

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



**Belfast  
City Council**

9<sup>th</sup> January, 2020

**MEETING OF PEOPLE AND COMMUNITIES COMMITTEE**

Dear Alderman/Councillor,

The above-named Committee will meet in the Lavery Room - City Hall on Tuesday, 14th January, 2020 at 5.15 pm, for the transaction of the business noted below.

You are requested to attend.

Yours faithfully,

SUZANNE WYLIE

Chief Executive

**AGENDA:**

1. **Routine Matters**

- (a) Apologies
- (b) Minutes
- (c) Declarations of Interest

2. **Restricted Items**

- (a) Community Development Funding Programme 2020/21- Recommended Allocation (Pages 1 - 14)

3. **Committee/Strategic issues**

- (a) Affordable Warmth Scheme update (Pages 15 - 28)
- (b) Consultation response to the DAERA Environment Strategy for Northern Ireland (Pages 29 - 42)
- (c) Minutes of the Meeting of the Strategic Cemeteries Working Group (Pages 43 - 48)

(d) Waste Collections (To Follow)

4. **Operational Items**

(a) Proposal for naming the Continuation of an existing street (Pages 49 - 50)

(b) Proposal for Dual Language Street Signs (Pages 51 - 54)

(c) Food Standards Agency Audit of Belfast City Council's Food Law Enforcement Service (Pages 55 - 72)

(d) Update on Fly-Tipping and New Legislative Powers (Pages 73 - 78)

(e) Football for All - Request for The Use of Belfast Playing Fields (Mallusk) (Pages 79 - 84)

(f) Invite to compete in Britain in Bloom Awards 2020 and Ireland's Best Kept Awards in 2020 (Pages 85 - 92)

(g) Request for the use of Cregagh Green (Pages 93 - 94)

(h) Houses in Multiple Occupation Licensing Scheme operational and monitoring arrangements (Pages 95 - 156)

5. **Issues Raised in Advance by Members**

(a) Purple Air and BCC Air Quality Action Plan - Councillor O'Hara

(c) Revenue Estimates and District Rate 2020/21 (Pages 157 - 170)

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

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<b>Subject:</b>	Affordable Warmth Scheme update
<b>Date:</b>	14 <sup>th</sup> January 2020
<b>Reporting Officer:</b>	Nigel Grimshaw, Director of City and Neighbourhood Services
<b>Contact Officer:</b>	Ian Harper, Building Control Manager

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

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

<b>1.0</b>	<b>Purpose of Report or Summary of main Issues</b>
1.1	Belfast City Council has been engaged in a partnership with the Department for Communities (DfC) and the Northern Ireland Housing Executive (NIHE) in the delivery of the Affordable Warmth Scheme (AWS) since 2014.
1.2	The scheme aims to address fuel poverty for the most vulnerable households in the city by targeting those households that meet certain criteria, as identified by Ulster University by providing home improvement measures such as loft and cavity wall insulation, replacement boilers and new double glazed windows. While it is a targeted scheme, self-referrals are also considered. To qualify for the scheme occupant's income must be below £20,000 (gross).
1.3	The eligibility criteria for the boiler replacement element of the scheme includes:

1.4	<ul style="list-style-type: none"> <li>• have an existing central heating boiler that is at least 15 years old; and</li> <li>• be aged over 65; or</li> <li>• receive Child Benefit for a child under 16 years of age; or</li> <li>• receive DLA/PIP.</li> </ul> <p>This report provides an update on the scheme including confirmation received from the DfC of the funding allocation for 2019-2020 and the level of referrals to be provided.</p>																		
<b>2.0</b>	<b>Recommendations</b>																		
2.1	<p>The Committee is asked to</p> <ul style="list-style-type: none"> <li>• note the contents of the report and consider delegating authority to the sign the SLA to the Director of Planning and Building Control subject to satisfactory arrangements being agreed.</li> </ul>																		
<b>3.0</b>	<b>Main report</b>																		
3.1	<p><u>Key Issues &amp; current position</u></p> <p><b><u>Referral numbers and funding</u></b></p> <p>Referral numbers have changed from November 2019 with a revised target of 39 for January – March 2020 which will result in additional funding for each referral.</p> <p>3.2 In a change from what has happened to date, NIHE will only pay for each referral made, rather than provide the funding for the target number of referrals, which councils used to provide staff who work on the ground in an attempt to get referrals. Obtaining referrals requires input from the householders, and is therefore not within the control of officers. Therefore this new approach could result in BCC having to further subsidise the cost of staff where referrals targets are not met.</p> <p>3.3 Total number of referrals sent to NIHE to date for 2019 - 2020 is 144, see breakdown below:</p> <table border="1" data-bbox="276 1731 1056 2047"> <thead> <tr> <th>Month</th> <th>Number of referrals</th> <th>Referrals sent to NIHE</th> </tr> </thead> <tbody> <tr> <td>April</td> <td>18</td> <td>18</td> </tr> <tr> <td>May</td> <td>18</td> <td>18</td> </tr> <tr> <td>June</td> <td>18</td> <td>18</td> </tr> <tr> <td>July</td> <td>18</td> <td>14</td> </tr> <tr> <td>August</td> <td>18</td> <td>18</td> </tr> </tbody> </table>	Month	Number of referrals	Referrals sent to NIHE	April	18	18	May	18	18	June	18	18	July	18	14	August	18	18
Month	Number of referrals	Referrals sent to NIHE																	
April	18	18																	
May	18	18																	
June	18	18																	
July	18	14																	
August	18	18																	

September	18	18
October	18	18
November	22	22

3.4

**Targeted nature of scheme**

DfC continue to work with UU to review the targeting of the scheme. Councils have raised concerns that the current model of 80% targeted will not be possible with the current funding and staffing levels, and the addresses provided by UU.

3.5

**Cancellations**

Each month there are a number of referrals to be cancelled where this relates to the householder not replying to NIHE where applications have not progressed, or not wanted to proceed. NIHE have agreed to inform councils of these cases to allow AW staff to follow up on their initial work with the householder prior to final closure to attempt to secure the householder cooperation.

3.6

The above issues will result in changes to the SLA and will be provided by the DfC in due course.

3.7

**Background**

On 22<sup>nd</sup> August 2019 the DfC confirmed that they have secured approval of a 5 year business case from 1 June 2019 to 31 March 2024 (Appendix 1). In order to adhere to the conditions on which the approval was granted assurances must be given for the following requirements.

- Service Level Agreements (SLA) to be signed off.
- As a targeted scheme the ratio of targeted addresses/self-referrals of 80/20 must be strictly adhered to.
- All non-targeted referrals should be processed using the agreed triage matrix.
- Quarterly meetings between Council Senior Officials, NIHE representatives and DfC officials will be reinstated.

3.8

On 19<sup>th</sup> September 2019 a meeting was convened with Council officials, NIHE representatives and DfC officials. During this meeting a number of issues were raised in relation to the approved business case and SLA particularly around the 80/20 ratio targeted addresses/self-referrals, notification of cancellations and the in-year financial fluctuations with no lead in time to allow adequate resourcing of the scheme.

3.9 In Belfast, the scheme continues to receive a high volume of enquiries. While the scheme is primarily targeted, the service received significant number of self-referrals, with 745 households currently on the self-referral holding list, 103 of these households reside within a targeted address.

3.10 Correspondence issued from DfC to Councils on 23<sup>rd</sup> October 2019 (Appendix 2), addressed some of concerns raised during the meeting on 19<sup>th</sup> September 2019 .

- Payment to Councils has increased from £191.00 to £222.92 per referral from 1 June 2019 to 31 March 2020,
- To the end of October referral rate was 18 referrals per council per month. Following a review of the available budget DfC confirmed the number of referrals will change as detailed below, increasing by an additional 59 referrals over a 5 month period:

Month	Number of Referrals
November 2019	22
December 2019	10
January 2020	39
February 2020	39
March 2020	39

3.11 The increase in unit cost and the additional referrals will result in a financial increase of £18,898, if referral targets are met. The overall funding remains equally split between the 11 council areas, and no consideration is taken on the variations in number of households waiting to be considered, or the nature of the measures involved.

3.12 The additional funding is welcome by the council however it is insufficient to fully cover the current salary costs to administer the scheme. The service is currently considering how we can resource the team based on the additional in-year funding of £18,898 to meet the new referral targets.

3.13 The Building Control Service also continues to subsidise the administration of the AWS as it handles the significant number of calls about the scheme. This remains in the region of £40,000 per year.

3.14	<p>The team continue to triage the cases, in line with a process agreed with DfC, to ensure that the most vulnerable are helped. The triage should ensure that referrals are made for those most vulnerable, with broken boilers or the elderly but significant numbers of eligible households will not avail of the scheme at this time.</p>
3.15	<p>However, councils continued to communicate concerns with the scheme and these were discussed at a meeting convened on 5<sup>th</sup> December 2019 with Council officials, NIHE representatives and DfC officials.</p> <ul style="list-style-type: none"> <li>• <b>Payment to each Council</b> – Councils noted a change in this process, where now councils will only get paid for the referrals made. To date an annual budget was agreed and paid on a quarterly basis, allowing councils to have certainty of funding when recruiting staff and make best efforts to provide the target number of referrals. The change to payment by referral means an annual budget is not secured which in turn causes difficulty in securing resources.</li> </ul> <p>Final referral numbers can be outside council’s powers, as there is still an onus on the householders to provide information in a timely fashion. This could lead to councils carrying out significant work, in an effort to get referrals submitted, without a final referral being possible, and therefore no payment for this work.</p> <p>Councils, including officers from Belfast, informed the DfC that If this position is not changed they would have difficulty if administrating the scheme.</p> <ul style="list-style-type: none"> <li>• <b>Increase in referrals</b> – Again, while welcoming additional referrals to provide assistance to more vulnerable households, all Councils raised the difficulty this imposes on existing resources and recruiting additional resources to meet an in-year increase, without a secure budget. The DfC have asked all Councils to confirm if they can deliver the increase of 21 referrals from January to March 2020. BCC staff are looking at methods to use the potential additional funding to provide the additional referrals.</li> <li>• <b>Referral cancellations</b> – referrals that have previously been assessed by councils and NIHE but then later cancelled will not receive an additional fee payment if the household reapplied for the scheme. In such cases, the old ID number will be reused and the file reactivated. This causes concern for Councils as an additional visit and</li> </ul>

	<p>gathering of information would be required and no payment would be provided for this work.</p> <ul style="list-style-type: none"> <li>• <b>Target and Self-referrals</b> – The DfC have approached UU to review the targeted list taking into consideration the entire street that would be linked to a post code/s within an area. The Department will write to all Council's once this action is carried out. This should increase the targeted list however if the ratio of 80/20 remains it will cause difficulty for Belfast.</li> <li>• <b>Fixed repairs scheme</b> – The NIHE have proposed a new process for Council's to administer for broken boilers under 15 years old, therefore not meeting the criteria for the AW scheme. This includes the Council's providing the boiler manufacturer detail's to house owners/landlords, who will be required to pay a call out charge and to agree repair options including charges. If the manufacturer concludes the boiler cannot be fixed they will provide a report to the house owner/landlord and at that point they can then go forward to the Affordable Warmth Scheme. Our recommendation to DfC is that this duty should be carried out by NIHE and only those that qualify for the scheme be passed to councils. The Department is to review this process and write to all Council's.</li> </ul> <p><u>Financial &amp; Resource Implications</u></p>
3.16	<p>The DfC will provide a revised total of up to £60,153 in funding for 2019-2020 if councils sign up to the revised referral targets. This is insufficient to cover current employee costs to administer the scheme. DfC have also confirmed that method of payment will change to a per referral basis, which will potentially leave councils subsidising salary costs if referral targets are not met.</p>
3.17	<p><u>Equality or Good Relations Implications/Rural Needs Assessment</u></p> <p>There are no equality, good relations or rural needs issues.</p>
<b>4.0</b>	<b>Appendices – Documents Attached</b>
	Appendix 1: Letter to Councils AWS 22 <sup>nd</sup> August 2019
	Appendix 2: Letter to Councils AWS 23 <sup>rd</sup> October 2019



From: **David Polley**  
**Acting Director of Housing**

Chief Executive Belfast City Council  
[wylies@belfastcity.gov.uk](mailto:wylies@belfastcity.gov.uk)

Level 3  
Causeway Exchange  
1-7 Bedford Street  
BELFAST  
BT2 7EG  
Telephone: 0289051586

22 August 2019

Dear Suzanne,

I am writing to let you know that the Department for Communities has received approval for the Affordable Warmth Scheme for 1 June 2019 to 31 March 2024.

In order to adhere to the conditions on which approval was granted we are required to provide assurance that the following requirements are met:

- Service Level Agreements (attached at Annex A) must be signed off and returned following ratification at your next monthly Council meeting;
- As a targeted Scheme the ratio of targeted addresses/self-referrals of 80/20 must be strictly adhered to. The Housing Executive has been instructed that only 20% of referrals received can be via self-referral and any additional self-referrals should be returned to councils;
- All non-targeted referrals should be processed using the agreed triage matrix;
- The Council return template (attached at Annex B) should be provided monthly, with attention drawn to the provision of data on signposting; and

- Quarterly meetings between Council Senior Officials, Housing Executive representatives and Department for Communities officials will be reinstated.

We will monitor the progress of above going forward and should any issues arise they can be discussed at the quarterly meetings. Department officials will be in touch shortly to arrange the first meeting.

Thank you in anticipation of your continued co-operation in delivery of the Affordable Warmth Scheme.

Yours sincerely,

A handwritten signature in black ink, appearing to read "David Polley". The signature is written in a cursive style with a large initial 'D'.

David Polley

## **Annex A**

DfC/Belfast City Council Service Level Agreement:



AWS Affordable  
Warmth SLA 2019 Be

## **Annex B**

Belfast City Council monthly return template:



REVISED AWS  
Returns 2019-20.xls

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Department for

**Communities**

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**Tel: (028) 90 515279**

Council Senior Official  
Affordable Warmth Scheme

23 October 2019

Dear Senior Official,

### **AFFORDABLE WARMTH SCHEME**

I am writing to you about a number of issues relating to the Affordable Warmth Scheme.

#### **Payment to Councils**

As you are aware, Business Consultancy Services from the Department of Finance completed a review of the delivery of the Affordable Warmth Scheme as part of the development of a new five year business case. The review proposed that the Department should increase the payment to councils to £222.92 per referral. The Department agreed with this proposal and the Housing Executive will now pay councils £222.92 for each referral made from 1 June 2019 to 31 March 2020.

#### **Increase in Referrals**

At present the agreed referral rate is 18 referrals per council per month, attracting a quarterly payment of up to £12,037 based on 18 referrals per month being received. Following a recent review of the available budget and with the possibility of an increased budget in 2020/2021 the Department is increasing the number of referrals as set out in the table below. The reduced number in December reflects Councils' request for flexibility but allows for urgent referrals if they arise.

<b>Month</b>	<b>Number of Referrals</b>
November 2019	22
December 2019	10
January 2020	39
February 2020	39
March 2020	39

This will result in an increased quarterly payment dependant on all monthly referrals being received. This will not require an amendment to the Service Level Agreement which was issued to you on 22 August 2019 for sign off.

### **Referral Cancellations**

Councils have been concerned with the number of cancellations received and have often requested the opportunity to revisit those referrals ahead of closing the application. As you are aware, the Housing Executive have previously advised that they make three attempts to contact the householder ahead of taking the decision to cancel. However, following further requests from Councils the Housing Executive is currently engaging with all Councils to agree a resolution which will attempt to secure householders cooperation or gather any outstanding verification documents etc. ahead of closure. Given the targeted nature of the Scheme this will be limited to those households on the targeted lists.

### **Targeted and Self Referrals**

The Department is currently exploring the issue of maintaining the current referral ratio of 80% targeted to 20% non-targeted, as per the new 5 year business case. While this is ongoing the Housing Executive will continue to monitor referrals received to ensure the 80:20 ratio is being maintained. I will write to you as soon as we have come to a decision about the targeted and non-targeted ratio.

### **Requirements**

In order to facilitate the successful progression of applications going forward the following process requirements as set out in the new business case and discussed at the September meeting should be adhered to:

- UPRNs should be provided to Housing Executive on all targeted referrals;
- complete documentation should be provided with all referrals;
- income eligibility should be confirmed;
- referral numbers should be consistent with the table above; and
- continuing to prioritise households requiring multiple measures, where possible, to ensure SAP improvement targets are met.

In conclusion I would like to take this opportunity to thank you for your continued co-operation in ensuring successful delivery of this very popular scheme.

Yours sincerely,

A handwritten signature in cursive script that reads "Avril Hiles".

**Avril Hiles**

cc: David Polley  
Oliver McHugh  
Danny O'Reilly  
Roisin O'Neill

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<b>Subject:</b>	Consultation response to the DAERA Environment Strategy for Northern Ireland
<b>Date:</b>	14 <sup>th</sup> January 2020
<b>Reporting Officer:</b>	Nigel Grimshaw, Strategic Director of Neighbourhood Services, City & Neighbourhood Services Department
<b>Contact Officer:</b>	Siobhan Toland, Director of City Services Grainia Long, Commissioner for Resilience

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

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

<b>1.0</b>	<b>Purpose of Report or Summary of main Issues</b>
1.1	<p>Members are advised that the Department of Agriculture, Environment and Rural Affairs (DAERA) have recently commenced a consultation into proposals for a new Environment Strategy for Northern Ireland. DAERA have stated that a Northern Ireland Environment Strategy is required to form the basis for a series of interventions that can deliver real improvements in the quality of the environment and thereby improve the health and well-being of our citizens, create opportunities to develop our economy and play our part in protecting the global environment for many decades to come. The various consultation documents are available to download via the following weblink:</p> <p><a href="https://www.daera-ni.gov.uk/consultations/esni-public-discussion-document">https://www.daera-ni.gov.uk/consultations/esni-public-discussion-document</a></p>

1.2	This report serves to summarise the contents of the consultation document and to highlight some of environmental statistics and environmental progress that DAERA have referred to within the consultation document.
1.3	This report also includes proposed consultation responses to the various questions that DAERA have proposed throughout the overall Environment Strategy consultation document.
1.4	Members should note that the consultation has been discussed by the All-Party Working Group on the Climate Crisis. Moreover, this report will also be presented to the Strategic Policy & Resources Committee for notation, given the Committee's interest in climate action.
<b>2.0</b>	<b>Recommendations</b>
2.1	Members are requested to note; <ul style="list-style-type: none"> <li>the draft response and to agree that the council's consultation response, as detailed in <b>Appendix 1</b> to this report, be forwarded to DAERA for consideration.</li> </ul>
2.2	Members are advised that the City Solicitor has written to DAERA concerning an extension to the Department's stated consultation deadline of 17:00 on the 23 <sup>rd</sup> December 2019. DAERA have advised that the Department is presently considering an extension to the public discussion exercise into the New Year and would hope to announce a revised closing date to the consultation process at the end of the current election period. The council's consultation response will be submitted in accordance with any revised DAERA consultation timetable.
<b>3.0</b>	<b>Main report</b>
3.1	<u>Key Issues</u> DAERA have advised that within the current draft Programme for Government (PfG) 2016-2021, the Department is responsible for Outcome 2 – <i>'We live and work sustainably, protecting the environment'</i> , and for five of the six associated indicators relating to greenhouse gas emissions; household waste that is reused, recycled or composted; annual mean nitrogen dioxide concentrations at monitored urban roadside locations; levels of soluble reactive phosphorus in rivers and levels of dissolved inorganic nitrogen in marine waters and; biodiversity – the percentage of protected areas under favourable management. DAERA have also advised that at a Departmental level, their vision is of <i>'A living, working, active landscape valued by everyone'</i> .
3.2	DAERA have advised that an Environment Strategy for Northern Ireland is therefore now required due to a number of factors including, environmental challenges, climate change, publication of the UK Government document, <i>'A Green Future: Our 25 Year Plan to Improve the Environment'</i> , Brexit and environmental knowledge gaps.

3.3	<p>In terms of progress with the PfG indicators, DAERA have advised that for greenhouse gas emissions, Northern Ireland accounts for around 4% of the overall UK total and in terms of the UK Climate Change Act committing the UK to at least an 80% reduction by 2050 from 1990 baseline levels, DAERA have stated that Northern Ireland emissions have decreased by 17.9% from 24.3 to 20 million tonnes of carbon dioxide equivalent between 1990 and 2017. For household recycling, DAERA have stated that the NI household waste recycling rate was 48.1% in 2017/18; an increase from 44.3% the previous year, with a new high of over 420,000 tonnes of waste sent for recycling. DAERA therefore consider household waste recycling to have experienced a positive change since the baseline year. In terms of ambient air quality, DAERA have advised that the nitrogen dioxide average annual mean background figure measured in urban areas has remained relatively stable over recent years, whereas monitored roadside nitrogen dioxide concentrations have been variable. For river and marine water quality, DAERA have stated that levels of soluble reactive phosphorous in river water are unchanged since the baseline year and levels of dissolved inorganic nitrogen in our marine waters have also remained relatively stable. For biodiversity, DAERA have advised that whilst the total terrestrial and marine protected areas have increased between 2009 and 2018, the proportion of these areas under favourable management has shown a decreasing trend.</p>
3.4	<p>DAERA have stated that the normal procedure for developing an Environment Strategy document would be for the Department to take its lead from the Minister of Agriculture, Environment and Rural Affairs and that the form and content of any Environment Strategy would be a matter for a DAERA Minister and NI Executive. DAERA have also stated that in the absence of a Minister, they would wish to obtain as broad a view as possible on what a future Environment Strategy might seek to address in order to help inform an incoming Minister. DAERA are therefore seeking views on what the environment should look like in the future, what the environmental priorities and objectives should be, and how the Department should achieve them.</p>
3.5	<p>DAERA have advised that at the very least, the key environmental areas covered by the new Strategy will be climate change (mitigation and adaptation); the natural environment and landscapes; resource efficiency, the marine environment, environmental quality (air, water and neighbourhood); fisheries (inland and sea) and aquaculture and the built environment.</p>
3.6	<p>To help inform the consultation process, DAERA have posed eleven questions for consultees to consider and address. The DAERA consultation document has been internally circulated to relevant council Departments and Services, and responses have been provided to the consultation questions where deemed necessary and where the questions relate to areas of</p>

	council responsibility. A copy of the questions, together with proposed council responses have been provided as Appendix A to this report.
3.7	In terms of the headline environmental issues and matters highlighted within the council's proposed responses, Members are advised that the council has highlighted the issues of climate change and climate adaptation; biodiversity; ambient air quality and its links to transportation; neighbourhood environmental quality; local development planning and the built environment; the consideration of natural capital in environmental decision making; resource and energy efficiency; zero waste and achieving a circular economy; waste management and enforcement; the need for a Northern Ireland litter strategy; dealing with dangerous structures and tackling dilapidations and; the need for greater education on the environment.
3.8	<u>Financial &amp; Resource Implications</u> None
3.9	<u>Equality or Good Relations Implications / Rural Needs Assessments</u> None.
<b>4.0</b>	<b>Appendices – Documents Attached</b>
	Appendix 1- DAERA Environment Strategy Consultation Questions and Proposed Council Responses.

## **Appendix A - DAERA Environment Strategy Consultation Questions and Proposed Council Responses.**

### **General Comment.**

Belfast City Council welcomes the commitment contained within the consultation document to an all-encompassing Environment Strategy that recognises the scale and range of environment-related challenges across Northern Ireland. The council would however, strongly encourage the development of a Northern Ireland wide Climate Adaptation and Mitigation Plan, which would complement plans at a city level, and which would aim to deliver the principles set out in a future Environment Strategy.

Belfast City Council considers climate resilience (mitigation and adaptation) to be a core priority, and has declared a Climate Emergency. An All-Party Working Group of Elected Members advise and steer the council's strategic direction in relation to sustainability and climate action. Under city-wide Community Planning structures, the council has established a Resilience and Sustainability Board, which brings together community planning partners and other stakeholders from across the city to plan climate mitigation and adaptation measures. Our 'Living Here' Board, brings together agencies focused on a wide range of public facing services, which support and enable a positive environment for the city's residents, including measures on ambient air quality. Furthermore, our 'Growing the Economy and City Development' Board is taking a collaborative approach to work on sustainable transport. The council therefore has an important role in convening and enabling city-wide, cross-agency work to ensure a thriving and sustainable city, and is keen to support and help deliver the objectives in a future Environment Strategy. The comments set out in this response are therefore aimed at positively supporting the development of a future Environment Strategy.

### **Q1: Do you agree that the Environment Strategy should sit alongside existing Executive-endorsd strategies, such as the Sustainable Development, Public Health and Economic Strategies?**

The council would consider that in order to give the environment appropriate emphasis and protection, and mindful of the data that has been presented as part of the DAERA consultation document demonstrating the direction of recent environmental performance for Northern Ireland, the Environment Strategy should sit alongside existing Executive-endorsd strategies, such as the Sustainable Development, Public Health and Economic Strategies, etc.

The relationship between a future Environment Strategy and the existing Sustainable Development Strategy is critical. It may be advisable therefore to identify key areas of complementarity early on, and the new Environment Strategy should aim to provide fresh impetus to the principles of Sustainable Development across government.

The UN Sustainable Development Goals (SDGs) are a globally recognised framework for the development of high-level cross government strategies. As a signatory to the SDGs, it is advisable for government Departments across the UK, including the Devolved Regions, to use the SDGs to inform their strategies. The council would recommend this approach for development of the Environment Strategy.

The council further considers that the Environment Strategy should be underpinned by appropriate supporting and enabling legislation. Specific consideration should be given to the introduction of an Environment Bill for Northern Ireland so as to provide the Environment Strategy with a binding and legal footing. A failure to provide an appropriate legal underpinning will likely mean that the Strategy lacks '*teeth*' and remains largely ineffective, alongside a host of other similar governmental strategies such as the Northern Ireland Sustainable Development and Biodiversity Strategies.

The council would note however, that in terms of the Strategy Scope, DAERA has identified that a number of these high-level, Executive-endorsd Strategies may themselves directly affect the environment or be influenced by it, including for example, the Sustainable Development Strategy, Public Health Strategy, draft Industrial Strategy, Economic Strategy and the Regional Development

Strategy. It is noted that a number of these Strategies were developed some time ago and the council would therefore recommend that these Strategies should be updated or augmented alongside the process of the developing an Environment Strategy in order to ensure a consistent and concurrent direction of environmental protection.

Whilst the council considers that the Environment Strategy should sit alongside the other Executive endorsed strategies, the council also considers that there is a pressing need to develop a 'Green New Deal' for Northern Ireland that can straddle environmental and economic development objectives. The council would therefore recommend that government should revisit the detailed proposals for a Green New Deal, which focussed on the retrofit of homes to an advanced low carbon standard. The Green New Deal plan was developed in partnership with a coalition of public, private and community sectors and had support from the construction sector and finance institutions.

In addition, the council would highlight that it has recently declared a climate emergency and has established an eight member All Party Working Group on Climate Crisis in order to drive a new environmental resilience framework in the city. In terms of the climate agenda, the council would emphasise that:

- As 2020 approaches, the impact of climate change and environmental sustainability issues dominate the global political and business agenda. The evidence base from the IPCC confirms that we have a 12-year window to address this issue, before catastrophic climate change severely threatens the life supporting systems we rely on, bringing into stark relief the absolute necessity to act urgently.
- Nowhere is this challenge starker than in NI, a region still 90% dependant on imported fossil fuel for primary energy demand and at the 'end of the pipe' for fossil fuel supplies. If this energy security position does not change dramatically, we will find ourselves in an increasingly vulnerable position, locked into an expensive, high carbon and uncompetitive economy for years to come.

**Q2: Do you agree that these broad environmental areas are appropriate for the Environment Strategy?**

The council considers that at the very least, the proposed environmental areas are appropriate for the Environment Strategy. However, and specifically:

- In terms of climate change, the council would highlight that mitigation and adaptation have been considered as part of the development of the council's Local Development Plan for the city and in terms of land use planning. Furthermore, the council has commenced work to develop a comprehensive climate adaptation and mitigation plan, which will apply corporately. It is also working in partnership across the city to develop a collaborative plan at a city-wide level. In doing so, it has joined the Place Based Climate Action Network (P-CAN), working with cities elsewhere in the UK, and has commissioned a 'Mini Stern' review, to provide us with an economic analysis of decarbonisation. It is the council's view that a similar approach is necessary at a central government level, to measure the scale and nature of carbon emissions, and to understand the cost and economic benefits of reduction. This science based approach should drive future targets to decarbonise.
- The Strategy makes no reference to the June 2019 change in UK law to commit the UK to bring all greenhouse gas emissions to net zero by 2050, and in fact continues to refer to previous targets of at least 80% reduction from 1990 levels. Meeting the 2050 target will require significant investment, strategic planning and collaboration between central and local government. As such, the council believes that the Strategy should include a methodology for setting targets for decarbonisation, and that it should refer to the 2050 target as one of the six 'Draft Outcomes'.
- The council does not however agree with the statement on page 25 which advises that Northern Ireland is not formally part of the recent UK Committee on Climate Change report. The report 'Net Zero: The UK's contribution to stopping global warming', is clear on page 13, that 'Northern

Ireland does not currently have its own long-term target for emissions, but is included within UK targets.'

- The council would also highlight that the areas of climate change, environmental quality and the built environment are of particular relevance to the council's Building Control functions. Building Control have advised that although the attractiveness of neighbourhoods and the quality of the built environment, dilapidation and neglect have been included within the Environmental Quality (Air, Water and Neighbourhood) area, it would be Building Control's view that these matters may sit better within the area dealing with the Built Environment.
- With regard to the natural environment and landscapes, the council would agree that this should be included within the Strategy, given recent reports on the very significant loss of biodiversity across the UK. Moreover, the council's draft Belfast Green and Blue Infrastructure Plan and Open Spaces Strategy also recognises the importance of the natural environment in providing ecosystem services.
- The council would seek clarification however on why ecosystems and ecosystem services have been placed within the Environmental Prosperity theme, whereas biodiversity has been placed within the Environmental Quality theme, as denoted in Section 8 Strategic Themes. It is considered that this approach fails to recognise the inherent assumption that environmental quality underpins ecosystem services. The council would consider that there should be an understanding that we need to invest in the quality of our natural assets and stocks so as to protect and enhance the benefits (ecosystem services) that we receive from the environment. It is considered that this investment process should take a long term perspective and approach.
- The council would consider that ambient air quality is of the utmost importance for the city, particularly in terms of public health and the potential for inner city communities and road transport corridors to be the most severely affected. The council is aware that DAERA is presently developing a Northern Ireland Air Quality Strategy (referred to in Annex B of the Environment Strategy document) and the council would advise that it will provide detailed technical air quality comments during the consultation into that Strategy document. The council would nevertheless highlight that four Air Quality Management Areas remain across the city for modelled and monitored exceedences of the nitrogen dioxide annual mean objectives and limit values. These AQMAs have been designated along arterial transport routes and source apportionment has determined that the exceedences within the AQMAs arise principally from road transport emissions. The council would therefore emphasise the need to address nitrogen dioxide emissions across the city through a transition towards more sustainable modes of transport for the city. The council would also highlight the need for Environment and Air Quality Strategies to consider emerging pollutants of concern, including fine particulate matter (PM<sub>2.5</sub>).
- The council would also consider however, that the other local / neighbourhood issues that have been identified for action are of significant importance and so they should be addressed separately so as not to diminish their importance but also so as to not undermine the strategic importance of ambient air and water quality issues. The council welcomes the inclusion of Neighbourhood Environmental Quality, under the broad Environmental Quality theme. It is considered that this fits well with the council's Community Plan, the Belfast Agenda and with the proposed outcome that Belfast will be a vibrant, attractive, connected and environmentally sustainable city through maximising the benefit of our natural and built environment.
- For the built environment, the council would consider that whilst the various topic areas represent important issues, they are more likely to be detailed matters to be addressed through local strategies; in particular Local Development Plans, etc. The council nevertheless considers that the Environment Strategy should acknowledge and highlight the importance of these matters, at a Northern Ireland wide level.

**Q3: As described below, do you agree that these are appropriate strategic themes for the Environment Strategy? If “No”, what alternative or additional themes/issues would you like to see in the strategy?**

Yes

**Q4: Do you have any comments on what specific issues should be included under a proposed Environmental Engagement strategic theme?**

The council would highlight that environmental education and engagement is extremely important for all citizens, at all ages and for agencies so that they have greater awareness of the value of the environment and nature and of individuals' and organisations' roles in maintaining its critical life-sustaining benefits.

This has been demonstrated, for example, through our successful behavioural change Neighbourhood Quality campaigns, which reinforce the consequence of littering or failing to pick up after your dog, including raising the awareness of the £80 fixed penalty notice. External evaluation of the campaign has indicated that 93% of respondents are now aware of the fine associated with littering.

In terms of environmental engagement, the council would therefore recommend that DAERA should link the Environmental Engagement strategic theme to education and to the Department of Education's strategies and initiatives, with particular reference to Science, Technology, Engineering and Mathematics (STEM) based subjects.

**Q5: Do you have any comments on what specific issues should be included under a proposed Environmental Prosperity strategic theme?**

The DAERA comment that *'there is ample research evidence that most people see the natural environment as having intrinsic value'* links to the council's previous comments about ecosystem services and the concept of natural capital. Whilst a relatively new concept, the council considers that natural capital is an important means of ensuring the protection of our natural environment. The council would therefore contend that the Environment Strategy should seek to address this concept and embed it into future decision-making.

The document does not sufficiently recognise the extent of the climate threat as the biggest environmental and economic risk facing Northern Ireland. It therefore misses an opportunity to address this threat with the level of urgency required. In a region abundant in wind, wave, tidal, biomass and biogas reserves, the decarbonisation of the electricity, transport, and the heat sectors presents an enormous opportunity to avail of those technologies at scale to drive an advanced low carbon sector. The final strategy should include a bigger focus on how decarbonisation can be enabled in Northern Ireland by attracting inward investment to generate wealth, enhance the skill base and provide a pipeline of skills for the new green economy. A comprehensive economic analysis of decarbonisation should be undertaken and should drive the region's Economic Strategy, as well as its Environmental Strategy. The document requires significant strengthening in this area if Northern Ireland is to gain competitive advantage and transition to a low-carbon economy.

The council would query however, if there is a specific drive towards investing in emerging sectors of environmentally friendly technology / renewables that are not explicitly detailed within the Strategy. If not, it would be beneficial to see consideration given to these sectors, rather than to just already profitable, but not necessarily wholly conducive to environmental health sectors listed within this theme, e.g. tourism, agri-business, etc.



**Q6: Do you have any comments on what specific issues should be included under a proposed Environmental Efficiency strategic theme?**

The council considers that climate change must be addressed as a matter of urgency, and that addressing climate change must encompass environment efficiency and carbon reduction, etc.

In relation to 'resource efficiency', the circular economy is mentioned with a view to achieving a circular economy through the application of the waste hierarchy. It is considered however, that there is little detail on how a local authority, for example, might be incentivised to promote prevention of generation and the reuse of materials over concepts detailed further down the waste hierarchy pyramid such as recycling. Under current provisions, NIEA establishes local authority targets for the reduction of landfilling and for recycling. Whilst it is clear that local authorities will need to have a key part in helping to increase resource efficiency, the targets that have been presently set may conflict with circular economy aspirations and objectives.

The council would highlight that the Building Regulations are crucial in ensuring that new buildings are energy efficient and that the energy efficiency of existing buildings is improved whenever building works are carried out. Within Northern Ireland however, the Building Regulations are currently lagging behind those in the rest of the UK and Ireland, in terms of energy efficiency. The council would recommend that this issue should be urgently addressed.

It is considered that future construction, renovation and alteration of buildings could be regulated through amended Building Regulations to improve thermal performance and efficiency, to reduce energy consumption and carbon emissions, and to drive renewable forms of energy, in order to promote a low carbon economy and ensure the efficient use of resources. Accordingly, it is considered that the use of low or zero carbon or renewable energy sources on new buildings should be regulated, and encouraged on existing buildings, alongside thermal insulation.

Amended Building Regulations could also include additional requirements to provide resilience to climate change, e.g. increasing the sizing of rainwater goods; better consideration of over-heating due to solar-gain / shading requirements; reducing water usage through rainwater harvesting and the use of brown water and; taking account of increased wind loadings, etc. Building Regulations could also assist with flood resilience in terms of drainage, rainwater attenuation, use of permeable surfaces, etc.

It is considered that robust regulation, clear technical guidance and the demarcation of enforcement responsibilities is required to ensure measures required by any statutory agency can be appropriately designed, approved, checked and enforced. Accordingly, there should be clearly defined linkages between agencies and their policies and legislation. In addition, the increased remit and complexity of Building Regulations would require amended fees legislation in order to ensure adequate resource for robust enforcement.

In terms of the Circular Economy and Sustainable Sources, Building Control would recommend regulation of the manufacture of materials from recyclable or sustainable sources; regulation of new homes to be '*lifetime homes*', with associated design guidance, and with increased provision for cycle storage, drying rooms, electric car charging points, etc. and features from the Code for Sustainable Homes.

The document should reference the government's '*Road to Zero Strategy*', which is a comprehensive plan for the decarbonisation of the transport sector throughout the UK. This strategy accelerates the development of the local electric vehicle market and associated charging infrastructure. It also encourages the hydrogen transport sector and provision of hydrogen refuelling facilities. These new technologies will substantially drive down emissions in the sector. The fast adoption of new smart and digital technology in the transport / energy / renewable energy nexus is transforming the transport sector to a cleaner and more efficient model. The decarbonisation of the transport sector in cities will have a transformative impact on both carbon emissions and ambient air quality, and therefore should be central to any future Environment Strategy.

**Q7: Do you have any comments on what specific issues should be included under a proposed Environmental Quality strategic theme?**

As has been highlighted previously, there are a wide range of issues detailed under the environmental quality heading, some of which are best addressed at local level, whilst others are clearly of a Northern Ireland wide strategic importance. The council would consider that the Environment Strategy should make mention of all of the suggested issues, but maintain the strategic significance of Northern Ireland wide issues, such as water, air quality and biodiversity, etc.

With regard to biodiversity, the council would wish to highlight that the biodiversity indicator, *'percentage of protected area under favourable management'*, as detailed on page 12 of the Environmental Strategy consultation document, is only a quantitative indicator and will not monitor condition and trends. In addition, it is considered that this indicator is insufficient as 'designated sites' cover only a small percentage of Northern Ireland; for example ASSIs cover only 7%. It is recommended that the Environment Strategy should develop a useful indicator to monitor biodiversity status and trends. The starting point for this is to invest in baseline biodiversity data. A current key issue is the lack of appropriate data to monitor environmental change, particularly for biodiversity.

For clarity and to emphasise the need to address biodiversity issues, the State of Nature Report 2019 key findings included that:

- By 2020 the UK will not meet most of the Convention on Biological Diversity Action Targets.
- The abundance and distribution of the UK's species has, on average, declined since 1970 and this decline has continued in the most recent decade. Prior to 1970, the UK's wildlife had already been depleted.
- Across NI, 11% of species are threatened with extinction.

As highlighted previously, Northern Ireland does not yet have a Litter Strategy, unlike the Litter Strategy for England 2017. We would welcome the introduction of a Northern Ireland Litter Strategy to ensure this issue, which impacts on all areas of our communities, is addressed. The council has adopted a three pronged approach to improving Neighbourhood Environmental Quality; behavioural change campaigns including education and outreach programmes, enhanced enforcement and an improved cleaning regime. During 2018 and 2019, the council issued over 1,800 fixed penalty notices for littering and waste. We therefore see enforcement as a key element in bringing about behavioural change and as such, it should be included as an issue within the Environmental Quality strategic theme of the Strategy. In addition, in dealing with the issue of Graffiti, which is now endemic in our towns and cities and has a profound effect on our Neighbourhood Environmental Quality, the current enforcement powers for local authorities are considered to be insufficient. We would welcome greater powers to require landowners to remove graffiti from their properties.

From a Building Control perspective, the council would highlight that it enforces legislation to deal with dangerous structures and tackle dilapidations. The council has however long been lobbying for more modern, robust legislation to enable more action to be taken to address these common problems. It is considered that the legislation within Northern Ireland is insufficient in relation to comprehensively dealing with dangerous structures and dilapidated buildings. Accordingly, new legislation needs to be brought forward to allow local councils to deal with these matter more easily and efficiently. It is further considered that a central government fund should be established to allow councils to draw down finances, where the council is forced to remove or make safe a dilapidated building by default. Local councils should also have the power to take ownership of vacant derelict properties and bring them back to use when no owner can be found. Legislation needs to support local councils to be proactive in this regard.

**Q8: What do you see as the main environmental governance priorities for Northern Ireland?**

In terms of environmental governance, the council would note DAERA's comment that this issue has generated a long-running debate which has focused to a large extent on whether Northern Ireland should have an independent Environmental Protection Agency. Whilst there is support for an independent Agency, DAERA has highlighted that responses to the most recent discussion document on environmental governance indicated a widely held view amongst stakeholders that the focus should be on environmental outcomes, rather than simply changing delivery structures. The council would agree that the emphasis should be on outcomes as they are most important. It is considered however that clear ownership and good governance are crucial in ensuring effective leadership and proper and consistent control and delivery. Whether these objectives are delivered via an independent agency or not, the environmental governance and delivery mechanisms must fulfil these roles. The Environment Strategy should establish a clear environmental vision for Northern Ireland and the subsequent policy development should flow from this vision, supported by better regulations and a clearer demarcation of enforcement responsibilities but with better co-operation between all of the organisations or agencies involved.

It is additionally considered that greater resources need to be dedicated to tracing and prosecuting waste crimes. The potential punishment for dumping or illegal landfill operations, etc. must exceed the potential profit to the individual or organisations that commit these offences.

It is noted that there is a potential 'grey area' between household and commercial waste if for example household waste is collected by a commercial operator. The council would query if a plan exists to regulate such operators so that they must apply the waste hierarchy and adhere to existing regulations such as the need to be a registered carrier of waste.

DAERA have highlighted that of particular relevance to the Environment Strategy are proposals that:

- a) The OEP's duties should include monitoring and reporting on the UK Government's progress against its 25-year plan for the environment; and that
- b) The UK Government's 25 year plan for the environment should be given a statutory footing.

The council would consider that these plans must have a statutory footing if they are to deliver real and effective outcomes. A statutory footing will also enable them to be material in decision-making.

**Q9: Do you agree that these are appropriate draft outcomes for the Environment Strategy? If "No", what alternative or additional outcomes would you like to see?**

No, the draft outcomes listed would be improved by a focus on targets to incentivise actions of stakeholders such as local authorities.

Specifically, the council would suggest that:

- The draft outcome for achieving zero waste and a well-developed circular economy could be expanded to include reference to the UK's 2050 target for net zero emissions
- In relation to biodiversity loss halted, ecosystems in a healthy state, and well managed landscapes, the draft outcome should be expanded to include measures to restore loss
- The draft outcome, we achieve sustainable consumption and production on land and sea could include a reference to the efficient and sustainable use of land.
- In terms of climate change, the council considers that the opportunity to draft a new Environment Strategy for Northern Ireland as a once in a generation opportunity to develop a transformative and ambitious sustainable energy and environmental strategy. The council would therefore recommend that the Strategy should also set ambitious targets for Northern Ireland to reach net zero greenhouse gas emissions by 2050 in line with the current UK government legislation and interim milestones and targets to 2030 and 2040 in line with European and Paris Agreement objectives.

- By setting ambitious carbon budgets, in all sectors, including particularly the public, transport and agricultural sectors, we will ensure that the Northern Ireland environment is protected and enhanced, whilst we continue to benefit from clean, green sustainable and smart economic growth, whilst avoiding catastrophic climate change.
- It is disappointing to note that this consultation document fails to recognise climate change as the biggest environmental threat facing Northern Ireland, and similarly that it fails to address it with the urgency required. In a region abundant in wind, wave, tidal, biomass and biogas reserves, the decarbonisation of the electricity, transport, and heat sectors represents an enormous opportunity to avail of these technologies, at a scale which could enable and drive an advanced low carbon sector.
- Moreover, the current Environmental Strategy document contains little reference as to how this can be enabled for Northern Ireland and the council therefore considers that the Strategy document, in its current form has failed to recognise the significant opportunity to attract inward investment generate wealth, enhance the skill base and provide a pipeline of skills for a new green economy.
- In relation to the transport sector, the council considers that the Strategy document also fails to reference the UK Road to Zero Strategy, a comprehensive plan for the decarbonisation of the transport sector throughout the UK. This UK Strategy is designed to accelerate the development of the local electric vehicle market and associated charging infrastructure. It also encourages development of the hydrogen transport sector and the provision of hydrogen refuelling facilities. The council considers that these new technologies will substantially drive down emissions in the Transport sector.
- The council considers that decarbonisation of the transport sector in cities will have a transformative beneficial impact on carbon emissions and air quality and should therefore be central to any future Environment Strategy. It is estimated that transport makes up at least 30% of carbon emissions in cities like Belfast and 23% regionally. The fast adoption of new smart and digital technologies in the transport / energy and renewable energy sectors is already transforming the transport sector into a cleaner and more efficient model.
- The council would highlight that there is little reference to the contents of the NI Sustainable Development Strategy, the associated Statutory Duty and the guidance issued to local Authorities and other public bodies on their compliance with the duty. The sustainable development guidance issued by the Northern Ireland government in 2014 emphasises the need to prioritise the carbon issue. It also recommends that public bodies put in place appropriate governance and administrative mechanisms to ensure the environmental sustainability issues are addressed.

**Q10: What are your big ideas for the future protection and enhancement of the environment?**

- The council would strongly encourage the development of specific program and targets to enhance and support the circular economy by creating an environment that is supportive of emerging technologies which increase the efficient use of resources.
- The council is keen to pursue a programme of work, which delivers a more resourceful Belfast and shows how resource management can contribute to the Circular Economy. In this regard, the creation of support schemes to develop this embryonic market and support for those organisations that can deliver social and economic benefits alongside positive environmental outcomes would be welcome.
- The proposed Environmental Strategy should also seek to integrate with other resource management policy initiatives such as; Deposit Return Scheme, Extended Producer Responsibility and the Plastics Tax proposed by HMRC.

- From a waste perspective, the council would also support the introduction of a mandatory electronic waste tracking system along with greater enforcement of existing waste legislation to increase the chances of 'bad actors' being caught. Punishments should fit the crime in terms of financial or other penalties, in terms of the potential profits versus environmental harm.
- The council considers that there should be a focus on transitioning from single-occupancy vehicles by developing infrastructure for a robust, well connected country-wide public transport system; ideally powered with sustainable fuel sources. The council would contend that there needs to be an increasing availability of renewable energy sources for homes (e.g. wind, solar).
- The council also considers that there needs to be a greater focus on conservation, including legislating to protect the existing natural environment from unchecked development, and working with conservationists to rehabilitate damaged habitats and ecosystem services.
- From a Building Control perspective, the council would recommend a greater incentive for increasing the energy efficiency of existing buildings. It is considered that the present Energy Performance of Buildings legislation is limited as there is no established acceptable lower threshold energy rating for a property. Moreover, Northern Ireland should consider a lower limit for properties that are for rental.
- It is also considered that more funding should be put into schemes that tackle fuel poverty, such as the Affordable Warmth Scheme, and that deep-retrofit energy efficiency schemes should be encouraged.
- It is finally considered that a government wide climate adaptation and mitigation plan is urgently needed to prepare and protect the region from the impacts of climate change and to bring together partners from central and local government and from other sectors to work together to decarbonise by 2050 at the latest. Furthermore the Strategy should include a reference for the need for it to be placed on a statutory footing, through the passage of appropriate environmental legislation.

**Q11: Do you have any other comments or contributions**

None.

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<b>Subject:</b>	Minutes of the Strategic Cemeteries and Crematorium Working Group
<b>Date:</b>	14 <sup>th</sup> January 2020
<b>Reporting Officer:</b>	Nigel Grimshaw, Strategic Director of City and Neighbourhood Services
<b>Contact Officer:</b>	Siobhan Toland, Director of City Services

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

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

<b>1.0</b>	<b>Purpose of Report or Summary of main Issues</b>
1.1	The purpose of this report is update committee on the key issues discussed at the Strategic Cemeteries and Crematorium Development Working Group meetings held on 20 <sup>th</sup> November 2019.
<b>2.0</b>	<b>Recommendations</b>
2.1	<p>The Committee is asked to:-</p> <ul style="list-style-type: none"> <li>• Approve the minutes and the recommendations from the Strategic Cemeteries and Crematorium Development Working Group meetings held on 20<sup>th</sup> November 2019.</li> </ul>

<b>3.0</b>	<b>Key Issues</b>
3.1	<p><u>Update on New Crematorium Development</u></p> <p>Members were advised that a project management team has been appointed for the new crematorium development. Currently there is an ongoing process to appoint a design team which should be in place by Spring 2020. Officers are currently working on the requirements for a planning application which will be submitted in due course. A final completion date of mid 2023 is envisaged.</p>
3.2	<p><u>Update on Expression of Interest on New Cemetery Land</u></p> <p>Members were advised that there had been 10 applicants to the Council's Expression of Interest for new cemetery land. An initial table-top assessment has eliminated a number of these on the basis of size and general access. Current work is underway to obtain geological and soil depth data for each site. A further report detailing the remaining sites will be brought to Members in early 2020.</p>
3.3	<p><u>Best Practice on Memorials for Cremated Remains</u></p> <p>The Council continues to facilitate the burial of cremated remains in all existing graves and scattering at two cemetery sites. Information was presented to Members on best practice throughout the UK for cremated remains memorials. These include burial in special graves, proprietary niches and columbaria. Members recommended that these provisions be included in the overall design at development stage for the new crematorium and cemetery land. In the short-term it was agreed that a subsequent report is submitted to members on the options and possibilities of introducing these facilities to current cemetery provision.</p>
3.4	<p><b>Financial &amp; Resource Implications</b></p> <p>None</p>
3.5	<p><b>Equality or Good Relations Implications / Rural Needs Assessment</b></p> <p>None</p>
<b>4.0</b>	<b>Appendices – Documents attached</b>
	Appendix 1: Minute of the Working Group on 20 <sup>th</sup> November 2019



**STRATEGIC CEMETERIES AND CREMATORIUM  
DEVELOPMENT WORKING GROUP**

**Minutes of Meeting of 20th November, 2019**

Members Present: Councillor Corr, Chairperson,  
The High Sheriff of Belfast, Alderman Sandford,  
Alderman Rodgers and  
Councillors Flynn and Mulholland.

In Attendance: Ms. V. Brown, City Services Manager;  
Mr. M. Patterson, Bereavement Services Manager;  
Ms. S. Kalke, Project Sponsor and  
Mr. G. Graham, Democratic Services Assistant.

**Minutes**

The minutes of the meeting of 2nd October, 2019 were taken as read and signed as correct.

**Declarations of Interest**

No declarations of interest were reported.

**Message of Thanks**

The Members of the Working Group wished to acknowledge their gratitude to the staff of the Parks section, on behalf of the Royal British Legion, for undertaking the clean up of both the Thiepval and Knock memorials prior to the Remembrance Day commemoration. The Working Group wished its gratitude to be conveyed also to Mr. G. McCoy (Skainos) for providing the Members with a tour of Knock Burial Ground and for the provision of information in respect of its cultural and historical significance.

**Update on New Crematorium Development**

The Project Sponsor provided the Working Group with an update on the new crematorium development which had moved to Stage 3-committed projects. She confirmed that the development proposal consisted of a new two chapel crematorium, each with a two hundred seat capacity and with an allocated capital budget of £18 million. She confirmed that a project management team had been appointed and that according to the draft programme a completion date of mid 2023 was envisaged. This had been noted at a meeting of the project board on 22nd August, 2019.

The Working Group was informed that Pre-Qualification Questionnaire (PQQ) documents for a design team had been submitted and were being assessed currently. The Project Sponsor confirmed that eight design teams had submitted responses in regard to the Questionnaire and, after completion of the tender process, it was anticipated that a design team would be appointed to deliver the project in the spring of 2020. The Members were informed that a pre-application discussion (PAD) was required to be put in place and this was being arranged.

The Project Sponsor reported further that the officers in the Physical Programmes Department, in conjunction with planning consultants, had constructed a case outlining the unique circumstances surrounding the proposed development which would be submitted, in due course, to Lisburn and Castlereagh City Council Planning Service for consideration.

The Working Group queried the potential issue of ongoing operations during the construction phase of the new crematorium facility, The Project Sponsor stated that the Council was confident that there would be minimal disruption to the cremation service and that measures would be put in place to protect the dignity of the bereaved families and relatives during the construction phase.

The Project Sponsor stated also that she would endeavour to undertake measures which might assist in expediting the planning process to ensure that any unnecessary delay in the development of the new crematorium facility was minimised. Several Members suggested that officers examine the possibility of introducing penalty clauses in future capital works contracts, including the new crematorium facility, in order to counter the possibility of undue delay during its construction phase.

In response to a further question from a Member in regard to the current staffing levels at Roselawn Crematorium, the Bereavement Services Manager stated that he was aware of the staff pressures currently which had been exacerbated by the increased number of cremations during the winter months. He informed the Members that cremation staff worked under a shift rota pattern but agreed to look at the future staffing levels given the increase in the seasonal workload at Roselawn.

The Project Sponsor stated, in response to a Member's question in regard to staff facilities at Roselawn, that, after the new crematorium was completed, the existing crematorium would be utilised in a way which was sympathetic to its history and the overall operation of the site

Noted.

#### **Update on Expression of Interest for New Cemetery Land**

The Members were provided with an update on the expression of interest in respect of the process to procure new burial land. The Bereavement Services Manager reminded the Working Group that in 2018 the Council had commissioned a review of its burial land requirements which had indicated that the Council required an additional 5.5 hectares (13.59 acres) of potential cemetery land. The Bereavement Services Manager stated that, following expressions of interest from ten potential applicants, the sites identified had been assessed with a number being eliminated at the preliminary stage due to the fact that they failed to meet the required size criteria, including problems associated with general access. He reported that, of the remaining sites, depth to bedrock data would be required to be obtained and assessed prior to any further exploration to any particular site. The Working Group was informed that the Council's Scientific Unit were currently analysing geological data in respect of each of the sites, prior to the presentation to the Departmental Assets Board and presentation of an option appraisal for consideration by the Members.

The Working Group was advised that, after agreement had been reached on a preferred site, future screening and assessment would be required before planning permission was sought, including the possibility of further hydro-geological tests on any of the preferred sites. He stated further that it was anticipated that a more detailed report in the matter would be presented to the Working Group in February 2020.

Noted.

#### **Best Practice on Memorials for Cremated Remains**

The Bereavement Services Manager provided the Working Group with an overview of best practice in respect of storage/disposal of cremated remains. He reminded the Members that the Council had, since 2017, ceased the provision of

memorial tress at Roselawn Cemetery and that current provision available included the burying of cremated remains in existing and new family graves. He stated that current legislation in Northern Ireland dealt with the burial of cremated remains in the same manner as full earth burials. He stated that it was also possible to bury cremated remains in the City of Belfast Crematorium Garden of Remembrance. The Working Group was informed that the Council did provide facilities for the scattering of cremated remains at both Roselawn and Shankill cemeteries with land set aside at those cemeteries for that purpose. The Members were advised also of the provision of a columbarium at Roselawn Cemetery for that purpose, but stated that take-up of that option had not proved popular.

The Bereavement Services Manager informed the Working Group of the measures put in place by other authorities in Great Britain in respect of cremated remains, including proprietary niche systems and the provision of both indoor and outdoor columbaria. It was pointed out that most provisions in Great Britain for cremated remains were limited by a time bound lease. The Members acknowledged the need to promote the current facilities available by the Council in respect of the storage/disposal of cremated remains. They requested that officers explore the possibility of making more facilities available for cremated remains at current cemeteries. The Working Group recommended also that the provision of purpose-built facilities be included in the overall design of the crematorium development and any new cemetery land.

The City Services Manager agreed that a report would be brought back to the Working Group in February 2020 with outline options associated with the storage/disposal of cremated remains. The Members proposed holding a short workshop, immediately following the February meeting, to consider how the Working Group might wish to progress the matter.

A Member stated that they had been contacted by the Plot Z1 Public Focus Group and that they had requested that the Council investigate the options to allow families to display the names of their babies buried in the section.

Noted.

#### **Date of Next Meeting**

The Working Group agreed that its next meeting would be held on Wednesday, 5th February, 2020 at 4.30 p.m.

Chairperson

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<b>Subject:</b>	Proposal for naming the Continuation of an existing street
<b>Date:</b>	14 <sup>th</sup> January, 2020
<b>Reporting Officer:</b>	Ian Harper, Building Control Manager
<b>Contact Officer:</b>	Roisin Adams, Business Coordinator

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

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

<b>1.0</b>	<b>Purpose of Report or Summary of main Issues</b>
1.1	To consider applications for naming the continuation of an existing street in the City.
<b>2.0</b>	<b>Recommendations</b>
2.1	Based on the information presented, the Committee is required to make a recommendation in respect of applications for naming new streets in the City. The Committee may either: <ul style="list-style-type: none"> <li>• Grant the applications, or</li> <li>• Refuse the applications and request that the applicants submit other names for consideration.</li> </ul>
<b>3.0</b>	<b>Main report</b>
3.1	<u>Key Issues</u> The power for the Council to name streets is contained in Article 11 of the Local Government (Miscellaneous Provisions) (NI) Order 1995.

3.2	Members are asked to consider the following application for naming the continuation of an existing street in the City. The application particulars are in order and the Royal Mail has no objections to the proposed names.						
3.3	<table border="1" data-bbox="336 454 1401 660"> <thead> <tr> <th data-bbox="336 454 695 555"><b>Proposed Continuation of Existing Street</b></th> <th data-bbox="695 454 1062 555"><b>Location</b></th> <th data-bbox="1062 454 1401 555"><b>Applicant</b></th> </tr> </thead> <tbody> <tr> <td data-bbox="336 555 695 660">Thorburn Road</td> <td data-bbox="695 555 1062 660">Off Serpentine Road, BT36</td> <td data-bbox="1062 555 1401 660">Kevin Cartin Architects</td> </tr> </tbody> </table>	<b>Proposed Continuation of Existing Street</b>	<b>Location</b>	<b>Applicant</b>	Thorburn Road	Off Serpentine Road, BT36	Kevin Cartin Architects
<b>Proposed Continuation of Existing Street</b>	<b>Location</b>	<b>Applicant</b>					
Thorburn Road	Off Serpentine Road, BT36	Kevin Cartin Architects					
3.4	Kevin Cartin, Architects have proposed a continuation of the road at Thorburn Road in order to accommodate 19 new dwellings including semi-detached dwellings and apartments.						
	<u>Financial &amp; Resource Implications</u>						
3.5	There are no Financial, Human Resources, Assets and other implications in this report.						
	<u>Equality or Good Relations Implications/Rural Needs Assessment</u>						
3.6	There are no direct Equality implications.						
<b>4.0</b>	<b>Appendices – Documents Attached</b>						
	None						



<b>Subject:</b>	Proposal for Dual Language Street Signs
<b>Date:</b>	14th January 2020
<b>Reporting Officer:</b>	Ian Harper, Building Control Manager
<b>Contact Officer:</b>	Roisin Adams, Business Coordinator

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

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

<b>1.0</b>	<b>Purpose of Report or Summary of main Issues</b>
1.1	To consider an application for the erection of dual language street signs for existing streets within the City.
<b>2.0</b>	<b>Recommendations</b>
2.1	As at least two thirds of the total numbers of persons surveyed in the streets are in favour of the proposal to erect a second street nameplate in Irish at Gortfin Street, Cavendish Square and Trostan Way. The Committee is recommended to approve the application.
<b>3.0</b>	<b>Main report</b>
3.1	<u>Key Issues</u> The power for the Council to consider applications to erect a second street nameplate in a language other than English is contained in Article 11 of the Local Government (Miscellaneous Provisions) (NI) Order 1995.
3.2	

3.3

Members are asked to consider the following applications to erect a second street nameplate showing the name of the street expressed in a language other than English. The second language is Irish.

English Name	Non- English Name	Location	Applicant	Persons surveyed
Gortfin Street	Sráid an Ghoirt Fhionn	Off Cavendish Street, BT12	Councillor Deirdre Hargey	23
Cavendish Square	Cearnóg Chaibhendis	Off Falls Road, BT12	Councillor Deirdre Hargey	24
Trostan Way	Bealach Throstáin	Off Dunmisk Park, BT11	Councillor Séanna Walsh	21

3.4

The translations were authenticated by Queens University, the approved translator for Belfast City Council.

3.5

In accordance with the Council's policy for the erection of dual language street signs surveys of all persons appearing on the Electoral Register for the above streets were carried out and the following responses were received.

3.6

**Gortfin Street, BT12**

16 people (70%) are in favour of the erection of a second street nameplate  
7 people (30%) did not respond to the survey

3.7

**Cavendish Square, BT12**

18 people (75%) are in favour of the erection of a second street nameplate  
6 people (25%) did not respond to the survey

3.8

**Trostan Way, BT11**

18 people (86%) are in favour of the erection of a second street nameplate  
3 people (14%) did not respond to the survey



3.9	The Council's policy on the erection of a second street nameplate requires that at least two thirds (66.6%) of the people surveyed must be in favour of the proposal to erect a second street sign in a language other than English.
3.10	<p><u>Financial &amp; Resource Implications</u></p> <p>There is a cost of approximately £400 to cover the cost of the manufacturing and erection of the dual language street signs. The cost for these street signs has been allowed for in the current budget.</p>
3.11	<p><u>Equality or Good Relations Implications/Rural Needs Assessment</u></p> <p>There are no direct equality/rural needs implications.</p>
<b>4.0</b>	<b>Appendices – Documents Attached</b>
	None

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<b>Subject:</b>	Food Standards Agency Audit of Belfast City Council's Food Law Enforcement Service
<b>Date:</b>	14 <sup>th</sup> January 2020
<b>Reporting Officer:</b>	Nigel Grimshaw, Director, City and Neighbourhood Services
<b>Contact Officer:</b>	Damian Connolly, City Protection Manager, Elizabeth Gilchrist, Senior Environmental Health Officer

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

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

<b>1.0</b>	<b>Purpose of Report or Summary of main Issues</b>
1.1	The Food Standards Agency as the central competent authority for food and feed regulation in the UK, is responsible in overseeing the official (food law) controls undertaken by district councils. As part of this role the FSA undertake focused audits of the standards of performance expected across the full range of district council's law enforcement activities.
1.2	On the 13-14 August 2019 the Food Standards Agency NI (FSANI) carried out a focused audit of Belfast City Council's implementation and operation of the Food Hygiene rating scheme under the Food Hygiene Rating Act (Northern Ireland) 2016.

1.3	The audit report (appendix 1) showed Belfast City Council to be in compliance with the requirements of the Food Hygiene Rating Act (Northern Ireland) 2016 and the procedures associated with it. FSA NI made no recommendations for action.
1.4	Members are asked to note the findings of the audit report.
<b>2.0</b>	<b>Recommendations</b>
2.1	The Committee is asked to <ul style="list-style-type: none"> <li>Note the findings of the FSA audit report.</li> </ul>
3.0	<b>Main report</b>
	<u>Key Issues</u>
3.1	The Food Hygiene Rating Act (Northern Ireland) 2016 (The Act) came into operation on 7th October 2016, and is operated by our food safety and port health officers in partnership with the Food Standard Agency.
3.2	The Act is designed to help consumers make an informed choice by providing information regarding the hygiene standards in restaurants, cafes, takeaways, hotels, supermarkets and other food premises.
3.3	The Act requires food businesses to display their food hygiene rating on a window sticker and their ratings are published online at <a href="http://food.gov.uk/ratings">food.gov.uk/ratings</a> . The Food hygiene ratings range between zero, indicating urgent improvement necessary and five indicating very good compliance.
3.4	The Act incorporates safeguards to ensure fairness to businesses. These include an appeal procedure, a 'right to reply' and a mechanism for requesting an inspection for re-rating purposes if improvements have been made and other conditions are met.
3.5	The Act requires the FSA to review the implementation and operation of The Act within the first three years of the commencement. The initial review must assess the adequacy of any time scales detailed in the Act and whether the appeals process and request for re-rating process are operating satisfactorily. As part of this review the FSA audit aimed to assess how the Act is operating in Belfast City Council. The audit included an assessment of the

	<p>Councils arrangements and records for service planning, delivery and review, provision and adequacy of officer training, authorisations and internal service monitoring arrangements.</p> <p>The Audit report confirmed the following findings:</p> <ol style="list-style-type: none"> <li>1. Belfast City Council had a comprehensive system in place for recording officers' competency and training</li> <li>2. The Council had introduced a scheme of delegation in 2015 and had clearly delegated authority to officers for the delivery of official controls</li> <li>3. The council had developed and implemented a documented procedure that described how internal monitoring was carried out within the food service. Comprehensive records were available for all of the activities covered by the procedure.</li> <li>4. Belfast City Council had a comprehensive system of policies and procedures that covered the range of control procedure subject areas listed in Annex II, Chapter II of regulation (EC) No 882/2004. These procedures covered all the required aspects of the Food Hygiene Rating Scheme (FHRS),</li> <li>5. The auditors found very good levels of detail in the records for interventions carried out at food establishments. An examination of the activities to support the operation of the FHRS indicted the Council had implemented a FHRS which provided clear communication to FBO's regarding the scheme, their FHR scores and how FBOs could request re-ratings and appeals.</li> <li>6. The Council had a comprehensive range of procedures that addressed all aspects of the enforcement activities which covered the FHRS. In all cases examined informal and formal enforcement action had been carried out in accordance with the Council's hierarchy of enforcement policy.</li> </ol> <p>3.6 No deficiencies were noted and no recommendations were made.</p> <p><u>Finance and Resource Implications</u></p> <p>3.7 None.</p> <p><u>Equality or Good Relations Implications/ Rural Needs Assessment</u></p> <p>3.8 There are no equality or good relations implications, there is no requirement for rural needs assessment</p>
<b>4.0</b>	<b>Appendices – Documents Attached</b>
	Appendix 1: Audit Report



# **Report on District Council Food Hygiene Rating Scheme implementation in Northern Ireland**



**Belfast  
City Council**

**13 – 14 August 2019**

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## 1.0 INTRODUCTION

### 1.1 Background

- 1.1.1 The primary purpose of Food Standards Agency (FSA) audits of Enforcement Authorities is to provide assurance that local delivery of official controls for feed and food is compliant with EU and UK legal requirements and official guidance.
- 1.1.2 In Northern Ireland, the power to set standards and monitor Enforcement Authorities' food law enforcement services was conferred on the FSA by The Food Standards Act 1999<sup>1</sup> and The Official Feed and Food Controls (Northern Ireland) Regulations 2009<sup>2</sup>. The audit was undertaken under section 12 of the Act and regulation 7 of the Regulations.
- 1.1.3 When conducting audits of competent authorities, the FSA follows the detailed guidelines set out in an EC Decision 2006/677/EC<sup>3</sup>.
- 1.1.4 The Framework Agreement on Local Authority (LA) Food Law Enforcement<sup>4</sup> sets out the arrangements through which the FSA audits LA enforcement activities to help ensure that LAs are providing an effective service to protect public health.
- 1.1.5 The overarching aims of the audit scheme are to:
- Help to protect public health by promoting effective local enforcement of food law
  - Maintain and improve consumer confidence
  - Assist in the identification and dissemination of good practice to aid consistency
  - Provide information to aid the formulation of FSA policy
  - Promote conformance with the '*Food Law Enforcement – Standard*' and any relevant central guidance or Codes of Practice
  - Provide a means to identify underperformance in LA food law enforcement
  - Promote self-regulation and peer review
  - Identify continuous improvement

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<sup>1</sup> [Food Standards Act 1999 c.28](#)

<sup>2</sup> [The Official Feed and Food Controls \(Northern Ireland\) Regulations 2009](#)

<sup>3</sup> [Commission Decision \(2006/677/EC\) of 29 September 2006 setting out the guidelines laying down criteria for the conduct of audits under Regulation \(EC\) No 882/2004 of the European Parliament and of the Council on official controls to verify compliance with feed and food law, animal health and animal welfare rules](#)

<sup>4</sup> [Chapter 5 of the Framework Agreement on Local Authority Food Law Enforcement: 'Audit Scheme'](#)

## **1.2 Reason for audit**

1.2.1 The Food Hygiene Rating Act (Northern Ireland) 2016 includes a requirement under section 14 for each DC to keep the operation of the Act under review and the FSA must, within three years of the commencement of the scheme becoming mandatory, review the operation of the Act throughout Northern Ireland.

1.2.2 Belfast City Council was selected for audit at this stage in the audit programme because:

- It was one of the newly formed councils not audited since its formation in 2015.
- It is representative of a council with a significant rural profile in Northern Ireland.

## **1.3 Scope and objectives of the audit programme**

1.3.1 The specific objectives of this audit programme are to:

- Review the operation of the Act as set out in section 14 of the Act, including -
  - How the act is operating in each District Council (DC) area
  - Notifying FBOs of food hygiene rating and re-rating
  - Providing the FBO with information following registration or application
  - The operation of the appeals mechanism (notifications, timing and the process around determining appeals)
- Review the process for ensuring FBOs duty to display rating is effective
- Review the fixed penalty notice process, including -
  - Use of hierarchy of enforcement
  - Issue of the fixed penalty notice
  - Compliance with notice
- Assist in the identification and dissemination of good practice to aid consistency
- Provide a means to identify under performance in DC's food law enforcement systems
- Provide information to aid the formulation of Agency policy

1.3.2 The audit includes the assessment of local arrangements for service planning, delivery and review, provision and adequacy of officer training and authorisations and internal service monitoring arrangements. Maintenance

and management of appropriate records in relation to the council's delivery of food law enforcement activities are also covered.

- 1.3.3 Three councils have been included in the audit programme that will run between June and August 2019.

#### **1.4 Audit criteria**

- 1.4.1 The audit criteria are the legislation, policies, procedures or other requirements used as a reference against which audit evidence is compared, i.e. the standard against which the auditee's activities are assessed. For the purposes of this audit these will be:

- The Food Hygiene Rating Act (Northern Ireland) 2016
- The Food Hygiene Rating Regulations (Northern Ireland) 2016
- Regulation (EC) No. 882/2004 of the European Parliament on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules
- Regulation (EC) No. 178/2002 of the European Parliament and of the Council laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety
- The Official Feed and Food Controls Regulations (Northern Ireland) 2009 (as amended), in so far as they relate to food
- Relevant Belfast City Council policies and procedures

#### **1.5 Overview of Belfast City Council**

- 1.5.1 Belfast City Council is Northern Ireland's smallest in terms of land area at approximately 132.5km<sup>25</sup>. It has a population of 341,877 people<sup>6</sup>. The population density the highest of all eleven councils at 2,581 people per km<sup>2</sup>. The city is the major centre for both employment and entertainment in Northern Ireland with two thirds of the population of Northern Ireland being within 50km of the city.
- 1.5.2 Within the city boundary is the Port of Belfast, Ireland's busiest port and a significant port within the United Kingdom. The area of the Port consists of 1,000 acres of water 2,000 acres of land and over 8,000 linear metres of quays. Around two thirds of Northern Ireland's seaborne trade, and a quarter

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<sup>5</sup> [office for National Statistics - Standard Area Measurements](#) Retrieved July 2019

<sup>6</sup> [NI Statistics and Research Agency - Components of Population Change](#) Retrieved July 2019

of that for Ireland as a whole, is handled at the port which receives almost 6000 vessels each year and over 24 million tonnes of cargo.

- 1.5.3 Belfast is Ireland's busiest ferry port with 1.5 million passengers and over half a million freight units annually and is also the leading dry bulk port with regards to imports of grain, animal feeds, coal, fertilizers and cement. Additionally, over 95% of Northern Ireland's petroleum and oil products are handled at the Port. The City has become one of the main cruise destinations in the UK attracting 115 cruise ship visits in 2018 carrying 185,000 passengers and generating around £24.5 million for the local economy.
- 1.5.4 There are approximately 3808 registered food establishments and 16 approved establishments in the district. These businesses include, hotels, restaurants, takeaways, manufacturers, retailers, wholesalers, and distributors/transporters.

## **2.0 EXECUTIVE SUMMARY**

- 2.1** Belfast City Council had a comprehensive system in place for recording food officers' competency and training.
- 2.2** The council had introduced a scheme of delegation in 2015 and had clearly delegated authority to officers for the delivery of official controls.
- 2.3** The council had developed and implemented a documented procedure that described how internal monitoring was carried out within the food service. Comprehensive records were available for all of the activities covered by the procedure.
- 2.4** Belfast City Council had a comprehensive system of policies and procedures that covered the range of control procedure subject areas listed in Annex II, Chapter II of Regulation (EC) No. 882/2004. These procedures covered all the required aspects of the Food Hygiene Rating Scheme (FHRS).
- 2.5** The auditors found very good levels of detail in the records for interventions carried out at food establishments. An examination of the activities to support the operation of the FHRS indicated the council had implemented a FHRS which provided clear communication to FBOs regarding the scheme, their FHR scores and how FBOs could request re-ratings and appeals.
- 2.6** The council had a comprehensive range of procedures that addressed all aspects of enforcement activities which covered the FHRS. In all cases examined, informal and formal enforcement action had been carried out in accordance with the council's hierarchy of enforcement policy.

### **3.0 AUDIT FINDINGS**

#### **3.1 Organisation and Management**

##### *Auditor Competence and Training*

- 3.1.1 Auditors examined specific training records for three food officers. All three officers had the required level of continuous professional development (CPD) as required by paragraph 4.10.1 of the Food Law Code of Practice (Northern Ireland) (FLCoP)<sup>7</sup>, and included activity specific training.
- 3.1.2 The officers had also provided evidence of qualifications as required by paragraph 4.4 of the FLCoP.
- 3.1.3 Belfast City Council had a system in place for recording each food officer's assessment of competency. The auditors specifically examined the competency assessment records for three food officers. Sufficient detail was provided in these records to provide the auditors with a very good insight into each of the officers' competencies and experience.
- 3.1.4 The competency assessment records covered the following areas:
- Inspection of food establishments
  - Use of enforcement sanctions
  - Sampling
  - Import and export controls
  - Reactive investigations

##### *Authorised Officers*

- 3.1.5 Belfast City Council's scheme of delegation had been implemented in March 2015 and was at version 2.2 as of January 2018. This scheme of delegation covered the process of delegating authority from the council to individual officers. The officers given delegated authority for food related legislation under this scheme of delegation were the Director of City and Neighbourhood Services and the Director of City Services.
- 3.1.6 The council had produced a list of legislation in appendix B of the scheme of delegation, which allowed these officers to be generally authorised under the Food Safety (Northern Ireland) Order 1991 (as amended) and the European Communities Act 1972.
- 3.1.7 The authorisations for three officers were examined. The auditors noted all officers were generally authorised in respect of the Food Safety (NI) Order 1991 and the Local Government Act (Northern Ireland) 2014 and specifically

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<sup>7</sup> [Northern Ireland Food Law Code of Practice](#)

under the Regulations relating to food made under the Act, including the Food Hygiene Regulations (NI) 2006, the Food Hygiene Rating Regulations (NI) 2016.

#### *Internal Monitoring*

- 3.1.8 The council had provided, as part of the PVQ, a documented procedure which described how the competence and activities of food officers was monitored.
- 3.1.9 Evidence of internal monitoring, including accompanied / joint inspections, the review of approved establishments, complaints about the food service, enforcement notices and staff meetings.

#### *Control Procedures*

- 3.1.10 Article 8 of Regulation (EC) No. 882/2004 states the competent authority shall carry out official controls in accordance with documented procedures. Belfast City Council had a comprehensive range of policies, procedures, forms and guidelines that covered the range of control procedure subject areas listed in Annex II, Chapter II of Regulation (EC) No. 882/2004.
- 3.1.11 In addition, the council had documented and implemented procedures for the following activities required for the effective functioning of official controls:
- Equipment maintenance and calibration
  - Food complaints
  - Maintenance of the food premises database
  - Document control

### **3.2 Delivery of the Food Hygiene Rating Scheme**

#### *Food Hygiene Interventions*

- 3.2.1 Records for eleven establishments were examined by the auditors. This examination included reports left with the FBO, checklists used to record details of inspections and communication / letters sent to FBOs.
- 3.2.2 In all cases appropriate levels of detail was recorded to indicate official controls had been carried out correctly and letters sent to FBOs following interventions were clear about legal requirements and advice.

#### *FHRS*

- 3.2.3 The FSA produced guidance for district councils on the implementation and operation of the FHRS, called '*Implementation and operation of the statutory Food Hygiene Rating Scheme in Northern Ireland. Guidance for district*

*councils*<sup>8</sup>. District councils are required to follow this statutory guidance at all times to ensure its consistent implementation and operation of the FHRS.

- 3.2.4 When examining the records for the eleven establishments the auditors specifically reviewed the council's activities in relation to FHRS from 2016 until the present.
- 3.2.5 In each relevant case we examined how the council providing the FBO with information following registration or application, how they notified and explained to the FBO their food hygiene rating or a re-rating after an intervention.
- 3.2.6 A FHRS rating can only be given following specific interventions, namely an inspection, partial inspection or audit in line with the Food Law Code of Practice (Northern Ireland). The rating is based on the food hygiene scoring system found in section 5.6.1 of this code.
- 3.2.7 The following elements of the 'food hygiene intervention rating scheme' are relevant to calculating the food hygiene rating:
- level of (current) compliance with food hygiene and safety procedures (including food handling practices and procedures, and temperature control)
  - level of (current) compliance with structural requirements (including cleanliness, layout, condition of structure, lighting, ventilation, facilities etc.)
  - confidence in management/control procedures
- 3.2.8 The auditors reviewed the food hygiene rating given at each relevant intervention carried out in the eight establishments since the statutory FHRS was implemented in October 2016. After discussing the ratings and re-ratings given by officers during interventions, particularly the score for confidence in management, the auditors were satisfied the FHR scores were appropriate in all cases.
- 3.2.9 The council's operation of the FHRS appeals mechanism, including how an FBO can appeal a FHR score, the timing and the process around determining appeals was examined and found to be suitable to achieve the purposes of the scheme.
- 3.2.10 We examined Belfast City Council process for two FHRS appeal and the auditors noted both appeals had been suitably processed.

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<sup>8</sup> <https://signin.riams.org/connect/revision/so05m/Environmental-Health/Statutory-FHRS-in-Northern-Ireland-Guidance-for-district-councils>



### *Enforcement*

- 3.2.11 Belfast City Council had provided the auditors with a comprehensive range of procedures that addressed all aspects of potential enforcement activities, including how they resolve breaches of the Food Hygiene Rating Act (Northern Ireland) 2016 through the hierarchy of enforcement. This ranged from informal, through the issue of FHRS warning letters, to formal enforcement, through the issue of Fixed Penalty Notices (FPN).
- 3.2.12 Section 11 of the Act gives authorised officers the discretion to issue FPN in respect of offences under sections:
- 10(1) - failure to display a valid FHR sticker or
  - 10(2) - displaying an invalid FHR sticker
- 3.2.13 The Council provided the details of the number of FHRS warning letters and FPNs they had issued in the last two years as part of the audit PVQ. One hundred and twenty warning letters were issued to ninety-seven FBOs between August 2017 and July 2019.
- 3.2.14 The auditors examined the records for four FHRS Fixed Penalty Notice and found the notices had been served in accordance with the council's procedures and the FHRS guidance.
- 3.2.15 From discussion with the Council the auditors noted they had procedures consistent with other enforcement units in the Council in the use of FPN which encouraged the use of reminder letters in the event of non-payment and acceptance of late payments in order to secure high payment rates and avoid prosecution.

### *FHRS Complaints*

- 3.2.16 Belfast City Council had a food complaints procedure which also covered complaints in relation the FHRS. Six complaints relating to the FHRS were examined. All six complaints had been suitably investigated by council officers.

**Auditors:** Kevin Nagle  
Audit Manager  
Consumer Protection Team

Craig Leeman  
Senior Advisor  
Consumer Protection Team

**Technical Expert:** Mark O'Neill  
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[www.food.gov.uk](http://www.food.gov.uk)

[www.food.gov.uk/other/local-authority-audits](http://www.food.gov.uk/other/local-authority-audits)

## Annexe A - Glossary

Audit	Audit means a systematic and independent examination to determine whether activities and related results comply with planned arrangements and whether these arrangements are implemented effectively and are suitable to achieve objectives.
Authorised Officer	A suitably qualified officer who is authorised by the Local Authority to act on its behalf in, for example, the enforcement of legislation.
Environmental Health Officer (EHO)	Officer employed by the local authority to enforce food safety legislation.
Food Business Operator (FBO)	This refers to the natural or legal persons responsible for ensuring that the requirements of food law are met within the food business under their control.
Food hygiene	The legal requirements covering the safety and wholesomeness of food.
FHRS	Food Hygiene Rating Scheme
Food Law Code of Practice (Northern Ireland) April 2016 (FLCoP)	Article 39 of the Food Safety (NI) Order 1991 (the Order), Regulation 22 of the Food Hygiene Regulations (NI) 2006 and Regulation 6 of the Official Feed and Food Controls Regulations (NI) 2009, which empower the Department of Health Social Services and Public Safety to issue codes of practice concerning the execution and enforcement of that legislation by district councils. This code is issued as guidance to competent authorities on the enforcement of food legislation. It relates to Northern Ireland only.
Food Standards Agency (FSA)	The Food Standards Agency is an independent Government department set up by an Act of Parliament in 2000 to protect the public's health and consumer interests in relation to food.  Everything we do reflects our vision of Safe Food and Healthy Eating for all.

<p>Framework Agreement</p>	<p>The Framework Agreement consists of:                      Chapter One Service Planning Guidance                      Chapter Two The Standard                      Chapter Three Monitoring of Local Authorities                      Chapter Four Audit Scheme for Local Authorities                      The Standard sets out the Agency's expectations on the planning and delivery of food law enforcement.</p>
<p>Local Authority (LA)</p>	<p>An organization that is officially responsible for all the public services and facilities in a particular area.</p>
<p>Food Law Practice Guidance (Northern Ireland) October 2016 (FLPG)</p>	<p>Guidance issued by the Food Standards Agency to assist district councils with the discharge of their statutory duty to enforce the Food Safety (NI) Order 1991, Regulations made under it, and food law made under the European Communities Act 1972.</p>
<p>Pre-visit Questionnaire (PVQ)</p>	<p>Used by FSA auditors to request information prior to an <i>audit visit</i>, to maximise the effectiveness of the time spent with a Local Authority.</p>
<p>Risk rating</p>	<p>A system that rates food premises according to risk and determines how frequently those premises should be inspected. For example, high risk premises should be inspected at least every 6 months.</p>
<p>Service Plan</p>	<p>A document produced by a Local Authority setting out their plans on providing and delivering a food service to the local community.</p>



<b>Subject:</b>	Update on Fly-Tipping and New Legislative Powers
<b>Date:</b>	14 <sup>th</sup> January 2020
<b>Reporting Officer:</b>	Nigel Grimshaw, Strategic Director, City and Neighbourhood Services
<b>Contact Officer:</b>	Siobhan Toland, Director of City Services Vivienne Donnelly, City Protection Manager

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

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

<b>1.0</b>	<b>Purpose of Report or Summary of main Issues</b>
1.1	<p>The purpose of this report is to update the Committee on the Notice of Motion that was brought to Council on the 5th March 2019 regarding the Council's approach to dealing with fly tipping throughout the city. The motion, proposed by Councillor Murphy, was as follows:</p> <p><b>"This Council notes the frustration caused by fly tipping across the city and the visual impact it has on local areas.</b></p> <p><b>Councils are responsible for the enforcement and policing of fly tipping and currently we can only enforce this by checking through what has been dumped and getting names and addresses from that. This can carry a fine of up to £2,500.</b></p>

1.2	<p><b>We are asking for Council to review its current processes for dealing with fly tipping particularly around enforcement. In order to do this, we should look at models of best practice from elsewhere.</b></p> <p><b>This review should come back to committee for us to explore the findings and plan a new way forward that will see us tackle the issue of fly-tipping in a more efficient manner.”</b></p> <p>In addressing the Notice of Motion this report includes the following elements:</p> <ul style="list-style-type: none"> <li>(i) The legal powers to deal with fly-tipping;</li> <li>(ii) Current operational practices;</li> <li>(iii) Research on approaches by other Councils;</li> <li>(iv) A proposed future approach to deal with fly-tipping.</li> <li>(v) An update on pending legislative powers for Councils regarding fly-tipping</li> </ul>
<b>2.0</b>	<b>Recommendations</b>
2.1	<p>Members are asked to;</p> <ul style="list-style-type: none"> <li>• note the update provided in this report.</li> </ul>
<b>3.0</b>	<b>Main Report</b>
3.1          3.2	<p><b><u>Key Issues</u></b></p> <p>In 2003, the powers to deal with fly-tipped waste under the Waste and Contaminated Land (NI) Order 1997 were removed from Councils and transferred to the Environmental Crime Unit of the Northern Ireland Environment Agency (NIEA). In the absence of the primary powers contained within the Waste and Contaminated Land (NI) Order 1997 for which there are fines upon conviction up to £50,000 and up to 6 months imprisonment, some Councils including Belfast City Council have attempted to deal with fly-tipping through the use of The Litter (NI) Order 1994 which has limited sanctions including the issue of £80 fixed penalty notices and carries a sentence upon conviction up to a maximum of £2500.</p> <p>The Environmental Crime Unit of NIEA has advised Councils that it has a limited resource to deal with illegal waste activities and has therefore concentrated its resources on the larger scale and organised crime relating to illegal waste activity. This has resulted in a void in effectively tackling and apprehending illegal dumping activity. This not only has a serious detrimental impact on the locality but allows offenders to continue without the prospect of apprehension.</p>

3.3 The Council has a team of nine enforcement officers who adopt a robust approach to dealing with incidents of fly-tipping using the limited powers available under the Litter (NI) Order 1994. Enforcement officers will investigate any case of fly-tipping which includes any waste that is found in entries, streets or on any land open to the air throughout the Council area, for example, bagged waste, cardboard, packaging etc. Where there is sufficient evidence to progress such cases, a fixed penalty notice will be issued. The officers work in geographic areas and proactively monitor their assigned areas for illegal waste deposits, however, it is widely acknowledged that the detection of fly-tipping activity together with obtaining sufficient evidence is challenging as these illegal activities tend to occur in remote areas under the hours of darkness. The table below indicates the level of enforcement activity that has been undertaken by the Council's enforcement team within the past five years.

3.4 **Enforcement Activity 2014-2019**

Year	2014	2015	2016	2017	2018	2019
<b>Investigations into Fly-tipping</b>	2921	3120	2338	1919	2376	1967
<b>Fixed Penalties Issued (For Fly-Tipping)</b>	661	837	742	619	814	713

3.5 Models of best practice include the deployment of surveillance cameras to assist in the detection of environmental crime and the enforcement team has previously deployed covert cameras in hotspot areas in an attempt to detect offenders, however this activity ceased when there were changes to the legislation which meant that investigations were no longer compliant. The use of any cameras to undertake surveillance activities is governed by stringent rules under the Regulation of Investigatory Powers Act 2000 ("RIPA") and the Council complied with the requirements of RIPA when undertaking covert activity and when the covert cameras were deployed. Such activities were only permissible for the more persistent fly-tipping activity and were undertaken in accordance with legal advice, which stated that we were required to comply with RIPA for this type of surveillance.

3.6 The Council made approximately 13 RIPA requests from 2006 to 2011 to carry out directed surveillance under RIPA for the deployment of covert cameras at hot spots for the illegal deposit of waste for short periods of time, ranging from 2 to 5 days. The use of this technology did not provide any useful evidence at the sites when deployed and there were particular challenges in deploying such equipment in built up areas within a

	<p>city environment due to possible theft or vandalism of the cameras. Visibility at night time was also reduced using the available camera technology at that time.</p>
3.7	<p>The rules governing RIPA changed with the introduction of the Protection of Freedoms Act 2012, which imposed more stringent conditions around the deployment of covert cameras. The Council's use of covert cameras to investigate fly tipping offences under The Litter (NI) Order 1994 was no longer permissible under the new legislation and the practice of deploying covert cameras ceased.</p>
3.8	<p>Following receipt of the above Notice of Motion, a bench marking exercise was undertaken with eight councils in Northern Ireland to determine if they were using any technology to assist in the detection of fly-tipping activity within their respective areas. The following information was established.</p> <ul style="list-style-type: none"> <li>• Five out of the eight councils deployed some form of CCTV surveillance within their council areas at hotspot locations to detect fly-tipping activity.</li> <li>• Three out of the eight councils did not undertake CCTV surveillance due to cost constraints and the perceived lack of useful evidence to take further action.</li> <li>• Three out of the five councils that did use cameras, used them in an overt way, along with signage. Out of the three councils only one council indicated that they had been able to issue fixed penalty notices as a result of the use of the cameras. The other two councils indicated that the cameras acted as a deterrent but did not yield any evidence that could be used against the perpetrators.</li> <li>• Two out of the five councils used signage and covertly placed cameras which resulted in either fixed penalty notices or legal proceedings.</li> </ul>
3.9	<p>In addition to bench marking with other Councils, a legal opinion on the use of cameras was sought to clarify how cameras could be deployed to detect fly-tipping offences whilst ensuring that we complied with our legal duties under RIPA and any other associated legislation aimed at protecting the privacy of individuals.</p>
3.10	<p>The legal opinion has provided some clarity on the use of cameras to detect fly-tipping offences and the advice is sufficient for officers to consider the deployment of cameras at some hotspot locations.</p>
3.11	<p>In light of the legal opinion, officers will explore the options for deployment of cameras at sites where there is persistent fly-tipping activity with a view to undertaking some</p>



	<p>monitoring at those sites. This can be done providing adequate signage is displayed stating that cameras are deployed for the purposes of detecting fly-tipping activity.</p>
3.12	<p>Council officers have recently received notification from the NIEA that the Department of Agriculture, Environment and Rural Affairs intends to bring forward a Commencement Order on the 20<sup>th</sup> February 2020 which will give Councils the same powers that are available to the NIEA to address illegal waste disposal under Articles 4 &amp; 5 of the Waste and Contaminated Land Order 1997.</p>
3.13	<p>The Department previously consulted with Councils on the proposed changes to the legislation in 2009 and the new powers that will enable Councils to prosecute for the illegal disposal of waste and to prosecute for duty of care offences. A further report will be brought to Committee in the next few months to outline the new powers and sanctions available to Council. Under the new powers, Councils will have the powers to issue fixed penalty notices in respect of fly-tipping and duty of care offences. <b>The Council will be making representation to DAERA in respect of the need for additional funding to carry out this function</b></p>
3.14	<p>The introduction of dual responsibilities between the Councils and the NIEA requires a partnership working arrangement to ensure that the function is managed with clear lines of responsibility and that there is a demarcation of roles between the two enforcement bodies. In advance of commencing the legislation, the Department has written to all Councils seeking each Council to commit to a “Fly-Tipping Protocol” which sets the operational framework between the NIEA and the Councils regarding enforcement roles.</p>
3.15	<p>Under these arrangements, Councils will investigate illegal waste deposits less than 20 cubic metres and the NIEA will investigate waste deposits exceeding 20 cubic metres and all hazardous waste deposits. Councils will also be required to provide quarterly statistical returns to DAERA as part of this agreement; BCC would require significant additional resources to enable it to provide the necessary statistics. We are not therefore proposing to commit to the protocol. However the Council welcomes the additional powers available to it under the Waste and Contaminated Land (NI) Order 1997 and will work within the principles of the protocol and in partnership with the NIEA to ensure that we adopt a seamless approach in our response to illegal waste disposal in the Belfast City Council area.</p>
	<p><b><u>Financial &amp; Resource Implications</u></b></p>
3.16	<p>The deployment of surveillance cameras to detect fly-tipping activity will require additional resources. Detailed costs will need to be established through a quotation exercise and we will keep this under review.</p>

3.17	The enforcement of the new powers under the Waste and Contaminated Land (Northern Ireland) Order 1997 will be undertaken within existing budgets and resources.
3.18	However the additional responsibilities and the potential for an increase in complaints could have an impact on revenue budgets and representations will be made to DAERA in respect of the need for additional funding to carry out this function.
3.19	<p><b><u>Equality or Good Relations Implications/ Rural Needs Assessment</u></b></p> <p>None</p>
<b>4.0</b>	<b>Appendices – Documents Attached</b>
	None



## Foundation

City and Neighborhoods Department  
 Cecil Ward Building  
 4-10 Linenhall Street  
 Belfast  
 BT2 8BP

Dear Mr Ryan Black,

Since June 2014 the Irish FA foundation have been grateful for Belfast City Council support in the delivery of an annual Super Schools Festival at Mallusk Playing Fields. This festival has focused on offering girls aged between 11 and 15 the opportunity to play in a structured football competition. This event has grown from year to year attracting up to 1,400 players and approximately 80 schools from across Northern Ireland. Approximately 25% of these participants have been from Belfast based schools.

Belfast City Council has supported this event for five years through waiving pitch hire costs. A committee paper was approved in 2016 for free use of pitches (covering three consecutive years). The Irish FA Foundation would like to request similar support for the forthcoming year. In 2020 we hope to extend the programme to include other under-represented groups, reflecting the Irish FA's 'Let Them Play' strategy and engaging with many of the groups within section 75.

The proposed event for next year is outlined in the table below:

	Day (9am – 3pm)		Evening (6pm – 9pm)	
<b>Tuesday 16<sup>th</sup> June 2020</b>	Set-up (marking pitches)		None (pitches will be set-up)	
<b>Wednesday 17<sup>th</sup> June 2020</b>	Primary School (Boys & Girls)	1000 participants (50% girls & 50% boys)	Junior Clubs (Boys & Girls)	1000 participants (50% Girls & 50% Boys)
<b>Thursday 18<sup>th</sup> June 2020</b>	Girls Post Primary (Super Schools Day)	1400 participants	Back in the Game (Men & Women)	250 participants (Target 100 Women)
			Football for All (BME groups)	250 participants
<b>Friday 19<sup>th</sup> June 2020</b>	Disability Schools	100 participants	Event Dismantle	
	Walking Football	100 participants		



Foundation

### **Target Outcomes**

As outlined above we hope to create approximately 4,100 participation opportunities for under-represented groups such as, Under 16's (3,500 opportunities), females (2,500 opportunities), People with a Disability (100 opportunities), over 55 (at least 100 opportunities), ethnic minority (250 opportunities). We also hope to use this festival to engage with partners and showcase other Irish FA and Irish FA Foundation initiatives such as, SCBI education programme, UEFA 2020 Under 19 tournament, our Peace 4 programme in conjunction with Ulster GAA and Ulster Rugby and our mental health programme "Ahead of the Game".

### **Proposed Request**

The FA Foundation would like to request free use of pitches at Mallusk Playing Fields across the two-and-a-half-day event, plus one additional day for set-up. The event will require use of 18 small sided marked pitches and the use of goals stored at Mallusk Playing Fields. The Irish FA Foundation is aware that this is during a period the pitches are not open for regular football bookings. However, following conversations with Parks staff, we understand that 18 small sided pitches can be marked out in an area that will not impact on summer bookings such as cricket and will allow for pitch maintenance to continue.

I would appreciate your consideration of this request. If you require any further information please do not hesitate to contact me on [michael.boyd@irishfa.com](mailto:michael.boyd@irishfa.com)

Yours sincerely,

Michael Boyd  
Director of Football Development



<b>Subject:</b>	Football for All - Request for The Use of Belfast Playing Fields (Mallusk)
<b>Date:</b>	14 January 2020
<b>Reporting Officer:</b>	Nigel Grimshaw, Director of City & Neighbourhood Services
<b>Contact Officer:</b>	Brian McKinley, Events Officer

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

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

<b>1.0</b>	<b>Purpose of Report or Summary of main Issues</b>
1.1	<p>The Committee is asked to note that the Council has received a request from:</p> <p>Irish Football Association (IFA) for the use of the City of the Belfast Playing Fields (Mallusk).</p> <p>The IFA intend to host a Football For All Festival from Tuesday 16 to Friday 19 June 2020.</p> <ul style="list-style-type: none"><li>• The event will result in the closure of a substantial proportion of the facility.</li><li>• The event will take place over more than 3 days.</li></ul>
<b>2.0</b>	<b>Recommendations</b>
2.1	<p>The Committee is asked to approve;</p> <ul style="list-style-type: none"><li>• the IFA event at the City of Belfast Playing Fields (Mallusk), subject to the completion of the appropriate Event Management Plans and satisfactory terms being</li></ul>

	<p>agreed by the Director of City &amp; Neighbourhood Services and on the condition that the Event Organiser:</p> <ul style="list-style-type: none"> <li>• resolves all operational issues to the Council’s satisfaction;</li> <li>• meets all statutory requirements including Public Liability Insurance cover and Health and Safety; and</li> <li>• shall consult with adjoining public bodies and local communities as necessary.</li> </ul> <p>The committee is also asked to approve :</p> <ul style="list-style-type: none"> <li>• That the event organisers are given free use of the pitches and ancillary facilities.</li> <li>• That the event organisers are given free use of the pitches and ancillary facilities annually for their Football for All Festival for a further three years, subject to the completion of an event management plan and all other appropriate paperwork for each event.</li> </ul>
<b>3.0</b>	<b>Main report</b>
	<p><u>Key Issues</u></p> <p>3.1 The event is funded through the FA Foundation and it is estimated that the event will attract approximately 4’500 participants. Day time events will include participation from primary, secondary and disability schools. Evening event will include participation from disability clubs, walking football groups and multi-cultural groups from the BME community. Age range from primary school age to over 55 years.</p> <p>3.2 The IFA hopes that this festival will build on the success of the Super Schools Festival, which has been delivered at Mallusk for six consecutive years. The purpose of the expansion is to enhance and promote ‘Football for All’ supporting inclusive participation across a wide age range, ability level supporting cross community and multi-cultural engagement. The sheer size of the location allows the efficient and effective running of the festival.</p> <p>3.3 The event organiser has requested in kind support which is in the form of a waiver of the hire charges.</p> <p>3.4 The teams will also need access to the changing and toilet facilities.</p> <p>3.5 The organiser has requested that 18 small sided pitches be marked out but this will have no impact on the users as the event is scheduled to take place during the closed season.</p>

3.6	<p>The Event Organisers will be required to submit an Event Management Plan and all the appropriate paperwork to the Council prior to their event, in a timely manner.</p> <p><u>Financial &amp; Resource Implications</u></p> <p>3.7 There are financial implications associated with the granting of free use of the pitches and ancillary facilities. It is estimated that the loss of income would be in the region of £663; however the pitches are not open for regular soccer bookings at this time so the loss of income is not pertinent.</p> <p><u>Human</u></p> <p>3.8 There will be man hours of approximately 32 hours (£480) and material costs of approximately £60 to mark out the required pitches. A total cost of £540, this can be covered in existing budgets.</p> <p>3.9 <u>Equality or Good Relations Implications/Rural Needs Assessment</u> No known implications. Programme promotes inclusiveness and engages with section 75 groups.</p>
4.0	<b>Appendices – Documents Attached</b>
	Appendix 1 – Letter from Michael Boyd, IFA

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<b>Subject:</b>	Invite to compete in Britain in Bloom Awards 2020 and Ireland's Best Kept Awards in 2020.
<b>Date:</b>	14 January 2020
<b>Reporting Officer:</b>	Nigel Grimshaw, Strategic Director of City and Neighbourhoods Department
<b>Contact Officer:</b>	Ryan Black, Director of City and Neighbourhoods Department

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

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

<b>1.0</b>	<b>Purpose of Report or Summary of main Issues</b>
1.1	To inform Elected Members of invitations to enter the Finals of Britain in Bloom Competition and to enter the finals of Ireland's Best Kept Awards Scheme. Belfast will be entered in the City category of each awards competition.
<b>2.0</b>	<b>Recommendations</b>
2.1	The Committee is asked to <ul style="list-style-type: none"> <li>note the entry of the City of Belfast to the annual Britain in Bloom competition in August 2020 and the Ireland Best Kept Awards Competition in 2020</li> </ul>
<b>3.0</b>	<b>Main report</b>
3.1	The City of Belfast was awarded Best Kept City in the Northern Ireland Amenity Council Awards Competition in 2019. The Northern Ireland Amenity Council, sponsored by George

	<p>Best City Airport have therefore invited the City of Belfast to be entered into Ireland's Best Kept Awards competition. Belfast will be entered in the City Category of the Awards Competition. This prestigious competition is held every year. The Awards Presentation will be held in Belfast City Council's Malone House on Tuesday 23 June 2020</p>
3.2	<p>In addition, Ulster in Bloom, organised by Northern Ireland Local Government Association and sponsored by Translink, have invited the City of Belfast to be entered into the finals of the national Britain in Bloom competition in 2020 (invitation at Appendix A). This prestigious competition is held every year. There are approximately 75 entrants who qualify for the final judging, based on different categories including Villages, Towns and Cities etc.</p> <p>There are four categories of awards - Bronze, Silver, Silver Gilt and Gold with Gold being the highest award achievable. The City of Belfast was awarded Silver Gilt in 2017, and received top awards of Gold in 2016 and 2018 – no entry to the 2019 competition was submitted.</p>
3.3	<p>Judges visit the City for over the summer period and judge the City.</p> <p>Judging criteria is based on three elements:</p> <ul style="list-style-type: none"> <li>• Horticulture 40%</li> <li>• Community involvement 30%</li> <li>• Environment 30%</li> </ul>
3.4	<p>As in previous years, a project team involving Council officers, statutory agencies, community groups and Friends Groups will be established to prepare the City for judging. An immense amount of work and organisation will be required to ensure the City is ready as a range of elements are taken into consideration by the judges. Areas being judged must be clean of graffiti and litter, have high quality horticulture on display in our Parks, have colourful and well maintained hanging baskets, and demonstrate recycling and eco-friendly policies to minimise any impact to the environment.</p>
3.5	<p><u>Financial &amp; Resource Implications</u></p> <p>Financial resource will be required in connection with attendance at the awards ceremony in 2020 at a cost of approximately £600. There will be other financial resources required to prepare the city for judging and this will be allocated from existing revenue budgets.</p>

	<u>Equality, Rural proofing or Good Relations Implications</u>
3.6	There are no equality, rural proofing or good relations issues associated with this report.
<b>4.0</b>	<b>Documents Attached</b>
	Appendix 1: Request from NILGA to enter Britain in Bloom 2020 and competition guidelines

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Councillor John Finucane  
Lord Mayor  
Belfast City Council  
Lord Mayor's Office  
Belfast City Hall  
Belfast  
BT1  
5GS



19<sup>th</sup> October 2019

**RE: BRITAIN IN BLOOM 2020**

Dear Councillor Finucane

On behalf of the Northern Ireland Local Government Association, congratulations on your council's continued success in the Translink Ulster in Bloom competition.

To take the success further, we are planning - with your council's support – to nominate Belfast City to represent Northern Ireland in the City Category of the 2020 Royal Horticultural Society, Britain in Bloom Competition.

*Please note - all nominations are subject to RHS approval, RHS nomination guidelines attached.*

We believe the Translink Ulster in Bloom Competition has made a major contribution to the community, environmental and economic improvement of Northern Ireland. In association with Britain in Bloom, it has generated hugely positive coverage for councils, and all involved.

It's been a tremendous experience working with your communities, your officers and members on this In Bloom work, so renewed thanks and I look forward to your corporate decision. If this can be provided for decision to Council or an appropriate Standing Committee, we'd be most grateful.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Derek McCallan'.

**Derek McCallan**

Chief Executive, Northern Ireland Local Government Association

*Cc. Ms Suzanne Wylie, Chief Executive, Belfast City Council & Mr Ricky Rice, City Parks Manager, Belfast City Council.*

*Att. RHS Britain in Bloom nomination guidelines.*



## **RHS Britain in Bloom UK Finals 2020**

### **1. The Nomination Process**

- Each Region or Nation may nominate up to five entries.
- Nominations can be into any category, but not more than one entry into each.
- Nominations should be from a corresponding Regional category.
  - BIDs, and Town Centres & City Centres can be from any of these three corresponding Regional categories.
  - London Village and Town entries can be entered into the Village or Town category that reflects their electoral role numbers.
- All nominations are provisional until confirmed by the RHS.
- The management of the balancing of entries into categories shall be in the hands of the RHS.
  - No category shall run with less than three entries, or more than ten entries.
  - Where a category has less than three entries, a second round of nominations may be offered.
  - Second round nominations into undersubscribed categories will be offered out to Regions and Nations based on the total number of core category entries for the previous year, with priority given to those Regions with the highest number of entries.
  - If insufficient entries are nominated into a specific category in a particular year, that category will not run in the UK Finals in that year.
  - If the nominations for any category exceeds ten entries, then the RHS will open a process of negotiations with Regions & Nations – e.g. to see whether a town entry could be moved into the BIDs, and Town Centres & City Centres category, etc.
- Category winners will be excluded from re-entering the UK finals for one year.
- Please note Champion of Champions will not be running as a separate category this year. Instead a 'Champion of Champions', i.e. an overall winner, will be selected from the cohort of regular 2020 entrants.

### **2. The 2020 Categories & Judging Allocations**

Band/Category	Electoral Roll	Judging Allocation
<b>Villages</b>		
Village	1 - 1,000	1 hour
Large Village	1,001 - 2,500	1 hour 30 minutes
<b>Towns</b>		
Small Town	2,501 - 6,000	2 hours
Town	6,001 - 12,000	2 hours 30 minutes
Large Town	12,001 - 35,000	3 hours
<b>Cities</b>		
Small City	35,001 - 100,000	3 hours 30 minutes
City	100,001 and over	4 hours
<b>Urban</b>		
Urban Community <sup>a</sup>	0 - 25,000	2 hours 30 minutes
BIDs <sup>b</sup> and Town Centres & City Centres	N/A	2 hours
<b>Coastal<sup>c</sup></b>		
Coastal (12,000 and below)	12,000 and below	2 hours 30 minutes
Large Coastal (12,001 and above)	12,001 and above	3 hours

**PLEASE NOTE:** The above allocations **do not** include the 15-minute press call nor the 15-minute presentation.

- a. A **BID entry** must be an official business improvement district; a business improvement district is a defined area within which businesses pay an additional tax (or levy) in order to fund projects within the district's boundaries. For a list of bona fide BIDs please visit the UKBIDS website on [www.ukbids.org](http://www.ukbids.org). Town or City Centres are also welcome to enter this category.
- b. An **urban community** must be an identifiable community within a larger conurbation (sometimes described as an urban 'village or town'). It must have its own sense of identity and have its own "Bloom" group (a group dedicated to leading the "in Bloom" initiative locally). An urban community may not have its own Council, or be able to stand alone, but it will have its own 'sense of place'.
- c. A **coastal** entry is a coastal community by a sea or estuary.

### 3. Support and Information

If you require support or additional information about the 2020 nomination process then please do not hesitate to contact the RHS Communities Team via telephone 0207 8213122 or email [communities@rhs.org.uk](mailto:communities@rhs.org.uk).





<b>Subject:</b>	Request for the use of Cregagh Green.
<b>Date:</b>	14 January 2020
<b>Reporting Officer:</b>	Nigel Grimshaw, Strategic Director of City & Neighbourhood Services
<b>Contact Officers:</b>	Ryan Black, Director of Neighbourhood Services Brian McKinley, Events Officer

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

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

<b>1.0</b>	<b>Purpose of Report or Summary of main Issues</b>
1.1	The Committee is asked to note that the Council has received a request from Belfast Junior County Lodge (Orange Order of Belfast) to host their “Annual Easter Tuesday Parade” at Cregagh Green on Tuesday 14 April 2020, from 9am to 6pm. The event will require the closure of Cregagh Green.
<b>2.0</b>	<b>Recommendations</b>
2.1	The Committee is asked to consider a request from the Belfast Junior County Lodge to hold their “Annual Easter Tuesday Parade” at Cregagh Green on Tuesday 14 April 2020.
2.2	Any approval will be subject to the completion of the appropriate Event Management Plans and satisfactory terms being agreed by the Strategic Director of City and Neighbourhood Services and on the condition that the Event Organisers will: <ul style="list-style-type: none"> <li>• resolve all operational issues to the Council's satisfaction;</li> </ul>

	<ul style="list-style-type: none"> <li>• meet all statutory requirements including Public Liability Insurance cover, Health and Safety, and licensing responsibilities; and</li> <li>• consult with adjoining public bodies and local communities as necessary.</li> <li>• enter into an appropriate legal agreement – Reinstatement Bond.</li> <li>• process the timely payment of any agreed bond as required in the legal agreement.</li> </ul>
<b>3.0</b>	<b>Main report</b>
	<u>Key Issues</u>
3.1	The organisers intend to bring food vendors, market stalls, fun rides, inflatables and gazebos to the event. Organisers estimate that 3,000 people will attend the event. The organisers will provide toilets, car parking, first aid cover and stewards for the event. Set up will commence at 9am, with the main event taking place between 12noon and 5pm. The event will be dismantled and the site will be clear by 6pm.
3.2	The event will result in the closure of Cregagh Green.
3.3	There will be no sale of alcohol at this event.
	<u>Financial &amp; Resource Implications</u>
3.4	There may be a requirement to have additional staff on site to facilitate this event and if so then costs will be charged to the event organiser. Also, a Reinstatement Bond will be required to be paid to the council before the event to cover any reinstatement of grounds after the event: this bond will be £1,000.
	<u>Equality or Good Relations Implications/Rural Needs Assessment</u>
3.5	There are no known implications.
<b>4.0</b>	<b>Appendices – Documents Attached</b>
	None.



<b>Subject:</b>	Houses in Multiple Occupation Licensing Scheme operational and monitoring arrangements
<b>Date:</b>	14 January 2020
<b>Reporting Officer:</b>	Nigel Grimshaw, Strategic Director of City & Neighbourhood Services Siobhan Toland, Director of City Services
<b>Contact Officer:</b>	Valerie Brown, City Services Manager

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

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

<b>1.0</b>	<b>Purpose of Report</b>
1.1	The Houses in Multiple Occupation (HMO) Act NI 2016 was commenced on 1 <sup>st</sup> April 2019. Staff from the Northern Ireland Housing Executive transferred to BCC on 01 April, and since then the HMO Unit has been administering and delivering the new HMO Licencing Scheme function for all councils in Northern Ireland.
1.2	In order to provide this service, a series of documents have been developed to formalise the working relationship with the Department for Communities and between councils.

1.3	These include three Service Level Agreements (for operational roles and responsibilities, legal services, and ICT provision), data processing agreements, and a Memorandum of Understanding between the councils and the Department.
1.4	This report provides further detail regarding these documents.
<b>2.0</b>	<b>Recommendations</b>
2.1	<p>The Committee is asked to;</p> <ul style="list-style-type: none"> <li>• note the operational and monitoring agreements for administrating and implementing the Northern Ireland HMO Licensing Scheme.</li> </ul>
<b>3.0</b>	<b>Main report</b>
3.1	<p><u>Key Issues</u></p> <p>Members are reminded that the Houses in Multiple Occupation (HMO) Act NI 2016 received Royal Assent on 12<sup>th</sup> May 2016 and was commenced on 1<sup>st</sup> April 2019. This transferred responsibility for regulating HMOs from the Northern Ireland Housing Executive (NIHE) to local district councils. The new scheme is a licensing scheme which assesses whether the applicant is a fit and proper person to hold a licence.</p>
3.2	<p>The Service Level Agreements (SLAs), the data processing agreement and the Memorandum of Understanding were developed to ensure effective working in partnership between the councils and with the Department in implementing and administering the new HMO licensing scheme for NI. They have been agreed by the Department and the Society of Local Authority Chief Executives (SOLACE).</p>
3.3	<p><u>Main SLA</u></p> <p>The main SLA, attached as appendix 1, clarifies the roles and responsibilities of the councils in satisfying the requirements of the HMO Act. The SLA is an essential document between the agreed lead delivery council (Belfast City Council), the sub-regional lead Councils that are part of the delivery model (Causeway Coast and Glens Borough Council and Derry City and Strabane District Council), and the other Northern Ireland councils. Key aspects of the SLA include the following:</p> <ul style="list-style-type: none"> <li>• Provisions to assist the lead delivery Council and cluster lead councils to implement and administer the licensing scheme;</li> </ul>

	<ul style="list-style-type: none"> <li>• Definition of the roles, responsibilities and obligations of those councils included and bound by the SLA;</li> <li>• Provision to jointly review performance under the SLA on a regular basis with the SLA partners ensuring that necessary action agreed is taken to maintain a high level of service delivery; and</li> <li>• Details relating to the funding, financial and other resource arrangements.</li> </ul>
3.4	<p>The SLA agreement ensures that the proper elements and commitments are in place to provide a consistent HMO Licencing Scheme, support and delivery between the signatories and the service providers, and to promote positive joint working.</p>
3.5	<p><u>Legal Services SLA</u></p> <p>This Service Level Agreement sets out the range of legal services to be delivered by Belfast City Council, and the expected performance in delivery of these services, to the other councils.</p>
3.6	<p>BCC's Legal Services will provide a comprehensive and high quality level service in respect of both contentious and non-contentious matters, together with general legal advice to the other councils.</p>
3.7	<p>A solicitor has been recruited to provide the additional legal support. The costs associated with this are included in the licensing fee. The Legal Services SLA is attached as appendix 2.</p>
3.8	<p><u>ICT SLA</u></p> <p>The Information and Communications Technology (ICT) SLA, developed by BCC's Digital Services, establishes a regional framework to assist the councils to work collaboratively to provide an ICT support system for the HMO Licensing Scheme, and to ensure that the proper elements and commitments are in place to provide consistent ICT Support by Digital Services for the HMO Licencing service. It provides a comprehensive and high quality ICT support service in respect of general support, liaison with the supplier, software upgrades, training and contract management. The ICT SLA is attached in appendix 3.</p>

	<u>Data Processing Agreement</u>
3.9	This agreement provides for BCC to develop and use an electronic information system for the licensing of HMO data, which permits the other Councils access to the HMO information relevant to their own council area.
3.10	BCC is the Data Controller for the processing of its own data and will act as a Data Processor for the data owned by the other 10 Northern Ireland councils. BCC will host all the information and personal data required for the licensing and associated enforcement action relating to the processing of data relating to HMOs under the provisions of the Houses in Multiple Occupation Act (NI) 2016. The Data Processing Agreement is attached as Appendix 4.
	<u>Memorandum of Understanding (MoU)</u>
3.11	This document relates to the relationship between the Department for Communities (DfC) and the councils, regarding the operation of the new licensing scheme. It was developed by DfC in consultation with the councils, and sets out the key working arrangements and responsibilities for the operation of the new regulatory function. The MoU assists and provides clarity and accountability regarding the respective roles of councils and the DfC, and the procedures and activities involved in the regulation of this function.
3.12	As well as detailing the roles of both the Department and the councils, the MoU includes a number of key performance indicators that provide evidence of the successful delivery of the licensing function by councils, to the Department. As it is anticipated that the Department will undertake a review of the scheme in 2020/21, the MoU also establishes a monitoring programme to enable sufficient detail of the scheme's main activities and statistics to be captured. This requires the councils to report on their main activities in a quarterly return to the Department. A monitoring group, currently chaired by BCC, has been established. The Memorandum of Understanding with the Department for Communities is attached in Appendix 5.
3.13	Decisions regarding the issue of HMO licenses in Belfast are made under the governance of the Council's Licensing Committee.
	<u>Financial and Resource Implications</u>
3.14	The HMO licence fee was calculated based on the anticipated ongoing costs of administering and implementing the scheme.

3.15	<u>Equality or Good Relations Implications/Rural Needs Assessment</u> There are no equality, good relations or rural needs implications associated with this report.
<b>4.0</b>	<b>Appendices – Documents Attached</b>
	Appendix 1: Main SLA Appendix 2: Legal Services SLA Appendix 3: ICT SLA Appendix 4: Data Processing Agreement Appendix 5: Memorandum of Understanding

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## Schedule of processing, House in Multiple Occupancy (HMO)

### Schedule One: Processing, Personal Data and Data Subjects

1. Belfast City Council shall comply with written instructions with respect to processing for the 10 Northern Ireland Councils.
  
2. Any such further instructions shall be incorporated into this Schedule.

Description	Details
Subject matter of the processing	<p>The new regulatory approach introduces a system of mandatory licensing for Landlords relating to Houses in Multiple Occupation (HMO).</p> <p>The service delivery is to cluster Councils on a geographical basis with the largest number of HMO's in Belfast, Causeway Coast and Glens and Derry and Strabane.</p> <p>1) Belfast City Council</p> <p>2) Causeway Coast and Glens Borough Council Mid and East Antrim Borough Council Antrim and Newtownabbey Borough Council Lisburn and Castlereagh City Council Ards and North Down Borough Council</p> <p>3) Derry City and Strabane District Council Fermanagh and Omagh District Council Mid Ulster District Council Newry Mourne and Down District Council Armagh, Banbridge and Craigavon Borough Council</p> <p>Belfast City Council (BCC) is a Data Controller for the processing of its own data and will act a Data Processor for the data owned by the 10 other Northern Ireland Councils.</p> <p>BCC will host all the information and personal data required for the licensing and associated enforcement action relating to the processing of data relating to the Houses in Multiple Occupation addressed under the Houses in Multiple Occupation Act (Northern Ireland) 2016.</p>

	<p>The information submitted by those persons required to license will be processed by Belfast City Council in electronic format and to a lesser degree in paper format. The data contained within paper applications will be transferred into electronic format upon receipt. This system will record service requests, inspection, notices and action diary details.</p> <p>Initial licensing will be through a dedicated online secure website managed by Belfast City Council or via the submission of a paper application form. The system is named Tascomi.</p>
Duration of the processing	Commencing 1 <sup>st</sup> April 2019 onwards.
Nature and access of the processing	<p>To develop and use an electronic information system for the licensing of HMO data, which will permit other Councils access to the HMO information relevant to their own Council area.</p> <p>This will involve Belfast City Council collecting / gathering, recording, organising, structuring, maintaining, and facilitating the processing of personal data for itself and on behalf of 10 NI Councils to ensure it meets its compliance obligations with regard to GDPR and the Data Protection Act 2018.</p> <p>Purpose: To provide a service, via a contractual requirement with 10 other NI Councils.</p> <p><b>Access levels</b></p> <p>Access to the data held will be available at three different levels:-</p> <ol style="list-style-type: none"> <li>1) Access by members of the Public</li> <li>2) Read only Access by HMO Officers from each Council</li> <li>3) Access by identified staff from Belfast City Council acting as the Data Processor</li> </ol> <p><b>1) Public Access</b></p> <p>The general public will have a view only access to the following data via a web based search facility hosted by Belfast City Council as the Data Processor:-</p>



	<ul style="list-style-type: none"> <li>• Name of relevant Council</li> <li>• Address of the premises</li> <li>• Number of occupants</li> <li>• Date of license expiry</li> </ul> <p><b>2) Access for HMO Control Officers from each Council</b></p> <p>Three identified staff from each Local Council will have a read only access via a direct log in to the HMO electronic information system. The access is specifically to their own data processed on the system.</p> <ul style="list-style-type: none"> <li>• Name and personal details of the landlord, owner(s) and manager or agent</li> <li>• Address of the premises</li> <li>• Telephone number of the premises</li> <li>• Details of the premises, ie accommodation details, certification and maintenance records</li> <li>• Details of the applicants fit and proper person checks</li> <li>• Enforcement data</li> </ul> <p><b>3) Belfast City Council acting as a Data Processor</b></p> <p>Identified staff of the Data Processor will have access via a direct log in to the HMO electronic information system. The staff acting as a Data Processor will require access to the complete information and personal data processed to permit appropriate administration of the system.</p>
Type of Personal Data	<p>The personal data involved will relate to:-</p> <p>Full name, full contact address, phone numbers and e-mail address, satisfactory management arrangements (ie listing on the insolvency register, bankrupt declaration, availability of sufficient funds to undertake remedial works and to maintain to licensable standards, and details of fit and proper person checks.</p>

<p>Categories of Data Subject</p>	<ul style="list-style-type: none"> <li>• Landlords</li> <li>• Owners</li> <li>• Agents</li> </ul>
<p>Plan for return and destruction of the data once the processing is complete UNLESS requirement under union or member state law to preserve that type of data</p>	<p>Belfast City Council will retain this information in line with a retention and disposal schedule agreed by all NI Councils.</p> <p>Any use of the data outside the remit of the timescales of the programme is not permitted.</p> <p>If data must be deleted, BCC shall delete any copy electronic and manual Personal Data permanently and beyond recovery. This deletion will be confirmed in writing by BCC.</p>
<p>Location of the processing</p>	<p>The processing of HMO data will take place on the premises of BCC with any paper data being held in a locked cabinet within a locked office and electronic data held with appropriate technical and organisational measures that are fully compliant with GDPR.</p> <p>This will ensure there is no unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to the personal data.</p> <p>If special category personal data is processed, it is deserving of additional protection regarding its security, how it is held and who is permitted access.</p> <p>BCC will comply with the security obligation in respect of this specific type of data as per Annex 'A' section 1.5 during the term of the programme to satisfy Belfast City Council.</p> <p>No processing of personal data must take place in a public space or in any area or facility to which the public has open access.</p>

**In signing below, I agree to the terms and conditions outlined in this Data Processing Agreement**

**1. Signed .....**

**Chief Executive of Belfast City Council**

**Date .....**

**2. Signed .....**

**Chief Executive of ..... Council**

**Date .....**

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Department for

**Communities**

# **MEMORANDUM OF UNDERSTANDING**

**BETWEEN**

**DEPARTMENT FOR COMMUNITIES (DFC)  
HOUSING DIVISION**

**AND**

**BELFAST CITY COUNCIL**

**DERRY CITY AND STRABANE DISTRICT  
COUNCIL**

**CAUSEWAY COAST AND GLENS BOROUGH  
COUNCIL**

**1<sup>ST</sup> APRIL 2019**

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- 2 PURPOSE
- 3 ROLES AND RESPONSIBILITIES – DFC
- 4 ROLES AND RESPONSIBILITIES – DISTRICT COUNCILS
- 5 KEY PERFORMANCE INDICATORS
- 6 ESTABLISHMENT OF MONITORING PROGRAMME
- 7 GENERAL OPERATION OF THE MOU
- 8 AGREEMENT AND SIGN OFF

**APPENDIX 1 KEY PERFORMANCE INDICATORS**

**APPENDIX 2 CONTACT DETAILS**

**APPENDIX 3 QUARTERLY RETURNS**

## **MEMORANDUM OF UNDERSTANDING**

1. Relating to the operation of the licensing of houses in multiple occupation in accordance with the Houses in Multiple Occupation Act (Northern Ireland) 2016 and the Houses in Multiple Occupation (Northern Ireland) Regulations 2019.

### **INTRODUCTION**

2. This Memorandum of Understanding (MOU) has been developed in consultation with councils and sets out the key working arrangements and responsibilities for the operation of this new regulatory regime.
3. Houses in multiple occupation (HMOs) play an important role in meeting the housing needs of people who are single, who have temporary employment, students, low income households and migrant workers.
4. Councils now have responsibility to properly and effectively regulate HMOs to ensure the health, safety and wellbeing of the occupants and at the same time minimise any negative impacts on the neighbourhood and surrounding area.

### **PURPOSE**

5. This MOU will assist and provide clarity and accountability regarding the respective roles of Councils and the Department to the procedures and activities involved in the regulation of this HMO function.

## **RESPECTIVE ROLES AND RESPONSIBILITIES**

### The Role of the Department

#### **The Department for Communities (DfC) roles and responsibilities are to:**

- Have responsibility for the policy, drafting primary and subordinate legislation, amendments to the Landlords Code of Practice and Guidance in relation to the regulation of HMOs including any consequential amendments.
- Provide support and assistance to councils in the development and delivery of the mandatory licensing scheme.
- Maintain mandatory oversight of the scheme. A monitoring programme identifying distinct functions subject to reporting mechanisms will be created in consultation with the councils for each financial year.
- Facilitate and attend meetings with Councils.
- Collaborate with Councils in the formulation, development review and evaluation of the licensing scheme.

### Role of the Councils

#### **Appointed councils roles and responsibilities are to:**

- Administer a licensing system in accordance with powers devolved in the Houses in Multiple Occupation Act (Northern Ireland) 2016, and in compliance with the Houses in Multiple Occupation (Northern Ireland) Regulations 2019, supplementary Landlords Code of Practice and guidance provided by the Department.
- Monitor and review all related financial transactions ensuring that the costs of operating the scheme are cost neutral with no public sector subvention required recovering costs from licence fees and fixed penalties obtained from landlords.
- Assist landlords, managing agents and tenants understand the requirements of the HMO licensing scheme.
- Attend any meetings with the Department to facilitate a review of the Scheme



- To adhere to, discuss if required and agree timescales per request to provide the necessary information for the Department to respond to requests which may include a range of Assembly Questions, Ministerial and Committee correspondence and briefings.

## **KEY PERFORMANCE INDICATORS**

6. DFC and nominated Councils operating the scheme have agreed a number of key performance indicators to ensure successful delivery of the new regime. Further details of the indicators can be found in **Appendix 1**.

## **ESTABLISHMENT OF MONITORING PROGRAMME**

7. To enable sufficient detail to be captured to carry out a future review of the licensing scheme **Appendix 3** provides the main activities and statistics to be provided in a quarterly return to the Department which shall be submitted at one calendar month following the quarter end.

## **GENERAL OPERATION OF THE MOU**

### **Commencement**

8. This MOU will be effective from the 1 April 2019 when the HMO Licensing scheme will commence.

### **Accountability and Responsibility**

9. Accountability for this MOU will lie with the Director, Housing Supply Policy in the Department for Communities and at Chief Executive or Director level in Belfast City Council, Derry City and Strabane Council, and Causeway Coast and Glens Borough Councils responsible for administering the scheme.

### **Review**

10. Either party may ask for a review of any part of the MOU at any time during its duration. Reviews will be conducted and agreed by those responsible for the day to day operation of the review and will be the responsibility of the Head of Private Rented Branch and the equivalent Head of Environmental Health/City Services in Belfast City Council, Causeway Coast and Glens Borough Council and Derry City and Strabane District Council. Changes should be formally approved by those accountable for the MOU. The first review is expected to take place 2 years after HMO licensing has been operational.

### **Force Majeure**

11. Neither party to this Agreement shall be liable to the other or shall be held to be in breach of this agreement to the extent that it is prevented, hindered or delayed in the performance or observation of its obligations hereunder due to

any cause beyond its control, (including industrial action, strike, walk out, riot, civil disobedience, inclement weather, inability to obtain supplies, accident or any other contingency whatsoever beyond its reasonable control).

### **Governing Law**

12. It is hereby agreed that this Agreement shall be governed by Northern Ireland law and that the Courts of Northern Ireland shall have exclusive jurisdiction in all matters arising hereunder.

### **Disputes**

13. In the event of a dispute in relation to any matter covered by this MOU resolution will be determined in the first instance by those responsible for the day to day operation. Should this fail to resolve the matter resolution will be determined by those accountable for the MoU.

### **Agreement**

14. This MoU will be effective for future years unless it is terminated, amended or superseded.
15. Please sign and return the attached copy of this letter to indicate that it is in accordance with your understanding of the arrangements for our inspection regime.

\_\_\_\_\_ Director or Chief Executive

Acknowledged on behalf of Belfast City Council

Date: \_\_\_\_\_

\_\_\_\_\_ Director or Chief Executive

Acknowledged on behalf of Derry City and Strabane Council

Date: \_\_\_\_\_

\_\_\_\_\_ Director or Chief Executive

Acknowledged on behalf of Causeway Coast and Glens Borough Council

Date: \_\_\_\_\_

\_\_\_\_\_ Director

Acknowledged on behalf of the Department for Communities

Date: \_\_\_\_\_

## KEY PERFORMANCE INDICATORS

The following KPIs are aligned to targets within the Primary Legislation (Houses in Multiple Occupation Act (Northern Ireland) 2016).

Target 2019/2020	Aim	Performance Indicator	Number
3 months	To decide whether to grant or refuse an application for an HMO licence	How many completed within/outside the 3 month period <b>to include reasons for not making targets</b>	
28 days	Must serve a notice within this timescale if the application is refused due to a breach of planning control	How many completed within/ outside the 28 day period <b>to include reasons for slippage</b>	
14 days notice	Must provide a statement of reasons for its decision	How many completed within/outside the 14 day period	
7 days	Must serve a notice of determination whether to vary or revoke an HMO licence	How many completed outside the statutory period <b>to include reasons for not making targets</b>	
7 days	Must serve notice of hearings for oral representations not less than 7 days before the date of the proposed hearing	How many served outside period of 7 days. <b>To include reasons for not meeting targets</b>	

## APPENDIX 2

### Contact Details

**Eilish O'Neill**

DFC Private Rented Sector Branch

02890515282

**Siobhan Toland**

Belfast City Council

028 90270428

Belfast City Council

028 90270313

**Seamus Donaghy**

Derry City and Strabane Council

028 71253253

**Bryan Edgar**

Causeway Coast and Glens Borough Council

028 2766 0257

**3 HMO Licensing Quarterly Returns – To be made by Belfast City Council (as lead for Shared Service)**

<b>Houses in Multiple Occupation Act 2016–</b>		
1. How many HMOs were licensed within the last quarter?		
2. What is the total number of HMOs licensed year (April 19) to date?		
3. What is the total number of HMOs identified as unlicensed (April 19 to date)		
4. How many HMO inspections were carried out in the last quarter?		
5. How many HMO renewals took place in the last quarter?		
<b>6. Offences in connection with HMO Licensing Scheme</b>		
(i) How many offences in relation to HMOs occurred in the last quarter?		

<p>(ii) What was the nature of these offences?</p> <p>(iii) How many fixed penalties were served?</p> <p>(iv) What is the amount served in fixed penalties?</p> <p>(v) How much was received this quarter from Fixed Penalties?</p> <p>(vi) How much has been received to date (From April 19) from Fixed Penalties?</p> <p>(vii) Please provide details of any other enforcement issues which should be brought to our attention.</p>		
<p><b>7. Finance</b></p> <p><b>(i) income in last quarter/from start of financial year?</b></p> <p><b>(ii) expenditure in last quarter/from start of financial year?</b></p> <p><b>(iii) performance against budget in last quarter/from start of financial year?</b></p>		

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