

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



Belfast
City Council

10th January, 2023

MEETING OF THE PEOPLE AND COMMUNITIES COMMITTEE

Dear Alderman/Councillor,

The above-named Committee will be a hybrid meeting (both remote and in person) in the Lavery Room - City Hall on Tuesday, 10th January, 2023 at 5.15 pm, for the transaction of the business noted below.

You are requested to attend.

Yours faithfully,

John Walsh

Chief Executive

AGENDA:

1. Routine Matters

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

2. Deputation

- (a) Installation of Gates at Crescent Park (Pages 1 - 60)

3. Restricted

- (a) Late night hot food premises opening hours on Ormeau Road (Pages 61 - 66)
- (b) Resources and Fleet Waste Update (Pages 67 - 88)

- (c) Review of Belsonic and Recent Stakeholder Engagement Session (Pages 89 - 92)
 - (d) Request for the use of Parks for 2023 Events (Pages 93 - 98)
 - (e) Fair Funding 2% Salary Uplift 2022/23 (Pages 99 - 102)
4. **Committee/Strategic Issues**
- (a) Anti-Social Behaviour within BCC Parks (Pages 103 - 110)
 - (b) Active Belfast Partnership and Funding Update (Pages 111 - 116)
 - (c) Update from the Strategic Cemeteries and Crematorium Working Group (Pages 117 - 124)
 - (d) Department for Communities Private Tenancies Act (NI) 2022 -update on Powers for Council commencing April 2023 (Pages 125 - 164)
5. **Physical Programme and Asset Management**
- (a) Orangefield Pavilion Artwork (Pages 165 - 168)
 - (b) Pitch Partner Agreements Short Term Extensions (Pages 169 - 172)
6. **Operational Issues**
- (a) Proposal for naming new streets and continuation of existing streets (Pages 173 - 176)
 - (b) Consultation response to Food Standards Agency on the proposed changes to the Food Law Code of Practice in relation to a new Food Standards delivery model (Pages 177 - 182)
 - (c) Request from GBBCA to extend their legal agreement with the Council for Grey Lag Goose Control in Victoria Park (Pages 183 - 184)
7. **Issues Raised in Advance by a Member - Councillor Flynn**
- (a) Missed Bin Collections

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Subject:	Installation of Gates at Crescent Park
Date:	10 th January 2022
Reporting Officer:	David Sales, Director Neighbourhood Services
Contact Officer:	Stephen Leonard, Neighbourhood Services Manager

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

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

1.0	Purpose of Report or Summary of main Issues
1.1	To consider the request to install gating at Crescent Park (South Belfast) and note the differing perspectives on the appropriateness of this.
2.0	Recommendations
2.1	The Committee is asked to: <ul style="list-style-type: none"> Consider the proposal for gating at the park and recommend how best to move forward.
3.0	Main report
3.1	Over the last few years Friends of the Crescent (FotC) have been leading a campaign to enhance the open green space at Crescent Park, South Belfast. This asset which is owned by Belfast city Council is a valued open space for residents as well as those who work and study in the area. The aims of the group are:

	<ul style="list-style-type: none"> • To cherish the physical environment of the Crescent and its immediate vicinity to enhance its beauty and amenity. • To encourage and enable legal and safe use of the park by the public. • To ensure that the park and the Crescent area provide a welcoming and harmonious environment for everyone. • To engage with statutory bodies in the interests of the Crescent
3.2	<p>The Group believe that Crescent Park is particularly invaluable to the people who reside on or near the Crescent. The design of the Georgian townhouses, and indeed more modern local terraces, provide limited private outdoor space to occupiers. Therefore, the park, which was originally a communal garden for the residents of Upper Crescent, forms important green space that is used by local people to this day. The park's proximity to Botanic Train Station, social venues, food outlets, schools, QUB and large corporate entities means it is also of high value to thousands of individuals who commute through it and/or use it as a social space regularly.</p>
3.3	<p>FofC are aware that for many years the Crescent has been a hotspot for anti-social behaviour and substance abuse. A combination of commercial premises closing in the early evening, derelict buildings, the hidden location of the park, and a lack of general maintenance has contributed to an environment where illegal activity has gone unnoticed. Such activity includes:</p> <ul style="list-style-type: none"> • Groups of aggressive and loud individuals inhabiting the park • Drug dealing • Alcohol and drug misuse • Reports of serious crimes – including knife crime • Littering • Urination in shrubbery
3.4	<p>Following a scoping exercise FotC produced 'Improving the Crescent' (Appendix 1) which details actions to address anti-social behaviour and increase the attractiveness of the park to all members of the public. One of the actions recommended the installation of gates (Appendix 2) at the four entrance points of the park. FotC understand that the installation of gates is a sizable structural project, however, following local consultation they have received majority support from residents and businesses supporting the proposed work. (Email consultation sent to 55 residents/business in the local Crescent Park area – 20 responses received (36%) with 19 in favour of night-time gates (96%) and one who was opposed (4%).</p>

3.5	<p>This paper was scheduled to be discussed at last month's meeting but was withdrawn following receipt of some late correspondence opposing the gating of the park. Since then, officers have received numerous letters/emails on this matter, all of which are attached in the appendix for consideration by committee.</p> <p><u>Financial & Resource Implications</u></p>
3.6	<p>Total cost for the installation of gates at the four entrances of Crescent Park is £55,412 (excluding VAT).</p>
3.7	<p>FotC are willing to contribute £25,000 to the total costs of design, production, and installation of 4 heritage gates. They are requesting that BCC:</p> <ul style="list-style-type: none"> • Contribute £30,412 to the installation costs of gates • Agree to adopt and maintain the gates immediately after they are installed and: • Add daily opening and closing of the gates to their existing schedule for other parks and open spaces in the same council area.
3.8	<p>The costs to Council are included within existing revenue estimates.</p> <p><u>Equality or Good Relations Implications/Rural Needs Assessment</u></p>
3.9	<p>Both an equality impact and a rural needs assessment will be completed for this proposal and these will be assessed by the Council's Equality & Diversity Unit.</p>
4.0	Appendices – Documents Attached
	<p>Appendix 1 - Improving the crescent scoping document</p> <p>Appendix 2 - Crescent Open Space Gate</p> <p>Appendix 3 - Correspondence received by Officers on this matter.</p>

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Improving the Crescent

24th June 2021



Cecil Hetherington

Introduction

This document is intended to brief stakeholders on recent activity by Friends of the Crescent and to propose specific actions to improve the square and general area.

A high priority is given to the need to quantify the extent of anti-social behaviour and to come up with long term solutions which will reduce and eventually eliminate it, while keeping the park open to the general public.

Current Status

Crescent Park

During the COVID-19 crisis in 2020, maintenance of the park was extremely difficult and the lack of footfall exacerbated the tendency for the park to be taken over by anti-social elements. In 2021 things have started to improve with the help of the relevant City Council teams. These are some of the items of progress so far in 2021:

1. Some broken lighting has been fixed, improving the visibility at night.
2. Friends of the Crescent was set up with a website launched, and a committee and membership has been established.
3. Since Easter the lawn has been mown fortnightly by council staff.
4. Bin collections have improved, with a general pattern being established of the bins being emptied and litter picked up every day at some point during the morning.
5. Friends of the Crescent have organised gardening days in June, mainly to work on things with a more long-term effect such as revealing granite edging and trimming tree trunks.
6. Residents have been more active in calling the police in response to illegal behaviour. We intend to intensify this.
7. Council staff removed graffiti in April, although unfortunately some of it is back.
8. Council staff have added hanging baskets and planters in the park and are maintaining them regularly.
9. Residents of Upper Crescent independently dealt with a rough sleeping problem in Crescent Lane.
10. There has been a programme of information gathering to audit the litter and anti-social behaviour problem in the park.

To highlight the difference some of these changes have made, we have created a table below showing a selection of photos with and without the change. The point to be made here is that small changes in the environment can have a huge impact in the overall feel of the park which in turn can transform the chances of maintaining a healthy park usage by the general public.

LAWN MOWING



LITTER



GRAFFITI



EDGING



PLANTERS



TREE TRIMMING



Having drawn attention to the positive changes that we have been able to identify, we must reiterate that very serious problems remain, and there is as yet no cause for suggesting that the park is in an acceptable state. The problems fall into three main areas, each of which have some interaction with the others:

1. Anti-social behaviour

For a large part of every 24-hour period (mainly at night), the park is inhabited by groups of aggressive and loud individuals, mainly men, who drink alcohol, fight and sometimes inject drugs. Some use the bins but in general their litter is thrown on the ground. They urinate in the shrubby growth around the large elm trees. There is currently a security guard patrolling the build at 11 and 12 Upper Crescent at night (since 15th June). He is observing the situation and calling the police when necessary. He can confirm that the occurrence of illegal activity is nightly. Additionally, we have audited litter from 6-7am and again from 5-6pm on a regular basis since the 1st of May 2021. Each morning we go there we pick up an average of 57 pieces of litter per day. In the evening there are only 8 pieces of litter on average, showing that in the period 86% of litter was dropped at night. We have recorded 1.8 alcohol parties per night (ie a seating station littered with empty vodka bottles etc), and a heroin needle/syringe every 5 days. There are typically three broken bottles or glasses in each 4-day period. All of these more serious and illegal littering incidents are typically being found in the morning. The evening observation shows mainly a few soft drink cans and general items of litter such as crisp packets or plastic bags.

2. Maintenance

Although maintenance by the council has improved, there are some important gaps. We identify these as:

- a) The bin emptying and litter picking by council staff happens at some point in the morning time, we understand after the Botanic Gardens has been completed. Realistically this means leaving the park littered with an average of 57 pieces of litter for the period of morning from 7am to noon or sometimes later. This means that the park will be an inhospitable environment during that period for any morning users, who tend to be law abiding individuals who are not inclined to drink or drop litter. This is a missed opportunity to drive up legal and safe usage of the park during the day.
- b) The lawn being mowed once a fortnight is not enough to keep the park looking tidy, particularly in the early and mid-summer. We suggest weekly. Additionally, it is not clear yet if the Crescent is on a working rota which will be adhered to without reminder calls being made to council managers. We understand that there are still pressures on council staff regarding social distancing so we do hope that this problem will be addressed in the near future as restrictions end.

- c) General maintenance such as removing graffiti, trimming trees, cutting lawn edging and painting benches is not being done to any great extent that we can see. Again, we understand that the Covid restrictions probably play a part in this, which is why we in Friends of the Crescent have been stepping in to help bring the park up to standard in the hope that when restrictions end the council will be able to take it from there.

3. Structural Issues

a) Seating

The seating stations are in groups of benches for two people – 3, 3, 2. This means that the seating is arranged to host groups of 4, 5 and 6. Our observations have shown clearly that law-abiding users of the park generally come in ‘ones and twos’, whereas anti-social behaviour is almost always larger groups - typically 4 to 6. Groups of law-abiding individuals (eg workers or students having a sandwich lunch) in our observational experience come when the weather is dry and the lawn is mowed and they sit on the lawn. We have not seen any illegal drinkers sitting on the lawn – they always congregate around the benches. The seating arrangement has inadvertently created a 24-hour party venue which is very well designed to host illegal drink and drugs parties at night. Our suggestion is to change the seating layout to have five well-spaced individual benches, thereby keeping the park available for use by the general public but reducing its attractiveness to groups of drinkers.

b) Lack of Gates at Night

Related to the previous issue, the park has four entrances and all of them are open for 24 hours a day. Multiple entrances/exits are in general well known in public realm design to be popular with criminals because it’s always easy to make a quick getaway if police arrive. More pertinent to this document is the fact that they are all left open every night. This is the only park that we are aware of in South Belfast that is left open in such a way. The standard in Belfast parks is to have gates which are closed by a team on a rota each dawn and dusk. The evidence we have gathered clearly shows that treating Crescent Park like every other Belfast park in this way would eliminate the majority of the problem and force the habitual drink and drugs users to change their habits. We understand that the gates alone are not a guarantee of a complete end to all anti-social behaviour, but the level and frequency of it at the moment is so severe that it is very clear that structural change is required before it can be reduced to a level manageable by police and community safety patrols.

c) Cameras and Monitoring

There is currently no monitoring by CCTV in Crescent Park, and so no reliable way for patrols to be alerted to anti-social behaviour. We understand that this is an added expense and it may be that after implementing all other recommended changes that a period of observation could show that the problem has been greatly reduced. We are, however, of the view that it is a good idea as part of an overall package of measures which will eliminate the anti-social behaviour problem and create a safe and harmonious environment for residents, workers and the citizens of Belfast. The latest solutions are motion-sensitive, which means that they can be monitored more easily and alerts sent out when there are problems to address.

Streetscape

In addition to the park itself, the street immediately surrounding the park is owned by the Department for Infrastructure (whereas the park belongs to Belfast City Council). Bin collection in both areas is coordinated by council staff, but other issues such as lighting and kerb maintenance on the streets are a DfI responsibility. Our consultation with residents of the square clearly shows that there is very strong demand for a residents' parking scheme. This would greatly increase the attractiveness of the area to residential owners and renters. We have started the process of raising this issue and hope to progress it further. More generally there is an ongoing need to ensure that lighting is kept working and weeds are controlled around the external park perimeter.

Alleyways

There are two main alleyways that are relevant to the immediate vicinity – Crescent Lane (the back of Upper Crescent), and the alley between Crescent Gardens and Botanic Avenue. Both alleys have a history of being used as places to deal and take drugs, and the problems are ongoing and serious. The Crescent Gardens alley was recently highlighted in this press story:

<https://www.belfastlive.co.uk/news/belfast-news/botanic-dublin-road-anti-social-20759914>

Crescent Lane is currently a little more difficult to access for drug users because of temporary fencing put up by builders on development projects, but a long-term solution is clearly necessary. Belfast City Council have developed a successful model for managing alleyways which involves gates at either end, with keys being issued to residents. Both these alleyways have residential as well as commercial users and both have a very clear need because of their attractiveness to drug users and the regular appearance of used needles.

Friends of the Crescent are determined to progress this issue to ensure that both these alleys are secured and made safe for residents and workers in the local buildings.

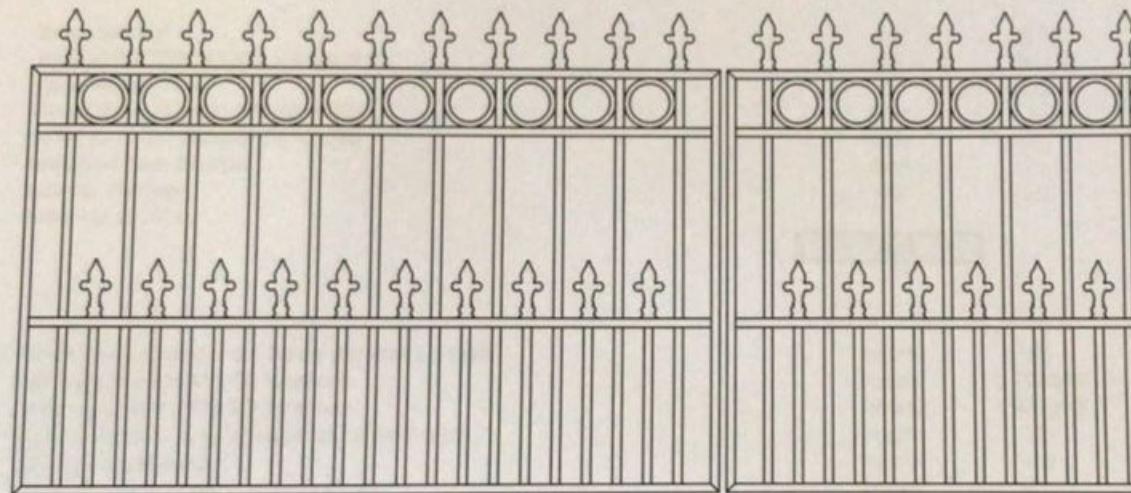
Conclusion

In this document we have highlighted the changes required to ensure that the level of anti-social behaviour is reduced and then eliminated, while at the same time increasing the attractiveness of the park to all law-abiding members of the public.

We briefly summarize the measures required below:

1. Empty bins and pick up litter first thing each morning.
2. Mow the lawn every week.
3. Improve general maintenance of the park and the street.
4. Rearrange seating singly.
5. Put gates on the park and close them each night.
6. Introduce motion-sensitive cameras and monitoring.
7. Develop a residents' parking scheme for the Crescent.
8. Secure the alleys behind Crescent Gardens and Upper Crescent with gates.

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Subject:	Anti-Social Behaviour within BCC Parks
Date:	10 th January 2023
Reporting Officer:	David Sales, Director of Neighbourhood Services, City & Neighbourhood Services Department
Contact Officer:	Stephen Leonard, Neighbourhood Services Manager, CNS Jim Girvan – Lead Officer, Community Safety- CNS

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

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

1.0	Purpose of Report or Summary of main Issues
1.1	To update members on levels of ASB within Belfast City Council Parks over a 3-year period from 20/21 – present.
2.0	Recommendations
2.1	<p>The Committee is asked to note the content of the report and the following actions:</p> <ul style="list-style-type: none"> Officers will liaise with Digital Services, the Customer Hub, Business Support and relevant CNS staff to develop a system to better capture ASB within BCC parks. In the interim period, we aim to train all staff who work within Parks to record ASB through the Flare system to ensure a more standardised recording system is in place from January 2023 with reports brought to Committee on a regular basis. This review

	<p>will also consider concerns around the under reporting of ASB and how this can be improved.</p> <ul style="list-style-type: none"> • Further work is also needed to review the roles of Park Wardens and Safer Neighbourhood Officers with regards to preventing and addressing ASB across the city. • When a more robust system for consistently capturing ASB data is in place, then it may be possible to use this information to develop and target Council interventions in problematic sites.
3.0	Main report
	Background
3.1	Belfast City Council have the responsibility of ensuring that our public parks are safe for citizens and accessible for all.
3.2	Members will be aware that Directors have highlighted several times at Committee during the Covid Response and Recovery periods that the CNS Department was under significant resource pressure – particularly from a staffing point of view in relation to the number of vacancies it was carrying alongside the ability to fill those posts. Within Community Safety and OSS over the last 3 years, there have been significant pressures upon resources with new staff (temporary and permanent) being appointed, further exacerbated by sickness absence and annual leave requirements. This has had an impact upon consistent recording of data.
3.3	In addition, throughout the Covid-19 pandemic and recovery phases, the limited OSS and community safety staff have been at the front line delivering essential services to the public. The redeployment of staff to cover essential services has impacted upon our services within parks and therefore, has contributed to an inconsistent capturing of data on ASB.
3.4	<p>Key Issues</p> <p>The APP-CivicaDatabase captures information collated by Council staff and complaints made by members of the public, elected representatives etc in relation to ASB in the city. The table below totals what has been recorded over the last 3 years across 52 parks:</p>

	2020/21	2021/22	2022/23	3 Year Combined
	169	769	291	1229
3.5	<p>However, Officers would ask Members to note that these figures may not provide an overall accurate picture of ASB within Parks and therefore, their usefulness in terms of determining patterns or hotspots is extremely limited for the following reasons</p> <ul style="list-style-type: none"> Residents complaining about ASB in Parks state that they don't always report every incident. The Capturing information on ASB within Belfast City Council parks lies within the responsibility of Park Wardens, ASB Officers, and Safer Neighbourhood Officers. However, Safer Neighbourhood and ASB Officers are not located within parks but are rather deployed in the city centre and neighbourhoods. A team of Park wardens is located in each quadrant of the city and each Park in the city is patrolled daily, with the more problematic parks receiving more targeted patrols than others. The Park Warden service operates within the current Parks closing times (Dawn to dusk). However the Department and PSNI do plan and carry out interventions outside these hours in response to large events in Parks, reports of ASB and underage drinking etc. 			
3.6	<p>Along with the resource pressures outlined above, Officers have identified that there has been a variety of ways in which our teams have captured data (if at all) which presents challenges in obtaining reports which have consistent and robust data and from which conclusions can be drawn.</p>			
3.7	<p>Members may wish to note that a short review of current recording of ASB within Parks will be completed by January 2023 to ensure there is a standardised approach to capturing ASB data across all parks. This will include a review of how members of the public report can report ASB in parks.</p>			
3.8	<p>Members may also be interested to note that the PSNI have reported the figures below relating to incidents of ASB across the city comparing April – September 22 to the same period last year. Members will note overall that there has been a reduction in recorded incidences in all areas.</p>			

		April – Sept 2021	April – Sept 2022	Change	% Change
	Lisburn Road	3571	2770	-901	-22%
	Strandtown	1781	1422	-259	-20.2%
	Tennent Street	2859	2265	-594	-20.8%
	Woodbourne	1804	1494	-310	-17.2%
	Belfast City	10015	7951	-2064	-20.6%
3.8	<u>Financial & Resource Implications</u> No financial implications at this stage.				
3.9	<u>Equality or Good Relations Implications /Rural Needs Assessments</u> None				
4.0	Appendices – Documents Attached				
	Appendix 1 - Spreadsheet – ASB in Parks Nov 22				

	2020/21 Total	21/22 Total	22/23 Total	Combined total
Alderman Tommy Patton Memorial Park	0	1	1	2
Alexandra Park	8	24	24	56
Barnett Demesne	0	0	0	0
Belfast Castle Estate	1	2	5	8
Belfast City Hall grounds	1	7	2	10
Belmont Park	3	7	0	10
Botanic Gardens	10	48	12	70
Bridges Urban Sports Park	2	3	5	10
Carnanmore Park	0	0	0	0
Carr's Glen Linear Park	0	0	0	0
Cave Hill Country Park	0	1	0	1
Clarawood Millennium Park	0	1	0	1
Clement Wilson Park	0	0	0	0
Cherryvale Playing Park	3	0	3	6
Crescent Park	0	3	5	8
Dover Street Millennium Park	3	31	2	36
Dr Pitt Memorial Park	0	0	0	0
Drumglass Park	0	2	1	3
Dunmurry Park	0	0	0	0
Dunville Park, Falls Road	15	151	83	249
Falls Park, Falls Road	18	91	28	137
Finlay Park, Whitewell Road, BT36 7EU - 1	0	1	0	1
Forthriver Park	0	1	0	1
Gasworks, Ormeau Avenue	0	0	0	0
Gilnahirk Park	0	0	0	0
Glenbank Park	0	1	0	1
Glencairn Park	1	8	0	9
Greenville Park	1	0	0	1
Grove Playing Fields	1	4	0	5
Grovelands, Stockman's Lane	0	0	1	1
Jubilee Park, Kingsway	0	0	0	0
King William Park	0	0	7	7
Knocknagoney Linear Park	2	0	0	2
Lagan Meadows	0	0	0	0
Lenadoon Millennium Park	1	12	0	13
Ligoniel Park	0	0	0	0
Loughside Park	0	0	0	0
Marrowbone Millennium Park	18	165	44	227
Michelle Baird Memorial Park	0	0	0	0
Musgrave Park	3	28	2	33
Northwood Linear Park	0	0	0	0
Orangefield Park	15	26	1	42
Ormeau Park	36	77	11	124
Páirc Nua Chollann	0	0	43	43
Sir Thomas and Lady Dixon Park	0	0	0	0
Springfield Dam	5	32	0	37
Springhill Millennium Park	0	1	1	2
Tullycarnet Park	0	0	0	0
Victoria Park	2	0	0	2
Waterworks	4	8	2	14
Wedderburn Park	2	1	0	3
Woodvale Park	17	35	16	68
Total	172	772	299	1243

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	20/21					Total	21/22					Total	22/23					Overall Totals	
	A09	A10	A11	A14	A20		A09	A10	A11	A14	A20		A09	A10	A11	A14	A20		
Alderman Tommy Patton Memorial Park						0				1		1		1				1	2
Alexandra Park	7	1				8	20	1	1	2		24	22	1			1	24	56
Barnett Demesne						0						0						0	0
Belfast Castle Estate	1					1	2					2	2		2		1	5	8
Belfast City Hall grounds	1					1	7					7	2					2	10
Belmont Park	2			1		3	7					7						0	10
Botanic Gardens			8	2		10	42	4	2			48	11	1				12	70
Bridges Urban Sports Park				2		2			1	2		3			5			5	10
Carnanmore Park						0						0						0	0
Carr's Glen Linear Park						0						0						0	0
Cave Hill Country Park						0	1					1						0	1
Clarawood Millennium Park						0	1					1						0	1
Clement Wilson Park						0						0						0	0
Dover Street Millennium Park	3					3	31					31	2					2	36
Dr Pitt Memorial Park						0						0						0	0
Drumglass Park						0	2					2	1					1	3
Dunmurry Park						0						0						0	0
Dunville Park, Falls Road	12	1		2		15	132	9	2	5	3	151	52		5	23	3	83	249
Falls Park, Falls Road	8	5		4	1	18	81	5		3	2	91	28					28	137
Finlay Park, Whitewell Road, BT36 7EU - 1						0				1		1						0	1
Forthriver Park						0	1					1						0	1
Gasworks, Ormeau Avenue						0						0						0	0
Gilnahirk Park						0						0						0	0
Glenbank Park						0	1					1						0	1
Glencairn Park				1		1	7			1		8						0	9
Greenville Park				1		1						0						0	1
Grove Playing Fields					1	1			2	2		4						0	5
Grovelands, Stockman's Lane						0						0				1		1	1
Jubilee Park, Kingsway						0						0						0	0
King William Park						0						0	2		5			7	7
Knocknagoney Linear Park				2		2						0						0	2
Lagan Meadows						0						0						0	0
Lenadoon Millennium Park	1					1	12					12						0	13
Lioniel Park						0						0						0	0
Loughside Park						0						0						0	0
Marrowbone Millennium Park	16	1		1		18	139	19		6	1	165	38	3		1	2	44	227
Michelle Baird Memorial Park						0						0						0	0
Musgrave Park				3		3	23	1		3	1	28	2					2	33
Northwood Linear Park						0						0						0	0
Orangefield Park	14			1		15	26					26	1					1	42
Ormeau Park	11	4	12	9		36	53	10	3	9	2	77	1	3	7			11	124
Páirc Nua Chollann						0						0	42			1		43	43
Sir Thomas and Lady Dixon Park						0						0						0	0
Springfield Dam	5					5	32					32						0	37
Springhill Millennium Park						0				1		1		1				1	2
Tullycarnet Park						0						0						0	0
Victoria Park	2					2						0						0	2
Waterworks	4					4	7	1				8	2					2	14
Wedderburn Park	2					2			1			1						0	3
Woodvale Park	11	5		1		17	24	2		9		35	7	3		4	2	16	68
Cherryvale Playing Fields	3					3						0	2				1	3	6
Crescent Park						0	3					3	3	1	1			5	8
Total	103	17	21	29	2	172	654	52	12	45	9	772	220	14	25	30	10	299	1243

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Subject:	Active Belfast Partnership & Funding Update
Date:	Tuesday 10 th January 2023
Reporting Officer:	David Sales, Director of Neighbourhood Services, CNS
Contact Officer:	Kelly Gilliland, Neighbourhood Services Manager, CNS Kim Kensett, Belfast Health Development Unit

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

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

1.0	Purpose of Report or Summary of main Issues
1.1	Members will be aware, as part of a previous update report presented to Committee in April 2022, that approval was sought and given for the Active Belfast partnership to develop a participatory budgeting pilot in 2022/23. This report provides an overview of progress to date, outlines the planned timeframe for application, assessment and award and notes that further spend against delivery of the PB pilot will occur in the 23/24 financial year.
1.2	A further report will be brought to Committee in March/April 2023 which will outline the broader work undertaken by Active Belfast in 2022/23, as well as outlining the partnership's proposed plan for 2023/24.
2.0	Recommendations
2.1	The committee is asked to:

	<ul style="list-style-type: none"> • Note the content of the report – particularly the work undertaken to date in developing the PB Pilot approach and the planned timeframe for promotion, application, assessment and delivery; and • To agree that part (26K) of the overall BCC contribution (90K) to Active Belfast in 23/24 is utilised towards covering the costs of project delivery (i.e. allocation of funding awards) in 23/24 – alongside 38K of the PHA allocation (146K) for 23/24. • Active Belfast partnership intends to hold a planning session early in the New Year to identify and agree priorities for 23/24, alongside associated spend profiles, for the remaining budget (172K) – which is currently subject to Council discussions and decisions on discretionary spend, and thus a further report will be brought to committee in March/April 2023.
3.0	Main report
3.1	<p><u>Background</u></p> <p>Active Belfast (AB) is a multi-agency partnership supporting physical activity and healthy eating in Belfast. It is jointly funded by BCC (£90,000) and Public Health Agency (£146,000) per annum. Thus, the overall funding allocated for work in support of Active Belfast is £236,000 per annum. Physical activity and healthy eating remain priority areas within the refreshed Belfast Agenda as well as wider health-focussed strategic documents. Active Belfast therefore, both as an approach and as a partnership, is vital in relation to us being in a position to work collaboratively with key partners to take forward relevant actions and to test out novel approaches and ideas.</p> <p><u>In-year Progress against PB Pilot action</u></p> <p>Both Belfast City Council and the Belfast Community Planning Partnership (BCPP) are committed to enhancing civic engagement and participation. This commitment is articulated in both the Belfast Agenda and the BCC Corporate Plan as well as other key documents such as the inclusive growth and consultation & engagement frameworks.</p> <p>In December 2020, Council launched a new engagement platform, Your Say Belfast, which offered greater opportunity for ongoing and deliberative methods of engaging. However, it was also recognised that more participative and innovative methods are required to be developed across our services. Council's 2022-23 Improvement Plan includes a commitment to piloting Participatory Budgeting (PB) within Belfast. PB is a democratic process in which citizens decide how to spend part of an allocated public budget. It began in Brazil but is now used across the world as a mechanism to encourages people to get involved in local decision making and democracy. It helps increase levels of involvement and community empowerment</p>

	by bringing people together at local events or online and giving them a direct say about what happens in their community.
3.4	<p>At the People and Communities Committee People meeting held on 10th May 2022, members agreed to pilot PB in collaboration with the Active Belfast Partnership.</p> <p>Unfortunately, we significantly underestimated the amount of work that had to be put in, in advance of actually being in a position to implement the PB approach. Therefore, action in-year has focussed on learning more about PB – raising awareness, exploring best practice, skilling up staff, securing external support and designing relevant processes, systems and paperwork, etc.</p>
3.5	<p>Staff within the Belfast Health Development Unit leading on this initiative, assisted by colleagues in community planning, engaged Community Places to provide expert advice and design support both in-year through to November 2023. Community Places has the experience of designing and facilitating Participatory Budgeting (PB) processes locally and regionally.</p>
3.6	<p>General awareness briefing sessions, facilitated by Community Places, were held on 23 August 2022 and 7 September 2022 with the aim of increasing awareness of what PB is and how it can be used in Belfast. This was followed by the set-up of an Active Belfast Design Team made up of a small team of representatives who are overseeing the design and implementation of the Active Belfast Participatory Budgeting Pilot in 4 geographical areas of Belfast.</p>
3.7	<p>The Design Team has agreed a theme ‘Move More and Eat Well – To Feel Better’ and drafted a shared purpose, as follows:</p> <ul style="list-style-type: none"> • Empower and support communities to have a voice in decision making in their areas • Reduce barriers to participation and increase access to funding • Promote agreed Active Belfast messaging • Promote eating healthy message • Test something new, collaborate and learn together from the process • Raise awareness of PB <p>The broader approach for the Active Belfast Participatory Budgeting Pilot is outlined as follows:</p>

3.8	<p><u>Project Application Criteria</u></p> <ul style="list-style-type: none"> • Safe, Legal & Feasible (timeframe and budget) • In keeping with the theme - one or both parts (move more and/or eat well) • Benefiting people within the Belfast City Council area • Attendance at the Celebration Event (attendance at this will be used to monitor the outcomes/benefits to the local community).
3.9	<p><u>Who can apply?</u></p> <ul style="list-style-type: none"> • Both constituted and non-constituted groups can apply • Non-constituted groups will require a sponsor organisation • Anyone under the age of 18 will need a sponsor adult to assist them through the process and to hold funding • A maximum of two applications can be received from each group.
3.10	<p><u>General principles</u></p> <ul style="list-style-type: none"> • Applicants will complete a short application form detailing their project idea. Applications will open on Monday 6 February 2023 for 6 weeks and will close on Monday 20 March 2023. Information sessions will be arranged, and it is suggested that there are 2-3 Information Sessions per area, plus online sessions. • Design Team agreed that groups can self-select the area in which they want to submit their application – choosing the area where their project idea will be delivered and be of benefit. This will be particularly important for groups who are located on the edge of one area but serve the needs of people in an adjacent/wider area. • Criteria Check w/c 20 March 2023 and selected groups will be given notice and invited to Decision-Making Events. • Selected groups will be invited to Market Stall Decision-Making Events in each geographical area in April 2023 where the community will vote for the projects they want to progress. • Successful groups will be issued a Letter of Offer along with Terms & Conditions which they must formally accept and return. • Each award could be up to the value of £1,000. • 90% of the award will be paid upfront with the remaining 10% being paid on completion of the Project outlined in the group's application and confirmation of attendance at the Celebration Event in Autumn 2023. • Attendance/presentation at the Celebration Event is mandatory and will form part of project monitoring as monitoring returns will not be required.

- Utility costs, core salary costs, commercial events, purchase of alcohol, political activities, religious activities, memorials, high risk activities e.g., bouncy castles, fireworks will not be funded.
- A sample of groups will be selected for vouching, and this will be on a risk-based approach i.e., groups that have not received funding from BCC will be selected for vouching.
- Administration and support will be provided by the Design Team, BHDU and CNS Finance.

3.11

Timeline

Nov 22 – Feb 23	Soft launch and ongoing promotion
Feb 23 – Mar 23	Monday 06 February: applications open for 6 weeks Information Sessions will be arranged during first 2 weeks of February 2023 Applications close on Monday 20 March
Mid-End Mar 23	Criteria checks will commence w/c 20 March 2023 and successful groups will be given notice and invited to Decision-Making Events w/c 27 March (in advance of the Easter Break)
Mid-End Apr 23	Decision-making event dates will commence on 17 April 2023 or the beginning of the following week commencing 24 th April 2023
May – Oct 23	Project delivery (6 months)
Oct/Nov 23	Showcase and Celebration Events
Ongoing	Learning and evaluation

3.12

Given that this is piloting a new approach to awarding funding for Council, The Design Team will continue to liaise closely with Belfast City Council colleagues in Finance, Legal and Audit, Governance and Risk Services (AGRS) in relation to the project design and processes.

3.13

Up to date information on the initiative can be found at:

<https://yoursay.belfastcity.gov.uk/hub-page/participatory-budgeting>



3.14	Financial and Human Resource Implications Subject to Council and PHA approval/agreement (and specifically discussions ongoing within Council around discretionary spend), a budget of £236,000 will remain available to support this work in 22/23.
3.15	Belfast City Council's £90K contribution towards the £236K total will be included within the revenue estimates for 2023/24 and therefore does not represent any growth. In relation to the ongoing review of discretionary spend, Officers would make the case that our ability to contribute £90K towards Active Belfast is vital to ensure that PHA continue to contribute £146K enabling evidence-based work and projects to be developed in support of Council, Health and most importantly Community Planning priorities which would otherwise not be able to be achieved/supported.
3.16	Officers are requesting member approval to earmark £64K (26K BCC/ 38K PHA split) of the 236K total towards delivery/implementation of the PB pilot in 2023/24. This will enable £16K to be allocated per area – North, South, East and West and a minimum of 16 projects (up to 1K per project available) to be supported per area.
3.17	Active Belfast partnership will be holding a planning session early in the New Year to look at other priorities and resourcing requirements and a further report re. same will be brought through to committee.
3.18	Kim Kensett (PHA) and Grainne McMacken (BHSCT) will continue to lead on this work within the BHDU. Oversight will continue to be provided at organisational level by Kelly Gilliland within BCC and David Tumilty within PHA, as well as at a partnership/thematic level with the stakeholders involved in the Active Belfast Partnership.
3.19	Equality or Good Relations/Rural Needs Assessment Equality screening has been completed.
3.20	PB should have a positive impact across the various Section 75 groups as it strengthens and promotes inclusive civic voice and participation. Positive steps will be taken to ensure the PB process is promoted amongst all section 75 groups, but particularly those who are under-represented in traditional consultations (i.e. young people, older people, disabled people, new [ethnic and migrant] communities).
4.0	Appendices – Documents Attached
	None



Subject:	Update from the Strategic Cemeteries and Crematorium Working Group
Date:	10 th January 2023
Reporting Officer:	Siobhan Toland, Director of City Services Sinead Grimes Director, of Physical Programmes
Contact Officer:	Sabine Kalke, Project Sponsor Seamus McBride, City Protection Manager

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

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

1.0	Purpose of Report or Summary of main Issues
1.1	The purpose of this report is to seek Committee approval on key recommendations made at the Strategic Cemeteries and Crematorium Development Working Group held on 12 th December 2022.
2.0	Recommendations
2.1	The Committee is asked to: <ul style="list-style-type: none"> - Approve the minutes from the Strategic Cemeteries and Crematorium Development Working Group meeting held on 12th December 2022

	<ul style="list-style-type: none"> - Approve the recommendation from Strategic Cemeteries and Crematorium Development Working Group to increase the time frame for the submission of cremation documentation from 12 noon the day before cremation to two working days. - Approve the recommendation from Strategic Cemeteries and Crematorium Development Working Group to write to the relevant Permanent Secretary encouraging a workable solution to be found allowing the electronic transfer of documentation relating to burials and cremations to continue on a permanent basis. The Coronavirus Act Provisions which currently enables electronic transfer are due to expire on 24th March 2023.
3.0	Main report
	<u>Update on Bereavement Services Operations</u>
3.1	As part of the Bereavement Services review, administrative processes and technological solutions are being developed. The current administrative process for cremation requires forms to be submitted by 12 noon the day before a scheduled cremation. Incomplete forms can result in resource intensive administrative work under time pressure to obtain necessary statutory information before submitting completed forms to the Medical Referee for sign off.
3.2	An analysis of all cremations has shown that the average timeframe from death to cremation has increased from 5 calendar days in 2015 to 10 calendar days in 2022.
3.3	The increase in this average time allows an extension to the timeframe for completed cremation forms to be lodged with Bereavement Services Administration by Funeral Directors, without adversely impacting on bereaved families.
	<u>Update on the new Crematorium Development</u>
3.4	Members of the Working Group received an update on the new crematorium development. As reported previously the Planning Application for the new crematorium has been submitted to Lisburn and Castlereagh City Council in June 2022 and validated in July 2022. There is one consultee response from DfI Roads outstanding.
3.5	Visuals of the latest design of the new crematorium building were presented to Members of the Working Group including the proposal for a grass roof. Solar panels are currently being reviewed and air source heat pumps will be specified. Options around the naming of the facilities will be brought back to Strategic Cemeteries and Crematorium Working Group in the near future.
3.6	<u>Financial & Resource Implications</u> Update on the new Crematorium Development.

	<p>The project is on the Capital Programme at Stage 3 Committed.</p> <p>Update on Bereavement Services Operations Being delivered within existing budgets.</p>
3.7	<p><u>Equality or Good Relations Implications/Rural Needs Assessment</u></p> <p>Update on new Crematorium Development An Equality Screening has been carried out and concluded that no EQIA is necessary; a Rural Needs Assessment has been carried out.</p> <p>Update on Bereavement Services Operations None required</p>
4.0	Appendices – Documents Attached
	<p>Appendix 1 - Minutes of the Strategic Cemeteries and Crematorium Development Working Group on 12th December 2022.</p>

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**STRATEGIC CEMETERIES AND CREMATORIUM
DEVELOPMENT WORKING GROUP**

Minutes of Meeting of 12th December, 2022

Members Present: Alderman Sandford (Chairperson);
Alderman Rodgers; and
Councillors Bower, Canavan, Flynn and Hutchinson.

In Attendance: Mrs. S. Toland, Director of City and Neighbourhood Services;
Mr. S. McBride, City Protection Manager;
Mr. M. Patterson, Bereavement Services Manager;
Mr. D. Bone, City Services Manager;
Mr. D. Armstrong, Cemeteries and Crematorium Manager;
Ms. S. Kalke, Project Sponsor;
Ms. C. Skilling, Senior Cemeteries Administrator;
Ms. M. Dornan, Cemeteries Administrator; and
Mr. G. Graham, Democratic Services Assistant.

Minutes

The minutes of the meeting of 24th August, 2022 were taken as read and signed as correct.

Declarations of Interest

No declarations of interest were reported.

Bereavement Services - Operational Update

The City Protection Manager provided the Working Group with an update on the operation of the Bereavement Services section. He referred to the operational pressures associated with the current timeframe in regard to the submission of completed cremation forms and of the necessity to extend that to a two-day period. He reported that Bereavement Services was operating above the seasonal average for cremations, with associated pressures on staff and resources. The Members were informed that the service was experiencing an increase in the seasonal average of, both, earth burials and cremated remains burials being undertaken.

It was reported that, to facilitate the increase in cremated remains burials, staff had been exploring and had identified a number of areas within the cemetery that, whilst not suitable for full earth burials, might be suitable for the burial of cremated remains.

The City Protection Manager reminded the Members that the Corona virus provisions had been extended until March 2023, which had allowed the Bereavement Services office to deal with the administration of cremations and burials electronically. He stated that, should the provisions not be extended further, the Bereavement Services office would be required to return to a hard copy administration process. The Working Group was informed that a review of Bereavement Services was ongoing and that workstreams had been identified as part of that process.

The City Protection Manager referred to a report, which has been presented to the People and Communities Committee, on the review of Bereavement Services and which, due to time-frame scheduling and the rates setting process, had not afforded the opportunity for that report to be presented to the Working Group, prior to it being presented to the People and Communities Committee.

The Members were informed that work was continuing on the restoration work associated with the City Cemetery, including the new visitor centre, which was at an advanced stage of completion. The City Protection Manager reported that work was continuing on the dual language signage at the City Cemetery, which had been agreed by the Strategic Policy and Resources Committee, in June 2022. He stated that it was anticipated that a soft launch, of the visitor centre, would take place in the Spring of 2023.

The City Protection Manager reported that £10,000 of funding had been secured from the Department for Communities (DfC), Historical Environment Division, to undertake condition survey work, within the Council's historical graveyards. He stated that the aim of that important workstream was to ultimately provide public access, in the future, to those, closed, historic graveyards.

A Member asked if it might be possible for the Council to contact the relevant Permanent Secretary, with a view to seeking an extension to the Coronavirus Regulations, thereby enabling the processing of cremation documentation and appointments to continue on-line.

In response to concerns raised by the Working Group that a report on the review of Bereavement Services and charges had been presented to the People and Communities Committee, without being considered by the Working Group, the Director stated that in this instance the time-tabling schedule, for decision making, and consideration by the Strategic Policy and Resources Committee, had not allowed for the Working Group to consider the report, prior to it being presented to the People and Communities Committee.

After consideration, the Working Group noted the information contained within the report and agreed that a letter be forwarded to the Permanent Secretary, requesting an extension of the Coronavirus Regulations, beyond March 2023, and that the timeframe, in regard to the completion and submission of cremation forms, be extended to two working days, subject to the approval of the People and Communities Committee.

Update on Crematorium Development

The Project Sponsor provided the Working Group with an update on the development of the new crematorium at Roselawn. She confirmed that a planning application had been lodged with Lisburn and Castlereagh City Council (LCCC) and that the majority of consultees had been received with no formal planning objections being raised. It was reported that a response was awaited from the Department for Infrastructure Roads (DfI) and that it was anticipated that the department might place planning conditions, in terms of access to the crematorium. The Project Sponsor stated that she hoped that the planning application, in respect of the crematorium development, would be approved by the spring of 2023.

The Project Sponsor stated that, following a suggestion from the Members, at the previous meeting of the Working Group, the grass roof was being progressed and would cover the administration area and central spine corridor and that this modification had required some structural adjustments to facilitate the new design feature. The Project Sponsor reported that they were exploring also the provision of solar panels and air source heat pumps. She reported that, at this stage, in the design process there was a need to confirm the name of the new facility, including the two ceremony rooms, for the development of signage. She stated that

the team would be drafting an options paper, around naming, and would bring the options paper back to the Members early next year. She referred to spaces which had been made available, within the confines of the building, for art works, both in the foyer and waiting rooms, and reported that specialist advice, in that area, had been sought with an update being provided to a future meeting of the Working Group.

A Member raised concerns that the cost of completion of the crematorium development project could exceed the original estimated cost and could result in the requirement for additional capital funding. The Member raised concerns also in regard to staff pressures in regard to both the cemeteries and cremation service, given the rise in the average number of burials and cremations taking place, currently, at Roselawn.

In response, the Director explained the issue of capital funding would be an item for discussion with the Director of Physical Programmes and the Council's internal assets board.

In response to the Member's concern in regard to the future staffing requirements for Bereavement Services, the Director reported that staffing levels would require further evaluation, including both the administration and front-line service delivery. She reported that a report, on both issues, would be brought back to a future meeting of the Working Group for its consideration and that a future service design process was being developed.

The Working Group noted the information which had been provided and requested that the staff of the Crematorium and Bereavement Services Section be made aware of their support by the Working Group in regard to their hard work and dedication under difficult circumstances.

Date of Next Meeting

The Working Group noted that its next meeting would be held on Wednesday, 25th January, 2023 at 5.15 pm.

Chairperson

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Subject:	Department for Communities Private Tenancies Act (NI) 2022 -update on Powers for Council commencing April 2023
Date:	10 th January 2023
Reporting Officer:	Siobhan Toland, Director of City Services
Contact Officer:	Claire O'Neill Principal Environmental Health Officer

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

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

1.0	Purpose of Report or Summary of main Issues
1.1	To update members of the new provisions of the Private Tenancies Act (NI) 2022 commencing on 1 st April 2023 and to set fixed penalty levels for certain offences under said Act.
2.0	Recommendations
2.1	<p>The Committee is asked to:</p> <ul style="list-style-type: none"> Note the new legislative powers for Council's in relation to the private rented sector. <p>And</p> <ul style="list-style-type: none"> Agree the proposed fixed penalty levels at £500.
3.0	Main report
3.1	<p><u>Key issues</u></p> <p>Members were previously appraised at their November 2021 Committee of the new provisions contained in The Private Tenancies Act (NI) 2022 which has received royal assent</p>

on the 27th April 2022. It amends the Private Tenancies Order (NI) 2006 with 11 substantive clauses and three schedules aimed at making the private rented sector a safer and more protected housing option. This report provides the details of the elements of the new Order that will come into effect on the 1st April 2023, however it should be noted that there are still a number of provisions which require further consultation and members will be provided with an update when we receive the Department for Communities (DfC) consultation papers.

The Act creates new offences for which the Council will have powers to issue fixed penalty notices. The fixed penalty payable in respect of an offence is an amount determined by the Council, being an amount not exceeding one-fifth of the maximum fine payable on summary conviction of that offence which is currently £2500. Therefore, the maximum level of fixed penalty fine that the Council can set for the new offences is £500. The Council has previously set the fine level at £500 for failure to register as a landlord under the same legislation. Therefore, it is proposed that the fines for the new offences are set at the same level of £500 as detailed below.

The Act will provide additional powers to Councils in relation to the regulation of the private rented sector as follows:

3.2 **Tenancy Information Notice**

Tenancy Information Regulations 2022 require a landlord to give a tenant a Tenancy Information Notice containing specified information within 28 days of the commencement of a tenancy. A Tenancy Information Notice is an important legal document which provides the landlord and tenant with information on their respective rights and responsibilities. It can help to minimise disputes, as information, such as, the rent payable, deposit details, duration of tenancy, responsibility for repairs and notice of termination are given in writing. The Notice also provides tenants with the landlord's (and, if appropriate, agent's) contact information.

If the landlord has previously given a tenant a Notice which substantially meets the specified requirements, this would be deemed compliant.

If the landlord commits an offence, the council will have the power to issue a fixed penalty notice, not exceeding £500. If the landlord is convicted by a court, the penalty will be a fine not exceeding level 4 on the standard scale (currently £2,500).

The maximum fixed penalty notice fine level which can be issued by Council is £500. It is proposed that the fixed penalty level offence is set by the Council at £500.

3.3	<p>Receipts</p> <p>It is now a requirement for a landlord to provide a written receipt for any payment made in cash in relation to a tenancy. A receipt is a method of documenting cash payments that a tenant pays to a landlord under a tenancy. A receipt is beneficial to both tenants and landlords offering tenants documented proof of cash payments and landlords a record of cash payments. For tenants who pay their rent in cash a rent receipt may be the only written evidence they have of their payments</p> <p>Any written receipt must detail:</p> <ul style="list-style-type: none"> • the payment date; • what the payment was for; and • the amount paid, including: <ul style="list-style-type: none"> ▪ if any amounts remain outstanding, and ▪ if the payment was made in full. <p>If the landlord or his/her representative/agent commits an offence by failing to provide the receipt for cash payments, the Council may issue a fixed penalty notice not exceeding £500. If the landlord is convicted by a court the penalty, the fine will not exceeding level 4 on the standard scale (currently £2,500).</p> <p>The maximum fixed penalty notice fine level which can be issued by Council is £500. It is proposed that the fixed penalty level offence is set by the Council at £500.</p>
3.4	<p>Changes to Tenancy Deposits</p> <p>A landlord cannot ask for or retain a tenancy deposit that is more than one month's rent. If a landlord has unlawfully requested or retained a tenancy deposit of more than one month's rent, they are guilty of an offence. A council can issue a fixed penalty notice or fine for this offence. The amount of the fixed penalty notice will be determined by councils and cannot exceed £500. If the landlord is convicted by a court the penalty will be a fine not exceeding level 4 on the standard scale (currently £2,500). If a landlord is convicted of requiring or retaining a deposit in excess of one month's rent, the court may order the excess to be repaid to the person who paid it.</p> <p>The maximum fixed penalty notice fine level which can be issued by Council is £500. It is proposed that the fixed penalty level offence is set by the Council at £500.</p>
3.5	<p>Increase in time for requirements relating to tenancy deposits</p> <p>The time limit for a deposit to be protected in an approved scheme has changed from 14 days to 28 days and landlords have additional time to provide the prescribed information to the tenant as this has changed from 28 days to 35 days.</p>

	<p>If a landlord or agent fails to protect the deposit or notify a tenant of the deposit information, then they will be guilty of an offence.</p>														
3.6	<p>The Council may issue a fixed penalty three times the value of the deposit taken.</p> <p>If convicted of this offence, they may be liable for a fine not exceeding £20,000</p>														
3.7	<p>Removal of the 6-month time barrier to prosecution of tenancy deposit offence</p> <p>The Private Tenancies Act (Northern Ireland) 2022 makes the failure to protect a tenancy deposit a continuing offence and removes the 6-month time limit on prosecutions. This legislation provides that those offences continue to be committed throughout any period during which the failure to protect a deposit, or supply the required information to the tenant, continues. The result of this is that there will be no time barrier on prosecuting a person who fails to comply with the requirements.</p>														
3.8	<p>Change in length of notice to quit:</p> <p>From 5th May 2022, the Private Tenancies Act 2022 introduced the following notices to quit period for landlords and tenants:</p> <p>Depending on the length of the tenancy, the landlord must give their tenant a minimum notice to quit period as indicated in the table below.</p> <table border="1"> <thead> <tr> <th>Length of tenancy</th><th>Notice to quit</th></tr> </thead> <tbody> <tr> <td>Tenancy not been in existence for more than 12 months</td><td>No less than 4 weeks' written notice</td></tr> <tr> <td>Tenancy has been in existence for more than 12 months but not more than 10 years</td><td>No less than 8 weeks' written notice</td></tr> <tr> <td>Tenancy has been in existence for more than 10 years</td><td>No less than 12 weeks' written notice</td></tr> </tbody> </table> <p>Depending on the length of the tenancy the tenant must give their landlord a minimum notice to quit period.</p> <table border="1"> <thead> <tr> <th>Length of tenancy</th><th>Notice to quit</th></tr> </thead> <tbody> <tr> <td>Tenancy not been in existence for more than 10 years</td><td>No less than 4 weeks' written notice</td></tr> <tr> <td>Tenancy has been in existence for more than 10 years</td><td>No less than 12 weeks' written notice</td></tr> </tbody> </table> <p>The Council will seek to publicise the new legislative provisions in advance of the start date on 1st April 2023 using our media outlets.</p>	Length of tenancy	Notice to quit	Tenancy not been in existence for more than 12 months	No less than 4 weeks' written notice	Tenancy has been in existence for more than 12 months but not more than 10 years	No less than 8 weeks' written notice	Tenancy has been in existence for more than 10 years	No less than 12 weeks' written notice	Length of tenancy	Notice to quit	Tenancy not been in existence for more than 10 years	No less than 4 weeks' written notice	Tenancy has been in existence for more than 10 years	No less than 12 weeks' written notice
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Tenancy not been in existence for more than 10 years	No less than 4 weeks' written notice														
Tenancy has been in existence for more than 10 years	No less than 12 weeks' written notice														

3.9	<p><u>Financial and Resource Implications</u></p> <p>The Private Tenancies Act will provide Councils with new enforcement powers to deal with issues in the Private Rented sector which will place additional resources demands on our existing resources. There is no financial support available from the Department for Communities (DfC) to assist Councils with these additional powers. The fixed penalty regime introduced for some of the new offences may provide some income but it will not cover the additional staffing and administrative resources required. Setting the fixed penalty fine to the maximum of £500 for each offence is a key consideration in the absence of any financial support to implement this important legislation.</p>
3.10	<p><u>Equality or Good Relations Implications /Rural Needs Assessments</u></p> <p>None associated with this report.</p>
4.0	Appendices – Documents Attached
	<p>Appendix 1 – Private Tenancies Act 2022</p> <p>Private Tenancies Act (Northern Ireland) 2022 (legislation.gov.uk)</p>

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CHAPTER 20

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Private Tenancies Act (Northern Ireland) 2022

2022 CHAPTER 20

An Act to amend the law relating to private tenancies.

[27th April 2022]

BE IT ENACTED by being passed by the Northern Ireland Assembly and assented to by Her Majesty as follows:

Tenant to be given notice regarding certain matters

1.—(1) The 2006 Order is amended in accordance with subsections (2) to (4).

(2) In Part 2, after the italic heading “*Particulars relating to the tenancy, etc.*” insert—

“Tenant to be given notice regarding certain matters: grant of tenancy

4A.—(1) This Article applies where a private tenancy of a dwelling-house is granted on or after the date on which section 1 of the Private Tenancies Act (Northern Ireland) 2022 comes into operation.

(2) The landlord under the tenancy must, within 28 days after the date on which the tenancy is granted, give to the tenant a notice—

(a) in the prescribed form, and

(b) containing the prescribed particulars and other prescribed information relating to the tenancy.

(3) A tenant must not be required to make a payment in respect of any notice under paragraph (2).

(4) A landlord who fails to comply with paragraph (2) is guilty of an offence under this Order.

Tenant to be given notice regarding certain matters: variation of certain terms

4B.—(1) This Article applies where, on or after the date on which section 1 of the Private Tenancies Act (Northern Ireland) 2022 comes into operation, a prescribed term of a private tenancy of a dwelling-house is varied; and it applies regardless of the date on which the tenancy was granted.

(2) The landlord under the tenancy must, within 28 days after the date on which the term of the tenancy is varied, give to the tenant a notice—

- (a) in the prescribed form, and
- (b) containing the prescribed information relating to the variation of the term.

(3) In paragraphs (1) and (2) “varied” includes varied by omission.

(4) A tenant must not be required to make a payment in respect of any notice under paragraph (2).

(5) A landlord who fails to comply with paragraph (2) is guilty of an offence under this Order.

Continued failure by landlord to provide notice under Article 4A or 4B after conviction or fixed penalty

4C.—(1) If a landlord is convicted of an offence under Article 4A(4) or 4B(5), and the failure continues for more than 14 days after the conviction, the landlord is deemed to have committed a further offence under that paragraph in respect of that failure.

(2) Paragraph (3) applies where—

- (a) a landlord fails to comply with Article 4A(2) or 4B(2),
- (b) the landlord is given a fixed penalty notice under Article 68A in respect of an offence under Article 4A(4) or 4B(5) on the grounds of that failure, and
- (c) the landlord pays the fixed penalty stated in the notice.

(3) If the failure to comply with Article 4A(2) or 4B(2) continues for more than 14 days after the landlord pays the fixed penalty, the landlord is guilty of an offence under this Order.”.

(3) In Article 68(1) (prosecution and punishment of offences), after “Article” insert “4A(4), 4B(5), 4C(3),”.

(4) In Article 68A (fixed penalty for certain offences)—

(a) in paragraph (1), after “has committed” insert—

“(za) an offence under Article 4A(4) or 4B(5), except one deemed to have been committed by virtue of Article 4C(1);

(zb) an offence under Article 4C(3);”;

(b) in paragraph (8), after “under Article” insert “4A(4), 4B(5), 4C(3),”.

(5) Omit section 1 of the Housing (Amendment) Act (Northern Ireland) 2011.

Tenant to be given notice regarding certain past matters

2. Schedule 1 provides for the giving of notice regarding certain matters to the tenants of dwelling-houses that are let under a private tenancy on the date on which section 1 comes into operation—

- (a) where the tenancy was granted on or after 30 June 2011 but before the date on which section 1 comes into operation;
- (b) where certain terms of the tenancy were varied on or after 30 June 2011 but before the date on which section 1 comes into operation.

Tenant to be provided with a rent receipt for payment in cash

3.—(1) The 2006 Order is amended as follows.

(2) For Article 5 substitute—

“Tenant to be provided with a rent receipt for payment in cash

5.—(1) This Article applies where the tenant of a dwelling-house makes to the landlord in cash—

- (a) any payment in consideration of the grant, renewal or continuance of a private tenancy, or
- (b) any payment in satisfaction (or part satisfaction) of an obligation arising under a private tenancy.

(2) The landlord must provide the tenant with a written receipt for the payment stating—

- (a) the date of payment;
- (b) what the payment was for;
- (c) the amount paid;
- (d) if any amount remains outstanding, that amount;
- (e) if no further amount remains outstanding, that fact.

(3) Where a tenant pays a single sum consisting of two or more payments—

- (a) the duty in paragraph (2)(c) includes a duty to state how the sum paid is apportioned between each payment, and
- (b) sub-paragraphs (d) and (e) of that paragraph apply in respect of each payment.

(4) Where, in the case of any payment within paragraph (1)(b), it is not possible for the person giving the receipt to state with certainty the amount that was required to satisfy the obligation in question, sub-paragraphs (d) and (e) of paragraph (2) require the matters mentioned in them to be stated to the best of that person’s knowledge and belief.

(5) The receipt must be provided—

- (a) at the time the payment is made, or
- (b) if that is not possible, as soon as reasonably possible after that time.

(6) A tenant must not be required to make a payment in respect of the provision of the receipt.

(7) In the event of a failure to comply with paragraph (2) or (5), the following are guilty of an offence under this Order—

(a) the landlord, and

(b) any person appointed by the landlord to provide the receipt.

(But see Article 5ZB for a defence to this offence.)

(8) In this Article—

“landlord” includes a former landlord and (in a case falling within paragraph (1)(a)) a prospective landlord;

“tenant” includes a former tenant and (in a case falling within paragraph (1)(a)) a prospective tenant.

Continued failure by landlord to provide rent receipt after conviction or fixed penalty

5ZA.—(1) If a landlord is convicted of an offence under Article 5(7)(a) in respect of a failure to comply with Article 5(2), and the failure continues for more than 14 days after the conviction, the landlord is deemed to have committed a further offence under Article 5(7)(a) in respect of that failure.

(2) Paragraph (3) applies where—

(a) a landlord fails to comply with Article 5(2),

(b) the landlord is given a fixed penalty notice under Article 68A in respect of an offence under Article 5(7)(a) on the grounds of that failure, and

(c) the landlord pays the fixed penalty stated in the notice.

(3) If the failure to comply with Article 5(2) continues for more than 14 days after the landlord pays the fixed penalty, the landlord is guilty of an offence under this Order.

(But see Article 5ZB for a defence to this offence.)

(4) In this Article “landlord” has the meaning given by Article 5(8).

Controlled tenancies: defence to offences under Articles 5 and 5ZA

5ZB.—(1) This Article applies where, in the case of a controlled tenancy (within the meaning given by Article 40(4)), a payment in cash was made in respect of rent for the tenancy.

(2) If—

(a) a person is charged with an offence under Article 5(7) and a qualifying receipt was provided in accordance with Article 5(5), or

(b) a person is charged with an offence under Article 5ZA(3) and a qualifying receipt was provided at any time before the end of the period of 14 days mentioned in Article 5ZA(3) (including before the fixed penalty notice was given),

paragraph (6) applies.

(3) A receipt is a qualifying receipt for the purposes of paragraph (2) if—

(a) it complies with Article 5(2)(a), (b) and (c),

- (b) it complies with Article 5(2)(d) and (e) in respect of any payment, other than the rent, that was included in the sum paid, and
 - (c) either condition A or condition B is met.
- (4) Condition A is that—
- (a) after the cash payment, no further amount in respect of rent in fact remained outstanding,
 - (b) the receipt stated that there was an amount outstanding, and
 - (c) that amount consists wholly of a sum that is irrecoverable by virtue of Article 50(1).
- (5) Condition B is that—
- (a) after the cash payment, an amount in respect of rent in fact remained outstanding (“the true arrears”),
 - (b) the receipt stated as outstanding an amount that was more than the true arrears, and
 - (c) the difference between the stated amount and the true arrears consists wholly of a sum that is irrecoverable by virtue of Article 50(1).
- (6) It is a defence to the offence under Article 5(7) or (as the case may be) Article 5ZA(3) for the person charged to prove that the landlord (or former landlord) had a bona fide claim that the sum mentioned in paragraph (4)(c) or (5)(c) was recoverable.”.
- (3) In Article 50 (tenancies subject to rent control: rent in excess of limit to be irrecoverable), after paragraph (3) insert—
- “(4) In paragraph (2) “similar document” does not include a receipt under Article 5(2).”.
- (4) In Article 66(1)(a) (service on an agent named in the rent book deemed to be service on the landlord), for “the rent book” substitute “a rent book”.
- (5) In Article 68(1) (prosecution and punishment of offences), for “5(4)” substitute “5(7), 5ZA(3)”.
- (6) In Article 68A (fixed penalty for certain offences)—
- (a) in paragraph (1), after sub-paragraph (zb) (as inserted by section 1), insert—
 - “(zc) an offence under Article 5(7), except one deemed to have been committed by virtue of Article 5ZA(1);
 - (zd) an offence under Article 5ZA(3);”;
 - (b) in paragraph (8), after “4C(3),” (as inserted by section 1) insert “5(7), 5ZA(3),”.

Limit on tenancy deposit amount

- 4.—(1) The 2006 Order is amended as follows.
- (2) After Article 5ZB (as inserted by section 3) insert—

*“Limit on tenancy deposit amount***Tenancy deposit limit of 1 month’s rent**

5ZC.—(1) A person (A) must not—

- (a) require the payment by another person of a tenancy deposit in connection with a private tenancy, or
- (b) require that the person to whom a tenancy deposit would otherwise be repaid (B) consent to the retention of a deposit (by A or a third person) in connection with a private tenancy,

that is in excess of the amount of 1 month’s rent payable under the tenancy.

(2) For the purposes of paragraph (1)(b), A requires that B consent to the retention of a deposit if—

- (a) a tenancy deposit is paid (at any time) in connection with a private tenancy (“the first tenancy”),
- (b) a person proposes to grant, or has granted, a private tenancy of that or another dwelling-house (whether to the tenant of the first tenancy or to another person), and
- (c) A requires that B consent to some or all of the deposit continuing to be held, on or after the ending of the first tenancy, in connection with the new tenancy.

(3) “1 month’s rent payable under the tenancy”, where the rent under a private tenancy is not payable monthly, means—

- (a) where the rent under the tenancy is payable for periods of whole months, the rent for a period divided by the number of months in the period;
- (b) where the rent is payable for periods determined otherwise than by reference to whole months, the rent attributable to 1 day’s letting under the tenancy multiplied by 30.

(4) A person who contravenes paragraph (1) is guilty of an offence under this Order.

(5) Where a person—

- (a) is convicted of an offence under paragraph (4), and
- (b) has received or, as the case may be, retained a tenancy deposit in excess of the amount of 1 month’s rent payable under the tenancy,

the court may order the excess to be repaid to the person who paid it.

(6) In this Article—

“tenancy deposit”, in relation to a private tenancy, means any money intended to be held (by the landlord or otherwise) as security for—

- (a) the performance of any obligations of the tenant arising under or in connection with the tenancy, or
- (b) the discharge of any liability of the tenant so arising;

“money” means money in the form of cash or otherwise.

Breach of tenancy deposit limit: recoverability of excess

5ZD.—(1) A tenancy deposit in relation to a private tenancy that has not been paid is irrecoverable to the extent that it exceeds the amount of 1 month's rent payable under the tenancy (and this is so despite anything in any agreement).

(2) Where, in connection with a private tenancy—

- (a) a tenancy deposit has been paid or retained (as defined in paragraph (3)), and
- (b) at the time of payment or retention, or at any time thereafter, the deposit exceeds the amount of 1 month's rent payable under the tenancy,

the excess is recoverable by the person who paid it.

(3) For the purposes of paragraph (2), if—

- (a) a tenancy deposit is paid (at any time) in connection with a private tenancy (“the first tenancy”),
- (b) a private tenancy is granted of that or another dwelling-house (whether to the tenant of the first tenancy or to another person) or (where the first tenancy is a protected tenancy) a statutory tenancy comes into existence, and
- (c) on or after the ending of the first tenancy, some or all of the deposit continues to be held in connection with the new tenancy,

the deposit is retained in connection with the new tenancy.

(4) In this Article “1 month's rent payable under the tenancy” and “tenancy deposit” have the same meaning as in Article 5ZC.”.

(3) In Article 68(1) (prosecution and punishment of offences), after “5ZA(3)” (as inserted by section 3) insert “, 5ZC(4)”.

(4) In Article 68A (fixed penalty for certain offences)—

- (a) in paragraph (1), after sub-paragraph (zd) (as inserted by section 3) insert—
“(ze) an offence under Article 5ZC(4);”;
- (b) in paragraph (8), after “5ZA(3),” (as inserted by section 3) insert “5ZC(4),”.

(5) The following provisions (inserted by subsection (2)) have effect as follows—

- (a) Article 5ZC(1)(a) prohibits the making of a requirement within that sub-paragraph on or after the commencement date;
- (b) Article 5ZC(1)(b) prohibits the making of a requirement within that sub-paragraph on or after the commencement date, regardless of the date on which the deposit was paid or the date on which the first tenancy ends;
- (c) Article 5ZD(1) does not prevent the recovery of a tenancy deposit under a legal obligation that existed before the commencement date (whether that obligation accrues before or after that date);
- (d) Article 5ZD(2) has effect in relation to tenancy deposits that are paid on or after the commencement date except where the deposit was required to be

paid under or in connection with a legal obligation that existed before the commencement date (whether that obligation accrues before or after that date);

- (e) Article 5ZD(2) has effect in relation to tenancy deposits that are retained on or after the commencement date except where the deposit was liable to be retained under or in connection with a legal right that existed before the commencement date (whether that right accrues before or after that date).

(6) In subsection (5) “commencement date” means the date on which this section comes into operation.

Increase in time limits for requirements relating to tenancy deposits

5. In Article 5B of the 2006 Order (requirements relating to tenancy deposits)—

- (a) in paragraph (3), for “14 days” substitute “28 days”;
- (b) in paragraph (6)(b), for “28 days” substitute “35 days”.

Certain offences in connection with tenancy deposits to be continuing offences

6. In Article 5B of the 2006 Order (requirements relating to tenancy deposits), after paragraph (11) insert—

“(11A) A person who commits an offence by failing to comply with the requirements of paragraph (3) or (6) continues to commit the offence throughout any period during which the failure continues.”.

Regulation of rent

7.—(1) The 2006 Order is amended as follows.

(2) After Article 5B insert—

“Rent decreases

Rent decreases

5C.—(1) This Article applies in relation to private tenancies.

(2) The Department may by regulations do either or both of the following regarding the rent payable under private tenancies in relation to which this Article applies—

- (a) provide that, for a prescribed period, the rent is, or may not exceed, a prescribed proportion of the rent that would be payable apart from the regulations;
- (b) provide that, for a prescribed period, the rent is, or may not exceed, the rent that was payable on a prescribed date, or during an earlier prescribed period.

(3) Regulations under paragraph (2) may not—

- (a) specify, for the purposes of sub-paragraph (a) of that paragraph, a proportion that is less than 90%;
- (b) provide for any limitation, or any series of limitations, to last for longer than 4 years in relation to any particular tenancy.

(4) Regulations under paragraph (2) may in particular—

- (a) provide for how the rent that would be payable apart from the regulations is to be determined;
 - (b) provide that—
 - (i) the prescribed date for the purposes of sub-paragraph (b) of that paragraph, or
 - (ii) the earlier prescribed period for those purposes, is a date, or a period, that falls before the date on which the Private Tenancies Act (Northern Ireland) 2022 was passed;
 - (c) provide for different limitations to apply to the same tenancy for different periods;
 - (d) provide for exceptions in relation to tenancies of prescribed descriptions, or make different provision in relation to tenancies of different descriptions;
 - (e) make further or consequential provision in relation to the limitations, including provision amending any statutory provision (within the meaning given by section 1(f) of the Interpretation Act (Northern Ireland) 1954);
 - (f) make such other consequential, supplementary, transitory or transitional provision, or such savings, as the Department considers appropriate.
- (5) Tenancies may be described for the purposes of paragraph (4)(d) by reference to (among other things)—
- (a) the amount of rent payable under the tenancy;
 - (b) the area within which the dwelling-house in question is situated;
 - (c) whether the tenant is in receipt of housing benefit or any other benefit payable under a statutory provision (within the meaning given by section 1(f) of the Interpretation Act (Northern Ireland) 1954).
- (6) The Department must consult the following persons as to whether to exercise the powers conferred by paragraph (2)—
- (a) district councils,
 - (b) such persons as appear to it to be representative of landlords,
 - (c) such persons as appear to it to be representative of tenants, and
 - (d) such other persons as it considers appropriate (which may include landlords or tenants).
- (7) The Department must prepare a report on the consultation and—
- (a) lay the report before the Assembly, and
 - (b) publish it in such manner as the Department considers appropriate.
- (8) The Department must lay and publish the report under paragraph (7) before the end of the period of 6 months beginning with the day on which the Private Tenancies Act (Northern Ireland) 2022 receives Royal Assent.
- (9) If the Department does not make regulations under paragraph (2) before the end of the period of 12 months beginning with the date on

which it lays the report under paragraph (7), this Article ceases to have effect at the end of that period.

Rent increases

Restriction on frequency of rent increases

5D.—(1) This Article applies to any private tenancy except a controlled tenancy (within the meaning given by Article 40(4)).

(2) The rent payable under a tenancy to which this Article applies may not be increased—

- (a) within the period of 12 months beginning with the date on which the tenancy is granted, or
- (b) within the period of 12 months beginning with the date on which the last increase took effect;

but this is subject to regulations under paragraph (3).

(3) The Department may by regulations specify circumstances in which paragraph (2) does not apply.

(4) Circumstances specified under paragraph (3) may include, in particular, circumstances in which the dwelling-house let under the tenancy is renovated, refurbished, altered or extended.

(5) The Department may by regulations amend paragraph (2)(a) or (b) so as to substitute, for the period that is for the time being specified there, a period that is 12 months or more but not more than 2 years.

Requirement to give written notice of increase

5E.—(1) This Article applies to any private tenancy except a controlled tenancy (within the meaning given by Article 40(4)).

(2) The rent payable under a tenancy to which this Article applies may not be increased unless the landlord gives written notice complying with paragraphs (3) to (5).

(3) The notice must specify—

- (a) the date on which the increase in the rent will take effect, and
- (b) the rent that will be payable after the increase.

(4) The date specified under paragraph (3)(a) must be not less than 3 months after the date on which the notice is given to the tenant.

(5) The notice must—

- (a) contain such other information, and
- (b) be in such form,

as may be prescribed.”.

(3) In Article 72 (provisions concerning regulations)—

- (a) in paragraph (3), after “5A,” insert “5C, 5D(3) or (5),”;
- (b) after paragraph (4) insert—

“(5) Before laying a draft of regulations under Article 5D(5) before the Assembly, the Department must consult—

- (a) such persons as appear to it to be representative of landlords,
- (b) such persons as appear to it to be representative of tenants, and
- (c) such persons as the Department considers appropriate (which may include landlords or tenants).”.

Fire, smoke and carbon monoxide alarms, etc.

8.—(1) The 2006 Order is amended as follows.

(2) After Article 11 insert—

“Application of Articles 11B to 11F

11A.—(1) The provisions set out in Articles 11B to 11F apply in relation to—

- (a) any private tenancy of a dwelling-house granted on or after the date on which section 8 of the Private Tenancies Act (Northern Ireland) 2022 comes into operation, and
- (b) any private tenancy of a dwelling-house granted before the date on which section 8 of the Private Tenancies Act (Northern Ireland) 2022 comes into operation (but only from the prescribed date).

(2) For the purposes of paragraph (1)(b), a statutory tenancy is to be treated as if it were a private tenancy granted before the commencement of section 8 of the Private Tenancies Act (Northern Ireland) 2022 (regardless of when the dwelling-house in question became subject to the statutory tenancy).

Landlord’s duties: fire, smoke and carbon monoxide alarms

11B.—(1) The landlord under a private tenancy must keep in repair and in proper working order—

- (a) sufficient appliances for detecting fire or smoke, and for giving warning in the event that they are detected, and
- (b) sufficient appliances for detecting whether carbon monoxide is present at levels that are harmful to people, and for giving warning if it is.

(2) The Department may by regulations set minimum standards for the purpose of determining whether the duties under paragraph (1) have been complied with.

(3) The standards that may be set under paragraph (2) include standards as to the number, type and condition of appliances that should be installed in circumstances specified in the regulations.

(4) A landlord who fails to comply with a duty under paragraph (1) is guilty of an offence under this Order.

Tenant’s duties: fire, smoke and carbon monoxide alarms

11C. The tenant under a private tenancy—

- (a) must take proper care of the appliances installed for the purposes of Article 11B as a good tenant;
- (b) must make good any damage to those appliances wilfully or negligently done or caused by the tenant, by any tenant of his or hers or by any other person lawfully living in or lawfully visiting the premises.

Landlord's duties: private tenancy of part of a building

11D. Where a dwelling-house let under a private tenancy consists of a part of a building, the duties imposed on the landlord by Article 11B may require the landlord to position appliances in a part or parts of the building not comprised in the tenancy.

General qualification on landlord's duties

11E. The duties imposed on the landlord by Article 11B do not require the landlord to carry out works or repairs for which the tenant is liable by virtue of Article 11C.

Knowledge of disrepair

11F. A landlord is not under a duty to carry out works by virtue of Article 11B unless the landlord has actual knowledge (whether because of notice given by the tenant or otherwise) of the need for those works.”

(3) In Article 68(1) (prosecution and punishment of offences), after “5ZC(4),” (as inserted by section 4) insert “11B(4),”.

(4) Article 68A (fixed penalty for certain offences) is amended as follows.

(5) In paragraph (1)—

(a) at the end of sub-paragraph (a), omit “or”;

(b) after that sub-paragraph insert—

“(aa) an offence under Article 11B(4);”.

(6) In paragraph (8), after “5B(10)” insert “, 11B(4)”.

Energy efficiency regulations

9. Schedule 2 contains amendments to the 2006 Order enabling the Department for Communities to make regulations concerning the energy efficiency of dwelling-houses let under a private tenancy.

Electrical safety standards regulations

10. Schedule 3 contains amendments to the 2006 Order enabling the Department for Communities to make regulations concerning electrical safety standards in dwelling-houses let under a private tenancy.

Validity requirements for notices to quit given by landlords and tenants

11.—(1) The 2006 Order is amended in accordance with subsections (2) to (7).

(2) Article 14 (length of notice to quit) is amended in accordance with subsections (3) to (5).

(3) For paragraph (1) substitute—

“(1) A notice by a landlord to quit a dwelling-house let under a private tenancy is not valid unless—

- (a) it is in the prescribed form and contains the prescribed information, and
- (b) it is given not less than the relevant period before the date on which it is to take effect.”.

(4) For paragraphs (1A) and (2) substitute—

“(1A) For the purposes of paragraph (1) the relevant period is—

- (a) 8 weeks, if the tenancy has not been in existence for more than 12 months;
- (b) 4 months, if the tenancy has been in existence for more than 12 months but not for more than 3 years;
- (c) 6 months, if the tenancy has been in existence for more than 3 years but not for more than 8 years; and
- (d) 7 months, if the tenancy has been in existence for more than 8 years;

but this is subject to regulations made under paragraph (5).

(2) Paragraph (1) applies whether the private tenancy was granted before or after the commencement of this Order.

(3) The Department may by regulations amend any sub-paragraph of paragraph (1A) so as to provide a different relevant period.

(4) Regulations under paragraph (3) may provide that the relevant period is different in different cases within a particular sub-paragraph of paragraph (1A) described by reference to the period for which the tenancy has been in existence.

(But this is without prejudice to the application of section 17(5) of the Interpretation Act (Northern Ireland) 1954.)

(5) The Department may by regulations provide that, in cases falling within the circumstances set out in paragraph (6), the relevant period for the purposes of paragraph (1) is as prescribed in the regulations.

(6) The circumstances are—

- (a) the tenant is in substantial arrears of rent;
- (b) the tenant, or a member of the tenant’s household, has engaged in serious anti-social behaviour in, or in the locality of, the dwelling-house;
- (c) the tenant, or a member of the tenant’s household, is convicted of a relevant criminal offence.

(But see paragraph (9) for provision regarding other circumstances.)

(7) Regulations under paragraph (5)—

- (a) may make provision that applies to all cases that fall within a sub-paragraph of paragraph (6) and, for that purpose, may make provision about the meaning of any expression used in that sub-paragraph;

- (b) may make provision that applies to cases of a prescribed description that fall within a sub-paragraph of paragraph (6);
- (c) may provide that the relevant period is different in different cases that fall within a sub-paragraph of paragraph (6) described by reference to the period for which the tenancy has been in existence;
- (d) may make provision about the evidence to be provided to show that a case falls within a sub-paragraph of paragraph (6) or within a prescribed description.

(But sub-paragraphs (a) to (c) are without prejudice to the application of section 17(5) of the Interpretation Act (Northern Ireland) 1954.)

(8) The Department—

- (a) may not make regulations under paragraph (5) that come into operation before the end of the emergency period within the meaning of section 1(2) of the Private Tenancies (Coronavirus Modifications) Act (Northern Ireland) 2020, but
- (b) must make regulations under paragraph (5) that come into operation before the end of the period of 2 years beginning with the date on which this Act receives Royal Assent.

(9) The Department may by regulations amend paragraph (6) so as to add to the list of circumstances set out in it.

(10) Amendments made by virtue of regulations under paragraph (3), and provision made by regulations under paragraph (5), do not apply in relation to a notice to quit given before the date on which the regulations come into operation.”.

(5) At the end of the heading to the Article add “: by landlords”.

(6) After Article 14 insert—

“Length of notice to quit: by tenants

14A.—(1) A notice by a tenant to quit a dwelling-house let under a private tenancy is not valid unless—

- (a) it is given in writing, and
- (b) it is given not less than the relevant period before the date on which it is to take effect.

(2) For the purposes of paragraph (1) the relevant period is—

- (a) 4 weeks, if the tenancy has not been in existence for more than 10 years;
- (b) 12 weeks, if the tenancy has been in existence for more than 10 years.

(3) Paragraph (1) applies regardless of the date on which the private tenancy was granted.

(4) The Department may by regulations amend paragraph (2) so as to provide that, in relation to a tenancy in existence for more than 12 months but not more than 10 years, the relevant period is a period that is more than 4 weeks but not more than 12 weeks.

(5) Regulations under paragraph (4) may provide that the relevant period is different in different cases within that paragraph described by reference to the period for which the tenancy has been in existence.

(But this is without prejudice to the application of section 17(5) of the Interpretation Act (Northern Ireland) 1954.)

(6) Any amendment made by virtue of regulations under paragraph (4) does not apply in relation to a notice to quit given before the date on which the amendment comes into operation.”.

(7) In Article 72 (provisions concerning regulations)—

(a) in paragraph (3), after “5D(3) or (5),” (as inserted by section 7) insert “14, 14A,”;

(b) in paragraph (5) (as inserted by section 7), after “Article 5D(5)” insert “, 14 or 14A”.

(8) In consequence of subsections (3) and (4), omit section 3 of the Housing (Amendment) Act (Northern Ireland) 2011.

(9) At any time before the coming into operation of sub-paragraph (a) of Article 14(1) (as inserted by subsection (3)), paragraph (1) of that Article has effect as if, before sub-paragraph (b), there were inserted—

“(aa) it is given in writing, and”.

(10) At any time before the coming into operation of the paragraph (1A) of Article 14 that is inserted by subsection (4), that Article has effect as if, before paragraph (2), there were inserted—

“(1A) For the purposes of paragraph (1) the relevant period is—

(a) 4 weeks, if the tenancy has not been in existence for more than 12 months;

(b) 8 weeks, if the tenancy has been in existence for more than 12 months but not for more than 10 years;

(c) 12 weeks, if the tenancy has been in existence for more than 10 years.”.

(11) The amendments made by this section do not apply in relation to a notice to quit given before the date on which this section comes into operation.

Payment options for tenants: power to make provision and duty to consult

12.—(1) The Department for Communities may by regulations make provision for the purpose of ensuring that, when a private tenancy of a dwelling-house is granted, the tenant is given options as to the method of payment of rent and other sums due in respect of the tenancy.

(2) Regulations under subsection (1) may in particular—

(a) impose duties on prospective landlords to provide specified information or documents before the terms of a tenancy are agreed;

(b) require that tenancy agreements, or proposed tenancy agreements, contain specified terms or (if they are in writing) that they be in a specified form;

- (c) specify methods of payment that must or must not be offered by a prospective landlord, or that may or must not be agreed by the parties, for the purposes of payment of rent or other sums due in respect of a tenancy;
 - (d) make provision as to the rights of tenants or landlords to vary any term of the tenancy as to the method of payment (including provision restricting or excluding any such right);
 - (e) make provision as to the consequences of a failure to accept, or a failure to tender, payment by a method agreed under a tenancy (including provision as to whether or not the tenant is to be regarded as being in arrears);
 - (f) make provision as to the consequences of a breach of a prohibition imposed by the regulations or a failure to comply with a requirement imposed by them (including provision that creates offences);
 - (g) amend any statutory provision (within the meaning given by section 1(f) of the Interpretation Act (Northern Ireland) 1954);
 - (h) make such consequential, supplementary, transitory or transitional provision, or such savings, as the Department considers appropriate.
- (3) In subsection (2), “specified” means specified in the regulations.
- (4) Any offence created by virtue of subsection (2)(f)—
- (a) is not to be triable on indictment or punishable with imprisonment;
 - (b) is not to be punishable with a fine exceeding level 4 on the standard scale.
- (5) The Department must consult the following persons as to whether to exercise the power conferred by subsection (1)—
- (a) district councils,
 - (b) such persons as appear to it to be representative of landlords,
 - (c) such persons as appear to it to be representative of tenants, and
 - (d) such other persons as it considers appropriate (which may include landlords or tenants).
- (6) The Department must prepare a report on the consultation and—
- (a) lay the report before the Assembly, and
 - (b) publish it in such manner as the Department considers appropriate.
- (7) The Department must lay and publish the report under subsection (6) before the end of the period of 18 months beginning with the day on which this Act receives Royal Assent.
- (8) The Department may not make regulations under subsection (1) unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.

Interpretation

13. In this Act “the 2006 Order” means the Private Tenancies (Northern Ireland) Order 2006.

Commencement

14.—(1) The following provisions come into operation on the day after the day on which this Act receives Royal Assent—

- (a) sections 12 and 13;
- (b) this section; and
- (c) section 15.

(2) The following provisions come into operation on the day after the day on which this Act receives Royal Assent insofar as they confer power to make regulations—

- (a) section 1;
- (b) section 2 and Schedule 1;
- (c) section 7;
- (d) section 8;
- (e) section 9 and Schedule 2;
- (f) section 10 and Schedule 3; and
- (g) section 11, except in so far as it confers a power to make regulations under Article 14(3) of the 2006 Order (as inserted by subsection (4) of that section).

(3) Subsections (4) and (5) apply to the provisions of section 11, except—

- (a) the provisions of that section commenced by subsection (2)(g),
- (b) subsection (3) of that section in so far as it inserts sub-paragraph (a) into Article 14(1) of the 2006 Order, and
- (c) subsection (4) of that section in so far as it substitutes paragraph (1A) of Article 14 of the 2006 Order and inserts paragraphs (3) and (4) into that Article.

(4) The provisions to which this subsection applies come into operation on the day after the day on which this Act receives Royal Assent.

(5) But if (apart from this subsection) those provisions would come into operation before the end of the emergency period within the meaning of section 1(2) of the Private Tenancies (Coronavirus Modifications) Act (Northern Ireland) 2020 they come into operation at the end of that period.

(6) Section 11(4), in so far as it substitutes paragraph (1A) of Article 14 of the 2006 Order and inserts paragraphs (3) and (4) into that Article, comes into operation on the coming into operation of the first regulations made under Article 14(5) of the 2006 Order (as inserted by section 11(4)).

(7) The other provisions of this Act come into operation on such day or days as the Department for Communities may by order appoint.

(8) An order under this section may make such transitory or transitional provision, or savings, as the Department for Communities considers appropriate.

Short title

15. This Act may be cited as the Private Tenancies Act (Northern Ireland) 2022.

SCHEDULES

SCHEDULE 1

Section 2.

TENANT TO BE GIVEN NOTICE REGARDING CERTAIN PAST
MATTERS*Tenancies granted on or after 30 June 2011 but before the coming into operation
of section 1*

1.—(1) This paragraph applies where—

- (a) a private tenancy of a dwelling-house was granted on or after 30 June 2011 but before the commencement date; and
- (b) the dwelling-house is let under that tenancy on the commencement date.

(2) The landlord under the tenancy must, within 28 days after the commencement date, give to the tenant a notice—

- (a) in the prescribed form, and
- (b) containing the prescribed particulars and other prescribed information relating to the tenancy.

(3) Where a landlord has, between the granting of the tenancy and the commencement date, given the tenant a notice that substantially meets the requirements of sub-paragraph (2), the landlord is to be regarded as having complied with that sub-paragraph.

(4) A tenant must not be required to make a payment in respect of any notice under sub-paragraph (2).

(5) A landlord who fails to comply with sub-paragraph (2) is guilty of an offence.

*Variation of certain terms on or after 30 June 2011 but before the coming into
operation of section 1*

2.—(1) This paragraph applies where—

- (a) on or after 30 June 2011 but before the commencement date, a prescribed term of a private tenancy of a dwelling-house was varied; and
- (b) the dwelling-house is let under that tenancy on the commencement date; and it applies regardless of the date on which the tenancy was granted.

(2) In sub-paragraph (1) “varied” includes varied by omission.

(3) The landlord under the tenancy must, within 28 days after the commencement date, give to the tenant a notice—

- (a) in the prescribed form, and
- (b) containing the prescribed particulars and other prescribed information relating to the tenancy.

(4) Where a landlord has, between the varying of the prescribed term and the commencement date, given the tenant a notice that substantially meets the requirements of sub-paragraph (3), the landlord is to be regarded as having complied with that sub-paragraph.

(5) A tenant must not be required to make a payment in respect of any notice under sub-paragraph (3).

(6) A landlord who fails to comply with sub-paragraph (3) is guilty of an offence.

Continued failure by landlord to provide notice under paragraph 1 or 2 after conviction or fixed penalty

3.—(1) If a landlord is convicted of an offence under paragraph 1(5) or 2(6), and the failure continues for more than 14 days after the conviction, the landlord is deemed to have committed a further offence under that sub-paragraph in respect of that failure.

(2) Sub-paragraph (3) applies where—

- (a) a landlord fails to comply with paragraph 1(2) or 2(3),
- (b) the landlord is given a fixed penalty notice under paragraph 6 in respect of an offence under paragraph 1(5) or 2(6) on the grounds of that failure, and
- (c) the landlord pays the fixed penalty stated in the notice.

(3) If the failure to comply with paragraph 1(2) or 2(3) continues for more than 14 days after the landlord pays the fixed penalty, the landlord is guilty of an offence.

Punishment and prosecution of offences under this Schedule

4. A person who is guilty of an offence under paragraph 1(5), 2(6) or 3(3) is liable on summary conviction to a fine not exceeding level 4 on the standard scale.

5. Proceedings for an offence under paragraph 1(5), 2(6) or 3(3) may be instituted by the appropriate district council.

Fixed penalty notices

6.—(1) This paragraph applies where on any occasion an authorised officer of a district council has reason to believe that a person (“P”) has committed—

- (a) an offence under paragraph 1(5) or 2(6), except one deemed to have been committed by virtue of paragraph 3(1), or
- (b) an offence under paragraph 3(3).

(2) The authorised officer may give P a notice in the prescribed form offering P the opportunity of discharging any liability to conviction for the offence by payment of a fixed penalty.

(3) A fixed penalty payable under this paragraph is payable to the district council whose officer gave the notice.

(4) Where P is given a notice under this paragraph in respect of an offence—

- (a) no proceedings may be instituted for that offence before the expiration of the period of 14 days, or such other period as may be specified in the notice, following the date of the notice; and

(b) P may not be convicted of that offence if P pays the fixed penalty before the expiration of that period.

(5) A notice under this paragraph must give such particulars of the circumstances alleged to constitute the offence as are necessary for giving reasonable information of the offence.

(6) A notice under this paragraph must also state—

- (a) the period during which, by virtue of sub-paragraph (4), proceedings will not be taken for the offence;
- (b) the amount of the fixed penalty; and
- (c) the person to whom and the address at which the fixed penalty may be paid.

(7) The fixed penalty payable to a district council under this paragraph in respect of an offence under paragraph 1(5), 2(6) or 3(3) is an amount determined by the council, being an amount not exceeding one-fifth of the maximum fine payable on summary conviction of that offence.

(8) In any proceedings a certificate which—

- (a) purports to be signed on behalf of the clerk of the council, and
- (b) states that payment of a fixed penalty was or was not received by a date specified in the certificate,

is evidence of the facts stated.

(9) A district council may use amounts paid to it in pursuance of notices under this paragraph only for the purposes of its functions under this paragraph or the 2006 Order, or such other of its functions as may be prescribed.

(10) In this paragraph “authorised officer”, in relation to a district council, means an officer of the council who is authorised in writing by the council for the purposes of this paragraph.

Supplementary and interpretation

7. Regulations under paragraph 1, 2 or 6 are subject to negative resolution.

8. In paragraphs 1 and 2 “the commencement date” means the date on which section 1 comes into operation.

9. Any expression that is used in both this Schedule and the 2006 Order has the same meaning in this Schedule as in that Order.

SCHEDULE 2

Section 9.

ENERGY EFFICIENCY REGULATIONS

1. The 2006 Order is amended as follows.

2. After Article 11F (as inserted by section 8) insert—

*“Energy efficiency***Energy efficiency of dwelling-houses let under a private tenancy**

11G.—(1) The Department may by regulations provide that a person may not—

- (a) grant a private tenancy of a dwelling-house to which paragraph (2) applies;
- (b) continue to let out under a private tenancy a dwelling-house to which paragraph (2) applies.

(2) This paragraph applies to a dwelling-house—

- (a) in relation to which there is an energy performance certificate, and
- (b) that falls below such level of energy efficiency (as demonstrated by the energy performance certificate) as is provided for by the regulations.

(3) Regulations under paragraph (1) may provide for the granting to a person, in respect of a dwelling-house, of—

- (a) an exemption on the ground that the dwelling-house is of such description as is provided for in the regulations;
- (b) an exemption that is to have effect for a period of time and is subject to the condition that specified works or measures for improving efficiency in the use of energy in the dwelling-house are carried out within that period (an “improvement exemption”);
- (c) an exemption on such other grounds as may be provided for in the regulations.

(4) In paragraph (3)—

- (a) “exemption” means an exemption from a prohibition imposed under paragraph (1);
- (b) “specified” means specified in the improvement exemption.

(5) Regulations that provide for exemptions by virtue of paragraph (3) may include, in particular, provision—

- (a) for exemptions to be granted by a prescribed person or prescribed persons (the “authority”);
- (b) about the making of applications to the authority (including provision about the evidence which must or may be provided with applications);
- (c) for exemptions to have effect for a specified period of time (including provision for the authority to determine that period);
- (d) for a limit on the estimated cost of works or measures that may be specified in an improvement exemption (including a limit set by reference to the value of the dwelling-house or any other prescribed circumstances);
- (e) for the authority to maintain a publicly-accessible register of exemptions granted;
- (f) about appeals to a prescribed person or body against decisions regarding exemptions (including provision about how such appeals

may be disposed of and the effect of any exemption pending the determination of an appeal);

- (g) about the inspection of dwelling-houses for the purposes of an application for an exemption or for the purposes of an appeal;
- (h) in a case where an application or appeal is made in respect of a dwelling-house which is (on the date the application or appeal is made) let under a private tenancy, for the applicant or appellant to be exempt from a prohibition imposed under paragraph (1)(b) in respect of the dwelling-house pending the determination of the application or appeal;
- (i) about the consequences of providing false or misleading information in an application to the authority or in proceedings on an appeal (including provision creating criminal offences or invalidating exemptions);
- (j) for a person who acquires an estate in a dwelling-house which is (on the date of the acquisition) let under a private tenancy to be exempt from a prohibition imposed under paragraph (1)(b) in respect of that dwelling-house for a prescribed period of time.

(6) The regulations may provide that if—

- (a) a person is granted an improvement exemption, and
- (b) the person complies with prescribed conditions regarding the giving of notice to any tenant of the dwelling-house, or with such other conditions as may be prescribed,

works or measures specified in the exemption are to be regarded, for the purposes of Article 12, as works that the person is under a duty to execute.

(7) The regulations may also include such supplementary, incidental or consequential provision as the Department considers appropriate, including provision modifying any statutory provision.

(8) In this Article—

“private tenancy” does not include a protected tenancy or a statutory tenancy;

“energy performance certificate” means—

- (a) an energy performance certificate within the meaning given by the Energy Performance of Buildings (Certificates and Inspections) Regulations (Northern Ireland) 2008, or
- (b) such other statutory document issued for the purpose of determining or recording the energy performance or efficiency of a dwelling-house as may be prescribed.

(9) In paragraph (8) “statutory document” has the meaning given by section 1(e) of the Interpretation Act (Northern Ireland) 1954.

Private tenancy energy efficiency regulations: power to create offences

11H.—(1) Regulations under Article 11G may provide that a person who breaches a prohibition imposed under paragraph (1) of that Article is guilty of an offence.

(2) Regulations under Article 11G may provide that a person commits an offence if—

- (a) the person is granted an improvement exemption;
- (b) the person fails, without reasonable excuse, to carry out the works or measures specified in the exemption within the period of time so specified;
- (c) Article 11G(2) applies to the dwelling-house immediately after the expiration of that period of time; and
- (d) at any time during which the exemption had effect, the person—
 - (i) granted a private tenancy of the dwelling-house, or
 - (ii) continued to let the dwelling-house out under a private tenancy that was granted before the exemption had effect.

(3) The regulations may provide for inspections of a dwelling-house in respect of which an exemption has been granted by virtue of Article 11G(3)(b), for the purpose of investigating whether an offence created by virtue of this Article has been committed.

(4) The regulations may set out circumstances in which a person is, or is not, to be regarded as having a reasonable excuse for the purposes of an offence created by virtue of paragraph (2) (including circumstances where a person ceases to hold an estate in the dwelling-house).

(5) Any offence created by regulations under Article 11G—

- (a) is not to be triable on indictment or punishable with imprisonment;
- (b) is not to be punishable with a fine exceeding level 5 on the standard scale (but, in the case of an offence in respect of a prohibition imposed under Article 11G(1)(b), this is subject to paragraphs (6) to (9)).

(6) Paragraphs (7) and (8) apply where regulations under Article 11G create an offence in respect of a prohibition imposed under Article 11G(1)(b).

(7) The regulations must provide that where—

- (a) a person is convicted of an offence in respect of the granting of a private tenancy, or the letting out of a dwelling-house under a private tenancy, in breach of a prohibition imposed under Article 11G(1)(a) or (b) (“the initial conviction”),
- (b) after the initial conviction, the person continues to let out the dwelling-house under the tenancy, and
- (c) the person is convicted of an offence in respect of that continued letting in breach of a prohibition imposed under Article 11G(1)(b) (“the continuing offence”),

the continuing offence is to be punishable with a fine not exceeding one-hundredth of level 5 on the standard scale for every day or part of a day for which the letting continues after the initial conviction.

(8) The regulations must also provide that where—

- (a) a person grants a private tenancy, or continues to let out a dwelling-house under a private tenancy, in breach of a prohibition imposed under Article 11G(1)(a) or (b),
- (b) the person is given a fixed penalty notice under Article 68A in respect of an offence on the grounds of that breach,
- (c) the person pays the fixed penalty stated in the notice,
- (d) after payment of the fixed penalty, the person continues to let out the dwelling-house under the tenancy in breach of a prohibition imposed under Article 11G(1)(b), and
- (e) the person is convicted of an offence in respect of that continued breach (“the post-payment offence”),

the post-payment offence is to be punishable with a fine not exceeding one-hundredth of level 5 on the standard scale for every day or part of a day for which the breach continues after payment.

(9) A fine imposed by virtue of paragraph (7) or (8) may exceed level 5 on the standard scale.”.

3. In Article 68(3) (prosecution by appropriate district council), after “this Order” insert “(including any offence created by regulations under Article 11G)”.

4. In Article 68A (fixed penalty for certain offences)—

- (a) in paragraph (1), after sub-paragraph (aa) (as inserted by section 8) insert—

“(ab) an offence created by regulations under Article 11G (but this is subject to paragraph (1A))”;

- (b) after paragraph (1) insert—

“(1A) This Article does not apply where—

- (a) P has been convicted of an offence in respect of the granting of a private tenancy, or the letting out of a dwelling-house under a private tenancy, in breach of a prohibition imposed under Article 11G(1)(a) or (b) (“the initial offence”),
- (b) an authorised officer has reason to believe that, after that conviction, P has committed an offence in respect of a prohibition imposed under Article 11G(1)(b) (“the continuing offence”), and
- (c) it appears to the authorised officer that the continuing offence has been committed by P continuing to let out the dwelling-house under the tenancy in respect of which the initial offence was committed.”;

- (c) after paragraph (8) insert—

“(8A) The fixed penalty payable to a district council under this Article in respect of an offence created by regulations under Article 11G is an amount determined by the council, being an amount not exceeding one-fifth of the amount prescribed as the maximum fine for that offence; but this is subject to paragraphs (8B) and (8C).

(8B) Paragraph (8C) applies where—

- (a) P grants a private tenancy, or continues to let out a dwelling-house under a private tenancy, in breach of a prohibition imposed under Article 11G(1)(a) or (b) (“the initial breach”),
- (b) P is given a fixed penalty notice under this Article in respect of an offence on the grounds of the initial breach,
- (c) P pays the fixed penalty stated in the notice,
- (d) an authorised officer has reason to believe that, after payment of the fixed penalty, P has committed an offence in respect of a prohibition imposed under Article 11G(1)(b) (“the continuing offence”), and
- (e) it appears to the authorised officer that the continuing offence has been committed by P continuing to let out the dwelling-house under the tenancy in respect of which the initial breach was committed.

(8C) Where this paragraph applies, the penalty payable is an amount determined by the council, being an amount not exceeding one-five-hundredth of the amount prescribed as the maximum fine for that offence for every day or part of a day for which it appears to the officer that the letting has continued after payment (and, accordingly, the penalty payable may exceed one-fifth of the amount prescribed as the maximum fine for that offence).”.

5. In Article 72 (provisions concerning regulations)—

- (a) in paragraph (3), before “14” (as inserted by section 11) insert “11G,”;
- (b) after paragraph (5) (as inserted by section 7) insert—

“(6) Before making regulations under Article 11G, the Department must consult—

- (a) the Department for the Economy and the Department of Finance,
- (b) district councils,
- (c) such persons as appear to the Department to be representative of landlords,
- (d) such persons as appear to the Department to be representative of tenants, and
- (e) such other persons as the Department considers appropriate (which may include landlords or tenants).”.

SCHEDULE 3

Section 10.

ELECTRICAL SAFETY STANDARDS REGULATIONS

1. The 2006 Order is amended as follows.
2. After Article 11H (as inserted by Schedule 2) insert—

*“Electrical safety standards***Electrical safety standards for dwelling-houses let under a private tenancy**

11I.—(1) The Department may by regulations impose duties on the landlord of a dwelling-house let under a private tenancy for the purposes of ensuring that electrical safety standards are met during the period when the dwelling-house is let under the tenancy.

(2) “Electrical safety standards” means standards specified in, or determined in accordance with, the regulations in relation to—

- (a) the installations in the dwelling-house for the supply and use of electricity, or
- (b) electrical fixtures, fittings or appliances provided by the landlord.

(3) The duties imposed on the landlord may include duties to ensure that a qualified person has checked that the electrical safety standards are met.

(4) The regulations may make provision about—

- (a) how and when checks are carried out;
- (b) who is qualified to carry out checks.

(5) The regulations may require the landlord to undertake works as a result of checks carried out by the qualified person.

(6) The regulations may require the landlord—

- (a) to obtain a certificate from the qualified person confirming that electrical safety standards are met;
- (b) to give a copy of the certificate to the tenant, or a prospective tenant, or any other person specified in the regulations;
- (c) where the electrical safety standards are not met, to obtain from the qualified person a written description of the works required to meet the standards.

(7) Regulations under this Article are referred to in Articles 11J and 11K as “electrical safety standards regulations”.

Electrical safety standards regulations: power to create an offence

11J.—(1) Electrical safety standards regulations may provide that a landlord who fails to comply with a duty imposed under Article 11I(1) is guilty of an offence.

(2) Any offence created by virtue of paragraph (1)—

- (a) is not to be triable on indictment or punishable with imprisonment;
- (b) is not to be punishable with a fine exceeding level 5 on the standard scale.

Electrical safety standards regulations: other enforcement

11K.—(1) Electrical safety standards regulations may make provision, for the enforcement of a duty imposed under Article 11I(1)—

- (a) under which a landlord may be required to take remedial action;

(b) under which a district council may, with the consent of the tenant, arrange for a person to enter the dwelling-house and take remedial action.

(2) Regulations made by virtue of paragraph (1) may include, in particular, provision about procedural matters.

(3) Regulations made by virtue of paragraph (1) that make provision in connection with paragraph (1)(a) may include, in particular, provision enabling the landlord to make representations against any requirement to take remedial action.

(4) Regulations made by virtue of paragraph (1) that make provision in connection with paragraph (1)(b) may include, in particular, provision—

- (a) about appeals against any proposed remedial action;
- (b) enabling a district council to recover from the landlord any costs incurred by it in taking remedial action (“remedial costs”);
- (c) enabling a district council to recover from any agent of the landlord any remedial costs, up to the total amount of money held by the agent on behalf of the landlord;
- (d) under which any remedial costs due under the regulations are deemed, until recovered, to be charged on and payable out of the estate of the landlord in the land in relation to which the costs were incurred and the estate in that land of any person deriving title from the landlord;
- (e) about the enforceability and registration of any charge created under the regulations;
- (f) about the application of costs recovered.”.

3. In Article 68(3) (prosecution by appropriate district council), after “11G” (as inserted by Schedule 2) insert “or 11I”.

4. In Article 68A (fixed penalty for certain offences)—

- (a) after paragraph (1)(ab) (as inserted by Schedule 2) insert—
“(ac) an offence created by regulations under Article 11I; or”;
- (b) in paragraph (8), after “or 65A(4)” insert “or an offence created by regulations under Article 11I”.

5. In Article 72 (provisions concerning regulations)—

- (a) in paragraph (2), for “paragraph (3)” substitute “paragraphs (3) and (3A)”;
- (b) after paragraph (3) insert—
“(3A) Regulations under Article 11I(1) that contain provision mentioned in Article 11K(4)(d) may not be made unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.”;
- (c) after paragraph (6) (as inserted by Schedule 2) insert—
“(7) Before making regulations under Article 11I(1), the Department must consult—
(a) district councils,

- (b) such persons as appear to the Department to be representative of landlords,
- (c) such persons as appear to the Department to be representative of tenants, and
- (d) such other persons as the Department considers appropriate (which may include landlords or tenants).

(8) In the case of regulations that contain provision mentioned in Article 11K(4)(d), the consultation must take place before the draft of the regulations is laid before the Assembly.”.

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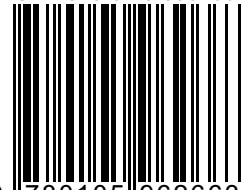
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Subject:	Orangefield Pavilion Artwork
Date:	10 th January 2023
Reporting Officer:	David Sales, Director of Neighbourhood Services
Contact Officer:	Cate Taggart, Neighbourhood Services Manager

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

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

1.0	Purpose of Report or Summary of main Issues
1.1	The purpose of this report is to update members on work with community partners and a group of young men in the Orangefield area, and to seek approval for a piece of artwork on the wall at Orangefield Pavilion.
2.0	Recommendations
2.1	<p>The Committee is asked to:</p> <ul style="list-style-type: none"> Approve the intent to install a piece of artwork on the wall at Orangefield Pavilion and agree the approach for codesigning the image.
3.0	Main report
	<u>Background</u>
3.1	East Belfast Alternatives have been working with a group of young men, supported by Eastside Greenways and Belfast City Council parks outreach team. This group of young men lost a

	friend at the start of the year to ongoing battles with mental health and substance misuse. This prompted a number of tributes and graffiti being sprayed on the walls at the pavilion.
3.2	East Belfast Alternatives have been using the pavilion every Thursday evening to work with the group of young men. They have undertaken training sessions around mental health including a wellness initiative created by the Trauma Resource Institute as well as emergency first aid and defibrillator training with the Red Cross. The group are keen to continue working together to support mental health initiatives, develop increased use of the pavilion for the community and take a bit of positive ownership of the space around the pavilion.
3.3	The group have requested approval to create a piece of artwork on the wall and produce something that would be a more fitting tribute to their friend as well as celebrate his work as a local artist. We believe this will also reduce any further graffiti or damage to the building and give the group a sense of ownership of the space. To date, the group have worked with a local east Belfast artist and have produced an image which council officers have advised might be unsuitable.
3.4	Officers have discussed and shared the PHA guidance on memorials which outlines some circumstance where memorials can have a negative effect on people, and also the importance of considering other park users - all who interpret images differently.
3.5	Officers are keen to support the work with this group of young men and continue to build on the positive outcomes for both the young men involved and the council's work to create safe, welcoming spaces and increase community and resident capacity for development and participation.
3.6	This project aligns with priorities set out in the Belfast City Council's Cultural Strategy, <i>A City Imagining</i> . One of the key themes of the strategy is 'A City Belonging', which proposes that through active participation, citizens will gain a sense of cultural belonging. Citizens should be supported to creatively express their identity and ensure they themselves and their creativity is reflected, welcomed and celebrated in their city.
3.7	The Orangefield Pavilion is a perfect example of this active participation as a group of young men have organised and engaged in creative expression on an issue that is important to them and is a positive message to the wider community (musical talent in Belfast and how creativity can help our mental health). Our cultural strategy positions citizens to be active agents of

	change and co-creators of cultural activity. These young men have taken on this role by engaging with artists, community organisers and local stakeholders – reinvigorating their local area in a collaborative and creative way.
3.8	Belfast recently gained UNESCO City of Music status and the story of what music means in Belfast is an important one to celebrate, which citizens have previously and repeatedly highlighted through consultation. This planned project celebrates a local artist who was part of initiatives such as HotBox Entertainment, a music studio based in East Belfast on Ravenhill Road which empowers young people to create and record their own music.
3.9	The mural and the work that these young men and all community groups involved are doing is carrying on the legacy of a local musician and advocating for what creativity can mean for people's mental health, their sense of belonging in their community and their ability to actively participate in and shape their city.
3.10	To achieve the Cultural Strategy, we have an ambitious year-long celebration of creativity planned for 2024. As part of <i>Belfast 2024</i> , the creative sector, city stakeholders and citizens across Belfast will be co-designing and participating in the creative programme of events, exhibitions, performances and more.
3.11	It is essential that, to achieve this level of participation, we are investing in and building relationships with communities where they are supported to realise their ideas and visions for creativity in their local areas, such as the mural for Orangefield Pavilion.
	<u>Approach for agreeing the image</u>
3.12	Officers recommend a co design approach with the group of young men, supported by the local artist, and including input from council's Culture and Arts team, local elected members, and a specialist input from a local mental health charity or art therapy service. We will use guidance previously agreed through committee on producing public animation/art around the centenary and ensure that we bring in expertise on the subject and ensure further engagement with other stakeholders.
	<u>Community/Partner consultation on the image</u>
3.13	Officers recommend that the young men would undertake a consultation process with the new agreed image. This would include pop up engagement with park users, as well as partners such as Eastside Greenways, Eastside Arts, EBCDA, East Street Team, People of Orangefield

	<p>Park, Bloomfield Football Club, Park Run, Bloomfield Wildlife, People of Orangefield Park, Bloomfield Community Association, Adopt a Spot groups, Orangefield Community Garden group, elected members. This engagement could be supported by Eastside Greenways team.</p>
3.14	<p>In addition to the image, the young men would like to include a QR code as part of the design which links the user to Spotify, and 7 of the artists songs. Also, a QR code beside the defibrillator which links the user to the East Belfast Health Hub App developed by EBCDA.</p>
3.15	<p>Officers from our communications team will check and approve the content before installation.</p>
	<p><u>Financial & Resource Implications</u></p>
3.16	<p>No financial cost to council. This project would be funded by East Belfast Alternatives and their Communities in Transition funding.</p> <p>Officers would advise that the permanency of the artwork be up to two years and then reviewed.</p> <p>The group could be supported with the DPCSP graffiti packs to remove any unwanted tagging themselves which will further support the level of ownership felt by the group.</p>
3.17	<p><u>Equality or Good Relations Implications and Rural Needs Assessment</u></p> <p>There are no associated impacts.</p>
4.0	Appendices – Documents Attached
	None



Subject:	Pitch Partner Agreements Short Term Extensions
Date:	10 January 2023
Reporting Officer:	David Sales, Director of Neighbourhood Services
Contact Officer:	Cate Taggart, Neighbourhood Services Manager

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

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

1.0	Purpose of Report or Summary of main Issues
1.1	In 2017/18 Council agreed to enter into Partner Agreements with local clubs at 6 of our council sites. The Agreements were for an initial period of 5 years with an option to extend, subject to satisfactory performance by the Agreement holders. The Department has extended all of the Agreements for a further 2 years beyond the initial 5 year period.
1.2	A number of these agreements will now expire before the end of the 2022/2023 financial year and these are listed below:

1.3	Facility	Club	Expiry Date
	Shore Road Playing fields	Grove United FC	8 December 2022
	Woodlands	Co. Antrim GAA	15 December 2022
	Orangefield Park	Bloomfield FC	15 December 2022
	Dixon Park	Sirocco FC	7 February 2023
1.3	To assure continuity of service the Director has extended the Agreements under the Scheme of Delegation and this report is to advise members of the current situation.		
2.0	Recommendations		
2.1	<p>The Committee is asked to:</p> <ul style="list-style-type: none"> Note that, under the Scheme of Delegation, the Director has extended the current Partner agreements for the sites at Shore Road Playing Fields, Woodlands, Dixon Park and Orangefield Park until 31 March 2023. 		
2.2	A further report will be tabled with Committee seeking any further extension for all agreements following the confirmation of 2023/24 budgets and linked to the timeframe and outcome of the CAT pilot.		
3.0	Main report		
	Legal Agreements		
3.1	In 2017 Council agreed to enter into Partner Agreements at the above listed sites..		
3.2	<p>Council is currently developing a new policy regarding the management of assets within the community with a pilot being delivered across a number of sites. One of the sites included in the initial pilot is Ulidia Playing Fields and this site has been assessed using the pilot approach. At their meeting in October, Strategic Policy and Resources committee endorsed this committee's recommendation to transfer the existing Partner Agreement at Ulidia to a long-term lease.</p>		
3.3	<p>It is anticipated that, following review of the CAT pilot process, a number of the sites listed above may also be made available for consideration under new management arrangements. Until that time, and to ensure continuity of service provision, it is intended that the remaining existing Partner Agreements continue until new arrangements are put in place.</p>		
	<u>Financial & Resource Implications</u>		
3.4	A total of £140,000 is available within revenue estimates for 22/23 to support the delivery of the Sports Development Plans at all the Partner Agreement sites.		

	<u>Equality or Good Relations Implications /Rural Needs Assessments</u>
3.5	None
4.0	Appendices – Documents Attached
	None

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Subject:	Proposal for naming new streets and continuation of existing streets
Date:	10th January, 2023
Reporting Officer:	Ian Harper, Building Control Manager
Contact Officer:	Roisin Adams, Business Coordinator

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

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

1.0	Purpose of Report or Summary of main Issues
1.1	To consider an application for the naming of a new street and continuation of two existing streets in the city.
2.0	Recommendations
2.1	<p>Based on the information presented, the Committee is required to make a recommendation in respect of an application for naming a new street in the city and the continuation of two new streets. The Committee may either:</p> <ul style="list-style-type: none"> Grant the application, or Refuse the application and request that the applicants submit other names for consideration.

3.0	Main report															
3.1	<p><u>Key Issues</u></p> <p>The power for the Council to name streets is contained in Article 11 of the Local Government (Miscellaneous Provisions) (NI) Order 1995.</p>															
3.2	<p>Members are asked to consider the following applications for naming a new street in the city and the continuation of two existing streets. The application particulars are in order and the Royal Mail has no objections to the proposed names. The proposed new names are not contained in the Council's Streets Register and do not duplicate existing approved street names in the city.</p> <table><tr><td>Proposed Name</td><td>Location</td><td>Applicant</td></tr><tr><td>Lady Ishbel Boulevard</td><td>Off Hospital Road, BT8</td><td>Alskea Ltd</td></tr></table> <table><tr><td>Proposed Continuation of Existing Street</td><td>Location</td><td>Applicant</td></tr><tr><td>Ishbel Gardens</td><td>Off Lady Ishbel Avenue, BT8</td><td>Alskea Ltd</td></tr><tr><td>Ishbel Mews</td><td>Off Haddo Crescent, BT8</td><td>Alskea Ltd</td></tr></table>	Proposed Name	Location	Applicant	Lady Ishbel Boulevard	Off Hospital Road, BT8	Alskea Ltd	Proposed Continuation of Existing Street	Location	Applicant	Ishbel Gardens	Off Lady Ishbel Avenue, BT8	Alskea Ltd	Ishbel Mews	Off Haddo Crescent, BT8	Alskea Ltd
Proposed Name	Location	Applicant														
Lady Ishbel Boulevard	Off Hospital Road, BT8	Alskea Ltd														
Proposed Continuation of Existing Street	Location	Applicant														
Ishbel Gardens	Off Lady Ishbel Avenue, BT8	Alskea Ltd														
Ishbel Mews	Off Haddo Crescent, BT8	Alskea Ltd														
3.3	<p>Alskea have proposed Lady Ishbel Boulevard, as their first choice for a new street which is located on the former site of the Purdysburn Fever hospital which was later known as Belvoir Park Hospital. Lady Ishbel was involved in medical organisations such as the Women's National Health Association of Ireland and other streets within the same development including Lady Ishbel Avenue and Ishbel Gardens are also associated with Lady Ishbel.</p>															
3.4	<p>The new street will include the development of 8 new dwellings. The applicant has proposed Lady Ishbel Lane and Lady Ishbel Wood as the second and third choice.</p>															
3.5	<p>Alskea have proposed Ishbel Gardens and Ishbel Mews for the continuation and realignment of two existing streets that are being extended with the construction of thirty five additional dwellings.</p> <p><u>Financial & Resource Implications</u></p>															
3.6	<p>There are no Financial, Human Resources, Assets and other implications in this report.</p>															

3.7	<u>Equality or Good Relations Implications/Rural Needs Assessment</u> There are no direct Equality implications.
4.0	Appendices – Documents Attached
	None

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Belfast
City Council

PEOPLE AND COMMUNITIES COMMITTEE

Subject:	Consultation response to Food Standards Agency on the proposed changes to the Food Law Code of Practice in relation to a new Food Standards delivery model
Date:	10 th January 2023
Reporting Officer:	Siobhan Toland, Director of City Services
Contact Officer:	David Cuthbert, City Protection Manager

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

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

1.0	Purpose of Report or Summary of main Issues
1.1	The Food Standards Agency (FSA) is seeking views and comments from stakeholders on the proposed changes to the Food Law Code of Practice (Northern Ireland) in relation to the introduction of the new Food Standards Delivery Model.
1.2	The proposals presented in the consultation are the introduction of a new method of determining the food standards risk posed by a food business, and a new frequency schedule for the delivery of food standards official controls. These changes will require significant changes to the Food Safety Unit's current information management system

	(CIVICA) for recording and reporting of food standards interventions and for the migration of existing premises to the new scheme.
1.3	The Council's Food Safety team have reviewed the FSA consultation questionnaire and have prepared a draft response for committee approval which indicates general support for the implementation of the new food standards delivery model. However the draft response comments on a number of technical points in relation to implementation, in particular the availability of financial assistance from the FSA for the necessary amendments to the IT systems used by the Food Safety Unit.
2.0	Recommendations
2.1	The Committee is requested to: <ul style="list-style-type: none"> • Approve the draft consultation response.
3.0	Main Report
3.1	In Northern Ireland, district councils (DCs) are Competent Authorities responsible for verifying compliance with food law in the majority of food businesses. The Food Standards Agency (FSA) is responsible for providing advice and guidance on the approach that DCs should take, and this is set out in the Food Law Code of Practice (the Code). DCs have a duty to have regard to the provisions in the Code in relation to the delivery of Official Controls.
3.2	Food standards interventions focus on food matters such as food labelling, provision of allergen information to consumers, food composition and food fraud. Working in collaboration with Councils and other key stakeholders, the FSA have developed a new delivery model for food standards official controls and interventions. This updated model provides a more flexible approach for DCs to better target resources at food businesses presenting the greatest risk.
3.3	The main proposals involve fundamental changes to the current Food Standards Delivery Model, and associated content within the Code of Practice, namely the introduction of: <ul style="list-style-type: none"> • a new Food Standards Intervention Rating Scheme that officers will use to evaluate the risk posed by a food business; and • a new Decision Matrix to determine the frequency at which food standards official controls should be delivered in line with the outcome of the risk assessment

	<ul style="list-style-type: none"> • changes to sections of the Code relating to the delivery of food standards interventions.
3.4	Food Safety Officers within Belfast City Council have expressed support for the new scheme within the draft response but have noted a number of concerns regarding the initial work required for migration from the current risk rating scheme, particularly with regard to the IT solutions and associated costs.
3.5	The proposed scheme was recently piloted by one council in NI however the proposed scoring element relating to control of allergens and provision of allergen information to consumers was not included in the pilot scheme. The Council involved in the pilot exercise has noted that this element would need to be further evaluated in order to determine the impact on the overall number of food standards inspections required each year in each Council area.
3.6	Allergen information provision continues to provide a challenge to food businesses and there is the potential for the revised scoring model to identify more premises into the priority category, thereby requiring revisits every month until compliance is secured. This may pose additional challenges for service planning within the Council's Food Safety service, due to the reactive nature of the new model. It will be difficult to estimate the numbers of planned interventions as a premises requiring a priority intervention may then require further multiple interventions within the same year.
3.7	Belfast City Council Food Safety Officers also anticipate that training will be required in excess of the FSA's estimations and have asked for specific training with regard to the application of scores to ensure consistency with other DC's, similar to that provided to the pilot council.
	<u>Finance and Resource Implications</u>
3.8	Financial support is being sought from the FSA to assist with the changes necessary to the Food Safety Unit's IT systems (Civica) to allow for the recording of food standards interventions under the new risk rating scheme and this is reflected in the consultation response.
	<u>Asset and Other Implications</u>
3.9	None

3.10	<u>Equality or Good Relations Implications/ Rural Needs Assessment</u> None.
4.0	Appendices – Documents Attached
	Appendix 1 – Draft consultation response

Consultation response template



Name: Click or tap here to enter text.

Organisation: Belfast City Council

Email: Click or tap here to enter text.

Question 1. Does the layout / presentation of the proposed revisions to the Code facilitate consistent interpretation? If not, how could they be improved?

Belfast City Council Food Safety Officers agree that the presentation and layout of the revisions of the Code facilitate consistent interpretation.

Question 2. Do you agree that the proposed changes to the food standards intervention rating scheme provide DCs with the ability to deploy current resources more effectively by improving the way in which the levels of risk and compliance associated with a business are assessed? If not, why not? (Please specify any aspects of the new model which require further consideration, and why).

Belfast City Council Food Safety Officers agrees that the proposed changes to the food standards intervention rating scheme does provide District Councils with the ability to deploy current resources more effectively as the proposed matrix will enable focus on non-compliant businesses. The proposed scheme provides for a more realistic assessment of risk by assessing inherent risk and business compliance separately which provides for a more proportionate and targeted enforcement regime.

Question 3. Do you agree that the proposed frequencies for official controls, specified in the decision matrix, within the new food standards intervention rating scheme are appropriate based on the levels of risk and compliance associated with the business? If not, please identify any concerns you have with the proposed frequencies.

Belfast City Council Food Safety Officers are of the opinion that the proposed frequency of 6 & 10 years is too long a period to leave a business uninspected, as business activities could significantly change in this time. They also believe that the priority intervention frequencies of 1 month will be onerous especially as these require an inspection, partial inspection or audit. The FLCOP should be clear if a rescore can be undertaken after assessment of the non-compliance identified in the priority intervention rather than completing a full inspection, partial inspection or audit provided other areas of the businesses activities have remained the same.

Question 4. Do you foresee any problems with the proposals under consultation? If yes, please outline what these problems are and what, if any, solutions we should consider?

Belfast City Council Food Safety Officers foresee problems in the mapping of data for the new FS model and subsequent implementation. In particular problems may be encountered in the mapping of data across from the current scheme, as some of the required fields in the risk assessment have not been scored previously in this format. Management information systems will require significant revisions, that will take considerable time and verification to ensure the data has mapped correctly. The Food Safety Officers also anticipate a large volume of premises will require an inspection in the initial period of operating the new model, which will put additional resource pressures on the unit. The officers are aware that a number of proposals such as the Scenario rule (page 91) and the additional compliance risk factor for allergen information (page 90) were not included in the pilot undertaken by Armagh, Bandbridge and Craigavon Borough Council and therefore the impact on workload has not been assessed. The Food Safety Officers would anticipate a significant increase in priority interventions resulting from these changes and would request that the FSA evaluate the potential impact of these changes. They also anticipate difficulties with food service planning due to the reactive nature of the new model. It will be difficult to estimate the numbers of planned interventions as a premises requiring a priority intervention may require multiple interventions in the inspection year. In addition this will be further complicated due to the intelligence element of the model, whereby unplanned inspections have to be undertaken due to reactive complaints or issues found during sampling.

Question 5. Do you agree with our assessment of the impacts on DCs and our assumptions on familiarisation resulting from the proposed changes to the Code? If not, why not?

Belfast City Council Food Safety Officers do not agree that the assessment on impacts accurately reflect the true costs of implementation of the proposed scheme. The assessment specifies FTE of 31 officers within the 11 DC's. This is a significant underestimation of officers due to the fact that officers in NI undertake combined Food Hygiene (FH) and Food Standards (FS) work so the true number should be a combination of FH and FS FTE figures. The Food Safety Officers do not believe that 1.7 hours per officer will be sufficient for familiarisation. The FSA should include ongoing consistency exercises during the initial role out and implementation of the revised scheme to ensure consistency in application across Northern Ireland. There is an unknown cost specified for updating of management information systems and mapping data to the new model. Belfast City Council anticipates that this will be a major cost, both in terms of officer and IT resource, and would appreciate clarification on financial support available for this.

Question 6. Do you foresee any other impacts from the implementation of the main proposals detailed beyond those we have identified? Where possible, please explain your views and provide quantifiable evidence (for example, costs associated with updating existing procedures, the benefits of greater flexibility to allocate staff to activities).

Belfast City Council do not foresee additional impacts other than those noted in the previous question.



Subject:	Request from GBBCA to extend their legal agreement with the Council for Grey Lag Goose Control in Victoria Park
Date:	10 th January 2023
Reporting Officer:	David Sales Director of Neighbourhood Services, City & Neighbourhood Services Department
Contact Officer:	Stephen Leonard, Neighbourhood Services Manager

Restricted Reports

Is this report restricted?

Yes

☐

No

☒

If Yes, when will the report become unrestricted?

After Committee Decision

After Council Decision

Some time in the future

Never

☐
☐
☐
☐

Call-in

Is the decision eligible for Call-in?

Yes

☒

No

☐

1.0	Purpose of Report or Summary of main Issues
1.1	For members to consider a request from George Best Belfast City Airport (GBBCA) to extend the current annual greylag goose legal agreement between BCC and GBBCA from the end of May to the end of June.
2.0	Recommendations
2.1	<p>The Committee is asked to:</p> <ul style="list-style-type: none"> Agree to a request from GBBCA to extend their current Greylag goose licence with BCC from the end of May to the end of June each year due to changes in Geese habits. Should members deem it necessary, GBBCA representatives have offered to attend the February 2023 committee meeting to make a short presentation to members.

3.0	Main report
	<u>Key Issues</u>
3.1	GBBCA have written to the Council informing them of their intention to apply to NIEA for greylag geese egg control in Victoria Park. In making this request GBBCA have outlined that these measures have been successful to date and therefore the risks and associated severity of a collision between geese and an aircraft have reduced. They value the legal agreement and understanding with BCC and see it as an important arrangement that enables them to continue to discharge their legal responsibilities with regards to air safety.
3.2	GBBCA have also reported that geese habits have changed in recent years and sometimes eggs are laid into June and their licence with NIEA now runs to the end of June each year. They are now similarly requesting that the legal agreement between BCC and GBBCA is also amended to take account of these changes and thus be extended to align with NIEA's licensed period.
3.3	GBBCA are aware that a similar request to this committee in December 2021 was not granted. To help enable the above change they have requested to attend February committee to make a short presentation and to answer any queries that might arise.
	<u>Financial & Resource Implications</u>
3.4	None
	<u>Equality or Good Relations Implications /Rural Needs Assessments</u>
3.5	None
4.0	Appendices – Documents Attached
	None