

September 16th, 2024

Notice Of Meeting

You are requested to attend the Sustainability & Environment Committee meeting to be held on Wednesday, 18th September 2024 at 6:15 pm in Council Chamber, O'Hagan House, Monaghan Row.

Committee Membership 2024-2025

Councillor G Kearns **Chairperson**

Councillor C Enright **Deputy Chairperson**

Councillor T Andrews

Councillor J Brennan

Councillor P Campbell

Councillor K Feehan

Councillor D Finn

Councillor V Harte

Councillor J Jackson

Councillor M Larkin

Councillor O Magennis

Councillor H Reilly

Councillor M Ruane

Councillor D Taylor

Councillor H Young


Agenda

1.0 Apologies and Chairperson's Remarks

2.0 Declarations of Interest

3.0 Action Sheet of the Sustainability and Environment Committee Meeting held on 21 August 2024

For Approval

 *Action Sheet - 19 June 2024 inc. historic actions updated.pdf*

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For Consideration and/or Decision

4.0 Houses in Multiple Occupation - Licence Fee Review

For Decision

 *Houses in Multiple Occupation - licence fee review 18.09.24.pdf*

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5.0 Public Health Bill Consultation

For Decision

 *Public Health Bill 18.09.24.pdf*

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 *Appendix 1 Consultation response to Public Health Bill __.pdf*

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6.0 Fleet Policy

For Decision

 *SE Committee Report - Fleet Policy.pdf*

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 *Appendix 1 Fleet Policy.pdf*





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Items deemed to be exempt under paragraph 3 of Part 1 of Schedule 6 of the Local Government Act (NI) 2014

7.0 Nuclear Free Local Authority Membership

For Decision

This item is deemed to be exempt under paragraph 3 of Part 1 of Schedule 6 of the Local Government Act (Northern Ireland) 2014 - information relating to the financial or business affairs of any particular person (including the Council holding that information) and the public may, by resolution, be excluded during this item of business.

 NFLA Membership Fee 20242025.pdf	<i>Not included</i>
 NFLA Annual Report 2023.pdf	<i>Not included</i>
 Summary of NFLA Secretary activities Dec 2023 - Aug 2024.pdf	<i>Not included</i>
 NFLA Draft Service Plan 2024.pdf	<i>Not included</i>

8.0 Direct Award Contract – Provision of Minor Works including Play Park Areas

For Decision

This item is deemed to be exempt under paragraph 3 of Part 1 of Schedule 6 of the Local Government Act (Northern Ireland) 2014 - information relating to the financial or business affairs of any particular person (including the Council holding that information) and the public may, by resolution, be excluded during this item of business.

 DAC - Minor Works Contracts.pdf	<i>Not included</i>
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9.0 Direct Award Contract - Victoria Lock Hydraulic System Upgrade

This item is deemed to be exempt under paragraph 3 of Part 1 of Schedule 6 of the Local Government Act (Northern Ireland) 2014 - information relating to the financial or business affairs of any particular person (including the Council holding that information) and the public may, by resolution, be excluded during this item of business.

 DAC - Upgrade and Diagnostics Servicing of Victoria Locks Hydraulic Control Systems.pdf	<i>Not included</i>
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10.0 Direct Award Contract Extensions – Waste management

For Decision

This item is deemed to be exempt under paragraph 3 of Part 1 of Schedule 6 of the Local Government Act (Northern Ireland) 2014 - information relating to the financial or business affairs of any particular person (including the Council holding that information) and the public may, by resolution, be excluded during this item of business.

11.0 Servicing at Hilltown HRC Business Case

For Decision

This item is deemed to be exempt under paragraph 3 of Part 1 of Schedule 6 of the Local Government Act (Northern Ireland) 2014 - information relating to the financial or business affairs of any particular person (including the Council holding that information) and the public may, by resolution, be excluded during this item of business.

📎 **Business Case for servicing Hilltown HRC Site.pdf**

Not included

📎 **Appendix 1 - Business Case Hilltown HRC Skip Transfer 18.09.24.pdf**

Not included

12.0 Replacement Compactor Business Case

For Decision

This item is deemed to be exempt under paragraph 3 of Part 1 of Schedule 6 of the Local Government Act (Northern Ireland) 2014 - information relating to the financial or business affairs of any particular person (including the Council holding that information) and the public may, by resolution, be excluded during this item of business.

Report to follow

FOR NOTING Items deemed to be exempt under Part 1 of Schedule 6 of the Local Government Act (NI) 2014

13.0 Report from Cleansing and Refuse Task Group on 21 August 2024

For Information

This item is deemed to be exempt under paragraph 3 of Part 1 of Schedule 6 of the Local Government Act (Northern Ireland) 2014 - information relating to the financial or business affairs of any particular person (including the Council holding that information) and the public may, by resolution, be excluded during this item of business.

📎 **Action Sheet arising from the Cleansing and Refuse Task Group held on Wednesday 21 August 2024.pdf**

Not included

📎 **Cleansing & Refuse Taskgroup Presentation 21.08.24.pdf**

Not included

14.0 Arc21 Joint Committee Members' In Committee Minutes of Meeting held 23 July 2024 and Monthly Bulletin held 29 August 2024

For Information

This item is deemed to be exempt under paragraph 3 of Part 1 of Schedule 6 of the Local Government Act (Northern Ireland) 2014 - information relating to the financial or business affairs of any particular person (including the Council holding that information) and the public may, by resolution, be excluded during this item of business.

Report to follow

📎 *(c)JC089-29Aug24-Item5-InCommMinutes23July24.F.pdf*

Not included

For Noting

15.0 Arc21 Joint Committee Meeting Minutes of Tuesday 23 July 2024

For Information

📎 *Arc21 Joint Committee Meeting Minutes of Tuesday 23 July 2024.pdf*

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16.0 Public Convenience Update

For Information

📎 *Report - Update on Public Conveniences Project.pdf*

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17.0 Update on Town Centre CCTV

For Information

📎 *Update on Town Centre CCTV cameras.pdf*

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Invitees

Cllr Terry Andrews

Cllr Callum Bowsie

Fionnuala Branagh

Cllr Jim Brennan

Lorraine/Emma Burns/McParland

Cllr Pete Byrne

Mr Gerard Byrne

Cllr Philip Campbell

Cllr William Clarke

Cllr Laura Devlin

Ms Louise Dillon

Cllr Cadogan Enright

Cllr Killian Feehan

Cllr Doire Finn

Cllr Aoife Finnegan

Ms Joanne Fleming

Cllr Conor Galbraith

Cllr Mark Gibbons

Cllr Oonagh Hanlon

Cllr Glyn Hanna

Cllr Valerie Harte

Cllr Roisin Howell

Cllr Tierna Howie

Ms Catherine Hughes

Cllr Jonathan Jackson

Cllr Geraldine Kearns

Miss Veronica Keegan

Mrs Josephine Kelly

Mrs Sheila Kieran

Cllr Cathal King

Cllr Mickey Larkin

Cllr David Lee-Surginor

Cllr Alan Lewis

Cllr Oonagh Magennis

Mr Conor Mallon

Cllr Aidan Mathers

Cllr Declan McAteer

Cllr Leeanne McEvoy

Cllr Andrew McMurray

Maureen/Joanne Morgan/Johnston

Cllr Declan Murphy

Sinead Murphy

Cllr Kate Murphy
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Cllr Selina Murphy
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Cllr Siobhan O'Hare
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Mr Andy Patterson
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Cllr Áine Quinn
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Cllr Henry Reilly
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Cllr Michael Rice
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Cllr Michael Ruane
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Mr Conor Sage
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Cllr Gareth Sharvin
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Donna Starkey
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Nicola Stranney
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Sarah Taggart
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Cllr David Taylor
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Cllr Jarlath Tinnelly
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Ms Sinead Trainor
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Cllr Jill Truesdale
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Mrs Marie Ward
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Cllr Helena Young
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SUSTAINABILITY AND ENVIRONMENT SERVICES COMMITTEE**HISTORIC ACTIONS TRACKING SHEET**

NEIGHBOURHOOD SERVICES COMMITTEE MEETING 26 JANUARY 2022					
Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
NS/004/2022	Trade Waste and Caravan Refuse Collection Services	<p>Agreed to approve the report and recommendations:-</p> <p>1. Alternate Weekly Commercial Waste Collection Service</p> <p>Commercial refuse customers (shops and businesses) to be contacted and advised of the proposed move to an alternate weekly collection cycle of residual and dry recyclable waste, where this is achievable.</p> <p>Commercial customers, (not including Caravan Operators) to be provided with appropriate bins to facilitate this change, so there is no cost burden to customers as a result of this change.</p>	S Murphy	In progress	N

NEIGHBOURHOOD SERVICES COMMITTEE MEETING 21 APRIL 2022					
Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
NS/052/2022	Compost Week 2022	Note and approve the additional activities in 2.2 to highlight and promote the importance of recycling food waste. Note and approve the launch of an application process, with set criteria, to establish demand for deploying brown bins to residents of high rise buildings who were not previously provided with these.	S Trainor	In progress	N
NS/057/2022	Various issues concerning the Events Space Kilkeel	Approve the Officers recommendation that the legal position of the Council regarding its maintenance of the events space, Kilkeel, is reviewed with a separate report to be provided to the Council once this has been considered further.	C Sage	In progress	N

NEIGHBOURHOOD SERVICES COMMITTEE MEETING 22 JUNE 2022					
Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
NS/091/2022	Enforcement Improvement Plan Update	Agreed to note the content of this update report and to agree review of key actions from the Enforcement Improvement Plan to be incorporated into a	S Trainor	In progress	N

		timebound programme of work for 2022/23 and annually thereafter. Test case footpaths – small footpath leading to WIN – officers to examine this area for dog fouling.			
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**SUSTAINABILITY AND ENVIRONMENT COMMITTEE MEETING
18 OCTOBER 2022**

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
SE/143/2022	Notice of Motion – revenue from EV Charging Infrastructure	Agreed to endorse the recommendation made at the Strategic Finance Working Group Meeting of 16 June 2022 as set out in Section 2.2 of the report and that officers consider the most appropriate way forward in relation to identifying appropriate spaces that may be suitable for the proposal as outlined in the Notice of Motion	C Sage	In progress	N

**SUSTAINABILITY AND ENVIRONMENT COMMITTEE
TUESDAY 22 FEBRUARY 2023**

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
SE/016/2023	Economic Appraisal for the appointment of	Agreed to note the content of the report and associated Economic Appraisal and	C Sage	In Progress	N

	a Metal Fabrication and Repair Contractor	accept the conclusion of the Economic Appraisal that Option 4 be chosen as the preferred option. Option 4 would see the appointment, through a tender process, of a contractor to provide metal fabrication and repair services. In addition to this an independent Metallurgical and Mechanical Engineering Consultancy Service would be appointed to provide advice to Council Officers on the procurement and management of this service.			
SE/018/2023	Business Case for the appointment of a contractor to undertake Legionella Control Measures on behalf of the Council	<p>Agreed to:-</p> <ul style="list-style-type: none"> Note the content of the report. Accept the conclusion of the Business Case that Option 3 be chosen as the preferred option. Option 3 would see the appointment, through a tender process, of a competent contractor to undertake a number of duties under the Council's Legionella Management Plan for a three-year period. 	C Sage	Complete	Y
SE/019/2023	Business Case for the appointment of a contractor to undertake asbestos control measures on behalf of the Council	<p>Agreed to:-</p> <ul style="list-style-type: none"> To note the content of the report. Accept the conclusion of the Business Case that Option 3 be chosen as the preferred option to the appointment, through a tender process, of a competent contractor to undertake a number of duties under the Council's Asbestos Management Plan for a three-year period. 	C Sage	In Progress	N

SUSTAINABILITY AND ENVIRONMENT COMMITTEE MEETING 17 OCTOBER 2023					
Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
SE/105/2023	Notice of Motion – Clean Indoor Air	It was agreed to adopt the Notice of Motion subject to including that before proceeding with any works, that officers obtain costings for air filtration systems in Downshire Civic Centre and the new civic centre in Newry and report same back to the Sustainable and Environment Committee for consideration in due course.	C Sage	In Progress	N
SE/107/2023	Notice of Motion – Animal Welfare	It was agreed to remove the final sentence of the notice of motion. It was agreed to defer a decision on the Notice of Motion until the outcome of the legal process was known.	S Trainor	In Progress	N
SE/114/2023	Procurement of Deep Cleansing Services	It was agreed to procure Deep Cleansing Services as outlined in appendix 1 of the officer's report.	S Trainor	In Progress	N

SUSTAINABILITY AND ENVIRONMENT COMMITTEE MEETING 22 NOVEMBER 2023					
Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
SE/125/2023	Report on Notice of Motion in relation to Livestock worrying	It was agreed that a meeting be organised with relevant partners to discuss a way forward to produce a publicity campaign highlighting the importance of ensuring dogs are kept under control in the Mourne Mountains	S Trainor	In Progress	N
SE/128/2023	Upgrade to Town Centre CCTV and Council Facilities CCTV	It was agreed that members note the content of the report, and a business case be developed and brought to the committee with a number of options for a way forward for the proposed development of a new suite of digital CCTV systems for the Council's facilities	C Sage	In Progress	N
SE/141/2023	Sustainable Food Places Bridging the Gap Funding Application	It was agreed to note the recent support for the "Bridging the Gap" funding application. Committee would be advised on the outcome of the application at the earliest opportunity	C Sage	In Progress	N

SUSTAINABILITY AND ENVIRONMENT COMMITTEE MEETING 20 DECEMBER 2023					
Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
SE/154/2023	Update on rebranding/ redevelopment of Newry Market	It was agreed to note the contents of the report.	C Sage	Noted Report to be brought to future meeting	N

SUSTAINABILITY AND ENVIRONMENT COMMITTEE MEETING 24 JANUARY 2024					
Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
SE/004/2024	Report on Notice of Motion – Flood Defences	<p>The following was agreed:</p> <ul style="list-style-type: none"> - Further investigate the possibility of a Shared Island application to assist with flood defences - Write to DFI Rivers and request a river maintenance schedule. - Seek legal advice to clarify if a meeting with DFI Rivers and the Drainage & Flooding Council would compromise the ongoing independent review of the recent flooding in the district. 	S Murphy	In Progress	N

SE/005/2024	Report on Notice of Motion – Flood Preparedness	<p>The following was agreed:</p> <ul style="list-style-type: none">- Liaise with local DEA forums to discuss and plan the set-up of Community Resilience Groups- Investigate the facilitation of sandbag availability and management through these Community Resilience Groups- Look into sharing information the website from the Regional Community Resilience Group	S Murphy	<p>Complete</p> <p>In Progress</p> <p>In Progress</p>	N
SE/006/2024	Business Case for firefighting equipment contract	It was agreed to note the content of the report and associated business case, and to accept the conclusion of the attached Business Case	C Sage	In Progress	N

SUSTAINABILITY AND ENVIRONMENT COMMITTEE MEETING 21 FEBRUARY 2024					
Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
SE/018/2024	Report on Notice of Motion – Climate Change	<p>It was agreed that this Council acknowledges the work done to date to help address the climate emergency; reaffirms previous motions regarding the degenerating global situation; and again, reiterates that the crisis is the biggest threat posed to our constituents, our district, and our planet.</p> <p>Further acknowledges, however, that recent data collated by Climate Emergency UK ranks NMDDC 8th out of the 11 Councils within NI; and thus, pledges to include ambitious targets in the forthcoming Sustainability and Climate Strategies and Action Plans to expedite implementation.</p> <p>It was also agreed that a benchmark report would be brought back to Committee regarding Council actions and progress to mitigating climate change impact.</p>	C Sage	In progress	<p>N</p> <p>N</p>

SE/021/2024	Home to Hospital Schemes	It was agreed to approve the continued funding for the Mourne and Slieve Gullion Home to Hospital Volunteer driver schemes from 1 April 2024.	S Trainor	In progress	N
		It was also agreed that Council seek Expressions of Interest from suitable Community/Voluntary sector organisations to administer the schemes, subject to funding being identified	S Trainor	In Progress	N
SE/025/2024	Business Case for Minor Construction Works	It was to accept the conclusion of the Business Case to proceed with option 3 to appoint 2 minor construction works contractor to complete minor works across the Council for 3-year period. To be procured through tender or use of a suitable Framework	C Sage	In Progress	N

**SUSTAINABILITY AND ENVIRONMENT COMMITTEE MEETING
20 MARCH 2024**

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
SE/036/2024	Former landfill site review – Aughnagun and Drumanakelly	It was agreed that officers develop a Business Case for the installation of Solar Panels at the former landfill site Aughnagun for further consideration.	S Murphy	In Progress	N
		It was agreed that Council further explore the benefits of installing reed beds at both sites in order to make the sites self-sustaining in terms of the management of the leachate generated on site	S Murphy		

SE/037/2024	Business Case for Mini-Tractor at Castlewellan Forest Park	It was agreed to note the contents of the report and associated business case, and to accept the conclusion of the business case to proceed with the procurement of effective replacement machinery.	C Sage	In Progress	N
SE/040/2024	Electric forklifts	It was agreed to note that in line with Council's Climate Change Emergency Declaration and environmental objectives, Council officers will progress with the procurement of a battery powered forklift truck.	C Sage	In Progress	N

SUSTAINABILITY AND ENVIRONMENT COMMITTEE MEETING 23 APRIL 2024					
Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
SE/046/2024	Notice of Motion – Newry Market	Officers continue their commitment to revitalise the market through engagement with traders, the business community and other potential stakeholders. It was also agreed that Officers reach out to other local councils with successful markets and explore additional uses to encourage footfall, including with arts and community groups It was further agreed that a report be brought back to committee in 6 months to provide detail of any progress made	C Sage C Sage C Sage	In progress	N

SE/047/2024	Review of Caravan Site License Conditions	It was agreed to approve a review of Council's Caravan Site Licence conditions for Residential Caravan Sites and Holiday and Touring Caravan Sites	S Trainor	In progress	N
		It was also agreed to revisit the motorhome strategy in partnership with all relevant Directorates, alongside addressing any relevant by-laws to ensure a strategy could be developed that suited the needs of the motorhome community and the local population.	S Trainor	In progress	N
SE/048/2024	Christmas Illuminations 2024-2026	It was agreed to note the content of the report and business case.	C Sage	In Progress	N
		It was agreed to approve Option 3 of the Business Case to tender for a competent electrical contractor	C Sage		

SUSTAINABILITY AND ENVIRONMENT COMMITTEE MEETING 22 MAY 2024					
Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
SE/058/2024	Report on Treatment of Invasive Species on Council Estate	it was agreed to note the content of the report and approve the use of herbicides containing glyphosate for controlling invasive species at Albert Basin outside of the current allocation for normal weed control and the development of an Invasive Species Management Plan for the Council Estate.	C Sage	In Progress	N
SE/060/2024	Business Case for the Occasional Hire of Hook Lift and Driver	it was agreed to approve the business case to procure a contract for the Occasional Hire of Hook Lift Vehicle and Driver.	S Murphy	In Progress	N

SUSTAINABILITY AND ENVIRONMENT COMMITTEE MEETING 19 JUNE 2024					
Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
SE/071/2024	Irish Open Car Parking Provision	It was agreed to approve the parking arrangements for the Angem Irish Open in Sept 2024 as outlined within the report	S Murphy	Complete	Y
SE/073/2024	Report on Sustainable NI Annual Membership Subscription	It was agreed to approve the financial support at Accelerator Membership Leven and sign an SLA with Sustainable NI for 2024-25	C Sage	Complete	Y
SE/074/2024	Keep NI Beautiful annual subscription	It was agreed to approve the financial support and signing of SLA for 2024-2025 as outlined, and to support Live Here Love Here campaign and Eco Schools Programme across the District	C Sage	Complete	Y
SE/079/2024	Business case for EV Charging infrastructure	It was agreed to approve the business case recommendation for the installation of 2 double electric chargers at each site as detailed within the officer's report	C Sage	In Progress	N
SE/080/2024	Business case for Servicing, maintenance and monitoring of Council's fire and intruder alarm systems	It was agreed to approve the business case recommendation that option 2 is chosen as the preferred option.	C Sage	In Progress	N
SE/082/2024	Business case for HRC Waste streams	It was agreed to approve the business case to procure contracts for the collection/receipt, transport and processing (recycling/recovery/treatment) of various waste streams from household recycling centres	S Murphy	In progress	N

SUSTAINABILITY AND ENVIRONMENT COMMITTEE MEETING 21 AUGUST 2024					
Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
SE/091/2024	Notice of Motion – Dog Fouling	<p>it was agreed to note the report and approve the following:</p> <p>The development of an online reporting form for Residents and Elected Members to report dog fouling issues to the Council while exploring alternative digital options for reporting dog fouling and other complaints to the department; and</p> <p>A mapping exercise to be undertaken by Officers of identified hotspots or problem areas against litter bin provision data to determine if additional litter bins can be provided to assist with the disposal of dog fouling</p>	S Trainor	In progress	N
SE/092/2024	Correspondence from Ards and North Down Borough Council Regarding Additional Enforcement Powers	it was agreed that members would NOT support Ards and North Down Borough Council's proposal regarding additional Enforcement Powers and Newry, Mourne and Down Council will write to DAERA requesting similar enforcement powers	S Trainor	Complete	Y
SE/093/2024	Proposed Installation of Height Restricting Barriers at Council Car Parks	it was agreed to approve the proposal to reinstate height restricting barriers at the Square, Warrenpoint and installation of temporary height restricting barriers at Castle Park, Newcastle for the duration of the Amgen Irish Open	C Sage	In Progress	N

SE/094/2024	Christmas Illuminations 2024, Direct Award Contract for Testing	it was agreed to approve a Direct Award Contract for the testing of the 2024 Christmas Illuminations in November 2024 It was also agreed to investigate the locations as highlighted by Councillor Harte regarding reported issues with Christmas illuminations and street lighting	C Sage	In Progress	N
SE/095/2024	Direct Award Contracts – Facilities Service Contracts	it was agreed to approve the Direct Award Contracts for a 6-month period	C Sage	Complete	Y
SE/096/2024	Business Case for The Procurement of Specialist Technical Advice	it was agreed to approve the business case to procure a contract for specialist technical services	S Murphy	In progress	N
SE/097/2024	Direct Award Contract Extensions – Waste Management	it was agreed to approve two Direct Award Contracts as detailed at Appendix 1 of the Officers report	S Trainor	Complete	Y
SE/098/2024	Business Case for Insurance Brokerage Services	it was agreed to approve the business case to procure a contract for Insurance Brokerage Services	S Trainor	In progress	Y
SE/099/2024	Report from Sustainability and Environment Working Group on 19 June 2024	it was agreed to note the report	S Murphy	Noted	Y
SE/100/2024	Arc21 Joint Committee Members'	to note the arc21 Joint Committee Members' Monthly bulletin of meeting held	S Murphy	Noted	Y

	Monthly Bulletin Held on 23 July 2024 and In Committee Minutes of Thursday 30 May 2024	on 23 July 2024, and “in committee” minutes of meeting held 30 May 2024			
SE/101/2024	ARC21 Joint Committee Meeting Minutes of Thursday 30 May 2024	to note the minutes of the Arc21 Joint Committee meeting of Thursday 30 May 2024	S Murphy	Noted	Y
SE/102/2024	Provisional NI Local Authority Collected Municipal Waste Man Statistics January-March 2024	to note the statistics from January-March 2024	S Murphy	Noted	Y
SE/103/2024	Abandonment and Disposal of Land At Carneyhough Industrial Estate, Rathfriland Road, Newry	to note the proposed abandonment	S Murphy	Noted	Y

Report to:	Sustainability & Environment Committee
Date of Meeting:	18 September 2024
Subject:	Houses in Multiple Occupancy – Review of Licence Scheme Charges and Proposed Increase in Licence Fee from 1 October 2024
Reporting Officer	Sinead Trainor, Assistant Director: Environment
Contact Officer	Kevin Bloomfield – NIHMO Manager (Belfast City Council)

Confirm how this Report should be treated by placing an x in either:-

For decision

x

For noting only

1.0	Purpose and Background								
1.1	The purpose of this report is for Members to consider a request to increase the fee charged to licence a House in Multiple Occupation (HMO) and the fee to vary an HMO licence in accordance with the Houses in Multiple Occupation Act (Northern Ireland) 2016								
1.2	The Houses in Multiple Occupation (HMO) Act (Northern Ireland) 2016 received Royal Assent on 12 May 2016 and took effect from the 1 April 2019. The Department of Communities ("DfC") laid the subordinate Regulations the Houses of Multiple Occupation (Fees) Regulations (NI) 2019 "2019 Regulations". These Regulations set the maximum level of fee for an application for an HMO licence at £45 per person per annum. Belfast City Council's NIHMO Unit administers the service on behalf of all Northern Ireland Councils.								
1.3	Based on predicted income generation the fee was set at £37 per person per year at the introduction of the scheme in April 2019. The following additional fee were also agreed at that time – <table><tr><td colspan="2">Licence variations</td></tr><tr><td>Item</td><td>Cost</td></tr><tr><td>Addition of a new managing agent.</td><td>£185</td></tr><tr><td>Addition of a new occupant</td><td>£185 for each new occupant + £75 inspection fee (per visit)</td></tr></table>	Licence variations		Item	Cost	Addition of a new managing agent.	£185	Addition of a new occupant	£185 for each new occupant + £75 inspection fee (per visit)
Licence variations									
Item	Cost								
Addition of a new managing agent.	£185								
Addition of a new occupant	£185 for each new occupant + £75 inspection fee (per visit)								
1.4	A paper was presented to the Society of Local Authority Chief Executives ("SOLACE") on 2 August 2024 to inform them of the need to increase the HMO licence fee. SOLACE agreed to the proposed fee increase and confirmed that each Council will take a report to their respective Council Committee in August / September 2024 to agree the uplift.								
2.0	Key issues								
2.1	The transfer of the HMO Licensing Regime from the NIHE to Councils was on the basis that the service would be cost neutral. The fees to be charged at the outset were predicted based on the 'forecasted' number of occupants/licences over the first five-year term. The NIHE transferred £1.2m as part of the transitional costs.								
2.2	An internal review by the NIHMO Unit of the HMO charging model for the financial year 2022/23 identified the need to uplift the HMO fee to £45 per occupier per year from April								

	<p>2023/24. However, the Unit was unable to move forward with the proposal to increase the fee from April 2023/24 at that time as legal advice was awaited.</p>								
2.3	<p>Officers of the NIHMO Unit are in receipt of the relevant advice and are now in a position to progress the matter. It is intended, subject to members' approval that the fee increase will take effect from 1st October 2024.</p>								
2.4	<p>Further, as part of Belfast City Council's submission to the DfC Review of the Implementation of the new Houses in Multiple Occupation (HMOs) Licensing Scheme, officers proposed an increase to the maximum fee to future proof the fee structure and to reduce any potential burden on the rate payers as a consequence of the delivery of this function.</p>								
2.5	<p>The DfC Review has accepted the BCC's recommendation and proposed a legislative change to increase the fee beyond the current £45 threshold.</p>								
2.6	<p>It is important to note that NIHMO Unit Officers have continued to monitor the current financial HMO calculator in order to ensure that the HMO Service is delivered on a cost neutral basis and while increasing the charges to £45 will reduce impact on the rate payer, the financial risk to Councils will continue, and the service will ultimately accrue an ongoing deficit if legislative change is not enacted.</p>								
2.7	<p>Current cost projections would appear to indicate that within 20 months the monies transferred from the NIHE on the transfer of the function in April 2019 will be spent and even with the increase of the licence fee to the maximum £45 currently permissible the service will be running at a deficit.</p>								
2.8	<p>Therefore, it is estimated that the overall licence fee should be approximately £71 per person per year for the full 5-year second phase cycle (beginning 2024-2025) to break even. While the DfC Review accepted BCC's recommendation that legislative change was required to increase the fee beyond the current £45 threshold and are currently exploring the possibility of a Miscellaneous Housing Bill in this mandate, they could not give any assurances on what would be included in such a bill., and therefore, it is still considered unlikely that the necessary amendments would take place during the current Assembly mandate which ends on or before 6 May 2027.</p>								
2.9	<p>The Chair of SOLACE proposes to will write to the DfC Permanent Secretary regarding the risk being carried by Councils and the need to bring forward legislation on this matter within the current mandate.</p>								
3.0	<div><div><div>Recommendations</div><div>Members are asked to:</div><div><div>(i) Approve the increase of the HMO licence application fee to £45, the maximum permissible under the 2019 Regulations.</div><div>(ii) Approve the costs of varying an HMO licence as follows –</div></div></div><table><tr><th colspan="2">Licence variations</th></tr><tr><th>Item</th><th>Cost</th></tr><tr><td>Addition of a new managing agent.</td><td>£225</td></tr><tr><td>Addition of a new occupant</td><td>£225 for each new occupant + £100 inspection fee (per visit)</td></tr></table></div>	Licence variations		Item	Cost	Addition of a new managing agent.	£225	Addition of a new occupant	£225 for each new occupant + £100 inspection fee (per visit)
Licence variations									
Item	Cost								
Addition of a new managing agent.	£225								
Addition of a new occupant	£225 for each new occupant + £100 inspection fee (per visit)								

	(iii) note that the Chair of SOLACE will write to the DfC Permanent Secretary regarding the risk being carried by Councils and the need to bring forward legislation on this matter within the current mandate.
4.0	Resource implications
4.1	The continued support will be required from a number of different Belfast City Council services including, Financial Services, Legal Services and Central Procurement.
5.0	Due regard to equality of opportunity and regard to good relations (complete the relevant sections)
5.1	<p><i>General proposal with no clearly defined impact upon, or connection to, specific equality and good relations outcomes</i></p> <p>It is not anticipated the proposal will have an adverse impact upon equality of opportunity or good relations <input checked="" type="checkbox"/></p>
5.2	<p><i>Proposal relates to the introduction of a strategy, policy initiative or practice and / or sensitive or contentious decision</i></p> <p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>If yes, please complete the following:</p> <p>The policy (strategy, policy initiative or practice and / or decision) has been equality screened <input type="checkbox"/></p> <p>The policy (strategy, policy initiative or practice and / or decision) will be subject to equality screening prior to implementation <input type="checkbox"/></p>
5.3	<p><i>Proposal initiating consultation</i></p> <p>Consultation will seek the views of those directly affected by the proposal, address barriers for particular Section 75 equality categories to participate and allow adequate time for groups to consult amongst themselves <input type="checkbox"/></p> <p>Consultation period will be 12 weeks <input type="checkbox"/></p> <p>Consultation period will be less than 12 weeks (rationale to be provided) <input type="checkbox"/></p> <p><i>Rationale:</i></p>
6.0	Due regard to Rural Needs (please tick all that apply)
6.1	<p>Proposal relates to developing, adopting, implementing or revising a policy / strategy / plan / designing and/or delivering a public service</p> <p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>If yes, please complete the following:</p> <p>Rural Needs Impact Assessment completed <input type="checkbox"/></p>
7.0	Appendices

7.1	None
8.0	Background Documents
8.1	Houses in Multiple Occupation Act (Northern Ireland) 2016

Report to:	Sustainability & Environment Committee
Date of Meeting:	18 September 2024
Subject:	New Public Health Bill Consultation
Reporting Officer	Sinead Trainor, Assistant Director
Contact Officer	James Campbell, Head of Environmental Health (Residential)

Confirm how this Report should be treated by placing an x in either:-

For decision	x	For noting only	
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1.0	Purpose and Background
1.1	The Department of Health has issued a consultation seeking views on new health protection measures, being implemented through a Public Health Bill to replace the current Public Health Act (Northern Ireland) 1967.
1.2	<p>The main deficiencies in the 1967 Act are:</p> <ul style="list-style-type: none"> • the narrow scope of the Act, which is concerned almost exclusively with infectious diseases, • the Act is not consistent with World Health Organisation (WHO) International Health Regulations which places duties on Member States in relation to public health measures. • the powers given to authorities may not be compatible with the Human Rights Act 1998, • the powers of entry and the roles of authorised officers in carrying out certain functions are unclear; and • the list of notifiable diseases needs to be reviewed and updated to take account of public health threats that have emerged or become more apparent since 1967, e.g. Severe Respiratory Syndrome (SARS). Other UK jurisdictions have since added a list of notifiable organisms (causative agents) to their legislation, which places Northern Ireland out of alignment.
1.3	The overarching principle of the new legislation will be to protect the population against various forms of infection and contamination. The legislation provides powers and duties for the health management of, and mitigation against, infection and contamination including biological, chemical and radiological in addition to infectious diseases, which is the current focus of the 1967 Act.
2.0	Key issues
2.1	Council Officers in the Environmental Health Department are currently authorised under the existing 1967 Public Health Act. Environmental Health Officers' (EHOs) investigate communicable diseases, which are typically transmitted through food and water, to ascertain possible sources of infection and to identify contacts. Where the investigation of a case or cases of disease identifies a breach of legislation for which the Council has enforcement

	<p>responsibility that matter will subsequently be pursued under the powers granted under the specific legislation.</p> <p>Without a new health protection legislative framework, Northern Ireland (NI) remains vulnerable to other 21st century public health emergencies, in terms of a legislative response, and therefore a new health protection legislative framework is urgently required.</p> <p>It is proposed that the new Bill will:</p> <ul style="list-style-type: none"> • include all infection and contamination that present, or could present, a significant harm to human health. This all-hazards approach aligns with the legislative frameworks in other UK jurisdictions • align with the World Health Organization International Health Regulations published in 2005 • update certain powers around restrictions on employment, quarantine, isolation and medical examination • clarify roles and responsibilities for different authorities; and • ensure that powers to intervene are proportionate to the public health risk and therefore compatible with the Human Rights Act 1998.
2.2	<p>The procedural steps included in the proposals provide powers and clarity in relation to three main areas:</p> <ul style="list-style-type: none"> • a duty on registered medical practitioners to notify the Public Health Agency of any incident that may cause a risk to public health • powers for the Public Health Agency to investigate and risk assess the threat to public health of an infection, contamination or infectious disease • powers for the Public Health Agency to respond to the threat to mitigate the impact on public health.
2.3	<p>The Consultation is open for 12 weeks and closes on 27th September 2024. A draft response to the Consultation is attached as Appendix 1 for Members' consideration.</p>
3.0	Recommendations
	<p>Members are requested to approve the response in Appendix 1 to the new Public Health Bill Consultation to be submitted to the Department of Health on behalf of the Council.</p>
4.0	Resource implications
4.1	<p>Any proposal that will bring additional responsibilities and burdens on Council resources/budgets will need to be considered. A regulatory impact assessment by Department of Health will be required if any additional powers are passed to Councils and centralised funding arrangements made available.</p>
5.0	Due regard to equality of opportunity and regard to good relations (complete the relevant sections)

5.1	<p>General proposal with no clearly defined impact upon, or connection to, specific equality and good relations outcomes</p> <p>It is not anticipated the proposal will have an adverse impact upon equality of opportunity or good relations <input type="checkbox"/></p>
5.2	<p>Proposal relates to the introduction of a strategy, policy initiative or practice and / or sensitive or contentious decision</p> <p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <p>If yes, please complete the following:</p> <p>The policy (strategy, policy initiative or practice and / or decision) has been equality screened <input checked="" type="checkbox"/></p> <p>Consultation only - Department of Health have carried out an Equality Assessment.</p> <p>The policy (strategy, policy initiative or practice and / or decision) will be subject to equality screening prior to implementation – <input type="checkbox"/></p>
5.3	<p>Proposal initiating consultation</p> <p>Consultation will seek the views of those directly affected by the proposal, address barriers for particular Section 75 equality categories to participate and allow adequate time for groups to consult amongst themselves <input type="checkbox"/></p> <p>Consultation period will be 12 weeks <input type="checkbox"/></p> <p>Consultation period will be less than 12 weeks (rationale to be provided) <input type="checkbox"/></p> <p><i>Rationale:</i> Consultation only by Department of Health.</p>
6.0	<p>Due regard to Rural Needs (please tick all that apply)</p>
6.1	<p>Proposal relates to developing, adopting, implementing or revising a policy / strategy / plan / designing and/or delivering a public service</p> <p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <p>If yes, please complete the following:</p> <p>Rural Needs Impact Assessment completed <input checked="" type="checkbox"/></p> <p>Consultation only - Department of Health have carried out a Rural Needs Impact Assessment</p>
7.0	<p>Appendices</p>
7.1	<p>Appendix 1 - Consultation Response</p>

8.0	Background Documents
8.1	Consultation on a new Public Health Bill for Northern Ireland Department of Health (health-ni.gov.uk)

Consultation Response Form



Introduction

Being transparent and providing accessible information to individuals is key to the Department of Health's (DoH) commitment to building trust and confidence in our ability to process the information you share with us.

It is important therefore to note that your response, along with all other responses to this consultation, may be disclosed on request in accordance with the Freedom of Information Act 2000 (FOIA) and the Environmental Information Regulations 2004 (EIR).

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

How will your information be used and shared?

The information you provide will be processed to generate a report, which may be used by a Health Minister to help inform decision-making on policy proposals to inform a new Public Health Bill. It will be shared only with the relevant officials within the Department of Health in order to produce the report. It is intended that the report will be completed in Autumn 2024, prior to the Bill's introduction into the Assembly legislative programme.

How long will we keep your information?

We will retain consultation response information until our work on the subject matter of the consultation is complete, and in line with the Department's approved Retention and Disposal Schedule [Good Management, Good Records](#).

CONSULTEE DETAILS

Name (Optional)	
Organisation and job title (if applicable)	Newry Mourne and Down District Council

Please provide details of your postal and / or e-mail address if you wish to be advised of any outcome of the consultation.

Postal Address (Optional)	
E-mail Address (Optional)	ehealth@nmandd.org

I am responding: as an individual ☐
on the behalf of an organisation as an ☒ (please tick a box)

If replying as an individual, please indicate if you do not wish for your identity to be made public	Yes <input type="checkbox"/>	No <input type="checkbox"/>
	(please tick a box)	

Whilst not essential, it would assist the Department in analysing responses if responding on behalf of an organisation, you could provide details of who your organisation represents and, where applicable, how the views of members were assembled?	
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Views are invited on the following questions:

THEME 1: STRUCTURE AND PURPOSE OF THE BILL (pages 7 – 9)

Principles, statement of intent and objectives

Q1. Do you agree or disagree with the proposed statement of intent?

Agree ☒

Disagree ☐

Undecided ☐

Not Applicable ☐

Please give reasons for your answer.

The Council agree that the principle to ensure the capability to prevent, protect against, control, and provide response to public health threats is appropriate and necessary.

An explanatory would be welcomed to assist organisations who are tasked to fulfil any of the functions detailed in the Bill. This could be supported by summarising the outcomes that the Bill will deliver.

The detail of how this will be achieved in response to the wide range of potential scenarios needs to be fully understood, linkages existing legislative powers identified, and the appropriate consideration of how any additional duties or powers can be resourced and implemented. Further consultation needed when the Bill is drafted.

All hazards approach

Q2. Do you agree or disagree with the definition of “infection and contamination”?

Agree ☒

Disagree ☐

Undecided ☐

Not Applicable ☐

Please give reasons for your answer.

The definition of infection and contamination proposed is any infection or contamination which presents or could present significant harm to human health.

Agree that the definition should be brought into line with other UK jurisdictions. This allows all risks to human health to be considered, managed, and controlled to protect public health.

Important to ensure any definitions and legislation will encompass emerging hazards and not be limited to infectious disease.

THEME 2: ORGANISATIONAL RESPONSIBILITIES (pages 10-14)

Scope

Q3. Do you agree or disagree that other existing public health legislation, i.e. environmental health legislation, sufficiently describes the functions, duties and powers of Ministers and statutory bodies needed to deal with any public health incident?

Agree ☐

Disagree ☒

Undecided ☐

Not Applicable ☐

Please give reasons for your answer.

The consultation states that the proposed bill will replicate and enhance the powers of the 1967 Act and in relation to public health investigations, the PHA will be able to authorise others to undertake specified duties. Public health legislation in other UK jurisdictions places powers and duties on local authorities which enables the relevant authorised bodies to undertake health protection functions and investigations. For example, the taking of air, water and land samples.

Local Authorities in Northern Ireland have a range of duties and powers which may be invoked to protect public health during an incident, but there are limitations to what scenarios these duties and powers may cover e.g. public health issues such as controlling some infectious diseases in day care facilities or nurseries. In addition, Local Authorities have very limited powers in response to scenarios related to chemical hazards containment and cleanup.

It is important to note that whilst Environmental Health professionals can demonstrate a range of expertise and transferrable skills across our legislative remit, other agencies such as DAERA, HSENI, NIHE, FSA also have regulatory powers or responsibilities which may be relevant in a managing a health protection incident. Health and safety enforcement is split between HSENI and District Councils by sector as laid down in the Enforcing Authority Regulations. HSENI have the same enforcement powers as Council Environmental Health Officers in the premises they have enforcement responsibility.

Councils have enforcement responsibilities under health and safety legislation relating to risks arising from work activities affecting employees and others that could be affected e.g. risk to public from legionella.

It is likely that not all future situations / scenarios will fall neatly within current legislative frameworks operated across the range of statutory stakeholders, so where PHA are “directing” in serious situations, there also needs to be accompanying funding streams made available to execute such “directions”.

As new and novel hazards continue to emerge, it is essential that capability and capacity issues are adequately addressed and funded, not only to ensure the emerging issue is competently tackled but also to ensure the sustainability of that expertise and continued capacity to deliver the “authorised” organisation’s normal legislative remit in tandem.

In determining roles and responsibilities, it is also important to consider that local conflicts of interest may arise for local authorities in dealing with any incident on local authority premises.

Within the timeframe of the consultation and in the absence of a funded dedicated resource the Council is not in a position to authoritatively determine whether its environmental health legislation sufficiently describes the functions, duties and powers of ministers and statutory bodies needed to deal with any public health incident and would expect the Department for Health to undertake a full analysis through its legal advisers to determine such information in advance of this and any future consultation. For example, any expectations to carry out disinfection, disinfestation and decontamination will require specialist advice and services as these are currently not within the remit of Councils to deliver. Indeed, it is questionable whether Councils are best placed to assist with incidents of contamination given the “All Hazards” approach which could extend to incidents where the Council have no current role, and which requires a multi-agency approach involving access to highly specialised and costly services.

Additionally, the role of the Civil Emergencies Contingencies Group and its associated structures will need to be considered in response to any threat that may occur within Northern Ireland.

Any proposal that will bring additional responsibilities and burdens on Council resources/budgets will need to be considered in the context of bringing forward these proposals and a regulatory impact assessment will be required if any additional powers are passed to Councils. A central funding arrangement should be considered for this purpose.

Monitoring and surveillance

Q4. Do you agree or disagree that there is no requirement to replicate in the Bill the provisions in the Health Security (EU Exit) Regulations 2021 in relation to monitoring and surveillance?

Agree ☒

Disagree ☐

—

Undecided ☐

Not Applicable ☐

<p>Please give reasons for your answer.</p> <p>The Council agrees that monitoring and surveillance is an important element of protection public health and if the Department is satisfied that such powers already exist in Health Security (EU Exit) Regulations 2021, that there is no need to replicate the same legislative provisions in the Bill.</p> <p>It is noted in paragraph 24 that it is proposed that provision is made to confer on PHA and other persons functions in relation to the monitoring of public health risks.</p> <p>Further information is requested on who said 'other persons' or agencies are proposed to be.</p>

THEME 3: PUBLIC HEALTH POWERS (page 14- 66)

Notification Policy

Q5. Do you agree or disagree with the proposed “all hazards” approach to notification?

Agree ☒

Disagree ☐

Undecided ☐

Not Applicable ☐

Please give reasons for your answer.

The Council agrees that notification is the first step and therefore a necessary element of the proposed “all hazards” approach and therefore it would logical that an “all hazards approach to notification is necessary to meet the objectives of the new Bill. This may have resource implications and should be considered as part of a regulatory impact assessment.

Q6(a). Do you agree or disagree with the duties to be placed on registered medical practitioners?

Agree ☐

Disagree ☐

Undecided ☐

Not Applicable ☒

Please give reasons for your answer.

The Council however considers this is a matter for the relevant health / medical professionals to provide comment on the proposals.

Q6(b). Do you agree or disagree with the types of information that registered medical practitioners must notify?

Agree ☐

Disagree ☐

Undecided ☐

Not Applicable ☒

Please give reasons for your answer.

The Council however considers this is a matter for the relevant health / medical professionals to provide comment on the proposals.

Q7(a) Do you agree or disagree with the duties to be placed on operators / directors of diagnostic laboratories?

Agree ☐

Disagree ☐

Undecided ☐

Not Applicable ☒

Please give reasons for your answer.

Q7(b). Do you agree or disagree with the types of information that operators / directors of diagnostic laboratories must notify?

Agree ☒

Disagree ☐

Undecided ☐

Not Applicable ☐

Please give reasons for your answer.

Consideration should be given to requiring laboratories to make notifications as soon as possible and no later than 3 days which is consistent with the requirements on medical practitioners (rather than the suggested 7-day target).

Q7(c). Do you agree or disagree that legislation should place a duty on diagnostic laboratories to report negative test results?

Agree ☐

Disagree ☐

Undecided ☒

Not Applicable ☐

Please give reasons for your answer.

Whilst the reporting of negative results is supported by the government's previous consultation, it could however prove to be an administrative burden during a large scale or regional outbreak, potentially diverting valuable resource.

Q7(d) Do you agree or disagree that legislation should place a duty on diagnostic laboratories to report void test results?

Agree ☐

Disagree ☐

Undecided ☒

Not Applicable ☐

Please give reasons for your answer.

In the event of a test result being void, it would be helpful for relevant authorities to be made aware of this as soon as possible, so that a repeat sample can be obtained and retested, if necessary. This is not only important for any individual involved, but also for decision makers who need all necessary information in which to act / take action in the given situation.

Offences

Q8(a). Do you agree or disagree that an offence may be placed on an operator / director of a diagnostic laboratory for failure to comply with the proposed duties?

Agree ☒

Disagree ☐

Undecided ☐

Not Applicable ☐

Please give reasons for your answer.

To avoid a dual standard for compliance, it is important that all laboratories across UK are subject to the same sanctions for failing to comply with any duties placed upon them.

Q8(b). Do you agree or disagree that the level of fine is appropriate?

Agree ☒

Disagree ☐

Undecided ☐

Not Applicable ☐

Please give reasons for your answer.

The level of fine should be consistent across the United Kingdom

Powers of entry and investigations

Q9. Do you agree or disagree with the proposed enhanced powers of entry for “authorised officers” of the PHA?

Agree ☒

—

Disagree ☐

Undecided ☐

Not Applicable ☐

Please give reasons for your answer.

The Council agrees that the scope of the powers of entry must be sufficient for "Authorised officers" to exercise any duty necessary to achieve compliance with the Bill and carry out any necessary function with a view to protecting public safety and health.

The Council considers that point B should not apply to commercial premises as there should be consistency with existing powers of entry available in other public health and health and safety related legislation linked to commercial premises. This should only apply for residential premises. Inclusion of the definition of a "premises" and any exemptions would be helpful.

Should the Public Health Agency decide to authorise officers outside of the PHA, then this approach should be developed in consultation with other regulators, be comprehensive but limited to those necessary.

It recommended that consideration be given to developing an accompanying Code of Practice to sit alongside powers of entry (like that of the Environmental Better Regulation Bill) to ensure the correct and consistent use of such powers. This is of particular importance as the powers referred to in the proposed legislation impinge upon human rights, liberty and property.

The consultation lacks details on who PHA intends to authorise to exercise these functions. There is potential impact on staff resources and budgets for any Department where authorised officers are in required to 'execute any work'. This may affect ability to deliver upon their own statutory functions and services.

Q10(a). Do you agree or disagree with the definition of "authorised officer"?

Agree ☒

Disagree ☐

Undecided ☐

Not Applicable ☐

Please give reasons for your answer

The Council agrees that the definition of 'authorised officer' to be included in the Bill will mean any person authorised by the PHA to exercise functions conferred on it under the Bill (whether the person is an officer of the Agency). This will allow organisations to have their officers

authorised as necessary. The definition should also be extended to allow for “other persons” who are not necessarily employed by the statutory agencies but who are specialist or experts in a particular field of expertise to accompany authorised officers.

The legislation should include limitations on the power to authorise officers outside of the Public Health Agency. Officers outside of the agency should only be authorised where deemed necessary and where it can be demonstrated that the competency, expertise and adequate resources are available to exercise any functions conferred under this Bill. Further consultation with any proposed authorised officers / organisation is recommended.

Q10(b). Do you agree or disagree that the Department should specify who the “authorised officers” should be in legislation?

Agree ☐

Disagree ☐

Undecided ☒

Not Applicable ☐

Please give reasons for your answer

In considering an all hazards approach it may be constrictive to confine who can be authorised within the legislative framework and therefore consideration should be given to allow flexibility in the Bill to enable the PHA to appoint authorised officers who can demonstrate their expertise and competency to assist with any emerging public health incident.

It is considered that the consultation should have specified who ‘authorised officers’ are to be in the legislation.

All relevant department and agencies should be specified as authorised officers e.g. HSENI, NIFRS, FSA, PSNI, NIEA. This would allow flexibility in response and enable persons with the necessary expertise and equipment to be deployed appropriately depending on the type of incident. Private contractors e.g. environmental clean-up companies should also be included.

It is suggested that the legislation should list the relevant agencies whose staff may be authorised along with the type of incident or activities they could be asked to assist with.

Supplementary provision as to entry

Q11(a) Do you agree or disagree with the supplementary powers of entry for authorised officers of the PHA?

Agree ☒

Disagree ☐

Undecided ☐

Not Applicable ☐

Please give reasons for your answer

The Council agrees with the provision of supplementary powers for “authorised officers” which should be sufficient to allow officers to carry out their role with all the investigative tools that are necessary to properly assess the risks to public health and to allow them to take appropriate action to mitigate or eliminate the risk under investigation.

Further information on who will take enforcement action in relation to contraventions will be necessary.

Q11(b). In relation to “any such person” accompanying an “authorised officer”, who do you think should be included in this category?

Please provide suggestions in the box below

Given the range of hazards incorporated under the proposed Bill, it would not be possible for the Council to pre-empt the professional/technical skills or credentials of any such person. The legislation should be drafted accordingly to allow sufficient latitude for such persons to be identified and appointed in response any type of hazard defined within the scope of this Bill.

See response to 10(B). Should include Private contractors, HSENI, FSA, NIFRS, PSNI, NIEA, not just District Councils.

It is recommended that the legislation clarifies that PHA remain the lead authority, directing the incident response and that decision-making responsibilities lie with PHA.

A dedicated team with appropriate experience and expertise, akin to the HSENI major incident team, to fulfil this role may be worth considering.

Q11(c) Do you agree or disagree with the supplementary provisions as to powers of entry?

Agree ☒

Disagree ☐

Undecided ☐

Not Applicable ☐

Please give reasons for your answer

The Council agrees with the supplementary provisions as to the powers of entry. It is further recommended that a Code of Practice be developed to sit alongside the powers of entry to ensure the correct and consistent use of such powers. This is of particular importance as the powers referred to in the proposed legislation impinge upon human rights, liberty, and property.

Q11(d). Do you think other actions should be included?

Agree ☒

Disagree ☐

Undecided ☐

Not Applicable ☐

Please give reasons for your answer

Include any other reasonable power which is necessary for the purpose of entry is authorised. Inclusion would enable action not listed, to be taken if deemed necessary and would also future proof the legislation so other actions can be taken without need to change the legislation. It may also ne worth including the power to secure a scene or for it to be left undisturbed.

Offence of Wilful Obstruction

Q12(a). Do you agree or disagree that an offence of wilful obstruction should be included in the Bill?

Agree ☒

Disagree ☐

Undecided ☐

Not Applicable ☐

Please give reasons for your answer

The offence of wilful obstruction should be included in the legislation to ensure acts of wilful obstruction are appropriately dealt with and to bring this legislation into parity with other regulatory provisions to address these behaviours.

Useful to consider a definition of 'wilful'. The equivalent offence in legislation is 'obstruction' not 'wilful obstruction' and this may be more difficult to prove.

Q12(b). If you agree, do you think the level of fine is appropriate?

Agree ☒

Disagree ☐

Undecided ☐

Not Applicable ☐

Please give reasons for your answer

The level of fine would seem commensurate with the offence taking account of the public health implications of those who chose to impede and obstruct investigation and remedial action to address public health risks.

Enhancement of PHA Powers / Magistrates' Court Orders

Q13. Do you agree or disagree with the "requirements and restrictions" in relation to "persons" and "groups of persons"?

Agree ☒

Disagree ☐

Undecided ☐

Not Applicable ☐

Please give reasons for your answer

The Council agrees that the "requirements and restrictions" in relation to "persons" and "groups of persons" should enable adequate measures to control risk to public health in any given scenario.

Members of the public and civil liberty/human rights groups should be consulted on the proposed requirements and restrictions.

Consultation lacks information on who PHA will authorise to investigate and mitigate an incident. Clarification is requested on the practicalities of enforcement and who or which agency would liaise with the courts to obtain court orders or warrants.

Any potential impact on Council resources/budgets must be subject to further consultation.

Q14. Do you agree or disagree with the "requirements and restrictions" in relation to "related parties"?

Agree ☒

Disagree ☐

Undecided ☐

Not Applicable ☐

Please give reasons for your answer

The Council agrees that the "requirements and restrictions" in relation to "related parties" should enable adequate measures to control risk to public health in any given scenario.

Q15. Do you agree or disagree with the "requirements and restrictions" in relation to "things"?

Agree ☒

Disagree ☐

Undecided ☐

Not Applicable ☐

Please give reasons for your answer

The Council agrees that the "requirements and restrictions" in relation to "things" should enable adequate measures to control risk to public health in any given scenario that may arise that

presents a significant risk to health. The definition of 'thing' includes dead body/human remains should be considered with sensitivity in the description.

The Council would like to further understand what role (if any) they may have in relation to these requirements as there would be health and safety considerations and possibly a specialist services required which would not be readily available within Councils current roles, responsibilities, and resources.

Further consideration of the specific examples would be required to inform Councils understanding of the types of scenarios where a significant risk to public health is identified.

The required interventions in some cases may require specialist services that cannot be readily sourced and therefore consideration may need to be given to setting up contingency arrangements by availing expertise and services that may be already available in other jurisdictions. Further clarity will help to inform our understanding of the roles that Councils will be expected to provide.

Consideration of resources and budget associated with the introduction of this Bill is a concern for Councils and a detailed analysis of cost should be undertaken to ensure that there is no additional cost/burden to Councils. It is recommended that a central budget is held by the PHA to allow Councils to undertake any work that is necessary so that Councils' existing budgets are not adversely impacted.

Any proposal that will bring additional responsibilities and burdens on Council resources/budgets will need to be considered in the context of bringing forward these proposals and a regulatory impact assessment will be required if any additional powers are passed to Councils. A central funding arrangement should be considered for this purpose.

Q16. Do you agree or disagree with the "requirements and restrictions" in relation to the health measures in relation to things for "related persons" and "related things" at paragraph 91?

Agree ☒

Disagree ☐

Undecided ☐

Not Applicable ☐

Please give reasons for your answer

The Council agrees that the "requirements and restrictions" in relation to health measures in relation to "related persons" and "related things" should enable adequate measures to control risk to public health in any given scenario io that may arise that presents a significant risk to health.

Q.17 Do you agree or disagree with the “requirements and restrictions” in relation to “premises”?

Agree ☒

Disagree ☐

Undecided ☐

Not Applicable ☐

Please give reasons for your answer

The Council agrees that the “requirements and restrictions” in relation to health measures in relation to “premises” and “any place” should enable adequate measures to control risk to public health in any given scenario that may arise that presents a significant risk to health. A definition of a premises and any exclusions would be useful.

Q18 Do you agree or disagree with the “requirements and restrictions” in relation to the health measures for “related premises” in relation to a “related person” and a “related thing” in paragraph 98?

Agree ☒

Disagree ☐

Undecided ☐

Not Applicable ☐

Please give reasons for your answer

The Council agrees that the “requirements and restrictions” in relation to health measures in relation to “premises” and “any place” should enable adequate measures to control risk to public health in any given scenario that may arise that presents a significant risk to health.

Q19. Do you agree or disagree with the additional provisions in relation to the making of the magistrates’ court orders?

Agree ☐

Disagree ☐

Undecided

☐

Not Applicable

☒

Please give reasons for your answer

The section on magistrates' court orders lacks any detail on which agency/who will seek and implement such orders

Q20. Should provision in relation to a timely explanation of interference with individual rights be included?

Agree

☒

Disagree

☐

Undecided

☐

Not Applicable

☐

Please enter your answer and reasons for your answer in the box below.

Although there is a balance between protecting public health whilst also maintaining an individual's rights, every opportunity must be afforded to provide a timely and expedited right of appeal where an individual is potentially deprived of those rights.

It is also recommended that additional safeguards and support is provided to the most vulnerable in society. Additionally, where an individual or group is subject to restrictions or deprivation of freedoms, then suitable mitigations and financial support should be provided in appropriate circumstances.

Medical examination: least invasive and least intrusive procedures.

Q21. Do you agree or disagree with the provisions in relation to medical examinations?

Agree

☐

Disagree

☐

Undecided

☐

Not Applicable ☒

Please give reasons for your answer

The Council however considers this is a matter for the relevant health / medical professionals to provide comment on the proposals.

Q22. Do you agree or disagree with the list in relation to invasive procedures?

Agree ☐

Disagree ☐

Undecided ☐

Not Applicable ☒

Please give reasons for your answer

The Council considers this is a matter for the relevant health / medical professionals to provide comment on the proposals.

Q23. Do you agree or disagree with the provision of magistrates' court orders in relation to premises?

Agree ☒

Disagree ☐

Undecided ☐

Not Applicable ☐

Please give reasons for your answer

The Council agrees with the provision of magistrates' court orders in relation to premises to ensure that the additional provision is available if access to a premises is not possible or is prevented however detail is lacking on which agency/who will implement these orders

Q24. Do you agree or disagree with the periods for which magistrates' court orders may be in force?

Agree ☒

Disagree ☐

Undecided ☐

Not Applicable ☐

Please give reasons for your answer

The Council acknowledges that where there are situations where individuals pose a severe and imminent risk to public health it may be necessary to apply powers of detention, isolation, and quarantine. The use of such powers must however be used sparingly, and the legislation should reflect that whilst at the same time allowing the statutory agencies some discretion as to assessing and balancing the risk to public health against the protection of individual freedoms / human rights obligations. Consideration needs to be given on what actions will be taken should the risk remain after the 20 days expiration period.

Q25(a). Do you agree or disagree with the proposals in relation to the making of magistrates' court orders?

Agree ☐

Disagree ☐

Undecided ☐

Not Applicable ☒

Please give reasons for your answer

The Council considers this is a matter for the relevant health / medical professionals to provide comment on the proposals however detail is lacking on which agency/who will implement these orders

Q25(b). Do you agree or disagree with the proposals in relation to the varying and revocation of magistrates' court orders?

Agree ☐

Disagree ☐

Undecided ☐

Not Applicable ☒

Please give reasons for your answer

The Council agrees with the principle of making court orders as described however the Council considers this is a matter for the relevant health / medical professionals to provide comment on the proposals however detail is lacking on which agency/who will implement these orders

Q26(a). Do you agree or disagree with the proposal in relation to the enforcement of magistrates' court orders?

Agree ☒

Disagree ☐

Undecided ☐

Not Applicable ☒

Please give reasons for your answer

The Council agrees with the proposals however would welcome some clarification as to who the enforcing body for this aspect of the Bill will be. As highlighted above, Council do not have medical skills or expertise to exercise these powers therefore would fall outside of the scope of Council responsibilities.

Q26(b). Do you agree or disagree with the proposals in relation to the associated offence and fine?

Agree ☐

Disagree ☐

Undecided ☒

Not Applicable ☐

Please give reasons for your answer

Council do not have medical skills or expertise to exercise these powers therefore would fall outside of the scope of Council responsibilities.

Supplementary provisions in respect of magistrates' court orders

Q27. Do you agree or disagree with the supplementary provisions, enabling the Department to make further regulations in relation to the taking of measures pursuant to a magistrates' court order?

Agree ☒

Disagree ☐

Undecided ☐

Not Applicable ☐

Please give reasons for your answer

The Council agrees the department should have the scope to make further regulations that are deemed appropriate.

Detail is lacking on which agency/who will enforce magistrates court orders and at this stage understanding what the expectations will be on Council, if any. Conferring functions on any agency or Department without agreement requires further consideration including financial reimbursement.

Restrictions / emergency powers

Q28. Do you agree or disagree with the proposed "restrictions and requirements" that may be included in health protection regulations?

Agree ☒

Disagree ☐

Undecided ☐

Not Applicable ☐

Please give reasons for your answer

Council agrees with the proposed "restrictions and requirements" that may be included in health protection regulations. Any restrictions and requirements must be proportionate to risk and

necessary to do so to protect the public from significant risks to health. Given the range of powers, included Councils would welcome some clarity on the roles in terms of enforcement of any proposed regulations due to the scope that has been outlined for this proposal relating to persons, things, and premises.

The Council believes that the legislation should provide for such remedial measures to apply to premises, things, and persons. Such powers will only be used where an on-going hazard is presented by such material or persons and the powers would provide the mechanism to 'make safe' the building or person and thereby eliminate the risk to public health. As it is likely that local councils will have a role in this, the council would emphasise the need to undertake detailed consultation and to ensure that there is no additional cost/burden for councils. Given that these provisions will apply to an "all hazards" approach, Councils will not have the necessary skills, expertise, or ready access to specialised services to deal with incidences where for example specialist decontamination services are required that cannot be readily sourced and therefore consideration may need to be given to setting up contingency arrangements by accessing and availing expertise and services that may be already available in other jurisdictions. Further clarity will help to inform our understanding of the roles that Councils will be expected to provide along with multi agency partners as highlighted in question 3, the role of the Civil Emergencies Contingencies Group and its associated structures will need to be considered in response to any threat that may occur within Northern Ireland.

Appropriate provision should be made for the carrying out of works in default and the recovery of costs where possible, however, it is important to recognize that where such costs are unlikely to be successfully recovered, Council budgets may prohibit expensive works in default. Accordingly, to ensure that works are carried out promptly and the risk to public health is addressed as a priority it is recommended that a central budgetary resource is held which can be accessed by statutory agencies as necessary to carry out such works.

Councils will have been involved in the enforcement of the emergency Health Protection Regulations brought into effect at pace during the Covid pandemic. The lessons learnt from the enquiry should be considered to inform this element of the bill. In an emergency where legislation is being drafted there should be timely consultations with any statutory body required to enforce such special regulations to ensure that the legislation addresses the intended purpose.

Power to require a head teacher to provide contact details of pupils.

Q29(a). Do you agree or disagree with the proposals in relation to the power to keep a child out of school?

Agree ☐

Disagree ☐

Undecided ☐

—

Not Applicable ☒

Please give reasons for your answer

This falls outside of the scope of Council responsibilities and not a function to be conferred to other persons.

Q29(b). Do you agree or disagree with the requirements on a head teacher to provide contact details?

Agree ☐

Disagree ☐

Undecided ☐

Not Applicable ☒

Please give reasons for your answer

This falls outside of the scope of Council responsibilities. See response to 29(a).
Consideration should be given to GDPR and permissions for schools to share pupils information outside of the education system.

Restriction of access to, or contact with, dead bodies

Q30(a). Do you agree or disagree with the proposals in relation to access to dead bodies?

Agree ☒

Disagree ☐

Undecided ☐

Not Applicable ☐

Please give reasons for your answer

The Council agrees with proposals in relation to restricting access and contact with dead bodies who pose a threat to the spread of infectious disease or contamination for the protection of public health.

Q30(b). Do you agree or disagree with the proposals in relation to contact with dead bodies?

Agree ☒

Disagree ☐

Undecided ☐

Not Applicable ☐

Please give reasons for your answer

The Council agrees with proposals in relation to restricting access and contact with dead bodies who pose a threat to the spread of infectious disease or contamination for the protection of public health.

Q30(c). Who should have the power to give notice of the restriction?

Please provide suggestions in the box below

The power to give notice of the restriction will be based on medical evidence and therefore Councils would not have any role in this aspect of the proposed Bill.
Detail is lacking on which agency/who will enforce offence of non-compliance

Relocation of dead bodies

Q31(a). Do you agree or disagree with the proposals in relation to relocation of dead bodies?

Agree ☒

Disagree ☐

Undecided ☐

Not Applicable ☐

Please give reasons for your answer

Any powers conferred should be comprehensive and should allow for requirements on how the body is to be handled and ultimately treated. The Council therefore recommends that there should be powers to require precautions for handling/ preparing bodies, requiring movement to a place and arrangements for interment/disposal to prevent the risk to public health. Such requirements should be based on robust risk assessment.

Q31(b). Who should have the responsibility to relocate or cause the dead body to be relocated?

Please provide suggestions in the box below

Given that such hazards are likely to be identified via interaction with medical professionals at or around the time of death it seems likely that controls should commence at that stage by the doctor or other professional such as PHA officials.

Detail is lacking on which agency/who will enforce the failure to co-operate offence.

Limitations: regulations imposing restrictions or requirements

Domestic Health Protection Regulations

Q32(a). Do you agree or disagree with the scope of the powers to make domestic health protection regulations?

Agree ☒

Disagree ☐

Undecided ☐

Not Applicable ☐

Please give reasons for your answer

See points raised in answer to question 28.

Q32(b). Do you agree or disagree with the scope of the limitations imposing “restrictions or requirements” in relation to domestic health protection regulations?

Agree ☒

Disagree ☐

Undecided ☐

Not Applicable ☐

Please give reasons for your answer

See points raised in answer to question 28.

International Travel Health Protection Regulations

Q33(a). Do you agree or disagree with the scope of the powers to make international travel health protection regulations?

Agree ☒

Disagree ☐

Undecided ☐

Not Applicable ☐

Please give reasons for your answer

The Council agrees however any regulations must be proportionate to risk and necessary to do so to protect the public from significant risks to health.

In an emergency where legislation is being drafted there should be timely consultations with any statutory body required to enforce such special regulations to ensure that the legislation addresses the intended purpose.

Q33(b). Do you agree or disagree with the scope of the limitations imposing “restrictions or requirements” in relation to international travel health protection regulations?

Agree ☐

Disagree ☐

Undecided ☒

Not Applicable ☐

Please give reasons for your answer

The Council considers this is a matter for the relevant health / medical professionals to provide comment on the proposals.

Q34. Do you agree or disagree with the scope of the associated offences and fines?

Agree ☐

Disagree ☐

Undecided ☒

Not Applicable ☐

Please give reasons for your answer

The lessons learnt from the Covid enquiry should be considered to inform this element of the bill.

Detail is lacking on which agency/who will enforce contraventions of public health regulations failure to co-operate offence. Conferring functions on any agency or Department without agreement requires further consideration including financial reimbursement.

Powers conferred on any other Northern Ireland Department to make regulations.

Q35. Do you agree or disagree that regulation making powers should be included in the Bill enabling other NI departments to make regulations at the request of the Minister of Health?

Agree ☒

Disagree ☐

Undecided ☐

Not Applicable ☐

Please give reasons for your answer

Councils welcome any measures to ensure that any new regulations introduced in response to emergency measures are overseen and co-ordinated by the appropriate Ministerial Department. During the Covid pandemic, Councils were involved in the enforcement of the emergency powers and encountered many challenges in enforcing legislation that involved several government departments.

Council welcomes advance consultation with stakeholders on any new regulation, especially with those responsible for enforcement. Failure to consult and consider feedback can result in legislation that is confusing to the public/businesses, open to interpretation and unenforceable by the enforcing authority

Council also encourages that detailed guidance is developed alongside the drafting of legislation to assist in its interpretation and implementation. Such guidance should be provided promptly, ideally prior to the new regulation coming into force.

Review of regulations

Q36. Do you consider that the proposals in relation to the review of the operation of the health protection regulations are appropriate?

Agree ☒

Disagree ☐

Undecided ☐

Not Applicable ☐

Please give reasons for your answer

Council recommends advance consultation with stakeholders on any new regulation, especially with those responsible for enforcement. Failure to consult and consider feedback can result in legislation that is confusing to the public/businesses, open to interpretation and unenforceable by the enforcing authority

Council also encourages that detailed guidance is developed alongside the drafting of legislation to assist in its interpretation and implementation. Such guidance should be provided promptly, ideally prior to the new regulation coming into force.

Assembly control

Q37. Do you consider that the proposals set out in Recommendation 3 of the Bingham report should be adopted in the new Public Health Bill?

Agree ☐

Disagree ☐

Undecided ☒

Not Applicable ☐

Please give reasons for your answer

Council recommends advance consultation with stakeholders on any new regulation, especially with those responsible for enforcement. Failure to consult and consider feedback can result in legislation that is confusing to the public/businesses, open to interpretation and unenforceable by the enforcing authority

Council also encourages that detailed guidance is developed alongside the drafting of legislation to assist in its interpretation and implementation. Such guidance should be provided promptly, ideally prior to the new regulation coming into force.

Q38. Do you consider that the proposals set out in Recommendation 4 of the Bingham report should be adopted in the new Public Health Bill?

Agree ☐

Disagree ☐

Undecided ☒

Not Applicable ☐

Please give reasons for your answer

Q39. Do you consider that the proposals set out in Recommendation 5 of the Bingham report should be adopted in the new Public Health Bill?

Agree ☐

Disagree ☐

Undecided ☒

Not Applicable ☐

Please give reasons for your answer

Q40. Do you agree or disagree that the negative procedure for making urgent international travel regulations should be retained as in Recommendation 6?

Agree ☐

Disagree ☐

Undecided ☒

Not Applicable ☐

Please give reasons for your answer

Q41(a). Do you agree or disagree that ministers should have a statutory duty to have regard to any relevant advice produced by National Human Rights Institutions in their jurisdiction as in Recommendation 10?

Agree ☐

Disagree ☐

Undecided ☒

Not Applicable ☐

Please give reasons for your answer

Q41(b) What other institutions could this duty be extended to?

Please provide suggestions in the box below

Commissioner for Older People
Council would consult further with Legal Services

Q42(a) Do you agree or disagree that an alternative formal system of enforcement, other than Fixed Penalty Notices (FPNs), should be adopted in emergency health protection regulations?

Agree ☐

Disagree ☐

Undecided ☒

Not Applicable ☐

Please give reasons for your answer

The lessons learnt from the Covid enquiry should be considered to inform this element of the bill.

Any alternative formal system of enforcement, other than Fixed Penalty Notices must be consistent with good practice with a graduated and proportionate approach to enforcement adopted.

Council would query if a warning is suitable for a contravention of emergency health protection regulations, given their purpose and the risk to public health.

There is a lack of detail on who the enforcement body would be and how decisions on the course of action to be taken would be determined.

Recording and managing warnings issued could be problematic for any enforcement body. Regional systems will need to be put in place to enable sharing of information to avoid individual receiving multiple warnings that should have escalated to an FPN or prosecution.

The use of warnings for a first offence may not serve as an effective deterrent. FPNs are more appropriate and may be easier to manage.

Q42(b) If so, what should this look like?

Please provide suggestions in the box below

See 42 (a)

THEME 4: PROTECTING INDIVIDUALS (Page 67-69)

Q43. Do you consider that appropriate safeguards and protections to individuals have been captured in the proposed Bill?

Agree ☒

Disagree ☐

—

Not Applicable ☐

Please give reasons for your answer

Rural Impact

The Rural Needs Act (NI) 2016 places a duty on public authorities, including government departments, to have due regard to rural needs when developing, adopting, implementing or revising policies, strategies and plans and when designing and delivering public services.

Q44. Are the actions or proposals set out in this consultation document likely to have an adverse impact on rural areas?

Yes ☒

Undecided ☐

Not Applicable ☐

Please give reasons for your answer.

Council would suggest based on restrictions during covid, rural areas were adversely affected to a greater extent in respect of access to services etc.

Equality/human rights questions

Q45. Are you aware of any indication or evidence – qualitative or quantitative – that the actions/proposals set out in this consultation document may have an adverse impact on equality of opportunity or on good relations? If yes, please give details and comment on what you think should be added or removed to alleviate the adverse impact.

Yes ☐

Undecided ☒

Not Applicable ☐

Please give reasons for your answer.

Q46. Is there an opportunity to better promote equality of opportunity or good relations? If yes, please give details as to how.

Yes ☐

Undecided ☒

Not Applicable ☐

Please give reasons for your answer.

Q47. Are there any aspects of this policy proposal where potential human rights violations may occur?

Yes ☐

Undecided ☒

Not Applicable ☐

Please give reasons for your answer.

Whilst safeguards appear to have been considered in the form of appeals and review periods where restrictions and deprivation of movement are imposed, it is not possible to determine the extent, if any, of potential human rights violations until the final draft of the Bill is available for comment.

Thank you for your comments

Please submit your response via email or hard copy to the correspondence details below:

Email: phbt@health-ni.gov.uk

Address: Health Protection Legislation Branch
C/O PHD Admin Team
Room C4.22
Castle Buildings
Stormont Estate
Belfast
Northern Ireland
BT4 3SQ

END

Report to:	Sustainability & Environment Committee
Date of Meeting:	18 th September 2024
Subject:	Fleet Policy
Reporting Officer	Conor Sage, Assistant Director Sustainability
Contact Officer	Peter Whyte, Head of fleet (Acting)

Confirm how this Report should be treated by placing an x in either: -

For decision	X	For noting only	
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1.0	Purpose and Background
1.1	The purpose of this report is to seek approval for the Council's Fleet Policy which is attached at Appendix 1.
1.2	The purpose of the Fleet Policy is to provide the framework to ensure that all the Council's driving activities are organised safely and efficiently and comply with statutory legislation. The Council has an existing policy, and this new policy will support the rollout of procedures to ensure compliance.
2.0	Key issues
2.1	<p>To operate its Fleet of vehicles the Council is required to hold an Operator's License. This places minimum legal standards on the use of vehicles and driver and Management standards.</p> <p>To ensure compliance with its legal undertakings, Sustainability & Environment Directorate have, in consultation with key Stakeholders, updated the Fleet Policy and associated supporting procedures.</p> <p>The updated Policy and supporting Procedure are now complete and will be rolled out to all relevant Staff. These have been discussed and agreed with key stakeholders.</p> <p>This will address matters previously reported through audit committee to ensure compliance with the Transport Regulation Unit (TRU) recommendations and Operator License Legislation.</p>
3.0	Recommendations
3.1	<ul style="list-style-type: none"> To note contents of this report. To approve the Council's Fleet Policy as presented at Appendix 1 of this report.
4.0	Resource implications
4.1	<p>Policy and agreed procedures will require a series of internal training events to ensure all Staff affected are made familiar with their contents.</p> <p>This training is expected to be delivered In-house, utilising existing local expertise and management resources.</p>

5.0	Due regard to equality of opportunity and regard to good relations (complete the relevant sections)
5.1	<p><i>General proposal with no clearly defined impact upon, or connection to, specific equality and good relations outcomes</i></p> <p>It is not anticipated the proposal will have an adverse impact upon equality of opportunity or good relations <input checked="" type="checkbox"/></p>
5.2	<p><i>Proposal relates to the introduction of a strategy, policy initiative or practice and / or sensitive or contentious decision</i></p> <p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <p>If yes, please complete the following:</p> <p>The policy (strategy, policy initiative or practice and / or decision) has been equality screened <input checked="" type="checkbox"/></p> <p>The policy (strategy, policy initiative or practice and / or decision) will be subject to equality screening prior to implementation <input type="checkbox"/></p>
5.3	<p><i>Proposal initiating consultation</i></p> <p>Consultation will seek the views of those directly affected by the proposal, address barriers for particular Section 75 equality categories to participate and allow adequate time for groups to consult amongst themselves <input type="checkbox"/></p> <p>Consultation period will be 12 weeks <input type="checkbox"/></p> <p>Consultation period will be less than 12 weeks (rationale to be provided) <input type="checkbox"/></p> <p><i>Rationale:</i></p>
6.0	Due regard to Rural Needs (please tick all that apply)
6.1	<p>Proposal relates to developing, adopting, implementing or revising a policy / strategy / plan / designing and/or delivering a public service</p> <p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <p>If yes, please complete the following:</p> <p>Rural Needs Impact Assessment completed <input checked="" type="checkbox"/></p>

7.0	Appendices
	Appendix 1: Newry, Mourne and Down District Council Fleet Policy
8.0	Background Documents
8.1	None

Policy title: Fleet Policy



Policy Control

Policy reference:	<i>Contact Corporate Policy & Equality Officer for a policy reference</i>
Title of Policy:	Fleet Policy
Version:	1.0
Directorate / Departmental ownership:	Sustainability and Environment/Fleet
Officer responsible:	Peter Whyte
Date of ratification:	
Review date:	
Equality screening and Rural Needs Impact Assessment completed by:	Peter Whyte
Equality screening and Rural Needs Impact Assessment date:	04/09/24
Location where document is held and referenced:	Responsible Department <input checked="" type="checkbox"/>
	Corporate Policy repository <input checked="" type="checkbox"/>

Contents

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Procedures and arrangements for monitoring the implementation and impact of the policy	3
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1. Title of policy

Newry, Mourne and Down District Council (NMDDC) Fleet Policy

2. Statement

NMDDC endorses the Fleet Policy as a key component in ensuring that all the Council's driving activities are organised safely and efficiently and in compliance with the Council's obligations with regard to its Goods Vehicle Operator Licence (issued under the Goods Vehicles (Licensing of Operators) Act (Northern Ireland)) and other relevant statutory legislation.

3. Aim

The aims of the Fleet Policy are:

- to ensure that driving activities within the Council are conducted in a legal, considerate and responsible manner that minimises risk to its staff members and the public;
- to ensure that the needs of Council services, in relation to fleet and driving, are met in an efficient manner;
- to provide a high quality fleet maintenance service, providing staff with vehicles that are in a roadworthy condition
- To develop and maintain all necessary records and training requirements in support of this policy.
- to ensure that the Council's statutory obligations in relation to fleet, in particular the obligations of the Goods Vehicle Operator Licence, are met.

4. Scope

This policy will apply to all Council staff members who either drive a vehicle in relation to Council business or are involved in the transport of goods, by road, for the Council.

5. Related policies and legislation

- Fleet Procedure
- Drivers' Handbook
- Vehicle inspection and Defect Reporting Procedure
- Driver's Hours Procedure
- Good Repute Procedure
- Notifiable Incidents Procedure
- Driver Document Check Procedure
- Goods Vehicles (Licensing of Operators) Act (Northern Ireland) 2010
- Health and Safety at Work Order 1978
- Management of Health and Safety Regulations 1992
- Provision and Use of Work Equipment Regulations (PUWER) 1998
- Road Traffic Act 1988
- Road Safety Act 2006
- Highway Code (NI)
- Roads Vehicles (Construction and Use) Regulations 1984
- EU Drivers Hours Rules (Regulations (EC)561/2006)

- NI Domestic Rules - Vehicles (Drivers Hours of Duty) Regulations (NI) 1991
- Road Transport Working Time Regulations 2005
- Vehicle Drivers (Certificate of Professional Competence) Regulations 2007

6. Definitions

- Vehicles – Council owned “fleet” vehicles (including leased or hire vehicles)
- Grey Fleet – Personal vehicles that are used on Council business

7. Department and Officer responsible

Directorate / Department	Sustainability and Environment/Fleet
Officer(s) responsible for developing the policy	Head of Fleet

8. Policy approval process

Meeting	Date
<i>CMT</i>	<i>05/09/2024</i>
<i>SMT</i>	<i>10/09/2024</i>
<i>S&E Committee</i>	<i>18/09/2024</i>
<i>Monthly Council Meeting</i>	<i>Date of ratification</i>

9. Review Date

The policy will be reviewed in line with the Council’s agreed policy review cycle i.e. every 4 years (as per Council’s Equality Scheme commitment 4.31), or sooner to ensure it remains reflective of legislative developments.

10. Procedures and arrangements for monitoring the implementation and impact of the policy

A procedure has been developed to support the Fleet Policy. KPI’s have been identified for the Fleet section and performance against these indicators is reported on a monthly basis to the Operator Licence Working Group.

11. Equality Screening

This policy has been screened and found:

- 1. Not be subject to an EQIA (with no mitigating measures required)*

12. Rural Needs Impact Assessment

The Fleet Policy has been subject to a rural needs impact assessment.

ITEM 3
ARC21 SPECIAL JOINT COMMITTEE
Meeting No 88
MINUTES
Tuesday 23 July 2024
Hosted by arc21 at Belfast Castle

Members Present:

Councillor M Goodman (<i>Chair</i>)	Antrim & Newtownabbey Borough Council
Councillor R Lynch	Antrim & Newtownabbey Borough Council
Councillor H Cushinan	Antrim & Newtownabbey Borough Council
Councillor E Thompson	Ards & North Down Borough Council
Councillor B Smyth	Belfast City Council
Councillor P Kennedy	Lisburn & Castlereagh City Council
Councillor G McKeen (<i>Deputy Chair</i>)	Mid & East Antrim Borough Council
Alderman M Morrow	Mid & East Antrim Borough Council
Councillor K Murphy	Newry, Mourne & Down District Council

Members' Apologies:

Councillor C Blaney	Ards & North Down Borough Council
Councillor J Cochrane	Ards & North Down Borough Council
Councillor M Collins	Belfast City Council
Councillor E McDonough-Brown	Belfast City Council
Councillor A Givan	Lisburn & Castlereagh City Council
Alderman S Skillen	Lisburn & Castlereagh City Council
Councillor R Quigley	Mid & East Antrim Borough Council
Councillor C Enright	Newry, Mourne & Down District Council
Councillor T Andrews	Newry, Mourne & Down District Council

Officers Present:

T Walker	arc21
H Campbell (<i>Secretary</i>)	arc21
K Boal	arc21
J Green	arc21
M Laverty	Antrim & Newtownabbey Borough Council
J McConnell	Belfast City Council
R Harvey	Lisburn & Castlereagh City Council
D Carey	Mid & East Antrim Borough Council

Officers' Apologies:

D Lindsay	Ards & North Down Borough Council
S Leonard	Belfast City Council
S Morley	Mid & East Antrim Borough Council
S Murphy	Newry, Mourne & Down District Council

The Chair welcomed the new members to the special meeting of the Joint Committee.

Mr Walker advised that declaration of interests forms had been left for the new Members to complete.

He noted that he would be arranging an online briefing session for new Members in August.

He also noted that there may be the potential to hold hybrid meetings in the future and that he was progressing this with legal, and hoped to bring a report to the August meeting for consideration.

Item 1 - Conflicts of Interest, Gifts and Hospitality Statement

The Chair read out the Conflicts of Interest, Gifts and Hospitality Statement, and none were noted. **Action: Noted**

Item 2 - Apologies

Apologies were noted. **Action: Noted**

Item 3 - Minutes of Joint Committee Meeting 087 held on 30 May 2024

The Joint Committee approved the minutes. Proposed by Councillor Kennedy, seconded by Councillor Murphy. **Action: Agreed**

Item 4 - Matters Arising

Ms Boal advised that she would be providing an update on vapes at the August meeting in the contracts report, and noted that Veolia had been appointed as the service provider to put containers in the HWRCs to start collecting the vapes. **Action: Noted**

IN COMMITTEE

The Chair recommended that the meeting would now move "*in committee*" which was agreed. Proposed by Councillor Kennedy, seconded by Councillor Murphy.

Matters of a confidential and commercially sensitive nature were discussed under these agenda items.

Following discussion on the commercially sensitive matters, the Chair recommended that the meeting would now return to the main agenda, which was approved, but whilst "*In Committee*" during this section of the meeting, there were 5 matters discussed.

Item 5 - Minutes of Joint Committee Meeting 087 held on 30 May 2024 'in committee' - approved

Item 6 - Matters Arising - noted

Item 7 - Commercially Sensitive Contract & Procurement Issues- approved

Item 8 - Tender Report – Supply of Services Relating to the Treatment and Energy Recovery/Disposal of Residual Waste Arisings – Dynamic Purchasing System, Lot 2 - Contract B – approved

Item 9 - Tender Report – Supply of Services Relating to the Treatment and Energy Recovery/Disposal of Residual Waste Arisings – Dynamic Purchasing System, Lot 2 - Contract C - approved

OUT OF COMMITTEE

Proposed by Councillor Lynch, seconded by Councillor Kennedy.

Item 10 - Consultation - UK Emissions Trading Scheme (UK ETS) - Scope Expansion to Include Waste

Mr Green presented a report along with a proposed arc21 response on the UK Emissions Trading Scheme (UK ETS) consultation. He noted that it provides detail and proposed implementation of how waste incineration and energy from waste will be included in the scheme from 2026. In parallel with this consultation, he advised that there was a separate consultation on Heat Networks.

He reported that for Northern Ireland, certain fundamentals around how the proposed expansion of the UK ETS scope proposed is to interact with the provisions of the Windsor Framework and related legislation are yet to be clarified and, as such, he noted that the ETS Authority is providing further information and updates. The proposed response presented within this report was as current as possible at this time.

An information pack of the proposals and the proposed arc21 response to the main consultation was presented for the Joint Committee to consider and approve. They were also asked to approve an approach to continue to develop the response to Heat Networks.

(1) Preparing a response to the UK ETS Consultation

Mr Green reported that in preparing the arc21 response, the principles observed were to be consistent with the waste hierarchy principles, arc21's statutory Waste Management Plan and the Climate Change Act (NI) 2022. He noted that it was important to note that, if applicable under the Windsor Framework, this expansion of the UK Emissions Trading Scheme (ETS) will affect all Northern Irish councils, irrespective of whether they rely upon local infrastructure or export to manage their residual waste. At this stage, he noted that arc21 is assuming that Northern Ireland will be covered within the UK Scheme.

From a Northern Ireland local government perspective, it was considered important to reflect the difficulties that arc21's constituent councils would have in managing any exposure to volatile prices for carbon allowances, and that the use of financial instruments and forms of "*hedging*" may emerge as a result of the introduction of this scheme and do not fit within local government practices or guidance regarding the management of public monies.

(2) Preparing a response to the Heat Networks Consultation

Mr Green noted that the same approach to that outlined above is proposed to be used to finalise the response for the Heat Networks Consultation.

He advised that this response was to be finalised over the coming weeks by arc21's Acting Chief Executive, along with the Chair and/or other Members of the Joint Committee as required.

Discussion ensued and the Chair inquired if the scheme was likely to have the support of the new Government and Mr Green responded advising that it would in all likelihood continue, but the issues will be on how it will be implemented, and for waste sector this could be quite difficult with multiple handling and movements of waste etc. There will be a lot of push back on some the proposals in the consultation within arc21's response on implementation.

The issues will be how and what reliefs are practical, and the financial support likely to need to be available to support councils.

There was also a query whether Northern Ireland would be in the EU or UK Scheme and Mr Green advised that arc21 was unsure at this time. Mr Green advised that arc21 was responding forcibly to make sure any resultant scheme was robust and that the sector [or local government] was not unnecessarily disadvantaged. He highlighted that he was making strong representations to this effect.

Mr Walker noted it was appropriate that waste should be included as part of the supply chain in terms of carbon trading but the mechanism by which this was achieved was likely to prove the pinch point. He highlighted that in terms of waste generation, the sector has limited control over what is produced and presented to it to manage as it [the sector] is at the rear end of the supply chain. He noted that at current estimates, waste sent to EfW facilities in the UK might be likely to incur additional costs of £50+ per tonne on top of current prices as a result of the introduction of this ETS, and this could well be higher.

He reported that across the sector, representations were being made to ensure the scheme is robust but workable etc.

Members noted their concerns at the cost aspect and the burden to councils and Mr Walker highlighted some of the complexity around this which could also impact upon the [as yet to be introduced] packaging Extended Producer Responsibility (EPR) scheme. He stated that at this stage, Government estimated that the costs expected to be picked up by packaging producers and manufacturers was estimated to be around 20-30%, but the remaining 70-80% of additional costs were likely to reside with councils. He said that this ratio has not yet been finalised, nor have the producers or manufacturers of packaging fully appreciated what this may mean for their EPR costs.

He also advised that as this consultation was being undertaken by Department for Energy Security & Net Zero, there was limited appreciation of the other proposed waste policies which demonstrated a disconnect in Government. It also served to show that the impact of introducing multiple policy initiatives concurrently was not appreciated, as the relevant Departments and departmental teams appeared to be isolated in silos.

The Chair inquired what the role of the Executive was in this, and Mr Green advised that the ETS Authority was made up of UK, Scottish and Welsh governments and DAERA and he was unsure if the Executive had been briefed on this ETS.

Members inquired what the topline figure arising from the introduction of the ETS might be for the Exchequer on an annual basis. Mr Green advised that the carbon price per tonne was currently between 100 and 145 euros but, as this was a commodity price, it was volatile. He said that across UK local government, the additional annual cost could be around a billion pounds.

The Chair also inquired if councils were aware of this consultation and an officer advised that they were preparing a report which drew upon LARAC¹ and arc21 responses. He explained that this was a technical area and councils were likely to require additional expertise and knowledge to inform their responses.

¹ LARAC – local authority recycling advisers committee

Given the scale, the Chair suggested that a specific briefing session on this topic would be beneficial later in the year to consider the implications for councils and, as this was an issue for councils across Northern Ireland, it was proposed that, working with NILGA, Mr Walker would organise a workshop for Members on this topic later in the year.

Action: Mr Walker

It was also recommended that the Joint Committee:

- (i) note the overview of the proposed expansion of scope of UK ETS currently being consulted on;
- (ii) approve arc21's draft response to be submitted by 2 August 2024; and
- (iii) agree that the Acting Chief Executive has delegated authority to finalise the response to the associated consultation on Heat Networks for submission also by 2 August 2024.

The Joint Committee approved the recommendations. Proposed by Councillor McKeen, seconded by Councillor Kennedy.

Action: Agreed

It was also noted that the final responses submitted by 2 August 2024 will be included in August Joint Committee papers for notation purposes.

Action Mr Green

Item 11 - Call for Evidence - Developing Biomethane Production in Northern Ireland

Mr Green presented a report and a proposed arc21 response to the call for evidence, issued by the Department for Economy. This call for evidence is to assist in the development of a biomethane strategy for Northern Ireland which has outlined four key priorities – good jobs, promoting regional balance, raising productivity and reducing carbon emissions.

He advised that the call contains 30 x questions, and from a local authority perspective this is relevant to the sector as the consultation consistently refers to the potential that may be available from accessing the waste within councils' brown bins to produce biomethane.

He advised that following discussion at the Steering Group, notwithstanding that there is limited information which arc21 can provide, officers requested that a response be submitted which drew the Department for Economy's attention to the recent consultation on *"Rethinking Our Resources: Measures for Climate Action and a Circular Economy"* which was undertaken by DAERA, as well as highlight other anomalies regarding costs for councils and potential revenue sharing which does not appear to be considered in the context of councils.

He noted that while the focus of the call for evidence appears to focus upon the agriculture sector, reference is made throughout the document to quantify the contribution which local authorities' brown bin waste could make to the generation of biomethane.

A Member inquired if farmers had been consulted on the consultation and Mr Green advised that prior to the issuance of the consultation, there was a long lead in in terms of scoping and farmers had been consulted with at this time. He noted that there was a definite need from a nutrient management perspective to divert slurry from land or water bodies, and that there is a case for environmental protection to improve diversion of farm waste to produce a more benign product. The debates with farming community would be around what is an economic scale.

Mr Walker advised that notwithstanding the overlap with farming, the issue facing councils in the call for evidence concern the brown bin waste materials and arc21 is looking at the paper from the councils' waste collection perspective. He noted that this paper had not considered the recent DAERA consultation on "*Rethinking our Resources*" which has just closed.

It was recommended that the Joint Committee approve the proposed response presented for submission by the deadline of 9 August.

The Joint Committee approved the recommendations. Proposed by Councillor Thompson, seconded by Councillor McKeen.

Action: Agreed

Due to a possible conflict of interest concerning recruitment scheduled to be undertaken during the term of the new Corporate Plan, Ms Boal stepped out of the meeting for the presentation of Item 12, and the subsequent discussion.

Item 12 - Corporate Plan 2024-28

Mr Walker re-presented the final draft Corporate Plan for the four-year period from April 2024 to March 2028, following a request at May's meeting to allow for members to consider further, and he noted that any comments had now been included.

He noted that the Plan outlines the challenges arising from a range of new policy initiatives which the resources and waste management sector in Northern Ireland will experience over the next four years and identifies how the organisation will respond.

He highlighted that the Corporate Plan contained a number of actions which primarily identified that arc21 would:

1. continue to prioritise service delivery for the constituent councils,
2. continue to be financially prudent,
3. increase its advocacy role,
4. seek to reach a conclusion on the rwtp,
5. secure appropriate support for HR advice and recruitment exercises,
6. ensure that it had a sufficient complement of staff to deliver an a changing environment, and
7. collaborate with others.

The Chair inquired if resourcing should be referenced within the Corporate Plan and if the 11-council model being considered by SoLACE should be factored into the discussion before any recruitment exercises commence however Members agreed that this had been ongoing for several years and that arc21 needed to progress with its own business. Mr Walker advised that if developments emerged on what a new council model might be for waste management, arc21 would work to ensure that the existing services for the constituent councils continued while this was considered. He said that arc21 would work constructively to implement whatever was agreed.

He highlighted that great store has been placed in the development of such a model previously but the purpose of drafting the Corporate Plan was to provide clarity of purpose for the organisation for the next four years and to permit a programme of work to be prepared.

The Chair requested that last year's report on organisational cultural undertaken by AGRS could be issued to Members for their information.

Action: Mr Walker

It was recommended that Members approve the Corporate Plan 2024-28 and actions associated with the delivery of this Plan, prior to being issued to the constituent councils.

The Joint Committee approved the recommendations. Proposed by Councillor McKeen, seconded by Councillor Kennedy.

Action: Agreed

Ms Boal returned to the meeting.

Item 13 - Customer Surveys 2023/24

Ms Boal presented a report to present the results of the annual arc21 Customer Survey and the workshop evaluation forms for 2023/24 for the work carried out by the arc21 Waste Promotion Officer.

(i) arc21 Customer Survey - Officers and Members

She noted that the annual arc21 Customer Survey for 2023/24 had been undertaken during May/June 2024 and, to encourage better response rates, arc21 had provided hard copies to Steering Group officers to complete during a meeting held in May 2024 and to Joint Committee Members at the May meeting. In addition, at the request of Members, an electronic version of the questionnaire was sent out in June 2024.

She noted that in terms of the Steering Group, responses were received from all councils, however there had been a limited response from Members.

The survey results were presented in the form of charts and she noted that the Senior Management Team were considering the responses and, in particular, the approach to the provision of additional information requested by officers on specific topic areas.

She noted that that arc21 had recently rolled out SharePoint for the sharing of information with officers and may potentially do something similar for Members, and if there was additional information Members wished to receive, could they let arc21 know.

(ii) Education and Awareness Programme Feedback

Ms Boal also presented the results from the evaluation forms for the period April 2023 to March 2024 which she noted the Waste Promotion Officer hands out to schools, summer schemes, youth organisations and community groups to enable them to provide feedback on the education programme.

She noted that overall, the feedback was positive and the service continues to provide an important and well received service to the councils.

She advised that it was intended to align the survey questions more with the new Corporate Plan next year.

A Member inquired if a comparison had been done with the previous year results. Ms Boal advised that the arc21 Management Team would review the responses in greater detail and compare against the previous year. She pointed out that feedback on arc21 performance was welcome at any point throughout the year.

Following discussion, the Joint Committee noted the report. Proposed by Councillor Murphy, seconded by Councillor Lynch.

Action: Noted

Item 14 - AOB

DAERA Minister - Mr Walker advised that, following a request at a previous meeting to seek a meeting between arc21 and Minister Muir, a date had been confirmed in August and arc21 would be reporting on how that had gone at the next meeting.

Action: Mr Walker

Audit Committee - Mr Walker reported on the issues with forming an Audit Committee last year and advised that arc21 will be revisiting this in September. The objective would be to separate the Audit Committee papers from those of the Joint Committee. He said that a report will be brought to the August or September meeting on this matter for consideration.

Action: Mr Walker

Member Attendance - the Chair highlighted the issues in the past with Members' attendance and encouraged all to try to attend the meetings going forward as the work and implications coming before the Committee have potentially significant consequences for the constituent councils and costs for rate payers. He suggested that all Members present should encourage their co-nominees on the Joint Committee to attend and contribute to the meetings going forward.

Online/hybrid meetings - Mr Walker advised that there may be the potential to resume online/hybrid meetings and that he would be taking further legal advice on arc21's Standing Orders to determine if the existing vires would permit this and that he hoped to bring a report to the August Committee.

Action: Mr Walker

Mr Walker thanked all Members for attending this special meeting which was unscheduled.

Item 15 - Next Meeting Thursday 29 August 2024 at 10.30am, Braid Town Hall, Bridge Street, Ballymena, hosted by Mid and East Antrim Borough Council

Date: _____ **Chairman:** _____

Report to:	Sustainability and Environment Committee
Date of Meeting:	18 th September 2024
Subject:	Update on Public Convenience Project
Reporting Officer	Conor Sage, Assistant Director Sustainability
Contact Officer	Gail Kane, Head of Facilities Management

Confirm how this Report should be treated by placing an x in either: -

For decision	<input type="checkbox"/>	For noting only	<input checked="" type="checkbox"/>
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1.0	Purpose and Background
1.1	The purpose of this report is to provide Elected Members with an update on Public Convenience project in Newcastle, and also to provide details on further potential projects as part of the Public Convenience Strategy.
2.0	Key Issues
2.1	<p>Work commenced in July 2024 on the upgrade of the Downs Road toilet facilities, which includes the addition of a Changing Places facility, as well as the replacement of the public toilet facilities at Central Promenade and Donard Park, Newcastle.</p> <p><u>Central Promenade & Donard Park</u></p> <p>The modular units for Central Promenade and Donard Park were delivered to the sites on Thursday 22nd August 2024, followed by the necessary connections and civil works. Both new public convenience facilities were handed over to the Council by Healthmatics on Friday 6th September 2024, with the final layer of asphalt at the Donard Park facility completed on Monday 9th September 2024.</p> <p>Both facilities were officially opened to the public on Tuesday 10th September 2024.</p>
2.2	<p><u>Downs Road</u></p> <p>The upgrade of the Downs Road public conveniences, including the installation of a Changing Places facility, was originally scheduled for completion on Tuesday 10th September, with the handover to the Council set for Wednesday 11th September 2024.</p> <p>However, due to unforeseen challenges encountered by the sub-contractor engaged by Healthmatics, the project completion was delayed, with handover expected w/c 16th September 2024.</p>
2.3	<p><u>Snags</u></p> <p>Council Officers are currently reviewing all three facilities to ensure compliance with the agreed specifications and the NEC contract. They are collaborating with Healthmatics to address any identified snags.</p> <p>It was agreed, however, that these minor outstanding works would be deferred until after the conclusion of the Amgen Irish Open.</p> <p>Council Officers are actively working with Healthmatics to establish a work plan for resolving any issues, with remedial work scheduled to begin the week of Monday 16th</p>

	September 2024. Unfortunately, this may necessitate the temporary short-term partial closure of facilities during this period.
2.4	<p><u>Next stage of Public Convenience Strategy</u></p> <p>Council Officers have initiated the next phase of the Public Convenience Strategy and are currently evaluating proposals for upgrading additional public convenience facilities across the district.</p> <p>A five-year plan is under consideration, aiming to upgrade 2-3 facilities each financial year. A business case outlining the proposed upgrades and refurbishments for the 2025/26 financial year is expected to be presented to this Committee in the coming months, along with recommendations for prioritising specific facilities.</p>
3.0	Recommendations
3.1	It is recommended to note the contents of this report.
4.0	Resource implications
4.1	No resource implications at present
5.0	Due regard to equality of opportunity and regard to good relations (complete the relevant sections)
5.1	<p><i>General proposal with no clearly defined impact upon, or connection to, specific equality and good relations outcomes</i></p> <p>It is not anticipated the proposal will have an adverse impact upon equality of opportunity or good relations <input checked="" type="checkbox"/></p>
5.2	<p><i>Proposal relates to the introduction of a strategy, policy initiative or practice and / or sensitive or contentious decision</i></p> <p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>If yes, please complete the following:</p> <p>The policy (strategy, policy initiative or practice and / or decision) has been equality screened <input type="checkbox"/></p> <p>The policy (strategy, policy initiative or practice and / or decision) will be subject to equality screening prior to implementation <input type="checkbox"/></p>
5.3	<p><i>Proposal initiating consultation</i></p> <p>Consultation will seek the views of those directly affected by the proposal, address barriers for particular Section 75 equality categories to participate and allow adequate time for groups to consult amongst themselves. <input type="checkbox"/></p> <p>Consultation period will be 12 weeks <input type="checkbox"/></p> <p>Consultation period will be less than 12 weeks (rationale to be provided) <input type="checkbox"/></p> <p><i>Rationale:</i></p>
6.0	Due regard to Rural Needs (please tick all that apply)
6.1	<p>Proposal relates to developing, adopting, implementing or revising a policy / strategy / plan / designing and/or delivering a public service.</p> <p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>If yes, please complete the following:</p>

	Rural Needs Impact Assessment completed <input type="checkbox"/>
7.0	Appendices
7.1	None
8.0	Background Documents
8.1	None.

Report to:	Sustainability and Environment Committee
Date of Meeting:	18 th September 2024
Subject:	Update on upgrade of Town Centre CCTV project
Reporting Officer	Conor Sage, Assistant Director Sustainability
Contact Officer	Gail Kane, Head of Facilities Management

Confirm how this Report should be treated by placing an x in either: -

For decision	<input type="checkbox"/>	For noting only	<input checked="" type="checkbox"/>
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1.0	Purpose and Background
1.1	<p>The purpose of this report is to provide Elected Members with an update on the current situation in relation to the upgrade of Town Centre CCTV cameras in Newry, Warrenpoint and Kilkeel as approved at this Committee on 22nd August 2023.</p> <p>Additionally the report provides an update on the potential upgrade of Town Centre CCTV cameras in Downpatrick, Newcastle and Ballynahinch.</p>
2.0	Key Issues
2.1	<p><u>Newry, Warrenpoint and Kilkeel Town Centre CCTV</u></p> <p>The Council worked in partnership with the PSNI to upgrade the Town Centre CCTV cameras in three locations from analogue to digital systems, in response to the telecommunications industry's plan to phase out analogue telephone networks, including the Public Switched Telephone Network (PSTN), by the end of 2025.</p> <p>The Council's role in this upgrade involved procuring BT Redcare to upgrade the communication lines, while the PSNI was responsible for upgrading the cameras. A total of 20 Town Centre CCTV cameras are located across Newry, Warrenpoint, and Kilkeel. BT Redcare has successfully completed the digital line upgrades in all three Town Centres.</p> <p>The PSNI has completed the following camera upgrades:</p> <ul style="list-style-type: none"> • All 4 cameras in Kilkeel, now fully operational on the digital system. • All 4 cameras in Warrenpoint, with one currently offline due to a blocked duct, expected to be resolved by the week commencing 16th September 2024. • In Newry, 8 out of 12 cameras have been fully upgraded, with 1-2 more installed but not yet connected, and the remaining cameras still to be installed. The PSNI will complete this work by the week commencing 16th September 2024.
2.2	<p><u>Downpatrick, Newcastle and Ballynahinch</u></p> <p>Discussions have begun with the PSNI regarding the possibility of collaborating on upgrading the Town Centre CCTV cameras in Downpatrick, Newcastle, and Ballynahinch.</p> <p>Further meetings with the PSNI are scheduled in the coming weeks to advance this project.</p>
3.0	Recommendations
3.1	It is recommended to approve the contents of this report.

	Resource implications
4.1	No resource implications at present
5.0	Due regard to equality of opportunity and regard to good relations (complete the relevant sections)
5.1	<p><i>General proposal with no clearly defined impact upon, or connection to, specific equality and good relations outcomes</i></p> <p>It is not anticipated the proposal will have an adverse impact upon equality of opportunity or good relations <input checked="" type="checkbox"/></p>
5.2	<p><i>Proposal relates to the introduction of a strategy, policy initiative or practice and / or sensitive or contentious decision</i></p> <p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>If yes, please complete the following:</p> <p>The policy (strategy, policy initiative or practice and / or decision) has been equality screened <input type="checkbox"/></p> <p>The policy (strategy, policy initiative or practice and / or decision) will be subject to equality screening prior to implementation <input type="checkbox"/></p>
5.3	<p><i>Proposal initiating consultation</i></p> <p>Consultation will seek the views of those directly affected by the proposal, address barriers for particular Section 75 equality categories to participate and allow adequate time for groups to consult amongst themselves. <input type="checkbox"/></p> <p>Consultation period will be 12 weeks <input type="checkbox"/></p> <p>Consultation period will be less than 12 weeks (rationale to be provided) <input type="checkbox"/></p> <p><i>Rationale:</i></p>
6.0	Due regard to Rural Needs (please tick all that apply)
6.1	<p>Proposal relates to developing, adopting, implementing or revising a policy / strategy / plan / designing and/or delivering a public service.</p> <p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>If yes, please complete the following:</p> <p>Rural Needs Impact Assessment completed <input type="checkbox"/></p>
7.0	Appendices

7.1	None
8.0	<p>Background Documents</p> <p><i>This relates to meeting requirements outlined in Part 8 of the Local Government Act (NI) 2014, Access to Meetings and Documents, wherein for four years after a meeting the following must be available at the Council Offices and on the website:</i></p> <p><i>Background papers which are defined as those documents relating to the subject matter of a report which:</i></p> <ul style="list-style-type: none"> <i>a) Disclose any facts or matters which in the opinion of the Chief Executive, the report or an important part of the report is based upon; and</i> <i>b) Have, in the Chief Executive's opinion, been relied upon to a material extent in preparing the report.</i> <p><i>These are documents on which the report, or an important part of the report, is based upon and have been relied upon to a material extent in preparing the report.</i></p>
8.1	None.