



**Chairperson:** Councillor C McCready

**Vice-Chairperson:** Councillor R Carlin

**Aldermen:** J Baird, M Gregg, O Gawith, S Skillen, J Tinsley

**Councillors:** S Burns, P Catney, G Hynds, P Kennedy, J Lavery BEM, A McIntyre, M McKeever, R McLernon, N Parker

**Ex Officio:**

The Right Worshipful the Mayor, Councillor A Gowan

Deputy Mayor, Councillor G McCleave

**Notice Of Meeting**

A meeting of the Environment and Sustainability Committee will be held on **Wednesday, 4th October 2023** at **6:00 pm** for the transaction of the undernoted Agenda.

**David Burns**  
**Chief Executive**

# Agenda

## 1.0 Apologies

## 2.0 Declaration of Interests

- (i) conflict of interest on any matter before the meeting (Members to confirm the specific item)
- (ii) pecuniary or non-pecuniary interest (Member to complete disclosure of interest form)

## 3.0 Report by the Head of Service (Building Control and Sustainability)

### 3.1 Consultation on NI 2030 & 2040 Emissions Reduction Targets & First Three Carbon Budgets & CCC Advice Report (FOR DECISION)

[Item 3.1 - Carbon Budget & Emissions reduction targets.pdf](#) Page 1

[Item 3.1 - Appendix 1 BC - LCCC Response - Carbon Budget & Emission Reduction targets Consultation \(F\).pdf](#) Page 3

### 3.2 Consultation on Proposed Amendments to Part E (Fire Safety) of The Building Regulations and Guidance (FOR DECISION)

[Item 3.2 - Consultation on Building Regs Part E \(Fire Safety\).pdf](#) Page 28

[Item 3.2 - Appendix 2 BC Part E - LCCC Consultation Response.pdf](#) Page 30

### 3.3 Department of Finance Consultation on a Range of Technical Issues Relating to the Building Regulations NI (FOR DECISION)

[Item 3.3 - DOF Consultation - Range of technical issues relating to the Building Regulations NI.pdf](#) Page 62

## 4.0 Report by the Acting Head of Service (Environmental Health, Risk and Emergency Planning)

### 4.1 The Waste and Contaminated Land (Northern Ireland) Order 1997 (FOR DECISION)

[Item 4.1 - The Waste and Contaminated Land \(Northern Ireland\) Order 1997.pdf](#) Page 64

[Item 4.1 - Appendix 1 EH - Detailed report providing background information on W&CLO 1997.pdf](#) Page 66

[Item 4.1 - Appendix 2 EH - The Waste and Contaminated Land \(Northern Ireland\) Order Procedure.pdf](#) Page 68

<b>4.2 Cemeteries - Postbox to Heaven (FOR DECISION)</b>	
📄 <i>Item 4.2 - Postbox to Heaven.pdf</i>	<i>Page 71</i>
📄 <i>Item 4.2 - Appendix 3 EH - Postbox to Heaven.pdf</i>	<i>Page 73</i>
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<b>4.3 Food Control Service Plan 2023/2024 (FOR NOTING)</b>	
📄 <i>Item 4.3 - Food Control Service Plan 2023 2024.pdf</i>	<i>Page 75</i>
📄 <i>Item 4.3 - Appendix 5 EH - LCCC Food Service Plan 2023 2024.pdf</i>	<i>Page 77</i>
<b>4.4 Notice of Motion - Blue / Green Algae (FOR DECISION)</b>	
📄 <i>Item 4.4 - Notice of Motion - Blue-Green Algae.pdf</i>	<i>Page 98</i>
📄 <i>Item 4.4 - Appendix 4EH - Notice of Motion - Councillor Gary McCleave.pdf</i>	<i>Page 100</i>

## **5.0 Report by the Acting Head of Service (Waste Management and Operational Services)**

<b>5.1 Consultation on the draft Producer Responsibility Obligations (Packaging and Packaging Waste) Regulations [2024] (FOR DECISION)</b>	
📄 <i>Item 5.1 - Report - EPR Consultation (F).pdf</i>	<i>Page 101</i>
📄 <i>Item 5.1 - Appendix 1 W&amp;OS - L&amp;CCC Draft Response.pdf</i>	<i>Page 103</i>

## **6.0 Confidential Report from the Acting Director of Environmental Services**

### **6.1 Off Street Car Parking Contract (FOR DECISION)**

Confidential due to information relating to the financial or business affairs of any particular person (including the Council holding this information).

📄 <i>6.1 Conf Off Street Parking Enforce REDACTED.pdf</i>	<i>Page 113</i>
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### **6.2 Environmental and Sustainability Charges Scheme – 2024/2025 (FOR DECISION)**

Confidential due to information relating to the financial or business affairs of any particular person (including the Council holding this information).

## **7.0 Any Other Business**

- 7.1 Kerbside Model Consultation (Verbal update by Acting Director of Environmental Services)**

<b>Committee:</b>	Environment & Sustainability
<b>Date:</b>	4 <sup>th</sup> October 2023
<b>Report from:</b>	HoS – Building Control & Sustainability

<b>Item for:</b>	Decision
<b>Subject:</b>	Consultation on NI 2030 & 2040 Emissions Reduction Targets & First Three Carbon Budgets & CCC Advice Report

1.0	<p><b><u>Background and Key Issues</u></b></p> <ol style="list-style-type: none"> <li>1. The purpose of this report is to bring to Elected Members, for approval, the draft response to DAERA Consultation on NI 2030 &amp; 2040 Emissions Reduction Targets &amp; First Three Carbon Budgets &amp; CCC Advice Report.</li> <li>2. Members were informed at the September Environment &amp; Sustainability Committee that a draft response would be prepared by Officers and be presented to the October Committee for approval.</li> <li>3. September Full Council meeting granted delegated authority for this Environment &amp; Sustainability Committee, held on 4<sup>th</sup> October 2023, powers to agree the draft consultation response for submission before the closing date of 11<sup>th</sup> October 2023.</li> <li>4. The HoS at September Committee requested any comments that Members would wish to make to come back through the Head of Service directly. Any comments received have been included.</li> <li>5. Please find the link which directs Members to the Department website, discussion, guidance documents and response template:  <a href="https://www.daera-ni.gov.uk/consultations/carbonbudget">https://www.daera-ni.gov.uk/consultations/carbonbudget</a></li> <li>6. Members will find the draft response compiled by Officers on behalf of Council attached at <b>Appendix 1 BC</b>.</li> <li>7. The draft response focuses on the council's functions and direct interactions with citizens. This, as indicated at September Committee, would allow Elected Members to also make a response through their political parties, in specific areas, should they wish to do so.</li> </ol>
2.0	<p><b><u>Recommendation</u></b></p> <p>It is recommended that Members agree to the submission of the attached response, on behalf of the Council in relation to the Consultation on NI 2030 &amp; 2040 Emissions Reduction Targets &amp; First Three Carbon Budgets &amp; CCC Advice Report, subject to any further comment</p>
3.0	<p><b><u>Finance and Resource Implications</u></b></p> <p>None at this time, however any drive by Government to meet the set targets will have financial implications that are as yet unknown to Council.</p>

4.0	<b><u>Equality/Good Relations and Rural Needs Impact Assessments</u></b>	
4.1	Has an equality and good relations screening been carried out?	Yes / No
4.2	Brief summary of the key issues identified and proposed mitigating actions <b><u>or</u></b> rationale why the screening was not carried out  <b>This is a third party consultation and not an internal document.</b>	
4.3	Has a Rural Needs Impact Assessment (RNIA) been completed?	Yes / No
4.4	Brief summary of the key issues identified and proposed mitigating actions <b><u>or</u></b> rationale why the screening was not carried out.  <b>This is a third party consultation and not an internal document.</b>	

<b>Appendices:</b>	Appendix 1 BC – LCCC Draft Response to Consultation on NI 2030 & 2040 Emissions Reduction Targets & First Three Carbon Budgets & CCC Advice Report.
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# **Consultation on Northern Ireland's 2030 and 2040 Emissions Reduction Targets and First Three Carbon Budgets**

**&**

## **Seeking Views on CCC Advice Report: The path to a Net Zero Northern Ireland**

### **Response Template**

**June 2023**

You can access the consultation document and online survey here <https://www.daera-ni.gov.uk/consultations/carbonbudget>.

We would encourage participation from all interested parties. The primary method for responses is online via **Citizen Space**. The survey is quick and simple to complete. Please supplement your response with any relevant supporting information, evidence and/or analysis.

If you are unable to complete the survey online, you can respond to this consultation by email or post. Please forward the completed Response Template to DAERA using the email or postal address below:

**Email:** [GreenGrowthFeedback@daera-ni.gov.uk](mailto:GreenGrowthFeedback@daera-ni.gov.uk)

**Post:**

Carbon Budget Consultation Response  
Climate Change and Green Growth Policy Division  
2nd Floor, Klondyke Building  
1 Cromac Avenue  
Gasworks Business Park  
Belfast BT7 2JA

Responses to this consultation are invited until 11.59pm on Wednesday 11 Oct 2023. Following consideration of all responses, a full analysis report will be published on DAERA's website.

If you require any further information, please contact a member of the consultation team on **028 9056 9708**.

Thank you for taking part in this consultation.



## First, please tell us 'About You', to help us analyse the responses

### A. What is your name?

Colin Duff

### B. What is your email address?

Colin.duff@lisburncastlereagh.gov.uk

### C. What is your organisation

Lisburn & Castlereagh City Council

## Questions 1 - 7

You can contribute to this consultation by providing observations and comments in respect of the following questions. Please supplement your response with any relevant supporting information, evidence and/or analysis.

DAERA would welcome your responses to Questions 1-7.

**Question 1. The 2030 Target:**

Do you agree that DAERA should follow the current advice provided by the CCC and keep the current 2030 emissions reduction target in the Act of an at least 48% reduction in emissions compared to the baseline?

Yes

No - please provide your reasons and any suggested alternative (Noting, that if the target is to be changed, that the Act only allows it to be changed to a higher percentage).

**Note:**

It is recognised that both the CCC and IPCC indicate that meeting this target will present a challenge to achieve.

Although LCCC supports this challenging target based on CCC advice it is essential to highlight that the CCC is not 'necessarily recommending them without further consideration of achievability, cost and social implications'; and that DACCS 'would be more expensive to do in NI than elsewhere in the UK because any captured CO<sub>2</sub> would need to be shipped to a storage facility away from Northern Ireland rather than being stored locally'.

We highly recommend claiming, at both NI and UK levels, financial and resource investment to promote and encourage major behavioural shifts, investment and technological advancement to achieve the target and just transition across all sectors.

**Question 2. The 2040 Target:**

Do you agree that DAERA should follow the current advice provided by the CCC and set a 2040 emissions reduction target of an at least 77% reduction in emissions compared to the baseline?

Yes

No - please provide your reasons and any suggested alternative.

Note:

It is recognised that both the CCC and IPCC indicate that meeting this target will present a challenge to achieve.

Although LCCC supports this challenging target based on CCC advice it is essential to highlight that the CCC is not 'necessarily recommending them without further consideration of achievability, cost and social implications'; and that DACCS 'would be more expensive to do in NI than elsewhere in the UK because any captured CO2 would need to be shipped to a storage facility away from Northern Ireland rather than being stored locally'.

We highly recommend claiming, at both NI and UK levels, financial and resource investment to promote and encourage major behavioural shifts, investment and technological advancement to achieve the target and just transition across all sectors.

**Question 3. First Carbon Budget (2023-2027):**

Do you agree that DAERA should follow the current advice provided by the CCC and set the first carbon budget at a level that has a 33% average annual reduction in emissions compared to the baseline?

Yes

No - please provide your reasons and any suggested alternative.

**Note:**

In June 2023, the Data for Northern Ireland's emissions in 2021 were published. The longer-term trend showed a decrease of 23.2% compared with emissions in 1990.

However, between 2020 and 2021 most sectors, except waste management and public sector, showed an increase in emissions. The most significant increases in terms of tonnes of carbon dioxide equivalent were in the Transport (0.4 MtCO<sub>2e</sub>), Agriculture (0.3 MtCO<sub>2e</sub>) and Energy Supply (0.2 MtCO<sub>2e</sub>) sectors.

The increase in fossil fuel generation observed from 2020 to 2021 does not follow the longer-term plan, which maps a decrease in coal use and a reduction in the carbon intensity of electricity generation.

In the UK there has been a 47.7% reduction in emissions between 1990 and 2021, with individual jurisdiction reductions of:

- 50.2% in England,
- 49.3% in Scotland,
- 35.0% in Wales, and
- 23.2% in Northern Ireland

In 2021, Northern Ireland contributed 5.3% of all UK greenhouse gas emissions.

It is evident there is a need for major commitment of the NI Executive and the UK Government to support any successful transition and to meet set targets.

LCCC recognises that it is stated in the CCC Advice Report, that a review of a slightly less ambitious First Carbon Budget could be appropriate to account for a slower start in the first two years, although this would need to be accommodated in later budgets to meet end targets.

**Question 4. Second Carbon Budget (2028-2032):**

Do you agree that DAERA should follow the current advice provided by the CCC and set the second carbon budget at a level that has a 48% average annual reduction in emissions compared to the baseline?

Yes

No - please provide your reasons and any suggested alternative.

**Question 5. Third Carbon Budget (2033-2037):**

Do you agree that DAERA should follow the current advice provided by the CCC and set the third carbon budget at a level that has a 62% average annual reduction in emissions compared to the baseline?

Yes

No - please provide your reasons and any suggested alternative.

## Consultation on Northern Ireland's 2030 and 2040 Emissions Reduction Targets and First Three Carbon Budgets & Seeking Views on CCC Advice Report: The path to a Net Zero Northern Ireland. Response Template

### Question 6. CCC advice:

Do you agree that DAERA should follow any updated advice and recommendations from the CCC (as a result of the publication of the Northern Ireland 2021 GHG Inventory) when setting the first three carbon budgets?

Yes

No - please provide your reasons.

As previously stated, the potential reduction of the target for the first carbon budget should assist in facilitating the transition, and CCC advice should be followed. Due regard should also be given to the advice provided by the IPCC and the Republic of Ireland Climate change Advisory Council (CCAC).

## Question 7. Impact Assessments

Can you provide any information (relating to the potential financial, economic, social, rural and equality impacts) which will help inform the completion of the relevant impact assessments on the proposed carbon budgets?

### Note:

This Council's response to the consultation only responds in the areas where the council has a direct function or output that directly affects its citizens.

Local Councils in NI have limited control over some sectors to which this consultation refers such as Social Housing (NIHE), Transport (DfI Roads) and Agriculture (DAERA). These areas can greatly contribute to meeting carbon budgets and achieving those targets recommended by the CCC.

There are important considerations for government policy when moving away from a reliance on fossil fuels and carbon-intensive industries.

- At a high level, the challenge of a just transition to bring all sectors along the journey and stimulate green growth and skills transition must be funded.
- Appropriate interventions are necessary, and substantial investment in skills is pivotal to help absorb the economic shock. This includes targeted job support from the government, reskilling, transferable upskilling, to provide our workforce with the necessary tools for employment and to drive a greener economy as part of a just transition.
- Housing retrofit rollout, would help create construction jobs that have been most impacted by the economic shock and cost of living crisis.
- Support (including councils on their land) to restore wetlands, reforest and in providing outdoor recreation areas.
- Empower local policymakers to bring about change directly to their local area in planning, transport change etc. The lack of powers and resources impedes this intervention. The national government should plan in delivering the necessary tools and funding to meet that objective – support local authorities and public bodies to work and take action.
- It is noted that the consultation documentation states that the potential costs of meeting Net Zero in Northern Ireland will be in the region of £466M per year, depending on pathways taken. How is this to be funded and what support will be given to public bodies, industry, agriculture etc to assist in meeting Net Zero?
- It is noted that the RNIA will not be fully known until specific policies are taken forward.

Local councils require sufficient funding to increase their skills and capacity to deliver climate action and support local communities in a just transition. In addition, the UK CCC recognises that local authorities want to catalyse investment and add value by maximising social, environmental and economic returns from spending on energy efficiency, heat decarbonisation and transport.

Funding should also be made available to ensure that all government and public sector projects and initiatives are climate smart – leading by example and supporting wider decarbonisation across society through capital development, green procurement, funding policies, green jobs and investment.



## Questions on CCC Advice Report: The path to a Net Zero Northern Ireland

You can contribute to the dialogue on climate change by providing responses and comments in respect of the following questions. Please supplement your response with any relevant supporting information, evidence and/or analysis.

Northern Ireland Executive Departments would welcome your responses to Questions 8 – 17.

### Stretch Ambition

The options proposed under the 'Stretch Ambition' would mean increases in the amount of carbon sequestered in land and engineered greenhouse gas removals. The Stretch Ambition scenario would achieve a 93% reduction against the baseline by 2050.

### **Question 8. Stretch Ambition Scenario to reach 93% reduction by 2050:**

Do you agree that the Northern Ireland Executive should follow the advice provided by the CCC and choose the Stretch Ambition Scenario?

Yes

No - please provide your reasons and any suggested alternative.

Note:

In considering the Stretch Pathway, it is noted that the ambition of the pathway affects functions, industry and business outside of the remit of council. This pathway will have to be considered by those with expertise in that field and is political in nature. The Council would have no comment on this question.

### Speculative Options

Even with the radical actions under the stretch ambition pathway, there is still an emissions gap to Net Zero. The CCC considered some speculative options including the deployment of direct air capture of CO<sub>2</sub> and a further decrease of livestock numbers. Whilst it is up to the Northern Ireland Executive to decide which speculative options to pursue, the CCC's advice on the 2030 and 2040 emissions reduction targets and the first three carbon budgets is based on the Speculative DACCS.

#### Question 9 (a). The Speculative DACCS Option to reach Net Zero by 2050:

Do you think that the Northern Ireland Executive should choose the Speculative Direct Air Capture with CCS (DACCS) option to reach Net Zero?

Yes

No - please provide your reasons and any suggested alternative.

#### Note:

In considering this Pathway, it is noted that the ambition of the pathway affects functions, industry and business outside of the remit of council. This pathway will have to be considered by those with expertise in that field and is political in nature. The Council would have no comment on this question.

**Question 9 (b). The Speculative Agriculture Option:**

Do you think that the Northern Ireland Executive should choose the Speculative Agriculture option?

Yes

No - please provide your reasons and any suggested alternative.

Note:

In considering this Pathway, it is noted that the ambition of the pathway affects functions, industry and business outside of the remit of council. This pathway will have to be considered by those with expertise in that field and is political in nature. The Council would have no comment on this question.

**Question 9 (c). Other Speculative Options:**

Do you think that the Northern Ireland Executive should consider other speculative options such as (1) enhanced rock weathering and (2) addition of biochar to agricultural land?

Yes

No - please provide your reasons and any suggested alternative.

Note:

In considering this Pathway, it is noted that the ambition of the pathway affects functions, industry and business outside of the remit of council. This pathway will have to be considered by those with expertise in that field and is political in nature. The Council would have no comment on this question.

**Question 10. Agriculture Sector Contribution to Net Zero:**

Do you think that the Northern Ireland Executive should diverge from the CCC sector advice to deliver the required outcomes for the first carbon budget period and that these can be achieved through the actions outlined in the Agriculture sector summary?

- Yes
- No - please provide your reasons.

Note:

LCCC does not have a direct functional remit for agriculture, therefore no response to this question is submitted.

**Question 11: LULUCF Sector Contribution to Net Zero:**

Do you think that the Northern Ireland Executive should follow the LULUCF sector advice provided by the CCC?

Yes

No - please provide your reasons

Note:

LCCC has an estate of lands that it manages. The Councils response will be based on its direct functions in this regard.

LCCC supports the advice of the CCC.

In particular, we strongly support the landscape regeneration of woodlands and peatlands in Northern Ireland in the following years to guarantee adequate carbon sequestration to reach the target of 22% emission reduction by 2030. However, we recommend investing carefully in afforestation plans due to the importance of appropriate analysis of soil and tree species to avoid soil depletion and biodiversity loss. Reforestation should be considered before afforestation. Planting trees in areas that have never been forested, known as afforestation, can release carbon, resulting in a net loss of carbon from the ecosystem. Furthermore, soil is the largest carbon sink and, therefore, the correct management of land and its use to restore and prevent soil degradation should be a priority. Some studies have shown that in the Scottish moorlands, experimental areas planted with native trees actually stored less carbon after several decades than untouched plots covered in heather. There is more carbon below ground than above ground, which means more carbon is stored in soil than in plant biomass, hence restoring peatlands must be the priority. For instance, diverse pastures properly managed with varied plant species would be more effective at storing carbon than new tree plantations. The risk of afforestation is also linked to the disturbance of well-established soil where carbon has been stored for long; planting trees can cause the release of this carbon from the soil, counteracting the net carbon target. Proper land use management should be developed.

**Question 12 (a). Buildings Sector Contribution to Net Zero:**

Do you think that the Northern Ireland Executive should consider the CCC advice on residential buildings, and develop a plan to improve energy efficiency and reduce reliance on fossil fuels, taking account of the capacity and capability of the low-carbon heating sector in Northern Ireland?

Yes

No - please provide your reasons.

Note:

LCCC has an interest through its administration and enforcement of the Building Regulations etc. The Councils response will be based on its direct functions in this regard.

The NI Building Regulations under the remit of the Department of Finance are currently in a transitional phase and various consultations in respect of the speed and obligation required by new regulations. In those consultations it is recognised that improvements to standards of new build dwellings is required, but is dependent on the ability of the grid to accept 'renewables' connections from multiple sources and is dependent on efficiency of technologies and availability. As well as affordability. Will these improved regulations drive up house prices and affordability of housing? Central government needs to drive improvements in technologies and availability which will reduce pricing/ costs.

In relation to existing housing stock, it is essential that schemes/ process are supported by central government to drive thermal efficiency and improvement in housing stock. The affordable Warmth Scheme is a worthy scheme but is not on a scale required on its own to meet net zero targets.

Future drives, encouragement and subsidy should be used (at an adequate level) to support the transition away from fossil fuel use. CCC recommends building emissions need to fall 33% between 2020 and 2023. Targets are set at 2030 for homes off grid and 2033 for homes on grid with new heating appliances to be zero-carbon. This should be in the context of just transition and not only for those that can afford it. Again industry needs support to scale up to meet any demand as there is concern about both availability of technology and more importantly a trained workforce/ expertise.

**Question 12 (b): Buildings Sector Contribution to Net Zero**

Do you think that the Northern Ireland Civil Service (NICS) should lead by example in the government estate and phase out the use of fossil fuel boilers as per the CCC advice?

Yes

No – if not, please provide reasons.

Note:

Yes and support should then be provided to local government councils with a large estate to follow next. The public sector building estate as a whole should seek to reduce emissions throughout the whole life cycle with embodied carbon reductions during renovation and new build adopting a circular economy and 'fabric first' approach alongside renewables to ensure net zero operational carbon.



**Question 13. Energy Sector Contribution to Net Zero:**

Do you think that additional measures (over and above those in the Energy Strategy) should be taken to ensure alignment with the CCC's advice?

- No
- Yes – please provide examples of additional measures.

Note:

LCCC does not have a direct functional remit for energy generation, therefore no response to this question is submitted.

**Question 14. Transport Sector Contribution to Net Zero:**

Do you think that the Northern Ireland Executive should follow the transport sector advice provided by the CCC?

Yes

No - please provide your reasons and any suggested alternative.

Note:

LCCC has an interest through its own fleet strategy etc. The Councils response will be based on its direct functions in this regard.

The UK Government has put in place a ban on the sale of all new petrol and diesel cars and vans by 2030 and all PHEVs (Plug-in Hybrid Vehicles) by 2035.

It would be important to introduce measures to protect the use of vehicles required for necessary journeys, where electric technology may not be the best option. For example heavy vehicles (refuse lorries) require a considerable amount of power to operate. If other more practical and efficient means are developed such as Hydrogen then these should be considered.

Encourage people to ditch their cars and use other more sustainable ways of transport (bus, train, cycle, walk, etc.). To achieve that, the NI Executive must commit to investing in more and better infrastructure and services that can reduce car dependency to almost zero.

The preference may be to see fewer cars on the road than more e-charging points, and the "substantial investment" mentioned in the CCC's report could be redirected to more functional infrastructure that could also improve the health and wellbeing of NI people, from better and more secure cycle lanes to more bus and train services.

**Question 15. Business and Industrial Processes Sector Contribution to Net Zero:**

Do you think that the NI Executive should follow the Business and Industrial Processes sector advice provided by the CCC?

Yes

No - please provide your reasons and any suggested alternative.

Note:

LCCC has some interest through its Economic Development interest with local business and Industry. The Councils response will be based on its direct functions in this regard.

The CCC advice for the Business and Industrial sector is set on 3 MtCO<sub>2</sub>e emitted in 2020 (down 7% since 2010); emissions will need to fall 46% from 2020 to 2030. The industry sector will need to reduce fossil fuel use by 45% by 2030. To achieve this, businesses must accelerate efforts to use energy and resources more efficiently and switch to low-carbon energy, with a focus on the electrification of heat.

In the report is possible to read that the fall in emissions since 1990 comes largely from a fall in buildings emissions in the early 1990s, steady decreases in the energy, business and industrial sectors since 2000, and a decrease in waste management emissions in the last decade. These are slightly offset by an increase in agriculture emissions, which is currently the highest-emitting sector. It is evident that the Business and Industry sector is committed to reducing emissions and that the targets set are achievable. The rate of this reduction must change, suggested at three times the current one by the CCC. Monitoring energy use; reducing energy usage; reducing water usage; rewarding the green commute; reviewing logistics; switching to green energy; reducing and recycling are among some of the key mitigation.

Central Government funding is essential to drive this contribution to net zero.

### Question 16. Waste Sector Contribution to Net Zero:

Do you think that the Northern Ireland Executive should follow the Waste sector advice provided by the CCC?

Yes

No - please provide your reasons and any suggested alternative.

Note:

L&CCC has an interest through its statutory responsibilities around waste etc. The Councils response will be based on its direct functions in this regard.

L&CCC recognises the international and national targets of reducing greenhouse gas emissions to mitigate damaging climate change and the role the UK Committee on Climate Change has in providing advice to the UK nations governments. We note the CCC has in the waste sector report for the UK's Sixth Carbon Budget which will run from 2033 to 2037 recommended that Northern Ireland and other parts of the UK "...implement a ban on landfilling of all biodegradable municipal and non-municipal waste from 2025". The CCC also recommends in this report Northern Ireland and other parts of the UK should "Phase out exports of waste by 2030".

Preventing and reducing waste, and increasing reuse and recycling rates for material recovered from waste streams collected by Council has been part of L&CCC's waste management activities for over two decades. L&CCC has actively supported collaborative working and the application of NI councils collective purchasing power (i.e. via arc21) to induce the creation of the appropriate treatment infrastructure (e.g. for separately collected organic material and for dry recyclates). However, in the absence of well-regulated, reliable facilities the options to reduce or eliminate biodegradable waste from entering landfill sites for non-separate collections will need to be carefully thought out so as not to create prospectively intrusive, unmanageable or unenforceable regulation.

For example, if all biodegradable waste is 'banned' from landfill at which point would enforcement of such a ban be implemented? Councils (and other private sector operators) could not say with 100% certainty that a bin they have collected did not contain biodegradable items and implementing powers to enforce such a ban at kerbside would be problematic. Equally, if a private collection vehicle arrived at a landfill site with waste containing biodegradable items how would such a ban practically be enforced and what alternative options would exist for that load? The risk of illegal landfilling as occurred at Mobuoy and that gave rise to the Mills Report could increase.

It must also be recognised that even with central and local government, alongside other key stakeholders making every effort to effect behavioural change to divert waste from landfill, not all householders and businesses will be brought into compliance for a ban aimed at the biodegradable part of waste mixed with other material. Importantly, councils should not be left with additional regulatory or enforcement roles to support actions without recognition of, and financial support to cover, any additional resource and capital costs associated with such new duties.

Consultation on Northern Ireland's 2030 and 2040 Emissions Reduction Targets and First Three Carbon Budgets & Seeking Views on CCC Advice Report: The path to a Net Zero Northern Ireland. Response Template

**Question 17. Fisheries Sector Contribution to Net Zero:**

Do you think that the Northern Ireland Executive should follow the Fisheries sector advice provided by the CCC?

Yes

No - please provide your reasons and any suggested alternative.

Note:

LCCC does not have a direct functional remit for fisheries, therefore no response to this question is submitted.

### **Data Protection**

Information provided by respondents will be held and used for the purposes of the administration of this current exercise and subsequently disposed of in accordance with the provisions of the Data Protection Act 2018 and General Data Protection Regulation.

**Consultation on Northern Ireland's 2030 and 2040 Emissions Reduction Targets and First Three Carbon Budgets & Seeking Views on CCC Advice Report: The path to a Net Zero Northern Ireland. Response Template**

<b>Committee:</b>	Environment & Sustainability
<b>Date:</b>	4 <sup>th</sup> October 2023
<b>Report from:</b>	HoS – Building Control & Sustainability

<b>Item for:</b>	Decision
<b>Subject:</b>	Consultation on Proposed Amendments to Part E (Fire Safety) of The Building Regulations and Guidance

## 1.0 Background and Key Issues

1. The purpose of this report is to bring to Elected Members, for retrospective approval, the Council's response to Department of Finance, Consultation on Proposed Amendments to Part E (Fire Safety) of The NI Building Regulations and Guidance
2. Members were informed at the September Environment & Sustainability Committee that due to the closing date of 25<sup>th</sup> September 2023 and the Council's governance cycle, that an adequate response could not be compiled in time for that meeting. It was therefore proposed and agreed that the response would be submitted by Officers and would come to October Committee meeting for retrospective approval.
3. For Members information the link to the DoF website is:  
<https://www.finance-ni.gov.uk/consultations/consultation-fire-safety-changes-local-building-regulations>
4. The response on behalf of Council was submitted before the closing date and can be found at, **Appendix 2 BC**.
5. Members will note that at a high level, the consultation main proposals were in relation to:
6. **Sprinklers** – The Introduction of a new mandatory requirement to install a sprinkler system in all new built flats and purpose-built student accommodation over 11m in height and to all new residential care premises irrespective of height. The requirement will also apply where these premises are created by a material change of use.
7. **Smoke Alarms** – A proposal to update guidance in Building Regulations to require smoke alarms in all habitable rooms within a new build dwelling house or flat. Current guidance calls for alarms in the hallway, principle habitable room and kitchen only.
8. **Fire Safety Information** – The introduction of a new mandatory requirement to provide as-built fire safety information to the person managing fire safety for buildings in occupation. This requirement will apply to most premises of all heights and to flats more than 11m in height when constructed as new or created by a material change of use.
9. **Smoke Ventilation Standards in Flats** – Proposed changes to the guidance in relation to smoke ventilation in the common area of new flats of all heights to clarify the standards of vents also the operating protocols.
10. **Facilities and Access for the Fire and Rescue Services** - A change in building regulations guidance is being proposed to assist NIFRS in firefighting.



2.0	<b><u>Recommendation</u></b>	
	It is recommended that Members, retrospectively approve the Councils response to Department of Finance, Consultation on Proposed Amendments to Part E (Fire Safety) of The NI Building Regulations and Guidance	
3.0	<b><u>Finance and Resource Implications</u></b>	
	Initial Building Control Surveyor / Management familiarisation and training costs. Officers have made comment that we believe the Department has underestimated this cost impact on councils.	
4.0	<b><u>Equality/Good Relations and Rural Needs Impact Assessments</u></b>	
4.1	Has an equality and good relations screening been carried out?	Yes / No
4.2	Brief summary of the key issues identified and proposed mitigating actions <b><u>or</u></b> rationale why the screening was not carried out  <b>This is a third party consultation and not an internal document.</b>	
4.3	Has a Rural Needs Impact Assessment (RNIA) been completed?	Yes / No
4.4	Brief summary of the key issues identified and proposed mitigating actions <b><u>or</u></b> rationale why the screening was not carried out.  <b>This is a third party consultation and not an internal document.</b>	

<b>Appendices:</b>	Appendix 2 BC – LCCC submitted Response to Department of Finance, Consultation on Proposed Amendments to Part E (Fire Safety) of The NI Building Regulations and Guidance.
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## **Building (Amendment) Regulations (Northern Ireland) 2023**

### **Consultation Response Form**

**July 2023**

**(closing date for receipt of responses is Monday 25 September 2023)**

## **Building (Amendment) Regulations (Northern Ireland) 2023 - Consultation**

### **Overview**

Fire safety measures in buildings established through the local Building Regulations contribute significantly to maintaining life safety standards for occupants/residents and firefighters alike, not to mention the contribution they make in terms of property protection.

The proposed consultation contains amendments to uplift fire safety protection measures in a range of buildings. They are mainly focused on residential buildings and in particular domestic multi-residential buildings, to provide assurance and additional safety measures to residents. Some amendments are aimed at assisting the Fire and Rescue Service to ensure they can provide an effective operational response. The intended effect of the proposals is to reduce the consequences of fire through saving lives and preventing injuries.

### **Why your views matter**

The Grenfell tragedy and subsequent Phase 1 report to the Public Inquiry highlighted the potential benefits of some of the items proposed in this consultation - sprinkler usage, wayfinding signage, evacuation alert sounder systems, smoke ventilation systems and secure information boxes to improve resident safety. Sprinklers in particular have been proven to be very effective fire protective measures for saving lives in residential type buildings.

The Department is seeking your views on these matters and the other amendments as proposed to the local Building Regulations through this consultation. Your views will help to inform the development of final policy proposals.

It is not compulsory to answer all of the questions, so you can take part in the consultation even if you do not have views on all of the above issues. The answers you give will inform the development of final policy proposals and legislation, so we would encourage you to take this opportunity to have your say.

### **Privacy Notice**

The Data Protection Act 2018 states that, as a government department, DoF may process personal data as necessary for the effective performance of a task carried out in the public interest. i.e. a consultation. In addition to the statutory requirement in the Building Order to consult on building regulations matters there is an expectation of appropriate public consultation on substantive changes to the Building Regulations.

Your personal data is being collected as an essential part of the consultation process, so that we can contact you regarding your response and for statistical purposes. We may also use it to contact you about related matters.

Your data will be kept for two years, after which all data will be deleted. To find out how we handle your personal data, please see our [privacy policy](#). When submitting this response you agree to our privacy policy.

All the information you provide will be treated in strict confidence and will not be used to identify you personally. The analysis will be carried out on an anonymous basis under the guidelines of the GDPR.

Where consent has been provided consultation responses will be published on the Department of Finance website, no personal data will be published.

Information will not be passed on to anyone else and will only be used for the purposes of this consultation/survey or if necessary to fulfil legal or regulatory requirements.

## Completion of the Response Form

The Department will consider all responses to this consultation received on or before the closing date for receipt of responses which is **25 September 2023**.  
***Submissions made after this date will not be considered.***

**We would strongly encourage you to respond to the consultation by completing the survey on the Citizen Space platform, which can be accessed [here](#).**

If using this form to respond to the consultation please send it by email to:

[info.bru@finance-ni.gov.uk](mailto:info.bru@finance-ni.gov.uk) or it may be posted to:

Karen McKernon  
Consultation Co-ordinator  
Department of Finance  
Building Standards Branch  
Floor 6  
Goodwood House  
44-58 May Street  
BELFAST BT1 4NN

Please refer to the package of Consultation Documents which outline fully the proposed amendments at –

<https://www.finance-ni.gov.uk/consultations>

For ease of use, questions relating to each aspect of the consultation are referenced by a letter relating to the Part of the Building Regulations that the aspect is considering, for example A1 and A2 are questions on Part A: Interpretation and general; E1, E2 etc. are questions on Part E: Fire safety and TBE1, TBE2 etc. are questions on Technical Booklet E: Fire safety.

Click on the box (or insert an “x”) beside “Yes”, “No” or “No view” as appropriate. It is not essential to give an answer to every question. The last question is completely open to enable consultees to make suggestions or observations on relevant issues that are not addressed by answering the preceding questions.

Please make any comments you might have in the box provided. If you disagree with any of the proposals the Department would be interested to know why you disagree.

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## Respondent Details

In order for your response to be considered valid, you must provide the following information:

<b>Name</b>	Colin Duff
<b>Organisation (if any)</b>	Lisburn & Castlereagh City Council
<b>Email</b>	colin.duff@lisburncastlereagh.gov.uk

Are you responding as an individual?

Or are you representing the views of an organisation?

Please indicate how you wish your response to be handled and, in particular, whether you are content for your response to be published.

If you ask for your response to be confidential, we will still take account of your views in our analysis but we will not publish your response, quote anything that you have said or list your name. If you ask for your response to be regarded as confidential and not to be published, you will be asked to explain to us why you regard the information you have provided as confidential.

To find out how we handle your personal data, please see your privacy policy ([Department of Finance Privacy Notice | Department of Finance \(finance-ni.gov.uk\)](#)). When submitting this response you agree to our privacy policy.

The Department of Finance would like your permission to publish your consultation response. Please indicate if you wish your response to be treated as confidential.

Yes            No

If you wish your response to be treated as confidential, please provide your justification for doing so.

We may wish to contact you again in the future, but we require your permission to do so. Are you content for the Department of Finance to contact you again in relation to this consultation exercise?

Yes  No



## PART A, INTERPRETATION AND GENERAL: QUESTIONS

Part A of the Building Regulations (Northern Ireland) 2012 (as amended) (the Building Regulations) defines certain terms used in the regulations and establishes processes which relate to the application of the regulations.

**(Refer to Section 4 of the Consultation proposals document)**

**It is proposed to amend Part A of the Building Regulations and in particular regulation 8 (Application to material change of use) so that when a building becomes a 'relevant premises' (as defined under the Fire and Rescue Services (NI) Order 2006) after a material change of use, that building will be subject to the new requirement of regulation 37A. The same requirement will apply to a building containing one or more flats with a storey more than 11m above ground level that is created as a result of a change of use.**

**Similarly it is proposed to amend Part A of the Building Regulations and in particular regulation 8 (Application to material change of use) so that when a building on the prescribed list i.e. becomes a building containing flats or a building for purpose built student accommodation with a storey more than 11m above ground level or a residential care home, nursing home, children's home, family resident centre due to a material change of use, then that building will be subject to the new requirement of regulation 37B.**

**The amended Table to Regulation 8 (Application to material change of use) will demonstrate for the existing Cases where the new requirements in regulations 37A and 37B will apply.**

**A1.** *Do you agree with the proposal to require a building which becomes a 'relevant premises' (as defined in the Fire and Rescue Services (NI) Order 2006) or a building containing one or more flats with a storey more than 11m above ground level, due to a material change of use, to be subject to the requirements of new regulation 37A?*

Yes  No  No view

The Provision of Fire Safety Information (proposed in 37A) is welcomed by Lisburn & Castlereagh City Council (LCCC). This one piece of legislation will help to maintain the Golden Thread of relevant fire safety information with regard to active and passive fire safety measures incorporated into a building through conception, construction, use and maintenance for those responsible and aid statutory bodies.

This legislation should help professionals within the industry to further understand their legal requirements and responsibilities with regards to fire safety from conception of a project, though to completion and further into the life span of that building.

Table 8 of the Regulation appears to negate Regulation 37a for buildings over 11m containing flats. The note 3A & 3B may cause confusion in its layout and exclusion of cases ii & iv if they change to a `relevant premises`

In regard to Reg. 37A (a) & (2)(a) We would comment that relevant definitions as *defined in the Fire and Rescue Services (NI) Order 2006* should be incorporated within the new update to TBE such as an appendices. Article 50, 52 notes further requests that you explore Article 25-30 to get the concise definition, which ranges from agent, contractor, applicant, CDM co-ordinator etc....

**A2.** Do you agree with the proposal to require a building which becomes a building on the prescribed list of buildings in regulation 37B due to a material change of use, to be subject to the requirement of new regulation 37B?

Yes  No  No view

Comments (if any):

It is the LCCC opinion that Regulation 37B Automatic Fire Suppression Systems is a step forward in fire safety which helps provide greater harmony with other UK jurisdictions and will further protect those within these new residence.

Research and statistical fire information acknowledges the role sprinkler systems play in reducing the risk to life. Ensuring the constructional detailing with a material change of use can be, in the majority of cases, perplexing and difficult to achieve. An associated benefit will also be the protection of property and the impact of fire on the environment.

The prescribed list as outlined in 37B would lessen the risk to life of occupants in these building`s and providing a greater level of life safety by the installation of sprinklers to BS 9251.

LCCC would comment that greater clarity is required to avoid ambiguity regarding Part A, Table 8. Whilst we appreciate that Table 8 should be read in conjunction with the Regulation, Table 8 of the Regulation appears to negate Regulation 37b. This could cause confusion within the industry especially with designers at the concept stage of a project.

## PART E, FIRE SAFETY: QUESTIONS

Part E of the Building Regulations sets out requirements in buildings for ensuring adequate means of escape, adequate limitation for internal fire spread to linings and internal structure, adequate limitation on external fire spread and adequate facilities and access for the Fire and Rescue Service.

**(Refer to Section 5 of the Consultation Proposals document).**

**It is proposed to introduce a new Regulation 37A 'Provision of fire safety information' to require that adequate 'as built' fire safety information is made available to the person responsible for fire safety duties in a building after completion of a project when a building is handed over for ownership/occupation.**

**The information will be of benefit to the owner/occupier in operating and maintaining the building for fire safety purposes and is seen as a necessary link between fire safety measures installed as part of the design and as-built phase and the occupied phase in the lifecycle of a building.**

**With this information, owners/occupiers should be able to understand and implement the fire safety strategy of the building; maintain any fire safety system provided and carry out an effective fire risk assessment of the building.**

**E1.** *Do you agree that as built 'fire safety information' should be required to be given under Building Regulations to those responsible for fire safety duties in a building not later than the date of completion of the work, or the date of occupation of the building or extension whichever is the earlier?*

Yes  No  No view

Comments (if any):

Under Reg. 37A (b) it will be Building Control's only legislative responsibility to receive a notice in writing to confirm the requirements have been met.

We would agree that this information in relation to fire safety matters be provided not later than the date of completion of the work or occupation of the works. Further to this, previous discussions have highlighted that buildings should not be occupied until Building Regulations Completion is issued i.e. all works associated with building regulations compliance are complete.

This allows the opportunity to disseminate all '*as built information*' on active and passive fire safety measures including assurance that any cause and effect associated with active / commissioned systems is fully understood. An adequate period of time is required post completion prior to occupation to collate this information and hand over to the responsible person (responsible for fire safety matters) to ensure it is understandable, accurate and represents '*as built*' construction and not simply a tick box exercise.

As noted previously in answering Q1, the definitions within TBE e.g. *fire safety duties...* In regard to Reg. 37A (a) & (2)(a) which refers you back to Reg. 32 Application & Interpretation with Reg. 32(3) Fire Safety Duties which refers further back to definitions defined in *Fire and Rescue Services (NI) Order 2006*.

We would comment for greater ease and clarity for all users of the updated TBE that relevant definitions as *defined in the Fire and Rescue Services (NI) Order 2006* should be incorporated with in the new update to TBE such as an appendices.

Article 50, 52 notes further requests that you explore Article 25-30 to get the concise definition, which ranges from agent, contractor, applicant, CDM coordinator etc....

It is proposed to apply the new regulation to ‘relevant premises’ as defined under the Fire and Rescue Services NI Order 2006 (FRSNIO) and to buildings containing one or more flats with a storey more than 11m above ground level. ‘Relevant premises’ under the FRSNIO are predominantly all non-domestic buildings.

This requirement was introduced to Building Regulations in England and Wales in 2006 and a similar requirement for fire safety design summaries was introduced in Scotland in 2013. Introducing here will bring NI into line with the existing requirement in other regions.

**E2.** Do you agree with the scope of buildings (‘relevant premises’ as defined under the FRSNIO and buildings containing one or more flats with a storey more than 11m above ground level) for the new regulation to apply to?

Yes  No  No view

Comments (if any):

As this now provides greater harmonisation with UK jurisdictions, we would have no adverse comment in this regard. All relevant research and firefighting statistical information supports the 11m threshold.

LCCC would comment for greater ease and clarity for all users of the updated TBE, that relevant definitions as *defined in the Fire and Rescue Services (NI) Order 2006* or a simple list of premises should be incorporated with in the new update to TBE such as an appendices.

A re-wording of 37A (1) i.e. “*This regulation only applies when building work or a **relevant change of use creates..***” infers the regulation only applies when the work or change of use ‘creates’ an in scope premises.

Whilst the term ‘building work’ within building regulations is defined to include extensions, alterations etc relating it to applying only in the situation of creating the building is confusing and incorrect. We understand the intent is to apply this to building work which also extends or alters a building not just in the situation of where it is created. A re-wording of this should be considered.

The Building (Amendment) Regulations (Northern Ireland) 2022;  
Part A Regulation 8 defines a **Material** change of use..... *whereas ‘English terminology’ **Relevant** is used throughout.*

**The regulation is worded in a similar way as equivalent regulation 38 for England and Wales which was introduced there in 2006. Responsibility for compliance with this new requirement will fall upon 'the person carrying out the work'.**

**E3.** *Do you agree with the use of the term 'person carrying out the work' in the regulation or do you think a more specific individual should be cited in the regulation and hence responsible for providing this information?*

Yes  No  No view

Comments (if any):

It would be LCCC's opinion that provision of such information is clearly a responsibility of the person fulfilling duties associated with a relevant role carrying overall authority for the design/construction phase. This person should be responsible for ensuring the organising / preparation of this information through all the relevant parties involved in the design and construction phase.

We are unaware of any challenges or issues brought about in regard to this wording as used in England and Wales since Reg. 38 introduction. Regulation 12 in the NI Building Regulations refers to 'Builder', whilst the builder may have some of the information and knowledge to help formulate a package of relevant information a duty needs to be placed on a person with responsibilities. The Hackett Report highlighted the lack of transparency within the industry regards fire safety and the lack of those taking responsibility from conception to completion of premises.

**It is proposed to introduce a new prescriptive regulation 37B which will require the provision of suitable automatic fire suppression systems (e.g. sprinklers) in certain types of buildings.**

**Sprinkler systems installed in residential type buildings can reduce the risk to life and significantly reduce the degree of property damage caused by fire. Evidence has shown that automatic fire sprinklers protect residents from fire, they limit fire spread protecting means of escape for residents, and also protect Firefighters who attend such fires.**

**E4.** *Do you agree that a new prescriptive regulation requiring the provision of suitable automatic fire suppression systems in certain types of buildings should be introduced under regulation 37B?*

Yes  No  No view

LCCC welcomes the requirement for automatic suppression systems in apartment buildings, in Purpose Built Student Accommodation over 11m in height and in care homes. The mandatory nature of this requirement ensures these systems must be incorporated in these buildings and cannot be designed out.

The prescribed list as outlined in 37B would lessen the risk to life of occupants in these buildings, providing a greater level of life safety and recent developments / installation of sprinklers that BS 9251 provides whilst providing greater harmony with other UK jurisdictions.

Further consideration of more prescriptive requirements that bring clarity of critical life safety systems and construction details across fire safety regulations could bring more reassurance to fire safety.

However as noted fatalities and injuries statistics appear to occur in existing stock of residential building. Research and statistical fire information acknowledges the current role sprinkler systems play in reducing the risk to life for residents and firefighters.



**The new regulation will apply to a prescriptive list of buildings only, including buildings containing one or more flats with a storey more than 11m above ground level; purpose-built student accommodation type buildings with a storey more than 11m above ground level; all residential care homes, nursing homes, children's homes and family resident centres irrespective of storey height.**

**In relation to adding to this list, there may be a wider piece of work in future to consider a broader range of buildings with a sleeping risk for automatic fire suppression provision e.g. hotels. There may also be some higher risk Purpose Group 5 buildings (Assembly and recreation) which may merit consideration on the list.**

**E5.** *Do you agree with the scope of buildings as proposed for now under new regulation 37B?*

Yes  No  No view

LCCC would agree with proposals as set out in the new Regulation 37B and understand the resources and time required to update any guidance or create new functional/prescriptive requirements.

We would request that this matter is reviewed further to consider how the scope of this regulation should be widened to create maximum benefit. Additional buildings within purpose group 1 and 2 which contain a sleeping risk would be obvious areas to focus on initially.

We would comment that an overall holistic timely approach be considered looking at the total review of TBE.

**A threshold storey height of 11m has been chosen to align with the same requirement in England for buildings containing one or more flats. This height is also consistent with the joint call in March 2019 from the Royal Institute of Chartered Surveyors (RICS), Royal Institute of British Architects (RIBA) and the Chartered Institute of Building (CIOB) on government to require the installation of sprinklers in all new and converted residential buildings, student accommodation and care home buildings more than 11m in height.**

**Lower trigger heights apply elsewhere in Scotland and Wales and also capture a wider number of building types.**

**E6.** *Do you agree with the height threshold of 11m for buildings containing one or more flats and purpose-built student accommodation as proposed under new regulation 37B?*

Yes  No  No view

*If you disagree, state the height threshold you think it should be and your reasons why.*

It is acknowledged this height is the UK trigger for application of requirements relating to automatic suppression and in this regard we have neither information to back up the chosen trigger height or to contest it.

Statistics (in Northern Ireland) highlight that between 1 Jan 2017 to 31 Dec 2022 there were 6 fire related fatalities in apartments out of a total of 39 and none of these fatalities occurred above the second floor. 33 of the fatalities occurred in lower rise residential occupancies and at lower levels. However, these statistics do not take into consideration the impact a fire may have and the potential for a high fire fatality loss in buildings at height.

LCCC would however encourage a further review in relation to extending the scope of this regulation to other buildings containing a sleeping risk taking into consideration fires fatality and casualty statistics. Any increase in scope should be targeting those more at risk.

Building Control Northern Ireland have previously provided information to the Finance Committee through testimony and in a letter dated 22<sup>nd</sup> February 2021 which outlined areas for improvement. One of those areas was in relation to sprinkler provision in timber externally and internally framed buildings of any height. We understand this letter has been passed to the Department.

It is proposed to apply new requirement 37B to all (irrespective of height) care homes, nursing homes, children's homes and family resident centres as defined by the 'Health & Personal Social Services (Quality, Improvement & Regulation) (Northern Ireland) Order 2003'. These terms will be grouped under the definition for 'residential care premises'.

**E7.** *Do you agree with the definition of residential care premises being adopted in building regulations for the application of new regulation 37B?*

Yes  No  No view

Comments (if any):

LCCC would be of the opinion there is a higher risk of injury or death in these premises due to their nature/ level of vulnerability and dependency of occupants and the difficulties associated in undertaking an evacuation in a fire situation, thus 37B as a mandatory requirement for installation of AWFS is welcomed.

Regulation 32 (3) definition of Residential Care Premises is clearly set out and unambiguous in marrying the definition of the Health Service.

**Introducing a prescriptive requirement for the installation of automatic fire suppression systems (e.g. sprinklers) in certain types of buildings here for the first time is likely to require a period of time of adjustment for the industry. It is proposed to have a transitional period of 6 months between the requirement being made and it coming into operation.**

**E8.** *Do you agree with a transitional period of 6 months?*

Yes  No  view

*If you disagree, state how long the transitional period should be and your reasons why.*

Comments (if any):

Any transitional period allows an opportunity for ample training of Building Control Officers and industry professionals to ensure further enhancement of competencies regards sprinklers or alternative suitable suppression systems.

## TECHNICAL BOOKLET E, FIRE SAFETY (TBE); QUESTIONS

Part E of the Building Regulations sets out fire safety requirements in relation to buildings.

(Refer to Section 6 of the Consultation Proposals document and consultation version Technical Booklet E).

Alongside the technical requirement changes to Part E legislation, a number of changes to Technical Booklet E (TBE) are proposed. The Department is issuing a consultation version of a TBE indicating the proposed changes as part of this consultation (see paragraph 3.3 of document C2 'Consultation proposals'). The amended TBE will provide guidance on demonstrating compliance with the new Part E requirements 37A and 37B. It will also contain revisions to Section 2 to amend provisions for fire alarms in dwellings and smoke ventilation from the common escape routes of medium/high-rise buildings containing flats. Revisions to Section 6 will include amended and new provisions for firefighter safety for Facilities and Access for the Fire and Rescue Service.

The new guidance to regulation 37A in Part E will be placed in a new Section 7 'Fire safety information' of TBE.

The guidance gives 'essential information' for simple buildings and more detailed 'Additional information for complex buildings'. The amount and degree of information required will depend on the individual circumstances of the building concerned.

**TBE1.** *Do you agree with the proposed guidance in Section 7 of the consultation version TBE for 'fire safety information'?*

Yes  No  No view

Comments (if any):

Under Reg. 37A (b) Building Control's sole legislative responsibility is to receive a notice in writing to confirm the requirements of providing fire safety information to the person with fire safety duties have been met.

The introduction to Section 7, 7.1 refers to English Regulations terminology – **building in scope**,.....of a **relevant change of use**..... rather than that of our own The Building (Amendment) Regulations (Northern Ireland) 2022; "Fitness of materials and workmanship & Material change of use 23(4)(a) which refers to **Relevant building**..... Part A Regulation 8 defines a **Material** change of use.....

We would be unsure regards the 7.6 and its title Additional information for **complex building**. Is it the assumption that a building falling outside the parameter of TBE is deemed a complex building, or is this dependant of size and number of storeys? Some professional may see all buildings as complex.

The guidance in Section 7 should be beneficial in general for industry professions that are not already aware of their responsibilities under Reg. 37A.

The new guidance to regulation 37B in Part E will be placed in a new Section 8 'Sprinklers' of TBE. It is aimed at providing guidance for sprinklers as one way to satisfy the automatic fire suppression system requirement of regulation 37B.

The guidance gives general information on sprinklers; makes reference to design standard BS 9251 "*Fire sprinkler systems for domestic and residential occupancies. Code of practice*" for residential buildings and BS EN 12845 '*Fixed firefighting systems. Automatic sprinkler systems. Design, installation and maintenance*' for non-residential buildings.

Guidance for water supplies and pumps for non-residential sprinkler systems designed and installed to BS EN 12845 is also provided.

**TBE2.** *Do you agree with the proposed guidance regarding sprinklers given in Section 8 of the consultation version of TBE?*

Yes  No  No view

Comments (if any):

LCCC agrees with the proposed guidance and the reference to the relevant standards for detailed design and installation requirements providing greater harmony with other UK jurisdictions. We would note however in relation to the references that sprinklers should be extended to common areas only where they are not deemed sterile, BS EN 12845 and BS 9251 both call for sprinklers to be provided in all parts of the premises, so applying the exemption in TBE makes those sprinkler systems non-compliant with these standards.

In addition, more guidance should be provided to designers and Building Control on the acceptability of the alternative established fire suppression systems referred to in paragraph 8.4.

The Department intends to revise the contents of Section 2 of TBE as a whole, as part of the next phase of changes to Part E and TBE. However, as part of this package of changes now, it is proposed to uplift the current requirement in TBE for fire alarm provision in dwellings.

Currently TBE requires a fire alarm system of Grade D Category LD2 to BS 5839-6 with smoke alarm or alarms in the principal habitable room and a heat alarm in each kitchen. This is currently more onerous than ADB1 in England and Wales, in line with the Technical Handbook in Scotland but less onerous than the standard set in Technical Guidance Document B in Republic of Ireland.

It is proposed to require smoke alarms in every habitable room in a new build dwelling or a dwelling created as a result of a material change of use. (Smoke alarms in circulation routes and heat alarms in kitchens will also still be required).

The proposal should benefit all occupants but particularly those who may be elderly/vulnerable/asleep and tend to react slower. Where available time for evacuation is critical, earlier warning and increased audibility levels of the alarm throughout the dwelling should enhance occupant safety.

Habitable room will be defined in TBE as “*any room in a dwelling other than a kitchen, utility room, bathroom, shower room, dressing room or WC*”.

**TBE3.** *Do you agree with the revised provisions for installation of smoke alarms in all habitable rooms as part of automatic fire detection in new dwellings?*

Yes  No  No view

*Please provide any evidence in support to your answer.*

Comments (if any):

LCCC would be in agreement with the provision of fire detection in all habitable rooms. This would be similar to guidance brought into Ireland a few years ago due to an increase in fire incidents as a result of portable devices being charged and used more frequently in bedrooms.

This proposal imposes a higher standard of fire detection in N. Ireland, above and beyond any UK guidance and current British standards.

The dramatic fall in fire related fatalities in the late 1970s across the UK was largely attributed to the widespread use of smoke alarms around that time. Following the introduction of requirements within Building Regulations in the 1990s there has been limited change to the coverage required whilst the cost has continued to fall and the benefits have continued to be evidenced in terms of fire fatality rates.

**In relation to the level of fire alarm system required in an existing dwelling when it is subject to an extension and/or alteration, with the exception of a roofspace conversion to habitable accommodation in a dwellinghouse, TBE does not specify the level of provision.**

**The coverage of fire alarm system required when an extension and/or alteration occurs will depend on the starting fire alarm provision in the dwelling prior to the extension and/or alteration. Under existing provisions in TBE, it is unlikely for instance that an existing system would have the appropriate level of detection to alarm a new habitable roofspace storey. However, an existing system may be adequate to provide appropriate level of detection to an extension and/or alteration which creates a new habitable room on the same storey. This will of course change if the proposal to alarm all habitable rooms in a dwelling is adopted.**

**The intention of the new guidance in TBE is to bring clarification to the issue of fire alarm provision when a dwelling is extended and/or altered.**

**TBE4.** *Do you agree with the new guidance in relation to fire alarm provision in dwellings subject to an extension and/or alteration work?*

Yes  No X No view

Comments (if any):

With regard to an extension or alteration we would consider this very onerous and a much higher standard than other UK jurisdictions.

There appears to be no evidence to support the need to fully upgrade an existing dwelling as suggested other than the circulation routes as would be the current standard ensuring habitable rooms are within audible decibel levels to provide early warning.

LCCC would be of the opinion that detection should be required to warn occupants of fire in a room with a final exit created by an extension. Occupants of that room may be unaware of a fire in the adjoining part of the dwelling and therefore will not receive any alert to evacuate the dwelling in the event of a fire. If this room is a bedroom and the occupants are sleeping, they may be overcome by smoke & toxic gases before being able to make their escape.

It should be noted no guidance regarding the standards required for alterations is provided as per the heading. An interpretation could be this is a standard for a situation where a new room is created by alterations however no standard is provided otherwise for alterations or for the situation of retrofit which currently causes much confusion.

In paragraph 2.24B reference is made to smoke alarms being installed in accordance with paragraph 2.23. Consider replacing with 'automatic fire detection' as per the requirements of 2.23 which includes smoke and heat alarms.



Also proposed as part of this package of changes to Section 2 of TBE is to clarify the smoke ventilation requirements in the common escape routes (lobbies/corridors/stairways) of buildings containing flats.

The new provisions will provide for external wall smoke vents or smoke shafts as a means to achieve natural smoke ventilation from common escape routes in blocks of flats and make reference to BS EN 12101-6 '*Smoke and heat control systems – Part 6. Specification for pressure differential systems*' as the document to use for the designing of mechanical smoke control systems that use pressure differentials.

BS EN 12101-2 :2017 '*Smoke and heat control systems. Natural smoke and heat exhaust ventilators*' will also be cited as the standard for natural smoke ventilators.

**TBE5.** Do you agree with the amended guidance regarding smoke ventilation from the common escape routes in buildings containing one or more flats as inserted in TBE?

Yes  No  No view

Comments (if any):

**Small buildings with no storey more than 11m above ground level, with a single stair**

In principle LCCC welcome this first draft attempt at incorporating smoke ventilation of common escape routes into TBE. We would however have concerns regarding the ambiguity of wording, content clarity and lack of diagrams to provide greater clarity thus avoiding confusion to already established guidance's for those within the fire industry.

It would be advisable that diagrams are lifted from BS5588:1/9991 to ensure correct approach for fire professionals. Para 2.34D Small building up to 11m does not reference increasing the travel distance to 7.5m through the introduction of an AOV as noted within the figure 14 or as per Fig 8 – note1(BS9991). This oversight should be corrected or if proposed omission an explanation as to why a deviation from previous and current research is being considered. Further guidance should be considered regard the operation of manual vents as per BS5588:1-para 37.4 *Recommendations for means of opening of windows and vents for smoke control of common areas.*

We would be unclear of the wordings and rationale regards- *the smoke control strategy given in (a) should not be used in an open plan flat layout design.* Further clarity would be required as this statement appears to deviate from both guidance's BS5588/9991.

We would request greater clarity regard para 2.34D (b) noting the maximum travel distance in the **communal areas** should be 4.5m as this refers to Fig14a) and BS9991 Fig8a). There is much confusion with no clarity as to where this common area travel distance restriction needs to be applied or indeed the reasons in fig b). As previous, diagrams would be beneficial in explaining this requirement.

It appears industry specialist have a greater awareness regard positioning of AOV however Para 2.34D(b) whilst directly lifted from BS5588 still causes some confusion within industry. To negate any confusion the reference to 'at the top of the stair' should be replaced with '**over the stair**'.

**Buildings with a storey more than 11m above ground level and served by a single stair**

Reference is made to para 4.44 ventilation ducting via para 2.34(G) (b) ii) it is unclear how this relates to vents into smoke shafts for smoke control.

2.34(G) (b) (iv) (aa) wording amended ....*where the fire is located, **along with** at the top of the smoke....* Alternatively lift wording from BS9991 which is more *concise*:

*Where the vents discharge into a smoke shaft, the vents on the fire floor, at the top of the smoke shaft and on the stairway should all be configured to open simultaneously upon automatic activation of the system in the common corridor or lobby. The vents from the corridors or lobbies on all other storeys should be configured to remain closed*

In relation to the recommendations regarding the operation of vents into a smoke shaft at 2.34 (G) (b) (iv) there is no indication if a manual override should be provided or is not permitted. Whereas alternative standards indicate, *stand-alone manual override facilities should be provided that allow the fire and rescue service to have direct control of the smoke control and normal ventilation systems within the building.*

2.34H recommends that a smoke vent should be provided to the top storey of the stair. This should be 'over the stair' to ensure this is not interpreted as vertical vent at the top landing which may be more susceptible to wind direction. It is not clear if this is a recommendation for both situations of lobby venting (shaft or wall mounted vents).

The operating procedure discussed at 2.34J is not related by reference to either of the options for lobby ventilation (shaft or wall mounted vents). The operating protocol is at variance with the operating protocol for the shaft scenario which requires three vents to open and this is dealt with in detail at 2.34 (G) (b). It is therefore assumed this is related to the lobby venting arrangement associated with 2.34 (G) (a). To avoid confusion this should be clarified. If a general point is to be made regarding AOV's being activated by smoke detectors this could be separated out.

**Multiple stair buildings**

The smoke ventilation for multiple stair buildings is indicated at 2.34 K as being the same as single stair buildings with the exception that vents to the exterior may be activated manually. Both BS5588 Part 1 and BS9991 have arrangements where external vents are required as AOV's. In BS5588 Part1 this would be within lobbies or corridors where a dead end exists and in BS9991 this would be in all situations within lobbies or corridors. It is not clear why this is replacing the ventilation arrangements in BS5588 Part 1.

**Smoke control of common escape routes by mechanical ventilation**

Whilst BS5588 Part 1 does provide guidance and recommendations on the situations where pressurization can be used and how this impacts design there is no mention in guidance regarding the use of mechanical smoke extraction. More commentary about the use of smoke extraction would be beneficial.

**General**

- It is difficult to fully understand the recommendations without diagrams. BS9991 regard smoke control is currently under review however is abreast with current smoke control guidance in line with SCA guidance. Consideration should be given to lifting diagrams directly out of BS5588/BS9991 as the fire industry professional are familiar with these without the need for any manipulation or tweaks which will only cause further confusion .
- It would avoid confusion by referencing these recommendations for smoke ventilation in TBE against BS 55588 Part 1 diagrams for clarity and also make clear which recommendations in BS5588 Part 1 these new paragraphs in TBE are replacing. It will

not be clear to designers or Building Control how much of the smoke control recommendations in BS5588 Part 1 still apply or should be applied.

- There are no recommendations regarding balcony or deck approach and therefore an assumption is made that the arrangements in BS5588 Part 1 is still relevant.
- We would draw the Department's attention to The Smoke Control Association guidance document – 'Guidance on smoke control to common escape routes in apartment buildings'. This document provides a critical analysis of recommendations contained in both ADB and BS9991 which some of the recommendations proposed for TBE are based.

While it is recognised that phase 3 of the process to further revise TBE is still to come, it is vital that smoke ventilation is addressed to the latest standard with no room for any confusion or ambiguity.

**A series of changes are proposed for Section 6 'Facilities and Access for the Fire and Rescue Service' of TBE. The changes and new provisions are aimed at assisting firefighters in their daily operations of firefighting and search and rescue.**

**It is proposed to require Purpose Group 5 (PG5) buildings (Assembly and Recreation) which have a storey 900m<sup>2</sup> or more in area at a height of 7.5m or more above fire and rescue service access level to have a firefighting shaft. All buildings irrespective of Purpose Group with a storey more than 18m above fire and rescue service access level require a firefighting shaft. PG 4, 6 and 7a buildings with a storey 900m<sup>2</sup> or more in area at a height of 7.5m or more above fire and rescue service access level already require a firefighting shaft.**

**A firefighting shaft is a protected enclosure containing a firefighting stair and firefighting lobby. If a lift is provided, this may or may not be a firefighting lift. These features are provided to assist attending firefighters in their operational duties.**

**TBE6.** *Do you agree with the proposed change in guidance to require all Purpose Group 5 buildings which have a storey 900m<sup>2</sup> or more in area at a height of 7.5m or more above fire and rescue service access level to have firefighting shaft provision?*

Yes  No  No view

Yes LCCC would be in agreement to the proposed, research has shown that Purpose Group 5 buildings can be of higher risk. We would support this change as it has the potential to provide greater safety for fire service operations, whilst also harmonising guidance with BS9999 and ADB.

To address safe penetration distances for firefighters, it is proposed to amend the design provisions for locating firefighting shafts and protected stairways. The amended guidance will require every part of each storey in a building more than 18m above fire and rescue service vehicle access level (or 7.5m where applicable), to be no more than 60m from a fire main in a firefighting shaft. In addition the guidance will require where sprinklers are not provided, the distance from any part of a storey should be no more than 45m from a fire main in a protected stair/shaft.

Distances are to be measured suitable for laying a fire hose.

**TBE7.** *Do you agree with the amended guidance so that the maximum distance from any point on a storey to a fire main in a firefighting shaft is 60m and in addition, where sprinklers are not fitted, the distance should be a maximum of 45m to a fire main outlet in a protected shaft (not necessarily a firefighting shaft)?*

Yes  No  No view

Comments (if any):

In general LCCC would be in agreement to the proposed, research has proven this can have a direct impact on the health and safety of firefighting operatives. We would be supportive of this change as it has the potential to provide greater safety for fire service operations, whilst also harmonising guidance with current standard within BS9999 and ADB. Table 6.1 is proposed removed rather than amended, further clarity and rationale would be of benefit as noted below.

Paragraph 6.3A deals with hose distances to firefighting shafts (FFS) for storeys over 18m and 7.5m. This deals with FFS's required under paragraphs 6.3 (a) and (b) but with deletions there does not appear to be any requirement in relation to maximum hose distances **for basements** which require a FFS by paragraph 6.3 (c) and (d).

6.3A also states that protected stairways should be located within hose laying distances. No explanation or rationale has been provided as to why protected stairways have been included in addition to FFS's.

It would appear from the changes that additional FFS's are not required beyond 2000m<sup>2</sup> as per the current TBE. No commentary is provided on this within the consultation document however the new guidance on FFS provision will see the number dictated by hose laying distances alone. In relation to this, paragraph 6.3B (b) recommends a limit to hose lengths to 45m where no sprinklers are installed. In the text this hose length limitation is related to protected shafts with a fire main. The proposed document also states this does not imply that the protected shaft needs to be a firefighting shaft.

Given that a protected shaft does not typically contain a fire main nor is it provided with the same level of protection or facilities as a FFS (passive fire resistance, firefighting lobbies, ventilation etc) it is not clear how relating hose laying distance to a protected shaft with a fire main installed for buildings that are not sprinklered is achieving an increased level of safety to fire fighters. The additional requirement for un-sprinklered buildings of 45m hose laying lengths is achieved by fire mains being provided in a protected shaft.

As previously indicated, diagrams are much needed and beneficial to negate further confusion. Diagrams and Tables such as those in ADB Diagram **15.1, 15.2, 15.5** along with a crossover of BS999 **Table 17** would limit any ambiguity.

From research into required flow of water through a dry fire main, it is proposed to amend the design provisions in TBE to restrict the use of a dry fire main to a storey height of 50m above fire service vehicle access.

The proposed change in guidance from the existing 60m storey height to 50m will ensure a building with a storey over 50m above fire service vehicle access level should be provided with a wet fire main. All other buildings where fire mains are provided can fit a wet or dry fire mains.

**TBE8.** *Do you agree with the amended guidance to set a storey height limit of 50m above fire service vehicle access level for provision of a dry fire mains?*

Yes  No  No view

Comments (if any):

LCCC would be in agreement to the proposed, while unlikely to impact directly within our own council area. We would support this change as research has demonstrated the difficulties incurred with flow rate via a 60m dry riser. The change also harmonises guidance with more up to date guidance as BS9999 and ADB.

From research into buildings not fitted with a fire main, it is proposed to amend the design provisions in TBE in order that the effective hose penetration distance from the fire and rescue service vehicle (pump appliance) is 45m to reach all points within each individual dwelling (for blocks of flats) and dwellinghouses. This will replace the existing guidance of 45m to reach the individual dwelling entrance door.

**TBE9.** *Do you agree with the amended guidance so that a pump appliance can gain access, so that the effective hose penetration distance can reach to within 45m of all points within a dwellinghouse/flat? (for buildings not fitted with a fire main)*

Yes  No  No view

Comments (if any):

LCCC would be supportive of the proposed, as noted previously research has demonstrated the difficulties incurred with flow rate distances for hose also to be most effective. The change also harmonises guidance with more up to date guidance as ADB.

Although rare, there may be occasions when the Fire and Rescue Service require to evacuate the fire floor and in extreme cases, other floors or the entire building during an incident in a building containing flats. Currently under such circumstances, the Incident Commander instructs firefighters to knock on the doors of the flats and advise the occupants to vacate the building when it is safe to do so.

The proposal is to require an emergency evacuation alert system for buildings containing flats (Purpose Group 1a buildings) with a storey more than 18m above ground level. The system will have a sounder in each of the flats but will not be linked to the smoke and heat detection/alarm system within the individual flat. The system should provide the fire and rescue service with an option to initiate a change in evacuation strategy via an alarm.

A new Standard for such a system has been published by BSI – BS 8629: 2019 ‘Code of Practice for the design, installation, commissioning and maintenance of evacuation alert systems for use by Fire and Rescue Services in buildings containing flats’ which is proposed to be referenced in the guidance.

**TBE10.** Do you agree with requiring an emergency evacuation alert system to be installed in buildings containing flats with a storey more than 18m above ground level?

Yes  No  No view

Please advise if you think this threshold is not appropriate and why.

Comments (if any):

LCCC would be of the opinion this stand-alone system controlled by the fire service has the potential to provide greater control of evacuation and alert residents where necessary. This in hand helps enhance the safety of fire fighters and residents.

As like any system these measures are of greater benefit when occupants are aware of this facility and their own responsibilities on activation to aid a more effective evacuation. Further consideration should be given to the provision of such a facility in buildings below 18m.

There have been instances where firefighters have faced problems identifying floors and individual dwellings during an incident where the wayfinding signage perhaps could have been clearer.

It is proposed to implement a recommendation from the Grenfell Public Inquiry that wayfinding signage be present in all high-rise residential buildings. This proposal will go further than the Inquiry’s recommendation and introduce a requirement for it in all Purpose Group 1a multi-occupied residential buildings with a storey more than 11 m above ground level.

Wayfinding signage is relatively straightforward and inexpensive to introduce and will support Fire and Rescue Service operations and make an important contribution to building safety.

**TBE11.** *Do you agree with the new requirement for wayfinding signage in buildings containing flats with a storey more than 11m above ground level?*

Yes  No  No view

*Please advise if you think this threshold is not appropriate and why?*

Comments (if any):

LCCC would be supportive of wayfinding signage for fire and rescue personnel in taller buildings. The signage is a simplistic solution at very minimal cost that can assist firefighting operations and enhance their health and safety. We would request further consideration that where alterations are being carried out to these properties that wayfinding signage be incorporated.

In relation to the trigger height for the scope of this regulation we consider that any selection of building height will be arbitrary. Given the purpose of this requirement is to help firefighters quickly establish what floor they are on in smoke filled situations this is likely to be more of an issue in taller buildings. The height of 11m will typically include building over 4 storeys which would seem generally appropriate.

**Secure Information Boxes (or Premises Information Boxes) are a recognised method through which building owners / managers and occupiers can provide information to the attending Fire and Rescue Service. Currently, there is no statutory requirement to have them installed in multi-occupied domestic residential premises, their use is voluntary.**

**When they are installed, there are benefits for the Fire and Rescue Service in terms of their response to incidents as the boxes provide fire-fighters with readily accessible information about the building. The information may include floor plans with the location of key firefighting equipment; a single page building plan with the location of key firefighting equipment and contact details for the person in charge of the building.**

**TBE12.** *Do you agree with the new requirement for a secure information box in buildings containing flats with a storey more than 11m above ground level?*

Yes  No  No view

*Please advise if you think this threshold is not appropriate and why?*

Comments (if any):

LCCC would be supportive of the proposal and have no adverse comment however would note the NIFRS response would be better considered.

There is a long standing mutual relationship with NIFRS and Councils sharing information regards building design and works. Due to the size of each council area we believe it is standard practice for NIFRS that they already maintain relevant information. This may be much different in England & Wales due to geographically area and familiarisation of fire crews.

## IMPACT ASSESSMENT

The Department has published a Consultation Regulatory Impact Assessment (RIA) as part of the consultation documents and welcomes further evidence to inform a final stage RIA.

(Refer to Consultation Regulatory Impact Assessment – Document C4)

**IA1.** Do you agree with the assumptions, costs and impacts set out in the consultation stage RIA?

Yes  No  No view

Comments (if any):

The proposed changes will affect all those dealing with relevant building work, typically the erection, extension or alteration of a building and buildings created as a result of a material change of use. This may include Architects, Surveyors, Engineers, Developers, Builders, Contractors, District Council Building Control Departments, Property owners/occupiers, Insurers etc.

The economic costs to business of these changes has been estimated by the Department at £4.855m per annum with an initial familiarisation cost to industry of £173,627 (Year1) and cost to Building Control Departments of £18,800 (Year 1) for training. Training and familiarisation will be carried out in house within LCCC at no additional cost to LCCC other than time required.

1.5 hours per building control officer for familiarisation, training and understanding appears hugely underestimated.

The total monetised benefits established by the Department are associated with the lives saved and injuries prevented (social benefits) per annum and the potential averted property damage.

Savings due to reductions in deaths and injuries has been estimated at £420,710 per annum based on 3 lives saved and 136 injuries prevented in a 25-year period. Reductions in property damage are estimated at £1.44m per annum. There will be other social benefits associated with reducing the severity and incidence of fires, such as reducing the distress and disruption caused by fire including the upset at the loss of a person's home and belongings. In the case of very large fires the negative impact on the local community/business could be significant however it was not possible for the Department to put a value on the other social, economic and environmental benefits of the changes especially those relating to sprinkler protection and the increased standards of smoke detection.

The impact of not implementing these changes would mean that resident safety would remain at the current level and would leave this region exposed in lagging behind fire safety standards already implemented in other regions of the UK and ROI.



## GENERAL COMMENTS

The Department encourages consultees to respond on any aspects of the proposals, therefore the last question is completely open to enable consultees to make suggestions or observations on relevant issues that are not addressed by answering the preceding questions.

**G1.** *Please set out any additional comments you have below.*

Comments (if any):

LCCC would welcome the scope of all changes be clearly noted in an introduction page going forward for ease of reference and clarity as set out in all updates of ADB and other UK guidance's.

Electronic versions of all Technical Guidance documents to have a hyperlink to the definitions where the word appears. This again would be most helpful and expedient, example of these links can be found in electronic copies of Approve Documents.

Paragraph referencing could cause confusion, reconsider layout referencing e.g.(aa),(bb) etc

2.34(G) (b) (iv) (aa)

## NEXT STEPS

The consultation will close on 25 September 2023. Responses to this consultation will be analysed and the Department response will follow.

<b>Committee:</b>	Environment & Sustainability
<b>Date:</b>	4 <sup>th</sup> October 2023
<b>Report from:</b>	Head of Service – Building Control & Sustainability

<b>Item for:</b>	Decision
<b>Subject:</b>	Department of Finance Consultation on a range of technical issues relating to the Building Regulations NI.

1.0

### **Background and Key Issues**

1. The purpose of this report is to bring to Elected Members attention the Department of Finance Consultation on a range of technical issues relating to the Building Regulations NI.
2. The Department of Finance (DoF) has written to inform us of a discussion document reviewing energy efficiency requirements and related areas of Building Regulations. It appears to be a call for evidence as opposed to a true consultation seeking views on precise or directed questions, in all cases. Any Council response will be based on our role as an enforcement authority of the Building Regulations.
3. The document includes pre-consultation detail outlining potential next steps on a range of inter-related areas, including:
  - conservation of fuel and power
  - ventilation
  - mitigation of overheating in dwellings; and
  - electric vehicle charging infrastructure to parking spaces at buildings.
4. The consultation period is open for 16 weeks with a closing date of 15<sup>th</sup> November 2023. Notification of the consultation was forwarded to all Elected Members on the Information and Correspondence Report of 31<sup>st</sup> August 2023, with a request for any comments that Members may wish to make to come back through the Head of Service directly.
5. Please find the link which directs Members to the Department website, discussion, guidance documents and response template:
 

<https://www.finance-ni.gov.uk/consultations/review-energy-efficiency-building-regulations>
6. Council Officers are currently consulting both internally (across services) and with our partners to draft a response for Elected Members to review and endorse. The wide scoping nature of the consultation means that a draft response could not be adequately prepared in time for the October Environment & Sustainability Committee.
7. It is therefore proposed that a response will be brought to the November Committee meeting for approval. As the consultation closing date is 15<sup>th</sup> November 2023, there is not time for any agreed response to be ratified at Full Council on 28<sup>th</sup> November 2023.
8. It is therefore proposed that the November Environment & Sustainability Committee, to be held on 1<sup>st</sup> November 2023, is granted 'delegated authority' to agree the Councils response to this consultation on behalf of Council.

2.0	<p><b><u>Recommendation</u></b></p> <p>It is recommended that Council delegates the authority to the November Environment &amp; Sustainability Committee to agree and submit on behalf of Council the response to Department of Finance in relation to Consultation on a range of technical issues relating to the Building Regulations NI.</p>	
3.0	<p><b><u>Finance and Resource Implications</u></b></p> <p>None at this stage</p>	
4.0	<p><b><u>Equality/Good Relations and Rural Needs Impact Assessments</u></b></p>	
4.1	Has an equality and good relations screening been carried out?	Yes / <input checked="" type="radio"/> No
4.2	<p>Brief summary of the key issues identified and proposed mitigating actions <b><u>or</u></b> rationale why the screening was not carried out</p> <p><b>This is a third party consultation and not an internal document.</b></p>	
4.3	Has a Rural Needs Impact Assessment (RNIA) been completed?	Yes / <input checked="" type="radio"/> No
4.4	<p>Brief summary of the key issues identified and proposed mitigating actions <b><u>or</u></b> rationale why the screening was not carried out.</p> <p><b>This is a third party consultation and not an internal document.</b></p>	

<b>Appendices:</b>	NONE
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<b>Committee:</b>	Environment & Sustainability
<b>Date:</b>	4th October 2023
<b>Report from:</b>	Head of Service (Acting) - Environmental Health

<b>Item for:</b>	Decision
<b>Subject:</b>	The Waste and Contaminated Land (Northern Ireland) Order 1997

## 1.0 **Background and Key Issues**

1. At a meeting of the Environmental Services Committee in March 2023 Members were informed of changes to the Fixed Penalty regime through the Environmental Offences (Fixed Penalties) (Miscellaneous Provisions) Regulations (Northern Ireland) 2022 for a number of environmental offences such as illegal dumping. The Litter Fixed Penalty was set at £100 and this amount will apply to all discarded material less than 3 refuse bags.
2. It was agreed that Officers would bring a further report on new powers given to Council under the Waste and Contaminated Land (Amendment) 2011 Act (Commencement No.3) Order (Northern Ireland) 2022 to enforce Articles 4 and 5 of the Waste and Contaminated Land (Northern Ireland) Order 1997 (W&CLO1997).
3. The enacted provisions provide Councils in Northern Ireland with equivalent powers to that of the Northern Ireland Environment Agency (NIEA) to take action in relation to unlawful deposits of waste on land within Council areas.
4. If an offence under Article 4 is detected by an authorised Officer, the Officer may give to that person a notice offering them the opportunity of discharging any liability to conviction for the offence by payment of a Fixed Penalty Notice. The amount of the Fixed Penalty cannot be less than £100 and not more than £400.
5. Lisburn & Castlereagh City Council Officers attended a meeting of Council Officers on 31 July 2023 where it was agreed that Councils would all propose that the Fixed Penalty rate be set at £400 for detected offences. It is now recommended that this Fixed Penalty should be set at £400 for any illegal dumping detected of more than 3 refuse bags.
6. Article 5 of the Order places a “duty of care” on any person who imports, produces, collects, carries, keeps, treats or disposes of controlled waste or, as a broker or dealer has control of such waste, shall take all such measures applicable to them in that capacity as are reasonable in the circumstances to prevent any contravention by any other person of Article 4 of the Order.
7. A detailed report is included in attached document **Appendix 1 EH** along with the Environmental Health procedure **Appendix 2 EH** that will be applied to all illegal dumping on open ground.

## 2.0 **Recommendation**

1. It is recommended that Members approve the Article 4 W&CLO1997 Fixed Penalty to be set at £400 for detected offences.
2. That Members approve the Council procedure in Appendix 2 EH.
3. That Members approve the adoption of Article 5 W&CLO1997 as a discretionary power that Council Officers may use, when appropriate, subject to resources.

3.0	<b><u>Finance and Resource Implications</u></b>	
	None.	
4.0	<b><u>Equality/Good Relations and Rural Needs Impact Assessments</u></b>	
4.1	Has an equality and good relations screening been carried out?	No
4.2	Brief summary of the key issues identified and proposed mitigating actions <b><u>or</u></b> rationale why the screening was not carried out  Operational procedure only – legislation screened by NIEA.	
4.3	Has a Rural Needs Impact Assessment (RNIA) been completed?	No
4.4	Brief summary of the key issues identified and proposed mitigating actions <b><u>or</u></b> rationale why the screening was not carried out.  Rural Needs Impact Assessment requirements addressed by NIEA.	

<b>Appendices:</b>	<b>Appendix 1 EH – Detailed report providing background information</b> <b>Appendix 2 EH – EH Procedure for investigating dumping/litter events</b>
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## Waste & Contaminated Land (Northern Ireland) Order 1997

### Commencement Article 4 & 5

Members may be aware that Sections 4 and 5 of the Waste and Contaminated Land (Amendment) Order (Northern Ireland) 1997 enforcement powers made available to Councils came into commencement in 2 January 2023.

The enacted provisions provide Councils in Northern Ireland with equivalent powers, similar to that of the Northern Ireland Environment Agency (NIEA), to take action in relation to unlawful deposits of waste on land within Council areas.

However, these are “discretionary powers” which enable the Council, if they wish, to take action beyond what was previously permitted to act on/enforce by legislation.

### Article 4

#### Prohibition on unauthorised or harmful deposit, treatment or disposal, of waste

Under Article 4 of the Order, a person shall not (a) deposit controlled waste, or knowingly cause or knowingly permit controlled waste to be deposited in or on any land unless a waste management licence authorising the deposit is in force and the deposit is in accordance with the licence; or (b) treat, keep or dispose of controlled waste, or knowingly cause or knowingly permit controlled waste to be treated, kept or disposed of (i) in or on any land (ii) by means of any mobile plant, (c) treat, keep or dispose of controlled waste in a manner likely to cause pollution of the environment or harm to human health except under and in accordance with a waste management licence.

#### Fixed Penalty Notices for offences under Article 4

If a fly-tipping offence, under Article 4, is detected by an Authorised Officer the Officer may give to that person, a Notice offering them the opportunity of discharging any liability to conviction for the offence by payment of a Fixed Penalty Notice. The amount of the Fixed Penalty Notice issued under Article 4 of the Order cannot be less than £100 and not more than £400.

Currently Officers dealing with fly-tipping offences under the Litter (Northern Ireland) 1994 can issue a Fixed Penalty Notice of £100.

***Therefore, it is proposed that the amount of the Fixed Penalty Notice, to be issued under Article 4 - A(2) of the Order, should be set at £400 where Officers detect fly-tipping offences were 3 or more black household bags, or equivalent, of rubbish has been dumped. Officers believe that setting a Notice at this level would assist as a deterrent.***

### Article 5

#### Duty of Care as respects waste

Article 5 of the Order place a “duty of care” on any person who imports, produces, collects, carries, keeps, treats or disposes of controlled waste or, as a broker or dealer has control of such waste, shall take all such measures applicable to them in that capacity as are reasonable in the circumstances to prevent any contravention by any other person of Article 4 of the Order.

Due to the extensive list of offences included within Article 5 of the Order, and in particular the volume of work that would potentially be involved, Officers are concerned that the enforcement of Article 5 will require a significant injection of resources mainly officer time.

Under Article 5 (Duty of Care) action can also be taken in relation to the transfer of waste. Again volume of work in relation to the same may involve seizing vehicles etc. and storing the same during investigations and instigation of legal proceedings.

Many of the offences within Article 5 are enforced against local business and particularly food businesses. Officers would have concerns on the financial implications and impact on local businesses placing additional financial constraints on an already pressured business community which is still recovering from impacts of Covid. It is anticipated that Officers will undertake a measured approach when dealing with potential offences under Article 5.

However, Officers are mindful that situations could arise where a Council had no other means of resolving an issue other than to implement powers under Article 5.

### **Agreed Protocol between NIEA and the Council**

With the above in mind Members will be aware of the Protocol and the criteria for the determination of responsibility for waste crime incidents between the NIEA and Local Councils in respect to volume of waste deposited.

Local Councils will have responsibility for

- all non-hazardous waste deposits under 20 cubic metres in volume or accumulations of several small-scale fly-tipping incidents.

The NIEA will have responsibility for

- all waste deposits over 20 cubic metres in volume regardless of the waste classification
- and all hazardous waste.

***Therefore, it is proposed that members would agree that the implementation of Article 5, under the Waste & Contaminated Land Order 1997, should only be implemented when Officers have exhausted all other enforcement options available to them.***

**Lisburn & Castlereagh City Council  
Environmental Health Service Unit  
Procedure for Fly-Tipping Investigations**

## Aim

To ensure, where possible, that fly-tipping incidents are responded to in a line with council response times and all efforts are made to identify an offender in order to reduce further incidents.

## General information background

A Council's ability to investigate fly-tipping incidents, issue Fixed Penalty Notices and require clean up action is fundamental to catching and dealing with offenders.

Sections 4 and 5 of the Waste and Contaminated Land (Northern Ireland) Order 1997 (as Amended) enforcement powers made available to Councils came into commencement on 2 January 2023. The enacted provisions provide Councils in Northern Ireland with equivalent powers, similar to that of the Northern Ireland Environment Agency (NIEA), to take action in relation to unlawful deposits of waste on land within Council areas. However, these are "discretionary powers" which enable the Council, if they wish, to take action beyond what was previously permitted by legislation. Authorised Officers appointed by the council to exercise their functions under the Waste & Contaminated Land (Northern Ireland) Order 1997 have extensive powers of investigation in relation to fly-tipping offences.

## Fly-Tipping – Legislation

Under Article 4 of The Waste & Contaminated Land (Northern Ireland) Order 1997 a person shall not (a) deposit controlled waste, or knowingly cause or knowingly permit controlled waste to be deposited in or on any land unless a waste management licence authorising the deposit is in force and the deposit is in accordance with the licence; or (b) treat, keep or dispose of controlled waste, or knowingly cause or knowingly permit controlled waste to be treated, kept or disposed of (i) in or on any land (ii) by means of any mobile plant, (c) treat, keep or dispose of controlled waste in a manner likely to cause pollution of the environment or harm to human health except under and in accordance with a waste management licence.

## What to do

There are a number of investigation tasks that can be carried out at both the place where the waste was fly-tipped ('on-site') and in the office to catch and deter offences/offenders. Where possible an Authorised Officer should carry out a site visit for each fly-tipping request received in order to obtain evidence.

## Looking for Evidence at a Fly-Tipping Site – 3 bags or less

- When arriving at the fly-tipping site park your vehicle in a safe location adhering to the Highway Code.
- Photograph the area capturing the volume of waste that has been dumped.
- Before looking through the fly-tipped waste for evidence, access the site in order to determine which PPE you required. PLEASE NOTE: needle prick gloves **must be** worn at all times when searching for evidence in waste.
- If 3 bags or less have been fly-tipped at the site which contain waste, and in order to search the entire bag for evidence, either remove the waste to your van for searching off site OR empty the contents of the bag into the poly bins provided which is located in your vehicle.
- A litter picker **must be** used to manually search through the waste in the bin. **Do not** use your hands to search through the waste of a bag, or any other receptacle, in order to look for evidence.
- Photograph every piece of evidence removed from the dumping ensuring to capture names and addresses etc. printed on any documentation recovered.



- When you have completed your search of the bag etc. for evidence, empty the contents of the receptacle into a large black bag provided or, empty the contents of the waste container bin provided at the nearest amenity site.
- If it is **not** safe to empty the contents as highlighted above place the bags in the back of your van and drive to the nearest amenity site to check the contents of the bags for evidence following the same procedure outlined above.

### Looking for Evidence at a Fly-Tipping Site – more than 3 bags

- When arriving at the fly-tipping site park your vehicle in a safe location adhering to the Highway Code.
- Photograph the area capturing the volume of waste that has been dumped.
- Make an assessment of the volume of waste/bags fly-tipped and risk assess the location relating to working on the highway. If the location and road conditions present a risk to your health & safety then liaise with your manager in order to provide assistance and protection.
- Before looking through the fly-tipped waste for evidence, access the site in order to determine which PPE you require. **Please note:** needle prick gloves must be worn at all times when searching for evidence in waste.
- In order to search the entire bag for evidence, empty the contents of the bag into the poly bin provided which is located in your vehicle. A litter picker must be used to manually search through the waste in the bin. **Do not** use your hands to search through the waste of a bag, or any other receptacle, in order to look for evidence.
- Photograph every piece of evidence removed from the dumping ensuring to capture names and addresses etc. printed on any documentation recovered.
- When you have completed your search of the bag etc. for evidence, place the evidence in empty the contents of the receptacle into a large black bag provided and present at the side of the road for cleansing team to recover.

When searching fly-tipped materials for evidence, Officers should be looking for ownership of the waste, such as packaging labels, invoices or mail with addresses, names and phone numbers etc.

### Personal Protective Equipment (PPE)

It is important to observe all Council's Health and Safety policy whilst undertaking this task. Protective clothing is essential to certain tasks; you may perform a number of these tasks simultaneously and therefore need to wear a combination of PPE. It is your responsible and ensure that you are wearing the correct PPE, which has been issued to you. You must ALWAYS wear and use the appropriate PPE for the task that you are performing.

In the carrying out of these duties, Officers must consider their own health and safety as a priority. The risk assessment relevant to the activity that is being carried out by each officer must be adhered to at all times. When working with waste, always wear sturdy shoes or boots and long trousers. You will not be permitted to work in shorts or sandals.

All Personal Protective Equipment (PPE) issued and supplied for protection of Officers must be worn to include Hi-Vis vest, protective foot wear, anti-needle prick gloves and/or rubber gloves, litter picker, mobile phone, etc. This is not an exhaustive list.

### Officer Health and Safety responsibilities

- You must always carry or have immediate access to a mobile phone
- Before starting work you must have the contact details of each of the following phone numbers your Line Manager, Environmental Health Administration and Environmental Health Manager
- If a serious situation arises use your judgment to contact emergency services on 999
- Be aware of your location; the address of the site and the specific location

## Record evidence

Photograph the fly-tipping site and all relevant evidence. Record fly-tipping evidence, for example the type and amount of waste, likely method of fly-tipping, fly-tipping location, premises identification, surrounding land use, potential for harm over the environment, health or property.

Take care to properly preserve evidence and maintain the continuity of evidence in every step of the investigative process. The Council may have to prove in court that the evidence is authentic and was handled properly. Investigation files should contain (where relevant) witness statements, records of interviews, photographs, correspondence, contemporaneous notes, CCTV recordings and any other pertinent records. CCTV images downloaded by the investigating officer must be stored in a secure file in LR/18.

## Identify and talk to witnesses

Identify and talk to potential witnesses, such as, if applicable, occupiers of neighbouring premises/land. Find out what they observed in relation to the fly-tipping, for example did they notice when the waste was fly-tipped, did they see the person fly-tipping the waste or their vehicle, are there any possible related neighbourhood activities, such as building work or people moving house etc. Where applicable record a witness statement.

## What to do back in the office

### Cleansing request

Back in the office a request must be sent to the relevant department/authority for the removal of the fly-tipped waste. For instance, if the waste is non-hazardous and under 20 cubic metres in volume a request must be sent to the councils cleansing section. If the fly-tipped waste is hazardous and over 20 cubic metres in volume a referral is to be sent to the Northern Ireland Environment Agency (NIEA) requesting for the waste to be removed.

### Fixed Penalty Notices

Officers to follow up on leads obtained from the site inspection and/or information from witnesses and/or registration numbers obtained via CCTV footage.

Where applicable an Article 47 Notice requesting information should to be sent to relevant persons in connection with the investigation.

When all information is received and Officers have been able to identify an offender a Fixed Penalty Notice can be issued.

**Please Note:** where 3 or more bags (or equivalent) has been fly-tipped Officers are to issue a Fixed Penalty Notice under the Waste & Contaminated Land (Northern Ireland) Order 1997.

If the amount of waste fly-tipped is less than 3 bags (or equivalent) then Officers are to issue a Fixed Penalty Notice under the Litter (Northern Ireland) Order 1994.



<b>Committee:</b>	Environment & Sustainability
<b>Date:</b>	4th October 2023
<b>Report from:</b>	Head of Service (Acting) - Environmental Health

<b>Item for:</b>	Decision
<b>Subject:</b>	Cemeteries - Postbox to Heaven

1.0	<p><b><u>Background and Key Issues</u></b></p> <ol style="list-style-type: none"> <li>1. Further to a meeting of the Environmental Services Committee in April 2023, Councillor Legge proposed a Notice of Motion for consideration to be given to a “Postbox to Heaven” initiative to be implemented across Lisburn and Castlereagh City Council Cemeteries.</li> <li>2. “Postbox to Heaven” was an idea created by a 9-year old girl from England which enables people to write letters, cards and messages to lost loved ones. It offers the opportunity for family and friends to pen their feelings and thoughts as a way of coming to terms or dealing with the loss.</li> <li>3. Officers have completed information gathering from other Councils within Northern Ireland and some from England to ascertain their approach to “Postbox to Heaven”, (see findings attached as <b>Appendix 3 EH</b>).</li> <li>4. At present no other Council within Northern Ireland has a formal process in place for “Postbox to Heaven, however, a number of Councils in England have adopted this initiative, as well as many privately owned crematoriums.</li> <li>5. The Councils and Crematoriums have different approaches as to what they do with the letters/cards: <ul style="list-style-type: none"> <li>• Warrington County Council have adopted a more sentimental approach by offering seeded cards that can be used to grow wildflowers within a designated memorial area at a cemetery. The card has wildflowers seeds embedded within it and is biodegradable. The card is sown and will grow wildflowers.</li> <li>• Other Councils and Crematoriums remove, recycle and compost the letters in a dignified manner after a period of time.</li> </ul> </li> <li>6. The most common type of post boxes used seem to be normal Royal Mail post boxes painted white, (see <b>Appendix 4 EH</b> attached).</li> <li>7. The Council is currently considering the development of a memorial garden within Lisburn New Cemetery Extension, and it is proposed that this initiative be included in that consideration.</li> <li>8. It is suggested that a similar approach be taken to that of Warrington County Council and Officers can liaise with the Council’s Biodiversity Officer to consider possible options which could be utilised in an area of remembrance within the Cemetery.</li> </ol>
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	<p>9. The postbox will be emptied on a fortnightly basis and the contents will be removed and securely disposed of once the proposed option above has been finalised with the Council’s Biodiversity Officer.</p>	
2.0	<p><b><u>Recommendation</u></b></p> <p>It is recommended Members approve the consideration for the initiative “Postbox to Heaven”, to be progressed alongside the next phase of development within the existing cemetery, which will include a memorial/remembrance garden.</p>	
3.0	<p><b><u>Finance and Resource Implications</u></b></p> <p>Purchase and erection of the postbox. Approximate cost of £350 to be met from existing budget provision.</p>	
4.0	<p><b><u>Equality/Good Relations and Rural Needs Impact Assessments</u></b></p>	
4.1	<p>Has an equality and good relations screening been carried out?</p>	<p>No</p>
4.2	<p>Brief summary of the key issues identified and proposed mitigating actions <b><u>or</u></b> rationale why the screening was not carried out</p> <p>Associated recommendations will be screened as appropriate.</p>	
4.3	<p>Has a Rural Needs Impact Assessment (RNIA) been completed?</p>	<p>No</p>
4.4	<p>Brief summary of the key issues identified and proposed mitigating actions <b><u>or</u></b> rationale why the screening was not carried out.</p> <p>Associated recommendations will be screened as appropriate.</p>	

<p><b>Appendices:</b></p>	<p><b>Appendix 3 EH – Other Councils approach to “Postbox to Heaven” initiative</b>  <b>Appendix 4 EH – Postbox picture</b></p>
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## Appendix 3 EH

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Council/Crematorium	Postbox to Heaven	Location in Cemetery	How it is managed	Across all Cemeteries
Antrim & Newtownabbey Borough Council	Been proposed but not yet in place			
Ards & North Down Borough Council	No			
Armagh Banbridge & Craigavon Borough Council	No			
Belfast City Council	No			
Causeway Coast & Glens Borough Council	No			
Derry City & Strabane District Council	In process of considering options			
Fermanagh & Omagh District Council	No			
Mid & East Antrim Borough Council	No			
Mid Ulster District Council	No			
Newry Mourne and Down District Council	No			
Westerleigh Crematorium Group (36 Crematoriums)	Yes. Daughter of staff member at Nottingham Crematorium (Gedling) came up with the idea of 'Letters to Heaven' and it has been rolled out across the 36 Crematoriums within the group.	At Gedling Crematorium it is just off a path and close to the entrance. Important that it is on a path so it is easily accessible.	White pedestal postbox. Staff at crematorium check once per month (more often at Christmas/Mother's Day etc.). They shred then compost the letters and envelopes. Using the compost within the crematorium. Is requested that no information on cards that would identify the sender.	Yes
Walton Hall & Gardens, Warrington County Council	Yes	Not in a cemetery. Wildflower area in a landscaped area located opposite the postbox. They refer to it as a 'Forget you not Garden'. Place of contemplation and focus on happy memories.	Purpose built red brick post box. Envelopes and 'seeded paper' is biodegradable. Paper is embedded with wildflower seeds. Managed by Sean and his manager, emptied approx. each week.	No

Appendix 4 EH



<b>Committee:</b>	Environment & Sustainability
<b>Date:</b>	4 <sup>th</sup> October 2023
<b>Report from:</b>	Head of Service (Acting) - Environmental Health

<b>Item for:</b>	Noting
<b>Subject:</b>	Food Control Service Plan 2023/2024

1.0	<p><b><u>Background and Key Issues</u></b></p> <ol style="list-style-type: none"> <li>The Food Standards Agency (FSA) requires each competent authority to have an up-to-date, documented Food Service Plan, which is readily available to food business operators (FBOs) and consumers. The plan must be subject to regular review and clearly state the period of time during which the plan has effect.</li> <li>The Food Standards Agency's 'Framework Agreement on Local Authority Law Enforcement' sets out what the FSA expects from local authorities in their delivery of official controls on feed and food law, based on the existing statutory Codes of Practice.</li> <li>The Food Service Plan for 2023/2024 has been developed in order to meet the requirements outlined in the Framework Agreement and if possible to take account of the Local Authority Recovery Plan.</li> </ol> <p>The Plan covers in detail:</p> <ul style="list-style-type: none"> <li>The aims and objectives of the food service;</li> <li>The profile of the Council, including the organisational structure, and the scope of the service provided;</li> <li>The ways in which the service will be delivered and the targets for its delivery;</li> <li>The human and financial resources involved in providing the service;</li> <li>The ways in which the quality of the service will be monitored and improved upon;</li> <li>The ways in which the service will be reviewed and improved upon.</li> </ul> <ol style="list-style-type: none"> <li>Attached as <b>Appendix 5 EH</b> is a copy of the Food Control Service Plan 2023/2024 for Members' information.</li> </ol>	
2.0	<p><b><u>Recommendation</u></b></p> <p>It is recommended that Members note the content of the attached Food Service Plan for 2023/2024.</p>	
3.0	<p><b><u>Finance and Resource Implications</u></b></p> <p>Existing payroll and non-payroll provision has been made within the 2023/2024 budget.</p>	
4.0	<p><b><u>Equality/Good Relations and Rural Needs Impact Assessments</u></b></p>	
4.1	Has an equality and good relations screening been carried out?	No
4.2	<p>Brief summary of the key issues identified and proposed mitigating actions <b>or</b> rationale why the screening was not carried out</p> <p>Operational Service Delivery Plan only.</p>	

4.3	Has a Rural Needs Impact Assessment (RNIA) been completed?	No
4.4	Brief summary of the key issues identified and proposed mitigating actions <b>or</b> rationale why the screening was not carried out.  Not required.	

<b>Appendices:</b>	<b>Appendix 5 EH - Food Control Service Plan 2023/2024</b>
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# **Lisburn & Castlereagh City Council**

**Lisburn and Castlereagh City Council**

**Environmental Services  
Environmental Health, Risk and  
Emergency Planning Service Unit**

**Food Control Service Plan 2023/2024**

**FOOD SERVICE PLAN**

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## INTRODUCTION

The Food Standards Agency, as part of its national Food Safety Framework Agreement, requires all local authorities to prepare an annual service plan which reviews the implementation of the previous year's plan and details the delivery of their food safety enforcement responsibilities for the following year.

This Food Service Delivery Plan is seen as an important document ensuring that national priorities and standards are addressed and delivered locally. It will also:

- Focus debate on key delivery issues;
- Provide an essential link with financial planning;
- Set objectives for the future, and identify major issues that may cross service boundaries;
- Provide a means of managing performance and making performance comparisons;

In June 2021 during the Covid-19 pandemic the FSA set out The Local Authority Recovery Plan for all local authorities in England, Wales and Northern Ireland, to continue to deliver their food safety services. The FSA Recovery Plan provided a framework for re-starting the regulatory system in line with the Food Law Code of Practice for new food establishments and for high-risk and/or non-compliant establishments, whilst providing flexibility for lower risk establishments.

From 1<sup>st</sup> April 2023 the FSA expect the Councils to:

- Carry out due interventions for establishments that are back in the routine programme of interventions in accordance with the frequencies set out in the Food Law Code of Practice (the Code). This is in line with the expectation in the Recovery Plan that establishments should revert to Code frequencies once subject to an intervention as part of the Plan.
- Work towards realigning with the provisions set out in the Code from 1 April 2023 using the full range of flexibilities already offered by the Code.
- Continue to exercise a risk-based approach to the requirements set out in the Code based on available resource. Please note, services should be resourced to ensure they can meet the requirements of the Code.

This year's Food Service Delivery sets out our priorities in line with the Food Law Code of Practice (the Code) and will be implemented alongside the requirements of the 'Food Standard Agency's Framework Agreement on Local Authority Food Law Enforcement' and sets out:

- The aims and key priorities of the services provided, the organisational structure and the scope of the services provided;
- The ways in which the service will be delivered and the targets for its delivery;
- The human and financial resources involved in providing the service;
- The ways in which the quality of the service will be monitored and improved upon;
- The ways in which the service will be reviewed and improved upon.

The Food Safety Service Delivery Plan will next be reviewed in spring 2024 or sooner if there are new Food Standards Agency requirements. This is to coincide with the FSA's

plans to implement a revised Food Hygiene/Food Standards intervention rating scheme from 2023/2024.

## **1.0 SERVICE AIMS AND OBJECTIVES**

### **1.1 Aims and Objectives**

Aim:

To ensure the safe production and sale of food within the Lisburn and Castlereagh City Council area, reduce the possibility of food borne illness and protect the consumer with regard to composition and labelling of food. These aims and objectives are consistent with “Food you can trust - FSA Strategy 2022 to 2027”

1. To inspect food businesses for compliance with the Food Hygiene Regulations (NI) 2006 and any EC Regulations relating to food made under the European Communities Act 1972, assess food-handling practices, identify hazards and take action to remedy any problems discovered. The frequency of inspection will be based on risk assessment of premises in compliance with the Food Law Code of Practice (NI) 2021
2. To inspect food businesses for compliance with the Food Safety (NI) Order 1991 and EC Regulations relating to food standards, to ensure that legal requirements are met in relation to the quality, composition, labelling, presentation and advertising of food. The frequency of inspection will be based on risk assessment of premises in compliance with the Food Law Code of Practice (NI) 2021
3. To work towards the implementation of the Outcome Framework detailed in the FSA and Local Authorities Strategic Priorities Report.
4. To implement the mandatory Food Hygiene Rating Scheme as required by the Food Hygiene Rating (Northern Ireland) Act 2016, in order to ensure that Statutory Food Hygiene Ratings are displayed to assist consumers to make informed choices.
5. To provide advice and assistance to food businesses to enable them to comply with Food Standards Agency guidance “E.Coli 0157 Control Of Cross Contamination”
6. To act as “Home Authority” to manufacturers and packers of food, located within the City, providing advice, food hygiene and food standards audit reports and responding to requests for “Home Authority” reports from other Councils.
7. To improve the understanding of food safety requirements by persons handling food during visits to premises and providing advice and recommendations.
8. To investigate complaints regarding premises, practices and food items.
9. To carry out a proactive and reactive food-sampling regime for chemical analysis.
10. To carry out a proactive and reactive food-sampling regime for bacteriological analysis.

11. To investigate individual cases and outbreaks of food borne illnesses as notified by the PHA and members of the public and to assist in the control and spread of foodborne diseases
12. To provide a Health Education and promotion service to the food industry and the public, to ensure greater awareness of food safety in both the commercial and domestic settings.
13. To deliver nutrition awareness to the catering sector by initiatives and incorporating the message during routine inspections .To implement schemes such as Caloriewise to increase the range of healthy choices for the consumer and to contribute to the implementation of the NI Obesity Framework.
14. To comply with the requirements of the Framework Agreement on Local Authority Food Law Enforcement

## TARGETS

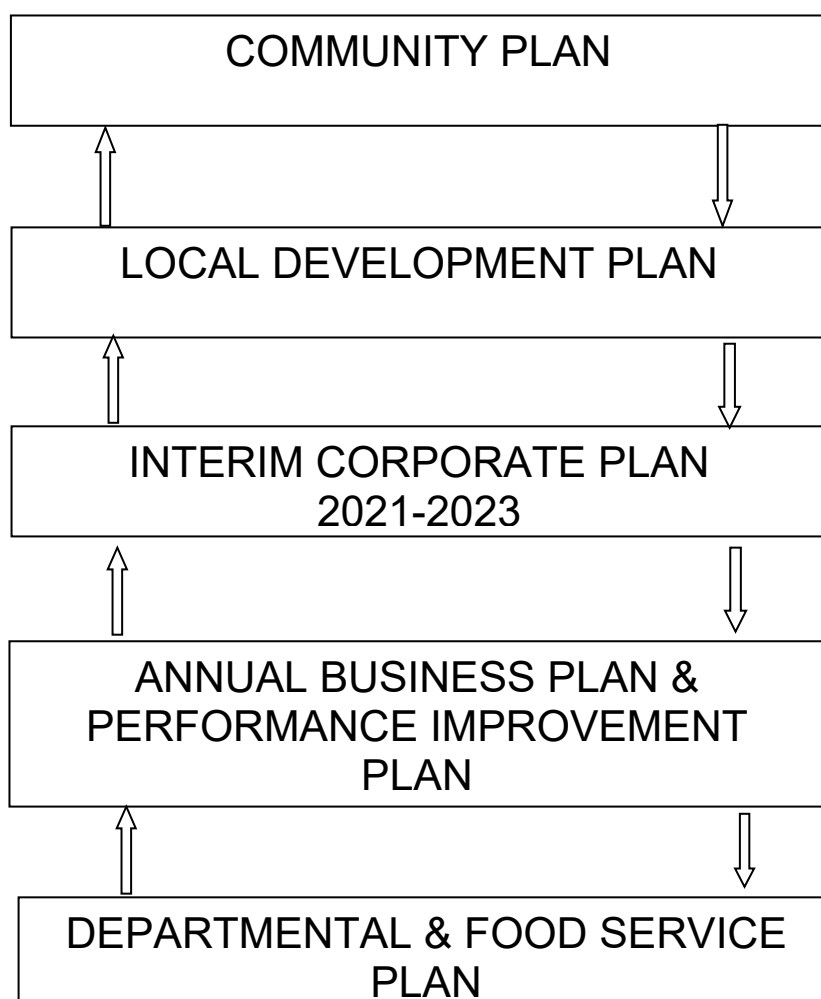
The objectives and actions detailed above will be measured in accordance with the following table of targets. Where deviations from the targets are found, the targets will be analysed and reviewed throughout the year.

Activity	Target
Achieving compliance with the Allergen requirements of the Food Information Regulation (FIR) including Natasha's Law	Compliance assessed and advice given during every programmed inspection. Follow up action taken in accordance with the Food Law Code of Practice.
Inspection of high risk food premises	100% of risk category A & B and broadly non-compliant C's
- Achieve an improvement in FH rating for those premises currently rated <3	70% of premises currently rated <3 improved
Issue of Food Hygiene Rating Notification.	100% of correspondence issued within 14 days of inspection.
Issue of Statutory Notices (excluding Emergency Notices)	100% of Notices issued within ten working days of inspection.
Issue of Emergency Notices	100% of Notices issued within one working day of inspection.
Complaints, requests for advice, responses to queries and Food Alerts for Information	90% responded to within three working days.
Food Alerts for Action	100% responded to within one working day.
Infectious Disease Notifications	90% responded to within one working day

## 1.2 Links to Corporate Objectives and Plans

The Food Control Service Plan is part of a wider planning process adopted by the Council. The high level aims of the Council are translated into operational objectives and in turn into this service plan, which will be implemented by the Food Control Section of the Environmental Health Service Unit

### The Planning Cycle



#### Service Plan

The Food Safety Service Plan will be embodied in the Environmental Health Service Unit Business Plan.

## **Delivery of Service**

The food service performance is reviewed annually against local and national performance indicators, within the Department's business plan. External review is by reporting performance to the FSA on a quarterly basis and through their ongoing monitoring of Food Hygiene Ratings. Internal review is facilitated through internal audit.

## **Planning & Development**

Environmental Health is consulted on planning applications and makes responses to planning service after considering the environmental health effect the proposed development could have on the locality. Directly, the unit aims to create a healthy, safe and sustainable environment on a day to day basis by influencing that environment as far as possible, such as consumer products, the working environment, the domestic environment and pollution control.

## **Community Involvement**

The Section considers interaction with its 'customers' as paramount in delivering its services. The sections supports the Community Services initiatives to educate the community from a number of perspectives including:

Health Promotion & Education. The service proactively aims to deliver health information and education to the public from primary school age to senior citizens. Examples of projects include; food hygiene training for places of worship, Cook-it Programme in partnership with the SEHSCT, allergen training for the food industry and food safety advice to community groups.

## **Business and Industry**

The Environmental Health Service Unit ensures that the regulatory services it carries out have due regard to business constraints while balancing this against actual public health risk therefore supporting economic sustainability. All proprietors of businesses are consulted on the service provided by the Food Control Section. The Section continually strives to keep businesses and industries updated and act as interfaces between the service and themselves, through promotions, provision of training on legislation and premise specific mailshots. Adherence to good Environmental Health Practice, e.g. Food safety, Health & Safety and Environmental Protection makes good business sense and helps companies attract new customers and retain existing contracts.

## **Forward Planning and Development**

The Environmental Health Service receives a large number of public service enquiries and refers these if necessary to the appropriate agency. Frequently this involves referrals being made to appropriate agencies on the complainants / enquirers behalf. Officers advise the Council to enable it to respond to consultations from other agencies. The Service produces an annual business plan incorporating planning and development of the service for the future, which is now incorporated into this document.

## Principles

The principles of the Food Control Section reflect those in the Departmental Service Plan and in turn match those of the Council's Interim Corporate Plan

### Overall Council Corporate Plan

The Food Control Section looks to the overall Council's Interim Corporate Plan 2021-2024

### Council Vision.

Lisburn & Castlereagh City Council's vision is to create opportunities for strong, healthy communities and business growth.

### Strategic Themes and Our Partners

The Council's priorities are categorised under the themes of 'Leading well', 'The Economy', 'Health & Wellbeing', 'Where we Live' and 'Our Community'.

The Food Control Section will contribute where possible to the Council's Strategic Themes.

## 2 BACKGROUND

### 2.1 Profile of the Local Authority

On the 1st April 2015 Lisburn & Castlereagh City Council assumed responsibility for the new Council area, following the amalgamation of Lisburn City Council and Castlereagh Borough Council.

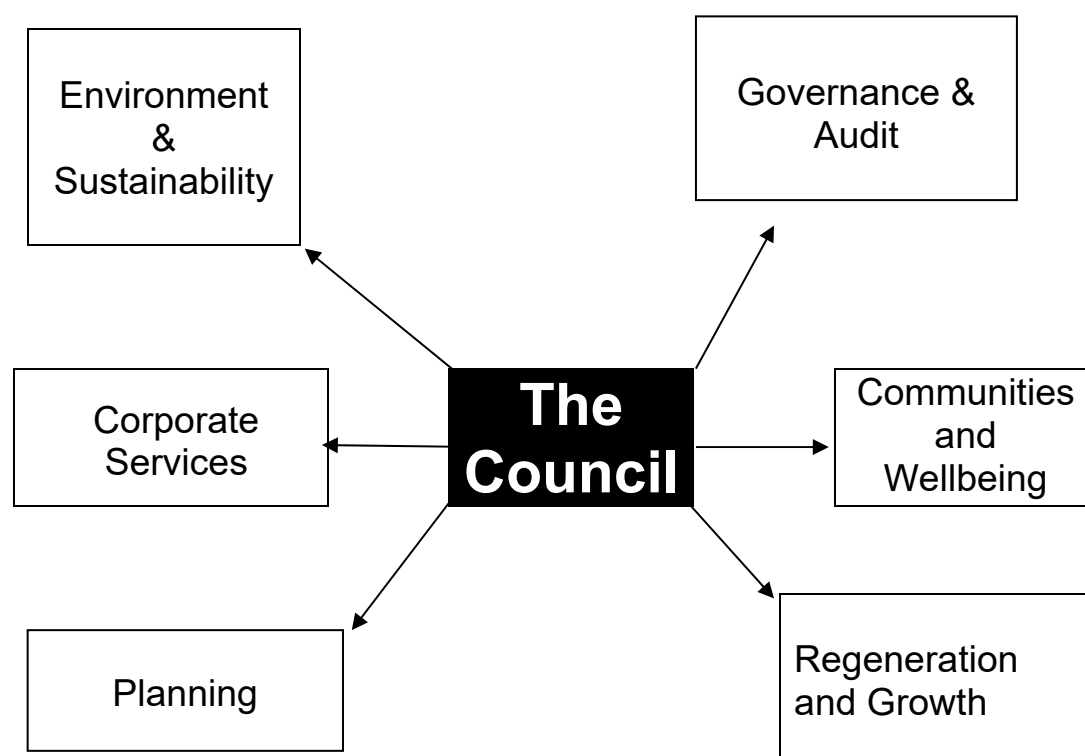
The Council, made up of 40 Elected Members, represents 146,452 residents in 58,868 homes and covers an area of nearly 200 square miles and stretches from Moira and Glenavy in the West, across the City of Lisburn to Dundonald in the East.





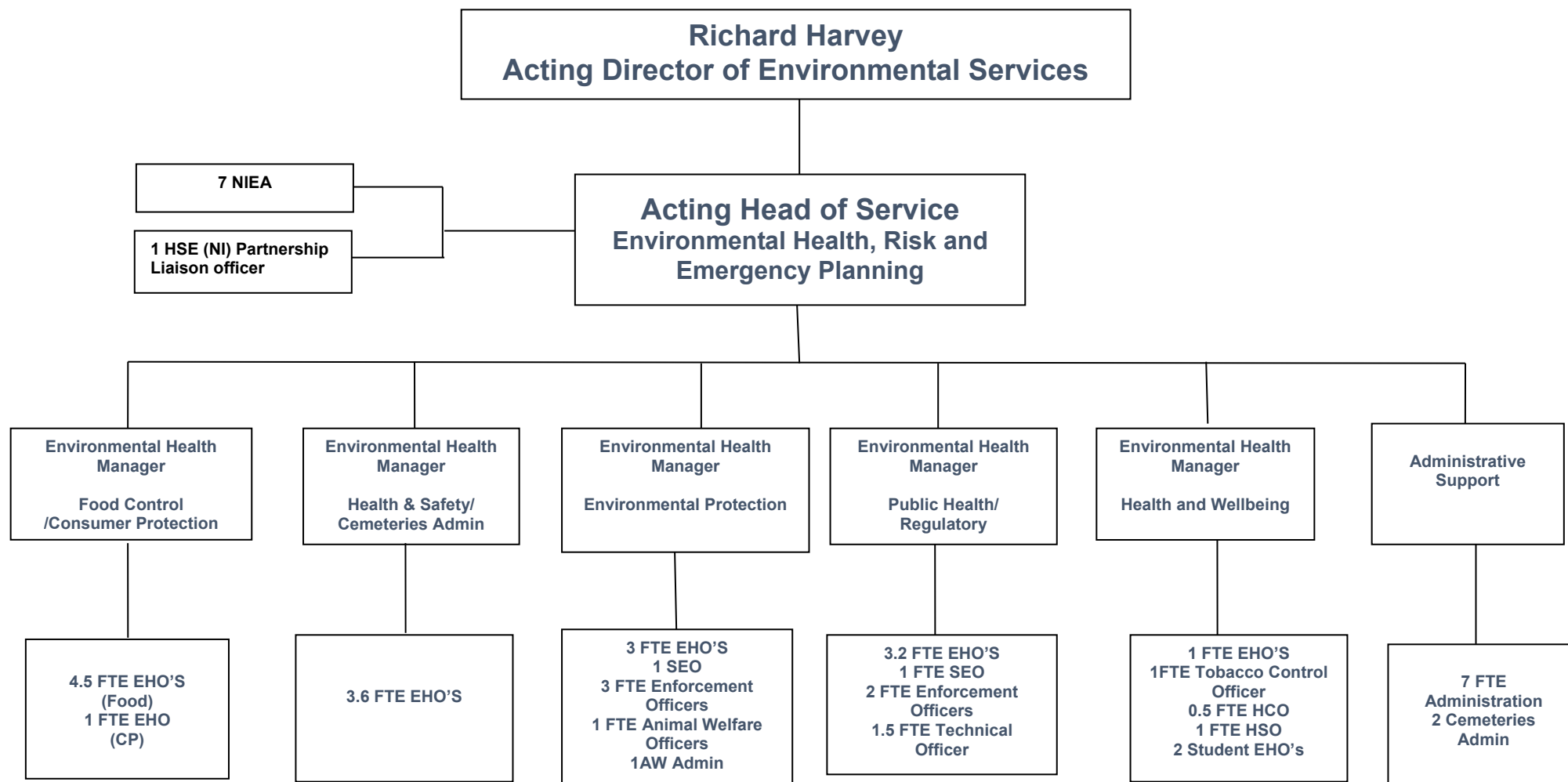
## 2.2 Organisational Structure

The Head of Service reports all food service issues to the Council via the Environment & Sustainability Committee, which is one of the Councils Statutory Member Committees.



The Council has delegated a number of powers to the Director Environmental Services and Head of Service of Environmental Health, Risk and Emergency Planning to allow for an improvement in the decision making processes regarding food control (and other Environmental Health issues). All powers concerning the delivery of the food service (with the exception of the institution of legal proceedings) rests with the Environmental Health Officers. Only Officers with 2 years experience are permitted to issue Hygiene Emergency Prohibition Notices or Remedial Action Notices

## Environmental Services (Environmental Health) - Reporting Structure (Presently Under Review)



## Specialist Services

The Department also uses external specialist services, such as the Public Analyst, the Public Health Laboratory and The Department of Agriculture, Environment and Rural Affairs (DAERA). Currently Public Analyst services, in respect of analysis and opinions regarding routine and complaint samples, are provided by Public Analyst -Eurofins Food Ireland Testing Ltd and there is a service level agreement determining the standard of service between the Council and the Public Analyst. The Public Health Laboratory Service (NIPHL) provides microbiological examination of routine and complaint food samples and samples of faeces and vomit obtained during investigation of food related illnesses. A Microbiology Sample Testing Agreement is in place between the Council and NIPHL.

### 2.3 Scope of the Food Service

The following outlines the various types of activities covered by the Food Control Service:

1 Inspection	<i>Planned Food Hygiene and Food Standards Inspections FHRS Rescore Inspections Re-visits Allergen assessment inspections</i>
2 Response Work	<i>Advice Food Complaints Telephone queries Advisory Visits Food Poisoning and Other Infectious Diseases Unsound Food Food Alerts Allergen Alerts Imported Food Control</i>
3 Sampling	<i>Bacteriological Chemical Pesticide residues Survey</i>
4 Service Management	<i>Officer monitoring and supervision Co-ordination and uniform enforcement Maintenance of the Food Hygiene Rating Scheme Forward planning Reporting to Council Court Proceedings Document control Consultation with Stakeholders</i>
5 Service Promotion	<i>Training Research Health Education/Allergen Promotion and Education Introduction of Nutritional Standards in Council facilities</i>

All Environmental Health Officers could be asked to carry out other duties at any time by the Head of Service e.g. Public Health calls during staff shortages or at holiday time.

## 2.4 Demands on the Food Service

At the time of writing Lisburn and Castlereagh City Council has 1584 premises registered as food businesses currently open for which the authority has food enforcement responsibility. They fall into the following premise categories:

<b>Premises type</b>	<b>Premise registered</b>
Primary Producers	7
Manufacturers/Processors	128
Importers/Exporters	4
Distributors/Transporters	52
Retailers	254
Restaurant and other caterers	1139

The Food Control Section is located in Civic Headquarters, Lagan Valley Island, Lisburn. Food Control staff are available during normal working hours with out of hours planned work being carried out as required at any appropriate time e.g. Chinese premises inspections, Council and outside events e.g. Balmoral Show, firework displays, Mayors Parade, local racecourse events, etc. Officers work flexi-hours between 8.00am and 12.00midnight. An emergency response system is also available 24 hours a day, 7 days a week for notification of infectious diseases via the PHA and Food Alerts issued by the FSA.

The service can also be contacted via Officers direct e-mail addresses and a Council wide website ([www.lisburnandcastlereagh.gov.uk](http://www.lisburnandcastlereagh.gov.uk)).

## 2.5 Enforcement Policy

The Council's Enforcement & Regulation Policy was ratified in June 2020 and is consistent with the principles set out in the Government's Better Regulation agenda which is intended to improve compliance with legislation while minimising the burden on businesses, individuals, organisations and the Council.

In preparing the Policy, the Council has considered the Regulator's Code and the "Statement of Intent" between the Better Regulation Delivery Office, the Department for the Economy and district councils.

The policy is reviewed on an annual basis and will be available to the public and businesses on the Council's Website.

## 3 SERVICE DELIVERY

### Food Premises Inspections

The Council intends to inspect food premises for compliance with all relevant legislation according to risk as set out in the FSA approved Food Law Code of Practice and as a result assess food hygiene and food standards requirements.

With the introduction of the Food Hygiene Rating Act 2016 Councils are required to inspect and rate all premises that fall within the scope of the Act.

This will limit the use of alternative methods of enforcement for low risk premises as guided by the FSA Food Law Code of Practice.

Appropriate action within the terms of the Council's Enforcement & Regulation Policy will be taken to remedy any non-compliance discovered.

During the year 2023/2024 the planned numbers of inspections are as follows:

### FOOD HYGIENE PROFILE OF ACTIVITES

<u>Category</u>	<u>Frequency</u>	<u>Total Number of Premises</u>	<u>Inspections for 2023/24</u>	<u>Hours</u>	<u>Total Hours</u>
A	6 months	4	5	10	50
B	1 year	18	16	6.5	104
C	18 months	165	130	4.5	585
D	2 years	395	125	3.5	437.5
E	Alternative Enforcement	963	209	2	418
Unrated, etc.	N/A	28	28	4	112
Outside the programme	N/A	1			
<b>TOTALS</b>		1575	513		1706.5

**FOOD STANDARDS PROFILE OF ACTIVITIES**

<u>Category</u>	<u>Frequency</u>	<u>Total Number of Premises</u>	<u>Inspections for 2023/24</u>	<u>Hours</u>	<u>Total Hours</u>
A	1 year	2	2	8	16
B	2 years	148	52	6	312
C	Alternative Enforcement	1395	157	2	314
Unrated etc	N/A	29	29	2	116
Outside the programme		0			
<b>TOTALS</b>		1575	240		700

**WORK PLAN FRAMEWORK**

<u>ACTIVITY</u>	<u>CODE</u>	<u>TASKS</u>	<u>TIME</u>	<u>TOTAL</u>	<u>HOURS</u>
Planned FH Inspections	0101	500		1706.5	hours
Planned FS Inspections	0101	240		700	hours
New Premises	0102	159	6	954	hours
Re-Score Visits FHRS	0211	20	2.5	50	hours
Advice Visits	0203	39	2	78	hours
Add. HA Premises	0203	77	5	385	hours
Bacto-Sampling	0501	477	0.75	358	hours
Chemical Sampling	0501	323	1	323	hours
Food Complaints Investigation	1806	27	8	216	hours
Food Poisoning Outbreaks	0207	1	50	50	hours
Communicable Diseases	0207	72	2	144	hours
Product Recalls/Imported Food				80	hours
Unsound Food	0306	1	4	4	hours
Meetings, Training/Sems, Research				450	hours
Court Hearings, etc (including prep)	9800	1	100	100	hours
Officer Monitoring/Supervision, Co-ordination and Uniform Enforcement & Corporate Activities	9200			700	hours
Council Reports/LAEMS Returns	9302	10 / 4	2 / 20	100	hours
Forward Planning	9201	-	200	200	hours
Procedures	-	-	100	100	hours
Managing FHRS & Consistency	-	-	150	150	hours
Service Requests		393	1	393	hours
<b>TOTAL HOURS REQUIRED:</b>				<b>7241.5 hours</b>	

## Staffing Allocations

The staffing resources of the Food Control Section for 2023/2024 are as follows:-

<u>Position</u>	<u>Name</u>	<u>% time</u>	<u>Hours</u>
Head of Service (Acting)	Sally Courtney	15%	210 hours
Environmental Health Manager	Robert Lamont	80%	1122 hours
Environmental Health Officer	Liz King	100%	1403 hours
Environmental Health Officer	Heather Marshall	100%	1403 hours
Environmental Health Officer	Kerrie Simms	100%	1403 hours
Environmental Health Officer	Ellen Sharvin(transfer)	100%	1403 hours
<b>TOTAL HOURS: 6944 hours</b>			

Following analysis of the total work demand on the Food Control Section of 7241.5 hours compared with the officer time in the Service Unit structure available of 5541 hours there is a shortfall of resources available equating to 1700.5 hours or 1.2 of a FTE officer. The ratio of Food Officer per 1000 premise is 2.4

The internal transfer of 1FTE from the Health & Safety unit to Food Control has increased the staff allocation to 6944hrs which equates to a remaining shortfall of 297.5 hours or 0.2 FTE.

As shown above there is a shortfall in resources in the Food Control Section. The Food Law Code of Practice requires Competent Authorities to appoint a sufficient number of suitably qualified and competent officers so that official food controls and other official activities can be performed efficiently and effectively, as part of their statutory obligations.

To address the shortfall in resources the Food Control Unit utilises an alternative enforcement strategy as prescribed in the Food Law Code of Practice are shown in the Profile of Activities table above.

### 3.2 Food Complaints

The Council will investigate all food complaints in accordance with the FSA Code of Practice and the approved Northern Ireland Food Liaison Group procedure (2013). It is estimated that approximately 27 complaints will be investigated during 2023/2024 with a total demand of time 216 hours.

### 3.3 Home Authority Principle

Lisburn and Castlereagh City Council formally adopted the LACORS Home Authority Principle in January 2001 although the food control service has been practising it since its

inception in the late 1980's. Currently the Council is responsible for 128 manufacturing premises which distribute food outside the Council area.

### **3.4 Advice to Businesses**

The Council will aim to improve the understanding of food safety requirements by persons handling food, through formal food hygiene courses and informal education during visits to premises, and in the provision of advice and recommendations. It shall also aim to provide a health education and promotion service to the general public to ensure greater awareness of food safety issues in both the commercial and domestic setting.

Advice to businesses is given during planned programmed inspections or when a food handler or member of the public contacts the food safety unit by phone, E-mail or letter. A Health Promotion and Education Service in conjunction with the Health and Wellbeing Section is also provided to the General Public. Talks and presentations on any food hygiene/food standards or infectious disease topic can be organised and presented at any time. Food Safety Information has been translated in Chinese, Urdu as well as Polish and other ethnic languages and is available on request. This has of course become a statutory duty in the context of the Councils Equality Scheme.

The increased importance of information to be provided by food businesses regarding allergens and nutritional information will require engagement with food business operations to ensure that there are additional choices available for the consumer

Training planned for 23/24 includes a seminar targeting Community Groups to support them in providing safe, nutritious food on a budget and an Allergen Awareness seminar for local food businesses

### **3.5 Food Inspection and Sampling**

The Food Control Section adopted the NIFLG Policy for sampling in 2012.

#### **Food Standards (Chemical Samples)**

A sampling plan outlining the workload for 2023/2024 has been devised. The Council takes 2 routine samples per 1000 population in its Council area. Therefore approximately 24 samples per month or 280 samples per year (or until the budget is spent) are procured and submitted to the appointed Public Analyst. This number of samples may then be supplemented by special surveys or complaints.



### **Food Hygiene (Bacteriological Samples)**

The target number of bacteriological samples submitted is 11 per week. This may be supplemented by complaint samples or special surveys organised by FSA, PHLS etc. The Public Health Laboratory Service at the City Hospital, Belfast examines these samples free of charge, for resource implication see 3.1.

### **3.6 Control and Investigation of Outbreaks and Food Related Infectious Diseases**

Although the Public Health Agency is the regional authority responsible for the investigation of infectious diseases the Council will investigate all individual cases of food poisoning as notified by the Public Health Agency within 1 working day. We will also investigate as appropriate alleged food poisoning if reported by GPs or members of the Public and report these to the Agency. These notifications are received and returned electronically to increase efficiency and confidentiality.

We investigate and act as agents to the Public Health Agency for any food poisoning outbreaks in the City Council area.

These procedures will be in accordance with the Public Health Agency policy on the investigation of food poisoning incidents and outbreaks where we report to the Consultant in gastrointestinal infection who is under the control of the PHA. On average we receive approximately 72 individual cases of food poisoning and 1 outbreak per year - for resource implication see 3.1.

### **3.7 Food Safety Incidents**

The Council will act on all food safety incidents in accordance with the FSA Code of Practice and will deal with all notified Food Alerts. Food Allergy alerts will be responded to as required.

The resource implication is detailed in 3.1 and all food alerts will be responded to within one day.

### **3.8 Liaison with Other Organisations**

Lisburn & Castlereagh City Council have established strong links with other Councils via the Northern Ireland Food Managers Group other regional working groups. These links have been maintained and serve to permit a close working relationship involving the sharing of information/expertise and joint working and training initiatives.

#### **Liaison with Government and Professional Working Groups**

Similarly, the Environmental Health Manager (Food Control and Consumer Protection) provides the main liaison point on behalf of the Council to such bodies as DAERA, Health and Safety Executive, QUB, University of Ulster, CIEH and other professional groups.

### **Commitment to Local/Regional Groups**

Under the Environmental Health Northern Ireland group a sub-group, known as the Northern Ireland Food Managers Group (NIFMG) has been created. The NIFMG has representation from each of the 11 Councils. It provides advice and co-ordination of Food Control matters throughout the Province.

The NIFMG produces a work plan on several food related areas each year which are undertaken throughout all the 11 Councils.

### **Liaison and Involvement with LACORS**

Although the Council operates the principles of Home Authority as devised by LACORS, the organisation itself has ceased to exist and the Primary Authority system overseen by the Better Regulation Delivery Office (BRDO) has to a great extent, replaced the Home Authority system in Great Britain. In the absence of the obligatory application of this system in Northern Ireland, local authorities, including, Lisburn & Castlereagh City Council will follow as far as possible the protocols involved with Primary Authority principle. This only has implications for some of the larger businesses (e.g. superstores) and Councils in Northern Ireland will also continue with the Home Authority approach with businesses whose primary location is within the Council area.

### **Formal Liaison with Voluntary Group and Public Sector Bodies**

The NI Food Managers Group provides specialist advice to voluntary groups, usually upon demand.

The Public Health Agency has a close working relationship with the Council, particularly in the area of infectious disease control. The relationship with the Public Health Consultant for Gastro-intestinal illness has proved to be the main interface in this aspect.

Formalised liaison is maintained with other services within the authority, including Planning Service, Building Control, Events Organisers and the Home Safety Group.

## **3.9 Food Safety and Standards Promotion**

The Council will aim to:

- Improve food handler's understanding of food safety requirements, by provision of formal food hygiene courses and informal education during visits to premises, in the provision of advice and recommendations, and to
- Provide a health education and promotion service to the general public to ensure greater awareness of food safety issues in both the commercial and domestic setting.

In the coming year the Health and Wellbeing section plan to undertake the following activities supported by the Food Control Section.

1. To collaborate with a range of organisations to embrace the aims and objectives of the Investing for Health Strategy and to contribute to the Councils Community Plan.
2. To support the Council's District Electoral Area projects.
3. Continue to provide Hygiene Instruction Training to Volunteers who prepare food for Churches and Community Groups in conjunction with the Health and Wellbeing Section
4. Facilitate food hygiene training in schools
5. Ongoing education during inspection of premises
6. Participation in national promotional events such as Food Safety Week
7. Engage with community groups to promote food safety in the home

## 4 RESOURCES

### 4.1 Financial Allocations

The Food Control Section is responsible for its own budget and has conducted a benchmarking of the Food Control resources available to all Northern Ireland Councils.

<u>Expenditure</u>	<u>2023/2024</u> £
Salaries	£292,280
Staff Travel and Subsistence	£9,000
Protective Clothing	£300
New Equipment	£890
Sampling	£35,000
<b>TOTAL</b>	<b>£337,470</b>

### Food Standards Agency Grant Funding

The FSA traditionally allocated funding to Councils based predominately on population, however from April 2015, grants were allocated based on prioritisation of activities linked to food establishments. All monies will be paid on a quarterly basis.

**For 2023/2024****FSA Core Funding            £128,475.78**

This reflects an increase from 2022/2023 of £28,719.91

FSA have increased the core funding by £52,298.34 over the last two years in recognition of not only the key work Lisburn & Castlereagh City Council continues to undertake to deliver food official controls, but the wider participation and valuable contribution to FSA working groups, the programmes of change led by the FSA and wider collaborative programmes concerning dietary health.

**4.2 Staff Development Plan**

As part of the Council's Investment in People Initiative, an employee development scheme has been implemented. At present, staff training programmes are produced following an annual review of the training needs of each officer, as part of the internal monitoring processes operated in the Food Control Service. Training is tailored to the needs of both the department and the individual members of staff and they are provided with opportunities as they arise. A positive attempt is made to ensure that these needs are met. A structured training programming is provided through the NIFMG, which Lisburn & Castlereagh City Council fully supports. Officers from the Council's Food Control Service attend courses organised by the Group. It is also essential that officers meet the training requirements detailed in the Food Law Code of Practice.

**5 QUALITY ASSESSMENT****5.1 Quality Assessment**

In order to assess the quality of the Service the food control staff are involved in a number of measures and monitoring arrangements: -

- **Monitoring of District EHO by Environmental Health Manager**  
The Environmental Health Manager will review Food Hygiene Ratings, officer's inspection notes, letters and follow-up actions. Qualitative assessment of inspection procedures is also conducted through accompanied inspections where necessary and where resources permit.
- **Staff Meetings**  
The Environmental Health Manager will meet with staff on a regular basis to discuss issues related to service provision and quality of the service.
- **Customer Engagement**  
A questionnaire is sent to every completed programmed inspection and completed food complaint. These are regularly analysed and reported as part of the Council's performance review plan.
- **Consistency**

Consistency exercises formatted by Northern Ireland Food Managers' Group.

## **6 REVIEW**

### **6.1 Review against the Service Plan**

The Food Control Service met the requirements of the FSA's Recovery Plan in 2022/2023.

### **6.2 Identification of Variation from the Service Plan**

As indicated on the planned allocation of resources in Section 3.1 above, there is a shortfall of officer resource within the food control section. The use of alternative enforcement strategies have therefore been implemented to address the shortfall in resources ,and inspections will concentrate on high and medium risk premises.

To address shortfall in resources an officer has been transferred from the Health & Safety section on a temporary basis.

Areas of work will continue to be prioritised according to risk and public benefit. Monitoring review, using specifically designed internal performance indicators, will be carried out every quarter throughout the year, to assess variations from the Service Plan.

### **6.3 Areas of Improvement**

There has been an increase in reactive workload due to the number of new food businesses opening or changing ownership which must be inspected within 28 days of opening. In 21/22 115 food registrations were received compared to 149 in 22/23 .A review of applications received so far in 23/24 would indicate a similar increase in applications for this year.

The Food control section is finding that there is a fall in food safety standards across the catering sector. This is resulting in more revisit inspections to ensure compliance and an increase in Re-Rating inspection applications compared to previous years. In 22/23 there was a 100% increase in Re-Rating applications compared to 21/22.This trend has continued into 23/24

The new Food Standards Delivery model is to be introduced in late 2023. This model will change the risk profiles of the food premises and may result in an increase in workload.

From April 2023 the Council must realign with the Food Law Code of Practice inspection frequencies .This places additional pressure on the section to meet our inspection targets however, we will have to prioritise work based on risk and consider further alternative enforcement strategies such as remote assessments for businesses that are outside of the Food Hygiene Rating Scheme.

**Sally Courtney**  
**Head of Service (Acting)**

**Date Ratified by Environment & Sustainability Committee:** \_\_\_\_\_

<b>Committee:</b>	Environment & Sustainability
<b>Date:</b>	4 <sup>th</sup> October 2023
<b>Report from:</b>	Head of Service (Acting) - Environmental Health

<b>Item for:</b>	Decision
<b>Subject:</b>	Notice of Motion – Impact of Toxic Blue/Green Algae Affecting Lough Neagh

1.0	<b><u>Background and Key Issues</u></b>	
	1. Members are advised that a Notice of Motion, in the name of Councillor Gary McCleave, was approved by Council on 26th September 2023 to be referred to the Environment & Sustainability Committee in October 2023 for consideration.	
	2. The Notice of Motion outlines the call for the Northern Ireland Local Government Association (NILGA) to convene a Working Group and develop a time bound targeted strategy to address poor water quality and the impact of toxic Blue/Green Algae affecting Lough Neagh, including the its impact on the environment, the Lough’s residents, business and recreational users.	
	3. The Working Group should consist of representatives from DAERA and associated agencies, including NIEA, Inland Fisheries, representatives from the 4 Councils that border Lough Neagh, Northern Ireland Water, the Public Health Agency, The Food Standards Agency and any other relevant departments/agencies who can provide constructive input in the development of the strategy.	
	4. Members are requested to consider the Notice of Motion, attached as <b>Appendix 6 EH</b> , and indicate how they would like Officers to progress this on behalf of the Council.	
3.0	<b><u>Recommendation</u></b>	
	It is recommended that the Notice of Motion regarding the Impact of Toxic Blue/Green Algae affecting Lough Neagh be considered and Members indicate how this is to be progressed on behalf of the Council.	
4.0	<b><u>Finance and Resource Implications</u></b>	
	None.	
5.0	<b><u>Equality/Good Relations and Rural Needs Impact Assessments</u></b>	
5.1	Has an equality and good relations screening been carried out?	No
5.2	Brief summary of the key issues identified and proposed mitigating actions <b>or</b> rationale why the screening was not carried out	
	Not required – Notice of Motion for the formation of a Working Group and development of a strategy by NILGA.	
5.3	Has a Rural Needs Impact Assessment (RNIA) been completed?	No
5.4	Brief summary of the key issues identified and proposed mitigating actions <b>or</b> rationale why the screening was not carried out.	

	Not required – Notice of Motion for the formation of a Working Group and development of a strategy by NILGA.	
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<b>Appendices:</b>	<b>Appendix 6 EH</b> - Notice of Motion proposed by Councillor Gary McCleave
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### **NOTICE OF MOTION**

*This council calls on the local Government Association (NILGA) to immediately establish a working group made up of DAERA and its respective agencies including NIEA, Inland Fisheries and others, along with representatives from the four Councils that border Lough Neagh, and other relevant agencies including NI water, the Public Health agency and Food Standards Agency in order to hold the department(s) and agencies accountable for the development of a timebound targeted strategy to address the poor water quality and in particular the impact of toxic Blue Green algae affecting Lough Neagh, and its impact on the environment, the loughs residents, businesses and recreational users. NILGA will convene the working group and strategy to address the issue.*

*Proposer: Cllr Gary McCleave*





<b>Committee:</b>	Environment and Sustainability
<b>Date:</b>	4th October 2023
<b>Report from:</b>	Acting Head of Waste Management & Operations

<b>Item for:</b>	Decision
<b>Subject:</b>	Consultation on the draft Producer Responsibility Obligations (Packaging and Packaging Waste) Regulations [2024]

1.0	<b><u>Background and Key Issues</u></b>	
	<ol style="list-style-type: none"> <li>At the September meeting of the Environment and Sustainability Committee Members were advised that on 28<sup>th</sup> July 2023 a Consultation on the draft Producer Responsibility Obligations (Packaging and Packaging Waste) Regulations [2024] was issued by the Department of Agriculture, Environment and Rural Affairs in Northern Ireland (DAERA), along with the UK Government, Scottish Government and Welsh Government.</li> <li>Members were asked to forward any comments they have for inclusion in the Council response to the Consultation to the Waste Policy &amp; Development Manager no later than Wednesday 13<sup>th</sup> September 2023. No comments were received.</li> <li>In order to meet the deadline date for submission of responses of 09 October 2023 the October Environment and Sustainability Committee was granted delegated authority to consider and approve the draft response as attached at Appendix 1.</li> <li>Given the complex nature of the proposed legislation being consulted on the LARAC (Local Authority Recycling Advisory Committee) response has largely been used as the basis to formulate the Council response. Arc21 will also produce and submit a response to the consultation on behalf of Member Councils.</li> </ol>	
2.0	<b><u>Recommendation</u></b>	
	It is recommended that Members review and approve the draft consultation response to be submitted for Lisburn & Castlereagh City Council.	
3.0	<b><u>Finance and Resource Implications</u></b>	
	N/A	
4.0	<b><u>Equality/Good Relations and Rural Needs Impact Assessments</u></b>	
4.1	Has an equality and good relations screening been carried out?	No
4.2	Brief summary of the key issues identified and proposed mitigating actions <b>or</b> rationale why the screening was not carried out	
	<b>This is a third party consultation and not an internal document.</b>	
4.3	Has a Rural Needs Impact Assessment (RNIA) been completed?	No
4.4	Brief summary of the key issues identified and proposed mitigating actions <b>or</b> rationale why the screening was not carried out.	

**This is a third party consultation and not an internal document.**

<b>Appendices:</b>	Appendix 1 W&OS Draft Lisburn & Castlereagh City Council response to the Consultation on the draft Producer Responsibility Obligations (Packaging and Packaging Waste) Regulations [2024]
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## Consultation on the draft Producer Responsibility Obligations (Packaging and Packaging Waste) Regulations [2024]

### Lisburn & Castlereagh City Council Draft Response

#### About you

Q1. Would you like your response to be confidential?

No

Q2. Your name? Noeleen O'Malley on behalf of Lisburn & Castlereagh City Council

Q3. Your email address?

[noeleen.omalley@lisburncastlereagh.gov.uk](mailto:noeleen.omalley@lisburncastlereagh.gov.uk)

Q4. Which best describes you? Please provide the name of the organisation/ business you represent and an approximate size/number of staff (where applicable).

Lisburn & Castlereagh City Council

Local authority

Q5. Government will need to understand the needs of users to build digital services for EPR for packaging. Would you like your contact details to be added to a user panel for EPR for packaging so that we can invite you to participate in user research (e.g., surveys, workshops and interviews) or to test digital services as they are designed and built?

You can read a Privacy Notice that explains how your information is safeguarded in relation to user research, what we will and won't do with it, how long it will be kept and how to opt out of user research if you change your mind.

No

Q6. Do you agree that we should work towards excluding packaging that is designed only for use by a business from the payment of household disposal cost fees?

a. Yes

**b. No**

c. Do not know

If packaging is collected within the household collection and disposal service Councils should receive payment for management of this packaging.

#### Obligations on producers

Q7. Do the draft Regulations ensure all types of packaging, which is not exempt packaging, are subject to recycling obligations?

a. Yes

b. No

**c. Do not know**

The draft Regulations are extensive and detailed and without a more in depth knowledge of the packaging industry it is impossible for an organisation such as a local Council to have a definitive position on this matter.

Council is concerned that there are materials within the scope of the proposed Deposit Return Scheme which could sit outside of EPR and need clarity on what happens to such items if there are further delays in implementation of DRS. Council would suggest that these items should be considered in scope of EPR until such a time as DRS is successfully implemented so as to ensure packaging producers are bearing the costs of managing packaging they place on the market.

If 'no', please detail which types of packaging are missed.

Q8. Are producers recycling obligations clear?

a. Yes

b. No

**c. Do not know**

If 'no', please provide details of anything that is unclear.

The draft Regulations are extensive and detailed and without a more in depth knowledge of the packaging industry it is impossible for an organisation such as a local Council to have a definitive position on this matter. That being said it would appear that producers recycling obligations are clear.

Q9. Are the obligations on each type of producer clear?

a. Yes

b. No

**c. Do not know**

If 'no', please state the type of producer and how the obligation is unclear.

The draft Regulations are extensive and detailed and without a more in depth knowledge of the packaging industry it is impossible for an organisation such as a local Council to have a definitive position on this matter. That being said it would appear that the obligations on each type of producer are clear.

Q10. Are the obligations on all types of packaging clear?

a. Yes

b. No

**c. Do not know**

If 'no', please give examples of any packaging types where the obligations are unclear.

The draft Regulations are extensive and detailed and without a more in depth knowledge of the packaging industry it is impossible for an organisation such as a local Council to have a definitive position on this matter.

Council would however reiterate comments made in answer to Q7 and suggest that all packaging materials should be considered in scope of EPR until such a time as DRS is successfully implemented so as to ensure packaging producers are bearing the costs of managing packaging they place on the market.

Q11. Are there any areas in which two producers may be obligated for the same item of packaging?

a. Yes

b. No

c. Do not know

If 'yes', please set out clear examples to demonstrate this.

### Compliance schemes

Q12. Is the relationship between a Packaging Compliance Scheme and its members clear?

a. Yes

b. No

c. Do not know

If 'no', please provide details of anything that is unclear.

The draft Regulations are extensive and detailed and without a more in depth knowledge of the packaging industry and associated compliance scheme it is impossible for an organisation such as a local Council to have a definitive position on this matter.

Q13. Are the obligations that a Packaging Compliance Scheme assumes on behalf of its members clear?

a. Yes

b. No

c. Do not know

If 'no', please provide details of obligations that are unclear.

The draft Regulations are extensive and detailed and without a more in depth knowledge of the packaging industry and associated compliance scheme it is impossible for an organisation such as a local Council to have a definitive position on this matter.

### Provision of recycling information and labelling

Q14. Are the requirements for the provision of recycling information and packaging labelling clear?

- a. Yes
- b. No

**c. Unsure**

If 'no' or 'unsure', please explain the reason for your response and provide examples.

Reference is made to 'how packaging may be collected for recycling, other than by a relevant local authority' and 'where there are methods to collect packaging for recycling other than collection by a relevant local authority, the producer must include recycling instructions in English on the label'. The use of the word collection is unclear and ambiguous e.g. if this refers to signposting householders to retailers that offer facilities for depositing recyclable packaging not commonly collected by local authorities then the word 'collection' is misleading and may result in householders believing materials that are not collected at kerbside actually can be.

Under the 'Recycling Information Obligations: application' section there is reference to the chapter not applying to any drink container. We assume this is related to drinks container within scope of Deposit Return Scheme initiatives however the scope of drinks containers within DRS across the 4 nations is still being clarified. There is still ambiguity on the use of the term 'household packaging' and within the context of drinks containers that potentially fall inside the scope of Deposit Return Schemes as they are 'household packaging' but likely to be exempt from producer payments under EPR. Council suggest that these items should be considered in scope of EPR until such a time as DRS is successfully implemented so as to ensure packaging producers are bearing the costs of managing packaging they place on the market.

Without an agreed set of core 'recyclable' items to be collected it is difficult to see how uniform recycling information and packaging labelling can be made clear.

### Recyclability assessments

Q15. Are you likely to use a third-party organisation to conduct packaging recyclability assessments?

a) Yes

**b) No**

c) Unsure/not decided

Please provide the reason for your response.

Lisburn & Castlereagh City Council is not a producer of packaging therefore this does not directly apply to Council. However Council considers independent verification of an items recyclability is essential to ensure it is actually recyclable in practice.

Q16. If you answered yes to Q14, should there be a mandatory accreditation scheme for third-party organisation(s) who undertake recyclability assessments?

a) Yes, approved by the Scheme Administrator

b) Yes, accredited by UKAS

c) Yes, other (please specify)

d) No accreditation scheme

Please explain the reason for your response.

N/A

#### Scheme Administrator establishment

Q17. Are the functions of the Scheme Administrator as outlined in the draft Regulations clear?

a. Yes

**b. No**

c. Do not know

If 'no', please provide examples of where the draft Regulations are not clear.

Guidance still has not been produced relating to the definition of an effective and efficient waste management service. We are therefore unable to comment on if the Scheme Administrator role in supporting an increase in the effectiveness and efficiency of waste management services provided by local authorities is clear given the lack of definition.

#### Scheme Administrator calculation of producer disposal and administration fees

Q18. Do the draft Regulations allow for the Scheme Administrator to accurately apportion fees to producers?

a. Yes

**b. No**

c. Do not know

If no, please detail why.

There is still ambiguity on the use of the term 'household packaging' and within the context of drinks containers that fall inside the scope of Deposit Return Schemes as they are 'household packaging' but likely to be exempt from producer payments under EPR. Council suggest that these items should be considered in scope of EPR until such a time as DRS is successfully implemented so as to ensure packaging producers are bearing the costs of managing packaging they place on the market.

There is a requirement for the Scheme Administrator to compile a list of packaging commonly binned in public bins and update that list at least once every two years. It is not clear how the Scheme Administrator will do this – when compiling the initial list, this will be based on waste compositional analysis so it would be useful to know if regular compositional studies will be necessary to update the list.

The Regulations allow for deductions to be made to local authority payments where they deem an efficient and effective service is not being provided. It is important that any such deductions are utilised by the Scheme Administrator to help improve local authority performance and not be

returned to producers otherwise there is no incentive for improvements to be made and producers would not be covering the actual costs local authorities are bearing in managing packaging wastes.

Q19. If your organisation collects and recycles packaging waste, do you understand if you would qualify for off-setting under the draft Regulations?

a. Yes

b. No

c. Do not know

If no, how can this be made clear?

Offsetting would appear to apply to producers who can demonstrate they have collected and recycled packaging that is either not commonly collected by local authorities or is reusable. Offsetting would therefore not appear to apply to a local authority. The Scheme Administrator would however need to be content that any 'offset' packaging has no potential to enter the domestic waste stream.

Q20. Do you think the offsetting provisions should be extended as part of future reforms to EPR?

a. Yes

b. No

c. Do not know

If yes, please detail how you think these offsetting provisions should be extended and why.

Council would support easily accessible routes for consumers such as take back schemes for relevant packaging types – offsetting would be necessary in such cases. Offsetting would also be necessary to encourage similar reuse focused initiatives.

Q21. Do the draft Regulations provide appropriate safeguards for compliant producers, including with regards to the impact producer non-compliance may have on producer disposal fees?

a. Yes

b. No

c. Do not know

If 'no', please provide details of your concerns.

The draft Regulations are extensive and detailed and without a more in depth knowledge of the packaging industry it is impossible for an organisation such as a local Council to have a definitive position on this matter. That being said it would appear that the draft Regulations have considered and outlined how it is proposed to provide appropriate safeguards for compliant producers, including with regards to the impact producer non-compliance may have on producer disposal fees.



### Scheme Administrator's calculation of disposal costs and scheme administrator costs to be recovered from producers

Q22. Do the draft Regulations make it clear what the Scheme Administrator is required to do and consider in assessing local authority efficient net disposal costs and service effectiveness?

a. Yes

**b. No**

If no, how could these be made clear and what do you consider is missing?

As there is no definition of 'efficient net disposal costs and service effectiveness' we cannot have clarity on what the scheme administrator is required to do when considering and assessing the same until a clear definition is available.

The consideration of material 'income' received by local authorities for some packaging wastes is complex, may be difficult to assess as it is integral to the contract price and may be commercially confidential.

Chapter 3, 75(6) of the Regulations state that any debt owed to a local authority may be offset by any amount the local authority owes to the Scheme Administrator. Council feels in all cases the Scheme Administrator would be making payments to the Council so a scenario where the reverse occurs would be useful to help improve understanding of this element of the Regulations.

The Regulations also refer to the annual redistribution of monies from EPR. Councils need budgetary certainty and cannot rely on end of year adjustments to pay for waste treatment and disposal contracts. The Scheme Administrator needs to identify all costs against which payments will be received as well as any conditions which may influence or restrict the release of these payments.

Q23. Do the draft Regulations make appropriate provision for how the Scheme Administrator will incentivise the delivery of efficient and effective packaging waste management services by local authorities?

a. Yes

**b. No**

c. Do not know

If no, please detail why and explain what is missing.

As there is no definition of 'efficient and effective packaging waste management services' we cannot have clarity on how the Scheme Administrator will incentivise the same.

It is unclear if incentives would be based on individual packaging categories or performance compared to an Authorities family group etc.

There is also a lack of clarity how income through Council contracts with MRFs would be considered in any incentives.

There is no recognition that local authorities may perform differently for the recovery of some packaging versus others – we need greater clarity on if the Scheme Administrator could consider an authority efficient and effective for some types of packaging but not others.

Q24. Do the draft Regulations make it clear what the Scheme Administrator is required to do and consider in assessing Scheme Administrator public information costs and administration costs?

a. Yes

b. No

If no, how could these be made clear and what do you consider is missing?

There would not appear to inclusion of costs for monitoring and evaluating public information campaigns within the scope of payments for the Scheme Administrator.

Q25. Do the draft Regulations make appropriate provision for how the Scheme Administrator will distribute disposal cost payments to local authorities?

a. Yes

b. No

c. Do not know

If no, how could the provisions be made clear or and what do you consider is missing?

Q.26 Do the draft Regulations make it clear how the Scheme Administrator will adjust (modulate) fees to account for the environmental sustainability of household packaging?

a. Yes

b. No

If no, how could these be made clear and what do you consider is missing?

The Regulations do not however provide clarity on the fossil fuel content of some packaging materials and with the introduction of the UK Emissions Trading Scheme how additional costs arising from the management of this type of packaging will be reflected. This would need to be subject to ongoing review with other elements of full net cost recovery able to be flagged and considered by the Scheme Administrator as and when they arise.

Q27. Do you have views on any materials that should be exempted from the scope of modulating fees?

a. Yes

b. No

If yes, please specify which materials.

Any packaging materials collected and processed by local authorities should be in scope of EPR.

### Recalculation of costs and fees

Q28. Do the draft Regulations provide the necessary grounds to allow the Scheme Administrator to recalculate the costs and fees?

a. Yes

**b. No**

c. Do not know

If no, which grounds are missing?

Guidance still has not been produced relating to the definition of an effective and efficient waste management service. Measurement and calculation of costs and fees against these standards is therefore impossible until these standards are clear.

Q29. Do the draft Regulations set out clearly the process the Scheme Administrator must follow in making fee and cost recalculations?

a. Yes

**b. No**

c. Do not know

If no, how can the process be made clearer?

The notice period needs clear definition within the Regulations and should be a minimum of 12 months to allow local authorities time to set and adjust their budgets accordingly.

The appeals process needs to include a dispute resolution mechanism to cover instances whereby the outcome of an appeal is not agreed. We are concerned the appeals process as outlined appears to serve the interests of producers only which cannot be the case.

Q30. Are the new registration requirements for reprocessors and exporters handling packaging waste clear?

a. Yes

b. No

**c. Do not know**

If 'no', please provide details of any requirements that are unclear.

N/A

Q31. Are the new conditions and reporting requirements for accredited reprocessors and exporters clear?

a. Yes

b. No

**c. Do not know**

If 'no', please provide details of any conditions and/or reporting requirements that are unclear.

N/A

### Appeals

Q32. Do the draft Regulations adequately capture the decisions that can be appealed?

a. Yes

b. No

c. Do not know

If no, what decisions are not adequately captured or missing?

It seems unusual in the case of Northern Ireland that the Planning Appeals Commission would be used as we are not aware of the PAC having prior knowledge of the packaging value chain.

Q33. Do the draft Regulations set out an adequate appeals process?

a. Yes

b. No

c. Do not know

If no, how could this process be made clear?

As there is no definition of 'efficient and effective packaging waste management services' we cannot have clarity on how an appeal regarding if an authority achieves a efficiency or effective threshold would be viewed in relation to the assessment and/or distribution of disposal costs.

We are concerned the appeals process as outlined appears to serve the interests of producers only which cannot be the case.

### Future development of EPR for packaging

Q34. Please raise up to three areas of EPR packaging policy that you would like us to consider in the first review and rank in order of priority.

Inclusion of packaging waste from businesses to be within the scope of EPR.

<b>Committee:</b>	Environment & Sustainability
<b>Date:</b>	4th October 2023
<b>Report from:</b>	Acting Director of Environmental Services

## CONFIDENTIAL REPORT

<b>Reason why the report is confidential:</b>	Information relating to the financial or business affairs of any particular person (including the Council holding that information).
<b>When will the report become available:</b>	
<b>When will a redacted report become available:</b>	When the Contract process has concluded.
<b>The report will never become available:</b>	N/A

<b>Item for:</b>	Decision
<b>Subject:</b>	Off Street Car Parking Contract

### 1 Background and Key Issues

- 0
1. Car parking enforcement, cash collection and PCN processing is currently undertaken on our behalf in our 'pay and display' car parks by the Department for Infrastructure (DfI) under a Service Agreement. This Agreement is due to end on 31 October 2023.
  2. It was agreed at the Environmental Services Committee (ESC) on 5 May 2021 and Full Council on 25 May 2021:
    - the Council agree not to renew the Service Agreement with the Department for Infrastructure for Car Parking Services post October 2022; and
    - the Council agree to join a tendering process with the other Councils that wished to join such process.
  3. It was further agreed at ESC on 6 April 2022 that approval be given to a one year extension (to 31 October 2023) of the existing DfI Contract to ensure all elements of the new contract tender were adequately addressed.
  4. It was proposed that a single tender would be prepared covering car parking services and enforcement services for participating Councils. Once awarded, each Council would then sign a separate contract for the tendered services with the new company.
  5. The new contract, when awarded, would be for 5 years followed by 3 annual reviews and it had been hoped at that time to award the new contract by late May 2023.

6.

7.

8.

- [REDACTED]
9. [REDACTED]
10. Discussions have been held with Dfl and they have agreed to extend the existing contract from 1 November 2023 to 31 March 2024. They are also prepared to continue to extend the current Agreement by up to a year if necessary.
11. Dfl are now working with their contractor to extend the contract and they will advise in due course regarding any cost increases.

2.0 **Recommendation**

It is recommended that Members note the report and agree:

1. To extend the current Car Parking Services Agreement with Dfl until 31 March 2024 and permits additional extensions if required until 31 October 2024.

2. [REDACTED]

3.0 **Finance and Resource Implications**

[REDACTED]

4.0 **Equality/Good Relations and Rural Needs Impact Assessments**

4.1	Has an equality and good relations screening been carried out?	No
4.2	Brief summary of the key issues identified and proposed mitigating actions <u>or</u> rationale why the screening was not carried out  Not required – extension of existing Contract. Screening will be completed on award of new Contract.	
4.3	Has a Rural Needs Impact Assessment (RNIA) been completed?	No
4.4	Brief summary of the key issues identified and proposed mitigating actions <u>or</u> rationale why the screening was not carried out.  Not required.	

<b>Appendices:</b>	None
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