



October 27th, 2022

Chairman: Councillor M Gregg

Vice-Chairman: Councillor C McCready

Aldermen: J Baird, D Drysdale, M Henderson MBE and S P Porter

Councillors: F Cole, A P Ewing, A Givan, S Lee, S Lowry, A McIntyre, R McLernon, T Mitchell and S Skillen

Ex Officio:

The Right Worshipful the Mayor, Councillor S Carson

Deputy Mayor, Councillor M Guy

Notice Of Meeting

A meeting of the Environmental Services Committee will be held on **Wednesday, 2nd November 2022** at **6:00 pm** for the transaction of the undernoted Agenda.

For those Members attending this meeting remotely, the Zoom details are included in the Outlook invitation that has been issued.

A light buffet will be available in Lighters Restaurant from 5.30pm.

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)

3.1 Street Naming - Off Fairfields Glen, Lisburn

📄 *Item 3.1 - Street Naming - Fairfields Gate.pdf* Page 1

📄 *Item 3.1 - Appendix 1 BC - Fairfields Gate.pdf* Page 4

3.2 Street Naming - Off Comber Road, Carryduff

📄 *Item 3.2 - Street Naming -Beaufort Green.pdf* Page 6

📄 *Item 3.2 - Appendix 2 BC - Beaufort Green.pdf* Page 9

📄 *Item 3.2 - Appendix 3 BC - Beaufort Green.pdf* Page 11

4.0 Report by the Head of Service (Environmental Health)

4.1 Minimum Age of Criminal Responsibility (MACR) Consultation

📄 *Item 4.1 - Minimum Age of Criminal Responsibility (MACR) Consultation.pdf* Page 14

📄 *Item 4.1 - Appendix 1 EH - Minimum Age of Criminal Responsibility (MACR) Consultation Document.pdf* Page 17

4.2 Lisburn City Centre Seasonal Car Parking

📄 *Item 4.2 - Christmas Car Parking 2022.pdf* Page 32

5.0 Confidential Report from the Director of Environmental Services

Items are confidential for reason of containing information relating to the financial or business affairs of any particular person (including the Council holding that information)

5.1 Estimates Process 2023/24 and Proposals for Pricing Points for Environmental Services Directorate

5.2 LCCC Cemeteries Subsidy Scheme

5.3 arc21 Procurement of Waste Transfer, Bulking and Haulage

5.4 DAERA Options for Recycling Policy in Northern Ireland & Common Collections Guidance

5.5 Council Strategic Waste Management Arrangements Update

6.0 Any Other Business



Environmental Services Committee

2nd November 2022

Report from:

Head of Service - Building Control

Item for Decision

TITLE: Item 3.1 Street Naming – Off Fairfield's Glen, Lisburn

Background and Key Issues:

1. Alan Patterson Design Ltd. has proposed the street name for a development of 68 dwellings off Fairfield's Glen, Lisburn.
2. The proposal for the street name is:
 - **FAIRFIELDS GATE** (1st preference)
 - **FAIRFIELDS LANE** (2nd preference)
3. The development layout is attached in **Appendix 1 BC** for Members information. This request meets with the requirements of the Council's Street Naming Policy in that the name proposal is in keeping with other agreed street names in the vicinity.
4. The Building Control Service received no objections to the proposed names from the Elected Members of the relevant District Electoral Area and no objection to the first preference name from the Royal Mail Address Management Team.

Recommendation:

It is recommended that Members approve that the street name Fairfield's Gate to be allocated to this proposed development of 68 dwellings off Fairfield's Glen, Lisburn.

Finance and Resource Implications:

Revenue budget has been provided within the 2022-23 estimates for Street Nameplates

Screening and Impact Assessment

1. Equality and Good Relations

Has an equality and good relations screening been carried out on the proposal/project/policy?

If no, please provide explanation/rationale

If yes, what was the outcome? :

Option 1 Screen out without mitigation	<input type="text" value="Yes"/>	Option 2 Screen out with mitigation	<input type="text" value="No"/>	Option 3 Screen in for a full EQIA	<input type="text" value="No"/>
--------------------------------------------------	----------------------------------	-----------------------------------------------	---------------------------------	----------------------------------------------	---------------------------------

Rationale for outcome/decision (give a brief explanation of any issues identified including mitigation and/or plans for full EQIA or further consultation)

With regard to the Section 75 statutory duties (of the 1998 NI Act) this item has been subject to screening and 'screened out' by way of application of the (previously screened) Councils Street Naming & Numbering Policy, in order to follow due process.

Insert link to completed Equality and Good Relations report:

Equality Screening has been completed and is available on request from the Head of Service – Building Control

2. Rural Needs Impact Assessment:

Has consideration been given to Rural Needs?	<input type="text" value="Yes"/>	Has a Rural Needs Impact Assessment (RNIA) template been completed?	<input type="text" value="No"/>
----------------------------------------------	----------------------------------	---------------------------------------------------------------------	---------------------------------

If no, please given explanation/rationale for why it was not considered necessary:

The Council Street Naming and Numbering Policy is universally applicable to both the creation of both urban and rural street names throughout the Council area. There is no differentiation between rural and urbanised considerations for this process and decision impact.

If yes, give brief summary of the key rural issues identified, any proposed actions to address or mitigate and include the link to the completed RNIA template:

SUBJECT TO PLANNING APPROVAL:

No

If Yes, "This is a decision of this Committee only. Members of the Planning Committee are not bound by the decision of this Committee. Members of the Planning Committee shall consider any related planning application in accordance with the applicable legislation and with an open mind, taking into account all relevant matters and leaving out irrelevant consideration".

APPENDICES:

Appendix 1 BC – Development and Site Layout

HAS IT BEEN SUBJECT TO CALL IN TO DATE?

No

If Yes, please insert date:

APPENDIX 1 BC

**FAIRFIELDS GATE (1st Pref.)
FAIRFIELDS LANE (2nd Pref.)
Off Fairfield's Glen
Lisburn**

ELECTORAL AREA OF: LISBURN NORTH



Fairfields Gate Location Plan

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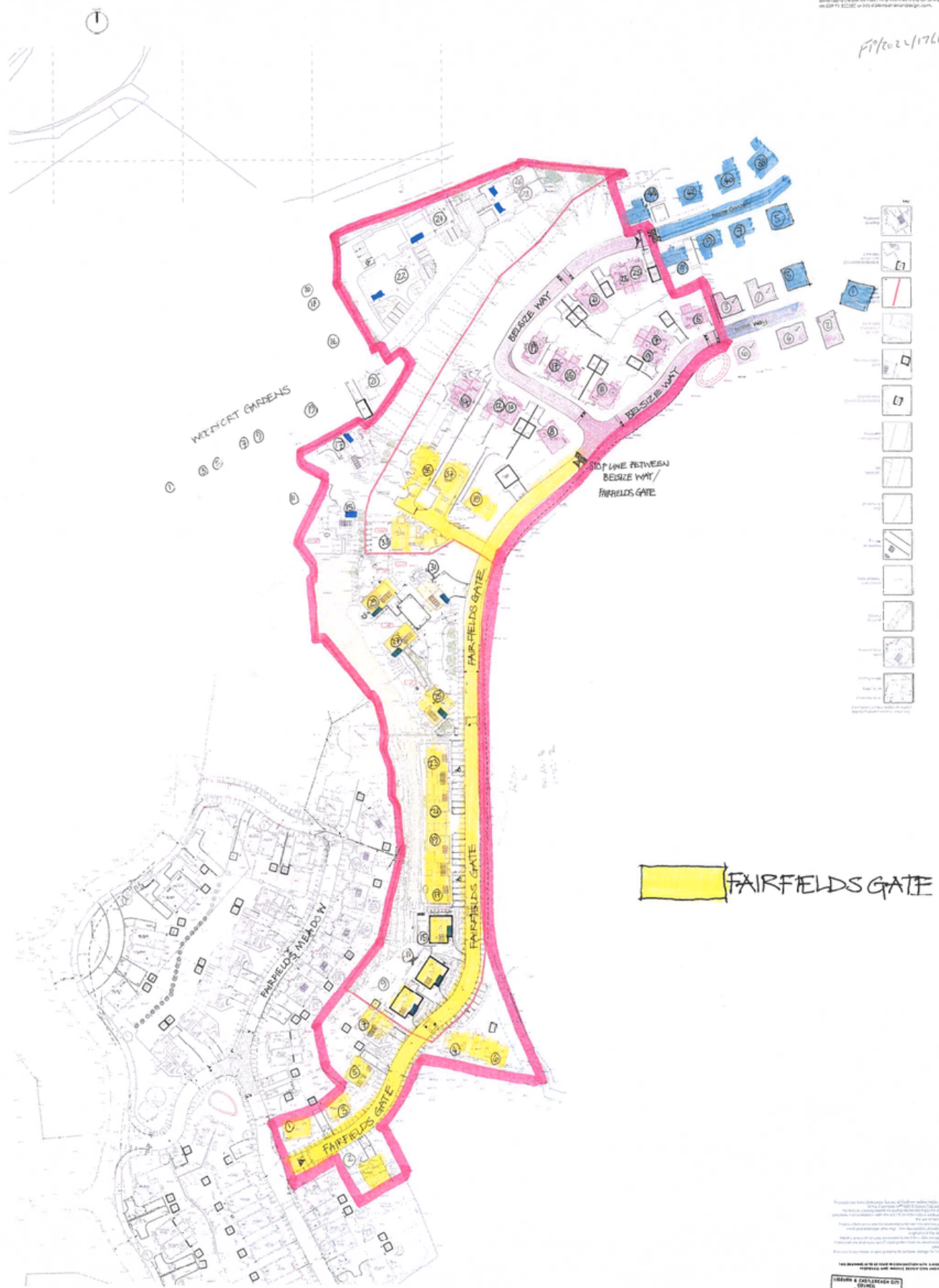
<https://www.spatialni.gov.uk>



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File 2022/1766/1/101



FAIRFIELDS GATE

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10 JUN 2022
File 2022/1766/1/101

SITE LAYOUT (PH5B, C, 6 & 7)

LANDS AT **MAGHERALAVE ROAD, LISBURN**
241-050-04-20-023 | AH/8MCC/CP/AG | July 2021 | 1:500 FOR BLUE HORIZON DEVELOPMENTS





Environmental Services Committee

2nd November 2022

Report from:

Head of Service - Building Control

Item for Decision

TITLE: Item 3.2 Street Naming – Off Comber Road, Carryduff

Background and Key Issues:

1. Frazer Millar Estates Ltd. has proposed the street name for a development of 75 dwellings off the Comber Road, Carryduff
2. The proposal for the street name is:
 - **BEAUFORT GREEN** (1st preference)
 - **ISABELLA PARK** (2nd preference)
3. The development layout is attached in **Appendix 2 BC** for Members information. This request meets with the requirements of the Council's Street Naming Policy in that the name proposal reflects a reference to features and topography noted on historic maps and ownership for the area. Supportive extracts for the names from historic information are attached in **Appendix 3 BC** for Members information
4. The Building Control Service received no objections to the proposed names from the Elected Members of the relevant District Electoral Area and no objection to the first preference name from the Royal Mail Address Management Team.

Recommendation:

It is recommended that Members approve that the street name Beaufort Green to be allocated to this proposed development of 75 dwellings off the Comber Road, Carryduff.

Finance and Resource Implications:

Revenue budget has been provided within the 2022-23 estimates for Street Nameplates

Screening and Impact Assessment

1. Equality and Good Relations

Has an equality and good relations screening been carried out on the proposal/project/policy? Yes

If no, please provide explanation/rationale

If yes, what was the outcome? :

Option 1 Screen out without mitigation	<input type="checkbox"/> Yes	Option 2 Screen out with mitigation	<input type="checkbox"/> No	Option 3 Screen in for a full EQIA	<input type="checkbox"/> No
-----------------------------------------------------	------------------------------	--------------------------------------------------	-----------------------------	-------------------------------------------------	-----------------------------

Rationale for outcome/decision (give a brief explanation of any issues identified including mitigation and/or plans for full EQIA or further consultation)

With regard to the Section 75 statutory duties (of the 1998 NI Act) this item has been subject to screening and 'screened out' by way of application of the (previously screened) Councils Street Naming & Numbering Policy, in order to follow due process.

Insert link to completed Equality and Good Relations report:

Equality Screening has been completed and is available on request from the Head of Service – Building Control

2. Rural Needs Impact Assessment:

Has consideration been given to Rural Needs?	<input type="checkbox"/> Yes	Has a Rural Needs Impact Assessment (RNIA) template been completed?	<input type="checkbox"/> No	
----------------------------------------------	------------------------------	---------------------------------------------------------------------	-----------------------------	--

If no, please given explanation/rationale for why it was not considered necessary:

The Council Street Naming and Numbering Policy is universally applicable to both the creation of both urban and rural street names throughout the Council area. There is no differentiation between rural and urbanised considerations for this process and decision impact.

If yes, give brief summary of the key rural issues identified, any proposed actions to address or mitigate and include the link to the completed RNIA template:

SUBJECT TO PLANNING APPROVAL:

No

If Yes, "This is a decision of this Committee only. Members of the Planning Committee are not bound by the decision of this Committee. Members of the Planning Committee shall consider any related planning application in accordance with the applicable legislation and with an open mind, taking into account all relevant matters and leaving out irrelevant consideration".

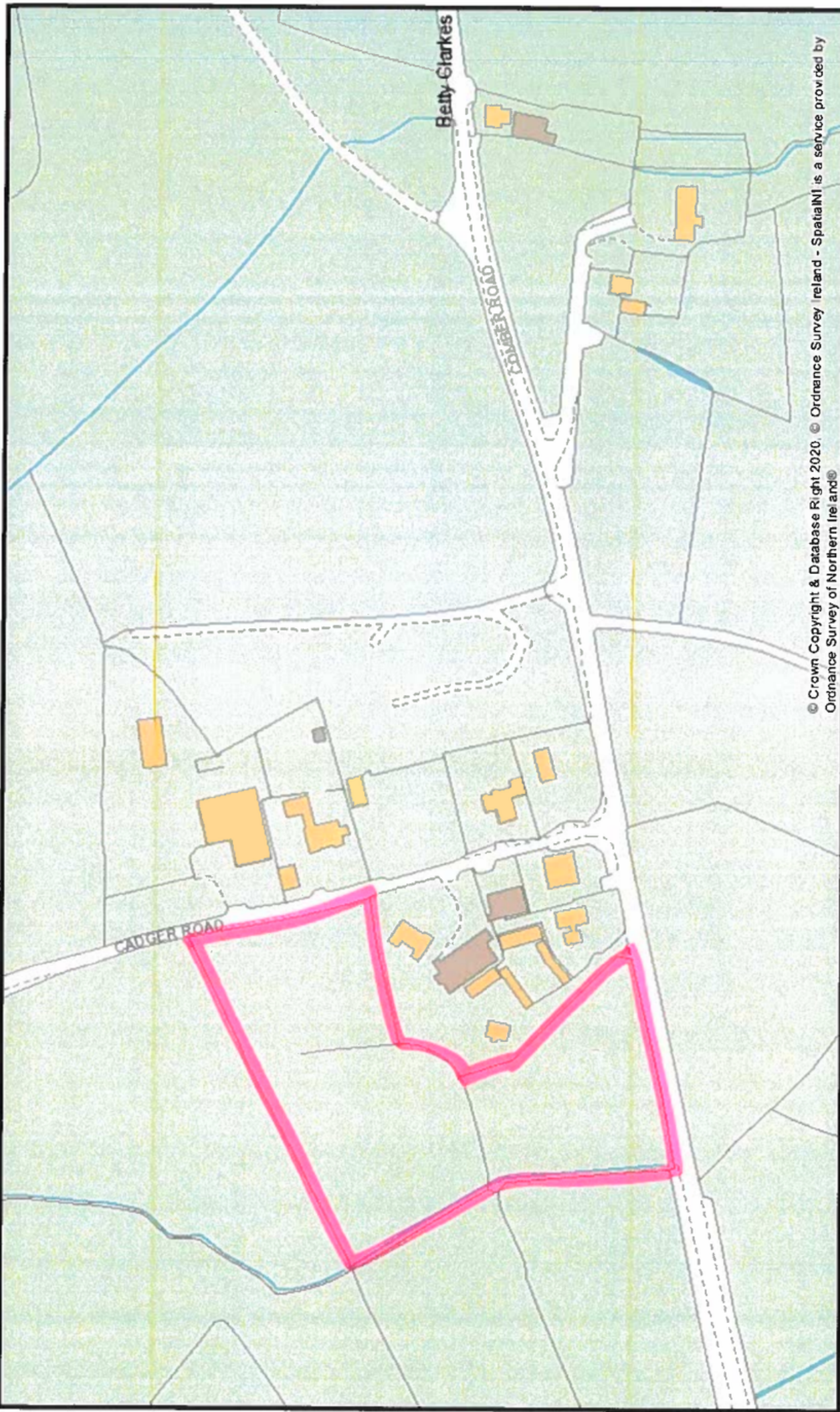
APPENDICES:

Appendix 2 BC – Development and Site Layout
Appendix 3 BC – Historic mapping extracts

HAS IT BEEN SUBJECT TO CALL IN TO DATE?

No

If Yes, please insert date:



Comber Road Development

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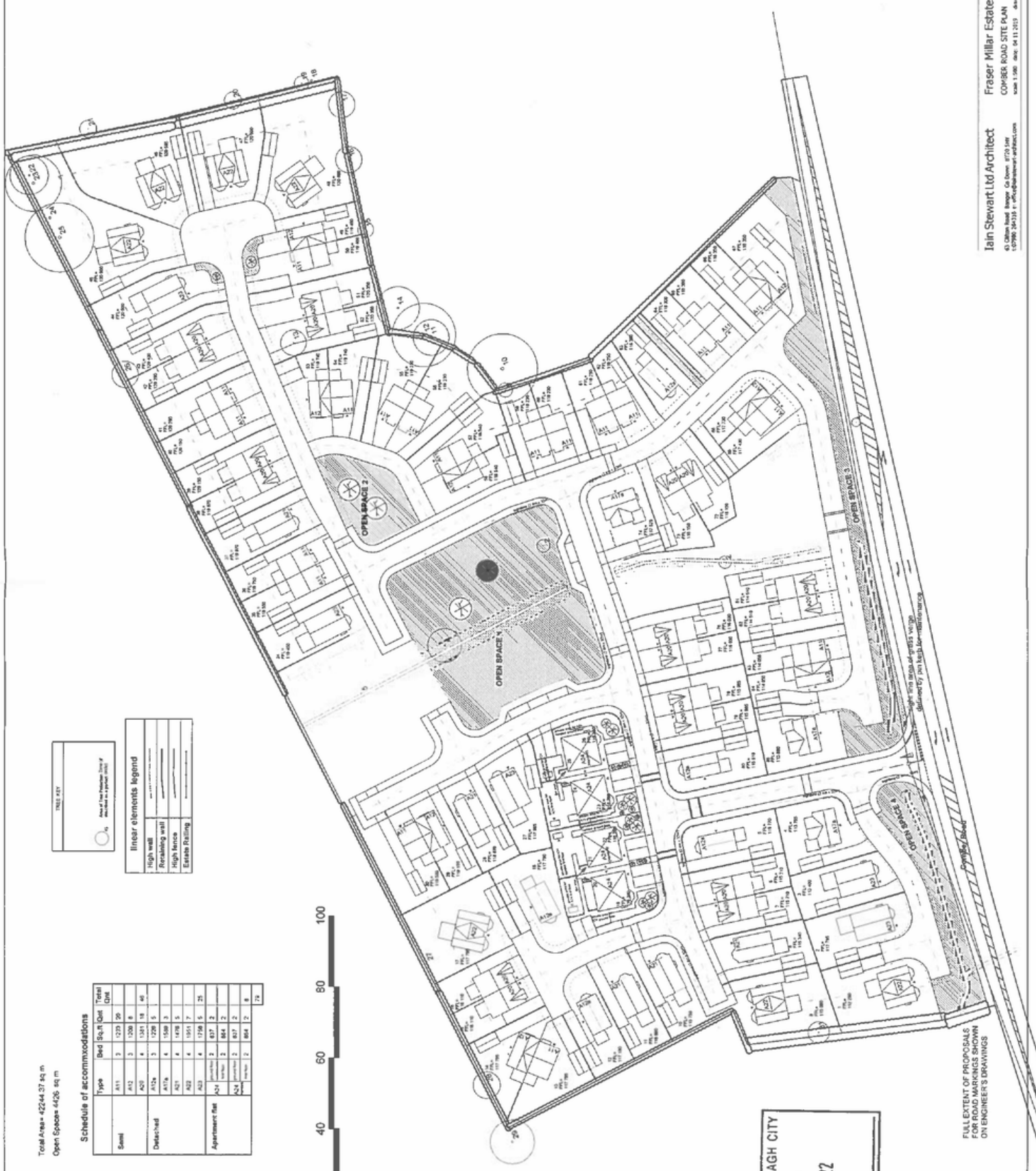
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Total Area = 42244.27 sq m
Open Spaces = 4426 sq m

Schedule of accommodations

Type	Bed	Sq.m	Dist	Total
Semi	A11	3	1235	26
	A12	3	1200	8
	A21	4	1341	18
Detached	A12a	3	1200	5
	A17a	4	1508	3
	A21	4	1478	5
Apartment Flat	A22	4	1551	7
	A23	4	1758	5
	A24	2	827	2
Total	A21	3	844	2
	A22	3	844	2
	A23	2	844	2
				73

linear elements legend

High wall	---
Remaining wall	---
High fence	---
Entire Railing	---

LISBURN & CASTLEREAGH CITY COUNCIL RECEIVED
01 SEP 2022
REF. _____

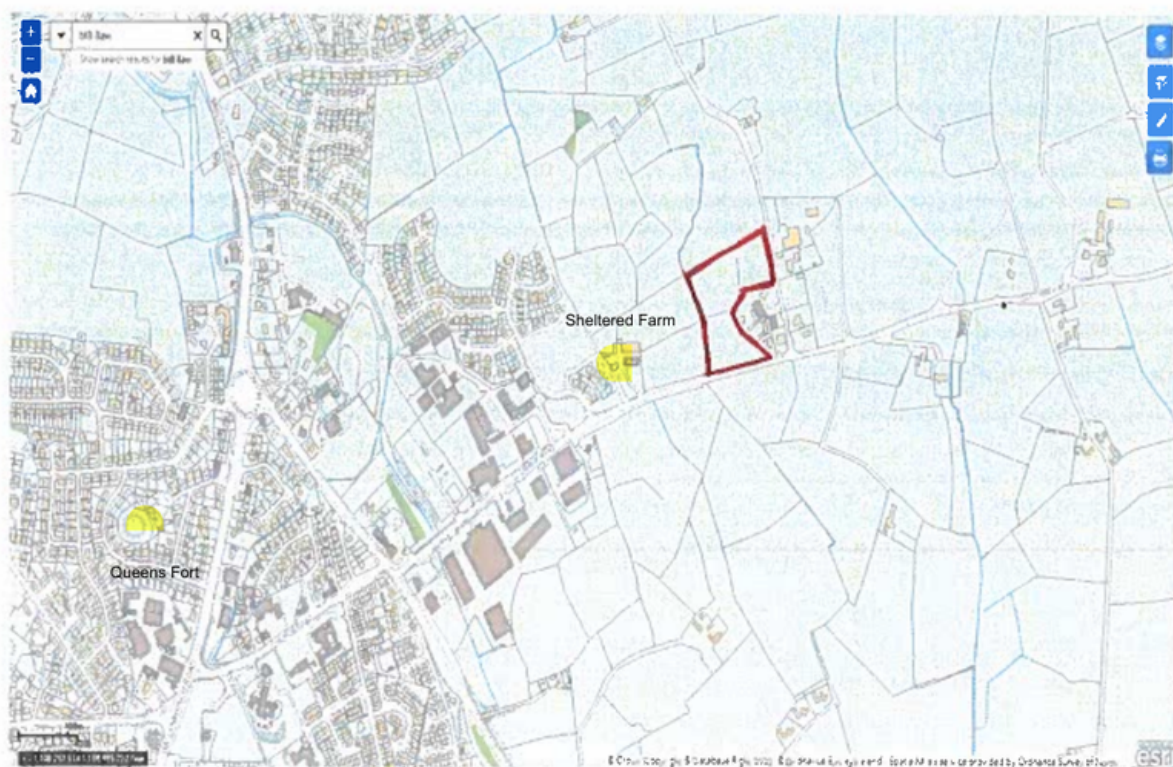
NOTE: This drawing is to be used in conjunction with all other architectural and engineering drawings and all other relevant drawings and specifications.

FULL EXTENT OF PROVISIONS FOR ROAD MARKINGS TO BE SHOWN ON ENGINEER'S DRAWINGS

Jain Stewart Ltd Architect
43 O'Brien Road, Invergowrie, Dundee, DD2 1YR
Tel: 01392 264131 E: jstewart@jainstewart.co.uk

Fraser Millar Estates
COMBER ROAD SITE PLAN
Scale: 1:500 Date: 04.11.2015

Historic references for Street Naming proposals at Comber Road, BT8 8AW

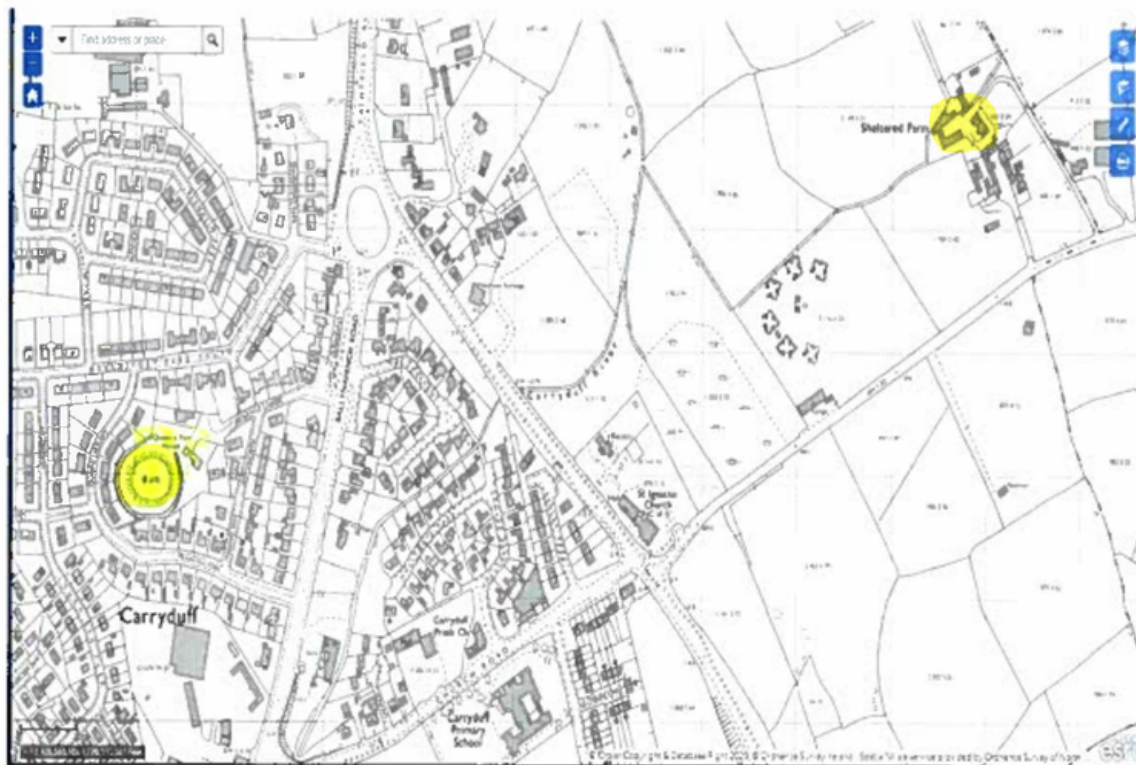


The location of the development site in proximity to Carryduff / Comber Road and siting of the historic references of **Queensfort** and Rath and the **Sheltered Farm** settlement of Samuel & Isabelle Edgar are shown on 1955 OS Mapping.

Beaufort prefix name proposal

The name **Beaufort** is derived from a place name and a French hereditary surname. The placename Beaufort is derived from the old French words 'beau' meaning beautiful and 'fort' meaning strong.

The site is within the vicinity of the former Queens Fort and Rath shown on the historic mapping and in this instance the prefix beau references the local views and vista of the surrounding topography.



Isabella prefix name proposal

The Edgar family have had a connection with the Carryduff area since the late 1700s.

Samuel, son of Robert & Elizabeth Edgar married **Isabella** in 1855 and they built the house known as the Sheltered Farm identified on the historic mapping in 1861



The Edgar family of Carryduff, Co Down

- *Robert and Elizabeth Edgar*

Robert - born c1779 - died 4th June 1866 - aged 87

Elizabeth - born c1783 - died 1st December 1864 - aged 81

- *Samuel and Isabella Edgar (son of Robert and Elizabeth)*

Samuel - born c1821 - died 11th March 1896 - aged 75

Isabella - born c1829 - died 13th November 1883 - aged 54

- *Samuel Edgar and Isabella McIlveen married in May 1855, they built a house known as "Sheltered Farm", Comber Road, Carryduff, in 1861. They had nine children as listed below:*

Elizabeth - born 1856, married Willie Massey of Killynure on 3rd June 1879

John - born 1857, sailed to America on 30th July 1874

Robert Allen - born 1859, sailed to America on 16th October 1880, married 3rd December 1886, died 4th February 1887, aged 28

Jane - 1861, married 22nd June 1883

Joseph - born 24th September 1863, married Robina Ann Smyth on 8th October 1889, died 16th September 1935, aged 72. Robina was born 19th May 1868, died 25th December 1953

Samuel - born 20th March 1866, (twin of William) Samuel married and had five children - Samuel, Izzie, Eileen, John plus one other

William James - born 20th March 1866 (twin of Samuel) died 25th January 1874, aged 8

Isabella - born 27th August 1867, married John Lowe on 23rd January 1889, had 13 children

Martin H John - born 26th June 1871, died 29th January 1874, aged 3

- *The family of Joseph and Robina Edgar (son of Samuel and Isabella)*

Joseph - born 24th September 1863, died 16th September 1935, aged 72

Robina Ann Smyth, born 19th May 1868, died 25th December 1953, aged 85



Environmental Services Committee

2nd November 2022

Report from:

Head of Service - Environmental Health

Item for Decision

TITLE: Item 4.1 - Minimum Age of Criminal Responsibility (MACR) Consultation

Background and Key Issues:

1. The Environmental Health Service Unit have received the Minimum Age of Criminal Responsibility (MACR) Consultation from the Department of Justice. The 12-week Consultation was launched on 3 October 2022 and will close on 23 December 2022.
2. The age at which a child should be held criminally liable is an emotive and often controversial issue and one which has long divided opinion. The current minimum age of criminal responsibility (MACR) in Northern Ireland is 10 years old. Below this age, a child cannot be prosecuted or held liable for any criminal acts; above this age, they can face the full force of the law. Our MACR is the lowest in Europe and substantially lower than 14 years, which the UN Committee on the Rights of the Child considers to be the very youngest age that a child should be held criminally liable.
3. The Department for Justice wish to increase MACR to bring Northern Ireland into line with international standards. Its view, which is supported by many organisations representing children's rights and by the research evidence, is that children under 14 years should not be drawn into the youth justice system, as early contact with the justice system often has a negative long-term impact on children's lives and patterns of offending behaviour.

4. LCCC has an Enforcement and Regulation Policy which indicates that formal enforcement action will only be taken against a child, i.e. anyone under the age of 18 years, in exceptional circumstances.
5. While we welcome the minimum age increase, its impact for regulatory functions carried out by the Council will have no impact on the action taken by its officers.
6. Attached as **Appendix 1 EH** for Members' consideration is a copy of the Consultation document received.
7. Should Members wish to make comments on the Consultation to be included in the response to the Department of Justice, please email Brona.turley@lisburncastlereagh.gov.uk or Sandra.pinion@lisburncastlereagh.gov.uk on or before Friday 11 November 2022.
8. The Draft Consultation response will be tabled to the Environmental Services Committee meeting in December 2022 for approval prior to submission.

Recommendation:

It is recommended that Members consider the Consultation document on the Minimum Age of Criminal Responsibility and provide any comments to be included in the response to the Department of Justice by email to Brona.turley@lisburncastlereagh.gov.uk or Sandra.pinion@lisburncastlereagh.gov.uk on or before Friday 11 November 2022.

Finance and Resource Implications:

None

Screening and Impact Assessment

1. Equality and Good Relations

Has an equality and good relations screening been carried out on the proposal/project/policy? N/A

If no, please provide explanation/rationale

Consultation only.

If yes, what was the outcome?:

Option 1 Screen out without mitigation	N/A	Option 2 Screen out with mitigation	N/A	Option 3 Screen in for a full EQIA	N/A
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Rationale for outcome/decision (give a brief explanation of any issues identified including mitigation and/or plans for full EQIA or further consultation)

Insert link to completed Equality and Good Relations report:

2. Rural Needs Impact Assessment:

Has consideration been given to Rural Needs?	N/A	Has a Rural Needs Impact Assessment (RNIA) template been completed?	N/A
----------------------------------------------	-----	---------------------------------------------------------------------	-----

If no, please give explanation/rationale for why it was not considered necessary:

If yes, give brief summary of the key rural issues identified, any proposed actions to address or mitigate and include the link to the completed RNIA template:

SUBJECT TO PLANNING APPROVAL: N/A

If Yes, "This is a decision of this Committee only. Members of the Planning Committee are not bound by the decision of this Committee. Members of the Planning Committee shall consider any related planning application in accordance with the applicable legislation and with an open mind, taking into account all relevant matters and leaving out irrelevant consideration".

APPENDICES: Appendix 1 EH - Minimum Age of Criminal Responsibility (MACR) Consultation Document

HAS IT BEEN SUBJECT TO CALL IN TO DATE? N/A

If Yes, please insert date:



Public Consultation on Increasing the Minimum Age of Criminal Responsibility in Northern Ireland from 10 Years to 14 Years

October 2022



Ministerial Foreword

The age at which a child should be held criminally liable is an emotive and often controversial issue and one which has long divided opinion. The current minimum age of criminal responsibility (MACR) in Northern Ireland is 10 years old. Below this age, a child cannot be prosecuted or held liable for any criminal acts; above this age, they can face the full force of the law. Our MACR is the lowest in Europe and substantially lower than 14 years, which the UN Committee on the Rights of the Child considers to be the very youngest age that a child should be held criminally liable.

I have long been a supporter for change in this area and have been very clear about my wish to increase MACR to bring Northern Ireland into line with international standards. My view, which is supported by many organisations representing children's rights and by the research evidence, is that children under 14 years should not be drawn into the youth justice system, as early contact with the justice system often has a negative long-term impact on children's lives and patterns of offending behaviour.

I recognise that the youth justice system has to balance many needs, particularly those of victims and communities, alongside the welfare and future life-chances of children who have offended; however, it is in the best interests of victims and communities that we work with children who offend, to find the root cause of their behaviour and ensure they receive the support they require in order to turn their lives around.

My Department's new Strategic Framework for Youth Justice included a commitment that we would seek the views of the public on this important issue. I encourage everyone with an interest to respond to this consultation - your views could have an impact on the future outcomes of many children in Northern Ireland.

Naomi Long MLA
Department of Justice

Responding to the consultation

We would ask that you consider the information contained in this paper and respond to the consultation using the online facility on NI Direct which can be accessed via:

<https://consultations.nidirect.gov.uk/doj/increase-in-minimum-age-of-criminal-responsibility/>

You will be able to save and return to your responses while the consultation remains open.

If you are unable to respond using our online consultation facility, you can email your response using the response template (available as a separate document on our website) to the following address: macrviews@justice-ni.gov.uk; or you can write to us at:

Reducing Offending Division
Room 306
Dundonald House
Upper Newtownards Road
Belfast
BT4 3SU

The consultation will be open for 12 weeks from 3 October 2022. Please ensure that consultation response are submitted before the **closing date of 23 December 2022**.

Alternative Formats

Copies in alternative formats can be made available upon request. If it would assist you to access a copy in an alternative format or a language other than English, please contact us using the above contact details and we will do our best to assist you.

Impact Assessments

The policy proposals have been screened for equality impacts and rural needs impacts. No adverse implications or impacts have been identified. Copies of the screening assessments are available on our website along with the consultation document. We welcome any comments you might have on the screening documents.

Next steps

Following the consultation exercise and evaluation of the responses, the Department will publish a post-consultation report and take forward policy proposals if appropriate. The post consultation report will be made available on our website.

Introduction and background to the consultation

1. The minimum age of criminal responsibility (MACR) is the lowest age at which a person can be arrested and charged with committing a crime. In Northern Ireland, the MACR is currently set at 10 years of age, which is one of the lowest in Europe, and also one of the lowest in the world.
2. The Minister of Justice has consistently indicated her support for an increase to MACR as this would allow Northern Ireland to comply with the UN Committee on the Rights of the Child recommendation that the minimum age of criminal responsibility for Member States should be at least 14 years of age and preferably higher.
3. Minister Long's support for an increase to MACR was further outlined in her Department's *Strategic Framework for Youth Justice*, published in March 2022. The Action Plan that accompanied the Framework included a commitment to carry out a consultation to seek the views of the public on increasing MACR in Northern Ireland to 14 years old within the first year following publication.
4. The outcome of this consultation will be published in due course and will be used to inform the debate over future changes to MACR in Northern Ireland.

Background

5. The minimum age at which a child can be charged with a crime remains unchanged since the 1960s when, following a recommendation from a report into the youth justice system, it was increased from 8 years to 10 years in England, Wales and Northern Ireland. The landscape for youth justice has undergone considerable change in the intervening years, with a shift in focus from punishment to rehabilitation, however, the current MACR does not reflect this.
6. The UN Convention on the Rights of the Child (UNCRC) is an international human rights treaty which sets out the civil, political, economic, social, health and cultural rights of children. Article 40(3) of the Convention requires member states to set a minimum age of criminal responsibility but does not specify the age. However, following ratification of the Convention, over 50 member states raised the minimum

age in their jurisdictions which has resulted in the most common MACR internationally being 14 years.

7. In reports issued by the UN Committee on the Rights of the Child in response to periodic examinations on the UK's compliance with the Convention, the Committee has repeatedly highlighted our low MACR and recommended that it be raised "in accordance with acceptable international standards". Furthermore, the Committee's 2019 report¹ urged all member states to take account of recent scientific evidence and to raise their minimum age accordingly, to at least 14 years.

Consideration of MACR in Northern Ireland

8. MACR was considered as part of two major examinations of the youth justice system in Northern Ireland which were carried out in the previous decade. The first was undertaken by an independent team of experts in 2010 and became known as the Youth Justice Review (YJR). This review examined how children were processed at all stages of the criminal justice system to ensure that our youth justice system was complying with international obligations and best practice. In its report, published in September 2011, the Review Team formally recommended that MACR in Northern Ireland be raised immediately to 12, with consideration given to raising it to 14 subsequent to a review.
9. The recommendation on MACR was included as part of a wider consultation on all of the YJR recommendations. The outcome of this consultation showed considerable support, particularly from children's sector organisations, for increasing MACR in Northern Ireland.
10. The issue of MACR was also considered as part of a cross-departmental Scoping Study in 2015. This study found in favour of raising MACR to at least 12 on the basis that it would not only deliver on the specific, as yet unmet, YJR recommendation but it would assist Northern Ireland in complying with the UN Committee on the Rights of the Child and other international standards. Furthermore, it would effectively deliver on the Department's overarching aim to

¹ United Nations (2019) – Committee on the Rights of the Child: General comment No. 24 (2019) on children's rights in the child justice system - CRC/C/GC/24

improve outcomes for children by keeping them out of the justice system for as long as possible and removing the burden of a criminal record with the associated stigma of being a 'young offender'.

11. Whilst efforts have been made by Justice Ministers, most recently by Minister Long, to secure cross-Executive agreement to raise the minimum age of criminal responsibility, there has been insufficient support to progress this issue to date. The responses to this consultation could, therefore, be instrumental in determining whether the Department has sufficient support to bring about a change in the legislation.

Current position in other jurisdictions

12. In England and Wales, as with Northern Ireland, the MACR is 10 years old. The UK government has faced pressure from the UN Committee on the Rights of the Child as well as other groups representing children's rights and has also been subject to a recommendation from a Select Commons Committee in Westminster to review MACR. Despite this, there has been no movement in terms of legislating to increase MACR in England or in Wales.
13. In June 2019, the Age of Criminal Responsibility (Scotland) Act was introduced and fully commenced on 17 December 2021. This Act raised MACR to 12 years, meaning no child in Scotland under the age of 12 can be found guilty of a criminal act. Children under this age who display risk-taking or offending behaviours will instead be dealt with through the welfare-orientated Children's Hearing System.
14. In exceptional circumstances, appropriate safeguards and powers are in place for Police Scotland to investigate harmful behaviour in children under 12. The Scottish Government has included a provision requiring MACR to be reviewed three years after the age increase has been introduced. Given that the new legislation has been in place for less than a year, it is too early to evaluate its impact on the youth justice system.
15. Ireland has also seen an increase in MACR from 7 to 12 following the commencement of their children's legislation enacted in 2006. Provision has been

made for exceptional cases, with criminal responsibility for the most serious offences being set at 10 years of age.

16. Even greater variance in MACR is evident across Europe where children are not held criminally liable until the age of 14 years (Germany, Italy, and Spain), 15 years (Denmark, Sweden, Norway, and Finland), or 18 years (Belgium and Luxembourg). The only other European country which has a MACR as low as 10, outside the UK, is Switzerland. Details of the current MACR in each European country can be found at **Annex A**.

Youth Offending in Northern Ireland

17. Changes in youth justice policies and operational practices in recent years have seen a significant reduction in the overall number of children entering the formal youth justice system, including prosecutions at court. To provide context, five out of every one thousand children in Northern Ireland will have some level of involvement with the Youth Justice Agency and less than one in one thousand will be held in youth custody.

18. The table in **Annex B** provides a breakdown of all court prosecutions and out of court (diversionary) disposals for children, by age, for the years 2011-2021. From this, we can see that the number of children entering the formal system more than halved during this period, going from 5,764 in 2011 to 2,382 in 2021.

19. The information in this table allows us to assess the potential impact of an increase in MACR to various age points, including the proposed new age of 14 years. It does this by providing an indication of the number of children it would impact. Across all age groups, but in particular for younger children, the current policy is very much focused on diverting young people from formal prosecution wherever possible and this is reflected in the data.

20. In considering the potential impact of an increase in MACR to 14 years of age, we can see that in 2021, there were 99 children under this age processed through the court system. This is out of a total of 1,182 prosecutions for that year, which represents 8.4% of all youth prosecutions. Whilst this figure fluctuates from year to

year, the average over the last decade for under 14s has been 7.1% of all prosecutions.

21. Turning to diversionary disposals, in 2021 the total number of children aged under 14 who were handed down a formal diversionary disposal was 229, which represents 19.1% of all diversionary disposals for children that year. This means in total there were 328 under 14s dealt with by the formal justice system in 2021, or 13.8% of total disposals. Therefore raising MACR to 14, whilst only removing a relatively small amount of children from the formal justice system, would nevertheless have a significant positive impact on their lives and future prospects. This is explored further in the next section.

The case for change

22. When taken in the context of other age limits, MACR is considerably lower than the age at which children can legally assume other responsibilities such as sexual consent, marriage, the purchase of tobacco/lottery tickets and the ability to vote. It is also in stark contrast to the civil justice provisions made in the Mental Capacity Act (NI) 2016 which provide safeguards and protections for vulnerable persons aged 16 and over who lack capacity to make decisions about their health, care, finances and personal welfare. These provisions apply to those aged 16 and over as the policy view was that no child below this age was mature enough to make such decisions; responsibility instead rests with the parents or guardians in these cases. In contrast, the criminal justice system considers a child to be mature enough at 10 to take criminal responsibility for their actions.
23. Research into the development of the brain during adolescence, and the implications this has in relation to risk-taking and the understanding of longer-term consequences, supports non-criminal justice interventions for the small number of children aged under 14 who offend.
24. The current MACR was set at a time when limited research regarding adolescent brain development had been undertaken, however a 2011 Royal Society report² showed that changes in important neural circuits underpinning behaviour continue

² Brain Waves Module 4 – Neuroscience and the Law – December 2011 – Royal Society

until at least 20 years of age. This, and the imbalance between the developmental stages of the prefrontal cortex and the amygdala, can explain the often heightened emotions and risk-taking behaviours which are common to adolescents, supporting the case for increasing MACR. Furthermore, research³ using MRI scanning has proven that the period of adolescence (from age 10–19 years) represents significant neurodevelopmental and behavioural changes.

25. In terms of the long-term impact which contact with the justice system has on the lives of children, research demonstrates that if children are criminalised from a young age they are more likely to be drawn further and deeper into the criminal justice system. A detailed longitudinal study⁴, involving a cohort of 4,300 children in Scotland, concluded that the deeper children penetrate the youth justice system, the more ‘damaged’ they are likely to become and the less likely they are to stop offending and grow out of crime. This, in turn, has negative consequences for society as a whole.

26. A further study⁵ carried out in the US which involved over 1,200 adolescent boys looked at whether formal processing following an offence led to worse outcomes for adolescents than informal processing. The results indicated that formal processing of an adolescent charged for the first time with a relatively moderate offence, caused more harm than good. Furthermore, those formally processed were more likely to be re-arrested, incarcerated and engaged in more violence.

The impact of increasing MACR

27. Often it is the most troubled and vulnerable children who find themselves deeply entrenched in the justice system. For many of these children, an earlier intervention to address underlying issues and provide support for change, could have prevented them from becoming involved in the criminal justice system and saved

³ Sowell, E.R., Thompson, P.M., Holmes, C.J., Jernigan, T.L. & Toga, A.W. (1999). In vivo evidence for post-adolescent brain maturation in frontal and striatal regions. *Nat. Neurosci.* 2, 859–61; Giedd, J. N. & Rapoport, J. L. (2010). Structural MRI of pediatric brain development: what have we learned and where are we going? *Neuron* 67, 728–34

⁴ McAra, L. and McVie, S. (2007) “Youth Justice? The impact of system contact on patterns of desistance from off ending” – *European Journal of Criminology*, 4(3), 315-45

⁵ Cauffman, E. Beardslee, J. Fine, A. Frick, P. J. and Steinberg, L. (2020) - Crossroads in juvenile justice: The impact of initial processing decision on youth 5 years after first arrest

them from the stigmatisation and other life-long consequences which often follow. As the research has shown, if we act to criminalise young children, we only increase the likelihood that they will go on to re-offend and potentially become persistent offenders.

28. In saying that, however, victims and communities affected by anti-social or criminal behaviour carried out by children, have a right to redress. The question is not *whether* children should be held accountable but *how* that should be achieved to maximum effect, and whether the solution requires the full weight of the criminal justice system to be effective. There is a significant difference between saying that a child aged 10 “knows right from wrong”, and saying that they should be criminalised for their behaviour.
29. Any change in policy should be made with the best interests of the child as central to the decision. By increasing MACR, we would be consciously ensuring that offending is treated as one aspect of a child’s behaviour which must be addressed. It would not be considered in isolation of all the child’s other needs, whether that includes, for example, a safe and supportive environment in which to grow up or support for mental health needs.
30. Those countries which have adopted a higher MACR, such as Norway and Denmark, where the minimum age is 15 years, have embraced a welfare-orientated approach to tackling offending behaviour by children. In practice, this involves the child becoming the responsibility of social services with the focus being on supporting the child and his/her family to address the underlying issues which the offending behaviour displays. Not only does this allow for the child’s often complex needs to be met, but it also provides an opportunity for them to repair harm they have caused and re-engage in normal society.
31. In Northern Ireland, Children’s Diversion Forums have recently been rolled out across the region. The overall aim of these Forums is to help divert children from the formal justice system through more coordinated identification, information sharing, assessment, intervention and review of children involved in low level offending and/or antisocial behaviour. Panels are chaired and administered by the Youth Justice Agency, and also include representatives from PSNI, Social Services

and the Education Authority. Partner organisations can take appropriate referrals from the panel, or provide the conduit between the children and his/her family and other services provided by the statutory, voluntary and/or community sectors. We believe these forums, or a similar approach, could provide an appropriate framework within which problem behaviour displayed by children who fall under the new MACR could be addressed.

32. The main concern raised by those who are opposed to increasing MACR is how we then address serious violent crimes, such as murder, when they are committed by a child. Rare, high profile murder cases involving children have been much publicised in the media and this has contributed to a culture of fear and the adoption of a tougher stance on crimes by children, meaning that many children have ended up paying a high price as a result of the actions of a tiny minority.
33. Examples such as the tragic James Bulger case have been cited as a reason not to increase MACR in Northern Ireland. This is despite the fact that, to date, we have never had a case where a child under 14 years of age has been sentenced for murder. That said, we cannot definitively say that it could never happen.
34. In considering whether MACR should be increased, it is worth taking account of the view that policy and legislation should not be based on exceptional cases. Instead, any significant changes should reflect the reality of what is happening in practice; the best interests of the child; and our statutory responsibilities and international commitments.
35. However, in acknowledgement of the above concern and to address a scenario whereby a child under the MACR committed an extremely serious offence, one option could be to introduce an exception for certain grave offences. While this option would not be endorsed by the United Nations Committee on the Rights of the Child, which stated that it was “*concerned about practises that permit the use of a lower minimum age of criminal responsibility in cases where, for example, the child is accused of committing a serious offence*”⁶, it would replicate the approach

⁶ United Nations (2019) – Committee on the Rights of the Child: General comment No. 24 (2019) on children’s rights in the child justice system - CRC/C/GC/24

adopted by the Irish Government and may help to address concerns which the public and politicians have around serious crimes.

Conclusion

36. The figures set out in the table in Annex B demonstrate that an increase in MACR to 14 years, while having a considerable impact on the lives of the individuals involved, would not have a significant impact on the overall numbers of children in contact with youth justice system.
37. The relatively low numbers of children involved has often been cited as a reason **not** to change MACR. However, the Justice Minister and all those in support of children's rights are confident that we should increase MACR because it is the right thing to do. Raising the age of criminal responsibility in law sends out a clear message that our children who offend need and deserve our support, guidance and help – not merely criminalisation and punishment.
38. Not only would increasing MACR bring Northern Ireland into line with international standards and best practice, but it would also reinforce the Department's commitment to delivering on the Youth Justice Review recommendations, the 2015 Scoping Study and the recently published Strategic Framework for Youth Justice.
39. The views of the public will be crucial in determining whether there is sufficient support to help the Department to secure an increase in MACR. A number of options have been proposed for the way forward, and we would be grateful if you could take the time to give us your views.

Table comparing the minimum age of criminal responsibility in European countries

Country	MACR	Country	MACR
Albania	14	Luxembourg	18
Andorra	12	Macedonia	14
Armenia	16	Malta	14
Austria	14	Moldova	16
Azerbaijan	16	Monaco	13
Belarus	16	Montenegro	14
Belgium	18	Netherlands	12
Bosnia & Herzegovina	14	Northern Ireland	10
Bulgaria	14	Norway	15
Croatia	14	Poland	15
Cyprus	14	Portugal	16
Czech Republic	15	Romania	14
Denmark	15	Russian Federation	14
England	10	San Marino	12
Estonia	14	Scotland	12
Finland	15	Serbia	14
France	13	Slovakia	14
Georgia	14	Slovenia	14
Germany	14	Spain	14
Greece	15	Sweden	15
Hungary	14	Switzerland	10
Iceland	15	Turkey	12
Ireland	12	Ukraine	16
Italy	14	Wales	10
Latvia	14		
Liechtenstein	14		
Lithuania	14		

Source: Child Rights International Network, (2019) Minimum Age of Criminal Responsibility in Europe, available at: <https://archive.crin.org/en/home/ages/europe.html>

Prosecutions at court and out of court disposals (for children aged between 10 and 17)

Age	Prosecution/Diversiory Disposal	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	
10	Prosecution disposed at court	5	8	3	3	2	1	5	3	3	3	6	
	Out of court Diversiory disposals	30	21	17	11	8	11	7	12	6	6	4	
	Totals	35	29	20	14	10	12	12	15	9	9	10	
11	Prosecution disposed at court	14	10	19	11	5	6	7	13	9	4	10	
	Out of court Diversiory disposals	48	39	44	29	18	22	17	28	27	22	25	
	Totals	62	49	63	40	23	28	24	41	36	26	35	
12	Prosecution disposed at court	58	39	32	53	27	21	18	18	38	28	18	
	Out of court Diversiory disposals	140	118	105	88	64	66	81	52	64	62	76	
	Totals	198	157	137	141	91	87	99	70	102	90	94	
13	Prosecution disposed at court	124	95	81	86	57	46	69	58	77	53	65	
	Out of court Diversiory disposals	279	255	196	140	149	171	121	131	125	106	124	
	Totals	403	350	277	226	206	217	190	189	202	159	189	
14	Prosecution disposed at court	246	239	230	181	166	170	206	125	130	86	111	
	Out of court Diversiory disposals	468	383	328	255	285	201	207	162	223	154	175	
	Totals	714	622	558	436	451	371	413	287	353	240	286	
15	Prosecution disposed at court	476	367	419	386	348	239	317	265	225	164	193	
	Out of court Diversiory disposals	573	540	469	407	341	294	253	244	252	193	250	
	Totals	1,049	907	888	793	689	533	570	509	477	357	443	
16	Prosecution disposed at court	754	563	586	543	514	365	392	348	316	190	299	
	Out of court Diversiory disposals	669	641	554	485	441	308	287	288	258	196	293	
	Totals	1,423	1,204	1,140	1,028	955	673	679	636	574	386	592	
17	Prosecution disposed at court	1,218	963	764	754	732	631	608	558	520	327	480	
	Out of court Diversiory disposals	662	686	541	480	452	304	279	248	278	228	253	
	Totals	1,880	1,649	1,305	1,234	1,184	935	887	806	798	555	733	
Total	Prosecution disposed at court	2,895	2,284	2,134	2,017	1,851	1,479	1,622	1,388	1,318	855	1,182	
	Out of court Diversiory disposals	2,869	2,683	2,254	1,895	1,758	1,377	1,252	1,165	1,233	967	1,200	
	Combined totals	5,764	4,967	4,388	3,912	3,609	2,856	2,874	2,553	2,551	1,822	2,382	
% Reduction in total cases from 2011 baselines:													
							Prosecutions:	48.9%	44.0%	52.1%	54.5%	70.5%	59.2%
							Diversiory:	52.0%	56.4%	59.4%	57.0%	66.3%	58.2%
							Total:	50.5%	50.1%	55.7%	55.7%	68.4%	58.7%

Notes:

- Age is in relation to age at offence date.
- Figures for prosecutions at court relate to case disposed at court whether the outcome was a conviction or not. Some may have resulted in a not guilty verdict.
- Figures for diversionary disposals include cautions, informed warnings, community based restorative justice outcomes and Youth Conference Plans.
- 2020 figures (shaded column) were significantly impacted by Covid and are not therefore fully representative.



Environmental Services Committee

2nd November 2022

Report from:

Head of Service - Environmental Health

Item for Decision

TITLE: Item 4.2 - Lisburn City Centre Seasonal Car Parking

Background and Key Issues:

1. Over the last few years the Council has offered free car parking within the Council owned off street car parks on each Saturday in December in Lisburn City Centre and Royal Hillsborough. The purpose of the initiative is to encourage increased footfall from shoppers in the run up to Christmas. The free car parking is promoted as part of the wider City Centre Christmas campaign and Light Festival promotions and has been positively received previously by both the business community and visitors and a proposal is being presented for this to happen again this year.
2. The dates for the free car parking are proposed as 3rd, 10th, 17th, 24th and 31st December 2022.
3. The impact on income to the Environmental Services budget has been factored into 2022/2023 budgets and is estimated at circa £12,500.

Recommendation:

It is recommended that Members approve to offer free car parking within the Council Off Street Car Parks in Lisburn City Centre and Royal Hillsborough on each Saturday in December 2022 and to establish this as an annual concession as part of the Council's support of local business.

Finance and Resource Implications:

If approved the loss of income for provision of free parking on 3rd, 10th, 17th, 24th and 31st December 2022 would be in the region of £12,500 and provision has been included in the 2022/2023 budget for this.

Screening and Impact Assessment**1. Equality and Good Relations**

Has an equality and good relations screening been carried out on the proposal/project/policy?

If no, please provide explanation/rationale

If yes, what was the outcome?:

Option 1

Screen out
without mitigation

Option 2

Screen out with
mitigation

Option 3

Screen in for
a full EQIA

Rationale for outcome/decision (give a brief explanation of any issues identified including mitigation and/or plans for full EQIA or further consultation)

Insert link to completed Equality and Good Relations report:

2. Rural Needs Impact Assessment:

Has consideration been
given to Rural Needs?

Has a Rural Needs Impact
Assessment (RNIA) template been
completed?

If no, please given explanation/rationale for why it was not considered necessary:

If yes, give brief summary of the key rural issues identified, any proposed actions to address or mitigate and include the link to the completed RNIA template:

SUBJECT TO PLANNING APPROVAL:

N/A

If Yes, "This is a decision of this Committee only. Members of the Planning Committee are not bound by the decision of this Committee. Members of the Planning Committee shall consider any related planning application in accordance with the applicable legislation and with an open mind, taking into account all relevant matters and leaving out irrelevant consideration".

APPENDICES:

N/A

HAS IT BEEN SUBJECT TO CALL IN TO DATE?

No

If Yes, please insert date: