



## Belfast City Council

<b>Report to:</b>	Health and Environmental Services Committee
<b>Subject:</b>	<b>Consultation on Proposed Changes to legislation dealing with Dangerous, Dilapidated, Ruinous Buildings and Neglected Sites</b>
<b>Date:</b>	4 <sup>th</sup> June 2014
<b>Reporting Officer:</b>	Trevor Martin Head of Building Control, ext: 2450
<b>Contact Officer:</b>	Ian Harper Building Control Manager, ext: 2430

<b>1</b>	<b>Relevant Background Information</b>
1.1	The Committee will be aware of the work carried out by the Service over the last number of years in tackling the problem of derelict, dilapidated and ruinous properties. Additionally the issue of abandoned partially-completed building sites and even areas of waste ground left neglected has been frequently raised by members on behalf of their constituents. However, the Council has little if any powers to effectively address those problems. Such properties and sites are a great concern to the public; in particular residents that have to live in close proximity and the issues of anti-social behaviour, fly tipping, pests etc can undoubtedly make many people's lives a misery.
1.2	The Building Control Service, in conjunction with Legal Services, adopts a robust approach in this area and regularly takes action under the Belfast Improvement Act 1878, Public Health Amendment Act 1907 and the Pollution Control and Local Government (Northern Ireland) Order 1978. However, whilst we have a high degree of success most of this legislation is antiquated and therefore does not always have the scope or necessary powers to tackle all aspects of this increasing problem.
1.3	Additionally despite the success of enforcement we have taken to date under the above three pieces of legislation, there are significant deficiencies, omissions and loopholes inherent in all of the provisions that impact adversely on the Council's ability to take effective action in certain circumstances. In particular the power to act in emergency situations is very limited and there are also significant deficiencies in the legislation in relation to the recovery of costs where the Council had had to carry out works in default because the owner cannot be traced or the owner has no means to carry out the necessary works.
1.4	As a result of the experiences gained by the Service in dealing with these problems, a letter was sent by the Committee to the then DoE Minister Alex Attwood MLA asking for changes to the existing legislation to enable councils to tackle issues around dereliction more effectively. The Minister, having met with the Head of Building Control and the Town Solicitor, asked his officers to work with the Council in determining what needed to be done to improve the process. As a result of that meeting, and other subsequent meetings between Council officers and DoE officials, a discussion document: 'Environmental Legislation: Dilapidated/Dangerous Buildings and Neglected Sites' on proposed changes to legislation in this area has been circulated to all councils from DoE for comments. The current DoE Minister has also confirmed that he is keen for the matter to be progressed.

1.5	This document has now been considered by various officers across the Council, including Environmental Health & Legal Services, and the proposed response to the consultation is attached.
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<b>2</b>	<b>Key Issues</b>
2.1	Current legislation dealing with dangerous, dilapidated and ruinous buildings and abandoned sites is not fit for purpose in certain circumstances.
2.2	<p>Some of the key issues are:</p> <ul style="list-style-type: none"> <li>• Ability to make people amenable before the courts;</li> <li>• Inability to deal with properties where the owners are in administration or some other type of insolvency;</li> <li>• Need for simpler and more effective forms of recovery of Council funds spent in default;</li> <li>• Need to broaden the scope of buildings and sites that need to be tackled, to include abandoned building sites;</li> <li>• Powers of court to fine owners who default on their responsibilities;</li> <li>• Benefits of consolidating and updating legislation into a modern fit for purpose document;</li> <li>• The provision of appropriate Guidance from the Department;</li> <li>• Powers for Councils to take immediate action in emergency situations;</li> <li>• Ensuring that any new powers compliment, but remain distinct from, powers under planning legislation (The issue of action under this type of legislation and the impact on planning legislation requires to be rationalised.)</li> </ul>
2.3	The DoE has circulated a consultation document on proposals for new legislation to be introduced to offer councils improved powers to deal with these issues. The proposed response document by the Council, which is appended, was written after detailed discussions took place between Building Control, Environmental Health and Legal Services.

<b>3</b>	<b>Resource Implications</b>
3.1	<p><b><u>Financial</u></b> None – no new resources above those already dedicated to enforcing against ruinous, dangerous or dilapidated buildings are likely to be required to enforce new or amended legislation.</p>
3.2	<p><b><u>Human Resources</u></b> None – no new personnel above those already dedicated to enforcing against ruinous, dangerous or dilapidated buildings are likely to be required to enforce new or amended legislation.</p>
3.3	<p><b><u>Asset and Other Implications</u></b> None</p>

<b>4</b>	<b>Recommendation</b>
4.1	<p>The Committee is requested to:</p> <ol style="list-style-type: none"> <li>1. note the work of the Building Control, Environmental Health and Legal Services to date and adopt, amend or reject the proposed responses, and</li> <li>2. after ratification submit the agreed response to the DoE consultation document on behalf of the Council.</li> </ol>

<b>5</b>	<b>Equality and Good Relations Considerations</b>
5.1	The response has been sent to the Good Relations Officer for consideration.

<b>Decision Tracking</b>
The Democratic Services Officer will, after ratification by Council submit the agreed responses to the Consultation to the DoE.

<b>Key to abbreviations</b>
None

<b>Document attached</b>
BCC draft response to DoE consultation document