

**Democratic Services Section
Legal and Civic Services Department
Belfast City Council
City Hall
Belfast
BT1 5GS**



**Belfast
City Council**

2nd November, 2022

MEETING OF THE PEOPLE AND COMMUNITIES COMMITTEE

Dear Alderman/Councillor,

The above-named Committee will be a hybrid meeting (both remote and in person) in the Council Chamber on Tuesday, 8th November, 2022 at 5.15 pm, for the transaction of the business noted below.

You are requested to attend.

Yours faithfully,

John Walsh

Chief Executive

AGENDA:

1. **Routine Matters**
 - (a) Apologies
 - (b) Minutes
 - (c) Declarations of Interest
 - (d) Schedule of Meetings 2023 (Pages 1 - 2)
2. **Restricted**
 - (a) Requests for the use of Belfast Parks 2023 (Pages 3 - 8)
 - (b) Diesel-HVO Vehicle Emissions Trial Report (Pages 9 - 16)
3. **Committee/Strategic Issues**
 - (a) Community Provision Grants Update (Pages 17 - 26)

- (b) Tree Strategy (including a short presentation on the Strategy) (Pages 27 - 60)
- (c) Building Regulation fees for applications including insulation (Pages 61 - 64)
- (d) Liaison Agreement for the Investigation of Work-Related Deaths (Pages 65 - 80)

4. **Physical Programme and Asset Management**

- (a) Community Infrastructure Pilots (report to follow)

5. **Operational Issues**

- (a) Pre-Loved Toys - Pilot (Pages 81 - 84)
- (b) Enforcement Action within Smoke Control Areas (Pages 85 - 90)



Subject:	Schedule of Meetings 2023
Date:	8th November, 2022
Reporting Officer:	Sara Steele, Democratic Services Officer
Contact Officer:	Sara Steele, Democratic Services Officer

Restricted Reports	
Is this report restricted?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If Yes, when will the report become unrestricted?	
After Committee Decision	<input type="checkbox"/>
After Council Decision	<input type="checkbox"/>
Some time in the future	<input type="checkbox"/>
Never	<input type="checkbox"/>

Call-in	
Is the decision eligible for Call-in?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

1.0	Purpose of Report or Summary of main Issues
	To advise the Committee of the dates and times of the meetings of the People and Communities Committee between January and December, 2023.
2.0	Recommendations
	The Committee is requested to approve the schedule of meetings for the People and Communities Committee as outlined.
3.0	Main report
	<u>Key Issues</u>

3.1	The monthly meeting of the People and Communities Committee is normally held at 5.15 p.m. on the 2nd Tuesday of each month.
3.2	However, due to holiday periods and the timing of the monthly Council meetings and, in order to assist with the decision-making process, it has been necessary on occasions to move some of the meetings to later in the month.
3.3	Please note that as previously agreed, special meetings of the People and Communities Committee are also held in respect of Housing Issues and to hear updates from the Belfast City Youth Council.
3.4	<p>Accordingly, the following dates have been identified for meetings of the People and Communities Committee for the period from January to December, 2023:</p> <ul style="list-style-type: none"> • Tuesday 10th January at 5.15 pm • Tuesday 7th February at 5.15 pm • Tuesday 7th March at 5.15 pm • Wednesday 22nd March at 5.15 pm – Special - Housing HIP Update • Tuesday 4th April at 5.15 pm • Tuesday 6th June at 5.15 pm • Monday 26th June at 5.15 pm - Special - Youth Council • Tuesday 8th August at 5.15 pm • Wednesday 30th August at 5.15 pm – Special Housing HIP Update • Tuesday 12th September at 5.15 pm • Wednesday 27th September at 5.15 pm – Special - Youth Council • Tuesday 10th October at 5.15 pm • Thursday 2nd November at 5.15 pm – Special – Housing HIP Update • Tuesday 7th November at 5.15 pm • Tuesday 5th December at 5.15 pm • Monday 18th December at 5.15 pm – Special - Youth Council <p>(All meetings will commence at 5.15 p.m.)</p>
3.5	<p><u>Financial and Resource Implications</u></p> <p>None associated with this report.</p>
3.6	<p><u>Equality or Good Relations Implications</u></p> <p>None associated with this report.</p>
4.0	<p>Appendices – Documents Attached</p> <p>None associated with this report.</p>

By virtue of paragraph(s) 3 of Part 1 of Schedule 6
of the Local Government Act (Northern Ireland) 2014.

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Subject:	Community Provision Funding Update
Date:	8 th November 2022
Reporting Officer:	David Sales, Director Neighbourhood Services, CNS
Contact Officer:	Kelly Gilliland, Neighbourhood Services Manager, CNS Margaret Higgins, Lead Officer, Community Provision, CNS

Restricted Reports	
Is this report restricted?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If Yes, when will the report become unrestricted?	
After Committee Decision	<input type="checkbox"/>
After Council Decision	<input type="checkbox"/>
Some time in the future	<input type="checkbox"/>
Never	<input type="checkbox"/>

Call-in	
Is the decision eligible for Call-in?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

1.0	Purpose of Report or Summary of main Issues
1.1	The purpose of this paper is to: <ul style="list-style-type: none"> Provide information requested by members at P&C committee meeting in October 22.
2.0	Recommendations
2.1	The Committee is asked to: <ul style="list-style-type: none"> Note the contents of the report.
3.0	Main report
3.1	Background At October committee members requested that officers present the following information: <ol style="list-style-type: none"> Analysis of how capacity and revenue grants had been allocated on a geographic basis previously.

2. Identification of capacity issues including potential solutions to this in terms of enhancing/increasing capacity to apply for, and be successful in availing of, these grants.
3. Further breakdown in relation to community of interest/targeting of section 75 groups.

3.2 Geographic analysis of awards

Council made the decision to make some level of award to all applications that were received through the last open call for Capacity and Revenue funding in 20/21. Awards were made across 4 bands with the allocation being linked to the score achieved, further detail on the allocations is provided below. The quality threshold was 50%. Members agreed to include a 4th funding band for groups falling below the quality threshold.

3.3

Capacity Building				
Funding Band	Scores	Maximum Award	Number of Applicants	Potential Allocation
1	70% and above	Up to £42,000	13	£548,600
2	60-69%	Up to £28,150	10	£281,500
3	50-59%	Up to £23,500	10	£235,000
4	49% and Below	Up to £9,700	1	£9,700
Revenue				
Funding Band	Scores	Maximum Award	Number of Applicants	Potential Allocation
1	70% and above	Up to £18,000	30	£558,000
2	60-69%	Up to £13,000	26	£338,000
3	50-59%	Up to £9,000	20	£180,000
4	49% and Below	Up to £3,000	8	£24,000

A breakdown of awards by geographic area and community of interest and the band that they were awarded funding is provided below. The highlighted row indicates the % allocation that each area would receive if the current population/deprivation figures were used.

3.4

Capacity Building Grant

	North	South	East	West	Total
% Allocation using Area model	25%	17%	24%	34%	100%
% of Successful Capacity Building Applications by Area	29.41%	26.47%	14.71%	29.41%	100%
Number of Organisations	10	9	5	10	34
Level of Award by Funding Band	B1-3	B1-3	B1-3	B1-4	B1-13
	B2-4	B2-2	B2-2	B2-2	B2-10
	B3-2	B3-4	B3-0	B3-4	B3-10
	B4-1	B4-0	B4-0	B4-0	B4-1
Allocation	£288,138.00	£276,900.00	£168,850.00	£287,448.12	£1,021,336.12

3.5

Revenue Grants for Community Buildings

	North	South	East	West	Total
% Allocation using Area Model	25%	17%	24%	34%	100%
% of Successful Revenue Applications by Area	33.33%	14.29%	11.90%	40.48%	100%
Number of Organisations	28	12	10	34	84
Level of Award by Funding Band	B1 -10	B1-2	B1-4	B1-14	B1-30
	B2-7	B2-5	B2-4	B2-10	B2-26
	B3-11	B3-1	B3-1	B3-7	B3-20
	B4-0	B4-4	B4-1	B4-3	B4-8
Allocation	£322,973.79	£122,000.00	£127,733.00	£412,698.84	£985,405.63

3.6

Identification and Response to Capacity issues

Council officers previously carried out an analysis of capacity issues with a range of community organisations in Summer/Autumn 2019. At that point the priority areas, as identified by the sector, were:

- Ensuring compliance with GDPR
- Financial planning
- Ensuring appropriate policies/procedures are in place

Council officers currently respond to these, and other identified needs, by providing mentoring support and training to groups and the team has also developed 3 toolkits; *Running a Community Organisation*, *Facilities Management*, and *Collaborative Working*, to support organisations. Officers will also support groups to access external funding opportunities.

Furthermore, the recent introduction of the micro/medium grant approach allowed 115 new organisations to access funding and develop experience in delivering small scale programmes in 20/21, 21/22 and 22/23.

Officers provide support for groups who wish to make applications for a range of Council funding and grants opportunities. In advance of the recent round of capacity and revenue funding officers provided 1-2-1 guidance to applicants, and also held 5 Information sessions with a total of 94 representatives from a wide range of organisations attending these sessions.

The sector has been significantly impacted by Covid 19 and the cost-of-living crisis which has seen many organisations review their areas of priority. Increasing costs have also created challenges with some organisations having to reduce their hours of operation. Community Development Officers and other staff are in regular contact with organisations at a local level and are aware of the challenges that they are experiencing.

Once decisions have been made in relation to the 23/26 Capacity and Revenue funding awards, officers will make contact with those organisations who were unsuccessful in receiving funding and offer support for them to plan services and access support through other means.

As per the City & Neighbourhood Department's 3-Year Business Plan, as well as in support of the draft actions identified under the 'Community and Neighbourhood Regeneration' theme of the Belfast Agenda Refresh 22-26 (e.g. 'Develop models for capacity building across all sectors and mainstream learning across the city'), officers will continue to review, revise and refresh our approaches to building capacity, and provision of community development support, working alongside stakeholders to ensure we are incorporating good/ best practice and responding to current and emerging needs.

3.7 **Communities of interest/targeting of Section 75 groups**

Capacity and Revenue Grants are administered through the Central Grants Unit within Council. Grants are widely advertised, and information is shared with officers from across council who can raise awareness of funding opportunities with groups and partners that they work with. The availability of these grants is promoted through a campaign which includes the placing of advertisements in local and regional newspapers as well as promotion across Belfast City Council's website, social media and officer networks. Applications to the Capacity & Revenue Grants, as with all grants through the Central Grants Unit, are open and equitable to all eligible organisations.

In addition, as outlined in 3.6, information sessions are held to provide further detail on the criteria and application process.

Council does not collect information specific to applications from S75 groups or community of interest groups. However, officers have carried out an analysis of the applications supported in the 2020/21 round of Capacity and Revenue funding which shows that 12% of Capacity Building and 16% of Revenue awards were made to organisations working with identified/or easily identifiable communities of interest. Capacity grant awardees included 2 BME, 1 LGBTQ+ and 1 Women's Group, and Revenue grant awardees included 8 Women's Centres, 3 BME and 2 Special Needs.

Prior to the advertising of the 23/26 Revenue and Capacity Grants Programme, officers sought approval from committee to ensure that the definition of 'community' within the guidance and criteria for the programme was extended to include communities of interest and as a result the guidance stated that the grants scheme was open to *'community development organisations that support, advocate and take action in relation to the interests of their members and communities, where communities will be defined as geographic communities and/or communities of interest.'*

3.8 **Current applications**

An initial analysis of the number of applications received for the 23/26 programme is outlined in the table below and shows the number of applications received by area compared with the area allocation model which is used for some council funding and is based on figures for population size and levels of deprivation within DEAs. Please note that these are initial figures that may differ once applications have been considered and scored (i.e. when the assessment stages is

complete). It is worth noting that some organisations who previously applied have not on this occasion and that there is also a total of 27 new applicants to the 23/26 grant programmes, (18 – Revenue, 9 Capacity).

Area	Capacity	Revenue	Total	Allocation per area based on population size and deprivation	Capacity and Revenue Total %
North	12	26	38	25%	28.8%
South	10	14	24	17%	18.2%
East	6	11	17	24%	12.9%
West	15	38	53	34%	40.2%
Total	43	89	132	100%	100%

Officers will bring an update on the outcome of 23/26 application assessments to committee with options for an allocation approach in December 2022.

3.9 **Financial Implications**

All activity outlined in this report can be delivered within existing budgets.

3.10 **Equality or Good Relations Implications and Rural Needs Assessment**

No issues have been identified at present. Any implications will be considered throughout and highlighted to Members.

4.0 **Appendices – Documents Attached**

Appendix 1 - List of Capacity and Revenue Allocations 2020/21

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Appendix 1

Capacity Building Grant – current allocations 2019/23

Organisation	Band	Recommended Allocation
Cara-Friend	1	£ 42,200.00
Poleglass Community Association @ Sally Gardens	1	£ 42,200.00
Engage With Age *	1	£ 28,150.00
Roden Street Community Development Group	1	£ 42,200.00
Lower Ormeau Residents Action Group (LORAG)	1	£ 42,200.00
Falls Partnership Initiative*	1	£ 30,000.00
Falls Community Council	1	£ 42,200.00
Small Steps	1	£ 42,200.00
Southcity Resource And Development Centre	1	£ 42,200.00
East Belfast Community Development Agency	1	£ 42,200.00
Short Strand Community Forum	1	£ 42,200.00
Ballynafeigh Community Development Association (BCDA)	1	£ 42,200.00
Cliftonville Community Regeneration Forum	1	£ 42,200.00
South Belfast Partnership Board	2	£ 28,150.00
Ligoniel Improvement Association	2	£ 28,150.00
Women's Resource And Development Agency	2	£ 28,150.00
Ardoyne Youth Enterprise*	2	£ 20,388.00
Belfast Interface Project	2	£ 28,150.00
VOLUNTEER NOW	2	£ 28,150.00
Colin Neighbourhood Partnership	2	£ 28,150.00
Charter NI	2	£ 28,150.00
Greater Shankill Community Council	2	£ 28,150.00
Ashton Community Trust	2	£ 28,150.00
Africa House (NI)	3	£ 23,500.00
Upper Springfield Resource Centre*	3	£ 12,058.12
Taughmonagh Community Forum	3	£ 23,500.00
Whiterock Children's Centre/Whiterock Crèche Association*	3	£ 19,000.00
St James Forum	3	£ 23,500.00
SANDY ROW COMMUNITY FORUM	3	£ 23,500.00
Market Development Association	3	£ 23,500.00
All Nations Ministries	3	£ 23,500.00
Belfast Unemployed Resource Centre	3	£ 23,500.00
Northern Ireland Youth Forum*	3	£ 19,990.00
Loughview Community Action Partnership (LCAP)	4	£ 9,700.00

*Organisation's requested amount is less than the maximum allocation for the funding band.

Revenue for Community Buildings Grant – current allocations 2019/23

Organisation	Band	Recommended Allocation
Cancer Lifeline	1	£ 18,000.00
Cumann Cultúrtha Mhic Reachtain / McCracken Cultural Society	1	£ 18,000.00
Belfast South Community Resources	1	£ 18,000.00
Divis Joint Development Committee*	1	£ 17,741.12
Tar Isteach*	1	£ 17,984.00
Vine Centre*	1	£ 14,380.00
Ballymac Friendship Trust	1	£ 18,000.00
Manor Street/Cliftonville Community Group	1	£ 13,000.00
Blackie Community Group	1	£ 18,000.00
NBWISP (North Belfast Womens' Initiative & Support Project)*	1	£ 11,714.44
Scoil Na Fuiseoige	1	£ 18,000.00
Upper Andersonstown Community Forum	1	£ 18,000.00
Star Neighbourhood Centre*	1	£ 13,000.00
Wandsworth Community Association*	1	£ 16,700.00
Grace Womens Development Limited	1	£ 18,000.00
Féile An Phobail	1	£ 18,000.00
An Droichead	1	£ 18,000.00
Glen Community Parent & Youth Group	1	£ 18,000.00
Kids Together West Belfast	1	£ 18,000.00
Mount Eagles And Lagmore Youth And Community Association*	1	£ 9,781.77
Ionad Uíbh Eachach*	1	£ 13,000.00
Walkway Community Association	1	£ 18,000.00
Ballysillan Community Forum*	1	£ 15,500.00
Lower Oldpark Community Association*	1	£ 11,493.26
Glór na Móna	1	£ 18,000.00
Footprints	1	£ 18,000.00
Greenway Women's Group*	1	£ 13,000.00
Ardmonagh Family And Community Group*	1	£ 13,000.00
Falls Women's Centre	1	£ 18,000.00
Tar Anall*	1	£ 10,006.00
Bloomfield Community Association*	2	£ 11,033.00
Marrowbone Community Association	2	£ 13,000.00
York Road Civil Defence Hall Management Committee	2	£ 13,000.00
Sólás Special Needs	2	£ 13,000.00
Hannahstown Community Association	2	£ 13,000.00
NEWHILL YOUTH & COMMUNITY ASSOCIATION	2	£ 13,000.00
Mornington Community Project	2	£ 13,000.00
Sunningdale Community Centre*	2	£ 8,446.00
Holy Trinity Centre	2	£ 13,000.00
Forthspring Inter Community Group	2	£ 13,000.00
Cumann Chluain Árd	2	£ 13,000.00

Benview Community Centre	2	£	13,000.00
Windsor Women's Centre	2	£	13,000.00
City Life Projects (formerly Stadium Project)	2	£	13,000.00
Arts for All	2	£	13,000.00
Springfield Charitable Association	2	£	13,000.00
Mount Vernon Community Development Forum	2	£	13,000.00
Lagan Village Youth And Community Group	2	£	13,000.00
Whiterock Westrock Residents Association	2	£	13,000.00
Willowfield Parish Community Association	2	£	13,000.00
Northern Ireland Somali Association	2	£	13,000.00
Lagmore Community Forum	2	£	13,000.00
Shankill Women's Centre	2	£	13,000.00
Oasis Caring In Action	2	£	13,000.00
Belfast Activity Centre	2	£	13,000.00
Whitecity Community Development Association	2	£	13,000.00
Ligoniel Family Centre*	3	£	8,200.00
Indian Community Centre	3	£	9,000.00
Horn Of Africa People's Aid Northern Ireland (HAPANI)	3	£	9,000.00
Conway Youth Centre	3	£	9,000.00
Glencolin Residents Association*	3	£	4,470.00
Concerned Residents Of Upper Ardoyne*	3	£	5,850.00
MIDLAND SOCIAL & RECREATIONAL ASSOCIATION	3	£	9,000.00
Sailortown Regeneration*	3	£	5,365.00
Glenbank Community Association	3	£	9,000.00
New Beginnings Group	3	£	9,000.00
Falls Residents Associations*	3	£	4,191.00
Brassneck Youth	3	£	9,000.00
Jigsaw Community Counselling Centre*	3	£	6,830.00
Greater Turf Lodge Residents Association*	3	£	5,508.95
Spectrum Centre	3	£	9,000.00
WOMEN'STEC	3	£	9,000.00
Glencairn Residents Group*	3	£	7,000.00
Newlife Counselling	3	£	9,000.00
Skainos Limited	3	£	9,000.00
Westland Community Group*	3	£	5,211.09
Pretty 'n' Pink Breast Cancer Charity	4	£	3,000.00
Highfield Residents Association	4	£	3,000.00
Annadale Haywood residents association	4	£	3,000.00
Belvoir Community Hub	4	£	3,000.00
Empire Residents Association	4	£	3,000.00
Lower Shankill Community Association	4	£	3,000.00
Oak Project	4	£	3,000.00
Greater Village Regeneration Trust-TREE Project	4	£	3,000.00

*Organisation's requested amount is less than the maximum allocation for the funding band.



Subject:	Belfast Tree Strategy Survey and Draft Strategy
Date:	8 November 2022
Reporting Officer:	David Sales, Director of Neighbourhood Services, City and Neighbourhood Services
Contact Officers:	Stephen Leonard, Neighbourhood Services Manager Alan McHaffie, Woodland Management Unit Manager Maria McAleer, Performance and Improvement Officer

Restricted Reports	
Is this report restricted?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If yes, when will the report become unrestricted?	
After Committee Decision	<input type="checkbox"/>
After Council Decision	<input type="checkbox"/>
Sometime in the future	<input type="checkbox"/>
Never	<input type="checkbox"/>

Call-in	
Is the decision eligible for Call-in?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

1.0	Purpose of Report or Summary of main Issues
1.1	The purpose of this summary report is to update Members on the outcome of the Belfast Tree Strategy Survey and final steps in the development of the Council's draft Tree strategy.
2.0	Recommendation
2.1	The Committee is asked to consider the report and: <ol style="list-style-type: none"> 1. Note the results of the tree strategy survey and summary of respondent comments. 2. Note the draft strategy and the final phase of consultation and engagement on it.
3.0	Main report
3.1	<u>Key Issues</u>

3.2	<p>Following a procurement exercise, Council appointed Treeconomics to work with to produce a Tree Strategy for Belfast. Company details can be viewed via this link About - Treeconomics Treeconomics works internationally with community groups, research organisations, public bodies, municipalities, and private business to complete projects which highlight the value of trees. They have a wealth of experience in this area of work having worked on similar projects with Birmingham City Council producing The Urban Forest Master Plan Birmingham's Urban Forest Master Plan - Treeconomics ,The London Borough of Ealing and a tree study for the Royal Parks in Hyde Park , London.</p>
3.3	<p>The draft strategy focuses on the maintenance and development of the natural environment. Produced in accordance with national guidance, it is designed to provide robust and objective justification for future tree provision across Belfast.</p>
3.4	<p>In order to produce the draft strategy, we have engaged with key stakeholders through a series of workshops. Details of the stakeholders are acknowledged in the draft strategy and listed in Appendix one of this report.</p>
3.5	<p>As an initial step and on the advice of key stakeholders, we invited the public to fill in a survey so we could capture people's views as to what they wanted to see in our tree strategy. This survey (attached as Appendix 3) ran via Your Say Belfast from 27 July to 27 August 2022 and received 615 responses which will help inform the strategy and future policy.</p>
3.6	<p>The strategy will have a 10-year lifespan from its launch date and will set out a commitment to delivering key priorities and actions in a fully resourced action plan which will be reviewed at approximately three yearly intervals starting from February 2023. The strategy will incorporate the aims of council and key city partners and will reflect existing programmes such as Belfast One Million Trees, the Belfast Local Development Plan, the Belfast Agenda and clearly links tree planting and management with Belfast's climate ambitions and the benefits that trees provide to health and wellbeing.</p>
3.7	<p>The proposed Belfast Tree Strategy lays out a clear vision: "That Belfast is a city which focuses on protecting, enhancing and expanding its woodlands, hedges, and trees, connecting people to nature, and ensuring that these continue to be a major asset to everyone who lives, works, and visits our city."</p> <p>C&NS had hoped to issue the draft strategy in September 2022, but the volume of responses received was higher than anticipated and the project team needed more time to</p>

	<p>consider the views of the public and incorporate them into the final draft strategy which is attached at Appendix 2. Consultation on the draft strategy will include its publication in December 2022 on Your Say Belfast and all stakeholders will have 12 weeks to comment on the document. This will be supported by several tree management webinars and education events aimed at community groups during that period which will be publicised in the local media.</p>
3.8	<p>The Council received 615 responses to the initial public survey which ran in July and August of this year. A summary of the responses to the survey questions can be found in Appendix 4. A synopsis of the headline results included the following:</p> <ul style="list-style-type: none"> - Council received 615 responses from in total with the District Electoral Area (DEA) with the three highest number of respondents as follows. - Botanic (Blackstaff,Central , Ormeau Stranmillis, and Windsor) with 160 respondents. - Lisnasharragh (Cregagh, Hillfoot, Merok, Orangefield, Ravenhill and Rosetta) with 120 respondents - Balmoral (Belvoir, Finaghy, Malone, Musgrave and Upper Malone) with 116 respondents. - 95% of all responses came from the members of the public and every DEA returned a response. - 93.5% of all respondents felt there are too few trees in Belfast - 81.1% of respondents could see a tree from their property - 92.7% of all respondents felt that Belfast would benefit from having a dedicated tree strategy in place. - Approx.33% of all respondents disagreed/somewhat disagreed that street trees seemed well cared for in Belfast - Approx. 88% of all respondents felt that trees are worth the financial cost of maintaining them. - Approx. 78% of all respondents agreed that planting new trees on private property in Belfast is important.
3.9	<p>In addition, to answering questions there was an opportunity to provide commentary and many respondents took time to do this providing feedback and insight about trees and what they mean to both Belfast’s residents and visitors alike. A synopsis of the comments received included the following:</p> <ul style="list-style-type: none"> - Protecting Belfast’s Tree’s, woodlands, and hedges for future generations

	<ul style="list-style-type: none"> - Producing a comprehensive tree strategy for the city and moving forward with its delivery - Environmental education, community, and volunteer opportunities to get involved with the delivery of the strategy - Concerns regarding tree felling, tree management, health and safety, woodland, and hedgerow maintenance - Tree provision and planting to ensure equality of distribution across the City - Planning advice and concerns regarding trees - Biodiversity and concerns for native species - Environmental and climate change concerns
3.10	<p>Treeconomics will be present at committee and will deliver a short presentation to members that will provide the committee with a summary of the key aspects of the work to date and future actions needed to deliver the strategy. The presentation will cover</p> <ul style="list-style-type: none"> • the history and current state of the Urban Forest • the future vision for Woodlands, Hedges and trees provision in the city • the action plan in particular the Targets, Priorities and Actions identified to deliver the strategy
3.11	<p>The Belfast tree strategy 2023 -2033 and the associated action delivery plan will be taken forward by relevant staff from City and Neighbourhood Services and Council partners as identified in the action plan that will accompany the strategy. It is proposed that this action plan will be independently evaluated in February 2024 following year one and at three yearly intervals thereafter. The reports produced will be presented to elected members of this committee for review and comments post evaluation and review by CNS DMT. Council will also comply with any associated monitoring requirements as set out by external funders of the strategy and agreed by council.</p>
3.12	<p><u>Financial & Resource Implications</u></p> <p>The project total to date is £30k. The Council has contributed £20k and provision from this was made from existing revenue estimates. The remaining £10k was kindly provided by the Woodland Trust.</p>
3.13	<p>Resourcing of staff and equipment required to deliver the strategy and associated activity for Years 1 to 3 will be included in the Action plan which will be reported to members in February/March of 2023</p>
3.14	<p><u>Equality or Good Relations Implications/Rural Needs Assessment</u></p>

	An equality screening exercise and rural needs assessment will be carried out and approved by the Council's Equality and Diversity Officer for issue with the draft strategy.
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4.0	Appendices – Documents Attached
	Appendix 1 List of stakeholders Appendix 2 Draft Tree Strategy - Click to Download Appendix 3 Tree Strategy Survey Questions Appendix 4 Survey results Summary

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Online Workshop Participants and Key Stakeholders

Dr Mark Johnston - Advisor

Ian McDermott – Advisor

Joe Higginson - Woodland & Recreation Officer, Belfast City Council

Declan Hasson - Planning Officer (trees/landscape), Belfast City Council

Orla Maguire - Biodiversity Officer, Belfast City Council

Anthony Conway - Parks Manager, Belfast City Council

James Noakes - Innovation, Belfast City Council

Richard McLernon - Project Co-ordinator, Belfast City Council

Malachy Campbell - Senior Policy Officer, NI Environment Link

Malachy Brennan - Regional Grounds Maintenance Manager, Belfast Region, NI Housing Executive

William Hancock-Evans - Senior Lecturer in Global Change Ecology, Queens University

Trevor McClay - Network Maintenance Manager, Department for Infrastructure Roads

Bill Fulton - Senior Civil Engineer, Department for Infrastructure Roads

Roy Armstrong - Operations Manager, George Best Belfast City Airport

Simon Rees - Regeneration Project Officer, Belfast City Council

Gregor Fulton - Estate & Outreach Manager, Woodland Trust

Nina Schonberg - Nature Recovery Networks Project Manager, Wildlife Trust

Craig Somerville - Partner in Belfast One Million Trees, National Trust

Jim Bradley - Manager, Belfast Hills Partnership

Lisa Critchely - Belfast Hills Partnership

Emma Sharpe - City Regeneration, Belfast City Council

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Belfast Tree Strategy

Your say Belfast

Belfast Tree Survey

You do not have to sign in or register on our Your Say Belfast platform to take part. However if you are a registered user, you must sign out of Your Say Belfast account so that your response is anonymous. Please be aware, that if you are signed into Your Say Belfast, your email and site registration details can be linked to this survey.

Your privacy and how we will use your data

Belfast City Council is the data controller under the UK General Data Protection Regulation (UK GDPR) for any personal data gathered from this survey. You are not asked to provide any personal data, but if you do, the personal data you provide consensually will be held and stored by the Council in a safe and secure manner and in compliance with data protection legislation and in line with the Council's Records Retention and Disposal Schedule. As part of the analysis and reporting, we may share written comments and aggregated results Treeconomics, consultants appointed by the Council to assist with the strategy development, or with partner agencies, and will publish summarised results (which may include your comments) in the public domain. If we do this, no personal data or personal information will be shared or disclosed. If you are responding on behalf of a group or organisation, we may ask that you include the name of the group or organisation. If applicable, we will seek your permission to disclose your organisation name (and any written comments) in our analysis and feedback reports. If you have any queries regarding the processing of your personal data, please email policy@belfastcity.gov.uk. If you wish to contact the Council's Data Protection Officer, please write to Belfast City Council, City Hall, Belfast BT1 5GS or send an email to dataprotection@belfastcity.gov.uk

Please tell us about yourself (select one option), I am responding as:

(Choose any one option)

- A member of the public
- A land owner
- A land manager
- A farmer
- A forester
- An association
- A professional body
- Researcher or scientist
- A developer
- An environmental non-government organisation
- Other (please explain)

In which area of Belfast do you live ? (District Electoral Area)

(Choose any one option)

- Balmoral [Belvoir, Finaghy, Malone, Musgrave and Upper Malone]
- Blackmountain [Andersonstown, Ballymurphy, Beechmount, Colin Glen, Falls Park, Shaw's Road and Turf Lodge]
- Botanic [Blackstaff, Central, Ormeau, Stranmillis and Windsor]
- Castle [Bellevue, Cavehill, Chichester Park, Duncairn, Fortwilliam and Innistayle]
- Collin [Dunmurry, Ladybrook, Lagmore, Poleglass, Stewartstown and Twinbrook]
- Court [Ballygomartin, Clonard, Falls, Forth River, Shankill and Woodvale]
- Lisnasharragh [Cregagh, Hillfoot, Merok, Orangefield, Ravenhill and Rosetta]
- Oldpark [Ardoyne, Ballysillan, Cliftonville, Ligoniel, New Lodge, and Water Works]
- Ormiston [Belmont, Garnerville, Gilnahirk, Knock, Sandown, Shandon and Stormont]
- Titanic [Ballymacarrett, Beersbridge, Bloomfield, Connswater, Sydenham and Woodstock]
- I don't live in Belfast

Thinking about Belfast today, do you think there are too many, too few or about the right amount of trees **across Belfast**?

(Choose any one option)

Belfast Tree Strategy

Your say Belfast

- Too few trees
- The right amount of trees
- Too many trees

Thinking specifically about your neighbourhood, do you think there are too many, too few or about the right amount of trees **in your neighbourhood**?

(Choose any one option)

- Too few trees
- The right amount of trees
- Too many trees

Please use this space to provide any comments about the trees in your neighbourhood or about trees in Belfast generally.

Can you see any trees from your property?

(Choose any one option)

- Yes
- No

Answer this question only if you have chosen Yes for Can you see any trees from your property?

Where are these trees located? (tick all that apply)

(Choose all that apply)

- Street trees
- Woodland
- In a park or open space
- In mine or a neighbours garden
- On a business or other private property
- Other (please specify)

Answer this question only if you have chosen Yes for Can you see any trees from your property?

How do you feel about these trees ?

(Choose any one option)

Belfast Tree Strategy

Your say Belfast

- I love them
- They are okay
- I hate them

Belfast Tree Strategy

Your say Belfast

Answer this question only if you have chosen I hate them for How do you feel about these trees ?

Please explain why you feel this way?

Note: In no more than 100 words

Do you have trees on your own property or on a shared space?

(Choose any one option)

- Yes
 No

Answer this question only if you have chosen No for Do you have trees on your own property or on a shared space?

Would you like to have trees on your own property or on a shared space?

(Choose any one option)

- Yes
 No

I want the trees in Belfast to...

Please rank in order of importance, with 1 being the most important and 10 being the least important.

(Rank each option)

- _____ Increase my property value
- _____ Reduce flooding/stormwater run-off
- _____ Create shade to help keep my house cool
- _____ Prevent the city from becoming a hotter place
- _____ Reduce noise from noisy roads and highways
- _____ Help to make the place beautiful
- _____ Screen and provide privacy
- _____ Improve air quality (reduce air pollution)
- _____ Provide wildlife habitat
- _____ Improve my mental and physical health

To what extent do you agree or disagree with the following statements:

Questions	Definitely agree	Somewhat agree	Neither agree nor disagree	Somewhat disagree	Definitely disagree
Trees, woodlands and hedgerows are an important part of Belfast					
Planting new trees on private property in Belfast is important					
Street and park trees seem well cared for in Belfast					
Having trees is worth the financial cost of maintaining them					
Creating a Tree Strategy for Belfast is a great idea					

Do you think Belfast would benefit from having a dedicated Tree Strategy in place?

(Choose any one option)

- Yes

Belfast Tree Strategy

Your say Belfast

- Not sure / don't know
- No

Please explain the reasons for your answer. For example, how would this benefit Belfast, why are you not sure, or why do you think it will not bring benefits?

What would you like to see in a Tree Strategy for Belfast?

How did you hear about this survey ?

(Choose all that apply)

- Friend/neighbour
- Belfast City Council website
- Email notification
- Facebook
- Other website
- News media
- Other (please specify)

Is there a question you feel we should have asked but haven't. If so, please let us know what it is?

Please include any other comments below

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Belfast Tree Survey



SURVEY RESPONSE REPORT

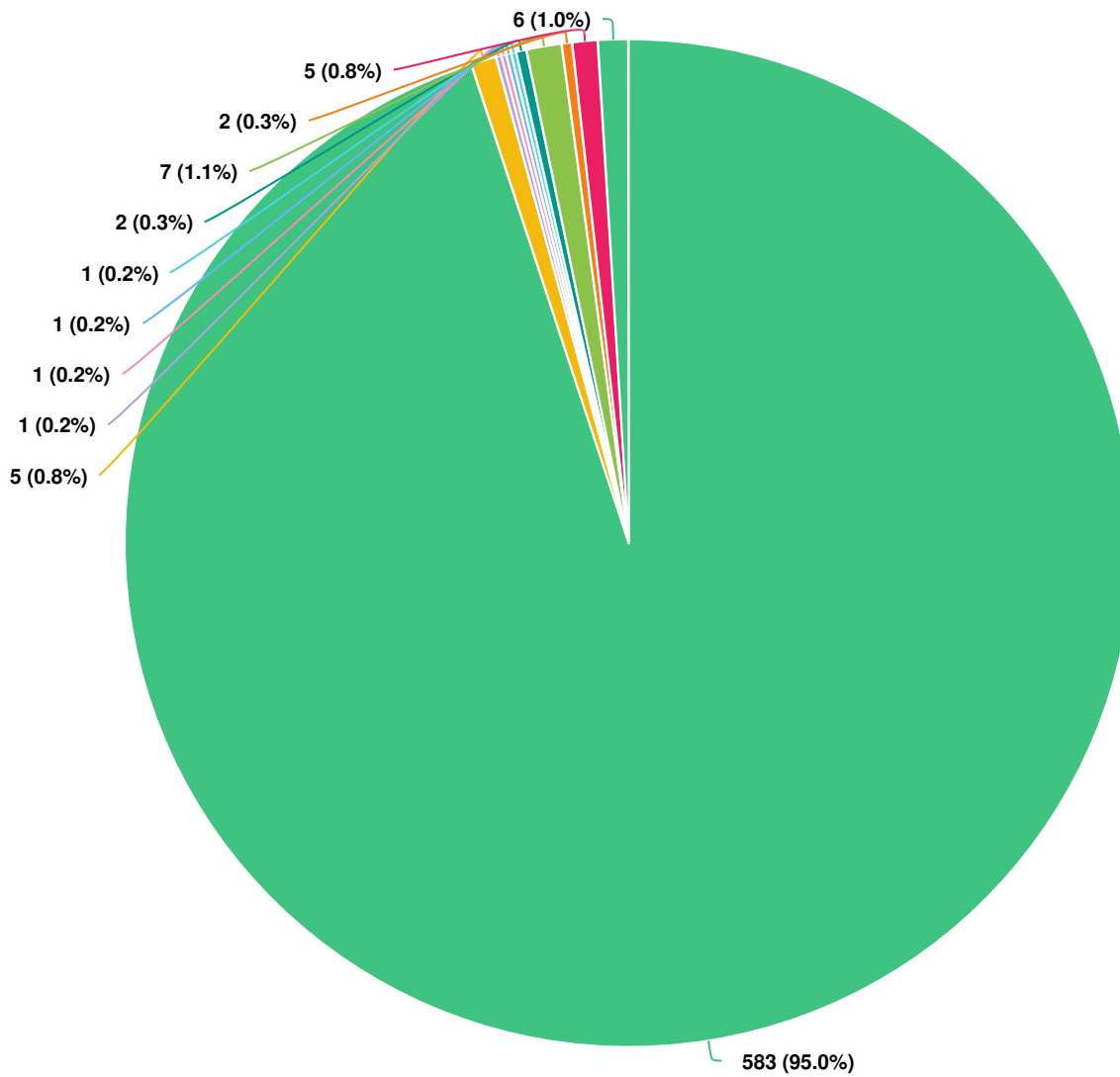
27 July 2022 - 27 August 2022

PROJECT NAME:

Belfast Tree Strategy

SURVEY QUESTIONS

Q1 Please tell us about yourself (select one option), I am responding as:

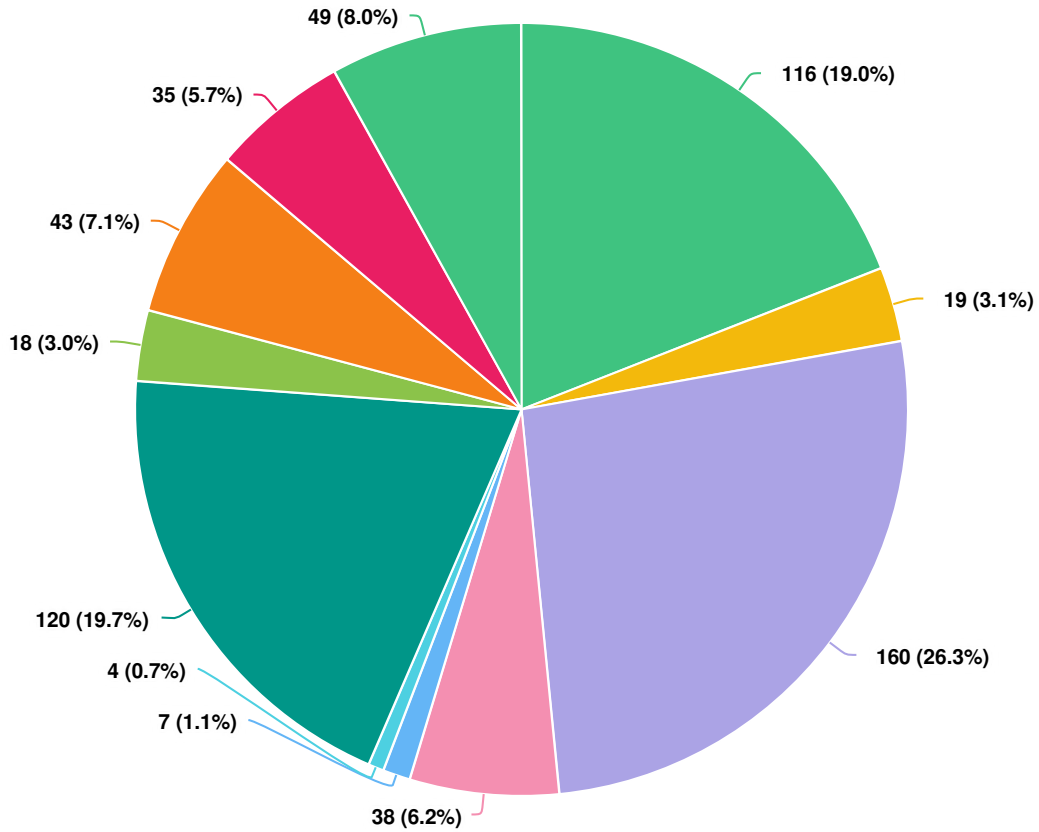


Question options

- A member of the public
 ● A land owner
 ● A land manager
 ● A farmer
 ● A forester
 ● An association
- A professional body
 ● Researcher or scientist
 ● A developer
 ● An environmental non-government organisation
- Other (please explain)

*Optional question (613 response(s), 2 skipped)
Question type: Radio Button Question*

Q2 In which area of Belfast do you live ? (District Electoral Area)

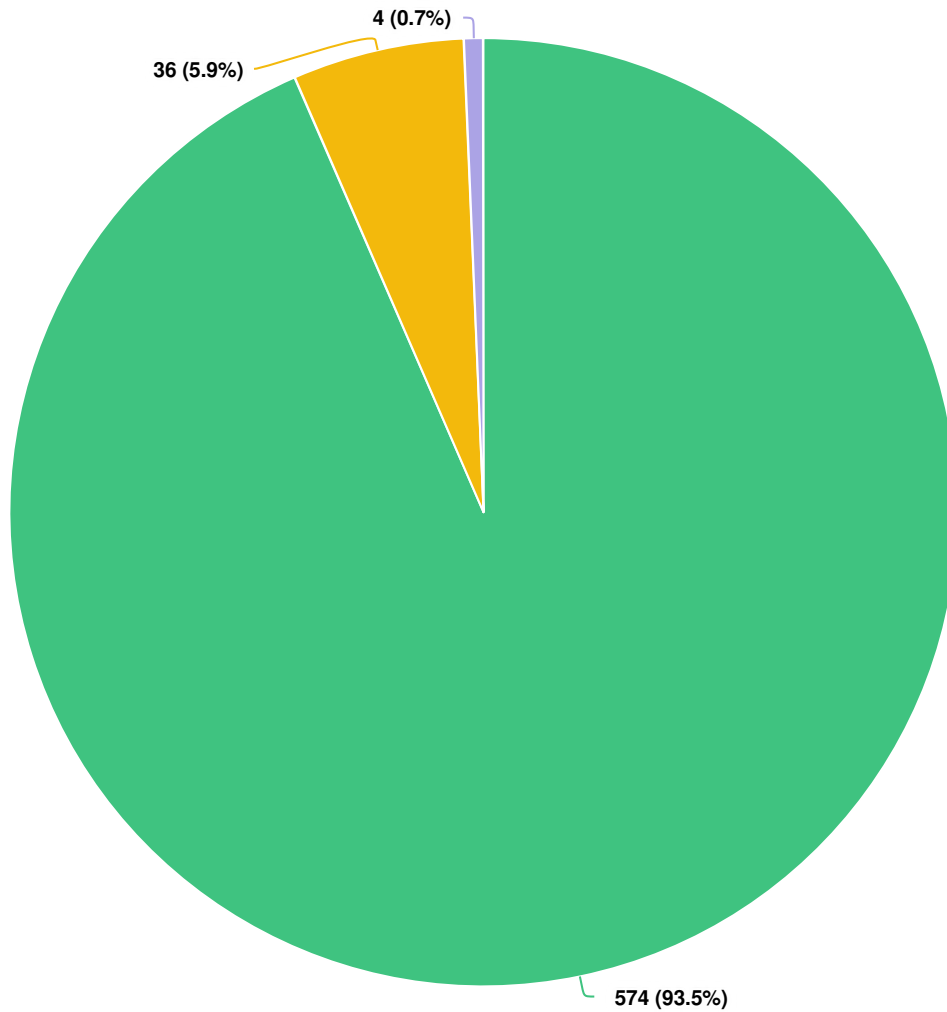


Question options

- Balmoral [Belvoir, Finaghy, Malone, Musgrave and Upper Malone]
- Blackmountain [Andersonstown, Ballymurphy, Beechmount, Colin Glen, Falls Park, Shaw's Road and Turf Lodge]
- Botanic [Blackstaff, Central, Ormeau, Stranmillis and Windsor]
- Castle [Bellevue, Cavehill, Chichester Park, Duncairn, Fortwilliam and Innisfayle]
- Collin [Dunmurry, Ladybrook, Lagmore, Poleglass, Stewartstown and Twinbrook]
- Court [Ballygomartin, Clonard, Falls, Forth River, Shankill and Woodvale]
- Lisnasharragh [Cregagh, Hillfoot, Merok, Orangefield, Ravenhill and Rosetta]
- Oldpark [Ardoyne, Ballysillan, Cliftonville, Ligoniel, New Lodge, and Water Works]
- Ormiston [Belmont, Garnerville, Gilnahirk, Knock, Sandown, Shandon and Stormont]
- Titanic [Ballymacarrett, Beersbridge, Bloomfield, Connswater, Sydenham and Woodstock]
- I don't live in Belfast

Optional question (609 response(s), 6 skipped)
Question type: Dropdown Question

Q3 Thinking about Belfast today, do you think there are too many, too few or about the right amount of trees across Belfast?

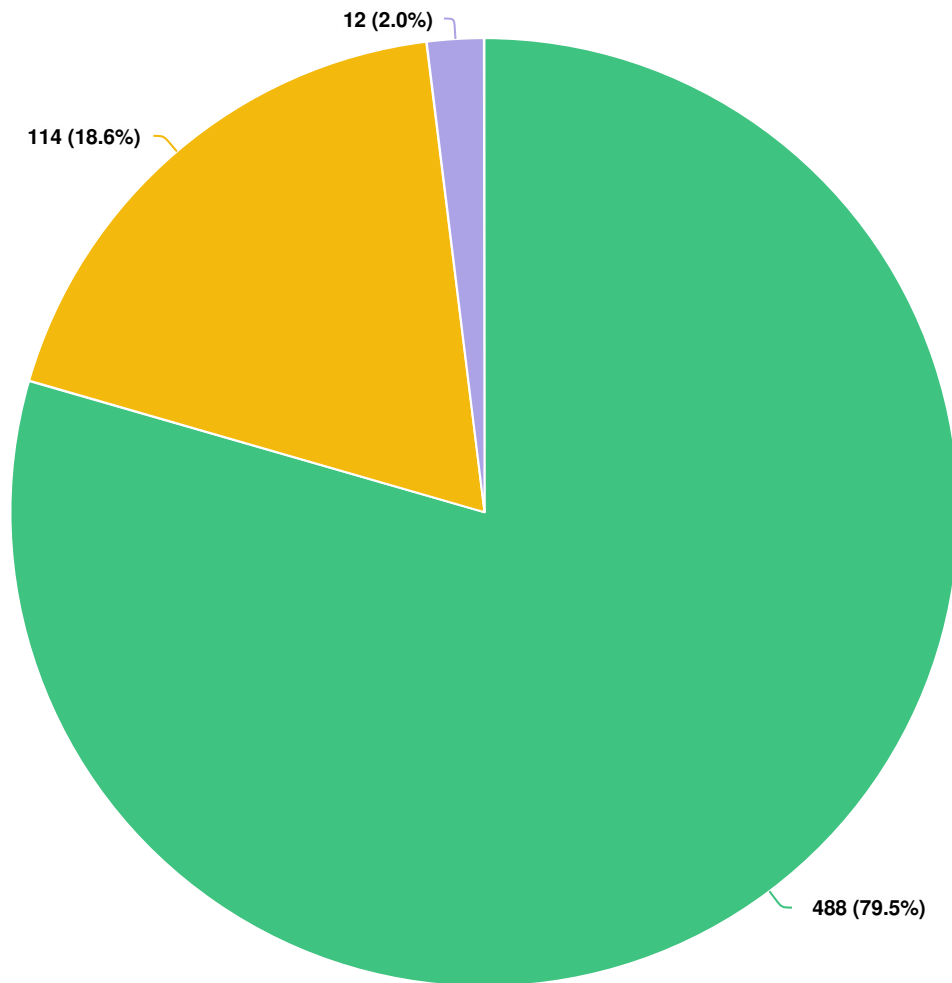


Question options

- Too few trees
- The right amount of trees
- Too many trees

Optional question (613 response(s), 2 skipped)
Question type: Radio Button Question

Q4 Thinking specifically about your neighbourhood, do you think there are too many, too few or about the right amount of trees in your neighbourhood?



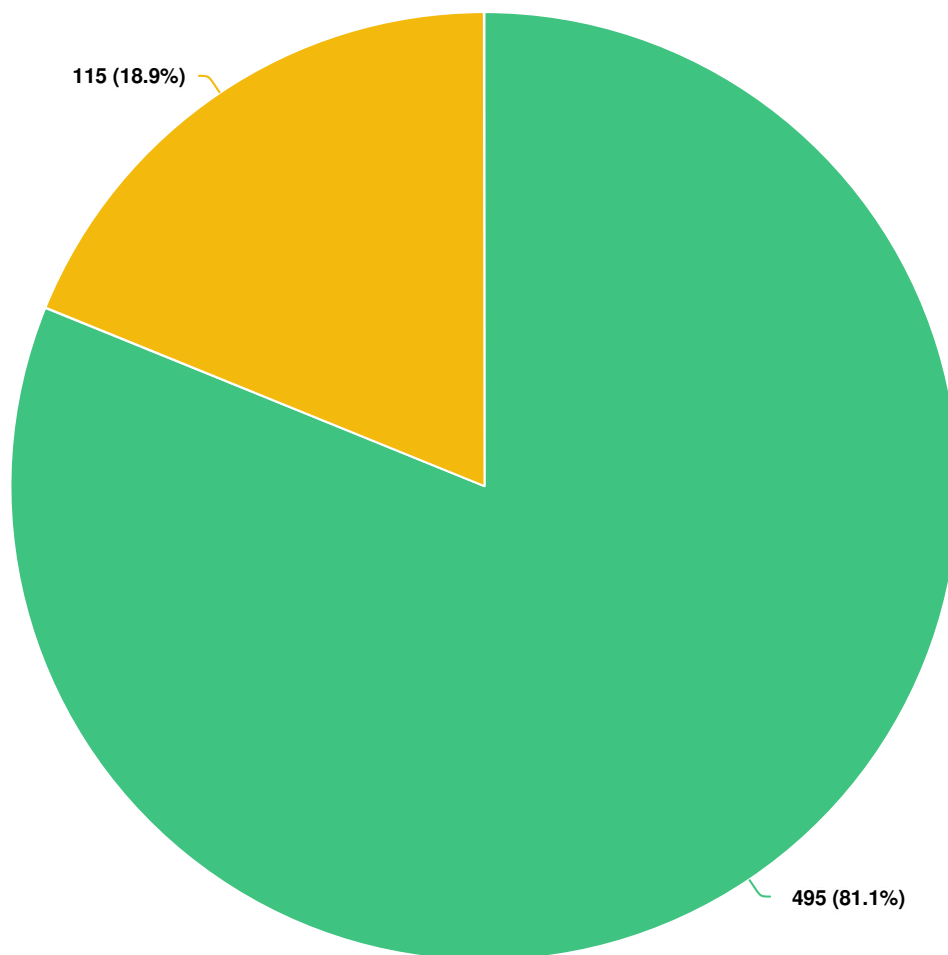
Question options

- Too few trees
- The right amount of trees
- Too many trees

Optional question (613 response(s), 2 skipped)

Question type: Radio Button Question

Q5 Can you see any trees from your property?

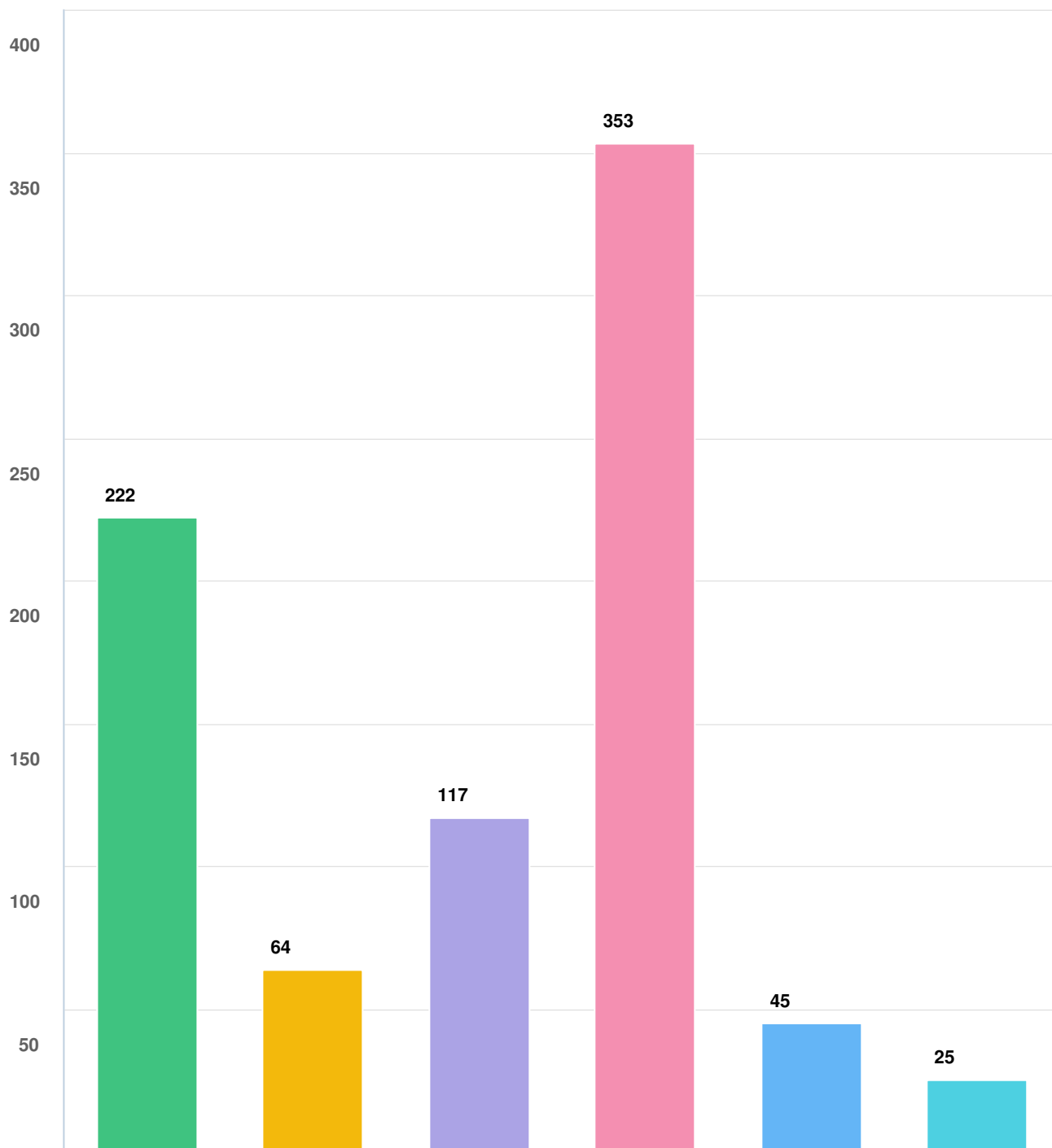


Question options

- Yes
- No

*Optional question (609 response(s), 6 skipped)
Question type: Radio Button Question*

Q6 Where are these trees located? (tick all that apply)

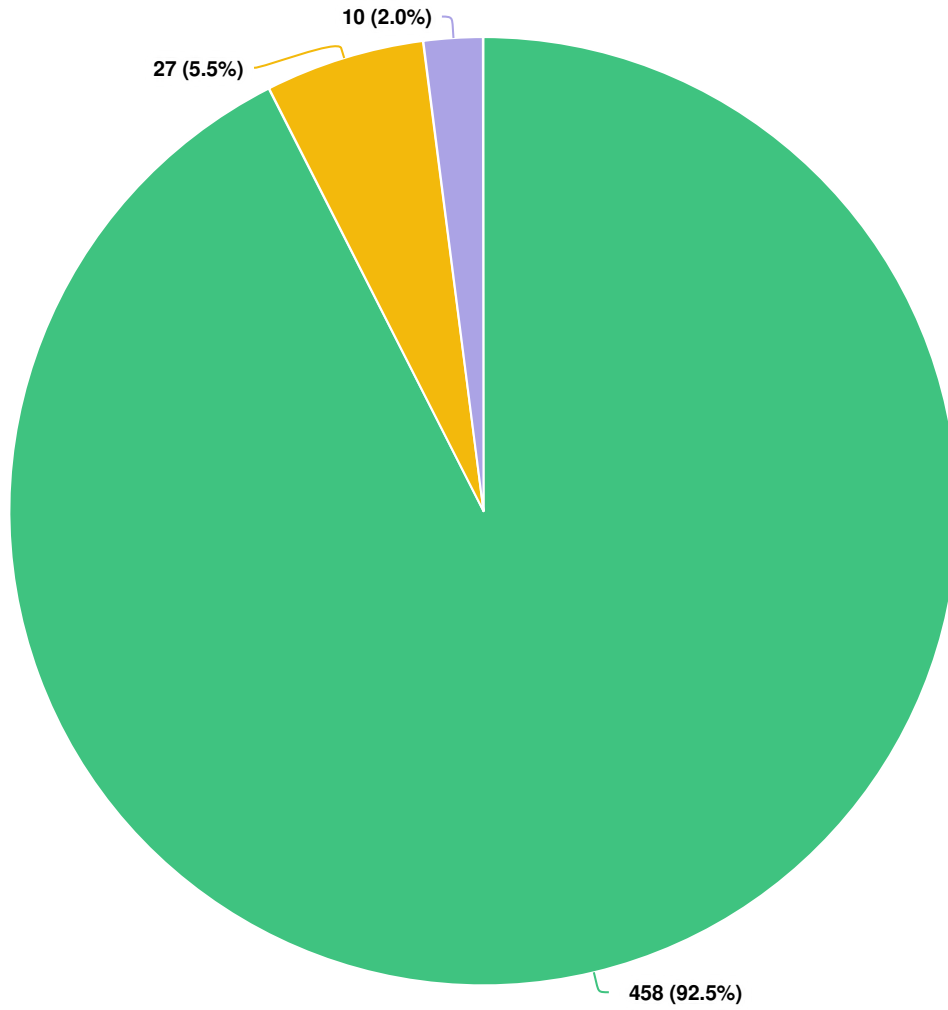


Question options

- Street trees
- Woodland
- In a park or open space
- In mine or a neighbours garden
- On a business or other private property
- Other (please specify)

*Optional question (494 response(s), 121 skipped)
Question type: Checkbox Question*

Q7 How do you feel about these trees ?

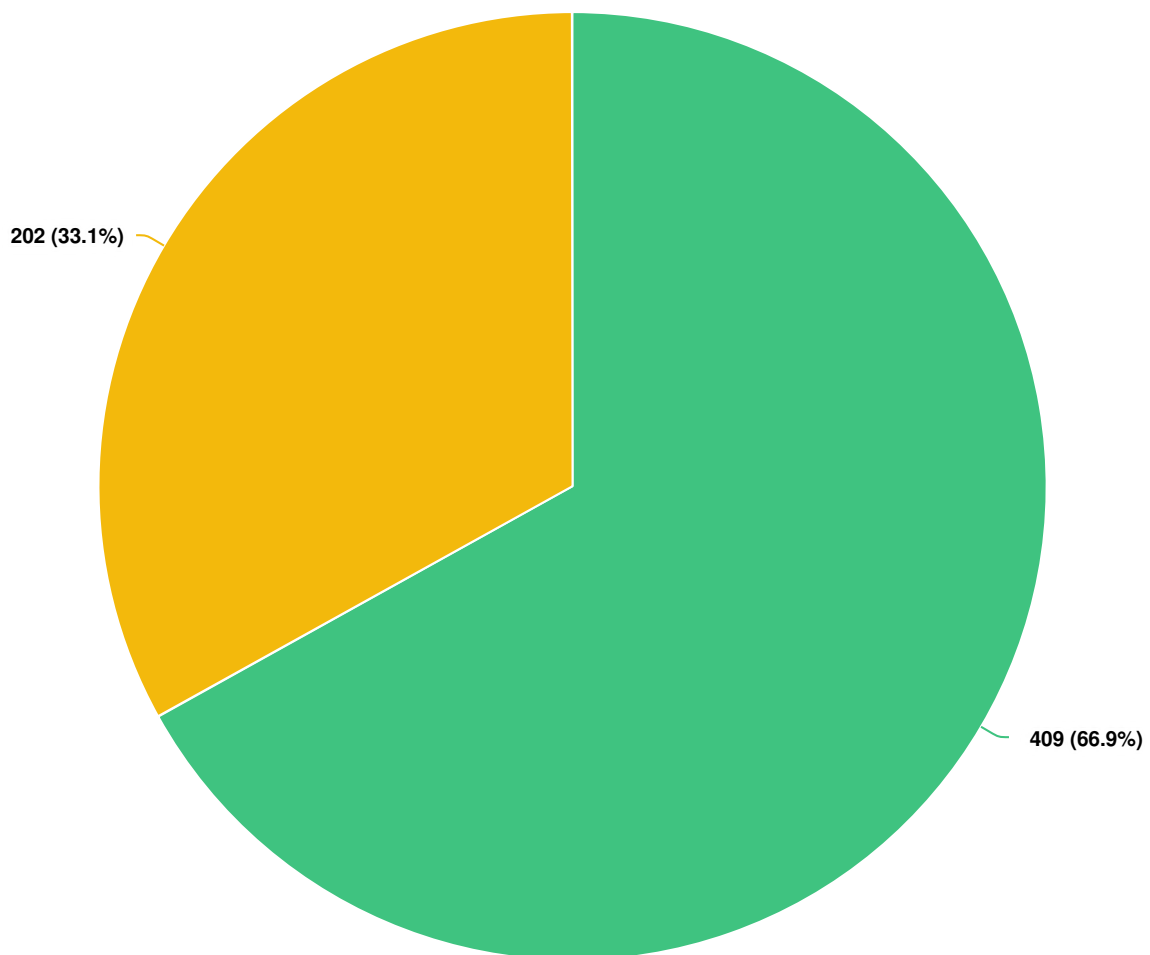


Question options

- I love them
- They are okay
- I hate them

*Optional question (494 response(s), 121 skipped)
Question type: Radio Button Question*

Q8 Do you have trees on your own property or on a shared space?

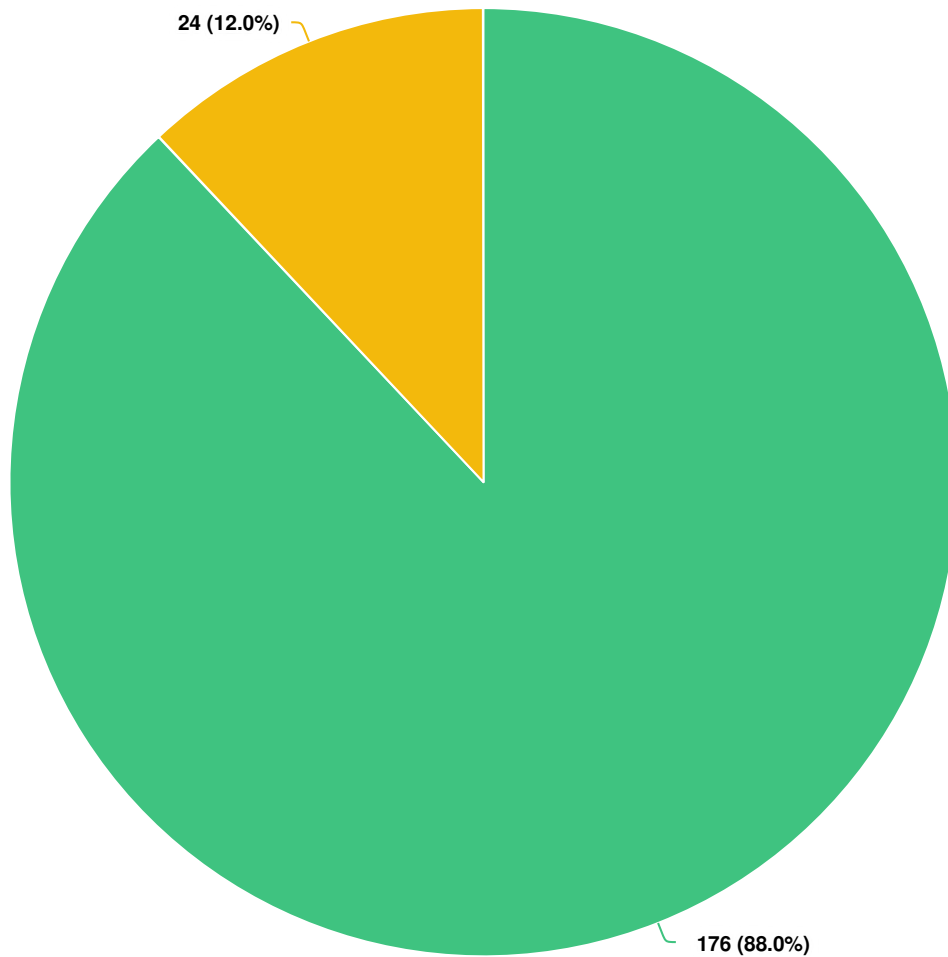


Question options

- Yes
- No

*Optional question (610 response(s), 5 skipped)
Question type: Radio Button Question*

Q9 Would you like to have trees on your own property or on a shared space?



Question options

- Yes
- No

*Optional question (200 response(s), 415 skipped)
Question type: Radio Button Question*

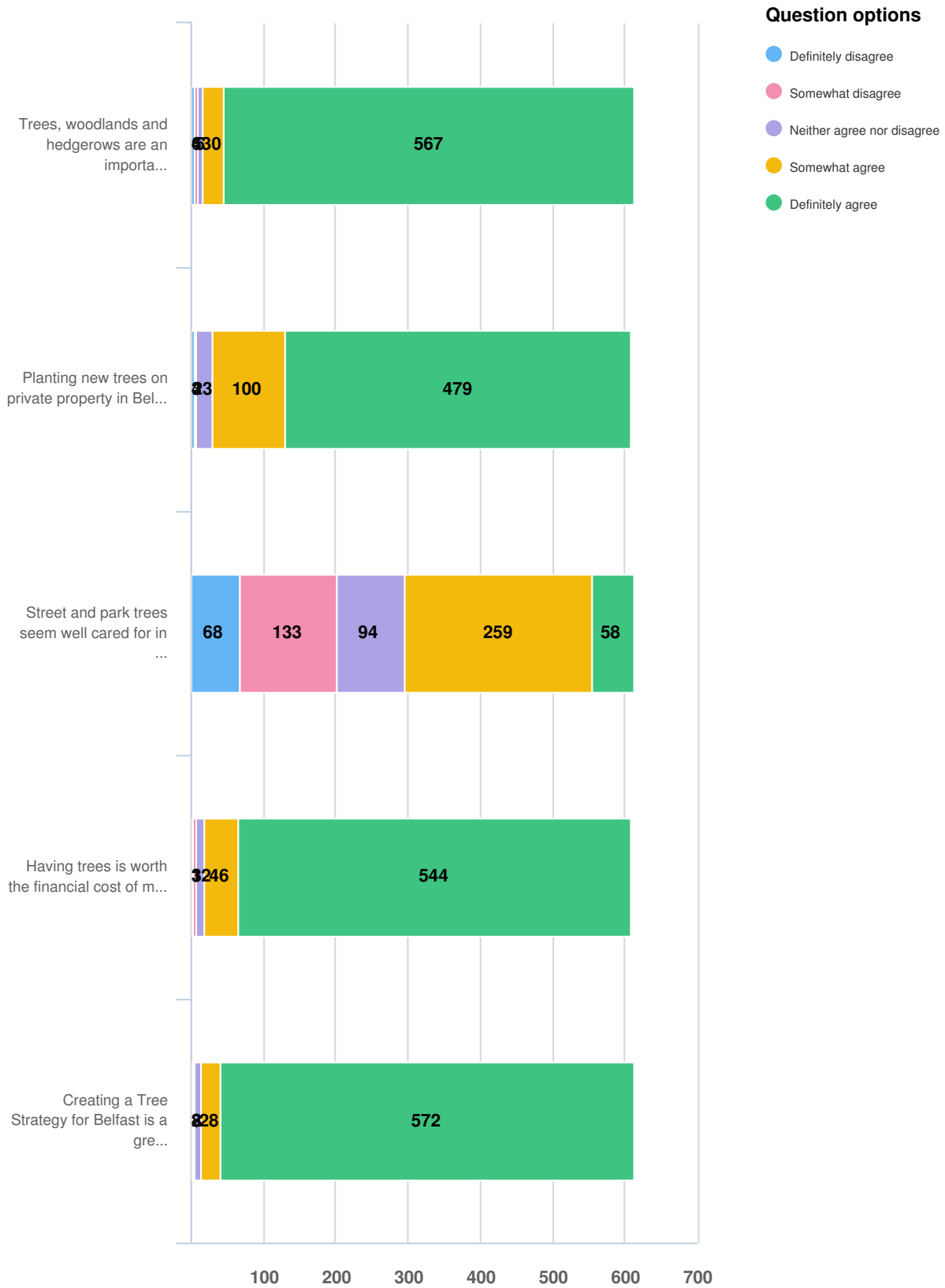
Q10 | I want the trees in Belfast to...Please rank in order of importance, with 1 being the most important and 10 being the least important.

OPTIONS	AVG. RANK
Improve air quality (reduce air pollution)	3.15
Provide wildlife habitat	3.34
Help to make the place beautiful	4.59
Improve my mental and physical health	4.75
Reduce flooding/stormwater run-off	4.87
Prevent the city from becoming a hotter place	5.23
Reduce noise from noisy roads and highways	5.90
Screen and provide privacy	6.76
Create shade to help keep my house cool	7.11
Increase my property value	8.53

Optional question (605 response(s), 10 skipped)

Question type: Ranking Question

Q11 To what extent do you agree or disagree with the following statements:



Optional question (613 response(s), 2 skipped)
 Question type: Likert Question

Q11 | To what extent do you agree or disagree with the following statements:

Trees, woodlands and hedgerows are an important part of Belfast

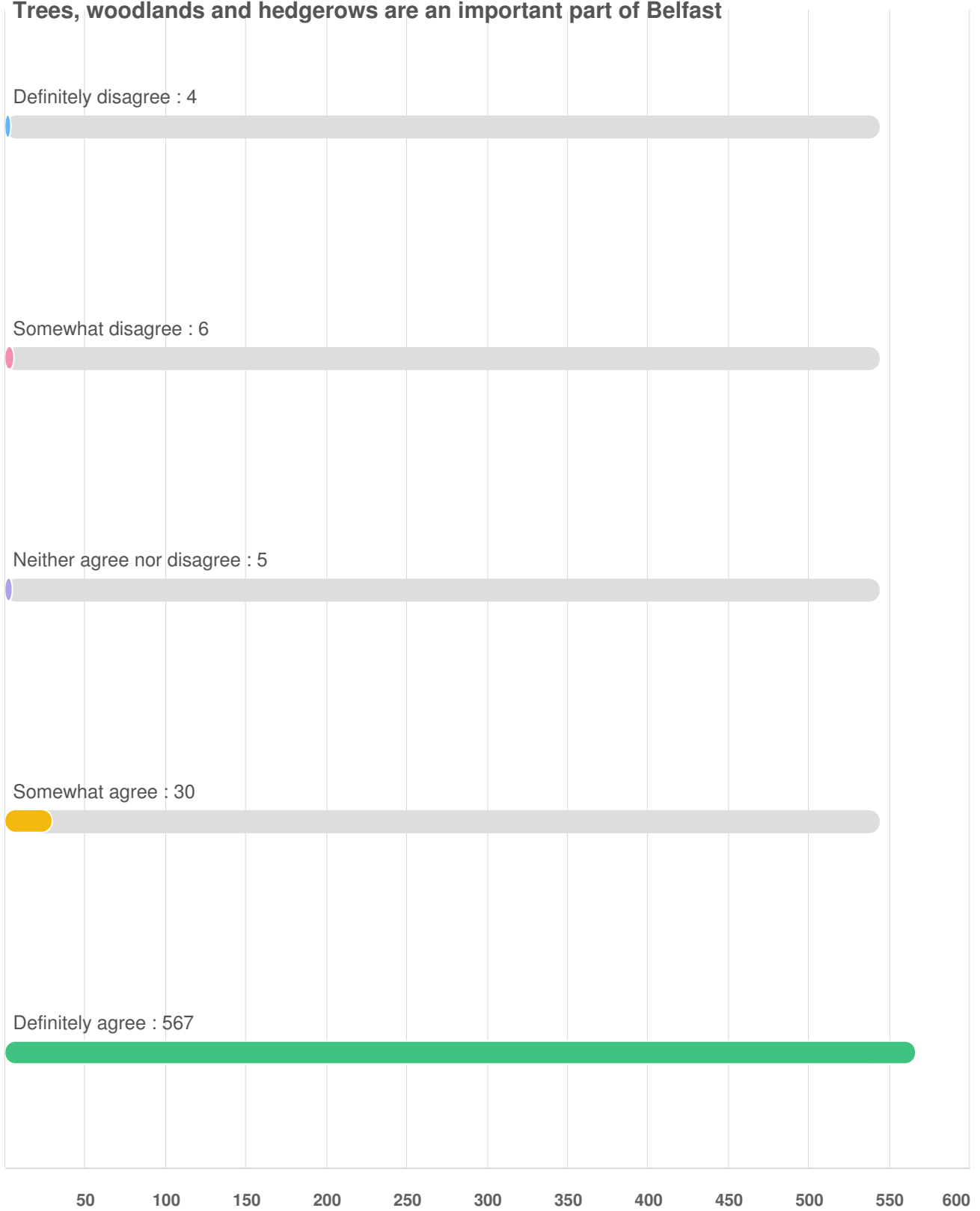
Definitely disagree : 4

Somewhat disagree : 6

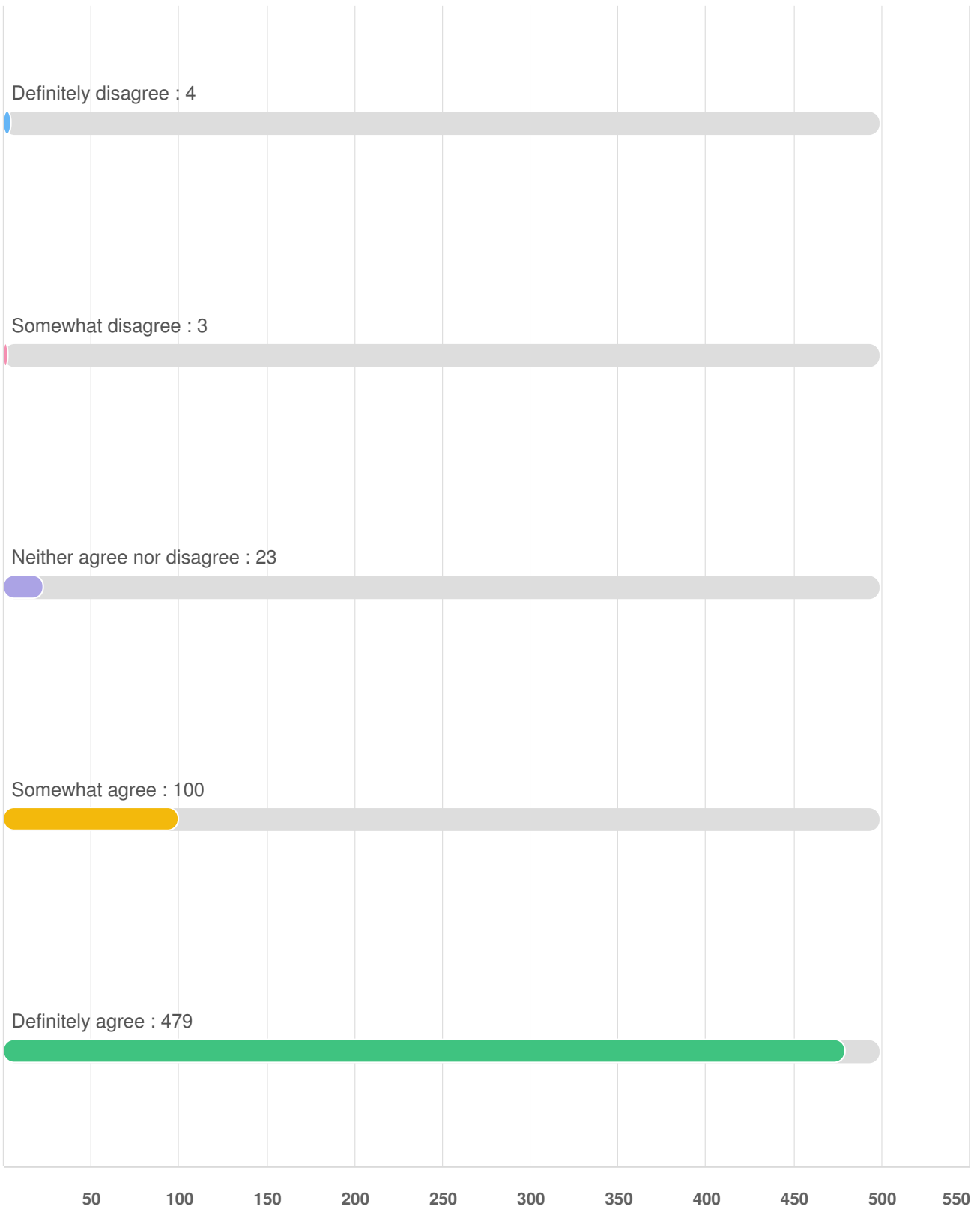
Neither agree nor disagree : 5

Somewhat agree : 30

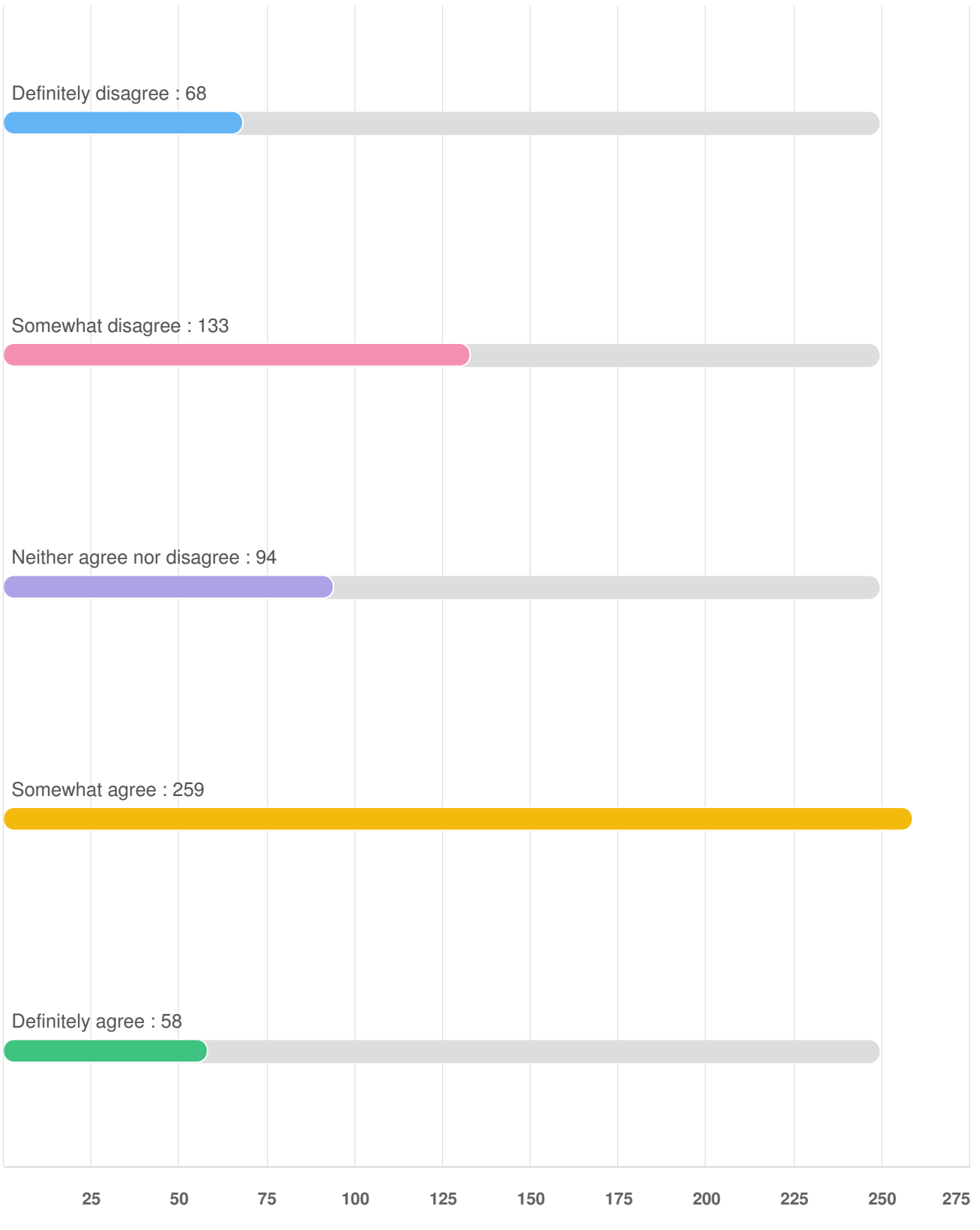
Definitely agree : 567



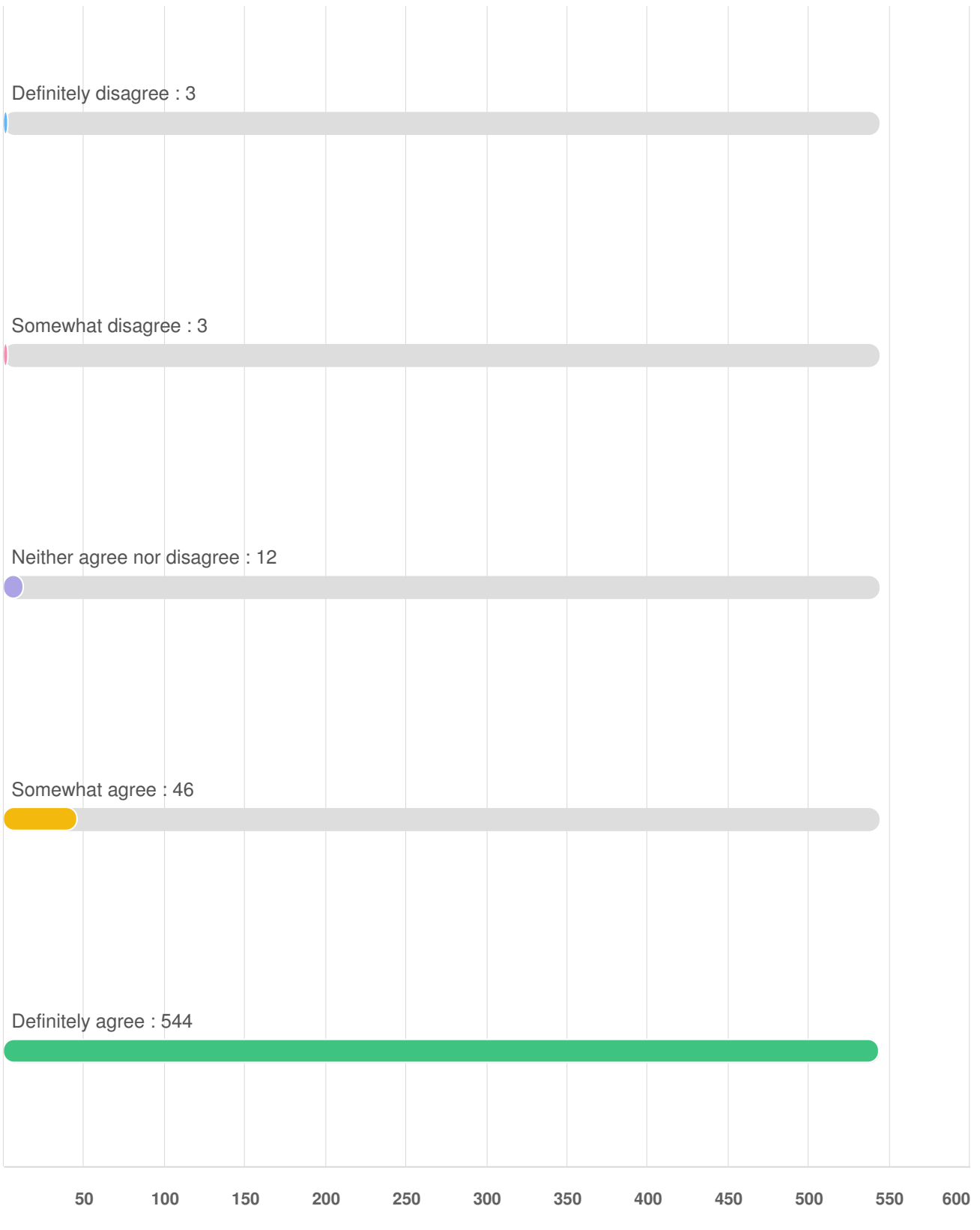
Planting new trees on private property in Belfast is important



Street and park trees seem well cared for in Belfast



Having trees is worth the financial cost of maintaining them



Creating a Tree Strategy for Belfast is a great idea

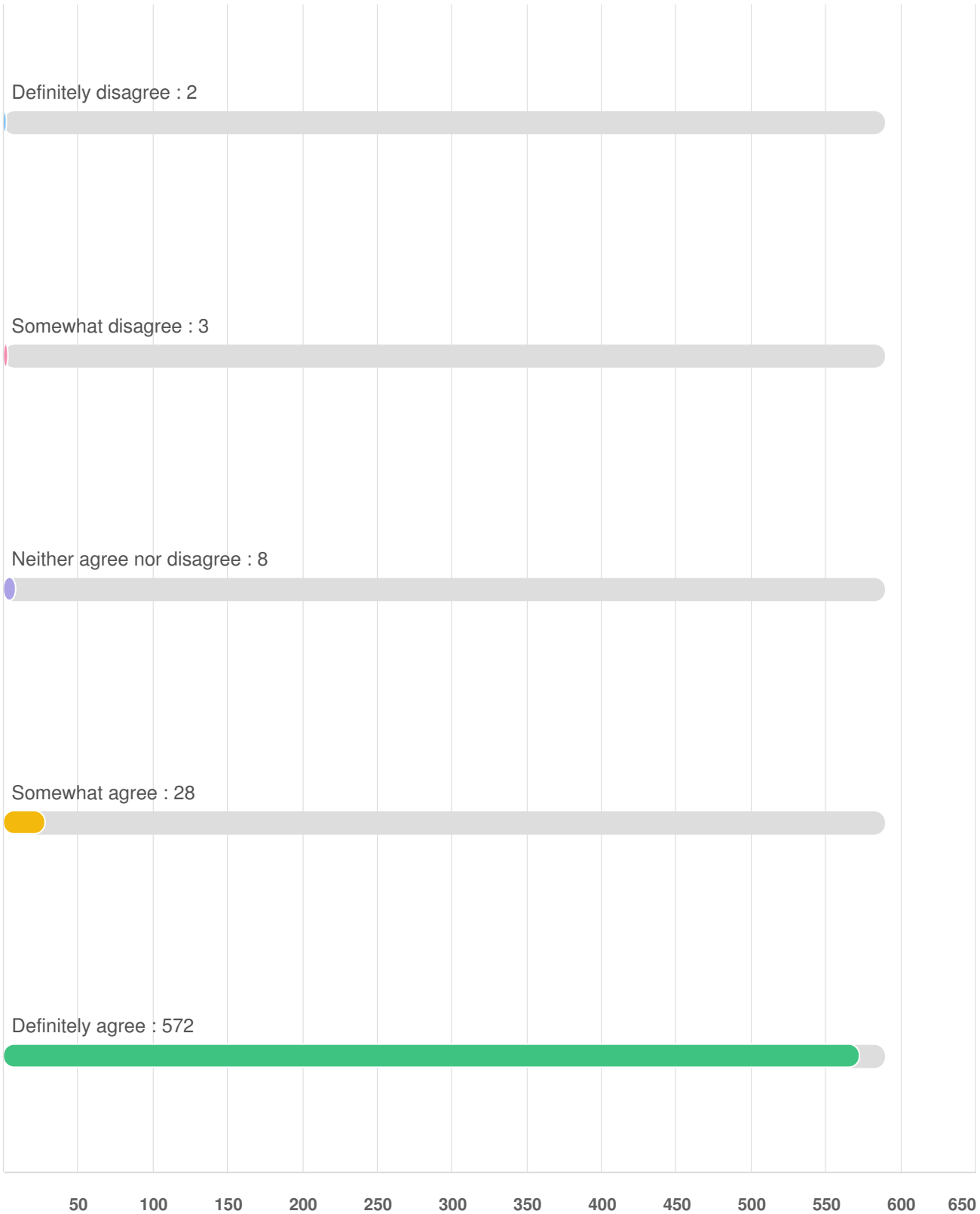
Definitely disagree : 2

Somewhat disagree : 3

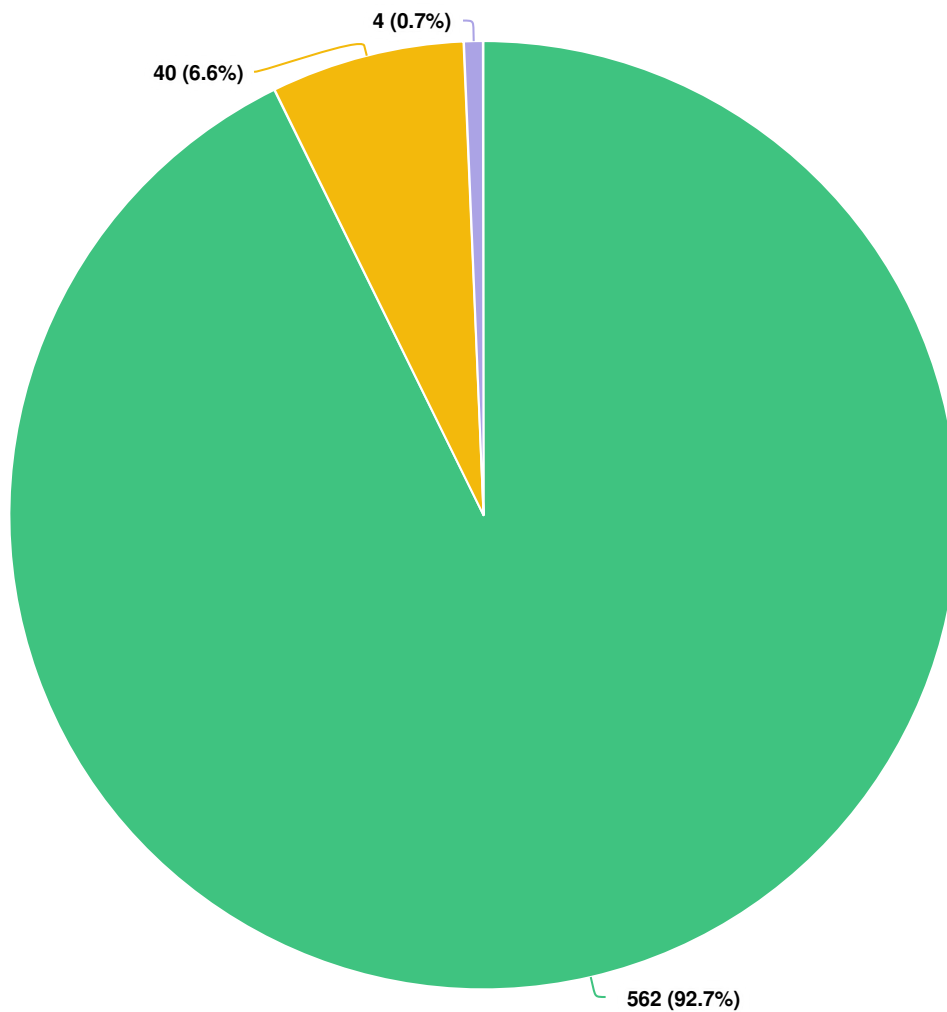
Neither agree nor disagree : 8

Somewhat agree : 28

Definitely agree : 572



Q12 Do you think Belfast would benefit from having a dedicated Tree Strategy in place?

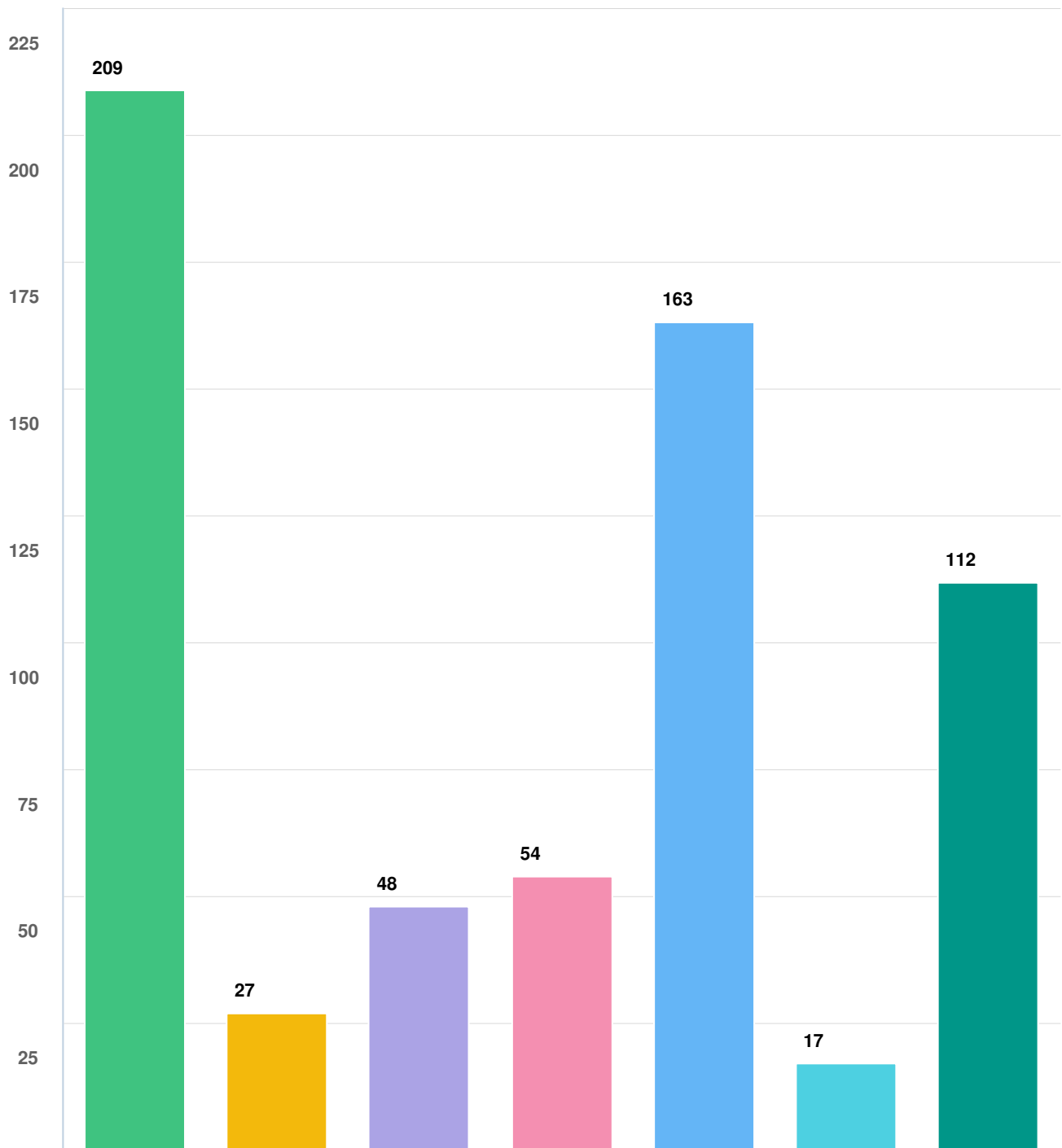


Question options

- No
- Not sure / don't know
- Yes

*Optional question (605 response(s), 10 skipped)
Question type: Radio Button Question*

Q13 How did you hear about this survey ?



Question options

- Other (please specify)
- News media
- Other website
- Facebook
- Email notification
- Belfast City Council website
- Friend/neighbour

Optional question (600 response(s), 15 skipped)
 Question type: *Checkbox Question*



Subject:	Building Regulation fees for applications including insulation
Date:	8 th November 2022
Reporting Officer:	Kate Bentley, Director of Planning and Building Control
Contact Officer:	Ian Harper, Building Control Manager

Restricted Reports	
Is this report restricted?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If Yes, when will the report become unrestricted?	
After Committee Decision	<input type="checkbox"/>
After Council Decision	<input type="checkbox"/>
Some time in the future	<input type="checkbox"/>
Never	<input type="checkbox"/>

Call-in	
Is the decision eligible for Call-in?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

1.0	Purpose of Report or Summary of main Issues
1.1	At the People and Communities committee meeting on 22 nd September it was requested that a report be brought back regarding the potential to waive Building Regulation inspection fees for applications which include the provision of insulation.
2.0	Recommendations
2.1	The Committee is asked to: <ul style="list-style-type: none"> • Consider the report and note that any decision in relation to waiving fees would be deferred to the Strategic Policy and Resources committee to be considered as part of the overall rate setting process.
3.0	Main report
3.1	<u>Key Issues</u> The installation of loft insulation under the Northern Ireland Building Regulations is considered a controlled element and therefore requires a Building Regulations application. As such there is typically a £60 chargeable fee for each application.

3.2	Cavity wall insulation is also a controlled element and requires a Building Regulations application but is specifically exempt from fees under the Building Regulations fees legislation. These are statutory fees set by the Department of Finance and collected by local councils to cover the cost of administration and facilitating the enforcement of Building Regulations
3.3	The processes involved in the administration and enforcement of Building Regulations involves processing applications and also the carrying out of Inspections to ascertain compliance with regulations. In reality fees collected for these types of works do not currently cover the costs involved in these processes.
3.4	In relation to both loft and cavity wall insulation inspections are carried out by the Building Control Service to ascertain compliance with the regulations. For example, to ensure that there is adequate ventilation to the roof void to prevent condensation issues.
3.5	The Service has carried out some general analysis of the applications received over a four-year period (01/04/2018 - 31/03/2022) to include those which are solely for or include loft insulation as part of a range of measures. Over this period, it is estimated that on average approximately 1350 applications have been received per year which have included works and fees for loft insulation. Based upon the £60 fee due for these applications, this would equate to an annual fee income of £81,000.
3.6	Much of the works being carried out to insulate properties is done as part of government funded schemes. For example, the Department for Communities (DfC) Affordable Warmth Scheme involves BCC working in partnership with the Northern Ireland Housing Executive (NIHE) to provide efficiency measures based upon referral criteria. For this scheme, the Building Regulation fees are covered within the grant funding provided, so the homeowner or tenant is not out of pocket. The same would apply to other schemes and where maintenance contracts are in place.
3.7	Having analysed the applications received over the four-year period, it is estimated that over 90% of the applications relating to loft insulation are carried out within funded schemes or contracts.
3.8	As such, it is understood that in these circumstances the burden of paying the Building Regulations fees is not borne by the homeowner and they would not benefit from waiving the fee. Rather, they would be retained within the scheme or contract. Given that these operate across the 11 council areas, there would be no guarantee that fees that are waived would

	be ringfenced for additional applications and measures to be installed in properties within Belfast.
3.9	The Service has discussed the waiving of Building Regulation fees with Legal Services who have advised that fees can be waived, but one of the conditions would be that any exemption from fees agreed should be time bound.
	<u>Financial & Resource Implications</u>
3.10	Based upon the analysis carried out for the four-year period it is estimated that on average £81,000 of fees have been paid per year in relation to loft insulation. If fees were to be waived for a determined period, the loss in fee income could be assumed to be a pro rata value of this annual estimate.
3.11	Administering applications and carrying out Inspections of the works will still be required to fulfil the statutory duties outlined. The Service are currently experiencing difficulty in recruitment and retention of Building Control Surveyors with competition from private and public sector and reducing income for areas of work not considered rate borne activity may impact on Service delivery.
	<u>Equality or Good Relations Implications/Rural Needs Assessment</u>
3.12	There are no direct Equality, Good relation or Rural Needs implications.
4.0	Appendices – Documents Attached
	None

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Subject:	Liaison Agreement between relevant Stakeholders for the Investigation of Work-Related Deaths
Date:	8 November 2022
Reporting Officer:	Siobhan Toland, Director of City Services
Contact Officers:	David Cuthbert, City Protection Manager Mark McGovern, Senior Environmental Health Officer

Restricted Reports	
Is this report restricted?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If Yes, when will the report become unrestricted?	
<i>After Committee Decision</i>	<input type="checkbox"/>
<i>After Council Decision</i>	<input type="checkbox"/>
<i>Some time in the future</i>	<input type="checkbox"/>
<i>Never</i>	<input type="checkbox"/>

Call-in	
Is the decision eligible for Call-in?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

1.0	Purpose of Report or Summary of main Issues
1.1	The purpose of this report is to seek Committee approval to sign up to the revised Liaison agreement for the Investigation of Work-Related Deaths, also known as the Work-Related Death Protocol (WRDP).
1.2	The agreement sets out the protocol for liaison between the Health and Safety Executive for NI (HSENI), the Police Service of Northern Ireland (PSNI), the Police Ombudsman for Northern Ireland (PONI) and Northern Ireland District Councils. The original document was signed in 2007 and this revision brings the agreement up-to-date with current legislation and practice.

2.0	Recommendations
2.1	<p>The Committee is asked to:</p> <ul style="list-style-type: none"> • Agree that Council sign up to the revised Liaison Agreement for the Investigation of Work-Related Deaths.
	Main report
3.1	<p>District councils and the Health and Safety Executive Northern Ireland (HSENI) are responsible, under Article 20 of the Health and Safety at Work (Northern Ireland) Order 1978, for making adequate arrangements for the enforcement of health and safety legislation with a view to securing the health, safety and welfare of workers and protecting others, principally the public.</p>
3.2	<p>District Councils investigate potential criminal offences relating to breaches of health and safety legislation in workplaces for which they are the relevant enforcing authority. Where a fatality occurs in such a premise, the district council will be responsible for leading the investigation and liaising with the other relevant parties.</p>
3.3	<p>The revised protocol ensures that the liaison arrangements previously agreed in 2007 remain in place, enabling parties to work together effectively during investigations of work-related deaths.</p>
3.4	<p>This Liaison Agreement is between Northern Ireland District Councils, HSENI, the Police Service of Northern Ireland (PSNI) and the Police Ombudsman for Northern Ireland (PONI). The agreement places emphasis the importance of the appropriate investigative agencies working together to ensure that a thorough investigation is carried out of work-related deaths in Northern Ireland.</p>
3.5	<p>The Liaison Agreement is not intended to cover the operational practices of the signatory organisations</p>
	<p><u>Finance and Resource Implications</u></p>
3.6	<p>None</p>
	<p><u>Asset and Other Implications</u></p>
3.7	<p>None</p>

3.8	<u>Equality or Good Relations Implications/ Rural Needs Assessment</u> None.
4.0	Appendices – Documents Attached
	Appendix 1 - Investigation of Work-Related Deaths – Northern Ireland Agreement for Liaison document

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INVESTIGATION OF WORK-RELATED DEATHS

Northern Ireland Agreement for Liaison

October 2022

FOREWORD

The partners to this agreement are the Health and Safety Executive for Northern Ireland, the Police Service of Northern Ireland, the Police Ombudsman for Northern Ireland and the Northern Ireland district councils through their representative body, Environmental Health Northern Ireland. The agreement is designed to emphasise the importance of the appropriate investigative agencies working together to ensure that a thorough investigation is carried out of work-related deaths in Northern Ireland.

We are acutely conscious of the strength of public feeling about workplace fatalities, and how these tragic incidents devastate people's lives.

All of the signatory organisations recognise the need for investigating authorities to talk to each other and to share information and best practice. We appreciate that people want to be confident that we are doing all that we can to co-ordinate our efforts and to co-operate with each other in the best interests of public safety and of those affected by work-related deaths.

We endorse this agreement. We believe that it provides an effective framework for liaison, and that its introduction will help ensure that all signatory organisations work in partnership to deliver the high standard of professionalism that the public requires and deserves.



**Detective Superintendent
Serious Crime Branch
Police Service of
Northern Ireland**

**Deputy Chief Executive
Health and Safety Executive for
Northern Ireland**

**Environmental Health
Northern Ireland**

**The Police Ombudsman for
Northern Ireland**

INTRODUCTION

This agreement for liaison is between the Health and Safety Executive for Northern Ireland (HSENI), the Police Service of Northern Ireland (PSNI), the Police Ombudsman for Northern Ireland (PONI) and the Northern Ireland district councils through their representative body, Environmental Health Northern Ireland.

It sets out the principles for effective liaison between the parties in relation to the investigation of work-related deaths in Northern Ireland. In particular, it deals with incidents where, following a death, there is a suspicion that criminal offences such as manslaughter and breaches of health and safety legislation, may have been committed. The agreement addresses issues concerning general liaison and is not intended to cover the operational practices of the signatory organisations.

HSENI, PSNI, PONI and the district councils have different roles and responsibilities in relation to a work-related death.

At present, only PSNI can investigate serious criminal offences, not involving police conduct, within the Corporate Manslaughter and Corporate Homicide Act such as manslaughter. PSNI will also have a duty in establishing the circumstances surrounding a work-related death in order to assist the coroner's inquest.

HSENI and district councils are responsible, under Article 20 of the Health and Safety at Work (Northern Ireland) Order 1978 (HSWO), for making adequate arrangements for the enforcement of health and safety legislation with a view to securing the health, safety and welfare of workers and protecting others, principally the public.

The Health and Safety Executive for Northern Ireland and district councils have statutory responsibilities to investigate potential criminal offences relating to breaches of health and safety legislation. Each regulator has specific areas of responsibility, further details of which are set out in Annex A of this agreement.

PONI have a responsibility under the Police (Northern Ireland) Act 1998 to, inter alia, investigate any matter which appears to the Police Ombudsman to indicate that a member of the police service may have committed a criminal offence or behaved in a manner which would justify disciplinary proceedings if it appears that it is desirable in the public interest to do so. In addition, the PSNI have a duty to report any matter to the Police Ombudsman where it appears to indicate that the conduct of a member of the police service may have resulted in the death of some other person. In such cases it is the responsibility of the PONI to fully investigate the matter.

Whilst HSENI, the district councils, the PSNI and PONI have a role in investigating work-related deaths, only the Public Prosecution Service for Northern Ireland (PPSNI) (formerly the Director of Public Prosecutions for

Northern Ireland) can decide whether a prosecution in such a case of manslaughter will proceed.

The underlying principles of this agreement are as follows:

- Appropriate recommendations concerning prosecution will be made to the PPSNI based on a sound investigation of the circumstances surrounding work-related deaths;
- PSNI will conduct an investigation into potential criminal offences, such as offences within the Corporate Manslaughter and Corporate Homicide Act (formally gross negligence or corporate manslaughter). The Health and Safety Executive for Northern Ireland and district councils will conduct investigations into potential criminal offences relating to breaches of health and safety legislation.
- There will usually be a joint investigation, but on the rare occasions where this would not be appropriate, there will still be liaison and co-operation between the investigating parties;
- PONI will conduct an investigation if the requirements of the Police (Northern Ireland) Act 1998 apply. Where this occurs, PONI may take similar investigative measures as the PSNI otherwise would have, and will retain ownership of the investigation;
- The bereaved and witnesses will be kept suitably informed; and
- The parties to the agreement will maintain effective mechanisms for liaison.

There are other authorities that have responsibility for enforcing other similar legislation. Whilst these organisations are not signatories to this agreement they may wish to take onboard the principles enshrined within it.

IN WHAT CIRCUMSTANCES WILL THIS AGREEMENT APPLY?

For the purposes of this agreement, a work-related death is a fatality resulting from an incident arising out of, or in connection with, work¹. The principles set out in this agreement also apply to cases where the victim suffers injuries in such an incident that are so serious that there is a clear indication, according to medical opinion, of a strong likelihood of death.

There will be cases in which it is difficult to determine whether a death is work-related within the application of this agreement; for example, those arising out

¹ "Work" as defined in Article 2(4)(a)(b)(c) and (5) of the Health and Safety at Work (Northern Ireland) Order 1978 as amended.

of some road traffic collisions², or in prisons, or health care institutions, or following a gas leak. Each fatality must be considered individually, on its particular facts and a decision made as to whether it should be classed as a work-related death. In determining the question, the enforcing authorities will hold discussions and where possible agree upon a conclusion without delay.

1. STATEMENT OF INTENT

- 1.1 In the early stages of an investigation, whether any criminal offence has been committed is not always apparent. The parties to the agreement are committed to ensuring that any investigation into a work-related death is thorough and appropriate, and agree to liaise closely together in order to achieve this. Decisions in relation to who will lead the investigation, and the direction it will take, should be timely, informed by the best available evidence and technical expertise, and should take account of the wider public interest. Should there be any issue as to who is to be involved in investigating any work-related death, then the parties will liaise together to reach a conclusion.
- 1.2 The provisions of the ECHR as given effect by the Human Rights Act 1998 will apply to investigations carried out under this agreement.
- 1.3 Article 2 ECHR, the right to life, requires, by implication that there should be some form of effective official investigation when there is reason to believe that an individual has sustained life-threatening injuries or death in suspicious circumstances. The investigation must be capable of establishing the cause of the injuries and the identification of those responsible with a view to their punishment.

2. INITIAL ACTION

- 2.1 A PSNI or PONI officer attending an incident involving a work related death should arrange to carry out duties, according to the officer's own general orders governing unexplained deaths, including:
- identify, secure, preserve and take control of the scene, and any other relevant place;
 - supervise and record all activity including photography and mapping;
 - inform a senior supervisory officer (PSNI in accordance with the Service Instruction SI2016);
 - enquire whether the employer or other responsible person in

² "Collisions" can include any incident on the roads where a person or persons are killed.

control of the premises or activity has informed HSENI, the district council or other relevant authority; and

- contact and discuss the incident with HSENI, the district council or other relevant authority, and agree arrangements for controlling the scene, for considering access to others, and for other local handling procedures to ensure the safety of the public.
- consider the need for seizing of any physical or documentary evidence.

2.2 A PSNI or PONI officer of supervisory rank should ordinarily attend the scene and any other relevant place to assess the situation, review actions taken to date and assume responsibility for the investigation. See Service Instruction SI2016. Before leaving the site, PSNI or PONI officer of supervisory rank should also arrange for a follow-up meeting with staff from relevant authority.

2.3 It shall be assumed that the PSNI or PONI has primacy in the case unless Section 4.2 of this document is applicable.

2.4 Should any other investigating or enforcing authority have staff in attendance before the police or PONI arrive, it should ensure that the police or PONI have been called, and preserve the scene in accordance with the initial actions (above) until the police or PONI get there.

3. JOINT INVESTIGATIVE STRATEGY

3.1 A Joint Investigative Strategy should be drawn up at the follow-up meeting and subsequently recorded as agreed. The purpose of this document is to ensure that investigations are always managed professionally, with communications between the relevant signatory organisations continually maintained and expectations of the parties clearly set out.

3.2 PSNI, PONI, HSENI, the district councils and/or other relevant authority, as part of drawing up the Joint Investigation Strategy, should consider and agree upon:

- Investigative primacy and cooperation between relevant authorities (see Sections 4.1 and 4.2).
 - How evidence is to be shared, used and disclosed between the parties;
 - How, and to what extent, corporate or organisational

- failures should be investigated;
 - The mechanism by which the PSNI, PONI, HSENI or the district council or other relevant authority will keep the progress of the investigation under review; and
 - What liaison if any, may be required with the PPSNI at an early stage and throughout the course of investigation;
- Witness/suspect status.
 - Agreement on how witnesses and suspects will be approached and interviewed (recognising that a witness for one agency may be a suspect for another).
- Sourcing of expert or forensic requirements.
 - How the instruction of experts and the forensic examination of exhibits is to be coordinated; and
 - Identification and use of established frameworks for sourcing.
- Investigative funding.
 - Equal division of costs between relevant parties for expert/forensic requirements;
 - Who will take the lead in specific contracts; and
 - If applicable, the need for budgetary approval of costs.
- Liaison with other interested parties.
 - Consideration should be given to a single point of contact with the agency who has primacy. This should include how the bereaved, and other interested parties such as the coroner, will be informed of developments in the investigation and level of information shared; and
 - The need for media liaison to take account of media interest and the sensitivities of the bereaved and those involved in the incident, and to encourage consistency of approach in responding to such queries.

4. DECISION MAKING

- 4.1 At the initial follow-up meeting, consideration should be given to determining if the investigation gives rise to a suspicion that a criminal offence, within the Corporate Manslaughter and Corporate Homicide Act, or police officer conduct may have caused the death. If so, PSNI (or PONI) will continue to have primacy for the joint investigation. The arrangements for joint working will be set out the in the Joint Investigation Strategy.
- 4.2 Where it becomes apparent during the investigation that there is insufficient evidence that a criminal offence within the Corporate

Manslaughter and Corporate Homicide Act, or police officer conduct caused the death, the investigation should, by agreement, be taken over by HSENI, the district council or other relevant authority. Such a decision must be recorded in writing³. Arrangements, subject to legal restriction, should be made to allow access to or release of, if appropriate, exhibits which were in the possession of PSNI or PONI and are relevant to the investigation.

- 4.3 Where HSENI, the district council or other enforcing authority is investigating the death, and new information is discovered which may assist PSNI or PONI in considering whether a criminal offence (other than a health and safety criminal offence) has been committed, or police conduct may have led to the death, then the enforcing authority will pass that new information to PSNI or PONI. The police or PONI should then consider whether to resume primacy for the investigation. The decision and reasons should be recorded in writing⁴.
- 4.4 Where PSNI or PONI no longer maintain primacy for an investigation, the relevant enforcing authority will establish contact with the Coroner's Office to advise of a continuing criminal investigation which may result in criminal proceedings. Close liaison between the relevant enforcing authority and the PSNI (acting as the Coroner's Officers) will be necessary to ensure any action by the Coroner's Officers does not adversely impact or conflict with the criminal investigation.
- 4.5 There will also be rare occasions where as a result of the coroner's inquest, judicial review or other legal proceedings, further consideration of the evidence and surrounding facts may need to be made. Where this takes place PSNI or PONI and the enforcing authority with primacy for the investigation will liaise to ensure an early decision on the need for further investigation.

5. SHARING AND DISCLOSURE OF INFORMATION AND MATERIAL

- 5.1 Sharing and disclosure must always follow the established law and procedure.
- 5.2 Where there has been an investigation, any material obtained should be shared, subject to any legal restrictions, between PSNI, PONI, HSENI, the district council or other relevant authority as appropriate. Special handling procedures may be necessary in certain cases. The organisation responsible for retaining the exhibits, documents and other relevant material should also be agreed upon.

³ The PSNI / PONI should officially inform HSENI or the relevant District Council in writing of such a decision.

⁴ As above

6. SPECIAL INQUIRIES

- 6.1 In the case of some incidents, particularly those involving multiple fatalities, the Government Department concerned or HSENI may undertake a public inquiry. Alternatively, the Government Department concerned or HSENI may authorise any other person to investigate and produce a special report.
- 6.2 In such circumstances, PSNI or PONI will provide any necessary support and evidence to the person appointed to conduct the public inquiry, or to the special investigation, subject to the relevant regulations and legal constraints.
- 6.3 Complex legal issues may arise when there are parallel public inquiries and criminal investigations or prosecutions. The signatories will aim to keep inquiry chairs informed of the progress of the investigation so far as is possible.
- 6.4 Sometimes the report of a public inquiry may be delayed to await the conclusion of criminal proceedings, and on other occasions, there may be no such delay because of strong public interest in publishing the report and the recommendations of a public inquiry quickly. In either event, the signatories to the agreement will liaise together to ensure that any recommendation regarding prosecution is made as expeditiously as possible.
- 6.5 Consideration will be given to legislation covering inquiries including the Inquiries Act (2005).

7. REVIEW OF AGREEMENT

- 7.1 The Signatory Organisations will review the operation of the agreement as appropriate and consider the need for changes to the arrangements.

ANNEX A

ENFORCING AUTHORITIES UNDER THE HEALTH AND SAFETY AT WORK (NORTHERN IRELAND) ORDER 1978 (HSWO) AND RELATED LEGISLATION

Enforcement of the HSWO and the related legislation is generally shared between HSENI and district councils. A general guide to the allocation of the main activity is detailed below. In circumstances where it is unclear as to who the enforcing authority is, advice can be sought from HSENI (see below for contact details).

Health and Safety Executive for Northern Ireland (HSENI)

HSENI enforces health and safety at work legislation in:

- factories
- building sites
- farms
- motor vehicle repairs
- quarries
- chemical plants
- schools and universities
- leisure and entertainment facilities
- fairgrounds
- hospitals and nursing homes
- district council
- fire and police
- government departments
- domestic gas installation, maintenance or repair
- any other workplace not listed under District Councils below

Contacting HSENI

Health and Safety Executive for Northern Ireland
83 Ladas Drive
Belfast
BT6 9FR

Tel: 028 9024 3249

Web: www.hseni.gov.uk

HSENI operates an out of hours contact system to respond to major incidents. Outside normal working hours, calls are redirected via the 028 90 243249 number who will pass on your call to the HSENI Out of Hours Inspector to respond.

This should only be used for emergency situations within HSENI's enforcement remit, where an incident is related to a work activity and involves:

- a fatality;
- an injury which is so severe that it may result in a fatality; or
- a matter of public safety related to a work activity.

The Out of Hours System does not respond to routine notifications of minor incidents.

District Councils

District Councils enforce health and safety at work legislation in:

- offices
- retail and wholesale shops
- tyre and exhaust fitters
- restaurants, take away food shops, mobile snack bars and catering services
- hotels, guest houses, residential homes, etc.
- wholesale and retail warehouses
- leisure and entertainment facilities (privately owned)
- exhibitions
- religious activities
- undertakers
- therapeutic and beauty services
- animal care

Contacting district councils out of hours

There will be local arrangements in place for contacting the authorised health and safety inspectors within district councils. Contact can usually be made through the local town hall or council offices during office hours and on an emergency number out of office hours.



Subject:	Pre-loved Toys scheme
Date:	8 th November 2022
Reporting Officer:	Cathy Matthews, Director Resources and Fleet
Contact Officer:	John McConnell, City Services Manager (Resources and Fleet)

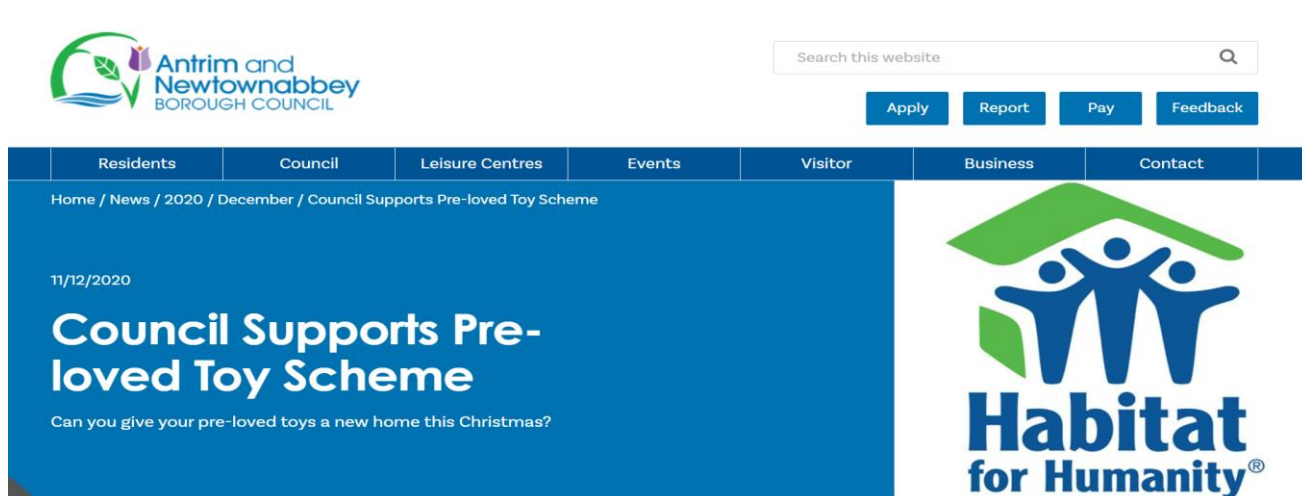
Restricted Reports	
Is this report restricted?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If Yes, when will the report become unrestricted?	
After Committee Decision	<input type="checkbox"/>
After Council Decision	<input type="checkbox"/>
Some time in the future	<input type="checkbox"/>
Never	<input type="checkbox"/>

Call-in	
Is the decision eligible for Call-in?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

1.0	Purpose of Report or Summary of main Issues
1.1	The purpose of the report is to appraise Members of the proposal to operate a pilot, pre-loved toys scheme in the run up to Christmas, in an attempt to ease the burden on families during the current cost of living crisis and reduce waste sent to landfill during this period.
2.0	Recommendations
2.1	The Committee is asked to: <ul style="list-style-type: none"> • Grant delegated authority to the Director of Resources & Fleet to operate a pre-loved toys scheme in line with the proposal set out in this report.
3.0	Main report
	<u>Background</u>
3.1	In early October 2022, Council officers met with Councillor Groogan to explore the idea of launching a pre-loved toys scheme (previously raised as a Members motion) aimed at easing the financial burden on families in these challenging times. Following this meeting, officers explored the idea and this report presents the proposal for a pilot scheme this year and

	<p>subject to approval, the learning from this year's scheme can be embedded in any future initiatives. It is important to note that given the tight time scales involved, delegated authority is required to allow collections to take place in November for distribution in December.</p>
3.2	<p>Officers discussed the scheme with their counterparts in neighbouring Councils which have operated similar initiatives in recent years, in order to establish good practice and fast-track the project. See Appendix 1.</p>
3.3	<p>The pilot will accept a range of pre-loved toys at the Council's four recycling centres over a 3-4 week period in November. These toys will be stored in the re-use containers and East Belfast Mission (EBM), the organisation which currently collects re-use materials from these containers, has agreed to include the pre-loved toys in their collection round.</p>
3.4	<p>The social media campaign will inform the public as to which pre-loved toys are suitable for the scheme and EBM will assess the toys for acceptability for sale and/or onward gifting. EBM will store the toys and distribute to the distribution partners/charities. The toys will then be sold at a reduced rate by the distribution partners to members of the public and dependent upon uptake they may also be gifted by these parties. Distribution partners which have indicated a willingness to participate have established outlets located on main arterial routes such as; Newtownards Road (East), Park Centre off Falls Road (West), Antrim Road (North) and Botanic Avenue (South).</p>
3.5	<p>In discussion with neighbouring councils it was evident that they viewed such schemes as valuable contributors to assisting families at a time of year when financial constraints are at play and from a waste perspective the initiative also places a positive emphasis on re-use and landfill diversion. At the end of the pilot the scheme will be evaluated to determine its success and any learning points will be captured and considered in any similar future schemes.</p>
	<p><u>Financial & Resource Implications</u></p>
3.6	<p>There are no financial or resource implications associated with this report.</p>
	<p><u>Equality or Good Relations Implications /Rural Needs Assessments</u></p>
3.7	<p>There are no Good Relations or Equality implications associated with this report.</p>
4.0	<p>Appendices – Documents Attached</p>
	<p>Appendix 1 - Pre-loved toy schemes operated by neighbouring Councils</p>

Appendix 1 – Pre-Loved Toys Schemes



The screenshot shows the website header for Antrim and Newtownabbey Borough Council. It includes a search bar, navigation buttons for 'Apply', 'Report', 'Pay', and 'Feedback', and a main menu with categories: Residents, Council, Leisure Centres, Events, Visitor, Business, and Contact. The main content area features a blue banner with the date '11/12/2020' and the title 'Council Supports Pre-loved Toy Scheme'. Below the title is the question 'Can you give your pre-loved toys a new home this Christmas?' and the Habitat for Humanity logo.

Can you give your pre-loved toys a new home this Christmas?

Antrim and Newtownabbey Borough Council is working in partnership with Habitat for Humanity by providing collection points at each of their five Household Recycling Centres so pre-loved toys can be given a new home this Christmas.

Mayor of Antrim and Newtownabbey, Councillor Jim Montgomery said;

“Simply bring your unwanted toys that are in good condition and drop them off in the Christmas Toy Collection containers at any of our Recycling Centres. Habitat for Humanity will collect the items, sort and clean them and then sell them at low prices in their ReStore shops.”

“Christmas can be a difficult time for many and this year has added more pressure on families so I am delighted that we can play a small part in reducing the financial burden. As well as providing families the opportunity to purchase good quality presents for their children, this initiative also supports our aim of diverting waste away from landfill.”

Items accepted include:

Bikes, trikes and scooters

Ride on toys

Go karts

Toy kitchens and work benches

Dolls house

Dolls and prams

Jigsaws, puzzles and board games (complete

Figures and figurines

Legos

Unfortunately soft or broken toys cannot be accepted.

The last date for accepting donations will be Thursday 17 December 2020.

To find your nearest Household Recycling Centre visit www.antrimandnewtownabbey.gov.uk/recyclingcentres

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Subject:	Enforcement Action within Smoke Control Areas
Date:	8 th November 2022
Reporting Officer:	Siobhan Toland, Director of City Services
Contact Officer:	Vivienne Donnelly, City Protection Manager Alastair Curran Environmental Protection Manager

Restricted Reports	
Is this report restricted?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If Yes, when will the report become unrestricted?	
<i>After Committee Decision</i>	<input type="checkbox"/>
<i>After Council Decision</i>	<input type="checkbox"/>
<i>Sometime in the future</i>	<input type="checkbox"/>
<i>Never</i>	<input type="checkbox"/>

Call-in	
Is the decision eligible for Call-in?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

1.0	Purpose of Report or Summary of Main Issues
1.1	At its hybrid meeting of 9 th August 2022, under restricted agenda item 2e, wherein the Committee considered the Belfast City Council 2022 Air Quality Progress Report, as part of the resultant discussion concerning the Progress Report, a member of the Committee asked for an update on enforcement action within the smokeless zones across the city. This report serves to address that request.
1.2	The Committee is advised that within Northern Ireland, statutory smoke control functions and enforcement are provided for via the Clean Air (Northern Ireland) Order 1981 and so is reflective of common industrial and domestic combustion processes and abatement technologies of that time.

1.3	Under the auspices of the above legislation, Smoke Control Areas were created to control emissions of smoke from industrial premises and homes in the city at a time when there was a greater reliance on coal fired appliances as the primary heating source for domestic premises. A grant was provided to domestic occupiers to assist with the conversion to approved “smokeless” appliances.
1.4	Within Smoke Control Areas, residents are required to use authorised fuels commonly known as “smokeless fuels” unless an exempt appliance has been installed. Businesses and industries are also required to take steps to ensure that dust, fumes grit and gases are minimised.
1.5	Smoke control works were substantially completed for the Belfast City Council area towards the late nineties, with most of the developed areas of the city designated as Smoke Control Areas, with the exception of the mountainous areas to the west / north west of the city, the port area and those areas subsumed from neighbouring councils under the 2015 Local Government Reform that were not designated as Smoke Control Areas by their previous council.
1.6	In view of more recent legislative controls for industrial and commercial activities, combined with consumer preferences for alternative heating systems such gas, oil and renewable technologies, the prevalence of solid fuel appliances in use across the city has declined over recent years. Accordingly, whilst particulate matter (PM ₁₀) continues to be monitored at a number of locations across the city, concentrations do not currently warrant action under the Council’s local air quality management processes and objectives. The Committee will be aware that our current Air Quality Management Areas, which have been designated along a number of the city’s arterial routes, combined with our 2021-2026 Air Quality Action Plan, are primarily aimed at addressing the few remaining transport related nitrogen dioxide (NO ₂) hotspots.
1.7	The Council continues to use its range of enforcement powers to address ambient air quality issues and complaints using a proportionate and graduated approach.
2.0	Recommendations
2.1	The Committee is requested to <ul style="list-style-type: none"> • Note the contents of this report.
3.0	Main report
	<u>Key Issues</u>
3.1	The Committee is advised that the Clean Air (Northern Ireland) Order 1981 was commenced on 10 th February 1981 and includes a number of statutory tools for addressing emissions of

	<p>particulate matter in order to improve ambient air quality. The legislation is reflective of common industrial and domestic combustion processes and abatement technologies of that time.</p>
3.2	<p>The Order contains a general provision at Article 3 relating to the prohibition of dark smoke from chimneys, i.e., '<i>Subject to the provisions of this Order, dark smoke shall not be emitted from a chimney of any building, and if, on any day, dark smoke is so emitted, the occupier of the building shall be guilty of an offence</i>'. Dark smoke is defined as smoke which, if compared in the appropriate manner with a chart of the type known on 9th June 1964 as the Ringelmann Chart, would appear to be as dark as, or darker than shade 2 on that chart.</p>
3.3	<p>The Order also addresses dark smoke from industrial or trade premises at Article 4, and smoke, grit and dust from furnaces at Articles 5, 7, 8, 9, 11, 12 and 13. These interventions have however largely been superseded by newer emissions control legislation. The Industrial Pollution Control (Northern Ireland) Order 1997 and more recently the Pollution Prevention and Control (Industrial Emissions) Regulations (Northern Ireland) 2013, recognise that certain industrial processes and activities can cause harm to the surrounding environment and as a consequence, those activities must be operated under a permit. Within Northern Ireland, the Northern Ireland Environment Agency (NIEA) regulates what are referred to in legislation as the larger and potentially more polluting Part A and B activities, whereas district councils regulate smaller Part C installations for emissions to air only. Permits relating to combustion and incineration activities routinely include detailed ambient air pollution emission limits for sulphur dioxide (SO₂), nitrogen oxides (NO_x), carbon monoxide (CO) and total particulate matter, along with monitoring and compliance conditions. Permits for other industrial activities that involve dust generation also routinely include emission limits, monitoring and compliance requirements for particulate matter. Medium combustion plant and specified generators have also recently become regulated under the Pollution Prevention and Control (Industrial Emissions) Regulations (Northern Ireland) 2013.</p>
3.4	<p>Articles 14 and 15 of the Clean Air (Northern Ireland) Order 1981 address chimney heights to ensure that chimneys are installed to avoid the potential for nuisance from smoke, grit, dust or gas emissions. At present, chimney height matters are mostly dealt with as a component of the council's local air quality management functions through the planning process, via the submission of a rigorous Air Quality Impact Assessment for a proposed development. The Committee will be aware that the Belfast City Council 2022 Air Quality Progress Report, considered by Committee during its meeting of 9th August 2022, contained at, '<i>Section 4 Planning Applications</i>' a list of major new developments across the city that</p>

	<p>had the potential to have a negative impact on ambient air quality during the 2021 period, where ambient air quality impacts were managed through the planning process.</p>
3.5	<p>Under Article 17 of the Order, which relates to Smoke Control Areas, a council may declare the whole or any part of its district as a Smoke Control Area. If on any day, smoke is emitted from a chimney of any building within a Smoke Control Area, the occupier of that building shall be guilty of an offence, unless they can prove that the fuel used was authorised or that the appliance used are approved by the Departments and are capable of not producing smoke.</p>
3.6	<p>A list of currently authorised fuels for Northern Ireland, including inherently smokeless generic fuels such as anthracite, semi-anthracite, electricity, gas and low volatile steam coals, is available via the following Defra weblink:</p> <p>https://smokecontrol.defra.gov.uk/fuels.php?country=northern-ireland</p>
3.7	<p>It should be noted that home heating oil is not an authorised fuel as it is not inherently smokeless but under the subordinate legislation, appliances using oil are exempt from the provisions of Article 17 of the Clean Air (Northern Ireland) Order 1981. This exemption is conditional upon the appliance being installed, maintained and operated so as to minimise the emission of smoke.</p>
3.8	<p>Currently exempted combustion appliances within Northern Ireland and any associated exemption conditions are available via the following Defra weblink:</p> <p>https://smokecontrol.defra.gov.uk/appliances.php?country=northern-ireland</p> <p>The exempted appliances listed typically include what are termed multi-fuel stoves, wood burning stoves, wood pellet stoves, room heater stoves or various light and ultra-light boilers. The exemption process is presently administered by the Heating Equipment Testing and Approval Scheme (HETAS) and involves the manufacturer of the appliance demonstrating through accredited emissions testing that the appliance can achieve permitted smoke emissions limits that are related to the appliance's output in kilowatts.</p> <p>https://www.gov.uk/government/publications/apply-for-exemption-of-an-appliance-in-a-smoke-control-area</p>
3.9	<p>When a Smoke Control Area was declared by a council, domestic property owners were able to claim a grant of up to 70% of the approved adaptation expenditure incurred in complying with the requirements of the Smoke Control Area, providing that the house was built before 1st March 1969 and was not in the ownership of the NIHE or Housing Association. The grants were funded by the Council (30%) and DoENI / DAERA (40%).</p>

3.10	Reasonable works in connection with compliance or adaptation works included; adapting or converting a fireplace; replacing any fireplace with another fireplace or some other means of heating or cooking; altering a chimney which serves a fireplace; providing gas ignition, electric ignition or any other special means of ignition; or carrying out any other incidental operation.
3.11	The Committee is advised that the Department of the Environment for Northern Ireland (DoENI), now the Department of Agriculture, Environment and Rural Affairs (DAERA), issued guidance in October 2006 concerning, ' <i>Policy Guidance on Smoke Control Areas LAQM.SCANI(06)</i> '. The guidance advises that there are a number of situations where a district council may consider it appropriate to declare a Smoke Control Area. For example, as part of a strategy to improve local air quality, where there is evidence of elevated concentrations of emissions from coal burning, or as part of an Action Plan within an Air Quality Management Area. The Committee will be aware that the principal focus of the council's recently adopted Air Quality Action Plan 2021-2026 is to address the few remaining transport related nitrogen dioxide (NO ₂) 'hot spots' within our four Air Quality Management Areas. There is no evidence to support the need for further Smoke Control Areas in the undesignated areas and nor has funding provision been agreed with DAERA to support grants to householders.
3.12	All complaints are investigated using a graduated approach and in the first instance, officers will seek to establish if the smoke is due to lighting up which is permissible. Thereafter, advice will be provided to the occupier/homeowner on the types of fuels that are permissible for use within Smoke Control Areas. Whilst the Council has the power to prosecute for offences under the Order, officers will always seek to use a graduated approach to achieve compliance. Complaints are mostly resolved through dialogue and advice.
3.13	To support compliance, we highlighted our smoke control areas in June 2022 as part of this year's Clean Air Day promotions. Officers are presently developing an awareness campaign with Corporate Communications, to be delivered during the colder winter months via the council's social media channels, to highlight our smoke control areas and the use of authorised fuels. We are also working with the Community Awareness Team to incorporate key air quality messages into their schools education programme which will include this aspect of air quality.
3.14	In light of the current cost of living crisis however, any enforcement action taken must be proportionate and in the public interest. A person guilty of an offence under

	<p>Article 17 Smoke Control Areas is liable upon summary conviction to a fine not exceeding level 3 on the standard scale (£1,000).</p> <p><u>Finance and Resource Implications</u></p> <p><u>Financial</u></p> <p>3.15 There are no financial or resource implications for the council in connection with this report.</p> <p><u>Human Resources</u></p> <p>3.16 There are no human resource implications for the council in connection with this report. Smoke control enforcement works are undertaken by staff within the Environmental Protection, Public Health and Housing Unit from within existing resources.</p> <p><u>Asset and Other Implications</u></p> <p>3.17 There are no asset or other implications for the council in connection with this report.</p> <p><u>Equality or Good Relations Implications/ Rural Needs Assessment</u></p> <p>3.18 There are no Equality or Good Relations Implications / Rural Needs Assessment implications for the council in connection with this report</p>
4.0	Appendices – Documents Attached
	None.