



<b>Subject:</b>	<b>Dilapidation Bill - consultation response</b>
<b>Date:</b>	7 <sup>th</sup> October 2025
<b>Reporting Officer:</b>	Kate Bentley, Director of Planning and Building Control
<b>Contact Officer:</b>	Ian Harper, Building Control Manager

Is this report restricted?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
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<b>1.0</b>	<b>Purpose of Report</b>
1.1	A draft consultation report (Appendix 1) has been prepared in response to the current Dilapidation Bill consultation which requires a response by 10 <sup>th</sup> October.
<b>2.0</b>	<b>Recommendations</b>
2.1	Members are asked to consider the draft response and agree that it be submitted to meet the deadline of 10 <sup>th</sup> October. It would include a note that this is subject to ratification by full council in November.
2.2	Members are also asked to note that: <ul style="list-style-type: none"><li>The first draft of the statutory guidance on the Bill was only provided by the Dept. on 23<sup>rd</sup> September, with a request for input from councils. This requires detailed review and has not been considered as part of the current consultation response. SOLACE have now requested that councils Building Control, Environmental Health and other appropriate council officers, review this guidance and provide feedback for the consideration and approval by Solace NI, at either the meeting on 7 November or 5 December 2025</li></ul>
2.3	<ul style="list-style-type: none"><li>SOLACE have also requested that Building Control Northern Ireland (BCNI) and Environmental Health Northern Ireland (EHNI) prepare a joint response to the Call for Evidence on the Dilapidation Bill</li></ul>
<b>3.0</b>	<b>Main Report</b>

3.1	The consultation relating to the Dilapidation Bill was released on 07 July 2025 with a deadline date for responses of 10 <sup>th</sup> October.
3.2	Building Control Officers have met and drafted the response provided, with the assistance from Environmental Health officers. We met with Kevin McDonnell in Legal Services who is assisting in completing the final draft for issue.
3.3	<p><u>The main aspects of the Bill are as follows:</u></p> <ul style="list-style-type: none"> <li>• Clause 1-3 Detriment to local amenity</li> <li>• Clauses 4-6 Serious detriment to local amenity</li> <li>• Clauses 7-10 Dangerous structures</li> <li>• Clause 11 Defective premises notice</li> <li>• Clauses 12-15 Liability for costs</li> <li>• Clauses 16-20 Miscellaneous functions of district councils</li> <li>• Clauses 21-23 General procedural matters</li> <li>• Clauses 24-25 Interpretation</li> <li>• Clauses 26-28 Supplementary</li> <li>• Clauses 29-31 Final</li> </ul>
3.4	The Bill as drafted includes many of the provisions in the other legislation which are required to take the appropriate action. It is welcomed that there are items such as emergency powers, powers of entry and taking action on land included.
3.5	However, it is believed that the Bill is inadequate to allow councils to deal with dangerous and dilapidated buildings and structures and indeed would leave councils in a worse position than with the current legislation available. In summary, the main concerns include:
3.6	<ul style="list-style-type: none"> <li>• Definition of detriment and serious detriment – this has always proven to be subjective when using the Pollution Control Order and further detail is required with additional guidance from the Department as this is too subjective.</li> <li>• The Bill covers buildings, but also needs to include structures, which is not clearly set out.</li> <li>• Inadequate cost recovery – Historically cost recovery has proven to be very difficult to achieve, where works to remove a danger are undertaken in default. The Bill does not address this difficulty adequately, and wider scope of recovering costs should be included and include costs for staff and consultants.</li> <li>• Adequate resources will be needed to administer the legislation, in particular due to the proactive nature. For example, there is now a section on maintenance notices, used where a situation is 'detrimental to local amenity', which could lower the bar for potential enforcement action and raise expectations of what can be considered suitable for action.</li> </ul>

	<ul style="list-style-type: none"> <li>• Owner unknown: It is essential that there are powers for councils to act where an owner is unknown. This is not included.</li> <li>• Penalties and fines must be of significant scale to act as a motivating factor in those responsible for the building or structure to carry out the required work, or for the fine to be sufficient to cover the costs of any default works. It is our view that this is not adequately considered in the Bill.</li> <li>• Clarification on the appeals mechanism proposed, and confirmation that this will not delay any required action being undertaken. This requires further clarity and detail.</li> <li>• Clarification on the owner having to seek permission to demolish.</li> <li>• Clarification on the assessment required as part of emergency action being undertaken.</li> </ul>
3.7	<p>Legislation that is currently used and which will be repealed is as follows:</p> <ul style="list-style-type: none"> <li>• Belfast Improvement Act 1878 – Part 9</li> <li>• Belfast Corporation Act 1911 (for owner unknown)</li> <li>• Pollution Control and Local Government (Northern Ireland) Order 1978 - Articles 65 and 66</li> <li>• Clean Neighbourhoods and Environment Act (Northern Ireland) 2011 – In schedule 3, Paragraph 9(4)</li> </ul>
3.8	<p>This legislation is currently widely used by the Building Control Service, and it is of concern that the new Bill does not appear to bring an improvement as desired.</p>
3.9	<p>Given the views above expressed in the response, officers are recommending that direct engagement between council officers and Departmental officials takes place to deal with the issues raised.</p>
3.10	<p><u>Ongoing work</u></p> <p>In several areas of the response officers have asked for further clarity or guidance. The first draft of the statutory guidance on the Bill was only provided by the Dept. on 23<sup>rd</sup> September, with a request for input from councils. This requires detailed review and has not been considered as part of the current consultation response. SOLACE have now requested that councils Building Control, Environmental Health and other appropriate council officers, review this guidance and provide feedback for the consideration and approval by Solace NI, at either the meeting on 7 November or 5 December 2025</p>
3.11	<p>SOLACE have also requested that Building Control Northern Ireland (BCNI) and Environmental Health Northern Ireland (EHNI) prepare a joint response to the Call for Evidence on the Dilapidation Bill</p>
<b>4.0</b>	<b>Financial &amp; Resource Implications</b>
4.1	<p>Issues relating to finance are included in the response and outlined above. In summary these include:</p> <ul style="list-style-type: none"> <li>• The need for adequate costs recovery where councils take action in default including staff and consultant costs</li> </ul>

	<ul style="list-style-type: none"> <li>• The need for adequate resourcing to ensure adequate enforcement relating to the new bill</li> <li>• Clarification on charging when using the emergency powers</li> </ul>
<b>5.0</b>	<b>Equality or Good Relations Implications / Rural Needs Assessment</b>
5.1	None identified.
<b>6.0</b>	<b>Appendices</b>
	Appendix 1 – Draft Dilapidation Bill consultation response.