

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



**Belfast
City Council**

31st October, 2023

MEETING OF THE PEOPLE AND COMMUNITIES COMMITTEE

Dear Alderman/Councillor,

The above-named Committee will meet as a Hybrid Meeting (both remote and in person) in the Lavery Room - City Hall on Tuesday, 7th November, 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
- (d) Committee Schedule 2024 (Pages 1 - 4)

2. **Presentation**

- (a) Keep Recycling Local

3. **Restricted**

- (a) Alleygates Consultation Update (Pages 5 - 8)
- (b) Update on late night hot food premises opening hours on Ormeau Road (Pages 9 - 16)

- (c) Six monthly leisure management contract compliance and performance report (Pages 17 - 30)
- (d) Six monthly Healthwise and Physical Activity Referral report (Pages 31 - 38)

4. **Committee/Strategic Issues**

- (a) Lagan Valley Regional Park - Response from DfI (Pages 39 - 44)
- (b) Smokefree Generation consultation response and update on Vaping - Notice of Motion (Pages 45 - 80)
- (c) Social Supermarkets Update (Pages 81 - 84)
- (d) Belfast Boxing Strategy Update (Pages 85 - 90)
- (e) Stadia Community Benefits Initiative Update (Pages 91 - 98)
- (f) Partner Agreements Update (Pages 99 - 104)
- (g) Consultation on Private Tenancies Act 2022 Section 8: (Smoke, Heat and Carbon Monoxide alarms) and Section 10:(Electrical Safety Standards) (Pages 105 - 180)

5. **Physical Programme and Asset Management**

- (a) Shankill Bullring - Naming of New Park
- (b) Playground Improvement Programme (Pages 181 - 198)
- (c) Naming of open space/playground at Moltke Street (Pages 199 - 202)

6. **Operational Issues**

- (a) Winter Preparedness Update (Pages 203 - 212)
- (b) Request for the use of a Park for 2024 event (Pages 213 - 216)
- (c) Proposal for Dual Language Street Signs (Pages 217 - 220)
- (d) Dual language street sign applications made by developers (Pages 221 - 224)
- (e) Proposal for naming new streets and the continuation of an existing street (Pages 225 - 228)
- (f) Christmas/New Year Waste Collections - Verbal Update

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Subject:	Committee Schedule Report
Date:	7th November 2023
Reporting Officer:	Sara Steele, Democratic Services Officer
Contact Officer:	Sara Steele, Democratic Services Officer

Restricted Reports

Is this report restricted?

Yes

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No

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Please indicate the description, as listed in Schedule 6, of the exempt information by virtue of which the council has deemed this report restricted.

Insert number

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1. Information relating to any individual
2. Information likely to reveal the identity of an individual
3. Information relating to the financial or business affairs of any particular person (including the council holding that information)
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6. Information showing that the council proposes to (a) to give a notice imposing restrictions on a person; or (b) to make an order or direction
7. Information on any action in relation to the prevention, investigation or prosecution of crime

If Yes, when will the report become unrestricted?

After Committee Decision

After Council Decision

Sometime in the future

Never

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Call-in

Is the decision eligible for Call-in?

Yes

☒

No

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1.0	Purpose of Report or Summary of main Issues
	To advise the Committee of the dates and times of the meetings of the People and Communities Committee between January and December, 2024.
2.0	Recommendations
	The Committee is requested to approve the schedule of meetings for the People and Communities Committee as outlined.
3.0	Main report
3.1	<u>Key Issues</u> The monthly meeting of the People and Communities Committee is normally held at 5.15 p.m. on the 2nd Tuesday of each month. However, due to holiday periods and the timing of the monthly Council meetings and, in order to assist with the decision-making process, it has been necessary on occasions to move some of the meetings to later in the month. Please note that as previously agreed, special meetings of the People and Communities Committee are also held in respect of Housing Issues and to hear updates from the Belfast City Youth Council. Accordingly, the following dates have been identified for meetings of the People and Communities Committee for the period from January to December, 2024: • Tuesday 9th January at 5.15 pm • Tuesday 6th February at 5.15 pm • Tuesday 20th February at 5.15 pm – Special Housing • Tuesday 12th March at 5.15 pm • Tuesday 9th April at 5.15 pm • Tuesday 7th May at 5.15 pm • Tuesday 21st May at 5.15 pm - Special - BCYC • Tuesday 11th June at 5.15 pm • Tuesday 6th August at 5.15 pm • Tuesday 3rd September at 5.15 pm – Special Housing HIP Update • Tuesday 10th September at 5.15 pm • Tuesday 8th October at 5.15 pm • Tuesday 5th November at 5.15 pm • Monday 9th December – Special – BCYC • Tuesday 3rd December at 5.15 pm (All meetings will commence at 5.15 p.m.)
3.2	
3.3	
3.4	

3.5	<u>Financial and Resource Implications</u> None associated with this report.
3.6	<u>Equality or Good Relations Implications</u> None associated with this report.
4.0	Appendices – Documents Attached None associated with this report.

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

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By virtue of paragraph(s) 7 of Part 1 of Schedule 6
of the Local Government Act (Northern Ireland) 2014.

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

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By virtue of paragraph(s) 3 of Part 1 of Schedule 6
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Subject:	Response received from Department for Infrastructure re Lagan Valley Regional Park Funding
Date:	7th November, 2023
Reporting Officer:	David Sales, Director of Neighbourhood Services
Contact Officer:	Sara Steele, Democratic Services Officer

Restricted Reports	
Is this report restricted?	Yes ☐ No ☒
Please indicate the description, as listed in Schedule 6, of the exempt information by virtue of which the council has deemed this report restricted.	
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If Yes, when will the report become unrestricted?	
After Committee Decision After Council Decision Sometime 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	To note the correspondence received from the Department for Infrastructure.
2.0	Recommendations
2.1	The Committee is asked to note the correspondence as set out in the report.
3.0	Main report
	<u>Key Issues</u>
3.1	The Committee will recall that, at its meeting on 8th August, it agreed to write to the Department for Infrastructure to express its concern at the withdrawal of funding for Lagan Valley Regional Park for the financial year 2023-24.
3.2	The Committee is advised that a response was received from Ms. Violeta Morrison, PPTO, Rivers Directorate.
3.3	In her response, she advised that the Department was fully appreciative of the close working relationship that had existed between the Department and Lagan Valley Regional Park. The Department understood that the withdrawal of the discretionary funding of £42k from Lagan Valley Regional Park had left the Park in a precarious situation, however, the decision to cut all discretionary spending and, therefore the funding to LVRP, had been taken at Departmental level due to overall budget cuts that had affected all Departments. Therefore, the Department's Inland Waterways team would not be able to enter into a new Operational Service Agreement (OSA) with LVRP.
3.4	She referred to the lack of notice given to LVRP in relation to the withdrawal of funding, noting that the Inland Waterways team had communicated the uncertainty around funding to LVRP as early as March 2023, with further similar communications issued in June and July 2023. Despite this, LVRP continued to carry out their functions under the previous OSA, which expired in March 2023, for which, the Department was very grateful. However, due to the current financial situation, the Department could not compensate LVRP for the works undertaken. The Department's resource budget was only confirmed in early July and LVRP were excluded. Soon after that, the Department notified LVRP in writing that funding was not available for this financial year and that a new OSA would not be commenced.
3.5	She went onto detail that, the health and safety of those using the towpath remained the Department's highest priority. Therefore, the Department would continue to carry out its maintenance function along the full length of the Lagan Towpath, including the part previously

	looked after by the LVRP. Inland Waterways staff had been dealing with any enquiries and complaints regarding the Towpath. Regrettably, the Department had reached the stage where it had to prioritise its limited capacity on delivering the functions it was required to deliver by law.
3.6	Although the Department was not able to fund the full £42k previously provided to LVRP, the Department's Inland Waterways team had proposed an affordable reduced level of service at minimal cost, to cover litter collection and handling of enquiries by LVRP. The Department would be happy to explore this new option, and this had been communicated to LVRP on several occasions and most recently, at a meeting on 21st September, 2023.
3.7	The correspondence concluded by stating that unfortunately, the Department was not able to revisit the decision to withdraw the £42k discretionary funding for LVRP during this financial year, as it was faced with a considerable resource funding shortfall across all of its functions.
3.8	<u>Financial and Resource Implications</u> None associated with this report.
3.9	<u>Equality or Good Relations Implications/Rural Needs Assessment</u> None associated with this report.
4.0	Appendices – Documents Attached
	Appendix 1 – Response from Department for Infrastructure

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Department for

Infrastructure

An Roinn

Bonneagair

Depairtment fur

Infrastructure

www.infrastructure-ni.gov.uk

Mrs. Sara Steele

Via email: steelesara@belfastcity.gov.uk

Rivers Directorate
49 Tullywiggan Road
Loughry
Cookstown
Co Tyrone
BT80 8SG

Your reference: P&C 08.09.2023 SS/
Our reference:

12 October 2023

Dear Sara,

LAGAN VALLEY REGIONAL PARK FUNDING

Thank you for your letter dated 19 September 2023 regarding funding for Lagan Valley Regional Park and follow up email of 9 October 2023.

The Department is fully appreciative of the close working relationship that has existed between ourselves and Lagan Valley Regional Park. The Department understands that the withdrawal of discretionary funding of £42k from Lagan Valley Regional Park has left the park in a precarious situation however, the decision to cut all discretionary spending and, therefore the funding to LVRP, was taken at Departmental level due to overall budget cuts that have affected all Departments. This means that the Department's Inland Waterways team will not be able to enter into a new Operational Service Agreement (OSA) with LVRP.

The attached annex provides further background detail to address the issues raised in your letter.

I hope you find this information helpful.

Yours sincerely,

Violeta Morosan, PPTO

Rivers Directorate

Annex

1. With regard to the lack of notice given to LVRP in relation to the withdrawal of funding, the Inland Waterways team communicated the uncertainty around funding to LVRP as early as March 2023, with further similar communications issued in June and July 2023. Despite this, LVRP continued to carry out their functions under the previous OSA which expired in March 2023, and for that we are very grateful. However, due to our current financial situation, we are not able to compensate them for this work. The Department's resource budget was only confirmed in early July and LVRP were excluded. Soon after that, the Department notified LVRP in writing that funding was not available for this financial year and that a new OSA would not be commenced.
2. The health and safety of those using the towpath remains our highest priority. Therefore, the Department will continue to carry out its maintenance function along the full length of the Lagan Towpath, including the part previously looked after by the LVRP. Inland Waterways staff have been dealing with any enquiries and complaints regarding the Towpath. Regrettably, the Department has reached the stage where it must prioritise its limited capacity on delivering the functions it is required to deliver by law, which is already facing a considerable funding shortfall.
3. Although we are not able to fund the full £42k previously provided to LVRP, the Department's Inland Waterways team have proposed an affordable reduced level of service at minimal cost, to cover litter collection and handling of enquiries by LVRP. As we transition into a new area of work, we would be happy to explore this option, and this has been communicated to LVRP on several occasions and most recently, at a meeting on 21 September 2023.
4. Unfortunately, the Department is not able to revisit the decision to withdraw the £42k discretionary funding for LVRP during this financial year, as we are faced with a considerable resource funding shortfall across all our functions.



Subject:	Smokefree Generation consultation response and update on Vaping Notice of Motion
Date:	7 November 2023
Reporting Officer:	Siobhan Toland, Director City Services
Contact Officer:	David Cuthbert, City Protection Manager

Restricted Reports

Is this report restricted?

Yes

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If Yes, when will the report become unrestricted?

After Committee Decision

After Council Decision

Sometime in the future

Never

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Call-in

Is the decision eligible for Call-in?

Yes

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No

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1.0	Purpose of Report/Summary of Main Issues
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1.1	To update the Committee on the motion passed at Council in relating to vaping, including a draft Council response to the UK wide 'Smokefree Generation' consultation (published on 12 October 2023 by Department of Health and Social Care, in partnership with the Department of Health in Northern Ireland) which makes proposals for restrictions on the sale of tobacco and vapes, including a proposed UK wide ban on the sale of disposable vape products.
2.0	Recommendation
2.1	The committee is asked to: i) Note the updates on current policy context and recent strategic level engagements in relation to tobacco control and vaping issues; and ii) Agree the BCC draft response to the public consultation 'creating a Smoke free Generation – your views' and agree that officers submit the response by 6th December
3.0	Main Report
3.1	Council previously agreed the following notice of motion in April 2023: <i>“Belfast faces a growing problem of vaping by children and young adults. These products are addictive, damaging to health and often contain illegal substances. The legislation covering their sale is inadequate. While it is illegal to sell them to under 18s there is no registration of retailers, no restriction on the display of the products and no resources to identify illegal and harmful additives. Some disposable vapes are designed to be attractive to children and many are discarded in the street posing an environmental and health risk. In the face of a developing public health crisis this Council will convene a working group with other stakeholders, including the Department of Health, the Public Health Agency and the PSNI to consider measures to strengthen current legislation and enforcement, including the consideration of a ban on the sale of disposable vapes. Furthermore, the Council will ban the use of vapes by under 18s in all its sites and premises.”</i>
3.2	A previous update provided to the Committee at its meeting on 13th June 2023 indicated that Officers would engage with key partners, including Department of Health and the Public Agency to explore options for Elected Members to discuss potential measures to strengthen the control and restrictions around youth vaping.

3.3	Over recent months, concerns surrounding the sale and use of nicotine inhaling product (NIPs), including disposable vapes have been highlighted by a range of agencies, partners and working groups. These concerns have included matters relating to health impacts and addiction for young people, and environmental considerations. A range of public bodies and charitable organisations have publicly called for a complete ban on disposable vapes, including NILGA , the LGA in England and Wales, and the Welsh and Scottish Governments, with widespread media coverage at national and regional levels.
3.4	Since the last update to committee in June, Officers have engaged with officials from Department of Health and other partners such as the Public Health Agency who are represented on a range of multiagency groups, to seek updates on potential for input to the new NI Tobacco Strategy, and to identify options for suitable engagement by Elected Members. Whilst this work with the Department was still in progress, the UK Government have now brought forward a UK wide consultation on proposals for increased controls on tobacco and youth vaping - <i>'Creating a smokefree generation and tackling youth vaping: your views'</i>. Tobacco industry declaration
3.5	The UK is a party to the World Health Organization Framework Convention on Tobacco Control. This places an obligation on public authorities and policy makers to protect the development of public health policy from the vested interests of the tobacco industry. Smokefree Generation Consultation
3.6	On 4th October 2023, the UK's Department of Health and Social Care (DHSC) published a command paper 'Stopping the start: our new plan to create a smokefree generation' setting out proposed action to protect future generations from the harms of smoking by creating the first smokefree generation, and measures to crack down on youth vaping. The command paper was followed on 12th October 2023 by publication of a UK wide public consultation on the proposals. Proposed changes to tobacco controls
3.7	The health impacts of smoking are well researched and documented, and whilst smoking rates have been falling nationally, a significant number of the population still smoke and experience impacts on their health. To further address these concerns the government is proposing to bring forward legislation making it an offence to sell tobacco products to anyone born on or after 1 January 2009. In effect, the law will stop children turning 14 or younger this year from ever legally being sold tobacco products - raising the smoking age by a year each year until it applies to the whole population. This will create a smoke-free generation by ensuring children and young people do not become addicted in the first place. Proposed changes to vaping controls

3.8 3.9 3.10 3.11 3.12	The consultation also sets out proposed measures to address youth vaping including: • restricting flavours (options include potential bans on fruit, menthol and mint flavourings) • regulating point of sale displays (including proposals for vapes to be off display) • regulating packaging and presentation (including proposals for plain packaging of vapes with no colours or logos). • considering restricting the supply and sale of disposable vapes (including a potential ban on disposable vapes) • consideration of whether regulations should extend to non-nicotine vapes • taking action on the affordability of vapes • enforcement measures including fixed penalty notices Draft Council response to the Smokefree Generation Consultation A draft response to the consultation has been prepared for the Committee's consideration and approval. The draft response highlights the Council's support for the strengthened measures being proposed, and highlights that measures addressing smoking and vaping will contribute to the Council's outcomes and priorities in the Belfast Agenda, helping to create a city where everyone experiences good health and wellbeing, and supporting a city that is attractive, welcoming and environmentally sustainable. The Action on Smoking and Health (ASH) report 'Use of e-cigarettes among young people in Great Britain' shows that the number of children using vapes has tripled in the past 3 years and a staggering 20.5% of children in Great Britain had tried vaping in 2023. According to the Northern Ireland Young persons behaviour and attitudes survey 2022, 21.3% of 11 to 16 year olds in Northern Ireland reported having ever used an e-cigarette. Members will be aware there is a need to balance the desire to address issues surrounding youth vaping while also recognising the role that vaping products can play in supporting smoking cessation for adults. The draft consultation response prepared for the committee therefore highlights the potential impact that increased controls could bring, by restricting supply to young people, and also aiding enforcement controls, while facilitating sale of products for smoking cessation support. Members will also be growing concern over the increasing environmental impacts of disposable vaping products due to lithium batteries and hard to recycle components, and the increasing volume which are littered or thrown in the bin. Recent research on vape disposal by YouGov commissioned by Material Focus found that almost 5 million disposable vapes are
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3.13	either littered or thrown away in general waste every week. These products have significant implications for waste collection facilities, with increased risk of fires.
3.14	There are measures already in place to ensure responsible production and disposal of waste electrical and electronic items through the Waste Electrical and Electronic Equipment Regulations 2013 (WEEE) and obligations under the Waste Batteries and Accumulators Regulations 2009. However, evidence suggests compliance with these obligations is low, given the recent surge of businesses supplying disposable vapes. Both the WEEE and batteries regulations are being reviewed, with consultations planned. The Councils draft response highlights these waste concerns in support of proposals for a ban on disposable vapes.
3.15	The Council's draft response to the consultation also highlights the need for Government to ensure that enforcement services are adequately funded and resourced, to ensure that any new regulatory provisions can be fully utilised. Elected Members are requested to approve the draft consultation response which is provided in Appendix 1. The closing date for the consultation is 6 December 2023. Use of vapes in Council premises: With regards to the Notice of Motion proposal for 'the Council to ban the use of vapes by under 18s in all its sites and premises', the Corporate Health and Safety Manager will bring a report to Strategic Policy and Resources Committee in due course regarding the use of electronic cigarettes in Council sites and premises.
3.16	<u>Financial and Resource Implications</u> None
3.17	<u>Equality or Good Relations Implications/Rural Needs Assessment</u> None
4.0	Appendices
	Appendix 1: Draft Belfast City consultation response to 'Creating a smoke free generation – your views'.

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Creating a smokefree generation and tackling youth vaping: your views

Published 12 October 2023

Summary

Background

Smoking is the single most entirely preventable cause of ill health, disability, and death in the UK. It is responsible for around 80,000 deaths a year, including about:

- 64,000 deaths per year in England (as reported by the Office for Health Improvement and Disparities in [Local tobacco control profiles](#))
- 8,300 deaths per year in Scotland (as reported by the [Scottish Public Health Observatory's information on smoking attributable deaths](#))
- 5,600 deaths per year in Wales (as reported by the [Public Health Wales Smoking in Wales report](#))
- 2,200 deaths per year in Northern Ireland (as reported by the [Northern Ireland Department of Health's tobacco control information](#))

No other consumer product kills up to two-thirds of its users. The Office for National Statistics' [Adult smoking habits in the UK 2022](#) reported that 6.4 million people in the UK were current smokers. This was 12.9% of people in the UK, and:

- 12.7% in England
- 14.1% in Wales
- 14.0% in Northern Ireland
- 13.9% in Scotland

Smoking causes harm throughout people's lives, not only for the smoker but for those around them. It is a major risk factor for poor maternal and infant outcomes, significantly increasing the chance of stillbirth and can trigger asthma in children. Smoking causes around 1 in 4 of all UK cancer deaths and is responsible for the great majority of lung cancer cases. Smoking is also a major cause of premature heart disease, stroke and heart failure, and increases the risk of dementia in the elderly. Smokers lose an average of 10 years of life expectancy, or around 1 year for every 4 smoking years.

As a result, smoking puts significant pressure on the NHS. In England, almost every minute of every day someone is admitted to hospital because of smoking, and up to

75,000 GP appointments could be attributed to smoking each month - equivalent to over 100 appointments every hour.

That is why, on 4 October 2023, the Department of Health and Social Care (DHSC) published a command paper [Stopping the start: our new plan to create a smokefree generation](#) setting out proposed action to protect future generations from the harms of smoking by creating the first smokefree generation, which the UK Government and devolved administrations are now seeking to consult on.

Devolved administrations is a collective term for the executive bodies in Northern Ireland, Scotland and Wales: the Northern Ireland Executive, the Scottish Government and the Welsh Government.

The command paper also set out measures to crack down on youth vaping. The Action on Smoking and Health (ASH) report [Use of e-cigarettes among young people in Great Britain](#) shows that the number of children using vapes has tripled in the past 3 years and a staggering 20.5% of children in Great Britain had tried vaping in 2023. According to the [Northern Ireland Young persons behaviour and attitudes survey 2022](#), 21.3% of 11 to 16 year olds in Northern Ireland reported having ever used an e-cigarette.

Due to nicotine content and the unknown long-term harms, vaping carries risks to health and lifelong addiction for children. The health advice is clear: young people and people who have never smoked should not vape.

The UK Government and devolved administrations have a duty to protect our children from the potential harms associated with underage vaping, while their lungs and brains are still developing. So, the UK Government and devolved administrations are consulting on several proposals on youth vaping including:

- restricting flavours
- regulating point of sale displays
- regulating packaging and presentation
- considering restricting the supply and sale of disposable vapes
- whether regulations should extend to non-nicotine vapes
- taking action on the affordability of vapes

These will need to balance having the biggest impact on youth vaping with ensuring vapes continue to support adult smokers to quit.

The command paper also focused on new measures to ensure the law is enforced. Underage and illicit sales of tobacco, and more recently vapes, are undermining the work of the UK Government and devolved administrations to regulate the industry and protect public health. In England and Wales, the government is seeking to introduce new powers for local authorities to issue fixed penalty notices (on the spot fines) to clamp down on those irresponsibly selling tobacco products and vapes to underage people.

Consultation overview

The consultation asks questions in 3 areas for which new legislation would be needed:

1. Creating a smokefree generation: on smoking, the case for change is clear and the UK Government and devolved administrations are consulting on the smokefree generation policy and its scope to inform future legislation.
2. Tackling youth vaping: while there is also significant evidence for action to tackle youth vaping, within each proposal the UK Government and devolved administrations are consulting on several options to ensure we take the most appropriate and impactful steps, building on England's [analysis of the youth vaping call for evidence](#).
3. Enforcement: the consultation also asks questions on the proposal to introduce new powers for local authorities in England and Wales to issue fixed penalty notices to enforce age of sale legislation of tobacco products and vapes.

The UK Government and devolved administrations would like to understand the impacts on businesses and on people, and if there are any impacts on groups with protected characteristics (see [Discrimination: your rights](#)). We want to hear from:

- the public - from young people, parents, carers and teachers
- the retail sector and the independent vaping industry
- local authorities across the UK
- clinicians and medical professionals
- public health stakeholders and academic experts
- employers and trade unions

The UK Government and devolved administrations would like to receive as much detail as possible under each of the themes of the consultation. For each multiple choice question, you will be able to provide additional information and evidence to support your answer through free text boxes.

The UK Government and devolved administrations will only make any decisions on these proposed measures after fully considering:

- the consultation responses we receive
- the evidence provided in those responses
- a further review of the international evidence base

Following this, impact assessments will be published.

The UK Government, Scottish Government and Welsh Government intend to bring forward legislation as soon as possible. In Northern Ireland, the outcome of this consultation will inform decisions of incoming ministers and the Northern Ireland Executive, or in the absence of ministers, those decisions that can be taken under

the [Northern Ireland \(Executive Formation etc\) Act 2022](#). This applies to all proposals in the consultation document.

Territorial extent

Health policy is a devolved matter in Scotland, Wales and Northern Ireland. DHSC in England, the Directorate for Population Health in Scotland, the Health and Social Services Group in Wales and the Department of Health in Northern Ireland are each responsible for improving public health. This includes reducing tobacco use by implementing comprehensive tobacco control strategies and minimising the health risks of youth vaping.

Environmental policy, like health policy, is a devolved matter. DHSC, the Department for Environment, Food and Rural Affairs and the devolved administrations will work together to agree a policy across the 4 nations on restricting disposable vapes and other appropriate measures.

While the legislative proposals in the command paper [Stopping the start: our new plan to create a smokefree generation](#) set out an approach for England only, governments across the UK are now consulting to understand whether they should take action in the areas outlined in the paper. So, with agreement with the devolved administrations, DHSC is leading this consultation UK-wide.

Tobacco industry declaration

The UK is a party to the [World Health Organization Framework Convention on Tobacco Control](#) and so has an obligation to protect the development of public health policy from the vested interests of the tobacco industry.

To meet this obligation, we ask all respondents to disclose whether they have any direct or indirect links to, or receive funding from, the tobacco industry.

Legislating to create a smokefree generation

There is no more addictive product that is legally sold in our shops than tobacco. Three-quarters of smokers would never have started if they had the choice again.

As outlined in the command paper [Stopping the start: our new plan to create a smokefree generation](#), we want to stop the start of addiction, as it is much easier to

never start smoking than to have to quit. The UK Government, Scotland and Wales will bring forward legislation making it an offence to sell tobacco products to anyone born on or after 1 January 2009.

The law will stop children turning 14 this year or younger from ever legally being sold tobacco products. In effect, raising the smoking age by a year each year until it applies to the whole population. The Department of Health in Northern Ireland will consider measures relating to a smokefree generation following this consultation.

Policy summary

This policy will make it an offence for anyone born on or after 1 January 2009 to be sold tobacco products (and in Scotland, also an offence for anyone born on or after 1 January 2009 to purchase tobacco products).

This follows a similar approach to New Zealand who became the first country in the world to introduce a restriction on the sale of tobacco to anyone born after a specified date, as part of its [Smokefree Aotearoa 2025 Action Plan](#). The New Zealand legislation makes it an offence to sell smoked tobacco products to anyone born on or after 1 January 2009, to first take effect in January 2027.

The UK Government, Scotland and Wales will also make it an offence for anyone at or over the legal age to purchase tobacco products on behalf of someone born on or after 1 January 2009 ('proxy purchasing'). The Department of Health in Northern Ireland will consider appropriate measures relating to a smokefree generation following this consultation.

Products in scope of the new legislation will mirror the current scope of age of sale legislation for tobacco products. This includes a wider range of products (see 'Product scope' below) than the New Zealand legislation, which only included smoked tobacco. However, New Zealand is taking forward other measures which the UK Government is not proposing, including through a licensing scheme to significantly reduce the number of retail outlets that can sell tobacco and through new limits to reduce the nicotine strength of cigarettes.

Product scope

In England and Wales, the current age of sale restriction is imposed under the [Children and Young Persons Act 1933](#). The age of sale restriction applies to tobacco products and cigarette papers.

In Scotland, the age of sale restrictions are set out Part 1 of the [Tobacco and Primary Medical Services \(Scotland\) Act 2010](#). Those restrictions apply to tobacco products and cigarette papers, which are defined in section 35 of that act.

In Northern Ireland, the age of sale restrictions for tobacco are set out in the [Health and Personal Social Services \(Northern Ireland\) Order 1978](#) and through subsequent amendments.

We propose that all tobacco products, cigarette papers and herbal smoking products would be subject to the proposed age of sale.

Products that would be in scope of the change include:

- cigarettes
- cigarette papers
- hand rolled tobacco
- cigars
- cigarillos
- pipe tobacco
- waterpipe tobacco products (for example shisha)
- chewing tobacco
- heated tobacco
- nasal tobacco (snuff)
- herbal smoking products

All other products such as vapes and nicotine replacement therapies would be out of scope for the smokefree generation proposal, because they do not contain tobacco and are often used as a quit aid for those who smoke.

Age of sale statements

In England and Wales, the [Children and Young Persons \(Protection from Tobacco\) Act 1991](#) requires retailers selling tobacco to display a notice in a prominent position at the point of sale stating that “it is illegal to sell tobacco products to anyone under the age of 18”.

In Scotland, this requirement is contained in the [Tobacco and Primary Medical Services \(Scotland\) Act 2010](#).

In Northern Ireland, this requirement is contained in the [Children and Young Persons \(Protection from Tobacco\) \(Northern Ireland\) Order 1991](#).

In light of this, the UK Government, Scotland and Wales propose that display statements will need to be changed and required to read “it is illegal to sell tobacco products to anyone born on or after 1 January 2009”.

The Department of Health in Northern Ireland will consider measures relating to age of sale statements following this consultation.

Prohibiting anyone born on or after 1 January 2009 from ever being sold tobacco products (and also from purchasing tobacco products, in Scotland) will impact children who are turning 14 or younger in 2023. Setting this date will mean the change in the law would come into effect in 3 to 4 years' time from January 2027, when this group of children turns 18.

Question

Do you agree or disagree that the age of sale for tobacco products should be changed so that anyone born on or after 1 January 2009 will never be legally sold (and also in Scotland, never legally purchase) tobacco products?

- Agree
- Disagree
- Don't know

Please explain your answer and provide evidence or your opinion to support further development of our approach. (maximum 300 words)

Belfast's City Strategy, the Belfast Agenda sets out our outcomes for the future, including that Belfast will be a city where everyone experiences good health and wellbeing. We know that smoking prevalence in Northern Ireland's most deprived areas remains at around 29% ([NI Health Survey 2021/22](#)), and many of these areas are within Belfast. While smoking prevalence in NI has decreased over the past 20 years, it continues to contribute to health inequalities in our city. Our updated draft Belfast Agenda strategy for 2023-2027 highlights addressing health inequalities as a priority.

Belfast City Council agrees that the age of sale for tobacco products should be changed to prevent people born on/ after the 1st January 2009 from purchasing tobacco. This will effectively reduce the availability of tobacco and prevent a new generation from starting to smoke and will have a positive impact upon their health. This is an essential step in creating a tobacco free society.

The Council is of the opinion that mandatory age identification checks should be introduced along with this legislation to ensure that retailers operate a mandatory No ID, No Sale policy to prevent anyone born on/after the 1st January 2009 from purchasing vapes. The acceptable forms of ID should be specified. In addition, online age verification must be enhanced to stop underage sales of tobacco products and vapes online.

Proxy sales refer to a person at or over the legal age of sale purchasing a product on behalf of someone under the legal age of sale. Proxy sales are prohibited under existing tobacco age of sale legislation. In this context, prohibiting proxy sales would mean that anyone born before 1 January 2009 would be prohibited from purchasing tobacco products on behalf of anyone born on or after 1 January 2009.

Question

Do you think that proxy sales should also be prohibited?

- Yes
- No
- Don't know

Please explain your answer and provide evidence or your opinion to support further development of our approach. (maximum 300 words)

The Council agrees that the current provision prohibiting proxy sales should be extended to mean that anyone born before 1st January 2009 should be prohibited from purchasing tobacco products on behalf of anyone born on or after 1st January 2009. We consider this to be a key restriction to ensure that fewer children will start smoking, as they should be less able to easily obtain cigarettes.

The following products would be in scope of the new legislation:

- cigarettes
- cigarette papers
- hand rolled tobacco
- cigars
- cigarillos
- pipe tobacco
- waterpipe tobacco products (for example, shisha)
- chewing tobacco
- heated tobacco
- nasal tobacco (snuff)
- herbal smoking products

This mirrors the current scope of age of sale legislation in England and Wales. Existing age of sale requirements in Scotland currently cover products consisting wholly or partly of tobacco and which are intended to be smoked, sniffed, sucked or chewed. Insofar as the products listed would not be within the scope of the existing restrictions, it is proposed that the scope of the Scottish legislation be expanded to include them.

Question

Do you agree or disagree that all tobacco products, cigarette papers and herbal smoking products should be covered in the new legislation?

- Agree
- Disagree

- Don't know

Please explain your answer and provide evidence or your opinion to support further development of our approach. (maximum 300 words)

The Council agrees that the new legislation should include all tobacco products, cigarette papers and herbal smoking products. Inhaling or smoking any product can be a gateway to smoking cigarettes and nicotine addiction. This will also assist in removing ambiguity when it comes to the enforcement of restrictions on the various products on the market.

It is currently a legal requirement for retail premises to display the following statement 'it is illegal to sell tobacco products to anyone under 18'. This requirement would need to be changed to align with the new age of sale.

Question

Do you agree or disagree that warning notices in retail premises will need to be changed to read 'it is illegal to sell tobacco products to anyone born on or after 1 January 2009' when the law comes into effect?

- Agree
- Disagree
- Don't know

Please explain your answer and provide evidence or your opinion to support further development of our approach. (maximum 300 words)

The Council agrees that warning notices in retail premises should be amended to reflect the legislative requirements. This will ensure that customers are clearly informed about the restrictions, and it also acts as a reminder for staff at the point of sale.

Tackling the rise in youth vaping

Vapes are an effective tool for adult smokers to quit, especially when combined with expert support. Ensuring vapes can continue to be made available to current adult smokers is vital to supporting current smokers to quit. However, vaping is not recommended for children, or indeed non-smokers, and carries risk of future harm and addiction. The number of children vaping has risen sharply over the past few years. In England, we carried out a [youth vaping call for evidence](#) and received a variety of suggested measures to reduce the appeal and availability of vapes to children.

The [Tobacco and Related Products Regulations 2016](#) sets product standards for nicotine vapes including restrictions on maximum nicotine strength, refill bottle and tank size limits, packaging and advertising (including prohibiting advertising on television and radio) in the UK.

In 2022, the Scottish Government consulted on proposals to make regulations under existing powers in the [Health \(Tobacco, Nicotine etc. and Care\) \(Scotland\) Act 2016](#) to restrict the advertising and promotion of nicotine vapour products (nicotine vapour products include both nicotine and non-nicotine vapes). The proposals included restrictions on advertising, brand-sharing in products and services, free distribution and nominal pricing and sponsorship.

In Wales, the [Public Health \(Wales\) Act 2017](#) introduced regulatory making powers to introduce a national register of retailers of tobacco and nicotine products. In Northern Ireland, the [Health \(Miscellaneous Provisions\) Act \(Northern Ireland\) 2016](#) provides a power to ban vape sales from vending machines.

As outlined in the command paper [Stopping the start: our new plan to create a smokefree generation](#), it is important to consult on a set of proposals to reduce youth vaping, ensuring we get the balance right between protecting children and supporting adult smokers to quit. The proposals being consulted on include:

- restricting vape flavours
- regulating vape packaging and product presentation
- regulating point of sale displays
- restricting the supply and sale of disposable vapes
- exploring further restrictions for non-nicotine vapes and other nicotine consumer products such as nicotine pouches
- action on the affordability of vapes, exploring a new duty on vapes

The 'Stopping the start: our new plan to create a smokefree generation' paper also set out an existing plan to legislate in order to close the loophole in our laws which allows industry to give free samples of nicotine and non-nicotine vapes (and other nicotine products) to under 18s, as well as to introduce an age restriction for non-nicotine vapes. These would apply to England and Wales only, but we will explore the possibility of inclusion of the other devolved administrations in such provisions where appropriate.

Restricting vape flavours

Evidence on vape flavours

Research shows that children are attracted to the fruit and sweet flavours of vapes, both in their taste and smell, as well as how they are described. Restricting flavours has the potential to significantly reduce youth vaping.

In Great Britain, the ASH 2023 report [Use of e-cigarettes among young people in Great Britain](#) shows that the most frequently used vape flavouring for children is ‘fruit flavour’, with 60% of current children using them. Seventeen per cent of children who vape choose sweet flavours such as chocolate or candy.

However, [research by London South Bank University](#) has found that there is evidence that flavoured vaping products can assist adults to quit smoking. So, any restriction on flavours needs to be carefully balanced with ensuring vapes continue to be available and accessible to support adults to quit smoking.

This is why the UK Government, Scotland and Wales are considering the options for how vape flavours and descriptions could be restricted in legislation. The Department of Health in Northern Ireland will consider measures relating to flavours following this consultation.

More information on the range of flavours and types of devices is available in Annex 1: vape types and flavours.

Options for how we can restrict vape flavours

Option 1: limiting how the vape is described.

Vape flavours can be restricted by the way they are described. For example, New Zealand has done this by mandating vape flavour descriptions, in their [Smokefree Environments and Regulated Products Amendment Regulations 2023](#), to a specified list that includes generic flavour names such as ‘tobacco’ or ‘berry’. This means that vapes could be called ‘blueberry’, but not ‘blueberry muffin’ for example.

Option 2: limiting the ingredients in vapes.

Vape flavours can be restricted by only permitting certain ingredients to be used in the product. In the Netherlands, for example, there is a specified list of ingredients that can be used in vapes, which are those that produce a ‘tobacco’ taste and pose almost no health harm.

Option 3: limiting the characterising flavours (the taste and smell) of vapes.

The characterising flavours of vapes (the way a vape smells or tastes to a consumer) can be restricted. In 2020, when menthol flavoured cigarettes were banned in the UK, they were restricted based on the characterising flavour of menthol. Finland, for example, has restricted all characterising flavours for vapes, apart from the flavour of tobacco.

Options for which flavours vapes should be limited to

As well as consulting on how the UK Government and devolved administrations should restrict vape flavours, we are also asking which flavours vapes should be limited to. We are considering restricting flavours to one of the following options:

- Option A: flavours limited to tobacco only
- Option B: flavours limited to tobacco, mint and menthol only
- Option C: flavours limited to tobacco, mint, menthol and fruits only

We will also consider regulating non-nicotine vapes in the same way.

Question

Do you agree or disagree that the UK Government and devolved administrations should restrict vape flavours?

- Agree
- Disagree
- Don't know

Please explain your answer and provide evidence or your opinion to support further development of our approach. (maximum 300 words)

The Council believes that vape flavours should be restricted. Belfast City Council recognises that vapes can have a role in smoking cessation, and, if vapes are being used as an aid to quit smoking then vapes should be limited to tobacco flavour. Other flavours should not be made available to ensure that vaping is unattractive to potential new users.

In addition restricting flavours will assist in regulating the safety of vapes on the market and facilitate consistent enforcement.

Question

Which option or options do you think would be the most effective way for the UK Government and devolved administrations to implement restrictions on flavours? (You may select more than one answer)

- Option 1: limiting how the vape is described
- Option 2: limiting the ingredients in vapes
- Option 3: limiting the characterising flavours (the taste and smell) of vapes
- Don't know

Please explain your answer and provide evidence or your opinion to support further development of our approach. (maximum 300 words)

The Council believes that in order to prevent young people from starting to vape all options that are available should be considered to make vaping less appealing.

Limiting the ingredients in vapes would be an effective way to implement restrictions on flavours. Not only would limiting flavours make vaping less appealing to new users it would assist in ensuring their safety. The vast array of vapes, containing a wide range of ingredients, that are available on the market poses significant challenges for Belfast City Council in its product safety regulatory role as a Market Surveillance Authority, and also for other Trading Standards Authorities in GB, and the national regulators. A consistent list of approved ingredients (or banned ingredients) would provide a more consistent basis for enforcement, a more consistent product landscape that suppliers can more easily identify are compliant, while supporting improved health outcomes.

Question

Which option do you think would be the most effective way for the UK Government and devolved administrations to restrict vape flavours to children and young people?

- Option A: flavours limited to tobacco only
- Option B: flavours limited to tobacco, mint and menthol only
- Option C: flavours limited to tobacco, mint, menthol and fruits only

Please explain your answer and provide evidence or your opinion to support further development of our approach. (maximum 300 words)

The Council believes that new users, particularly young people, should be discouraged as much as possible from starting vaping. Restricting flavours will make vapes unattractive and prevent uptake and avoid future addiction in young people.

Question

Do you think there are any alternative flavour options the UK Government and devolved administrations should consider?

- Yes
- No
- Don't know

Please explain your answer and provide evidence or your opinion to support further development of our approach. (maximum 300 words)

Flavours should be as unattractive as possible to children and young people to prevent uptake and avoid future addiction.

Question

Do you think non-nicotine e-liquid, for example shortfills, should also be included in restrictions on vape flavours?

- Yes
- No
- Don't know

Please explain your answer and provide evidence or your opinion to support further development of our approach. (maximum 300 words)

The Council believes that the non-nicotine e-liquids should be included in the restrictions on vape flavours. There is evidence to suggest that vaping without nicotine may still cause harm to health and it can act as a gateway for users starting vaping nicotine e-liquids.

In addition as they can be mixed with nicotine containing e-liquids and could provide a loophole for users to make their own flavoured e-liquids.

Regulating point of sale displays

Unlike tobacco products, vapes are currently allowed to be displayed at the point of sale. Children can see and handle vapes in retail outlets where they are often displayed alongside confectionery and on accessible shelves. The ASH report [Public support for government action on tobacco](#) found that 74% of adults in England support the prohibiting of point of sale promotion of vapes.

The UK Government and devolved administrations want to limit the exposure of children to vapes and keep them out of sight and reach of children. However, it is important not to inhibit people who currently smoke from accessing vapes as a quit aid, so they must remain visible enough.

Specialist vape shops are retail outlets that specialise in the sale of vaping products. The UK Government and devolved administrations want to consider if they should be an exception to any restrictions, as they usually have a wider selection of devices and products available. Also, some shops have staff trained by the [National Centre for Smoking Cessation and Training](#), to offer more tailored advice for smokers wanting to quit. The UK Government and devolved administrations are keen to hear responses on this and we have included a specific question on this.

The UK Government, Scotland and Wales will also consider regulating non-nicotine vapes and non-nicotine e-liquids in the same way. The Department of Health in Northern Ireland will consider measures relating to non-nicotine vapes, following consultation. There is the opportunity to provide your opinions and evidence about this in the section on non-nicotine vapes.

There are 2 options for regulating point of sale displays of vapes:

- Option 1: vapes must be kept behind the counter and cannot be on display, like tobacco products
- Option 2: vapes must be kept behind the counter but can be on display

Question

Which option do you think would be the most effective way to restrict vapes to children and young people?

- Option 1: vapes must be kept behind the counter and cannot be on display, like tobacco products
- Option 2: vapes must be kept behind the counter but can be on display

Please explain your answer and provide evidence or your opinion to support further development of our approach. (maximum 300 words)

The Council believes that in order to prevent people from starting to vape and to assist those wishing to quit vaping, all vapes, vape devices, e-liquids and associated products must be kept behind the counter and not on display. Evidence has shown that marketing of tobacco products encourages young people to smoke and the point of sale display restrictions have been successfully implemented in retailers and could easily be extended to vapes.

In addition the Council believes that a negative registration scheme for retailers selling vapes should be introduced. This could be similar to the current register for retailers of tobacco products in Northern Ireland, through the Tobacco Register NI and should include similar retailer sanctions. This would provide councils with a comprehensive list of retailers who sell vapes without the excessive cost or administrative burden for both businesses and councils that a licensing scheme would likely introduce.

The Council is of the opinion that mandatory age identification checks should be introduced to ensure that retailers operate a No ID, No Sale policy to prevent young people from purchasing vapes. The acceptable forms of ID should be specified. In addition vending machines supplying all vapes should be prohibited to prevent access to young people. We are aware vending machines supplying vapes for sale exist at a range of premises across N. Ireland. This would ensure vapes are brought in line with the prohibition of cigarette vending machines in Northern Ireland.

Question

Do you think exemptions should be made for specialist vape shops?

- Yes
- No
- Don't know

Please explain your answer and provide evidence or your opinion to support further development of our approach. (maximum 300 words)

The Council do not agree that exemptions should be made for specialist vape shops. Unlike specialist tobacco retailers, which are rare, there are a large number/ proliferation of specialist vape shops.

Question

If you disagree with regulating point of sale displays, what alternative measures do you think the UK Government and devolved administrations should consider?

Please explain your answer and provide evidence or your opinion to support further development of our approach. (maximum 300 words)

The Council believes that additional measures should be included, along with point of sale restrictions. Registration of premises selling vapes should mirror the current register for retailers of tobacco products in Northern Ireland, through the Tobacco Register NI. This would provide councils with a comprehensive list of retailers who sell vapes without the excessive cost or administrative burden for both businesses and councils that a licensing scheme would likely introduce.

Regulating vape packaging and product presentation

The [youth vaping call for evidence](#) in England showed that children are attracted to vapes through brightly coloured products and packaging and child friendly images such as cartoons. They are designed to appeal to children, and this must stop.

[Research on vape packaging published by the JAMA Network](#) has shown that standardised vape packaging with reduced brand imagery can decrease the appeal to young people who have not previously smoked or vaped, without reducing the appeal of vapes to adult smokers.

Options for regulating vape packaging

The UK Government, Scotland and Wales are considering further regulating the packaging of vapes. The Department of Health in Northern Ireland will consider measures relating to regulating vape packaging following this consultation. We want to ensure that no part of the vape device, nor its packaging, is targeted at children. This includes:

- any unit packet (first wrap or container of an item)
- any container pack (the portable device in which a material is stored, transported, disposed of or handled)

- the presentation of the vape device

There are several possible options for how packaging and presentation of vapes can be restricted.

Option 1: prohibiting the use of cartoons, characters, animals, inanimate objects and other child friendly imagery, on both the vape packaging and vape device. This would still allow for colouring and tailored brand design.

Option 2: prohibiting the use of all imagery and colouring on both the vape packaging and vape device. This would still allow for branding, such as logos and names.

Option 3: prohibiting the use of all imagery and colouring and branding for both the vape packaging and vape device. This is equivalent to the standardised packaging rules on tobacco.

Question

Which option do you think would be the most effective way for the UK Government and devolved administrations to restrict the way vapes can be packaged and presented to reduce youth vaping?

- Option 1: prohibiting the use of cartoons, characters, animals, inanimate objects, and other child friendly imagery, on both the vape packaging and vape device. This would still allow for colouring and tailored brand design
- Option 2: prohibiting the use of all imagery and colouring on both the vape packaging and vape device but still allow branding such as logos and names
- **Option 3: prohibiting the use of all imagery and colouring and branding (standardised packaging) for both the vape packaging and vape device**

Please explain your answer and provide evidence or your opinion to support further development of our approach. (maximum 300 words)

The Council believes that standardised packaging for both the device and packaging of vapes should be introduced. This has been successfully introduced for tobacco and will reduce the appeal to young people and for those trying to quit vaping.

Question

If you disagree with regulating vape packaging, what alternative measures do you think the UK Government and devolved administrations should consider?

Please explain your answer and provide evidence or your opinion to support further development of our approach. (maximum 300 words)

Restricting the supply and sale of disposable vaping products

The use of disposable vaping products (sometimes referred to as single-use vapes) has increased substantially in recent years. Disposable vapes are products that are not rechargeable, that are not refillable or that are neither rechargeable nor refillable. In contrast, a reusable vape is a product which can be recharged and fully refilled an unlimited number of times by the user. Products can contain vape liquid with or without nicotine.

There is growing concern over the environmental impacts of disposable vapes given their lithium batteries and hard to recycle components and the increasing frequency in which these products are littered or thrown in the bin. Recent [research on vape disposal by YouGov commissioned by Material Focus](#) found that almost 5 million disposable vapes are either littered or thrown away in general waste every week.

There are measures already in place to ensure responsible production and disposal of waste electrical and electronic items through the [Waste Electrical and Electronic Equipment Regulations 2013](#) (WEEE) and obligations under the [Waste Batteries and Accumulators Regulations 2009](#). However, evidence suggests compliance with these obligations is low, given the recent surge of businesses supplying disposable vapes. Both the WEEE and batteries regulations are being reviewed, with consultations planned.

In 2023, the Scottish Government commissioned Zero Waste Scotland to examine the environmental impact of single-use vapes and consider options to tackle the issue. Environmental impacts highlighted by Zero Waste Scotland's [Environmental impact of single-use e-cigarettes](#) review include:

- the impact of littering
- fire risks associated with unsafe disposal of their contents, including lithium batteries and chemicals
- greenhouse gas emissions and water consumption generated in their manufacture

There is also evidence of a significant and widespread increase in the use of disposable vapes by children. ASH's [Use of e-cigarettes among young people in Great Britain](#) survey found that 69% of vape users aged 11 to 17 mainly used disposable vapes in 2023. Northern Ireland's [Young person's behaviour and attitude survey 2022](#) shows that 85.7% of 11 to 16 year olds in Northern Ireland who currently use e-cigarettes reported that they used disposables.

There are a range of policy options to tackle the environmental impact of single-use vapes, including improved product design, increasing access to responsible disposal options, public communication campaigns, as well as potential restrictions on single-use vapes.

The UK Government, Scotland and Wales are considering restrictions on the sale and supply of disposable vaping products (including non-nicotine vapes), including prohibiting the sale of these products, due to the environmental impacts of disposable vapes. Northern Ireland will consider measures relating to disposable vapes following this consultation.

The approach to the enforcement of any restrictions would be a matter for individual nations, with civil sanctions such as fixed penalty notices being the preferred enforcement mechanism where appropriate.

Question

Do you agree or disagree that there should be restrictions on the sale and supply of disposable vapes?

That is, those that are not rechargeable, not refillable or that are neither rechargeable nor refillable.

- Agree
- Disagree
- Don't know

Please explain your answer and provide evidence or your opinion to support further development of our approach. (maximum 300 words)

The Council agrees that the sale and supply of disposable vapes should be prohibited. Disposable vapes are particularly used by children and young people due to their accessibility, ease of use and cost.

The "Waste Hierarchy" in Article 4 of the revised Waste Framework Directive (Directive 2008/98/EC) applying in Northern Ireland, sets out five steps for dealing with waste, ranked according to environmental impact. Prevention offers the best outcomes for the environment and is top of the priority order, followed by preparing for re-use, recycling, other recovery and disposal, in descending order of environmental preference.

For waste generated by the use of disposable vapes, the "Waste Hierarchy" would indicate that prevention of such waste being created in the first place is the most environmentally acceptable option available. Restrictions on the sale and supply of disposable vapes would support this option and reduce the number of such items ending up in the waste stream.

There is anecdotal evidence to suggest that disposable vapes are often incorrectly disposed of in household waste and recycling bins, as well as in street litter bins. Given their discrete size, disposable vapes often goes undetected within household waste and recycling streams, until it is too late to deal with them appropriately. This not only results in contamination of waste and recycling streams but can also pose a fire hazard at each stage within the collection journey, including transportation, storage and treatment.

Disposable vapes contain a small lithium battery, which can increase in temperature when crushed and lead to fires in bins, skips, bin lorries and at waste facilities. In addition, disposable vapes can be made up of many different components and materials including batteries, metal, plastic rubber and glass, making them difficult to recycle. There may also be some e-liquid still present, which may contain nicotine.

Question

Do you agree or disagree that restrictions on disposable vapes should take the form of prohibiting their sale and supply?

- Agree
- Disagree
- Don't know

Please explain your answer and provide evidence or your opinion to support further development of our approach. (maximum 300 words)

The Council believe that disposable vapes should be prohibited from being sold and supplied. There are alternative types of vapes available for those using vaping as a legitimate smoking cessation tool. The vast majority of young people and children who vape use disposable vapes due to their accessibility, ease of use and cost.

Eliminating disposable vapes would also support the Waste Hierarchy by preventing the production of an unnecessary (and difficult to deal with) waste stream. Prevention offers the best outcomes for the environment and is at the top of the priority order and this would be supported by prohibiting the sale and supply of disposable vapes.

Although some parts of disposable vapes, like the lithium battery, can be recycled, other components cannot be easily dismantled and separated for recycling. This has created new challenges and issues within the waste industry, in addition to the safety element posed by the fire risks associated with the lithium batteries contained within disposable vapes.

Disposable vapes are in scope of the [Waste Electrical and Electronic Equipment \(WEEE\) Regulations 2013](#). Once used, consumers should dispose of vapes at a Household Waste Recycling Centre (HWRC) or at the shop where they bought the device. At HWRCs, the vapes should be placed in the small mixed WEEE containers. If the battery can be easily removed, this should be placed in the appropriate batteries container at the HWRC. Whole vapes must not be placed in any other bin or landfilled.

However, it is uncertain how familiar consumers are with this obligation to recycle disposable vapes. Anecdotal evidence suggests that many of these items are wrongly placed in mixed waste, recycling bins and even on streets as litter, which potentially could lead to a range of problems during the collection, storage and treatment processes of these waste streams.

Question

Are there any other types of product or descriptions of products that you think should be included in these restrictions?

Please explain your answer and provide evidence or your opinion to support further development of our approach. (maximum 300 words)

The Council believes it is crucial that any restriction should be clearly defined to include any novel and innovative products, including rechargeable disposables and limits should be placed on the amount of nicotine sold per pack.

Question

Do you agree or disagree that an implementation period for restrictions on disposable vapes should be no less than 6 months after the law is introduced?

- Agree
- **Disagree**
- Don't know

Please explain your answer and provide evidence or your opinion to support further development of our approach. (maximum 300 words)

The Council believes that there should be a shorter limit of no greater than 3 months to sell through existing stock.

Question

Are there other measures that would be required, alongside restrictions on supply and sale of disposable vapes, to ensure the policy is effective in improving environmental outcomes?

Proposals should consider ways to better capture environmental and waste recycling data on those disposable vapes that are already in circulation.

Raising awareness to consumers on the most appropriate ways to dispose of such items, as well as highlighting the environmental damage caused by the incorrect disposal of them (e.g. through mixed waste and household recycling bins and some even being dropped as litter).

Proposals should also consider working with the waste industry to address problems caused by both disposable and reusable vapes which end up in the waste stream. In

particular the problems associated with the risk of fire associated with the lithium batteries in these items.

Please explain your answer and provide evidence or your opinion to support further development of our approach. (maximum 300 words)

In respect of waste impacts of disposable vapes, we would highlight the evidence presented in the House of Commons research briefing 'The environmental impact of disposable vapes' <https://commonslibrary.parliament.uk/research-briefings/cdp-2022-0216/>

Non-nicotine vapes and other nicotine consumer products

Non-nicotine vapes

Non-nicotine vapes (or nicotine-free vapes) are covered by the [General Products Safety Regulations \(GPSR\) 2005](#) in the UK.

Like nicotine vapes, they can come in liquid form to be used in a device or already contained as a liquid in a device. There are 3 categories of these types of non-nicotine vapes:

- shortfill and longfill vapes
- disposable (single-use) vapes
- alternative non-nicotine vapes

Alternative non-nicotine vapes are often advertised as wellness vapes. They are not currently subject to the same age restrictions or product standards as nicotine-containing vapes and there are some calls for non-nicotine vapes to be regulated in the same way as nicotine vapes.

There is evidence that children are accessing these products and the UK Government and devolved administrations want to prevent potential future health harms from non-nicotine vapes. Scotland has already introduced age of sale requirements for non-nicotine vapes.

So, the UK Government and the Welsh Government will seek to introduce legislation to prohibit the sale of non-nicotine vapes to under 18s as a first step to protect children from accessing and using these vapes. The Department of Health in

Northern Ireland will consider measures relating to non-nicotine vapes to under 18s following this consultation.

The UK Government and devolved administrations are also interested in views on whether we should also impose further restrictions on non-nicotine vapes that we have outlined in this consultation for nicotine vapes.

Other nicotine consumer products

There are other consumer nicotine products in the UK market such as nicotine pouches. They are not regulated under the [Tobacco and Related Products Regulations 2016](#) but by GPSR. There are no mandated age of sale restrictions in the UK, but the UK Government, Northern Ireland and Wales have regulatory making powers to mandate these.

[Recent research on tobacco-free nicotine pouch use in Great Britain](#) suggests that although nicotine pouch use is low among adults (0.26% or 1 in 400 users in Great Britain), it is more popular with younger and middle-aged men who also use other nicotine products and have a history of smoking. Northern Ireland's [Young person's behaviour and attitudes survey 2022](#) shows that 4.8% of year 11 and year 12 pupils reported ever having used nicotine pouches in 2022.

Question

Do you have any evidence that the UK Government and devolved administrations should consider related to the harms or use of non-nicotine vapes?

- Yes
- No
- Don't know

Please explain your answer and provide evidence or your opinion to support further development of our approach. (maximum 300 words)

Not our expertise – leave blank

Question

Do you think the UK Government and devolved administrations should regulate non-nicotine vapes under a similar regulatory framework as nicotine vapes?

- Yes
- No
- Don't know

Please explain your answer and provide evidence or your opinion to support further development of our approach. (maximum 300 words)

The Council believes that non-nicotine vapes should be restricted in the same way as those containing nicotine. The long term health effects of vaping are currently unknown and they could act as gateway for users (particularly for young people) switching to nicotine containing vapes or even smoking cigarettes.

Ensuring that new restrictions are similar will also assist retailers in complying and enforcement officers in ensuring consistency.

Question

Do you have any evidence that the UK Government and devolved administrations should consider on the harms or use of other consumer nicotine products such as nicotine pouches?

- Yes
- No
- Don't know

Please explain your answer and provide evidence or your opinion to support further development of our approach. (maximum 300 words)

Leave blank?

Question

Do you think the UK Government and devolved administrations should regulate other consumer nicotine products such as nicotine pouches under a similar regulatory framework as nicotine vapes?

- Yes
- No
- Don't know

Please explain your answer and provide evidence or your opinion to support further development of our approach. (maximum 300 words)

Nicotine is highly addictive and as such all products should be regulated in the same way to prevent addiction and users moving onto other more harmful products.

Affordability

Price difference between vaping and smoking

There is currently a significant difference in price between vapes and tobacco products, in part because vapes are only subject to VAT, whereas tobacco has VAT and duty (at least a £7.87 duty on a packet of 20 cigarettes). Smoking is 3 times more expensive than vaping, and it is estimated that the average smoker in England could save around £670 per year from switching to vaping. This price differential is important, as it can encourage smokers to switch from cigarettes to vapes.

However, this also means that vapes are more readily accessible to young people and other non-smokers, especially disposable and refillable devices.

Cost of vapes

Disposable vapes are considerably cheaper to buy than other vape products. The most popular disposable vape among young people in 2022 was the Elf Bar, which costs around £5, compared to a reusable Elf Bar which costs around £8. Mod or tank devices vary in price, but are in the region of £40 to £50, with additional costs for the e-liquid.

Table 1: average cost of vapes across different product categories

Product category	Unit cost (average)
Disposable	£6
Reusable: pre-filled pod kits	£12
Reusable: vape kits (refillable cartridges)	£40

Duty and taxes on vapes

Fifteen European countries including Germany and Italy have introduced a national tax on vapes and Canada has introduced a vaping duty. American research on the intended and unintended effects of e-cigarette taxes on youth tobacco use shows that taxes on vapes are associated with reductions in vaping, but at the potential risk of increasing youth smoking.

The effect of increasing the prices of vapes

The majority of respondents in DHSC's [youth vaping call for evidence](#) (64%) said price increases would reduce the demand for vapes. Thirty-six per cent of respondents said vapes are affordable and within the average child's buying power and that price has a significant impact on the appeal of vapes, with a further 22% stating that disposable vapes specifically are affordable.

A quarter of respondents thought there was a risk that price increases may have a negative impact on smoking cessation progress, given the use of vapes as an aid to quit smoking. Eleven per cent of respondents stated that the price differential between vapes and cigarettes increased the appeal of vaping.

Policy considerations

This consultation covers a range of measures to reduce the appeal and availability of vapes to children. To support this agenda, the UK Government thinks that there is a strong case to take action on affordability and so is exploring options, including a new duty on vapes as other countries have done, while ensuring that there is a significant differential between duty on vapes and duty on tobacco products.

Question

Do you think that an increase in the price of vapes would reduce the number of young people who vape?

- Yes
- No
- Don't know

Please explain your answer and provide evidence or your opinion to support further development of our approach. (maximum 300 words)

The Council believe that the price of vapes, particularly disposables, should be increased to prevent accessibility for young people. In addition there should be a restriction on price promotions on vapes.

Enforcement

A strong approach to enforcement is vital if the smokefree generation and youth vaping policy is to have real impact. Underage and illicit sale of tobacco, and more recently vapes, is undermining work to regulate the industry and protect public health.

In [Stopping the start: our new plan to create a smokefree generation](#), additional steps were set out to clamp down on those illegally selling tobacco products and vapes to underage people and to prevent illicit products from being sold.

One of these measures is introducing new powers for local authorities to issue fixed penalty notices to enforce age of sale legislation for tobacco products and vapes in England and Wales.

In Scotland, local authorities already have powers to issue fixed penalty notices to retailers and individuals who commit an offence under the [Tobacco and Primary Medical Services \(Scotland\) Act 2010](#). In Northern Ireland, there is local enforcement through the [Tobacco Retailers Act \(Northern Ireland\) 2014](#). It is proposed that the existing enforcement regime would continue to apply to age of sale restrictions.

Introducing on the spot fines for underage sales

Local authorities take a proportionate approach to enforce age of sale restrictions on tobacco products and vapes, that reflects the level of offence committed. For example, in England, penalties can be escalated, starting with a warning through to a maximum fine of £2,500. In the case of the most serious or repeat offences, local authorities can apply for a court order to prevent the offending retailer from opening for a period of time.

The current penalty regime requires local authorities to prosecute the individual or business in question and for the individual or business in question to be convicted in a magistrates' court. Trading standards officers say this time-consuming court procedure limits their ability to issue fines and is a significant gap in their operational capabilities.

Question

Do you think that fixed penalty notices should be issued for breaches of age of sale legislation for tobacco products and vapes?

Powers to issue fixed penalty notices would provide an alternative means for local authorities to enforce age of sale legislation for tobacco products and vapes in addition to existing penalties.

- Yes
- No
- Don't know

Please explain your answer and provide evidence or your opinion to support further development of our approach. (maximum 300 words)

In Northern Ireland, Councils have the option of serving a Fixed Penalty Notice for the sale of tobacco products and it has been an efficient and effective way of dealing with people who sell to children. We would like to see this extended to any new age of sale controls on tobacco on vaping products.

It is also vital that enforcement activity for any new regulatory controls on tobacco and vape sales is adequately funded. Belfast City Council works closely with the Public Health Agency in Northern Ireland who currently contribute funding to the Councils work on tobacco control enforcement. The costs to Councils of enforcing any new legislative controls should be taken into account when determining future funding provision for Council enforcement. The Council would be concerned that if such services are not adequately resourced, then the powers might not be fully utilised to their potential.

Question

What level of fixed penalty notice should be given for an underage tobacco sale?

- £100
- £200
- Other

Please explain your answer and provide evidence or your opinion to support further development of our approach. (maximum 300 words)

In Northern Ireland the Fixed Penalty Notice charge is £250 for selling both tobacco products and vapes to children.

The Council believe that the fixed penalty amount should be £250 as a minimum and a sliding scale introduced with additional offences doubling the FPN Amount. This will reflect the seriousness of the offence and help ensure retailers comply with the legislation.

Question

What level of fixed penalty notice should be given for an underage vape sale?

- £100
- £200
- **Other**

Please explain your answer and provide evidence or your opinion to support further development of our approach. (maximum 300 words)

In Northern Ireland the Fixed Penalty Notice charge is £250 for selling both tobacco products and vapes to children.

The Council believe that the fixed penalty amount should be £250 as a minimum and a sliding scale introduced with additional offences doubling the FPN Amount. This will reflect the seriousness of the offence and help ensure retailers comply with the legislation.

How to respond

This consultation seeks feedback on the proposed measures, to inform future legislation. On youth vaping, there are a number of options proposed, to ensure the UK Government and devolved administrations take the most appropriate and impactful steps, building on existing evidence.

The consultation closes on 6 December 2023 at 11:59pm and you can respond via our [online survey](#).

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Belfast
City Council

PEOPLE AND COMMUNITIES
COMMITTEE

Subject:	Social Supermarket Fund - Update
Date:	7 th November 2023
Reporting Officer:	David Sales, Director Neighbourhood Services
Contact Officer:	Nicola Lane, Neighbourhood Services Manager, CNS Margaret Higgins, Lead Officer, CNS

Restricted Reports

Is this report restricted?

Yes

☐

No

☒

Please indicate the description, as listed in Schedule 6, of the exempt information by virtue of which the council has deemed this report restricted.

Insert number

☐

1. Information relating to any individual
2. Information likely to reveal the identity of an individual
3. Information relating to the financial or business affairs of any particular person (including the council holding that information)
4. Information in connection with any labour relations matter
5. Information in relation to which a claim to legal professional privilege could be maintained
6. Information showing that the council proposes to (a) to give a notice imposing restrictions on a person; or (b) to make an order or direction
7. Information on any action in relation to the prevention, investigation or prosecution of crime

If Yes, when will the report become unrestricted?

After Committee Decision

After Council Decision

Sometime in the future

Never

☐
☐
☐
☐

Call-in

Is the decision eligible for Call-in?

Yes

☒

No

☐

1.0	Purpose of Report/Summary of Main Issues
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1.1	The purpose of this report is to provide an update on the operation of the Social Supermarket Fund and seek members approval to operate an open call for grant applications to the Social Supermarket Fund in 24/25 as outlined in the report.
2.0	Recommendation
2.1	Members are asked to note the contents of the report and to grant approval to operate an open call for grant applications to the Social Supermarket Fund in 24/25 as outlined in the report.
3.0	Main Report
3.1	<u>Overview</u> Background In September 23, Council approved the approach to allocate Social Supermarket funding for 23/24. During discussions, elected members expressed a desire that going forward, this funding programme should be administered through an open call. Officers in City & Neighbourhood Services have since engaged with the Central Grants Unit (CGU) in Place & Economy who have advised that an open call process for 24/25 can be facilitated.
3.2	For council to operate an open call for 24/25, the application period would run from early December 2023 until end of January 24 and applications would be open to any constituted group delivering eligible projects. CGU support would ensure that applications are administered within a recognised independent process that allows for separation of duties between project delivery and administration staff.
3.3	Members will be aware that Social Supermarket Funding is provided 100% by Department for Communities (DfC) through the Community Support Programme Letter of Offer. The availability of funds for 24/25 is dependent upon the allocation received from DfC.
3.4	The operation of an open call process requires a lead in period of approximately 4 months and in order to ensure readiness, council would need to operate the call in advance of confirmation of the level of funding in 24/25 from DfC. If an open call was not agreed until confirmation of funding levels was received, it would not allow for the practical delivery of activity. Members will note that in 23/24, the funding for social supermarkets was not confirmed by DfC until in July 23. Had an open call process been implemented only on confirmation of funding, support would not have been available to organisations until January 24.
3.5	DfC officials have advised that Social Supermarket funding is delivered through a ringfenced welfare reform mitigations budget which is agreed in principle until March 25 and that it is likely that the starting budgetary position would be the same as 23/24, ie; approximately £415,000 for Belfast City Council. In the unlikely event that no funding is made available from DfC, Council will be under no obligation to make awards to organisations who have applied.
3.6	It is suggested that the following parameters for an open call be applied; Eligible projects will be those that can demonstrate that they provide food/food support to individuals impacted by poverty and provide wraparound support through their own services and/or a referral network

	• The delivery time frame will be 1st April 2024 – 31st March 2025 • Maximum level of award will be £50,000. (This is the maximum level of award available through the capacity grant, which is the largest Community Provision grant and is a reasonable limit given the likely level of Social Supermarket funding from DfC in 24/25 will be approximately £415,000.) • Allocation of funding to projects will be based on a quality score. If the maximum award is agreed as £50,000, this is above the threshold for delegated authority and a full list of applications, scores and suggested allocations will have to be brought to members in March 24 for their consideration and approval. Support for new projects 23/24 An element of 23/24 funding (10%) was directed towards the development of new projects. The closing date for receipt of these applications was 24th October 23. By this date, officers had received the following requests for support; Hanwood Trust, Upper Springfield Development Trust and People's Kitchen Belfast. Greater Shankill Community Council will take on the funding allocated to Greater Shankill Partnership who are unable to deliver the project this year. Officers have reviewed the detail provided in these applications and are content that they meet the objectives of the programme and provide value for money. Members had agreed that these allocations would be approved under delegated authority and Letters of Offer will have been issued by the time of the Committee meeting. At the SP&R meeting on 19th October, members recommended that £150,000 of Hardship Funding be made available to support social supermarkets. Officers will contact all organisations who have received an allocation for 23/24 and make a pro rata allocation of the additional funds, dependent on the organisations' ability to spend by 31st March 2024. <u>Financial and Resource Implications</u> All resources required to support the 23/24 approach are currently in place. No funding for 24/25 has yet been confirmed by the Department for Communities as the Social Supermarket Fund is 100% funded by DfC. However, DfC officials have indicated that the budget is likely to be in the region of the 23/24 budget of £414,000. <u>Equality or Good Relations Implications/Rural Needs Assessment</u> None identified at present. Equality Screening of the 24/25 grant application process will be completed.
3.7	
3.8	
3.9	
3.10	
4.0	Appendices - Documents Attached
4.1	N/A

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Belfast
City Council

PEOPLE AND COMMUNITIES

Subject:	Belfast Boxing Strategy 2023-2024 midyear update
Date:	Tuesday 7 November 2023
Reporting Officer:	David Sales – Director of Neighbourhood Services
Contact Officer:	Cormac McCann – Lead Officer, Community Provision

Restricted Reports

Is this report restricted?

Yes

☐

No

☒

Please indicate the description, as listed in Schedule 6, of the exempt information by virtue of which the council has deemed this report restricted.

Insert number

1. Information relating to any individual
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7. Information on any action in relation to the prevention, investigation or prosecution of crime

If Yes, when will the report become unrestricted?

After Committee Decision

After Council Decision

Sometime 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	The purpose of this report is to provide an update on progress on implementation of the Belfast Boxing Strategy for the period April to September 2023 (Quarter 1 and Quarter 2)
2.0	Recommendations
2.1	The Members of the Committee are asked: i. to note the progress to date of the Belfast Boxing Strategy annual work plan for 2023/24
3.0	Main report
3.1	<u>Background</u> Council agreed, through the January 2018 Strategic Policy and Resources Committee, to provide £200,000 to the Irish Athletic Boxing Association Ulster Branch (IABA) for delivery of an agreed annual action plan supporting the Belfast Boxing Strategy. The current strategy was extended for one year from 31 March 2023 is scheduled to finish on 31st March 2024.
3.2	The IABA provided SP&R with a detailed breakdown of programmes to be delivered under six main areas. Salary – Development Officer and Coaches, Pathways, Events, Coach Education, Club Support and Governance.
3.3	Following this decision, the Belfast Boxing Strategy Steering Group has met quarterly with the most recent meeting taking place via MS Teams on Thursday 26 October 2023. The Steering Group is chaired by the Neighbourhood Services Manager with council officers, IABA officers and officials and County Antrim Board officials attending. Small variations to the budget across the six areas have been agreed to assist prioritisation in line with the agreed annual action plan.
3.4	<u>Monitoring</u> The Leisure Development Unit works directly with IABA officials to verify reporting on performance, vouching actual spend and provides detailed reports for discussion at the Steering Group.
3.5	<u>Performance</u> Council agreed a total of 37 Indicators with IABA to monitor delivery of the programmes. IABA have complied with reporting requirements and their performance report for 23/24 Quarter 1 and Quarter 2 is at Appendix 1. IABA have provided a progress report against each

	indicator and have advised that they anticipate that all KPIs will be achieved by the end of 23/24
3.6	<u>23/24 Action Plan</u> Pending the development of the Belfast Physical Activity and Sports Development Strategy, Committee agreed on 7 March 2023 to the extension of the Belfast Boxing Strategy and related work programme from 1 April 2023 until 31 March 2024.
3.7	<u>Financial & Resource Implications</u> A total of £200,000 is available within the current financial year to support the current Action Plan. It is likely that the full budget will be expended.
3.8	<u>Equality Impact/Rural Needs Assessment</u> The strategy was equality screened in line with the Council's equality process. The screening showed that there were potential adverse impacts on a number of groups including females and people with a disability and mitigating actions were added to the strategy. Members agreed that an equality screening be undertaken prior to a decision being made in relation to funding for 19/20. Officers finalised this screening and the findings continue to demonstrate that progress has been made in increasing the participation of underrepresented groups . The IABA continue to target underrepresented groups in its delivery of the 23/24 programme with particular focus on the events, club based sessions and the non-contact boxing programme.
4.0	Appendices – Documents Attached
	Appendix 1: IABA 2023-2024 Quarter 1 and 2 Performance Report

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Boxing Strategy KPI Report 23-24 Overall

To have an effective efficient Pathway to engage and nurture talent within Belfast

KPI	Description	Female	Male	Total
1.1	Run 3 talent squads in Belfast (2 Male 1 Female)	0	0	0
1.2	To Run competitive opportunities for Belfast talent squads (2/3)	0	0	0
1.3	Number of boxers getting Elite Gym Membership	1	4	5
1.5	Number of boxers obtaining support for sport funding or outside fun	2	8	10
2.1	To run 1 volunteer education event with 32 clubs represented and 40 participants (number of participants)	0	0	0
2.2	To run 1 Volunteer recognition event with a minimum of 30 participants from clubs present	0	0	0
3.1	To run 1 Scoring/Event Official Course per year with 10 newly trained officials	3	8	11
3.2	To run 1 Referee and Judging Course per year with 20 newly trained officials	6	18	24
3.3	Delivery of a minimum of 2 Committee training courses throughout the year to improve club governance	15	29	44

To recruit, train and sustain active coaches within Belfast

4.1	5 coaches receive talent coach training and mentoring	0	6	6
4.2	20 new grassroots coaches trained	6	17	23
4.3	50 new people accessing online resources	14	38	52
4.4	Increase the number of female coaches	0		0
4.5	To work with mental health training providers to design a toolkit for every club and to deliver training and webinars. To encourage clubs to appoint a Mental Health and Wellbeing Champion. 10 Clubs to be involved (number of clubs involved)			4
4.6	5 clubs trained on inclusive boxing module			23

To grow and sustain club membership within Belfast

5.1	160 participants at come and try it event	23	56	79
5.2	1600 pupils taking part in non contact boxing sessions	482	723	1205
5.3	160 participants at Belfast Day of Boxing	23	56	79
5.4.1	2 new clubs established and availing of seeding grant			0

5.4.2	4 clubs obtaining equipment grants			0
5.4.3	27 clubs obtaining membership development grants			17
5.5	50 new members in Belfast clubs	13	65	78
5.6	15 clubs receiving for support for sport grants			0
5.7	180 participants in holiday camps	102	255	357
To promote and sustain good governance standards within Belfast clubs				
6.1.1	2 clubs to attain clubmark accreditation			0
6.1.2	8 clubs to attain reaccréditation			0
6.2	180 participants in good relations programme	102	255	357
Funding to support competitive local and international events in Belfast				
7.1	Deliver 8 local events			3
7.2	Deliver 2 international events			0
7.3	150 male competitors		316	316
7.4	50 female competitors	40		40
7.5	50 visiting competitors	0	121	121
7.6	150 Belfast competitors	0	321	321
7.7	5 visiting officials	0	12	12
7.8	15 Belfast officials	0	32	32



Subject:	Stadia Community Benefits Initiative 2023-2024 Q1 and Q2 Update
Date:	7 November 2023
Reporting Officer:	David Sales – Director of City and Neighbourhood Services
Contact Officer:	Cormac McCann – Lead Officer, Community Provision

Restricted Reports									
Is this report restricted?	Yes ☐ No ☒								
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After Council Decision	☐								
Sometime 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	To advise Committee of progress with the Stadia Community Benefits Initiative (SCBI) for 2023/2024 and update on the action plan.
2.0	Recommendations
2.1	The Members of the Committee are asked to note progress to date
3.0	Main report
3.1	The Council has been undertaking the Leisure Transformation Programme to renew its Leisure facilities across the City. This Programme has been influenced by the Partnership opportunities presented by the NI Executive Stadia Programme.
3.2	The Council, Department for Communities (DfC) and the Irish Football Association (IFA) have recognised the opportunities presented by the Stadia Programme, have committed to work together to maximise these benefits, and have agreed to establish a Stadium Community Benefits Initiative as part of the Belfast Community Benefits Initiative ('the Project') to implement and deliver agreed objectives including promoting equality, tackling poverty, and tackling social exclusion within the Belfast area.
3.3	In March 2016 the Council, DfC and IFA signed an agreement which sets out their respective commitments to the project. As other major stadia are developed in Belfast it is anticipated that other sports governing bodies shall become parties to the agreement. At its April 2018 meeting People and Communities committee agreed that Council would work with the Gaelic Athletic Association (GAA) within the Stadia Community Benefits Initiative and recognised their significant planned investment in Gaelic Games in the city to support their Gaelfast strategy. GAA activities became fully incorporated into the action plan at the start of financial year 2019-2020, with Gaelfast staff imbedded into the governance structure at the Delivery Board and the Policy and Performance Group.
3.4	The agreement is for a period of ten years with financial commitment from Council and IFA in place to the end of March 2026. Delivery is managed through monthly meetings of the Delivery Board, which reports quarterly to the Policy and Performance Board. Financial and performance reports will be presented to Council and other partners' Boards as necessary.
3.5	The Policy & Performance Group is responsible for agreeing the Benefits Realisation Plan and associated annual targets. Work was undertaken to ensure the end benefits/outcomes are aligned to partners' strategies. To measure the progress of this the Council and the IFA

	have developed a range of indicators/intermediate benefits which are monitored through programme delivery: a. Number of coaching sessions provided b. Number of coaches engaged in delivering coaching c. Number of sessions improving club governance d. Number of volunteering opportunities e. Participation opportunities for under 16s f. Female participation rates g. Number of people completing skills development programme i. Number of sessions for under-represented groups j. Number of sessions for school and youth groups k. Community group usage of stadia l. Number of clubs attaining club-mark m. Educational opportunities o. Number of programmes targeting ASB q. Improved collaborative working r. Number of disabled participants s. Number of older people participating The policy and performance group held their meeting on Wednesday 25 October to review performance to date and to be updated in terms of the programme for Q3 and Q4
3.6	Following the completion of a baseline assessment in early 2017, annual workplans are developed each year. The Action Plan for 2023-2024 has been produced by the partners and includes a mixture of sports specific programmes with both National Governing Body specific coach education courses and some joint collaborative initiatives delivered by both sporting with information webinars which continue to prove popular.
3.7	<u>Performance</u> Delivery to date in Q1, and Q2 of year 7 (financial year 2023/2024) has continued and details of the IFA and GAA specific activities are included at appendix (i) and appendix (ii) A number of joint initiatives including a schools coaching programme and a best practice conference are also planned for Q4
3.8	<u>Financial Implications</u> In accordance with the Council's obligations under its DfC Funding Agreement for the Olympia Regeneration Project, the Council has committed a sum of £100,000 per annum for

3.8	a minimum of ten years, so that a minimum of £1,000,000 is contributed in total to the Project. In relation to 2023/24 Q1 and Q2 spend partners have reported a normal level of spend in line with programmes delivered. Partners have projected full utilisation of the planned annual budget across both joint and individual work programmes by the end of March 2024. <u>Equality Impact/Rural Needs Assessment</u> There are no additional impacts related to this report.
4.0	Appendices – Documents Attached
4.1	(i) IFA Performance Report Quarters 1 & 2 2023/2024 (ii) GAA Performance Report Quarters 1 & 2 2023/2024

SCBI Performance Report_IFA_2023-2024

ACTUAL 1 April 2023- 30 September 2023 (Half Year)

Intermediate Benefits	Q1	Q2	Total
a. Number of coaching sessions provided	109	240	349
b. Number of coaches engaged in delivering coaching	48	77	125
c. Number of sessions improving club governance	5	0	5
d. Number of volunteering opportunities	297	108	405
e. Participation opportunities for under 16s	120	585	705
f. Female participation rates	120	65	185
Number of people completing skills development programme	975	789	1764
i. Number of sessions for under-represented groups	109	108	217
j. Number of sessions for school and youth groups	0	0	0
k. Community group usage of stadia	1	0	1
l. Number of clubs attaining club-mark	0		0
m. Educational opportunities	5		5
o. Number of programmes targeting ASB	109	65	174
q. Improved collaborative working	105	65	170
r. Number of disabled participants	0	0	0
s. Number of older people participating	65	0	65
Total	2068	2102	4170

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SCBI Performance Report_GAA_2023-2024

Actual 1 April 2023-30 September 2023 (Half Year)

Intermediate Benefits	Q1	Q2	Total
a. Number of coaching sessions provided	62	114	176
b. Number of coaches engaged in delivering coaching	71	47	118
c. Number of sessions improving club governance	0	0	0
d. Number of volunteering opportunities	56	52	108
e. Participation opportunities for under 16s	860	875	1735
f. Female participation rates	239	294	533
Number of people completing skills development programme	826	927	1753
i. Number of sessions for under-represented groups	10	106	116
j. Number of sessions for school and youth groups	70	0	70
k. Community group usage of stadia	0	0	0
l. Number of clubs attaining club-mark	0	0	0
m. Educational opportunities	24	52	76
o. Number of programmes targeting ASB	62	114	176
q. Improved collaborative working	14	47	61
r. Number of disabled participants	39	57	96
s. Number of older people participating	7	4	11
	2340	2689	5029



Subject:	Pitch Partner Agreements Q1 and Q2 update
Date:	7 November 2023
Reporting Officer:	David Sales – Director of Neighbourhood Services
Contact Officer:	Cormac McCann – Lead Officer, Community Provision

Restricted Reports									
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After Council Decision	☐								
Sometime 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	This report is to provide an update on progress regarding implementation of Pitch Partner Agreements for April 2023 – September 2023.																
2.0	Recommendations																
2.1	The Members of the Committee are asked to note the progress to date at Partner Agreement sites.																
3.0	Main report																
3.1	Legal Agreements Council agreed to enter into Partner Agreements at the following sites with the clubs identified below. <table border="1"> <thead> <tr> <th>Location</th><th>Partner</th></tr> </thead> <tbody> <tr> <td>Dixon Playing Fields</td><td>Sirocco Works FC</td></tr> <tr> <td>Alderman Tommy Patton Memorial Park</td><td>East Belfast FC</td></tr> <tr> <td>Woodlands Playing Fields</td><td>Co. Antrim Board GAA</td></tr> <tr> <td>Loughside Playing Fields</td><td>Loughside FC</td></tr> <tr> <td>Shore Road Playing Fields</td><td>Grove United FC</td></tr> <tr> <td>Orangefield Playing Fields</td><td>Bloomfield FC</td></tr> <tr> <td>Ulidia Playing Fields</td><td>Rosario FC</td></tr> </tbody> </table>	Location	Partner	Dixon Playing Fields	Sirocco Works FC	Alderman Tommy Patton Memorial Park	East Belfast FC	Woodlands Playing Fields	Co. Antrim Board GAA	Loughside Playing Fields	Loughside FC	Shore Road Playing Fields	Grove United FC	Orangefield Playing Fields	Bloomfield FC	Ulidia Playing Fields	Rosario FC
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3.2	The Agreements are for an initial period of 5 years with an option to extend for a further two years, subject to satisfactory performance by the Agreement holders. In March 2023 Committee agreed to extend all of the Agreements beyond the initial 5 year period until 31 March 2024.																
3.3	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. It is anticipated that, following review of the CAT pilot process, the sites listed above may also be made available for consideration under revised 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.																

3.4	Council is also in the process of producing both a Physical Activity and Sports Development Strategy and a Playing Pitches and Outdoor Sports Facilities Strategy.								
3.5	Regular checks on the necessary Insurance, Health and Safety and building operations and governance have been completed at all Pitch Partnership Agreement sites.								
3.6	Quarterly reporting on Safeguarding, Finance and Performance in in place with the reporting documents amended in accordance with audit requirements and sent to partners one month in advance of reporting deadlines. All partners are compliant with regards to reporting requirements.								
3.7	Financial Support to deliver Sports Development Plans Successful applicants submitted their plans in early 2023 to improve sports development outcomes at each site in the 2023 – 2024 financial year. Funding of up to £20,000 per annum is available for each partner to deliver a programme supporting their Sports Development Plan. Letters of offer to all partners are based on approved sports development plans for the financial year. Partners must submit Sports Development plans annually which are aligned to the financial planning calendar for the incoming year.								
3.8	Monitoring A calendar of regular monitoring meetings are in place with OSS managers, the Leisure Development Manager and Sports Development Officer. The 2023/24 action plans are reviewed and agreed with the partners during these discussions to ensure that planned outcomes are achieved and improvements identified where required.								
3.9	Sports Development Impact In line with Council objectives, the diversification of use and improved sports development impact are priorities at the Partner Agreement sites. Programme delivery has led to significant positive achievements across the sites. The table below indicates outputs at the sites as reported by the 7 partners for Quarters 1 and 2 (April-September) 2023/24. <table border="1"> <tr> <td colspan="2">A. Participation type</td></tr> <tr> <td>1. Members of different codes</td><td>3841</td></tr> <tr> <td>2. People with a Disability</td><td>191</td></tr> <tr> <td>3. People from a minority ethnic background</td><td>3511</td></tr> </table>	A. Participation type		1. Members of different codes	3841	2. People with a Disability	191	3. People from a minority ethnic background	3511
A. Participation type									
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3.9	4. Females	3565
	5. Older people	2251
	6. Schools / youth organisations	9
	B. Participation usage	
	Number of full pitch/adult matches on site	351
	Number of full pitch/adult match participations	10413
	Number of small sided/youth matches on site	542
	Number of youth match participations	21379
	Number of training sessions held on site	1424
	Number of training session participants	27410
	Number of other bookings / activities on site	125
	Number of other bookings/activity participants on site	1557
	C. Partnership working	
	1. Working with Belfast City Council	All reported partnership working
	2. Sport's Governing Bodies	30
	3. Other teams / groups in your sport	24
	4. Other teams / groups in different sports	11
	5. Community / voluntary groups	20
	D. Social value	
	1. Young people at risk	1661
	2. Encourage participation of under- represented groups	3268
	3. Promote positive cross community relations	724
	4. Promote health and wellbeing in socially deprived communities	5205
	5. Promote Volunteering skills	76
	6. Develop skills that will improve employability	52
	<u>Financial & Resource Implications</u>	
	A total of £140,000 per annum is available within revenue estimates to support annual Sports Development Plans at the Partner Agreement sites.	

3.10	<u>Equality or Good Relations Implications</u> None.
4.0	Appendices – Documents Attached
	None

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Subject:	Department for Communities- Consultation on Private Tenancies Act 2022 Section 8: (Smoke, Heat and Carbon Monoxide alarms) and Section 10:(Electrical Safety Standards)- Draft BCC response
Date:	7 th November 2023
Reporting Officer:	Siobhan Toland, Director of City Services
Contact Officer:	Claire O'Neill, Principal Environmental Health Officer Vivienne Donnelly, City Protection Manager

Restricted Reports									
Is this report restricted?	Yes ☐ No ☒								
Please indicate the description, as listed in Schedule 6, of the exempt information by virtue of which the council has deemed this report restricted. Insert number 1. Information relating to any individual 2. Information likely to reveal the identity of an individual 3. Information relating to the financial or business affairs of any particular person (including the council holding that information) 4. Information in connection with any labour relations matter 5. Information in relation to which a claim to legal professional privilege could be maintained 6. Information showing that the council proposes to (a) to give a notice imposing restrictions on a person; or (b) to make an order or direction 7. Information on any action in relation to the prevention, investigation or prosecution of crime									
If Yes, when will the report become unrestricted? <table style="width: 100%; border: none;"> <tr> <td style="width: 70%;">After Committee Decision</td> <td style="width: 30%; text-align: center;"><input style="width: 40px; height: 25px;" type="checkbox"/></td> </tr> <tr> <td>After Council Decision</td> <td style="text-align: center;"><input style="width: 40px; height: 25px;" type="checkbox"/></td> </tr> <tr> <td>Sometime in the future</td> <td style="text-align: center;"><input style="width: 40px; height: 25px;" type="checkbox"/></td> </tr> <tr> <td>Never</td> <td style="text-align: center;"><input style="width: 40px; height: 25px;" type="checkbox"/></td> </tr> </table>		After Committee Decision	<input style="width: 40px; height: 25px;" type="checkbox"/>	After Council Decision	<input style="width: 40px; height: 25px;" type="checkbox"/>	Sometime in the future	<input style="width: 40px; height: 25px;" type="checkbox"/>	Never	<input style="width: 40px; height: 25px;" type="checkbox"/>
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Never	<input style="width: 40px; height: 25px;" type="checkbox"/>								



Call-in	
Is the decision eligible for Call-in? Yes ☒ No	
1.0	Purpose of Report/Summary of Main Issues
1.1	To update members regarding the consultations on The Smoke, Heat and Carbon Monoxide Alarm Regulations (NI) and the Electrical Safety Standards Regulations (NI) as part of the new provisions contained in The Private Tenancies Act (NI) 2022.
2.0	Recommendation
2.1	The members of the Committee are asked to note the new legislative powers to be enforced by Councils in relation to the private rented sector regarding: • The Smoke, Heat and Carbon Monoxide Alarm Regulations (NI) • The Electrical Safety Standards Regulations (NI) Members are asked: • To agree the Council's response to the consultation in respect of the above-mentioned regulations. (Appendix 6) and • To agree the proposed levels for fixed penalty fines for the offences created under these new regulations as stated in this report.
3.0	Main Report
3.1	<u>Key issues</u> Members were previously appraised at their January 2023 Committee of the new provisions contained in The Private Tenancies Act (NI) 2022 which received royal assent on the 27th April 2022 and the report provided the details of the elements of the new Order that come into effect on the 1st April 2023 for the following provisions: • Tenancy Information Notice • Receipts for cash payments • Changes to Tenancy Deposits • Increase in time for requirements relating to tenancy deposits • Removal of the 6-month time barrier to prosecution of tenancy deposit offence • Change in length of notice to quit
3.2	It was noted that there are still a number of provisions which require further consultation regarding new requirements to provide smoke, heat and carbon monoxide alarms and changes to electrical safety standards in private rented sector properties.
3.3	A 12-week stakeholder consultation was issued on 13 September 2023 with responses due by 6th December 2023 via the NICS Citizen Space platform in relation to The Smoke, Heat and Carbon Monoxide Alarm Regulations (NI). The Smoke, Heat and Carbon Monoxide Alarms for Private Tenancies Regulations (Northern Ireland) 202X Consultation - NI Direct - Citizen Space

	<u>and the Electrical Safety Standards Regulations (NI).</u> <u>The Electrical Safety Standards for Private Tenancies Regulations (Northern Ireland) 202X Consultation - NI Direct - Citizen Space</u> It is a targeted consultation focusing on engaging and obtaining the views of NI tenants, landlords, electricians, council enforcement officers, and all associated professional bodies/representatives on the draft Regulations and guidance. Prior to seeking this approval to proceed to formal consultation with stakeholders there has been engagement in shaping of the regulations with the DfC expert advisory panel representing: • Northern Ireland Fire and Rescue Service (NIFRS) • Local Council Environmental Health Officers who will enforce the regulations • DoF technical staff in respect of electrical and building regulation adherence • Electrical Safety First – campaigning organisation for electrical safety measures
3.4	The consultations states that these regulations do not cover Houses in Multiple Occupancy (HMOs) and single lets properties, as these are covered by separate legislation/guidance. Single let arrangements is housing leased from private landlords and used by the Housing Executive to accommodate homeless people. Single-lets are often managed by large private companies, such as Homecare Independent Living. The company, rather than the landlord, will deal with the resident and the Housing Executive. Residents tend to stay longer in single-lets than in other types of temporary accommodation. The Council is not aware of any specific legislation/guidance in relation to single lets and would seek clarification from the Department in respect of this matter. The consultation survey questions will be responded to using the information contained in Appendix 6.
3.5	Comments in respect of technical matters are also contained in Appendix 6. We have also taken the opportunity to provide some feedback on the regulations and guidance to ensure there is no conflict or confusion with regard to responsibilities and requirements for landlords. This feedback covers the linkage with Building Regulations and the standards to be met in this regard when installing mains wired smoke and heat detectors. There is also some feedback on how guidance can be improved, for example by incorporating additional siting and spacing information for detectors and for product/component standards to be incorporated in the regulations and guidance.
3.6	The Act creates new offences for which the Council will have to powers to issue fixed penalty notices. The Regulations propose a maximum fixed penalty of £500 for the offences relating to the alarms and £1000 for the Electrical Safety standards.
3.7	The Committee should note that the Smoke, Heat and Carbon Monoxide Alarm Regulations are by negative resolution and can progress to be enacted after consultation but the Electrical Safety Standards Regulations will pause due to being draft Affirmative and will await the Assembly being reconvened to be progressed in that forum.

3.8 3.9 3.10	<u>The Smoke, Heat and Carbon Monoxide Alarm Regulations (NI)</u> The requirements under the above new regulations are as follows: • There will be a lead in time of 12 months for landlords to comply. • Landlords will ensure there is a smoke alarm in the room which is most frequently used by the occupants for general daytime living purposes (normally the living room/lounge, except where the room includes an open kitchen) The definition of a room includes an integral garage. • Landlords will be required to ensure there is a smoke alarm in every circulation space (hall, stairs, landing or corridor) on each storey • Landlords will be required to ensure there is a heat alarm in every kitchen • Landlords will be required to ensure there is a carbon monoxide alarm installed in any room or circulation space of the dwelling-house which contains a fixed combustion appliance • Where the proximity of an open fireplace would make a smoke alarm impracticable, a heat alarm may be fitted. • Smoke and heat alarms must be interlinked, excluding carbon monoxide alarms: • Installed alarms which may either be hard wired or battery sealed or a combination of both • Smoke and heat alarms must be installed and maintained in accordance with British Standards BS 5839-6(b) • Carbon monoxide alarms which must be installed and maintained in accordance with British Standards BS 50292(c) • Battery sealed alarms should be tamper-proof units with long life batteries. • Where a dwelling-house let under a private tenancy consists of a part of a building, the landlord may be required to position appliances in a part or parts of the building not comprised in the tenancy. Enforcement of these proposed regulations will be via the option of the fixed penalty process, with a maximum penalty of £500 (set by the Council) or a maximum level 4 fine (£2500) imposed by the courts upon conviction. It is proposed that the fixed penalty level offence is set by the Council at £500 <u>Electrical Safety Standards Regulations (NI)</u> The requirements under the above new regulations are as follows; • There will be a lead in time of 12 months for landlords to comply. • The Regulations require landlords to have the electrical installations in their properties inspected and tested by a qualified person at an interval of at least every 5 years. • Supply a copy of this report to the existing tenant within 28 days of the inspection and test. • Supply a copy of this report to a new tenant before they occupy the premises. • Supply a copy of this report to any prospective tenant within 28 days of receiving a request for the report.
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	• Supply the appropriate district council with a copy of this report within 7 days of receiving a written request for a copy. • Retain a copy of the report to give to the inspector and tester who will undertake the next inspection and test. • Where the report shows that further investigative or remedial work is necessary, complete this work within 28 days or any shorter period if specified as necessary in the report. • Supply written confirmation of the completion of the further investigative or remedial works from the electrician to the tenant (and the appropriate district council within 28 days of completion of the works if linked to previous council intervention) • District councils may, with the consent of the tenant, arrange to carry out remedial work in the following circumstances: • If a landlord does not comply with a remedial notice. • If the electrical safety inspection report indicates that urgent remedial action is required, and the landlord has not carried out the work within the period specified in the report. • The district council can recover the costs incurred.
3.11	Enforcement of these proposed regulations will be via the option of the fixed penalty process, with a maximum penalty of £1000 (set by the Council) or a maximum level 5 fine (£5000) imposed by the courts upon conviction. It is proposed that the fixed penalty level offence is set by the Council at £1000.
4.0	<u>Financial and Resource Implications</u> The new Regulations will provide Councils with additional enforcement powers to deal with issues in the private rented sector which will place resource 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 these offences may provide some income, but it will not cover the additional staffing and administrative resources required.
5.0	<u>Equality or Good Relations Implications/Rural Needs Assessment</u> None associated with this report.
6.0	Appendices
	Appendix 1 – Private Tenancies Act 2022 Private Tenancies Act (Northern Ireland) 2022 (legislation.gov.uk) Appendix 2- Smoke, heat and carbon monoxide alarm for Private Tenancies Regulations https://www.communities-ni.gov.uk/sites/default/files/consultations/communities/dfc-consultation-section8-smoke-heat-carbon-monoxide-alarms-private-tenancies-ni-regs.pdf Appendix 3- Smoke, heat and carbon monoxide alarms guidance

<https://www.communities-ni.gov.uk/sites/default/files/consultations/communities/dfc-consultation-section8-smoke-heat-carbon-monoxide-alarms-private-tenancies-ni-guidance-notes.pdf>

Appendix 4- Electrical Safety Standards for Private Tenancies Regulations

<https://www.communities-ni.gov.uk/sites/default/files/consultations/communities/dfc-consultation-section10-electrical-safety-standards-private-tenancies-ni-regs.pdf>

Appendix 5 – Electrical Safety Guidance

<https://www.communities-ni.gov.uk/sites/default/files/consultations/communities/dfc-consultation-section10-electrical-safety-standards-private-tenancies-ni-guidance-notes.pdf>

Appendix 6- Technical comments



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 year

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.”.

2024 No. 0000

LANDLORD AND TENANT

The Smoke, Heat and Carbon Monoxide Alarms for Private Tenancies Regulations (Northern Ireland) 2024

Made - - - - *00th January 2024*

Coming into operation *00th January 2024*

The Department for Communities in exercise of the powers conferred by Article 11B(2) of the Private Tenancies (Northern Ireland) Order 2006(a) makes the following Regulations.

Citation, commencement

1.—(1) These Regulations may be cited as the Smoke, Heat and Carbon Monoxide Alarms for Private Tenancies Regulations (Northern Ireland) 2024 and shall come into operation on 00th January 2024.

Interpretation

2. In these Regulations—

“British Standard BS 5839” is the standard for commissioning and maintenance of fire detection and fire systems for buildings (domestic/non-domestic) compiled by the British Standards Institution;

“British Standard BS 50292” is the standard to the selection, installation use and maintenance of electrical apparatus for the detection of carbon monoxide in domestic premises compiled by the British Standards Institution;

“carbon monoxide alarm” means a device that detects the presence of carbon monoxide and gives warning to prevent carbon monoxide poisoning;

“circulation space” means a hall, stairs, landing or corridor;

“fixed combustion appliance” means a fixed apparatus where fuel of any type is burned to generate heat and includes boilers, fires (including open fires), heaters and stoves fuelled by solid fuel, oil or gas, it does not include a gas cooker;

“heat alarm” means a device designed to detect heat instead of smoke, the alarm contains a thermistor which is set to respond to temperatures above 58°C and sound an alarm;

“integral garage” means an attached garage that is built within the walls of the main dwelling-house and is structurally connected to the house, it can be accessed either via an internal door or from outside the dwelling-house;

“kitchen” includes an open plan kitchen, living, dining area where one alarm can be located where it is no more than 7.5 metres from any point in the room;

“room” includes an integral garage and an open plan living area with circulation space;

(a) 2006 No. 1459 (N.I. 10) as amended by the Private Tenancies Act (Northern Ireland) 2022 c. 20 (N.I.).

“the 2006 Order” means the Private Tenancies (Northern Ireland) Order 2006.

3. The prescribed date, in respect of a private tenancy of a dwelling-house granted before xxxxx which was the date on which Section 8 of the Private Tenancies Act (Northern Ireland) 2022(a) was commenced, is two months after the commencement.

Minimum number of smoke, heat and carbon monoxide alarms

4.—(1) Subject to (2) and (3), a landlord in respect of a private tenancy must ensure that each dwelling-house has—

- (a) a smoke alarm installed in—
 - (i) the room which is most frequently used by the occupants for general daytime living purposes (normally the living room/lounge, except where the room includes an open kitchen); and
 - (ii) every circulation space on each storey;
- (b) a heat alarm installed in every kitchen; and
- (c) a carbon monoxide alarm installed in any room or circulation space of the dwelling-house which contains a fixed combustion appliance.

(2) where the proximity of an open fireplace would make a smoke alarm impracticable, a heat alarm may be fitted.

(3) Landlords must install sufficient alarms as specified in accordance with regulation (1) and (2).

(4) The landlord must ensure that each smoke, heat or carbon monoxide alarm is—

- (a) in proper working order at the beginning of every new tenancy;
- (b) replaced when notified the alarm is faulty;
- (c) replaced before the manufacturer’s specified date of expiry.

Requirements for alarms

5.—(1) Alarms specified at regulation 4(1) to (2) must be—

- (a) smoke and heat alarms interlinked, excluding carbon monoxide alarms;
- (b) installed alarms which may either be hard wired or battery sealed or a combination of both;
- (c) smoke and heat alarms must be installed and maintained in accordance with British Standards BS 5839-6(b);
- (d) carbon monoxide alarms which must be installed and maintained in accordance with British Standards BS 50292(c).

(2) In relation to regulation 5(1)(c) battery sealed alarms should be tamper-proof units with long life batteries.

Sealed with the Official Seal of the Department for Communities on 00th December 2023



David Polley
A senior officer of the

(a) 2022 c.20 (N.I.)
(b) BS 5839-6:2019+A1:2020 - Fire detection and fire alarm systems for buildings - Code of practice for the design, installation, commissioning and maintenance of fire detection and fire alarm systems in domestic premises
(c) BS EN 50292:2013 - Electrical apparatus for the detection of carbon monoxide in domestic premises, caravans and boats. Guide on the selection, installation, use and maintenance.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations set minimum standards for the purpose of determining whether a landlord of a private tenancy has complied with the duty contained in Article 11B of the Private Tenancies (Northern Ireland) Order 2006 to keep in repair and working order sufficient appliances for detecting fire, smoke or carbon monoxide.

Guidance on the implementation of the Smoke, Heat and Carbon Monoxide Alarms for Private Tenancies Regulations (Northern Ireland) 2023 has been published and is available on the Department for Communities website at XXXXXXXXXXXXXXXX.



Guidance notes for The Smoke, Heat and Carbon Monoxide Alarms for Private Tenancies Regulations (Northern Ireland) 2024

1. Introduction

- 1.1 These guidance notes have been produced to clarify what is required under the Smoke, Heat and Carbon Monoxide Alarms for Private Tenancies Regulations (Northern Ireland) 2024.
- 1.2 The Regulations became law on TBC which means all private rented properties must comply and have the appropriate smoke, heat, and carbon monoxide alarms in place.

2. Purpose of Smoke, Heat and Carbon Monoxide Alarms

- 2.1 According to national fire statistics fires in properties that have alarms in place continue to:
 - be discovered more rapidly (less than 5 minutes) after ignition; and
 - be associated with lower fatal casualty rates.
- 2.2 The installation of smoke, heat and carbon monoxide alarms are intended to reduce the risk of fire and the consequent loss of life, injury, and damage to property. That is why this new legal requirement was introduced under Section 8 of the Private Tenancies Act (NI) 2022.

3. Landlords' responsibilities

- 3.1 These regulations introduce a responsibility on a landlord to install and keep in proper working order sufficient alarms for detecting smoke, heat and carbon monoxide within any property that they rent out to tenants. Alarms need to provide sufficient warning of potential danger. Additionally, any alarm within the property must be repaired or replaced once a landlord has been informed it has become faulty. Section 6 of this guidance details the number, type and location requirements that need to be applied.

- 3.2 A landlord needs to ensure that any alarm units (smoke, heat & carbon monoxide) that are bought/installed are marked/referenced as being British Standard compliant. If any alarms are being hardwired into the main electrical installation that work will need to be undertaken by a qualified electrician.
- 3.3 The landlord is responsible for the alarms within their property and must ensure they are fully functional. The landlord should confirm the tenant is satisfied all alarms are in working order on the commencement of any tenancy. A formal record should be kept of when alarms are installed or replaced. It is recommended to keep a record and associate with further information you hold on your rental property. A copy should also be placed within any information pack located in the property for the tenant's information. All tenants should be advised they need to regularly test the alarms according to the manufacturer's instructions, and to report any faults to the landlord.
- 3.4 If the alarms are due to be replaced, or a fault occurs, the landlords must take remedial action. Failure to comply may be a breach of their duty under these Regulations and an offence may have been committed. A landlord must check the tenant's availability to get access to a property to do repairs and maintenance work.
- 3.5 If a situation does occur in respect of access to the property landlords should attempt to understand why tenants cannot or will not provide access and work with them to find a solution. If access is continually denied landlords should write to their tenants to explain that it is a legal requirement to install the alarms and that it is for the tenant's own safety. Landlords should provide the tenant with a minimum of 24-hour notice for the need to access the property arranging a time to visit that is convenient for the tenant. The landlord should keep a written record of access attempts to provide to the local council in case of any challenge in respect of compliance.

4. Tenants' responsibilities

- 4.1 If tenants find that their alarms are not in working order during the tenancy, they need to report this to the relevant landlord or acting agent. Landlords will be responsible for repairing or replacing any faulty alarms. However, a landlord must be notified that a fault has occurred. (A landlord is not under a duty to carry out works unless he has actual knowledge of the fault).
- 4.2 Tenants should refer to the notes section of their tenancy information notice, their tenancy agreement, or any specific tenancy information pack provided by the landlord for any detail on testing and checking alarms.
- 4.3 Additionally it is a tenant's responsibility to take proper care of the alarms and make good any damage wilfully or negligently caused by themselves, or by any person/persons lawfully living in or lawfully visiting the premises.

- 4.4 As it is a legal requirement on the landlord to install alarms for the tenants' own safety, tenants should ensure that any required access to the property to do repairs, maintenance work and install alarms can be accommodated at a mutually agreeable time.

5. Testing alarms to check they are in working order

- 5.1 Testing of smoke, heat and carbon monoxide alarms does not require specialist skills or knowledge and is straightforward to do. Landlords should consider providing tenants with a demonstration and/or instructions to support understanding of how, and when, to test alarms to make sure they are in working order. Tenants should be advised of the expiry dates of the alarms located within the property and a warned not to tamper with the alarm units.
- 5.2 Landlords should advise tenants to test the alarms once per week by pressing the test button. If they can't reach, ask a family member or neighbour to help, or use a broom handle. It is the tenant's responsibility to undertake regular testing of the alarms and draw any faults to the landlord's attention. All relevant information should be included within any information pack located in the property for the tenant's information.

6. Requirement for alarms and installation

- 6.1 A landlord must have within the property a minimum of:
- ✓ 1 smoke alarm installed in:
 - the room which is most frequently used by the occupants for general daytime living purposes (normally the living room/lounge), and
 - in every circulation space.
 - ✓ 1 heat alarm installed in every kitchen.
 - ✓ 1 carbon monoxide alarm installed in any room or circulation space of the property which contains a fixed combustion appliance other than a gas cooker.
- 6.2 In connection with the standards on the required number of alarms outlined in the Regulations, it is recognised that layout and design of a property may determine that:
- if an area is open plan, one smoke alarm can cover the whole room provided it can be located where it is no more than 7.5 metres from any point in the room, except where the open plan area contains a kitchen area in which case the alarm fitted should be a heat alarm;

- if an alarm is more than 7.5 meters from any point in the room then another alarm must be installed:
- where the proximity of an open fireplace would make a smoke alarm impracticable a heat alarm may be fitted.

6.3 **Smoke alarms** (*mains wired, battery, or a combination of both*) must be installed on the ceiling and be interlinked. That means if one smoke alarm detects an incident all other alarms in the vicinity of that first alarm's signal will also raise an audible alert.

6.4 **Carbon monoxide alarms** (*mains wired or battery*) can be either ceiling or wall mounted see section 8.11 for further clarification. If the alarm is battery operated it must have a sealed battery for the duration of its lifespan.

6.5 If using battery smoke alarms, they must be sealed tamper-proof units and have long-life batteries. You may be able to fit these alarms yourself as they do not need to be fitted by a qualified electrician. Batteries last for the duration of its operational lifespan, which may be up to 10 years, however be aware sensors can degrade over time.

6.6 Mains wired alarms (smoke, heat or carbon monoxide) must be fitted by a qualified electrician.

6.7 Mains wired alarms may be subject to building control approval, for further information please check the following link: [Building Control NI \(buildingcontrol-ni.com\)](http://buildingcontrol-ni.com). It will be the responsibility of a qualified electrician to install mains wired alarms in compliance with current building regulation standards.

6.8 Northern Ireland Fire and Rescue Service provide free Home Fire Safety Checks to people at risk. This includes a visit to the property to provide advice on how to stay safe from fire. To apply for a home fire safety check and get additional advice, please visit the NIFRS website at: www.nifrs.org

7. Specialised alarms

7.1 Landlords should make an informed decision and choose the best alarms for their properties and tenants, with due regard for their tenants' circumstances. For example, specialist smoke, heat and carbon monoxide alarms that alert by vibration or flashing lights (as opposed to by sound alerts) may be required for tenants who are deaf or hard of hearing.

8. Carbon Monoxide Alarms

8.1 Carbon monoxide (CO) is a gas, produced when carbon-based fuel, such as coal, wood, oil, or natural gas, is burnt without enough oxygen. You cannot

see, smell, or taste it but it can injure and kill quickly. Not only is CO responsible for many deaths and poisonings each year, but many people are also likely to be affected by CO without realising it. [Carbon monoxide | Health and Safety Executive Northern Ireland \(hseni.gov.uk\)](https://www.hseni.gov.uk)

- 8.2 Alarms are essential in providing perhaps the only warning an occupier will have of the presence of CO, which is a 'silent killer' and almost every fatality results from the lack of early warning to its presence.
- 8.3 Combustion appliances such as boilers, fires (including open fires), heaters and stoves fuelled by solid fuel, oil or gas all have the potential to cause CO poisoning if they are poorly installed or commissioned, inadequately maintained, or incorrectly used. Inadequate ventilation or a lack of the correct maintenance of appliances, flues and chimneys are the main causes of CO poisoning. Poisonous CO gas is produced when fuel does not burn properly. Incidents of poisoning can also occur through deterioration of the structure of the flue or chimney.
- 8.4 The installation of carbon monoxide alarms is intended to reduce the risk of CO poisoning and the consequent loss of life and serious injury. These Regulations match the existing Regulations required for new build properties. Private landlords must ensure that all the properties they let to tenants include carbon monoxide alarms, if appropriate, regardless of when the tenancy started and what previous requirements have already been met.
- 8.5 Tenants have a right to refer any landlord not complying with the installation of carbon monoxide alarms or any other element of non-compliance within the regulations to the environmental health department of their local council.
- 8.6 In order to alert occupants to the presence of levels of CO gas which may be harmful to people, private landlords must ensure that carbon monoxide alarms are installed in all dwellings they rent to tenants where there is:
- A fixed combustion appliance (excluding an appliance used solely for cooking) in the dwelling.
 - A fixed combustion appliance in an inter-connected space, for example an integral garage.
 - A combustion appliance necessarily located in a bathroom (advice would be to locate it elsewhere) – the CO detector should be sited outside the room as close to the appliance as possible but allowing for the effect humid air might have on the detector when the bathroom door is open.
- 8.7 A carbon monoxide alarm is not required in an attached out-building or garage where there is no inter-connection with the house for example a connecting door. To be clear, if there is no way that CO could reasonably be expected to find a path into the house there is no need for a detector.

- 8.8 Carbon monoxide alarms need to be powered by a battery designed to operate for the working life of the detector. The detector should incorporate a warning device to alert the users when its working life is due to expire and should be replaced before the expiry date. However, hard wired mains operated carbon monoxide alarms (fixed wiring) may be used as an alternative, provided they are fitted with a sensor failure warning device. Carbon monoxide alarms whether hard-wired or battery must be British Standard compliant.
- 8.9 Section 6 of this guidance specifies that there must be a carbon monoxide alarm installed in any room of the property which contains a fixed combustion appliance other than a gas cooker. That is the minimum standard, however a carbon monoxide alarm may also be installed in a bedroom or any room where a flue passes through to provide extra protection if considered necessary.
- 8.10 Unless otherwise indicated by the manufacturer, carbon monoxide alarms should be sited as follows:
- Ceiling mounted and positioned at least 300mm from any wall (unless otherwise indicated by the manufacturer).
 - Wall mounted and positioned at least 150 mm below the ceiling and higher than any door or window in the room (unless otherwise indicated by the manufacturer).
 - If the combustion appliance (primarily boiler) is located within a small space, usually a cupboard, the alarm should be sited outside the space/cupboard with the appropriate distance between appliance and alarm of between one and three meters.
 - If the combustion appliance (primarily boiler) is located in an attic, the detector should ideally be sited between one and three meters from the appliance in the attic and another interlinked detector sited outside the attic near the attic hatch. Where this is not possible, a detector sited outside the attic as near the attic hatch as possible is acceptable.
- 8.11 A carbon monoxide alarm should **not** be sited:
- In an enclosed space (for example in a cupboard or behind a curtain).
 - Where it can be obstructed (for example by furniture).
 - Directly above a sink.
 - Next to a door or window.
 - Next to an extractor fan.
 - Next to an air vent or similar ventilation opening.
 - In an area where the temperature may drop below -10 °C or exceed 40° unless the detector is designed to do so.
 - Where dirt and dust may block the sensor.
 - In a damp and humid location.
 - In the immediate vicinity of a cooking appliances.

- 8.12 Landlords should be mindful that the provision of carbon monoxide alarms should not be regarded as a substitute for the correct installation and regular servicing of all combustion appliances.

Although not part of these Regulations further information relating to Gas Safety can be found via the following link: [Gas safety and carbon monoxide | nidirect](#)

9. Enforcement

- 9.1 If a landlord fails to comply with the duty to keep in repair and proper working order sufficient appliances for detecting smoke, heat, and carbon monoxide in a private tenancy, this will be an offence under Article 68(1) of the Private Tenancies (NI) Order 2006 and, the appropriate district council may institute legal proceedings.

10. Fines/Penalties

- 10.1 An offence under Article 68(1) of the Private Tenancies (Northern Ireland) Order 2006 on conviction will attract a fine not exceeding level 4 on the Department of Justice standard scale.
- 10.2 If the local council believes that an offence has been committed the authorised council officer, may offer the landlord the opportunity of discharging any liability to conviction, by the payment of a fixed penalty fine which will not exceed one-fifth of the maximum fine payable on conviction of that offence.

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2024 No. 0000

LANDLORD AND TENANT

**The Electrical Safety Standards for Private Tenancies Regulations
(Northern Ireland) 2024**

Made - - - - *00th XXXX 202X*

Coming into operation *one month from made date*

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The Department for Communities, makes the following Regulations in exercise of the powers conferred on it by Articles 11I, 11J, 11K and 72(1) of the Private Tenancies (Northern Ireland) Order 2006(a), (“the 2006 Order”).

In accordance with Article 72(7) of the 2006 Order the Department has consulted—

(a) 2006 No. 1459 (N.I. 10) as amended by the Private Tenancies Act (Northern Ireland) 2022 c. 20 (N.I.).

- (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).

In accordance with Article 72(3A) of the 2006 Order a draft of these regulations was laid before, and approved by, a resolution of the Assembly.

PART 1

Citation and commencement

1.—(1) These Regulations may be cited as the Electrical Safety Standards for Private Tenancies Regulations (Northern Ireland) 2024.

(2) These Regulations come into operation on 00st XXXXX 202X

(3) These Regulations apply to—

- (a) all new private tenancies from **one month from made date**; and
- (b) all existing private tenancies from **one year from made date**.

Interpretation

2. In these Regulations—

“authorised person” means a person authorised in writing by the appropriate district council for the purpose of taking remedial action under Regulations 6 and 11;

“electrical installation” means fixed electrical cables or fixed electrical equipment located on the consumer’s side of the electricity supply meter;

“electrical safety standards” means the standards for electrical installations in the eighteenth edition of the Wiring Regulations, published by the Institution of Engineering and Technology and the British Standards Institution as BS 7671: 2018(a);

“existing private tenancy” means a tenancy which was granted before the coming into force of these Regulations;

“new private tenancy” means a tenancy which is granted on or after the coming into force of these Regulations;

“qualified person” means a person competent to undertake the inspection and testing required under Regulation 3(1) and any further investigative or remedial work in accordance with electrical safety standards;

“remedial notice” means a notice served under regulation 4(1) of these Regulations;

“report from a qualified person” means a certificate reporting the testing of electrical installations;

“urgent remedial action” means such action identified in a report under regulation 3(3) as is immediately necessary in order to remove the danger present and risk of injury.

(a) ISBN-13: 978-1-78561-170-4. Copies can be obtained from the Institution of Engineering and Technology, Michael Faraday House, Six Hill Way, Stevenage SG1 2AY.

PART 2

Duties of landlords in relation to electrical installations

- 3.—(1) A landlord who grants or intends to grant a private tenancy must—
- (a) ensure that the electrical safety standards are met during the period when the dwelling-house is let under the private tenancy;
 - (b) ensure every electrical installation in the dwelling-house is inspected and tested at regular intervals by a qualified person; and
 - (c) ensure the first inspection and testing is carried out—
 - (i) before the tenancy commences in relation to a new tenancy; or
 - (ii) by 1st January 2025 in relation to an existing tenancy.
- (2) For the purposes of sub-paragraph (1)(b) “at regular intervals” means—
- (a) at intervals of no more than 5 years; or
 - (b) where the most recent report under sub-paragraph (3)(a) requires such inspection and testing to be at intervals of less than 5 years, at the intervals specified in that report.
- (3) Following the inspection and testing required under sub-paragraphs (1)(b) and (c) a landlord must—
- (a) obtain a report from the qualified person conducting the inspection and test, which gives the results of the inspection and test and the date of the next inspection and test;
 - (b) supply a copy of that report to each existing tenant of the dwelling-house within 28 days of the inspection and test;
 - (c) supply a copy of that report to the appropriate district council within 7 days of receiving a request in writing for it from the council;
 - (d) retain a copy of that report until the next inspection and test is due and supply a copy to the person carrying out the next inspection and test; and
 - (e) supply a copy of the most recent report to—
 - (i) any new tenant before they occupy the dwelling-house; and
 - (ii) any prospective tenant within 28 days of receiving a request in writing for it from that prospective tenant.
- (4) Where a report under sub-paragraph (3)(a) indicates that a landlord is or is potentially not complying with the duty under sub-paragraph (1)(a) and the report requires the landlord to undertake further investigative or remedial work, the landlord must ensure that further investigative or remedial work is carried out by a qualified person within—
- (a) 28 days; or
 - (b) the period specified in the report if less than 28 days;
- starting with the date of the inspection and testing.
- (5) Where paragraph (4) applies, a landlord must—
- (a) obtain written confirmation from a qualified person that the further investigative or remedial work has been carried out and that—
 - (i) the electrical safety standards are met; or
 - (ii) further investigative or remedial work is required;
 - (b) supply that written confirmation, together with a copy of the report under sub-paragraph (3)(a) which required the further investigative or remedial work to each existing tenant of the dwelling-house within 28 days of completion of the further investigative or remedial work; and

- (c) supply that written confirmation, together with a copy of the report under sub-paragraph (3)(a) which required the further investigative or remedial work to the appropriate district council within 28 days of completion of the further investigative or remedial work.

(6) Where further investigative work is carried out in accordance with paragraph (4) and the outcome of that further investigative work is that further investigative or remedial work is required, the landlord must repeat the steps in paragraphs (4) and (5) in respect of that further investigative or remedial work.

(7) For the purposes of sub-paragraph (3)(e)(ii) a person is a prospective tenant in relation to dwelling-house if that person—

- (a) requests any information about the dwelling-house from the prospective landlord for the purpose of deciding whether to rent the dwelling-house;
- (b) makes a request to view the dwelling-house for the purpose of deciding whether to rent the dwelling-house; or
- (c) makes an offer, whether oral or written, to rent the dwelling-house.

PART 3

Duty of district council to serve a remedial notice

4.—(1) Where the appropriate district council has reasonable grounds to believe that, a landlord has failed to comply with one or more of the duties under regulation 3(1)(a), (1)(b), (1)(c), (4), (5) and (6), and the most recent report under regulation 3(3) does not indicate that urgent remedial action is required, the council must serve a remedial notice on the landlord.

(2) A remedial notice must—

- (a) specify the dwelling-house to which the notice relates;
- (b) specify the duty or duties that the appropriate district council considers the landlord has failed to comply with;
- (c) specify the remedial action the appropriate district council considers should be taken;
- (d) require the landlord to take that action within 28 days beginning with the day on which the notice is served;
- (e) explain that the landlord is entitled to make written representations against the notice within 21 days beginning with the day on which the notice is served; and
- (f) specify the person to whom, and the address (including if appropriate any email address) to which, any representations may be sent;

(3) The appropriate district council must serve a remedial notice within 21 days beginning with the day on which the council decides it has reasonable grounds under paragraph (1).

(4) A copy of the remedial notice must also be sent to the tenant(s) who to the council's knowledge occupy the dwelling-house.

(5) The appropriate district council must consider any representations made under paragraph (2).

(6) Where a landlord makes written representations the remedial notice is suspended until the appropriate district council has complied with paragraphs (5) and (7).

(7) The appropriate district council must—

- (a) inform the landlord in writing of the outcome of the consideration under paragraph (5) within 7 days beginning with the day on which the period under sub-paragraph (2)(e) expires; and
- (b) where the outcome of the consideration under paragraph (5) is to confirm the remedial notice, is upheld inform the landlord in writing that the remedial action will proceed and the suspension under paragraph (6) ceases.

(8) The appropriate district council may withdraw the remedial notice at any time.

Duty of landlord to comply with a remedial notice

5.—(1) Where a remedial notice is served on a landlord, the landlord must take the remedial action specified in the notice within—

- (a) where no representations are made under regulation 4(2) and the remedial notice is not withdrawn, the period specified in regulation 4(2)(d); or
- (b) where representations are made under regulation 4(2) and the outcome of the consideration under regulation 4(5) is to confirm the remedial notice, 21 days from the day on which the landlord is informed that the suspension under regulation 4(6) ceases to have effect.

(2) A landlord is not to be treated as failing to comply with the duty under paragraph (1) if the landlord can show they have taken all reasonable steps to comply with that duty.

(3) For the purposes of paragraph (2), where a landlord is prevented from entering the dwelling-house to which the duty under paragraph (1) relates by the tenant or tenants of the dwelling-house, the landlord will not be considered to have failed to have taken all reasonable steps to comply with the duty under paragraph (1) solely by reason of a failure to bring legal proceedings with a view to securing entry to the dwelling-house.

Power of district council to arrange remedial action

6.—(1) Where the appropriate district council is satisfied, that a landlord on whom it has served a remedial notice has failed to comply with the duty under regulation 5(1), the council may, with the consent of the tenant or tenants of the dwelling-house in relation to which the remedial action is to be taken, arrange for an authorised person to enter the dwelling-house to take the remedial action specified in the remedial notice.

(2) Before the remedial action is taken the appropriate district council must serve a notice on the landlord specifying—

- (a) the dwelling-house in relation to which the remedial action is to be taken by the authorised person under paragraph (1) and the nature of that remedial action;
- (b) the power under which the remedial action is to be taken by the authorised person in paragraph (1);
- (c) the date when the remedial action will be taken by the authorised person; and
- (d) the right of appeal under regulation 7 against the decision of the council to arrange for an authorised person to take the remedial action.

(3) The appropriate district council must arrange for an authorised person to take the remedial action within 28 days of—

- (a) the end of the notice period in regulation 7(3) where there is no appeal; or
- (b) an appeal decision that confirms or varies the decision of the council where there is an appeal.

(4) An authorised person must—

- (a) give not less than 48 hours' notice of the remedial action to the tenant or tenants of the dwelling-house on which it is to be taken; and
- (b) if required to do so by or on behalf of the landlord or tenant or tenants, produce evidence of identity and authority.

Appeals relating to remedial action by district council

7.—(1) A landlord on whom a notice under regulation 6(2) has been served may appeal to the County Court against the decision of the appropriate district council to take that action.

(2) An appeal may be brought on the grounds that all reasonable steps had been taken to comply with the remedial notice, or reasonable progress had been made towards compliance with that notice, when the appropriate district council gave notice under regulation 6(2).

(3) An appeal under paragraph (1) must be made within the period of 28 days beginning with the day on which the notice is served under regulation 6(2).

(4) The County Court may allow an appeal to be made to it after the end of that period if it is satisfied that there is a good reason for the failure to appeal before the end of that period (and for any delay since then in applying for permission to appeal out of time).

(5) If a landlord appeals under paragraph (1) the remedial notice is suspended until the appeal is finally determined or withdrawn.

(6) The County Court may confirm, quash or vary the decision of the council.

Recovery of costs

8.—(1) The appropriate district council may recover costs reasonably incurred by them in taking action—

- (a) under regulation 6(1) from the landlord on whom the remedial notice was served; or
- (b) under regulation 11(1) from the landlord on whom the notice under regulation 11(3) was served.

(2) A demand for recovery of costs under paragraph (1) must be served on the landlord from whom the appropriate district council is seeking recovery.

(3) If no appeal is brought under regulation 9, the costs become payable at the end of the period of 21 days beginning with the day on which the demand is served.

Appeals against recovery of costs

9.—(1) A landlord on whom a demand for the recovery of costs has been served may appeal to the County Court against the demand.

(2) An appeal must be made within the period of 21 days beginning with the day on which the demand is served under regulation 8(2).

(3) The County Court may allow an appeal to be made to it after the end of the period mentioned in sub-paragraph (2) if it is satisfied that there is a good reason for the failure to appeal before the end of that period (and for any delay since then in applying for permission to appeal out of time).

(4) An appeal may be brought on the ground that all reasonable steps had been taken to comply with the remedial notice, or reasonable progress had been made towards compliance with that notice, when the appropriate district council gave notice under regulation 6(2) of their intention to enter and take the action.

(5) The court may confirm, quash or vary the demand.

(6) Where an appeal is brought against a demand for recovery of costs served under regulation 8(2), the costs become payable as follows—

- (a) if a decision is given on the appeal which upholds the demand and the period within which an appeal to the County Court may be brought expires without such an appeal having been brought, the costs become payable at the end of that period;
- (b) if an appeal to the County Court is brought and a decision is given on that appeal which confirms the demand, the costs become payable at the time of that decision.

(7) For the purposes of sub-paragraph (6)—

- (a) the withdrawal of an appeal has the same effect as a decision which confirms the demand; and
- (b) references to a decision which upholds the demand are to a decision which confirms it with or without variation.

(8) No question may be raised on appeal under this regulation which might have been raised on an appeal against the remedial notice.

Enforcement of demand for recovery of costs

10.—(1) Any costs payable under Regulation 8(3) or Regulation 9(6) shall, until recovered, be deemed 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 or any person deriving title from the landlord.

(2) A charge created by paragraph (1) shall be enforceable in all respects as if it were a valid mortgage, by deed created in favour of the appropriate district council, by the person in whose estate the charge has been created (with, where necessary, any authorisation or consent required by law) and the council may exercise the powers conferred by sections 19, 21 and 22 of the Conveyancing Act 1881(a) on mortgagees by deed accordingly.

(3) In schedule 11 to the Land Registration Act (Northern Ireland) 1970(b) (matters registerable in the Statutory Charges Register). **after paragraph XX insert**

“”. A charge created under Regulation 10 of the Electrical Safety Standards for The Private Tenancies (Northern Ireland) Regulations 2024, (Enforcement of demand for recovery of costs”.

(4) An application for registration of such a charge shall be made by the appropriate district council within 2 months from the date when the costs become payable under Regulations 8(3) and Regulation 9(6).

PART 4

Power of district council to arrange urgent remedial action

11.—(1) Where—

- (a) the report under regulation 3(3)(a) indicates that urgent remedial action is required in relation to the dwelling-house; and
- (b) the appropriate district council is satisfied that a landlord has failed to comply with the duty under regulation 3(4) to undertake the required remedial or investigative work in relation to that dwelling-house within the period specified in the report;

the council may, with the consent of the tenant or tenants of the dwelling-house, arrange for an authorised person to enter the dwelling-house to take the urgent remedial action.

(2) Subject to paragraph (5), the power of the appropriate district council to arrange remedial action conferred by paragraph (1) may be exercised at any time.

(3) The appropriate district council must serve a notice on the landlord and—

- (a) every person who to the council's knowledge is an occupier of the dwelling-house in relation to which the authorised person is taking urgent remedial action; or
- (b) fix the notice to some conspicuous part of the dwelling-house;

from the date the district council is satisfied the landlord has failed to comply, but not more than seven days on which the authorised person commences the urgent remedial work.

(4) The notice required by regulation 11(3) must specify and explain—

- (a) the nature of the urgent remedial action required;
- (b) the dwelling-house in relation to which that urgent remedial action was (or is being or is to be) taken by the council;
- (c) the power under which that urgent remedial action was (or is being or is to be) taken by the council;
- (d) the date when that urgent remedial action was (or is to be) started;

(a) 1881 c. 41.

(b) 1970 c. 18 (N.I.).

- (e) the right to appeal under regulation 7 against the decision of the council to take the urgent remedial action; and
 - (f) the period within which an appeal may be made;
- (5) An authorised person must—
- (a) give not less than 48 hours' notice of the urgent remedial action to the tenant or tenants of the dwelling-house on which it is to be taken; and
 - (b) if required to do so by the landlord or a tenant, produce evidence of identity and authority.
- (6) Regulation 7 applies to the taking of urgent remedial action as it applies to the taking of remedial action, unless the following applies—
- (a) an appeal under regulation 7(2) must (instead of being made in accordance with regulation 7(3)) be made within the period of 28 days beginning with the date specified in the notice, under sub-paragraph (4)(d), as the date when the urgent remedial action was (or was to be) started; and
 - (b) regulation 7(5) does not apply to urgent remedial action.

PART 5

Offences

- 12.—(1) A landlord who fails to comply with a duty under Regulation 3 is guilty of an offence.
- (2) A landlord who is guilty of an offence under paragraph (1) shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Sealed with the Official Seal of the Department for Communities on 1st December 2023



David Polley
A senior officer of the
Department for Communities

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations impose duties on landlords of a dwelling-house in Northern Ireland in respect of electrical safety standards. The duties do not apply to landlords of social housing. The Regulations require the appropriate district council to enforce the duties, and include a power to arrange remedial action.

Part 1 sets out preliminary matters and defines terms used in the Regulations.

Part 2 sets out the duties of a landlord.

Regulation 3(1) requires a landlord to ensure that the electrical safety standards are met during any period when the dwelling-house are occupied under a tenancy, and that every fixed electrical installation is inspected and tested at least every five years by a qualified person.

Regulation 3(3) provides that a landlord is required to obtain a report which gives the results of the inspection and test, supply that report to the tenant(s) within 28 days, and to the appropriate district council within 7 days of a request, and retain a copy until the next inspection is due. The landlord must supply a copy of the last report to any new tenant before occupation, or any prospective tenant within 28 days of a request from the prospective tenant.

Regulation 3(4) provides that, where the report requires the landlord to carry out further investigative or remedial work, the landlord must undertake such further investigative or remedial work within 28 days or within such lesser time period as specified in the report.

Regulation 3(5) provides that the landlord must obtain and supply written confirmation of completion of such further investigative or remedial work to the tenant and appropriate district council.

Part 3 provides for remedial action (other than urgent remedial action) to remedy any failure by the landlord to comply with a duty.

Regulation 4 places a duty on the appropriate district council to serve a remedial notice on a private landlord where they have reasonable grounds to believe that the private landlord has failed to comply with a duty under regulation 3(1)(a), (1)(b), (1)(c), (4), or (6).

Regulation 5 requires a landlord to take the remedial action specified in the remedial notice.

Regulation 6 gives the appropriate district council the power to arrange remedial action.

Regulation 7 provides that a landlord may appeal against the decision of the appropriate district council to take that remedial action.

Regulation 8 provides that the appropriate district council may recover costs reasonably incurred in taking action under Regulations 6(1) and 11(1).

Regulation 9 provides that a landlord may appeal against a demand for the recovery of costs served under regulation 8(2).

Regulation 10 give the appropriate district council the power to enforce a demand for recovery of costs incurred under Regulations 8(3) and 9(6).

Part 4 provides for urgent remedial action to be taken by a district council.

Regulation 11 gives the appropriate district council a power to arrange urgent remedial action, and provides for the service of notice of such action and appeals relating to such action.

Part 5 deals with offences.

Regulation 12 provides that any landlord who fails to comply with a duty under Regulation 3 is guilty of an offence.

Guidance on the implementation of The Electrical Safety Standards for Private Tenancies Regulations (Northern Ireland) 2024 has been published and is available on the Department for Communities website at xxxxxxxxxxxxxxxx.



Guidance notes for The Electrical Safety Standards for Private Tenancies Regulations (Northern Ireland) 2024

1. Introduction

- 1.1 The Department for Communities is committed to making sure that private rented homes are safe, secure places to live and raise families. The majority of landlords are pro-active when it comes to ensuring the safety of their tenants and make a welcome contribution to the housing market. But a minority fail to do so, putting their tenants in danger as a result.
- 1.2 The Regulations require landlords to have the electrical installations in their properties inspected and tested by a qualified person at an interval of at least every 5 years.
- 1.3 This means that all landlords now must do what good landlords are already doing: making sure the electrical installations in their rented properties are safe.
- 1.4 Houses in Multiple Occupation (HMOs) continue to be covered under the HMO Licensing Scheme; see the following link for further information.
<https://www.gov.uk/house-in-multiple-occupation-northern-ireland>

2. Purpose

- 2.1 The Regulations came into force on [TBC] and to ensure private rented properties meet the required Electrical Safety Standard. This forms part of the Department's wider work to improve safety in all residential premises. Which means that:
 - The electrical wiring, sockets, consumer units (fuse boxes) and other fixed electrical parts in rented homes must be inspected and tested every 5 years, or more often than this if the qualified person undertaking the inspection thinks that is necessary.

- Throughout the time a tenant is living at the property, electrical safety standards must be met.
- The landlord must give the tenant a copy of the report detailing the condition of the property's electrical installation. If requested the report must also be provided to the appropriate district council.

3. What do these Regulations mean for Landlords?

3.1 Landlords of privately rented accommodation must:

- Ensure all electrical installations in their rented properties are inspected and tested by a qualified person at least every 5 years. The qualified person will ensure national standards for electrical safety are met. These are set out in the [18th edition of the 'Wiring Regulations'](#), which are published as British Standard 7671.
- Obtain a report from the qualified person conducting the inspection and test which gives the results and sets a date for the next inspection and test.
- Supply a copy of this report to the existing tenant within 28 days of the inspection and test.
- Supply a copy of this report to a new tenant before they occupy the premises.
- Supply a copy of this report to any prospective tenant within 28 days of receiving a request for the report.
- Supply the appropriate district council with a copy of this report within 7 days of receiving a written request for a copy.
- Retain a copy of the report to give to the inspector and tester who will undertake the next inspection and test.
- Where the report shows that further investigative or remedial work is necessary, complete this work within 28 days or any shorter period if specified as necessary in the report.
- Supply written confirmation of the completion of the further investigative or remedial works from the electrician to the tenant (and the appropriate district council within 28 days of completion of the works if linked to previous council intervention).

3.2 The landlord will need to liaise and agree with the tenant a suitable time and date for the electrical safety inspection to be completed. Additionally, if remedial work is identified from the inspection a suitable time and date must also be agreed with the tenant to have that work completed.

4. What do these Regulations mean for Tenants?

4.1 Landlords must keep the electrical installations in their rented properties safe and in working order and most landlords already do this. These Regulations mean landlords must now have the electrical installation checked at least every 5 years by a properly qualified person. The electrical Installation must be safe, and a landlord must give a tenant proof of this.

4.2 Tenants should:

- ✓ Check they have been provided with a copy of the latest electrical safety inspection report.
- ✓ Report any electrical problems, or potential problems, that occur in between the 5-year inspection period to the landlord so that remedial action can be taken.
- ✓ Allow access to the property for the electrical safety inspection to be completed by the qualified person, and if necessary, allow further access for remedial work to be completed.

Points to Note

4.3 A tenant:

- ✓ Is not required to pay for or contribute towards the cost of the electrical safety inspection.
- ✓ Has the right to contact the appropriate local district council to seek intervention if it is evident that no action has been taken in respect of faults detailed on the last electrical safety inspection report, or no action has been taken in respect of a notified potential new problem.
- ✓ Should be aware that if a landlord cannot carry out an inspection because they do not have right of access to all or part of the property, or lack any other necessary right, the landlord is not in breach of their duties in relation to the regulations if they have taken reasonable steps to acquire that right.
- ✓ Can ask the qualified person completing the inspection for appropriate ID upon arrival.
- ✓ Should note that the landlord is not responsible for the electrical safety of any appliances that belong to the tenant and have been brought into the rental property by the tenant. That is the tenant's responsibility.

5. What will the Electrical Safety Inspection involve?

- 5.1 It is the landlord's responsibility to make sure that the person undertaking the inspection is appropriately qualified and skilled. A qualified person has been defined in the Regulations as being *“a person competent to undertake the inspection and testing required under regulation 3(1) and any further investigative or remedial work in accordance with electrical safety standards.”*
- 5.2 The 'fixed' electrical parts of the property, like the wiring, the socket-outlets (plug sockets), the light fittings and the consumer unit (or fuse box) will be inspected. This will include permanently connected equipment such as showers and extractors.

The inspection will find out if:

- Any of the electrical installations are overloaded.
- There are any potential electric shock risks and fire hazards.
- There is any defective electrical work.
- There is a lack of earthing or bonding – these are 2 ways of preventing electrical shocks that are built into electrical installations.

(The Regulations do not cover the inspection of plug-in electrical appliances like cookers, fridges, televisions etc, only the fixed electrical installations.)

- 5.3 The qualified person at the end of the inspection will produce a report, usually an Electrical Installation Condition Report (EICR). (See Annex A). This report details the condition of the electrical installations and any remedial works or further investigations which may be needed.
- 5.4 The inspection report will use the following classification codes to indicate where a landlord must undertake remedial work.
- **Code 1 (C1): Danger present. Risk of injury.** The electrical inspector may make any C1 hazards safe before leaving the property.
 - **Code 2 (C2): Potentially dangerous.**
 - **Further Investigation (FI): Further investigation required without delay.**
 - **Code 3 (C3): Improvement recommended.** Further remedial work is **not** required for the report to be deemed satisfactory.

6. What happens after the inspection?

- 6.1 The report (usually an EICR) will show whether the electrical installation is safe for continued use. In practice, if the report does not require investigative or remedial work, the landlord will not be required to carry out any further work. A copy of that report needs to be given by the landlord to the tenant within 28 days and no further action will be taken.
- 6.2 If the report contains a code C1, C2 or FI, then your landlord must ensure that further investigative or remedial work is carried out by a qualified person within 28 days, or less if specified in the report. The C3 classification code does not indicate remedial work is required, but only that improvement is recommended. Landlords don't have to make the improvement, but it would improve the safety of the installation if they did.
- 6.3 If further necessary investigative or remedial work identified by the report is not undertaken by the landlord, the appropriate district council can be contacted by the tenant to determine if further action should be taken.

7. What happens if an electrical fault occurs between a 5-year inspection point?

- 7.1 If a landlord is notified of an installation electrical fault occurring between the 5-year inspection point, the landlord is responsible under Regulation 3, to ensure the fault is investigated and remedial action taken to meet the required safety standards.
- 7.2 However depending on the type of fault reported the electrical installation may need checked by a qualified person, and if necessary, remedial work undertaken (for example minor works, or a fuse box replaced or rewired). If remedial work is needed then any report provided by the qualified person should be appended to the previous inspection report as detailed in Section 6 above, as evidence that the electrical safety standards have been met. (Annex A provides further clarification.)

8. What happens if a Landlord does not comply with the Regulations?

- 8.1 If the appropriate district council believes a landlord is in breach of one or more of their duties set out in the Regulations, they must serve a remedial notice on the landlord requiring them to take action within 28 days.

8.2 Landlords will have 21 days to make any written representations and appeal to the district council against the remedial notice. If representations are made the remedial notice is suspended until the district council considers those. The district council must inform the landlord of their decision within 7 days.

8.3 District councils may, with the consent of the tenant, arrange to carry out remedial work in the following circumstances:

- If a landlord does not comply with a remedial notice.
- If the electrical safety inspection report indicates that urgent remedial action is required, and the landlord has not carried this out within the period specified in the report.

The district council can recover the costs incurred.

8.4 Before arranging remedial action following non-compliance with a remedial notice, the district council must give the landlord notice that they are going to do work.

Right of appeal

8.5 Landlords have recourse to have an appeal heard in court against:

- A decision that the district council will undertake the remedial action.
[An appeal must be made within 28 days from the day on which a remedial notice is served.]
- A demand for the recovery of costs made by the district council following remedial action.
- The decision to take urgent remedial action by district council.
[An appeal must be made within 28 days from the day on which the work started.]

9. What is the consequence of non-compliance?

9.1 A landlord who fails to comply with any of the duties under the regulations will be guilty of an offence. The appropriate district council shall bring the prosecution of the offence and on conviction the landlord will be liable to a fine not exceeding level 5 on the Department of Justice standard scale.

9.2 Alternatively, where an authorised officer of an appropriate district council believes that an offence has been committed the authorised officer, may offer the landlord the opportunity of discharging any liability to conviction, by the payment of a fixed penalty. The fixed penalty is an amount determined

by the council, and will not exceed one-fifth of the maximum fine payable on conviction of that offence.

Do I need an EICR, EIC, or MEIWC Report?

1. Electrical Installation Condition Report (EICR)

In the majority of cases the 5 yearly inspections will generate the completion of an Electrical Installation Condition Report (EICR). The EICR must be completed by a qualified person as defined within the Regulations.

The EICR must cover the following installations for the supply of electricity; electrical fittings, including –

- ✓ the consumer unit(s)
- ✓ switches
- ✓ socket outlets
- ✓ light fittings,
- ✓ any visible wiring, and
- ✓ any areas where electrical equipment may be installed, (for example lofts with supplies to renewable energy sources), and

visual inspection of fixed electrical equipment, including –

- ✓ fixed electrical heating equipment e.g. storage or panel heaters,
- ✓ electric showers and over/under-sink water heaters
- ✓ boilers and other heat producing equipment, and
- ✓ hard-wired smoke and fire detectors.

The person carrying out the inspection must complete and clearly set out on the EICR –

- the date of the inspection;
- the full address of the house inspected;
- the name and address of the landlord or their agent;
- the name and address of the person carrying out the inspection;
- evidence that person completing the inspection report is a qualified electrician as defined at Annex A;
- a description of each installation, fixture and fitting inspected, and its location in the house, and
- any defect identified.

Any electrical installation, fixtures, fittings, or equipment which fails to pass electrical safety inspection must be replaced or repaired.

The qualified person completing the EICR will use the following classifications codes to indicate where a landlord must undertake remedial work.

- **Code 1 (C1):** *Danger present. Risk of injury.* The qualified person may make any C1 hazards safe before leaving the property.
- **Code 2 (C2):** *Potentially dangerous.*
- **Further Investigation (FI):** *Further investigation* required without delay.
- **Code 3 (C3):** *Improvement recommended.* Further remedial work is not required for the report to be deemed satisfactory.

If the codes C1 or C2 are identified on the report, then remedial work will be required. The report will state the installation is unsatisfactory for continued use. If the qualified person identifies that further investigative work is required (FI), the landlord must also ensure this is carried out for the tenant's safety.

The C3 classification code does not indicate remedial work is required, only that improvement is recommended. Landlords don't have to make the improvement, but it would improve the safety and efficiency of the installation if they did.

An EICR will recommend any remedial action required to ensure that the electrical installation is in a satisfactory condition for continued service, but any remedial work which is undertaken must be recorded separately on a Minor Electrical Installation Works Certificate (MEIWC).

If remedial work includes replacement of a fuse box (known in the electrical industry as a consumer unit) an Electrical Installation Certificate (EIC) should be provided.

2. **Minor Electrical Installation Works Certificate (MEIWC)**

The MEIWC is used for any remedial work identified on the EICR, as evidence that the faults have been fixed. It is used when there needs to be additions and alterations to an electrical installation that do not extend to the provision of a new circuit. Examples include the addition of socket, outlets or lighting points to an existing circuit, the relocation of a light switch etc.

If a replacement of a fuse board is necessary an Electrical Installation certificate (EIC) is required.

3. **Electrical installation Certificate (EIC)**

An EIC is provided for new build properties and for properties that have been fully rewired. It may also be required for an alteration or addition to the

electrical installation – like the installation of a new circuit and the replacement of the fuse box or consumer unit.

After 5 years this will be replaced by an EICR.

A landlord who has an EIC for a property can provide this in place of an EICR to show compliance with the Regulations provided that the date of next inspection indicated on the certificate has not elapsed.

4. Provision of EICR, MEIWR & EIC Reports on Request

A copy of all the relevant reports and certificates (EICR, MEIWR or EIC) must be provided to the tenant within 28 days from the electrical safety inspection.

Follow up paperwork to confirm that any remedial C1, C2 or FI faults have been actioned needs to be appended to the associated report within 28 days from the faults being rectified.

If a district council official requests a copy of any relevant report and certificate (EICR, MEIWC, or EIC), landlords must supply a copy within 7 days of receiving the request.

5. What if a landlord already has a report?

If a landlord has had an inspection carried out before the Regulations come into force and they have complied with all relevant requirements, the next test will not be due until 5 years have passed from the date of the report, or less if the report specifies a shorter period.

Useful Information

1. Definition

Qualified person: defined in the Regulations, as a person who possesses the appropriate practical skills to the nature of the electrical work to be undertaken. This would include adequate education, training and being able to perceive risks and avoid hazards which electricity can create. Please note the qualified person should be registered with a recognised electrical trade body.

2. How to select a qualified person

Guidance has been produced by the electrical safety industry that covers how landlords can choose a qualified and competent electrician and tester. this includes but is not limited to:

- Electrical Safety Roundtable
- [Are You on the RCPE Register? - Professional Electrician \(professional-electrician.com\)](http://www.rcpe-electrician.com)

3. Further Informaiton

Electrical Safety First

The registered charity Electrical Safety First, have provided advice and guidance, useful for landlords and tenants to aid understanding of the electrical installation condition reporting process and classification codes applied to faults:

- Layout 1 (electricalsafetyfirst.org.uk)
- Further practical guidance on classification codes: [bpg4-1.pdf \(electricalsafetyfirst.org.uk\)](http://electricalsafetyfirst.org.uk/bpg4-1.pdf)

Trustmark Scheme

Backed by the government, ensures that traders who sign up are fully qualified to do electrical work and they also provide a complaints procedure: [TrustMark - Government Endorsed Scheme For Work Done Around Your Home](http://www.trustmark.gov.uk)

4. **Recommended Good Practice – PAT Testing**

The 5-yearly electrical safety check only covers the electrical wiring installation within the property and the inspection of any hard-wired

appliances. Portable Appliance Testing (PAT) covers moveable appliances that have a cable and a plug.

These Regulations do not require landlords to undertake PAT within the 5-yearly safety check. PAT does not have specific frequency requirements and instead it is therefore recommended that landlords give consideration to having PAT testing of electrical equipment within their rented property carried out as good practice based upon factors such as location, frequency of use, and types of appliances.

If thought beneficial a PAT test can either be carried out by a qualified person as defined in Annex A, or alternatively by a person that has completed a PAT testing accredited course/training.

Any appliance which fails to pass a Portable Appliance Test should be replaced or repaired immediately, for further guidance see the following link:
[PAT \(Portable appliance testing\) - HSE's](#)

Appliance Recalls or Safety Alerts

Landlords and Tenants should keep alert to any product recall notices or safety alerts relating to the models of appliances installed within the property. A significant number of recalls for electrical appliances occur due to a risk of catching fire or causing electrocution. It is good practice to register products at the address of the landlord to ensure that recall paperwork is actioned. Alternatively, landlords can check a free list of products that have recently been recalled by manufacturers which is provided by Electrical Safety First and is available free online at:

[Product Safety Alerts, Reports and Recalls - GOV.UK \(www.gov.uk\)](#)

Appendix 6

Response in relation to technical issues:

Building Control Regulations

The guidance indicates that the installation of mains wired alarms (inferring smoke, heat and carbon monoxide) may be subject to Building Control approval and for further information please check the BCNI website. The website indicates that mains wired smoke alarms do require Building Regulations approval under 'examples of work that require an application'. However, there is no mention of carbon monoxide alarms. We understand that installation of carbon monoxide alarms are exempt from the requirement to make an application under the Building Regulations (NI) 2012 and specifically regulation 9 (4) (d). It would seem prudent to be more specific in this regard taking advice from the Department of Finance, Building Standards Branch. It would also be useful to make it clear that battery operated smoke and heat alarms do not require Building Regulations approval if that is the case.

Belfast City Council wishes to highlight concerns about how the new mandatory requirements for the retrofitting of mains wired smoke alarms through the Private Tenancies regulations may be conflicted or confused by the requirements under Building Regulations. Whilst the current general interpretation of the Building Regulations is that an application is required for mains wired alarms when a landlord or private tenant chooses to install (no compulsion to install retrospectively under Building Regulations) there is no guidance on the coverage required in such a situation. The coverage required under the Building Regulations is currently subject to varying interpretations and some Councils relate requirements to the standards required for new build dwellings. Other Councils may permit a lesser standard than for new dwellings for voluntary installs. We know from the recent consultation on Part E of the Building Regulations (NI) 2012 that the current coverage standards for new dwellings (same as the proposed standard under Private Tenancies) may change substantially and there is still no proposal to clarify the standard for retrofit as a stand-alone installation. It would need to be understood by all concerned that the coverage standards required by Building Control under Building Regulations may be different to that required under Private Tenancies regulations.

Therefore, compliance with Building Regulations should not be interpreted as compliance with requirements under Private Tenancies (and vice versa) and this should be made clear in guidance. There is a significant possibility that some Councils may interpret the coverage requirements under Building Regulations (once these are amended) to be in excess of the standards required by the Private Tenancies regulations, if Building Control continue to link the coverage standards for retrofit to coverage standards for new build dwellings. In this regard there may be conflict and confusion with Building Regulations for all concerned when a landlord carries out a main wired install to fulfil obligations under this new legislation and is subjected to requirements under Building Regulations. We would ask that the relevant Departments work together to ensure there is no conflict or confusion in this regard for all landlords including public housing authorities regarding coverage required and this would be a useful addition to guidance for clarity.

In respect of above, the line in guidance "It will be the responsibility of a qualified electrician to install mains wired alarms in compliance with current Building Regulations standards". This may result in a system to a lesser standard than Private Tenancies Regulations as the coverage required under Building Regulations is open to interpretation which may be interpreted higher or lower as discussed.

The citing recommendations for smoke alarms (within the guidance) should be expanded to include heat alarms and also to cover smoke alarms in circulation spaces and for the position of them relative to walls, light fittings etc. It would be advisable to provide the additional typical installation recommendations within guidance or to refer to the relevant sections of BS5839 Part 6. Whilst this standard has been referenced in the regulations it has not been referenced in the guidance.

The regulations refer to the standards BS 50292 and BS5839 for **installation and maintenance** of carbon monoxide alarms and smoke/heat and alarms but there is no reference to the standards required for the product/component in either the regulations or guidance. Consideration should be given to referencing these for all alarm types required by the regulations

Single lets:

The consultations states that these regulations do not cover Houses in Multiple Occupancy (HMOs) and single lets properties, as these are covered by separate legislation/guidance. Single let arrangements is housing leased from private landlords and used by the Housing Executive to accommodate homeless people. Single-lets are often managed by large private companies, such as Homecare Independent Living. The company, rather than the landlord, will deal with the resident and the Housing Executive. Residents tend to stay longer in single-lets than in other types of temporary accommodation. The Council is not aware of any specific legislation/guidance in relation to single lets and would seek clarification from the Department in respect of this matter.

Copy of remedial notice to tenant:

The Council believes that the tenant should receive a copy of the remedial notice as per Regulation 4(4)

Points which require clarification in relation to smoke , heat and CO alarms :

- More details are required on how the common parts will be adequately covered
- Guidance – point 9.1 and 10.1 – technical correction -the offence created under 11B (4)of the PTO (not Art 68 (1)) for failing to comply with duties under 11B(1)
- 8.9 – flue transferring through bedrooms – require further clarification re ‘ extra protection if considered necessary’ –an example of the circumstances would be helpful
- Clarification to be sought in relation to Council officer’s role with the regard to testing. The Council Officers role should be to check that the Unit is installed in the correct location and number of units, but not to test alarms. The onus should be on the tenant/landlord to test the sounding of alarms to verify if in proper working order. Awareness raising for tenants will be crucial to ensure that tenants are regularly checking the alarms.

Points which require clarification in relation to electrical safety:

- Regulation 6 -Consent may be an issue for vulnerable tenants – tenants understanding/fear of eviction.
- Regulation 3 (3) (4) Demands on the industry to produce reports in timely manner and to carry out remedial works within 28 days will be a concern.

- Awareness raising for tenants in respect of the landlord and tenants' duties will be crucial for compliance. The Council would welcome details of any communication plan to raise awareness.
- It is not clear if all contraventions will attract a fixed penalty notice in the regulations and further clarification is required detailing the offences for which a fixed penalty notice can be issued.

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Belfast
City Council

Subject:	'Play Value' and Accessibility audit for council-maintained playgrounds
Date:	7 th November 2023
Reporting Officer:	David Sales, Director of Neighbourhood Services
Contact Officer:	Stephen Leonard, Neighbourhood Services Manager

Restricted Reports

Is this report restricted?

Yes

☐

No

☒

Please indicate the description, as listed in Schedule 6, of the exempt information by virtue of which the council has deemed this report restricted.

Insert number

1. Information relating to any individual
2. Information likely to reveal the identity of an individual
3. Information relating to the financial or business affairs of any particular person (including the council holding that information)
4. Information in connection with any labour relations matter
5. Information in relation to which a claim to legal professional privilege could be maintained
6. Information showing that the council proposes to (a) to give a notice imposing restrictions on a person; or (b) to make an order or direction
7. Information on any action in relation to the prevention, investigation or prosecution of crime

If Yes, when will the report become unrestricted?

After Committee Decision

After Council Decision

Sometime 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	Officers are seeking approval to enhance our ongoing independent inspection process for Playgrounds. In addition to the annual suite of independent playground safety inspections, members are asked to approve an additional independent audit that will assess 'play value' and accessibility of all council-maintained playgrounds. It is proposed that 'Play Value' and accessibility scores arising from this additional audit will inform site selection for future Playground Inspection Programmes (PIP).
2.0	Recommendations
2.1	In addition to next year's planned suite of independent safety inspections Committee is asked to agree that an independent audit of 'play value' and accessibility is undertaken at all council-maintained playgrounds.
2.2	Committee is also asked to agree that 'play value' and accessibility scores will inform site selection for future Playground Improvement Programmes, replacing 'quality' scores derived from annual playground safety inspections.
2.3	Committee is also asked to note that potential infrastructure improvements (E.G Toilet Provision), identified by the audit, will be used to inform future capital projects in our parks and open spaces.
3.0	Main report
	<u>Playground Improvement Programme</u>
3.1	Since its inception in 2012, playgrounds to be refurbished under PIP have been selected using quality scores from annual, safety inspection reports. This assessment method provided council with scores for each playground that helped rank play facilities in most need of improvement. The current inspection process focuses on the quality and compliance of existing play equipment but does not audit the types of play opportunities provided or how accessible they are.
3.2	Over the previous eleven years PIP has made a positive impact on the overall quality of the city's playgrounds. The first suite of independent, annual inspections in 2012 recorded: • 25% of all playgrounds were classified as 'poor' condition • 33% of all playgrounds were classified as 'fair' condition • 42% of all playgrounds were classified as 'good' condition
3.3	Following more than a decade of investment, exceeding £6 million across more than 50 sites, the overall quality has dramatically improved. This year's suite of annual independent safety inspections recorded: • 1% of all playgrounds are classified as 'poor' condition • 6% of all playgrounds are classified as 'fair' condition • 93% of all playgrounds are classified as 'good' condition
3.4	Following delivery of PIP 2023-24, in parallel with ongoing citywide operational maintenance and repairs, we anticipate that 100% of our playgrounds to be classified as 'good' by the end of this financial year. This will be the first time, since the inception of PIP,

3.5	that all playgrounds will be classified as a 'good' in terms of existing equipment. This provides an opportunity for the Council to go beyond an assessment of safety compliance and quality of existing equipment and audit the 'play value' and accessibility of our playgrounds. Officers are therefore proposing a new assessment approach that will be used to rank play facilities in terms of 'Play Value' and accessibility. 'Play value' and accessibility scores associated with the proposed audit would then be used to select playgrounds to be refurbished under future Playground Improvement Programmes (PIP).
3.6	If approved, members should note that independent annual playground safety inspections will continue each year to help identify essential repairs and ensure ongoing compliance with relevant safety standards (see Appendix 3) and ensure facilities remain in a good condition. These assessments would occur in tandem with the new assessment approach.
3.7	If approved the proposed audit will align with best practice guidance from consultants and organisations such as Playboard NI, Mae Murray Foundation, Play Services Ireland, Play England and Play Scotland. Council's Play Development Team, Landscape Planning & Development Team and OSS Operational Managers have also helped inform the approach.
3.8	Assessing play value and accessibility will allow council to identify playgrounds that, although good in terms of the quality and safety compliance of their equipment, would benefit from an enhanced range of play opportunities and accessible elements.
3.9	In terms of a strategic fit, improving the 'play value' and accessibility of council-maintained playgrounds helps deliver a key outcome in the Belfast Agenda around providing a city that is safe, fair and inclusive for all. This approach also aligns with key principles in the Belfast Open Spaces Strategy's that aim to provide welcoming shared spaces and improve health and well-being.
3.10	This proposal seeks to align the assessment of Playgrounds to a number of Notices of Motion. See Appendix 1. • Notice of Motion – September 2019 – Play Facilities for Children with Disabilities • Notice of Motion – June 2022 – Inclusive Play Parks <u>'Play Value'</u>
3.11	'Play value' is used to describe the value an environment, object or piece of equipment brings to a child's experience of play, with high 'play value' indicating that children can play in many different ways. Through play children learn and develop their cognitive skills, problem-solving, social skills, and their fine and gross motor skills.
3.12	Play is generally divided into three types: • Physical - rotating, sliding, rocking, swinging, climbing, balancing, bouncing, crawling and gliding • Sensory - tactile, auditory, cognitive, interaction with natural features / quiet spaces • Social – social / cooperative play and imaginative / themed play
3.13	

	Each type of play is crucial to a child's development and enjoyment of a playground. Going forward, we want to increase opportunities for all three types of play and for each type to be more accessible.
3.14	<u>Assessing 'Play Value and accessibility'</u>
3.15	The proposed assessment template (see Appendix 3) is derived from a combination of tools used by Play Scotland, Play England and Play Services Ireland Ltd (see Appendix 4, template previously used by other councils in N. Ireland, Scotland and Dublin).
3.15	In line with key recommendations set out in the 'Let Me Play' report, produced by PlayBoard NI and Mae Murray Foundation, we have expanded the proposed assessment template to include an evaluation of how accessible our playgrounds are for children of all ages and abilities.
3.15	The assessment will allocate a 'play value' and accessibility score for each playground based on the types of play opportunities available and their accessibility.
3.16	The independent audit will also include an assessment of entrances, parking and toilet provision. Whilst the existing PIP budget will continue to be focused on new play equipment and safety surfacing, potential infrastructure improvements identified by the audit will be used to inform future capital projects in our parks and open spaces.
	<u>Financial & Resource Implications</u>
3.17	Subject to a competitive tendering process, we envisage 'play value' and accessibility assessments to be carried out by the consultant who will be appointed to undertake ongoing, annual playground safety inspections.
3.18	The cost of the play value and accessibility audit is included within existing revenue estimates.
3.19	The cost of potential infrastructure projects e.g. changing places facilities, car parks are not included within the budget estimates.
	<u>Equality or Good Relations Implications/Rural Needs Assessment</u>
3.20	None
4.0	Appendices – Documents Attached
	Appendix 1 & 2 – Relevant Notices Of Motion Appendix 3 – Proposed BCC Play Value & Accessibility Assessment Template Appendix 4 – Typical Playground Annual Safety Inspection Report or Example Play Value & Accessibility Report (Play Services Ireland Ltd.)



Subject:	Motion – Play Facilities for Children with Disabilities
Date:	10th September, 2019
Reporting Officer:	Sara Steele, Democratic Services Officer
Contact Officer:	Sara Steele, Democratic Services Officer

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/Summary of Main Issues
1.1	To bring to the Committee's attention the Motion in respect of Play Facilities for Children with Disabilities which was referred to the Committee by the Council on 2nd September.
2.0	Recommendation
2.1	The Committee is requested to Consider the motion and take such action thereon as may be determined.
3.0	Main Report
3.1	<u>Key Issues</u> The Council, at its meeting on 2nd September, considered the following Motion which had been moved by Alderman McCoubrey and seconded by Councillor Smyth:

	<i>“This Council recognises the need to improve play facilities for those children with disabilities, and undertakes to engage with those in the sector who can best advise on making play facilities more accessible.</i> <i>An audit should be undertaken of current facilities across the city and opportunities for disability improvements identified, work to be completed through the course of the current council term.”</i>
3.2	In accordance with Standing Order 13(f), the Motion was referred without discussion to the People and Communities Committee.
3.3	<u>Financial and Resource Implications</u> None.
3.4	<u>Equality or Good Relations Implications</u> None.
4.0	Appendices - Documents Attached
	None



Subject:	Notice of Motion: Belfast City Council Inclusive Play Parks
Date:	7th June, 2022
Reporting Officer:	Rose Crozier, Director of Neighbourhood Services
Contact Officer:	Sara Steele, Democratic Services Officer

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	As agreed that the May People and Communities Committee, representatives from both PlayBoard NI and the Mae Murray Foundation are in attendance in connection with the motion in relation to Belfast City Council Inclusive Play Parks, which was referred to the Committee by the Standards and Business Committee at its meeting on 24th May.
2.0	Recommendations
2.1	The Members of the Committee are asked to consider the motion and, if the proposal is agreed, to agree that a report on how this would be facilitated, resourced and managed will be brought back.
3.0	Main report
	<u>Key Issues</u>
3.1	At the meeting of the Standards and Business Committee held on 24th May, the following motion, which was proposed by Councillor McMullan and seconded by Councillor McKeown, was referred to the Committee for consideration:

3.2	"This council believes every child has the right to play but recognises not every child in Belfast has realised this right. It notes the findings and recommendations of the ‘Let Me Play: Inclusive play park study 2022’ report undertaken by Play Board NI and the Mae Murray Foundation and the recent statement (and Appendix) from UK Play Safety Forum and Children’s Play Policy Forum – which has endorsed the ‘Let Me Play’ report and published definitions for ‘accessible’ and ‘inclusive’. The report found compelling evidence that children and families are facing exclusion from play park environments in Northern Ireland from experience across the following areas: Wider infrastructure surrounding play parks; Play Park site facilities; Access; Participation; Communication; and Attitudes. The UK Play Safety Forum and Children’s Play Policy Forum statement defines accessible and inclusive play spaces as follows: • An Accessible Play Space is a space which is barrier-free, allows users access to move around the space and offers participation opportunities for a range of differing abilities. Not every child of every ability will be able to actively use everything within an accessible play space. • An Inclusive Play Space provides a barrier-free environment, with supporting infrastructure, which meets the wide and varying play needs of every child. Disabled children and non-disabled children will enjoy high levels of participation opportunities, equally rich in play value. This council will adopt the full findings from both the ‘Let Me Play’ report and the UK Play Safety Forum and Children’s Play Policy Forum statement into its park and play park planning processes. In doing so it will also conduct a review of our full estate and make strategic decisions on where to plan to specifically build or upgrade to ‘inclusive’ status to deliver accessible and inclusive play parks within reasonable distances in each quarter (North/South/East/West) for all children to play together. As the delivery of ‘accessible and inclusive’ play parks will also require linkage with surrounding infrastructure and public transport services, we will also work with the Department for Infrastructure, Translink and other stakeholders." <u>Financial & Resource Implications</u>
3.3	None. <u>Equality or Good Relations Implications/Rural Needs Assessment</u>
3.4	This Notice of Motion, if agreed, may have potential equality, good relations and rural needs implications and should be subject to our normal screening process as appropriate.
4.0	Appendices – Documents Attached
	None.

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DRAFT 'Play Value' and Accessibility Assessment Template

The audit allocates a 'play value' and accessibility score for each playground based on features and play opportunities present. Each feature and play opportunity will get a score of **1** if present and **0** if not present.

Features: ____ /13 Play Opportunities: Physical ____ /36 Sensory ____ /20 Social ____ /8 **Play value & Accessibility total: ____ / 77**

Playground Name:

Date of audit:

Features	Image	Comments	Score Y=1 N=0
Pleasant /attractive play space	Attach photo		1
Informative Signage	Attach photo		1
Seating	Attach photo		1
Picnic Table(s)	Attach photo		1
Bike stands	Attach photo		1

Bin	Attach photo		1
Public toilets	Attach photo		1
Surfacing/pathways in good condition	Attach photo		1
Undulating ground/mounding	Attach photo		1
Accessible toilet / Changing Places	Attach photo		1
Accessible entrance / entrances	Attach photo		1
Accessible internal layout	Attach photo		1
Accessible parking	Attach photo		1
Features Total			13

Play Opportunities	Toddler & Pre-school age	Primary school + age	Reduced mobility	Wheelchair Accessible	Comments	
Physical Play						
Rotating	1	1	1	1		4
Sliding	1	1	1	1		4
Rocking	1	1	1	1		4
Swinging	1	1	1	1		4
Climbing / getting to height	1	1	1	1		4
Balancing	1	1	1	1		4
Bouncing	1	1	1	1		4
Crawling	1	1	1	1		4
Gliding	1	1	1	1		4
Physical Play Total						36
Sensory Play						
Tactile (sand/water/texture)	1	1	1	1		4

Auditory/sound making						4
Cognitive (puzzles, musical)						4
Interaction with natural features						4
Quiet Spaces to sit/chat /think						4
Sensory Play Total						20
Social Play						
Social /cooperative play						4
Imaginative/ themed play						4
Social Play Total						8
Play Opportunities (Combined Total)						64
Features Total						
Play Value and Accessibility Score						77

Playability Audit

This assessment aims to allocate a playability score for each play area. Based on a combination of locational, accessibility and environmental factors, as well as the play opportunities present, an overall score will be determined. Each factor will be scored on playability from 1 – 5, with 5 being the maximum score available.

Name of Play Area:

Date of Audit: __/__/____

Play Area Type (Please tick):

LAP

☐

LEAP (With additional activities*)

☐

LEAP

☐

NEAP (With additional activities*)

☐

NEAP

☐

*Skate Park/MUGA/Outdoor Gym/Trim Trail

Play Provisions (Please tick):

Playground

☐

Skate Park

☐

Cycle Track

☐

MUGA

☐

Outdoor Gym

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	Comments	Total available score	Actual score (1-5)
Locational Factors			
Evidence of good casual supervision		5	
Evidence of dog fouling		5	
Evidence of antisocial behaviour such as; litter/vandalism/graffiti/broken glass etc.		5	
Proximity of roads		5	
Proximity of local housing		5	
Traffic and noise pollution level		5	
Total		30	

Accessibility Factors			
Close to public transport links (only applicable if a NEAP)		5	
Surfacing in play area & pathways in good condition		5	
Crossing points on roads		5	
Disability access		5	
Total		20	

	Comments	Total available score	Actual score (1-5)
Environmental Factors			
Variations in surface level		5	
Natural play equipment (wood construction, rocks, boulders etc.)		5	
Sensory play opportunities present		5	
Water feature/ water play present		5	
Total		20	

Physical Play Opportunities Present			
Climbing		5	
Swinging		5	
Jumping		5	
Balancing		5	
Crawling		5	
Rocking		5	
Rotating/Spinning		5	
Gliding		5	
Total		40	

Creative Play Opportunities Present			
Sand/Soil		5	
Water play		5	
Rough & Tumble		5	
Fantasy		5	
Sound making items		5	
Imaginative Play (places and/or materials)		5	
Performance/ stage area		5	
Opportunities to transform the natural environment		5	
Total		40	

Inclusive play			
Provision for those with mobility difficulties		5	
Provision for the visually impaired		5	
Total		10	

	Comments	Total available score	Actual score (1-5)
Social Play			
Quiet space to sit together/chat/think		5	
Places to hide		5	
Opportunities for children of different ages and abilities to mix through play		5	
Meets play needs of different ages		5	
Suitable areas for social interaction		5	
Total		25	

	Maximum Score Possible	Total Actual Score
	185	

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Subject	Request to name an area of open space at the junction of Nubia Street and Moltke Street
Date:	7 th November 2023
Reporting Officer:	David Sales, Director, City and Neighbourhood Services
Contact Officer:	Stephen Leonard, Neighbourhood Services Manager
Restricted Reports	
Is this report restricted? Yes ☐ No ☒ 	
Please indicate the description, as listed in Schedule 6, of the exempt information by virtue of which the council has deemed this report restricted.	
Insert number ☐	
1. Information relating to any individual 2. Information likely to reveal the identity of an individual 3. Information relating to the financial or business affairs of any particular person (including the council holding that information) 4. Information in connection with any labour relations matter 5. Information in relation to which a claim to legal professional privilege could be maintained 6. Information showing that the council proposes to (a) to give a notice imposing restrictions on a person; or (b) to make an order or direction 7. Information on any action in relation to the prevention, investigation or prosecution of crime	
If Yes, when will the report become unrestricted?	
After Committee Decision After Council Decision Sometime 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	To update members on a request to name an area of open space at the junction of Nubia Street and Moltke Street to The Ruby Murray Village Green, in line with a community request.
2.0	Recommendations
	The Committee is asked to note the update.
3.0	Background
	<u>Key Issues</u>
3.1	In September 2022 People & Communities committee considered a report in relation to this open space. This report referred to the renaming of an existing playground adjacent to this open space. This report should have referred to the open space and not the playground.
3.2	Members are asked to note that this open space will be named the Ruby Murray Village Green and the playground adjacent will remain known as the Nubia Street Playground.
3.3	The Chair of the local Neighbourhood Partnership and other community representatives have also been consulted and they have indicated there are no issues.
3.4	Members are asked to note that an event to mark the naming of the park will be taking place in late November. This will include the planting of a tree and the relocation of an artwork to the park. An image of this artwork is attached.
3.5	A copy of the September 2022 People Communities report can accessed via the following link. https://minutes.belfastcity.gov.uk/ieListDocuments.aspx?CId=166&MId=10683&Ver=4
	<u>Financial & Resource Implications</u>
3.6	None.
	<u>Equality or Good Relations Implications/Rural Needs Assessment</u>
3.7	None
4.0	Appendices.
	Appendix 1 - copy of the artwork

Ruby Murray

Ruby Murray (March 29, 1935 - December 17, 1996) was a popular singer born in Moltke Street and brought up in the Village. Her characteristic hoarse voice was a result of an operation on her throat in early childhood. She toured as a child singer, and first appeared on television at the age of 12. Her first single was 'Heartbeat', which reached the UK top 5 in 1954.

The next, 'Softly, Softly', reached number 1 in 1955, a year in which Murray achieved the rare feat of having five singles in the top twenty at the same time. Ruby still holds the record for the most hit records in the Top Twenty at the same time; beating Madonna and the Beatles.



Our thanks to Donegall Road Primary School & especially all the pupils, whose images comprise this Photo-Mosaic.

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Subject:	Winter preparedness update
Date:	9 th November 2023
Reporting Officer:	Siobhan Toland, Director of City Services
Contact Officer:	Patrick Mallon, Emergency Planning Officer

Restricted Reports

Is this report restricted?

Yes

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No

☒

Please indicate the description, as listed in Schedule 6, of the exempt information by virtue of which the council has deemed this report restricted.

Insert number

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6. Information showing that the council proposes to (a) to give a notice imposing restrictions on a person; or (b) to make an order or direction
7. Information on any action in relation to the prevention, investigation or prosecution of crime

If Yes, when will the report become unrestricted?

After Committee Decision

After Council Decision

Sometime in the future

Never

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Call-in

Is the decision eligible for Call-in?

Yes

☒

No

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1.0	Purpose of Report/Summary of Main Issues
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1.1	The purpose of this report is to update Members on winter preparedness following a Notice of Motion (NOM) referred by Standards and Business Committee on 24/01/2023 requesting a Winter Preparedness Strategy to be presented by quarter 3 of this financial year. This report advises Members on measures taken by BCC and multiagency partners to support the people of Belfast over the winter period, specifically in terms of emergency planning and Age Friendly Belfast.
2.0	Recommendation
2.1	That the committee considers and notes the arrangements in place for winter preparedness.
2.2	Members agree to the recommendation to permit DfI Rivers Staff access to Council land to complete necessary onsite maintenance of infrastructure, subject to relevant access agreements.
3.0	Main Report
3.1	Emergency Planning overview Belfast City Council has an emergency plan in place to prepare for, respond to and recover from all kinds of emergencies including severe winter weather. In addition, the regional severe weather plan is a multiagency approach to planning for, responding to and recovering from severe weather. These plans enable partner agencies to co-ordinate their response to and recovery from any severe winter weather.
3.2	Council Site maintenance of grills and culverts DfI Rivers Staff are required to maintain grills and culverts upon Council lands acting within their statutory maintenance responsibilities. To facilitate this ongoing maintenance, an access agreement between Council and DfI to facilitate access is proposed.
3.3	Community Resilience Group There are a number of community resilience groups in Belfast who are supported by multi agency partners to be better prepared for adverse weather, particularly relating to flooding. These community resilience groups have recently been re-engaged with, updating residents contacts details. Re-engagement includes awareness raising within these communities on existing resources including sandbag containers and equipment to help assist during adverse weather.
3.4	Sandbag containers have been audited and continue to be replenished by multiagency partners including NIW, DfI Roads and DfI Rivers in preparation for winter. The sandbag containers have combination locks to improve speed of access by BCC staff or community volunteers when required. Locations of the sandbag containers are published on the Council website. https://www.belfastcity.gov.uk/Community/Community-Safety-and-Advice/Emergency-planning/Flooding-advice
3.5	Snow clearance and salting DfI Roads continue their annual scheduled process of restocking grit boxes and also responding to requests through their online Public Interface Portal (PIP) - Report an issue with ice or snow nidirect. An agreement is in place between DfI Roads and Belfast City Council in which council resources can be used to treat predefined areas when prolonged severe icy conditions are forecast. This protocol is triggered when a prolonged cold period is expected or experienced. The areas agreed include arterial routes into the city and streets in and around the city centre.
3.6	Members may recall a report agreed at People and Communities committee in February 2019 (Appendix 1) regarding the provision of salt for Members use in communities during prolonged

	severe winter weather. Small quantities of salt will be made available in council owned premises this winter, for <u>Members' use in the community during prolonged, severe, high impact cold weather</u>. Stocks of salt (25kg bags) will be made available at appropriate council community/leisure centres or other council sites. Higher elevations residential areas will be prioritised where icy conditions are more prevalent, and impacts are greater.
3.7	Information and Outreach Links are in place with Age Friendly Belfast's multiagency group and homeless support groups to raise awareness when weather warnings are issued.
3.8	The winter emergency information has been updated on our BCC website which also contains a link to the NI Direct page: https://www.belfastcity.gov.uk/community/community-safety-and-advice/advice/emergency-advice#495-2 Corporate Communications also have specific winter advice pages, which can be highlighted on the website and via BCC social media channels as required.
3.9	Age Friendly Belfast Age Friendly Belfast hosts two seasonal planning meetings in May and November each year. Partners from community, voluntary and statutory organisations share their plans for the winter, raise any issues of concern and update contacts for communication of information in extreme weather. Some of the key projects to support older people over the winter are outlined below.
4.0	National Energy Action (NEA) co-ordinate the distribution of winter warmth packs provided by the Public Health Agency to local voluntary and community groups within Belfast. Individuals and organisations can make referrals for those at risk of living in fuel poverty. Contact National Energy Action on 028 9023009909 for further details. With continued high household energy costs remaining a concern, NEA continues to support vulnerable households via the Belfast Warm and Well project. See Appendix 2 for details and qualifying criteria.
4.1	Community and voluntary groups are hosting walks and other activities with older people in Autumn/Winter 2023. The ongoing Age Friendly activities provide activities to help tackle loneliness and isolation. Check-in schemes such as Good Morning schemes and local phone befriending will continue to provide important support for older people in the winter period.
4.2	Age Friendly Belfast hosted a 'Be Prepared' drop in event on Tuesday 3rd October in 2 Royal Avenue, with a number of organisations offering advice on financial entitlements as well as ways to keep warm and well during the winter months.
4.3	The Affordable Warmth Scheme is now being delivered by the Northern Ireland Housing Executive and referrals can be made through the Executive.
4.4	<u>Financial & Resource Implications</u> No financial or resource implications, being delivered within existing resources.
4.5	<u>Equality or Good Relations Implications /Rural Needs Assessments</u> None
4.0	Appendices - Documents Attached
4.1	Appendix 1: People and Communities Committee Report February 2019. Provision of salt in communities during prolonged severe winter weather.
4.2	Appendix 2: Belfast Warm and Well Project leaflet

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Subject:	Provision of salt in communities during prolonged severe winter weather
Date:	12 February 2019
Reporting Officer:	Nigel Grimshaw, Director of City & Neighbourhood Services
Contact Officer:	Davy Neill, Emergency Coordination Officer

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	To identify proposals for a way forward on the supply and accessibility of salt for local communities during prolonged extreme weather conditions.
2.0	Recommendations
2.1	The Committee is asked to Note the issues set out in this report and agree the interim arrangements and proposal for a more sustainable solution.

3.0	Main report
3.1	Further to a report to Committee in March 2018 regarding the provision of grit for communities during prolonged severe weather conditions Members requested a legal opinion on the Council's position on supplying grit boxes for community use.
3.2	The report from Legal Services in December 2018 (attached) is clear that the statutory duty to treat roads and public places in snow and ice conditions falls to the Department for Infrastructure (DfI). The legislation provides DfI with an immunity if it fails to take action under the relevant statutory order. However, as there is no statutory requirement for the Council to treat roads or to provide grit boxes for public use, the Council would not have similar immunity.
3.3	The provision of grit boxes had been suggested as a means of improving resilience in local areas during prolonged extreme weather conditions, but as this is not a viable option. Officers are continuing to liaise with DfI to consider alternative solutions.
3.4	Consideration was given to storing bags of salt in some of the sandbag containers located throughout the City. However, these containers, supplied by DfI, are primarily for flood risk and resilience; they are made of steel and any leakage of salt would cause serious, corrosive damage rendering the containers useless for sandbag storage. There would also be an issue of managing the logistics of two different products out of the one container.
3.5	The current proposal under consideration is to store the salt in council owned premises giving priority to high risk locations, i.e. elevated areas more prone to snow and ice. Given the legal opinion we are not considering public access, these resources would be for Members to direct for use in the community. There are a number of options to be considered, for example, suitable locations, space, cost, weight of the bags, access arrangements, etc. However, Members are asked to agree the direction of travel and the interim arrangements set out below.
3.6	It is proposed that in the meantime during prolonged severe, high impact cold weather, existing stocks of salt (25kg bags) are made available <u>for Members' use in the community</u> , at appropriate council community/leisure centres or other council Sites. Higher elevation residential areas would be prioritised where icy conditions are more prevalent and there's more impact. Additional lower lying areas can also receive stocks of salt as appropriate depending on severity and impact.

3.7	Suggested higher elevation areas and centres for salt bags could include: • Whitewell – Salt bags delivered to Finlay Park, Whitewell Road (<i>storage container required</i>) • Ballysillan - Salt bags delivered to Ballysillan Leisure Centre • Ligoniel - Salt bags delivered to Ligoniel Community Centre • Glencairn/Highfield - Salt bags delivered to Highfield Community Centre • Whiterock - Salt bags delivered to Whiterock Community Centre • Lenadoon - Salt bags delivered to Glen Community Centre • Lagmore/Mount Eagles - Salt bags delivered to store at Mount Eagles Playground
3.8	Suggested salt bag centres for lower elevation areas could include: East Belfast • Short Strand Community Centre (<i>not a Council Centre but would likely be needed – perhaps an agreement around liability could be provided</i>) • Avoniel Leisure Centre (<i>closing Sep/Oct 2019</i>) • Dee Street Community Centre • Cregagh Community Centre • Braniel Community Centre South Belfast • Olympia Leisure Centre • Malone House • Markets Community Centre • Belvoir Activity Centre North Belfast • Ardoyne Community Centre • Loughside Leisure Centre • plus continued deliveries to Finlay Park, Ballysillan, Ligoniel, Highfield (as above) West Belfast • Suffolk Community Centre • Sally Gardens Community Centre (<i>owned by the Council but independently managed</i>) • Brook Activity Centre

3.9	• Hammer Community Centre • plus continued deliveries to Whiterock, Glen, Lagmore/Mount Eagles (as above) These are only suggested locations and other options will be considered. If Members agree, salt could be delivered to these locations in advance of further severe weather.
3.10	<u>Financial & Resource Implications</u> We currently have sufficient stocks of 25Kg bags to cover this winter but should we move to a more permanent solution we would consider purchasing 20Kg bags, which are much easier and safer to handle. For twenty two sites the cost of this would work out at approximately £3,300 per delivery. DfI cannot provide bagged salt but we are exploring the possibility of getting some of the costs covered through the Regional Community Resilience work. The cost of deliveries of salt to the various locations could be absorbed within existing budgets. <u>Equality or Good Relations Implications/Rural Needs Assessment</u>
3.11	None
4.0	Appendices – Documents Attached
	Appendix 1 - Legal report dated 11 th December 2018



Belfast Warm and Well

The Belfast Warm and Well Project aims to help local people struggling to keep their home warm this winter, by offering advice and practical support to stay warm and well.

The project is available to vulnerable people who are finding it difficult to keep their home warm. Vulnerable refers to a number of different groups including:

- People aged 65 years or older;
- People living with disability or long term physical or mental health condition;
- Pregnant women;
- Households with young child (from new-born to school age);
- People on a low income.

Signs that a person may be finding it difficult to keep their home warm could be, for example:

- The home is cold – you may have to keep your coat on when inside.
- There is condensation on the windows.
- There are signs of damp on the walls or ceilings.

Belfast Warm and Well, is coordinated by National Energy Action (NEA) who will work with local community and voluntary groups, to provide free energy efficiency sessions, helpful independent and confidential advice and practical support.

If you are vulnerable and finding it difficult to keep your home warm, contact NEA on 028 9023 9909 or warmandwell@nea.org.uk to see if they can help.

If you are concerned that someone you know is vulnerable and finding it difficult to keep their home warm, ask them if they would like to speak with NEA and if they do, contact NEA on 028 9023 9909 or warmandwell@nea.org.uk.

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Subject:	Request for the use of Parks for 2024 Event
Date:	Tuesday 7 November 2023
Reporting Officer:	David Sales, Director of Neighbourhood Services
Contact Officer:	Cormac McCann, Lead Officer Community Provision

Restricted Reports

Is this report restricted?

Yes

☐

No

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7. Information on any action in relation to the prevention, investigation or prosecution of crime

If Yes, when will the report become unrestricted?

After Committee Decision

After Council Decision

Sometime in the future

Never

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☐

Call-in

Is the decision eligible for Call-in?

Yes

☒

No

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1.0	Purpose of Report/Summary of Main Issues
1.1	The committee is asked to note that Council has received a request from Derriaghy District LOL No.11 to host South Antrim Combine 12th of July 2024 at Fullerton Park.
2.0	Recommendation
2.1	The Committee is asked to grant authority to the applicant for the proposed event on the dates noted and to delegate authority to the Director of Neighbourhood Services to ensure the following: • The event organisers liaise with Council Officers to ensure that all Health and Safety requirements are adhered to and produce an event management plan and risk assessment that the Council is satisfied with. • Work in partnership with Council staff, resolving any operational issues to the Council's satisfaction, including managing final booking confirmation dates and flexibility around 'set up' & take down' periods, and booking amendments.
2.2	Please note that the above recommendations are taken as a pre-policy position in advance of the Council agreeing a more structured framework and policy for 'Events', which is currently being taken forward in conjunction with the Councils Commercial team.
3.0	Main Report
3.1	South Antrim Combine 12th of July 2024 – Fullerton Park The Council have received a request from Derriaghy District LOL No.11 for the use of Fullerton Park as the "Field" for the 2024 12th July festivities. Derriaghy District is a group of orange lodges from the surrounding area who have been chosen to host the South Antrim Combines 12th of July Demonstration in 2024.
3.2	The key dates are as follows: Thursday 11 July – 7pm to 9pm – Set Up Friday 12 July – 8am to 10.30am – Disabled & Trader access. Friday 12 July – 11.30am Parade begins at Derriaghy and arrives at Fullerton at 12pm Friday 12 July - 4pm to 4.30pm Parade leaves Fullerton Friday 12 July – 9pm de-rigged & off-site
3.3	The purpose of the event is to celebrate the 334th Anniversary of the battle of the Boyne with a parade, religious service and family fun day. There will also be vendors attending the event to provide food. It is anticipated that a total of 3000 people will be in attendance.

3.4	If agreed, the event organiser will be required in advance of the event to submit an event management plan for approval by the Council and all relevant statutory bodies. This will include an assessment of how the event will impact upon the surrounding area and measures to mitigate these impacts.
3.5	<u>Financial and Resource Implications</u> There are no known financial or resource implications at this stage.
3.6	<u>Equality or Good Relations Implications/Rural Needs Assessment</u> There are no known equality or Good Relations implications.
4.0	Appendices - Documents Attached
	None

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Subject:	Proposal for dual language street signs
Date:	7 th November, 2023
Reporting Officer:	Kate Bentley, Director of Planning and Building Control
Contact Officer:	Ian Harper, Building Control Manager, ext. 2430 Roisin Adams, Property and Legal Coordinator, ext. 2454

Restricted Reports

Is this report restricted?

Yes

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No

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7. Information on any action in relation to the prevention, investigation or prosecution of crime

If Yes, when will the report become unrestricted?

After Committee Decision

After Council Decision

Sometime in the future

Never

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Call-in

Is the decision eligible for Call-in?

Yes

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No

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1.0	Purpose of Report/Summary of Main Issues
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1.1	To consider applications for the erection of dual language street signs for six existing streets within the city.																														
2.0	Recommendation																														
2.1	The Committee is asked to agree to the erection of a second street nameplate in Irish at, Ligoniel Place, Mountainhill Road, Norfolk Parade, Ladybrook Grove, Greenan and Alliance Avenue.																														
3.0	Main Report																														
3.1	<u>Key Issues</u> The Council may erect a second street nameplate in a language other than English pursuant to Article 11 of the Local Government (Miscellaneous Provisions) (NI) Order 1995.																														
3.2	Members are asked to consider the following applications to erect a second street nameplate showing the name of the street expressed in a language other than English. The second language is Irish.																														
3.3	<table border="1"> <thead> <tr> <th>English Name</th><th>Non- English Name</th><th>Location</th><th>Persons surveyed</th></tr> </thead> <tbody> <tr> <td>Ligoniel Place, BT14</td><td>Plás Lag an Aoil</td><td>Off Ligoniel Road , BT14</td><td>16</td></tr> <tr> <td>Mountainhill Road, BT14</td><td>Bóthar Chnoc an tSléibhe</td><td>Off Ligoniel Road , BT14</td><td>38</td></tr> <tr> <td>Norfolk Parade, BT11</td><td>Paráid Norfolk</td><td>Off Glen Road, BT11</td><td>125</td></tr> <tr> <td>Ladybrook Grove, BT11</td><td>Garrán Shruthán na Bantiarna</td><td>Off Ladybrook Park, BT11</td><td>21</td></tr> <tr> <td>Greenan, BT11</td><td>An Grianán</td><td>Off Shaws Road, BT11</td><td>138</td></tr> <tr> <td>Alliance Avenue, BT14</td><td>Ascaill an Chomhaontais</td><td>Off Ardoyne Road, BT14</td><td>336</td></tr> </tbody> </table>			English Name	Non- English Name	Location	Persons surveyed	Ligoniel Place, BT14	Plás Lag an Aoil	Off Ligoniel Road , BT14	16	Mountainhill Road, BT14	Bóthar Chnoc an tSléibhe	Off Ligoniel Road , BT14	38	Norfolk Parade, BT11	Paráid Norfolk	Off Glen Road, BT11	125	Ladybrook Grove, BT11	Garrán Shruthán na Bantiarna	Off Ladybrook Park, BT11	21	Greenan, BT11	An Grianán	Off Shaws Road, BT11	138	Alliance Avenue, BT14	Ascaill an Chomhaontais	Off Ardoyne Road, BT14	336
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3.4	The translations were authenticated by Queens University, the approved translator for Belfast City Council.																														
3.5	In accordance with the Council's policy for the erection of dual language street signs, surveys of all persons appearing on the electoral register plus owners or tenants in actual possession of commercial premises, for the above streets were carried out and the following responses were received.																														
3.6	Ligoniel Place, BT14 • 4 occupiers (25%) were in favour of the erection of a second street name plate. • 12 occupiers (75%) did not respond to the survey.																														
3.7	Mountainhill Road, BT14																														

	• 11 occupiers (28.95%) were in favour of the erection of a second street name plate. • 27 occupiers (71.05%) did not respond to the survey.
3.8	Norfolk Parade, BT11 • 47 occupiers (37.6%) were in favour of the erection of a second street name plate. • 2 occupiers (1.6%) were not in favour of the erection of a second street name plate. • 1 occupier (0.8%) had no preference either way. • 75 occupiers (60%) did not respond to the survey. One resident from Norfolk Parade who is not in support of the dual language street sign has stated that the sign is a waste of money.
3.9	Ladybrook Grove, BT11 • 10 occupiers (47.62%) were in favour of the erection of a second street name plate. • 2 occupiers (9.52%) were not in favour of the erection of a second street name plate. • 9 occupiers (42.86%) did not respond to the survey.
3.10	Greenan, BT11 • 58 occupiers (42.03%) were in favour of the erection of a second street name plate. • 80 occupiers (57.97%) did not respond to the survey.
3.11	Alliance Avenue, BT14 • 86 occupiers (25.60%) were in favour of the erection of a second street name plate. • 7 occupiers (2.08%) were not in favour of the erection of a second street name plate. • 4 occupiers (1.19%) had no preference either way. • 239 occupiers (71.13%) did not respond to the survey. One resident from Alliance Avenue who is not in support of the dual language street sign feels that funds could be spent on more important items for the area.
3.12	<u>Assessment against policy</u> The Council's policy on the erection of a second street nameplate requires that at least fifteen percent (15%) of the occupiers surveyed must be in favour of the proposal to erect a second street sign in a language other than English, to progress to Committee for consideration.
3.13	All of the surveys listed above demonstrate compliance with the threshold contained within the Policy. However, the Committee is reminded that the Council retain a residual discretion under the Policy to decide to erect or not to erect a street sign in a language other than English in certain circumstances. This will be done on a case-by-case basis.
3.14	The Policy states that it may be appropriate to depart from the procedures in this Policy when there are clear reasons for doing so. This may include taking into account: (a) the views of the Occupiers of the street; (b) the results of the initial assessment for the application, including any identified potential adverse impacts on equality, good relations and rural needs;

3.15 3.16	(c) consideration of the local context of the application; (d) any other Council policies or strategies related to the application; and (e) all material considerations relating to the application. <u>Financial and Resource Implications</u> There is a cost of approximately £2,610 to cover the cost of the manufacturing and erection of approximately 21 dual language street signs. The cost for these street signs has been allowed for in the current budget. <u>Equality or Good Relations Implications/Rural Needs Assessment</u> Each application for a dual language street sign is subject to an initial assessment for any potential adverse impacts on equality, good relations and rural needs. The initial assessments and elected member notification carried out for the 6 applications being considered did not identify any potential adverse impacts to prevent the surveys being carried out. However, the Committee is entitled to take into account the concerns raised by the residents as set out above in arriving to their decision.
4.0	Appendices
	None



Subject:	Dual Language Street Sign applications made by developers										
Date:	7 th November 2023										
Reporting Officer:	Kate Bentley, Director of Planning and Building Control										
Contact Officer:	Ian Harper, Building Control Manager Roisin Adams, Business Coordinator										
Restricted Reports											
Is this report restricted?		Yes ☐	No ☒								
Please indicate the description, as listed in Schedule 6, of the exempt information by virtue of which the council has deemed this report restricted. Insert number ☐ 1. Information relating to any individual 2. Information likely to reveal the identity of an individual 3. Information relating to the financial or business affairs of any particular person (including the council holding that information) 4. Information in connection with any labour relations matter 5. Information in relation to which a claim to legal professional privilege could be maintained 6. Information showing that the council proposes to (a) to give a notice imposing restrictions on a person; or (b) to make an order or direction 7. Information on any action in relation to the prevention, investigation or prosecution of crime											
If Yes, when will the report become unrestricted? <table> <tr> <td>After Committee Decision</td> <td>☐</td> </tr> <tr> <td>After Council Decision</td> <td>☐</td> </tr> <tr> <td>Sometime in the future</td> <td>☐</td> </tr> <tr> <td>Never</td> <td>☐</td> </tr> </table>				After Committee Decision	☐	After Council Decision	☐	Sometime in the future	☐	Never	☐
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Call-in											
Is the decision eligible for Call-in?		Yes ☒	No ☐								
1.0	Purpose of Report/Summary of Main Issues										
1.1	At the meeting of the People and Communities committee on 12 th September it was agreed that a report would be brought to committee regarding requests for dual language nameplates made by developers of new streets. This followed a proposal from Cllr O'Neill provided below:										

1.2	<i>“At present, there is no policy regarding Bilingual Signage for New Developments in the city. Developers or Housing Associations might make an ad-hoc request to the committee; however, there is no overarching policy.</i> <i>Therefore, as a matter of practice, this council will amend its policy on naming a new street and will allow Developers/Housing Associations to request Bilingual signage as a part of their application for a new street, with the final sign-off being with the People and Communities Committee.”</i>
2.0	Recommendation
2.1	Members are asked to consider the report and agree to the process for dual language street sign applications made by developers on new streets as outlined.
3.0	Main Report
3.1	<u>Key Issues</u> The power for the Council to consider applications to erect a second street nameplate in a language other than English is contained in Article 11 of the Local Government (Miscellaneous Provisions) (NI) Order 1995.
3.2	The Dual Language Street Signs Policy, agreed in 2022, allows for an application for dual language nameplates in a new street to be made by a developer: - <i>“An application for the erection of a street sign in a language other than English may be made by an ‘Applicant’ which for purposes of this policy means: ... (c) a developer of a new street. Any application submitted by a developer with regard to a new street will be considered by the Council in accordance with Section 3(xi) of this policy.”</i>
3.3	Section 3(xi) of the policy states: <i>“The Council will retain a residual discretion to decide to erect or not to erect a street sign in a language other than English in certain circumstances. This will be done on a case-by-case basis. It may be appropriate to depart from the procedures in this policy when there are clear reasons for doing so. This may include taking into account:</i> <i>(a) the views of the Occupiers of the street;</i> <i>(b) the results of the initial assessment for the application, including any identified potential adverse impacts on equality, good relations and rural needs;</i> <i>(c) consideration of the local context of the application;</i> <i>(d) any other Council policies or strategies related to the application; and</i> <i>(e) all material considerations relating to the application.”</i>
3.4	The policy does not set out in detail how the applications would be processed, but states that applications would be considered in the order received. With the significant number of applications received, this would mean that any application received now from a developer of

	a new street would unlikely be considered until well after the street was occupied. However, dealing with a dual language street sign request at the same time as a street naming application is being considered for a new street may be appropriate and may result in efficiencies in terms of process and cost savings.
3.5	The legislation and policy state that the views of occupiers will be sought. Given there are no occupiers of the new street during development, no survey would be carried out. In the cases where a developer applies, the standard initial assessment would be carried out to assess if there are considered to be any potential adverse impacts on the grounds of equality or good relations.
3.6	<u>Proposed process to be followed:</u> 1. For the naming of the street in English, the standard procedure for requesting a street name would be followed, where the Building Control Service writes to the developer asking for the application to be submitted once the works on site have commenced. 2. The developer will have the option of also applying for dual language nameplates as part of this process. 3. The Building Control Service will process both requests together, including carrying out the initial assessment for the dual language application. 4. Elected Members will get notification of these applications through the normal process. 5. The translation will be requested from QUB as part of the processing of the application. 6. A committee report would be drafted to include the appropriate information for both street naming and dual language applications and presented to P&C committee for consideration. Where possible, this would include any information on existing dual language street signage in the adjoining streets, and any other relevant information from the initial assessment carried out 7. Members would consider the report in line with Section 3(xi) of the policy including any potential issues in relation to equality or good relations.
3.7	<u>Financial and Resource Implications</u> If applications for dual language street nameplates are approved at the time of street naming in English, the developer would be responsible for erecting the nameplates and would cover the cost.
3.8	<u>Equality or Good Relations Implications/Rural Needs Assessment</u> Applications for dual language nameplates made by developers would go through the standard initial assessment process to identify any potential adverse impact on the grounds of equality and good relations.
4.0	Appendices - Documents Attached
	None

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Subject:	Proposal for naming new streets and the continuation of an existing street
Date:	7th November 2023
Reporting Officer:	Kate Bentley, Director of Planning and Building Control
Contact Officer:	Ian Harper, Building Control Manager, ext. 2430 Roisin Adams, Property and Legal Coordinator, ext. 2454

Restricted Reports									
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Call-in	
Is the decision eligible for Call-in?	Yes ☒ No ☐

1.0	Purpose of Report/Summary of Main Issues
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1.1	To consider applications for the naming of new streets in the city and the continuation of an existing street in the city.									
2.0	Recommendation									
2.1	Based on the information presented, the Committee is required to make a recommendation in respect of applications for naming new streets and the continuation of an existing street in the city. The Committee may either: • Grant the applications, or • Refuse the applications and request that the applicants submit other names for consideration.									
3.0	Main Report									
3.1	<u>Key Issues</u> The power for the Council to name streets is contained in Article 11 of the Local Government (Miscellaneous Provisions) (NI) Order 1995.									
3.2	Members are asked to consider the following applications for naming new streets in the city and the continuation of an existing street in the city. The applications 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.									
3.3	<table><tr><th>Proposed Name</th><th>Location</th><th>Applicant</th></tr><tr><td>Annalee Street</td><td>Off Alloa Street, BT14</td><td>Clanmil Housing Association</td></tr><tr><td>Hazel Way</td><td>Off Hazel Crescent, BT17</td><td>Toland House Properties</td></tr></table>	Proposed Name	Location	Applicant	Annalee Street	Off Alloa Street, BT14	Clanmil Housing Association	Hazel Way	Off Hazel Crescent, BT17	Toland House Properties
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3.5	Clanmil Housing Association are developing a new street on a vacant site at the junction of Manor Street and Alloa Street. The site was formerly Dargle Street, Annalee Street, Roe Street and Avonbeg Street which were demolished a number of years ago. The Housing Association is keen for the new street name to retain one of the historical street names and their first preference would be Annalee Street. The proposal for the second choice is John Hewitt Street as the street is situated beside the Belfast City Council John Hewitt Park multi use games area at Alloa Street. The third choice is Roe Street.									
3.6	The site is being developed to include twelve residential dwellings, with ten being located in the proposed Annalee Street and two being located in the existing Manor Street.									
3.7	Toland House Properties have proposed Hazel Way, as their first choice for a new street which is located within the Lagmore development. The new street will include the development of									

	nine new dwellings. The applicant has proposed Hazel Lane and Hazel Walk as the second and third choice.
3.8	Toland Properties have proposed Hazel Drive for the continuation of an existing street that is being extended with the construction of four additional dwellings.
3.9	The applicant has proposed street names containing the prefix Hazel for the new street and the continuation of the existing street in order to retain the link with the existing streets in the area.
3.10	<u>Financial and Resource Implications</u> There are no Financial, Human Resources, Assets and other implications in this report.
3.11	<u>Equality or Good Relations Implications/Rural Needs Assessment</u> There are no direct Equality implications.
4.0	Appendices
	None

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