

## **ARDS AND NORTH DOWN BOROUGH COUNCIL**

21 May 2024

Dear Sir/Madam

You are hereby invited to attend a meeting of Ards and North Down Borough Council which will be held at the City Hall, The Castle, Bangor on **Wednesday, 29 May 2024 at 7.00pm.**

Yours faithfully

Susie McCullough  
Interim Chief Executive  
Ards and North Down Borough Council

### **A G E N D A**

1. Prayer
2. Apologies
3. Declarations of Interest
4. Mayor's Business
5. Mayor and Deputy Mayor Engagements for the Month of May 2024 (Copy to follow)
6. Minutes of Council meeting dated 24 April 2024 (Copy attached)
7. Minutes of Committees (Minutes attached)
  - 7.1 Planning Committee dated 7 May 2024
  - 7.2 Environment Committee dated 8 May 2024
  - 7.3 Place and Prosperity Committee dated 9 May 2024
  - 7.4 Corporate Services Committee dated 14 May 2024
  - 7.5 Community and Wellbeing Committee dated 15 May 2024

Matter Arising from Item 11 of the Community and Wellbeing Committee (Report attached)

8. Requests for Deputation
  - 8.1 From Kircubbin & District Community Association – Kircubbin Harbour (Report attached)
  - 8.2 From Conlig Community Regeneration Group – War Memorial (Report attached)
9. Resolutions
  - 9.1 From Derry City and Strabane District Council – Waiting times for autism assessment (Copy correspondence attached)
10. Courses, Conferences, Invitations etc
  - 10.1 80th D-Day Anniversary Wreath Laying Service (Report attached)
  - 10.2 Somme Commemoration Wreath Laying Service (Report attached)
  - 10.3 Attendance at APSE National Council (Report attached)
11. The Battle of the Somme Pilgrimage 2024 (Report attached)
12. LGSC Disciplinary Policy and Procedure Consultation Response (Report to follow)
13. The Local Government (Remote Meetings) Regulations (Northern Ireland) 2024 final draft (Report attached)
14. Local Government Commissioner for Standards Annual Report 2022-23 (Report Attached)
15. Dilapidation Bill update (Report attached)
16. Request to use Council Land at Londonderry Park for demonstration field 12<sup>th</sup> July 2024 (Report attached)
17. Sealing Documents
18. Transfer of Rights of Burial
19. Notice of Motion Status Report (Report attached)
20. Notices of Motion
  - 20.1 Notice of Motion submitted by Councillor Cochrane and Councillor Thompson

That this Council notes with concern the temporary closure of Groomsport Tennis Courts due to issues around the safety of the playing surface.

Further to this Council tasks officers to bring back a report on Tennis Court maintenance throughout the Borough and will commit to ensuring all our Tennis Court facilities are properly maintained and are fully accessible to all. Council will also promote the use of Tennis facilities in the Borough as we approach the spring/summer season.

#### 20.2 Notice of Motion submitted by Councillor Ashe and Councillor Morgan

'That this council recognises the importance of ensuring that our parks and open spaces are inclusive and accessible to those with speech, language, and communication needs and that it recognises the positive role of communication boards in achieving this. That it commits to working with relevant organisations to bring back a report regarding communication boards considering, but not limited to, the following points:

- How communication boards would integrate with the required existing signage;
- Identifying possible locations for the communication boards, such as a specific Tier of park; and
- An indicative budget.'

#### 20.3 Notice of Motion submitted by Councillors Cathcart, Councillor W Irvine, Councillor Blaney, Councillor McCracken and Councillor Harbinson

That this Council recognises the need of Bangor Central Integrated Primary School to secure a new school build and expresses its shock and disappointment at the withdrawal of previously ring-fenced funding for it to proceed towards construction. This Council therefore resolves to write to the Secretary of State for Northern Ireland to reinstate the funding and honour its commitments to shared and integrated new build education projects in the Fresh Start Agreement. Furthermore, whilst welcoming the decision of the Education Minister to move the Fresh Start projects into the Department's Major Capital Works Programme, the Council writes to the Education Minister, that given Bangor Central Integrated Primary School's considerable need and the fact that it has secured planning permission, that the scheme proceeds to construction as soon as possible.

#### 20.4 Notice of Motion submitted by Councillor Gilmour and Councillor Martin

"8th May 2025 will be 80 years since VE Day- the official end of the Second World War in Europe. This council recognises the significance of this occasion and tasks officers to bring forward a report outlining potential ways this historic anniversary can be commemorated. Including any national plans for beacon lighting and with the council working with local people and local community groups to look at holding fitting events to mark this occasion so that a budget can be included in the next rate setting process."

#### 20.5 Notice of Motion submitted by Councillor Kendall, Councillor McRandal and Alderman Graham.

"This Council notes that, subsequent to submission of a Notice of Motion in 2017, Council agreed to provide funding to assist in the building of a new war memorial in

Conlig village; and to liaise with, and assist, the Conlig War Memorial Project Group in their efforts to build a monument to the seventeen men who are known to have lost their lives in World War I.

This Council also notes that a proposal and draft design is to be submitted by The Conlig War Memorial Group, and that the group have raised funds via donations and fundraising events, to the value of £8,000 towards this project.

This Council therefore reiterates its commitment to financial and practical support for the Conlig war memorial project, tasking Officers to bring back a report exploring costs of planning permission, site ownership transfer, and any associated legal fees, that will be required to enable the memorial to be completed and installed.

Furthermore, Council agrees to add the Conlig Memorial to the existing list of war memorials across the Borough that are maintained by Ards and North Down Borough Council.”

#### Circulated for Information

- (a) Copy correspondence from DoJ - Vehicle recovery storage and disposal statutory charges review
- (b) Department of Justice Launch of Calls for Evidence - Foundational Review of Civil Legal Services

#### **\*\*\*IN CONFIDENCE\*\*\***

- 21. Open House to use Council land at the Seafront Bangor - Seaside Revival Festival (Report attached)
- 22. Lease of Greyabbey old Cemetery car park (Report attached)
- 23. War Years Remembered (Report attached)
- 24. Bangor Waterfront: Ballyholme Yacht Club and Council's Legal Agreement (Report attached)

#### **MEMBERSHIP OF ARDS AND NORTH DOWN BOROUGH COUNCIL**

Alderman Adair	Councillor Hollywood
Alderman Armstrong-Cotter	Councillor S Irvine
Alderman Brooks	Councillor W Irvine
Alderman Cummings	Councillor Irwin (Deputy Mayor)
Alderman Graham	Councillor Kennedy
Alderman McAlpine	Councillor Kendall
Alderman McDowell	Councillor Kerr
Alderman McIlveen	Councillor Martin
Alderman Smith	Councillor McCollum
Councillor Ashe	Councillor McCracken
Councillor Blaney	Councillor McKee

Councillor Boyle	Councillor McKimm
Councillor Cathcart	Councillor McLaren
Councillor Chambers	Councillor McRandal
Councillor Creighton	Councillor Moore
Councillor Cochrane	Councillor Morgan
Councillor Douglas	Councillor Rossiter
Councillor Edmund	Councillor Smart
Councillor Gilmour (Mayor)	Councillor Thompson
Councillor Harbinson	Councillor Wray

**LIST OF MAYOR'S/DEPUTY MAYOR'S ENGAGEMENTS  
FOR MAY 2024**

**Wednesday 1<sup>st</sup> May 2024**

- 11:00 Department of Foreign Affairs Visit, Bangor Castle  
14:00 Book Start Initiative Photo Op, Bangor Castle

**Thursday 2<sup>nd</sup> May 2024**

- 18:00 Dreamland Art, The Courthouse, Bangor  
19:00 RNLI Civic Reception, Bangor Castle

**Friday 3<sup>rd</sup> May 2024**

- 12:00 Bangor 10k Photo Launch, Minnis Estate Agents, Bangor

**Saturday 4<sup>th</sup> May 2024**

- 10:00 Ards Community Hospital Ladies Spring Coffee Morning, Streatan Presbyterian Church  
13:00 Trash the Trash, Innotec Drive, Bangor

**Monday 6<sup>th</sup> May 2024**

- 09:45 Hollywood May Day, Hollywood

**Tuesday 7<sup>th</sup> May 2024**

- 10:15 2024 Beach & Marina Awards 2024, Slieve Donard Hotel, Newcastle  
14:00 Groomsport Tuesday Club, Groomsport  
15:00 Bangor Sea Festival Photo Op, Eisenhower Pier, Bangor  
19:00 Crawfordsburn Scouts Centre 75th Anniversary, Bangor Castle

**Wednesday 8<sup>th</sup> May 2024**

- 09:45 Food & Drink Network Photo Op, Ards Blair Mayne  
11:00 Football Funweeks Launch Photo Op, Londonderry Park, Newtownards  
TBC VE Day 79th Celebrations (event runs 0900-1500), The Courthouse, Bangor  
15:00 Senior Well Aging Network Open Day, Upstairs Function Room, Londonderry Park, Newtownards  
19:30 North Down Street Pastors Commissioning Service, Bangor Castle

**Thursday 9th May 2024**

- 12:00 Mr & Mrs Gore Meeting, Bangor Castle
- 15:30 Glenlola Golf All Ireland Winners, Bangor Golf Club

**Friday 10th May 2024**

- 11:00 Mobile Community Orchard School Visit Photo Op, Hibernia Street, Holywood
- 17:00 Friends of Clandeboye Spring Fair
- 19:00 2nd Comber Boys Bridge Civic Reception, Bangor Castle

**Saturday 11th May 2024**

- 13:00 Trash the Trash Scouts NI Ballyharry Industrial Estate, Donaghadee Road, Newtownards
- 19:00 Bangor Ladies Choir Annual Concert, St Comgall's Parish Centre, Brunswick Road, Bangor

**Monday 13th May 2024**

- 09:30 Newly Refurbished Playpark, Dickson Park, Ballygowan
- 12:00 Cultra Hill Climb Photo Op Cultra Manor, Holywood

**Tuesday 14th May 2024**

- 10:30 Dementia Action Week Information Centre, Londonderry Room, Ards Arts Centre, Newtownards
- 19:00 Winners of Afternoon Tea Mayor's Charities, Bangor Castle

**Wednesday 15th May 2024**

- 11:30 Free Women's Sanitary Products Initiative Photo Op, Holywood Library
- 14:00 Hope 4 Me & Fibro Photo Op, Bangor Library
- 19:30 Crawfordsburn Primary School Beach Clean Results Visit, St John's Church Hall, Helen's Bay

**Thursday 16th May 2024**

- 18:30 Bangor Abbey Boxing Club Reception, Bangor Castle

**Friday 17th May 2024**

- 07:30 North Down Rotary Club Breakfast, Helen's Bay Golf Club

**Saturday 18th May 2024**

13:00 Pipe Bands Championships, Ward Park, Bangor

### **Sunday 19th May 2024**

10:30 K9 (Mayor's Charities) Sponsored Walk, Crawfordsburn Country Park

13:00 K9 (Mayor's Charities) Bucket Collection, Bloomfield Shopping Centre, Bangor

### **Monday 20th May 2024**

11:00 Sea Bangor Passport Photo Op, Bangor Boat pontoon dock

14:00 Comber Earlies PR Photo Poacher's Pocket, Lisbane

### **Tuesday 21st May 2024**

11:00 Meeting with Stoma Friendly Individuals and DfC Minister, Bangor Castle

15:00 Queens Hall Tea Dance Photo Op, Queens Hall, Newtownards

19:00 St Johns Ambulance Cadets Reception, Bangor Castle

### **Thursday 23rd May 2024**

19:30 An Evening of Music (in aid of Mayor's Charities) Bangor Presbyterian Church, Hamilton Road, Bangor

### **Sunday 26th May 2024**

15:00 RNLI Portaferry 200th Anniversary Church Service, Portaferry Community centre

16:00 Plein Art Air Painting Festival Market House, Portaferry

### **Tuesday 28<sup>th</sup> May 2024**

11:30 Visit to BallyBoley Dexters Farm, Orlock

### **Wednesday 29<sup>th</sup> May 2024**

12:00 Visit to Create Ability NI, Abbey Street, Bangor

### **Thursday 30<sup>th</sup> May 2024**

08:00 Business Breakfast, Launch of SERC Holywood Campus, Old Holywood Road,

17:00 ForM Exhibition 2024 Launch Event, Walled Garden, Bangor

### **Friday 31<sup>st</sup> May 2024**



- 10:00 Playground Launch, The Glen, Newtownards
- 11:30 AGenda Visit Good Morning Team Promotion, Bangor Castle
- 15:30 Loch Cuan Care Home Visit, Bangor Castle

## ARDS AND NORTH DOWN BOROUGH COUNCIL

A meeting of the Ards and North Down Borough Council was held at the City Hall, The Castle, Bangor on Wednesday 24<sup>th</sup> April 2024 commencing at 7.00pm.

**In the Chair:** The Mayor (Councillor Gilmour)

<b>Aldermen:</b>	Adair	Graham
	Armstrong-Cotter	McAlpine
	Brooks	McDowell
	Cummings	McIlveen

<b>Councillors:</b>	Ashe	Kennedy
	Blaney	Kendall
	Boyle	Kerr
	Cathcart	Martin
	Chambers	McCollum
	Creighton	McCracken
	Cochrane	McKee
	Douglas	McLaren
	Edmund	McRandal
	Harbinson	Moore
	Hollywood	Morgan
	S Irvine	Rossiter
	W Irvine	Smart
	Irwin	Wray

**Officers:** Chief Executive (S Reid), Director of Corporate Services (M Steele), Director of Place (S McCullough), Director of Prosperity (A McCullough), Director of Environment (D Lindsay), Director of Community and Wellbeing (G Bannister), Head of Communications and Marketing (C Jackson), Democratic Services Manager (J Wilson) and Democratic Services Officer (H Loebnau)

### **1. PRAYER**

The Mayor welcomed everyone to the meeting and commenced with the Chief Executive reading the Council prayer.

### **2. APOLOGIES**

The Mayor sought apologies at this stage and those were received from Alderman Smith and Councillor McKimm. The Mayor informed Members that Councillor McKimm had recently been discharged from hospital and she offered her best wishes for his quick recovery.

NOTED.

### **3. DECLARATIONS OF INTEREST**

The Mayor asked for Declarations of Interest and the following was made:

Councillor Douglas – Item 7.5 – Corporate Services Committee.

NOTED.

### **4. MAYOR'S BUSINESS**

The Mayor informed Members that since the last meeting Councillor MacArthur had resigned from the Council due to ill health. The Mayor passed on her good wishes noting that Councillor MacArthur had joined the Council during the Covid pandemic and had risen well to the challenge at that time and afterwards, serving the community well. Councillor Thompson had been co-opted to her position and the Mayor welcomed him back to the Council.

Members were reminded that the Mayor's Charity Concert featuring Bangor Ladies Choir, Donaghadee Male Voice Choir and Peninsula Praise would be performing on 23 May 2024 at Hamilton Road Presbyterian Church, Bangor at 7.30 pm. This was an opportunity to hear choirs perform from across the Borough and tickets were available from the Democratic Services office and also online.

She thought that a special note of congratulations should be sent to Rhys McClenaghan who had won bronze for apparatus at the World Championships in Doha the previous weekend and that achievement had set him up well for the Paris Olympics.

Members would also be aware that this meeting would be the last one for the Chief Executive in his service to the Council and she said that there would be an opportunity at the end of the meeting for Members to make comments to him.

NOTED.

(Councillor Boyle entered the meeting at 7.04 pm)

### **5. MAYOR AND DEPUTY MAYOR ENGAGEMENTS FOR THE MONTH OF APRIL 2024**

(Appendix I)

PREVIOUSLY CIRCULATED: - Copy of the Mayor and Deputy Mayor Engagements for the month of April 2024.

The Mayor drew Members attention to the long and varied list of engagements carried out during the month of April. She thanked the Deputy Mayor for her

assistance and the Chief Executive for his role in rescuing her and assisting as Mayor's driver on one occasion!

**AGREED, on the proposal of Councillor McCollum, seconded by Councillor Chambers, that the information be noted.**

## **6. MINUTES OF COUNCIL MEETING DATED 27 MARCH 2024**

PREVIOUSLY CIRCULATED: - Copy of the above minutes.

**RESOLVED, on the proposal of Alderman Adair, seconded by Alderman Graham, that the minutes be adopted.**

## **7. MINUTES OF COMMITTEES**

### **7.1 Special Meeting of the Planning Committee dated 21 March 2024**

PREVIOUSLY CIRCULATED: - Copy of the above minutes.

**RESOLVED, on the proposal of Alderman McIlveen, seconded by Councillor McLaren, that the minutes be adopted.**

### **7.2 Planning Committee dated 9 April 2024**

PREVIOUSLY CIRCULATED: - Copy of the above minutes.

**RESOLVED, on the proposal of Alderman McIlveen, seconded by Alderman McDowell, that the minutes be adopted.**

### **7.3 Environment Committee dated 10 April 2024**

PREVIOUSLY CIRCULATED: - Copy of the above minutes.

**RESOLVED, on the proposal of Councillor Morgan, seconded by Alderman Cummings, that the minutes be adopted with the exception of Item 3.1 which would be brought to the May meeting for consideration by the Committee due to a technical difficulty at the April meeting.**

### **7.4 Place and Prosperity Committee dated 11 April 2024**

PREVIOUSLY CIRCULATED: - Copy of the above minutes.

Proposed by Councillor Blaney, seconded by Councillor McCracken that the minutes be adopted.

Alderman McIlveen asked if he could raise Item 11 of the minutes later in the meeting In Committee.

**RESOLVED, on the proposal of Councillor Blaney, seconded by Councillor McCracken, that the minutes be adopted with the exception of Item 11 which would be discussed later in the meeting In Confidence.**

#### **7.5 Corporate Services Committee dated 16 April 2024**

PREVIOUSLY CIRCULATED: - Copy of the above minutes.

**RESOLVED, on the proposal of Councillor Moore, seconded by Councillor W Irvine, that the minutes be adopted.**

#### **7.6 Community and Wellbeing Committee dated 17 April 2024**

PREVIOUSLY CIRCULATED: - Copy of the above minutes.

Proposed by Councillor Martin, seconded by Alderman Adair, that the minutes be adopted.

#### **In respect of Item 21 – Any Other Notified Business – Portaferry Sports Centre**

Councillor Boyle referred to the closure of the Portaferry Sports Centre and that Members had only become aware of that after it had happened and that had been a blow to them and had been so sudden. Members had been made aware of the issues in that centre and the difficulty of employing staff to work in Portaferry and asked about the progress of the job evaluation that was taking place.

The Director of Community and Wellbeing said that talks were continuing between the Council and the Union, in the meantime agency staff would be used and the Director of Corporate Services was working to reach a long-term solution to prevent such a situation in the future.

Alderman Adair thanked the Director for his comments and asked that Members be kept informed of progress to get the Centre opened and fully operational.

**RESOLVED, on the proposal of Councillor Martin, seconded by Alderman Adair, that the minutes be adopted.**

### **8. DEPUTATIONS**

#### **8.1 Rory Sloan** (Appendix II)

PREVIOUSLY CIRCULATED:- Report from the Chief Executive detailing that the attached deputation request had been received from ResoluteMinds to present to the Council.

RECOMMENDED that the Council accepts the request for a deputation from ResoluteMinds and refers it to the Community and Wellbeing Committee.

Proposed by Councillor Kendall, seconded by Councillor Chambers, that the recommendation be adopted and that that be deferred from May to June to permit the gentleman to fulfil his obligations outlined.

**RESOLVED, on the proposed of Councillor Kendall, seconded by Councillor Chambers, that the recommendation be adopted.**

**9. HEAD OF STRATEGIC TRANSFORMATION AND PERFORMANCE, PERMISSION TO ATTEND LOCAL GOVERNMENT PARTNERSHIP NETWORK 2024**

PREVIOUSLY CIRCULATED:- Report from the Director of Corporate Services detailing that the Head of Strategic Transformation and Performance had been invited to attend the Local Government Partnership Network 2024, Manchester, on Tuesday 21 and Wednesday 22 May 2024.

LGPN was a unique learning and networking platform which brought together over 150 leaders from local government authorities to encourage discussions, benchmarking, sharing of ideas and networking with peers.

Key themes for 2024 included:

- AI empowerment for local government transformation
- Digital leadership for service excellence
- Nurturing success: CRM-integrated workforce management
- Powering progress: community engagement and enhanced service
- Inclusive impact: revolutionising local government through diversity and digital innovation

The Council was about to embark on its digital transformation journey with the launch of the Digital Strategy, it was timely that the Head of Service with responsibility for strategic transformation, including Digital Services and the implementation of the Digital Strategy, attended the event to network with her counterparts across the UK.

The Head of Strategic Transformation and Performance requested permission to attend and that the cost of flights (best value available) was covered by Council. The event and one night of accommodation were provided free of charge.

**Return Flights:**

BHD - MAN £98 (at time of report)

**TOTAL COST:** <£150 (allowing for fluctuation in current prices)

RECOMMENDED that the Council approve the Head of Strategic Transformation and Performance to attend the Local Government Partnership Network in May 2024.

**RESOLVED, on the proposal of Councillor McCracken, seconded by Councillor McRandal, that the recommendation be adopted.**

## **10. CHANGES TO CONDUCTING COMMITTEE AND COUNCIL MEETINGS AND CHANGES TO THE STANDING ORDERS**

(Appendix III)

PREVIOUSLY CIRCULATED:- Report from the Chief Executive detailing that Section 78 (local authority meetings) of the Coronavirus Act 2020 (“CVA”) contained provision to provide councils with the flexibility to hold meetings by remote or hybrid means during the Coronavirus emergency. That included an enabling power for the Department to make subordinate legislation regarding remote/hybrid meetings and the Local Government (Coronavirus) (Flexibility of District Council Meetings) Regulations (Northern Ireland) 2020 were subsequently made and came into operation on 1 May 2020.

Council was informed in a letter from the Department for Communities (Appendix 1) that the current extension Order (S.R. 2023 No. 140) ceased to have effect by virtue of section 96(7) of the Coronavirus Act after 6 March 2024. That meant that the provisions which enabled councils to hold remote/hybrid meetings fell and legislation reverted to the position before the Local Government (Coronavirus) (Flexibility of District Council Meetings) Regulations (NI) 2020 were made meaning meetings must be held in person after 6 March 2024.

### **Changes to Standing Orders**

As a result of the current legislative position, Standing Order 30 and Annex 2 of the Standing Orders were currently redundant and at the Council meeting on 27 March 2024, the following changes to the Standing Orders were recommended for consideration and stood down without debate for one month.

Standing Order 30 of the Standing Orders, Version 10, February 2024 was written as followed:

### **30 Remote Attendance**

#### **30 1 Definition of remote attendance**

In line with the Local Government (Coronavirus) (Flexibility of District Council Meetings) Regulations (Northern Ireland) 2020, any reference in these Standing Orders to a Council or Committee meeting is not limited to a meeting of persons all of whom, or any of whom, are present in the same place and any reference to a “place” where a meeting is held, or to be held, includes reference to more than one place including electronic, digital or virtual locations such as internet locations, web addresses or conference call telephone numbers.

#### **30 2 Elected Member remote attendance**

An Elected Member in remote attendance attends the meeting at any time provided they are able: (a) to hear, and where practicable see, and be so heard, and where practicable be seen by, the other Members in attendance; (b) to hear, and where practicable see, and be so heard and, where practicable, be seen by, any members of the public in attendance in order to exercise a right to speak at the meeting; and (c) to be so heard and, where practicable, be seen by any other members of the public in attendance.

#### **30 3 Press and public remote attendance**

Any reference in these Standing Orders to a member of the public or press being present at a meeting includes such persons attending by remote access, and the reference in Standing Order 8 1 to every meeting being “open to the public and press” includes through enabling remote access.

### **30 4 Voting when attending remotely**

Any vote that would otherwise be taken by a show of hands in line with Standing Order 21 4 will, if any of the Elected Members entitled to vote are in remote attendance, be taken by way of a verbal confirmation from each Member as to whether they are for or against the motion.

### **30 5 Miscellaneous remote attendance provisions**

References in Standing Orders 10 and 28 to excluding the public and press from the Council Chamber or removing them from the room, shall be read as removing their remote access where their attendance is, or would be but for their exclusion, remote attendance.

There is no requirement for an Elected Member in remote attendance to stand when addressing the Presiding Chairperson in line with Standing Order 20 6.

A Presiding Chairperson in remote attendance shall call a meeting to order, rather than rise to do so, in line with Standing Order 20 19.

It is recommended that Standing Order 30 as above and Annex 2 of the Standing Orders Version 10, February 2024 is revoked. If Council is instructed by the Department for Communities that new legislation is in place to allow hybrid meetings, a report regarding a new Standing Order will be brought to Council.

### **Stand Down Standing Orders**

Members should be aware when making these decisions, that under Standing Order 29 2 any motion to, add to, vary or revoke these Standing Orders will, when proposed and seconded, stand adjourned and be referred without discussion to the next ordinary meeting of the Council and any resultant amendment will be ratified at an ordinary meeting of the Council. Therefore, these Standing Orders were stood down at the Council meeting on 27 March 2024, for discussion at the meeting of 24 April 2024.

RECOMMENDED that the Council agrees to amend the Standing Orders as set out in this report.

**RESOLVED, on the proposal of Alderman McIlveen, seconded by Councillor Wray, that the recommendation be adopted.**

## **11. SEALING DOCUMENTS**

**RESOLVED:** - On the proposal of Councillor Edmund, seconded by Councillor Kerr

**THAT** the Seal of the Council be affixed to the following documents:-

- (a) Grant of Rights of Burials: D40417 – D40460



- (b) Acquisition of land at Balloo Wetlands from Radius Housing
- (c) Aurora Moveable Pool Floors Deed Ards and North Down Borough Council with WH Stephens

## **12. TRANSFER OF RIGHTS OF BURIAL**

The following transfer was received:

### **Movilla section 62 plot 63**

Michelle Bingham

**RESOLVED, on the proposal of Councillor Edmund, seconded by Councillor Kerr, that the transfer be approved.**

## **13. NOTICE OF MOTION STATUS REPORT**

(Appendix IV)

PREVIOUSLY CIRCULATED:- Report from the Chief Executive detailing the attached Status Report in respect of Notices of Motion.

This was a standing item on the Council agenda each month and its aim was to keep Members updated on the outcome of Motions. It should be noted that as each Motion was dealt with it would be removed from the report.

RECOMMENDED that the Council notes the report.

**RESOLVED, on the proposal of Councillor W Irvine, seconded by Councillor Martin, that the recommendation be adopted.**

## **14. NOTICES OF MOTION**

The Mayor agreed that the Notice of Motion outlined in Item 14.1 could be heard at the Council meeting due to its timing and also the impending closure of the enquiry office at Bangor Police Station. She informed Members that an amendment to the Motion had been submitted by Alderman McIlveen.

### **14.1 Notice of Motion submitted by Councillor W Irvine, Councillor Cathcart, Councillor Blaney and Councillor McKimm**

That this Council expressing its disappointment and concern over the decision to close the Bangor PSNI station enquiry office and writes to the Chief Constable and the Policing board calling for the decision to be reversed.

Proposed by Councillor W Irvine, seconded by Councillor Cathcart, that the Notice of Motion be adopted.

Councillor W Irvine began by stating that the plans to close the enquiry office at Bangor Police Station had come as a great shock to most people across the community and the Police Federation had described the move as the first inevitable

step in how policing would be delivered reflecting the cuts in overall funding being made.

The Member stated that he wanted to see neighbourhood policing at the very heart of communities but this move would, in his view, restrict access to officers which would likely lead to reduced levels of engagement with the police service overall. He believed that the public was reassured by a visible police presence close to where they lived and he called for the government to halt this decline. He stressed the need to have a police force that could respond swiftly to the needs of the public but the decision in question could not provide that.

Councillor Cathcart was disappointed to have to bring this Notice of Motion before the Council and he agreed that the decision had been a shock to the community. He had questioned the District Commander during the week and was informed that this was a top-down decision and the local police had had no say in the matter. He believed that that would lead to lower levels of confidence by the public in terms of policing and was concerned that there would only be one enquiry office remaining in the Borough to serve the entire Council area and he deemed that to be an unacceptable level of service. Indeed, he stated that the entire Parliamentary area of North Down did not have an enquiry office. He pointed out that enquiry offices were not simply for the reporting of crimes, but the public used them for other services as well where an individual needed to make themselves known. He called for the Police Service to reassure the public and have the decision reviewed.

Alderman McIlveen asked to make a small amendment to the end of the Motion which was seconded by Alderman Armstrong-Cotter.

That this Council expressing its disappointment and concern over the decision to close the Bangor PSNI station enquiry office and writes to the Chief Constable and the Policing board calling for the decision to be reversed and that no enquiry office is closed in the Borough.

Alderman McIlveen considered this addition to be a 'belt and braces' approach making it clear to the Police that the Council was not prepared to accept any enquiry office being shut. He believed that the enquiry offices had an important role to play in face-to-face contact and the visibility and easy access aspect was crucial for people across the Borough.

Seconding the amendment Alderman Armstrong-Cotter was in agreement considering that access to the police by the public was fundamental and while she understood the financial difficulties she thought cuts needed to be very well thought out. She supported the amendment and thought that police services should be enhanced rather than cut.

Councillor Harbinson was happy to support the amendment and understood the need for it as a cost cutting exercise but considered face to face interaction with the police important since it instilled confidence by the public and provided accessibility. He urged the Police Service to reconsider other options rather than withdraw front line services.

The Mayor remembered when the enquiry office at Holywood had been closed and the reassurances given at that time that Bangor would remain open and she believed that it was only a matter of time until the Newtownards office would be targeted for closure too. In the meantime the closure of Bangor would lead to residents having to trek across the Borough to engage with police.

Councillor Wray reported that he had attended a PCSP meeting recently where the matter had been discussed and the closure was estimated to provide savings of £400k to the Police Service. He went on to say that on an average day 18 members of the public used the Bangor enquiry office and of those only 2 were reporting a crime. He understood the decision was from a corporate business point of view and he thought it was understandable and reminded Members that the option was still available for anyone to meet with a police officer if they wished to do so. He suggested the saving could provide additional officers.

Councillor Boyle warned Members that every Department within the Northern Ireland Assembly would be making huge cuts and everyone would need to get a dose of reality about where life was heading in the coming years. While he would support the amendment to the Motion he thought that Police Stations were not exactly being closed to the public and that everyone needed to brace themselves for the further cuts that would be coming.

Councillor Kendall referred to Holywood and the reassurances given in the past but new decisions were moving further and further from the promises made. She questioned what would be put in those spaces and everyone would be aware that the savings would not result in additional police officers. She said that she would be happy to support the Notice of Motion but insisted safe zones were important as a place for people to go to if they were in trouble.

Councillor Blaney had co-signed the Motion and thought that it was important to keep the service and in closing the enquiry office, a slippery slope of further cuts could be the result. He felt that the Councillors representing Bangor needed to be resolute in their defence of local services.

Councillor Edmund believed that it was important to add the amendment to the Notice of Motion pointing to the fact that there were no enquiry offices on the Peninsula and residents of Portaferry had a 27-mile drive to attend the Newtownards station. He also stated it was inconvenient for residents of Holywood and Bangor to drive to Newtownards. He said that it was rare to see the police on the beat in any part of the Borough and thought that the Policing Strategy in Northern Ireland should be questioned about its direction of travel and potential outcomes.

Councillor Brooks pointed to the fact that Bangor was a city and he was unaware of any city in the world that did not have a police enquiry office and questioned the message that sent out. He considered the proposal to be a disgrace.

Councillor Cochrane echoed the sentiments of those who had spoken and he expected to see the resulting domino effect and thought that Members should send a clear message that they were opposed to the cuts.

Alderman Adair stressed the need for local neighbourhood community policing and as an example stated that call handlers were often based in Belfast and were unfamiliar with the areas they were dealing with. He stated it was important that a police presence in any area was visible and that was important to the residents of the Borough.

Councillor Martin thought that Members had made excellent points and referring to the suggestion that savings could lead to additional police officers, he knew that was unlikely and that a city required accessible policing. He thought that policing was more than having people on the streets and that elderly people for example often found a local police station reassuring. He asked for reassurance that the impact would not be further centralisation of services with the possibility that the station could close completely.

Councillor McCracken stated he had served in the Police Service and he hated to hear criticism directed towards the police but thought that the best way to support would be to agree to the amendment and the Motion. He said that decisions were not being made by the police themselves but by accountants in headquarters who thought in numbers rather than treating the Service sensitively. He thought that funding could be found elsewhere and supported the Motion.

Councillor Chambers recalled that 15 years ago there was a brand new custody suite placed in Bangor and then it was closed. That was followed now by the enquiry desk so he feared the slippery slope to the eventual closing of the station. He thought that the Council should write to the Justice Minister asking her to lobby harder for more funding for the police in the budget setting proposals.

In closing Councillor W Irvine thanked Members for their comments and was pleased that the Council could stand united and would hopefully reverse the situation and keep the stations in Bangor and Newtownards open. He supported Alderman McIlveen's addition to his amendment.

**RESOLVED, on the proposal of Councillor W Irvine, seconded by Councillor Cathcart, that this Council expressing its disappointment and concern over the decision to close the Bangor PSNI station enquiry office and writes to the Chief Constable and the Policing Board calling for the decision to be reversed and that no enquiry office is closed in the Borough.**

#### **14.2 Notice of Motion submitted by Councillor Wray and Councillor Hollywood**

This Council values the role that young people play in civic leadership within our Borough. Council will engage with Ards and North Down Youth Voice and local members of the NI Youth Assembly, with the view to providing use of our Council Chamber and resources to enable them to conduct an annual meeting. The agenda for the meeting should be decided by the young people with the Mayor chairing the proceedings.

**RESOLVED, on the proposal of Councillor Wray, seconded by Councillor Hollywood, that the Notice of Motion be passed to the Corporate Committee.**

At this point before the meeting was due to go In Committee Alderman McIlveen proposed that Item 17 be heard Out of Committee. The Chief Executive had clarified this with the Mayor and advised that there was legally privileged advice set out in the report and while the matter could be discussed Members should take responsibility not to refer to or quote from the legal advice.

Councillor McRandal considered that it would be difficult to debate the item without referring to the advice within the report and the Chief Executive stated that Members could decide how they wished to proceed but that the information within the report could not be discussed Out of Committee.

There was a difference of opinion so a vote was taken with a show of hands with 21 voting FOR, 13 voting AGAINST and 2 ABSTAINED and so the decision was CARRIED and the item could be discussed Out of Committee subject to confidentiality.

**17. CALL IN OF THE COUNCIL DECISION TO AMEND ITS FLAG POLICY TO INCLUDE THE FLYING OF THE UNION FLAG AT EVERY WAR MEMORIAL ALL YEAR ROUND**

The Mayor reminded Members of their duty to keep the discussion away from the facts within the report.

Proposed by Councillor S Irvine, seconded by Councillor W Irvine that the recommendation be adopted.

Councillor S Irvine stated that he was happy to proceed with the Council's recommendation and to carry out the EQIA before making a final decision. He had assumed that would have been the order under Section 75 legislation and he asked those who had objected to the decision to support that and wait until that process was carried out.

In seconding that proposal Councillor W Irvine rose to support the EQIA which was not included in the original Motion but it had also been his understanding that that would have taken place as a matter of process. He thought the proposal had been fair and balanced and it was shown to have widespread community support so should not be opposed in his opinion.

Alderman McIlveen referred to the debate as being a charade and the call in by the Alliance Party and SDLP to stop the proposal. He believed that Members were aware that the Alliance Party would not support the Union Flag and he did not see it changing its position on that. He said that it had been made clear at the Corporate Committee that an EQIA would be required and everyone had understood that from the minutes. There had been a huge amount of support for the Motion which showed the strength of feeling within the community. The Council had gone to the enormous expense of having a public consultation and while there would never have been 100% support the consultation had given an indication of the strength of feeling around the issue. He repeated that the Alliance Party was very clear in its policy not

to have any more flags flying and he was sure that it, along with the SDLP, would block the Motion. He stated that he would be giving the recommendation his support.

Councillor McRandal thought that it was disappointing that the debate was taking place and his Party had been criticised, but he thought it had also been vindicated on calling in so that the decisions of the Council could be checked. The Party would not stand over decisions that disproportionately affected some inhabitants of the Borough. He reiterated the Alliance position of continuing to support the flying of Union flags at appropriate events and that was understood but he did not wish to see the flag politicised at war memorials or the Act of Remembrance. He viewed that as a political move and if it was passed, it would be a bad decision by the Council being contrary to Section 75 and the Good Relations Policy.

He went on to say that flying flags permanently would undermine the value of them and if this was passed in Holywood there could be three Union flags flying in close proximity to one another and he did not think that that was appropriate and neither did he think that the people of Holywood would welcome that. He concluded by saying that in taking this decision the Council could be acting against its legal duties and potentially risking legal challenges.

Councillor Smart expressed his disappointment and admitted that while he did not wish to see flags on every street corner, the proposal before Members was limited to war memorials and remembering those who had fought and fallen for their country so that everyone could enjoy the freedoms that they had made the ultimate sacrifice for. He thought that the issues in Holywood town centre could have been overcome. Sadly, he thought that the call in was a blocking mechanism, and it was disappointing that it was being used in this way. He concluded by stating that the Ulster Unionist Party would continue to support the decision of this Council.

Councillor McCracken considered it disappointing when he listened to the DUP and the UUP talk of living within a civic unionism and a shared society and asked them to consider what a shared society looked like. He asked that people be treated with empathy, flags were an emotive issue in Northern Ireland so this could be stirring up a hornets' nest. Members lived in a liberal democracy which meant that there were laws and institutions to protect minority views and that stirring this issue by unionists could undermine those values. He could not speak for the legal outcome but he said that the Alliance Party stood up for all types of minority views within a shared society. He said veterans would not wish to see war memorials politicised and they were there for shared acts of remembrance and that everyone should respect that.

Alderman Armstrong-Cotter referred to the appropriate time for remembrance and thought that respect should be shown every day. Society cherished its democracy and the ability to listen to what everyone had to say and the hornets' nest comment was blatantly disregarding the fact that the Council had received a massive response to its consultation, so she asked the Member not to twist the facts. Veterans respected the war memorial, and the national flag and the Council's role was not to shy away from offence but to listen to the responses when the questions were asked. She stressed this Council did not have to abide by the Alliance Party manifesto and she hoped that Members would do the right thing.

Councillor Martin objected to Councillor McCracken’s comment that the last thing veterans would want is for war memorials politicised and he did not think that this decision did that. When veterans were remembered on Remembrance Sunday, they were being remembered for having fought on behalf of their country and the Union flag was the flag of their country so he asked why they would be offended. If the average person on the street was stopped, they would likely not object to that and so he encouraged the Alliance group to abstain.

In summing up Councillor S Irvine urged the Alliance Party to abstain. He had not brought the Motion with a political motive and the Union flag was only to be placed at war memorials and cenotaphs. Those places marked selfless bravery and service and were a beacon of inspiration for what was right and just and he asked for continued support and understanding to respect and honour the legacy of those who had served.

Members requested a recorded vote.

On the proposal being put to the meeting with 21 voting FOR, 13 voting AGAINST, 2 ABSTAINED and 4 Absent it did not meet the qualified majority and FELL.

<b>FOR (21)</b>	<b>AGAINST (13)</b>	<b>ABSTAINING (2)</b>	<b>ABSENT (4)</b>
<b>Alderman</b>	<b>Aldermen</b>	<b>Councillors</b>	<b>Alderman</b>
Adair	McAlpine	Kendall	Smith
Armstrong-Cotter	McDowell	McKee	<b>Councillors</b>
Brooks	<b>Councillors</b>		Kerr
Cummings	Ashe		McKimm
Graham	Boyle		Thompson
McIlveen	Crieghton		
<b>Councillors</b>	Harbinson		
Blaney	Irwin		
Cathcart	McCollum		
Chambers	McCracken		
Cochrane	McRandal		
Douglas	Moore		
Edmund	Morgan		
Gilmour	Rossiter		
Hollywood			
S Irvine			
W Irvine			
Kennedy			
Martin			
McLaren			
Smart			
Wray			

**NOTED.**

The Chief Executive reminded Members that Item 17 remained an In Confidence item and the content of the report should not be revealed and sat under the code of conduct for Members.

## **EXCLUSION OF PUBLIC/PRESS**

**AGREED, on the proposal of Alderman Armstrong-Cotter, seconded by Councillor Edmund, that the public/press be excluded during the discussion of the undernoted items of confidential business.**

### **In respect of Item 7.4 – Item 11 - Place and Prosperity Committee dated 11 April 2024**

**\*\*\*IN CONFIDENCE\*\*\***

(Councillor Kennedy left the meeting at 8.46 pm).  
(Councillor Kennedy rejoined the meeting).

### **15. BANGOR WATERFRONT BALLYHOLME YACHT CLUB AND WATERSPORTS INTEGRATED CONSULTANCY TEAM (ICT) AWARD – FOR APPROVAL**

**\*\*\*IN CONFIDENCE\*\*\***

**Option 3: NOT FOR PUBLICATION SCHEDULE 6 – INFORMATION RELATING TO THE FINANCIAL OR BUSINESS AFFAIRS OF ANY PARTICULAR PERSON (INCLUDING THE COUNCIL HOLDING THAT INFORMATION)**

#### **SUMMARY**

The report provided Council with an update on the recent procurement exercise for the Bangor Waterfront BYC Watersports Centre ICT recommending a tender appointment.

### **16. BANGOR WATERFRONT BALLYHOLME YACHT CLUB AND COUNCIL'S LEGAL AGREEMENT – FOR APPROVAL** (Appendices V, VI & VII)

**\*\*\*IN CONFIDENCE\*\*\***

**Option 3: NOT FOR PUBLICATION SCHEDULE 6 – INFORMATION RELATING TO THE FINANCIAL OR BUSINESS AFFAIRS OF ANY PARTICULAR PERSON (INCLUDING THE COUNCIL HOLDING THAT INFORMATION)**

#### **SUMMARY**

The report recommended Council progress with the Legal Agreement and addendum to the BYC lease in line with the OBC and Contract for Funding for the BRCD Bangor Waterfront Project.



17. **CALL IN OF THE COUNCIL DECISION TO AMEND ITS FLAG POLICY TO INCLUDE THE FLYING OF THE UNION FLAG AT EVERY WAR MEMORIAL ALL YEAR ROUND**  
(Appendices VIII, IX & X)

\*\*\*IN CONFIDENCE\*\*\*

18. **REQUEST FROM NIE FOR WAYLEAVE OVER LAND AT CASTLE PARK**  
(Appendix XI)

\*\*\*IN CONFIDENCE\*\*\*

**NOT FOR PUBLICATION SCHEDULE 6 – INFORMATION RELATING TO THE FINANCIAL OR BUSINESS AFFAIRS OF ANY PARTICULAR PERSON (INCLUDING THE COUNCIL HOLDING THAT INFORMATION)**

The Council was asked to consider granting NIE a Wayleave over land at Castle Park, Bangor. It was recommended that the Council acceded to the request from NIE.

The recommendation was adopted.

### **RE-ADMITTANCE OF PUBLIC/PRESS**

**AGREED, on the proposal of Alderman Armstrong-Cotter, seconded by Councillor Edmund, that the public/press be re-admitted to the meeting.**

### **TERMINATION OF MEETING**

The meeting terminated at 8.50 pm.

## ARDS AND NORTH DOWN BOROUGH COUNCIL

A meeting of the Planning Committee was held in the Council Chamber, Church Street, Newtownards on Tuesday 7 May 2024 at 7.00 pm.

### PRESENT:

**In the Chair:** Alderman McIlveen

**Alderman:** Graham  
McDowell  
Smith

<b>Councillors:</b>	Cathcart	McRandal
	Creighton	McKee
	Harbinson	McCollum
	Kerr	Morgan
	Kendall	Wray
	Martin	

**Officers:** Director of Prosperity (A McCullough), Principal Professional & Technical Officer (C Blair), Senior Professional & Technical Officer (C Rodgers) and Democratic Services Officer (J Glasgow)

### 1. APOLOGIES

No apologies were received.

### 2. DECLARATIONS OF INTEREST

No declarations of interest were notified.

### 3. MATTERS ARISING FROM MINUTES OF PLANNING COMMITTEE MEETING OF 09 APRIL 2024

PREVIOUSLY CIRCULATED:- Copy of the above.

NOTED.

### 4. PLANNING APPLICATIONS

#### 4.1 LA06/2023/1573/O - Approximately 70m East of No.18 Hillsborough Road, Comber – Dwelling on a farm (Appendices I - IX)

PREVIOUSLY CIRCULATED:- Addendum to Case Officer Report, Case Officer's Report, Synopsis of PAC decision 2014 – present, 2021/A0133, Extract of minutes of PC meeting Oct 2021, 2014/A0269, 2018/A0210, 2016/A0197, 2015/A0062 and 2016/A0047.

**DEA:** Comber

**Committee Interest:** A local development application “called-in” to the Planning Committee by a member of that Committee – Alderman McDowell

**Proposal:** Dwelling on a farm

**Site Location:** Approximately 70m East of No.18 Hillsborough Road, Comber

**Recommendation:** Refuse Planning Permission

The Principal Planning Officer (C Blair) outlined the detail of the application which was before members following its deferral at April’s Committee for one month to enable officers to consider the approach of the Planning Appeals Commission (PAC) in respect of application of and interpretation of Policy CTY 10 to date.

Members would note the detailed Addendum Report provided by the Director, with the raised PAC decisions considered under PAC Decisions 1 to 6.

Members would recall the site formed part of a larger agricultural field and located immediately adjacent to No.18 Hillsborough Road, a two-storey detached, which was owned by the applicant. It was proposed that the site was accessed via a new laneway, approximately 278 metres in length, which cuts through the centre of the existing field.

This was an application for a Dwelling on a Farm, which it was asserted by the applicants that they meet the necessary criteria under policy CTY 10 of PPS 21. The applicant had submitted that a Farm Business ID was allocated on 14 March 2012 and was a Category 2 business. However, this was associated with land at 58 Glenstall Road, Ballymoney, and which Planning was advised consisted of a shed and yard. It was confirmed that the building in Ballymoney was sold in 2021. The current site was purchased in April 2022, and the dwelling at no. 18 Hillsborough Road, which was being taken as the farm dwelling for the purposes of this Policy, was granted as a replacement dwelling under planning approval granted on 27 October 2014 under X/2014/0341/F.

The Planning Officer stated that he was not going to go through all the decisions referenced in the Addendum Report but wished to draw members’ attention to two similar PAC decisions to the situation in the application here, where the applicant was relying on the shed and yard at Glenstall Road in Ballymoney to assist in meeting the six years criterion under CTY 10 for this farm dwelling on land on Hillsborough Road, Comber.

In this appeal decision to dismiss the appeal against the refusal of outline planning permission on Gransha Road South, Bangor – 2021/A0133, which was decided under a year ago, and was not challenged through the courts, therefore in the view of Planning represented the latest view of the Commission in respect of land being added to the farm business, or in this particular application’s case, the land associated with the business being completely replaced in another location.

In this instance the Commissioner stated that the word ‘established’ means more than mere existence; it had the connotation of being set up and settled on a firm or permanent basis. Having regard to Policy CTY 10 of PPS 21 therefore, it was

reasonable to interpret 'established' by reference to active farming over a period of at least six years". Paragraph 17 of the PAC decision stated the following, which was crucial in the consideration of the application - the Commissioner states – "Whilst the farm business ID number itself has not changed; the composition of the holding has because the appeal site was added to it in 2019. For this reason, the Planning Officer considered the appellant's farm business had been amended from that date. Whilst he concurred with the appellant that a business could expand and contract, in the particular circumstances of this case, as the appeal site was only brought into the farm business in 2019, it could not possibly be part of an active and established farm business for at least 6 years as required by policy."

Similarly in this application, as the appeal site was only brought into the Farm business in 2022, it could not possibly be a part of an active and established farm business for the six years required under CTY 10.

That was not just a one-off decision by the PAC however was an established position as was outlined in this appeal decision, dated 9 November 2016 under reference number 2016/A0047 regarding lands located 100m NW of the junction between Tornagrough Road and Rusheyhill Road, Budore, Belfast. This example was used by himself at last month's meeting.

For this appeal, the appellant submitted a DARD business ID number and farm map that relate to a 2.34 ha farm business located at Tannaghmore Road, Seaforde, Co Down, which DARD at the time confirmed was active and established at this address in Seaforde, Co. Down for more than six years.

The appeal site, located in Budore, Belfast, was added to the appellant's farm business in May 2015 and the Commissioner confirmed that the six-year test under CTY10 could not be met.

The appellant submitted that that was not the position that should be taken by the Planning Committee, yet their circumstances were no different than those set out in these two appeal decisions. The PAC's position regarding this matter under policy CTY10 was clear, and it was position that the Planning Service must follow.

The PAC decisions related to criterion (a) of CTY10 and the Planning Service's position remained unchanged. The appellant's view that they could rely on having an active and established farm for six years at Glenstall Road, Ballymoney in order to build a new farm dwelling on land at Hillsborough Road, Comber was not correct or possible in policy interpretation, and evidentially supported through PAC decisions.

The Planning Officer referred to criterion (b) of CTY 10. As outlined in the Council's published Addendum Report, the original report considered this to be met. Criterion (b) required that no dwellings or development opportunities had been sold off (or 'transferred' as added by the SPPS) from the 'farm holding' within 10 years of the date of the application.

If Members considered that the land at 18 Hillsborough Road formed part of the holding for the purpose of the policy, criterion (b) was not met as the dwelling forming

the main 'farm house' was approved as a replacement dwelling granted on 27 October 2014 under X/2014/0341/F, within 10 years of the date of the application.

For Criterion (c), it indicated that the new building was visually linked or sited to cluster with an established group of buildings on the farm. Again, as outlined in the published Addendum Report, it had become apparent that the shed being relied upon for the purposes of this policy did not benefit from planning permission, nor was there a Certificate of Lawfulness in place to provide evidence of its immunity from enforcement action. As the shed was unauthorised, it could not be considered and thus the proposal fails to meet criterion (c) as the dwelling at No.18 Hillsborough Road would only be one building that the proposal could visually link or cluster with. As set out at the end of the Addendum Report the Planning Service had revised its CTY10 refusal reason following the further interrogation of the CTY10 policy. The Planning Service's view had not changed regarding the positioning of the proposed laneway, which was set out in the Addendum Report, alongside the failure of the application to comply with policies CTY13 and 14 of PPS 21, as debated during April's Committee meeting.

The Planning Service's position had not changed and accordingly refusal was recommended, however that included a revision of the refusal reason of CTY 10 to include criteria (b) and (c) as well as criterion (a).

The Chair invited questions from Members.

As there were no questions for the Planning Officer at this stage, the Chair invited Scott Caithness (Agent), Michelle Lestas and Nick Lestas (Applicants) to come forward who were speaking in support of the application.

Mrs Lestas stated that the Planning Officer's addendum report presented 98 case studies yet only 13 were highlighted and some were in favour of this type of development. In particular she referenced A0194/2019 which stated that Policy CTY10 applied to the farm business and was not concerned with the land ownership. She advised that she had submitted 10 relevant cases of planning approval from 2023 across different Council areas. She explained that they had only reviewed cases over the past year on the basis that the farm business ID was established for six years and active with no reference to the length of land ownership in those planning decisions, only that the proposed dwelling was established in lands currently active. In definition of 'currently active', it was addressed in a number of cases to extend beyond the need for single farm payments to include all agri-farm payments. She advised that they had submitted evidence of full active status including invoices, bank statements and insurance for the activity covered at 58 Glenstall Road, Ballymoney, along with the Woodland scheme which had been ongoing for the past two years.

The report made assumptions without clarification on their position with regards 58 Glenstall Road. She wished to clarify that there was no break in farming activity between moving from Ballymoney to Comber. It had been a condition of the sale of their property in Ballymoney that they could continue to use and farm on the land until they found their new property in Comber, therefore there was no break in continuity.

In response to the issue raised at the April Committee regarding a new laneway, that laneway extended from an existing laneway and would be covered by the extensive tree planting project. However, Mrs Lestas advised that they were prepared to amend the proposal to remove the need for a new laneway.

The planning laws were the same across all of Northern Ireland, she believed their proposal clearly met those laws and as detailed they had identified plenty of cases, similar to theirs that were approved. The 10 cases which were presented in their report were for 2023 alone and they believed there would be many more cases in previous years across all the Council areas. Mrs Lestas stated for the reasons outlined they were confused as to why the application could not be approved.

The Chair invited questions from Members.

Councillor McCollum asked when the applicants divested themselves of the ownership of the property at Glenstall Road. Mrs Lestas advised that they sold Glenstall Road in July 2021 with the condition of the contract of sale that they would be allowed to continue to use and farm on the land. They bought their property in Comber in April 2022.

Councillor McCollum referred to the upgrading by DEARA to Category 1 she asked what that was contingent on. Mrs Lestas advised that was in relation to the planting of the small woodland scheme and the planting of 2,100 trees.

Councillor Cathcart asked if any of the examples that were alluded to where from the Ards and North Down Borough and in relation to the PAC decision quoted in the presentation that was for 2023 and he asked if there were any more recent decisions. Mrs Lestas advised that they did come across any such decision for this Council area, they had only looked in 2023 as it was felt enough cases had been detailed.

The Chair wished for clarity from Mrs Lestas that she was stating that the Committee should be bound by decisions in other Council areas and not just by PAC decisions. Mrs Lestas stated that it was for the Planning Committee to make its own decisions. But she clarified that the point she was making was that there were at least 10 cases similar to their planning application that were approved and they were presenting what occurred elsewhere.

Mr Caithness alluded to PAC decisions, in particular 2018/A0194 which referenced CTY10 which applied to the farm business and was not concerned with land ownership. Also 2021/A0083 which was allowed as the Council failed to prove non-compliance with CTY10 and the drawing would not be seen in the landscape. As with their proposal that would be well hidden in the landscape due to the trees. Those PAC decisions related quite closely to this proposal were other cases cited were not an identical representation. In terms of CTY10 it was felt that the criteria were met in terms of the length of business and that had been acknowledged by Planning.

Councillor Cathcart wondered if it was normal practice for the PAC to make decisions based on other Council areas.

Mr Caithness stated that they were highlighting the stance which other Councils had taken.

Alderman Graham questioned the reasoning why it had been in the contract of sale to continue to use and farm on that land at Glenstall Road. He also asked what impact the proposal would have on their agriculture business. Mrs Lestas explained that they wished to use the land at Glenstall Road until they found a suitable property. In relation to the impact she believed that would be significant for the farm and the farming family, they had children who were interested in being part of the community and she wished to see the family kept together as a farming family.

As there were no further questions, Mrs Lestas and Mr Caithness returned to the public gallery.

The Chair sought questions from Members for the Planning Officer.

Alderman Smith noted that there were a few points that had been made that were contrary to the Case Officer's Report and sought the Planning Officer's view in that regard. The applicants were now willing to remove the laneway and he asked if that required another amended application. In relation to the 10 cases from 2023 which the applicants contended supported the application he asked for the Planning Officer's view in that regard. Furthermore, they contended that there was no break in continuity in the farm business. There was reference in the report with regards the commercial signage which they contended was from the new owners.

In relation to the 10 cases from other Council areas that had been referred to, the Planning Officer stated that those were seen as irrelevant as it was up to each Council to determine how it interpreted policy. From the Planning Service point of view, the applicant had stated in their evidence that they had purchased Glenstall Road in 2014 and they had stated that permission had been granted for change of use of the agricultural shed from agriculture to light industry. That shed was then established as a shared rural community kitchen which was a non-agricultural activity and from the evidence received to date there had been no evidence of any farming related activity ongoing at that site. The Planning Officer referred to the definition of agricultural activity which had been quoted in the presentation. The information that had been provided to Planning Service to date did not include any evidence in that regard. It was not enough for the Agent to state that because the applicant had a farm business ID it showed that a farm business was currently active and established. As per to the PAC decision referenced in the presentation, the Commissioner did state that established meant more than mere existence. From the evidence submitted the Rural Community Kitchen was the applicant's business at Glenstall Road. From a planning point of view, he would contest that a rural community kitchen defined ongoing active farming. As indicated, Planning did not agree that the addition of the Hillsborough Road site in 2022 should be taken as showing six years on that site. There had been no information submitted to show continuous activity on the site. There was an indication that the previous owner of the site had undertaken farming; however, that would have been a different business

farm ID number and therefore was irrelevant. With regards the access lane, it had been recorded in the minutes from the previous meeting that there was no indication that the applicant wished to amend the proposal or remove the access lane and at that point of time the applicants contended that the trees would screen the laneway. In his professional opinion, the removal of the laneway did not change the recommendation of refusal and he would not recommend proceeding on that point.

Alderman Smith noted in summary the proposal failed in respect of CTY10 (a), (b) and (c). The Planning Officer confirmed the opinion remained unchanged.

Councillor Cathcart noted that the speakers had contended that there were examples of cases in other Council areas, and he asked the weight PAC give to such cases. The Planning Officer stated a PAC decision could be applied across all Council areas however it was up to each individual Council to interpret policy.

The Director recalled that the NIAO had produced a report in February 2022 which was followed by the Public Accounts Committee report in March 2022 which had been highly critical of the differing approaches to rural housing across all of Northern Ireland. It stated that the differing interpretations were threatening to create a patchwork of varying planning policy across Northern Ireland. That was why planning officers were placing an emphasis on the 2023 PAC case as being most relevant. Just because there were examples in other Council areas did not mean policy was being applied correctly and the Director stated that she would exert that planning policy was being applied correctly in this Council in line with PAC decisions and previous legal advice sought in other cases.

Alderman McDowell questioned if the planting of trees was a form of cultivation. He was of the view that farm diversification had changed over the years and the Planning Officer was being critical of the activity occurring at the farm in Ballymoney.

The Planning Officer clarified that he was not criticising the activity and its farm diversification. He had stated that there was no evidence that farming activity had occurred on the site in Ballymoney and therefore farming diversification could not occur in the absence of a farm. In terms of cultivation, the planting of trees was in reference to the site in Comber.

Regardless of criteria (a) Councillor McCollum sought further information regarding (b) and (c). The Planning Officer explained that a replacement dwelling was approved in 2014, at the time of submission of this application that was within the 10-year period and the point was being made that the proposal would fall under criteria (b). In relation to criteria (c), there were two buildings on the site; the dwelling and a shed. It had become apparent that the shed did not benefit from planning permission and there was no evidence of a certificate of lawfulness. Therefore, that shed was unlawful and could not be included in the cluster of buildings and therefore failed on criterion (c).

Councillor McCollum questioned in relation to criterion (b) if a replacement dwelling was considered as selling off. The Planning Officer explained that as it was replacement dwelling that represented an opportunity that was transferred within 10 years.



The Director stated that a number of PAC decisions provided evidence in that regard (re replacements being development opportunities) and the SPPS was more prescriptive in terms of dwellings sold off or transferred.

Councillor McCollum stated that regardless of criteria (a), the application failed on (b) and (c). The Planning Officer confirmed that was what Planning Service was contending.

Proposed by Councillor Morgan, seconded by Councillor McCollum, that the recommendation be adopted and that planning permission be refused.

Councillor Morgan thanked the Planning Officers for the work they had undertaken with regards the application. She proposed refusal on the basis that the proposal failed on CTY10.

Councillor McCollum was conflicted with regards criterion (a) however was content regarding (b) and (c).

**RESOLVED, on the proposal Councillor Morgan, seconded by Councillor McCollum, that the recommendation be adopted and that planning permission be refused.**

The Chairman advised that the planning applications would be re-ordered to accommodate the speakers.

**4.3 LA06/2022/1262/F - The property known as 225A Millisle Road, Donaghadee - Demolition of existing ancillary residential accommodation, garage and workshop and erection of replacement residential accommodation, detached garage and workshop ancillary to existing dwelling at 225 Millisle Road, Donaghadee**  
(Appendices XI, XII)

PREVIOUSLY CIRCULATED:- Case Officer's report and addendum.

**DEA:** Ards Peninsula

**Committee Interest:** A local development application attracting six or more separate individual objections which are contrary to the officer's recommendation; and approval requires a legal agreement

**Proposal:** Demolition of existing ancillary residential accommodation, garage and workshop and erection of replacement residential accommodation, detached garage and workshop ancillary to existing dwelling at 225 Millisle Road, Donaghadee

**Site Location:** The property known as 225A Millisle Road, Donaghadee

**Recommendation:** Grant Planning Permission

The Senior Professional and Technical Officer (C Rodgers) outlined the detail of the application. She firstly displayed visuals of the site which was positioned within a row of properties along the Millisle Road where a suburban style build-up of development was evident despite the countryside location.

An existing building adjacent to the main dwelling could be lawfully occupied as ancillary accommodation as certified by a Certificate of Lawfulness issued by the Council in October 2020. The main dwelling was known as 225 Millisle Road and the existing ancillary building was known as 225a Millisle Road.

Visuals were displayed showing the views from the site towards existing properties to the north-east and to the northern and western boundary fence and a view towards properties to the south-east of the site.

The proposed ancillary building was positioned in the rear garden and was not immediately adjacent to party boundaries. The proposed garage was adjacent to the northern boundary. The buildings were single storey with low pitched roofs.

For comparative purposes the Officer showed a visual image of a detached building located in the Newry and Mourne Council area that was approved by the Planning Appeals Commission as ancillary domestic accommodation. Under the Addendum to PPS7 - Residential Extensions and Alterations - Planning policy makes provision for ancillary accommodation to provide additional domestic living space.

Whilst the proposed replacement structure was larger than the one to be replaced, it remained subordinate to the host dwelling, and it presented similar characteristics to that of the building approved as ancillary accommodation by the PAC.

In determining this appeal, the PAC gave weight to a number of key factors. The Appeal building was not physically attached to the main dwelling; however, the Commissioner noted that its siting to the rear of the dwelling (with little intervening space) makes it unlikely that the appeal building could function as an independent dwelling.

Similar to the appeal, there was no physical boundary between the proposed ancillary building and the dwelling. In addition, the garden, parking facilities and access would all be shared.

Having regard to these factors, as well as a Certificate of Lawfulness for the existing ancillary building within the site, it was considered that the principal of development was acceptable. Any approval of ancillary accommodation must be subject to a suitable mechanism to ensure that the development remained ancillary to the main dwelling and could not be occupied as a separate independent unit in the future. Normally that could be secured through planning conditions. However, in this case, the Applicant had expressed a desire to retain a separate address for the ancillary accommodation. Due to a potential degree of administrative independence between the ancillary accommodation and the main dwelling, it was considered that planning conditions may be difficult to enforce.

Having discussed this matter with the Council's legal representative, it was considered that a Section 76 Planning Agreement would represent an appropriate solution to ensure the use of the subject building remains ancillary to the host dwelling.

The Planning Agreement would be placed on the Statutory Charges Register. That would make the agreement a matter of public record and enforceable against successive owners of the site.

Integration and impact on character had been carefully considered in the COR. The proposed buildings were single storey and were located to the rear of the existing buildings along the Millisle Road; therefore, the development would not appear prominent in the landscape and would not cause harm to the character of the area.

Due the scale of the single storey buildings, and their position and orientation relative to neighbouring dwellings, and the intervening structures and boundaries, the proposed development would not cause unacceptable adverse harm to neighbouring residential amenity through overlooking, loss of light or other disturbance.

The existing ancillary accommodation would be demolished. Given the ancillary nature of the development no intensification of use of the existing access would occur.

Objections had been received from 6 separate addresses (12). Matters raised relate primarily to the potential use of the proposed buildings, impact on residential amenity and impact on the character of the area. All those issues had been considered in detail in the Case Officer Report and Addendum.

Having weighed all the material planning considerations, it was recommended that this application proceed by way of an approval of planning permission subject to the conditions listed in Case Officer Report and the execution of a Section 76 Planning Agreement. Delegated authority was sought from the planning committee post resolution to finalise the terms of this Planning Agreement.

The Chair invited questions from Members.

Councillor Martin referred to the Section 76 agreement and sought clarity that that prevented the house owner selling the ancillary building as separate accommodation. The Planning Officer confirmed that the agreement would mean that the building would have to remain ancillary to the main domestic dwelling. That would be a contractual obligation between the Council and the applicant.

Councillor McRandal questioned the scale and size of the proposal compared to what currently was there and what existed in the vicinity. The Planning Officer outlined that the proposal included the demolition of the existing ancillary structure, workshop and garage. Referring to the visuals, the Planning Officer advised that the garage was approximately 4.5m high and 2.5m to the eaves and the ancillary building was 2.5m high and 5.1m to the ridge, therefore they were quite low level ancillary buildings. The main ancillary building was 120sqm and the annex that was deemed to be lawful and immune from enforcement action was approximately 64sqm. The proposed garage would be 42 sqm. She recognised that the new structures would be larger but deemed to be subordinate to the host dwelling.

Councillor Morgan noted that the garage was to be moved and the proposed garage would be against a neighbouring property. Referring to the visuals, the Officer

explained that would be against an outbuilding belonging to 221 Millisle Road. Due to the location of the intervening buildings, boundaries, small scale of the structure, orientation and with the openings directed away from the dwellings, it was not considered that it would cause any harm to existing residential amenity.

Councillor Wray referred to condition number 4 which stated the building shall not be occupied at any time other than for the purposes ancillary to the residential use and he asked if the property was to be sold in the future could the ancillary dwelling be rented out and/or used for commercial purposes.

The Planning Officer referred to her addendum and restated that the Council was restricting the use of the building through the use of a Section 76 planning agreement. That was a stronger mechanism than a planning condition, it was more robust as there was greater enforcement powers. That went with the land and the ancillary building could not be used for another purpose and the use was to remain ancillary to the host dwelling.

The Chairman invited Dr Iain Craig to come forward who was speaking in support of the application.

Dr Craig stated that he expected to be speaking in response to an impassioned plea from the objectors to this planning application. The fact that none of the objectors could find any reason in the planning policies to object to the proposal spoke volumes. It was clear that this planning application would have negligible impact on them in reality and their objections have in fact just been a way to make the process more difficult for them. Dr Craig thanked the Committee for taking the time to give the application due consideration. He also thanked Clare Rodgers for taking the time to consider all of the factors of this planning application including those that were not obvious to both the objectors and the supporters of this application. He felt it was fair to say that supporters and objectors were equally split in numbers but where they all had a commonality was in the errors they made in trying to figure out the real reason for this application. He recognised that the Committee was not the platform for examining motivation but it he felt it was worth noting that Clare Rodgers fully understood the personal family circumstances for requiring the proposal. Clare Rodgers had done such a thorough job of her planning report it was difficult to find anything in planning specific to this application not covered by the report.

However, Dr Craig stated that he would try to add to what had already been stated. Planning application LA06/2022/1262/F was submitted shortly after Ards and North Down Council published 'Sustainability and Climate Change Policy'. That document fanfares the Council's commitment to sustainable development and stated 'The LDP shall deliver locally distinct planning policy including policies related to renewable energy.' Almost a year and a half had passed since submission of the first planning application and the Council had not as yet backed up their commitment with changes to existing policies to advance this aim. He appreciated that changes to fight climate change were not easy and the Council was justifiably taking as long as necessary to get the policy updates right. However, the application was an opportunity for the Committee to show commitment to renewable energy at the micro-generation level, by supporting the application. That would send a clear signal of intent that the Committee supported measures to reduce the harm done to the environment by the

burning of fossil fuels. The proposal enjoyed triple glazing throughout, ground source heat pump and solar panels supporting an almost zero environmental impact once built. With the exception of gas for cooking the ancillary accommodation would be effectively 'off-grid' once completed. Dr Craig urged the Committee to demonstrate commitment to action on climate change by supporting this planning application. The Planning Officer's report touched on many points in relation to PPS21 but missed one part of CTY's relevant to this application. It was worth pointing out that CTY3 sets a number of criteria for the acceptability of replacement dwellings and 5.14 in particular stated 'The replacement of existing dwellings was important to the renewal and up-grading of the rural housing stock.' The ancillary accommodation being replaced had a number of shortcomings that made it less than ideal as a 'granny annex'. After all a granny annex without wheelchair accessibility or wheelchair accessible bathroom, etc. undoubtedly fell into the category of housing stock in need of up-grading. In response to Councillor McRandal's question to the Planning Officer regarding the scale, Dr Craig advised that the existing bungalow would not be permitted as it was too small. This application was intended to renew an existing building and bring it up to the expectations of 21st century living.

The Chair invited questions from Members for Dr Craig.

Councillor McCollum stated that the desire to improve the sustainability of the application was commendable. She wished to confirm that Dr Craig understood the implications of the Section 76 agreement. Dr Craig confirmed that he was content with the agreement, and he had discussed that at length with the Planning Officer.

As there were no further questions, Dr Craig returned to the public gallery.

Proposed by Alderman Smith, seconded by Councillor Cathcart, that the recommendation be adopted and that planning permission be granted.

Alderman Smith felt all the objections had been dealt with in the report and he was satisfied that the application met the requirements.

Councillor Cathcart was content to second the proposal subject to the finalisation of the section 76 agreement. He understood the neighbours' concerns however the section 76 agreement would be robust and alleviate any concerns in that regard.

**RESOLVED, on the proposal Alderman Smith, seconded by Councillor Cathcart, that the recommendation be adopted, and that planning permission be granted.**

**4.2 LA06/2022/1076/F - 50 Main Street and lands to rear of 38-48 Main Street, Carrowdore - 63 dwellings, open space, landscaping, parking and access**  
(Appendix X)

PREVIOUSLY CIRCULATED:- Case Officer's report

**DEA:** Ards Peninsula

**Committee Interest:** In the major category of development

**Proposal:** 63 dwellings, open space, landscaping, parking and access  
**Site Location:** 50 Main Street and lands to the rear of 38-48 Main Street  
**Recommendation:** Grant Planning Permission

The Principal Professional & Technical Officer (C Blair) outlined the detail of the application. The pre-application community consultation process was carried out in line with the legislative requirements set out in the Planning Act (NI) 2011.

Members should note that there are no representations submitted in respect of this application, either in support of or objection to the proposed development.

Members would further note from the case officer's report that there were no objections from consultees subject to conditions.

The site, within the settlement limit of Carrowdore was to the northwest side of Main Street. It was the former Ards Building Products Ltd yard approximately 3.6ha in area. The vacant, relatively flat brownfield site, which gently sloped away from Main Street, was predominantly surrounded by residential development with exception of agricultural land to the rear (west).

The principle of development had been established by the planning history of the site, which included planning permission granted for Phase One in November 2023 under LA06/2022/0881/F for 25No. dwellings, comprising 11No. detached and 14No. semi-detached, open space, landscaping, parking and all other associated site and access works.

The land was not zoned for a particular use in the Ards and Down Area Plan 2015 and it complied with the requirements of the SPPS.

The proposal complied with Policy LC1 of the Addendum to PPS 7 'Established Residential Areas'. The proposed development measures approximately 17.5 dwellings per hectare (dph). McBriar Meadow and The Stables had a density of 36 dph whereas Quarry Court had a lower density of 15 dph. The proposed density was therefore not out of character of the surrounding residential area.

The pattern of the development was consistent with the surrounding area and the average plot size of 0.057ha was also comparable.

The proposal would comprise 13 No. detached and 50 No. semi-detached dwellings all of which were 2 storey and would be finished in brick. Spot levels, layout, scale and massing of the proposed dwellings respect the topography of the land and the character of the surrounding area.

In terms of Policy QD1 of PPS 7 'Quality Residential Environments' the proposed design and layout did not conflict with any adjacent development.

The dwellings approved in phase 1 back onto sites 63 to 71 and were also west of site 76. There was a 25m back to back separation distance which meets the guidance recommended in Creating Places. Environmental Health had requested specific double glazing and ventilation systems in units 14-16 to reduce noise from

external sources. That was also approved in unts 11-13 of Phase 1. That was given the close proximity of the development to the petrol station to the south of this part of the site.

Proposed site 14's southeastern side boundary abuts the rear boundaries of the existing terrace dwellings. However, given the existing 30m rear gardens with intervening ancillary buildings, and fact that a first-floor gable window of the proposed detached dwelling on site 14 serves a stairwell and not a habitable room, there are no concerns regarding overlooking and loss of privacy to the existing terraced dwellings.

In terms of the recently constructed McBriar Meadow development to the northeast of the site, the recommended back-to-back relationship of 20 metres (as per Creating Places) was provided.

Finally, in terms of residential amenity for proposed residents the proposed first floor gable windows have been designed so that stairwell windows look towards ensuite/bathroom windows. This layout prevents intervisibility between the dwellings. Ensuite/Bathroom windows on gable elevations would be conditioned to have obscure glazing.

Planning Service found the proposed open space acceptable with the overall site area for Phases 1 and 2 being 3.64ha. The open space provision totals 0.445ha which equates to 12.5%. The minimum threshold of 10% has been met.

Each dwelling will have two in-curtilage parking spaces with 38 visitor parking spaces indicated meeting the requirements of Parking Standards. DfI Roads had no objections with the proposed access road into the development to be adopted by DfI Roads. The proposed development satisfied the policy requirements of PPS 3 'Access, Movement and Parking'.

A Drainage Assessment had demonstrated that the design and construction of a suitable drainage network is feasible for Phase 1 and this proposed Phase 2. It indicates that the 1 in 100-year event could be contained through the addition of an underground online attenuation system, when discharging at existing green field runoff rate, and therefore there would be no exceedance flows during this event. To ensure compliance a condition would be imposed on any approval.

Lastly, the proposed development was located on land which was marked as contaminated due to previous historical use (builders' yard). The current use of adjacent land as a petrol filling station was also noted. Environmental Health considered and accepted the remediation strategy submitted under the Phase One application regarding land contamination. That was set out in detail in the Case Officer's Report. As Phase One had already been approved by the Council, the remediation strategy was therefore acceptable in terms of Phase 2 with the imposition of conditions on any approval requiring the submission of a Verification Report and the recommended steps to take if unexpected contamination and/or buried wastes be encountered during the construction phase.

Taking all of the above into account, approval was recommended.

Councillor Cathcart noted that NI Water had capacity for 62 properties. He highlighted that there were no letters of objection to the application and all the statutory agencies were on board. He questioned what the delay had been with the application.

The Planning Officer stated that the application had been taken in line with phase 1 development which had been approved in November 2023. There had been a slight delay in the preparation of the report.

Proposed by Councillor Wray, seconded by Councillor Kerr, that the recommendation be adopted, and that planning permission be granted.

Speaking to his proposal, Councillor Wray stated that the proposal was compliant, there were no objections, and he felt the proposal was positive development for a growing village. He was mindful of the community's concerns regarding the lack of supporting infrastructure in the area, that was not a planning matter but an issue which the Council needed to be cognisant of.

Councillor Kerr welcomed the Officer's recommendation.

Referring to the laneway onto the High Street, Councillor Morgan was pleased to see that positive development encouraging people to walk to the High Street.

**RESOLVED, on the proposal of Councillor Wray, seconded by Councillor Kerr, that the recommendation be adopted, and that planning permission be granted.**

## **5. REVIEW OF SCHEME OF DELEGATION AND PLANNING COMMITTEE PERFORMANCE**

(Appendices XIII, XIV)

PREVIOUSLY CIRCULATED:- Report from the Director of Prosperity attaching current Planning Scheme of Delegation and Committee Statistics 2019-2024. The report detailed that there were a small number of application types that must by statute be determined by the Planning Committee:

- All Major planning applications;
- Applications made by the council or an elected member; and
- Applications that relate to land in which the council has an estate.

For all 'local' application types, the Council must operate a Scheme of Delegation which delegates planning decisions-making authority from the Planning Committee to planning officials for chosen categories. This Council's Scheme of Delegation was attached as Item 5a to this report.

The Council was required to review its Scheme of Delegation regularly. That Council's scheme was last updated in 2020, so it is timely to review its effectiveness, reflecting on performance over the past five years and in line with the observations and recommendations made by the Northern Ireland Audit Office.



## **Northern Ireland Audit Office Report on Planning in Northern Ireland**

The report into Planning in Northern Ireland by the NI Audit Office (NIAO), published February 2022, then followed by the report by the then Public Accounts Committee (PAC) shortly after, made a number of observations and recommendations in relation to the Planning system in Northern Ireland. Its report is available here [Planning in Northern Ireland | Northern Ireland Audit Office \(niauditoffice.gov.uk\)](https://niauditoffice.gov.uk).

Part Three of the NIAO Report entitled 'Variance in Decision-Making Processes' dealt with the following items in respect of delegation of planning applications:

- a) Delegation as an essential part of an effective development management process;
- b) Not all Schemes of Delegation ensure that decisions are taken at the appropriate level;
- c) The types of applications being considered by committees are not always appropriate
- d) One in eight decisions made by planning committees goes against the recommendation of planning officials

### **Delegation as an essential part of effective development management process**

The NIAO Report notes that 'given that councillors are not typically professional planners, the sharing of decision-making roles and responsibilities between planning committee members and officials could make a critical contribution to the efficiency and effectiveness of decision-making processes within an individual council'.

### **Not all Schemes of Delegation ensure that decisions are taken at the appropriate level**

Departmental guidance, published in 2015, recommended that over time council should aim to have between 90 and 95 per cent of applications dealt with under a scheme of delegation. The NIAO Report reiterated Departmental guidance that councils should ensure that applications were not unnecessarily referred to the Planning Committee as that would contribute to inefficiency and delay. It further referenced a benchmarking exercise carried out in England in 2012 which highlighted that there were significantly higher administrative demands and costs associated with applications heard by planning committee as opposed to those decided by officials.

The NIAO Report recommended that in instances where delegation rates fall below 90% councils should review their processes to ensure that they represented the best use of council resources.

Officers had reviewed the performance of Planning Committee over the past five years, 2019/20 to 2023/24. The detail was tabulated in Item 5b to this Report.

Members would note that the delegation rate for this Council was 94%, well within the 90-95% bracket recommended by the Department, and well above the 90% figure that NIAO was concerned with.

### **The types of applications being considered by committees are not always appropriate.**

The NIAO reported widespread concerns that the applications coming to committee either under the Scheme of Delegation or by referral, were not always the most significant and complex applications. In this regard it particularly raised concern regarding planning applications for single dwellings in the countryside, which it considered were rarely the most complex, and representing a disproportionate use of committee time.

Members would view in Item 5a attached the different categories of applications determined by the Committee over the past five years. The largest number of applications at 43% considered by Committee related to one of the mandatory categories of development to be determined by Committee – i.e. applications made by Council or an elected member, or related to land in which the council had an interest.

The highest numbers of applications referred to Committee by the Scheme of Delegation were as follows:

- Local applications attracting six or more objections, from separate addresses, contrary to the officer's recommendation – accounting for just over 26%; and
- Call-ins to Committee from the weekly delegated list by Members of that committee – accounting for nearly 17%.

### **One in eight decisions made by planning committees goes against the recommendation of planning officials**

The NIAO Report noted that divergences of opinion between committees and officials were to be expected where planning issues are finely balanced, highlighting that decisions against officer recommendations must always be supported by clear planning reasons.

NIAO records concern regarding its review of data between 2018 and 2020 whereby just under one in eight applications decided by committee was made contrary to official advice.

Members would note from the table at Item 5b that the figure for Ards and North Down over the past five years was six out of 266 applications determined, representing a 4.92% overturn rate, well below the 12.5% rate that NIAO was concerned about.

### **Conclusion**

It was considered that the current Scheme of Delegation was operating appropriately, cognisant that delegation was an essential part of an effective development management process, and that significantly higher administrative demands and costs were associated with applications heard by planning committee as opposed to those decided by officials.

It was recommended that Members review the data within the table at Item 5b and the current Scheme of Delegation for the non-mandatory categories of development, to ensure no changes were considered necessary.

Subject to the Committee being content, and subsequent ratification by Council, the version control would be updated for the Scheme having been reviewed accordingly in line with the requirements of legislation.

RECOMMENDED that Council notes the content of this report and the attachments and determines that it is content with the current Scheme of Delegation for Planning.

The Director spoke to the report explaining the content to Members.

Proposed by Councillor McRandal, seconded by Councillor Cathcart, that the recommendation be adopted.

Councillor McRandal stated that he was content with the current Scheme of Delegation.

Councillor Cathcart recognised that it was hard to get the balance right and he was content for the scheme of delegation to remain as it was.

Councillor Kendall felt it would be beneficial if the revocation of TPO's came to the Committee highlighting the interest in the protection of trees. She also felt it would be useful to educate residents further that a petition to a planning application only constituted as one objection.

The Director stated that with regards the matter of petitions that had been in the Borough magazine, was included in the Guide to the Planning Application Process published in January 2020 and was highlighted on the website. She noted that it only became an issue when it affected somebody. She further explained that an application could have a number of objections however there was a need to outline how the application was contrary to policy or guidance. There was a need to ensure that Planning Service was being consistent and meaningful and she would like to see the scheme being taken further excluding objections from people who lived outside the Borough; however, that could be looked at a further stage. In relation to TPO's, it was in the Department's guidance that the Planning Committee should not consider such matters and Officers kept the Committee up to date regarding TPO's.

Councillor Martin agreed that a petition should not hold the same weight as a letter submitted with cited planning policy. He highlighted that it was a complicated process objecting to a planning application given the number of planning policies. He agreed that it was about educating objectors and making it clear that objections needed to contain a planning concern.

**AGREED TO RECOMMEND, on the proposal of Councillor McRandal, seconded by Councillor Cathcart, that the recommendation be adopted.**

## 6. **PROPOSED AMENDMENTS TO THE PROTOCOL FOR THE OPERATION OF THE PLANNING COMMITTEE**

(Appendices XV, XVI)

PREVIOUSLY CIRCULATED:- Report from the Director of Prosperity attaching current Protocol for the Operation of the Planning Committee. The report that Members would be aware that the purpose of the protocol was to outline practical handling arrangements for the operation of the Planning Committee. Paragraph 91 of the Protocol stated that it “will be monitored and procedures reviewed as necessary to ensure that they remain current and relevant to the operational needs of the Ards and North Down Borough Council Planning Committee”.

With regard to the Development Management function, the main role of the Planning Committee was to consider planning applications made to the Council as the local planning authority and decide whether or not they should be approved.

### **Current Protocol for the Operation of the Planning Committee**

Paragraph 16 of the Protocol for the Operation of the Planning Committee referred to Section 31 of the Planning Act (NI) 2011 which required the Council to produce a Scheme of Delegation for operation in its area. A Scheme of Delegation was where decision-making for local applications was delegated to an appointed officer rather than the Planning Committee, thereby enabling speedier decisions and improved efficiency. Members were reviewing the current Scheme of Delegation under Item 6.

### **Locals Processing Times**

Members’ attention was drawn to table below which set out the processing times for applications in the local category of development over the past five years 2019/20 to 2023/24.

Members shall be aware that the statutory performance indicator for processing of local applications was 15 weeks.

Year	Locals			% cases processed <= 15 wks
	Applications received	Decided	Average Processing Time (wks)	
2019/20	897	798	15.8	48.8%
2020/21	1000	790	16.8	46.2%
2021/22	1078	1014	22.4	31.9%
2022/23	937	988	19.9	41.2%
2023/24	782	838	16.0	48.6%

### **Weekly Delegated List**

1. The weekly delegated list sets out those applications delegated initially to appointed officers. Members of the Committee then have 48 hours in which to determine if a call-in to full Committee was appropriate.

2. Within the current Protocol, applications in the householder category of development which were recommended for approval and had attracted no objections were excluded from the delegated list.
3. This process provided efficiency in issuing of householder decisions, contributing to the Council meeting its 15 week target, as if a report was not ready at the precise time the delegated list is issued to Committee Members, it could be a further two weeks before a decision was issued, subject to no call-in. – as if not ready from the Monday afternoon, after the delegated list had issued, it must wait until the following week’s list, plus 48 hours, and then once confirmed as no call-in, arrangements made to generate the decision notice for checking and signature.

**Proposal for Consideration**

4. Taking cognisance of the Planning Improvement Programme stemming from the various recommendations set out within the NI Audit Office’s and Public Accounts Committee Reports referred to in Item 6, officers have reviewed the types of applications in the local category of development currently included on the weekly delegated list. It was considered that some additional proposals could be excluded from the delegated list, similar to the householder applications.
5. Taking into account that any local application which currently receives six separate material objections contrary to a recommendation to ‘Approve’ will be referred automatically to Planning Committee, the following list sets out those types of local applications for consideration by Planning Committee to be excluded from the weekly delegated list:
  - a) All Householder applications
  - b) Applications for Advertising Consents
  - c) Reserved Matters (where not associated with a major category of development approval)
  - d) Renewal of Outline approvals (subject to no change in policy framework).
  - e) Change of House Type applications
  - f) Listed Building Consents

6. By excluding the above list of local applications from the weekly delegated planning application list, in addition to improving processing times, this move would also take account of findings by the Northern Ireland Audit Office’s Report on Planning in Northern Ireland, published February 2022, with regard to Recommendation 2 which stated:

“We recommend that the Department and councils continue to put an enhanced focus on improving the performance of the most important planning applications.

7. To assist Members with consideration of this proposal, the following details the applications called in from the delegated lists over the past 12 months:

Delegated Month	Type of Proposal
-----------------	------------------

January 2023	1. Access point and driveway to dwelling, to include pillars and walls 2. Change of use from garage to short term holiday let (retrospective)
April 2023	3. Erection of agricultural shed (proposed) and creation of laneway (retrospective)
September 2023	4. Dwelling and garage on farm 5. Proposed dwelling and garage
October 2023	6. Dwelling and shed ( addition of retrospective shed and minor alteration to site boundary to previous approval)
November 2023	7. Farm dwelling and garage
February 2024	8. Erection of dwelling and conversion of three existing outbuildings for incidental usage (in substitution for previous approval) 9. Infill dwelling, garage and associated site works (in substitution for previous approvals) 10. Dwelling on a farm

RECOMMENDED that Council agrees to the recommendation to remove the categories of local applications detailed at paragraph 10 from the weekly list of delegated planning applications in the interests of contributing to quicker processing times.

The Director spoke to the report outlining what was proposed.

Councillor Cathcart stated that he did not have an issue with a lot of the categories; however, he was hesitant regarding reserved matters and householder applications, bearing in mind design implications. At this stage, he would like to see categories (a) and (c) remain with those to be reviewed in the future.

The Director referred to the issues with householder applications and where the line could be drawn with those. She noted that the householder application team made the biggest difference to the statistics and they were not regularly concerned with issues in respect of consultees etc.

Councillor Cathcart was conscious that the processing times had improved recently, and he concerned about taking a blunt approach.

Councillor Morgan highlighted that one of the jobs of the Committee was to exercise a democratic process and she would be concerned regarding the removal of the category for householder applications (a).

Councillor Kendall questioned in respect of (a) would there be a compromise option to allow for oversight but to speed up the process.

Alderman Smith questioned the volumes of applications in categories (a) and (c). The Director stated she did not have the exact numbers, however, did not believe that not to be a large number of applications.

Alderman Smith stated that anything that reduce the timeline, improve productivity, remove bureaucracy the Council should strive to do. He was happy for all the categories to be removed on a trial basis.

Alderman McDowell urged caution, highlighting the need to have oversight and on rare occasions Members called in applications. One situation, neighbours were not aware of nearby applications. He felt it was important that the process was done right and that residents had an input into the process. He did not wish to see the householder applications removed. He also had reservations regarding the category for reserved matters.

Councillor Martin recognised the concerns; however, on balance Officers and members of the public wished to see a speedier process. He wondered if (b) and (c) categories could be considered via Officers and the Chair and brought to the Committee if it was felt required.

(Councillor Martin withdrew from the meeting – 8.44 pm)

Alderman Graham was inclined to remove all of the recommended categories. He noted the issue with reserved matters applications; however, noted he was unsure of the powers the Committee had if that application had already been approved at outline stage.

The Director highlighted that the planning authorities had received negative feedback in the press, NIAO and through the Public Accounts Committee for not meeting the statutory targets. To try and speed up the process and free time for the administrative and professional officers to provide time to allow them to work on applications. As Members were aware, the time for processing planning applications was published in a league table across all the Councils. That did not take account of a range of issues including the number of environmental designations, type of applications received and number of planning officers.

(Councillor Martin re-entered the meeting – 8.46 pm)

In terms of a reserved matters application, an application was approved at outline stage which reserved siting, design, access etc. along with other conditions. Further conditions could not be added to a reserved matters consent that had not been included on the approval at outline stage. The principal of development was already approved and the design elements could be considered. The Director outlined that the drive was that the Public Accounts Committee had said that Planning Committees were not concentrating on the most significant or controversial planning applications. The report sought to streamline the matter further.

Alderman Graham was conscious of the workload of Planning Officers and how that did affect staff morale.

The Chair stated that he did have reservations regarding removing the householder applications (a) referring to instances where applications had been called in highlighting the need to maintain that democratic oversight.

Proposed by Alderman Smith, seconded by Councillor Wray, that Council agrees to the recommendation to remove the categories of local applications detailed at paragraph 10 from the weekly list of delegated planning applications in the interests of contributing to quicker processing times.

Alderman Smith noted there had been improvements in the processing times however highlighted the need to strive to do more, improve staff morale and reduce bureaucracy. He appreciated the concerns and agreed that a trial may be appropriate.

Proposed by Councillor Cathcart, seconded by Councillor Martin, as an amendment that Council agrees to the recommendation to remove the categories (b) – (f) of local applications detailed at paragraph 10 from the weekly list of delegated planning applications in the interests of contributing to quicker processing times.

The Director stated that there still be oversight by the Head of Planning and referred to previous applications which she had called in when in that post.

Councillor Cathcart was happy to look further at the scale of householder applications but for now to have the democratic oversight he wished for (a) to remain.

The Director felt that having those criteria excluded would make a big difference.

Councillor Martin was content that (a) remained and noted that constituents wished for an expedient planning process whilst still providing protections.

Alderman Graham felt the discussion had been useful and taking the comments on board he was happy with the amendment.

Councillor Morgan was happy to support the amendment and she thanked the Director for bringing the report forward. Democratic oversight was important and she welcomed further discussion in the future.

Councillor McCollum advised that she had been in contact with Planning Officers over the past number of weeks, she noted the pressure Officers were under and hoped that the proposal would alleviate some of that pressure. She wondered if it would be useful to timetable the matter being brought back to Committee to review the matter again in particular in relation to the householder applications.

The amended proposal was put to the meeting and declared carried with 13 voting FOR and 2 AGAINST.

**AGREED TO RECOMMEND, that Council agrees to the recommendation to remove the categories (b) – (f) of local applications detailed at paragraph 10 from the weekly list of delegated planning applications in the interests of contributing to quicker processing times.**

## **7. UPDATE ON PLANNING APPEALS** (Appendices XVII, XVIII)



PREVIOUSLY CIRCULATED:- Report from the Director of Prosperity attaching 2022/E0044 PAC decision and 2022/A0127 PAC decision. The report detailed the undernoted:

### Appeal Decisions

1. The following appeal against service of an Enforcement Notice was determined on 10 April 2024 with the Council's Enforcement Notice being upheld by the Commission.

PAC Ref	2022/E0044
Enf Case ref	EN/2022/0118
Appellant	Jonathan Hamilton
Subject of Appeal	Service of Enforcement Notice alleging: <ol style="list-style-type: none"> <li>Unauthorised extension to domestic curtilage;</li> <li>Area of gravel hardstanding and new access;</li> <li>Erection of 4no. polytunnels;</li> <li>Erection of roadside timber boundary fence</li> </ol>
Location	Land SW of 70 Ballygowan Road, Comber

An appeal against an Enforcement Notice can be brought on any of the following grounds:

- a) that, in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted or, as the case may be, the condition or limitation concerned ought to be discharged;
- b) that those matters have not occurred;
- c) that those matters (if they occurred) do not constitute a breach of planning control;
- d) that, at the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters;
- e) that copies of the enforcement notice were not served as required by the relevant section of the Planning Act;
- f) that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach;
- g) that any period specified in the notice falls short of what should reasonably be allowed.

This appeal was brought on grounds (a), (b), (c), (d), (f) and (g). As they did not pay the fee the Ground (a) appeal was later dropped and the appeal was heard on the remaining grounds.

**Ground (b)** that the matters alleged in the notice have not occurred – This ground failed. The Commissioner contended that at the time the EN was served the land

was not being used for the purposes of ‘forestry’ and set out various definitions. She also accepted that the domestic curtilage had been extended.

**Ground (c)** that those matters (if they occurred) do not constitute a breach of planning control – This ground failed as it had not been demonstrated that the matters described do not constitute a breach.

**Ground (d)** that any breach of planning control is immune from enforcement action. This ground failed.

**Ground (f)** in relation to the steps required by the notice not being adequate also failed whilst the appeal under **Ground (g)** regarding timeframes succeeded and the time was varied to 12 months.

2. The following appeal was dismissed on 29 March 2024.

PAC Ref	2022/A0127
Application ref	LA06/2021/1451/F
Appellant	Adam Clint
Subject of Appeal	Refusal of planning permission for 1no. dwelling with detached garage, using existing site entrance
Location	Site 30m SW of 9a Quarter Road, Cloughey

The Council refused planning permission on 2 September 2022 for the following reasons:

- i. The proposal is contrary to Policy CTY 8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the addition to ribbon development along Quarter Road.
- ii. The proposal is contrary to Policy CTY 2a of Planning Policy Statement 21, Sustainable Development in the Countryside, in that there is no cluster of development as it is not associated with a focal point or located at a crossroads.
- iii. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
- iv. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the dwelling would, if permitted, result in a detrimental change to the rural character of the countryside by adding to a ribbon of development.

The site was assessed against Policy CTY 2a ‘New Development in Existing Clusters’. The Commissioner found that the first two criteria in this policy were met in that there were more than four qualifying buildings in the immediate area, which lay outside a farm and appear as a visual entity in the landscape (Nos. 7c, 9, 11, 48 and 46a Quarter Road). However, the Commissioner concluded that the subject group

was not associated with a focal point or located at a crossroads. Whilst there was a crossroads approximately 325m north-west of the appeal site, there were intervening fields, and the group of buildings were therefore not sited at this required location. The applicant argued that a pigeon club prefabricated building in an adjacent field was a community focal point; however, as that was an unlawful structure it could not be considered. As such the third criterion of Policy CTY 2a was not met and the group of buildings were not considered to constitute a cluster. The policy was not met and refusal reason 2 was sustained.

The PAC determined that Policy CTY 8 did not apply to plural road frontages as the Quarter Road was bisected by the laneway that serves two dwellings at Nos 9a and 9b Quarter Road. As there was no substantial and continuously built-up frontage there can be no gap site for the purposes of Policy CTY8. Additionally, it was concluded that the gap does not represent a “small gap site” as it would be able to accommodate more than two dwellings.

As such the erection of a dwelling on this site would further result in the creation of a ribbon of development failing to meet this policy and criterion (b) of Policy CTY 14.

As there were no overriding reason why the appeal development was essential in this countryside location the site failed to also meet policy CTY 1.

The PAC concluded that as the Council’s reasons for refusal were sustained the appeal had to fail.

**New Appeals Lodged**

1. The following appeal was lodged on 01 April 2024.

PAC Ref	2024/A0001
Application ref	LA06/2021/1493/O
Appellant	Peter Knight
Subject of Appeal	Refusal of Outline Planning Permission for 1no. detached dwelling with associated site works
Location	Lands approx. 40m north of 194 Church Road, Hollywood

Details of appeal decisions, new appeals and scheduled hearings could be viewed at [www.pacni.gov.uk](http://www.pacni.gov.uk).

RECOMMENDED that Council notes the report and attachments.

**AGREED TO RECOMMEND, on the proposal of Alderman Graham, seconded by Councillor Kerr, that the recommendation be adopted.**

**TERMINATION OF MEETING**

The meeting terminated at 9.04 pm.

## **ARDS AND NORTH DOWN BOROUGH COUNCIL**

A hybrid meeting (in person and via Zoom) of the Environment Committee was held at the Council Chamber, Church Street, Newtownards and via Zoom, on Wednesday, 8<sup>th</sup> May 2024 at 7.00 pm.

### **PRESENT:**

**In the Chair:** Councillor Morgan

**Aldermen:** Armstrong-Cotter    McAlpine  
Cummings

**Councillors:** Blaney                      Kerr  
Boyle                                McKee  
Cathcart                          McKimm  
Douglas                            Rossiter  
Edmund                            Smart  
Harbinson                        Wray

**Officers:** Director of Environment (D Lindsay), Head of Waste and Cleansing Services (N Martin), Head of Regulatory Services (R McCracken), and Democratic Services Officer (H Loebnau)

### **1. APOLOGIES**

Apologies were received from Councillor McKimm.

**NOTED.**

### **2. DECLARATIONS OF INTEREST**

Alderman McAlpine: Item 15 – Live Here Love Here Small Grants Funding 2023/24.

**NOTED.**

### **3. 2024-25 SERVICE PLAN – WASTE AND CLEANSING SERVICES**

(Appendix I)

**PREVIOUSLY CIRCULATED:** Report from the Director of Environment detailing that since 2017/18 Service Plans were produced by each Service in accordance with the Council's Performance Management policy.

Plans were intended to:

- Encourage compliance with the new legal, audit and operational context
- Provide focus on direction

- Facilitate alignment between Corporate, Service and Individual plans and activities
- Motivate and develop staff
- Promote performance improvement, encourage innovation and share good practice
- Encourage transparency of performance outcomes
- Better enable us to recognise success and address under performance

The Draft Waste and Cleansing Services Plan for 2024/25 year was attached as an appendix.

The plan had been developed to align with outcomes of the Big Plan for Ards and North Down and with its draft Corporate Plan 2024-28, 'Towards a Sustainable Borough'.

The Service Plan highlighted where the services contributed to the Corporate Priorities as set out in the draft Corporate Plan 2024-28 Towards a Sustainable Borough and, where that was the case, set out the objectives of the service for the 2024/25 year. It further identified the performance measures used to illustrate the level of achievement of each objective, and the targets that the Service would try to attain along with key actions required to do so.

The Service Plan also identified key risks to the services along with analysis of those and necessary actions to mitigate/manage risks. Key risks impacting the services were mapped to the Corporate Risk Register.

The plan was based on the agreed budget for 2024/25. It should be noted that, should there be significant changes in-year (e.g. due to Council decisions, budget revisions or changes to the community planning legislation) the plans may need to be revised. The Committee would be provided with half yearly update reports on performance against the agreed plans.

**RECOMMENDED** that the Council adopts the attached plan.

Proposed by Councillor McKee, seconded by Councillor Harbinson, that the recommendation be adopted.

Councillor McKee had observed that the new glass collection vehicles were now being seen throughout the Borough and asked would the planned new kerbside recycling collection service commence in due course. He had also visited the Household Recycling Centre at Balloo and had noticed a skip dedicated to mattresses and enquired if a recycling processor had been found for those.

The Head of Waste and Cleansing Services explained that the new larger glass collection vehicles were changing from four rounds to three since they had the capacity to stay out all day. However, the vehicles were too large for some less accessible areas and collection arrangements in those places was being reviewed. It was hoped to get a textile collection up and running during the Summer when this review was completed. The officer stated that mattresses were collected together at

the HRCs for ease of transport only and were unfortunately not being recycled at the current time.

Councillor Cathcart thought that it was disappointing to note the decision of the new owners of Bloomfield Shopping Centre in terms of locating a glass recycling bank at that site. As a result, there were now only two collection sites in Bangor rather than the four that had been there previously. He asked officers if there were any other areas of the city being considered and was informed that officers had looked at Ward Park but due to the development taking place in the area and ongoing filming, that had been delayed. It was explained that any site chosen would ideally be owned by the Council. The Member understood the difficulties being faced and thought glass collections close to supermarkets were ideal and that that should be pursued if possible.

Councillor Cathcart had one further point to make on the report where there was reference to the Council strategy for future provision of HRCs, and he thought that 'reorganisation' was a preferable word to 'rationalisation'. He urged caution when using the word rationalisation because it suggested a cutting of the service in his opinion. The Director agreed that was a fair point and reassured Members that a review of sites would be undertaken over the coming year and would have the full scrutiny of the Committee.

**AGREED, on the proposal of Councillor McKee, seconded by Councillor Harbinson, that the recommendation be adopted.**

**4. PROPOSED CORPORATE RESPONSE TO CONSULTATION ON "RETHINKING OUR RESOURCES: MEASURES FOR CLIMATE ACTION AND A CIRCULAR ECONOMY IN NORTHERN IRELAND**

(Appendices II & III)

PREVIOUSLY CIRCULATED: Report from the Director of Environment detailing the Consultation was launched on 7 March 2024 and set out proposals aimed at improving the quantity and quality of household waste and business waste of a similar nature recycled in Northern Ireland ([Rethinking Our Resources - Measures for Climate Action and a Circular Economy in NI \(daera-ni.gov.uk\)](https://www.daera-ni.gov.uk)).

There were twelve proposals relating to household waste and fourteen relating to business waste. Each individual proposal sought a response through a series of questions as set out in the attached appendix. Members should note that several of the proposals were directly related to the Council's current kerbside collection review that commenced last September, especially in relation to reducing residual waste capacity to encourage better recycling and more segregation of recyclable waste materials at source to improve their quality (and marketability).

There were a number of proposals within the Consultation that would raise concerns for Councils in Northern Ireland and the way in which the questions were structured did not allow views to be fully expressed. Those included the Department prescribing how recyclable waste was to be collected, bearing in mind Councils had

many years' experience in terms of what worked on the ground and a recognition that there was no "one size fits all" collection method. Similarly, in the Consultation it would appear that the Department did not recognise that the private sector rather than Councils provided most collection services to businesses and that in a lot of cases small businesses did not have the storage space for multiple containers to ensure the full segregation of the core set of materials to be recycled.

Both NILGA and arc21 would also be submitting a response on behalf of member Councils and were currently seeking a 1-month extension to the consultation period to ensure the views of all Councils could be collected and a consensus agreed.

**RECOMMENDED** that the Council agreed the attached response for submission to DAERA.

Proposed by Councillor McKee, seconded by Councillor Rossiter, that the recommendation be adopted.

Councillor McKee was pleased to see this consultation coming forward since improvements were clearly necessary but believed it to be shortsighted since it did not include producers who should also be held accountable and provide solutions to end the burden and environmental damage taking place. That required ambition from both central government and the Northern Ireland Assembly, but he praised the work of the Council.

Councillor Rossiter highlighted some concerns he had with the report in respect of the scope of the consultation exercise. The Council would be required to feed back its views to DAERA but the Department did not provide detail on how it was accepting responses. The Head of Waste and Cleansing Services explained that it had become clear that an answer of 'yes' meant that the Council accepted a particular proposal, but a 'no' with no explanation would not be accepted as valid opposition. Therefore, an answer of no would need to be backed up with facts and evidence. He encouraged Members to make it clear that if there was anything that they were against such as how the private sector played in to the initiative, the Council would be happy to make a written submission along with the proforma response.

Councillor Cathcart explained that he could not agree to the Consultation response in part because it was not the Council's current policy to change grey bin capacity. He referred to the first question and said that the Council itself had not decided on reduced bin collections without additional capacity within those bins. He thought that the Consultation itself was drafted badly because the questions were fully dependent on the financial provision that would be made to the Council by the Department in the future. He suggested that if the Council was to agree with DAERA the Department would make statutory obligations on the Council without giving it anything in return. The Department was simply giving the Council binary choices, when neither options were ideal.

The Director explained that the Department had an identified fund to provide grant support for Councils, and if the Council was to make changes to its systems it would make a bid for some of those resources. Secondly, he explained that this was

coming at a time of the extended producer scheme which was due to come in over the next couple of years, and that would lead to funding coming to Councils from producers. Thirdly, the Consultation set out an evidence base for why the Department was making the proposals it was. So, in terms of the frequency of bin collections the Department had provided evidence for why that should happen, but the Council did not have the evidence needed to provide a contrary view other than it was currently not Council policy. The Director highlighted that officers were in the hands of Members and were open to alternative recommendations from the floor.

Councillor Cathcart could not support the proposed changes and believed that if the Council was to agree it would be a cut to services. He stated that the Council did not currently have the provision to get rid of its waste and there was no waste energy facility, and the Department should be giving those facts some focus as the region came to the end of its landfill options.

Councillor McAlpine had detected a corraling by the Department to achieve a 'one size fits all' approach to the matter when the reality was somewhat different. She said that the ability to recycle and dispose of waste appropriately depended largely on what services could be provided locally. She hoped that would be expressed as a comment with caveats that the Council was concerned that the outcome could be something that did not suit anyone. The Council was unsure of the funding that would be available, and it was also in the middle of its own work to progress recycling and she felt that Councils were being funnelled in a way that did not allow them to express the situation that they were in.

Alderman Armstrong-Cotter understood that the officer was answering the questions posed but she objected to how the questions were phrased and the Council could not respond in the way it may wish. This Council had not seen enough evidence on what a three weekly bin collect would mean and she agreed that the Department was corraling Councils and that that was unacceptable, funding was not being provided and yet the Council could not easily vote against. The Council did not have enough information to give its views and she suggested that surely that should be the appropriate response.

Councillor Smart wished to put on record his thanks to the officer for the extensive work that had been undertaken but agreed that it was disappointing that there was not much scope for Councils to put their experiences forward. He thought it would be useful to attach a background document to this to try to deal with some of those issues particularly around a one size fits all. He thought that local Councils could be more dynamic in the trials that they were implementing and there was a success story in many of those that should be highlighted.

The Director suggested that a more nuanced response could be made, and the Chair suggested that the kerbside collections Member working group which looked at waste could call an extraordinary meeting of that group and bring its views to the Environment Committee.

At this point Councillor McKee and Councillor Rossiter withdrew their proposal and the Chair asked for a further proposal.



Proposed by Councillor McAlpine, seconded by Councillor Wray, that the drafting of a proposed consultation response be progressed by the Kerbside Collections Review Working Group, for consideration by Committee/Council in June.

While Councillor Cathcart was happy with the recommendation he did not know if there would be any scenario that he could support in relation to this Consultation.

The Chair encouraged every Member to make every effort to attend the proposed meeting and believed it to be an appropriate way to progress the options.

**AGREED TO RECOMMEND, on the proposal of Alderman McAlpine, seconded by Councillor Wray, that the drafting of a proposed consultation response be progressed by the Kerbside Collections Review Working Group, for consideration by Committee/Council in June.**

## **5. ENFORCEMENT AGAINST BIN OBSTRUCTION OF FOOTPATHS – UPDATE REPORT**

(Appendices IV – VI)

PREVIOUSLY CIRCULATED: Report from the Director of Environment detailing that further to a Notice of Motion agreed by the Council, the Council wrote to the DAERA Permanent Secretary (attached) seeking the introduction of enforcement powers for Councils to deal with instances of bins being left on streets for prolonged periods, causing undue obstruction. A response was received from the Permanent Secretary (attached).

A question was subsequently asked of the DAERA Minister at Stormont on the subject, and the Minister's written response is attached.

In view of the Minister's response, it was proposed that the Council formally wrote to the other Northern Ireland Councils, asking for their support in collectively petitioning the Department to consider amending the Waste and Contaminated Land Order (Northern Ireland) 1997 to provide additional regulatory powers for all Councils.

RECOMMENDED that the Council approves to write to the other Northern Ireland Councils as indicated in this report.

Proposed by Councillor Cathcart, seconded by Councillor McKee, that the alternative recommendation be adopted.

That the Council approves to write to the other NI Councils as indicated in this report. Furthermore, that the Council writes to the DAERA outlining the issues that this Council has faced on this matter, urging the introduction of enforcement powers as soon as possible.

Councillor Cathcart explained that he had brought this Notice of Motion some time ago and he was pleased that some inroads had been made in relation to it. Members would be aware that this was a significant issue in some urban areas, but he had been surprised by the Minister's response. The Minister represented the Holywood area and should be fully aware of the issue to constituents there. More

bins may come to householders and the Council was only asking for powers to deal with the bins left on streets for longer than necessary and it was hoped that this would be given soon.

Councillor McKee was content to support the amendment and it was clear to Members that there was a significant problem within the Borough, and no doubt most urban areas within Northern Ireland experienced the same. He stressed that the Council was simply asking for enforcement powers and nothing else.

Councillor Boyle agreed and had not been impressed by the Minister's response and asked for clarification on the powers that the Council had under Article 20 and 21. The Director explained that those powers gave the Council authority to designate that residents had to use certain types of bins for certain purposes etc. Unfortunately, there was nothing in the existing legislation covering enforcement powers for bins left on pavements causing obstructions.

Councillor Smart rose to support the proposal and accepted that bins being left on pavements for long periods of time had worsened over the years and hoped for a satisfactory outcome in time for this Council and others.

**AGREED TO RECOMMEND, on the proposal of Councillor Cathcart, seconded by Councillor McKee, that the recommendation be adopted.**

## **6. PROPOSED CAR PARKING ORDER 2024**

(Appendices VII & VIII)

PREVIOUSLY CIRCULATED: Report from the Director of Environment detailing that the Council agreed in January 2024 to make a Car Parking Order under the Road Traffic Regulations (NI) Order 1997, in respect of certain Council owned car parks; a copy of the Proposed Order was attached, and a list of the included car parks was listed in Schedule 1.

The public car parks covered by this Order were legacy car parks owned by the Council. There was currently an Off-Street Parking Order in place which was enacted by the Department for Environment and which would remain in force for the time being for the former Dfl car parks that were transferred to the Council in 2015.

The Order set out the powers and regulations that would apply within each of the car parks listed in the Schedule, which could be enforced by the Council normally through the action of the Parking Attendants.

The Order had now been publicly advertised and one comment was received which related to the use of the car parks by motorhome users (attached). In regard to that issue, Members were asked to note that the aspiration remained of facilitating the use of designated car parks in the Borough for overnight motorhome use, as discussed at the meeting of the Committee in February, and as and when the factors associated with such a move were addressed, it would be possible to amend the provisions of the Council's Car Parking Order accordingly.

Members also requested that a clause be included in the Order to deal with persons playing loud music in a car park. That had been considered and Article 21 of the Draft Order had been amended to include the following clause:

### **Noise Control**

*21. The driver of a vehicle using a parking place shall not:*

- (1) sound any horn or other similar instrument except when about to change the position of the vehicle in or to depart from the parking place; or*
- (2) permit the playing of music to the annoyance or unreasonable disturbance of other car park users or local residents.*

### **Enactment Process**

The Council should consider the comments received and if content agree to make the Order or make amendments.

Once the Order was made and signed the Council was required to advertise the fact in the local press with the date of implementation. It was proposed that the implementation date should be 1 July 2024.

RECOMMENDED that the Council considers the comments received following the public consultation and agrees the making of the Ards and North Down Off-Street Parking (Public Car Parks) Order 2024.

Proposed by Councillor Edmund, seconded by Councillor Wray, that the recommendation be adopted.

Proposing the recommendation Councillor Edmund noted that the discussion around accommodation of motor homes within car parks had been taking place for some time.

The Director commented that it was part of the Council's car parks strategy to accommodate those vehicles but as things stood presently, that they were not legally permitted to stay occupied overnight. The matter continued to be reviewed by the Council's tourism officers and Councillor Edmund hoped that would progress positively because the economic contribution of visitors to the Peninsula was significant.

Councillor Wray was in agreement that there was support from local communities and reported that the villages on the Peninsula had been bustling the previous weekend, he was content with the report and that the Order could be amended at any stage.

Councillor Cathcart asked if consultation had taken place with the local Chambers to have their views and it was noted that the consultation had been widely publicised. He referred to the Eisenhower Pier car park in Bangor and a free parking proposal there, and was concerned that specific engagement had not taken place with the Bangor Chamber.

The Director suggested that could be included in the recommendation and Members were in agreement.

**AGREED TO RECOMMEND, on the proposal of Councillor Edmund, seconded by Councillor Wray, that the recommendation be adopted and that the Council proceeds with implementation of the Order, subject to consultation with Bangor Chamber of Commerce around free parking proposal for Eisenhower Pier car park.**

## **7. GRANT OF ENTERTAINMENT LICENCES**

PREVIOUSLY CIRCULATED: Report from the Director of Environment detailing that applications had been received for the Grant of Entertainment Licences as followed:

### **1. The Court House (Outdoor Space) 16 Quay Street, Bangor, BT20 5ED**

**Applicant:** Kieran Gilmore, 27 Sheridan Drive, Bangor, BT20 5NQ

**Days and Hours:** Thursday to Sunday.

**Type of entertainment:** Music outdoor in the rear yard area.

There were no objections to the application from the NIFRS, PSNI or following the public consultation.

Environmental Health had expressed concern at the potential for nuisance from music provided at this outdoor venue to local residents.

Following discussions with the applicant and the provision of an Acoustic Report and Noise Management Plan, Environmental Health had requested that the following additional terms and conditions be applied to this licence:

1. Outdoor entertainment shall take place only between 5:00pm-10:30pm on Thursdays and Fridays, between 1:00pm-10:30pm on Saturdays and between 1:00pm and 7:00pm on Sundays; and
2. The Licensee shall comply with the Noise Management Plan submitted to Ards and North Down Borough Council's Environmental Health Service on 3 April 2024

### **2. Marquee on Land between 36-42 Ballyvester Road, Donaghadee, BT21 0LL**

**Applicant:** Jack Moore, 9A Ballyblack Road East, Newtownards, BT22 2BD

**Days and Hours:** Single event Saturday 8 June 2024, 20:00 to 01:00 am.

**Type of entertainment:** Dancing, singing or music or any other entertainment of a like kind.

EC.08.05.2024PM

61

The event is a fund-raising BBQ/dance organised and run by Ballywalter Young Farmers Association.

There were no objections to this application.

### **3. The Barn Adjacent to 3 Lisbane Road, Kircubbin**

**Applicant:** Brian McCarthy, 46 Rowreagh Road, Kircubbin

**Days and Hours:** 14 & 15 June 20:00 to 01:00 am.

**Type of entertainment:** Dancing, singing or music or any other entertainment of a like kind.

This was a fund-raising event on behalf of the Chest, Heart and Stroke Charity.

There were no objections to the application.

### **4. The Parkway Concert. Parkway Playing Fields, Comber**

**Applicant:** Mr Roy Murray, 26, Dermott Avenue, Comber. BT23 5JE

**Days and Hours:** Saturday 29 June 2024 20:00hrs to 22:00hrs

**Type of entertainment:** Outdoor musical event.

This was a fund-raising event on behalf of Comber Regeneration Community Partnership.

There were no objections to the application.

Licensing and Regulatory Services Department requested that the following additional terms and conditions be applied to the licence:

1. That the Licensee supplies a suitable and sufficient Event Management Plan no later than 28 days prior to the event; and
2. The applicant complies with the Event Management Plan to the satisfaction of Licensing Services before the licence is issued.

RECOMMENDED that the Council grants the above licences, to include additional conditions where specified.

Proposed by Councillor Boyle seconded by Councillor Douglas, that the recommendation be adopted.

Councillor Boyle asked if the Courthouse had had an application previously and the Head of Regulatory Services was of the understanding that alterations had been made to the premises before the application was made.

Seconding the recommendation, Councillor Douglas supported the application for The Parkway, Comber and the event and fundraising that would take place there.

**AGREED TO RECOMMEND, on the proposal of Councillor Boyle, seconded by Councillor Douglas, that the recommendation be adopted.**

### **REPORTS FOR NOTING**

#### **8. KEEP NI BEAUTIFUL LITTER SURVEYS UPDATE**

PREVIOUSLY CIRCULATED: Report from the Director of Environment detailing that further to the discussion at the April Environment Committee Meeting regarding the failure of KNIB to provide independent litter surveys during 2023/24, a meeting had taken place with the new Local Environmental Quality Manager recently appointed by KNIB. To assist in the re-establishment of the service, staff had been brought in on a temporary basis from Keep Scotland Beautiful to provide survey training for KNIB staff and to assist uploading survey data from surveys that were carried out in 2023, but that were never processed on to their website.

KNIB had provided assurances that going forward survey results would be provided in a timely manner and that with additional staff trained to conduct surveys, it would have greater resilience in terms of covering for staff sickness and vacancies in future.

In view of the assurances, it had been agreed to reinstate the LEAMS Cleanliness Index score as a KPI for the street cleansing service in the annual Service Plan.

RECOMMENDED that the Council notes the report.

Proposed by Councillor Wray, seconded by Alderman Armstrong-Cotter, that the recommendation be adopted.

Alderman Armstrong-Cotter stated that she had raised this at the Committee previously along with concern that some areas of the Borough were receiving a lot of attention while others were not, so she viewed this positively.

**AGREED TO RECOMMEND, on the proposal of Councillor Wray, seconded by Alderman Armstrong-Cotter, that the recommendation be adopted.**

#### **9. NORTHERN IRELAND LOCAL AUTHORITY MUNICIPAL WASTE MANAGEMENT STATISTICS, OCTOBER TO DECEMBER 2023**

PREVIOUSLY CIRCULATED: Report from the Director of Environment detailing that the official waste management statistics for the third quarter of 2023/2024 (October to December 2023) had been released by the Northern Ireland Environment Agency.













The aim of this report was to:

1. Report key quarterly waste management performance statistics relative to the same period last year (found in part 1 of the report) and to the Council's baseline comparator year of 2021-22 (found in the KPI section of part 2 of the report), and
2. Provide some detail around operational waste service management activities/actions that have been implemented during the quarter with the aim of improving performance.

In summary, all key indicators have been very positive for this reporting period relative both to the same period last year and to the Council's 2021-22 baseline comparator year. The landfill burden was down and recycling rates both at HRCs and kerbside had increased significantly, as had the overall Borough household waste recycling rate.

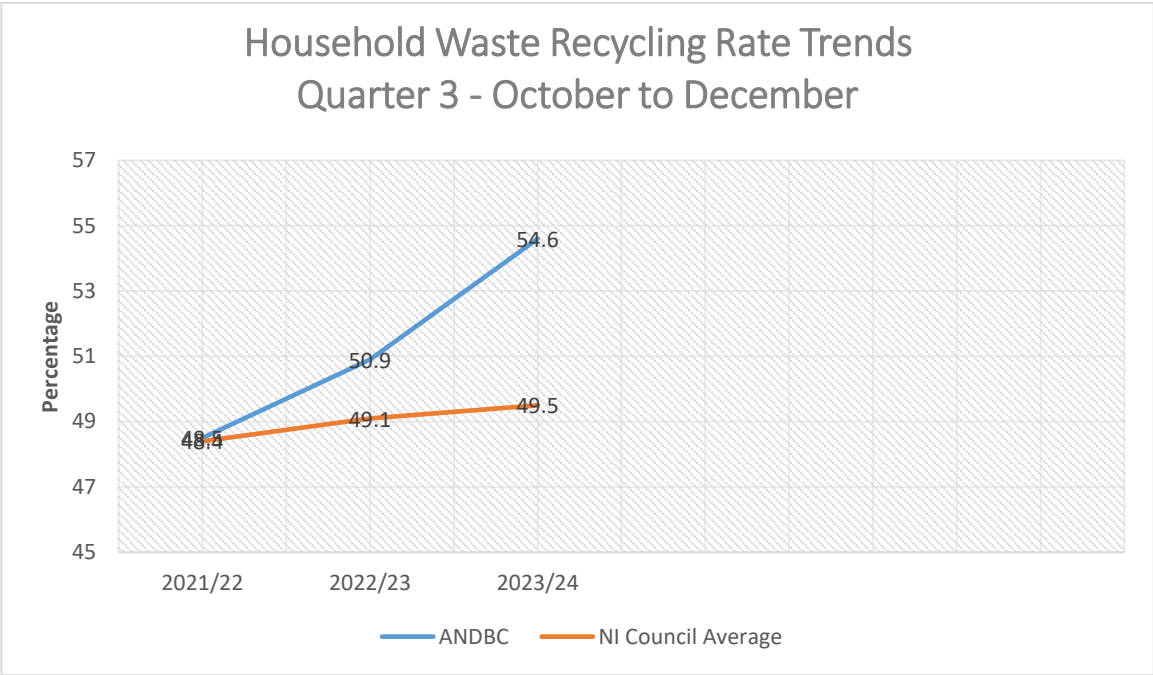
### Northern Ireland Local Authority Collected Municipal Waste Management Statistics – October to December 2023

#### Summary Table of Key Changes Q3 2023-24 v Q3 2022-23

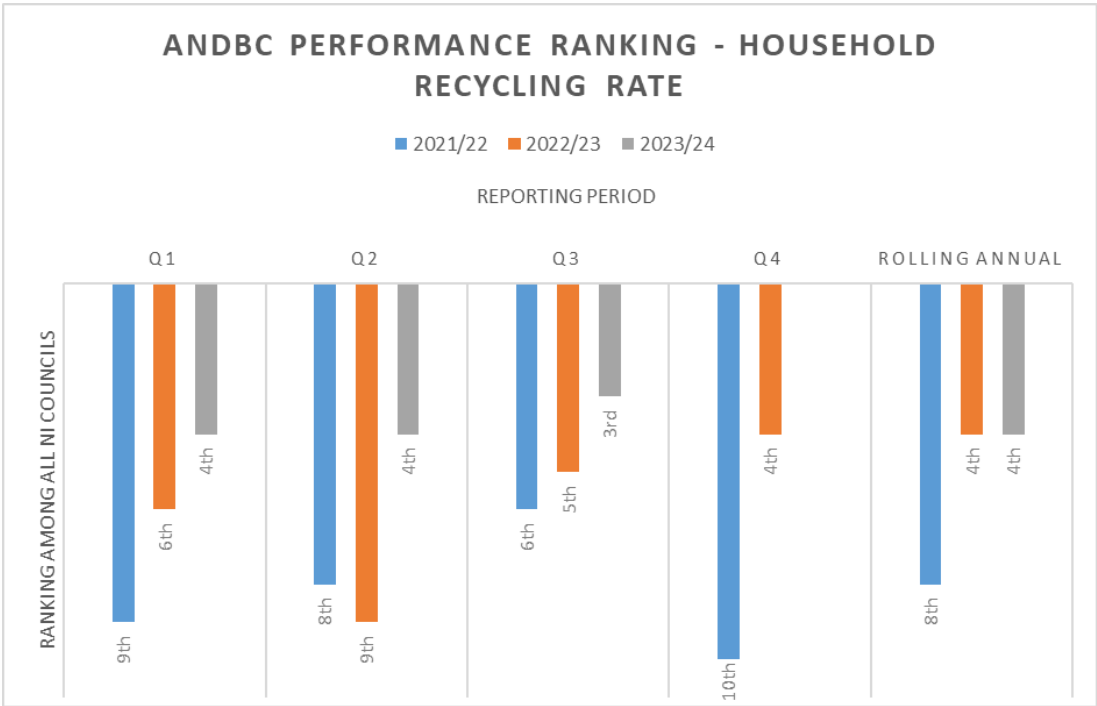
	2022-23	2023-24	Change
<b>Household Waste Recycling Rate</b>	50.9%	54.6%	 3.7%
<b>Recycling Rate Ranking</b>	5th	3rd	 2 places
<b>Composting Rate</b>	27.6%	30.9%	 3.3%
<b>Dry Recycling Rate</b>	22.9%	23.3%	 0.4%
<b>Total HRC Waste</b>	5642T	4509T	 20%
<b>HRC Residual/Landfill Waste Received</b>	2178T	1376T	 37%
<b>HRC Recycling Waste Received</b>	3464T	3133T	 9.6%
<b>Proportion of HRC Waste Received for Recycling</b>	61.4%	69.5%	 8.1%
<b>Total Kerbside Waste</b>	12179T	12940T	 6.2%
<b>Kerbside Residual Waste Received</b>	5294T	5346T	 0.8%
<b>Kerbside Recycling Waste Received</b>	6885T	7594T	 10.3%
<b>Proportion of Kerbside Waste Received for Recycling</b>	56.5%	59%	 3.5%

The significant headlines contained within the latest DAERA report showed that:

- i. The Council's household waste recycling rate **increased** by 3.7% compared to Q3 last year, from 50.9% to 54.6%.

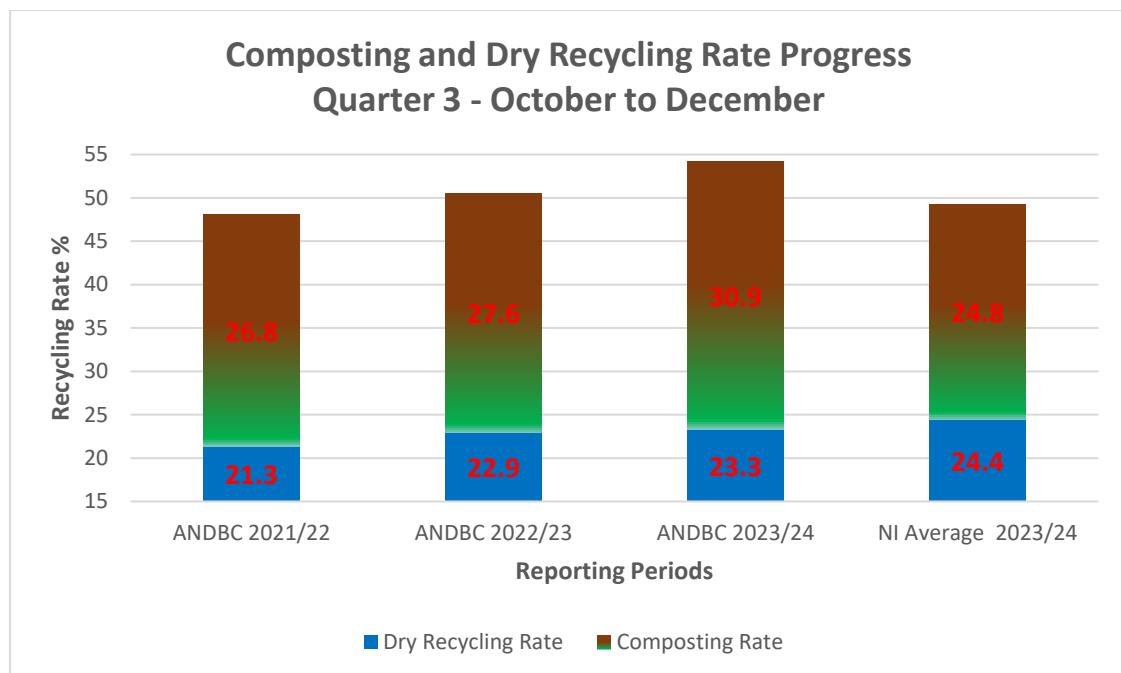


- ii. The Council’s household waste recycling rate of 54.6%, was 5.1% **higher** than the NI average of 49.5%.
- iii. The Council was ranked **third** out of the eleven NI Councils for its household waste recycling rate, up from 5<sup>th</sup> place.





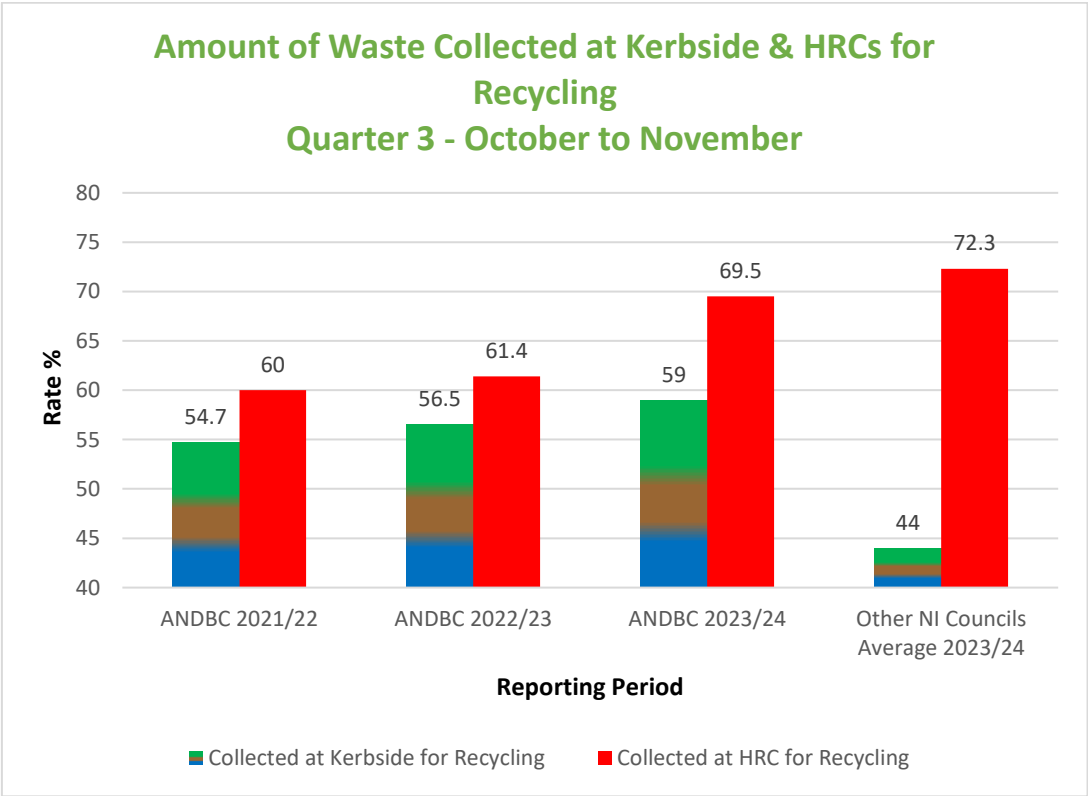
- iv. The Council’s household waste composting rate **rose** by 3.3% - from 27.6% to 30.9%. The household waste dry recycling rate **rose** by 0.4% - from 22.9% to 23.3%.
- v. The Council’s household waste composting rate of 30.9% was 6.1% **higher** than the NI average of 24.8%.
- vi. The Council’s household waste dry recycling rate (i.e. recycling of items other than organic food and garden waste) of 23.3% was 1.1% **lower** than the NI average of 24.4%.



- vii. The Council’s kerbside recycling capture rate of 74.7% for household compostable waste materials compared to a NI Council average of 63.4%.
- viii. The Council’s **lowest** kerbside capture rate for recyclable materials was for mixed plastics, at 27.4%.

Kerbside Capture Rate for Recyclable Waste Types – October to December		
Recyclable Material	Kerbside Capture Rate for Recycling %	NI Average Kerbside Capture Rate for Recycling %
Glass	61.5	48.2
Paper & Card	63.5	52.4
Mixed Metals	42.7	31.4
Mixed Plastics	27.4	21.9
Organic/Compostables	74.7	63.4

- ix. The Council ranked 7<sup>th</sup> in the Council performance table for 'dry' recycling rate and 3<sup>rd</sup> for composting rate.
- x. The Council received 9% **less** total waste per capita at its HRCs compared to the average for other NI Councils; during the same period the previous year it received 21% **more** HRC waste per capita.
- xi. The Council received 1.2% **less** residual/landfill waste per capita at its HRCs compared to the average for other Councils, compared to 36% **more** during the same period the previous year.
- xii. The proportion of waste collected at the Council's HRC sites for recycling was **less** than the average for other Councils – 69.5%, compared to an average rate of 72.3% for other Councils.
- xiii. The Council collected a similar amount of waste per capita from homes through the kerbside bin collection services compared to the average for other Councils (1% more).
- xiv. The proportion of waste collected for recycling through the Council's kerbside bin collection system was significantly **higher** than the average for other Councils – 59%, compared to an average of 44% for other Councils.



**Operational Performance Improvement Measures**

**Marketing and Communications Indicators**

**MC1** – 36 social media posts were issued, with associated engagement/management of feedback across Waste and Recycling on ANDBC corporate channels.



**MC2** – 3 Bin-Ovation ‘News and Info’ articles were published, 4 Bin-ovation ‘Push Notifications’ issued and 2485 Bin-ovation downloads recorded.

**MC3** – Officers delivered 5 community and engagement events, talking to over 250 people.

- 2 x Recycling Educational Presentations
- 1 x Road Show
- 1 x Primary School Presentation
- 1 x Pre-school Recycling Education session

### Household Recycling Centre Indicators

**HRC1** – Volume of blue bin recyclable materials separated from mixed waste by residents on-site: 769,002 litres.



That equated to approximately 32 tons of blue bin waste; whilst that was a relatively modest weight of material, it represented a very large/visible volume of recyclable waste extracted from bags of mixed waste which was initially intended to be placed landfill skips at HRCs. A collateral benefit of this practice of requiring removal of blue bin recyclables from black bags of mixed waste before using the landfill skip was that it should help to 'educate' householders - promoting more efficient separation of waste in the home and greater use of blue bins at the kerbside.

This represented just one type of recyclable waste category which was prevented from entering landfill skips at HRCs as a consequence of the Council's more focused attention to supervision of landfill skip access; many other recyclable waste types would also have been prevented from entering the landfill skips as reflected in KPI, HRC3.

**HRC2** – Number of visitors turned away from site: 1258

This was a significant number in itself, but it was likely to be the case that a significant number of out of Borough residents would have avoided coming to the Council's sites because of the widely publicised focus upon checking ID for everyone entering and those turned away would in all probability avoid further attempts to enter and use the HRCs; the impact of that would also be reflected in HRC3 and other KPIs.

**HRC2a** – Number of HRC bookings: 72,423

**HRC2b** – Average number of HRC visits per household: 1.02 (averaged across the 71,182 households in the Borough)



**HRC3** – % change in tonnage of total waste received (compared to same period in baseline year 2021-22)

- The Council experienced a **34% decrease** in the total amount of waste received at its HRCs, from 6875T to 4509T.

**HRC4** - % change in tonnage of waste received for landfill (compared to same period in baseline year 2021-22)

- The Council experienced a **50% decrease** in the amount of waste received for landfill at its HRCs, down from 2727T to 1376T.

**HRC5** - % change in tonnage of waste received for recycling (compared to same period in baseline year 2021-22)

- The Council experienced an **24% decrease** in the amount of waste received for recycling at its HRCs, down from 4148T to 3133T.

**HRC6** - % change in proportion of HRC waste materials collected for recycling (compared to same period in baseline year 2021-22)

- The Council experienced a **9.5% increase** in the proportion of all waste received at HRCs which was collected for recycling, up from 60% to 69.5%.

**Kerbside Household Waste Collections Indicators**



**KSI** – Number of recycling alert stickers applied to grey bins (yellow): 2269

**KS2** – Number of recycling alert stickers applied to grey bins (amber): 165

**KS3** - Number of recycling alert stickers applied to grey bins (red): 55

**KS4** – % change in tonnage of total waste collected (compared to same period in baseline year 2021-22)

- The Council experienced a **1% decrease** in the total amount collected at the kerbside, down from 13,085T to 12,940T.

**KS5** - % change in tonnage of grey bin waste collected for landfill (compared to same period in baseline year 2021-22)

- The Council experienced a **10% decrease** in the amount of grey bin waste collected, down from 5934T to 5346T.

**KS6** - % change in tonnage of waste collected at kerbside for recycling (compared to same period in baseline year 2021-22)

- The Council experienced a **6.2% increase** in the amount of waste collected at kerbside for recycling, up from 7151T to 7594T.

**KS7** – % change in proportion of kerbside waste materials collected for recycling (compared to same period in baseline year 2021-22)

- We experienced a **4.3% increase** in the proportion of kerbside waste that was collected for recycling, up from 54.7% to 59%.

## 2.4 Summary and Trend Analysis of Indicators

Indicator Reference	Monitoring Period 1 (December 2022 – March 2023*)  *Waste tonnage indicators reflect period Jan to March 2023 only	Monitoring Period 2 (April 2023 – June 2023)	Monitoring Period 3 (July 2023 – Sept 2023)	Monitoring Period 4 (October 2023 – Dec 2023)
<b>MC1</b> Social media posts	25	23	43	36
<b>MC2</b> Print press and online articles	10	13	55	7
<b>MC3</b> Engagement events/sessions	17	29	14	5
<b>HRC1</b> Blue bin waste	1,322K Litres	762,460 Litres	604,600 Litres	769,002
<b>HRC2</b> Visitors denied entry	1742	397	262	1258
<b>HRC2a</b> No. of bookings	N/A	N/A	22,199	72,423
<b>HRC2b</b> Average no. of HRC visits per household in the Borough	N/A	N/A	0.3	1.02
<b>HRC3</b> Total HRC waste compared to same period 2021/22	16% Decrease	26% Decrease	19% Decrease	34% Decrease
<b>HRC4</b> Landfill skip waste compared to same period 2021/22	27% Decrease	42% Decrease	32% Decrease	50% Decrease
<b>HRC5</b> Recycling skip waste compared to same period 2021/22	8% Decrease	15% Decrease	11% Decrease	24% Decrease
<b>HRC6</b>	5.5% Increase	9.1% Increase	6% Increase	9.5% Increase

Proportion of HRC waste collected for recycling compared to same period 2021/22				
<b>KS1</b> Yellow warning stickers on grey bins	2784	6079	2714	2269
<b>KS2</b> Amber warning stickers on grey bins	255	414	226	165
<b>KS3</b> Red warning stickers on grey bins	52	179	92	55
<b>KS4</b> Total kerbside waste compared to 2021/22	4.8% Increase	0% No Change	5% Decrease	1% Decrease
<b>KS5</b> Grey bin waste compared to 2021/22	9.3% Decrease	16.5% Decrease	17.4% Decrease	10% Decrease
<b>KS6</b> Kerbside waste collected for recycling compared to same period 2021/22	20.7% Increase	13% Decrease	4.9% Increase	6.2% Increase
<b>KS7</b> Proportion of kerbside waste collected for recycling compared to same period 2021/22	7.2% Increase	7% Increase	5.2% Increase	4.3% Increase

## Summary Analysis of Indicators

This report confirmed continued improvement in the Council's sustainable waste resource management performance. Following the changes to its waste service model design and the associated education and engagement campaigns, the Council was experiencing sustained falls in the amount of landfilled waste as well as improvements in recycling rates. During this reporting period, the Council experienced:

1. Sustained falls in the total amount of landfill waste both at HRCs and kerbside. In total, it received/collected 1,939 tons less of landfill waste at kerbside and HRCs over the 3-month reporting period compared to the same period in the baseline year of 2021/22; at prevailing landfill cost (£127.42/T), **that represented a £247,067 landfill saving (plus other handling and transport cost savings).**
2. Falls in the total amount of waste collected at both HRCs and kerbside. In total our municipal waste arisings **fell by 11.4%.**

3. A significant further rise in the Council's recycling rate at HRCs and at kerbside. The percentage of materials collected for recycling at the Council's HRCs rose by **9.5%** compared to the same period in the baseline year of 2021/22 and at the kerbside the rise was **4.3%**. **The overall Borough household waste recycling rate rose by 6.1% compared to the same period in 2021/22.**

Whilst the information set out in the report was very encouraging indeed and reflected a lot of hard work and dedication on the part of the waste and recycling teams, the Council undoubtedly had much further progress to make if it was to have any chance of ultimately reaching the 70% recycling target for 2030 that was laid down in the Climate Change Act (Northern Ireland) 2022. Continued bedding in and ongoing careful management of the new booking system for HRC access, the ongoing review of the kerbside collections model and a future strategic review of the HRC capital assets, would be critical.

It was important to reiterate that further 'step change', sustained improvements in both the HRC and kerbside recycling rates would be required to move the Borough towards the new 70% target.

RECOMMENDED that the Council notes the report.

Proposed by Alderman Cummings, seconded by Councillor Harbinson, that the recommendation be adopted.

Alderman Cummings thanked the Director for bringing the report and looking at the figures noted that there was much to be happy about. He had a number of questions relating to telephone access for residents for the booking system and how the figures were measured against the baseline year.

In response the Director was unaware of the latest figures of telephone bookings against those online but thought that the previously reported figures showed around 90% were online with 10% by telephone. Complaints about the issue had not come to his attention. The figures in the report were presented for the current year against the previous year and also the baseline year when the Council had begun changes in waste collection systems.

Seconding the recommendation Councillor Harbinson was pleased to read about the improvements in the Council's waste services which would bring savings to ratepayers.

Councillor Douglas asked if waste in black bin bags brought to HRCs was still being checked for recyclable materials. The Director confirmed that it was and had proven to be a very effective way to recycle and educate residents. In the past year savings of around 30 tonnes of recyclable material had been taken out of landfill due to those inspections. It was believed that the process was also helping to make residents think differently at home about separation of waste in bins, with increasing recycling rates at the kerbside.



Councillor Douglas had noticed that some of the green waste skips at her HRC were not in use and it was explained that was due to servicing requirements where it was beneficial to fill one skip at a time.

When asked about the numbers of ratepayers booking more than 12 appointments in any time period it was reported that a total of 42 residents had made contact about this from the January to March period, and in all cases those were deemed to involve genuine householder use and online booking access was restored to affected households.

Councillor Cathcart referred to the measurement of figures of waste collected and the breakdown in cost savings since that was at the core of the new system. He also asked about staff costs. The Director advised that the Council was in the process of changing from the use of agency staff for the additional manpower resource required, to temporary Council contracts. He confirmed that fewer additional staff would be required and the cost would be lower than was the case previously – and within the budget that was set for the current year. The Member stated he would like to see more information presented such as the number of people arriving without identification. The Director explained that officers were happy to include extra detail in future reports but cautioned against too much detail in what was an already very detailed report.

Councillor Cathcart stressed that data was important and helped the Council to make informed decisions and ensuring those were evidence led. Waste tourism was discussed and the overspill of waste into neighbouring Council areas. It had been interesting to note that the HRC waste collected in neighbouring Council areas had increased following the stricter HRC measures introduced within the Ards and North Down Borough and this Borough's HRC waste had fallen.

Councillor Smart welcomed the report and it was pleasing to see so many arrows facing the right way, and he agreed with Councillor Cathcart that data trends were important.

Alderman Armstrong-Cotter referred to opening hours at HRCs and asked if there was an option to adjust those particularly over the summer months. She had asked that question previously when discussions were taking place at the time of the Rates setting process. She was encouraged to see the overall waste figures falling particularly within the HRCS.

Councillor Armstrong-Cotter proposed an amendment 'that this Council notes the report, in addition a further report is brought back on potential variation of opening hours in Ards HRC and other HRCs in the Borough to incorporate evening openings'.

Members were in agreement to include that addition within the recommendation.

**AGREED TO RECOMMEND, on the proposal of Alderman Cummings, seconded by Councillor Harbinson, that the Council notes the report, in addition a further report is brought back on potential variation of opening**

hours in Ards HRC and other HRCs in the Borough to incorporate evening openings.

## 10. DONAGHADEE SEA DEFENCES

(Appendices IX & X)

PREVIOUSLY CIRCULATED: Report from the Director of Environment detailing that Members would be aware that a Notice of Motion was agreed by the Council last month as followed:

*“That this Council recognises the significant opportunities which the redevelopment of Donaghadee Harbour could bring to the local economy in terms of leisure sailing and tourism and thus instructs officers to work with local groups to scope potential operational facilities which could enhance the offering in the Harbour and further brings back a feasibility report on the various options, including costings and possible funding streams.*

*Further, that this Council recognises the issues associated with high winds and coastal change and reviews the original 2020 Harbour Study conducted by RPS including the necessity for an offshore breakwater and agrees to bring back a report in time to be presented to Council in September 2024, outlining the budget required to undertake this work, any key considerations, next steps and identify which stakeholders would need to be involved”.*

On the same subject, the Donaghadee Community Development Association recently wrote to the DAERA and DfI Ministers as well as the Council (attached). DAERA’s response to the letter (attached), appeared to contend that “the majority of the recommendations in the report are for Ards and North Down Borough Council to consider”, a position that Council officers would not concur with. Whilst the specific issues around the protection and functionality of the harbour were a matter for the Council to primarily deal with (as this was a Council owned asset), the report produced by the Donaghadee Community Development Association raised much wider and significant issues around coastal change management and sea defence arrangements for the town itself, which clearly fell well within the purview of central government responsibility.

Notwithstanding the above, officers would be working to progress the tasks set out in the NOM which was agreed by the Council, and would bring back a further report in that regard.

RECOMMENDED that the Council notes this report.

Proposed by Councillor Harbinson, seconded by Councillor Edmund, that the recommendation be adopted.

Councillor Harbinson stated that he wished to thank the officers for their report which had come back quickly, as well as paying tribute again to the volunteers who had put in the time and effort in the Donaghadee Community Development Association.

As Members were aware the Notice of Motion sought to safeguard Donaghadee Harbour for the future. The effects of climate change and extreme weather events were set to worsen but Members were in agreement that inaction was not a reasonable course of action.

He stated that in the short to medium term, enhancements in the inner harbour would benefit the sailing community and visiting boats, that element being headed up by the Council could have a timely positive impact without excessive cost.

Councillor Harbinson was looking forward to a thorough report from RPS Consultants in September and the review of its previous submission in 2020 which would provide an update on the requirements, recommendations and costs which could be discussed in a cross-party fashion between the Council and statutory bodies. Attempting to assign responsibility for works outside the harbour walls before the report came was in his opinion premature, though he understood there was a possibility of external funding if a more expensive project such as a breakwater was needed and could be sought.

Councillor Edmund thanked officers for the report and noted that the Department appeared to be happy to give the Harbour to the Council with no financial support in place. He thought that in doing so the Council was having to pick up the mess created by others and that made him angry.

In concluding the Director informed the Committee that Minister Muir had contacted the Council and confirmed his desire to engage with the Council and other stakeholders in a bid to achieve a positive outcome at Donaghadee. Councillor Edmund hoped those reassurances could be put in writing.

**AGREED TO RECOMMEND, on the proposal of Councillor Harbinson, seconded by Councillor Edmund, that the recommendation be adopted.**

## **11. ANIMAL WELFARE ENFORCEMENT FUNDING – UPDATE REPORT**

(Appendix XI)

PREVIOUSLY CIRCULATED: Report from the Director of Environment detailing that Members would be aware from previous reports that Councils were currently in dispute with DAERA over its decision to suspend funding support for the enforcement of animal welfare controls.

Councils had collectively launched Judicial Review proceedings against the Department (led by Fermanagh and Omagh District Council), and in advance of the planned hearing a request had been made of DAERA to reconsider its position. The DAERA Minister had responded (attached), and whilst he had not given such an undertaking, he had agreed the back payment of monies that were due to Councils for 2023-24 (sourced from reallocated funds received by DAERA).

At this stage, it appeared that the matter of ongoing Animal Welfare funding support for Councils would proceed to full Judicial Review hearing later in the year.

RECOMMENDED that the Council notes this report.

Proposed by Councillor McKee, seconded by Alderman Armstrong-Cotter that the recommendation be adopted.

Councillor McKee was encouraged by the report and felt that often the Council had been let down and hampered in its work. It was disappointing that the Minister was an advocate of this work but was also withdrawing funding.

Seconding the recommendation Alderman Armstrong-Cotter stated that this action infuriated her. She thought that animal welfare was an important area but appeared to be low on the list of priorities, and that needed to be challenged.

Alderman Cummings and Councillor Boyle referred to the resources necessary and it was explained that the funding provided for the past year was approximately 50% of the actual costs to the Council.

**AGREED TO RECOMMEND, on the proposal of Councillor McKee, seconded by Alderman Armstrong-Cotter, that the recommendation be adopted.**

## **12. Q3 BUILDING CONTROL ACTIVITY REPORT (OCTOBER TO DECEMBER 2023)**

PREVIOUSLY CIRCULATED: Report from the Director of Environment detailing that the information provided in the report covered, unless otherwise stated, the period 1 October 2023 to 31 December 2023. The aim of the report was to provide Members with details of some of the key activities of Building Control, the range of services it provided along with details of level of performance. This report format had been introduced across Regulatory Services.

### **Applications**

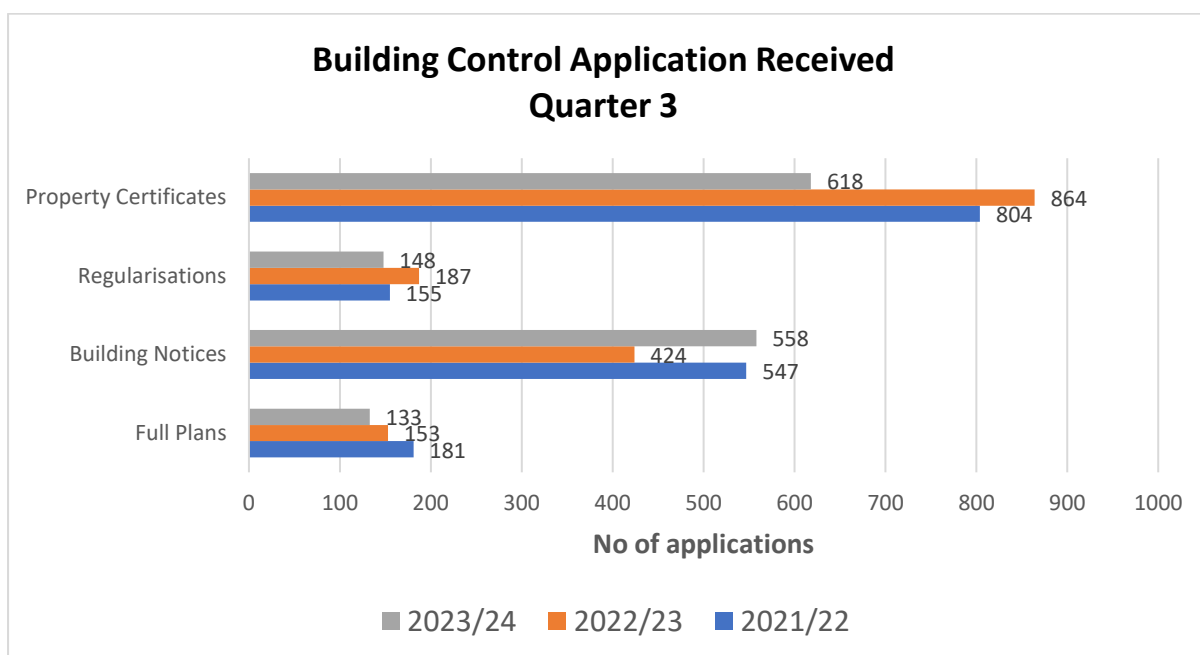
Full Plan applications were made to Building Control for building works to any commercial building, or for larger schemes in relation to residential dwellings.

Building Notice applications were submitted for minor alternations such as internal wall removal, installation of heating boilers or systems, installation of all types of insulation and must be made before work commenced. Those applications were for residential properties only.

Regularisation applications considered all works carried out illegally without a previous Building Control application in both commercial and residential properties. A regularisation application considered all types of work retrospectively and under the Building Regulations in force at the time the works were carried out.

Property Certificate applications were essential to the conveyancing process in the sale of any property, residential or commercial, and provided information on Building Control history and Council held data.

<b>QUARTER 3</b>	<b>Period of Report 01/10/2023 – 31/12/2023</b>	<b>01/10/2022- 31/12/2022</b>	<b>01/10/2021 – 31/12/2021</b>
<b>Full Plan Applications</b>	<b>133</b>	<b>153</b>	<b>181</b>
<b>Building Notice Applications</b>	<b>558</b>	<b>424</b>	<b>547</b>
<b>Regularisation Applications</b>	<b>148</b>	<b>187</b>	<b>155</b>
<b>Property Certificate Applications</b>	<b>618</b>	<b>864</b>	<b>804</b>



The number of Full Plan applications received were very much determined by the economic climate, any changes in bank lending or uncertainty in the marketplace may cause a reduction in Full Plan applications. There was no internal means to directly control the number of applications received.

### Regulatory Full Plan Turnaround Times

Turnaround times for full plan applications were measured in calendar days from the day of receipt within the Council, to the day of posting (inclusive).

Inspections must be carried out on the day requested due to commercial pressures on the developer/builder/householder, and as such any pressures on that end of the business reflected on the turnaround of plans timescale.

<b>QUARTER 3</b>	<b>Period of Report 01/10/2023 – 31/12/2023</b>	<b>Same quarter last year</b>	<b>Comparison</b>	<b>Average number of days to turnaround plan</b>

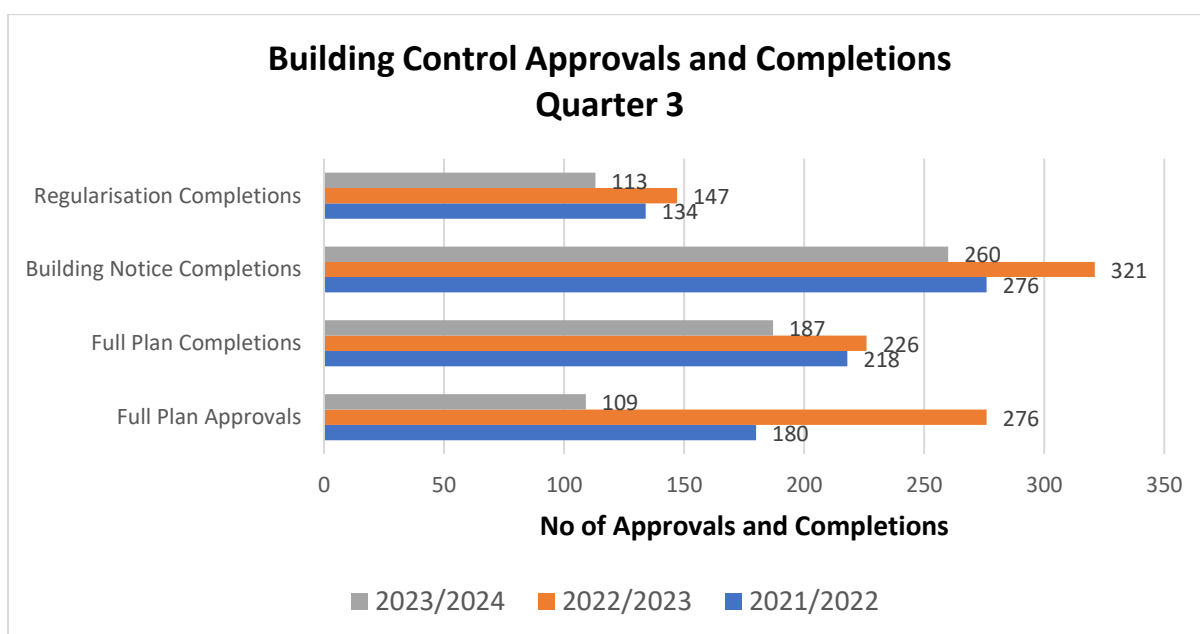
<b>Domestic Full Plan Turnarounds within target (21 calendar days)</b>	<b>54%</b>	<b>55%</b>	<b>↓</b>	<b>25</b>
<b>Non-Domestic Full Plan Turnarounds within target (35 calendar days)</b>	<b>67%</b>	<b>75%</b>	<b>↓</b>	<b>31</b>

### Regulatory Approvals and Completions

The issuing of Building Control Completion Certificates indicated that works were carried out to a satisfactory level and met the current Building Regulations.

Building Control Full Plan Approval indicated that the information and drawings submitted as part of an application met current Building Regulations and works could commence on site.

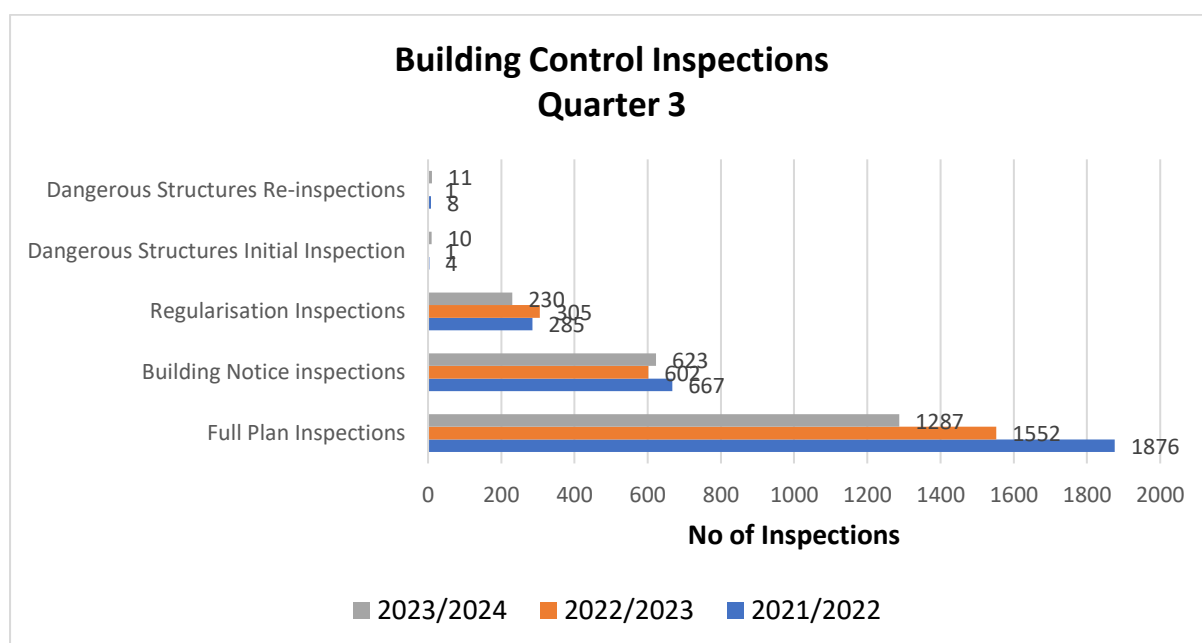
<b>QUARTER 3</b>	<b>Period of Report 01/10/2023 – 31/12/2023</b>	<b>01/10/2022 – 31/12/2022</b>	<b>01/10/2021 – 31/12/2021</b>
<b>Full Plan Approvals</b>	<b>109</b>	<b>276</b>	<b>180</b>
<b>Full Plan Completions</b>	<b>187</b>	<b>226</b>	<b>218</b>
<b>Building Notice Completions</b>	<b>260</b>	<b>321</b>	<b>276</b>
<b>Regularisation Completions</b>	<b>113</b>	<b>147</b>	<b>134</b>



### Inspections

Under the Building Regulations applicants were required to give notice at specific points in the building process to allow inspections. The inspections were used to determine compliance and to call for improvement or enforcement.

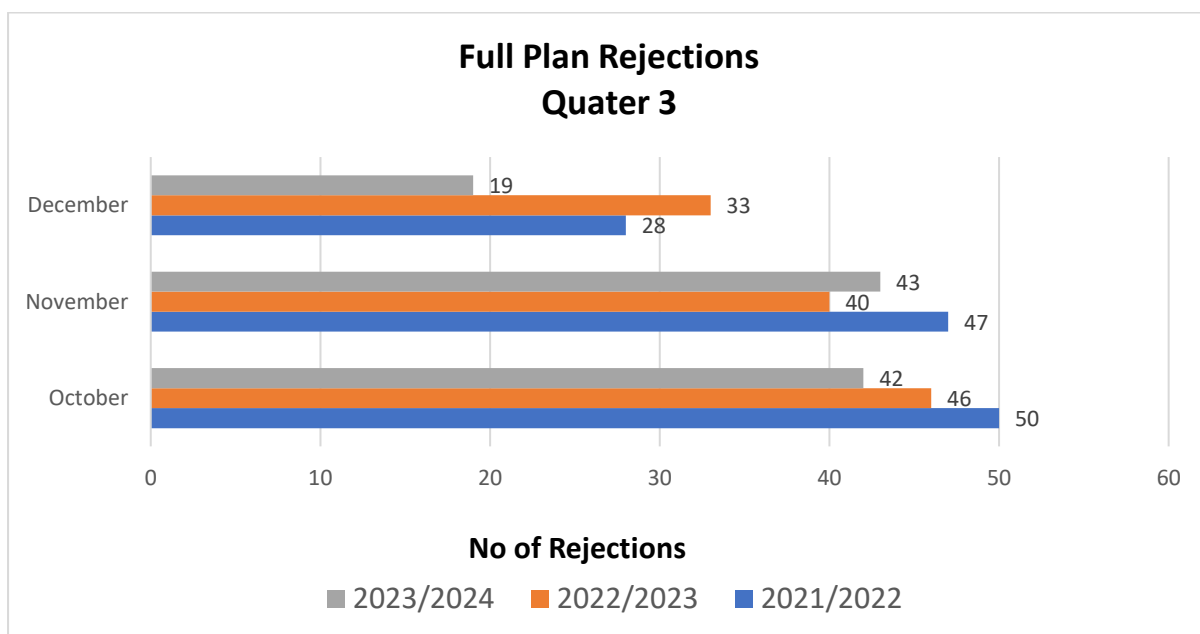
<b>QUARTER 3</b>	<b>Period of Report 01/10/2023 - 31/12/2023</b>	<b>01/10/2022 – 31/12/2022</b>	<b>01/10/2021 – 31/12/2021</b>
<b>Full Plan Inspections</b>	1287	1552	1876
<b>Building Notice Inspections</b>	623	602	667
<b>Regularisation Inspections</b>	230	305	285
<b>Dangerous structures initial inspection</b>	10	1	4
<b>Dangerous structure re-inspections</b>	11	1	8
<b>Total inspections</b>	2161	2461	2840



### Non-Compliance

Where it was not possible to approve full plan applications they were required to be rejected. Building Control Full Plan Rejection Notices indicated that after assessment there were aspects of the drawings provided that did not meet current Building Regulations. A Building Control Rejection Notice set out the changes or aspects of the drawings provided that needed to be amended. After those amendments were completed, the amended drawings should be submitted to Building Control for further assessment and approval.

<b>QUARTER 3</b>	<b>Period of Report 01/10/2023 – 31/12/2023</b>	<b>01/10/2022 – 31/12/2022</b>	<b>01/10/2021 – 31/12/2021</b>
<b>Full Plan Rejection Notice</b>	<b>104</b>	<b>119</b>	<b>125</b>
<b>Dangerous Structure Recommended for legal action</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Court Cases</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Other</b>	<b>0</b>	<b>0</b>	<b>0</b>



RECOMMENDED that the Council notes this report.

Proposed by Councillor Edmund, seconded by Councillor Cathcart, that the recommendation be adopted.

Councillor Edmund thanked officers for the detailed report and Councillor Cathcart agreed, enquiring if the targets were being met.

The Head of Regulatory Services explained that there was a lot of movement in the section currently, with 2.5 full time equivalent officers down. He remarked that the position was stable since the volume of work in Building Control was lower than normal and where it was felt necessary agency staff could be used temporarily to meet the needs of the industry.

**AGREED TO RECOMMEND, on the proposal of Councillor Edmund, seconded by Councillor Cathcart, that the recommendation be adopted.**




### 13. Q2 NET ACTIVITY REPORT (JULY TO SEPTEMBER 2023)

PREVIOUSLY CIRCULATED: Report from the Director of Environment detailing that the information provided in this report covered, unless otherwise stated, the period 1 July to 30 September 2023. The aim of the report was to provide Members with details of some of the key activities of the Team, the range of services it provided along with details of performance levels.

#### Applications to the Neighbourhood Environment Team

##### Dog Licences


Concessionary licences remained at 81% of dog licences issued over the period. That included the categories of neutering (£5) / over 65 (Free – 1<sup>st</sup> dog) / over 65 subsequent dog (£5) and income related benefits (£5). Standard dog licence £12.50 and block licence £32. The application fees were set by statute. It should be noted that those figures included block licences where one licence could be issued for multiple dogs in specific circumstances.

	Period of Report July – Sept 2023	Same 3 months July - Sept 2022	Comparison
Dog licences issued during the three months	5062	5013	

DOG CONTROL – Dog Licences	2023	2022
Full Cost	938	933
Reduced - Neutered	2646	2600
Reduced - Benefits	506	498
Free – Over 65	851	863
Reduced – Over 65 Subsequent Dogs	106	105
Block Licence	15	14
<b>TOTAL</b>	<b>5062</b>	5013

##### Investigations



The Neighbourhood Environment Team responded to a range of service requests. In terms of time spent, some types of service requests would be completed immediately whilst others required a longer-term strategy to find a resolution. The breakdown within the categories for the types of service requests received had been detailed in an appendix.

SERVICE REQUESTS			
	Period of Report July – Sept 2023	Same 3 months July – Sept 2022	Comparison
DOG CONTROL	447	229	

<b>ENVIRONMENTAL CONTROL</b>	<b>332</b>	383	
------------------------------	------------	-----	---



### Fixed Penalty Notices

The Neighbourhood Environment Team issued **71** Fixed Penalty Notices for various environmental offences in the Borough.

<b>FIXED PENALTY NOTICES</b>			
	<b>Period of Report July – Sept 2023</b>	Same 3 months July – Sept 2022	<b>Comparison</b>
<b>DOG CONTROL</b>	<b>47</b>	12	
<b>ENVIRONMENTAL CONTROL</b>	<b>24</b>	65	

### Prosecutions

Breakdown of cases being prosecuted through the Court.

<b>PROSECUTIONS</b>			
	<b>Period of Report July – Sept 2023</b>	Same 3 months July – Sept 2022	<b>Comparison</b>
<b>DOG CONTROL</b>	<b>0</b>	5	
<b>ENVIRONMENTAL CONTROL</b>	<b>1</b>	6	

### Educational Programme

An email was sent to all primary schools within the borough attaching a link to the on-line flyer which provided details of project **ELLA** and invited teachers to contact the department to arrange for school visits, presentations and workshops.

For the period of report the following activities took place:-

<b>JULY</b>	Action Mental Health rock pooling and beach clean at Groomsport Beach - 10 pupils in attendance (2 activities) Beach clean with pupils from Positive Futures, Banks Lane Beach - 12 pupils and staff in attendance (1 activity)
<b>AUGUST</b>	Action Mental Health group, rock pooling and beach clean, Donaghadee - 10 pupils in attendance (2 activities)
<b>SEPTEMBER</b>	Rock pooling and beach archaeology event delivered as part of the Council's Staff Health and Wellbeing initiative - 10 staff and children in attendance. (2 activities)

EC.08.05.2024PM

83

Also attached was an impact card from Keep Northern Ireland Beautiful containing information for the Live Here Love Here and Eco-Schools programmes within the Ards and North Down council area.

**RECOMMENDED** that the Committee notes the report.

Proposed by Councillor Wray, seconded by Councillor Edmund, that the recommendation be adopted.

Proposing, Councillor Wray said that he was happy with the report but wished to raise two issues. Firstly, Project Ella was an excellent initiative but he had the impression that it may be under resourced. The Head of Regulatory Services assured him that at the moment the demand from schools was being met.

Secondly, the Member referred to fixed penalties for dog fouling and he recognised that this remained a priority issue for many people within the Borough. He asked if there were any new ideas for deterring offenders and changing behaviour that had not yet been implemented. The Head of Regulatory Services stated that the Council was always considering new initiatives and was happy to discuss those with Members.

Alderman Armstrong-Cotter referred to a conversation that she had had with the staff in the dog licensing section. Sadly, her dog had died, and when she was cancelling the licence the member of staff had been extremely sensitive and respectful of her grief. She asked the officers to pass that message on to staff, that their respect was appreciated, and she thanked the team.

Referring back to dog fouling Councillor McKee shared Councillor Wray's frustration that the Council had been exceptionally good previously in terms of detection of offences and service of Fixed Penalty Notices, and something seemed to have changed. He hoped that fresh messaging could come forward because the figures were a bad look to the ratepayers and explanations only lasted so long.

The Director assured Members that the Council was listening and was aware of the importance of this issue to the public. He encouraged any Member with information or suggestions that might assist in the Council's review of effective enforcement techniques, to make contact with the Head of Regulatory Services.

**AGREED TO RECOMMEND, on the proposal of Councillor Wray, seconded by Councillor Edmund, that the recommendation be adopted.**

**RECESS 9.00 pm**

**MEETING RECOMMENCED 9.13 pm.**

#### **14. Q3 NET ACTIVITY REPORT (OCTOBER TO DECEMBER 2023)**


**PREVIOUSLY CIRCULATED:** Report from the Director of Environment detailing that the information provided in the report covered, unless otherwise stated, the period

1 October to 31 December 2023. The aim of the report was to provide Members with details of some of the key activities of the Team, the range of services it provided along with details of level of performance.

### Applications to the Neighbourhood Environment Team

#### Dog Licences - The Dogs (NI) Order 1983

It should be noted that those figures included block licences where one licence could be issued for multiple dogs in specific circumstances.



	<b>Period of Report Oct – Dec 2023</b>	Same 3 months Oct – Dec 2022	Comparison
Dog licences issued during the three months	<b>4822</b>	4467	

Concessionary licences remained at 84% of dog licences issued over the period. That includes the categories of neutering (£5) / over 65 (Free – 1<sup>st</sup> dog) / over 65 subsequent dog (£5) and income related benefits (£5). Standard dog licence £12.50 and block licence £32. The application fees were set by statute.

<b>DOG CONTROL – Dog Licences</b>	<b>2023</b>	<b>2022</b>
Full Cost	<b>777</b>	781
Reduced - Neutered	<b>2500</b>	2361
Reduced - Benefits	<b>486</b>	398
Free – Over 65	<b>935</b>	797
Reduced – Over 65 Subsequent Dogs	<b>113</b>	119
Block Licence	<b>11</b>	11
<b>TOTAL</b>	<b>4822</b>	4467



### Investigations

The Neighbourhood Environment Team responded to a range of service requests. In terms of time spent, some types of service requests would be completed immediately whilst others required a longer-term strategy to find a resolution. The breakdown within the categories for the types of service requests received had been detailed in an appendix.

<b>SERVICE REQUESTS</b>			
	<b>Period of Report Oct – Dec 2023</b>	Same 3 months Oct – Dec 2022	Comparison
<b>DOG CONTROL</b>	<b>142</b>	413	
<b>ENVIRONMENTAL CONTROL</b>	<b>374</b>	310	



### Fixed Penalty Notices

The Neighbourhood Environment Team issued **56** Fixed Penalty Notices for various environmental offences in the Borough.

<b>FIXED PENALTY NOTICES</b>			
	<b>Period of Report Oct – Dec 2023</b>	Same 3 months Oct – Dec 2022	<b>Comparison</b>
<b>DOG CONTROL</b>	<b>25</b>	<b>14</b>	
<b>ENVIRONMENTAL CONTROL</b>	<b>31</b>	<b>42</b>	

### Prosecutions

Breakdown of cases being prosecuted through the Court.

<b>PROSECUTIONS</b>			
	<b>Period of Report Oct – Dec 2023</b>	Same 3 months Oct – Dec 2022	<b>Comparison</b>
<b>DOG CONTROL</b>	<b>3</b>	<b>3</b>	
<b>ENVIRONMENTAL CONTROL</b>	<b>1</b>	<b>6</b>	

### Educational Programme

Project Ella began its roll out in schools and had been well received. The most popular topics were outlined below together with the number of presentations carried out in the quarter.

<b>ELLA</b>	<b>Oct – Dec 2023</b>
500 Million Years Ago	<b>8</b>
Anti-Litter Presentation	<b>0</b>
Beach Cleans	<b>1</b>
Cry Wolf	<b>7</b>
Debating Forum	<b>0</b>
ELLA Education Talk	<b>1</b>
ELLA In the Community	<b>0</b>
Litter Picks	<b>1</b>
Rock Pooling	<b>1</b>
Rubbish Quiz	<b>0</b>
Scavenger Hunts	<b>1</b>
Sea Trout	<b>0</b>
<b>TOTAL</b>	<b>20</b>

RECOMMENDED that the Committee notes the report.

Proposed by Councillor McKee, seconded by Alderman Armstrong-Cotter, that the recommendation be adopted.

Councillor McKee thanked officers for the helpful report and raised a matter in respect of offensive graffiti which had been found on Council property recently, and after it had been reported it took almost a week to remove. He asked what was normal practice and the Director advised that such a delay would not be normal since the removal of offensive graffiti was treated as a priority by the Council.

Members expressed their concerns while recognising that the Council normally responded promptly and urged the co-operation with the Police, since occasionally a contractor might not wish to carry out work within a community. Other comments were to ensure the safety of staff. In response the Head of Regulatory Services informed the Committee that such work was carried out by external contractors.

Councillor Harbinson asked about the growing numbers of dog attacks this year, 18 compared to 8 last year. He asked if there was a pattern to those and where they were taking place. The officer explained that the attacks were not always physical and a person only needed to feel endangered for a report to be made. There were no areas that were significantly riskier than others, such as parks or coastal areas.

Alderman Armstrong-Cotter expressed her pride at the work undertaken by Victoria Primary School, Newtownards, for its environmental work including Project Ella and Eco Schools and achieving its Green Flag award. She thought that was outstanding and praised all the schools who were engaging with these initiatives. She suggested that this should be recognised and the Director advised that the Green Flags agenda was managed through the Parks Department.

**AGREED TO RECOMMEND, on the proposal of Councillor McKee, seconded by Alderman Armstrong-Cotter, that the recommendation be adopted.**

(Having declared an interest Alderman McAlpine left the meeting at 9.30 pm)

## **15. LIVE HERE LOVE HERE SMALL RANTS FUNDING 2023/24**

PREVIOUSLY CIRCULATED: Report from the Director of Environment detailing that across Northern Ireland the Live Here Love Here Small Grants Scheme successfully supported 89 groups to deliver green-up projects in their area, to a value of £113,760.

The Ards and North Down Borough Council **Recycling Community Investment Fund** for 2023/24 provided funding for 20 community groups through the Live Here Love Here Small Grants Scheme, delivered by Keep Northern Ireland Beautiful. The annual allocation of £25,000 was supplemented by an unspent balance to provide a total of £28,881.

The payback of some of the recycling financial dividend to local communities from the Council's Recycling Community Investment Fund via the LHLH Small Grants Scheme, had allowed a range of different groups and organisations from across the

Borough to engage in diverse activities and projects that would have significant social and environmental benefit.

Details of the funding allocation and summary reports on each project were outlined as followed:

### Funding allocation in Ards and North Down

LHLH Code	Amount Offered	Amount Paid	Group name
AND-148	500	500	St. Finians Preschool
AND-150	1513.99	916.9	Redburn Loughview Community Forum
AND-151	2970	2512.79	Comber Regeneration Community Partnership
AND-159	1596	1171.3	Ballyholme Primary School
AND-160	2000	2000	Conlig Community Regeneration Group
AND-161	1129	1129	Millisle Health and Wellbeing Group
AND-162	1070	535	Portavogie Culture and Heritage Society
AND-163	1600	1542.76	Millisle Primary School
AND-165	2450	2422.57	AMH Promote
AND-166	1900	1379.78	Donaghadee Community Development Association (DCDA)
AND-167	2750	2750	Glenraig IPS PTA
AND-168	2390	1972.91	Portaferry Integrated Primary School
AND-169	2988	2577.85	St Columbanus' College 2023
AND-171	550	550	Groomsport Village Association
AND-172	2040	2030.5	Strangford Integrated College
AND-173	500	499.88	Ards Canal Path Community Group
AND-174	1290	727.86	Cloughey Heritage Group
AND-175	1782.1	1782.1	Ballygowan Presbyterian Youth
AND-176	1380	1380	Comber Community Garden
AND-177	500	500	Peninsula veterans' group

### Project Reports



*Photo credit to Ballygowan Presbyterian Youth*

### **St Finians Preschool**

**Project Summary:** We would be wanting to enhance the overall look of the outdoor area surrounding the preschool. To have/show pride within our surrounding area. The children could take pride and help look after growing areas and learn about those spaces. We had lots of under used spaces that would look better with resources added.

**Funding for:** Seeds, bulbs, plants & tools

#### **Impact**

The project had really enhanced the outdoor space and play for the children. The children, staff and parents had enjoyed looking at the space and chatting about the aesthetic look of the outdoor area. The children had enjoyed developing their senses, imagination, sharing and sense of pride at helping to fill containers/baskets with plants. Staff had continued to enhance the area by wanting to continue a 'green area' where children could grow more plants/bulbs/vegetables in the future-Voice of the Child (VOC).

- o No of Volunteers: 2
- o Volunteer Hours worked: 4
- o Land area improved: 1 acre

### **Redburn Loughview Community Forum**

**Project Summary:** We had a large community garden at the back of the resource centre and were working to get it back to life and to help keep it sustainable.

**Funding for:** Variety of plants and planters



**Impact**

The Community project had had a significant impact on the community, residents, and volunteers, especially during challenging times. They could help address systemic issues, promote equality, and bring about lasting change. For residents, those initiatives outdoors had improved their quality of life by addressing local issues and providing resources in their immediate area that was not destroyed or abandoned or dumped on and this oasis is not anywhere else. They could also foster a sense of community and belonging, which could be particularly comforting during difficult times with access to a well-kept community garden for all.

The volunteers, participating in community project had had a sense of purpose and fulfilment. It allowed them to contribute positively to their community and make a tangible difference. It could also offer opportunities for personal growth and skill development. In terms of potential impacts, the success of the project would see young people attend to do further projects and other voluntary groups community projects could lead to improvements in various areas such as community infrastructure and social capital.

- o No of Volunteers: 30
- o Volunteer Hours worked: 500
- o Land area improved: 1 acre

**Comber Regeneration Community Partnership**

**Project Summary:** CRCP with their project, Comber Community Garden had been installing floral planters in the town this past 3 years. Before that CRCP adopted Glen Link Wall in the town which was part of the old BCDR and cleared it, planted new shrubs and wildflowers. There were several wildflower areas in the town plus several fruit trees for use of Residents planted by CRCP.

**Funding for:** Planters, plants, plant towers, Tools

**Impact**

Comber Regeneration Community Partnership (CRCP) had been receiving LHLH Small Grants Funding for 8 years to improve the town of Comber and its gateways for the benefit of its residents and visitors. CRCP volunteers have been visiting local Primary Schools and local Youth Organisations over the past 2 years to teach them the benefits of horticulture. CRCP had also had several new volunteers coming to the Community Garden to assist with making hanging baskets and around the town looking after wildflower areas and floral planters. That had been mainly due to wanting out again after 2 years of lockdown due to the Covid pandemic. Those projects would not have been possible without the LHLH Small Grants financial assistance.

- o No of Volunteers: 37
- o Volunteer Hours worked: 976
- o Land area improved: 0.2 acres

**Ballyholme Primary School**

**Project Summary:** To develop a quiet sitting area to include benches and sensory plants with calming scents and relaxing touches such as lavenders, lamb's ear, lemon herbs etc. for pupils and adults with learning or sensory needs.

**Funding for:** Bark, planters, benches, plants

**Impact**

- o No of Volunteers: 3
- o Volunteer Hours worked: 16
- o Land area improved: .05 acres

**Conlig Community Regeneration Group**

**Project Summary:** Our volunteers would work in partnership with the local Church to develop an underused green space into a community garden, where residents were encouraged to spend time outdoors building friendships, in a beautiful and biodiverse area; improving health and well-being for all.

**Funding for:** Pollinator fruit trees and plants, outdoor seating, landscaping fabric

**Impact**

The community garden created in the grounds of the Presbyterian Church in Conlig had provided one of the few green spaces where the residents of the village could relax and enjoy the open space either alone or in the company of friends. The design of the garden incorporated open space and planting that encouraged wild life and pollinator insects to flourish and colonise the area. During the Covid pandemic, many of the residents especially the elderly and those who were living alone were adversely impacted by the lock down as a result mental health issues within those groups did take its toll. This garden, open and inviting to all had proved most popular from individuals sitting experiencing the outdoors to young families enjoying picnic lunches. With the work just finished the full benefit of the garden would not be seen until next year and many were anxious to see the garden in full bloom next year.

- o No of Volunteers: 8
- o Volunteer Hours worked: 500
- o Land area improved: 0.2 acres

**Millisle Health & Wellbeing Group**

**Project Summary:** We need a shed to store and keep safe equipment such as flowerpots, tools, plant foods, sprayers and other items needed to keep us growing.

**Funding for:** Shed

**Impact**

Shed was needed to store tools and other items safely and keep them dry.

- o No of Volunteers: 8

- o Volunteer Hours worked: 70
- o Land area improved: 0 acres

### **Portavogie Culture & Heritage Society**

**Project Summary:** We would like to create a small sensory area. This area would have a water feature together with plants which are fragrant. The plants would vary from being planted in the ground as well as in ceramic pots. Our project would improve and enhance the environment and show others the pleasure that could be obtained from flowers and fauna.

**Funding for:** Seating, plants, bulbs, pots

#### **Impact**

We have created a sensory garden area. We know this area will be enjoyed. There is a little fountain; bird feeders, seating area; a variety of planters and plants to touch, smell and hear rustling in the wind. An area to reflect and relax in.

- o No of Volunteers: 7
- o Volunteer Hours worked: 15
- o Land area improved: 0.25 acres

### **Millisle Primary School**

The nursery unit was sited within the school grounds and had an area, approximately 200 square meters, used as a play area for its nursery children. By improving the area, we would be able to provide a garden for the children where they could explore and enjoy nature, learning to plant and care for flora and vegetables and to create habitats and food for insects and wildlife.

**Funding for:** Fencing, bark, pollinating plants & shrubs

#### **Impact**

The Nursery children now had a wonderful outdoor play area/classroom, where they could watch as the climbing pollinator plants grew. Also, it had given them space to plant their own herbs and flowers. It was like their own little woodland area!

- o No of Volunteers: 2
- o Volunteer Hours worked: 50
- o Land area improved: 0.11 acres

### **AMH Promote**

**Project Summary:** We need raised potting tables and lower to accommodate wheelchairs, which we would purchase from an AMH Men's Shed who will build to our specifications and are volunteer led. We will make alterations to our polytunnel to manage the water system. We need to replenish our gardening tools. We would like to grow more fruit and vegetables. We will store vegetables to use across the year so will need to purchase equipment for that. We hope to develop our own composting system and create our own plant food. We would like to plant winter

bulbs to resale for clients' funds and purchase spring bulbs and wildflower seeds for around our fenced areas and our bug hotels.

**Funding for:** Plants, tools and materials

### **Impact**

Our community garden scheme would continue throughout the year and benefit both clients and staff within the centre and the local community. The installation of a pond would enable further study of nature and the environment for years to come. Local groups were welcome to come and view and later in the year purchase plants and food. Local charitable business groups were also welcome to come and volunteer to keep the area clear and fit for purpose.

The clients would also benefit from food produced, such as fruit and vegetables. It had already benefited the clients growing and learning new skills, and that would continue year after year. The installation of water butts, compost bins, plant food equipment and new irrigation system would mean our garden had longer-term sustainability. New potting tables were accessible to those who needed to sit, or wheelchair users and the greenhouse now had a working space for the seed rearing. The propagator would enable more efficient growth of seeds before potting out and all the new equipment would help us maintain the progress made. Our winter bulbs would be sold in painted pots to raise revenue for the service to put back again making us more sustainable.

- o No of Volunteers: 12
- o Volunteer Hours worked: 26
- o Land area improved: 0.4 acres

### **Donaghadee Community Development Association (DCDA)**

**Project Summary:** DCDA had been working on this site in previous years and with assistance from LHLH and other funders, had installed pathways, a tree trail, interpretative boards re birds and trees, a platform extending into a wetland area and a tree nursery planted by 3 schools and 7 community groups. Application was being made to continue with the restoration work, site clearance and planting. The areas surrounding the pathways would benefit from clearing back and the planting of spring flowering, including bluebell dormant bulbs and wild primrose pugs. We would also like to restore the woodland carvings which had deteriorated over time and were an attractive addition for children to enjoy.

**Funding for:** Native bulbs and plants, renovation of woodland features, clearance of ground.

### **Impact**

The project had helped restore Crommelin Wood as a valuable asset within the community, making it an accessible and enjoyable outdoor natural facility for all residents of Donaghadee and visitors.

- o No of Volunteers: 20
- o Volunteer Hours worked: 160

o Land area improved: 6 acres

### **Glencraig IPS PTA**

**Project Summary:** Renovation and extension of existing school garden area to provide a community resource available more of the year round. Installation of a covered pergola to provide an outside space to educate and use for events.

Additional raised planters installed to allow each class their own dedicated planting area to look after and nurture.

**Funding for:** Raised beds, pergola, fruit trees and plants.

#### **Impact**

Building an outdoor classroom was something that had long been on the wish list of the school and without the grant funding it would simply never have been achieved. The enhancement of the area meant there were now raised beds for every class, a sheltered area to lead lessons from and a new 'woodland' area where the children could actively learn about the environment made a huge difference to the school, changing the focus of lessons and having a beautiful learning space for many years to come, benefiting the students, teaching staff and parents who could all make use of the new enhanced areas.

- o No of Volunteers: 20
- o Volunteer Hours worked: 100
- o Land area improved: 0.25 acres

### **Portaferry Integrated Primary School**

**Project Summary:** Our school had a large concrete playground with metal fencing around it. We would love to encourage insects and birds to reside there. We also have a green area which was planted but it was very much removed from the main playground. I would love for our pupils to plant vertically along the fencing - and to plant troughs on the ground surrounding.

**Funding for:** Planters, baskets, pollinating plants and seeds, seating

#### **Impact**

We were thrilled to have been awarded money. Our playground had been lacking in any 'green' areas. So now we have seating, planting and wall/fence planting in place for spring. That would be beneficial to wildlife, pupils, parents and the school community. In such stressful times, having areas to enjoy in spring and summer would be invaluable. Many Thanks!!!

- o No of Volunteers: 3
- o Volunteer Hours worked: 18
- o Land area improved: 0.3 acres

### **St Columbanus' College**

**Project Summary:** 7 raised beds (one for each form group in junior school) to be installed along the green space at the front of the school...plus some new tools for maintaining them.

**Funding for:** Raised beds, topsoil and tools.

### Impact

This project would be on-going for years to come. The planters had been the talk of the school since they had arrived, with students and guests asking what was going to be in them. A group of 6th Form Mental Health Ambassador Prefects had begun planning the use of two beds with a selection of identified children and support from classroom ancillary staff. The HE department had been assigned a bed for herbs, which would double up as a sensory bed for SEN. The remaining beds were allocated for a house competition, with points to be awarded based on criteria related to supporting pollinators as a priority, along with other criteria related to smell, colour and sustainable growing. The garden area would be invaluable in supporting learning for years to come.

- o No of Volunteers: 20
- o Volunteer Hours worked: 60
- o Land area improved: 0.2 acres

### Groomsport Village Association

**Project Summary:** This related to our In Bloom work and enhanced it. This would include tidying up the area, adding some plants attractive to butterflies. The aim was to make a neglected area attractive to a wide age group. The wheelchair users raised planting tub would be located nearby. The aim was to include everyone and link to the nearby disabled access for James Beach on the other side of the carpark.

**Funding for:** Accessible planting tables, plants and planters, tools

### Impact

The LHLH grant enabled GVA to expand and broaden our work for and with the community. We initiated a new area of work with the Inclusive Beaches group and incorporated that into the work that our volunteers do around the village.

- o No of Volunteers: 12
- o Volunteer Hours worked: 50
- o Land area improved: 0.1 acres

### Strangford Integrated College

**Project Summary:** Strangford Integrated College was recently awarded the Silver Eco Schools status in March 2023, due to a reduction of litter around our school site, and due to the increased rate of recycling within the College. We will use this grant to further our environmental journey, and transform a neglected space for staff, students and the local community to benefit from. Through the creation of the Green Haven new habitats will be established in the rural site in which it is located, and

increase biodiversity and pollution due to the seasonal and perennial plants that the project will utilise.

**Funding for:** Raised beds, picnic benches/seating, tools, bug hotels

### **Impact**

This project had provided the students from our college and the local community a space to utilise to reflect and take much needed time out to aid with mental health. It had also meant that the local community which were deemed as coming from a low income area had the opportunity to receive food resources which had a low food mileage. The area had also been improved with regards to the biodiversity and habitat.

- o No of Volunteers: 50
- o Volunteer Hours worked: 75
- o Land area improved: 0.02 acres

### **Ards Canal Path Community Group**

**Project Summary:** We have been given permission by ANDBC to use 1/2 acre of previously agricultural land to embark on this “Going Wild” project. Our main objective was to create a space for nature to thrive. We intend to enrich the habitat with the planting of a native woodland and wildflower glades. That will not only benefit wildlife but will enable the community to directly tackle climate change.

**Funding for:** Plants, materials, tools, protective clothing

### **Impact**

The Going Wild project was proving a hugely beneficial scheme to get the local community involved in boosting and restoring biodiversity. AMH Promote came to our first outdoor classroom planting wildflowers. Once the ground became dry enough we could commence with tree planting. Connecting with the outdoors created the passion to protect nature and that was what participants were experiencing.

- o No of Volunteers: 2
- o Volunteer Hours worked: 40
- o Land area improved: 0.7acres

### **Cloughey Heritage Group**

**Project Summary:** We are restoring the Old Meetinghouse which had been closed for over 40 years and fallen into disrepair. Our aim was to use the building as a community hub for local and surrounding groups for various activities. Although our group cannot access the building due to its current condition, we were currently tendering for architects in conjunction with AHF and planning departments and lottery. Whilst those were being processed the decision was made to maintain and tidy the graveyard, making it accessible to relatives to tend their loved ones graves.

**Funding for:** Bulbs, flowers, shrubs, shed, tools

**Impact**

Our project had meant a lot to the community, not only for the refurbishment to the Old Meetinghouse, but especially the graves and graveyard as family members could not safely attend loved ones' graves and keep them neat. It had proved a worthwhile project as some family members had helped with the grass cutting and tidying. We had had lots of positive comments from passers by both roadside and beachside.

- o No of Volunteers: 8
- o Volunteer Hours worked: 200+
- o Land area improved: 0.5 acres

**Ballygowan Presbyterian Youth**

**Project Summary:** Redevelopment and repurposing of a currently overgrown and disused area of church halls. By bringing it back into use we would be creating an area for all the community to use to socialise and take part in group work programmes helping to increase health and wellbeing outputs by meeting in the outdoors and reducing social isolation.

**Funding for:** Picnic benches, raised beds, gazebo and wildflower seeds

**Impact**

This Grant had allowed us to improve an area of wasteland that could be used by our Youth and Children's Organisations allowing them greater access to a safe outdoor space.

- o No of Volunteers: 11
- o Volunteer Hours worked: 20
- o Land area improved: 0.9 acres

**Comber Community Garden**

**Project Summary:** Sedum carpet to the roof of the log cabin/ garden library to improve insulation and biodiversity. Providing improved air quality, reduced storm water runoff, and a natural habitat for pollinators.

**Funding for:** Sedum Carpet and materials

**Impact**

After learning from this job, we were in a position now that we could convince more people to create sedum roofs in sheds and flat roof areas. Adding a sedum roof to the log cabin / garden library had been quite easy. The wildflowers would enhance and improve the existing areas that we had in Comber creating more biodiversity and adding colour to the town. Collecting seeds from those wildflowers next year and creating a seed swap area in the cabin log / garden library would spread the free access to wildflowers to individuals and groups.

- o No of Volunteers: 3



- o Volunteer Hours worked: 50
- o Land area improved: 0.5 acres

### Peninsula Veterans Group

**Project Summary:** We as a group intended to clear the plot and make the area safe and accessible and hope to get local youth groups to help with the planting of fruit and vegetables, this would help with the mental well-being of group members and hope to have sustainable fruit vegetables and flowers to gift to local pensioners.

**Funding for:** Plants, vegetables, timber/screws

### Impact

Preparing the area for a Veterans' Garden had been beneficial to the mental health of all involved.

- o No of Volunteers: 25
- o Volunteer Hours worked: 38
- o Land area improved: 0.5 acres



*Photo credit to St Columbanus' College*

RECOMMENDED that the Council notes the report.

Proposed by Councillor Boyle, seconded by Councillor Edmund, that the recommendation be adopted.

Councillor Boyle believed that these initiatives should be encouraged and continued, and the small funding produced great benefits throughout the Borough.

Councillor Edmund noted the widespread success across the Borough and praised the work of the tremendous volunteers for the volunteering hours they so freely gave.

**AGREED TO RECOMMEND, on the proposal of Councillor Boyle, seconded by Councillor Edmund, that the recommendation be adopted.**

(Alderman McAlpine was re admitted to the meeting at 9.33 pm)

## **16. RESULT OF COURT PROCEEDINGS 1 JULY TO 30 SEPTEMBER 2024**

PREVIOUSLY CIRCULATED: Report from the Director of Environment detailing the following convictions were secured at Newtownards Magistrate's Court between 1 July 2023 and 30 September 2023.

In accordance with the instructions of the Resident Magistrate, the Council's solicitor would notify defendants upon first appearance in court in response to a summons, that they may seek to have the matter withdrawn upon payment of legal costs and any fixed penalty notice previously offered.

The cases were then adjourned to permit a further opportunity for payment. This had resulted in a number of cases being settled on the day of court upon payment of all costs and fines.



The above pie chart outlines two prosecution cases which were disposed of during the period of the report. Convictions were secured against one defendant during this period. Please note there was court recess in July.

Only one case was heard for a littering offence in which the defendant was fined a total of £385 and a second case was withdrawn as the defendant had moved away and summons was unable to be served.

Details were provided in an appendix.

RECOMMENDED that the Council notes the report.

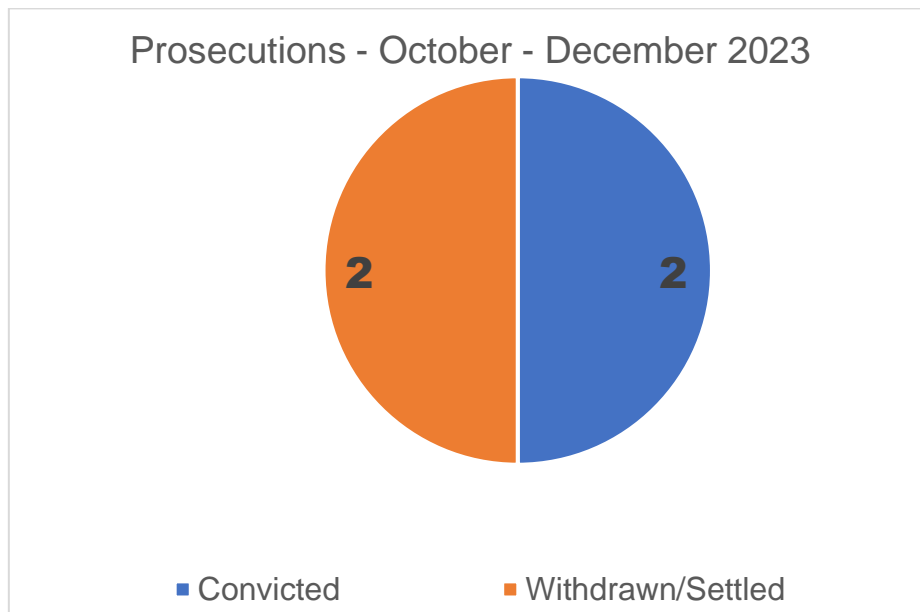
**AGREED TO RECOMMEND, on the proposal of Councillor Cathcart, seconded by Councillor Boyle, that the recommendation be adopted.**

**17. RESULT OF COURT PROCEEDINGS (1 OCTOBER TO 31 DECEMBER 2023)**

PREVIOUSLY CIRCULATED: Report from the Director of Environment detailing that the following convictions were secured at Newtownards Magistrate’s Court between 1 October 2023 and 31 December 2023.

In accordance with the instructions of the Resident Magistrate, the Council’s solicitor would notify defendants upon first appearance in court in response to a summons, that they may seek to have the matter withdrawn upon payment of legal costs and any fixed penalty notice previously offered.

The cases were then adjourned to permit a further opportunity for payment. That had resulted in a number of cases being settled on the day of court upon payment of all costs and fines.



The above pie chart outlines two prosecution cases which were disposed of during the period of the report. Convictions were secured against two defendants during this period.

One case was settled prior to hearing and withdrawn. A second case was withdrawn on legal advice, and it was not within the public interest to continue with the case.

Details were provided in an appendix.

RECOMMENDED that the Council notes the report.

**AGREED TO RECOMMEND, on the proposal of Alderman Cummings, seconded by Councillor Smart, that the recommendation be adopted.**

## **18. ANY OTHER NOTIFIED BUSINESS**

There were no items of Any Other Notified Business.

## **EXCLUSION OF PUBLIC/PRESS**

**AGREED, on the proposal of Alderman Cummings, seconded by Alderman Armstrong-Cotter, that the public/press be excluded during the discussion of the undernoted items of confidential business.**

## **REPORTS FOR APPROVAL**

## **19. TENDER FOR THE PROVISION OF LEGIONELLA SERVICES AT VARIOUS COUNCIL PROPERTIES**

**\*\*\*IN CONFIDENCE\*\*\***

**NOT FOR PUBLICATION SCHEDULE 3 – INFORMATION RELATING TO THE FINANCIAL OR BUSINESS AFFAIRS OF ANY PARTICULAR PERSON**

A report on a tender for the provision of fuel supplies, was considered.

It was agreed that a contract for Lot 1 be awarded to Safety Advice Centre and for Lot 2 to Waterman

## **RE-ADMITTANCE OF PUBLIC/PRESS**

**AGREED, on the proposal of Alderman Cummings, seconded by Councillor Cathcart, that the public/press be re-admitted to the meeting.**

## **TERMINATION OF MEETING**

It was noted that this was the last meeting of the Environment Committee of the term and the political parties stood in turn and thanked Councillor Morgan for her contribution as Chair of the Committee.

The meeting terminated at 9.35 pm.

## ITEM 7.3

101

**ARDS AND NORTH DOWN BOROUGH COUNCIL**

A meeting of the Place & Prosperity Committee was held at the Council Chamber, Church Street, Newtownards on Thursday 9 May 2024 at 7.00pm.

**PRESENT:**

**In the Chair:** Councillor Blaney

**Aldermen:** Adair McDowell  
Armstrong-Cotter

**Councillors:** Ashe (7.28pm) Thompson  
Edmund McCracken  
Gilmour McLaren  
Kennedy Smart

**In Attendance:** Interim Director of Place (B Dorrian), Director of Prosperity (A McCullough) and Democratic Services Officer (P Foster)

**1. APOLOGIES**

The Chairman (Councillor Blaney) sought apologies at this stage.

Apologies had been received from Councillors Hollywood, McCollum, McKimm and Rossiter.

Apologies for lateness had been received for Councillor Ashe.

**NOTED.**

**2. DECLARATIONS OF INTEREST**

The Chairman sought any Declarations of Interest, and none was declared.

**NOTED.**

**3. DEPUTATION****NORTHERN IRELAND GEO DIVERSITY CHARTER** (Appendix I)

The Chairman welcomed Dr Kirsten Lemon, Science Programme Manager for Geological Survey of Northern Ireland (GSNI) forward to make her presentation.

Dr Lemon thanked members for the opportunity to attend the meeting and proceeded to guide members through a PowerPoint presentation detailing the Northern Ireland Geodiversity Charter 2021-2024.

Members were informed of what Geodiversity was and why it was important. It was noted that Northern Ireland had 12 of the 13 Geological Time Periods, just under 200 Areas of Special Scientific Interest and three UNESCO designated sites. A number of slides were then shown which depicted various sites throughout the Ards and North Down Borough during which it was noted the Drumlin Belt in Strangford Lough extended all the way across Counties Down and Armagh and then across to Monaghan and Cavan, making it one of the largest drumlin fields in the world.

Turning to the Charter for NI, Dr Lemon stated that it encouraged promotion and management of geodiversity and the integration of geodiversity into policy and decision-making. By creating a greater awareness and understanding of geodiversity it would lead to better protection of our geological heritage and the ability to sustainably manage our natural resources, so that everyone could enjoy the full range of economic, social and environmental benefits it provides.

Continuing Dr Lemon stated that the vision for Northern Ireland's Geodiversity Charter was that Northern Ireland's geodiversity was recognised as a vital part of sustainable development, with benefits for the economy, society and the environment, and as such it should be managed appropriately and safeguarded for the benefit of current and future generations of Northern Ireland citizens. The Charter aimed to do this through:

**POLICY INTEGRATION** - Mainstreaming geodiversity into relevant policies, strategies, guidance and advice to ensure a sustainable and integrated approach to management of natural heritage for the wider benefit of Northern Ireland's economy, society and the environment.

**RAISING AWARENESS** - Raising awareness amongst all sectors of the value and importance of geodiversity and its wider links with the natural and built environment, and cultural heritage and instilling a sense of place and community empowerment through education and promotion at all levels.

**CONSERVATION AND ENHANCEMENT**- Encourage conservation, enhancement and careful management of our geological heritage, continue to develop and share good geo-conservation practice.

**RESEARCH** - Support research that improved understanding of geodiversity and its role in providing benefits to the economy, society and the environment, as well as addressing key knowledge gaps leading to better decision making especially in regard to key societal issues such as sustainable resource management, climate change and geological hazards.

Continuing, Dr Lemon stated that Northern Ireland's Geodiversity Charter encouraged determined and collective action from all sectors including, but not limited to, central government departments, local government, academia, industry, education, NGOs, and charities.

To ensure that geodiversity was adequately recognised, managed and safeguarded, there were five key outcomes that should be achieved, and a number of

underpinning targets, all of which aligned with the Northern Ireland Draft Programme for Government. A number of case studies had been provided for each which provided clear examples of where those outcomes had already been achieved.

At this stage Dr Lemon made comment on the recreational opportunities within the Borough in respect of walking, access to water and cycling. She also made reference to the Arts, Heritage and Culture making mention of the significance of the Quarry at Scrabo and ongoing work with NIEA. Turning to Tourism she commented that it was a huge part of geodiversity and added that members would likely be fully aware of the Whitespots Gateway Project. Local Economic Development was also of importance particularly when considering the use of sustainable natural resources such as ground water and geothermal energy. Members were advised that they were currently situated on top of a body of rocks called the Sherwood Sandstone which was valuable in respect of geo-thermal energy and also valuable for its ground water. It was noted the potential there was in Newtownards and Comber was huge with large vegetable producers such as Mash Direct very much relying upon water, which was in the ground, a much underutilised resource.

Considering Planning and Building Control matters Dr Lemon commented that:

- Local Development Plan – key policy areas – coastal management, balance between protections and resources
- ASSI - there were a number of these within the Borough which should be considered as part of the overall Planning Process.

The Chairman thanked Dr Lemon for her interesting and informative presentation and invited comments from members at this stage.

Expressing his thanks for the informative presentation, Alderman Adair acknowledged the need for geodiversity to have more of a focus going forwards and he asked Dr Lemon if there was a guide for this within the Borough.

Dr Lemon advised that a Geodiversity Audit had taken place throughout the Borough in those areas which were part of the Strangford Lough & Lecale Area of Outstanding Natural Beauty and indicated that the production of a guide was something which they would take into consideration, adding that currently they were able to provide a document which detailed how the Geodiversity Charter linked into local Councils.

Alderman Adair indicated that would be something which he would encourage as it would assist to engage local people with geodiversity particularly given the many beautiful sites located throughout the Borough such as Ballyquintin Farm. Continuing he noted the reference to coastal erosion in the presentation adding that this was a major issue for the Borough and asked Dr Lemon if she had ever had discussions with the Coastal Erosion Forum in the Ards Peninsula.

Dr Lemon advised that she was currently working with the Coastal Erosion Forum Working Group throughout Northern Ireland and added that if there was an opportunity to engage at a local level, they would be more than happy to do so.

Expressing his thanks for the presentation, Councillor Kennedy acknowledged Dr Lemon's notable enthusiasm for geodiversity. He asked what the current threats were to geodiversity throughout Northern Ireland and what the consequences would be of failure to follow advice in relation to the Charter.

Dr Lemon stated that there were a number of threats to geodiversity, the biggest one being the threat of poorly thought out planning decisions and the potential impact those decisions could have. Climate change was also another threat, particularly extreme weather events. She stated that from research carried out the assumption should not be made that rocks would forever withstand such threats as it had been noted many of the landscapes throughout the Ards Peninsula had changed even over the last 100 years. As such she stated that it was so important to encourage people to think about geodiversity and adopt a better approach.

Also thanking Dr Lemon for her presentation, Councillor Smart acknowledged the rich geodiversity situated on the Council's doorstep. Referring to the last slide of the Presentation which detailed Planning and Protection elements, he commented that the Council did rely upon the expertise of professionals such as herself and those within central Government agencies. He stated that he had been somewhat surprised in the past at some of the consultation responses received in respect of some of the larger applications with links to ASSIs which did not always seem to need significant intervention. As such he asked Dr Lemon if she felt that level of advice coming through was strong enough.

In response, Dr Lemon indicated that she suspected Councillor Smart was correct and more consideration needed to be given to geodiversity including education amongst central and local government. She added that on occasions there could be greater consideration given to geodiversity as it was generally accepted there was more of a focus on biodiversity. However part of their role was to educate people that both geodiversity and biodiversity should go hand in hand.

Councillor McLaren also thanked Dr Lemon for her presentation which she had found fascinating. Earlier that day she stated she had been on Crawfordsburn Beach with school children taking part in some biodiversity activities which the children had loved. As such she asked how the education of children in the field of geodiversity could be incorporated into their schooling.

Dr Lemon advised that GSNI had produced a suite of educational resources for key stage two primary school children which had been sent out to every Primary School in Northern Ireland. However she added that it was realised that Geodiversity Champions were very much needed. At Post Primary School level efforts were made to try to work on a local basis and it was noted a lot of work had been undertaken to date with the UNESCO sites with educational packs produced for teachers. She added that generally it was challenging to get the subject in at Post Primary School level, adding that currently only one school in Northern Ireland based in Londonderry taught Geology.



Thanking Dr Lemon for her comments, Councillor McLaren asked if she was able to provide any examples of where poor decisions had been made in respect of Planning and how that could be improved.

In response Dr Lemon suggested that one of the main pitfalls in respect of Planning decisions was a general disregard for geodiversity as the result of a lack of awareness. She did however add that when it came to geological hazards there were often good, clear decisions made.

As there were no further questions at this stage the Chairman thanked Dr Lemon for her presentation and subsequent comments.

(Dr Lemon left the Chamber at this stage – 7.24pm)

## **REPORTS FOR NOTING**

### **4. DEVELOPING A NEW ECONOMY – NAC NI OUTCOME REPORT (Appendix II)**

PREVIOUSLY CIRCULATED:- Report from the Director of Prosperity detailing that the National Association of Councillors (Northern Ireland) (NAC NI) engaged in a series of strategic initiatives to enhance its remit as a membership and services organisation for councillors in the 11 local authorities. Those initiatives had been developed using the principle of co-design and included events in January 2024, designed with Ulster University, on Developing a New Economy.

In addition to 40 councillors, independent and from all parties, 20 partner bodies contributed. The objectives were to:

- develop a better understanding of the potential leadership, knowledge and partnership harnessing by elected members in the area of the economy, of local enterprise and community investment;
- bring together elected members, officers, and a network of capable, credible, committed partners in order to develop more innovative and inclusive policies and initiatives for economic development;
- realise at local council level the convening role of councils in regard to tangible partnerships to foster better enterprise locally and sub regionally; and
- realise leadership, learning and development training on the economy / enterprise for elected members and partners.

The outcomes of the events, key messages and next steps were detailed in the attached report.

RECOMMENDED that Council notes the NAC NI report.

Alderman Adair proposed, seconded by Councillor Smart, that the recommendation be adopted.

The seconder, Councillor Smart reported that the events had been fantastic adding that he felt there was a real ability for the Council to focus on the economy and work alongside SOLACE. Continuing he stated that while he was aware there was some further work to be undertaken within the NAC, he felt it was important for the Council to engage in any way it could in order to support local businesses.

Commenting as the Chairman of the NAC, Alderman McDowell stated that it had been very fortunate to be able to bring forward events such as this which had many fantastic contributors from a number of its key partners including SOLACE. The event had been attended by approximately 40 Councillors from all over Northern Ireland and it was noted that it was a free event sponsored by Ulster University. Continuing Alderman McDowell advised that there were proposals in place in respect of how to move forward, one of which was the appointment of an Enterprise Champion for each Council. He added that there was plenty of enthusiasm amongst members for this and it was anticipated Councils would be approached within the next few months to establish whether or not they wished to become involved. It was further noted that some Councils had done better than others in respect of local enterprise following the Review of Public Administration and currently he advised there were plenty of opportunities for Councils to do more and provide that help for local communities. He noted that around 30 Councillors had expressed an interest in this to date and he would be keen to ensure that there was wide ranging representation from all political parties.

**AGREED TO RECOMMEND, on the proposal of Alderman Adair, seconded by Councillor Smart, that the recommendation be adopted.**

(Councillor Ashe entered the meeting at this stage – 7.28pm)

## **5. UPDATE ON VILLAGE PLANS**

PREVIOUSLY CIRCULATED:- Report from the Director of Place advising that with the existing Village Plans now expired or nearing their end date, there was a need for the development of new plans to continue to guide the growth and development of the rural villages.

As members would be aware, it was agreed the Regeneration Unit would commence the development of the new Village Plans, with the aim to have them available early 2025.

### **Engagement Process**

The process for developing the Village Plans would include extensive engagement, this was a critical step towards ensuring community involvement and buy-in. By encouraging input and feedback from a diverse range of stakeholders, such as residents, local businesses, and community groups, the review process could benefit from a broader perspective and build consensus around the proposed new Village Plans.

This inclusive approach not only fostered transparency and accountability but also developed a sense of ownership and collaboration amongst all stakeholders involved. This ultimately would lead to more effective and tailored outcomes that truly reflected the needs and aspirations of the villages.

An extensive engagement period would commence mid-May 2024 through to the end of September 2024. This would include public workshops, community groups and local school engagement, attendance at events/ activity groups, on-street surveys, and online surveys, as detailed below:

- 1. Public Engagement Opportunity/ Workshop  
 Incorporating public engagement opportunities/ workshops as part of the engagement process was crucial to provide a platform for residents and stakeholders to voice their concerns, ideas, and feedback directly to the officers leading the development of the plans.

A series of public engagement opportunities/ workshops had been arranged for the following dates/ locations:

- Ballygowan | Tuesday 25 June 4-6pm | Ballygowan Community Centre
- Ballyhalbert | Wednesday 05 June 4pm-6pm | Talbot House
- Carrowdore | Wednesday 12 June 4-6pm | Carrowdore Community Centre
- Cloughy | Thursday 20 June 4-6pm | The Pavilion
- Conlig | Monday 24 June 4-6pm | Conlig Community Centre
- Groomsport | Tuesday 09 July 4-6pm | Groomsport Boat House
- Greyabbey | Thursday 27 June 4-6pm | Greyabbey Village Hall
- Helens Bay & Crawfordsburn | Tuesday 18 June 4-6pm | Crawfordsburn Primary School
- Lisbane & Lisbarnett | Monday 01 July 4-6pm | Lisbane Community Hub
- Killinchy | Thursday 08 August 4-6pm | Killinchy Community Hall
- Kircubbin | Tuesday 18 June 4-6pm | Kircubbin Community Centre
- Millisle | Tuesday 20 August 4-6pm | Millisle Community Hub
- Portavogie | Thursday 22 August 4-6pm | Portavogie Community Centre
- Portaferry | Wednesday 28 August 4-6pm | Market House

*Note – Ballywalter – To Be Confirmed.*

- 2. Local School Engagement  
 The initiative of involving local schools in interactive workshops and a drawing competition was a way to engage young minds and encourage the younger residents to share their ideas and creativity, giving them a sense of ownership in their village whilst promoting civic engagement from an early age. The incorporation of the winning drawings in the Village Plan will further foster a sense of pride and connection.

Officers had reached out to the schools within each village and were actively arranging workshops to take place prior to the summer holidays.

### 3. Community Group Engagement

Officers had engaged with each of the community groups in each village to discuss the process for the development of the new Village Plans.

A series of workshops would be delivered with each of the Community Groups throughout the process:

Workshop 1 – Shaping the New Village Plan

Workshop 2 – Discussion on findings/ outcomes – prioritisation of projects.

Workshop 3 – Review of Draft Document

Throughout the process, officers would issue a monthly newsletter to each community group to keep them informed of upcoming events and progress to date. By keeping the groups informed and involved throughout the process, the plans were likely to be more collaborative and successful. It was hoped that this level of engagement and participation in shaping the Village Plan, would ensure the plans were reflective of the needs and aspirations of the various stakeholders.

### 4. Attendance at Events/ Local Activity Groups

Previous experience had demonstrated that public meetings were not always a successful method in gathering public views. Officers aimed to capture a more varied and representative set of views by attending public events and local activity groups, ensuring a higher level of engagement and inclusivity in the development process. This method showed a progressive approach towards reaching a wider cross section of the community and should generate a greater range of perspectives.

### 5. On-street and Online Surveys

By offering a user-friendly, online survey and conducting on-street surveys, the engagement process became more inclusive and accessible to a broader audience. Surveys were an effective way of collecting data efficiently and would enable officers to analyse trends throughout the engagement process. This method of consultation would improve transparency as survey results would be made publicly available.

## Marketing & Promotion

A marketing and promotion campaign would support the engagement activity. The campaign would include digital (website, social media, and email) and print (flyers, posters, local newspapers). The focus of materials would be to generate awareness, encourage participation and provide key information.

The campaign messaging would be: **Your Village | Your Voice.**

Supported by the strapline: **Shaping the Future.**

A dedicated email address had been created:

[village.plans@ardsandnorthdown.gov.uk](mailto:village.plans@ardsandnorthdown.gov.uk) and a dedicated webpage within the new

Council website: [www.ardsandnorthdown.gov.uk/villageplans](http://www.ardsandnorthdown.gov.uk/villageplans)

RECOMMENDED that Council notes this report.

Alderman Adair proposed, seconded by Councillor Edmund, that the recommendation be adopted.

Welcoming the proposal, Alderman Adair noted the £7m of investment achieved through previous Village Plans which he added had been 'living' documents which had seen many projects successfully delivered. He agreed that the Council needed to be prepared once the Village Renewal Funding reopened. Continuing, Alderman Adair also welcomed further public consultation adding that he would look forward to many more new ideas coming through. At this stage he also thanked the Interim Director of Place and the Regeneration Team for all their hard work to date, adding that he looked forward to the new Village Plans being delivered.

Commenting as seconder, Councillor Edmund stated that he would encourage officers to get out amongst those people living in the many villages throughout the Borough and consult with individuals as well as Community Associations. He reported that many of the village demographics had changed and therefore it was important that thorough consultation was undertaken.

At this stage the Interim Director of Place indicated that he wished to reassure members that the proposal put before them was the outcome of six months of discussions with each of the Village Groups. He added that they had been quite adamant that the idea of bringing a consultant in was not welcomed and as such officers were relatively content that the approach outlined in the report would be successful.

Councillor Thompson welcomed the proposals and the fact that it would be undertaken by the Regeneration Team which he hoped would ensure there was community buy-in, something which many of the villages felt had previously not occurred. In fact it had been considered that some the projects previously put forward had not been what some of the villages had expected. Councillor Thompson reiterated the need to ensure that the Council listened to what people were saying and act upon that and as such that would lead to a better decision making process to the one which had previously been undertaken.

The Interim Director of Place took the opportunity to reassure members that officers would listen, and ideas would be taken from the bottom up and reminded them that Village Plans remained aspirational plans which were not always under the control of the Council. He added that they were also Plans which may require lobbying on behalf of the villages and continued engagement with Dfl.

Councillor McLaren welcomed the new approach to be adopted and continuing noting the proposed times for public engagement opportunities/ workshops and asked if that could be a problem for anyone working full time.

The Interim Director of Place advised that those were the hours which had been put forward by the various Groups; however, they were not stringently in place and could be flexible if necessary.

Welcoming the report, Councillor Gilmour noted the frustration there had been on the ground in respect of the previous Village Plans in respect of the amount of time which had been spent having to explain things to the assigned consultant at that time. Therefore she would very much welcome the approach proposed in the report before them. Continuing she emphasised the importance of managing expectations particularly as it was an aspirational wish list for which funding would need to be lobbied for. Continuing she added that it was good to know that it would be Council officers who would be leading on this and that members of the community would be encouraged to become involved. In summing up she stated that she looked forward to this proceeding.

The Interim Director of Place reiterated that it would be a completely new approach which was being adopted and once the Plans were completed, they would be divided up into sections including Council Projects and Projects which required further lobbying. He stated that would enable officers to report back on a RAG Status basis and added that the Groups had all been very impressed with the proposed approach. It was further noted that the intention was to have as many projects as possible sitting ready to go when the funding became available.

In summing up, Alderman Adair concurred with Councillor Gilmour's comments around managing expectations. He noted how well the villages had all previously done with almost £7m of investment secured. Continuing he suggested that a variety of Government Departments needed to be challenged in respect of future funding for the new Village Plans. Alderman Adair welcomed that within each Village Plan projects were to be categorised and furthermore he felt it was also important to ensure that money continued to be set aside as part of the Council's rates setting process.

**AGREED TO RECOMMEND, on the proposal of Alderman Adair, seconded by Councillor Edmund, that the recommendation be adopted.**

## **6. ANY OTHER NOTIFIED BUSINESS**

The Chairman advised that there were no items of Any Other Notified Business.

**NOTED.**

## **EXCLUSION OF PUBLIC/PRESS**

**AGREED, on the proposal of Councillor Gilmour, seconded by Alderman Armstrong-Cotter, that the public/press be excluded during the discussion of the undernoted items of confidential business.**

**7. SHARED ISLAND FUNDING APPLICATION UPDATE REPORT  
– FEASIBILITY STUDY FOR AN ALL ISLAND COLUMBAN  
WAY WALKING ROUTE (FILE TO/TD66)**

(Appendix III)

**\*\*\*IN CONFIDENCE\*\*\***

**Option 3: NOT FOR PUBLICATION SCHEDULE 6 – INFORMATION RELATING TO THE FINANCIAL OR BUSINESS AFFAIRS OF ANY PARTICULAR PERSON (INCLUDING THE COUNCIL HOLDING THAT INFORMATION)**

**SUMMARY**

This report presents an update to Members on the Shared Island funded Feasibility Study for an All Island Columban Way walking route covering 11 council areas, spanning from County Carlow to County Down. It contains commercially sensitive information within the Business Case. It recommends that Council notes the Feasibility Study and approves continued promotion of the current Columban Way Heritage Trails Comber – Bangor as a short distance leisure heritage walk by existing marketing channels, and officers continue to liaise with Council partners to receive updates on any further funding opportunities.

**8. PADDINGTON BEAR UK TRAIL**

**\*\*\*IN CONFIDENCE\*\*\***

**Option 4:** Exemption: consultations or negotiations

**SUMMARY**

This report presents an opportunity for the Council to participate in the above. The Company has requested that all details are kept confidential until such times as it officially launches the trail.

**RE-ADMITTANCE OF PUBLIC/PRESS**

**AGREED, on the proposal of Councillor Gilmour, seconded by Alderman Armstrong-Cotter, that the public/press be re-admitted to the meeting.**

**TERMINATION OF MEETING**

The meeting terminated at 8.04pm.

## **ARDS AND NORTH DOWN BOROUGH COUNCIL**

A meeting of the Corporate Services Committee was held at the Council Chamber, Church Street, Newtownards on Tuesday 14 May 2024 at 7.00 pm.

### **PRESENT:**

**In the Chair:** Councillor Moore

**Aldermen:** Brooks                      McIlveen  
Graham                              P Smith  
McAlpine

**Councillors:** Chambers                      Irwin  
Cochrane                              Kennedy  
Irwin                                      McCracken  
Irvine, S                                McRandal  
Irvine W                                Thompson

**Officers:** Director of Corporate Services (M Steele), Head of Administration (A Curtis) and Democratic Services Officer (S McCrea)

### **1. APOLOGIES**

Apologies for inability to attend were received from Councillor Gilmour.

### **2. DECLARATIONS OF INTEREST**

No Declarations of Interest were made. Members were reminded that they could make a Declaration of Interest at any time during the meeting.

## **REPORTS FOR APPROVAL**

### **3. SUSTAINABLE NI REQUEST FOR FUNDING** (FILE REF: SUS1)

PREVIOUSLY CIRCULATED:- Report from Director of Corporate Services, which advised that the Council had a statutory duty to contribute to Sustainable Development in Northern Ireland and The Climate Change Act NI.

Sustainable NI (SNI) had played a critical role in helping councils meet their statutory obligations on sustainable development through cross sector partnership work, policy analysis and development, provision of advice and peer to peer support through the Sustainable Development Forum, training and events. SNI bridged the gap between policy and practice on key environmental social factors at a local government level, working alongside NILGA allowing improved engagement with Elected Members.

More recently it had added further support by guiding councils through the recent introduction of the Climate Change Act, NI. This led to SNI co-ordinating and hosting



a Needs Analysis workshop at the end of 2023. The aim was to identify where councils support would be needed in the months and years ahead to meet the requirements of the Climate Change Act. These asks would be difficult to meet for many councils (mainly due to resourcing) and a collaborative approach across all councils would be a much more efficient use of time and resource moving forward. A range of officers from across ANDBC and other councils from across NI attended this workshop to ensure full cross-service discussions were had.

SNI had therefore tailored their service provision to meet that growing need.

SNI presented to April Corporate Services Committee and the detail of this was covered within the Letter from Sustainable NI (Appendix 1).

The basic support membership (Supporter) was £6000, and this was already accounted for within existing budgets. It was noted this was an increase on previous years however it reflected a growing team within SNI and a general increase in costs overall. This funding would support the following:

- Assisting public sector organisations to comply with the new climate change reporting regulations introduced under Section 42 of the Climate Change (Northern Ireland) Act 2022
- Provide timely and well-researched policy consultation responses. SNI compile and submit to the relevant bodies their own consultation responses. These are shared with Councils to use as they feel appropriate. Officers may use none, some or all of the consultation response to develop our own. Prior to any formal submission being issued on behalf of the Council, a draft response is tabled at Committee/Council for comment and final approval.
- Managing the Sustainable Development Forum, which enables collaboration and coordination of climate action and net zero delivery by public bodies
- Advancing the development of a web-based decision-making tool to help councils and public bodies screen strategies, decisions and investments for climate and environmental impacts
- Promoting understanding and awareness of sustainability and climate change issues across your organisation through presentations at relevant meetings and forums on request
- Providing training and follow-up 1-2-1 on understanding Scope 1, 2, and 3 emissions and learning how to use the Greenhouse Gas Accounting Tool and the Waste Emissions Calculator

Officers asked the Committee to consider the Accelerator and Accelerator Plus membership (subject to being funded through the council's Sustainability Fund if agreed).

1. The Accelerator Membership included all Supporter membership benefits and would provide additional support for exclusive workshops, support for economic development and procurement, including a focus on scope 3 emissions and

target setting, creating conditions for sustainable and inclusive growth and checklist for sustainable procurement. This additional support would help officers meet the requirements of both the Climate Change Act NI and Roadmap to Sustainability (action 16) to measure and monitor councils carbon footprint and develop a clear target to meet the Climate Change Act NI requirement of net zero by 2050. It was possible that Scope 1 & 2 emissions could be calculated and monitored within existing resource but scope 3 would require 3<sup>rd</sup> party support due to its time-consuming nature and more complicated calculations. To note Belfast City Council recently completed a Scope 3 exercise with a private consultant at the cost of £10k so this option with SNI would provide better value for money.

2. The Accelerator Plus Membership would include all Accelerator membership benefits and will provide additional support through the development of strategies and actions plans. Again, this would add to our need for a full Climate Action Plan – a clearly defined action plan to meet the requirements of the Climate Change Act including measuring, tracking and reducing GHG emissions, incorporating our commitments to net zero fleet and climate adaptation.



Table 1: Summary of pricing structure and benefits

The options of additional levels of membership would provide much better value for money than private consultants and provide the added benefit of working with an existing partner, knowledgeable of local council processes and remits.

Sustainable NI Impact Report (Appendix 2) summarised their activity for 2023 for information.

**RECOMMENDED** that Council commits to The Accelerator Plus Membership for 2024/25 as detailed in the report with cost difference awarded from the Sustainability Fund.

Proposed by Councillor McRandal, seconded by Councillor McCracken, that the recommendation be adopted.

Councillor McRandal believed officers needed support with sustainability in Northern Ireland given the onerous requirements due to climate change and that this option would be cheaper than engaging consultants on an ad hoc basis.

Councillor McCracken agreed with his colleague adding the report's mention of £10k spent on private consultants that Belfast City Council had to employ which added to the argument of using Sustainable NI.

Alderman McIlveen queried the tendering process and whether Sustainable NI had been the only body offering such services. The Director of Corporate Services advised that Sustainability NI were the leading supplier in Northern Ireland which had led them to be supplier of choice. They also provided the same service to all Councils and public bodies in Northern Ireland. Alderman McIlveen was concerned that the voice of the Council would be lost amongst any consultations carried out by Sustainable NI, explaining that they were a lobby group and that he had not been satisfied with responses received on how the organisation split their objectives and achieved them by using public bodies as a vehicle. The Director of Corporate Services explained that Sustainable NI would need to be present to address some of those concerns. Feedback had been taken into consideration relating to select submissions that had been received with a view to rectify work the organisation did for the Council. Major motivators for the Council had been time and value for money, and though there was an element of sustainability in all Officers' jobs, there was only one Council Officer dedicated to sustainability in the Council. It was hoped that this would change over the next years, but the restructuring process was awaiting appointment of a new CEO. Until that time, this particular investment would be beneficial and could be evaluated in the future.

Alderman McIlveen asked of the different levels of memberships and if the current basic level included workshops. The Director of Corporate Services explained that the Accelerator Membership included workshops whilst the Plus Membership included supporting the production of strategies and associated documents or action plans.

Alderman Graham shared concerns of impartiality by Sustainable NI given their lobbying body, though he could understand Council Officers' point of view in the investment. He felt it was a complex situation regarding the balance in sustainability and its effects socially, financially and economically. Due to the lobbying nature of Sustainable NI, Alderman Graham did not believe it could be devoid of its own agenda.

Alderman P Smith was supportive of upgrading to the Plus Membership, believing the additional cost of £9k would be valuable considering the burden on Council Officers that would exist otherwise, as well as the costs associated with external consultants. His only concern was that which was shared by Alderman McIlveen and suggested there should be a push-back capability on future recommendations given historical ones such as the agri-food business and the implications that arose from it. If the Council remained mindful of such concerns, Alderman P Smith would be content.

The Director of Corporate Services advised that Officers were mindful based on previous responses and that learning had been taken from those which had been brought to the Committee. Due to the significant types of work Sustainable NI can support, the Committee would have sight of it all and could decide if it was the true and authentic voice of the Council. In advance of any future subscriptions/ continuation of subscriptions, evaluations would be carried out to ensure value for money as well as ongoing reviews as to the quality and value of the service.

Councillor W Irvine was not in favour of the plus membership and believed the decision could be revisited.

As there was general disagreement amongst Members, a call was made for a non-recorded vote.

In a non-recorded vote with 8 FOR, 6 AGAINST and 1 ABSTENTION, the proposal carried.

**AGREED TO RECOMMEND, on the proposal of Councillor McRandal, seconded by Councillor McCracken, and a vote of 8 FOR, 6 AGAINST and 1 ABSTENTION that the recommendation be adopted.**

#### **4. ELECTRIC CAR POLICY** (FILE REF: FIN58)

PREVIOUSLY CIRCULATED:- Report from Director of Corporate Services which explained that Section 1 of the Local Government Finance Act required councils to “make arrangements for the proper administration of its financial affairs”. For a number of years, the Finance Service had been operating under legacy policies and had therefore been working on a programme to reviewing and updating practice in place at the time of writing. To date the following policies had been approved:

1. Anti-fraud, bribery and corruption v3 (March 2023)
2. Asset Management v1 (March 2023)
3. Reserves v1 (July 2023)
4. Charging and Income v1.1 (July 2023)
5. Budgeting v1 (November 2023)
6. Purchasing and Payments v1 (March 2024)
7. Inventories v1 (March 2024)

At the time of writing, a Sustainable Travel and Expenses Policy and also an Employee Payments Policy were under development. However, a number of staff had already acquired electric vehicles and it was therefore necessary in advance of the above two policies being finalised to agree a policy for the payment of allowances in respect of electric cars. This was being addressed on an ad-hoc basis as there was no legacy arrangements to consider.

The main points of both documents were set out as below:

1. Payment of mileage rates that follow the HMRC rates and thresholds;

2. Payment of a lump sum for essential users at the same rate as claimed for their previous diesel or petrol vehicle.
3. Introduction of a 92 claim deadline (except for the first claim)
4. Normal daily commutes must be deducted from all claims when traveling from a non-work location.
5. Home to office mileage will only be paid where no other recompense is received (eg. overtime or TOIL).

RECOMMENDED that Council approves version 1 of the electric car policy.

Proposed by Councillor W Irvine, seconded by Alderman McIlveen, that the recommendation be adopted.

Alderman McIlveen queried why a policy had not been in place beforehand and asked for more information on the rates dependent on fuel type. The Director of Corporate Services advised that Council would be following rates as set by HMRC. The system had not allowed payments for electric cars. HMRC rates were not paid currently but a review was being undertaken of the Travel and Expenses policy; a task that would require a large piece of work given the need of consultations with Unions.

Alderman McAlpine queried a part of the report that referenced payables or claims for Toil, recalling that HMRC did not support claims for mileage to and from a normal place of work. The Director of Corporate Services agreed, stating that travel from home to work was not claimable but if an employee had gone home and had to travel back to work, that would be an instance where claiming would be acceptable. Alderman McAlpine believed it was worth clarifying, advising that HMRC would not look kindly upon anything that would go against the rules.

Alderman P Smith advised that the HMRC rate for electric cars was £0.45 per mile, dropping to £0.20 per mile after 10,000 miles and looked forward to Council policies being brought in line.

Alderman Graham agreed with the recommendation, recalling decisions in the 1980s and how things had changed, but that the world was still not as sustainable as everyone had hoped it would be.

**AGREED TO RECOMMEND, on the proposal of Councillor W Irvine, seconded by Alderman McIlveen, that the recommendation be adopted.**

## **5. OFFICIAL PORTRAIT OF THE MONARCH**

PREVIOUSLY CIRCULATED:- Report from the Director of Corporate Services which explained that the portrait of King Charles III was gifted to Ards and North Down Borough Council by The Cabinet Office in April 2024 (Image attached in Appendix 1). King Charles III, formerly known as The Prince of Wales, became King on the death of his mother Queen Elizabeth II on 8 September 2022. The Portrait was

provided with a letter detailing the portrait description, the materials it was made from and the practical tips for hanging it (Appendix 2).

### **Screening Considerations**

It was essential that the Council promoted equality of opportunity for those of different religious opinions when implementing this policy. This exercise had been screened by Officers. It was noted that this was a replacement of the portrait in place at the time of writing and therefore the conclusion had been reached that the policy be Screened Out with Mitigating Actions due to the minor impacts. (Appendix 3).

### **Mitigation**

It was noted that this was a replacement portrait of the last monarch. By contextualising the portrait with a plaque, it would serve a purpose within the function of Ards and North Down Borough Council's role within the United Kingdom. It would be important to review this in the event of any substantial change to working arrangements and / or complaints in relation to any aspect of the portrait.

### **Request for additional portrait for Ards Chamber**

Given there was, at the time of writing, a Portrait of the late Queen Elizabeth II in Newtownards Chamber, a letter was sent to the Cabinet Office requesting an additional portrait. The Cabinet Office (HM The King Portrait Scheme) responded to say that they were only able to provide one free portrait per authority and were not permitted to sell the portraits. A portrait would be available in due course from commercial outlets but as yet, no details are available.

**RECOMMENDED** that Council agree to replace the Official Portrait of the late Queen Elizabeth II with the Official Portrait of the King Charles III in the Chamber in Bangor City Hall and should an additional portrait be available to the Council, it will replace the existing portrait in the Chamber in Church Street Offices, Newtownards. Both replacements will be subject to an accompanying plaque explaining the context of why the Portrait has been placed in the Chamber(s).

Proposed by Alderman McIlveen, seconded by Councillor W Irvine, that the recommendation be adopted.

Councillor W Irvine welcomed the report, recalling that each Council in NI had been offered a portrait and hoped that Council Offices in Church Street would receive one in the future. He gave his best wishes to the King.

Alderman Graham suggested that the portrait of Queen Elizabeth II should be treated with respect and not left to be forgotten in storage.

**AGREED TO RECOMMEND, on the proposal of Alderman McIlveen, seconded by Councillor W Irvine, that the recommendation be adopted.**

## **REPORTS FOR NOTING**

**6. CLIMATE CHANGE (REPORTING BODIES) REGULATIONS (NORTHERN IRELAND) 2024 – NEW CLIMATE CHANGE REPORTING DUTIES FOR YOUR ORGANISATION**  
(FILE REF: SUS1)

PREVIOUSLY CIRCULATED:- Report from the Director of Corporate Services which explained that, as members would have been aware, the Council had a statutory duty to contribute to Sustainable Development in Northern Ireland and The Climate Change Act (NI) 2022.

**Background**

The Climate Change Act (Northern Ireland) 2022 ('the Act') received Royal Assent on 6th June 2022. A briefing of the Act was reported to Corporate Committee, 15 February 2023. To summarise, The Act would:

- set targets for net zero for the years 2050, 2040 and 2030 for the reduction of greenhouse gas emissions
- set out a carbon budgeting framework (Carbon budget was a term used to refer to the maximum amount of carbon dioxide (CO<sub>2</sub>) emissions allowed over a period of time, to limit global warming to 1.5 degrees Celsius);
- provide for reporting and statements against those targets and budgets;
- confer power to impose climate change reporting duties on public bodies;
- establish a Northern Ireland Climate Change Commission and appoint a Climate Change Commissioner to oversee and report on the operations of the Act and stated a commitment to developing a climate action plan within 2 years of the Act receiving Royal Assent.

The letter from DAERA in relation to the reporting obligations for the Climate Change (Reporting Bodies) Regulations (Northern Ireland) 2024 – New Climate Change Reporting Duties for Your Organisation 2024 is attached in Appendix 1.

Under the reporting ask, DAERA had laid the new Public Reporting Regulations before the NI Assembly. These Regulations would place new climate change reporting duties on public bodies. Details of the requirements set in the draft Regulations (Appendix 2) and a list of Frequently Asked Questions (Appendix 3) had been attached.

DAERA had also requested a nominated point of contact/s to represent the organisation for further engagement.

RECOMMENDED that Council:

1. note the Draft Climate Change (Reporting Bodies) Regulations (Northern Ireland) 2024 – New Climate Change Reporting Duties for Your Organisation, and,
2. the Head of Administration and Compliance Officer (Sustainability) are provided as points of contact going forward.

**AGREED TO RECOMMEND, on the proposal of Councillor McRandal, seconded by Councillor Irwin, that the recommendation be adopted.**

## **7. NILGA CORPORATE PLAN** (FILE REF: NILGA CORPORATE PLAN)

PREVIOUSLY CIRCULATED:- Report from the Director of Corporate Services which explained that NILGA (Northern Ireland Local Government Association) had shared a copy of their Corporate Plan 2023-2027 with the Chief Executive, and a copy was attached. NILGA noted that the plan was intended to provide focus, pace and impact in supporting local Councils and was developed after considering feedback from local Councils.

RECOMMENDED that the Council notes the attached Corporate plan.

**AGREED TO RECOMMEND, on the proposal of Councillor McRandal, seconded by Councillor W Irvine, that the recommendation be adopted.**

## **8. VETERANS CHAMPION UPDATE**

PREVIOUSLY CIRCULATED:- Report from the Chief Executive Officer which explained that, at the time of writing, Alderman Trevor Cummings held the position of Veteran's Champion, as nominated at the Council's Annual Meeting.

Alderman Cummings had provided the attached appendix summarising his activities with veterans across Ards and North Down Borough during the 2023/24 year and had also provided the following update on his role for the information of Members.

*"In my role as Veteran's Champion over the last number of years, I have been involved in outreach and engagement with veteran's groups across the Borough, including the Royal British Legion, Regimental Associations and Veterans Charities.*

*The promotion of support services covering health, education and employment has been widely welcomed, but some gaps have been identified. Veterans have highlighted challenges such as access to housing, and mental health services. These issues are not unique to the Borough but present themselves more regularly due to the high concentration of veteran's who reside in Ards and North Down.*

*The level of funding available to the role of Veteran's Champion is sufficient only to identify the needs of veterans, but it allows the opportunity to increase awareness, to campaign for greater interagency cooperation, and support for existing voluntary organisations working with veterans.*

*The NI Veterans Support Office (NIVSO) will close in September 2024 and strategic coordination beyond that date will be delivered by the Office of Veterans Affairs (Cabinet Office). At this stage, no further information is available in relation to the funding needed for local engagement, but I am hopeful we can secure a statutory budget to sustain regional coordination of services, which would allow the voluntary agencies to continue to draw down external funding.*



*As Veterans Champion I acknowledge the important work of the NI Veterans Commissioner, Danny Kinahan, who regularly advocates on our behalf with the Minister of the Office of Veterans Affairs in London and other Government officials.*

*A significant development over the past year by the Office of Veterans Affairs has been the 'Review of Veterans Services' across the UK. The outcome presented a strategic vision on how improvements might be made nationally and regionally. In Northern Ireland, the review acknowledged the need to centralise the Veterans Welfare Services. The outcome was the reorganisation of the UDR Aftercare Service, which now incorporates all regimental badges including the Army, Royal Navy and Royal Air Force, and is identified by its new title, Veteran Welfare Services NI.*

*Locally I am grateful to council for the distribution of promotional material, and the use of the council website in promoting the roll out of veteran support services. It was also a privilege to be able use City Hall, Bangor Castle to host the AGM of the Regional NI Veteran Support Committee.*

*I am also pleased to report that we are actively engaging with the SEHSCT with a view to exploring the viability of a pilot mental health awareness strategy for veterans. Council have also been exploring avenues of support for veterans in our own staff and we are increasing awareness of employment opportunities across the district for veterans.*

*Looking forward it is important that Council continues to maintain the momentum of support for veterans in the Borough and strives to help increase the capacity of existing veteran charities and support services. I would encourage Members to contact me for any further information and to refer veterans to the information provided on the Council website."*

RECOMMENDED that Council note this report.

Proposed by Councillor McCracken, seconded by Alderman McIlveen, that the recommendation be adopted.

Councillor McCracken thanked the work of Alderman Cummings, Veterans Champion for his proactive work. He made mention of the few veterans that had succumbed to various issues whether they be housing, social issues or mental health and that it was important to provide services to help people that had committed part of their lives to the safety of the country and its people. He thanked the general work of the borough for veterans.

Alderman McIlveen advised that he would pass on the kind words to his colleague and agreed that a huge amount of support was required for veterans. The report highlighted the value of the Veterans Champion role and that the report had been equally valuable given the insight into the level of support and promotion.

Alderman P Smith commended the Veterans Champion's work and noted the large proportion of the borough that had service history.

**AGREED TO RECOMMEND, on the proposal of Councillor McCracken, seconded by Alderman McIlveen, that the recommendation be adopted.**

## **9. RESPONSE TO NOTICES OF MOTION**

### **9.A. NOM 190 – NIO CONSULTATION ON WATER CHARGES (REPORT ATTACHED)**

(FILE REF: NOM 190 – CONSULTATION ON WATER CHARGES)

PREVIOUSLY CIRCULATED:- Report from the Director of Corporate Services which explained that the following Notice of Motion was agreed by Council at its meeting in February 2024:

“That this Council writes to the DFI Minister to voice its objection to the DFI consultation on water charges and any attempt to introduce water charges to Northern Ireland.”

A letter was sent from the Chief Executive on 13 March 2024 and a reply was received on 16 April 2024. A copy of the reply was attached.

RECOMMENDED that the Council notes the attached response.

Proposed by Councillor W Irvine, seconded by Councillor S Irvine, that the recommendation be adopted.

Councillor W Irvine explained that the Notice of Motion had come to be at a time when NI Water was looking at measures like water charges which he was pleased had not been brought into effect.

Alderman McIlveen also welcomed the decision on water charges but noted that there had been a complete lack of steps taken to fund NI Water appropriately. Being on the Planning Committee, Alderman McIlveen had witnessed some of the problems that the lack of funding had caused in development across Northern Ireland and had the opportunity to see a presentation carried out by NI Water in regard to Capital Investment. Its needs had not been met and though the Minister had been looking at transformation projects, there was still a need for funding to be sourced.

Alderman Graham agreed, citing underinvestment issues for NI water that he had been aware of for years and the conditions on Planning Applications it caused. There was a need for a change in the model and the raising of revenue given issues with water and sewerage facilities.

**AGREED TO RECOMMEND, on the proposal of Councillor W Irvine, seconded by Councillor S Irvine, that the recommendation be adopted.**

## **9.B. NOM 191 – DEEP CONCERN POOR STATE OF THE ROADS ACROSS ANDBC**

PREVIOUSLY CIRCULATED:- Report from the Director of Corporate Services which explained that the following Notice of Motion was agreed by Council at its meeting in February 2024:

“That this Council writes to the Department of Infrastructure to once again express our deep concern at the poor state of roads across Ards and North Down.

Council further requests that DFI changes their policy in relation to the depth of potholes that are required to be repaired back to 20 millimetres from the current 50 millimetres in order to improve the quality and safety of our roads network.”

A letter was sent from the Chief Executive on 13 March 2024 and a reply was received on 29 April 2024. A copy of this letter was attached.

RECOMMENDED that the Council notes the attached response.

The Director of Corporate Services advised that what was included in the letter to the Department of Infrastructure had been what was approved at Corporate Committee. However, at Council, an amendment had been made which required a new letter to be sent to the Minister of the Department of Infrastructure. The letter before Members was still valid but additional information had been added to the newest letter. As such, he suggested the Committee may wish to defer until a response had been received to the updated letter.

Alderman Smith proposed to note the letter regardless as he believed something had to be done with it, with Councillor McRandal agreeing to second. Alderman Smith was disappointed with the response to the letter before Members and believed there was a lack of imagination in relation to finding a resolution. It had seemed the generic stance was to blame the British Government on investment. Alderman McIlveen advised that from a technical point of view, deferring would allow for both letters to be dealt with at the same time with the principle of noting being the end of a task. He did not believe the questions raised in the initial letter had been answered and recalled that Newry, Mourne and Downe had received six times the investment in roads by comparison to Ards and North Down. There was currently a waste strategy consultation which had been deferred to a working group; a discussion point had been the use of recycled nappies that were used to repair roads in a way that was more durable than tarmac or asphalt as had been done in Wales. Alderman McIlveen wished for such imaginative solutions to be used in resolving problems around Northern Ireland infrastructure. In deferring, Alderman McIlveen hoped the Committee could deal with both responses from the Minister at the same time, writing to the Minister and DAERA to provide suggestions if they could not come up with solutions of their own.

Alderman Smith was accepting of the suggestion to defer and withdrew his proposal to recommend alongside Councillor McRandal.

**AGREED TO DEFER, on the proposal of Alderman McIlveen, seconded by Alderman Smith, that the recommendation be deferred until a response is received to the second letter sent by the Council.**

## **10. ANY OTHER NOTIFIED BUSINESS**

There were no items of any other notified business.

## **EXCLUSION OF PUBLIC/PRESS**

**AGREED, on the proposal of Alderman McIlveen, seconded by Councillor W Irvine, that the public/press be excluded during the discussion of the undernoted items of confidential business at 19:51.**

## **REPORTS FOR APPROVAL**

### **11. POTENTIAL ACQUISITION OF LAND AT AMBLESIDE**

**\*\*\*IN CONFIDENCE\*\*\***

**NOT FOR PUBLICATION SCHEDULE 6 – 3. EXEMPTION: RELATING TO THE FINANCIAL OR BUSINESS AFFAIRS OF ANY PARTICULAR PERSON**

The Council was asked to consider Accepting the gift of land at Ambleside.

The recommendation was Council does not acquire the land at Ambleside unless the terms and conditions can be agreed by the vendor as set out in the report.

### **12. CAPITAL PROJECTS – LAND ACQUISITION**

**\*\*\*IN CONFIDENCE\*\*\***

**NOT FOR PUBLICATION SCHEDULE 6 – 4. EXEMPTION: CONSULTATIONS OR NEGOTIATIONS**

The Council was asked to consider the options to acquire land for the Greenways project.

The recommendation was to progress negotiations with landowners for the Greenway project with the option to vest land.

### **13. BALLOO WETLANDS – LAND ACQUISITION**

**NOT FOR PUBLICATION SCHEDULE 6 – 4. EXEMPTION: CONSULTATIONS OR NEGOTIATIONS**

The Council was asked to consider the acquisition of land at Balloo Wetlands, Bangor.

The recommendation was to proceed with the acquisition of land at Balloo Wetlands, Bangor for the purpose of creating a circular walk around the entire site.

#### **14. BALLYHOLME YACHT CLUB – DEED OF ACQUISITION**

**\*\*\*IN CONFIDENCE\*\*\***

**NOT FOR PUBLICATION SCHEDULE 6 – 5. EXEMPTION: A CLAIM TO LEGAL PROFESSIONAL PRIVILEGE**

Council was asked to consider agreeing and executing the Deed of Rectification with Ballyholme Yacht Club to correct the initial lease plan anomaly and include the 4no. additional areas of land.

The recommendation was that the Council agrees to a Deed of Rectification with Ballyholme Yacht Club.

#### **15. RENEWAL OF LEASE OF PREMISES AT FORT ROAD, HELENS BAY**

**\*\*\*IN CONFIDENCE\*\*\***

**NOT FOR PUBLICATION SCHEDULE 6 – 5. EXEMPTION: A CLAIM TO LEGAL PROFESSIONAL PRIVILEGE**

The Council was asked to consider the renewal of lease of premises at Fort Road, Helens Bay

The recommendation was to renew the lease with consent being given for sub-letting, or enter a new lease with parties as co-tenants.

#### **16. GRANT OF LICENCE AGREEMENT TO BANGOR MARINE FOR GROUND HOLE TESTING AT BANGOR MARINA**

**\*\*\*IN CONFIDENCE\*\*\***

**NOT FOR PUBLICATION SCHEDULE 6 – 5. EXEMPTION: A CLAIM TO LEGAL PROFESSIONAL PRIVILEGE**

The Council was asked to consider Council granting a licence agreement to Bangor Marine, subject to conditions.

The recommendation was to grant the licence.

**RE-ADMITTANCE OF PUBLIC/PRESS**

**AGREED, on the proposal of Councillor Irwin, seconded by Councillor Cochrane, that the public/press be re-admitted to the meeting at 20:17.**

Members gave thanks to the Chair, Councillor Moore for taking over the position of Chair mid-year and for her efforts.

**TERMINATION OF MEETING**

The meeting terminated at 20:18.

## **ARDS AND NORTH DOWN BOROUGH COUNCIL**

A meeting of the Community and Wellbeing Committee was held at the Council Chamber, Church Street, Newtownards on Wednesday 15 May 2024 at 7.00 pm.

### **PRESENT:**

**In the Chair:** Councillor Martin

**Aldermen:** Adair  
Brooks  
Cummings

<b>Councillors:</b>	Ashe	S Irvine
	Chambers	W Irvine
	Cochrane	Irwin
	Douglas	Kendall
	Hollywood	Moore

**Officers:** Director of Community and Wellbeing (G Bannister), Head of Environmental Health, Protection and Development (A Faulkner), Head of Community and Culture (N Dorrian), Head of Leisure Services (I O'Neill), Head of Parks and Cemeteries (S Daye) and Democratic Services Officer (R King)

### **1. APOLOGIES**

Apologies for inability to attend were received from Councillor Boyle and Councillor Creighton.

### **2. DECLARATIONS OF INTEREST**

The following declarations of interest were notified:

Councillor Martin (Chair), Councillor W Irvine and Councillor Chambers – Item 21 - Leisure Services Contract - update on recent claims concerning compensation events.

Councillor S Irvine declared an interest in Item 15.1 (Notice of Motion) but would only exclude himself from the meeting if he felt it appropriate during the discussion.

**NOTED.**

### **3. ARTS PROJECT GRANTS 2024-2025 (FILE ART 05 R1/24)**

PREVIOUSLY CIRCULATED:- Report from the Director of Community and Wellbeing detailing that the second round of the Arts Project Grants for 2024-2025 opened for application in March 2024 with a closing deadline of Monday 22 April

2024. The grants were advertised in the local press, social media and on the Council's website.

An assessment panel met on Wednesday 24 April 2024 to assess the 10 applications received by the closing date. The panel comprised of the following members:

- Moira O'Rourke
- Dympna Curran
- Amy McKelvey

A maximum of £1,000 was available per application. The total available budget in this round was £4,175. Total amount requested was £9,646.98. Pass mark was agreed at 60%.

Table 1 below provides a summary of the applications, the scores received and comments.

**Table 1**

	<b>Name of Organisation</b>	<b>Requested Amount</b>	<b>Project</b>	<b>Score</b>	<b>Comments</b>	<b>Amount awarded (54%)</b>
1	Hollywood Shared Town	£993	Arts workshops with Redburn Over 55's Group	90	Excellent facilitators and varied programme which will support the growth of Redburn Over 55's	£536.22
2	Orchardville Society (previously AMH Promote)	£1,000	Development of Christmas show with disabled clients	90	Excellent project with huge benefit to the clients of Orchardville	£540
3	Boom!	£1,000	Development of volunteer programme with 16 – 18 yr olds	86	Excellent project targeting an important age group and offering valuable learning skills	£540
4	Ulster Guild of Spinners weavers and Dyers	£1,000	Workshop Programme in traditional textiles	86	Great application and a project that will support new interest and	£540



					development in the group	
5	Ards Camera Club	£1,000	Photography Workshops	76	Great programme	£540
6	Kilcooley Women's Centre	£1,000	Harp playing workshops	73	Interesting and unique idea	£540
7	Cedar Foundation	£712	Art Workshop with Clients with brain injury	70	Good idea but application needed a little development	£384.48
8	Valhalla theatre Group	£990	Workshops and development of Historical walking tour of Bangor Castle and surrounding	69	Great idea but value for money and demand for the project was slightly lacking	£534.60
9	D'dee Community Development	£1,000	Design and creation of D'dee Kilt	52	Didn't represent value for money	Did not reach pass mark
10	D'dee Heritage Preservation Company	£951.98	Art workshop days	48	Poor application	Did not reach pass mark
	Total	£9,646.98				£4,155.30

Eight organisations scored above the pass mark of 60, however, due to the limited monies available the panel discussed a number of options for a fair distribution of the funds available.

Council's normal practice was to divide the amount available by the total amount applied for that met the pass mark and award in proportion to that ratio. Therefore, in this case, that would result in an award of 54.2% of monies requested by each successful applicant.

**RECOMMENDED** that Council approves the eight awards from the Arts Project Grant Fund for 2024-2025 at 54.2% as per Council normal practice described above.

Proposed by Councillor Irwin, seconded by Councillor W Irvine, that the recommendation be adopted.

The Deputy Mayor, Councillor Irwin, noted that two applications had been unsuccessful, with one described in the report as being a 'poor application'. She asked if that organisation had been given feedback which could assist it in future applications and the Head of Community and Culture explained that officers would be undertaking that process and offering to meet with the unsuccessful applicants.

**AGREED TO RECOMMEND, on the proposal of Councillor Irwin, seconded by Councillor W Irvine, that the recommendation be adopted.**

#### **4. UK GOVERNMENT MULTIPLY AGENDA - OFFER OF FUNDING (FILE CW170)**

PREVIOUSLY CIRCULATED:- Report from the Director of Community and Wellbeing detailing that the government's new £560 million programme to help transform the lives of hundreds of thousands of adults across the UK started in Spring 2022 and would be delivered through the UK Shared Prosperity Fund, as Multiply Funding. Northern Ireland's Multiply funding was delayed due to the absence of the Assembly. Funding was now being made available, but the Department for the Economy had a short timeframe to deliver funding before the closing date of March 2025.

The aim of the funding was:

Numeracy was the ability to understand and use maths in daily life, home, and work. Whether that be improving household finances, helping children with homework, making more sense of the stats and facts in the media, or improving numeracy skills specific to your line of work.

#### **UK Government Multiply Agenda**

Multiply was a fully funded government scheme that offered maths courses to adults aged 19 years and older. The aim of the funding was to reach the hardest to reach learners/residents, to engage in basic maths for everyday life, delivered in the heart of the community.

Council Officers were initially made aware of the programme at a meeting held on 21<sup>st</sup> March 2024. The programme included funding towards employment of a Multiply Officer to enable Council to co-ordinate a full programme and manage the funding.

The deadline to apply for funding towards a Multiply Officer was 28<sup>th</sup> March 2024 and for submission of bids for programme funding was 26<sup>th</sup> April 2024. Due to the extremely tight turnaround the Chief Executive granted permission to apply for funding for a Multiply Officer and seek permission retrospectively.

A Letter of Offer had been received from the Department for the Economy for provision to employ a Multiply Officer. Responsibilities of the post would include:

- Management and coordination of Multiply Projects.
- Project administration, including liaison with DfE.
- Promotion and marketing of Multiply projects.
- Procurement.

The post was a temporary role until 31<sup>st</sup> March 2025.

CW.15.05.2024

131

At the time of writing this report, five bids for programme funding had been submitted before the closing date of 26 April 2024. The bids total £314,668 were submitted under the following four themes:

- Engaging with Mature Learners
- Numeracy Bootcamp (two separate applications submitted under the one theme)
- Bring a grown up
- Maths for speakers of other languages.

The Department for the Economy had estimated that there may be £200,000 available per eligible applicant but were unable to confirm amounts at this stage. The scheme would be delivered locally via an open call to community partners to ensure local delivery of the scheme by March 2025. A further update would be brought to Committee once a Letter of Offer for programme funding has been received.

**RECOMMENDED** that Council retrospectively approves the request to employ a Multiply Officer using the full funding on offer.

Proposed by Councillor Hollywood, seconded by Councillor S Irvine, that the recommendation be adopted.

Councillor Hollywood welcomed the recommendation and felt that essential skills in subjects such as maths were imperative in terms of gaining access to employment and enhancing career opportunities. It was important that the Council grabbed the funding opportunity with both hands.

Welcoming the scheme, Alderman Cummings asked how it would be measured in terms of outcomes and accountability, wondering if there would be qualifications awarded. The Head of Community and Culture advised that the programme was only to provide basic training and that no qualifications would be awarded. She confirmed that earlier that day external funding of £238,000 had now been confirmed to allow the scheme to proceed.

**AGREED TO RECOMMEND, on the proposal of Councillor Hollywood, seconded by Councillor S Irvine, that the recommendation be adopted.**

## **5. COMMUNITY DEVELOPMENT GRANTS FUNDING (FILE CDV28)**

PREVIOUSLY CIRCULATED:- Report from the Director of Community and Wellbeing detailing that the Community Development (CD) Fund 2024-25 was match funded by the Department of Communities via the Community Support Programme and the Council Community Development Section.

Correspondence had now been received from DfC (Minister of Communities), Gordon Lyons MLA, to advise that due to budget uncertainty and ongoing negotiations, the budget position for 2024/25 for all Government departments remained unclear.

In response to the budget uncertainty DfC was making an interim allocation to help sustain services and for a three-month period up to 30 June 2024. This had been based on the 2023/24 Letter of offer.

In April 2023 Council agreed to award £91,625.04 to forty-nine successful groups, subject to a Letter of Offer being received from DfC. £41,100 of this was required from DfC through the Community Support Programme with the rest being Council funding.

Given the current budget uncertainty, it was recommended that Council released Letters of Offer to the successful applicants totalling 100% of the Council contribution for 2024/2025 and 25% (quarter 1) of the DfC budget.

The balance the Departments contribution to the total grant budget could be released once a further Letter of Offer had been received.

**RECOMMENDED** that Council approve the recommendation that Letters of Offer for Community Development running costs are issued with 100% of the Council budget awarded and 25% of the DfC contribution until further confirmation is received from DfC on the next three quarters of 2024/2025 financial year.

Proposed by Councillor W Irvine, seconded by Councillor S Irvine, that Council adopt the recommendation and further that Council write to the DfC Minister outlining the importance of the Community Support Programme to many groups across the community and voluntary sector and called for an increase in funding for this financial year.

Speaking to his alternative proposal, Councillor W Irvine, believed that everyone was aware of the financial pressures on the community and voluntary sectors, with many groups being responsible for community houses that required additional running costs due to increases in energy bills for example. He noted that only £40,000 had been contributed last year from the DfC, and while Council was acutely aware of the budget pressures across the NI Executive as a whole, this was an area of priority and he recognised the benefits of the programme which were hugely relied upon.

The seconder, Councillor S Irvine, indicated his support for the alternative proposal, along with Councillor Kendall who recognised the significant pressures on regional budgets and the reliance that community groups had on the funding. Councillor Kendall asked the officer if she had received any indication of what the amount of external funding would be but the Head of Community and Culture advised that she had queried the likely amount and timeline with DfC but had not received an answer.

**AGREED TO RECOMMEND, on the proposal of Councillor W Irvine, seconded by Councillor S Irvine, that the recommendation be adopted and further that Council write to the DfC Minister outlining the importance of the Community support programme to many groups across our community and voluntary sector and calls for an increase in funding for this financial year**

**6. ARDS AND NORTH DOWN SPORTS FORUM GRANTS (WG APRIL 2024) (FILE SD151)**

(Appendix I – III)

PREVIOUSLY CIRCULATED:- Report from the Director of Community and Wellbeing detailing that Members would be aware that on the 26<sup>th</sup> August 2015 Council delegated authority to the Ards and North Down Sports Forum, in order to allow it to administer sports grants funding on behalf of the Council. £45,000 had been allocated within the 2023/2024 revenue budget for this purpose.

The Council further authorised the Forum under delegated powers to award grants of up to £250. Grants above £250 still required Council approval. In addition, the Council requested that regular updates are reported to members.

During March 2024, the Forum received a total of 33 applications: 1 Event, 3 Goldcard, 29 Individual Travel/Accommodation Grants. A summary of the **30** successful applications were detailed in the attached Successful Goldcard and Successful Individual Travel/Accommodation Appendices.

For information, the annual budget and spend to date on grant categories was as follows:

<b>2023/24 Budget £45,000</b>	Annual Budget	Funding Awarded <b>March 2024</b>	<b>Remaining Budget</b>
Anniversary	£1,000	£0	<b>£250.00</b>
Coaching	£3,000	£0	<b>£1,453.75</b>
Equipment	£14,000	£0	<b>-£4,558.76</b>
Events	£6,000	£0	<b>*-£442.53</b>
Seeding	£500	£0	<b>£55.01</b>
Travel and Accommodation	£14,500	£0	<b>*-£5,836.19</b>
Discretionary	£1,000	£0	<b>£1,000.00</b>
Schools/Sports Club Pathway	£5,000	£0	<b>£3,002.00</b>
28 Goldcards in total during 2023/24.			

\*The proposed remaining budget for Event of **-£442.53** was based on a reclaimed amount of **£80.80**.

\*The proposed remaining budget for Travel and Accommodation of **-£5,836.19** was based on a reclaimed amount of **£100**.

The proposed remaining budget for 2023/24 is **-£5,076.72** (111% of the 2023/24 budget spent).

<b>2024/25 Budget £45,000</b>	Annual Budget	Proposed Funding Awarded <b>March 2024</b>	<b>Remaining Budget</b>
Anniversary	£1,000	£0	<b>£250.00</b>
Coaching	£3,000	£0	<b>£3,000</b>

CW.15.05.2024

134

Equipment	£14,000	£0	<b>£14,000</b>
Events	£6,000	£0	<b>£3,319.95</b>
Seeding	£500	£0	<b>£500</b>
Travel and Accommodation	£14,500	*£3,710.00	<b>£9,870.00</b>
Discretionary	£1,000	£0	<b>£1,000</b>
Schools/Sports Club Pathway	£5,000	£0	<b>£5,000</b>
<b>3 Goldcard Extensions Awarded in March</b>			

\*The proposed remaining budget for Travel and Accommodation of **£9,870.00** was based on a proposed award this month of **£3,710.00**, and **£920.00** awarded previously.

The proposed remaining budget for 2024/25 is **£36,939.95** (18% of the 2024/25 budget spent), as £750.00 for Anniversary Grants, £2,680.05 for Events and £920.00 for Travel and Accommodation, was awarded previously.

RECOMMENDED that Council approves the attached applications for financial assistance for sporting purposes valued at above £250, and that the applications approved by the Forum (valued at below £250) are noted.

Proposed by Councillor S Irvine, seconded by Councillor Douglas, that the recommendation be adopted.

Councillor S Irvine reflected on the success of the Ards and North Down Sports Forum, believing it had been the most successful group since the formation of Ards and North Down Borough Council. Demand for grants was so high that the Forum was running out of money and he urged officers to look at allocating further funding to meet the level of need.

**AGREED TO RECOMMEND, on the proposal of Councillor S Irvine, seconded by Councillor Douglas, that the recommendation be adopted.**

## **7. PLAY PROVISION IN LOUGHRIES UPDATE TO NOTICE OF MOTION (FILE CW4)**

PREVIOUSLY CIRCULATED:- Report from the Director of Community and Wellbeing detailing that Members would recall a previous Notice of Motion was agreed by Council in October 2022: "That Council task officers to carry out a review of Play Provision in Loughries with a view to its inclusion in the Councils Play Strategy going forward."

A report on this was brought to Council in December 2022 with the following recommendation, which was agreed with an amendment:

*It is recommended that Council review the potential for play provision for Loughries in the future when the thresholds as outlined above have been met unless provision is made as a result of the planned discussion with others outside of Council. Council notes the report and will review Play Provision in Loughries in 2024.*

## Context

The Council's Play Strategy was finalised in 2021 and outlines the strategic approach to play provision in the Borough until 2032. Loughries was assessed in the development of the strategy, but no specific actions in relation to the settlement were included.

This was because Loughries was classified as a Small Settlement (as defined in the Ards and North Down Area Plan 2015). The approach to play provision for Small Settlements and rural areas was outlined in the Council's agreed Play Strategy (Section 6.4) as follows:

*Rural Provision Providing fixed play areas in rural settings needs to be measured and balanced against a range of factors including those outlined above in terms of demographics, distance to other settlements and playparks, as well as the need for land acquisition and budget constraints. In rural areas households tend to be generally dispersed within the landscape. In some cases, clusters of dwellings are defined as Small Settlements in terms of the settlement hierarchy which is outlined in the relevant Local Development Plan. The approach in other Council areas in Northern Ireland is to only provide formal fixed play provision in settlements which are classified as Villages and above. In planning terms, the need for play areas is outlined under Planning Policy Statement 8, Open Space, Sport and Outdoor Recreation (Policy OS 2, Public Open Space in New Residential Development). This is a useful benchmark to consider along with the previously mentioned considerations when determining the need for play provision.*

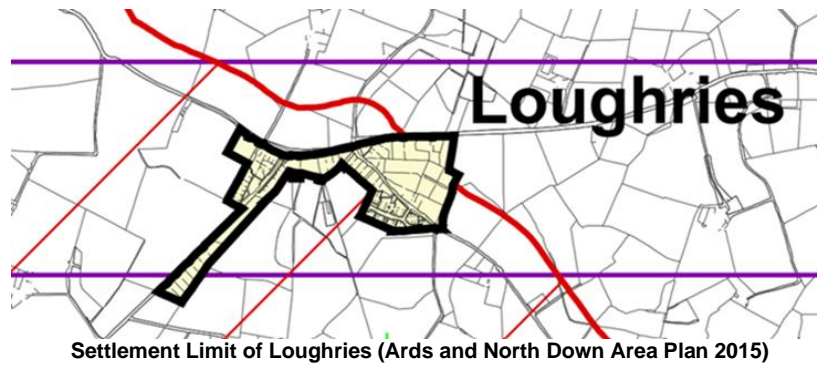
Therefore, a fixed play area will be considered if a Small Settlement has:

- More than 100 residential units within the defined Settlement Limit (as delineated by the Area Plan) or
- Minimum of 100 residential units within the catchment radial of the play area

If a Small Settlement met the criterion and in conjunction with the other considerations as outlined above, then the installation of a play area would be considered (if suitable land can be acquired if the Council did not have any other land available within the settlement). If a play area was deemed necessary, then it was considered that a Tier 3/Doorstep Facility would be appropriate.

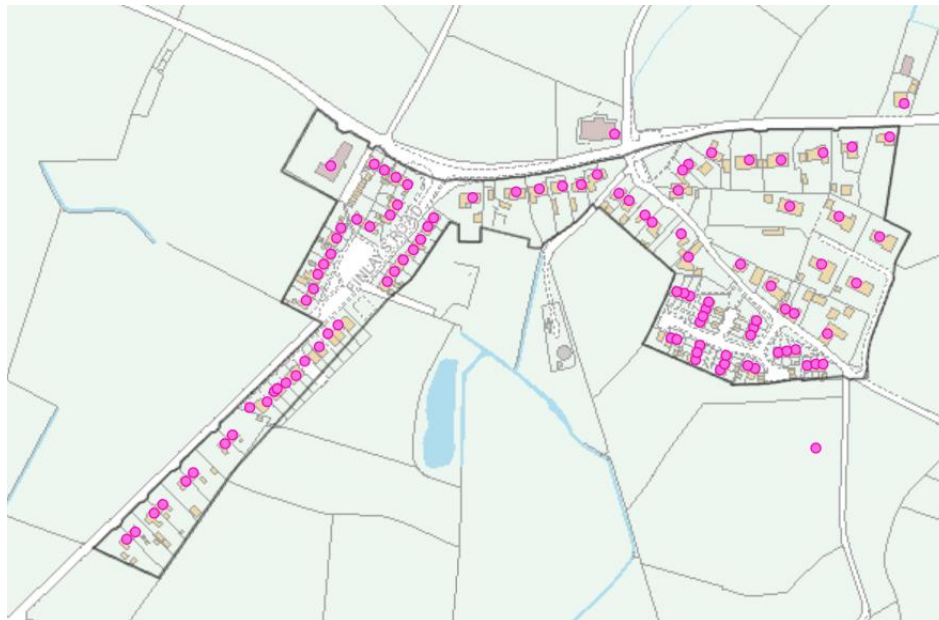
Alternatives to fixed play provision could be deployed in rural areas such as exploration of Play Partnerships with schools (if they had play areas), Play Events and Play Pods which had been discussed previously within the Play Strategy. This would be progressed on the appointment of a Play Development Officer, the recruitment process for this post had started.

The Settlement Limit for Loughries as defined by the Ards and Down Area Plan 2015 was shown below.



Settlement Limit of Loughries (Ards and North Down Area Plan 2015)

Using the Council's GIS (Geographical Information System) all address points registered in the Borough were shown. This information was updated on a regular basis using Address Pointer Data received via Land and Property Services. There were currently **98** addresses registered within the Settlement Limit of Loughries with one being the Church and another a school, which were not residential, as was shown below. The black line denoted the Settlement Limit.



Address Points in Loughries





Address Points in Loughries

The above was a recent orthophotography image of Loughries with the address points shown and the Settlement Limit was delineated by the red line. While the number of address points had not changed since the last report in November 2022, it may have been perceived that some new houses had been built along Finlay’s Road, but at the time of that prior report the address points had already been registered with Land and Property Services and were annotated on the map and were therefore counted at that time.

Furthermore, Council currently had no land holdings within or out with the Settlement Limit so therefore land acquisition would be required to deliver any play provision in Loughries.

**Summary**

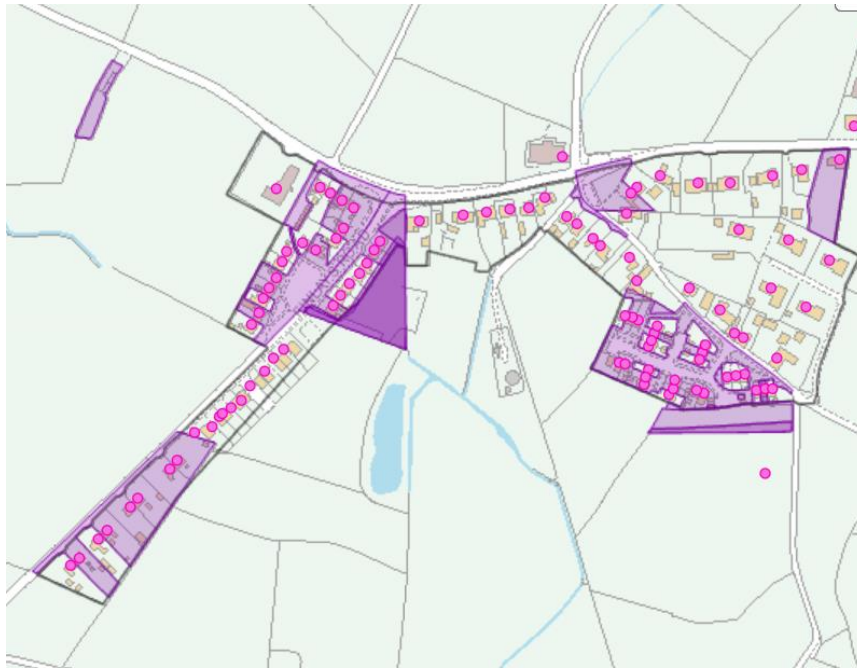
Currently Loughries did not meet the criteria as defined in planning policies and outlined in the Play Strategy, as:

- 1. the threshold of 100 dwellings had not been reached and
- 2. there was no Council land available.

**Future Options**

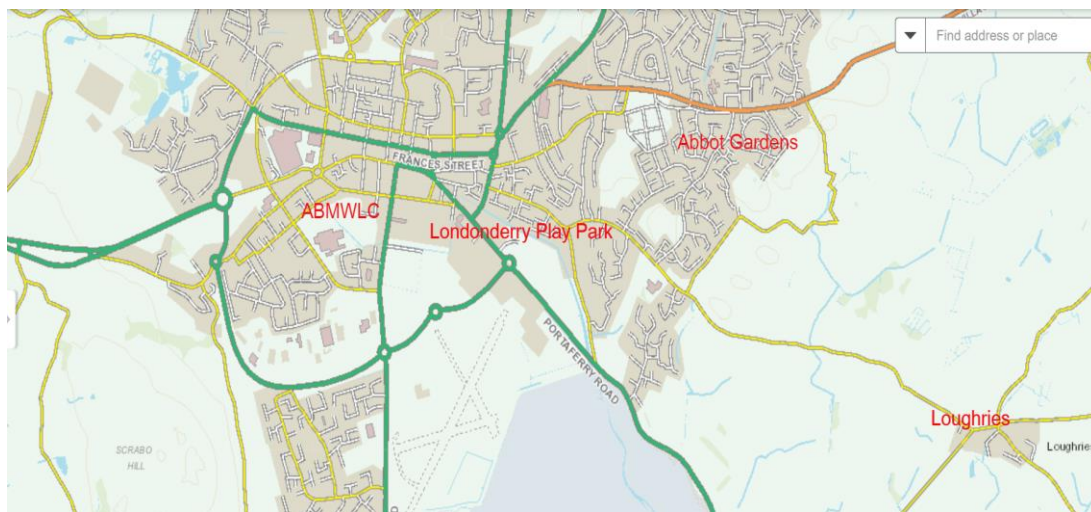
If in the future the residential unit threshold was met, there was the potential to explore a partnership with the Northern Ireland Housing Executive which had some land holdings in Loughries (see map on page 5).

However, even if it was agreeable to transfer some land to Council its lands were limited and it may have further planned for it. In addition, some of the undeveloped land was quite close to houses and therefore a consultation exercise would have to be held with residents to ascertain if they would want a play park close to their houses.

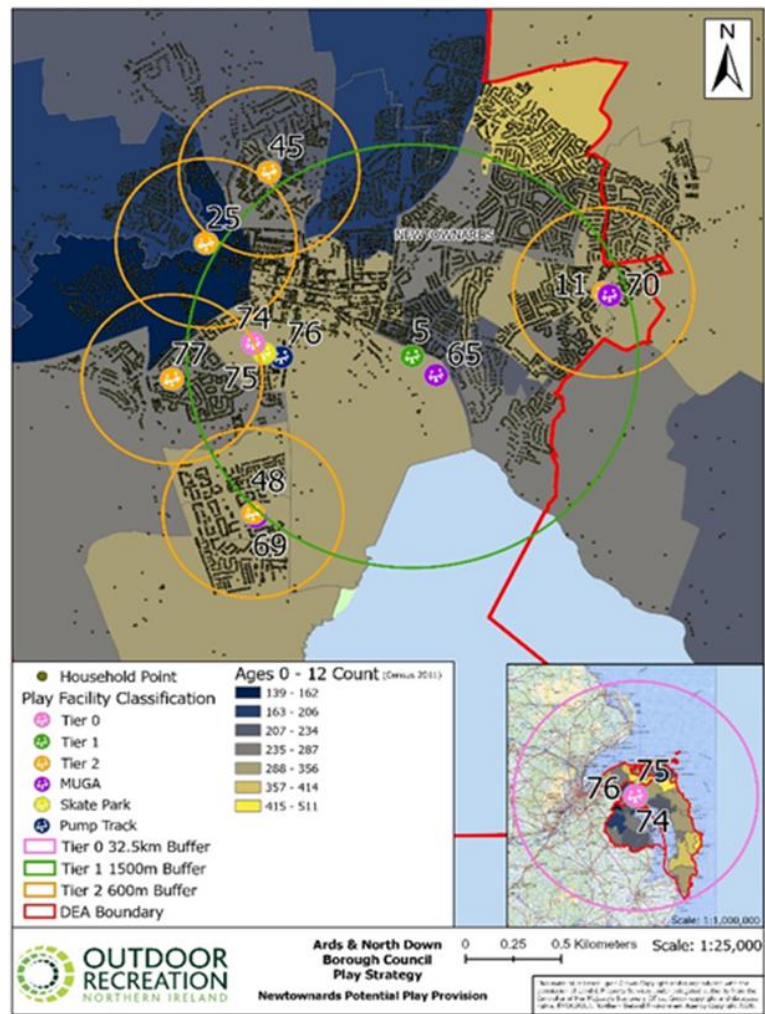


NIHE land shown in purple

It should also be noted that there were other playgrounds which were close to Loughries, with Londonderry Park (Tier 1) being 2.4 miles (by road) and ABMWLC Tier 0 which had an even wider catchment area as shown on the map insert below as well as Abbot Gardens (Tier 2).



Nearby Playgrounds



Catchment Areas of Playgrounds in Newtownards

RECOMMENDED that Council

1. Note the above update and agree that play provision in Loughries is not appropriate at this time due to the number of residences and lack of available lands.
2. Furthermore agree that officers review the potential for play provision for Loughries in the future when the thresholds as outlined above have been met.

Proposed by Alderman Adair, seconded by Alderman Cummings, that Council task officers to engage with local landowners with a view to providing an open green space/informal play area for the community of Loughries in line with the Council Play Strategy. Furthermore, the Council agree that officers review the potential for play provision for Loughries in the future when the thresholds as outlined above have been met.

Alderman Adair explained that this report had arisen from a Notice of Motion he had brought two years ago after contact from a local resident and a meeting with Michelle McIlveen MLA and families in the area over concerns about a lack of a safe play area. He explained that Loughries was a hamlet in the north of the Ards Peninsula

between Carrowdore and Newtownards which included Loughries Integrated Primary School and Ards Evangelical Church along with an historical farming community in the neighbouring hamlet of Ballyblack. There was currently no safe place for children to play despite a number of private and Housing Executive properties in the area.

He also referred to a new development of turn-key housing which appealed to young families and that only increased the demand further, currently requiring parents and children to travel several miles to the nearest safe play area.

He added that legacy Ards Borough Council used to lease a piece of land from a local landowner and that was provided to the community as open space and used as an informal play area. That arrangement had now ended but he believed there could be scope to do something similar to avoid children playing on busy roads.

Alderman Adair was frustrated that the development was still only two houses short of meeting the threshold for a play area as outlined by Planning Policy and reflected within the Council's Play Strategy. As a result, Loughries had no safe play area and he urged Members to support his alternative proposal which would task officers to engage with local landowners to try and acquire land for the children of Loughries in the not-too-distant future.

The seconder, Alderman Cummings, rose to support the proposal and reflected on green space at Ballystockart in Comber, which was very popular and used extensively by residents there. It had come about because of the thoroughfare at that land and it had enabled families to use the greenspace at the back end of the development. He understood that it was common practice of the NIHE to allocate 10% of open space which could facilitate a play area.

Councillor Moore added her support to the proposal on behalf of Alderman McAlpine who had also pursued options through the Place and Prosperity Committee.

In summing up, Alderman Adair thanked the Committee for its support which would mean a lot to the residents. It was now important that Council put 'its best foot forward' and acquire a safe place to play for the children of Loughries.

**AGREED TO RECOMMEND, on the proposal of Alderman Adair, seconded by Alderman Cummings, that Council task officers to engage with local landowners with a view to providing an open green space/informal play area for the community of Loughries in line with the Council Play Strategy. Furthermore Council agree that officers review the potential for play provision for Loughries in the future when the thresholds as outlined above have been met.**

## **8. VAPING AND YOUNG PEOPLE RESPONSE TO NOTICE OF MOTION (FILE CW14)**

PREVIOUSLY CIRCULATED:- Report from the Director of Community and Wellbeing detailing that

In January 2024 Council agreed the following as a result of a Motion

*That this Council recognises the growing concerns and impact of single use vapes on our young people, schools and our local environment. Calls on Council Officers to take a full review of options available to address these concerns and work in conjunction with outside agencies in order to do so. The Council also calls on a ban on the importation of illicit vapes and calls on Stormont, at the earliest opportunity, to bring forward legislation to enforce regulations that will combat illicit importations.*

This report outlined the outcome of the review requested through the notice of motion and sets out the Council's role and recommendations on what the Council could call on Stormont to progress to address the prevalence of young people vaping.

### **Background**

Vaping is the inhaling of vapour created by an electronic device known as an e-cigarette. Vapour typically contains nicotine and other ingredients, some of which may be harmful. Although vaping was considered less harmful than smoking, the long-term health effects were not fully known, and evidence had shown that they were not harm free. The health advice was that young people and people which had never smoked should not vape. The levels of vaping among local children and young people have however been increasing. According to the Northern Ireland Young Persons behaviour and attitudes survey 2022, 9% of 11–16-year-olds vape compared to 6% in 2019 and the prevalence was higher in older age groups, with 24% of those in Year 12 currently using vapes.

According to the Final Review of the 10 Year Tobacco Control Strategy for Northern Ireland, the growth in the use of disposable vapes are of particular concern. These products are low cost, attractively packaged and available in a range of flavours and appear to appeal to young people.

Vapes could also contain harmful substances other than nicotine. There had been recent reports of vapes laced with illicit substances such as THC or Spice which could have a negative outcome when vaped and the media had reported young people being hospitalised after using vapes with these types of substances added.

There were also concerns over the environmental impact of disposable vapes due to the presence of lithium batteries and hard to recycle components which meant they often ended up as litter or as general waste.

### **What is Ards and North Down Borough Council currently doing?**

#### Underage Sales

Legislation was introduced in February 2022 which prohibited the sale of Nicotine Inhaling Products (NIPs) (including vapes) to anyone under the age of 18. This was enforced by Tobacco Control Officers within local Councils in Northern Ireland. All identified retailers of NIPs were sent letters and/or visited to inform them of their legal obligations and were advised that test purchasing would be undertaken. In 2023/24, 70 test purchases were carried out in the Ards and North Down area for the underage sale of vapes. The Public Health Agency (PHA) target was 50. During

these exercises 8 premises sold NIPs to our child volunteer, and as a result 4 Fixed Penalties and 2 written warnings were issued. 2 investigations were ongoing. Tobacco Control Officers also investigated complaints in relation to underage sales of vapes made by the public.

Officers remained vigilant to businesses starting to sell vapes and new business opening up. This had become very challenging with confectionary shops, beauty and tanning parlours, hairdressers/barbers etc starting to sell vapes. There was currently no obligation for a business to register or seek a licence in order to sell vapes.

### Product Safety

The Council had also a product safety role in relation to vapes. The Consumer Protection team enforce a number of pieces of legislation, including the Tobacco and Related Products Regulations 2016 (TRPRs) which introduced rules to ensure:

- minimum standards for the safety and quality of all e-cigarettes and refill containers (otherwise known as e-liquids),
- that information is provided to consumers so that they could make informed choices,
- an environment that protected children from starting to use these products.

They also set out standard for e-liquids including:

- Volume of nicotine containing e-liquid for sale in one refill container to be no more than 10ml
- Disposable e-cigarette, a single use cartridge or a tank, capacity of no more than 2ml
- Nicotine strength to be no more than 20mg/ml
- Must not contain certain ingredients including vitamins, colourings and prohibited additives.

TRPRs also included new labelling requirements and warnings and required all e-cigarettes and e-liquids to be notified and published by the Medicines Healthcare Regulatory Authority (MHRA) before they could be sold.

It should be noted that illegal or non-compliant vapes were products that did not meet the requirements set out in the TRPRs and/or were deemed unsafe under the General Product Safety Regulations 2005. For example, vapes that exceeded the maximum tank capacity, vapes that did not fulfil the labelling requirements, vapes that contained illegal ingredients, or those that had not been registered with MHRA.

E-cigarettes also fell under the Electrical Equipment (Safety) Regulations 2016 and therefore must also meet the requirements of these regulations. These were also enforced by the Consumer Protection Team.

To date a scoping exercise had been carried out and intelligence shared within neighbouring Local Authorities regarding labelling irregularities. The Consumer Protection Workplan 24/25 had established a Cross Council task and finish group to research and produce officer guidance on industry developments, training, legislative position and to investigate any changes on enforcement, inspection forms, storage

and disposal. This group would link with policy makers to ensure consistency across all Council areas.

### Community Safety

In the course of their duties, Community Safety Officers spoke to young people about the reasons they used vapes, how they obtained vapes and if it was refillable, they asked them what type of liquids they put in them. They had also had discussions regarding drugs in vapes and the health implications that could arise from all vape use.

In 2023/24 the Community Safety team added a segment into their talk at BeeSafe on litter, to include the dangers to young people from vapes being discarded in our play parks and green spaces. This was delivered to over 1700 Primary 7 students from Schools within the Borough.

### Partnership Working

Following the notice of motion, Council officers discussed establishing a forum with representation from Consumer Protection, Tobacco Control, Community Safety, Neighbourhood Environment, and inviting other stakeholders such as PSNI and the Public Health Agency to share information and identify potential measures to tackle youth vaping. This could include for example introducing a session on the risk of vaping at our BeeSafe events (aimed at P7s) and greater social media coverage. This would progress in the 2024/25 year.

### **Some of the other organisations involved in vaping include:**

The PHA provided funding to Councils in Northern Ireland to employ Tobacco Control Officers to undertake visits to retailers to promote compliance with the age of sale legislation and carry out test purchase exercises. The PHA had indicated that they would be increasing the Council's target for test purchasing for 2024/25. The PHA also recently published resources to support discussion with young people on vaping and raise awareness of its risks and are available at [www.pha.site/vaping](http://www.pha.site/vaping). This clear health message was welcome however additional flexibility on how we used the funding including doing more on education would be welcome.

Trading Standards NI were responsible for counterfeit e-liquids and e-cigarettes and if there is a trademark (intellectual property) infringement, for example branding was used on a product that the brand had not allowed (e.g. Haribo)

Border Force and HMRC were currently running Operation CeCe, a joint HMRC-National Trading Standards operation which has been working to seize illicit tobacco in England, Scotland and Wales since January 2021. With more than 27 million illicit cigarettes and 7,500kg of hand-rolling tobacco were seized in its first two years. A new policy paper – Stubbing out the problem: A new strategy to tackle illicit tobacco was launched in January 2024. This detailed the HMRC and Border Force project to combat the supply and sale of illegal tobacco. Funding over £100 million throughout the next 5 years has also been allocated to HMRC, Border Force and Trading Standards to support the delivery of this policy paper which included supporting the delivery of the first smoke free generation. This did not cover Northern Ireland.

Office of Product Safety and Standards (OPSS) had oversight over the electrical safety of e-cigarettes.

PSNI dealt with drugs, including the use of 'spice' in e-liquids.

Chartered Trading Standards Institute (CTSI) supported Trading Standards Officers in Great Britain (who enforce product safety legislation). CTSI had Lead Officers in Vaping who provided expertise in this area and provide advice to officers. CTSI was supporting the work of Operation Joesph, which had been set up in England and Wales to tackle the supply and sale of illegal vapes and e-cigarettes. Funding of £3 million was announced in April 2023 for Operation Joesph. Through this operation, Trading Standards Officers had carried out operations to seize illegal vapes and e-cigarettes, according to BBC news, more than 500,000 illegal vapes had been seized across England in a crackdown by trading standards teams. In addition to this work, an expert panel had been set up to discuss emerging issues and provide advice. While Northern Ireland was not included in the operation, a representative from Northern Ireland sat on the panel as an observer and Northern Ireland Officers could access advice issued by the expert panel.

## **Restrictions and Challenges**

### Gaps in legislation

Legislation introduced in 2022 which prohibited the sale of NIPs to anyone under the age of 18 did not:

- prohibit the sale of NIPs from vending machines, despite there being a provision in the Health (Miscellaneous Provisions) Act (NI) 2016 to do so. NIPs vending machines had now been located in a number of premises in our Council area as retailers exploit this loophole. The prohibition of selling tobacco from vending machines had been in operation since 2012.
- prohibited the sale of Nicotine Pouches to under 18s. Current intelligence highlighted that the sale and use of these products was increasing.
- required all retailers of NIPs and pouches to register in the way the tobacco retailers had had to since April 2016. This hindered enforcement as whilst we had been trying to compile lists of vaping retailers these were unlikely to be completely accurate giving the growing number of businesses that appeared to be selling vapes.
- make provision in relation to the retail display or packaging of these products in line with tobacco products. Unlike tobacco, children could see and pick up vapes in retail outlets easily and vape packing could be designed in ways that was more appealing to children.
- make any provision to combat online sales of NIPs/pouches. Online sales represented a huge challenge in relation to these products as there were currently no controls and at the very least some age verification safeguards were required.



Non-nicotine containing e-cigarettes were also a cause for concern given the potential for other harmful contents and undeclared addition of nicotine. The TRPRs did not apply to these products, nor did the regulations around underage sales. We were aware that the use of non-nicotine vapes, and other consumer nicotine products was increasing among young people particularly younger men.

### Resources

Whilst the underage sales team was well resourced by PHA, funding the enforcement of E-cigarettes and E-liquids from a product safety angle was very resource intensive. The Consumer Protection team dealt with a wide range of legislation and products with an already limited resource. As OPSS did not have oversight of e-liquids, the funding provided by them could not be used for this work. The team would require additional resource to enforce the Regulations around e-cigarettes and e-liquids more effectively, especially given the large number of businesses that sell these products in the Borough.

Additionally, when e-liquids were withdrawn from sale by officers for non-compliance, the Council did not have systems in place to transport and dispose of these products. E-liquids are a chemical, E-cigarettes contain lithium-ion batteries and disposable e-cigarettes contain both. Chemicals and lithium-ion batteries required specialist transportation and disposal. Lithium-ion batteries are a fire hazard. Additionally, safe storage was required for seized products while investigations were carried out and legal cases taken. To progress this equipment for the safe storage of products had been ordered and there had been discussions regarding the disposal of any seized vapes with colleagues in waste.

### **Consultation Proposals**

Some of the above restrictions and challenges would hopefully be dealt with by legislation that the UK Government intends to bring forward following the recent Consultation on Smoke Free Generation and Tackling Youth Vaping, in particular measures to:

- Restrict flavours
- Regulate point of sale displays
- Regulate packaging and product presentation
- Apply above restrictions to non-nicotine vapes and other nicotine products such as pouches.

The UK Government also intended to impose age of sale restrictions and ban the purchase of non-nicotine and other nicotine products by others on behalf of those who were under 18.

The UK Government also intended to introduce a ban on sale and supply of disposable vapes and was considering options including a new duty to reduce affordability of vapes.

The Northern Ireland Health Minister recently announced that subject to Assembly approval, Northern Ireland would be included in the new UK laws to tackle youth vaping.

RECOMMENDED that Council, in order to deal with some of the other restrictions and challenges noted, considers the following actions:

1. Council to write to the Northern Ireland Minister of Health
  - a) supporting the introduction of the proposed new legislation to tackle youth vaping and
  - b) requesting the introduction of legislation to:
    - prohibit the sale of NIPs from vending machines making it more difficult for children and young people to access them,
    - requiring retailers of NIPs to register in line with tobacco retailers or introduce a licensing scheme for tobacco retailers and vape retailers
    - make provision to combat online sales of NIPs
    - apply the above restrictions to other nicotine products and non-nicotine vapes.
2. Write to CTSI to request the extension of Operation Joseph to Northern Ireland. This project provides financial resource, as well as guidance and advice to local authorities in England and Wales. If the operation and associated funding could be extended to Northern Ireland it would provide essential resource to the Council.
3. Write to HMRC to request extension of Operation CeCe to Northern Ireland. Border Force and HMRC Operation CeCe only targets GB, if this was extended to Northern Ireland it would help with the importation of non-compliant e-liquids and cigarettes.

Proposed by Councillor Hollywood, seconded by Councillor W Irvine, that the recommendation be adopted.

Councillor Hollywood welcomed the response outlined in the report having initially seconded the Notice of Motion that had been brought by Councillor McLaren. It was great to see positive actions and he welcomed the commitment for the extension of Operation Joseph to Northern Ireland. He agreed with all of the recommendations within the report and wished officers well in getting a handle on such an important issue.

Rising to second the proposal, Councillor W Irvine added his support, recognising many gaps and challenges in the regulation of nicotine versus non-nicotine products. He referred in particular to reported challenges around vending machines and asked if that was a new issue and asked the officer for further comment.

The Head of Environmental Health, Protection and Development acknowledged that there had been many challenges around the legislation, explaining that it did not mirror the existing controls around tobacco products that were in place. She explained the challenges around vending machines which had increased in number due to the increased age restrictions in place in shops. Vending machines therefore made those products more accessible but it was an issue that she hoped would be addressed in the new legislation.

The officer highlighted a further concern around unrestricted display of vaping products which unlike nicotine products, could be displayed on shop counters and made more accessible. This had also been flagged in the report and it was hoped it would be addressed in the legislation.

The Deputy Mayor, Councillor Irwin, praised what she felt was a detailed report containing helpful research. She was pleased to see action to address the scourge of nicotine and tobacco on multiple fronts and welcomed a cross agency agreement on tackling the issues, noting that the DAERA Minister intended to ban disposable vaping products.

Rising to support the proposal, Alderman Adair welcomed the DAERA Minister's announcement to ban single use vaping products and he reflected on the damage of vaping and the detrimental effect it had on the health of young people. He was also aware of environmental and safety risks, understanding that a disposable vape had caused a fire to a clothing bank in Portavogie.

Welcoming the report Councillor S Irvine expressed strong concerns about how easily young people could access vapes, e-liquids and synthetic cannabinoids, commonly known as spice.

He had witnessed firsthand through his work with affected families the devastating impacts of those substances, referring to health, social and academical disruption and that the consequences were far reaching.

Accessibility of those products, he believed was one of the most alarming revelations, and he pointed to social media platforms being used for the sale of substances known as spice. He was aware of incidents where young individuals were targeted by sellers through those channels with enticing offers. He felt that this demanded immediate attention and concerted efforts from all stakeholders and it was imperative that the Council took decisive action to prevent further escalation of the crisis.

He added that the Council needed to make this a top priority and work tirelessly to implement effective measures and curb accessibility. It should include collaboration with law and enforcement agencies, educational institutions and community organisations to strengthen enforcement efforts, raise awareness and provide support to vulnerable individuals and families.

In closing, he added that Council should urge parents, guardians and care givers to remain vigilant and engage in open and honest conversations with young people. Education and awareness were crucial tools in combatting this epidemic.

The Chair, Councillor Martin, agreed with those comments and the content of the report which he felt was a comprehensive and good response.

**AGREED TO RECOMMEND, on the proposal of Councillor Hollywood, seconded by Councillor W Irvine, that the recommendation be adopted.**

**9. ARTS AND HERITAGE ADVISORY PANEL MINUTES (FILE CW171)**

(Appendix IV)

PREVIOUSLY CIRCULATED:- Report from the Director of Community and Wellbeing detailing that a meeting of the Arts and Heritage Panel was held online on 5<sup>th</sup> February 2024 and the minutes were attached.

RECOMMENDED that Council note the minutes.

Proposed by Councillor Kendall, seconded by Councillor W Irvine, that the recommendation be adopted.

Councillor Kendall referred to a recent Notice of Motion about supporting the arts so was glad to see the work being done by the Arts and Heritage Advisory Panel.

**AGREED TO RECOMMEND, on the proposal of Councillor Kendall, seconded by Councillor W Irvine, that the recommendation be adopted.**

**10. HOME OFFICE REFUGEE AND ASYLUM SEEKER FUNDING (FILE CW154)**

PREVIOUSLY CIRCULATED:- Report from the Director of Community and Wellbeing detailing that in December 2021 Ards and North Down Borough Council became aware that a number of asylum seekers had been placed in hotel in the local area.

In January 2021 a Refugee and Asylum Forum (RAS) was established by North Down Community Network. The forum included members from local churches, community networks and groups, statutory agencies including PSNI, Health, NIHE and Education. Mears Housing who were responsible for the hotel accommodation were also engaged.

The RAS forum also assisted the service users on day-to-day issues e.g. registering with health providers, libraries, CVs, pastoral support and signposting and accompanying to meetings, food banks and clothing banks. Discussions and consultations with the individuals and families in the accommodation allowed the group to identify the needs and programme accordingly. Although individuals and families changed as they achieved refugee status and moved into dispersal accommodation often in other council areas, the needs of the new service users in the hotels usually remained the same.

Following the arrival of asylum seekers dispersal funding was awarded by The Executive Office to Ards and North Down Borough Council in 2022/2023 and 2023/2024. A total amount of £152, 939 was received. The total amount of the funding was provided by the Home Office with no requirement for match funding from Council. Funding was awarded to help integration, language barriers and resettlement into safe areas. Funding was managed in Council via the Good Relations Team.

North Down YMCA were working closing with Council in relation to newcomers to the Borough and a Service Level Agreement was set up with YMCA, as chair of the RAS, to manage a programme of engagement with the asylum seekers.

During 2022-2024 Home Office dispersal funding was used to provide the following:

**YMCA:**

- Bilingual, culturally sensitive support to refugees and asylum seekers arriving in Ards and North Down.
- Language support and advocacy services to refugees/asylum seekers arriving in Ards and North, such as access to health care, education, welfare and employment.
- Information and support to local organisations and individuals working with asylum seekers and hosting refugees.
- Weekly drop-in advocacy clinics at YMCA North Down (Bangor) and The Link (Newtownards) plus floating support across the Borough (including Ards Peninsula outreach).
- Facilitated access to ESOL classes for refugees/asylum seekers by local churches.
- Facilitated access to support groups and organisations for refugees/asylum seekers.
- Provided a meeting space for refugees/asylum seekers and those supporting them.
- 1216 advocacy sessions provided in Ards and North Down
- 403 refugees and asylum-seeking adults
- 32 sessions of Men's Group for asylum seeking men including sessions on culture, available activities and sexual health/personal hygiene.

As well as helping service users in hotels YMCA also offered wrap around sessions to Ukrainians, Syrians, settled refugees and migrants settled in the area who needed help and support. Sessions were delivered on coaching courses, financial support including access to food and clothing. Volunteering, housing issues, managed gym passes, biometric residence permits, driving licences, SIM cards, benefits claims, healthcare availability, access to education, job seeking, starting your own business, immigration issues and mental health.

All programmes delivered were the result of a needs-based assessment carried out with all service users.

**Boom Studios:**

Facilitation of art programmes encouraging service users to use various forms of art to express themselves, art therapy and community cohesion with local residents was delivered. The activities included metalsmithing, digitalaArts, Jesmonite Making, flow art, abstract art and ceramics. Visits to The Ulster Museum and Whitehead Railway Museum, North Down Museum, Sonic Arts Centre and Queens University were also organised. The number of people involved in each quarter were as follows.

Q1 - 170 participants, 6 facilitators, 9 volunteers

Q2 - 114 participants 13 sessions, 8 volunteers

Q3 – 105 participants, 13 sessions, 14 volunteers

Q4 - 103 participants ,12 workshops, 2 visits, 14 volunteers

Boom Studios were continuing to deliver a further 6 weeks with a total of 83 registered between service users and local community.

### **Volunteer Now**

Through Volunteer Now and local churches, volunteer opportunities provided to those who were interested. Volunteer roles were found for two service users and three volunteer roles found for others who then moved to Belfast.

### **Programmes.**

The following summarised programme activities that were provided.

- Gym passes - YMCA disseminated day passes as requested.
- ESOL classes supported by local churches, YMCA and SERC.
- Small World's Café – Four sessions were delivered with service users invited to take part, introducing different cultures, religions and diversity to the wider public.
- Transport was provided for service users to attend Eid in Belfast.
- Provision of football boots for weekly football programme in conjunction with local church group.
- Transport costs associated with Football programme and visits to Kiltonga Christian Centre re: Clothes and domestic supplies.
- Inclusion in Good Relations Shared Voices Programme.
- CV Writing Workshop for asylum seekers 17 attended – 8 from Marine Court, 7 from Rayanne House and 2 refugees living locally in Bangor.
- Christmas outing organised to the Ulster Folk Museum in Cultra for an evening of celebration and culture. 42 persons attended.

- Cooking programme organised and facilitated by Holywood Baptist Church.
- Assisting with school uniforms.
- Meetings organised and contacts supplied for a service user who is a dentist to explore the possibility of practising in Northern Ireland.
- Providing bags and suitcases as service users move on.
- Assisting service users with orientation of the area.

### **Compass Project**

Compass was a project to help newcomers navigate life in Northern Ireland. Meetings were held to present the project to Good Relations Team, NDYMCA and the Asylum working group. The project was positively received, and permission granted to proceed. One of the service users who had excellent computer/technical skills volunteered and assisted with designing promotional leaflets, PowerPoints etc.

The course was twenty sessions of two-hour sessions per week.

Twenty-six service users registered. The average attendance was 16 service users per session. New arrivals have been given opportunity to join course and catch-up sessions organised.

Countries represented include - Syria, Iran, Eritrea, Sudan, Yemen, El Salvador and Columbia.

#### **Successes:**

Through provision of volunteer opportunities, some service users were able to continue their previous professions, interests, hobbies and use transferable skills, i.e., farming, filmography, musicians.

Service users had more access to activities, learned how services such as public transport, GP surgeries, Police and emergency services operated in Northern Ireland. Provided a better understanding of the society they were now part of and promotes integration.

#### **Challenges:**

Language barriers posed the largest challenge, with many different languages spoken within the group of service users. ESOL classes had worked well and the progress made by some was very encouraging.

Local resistance to service users through protests outside Marine Court, had had a negative impact on service users mental health, confidence and sense of safety. Working with PSNI, YMCA and local churches we had attempted to ensure they were away on programmes or otherwise engaged during these times.

RECOMMENDED that Council notes this report.

Proposed by Councillor Irwin, seconded by Councillor Ashe, that the recommendation be adopted.

The Deputy Mayor, Councillor Irwin, recalled a meeting with Stephen Farry MP and the YMCA to hear about the work that the organisation had done, particularly with those asylum seekers placed at the Marine Court Hotel. She welcomed the outcomes that that had been achieved.

Councillor W Irvine understood that the Home Office lease of the Marine Court Hotel was only to be a temporary arrangement for placing asylum seekers and given that the hotel was located in an area of regeneration, he asked if there had been a further extension to that lease.

The Head of Community and Culture explained that officers met regularly with the Home Office and had asked that question a number of times but it was yet to be confirmed.

Councillor W Irvine felt it was crucial that an end date should be reached as soon as possible.

Councillor Kendall understood that the number of asylum seekers and refugees in the Borough was low at the moment and that was due to the good work of this programme which had been successful in supporting them to move on. She was however aware that the YMCA had not heard of future funding, so warned of potential impacts.

The Chair sought agreement on the recommendation going forward but Alderman Brooks indicated that he wished to be recorded as against the proposal.

**AGREED TO RECOMMEND, on the proposal of Councillor Irwin, seconded by Councillor Ashe, that the recommendation be adopted.**

**11. PORTAVOGIE AND PORTAFERRY 3G PITCH AND PORTAFERRY SPORT CENTRE UPDATE RESPONSE TO NOTICE OF MOTION (FILE CW74)**

(Appendix V – VI)

PREVIOUSLY CIRCULATED:- Report from the Director of Community and Wellbeing detailing that in February 2024, Council agreed to the following,

*“that Council notes the closure of the training area at Portavogie Football Pitch due to health and safety concerns, recognises the negative impact this has on local provision and sports development and tasks Officers to bring forward a report on options to provide temporary training facilities in the village in the short term and repairs to the pitch in the long term. As a matter of urgency Council tasks Officers to bring forward a bimonthly progress report on the development of the Portavogie 3G Pitch, Portaferry Sports Centre and Portaferry 3G Pitch to this committee.”*



## Updates

The training pitch in Portavogie was closed following Health and Safety concerns raised by the local football team in December 2023. Upon inspection by Council leisure staff, the pitch was deemed to be safe to use and was immediately reopened. The Club returned to utilise the training facilities once they were reopened and continued to liaise with Council staff to make bookings. The Council's leisure team recognised that the grass training area was not suited to large groups of young people training for football and would encourage the Club to consider utilising the facilities at other venues if they believed the group size was too big or the grass was in poor condition due to heavy use or weather conditions. The Parks team continued to maintain the grass pitch within the normal levels of provision and would encourage the Club to utilise the area responsibly to ensure the pitch surface is maintained to its full potential.

A regular update on the Portavogie 3G development was produced and shared with the relevant stakeholders. The latest update was attached (Appendix 1).

The Portaferry 3G pitch Board had its most recent meeting on 5<sup>th</sup> March 2024. Minutes were attached (Appendix 2)

Council Officers were in regular contact with the school regarding the condition of the sports hall floor. To date no commitment had been given by the school as to when the facility will be repaired to facilitate both the school and public use of this critical facility. Council staff had managed to cordon off a small section of the hall which was deemed safe to use and would continue to utilise this space for class delivery.

RECOMMENDED that Council notes this update.

Proposed by Alderman Adair, seconded by Alderman Cummings, that Council task officers to prepare monthly project planning reports incorporating the traffic light system in respect of the Portavogie 3G Pitch, Portaferry 3G Pitch and Portaferry Sports Centre projects to present to the Community and Wellbeing Committee.

Speaking to his alternative proposal, Alderman Adair was disappointed with the report believing that it was a copy and paste of the stakeholder's update that had been issued previously with no new information and nothing to scrutinise. He explained the background of the situation with the Portavogie 3G pitch, recalling that a business case was agreed one year ago only to be stalled by a material planning consideration raised by Northern Ireland Water. Since this the project had been delayed when urgency was required in order to address a serious need for Portavogie Rangers FC and the community. He explained that the pitch was at the end of its life and required upgrading. He accused the Council of not taking the matter seriously and now hoped to see a monthly update using the traffic light system which had been used previously to provide a clear update.

Alderman Adair added that Councillor Boyle was supportive of the proposal and wanted to see more updates in relation to Portaferry Sports Centre given that the hall floor was still broken. He said that Council needed to hold a stakeholder meeting with St MacNissi's Trust which owned the building. It was possible that there could

be opportunities to apply for external funding but a meeting needed to take place to take that forward.

In closing, he said that people in the Ards Peninsula deserved the same level of services as the rest of the Borough and he hoped that his proposal would send a strong message in getting those much-needed leisure facility upgrades delivered as soon as possible.

Alderman Cummings voiced his support for the proposal, expressing a view that it was about communication, not just with elected Members but with the wider public. He felt that the issues in the Ards Peninsula had implications in other parts of the Borough, referring to issues he was trying to resolve in Comber and Ballygowan.

In summing up, Alderman Adair said he had been speaking with restraint about the issues and hoped that the proposal would provide no wriggle room. He clarified that the stakeholder updates were still important, however.

The Director of Community and Wellbeing asked in order to bring forward the report format that was expected, that Alderman Adair arrange to meet with the Capital Projects Unit to discuss the format he was requesting, to which Alderman Adair agreed.

**AGREED TO RECOMMEND, on the proposal of Alderman Adair, seconded by Alderman Cummings, that Council task officers to prepare monthly project planning reports incorporating the traffic light system in respect of the Portavogie 3G Pitch, Portaferry 3G Pitch and Portaferry Sports Centre projects to present to the Community and Wellbeing Committee.**

## **12. TREE AND WOODLAND STRATEGY UPDATE (FILE PCA4)** (Appendix VII)

PREVIOUSLY CIRCULATED:- Attached report from the Director of Community and Wellbeing providing an update on the Tree and Woodland Strategy.

Proposed by Councillor Kendall, seconded by Councillor Ashe, that the recommendation be adopted.

Councillor Kendall welcomed the report and in particular the commitment for more trees and hedges in the coming year. She commented that the Borough in general looked richer in terms of tree coverage and was particularly pleased with orchard community planting work undertaken at Kerr Park, Holywood. She praised the work of Council officers and the wider community who had contributed.

In a query to the officer, she referred to mitigating safety risks and better data collection and asked for further comment and also what the intention was for the environmental data that could be collected in terms of carbon impacts.

The Head of Parks and Cemeteries pointed to the Play Strategy which included a very detailed approach in how Council should protect the trees in its ownership along with the people and buildings. This meant that every tree within the Borough was

CW.15.05.2024

155

mapped and searchable online. It was also possible to identify issues with any tree and sometimes the Council was required to remove trees which was always done with a heavy heart, but it was to protect life and property. There were cases where the life of trees came to a natural end and the Council would always try and save as much of the tree as possible, for example sometimes they would leave the stem and he pointed to examples where they were used for art projects. He explained that when trees were felled, they were often left in that same location to provide years of breakdown and biodiversity.

The canopy of the Borough was intended to be increased and that would have major climate benefits. A tree software programme would be used to calculate the emissions and a report would follow on the advantages of additional tree cover.

Councillor Kendall welcomed this approach and use of the data to analyse climate mitigation. She wondered if this, along with the plan, could be shared on the website for the public to access. The officer understood this would also be part of the Corporate Plan and pointed to the additional budget received for trees within the Borough and he believed communities would really notice the difference if that was not the case already.

The seconder, Councillor Ashe, welcomed the report and was pleased that more children would grow up to realise the importance of trees within the ecosystem. She was particularly pleased to see that Andrews Memorial Primary School within her own DEA of Comber had been selected as a Forest School.

Alderman Adair commended the officer for a comprehensive report and he was able to give very positive feedback from constituents in terms of the work and initiatives set out in the report. He also praised the initiatives involving young people.

Councillor W Irvine referred to a tree that had fallen in Ward Park as a result of a recent storm and queried the extent of the damage and whether more could have been done to prevent the incident. The officer explained that he had checked the status of that tree on the Council's software programme and there was no reported internal damage to the tree. He had been able to verify this with a site inspection. The officer explained that the Council did have access to both internal and external expertise on these matters, but there was always the risk of freak incidents during adverse weather conditions. He reported though that the number of tree fells had been reduced dramatically since the introduction of inspections three years ago.

In a further query, Councillor W Irvine asked what a monolith creation was, and the officer advised that this was where the stem of the tree was retained with the top part being removed and left in the vicinity which was commonly appealing to birds and other wildlife due to the rot.

The Chair commended the report and welcomed in particular the community orchards which were important educational resources for children. He welcomed that there were more planned for 2024/25.

**AGREED TO RECOMMEND, on the proposal of Councillor Kendall, seconded by Councillor Ashe, that the recommendation be adopted.**

**13. NORTH DOWN COASTAL PATH WORKING GROUP MINUTES  
(FILE CW30)**  
(Appendix VIII)

PREVIOUSLY CIRCULATED:- Report from the Director of Community and Wellbeing detailing that the first meeting of the North Down Coastal Path Working Group was held on 23<sup>rd</sup> January 2024.

When approving the attached minutes at a subsequent meeting, the chair commented that references to discussion about a map of Councils ownership of lands being provided was not included in the minute. Since the meeting, members of the group had been provided with access to such a map.

RECOMMENDED that Council notes the attached minutes.

The Director of Community and Wellbeing asked the Committee to note that the above minutes had been published with the agenda for this meeting on the Council's website and this therefore made the minutes publicly available.

**AGREED TO RECOMMEND, on the proposal of Councillor W Irvine, seconded by Councillor Kendall, that the recommendation be adopted.**

**14. FOOD SERVICE PLAN 2023-2024 PERFORMANCE (FILE CW22)**

PREVIOUSLY CIRCULATED:- Report from the Director of Community and Wellbeing detailing that this report demonstrated the delivery of the Food Service Plan 23/24 which was approved by Council on 13<sup>th</sup> September 2023. The plan set out the inspections and activities to be carried out by the Food Control team during the year.

Food Hygiene and food standards interventions were carried out as defined in the Food Law Code of Practice and priority had been given to higher risk premises and manufacturers. Intervention activities had been prioritised in accordance with the advice provided by the Food Standards Agency.

Throughout the year the Food Standards Agency had carried out returns to monitor how we were delivering on the plan.

**Service Delivery**

During the year the food service had had some movement of experienced Officers, new Officers, and 131 new businesses registered, all creating operational challenges. There had been challenges regarding the recruitment of experienced EHO's and there had been several recruitment processes. Overall, Officers had noted a decline in standards of premises, in particular structural repairs, and an increase in pest activity. This had also been experienced in other food safety sections in neighbouring councils. It was thought that the decline in standards was

due to a combination of the increase in utility, commodity, and food prices along with the challenges in attracting staff into the food sector.

The tables below showed the total number of food hygiene and food standards inspections completed in the year 23/24 including the backlog from 2022 and newly registered food businesses. The figures showed that the food team had met or exceeded the targets in the high-risk categories and 197 low risk inspections remained outstanding.

The food hygiene risk rating of a premises determined the frequency of inspection. Category A premises were the highest risk and were inspected every 6 months, category B every 12 months and category C every 18 months. The food hygiene risk rating was determined by several factors such as supply (local, national, or international), type of product, method of handling, hygiene, structure, and the Officer’s confidence in how the business manages food safety.

**Food Hygiene Inspections**

Food Hygiene risk rating of premises.	Inspections due in 2023-2024 (including backlog from 2022)	New premises registered in 23-24	Inspections completed 2023-2024 (includes new premises)	Outstanding inspections
A	6	0	6	0
B	44	10	54	0
C	80	27	104	3
D	247	51	204	94
E	238	43	181	100
<b>Total</b>	<b>615</b>	<b>131</b>	<b>549</b>	<b>197</b>

From the table there were 3 outstanding category C premises which had been inspected in April (1 premises was in the recent fire in Conway Square and the other 2 premises had limited access). As highlighted in the Food Service Plan 23/24 there was a backlog of approx. 680 inspections in the lower risk category premises rated D & E, so the team had made good progress in addressing this leaving 197 inspections outstanding moving into the 2024-25 year.

**Food Standards Inspections**

Food Standards risk rating of premises.	Inspections due in 2023-2024	New premises registered in 23-24	Inspections completed. 2023-2024	Outstanding inspections
---	------------------------------	----------------------------------	----------------------------------	-------------------------

A	4	0	4	0
B	103	27	70	60
C	430	104	134	400
<b>Total</b>	<b>537</b>	<b>131</b>	<b>208</b>	<b>460</b>

The Food Service Plan 23/24 reported food standards inspections due. From the table above 208 inspections were completed leaving 460 inspections outstanding which would be addressed in the coming year as the new Food Standards Delivery model would be introduced in November 2024. Two additional temporary posts were being established (subject to funding and approval) to assist with the backlog of food hygiene and standards inspections.

**New Business Registrations**

All food businesses were legally required to register with the Local Authority. **131** new businesses registered **during 23/24**, this was a slight decrease in last year’s registrations. New business registrations were triaged by the Service Unit Manager and were then inspected by an Officer, with a target of inspection within 28 days of registration.

**Investigation of food poisoning and other infectious diseases**

Investigation of food poisoning was provided by Council on behalf of the Public Health Agency. The Food Service Plan estimated 80 individual cases per year however, this year the team had undertaken 88 investigations regarding infectious diseases. **79** cases (**89.8%**) of these were reported from the Public Health Agency and **9** (10.2%) cases were reported by members of the public alleging illness from food consumed within the Borough.

**Further information**

The Council provided a comprehensive service to consumers and food businesses such as education, advice, and signposting to other resources e.g. Food Standards Agency online allergen training.

**Sampling**

The Northern Ireland Food Managers Group policy for food sampling been implemented within the Council’s Food Control Service. The target number of bacteriological samples for routine analysis was 12 per week totalling **650-700** for the year. During 23/24 **589** ready to eat food samples were collected with the results showing **90.5 %** satisfactory and **9.5%** unsatisfactory. Unsatisfactory samples were repeated, and advice was given to the business until a satisfactory result was received. Unsatisfactory samples may have arisen from poor handling practices, poor temperature control or incorrect storage conditions.

The Food service plan collected **220** routine chemical samples. The samples were collected and analysed for composition and labelling, allergens, and food complaints

**1%** of samples failed for composition, **47%** were non-complaint for labelling and **52%** were complaint.

The Food Control Service assisted business to achieve compliance with the labelling regulations and provided guidance in new product development.

The service participated in the following FSA surveys:

- Nutritional composition of traybakes
- Acrylamide in baked goods
- Mycotoxins in coffee beans

These surveys were part of a UK wide intelligence gathering process to highlight any emerging food risks such as food fraud, and to develop data on nutritional composition and calorie composition.

An inhouse survey was conducted in butcher's premises for speciation test and levels of Sulphur Dioxide (preservative) in mince beef. The results were as follows:

- Speciation tests 100% compliance
- Sulphur Dioxide was present in 4 samples 28% -Formal samples will be resubmitted in May 2024 after the businesses have been informed of the results.

## Complaints and Service Requests

The food section responded to **546** complaints and service requests mainly from members of the public. Of these **342** related to hygiene standards in premises or issues with food products. All service requests were responded to within two days, however depending on the nature of the request they may be acted on immediately where there was an imminent risk to public health e.g., rodents in a commercial kitchen.

## Enforcement Actions

The service operated within the Councils Regulatory Services Enforcement policy. A summary of the formal enforcement activity for the year was summarised below:

17 Hygiene Improvement Notices

5 Remedial Action Notices

3 Voluntary Closures

## Advice and Education

As outlined in the Food Service Plan, Officers had provided advice and education to businesses including the following:

- Food hygiene training to **5** volunteer catering groups in church settings
- Facilitating a food safety talk to event managers at SERC

- Inspecting and advising food vendors at Sea Bangor in June 2023 and Christmas 2023
- Allergen seminars in Bangor and Newtownards with **126** delegates representing **86** food businesses.

## **2023/2024**

A food Service Plan for 2024/25 was currently under development and would be presented to Council at the June 2024 meeting.

**RECOMMENDED** that Council notes the delivery of the Environmental Health Protection and Development Service Food Service Plan.

Proposed by Alderman Brooks, seconded by Councillor W Irvine, that the recommendation be adopted.

Alderman Brooks praised officers on their work, explaining that he worked in the hospitality sector and often advised people to engage with the service for advice and guidance rather than place themselves into a position where they had to react.

The seconder, Councillor W Irvine, noted that 131 new hospitality businesses had been reported which he welcomed and asked how that figure compared with previous years. The Head of Environmental Health, Protection and Development advised that the figure was always high and understood that last year it was around 120. However she explained that a new business could be regarded as a change of ownership within an existing establishment so it did not necessarily mean that a new building had been opened. She added that there had been an increase in home-based businesses, particularly since the Covid-19 Pandemic, and that trend had continued.

**AGREED TO RECOMMEND, on the proposal of Alderman Brooks, seconded by Councillor W Irvine, that the recommendation be adopted.**

## **15. NOTICES OF MOTION**

### **15.1 NOTICE OF MOTION SUBMITTED BY COUNCILLOR WRAY AND COUNCILLOR HOLLYWOOD**

This Council values the role that young people play in civic leadership within our Borough Council will engage with Ards and North Down Youth Voice and local members of the NI Youth Assembly, with the view to providing use of our Council Chamber and resources to enable them to conduct an annual meeting. The agenda for the meeting should be decided by the young people with the Mayor chairing the proceedings

(Councillor Wray was invited forward from the public gallery to propose his Notice of Motion – 7.50pm)

Proposed by Councillor Wray, seconded by Councillor Hollywood, that this Council values the role that young people play in civic leadership within our Borough.



Council will engage with Ards and North Down Youth Voice, with the view to providing a Council Chamber and resources to enable them to conduct an annual Meeting. The agenda for the meeting should be decided by the young people with the Mayor chairing the proceedings.

Speaking to his proposal, Councillor Wray advised that it differed slightly from what he had submitted initially.

Councillor Wray considered himself to be incredibly lucky and privileged, not only to be a member of this Council, but in a work capacity to have spent his whole working life, engaging with young people around issues that were important to them. He was lucky because his job was not just a job, but a career, a vocation, and even though it had its challenges, it gave him a great deal of joy and achievement.

He felt that all members of the committee would agree that young people were equal citizens, and while they may not have been at the legal age to vote, their voice, their feelings, their opinions, and their ideas about the Borough and province were just as important as anyone else's.

Not only must Council listen, and take on board what young people said, it needed to ensure they had a platform to articulate themselves. Young people were the future of the community, and they should be part of shaping our community. It was imperative that youth engagement through Council was not tokenistic, but that it was meaningful, with accountability and tangible outcomes.

Councillor Wray set out the context of the group mentioned in this Notice of Motion before outlining what he was proposing should happen.

Youth Voice Ards & North Down was a group of young people aged between 15–18 years which met on a weekly basis, and currently had 24 members from across the Borough of Ards & North Down. He knew elected members had had an opportunity to meet with them, and hopefully would be familiar with their work. The role of Youth Voice members was to take an active role in advocating for other young people living across the Ards & North Down area and addressing important issues that affected them and their communities.

In their first year, members of the Youth Voice had participated in various consultations, engaged in discussions about the rights of children and young people, and familiarised themselves with various issues that had an impact on young people. As they progressed into their second year, they shifted their focus towards identifying specific issues they would like to explore in more detail and organise campaigns to bring about positive change for young people from across the Borough.

Currently, the Youth Council was participating in an Open College Network (OCN) course exploring Advocacy and Active Participation. This course equipped them with the necessary skills and knowledge to effectively advocate for young people and encouraged them to become more active in creating change in their local communities.

The original NOM mentioned the Northern Ireland Youth Assembly, however it was not possible to confirm this at the moment. The current 90 Youth Assembly Members took their seats in October 2023. There were three members of the Assembly from Ards and North Down and two of those came from his own DEA of the Ards Peninsula.

He imagined that every Member here tonight would have whole heartedly agreed with the first section of the Notice of Motion, and he hoped that everyone could join together to say very clearly that we did value the role that young people played in civic leadership within our Borough.

Through discussions with those involved with Youth Voice he believed the Council could help the group to raise that voice, and provide that platform by giving them the opportunity to 'take over' one of the Council Chambers for an annual meeting. In terms of which Chamber that was (Ards or Bangor) that could be left to Council Officers and the young people themselves to decide. The meeting would allow the young people to lay out their strategic plan for the year. The agenda would be set by the young people and they would engage with the Mayor who would chair the proceedings. Members of NI Youth Forum should also be invited and have an opportunity to present their plans and priorities. It would be a great opportunity for both groups to be aware of each other's work and to take learning from each other.

The use of the filming equipment should be provided with the meeting streamed live on YouTube. You would all be aware that meetings were available live but not to view retrospectively. From conversations he had had with officers and the tech team he understood that it would not be a problem to change the settings and allow this video to stay online. This would have allowed the young people to use it as reference but could also promote their work to residents across the Borough. Elected Members could watch of course, and hopefully begin to work in partnership with young people and these groups to deal with issues that were important to them.

The young people may have wanted to hear from Council Officers around the Council's roles and responsibilities around 'Community and Wellbeing', or 'Planning', or 'Environment'. He explained that he was intentionally not being too prescriptive around this because he believed in active participation and he wanted the young people involved to be able to shape the agenda and logistics along with Council Officers, but hopefully tonight the Committee could agree that there was merit in this and it was an opportunity that Council should provide for young people of the Borough.

The seconder, Councillor Hollywood, said the Borough should recognise the invaluable contributions that young people made to the Borough and the crucial role they played in shaping its present and future.

Having worked with many young people over many years and also having met with Youth Voice members he could see how they served as powerful advocates for their respective communities, representing diverse voices and perspectives of young residents.

They brought fresh insights, innovative ideas, and a unique understanding of the challenges and aspirations facing today's youth.

Providing access to Council facilities for Youth Voice members was not just about offering physical space; it was about acknowledging their rightful place in local governance structures. It was about sending a clear message that their voices mattered, their opinions were valued, and their participation was essential to our democratic processes.

He hoped that by using Council facilities, Youth Voice members would have the opportunity to engage in meaningful discussions on issues that affected their lives and the broader community. That access would enable them to amplify their voices, build networks with elected representatives and Council officers, and develop leadership skills that were critical for not just theirs, but our personal and civic growth.

This Motion further aligned with Council's commitment to promoting youth participation, civic engagement, and building bridges between generations. It reflected their belief in the power of collaboration, dialogue, and mutual respect as essential ingredients for building a stronger, more cohesive Borough.

Therefore, he urged all stakeholders, all Members, Council officers and staff, and ratepayers alike, to join in supporting this motion.

The Deputy Mayor, Councillor Irwin, rose to welcome the proposal and thanked the proposer and seconder for bringing it to the Committee. She felt it was crucial to engage more young people in politics and reflected on youth programmes and opportunities that she had taken at university to get involved in politics which had helped her progress into local government.

Adding her support to the Motion, Councillor Kendall explained that she had engaged with officers earlier in the year to set up a Youth Voice meeting in the Chamber along with Council support for live broadcasting. She believed that the dates proposed were the 9<sup>th</sup> and 10<sup>th</sup> October.

Alderman Cummings gave his support, adding that he had worked with young people and recognised that they brought something very dynamic and he valued their opinion. He was aware of youth programmes at Parliamentary level and he felt it was important to engage young people at local government level.

Councillor W Irvine also recognised the importance of the Motion and would value the input from young people on projects such as Bangor Waterfront Regeneration. Councillor Chambers recalled sitting on a youth forum with others who had progressed to local government and he recalled the benefits of that. He felt it would be extremely beneficial for young people to be able to debate in the City Hall Chamber with the Mayor.

In summing up, Councillor Wray thanked Members and welcomed the cross-party support along with the support from independent Members. It was important to note that young people were not aligned to party politics which he found refreshing. He

appreciated that there had been other efforts ongoing to set up a meeting and thanked Councillor Kendall for making that happen.

**AGREED TO RECOMMEND, on the proposal of Councillor Wray, seconded by Councillor Hollywood, that this Council values the role that young people play in civic leadership within our Borough. Council will engage with Ards and North Down Youth Voice, with the view to providing a Council Chamber and resources to enable them to conduct an annual Meeting. The agenda for the meeting should be decided by the young people with the Mayor chairing the proceedings.**

(Councillor Wray, Councillor Hollywood and Councillor Kendall left the meeting – 8.09pm)

## **16. ANY OTHER NOTIFIED BUSINESS**

There were no items of Any Other Notified Business.

## **EXCLUSION OF PUBLIC/PRESS**

**AGREED, on the proposal of Councillor Chambers, seconded by Councillor Ashe, that the public/press be excluded during the discussion of the undernoted items of confidential business.**

## **17. TENDER FOR GROUNDS MAINTENANCE SUPPORT SERVICES (FILE PCA17)**

**\*\*IN CONFIDENCE\*\***

**NOT FOR PUBLICATION SCHEDULE 3 – EXEMPTION RELATING TO THE FINANCIAL OR BUSINESS AFFAIRS IF ANY PARTICULAR PERSON.**

A report was presented to Community and Wellbeing detailing the tender for Grounds Maintenance Support Services

The Report recommended that Council award the tender in line with the process.

The recommendation was agreed.

## **18. COMBER GREENWAY ALTERNATIVE ROUTE (FILE CW30)** (Appendix IX)

**\*\*IN CONFIDENCE\*\***

**NOT FOR PUBLICATION SCHEDULE 3 – EXEMPTION RELATING TO THE FINANCIAL OR BUSINESS AFFAIRS IF ANY PARTICULAR PERSON.**

A report was presented to Community and Wellbeing providing an update on two new routes for an extension to the Comber Greenway.

The Report recommended that Council agree to one of the routes and proceed with next steps.

The recommendation fell.

**AGREED NOT TO RECOMMEND.**

**19. PEACEPLUS MINUTES (FILE PEACEPLUS)**

(Appendix X)

**\*\*IN CONFIDENCE\*\***

**NOT FOR PUBLICATION SCHEDULE 3 – EXEMPTION RELATING TO THE FINANCIAL OR BUSINESS AFFAIRS IF ANY PARTICULAR PERSON.**

A report was presented to Community and Wellbeing including minutes from the PEACEPLUS meeting on 8<sup>th</sup> February 2024.

The Report recommended that Council note the minutes.

The recommendation was agreed.

**20. PCSP MINUTES (FILE PCSP MINS)**

(Appendix XI)

**\*\*IN CONFIDENCE\*\***

**NOT FOR PUBLICATION SCHEDULE 3 – EXEMPTION RELATING TO THE FINANCIAL OR BUSINESS AFFAIRS IF ANY PARTICULAR PERSON.**

A report was presented to Community and Wellbeing including minutes from the PCSP meeting on 12<sup>th</sup> February 2024.

The Report recommended that Council note the minutes.

The recommendation was agreed.

**21. LEISURE SERVICES CONTRACT. UPDATE ON RECENT CLAIMS CONCERNING COMPENSATION EVENTS (FILE CW24)**

**\*\*IN CONFIDENCE\*\***

**NOT FOR PUBLICATION SCHEDULE 5. EXEMPTION: A CLAIM TO LEGAL PROFESSIONAL PRIVILEGE.**

A report was presented to Community and Wellbeing providing an update on recent claims concerning compensation events.

The Report recommended that Council note the decisions made under the terms of the Leisure contract

The recommendation was agreed.

### **RE-ADMITTANCE OF PUBLIC/PRESS**

**AGREED, on the proposal of Alderman Adair, seconded by Councillor Ashe, that the public/press be re-admitted to the meeting.**

The Vice Chair, Councillor Kendall, took the opportunity to thank the Chair at what would be Councillor Martin's final meeting in the role throughout the 2023/24 year. Councillor Irwin thanked the Chair on behalf of the Alliance Party while Alderman Adair also added his thanks and praise.

Councillor Hollywood echoed those comments, adding that as a new member of Council he had taken useful learning from the Chair.

The Chair thanked Members for the comments and added that it had been a pleasure to chair the Committee over the past year. He praised the Director and Community and Wellbeing officers for their hard work and thanked them for their help throughout the year.

### **TERMINATION OF MEETING**

The meeting terminated at 8.31pm.

Unclassified

167

## Item 7.5 - Matter Arising from Item 11

### Ards and North Down Borough Council

Report Classification	Unclassified
Exemption Reason	Not Applicable
Council/Committee	Council Meeting
Date of Meeting	29 May 2024
Responsible Director	Director of Community and Wellbeing
Responsible Head of Service	Head of Leisure Services
Date of Report	20 May 2024
File Reference	CW74
Legislation	Youth and Recreation Services (NI) Order 1986
Section 75 Compliant	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Other <input type="checkbox"/> If other, please add comment below:
Subject	Matter Arising from Item 11 of the Community and Wellbeing Committee
Attachments	None

A report at item 11 of the Community and Wellbeing Committee on 15<sup>th</sup> May 2024 provided updates to members on a number of capital projects, in response to a motion agreed by Council on 28<sup>th</sup> February 2024, which read as follows.

*“that Council notes the closure of the training area at Portavogie Football Pitch due to health and safety concerns, recognises the negative impact this has on local provision and sports development and tasks Officers to bring forward a report on options to provide temporary training facilities in the village in the short term and repairs to the pitch in the long term. As a matter of urgency Council tasks Officers to bring forward a bimonthly progress report on the development of the Portavogie 3G Pitch, Portaferry Sports Centre and Portaferry 3G Pitch to this committee.”*

As a result, the Community and Wellbeing Committee has agreed to recommend to Council the following in relation to future reports.

Not Applicable

168

*That Council task officers to prepare monthly project planning reports incorporating the traffic light system in respect of the Portavogie 3G Pitch, Portaferry 3G Pitch and Portaferry Sports Centre projects to present to the Community and Wellbeing Committee.*

Officers have discussed the request to alter the format of the report that was presented to committee in response to the original motion and will seek the endorsement of the proposer of this before presenting it to a future committee meeting.

However, with reference to Standing Order 26, no motion to rescind any resolution passed within the preceding 6 months shall be proposed by a member unless notice is given and is signed by at least 15% of members of the Council. Therefore, the proposal to ask in May 2024 for an updated report every month, therefore rescinding the decision to provide one every other month as per the decision in February, if ratified would be in contravention of Standing Order 26.

In order to move forward, officers are content that a change to the format of a project update report is possible under the wording of the original motion agreed in February, but that this can only be provided every other month, unless the original decision is rescinded in accordance with the process set out in Standing Order 26, or a new motion is brought and agreed after 28<sup>th</sup> August 2024 concerning the frequency of future reports.

### **RECOMENDATION**

It is recommended that Council, in line with Standing Order 26, amend the recommendation at item 11 of the minutes of the Community and Wellbeing Committee meeting dated 15<sup>th</sup> May 2024 to retain the previous Council decision of 28<sup>th</sup> February 2024.



Unclassified

169

**ITEM 8.1****Ards and North Down Borough Council**

Report Classification	Unclassified
Exemption Reason	Not Applicable
Council/Committee	Council Meeting
Date of Meeting	29 May 2024
Responsible Director	Chief Executive
Responsible Head of Service	
Date of Report	26 April 2024
File Reference	
Legislation	
Section 75 Compliant	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Other <input type="checkbox"/> If other, please add comment below:
Subject	Deputation Request - Kircubbin & District Community Association
Attachments	Appendix 1 - Deputation request form

A deputation request has been received from Kircubbin & District Community Association which was attached to the report.

**RECOMMENDATION**

It is recommended that Council accepts the request for a deputation from Kircubbin & District Community Association and refers it to the Place and Prosperity Committee.

## Deputation Request Form

A 'deputation request' refers to a person or group of persons asking to appear in person before the Council or a Council Committee in order to address the Council or Committee (as the case may be) on a particular matter.

The procedure governing deputations is contained within section 12 of the Council's Standing Orders, a copy of which is set out below.

If you wish to make a deputation request, please complete this form and return it to Ards and North Down Borough Council via the following email address: [member.services@ardsandnorthdown.gov.uk](mailto:member.services@ardsandnorthdown.gov.uk), providing us with a contact email or postal address and contact telephone number when doing so (please do not include your personal contact details on this form – see privacy notice below).

Please note that it will be for the Council to decide whether to accede to your request and, if it does, to determine when and where the deputation will be heard. The Council will draw upon the information you provide in this form in order to reach its decision, therefore you are encouraged to clearly outline the topic of your request and the reason why you wish to raise the matter before the Council or a Committee.

### Applicant Details

I/we apply to Ards and North Down Borough Council to make a deputation and should this application be successful, I/we agree to comply with section 12 of the Council's Standing Orders.

<b>Name of person(s) making the deputation request:</b>	T Brian Bailie
<b>Date of request:</b>	25 <sup>th</sup> April 2024
<b>If making the deputation on behalf of an organisation or a group of individuals, name of the organisation / individuals:</b>	Kircubbin & District Community Association
<b>Name of Committee (if known) to which you wish to make your deputation:</b>	Harbour Working Group

**Please summarise below (continuing onto an additional page if required) the subject matter of your deputation request and the reason why you wish to raise the matter before the Council or a Committee.**

The restoration of Kircubbin Harbour has been the Number 1 priority of the community for decades.

Finally, after years of stonewalling, the owners of Kircubbin Harbour have formally agreed to release the property to Ards & North Down Borough Council.

The community is not asking the Council to pour rate-payers money into the restoration of the harbour.

Rather, we are asking the Council to adopt the harbour, and facilitate the grant applications, and utilise Council officer expertise to manage the long-term project, which can be tackled in bite-size chunks.

We have considered the alternative of establishing a limited company to take on this role; however, the legal process of a limited company, followed by years of building a track record for funders, could realistically delay any significant repair to the harbour by four-to-five years.

If remedial action is not taken soon to bolster the integrity of the harbour, there is a risk that the deterioration could accelerate catastrophically.

Simple cost-effective solutions to arrest erosion, such as sandbags, would have an immediate benefit.

**Kircubbin is a working harbour:** presently home to two commercial fishing vessels; and it is a frequent haven to visiting leisure craft.

These activities naturally benefit the wider peninsula.

The slogan on the new sign welcoming people to Kircubbin says, ***Haven on the Lough***. This slogan is not just a cheesy catchphrase: it states a fact.

- Kircubbin is the **only viable harbour on the western seaboard** of the Ards Peninsula.
- Kircubbin Bay offers **calm waters and a safe berth and mooring**, (compared to the Irish Sea harbours that are frequently windswept, and surrounded by notorious reefs).
- Kircubbin Harbour is the only location on this coastline with **deep water close to shore**.
- Kircubbin Harbour can safely accommodate vessels with a **draught of up to 3-metres**.

The question most frequently thrown at the community association is, *“Why isn’t the Council doing something about the harbour?”*

In your defence, we offer the excuse that the Council doesn’t own the harbour!

But, this illustrates the wider attitude that if this key landmark becomes an eyesore and an embarrassing pile of rubble, the people of the Ards are already pointing the finger of blame at the Council.

Funding is available from multiple agencies, including:

1. **Dept for Infrastructure**, because of the risk to the A20.
2. **Historic Environment Division** have indicated that they can provide advice and

funding.

3. Multiple £millions can be requested from **National Lottery Grants for Heritage**.
4. Funding may be available from the **National Trust**, who own much of Strangford Lough foreshore.
5. **Dept of Agriculture, Environment and Rural Affairs** have an interest because of the fishing industry that depends on Kircubbin Harbour.
6. And, capital development funding is available from **Tourism Northern Ireland**.

Kircubbin Harbour enjoys a central location on the shores of Strangford Lough; and, the multiple official designations attributed to Strangford Lough offer many untapped opportunities for developing tourism and leisure within the Borough, (Area of Outstanding Natural Beauty; Marine Protected Area; UNESCO Ramsar site; European Marine Reserve; Marine Conservation Zone; Area of Special Scientific Interest).

We do not expect Kircubbin Harbour to generate working profits for the Borough; however, it is clear that restoring Kircubbin Harbour will offer benefits to the Borough through the wider potential for tourism and leisure activities.

The reason why we are requesting that the Council agrees to adopt Kircubbin Harbour is because we have high confidence in the Council's ability to facilitate its restoration. We believe that the Council can tackle the challenging task of acquiring the necessary grant funding, and facilitating the restoration of Kircubbin Harbour. And we believe that the Council can succeed in this restoration without it becoming a burden to the rate-payers of the Borough.

We respectfully request permission to raise this matter before Council Committee.

## **Extract from Ards and North Down Borough Council's Standing Orders, Version 9, December 2021**

### **12. Deputations**

(1) Deputations, from any source, shall only be admitted to address the Council provided the Chief Executive has received seven working days notice of the intended deputation and a statement of its objective, and subject to the agreement of the Council.

(2) In the case of an emergency, deputations, from any source, shall only be admitted to address the Council provided the Chief Executive has received one working day's notice of the intended deputation and a statement of its objective, and subject to the agreement of the Mayor.

(3) The deputation shall be confined to the presentation of a statement, or copy of resolutions, and shall not make more than two short addresses by any two members of the deputation. The totality of the address shall not exceed 10 minutes followed by a maximum 15 minutes question and answer session.

(4) Deputations should not be repetitive and, where possible, issues of a similar or linked nature should be contained in one deputation. Where a deputation has made a presentation to the Council, the Council will decline to accept another deputation on the same issue from the same individual or group for a period of six months.

(5) No further discussion or proposals beyond questions shall take place at a Council or Committee meeting until after the deputation has withdrawn. Any subsequent proposal made should be limited to a request for officers to bring back a report on the matters raised by the deputation.

## Privacy notice – how we will use information about you

Ards and North Down Borough Council is a Data Processor under the General Data Protection Regulation (GDPR) for the personal data it gathers when receiving and administering deputation requests.

You are providing your personal data to the Council whose lawful basis for processing it falls within the following three categories:

- a) **Consent** - you consent to the information being processed for the specific purpose of the Council considering your deputation request;
- b) **Public task** - the processing is necessary in order for the Council to consider your request in line with its Standing Orders which were established under the Local Government Act (Northern Ireland) 2014; and
- c) **Legitimate interests** - the processing is necessary for your legitimate interests (or the legitimate interests of a third party) in order that Council may consider your deputation request.

The personal data you provide when making a deputation request may be shared internally within the Council with staff who are involved in decision making and administration in respect of Council and Committee meetings. This includes both the data contained within this form and any other data, such as an email address or other contact details, we may gather when you send the form to us.

The information you provide on this form only will be provided as a report to Council and potentially thereafter as a report to a Committee (depending on whether Council accedes to your request). Any such report will not usually be heard 'in confidence' and therefore the report will also be published on the Council website prior to the meeting. Members of the press and public may attend the Council (and Committee) meeting at which the report is discussed. An audio recording and written minute will be made of the meeting and both will be published on the website.

Your personal data will not be shared or disclosed to any other organisation without your consent, unless the law permits or places an obligation on the Council to do so.

Personal data is held and stored by the Council in a safe and secure manner and in compliance with Data Protection legislation and in line with the Council's Records Retention and Disposal Schedule.

If you have any queries regarding the processing of your personal data, please contact:

Data Protection Officer  
Ards and North Down Borough Council  
Town Hall, The Castle  
Bangor  
BT20 4BT  
Email: [dataprotection@ardsandnorthdown.gov.uk](mailto:dataprotection@ardsandnorthdown.gov.uk)  
Tel: 0300 013 3333

Unclassified

175

**ITEM 8.2****Ards and North Down Borough Council**

Report Classification	Unclassified
Exemption Reason	Not Applicable
Council/Committee	Council Meeting
Date of Meeting	29 May 2024
Responsible Director	Chief Executive
Responsible Head of Service	
Date of Report	15 May 2024
File Reference	
Legislation	
Section 75 Compliant	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Other <input type="checkbox"/> If other, please add comment below:
Subject	Deputation Request - Conlig Community Regeneration Group
Attachments	Appendix 1 - Deputation request form

A deputation request has been received from Conlig Community Regeneration Group which was attached to the report.

**RECOMMENDATION**

It is recommended that Council accepts the request for a deputation from Conlig Community Regeneration Group and refers it to the Corporate Services Committee.

## Deputation Request Form

A 'deputation request' refers to a person or group of persons asking to appear in person before the Council or a Council Committee in order to address the Council or Committee (as the case may be) on a particular matter.

The procedure governing deputations is contained within section 12 of the Council's Standing Orders, a copy of which is set out below.

If you wish to make a deputation request, please complete this form and return it to Ards and North Down Borough Council via the following email address: [member.services@ardsandnorthdown.gov.uk](mailto:member.services@ardsandnorthdown.gov.uk), providing us with a contact email or postal address and contact telephone number when doing so (please do not include your personal contact details on this form – see privacy notice below).

Please note that it will be for the Council to decide whether to accede to your request and, if it does, to determine when and where the deputation will be heard. The Council will draw upon the information you provide in this form in order to reach its decision, therefore you are encouraged to clearly outline the topic of your request and the reason why you wish to raise the matter before the Council or a Committee.

### Applicant Details

I/we apply to Ards and North Down Borough Council to make a deputation and should this application be successful, I/we agree to comply with section 12 of the Council's Standing Orders.

<b>Name of person(s) making the deputation request:</b>	John Ballard
<b>Date of request:</b>	15/5/24
<b>If making the deputation on behalf of an organisation or a group of individuals, name of the organisation / individuals:</b>	Conlig Community Regeneration Group
<b>Name of Committee (if known) to which you wish to make your deputation:</b>	The appropriate Committee of Council



**Please summarise below (continuing onto an additional page if required) the subject matter of your deputation request and the reason why you wish to raise the matter before the Council or a Committee.**

We are a small group of volunteers who run a charity called Conlig Community Regeneration Group. For a number of years, we have carried out extensive community consultation with the residents of Conlig village, which has made it clear to us the need for a War Memorial, to recognise the sacrifice of those associated to the village who lost their lives in the First and Second World War. In 2017, a notice of motion was passed at Council to support the War Memorial Project, but unfortunately this never happened. Since then, our small group of volunteers have worked hard to fundraise the money needed to build a small War Memorial in the village, and have spent 100s of hours researching and meeting to finalise location, names, design, etc. We are now in the position of being ready to build, having fundraised £8,000 to pay good value suppliers and have built relationships with local suppliers who are prepared to provide in kind services and materials to support the project. In order for this to happen, we have a couple of asks from Ards and North Down Borough Council to ensure this project can take place and are about to submit a proposal with more details on what those asks are. We presented our proposal to local Councillors who serve across Bangor on Monday 13<sup>th</sup> May, and it was unanimous that our group should come and present our proposal at Committee to explain clearly the project, especially our asks to Council. We are therefore requesting to make a deputation to the appropriate committee of council. Please contact us if you need any more information.

## **Extract from Ards and North Down Borough Council's Standing Orders, Version 8, September 2021**

### **12. Deputations**

(1) Deputations, from any source, shall only be admitted to address the Council provided the Chief Executive has received seven working days notice of the intended deputation and a statement of its objective, and subject to the agreement of the Council.

(2) In the case of an emergency, deputations, from any source, shall only be admitted to address the Council provided the Chief Executive has received one working day's notice of the intended deputation and a statement of its objective, and subject to the agreement of the Mayor.

(3) The deputation shall be confined to the presentation of a statement, or copy of resolutions, and shall not make more than two short addresses by any two members of the deputation. The totality of the address shall not exceed 10 minutes followed by a maximum 15 minutes question and answer session.

(4) Deputations should not be repetitive and, where possible, issues of a similar or linked nature should be contained in one deputation. Where a deputation has made a presentation to the Council, the Council will decline to accept another deputation on the same issue from the same individual or group for a period of six months.

(5) No further discussion or proposals beyond questions shall take place at a Council or Committee meeting until after the deputation has withdrawn. Any subsequent proposal made should be limited to a request for officers to bring back a report on the matters raised by the deputation.

## Privacy notice – how we will use information about you

Ards and North Down Borough Council is a Data Processor under the General Data Protection Regulation (GDPR) for the personal data it gathers when receiving and administering deputation requests.

You are providing your personal data to the Council whose lawful basis for processing it falls within the following three categories:

- a) **Consent** - you consent to the information being processed for the specific purpose of the Council considering your deputation request;
- b) **Public task** - the processing is necessary in order for the Council to consider your request in line with its Standing Orders which were established under the Local Government Act (Northern Ireland) 2014; and
- c) **Legitimate interests** - the processing is necessary for your legitimate interests (or the legitimate interests of a third party) in order that Council may consider your deputation request.

The personal data you provide when making a deputation request may be shared internally within the Council with staff who are involved in decision making and administration in respect of Council and Committee meetings. This includes both the data contained within this form and any other data, such as an email address or other contact details, we may gather when you send the form to us.

The information you provide on this form only will be provided as a report to Council and potentially thereafter as a report to a Committee (depending on whether Council accedes to your request). Any such report will not usually be heard 'in confidence' and therefore the report will also be published on the Council website prior to the meeting. Members of the press and public may attend the Council (and Committee) meeting at which the report is discussed. An audio recording and written minute will be made of the meeting and both will be published on the website.

Your personal data will not be shared or disclosed to any other organisation without your consent, unless the law permits or places an obligation on the Council to do so.

Personal data is held and stored by the Council in a safe and secure manner and in compliance with Data Protection legislation and in line with the Council's Records Retention and Disposal Schedule.

If you have any queries regarding the processing of your personal data, please contact:

Data Protection Officer  
Ards and North Down Borough Council  
Town Hall, The Castle  
Bangor  
BT20 4BT  
Email: [dataprotection@ardsandnorthdown.gov.uk](mailto:dataprotection@ardsandnorthdown.gov.uk)  
Tel: 0300 013 3333



180

Mayor / Méara  
Councillor / An Comhairleoir  
Patricia Logue

Our Ref: TJ/C216/24

9 May 2024

Dear Chief Executive

At a Meeting of Derry City and Strabane District Council held on 24 April 2024, the following Motion was passed:

**That this Council acknowledges the unacceptable waiting times for autism assessments in the North of Ireland, causing significant hardship and developmental delays.**

**Council recognises that early intervention is critical for developing key skills in children with autism, yet the backlog hinders timely support, impacting individual potential and straining educational and healthcare services.**

**Council resolve to formally write to the Minister of Education and the Minister for Health to urgently develop and present a comprehensive business case outlining specific, actionable strategies to address and resolve this backlog including a detailed analysis of its impacts, clear reduction targets, proposed measures for ongoing assessments, and the necessary financial and staffing resources.**

**This plan should involve and support families throughout the process.**

**Council demands immediate action and insists on a collaborative effort among the Minister for Health, Minister for Education, and Minister for Finance, together with key stakeholders to develop a detailed report on the business case**

**and action plan, including a clear implementation timeline, within this mandate period to immediately address and resolve the existing backlog.**

**Council will seek collaboration from ALL NI councils to support this call pledging to facilitate and support the development of the business case and action plan.**

I would appreciate your consideration in this important matter and would be grateful for a response at your earliest opportunity.

**Yours Sincerely**



---

**Councillor Patricia Logue  
Mayor  
Derry City and Strabane District Council**

Unclassified

182

**ITEM 10.1****Ards and North Down Borough Council**

Report Classification	Unclassified
Exemption Reason	Not Applicable
Council/Committee	Council Meeting
Date of Meeting	29 May 2024
Responsible Director	Interim Chief Executive
Responsible Head of Service	
Date of Report	21 May 2024
File Reference	
Legislation	
Section 75 Compliant	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Other <input type="checkbox"/> If other, please add comment below:
Subject	80th D-Day Anniversary Wreath Laying Service
Attachments	Appendix 1 - Email invitation

The RBL Bangor Branch have extended an invitation to Members to a wreath laying service to commemorate the 80<sup>th</sup> Anniversary of the D-Day Landings, at the War Memorial Ward Park on the 6<sup>th</sup> June 2024 at 18.30. Those taking part in the service should meet at the War Memorial Ward Park at 18.15.

Members are asked to contact Democratic Services if they wished to attend.

**RECOMMENDATION**

It is recommended that the Council notes the report.

**From:** Bangor Secretary <[Bangor.Secretary@rbl.community](mailto:Bangor.Secretary@rbl.community)>  
**Sent:** Thursday, May 16, 2024 9:30 AM  
**To:** Wilson, Jeanette <[Jeanette.Wilson@ardsandnorthdown.gov.uk](mailto:Jeanette.Wilson@ardsandnorthdown.gov.uk)>  
**Subject:** 80th D-Day Anniversary Wreath Laying Service 6th June 2024

**CAUTION:** This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Good Morning Jeanette

Could you please forward this invitation to all ANDBC Aldermen and Councillors, Officers and staff

The RBL Bangor Branch will be holding a wreath laying service to commemorate the 80<sup>th</sup> Anniversary of the D-Day Landings, at the War Memorial Ward Park on the 6<sup>th</sup> June 2024 at 18.30pm. Those taking part in the service should meet at the War Memorial Ward Park at 18.15pm.

The RBL social club will be open after the service

**Jack Harper**  
Secretary  
Bangor Branch



Earl Haig Memorial Hall  
41 Hamilton Road Bangor BT20 4LF  
Charity No 219279

---

Unclassified

184

**ITEM 10.2****Ards and North Down Borough Council**

Report Classification	Unclassified
Exemption Reason	Not Applicable
Council/Committee	Council Meeting
Date of Meeting	29 May 2024
Responsible Director	Interim Chief Executive
Responsible Head of Service	
Date of Report	21 May 2024
File Reference	
Legislation	
Section 75 Compliant	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Other <input type="checkbox"/> If other, please add comment below:
Subject	Somme Commemoration Wreath Laying Service 2024
Attachments	Appendix 1 - Invitation

The Royal British Legion (Bangor Co Down Branch) wishes to invite the Members from Ards and North Borough Council to the annual wreath laying service to be held at the War Memorial Ward Park Bangor at 2.15pm on Sunday 30<sup>th</sup> June 2024 to commemorate the Battle of the Somme.

Members are asked to be in position at the War Memorial by 2pm.

Members are asked to contact Democratic Services if they wished to attend.

**RECOMMENDATION**

It is recommended that the Council notes the report.





The Royal British Legion  
Bangor Co Down Branch  
Earl Haig Memorial Hall  
41 Hamilton Road  
BANGOR  
BT20 4LF  
Ph 07773142102

E mail [bangor.secretary@rbl.community](mailto:bangor.secretary@rbl.community)

Dated 17<sup>th</sup> May 2024

Councillors  
Ards and North Down Borough Council  
The Town Hall  
The Castle  
Bangor  
BT20 4BT

Somme Commemoration Wreath Laying Service 2024

The Royal British Legion (Bangor Co Down Branch) wishes to invite the councillors from Ards and North Borough Council to the annual wreath laying service to be held at the War Memorial Ward Park Bangor at 2.15pm on Sunday 30<sup>th</sup> June 2024 to commemorate the Battle of the Somme, you are asked to be in position at the War Memorial by 2pm

Yours sincerely

*J Harper*  
Jack Harper  
Secretary



Charity No 219279

Unclassified

186

**ITEM 10.3****Ards and North Down Borough Council**

Report Classification	Unclassified
Exemption Reason	Not Applicable
Council/Committee	Council Meeting
Date of Meeting	29 May 2024
Responsible Director	Chief Executive
Responsible Head of Service	N/A
Date of Report	22 May 2024
File Reference	
Legislation	
Section 75 Compliant	Yes <input type="checkbox"/> No <input type="checkbox"/> Other <input type="checkbox"/> If other, please add comment below:
Subject	Attendance at APSE National Council
Attachments	

**The Association for Public Service Excellence (APSE)**

The Association for Public Service Excellence (APSE) is owned by its members and working on their behalf, maintains and develops a network of local government officers, managers and councillors from local authorities across England, Northern Ireland, Scotland and Wales.

Working on a not-for-profit basis, APSE is dedicated to promoting excellence in the delivery of frontline services to local communities around the UK. Through the extensive APSE network, more than 300 local authorities and organisations are able to share information and expertise on vital frontline services, ask for advice and innovative solutions, and develop new, viable ways forward in an effort to help one another.

APSE provides a united national voice for these authorities, supporting them in the development of strong and sustainable public services.

Members of APSE have access to many excellent benefits that help local authorities to grow. These include regular briefings on the latest policy developments

Not Applicable

187

and operational issues, access to groups and forums that allow authorities to come together to share information and collaborate, and the ability to anonymously ask for, and give advice on a range of service issues.

One of the most important benefits APSE membership offers is the opportunity for local authority service providers to have their views voiced and represented at a national level. APSE carefully develops this voice by collaborating with members, and supports it using research, extensive campaigns and consistent media activities.

APSE conducts research, publishes reports, and campaigns to create a positive role for local government, helping them to deliver high quality, effective and efficient public services. APSE's targeted training programme, regular briefings and inclusive events strive to keep council officers and elected members updated on the latest public service issues. There is also APSE Solutions, an in-house team that works closely with individual authorities, offering high quality consultancy and interim management support for members and other relevant organisations. APSE has also developed the innovative Performance Networks Service, which is the largest national voluntary local government benchmarking service.

#### **APSE National Council Workshop 13-14 June 2024**

Alderman McDowell is one of the Council's representatives on APSE and Vice Chair of the Northern Ireland Region. Alderman McDowell was nominated by the NI region of APSE to be the National Chair of a Strategic Forum Group at the last AGM and is a member of the National Council of APSE. The National Council is the Management Body for all of APSE UK. The National Council meets quarterly, rotating the location of the meeting across the country to London, York, Bristol and Belfast.

The next meeting is in York on the 13 and 14 June 2024, and Alderman McDowell is requesting permission to attend this meeting, and the other meetings of the National Council throughout the year. The flight and train costs to York are approximately £100, and APSE will be paying for the hotel accommodation. These costs can be covered within existing budgets.

#### **RECOMMENDATION**

It is recommended that Council approve attendance by Alderman McDowell to the four APSE National Council meetings as outlined within the report.

Unclassified

188

**ITEM 11****Ards and North Down Borough Council**

Report Classification	Unclassified
Exemption Reason	Not Applicable
Council/Committee	Council Meeting
Date of Meeting	29 May 2024
Responsible Director	Interim Chief Executive
Responsible Head of Service	
Date of Report	10 May 2024
File Reference	CX 181
Legislation	
Section 75 Compliant	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Other <input type="checkbox"/> If other, please add comment below:
Subject	The Battle of the Somme Pilgrimage 2024
Attachments	

The Council has participated annually in the commemorative events and wreath laying at the Thiepval Monument, Ulster Memorial Tower and the Memorial at Guillemont, to mark the anniversary of the Battle of the Somme on 1 July.

At the Council meeting on 27 March 2024, Council agreed the attendance of the Mayor, Councillor Hollywood and an Officer at the commemoration events this year, departing on 29 June and returning on 3 July 2024.

The trip requires significant travel each day between numerous sites, the majority of which require a guide to share their historical significance. This role has been the responsibility of the former Chief Executive who has knowledge of the history and is familiar with the itinerary, having acted as both the guide and driver on previous trips.

Hiring a local guide as other councils have would be a substantial additional cost to Council. However, the former Chief Executive has offered to accompany the group to share his knowledge so that this can be utilised by the accompanying Officer on future

Not Applicable

189

trips. It is understood that this approach was previously adopted by Council and proved successful in knowledge sharing.

There would be no charge for the former Chief Executive's time, Council would only be required to cover flights, accommodation and subsistence. This would allow knowledge transfer for future visits and therefore would be a saving to Council in both the short and long term.

Option 1:

Approximate cost to bring a guide from NI, including flights, accommodation and subsistence (at the time of writing this report):

Total cost to Council = circa £1,100

Option 2:

Approximate cost to hire a guide in France to stay with the party for the duration, including accommodation and subsistence (at the time of writing this report):

Total cost to Council = circa £3,800

### **RECOMMENDATION**

It is recommended that Council approve Option 1, and that the former Chief Executive accompanies the Interim Chief Executive, the Mayor and Councillor Hollywood on this trip.

Unclassified

190

**ITEM 13****Ards and North Down Borough Council**

Report Classification	Unclassified
Exemption Reason	Not Applicable
Council/Committee	Council Meeting
Date of Meeting	29 May 2024
Responsible Director	Chief Executive
Responsible Head of Service	
Date of Report	10 May 2024
File Reference	
Legislation	
Section 75 Compliant	Yes <input type="checkbox"/> No <input type="checkbox"/> Other <input type="checkbox"/> If other, please add comment below:
Subject	The Local Government (Remote Meetings) Regulations (Northern Ireland) 2024 final draft
Attachments	Appendix 1 - Letter received from the Department for Communities Annex A Annex B

A letter (Appendix 1) was received from Department for Communities on 3 May 2024 with the final draft of The Local Government (Remote Meetings) Regulations (Northern Ireland) 2024 (Annex B) attached.

Council Chief Executives were asked to examine the draft regulations and respond by 17 May 2024 with any comments. On examination, it was deemed that it was not necessary to make any comments.

**RECOMMENDATION**

It is recommended that Council notes this report and the attached final draft regulations.



Department for  
**Communities**  
www.communities-ni.gov.uk

An Roinn  
**Pobal**

Department fur  
**Commonities**

191

**To: Council Chief Executives**

**Causeway Exchange  
1-7 Bedford Street  
Belfast  
BT2 7EG**

Telephone: (028) 90582 3346  
e-mail: [anthonycarleton@communities-ni.gov.uk](mailto:anthonycarleton@communities-ni.gov.uk)  
Our ref:  
Date: 03 May 2024

Dear Chief Executive

### **Council Remote/Hybrid Meetings**

I refer to my letter of 12 March 2024 seeking your input on a draft of the proposed regulations for ensuring councils will have powers to hold remote/hybrid meetings. Thank you for the time taken to review the draft regulations. The Department received 4 comments on the draft regulations which are summarised in Annex A along with the Departmental response.

A revised draft of the regulations, taking on board the comments received, has been scrutinised by Departmental Solicitors and a final draft is attached for your information and final examination (Annex B).

To enable us to make the regulations as soon as possible, thereby keeping the gap in legislative provision for remote meetings to a minimum, please send any comments you may have on the revised draft regulations by 17 May 2024.

Yours sincerely

**Anthony Carleton**  
**Director**  
**Local Government & Housing Regulation**

<b>Draft Regulations: Comments Received from Councils – Departmental Response</b>	
1	<p>Regulation 2(2) and (3) refers to ‘<i>where practicable</i>’ quite a bit when referring to the conditions that must be satisfied for member to be in remote attendance. Our view would be that the use of the term ‘<i>where practicable</i>’ is too loose and potentially open to misuse or challenge. For example, if a member is speaking at a meeting or voting in a planning meeting they should have their camera on, but under these draft regulations they could say it wasn’t practicable. Planning decisions could potentially be open to legal challenge ie. a Member voting on a planning application but no evidence that they sat through the whole discussion to listen to the entire debate to form their opinion if their camera was off etc. Consideration should be given to tightening this section up.</p> <p>If we’re going down the line of replicating fully ‘in the room meetings’ with hybrid/ fully remote meetings the conditions of being seen and being heard should be met – as they are when Members are all in the room together where they’re clearly ‘seen’ and ‘heard’ etc.</p> <p><b>Minister Lyons intends to give councils as much flexibility as possible to hold their meetings by remote or hybrid means.</b></p> <p><b>Regulation 2(2) and (3) of the draft Regulations refers to the conditions that must be satisfied for member to be in remote attendance and the inclusion of ‘where practicable’ intentionally provides the widest flexibility in the circumstances. The conditions a member must meet to attend a meeting remotely are the same conditions that have applied since 2020 when the flexibility for councils to hold meetings by remote/hybrid means was first introduced, as set out in Regulation 3(2) &amp; (3) of the Local Government (Coronavirus) (Flexibility of District Council Meetings) Regulations (Northern Ireland) 2020.</b></p>
2	<p>Regulation 2(6)(a) refers to councils making other standing order(s) but we believe the Regulations and this section should include some high levels at least as a minimum that all Councils should include in their Standing Orders to accommodate remote/hybrid meetings. The 2014 Local Government Act (NI) did this to some extent and they found their way into forming the basis of the model Standing Orders issued by the Department back in 2014/2015 for the new councils.</p> <p><b>The intention of section 2(6), (now section 2(5)), is to allow each council maximum flexibility to decide how they govern remote meetings by including standing orders for their council. If all councils agreed that a common form of words for standing orders on remote meetings should be used, then the content could be agreed by councils.</b></p>
3	<p>The Council would wish to query the requirement for Regulation 2 Paragraph 5. This paragraph formed part of the original regulations (The Local Government (Coronavirus) (Flexibility of District Council Meetings) Regulations (Northern Ireland) 2020.</p> <p>This paragraph is applicable were only remote meetings are permitted and in person meetings are not available. If, as per paragraph 6, Councils are to have discretion around whether or whenever to have remote meetings then regulation 2 (5) is no longer required.</p>
4	<p>Whether Regulation 2(5) of the draft Regulations should be included (within the Regulations) if it is for a council to determine whether they, via their standing</p>



## Annex A

orders, permit remote attendance at their meetings as set out under Regulation 2(6).

Regulation 2(5) was part of the original 2020 regulations in response to the coronavirus pandemic and therefore the Department is willing and has removed regulation 2(5) in the revised draft regulations, however, councils need to be aware that the removal of this means councils will need to have revised their standing orders before they can begin to hold remote/hybrid meetings.

*Draft Regulation laid before the Assembly under section 2(5) of the Local Government (Meetings and Performance) Act (Northern Ireland) 2021, for approval.*

---

DRAFT STATUTORY RULES OF NORTHERN  
IRELAND

---

**2024 No.**

**LOCAL GOVERNMENT**

**The Local Government (Remote Meetings) Regulations  
(Northern Ireland) 2024**

*Made* - - - - *X Month 2024*

*Coming into operation* - *X Month 2024*

The Department for Communities (a) makes these Regulations in exercise of the powers conferred by section 2(1) to (4) of the Local Government (Meetings and Performance) Act (Northern Ireland) 2021(b).

**Citation, commencement and interpretation**

**1.**—(1) These Regulations may be cited as the Local Government (Remote Meetings) Regulations (Northern Ireland) 2024 and shall come into operation on X Month 2024.

(2) In these Regulations—

“the 2014 Act” means the Local Government Act (Northern Ireland) 2014(c);

“council” means a district council;

“council meeting” means a meeting of—

- (a) a council;
- (b) an executive of a council (within the meaning of Part 6 of the 2014 Act);
- (c) a joint committee of two or more councils; and
- (d) a committee or sub-committee of anything within subparagraphs (a), (b) or (c).

“remote access” means the ability to attend or participate in a meeting by electronic means, including by telephone conference, video conference, live webcasts, and live interactive streaming; and

“remote attendance” is to be construed in accordance with regulation 2(2) and (3).

---

(a) See section 1(7) of the Departments Act (Northern Ireland) 2016 (c.5 (N.I.)).

(b) 2021 c. 8 (N.I.).

(c) 2014 c. 8 (N.I.).

### Remote attendance

2.—(1) A reference in any enactment to a council meeting is not limited to a meeting of persons all of whom, or any of whom, are present in the same place and a reference to a “place” where a meeting is held, or to be held, includes reference to more than one place including electronic, digital or virtual locations such as internet locations, web addresses or conference call telephone numbers.

(2) In any enactment where there is a reference to a council meeting, a member of a council (“a member in remote attendance”) attends the meeting at any time if all of the conditions in paragraph (3) are satisfied.

(3) Those conditions are that the member in remote attendance is able at that time—

- (a) to hear, and where practicable see, and be so heard and, where practicable, be seen by, the other members in attendance;
- (b) to hear, and where practicable see, and be so heard and, where practicable, be seen by, any members of the public in attendance in order to exercise a right to speak at the meeting; and
- (c) to be so heard and, where practicable, be seen by any other members of the public in attendance.

(4) In this regulation, any reference to a member, or a member of the public, attending a meeting or being in attendance includes that person attending by remote access.

(5) A council must make other standing orders governing remote attendance at meetings of that council, which shall—

- (a) specify the basis or process for considering whether (including who is to assess or decide whether) council meetings should or are to be held remotely;
- (b) govern the arrangements for and conduct of such meetings whenever such meetings are to be held remotely; and
- (c) regulate—
  - (i) the public’s access to such meetings, and
  - (ii) the availability to the public of documents pertaining to such meetings,

whenever such meetings are to be held remotely.

### Related modifications

3.—(1) In section 28(7) (overview and scrutiny committees: supplementary provision) and paragraph 9 of Schedule 5 to the 2014 Act, a reference to a person attending a meeting, or before a meeting, includes that person attending by remote access.

(2) Schedule 5 to the 2014 Act (meetings and proceedings) applies as follows—

- (a) any reference to being “present” at a meeting includes being present through remote attendance; and
- (b) in paragraph 5(1)(a) after “the offices of the council” insert “and on the council’s website”.

(3) In sections 39 (simple majority) and 40 (qualified majority) of the 2014 Act references to “members present and voting on the decision” includes a member being present through remote attendance.

Sealed with the Official Seal of the Department for Communities on X Month 202x.

(L.S.)

*Anthony Carleton*  
A senior officer of the Department for Communities

### **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations are made under section 2(1) to (4) of the Local Government (Meetings and Performance) Act (Northern Ireland) 2021. These Regulations make provision regarding the running of council meetings.

Regulation 1 sets out preliminary matters and defines terms used in these Regulations.

Regulation 2 makes provision for remote attendance at council meetings by members of the council and requires a council to make standing orders regarding the decision to hold a meeting remotely, the conduct of the meeting and access by the public.

Regulation 3 makes related modifications to the Local Government Act (Northern Ireland) 2014.

## Choose a Report Classification

197

**ITEM 14****Ards and North Down Borough Council**

Report Classification	Choose a Report Classification
Exemption Reason	Not Applicable
Council/Committee	Council Meeting
Date of Meeting	29 May 2024
Responsible Director	Chief Executive
Responsible Head of Service	
Date of Report	10 May 2024
File Reference	
Legislation	
Section 75 Compliant	Yes <input type="checkbox"/> No <input type="checkbox"/> Other <input type="checkbox"/> If other, please add comment below:
Subject	Local Government Commissioner for Standards Annual Report 2022-23
Attachments	Appendix 1 - Letter received from the Local Government Commissioner for Standards Appendix 2 - Commissioner for Standards Annual Report 2022/23

A letter (Appendix 1) was received from the Local Government Commissioner for Standards on 8 May 2024 advising that the Annual Report for the 2022/23 financial year had now been published.

The Commissioner requested that this was brought to the attention of Members.

**RECOMMENDATION**

It is recommended that Council notes this report and the attached appendices.



8<sup>th</sup> May 2024

Stephen Reid  
Ards and North Down Borough Council

Dear Stephen

**Re; Local Government Commissioner for Standards Annual Report**

Please find enclosed a copy of my report for the 2022/23 financial year acting in my role as the Northern Ireland Local Government Commissioner for Standards. The report can also be accessed at

[Annual Reports | NIPSO](#)

I would ask that you bring this report to the attention of elected representatives.

I am pleased to note improved performance and in particular:

- a. Key performance Indicators for both the assessment and investigation of allegations met
- b. More decisions taken earlier in our case handling process
- c. A reduction in the number of allegations carried forward into 2023/24
- d. As of year end 23/24 any outstanding older cases now closed or in adjudication.

In addition my staff undertook a number of surveys to assist with our work in improving standards in public life. The surveys were issued to Councillors, Council Chief Executives and other senior council staff and those who made allegations that a councillor may have breached the code of conduct. The surveys helped us to identify those things that we do well and the areas where we need to make improvement. Work is now underway to develop new resources and updated guidance to help improve councillors understanding their obligations as set out in the code of conduct

Yours sincerely

Kind regards

A handwritten signature in black ink that reads "Margaret Kelly".

**MARGARET KELLY**  
Northern Ireland Local Government Commissioner for Standards



Northern Ireland  
**Local Government**  
Commissioner for **Standards**

# Commissioner's Report

## 2022-2023

# Foreword from the Commissioner



The Code of Conduct for Councillors is designed to ensure public trust in local democracy through the promotion of good standards in public life. When debated and adopted by the Northern Ireland Assembly in 2014, the Code was seen as underpinning the additional powers and responsibilities given to local councillors and ensuring that a framework was provided to build public trust. As such my office was entrusted with that framework of accountability to ensure alleged breaches of the Code were independently investigated and adjudicated as appropriate. While slightly different in administration, this brought Northern Ireland in line with the other jurisdictions of the UK in both providing a clear code for local councillors and a means of public accountability for any proven breaches of that code.

The Code sets out the standards of behaviour expected from our local representatives and aims to ensure that those taking essential decisions for citizens in Northern Ireland are clear on the principles and actions which should underpin public life. The Code makes reference to the key principles of public life, the Nolan principles including leadership, selflessness, integrity, objectivity, accountability, openness, honesty, duty and respect. It also goes further and provides greater guidance for Councillors including their duties not to bring either themselves or their councils into disrepute, the need to give full consideration to declaration of interests and ensuring public debate remains both compliant with the law and respectful.

In my role as Commissioner I think it is important that my office engages with both councillors and senior council staff to promote an understanding of the Code and to provide support and training.

It is equally important that the public are aware of the Code and understand how to bring a complaint or allegation that it has been breached. To this end, during the last year my office undertook a number of surveys with councillors, senior council staff and complainants to understand their experience of the Code and of being subject to or bringing an allegation. I was encouraged that approximately one third of councillors responded, as well as over 40% of council senior staff and while the response from complainants was lower there was nonetheless important lessons for us. The detail of responses and issues are laid out in this report.

The Code, its relevance and impact remains a matter of importance for public life and my office has been particularly active in the current year in ensuring that newly elected local councillors understand their duties and responsibilities under it.

I understand that being subject to an allegation under the Code and to any subsequent investigation and adjudication is stressful and my office has worked hard to make this process more timely. I want to thank those councillors who have been subject to a complaint for their co-operation during the process.

I would further like to thank my staff at the Local Government Ethical Standards team for their hard work during the year as well as those who ensure the smooth running of adjudications. I would further thank both my assistant Commissioners for their dedication in ensuring that adjudications continue to run in a timely and independent manner.

**Margaret Kelly**  
Commissioner

© Northern Ireland Public Services Ombudsman copyright 2024

This information is licensed under the Open Government Licence v3.0.

To view this licence visit:

[www.nationalarchives.gov.uk/doc/open-government-licence/version/3/](http://www.nationalarchives.gov.uk/doc/open-government-licence/version/3/)

Any enquiries regarding this publication should be sent to:

Email: [nipso@nipso.org.uk](mailto:nipso@nipso.org.uk)

Tel: 028 9023 3821



# Introduction

As part of the reform of local government in Northern Ireland and the transfer of powers and function including planning to councils, a new standards regime including a mandatory Code of Conduct for councillors was introduced. The Code sets out standards of conduct and behaviour with the aim of ensuring confidence in local democratic decision making. The Local Government Commissioner for Standards provides guidance to assist councillors ensure they understand and comply with the Code and with the aim of improving ethical standards at local government level.

Where written allegations are made against a councillor that their conduct or behaviour has or may have breached the Code, the Commissioner has the authority to investigate and where appropriate adjudicate on those allegations.

The Commissioner has put in place a four-stage process for dealing with written allegations against a councillor to ensure a proportionate use of resources.

Where there is insufficient evidence of a breach of the Code, cases may be closed at either the assessment or investigation stage. In cases where an investigation indicates that there may have been a breach of the Code alternatives to an adjudication are considered prior to referring a case to the Commissioner.

The Commissioner has no role in the investigation of complaints and exercises her role separate to that of the investigation function, which is delegated to the Local Government Ethical Standards team. The separation between the investigation and adjudication functions ensures that should a case be referred to the Commissioner and she accepts it, that the issues raised as part of the investigation report are considered fairly and independently.

Only the Commissioner, after an Adjudication, can decide whether there has been a breach.

This report covers both the investigation and adjudication functions.

## SECTION ONE

# Investigations

# Investigations

In 2022-23 the number of allegations raised against councillors remained broadly in line with the long-term trend. There were **45** written allegations that councillors may have breached rules within the Code of Conduct in 2022-23 compared to **42** written allegations received in 2021-22, and the five year mean of **47** allegations.

## Cases determined in 2022-23

In addition to the **45** allegations received during the year, **63** cases were carried forward from 2021-22 giving a caseload of **108** allegations. A total of **63** allegations were determined in year, leaving **45** cases carried forward into 2023-24. This continues the improvement in the number of decisions made and in removing the backlog of cases.

The Investigation team seek to ensure that decisions are taken on allegations as early as possible with consideration given to whether there is the opportunity to resolve allegations by alternative action thereby avoiding the time and expense of an adjudication. The breakdown of the stage of closure was as follows:

- **14** were closed at the Initial Assessment Stage, which looks at whether the allegations relate to conduct covered by the Code.
- **16** were closed at the Assessment Stage which looks at whether there is evidence of conduct which, if proven, indicates a breach of the Code.
- **29** were closed at the Investigation Stage, where it was decided that there was no evidence of any failure to comply with the Code.
- **4** cases were closed by Alternative Action.

**In addition 4 cases were referred to the Commissioner with a request that she consider an Adjudication on the issues raised.**

## Caseload

	2022-23	2021-22	2020-21	2019-20
Written complaints received in year	45	42	48	41

## Closed Cases

	2022-23	2021-22	2020-21	2019-20
Closed at Initial Assessment stage	14	12	4	9
Closed at Assessment stage	16	11	10	13
Closed at Investigation stage	29	16	9	10
Closed by Alternative Action at investigation	4	5	0	10

## Issues Raised

Similar to previous years the largest area of concern raised in the allegations received related to the behaviour of councillors towards others. A total of **26** issues were raised about councillors' behaviour. This compared to **29** issues about behaviour towards others being raised in 2021-22.

The standards of behaviour towards others are covered in Section 4.13 of the Code, which states that councillors must:

- (a) Show respect and consideration for others;
- (b) Not use bullying behaviour or harass any person; and
- (c) Not do anything which compromises, or which is likely to compromise the impartiality of those who work for, or on behalf of, the council.

Politics at a local level can lead to robust debate and the Code of Conduct does not prevent this, however there is an expectation that debates are respectful and should focus

on the issues and not involve comments regarding political opponents. Concerns raised about the behaviour of councillors include comments made both at council meetings and on social media.

The second largest area of concern (**21**) raised in the allegations related to the sections of the Code of Conduct relating to obligations as a councillor.

This section requires councillors to act lawfully, in accordance with the Code, and not to act in a manner which could bring their position as a councillor, or their council, into disrepute.

Other issues of concern related to use of position (**6**), issues around disclosure and declaration of interests, issues related to planning, and decision making.

It should be remembered that more than one person may make the same or similar complaint, and a complainant may allege that more than one area of the code has been breached.

**Written Allegations Received - by Basis of Complaint**

	2022-23	2021-22
Obligations as a Councillor (requirement to act lawfully and not bring council/position of councillor into disrepute)	21	22
Behaviour towards other people (requirement to show respect and consideration for others)	26	29
Use of position	6	6
Disclosure of information	1	0
Decision-making	1	3
Use of council resources	1	0
Registration of Interests	0	0
Disclosure & Declaration of Interests	1	4
Lobbying and access to councillors	0	0
Planning matters	12*	5
<b>Total issues</b>	<b>69</b>	<b>69</b>

\*One person made the same allegation against 12 councillors who were members of the Planning Committee

**Written Allegations Received by Council Area**

	2022-23	2021-22	2020-21
Antrim & Newtownabbey Borough Council	4	6	4
Mid and East Antrim Council	12	17	6
Armagh City, Banbridge and Craigavon Borough Council	0	1	2
Belfast City Council	2	0	3
Causeway Coast and Glens Council	1	2	17
Derry and Strabane Council	0	0	2
Fermanagh and Omagh Council	8	6	11
Mid Ulster Council	2	1	2
Newry, Mourne and Down Council	14	5	1
Ards and North Down Council	0	0	0
Lisburn and Castlereagh Council	2	4	0
<b>Total</b>	<b>45</b>	<b>42</b>	<b>48</b>

# Performance

The Commissioner has established two Key Performance Indicators (KPI's) for the Investigation team. The first KPI establishes a target for the timeframe within which a decision should be made on whether an allegation should progress to investigation. The second target sets a timescale for completion of the investigation and reporting to the councillor on the outcome of that investigation.

The target for the decision on whether to conduct an investigation is that within 4 weeks of a valid allegation being received to tell the person making the allegation and the relevant councillor whether it will be investigated in 85% of cases.

In 2022-23 this KPI was met in **93%** of complaints, against the target of 85%. This marked a considerable improvement from the position in 2021-22 where achievement against this target was 69%.

In the second KPI the team aim in **60%** of cases to complete the investigation within 40 weeks of the complaint being received. In 2022-23, **86%** of investigations were completed within this timeframe.



# Case Summaries

## Complaint about 'sectarian rant' comment not accepted for investigation

A councillor claimed that another councillor had breached the Code of Conduct by referring to his comments at a committee meeting as 'a sectarian rant.'

He said the councillor refused to retract his comments, which he believed were insulting, malicious, and defamatory.

The phrase 'sectarian rant' was made in response to the councillor's statement about the council favouring certain organisations when it came to the allocation of money.

The complaint was considered against the Code of Conduct and the Commissioner's Guidance on the Code. The latter states:

*'Challenges to ideas and opinions are part of the political landscape. It is unlikely that the lawful expression of such political views would lead to a finding of a breach of the Code for failing to show respect and consideration for others.'*

The assessment of the complaint also took into account whether the comments were unlawful or highly offensive, and whether the conduct complained of was likely to diminish the trust and confidence the public places in a councillor or the council.

Article 10 of the European Convention on Human Rights also gives enhanced protection to comments which relate to political issues. As councillors or other politicians knowingly lay themselves open to close scrutiny of their words and deeds, they are expected to possess a thicker skin and greater tolerance than ordinary members of the public.

This means that in the political context councillors are expected to tolerate a degree of provocative, emotive, or even aggressive language that would not be acceptable elsewhere.

The assessment concluded that as the phrase 'sectarian rant' was used in a public debate at a council meeting it attracted the protection of political speech. The complaint was not accepted for investigation.

### Complaint settled with apology from councillor

A council employee complained that a councillor's conduct towards him during a training session was intimidating and aggressive.

He also said on a separate occasion the councillor had referred to a confidential matter about him in front of others, leaving him feeling threatened and undermined.

It was decided that the complaint should be dealt with under the Commissioner's Alternative Action Policy, which states that complaints can be considered in this way if the Deputy Commissioner thinks it may be the most efficient, effective and proportionate means of finding a resolution. It can also be used if a councillor is likely to be found in breach of the Code but it is not likely to result in the Commissioner applying a significant sanction.

After looking at the evidence it was decided that the councillor should apologise to the man in writing for the comment made at the training session, and for breaching confidentiality at a later event.

The councillor also agreed to undertake training in relation to behaviour towards other people, and on disclosure of information.

### Councillor apologises for 'liking' offensive Facebook post

A councillor alleged that another councillor had breached the Code of Conduct by 'liking' what he described as a 'vulgar, offensive and degrading' post about him on Facebook.

Screenshots of the relevant posts were provided as evidence.

The councillor explained to the investigating officer that he 'liked' the post but said this was unintentional. He said that once he became aware what he had done he 'unliked' it.

The Deputy Commissioner decided that, given the cost and resource implications of further investigation, Alternative Action was the most effective and proportionate way of resolving the complaint.

The councillor was therefore asked to apologise for liking the comment, and the case was closed.

### Investigation finds no conflict of interest breach by councillor

A man complained that a councillor failed to declare a conflict of interest when voting against his planning application at the council's Planning Committee.

The man said that the councillor objected to the application because he was a party colleague of a former councillor who had also previously opposed the plans.

The allegation was assessed and forwarded for investigation.

Paragraph 6.4 of the Code states: "You must declare any significant private or personal non-pecuniary interest in a matter as soon as it becomes apparent. You must then withdraw from any council meeting (including committee or sub-committee meeting) when the matter is being discussed. It is your own personal responsibility to determine, having regard to council advice and guidance, whether you have any such interest."

The Commissioner's Guidance on the Code also states that councillors must declare an interest in non-financial issues if others might reasonably believe they would benefit from a decision on the matter.

The Investigating Officer reviewed the minutes and audio of the planning meeting as well as the documents on the Planning Portal relating to two applications on the site. It was found that while the former councillor did object to a related planning application several years earlier, he did not lodge any objection to the one which gave rise to the complaint.

The councillor whose actions were complained about failed to appear for interview to explain whether he had discussed the application with the former councillor. The Deputy Commissioner therefore reminded him of his obligations under the Code to participate in the investigation process.

However, the investigation concluded that the councillor was not aware of any issues between the former councillor and the man who made the complaint.

The case was therefore closed as there was no evidence of a failure to comply with the Code.

# Surveys

We carried out three surveys during the reporting year. They aimed to help us develop our role in promoting and regulating the Code and the best ways of sharing learning from our case work.

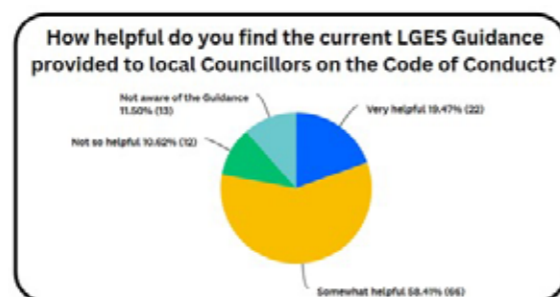
1. The first survey was issued to councillors in each of the 11 local councils.
2. The second survey was sent to individuals who made an allegation about a councillor breaching the Code within the preceding 5 years.
3. The third survey was sent to council CEOs, senior council staff, and other relevant local government agencies with an interest in the Code.

Overall a third of those invited to participate in the survey (181 individuals) took the time to respond, providing us with some useful insights. The key findings from the three surveys are outlined below:

## 1. Councillors

148 (32%) councillors responded to the survey and all 11 councils were represented.

In terms of training and support, although over 80% of the councillors surveyed were aware of the Commissioner's Guidance, they felt that participating in information sessions was the most useful way to learn about the Code and the role of the Commissioner.



Councillors reported that going forward, refresher training sessions and sharing the learning from case work would help with their understanding of the Code. Others asked for more face-to-face interaction with the Office and increased engagement.

Not every councillor who responded had experience of the assessment and investigation process. Those who did asked for more communication throughout the process, more timely investigations, and highlighted that being the subject of a complaint can be stressful.

There were mixed responses from councillors who had experience of the early resolution process, which aims to resolve a complaint without an investigation. Some councillors said it worked satisfactorily while others would have liked a more detailed process.

Some used the survey to express their dissatisfaction with some requirements of the Code itself, although responsibility for the Code rests with the Department for Communities.

None of the councillors who responded offered comments on the adjudication process.

## 2. Individuals who made allegations of a breach.

15 people who made allegations about breaches of the Code responded to this survey.

There was mixed feedback about the process of making a complaint. Whilst many found it relatively straightforward, a few people did highlight difficulties with the form and asked that it be made more user-friendly.

The survey showed a low awareness of the need for investigations to be carried out in private, leading to raised expectations of the amount of information that can be provided.

## 3. Council CEOs and staff/other relevant agencies

The response rate for this survey was 44%, the majority of whom were council CEO's and senior council officers. In addition 3 responses were also received from other organisations in the local government sector.

Most of the organisations surveyed provided some form of support for councillors on the Code of Conduct. This included in-house training, commissioning, or hosting training from an outside organisation, in-house legal support, and access to other resources.

84% said engagement with councils and councillors was the best way of raising awareness and understanding of the Code. Others suggested training sessions on specific issues (79%), and engagement with political parties (74%).

### Key findings

Overall, respondents said that the staff they had come into contact with were helpful, professional, and easy to contact. However some commented that the process was too slow and needed to be more user-friendly.

Respondents highlighted the need for more communication with those raising the allegation, along with clearer explanations of decisions and outcomes.

The Commissioner's Guidance and induction training were identified as useful resources for understanding the Code, but there was also a demand for more bespoke training on specific issues (e.g., social media, conflicts of interest and the Code itself).

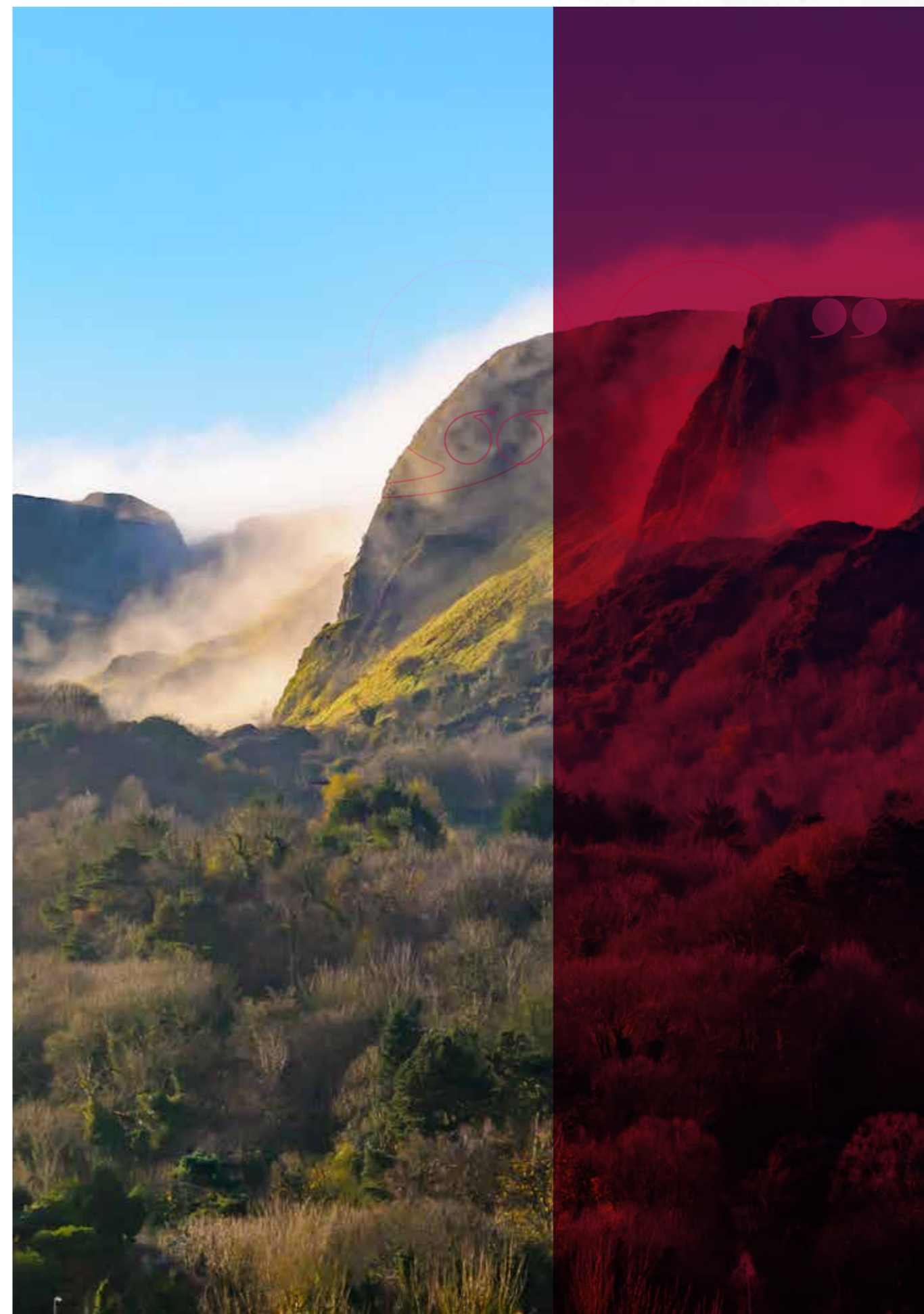
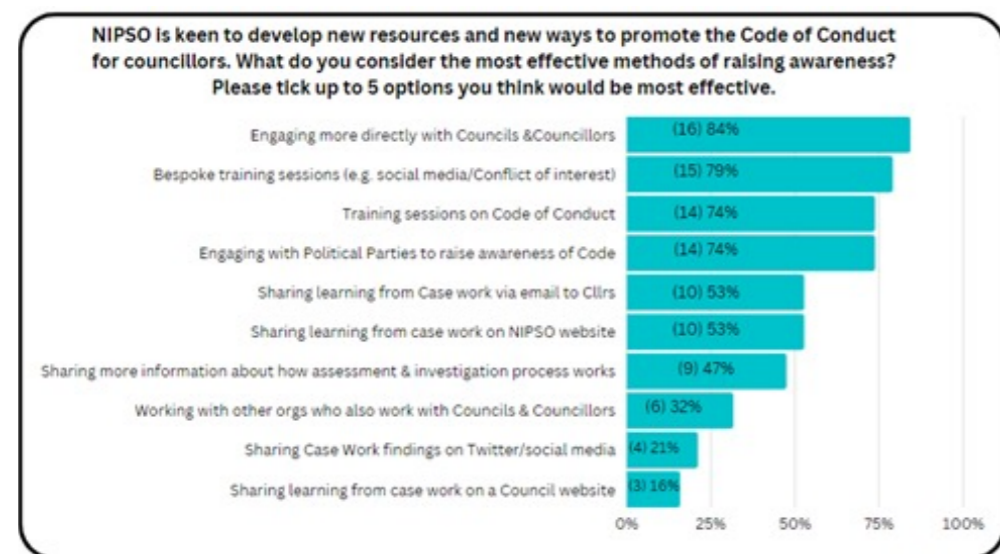
There was a clear demand for more direct engagement between the office with councils and councillors and more in-person interaction with people who make an allegation, instead of the use of email or letter.

### Next Steps

The surveys were a valuable exercise in helping us to understand where we are doing things well and where we need to improve.

We are developing a range of resources to help councillors understand the Code of Conduct, including redesign of our website, a re-issued guide to the use of social media, and a refreshed Commissioner's Guide.

As part of our engagement plan we will also continue to meet with elected members and senior Council officials to promote better awareness and understanding of the Code.



## SECTION TWO Adjudications

When an investigation is completed by the Deputy Commissioner and the evidence indicates a breach of the Code of Conduct, the Deputy Commissioner can request that that the Commissioner consider adjudicating on the issues. Having reviewed the referral from the Deputy Commissioner the Commissioner decides what action needs to be taken including whether she should adjudicate on the alleged breaches included in the Deputy Commissioner's report. The Commissioner can decide not to proceed with an adjudication or take other action to resolve the matter as she considers appropriate.

### Adjudication Caseload

	Totals
Cases ongoing at start of year	7
Cases referred in year	0
Cases accepted in year	0
Cases ongoing at year end	3
Pre-Hearing Reviews completed	33
Adjudication decisions	4

### Adjudication decisions

Decision	Total
No breach	0
Breach – No Further Action	0
Breach – Alternative action	1
Breach – Censure	0
Breach – Suspension – full or partial	2
Breach – Disqualification	1
<b>Total decisions</b>	<b>4</b>



## Councillor suspended over abusive Tweets

Councillor Marc Collins (Mid and East Antrim Borough Council), was suspended from his role as a councillor for 8 months following an Adjudication Hearing held on 24 June 2022.

Councillor Collins was found to have breached the Councillor's Code of Conduct by posting a Tweet on 18 November 2019, and a re-tweet the following day, which included reference to John Finucane, Sinn Féin's Westminster election candidate for North Belfast at the time.

Councillor Collins' Tweet claimed that Mr Finucane supported and promoted the IRA. His re-tweet was of a message promoting banners erected in the Shankill area of Belfast which contained allegations against several members of the Finucane family.

The sanction was imposed after allegations about the Tweets was received by the Local Government Ethical Standards team, and an investigation report was completed and provided to the Commissioner.

Although the Adjudication Hearing was re-scheduled twice as a result of Councillor Collins' unavailability, he did not attend.

The mitigating factors were considered in this case, including that Councillor Collins had no previous record of breaching the Code. He also wrote a letter saying that he did not intend to harm Mr Finucane or his family, and apologised for not engaging with the investigation and adjudication process.

However, the Hearing found that Councillor Collins's Tweets contributed towards a toxic atmosphere in North Belfast at the time of the General Election. They also resulted in Mr Finucane believing that his own and his family's safety were in jeopardy. It concluded that the councillor's activity went beyond the acceptable bounds of proper political debate and was unnecessary and personally abusive.

A further aggravating factor was the councillor's failure to engage in the investigation and adjudication process, which resulted in unnecessary costs to the public purse.

Having regard to previous decisions and the seriousness of the breaches, a suspension of 8 months was considered a necessary and proportionate response to the breaches found.

## Councillor suspended over Facebook post

Alderman John Carson (Mid and East Antrim Borough Council), was suspended from his role as councillor for 3 months following an Adjudication Hearing held on 10 October 2022.

The Alderman was found to have breached the Councillor's Code of Conduct by making an abusive comment on Facebook in April 2021.

The comment was a reference to Ms Michelle O'Neill, Deputy Leader of Sinn Féin, and at the time the Deputy First Minister of Northern Ireland.

The sanction was imposed after a complaint was received by the Local Government Ethical Standards Directorate, and an investigation report sent to the Commissioner for consideration.

It was found that the wording used by the Alderman amounted to an unreasonable personal attack on Ms O'Neill, with a 'misogynistic' tone. It did not agree with his description that the comment related to political issues.

As such, his choice of words was found likely to diminish the trust and confidence the public placed in his position as an elected representative.

The mitigating factors in this case included a statement issued on Facebook by Alderman Carson saying, 'In hindsight I realise I have caused offence by a robust comment made

in anger. I retract the comment and apologise accordingly'. He also had no previous record of breaching the Code.

However, the apology was found to be 'half-hearted' and not a personal one to Ms O'Neill.

Having regard to previous decisions and to the need to uphold confidence in the standards regime, it was decided that suspension of 3 months was a necessary and proportionate response to the breach found.

## Social media comments a breach of the Code

At an Adjudication Hearing held on 28 November 2022 former Councillor Ruth Wilson (Mid and East Antrim Borough Council) acknowledged that a comment she made on Facebook in 2018 was a breach of the Local Government Code of Conduct for Councillors.

### The post in question stated:

'PRIDE DAY!! Pouring Rain Incessantly Dropping Everywhere', followed by a biblical quotation. In her comment, former Councillor Wilson posted: "Hopes it soaks them through to the skin".

She agreed that in making it she had breached the Local Government Code of Conduct for Councillors by bringing her position as a councillor into disrepute, and by failing to treat others with respect and consideration.

The Hearing found the former councillor displayed little foresight as to her words and posts, and that she had failed in her duty to understand and comply with the Code.

However, as it was in the wider public interest to deal with this case in a proportionate manner and that on the basis of Ms Wilson agreeing to follow the Code in the future, it was agreed that no further action should be taken against the former councillor.

Contributing to this decision was the fact that this was not a case which would have merited disqualification, and, as Ms Wilson was not a sitting councillor, the sanction of suspension would also not be relevant.

## Former councillor disqualified for 3 years

Former Councillor Jolene Bunting was disqualified from holding the office of councillor for 3 years following an Adjudication Hearing held on 8 February 2023.

The Hearing found that Ms Bunting wrongly claimed she had been fined by Belfast City Council for a 'stunt' involving the then Deputy Leader of Britain First being filmed in ceremonial robes and sitting in the Lord Mayor's chair.

It also found that she had altered her Council payslip to make it appear as though a deduction of over £500 was for the fictional fine, when in fact it related to deductions for her use of a council mobile phone.

The complainant on the case, who had agreed to pay Ms Bunting's 'fine' in full, made two payments on separate dates amounting to £115 before realising that there was no fine.

The Hearing concluded that Ms Bunting's actions had breached the Local Government Code of Conduct and that she had brought her and her position as councillor into disrepute.

Having considered the sanctions available and taking account of the need to uphold confidence in the standards regime, a disqualification for a period of 3 years was considered to be a necessary and proportionate sanction.

## Councillor suspended for 2 months

Councillor Padraig McShane (Causeway Coast and Glens Borough Council) was suspended for two months following an Adjudication Hearing held on 3 March 2023.

The suspension related to Councillor McShane's arrest in the Diamond area of Ballycastle, Co Antrim on 12 July 2016. Prior to his arrest Councillor McShane had been at a protest at Altananam Park, Ballycastle in respect of an Orange Order Parade which marched through the town on that day.

Following Councillor McShane's conviction and subsequent appeal, he was convicted of the offences of resisting police (for which he was fined £100), disorderly behaviour in a public place (for which he received a conditional discharge), and taking part in an un-notified protest meeting (for which he was fined £100).

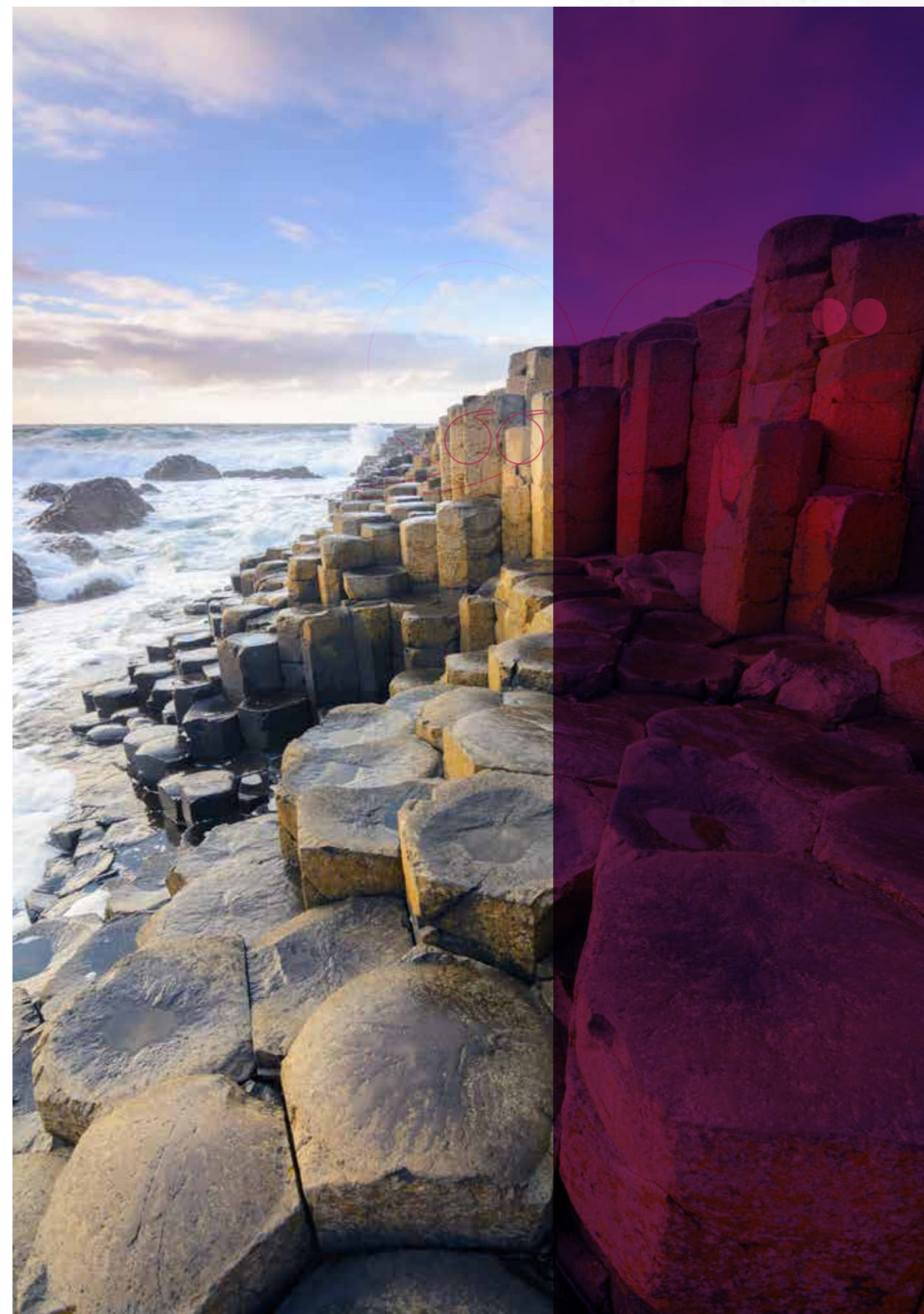
The Hearing found that a member of the public, in possession of the facts, would reasonably consider that Councillor McShane's conduct was such that it brought his position as a councillor into disrepute.

However it also found that that his actions had not brought his Council into disrepute.

In considering what sanction to apply, the Hearing noted the aggravating factors in this case, including that the councillor had been convicted of criminal offences, and that he had previously been found to have breached the Code of Conduct in November 2016.

However, the mitigating factors included Councillor McShane's co-operation with the investigation and adjudication process, and the recent role he had played in governance issues relating to the Council.

Taking account of the need to uphold confidence in the standards regime, the Hearing believed that suspension for a period of 2 months was a necessary and proportionate sanction.



## Commissioner and Assistant Commissioners

### Margaret Kelly – Commissioner

Margaret Kelly took up the post of Local Government Commissioner for Standards in August 2020. Margaret has worked extensively in the voluntary and community sector for over 30 years and gained a range of experience in leading and managing services, developing policy and working in partnership with the public sector.



### Ian Gordon OBE QPM LL.B – Assistant Commissioner

Ian Gordon is a retired Deputy Chief Constable of Tayside Police. Seconded to HM Inspectorate of Constabulary for 3 years, he was the lead police officer on the annual statutory inspection of five UK police forces. Mr Gordon was a Convener for the Standards Commission for Scotland between 2010 and 2017 and led a focused improvement, to awareness of the Codes of Conduct, for elected members and Boards of Public Bodies.



### Katrin Shaw – Assistant Commissioner

Katrin was admitted as a Solicitor in 1996 and worked as a local government lawyer before she joined the Welsh Ombudsman's office as an Investigator in 2001. Since then, Katrin has held managerial roles in the office and is now the Public Services Ombudsman for Wales's Chief Legal Adviser & Director of Investigations overseeing casework, including investigations under the ethical standards framework for local government members in Wales.



## Appendix

### Funding and Expenditure

The Local Government Ethical Standards (LGES) directorate is funded from a separately identified portion of the overall annual budget for the Northern Ireland Public Services Ombudsman (NIPSO). The LGES budget is proactively managed by NIPSO over the course of each financial year to ensure that any emerging funding pressures are identified and addressed.

This is in accordance with normal in-year financial monitoring procedures, after which DfC pay the released funding back to Local Councils. Where applicable a final end of year adjustment must also be returned directly to DfC. In all cases the amounts returned are made available for redeployment within Local Government, thus ensuring that any unspent amounts are able to be utilised fully and effectively.

Similarly, where reduced requirements arise, under established arrangements with the Department for Communities (DfC), any such amounts are released back to DfC by NIPSO by means of a mutually agreed in-year transfer.

All £k	2022-23	2021-22
Staff costs	461	386
Other administration costs	153	148
Total expenditure	614	534



The Northern Ireland Public  
Services Ombudsman

Progressive House  
33 Wellington Place  
Belfast, BT1 6HN

**E:** [nipso@nipso.org.uk](mailto:nipso@nipso.org.uk)

**T:** 028 9023 3821

**Freephone:** 0800 34 34 24

**Text Phone:** 028 9089 7789

**[www.nipso.org.uk](http://www.nipso.org.uk)**

Unclassified

214

**ITEM 15****Ards and North Down Borough Council**

Report Classification	Unclassified
Exemption Reason	Not Applicable
Council/Committee	Council Meeting
Date of Meeting	29 May 2024
Responsible Director	Director of Community and Wellbeing
Responsible Head of Service	N/A
Date of Report	15 May 2024
File Reference	CW49
Legislation	Pollution Control and Local Government (NI) Order 1976
Section 75 Compliant	Yes <input type="checkbox"/> No <input type="checkbox"/> Other <input checked="" type="checkbox"/> If other, please add comment below: N/A
Subject	Proposed Dilapidation Bill
Attachments	Appendix 1 Report to Committee 2016 Appendix 2 DEARA Synopsis of 2016 Consultation Appendix 3. Letter from DEARA to SOLACE (May 2024)

In 2016, the Department of the Environment as part of its review into legislation that was to be adopted by the new Department for Agriculture, Environment and Rural Affairs, made a proposal concerning the consolidation and enhancement of legislation that dealt with dilapidated or dangerous buildings and neglected sites. It issued a policy consultation, which if adopted intended to introduce a new legislative regime that would increase powers and provide consistency across all Council areas in dealing with the problem.

This area of work is currently carried out by Building Control (Dangerous Structures), Neighbourhood and Environment (including minor elements of fly tipping) and

Not Applicable

215

Environmental Health (Ruinous and Dilapidated buildings that are seriously detrimental to amenity).

One of the reasons the Department stated for considering this area of responsibility, was the narrow scope of the existing provisions which allowed Councils to act on serious or high-risk situations only.

Council welcomed the proposal at the time and responded to the consultation as indicated in Appendix 1. Three particular points from this are worth highlighting as follows.

1. Council, Environmental Health NI, and the Building Control officers group, BCNI, requested engagement with the Department so that operational matters and guidance could be considered.
2. One of the many functions of the Councils Neighbourhood and Environment Team involves dealing with sites that have been blighted with minor instances of fly tipping. More significant fly tipping and Illegal waste disposal is the responsibility of DEARA, and this must remain the case in any new regime.
3. Council raised the matter of resourcing and central government financial support for transferring and enhancing the existing functions.

The Department published the outcome of the consultation exercise in 2016, and this is attached at Appendix 2. To date there has been no further engagement and Council Officers are yet to see a draft of any proposed Bill, however officers remain in supportive of the need for it.

As highlighted at the time, without central government funding to accompany the new legislation it is unlikely any new Bill will result in increased enforcement activities and would only serve to place increased pressures upon already limited Council resources. Conditions for central government funding may be more challenging now that in 2016, but without dedicated budget and resource, new powers will not make the impact that the proposed initiative is intended to deliver.

In a letter dated 9<sup>th</sup> May 2024, SOLACE was asked by DEARA if Councils remained supportive of the introduction of a Dilapidation Bill to the assembly. (Appendix 3). The letter states that the bill if made into legislation would not impose any new statutory duties on Councils but give them greater discretionary powers. The execution of such powers however if required in order to remedy an issue as expected by communities would clearly still need to be adequately resourced.

### **RECOMMENDATION**

It is recommended that Council notes this report and through SOLACE the Department is informed of the Councils position as outlined above.

**ITEM 7.5**

216

**ARDS AND NORTH DOWN BOROUGH COUNCIL**

A meeting of the Community and Wellbeing Committee was held in the Council Chamber, 2 Church Street, Newtownards on Wednesday, 15 June 2016 at 7.00pm.

**PRESENT:**

**In the Chair:** Councillor Brooks

**Aldermen:** Irvine  
Smith

**Councillors:** Adair  
Anderson  
Boyle  
Edmund  
Martin

Menagh (7.04 pm)  
Muir  
Smart  
Thompson

**Officers:** Director of Community and Wellbeing (G Bannister), Head of Community and Culture (J Nixey), Head of Environmental Health Protection and Development (M Potts), Head of Leisure and Amenities (I O'Neill), J Barnes (PA to Director of Community and Wellbeing) and Democratic Services Officer (M McElveen)

**Others:** Councillor Smith  
Peter Walker (Chairman, Donaghadee Sports Hub Committee)  
Philip Barefoot (Strategic Leisure)  
Theresa Hogg (Consultant, Blu Zebra)

**13.DOE 'POLICY CONSULTATION' ON  
DILAPIDATED/DANGEROUS BUILDINGS AND NEGLECTED  
SITES (FILE CW49)**

(Appendix VI)

PREVIOUSLY CIRCULATED:- DOE Policy Consultation and accompanying report from the Director of Community and Wellbeing detailing that the Department of the Environment had been actively considering policy on dilapidated / dangerous buildings and neglected sites over the past two years. It was recognised that such sites may present not only a risk to members of the public but could also attract anti-social behaviour and discourage economic activity and redevelopment. The Department of the Environment had issued a policy consultation which sought to gain views on the most appropriate approach to be taken in developing a legislative regime to address dilapidated / dangerous buildings and neglected sites. The consultation advised that, "Ultimately, the desired outcome is that Councils will have access to an effective, fit for purpose, regime that is applied consistently and proactively across all council areas, thereby enhancing the environment for all".

It was worthy of note that the reason that a new regime was required was due to the narrow scope of the existing provisions which gave the Councils some powers to act



in serious or high risk situations but were less focused on neglect and more minor issues.

The legacy Councils provided a response to the 2014 DOE Discussion Document on the subject and the development of the current policy consultation was strongly welcomed. We believe that the suite of existing provisions did not deliver the standards required for unoccupied buildings and sites within local communities. Therefore in order to reduce the adverse impacts from such buildings and sites and in order to best support local efforts to regenerate and develop local areas, we believed that an updated statutory regime was necessary.

The current legislative regime covered legislation enforced by Environmental Health, Building Control and Planning within the Council and the views of all of those services had been incorporated into the response.

Responses to the specific questions posed within the policy consultation were provided as follows:

**Q1 Do you agree that Option 4 should be the preferred option? If not, please indicate your preferred option and the reasons for that preference.**

We agree that option 4 should be the preferred option as it is only this option that allows for the introduction of provisions to deal with the full scope of matters which pertain to dilapidation, dangerous buildings and neglected sites. We believe that it is important that scope encompasses measures to deal with minor problems akin to the “broken window” right up to robust procedures to deal with more extensive problem sites.

This approach would be beneficial in providing legislation which would be consistent across all of the relevant geographical areas, allowing clearer approaches by the enforcing authorities and increased clarity for the land/building owners who may own properties in different areas.

**Q2 Do you agree with the Department’s approach to consolidating and amending Article 65 of the Pollution Control and Local Government (NI) Order 1978? If not, please comment on the specific issue(s) causing concern.**

We agree with the Department’s suggested approach, however, in broadening the scope of Article 65 provisions the Department must ensure that its use in relation to statutory nuisance remains unhindered. In dealing with the wider scope we believe that the Department should issue guidance on the nature of physical injury and anti-social behaviour that it envisaged the new legislation should deal with. Development of any such guidance should be undertaken in consultation with the enforcement authority.

We would agree that provision should be made to protect the built heritage, and would welcome measures that enable enforcement of Dilapidated/dangerous building legislation, whilst still providing for the protection of listed buildings. Development of such measures should be undertaken in consultation with enforcement authorities, to ensure that such protections do not hinder the timely use of the legislation.

**Q3 Do you agree with the Department's approach to consolidating and amending Article 66 of the Pollution Control and Local Government (NI) Order 1978? If not, please comment on the specific issue(s) causing concern.**

In practical terms the ability to require the removal of rubbish and other material deposited is welcomed as it is frequently the case that such material accumulates alongside material from the building itself, and it remains odd that only some of the material on such a site may be removed. With reference to the rubbish and material deposited from other sources it must be noted that there are existing legislative provisions under the Waste and Contaminated Land (NI) Order 1997 which provides a regime to address illicit waste activities. Any guidance should recognise the relationship between these provisions and define where the Northern Ireland Environment Agency (NIEA) **are** responsible and where the Council **may** act. It should not be the result of the proposed Bill to create a legislative power for Councils to address low level fly-tipped waste, nor should discretionary Council action interfere with the NIEA's statutory enforcement responsibilities.

The definition of building would be welcomed.

The proposed legislation appears to create a hierarchical approach whereby the more significant problem sites giving to conditions seriously detrimental to the amenity of the neighbourhood are dealt with under provisions similar to Article 66. Accordingly any such provisions must attract a higher penalty as to date offences under this legislation rarely attract penalties which act as a deterrent. We would welcome the wider range of administrative and criminal penalties to deal with the broader range of offences that may be created and we believe these should be graduated according to the seriousness of the offence. Such an approach will be consistent with Council's Enforcement Policies.

We would welcome the ability of the Courts to make an order as they see fit as this is often used to secure the abatement of nuisances where Notices are not complied with.

The strength of cost recovery options will be directly related to the confidence of Councils in taking forward actions to address dilapidation / dereliction and neglected sites and it necessary in recognition of the limited budgets available to Councils. Therefore we firmly agree with the Department's consideration on this point and would welcome appropriate legislation and guidance.

An area of potential difficulty in relation to this proposal concerns buildings that may have a degree of protection, i.e. are either listed, located within a Conservation Area or within an Area of Townscape Character (ATC). Demolition of buildings inside an ATC, does not benefit from permitted development and therefore permission is required. In addition, permission will only be granted for an acceptable replacement scheme. Exceptions exist - in particular Paragraph A.1 (a) of Schedule 2 to The Planning (General Development) (Amendment) Order (Northern Ireland) 2012, which provides for demolition which is required or permitted to be carried out under any statutory provision.

The then DOE considers that an Article 66 notice issued by a district council is a statutory notice and therefore, if this notice permits the demolition of any building then its demolition becomes a permitted development. The inclusion of the words 'if

he so elects' within a notice in some cases inadvertently permits the demolition by a property owner of a building that should, in the interest of the amenity of an area, be renovated instead. It is vital that new legislation provides councils with appropriate options to insist that all other avenues are fully explored before the option to demolish can be considered. The Council would caution that any new legislation guards against demolition of protected buildings except for in the most serious and exceptional circumstances.

**Q4 Do you have any comments regarding the Department's proposed approach to transposing these provisions of the Building Act 1984?**

The importance of dealing with dangerous buildings is recognised and a robust system comprising amendments to Article 65 and 66 provision and any other provision deemed necessary is welcomed. Such a transposition should be undertaken in consultation with the enforcing authorities in order to include improvements where existing weaknesses are identified.

The Council would welcome the introduction of provisions, which will replicate the powers available to local authorities in England and Wales under the Town and Country Planning Act 1990 ('the 1990 Act').

To serve a notice under Section 215 of the 1990 Act the test is much lower than that which currently exists under Article 66 of the 1978 Order. Section 215 only requires the amenity of the area, or adjoining area to be adversely affected, not 'seriously detrimental' as per Article 66 requirements. Having similar provisions would also permit councils to serve notice on an occupier as well as the owner. The provisions may improve the ability to resolve the issues caused by dilapidated buildings and structures.

The Council would also welcome the replication of Section 330 of the 1990 Act as it will provide a power to require information as to interests in land; which would help address the problems faced in identifying owners and those responsible for dilapidated or dangerous buildings and structures.

The Council recognises the need for detailed and appropriate guidance produced by the Department to supplement the proposed changes.

**Q5 Do you have any comments regarding the Department's intention to repeal the relevant provisions in location-specific legislation and re-enact necessary provisions in the new legislation?**

We would welcome the repeal of location specific legislation providing that the new legislation is sufficiently defined and empowered.

**Q6 Do you have any comments regarding the Department's intention to introduce provisions in the new Bill that would replicate powers available to local authorities in England and Wales under the Town and Country Planning Act 1990?**

The introduction of such provisions would be welcomed and would allow for action to be taken on sites that are not encompassed by the existing regime. It is envisaged that such powers would be primarily used for lower priority sites to require the "proper maintenance of land". We would welcome the Department's views on

whether such a provision could be used to address invasive plant species where their spread may be adversely affecting the amenity of neighbours. The NI Assembly's October 2015 research paper on Japanese Knotweed recognised the limited legislation to address this particular problem.

It is noted that it is the Department's intent that such provisions should be used proactively by Councils thereby ensuring that local areas are maintained to a higher standard that is presently legislatively required. *It is recognised that such efforts will require regulatory resources to successfully deliver these improvements.*

To serve a notice under Section 215 of the 1990 Act the test is much lower than that which currently exists under Article 66 of the 1978 Order. Section 215 only requires the amenity of the area, or adjoining area to be adversely affected, not 'seriously detrimental' as per Article 66 requirements. Having similar provisions would also permit councils to serve notice on an occupier as well as the owner. The provisions may improve the ability to deal with the issues caused by dilapidated buildings and structures.

Replication of Section 330 of the 1990 Act should also provide a power to require information as to interests in land; which would help address the problems faced in identifying owners and those responsible for dilapidated or dangerous buildings and structures.

The Council recognises a need for appropriate guidance produced by the Department to supplement proposed changes to the legislation. (Anything else folks?)

**Q7 Do you agree with the Department's view that a combination of existing planning powers (transferred to the councils under Local Government Reform) and proposed new provisions in respect of dangerous buildings and visual amenity are sufficient to deal with unfinished or abandoned sites?**

We believe that the scope of proposed legislation has the potential to address any adverse Environmental Health and Building Control impacts upon the neighbourhood.

We would welcome the provision of powers in relation to danger presented by buildings and other structures on unfinished or abandoned sites.

The Council considers that the proposed legislation whilst assisting with unfinished or abandoned sites may still be insufficient to deal with all cases. There are examples of partly constructed buildings throughout Northern Ireland which are blighting areas eg 4 storey steel and concrete superstructure north of Newry. The consultation indicates that Councils have powers under the Planning Act 2011 to order the removal or alteration of any building or works in the interests of proper planning, but does not advise what these are. It is assumed this may be a reference to powers available to Councils to revoke planning permission or serve a discontinuance notice. However in both cases the Council would be liable to pay compensation which in many instances is likely to be costly. In cases such as the example highlighted above which has a significant impact on visual amenity it is considered necessary that Councils should have powers to seek alteration or

removal of structures without a compensation liability. To maintain the status quo simply suggests that Councils will in essence have to pay for the removal of unsightly structures.

In addition it would also be useful that when such sites pose a danger or have a significant impact on visual amenity, that councils have the discretion to use other provisions to deal with these matters.

**Q8 Do you agree with the Department's proposed approach to issues of ownership and, in particular, do you have any comments regarding the scenario outlined in paragraphs 8.42 – 8.44?**

It must be recognised that in the current financial climate, many properties and frequently those that are neglected, are under the control of persons other than the owner. A robust piece of legislation and associated guidance will deal with this by defining who is responsible for such properties and in what circumstances. In the experience of the Council it is often possible to secure minor works such as boarding up on such sites, but much more difficult to secure more extensive building or demolition works, particularly when a bank, for example, vests a controlling interest in a receiver.

The definition of "reasonable efforts" is welcomed and will assist the Courts in circumstances where this is in dispute.

**Q9 Do you have any comments on the Departments proposed approach to cost recovery?**

In recognition of the limited operating budgets for Local Government and in order to secure the most effective outcomes from the proposed regulations it is important that Councils are able to have confidence that costs incurred are likely to be recovered, therefore in principle, the proposals to improve the cost recovery provision are welcomed.

**Q10 Do you think guidance for a new regime should be statutory or non-statutory?**

Ideally, any such guidance would be statutory; however, the provision of non-statutory guidance would not be seen as a major barrier to the effective delivery of the functions. It is welcomed that the guidance would be developed in consultation with the Councils and other stakeholders.

**Q11 Do you have any specific comments regarding potential provisions to enhance the protection of heritage buildings?**

The potential provisions seem entirely sensible. It should be noted that Councils currently endeavour to discuss any matters subject to Article 66 with the NIEA because the recipient of a Notice is obliged to be given the option of demolition which may have conflict with Built Heritage legislation.

When a heritage building is in a condition causing danger to the public, action must be taken quickly. As such consultation may be too slow to protect the public. Through prior consultation with the enforcement authorities it should be possible to devise an appropriate mechanism to enhance the protection of heritage buildings

Urgent Works Notices are provided for in Section 161 of the Planning Act (NI) 2011 and are a useful tool. A main issue in terms of utilising 'Urgent Works Notices' is that of cost recovery, particularly when an owner may have recourse to make a hardship claim. The Department should therefore ensure that cost recovery mechanisms in this respect are also reviewed.

Any new forthcoming legislation should ensure that a statutory notice could be made for securing or repairing a property without the option of demolition. As a safeguard, it should also ensure that the options of securing or repairing must be fully considered before a demolition notice can be issued. The legislation should include a 'provisions prior to issue of a Notice' article which should state before any demolition order is issued a council will have to, where required, first grant a consent to demolish either a listed building or a Building in a Conservation Area or Area of Townscape Character. Demolition should be recognised as a last resort- and in exceptional circumstances.

If a building is judged to have been left to fall into such a state of repair that demolition is required then (if possible) a Notice under Article 140 (6) of the Planning Act (NI) 2011 requiring a replacement building should be issued at the same time. This provision should act as a disincentive to any property owner who may seek to gain a benefit by allowing their property to fall into such a state of dereliction that a council must require its demolition.

**Q12 Do you have any further comments on any of the issues raised in this document or are there any other important issues that you feel have not been covered?**

In any forth-coming guidance, it is suggested that proscribed forms are provided to help deliver high quality and consistency in the operation of the regime across NI. Any forthcoming new legislation with enhanced powers would likely result in potential increased enforcement activities and add pressures upon already limited resources. Taking cognisance of those likely pressures – is important that expectations are managed and that sufficient resources come with the increased powers and responsibilities.

RECOMMENDED that the response to the consultation outlined above is submitted to the department as the Council response.

In considering the in-depth response, Councillor Muir took the opportunity to thank Officers for the time and effort awarded to its formulation. He was aware that it was extremely important legislation and there were many issues requiring clarification in order that the Council could provide further assistance.

In concurrence, Councillor Martin questioned if the legislation only applied to commercial properties or would it encompass abandoned dwellings.

The Head of Environmental Health Protection and Development described how the legislation would apply to all buildings that were classed as being seriously detrimental to an area. He wished to include Building Control and the Planning section in the appreciation from Members for their massive input into the Council response.

CWB.15.06.16

223

Councillor Edmund offered his thanks to Officers for the response. He highlighted the many hamlets and villages sited throughout the Ards peninsula with half completed houses which had become centres for anti-social behaviour. Therefore the quicker the Council had the legislation to address those issues the better for the Borough.

**NOTED.**

**AGREED TO RECOMMEND, on the proposal of Councillor Muir, seconded by Councillor Martin, that the recommendation be adopted.**

### **TERMINATION OF MEETING**

The Chairman thanked all Officers in attendance for their hard work and assistance.

The meeting terminated at 9.36 pm.



**Synopsis of Responses to Policy Consultation**  
**on**  
**Dilapidated/Dangerous Buildings and**  
**Neglected Sites**

**September 2016**



## Background

1. In May 2016 responsibility for local environmental quality transferred from the former Department of the Environment to the newly created Department of Agriculture, Environment and Rural Affairs.
2. One of the key policy areas transferred to the new department under the umbrella of local environmental quality is that of dilapidation, which covers a range of problem sites including dilapidated/dangerous buildings (and structures) and neglected/abandoned sites.
3. The presence of a significant number of buildings, structures and sites in various stages of dilapidation, danger and neglect has been highlighted by a range of stakeholders as an obstacle to economic prosperity and social wellbeing.
4. As part of an ongoing review of the legislation available to district councils (the relevant enforcing authorities), the former Department of the Environment published a consultation document on policy options on 10 March 2016. The consultation followed on from a discussion document issued to key stakeholders in 2014 and closed on 30 June 2016.

## Consultation Document

5. The consultation document outlined the types of problem site being considered under the review, the range of existing legislation available to district councils (much of which dates back to the 19<sup>th</sup> century), potential legislative models operating in other parts of the UK, the Republic of Ireland and elsewhere, and also highlighted the interfaces with the responsibilities of other NI departments and agencies.

6. The consultation put forward 4 basic options, inviting comments on these through 12 specific questions and affording respondents the opportunity to put forward alternative proposals if they so wished.
7. The 4 options offered were:
  - Option 1: Do nothing;
  - Option 2: Department issues non-statutory guidance;
  - Option 3: Bill to amend and consolidate existing legislation; and
  - Option 4: A Bill to introduce a new broader regime dealing with dilapidated/dangerous structures, neglected sites and a range of visual amenity issues.
8. Option 4 was highlighted as the Department's preferred option and a series of 12 questions was asked to provide a degree of structure to responses. The text of these 12 questions can be found at Annex1.
9. The consultation was made available to a large number of stakeholders from a wide range of sectors, either by e-mail or, where that wasn't possible, in hard copy. The consultation was also available to the general public through the Department's website.

## Responses

10. By the closing date of 30 June 2016 the Department had received 24 substantive responses from the following organisations:

### Local Government

- Antrim and Newtownabbey Borough Council
- Ards and North Down Borough Council
- Armagh City Banbridge and Craigavon Borough Council
- Belfast City Council
- Causeway Coast and Glens Borough Council

- Derry City and Strabane District Council
- Fermanagh and Omagh District Council
- Lisburn and Castlereagh City Council
- Mid and East Antrim Borough Council
- Mid Ulster District Council
- Newry Mourne and Down District Council
- Northern Ireland Local Government Association

#### Professional Bodies

- Building Control Northern Ireland
- Chartered Association of Building Engineers
- Chartered Institute of Environmental Health
- Chief Environmental Health Officers' Group

#### NGOs

- Keep Northern Ireland Beautiful
- National Trust
- Northern Ireland Environment Link
- Ulster Architectural Heritage Society

#### Advisory Bodies

- Council for Nature Conservation and the Countryside
- Historic Buildings Council
- Ministerial Advisory Group, Department for Communities

#### Private Individual

- Ms. Sarah Graham

11. As with any consultation exercise its value lies in the quality of the responses and the Department would like to place on record its

thanks to all of the respondents for their considered and highly detailed responses.

12. The next section of this paper highlights some of the key issues raised in the responses received but a more detailed summary of the comments from each respondent to the questions posed in the consultation is provided in Annex 2.

### **Key Issues**

13. There was a good deal of consensus across the respondents to this exercise, particularly from within the local government sector. This reflects the fact that the subject matter has been extensively debated within and between relevant organisations and is, in itself, very helpful to the policy development process.
14. Of the 24 responses, 23 indicated their agreement that Option 4 should be the preferred option, with the other respondent putting forward its own proposed option.
15. Significant support was expressed for giving the enforcing authorities new powers and a statutory duty to use these powers. However, this view was qualified by the need to provide appropriate central government funding.
16. A number of responses highlighted the need to consider carefully interfaces with other relevant legislation – e.g. powers available to the Northern Ireland Housing Executive.
17. Having effective cost recovery provisions (allowing the recovery of all relevant costs) included in any new legislation was seen as key to success and most respondents were keen to see some means by which any charge on land in favour of the councils would have priority over existing charges.
18. While there was strong support for the repeal of location specific legislation and the provision of a new suite of modern, effective

- powers, this was on the basis that there would be no net loss of enforcement powers.
19. Several respondents stated that, while giving councils the power to require the removal of rubbish from a site was welcome, there should be no attempt to transfer responsibility for fly-tipping etc from the Department to the councils.
  20. Stronger penalties were generally favoured, as were a wider range of administrative and criminal sanctions.
  21. The issue of councils being liable to pay compensation was raised in several responses, both in terms of issuing notices under existing planning legislation and replicating some of the provisions of the Building Act 1984.
  22. The replication of powers similar to those contained in the Town and Country Planning Act 1990 was widely supported and their effectiveness in England and Wales acknowledged. It was also suggested that these powers might go some way towards addressing some of the issues around invasive plant species.
  23. There was support also for powers to vest land in specific circumstances and for *bona vacantia* property to revert to councils rather than the Crown in certain cases.
  24. Many of the responses highlighted the need to ensure that any changes to the existing legislation took proper account of the need to protect heritage buildings (not just those that are formally protected). As a minimum it was seen as necessary to close the 'loophole' that created the potential for heritage buildings to be demolished on foot of a Pollution Control and Local Government (NI) Order 1978 Art. 66 notice.

25. There was also general consensus that any guidance produced by the Department should be statutory and that it was necessary to develop such guidance in conjunction with council officers.
26. The role of communities in tackling dilapidation was highlighted by some with suggestions that creative and innovative solutions could be driven by those communities, given the opportunity. Links with other local environmental quality issues such as litter, civic pride etc were noted.
27. The wider environment was also raised as a relevant issue with examples given of derelict/abandoned sites that support a wide range of biodiversity and consequently provide benefits to public health.
28. Overall, there is clearly strong support, in principle, to the creation of a modern, fit for purpose enforcement regime and a willingness to engage with the Department to refine policy proposals and ensure that such a regime meets the needs of all stakeholders.

### **Next Steps**

29. A number of issues require further consideration and discussion with stakeholders and legal counsel. Many of these issues are not as straightforward as they might appear and will require a significant degree of specialist technical and legal input.
30. Perhaps the most urgent task is the preparation of a robust economic appraisal that will identify the scale of the problem across Northern Ireland and estimate the potential costs of implementing a broader, more effective enforcement regime.
31. Engagement with the AERA Committee and further stakeholder engagement across a range of sectors will be required to help officials to prepare final policy recommendations for the Minister's

consideration prior to seeking Executive approval to proceed towards the introduction of a new Assembly Bill.

## ANNEX 1 – LIST OF QUESTIONS ASKED IN CONSULTATION

- Q1** Do you agree that Option 4 should be the preferred option? If not, please indicate your preferred option and the reasons for that preference.
- Q2** Do you agree with the Department's approach to consolidating and amending Article 65 of the Pollution Control and Local Government (NI) Order 1978? If not, please comment on the specific issue(s) causing concern.
- Q3** Do you agree with the Department's approach to consolidating and amending Article 66 of the Pollution Control and Local Government (NI) Order 1978? If not, please comment on the specific issue(s) causing concern.
- Q4** Do you have any comments regarding the Department's proposed approach to transposing these provisions of the Building Act 1984?
- Q5** Do you have any comments regarding the Department's intention to repeal the relevant provisions in location-specific legislation and re-enact necessary provisions in the new legislation?
- Q6** Do you have any comments regarding the Department's intention to introduce provisions in the new Bill that would replicate powers available to local authorities in England and Wales under the Town and Country Planning Act 1990?
- Q7** Do you agree with the Department's view that a combination of existing planning powers (transferred to the councils under Local Government Reform) and proposed new provisions in respect of dangerous buildings and visual amenity are sufficient to deal with unfinished or abandoned sites?
- Q8** Do you agree with the Department's proposed approach to issues of ownership and, in particular, do you have any comments regarding the scenario outlined in paragraphs 8.42 – 8.44?
- Q9** Do you have any comments on the Department's proposed approach to cost recovery?
- Q10** Do you think guidance for a new regime should be statutory or non-statutory?
- Q11** Do you have any specific comments regarding potential provisions to enhance the protection of heritage buildings?
- Q12** Do you have any further comments on any of the issues raised in this document or are there any other important issues that you feel have not been covered?





## ANNEX 2 – DETAILED SUMMARY OF RESPONSES

This Annex attempts to summarise in some detail the submissions provided by respondents to the consultation exercise, presented in alphabetical order. Due to space limitations these are heavily condensed versions of the responses received and, while every effort has been made to ensure accurate translation, it is possible that errors may have occurred. If any respondent feels that this is the case they should contact the Department and officials will be happy to make the appropriate corrections.

Again, due to space limitations, a number of abbreviations have been used in the summary and a brief glossary is provided below to assist the reader.

Art. 65/66	Articles 65/66 of the Pollution Control and Local Government (NI) Order 1978
ATC	Area of Townscape Character
BIA	Belfast Improvement Act
Bona vacantia	'Vacant goods' – ownerless property, which in specific circumstances passes to the Crown
CNEA	Clean Neighbourhoods and Environment Act (NI) 2011
NIEA	Northern Ireland Environment Agency
NIHE	Northern Ireland Housing Executive
S.215	Section 215 of the Town and Country Planning Act 1990 (actually refers to a number of related sections of the 1990 Act)
WCL(NI)O 1997	Waste and Contaminated Land (NI) Order 1997

<b>1: Antrim &amp; Newtownabbey Borough Council (LG)</b>	
<b>Q.</b>	<b>Comments</b>
<b>1</b>	<p>Important that scope encompasses wide range of sites.</p> <p>Engagement with councils vital.</p> <p>New regime should be implemented in full and not phased.</p>
<b>2</b>	<p>Agree but important that current use of CNEA provisions is not hindered. (See R v Bristol City Council, ex parte Everett).</p> <p>Consider powers in respect of housing also.</p>
<b>3</b>	<p>Welcomes Dept's proposal.</p> <p>Need to ensure that definition of "building" is sufficiently wide.</p> <p>Suggests provision to deal with scenario where owner cannot be identified or located.</p> <p>Clarity needed that NIEA retains responsibility for "fly-tipping".</p> <p>Guidance on per diem fines required.</p> <p>Potential to allow court to compel owner to carry out works would be useful.</p> <p>Need to ensure that heritage buildings are properly protected and not inadvertently afforded permitted development rights for demolition.</p>
<b>4</b>	<p>Transposition of "relevant" provisions from Building Act 1984 welcomed.</p> <p>Provisions should not be restricted to temporary repair or securing of the building.</p> <p>Need to ensure provisions for dangerous buildings do not hinder application of provisions on dilapidation.</p> <p>Issue regarding potential for compensation to be awarded (see Hastings Council v. Manolete Partners PLC).</p> <p>Difficulties experienced in identifying owners due to complex land registry system.</p> <p>Robust cost recovery provisions required.</p> <p>Ancillary provisions - e.g. powers of entry, service of documents etc would be useful.</p>
<b>5</b>	<p>Proposals to rationalise and simplify the existing legislation welcomed but essential to retain the most effective parts.</p> <p>Suggest reference to Derelict Sites Act 1990 (ROI) for provisions relating to deposits of rubbish etc.</p>
<b>6</b>	<p>Inclusion of powers similar to s.215 of the Town and Country Planning Act 1990 is welcomed and success of those provisions in E&amp;W is noted.</p> <p>Suggests replication of s.330 of 1990 Act (power to require information as to interests in land).</p> <p>Detailed guidance required.</p> <p>Potential value in two-tiered approach.</p> <p>Question posed as to potential to utilise s.215 powers to deal with invasive plant species issues.</p>
<b>7</b>	<p>Raises concerns about the use of existing planning powers (discontinuance / revocation notices) to deal with unfinished sites.</p> <p>In particular the question of liability to pay compensation is raised.</p>

<b>1: Antrim &amp; Newtownabbey Borough Council (LG)</b>	
<b>Q.</b>	<b>Comments</b>
<b>8</b>	<p>Land registration system causes difficulties in identifying and locating owners - guidance needed as to what constitutes "reasonable efforts".</p> <p>Councils should be able to recoup costs from financial institutions etc where there is a direct beneficiary of works carried out in default.</p> <p>Councils' charge on land should have priority over other charges.</p> <p>Robust cost recovery provisions required in any case.</p>
<b>9</b>	<p>Agree that appropriate cost recovery provisions are a key element for effectiveness of a new regime.</p> <p>Automatic priority of charges would be welcomed.</p> <p>Secure title for prospective buyers under any enforced sale provisions.</p> <p>In certain circumstances power to vest may be useful.</p> <p><i>Bona vacantia</i> property should revert to council if it holds a charge on the property.</p>
<b>10</b>	<p>Guidance is critical and should be developed in conjunction with local government officers.</p> <p>Preference expressed for statutory guidance.</p>
<b>11</b>	<p>Provisions allowing councils to take proactive approach to protecting heritage buildings would be welcomed.</p> <p>Robust cost recovery mechanism required.</p> <p>Should be possible to issue notice to repair or secure property without automatic option to demolish - demolition should be exceptional.</p> <p>If possible, it should be an option to issue a replacement building notice where there is no alternative to demolition.</p>
<b>12</b>	<p>Proposed legislation supports delivery on the vision for local government promoted by NI Executive.</p> <p>Need for Dept. to either allocate requisite funding or ensure provisions are sufficient to recover all relevant costs.</p>

<b>2: Ards &amp; North Down Borough Council (LG)</b>	
<b>Q.</b>	<b>Comments</b>
<b>1</b>	Needs to cover broad spectrum of sites. Could provide legislation with greater consistency and clarity for authorities and property owners.
<b>2</b>	Must not hinder the use of Art 65 in respect of statutory nuisance. Guidance required on any potential wider scope. Guidance needs to be developed with council officers. Agree that provision should be made to protect listed buildings etc.
<b>3</b>	Notes the existing provisions in respect of waste deposited from other sources (WCL(NI)O 1997) defining NIEA as responsible authority for this area. New legislation should not attempt to shift responsibility onto councils. Definition of "building" would be welcomed. Wider range of administrative and criminal penalties supported. Courts should be able to order compliance with a notice. Robust cost recovery provisions required. Councils require appropriate range of remediation options to prevent the inadvertent loss of protected buildings.
<b>4</b>	The inclusion of appropriate provisions to deal with dangerous buildings is supported and close consultation with councils is recommended. The introduction of powers similar to those contained within the Town and Country Planning Act 1990 would be welcomed. Detailed guidance required.
<b>5</b>	Welcome the repeal of location-specific legislation as long as replacement legislation is sufficiently defined and empowering.
<b>6</b>	Inclusion of powers similar to s.215 for lower level dilapidation welcomed. Poses question as to whether such provisions could be used to deal with Japanese Knotweed and other invasive species. Resources will be needed to proactively apply these provisions. Option to serve notices on the occupier as well as the owner is welcomed. Suggests replication of s.330 of 1990 Act (power to require information as to interests in land). Highlights need for appropriate guidance.
<b>7</b>	While powers to deal with dangerous structures on unfinished sites is welcomed, it is considered that proposed legislation may not be sufficient in all cases. Concern over the potential cost to council of paying compensation where powers under the Planning Act 2011 are used (discontinuance and revocation notices). It would be useful to have option to apply dilapidation legislation in such cases.
<b>8</b>	Highlights that in current financial climate many properties are under the control of someone other than the owner (e.g. receiver appointed by the mortgage holder). Legislation needs to define who is responsible and in what circumstances. Definition of "reasonable efforts" welcomed.
<b>9</b>	Proposals to improve cost recovery mechanisms are welcomed in principle.
<b>10</b>	Preference for statutory guidance, developed in conjunction with councils.

<b>2: Ards &amp; North Down Borough Council (LG)</b>	
<b>Q.</b>	<b>Comments</b>
<b>11</b>	<p>Potential provisions seem sensible.</p> <p>Urgent works notices under the Planning Act 2011 are useful but there are issues surrounding cost recovery that need to be addressed.</p> <p>Need to ensure that new legislation does not allow an owner the option of demolition without the consent of the enforcing authority. Where demolition is permitted, it should be accompanied by a "replacement building notice".</p>
<b>12</b>	<p>Prescribed forms should be provided to maintain quality and consistency.</p> <p>Need to manage expectations in light of the difficulty in securing resources.</p>

<b>3: Armagh City, Banbridge &amp; Craigavon Borough Council (LG)</b>	
<b>Q.</b>	<b>Comments</b>
<b>1</b>	<p>Enacting new legislation is an opportunity to ensure councils can deal with: dangerous structures; dangerous places; emergency powers; dilapidated/ruinous properties; abandoned, neglected or incomplete sites; and cost recovery issues.</p> <p>Critical for Dept to engage fully with councils and take account of operational matters.</p> <p>New legislation can address human rights concerns with current legislation.</p> <p>Disagrees with suggestion in consultation that new local government model gives councils adequate resources to undertake this role.</p>
<b>2</b>	<p>Agree but important that current use of CNEA provisions is not hindered.</p> <p>Guidance required on any potential wider scope.</p> <p>Guidance needs to be developed with council officers.</p> <p>May bring greater clarity to role of other relevant agencies with powers in this area (e.g. NIHE).</p>
<b>3</b>	<p>Notes the existing provisions in respect of waste deposited from other sources (WCL(NI)O 1997) defining NIEA as responsible authority for this area. New legislation should not attempt to shift responsibility onto councils.</p> <p>Definition of "building" would be welcomed.</p> <p>Wider range of administrative and criminal penalties supported.</p> <p>Courts should be able to order compliance with a notice.</p> <p>Robust cost recovery provisions required.</p> <p>Councils require appropriate range of remediation options to prevent the inadvertent loss of protected buildings.</p>
<b>4</b>	<p>Transposition of "relevant" provisions from Building Act 1984 welcomed.</p> <p>Provisions should not be restricted to temporary repair or securing of the building.</p> <p>Need to ensure provisions for dangerous buildings do not hinder application of provisions on dilapidation.</p> <p>Difficulties experienced in identifying owners due to complex land registry system.</p> <p>Robust cost recovery provisions required.</p> <p>Ancillary provisions - e.g. powers of entry, service of documents etc would be useful.</p>
<b>5</b>	<p>Supports rationalisation and simplification of law in this area.</p> <p>The continuation of existing location-specific legislation would complicate the implementation of a consistent NI regime.</p> <p>Need to ensure useful existing provisions are not lost in the process.</p>
<b>6</b>	<p>Inclusion of powers similar to s.215 is welcomed and success of those provisions in E&amp;W is noted.</p> <p>Poses question as to whether such provisions could be used to deal with Japanese Knotweed and other invasive species.</p> <p>Suggests replication of s.330 of 1990 Act (power to require information as to interests in land).</p> <p>Resources will be needed to proactively apply these provisions.</p> <p>Detailed guidance required.</p> <p>Potential value in two-tiered approach.</p> <p>Highlights need to ensure legislation is for proper use of land and not just buildings.</p>

<b>3: Armagh City, Banbridge &amp; Craigavon Borough Council (LG)</b>	
<b>Q.</b>	<b>Comments</b>
<b>7</b>	Agree that combination of existing planning powers and proposed new provisions are sufficient but notes that it would be useful for councils to have discretion to apply dilapidation powers in appropriate cases (e.g. where an unfinished site poses a danger or impacts on visual amenity).
<b>8</b>	<p>Highlights that in current financial climate many properties are under the control of someone other than the owner (e.g. receiver appointed by the mortgage holder). Legislation needs to define who is responsible and in what circumstances.</p> <p>Definition of "reasonable efforts" welcomed.</p> <p>Longstanding difficulties identifying and locating owners and subsequently serving notices.</p> <p>Highlighted example in consultation clearly unfair to council and ratepayers and ability to recover costs is important. Priority charge would be welcomed.</p> <p>Welcome proposal to extend liability beyond owner.</p> <p>Suggests replication of s.330 of 1990 Act (power to require information as to interests in land).</p>
<b>9</b>	<p>Agree that appropriate cost recovery provisions are a key element for effectiveness of a new regime.</p> <p>Automatic priority of charges would be welcomed.</p> <p>Secure title for prospective buyers under any enforced sale provisions.</p> <p>In certain circumstances power to vest may be useful.</p> <p><i>Bona vacantia</i> property should revert to council if it holds a charge on the property.</p> <p>Highlights the incomplete reference to heritage issues (conservation areas and ATCs) and the potential difficulties in serving Urgent Works Notices under the Planning Act 2011 (largely resource issues). Clarity on cost recovery is considered vital.</p>
<b>10</b>	<p>Guidance is critical and should be developed in conjunction with local government officers.</p> <p>Preference expressed for statutory guidance.</p> <p>Guidance needs to reflect the discretionary nature of the proposed new legislation.</p>
<b>11</b>	<p>Potential provisions seem sensible.</p> <p>Delicate balance to be struck between protection and ensuring required works are carried out expediently and in a cost effective manner.</p> <p>The application of s.215 powers to address issues before significant deterioration occurs would be welcome.</p> <p>Urgent works notices under the Planning Act 2011 are useful but there are issues surrounding cost recovery that need to be addressed.</p> <p>Need to ensure that new legislation does not allow an owner the option of demolition without the consent of the enforcing authority. Where demolition is permitted, it should be accompanied by a "replacement building notice".</p>
<b>12</b>	<p>Proposed legislation supports delivery on the vision for local government promoted by NI Executive.</p> <p>Need for Dept. to either allocate requisite funding or ensure provisions are sufficient to recover all relevant costs.</p> <p>Need to manage expectations in light of the difficulty in securing resources.</p> <p>Prescribed forms should be provided to maintain quality and consistency.</p>



3: Armagh City, Banbridge & Craigavon Borough Council (LG)	
Q.	Comments
<b>Other</b>	<p>Highlights the specific difficulties the council faces with regard to heritage buildings.</p> <p>ABC Council area has:</p> <ul style="list-style-type: none"> <li>• 5 Conservation Areas;</li> <li>• 16 ATCs;</li> <li>• 79 Buildings at Risk (BARNI);</li> <li>• 1063 Listed Buildings / Structures.</li> </ul> <p>Limited resources have hampered efforts and concern is expressed regarding the requirement of the Town Improvement Clauses Act 1847 that can only require owners to "take down, secure or repair structure" which has led on occasions to the demolition of heritage assets.</p> <p>Several examples of demolished and dangerous structures provided.</p>

<b>4: Belfast City Council (LG)</b>	
<b>Q.</b>	<b>Comments</b>
<b>1</b>	<p>Enacting new legislation is an opportunity to ensure councils can deal with: dangerous structures; dangerous places; emergency powers; dilapidated/ruinous properties; abandoned, neglected or incomplete sites; and cost recovery issues.</p> <p>Critical for Dept to engage fully with councils and take account of operational matters.</p> <p>New legislation can address human rights concerns with current legislation.</p>
<b>2</b>	<p>Agree but important that current use of CNEA provisions is not hindered. (See R v Bristol City Council, ex parte Everett).</p> <p>Consider powers in respect of housing also.</p>
<b>3</b>	<p>Welcomes Dept's proposal.</p> <p>Lack of definition of "building" has not caused any difficulties for BCC but if included need to ensure definition is sufficiently wide to include non-building structures.</p> <p>Suggests provision to deal with scenario where owner cannot be identified or located within a reasonable time.</p> <p>Guidance on per diem fines required.</p> <p>Potential to allow court to compel owner to carry out works would be useful.</p> <p>Need to ensure that heritage buildings are properly protected and not inadvertently afforded permitted development rights for demolition.</p>
<b>4</b>	<p>Transposition of "relevant" provisions from Building Act 1984 welcomed.</p> <p>Need to ensure provisions for dangerous buildings do not hinder application of provisions on dilapidation.</p> <p>Difficulties experienced in identifying owners due to complex land registry system.</p> <p>The ability to take immediate action through the adoption of s.78 would be welcomed.</p> <p>Ancillary provisions - e.g. powers of entry, service of documents etc would be useful.</p> <p>BCC unconvinced that provisions of Building Act (except s.78) give any more (in general) than Belfast Improvement Act.</p> <p>Transposition should provide councils with more effective powers and be based on provisions of BIA.</p>
<b>5</b>	<p>Proposals to rationalise and simplify the existing legislation welcomed but essential to retain the most effective parts.</p> <p>Suggest reference to Derelict Sites Act 1990 (ROI) for provisions relating to deposits of rubbish etc.</p>
<b>6</b>	<p>Inclusion of powers similar to s.215 of the Town and Country Planning Act 1990 is welcomed and success of those provisions in E&amp;W is noted.</p> <p>Suggests replication of s.330 of 1990 Act (power to require information as to interests in land).</p> <p>Detailed guidance required.</p> <p>Potential value in two-tiered approach.</p> <p>Question posed as to potential to utilise s.215 powers to deal with Japanese Knotweed issues.</p>
<b>7</b>	<p>It would be useful to have option to apply dilapidation legislation where sites pose a danger or have significant impact on visual amenity.</p> <p>Concern over the potential cost to council of paying compensation where powers under the Planning Act 2011 are used (discontinuance and revocation notices). (Addendum to original response).</p>

<b>4: Belfast City Council (LG)</b>	
<b>Q.</b>	<b>Comments</b>
<b>8</b>	<p>Land registration system causes difficulties in identifying and locating owners - guidance needed as to what constitutes "reasonable efforts".</p> <p>Councils should be able to recoup costs from financial institutions etc where there is a direct beneficiary of works carried out in default.</p> <p>Councils' charge on land should have priority over other charges.</p> <p>Robust cost recovery provisions required in any case.</p>
<b>9</b>	<p>Agree that appropriate cost recovery provisions are a key element for effectiveness of a new regime.</p> <p>Automatic priority of charges would be welcomed.</p> <p>Secure title for prospective buyers under any enforced sale provisions.</p> <p>In certain circumstances power to vest may be useful.</p> <p><i>Bona vacantia</i> property should revert to council if it holds a charge on the property.</p>
<b>10</b>	<p>Guidance is critical and should be developed in conjunction with local government officers.</p> <p>Preference expressed for statutory guidance.</p>
<b>11</b>	<p>Provisions allowing councils to take proactive approach to protecting heritage buildings would be welcomed.</p> <p>Robust cost recovery mechanism required.</p> <p>Should be possible to issue notice to repair or secure property without automatic option to demolish - demolition should be exceptional.</p> <p>If possible, it should be an option to issue a replacement building notice where there is no alternative to demolition.</p>
<b>12</b>	<p>Proposed legislation supports delivery on the vision for local government promoted by NI Executive.</p> <p>Need for Dept. to either allocate requisite funding or ensure provisions are sufficient to recover all relevant costs.</p> <p>Need to manage expectations in light of the difficulty in securing resources.</p>
<b>Other</b>	<p>BCC also enclosed its response to the previous DOE discussion document which gave much greater detail on the need for legislative overhaul.</p>

<b>5: Building Control NI (PB)</b>	
<b>Q.</b>	<b>Comments</b>
<b>1</b>	<p>Existing legislation is antiquated, piecemeal and cumbersome - making it more difficult for councils to take effective action.</p> <p>Preference for additional powers and a statutory duty to act.</p> <p>Highlights importance of taking appropriate action - potential risks from dangerous structures.</p> <p>Do not necessarily agree that new council model enhances ability of councils to act.</p> <p>Introduction of new legislation and consistent guidance supported (with appropriate funding).</p>
<b>2</b>	<p>Agree that single consolidated piece of legislation could be useful in relation to regeneration, tourism and reducing anti-social behaviour.</p> <p>Scope of new legislation must cover any building, structure or neglected site.</p>
<b>3</b>	<p>Agree that single consolidated piece of legislation could be useful in relation to regeneration, tourism and reducing anti-social behaviour.</p> <p>Scope of new legislation must cover any building, structure or neglected site.</p>
<b>4</b>	<p>Transposition of "relevant" provisions from Building Act 1984 welcomed.</p> <p>Provisions should not be restricted to temporary repair or securing of the building.</p> <p>Scope of new legislation must cover any building, structure or neglected site.</p> <p>Repair, restore, replace or demolish options should be retained.</p> <p>Proposal to not require a court order in cases of imminent danger welcomed.</p> <p>Robust cost recovery provisions need to be attached to these provisions.</p> <p>Ancillary provisions - e.g. powers of entry, service of documents etc would be useful.</p>
<b>5</b>	<p>Agree that location-specific legislation is not beneficial but that there is a need to retain the best provisions of existing legislation and extending provision to allow for vesting by councils to promote regeneration.</p>
<b>6</b>	<p>Would welcome replication of s.215 powers with appropriate guidance.</p> <p>Keen to work with DAERA to develop protocols for evaluation etc.</p> <p>Suggests replication of s.330 of 1990 Act (power to require information as to interests in land).</p>
<b>7</b>	<p>Considers Planning Act powers available to councils to be inadequate to deal with unfinished or abandoned sites due to potential requirement to pay compensation.</p> <p>Would like to see spirit of Planning Act provisions replicated in new Bill, permitting councils to seek alteration or removal of structures without liability for compensation.</p>
<b>8</b>	<p>Notes difficulties identifying and locating owners and welcomes guidance on "reasonable efforts" to identify/locate.</p>
<b>9</b>	<p>Agree that financial burden should fall to those with beneficial interest in property.</p> <p>Would strongly support ability to recover all investigation and administrative costs.</p> <p>Would welcome proposal to explore possibility of extending liability to persons other than the owner.</p> <p>Provisions giving council priority over other charges (financial institutions etc) required.</p> <p>Ability to give prospective purchaser secure title under any enforced sale procedure.</p> <p>Potential to declare property as abandoned and allow council to vest?</p> <p>Consider reversion of <i>bona vacantia</i> property to councils before Crown, where relevant.</p> <p>Proposed additional penalties welcomed.</p>

<b>5: Building Control NI (PB)</b>	
<b>Q.</b>	<b>Comments</b>
<b>10</b>	Guidance should be statutory and developed in collaboration with local government officers but only imposed on councils if appropriate level of funding is provided.
<b>11</b>	<p>Advocate proactive approach to all heritage buildings (inc. vernacular and conservation areas) but adequate resources required.</p> <p>Provisions need to clarify that a notice does not permit the demolition of protected buildings.</p> <p>Repairs must take account of heritage status and be agreed with Conservation Officer.</p> <p>Current provisions (urgent works notices) can only require "temporary support or measures".</p>
<b>12</b>	<p>Effective cost recovery provisions critical to ensuring those responsible for detriment pay for its remediation.</p> <p>Concern expressed that a lack of central funding might make councils reluctant to implement, especially if cost recovery provisions were seen as ineffective.</p> <p>Advocate creation of appropriate "central revolving fund".</p>

<b>6: Causeway Coast &amp; Glens Borough Council (LG)</b>	
<b>Q.</b>	<b>Comments</b>
<b>1</b>	<p>Existing legislation is antiquated and fragmented, making it more difficult to take effective and efficient action.</p> <p>Preference for additional powers and a statutory duty to act.</p> <p>Highlights importance of taking appropriate action - potential risks from dangerous structures.</p> <p>Do not necessarily agree that new council model enhances ability of councils to act. Danger that a lack of central funding will result in inconsistent application of new legislation.</p> <p>Advocate full rather than phased introduction.</p>
<b>2</b>	<p>Agree with proposed approach but need to engage with council officers to ensure current use of statutory nuisance provisions is not hindered.</p> <p>Need to consider the powers in Housing (NI) Order 1981 that deal with unfitnes.</p>
<b>3</b>	<p>Department's approach is welcomed.</p> <p>Provisions required for instances where owner cannot be identified.</p> <p>May be preferable to retain "building or structure" rather than redefining "building".</p> <p>Need to ensure there is no duplication of legislation in respect of "fly-tipping".</p> <p>Cost recovery options must be clear, prescribed and specific.</p> <p>Proposals for additional penalties welcomed, particularly higher fines for serious cases.</p> <p>Compulsion on owners to carry out works needs to be incorporated.</p> <p>Options for demolition and repair/restore should be retained with demolition only as a last resort.</p>
<b>4</b>	<p>Transposition of "relevant" provisions from Building Act 1984 welcomed.</p> <p>Provisions should not be restricted to temporary repair or securing of the building.</p> <p>Scope of new legislation must cover any building, structure or neglected site.</p> <p>Repair, restore, replace or demolish options should be retained.</p> <p>Proposal to not require a court order in cases of imminent danger welcomed.</p> <p>Robust cost recovery provisions need to be attached to these provisions.</p> <p>Ancillary provisions - e.g. powers of entry, service of documents etc would be useful.</p> <p>While Building Act provisions do not add a great deal, they would add clarity.</p>
<b>5</b>	<p>Agree that location-specific legislation is not beneficial but that there is a need to retain the best provisions of existing legislation and other legislation such as the Derelict Sites Act 1990 in Rol.</p>
<b>6</b>	<p>Inclusion of powers similar to s.215 for lower level dilapidation welcomed.</p> <p>Poses question as to whether such provisions could be used to deal with Japanese Knotweed and other invasive species.</p> <p>Resources will be needed to proactively apply these provisions.</p> <p>Tiered approach could also provide clearer parameters for assessment of specific cases.</p> <p>Suggests replication of s.330 of 1990 Act (power to require information as to interests in land).</p> <p>Highlights need for appropriate guidance.</p>
<b>7</b>	<p>Existing planning powers would have limited impact on addressing the impact of dilapidation and may lead to councils being liable for compensation payments.</p>

<b>6: Causeway Coast &amp; Glens Borough Council (LG)</b>	
<b>Q.</b>	<b>Comments</b>
<b>8</b>	<p>Longstanding difficulties identifying and locating owners and subsequently serving notices.</p> <p>Definition of "reasonable efforts" welcomed but guidance also needed.</p> <p>Highlighted example in consultation clearly unfair to council and ratepayers.</p> <p>Ability to recover costs is important, as is priority over other charges.</p> <p>Welcome proposal to extend liability beyond owner.</p>
<b>9</b>	<p>Agree that financial burden should fall to those with beneficial interest in property.</p> <p>Would strongly support ability to recover all investigation and administrative costs.</p> <p>Recommend provisions giving council priority over other charges (financial institutions etc).</p> <p>Helpful to give prospective purchaser secure title under any enforced sale procedure.</p> <p>Potential to declare property as abandoned and allow council to vest or enforce sale?</p> <p>Consider reversion of <i>bona vacantia</i> property to councils before Crown, where relevant.</p>
<b>10</b>	<p>Guidance should be statutory and developed in collaboration with local government officers.</p>
<b>11</b>	<p>Advocate proactive approach to all buildings (not just those that are protected) but adequate resources required.</p> <p>Balance needs to be struck between protecting people and buildings of architectural interest.</p> <p>Provisions enabling early intervention would be welcomed.</p> <p>Provisions could clarify that under specific circumstances a notice does not permit demolition without prior consent of council.</p> <p>If demolition only option potential to enforce requirement for identical facade.</p> <p>Urgent works notices are useful.</p> <p>Robust cost recovery measures essential.</p>
<b>12</b>	<p>Effective cost recovery provisions critical to ensuring those responsible for detriment pay for its remediation.</p> <p>Concern expressed that a lack of central funding might make councils reluctant to implement, especially if cost recovery provisions were seen as ineffective.</p>

<b>7: Chartered Association of Building Engineers NI (PB)</b>	
<b>Q.</b>	<b>Comments</b>
<b>1</b>	Existing legislation is outdated, fails to cover all scenarios and is inconsistently applied.
<b>2</b>	Merit in single consolidated piece of legislation if properly resourced. Could go some way to addressing rural and urban regeneration, enhancing tourism and reducing anti-social behaviour. Potential to increase construction activity.
<b>3</b>	As per Q.2
<b>4</b>	As per Q.2 Agree with proposal to not require a court order in cases of imminent danger welcomed. Those who benefit from works should pay all costs.
<b>5</b>	Agree.
<b>6</b>	Wish to see greater use of completion notices and urgent works notices but understand risk to council of being unable to recover costs - should be addressed by Bill.
<b>7</b>	Hopeful that existing powers combined with new regime will be sufficient.
<b>8</b>	Those who benefit from works should pay all costs. Robust powers to identify and locate responsible persons should be included.
<b>9</b>	As per Q.8
<b>10</b>	Guidance should be statutory to promote consistency.
<b>11</b>	Care needed to ensure protection of all heritage buildings and people in-and-around hazards. Early intervention options prior to formal enforcement procedures should be incorporated to help to prevent unnecessary deterioration. Remediation options should not include demolition without the express agreement of local conservation officer and DfC.
<b>12</b>	Look forward to being involved in the policy development process.



<b>8: Chartered Institute of Environmental Health (PB)</b>	
<b>Q.</b>	<b>Comments</b>
<b>1</b>	Only option that allows provisions to deal with full scope of problem sites/property. Important to encompass full range of issues, from minor "broken window" scenarios to more extensive problem sites.
<b>2</b>	Agree but important that current use of Art.65 in respect of statutory nuisance is not hindered. Guidance, developed with council officers, required on any potential wider scope.
<b>3</b>	Welcome potential to allow for the removal of rubbish etc deposited from other sources but notes the existing provisions (WCL(NI)O 1997) defining NIEA as responsible authority for "fly-tipping". New legislation should not attempt to shift responsibility onto councils.  Definition of "building" would be welcomed.  Wider range of administrative and criminal penalties supported.  Courts should be able to order compliance with a notice.  Robust cost recovery provisions required.
<b>4</b>	Robust amendments to Arts. 65 and 66 may reduce need for replication of Building Act provisions.
<b>6</b>	Inclusion of powers similar to s.215 for lower level dilapidation welcomed.  Poses question as to whether such provisions could be used to deal with Japanese Knotweed and other invasive species.  Resources will be needed to proactively apply these provisions.
<b>7</b>	Proposed provisions strengthen mechanism to address adverse environmental health impacts.  Views of relevant professional bodies should be sought regarding planning powers.
<b>8</b>	Highlights that in current financial climate many properties are under the control of someone other than the owner. Legislation needs to define who is responsible and in what circumstances.  Definition of "reasonable efforts" welcomed.
<b>9</b>	In principle, proposal to improve cost recovery provisions is welcomed.
<b>10</b>	Preference for statutory guidance, developed in conjunction with councils.
<b>11</b>	Potential provisions seem sensible.
<b>12</b>	Prescribed forms should be provided to maintain quality and consistency.

<b>9: Chief Environmental Health Officers' Group (PB)</b>	
<b>Q.</b>	<b>Comments</b>
<b>1</b>	Only option that allows provisions to deal with full scope of problem sites/property. Important to encompass full range of issues, from minor "broken window" scenarios to more extensive problem sites.
<b>2</b>	Agree but important that current use of Art.65 in respect of statutory nuisance is not hindered. Guidance, developed with council officers, required on any potential wider scope.
<b>3</b>	Welcome potential to allow for the removal of rubbish etc deposited from other sources but notes the existing provisions (WCL(NI)O 1997) defining NIEA as responsible authority for "fly-tipping". New legislation should not attempt to shift responsibility onto councils.  Definition of "building" would be welcomed.  Wider range of administrative and criminal penalties supported.  Courts should be able to order compliance with a notice.  Robust cost recovery provisions required.
<b>4</b>	Robust amendments to Arts. 65 and 66 may reduce need for replication of Building Act provisions.
<b>6</b>	Inclusion of powers similar to s.215 for lower level dilapidation welcomed.  Poses question as to whether such provisions could be used to deal with Japanese Knotweed and other invasive species.  Resources will be needed to proactively apply these provisions.
<b>7</b>	Proposed provisions strengthen mechanism to address adverse environmental health impacts.  Planning colleagues would be better placed to comment regarding planning powers.
<b>8</b>	Highlights that in current financial climate many properties are under the control of someone other than the owner. Legislation needs to define who is responsible and in what circumstances.  Definition of "reasonable efforts" welcomed.
<b>9</b>	In principle, proposal to improve cost recovery provisions is welcomed.
<b>10</b>	Preference for statutory guidance, developed in conjunction with councils.
<b>11</b>	Potential provisions seem sensible.
<b>12</b>	Prescribed forms should be provided to maintain quality and consistency.

<b>10: Council for Nature Conservation and the Countryside (AB)</b>	
<b>Q.</b>	<b>Comments</b>
<b>1</b>	<p>Welcome rationale that councils require appropriate tools to deal with enhanced remits.</p> <p>Approve of department's aim to seek legislative parity through introduction of a new Bill.</p> <p>Bill should relate to detriment to environmental quality rather than just public health, injury or behaviour.</p> <p>Bill needs to cover sites as well as buildings.</p>
<b>10</b>	<p>Non-statutory guidance must be well informed, up-to-date and provide robust direction.</p>
<b>Other</b>	<p>Need to consider inadvertent side effects on species and habitats - e.g. many older buildings may be used as bat roosts.</p> <p>Derelict land may contain species and habitats of conservation interest - close liaison with Biodiversity Officers required.</p> <p>Neglected sites may provide greater benefits to public health than developed sites.</p> <p>Vacant land may offer opportunities to benefit the whole community - example given of urban stormwater management in Philadelphia.</p>

<b>11: Derry City &amp; Strabane District Council (LG)</b>	
<b>Q.</b>	<b>Comments</b>
<b>1</b>	<p>Only option that allows provisions to deal with full scope of problem sites/property. Important to encompass full range of issues, from minor "broken window" scenarios to more extensive problem sites.</p> <p>Existing legislation is antiquated, piecemeal and cumbersome - making it more difficult for councils to take effective action.</p> <p>Engagement with councils vital.</p>
<b>2</b>	<p>Agree but important that current use of CNEA provisions is not hindered. (See R v Bristol City Council, ex parte Everett).</p> <p>Consider powers in respect of housing also.</p> <p>Clarity required on definition of anti-social behaviour.</p>
<b>3</b>	<p>Welcomes Dept's proposal.</p> <p>Need to ensure that definition of "building" is sufficiently wide.</p> <p>Suggests provision to deal with scenario where owner cannot be identified or located.</p> <p>More specific cost recovery options needed for removal of rubbish etc from other sources.</p> <p>Guidance on per diem fines required.</p> <p>Potential to allow court to compel owner to carry out works would be useful.</p> <p>Need to ensure that heritage buildings are properly protected and not inadvertently afforded permitted development rights for demolition.</p>
<b>4</b>	<p>Transposition of "relevant" provisions from Building Act 1984 welcomed.</p> <p>Need to ensure provisions for dangerous buildings do not hinder application of provisions on dilapidation.</p> <p>Difficulties experienced in identifying owners due to complex land registry system.</p> <p>The ability to take immediate action through the adoption of s.78 would be welcomed.</p> <p>Ancillary provisions - e.g. powers of entry, service of documents etc would be useful.</p> <p>BCC unconvinced that provisions of Building Act (except s.78) give any more (in general) than Belfast Improvement Act.</p> <p>Transposition should provide councils with more effective powers and be based on provisions of BIA</p>
<b>5</b>	<p>Proposals to rationalise and simplify the existing legislation welcomed but essential to retain the most effective parts.</p> <p>Suggest reference to Derelict Sites Act 1990 (ROI) for provisions relating to deposits of rubbish etc.</p>
<b>6</b>	<p>Inclusion of powers similar to s.215 of the Town and Country Planning Act 1990 is welcomed and success of those provisions in E&amp;W is noted.</p> <p>Suggests replication of s.330 of 1990 Act (power to require information as to interests in land).</p> <p>Detailed guidance required.</p> <p>Potential value in two-tiered approach.</p> <p>Question posed as to potential to utilise s.215 powers to deal with Japanese Knotweed issues.</p>
<b>7</b>	<p>It would be useful to have option to apply dilapidation legislation where sites pose a danger or have significant impact on visual amenity.</p> <p>With regard to built conservation, demolition should be considered only as a last resort - priority should be to secure and repair.</p> <p>Consent from planning office should be required before demolition of protected buildings takes place.</p>

11: Derry City & Strabane District Council (LG)	
Q.	Comments
8	<p>Land registration system causes difficulties in identifying and locating owners.</p> <p>Definition of "reasonable efforts" welcomed.</p> <p>Councils should be able to recoup costs from financial institutions etc where there is a direct beneficiary of works carried out in default.</p> <p>Councils' charge on land should have priority over other charges in cases where other parties would benefit financially from work carried out by councils.</p> <p>Robust cost recovery provisions required in any case.</p>
9	<p>Agree that financial burden should fall to those with beneficial interest in property.</p> <p>Provisions giving council priority over other charges (financial institutions etc) required.</p> <p>Ability to give prospective purchaser secure title under any enforced sale procedure.</p> <p>Potential to declare property as abandoned and allow council to vest?</p> <p>Consider reversion of <i>bona vacantia</i> property to councils before Crown, where relevant.</p>
10	<p>Preference for statutory guidance, developed in conjunction with councils.</p>
11	<p>Potential provisions seem sensible.</p> <p>Urgent works notices under the Planning Act 2011 are useful but there are issues surrounding cost recovery that need to be addressed.</p> <p>Need to ensure that new legislation does not allow an owner the option of demolition without the consent of the enforcing authority. Where demolition is permitted, it should be accompanied by a "replacement building notice".</p> <p>Commitment by Department to discuss complex and technical issue of heritage buildings with key stakeholders is regarded as positive.</p>
12	<p>Proposed legislation supports delivery on the vision for local government promoted by NI Executive.</p> <p>Greater powers and better cost recovery procedures should allow councils to make a greater contribution to the wider economy, public health, public safety, tourism, regeneration and the reduction of anti-social behaviour.</p> <p>Need to manage expectations in light of the difficulty in securing resources.</p>

<b>12: Fermanagh &amp; Omagh District Council (LG)</b>	
<b>Q.</b>	<b>Comments</b>
<b>1</b>	<p>Existing legislation is antiquated and fragmented, making it more difficult to take effective and efficient action.</p> <p>Preference for additional powers and a statutory duty to act.</p> <p>Highlights importance of taking appropriate action - potential risks from dangerous structures.</p> <p>Do not necessarily agree that new council model enhances ability of councils to act. Danger that a lack of central funding will result in inconsistent application of new legislation.</p> <p>Support implementation of new legislation with appropriate central funding.</p>
<b>2</b>	<p>Agree that single consolidated piece of legislation could be useful in relation to regeneration, tourism and reducing anti-social behaviour.</p> <p>Guidance, developed with council officers, required on any potential wider scope.</p> <p>Need to consider the powers in Housing (NI) Order 1981 that deal with unfitnes.</p>
<b>3</b>	<p>Merit in Department's proposed approach.</p> <p>Provisions required for instances where owner cannot be identified.</p> <p>May be preferable to retain "building or structure" rather than redefining "building".</p> <p>Need to ensure no duplication of "fly-tipping" legislation and define where responsibility lies.</p> <p>Cost recovery options must be clear, prescribed and specific.</p> <p>Proposals for additional penalties welcomed - esp. higher fines for serious cases.</p> <p>Compulsion on owners to carry out works needs to be incorporated.</p> <p>Clarity needed on options for demolition and repair/restore to ensure heritage properties can be properly dealt with.</p>
<b>4</b>	<p>Transposition of "relevant" provisions from Building Act 1984 welcomed.</p> <p>Provisions should not be restricted to temporary repair or securing of the building.</p> <p>Scope of new legislation must cover any building, structure or neglected site.</p> <p>Repair, restore, replace or demolish options should be retained.</p> <p>Proposal to not require a court order in cases of imminent danger welcomed.</p> <p>Robust cost recovery provisions need to be attached to these provisions.</p> <p>Ancillary provisions - e.g. powers of entry, service of documents etc would be useful.</p> <p>Important to engage stakeholders in the process.</p>
<b>5</b>	<p>Agree that location-specific legislation is not beneficial but that there is a need to retain the best provisions of existing legislation and other legislation such as the Derelict Sites Act 1990 in Rol.</p>
<b>6</b>	<p>Inclusion of powers similar to s.215 of the Town and Country Planning Act 1990 is welcomed and success of those provisions in E&amp;W is noted.</p> <p>Suggest potential to utilise s.215 powers to deal with invasive plant species issues is considered.</p> <p>Suggests replication of s.330 of 1990 Act (power to require information as to interests in land).</p> <p>Potential value in tiered approach.</p> <p>Detailed guidance required.</p>

12: Fermanagh & Omagh District Council (LG)	
Q.	Comments
7	<p>Hopeful that existing powers combined with new regime will be sufficient.</p> <p>Existing planning powers (i.e. Completion orders) have limited impact on tidying dilapidated sites and may actually lead to a worse position.</p> <p>Any new provisions must address inadequacies of existing powers and deal robustly with unfinished or abandoned sites.</p>
8	<p>Longstanding difficulties identifying and locating owners - many properties are under the control of someone other than the owner</p> <p>Definition of "reasonable efforts" welcomed but further guidance required.</p> <p>Highlighted example in consultation clearly unfair to council and ratepayers and ability to recover costs is important. Priority charge would be welcomed.</p> <p>Welcome proposal to extend liability beyond owner.</p>
9	<p>Would strongly support ability to recover all investigation and administrative costs.</p> <p>Agree that financial burden should fall to those with beneficial interest in property.</p> <p>Provisions giving council priority over other charges (financial institutions etc) required.</p> <p>Ability to give prospective purchaser secure title under any enforced sale procedure.</p> <p>Potential to declare property as abandoned and allow council to vest?</p> <p>Consider reversion of <i>bona vacantia</i> property to councils before Crown, where relevant.</p>
10	<p>Preference for statutory guidance, developed in conjunction with councils.</p>
11	<p>Advocate proactive approach to all heritage buildings (not just those that are protected) but adequate resources required.</p> <p>Balance needs to be struck between protecting people and buildings of architectural interest.</p> <p>Provisions enabling early intervention would be welcomed.</p> <p>Provisions could clarify that under specific circumstances a notice does not permit demolition and require works to be carried out with due regard to heritage status.</p> <p>Urgent works notices are useful but can be slow and difficult to recover costs.</p> <p>Robust cost recovery measures essential.</p>
12	<p>Effective cost recovery provisions critical to ensuring those responsible for detriment pay for its remediation.</p> <p>Concern expressed that a lack of central funding might make councils reluctant to implement, especially if cost recovery provisions were seen as ineffective.</p> <p>Also highlight:</p> <ul style="list-style-type: none"> <li>• appeals process;</li> <li>• powers of entry;</li> <li>• clearer definitions/guidance;</li> <li>• powers to close roads;</li> <li>• powers to complement heritage protection;</li> <li>• powers to identify owners in emergency;</li> <li>• powers to deal with agents and require information;</li> <li>• powers to deal with estates in bankruptcy etc;</li> <li>• powers for imminent danger;</li> <li>• sustainable development;</li> <li>• clarity on unknown/absent owners;</li> <li>• fast-track demolition powers.</li> </ul>

<b>13: Ms. Sarah Graham (PI)</b>	
<b>Q.</b>	<b>Comments</b>
1	Support Option 4 - vital that buildings are not allowed to fall into dereliction and disrepair.
2	Agree.
3	Agree.
6	Support replication of E&W legislation.
7	Dept. should go "as far as possible" to ensure sites are brought into use. If owners cannot be found, property should be vested. Banks should pay for repairs if repossessed. Unacceptable for developers to sit on land banks.
9	Use every legislative tool available to recover costs and ensure taxpayers do not have to foot the bill.
10	Guidance should be statutory – no point otherwise.
11	Earlier intervention welcomed.

<b>14: Historic Buildings Council (AB)</b>	
<b>Q.</b>	<b>Comments</b>
1	New Bill should co-ordinate protection of the public and heritage buildings. Support suitable agreed guidance. To be truly effective, appropriate central funding required.
2	Merit in single consolidated piece of legislation, providing modern remedies to deal with dilapidation issues.
3	Merit in single consolidated piece of legislation, providing modern remedies to deal with dilapidation issues. Should enable councils to act effectively without threatening heritage properties - gaps in current system has led to loss of buildings.
4	Welcome transposition of relevant provisions but should include a review of existing measures to protect heritage buildings.
5	Historic legislation should be repealed and replaced with a modern fit for purpose Bill.
6	Would like to see more councils using existing 'Completion Order' powers, especially with regard to heritage buildings.
7	Fundamental change required. New legislation should contain safeguards to prevent inappropriate intervention to heritage buildings. Conservation planners and architects should have major role in the process.
8	Welcome any improvement to allow council officers to act more swiftly on dangerous/dilapidated buildings.



14: Historic Buildings Council (AB)	
Q.	Comments
9	As per Q.8 Where building/structure has heritage value councils' first priority should be to secure and protect with cost recovery a secondary issue.
10	Guidance should be statutory and developed with planning conservation officers and conservation architects.
11	Great care required to ensure councils can act swiftly to protect the public without threatening buildings/structures/sites of historic interest.  Option of demolition must be as last resort and in consultation with conservation officer and conservation architects.  Urgent works notices are useful but need more effective cost recovery provisions to encourage their use.

15: Keep Northern Ireland Beautiful (NGO)	
Q.	Comments
1	Issues explored in consultation integral to keeping NI beautiful.  Core drivers of KNIB's work - impact on health; prosperity (tourism and inward investment); and quality of life where we live, learn and work are highly pertinent to issues of dilapidation.  Synergy between Live Here Love Here campaign and dilapidation proposals.  Enabling legislation should be introduced giving councils the tools to deal with the problem and a duty to act.
Other	Key issues include:  <b>Preventing crime and anti-social behaviour</b> <ul style="list-style-type: none"> <li>• Need to tackle causes or facilitators on a broad front.</li> </ul> <b>Growing a strong economy</b> <ul style="list-style-type: none"> <li>• Significant evidence that local environmental quality positively and negatively impacts tourism and inward investment.</li> </ul> <b>Health and wellbeing</b> <ul style="list-style-type: none"> <li>• Tackling the causes of crime and anti-social can lead to the creation of well designed and maintained public spaces that will help to shape local communities.</li> </ul> <b>Making it work</b> <ul style="list-style-type: none"> <li>• Effective cost recovery measures essential.</li> <li>• Consistency of understanding and application necessary.</li> <li>• Need to consider issues around power of sale.</li> </ul>

<b>16: Lisburn &amp; Castlereagh City Council (LG)</b>	
<b>Q.</b>	<b>Comments</b>
<b>1</b>	<p>Enacting new legislation is an opportunity to ensure councils can deal with: dangerous structures; dangerous places; emergency powers; dilapidated/ruinous properties; abandoned, neglected or incomplete sites; and cost recovery issues.</p> <p>Critical for Dept to engage fully with councils and take account of operational matters.</p> <p>New legislation can address human rights concerns with current legislation.</p> <p>Disagrees with suggestion in consultation that new local government model gives councils adequate resources to undertake this role.</p>
<b>2</b>	<p>Agree but important that current use of CNEA provisions is not hindered.</p> <p>Guidance, in consultation with enforcement authority, required on any potential wider scope (to clarify if dumping, fly-tipping and littering to be included).</p> <p>May bring greater clarity to role of other relevant agencies with powers in this area (e.g. NIHE).</p> <p>Support introduction of stronger powers in respect of listed buildings.</p>
<b>3</b>	<p>Notes existing provisions in respect of waste deposited from other sources defining NIEA as responsible authority. New legislation should not shift responsibility onto councils.</p> <p>Definition of "building" may provide clarity but current flexibility should not be lost.</p> <p>Wider range of penalties supported but need appropriate mechanism for per diem penalties.</p> <p>Courts should be able to order compliance with a notice.</p> <p>Critical to ensure provisions for instances where owner cannot be identified within a certain period.</p> <p>Robust cost recovery provisions required.</p> <p>Support stronger powers to prevent the inadvertent loss of protected buildings.</p>
<b>4</b>	<p>Transposition of "relevant" provisions from Building Act 1984 welcomed.</p> <p>Provisions should not be restricted to temporary repair or securing of the building.</p> <p>Need to ensure provisions for dangerous buildings do not hinder application of provisions on dilapidation.</p> <p>Difficulties experienced in identifying owners due to complex land registry system.</p> <p>Building Act provisions do not add a great deal to Belfast Improvement Act, which should be basis of new legislation.</p> <p>Ancillary provisions - e.g. powers of entry, service of documents etc would be useful.</p> <p>Any transposition must provide councils with more effective powers than they already have.</p>
<b>5</b>	<p>Supports rationalisation and simplification of law in this area.</p> <p>The continuation of existing location-specific legislation would complicate the implementation of a consistent NI regime.</p> <p>Need to ensure useful existing provisions are not lost in the process.</p>
<b>6</b>	<p>Inclusion of powers similar to s.215 is welcomed and success of those provisions in E&amp;W is noted.</p> <p>Poses question as to whether such provisions could be used to deal with Japanese Knotweed and other invasive species.</p> <p>Suggests replication of s.330 of 1990 Act (power to require information as to interests in land).</p> <p>Resources will be needed to proactively apply these provisions.</p> <p>Detailed guidance required.</p>

<b>16: Lisburn &amp; Castlereagh City Council (LG)</b>	
<b>Q.</b>	<b>Comments</b>
<b>7</b>	Agree that combination of existing planning powers and proposed new provisions are sufficient but notes that it would be useful for councils to have discretion to apply dilapidation powers in appropriate cases (e.g. where an unfinished site poses a danger or impacts on visual amenity).
<b>8</b>	<p>Highlights that in current financial climate many properties are under the control of someone other than the owner (e.g. receiver appointed by the mortgage holder). Legislation needs to define who is responsible and in what circumstances.</p> <p>Definition of "reasonable efforts" welcomed.</p> <p>Longstanding difficulties identifying and locating owners and subsequently serving notices.</p> <p>Highlighted example in consultation clearly unfair to council and ratepayers and ability to recover costs is important. Priority charge would be welcomed.</p> <p>Welcome proposal to extend liability beyond owner.</p>
<b>9</b>	<p>Agree that appropriate cost recovery provisions are a key element for effectiveness of a new regime.</p> <p>Automatic priority of charges would be welcomed.</p> <p>Secure title for prospective buyers under any enforced sale provisions.</p> <p>In certain circumstances power to vest may be useful.</p> <p><i>Bona vacantia</i> property should revert to council if it holds a charge on the property.</p>
<b>10</b>	<p>Guidance is critical and should be developed in conjunction with local government officers.</p> <p>Preference expressed for statutory guidance.</p>
<b>11</b>	<p>Delicate balance to be struck between protection and ensuring required works are carried out expediently and in a cost effective manner.</p> <p>Should be possible to issue notice without the option of demolition "if he so elects".</p> <p>Application of s.215 powers to address issues before significant deterioration occurs would be welcome.</p> <p>Urgent works notices under the Planning Act 2011 are useful but there are issues surrounding cost recovery that need to be addressed.</p> <p>Need to ensure that new legislation does not allow an owner the option of demolition without the consent of the enforcing authority. Where demolition is permitted, it should be accompanied by a "replacement building notice".</p>
<b>12</b>	<p>Proposed legislation supports delivery on the vision for local government promoted by NI Executive.</p> <p>With enhanced powers and cost recovery mechanisms councils can proactively deal with problem sites, contributing to wider economy, public health, public safety, tourism and a reduction in anti-social behaviour.</p> <p>Need to manage expectations in light of the difficulty in securing resources.</p>

<b>17: Mid &amp; East Antrim Borough Council (LG)</b>	
<b>Q.</b>	<b>Comments</b>
<b>1</b>	Needs to cover broad spectrum of sites.
<b>2</b>	Must not hinder the use of Art 65 in respect of statutory nuisance. Guidance required on any potential wider scope. Guidance needs to be developed with council officers.
<b>3</b>	Notes the existing provisions in respect of waste deposited from other sources (WCL(NI)O 1997) defining NIEA as responsible authority for this area. New legislation should not attempt to shift responsibility onto councils. Definition of "building" would be welcomed. Wider range of administrative and criminal penalties supported. Courts should be able to order compliance with a notice. Robust cost recovery provisions required.
<b>4</b>	The inclusion of appropriate provisions to deal with dangerous buildings is supported and close consultation with councils is recommended. Detailed guidance required.
<b>5</b>	Repeal of location-specific legislation and re-enactment would aid consistency.
<b>6</b>	Inclusion of powers similar to s.215 for lower level dilapidation welcomed. Poses question as to whether such provisions could be used to deal with Japanese Knotweed and other invasive species. Resources will be needed to proactively apply these provisions. Option to serve notices on the occupier as well as the owner is welcomed.
<b>7</b>	Scope of proposed legislation has potential to address adverse environmental health impacts. Notes usefulness of Planning Act powers (completion notices etc).
<b>8</b>	Highlights that in current financial climate many properties are under the control of someone other than the owner. Legislation needs to define who is responsible and in what circumstances. Definition of "reasonable efforts" welcomed.
<b>9</b>	Proposals to improve cost recovery mechanisms are welcomed in principle.
<b>10</b>	Preference for statutory guidance, developed in conjunction with councils.
<b>11</b>	Potential provisions seem sensible. Potential conflict between current dilapidation legislation and built heritage legislation noted (option for demolition in Art.66).
<b>12</b>	Prescribed forms should be provided to maintain quality and consistency.

<b>18: Mid Ulster District Council (LG)</b>	
<b>Q.</b>	<b>Comments</b>
<b>1</b>	<p>Important that scope encompasses wide range of sites.</p> <p>Option 4 can facilitate the introduction of specific legislation to protect historic built assets and promote cooperation within the council.</p> <p>Introduction of "s.215 powers" would benefit the community.</p> <p>Buildings at Risk Register could form basis for identifying problem sites.</p> <p>Support for option 4 on basis that appropriate central funding is provided.</p>
<b>2</b>	<p>Agree but important that current use of Art.65 in respect of statutory nuisance is not hindered.</p> <p>Guidance, developed with council officers, required on any potential wider scope.</p>
<b>3</b>	<p>Welcome potential to allow for the removal of rubbish etc deposited from other sources but notes the existing provisions (WCL(NI)O 1997) defining NIEA as responsible authority for "fly-tipping". New legislation should not attempt to shift responsibility onto councils.</p> <p>Definition of "building" would be welcomed.</p> <p>Wider range of administrative and criminal penalties supported.</p> <p>Courts should be able to order compliance with a notice.</p> <p>Robust cost recovery provisions required.</p>
<b>4</b>	<p>Transposition of "relevant" provisions from Building Act 1984 welcomed.</p> <p>Provisions should not be restricted to temporary repair or securing of the building.</p> <p>Scope of new legislation must cover any building, structure or neglected site.</p> <p>Repair, restore, replace or demolish options should be retained.</p> <p>Proposal to not require a court order in cases of imminent danger welcomed.</p> <p>Robust cost recovery provisions need to be attached to these provisions.</p> <p>Ancillary provisions - e.g. powers of entry, service of documents etc would be useful.</p> <p>While Building Act provisions do not add a great deal, they would add clarity.</p>
<b>5</b>	<p>Agree that location-specific legislation is not beneficial but that there is a need to retain the best provisions of existing legislation and other legislation such as the Derelict Sites Act 1990 in Rol.</p>
<b>6</b>	<p>Inclusion of powers similar to s.215 for lower level dilapidation welcomed.</p> <p>Poses question as to whether such provisions could be used to deal with Japanese Knotweed and other invasive species.</p> <p>Resources will be needed to proactively apply these provisions.</p> <p>Useful to have ability to apply these powers in respect of conservation areas and areas of townscape/village character (with agreed planning consents).</p> <p>Highlights need for appropriate guidance.</p>
<b>7</b>	<p>Scope of proposed legislation has potential to address adverse environmental health impacts.</p> <p>Useful to be able to use discretion to use other provisions where visual amenity, for example, is an issue.</p>

<b>18: Mid Ulster District Council (LG)</b>	
<b>Q.</b>	<b>Comments</b>
<b>8</b>	<p>Highlights that in current financial climate many properties are under the control of someone other than the owner. Legislation needs to define who is responsible and in what circumstances.</p> <p>Definition of "reasonable efforts" welcomed.</p> <p>Longstanding difficulties identifying and locating owners and subsequently serving notices.</p> <p>Priority of council charges over other charges needed.</p> <p>Welcome proposal to extend liability beyond owner.</p>
<b>9</b>	<p>Proposals to improve cost recovery mechanisms are welcomed in principle.</p> <p>Burden of preventing and addressing dilapidation should fall to those with beneficial interest in property.</p>
<b>10</b>	<p>Preference expressed for statutory guidance for avoidance of doubt.</p> <p>Guidance should be developed in conjunction with council and other stakeholders.</p>
<b>11</b>	<p>Option 4 can encourage a joined up approach to facilitate the protection, conservation and enhancement of historic built environment.</p> <p>Bill could include requirement for notices to take into account heritage status of buildings - onus should be on secure/repair rather than demolish.</p> <p>New regime could highlight need to comply with Planning Act provisions.</p> <p>S.215 powers could complement and support Planning Act powers.</p> <p>Buildings at risk register could be used to identify potentially at risk properties that could benefit from a proactive approach to protect from deterioration.</p> <p>Should be made clear to owners that historic built heritage is top priority - higher penalties applied.</p>
<b>12</b>	<p>Effective cost recovery provisions critical to ensuring those responsible for detriment pay for its remediation.</p> <p>Concern expressed that a lack of central funding might make councils reluctant to implement, especially if cost recovery provisions were seen as ineffective.</p>
<b>Other</b>	<p>Stress that Option 4 is preferred only if additional central government funding is made available.</p>

<b>19: Ministerial Advisory Group for Department for Communities (AB)</b>	
<b>Q.</b>	<b>Comments</b>
<b>Other</b>	<p>MAG advocates an alternative approach through the promotion and use of tailored creative processes with significant local community involvement rather than relying completely on statutory processes.</p> <p>The MAG response highlights a range of examples of successful community projects in Northern Ireland and the US.</p>

<b>20: National Trust (NGO)</b>	
<b>Q.</b>	<b>Comments</b>
<b>Other</b>	<p>The National Trust commends the bringing forward of the consultation and endorses the response submitted by NIEL.</p>

<b>21: Newry Mourne &amp; Down District Council (LG)</b>	
<b>Q.</b>	<b>Comments</b>
<b>1</b>	<p>Existing legislation is antiquated and fragmented, making it more difficult to take effective and efficient action.</p> <p>Preference for additional powers and a statutory duty to act.</p> <p>Highlights importance of taking appropriate action - potential risks from dangerous structures.</p> <p>Do not necessarily agree that new council model enhances ability of councils to act. Danger that a lack of central funding will result in inconsistent application of new legislation.</p> <p>Support implementation with appropriate central government funding.</p>
<b>2</b>	<p>Merit in single consolidated piece of legislation providing modern remedies to deal with dilapidation issues.</p> <p>Could go some way to addressing regeneration, enhancing tourism and reducing anti-social behaviour.</p> <p>Important to engage with council officers to ensure that current use of CNEA provisions is not hindered.</p> <p>Consider powers in respect of housing also.</p>
<b>3</b>	<p>Merit in Department's proposed approach.</p> <p>Provisions required for instances where owner cannot be identified.</p> <p>Important to cover "building or structure" rather than limiting to "building".</p> <p>Need to ensure no duplication of "fly-tipping" legislation and define where responsibility lies.</p> <p>Cost recovery options must be clear, prescribed and specific.</p> <p>Proposals for additional penalties welcomed - esp. higher fines for serious cases.</p> <p>Compulsion on owners to carry out works needs to be incorporated.</p> <p>Legislation should allow councils to deal with hazards while ensuring heritage properties can be properly protected.</p>
<b>4</b>	<p>Transposition of "relevant" provisions from Building Act 1984 welcomed.</p> <p>Provisions should not be restricted to temporary repair or securing of the building.</p> <p>Scope of new legislation must cover buildings and structures.</p> <p>Repair, restore, replace or demolish options should be retained.</p> <p>Proposal to not require a court order in cases of imminent danger welcomed.</p> <p>Robust cost recovery provisions need to be attached to these provisions.</p> <p>Ancillary provisions - e.g. powers of entry, service of documents etc would be useful.</p> <p>Important to engage stakeholders in the process.</p>
<b>5</b>	<p>Agree that location-specific legislation is not beneficial but that there is a need to retain the best provisions of existing legislation and other legislation such as the Derelict Sites Act 1990 in Rol.</p>
<b>6</b>	<p>Inclusion of powers similar to s.215 of the Town and Country Planning Act 1990 is welcomed and success of those provisions in E&amp;W is noted.</p> <p>Suggests replication of s.330 of 1990 Act (power to require information as to interests in land).</p> <p>Clear guidance required.</p> <p>Potential value in two-tiered approach.</p>

20: National Trust (NGO)	
Q.	Comments
7	<p>While powers to deal with dangerous structures on unfinished sites is welcomed, it is considered that proposed legislation may not be sufficient in all cases.</p> <p>Concern over the potential cost to council of paying compensation where powers under the Planning Act 2011 are used (discontinuance and revocation notices). It would be useful to have option to apply dilapidation legislation in such cases.</p>
8	<p>Longstanding difficulties identifying and locating owners and subsequently serving notices.</p> <p>Definition of "reasonable efforts" welcomed but guidance also needed.</p> <p>Highlighted example in consultation clearly unfair to council and ratepayers.</p> <p>Ability to recover costs is important, as is priority over other charges.</p> <p>Welcome proposal to extend liability beyond owner.</p>
9	<p>Would strongly support ability to recover all investigation and administrative costs.</p> <p>Automatic priority of charges would be welcomed.</p> <p>Secure title needed for prospective buyers under any enforced sale provisions.</p> <p>In certain circumstances power to vest may be useful.</p> <p><i>Bona vacantia</i> property should revert to council if it holds a charge on the property.</p>
10	<p>Guidance should be statutory and developed in collaboration with local government officers but only imposed on councils if appropriate level of funding is provided.</p>
11	<p>Advocate proactive approach to all heritage buildings (inc. vernacular and conservation areas) but adequate resources required.</p> <p>Balance needs to be struck between protecting people and buildings of architectural interest.</p> <p>Urgent works notices are useful but need more effective cost recovery provisions to encourage their use. Can only require "temporary support or measures".</p> <p>New legislation could provide for notices that did not give option of demolition and for repairs to take account of heritage status, agreed with Conservation Officer.</p>
12	<p>Effective cost recovery provisions critical to ensuring those responsible for detriment pay for its remediation.</p> <p>Concern expressed that a lack of central funding might make councils reluctant to implement, especially if cost recovery provisions were seen as ineffective.</p> <p>Seeks department's view on potential to use proposed legislation to address invasive plant species.</p> <p>Also highlight:</p> <ul style="list-style-type: none"> <li>• appeals process;</li> <li>• powers of entry;</li> <li>• clearer definitions/guidance;</li> <li>• powers to close roads;</li> <li>• powers to complement heritage protection;</li> <li>• powers to identify owners in emergency;</li> <li>• powers to deal with agents and require information;</li> <li>• powers to deal with estates in bankruptcy etc;</li> <li>• powers for imminent danger;</li> <li>• sustainable development;</li> <li>• clarity on unknown/absent owners;</li> <li>• fast-track demolition powers.</li> </ul>



**22: Northern Ireland Environment Link (NGO)**

Q.	Comments
1	Enabling legislation should be introduced giving councils the tools to deal with the problem and a duty to act.
Other	<p>Key issues:</p> <p><b>Place-making/shaping and community cohesion</b></p> <ul style="list-style-type: none"> <li>• Councils should be cognisant of importance of placemaking in building communities.</li> <li>• Role of environment and heritage can play should not be underestimated.</li> </ul> <p><b>Heritage and innovation</b></p> <ul style="list-style-type: none"> <li>• Proper protection and conservation of our rich historic surroundings is needed.</li> <li>• Conservation needs to be holistic.</li> <li>• Contribution of heritage to the economy is significant but creativity and investment required to unlock potential.</li> <li>• Creative use of old buildings in everyday surroundings is recommended, as is meanwhile/interim use.</li> <li>• New legislation should enhance protection through enabling innovative solutions to dilapidation and incentives to use, rather than demolish.</li> <li>• Should address "right ownership" and potential for community regeneration.</li> </ul> <p><b>Brownfield sites of high environmental value</b></p> <ul style="list-style-type: none"> <li>• A minority of previously developed sites are havens for wildlife, often providing 'wild space' in urban areas.</li> <li>• Where contamination is not an issue there is potential to make these sites accessible, safe and enjoyable for recreational activity.</li> <li>• Appropriate wildlife surveys should be carried out before works are carried out.</li> </ul> <p><b>Making it work on the ground</b></p> <ul style="list-style-type: none"> <li>• New legislation should allow statutory undertakers to recover their full costs.</li> <li>• Statutory undertakers must be willing and able to use their powers in a consistent manner.</li> <li>• May be need to explore issues around enforced sale of property.</li> </ul>

**23: Northern Ireland Local Government Association (LG)**

Q.	Comments
Other	<p>Endorses response submitted by Building Control Northern Ireland and urges the department to work closely with council officers to ensure that new legislation is appropriate, enforceable and does not place an undue financial burden on councils.</p> <p>Also highlights the derelict land levy included in the Republic of Ireland's Urban Regeneration and Housing Act for consideration.</p> <p>Cost recovery seen as a key issue.</p>

<b>24: Ulster Architectural Heritage Society (NGO)</b>	
<b>Q.</b>	<b>Comments</b>
<b>1</b>	Agree that option 4 should be the preferred option.
<b>11</b>	<p>Important to clarify the range of formal and informal designations covered by term, "Heritage Buildings" - includes scheduled monuments, listed buildings, conservation areas, areas of townscape character, vernacular buildings and locally listed structures.</p> <p>New Bill should have safeguards in place to ensure the legislative framework enhances rather than threatens the protection of our heritage buildings, including individual elements of heritage value (e.g. shop fronts).</p>
<b>12</b>	<p>Additional legislation and guidance to support planning enforcement for heritage buildings supported but will require detailed professional input.</p> <p>"Gap sites" are a significant issue.</p> <p>Dealing with the problem of dilapidation will deliver much wider benefits for planning, local economic development, community development, tourism and regeneration.</p> <p>Potential to use the established Built Heritage at Risk Northern Ireland (BHARNI) register to help to identify the scale of the problem.</p> <p>Priority should be given to identifying, auditing and evaluating buildings - may also bring funding opportunities.</p> <p>Early intervention is a widely recognised approach to building conservation.</p> <p>Suggest that priority is given to heritage buildings as they have been designated as those of greatest intrinsic value to society.</p>

**From the Director of  
Natural Environment Policy**

Neelia Lloyd



Department of  
**Agriculture, Environment  
and Rural Affairs**

An Roinn

**Talmhaíochta, Comhshaoil  
agus Gnóthaí Tuaithe**

Department o'

**Fairmin, Environment  
an' Kintra Matthers**

[www.daera-ni.gov.uk](http://www.daera-ni.gov.uk)

David Burns  
Chair of Solace NI  
c/o Civic Centre  
Lagan Valley Island  
LISBURN  
BT27 4RL

[david.burns@lisburncastlereagh.gov.uk](mailto:david.burns@lisburncastlereagh.gov.uk)

1st Floor  
Clare House  
303 Airport Road West  
BELFAST  
BT3 9ED  
Telephone: 028 9056 9552  
Email: [neelia.lloyd@daera-ni.gov.uk](mailto:neelia.lloyd@daera-ni.gov.uk)

9 May 2024

Dear David

**INTRODUCTION OF DILAPIDATION BILL TO THE NORTHERN IRELAND ASSEMBLY**

You will no doubt be aware that the Department had intended to introduce a Dilapidation Bill to the NI Assembly during the current mandate but was unable to do so due to the Assembly's suspension. The Bill would provide councils with a consistent, modern and fit-for-purpose regime, including clear powers to tackle dilapidated and / or dangerous buildings and neglected sites. These powers would be similar to those available to local authorities in Great Britain.

I acknowledge that it has been quite some time since we last engaged with councils on this issue. Therefore, should the Minister be so minded, I should be grateful if you would advise if councils remain supportive of the introduction of a Dilapidation Bill to the Assembly (subject to the Executive's approval), noting that the Bill would not impose any new statutory duties on councils but provide them with greater discretionary powers.

Please do not hesitate to contact me should you wish to discuss the matter further.

Yours sincerely

**NEELIA LLOYD**  
**Director of Natural Environment Policy**

*Sustainability at the heart of a living, working, active landscape valued by everyone.*

If you are deaf or have a hearing difficulty you can  
contact the Department via the Next Generation Text  
Relay Service by dialling 18001 + telephone number.



Unclassified

268

**ITEM 16****Ards and North Down Borough Council**

Report Classification	Unclassified
Exemption Reason	Not Applicable
Council/Committee	Council Meeting
Date of Meeting	29 May 2024
Responsible Director	Director of Corporate Services
Responsible Head of Service	Head of Administration
Date of Report	20 May 2024
File Reference	
Legislation	
Section 75 Compliant	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Other <input type="checkbox"/> If other, please add comment below:
Subject	Request to use Council Land at Londonderry Park for demonstration field 12 <sup>th</sup> July 2024
Attachments	Appendix 1 - Map

The Council has received a request from the Newtownards District Orange Lodge No.4 (the 'LOL No.4') to use Council Land at Londonderry Park (the 'Park') on 12<sup>th</sup> July 2024 as a demonstration field. The LOL No. 4 has requested to use the Park to host around 2,500 – 5,000 to parade with 20,000+ spectators between the hours of 6:00 am and 6:00 pm on the 12<sup>th</sup> July 2024. The event will allow the participating orange lodges to enter at the entrance close to the play park on the Portaferry Road and then march through the park to the green area on the opposite side of Londonderry Park, where the staging will be located.

The LOL No.4 have proposed setting up a temporary lorry/platform to be parked at the football pitches. There are also several infrastructure elements as part of the event which includes inflatables, a quarter pipe cycling structure, food vendors, stalls selling products, live and recorded music being played via a PA system, diesel generators and portaloos for the attendees.

Not Applicable

269

The Park will remain open to the public and the event is open to those who wish to attend.

Council officers contacted the Londonderry Estate, which has the Freehold interest in the Park, for permission in the first instance, as the Park is held under a long lease by Council, and contains a number of restrictive covenants and terms. The Londonderry Estate has given their approval, and the request is now being processed in line with the Council's Land and Property policy, which can be found at [Council Land and Property - Ards and North Down Borough Council](#)

Council officers were consulted and advised that pitches 4 and 7 would be in the middle of their summer renovation/rest period. So consideration would need to be given as to the suitability of these areas for large volumes of footfall and / or any vehicles, as the cricket square had previously sustained damage at larger events and would therefore need to be cordoned off from use/access. As a result of these comments, a site visit was arranged on 20<sup>th</sup> May 2024 for the requestor and relevant officers to agree the site layout. A further site visit has been arranged for 24<sup>th</sup> June 2024 to assess the ground condition and finalise the arrangements.

In accordance with Council policy the use will be subject to the following terms and conditions.

The Applicant must:

- i. Ensure that the use of Council land or property is limited to a demonstration field on 12<sup>th</sup> July 2024 from 6am to 6pm.
- ii. Pay a bond of £1000, with all monies to be paid at least 14 days in advance of the event.
- iii. Provide a risk assessment and event management plan at least 14 days in advance of an event.
- iv. Provide a list of all traders attending the event and paying the appropriate fee in line with the prevailing Council rate - £10 per trader.
- v. Provide a risk assessment for the inflatables including its power supply.
- vi. Ensure any inflatables are securely fixed to the ground (the determination of how many weights and the minimum weight per inflatable should be as per manufacturer's instructions for use) and use a vane anemometer to ascertain wind speeds.
- vii. Display public notices for at least 14 days before an event to notify the public that said event is due to take place in the area. Signage to be agreed in advance with the appropriate Council Officer.
- viii. Public notices must be removed after the event within seven days.
- ix. Provide evidence of relevant insurances at least 14 days in advance and fully indemnify Council against all risks, including injury to persons and/or damage to land or property, associated with the use of the land or property.
- x. Employ enough stewards to efficiently and effectively protect the premises as well as to attend to the control of entrances and side gates/doors with a view to ensuring the comfort and safety of the public/audience/spectators etc. and /or to prevent any anti-social/ rowdy or obnoxious behaviour.
- xi. Provide appropriate welfare facilities at own cost.

## Not Applicable

270

- xii. Put in place protective measures for areas where important natural heritage is present.
- xiii. Make good any damage caused during the use and pay to the Council the cost of any repair work the Council is required to undertake or items the Council considers necessary to replace as a result of the usage.
- xiv. Arrange for the prompt removal of any items used in connection with the usage e.g., staging or fencing (timescale for removal to be agreed with Council Officers).
- xv. Arrange for the collection and subsequent removal of all litter and other debris from the main event and adjacent areas during the event, as well as once the event has concluded. However, should the Council have to do any additional cleaning the costs will be recovered from the applicant.
- xvi. Put in place measures to ensure that all litter generated during the event by the organisers, their contractors or by attendees is recycled to the full extent possible. Applicants should consider how to minimise any waste produced and ways in which they can make the event more sustainable.
- xvii. Agree to provide maps or any other document deemed appropriate by Council Officers.
- xviii. Put in place plans to limit any negative impact on the public using the land at the same time as the event. Any plans to fence off or exclude the public from any areas should be agreed in advance with Council Officers.
- xix. Accesses to adjacent properties or businesses must be maintained during the event.
- xx. Ensure that where appropriate, the car parking facility at the location remains available for use by the general public and that contractors/attendees do not park on grass areas.
- xxi. Where electric supplies are being used this must be agreed in advance with Council Officers. Additional costs may apply depending on the services required.
- xxii. No petrol generators are to be used. Where other generators are being used, ensure appropriate spill provision is in place.
- xxiii. No chemicals, oils or other substances should be poured down drains and where cooking oil is being used, appropriate spill provision should be in place.
- xxiv. Ensure any statutory or regulatory permissions, licences or permits are sought and obtained in advance of usage.
- xxv. Comply with any other relevant legislative provision including byelaws and have due regard to the Disability Discrimination Order.
- xxvi. Comply with the Council's Safeguarding Policy where children, young people or adults who may be vulnerable will be in attendance.
- xxvii. Where animals will be used as a part of any event, the Council's officers must be notified so that checks to ensure that welfare arrangements are in place can be undertaken, and the Animal Welfare policy must be adhered to.
- xxviii. Ensure that only the designated area, or areas specified by Council Officers are used for the event and for the purpose agreed.
- xxix. Provide the Council with a list of any suppliers/food providers for the event at least six weeks in advance of the event taking place.

Not Applicable

271

The Council:

- i. Shall not be responsible for any loss, damage or injury to any property or person(s), including the applicant's entities suffered by reason of act, neglect or default of the Council, its agents, servants, or workmen.
- ii. Accepts no responsibility as regards loss or damage to property belonging to persons using the premises.
- iii. Does not guarantee the suitability of the premises being used for any purpose whatsoever and the applicant shall in all events be deemed to have satisfied themselves as to the suitability and safe condition of the premises as no liability shall attach to the Council in respect of same.
- iv. [if an open space such as a park] Cannot guarantee exclusive use of the land and is not responsible for the actions of any other users of the space.
- v. Shall always have the right to have a duly authorised Officer of the Council present and have access to all parts of the premises for the purposes of inspection.
- vi. May require a pre-event and post event inspection to be carried out in conjunction with a Council Officer.
- vii. Reserves the right to cancel the booking at any time if the applicant does not comply with the Terms and Conditions.
- viii. May withdraw or change permission to use Council land or property at short notice due to exceptional or unforeseen circumstances.

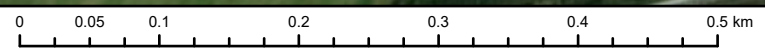
### **RECOMMENDATION**

It is recommended that Council accedes to the request from Newtownards District Orange Lodge No. 4 to use Council Land at Londonderry Park on 12<sup>th</sup> July 2024 as a demonstration field, subject to the terms and conditions outlined above.

# Londonderry Park



© Crown Copyright & Database Right 2024 – SpatialNI is a service provided by Ordnance Survey of Northern Ireland®



**Ards and  
North Down**  
Borough Council

**This material is based upon Crown Copyright and is reproduced with the permission of Land & Property Services under delegated authority from the Controller of Her Majesty's Stationery Office, © Crown copyright and database right NIMA CS&LA777 2022.**

This Map is ONLY for use within Ards and North Down Borough Council



Scale: 1:5,419

Date: 21/05/2024

Author:



Unclassified

273

**ITEM 19****Ards and North Down Borough Council**

Report Classification	Unclassified
Exemption Reason	Not Applicable
Council/Committee	Council Meeting
Date of Meeting	29 May 2024
Responsible Director	Chief Executive
Responsible Head of Service	
Date of Report	14 May 2024
File Reference	
Legislation	
Section 75 Compliant	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Other <input type="checkbox"/> If other, please add comment below:
Subject	Notice of Motion Status Report
Attachments	Notice of Motion Status Report

Please find attached a Status Report in respect of Notices of Motion.

This was a standing item on the Council agenda each month and its aim is to keep Members updated on the outcome of motions. It should be noted that as each motion is dealt with it will be removed from the report.

**RECOMMENDATION**

It is recommended that the Council notes the report.

NOM REF	DATE RECEIVED	NOTICE	SUBMITTED BY	COUNCIL MEETING DATE	COMMITTEE REFERRED TO	OUTCOME OF COMMITTEE WHERE NOM DEBATED	MONTH IT WILL BE REPORTED BACK TO COMMITTEE	OTHER ACTION TO BE TAKEN
11	31.05.15	Rory McIlroy recognition	Councillor Muir	Jun-15	Corporate Services Committee – October 2015. NOM transferred to C&W committee	Agreed	TBC	Further Report to follow in 2024.
330	21.01.19	Shelter at slipway in Donaghadee	Councillor Brooks & Cllr Smith	Jan-19	Environment Committee	Agreed	TBC	Officers awaiting feedback from potential funder
419	20.10.20	“I would like to task officers to produce a report to consider what could be a more environmentally friendly and benefit the wellbeing of the community for the use of the disused putting green on the Commons and play park at Hunts park in Donaghadee . Following the success of the Dog park in Bangor and the demand for a Dementia garden, both should be considered as options in the report. The process should involve consultation with the local community.”	Councillor Brooks	Oct-20	Community & Wellbeing Committee – December 2020	Agreed at December 2020 C&WC. Ratified at December 2020 Council	TBC	Report to follow after consideration of Masterplan and application of play strategy with local consultation when it takes place in Donaghadee
463	10.05.21	That officers are tasked to bring back a Report on how the Council might approach a Climate Change Action Plan and perhaps including - but not limited to - a review of all Council long-term investment, a Borough-wide engagement via an Innovation Lab, a Conference of Ideas, and values-based recommendations for next steps.	Councillors Walker & Egan	Jun-21	Environment Committee – October 2021 (deferred from September Committee)	Agreed	TBC	Various strands of work taking place across different departments on development of Council Climate Action Plan - led within Corporate Services Directorate.

509	13.04.22	<p>That this Council recognises the environmental damage caused by modern day packaging, much of which is disposed of in landfill or as litter. This Council agrees that producers, not ratepayers, should be responsible for the net costs of managing packaging waste and that litter payments must be included in any Extended Producer Responsibility scheme.</p> <p>This Council tasks Officers with bringing back a report detailing what initiatives Council have undertaken to encourage businesses within the Borough to review, change and/or reduce the packaging they use. The report should include analysis of achievements and challenges encountered to date and outline further initiatives that could be undertaken to encourage businesses to change or reduce the packaging they use.</p>	Councillors McRandal and Douglas	Apr-22	Environment Committee – June 2022	Agreed	Reported to January 2024 Environment Committee - agreed to bring back another report on further actions - to be ratified by January 2024 Council	Agreed amendment: We propose the Officers bring back a further report outlining future initiatives that could be undertaken to encourage businesses to change or reduce the packaging they use, instead of waiting for the 2024-2028 Corporate Plan. The initiatives should look in particular at single use plastics (SUPs) and reinvigoration of the StAND campaign. REPORT TO BE BROUGHT BACK TO A
513	17.05.22	2028 Centenary of the internationally renowned Ards TT races. Asking Council how best to commemorate this important sporting anniversary.	Alderman McIlveen and Councillor Kennedy	May- 22	Community and Wellbeing June 2022 - Moved to: Place & Prosperity Committee	Agreed	Reported to November 2023 P&P, agreed and ratified by Council  Further report to June P&P 2024	NoM transferred to P&P Committee.
514	19.05.2022	Business case for redesign of the parallel sports pitches and facilities at Park Way, Comber	Councillors Cummings and Johnson	Jun-22	Community and Wellbeing Committee – September 2022 – deferred to October 2022	Agreed at October 2022 C&WC. Ratified at October 2022 Council	TBC	Council agreed Comber 3G pitch is ranked 21st in project prioritisation. Stakeholder engagement to commence at the appropriate time

516	20.06.2022	Report exploring the possibility of introducing a policy that shows commitment to supporting the wellbeing of our workforce by ensuring appropriate support is available to anyone undergoing IVF.	Councillor Greer and Councillor McKee	Jun-22	Corporate Services Committee – deferred to October 2022	Agreed	TBC	Further Report to follow during 2024.
519	21.06.2022	Engagement with relevant community stakeholders to ascertain community need and desires in respect of the Queen's Leisure Complex	Councillors Kendall, McRandal and McClean	Jun-22	Community and Wellbeing Committee – September 2022 – deferred to October 2022	Amended and agreed at October 2022 C&WC. Ratified at October 2022 Council	TBC	Engagement Ongoing
522	5.07.2022	That this Council changes the name of Queen's Parade to Queen's Platinum Jubilee Parade in honour and recognition of the 70th anniversary of the Queen's accession to the throne. *** Amendment Received from Councillor Cathcart - That this Council, in recognition of Her Majesty's Platinum Jubilee and her conferment of City Status upon Bangor, agrees to name an appropriate place or building within Bangor in her honour and that future Council Bangor entrance signs make reference to Bangor being a Platinum Jubilee City.	Alderman Irvine & Keery	Jul-22	Environment Committee - September 2022	Amended and agreed	TBC	Officers considering report to be brought back to future Committee once advice from the Cabinet Office is received. This NOM went to
525	24.08.2022	That this council withdraws all funding to any sporting organisations with any political objectives or named references to terrorism in their constitution, club names, stadiums or competitions, and tasks officers to bring back a report outlining the specific relevant council policy.	Cllrs Cooper, T Smith and Councillor Irvine	Aug-22	Corporate Committee – deferred to October 2022 NoM transferred to C&W Committee	Amended and agreed	TBC via C&W Committee	NoM Transferred to C&W Committee. Officers considering report to be brought to future Committee
529	22.08.22	Street Clutter Audit for the Borough	Councillor Dunlop and Councillor Douglas	Sep-22	Environment Committee – October 2022	Agreed	Reported to October 2022 EC Committee	Report to be brought back to a future meeting

532	21.09.22	Given the public health issues and the desire to encourage outdoor eating and entertainment in Conway Square, that officers look at humane means to address the pigeon problem in the Square to include a new bylaw to prohibit feeding of the birds in and around the Square and to erect in the meantime advisory signs to deter feeding of birds in the area.	Alderman McIlveen and Alderman Armstrong-Cotter	Sep-22	Environment Committee 2022	Agreed	Reported to February 2024 EC Committee	Agreed to Instruct the Council's solicitor to draft a bylaw to control the feeding of pigeons in Conway Square, with reference to wording as outlined earlier in this report as deemed appropriate. Thereafter, proceed with the bylaw approval and implementation process as set out under the Local Government Act 1972.
545	16.11.22	That Council officers open discussions with Historic Environment Division regarding the return of the 13th century 'Movilla Stones' to the Borough and the provision of a suitable site for these to be located. Officers are also tasked with promoting these extremely important archaeological artefacts in the local community and local schools when the stones have been returned.	Alderman McIlveen & Councillor Cummings	Nov-22	Community & Wellbeing - December 2022	Agreed at December 2022 C&WC. Ratified at december 2022 Council	March 2023 and June 2023 C&W Committee	Officers have asked HED to confirm return arrangements and will report to future C&WC when final arrangements for return of the stones is confirmed

549	09.12.22	That this Council adopts the White Ribbon Pledge to ' <i>Never commit, condone or remain silent about violence against women and girls</i> ', agrees to sign the Pledge, and tasks Officers to bring back a report outlining how we can amalgamate existing relevant policies, undertake the Listen, Learn, Lead programme within the Council, and identify effective routes to encourage other agencies and organisations in our Borough to engage with the White Ribbon Project.	Councillors Douglas & Walker	Dec-22	Corporate Services Committee – January 2023. NOM transferred to Community and Wellbeing Committee	Agreed	January 2024 C&W Committee	Womens Night Charter reported to January C&W Committee ratified at Council. Action plan being developed by PCSP and brought back to C&W Committee
550	13.12.22	That this Council expresses concern with the number of residential and commercial bins left on public footways in the Borough long after the bin collection date. Bins left on public footways are not only unsightly, they can lead to hygiene and contamination issues, as well as safety concerns, forcing pedestrians onto the road due to the blocking of a footway. This Council notes its own lack of enforcement powers to tackle this issue and expresses concern at the Department for Infrastructure's reluctance to use its own enforcement powers. Accordingly, this Council agrees to write to the Department for Infrastructure asking the Department to engage with Councils with the aim of creating appropriate enforcement powers to tackle this issue. Council Officers, will in the meantime, bring back a report to the appropriate committee detailing action that the Council can take under current powers to try address the issue of bins left on public footways.	Councillors Cathcart and MacArthur	Dec-22	Environment Committee – January 2023	Agreed	Report to May 2024 Environment Cttee seeking approval to lobby other Councils to petition for Council enforcement powers.	Alternative proposal agreed at June 2023 Cttee. Update report to be brought to a future meeting (date to be confirmed) Letters sent to DfI and PSNI 12/10/23 - Response rec'd from PSNI 13.11.23, Response rec'd from DfI 02.11.23 Letter sent to DAERA 12.12.23 and response rec'd 14.12.23
555	08.12.22	This Council acknowledges the environmental and health benefits associated with the recent increase in cycling and declares Ards & North Down a cycling friendly borough. The Council also recognises that people who cycle are among the most vulnerable road users, and tasks officers with producing a report detailing ways in which we can help improve safety. The report should include possible sources of funding, potential partnerships, and ways in which we can promote good relations between users of different forms of transport	Alderman Wilson & Councillor Douglas (Postponed from Dec Council to Jan Council)	Jan-23	Community and Wellbeing Committee – February 2023	Agreed at February 2023 C&WC. Ratified at february 2023 Council	June 2023 C&W Committee	Further report to future C&WC including a report recommendation on declaration.

554	08.01.2023	That this Council writes to the Permanent Secretary of the Department for Infrastructure expressing concern that the provision of a footpath at Shore Road Ballyhalbert is currently not considered a priority by the Department following the completion of a feasibility study which demonstrated need. That the Council highlights the road safety concerns raised by residents for pedestrians using the Shore Road from the village to the residential developments including Park Homes and St Andrew's. That Council requests that the Department for Infrastructure makes the installation of a footpath a priority and commits to deliver the scheme as a matter of urgency.	Councillors Adair & Edmund	Jan-23	Place & Prosperity – February 2023	Agreed and ratified at Council 5.7.23	P&P 11 April 2024 - ratified at April Council	Perm Sec's of DfI ltr of 10.8.23 reported to Sept P&P where it was agreed that that Council writes to the Perm Sec of DfI expressing disappointment at the lack of understanding in the response... CEx issued letter 3.11.23, response to be reported to P&P when received. Chaser email re invite to attend site meeting sent by CX to DFI 6.3.24. Response rcvd 7.3.24
562	18.01.2023	The prolonged cold weather spells just before Christmas and last week resulted in icy, slippery, and dangerous footpaths and car parks in the Borough's City and town centres. It is not acceptable that in such circumstances the Council does not have a plan or the resources or facilities to grit these areas to enable residents to walk safely to and from the main shopping areas or fall when they step out of their cars onto ice. It is proposed that officers bring back a report with costs to outline what steps can be taken to ensure that Council car parks and footpaths in the City and town centres are gritted when the weather is forecast to have heavy snowfall or prolonged freezing weather conditions.	Councillors Morgan and McRandal	Jan-23	Environment Committee – February 2023	01/10/2023 and ratified at October 2023 Council	Supplementary report requested - TBC	

560	18.01.2023	That Council, subject to consultation with addressees on the road, considers changing the name of that stretch of the A21 in Newtownards which runs from Portaferry Road to the junction with upper Greenwell Street, Newtownards currently named New Road to Viscount Castlereagh Avenue as a mark of the life and legacy of Robert Stewart, 2 <sup>nd</sup> Marquess of Londonderry, who was known by the courtesy title of Viscount Castlereagh during most of his life, in the 200 <sup>th</sup> year of his passing.	Alderman McIlveen and Alderman Armstrong-Cotter	Feb-23	Environment Committee March 2023	Agreed		Has been followed and the matter is now in the hands of the requestors.
564	08.02.23	That this Council tasks officers to begin discussions with the Education Authority with regards to the Future of Bloomfield playing fields, Bangor. This is to include the lease and the exploring of the possibility of bringing the facility up to intermediate level for football. A report to be brought back to Council following said discussions.	Alderman Irvine and Alderman Keery	Feb-23	Community and Wellbeing Committee March 2023	Agreed at February C&WC. Ratified at February Council	TBC	Officers awaiting response from EA in order for report to be brought back to future Committee
567	14.02.2023	This Council rename the square at Portavogie War Memorial Queen Elizabeth Square in memory of our late Sovereign Queen Elizabeth II.	Councillor Adair and Councillor Edmund	Feb-23	Corporate Services March 2023		TBC	Officers considering next steps for further report to be brought back once advice from Cabinet Office is
568	6.3.2023	Officers are tasked with reviewing current powers and how council could best effect positive change.  As part of this review officers would investigate using part or all of Newtownards town centre as a pilot scheme to tackle dereliction, which could then be broadened across the Borough if successful. The review may form a working group which would consider what incentives could be provided through, DFC whom hold regeneration powers, the Planning system, Building Control, or by other means, to encourage the re-use or redevelopment of local derelict buildings to provide new business opportunities or homes. Consideration would also be given to what limitations can be placed on public and private property owners who are not willing to work in partnership for regeneration and the public good.	Councillor Smart and Councillor Irvine	Mar-23	Place and Prosperity Committee June 2023	Agreed and ratified by 5 July Council	June 2024 P&P	



575	31.07.2023	That this council notes that the number of households with homelessness status on the social housing waiting list across NI has increased from 12,431 to 26,310 households between 31 March 2013 and 31 March 2023, an increase of 111.7%; notes the enormous strain the homelessness system is under with the number of households in temporary accommodation at unprecedented levels; agrees that this council has a role to play in preventing homelessness in this borough alongside other organisations and bodies in the Public, Statutory and Voluntary sectors; calls on this Council to assess how it contributes to homelessness prevention through carrying out an audit of its services; and requests that Officers bring back a report detailing the homelessness prevention work currently supported as well as how the Council's community planning function can further support homelessness prevention work in the local area	Councillors Creighton and Moore	Council - August 2023	Community & Wellbeing Committee- September 2023	Agreed at September 2023 C&WC. Ratified at September 2023 Council	September 2024 C&W Committee	Officers considering report to be brought back to September 2024 C&W Committee
		That Council task officers to bring back a report on the costing to install signage identifying the townlands of Ballyblack and Kirkistown and that officers are tasked to bring forward proposals to incorporate townland signage across our Borough.	Alderman Adair, Councillors Edmund & Kerr	Council - August 2023	Environment Committee - September 2023	Agreed - ratified by September Council	To be confirmed	
581	18.09.2023	That Council notes the increasing complaints regarding the poor condition and appearance of our cemeteries across the Borough and tasks officers to bring back a report on options to improve the maintenance of our cemeteries which are places of special significance to those who have lost loved ones.	Alderman Adair, Councillor Douglas and Alderman McIlveen	27-Sep-23	Community and Wellbeing Committee	Agreed at October C&WC.Ratified at October Council	December 2023 C&W Committee. June 2024 C&W Committee	December 2023 C&W Committee Report ratified at December 2023 Council. Officers to consider tangible options and report to June 2024 C&W Committee
580	06.09.2023	That this Council, recognising its commitment as a responsible employer, and that staff are paid the current Living Wage, tasks officers to explore becoming 'Living Wage' accredited with the UK Living Wage Foundation, as well as ensuring any regularly contracted employees and workers, including those who are employed externally to deliver Council services, are paid the living wage hourly rate. It also explores becoming Living Hours and Living Pensions accredited too.	Councillor Woods and Councillor McKee	Sep-23	Corporate Services- October 2023	Agreed to recommend	TBC	Accreditation to be sought by HR.

585		That Council recognise the value of our Beaches and coastal environment to our residents and tourists alike note the new DEARA regulations for the cleaning and maintenance of our beaches and task officers to bring forward a report on cleaning and maintaining our beaches on a proactive basis in line with the new DEARA regulations to ensure our beaches continue to be a clean, safe, attractive and well-managed coastal environments.	Alderman Adair, Councillor Edmund and Councillor Kerr	Oct-23	Environment Committee - November 2023 - Transferred to Community & Wellbeing Committee	Agreed subject to ratification at November Council	January 2024 C&W Committee	Report to January 2024 C&WC. Further report requested being considered by officers with a report expected to June 2024 C&WC
588		That this council asks officers to include the repainting of the traditionally styled bus shelter (owned by Council), located in Main Street, Greyabbey in the 2024/25 maintenance budget.  Furthermore Council seeks an officer's report on the feasibility of Council painting the decorative Greyabbey lamp posts (in the ownership of DFI). This is a feature of the historic village, and we understand the current shabby condition impacts not only residents of the village, but the wider tourism and regeneration potential of this scenic conservation area.	Councillor Wray and Alderman Smith	Oct-23	Environment Committee - November 2023	Agreed - ratified at November Council		Agreed. That Council welcomes the repainting of the traditionally styled bus shelter located on Main Street, Greyabbey and tasks officers to ensure it is maintained to a high standard going forward. Furthermore,
586	16.10.23	That this Council, further to recent positive discussions with landowners, agrees to reexamine the April 2014 decision of North Down Borough Council to accept a gift of open space at Ambleside, Bangor, which was never completed and tasks Council Officers to bring back a report looking at (i) acquiring the land and (ii) options around future uses for the land.	Councillor Cathcart and Councillor Martin	Oct-23	Corporate Services November 2023	Agreed	TBC	Decision deferred at February 2024 committee . Report to CSC 14 May 2024. Further report to follow.
		That this Council, in recognising the decision taken in July 2023, titled 'Leisure Transformation Project' reference LE1 20, (i) requests the completion of the recommendation and action points agreed in this report ahead of consideration of the current NCLT/Serco bid relating to the provision of leisure for the remainder of the in-house services. This action will permit elected members to consider all relevant information and data relating to the in-house leisure offering (in-house bid) or a LATCo and, (ii) holds a Members Workshop on said options, as has been previous practice, as soon as possible, prior to any decision being taken by Full Council	Alderman McAlpine, and Councillor Woods, and Councillor Smart and Councillor Boyle	25.10.2023	Heard and agreed at Council. Further agreed that C&W progress and organise an EM workshop		First Report to March 13th 2024 C&WC.	– Update provided to March C&WC. EM workshop planned for 25th June 2024

595	16.11.23	This Council recognises the importance of Bangor's early Christian heritage in the story of our city, and its role in local tourism strategies. This Council requests that officers bring back a report which evaluates how the physical link between two main sites, Bangor Abbey and the North Down Museum, could be improved, to include the renovation and potential remodelling of Bell's Walk, with consideration for improved wayfinding and lighting. The motion also requests that officers consider how Bangor Castle Gardens and The Walled Garden could be better incorporated into the walking route and how the overall	Councillor McCracken and Councillor Blaney	29.11.23	C&W December	Agreed at December C&WC. Ratified at December Council	TBC	Officers considering report to be brought back to future C&W Committee
596	20.11.23	Ulster Scots - tasking Officers to develop a budget to ensure and encourage participation in future Ulster Scots Language weeks; develop and action plan, with advice from the Ulster-Scots Agency, to develop all aspects of the Borough's rich Ulster Heritage	Alderman McIlveen and Councillor Kennedy	29.11.23	C&W December	Agreed at December C&WC. Ratified at December Council	TBC	Action Plan being developed and will be brought to future C&W Committee . Budget secured for 2025/25
598	20.11.23	That this Council continues discussions with the Education Authority concerning the redevelopment of the play area fronting Victoria Primary School, Ballyhalbert (which is a shared facility between the school and public) and tasks officers to source external funding streams to enhance recreation & sports facilities for the village and surrounding area. Further, Council notes the poor condition of Ballyhalbert children's play park and tasks officers to bring forward a report on enhancing and improving the play park to meet the needs of local children.	Alderman Adair and Councillor Edmund	29.11.23	C&W January	Agreed at January C&WC Ratified at January Council	TBC	Officers considering report to future C&WC
599	21.11.23	"That this Council recognises the invaluable work undertaken by community/voluntary groups and organisations in this Borough in identifying and tackling the needs of communities and residents. The Council therefore, commits to undertaking a root and branch review of community development funding, arts and heritage, sports development and all other funding streams to ensure that it provides the most efficient, effective and responsive service to our community, thus maximising impact, accessibility and equitable allocation of resources. The review should examine the following 4 categories: (see further wording on agenda)	Councillor Cathcart and Councillor Gilmour	29.11.23	C&W January	Agreed at January C&WC Ratified at January Council	April C&W committee	Grants transformation project already underway. First working group on 10th May 2024. First report was brought to April C&WC and ratified at Council. Further updates to future C&WC
560	23.11.23	That this Council recognises the growing concerns and impact of single use vapes on young people, schools, and our local environment. Calls on Council Officers to undertake a full review of options available to address these concerns and strengthen enforcement. This Council also calls on a ban on the importation of illicit vapes and calls on Stormont, at the earliest opportunity, to bring forward legislation to enforce regulations that will combat illicit importations.	Councillor McLaren and Councillor Hollywood	Dec-23	C&W January	Agreed at January C&WC Ratified at January Council	May C&WC	Report to May C&WC to be ratified at Council

561	29.11.23	That this Council notes the continuing issue of dead seals washed up on our beaches and coastlines and the negative impact that this has on the use of beaches when the carcasses are not picked up in a timely manner. It therefore tasks officers to bring forward a report to ensure seal carcasses are prioritised for removal as soon as possible after reporting to ensure that our beaches continue to be a clean, safe, and well-managed coastal environment to be enjoyed by everyone.	Alderman Adair and Councillor MacArthur	Council December 2023	Environment Committee January 2024 - to be ratified at January 2024 Council	Agreed with amendment: That this Council notes the continuing issue of dead seals and all mammals washed up on our beaches and coastline and the negative impact that this	Update report brought to EC March 2024 - agreed to note the report.	No further action required.
564	13.12.23	That this Council writes to the Secretary of State to voice its objection to the NIO consultation on Water Charges and any attempt to introduce Water Charges to Northern Ireland.	Councillors W Irvine and McKimm	Council - January 2024	Corporate Services Committee			Response to NOM report to CS May. Close NOM after ratification.
565	13.12.23	That Council Note the closure of the training area at Portavogie Football Pitch due to health and safety concerns recognises the negative impact this has on local provision and sports development and tasks officers to bring forward a report on options to provide temporary training facilities in the village in the short term and repairs to the pitch in the long term as a matter of urgency further Council task officers to bring forward a bi-monthly progress report on the development of the Portavogie 3G Pitch Project to Council.	Alderman Adair and Cllr Edmund	Council - January 2024	CW Committee	NoM amended and agreed at February C&WC ratified at February Council	May C&WC	Reports will be brought back to C&W Committee meetings as requested. NoM to be closed
567	13.01.24	That this Council writes to the Department of Infrastructure to once again express our deep concern at the poor state of roads across Ards and North Down.  Council further requests that DFI changes their policy in relation to the depth of potholes that are required to be repaired back to 20ml from the current 50ml in order to improve the quality and safety of our roads network.	Cllr Wray and Alderman Smith	Council - January 2024	Coporate Services Committee		TBC	Response to NOM report to committee after replies received from Dfl.
569	23.01.24	That this Council acknowledges with concern the devastating impact of the planned closure of the Action Mental Health Promote Day Opportunities Service on its users, their families and the wider community throughout this borough and agrees to write urgently to the Chair and Chief Executive of South Eastern Health and Social Care Trust to call on the Trust to address funding pressures to secure the future of the service and centre at Enterprise Road, Conlig.	Cllrs McCollum and Morgan	Council - January 2024	Heard and agreed at Council. Further agreed that Council writes to the Health Minister once appointed		April C&W committee	

570	19.02.24	That Council note the increasing growing population in the village of Ballyhalbert and the current lack of public open spaces in the village and task officers to bring forward a report on options to provide a public green open space to promote health and wellbeing of the local community and further tasks officers to engage with developer to ensure the new play park planned for Saint Andrews is delivered in line with our Council play strategy.	Ald Adair and Cllr Edmund	Council - March 2024	C&W March	Agreed	TBC	Officers considering report to future C&WC
571	20.02.24	This Council notes the importance of outdoor lighting on Council land and buildings for public safety, security, and tourism. Moreover, it acknowledges the benefits of energy efficient lighting in the Council's decarbonisation journey and the financial savings that are realised. However, this Council also notes the negative consequences artificial lighting has on our wildlife despite the importance and benefits outdoor lighting can bring. As a Borough committed to improving biodiversity, this Council will ensure that all future installation or retrofitting of outdoor lighting is nature friendly and take cognisance of our obligations for protection of priority species in the Local Biodiversity Action Plan. Furthermore, that the Council's current outdoor LED lighting is assessed for the potential for retrofitting.	Councillor McKee and Councillor Kendall	Council - February 2024	Environment Committee - March 2024	Agreed		
572	23.02.24	That Council brings a report with a view to implementing a "dogs on leads" policy on that part of the Coastal Path which traverses the private road serving the properties 91 to 117 Station Road, Holywood inclusive.	Alderman Graham and Councillor Martin	Council - March 2024	Environment Committee - April 2024	Agreed	TBC	
575	04.03.24	Rescinding Notice of Motion - Playpark, Parsonage Road, Kircubbin	Councillors Wray, Kerr, Boyle, Edmund, Aldermen Adair and McAlpine	Council - March 2024	n/a but report to C&WC	Agreed at Council	TBC	Officers considering report to future C&WC

576	19.03.24	<p>That this Council recognises the significant opportunities which the redevelopment of Donaghadee Harbour could bring to the local economy in terms of leisure sailing and tourism and thus instructs officers to work with local groups to scope potential operational facilities which could enhance the offering in the Harbour and further brings back a feasibility report on the various options, including costings and possible funding streams.</p> <p>Further, that this Council recognises the issues associated with high winds and coastal change and reviews the original 2020 Harbour Study conducted by RPS including the necessity for an offshore breakwater and agrees to bring back a report in time to be presented to Council in September 2024, outlining the budget required to undertake this work, any key considerations, next steps and identify which stakeholders would need to be involved.</p>	Councillor McCollum and Councillor Irwin	Council - March 2024	Environment Committee - April 2024	Agreed	May-24	
-----	----------	--	--	----------------------	------------------------------------	--------	--------	--

**From:** DOJ Removal, Storage and Disposal Charges Consultation <[vehiclerecovery@justice-ni.gov.uk](mailto:vehiclerecovery@justice-ni.gov.uk)>  
**Sent:** Wednesday, April 24, 2024 4:07 PM  
**Subject:** Vehicle recovery storage and disposal statutory charges review

**CAUTION:** This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Good afternoon

I am pleased to advise that we have launched the Vehicle seizure fees consultation on the Department of Justice website.

[Vehicle recovery storage and disposal statutory charges review | Department of Justice \(justice-ni.gov.uk\)](#)

The consultation responses can be completed online via the link below:

[Vehicle Recovery, Storage and Disposal Statutory Charges Review - Northern Ireland A Public Consultation - NI Direct - Citizen Space](#)

Please feel free to circulate the consultation, all responses are welcomed.

**Sentencing Policy Unit | Department of Justice**  
Massey House | Stormont Estate, Belfast | BT4 3SX

**Working in partnership to create a fair, just and safe community where we respect the law and each other**



**From:** DoJ CLAR <[CLAR@justice-ni.gov.uk](mailto:CLAR@justice-ni.gov.uk)>

**Sent:** Tuesday, April 23, 2024 5:23 PM

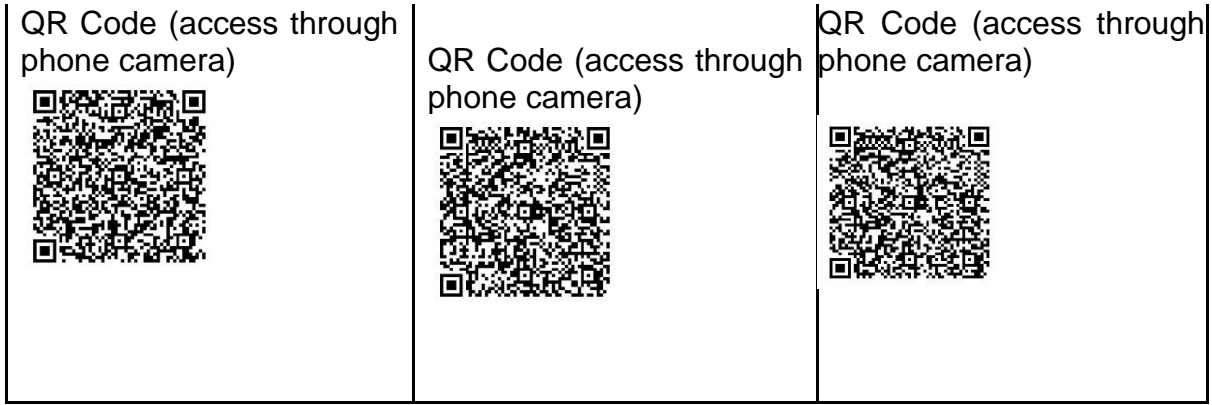
**Subject:** FAO Local Councils - Department of Justice Launch of Calls for Evidence - Foundational Review of Civil Legal Services - with attachments

**CAUTION:** This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

As part of an ongoing review of civil legal services in Northern Ireland, the Department of Justice have launched a number of Calls for Evidence on 22 April 2024. Launching the Review of Civil Legal Services call for evidence, Justice Minister Naomi Long explained: "The Department is asking people who have had a civil legal issue and needed advice or support to tell us about their experience. We want to hear from members of the public, community/voluntary sector organisations, legal practitioners and children and young people about their experiences of accessing justice. Civil legal aid is the system of public funding that helps with the cost of legal advice, representation in court or at a tribunal and family mediation. The current annual spend for civil legal aid is approximately £50 million. We are keen to engage with users and suppliers of civil legal aid in Northern Ireland to increase our understanding of any barriers or other factors that may be impacting access to justice. The evidence and insight acquired during the review will be used to identify and evaluate potential policy, legislative or operational changes that might help to better enable citizens' access to justice or to achieve value for money. We are keen to ensure we increase our understanding on how effective the civil legal services system is in enhancing access to justice for those who need to seek advice or help in court. There are separate Calls for Evidence for adults, children and young people and members of the legal profession to complete.

<b>Call for Evidence for Adults</b>	<b>Call for Evidence for Children and Young People</b>	<b>Call for Evidence for legal practitioners</b>
Website link (press CTL and Click to follow link):  <a href="#">Call for Evidence for Civil Society - Foundational Review of Civil Legal Services - NI Direct - Citizen Space</a>	Website link (press CTL and Click to follow link):  <a href="#">Call for Evidence for Children and Young People - Foundational Review of Civil Legal Aid - NI Direct - Citizen Space</a>	Website link (press CTL and Click to follow link):  <a href="#">Call for Evidence for Legal Practitioners (Judiciary, Solicitors (in private or public practice), Barristers) - NI Direct - Citizen Space</a>





Details on how to access the Calls for Evidence are also available in the attached letter. I have also attached a word and pdf version for those who would prefer not to use Citizen Space.

- Attached:
- Launch Letter
- Call for Evidence for Civil Society – Word (form) and PDF
- Call for Evidence for Children and Young People – Word (form) and PDF

Kind regards

Lorraine  
**Lorraine Bowman | Enabling Access to Justice | Department of Justice**  
Massey House | Stormont Estate | Belfast |  
Contact: [Lorraine.McCune@justice-ni.gov.uk](mailto:Lorraine.McCune@justice-ni.gov.uk) | ( Tel: (028) 9016 9669 | ( DD: 73669

Working in partnership to create a fair, just and safe community where we respect the law and each other