Maghera Business Park to support a low carbon future					As discussed with CEX who advised to pause the activity awaiting further information relating to outcome of planning decision by DfI. This activity will be held in abeyance until further notice.

What are we going to do?	Timescale	Outcomes - What difference will it make?	Status				Comments
			Q1	Q2	Q3	Q4	
11. Raise community awareness/resilience of climate crisis and increase participation in practical action for climate friendly/low carbon lifestyles	1/4/21 - 31/3/22	Review, deliver and further develop sustainability 'Change one bit' project (100 participants in programme) and undertake 4 environmental/sustainability/nature conservation activities					Sustainability Officer post is still vacant which has a delay implications in Actions until further appointment is made for the post. Vacant post under consideration by Strategic Director of Environment.
12. Increase community involvement in sustainable food growing /gardening/self-sufficiency - leading to positive changes in residents' diet / lifestyles towards low-carbon food production and consumption	1/4/21 - 31/3/22	Provide practical gardening support and networking opportunities for community gardening/allotment groups across Mid Ulster through the Revised "Mid Ulster is Growing from Home" scheme established- (15 groups involved) and ensure 5 new groups/gardens supported					Sustainability Officer post is still vacant which has a delay implications in Actions until further appointment is made for the post. Vacant post under consideration by Strategic Director of Environment.

What are we going to do?	Timescale	Outcomes - What difference will it make?	Status				Comments
			Q1	Q2	Q3	Q4	
13. Create a joined-up approach across all services in order to build a Council framework, addressing the interrelationships between Biodiversity, Habitats and Invasive Species in order to identify key new policy/enhancement activity.	1/4/21 - 31/3/22	Development of new Council framework, which identifies new policies/activity in relation to biodiversity, habitats and invasive species.					With the changing structures with senior officers affecting Q2 as previously notified and target date set for end of Q4 a draft discussion paper prepared by Biodiversity Officer has been completed and issued to all departments for discussion and feedback and appropriate actions to be developed for same. Meeting date set for 26th January 2022.
14. Introduce and pilot sustainability assessment (screening tool) for 50% capital projects (Early stages).	1/4/21 - 31/3/22	Council can increasingly demonstrate that sustainable development and climate change considerations are being integrated in their decision making process around capital projects.					Sustainability Officer post is still vacant which has a delay implications in Actions until further appointment is made for the post. Vacant post under consideration by

What are we going to do?	Timescale	Outcomes - What difference will it make?	Status				Comments
			Q1	Q2	Q3	Q4	
							Strategic Director of Environment.
15. Submit the Draft Plan Strategy for Independent Examination (IE) in 2021/2022, which will include policy to protect our environment e.g. including the Sperrins, Lough Neagh and Clogher Valley and; policy, which encourages more sustainable forms of transport, and reduces the need to travel by private vehicles.	(01/04/21 - 30/09/2022) - this is dependent on external timelines	Submission of Plan Strategy for IE, which includes policy that will guide, enhance and protect the local environment while encouraging sustainability					Dfl seeking further clarification before determining whether the Plan can progress to Public Examination
16. Research the application and introduction of alternative fuelled Vehicles/Diverse Plant into Council's Fleet and develop Fossil Fuel Usage	01/04/21 - 31/03/22	Two alternative fuel vehicles/diverse plant purchased and the production of time series					Order for delivery of vans cancelled by supplier, impacting order placement for electric vans. Director of Corporate Services assisting with options for

What are we going to do?	Timescale	Outcomes - What difference will it make?	Status				Comments
			Q1	Q2	Q3	Q4	
Baseline Report on Fleet/diverse plant.		annual Fuel Usage Reports in place.					alternative procurement Vans required for monitoring comparison
17. Research and develop a Mid Ulster District Council's Estates Carbon Management Plan 20/21 and by 21/22 develop monitoring arrangements for MUDC properties reference the impact of : 1. • Emissions. 2. • Fossil fuel consumption. 3. • Energy usage. 4. • Renewal source.	01/04/21 - 31/03/22	Display Energy Certificates (DEC's) assessments completed across MUDC estate and monitoring/measurement methodology for collating; emissions, fossil fuel consumption, energy usage and renewal source identified and applied.					DEC's and carbon assessments underway Monitoring measurement methodology being tested

What are we going to do?	Timescale	Outcomes - What difference will it make?	Status				Comments
			Q1	Q2	Q3	Q4	
18. Develop and agree Hybrid Working as part of flexible working arrangements policy - by September 2021.	target date for start June 2021 target date for completion September 2021	Promote Flexible Working opportunities to Staff and potential job applicants while reducing carbon emissions associated with staff commuting.					Draft Hybrid Working Policy developed Discussion with Trade Unions on content of Draft Hybrid Working Procedure Dec 2021. Draft Hybrid Working Procedure Discussion with AD & HoS scheduled for Jan 2022

CIP1 Project Links to:

Community Plan -: Infrastructure - We increasingly value our environment and enhance it for our children &

Corporate Plan - : Environment - We will work to mitigate against the impacts of climate change by taking steps to reduce carbon emissions as an organisation.

CIP TWO OBJECTIVE - - We will ensure a more connected Mid Ulster where new technologies and ways of working, empower citizens to get the best services that matter to them. - 5 Activities: SRO Head of Communications & Marketing

What are we going to do?	Timescale	Outcomes - What difference will it make?	Status				Comments
			Q1	Q2	Q3	Q4	
1. Development of a Four-Year Digital Transformation Strategy.	Project start: May 2021 Project completion: March 2022	Digital strategy and action plan will set the organisation's digital direction, enabling it to leverage opportunities and impact of digital technologies, to innovate and improve, realising cultural,					Engagement sessions with all levels of staff, including SMT and ADs, took place in November during a 2 day on-site visit or via separately arranged virtual meetings. Desktop research completed, together with an assessment of the Council's current ICT infrastructure and capability.

What are we going to do?	Timescale	Outcomes - What difference will it make?	Status				Comments
			Q1	Q2	Q3	Q4	
		organisational and operational change, and adding value for the organisation, its stakeholders and customers.					
2. Establishment of a Digital Leadership Team	Project start: June 2021 Project completion: Ongoing until at least March 2022	Create Digital leaders at all levels who are responsible for delivering the Digital Transformation Strategy - ensuring our people are					Approach to the establishment of a digital leadership team to be determined now by evidence from initial strategy development work. Recruitment is, therefore, paused.

What are we going to do?	Timescale	Outcomes - What difference will it make?	Status				Comments
			Q1	Q2	Q3	Q4	
		supported and appropriately skilled to embrace a digital culture.					
3. Development of a new digital system to support the delivery of Planning		Bespoke to Mid Ulster (and at a reduced cost), which integrates processes online including applications and payments, enhancing the planning experience for stakeholders and citizens,					Data was migrated but due to errors has to be reloaded - Project has stalled due to the lack of adequate resources from the provider to complete outstanding tasks which are fundamental to the progression of the project. UAT testing cannot commence until data is accurately loaded. Awaiting an amended project plan from IDOX - The go live date in Jan is postponed, with an anticipated go live at the end of March (currently to be agreed with IDOX)with the completion of the project some months later.

What are we going to do?	Timescale	Outcomes - What difference will it make?	Status				Comments
			Q1	Q2	Q3	Q4	
		while also streamlining internal system management.					
4. Development of digital systems to support the delivery of Financial Services.		Efficient and effective financial management information system, providing easy access, self-service to financial ledgers, financial information and reporting for all					Phase 2 start delayed due to Covid initially and then resourcing issues of Tech 1 following commercial success. Expected to be completed by Dec 2022.

What are we going to do?	Timescale	Outcomes - What difference will it make?	Status				Comments
			Q1	Q2	Q3	Q4	
		services, with improved controls and governance.					
5. Implementation of Phase 2 of the HR System to support the delivery of Human Resources.		E-enabled human resource management information system, providing easy access, self-service for staff, incorporating modern efficient recruitment and Learning & Development modules and					Phase 2 of the project has been progressing well: - Learning & Development Module testing completed. Training to be undertaken in Quarter 4 with staff across the organisation with a view to full roll out of L&D Programme online from April 2022. - Expense Module Testing completed. Training to be undertaken in Quarter 4 with staff and members with a view to roll out across organisation March 2022.

What are we going to do?	Timescale	Outcomes - What difference will it make?	Status				Comments
			Q1	Q2	Q3	Q4	
		advanced reporting for all services.					

CIP2 Project Links to:

Community Plan -: *Economic Growth – We prosper in a stronger and more competitive economy*

Corporate Plan - Service Delivery - We will improve services for our citizens through the development and delivery of an innovation agenda.

CIP THREE OBJECTIVE– To create cleaner neighbourhoods, where everyone takes responsibility for their waste and the environment – **9 Activities: SRO Head of Environmental Health**

What are we going to do?	Timescale	Outcomes - What difference will it make?	Status				Comments
			Q1	Q2	Q3	Q4	
1.Develop enhanced enforcement options paper for Council decision-	01/04/2021 - 31/03/2022	Standardised pathway for intelligence gathering, higher number of Fixed penalty notices served and benchmark position for Fixed Penalty Notices across all Northern Ireland Councils.					Target 12.5 Fixed Penalties served per quarter. Third quarter 17 for Littering and dog fouling. Overall target 50. Actual to date 51. .

What are we going to do?	Timescale	Outcomes - What difference will it make?	Status				Comments
			Q1	Q2	Q3	Q4	
2. Support and promote local community clean-ups and events e.g. Big Spring Clean organised by schools, community groups and sports clubs	Starting - 01/04/21 Completion - 31/03/22	10% increase in number of clean-ups supported in each district electoral area (DEA) across Mid Ulster district.					Cumulative total of 41 clean-ups supported in 2021/22 to date
3. Develop a Community engagement programme for Maghera Walled Garden	01/04/21-31/03/22	Friends of Maghera Walled Garden established and actively engaged.					With the site still closed until April, there has been no change and the proposed visits haven't materialised due to lack of co-operation of the groups. The next Forum event will be held in April. Further work is required at a corporate level on developing a Volunteer Framework for our stakeholders/partners.

What are we going to do?	Timescale	Outcomes - What difference will it make?	Status				Comments
			Q1	Q2	Q3	Q4	
4. Co-ordinate and deliver a programme of Town and Village Spruce Up - Deliver 73 grant schemes in 2021/22 and up to 60 schemes in 2022/23	01/04/21 to 31/03/23 (Years 3 and 4).	Contributes to well-maintained towns and villages resulting in a positive aesthetics.					Up to 31 December 2021, 36 schemes have been completed to value of £120,071.
5. Co-ordinated litter/ recycling educational programme in place for participating schools	1/4/21- 31/3/23	Educational programme made available to all primary schools and delivery schedule in place					No visits made due to Covid restrictions. It is unlikely that visits will be made in this school year. LHLH funding has been agreed for the next 3 years at £21,000 p.a (Dec 21 Environment Committee)
6. Develop, manage and deliver a marketing and	Starting - 01/04/21	Increased public awareness of					Communication program in draft. The Data collection is on going. Scheduled DEA meetings.

What are we going to do?	Timescale	Outcomes - What difference will it make?	Status				Comments
			Q1	Q2	Q3	Q4	
communication activity plan 2021/22 aimed at reducing littering and awareness of dog fouling across Council parks.	Completion - 31/03/22	effects of littering and dog fouling across the District.					Liaise/engaging with external stakeholders in the development and delivery of the marketing and communication annual plan is ongoing. Review completed end of year 2021/22 marketing communications activity completed against plan (appx 20%). On going
7. Develop extended coverage of Forest Schools programme across all seven District Electoral Area's (DEA's) - DEA's are Carntogher, Clogher Valley, Cookstown, Dungannon, Magherafelt, Moyola, Torrent in Mid Ulster District	(Phase One) 2022/23 linked to review end of Phase One	Work in partnership to broaden the invitation to schools, youth groups to take part in the Forest Schools Programme					9 schools taking part in Forest School Programme delivered at the Hill of the O'Neill & Round Lake

What are we going to do?	Timescale	Outcomes - What difference will it make?	Status				Comments
			Q1	Q2	Q3	Q4	
		across the Districts green and blue spaces.					
8. Continue to raise Parks and Open Green Spaces management standards across Council Properties by attaining one additional Green Flag/Blue Standard award by 2022	Starting - 01/04/21 Completion - 31/03/22	Enhancing horticultural, cleanliness, biodiversity, community involvement, and environmental management standards across the Districts					Current option Davagh Forest and OM centre.

What are we going to do?	Timescale	Outcomes - What difference will it make?	Status				Comments
			Q1	Q2	Q3	Q4	
		recreational spaces.					
9. Provide environmental volunteering opportunities and support community groups to manage local environmental projects.		Strengthening the provision of environmental volunteering opportunities within the District					Knockmany Forest stakeholder volunteer group established. Fivemiletown/Round Lake / Community Group SLA in negotiations progressing to draft Agreement.

CIP3 Project Links to:

Community Plan -: Infrastructure- We increasingly value our environment and enhance it for our children.

Corporate Plan - Environment - We will continue to promote and protect our environment through our environmental and anti-littering programmes of education, awareness raising and enforcement

CIP FOUR OBJECTIVE - We will contribute to the ongoing regeneration of our district by delivering a capital investment programme, enhancing facilities and opportunities for local people. – **3 activities – SRO Head of Technical Services**

What are we going to do?	Timescale	Outcomes - What difference will it make?	Status				Comments
			Q1	Q2	Q3	Q4	
1. Undertake the Project management of Council's current committed live Capital Works Programme 2020 - 2024 with an indicative spend < £26m	1/4/21 - 31/3/22	Contribute to the ongoing regeneration of our district.					<p>Meeting took place 7th July / 30th Sep 2021 with HoS invited to attend. Capital reports are being presented on Monthly basis</p> <p>IST Capital reports are presented on Monthly basis to Environment (Env) Committee (14th April, 11th May, 15th June)</p> <p>ICT Capital reports presented on Monthly basis to Env Committee (14th April, 11th May, 15th June)</p> <p>Scoping Projects reports presented on Monthly basis to Env Committee (14th April, 11th May, 15th June)</p> <p>(5) planned for end of Q4 2021-22</p> <p>(6) Discussion held in Q3 to develop this action with Head of Marketing and Communications</p>

What are we going to do?	Timescale	Outcomes - What difference will it make?	Status				Comments
			Q1	Q2	Q3	Q4	
							and draft proposals being drawn up for end of January 202
2. Research, develop and implement a pilot capital project procedural guide.		Efficient management and governance of capital programme					First Meeting took place 7th July and again in 30th Sep 2021 with Heads of Service (HoS) invited to attend Draft Capital project procedural guide issued to all HoS 8th July 2021. New MUDC structure has meant that Assistant Directors Appointments now wish to have some additional time to reflect on their department structure and this whilst this was to be reviewed in Q3 this is now scheduled for Q4

What are we going to do?	Timescale	Outcomes - What difference will it make?	Status				Comments
			Q1	Q2	Q3	Q4	
3. Develop a skills/competency matrix/ tool to map required and desired skills for capital projects team/client services teams and conduct training/development programmes to optimise efficiencies and workflows by April 2022.		Streamline processes for efficiency compromises within the capital projects team through staff development.					Due the changes in Senior management structures Q2 deadlines have been delayed and whilst initially proposed for Q3 they are now programmed for delivery in Q4.

CIP4 Project Links to:

Community Plan -: Economic Growth - We prosper in a stronger and more competitive economy.

Corporate Plan - Economy - We will continue to identify opportunity sites for development proposals and to deliver against existing plans for other key strategic sites (including Ann Street, Dungannon and the former Maghera High School site).

Mid Ulster District Council

Statutory & Corporate Performance

Improvement Indicators

Q1 to Q3 - Nine Month Progress Report

2021 – 2022

Performance Measures 2021 to 2022 - Statutory & Corporate Performance Indicators

Statutory Indicators – Set for Us

Under the Local Government (Performance Indicators and Standards Order (Northern Ireland) 2015), statutory performance indicators and standards have been set as part of the performance improvement arrangements for district councils (i.e. set for us). Performance measures have been specified for the functions of: Economic development, Planning and Waste management.

The aim of the performance measures is to promote the improvement of service delivery. The information is currently collated by the Department for the Economy, Department for Infrastructure and DAERA (Department for Agriculture, Environment and Rural Affairs) respectively and published on their websites. Once released to Council, this information is published for citizens and other stakeholders to assess Council's performance in these areas. Until validated by the Departments aforementioned, data will remain as management information.

Corporate Performance Indicators – Set by Us

During 2016/17, Council, in the absence of an agreed region wide performance management framework, decided to concentrate on ensuring the data quality of three of its proposed "set by us" or "self-imposed" performance indicators, standards/targets, with the aim of improving service delivery, across the three indicators; namely:

1. **Prompt Payments** - (Prompt payments speed up cash flow from the public sector to its suppliers, particularly SME's),
2. **Freedom of Information Requests (FOI) Responded to within 20 days**, (Council meets its statutory obligations, customer requests are met within specified timeframes and citizens can get information in a timely manner through a transparent process), and
3. **Percentage lost time rate of sickness absence** – (shows the percentage of total time available that has been lost due to any type of absence during a certain time period. The indicator is based on full time equivalent (FTE) employees - useful as a general measure of the significance of sickness absence levels for an organisation).

Benchmarking With Other Councils

Work was due to have commenced on the development of an overarching regional benchmark framework for Northern Ireland Councils. A draft action plan relating to activities to develop this framework, has been developed by Council Officers from the Local Government Performance Working Group, however due to the Covid-19 Pandemic this has been delayed. Average Days Lost p.a. (due to sickness absence) and prompt payments performance data, has been supplied by the Department for Communities. Benchmark data appears where the information is available in this report and is contained in Council's Annual Performance Assessment Report. Where other local Council's benchmark data are available (annual), the data is included in the report. Data quality is a central part of the Council's operational business and performance management. Performance measures including Absence information, Freedom of Information Requests, and Prompt Payments information is used every day across the Council to help inform management decisions, plan services, benchmark performance and cost, and inform target setting.

Rag Status, Target Direction and Performance Trend – Colours, Symbols and Descriptors.

Table One – RAG Status and Descriptors

Status – Evaluated As	Explanation
GREEN	Met or exceeded target
AMBER	Missed target narrowly
RED	Missed Target Significantly
PURPLE	Information not available

Table Two – Target Direction

Target Direction	Descriptor
More Is Better	A bigger value for this measure is best
Less Is Better	A smaller value for this measure is best

Table Three - Performance Trend

Direction of Travel		
The direction of travel shows if performance has improved, declined, or been maintained relative to previous quarter.		
Performance Improved	Performance Remained Same	Performance Declined
↑	↔	↓

STATUTORY INDICATOR & STANDARD Ref. No. : ED1 - MORE IS BETTER

ED1: The number of jobs promoted through business start-up activity from 1 st April 2016 to 31 st December 2021.						<table><tr><th>Oct – Dec 2021 Actual (Quarter Three)</th><th>Standard to be Met</th><th>Trend on Previous Quarter</th><th>Status</th></tr><tr><td>42</td><td>210 jobs p.a.</td><td>↑</td><td>RED</td></tr><tr><th>July-Sept 2021 Actual (Quarter Two)</th><th>Standard to be Met</th><th>Trend on Previous Quarter</th><th>Status</th></tr><tr><td>41</td><td>210 jobs p.a.</td><td>↑</td><td>RED</td></tr><tr><th>Apr-June 2021 Actual (Quarter One)</th><th>Standard to be Met</th><th>Trend on Previous Quarter</th><th>Status</th></tr><tr><td>39</td><td>210 jobs p.a.</td><td>↓</td><td>RED</td></tr><tr><th>Jan - March 2021 Actual (Quarter Four)</th><th>Standard to be Met</th><th>Trend on Previous Quarter</th><th>Status</th></tr><tr><td>43</td><td>210 jobs p.a.</td><td>↑</td><td>RED</td></tr><tr><td colspan="4">Analysis: MORE IS BETTER. Q3 Jobs figure is higher than Q3 in 2020/21 (42 vs 30), due to the impact of Covid last year, and is on a par with pre-Covid level of 2019/20 (41 jobs) and are similar to Q2 (41 jobs). DfE / Invest NI require Councils to use a lower conversion rate (Plans - Jobs) of 0.6 (not RSI rate 0.75762). Performance level is higher than Q3 in 2020/21 and is currently just on target to meet the EU Prog target (264), but not the Statutory Target (210 jobs). DfE and DfC have issued a Consultation on the Stat Targets (closing on 28 Feb '22) following the Capaxo Review (June 2020), proposing to reduce Mid Ulster's Statutory target to 153 jobs from April 2022. Council had supported the revised targets as they more accurately reflect the changing economic circumstances of the sub-region, including high employment and loss of migrant population due to the impact of the EU Exit. At least 350 Plans would be needed to be delivered by Mid Ulster to ensure Statutory 'Jobs promoted' target is achieved by March 2022</td></tr><tr><td colspan="4">Action Plan:. Currently, inquiry levels and programme performance levels are good. The Programme was adversely impacted by Covid in 2020/21, performance is good, has not yet quite returned to pre-Covid levels. Mid Ulster Council officers also meet regularly with the three local delivery partners to review programme performance and identify any supports that may be required to increase inquiry levels.</td></tr></table>				Oct – Dec 2021 Actual (Quarter Three)	Standard to be Met	Trend on Previous Quarter	Status	42	210 jobs p.a.	↑	RED	July-Sept 2021 Actual (Quarter Two)	Standard to be Met	Trend on Previous Quarter	Status	41	210 jobs p.a.	↑	RED	Apr-June 2021 Actual (Quarter One)	Standard to be Met	Trend on Previous Quarter	Status	39	210 jobs p.a.	↓	RED	Jan - March 2021 Actual (Quarter Four)	Standard to be Met	Trend on Previous Quarter	Status	43	210 jobs p.a.	↑	RED	Analysis: MORE IS BETTER. Q3 Jobs figure is higher than Q3 in 2020/21 (42 vs 30), due to the impact of Covid last year, and is on a par with pre-Covid level of 2019/20 (41 jobs) and are similar to Q2 (41 jobs). DfE / Invest NI require Councils to use a lower conversion rate (Plans - Jobs) of 0.6 (not RSI rate 0.75762). Performance level is higher than Q3 in 2020/21 and is currently just on target to meet the EU Prog target (264), but not the Statutory Target (210 jobs). DfE and DfC have issued a Consultation on the Stat Targets (closing on 28 Feb '22) following the Capaxo Review (June 2020), proposing to reduce Mid Ulster's Statutory target to 153 jobs from April 2022. Council had supported the revised targets as they more accurately reflect the changing economic circumstances of the sub-region, including high employment and loss of migrant population due to the impact of the EU Exit. At least 350 Plans would be needed to be delivered by Mid Ulster to ensure Statutory 'Jobs promoted' target is achieved by March 2022				Action Plan:. Currently, inquiry levels and programme performance levels are good. The Programme was adversely impacted by Covid in 2020/21, performance is good, has not yet quite returned to pre-Covid levels. Mid Ulster Council officers also meet regularly with the three local delivery partners to review programme performance and identify any supports that may be required to increase inquiry levels.																	
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Lead Officer: Adrian Mc Creesh - Director Business & Communities. Purpose of Performance Indicator (PI): The number of jobs promoted through business start-up activity (Business start-up means the delivery of completed client led business plans under the Department of the Economy Regional Start Initiative or its successor Programmes).																																																															

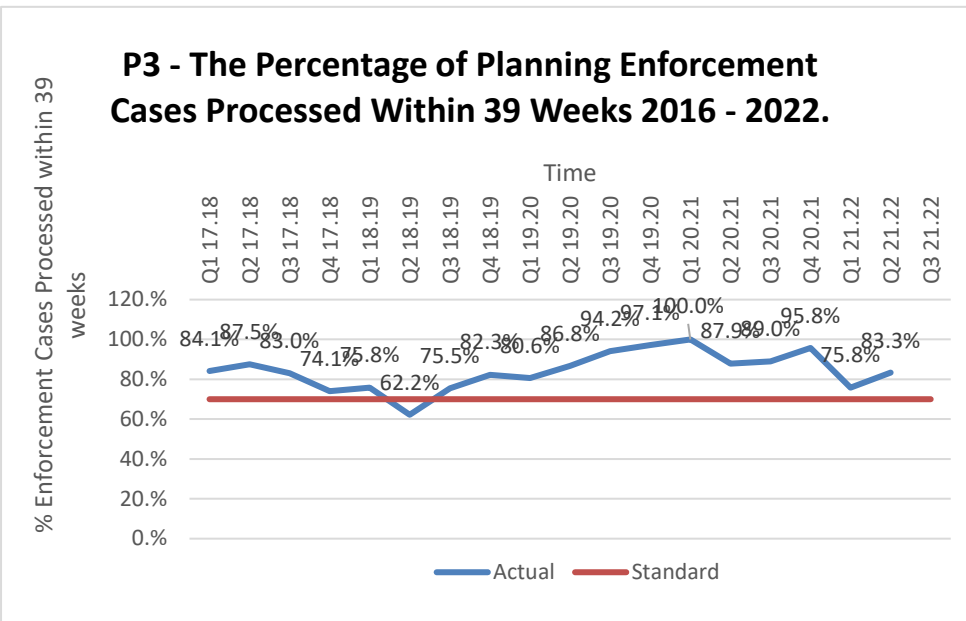
STATUTORY INDICATOR & STANDARD Ref. No. : P1 - LESS IS BETTER

P1: Major applications processed from date valid to decision or withdrawn within an average of 30 weeks - from 1st April 2016 to 31st December 2021						Oct – Dec 2021 Actual (Quarter Three)	Standard to be Met	Trend on Previous Quarter	Status																																																															
<div><p>P1 Average Processing Time of Major Planning Applications from Date Valid to Decision or Withdrawal within an Average of 30 Weeks 2016 - 2021</p><table><caption>P1 Average Processing Time Data (Weeks)</caption><thead><tr><th>Time</th><th>Actual</th><th>Standard</th></tr></thead><tbody><tr><td>Q1 16.17</td><td>66.6</td><td>30</td></tr><tr><td>Q2 16.17</td><td>65.7</td><td>30</td></tr><tr><td>Q3 16.17</td><td>71.4</td><td>30</td></tr><tr><td>Q4 16.17</td><td>88</td><td>30</td></tr><tr><td>Q1 17.18</td><td>77.5</td><td>30</td></tr><tr><td>Q2 17.18</td><td>39.4</td><td>30</td></tr><tr><td>Q3 17.18</td><td>44.4</td><td>30</td></tr><tr><td>Q4 17.18</td><td>135.6</td><td>30</td></tr><tr><td>Q1 18.19</td><td>58</td><td>30</td></tr><tr><td>Q2 18.19</td><td>60.2</td><td>30</td></tr><tr><td>Q3 18.19</td><td>62.6</td><td>30</td></tr><tr><td>Q4 18.19</td><td>64.6</td><td>30</td></tr><tr><td>Q1 19.20</td><td>66.8</td><td>30</td></tr><tr><td>Q2 19.20</td><td>73.1</td><td>30</td></tr><tr><td>Q3 19.20</td><td>86.4</td><td>30</td></tr><tr><td>Q4 19.20</td><td>74.2</td><td>30</td></tr><tr><td>Q1 20.21</td><td>84.4</td><td>30</td></tr><tr><td>Q2 20.21</td><td>74.1</td><td>30</td></tr><tr><td>Q3 20.21</td><td>63.4</td><td>30</td></tr><tr><td>Q4 20.21</td><td>92.6</td><td>30</td></tr></tbody></table></div>						Time	Actual	Standard	Q1 16.17	66.6	30	Q2 16.17	65.7	30	Q3 16.17	71.4	30	Q4 16.17	88	30	Q1 17.18	77.5	30	Q2 17.18	39.4	30	Q3 17.18	44.4	30	Q4 17.18	135.6	30	Q1 18.19	58	30	Q2 18.19	60.2	30	Q3 18.19	62.6	30	Q4 18.19	64.6	30	Q1 19.20	66.8	30	Q2 19.20	73.1	30	Q3 19.20	86.4	30	Q4 19.20	74.2	30	Q1 20.21	84.4	30	Q2 20.21	74.1	30	Q3 20.21	63.4	30	Q4 20.21	92.6	30	Awaiting information from Department	30 weeks	NA	PURPLE
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Q3 19.20	86.4	30																																																																						
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Q1 20.21	84.4	30																																																																						
Q2 20.21	74.1	30																																																																						
Q3 20.21	63.4	30																																																																						
Q4 20.21	92.6	30																																																																						
July-Sept 2021 Actual (Quarter Two)	Standard to be Met	Trend on Previous Quarter	Status																																																																					
92.6 weeks	30 weeks	↓	RED																																																																					
Apr-June 2021 Actual (Quarter One)	Standard to be Met	Trend on Previous Quarter	Status																																																																					
63.4 weeks	30 weeks	↑	RED																																																																					
Jan – March 2021 Actual (Quarter Four)	Standard to be Met	Trend on Previous Quarter	Status																																																																					
84.4 weeks	30 weeks	↓	RED																																																																					
Analysis: LESS IS BETTER: -																																																																								
Council is awaiting information to be supplied by the Department. The information is usually supplied retrospectively every quarter.																																																																								
Comparator (annual)	2016/17	2017/18	2018/19	2019/20	2020/21	Action Plan:																																																																		
NI Council Average	68.6 weeks	50.2 weeks	59 weeks	52.8 weeks	61.4 weeks																																																																			
Lead Officer: Dr. Chris Boomer – Planning. Purpose of PI: Planning Department deals with MAJOR Planning applications faster - [An application in the category of major development within the meaning of Planning (Development Management Regulations (NI) 2015(a)).																																																																								

STATUTORY INDICATOR & STANDARD Ref. No. : P2 - LESS IS BETTER

P2: Average processing time of Local Planning Applications from date valid to decision or withdrawn within an average of 15 weeks from 01/04/16 - 31/12/21						Oct – Dec 2021 Actual (Quarter Three)	Standard to be Met	Trend on Previous Quarter	Status
<p>P2 Average Processing Time of Local Planning Applications from Date Valid to Decision or Withdrawal within an Average of 15 Weeks 2016 - 2021</p> <p>Average processing time local planning applications in weeks</p> <p>Time</p> <p>Series1 Series2</p>						Awaiting information from Department	15 weeks	NA	PURPLE
						July-Sept 2021 Actual (Quarter Two)	Standard to be Met	Trend on Previous Quarter	Status
						14.8 weeks	15 weeks	↓	GREEN
						Apr-June 2021 Actual (Quarter One)	Standard to be Met	Trend on Previous Quarter	Status
						14.2 weeks	15 weeks	↑	GREEN
						Jan – March 2021 (Quarter Four)	Standard to be Met	Trend on Previous Quarter	Status
						16.6 weeks	15 weeks	↑	RED
						Analysis: LESS IS BETTER . Council is awaiting information to be supplied by the Department. The information is usually supplied retrospectively every quarter.			
						Action Plan: .			
						Lead Officer: Dr. Chris Boomer – Planning. Purpose of PI. Planning Department deal with LOCAL Planning applications faster - Local applications means an application in the category of local development within the meaning of the (Development Management) Regulations (NI) 2015, and any other applications for approval or consent under the Planning Act (NI) 2011 (or any orders or regulations made under the Act).			
Comparator (annual)	2016/17	2017/18	2018/19	2019/20	2020/21				
NI Council Average	16.2 weeks	15.2 weeks	14.8 weeks	14 weeks	17.8 weeks				

STATUTORY INDICATOR & STANDARD Ref. No. : P3 - MORE IS BETTER

P3: The percentage of planning enforcement cases processed within 39 weeks from 1 st April 2016 to 31 st December 2021.						Oct – Dec 2021 Actual (Quarter Three)		Standard to be Met	Trend on Previous Quarter	Status																																																												
<div><p>P3 - The Percentage of Planning Enforcement Cases Processed Within 39 Weeks 2016 - 2022.</p><table><thead><tr><th>Time</th><th>Actual (%)</th><th>Standard (%)</th></tr></thead><tbody><tr><td>Q1 17.18</td><td>84.1%</td><td>70%</td></tr><tr><td>Q2 17.18</td><td>87.5%</td><td>70%</td></tr><tr><td>Q3 17.18</td><td>83.0%</td><td>70%</td></tr><tr><td>Q4 17.18</td><td>74.1%</td><td>70%</td></tr><tr><td>Q1 18.19</td><td>75.8%</td><td>70%</td></tr><tr><td>Q2 18.19</td><td>62.2%</td><td>70%</td></tr><tr><td>Q3 18.19</td><td>75.5%</td><td>70%</td></tr><tr><td>Q4 18.19</td><td>82.3%</td><td>70%</td></tr><tr><td>Q1 19.20</td><td>80.6%</td><td>70%</td></tr><tr><td>Q2 19.20</td><td>86.8%</td><td>70%</td></tr><tr><td>Q3 19.20</td><td>94.2%</td><td>70%</td></tr><tr><td>Q4 19.20</td><td>97.1%</td><td>70%</td></tr><tr><td>Q1 20.21</td><td>100.0%</td><td>70%</td></tr><tr><td>Q2 20.21</td><td>87.9%</td><td>70%</td></tr><tr><td>Q3 20.21</td><td>89.0%</td><td>70%</td></tr><tr><td>Q4 20.21</td><td>95.8%</td><td>70%</td></tr><tr><td>Q1 21.22</td><td>75.8%</td><td>70%</td></tr><tr><td>Q2 21.22</td><td>83.3%</td><td>70%</td></tr><tr><td>Q3 21.22</td><td></td><td>70%</td></tr></tbody></table></div>						Time	Actual (%)	Standard (%)	Q1 17.18	84.1%	70%	Q2 17.18	87.5%	70%	Q3 17.18	83.0%	70%	Q4 17.18	74.1%	70%	Q1 18.19	75.8%	70%	Q2 18.19	62.2%	70%	Q3 18.19	75.5%	70%	Q4 18.19	82.3%	70%	Q1 19.20	80.6%	70%	Q2 19.20	86.8%	70%	Q3 19.20	94.2%	70%	Q4 19.20	97.1%	70%	Q1 20.21	100.0%	70%	Q2 20.21	87.9%	70%	Q3 20.21	89.0%	70%	Q4 20.21	95.8%	70%	Q1 21.22	75.8%	70%	Q2 21.22	83.3%	70%	Q3 21.22		70%	Awaiting information from Department		70%	NA	PURPLE
						Time	Actual (%)	Standard (%)																																																														
						Q1 17.18	84.1%	70%																																																														
						Q2 17.18	87.5%	70%																																																														
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Q3 21.22		70%																																																																				
July-Sept 2021 Actual (Quarter Two)		Standard to be Met	Trend on Previous Quarter	Status																																																																		
83.3%		70%	↑	GREEN																																																																		
Apr-June 2021 Actual (Quarter One)		Standard to be Met	Trend on Previous Quarter	Status																																																																		
75.8%		70%	↓	GREEN																																																																		
Jan – March 2021 Actual (Quarter Four)		Standard to be Met	Trend on Previous Quarter	Status																																																																		
95.8%		70%	↑	GREEN																																																																		
						Analysis: MORE IS BETTER																																																																
						Council is awaiting information to be supplied by the Department. The information is usually supplied retrospectively every quarter.																																																																
						Action Plan: Data as supplied to date Maintain Management																																																																
Comparator (annual)						2016/17	2017/18	2018/19	2019/20	2020/21																																																												
NI Council Average						80.7%	77%	81%	81.4%	69.9%																																																												
Lead Officer: Dr. Chris Boomer – Planning. Purpose of PI: Planning Department bring more enforcement cases to target conclusion within 39 weeks. Enforcement cases are investigations into alleged breaches of planning control under Part 5 of the Planning Act (NI) 2011 (or under any orders or regulations made under the Act.																																																																						

STATUTORY INDICATOR & STANDARD Ref. No.: W1 - MORE IS BETTER

W1: The % of household waste collected by District Councils that is sent for recycling (including waste prepared for reuse) from 1 st April 2016 to 31 st December 2021.						Oct – Dec 2021 Actual (Quarter Three)	Standard to be Met	Trend on Previous Quarter	Status																																																
<div><h3>W1 - The Percentage of Household Waste Collected by District Councils That is Sent for Recycling 2016 to 2021</h3><table><caption>W1 - The Percentage of Household Waste Collected by District Councils That is Sent for Recycling 2016 to 2021</caption><thead><tr><th>Time</th><th>% Recycling Rate</th></tr></thead><tbody><tr><td>Q1 16.17</td><td>55.38%</td></tr><tr><td>Q2 16.17</td><td>58.14%</td></tr><tr><td>Q3 16.17</td><td>50.01%</td></tr><tr><td>Q4 16.17</td><td>45.19%</td></tr><tr><td>Q1 17.18</td><td>58.32%</td></tr><tr><td>Q2 17.18</td><td>58.70%</td></tr><tr><td>Q3 17.18</td><td>54.58%</td></tr><tr><td>Q4 17.18</td><td>47.15%</td></tr><tr><td>Q1 18.19</td><td>59.73%</td></tr><tr><td>Q2 18.19</td><td>56.38%</td></tr><tr><td>Q3 18.19</td><td>56.26%</td></tr><tr><td>Q4 18.19</td><td>50.82%</td></tr><tr><td>Q1 19.20</td><td>63.25%</td></tr><tr><td>Q2 19.20</td><td>62.47%</td></tr><tr><td>Q3 19.20</td><td>58.52%</td></tr><tr><td>Q4 19.20</td><td>50.79%</td></tr><tr><td>Q1 20.21</td><td>60.88%</td></tr><tr><td>Q2 20.21</td><td>62.27%</td></tr><tr><td>Q3 20.21</td><td>57.36%</td></tr><tr><td>Q4 20.21</td><td>54.75%</td></tr><tr><td>Q1 21.22</td><td>60.90%</td></tr><tr><td>Q2 21.22</td><td>61.56%</td></tr><tr><td>Q3 21.22</td><td></td></tr></tbody></table></div>						Time	% Recycling Rate	Q1 16.17	55.38%	Q2 16.17	58.14%	Q3 16.17	50.01%	Q4 16.17	45.19%	Q1 17.18	58.32%	Q2 17.18	58.70%	Q3 17.18	54.58%	Q4 17.18	47.15%	Q1 18.19	59.73%	Q2 18.19	56.38%	Q3 18.19	56.26%	Q4 18.19	50.82%	Q1 19.20	63.25%	Q2 19.20	62.47%	Q3 19.20	58.52%	Q4 19.20	50.79%	Q1 20.21	60.88%	Q2 20.21	62.27%	Q3 20.21	57.36%	Q4 20.21	54.75%	Q1 21.22	60.90%	Q2 21.22	61.56%	Q3 21.22		Awaiting information from Department	NILAS Scheme to Dec 2020	NA	PURPLE
						Time	% Recycling Rate																																																		
						Q1 16.17	55.38%																																																		
						Q2 16.17	58.14%																																																		
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Q1 21.22	60.90%																																																								
Q2 21.22	61.56%																																																								
Q3 21.22																																																									
July-Sept 2021 Actual (Quarter Two)	Standard to be Met	Trend on Previous Quarter	Status																																																						
61.56% (12,420 tonnes).	NILAS Scheme to Dec 2020	↑	GREEN																																																						
Apr-June 2021 Actual (Quarter One)	Standard to be Met	Trend on Previous Quarter	Status																																																						
60.9% (12,310 tonnes)	NILAS Scheme to Dec 2020	↑	GREEN																																																						
Jan – March 2021 Actual (Quarter Four)	Standard to be Met	Trend on Previous Quarter	Status																																																						
54.75% (10,040 tonnes)	NILAS Scheme to Dec 2020	↓	GREEN																																																						
Analysis: MORE IS BETTER : As of Q2 end the Cumulative position of 61.27% or 24,752 tonnes recycled. Council is awaiting information to be supplied by the Department. The information is usually supplied retrospectively every quarter.																																																									
Action Plan: Maintain management																																																									
Comparator (annual)	2016/17	2017/18	2018/19	2019/20	2020/21																																																				
NI Council Average	*44.4%	48.1%	50%	51.9%	50.7%																																																				
Lead Officer: Andrew Cassells Director - Environment & Property. Purpose of PI. : Meet Statutory Targets – Households Waste is as defined in Article 2 of the Waste and Contaminated Land (NI) Order 1997 (a) and the Controlled Waste and Duty of Care Regulations (NI) 2013 (b) - Household Waste is as defined in Article 2 of the Waste and Contaminated Land (NI) Order 1997 (a) and the Controlled Waste and Duty of Care Regulations (NI) 2013 (b) -																																																									

* Annual Report from Department of Agriculture, Environment and Rural Affairs.

STATUTORY INDICATOR & STANDARD Ref. No. : W2 - LESS IS BETTER

W2: The amount (tonnage) of Biodegradable Local Authority Collected Municipal Waste that is landfilled from 1 st April 2016 to 31 st December 2021						Oct – Dec 2021 Actual (Quarter Three)	Standard to be Met	Trend on Previous Quarter	Status																																																
<div><p>W2 - Mid Ulster The Amount (Tonnage) of Biodegradable Local Authority Collected Municipal Waste that is landfilled 2016 to 2021</p><table><caption>W2 - Mid Ulster The Amount (Tonnage) of Biodegradable Local Authority Collected Municipal Waste that is landfilled 2016 to 2021</caption><thead><tr><th>Time</th><th>Tonnage</th></tr></thead><tbody><tr><td>Q1 16.17</td><td>3,250</td></tr><tr><td>Q2 16.17</td><td>3,250</td></tr><tr><td>Q3 16.17</td><td>3,799</td></tr><tr><td>Yr. Total 16.17</td><td>4,498</td></tr><tr><td>Q1 17.18</td><td>14,846</td></tr><tr><td>Q2 17.18</td><td>2,501</td></tr><tr><td>Q3 17.18</td><td>2,339</td></tr><tr><td>Yr. Total 17.18</td><td>2,248</td></tr><tr><td>Q1 18.19</td><td>2,989</td></tr><tr><td>Q2 18.19</td><td>1,865</td></tr><tr><td>Q3 18.19</td><td>2,026</td></tr><tr><td>Yr. Total 18.19</td><td>1,288</td></tr><tr><td>Q1 19.20</td><td>5,687</td></tr><tr><td>Q2 19.20</td><td>333</td></tr><tr><td>Q3 19.20</td><td>343</td></tr><tr><td>Yr. Total 19.20</td><td>694</td></tr><tr><td>Q1 20.21</td><td>1,506</td></tr><tr><td>Q2 20.21</td><td>296</td></tr><tr><td>Q3 20.21</td><td>420</td></tr><tr><td>Yr. Total 20.21</td><td>339</td></tr><tr><td>Q1 21.22</td><td>1,482</td></tr><tr><td>Q2 21.22</td><td>343</td></tr><tr><td>Q3 21.22</td><td>311</td></tr></tbody></table></div>						Time	Tonnage	Q1 16.17	3,250	Q2 16.17	3,250	Q3 16.17	3,799	Yr. Total 16.17	4,498	Q1 17.18	14,846	Q2 17.18	2,501	Q3 17.18	2,339	Yr. Total 17.18	2,248	Q1 18.19	2,989	Q2 18.19	1,865	Q3 18.19	2,026	Yr. Total 18.19	1,288	Q1 19.20	5,687	Q2 19.20	333	Q3 19.20	343	Yr. Total 19.20	694	Q1 20.21	1,506	Q2 20.21	296	Q3 20.21	420	Yr. Total 20.21	339	Q1 21.22	1,482	Q2 21.22	343	Q3 21.22	311	Awaiting information from Department	No set target 2020/21	NA	PURPLE
						Time	Tonnage																																																		
						Q1 16.17	3,250																																																		
						Q2 16.17	3,250																																																		
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Q3 21.22	311																																																								
July-Sept 2021 Actual (Quarter Two)	Standard to be Met	Trend on Previous Quarter	Status																																																						
311 tonnes	No set target 2020/21	↑	GREEN																																																						
Apr-June 2021 Actual (Quarter One)	Standard to be Met	Trend on Previous Quarter	Status																																																						
343 tonnes	No set target 2020/21	↑	GREEN																																																						
Jan – March 2021 Actual (Quarter Four)	Allowance 2020/21	Trend on Previous Quarter	Status																																																						
439 tonnes	No set target 2020/21	↓	GREEN																																																						
Analysis: LESS IS BETTER As of Q2 end -311 tonnes LACBMW landfilled. Cumulative position of 654 tonnes Council is awaiting information to be supplied by the Department. The information is usually supplied retrospectively every quarter.																																																									
Action Plan: Maintain Management																																																									
Comparator (annual)	2016/17	2017/18	2018/19	2019/20	2020/21																																																				
NI Council Average	*18,580 tonnes	15,572 tonnes	13,938 tonnes	11,480 tonnes																																																					
Lead Officer: Andrew Cassells - Director Environment & Property. Purpose of PI: Meet Statutory Targets -Local Authority collected Municipal Waste as defined in section 21 of the Waste Emissions Trading Act 2003 (c)																																																									

*Annual Report from Department of Agriculture, Environment and Rural Affairs.

STATUTORY INDICATOR & STANDARD Ref. No.: W3 - LESS IS BETTER

W3: The amount (tonnage) of Local Authority Collected Municipal Waste Arisings from 1 st April 2016 to 31 st December 2021.						Oct – Dec 2021 Actual (Quarter Three)	Standard to be Met	Trend on Previous Quarter	Status																																																
<div><h3>W3 - MUDC amount (tonnage) of Local Authority Collected Municipal Waste Arisings 2016 - 2021</h3><table><caption>Tonnage Local Authority Collected Municipal Waste Arisings</caption><thead><tr><th>Time</th><th>Tonnage</th></tr></thead><tbody><tr><td>Q1 16.17</td><td>21,749</td></tr><tr><td>Q2 16.17</td><td>22,555</td></tr><tr><td>Q3 16.17</td><td>19,002</td></tr><tr><td>Q4 16.17</td><td>19,527</td></tr><tr><td>Q1 17.18</td><td>21,370</td></tr><tr><td>Q2 17.18</td><td>22,179</td></tr><tr><td>Q3 17.18</td><td>18,678</td></tr><tr><td>Q4 17.18</td><td>17,765</td></tr><tr><td>Q1 18.19</td><td>21,781</td></tr><tr><td>Q2 18.19</td><td>20,876</td></tr><tr><td>Q3 18.19</td><td>17,982</td></tr><tr><td>Q4 18.19</td><td>18,019</td></tr><tr><td>Q1 19.20</td><td>21,024</td></tr><tr><td>Q2 19.20</td><td>22,023</td></tr><tr><td>Q3 19.20</td><td>18,489</td></tr><tr><td>Q4 19.20</td><td>18,109</td></tr><tr><td>Q1 20.21</td><td>19,724</td></tr><tr><td>Q2 20.21</td><td>24,621</td></tr><tr><td>Q3 20.21</td><td>20,903</td></tr><tr><td>Q4 20.21</td><td>20,711</td></tr><tr><td>Q1 21.22</td><td>23,298</td></tr><tr><td>Q2 21.22</td><td>22,890</td></tr><tr><td>Q3 21.22</td><td>22,890</td></tr></tbody></table></div>						Time	Tonnage	Q1 16.17	21,749	Q2 16.17	22,555	Q3 16.17	19,002	Q4 16.17	19,527	Q1 17.18	21,370	Q2 17.18	22,179	Q3 17.18	18,678	Q4 17.18	17,765	Q1 18.19	21,781	Q2 18.19	20,876	Q3 18.19	17,982	Q4 18.19	18,019	Q1 19.20	21,024	Q2 19.20	22,023	Q3 19.20	18,489	Q4 19.20	18,109	Q1 20.21	19,724	Q2 20.21	24,621	Q3 20.21	20,903	Q4 20.21	20,711	Q1 21.22	23,298	Q2 21.22	22,890	Q3 21.22	22,890	Awaiting information from Department	NA	NA	PURPLE
						Time	Tonnage																																																		
						Q1 16.17	21,749																																																		
						Q2 16.17	22,555																																																		
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July-Sept 2021 Actual (Quarter Two)	Standard to be Met	Trend on Previous Quarter	Status																																																						
22,890 tonnes	NA	↑	GREEN																																																						
Apr-June 2021 Actual (Quarter One)	Standard to be Met	Trend on Previous Quarter	Status																																																						
23,298 tonnes	NA	↓	GREEN																																																						
Jan – March 2021 Actual (Quarter Four)	Standard to be Met	Trend on Previous Quarter	Status																																																						
20,711 tonnes	NA	↑	GREEN																																																						
Analysis: LESS IS BETTER:																																																									
Council is awaiting information to be supplied by the Department. The information is usually supplied retrospectively every quarter.																																																									
Comparator (annual)	2016/17	2017/18	2018/19	2019/20	2020/21	Action Plan: Maintain Management																																																			
NI Council Average	*89,636 tonnes	88,892 tonnes	90,021 tonnes	90,817 tonnes																																																					
Lead Officer: Andrew Cassells Director Environment & Property. Purpose of PI :Meet Statutory Targets - Local Authority collected Municipal waste arisings is the total amount of local authority collected municipal waste which has been collected by a district Council																																																									

*Annual Report from Department of Agriculture, Environment and Rural Affairs.

CORPORATE PERFORMANCE IMPROVEMENT INDICATOR & STANDARD Ref. No.: CORP 1a - MORE IS BETTER

CORP1 (a): Prompt Payment- 90% of invoices paid within 30 day target from 1 st April 2016 to 31 st December 2021.						Oct – Dec 2021 Actual (Quarter Three)	Standard to be Met	Trend on Previous Quarter	Status																																																
<div><p>CORP1a: - 90% of Invoices Paid Within 30 days 2016 - 2021</p><table><caption>% Invoices paid within 30 days</caption><thead><tr><th>Quarter</th><th>% Invoices paid within 30 days</th></tr></thead><tbody><tr><td>Q1 16.17</td><td>99%</td></tr><tr><td>Q2 16.17</td><td>99%</td></tr><tr><td>Q3 16.17</td><td>98%</td></tr><tr><td>Q4 16.17</td><td>99%</td></tr><tr><td>Q1 17.18</td><td>98%</td></tr><tr><td>Q2 17.18</td><td>97%</td></tr><tr><td>Q3 17.18</td><td>98%</td></tr><tr><td>Q4 17.18</td><td>97%</td></tr><tr><td>Q1 18.19</td><td>94%</td></tr><tr><td>Q2 18.19</td><td>93%</td></tr><tr><td>Q3 18.19</td><td>94%</td></tr><tr><td>Q4 18.19</td><td>94%</td></tr><tr><td>Q1 19.20</td><td>93%</td></tr><tr><td>Q2 19.20</td><td>93%</td></tr><tr><td>Q3 19.20</td><td>95%</td></tr><tr><td>Q4 19.20</td><td>96%</td></tr><tr><td>Q1 20.21</td><td>94%</td></tr><tr><td>Q2 20.21</td><td>95%</td></tr><tr><td>Q3 20.21</td><td>94%</td></tr><tr><td>Q4 20.21</td><td>98%</td></tr><tr><td>Q1 21.22</td><td>92%</td></tr><tr><td>Q2 21.22</td><td>97%</td></tr><tr><td>Q3 21.22</td><td>99%</td></tr></tbody></table><p>Standard</p></div>						Quarter	% Invoices paid within 30 days	Q1 16.17	99%	Q2 16.17	99%	Q3 16.17	98%	Q4 16.17	99%	Q1 17.18	98%	Q2 17.18	97%	Q3 17.18	98%	Q4 17.18	97%	Q1 18.19	94%	Q2 18.19	93%	Q3 18.19	94%	Q4 18.19	94%	Q1 19.20	93%	Q2 19.20	93%	Q3 19.20	95%	Q4 19.20	96%	Q1 20.21	94%	Q2 20.21	95%	Q3 20.21	94%	Q4 20.21	98%	Q1 21.22	92%	Q2 21.22	97%	Q3 21.22	99%	99%	90%	↑	GREEN
						Quarter	% Invoices paid within 30 days																																																		
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97%	90%	↑	GREEN																																																						
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92%	90%	↓	GREEN																																																						
Jan – March 2021 Actual (Quarter Four)	Standard to be Met	Trend on Previous Quarter	Status																																																						
98%	90%	↑	GREEN																																																						
Analysis: MORE IS BETTER Q3 outturn of 99% is an improvement on Q2 performance of 97% and 94% for the same quarter last year and is in excess of target.																																																									
Action Plan: Maintain Management																																																									
Comparator (annual)	2016/17	2017/18	2018/19	2019/20	2020/21																																																				
NI Council Average	84%	82%	86%	86%																																																					
Lead Officer: JJ Tohill Director of Finance. Purpose of PI: Prompt payments speed up cash flow from the public sector to its suppliers, particularly SME’s. Council recognises that late payments are a key issue for business, especially for smaller businesses as it can adversely affect their cash flow & jeopardises their ability to trade & we recognise that as a Public body we should set a strong example by paying promptly. Indicator that allows Council to have a “signal” that it has an effective prompt payment system delivery, has in place a clear framework for managing prompt payments, in order to support an environment in which ambitious businesses flourish. The Department for Communities requests information from councils at the end of each Quarter on the processing of invoices as detailed in the following circular https://www.communities-ni.gov.uk/publications/circular-lg-192016-guidance-prompt-payments																																																									

CORPORATE PERFORMANCE IMPROVEMENT INDICATOR & STANDARD Ref. No. : CORP 1b - MORE IS BETTER

CORP1 (b): Prompt Payment - 80% of invoices paid within 10 day target from 1st April 2016 to 31st December 2021							Oct – Dec 2021 Actual (Quarter Three)		Standard to be Met		Trend on Previous Quarter		Status																																																	
<div>CORP1b: 80% Invoices Paid Within 10 Days</div> <table><caption>% Invoices paid within 10 dys.</caption><tr><th>Time</th><th>% Invoices paid within 10 dys.</th></tr><tr><td>Q1 16.17</td><td>84%</td></tr><tr><td>Q2 16.17</td><td>80%</td></tr><tr><td>Q3 16.17</td><td>87%</td></tr><tr><td>Q4 16.17</td><td>87%</td></tr><tr><td>Q1 17.18</td><td>83%</td></tr><tr><td>Q2 17.18</td><td>84%</td></tr><tr><td>Q3 17.18</td><td>87%</td></tr><tr><td>Q4 17.18</td><td>84%</td></tr><tr><td>Q1 18.19</td><td>82%</td></tr><tr><td>Q2 18.19</td><td>85%</td></tr><tr><td>Q3 18.19</td><td>83%</td></tr><tr><td>Q4 18.19</td><td>82%</td></tr><tr><td>Q1 19.20</td><td>82%</td></tr><tr><td>Q2 19.20</td><td>81%</td></tr><tr><td>Q3 19.20</td><td>85%</td></tr><tr><td>Q4 19.20</td><td>85%</td></tr><tr><td>Q1 20.21</td><td>81%</td></tr><tr><td>Q2 20.21</td><td>80%</td></tr><tr><td>Q3 20.21</td><td>80%</td></tr><tr><td>Q4 20.21</td><td>82%</td></tr><tr><td>Q1 21.22</td><td>63%</td></tr><tr><td>Q2 21.22</td><td>74%</td></tr><tr><td>Q3 21.22</td><td>98%</td></tr></table> <p>Standard 80% invoices paid within 10 dys</p>							Time	% Invoices paid within 10 dys.	Q1 16.17	84%	Q2 16.17	80%	Q3 16.17	87%	Q4 16.17	87%	Q1 17.18	83%	Q2 17.18	84%	Q3 17.18	87%	Q4 17.18	84%	Q1 18.19	82%	Q2 18.19	85%	Q3 18.19	83%	Q4 18.19	82%	Q1 19.20	82%	Q2 19.20	81%	Q3 19.20	85%	Q4 19.20	85%	Q1 20.21	81%	Q2 20.21	80%	Q3 20.21	80%	Q4 20.21	82%	Q1 21.22	63%	Q2 21.22	74%	Q3 21.22	98%	98%		80%		↑		GREEN	
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63%*							80%		↓		RED																																																			
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Lead Officer: JJ Tohill Director of Finance																																																														
Purpose of PI: Prompt payments speed up cash flow from the public sector to its suppliers, particularly SME’s. Council recognises that late payments are a key issue for business, especially for smaller businesses as it can adversely affect their cash flow & jeopardises their ability to trade & we recognise that as a Public body we should set a strong example by paying promptly. Indicator that allows Council to have a “signal” that it has an effective prompt payment system delivery, has in place a clear framework for managing prompt payments, in order to support an environment in which ambitious businesses flourish. The Department for Communities requests information from councils at the end of each Quarter on the processing of invoices as detailed in the following circular https://www.communities-ni.gov.uk/publications/circular-lg-192016-guidance-prompt-payments																																																														

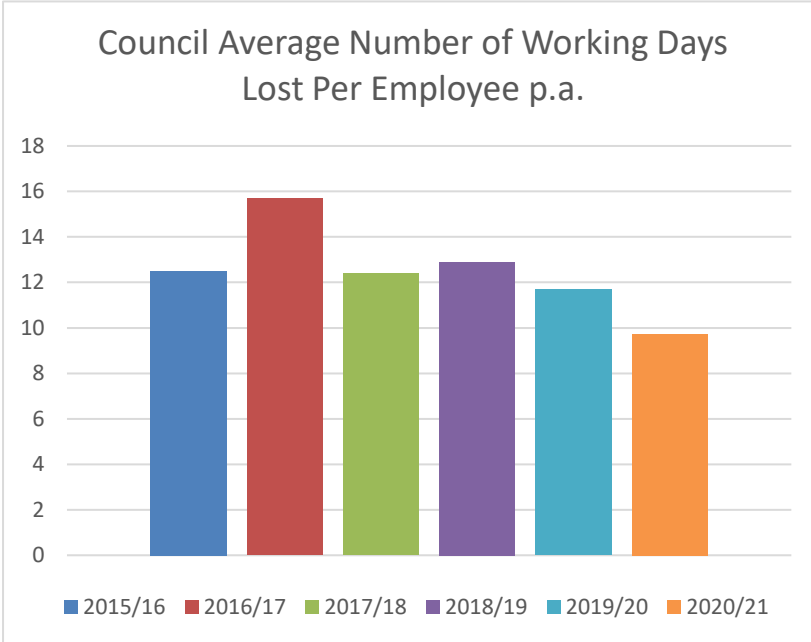
CORPORATE PERFORMANCE IMPROVEMENT INDICATOR & STANDARD Ref. No. : CORP 2 - MORE IS BETTER

CORP2: 90% Freedom Of Information requests responded to within 20 days from 1 st April 2016 to 31 st December 2021.						<table><tr><th>Oct – Dec 2021 Actual (Quarter Three)</th><th>Standard to be Met</th><th>Trend on Previous Quarter</th><th>Status</th></tr><tr><td>85%</td><td>90%</td><td>↑</td><td>RED</td></tr><tr><th>July-Sept 2021 Actual (Quarter Two)</th><th>Standard to be Met</th><th>Trend on Previous Quarter</th><th>Status</th></tr><tr><td>84%</td><td>90%</td><td>↓</td><td>RED</td></tr><tr><th>Apr-June 2021 Actual (Quarter One)</th><th>Standard to be Met</th><th>Trend on Previous Quarter</th><th>Status</th></tr><tr><td>88%</td><td>90%</td><td>↑</td><td>AMBER</td></tr><tr><th>Jan – March 2021 Actual (Quarter Four)</th><th>Standard to be Met</th><th>Trend on Previous Quarter</th><th>Status</th></tr><tr><td>76%</td><td>90%</td><td>↓</td><td>RED</td></tr></table>				Oct – Dec 2021 Actual (Quarter Three)	Standard to be Met	Trend on Previous Quarter	Status	85%	90%	↑	RED	July-Sept 2021 Actual (Quarter Two)	Standard to be Met	Trend on Previous Quarter	Status	84%	90%	↓	RED	Apr-June 2021 Actual (Quarter One)	Standard to be Met	Trend on Previous Quarter	Status	88%	90%	↑	AMBER	Jan – March 2021 Actual (Quarter Four)	Standard to be Met	Trend on Previous Quarter	Status	76%	90%	↓	RED																
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Jan – March 2021 Actual (Quarter Four)	Standard to be Met	Trend on Previous Quarter	Status																																																						
76%	90%	↓	RED																																																						
<div>90% of FOI Requests Responded to Within 20 Days 2016/17 to 2020/21</div> <table><thead><tr><th>Time</th><th>% FOI requests</th></tr></thead><tbody><tr><td>Q1 16.17</td><td>74%</td></tr><tr><td>Q2 16.17</td><td>83%</td></tr><tr><td>Q3 16.17</td><td>90%</td></tr><tr><td>Q4 16.17</td><td>85%</td></tr><tr><td>Q1 17.18</td><td>86%</td></tr><tr><td>Q2 17.18</td><td>78%</td></tr><tr><td>Q3 17.18</td><td>84%</td></tr><tr><td>Q4 17.18</td><td>82%</td></tr><tr><td>Q1 18.19</td><td>83%</td></tr><tr><td>Q2 18.19</td><td>80%</td></tr><tr><td>Q3 18.19</td><td>95%</td></tr><tr><td>Q4 18.19</td><td>85%</td></tr><tr><td>Q1 19.20</td><td>89%</td></tr><tr><td>Q2 19.20</td><td>85%</td></tr><tr><td>Q3 19.20</td><td>88%</td></tr><tr><td>Q4 19.20</td><td>90%</td></tr><tr><td>Q1 20.21</td><td>93%</td></tr><tr><td>Q2 20.21</td><td>92%</td></tr><tr><td>Q3 20.21</td><td>88%</td></tr><tr><td>Q4 20.21</td><td>76%</td></tr><tr><td>Q1 21.22</td><td>88%</td></tr><tr><td>Q2 21.22</td><td>84%</td></tr><tr><td>Q3 21.22</td><td>85%</td></tr></tbody></table> <p>Target 90% response rate</p>						Time	% FOI requests	Q1 16.17	74%	Q2 16.17	83%	Q3 16.17	90%	Q4 16.17	85%	Q1 17.18	86%	Q2 17.18	78%	Q3 17.18	84%	Q4 17.18	82%	Q1 18.19	83%	Q2 18.19	80%	Q3 18.19	95%	Q4 18.19	85%	Q1 19.20	89%	Q2 19.20	85%	Q3 19.20	88%	Q4 19.20	90%	Q1 20.21	93%	Q2 20.21	92%	Q3 20.21	88%	Q4 20.21	76%	Q1 21.22	88%	Q2 21.22	84%	Q3 21.22	85%	<p>Analysis: MORE IS BETTER:</p> <p>End Q3 council has received and is in various stages of processing 268 freedom of information requests - 89 of which were received in this quarterly period. Although the number of requests being received remain to be down when compared to pre-COVID pandemic period in 2019-20, they have steadily crept up throughout 2021-22. Q3 number of requests is just 20 below the 2019-20 Q3 level. At the end of Q3, 37 requests had not been responded to within the 20 day measure set by the Council of which only one is outstanding. Although may be categorised as 'non-compliant' this does not mean they have not/are not being responded to. Only 1 is outstanding a response. When compared with the same period last year the number of requests received are down by 14% but are nonetheless not at the same levels as they were pre-COVID pandemic in the Qtr 3 of 2019-20.</p>			
Time	% FOI requests																																																								
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<table><tr><th>Comparator (annual)</th><th>2016/17</th><th>2017/18</th><th>2018/19</th><th>2019/20</th><th>2020/21</th></tr><tr><td>NI Council Average</td><td>*Not available</td><td>Not available</td><td>Not available</td><td>Not available</td><td>Not available</td></tr></table>						Comparator (annual)	2016/17	2017/18	2018/19	2019/20	2020/21	NI Council Average	*Not available	Not available	Not available	Not available	Not available	<p>Action Plan: The Council has fallen 5% points short of the set standard at the end of this quarter but efforts will be made to work towards achieving the 90% attainment by end of the Qtr 4 (the end of the year). The Qtr 3 percentage attainment is 1% higher than Qtr 2 and figures throughout the year have not dropped below 80% making the 90% target attainable.</p>																																							
Comparator (annual)	2016/17	2017/18	2018/19	2019/20	2020/21																																																				
NI Council Average	*Not available	Not available	Not available	Not available	Not available																																																				
<p>Lead Officer : Philip Moffett Head of Democratic Services</p> <p>Purpose of PI: The measure is needed to ensure that Council meets its statutory obligations and that customer requests are met within a specified timeframes. Citizens can get information in a timely manner through a transparent process.*FOI statistics in N Ireland Councils- data is not currently available – awaiting regional framework</p>																																																									

CORPORATE PERFORMANCE IMPROVEMENT INDICATOR & STANDARD Ref. No. : CORP 3 - LESS IS BETTER

CORP3a: Lost time Rate Absence of 5% or less from 01/04/16- 31/12/21						Oct – Dec 2021 Actual (Quarter Three)				Standard to be Met		Trend on Previous Quarter		Status																									
<div><p>% Lost Time Rate Sickness Absence => 5% p.a.</p><table border="1"><thead><tr><th>Time</th><th>Actual</th></tr></thead><tbody><tr><td>Q1 16/17</td><td>5.74%</td></tr><tr><td>Q3 16/17</td><td>7.90%</td></tr><tr><td>Q1 17/18</td><td>5.64%</td></tr><tr><td>Q3 17/18</td><td>3.82%</td></tr><tr><td>Q1 18/19</td><td>5.09%</td></tr><tr><td>Q3 18/19</td><td>6.18%</td></tr><tr><td>Q1 19/20</td><td>4.84%</td></tr><tr><td>Q3 19/20</td><td>5.19%</td></tr><tr><td>Q1 20/21</td><td>4.05%</td></tr><tr><td>Q3 20/21</td><td>4.72%</td></tr><tr><td>Q1 21/22</td><td>4.60%</td></tr><tr><td>Q3 21/22</td><td>3.64%</td></tr></tbody></table><p>Standard =>5% p.a.</p></div>						Time	Actual	Q1 16/17	5.74%	Q3 16/17	7.90%	Q1 17/18	5.64%	Q3 17/18	3.82%	Q1 18/19	5.09%	Q3 18/19	6.18%	Q1 19/20	4.84%	Q3 19/20	5.19%	Q1 20/21	4.05%	Q3 20/21	4.72%	Q1 21/22	4.60%	Q3 21/22	3.64%	Not Available		= >5% p.a.		NA		PURPLE	
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Not Available		= >5% p.a.		NA		PURPLE																																	
Apr-June 2021 Actual (Quarter One)		Standard to be Met		Trend on Previous Quarter		Status																																	
3.36%		= >5% p.a.		↑		GREEN																																	
Jan – March 2021 Actual (Quarter Four)		Standard to be Met		Trend on Previous Quarter		Status																																	
3.52%		= >5% p.a.		↑		GREEN																																	
Analysis: LESS IS BETTER.. Unfortunately % Loss and average days lost cannot be provided due to the systems change over to CORE HR as the reporting module is still being configured. However an approximate number of total days lost has been calculated at 2157 days, which is comparable to the same quarter last year which was approximately 2144 days. Though a % Loss cannot be provided at this time, the total days lost would suggest that there are no significant increase in absence levels even though these new figures include absence due to the effect of COVID 19 vaccines and Booster vaccines which werent a factor in last years figures, suggesting potentially less days lost this quarter if days lost for this reason were removed from the total figure																																							
Comparator (annual)						Action Plan:																																	
NI Council Average						*% data for LTR Sickness Absence in N Ireland Councils only supplied by Deptment for Communities for 2018/19 and 2019/20– awaiting regional framework																																	
2016/17						2017/18						2018/19		2019/20		2020/21																							
*% data not available regionally						% data not available regionally						6.26%		6.3%		% not yet available																							
Lead Officer: M Canavan Director Org. Development - Purpose of PI: Lost Time Rate (LTR) shows the % of total time available that has been lost due to sickness absence during a certain time period. The indicator is based on full time equivalent (FTE) employees, useful as a general measure of the significance of sickness absence levels for an organisation.																																							

CORPORATE PERFORMANCE IMPROVEMENT INDICATOR & STANDARD Ref. No. : CORP 3 - LESS IS BETTER

CORP3b: Average Number of Working Days Lost per employee (Sickness Absence – Annual) 01/04/15- 31/12/21						Oct – Dec 2021 Actual (Quarter Three)	Standard to be Met	Trend on Previous Quarter	Status														
<div>Council Average Number of Working Days Lost Per Employee p.a.</div>  <table border="1"><thead><tr><th>Year</th><th>2015/16</th><th>2016/17</th><th>2017/18</th><th>2018/19</th><th>2019/20</th><th>2020/21</th></tr></thead><tbody><tr><td>Average</td><td>12.5</td><td>15.5</td><td>12.5</td><td>13.0</td><td>11.5</td><td>9.5</td></tr></tbody></table>						Year	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	Average	12.5	15.5	12.5	13.0	11.5	9.5	Not Available	=> 13 days p.a	NA	PURPLE
						Year	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21											
						Average	12.5	15.5	12.5	13.0	11.5	9.5											
						July-Sept 2021 Actual (Quarter Two)	Standard to be Met	Trend on Previous Quarter	Status														
						Not Available	=> 13 days p.a	NA	PURPLE														
						Apr-June 2021 Actual (Quarter One)	Standard to be Met	Trend on Previous Quarter	Status														
						2.3 days	=> 13 days p.a	↑	GREEN														
						Jan – March 2021 Actual (Quarter Four)	Standard to be Met	Trend on Previous Year	Status														
2.4 days	=> 13 days p.a	↑	GREEN																				
						Analysis: LESS IS BETTER. Unfortunately % Loss and average days lost cannot be provided due to the systems change over to CORE HR as the reporting module is still being configured. However an approximate number of total days lost has been calculated at 2157 days, which is comparable to the same quarter last year which was approximately 2144 days.																	
						Action Plan: Continue to monitor and manage the absence levels in line with MUDC Policy and Procedures																	
Comparator (annual)	2016/17	2017/18	2018/19	2019/20	2020/21																		
*NI Council Average	14.9 days	14.9 days	13.8 days	13.9 days	Not Yet available																		
Lead Officer: M Canavan Director Organisational Development - Purpose of PI: Lost Time Rate (LTR) shows the average number of days lost per employee due to sickness absence p.a. The indicator is based on full time equivalent (FTE) employees, useful as a general measure of the significance of sickness absence levels for an organisation and as a benchmark measure to contrast with other organisations.																							

**Supplied by Northern Ireland Audit Office's 'Annual Local Government Auditor's Report'.*

Corporate Health Indicators

Statistics available ending December 2021

Mid Ulster District Council

Economy



Waste Management



Council Facilities



Better Responses



Staffing



Engaged Workforce



Finances

