

Document Pack

**Committee and Members' Services Section
Chief Executive's Department
Belfast City Council
City Hall
Belfast
BT1 5GS**



28th July, 2010

MEETING OF HEALTH AND ENVIRONMENTAL SERVICES COMMITTEE

Dear Councillor,

The above-named Committee will meet in the Lavery Room (Room G05), City Hall on Wednesday, 4th August, 2010 at 4.30 pm, for the transaction of the business noted below.

You are requested to attend.

Yours faithfully

PETER McNANEY

Chief Executive

AGENDA:

1. **Routine Matters**

- (a) Apologies
- (b) Minutes

2. **Directorate**

- (a) Media Coverage (Pages 1 - 4)
- (b) Outstanding Accounts - Provision of Services to Associated Companies (Pages 5 - 6)
- (c) Year-end Absence Rates 2009/2010 (Pages 7 - 10)
- (d) Peace III - Phase II Project Proposals (Pages 11 - 14)
- (e) Association for Public Service Excellence Annual Seminar (Pages 15 - 16)

3. **Environmental Health**

- (a) Bye-Laws Prohibiting the Consumption of Alcohol in Public Places (Pages 17 - 22)
- (b) Nominations to Elected Positions within the Association of Port Health Authorities (Pages 23 - 24)
- (c) George Best Belfast City Airport Runway Extension - Further Health Impact Assessment Work (Pages 25 - 34)
- (d) Safety of Dog Wardens (Pages 35 - 36)
- (e) Consultation on a Draft Strategy for Improving the Regulation of Health and Safety in Northern Ireland (Pages 37 - 68)
- (f) Establishment of a Regulatory Framework for Liquefied Petroleum Gas, Oil and Solid Fuel (Pages 69 - 76)
- (g) Consultation on the Housing (Amendment) (No. 2) Bill (Pages 77 - 154)
- (h) Consultation on the Caravans Bill (Pages 155 - 158)

4. **Building Control**

- (a) Naming of Streets (Pages 159 - 160)
- (b) Vacant Property Rating Project (Pages 161 - 164)

5. **Waste Management**

- (a) Northern Ireland Landfill Allowances Scheme and Recycling Rate Updates (Pages 165 - 172)
- (b) Establishment of Waste Working Group (Pages 173 - 174)
- (c) Waste Management Issues - Request to hold a Special Meeting (Pages 175 - 176)
- (d) "Rethink Waste" Grant Applications (Pages 177 - 180)
- (e) Tender for the Collection and Recycling of Scrap Metal (Pages 181 - 182)

6. **Cleansing Services**

- (a) Illegal Dumping of Black Bags in Alleyways (Pages 183 - 186)
- (b) Illegal Flyposting in Belfast (Pages 187 - 190)
- (c) Street Cleanliness Index (Pages 191 - 196)

**Belfast City Council**

Report to:	Health and Environmental Services Committee
Subject:	Media Coverage
Date:	4 th August, 2010
Reporting Officer:	Suzanne Wylie, Director of Health and Environmental Services, Ext. 3260
Contact Officer:	Joanne Lowry, Media Relations Officer, Ext. 6270

Relevant Background Information

Members agreed that a quarterly report on media coverage would be brought to Committee to keep Members up-to-date on current issues.

Key Issues

A report on media coverage for the period March – June, 2010 is attached.

Recommendation

The Committee is asked to note the report.

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Council-generated Media Coverage

From March – June 2010, 69 press releases directly related to the work of the Department were issued.

The high number of press releases is due in some part to proactively highlighting our prosecutions for offences in food safety, underage cigarette sales, on-street drinking, noise pollution, littering, and dog control. These have been picked up very well by the media, particularly by the weekly papers, and highlight the Council's commitment to protecting the health and safety of the public, as well as carrying out its statutory duties under legislation.

Most recently the Council launched a new and updated anti-litter campaign on the theme of 'Littering - It's not a good look', which again is targeted at 18-35 year olds. This time however the focus is on self-awareness and image, to try to make people think about how littering reflects on them personally, rather than us simply telling them not to do it. The campaign was launched with the creation of a mini movie set in the grounds of City Hall and actors played out several 'littering scenarios' for passers-by. The launch itself was hugely successful and was picked up by key media, with radio interviews and coverage in the Press and online.

There was also good coverage of our 'Big Sweep' Challenge which is aimed at encouraging communities to organise clean-ups in their own area and compete for the best streets in the city. The Brighter Belfast awards were also launched with an awards ceremony planned for November.

The launch of CCTV in the university area, just before the St Patrick's Day celebrations, got widespread coverage in the media including daily and weekly newspaper coverage, TV and radio interviews and online articles. While this was a joint initiative the scheme was received very positively which reflected well on the Council's contribution to the scheme, and its efforts to improve the quality of life of residents across the city were recognised.

Events at this year's Waste Week proved a huge success and we got some positive coverage, particularly around the Movies with Glass event. This year we had a 'Unique Boutique' pop-up shop at Victoria Square as well as a charity car boot sale, both encouraging re-use of household goods. The car boot sale proved so successful that we are looking at the possibility of making this a more regular event, as it also highlights the Council's 'reduce, reuse, recycle' message. Also attracting positive media coverage was the Stitch and Style event (encouraging people to restyle and reuse clothes) which was held in St George's Market in March, building on the success of the previous events.

We also flagged up changes to our waste collection arrangements which means people can now dispose of food waste in their brown bins, and this was covered by the media. Uptake of this new service has also helped to boost the Council's recycling rate and therefore save both the Council and ratepayers money.

Other successful initiatives during this period have been:

- Launch of the 'Good Morning' project at City Hall (a telephone support service for vulnerable people) – the Belfast model that has been operating with great success was used as a blueprint to be rolled out to other parts of Northern Ireland
- Awards for winners of the council's 'Partners in Grime' competition – schoolchildren from across Belfast were invited to the Lord Mayor's parlour to receive prizes for taking part in the anti-litter competition
- Walk to Work Week
- Young People's Awards – annual awards-giving was held at the Waterfront Hall
- Launch of EPC (Energy Performance Certificates) campaign to make landlords/property owners aware of their obligations under the new legislation

Statistics

From March until June, there were 146 press enquiries directly related to the work of the Department. This accounts for just over a quarter (26%) of the total number of enquiries dealt with by the Media Relations team for the same period.

Other coverage

The Council has come in for criticism from 'Save Lennox' campaigners – a dog which was seized by our dog wardens on the basis that it was a proscribed breed and therefore illegal under the Dangerous Dogs legislation. While the Council has acted appropriately in this regard, and is obliged by law to have taken this action, there has been criticism of the Council's dog warden service and of individual officers, particularly on online forums such as Facebook, Twitter and youtube. The situation is currently under review by the Head of Service and Legal Services.

Weekly newspapers have carried several articles on alleygating and the positive benefits for communities.

The community safety wardens service continues to be highlighted in the Press with the overwhelming majority of coverage being extremely positive and reflecting well on the council. The murder of Seamus Fox in west Belfast brought the wardens into the spotlight regarding their role in communities and we issued an appropriate statement about our joint working with the PSNI and other agencies under the 'Safer City' agenda.

The Licensing Committee's decision to refuse an entertainments licence for Mynt nightclub based on evidence from the PSNI was picked up widely by the media and we issued an agreed statement.

**Belfast City Council**

Report to:	Health and Environmental Services Committee
Subject:	Outstanding Accounts – Provision of Services to Associated Companies
Date:	4th August, 2010
Reporting Officer:	Suzanne Wylie, Director of Health and Environmental Services, ext 3260
Contact Officer:	Mark McBride, Business Support Manager, ext 3261

Relevant Background Information

At its meeting on 2nd June, the Committee authorised that certain outstanding accounts be written off in accordance with the Council's Financial Regulations.

Arising from the discussion at the meeting, the Director of Health and Environmental Services agreed to submit a further report to Committee which considered whether the Council could restrict services to an associated company of a business which has gone into liquidation that had outstanding accounts with the Council, particularly where directors of the company in liquidation are also directors of the associated company.

The Director of Health and Environmental Services agreed also to discuss the current practice of restricting publication of the detail of individual write offs with the Town Solicitor & Assistant Chief Executive, given that the publication of such information could be viewed as being in the public interest.

Key Issues

As limited companies are separate legal entities, the Council would not normally have recourse against a company which continued to trade, where the directors were also directors of a company in liquidation. However the Town Solicitor & Assistant Chief Executive has advised that, in certain circumstances, the Council could consider withdrawing services to an associated company where the directors were also the sole or substantially the same directors of a company in liquidation which had amounts owed to the Council.

Such decisions would, however, be required to be taken on an individual basis and would need to consider whether the company had a statutory right to the service, such as Building Regulations, or if it was in the interests of the Council to continue the service, for example Regulatory or Licensing services. The business nature of the

service may also need to be considered, for example Commercial Waste Collection, where businesses pay a commercial charge for the service. Where the Council perceives that there is a risk of further financial loss in dealing with an associated company, alternative payment methods may be considered, rather than foregoing potential external income. In such cases, the Director of Health and Environmental Services would assess, taking advice from Legal Services where appropriate whether withdrawal of service or alternative payment method is appropriate.

The Town Solicitor & Assistant Chief Executive has also advised that there is no requirement to restrict publication of the details of individual outstanding accounts which have been written off by the Council and as such the restriction could now be removed from the Committee reports.

Recommendations

The Committee is asked to note the advice of the Town Solicitor & Assistant Chief Executive regarding the provision of services to companies, whose directors are also directors of a company in liquidation which owe amounts to the Council and the publication of the details of outstanding accounts written off by the Council.

The Committee is also asked to note that recommendations will be submitted to the Strategic Policy and Resources committee regarding circumstances where withdrawal of services may be considered by departments in conjunction with Legal Services and the publication of details of write-offs.

Decision Tracking

N/A



Belfast City Council

Report to:	Health and Environmental Services Committee
Subject:	Year- end Absence Rates 2009/2010
Date:	4 th August, 2010
Reporting Officer:	Suzanne Wylie, Director of Health and Environmental Services, Ext 3260
Contact Officer:	Mark McBride, Business Support Manager, Ext 3261

Purpose of report

This report:

- Provides sickness absence data for the Health and Environmental Services Department for the financial year 2009/10.
- Compares this year's performance to the same period last year.
- Proposes targets for the reduction in sickness absence for the financial year 2010/2011.

Relevant Background Information

- In May 2009, the Strategic Policy and Resources Committee agreed a new two-year Council target to reduce sickness absence to 10.85 days by March 2010 and 10.50 days by March 2011.
- This two-year reduction target cascaded through departments and sections based on their performance at March 2009. The target agreed for Health and Environmental Services was to reduce to 10.87 days by March 2010 and was set taking into account the reduction of 2.69 days per full time employee achieved by the department during 2008/09 which more than met the reduction target of 1.96 days for 2008/09.

Key Issues

Key Findings

- At the end of the financial year 2009/10 the average number of day's sickness absence per full time employee in Health and Environmental Services was 12.22 days (this figure excludes swine flu; if swine flu is included the figure was 12.32 days) which was 1.35 days above the target for the year.

- There was an increase in the number of staff who had sickness absence during the year as compared to the same time last year. (58.66% in 2009/10, 56.56% 2008/09), although this still meant that 41.34% of staff within the department had no days absence during 2009/10 as opposed to 43.44% in 2008/09.
- This year 65.39% (7,002 days) of absence was classified as long term compared to 65.27% (6,021 days) last year.
- Therefore, the main reason for the increase in absence is long-term sickness.

Dealing with long-term and intermittent sickness

- The department worked closely with corporate Human Resources during the year to continue to improve the management of absence including the consistent application of the absence policy and the clear definition of roles and responsibilities. In addition to the monthly departmental management reports on absence levels and compliance, fortnightly meetings were established with Human Resources as part of the corporate “hot spot” approach. These meetings also assisted in considering complex employee relations cases which included significant absence.
- Directorate closely monitored compliance with the sickness absence policy and reported compliance / non compliance to the Departmental Management Team (DMT) on a regular basis.
- Directorate and Services met on weekly/monthly basis to review priority cases.
- Across the department there were a number of cases of serious illness which required external medical consultations before management could take a decision. Rigorous follow ups on occupational health/medical consultant reports, and case reviews of difficult or long term absence cases has assisted in the management of such cases.

Performance against target information

- The table below provides performance against target rates at service level for this year and last year (swine flu excluded)

	Target for March 2010	Actual days absence per fte at March 2010	Variance	Days absence per fte same time last year March 2009
Health & Environmental Services	10.87	12.22	-1.35	11.21
Environmental Health Service	9.65	9.45	0.20	9.65
Building Control	5.74	7.44	-1.70	5.74
Cleansing Waste Management Directorate	12.09	13.55	-1.46	12.59
Support	12.11	15.42	-3.31	12.61
	4.87	6.30	-1.43	4.87

Actions taken to improve absence rates:

- A new Attendance Policy was introduced in January, 2010.
- Transfer arrangements to move employees from the old to the new policy were agreed with Trade Unions and HR has undertaken monthly compliance checks in relation to the transfer of employees from the old to the new policy.
- All relevant officers and Trade Unions were trained on the new policy.
- An extensive communication exercise was undertaken to ensure staff awareness of new policy.
- A new system of fortnightly meetings between HR and the departments to ensure compliance with the policy and to advise on difficult cases.
- Standard agenda item on the monthly Departmental Management Team meetings considering absence levels and compliance.
- Case reviews to progress difficult cases appropriately.
- Action learning/discussion forums between HR and departments to agree a corporate approach to difficult attendance management issues.
- Additional occupational health clinics to assist with the increased referrals resulting from the implementation of the new Attendance Policy
- Monthly meetings with Occupational Health and HR to discuss Occupational Health aspects of attendance management.
- Absence improvement plans in place for all services within the department.
- Directorate and Services meet on a weekly/monthly basis to review priority cases.

These actions are in full compliance with the new attendance policy and HR advice.

Target for reduction 2010/11

- In May 2010, the Strategic Policy and Resources Committee agreed a new two year target to reduce to 11.0 days per full time equivalent by March 2011 and 10.75 days by March 2012 per full-time equivalent.
- The target agreed for Health and Environmental Services is to reduce sickness absence to 11.44 days per full time equivalent for the department (Cleansing to reduce to 12.55 days and Waste Management to reduce to 13.74 days).

Recommendation

The Committee is asked to note the year end performance figures and agree the above approach to the target for 2010/2011.

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Belfast City Council

Report to:	Health and Environmental Services Committee
Subject:	Peace III - Phase II Project Proposals
Date:	4 th August 2010
Reporting Officer:	Suzanne Wylie, Director of Health and Environmental Services, Ext. 3260
Contact Officers:	Siobhan Toland, Head of Environmental Health, Ext. 3281 David Cartmill, Departmental Policy Manager, Ext. 3377

Relevant Background Information

The Belfast Peace Plan is one of 14 plans led by local authorities in Northern Ireland and the Border Counties. The plan aims to build positive relations at the local level and tackle sectarian and racist attitudes with a focus on conflict resolution and mediation at the local community level. The plan is 100% funded by the EU.

Belfast City Council has been invited to develop a plan for Phase II of the programme to be submitted to Special EU Programmes Body (SEUPB) by September 2010. An initial draft plan has been developed under the direction of the Good Relations Partnership. The final draft of the overall plan will be taken back to the Good Relations Partnership (and to the Strategic Policy and Resources Committee) in August, however this report is to advise the Health and Environmental Services Committee of projects proposed for phase II of the Belfast plan to be led by the Health and Environmental Services Department.

Key Issues

Four projects were proposed originally by the Health and Environmental Services Department which were deemed to match programme objectives and subscribe to the work undertaken by the Health and Environmental Services Committee. The indicative budget required for the 4 projects was estimated at £1.865m from a total council bid of £7.845m.

At the Good Relations Partnership meeting on 25th June it was agreed that one of the four Health and Environmental Services proposals should be withdrawn (North and West household recycling centre – a new shared space - indicative budget £750k). It was concluded that risks associated with obtaining necessary planning approvals to develop a site at Springvale may have resulted in failure to complete the project within the Peace III programme timeframe.

Work is continuing to develop detailed cases for the following 3 projects for submission to the managing authority for the programme (SEUPB) in September. The anticipated cost/income for the remaining projects is in excess of £1m. An outline summary of each proposal is listed below.

1. Belfast sectarian and racism tension monitoring and response project – indicative budget £600,000

The primary purpose of tension monitoring is to reduce the impact and number of actual or potential community tensions at interfaces and across neighbourhoods in the city. This project is based on a strategy of establishing a multiagency approach to improve communication, information sharing and community engagement to manage and respond rapidly to community tensions before they rise to such an extent that it results in unrest and violence. It seeks to:

- coordinate a multi-sectoral approach to monitoring and responding to identified community tensions and delivering targeted responses that reduce or minimise the impact and number of community tensions, before they get out of control;
- provide a process whereby quantitative and qualitative information is collated and analysed to inform understanding of community tensions; and
- engage with relevant communities and partners, in particular those from underrepresented and at risk groups; for example, those living in areas affected by sectarian and interface violence; disability groups; LGBT groups and minority ethnic groups.

The project would support a monitoring process and a rapid intervention approach within neighbourhoods through the strategic coordination and deployment of resources at times of increased tension or crisis. There are still areas within the city facing inter-communal tensions resulting in youth-led violence at interfaces and race relations issues. Incidents are often associated with significant anniversary or commemorative events but can also be sparked off by a series of seemingly minor community / neighbourhood issues.

This project will enable and support communities to better manage and reduce tensions, through the deployment of an 'on the ground' community support team to provide reassurance and the delivery of positive interventions that have been shown to reduce community tensions. In order to reduce the incidence of tensions, a number of partner organisations will support reporting of crime, services for victims and witnesses and liaison with service providers.

The project will collate information on community tensions and develop action plans where it is determined that tensions are at levels that might lead to hate incidents or crime. It will promote Belfast as a Shared City Space by reducing tensions in areas that may be at risk of violence or a breakdown in community relations and cohesion. The project is collaborative in that it will bring together statutory, voluntary and community organisations and seek to build a sustainable capacity to reduce the incidence of tensions over time.

2. Youth engagement programme – indicative budget £350,000

This programme aims to improve the quality of life for communities in interface areas by working with marginalised young men in a partnership programme which provides hope and purpose and diverts involvement in gang and paramilitary activity.

In Belfast, there is deemed to be a huge gap in engaging with young men, especially those at risk from continued paramilitary involvement as we emerge from conflict. Improving the quality of life within some communities and the attractiveness of Belfast in terms of investment and tourism will require continued effort to address 'residual' conflict issues which manifest in ongoing paramilitary activity, sectarian violence and so called "recreational rioting".

The proposal is based on a successful partnership approach to address criminal and anti-social behaviour which operates in Birmingham as part of the 'total place' pilot in the city. The lessons learned from the project have been documented extensively. This proposal seeks to adopt a similar model to reduce sectarian and racist anti social behaviour in interface areas in Belfast.

The proposed programme would engage with 'hard to reach' young men involved in, or on the periphery of, local paramilitary or gang activity to reduce incidents of violence and create alternative pathways to improve their life chances to:

- deter involvement in gang, dissident and paramilitary activity;
- influence young men's attitudes to violence and sectarianism;
- address mental health issues including youth suicide (potentially connected to a society emerging from conflict); and
- develop community resolution of, and resilience to, gang violence and rioting.

Activities will involve a range of interventions including:

- assertive outreach with groups of hard to reach young males by a team of highly skilled staff;
- mentoring programmes;
- connections to schools, training providers and probation services;
- targeted responses for families at critical times in the family's life or its wider social circle (for example conviction to, or release from, custody);
- targeted responses for communities at critical times, e.g. commemorations, parades, protests
- development of inter-agency strategies to sustain long term disengagement from gang and paramilitary activity; and
- creation of an agreed comprehensive framework of interventions to reduce violence.

3. Roots of Empathy – indicative budget £165,000

Roots of Empathy (ROE) is an evidence-based not-for-profit programme that has shown a dramatic effect in reducing levels of aggression (against others from different backgrounds) among school children by raising social and emotional competence and increasing empathy. It is critical that as Belfast emerges from a period of sustained violence, that young people are equipped with the skills and understanding to manage aggression, increase empathy and live in a culture of tolerance and non-violence. The core themes of the project are:

- to engender a positive understanding of diversity;
- to teach children to respect one another and to build a culture of caring;
- to develop empathy and to enable children to value inclusion;
- to value participatory democracy; and
- to promote a culture of non violence and anti-bullying.

The programme will be rolled out in schools across the Belfast City Council area, for children aged 8 or 9 (Primary 5). The reason for the programme being focused on this age group is that according to Queen's University, primary 5 represents the peak age for victimisation in a school setting and it would also complement the start of key stage 2 in the NI Curriculum (Primary). The programme will run through the academic year.

The programme will be delivered in each school by trained instructors, who will mainly be sourced from the consortia organisations. Each instructor, who may be a health visitor, a classroom assistant, a community worker, a worker with Barnardo's or one of the other partners will undertake four days of intensive training to become certified Roots of Empathy instructors. The programme will include outreach work to ensure that local community representatives avail of opportunities to become trained instructors.

The three projects proposed are expected to contribute significantly to the Council's Community Safety, Good Relations and Health Improvement agendas and will foster improved links with various agencies to achieve common goals.

Resource Implications

None, 100% funding to include administrative costs.

Recommendation

The Committee is asked note the proposals.

Decision Tracking

Detailed proposals will be submitted for consideration by the Good Relations Partnership (and subsequently to the Strategic Policy and Resources Committee) in August and, if agreed, to the SEUPB in September.

Key to abbreviations

SEUPB - Special European Union Programmes Body.
LGBT – Lesbian, Gay, Bi-sexual, Transgender.



Belfast City Council

Report to:	Health and Environmental Services Committee
Subject:	Association for Public Service Excellence Annual Seminar
Date:	4 th August 2010
Reporting Officer:	Suzanne Wylie, Director of Health and Environmental Services, ext 3260
Contact Officer:	Suzanne Wylie, Director of Health and Environmental Services, ext 3260

Key Issues

In September, the Association for Public Service Excellence (APSE) will be holding its annual seminar for local authorities and their public sector partners across the United Kingdom. This year the seminar will be held in Londonderry on 8th and 9th September. The seminar is called "Armageddon or managed transformation: Where to next for Local Government's Front Line?"

With a number of noted speakers, it covers a broad agenda concerning how to prepare for a period of financial constraints. It will explore how local government sustains excellence in service delivery in these times, and covers subjects such as cleaning and greening, waste to energy and healthy communities. There are also sessions for elected representatives. The draft programme is attached.

Given the focus and content of the conference, it is suggested that in addition to the Chairman it would be beneficial for the Director or another senior officer to attend the event to enable them to engage in the debate and consider any associated organisational consequences.

The Director of Parks and Leisure has been granted approval via the Parks and Leisure Committee to attend the event.

Resource Implications

Conference fee per person - £379
Accommodation per person – 2 nights - £132

There is allowance in the current revenue estimates to cover this expenditure as well as mileage costs for car travel to the conference venue.

Recommendation

The Committee is asked to nominate the Chairman and the Director of Health and Environmental Services (or their nominees) to attend the APSE annual seminar and Service Awards dinner.

Document Attached

Conference programme

Abbreviation

APSE – Association for Public Service Excellence.

**Belfast City Council**

Report to:	Health and Environmental Services Committee
Subject:	Bye-Laws Prohibiting the Consumption of Alcohol in Designated Places
Date:	4 th August, 2010
Reporting Officer:	Siobhan Toland, Head of Environmental Health, Ext. 3281
Contact Officer:	Eve Bremner, Safer City Manager, Ext. 3275

Relevant Background Information

Members will recall that the present alcohol bye-laws regarding the consumption of intoxicating liquor were made by Belfast City Council on 1st February, 2007 and came into operation on 12th September, 2007. Since this date, there have been numerous requests submitted for further streets and other areas to be considered for inclusion in the schedule to the bye laws.

At Health and Environmental Services Committee on 12th April 2010, the Committee agreed to undertake a review of the streets and areas designated currently within the bye-laws prohibiting the consumption of alcohol in designated streets.

Since this date the following groups and individuals have been consulted:

- Various community groups / general public
- PSNI
- BCC Party Group Leaders
- DPP Members
- BCC Community Safety Team
- BCC Policy Officers Group
- Parks and Leisure (BCC)
- CSP Strategic Tier (Members include Northern Ireland Housing Executive, Belfast Health and Social Care Trust, Department of Justice- Community Safety Unit, Translink, Belfast City Centre Management, NI Fire and Rescue, Youth Justice Agency, NIACRO, Belfast Education and Library Board, PBNI, Victim Support, NI Ambulance Service, NI Alternatives and Belfast Regeneration Office)

Key Issues

Further to this consultation, details of the proposed additional streets to be added to the bye laws are set out in the attached appendix.

Members may wish to note areas of private land to be included within the alcohol bye laws. These areas have been suggested by the PSNI and permission has been sought from the land owners. This will allow the PSNI to enforce the alcohol bye laws in respect of over 18 year olds detected drinking intoxicating liquor on these pieces of designated, private land.

Once the Committee has agreed the additional streets and areas as set out in the appendix, the proposed updated bye laws will be sent to Belfast City Council's legal services section who will submit the draft bye laws to the Department for Social Development (DSD) for preliminary approval. If DSD suggest any amendments, these have to be agreed via the Committee.

Once there is a preliminary agreement with DSD, a report outlining the new draft bye laws, incorporating the additional streets, will then be put before the Committee for adoption and the statutory process for making the bye laws followed, ie:

- A formal Resolution is moved at a full Council meeting;
- A Public Notice is inserted in the press
- After one month from the date of the notice, an application is made to the DSD for confirmation of the bye laws
- The by-laws come into effect.

Resource Implications

A public notice is to be placed in local press regarding the making of the new bye laws. The cost is estimated at £1200 based on previous similar sized notices and will be accommodated within existing revenue estimates.

There will also be costs associated with the purchase and erection of 'alcohol free zone' signs in the areas which are newly designated. Again, these costs have been included within the 2010/2011 revenue estimates.

Recommendations

1. To consider and approve streets and areas listed in the attached appendix as additional areas to be included within the bye laws regarding consumption of intoxicating liquor in designated places.
2. To authorise the preparation of draft bye-laws and the submission of these to the DSD for approval.

Abbreviations

DPP – District Policing Partnership
CSP – Community Safety Partnership
PSNI – Police Service of Northern Ireland
PBNI – Probation Board for Northern Ireland

Document Attached

Additional areas requested for inclusion within Alcohol Bye-Laws

Streets and Areas to be Considered for Designation

North

Ardglen Place (Ardoyne)
Ardoyne Avenue
Arosa Crescent
Bootles Hill
Brompton Park
Brookfield Walk (Ardoyne)
Brougham Street
Butler Walk
Butler Place
Cairnmartin Road
Castleton Avenue
Clifton Courtyard, Oldpark Road
Duncairn Parade
Flax Street
Forthriver Crescent (school grounds are designated but not the remainder of the street).
Garmoyle Street
Glencairn Way
Havana Court
Havana Walk
Havana Way
Jamaica Court
Jamaica Road
Jamaica Street
Jamaica Way
Kingston Court
Legann Street
Lothair Avenue
Mountainhill Road
Ophir Gardens
Rutherglen Street
Stanhope Street
St James' Mews
Somerdale Park

South

City Way
Finwood Park
Kimberly Drive
Lavina Square and Mews, Lower Ormeau

East

Ardgowan Street
Bloomfield Parade
Dromore Street
Elmgrove Manor
Elmgrove Road
Euston Parade
Flush Park
Glendower Street
Halcombe Street
Hillsborough Gardens
Knockdene Park South
Lawnmount Street
Maschona Court
Oberon Street
Orangefield Road
Rathmore Street
Reid Street

Sydenham Avenue
Tamery Pass
Tildarg Street
Titania Street
Willowholme Street

West

Ardmonagh Way
Avoca Court
Bellfield Estate
Cairns Street
Coolnasilla Avenue
Coolnasilla Close
Coolnasilla Drive
Coolnasilla Gardens
Coolnasilla Park North, South and East
Creeslough Park
Creeslough Walk
Creeslough Gardens
Downfine Walk
Glenveagh Drive
Glenveagh Park
Glenties Drive
Glenveagh Park
Gortnamonagh Court
Gortnamonagh Heights
Gortnamonagh Place
Gortnamonagh Rise
Gortnamonagh View
Gortnamonagh Way
Hillhead Avenue
Lenadoon Walk
Maple Villas, 2 Sliabh Dubh View
Milltown Cemetery
Monagh Grove
Moyard Crescent
Norfolk Way
Norglen Road
Sliabh Dubh View
Springfield Mill, Springfield Road
St Peters Square North
Ross Mill Avenue
Ross Mill Court
Tildarg Avenue
Twaddell Avenue
Upper Suffolk Road
Verefoster Walk
Woodbourne Crescent

Leisure Centres:

Grounds and car parks of:

Andersonstown Leisure Centre
Avoneil Leisure Centre
Ballysillan Leisure Centre
Ozone Complex
Grove Wellbeing Centre
Loughside Recreation
Olympia Leisure Centre
Shankill Leisure Centre
Whiterock Leisure Centre
Multi Sports Complex (Blythefield) Blythe Street

Allotments

Musgrave

Open Spaces

Britanica Open Space (off Sandy Row)

Cooke Street

Whiterock Road (space at right hand side when driving into Whiterock Leisure Centre grounds).

Playparks

Eversleigh Street

Grampian Avenue

Lenadoon

Moyard

Navarra, Ballyrone Hill

Nubia Street

Stewart Street

Enclosed Parks

Mary Peters Track

Other

Balmoral Industrial Estate

Bank Square

Giants Park

Grounds of Belfast City Hospital

Grounds of Learning and Development Centre, East Bridge Street

Grounds of Mater Infirmorum Hospital

Grounds of Royal Victoria Hospital

Walkway that runs through the Con O'Neill Park with entrances on the Beersbridge Road and Abetta Parade.

Writers Square

Yorkgate Railway Station

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Belfast City Council

Report to:	Health and Environmental Services Committee
Subject:	Nominations to Elected Positions within the Association of Port Health Authorities
Date:	4 th August, 2010
Reporting Officer:	Siobhan Toland, Head of Environmental Health Ext, 3281
Contact Officer:	Damian Connolly, Environmental Health Manager (Food Safety and Port Health) Ext 3361

Relevant Background Information

The Association of Port Health Authorities (APHA) is a United-Kingdom-wide organisation representing the interests of Local Authorities and Port Health Authorities that have responsibilities for public, animal and environmental health controls at sea and airports.

The Association is directed by an elected Executive Board and has a number of technical committees dealing with the various aspects of port health work.

Belfast City Council is a corporate member of the Association and at the AGM held in Manchester during September 2008, the Chairman (Councillor Adamson) was re-elected to the Executive Board of the Association for a period of two years and at the AGM held in Newcastle on 8th September 2009, Councillor Adamson was elected as Chairman of the Imported Feed and Food Committee for a period of one year.

Councillor McCarthy is the outgoing president of APHA and a new president from another authority will be elected at the September 2010 meeting.

Key Issues

Executive Board

The Executive Board is comprised of fifteen members of whom nine are regional and open to elected representatives of corporate member organisations only. The remaining positions on the Board are national and are available to officers of corporate and associate members. Board members are elected for a period of two years and the Board usually meets three times per annum.

Imported Feed and Food Committee

The imported feed and food committee provides a forum where enforcement officers are able to meet to develop common policies and principles, to keep up to date with current legislation and advice and to meet with representatives from government departments and agencies. The Chairman's role is primarily to preside at meetings which are held three times per year.

All meetings are held at the offices of the Association located at Walbrook Wharf, London.

Nominations are sought for election, at the AGM in September 2010, to the Executive Board of the Association and to the Chair of the Imported Feed and Food Committee.

Resource Implications

Costs

Committee meetings, as stated, are held three times per annum in London and last approximately three hours. Walbrook Wharf is easily accessible and therefore only travel and subsistence expenses should be incurred.

There are no Human Resources, Assets or other implications to this report.

Recommendation

It is recommended that the Committee:

- Nominates the Chairman, Councillor Adamson, for re-election to the Executive Board for a period of two years
- Nominates the Chairman, Councillor Adamson, for election as Chairman of the Imported Feed and Food Committee.



Belfast City Council

Report to:	Health and Environmental Services Committee
Subject:	George Best Belfast City Airport Runway Extension – Further Health Impact Assessment Work.
Date:	4 th August, 2010
Reporting Officer:	Siobhan Toland, Head of Environmental Health, ext. 3281
Contact Officer:	Julie Allen, Environmental Health Officer, ext. 3697

Relevant Background Information

During discussion at the Health and Environmental Services Committee meeting of 2nd June 2010, it was agreed that the merits of whether any additional information in relation to previous Health Impact Assessment reports on the George Best Belfast City Airport (GBBCA) runway extension should be considered in preparation for the proposed public enquiry.

It was noted that the applicant (Belfast City Airport) had conducted a Health Impact Assessment (HIA) through consultants, RPS, as part of their planning application and some Members had attended a workshop on 19th October as part of that exercise. It was also noted that Belfast Healthy Cities, supported by the Council, had commissioned an independent review, carried out by Ms Erica Ison (HIA expert), of the applicant's HIA. This report had been comprehensive and submitted to the Planning Service along with a Council response to the planning application in November 2009. A copy of the Council's response is attached.

Following discussion, this Committee agreed at its last meeting that a report on the merits or otherwise of Belfast Healthy Cities undertaking a further Health Impact Assessment, including a timeframe for completion and anticipated costs, be submitted to its next meeting. This report is in response to that request.

Belfast Healthy Cities (BHC) has advised that the costs of a Health Impact Assessment depend on the amount of work which is required. It can vary from a desk top HIA at around £5,000 to over £20,000 for a more significant piece of work. Following further discussions with Belfast Healthy Cities and indirectly with the HIA expert it was considered that the main gap in the HIA report that existed was community engagement workshops.

Belfast Healthy Cities have contacted the Ms Ison who conducted the HIA review and requested information regarding:

- 1) what, in addition to the reports that have already been produced, would be required to add value and
- 2) What would be the full overall costs of any additional work?

Key Issues

Members are advised that the Council has submitted a response on the HIA carried out by the applicant. It is unlikely that a full new HIA would add value as it is likely to revisit many of the areas already covered in the existing HIA report and the review report.

The Health Impact Assessment expert Ms Erica Ison who carried out the previous review has advised the following three main areas would add value:

1. The previous work would benefit from a revised community profile - this may not mean a lot of work because as part of the URBACT II Project, a profile for East Belfast was put together in 2009 by Christine McMaster (HPA), Jonna Monaghan (BHC) around regeneration. Ms Ison has suggested working to get data from **local GPs** about hypertension, mental health issues, etc to further add value to this work.
2. There needs to be stakeholder consultation particularly with the communities affected by the flightpaths, together with other stakeholders who need to be involved.
3. A report needs to be written that brings together not only the rapid literature review and critique Ms Ison did of the consultant's report, but also the stakeholder findings and important points from the community profile.

In addition to the above work, Ms Ison would need supported locally to assist with collation of data, as well as additional support with facilitation and organisation of the stakeholder workshops. Belfast Healthy Cities suggest that additional community engagement could be supported through their office. This work would take in the region of one month to complete but would be dependent on the availability of the consultant over the next number of months.

A HIA report, if commissioned, would be used to inform the position taken or views expressed by the Council in their "statement of case" for the public enquiry. However as it was not carried out as part of the original work and response to the Planning Service in relation to the application it would be at the discretion of the Planning Appeals Commission as to what and how much new and additional information could be introduced.

It is also unknown as to the weight and value the Planning Appeals Commission will attach to information from a Health Impact Assessment or indeed community engagement workshops. The advice we have received is that any additional information is only likely to be admissible as an appendix for the amplification of a point made in the body of the Council's "statement of case". Again this would only be applicable if the additional information supported a substantive point raised by the Council in its "statement of case".

Resource Implications

The costs for engaging the HIA expert with support from Belfast Healthy Cities to complete the additional work detailed above are:

- £3,200 for the work of the Consultant, plus
- £1,500 for Belfast Healthy Cities.

This has not been accounted for in the revenue estimates.

Recommendations

The Committee should consider the content of this report and the previous Council submission to the Planning Service in relation to the Health Impact Assessment work already completed (as attached) and, based on the merits of further work at this stage in the planning process, decide either:

- To engage an HIA consultant and Belfast Healthy Cities to complete additional HIA work; or
- That further work should not be undertaken at this stage.

Key to Abbreviations

HIA – Health Impact Assessment
HPA- Health Promotion Agency
BHC- Belfast Healthy Cities
URBACT- Urban Development Network Programme EU

Document Attached

Letter of response from the Council to Planning Service regarding the HIA within the airport planning application (10th November 2009).

Appendix

Ms. Cynthia Smith,
Chief Executive,
Planning Service Headquarters,
Millennium House,
17-25 Great Victoria Street
BELFAST
BT2 7BN

Dear Ms. Smith,

**Re: Planning Application - George Best Belfast City Airport –
Proposed Runway Extension.**

Belfast City Council's Health and Environmental Services Committee, at its meeting on 4th November, considered the following draft response to the Planning Service in respect of the Health Impact Assessment relating to the George Best Belfast City Airport:

“At its meeting on 7th January 2009, the Health and Environmental Services Committee of Belfast City Council was informed that your Department had applied Article 31 of the Planning Northern Ireland to this application and that this designated the application of ‘major importance’. It was also advised that this meant that prior to the application being determined, the Minister would either require a public inquiry to be held before the Planning Appeals Commission or issue the applicant with a notice of opinion advising on how the application should be dealt with.

After discussion at both the Health and Environmental Services Committee and the Town Planning Committee, the Council agreed on 4th February 2009 to write to the Department of the Environment recommending that a Public Inquiry be held. Although further discussions have subsequently taken place within the Council's Committee system regarding the submitted Environmental Statement, I can confirm that this is still the Council's position. A letter outlining the response to the Environmental Statement was submitted to your Department on 2nd July.

An outline of the Environmental Health response to the Health Impact Assessment (HIA) submitted by the applicant in July in support of this application is provided below. This response has been informed by a review of the HIA which was carried out on behalf of the Council Ms. Erica Ison, an independent expert on HIAs. Ms. Ison is affiliated to the Public Health Unit, Oxford and is now also the expert advisor to the World Health Organisation on HIA.

It should also be noted that, on 19th October, the consultants who carried out the HIA held a further stakeholder event to discuss the Health Management Plan, which was attended by a number of ward Councillors and members of the Airport Forum. The discussions at this event have also influenced this response.

Obviously a Public Inquiry would examine the full application and the Health Impact Assessment in much more detail and if the application is to be determined in this way, then the Council is likely to request to make a full submission to the Inquiry.

A summary of our main observations arising from the Health Impact Assessment review of the HIA, carried out by RPS on behalf of the applicant, is provided below:

Scoping and Methodology

The HIA was carried out based on the information provided in the Environmental Statement submitted as part of the planning application. As the airport did not release information to the Council or RPS on the projected aircraft mix, length of journeys etc, it should be noted that the HIA depends on the underlying assumptions and modelling being correct.

In addition, the HIA does not appear to contain any explicit statement of the 'values' used to guide the HIA. The determination of values is recognised as a key part of an HIA process as it sets the overall approach. We have particular concern as to the level of community engagement and representation during the process. The community profile was limited to the Sydenham ward, but in given the extent of flight paths over East Belfast, it is our view that other wards such as Ballymacarrett and Island could have been included in the whole scope of the report.

Also good practice when assessing the impacts of community noise would dictate that vulnerable groups are also identified and consulted. At the recent workshop hosted by RPS, it was pointed out that other stakeholders, missing from the groups consulted, included schools, Holywood Arches Health centre, residents groups, etc. However the consultation carried with stakeholders was limited to the Airport Forum, EHSSB, and the Institute of Public Health in Ireland, which may have limited the effectiveness of the exercise.

Literature Search and Review

In paragraph 5.1 of the HIA Report, it is stated that the 'best available scientific evidence' has been used to investigate 'health pathways'. However, when the references and/or citations in the HIA Report were analysed, out of a total of 40 references or citations, only 12 (30%) related to information about potential impacts on health. The review report provides much more detail on this and refers to additional research papers of relevance. Whilst it is accepted that there continues to be national debate in published literature about the work of several authors, we are concerned that the presentation of the effect of noise on the wider determinants of health and well being is limited in the HIA. In addition there do not appear to be detailed descriptions of potential pathways of cause and effect in the text and the potential for interaction between or among health pathways also does not appear to have been considered, including the identification of interdependencies among potential impacts on health and well-being.

Noise with Respect to Annoyance and Sleep Disturbance **Annoyance**

In the HIA Report, the calculation of the number of people likely to be 'highly annoyed' by noise as a result of the proposal to extend the runway has been undertaken using the Civil Aviation Authority Guidance. However, the CAA Guidance was produced before the results of the study on Attitudes to Noise from Aviation Sources in England (ANASE) were published in October 2007. Like any study of this nature it is acknowledged that the findings are challenged by other experts, however the studies does at least highlight a number of key considerations relevant to this HIA.

The results of the ANASE study, like other studies such as the United Kingdom Aircraft Noise Impact Study (ANIS 1995) reviewed in 2004, found that there is a relationship of increasing annoyance as sound level increases. However the **level** of annoyance was found to be consistently greater in the ANASE study than it was for ANIS, and the authors of the ANASE study concluded that for the same amount of aircraft noise (measured in LAeq), people were more annoyed in 2005 than they were in 1982. Details on the findings from the ANSE study are summarised in a table within the main HIA review.

Moreover, the ANASE study also found that the number of aircraft events may affect levels of annoyance as may the aircraft type. The HIA does not appear to have considered the 'effects' highlighted in this study, which could mean that the number of people 'highly annoyed' in **all** scenarios has been underestimated. In addition, the different sensitivities of people exposed has, in our opinion, not been fully explored, in particular the experience of noise annoyance on children.

- 4 -

In addition, the potential effects of noise on mental health and well-being, do not appear to have been discussed in the HIA Report, nor does the effects of noise on blood pressure or the risk of cardiovascular disease.

In respect of the potential impact of aircraft noise on schools close to the airport, research would suggest that children and adults are equally **susceptible** to environmental noise effects on performance, but that children may be more **vulnerable** to these effects because for example they are more exposed to noise at a critical period of learning and they have a lower ability to understand environmental issues and stressors.. However the HIA does not go into such effects in detail. Further detail on this is cited in the review.

In relation to the above points, the Council would also like to draw your attention to the final report from its Acoustic Consultant, Mr Steve Mitchell, October 2009. His report clearly refers to the analysis of the impact of this extension on annoyance and sleep disturbance and the impact on schools. He highlights the inability to be fully confident around the noise modelling given that detailed fleet mixes and assumptions input into the model have-not been made available. This is considered essential to assess the future noise level and impacts and further corroborates the points raised through the HIA review.

Sleep Disturbance

Sleep disturbance is considered to be one of the most critical areas that needs to be controlled through effective management of the airport. It was stressed at the workshop that not only should the number of scheduled flights between 06:30 and 07:00 hrs not be allowed to increase, but that communities also need assurances and clarity in relation to scheduling of flights to ensure that the number of delayed flights after 21:30 is also not permitted to increase.

This point was also highlighted in the final report from Mr Steve Mitchell and he refers to the impact of night flights (in particular between the hours of 23.00- 07.00) has not been fully assessed, and he suggests that it should be addressed in detail during the HIA. This is not in our opinion dealt with effectively in the HIA or Health Management Plan.

In addition to this, there was a call at the workshop to review the level of fines applied and ensure there is transparency around this and the allocation of the community fund.

With respect to **sleep disturbance**, there are other characteristics of sound apart from time of day that affect people's response to noise which need to be considered, such as intensity; frequency; complexity; duration; and meaning, according to other research papers.. These elements do not appear to have been considered in the HIA Report, especially in relation to implications of the potential changes to the mix of aircraft that will be using Belfast City Airport following any runway extension.

Impact on Amenity

The potential impact of aircraft noise on residential or other **amenity**, especially during the summer, does not appear to have been considered in the HIA Report, in relation to:

- The enjoyment of people's gardens;
- The enjoyment of Victoria Park (although PM10 levels for Victoria Park have been modelled, see Table 4.1 in HIA Report). This park is owned by Belfast City Council and is there for the enjoyment of local people and wildlife.
- The effect on **tranquillity** as a determinant of health.

Low Frequency Noise

The potential impacts of **low frequency noise** do not appear to have been taken into account in the HIA Report. The start-of-takeoff-roll, acceleration down the runway and thrust reversal, all generate high levels of low frequency noise (below 200 Hz) at critical distances from the runway (around 3000 feet) which can be annoying to people living around airports.

Definitions

Within the HIA report it would have been helpful to have had definitions provided for some of the language used when describing impacts such as 'meaningful' and 'significant'. Without these definitions some of the conclusions are open to interpretation.

Health Management Plan

Many of the suggested actions in the draft Health Management Plan, included in the HIA report, in our opinion, consist of interventions already in place and actions related to good practice that would be expected. However to date, there appear to be few, if any, specific interventions that have arisen directly from the HIA. At the workshop held on 19th October, RPS stated that they would be providing a fuller Health Management Plan for the Airport to be considered as part of its Corporate Social Responsibility policies. However, this approach would mean that it is not connected with the planning approval process and therefore the confidence of communities in its comprehensiveness and implementation could be limited.

In conclusion I would point out that the specific references to the potentially limited research on the health impacts of noise highlighted above, combined with the concerns regarding the level of community engagement, raise questions as to whether there are potential actions that have **not** been considered that could help to enhance the benefits and reduce the burden of negative impacts on health. It is hoped that some of these will be included in the revised Health Management Plan, which should be informed by this and other responses as well as the workshop on 19th October.

- 6 -

I would again draw your attention to the Council's original submission in July 2009 in response to the Environmental Statement submitted as part of the planning application. The Council, without prejudice, recommended a number of conditions that we feel are **prerequisites** to any determination of this application.

We would also seek further consideration of how these conditions, particularly those relating to noise management and the scrutiny role mentioned in the new planning agreement (see previous Council responses) will be put into effect, before any determination is made. Also, given the level of community concern over noise control, the setting of the indicative contour and control measures to mitigate noise should be cited within the Health Management Plan, in order to maximise the health benefits.

As a final comment, Mr. Mitchell's report refers to the fact that if the extension to the runway goes ahead, the designation of this airport as a 'City' airport (under Directive 2002/30/ EC) may be changed. There needs to be further clarity on the effect and impact that will have on management controls on noise related operating restrictions at this airport, if this is the case."

After discussion, the Committee agreed the aforementioned response and agreed also that the Planning Service be advised that the control of flights during night-time should be of paramount importance and that the fines imposed as a result of late arrivals and departures after 21.30 hrs. should be reviewed. The fines should be made more realistic in order to act as a deterrent and should be imposed upon both the airline operator and the Airport."

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**Belfast City Council**

Report to:	Health and Environmental Health Committee
Subject:	Safety of Dog Wardens
Date:	4 th August, 2010
Reporting Officer:	Siobhan Toland, Head of Environmental Health, Ext. 3281
Contact Officer:	John Corkey, Environmental Health Manager, Ext. 3289

Relevant Background Information

The Council's Dog Wardens deliver a comprehensive dog control service to the whole of the city. They encourage responsible dog ownership through advice and education and are responsible for the enforcement of the provisions of the Dogs Order, including dangerous dogs. They also enforce the provisions of the Litter Order as it relates to dog fouling. Much of their enforcement work can be confrontational and there have been incidents in the past when staff have been verbally abused or even assaulted.

A recent incident involved the dog wardens seizing a dog which they considered to be a pit bull terrier, a breed type which is proscribed under the Dangerous Dogs (NI) Order and, therefore, cannot legally be kept by an owner. The dog is currently being kennelled by the Council pending legal proceedings. As a consequence of this action however a website has been set up seeking public support to have the dog released back to its owner. Following on from that there have been a significant number of comments on YouTube and several social networking sites. Unfortunately, some of the comments are highly offensive and threatening and many have been directed at the specific member of staff who seized the dog.

In addition, an anonymous letter was received by this member of staff at their place of work. The letter contained obscene language and offensive comments directed at the officer. There was also an implied threat that the author of the letter was aware of the officer's car and registration number. Subsequently, the warden's car tyres were slashed at her home.

The matter has been reported to the PSNI both by the individual and by their manager. Management have also taken steps to ensure that the employee's safety is protected.

Key Issues

- Dog Wardens seized a dog which they had identified as a proscribed dangerous dog.
- A website has been set up seeking public support for the dog's release.
- Offensive and threatening comments relating to the dog warden have been placed on social networking sites.
- An offensive letter has been delivered to one of the officers at their place of work.
- The warden has had her car tyres slashed at her home.
- The matter has been referred to the PSNI.
- Priority has been given to the safety of the individual officer and the other dog warden staff.
- Corporate Communications have prepared a holding statement for response to the e-mails received and an article on the dog warden service will be published in the August edition of City Matters.

Resource Implications

- The internet campaign has resulted in significant requests for information from the public which impacts on the work of administrative staff.
- As a consequence of the risk assessment carried out in respect of the officer, who is the principal subject of these implied threats, she is now always accompanied by a fellow officer when patrolling the city, pending a further review.

Recommendation

The Committee is asked to note this report.

Decision Tracking

There is an ongoing review of the safety of the dog warden staff and, where appropriate, control measures have been put in place to minimise any potential risks.



Belfast City Council

Report to:	Health and Environmental Services Committee
Subject:	Consultation on a Draft Strategy for Improving the Regulation of Health and Safety in Northern Ireland
Date:	4 th August 2010
Reporting Officer:	Siobhan Toland, Head of Environmental Health, ext 3281
Contact Officer:	Valerie Brown, Environmental Health Manager, ext 3281

Relevant Background Information

The Health and Safety Executive for Northern Ireland (HSENI) and the 26 district councils share responsibility for regulating workplace health and safety. They apply similar legislation in different business sectors, with district councils being responsible for regulating the service, retail and entertainment sectors. The economic and social significance of improving workplace health and safety standards in terms of reducing the number of workplace accidents, reducing absenteeism and getting people back into work creates a compelling argument for HSENI and district councils to work together in developing cohesive and complementary planning arrangements and in applying collective resources in the most effective way to raise workplace health and safety standards across Northern Ireland.

In a report to this Committee in April 2009, a set of proposals for new partnership arrangements were outlined. These included a statement of intent and an agreed joint strategic framework incorporating a set of guiding principles for the health and safety regulatory system in Northern Ireland.

The statement of intent set out 3 main commitments:

- Agree a joint strategic framework that identifies a set of guiding principles for the health and safety regulatory system in Northern Ireland;
- Work together to develop arrangements that will embed and deliver closer partnership working;
- Introduce a system that will facilitate effective joint planning and delivery at all levels between HSENI and district councils.

The Committee agreed that the Council should endorse the proposed working arrangements with HSENI and the statement of intent and strategic framework were signed by the Chief Executive on behalf of the Council in May, 2009.

Following on from this, the district councils and HSENI worked together to develop a strategy for the better regulation of health and safety at work in Northern Ireland. A copy of the draft strategy is attached.

Key Issues

This draft strategy represents a highly significant development in the joint commitment between HSENI and the district councils as regulators. It is a high level strategy that establishes a very clear framework for future joint planning and provides the opportunity for a fully coordinated approach to the regulation of health and safety at work.

The strategy enables HSENI and the district councils to be more proactive and innovative in sharing resources and expertise effectively to address the needs of employers, employees, and others who may be affected by work activities and in so doing it will impact positively on the wellbeing of both Northern Ireland's population and its economy.

This new single strategy sets out a 'blueprint' for health and safety regulation in Northern Ireland and the future operational plans of HSENI and the district councils will align with the goals that are set down within it.

HSENI is coordinating a consultation exercise seeking comments on the draft strategy from interested groups before 27th September, 2010. Senior officers from Belfast City Council were involved with HSENI in developing the strategy and hence it is recommended that Committee agrees to send a letter to HSENI endorsing the strategy.

Resource Implications

The strategy should enable the Council to regulate workplace health and safety more effectively by improved joint planning, sharing resources such as training and information provided by HSENI and by having access to additional expertise and specialist resources at no added cost.

Recommendation

It is recommended that the Committee agrees to continue to support the new approach to collaborative working between HSENI and district councils and endorse the draft strategy.

Decision Tracking

The Head of Environmental Health will ensure a letter endorsing the draft strategy is sent on behalf of the Council to HSENI before the 27th September 2010.

Key to Abbreviations

HSENI – Health and Safety Executive for Northern Ireland

Document Attached

Draft Strategy for the Better Regulation of Health and Safety in Northern Ireland

Health and safety at work: protecting lives, not stopping them

A HSENI and District Council Strategy for the better regulation of
health and safety at work in Northern Ireland

DRAFT FOR PUBLIC CONSULTATION – 05.07.10

Contents

Joint foreword	3
Setting the scene	4
Looking forward	6
Goal1 Working together	8
Goal2 Sensible risk management	9
Goal3 Focus on key workplace health issues	10
Goal4 Building capacity	11
Goal5 Vulnerable groups	12
Goal6 Targeted intervention and enforcement	13
Goal7 Working with other regulators	14
Goal8 The wider perspective	15
Goal9 Leadership	16
Goal10 The role of others	17
Driving change through better regulation	18
Annex 1 – Equality Impact Screening Document	19
Annex 2 – Consultation List	24

Joint foreword

There has been a long history of partnership working between the Health and Safety Executive for Northern Ireland (HSENI) and health and safety regulators in Northern Ireland's district councils. This is only to be expected of organisations that share responsibility for ensuring high standards of workplace health and safety across Northern Ireland. To do otherwise would rightly attract criticism about the effectiveness and efficiency of our respective organisations, not least in terms of how we use public money.

However, despite our history of working together and the many examples of effective joint initiatives and partnership working, in recent times we have come to recognise that both district councils and HSENI could do better. Although we had previous plans linking our organisations, we now recognise the need to go further to mobilise and support a much closer union between HSENI and Local Government. This union will challenge the partners to be more proactive and innovative and to use our joint resources more effectively to address the needs of employers, employees and others who may be affected by work activities, and in doing so impact positively on the wellbeing of both our population and economy.

This strategy represents a highly significant development in the joint commitment between HSENI and the district councils that will drive the partnership forward through the next decade and beyond. There will undoubtedly be periods of challenge and significant change ahead of us - some of which is perhaps unknown to us at this stage. Whilst this strategy has been primarily designed to provide clear focus and direction for the regulators, it has, therefore, also been developed with sufficient flexibility to remain fit for purpose for many years to come.

It is important to realise that this strategy does not stand alone. It builds on, and is supported by, the Statement of Intent and Strategic Framework Document adopted by HSENI and the district councils in June 2009. This committed both parties to nurturing and monitoring the ongoing partnership and establishing joint structures and management arrangements for the regulation of workplace health and safety. This long-term strategy will also be underpinned by more detailed three-year corporate plans and annual operating plans developed separately by HSENI and the district councils. These plans will take their lead from this strategy and will seek to identify further opportunities to work better together.

This strategy therefore establishes a very clear framework for future joint planning, sharing of resources and expertise and, in a real sense, provides a truly Northern Ireland wide, co-ordinated approach to the regulation of health and safety at work. We, and our respective organisations, are committed to making it work.

[signature]
Chair of HSENI

[signature]
Chair of SOLACE

Setting the scene

It is important to acknowledge that significant advances have been made in recent years to the standards of health and safety expected and delivered in many Northern Ireland workplaces.

The concept of risk assessment, for example, which is central to today's approach to managing health and safety at work, is now firmly embedded in many organisations and is widely used to identify and control risk. Perimeter fencing to prevent unauthorised access to dangerous areas, the extensive use of scaffolding to provide safe access, and the use of safety nets to prevent falls from heights, are all very visible examples of how construction site safety has improved over the years. The dramatic fall in child deaths on the farm since 2004, when the child safety on farms campaign "Be Aware Kids" was launched, has been one of the major health and safety success stories of the last 10 years.

More generally, in the last decade the number of work-related injuries reported to HSENI and the district councils has fallen by 33%, from 4,467 in 1999/00 to 2,973 in 2008/09.

There is, however, clearly still much more to be achieved. Whilst reported work-related injuries have fallen significantly over the last 10 years, we still had 19 deaths and 2,954 other injuries reported in 2008/09. In addition, most of the reductions in injuries during the past decade have been attributable to declining numbers of minor injuries being reported. By stark contrast, the number of work-related fatalities and major injuries, such as amputations and broken limbs, has not fallen significantly over the same period of time.

It is estimated that there are still up to 18,000 people each year¹ who suffer from an illness or disability either caused or made worse by work. In addition, asbestos related diseases still account for over 50 deaths each year².

As well as causing untold suffering and misery for countless individuals, family members, friends and colleagues, these deaths, injuries and cases of ill health, also contribute to a significant financial burden on businesses and the local economy. It has been estimated that the cost to the local economy of work-related injuries and ill health is between £193m and £242m per year.³

In 2006, the most recent year for which data is available across the European Union, the Great Britain (GB) rate of work-related non-fatal injury was lower than all other member states with the exception of Sweden.⁴ The non-fatal injury rate in Northern Ireland is similar to that in GB and therefore compares well with the rest of Europe.

¹ Figure relates to the year prior to April to June 2009

² HSENI Annual Report & Statement of Accounts 1 April 2008 to 31 March 2009

³ Based on 2005/06 injury and ill health data

⁴ Based on Eurostat statistics as published on the HSE(GB) website

However, Northern Ireland's performance in relation to work-related fatal injuries has not been so good. In 2006, the GB rate of work-related fatal injury was the lowest among EU member states (1.3 per hundred thousand workers compared to an average EU rate was 2.5). Unfortunately, the work-related fatal injury rate in Northern Ireland has been almost twice that of GB's for a number of years and only average by European standards. Interestingly, when UK regional figures are examined, the fatal injury rates in Northern Ireland are similar to those in Scotland and Wales.

Therefore, we need to see what we can learn from other organisations in the rest of the UK, Republic of Ireland and further afield and, where appropriate, apply those lessons here to improve Northern Ireland's health and safety performance, particularly in relation to our fatal injury rate.

We also need to acknowledge and build on those things that are working well for us in Northern Ireland. This includes our:

- approach to risk assessment;
- tailored approach to enforcement;
- comprehensive and supportive system of information and advice;
- robust and flexible legal framework;
- support for small businesses; and
- teams of highly dedicated and professional staff and their desire to work together to achieve common goals.

Conversely, we also need to recognise and address those areas that are not working so well for us. These areas include:

- our approach to workplace health issues;
- leadership;
- the negative perception of health and safety;
- the sometimes fragmented approach to regulation;
- gaps in enforcement resulting from the shared responsibility for health and safety regulation; and
- the failure by some key stakeholders to fully embrace the concept that good health and safety management is good business.

Looking forward

Vision

We have agreed the following vision for health and safety at work in Northern Ireland:

“A place where the sensible control of work-related risk is the norm and work-related deaths, injuries and ill health are the exception.”

Mission

Our mission is:

“To significantly reduce the number of work-related fatalities, injuries and cases of ill health in Northern Ireland by:

- ensuring that Northern Ireland’s health and safety at work regulatory system operates as effectively as possible, supporting businesses and reducing regulatory burdens;
- focusing on the core aspects of workplace health and safety in Northern Ireland, thereby promoting sensible and proportionate risk management by all; and
- targeting District Council and HSENI’s resources when appropriate, in a manner that maximises each organisation’s ability to prevent harm and secure justice.”

Goals

Our goals are to:

1. Work together to maximise resources to best effect, via joint strategic planning and a collaborative approach to implementation;
2. Promote an approach to workplace health and safety management that informs risk makers and managers about the core principles and real health and safety issues;
3. Focus on key health issues in the workplace that will bring about a reduction in the number of cases of work-related ill health;
4. Build capacity for businesses, and in particular SMEs, to effectively manage workplace health and safety;
5. Assist in highlighting the needs of vulnerable groups to ensure that their needs are recognised and managed within the workplace;

6. Target resources for compliance based on proportionate intervention and enforcement;
7. Work with other health and safety regulators in the Republic of Ireland, Great Britain, Europe and other parts of the world, to ensure an effective network for learning and sharing of good practice on key aspects of workplace health and safety;
8. Have a wider perspective on other issues and policies that impact on health and safety in the workplace to influence and maximise the benefit from potential synergies;
9. Provide leadership for the regulation of health and safety at work; and
10. Clarify and promote the role of others and their responsibility for managing health and safety and achieving excellence.

These goals are set out in more detail in the following pages.

Goal 1 Working together

Work together to maximise resources to best effect, via joint strategic planning and a collaborative approach to implementation.

HSENI and district councils will work together to ensure the most efficient use of collective resources and in doing so ensure that those responsible manage their workplaces in a way that protects workers and others affected by work activities. The way in which enforcement responsibilities are divided between HSENI and district councils under the enforcing authority regulations, does not always add value to the health and safety regulatory system as the key health and safety challenges often cut across all work sectors. To achieve more efficient use of resources the HSENI and district councils will work together in innovative ways to overcome the challenges presented by the Health and Safety (Enforcing Authority) Regulations (Northern Ireland) 1999.

The challenge is for HSENI and district councils to work together to create a flexible, proactive and responsive regulatory system that can deal effectively with current and future health and safety challenges. Public services in Northern Ireland have undergone, and continue to undergo, significant structural changes as part of the ongoing review of public administration. HSENI and district councils will embrace the opportunities and challenges brought about by these changes.

HSENI and district councils will recognise and make use of their collective expertise to protect lives and promote a culture of efficiency and value for money within the health and safety regulatory system. This will involve joint planning, developing a common competency framework, the sharing of technical support services and joint training for inspectors.

Goal 2 Sensible risk management

Promote an approach to workplace health and safety management that informs risk makers and managers about the core principles and real health and safety issues.

Health and safety management has often been misused and misunderstood. There is a need to refocus efforts to make sure that those who create risks properly understand and control them. The development of health and safety competence within workplaces of all sizes is critical to establishing a culture within organisations that is focused on controlling risk.

In developing this competence, employers and the self-employed will need to focus their efforts on the areas of greatest concern. Competent managers will have an understanding of the true meaning of health and safety and will ensure that efforts are directed to tackle the risks which occur most often and have the most serious consequences.

Effective health and safety management involves a balance between risk and cost and this is incorporated into Northern Ireland health and safety legislation by the concept of the phrase “so far as is reasonably practicable”. This concept continues to have relevance and requires a culture change within organisations so that every director, manager and worker understands their role in ensuring good health and safety.

Good health and safety management makes good business sense and will deliver long term benefits to organisations and the economy of Northern Ireland. HSENI and district councils will continue to promote the message that sensible risk management will help to protect business profits as well as being a fundamental cornerstone of a civilised society.

Goal 3 Focus on key workplace health issues

Focus on key health issues in the workplace that will bring about a reduction in the number of cases of work-related ill health.

HSENI and the district councils have a statutory duty to promote and enforce the management of risk and the prevention of work-related ill health and this is where we will devote the majority of our efforts. Strategically and operationally, therefore, we will primarily address “the prevention of ill health caused by or made worse by work”.

We will therefore adopt an approach to workplace health issues which focuses on targeting specific occupational diseases where there is a clear link to occupational exposure and the disease is likely to result in death or long term life limiting disability, e.g. cancers, asbestosis, severe musculoskeletal diseases, or where there is high prevalence and simple cost effective measures to eliminate or reduce the risk, e.g. noise induced hearing loss, hand arm vibration syndrome and dermatitis.

We will target work sectors and vulnerable groups with significant ill health issues, or involved in high-risk activities, by identifying and working with key stakeholders to improve intelligence and develop new approaches to improving compliance.

Integral to this approach will be the development of effective communication initiatives to raise awareness, provide information and engage with stakeholders, to encourage continuous progress towards best practise. This will be underpinned by appropriate inspection and enforcement activities to ensure compliance with minimum legal standards.

We will also promote appropriate risk management and good working practices, including health surveillance, and explore how we can become more effective at promoting the proactive management of workplace health at board and senior management level.

It is clear, however, that some conditions are not solely work-related and may be exacerbated by non work-related factors. We recognise, therefore, that to holistically address some aspects of work-related ill health, we will need to work with partners in the wider workplace health community, such as occupational health professionals including those involved in occupational rehabilitation and health promotion. We will focus this work on areas where it clearly contributes to preventing ill health caused by or made worse by work.

Goal 4 Building capacity

Build capacity for businesses, and in particular SMEs, to effectively manage workplace health and safety.

We recognise that most businesses want to comply with the law, but for many the prospect of dealing with health and safety at work legislation and standards can appear daunting. We therefore need to be prepared to engage with businesses wherever possible to help them understand and comply with the legislation.

We will continue to channel a significant proportion of our resources towards informing and advising businesses of what is expected of them and what they need to do to comply with the legislation through conferences, seminars, workshops and publications. In addition, where it doesn't leave workers and others exposed to unacceptable risk, our inspectors will ensure that their initial engagement with businesses is aimed at achieving compliance by providing help and encouragement, rather than by enforcement.

Competitive small firms are vital to the future of the Northern Ireland economy. However, the successful development of such businesses can be significantly hampered by failure in their management of health and safety at work.

We currently provide advice and support services, throughout Northern Ireland, aimed at addressing the barriers faced by small businesses in managing workplace health and safety. These services are both free and confidential, offering practical advice from reliable and trusted sources with no enforcement implications.

It is important that all small businesses are aware of, and able to avail of, such services. To maximise both coverage and impact it is crucial that we continue to liaise effectively with intermediaries already working with the small business sector, and exploit new opportunities as they arise.

We are aware that there are also many commercial organisations that provide much needed health and safety consultancy to businesses. Many of these organisations are very professional in their approach and deliver an excellent and valuable service. There are others, however, that are less professional in their approach and who do not add any real value to businesses' capacity to manage health and safety risks. We therefore need to explore ways of ensuring that businesses understand their own specific health and safety needs and when and who to turn to for competent help and advice.

Goal 5 Vulnerable groups

Assist in highlighting the needs of vulnerable groups to ensure that their needs are recognised and managed within the workplace.

We recognise that the Northern Ireland workforce is becoming increasingly diverse in nature. This could be due to an increase in migrant workers, or disability, gender or age related issues and employers need to assess and manage the particular risks associated with vulnerable individuals and groups of workers.

Vulnerable worker(s) is a term which can be used to describe an individual or a group of workers who may be at an increased health and safety risk in the workplace due to their specific needs. This could be an inability to speak or understand English, having a disability, being a younger, an inexperienced or older worker, an agency or temporary worker, or for a gender based reason such as pregnancy.

While this is not an exhaustive list, it is clearly recognised that risk assessments should address the specific needs of such workers to ensure that they are appropriately protected. Worker involvement is an essential element of these risk assessments.

HSENI and the district councils will, as regulators, promote and enforce the legal requirement for employers to recognise and effectively manage any specific health and safety needs of vulnerable individuals and groups.

In addition to this, and utilising other specialist input if required, we will ensure that the recognition of vulnerable workers' needs will form an intrinsic part of intervention strategies aimed at achieving wider compliance with workplace health and safety laws.

Goal 6 Targeted intervention and enforcement

Target resources for compliance based on proportionate intervention and enforcement.

Regulators are expected to ensure that all inspection activity is based on comprehensive risk assessment thereby ensuring that inspection is only carried out where warranted. Crucially, regulation must be a benefit to those it seeks to protect, and should not place a disproportionate burden on those who have to comply with it.

All regulators should therefore have access to a flexible and proportionate enforcement toolkit. Criminal prosecution may not be the most appropriate sanction in all circumstances to ensure non-compliance is addressed or behaviour changed. The availability of other more flexible and risk based tools, such as statutory notices, may result in achieving better regulatory outcomes.

HSENI and the district councils are committed to working to the better regulation principles advocated by both Hampton⁵ and Macrory⁶. By doing so, we will continue to target resources at work situations that pose the highest risk. We will also continue to use improvement and prohibition notices effectively, and will keep apace with relevant developments on better regulation. Where appropriate, we will also continue to robustly recommend prosecution for serious breaches of health and safety standards, particularly where malpractice significantly threatens the lives or wellbeing of people.

We will also ensure that the collective inspection resources available to HSENI and the district councils are used wherever possible to best effect. This will involve much closer collaboration during intervention initiatives and enforcement campaigns to ensure optimal use of resources.

Where such collaborative work is planned, it will be essential that all staff involved perform to common shared standards so that the messages received by industry are consistent and trustworthy. Joint training and briefing sessions for HSENI and district council field staff will therefore be critical precursors to any joint intervention activity.

Joint working structures are already in place to facilitate effective collaboration between HSENI and district councils. HELANI⁷, a Committee of the HSENI Board, which has senior representatives from both organisations, will play an active role in planning and promoting joint working and monitoring activity in this area.

⁵ *Reducing Administrative Burdens: Effective inspection and enforcement*, HM Treasury, March 2005
<http://www.hm-treasury.gov.uk/media/7/F/bud05hamptonv1.pdf>

⁶ *Regulatory Justice: Making Sanctions Effective, Better Regulation Executive*, November 2006
http://bre.berr.gov.uk/regulation/documents/pdf/macrory_penalties.pdf

⁷ HELANI – Health and Safety Executive and Local Authority Liaison Committee for Northern Ireland

Goal 7 Working with other regulators

Work with other health and safety regulators in Republic of Ireland, Great Britain, Europe and other parts of the world, to ensure an effective network for learning and sharing of good practice on key aspects of workplace health and safety.

In Northern Ireland, health and safety at work, like most regulatory functions, does not exist in isolation. It both feeds into, and is influenced by, developments in other jurisdictions, specifically the Republic of Ireland (ROI) Great Britain, and the wider European Union.

We therefore need to continue to maintain and build relationships with our equivalent statutory bodies in these jurisdictions to ensure that we benefit from lessons learned and good practices developed elsewhere.

As most health and safety at work legislative changes now emanate from Europe, we have limited opportunity to influence the scope and pace of change. What we can and will do, however, is work closely with our respective colleagues in ROI and GB to ensure that our legislation arising out of European Directives is made as clear and easy to understand as possible. This can be achieved through the legislation itself or through approved codes of practice and/or guidance.

We have particularly close associations with our neighbours in the ROI and GB and enjoy mutually beneficial relationships with the Health and Safety Authority, the Health and Safety Executive and the local authorities in GB. These relationships have allowed us, on occasion, to share resources across a wide range of activities such as information, publications, training, inspection and investigation.

We must ensure that these relationships are maintained and nurtured so that this useful exchange of information and resources can continue, regardless of how the political landscape evolves in the future.

We will also, when appropriate to do so, communicate with regulators in other parts of the world outside Europe, particularly when opportunities arise for learning or information sharing.

Goal 8 The wider perspective

Have a wider perspective on other issues and policies that impact on health and safety in the workplace to influence and maximise the benefit from potential synergies.

Work is good for people. It brings significant financial, social and psychological benefit to people's lives and to their health and wellbeing. It provides support for their families and dependants and enhances their quality of life. However, when people are exposed to unacceptable work-related risks, their physical and mental health may suffer. This can damage their health and place additional demands on the family environment, on the local economy, services and the community. HSENI and district councils are already working together effectively to drive forward improvements in workplace health and safety and we will continue to ensure that regulation is a benefit to those that need protection and is not a disproportionate burden on those who have to comply with it.

We will build on the strengths of the HSENI and district council partnership, which include a better understanding of the value of local, versus central, interventions, joint planning, joint decision making and joint action to influence other agencies and government departments. This will ensure that workplace health and safety features meaningfully in both regional and local priorities and strategies for improving the health, work and wellbeing of both the working population and local communities.

Goal 9 Leadership

Provide leadership for the regulation of health and safety at work.

The overriding aim of this strategy is to prevent the death, injury and ill health of those affected by work activities. Its essence is that everyone adopts a sharper focus on the priorities and takes a leadership role in addressing their responsibilities. This is underpinned by the collegiate approach of HSENI and the district councils in building capacity within the partnership and in making the regulatory system more effective. This is also underpinned by the commitment of each health and safety regulator to maintain and develop a health, safety and welfare culture that leads by example and encourages respect for health and safety as an integral part of a modern, competitive business and public sector.

We, as regulators, will lead by encouraging organisations such as insurers, the legal profession, standard setters, consultants, professional bodies and the media, to use their influence to reduce the unhelpful influence of 'risk mongers' (those who inflate the perception of risk, often for their own benefit) and the proliferation of contrary messages distorting perceptions of risk and its complexity.

This will allow organisations to apply the flexibility which is at the heart of health and safety legislation as it was intended. It will reduce unnecessary expenditure by businesses and society in introducing inappropriate controls to deal with over exaggerated risks. But more importantly, it will help to ensure that good risk management practice is applied more widely and appropriately so that workers and the public are protected from harm.

HSENI and the district councils will also encourage leadership within the workplace, ensuring that businesses and the public sector organisations take ownership of risk and accept responsibility for managing it.

Goal 10 The role of others

Clarify and promote the role of others and their responsibility for managing health and safety and achieving excellence.

The strong co-regulator partnership between HSENI and district councils is integral to this strategy and its successful delivery – but the regulators cannot do it alone. We need everyone to play their part in delivering improved standards of performance in health and safety because, ultimately, it is the delivery of this strategy that will count.

Employers, in particular the senior management, play an influential role in raising health and safety capabilities within individual companies. They provide the leadership and the framework in the workplace within which effective health and safety management can thrive and they set the tone for the health and safety culture of the company. They decide on the importance of health and safety outcomes relative to other business outcomes and establish clear performance indicators for health and safety.

Workers are often the ones who are most exposed to workplace risks and their active participation in health and safety matters at the workplace is therefore critical. While employers have a duty to provide their employees with adequate training and protection against workplace hazards, workers have a duty to care for their own health and safety and for others who may be affected by their actions. Workers should always ensure that they understand and abide by the proper health and safety procedures. Workplace research⁸ provides evidence to suggest that involving workers, whether they belong to a union or not, has a positive effect on health and safety performance. Worker involvement is fundamental to good health and safety performance and, therefore, to good business.

Representative organisations are in a position to play a key role in driving forward health and safety improvements. Some are already doing so. NICICTU, for instance, actively promotes health and safety, while many trade union appointed health and safety representatives do a commendable job in the workplace. There is also a good spread of employer organisations, trade associations, consultancy firms and voluntary organisations providing health and safety guidance to members and clients. Other organisations such as government departments and district councils exert influence throughout the supply chain by ensuring that contractors work in a safe and healthy way.

We will therefore continue to work with other key players, wherever appropriate and worthwhile, to ensure that their respective roles and responsibilities are clearly understood. In that way, we can strive together towards achieving excellent health and safety at work outcomes for all in Northern Ireland.

⁸ Involving your workforce in health and safety: Good practice for all workplaces, HSG263, HSE Books, 2008

Driving change through better regulation

Our purpose in developing this strategy is to achieve a safer and healthier working environment for everyone in Northern Ireland in a cost effective, customer focused and holistic way. We are committed to directing our energies and resources to the achievement of the strategic goals outlined in this document and, in doing so, are prepared to be held accountable for our performance.

In order to achieve the strategic goals, we will plan together at strategic and operational levels to maximise our impact in improving health and safety outcomes and in reducing the enforcement gap. We will seek opportunities to enhance our capacity by working across geographical areas and enforcement boundaries. Through the delivery of common services, the utilisation of resources, systems and expertise from other organisations, and by adopting best practice and seeking to enhance political support, we will provide a better level of service.

Success is about working in a closer partnership which can make a real and sustainable difference and provide value for money. It will involve HSENI and district councils working closer together to drive forward improvements in workplace health and safety, to deliver protection from risks and to ensure that those who fail in their health and safety duties are held to account. At the same time, it will also involve leading by example and working with others to support the inclusion of health and safety in both regional and local priorities and strategies related to health, work and wellbeing.

Ultimately this will support a reduction in the number of work-related deaths, injuries and cases of ill health throughout Northern Ireland.

EQUALITY IMPACT SCREENING DOCUMENT**Draft Strategy for the Better Regulation of Health and Safety at Work in Northern Ireland****Summary**

HSENI has screened the above proposal for any possible impact on equality of opportunity affecting the groups listed in section 75 of the Northern Ireland Act 1998. No adverse or differential aspects were identified and HSENI concludes that a full Equality Impact Assessment is not necessary in this case. However, HSENI will, if necessary, review the position in the light of any comments received as a result of consultation (see paragraph 3.3 below).

The following sections set out HSENI's screening process.

Section 1 - The Legal Background

Under section 75 of the Northern Ireland Act 1998, HSENI is required to have due regard to the need to promote equality of opportunity:

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

Without prejudice to the obligations set out above, HSENI is also required, in carrying out its functions relating to Northern Ireland, to have regard to the desirability of promoting good relations between persons of different religious beliefs, political opinion or racial group.

Section 2 –Proposals to be screened**2.1 Title of proposals**

This screening concerns a draft strategy for the Better Regulation of Health and Safety at Work in Northern Ireland.

2.2 Brief description of strategy

The regulation of health and safety at work in Northern Ireland is the responsibility of both the Health and Safety Executive for Northern Ireland (HSENI) and Northern Ireland's 26 District Councils (DC).

Whilst there has been a long history of partnership working between HSENI and the DCs, there is still a need for supporting a much closer strategic partnership between HSENI and Local Government.

This strategy represents a highly significant development in the joint commitment between HSENI and the district councils as regulators. It is a high level strategy that sets out a blueprint for future joint planning, sharing of resources and expertise and provides the opportunity for a fully co-ordinated approach to the regulation of health and safety at work. This strategy will be underpinned by detailed three-year corporate and annual operating plans developed separately by HSENI and the district councils.

2.3 Main aims/objectives of the strategy

The main aims and objectives of the strategy are concerned with setting the broad strategic direction for both HSENI and the district councils as regulators, through the next number of years. It is deliberately pitched at a high strategic level and does not therefore contain specific targets but rather sets out 10 strategic goals aimed at achieving an overall vision and mission.

As partners, HSENI and the district councils are committed to making this process work, as they strive to deliver a Vision that sees Northern Ireland as “a place where the sensible control of work-related risk is the norm and work-related deaths, injuries and ill-health are the exception”.

Persons affected by the strategy

Those directly affected by this strategy are the employees of HSENI and the district councils whose role is providing for the regulation of health and safety at work, be it at the planning or implementation stage.

There is an indirect effect on all employers and employees in Northern Ireland through the development of HSENI and District Council Corporate and Operating Plans under the umbrella of this strategy. However the strategy affords a positive impact on section 75 groups in terms of making provision for those who may be vulnerable in the workplace (that is, at an increased health and safety risk) due to their specific needs, for example, racial group, disability, older people and because of the nature of the undertaking, e.g. children on farms or a gender based reason such as pregnancy.

2.4 Responsibility for developing and delivering the strategy

HSENI's Board is responsible for the overall development and delivery of the strategy.

2.5 Available data

There is no specific data available on the Regulators that is, those who are directly impacted by this strategy,

Section 3 – Screening Analysis

3.1 Participation or Uptake

There is no direct uptake of the strategy by any of the section 75 groups listed below:

Religious belief

Political opinion

Racial group

Age

Marital status

Sexual orientation

Sex

Disability

Dependency

3.2 Needs, experiences, issues and priorities

Given the small number and specialised regulatory role of the personnel involved, this would indicate that the proposals will have no adverse impact on the needs, experiences, issues and priorities of any of the section 75 groups.

Any changes introduced by this strategy will only have a positive impact on specific section 75 groups who are already recognised under Goal 5 of the strategy, namely for HSENI and the district councils to:

“Assist in highlighting the needs of vulnerable groups to ensure that their needs are recognised and managed within the workplace”.

Religious belief

Political opinion

Racial group

Age

Marital status

Sexual orientation

Sex

Disability

Dependency

3.3 Consultation with relevant groups

This screening document will be publicised alongside HSENI's consultative document on the proposals, and the views of all groups listed in paragraphs

3.1 and 3.2 will be actively sought. The conclusions and the screening process will be reviewed in the light of comments made or information received.

3.4 Promotion of equality of opportunity or community relations

The proposals will not directly promote equality of opportunity.

3.5 Obligation to have due regard to the need to promote equality of opportunity

For the reasons cited in paragraphs 3.1-3.3, it is not considered that this strategy presents any significant risk to HSENI's obligation to have due regard to the need to promote equality of opportunity.

3.6 Differential impact

This strategy is designed, in its implementation, to have a positive effect on vulnerable groups or individuals in the workplace, and as such there should be no differential impact on any section 75 groups.

Section 4 - EQIA Recommendation

4.1 Estimated impact

As indicated above the newly proposed strategy will only have a positive impact on section 75 groups.

4.2 Scale of expenditure

There is no additional cost to the regulators, only a focus for maximising existing resourcing levels.

4.3 Need for full Equality Impact Assessment (EQIA)

Subject to the outcome of consultation with relevant groups it is considered that this strategy should not be subject to a full EQIA.

4.4 Future monitoring

Whilst no adverse impact for section 75 groups is anticipated, HSENI will monitor the impact of the proposed strategy as part of its newly revised Equality Scheme.

Section 5 – Disability Duties

Under the Disability Discrimination Act 1995 (as amended by the Disability Discrimination (Northern Ireland) Order 2006) HSENI is required to have due need:

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

One of the ten goals in this strategy is to assist in highlighting the needs of vulnerable groups to ensure their needs are recognised and managed within the workplace. Having a disability is included as a vulnerable group in this key goal and as a result this new strategy contributes towards promoting positive attitudes towards disabled people or encouraging participation by disabled people in public life.

July 2010

Health and Safety Executive
for Northern Ireland

Consultation List

Age Concern
Age Sector Platform
Alliance Party of Northern Ireland
Amalgamated Engineering & Electrical Union
An Munia Tober
Antrim Borough Council
Archbishop of Armagh and Primate of All Ireland
Ards Borough Council
Ards Business Centre
Argyle Business Centre Ltd
Armagh Business Centre Ltd
Armagh City & District Council
Aspergers Network
Autism NI (PAPA)

Ballymena Borough Council
Ballymena Business Development Centre Ltd
Ballymoney Borough Council
Banbridge District Council
Banbridge Enterprise Centre
Bar Council c/o Royal Courts of Justice
Belcoo Enterprise Ltd
Belfast City Centre Management
Belfast City Council
Belfast Centre for the Unemployed
Belfast Hebrew Congregation
Belfast Islamic Centre
Bishop of Down and Connor
Brookfield Business Centre Ltd
Bryson House
Business in the Community

Cara Friend
Carers' National Association (Northern Ireland)
Carrickfergus Borough Council
Carrickfergus Enterprise Agency Ltd
Castleberg & District Enterprises Co Ltd
Castlereagh Borough Council
Castlereagh Enterprises Ltd
Cedar Foundation
Chief Executives Forum
Children In Northern Ireland
Children's Law Centre
Chinese Chamber of Commerce
Chinese Welfare Association
Coalisland & District Development Association
Coalition on Sexual Orientation (CoSo)
Coleraine Borough Council
Coleraine Enterprise Agency
Commissioner for Children and Young People
Committee on the Administration of Justice
Communication Workers' Union
Community Foundation for Northern Ireland
Community Relations Council
CONCORDIA
Confederation of British Industry (Northern Ireland)
Cookstown District Council
Cookstown Enterprise Centre Ltd
Co-Operation Ireland
Craigavon Borough Council
Craigavon Industrial Development Org Ltd
Creggan Enterprises Ltd

Deaf Association (NI)
Democratic Unionist Party
Derry City Council
Disability Action

Down District Council
Dungannon & South Tyrone District Council
Dungannon Enterprise Centre Ltd

East Belfast Community Development Agency
East Belfast Enterprise Park
Economic Research Institute of Northern Ireland
ETI Committee Clerk
Equality Commission

Falls Community Council
Federation of Small Businesses
Fermanagh District Council
Fermanagh Enterprise Ltd
Foyle Women's Information Network

Gingerbread Northern Ireland
GMB
Greater East Belfast Partnership Board
Greater Shankill Partnership
Green Party

Head of NI Civil Service

Inclusive Mobility Transport Advisory Committee
INCORE Conflict Resolutions Ltd
Indian Community Centre
Institute of Directors
Institute of Professionals, Managers & Specialists (IPMS)

Kesh Development Association Charitable Trust

Larne Borough Council
Larne Development Forum
Law Centre (NI)

Limavady Borough Council
Lisburn City Council
Lisburn Enterprise Organisation Ltd
Local Strategy Partnership
Loughrey College

Magherafelt District Council
Mallusk Enterprise Park
MENCAP
Methodist Church in Ireland
Mindwise
Moyle District Council
Moyle Enterprise Co Ltd
MLAs, MPs, and MEPs
Mr M Curran
Mr T Dick
Multi-Cultural Resource Centre

National Committee of UNIFEM
National Energy Action Charity
Newry & Mourne District Council
Newry & Mourne Enterprise Agency
Newtownabbey Borough Council
North Belfast Partnership Board
North City Business Centre Ltd
North Down Borough Council
North Down Dev Organisation Ltd
Northern Ireland Anti-Poverty Network
Northern Ireland Assembly Members
Northern Ireland Association for Mental Health
Northern Ireland Association for the Care & Resettlement of Offenders
Northern Ireland Authority for Utility Regulation
Northern Ireland Centre for Competitiveness
Northern Ireland Chamber of Commerce & Industry
Northern Ireland Committee/Irish Congress of Trade Unions

Northern Ireland Council for Ethnic Minorities
Northern Ireland Council for Voluntary Action
Northern Ireland Gay Rights Association
Northern Ireland Human Rights Commission
Northern Ireland Public Service Alliance
Northern Ireland Women's European Platform
Northern Ireland Volunteer Development Agency
North West Community Network
NSPCC
NUS/USI – Northern Ireland Student Centre

Omagh District Council
Omagh Enterprise Co Ltd
Ormeau Enterprises Ltd

POBAL
Presbyterian Church in Ireland
Press for Change
Prince's Youth Business Trust
Progressive Unionist Party

Queens University

Roe Valley Enterprises Ltd
Roslea Enterprises Ltd
Royal National Institute for Deaf People
Royal National Institute for the Blind
Rural Community Network
Rural Development Council

SDLP
Services Industrial Professional Technical Union
Sikh Cultural Centre
Sinn Fein
Social Economy Network

South Belfast Partnership Board
South Eastern Education & Library Board
South West Fermanagh Dev Organisation Ltd
Strabane District Council
Strabane Industrial Properties Ltd

The Most Reverend Bishop Walsh
The Volunteer Centre
The William Keown Trust
Townsend Enterprise Park Ltd
Training for Women Network Ltd

Ulster Scots Heritage Council
Ulster Unionist Party
Union of Construction, Allied Trades & Technicians
Union of Shop, Distributive & Allied Workers
UNISON
Unite the Union
University of Ulster at Coleraine

Visual Access (NI)

West Belfast Development Trust Ltd
West Belfast Economic Forum
West Belfast Partnership Board
West Link Enterprise Centre
Women's Forum
Women's Information Group
Women's Resource & Development Agency
Women's Support Network
Women's Training, Enterprise and Childcare
Workspace

Youth Council for Northern Ireland

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Belfast City Council

Report to:	Health and Environmental Services Committee
Subject:	Establishment of a Regulatory Framework for Liquefied Petroleum Gas, Oil and Solid Fuel
Date:	4 th August, 2010
Reporting Officer:	Siobhan Toland, Head of Environmental Health, ext. 3281
Contact Officer:	John Corkey, Environmental Health Manager, ext. 3289

Relevant Background Information

Strabane District Council, at its meeting on 23rd March, agreed that the Chairman of the Council should write to the Office of the First and Deputy First Minister (OFMDFM) regarding the problems people in their district were facing with respect to fuel poverty in general and high energy prices in particular.

The Chairman of Strabane Council subsequently wrote to the OFMDFM on 30th March requesting that their office initiate the necessary procedures to set up a strong regulatory framework for oil, solid fuel and Liquefied Petroleum Gas (LPG).

Strabane District Council also sought the support of all other Councils in Northern Ireland on this matter and forwarded a copy of their letter to each of the other 25 district councils, including Belfast.

A letter of response was forwarded on 14th May to the Chairman of Strabane District Council from the OFMDFM. A response was issued also to Councillor John Matthews, President of the Northern Ireland Local Government Association (NILGA) as he had offered the support of NILGA. The OFMDFM response, however, did not offer any expectation that it would accede to the request although it did make reference to the new Fuel Poverty Strategy due to be issued for public consultation.

Key Issues

- Over 34% of people in Northern Ireland are in fuel poverty (2006 House Condition Survey [HCS]).
- According to the 2006 HCS, 38% of households in Belfast are in fuel poverty but, with rising fuel costs and continuing economic problems, the 2009 figure, due in the autumn of this year, is likely to be significantly higher.
- 70% of people use oil, 5% use solid fuel, 5% use electricity and 12% use gas
- The utility regulator's responsibilities include gas and electricity but not oil, solid fuel or LPG.

- In January of this year when temperatures dropped to as low as -11°C the average price of 900 litres of oil rose by around £25. This demonstrates how exposed vulnerable people are to unregulated oil prices.
- The Consumer Council is concerned that the most vulnerable customers, who cannot afford to purchase 300-500 litres of home heating oil in one transaction, are left with no option but to use 20 litre drums and can end up paying an additional 57 pence/litre.
- An added problem with the 20 litre drums, particularly for the frail or elderly, is the method of transfer into their oil tank. This can present serious health and safety risks.
- Strabane District Council has written to the OFMDFM calling for a regulatory framework for oil, solid fuel and gas and has copied this correspondence to all other district councils seeking their support on this matter.
- Mr John Matthews, President of NILGA, has written to OFMDFM supporting the call to set up a regulatory framework for oil, solid fuel and gas
- The OFMDFM has responded to Strabane District Council, however, their position does not provide any expectation that they are currently considering a wider regulatory framework
- The OFMDFM has also confirmed that the Department for Social Development is producing a new fuel poverty strategy which is due to be issued for publication.

Resource Implications

None.

Recommendations

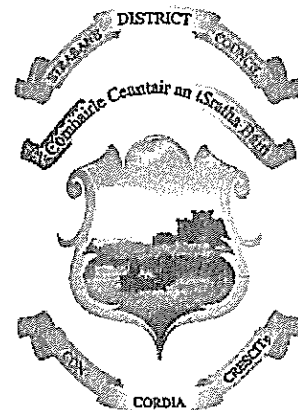
It is recommended that the Committee writes to the OFMDFM endorsing the contents of the letter of Mr Kieran McGuire, Chairman of Strabane District Council, in which he seeks the support of all other Councils in Northern Ireland for a regulatory framework for oil, solid fuel and gas

Decision Tracking

The proposed DSD consultation on the fuel poverty strategy will provide the Council with a further opportunity to comment on the introduction of a new regulatory framework within a wider fuel poverty context

Documents Attached

- Letter from the Chairman of Strabane District Council to OFMDFM
- Letter of response from OFMDFM to Chairman of Strabane District Council
- Letter from OFMDFM to Cllr John Matthews, President NILGA.



30 March 2010

First & Deputy First Minister
OFMDFM
Stormont Castle
Stormont Estate
Belfast
BT4 3TT

Dear First & Deputy First Minister

Call for Regulatory Framework for Oil, Solid Fuel and LPG

At a meeting of Strabane District Council held on 23rd March 2010 it was agreed that I write to you to address the problems facing people in this district, with respect to fuel poverty in general and high energy costs in particular.

Ending Fuel Poverty:

A strategy for Northern Ireland has three main themes:

1. Low incomes
2. Poor energy efficiency
3. High energy costs

The Council feels that some progress has been made in relation to energy efficiency, but they are dismayed at the lack of progress in respect to high energy costs.

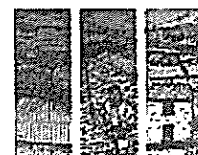
In Northern Ireland, 72% of homes use home heating oil which rises to 89% in rural areas. Within Strabane in particular and the West in general, choice of fuel is extremely limited.

In domestic energy efficiency schemes such as Warm Homes, oil heating is the preferred option for several reasons.

1. Availability of high efficiency boilers.
2. Consequently oil is a more cost effective means of home heating, than solid fuel or LPG.
3. There is no natural gas in the West and rural areas.

As a result, homes are more exposed to the vagaries of the rise in price of Home Heating Oil.

The Council is disappointed to note that while electricity and gas are regulated, oil, coal and LPG are not. It is even more ironic that the largest source of home energy is not scrutinised and gas, which is not available in the West, is scrutinised.



Strabane
District Council
Comhairle Ceantair
an tSrátha Báin

Strábane Destríck Cooncil

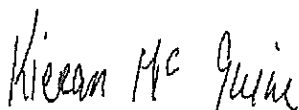
The effect of this situation is very marked, particularly on the deprived and disadvantaged. Pro rata, the smaller the quantity of oil purchased, the greater the cost to the consumer. The price of oil *always* rises at the time of greatest need, in spite of the huge refining capacity and availability. Recently, the annual seasonal increase in oil price has been solely due to speculation and not supply. People, who diligently save for the commodity's annual high, still find that they are caught out by the severity of the price rise, which appears to be exorbitant.

The Consumer Council is concerned that the most vulnerable customers, who cannot afford to purchase 300-500 litres of home heating oil in one transaction, are left with no option but to use 20 litre drums and can end up paying an additional 57 pence/litre.

The Council are writing to request that your office initiate the necessary procedures to set up a strong regulatory framework for oil, solid fuel and LPG.

It was also agreed that the Council seeks the support of all other Councils in Northern Ireland on this matter. A copy of this letter has therefore been forwarded to the Chairperson of each of the other 25 Councils.

Yours sincerely



Kieran Mc Guire
Chairman of Council

cc. Chairperson of Councils in Northern Ireland.



Office of the
**First Minister and
Deputy First Minister**
www.ofmdfmi.gov.uk

Stormont Castle
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Our Ref: COR/317/10

Cllr Kieran McGuire
Chairman of Council
Strabane District Council
47 Derry Road
STRABANE
Co Tyrone
BT82 8DY

14 May 2010

Dear Cllr McGuire

Your letter of 30 March 2010 refers.

Fuel poverty is a complex area and no single Department has all the tools to tackle this issue. Responsibility for tackling fuel poverty cuts right across Government departments so a partnership approach is vital. Fuel poverty is affected by three factors: income, fuel prices and energy efficiency. Government can have some influence over improving household incomes; however, Government influence on fuel prices is limited as fuel prices are determined largely by world markets. The energy efficiency of houses is the contributor to fuel poverty where Government has greatest potential for making an impact.

Tackling fuel poverty has been a key priority and in recent years over £118 million has been invested in tackling fuel poverty through the Warm Homes Scheme. In addition to the Warm Homes Scheme, the Department for Social Development undertakes a number of other initiatives such as the Heating Replacement Schemes run by the Housing Executive and payment of Winter Fuel Payment, payment of Cold Weather Payments and an Annual Benefit Uptake campaign. In response to the rise in fuel prices, the Department for Social Development made a one-off Household Fuel Payment of £150 to almost 167,000 vulnerable households.

The Department of Enterprise Trade and Investment has the lead responsibility for energy policy and is committed to ensuring a diverse and competitive energy market and is working with the Northern Ireland Authority for Utility Regulation to ensure electricity and gas costs are as low as possible. It welcomes the price reductions announced last year by Phoenix Natural Gas and *firmus energy*. A joint study recently completed by the Department and the Utility Regulator to extend natural gas into the west and north-west is currently being considered. While the Department will consider any proposals to extend the natural gas network here, this will be dependant on the economic viability of any proposal.

The LPG, oil and solid fuel markets are unregulated locally, as is the case in GB and the Republic of Ireland. However, a number of local distributors compete in each of these



markets for customers. The wholesale price for fuel products is subject to global demand and instabilities in price which are set by international markets and impact on the cost to consumers. This is particularly true for fuels refined from oil which are dependant on the price of crude. This has increased significantly in the past few months as demand for crude oil has risen as economies move out of recession. It should also be noted that the handling costs of LPG are greater than natural gas as bulk product is shipped here and distributed to customers by road tanker.

The UK LPG market continues to be independently scrutinised. The Competition Commission completed an investigation in 2006 on UK LPG suppliers and as a consequence, implemented two Market Investigation Orders in May 2009. It is hoped this will encourage competition and ultimately reduce LPG prices, particularly in relation to bulk tank gas prices.

The NI Consumer Council closely monitors the price of LPG here and meets regularly with the industry to ensure that the prices they charge consumers reflects wholesale costs. They await the outcome of an investigation in GB by Consumer Focus into LPG and other heating fuels to see if recommendations can be applied locally.

The Department of Enterprise, Trade and Investment agrees with our Utility Regulator's assessment that regulation of the local oil industry would not protect local consumers from volatile movements in international oil prices. It remains unclear if significant benefit could be achieved by regulation, which would impose sizable regulatory costs on a competitive oil supply and distribution sector. This, in turn, would impact on the cost of fuel to business and domestic users, and would also apply to the regulation of LPG and coal.

The Department of Enterprise, Trade and Investment is committed to work with the Northern Ireland Consumer Council and the Utility Regulator to promote energy efficiency, and with the Department for Social Development to reduce fuel poverty. As part of this process, DETI has put in place voluntary agreements with the Northern Ireland Oil Federation and Federation of Petroleum Suppliers, who together represent most of the local large heating oil distributors, to encourage consumers to use energy more efficiently thereby reducing their fuel bills.

You also refer to the high price consumers are charged by outlets selling 20 litre home heating oil containers. They are designed for emergency use by customers who have run out of supply. The Oil Industry strongly recommends that they are not used as a primary source of supply but that customers should initially speak with their local distributor for advice on the best way to budget for heating costs. There are many schemes available through Councils and the Voluntary Sector to help with this.

The Department for Social Development is producing a new fuel poverty strategy which will be issued for public consultation in June 2010. The document will set out a range of proposals for a new Fuel Poverty Strategy for the local economy and will seek comments on proposed changes to the 2004 strategy.

Yours sincerely



RT HON PETER D ROBINSON MLA
First Minister



MARTIN MCGUINNESS MLA
deputy First Minister



04 JUN 2010



Office of the
**First Minister and
Deputy First Minister**
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Cllr John Matthews
President
Northern Ireland Local Government Association
Unit 5B
Castlereagh Business Park
478 Castlereagh Road
BELFAST
BT5 6BQ

Our Ref: COR/409/10

2 June 2010

Dear Cllr Matthews

Your letter of 24 May refers.

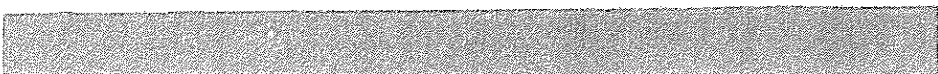
We note the support you give to the letter forwarded by Strabane District Council.

The enclosed letter was sent in reply to the correspondence from Strabane District Council which sets out the current position against the issues raised. We hope you find it helpful.

Yours sincerely

RT HON PETER D ROBINSON MLA
First Minister

MARTIN McGUINNESS MP MLA
deputy First Minister





Belfast City Council

Report to:	Health and Environmental Services Committee
Subject:	Housing (Amendment) (No. 2) Bill
Date:	4 th August, 2010
Reporting Officer:	Siobhan Toland, Head of Environmental Health, Ext. 3281
Contact Officer:	John Corkey, Environmental Health Manager, Ext. 3289

Relevant Background Information

In May of last year, the Department for Social Development (DSD) published a consultation document "Building Sound Foundations: a Strategy for the Private Rented Sector". The Council provided a detailed response to this consultation at that time and the Department indicated that, subject to the results of the consultation, the proposals in the strategy would be included in a proposed Housing Bill.

On 7th December 2009 the DSD published a further consultation with respect to the Housing Bill with additional proposals for the regulation of Houses in Multiple Occupation (HMOs), different approaches to tackle fuel poverty and a range of suggestions to build on existing powers to deal with homelessness and community safety with regard to tenants. The Committee considered this at its meeting of 3rd February 2010 and subsequently submitted a detailed response which was ratified by the Council on 1st March.

The Housing (Amendment) (No.2) Bill was formally introduced to the Northern Ireland Assembly on 22nd June 2010 and has been referred to the Committee for Social Development for the Committee Stage. The stated purpose of the Bill is to enable better regulation of the private rented sector, provide new tools to tackle fuel poverty, promote effective housing management and clarify existing law in respect of homelessness. The clerk of the Committee for Social Development has written to the Council's Chief Executive outlining the main provisions of the Bill and inviting written evidence on behalf of the Council for the Committee Stage of the Bill (Appendix 1).

Whilst the previous Council submissions continue to be pertinent to the main thrust of the Bill, there are some points which may require additional clarification.

On 1st March 2010, the DSD published proposals for a Regeneration and Housing Bill which included provision for district councils to promote energy efficiency within their own areas. The Council did respond to that consultation through the Strategic Policy and Resources Committee of 15th April, 2010 including comments on the energy efficiency proposals. That provision however is now being taken forward in the Housing (Amendment) (No. 2) Bill.

The Committee has requested that any written evidence should be forwarded to them, preferably by e-mail, by Monday 23rd August.

Key Issues

The Draft Bill:

- The Housing (Amendment) (No.2) Bill has been referred to the Committee for Social Development for the Committee Stage.
- The Council has been invited to submit written evidence.
- The Council has already submitted two detailed responses to Housing Bill consultations in 2009 and 2010.
- The Council submissions continue to be broadly pertinent to the draft Bill
- The Bill enables the Department to make regulations for a mandatory registration scheme for all private landlords however the Committee indicates that the scheme is described as "light touch".
- The Department has not clarified which authority would regulate the rent deposit scheme.
- Proposals to give district councils powers to promote energy efficiency were originally included in a draft Regeneration and Housing Bill and are now included in the Housing Bill. The Council has commented on this as part of the SP&R Committee's response in April of this year.
- Submissions, preferably by e-mail, to be sent to the committee by 23 August 2010.

Draft response

A copy of the draft letter of response is attached at Appendix 2.

The Council welcomes the Bill and would refer the Committee to the Council's previous responses to the consultation document, Building Sound Foundations: a Strategy for the Private Rented Sector (Appendix 3) and the draft Housing Bill (Appendix 4).

The Council seeks clarification of the Department's reference to a "light touch" registration scheme. It is vital that the scheme requires landlords to register all their properties and that councils are responsible for both administering and regulating the scheme. The Council also seeks clarification from the Department regarding its commitment in the strategy document to raise the fitness standard for the private sector, as there is no reference to this in the Bill, and it should also seek to clarify which authority should regulate the rent deposit scheme.

The Council restates its comments to the Department in its response to the Regeneration and Housing Bill with regard to the introduction of a power to allow district councils to promote energy efficiency in residential accommodation, namely:-

- The Council welcomes the proposal to provide councils with powers to promote domestic energy efficiency as an element in the drive to address fuel poverty.
- The Council understands that an option for a national Fuel Stamps Scheme will be included as a proposal for consideration in a DSD public consultation in the current Fuel Poverty Strategy due out in the spring of this year.

- In order to facilitate this type of support to the fuel poor however the Department may wish to consider a more explicit inclusion in the draft Bill that would ensure that Councils have a clear *vires* for such schemes by specifically empowering them to support schemes that are designed to assist the management of heating costs in residential accommodation.
- The administration of this function would have significant resource implications for councils. The Council would welcome full and formal consultation in relation to the nature and extent of resource provision.
- The Council observes that there is an existing synergy with functions it currently holds with building control having a regulatory function in relation to building regulations and responsibility for energy performance certificates. A certain level of expertise already exists in Councils in respect of this function.

Resource Implications

The Council currently funds its Fuel Stamps scheme through the thematic budget for people and communities. The Council's recommendation however for explicit powers for councils to assist in the management of heating costs in residential accommodation would require formal consultation with the Department in relation to the extent of resource provision.

Recommendation

It is recommended that the Committee agrees the draft response to the Committee for Social Development as set out within Appendix 2.

Decision Tracking

The Head of Environmental Health will ensure that the Committee's submission is sent to the Committee for Social Development by the required date.

Documents Attached

- Appendix 1 - Letter of 23rd June to the Chief Executive from Mr Peter McCallion, Clerk of the Committee for Social Development.
- Appendix 2 - Draft response
- Appendix 3 – Council response to the DSD's Consultation Paper: Building Sound Foundations: A strategy for the Private Rented Sector (August 2009).
- Appendix 4 – Council response to The Housing Bill (Northern Ireland) - A consultation document (February 2010).

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HEALTH AND ENVIRONMENTAL SERVICES DEPARTMENT			
3 0 JUN 2010			
DHES			BSM
HC	HBC	HEH	HWM
Reference: SW07/06			



Northern Ireland
Assembly

COMMITTEE FOR SOCIAL DEVELOPMENT

Room 412
Parliament Buildings
Ballymiscaw
BELFAST
BT4 3XX

E-mail: peter.mccallion@niassembly.gov.uk

Tel: 028 9052 1864

Fax: 028 9052 1667

23 June 2010

The Clerk/Chief Executive
Belfast City Council
City Hall
Belfast
BT1 5GS

Dear Sir/Madam

Chief Executive's Office		
Date	24-6-10	
Seen by C.E.		
Referred to		
ACX	Corp Comms	Dem Serv
GR	SPP	Bus Supp.
Dev	F&R	H&ES
P&L	P&P	Other
Ref	MCCALLION	

Housing (Amendment) (No.2) Bill

The Housing (Amendment) (No.2) Bill was formally introduced to the Northern Ireland Assembly on 22 June 2010. The Bill is expected to be referred to the Committee for Social Development for the Committee Stage on 30 June 2010.

The stated purpose of the Bill is to enable better regulation of the private rented sector, provide new tools to tackle fuel poverty, promote effective housing management and clarify existing law in respect of homelessness.

The Bill appears to include the following provisions:

- the introduction of regulations to require private landlords to include a statement of tenancy terms in a tenant's rent book and the abolition of the corresponding requirement for private landlords to provide tenants with a separate statement of tenancy terms;
- the introduction of rent deposit schemes for private tenants – similar to those in use in England and Wales. The provisions are to allow for the introduction of a number of different insurance-based and custodial tenancy deposit schemes which include dispute resolution mechanisms and a mandatory requirement for landlord participation with fines for failure to comply;
- the conferment of powers of entry to district councils for private tenures to carry out fitness inspections;
- the facility to allow the Department to alter, through secondary legislation, its powers in respect of setting certain private sector rents;

- the introduction of a mandatory registration scheme for private landlords and fines for landlords providing false information. The mandatory landlord registration scheme is described as "light touch";
- a power to allow the Northern Ireland Housing Executive (NIHE) to obtain information on the family relationships of those occupying a possible unregistered House in Multiple Occupation (HMO);
- a power to allow social landlords to withhold consent for the exchange of tenancies where an injunction or anti-social behaviour order is in force;
- powers to allow individuals to disclose information to a registered Housing Association or NIHE in respect of injunctions; anti-social behaviour orders and orders for possession where such information may be used to determine whether a tenant can exchange a tenancy or exercise their right to buy their social home;
- the removal of what is described as a "legal anomaly" in respect of the requirement for NIHE to provide assistance to an ineligible homeless individual;
- the introduction of a power which allows NIHE to devise an energy brokering scheme for its tenants; and
- the introduction of a power to allow district councils to promote energy efficiency in residential accommodation in their own districts.

The Committee invites you to submit written evidence on behalf of your organisation for the Committee Stage of the Housing (Amendment) (No.2) Bill and for inclusion in the Committee's Report on the Bill. **Your evidence should be structured to address specific clauses of the Bill.** If appropriate, it would be helpful if you could suggest alternative or additional wording to clauses - this would assist the Committee's consideration of the need for any amendments to the Bill.

The Committee may choose to receive oral evidence in autumn 2010. The Committee's Report on the Bill - including recommendations for amendment if appropriate - will be published at the conclusion of the Committee Stage and will inform the Consideration Stage of the Bill.

A copy of the Bill and Explanatory and Financial Memorandum can be obtained from the Assembly's website at the following link:

http://www.niassembly.gov.uk/legislation/primary/2009/nia32_09.htm

I should be grateful if you would forward any written evidence to the Committee, preferably by e-mail (in the MS Word format), to committee.socialdevelopment@niassembly.gov.uk by **Monday 23 August 2010 at 4pm.**

Sir/Madam

If you do not have access to the internet or e mail facilities or you have any other enquiries please contact the Committee Clerk on 028 9052 1864.

Yours sincerely



Peter McCallion
Committee Clerk

Appendix 2

Mr Peter McCallion
Committee Clerk
Committee for Social Development
Northern Ireland Assembly
Room 412
Parliament Buildings
Ballymiscaw
Belfast
BT4 3XX

Dear Mr McCallion,

RE: HOUSING (AMENDMENT) (No.2) BILL

I refer to your letter of the 23rd June, 2010 to Belfast City Council's Chief Executive with regard to the Housing (Amendment) (No2) Bill.

The provisions of the Bill were considered by the Council's Health & Environmental Services Committee on the 4th August 2010 and, pending ratification by the Council on the 1st September 2010, it has been agreed that the following comments be forwarded to you for the consideration of the Committee for Social Development.

The Council welcomes the Bill and would ask that the Committee notes the previous Council's responses to the consultation document "Building Sound Foundations: A Strategy for the Private Rented Sector" and the draft Housing Bill. The Council particularly welcomes the enabling powers for a mandatory registration scheme for all private landlords however there is concern that the scheme is described as "light touch". The Council would seek clarification of the practical implications of a "light touch" registration scheme and would caution against a regularity approach that didn't fully protect the rights of tenants.

The Council is also concerned that the Department's commitment in its previous strategy document to raise the statutory fitness standard for the private sector is not referred to in the Bill. Also, the Bill should specify which authority will regulate the rent deposit scheme.

The Council notes that proposals for a power to allow district councils to promote energy efficiency in residential accommodation in their own districts was previously included in the Regeneration and Housing Bill and is now detailed in the Housing (Amendment) (No.2) Bill. Whilst welcoming this proposal the Council would restate their comments to the Department in response to this specific recommendation namely:-

- The Council welcomes the proposal to provide Councils with powers to promote domestic energy efficiency as an element in the drive to address fuel poverty.
- The Council understands that an option for a national fuel stamp scheme will be included as a proposal for consideration in a DSD public consultation in the current fuel poverty strategy due out in the spring of this year.

- In order to facilitate this type of support to the fuel poor however the Department may wish to consider a more explicit inclusion in the draft bill that would ensure that Councils have a clear *vires* for such schemes by specifically empowering them to support schemes that are designed to assist the management of heating costs in residential accommodation.
- The council observes that there is an existing synergy with functions it currently holds with Building Control having a regulatory function in relation to building regulations and responsibility for energy performance certificates a certain level of expertise already exists in Councils in respect of this function.

The Council would therefore recommend an amendment to Clause 13 of the Bill – **Functions of district councils in relation to energy efficiency**- paragraph (1) to read:-

“A district Council may take such action as it thinks appropriate for the purpose of promoting the efficient use of energy and to assist the management of heating costs in residential accommodation in its district.”

Under paragraph (2) of Clause 13 should be included:-

“provide or secure the provision of assistance in the management of domestic heating costs;

If the Committee wishes to discuss any of the issues referred to above please contact Mr John Corkey at telephone number 02890 270305.

BELFAST CITY COUNCIL'S RESPONSE TO THE DEPARTMENT FOR SOCIAL DEVELOPMENT'S CONSULTATION PAPER:

**BUILDING SOUND FOUNDATIONS:
A Strategy for the Private Rented Sector**

Introduction

Belfast City Council welcomes the Department's initiative in bringing forward this Consultation Paper on a strategy for the private rented sector. The Council's historical and ongoing role in the regulation of standards in the private rented sector, along with its daily engagement in this sector through its statutory duties under the Public Health Acts, provides it with a unique depth of knowledge and experience of this sector. In addition, the recently enacted Private Tenancies (NI) Order 2006 has provided Councils with enhanced powers for dealing with private rented sector problems and further builds on that experience. Involvement with the private rented sector together with the proposed transfer of certain housing functions from the Housing Executive to district councils, in particular houses in multiple occupation (HMOs), clearly places Councils at the heart of engagement and regulatory control of this sector of the housing market.

The decisions taken by the Department therefore, for the development of a long term strategy for the private rented sector, will have a significant impact on the existing and evolving regulatory and advisory roles of the Council in relation to its statutory housing functions.

Background

This consultation is very timely in light of the significant changes that have taken place in recent years. The private rented sector grew rapidly during the economic boom. This was due primarily to the disproportionate and rapidly escalating price rises over the last 15 years and the growth in the buy-to-let market. Houses were often built and used as speculative assets rather than being built as homes for people to live in. Some houses simply remained unoccupied but many of these speculative purchases resulted in owners renting out their properties pending further price rises. The economic downturn however has left many of them with unwanted properties which they can't or won't sell but which they continue to rent.

In addition, owner occupation has increased significantly over the last 20 to 30 years with a commensurate increase in people inheriting a home from their parents. The stall on house sales, due to the economic downturn, means that many of these "accidental landlords" are renting out inherited properties pending an anticipated upturn in prices.

In light of the changing dynamic of the housing market, and the private rented sector in particular, any housing strategy must take account of a range of issues if it is to be fit for purpose. Whilst the sector straddles the full spectrum of socio-economic classes it is important to design private rented sector strategy to take account of the most vulnerable people who are likely to be accommodated in rented housing. The progressive reduction in social housing will result in more people from the poorest extremes of society requiring access to the private rented sector bringing with them all the inequalities that beset the most disadvantaged in society.

The Department's vision, as set out in the consultation document, of "...a professional, well managed, service driven sector, strongly grounded in high standards and good practice...", must acknowledge that there are many landlords or speculators, now burdened with properties that they don't want but can't sell, or "accidental landlords" who simply want an income from an inherited property before selling. These people will not easily fit with the Department's objective of developing a healthy private rented sector capable of responding more effectively to housing need. Regulatory control of this sector therefore must be capable of targeting those landlords who are not prepared to assume their responsibilities in managing their properties and the Council sees the developing regulatory role of district councils as key to fulfilling this objective.

General Comments

The Council has provided individual responses at the end of this report to the specific questions contained in the consultation paper, however, in light of the Council's existing and developing role in the private sector it is important that its views are not restricted and so it has taken the opportunity, in the first instance, to provide an objective overview and address the issues from the perspective of the Council's own experience of the private rented sector.

The Department's stated aim is to offer greater choice in meeting housing need, particularly for those people who traditionally look to the social sector for housing. The social sector, by definition, provides good housing, professional management and security of tenure, however, at present there is no specific incentive for private sector landlords to emulate this. Indeed, many private sector landlords fall well short of these standards. Bearing in mind that social housing often meets the housing needs of the poorest in society the Council is concerned that a move away from this to private renting would result in a lowering of standards for those who are most in need. Any housing policy that increases the number of people renting privately by reducing the availability of social housing must ensure that robust regulatory controls are in place to protect the most vulnerable.

It is apparent that previous housing policy failed to prevent problems around affordability or the relentless development of dwellings purely as speculative enterprises rather than as homes for people to live in. Consequently, whilst the Department's key principles appear to be sound, they need to be capable of underpinning a strategy that is sustainable through the economic cycle.

The problem of insufficient data, highlighted in the document, should prompt empirical research by the Housing Executive to provide the necessary evidence base that is required to inform housing policy. However, it is important to appreciate that district councils, and Belfast City Council in particular, have many years experience in regulating the private rented sector and have developed a corporate collective knowledge of the issues associated with privately rented houses. The Council also considers it appropriate that the Department consulted with the Chief Environmental Health Officers Group, through the Public Health and Regulatory Services Group, who represent Environmental Health staff from across the province including Belfast City Council.

Although reliable data sources are not always readily available, important information is available from the Housing Executive's House Condition Surveys (HCS). The 2006 HCS confirmed that there were 95,000 privately rented dwellings in the province (13.4% of the total housing stock). The number had doubled in 5 years and the 2009 HCS is likely to confirm that this number has increased yet again. The growth in the Private Rented Sector is likely to continue as more and more people experience

affordability problems along with a decrease in available social housing. The Department for Social Development Accounts (2007-2008) records £188m per annum in Housing Benefit paid to those living in the private rented sector, providing further evidence that this sector is accommodating some of the poorest and most disadvantaged people in society. Whilst there is no centrally available data to track changes in the sector, such as the number and types of tenancies, there is a wealth of information in the Council's recording systems as well as the subjective information from Environmental Health staff who engage on a daily basis with this sector of the housing market.

Private Tenancies (NI) Order 2006

The Private Tenancies (NI) Order 2006 (PTO) provided district councils with added powers for dealing with properties in the private rented sector and, in particular, for dealing with levels of unfitness through rent control. The Consultation document confirms the effectiveness of the PTO by reporting that three quarters of all unfit properties were made fit following rent control (paragraph 4.7). The suggestion in the document however that, where there is a high concentration of private rented property, the level of activity in relation to fitness is less than expected, is incorrect in respect of Belfast, as is clearly illustrated in Map 1, (p15). The low levels of unfitness generally however inevitably limit the effectiveness of the PTO in further driving up standards. In order to provide district councils with the tools to ensure that housing for low income families in the private rented sector is comparable with social housing there needs to be a review of existing statutory standards and their enforcement regimes.

Information

The availability of Guides for Landlords and Tenants on the Housing Executive's website is to be welcomed. This information however should also be hosted on District Councils' websites. The involvement of District Councils in the Regulation of the Private Sector would make them an obvious source for this type of information.

Enforcement

The document suggests that there is a lack of focused and consistent enforcement action across the Council areas. Whilst this may be true, as a generality, Belfast City Council would highlight its commitment to enforcement which is clearly demonstrated in Table 2 (p 19) of the document. It is also important to stress the additional work carried out by Belfast City Council particularly around investigations of harassment and illegal eviction. The development of a comprehensive register of private sector tenancies would however greatly facilitate the whole process of regulation and enforcement. Whilst the Department has expressed reservations regarding the extent of public investment required to establish and maintain a register it would be the view of the Council that such a register should, if possible, be delivered on a cost recovery basis. The need for robust enforcement must go hand in hand with a complete register of tenancies and landlords. Also, district councils require information and intelligence in order to target priority cases and discharge their regulatory functions consistently.

Tenancy management

The nature of occupancy in the private rented sector, particularly in the poorer end of the market, reflects a sometimes transient and often vulnerable section of society. These people are likely to have limited information about their rights, particularly relating to security of tenure, and they are therefore less likely to report their problems to a third party such as the Housing Rights Service (HRS). It is also unlikely that they will be aware of the availability of advice services such as HRS. The use of statistics therefore, regarding the number of enquiries from tenants to the

HRS as a quasi measure of the effectiveness of landlord management, may be misleading if not qualified and supplemented. Tenants may also be very reluctant to complain to the HRS for fear of reprisals such as being evicted or harassed. The Department's comment that "...a perception of bad management continues to exist" would also be the view of City Council staff, such as Environmental Health Officers, who operate in this area of the private rented sector on a daily basis.

Concerns expressed in the consultation document regarding consistency of enforcement across District Councils may be premature if not inappropriate. The move from 26 to 11 District Councils will facilitate more consistency in enforcement following the implementation of RPA. Belfast City Council would wish to stress however that its staff have always worked to ensure consistency across the city. There are routine and regular technical meetings and staff also represent the Council on the regional Chief Environmental Health Officers subgroups on Housing matters generally and on the PTO specifically.

Registration

Mandatory registration for landlords will have the effect of focusing attention on their responsibilities and will also aid enforcement for district councils. Since some landlords are simply speculators awaiting the sale of their property, mandatory registration, including a fee and contact details, will help encourage them to apply an appropriate standard of management pending the sale of their property. Good landlords should have no difficulty with registration. It should also be stressed that registration schemes already exist for HMO's. The fact that income from HMO registration fees does not cover the operating costs is not a reason to preclude registration from the rest of the private rented sector. Registration schemes, which go hand in hand with robust enforcement, should be designed to ensure that they generate sufficient revenue to significantly offset administration costs.

The Council would question the suggestion in the document that the mandatory registration of landlords would put "...an unnecessary and unfair focus on those landlords who are already complying," (paragraph 5.16, p. 27). There is an acknowledgement by the Department that enforcement procedures need to be improved and the Council would suggest that the mandatory registration of landlords would provide the necessary foundation. Mandatory registration would target all landlords and only those who are operating outside the statutory standards for private renting would have anything to fear.

The Department suggests that more targeted actions and wholesale registration are mutually exclusive (paragraph 5.17, p. 27). This is not the case. Wholesale registration would facilitate overarching regulatory control but would not reduce the need for specific targeted actions where unscrupulous landlords flout the law and place vulnerable people in danger or deny them their housing rights.

It would be the view of the Council that the Department's proposal for a voluntary landlord accreditation scheme is unlikely to have any impact in respect of poor landlords. Those who operate outside the law will see little benefit in signing up to a voluntary code. The suggestion that a voluntary code would provide a list of benefits to landlords such as access to legal advice, disputes advice, etc. could also form part of a mandatory scheme.

Security of Tenure

Speculative and "accidental" landlords often want short term leases for their tenants. The economic downturn however is likely to increase the number of people looking to rent long term as they can't afford to buy. These two situations are mutually

exclusive and would therefore tend to reduce security of tenure. This is particularly concerning when many of the people now looking to rent are those who have lost their homes and would require greater security of tenure than some of the more traditional transient groups.

The suggestion that people in the Private Rented Sector stay for shorter rental periods than those in the Social Sector fails to acknowledge that one of the Department's aims for the Private Rented Sector strategy is to offer the Private Sector as an option for those who traditionally look to the Social Sector for housing.

The Department may also wish to consider that the reason private tenancies come to an end in Northern Ireland earlier than would otherwise be expected may be more associated with the number of poor landlords than anything else. Stronger regulation is therefore more likely to result in improved management standards and tenants are more likely to remain for longer.

DSD Policy with regard to the private rented sector should reflect the precautionary principle. As there are no data on why tenancies often terminate before their end date it should not be presumed that it is unrelated to landlord issues. The suggestion by landlords that increasing statutory security is likely to be detrimental to the market and may restrict the scope to secure mortgages must be considered in light of the significant part that the ease of access to mortgages is reported to have played in the recent financial crisis. The Department is urged therefore to consider the wider economic impacts in finalising its strategy.

The suggestion that the Notice to Quit period should reflect the length of tenancy appears to provide a fairer approach than the current "one size fits all" policy. The Council would be supportive of greater flexibility in the Notice to Quit period.

Standard of Fitness

The current fitness standard no longer provides a suitable measure of housing conditions. The level of unfitness in the private rented sector is around 2.7% (2006 HCS) which suggests that a new approach with a better measure of suitability for occupation is required. The Council believes that the Department should be looking to standardise the assessment of housing conditions with the rest of the UK where a rating system, the Housing Health and Safety Rating System (HHSRS), applies. Also, the Decent Homes Standard, which is ultimately the target standard for all housing, suggests that this should be given a legal, and enforceable, standing.

Belfast City Council's responses to specific questions posed within the text of the consultation document

1. Do these proposals address the key points adequately?

The Department's proposals, although welcome, do not adequately address the general lack of knowledge and awareness of the legislation among tenants and landlords and the problems of enforcement experienced by district council staff.

If landlords were required to register this would aid the dissemination of information and would also assist District Councils to discharge their enforcement responsibilities. Nor do the proposals address the issue of resources for Councils in delivering compliance under the Private Tenancies (NI) Order 2006 (PTO). District Councils were given responsibility for enforcing the PTO but, other than being able to charge for certain notices and certificates, no additional resource was made available for the remaining statutory functions, despite the issue of new burden funding being raised with the Department before the legislation was implemented. The lack of proactive enforcement, referred to by the Department in relation to issues such as Rent Books should therefore serve to underline the need to provide appropriate additional resources.

2. What further action is required?

The lack of documented evidence of action taken in respect to rent books and tenancy statements may also be partly attributable to the Department's method of collecting information. Instances where Councils resolve issues informally without resorting to legal action are not currently being captured by the Department with the quarterly return system. Ways of improving this should be examined.

The document also refers to the fines and discharges, when enforcement action is taken, as not providing effective incentives for landlords to comply with the law. Whilst this may imply a need for awareness raising it is important to appreciate that Councils may decide not to seek a prosecution if it is felt that proceedings may not be in the public interest.

The issue of Housing Benefit information must also be addressed as a priority in light of the fact that the Housing Benefit Regulations were not amended to take into consideration the introduction of the Order and the requirement to have a Certificate of Fitness. This oversight has meant that the old system, which identified new tenancies that required the Rent (NI) Order 1978 Regulated Rent Certificate, has disappeared whilst leaving District Councils with no information to detect tenancies which require a Fitness Inspection. This could be very significant as at least 50% of tenants in the private rented sector are claiming Housing Benefit. The introduction of the 2006 Order resulted in District Councils taking minimal requests from landlords receiving Housing Benefit with the distinct possibility that many are receiving full Housing Benefit for a property which is unfit but not subject to rent control.

3. Should a register of tenancies be developed as the principal means to address the needs of the private rented sector?

A register of tenancies would assist District Councils in relation to their enforcement activities and a compulsory register would be the preferred option. If the register is voluntary it will be of little benefit as Councils already hold information on most, if not all, those landlords who comply with the current legislative requirements. Councils require information on tenancies whose landlords currently avoid the Certificate of Fitness process and whose tenants are either ignorant of the law or are too frightened to complain to their local council.

To be effective the register will require a common IT system for all District Councils to ensure clarity for landlords and uniformity for councils. Any scheme must be implemented in conjunction with a deposit/dispute resolution service (see Question 13).

4. With regards to the impact of the Private Tenancies Order are there any other issues apart from those in Annex 2 which the Department needs to consider (i.e. other discrepancies / gaps / anomalies?)

There appears to be widespread ignorance of the role of District Councils in relation to the enforcement of standards in the private rented sector. Whilst mandatory registration would improve the general awareness of the role of district councils the proposals to produce guides for tenants and landlords should also reflect this and should clearly profile the regulatory and enforcement functions of District Councils. The proposals also mention the NIHE and the Department websites as sources of information but on examination there is minimal reference to District Councils as the enforcing authority. Indeed some pages direct users to Housing Rights NI or the NIHE District Office for advice regarding tenants' rights when renting privately e.g.: (http://www.nihe.gov.uk/index/yh-home/renting_privately/advice_for_tenants-2/tenants_rights.htm).

District Councils are continually working to ensure that the public are aware of councils' enforcement responsibilities however there is also a responsibility on other agencies to ensure that all their information reflects this. Another example is the NI Direct website which has a specific section on Private Renting and which advises tenants to contact Housing Rights or Citizens Advice if there is a dispute regarding repairs. (http://www.nidirect.gov.uk/index/property-and-housing/buying-selling-and-renting-a-home/private-renting/repairing-your-home-private_tenants.htm)

With regard to Annex 1 of the document it is impracticable to require District Councils to act as the enforcing authority in respect of the provisions of Article 50 of the Private Tenancies Order. Disputes in relation to the overpayment of rent did not form part of any discussions with District Council staff leading to the implementation of the Order. Tenants already have civil re-dress to reclaim monies and it is inappropriate and prohibitive for District Councils to get involved in financial disputes between tenant and landlord. The appropriate enforcement authority should be the DSD through the Rent Officer. Similarly, with regard to 1(2) of Schedule 2, the Rent Officer should take enforcement action with regard to landlords or tenants who refuse to give information when requested to by the Rent Assessment Committee.

5. Is voluntary accreditation of landlords the appropriate approach to promoting and supporting good landlord management?

Voluntary accreditation would not be the best approach to promote and support good landlord management. Indeed, the consultation document states that "... *the market is relatively unregulated and there is no centrally maintained source of data to track changes in the sector*" (paragraph 3.7). A voluntary accreditation system would clearly not address this.

6. What further action is needed to achieve this?

The current arrangements allow non-compliant landlords to by-pass the system by renting unfit property whilst avoiding rent control. The system only regulates compliant landlords as would a voluntary accreditation arrangement, so the impact on enforcement would be negligible. This conflicts with the assertion in the document (5.16) which mentions that current enforcement procedures require to be improved first. The document states that "...*mandatory registration would place an unnecessary and unfair focus on those landlords who are already complying with legislation and acting responsibly*". However, if compulsory registration was linked to the tangible benefits for landlords referred to in paragraph 5.20 then the focus would be neither unfair nor unnecessary. It must be noted that many businesses across NI are required by law to be licensed or registered with their local authority so why should landlords, who are responsible for the homes of so many (often the most vulnerable people in society), be excluded from this?

7. What further action is needed to promote greater tenant responsibility, and address persistent bad behaviour?

The current legislation does tend to favour the tenant who may be guilty of anti-social behaviour or criminal damage to property or who has built up excessive rent arrears. The landlord, on the other hand, may be required to undergo prolonged civil action to gain possession of his property. Evidence of anti-social behaviour should be reported to district councils (along with the PSNI) where it will be investigated and verified and the Department should consider introducing an expedited eviction process. For example, documented rent arrears at a certain level could provide the necessary evidence to justify re-possession of a property.

The provision for any new expedited eviction procedure however must be combined with tougher penalties for cases of unlawful eviction. Vacant possession of a property is currently worth substantially more to a landlord than any financial penalties so far imposed by the Courts for unlawfully evicting a tenant.

The current problems with antisocial behaviour in the Holyland area of the city have led to calls from various statutory agencies and residents for more effective powers to require landlords to ensure their tenants do not cause a nuisance. The Council would support this view.

8. Do these proposals provide an appropriate response to the issue of security of tenure?

The flexibility of the current system is one of the attractions of the private rented sector for many tenants. The issue which has arisen recently is the lack of social housing, which has forced many into the private rented market who previously would have been catered for by social housing. Also, it does appear harsh that a family that has lived in a home for say ten years and which has roots in the area can be given only 28 days to find somewhere suitable nearby to live.

9. What further changes to existing security of tenure arrangements are needed?

The Council considers the suggestion of the involvement of Housing Associations in the buy-to-let market as a positive and innovative approach. Using a social landlord to effectively operate as a private landlord could bring several advantages, including greater security of tenure.

10. Should current fitness levels in the private rented sector be increased as proposed?

The current fitness standard is no longer a comprehensive enough measure of the suitability of a dwelling for occupation. Its incorporation into the definition of the Decent Homes Standard therefore compromises this as a measure of acceptable housing provision.

11. What further/alternative requirements are needed to ensure adequate private rented sector fitness standards both now and in the future?

The fitness standard needs to be replaced, as a matter of priority, by a Housing Health and Safety Rating System (HHSRS). This will provide a meaningful risk based assessment, which will be integral to a regulatory regime, and aimed at protecting the most vulnerable occupants. It will introduce a better way of measuring housing conditions and will allow a proper comparison with housing in England and Wales where the HHSRS has been operating for several years. The HHSRS addresses potential health and safety hazards and internal arrangement whereas the Northern Ireland Decent Homes standard, incorporating the current fitness standard, does not.

Housing Benefit Regulations should be amended to require landlords to produce a Certificate of Fitness or proof of exemption from the district council. This would improve the effectiveness of the PTO in further reducing unfitness and would also avoid any data protection concerns in relation to the release of information.

12. Should the same fire safety standard which applies to all new build property be applied to all private rented accommodation?

The HHSRS would address the issue of fire safety mentioned in paragraph 7.10 on a risk-based approach and would also address matters such as steep stairs, carbon monoxide risks and excess cold and heat. There would be no need for a requirement to have all private rented accommodation meeting the same fire safety standard as new build. Fire safety would be based on a risk assessment for that property so that only those failing the standard would be targeted.

13. Do these proposals provide an adequate response to the issues of affordability and dispute resolution?

The growth in speculative landlords over the last 10 to 15 years and the increasing numbers of people moving into the private rented sector, many of whom receive Housing Benefit, is likely to increase the potential for landlord/tenant disputes. Already many tenants allege that their deposits aren't returned yet there is no formal disputes service that aggrieved tenants can turn to. The consultation document acknowledges that informal mediation does occur through organisations such as Housing Rights Service and district councils. For example, Belfast City Council staff often intervene to have tenants reinstated after being evicted and prior to any formal investigation.

14. What additional action is needed?

As there is no obligation on landlords, or tenants, to co-operate to resolve areas of disagreement the Council would support the establishment of a formal disputes service. Such a service would ensure that landlords manage deposits in a professional manner and that tenants are made accountable for any damages arising from the tenancy. It should also link to landlord registration in that registered landlords, and their tenants, would be obliged to utilize the disputes service before seeking any redress through the courts.

15. How can the PRS fit with the Department's vision of a shared future?

The private rented sector accommodates all social, religious and economic groups within society. It is therefore already tailor made to facilitate the Department's vision of a shared future. This will not happen however if those people who own rented property are not provided with a regulatory framework that protects the rights and obligations of both tenants and landlords. The Council believes that its suggestions above would facilitate that objective.

The Housing Bill (Northern Ireland)

A Consultation Document

Department for Social Development

Housing Division

7 December 2009

Table of Contents

Ministerial foreword2

Executive Summary3

Introduction4

Chapter 1 - Private rented housing7

Chapter 2 - Homelessness18

Chapter 3 – Fuel poverty25

Chapter 4 – Community safety29

Chapter 5 – Housing Executive functions46

Chapter 6 – Housing Associations49

Chapter 7 – Equality51

Chapter 8 – Summary of consultation questions54

Ministerial foreword

Good housing plays a fundamental role in creating individual well-being, healthy communities and a stable society. This is why I have made housing my policy priority as Minister for Social Development.

I launched the new Housing Agenda in February 2008. I am pleased to say that despite very difficult financial circumstances we are on course in delivering this Agenda: building more social housing than at any other time over the last decade, including an increased number of sites for Shared Future housing, tackling fuel poverty through targeted investment in improving energy efficiency and the household fuel payment, improving access to public services for homeless people through the strategy “Including the Homeless”, helping households in financial difficulty through a new mortgage rescue advice service and developing innovative approaches across a range of housing policies.

I have been able to take forward many of these changes using the existing body of housing law. In some areas, though, new legislation is required and so in June this year, I introduced the Housing (Amendment) Bill into the Northern Ireland Assembly. That Bill aims to enhance and clarify housing law in a number of ways. It is an important step forward in dealing with homelessness in particular and places a clear strategic focus on tackling homelessness and improving existing homelessness services.

I am now seeking your views on proposals for a further Housing Bill. The Bill would aim to improve the operation of the private rented sector for the benefit of both tenants and landlords, provide further tools for tackling fuel poverty and housing need and improve the operation of current housing law around issues such as community safety and anti-social behaviour.

We look forward to hearing your views.

Margaret Ritchie MLA
Minister for Social Development

Executive Summary

The Housing (Amendment) Bill currently being considered by the Northern Ireland Assembly seeks to improve the delivery of homelessness policy and clarify existing housing law in a number of ways.

The Department intends to introduce a further Bill before the Assembly elections in 2011 and the purpose of this consultation document is to seek your views on the proposals for that Bill.

The main focus of the proposed Bill would be the operation of the private rented sector in Northern Ireland. The Bill would also aim to provide new tools to tackle fuel poverty, meet housing need (particularly for those who are homeless) and deal with community safety issues as they relate to both social and private rented housing.

The consultation period will run from 7 December 2009 to 26 February 2010.

Introduction

The Department for Social Development, through its Housing Division, is responsible for providing the financial, legislative and policy framework in which the Northern Ireland Housing Executive and the housing association movement operate. The Housing Executive is responsible for assessing social housing need and drawing up plans to enable that need to be met. Housing associations provide all new social housing as well as specialist housing for elderly people and those with special needs.

There is a considerable body of existing housing law in Northern Ireland to support the delivery of these functions. During the current decade, four pieces of primary housing legislation have been brought forward. The Housing (Northern Ireland) Order 2003 introduced a number of fundamental changes to housing law following a major review carried out during the 1990s. The Private Tenancies (Northern Ireland) Order 2006 aimed to deliver improvements to the operation of the private rented sector. The Housing (Amendment) (Northern Ireland) Order 2006 made provision for the Housing Executive to pay grant to registered housing associations. The Housing (Amendment) Bill, currently being considered by the Northern Ireland Assembly, seeks to improve the delivery of homelessness policy and clarify existing housing law in a number of ways.

The Department intends to introduce a further Bill before the Assembly elections in 2011 and the purpose of this consultation document is to seek your views on those proposals.

The main focus of the proposed Bill would be the operation of the private rented sector in Northern Ireland. The sector has grown considerably in recent years and, given this context, it is important to ensure that Government continues to have the right policies in place to help the sector meet the needs and aspirations of both tenants and landlords. Many of our proposals for the private rented sector are set out in "Building Sound Foundations: a Strategy for the Private Rented Sector", which is the subject of a separate consultation. This document complements the strategy for the private rented sector with further proposals for the regulation of Houses in Multiple Occupation.

The Bill would also provide different approaches to tackle fuel poverty and meet housing need. The latter aims to modernise the use of existing powers in line with emerging practice from elsewhere in the UK to better meet the housing needs of homeless people.

The proposals related to community safety build on the existing powers available to tackle a range of issues affecting existing tenants as well as those seeking housing. Minor, but important, changes to the delivery of Housing Executive and housing association functions are also included.

The following chapters set out the background to the proposed changes and explain why they are being proposed as well as the intended benefits. We are seeking your views on all these proposals. A list of consultation questions is set out at the end of each chapter to help you focus your response.

The consultation period will run from 7 December 2009 to 26 February 2010. Due to constraints imposed by the legislative timetable, there will not be any scope for extensions to be given and consequently any responses received after the closing date cannot be taken into account. The consultation document has been sent to a wide variety of consultees and is also available on the Department's website (www.dsdni.gov.uk/index/consultations).

Responses can be made in writing, by fax or e-mail using the details set out below.

Unless respondents indicate otherwise, all responses may be published. You should also note that the Department is subject to the Freedom of Information Act 2000. This means that we have to consider any request made to us under the Act for information relating to responses made to this consultation exercise.

If this document is not in a format that suits your needs, please contact us and we can discuss alternative arrangements.

Written responses

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Chapter 1 - Private rented housing

Issues

The issues covered in this chapter are:

- “Building Sound Foundations: a Strategy for the Private Rented Sector”; and
- Houses in Multiple Occupation.

Context

Building Sound Foundations

On 15 May 2009, the Department for Social Development launched “Building Sound Foundations: a Strategy for the Private Rented Sector”, for consultation. The strategy is the first stage in the Department’s plans to encourage the development of a healthy private rented sector capable of responding more effectively to housing need in Northern Ireland.

The strategy examines the current state of the private rented sector and Government’s interaction with it and seeks views on a range of proposals on the way forward.

The strategy also outlines a number of potential changes to the existing legislative framework for the private rented sector which is set out in the Private Tenancies (Northern Ireland) Order 2006. It also includes new proposals across a range of policy areas such as the quality of private rented housing, tenancy management standards and security of tenure, including access and affordability issues.

HMOs

Houses in Multiple Occupation (HMOs) are one part of the private rented sector. Such properties represent an important housing option for a range of individuals, including students, young professionals and migrant workers. Over nearly twenty years,

Government policy on HMOs has focused on improving the standards of accommodation and the way in which this is managed. The proposals presented in this paper aim to build on this existing policy framework and make the existing system of regulation more effective.

BUILDING SOUND FOUNDATIONS

“Building Sound Foundations: a Strategy for the Private Rented Sector” was published for consultation on 15 May 2009 (www.dsdni.gov.uk/index/consultations). The strategy contains a number of proposals which may, subject to the results of the consultation, be included in the proposed Housing Bill.

These may include:

- the establishment of a Northern Ireland accreditation scheme for landlords;
- the establishment of a rent deposit scheme similar to that in other parts of the United Kingdom;
- the introduction of new quality standards for private rented housing;
- extending the notice to quit period in certain circumstances;
- amendments to the Private Tenancies (Northern Ireland) Order 2006; and
- the application of certain conditions to the direct payment of housing benefit to landlords.

HOUSES IN MULTIPLE OCCUPATION

Houses in Multiple Occupation (HMOs) offer an important housing option for a range of individuals. HMOs tend to be concentrated in areas close to universities or centres of employment which attract migrant workers. In many cases, HMOs also provide a first home for young, single people.

HMOs differ from other housing in the private rented sector in two important respects:

- as accommodation primarily for single people, HMO households tend not to be linked by strong family bonds, with an identifiable head of household; and
- traditionally, HMOs have tended to be older and larger properties.

For these reasons, Government has sought to regulate HMOs more fully than other parts of the private rented sector, with a particular focus on the standards of the dwellings, including health and safety issues, the ways in which HMO tenancies are managed and the impact of HMOs on the neighbourhoods in which they are located.

The first steps to regulate HMOs were made in the Housing (Northern Ireland) Order 1992. The Housing (Northern Ireland) Order 2003 included a number of amendments to the 1992 Order and introduced the requirement for an HMO registration scheme. This scheme, currently managed by the Northern Ireland Housing Executive, has been in operation since April 2004. Under the Reform of Public Administration, it is intended that councils will take over responsibility for operating an HMO registration scheme from 2011.

The Housing (Northern Ireland) Order 2003 changed the definition of an HMO. The Housing (Amendment) Bill, currently being considered by the Northern Ireland Assembly, contains a proposal to further amend this definition to ensure it fully reflects the policy intention of targeting regulation on those most at risk.

The proposals in this document build on the existing framework for regulating HMOs with the aim of making the current system of regulation more effective.

There are three specific proposals which are set out in more detail overleaf:

- give the regulatory authority powers to secure documentary evidence of family relationships for the purposes of deciding whether or not a property is an HMO;
- require landlords to notify the appropriate authority of any of their properties which appear to fall within the HMO definition; and
- increase the fine for non-compliance with HMO registration processes up to a maximum of £20,000.

HOUSES IN MULTIPLE OCCUPATION: EVIDENCE OF FAMILY RELATIONSHIPS

Proposal

An amendment to the definition of an HMO is included in the Housing (Amendment) Bill currently being considered by the Northern Ireland Assembly.¹ Subject to this becoming law, we propose to minimise the scope for abuse of this new definition by requiring, where appropriate, clarification of the relationships within a house. The owner or operator of the property will be responsible for ensuring that this clarification is provided in all cases where it is claimed that the occupants are members of three or fewer families. Similar provisions already exist in Scotland.

Background

¹ A copy of the Bill is available on www.niassembly.gov.uk/legislation/primary/2008/nia7_08.htm

An HMO is “a house occupied by more than two qualifying persons, being persons who are not all members of the same family” (i.e. if occupied by 3 different people from at least 2 different families).

For the purposes of the definition of an HMO the Housing (Amendment) Bill seeks to extend the definition of “family” to include uncle, aunt, nephew and niece.

HMOs, as defined in legislation, do not include accommodation occupied by members of an extended family and concern has been expressed that, to evade the regulation regime prescribed for HMOs, unscrupulous landlords might encourage unrelated tenants to claim that a family relationship exists between them.

Intended benefits

The proposal would support the definition of an HMO and help to ensure that safety standards are maintained in such accommodation.

Your views:

We would particularly welcome your views on the best ways for implementing this proposal and on the need for any alternative or additional actions to ensure all homes which meet the HMO definition are registered and meet required standards.

The Council is concerned that an overcrowded HMO, which contains a large number of tenants who claim the new wider familial relationships, would be exempt from regulation. This is extremely worrying particularly in light of the conditions migrant workers were found to be living in recently.

Belfast City Council’s Head of Environmental Health wrote to the Committee for Social Development on 11 September 2009, subsequently endorsed by the Council, expressing concerns about the proposed change to the definition of HMO and, in particular, the potential difficulties of proving or disproving family connections. The definition of HMO is key to the regulatory regime and enforcement responsibilities that flow from it and, as such, the Council believes that a more rigorous consultation should have been carried out. Bearing in mind that enforcement for HMOs will transfer to

District Councils as a consequence of the review of public administration, the Council would recommend that further consideration be given to the definition of HMO before enactment of the Housing (Amendment) Bill.

HOUSES IN MULTIPLE OCCUPATION: NOTIFICATION

Proposal

Require landlords to notify the appropriate authority of any of their properties that appear to fall within the definition of an HMO.

Background

The Housing Executive is currently responsible for the regulation of HMOs to ensure that safety standards are maintained (it is envisaged that, under the Review of Public Administration, responsibility for the regulatory regime will transfer to councils). At present, the onus is on the Housing Executive to identify properties that should be placed on the register of HMOs. This adds unnecessary cost to regulation and diverts resources away from the effective enforcement of safety standards.

Intended benefits

The proposal would help to ensure that safety standards are maintained in HMOs.

Your views:

The Council welcomes any proposals which require landlords to register privately rented properties. In its submission to the Department's consultation of May last year, *Building Sound Foundations: A Strategy for the Private Rented Sector*, the Council stated that all privately rented properties should be registered with their District Council. This is particularly important as properties can vary from HMO to non-HMO with each

new tenancy.

HOUSES IN MULTIPLE OCCUPATION: FINES

Proposal

Increase maximum fines for non-compliance with the registration process for HMOs up to a maximum of £20,000.

Background

The Housing Executive is currently responsible for maintaining a register of HMOs to ensure that safety standards are maintained (under the Review of Public Administration, responsibility for the regulatory regime will transfer to councils). A similar regime operates in England where the maximum penalty for non-compliance with the registration process is a fine of £20,000.

Intended benefits

The proposal would provide a more effective deterrent to non-compliance with the HMO registration process, thereby helping to ensure that safety standards are maintained.

Your views:

The Council welcomes the proposal to increase the maximum fines for non-compliance with HMO registration up to a maximum of £20,000. The Council would also welcome any proposals to increase the level of fines for non-compliance with the Private Tenancies Order (NI) 2006, particularly in relation to unlawful eviction, as the current level of fines do not act as a sufficient deterrent to some landlords.

Chapter 1 consultation questions

1. Do the proposals achieve the aim of making the existing system of regulating HMOs more effective?

The proposed amendment to the definition of HMO will have a major impact on the identification and regulation of HMOs. By widening the definition of the family it introduces a greater administrative and investigative burden on those enforcing the regulations. The Department has acknowledged this by asking for views on proposals on how to implement this change to avoid unscrupulous landlords encouraging unrelated tenants to claim family relationships. Even if the landlord is made to supply clarification of familial relationships, the regulator will still have to check the veracity of these statements.

2. Are any alternative or additional actions needed to ensure that all homes which meet the HMO definition are registered and meet required standards?

The Council would recommend that a risk-based registration scheme is introduced by the Department which would ensure that all privately rented properties are made known to the District Council and that higher risk premises are subject to the appropriate regulatory framework.

3. Do you have any views on the best ways to implement the proposals on the evidence of family relationship?

The Council advocates a risk based approach in relation to the regulation of the entire private rented sector. A rented property should be assessed and regulated on the risks it poses to the occupants, not on whether the occupants come from more than 2 separate extended families.

Chapter 2 - Homelessness

Issue

The issues covered in this chapter are:

- securing accommodation for homeless people in the private rented sector; and
- the homelessness duty owed to persons from abroad.

Context

The Housing (Northern Ireland) Order 1988 remains the central legislative pillar for dealing with homelessness in Northern Ireland.

The Housing (Amendment) Bill, currently being considered by the Northern Ireland Assembly, proposes to amend the 1988 Order in a number of ways, offering, among other things, new rights of appeal for homeless applicants and placing a duty on the Housing Executive to produce a homelessness strategy and for other Government bodies to take account of this strategy in delivering their functions.

The Department for Social Development is also leading on taking forward “Including the Homeless: a Strategy to Promote the Social Inclusion of Homeless People, and those at risk of becoming Homeless, in Northern Ireland” which was published in July 2007.

This consultation document contains proposals to clarify the Housing (Northern Ireland) Order 1988. Article 10 of that Order places a duty on the Housing Executive to “secure that accommodation becomes available” for occupation by homeless applicants deemed to be in priority need and unintentionally homeless. While in most cases the Housing Executive meets that duty by allocating a social housing tenancy, this may not always be the most effective way of meeting an applicant’s needs. However, certain safeguards for applicants are required if the Housing Executive is to meet its duty other than by allocating a tenancy of social housing.

SECURING ACCOMMODATION FOR HOMELESS PEOPLE IN THE PRIVATE RENTED SECTOR

Proposal

Provide safeguards for homeless people in circumstances where the Housing Executive decides to discharge its homelessness duty by securing accommodation in the private rented sector.

Background

The Housing Executive has a statutory duty to deal with homelessness. Legislation requires that, where an eligible person is unintentionally homeless and in priority need (a “full duty applicant”), the Executive shall secure that accommodation becomes available for that person’s occupation. While the Housing Executive normally seeks to meet this duty by offering a secure tenancy in the social rented sector, this may not always be the most effective way to meet an individual’s housing needs or the most efficient use of resources. For this reason, existing legislation provides the Housing Executive with discretion to offer applicants who meet the statutory criteria for homelessness assistance.

It should also be noted that, in cases where a full duty applicant’s entitlement arises through a family member who would be ineligible for assistance because of their immigration status, housing authorities across the United Kingdom, including the Housing Executive, have a specific power to discharge the duty by ensuring that a private rented sector tenancy is available.

The proposed amendment to the Housing (Northern Ireland) Order 1988 would place certain safeguards on the use of the Housing Executive’s existing powers and make it clear that homeless applicants should only be placed in the private rented sector where the accommodation is suitable for their needs and the tenancy will last for at least 12 months.

This proposal would bring the option of offering private rented sector accommodation to homeless applicants into line with existing and emerging practice in other parts of the United Kingdom.

In England, local housing authorities also have a duty to secure that accommodation becomes available for full duty applicants. However, the legislation makes it clear that this duty will come to an end in certain circumstances e.g. where the applicant accepts a private rented sector tenancy of at least 12 months duration. There is no requirement in law for housing authorities in England to offer secure tenancies of social housing to homeless people. However, English housing legislation provides that, where a person who is owed the full homelessness duty makes an application for social housing, the applicant must be given “reasonable priority” on the waiting list.

In Scotland, local housing authorities have been using the private rented sector to discharge their homelessness duties for some time. In June 2008, the Scottish Government published proposals to extend this use of the private rented sector and to

give local authorities specific power to discharge their homelessness duty through provision of a private rented sector tenancy with a minimum 12 month duration².

Intended benefits

The proposal would facilitate a more flexible response to dealing with homelessness and meeting housing need.

Your views:

The growing problem of Homelessness is not helped by the reduction in social housing, an expanding private rented sector and increasing repossessions as a consequence of the current recession. The Housing Executive should therefore be provided with a sufficient range of options to ensure that, as the regional Housing Authority, it has the flexibility and legislative authority to provide housing to those who are most in need.

² Consultation on Regulations made under Section 32A of The Housing (Scotland) Act 1987 (<http://www.scotland.gov.uk/Resource/Doc/228769/0061947.pdf>)

HOMELESSNESS DUTY OWED TO PERSONS FROM ABROAD

Proposal

Provide for the Housing Executive's duty under homelessness legislation to come to an end in cases where a person ceases to be eligible for such assistance.

Background

The entitlement of non-United Kingdom nationals to benefits and services, including social housing, is an excepted matter which lies outside the normal remit of the Assembly. However, the Assembly can legislate on excepted matters which are ancillary to transferred matters if the Secretary of State agrees.

Existing legislation requires that, where an eligible person is unintentionally homeless and in priority need (a "full duty applicant"), the Housing Executive shall secure that

accommodation becomes available for that person's occupation. Legislation also provides that certain descriptions of persons from abroad are not eligible to be assisted under homelessness legislation in Northern Ireland, depending on factors such as their immigration status and employment history. The provisions relating to the eligibility of persons from abroad reflect legislation which applies to other parts of the United Kingdom and were incorporated in Northern Ireland housing legislation with the agreement of the Secretary of State.

It should be noted that a person from abroad who is not eligible for social housing or homelessness assistance is unlikely to be eligible for social security benefits such as housing benefit. While housing legislation in England provides that a local authority's homelessness duty will come to an end if a person's eligibility ceases because of a change in their circumstances, there is no such provision in Northern Ireland legislation. This means that the Housing Executive may find itself with a duty (under homelessness legislation) to provide accommodation for individuals who (under immigration legislation) must not be provided with accommodation because they no longer meet the eligibility criteria. This leaves an unsatisfactory situation of administrative limbo for both the individual applicant and the Housing Executive. Addressing this defect in homelessness legislation would remove the legal anomaly by providing for the Housing Executive's duty in such cases to be formally brought to an end. This would also benefit applicants by bringing them within the scope of the statutory rights to review and appeal which are being introduced in the Housing (Amendment) Bill.

Intended benefits

The proposed amendment would correct a legislative anomaly and ensure that all applicants who are ineligible for assistance as a result of immigration legislation have access to their statutory rights of review and appeal.

Chapter 2 consultation questions

- 1. Do you agree that, like local housing authorities in England and Scotland, the Housing Executive should, where appropriate, discharge its homelessness**

duty by securing suitable accommodation in the private rented sector subject to certain safeguards?

The Council agrees that the Housing Executive should be free to secure accommodation for homeless people based on their housing needs. This would therefore include the option of using the private rented sector. The 2006 House Condition Survey indicated that there were 13,800 vacant properties in the province that were privately rented when last occupied. This suggests that there is a significant and available housing resource, one that the Housing Executive should be permitted to access in order to address urgent housing need.

2. Do you agree that appropriate use of the private rented sector would offer the Housing Executive a useful tool to meet an individual's housing need?

The private rented sector is capable of providing good and well managed housing, however, there is an element of this sector that falls well below accepted standards. The Council would therefore recommend that, in identifying suitable privately rented accommodation, the Housing Executive applies robust statutory controls.

3. Are there particular circumstances where such use of private rented sector accommodation would not be appropriate?

As a minimum the Council would recommend that the Housing Executive should only secure accommodation for homeless people where the property is the subject of a Fitness Certificate issued under the Private Tenancies (NI) Order 2006 or where the local district council has provided evidence that the house meets the current fitness standard. In its submission to the Department's consultation of May last year, Building Sound Foundations: A Strategy for the Private Rented Sector, the Council proposed a mandatory licensing scheme for landlords. The Council would therefore reiterate this point and would recommend that only property owned by accredited landlords should be considered for housing homeless people.

Chapter 3 – Fuel poverty

Issue

This chapter covers new powers for social housing providers to broker energy at a discounted price for their tenants.

Context

Fuel poverty is where a household needs to spend more than 10% of its income on energy to maintain an acceptable standard of warmth in the home. The causes associated with fuel poverty are high fuel costs, low income and poor energy efficiency.

Fuel poverty damages health and social well-being and those who suffer most are people in vulnerable groups, such as the elderly, children and those who are disabled or have a long-term illness.

Northern Ireland has the highest rate of fuel poverty in the United Kingdom. The 2006 House Condition Survey showed that 34% of households in Northern Ireland are in fuel poverty. The Survey also estimated that 41% of Housing Executive tenants and 21% of housing association tenants are “fuel poor”.

The Fuel Poverty Strategy, published in 2004, highlights Government’s commitment to tackling the issue.

Government across the United Kingdom is also committed to reducing the level of carbon emissions caused by burning fossil fuels such as coal, oil and gas.

The volatility of energy prices in recent years has made the task of alleviating fuel poverty even more challenging. During the early part of 2008, oil prices rose quickly to hit record highs. This had an immediate knock-on effect on the price of all domestic energy. In response, Margaret Ritchie, Minister for Social Development, established a

Fuel Poverty Taskforce to produce recommendations on ways of assisting those vulnerable households most affected by the sharp rises in fuel prices. While its remit focused on short-term actions covering the subsequent winter period, the Taskforce also made a number of recommendations covering the longer term.

Among these longer-term issues was a proposal to give social housing providers powers in law to bulk purchase energy on behalf of their tenants. The intention behind this proposal was to reduce energy bills and so mitigate fuel poverty.

This chapter sets out proposals for acting on and extending this idea.

BROKERING ARRANGEMENTS WITH ENERGY PROVIDERS

Proposal

Give the Housing Executive and registered housing associations powers to broker energy at a discounted price for their tenants.

Background

The Fuel Poverty Taskforce recommended that social housing providers should be given powers in law to bulk purchase energy on behalf of their tenants.

There are a number of ways to act on this recommendation. Given the practical problems associated with buying and storing energy, the most pragmatic solution seems to be to provide the Housing Executive and registered housing associations in Northern Ireland with powers to broker the purchase of energy at a discounted price on behalf of tenants. These powers could be exercised by a social housing provider acting alone or in collaboration with another provider of social housing.

Given the Department's strategic role in domestic energy efficiency and fuel poverty, it is proposed that any social landlord who wishes to use the proposed powers should do so in consultation with the Department, perhaps through the submission of a plan for the Department's consideration and agreement.

This proposal also has the potential to generate additional benefits more widely for Northern Ireland energy consumers as it may encourage more energy providers to enter the domestic energy market.

Intended benefits

Economies of scale would make energy more affordable for tenants of social housing and contribute to the alleviation of fuel poverty in social housing.

Your views:

Fuel Poverty is determined by energy efficiency, income and fuel costs. Whilst government can have a degree of influence on poverty and energy efficiency there are few options for influencing fuel prices. Increasing fuel costs are probably the largest contributor to the rise in Fuel Poverty over recent years and therefore any means whereby these costs can be minimised for users are to be welcomed.

Chapter 3 consultation question

Do you agree that giving social housing providers powers to broker the purchase of discounted energy on behalf of their tenants would be a useful tool in alleviating fuel poverty in social housing?

The Council welcomes the Department's commitment to reduce Fuel Poverty and would support the proposal that social landlords, either acting unilaterally or with others, could bulk purchase energy at a discounted price on behalf of tenants. The problem of Fuel Poverty however affects many people other than social housing tenants. The highest levels of Fuel Poverty, over 44%, are found in the private rented sector, according to the 2006 House Condition Survey, and this figure is now likely to be much higher due to the disproportionate increase in fuel costs in recent years. As both the Regional Housing Authority and the Regional Energy Efficiency Authority the Housing Executive should have the power to make discounted fuel prices available to any householder, who is deemed to be in social need, whether they are a tenant of a social landlord, a private tenant or an owner occupier.

Chapter 4 – Community safety

Issues

The issues covered in this chapter are:

- injunctions against anti-social behaviour, illegal use of premises and breach of tenancy agreement;
- introductory tenancies: extension of trial period;
- demoted tenancies;
- proceedings for possession: judges' discretion;
- exchange of tenancies: grounds for refusal;
- information sharing;
- crime prevention, and
- homelessness duty in cases of anti-social behaviour

Context

The Housing Executive and registered housing associations have a duty of care to protect their tenants from crime and other anti-social behaviour (whether caused by tenants of social housing or not), as well as a duty to protect other people from anti-social behaviour caused by tenants of social housing.

Social landlords therefore have a range of powers at their disposal for dealing with anti-social behaviour. While landlords can seek an order for possession of a secure tenancy where there are statutory grounds (such as causing nuisance or annoyance to neighbours), eviction is a last resort. The existing legislation, which is based on provision made for England and Wales in the Housing Act 1996, enables the Housing Executive, registered housing associations and private sector landlords in Northern Ireland to seek an injunction against any person whose anti-social behaviour affects the landlord's tenants. Such injunctions can be used to restrain tenants from engaging in unacceptable behaviour without depriving them of their homes.

Social landlords in Northern Ireland also have the facility to offer new tenancies on an "introductory" basis, which means that tenants have limited security of tenure during the first 12 months of the tenancy and can lose their homes during that period if their conduct is not satisfactory.

It is now proposed to update the powers of the Housing Executive and registered housing associations for dealing with anti-social behaviour by reflecting certain provisions of the Anti-social Behaviour Act 2003 and the Housing Act 2004 which built on the anti-social behaviour provisions of the 1996 Act. In addition to those provisions, it is proposed to give the Housing Executive statutory authority to take part in crime prevention initiatives.

INJUNCTIONS AGAINST ANTI-SOCIAL BEHAVIOUR, ILLEGAL USE OF PREMISES AND BREACH OF TENANCY AGREEMENT

Proposals

- (a) widen the application of the existing form of injunction against anti-social behaviour;
- (b) introduce a new form of injunction against illegal use of premises;
- (c) place injunctions against breach of tenancy agreement on a statutory footing;
- (d) provide for a power of exclusion from any premises to be attached to injunctions;
- (e) provide for a power of arrest to be attached to injunctions, and
- (f) extend the scope of injunctions to cover sites provided for Travellers.

Background

Article 26 of the Housing (Northern Ireland) 2003 enables the Housing Executive, registered housing associations and private landlords to apply to the courts for injunctions to prevent any person from engaging or threatening to engage in conduct causing or likely to cause nuisance or annoyance etc. to persons residing in or visiting the landlord's property, or to persons engaging in lawful activity in the locality of such property. Such injunctions can also be used to prevent the use of premises for illegal or immoral purposes, and to prevent individuals from entering landlords' property or the locality of such property. Injunctions against anti-social behaviour only apply to behaviour which has actually caused nuisance or annoyance or is likely to cause it.

Landlords may also apply for injunctions to prevent tenants from breaching their tenancy agreements, although there is no specific legislative provision for this. At present, injunctions against the breach of a tenancy agreement cannot be used to exclude individuals from any description of premises.

The Housing Executive is currently responsible for providing and managing sites for Travellers. Because the Housing Executive may not own any of the accommodation on

such sites, it would be difficult for the Executive to seek an injunction in relation to a Traveller site.

Breach of an injunction is regarded as contempt of court. Where an individual appears to have breached an injunction against anti-social behaviour or an injunction against breach of tenancy agreement, or appears to be about to breach such an injunction, the landlord can apply to the court to issue a summons to the individual, which may take some time.

Intended benefits

The proposed anti-social behaviour injunction would have a wider application than the existing form of injunction as it would cover behaviour capable of causing nuisance or annoyance, and would apply in respect of behaviour relating to or affecting any of a landlord's housing management functions. Such injunctions could also be used to exclude individuals from any premises if there is a threat of violence or risk of harm.

It is envisaged that the new anti-social behaviour injunction should be based on the form of injunction introduced in England and Wales by section 13 of the Anti-social Behaviour Act 2003. Those injunctions cannot be used to prevent the use of premises for illegal or immoral purposes, which is covered by a separate form of injunction against "illegal use of premises". It is therefore proposed that landlords in Northern Ireland should be in a position to apply for injunctions against illegal use of premises as well as anti-social behaviour injunctions.

Placing injunctions against breach of tenancy agreement on a statutory basis would mean that such injunctions could also be used to exclude individuals from any premises where there is a threat of violence or risk of harm and would allow the courts to attach a power of arrest.

The proposed powers of arrest could be attached to individual injunctions if the court considers it appropriate and would enable a police officer to arrest an individual where there is reason to believe that the individual has breached or intends to breach an injunction against anti-social behaviour, illegal use of premises or breach of tenancy

agreement. This would provide a swifter remedy than the existing arrangements which require the landlord to report breaches of injunctions to the court.

Extending the scope of injunctions to cover Traveller sites would help to deal with anti-social behaviour on such sites.

Your views:

This is a positive development and recognition of the impact antisocial behaviour can have upon individuals, communities and neighbourhoods. Importantly this would also allow social landlords to address issues of antisocial behaviour caused by non-tenants i.e. those visiting or using a premise. It is noted that injunction could be used in relation to immoral purposes or where it is believed that antisocial behaviour is likely to cause nuisance. While a positive development in theory, providing the required evidential standards for these may be more challenging. With regard to the extension of this approach to Traveller sites it is recognised that this would bring continuity of approach. It is noted, however, that there may need to be considerable thought into how this is managed and enforced in recognition of the distinct culture and needs of tenants of these sites. In conclusion, however, this is to be viewed as a positive development and offers social landlords another tool in addressing community safety needs.

INTRODUCTORY TENANCIES: EXTENSION OF TRIAL PERIOD

Proposal

Enable the Housing Executive and registered housing associations to extend the trial period of an introductory tenancy for up to 6 months.

Background

Article 25 of the Housing (Northern Ireland) Order 1983 provides that Housing Executive and registered housing association tenancies are normally “secure” tenancies which cannot be brought to an end except by obtaining a court order for possession. The court will not grant such an order unless the landlord can prove that there are statutory grounds for possession.

Under Chapter II of Part II of the Housing (Northern Ireland) Order 2003, all new Housing Executive and registered housing associations tenancies are let on an “introductory” basis. An introductory tenancy currently lasts for a trial period of 12 months. If an introductory tenant engages in anti-social behaviour during the trial period, the landlord can seek an order for possession which the court will grant without requiring the landlord to prove grounds for possession. Otherwise, an introductory tenancy automatically becomes a secure tenancy when the trial period has expired.

Intended benefits

Landlords could choose to extend the trial period of an introductory tenancy where an introductory tenant’s conduct gives cause for concern but would not warrant an immediate application for an order for possession. This would give such tenants an opportunity, and incentive, to modify their behaviour.

Your views:

This is a positive proposal and one which would be welcomed though it is assumed that further guidance would be offered to tenants on the implications of failing to meet acceptable behaviour standards during this extended trial period.

DEMOTED TENANCIES

Proposal

Enable the courts to grant “demotion orders” in respect of Housing Executive and housing association secure tenancies where the court is satisfied that the tenant or a person residing in or visiting the dwelling-house has engaged in, or has threatened to engage in, conduct which would enable the court to grant an injunction against anti-social behaviour or unlawful use of premises and the court considers it reasonable to make such an order. A demotion order would effectively remove the tenant’s security of tenure.

Background

Under Chapter II of Part II of the Housing (NI) Order 2003, all new Housing Executive and registered housing associations tenancies are let on an “introductory” basis. An introductory tenancy lasts for a trial period of 12 months. If an introductory tenant engages in anti-social behaviour during the trial period, the landlord can seek an order for possession which the court will grant without any requirement to prove grounds for possession. Otherwise, an introductory tenancy automatically becomes a “secure” tenancy when the trial period has expired. Secure tenancies cannot be brought to an end except by obtaining a court order for possession which the court will not grant unless the landlord can prove that there are statutory grounds for possession. Seeking an order for possession of a secure tenancy can be a lengthy and expensive procedure.

Intended benefits

Landlords may wish to apply for a demotion order where the conduct of a secure tenant gives cause for concern but the landlord would be reluctant to seek immediate possession. While “demoted” tenants could remain in the accommodation at the landlord’s discretion, they would be made aware that they could be evicted at short notice. This would give such tenants an opportunity, and incentive, to modify their behaviour.

Your views:

This is a positive development and once again offers social landlords another tool in tackling antisocial behaviour. However, further clarity is needed to distinguish why in certain circumstances a landlord would only seek to demote a tenancy as opposed to seeking a possession order. It is certainly implied in the proposal that the evidential burden is the same and therefore perhaps further thought is required as to the potential benefits of this option.

PROCEEDINGS FOR POSSESSION: JUDGE'S DISCRETION

Proposal

Require the court to take account of the following factors when considering applications for orders for possession of secure tenancies in cases involving anti-social behaviour:

- the effect of any nuisance or annoyance;
- the likely effect of such nuisance or annoyance continuing, and
- the likely effect of a repeat of the nuisance.

Background

Where a secure tenant of the Housing Executive or a registered housing association has been guilty of serious anti-social behaviour, the landlord may wish to regain possession of the property. A secure tenancy cannot be brought to an end except by obtaining a court order for possession and the court will not make such an order unless the landlord can provide evidence of statutory grounds for possession. The grounds for possession include conduct by tenants or persons residing with them which causes or is likely to cause nuisance or annoyance to persons residing, visiting or otherwise engaging in a lawful activity in the locality.

Intended benefits

The provision of clear guidelines for judges in possession cases should help to ensure that decisions are more consistent.

Your views:

This approach is to be welcomed as it will support a more consistent and informed approach and also support the criminal justice system in making informed decisions. It would be beneficial to know if as part of the evidence received whether the court would similarly hear a community impact statement as with applications for ASBOs in order to offer complainants more confidence to come forward while protecting their anonymity.

EXCHANGE OF TENANCIES: GROUNDS FOR REFUSAL

Proposal

Enable the Housing Executive and registered housing associations to withhold consent to an exchange of tenancies where certain orders for possession, anti-social behaviour orders, demotion orders or injunctions have been made in respect of either party to the proposed exchange or a member of their households.

Background

Secure tenants of the Housing Executive and registered housing associations may, with the written consent of the landlord, exchange houses on the basis of mutual assignment of their tenancies. Landlords cannot withhold consent except on one or more of the grounds for refusal specified in the legislation.

Intended benefits

The new ground for refusal could be used as a sanction against anti-social behaviour. There may also be, in individual cases, valid housing management reasons to prevent anti-social tenants from exercising an automatic right to exchange houses with other tenants.

Your views:

This is an extremely positive development and will prevent the system currently being 'abused' by known perpetrators. Importantly it will ensure a transfer of information that will allow decisions to be informed on the overall behaviour of tenants as opposed to limited to behaviours at individual addresses. As with a number of these recommendations however further clarification is required as to the impact upon tenancies where it is not the leaseholder who is found to have committed antisocial behaviour but rather their child or dependent.

INFORMATION SHARING

Proposal

Permit the disclosure of information about possession orders, demotion orders, injunctions etc where such information is required to enable the Housing Executive and registered housing associations to withhold consent to a mutual exchange or to refuse to complete a house sale.

Background

Exchange of tenancies (Housing Executive and registered housing associations)

Secure tenants of the Housing Executive and registered housing associations may, with the written consent of the landlord, exchange houses on the basis of mutual assignment of their tenancies. The landlord can withhold consent on certain grounds which are set out in legislation.

Restrictions on House Sales (Housing Executive)

The Housing Executive's House Sales Scheme provides that a tenant cannot exercise the right to buy at any time when:

- (a) the Executive has, within the previous three months, served on the tenant a statutory notice seeking possession on grounds relating to anti-social behaviour, or is in the process of carrying out investigations which may lead to the serving of such a notice;
- (b) proceedings for possession of the tenant's dwelling are pending, or
- (c) the tenant is obliged to give up possession of the dwelling in pursuance of an order of the court (or will be obliged to do so at a date specified in the order).

Restrictions on House Sales (registered housing associations)

The scheme which requires registered housing associations to allow their tenants to buy their homes provides that a tenant cannot exercise the right to buy at any time when:

- (a) the association has, within the previous three months, served on the tenant a statutory notice seeking possession on grounds relating to anti-social behaviour;
- (b) proceedings for possession of the tenant's dwelling are pending, or

- (c) the tenant is obliged to give up possession of the dwelling in pursuance of an order of the court or will be obliged to do so at a date specified in the order, or
- (d) the association is actively considering whether it would be appropriate to serve – at some time within the next three months – a statutory notice seeking possession on grounds relating to anti-social behaviour.

Intended benefits

Disclosure of information about possession orders, demotion orders, injunctions etc would enable the Housing Executive and registered housing associations to prevent an exchange of tenancies or a house sale where this is necessary as a sanction against anti-social behaviour or there are housing management reasons for preventing anti-social tenants from exchanging houses or purchasing their homes.

Your views:

Information sharing is vital and therefore this proposal is strongly welcomed. Once again it is judged that this would also prevent the system from being abused by known perpetrators.

CRIME PREVENTION

Proposal

Give the Housing Executive power to take such action as it considers necessary for the prevention of crime and anti-social behaviour.

Background

From time to time, the Housing Executive participates in crime prevention initiatives which may involve, for example, the provision of home security measures for elderly citizens living in high-crime areas or persons who are vulnerable to hate crime. However, the Executive has no specific statutory authority to take part in such schemes.

Intended benefits

Giving the Executive a statutory power to take part in crime prevention schemes would give it the proper authority to operate crime prevention initiatives.

Your views:

The NIHE has an integral role to play in addressing community safety and therefore having the statutory power to support this work would be extremely beneficial. The NIHE for example already plays a pivotal role in Belfast Community Safety Partnership and has worked closely with Belfast City Council to deliver a range of services. However, by being given the statutory power to take part in crime prevention initiatives this would facilitate a more flexible and effective partnership approach and hopefully support more targeted sharing of resources.

HOMELESSNESS DUTY IN CASES OF ANTI-SOCIAL BEHAVIOUR

Proposal

Individuals who are unsuitable to be tenants of social housing because of their unacceptable behaviour should not be in a position to access Housing Executive or housing association tenancies via the homelessness legislation, even if evidence of their unsuitability does not emerge until after the Executive has established that their housing circumstances are such that they would otherwise meet the statutory criteria for homelessness assistance.

Background

The Housing Executive has a statutory duty under the Housing (Northern Ireland) Order 1988 to secure that housing becomes available for homeless persons who are:

- eligible for assistance;
- in priority need (ie with dependent children or vulnerable in some way), and
- unintentionally homeless.

If the Housing Executive is satisfied that a person meets all of the above criteria, the Executive owes that person what it calls the “full housing duty”. The Housing Executive normally meets the full housing duty by providing a secure tenancy in social housing, although Chapter 2 of this Paper deals with the other ways in which the Executive may choose to meet the duty.

Article 22A(1)(c) of the Housing (Northern Ireland) Order 1981 provides that persons who are unsuitable to be tenants of social housing because of their unacceptable behaviour are not eligible to be allocated such housing via the waiting list and Article 7A of the 1988 Order makes similar provision in respect of homelessness. Specifically, Article 7A(1)(c) provides that a person may be treated as ineligible for homelessness assistance if the Housing Executive uses its power under Article 7A(5) to decide that an applicant has been guilty of unacceptable behaviour serious enough to make the applicant unsuitable to be a tenant of the Executive. In this context “homelessness assistance” means an allocation of social housing, although this is only one of the

different types of assistance that can be provided for homeless people under the 1988 Order.

The provisions outlined above are intended to ensure that persons who indulge in anti-social behaviour do not become tenants of social housing. However, Article 7A(7) of the 1988 Order provides that persons who are ineligible for homelessness assistance because of their unacceptable behaviour, but have priority need, must be treated in the same way as eligible persons who are in priority need but are “intentionally homeless” i.e. they must be provided with temporary accommodation plus advice and assistance to enable them to make their own housing arrangements. This meets the policy objective of ensuring that anti-social individuals have no entitlement to social housing, while at the same time ensuring that homeless people with priority need receive a level of assistance which is, at least, in line with the basic legal requirements.

While Article 7A(5) of the 1988 Order allows the Housing Executive to treat “applicants” as ineligible for homelessness assistance on the basis of their unacceptable behaviour, an individual cannot be described as an “applicant” after the Executive has completed an assessment of their housing circumstances. This means that the Housing Executive cannot invoke the eligibility provisions where, for example, a person who is awaiting re-housing having been found to be owed the full housing duty damages temporary accommodation provided by the Executive or threatens other hostel residents. The Housing (Amendment) Bill introduced in the Assembly on 9 June 2009 therefore provides for an amendment to the form of words used in Article 7A(5) which would allow the Housing Executive to treat “persons” rather than “applicants” as ineligible for homelessness assistance on the basis of their unacceptable behaviour.

While the amendment to Article 7A(5) is intended to resolve the “person/applicant” issue, a question would remain around the legal propriety of the Housing Executive exercising its discretion under Article 7A(1)(c) of the 1988 Order to treat an individual as ineligible for homelessness assistance in circumstances where the person concerned has already been found to satisfy the relevant statutory criteria and the Executive therefore owes that person the full housing duty. Where individuals who have applied to the Housing Executive for homelessness assistance display anti-social tendencies *after*

a decision has been taken that they are owed the full duty, but *before* they are rehoused, existing legislation allows the Housing Executive no option other than to treat the individual in accordance with the full duty i.e. to allocate a tenancy of social housing (even though the landlord might wish to initiate proceedings for possession immediately) or to attempt to secure accommodation for the individual in the private rented sector.

The Department would welcome views on the most appropriate way to treat individuals who have been found to be unintentionally homeless and in priority need but are not considered suitable persons to hold tenancies of social housing, including your views as to the need for any further legislation in this area. For example, it might be appropriate to make specific provision that the full homelessness duty is deemed to be discharged in circumstances where the Housing Executive has decided that a person is to be treated as ineligible for an allocation of accommodation pursuant to Article 22A (6) of the Housing (NI) Order 1981, or to amend the 1988 Order to allow the Housing Executive to treat such individuals in the same way as eligible persons who are in priority need but are “intentionally homeless” i.e. to provide temporary accommodation plus advice and assistance to enable them to make their own housing arrangements.

Intended benefits

Ensure that tenancies of social housing are not allocated to individuals who are likely to engage in anti-social behaviour.

Your views:

While the principle behind this approach is well guided the outworking of this approach requires more thought. Once again clarity is needed on the impact that a dependent's behaviour might have on housing status. Furthermore, greater consideration is required on the evidential proof that would be required to prove intent. Lastly, social landlords will need to ensure that in the interim being granted homelessness status and having been allocated a tenancy there is ongoing monitoring of behaviour. It is suggested for example that the Interagency Antisocial Behaviour Fora might offer a forum for this to be considered. If, however, such issues were resolved this approach would hopefully prevent the current system from being abused and ensure that social landlords are offered the opportunity to manage their housing stock in a positive manner.

Chapter 4 consultation questions

- 1. Do you agree that the proposals on community safety and anti-social behaviour are reasonable and provide social housing providers with appropriate tools to ensure their tenants and others can peacefully enjoy their homes?**

The proposals recommended are, by in large, to be welcomed and show a commitment to supporting communities and improving quality of life.

- 2. Are there any additional proposals which should be considered?**

In light of the draft proposals reassurance is needed that resulting changes will be adequately resourced. In particular it is hoped that by granting the statutory power to support crime prevention that this opportunity will be fully realised through appropriate resourcing.

Chapter 5 – Housing Executive functions

Issues

The issues covered in this chapter are:

- partnership between the Housing Executive and other bodies; and
- indemnities for Housing Executive staff serving on other bodies.

Context

The purpose of the proposals outlined in this chapter is to allow Government services to be more joined-up, particularly, but not exclusively, in dealing with homelessness.

Meeting the often complex needs of service users and citizens requires public bodies to work across organisational boundaries. This approach does not always sit well with systems of accountability which tend to constrain such innovation.

The proposals outlined are designed to overcome some of these barriers to joined-up working by allowing the Housing Executive to enter into partnerships with other Government bodies and pool resources where required and providing indemnities to Housing Executive staff and members who participate in the work of other housing-related organisations.

PARTNERSHIP BETWEEN THE HOUSING EXECUTIVE AND OTHER BODIES

Proposal

Enable the Department to make regulations prescribing arrangements which may be entered into by the Housing Executive and other bodies in relation to the exercise of certain functions, if the arrangements are likely to lead to an improvement in the way in which those functions are exercised.

Background

While the Health and Social Care Board, the Probation Board for Northern Ireland and registered housing associations are required to co-operate with the Housing Executive if requested to do so in connection with the Executive's homelessness functions, there is no specific statutory provision which would enable the Housing Executive to work in partnership with such bodies.

Intended benefits

The proposal would enable the Housing Executive and other bodies to delegate functions, to pool resources and to transfer resources from one body to another so that there can be a single provider of services in key areas.

Your views:

The proposal has the effect of embedding in legislation the benefit of greater co-operation between the Housing Executive and other organisations in the exercise of their functions.

INDEMNITIES FOR HOUSING EXECUTIVE STAFF SERVING ON OTHER BODIES

Proposal

Enable the Housing Executive to provide indemnities to some or all of its members and staff.

Background

The Housing Executive requires certain of its officers, as part of their official duties, to become involved in the governance of institutions and bodies which are involved in housing-related activities but have no direct connection with the Executive. Officers of the Housing Executive who are involved in the governance of external companies or bodies may be obliged by law to act primarily or solely in the interests of those institutions and, at present, the Executive cannot lawfully indemnify its officers in such circumstances.

Intended benefits

The proposal would ensure that Housing Executive staff who are involved in the management of other housing-related bodies would be protected in the event of, for example, those bodies becoming insolvent.

Your views:

It is appropriate for the Department to ensure that there are no unnecessary impediments to Housing Executive staff and members from involvement in other housing related bodies.

Chapter 5 consultation question

Do you agree that the Housing Executive should be able to work in partnership with other bodies, particularly in terms of tackling homelessness?

The Council would support the concept of the proposed reciprocal approach to service delivery.

Chapter 6 – Housing Associations

Issue

The issue covered in this chapter is the repeal in law of the Rent Surplus Fund.

Context

Article 37 of the Housing (Northern Ireland) Order 1992 places an obligation on registered housing associations to show separately in their accounts certain surpluses on rental income arising from properties built with grant-funding from the Department.

This provision is no longer required and the Department for Social Development has sought to withdraw it by administrative means. However, it would also be useful to repeal Article 37 of the Housing (Northern Ireland) Order 1992 and remove it from the statute book.

RENT SURPLUS FUND

Proposal

Repeal primary legislation relating to the Rent Surplus Fund.

Background

Registered housing associations have a statutory duty to show in their accounts surpluses arising from increased rental income (such surpluses are known as “the Rent Surplus Fund”). While similar legislation at one time applied to the rest of the United Kingdom, that legislation has been repealed.

Intended benefits

Repeal of the relevant legislation would remove an unnecessary bureaucratic burden from registered housing associations.

Your views:

Registered housing associations should not be required to carry unnecessary bureaucratic burdens.

Chapter 6 consultation question

Do you agree that provisions in primary legislation relating to the Rent Surplus Fund should be repealed?

The Council agrees with this proposal.

Chapter 7 – Equality

NORTHERN IRELAND ACT 1998

Section 75 of the Northern Ireland Act 1998 requires the Department in carrying out its functions to have **due regard** to the need to promote equality of opportunity:

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

Without prejudice to the obligations set out above, the Department is also required, in carrying out its functions relating to Northern Ireland, to have **regard** to the desirability of promoting good relations between persons of different religious belief, political opinion or racial group.

The Department has undertaken an equality screening of the proposals contained in this document to determine if they are likely to have a significant impact on equality of opportunity. This screening has not identified any adverse differential impact of the proposals on the equality categories outlined above.³

RURAL PROOFING

The Department considers that the impact of the proposals contained in this document would be felt mainly in urban areas. There does not appear to be any potential for an adverse differential impact on rural areas.

We would welcome your views on these findings and any evidence of adverse differential impacts arising from any of the proposals within this document.

The Department's equality screening document is available at www.dsdni.gov.uk/index/consultations and on request from:

Stephen Martin
Department for Social Development
Housing Division
The Lighthouse Building
1 Cromac Place
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028 90829267

Fax

028 90829324

Chapter 7 consultation questions

- 1. Do you have any evidence to suggest that the proposals within this document would create an adverse differential equality impact on any of the nine equality categories under Section 75 of the Northern Ireland Act 1998?**

No.

- 2. Do you have any evidence to suggest that the proposals within this document would create an adverse differential impact on rural areas?**

No.

Chapter 8 – Summary of consultation questions

Chapter 1 – Private rented housing - consultation questions

- 1. Do the proposals achieve the aim of making the existing system of regulating Houses in Multiple Occupation more effective?**
- 2. Are any alternative or additional actions needed to ensure that all homes which meet the HMO definition are registered and meet required standards?**
- 3. Do you have any views on the best ways to implement the proposals on the evidence of family relationship?**

Other related issues:

Chapter 2 – Homelessness - consultation questions

- 1. Do you agree that, like local housing authorities in England and Scotland, the Housing Executive should, where appropriate, discharge its homelessness duty by securing suitable accommodation in the private rented sector subject to certain safeguards?**

- 2. Do you agree that appropriate use of the private rented sector would offer the Housing Executive a useful tool to meet an individual's housing need?**

- 3. Are there particular circumstances where such use of private rented sector accommodation would not be appropriate?**

Other related issues:

Chapter 3 – Fuel poverty - consultation question

Do you agree that giving social housing providers powers to broker the purchase of discounted energy on behalf of their tenants would be a useful tool in alleviating fuel poverty in social housing?

Other related issues:

Chapter 4 – Community safety - consultation questions

- 1. Do you agree that the proposals on community safety and anti-social behaviour are reasonable and provide social housing providers with appropriate tools to ensure their tenants and others can peacefully enjoy their homes?**

- 2. Are there any additional proposals which should be considered?**

Other related issues:

Chapter 5 – Housing Executive functions - consultation question

Do you agree that the Housing Executive should be able to work in partnership with other bodies, particularly in terms of tackling homelessness?

Other related issues:

Chapter 6 – Housing associations - consultation question

Do you agree that provisions in primary legislation relating to the rent surplus fund should be repealed?

Other related issues:

Chapter 7 – Equality - consultation questions

- 1. Do you have any evidence to suggest that the proposals within this document would create an adverse differential equality impact on any of the nine equality categories under Section 75 of the Northern Ireland Act 1998?**
- 2. Do you have any evidence to suggest that the proposals within this document would create an adverse differential impact on rural areas?**

Other related issues:

Written responses

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Belfast City Council

Report to:	Health and Environmental Services Committee
Subject:	Consultation on the Caravans Bill
Date:	4 th August, 2010
Reporting Officer:	Siobhan Toland, Head of Environmental Health, Ext. 3281
Contact Officer:	David Elliott, Principal Environmental Health Officer, Ext. 3604

Relevant Background Information

The purpose of the Caravans Bill is to introduce statutory protections for caravan owners who occupy a caravan as their main residence and caravan owners using seasonal sites.

An officer response was forwarded to the Committee for Social Development on 2nd June 2010 by the Director of Legal Services. Whilst broadly welcoming the provisions of the Bill on behalf of the Council, the Director of Legal Services sought clarification with regard to enforcement responsibilities under Part 3 "Protection of residential occupiers from eviction and harassment". In the original Caravans Bill, Part 2, "Provision for Protection of Occupiers of Caravans" it was intended that district councils would have a role in the enforcement of the protection of occupiers of caravans. This has been omitted in the redrafted Caravans Bill and there appears to be no explicit authority for any statutory body to enforce Part 3. Given that such offences within the Private Rented Sector are enforced by district councils (by virtue of the Rent (Northern Ireland) Order 1978 as amended) and that district councils are responsible for licensing caravan sites (under the Caravans (Northern Ireland) Act 1963), it was suggested that the proposed legislation is amended to grant councils the power to investigate and prosecute complaints of harassment and eviction.

Although the Department had stated that the Bill did not give rise to any issues of selectivity affecting any groups listed in Section 75 of the Northern Ireland Act 1998, the Director of Legal Services noted that good practice would dictate that Section 75 should be considered and the Council would urge that a full human rights impact assessment (including an Equality Impact Assessment) be conducted on the Bill as the legislation appears to affect the Traveller Community and potentially the elderly.

Key Issues

- The purpose of the Caravans Bill is to introduce statutory protections for caravan owners who occupy a caravan as their main residence and caravan owners using seasonal sites.

- The Director of Legal Services forwarded an officer response to the Department on 2nd June 2010. A copy of this letter is attached.
- There appears to be no designated enforcing authority for the provisions of Part 3 relating to the protection of occupiers against eviction and harassment.
- The Council would recommend that district councils are given the power to investigate and prosecute complaints of harassment and unlawful eviction given that similar offences are enforced by district councils under the Rent (NI) Order 1978.
- As the Bill appears to directly affect the Irish Traveller Community and potentially the elderly, the Council would recommend that a full human rights assessment be carried out.
- The Director of Legal Services informed the Assembly Committee Clerk that the Bill would be considered by the Health and Environmental Services Committee in August and that any further views expressed by the Council would be forwarded to the Committee for Social Development for their consideration.
- A copy of the Bill and Explanatory and Financial Memorandum can be obtained from the Assembly's website –
http://www.niassembly.gov.uk/legislation/primary/2009/nia17_09.htm

Resource Implications

As there are no Residential Caravan Sites or Seasonal Sites in the Belfast City Council areas there are currently no resource implications.

Recommendations

The Committee is asked to endorse the letter of 2nd June 2010 from the Director of Legal Services to the Committee for Social Development in relation to the Caravans Bill.

Document Attached

Letter of 2nd from the Director of Legal Services to Mr Peter McCallion, Committee Clerk, Committee for Social Development, Northern Ireland Assembly.

Our Ref 001-126-4-CQ

Your Ref

2 June 2010

Mr Peter McCallion
Committee Clerk
Room 412 - Committee for Social Development
Northern Ireland Assembly
Parliament Buildings
Stormont
BELFAST BT4 3XX

Dear Mr McCallion

CARAVANS BILL

I refer to the above and thank you for your letter dated 5 May 2010 in respect of the proposed Caravans Bill which was formally introduced to the Northern Ireland Assembly on 26 April 2010.

Belfast City Council welcomes the introduction of statutory protections for caravan owners who occupy a caravan as their main residence and caravan owners using seasonal sites. The introduction of fair treatment and protection of the property rights of caravan users is positive and the Council broadly welcomes the provisions of the Bill.

The Council seek clarification as to who will be responsible for enforcing Part 3 'Protection of residential occupiers from eviction and harassment.' In the original Caravans Bill, Part 2, "Provision for Protection of Occupiers of Caravans" it was intended that district councils would have a role in the enforcement of the protection of occupiers of caravans (by virtue of Section 7(4)). This has been omitted in the redrafted Caravans Bill and there is no explicit authority for any statutory body to enforce Part 3. Given that such offences within the private rented sector are enforced by district councils (by virtue of the Rent (Northern Ireland) Order 1978 as amended) and that district councils are responsible for licensing caravan sites (under the Caravans (Northern Ireland) Act 1963), it is suggested that the proposed legislation is amended to grant district councils the power to investigate and prosecute complaints of harassment and eviction.

In relation to this consultation, due to time constraints, officers have not yet had the opportunity to bring a report in relation to the draft bill to the Health and Environmental Services Committee. The Head of the Health and Environmental Services Department will be taking a report to the Health and Environmental Services Committee in August 2010. In the meantime, the above comments are the observations of the officers on behalf of the Council, but we will of course let you know if any further views are expressed once the matter has been reviewed by Committee.

Contd/

2

Mr Peter McCallion
2 June 2010

The Department has stated that the Bill does not give rise to any issues selectively affecting any groups listed in Section 75 of the Northern Ireland Act 1998. Good practice dictates that Section 75 should be considered and the Council would urge that a full human rights impact assessment (including an Equality Impact Assessment) be conducted on the Bill as the legislation appears to directly affect the Irish Traveller Community and potentially the elderly.

I trust that this information has proved useful and I thank you for your interest in Belfast City Council's position with regard to these issues

Yours sincerely

CIARAN QUIGLEY
Director of Legal Services

CQ/LM/tmc



Belfast City Council

Report to: Health and Environmental Services Committee

Subject: **Naming of Streets**

Date: 4th August, 2010

Reporting Officer: Trevor Martin, Head of Building Control, Ext 2450

Contact Officer: Stephen Hewitt, Building Control Manager Ext 2435

Relevant Background Information

The power for the Council to name streets is contained in Article 11 of the Local Government (Miscellaneous Provisions) (NI) Order 1995.

Key Issues

To consider the following applications for the naming of new streets in the City.

Proposed Name	Location	Applicant
St Kevins Walk	Off North Queen Street, BT15	NIHE
Clonavogie Gardens	Off Donegall Road, BT12	JNP Architects

The applications' particulars are in order and the Royal Mail has no objections to the proposed names. The proposed new names are not contained in the Council's Streets Register and do not duplicate existing approved street names in the City.

Resource Implications

There are no Financial, Human Resources, Assets or other Implications in this report.

Recommendations

Based on the information presented, the Committee may either:

- Grant the applications, or
- Refuse the applications and request the applicant/s to submit another name for consideration.

Decision Tracking

If the decision is to refuse an application, then a letter will be sent to the applicant within 5 days of the Council decision, requesting that they submit an alternative name.

If the decision is to grant an application, then the applicant and all relevant organisations are advised within 14 days of the Council decision.

The person responsible for the actions above is Trevor Martin, Head of Building Control.



Belfast City Council

Report to:	Health and Environmental Services Committee
Subject:	Involvement of Council staff in Vacant Property Rating Project
Date:	4 th August, 2010
Reporting Officer:	Trevor Martin, Head of Building Control, Ext 2450
Contact Officer:	Donal Rogan, Building Control Manager, Ext 2460

Relevant Background Information

The District Rate accounts for 74% of the Council's total income. It is therefore the most important source of income to support our annual expenditure. For several years the Council has been working in partnership with Land & Property Services (LPS) to ensure the billing and collection of all rates that are due.

This has been specifically in relation to providing information through our:

- building regulations applications to facilitate early and accurate valuations
- sharing address data as new addresses are created
- promoting benefit and rate relief take up, and
- carrying out inspections of properties to confirm occupancy and collate ownership and occupant details

Members will be aware that this work has culminated in a Memorandum of Understanding (MoU) between LPS and the Council whereby both parties have agreed to work in partnership for mutual corporate interests on a series of issues. This MoU was discussed when LPS attended the Budget and Transformation Panel in March. One of the issues to be addressed is maximising the legitimate rateable income for the city.

Recently a Local Authorities/LPS Strategic Steering Group (SSG) was formed to ensure a more joined up approach across all 26 councils following the work carried out in Belfast. In addition to LPS that group has representation from the Society of Local Authority Chief Executives (SOLACE), the Northern Ireland Local Government Association (NILGA) and Northern Ireland Building Control (NIBC). Additionally, Ronan Cregan, the Council's Head of Finance and Performance, has been co-opted on to the group to provide specialised input in relation to local authority finance.

It is the responsibility of LPS to manage records of properties that are occupied and vacant throughout Northern Ireland. As requested through Committee, officers have sought assurances that LPS manage this more robustly than occurred during the period of rating reforms, when the Agency encountered difficulties in resourcing work to ascertain the

occupancy status of properties and collect full ratepayer information. Through the Local Authorities/LPS Strategic Steering Group (SSG), LPS has presented a Vacancy/Occupancy Strategy which involves, amongst other things, more robust measures in recording when a property becomes vacant and a plan to integrate new data sources such as utility company records. The strategy also involves councils playing a significant role, specifically in the sharing of data to support valuation of properties and issuing of rate bills based on timely and accurate information.

In 2007 and 2008, Council staff undertook, on behalf of LPS, occupancy inspections of properties which had been recorded as vacant or where there had been difficulties collecting ratepayer names and dates of occupation. LPS funded the exercise on the basis of £7 per completed inspection and occupancy report. In Belfast staff from the Building Control Service carried out in excess of 12,000 surveys realising that over 50% of the previously recorded vacant properties were in fact occupied and therefore were subsequently billed for rates. In 2009, we again undertook a much smaller survey of approximately 500 properties of high yielding rates for no recompense per survey but on the understanding that there is ultimately a financial return through the rates yield.

All of these exercises were considered extremely worthwhile and yielded significant income for the Council as reported through to the Strategic Policy and Resources Committee on a number of occasions. LPS are still in pursuit of some of the cases, where it proved impossible to collect all of the information required for billing, and these should still bring in additional income in both this and next financial year.

The Finance Minister for Northern Ireland, Mr Sammy Wilson MP, MLA, has announced that empty homes will be liable for rates from 1 October 2011. This is a rating initiative which has cross party support within the Assembly and the Council. During consultation on these proposals in 2008, the Council supported this amendment to the rating legislation. In preparation for the Rating of Empty Homes, LPS needs to gather ownership details of all vacant domestic properties.

Key Issues

LPS estimates that there are currently in excess of 12,000 rateable domestic and non domestic properties in the Belfast City Council area the majority of which are registered as non rate paying. This includes newly valued properties for which bills have yet to be issued, properties exempt from rates and domestic vacant properties (non-domestic vacant properties are liable for 50% rating, unless exemptions apply).

The primary responsibility for managing vacancies is on LPS and the Agency is continuing to pursue a strategy as agreed at the SSG. However, in discussions with senior LPS officers, they have indicated that they would welcome assistance in reviewing entries on the vacant properties list, using the Council's local knowledge. This work is fully in line with the purpose and objectives of the MoU. To support targeted activity by the Council, LPS will:

- delegate authority to Council staff to act on behalf of LPS for the purposes of determining occupancy
- process all rates bills to final conclusion as far as is reasonably practical
- process all properties for which full billing details are provided by Council, in a timely manner, with particular reference to Penny Product cut off dates.

The projects of 2007, 2008 found that in excess of 40% of properties registered as vacant were in fact occupied. This was in significant part due to the lack of regular occupancy

inspections having been completed during the period of rating reform. Given the work already done, and the economic downturn (which has increased vacancy levels), the results of new exercises will be lower. However, returns in terms of rate income is likely to be many times greater than the effort expended – returns on the 2008 exercise were approaching a one hundred-fold return (therefore roughly a forty-fold return on the district rate income).

Given the quantity of the properties, timeframes and the restructuring and staff reductions in the Service, it will be impossible for all the properties to be visited during 2010, so prioritisation will be undertaken by the Council and LPS, based largely on rateable value but also taking account of factors such as the length of time since the vacancy was last checked. The Service will receive no payment from LPS for doing this work. However, it is anticipated that, as previously was the case, the rates gain for the Council will be significantly more than the resources required to do this work.

The rating of empty homes, when introduced, is anticipated to yield 10 million pounds in rates for Northern Ireland. Belfast is likely to receive a larger income than any other council, estimated to be between £300K-£500K for the financial year 2011/12. LPS has been working through the vacancy strategy to increase its data sources in preparation for the implementation of this legislation. By continuously assisting LPS in the collection of this data, it will be to the benefit of the council in terms of timely rate bills being reflected in the penny product, and reduced incidence of backdated bills causing problems for ratepayers.

This work will continue in the manner of previous agreements with LPS and will further assist in building a robust partnership with the aim of optimising the operation of an equitable and efficient rating system for all ratepayers.

LPS has previously provided all the requisite guidance on the information that they need to be collected and will provide the:

- necessary data sets which highlight the potential rate intake
- required delegated authority for council officers to act on its behalf should this work be approved.

This work will be kept under review so it does not detract from the core Service duties and so as to determine that there is always a net gain for the Council through the projected rates return.

Resource Implications

Financial

Based on our previous experience of actual versus listed occupation of properties, this work has always yielded increased income for the Council through additional rates collected. The Head of Finance and Performance has indicated that some of the additional finance collected through this project will be reallocated internally to the Service to cater for any additional expenditure. Any expenditure by the Service would be significantly outweighed by the additional potential generated rates income for the Council.

Human Resources

There are no additional human resources implications in the proposed work as in the short term a risk based approach toward regulation work will be used to manage capacity. The Trade Unions were consulted and are satisfied that the work falls under the current job descriptions.

Recommendation

It is recommended that the Committee grants approval to carry out the vacant premises inspection work with LPS to influence the Penny Product figures, subject to a regular review and assessment to show that the returns warrant continuation of the surveys.

Abbreviations

LPS Land & Property Services
MoU. Memorandum of Understanding
SSG. Strategic Steering Group
SOLACE Society of Local Authority Chief Executives
NILGA Northern Ireland Local Government Association
NIBC Northern Ireland Building Control

Decision Tracking

The Head of Building Control will ensure that regular reviews of this work are carried out.



Belfast City Council

Report to:	Health and Environmental Services Committee
Subject:	Northern Ireland Landfill Allowances Scheme and Recycling Rate Updates
Date:	4 th August, 2010
Reporting Officer:	Tim Walker, Head of Waste Management, Ext 3311
Contact Officer:	Brendan Murray, Business Support Officer, Ext 3333

Relevant Background Information

This report provides the Committee with an update on the Council's NILAS and recycling rate over the past quarter. This report also provides Members with some indicative projections arising from the introduction of new recycling and waste diversion schemes which are likely to be needed up to 2020. These schemes are being developed in conjunction with arc21 in order to address the emerging requirements of the EU Waste Framework Directive which has identified 2020 as the target year. At this time, councils will be required to have achieved a 50% recycling and composting rate.

The EU Waste Framework Directive (EU WFD) is in the process of being transposed into national legislation this year both in Great Britain and Northern Ireland, and two consultation exercises are currently underway at present on this legislative process.

Key Issues

NILAS

Members will be aware that the Service has been providing regular updates on the Council's performance against the Northern Ireland Landfill Allowances Scheme (NILAS) targets. These were set by the Department of the Environment (DOE) for each council on an annually reducing basis between 2006 and 2020. These allowances incorporate the step change reductions in the amount of biodegradable municipal waste (BMW) permitted to be landfilled by each council in 2010, 2013 and 2020 in accordance with the EU Landfill Directive (LFD) target years.

Since the introduction of NILAS in 2005/06, the Council has until 2009/2010 met its annual NILAS obligations. This has been achieved by the Council delivering substantial changes in its waste collection and management operations in order to divert annually increasing volumes of waste from landfill through the development of new facilities and the introduction of various recycling schemes over the past five years.

In addition, the municipal waste growth rate has exhibited a slowdown in more recent years.

The Council's compliance with NILAS changed in the target year 2009/10, with the Council exceeding its allowance by 1,376 tonnes; an overshoot of 1.9%. The primary reason for this exceedence was the step change in the level of allowances between 2008/09 and 2009/10 (see Appendix 1) rather than any decrease in recycling performance. The tonnage recycled continues to grow and, at 34,417 tonnes, it was 0.3% greater than the equivalent tonnage achieved last year. This means the Council will need to transfer in NILAS allowances from each of the arc21 constituent councils in order to meet its obligations. The Council is working with arc21 to implement the methodology for these transfers. The completed transfer request must be submitted to the DOE by Thursday 30 September 2010.

Concerning the NILAS projections in Appendix 1, it is anticipated that due to the introduction of food waste into the brown bins from April 2010 onwards the Council will meet its NILAS obligations for 2010/11 and 2011/12 before returning to a deficit situation from 2012/13 onwards.

The projections in relation to the Council are based on a number of key assumptions:

- A waste growth rate of 0.4% per annum has been applied from 2010/11 onwards. This is the same rate used by arc21 in its recent modelling exercises for the residual waste project.
- Performance of the food waste in the brown bins being sustained throughout the three winter months in spite of a reduced monthly collection frequency.
- No MBT capacity being available in the 2012/13 target year.
- The Council adopting a "*single council*" approach towards NILAS, rather than an arc21 collective one.

Modelling carried out by arc21 shows that by adopting a collective approach in the region towards NILAS, the constituent councils will collectively meet their NILAS obligations up to 2012/13. After this time, and should mechanical-biological treatment (MBT) capacity not be available to the region, arc21 collectively will not meet its NILAS obligations. Hence the need for arc21 to expeditiously and successfully conclude the current residual waste tender using the EU Competitive Dialogue process.

Members will be aware that the NILAS figure is obtained using a relatively complex mass balance formula covering a wide range of waste streams. The template used by the Council to calculate these projections seeks to mirror this model but is ultimately subject to verification by the DOE through the WasteDataFlow software.

In this regard, Members should note that the DOE is conducting a series of audits on NILAS data returns from councils and, consequently, the above provisional figures for Belfast may change.

Members should also note that, as stated in the background section above, the DOE has launched several consultation papers, two of which relate to (i) changing the definition of Municipal Solid Waste (MSW) and (ii) introducing new restrictions to increase the amount of waste diverted from landfill for recycling or other purposes. These consultation exercises are called:

- "*Meeting the EU Landfill Diversion Targets*" and
- "*The Introduction of Restrictions on the Landfilling of Certain Wastes*".

As discussed in previous Committee meetings, the introduction of these pieces of legislation, and potentially other DOE policies to increase recycling, will continue to require amendments to how the Council provides its waste management operations.

The Waste Management Service is working with arc21 to prepare appropriate responses and these will be submitted to the Committee for consideration next month.

For the purpose of projecting the Council's NILAS performance in the years ahead, the projections in Appendix 1 are based on the present scheme.

Recycling Rate

As stated above, the Council's recycled tonnage continues to grow and reached 34,417 tonnes at the end of March. This was 0.3% greater than the equivalent tonnage last year and means the provisional recycling rate for the financial year 2009/10 is 26.6%, subject to ratification by the DOE.

The Departmental Plan's target in 2009/10 for household waste recycled and composted as a percentage of total municipal waste arisings was 27%. Members should note that the recycling target could have been achieved by an earlier introduction of food waste into the brown bins, but licensing and operational issues resulted in a subsequent delay of many months to the provision of this service in Belfast.

Now that the food waste is being captured in the brown bins, it is projected that the recycling rate for the City will increase to around 30% for the current financial year as a result of the first full year's tonnage (see Appendix 2).

Members may recall that in previous Committee meetings, discussions have been held regarding the transposition of the EU WFD. This has set a target of 50% recycling and composting by 2020 for all councils across Europe. Locally, the DOE is in the process of transposing this Directive into legislation, as predicted in the Departmental Plan and considered at the March Committee meeting.

Consequently, Appendix 2 has been updated to reflect this longer-term horizon, and the results from the projected recycling rate arising from including food waste in the brown bins have been plotted. Further proposals, such as the impact of the bids which the Service submitted under the DOE's recently launched "*Rethink Rubbish Grant*" have not been included at this time.

Members may also care to note that the Environment Minister, Mr Poots recently wrote to councils to congratulate them on their "*excellent progress...to date in boosting recycling activity*". In this letter, the Minister also highlighted an intention to revise the recycling policy in Northern Ireland and he stated he was "*convinced that a municipal recycling rate of 60% by 2020 is achievable and fully justifiable*".

The Council is working with arc21 to identify initiatives to divert suitable tonnages from landfill for recycling purposes in order to achieve the EU WFD and close the gap between the current recycling rate and the target of 50%. These initiatives are being closely examined in terms of their economic viability and their potential impact on the guaranteed minimum tonnages needed by arc21 for the current residual waste tender process. It is proposed to submit a further report on this topic to a Special Committee meeting later this month.

Resource Implications

Financial

In view of the Council's breach of its NILAS obligations in 2009/10, it will be reliant on the transfer of allowances in accordance with the agreed arc21 methodology from each of the arc21 councils in order to avoid liability to financial penalties. This transfer of allowances will be concluded and registered with the DOE by 30 September 2010. There will therefore be no financial penalty.

It is likely that new initiatives will be identified as critical for the Council in terms of reaching the 50% recycling rate and these will require appropriate resourcing. As stated above, these potential initiatives are presently being considered to determine their contribution to the Council's recycling rate and assist in the Corporate Objective of a "*Improving Belfast's Environment*" while, at the same time, demonstrating value-for-money .

Human Resources

No human resource implications are associated with this report.

Asset and Other Implications

No other implications are associated with this report.

Recommendation

The Committee is requested to note the NILAS and recycling rate updates.

Key to Abbreviations

NILAS – Northern Ireland Landfill Allowance Scheme
DOE – Department of the Environment
EU WFD – EC Waste Framework Directive
MSW – Municipal Solid Waste
MBT – Mechanical Biological Treatment
EU LFD – EC Landfill Directive

Documents Attached

Appendix 1 – NILAS Projections
Appendix 2 – Household Recycling Rate Projections

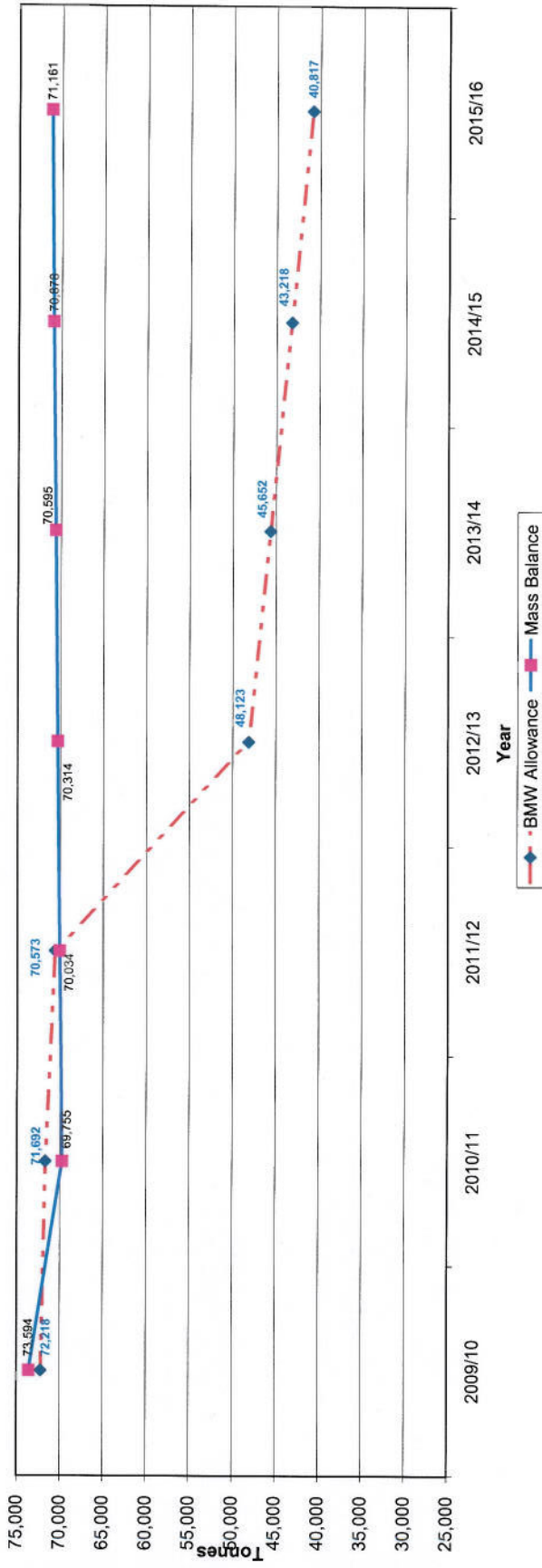
NILAS Summary Projections

	2009/10	2010/11	2011/12	2012/13	2013/14	2014/15	2015/16
Municipal Waste Arisings	157,237	157,866	158,497	159,131	159,768	160,407	161,049
BMW Allowance	72,218	71,692	70,573	48,123	45,652	43,218	40,817
Mass Balance	73,594	69,755	70,034	70,314	70,595	70,878	71,161
Variance	-1,376	1,937	539	-22,191	-24,943	-27,660	-30,344

Notes

1. Municipal Waste Arisings - 09/10 actual tonnage. Apr 10/11 onwards revert to 0.4% increase per annum
2. BMW Allowance - Biodegradable Municipal Waste, as stipulated by DOE
3. Mass Balance - Calculation revised as per DOE Waste Characterisation Study Feb08 biofactor = 64% applied from 09/10 onwards
4. Variance = BMW Allowance less estimated Mass Balance.
5. Tonnage relating to BCC kitchen waste pilot collection scheme (7,000 hh) and Bryson House pilot (2000 hh) included.
6. Assumed that the tonnage from the food waste into the brown bins is sustained during the winter months
7. No MBT facility operational
8. No ERW facility operational

NILAS Projections v Allowances

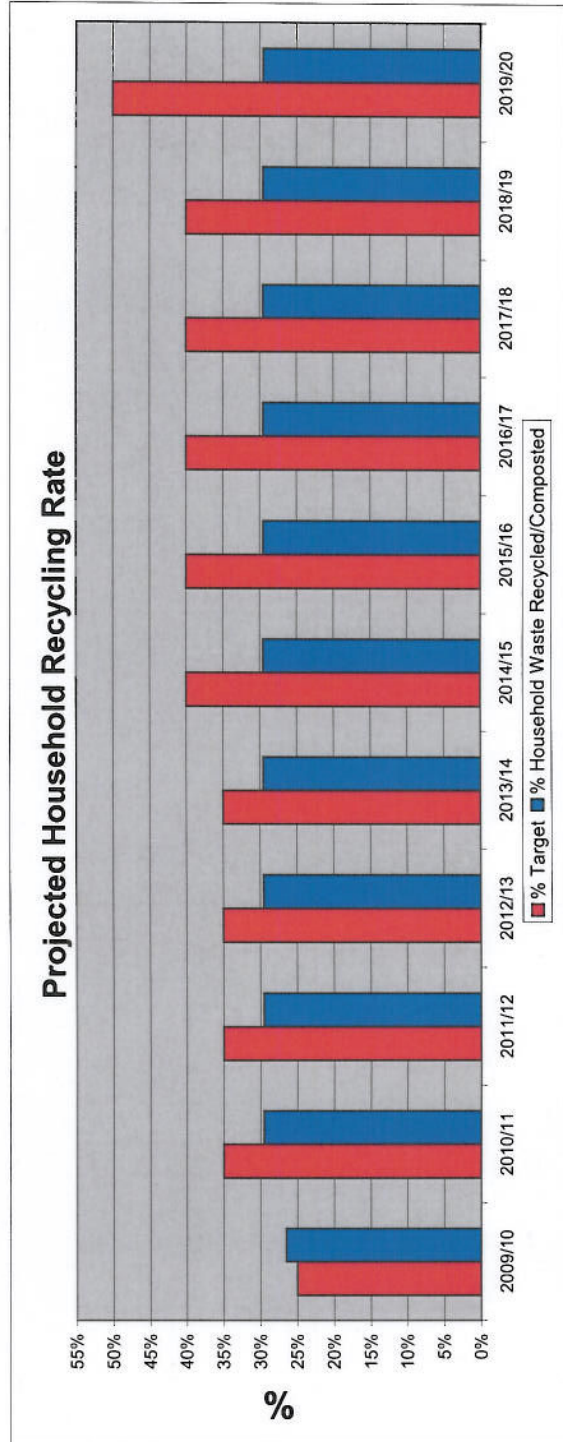


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Household Recycling Rate Projections												
	2009/10	2010/11	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	
Household Waste Arisings	129,457	129,975	130,495	131,017	131,541	132,067	132,595	133,126	133,658	134,193	134,729	
Blue Bin	9,536	9,286	9,323	9,361	9,398	9,436	9,473	9,511	9,549	9,588	9,626	
Black Box	3,448	3,389	3,403	3,416	3,430	3,444	3,457	3,471	3,485	3,499	3,513	
Recycling Centres/CA Sites/Bring Sites & Other	14,181	14,238	14,295	14,352	14,409	14,467	14,525	14,583	14,641	14,700	14,759	
Organic Bin	7,188	11,473	11,519	11,565	11,612	11,658	11,705	11,751	11,798	11,846	11,893	
Total Recyclables & Composted	34,353	38,386	38,540	38,694	38,849	39,004	39,160	39,317	39,474	39,632	39,791	
% Household Waste Recycled/Composted	26.5%	30%	30%	30%	30%	30%	30%	30%	30%	30%	30%	
Target		35%	35%	35%	40%	40%	40%	40%	40%	40%	50%	

Assumptions

- 1 Household Waste Arisings - 09/10 is actual year end position.
- 2 2010/11 onwards 0.4% pa growth rate used (ref. arc21)
- 3 Black Box - all materials
- 4 Recycling Centres & CA Sites includes Green Waste
- 5 Organic Bin - As per NILAS Projections (includes food pilots)
- 6 Target - Stipulated by EHS - 35% by 2010 & 40% by 2013/14, 2020 target = EU Waste Framework Directive
- 7 Microbiological Treatment - assumed no MBT facility



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Belfast City Council

Report to:	Health and Environmental Services Committee
Subject:	Establishment of Member/Officer Waste Working Group
Date:	4 th August, 2010
Reporting Officer:	Suzanne Wylie, Director of Health & Environmental Services, Ext 3260
Contact Officer:	Tim Walker, Head of Waste Management, Ext 3311

Relevant Background Information

Members may recall that the Health and Environmental Services Committee approved, in June 2007, the establishment of an all-party working group on the waste plan implementation to act as a reference point for work on waste management within the Department.

This group met briefly to discuss the implementation of the Council's waste plan but its discussions were effectively overtaken by the establishment of an ad hoc officer/member working group to consider proposals for the arc21 residual waste treatment facilities, and the subsequent party group briefings.

Given the corporate priority which the Council is continuing to afford to waste management, the current proportion of the budget allocated to this function, the significant forthcoming policy decisions, the persistent compliance issues in terms of meeting the EU Landfill and Waste Framework Directives and how the Council can best respond to these issues in the medium term, it is considered important that this all party group should be reconvened.

Key Issues

The Waste Management Service works closely in partnership with a number of organisations, including the Council's Cleansing Services and arc21, in order to develop proposals and influence the present and emerging waste management agenda in Northern Ireland. There is a need to plan ahead in the medium and longer term to ensure that the services provided are designed to optimise compliance with EU and UK legislation and to minimise financial risks.

Nationally, the waste management agenda continues to develop and continuing to comply with Northern Ireland Landfill Allowances Scheme (NILAS) and the EU Landfill Directive is becoming increasingly challenging for the Council. This situation is likely to only become more stringent as new targets are set from the EU Waste Framework Directive (see separate NILAS and recycling rate updates report this month) and new responses will need to be developed by the Council.

It is considered that the all-party working group on waste plan implementation should be reconvened with a broader remit to consider not only implementation issues, but also the wider strategic issues influencing the Waste Plan and local policy. In this regard, it is recommended that the group should be re-branded as the all-party waste working group and that the Chair and Deputy Chair (or their nominees), and a member from each of the party groups not represented by the Chair and Deputy Chair, should be represented on this group.

The establishment of the group will help improve the Council's planning and implementation for both compliance with the new and emerging legislation and the other changes likely to arise in other areas of waste management. It will also provide a reference point for proposals prior to their submission for consideration by the Committee.

Recommendations

The Committee is requested to approve the re-instatement of the all-party waste working group.

The Committee is also requested to nominate the Chair and Deputy Chair (or their nominees), and a member from each of the party groups not represented by the Chair and Deputy Chair, to the all-party waste working group.

It is recommended that the Group be established for a period of two years, with a review of the continued requirement taking place prior to 30th September 2012.

Decision Tracking

The Director will liaise with the Chairman to set a date, establish suitable terms of reference and restart the all-party waste working group.

The Head of Waste Management will ensure that a review of the working group is undertaken prior to 30th September 2012 and that the findings and recommendations are reported to Committee.

**Belfast City Council**

Report to:	Health and Environmental Services Committee
Subject:	Waste Management Issues - Request to hold a Special Meeting
Date:	4 th August, 2010
Reporting Officer:	Suzanne Wylie, Director of Health & Environmental Services, Ext 3260
Contact Officer:	Tim Walker, Head of Waste Management, Ext 3311

Relevant Background Information

Over recent months there have been several major projects under consideration and development within the Waste Management Service. These have now reached a critical point and are now ready for consideration by the Committee. Due to their involved nature, however, and the absence of the Head of Service from the regular August meeting, Members are being requested to grant approval to hold a Special Committee meeting later in August.

Key Issues

The Waste Management Service has been working with both Cleansing Services and arc21 to prepare reports on important waste management issues for the Council. These concern:

- Review of the Pilot Kitchen Waste Collection Scheme and next steps;
- Guaranteed Minimum Tonnages from the Council for the arc21 residual waste contract;
- Proposal for the temporary use of the Waste Transfer Station by a commercial organisation.

The first report concerns the current pilot kitchen waste collection schemes which have been in operation in Belfast since June, 2008. The Committee will be being asked to consider next steps.

The second item will be seeking Members' approval to commit a guaranteed tonnage to the arc21 residual waste contract, for the term of the contract. This will have to take aboard both the EU Landfill and the Waste Framework Directive requirements.

The final report will be asking the Committee to consider a proposal regarding the use of the Waste Transfer Station by a commercial organisation.

Recommendation

The Committee is requested to agree to hold a special meeting later in August to consider Waste Management Service reports listed above.
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Decision Tracking

The Democratic Services Officer will liaise with the Chairman to determine a suitable date for holding a special meeting of the Health & Environmental Services Committee later in August.
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Belfast City Council

Report to:	Health and Environmental Services Committee
Subject:	“Rethink Waste” Grant Applications
Date:	4 th August, 2010
Reporting Officer:	Suzanne Wylie, Director of Health & Environmental Services, Ext 3260
Contact Officer:	Tim Walker, Head of Waste Management, Ext 3311

Relevant Background Information

The Department of Environment for Northern Ireland (the DOE) recently launched a £3.13 million fund which was open to councils in order to assist with the roll-out of additional recycling and re-use schemes.

On 28 May, the Minister for the Environment, Mr Edwin Poots, announced the “*Rethink Waste*” Fund during a visit to the Council’s Ormeau Recycling Centre. The fund is being administered by the Waste and Resources Action Programme (WRAP).

The fund has been specifically developed to cover the cost of **capital** items for which councils can submit proposals either individually, or in partnership with other councils or the community and voluntary/private sector. The community and voluntary/private sector however are excluded from applying directly for funding. The funding made available for councils must comply with certain criteria, one of which is that the money must be spent before 31 March 2011.

Examples of the type of schemes for which funding may be available include:

- Improvements or extensions to kerbside collection schemes
- Improvements or extensions to Household Recycling Centres (HRCs)
- The introduction of home composting schemes and
- The introduction of/improvements to bulky household waste collections.

Speaking at the launch of the fund Minister Poots said “*I recognise that all Northern Ireland’s councils have made excellent progress in boosting recycling rates in recent years. However, I am convinced that with the right support further improvements can be achieved and I am keen to assist councils in doing this.*”

Under the criteria set out in the “*Rethink Waste*” Fund the Waste Management Service lodged 3 applications for the following equipment:

- A shredding machine to facilitate mattress recycling.
- Two pre-fabricated buildings, two lock up steel containers, four electric trucks and associated signage for storage of items for “*reuse*” at the Council’s HRCs.
- The installation of new wireless on-board weighing equipment to collect data from recycling collection rounds.

Key Issues

The DOE has stated that it will be announcing successful projects at the end of August 2010. Should the Council receive funding approval for any or all of its submissions, and in order to comply with the criteria set by the DOE, the contracts must be awarded and monies spent before the end of this financial year. A further criterion worth noting is that all projects must be scheduled to run for a minimum of three years. Given that the fund is for capital expenditure, the criteria and spend timeframes have presented significant challenges. However, the Council has submitted bids for the following three projects.

1. Mattress Recycling

The objective of this project is for the Service, in partnership with a suitable commercial or third sector organisation, to purchase a mattress shredding machine to increase the amount of waste diverted from landfill.

It is estimated that 40,000 mattresses are currently discarded in Belfast each year. Each mattress weighs 0.02 tonnes (approx.) and contains materials such as steel and textiles which could be recovered.

The mattresses are presently either collected by the Council's bulky household collection service, deposited at the HRCs or illegally fly-tipped. They are then uplifted and landfilled but are also difficult to handle.

The following materials may be generated from a typical mattress.

Waste Item	Market
Coconut Hair	Compost Horticultural
Flock	Biomass
Cover Fire Retardant	Equestrian Surfaces
Foam	Cortex
Polyester Webbing	Textile
Horse Gut	Composting
Linen Cotton	Textile
Mattress Base	Kindling Wood
Springs	Metal

It is proposed to use the "*Rethink Waste*" funding to purchase a suitable shredding machine to enable the materials in the mattresses to be recycled and helping the Council meet both its EU Landfill and EU Waste Framework Directives targets and divert waste from landfill for recycling.

The Service proposes to tender for a commercial or third sector contractor to provide the staff and facility for a mattress shredding operation, for sole use by the Council. It is anticipated that the project could divert about 10,000 mattresses from landfill, the material of which could be recovered. The recovery of these materials also reduces the prospect of greenhouse gases being produced by their decomposition.

- The estimated cost for a suitable shredding machine - £265,000
- The estimated cost of four containers for on-site storage of mattresses at the HRCs - £10,000

The project meets the objective of the "*Rethink Waste*" Fund as it improves the services offered by the Council at its HRCs and through its bulky waste collection service.

2. Storage Facilities for Articles for Re-use

The objective of this project is for the Service to purchase and erect two temporary pre-fabricated buildings and two steel lock-up containers for the storage of reusable items brought onto the four HRCs by members of the public. This will increase the range of materials which could be diverted from landfill for reuse purposes but items such as furniture and electrical items must be dry-stored to prevent them suffering weather damage.

Arising from concerns regarding manual handling, electric trucks will also be needed to move heavy items into the storage units, along with appropriate signage to promote the reuse buildings/containers at each of the HRCs.

It is proposed that a tender exercise will be conducted to select two third sector organisations to work in partnership with the Service to provide a reuse service for items brought to the HRCs. The HRC staff will ask the public to consider putting items into a building/container should they be appropriate for reuse.

These items would then be inspected and removed from the HRCs on a regular basis for refurbishment and resale through established charitable retail outlets.

There is currently limited, accurate data on the actual tonnage of bulky items which could be reused but, from experience, it is estimated that around 300 tonnes could be diverted from landfill each year. The Service also anticipates that, by not paying for disposal, this project should also save the Council money.

Planning approval will be required to erect the buildings at the Ormeau and Blackstaff Way HRCs and planning applications will be promptly lodged should this project be approved.

- The estimated cost of two pre-fabricated buildings - £70,000
- The estimated cost of two steel storage containers - £5,000
- The estimated cost of four electric trucks - £24,000

As above, the project meets the objective of the “*Rethink Waste*” Fund as it improves the services offered by the Council at its HRCs and it also neatly dovetails with the first project as the sites can accommodate both types of container.

3. Wireless On-Board Weighing System

The objective of this project is for the Service to improve the data capture and use of information to increase its engagement with the public in poorer-performing areas or where contamination levels are higher in order to increase the Councils recycling rate and divert waste from landfill. This could be achieved through the purchase and installation of a wireless based on-board bin weighing equipment onto the recycling vehicles used for the blue and brown collection rounds.

Longer-term, such information will allow the Service to plot the City’s recycling performance and better target communication and behavioural change messages.

It is estimated that the installation of a wireless on-board weighing system could result in a total savings of £472,000 over the lifetime of the project (7 years). These savings are likely to be achieved through increased participation and reduced contamination levels in the blue and brown schemes.

- The estimated capital cost of installing wireless bin weighing system in the blue and brown bin vehicles - £217,000

The project meets the objective of the “*Rethink Waste*” Fund as it improves the quality and reliability of the data captured and allows both the Cleansing and Waste Management Services to target their resources more effectively.

Resource Implications

Financial

All funding applications have been based on 100% capital grant funding from the Rethink Waste Scheme.

It is anticipated that there will be minimal annual revenue funding required for each scheme, however this will be fully assessed as part of the Council’s Gate Review Process should the projects be considered further.

Human Resources

None.

Asset and Other Implications

These projects will help the Council meet its recycling targets and divert waste from landfill.

Recommendations

Committee is asked to:-

- Note the submission of the three applications for capital grant funding under the recently announced Rethink Waste Scheme.
- Approve the advancement of the proposals in principle and commend the proposals to the Strategic Policy and Resources Committee for prioritisation and inclusion in the Council’s Capital Programme and (given the extremely tight timescales regarding availability of funding and completion of projects) seek the prompt commencement of the tender process, subject to the Council’s review Process and the successful drawdown of 100% funding from the “*Rethink Waste*” Fund.

Decision Tracking

The Head of Service will keep the Committee informed of the progress of the proposals and funding applications.

Key to Abbreviations

WRAP – Waste & Resources Action Programme
HRC – Household Recycling Centre
DOE – Department of Environment



Belfast City Council

Report to:	Health and Environmental Services Committee
Subject:	Tender for the Collection and Recycling of Scrap Metal from the Council's Recycling Centres and Civic Amenity Sites
Date:	4 th August, 2010
Reporting Officer:	Suzanne Wylie, Director of Health & Environmental Services, Ext 3260
Contact Officer:	Jim Shields, Waste Manager (Education, Contracts & Operations), Ext 3338

Relevant Background Information

The Waste Management Service provides a service for the collection and recycling of scrap metal received at both its Household Recycling Centres and Civic Amenity Sites. The current contract which commenced in February 2009 was for a period of one year, with the option to extend for a further two years subject to satisfactory performance.

In line with the Council's Financial Regulations the previous contract was procured using a quotation exercise as the total cost of the service or income generated was estimated to be under the £30,000 tender threshold. Following this process, TMet Ltd of Mallusk was awarded the contract.

Due however to the rising price of commodities, this contract has generated a larger income for the Council than anticipated, in excess of £11,000 per year. This would mean that, over the three year period, the £30,000 threshold would be breached.

The Council currently has taken up the option to extend the contract for the second year which will run until 8 February 2011.

The Procurement Unit has advised the Service that the option for the third and final year of this quotation should not be taken up due to the projected income and it is therefore necessary to commence a new tendering exercise to follow on from this current contract.

Key Issues

Currently, about 1,200 tonnes of scrap metal is collected from the Council's waste facilities per annum.

It is proposed that the contract period for this contract will be for one year with the option for renewal on a yearly basis thereafter for a further three years, subject to satisfactory performance. The proposed term of the contract is to permit better scheduling for contract management purposes.

The evaluation criteria will be based on both cost and quality and the contract will be awarded to the most economically advantageous tender.

The Committee is requested to grant approval to commence a tendering exercise and to grant delegated authority under the Council's Scheme of Delegation to the Director of Health & Environmental Services to exercise her authority to award the tender in line with the evaluation criteria.

Resource Implications

Financial

Based on historical data it is anticipated that this contract will generate an income in excess of £10,000 per year.

Human Resources

The contract will be managed using the Service's contract management staff. No additional resources will be required.

Asset and Other Implications

The provision of this service will help deliver a best value and customer-focused service. It will also generate an income for the Council.

In line with the Council's requirements under the EU Landfill and Waste Framework Directives, the provision of this service will help divert waste from landfill and deliver our recycling targets.

Recommendations

The Committee is requested to grant approval to commence a tendering exercise for the provision of a service for the collection and disposal of scrap metal from the Council's Recycling Centres and Civic Amenity Sites.

Approval is also requested for the Director of Environmental Services to exercise her authority under the Scheme of Delegation to award the tender in line with the evaluation criteria.

Decision Tracking

The Head of Service will oversee the letting of this contract and, should it fall out with the Council's Scheme of Delegation in terms of the cost or any other factors, a further report will be submitted to the Committee for approval.



Belfast City Council

Report to:	Health and Environmental Services Committee
Subject:	Illegal Dumping of Black Bags in Alleyways
Date:	4 th August 2010
Reporting Officer:	Sam Skimin, Head of Cleansing Services, Ext 5273
Contact Officer:	Sam Skimin, Head of Cleansing Services, Ext. 5273

Relevant Background Information

A Member of the Committee has requested that a report be brought to Committee on the issue of the approach taken by Enforcement Officers when dealing with illegally deposited black bags of waste in alleyways.

The Council has been collecting waste in wheeled bins for a considerable number of years, and, whilst there is a requirement that all residents will present their waste in a bin, there is a significant proportion of residents who fail to present their waste in a bin and leave it in bags in the alleyways behind their homes, either on their scheduled refuse collection day or on days which are not their scheduled refuse collection day. The presence of waste on any day other than bin collection day is not only unsightly but bags can be disturbed and torn open which creates larger quantities of loose waste and litter on the streets and particularly in alleyways, thereby requiring additional resources to clean up and remove deposited waste. Bagged and loose waste also creates issues around attracting rodents, risks to public health and the deterioration of the general amenity of the area.

The large quantities of bagged waste, generated by residents, require additional resources in the form of dedicated Entry Clearance Squads. These teams are responsible for removing the excess quantities of waste that are deposited mainly in alleyways and on some streets.

Cleansing Services is currently devising a draft Waste Collection Policy which will define how the Council expects all households to manage and present their waste in the future so that it does not become a littering or health issue. A future report will be brought to Committee once a draft policy is developed.

Key Issues

The Enforcement Team within Cleansing Services is responsible for enforcing matters relating to littering and the illegal depositing of waste, as well as ensuring that bins are used correctly to prevent nuisance. In view of the excessive quantities of waste found in our streets, alleyways and on vacant ground, the Enforcement Team dedicates a significant amount of effort, through enforcement, in an attempt to reduce the quantities of bags and waste which are illegally dumped.

The current practice in relation to such illegal dumping is as follows. A fixed penalty would not be issued for the depositing of side waste on bin collection day in weekly bin collection areas. However, a fixed penalty notice will be issued if bagged waste is deposited at a time outside of bin collection day. This current practice is based on providing a deterrent to illegal dumping of bagged waste.

It is estimated that the Enforcement Officers investigate over 9000 incidents of dumped waste over the course of a year and a large proportion of this waste comprises of black bags and loose waste left in entries and streets. In areas of the city where there are recurrent and widespread problems of dumped waste, the Enforcement Officers may send out general warning letters asking residents to dispose of their waste in a responsible manner. The frequency and appropriateness of the use of warning letters will be determined by the Enforcement Officer in conjunction with the Area Cleansing Manager, who has local knowledge of the area. Within the last year (June 2009 to June 2010), some 3,600 general advisory letters have been sent out to residents across the city highlighting the problems of dumped waste within their area and to warn that such actions will attract a fixed penalty notice or prosecution under The Litter (NI) Order 1994.

Enforcement officers monitor alleyways on a routine basis and where they find evidence of dumping, they will issue fixed penalty notices. Since January 2010, the Enforcement Section has issued 844 Fixed Penalty Notices for litter related offences (151 were issued in respect of bagged household waste).

Whilst warning letters are used to highlight the general problems of litter and dumping within an area, experience has shown that warning letters have a limited effect in achieving a successful reduction in dumping in areas where there is persistent dumping of household waste. The most effective way of tackling the issue, demonstrated through experience in BCC as well as in other authorities, is to have a robust and consistent approach to enforcement using the Fixed Penalty Notice provisions contained within the Litter Order. This approach has been found to be the most effective way of changing attitudes towards littering and dumping within local neighbourhoods across the city.

An alternative process has been suggested with an additional step, i.e: that on the discovery of illegally dumped waste, the offender is first sent a personalised warning letter and then only if that person re-offends would a fixed penalty notice be issued. However if the current practice were to be altered to include this additional step then this would create significant additional administration and future enforcement could be cumbersome/difficult as offenders may be more difficult to trace on subsequent occasions. It would also place an even greater burden on other areas of the service such as the entry clearance squad staff.

Such an additional step would also be contrary to what experience demonstrates is most effective in changing behaviour and the change itself could send out the wrong message at a time when the Council is trying to reduce dumping in the city through improved behaviour.

The Council could also potentially be criticised for taking an inconsistent approach, in that a fixed penalty notice would immediately be issued to someone who drops a cigarette butt on one of our streets but only a warning letter would be issued to someone who dumped a whole bag or multiple bags of rubbish in an alleyway.

The Council's ultimate aim is to work towards all waste being containerised and to eliminate, as much as possible, the depositing of black bags of waste, leading to the achievement and maintenance of cleaner streets and alleyways through behaviour change, which experience has shown is most likely to be achieved at this stage through fixed penalty notices.

Resource Implications

There are no financial, human resources, asset or other implications in this report.
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Recommendation

The Committee is asked to note the content of this report and to advise if it wishes:

- | |
|---|
| <ul style="list-style-type: none">• To make changes to the Council's approach to the issuing of fixed penalty notices for the illegal dumping of waste: or• To maintain the current approach to enforcement. |
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Belfast City Council

Report to:	Health and Environmental Services Committee
Subject:	Issues Surrounding Illegal Flyposting in Belfast
Date:	4 th August, 2010
Reporting Officer:	Suzanne Wylie, Director of Health and Environmental Services, Ext. 3260
Contact Officer:	Sam Skimin, Head of Cleansing Services, Ext. 5273.

Relevant Background Information

At the Licensing Committee meeting on 19th May 2010, a discussion took place regarding the issue of illegal fly posting in the city and, in particular, the lack of any powers to effectively deal with the problem under the licensing legislation. The Director of Health and Environmental Services undertook to present a report on the matter to the Health and Environmental Services Committee.

Illegal fly posting has been a significant problem in the city over a number of years and is used by many venues and promoters as a cheap form of advertising. Its use has significant implications for the Council in terms of:

- The amenity of the city, it is unsightly and has an adverse affect on the look of the city.
- The limited enforcement powers available to the Council to deal with it in an effective manner.
- The cost to the Council in removing and obliterating illegal posters.
- The need for the Council to also support and promote, in an appropriate way, the vibrant music scene in the city from an Arts and Economic Development perspective.

Cleansing Services took the lead a number of years ago in setting up an interagency group to look at the possibility of facilitating the placement of managed fly poster sites across the city. A company from England was interested in installing numerous pillars at key points. After much hard work, primarily driven by the Council, the company finally withdrew the proposal due to problems with the proposed sites and the possibility that objections would be raised during the planning application process. This would have been a costly exercise for the company concerned as separate planning permission had to be sought for each site.

The Council has also been lobbying the DoE over the last 6 years to ensure that effective enforcement powers for Councils would be available in the forthcoming Clean Neighbourhoods legislation. This legislation is now due to be enacted in 2011 and the Council made a very detailed response to the consultation document early this year. The Development Department has also been engaging more recently with promoters and venue owners to look at alternative means of advertising, using for example web media

Key Issues

There are currently a number of ongoing actions in relation to flyposting which may lead to some improvement in the situation over the next 6 to 18 months.

Alternatives to fly posting.

There are a number of ongoing initiatives to provide promoters with alternatives to fly posting;

The Development Department has been instrumental in developing two new initiatives which let users know what events are on in Belfast. These are;

- A new “Belfast Music“ iPhone application which allows users to find out what is on in the city.
- A new web site “Belfastmusic.org” which has a similar function for internet users.

Development Department and Cleansing Services staff are also currently engaging with a Belfast City Centre Management initiative to look again at the issue of managed poster sites in the city. The Planning Service and DRD Roads Service have also been asked by BCCM to engage with the initiative. BCC will as members of the BCCM Board encourage a focus on this issue.

These initiatives will only prove beneficial however if they reduce promoters and venue owners use of illegal fly posting. The main issue is that fly posting is a cheaper alternative to legal advertising media and with the current lack of adequate enforcement powers there is no disincentive to them continuing with illegal fly posting. It is hoped that with the introduction of the Clean Neighbourhoods legislation will provide effective enforcement powers which will ensure that alternatives to illegal fly posting will be taken up.

Enforcement Powers

The initial consultation document on the Clean Neighbourhoods and Environment Bill was very disappointing in that it provided Councils with no enforcement powers to deal with illegal fly posting. Enforcement powers would remain with the Planning Service, who do not utilise them. Councils would only retain their current powers to remove or obliterate posters. However, since the Council pointed this deficiency out, the DoE has taken on board Councils’ comments on this issue and staff from both Cleansing Services and Legal Services Department are engaging with Civil Servants from the DoE’s, Clean Neighbourhoods Bill Team, to investigate how the appropriate powers can be provided to councils.

In the interim Cleansing Services will continue to remove and obliterate posters.

Resource Implications

The Council spends up to £90,000 per annum removing fly posters and graffiti. It removes or obliterates around 2,500 posters per month.

Recommendation

Members are asked to note the content of this report.

Document attached

Extract from Licensing Committee meeting of 19th May, 2010.

Extract from Minutes

Application for the Renewal of a Seven-day Annual Entertainments Licence - Mono Bar Café, 96-100 Ann Street

- [Meeting of Licensing Committee, Wednesday, 19th May, 2010 4.30 pm \(Item 9.\)](#)

Minutes:

The Committee considered a report in respect of an application for the renewal of a Seven-Day Annual Entertainments Licence for the Mono Bar Café, 96-100 Ann Street, based upon the Council's standard conditions to provide dancing, singing, music or other entertainment of a like kind. The areas of the premises to which the application related were the ground floor and the first floor bars, with a maximum capacity of 280 and 150 persons respectively.

The Head of Building Control informed the Members that an objection had been received in relation to the renewal of the Annual Entertainments Licence. The objector had stated that the Mono Bar Café was responsible for persistent illegal bill posting around the cities of Belfast and Lisburn and that British Telecom cabinets, cell phone cabinets, bridges and builders' hoardings had been defaced continuously as a result. The objector had stated also that ratepayers from both areas were required to meet the costs associated with the removal of these posters.

He pointed out that, under the terms of the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985, the Committee, when considering an application, must have regard to any representation which had been received within the twenty-eight statutory period, as was the case with this application. He explained that, whilst both the objector and the applicant were in attendance, he had been advised that the objector was no longer available to address the Committee. The Committee agreed to receive the applicant and, accordingly, Mr. G. McCann, together with Mr. C. Cargo, Entertainments Manager, were admitted to the meeting and welcomed by the Chairman.

Mr. McCann informed the Members that, due to the current economic recession, it had been necessary to reduce the opening hours of the Mono Bar Café to the extent that it now operated for only three hours each night from Friday till Sunday. He explained that, in view of high costs associated with placing advertisements in local newspapers, it had been necessary to erect posters across the City in order to publicise events taking place within the premises. However, he had advised the persons who were employed to do that work not to position posters on structures such as bridges. Mr. McCann pointed out that other venues across the City advertised entertainment in the form of posters and that, in order to compete with them, he was forced to do likewise. He added that he had been fined by the Council for flyposting and that he wished to work with the Council in order to address the issue. Mr. Cargo informed the Committee that, in addition to the premises using posters to advertise entertainment, the Mono Bar Café used also networking sites such as Facebook and Twitter. He expressed the view that there should be areas within the City designated for the erection of posters. The deputation then answered a number of questions which were put to them by the Members and, having been thanked by the Chairman, they retired from the meeting.

During discussion, several Members highlighted the adverse effect of flyposting upon the visual appearance of the City and stressed that the Council needed to take all measures to ensure that the issue was addressed. It was pointed out that flyposting had been included in the top five issues raised by visitors to the City and that its eradication was a major source of continual expenditure for the Council. It was suggested that the Council should engage in discussions with agencies, particularly the Planning Service and the Roads Service, in order to address the issue and that measures such as the designation of specific sites should be included within the discussions.

In response, the Director of Health and Environmental Services explained that the Council played a proactive role in relation to flyposting and removed or obliterated approximately 2,500 per month, at an annual cost of approximately £90,000. She reported that the Council had, for many years, been lobbying for stronger powers to address the issue and pointed out that the Health and Environmental Services Committee, at its meeting on 12th April, had agreed a comprehensive response to the Department of the Environment's consultation document on proposals for a Clean Neighbourhoods and Environment Bill. She added that, whilst the Council was supportive of the majority of the proposals set out within the proposed Bill in relation to flyposting and graffiti, it had expressed concerns in relation to some of the provisions and had made a number of recommendations aimed at strengthening the legislation. She undertook to submit to the Health and Environmental Services Committee a comprehensive report addressing issues surrounding flyposting.

The Principal Solicitor reported that the erection of posters was not covered within the provisions of the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985 and that the Committee should consider whether it would be reasonable to refuse the application on that basis.

After further discussion, it was

Resolved – That the Committee, in its capacity as Licensing Authority, grants a renewal of a Seven-day Annual Entertainments Licence in respect of the Mono Bar Café, 96-100 Ann Street, subject to all outstanding technical matters being addressed to the satisfaction of the Building Control Service.



Belfast City Council

Report to:	Health and Environmental Services Committee
Subject:	Report on Street Cleanliness Index, Enforcement and Education Activities
Date:	4 th August, 2010
Reporting Officer:	Sam Skimin, Head of Cleansing Services, Ext 5273
Contact Officer:	Sam Skimin, Head of Cleansing Services, Ext. 5273

Relevant Background Information

The figures presented in this report cover the first quarter of the financial year i.e. the period from April 2010 to June 2010. Monitoring figures were measured by Cleansing Services Quality Officers. Enforcement, and Education and Awareness information was supplied by the Customer Support Service, and the Community Awareness Section within Cleansing Services, who were responsible for these functions over the period concerned.

The monthly monitoring programme consists of a random 5% sample of streets throughout the city being inspected and graded. From the grading, a Street Cleanliness Index is calculated and plotted for the various areas of the city, and the city as a whole.

The index range is from 1 to 100; with a Cleanliness Index of 67 being regarded as an acceptable standard by Tidy NI. The results show the trends on a month to month basis. To alleviate the influence of spurious results on the overall index, the results are averaged over the last 4 surveys. Spurious results may occur for reasons such as adverse weather conditions, seasonal problems etc.

Key Issues

The overall city wide cleanliness index for this quarter is 76. This is an increase of 2 on the score from the previous quarter's cleanliness index of 74. The index for the same period in the previous year was 74.

The breakdown by individual area is as follows:

North

The North Cleanliness Indices for April 2010 to June 2010 were 73, 75 and 76 respectively. This represents a small decrease for April (down 1), a similar score for May (75), and an increase for June (up 5), by comparison to those figures for the same period in the previous financial year viz. 74, 75 and 71 respectively.

The area is maintaining a consistently very good level of cleanliness

South

The South Cleanliness Indices for April 2010 to June 2010 were 79, 79 and 77 respectively. This represents an increase for April (up 3) and May (up 3), and a small decrease for June (down 1) by comparison to those figures for the same period in the previous financial year viz. 76, 76 and 78 respectively.

The area is maintaining a consistently very good level of cleanliness.

East

The East Cleanliness Indices for April 2010 to June 2010 were 76, 78 and 79 respectively. This represents an increase for all three months, with April (up 2), May (up 1) and June (up 2), by comparison to those figures for the same period in the previous financial year viz. 74, 77 and 77 respectively.

The area is maintaining a consistently very good level of cleanliness.

West

The West Cleanliness Indices for April 2010 to June 2010 were 71, 74 and 75 respectively. This represents a similar score for April (71), and an increase for May (up 3) and June (up 3), by comparison to those figures for the same period in the previous financial year viz. 71, 71 and 72 respectively.

The area is maintaining a consistently very good level of cleanliness

Central

The Central Cleanliness Indices for April 2010 to June 2010 were 76, 73 and 74 respectively. This represents an increase for April (up 3), a small decrease for May (down 2), and a similar score for June (74), by comparison to those figures for the same period in the previous financial year viz. 73, 75 and 74 respectively.

The area is maintaining a consistently very good level of cleanliness

Complaints / Enquiries

There were 1181 complaints/enquiries regarding street cleansing during the quarter (by comparison to 1034 last quarter).

There were 15 Corporate Complaints made to the Cleansing Service (13 Stage One, 2 Stage Two and 0 Stage Three) during the quarter – two of which related to street cleansing (all Stage 1).

Enforcement

There were 428 Fixed Penalty Notices issued under the Litter (NI) Order 1994, and 95 summonses issued. In addition 255 Article 20 Notices were issued requesting information.

Community & Education Projects

During the last quarter the Community Awareness Team launched Year 7 of the anti-litter campaign in the grounds of the City Hall. The Team also launched two campaigns during the quarter; the 'Big Sweep' and the 'Brighter Belfast' awards.

The Team facilitated 29 community cleanups involving 980 volunteers, and undertook 13 school visits, promoting the anti litter message, involving 730 pupils.

The Community Awareness Team also attended 16 community / residents meetings on behalf of Cleansing Services, and attended 6 events engaging with 1837 members of the public.

Resource Implications

There are no financial, human resources, asset or other implications in this report.

Recommendation

The Committee is asked to note the content of this report.

Documents attached

Trend analysis graphs.

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