

People and Communities Committee

Tuesday, 14th January 2020

MEETING OF PEOPLE AND COMMUNITIES COMMITTEE

Members present: Councillor Michael Collins (Chairperson);
the Deputy Lord Mayor, Councillor McReynolds;
Alderman McCoubrey;
Councillors Black, Bunting, Cobain, Corr, de Faoite,
Garrett, M. Kelly, Kyle, Magee, McAteer, McLaughlin,
Mulholland, Newton, Smyth and Verner.

In attendance: Mr. N Grimshaw, Strategic Director of City and
Neighbourhood Services;
Mr. R. Black, Director of Neighbourhood Services;
Mrs. S. Toland, Director of City Services; and
Ms. E. McGoldrick, Democratic Services Officer.

Apologies

Apologies were reported on behalf of Councillors McCusker and McMullan.

Minutes

The minutes of the meetings of 3rd December were taken as read and signed as correct. It was reported that those minutes had been adopted by the Council at its meeting on 6th January.

Declarations of Interest

In relation to Item 2. b) Community Development Funding Programme 2020/21- Recommended Allocation, Alderman McCoubrey and Councillors Black, Corr, Kyle, Newton and Verner declared an interest in that they worked for or were associated with organisations which had applied for funding, and they retired from the meeting whilst that item was under consideration.

Restricted Items

The information contained in the reports associated with the following 3 items is restricted in accordance with Part 1 of Schedule 6 of the Local Government Act (Northern Ireland) 2014.

Resolved – That the Committee agrees to exclude the Members of the Press and public from the Committee meeting during discussion on the following 3 items as, due to their nature, there would be a disclosure of exempt information as described in Section 42(4) and Section 6 of the Local Government Act (Northern Ireland) 2014.

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Revenue Estimates and District Rate 2020/21

(Mr. R. Cregan, Director of Finance and Resources, attended in connection with this item).

The Committee considered a report, which had been prepared by the Director of Finance and Resources, in relation to the establishment of the District Rate and the compilation of the Estimates of Revenue Expenditure for the year 2020/2021.

The Director outlined that the paper would not be subject to call-in as it would cause an unreasonable delay which would be prejudicial to the Council and the public's interest in striking the district rate by the legislative deadline of 15th February, 2020.

He referred to the cash limit for the People and Communities Committee for 2020/2021, as recommended by the Strategic Policy and Resources Committee, at its meeting on 17th December, and outlined the next steps in the rate setting process leading to the setting of the district rate by Council at its meeting in February 2020.

Following consideration, the Committee noted the next steps in the rate setting process and:

- agreed that the report would not be subject to call-in, given that it would cause an unreasonable delay and would be prejudicial to both the Council and the public's interests in striking the district rate by the legislative deadline of 15th February, 2020; and
- agreed a cash limit for the People and Communities Committee for 2020/21 of £82,852,276 and the individual service cash limits;

Community Development Funding Programme 2020/21- Recommended Allocation

The Committee was reminded that, at its meeting in December, in relation to the Community Development Grants Programme 2020/21 funding allocations, it had agreed that:

- officers would move to final allocations on the basis of the 4 band system and the associated scoring ranges for each band;
- the shortfall in funding be brought to the attention of the Strategic Policy and Resources Committee and requested that this be considered as part of the rate setting process; and
- officers produce a funding allocation report for Members' consideration in January.

The request was considered at the Strategic Policy and Resources Committee on the 17 December 2019 in relation to Revenue Estimates and District Rate 2020/21, and it had been agreed that:

- Community Grants and Managed Facilities: £329,636 (People and Communities Committee). Agreed that the arrangements in place for independently managed centres would be reviewed in time for

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the 2020/21 revenue estimates and that in future years the arrangement would include an annual Consumer Price Index uplift.

- Agreed the use of the unallocated funding of £220,000 and that it be allocated to part fund the shortfall in the Community Development Grants Programme and that the remaining shortfall of £150,595 be funded from the 2020/21 Belfast Investment Fund allocation.

The Committee considered the allocation of the Community Development Funding Programme 2020/21, as outlined in the report.

During discussion, the Director of Neighbourhood Services explained further the allocation model and submissions process. He clarified that the Council had implemented a city wide programme of support to assist groups to access Community Development Funding during the open call and referenced work with the Department for Communities in relation to coordinating support for communities to develop capacity in North Belfast.

After discussion, the Committee agreed to the following:

- Approved the funding allocations based on the recommended levels provided, as outlined in the report;
- Noted that any offer of funding would be fully dependent upon formal confirmation of Council's contribution and a stable level of Department for Communities income from the regional Community Support Programme grant allocation and that a further report be presented when the Council received confirmation of Department for Communities funding; and
- Approved officers to progress with the funding allocation process including; sending out letters of intent, agreeing programmes of work with applicants based on the recommended funding allocation, processing funding agreements (when final budget had been agreed by Council) and ensuring that all monitoring requirements were implemented.

'Wild Lights' Show – Botanic Gardens
November – December 2020

The Committee considered a report which sought permission from Wonderland Productions Ltd to use Botanic Gardens in 2020 and beyond to host an illuminated show. The event known as 'Wild Lights' takes place throughout Britain and Ireland and runs throughout November and December, finishing at the end of the Christmas period.

The Committee approved the use of Botanic Gardens for the above event subject to the following:

- That the appropriate legal agreements including bond arrangements were prepared to the satisfaction of the City Solicitor;
- The Strategic Director of City and Neighbourhood Services to negotiate an appropriate fee for use of the facility taking into account

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costs to the Council, minimising negative impact on the immediate area but also the potential wider benefit to the city economy;

- Event Organisers meet all statutory requirements and responsibilities, including Public Liability Insurance cover, Health and Safety, Food Safety and entertainment licensing;
- The timely payment of the bond as required in the legal agreements;
- Event Organisers consult with public bodies and local communities as necessary;
- The preparation of an event management plan which would be subject to the organisers liaising with Council officers and meeting all statutory, legal and Health and safety requirements; and
- Organisers reinstate all Council property to its original condition after use. Organisers would be reminded that the current ground conditions and location of this event might have to change due to adverse weather conditions which should cover all aspects of management including health and safety, access and would comply with the current events policy.

The Committee also agreed that the Council suggest that the event organisers examine the potential of holding future similar events in Parks across the City.

Committee/Strategic issues

Affordable Warmth Scheme update

The Committee considered the undernoted report:

“1.0 Purpose of Report or Summary of main Issues

- 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:**
 - **have an existing central heating boiler that is at least 15 years old; and**
 - **be aged over 65; or**

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- receive Child Benefit for a child under 16 years of age; or
- receive DLA/PIP.

1.4 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.

2.0 **Recommendations**

2.1 The Committee is asked to

- 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.

3.0 **Main report**

Key Issues & current position

3.1 **Referral numbers and funding**

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.

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.

3.3 Total number of referrals sent to NIHE to date for 2019 - 2020 is 144, see breakdown below:

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

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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 22nd 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 19th 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.

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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 23rd October 2019 (Appendix 2), addressed some of concerns raised during the meeting on 19th 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 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.

3.15 However, councils continued to communicate concerns with the scheme and these were discussed at a meeting convened on 5th December 2019 with Council officials, NIHE representatives and DfC officials.

- **Payment to each Council** – 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.

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.

Councils, including officers from Belfast, informed the DfC that if this position is not changed they would have difficulty if administering the scheme.

- **Increase in referrals** – 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.
- **Referral cancellations** – 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 gathering of information would be required and no payment would be provided for this work.

- **Target and Self-referrals** – 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.
- **Fixed repairs scheme** – 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.

3.16 Financial & Resource Implications

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.

3.17 Equality or Good Relations Implications/Rural Needs Assessment

There are no equality, good relations or rural needs issues."

The Committee noted the contents of the report and delegated authority to sign the Service Level Agreement to the Director of Planning and Building Control, subject to satisfactory arrangements being agreed.

The Committee also agreed to write to the Minister of the Department for Communities to request a meeting to discuss the Scheme, in the form of a deputation to a future Committee meeting or an all-party delegation.

Consultation response to the DAERA Environment Strategy for Northern Ireland

The Committee considered the following report and draft Consultation Response (Appendix A, copy available [here](#)):

“1.0 Purpose of Report or Summary of main Issues

1.1 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:

<https://www.daera-ni.gov.uk/consultations/esni-public-discussion-document>

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.

2.0 Recommendations

2.1 Members are requested to note;

- the draft response and to agree that the council’s consultation response, as detailed in Appendix 1 to this report, be forwarded to DAERA for consideration.

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 23rd 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.

3.0 Main report

3.1 Key Issues

DAERA have advised that within the current draft Programme for Government (PfG) 2016-2021, the Department is responsible for Outcome 2 – '*We live and work sustainably, protecting the environment*', 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 '*A living, working, active landscape valued by everyone*'.

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, '*A Green Future: Our 25 Year Plan to Improve the Environment*', Brexit and environmental knowledge gaps.

3.3 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.

- 3.4 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.
- 3.5 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.
- 3.6 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 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 Financial & Resource Implications

None

3.9 Equality or Good Relations Implications / Rural Needs Assessments

None.”

During discussion, Councillor Smyth tabled the following additions to the response for consideration:

Q1

- *Paragraph 1 – ‘Regional planning’ to be added to existing executive endorsed strategies;*
- *The Environment strategy should be renamed the ‘Environmental Emergency Strategy to inform and communicate that we are in a crisis situation, but there are plans to address this and also because we have declared a climate emergency at this council;*
- *The strategy and targets must be legally binding and we need new legislation to meet both. Need to be linked to human health, free from degrading pollutants and extraction, improved air quality etc; and*
- *With regards to the paragraph on ‘As 2020 approaches’: This is now a 10 year window, not 12.*

Q2

- *In reference to 2050 targets, this council passed a motion on a target for 2035 to be net zero in carbon emissions. For other questions where 2050 is mentioned, to be also amended to reflect the motion passed on 2035 targets set by Belfast City Council;*
- *Northern Ireland should have its own legally binding targets on long term emissions; and*
- *Paragraph 7: To highlight that Belfast City Council passed a motion on more stringent air quality testing in June 2019.*

Q3

- *We want a theme on environmental restoration and recovery and caution around framing of environmental prosperity. Also environmental governance needs to be addressed throughout multiple government departments.*

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Q4

- *for environmental education to be built into the school curriculum to teach young people. Yet with the lack of time we have in relation to 2030 to also engage parents, families' etc; and*
- *To form a Northern Ireland citizen's assembly on our climate and ecological emergency and to learn from the one formed in the Republic of Ireland.*

Q5

- *There is an emphasis on economic prosperity instead of environmental prosperity. We don't think that economic benefit should outweigh environmental impact. There is also no reference to a 'just transition', which should be included in Environmental prosperity.*

Q6

- *In relation to energy efficiency, we need legally set binding targets; and*
- *We also need reference to a 'transition towards sustainable agriculture'.*

Q7

- *Specific issues that should be included are air, water and marine quality; and*
- *DAERA Environmental crime team needs greater support and resource.*

Q8

- *Climate breakdown legislation and that the proposed outcome to reduce Greenhouse gas emissions does not go far enough and there must be net zero carbon emissions by 2035 as an interim target, in line with the motion passed by this council; and*
- *We also need an Independent Environmental Protection Agency that is properly funded, which has the ability to tackle environmental and waste crimes.*

Q9

- *We need legally binding targets and a clear timetable.*

Q10

- *Legislation for a NI Climate Act;*
- *The establishment of an Independent Environmental Protection Agency;*
- *Targets to be legally binding;*
- *All Island cooperation, we are a single island ecosystem. Governance should be under a similar framework;*
- *A Citizens Assembly which can engage the public on our climate and ecological breakdown; and*

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- *Nature Recovery Networks: restore sites and legally protect those habitats under threats.*

During further discussion, Members highlighted that further time was required for the Committee to review the additions.

After discussion, the Committee agreed to the following:

- To review the draft consultation response and proposed changes raised by Councillor Smyth;
- To submit feedback on the response and any amendments be sent to the City and Neighbourhood Services Department by Friday, 17th January for compilation in time for submission to the Strategic Policy and Resource Committee scheduled for Friday, 24th January; and
- That the Strategic Policy and Resources Committee consider and approve the Council's final consultation response at its next meeting for submission to DAERA for consideration by 5th February, 2020.

Minutes of the Meeting of the Strategic Cemeteries Working Group

The Committee was advised that at the meeting of the Strategic Cemetery and Crematorium Working Group, held on 20th November 2019, the following key items had been considered:

- update on New Crematorium Development;
- update on Expression of Interest on New Cemetery Land; and
- update in respect of Best Practice on Memorial for Cremated Remains.

The Committee approved and adopted the minutes of the meeting of the Strategic Cemeteries and Crematorium Working Group held on 20th November, 2019.

Waste Collections

The Committee noted the update which had been provided and agreed to hold a Special Meeting of the People and Communities Committee, to which Party Group Leaders also be invited, to discuss the ongoing issues with waste collections and to include engagement with Trade Unions Coordinators as part of the agenda for the meeting.

The Committee also noted that representatives from the Department for Infrastructure also be invited to attend the meeting in relation to parking implications for waste collection services.

In relation to Waste Collection Data, the Committee noted that infographics and details of future reporting mechanisms of Waste Collections would also be provided and discussed at the Special Meeting.

Operational Items

Proposal for Naming the Continuation of an Existing Street

The Committee considered a report in relation to the continuation of an existing street in the City and approved the naming in respect of Thorburn Road, off Serpentine Road, BT36.

Proposal for Dual Language Street Signs

The Committee approved the applications to erect a second street nameplate in Irish at Gortfin Street, Cavendish Square and Trostan Way.

Food Standards Agency Audit of Belfast City Council's Food Law Enforcement Service

The Committee considered the following report:

“1.0 Purpose of Report or Summary of main Issues

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.

2.0 Recommendations

2.1 The Committee is asked to

- **Note the findings of the FSA audit report.**

3.0 Main report

Key Issues

- 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 food.gov.uk/ratings. 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 Councils arrangements and records for service planning, delivery and review, provision and adequacy of officer training, authorisations and internal service monitoring arrangements.

The Audit report confirmed the following findings:

- 1.** Belfast City Council had a comprehensive system in place for recording officers’ competency and training
- 2.** The Council had introduced a scheme of delegation in 2015 and had clearly delegated authority to officers for the delivery of official controls
- 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.

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),
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 FBO's regarding the scheme, their FHR scores and how FBOs could request re-ratings and appeals.
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.

3.6 No deficiencies were noted and no recommendations were made.

3.7 **Finance and Resource Implications**

None.

3.8 **Equality or Good Relations Implications/ Rural Needs Assessment**

There are no equality or good relations implications, there is no requirement for rural needs assessment."

The Committee noted the information which had been provided.

Update on Fly-Tipping and New Legislative Powers

The Committee considered the undernoted report:

"1.0 Purpose of Report or Summary of main Issues

- 1.1 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:

‘This Council notes the frustration caused by fly tipping across the city and the visual impact it has on local areas.

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.

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.

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.’

1.2 In addressing the Notice of Motion this report includes the following elements:

- (i) The legal powers to deal with fly-tipping;**
- (ii) Current operational practices;**
- (iii) Research on approaches by other Councils;**
- (iv) A proposed future approach to deal with fly-tipping.**
- (v) An update on pending legislative powers for Councils regarding fly-tipping**

2.0 Recommendations

2.1 Members are asked to;

- note the update provided in this report.**

3.0 Main Report

Key Issues

3.1 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.

- 3.2 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.
- 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
Investigations into Fly-tipping	2921	3120	2338	1919	2376	1967
Fixed Penalties Issued (For Fly-Tipping)	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 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.

- 3.7 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.

- 3.8 Following receipt of the above Notice of Motion, a benchmarking 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.

- Five out of the eight councils deployed some form of CCTV surveillance within their council areas at hotspot locations to detect fly-tipping activity.
- 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.
- 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.
- Two out of the five councils used signage and covertly placed cameras which resulted in either fixed penalty notices or legal proceedings.

- 3.9 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.
- 3.10 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.
- 3.11 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 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.
- 3.12 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 20th February 2020 which will give Councils the same powers that are available to the NIEA to address illegal waste disposal under Articles 4 & 5 of the Waste and Contaminated Land Order 1997.
- 3.13 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. The Council will be making representation to DAERA in respect of the need for additional funding to carry out this function
- 3.14 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.

3.15 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.

3.16 **Financial & Resource Implications**

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.

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 **Equality or Good Relations Implications/ Rural Needs Assessment**

None.”

During discussion, in relation to the additional resources required if Councils were to accept the proposal by the Department to amend the legislation and confer additional duties to District Councils, the Director of City Services explained that this could present new financial liabilities and expenditure that Belfast City Council and the other Council's had stated the need for this to be identified and resourced by DAERA.

The Committee noted the information which had been provided.

Football for All - Request for The use of Belfast Playing Fields (Mallusk)

The Committee considered a report which sought approval for the use of the City of the Belfast Playing Fields (Mallusk) from Tuesday, 16th to Friday, 19th June 2020 to enable the Irish Football Association (IFA) to host a Football For All Festival.

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It was reported that the event was being funded through the FA Foundation and it was anticipated that it would attract 4,500 participants. The IFA hoped that the festival would build on the success of the Super Schools Festival, which had been delivered at Mallusk over the previous six years.

During discussion, Members raised concerns in relation to the funding application process for these types of events and IFA's overall engagement with the Council and that feedback be submitted to the IFA in this regard.

After discussion, the Committee approved the IFA event at the City of Belfast Playing Fields (Mallusk) and that the event organisers be given free use of the pitches and ancillary facilities, subject to the completion of the appropriate Event Management Plans and satisfactory terms being agreed by the Director of City and Neighbourhood Services and on the condition that the Event Organiser:

- Resolved all operational issues to the Council's satisfaction;
- Meets all statutory requirements including Public Liability Insurance cover and Health and Safety; and
- Consults with adjoining public bodies and local communities as necessary.

The Committee also agreed that officers liaise with the IFA to suggest that future requests be made through existing Council funding Programmes, subject to eligibility.

Invite to compete in Britain in Bloom Awards 2020 and Ireland's Best Kept Awards in 2020

The Committee was provided with an overview of the invitations for the City of Belfast to enter the annual Britain in Bloom competition in August 2020 and the Ireland Best Kept Awards Competition in June 2020.

During discussion, the Committee questioned the benefits of all the competitions and award ceremonies that the Council had recently entered and highlighted the potential of alternative schemes to recognise the Council's achievements.

After discussion, it was

Moved by Councillor McLaughlin
Seconded by Councillor Mulholland,

Resolved - That the the Committee noted that the City of Belfast enter the annual Britain in Bloom competition in August 2020 and the Ireland Best Kept Awards Competition in June 2020 and agreed that a report be submitted to a future meeting to provide details of the following, within in the remit of the People and Communities Committee:

- Recent Awards and Ceremonies that the Council had entered or attended;

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- Forthcoming Competitions that the Council intended to enter;
- Benefits of the entries to the City; and
- Alternative options to recognise the good work of the Council and its staff.

Request for the use of Cregagh Green

The Committee considered a report which sought approval for the use of Cregagh Green on Tuesday 14th April, from 9.00 a.m. – 6.00 p.m. to enable the Belfast Junior County Lodge (Orange Order of Belfast) to host its annual Easter Tuesday Parade.

The Committee approved the use of Cregagh Green for the above event, 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:

- Resolve all operational issues to the Council's satisfaction;
- Meet all statutory requirements including Public Liability Insurance cover, Health and Safety, and licensing responsibilities;
- Consult with adjoining public bodies and local communities as necessary;
- Enter into an appropriate legal agreement – Reinstatement Bond; and
- Process the timely payment of any agreed bond as required in the legal agreement.

Houses in Multiple Occupation Licensing Scheme
Operational and Monitoring Arrangements

The Committee considered the undernoted report:

“1.0 Purpose of Report

- 1.1 The Houses in Multiple Occupation (HMO) Act NI 2016 was commenced on 1st 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.

2.0 **Recommendations**

2.1 The Committee is asked to;

- note the operational and monitoring agreements for administrating and implementing the Northern Ireland HMO Licensing Scheme.

3.0 **Main report**

Key Issues

3.1 Members are reminded that the Houses in Multiple Occupation (HMO) Act NI 2016 received Royal Assent on 12th May 2016 and was commenced on 1st 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.

3.2 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).

Main SLA

3.3 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:

- Provisions to assist the lead delivery Council and cluster lead councils to implement and administer the licensing scheme;
- Definition of the roles, responsibilities and obligations of those councils included and bound by the SLA;

- **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**
 - **Details relating to the funding, financial and other resource arrangements.**
- 3.4 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.**

Legal Services SLA

- 3.5 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.**
- 3.6 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.**
- 3.7 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.**

ICT SLA

- 3.8 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.**

Data Processing Agreement

- 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.

Memorandum of Understanding (MoU)

- 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.
- 3.14 **Financial and Resource Implications**

The HMO licence fee was calculated based on the anticipated ongoing costs of administering and implementing the scheme.

3.15 Equality or Good Relations Implications/Rural Needs Assessment

There are no equality, good relations or rural needs implications associated with this report.”

During discussion, the Committee suggested that further information regarding the HMO process be submitted to a future meeting so that the Committee could gain a better understanding of the end-to-end process including an outline of the remit of the other Committees.

The Committee noted the operational and monitoring agreements for administrating and implementing the Northern Ireland HMO Licensing Scheme and agreed that the Director of Planning and Building Control attend a future meeting to provide an overview of the HMO process.

Issues Raised in Advance by Members

Purple Air - Councillor O'Hara

Councillor O'Hara provided an overview of a current pilot scheme being undertaken by Cork County Council, Cork University and Environment Protection Agency, Cork, in relation to its Air Quality. He explained that Cork had installed ten laser particle counters to provide real time measurement of PM1.0, PM2.5 and PM10 as part of the study and suggested that the Council might wish to examine the potential of undertaking a similar study in Belfast. He also suggested that an update on the Air Quality Management would be useful in consideration of such research.

During discussion, the Director of City Services highlighted that certified instruments and measurements were required to allow formal assessment of monitoring by Departments. She explained that this was an important part of the assessment, to gain support from the Department to sign up to further formal processes such as the review of the Air Quality Action Plan. She also reminded Members that an Air Quality Workshop had been scheduled for 20th January to examine the issue further.

The Committee agreed that a report be submitted to a future Committee on the following:

- To provide an update on the Air Quality Workshop scheduled for all Members on 20th January;
- To examine the potential to engage with Cork County Council, Cork University and Environment Protection Agency, Cork, in relation to its Air Quality Pilot Scheme findings; and
- To provide an update on the process to develop a review of the Air Quality Action Plan.

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**Proposal for Pedestrian Crossing at New BCC Play Park on Upper Dunmurry Lane –
Councillor Michael Collins**

Councillor Michael Collins outlined the requirements for a new pedestrian crossing at a new Council Play Park on the Upper Dunmurry Lane.

During discussion, Councillor Smyth also requested an update on the new pedestrian crossing at Cherryvale Playing Fields.

After discussion, the Committee agreed to write to the Department for Infrastructure in regards to an update on the Pedestrian Crossing requests for Upper Dunmurry Lane and Cherryvale.

Chairperson