



August 29th, 2024

Chairperson: Councillor P Catney

Vice-Chairperson: Councillor G Hynds

Aldermen: J Baird, O Gawith, S Skillen, J Tinsley

Councillors: S Burns, A Gowan, P Kennedy, J Lavery BEM, G McCleave, C McCready, A McIntyre, M McKeever, R McLernon, N Parker

Ex Officio:

The Right Worshipful the Mayor, Councillor K Dickson

Deputy Mayor, Councillor R Carlin

Notice Of Meeting

A meeting of the Environment and Sustainability Committee will be held on **Wednesday, 4th September 2024 at 6:00 pm** for the transaction of the undernoted Agenda.

Hot Buffet will be available in Members Suite from 5.15pm for Committee Members.

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)

📄 *Disclosure of Interests form.pdf*

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3.0 Report by the Acting Director of Environmental Services

3.1 Change of Date for January 2025 Environment & Sustainability Committee Meeting

📄 *Item 3.1 ADES Report - Change of date for Environmental & Sustainability Committee, January 2025.pdf*

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

4.1 Update Report on the Council's Progress in Relation to Sustainability, External Influences and Activities of the Climate & Sustainability Officer

📄 *Item 4.1 - Update Report on the Council's Progress in Relation to Sustainability, External Influences and Activities of the Climate & Sustainability Officer (F).pdf*

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📄 *Item 4.1 Appendix 1BC - Sustainability Update Report (F).pdf*

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4.2 Street Naming Proposal off Ballynahinch Road, Carryduff

📄 *Item 4.2 BC - Street naming proposal off Ballynahinch Road, Carryduff.pdf*

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📄 *Item 4.2 BC - Appendix 2 BC - Development Layout.pdf*

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📄 *Item 4.2 BC - Appendix 3 BC - Applicants supporting information(F).pdf*

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

5.1 Consultation on the Local Government (Cremation) Regulations (NI) 2024

📄 *Item 5.1 EH - Report - Cremation Regulations Consultation.pdf*

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📄 *Item 5.1 - Appendix 1 EH - Cremation Regulations Consultation.pdf*

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5.2 New Public Health Bill Consultation	
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5.3 Office of Product Safety & Standards (OPSS) Grant Funding for the Capacity and Capability Building Programme in Northern Ireland: Non-Food Products 2024/25	
Item 5.3 EH - Report - OPSS Grant Funding 2024-2025.pdf	Page 96
Item 5.3 - Appendix 4 EH - OPSS Grant Funding Agreement 2024-2025.pdf	Page 98
5.4 Eat Well Spend Less Initiative 2024	
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5.5 Cemeteries Rules and Regulations Update	
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5.6 Memorandum of Understanding - Epizootic Disease	
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5.7 Out-of-Hours Dog Warden Service	
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5.8 Food Control Service Plan 2024/25	
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6.0 Confidential Business

All items are confidential due to containing information relating to the financial or business affairs of any

particular person (including the Council holding that information)

6.1 Residual Waste Disposal Update

6.2 Tender for the Provision of a Haulage Service for Residual and Green Wastes from Council Household Recycling Centres

6.3 Tender for the Provision of a Service for the Recycling and Recovery of Residual and Bulky Wastes for Council Household Recycling Centres

6.4 Procurement of 4 New Replacement RCVs

6.5 2024-25 Quarter 1 Insurance Claims Reports

6.6 Houses in Multiple Occupancy - Review of Licence Scheme Charges and Proposed Increase in Licence Fee from 1 October 2024

7.0 Any Other Business

LISBURN & CASTLEREAGH CITY COUNCIL

MEMBERS DISCLOSURE OF INTERESTS

The Northern Ireland Local Government Code of Conduct for Councillors under Section 6 requires you to declare at the relevant meeting any pecuniary interest that you may have in any matter coming before any meeting of your Council. This information will be recorded in a Statutory Register. On such matters you must not speak or vote. Subject to the provisions of Sections 6.5 to 6.11 of the Code, if such a matter is to be discussed by your Council, you must withdraw from the meeting whilst that matter is being discussed

In addition you must also declare any significant private or personal non-pecuniary interest in a matter arising at a Council meeting (please see also Sections 5.2 and 5.6 and 5.8 of the Code). Subject to the provisions of Sections 6.5 to 6.11 of the Code, you must declare this interest as soon as it becomes apparent and you must withdraw from any Council (including committee or sub committee meeting) when this matter is being discussed.

In respect of each of these, please can you complete the form below as necessary.

1. Pecuniary Interest

Meeting (Council or Committee - please specify and name):

Date of Meeting: _____

Item(s) in which you must declare an interest (please specify item number from report):

Nature of Pecuniary Interest:

2. Private or Personal non Pecuniary interest

Meeting (Council or Committee - please specify and name):

Date of Meeting: _____

Item(s) in which you must declare an interest (please specify item number from report):

Nature of Private or Personal non Pecuniary Interest:

Name:
Address:

Signed:	Date:

If you have any queries please contact David Burns, Chief Executive, Lisburn & Castlereagh City Council



Committee:	Environment & Sustainability
Date:	4 th September 2024
Report from:	Director of Environmental Services (Acting)

Item for:	Decision
Subject:	Change in date for January 2025 Environment & Sustainability Meeting

1.0	<p><u>Background and Key Issues</u></p> <ol style="list-style-type: none"> The regular scheduled monthly Environmental & Sustainability meeting coincides with a Bank Holiday (New Years Day). In liaison with Member Services, it has been suggested that the January Meeting of Environmental and Sustainability Committee could be re-scheduled for Thursday 9th January 2025, commencing at 6.00pm <p><u>Key Issues</u></p> <ol style="list-style-type: none"> Within the Standing Orders the determination of date and time of Committee is for the Committee to determine. The Acting Director of Environmental Services has reviewed the schedule for the Environmental & Sustainability Committee for January, and it would appear that Thursday 9th January 2025 can be accommodated. 	
2.0	<p><u>Recommendation</u></p> <p>It is recommended that the Committee approve the change of day for the Environmental & Sustainability Committee from Wednesday 1st January 2025, to Thursday 9th January 2025, with a commencement time of 6.00pm.</p>	
3.0	<p><u>Finance and Resource Implications</u></p> <p>No additional resource implications</p>	
4.0	<p><u>Equality/Good Relations and Rural Needs Impact Assessments</u></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 <u>or</u> rationale why the screening was not carried out</p> <p>Change of day for Environmental & Sustainability Committee only.</p>	
4.3	Has a Rural Needs Impact Assessment (RNIA) been completed?	No

4.4	<p>Brief summary of the key issues identified and proposed mitigating actions <u>or</u> rationale why the screening was not carried out.</p> <p>Change of Committee day only</p>	
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Appendices:	n/a
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Committee:	Environment & Sustainability
Date:	4 th September 2024
Report from:	Head of Service – Building Control & Sustainability

Item for:	Noting
Subject:	Update Report on the Councils Progress in Relation to Sustainability, External Influences and Activities of the Climate & Sustainability Officer

1.0	<u>Background and Key Issues</u>
1.1	The purpose of this report is to provide Elected Members with an update on the Councils progress in relation to Sustainability, the external influences that affect progress and an overview of the activities of the Climate & Sustainability Officer.
1.2	Members will find the full report attached in Appendix 1 for their information and consideration.
1.3	In summary, the Council declared a Climate Emergency in September 2021 and committed to playing its part in meeting net zero targets.
1.4	The report in Appendix 1, will set out the progress to date and detail the many factors that influence the direction, the targets and also the challenges faced.
1.5	Contents include: <ul style="list-style-type: none"> • The Climate Emergency Declaration and the new role of the Climate & Sustainability Officer, • The strategic context and obligations, • New and awaited legislative targets, • Councils Strategy and Action Plan development • Energy Management • Training and Communications and • An update on latest NI GHG figures
1.6	It is important that the full context and influences on the council's current position are highlighted within the report to provide Elected Members with a full understanding of the current position, how we got here and the council's future plans, direction and influences in developing its drive towards sustainability and net zero contribution.
2.0	<u>Recommendation</u> It is recommended that Elected Members note the attached report.
3.0	<u>Finance and Resource Implications</u> None, at this time. However, the implications of new legislation, of reporting to DAERA, managing and monitoring GHG emissions etc combined with future projects to reduce

	GHG emissions as well as Adaptation will have financial impacts. These will be reported further as they become known.	
4.0	<u>Equality/Good Relations and Rural Needs Impact Assessments</u>	
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 or rationale why the screening was not carried out Update report only	
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 or rationale why the screening was not carried out. Update report only	

Appendices:	Appendix 1BC – Sustainability Update Report
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Purpose of Report:

To Provide the Environment & Sustainability Committee with an Update Report on the Councils Progress in Relation to Sustainability, External Influences and Activities of the Climate & Sustainability Officer

It is important that the full context and influences on the council's current position are captured within this report. This will provide Elected Members with a full understanding of where we are, how we got here and the council's future plans, direction and influences in developing its drive towards sustainability and net zero contribution.

REPORT SECTION (A) – BACKGROUND, EXTERNAL INFLUENCES AND REMIT.

1. Climate Emergency and Climate & Sustainability Officer (CSO)

This Council declared a Climate Emergency through a Notice of Motion in September 2021 as acknowledgement of climate change and that the Council *'resolve to play our part and do what we can to work towards the targets set by the governments of the UK and Ireland of net zero emissions..'*

This influenced the Council to agreeing the employment of a dedicated resource to progress the Councils drive towards sustainability and net zero GHG emissions.

The 'Climate & Sustainability Officer' (CSO) took up the position in May 2023 with a dual role focused on Sustainability and Energy Management.

The magnitude of the task ahead means the delivery and focus in relation to 'sustainability' is to be initially internally focussed on priorities with a drive to improve the council's credentials, position and reporting requirements and to lead by example. It is a goal thereafter that the Council to be in a position to expand our sustainability remit and to work across Departments to support residents, business and to improve our communities.

The initial purpose of the post is to be inward looking and to:

- Develop a Corporate Sustainability Strategy that all council services can apply to their individual remits. A Sustainability Strategy and Climate Action Plan is being developed to include council actions for green growth and sustainability. This will be a 'living document,' with actions developed and owned by all service units. It will require constant development as the Council matures and grows in relation to sustainability.

- Develop the Councils Climate Adaptation Plan, which will focus on the effects of climate change (flooding, heat, cold and storms etc) and how it affects our council estate, assets and functions. This will align closely with Emergency Planning. It too will be a living document requiring ongoing review and development.
- Other priorities will be in relation to the Councils response to Regulations from The Climate Change Act (NI) 2022, namely:
 - The Climate Change (Reporting Bodies) Regulations (NI) 2024
 - Developing plans to match any carbon budgets and reduction targets being developed and set by central government Departments i.e. Sectoral Plans
 - Developing our internal GHG measurement and reduction plans
- An integral part of the Climate & Sustainability Officer role, includes Energy Management, the Officer will:
 - Commission an Optimisation and Sustainable Energy Generation Feasibility Study and bring forward relevant projects for consideration
 - Develop and progress Energy/ Utility Monitoring development
 - Assist in progressing and developing any Energy Reduction Capital Programme
 - Set and report energy and water usage KPIs and reduction targets
 - Monitor and estimate energy use and costs where possible
 - Assist the Assets team with the procurement of new energy contracts and monitor contracts when in place.
 - Liaise with the Energy Managers Forum and other stakeholder groups across local and central government for best practice and to stay appraised on current or upcoming legislative requirements or technological improvement opportunities.

Each service unit has a responsibility to lead, drive and deliver their own sustainability projects. The CSO will assist, offer advice and capture the projects, benefits and outcomes within the Climate Action Plan to show the Councils improvement.

The CSO will be and is involved in all the following projects and initiatives discussed in this report.

Secondary to the above, the Officer will assist those services driving their own projects that could be more outward looking, such as grant funding and supporting officer's applications and aiding industry, where capacity allows.

2. Strategic Context for Sustainability – summary background

UK Government

Members will be aware that there is a European and UK legislative context that is the ‘umbrella’ legislation that drives our overall target of Net Zero by 2050.

- 2008 UK Climate Change Act (Amended 2019) – sets legal targets for the UK to achieve net zero by 2050.
- 2016, the UN Sustainable Development Goals came into effect.

NI Assembly

The Climate Change Act (NI) 2022 was enacted on 6th June 2022 and is the first directed Climate Change legislation specific to NI. It is discussed further in the section below.

Council

The Council has given a commitment to developing a Sustainability approach across its services. These can be referenced in documents such as:

- The 2024/2028 Corporate Plan
 - Strategic Themes of Civic Leadership and Planet Plan
 - Corporate Plan performance indicators for Sustainability Strategy and Climate Action Plan delivery.
- The 2019 – 2024 Community Plan
 - Theme 4 – Where We Live
- The Local Development Plan 2032

3. New Legislative Requirements for Northern Ireland

Members will be aware that central government has a huge influence in supporting and coordinating the NI path to Net Zero. It is tasked through legislation, with leading, directing and informing by way of setting plans, targets to be met and roadmaps on how NI will achieve the targets and play its part in the drive to net zero.

Some new legislation is now enacted that provides direction and obligations on councils however, gaps remain and implementation dates for new Regulations that Council can use as a framework informative have not yet come forward from central government. Local Councils require central government support, with DAERA as the lead Department, to assist them in developing meaningful, deliverable and coordinated Sustainability Strategies and Climate Action Plans.

This does not mean Council has stood still. Development continues on our own plans despite the lack of Regulation and guidance in some areas from central government. At the date of this report, we progress with developing our plans with our understanding of our requirements, at this time.

The Councils Sustainability Strategy is discussed further in the next section of the report.

Climate Change Act (NI) 2022 – Key Elements

The Climate Change Act (NI) 2022 was enacted on 6th June 2022 and is the first climate legislation specifically for NI (outside of wider UK/EU legislation).

It sets the context for central government to:

- Set a target of at least 100% reduction in net zero greenhouse gas emissions by 2050.
- Must by June 2024, set updated 2030 and 2040 interim emission reduction targets.
- Set carbon budgets for periods (2023-2027), (2028-2032) and (2033-2037) by end of December 2023.
- Produce sectoral plans of how each specific sector will meet the 2030, 2040 and 2050 emission reduction targets. (note sectors relate to – Energy Sector, Infrastructure, Industrial Process, Waste Management, Agriculture, Fisheries and Transport including Active Travel). All of the plans must consider ‘just transition.’
- Produce 5-year Climate Action Plans that Central Government Departments will implement to meet targets. The first CAP was due by end of 2023 but is not yet published.
- Reporting – The Climate Change (Reporting Bodies) Regulations(NI) 2024 came into operation on 3rd May 2024, that places obligations on councils.
- Establish a Just Transition Commission as well as the office of the Northern Ireland Climate Commissioner, by 6th June 2024.

The full act can be found at

<https://www.legislation.gov.uk/niu/2022/31/contents/enacted>

Whilst central government has progressed some of the commitments within the Act there are clear gaps that leave local governments lacking specific direction or guidance that they can draw from.

The main areas that will affect the councils own Sustainability Strategy and Climate Action Plan together with Councils progress to date are discussed below.

The Climate Change (Reporting Bodies) Regulations(NI) 2024

The Climate Change (Reporting Bodies) Regulations(NI) 2024 was enacted on 3rd May 2024. Its main impact on Councils as an identified public body is:

- Climate Change Adaptation
 - To assess the current and predicted climate impact on our functions
 - A statement of our proposals and policies for adapting to climate change in relation to its functions
 - Timecales and progress reports
 - To be submitted by 31st March 2026 (for period 2026 -2030)
 - And every subsequent 5-year period

- Climate Change Mitigation
 - Submission of the council's greenhouse gas emissions
 - A statement of our proposals and policies to reduce or mitigate the effects of climate change in relation to our functions
 - Timescales and progress reports
 - To be submitted by 31st October 2025
 - And every subsequent 3-year period

DAERA wrote to all Councils on 12th April indicating the introduction of the legislation and invited council representatives (LCCC has nominated 2 persons) to sit on working groups to develop the reporting mechanisms, training and guidance. To date we await further contact in relation to this engagement.

Council Officer are working towards developing plans to meet the set target dates within this legislation. The Councils Plans are discussed further below.

Climate Change Act (NI) 2022 - Sectoral Plans

The Climate Change Act (NI), Part 1(13-22), sets the legislative requirements for the production of Sectoral Plans. The sectors are detailed as Energy Sector, Infrastructure, Industrial Process, Waste Management, Agriculture, Fisheries and Transport including Active Travel.

The legislation also notes that the Sectoral Plans must consider a 'just transition.'

As yet, no Sectoral Plans have been published by central government departments and are therefore not assisting local governments in developing their own Climate Action Plans. Some contact has been made from Dfi to engage in relation to Transport decarbonisation, that we hope will provide direction in assisting the Councils own draft fleet strategy.

NI 2030 and 2040 Emission Reduction Targets and Carbon Budgets.

The Climate Change Act (NI), Part 1 and Part 2 sets the legislative requirements for Emissions Targets and Carbon Budgets.

DAERA issued public consultation on the matter in June 2023 which closed in October 2023. Council responded to that consultation and Officers engaged in the DAERA run workshops. Council Officers were vocal in relation to potential impacts on local government by way of resourcing and additional requirements. Financial support for the development and implementation of emission reducing progress was stressed as imperative as DAERA sets reduction targets and budgets.

Carbon Budgets were to be set by the end of 2023; as yet we await publication of these targets and any impacts on local government.

Emission reduction targets for 2030 and 2040 were also to be laid before the Assembly by 6th June 2024, again we await these targets and guidance.

Therefore, Council cannot wait on this central government information to inform our Sustainability Strategy as our own Plans are due by 31st October 2025.

Climate Commissioner

The Climate Change Act (NI), Part 5 sets the legislative requirements for further oversight by way of a Northern Ireland Climate Commissioner.

This Office was to be established by June 2024 but is not yet in place.

REPORT SECTION (B) – COUNCIL PROGRESS

4. Development of the Council's Sustainability Strategy & Climate Action Plan

This Council's Sustainability Strategy and Climate Action Plan is primarily focused on climate [MITIGATION](#). It is being developed to outline Lisburn & Castlereagh City Council's (LCCC) response to the Climate Emergency and intends to:

- Create an evidence base, identifying how our climate is changing and the challenges and opportunities that we face using expert scientific information including the Climate Change Committee (CCC) progress reports;
- Outline our goals and ambitions for tackling Climate Change within the organisation;
- Develop a high-level Climate Action Plan, setting out the critical actions needed to deliver our goals, enabling us to mitigate against the impact of climate change, adapt and thrive.

The focus of the strategy is built around six action areas with a goal to embed sustainability and climate action into all council decisions and operations. The Strategy and Action Plan will focus on the functions and operations within the remit of the council with an ambition to reduce the council's climate impact.

Energy is one of the action areas and the plan is to review the energy we use currently, the emissions produced from its use and the types of energy we will use in the future.

The Sustainability Strategy and Climate Action Plan is currently in draft form and will consider outcomes from the ongoing Feasibility Study as well as any impending central government legislation (that comes forward) with regard to carbon budgets.

This will provide information and direction to inform the final Strategy and Action Plans within it.

Energy Reduction Feasibility Study (to inform the Strategy)

As part of the information gathering process, the Council has commissioned a consultant to carry out a feasibility study of the four highest utility use/cost buildings.

This study, will provide:

- A global carbon baseline for council (for year 2022/2023);
- A detailed carbon baseline for four of the facilities with the highest energy consumption. They are Lagan Valley Island, Lagan Valley LeisurePlex, Lough Moss Leisure Centre and Central Services Depot. (DIIB excluded as being redeveloped),
- An evaluation of the findings of a previous '2016 consultant led asset energy audit' to assess the current viability of proposals as available technologies have improved:
- Optimisation of current systems in place across the four facilities with the highest energy consumption and recommendations for improvements;
- A report detailing appropriate new or upgraded low and zero carbon technologies, pay back periods, possible carbon reductions and priority.

There are further proposals to progress with future feasibility studies that review our use of the closed landfill sites and the remaining estate.

Sustainability Strategy and CAP Development Timeline

As previously indicated in this report the Councils plans and policies (Sustainability Strategy and Climate Action Plan), is required to be submitted to central government by 31st October 2025.

It should be noted that this Strategy and especially the Climate Action Plan is a working document subject to continual review and update as both Council and central government progress, for example bringing forward Sectoral Plans, Budgets and Targets that may affect the Council position.

The outline timeline noted below will present a challenge; however we are currently aiming for a completed initial draft Strategy and Climate Action Plan around the end of this calendar year, which will then come before Elected Members for consideration and for consultation.

Proposed Timeline Dates

- Consultant's feasibility report to be completed by end September
- Officer and CMT consideration of feasibility report in October 2024
- Final draft Sustainability Strategy and CAP including outcomes of feasibility report in November 2024
- Update report to Elected Members in December
- Sustainability Strategy community consultation to be issued December/ January 25 for 6 week period.

- Committee and Council approval for Sustainability Strategy and Climate Action Plan in March 2025
- Submission of Sustainability Strategy and Climate Action Plan to central government by 31st October 2025.

Concurrent and ongoing projects

In conjunction with the council's draft fleet strategy the sustainability team will provide support to consider the future of the council's fleet, alternative fuels, new technologies and infrastructure required for any changes to the fleet to meet future legislative requirements.

Central Government Coordination, Guidance and Support

Earlier sections of this report highlight the legislative context and the absolutely essential role that central government has in coordinating a joined-up approach across NI in both setting targets and meeting those targets. The report then highlights central government is yet to meet legislative targets which means the local government councils are lacking that guidance and direction.

This has resulted in local councils developing, in isolation, their own Sustainability Strategies based on their interpretation of local and wider legislative requirements and GHG reduction. The result of which is a set of disparate targets set by some councils that may not be based on an informed position, may not be equitable and may not be deliverable.

It is essential that LCCC understands its baseline GHG emissions, it understands and accepts a fair and equitable target for reduction of GHG emissions and then provides a roadmap and action plan to achieving this. This is difficult to manage without central government guidance and coordination.

It is essential that local government receives central government support in both legislation, funding, resourcing, guidance and support to allow us to deliver on our fair and just contribution to reaching net zero and set targets.

5. Sustainability Policy and Screening Tool

Council Officers continue to develop a draft Sustainability Policy and project Screening Tool that remains in draft awaiting further development after the launch of the Sustainability Strategy.

It is anticipated that, when fully developed, the Sustainability Screening Tool will be used to ensure that sustainability has been adequately considered in the decision-making process for all Council policies and projects.

6. Climate Adaptation and Action Plan

The Council's Climate Adaptation and Action Plan is primarily focused on ADAPTING to Climate Change. This involves identifying, planning and taking actions that helps reduce vulnerability to the current or expected impacts of climate change.

As previously indicated in this report the Council's plans and policies (Adaptation Plan), is required to be submitted to central government by 31st March 2026.

Officers are working towards having an initial draft Plan ready for around the end of this calendar year.

7. Energy Management

This role continues to develop however, the primary function is to be the lead in monitoring energy use and exploring opportunities to target and reduce energy consumption and to drive down annual consumption, costs and the interrelated GHG emissions. The role is diverse and will support the Council in its future energy management provision on the LCCC journey to net zero.

New data collection methodologies will be required to be developed, including the format of such, so that we can easily (year on year) map our energy use but also map our carbon footprint to establish year on year fluctuations. This will also help inform our partners and targets for GHG reduction on our estate. Additional to monitoring and targeting energy use will be forward projection of energy costs to inform our annual estimates process.

It is envisaged that this duty will involve the Climate & Sustainability Officer bringing recommendations forward, with supporting evidence as to how we can better monitor, target and reduce energy use leading to a reduction in costs and in GHG emissions.

Work to allow the council to be in a better-informed position and to understand our current M&E systems, utility use and potential savings has already commenced through the commissioning of the 'Feasibility Study.'

One of the purposes of the feasibility study is to be informed of how the council can optimise its current mechanical systems within the main buildings and recommendations for how renewables could be employed as well as reviewing the potential for Building Management Systems to be employed or upgraded.

The desired outcome is to recommend and improve targeting and monitoring whilst creating a workplan or energy reduction plan to reduce energy consumption, costs and GHG emissions.

Internal Energy Management Audit – May 2024

A recent internal energy audit was conducted by the Councils audit team with considerable input from Officers. The internal advisory audit highlights the key aspects of Energy Management to be:

- **Efficiency Measures:** Implementing measures to reduce energy consumption, such as upgrading equipment to more energy-efficient models, improving insulation, optimising processes, and adopting energy-saving practices;
- **Monitoring and Control Systems:** Installing energy monitoring and control systems to track energy usage in real-time, identify anomalies, and optimise energy use based on demand and occupancy patterns;
- **Employee Engagement and Training:** Educating employees about energy conservation practices and encouraging their participation in energy-saving initiatives to foster a culture of energy efficiency within the organisation;
- **Regulatory Compliance:** Ensuring compliance with energy-related regulations and standards, as well as seeking out opportunities for incentives and rebates for implementing energy-efficient measures;
- **Continuous Improvement:** Regularly reviewing and updating energy management strategies to adapt to changing energy needs, technological advancements, and regulatory requirements

In response to the findings of the energy audit the Climate & Sustainability Officer has begun planning to take forward the recommendations that include:

- a programme of employee engagement and training alongside developing wider sustainability training
- continued support for the progression of feasibility projects to establish an evidential basis for Council's contribution to Net Zero
- Officer cross departmental working group 'champions' to be meet regularly to discuss, share energy management initiatives and to be the catalyst within each Department in a drive to reduce energy use.

8. Ongoing Council Initiatives and Policies that Promote Sustainability and Reduced Energy Use and Emissions

Elected Members will note that one of the purposes of the Councils developing Climate Action Plan is to capture all of the climate and sustainability initiatives being carried out across all the Directorates and Services.

Whilst the Climate & Sustainability Officer plays a role, each Service unit is responsible for delivering the projects within their function or remit.

Examples of ongoing Corporate and service unit initiatives and policies that have a sustainability role are:

- Community Plan
- Open Space (Green) Strategy
- Local Biodiversity Action Plan
- Tree & woodland Strategy
- Internal Waste Policy
- Performance Improvement Plan
- Corporate Plan
- Local Development Plan
- Draft Air Quality Plan
- Draft Fleet Strategy

These policies are in conjunction with ongoing routine maintenance of the estate such as upgrading and replacement of lighting with LED and PIR sensors where possible, ongoing review of plant with end of life potential and installation of EV charging points at LVI car parks.

The ongoing work to develop the Councils Climate Action Plan will endeavour to collate the full extent of Council actions in respect of Sustainability.

In addition, Council Officers are routinely contacted by commercial organisations expressing a wish to work with us and to develop renewable/ low emission energy generation.

These take considerable time and resource to 'screen' and to consider as potential viable options before entering into a feasibility discussion.

9. Training & Communications Plan

The Climate and Sustainability Officer is working with the Councils Corporate Communications unit to develop a communications plan aimed at providing information to residents and staff about climate and sustainability issues. The Plan will develop a timeline for communications to include social media posts and promotion of sustainability issues. It is envisaged that over time there will be more frequent sustainability communications promoted by Council.

The Climate and Sustainability Officer is also developing materials to educate staff about climate, sustainability and energy reduction which will be used to create a new staff learning module.

10. Latest Position – Northern Ireland GHG Statistics

DAERA, on 18th June 2024, released the latest statistics bulletin for NI on greenhouse gas emissions for period 1990 – 2022. This will provide Members with a quick overview of the wider NI progress.

The key points are:

- In 2022, Northern Ireland's net greenhouse gas emissions were estimated to be 21.3 million tonnes of carbon dioxide equivalent (MtCO₂e). This net figure is a result of an estimated 23.2 MtCO₂e total emissions, offset by 1.9 MtCO₂e of emissions removed through sequestration.
- The net figure of 21.3 MtCO₂e, in 2022, represents a decrease of 3.0% compared with 2021. The longer-term trend showed a decrease of 26.4% compared with emissions in 1990.
- In 2022, Agriculture was the largest emitting sector, responsible for 29.1% of emissions. Domestic transport contributed 18.1% to overall emissions, whilst the Buildings and product uses and Electricity supply sectors contributed 15.3% and 14.0%, respectively.
- Between 2021 and 2022 all sectors, with the exception of Domestic transport, showed a decrease in emissions. The largest decreases in terms of tonnes of carbon dioxide equivalent were in the Buildings and product uses (0.4 MtCO₂e), Agriculture (0.1 MtCO₂e) and Electricity Supply (0.1 MtCO₂e) sectors.
- In 2022, Northern Ireland contributed 5.3% of all UK greenhouse gas emissions, which stood at 406.2 MtCO₂e. In the UK there has been a 50.2% reduction in emissions between 1990 and 2022. During the same period, the reduction in emissions in Northern Ireland was 26.4%, compared to 52.6% in England, 51.2% in Scotland and 36.4% in Wales.

Whilst the overall trend for Northern Ireland is a 26.4% reduction on 1990 levels, there is considerable work and investment required to reduce this further to meet the Climate Change Act target of 48% lower than 1990 levels.

Local government requires central government support in both legislation, funding, resourcing, guidance and support to allow us to deliver on our fair and just contribution.

The full DAERA reports can be found at:

<https://www.daera-ni.gov.uk/news/northern-ireland-greenhouse-gas-statistics-1990-2022-released>

<https://www.daerani.gov.uk/sites/default/files/publications/daera/NI%20Greenhouse%20Gas%20Statistics%201990-2022%20-%20Report.pdf>

11. Summary Position

The Councils Sustainability Officer (CSO) continues to work across a wide spectrum of projects that are cross departmental in nature. The developing strategies are heavily influenced by central government who have set tight timeframes for public body reporting but have been lacking in delivering full guidance, training and engagement with local councils.

The CSO will however prioritise the above workstreams to endeavour to deliver on our commitments and agree the Councils position to play our part in delivering net zero.

The current priority focus is on developing the Councils Sustainability Strategy and Climate Action Plan for submission to DAERA by October 2025.

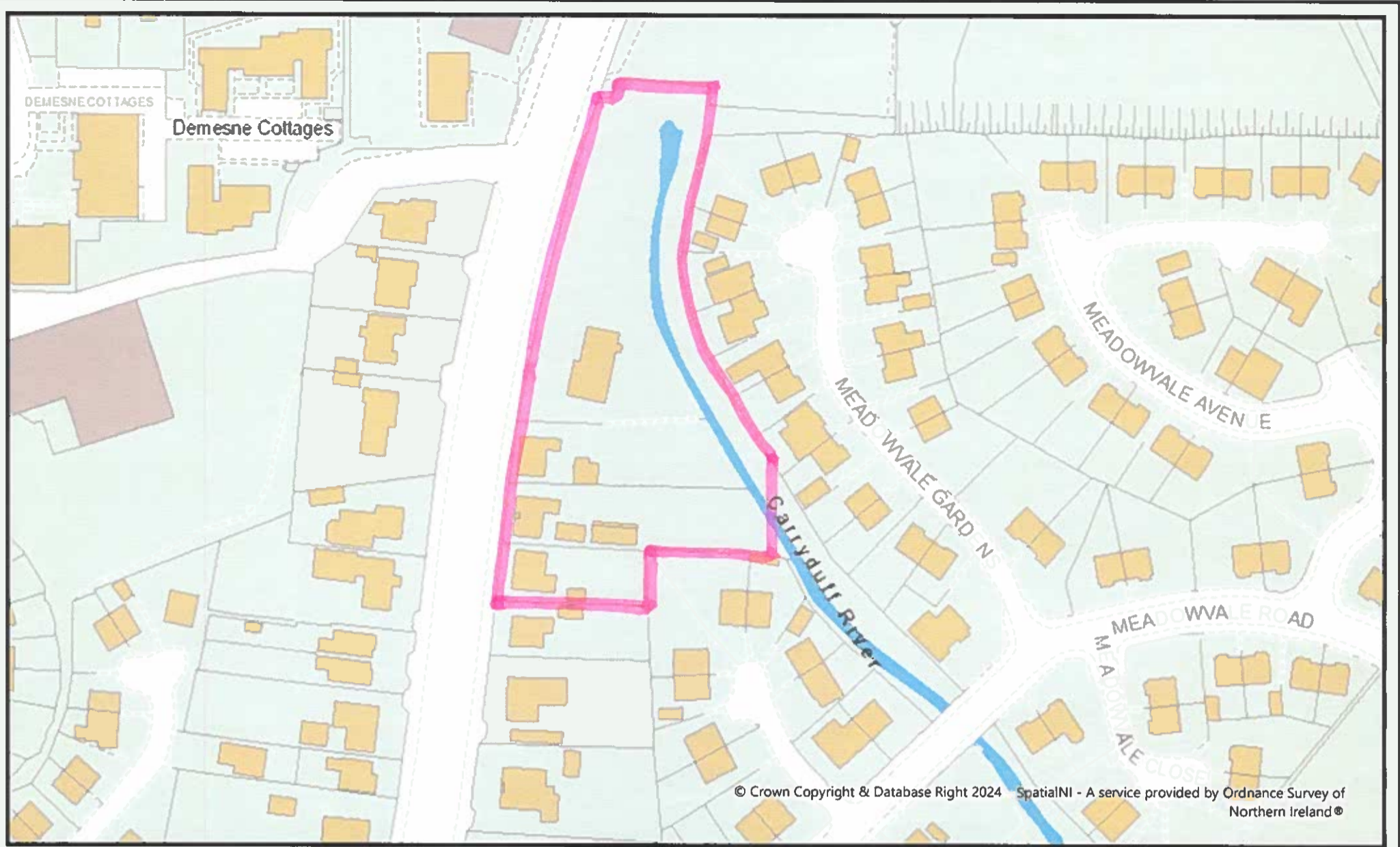
Committee:	Environmental Services Committee
Date:	4th September 2024
Report from:	Head of Service -Building Control and Sustainability

Item for:	Decision
Subject:	Street Naming Proposal off the Ballynahinch Road, Carryduff.

1.0	<u>Background and Key Issues</u>
1.1	Mark Emerson, Director of Oakridge Developments (NI) Ltd, Ballyknockan Road, Newtownards, BT23 6NR has proposed a development of 10 dwellings and 9 apartments off the Ballynahinch Road, Carryduff.
1.2	The proposal for the street name is: <ul style="list-style-type: none"> • EMERSON CLOSE (1st Preference) • CAMPBELL COURT (2nd Preference)
1.3	The development layout is attached in Appendix 2 BC for Members information. The request partially meets with the requirements of the Councils Street Naming Policy in that the name proposal reflects a historic reference to the Emerson family who were responsible for several notable building developments in the area.
1.4	Information supplied by the applicant in support of the naming application is attached in Appendix 3 BC .
1.5	Item 3.3 of the Councils Street Naming Policy identifies that family names or the names of owners or former owners of land should not be considered for inclusion in the street naming however, the family name in this instance is responsible for building developments in the vicinity and can be linked with the historic development of the area.
1.6	The Building Control and Sustainability Service received no objections to the proposed names from the Elected Members of the relevant District Electoral Area and no objection to either preference name was received from the Royal Mail Address Management Team.
2.0	<u>Recommendation</u> It is recommended that Members consider the proposed street name Emerson Close for approval, for this development of 10 dwellings and 9 apartments off the Ballynahinch Road, Carryduff.
3.0	<u>Finance and Resource Implications</u> Revenue budget has been provided with the 2024-25 estimates for Street Nameplates

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

Appendices:	Appendix 2BC – Development Layout Appendix 3BC – Applicants supporting information
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Spatial NI



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

Street naming at Ballynahinch Road, Carryduff

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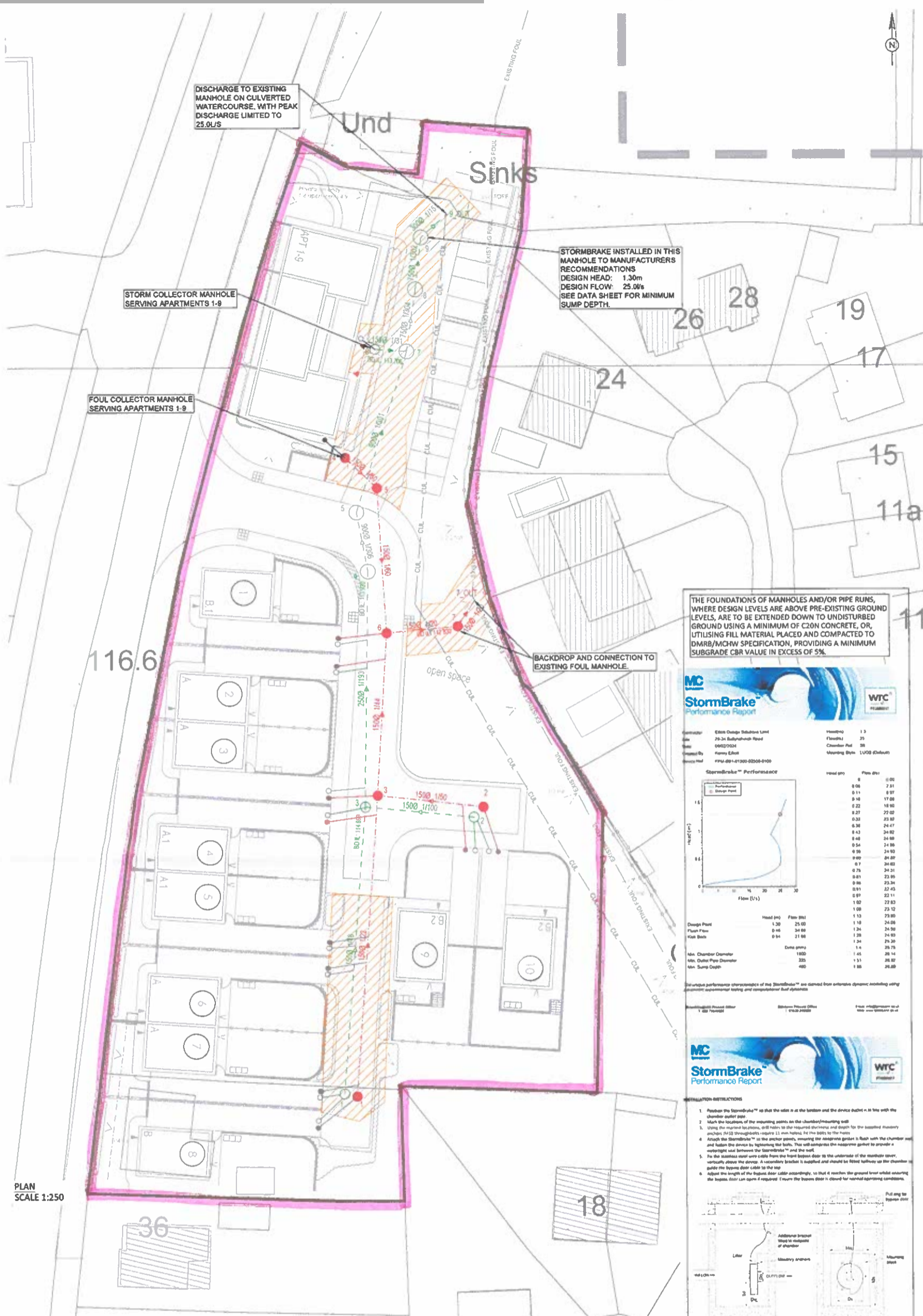
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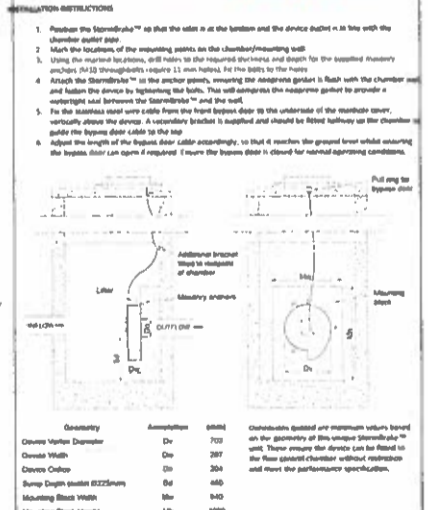
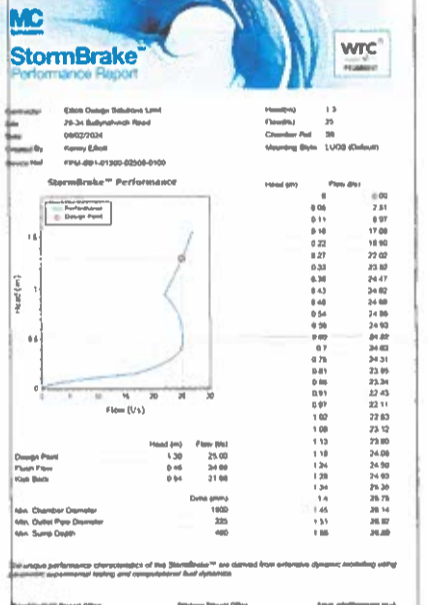
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- NOTES**
- THIS DRAWING IS TO BE READ IN CONJUNCTION WITH ALL RELEVANT ARCHITECTS & ENGINEERS DRAWINGS & SPECIFICATIONS.
 - DO NOT SCALE FROM THIS DRAWING.
 - ALL LEVELS TO ORDNANCE DATUM.
 - ALL DIMENSIONS ARE IN METRES UNLESS NOTED OTHERWISE.
- SPECIFIC NOTES**
- ALL PRIVATE DRAINAGE WORKS TO BE CONSTRUCTED IN ACCORDANCE WITH BS EN 752:2008.
 - ALL ADOPTABLE DRAINAGE TO BE CONSTRUCTED AS PER SEWERS FOR ADOPTION III 1ST EDITION.
 - ANY BELOW GROUND SURFACE WATER DRAINAGE FROM RAIN WATER PIPES AND GULLIES TO BE LAID TO A MINIMUM GRADIENT OF 1:80 UNLESS NOTED OTHERWISE.
 - ALL BELOW GROUND FOUL DRAINAGE FROM THE BUILDING FOOTPRINT TO BE 1000 LAD AT A GRADIENT OF 1:80 UNLESS OTHERWISE NOTED.
 - ALL MAIN LINE STORM DRAINAGE TO HAVE MAXIMUM GRADIENT OF 1:80. ALL MAIN LINE FOUL DRAINAGE TO HAVE A MAXIMUM GRADIENT OF 1:80.
 - THE CLEAR OPENING OF THE COVER SLAB AND THE COVER LID IS TO BE 675MM x 675MM.
 - DOUBLE STEP ENCAPSULATED STEP IRONS TO PROTRUDE 100MM MIN. INTO 675x675MM CLEAR OPENING.
 - DEPTH FROM MANHOLE COVER LEVEL TO FIRST STEP IRON TO BE NO MORE THAN 675MM.
 - A LADDER IS TO BE INSTALLED IN LIEU OF STEP IRONS IN ANY MANHOLE EXCEEDING 3.0M IN DEPTH.
 - ANY PIPE THAT EXCEEDS 600MM IN DIAMETER IS TO HAVE RECESSED STEPS FROM THE TOP OF THE BENCHING TO THE INVERT LEVEL / BASE OF THE MANHOLE.
 - ANY MANHOLE THAT EXCEEDS 600MM IN DIAMETER IS TO HAVE GALVANISED SAFETY CHAINS FITTED PLACED ACROSS THE DOWNSTREAM PIPE OPENINGS BETWEEN 2 O'CLOCK AND 10 O'CLOCK.
 - ANY COVER LEVELS INDICATED ON THE DRAWING ARE NOMINAL AND MAY BE ADJUSTED TO SUIT FINISHED GROUND LEVELS AS NECESSARY.
 - ALL MANHOLES LOCATED IN GRASS/LANDSCAPED AREAS WILL REQUIRE A 150MM WIDE X 100MM DEEP CONCRETE SURROUND TO BE INSTALLED AROUND THEIR COVER.
 - ALL MANHOLES IN TRAFFICKED AREAS TO HAVE MINIMUM D400 LOAD CLASS.
 - MANHOLE INVERT LEVELS RELATE TO OUTGOING MAIN PIPE, WHERE INCOMING PIPES ARE OF A SMALLER DIAMETER TO OUTGOING PIPE THEY ARE TO BE POSITIONED WITH PIPE SOFFIT LEVELS UNLESS SHOWN OTHERWISE.
 - PIPE LENGTHS ARE FROM CENTER TO CENTER OF DOWNSTREAM AND UPSTREAM MANHOLE.
 - ALL PIPES WILL BE LAID IN CLASS 5 BEDDING EXCEPT WHERE DEPTH OF COVER TO TOP OF THE SEWER IS LESS THAN 0.9m IN NON TRAFFICKED AREA AND 1.2m IN TRAFFICKED AREA, THEN CLASS 2 BEDDING (CONCRETE SURROUND) SHALL BE REQUIRED.
 - THE CONTRACTOR SHALL BE RESPONSIBLE FOR LOCATING, PROTECTING AND REINSTATING ALL UTILITY SERVICES AND MAINS.
 - ANY EXISTING DRAINAGE INFORMATION IS SHOWN INDICATIVELY, WHERE CONNECTING TO EXISTING DRAINAGE NETWORKS THE CONTRACTOR IS TO PROVIDE ALL INVERT LEVELS OF EXISTING MANHOLES PRIOR TO CONSTRUCTION AND REPORT ANY DISCREPANCIES TO THE ENGINEER.
 - THE LOCATION, DEPTH AND NATURE OF ALL EXISTING APPARATUS SHALL BE PROVEN PRIOR TO COMMENCING ANY WORKS. WHERE A CONFLICT EXISTS BETWEEN THE LOCATION OF PERMANENT DRAINAGE AND OTHER UNDERGROUND APPARATUS, THE SITE SUPERVISION PERSONNEL SHALL BE INFORMED IMMEDIATELY.
 - EXISTING ON SITE DRAINAGE TO BE RETAINED DURING CONSTRUCTION UNLESS NOTED OTHERWISE.
 - EXISTING FLOWS ARE TO BE MAINTAINED AT ALL TIMES.
 - ANY DRAINAGE TO BE ABANDONED IS SUBJECT TO CONFIRMATION THAT ALL CONNECTIONS WILL BE REDUNDANT AFTER CONSTRUCTION. ALL ABANDONED DRAINAGE IS TO BE GRUBBED OUT / GROUTED UP ONCE FLOWS ARE TRANSFERRED.
 - EXISTING MANHOLE COVERS TO BE RAISED/REDUCED TO PROPOSED FINISHED LEVEL.
 - ALL GULLIES TO BE LOCATED IN LOW POINTS BASED ON EXTERNAL LEVELS OF THE LATEST LANDSCAPE LAYOUTS.
 - THE FOUNDATIONS OF MANHOLES AND/OR PIPE RUNS, WHERE DESIGN LEVELS ARE ABOVE PRE-EXISTING GROUND LEVELS, ARE TO BE EXTENDED DOWN TO UNDISTURBED GROUND USING A MINIMUM OF C20N CONCRETE, OR UTILISING FILL MATERIAL PLACED AND COMPACTED TO DMRB/MCHW SPECIFICATION, PROVIDING A MINIMUM SUBGRADE CBR VALUE IN EXCESS OF 5%.

THE FOUNDATIONS OF MANHOLES AND/OR PIPE RUNS, WHERE DESIGN LEVELS ARE ABOVE PRE-EXISTING GROUND LEVELS, ARE TO BE EXTENDED DOWN TO UNDISTURBED GROUND USING A MINIMUM OF C20N CONCRETE, OR UTILISING FILL MATERIAL PLACED AND COMPACTED TO DMRB/MCHW SPECIFICATION, PROVIDING A MINIMUM SUBGRADE CBR VALUE IN EXCESS OF 5%.



- LEGEND**
- NEW STORM DRAIN
 - NEW RIVERS AGENCY CULVERT
 - NEW FOUL/COMBINED SEWER
 - NEW ROAD GULLY
 - NEW STORM INDIVIDUAL CONNECTION
 - NEW FOUL INDIVIDUAL CONNECTION
 - NEW SURFACE ACO
 - NEW TREATMENT FACILITY
 - EXISTING MANHOLE
 - EXISTING STORM SEWER
 - EXISTING FOUL SEWER
 - SEWERS TO BE ABANDONED
 - EXISTING CULVERT
 - EXISTING RIVER
 - NI WATER WAY/LEAVE

DRAWING STATUS

Task	Date	Description	By
PRELIMINARY			
PLANNING			
TENDER			
CONSTRUCTION ISSUE			
AS BUILT			
C	09/05/24	MINOR AMENDMENT TO LEVELS	KE
B	15/04/24	AMENDED DRAINAGE DESIGN	KE
A	12/03/24	DRAINAGE DESIGN UPDATED FOR A161	KE

Manhole Schedule Storm

Node	Existing (m)	Northing (m)	CL (m)	Depth (m)	Di (mm)	Node MH Type	Connections	Link	IL (m)	Di (mm)
S1	336890.341	364711.562	116.773	1.350	1200	Manhole Adoptable	0	S1.000	115.423	150
S2	336706.194	364745.249	115.671	1.571	1200	Manhole Adoptable	0	S2.000	114.300	150
S3	336893.020	364746.506	116.374	2.306	1200	Manhole Adoptable	0	S3.000	114.690	150
S4	336893.550	364775.067	116.067	3.562	1800	Manhole Adoptable	0	S4.001	114.068	250
S5	336893.550	364775.067	116.067	3.562	1800	Manhole Adoptable	0	S5.001	113.920	250
S6	336892.206	364772.314	116.096	3.560	1800	Manhole Adoptable	0	S6.002	112.478	300
S7	336894.530	364802.144	115.188	1.355	1200	Manhole Adoptable	0	S7.003	112.478	300
S8	336898.369	364801.622	115.056	2.648	1800	Manhole Adoptable	0	S8.000	113.833	150
S9	336898.369	364801.622	115.056	2.648	1800	Manhole Adoptable	0	S9.003	117.408	900
S10	336899.451	364809.361	114.867	2.314	1800	Manhole Adoptable	0	S10.004	112.408	750
S11	336899.451	364809.361	114.867	2.314	1800	Manhole Adoptable	0	S11.004	112.383	750
S12	336700.173	364815.958	114.403	2.041	1800	Manhole Adoptable	0	S12.005	112.362	750
S13	336700.173	364815.958	114.403	2.041	1800	Manhole Adoptable	0	S13.005	112.362	750
S14	336700.323	364816.479	114.188			Existing	0	S14.005	112.362	300
S15	336700.323	364816.479	114.188			Existing	0	S15.008	112.334	300

Manhole Schedule Foul - Main

Node	Existing (m)	Northing (m)	CL (m)	Depth (m)	Di (mm)	Node MH Type	Connections	Link	IL (m)	Di (mm)
F1	336891.848	364711.253	116.736	1.350	1200	Manhole Adoptable	0	F1.000	115.386	150
F2	336707.346	364746.442	115.779	1.507	1200	Manhole Adoptable	0	F2.000	114.200	150
F3	336894.691	364741.846	116.200	2.542	1200	Manhole Adoptable	0	F3.000	113.942	150
F4	336894.691	364741.846	116.200	2.542	1200	Manhole Adoptable	0	F4.000	113.718	150
F5	336890.632	364786.962	115.200	1.650	1200	Manhole Adoptable	0	F5.001	113.850	150
F6	336894.673	364785.287	115.888	2.327	1200	Manhole Adoptable	0	F6.000	113.561	150
F7	336895.739	364787.625	115.980	2.894	1200	Manhole Adoptable	0	F7.001	113.286	150
F8	336895.739	364787.625	115.980	2.894	1200	Manhole Adoptable	0	F8.001	113.286	150
F9	336704.363	364786.416	114.000	3.080	1200	Manhole Adoptable	0	F9.002	113.833	150
F10	336704.363	364786.416	114.000	3.080	1200	Manhole Adoptable	0	F10.002	113.833	150
F11	336700.408	364771.641	113.726			Existing	0	F11.003	111.800	150
F12	336700.408	364771.641	113.726			Existing	0	F12.003	111.413	150

LIBURN & CASTLEREAGH CITY COUNCIL RECEIVED 14 MAY 2024 REF: FP / 2024 / 1028

Elliott Design Solutions

Project Title: 28-34 BALLYNAHINCH ROAD, CARRYDUFF

Drawing Title: PROPOSED DRAINAGE LAYOUT

Client: OAKRIDGE DEVELOPMENTS NI LIMITED

Scale	Drawing Number	Drawn	Date
1:250@A1	P0004/D010c	KE	08/02/24
Original Size	Checked	Date	
A1	KE	08/02/24	

To: Paul McAteer <Paul.McAteer@lisburncastlereagh.gov.uk>

Subject: FW: Street name proposals

For the attention of the Building Control Officer: Street Naming & Numbering

Some supporting information as discussed for the naming of a new street at Ballynahinch Road, Carryduff:

Campbell Emerson constructed Town & Country shopping Centre in the early 1970s, this created a number of small independent retail services and shops that served the local community for decades.

He then went on to found Hollygate Lodge Residential Care Home that has been providing care and employment to the local community since 1984, it is still going strong today.

In the mid-1980s he constructed Emerson House which created the opportunity for restaurants, retailers and retail services to thrive in Carryduff. It is still here today and is still an integral part of the community.

Campbell built his own house in early 1970s on the site of the current residential development and lived there for 50 years.

Campbell Emerson was highly respected in the community of Carryduff, both as an employer and a member of the community.

All of the projects he was involved in have had longing standing positive impacts on Carryduff.

If you need anything else just let me know.

Many thanks,

Mark



[Oakridge Developments](#)

From: Paul McAteer <Paul.McAteer@lisburncastlereagh.gov.uk>
Sent: Thursday, August 1, 2024 11:42 AM
To: Mark Emerson (Oakridge) <me@oakridgedevelopments.co.uk>
Subject: Street name proposals

Good morning Mark,

Further to our recent communications & discussions, could you please send me some historic data to confirm the impact that your grandfather has made to the area.

This is necessary to allow me to attach as appendices to the Committee report to Councillors before the September Committee.

If you need additional explanation to this please give me a call

Best regards,
Paul



Paul McAteer
Business Improvement Manager
Building Control & Sustainability
Tel: 02892 447361
Mobile Number: 07803214001

Lisburn & Castlereagh City Council
Civic Headquarters, Lagan Valley Island, Lisburn BT27 4RL
www.lisburncastlereagh.gov.uk

 [/lisburncastlereagh](https://www.facebook.com/lisburncastlereagh)  [/lisburnccc](https://twitter.com/lisburnccc)

Committee:	Environment & Sustainability
Date:	4th September 2024
Report from:	Head of Service (Acting) - Environmental Health, Risk and Emergency Planning

Item for:	Decision
Subject:	Consultation on the Local Government (Cremation) Regulations (NI) 2024

1.0	<p><u>Background and Key Issues</u></p> <ol style="list-style-type: none"> 1. The Environmental Health, Risk and Emergency Planning Service Unit has received a Consultation from The Department for Communities seeking views about the regulation of cremations conducted in crematoria, operated and maintained by Councils. The Consultation period will end on 30th September 2024. 2. For the majority of time cremation has been available in Northern Ireland, it has been carried out at the City of Belfast Crematorium, located within the grounds of Roselawn Cemetery. The legislation under which this crematorium operates was originally the Cremation Act 1902. This Act did not generally apply to Northern Ireland but was applied by the Belfast Corporation (General Powers) Act 1948. This permitted Belfast City Council to be treated as a burial authority under that Act and therefore establish a crematorium. Cremations at the crematorium are currently regulated by the Cremation (Belfast) Regulations (Northern Ireland) 1961 (the 1961 Regulations). 3. Whilst the 1961 Regulations regulate the provision of cremations carried out by Belfast City Council, they do not apply to crematoria provided and maintained by other councils and are urgently in need of being updated and to apply a common regulatory system to all council crematoria and remove this anomaly. 4. The proposed draft Regulations will apply to all council provided crematoria where councils have decided, or decide in the future, to provide this service in their area. 5. Attached as Appendix 1 EH is The Local Government (Cremation) Regulations (Northern Ireland) 2024 Consultation document and Appendix 2 EH is the Council's draft response to the questions posed in that Consultation for Members' consideration.
2.0	<p><u>Recommendation</u></p> <p>It is recommended that Members approve the response to the Department of Communities Consultation in relation to the Local Government (Cremation) Regulations (Northern Ireland) 2024 to be submitted on behalf of the Council prior to the closing date of 30th September 2024.</p>
3.0	<p><u>Finance and Resource Implications</u></p> <p>None</p>

4.0	<u>Equality/Good Relations and Rural Needs Impact Assessments</u>	
4.1	Has an equality and good relations screening been carried out?	Yes
4.2	Brief summary of the key issues identified and proposed mitigating actions or rationale why the screening was not carried out The Department for Communities state that the proposed legislation does not adversely impact on any of the Section 75 groups.	
4.3	Has a Rural Needs Impact Assessment (RNIA) been completed?	Yes

4.4	Brief summary of the key issues identified and proposed mitigating actions or rationale why the screening was not carried out. The Department for Communities states that the proposed legislation does not impact on small or medium sized enterprises and therefore, no Regulatory Impact Assessment has been conducted and no rural needs issues have been identified.	
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Appendices:	Appendix 1 EH -	Local Government (Cremation) Regulations (Northern Ireland) 2024 Consultation Document
	Appendix 2 EH -	Draft response to the Local Government (Cremation) Regulations (Northern Ireland) 2024 Consultation



Department for
Communities

An Roinn
Pobal

Depairtment fur
Commonities

www.communities-ni.gov.uk

The Local Government (Cremation) Regulations (Northern Ireland) 2024 Consultation Document

Scope of Consultation	
Topic of this consultation:	This consultation seeks views about the regulation of cremations, conducted in crematoria operated and maintained by councils.
Scope of this consultation:	We are keen to hear the views of all parties with an interest in this issue, so that relevant views and evidence can be taken into account in deciding the way forward.
Geographical scope:	This consultation relates to Northern Ireland only.
Impact Assessments:	<p>When introducing new measures or a new or amended strategy, policy, procedure, or legislation, the Department is required to consider the impact the proposals may have on Section 75 groups and to have due regard to rural needs.</p> <p>Where regulation is being proposed, a Regulatory Impact Assessment is also required.</p> <p>This consultation is seeking views on the regulation of cremations and does not adversely impact on any of the Section 75 groups and no rural needs issues have been identified.</p> <p>The proposed legislation does not impact on small or medium sized enterprises and therefore no Regulatory Impact Assessment has been conducted.</p>

Basic Information	
Body/bodies responsible for the consultation:	This consultation is being undertaken by Local Government and Housing Regulation Division in the Department for Communities..
Duration:	This consultation commenced on 24 June 2024 and will end on 30 September 2024.
Enquiries:	<p>For any enquiries about the consultation please email the Department at:</p> <p>cremationconsultation@communities-ni.gov.uk</p> <p>or write to:</p> <p>Local Government Cremation Regulations Department for Communities Local Government and Housing Regulation Division, Level 4, Causeway Exchange 1-7 Bedford Street Belfast, BT2 7EG</p> <p>or telephone: 028 9082 3355</p>

How to Respond	
Email:	<p>You can reply by email to:</p> <p>cremationconsultation@communities-ni.go.uk</p> <p>or by post to:</p> <p>Local Government Cremation Regulations Department for Communities Local Government and Housing Regulation Division, Level 4 Causeway Exchange 1-7 Bedford Street Belfast, BT2 7EG</p> <p>When you reply, it would be very useful if you could confirm whether you are replying as an individual or submitting an official response on behalf of an organisation.</p> <p>If you are replying on behalf of an organisation please include:</p> <ul style="list-style-type: none"> • Your name • Your position (if applicable) • The name of your organisation • An address (including postcode) • An email address
Consultation Response:	<p>We will consider the responses received and publish an outcome report on the Departmental website. In line with good practice and sustainable development this document has been published electronically.</p>
Accessibility:	<p>A range of alternative formats are available upon request from this Department. Please email the Department at:</p> <p>cremationconsultation@communities-ni.go.uk</p> <p>or write to:</p> <p>Local Government Cremation Regulations Department for Communities Local Government and Housing Regulation Division, Level 4, Causeway Exchange 1-7 Bedford Street, Belfast, BT2 7EG</p> <p>or telephone: 028 9082 3355</p>

How we Consult	
Consultation Principles:	This consultation is being conducted in line with the Fresh Start Agreement – (Appendix F6 – Eight steps to Good Practice in Public Consultation – Engagement). These eight steps give clear guidance to Northern Ireland departments on conducting consultations.
Feedback on the consultation process:	<p>We value your feedback on how well we consult.</p> <p>If you have any comments about the consultation process (as opposed to comments about the issues which are the subject of the consultation), including if you feel that the consultation does not adhere to the values expressed in the Eight Steps to Good Practice in Public Consultation Engagement or that the process could be improved, please address them to:</p> <p>Local Government Cremation Regulations Department for Communities Local Government and Housing Regulation Division, Level 4 Causeway Exchange 1-7 Bedford Street Belfast, BT2 7EG</p> <p>Email: cremationconsultation@communities-ni.gov.uk</p>
Privacy, Confidentiality and Access to Consultation Responses	<p>For this consultation, we may publish all responses except for those where the respondent indicates that they are an individual acting in a private capacity (e.g. a member of the public). All responses from organisations and individuals responding in a professional capacity may be published. We will remove names, email addresses and telephone numbers from these responses; but apart from this, we will publish them in full. For more information about what we do with personal data please see our consultation privacy notice.</p> <p>Your response, and all other responses to this consultation, may also be disclosed on request in accordance with the Freedom of Information Act 2000 (FOIA) and the Environmental Information Regulations 2004 (EIR); however, all disclosures will be in line with the requirements of the Data Protection Act 2018 (DPA) and the General Data Protection Regulation (GDPR) (EU) 2016/679.</p> <p>If you want the information that you provide to be treated as confidential it would be helpful if you could explain to us why you regard the information you have provided as confidential, so that this may be considered if the Department should receive a request for information under the FOIA or EIR.</p> <p>DfC is the data controller in respect of any personal data that you provide, and DfCs privacy notice, which gives details of your rights in respect of the handling of your personal data, can be found at:</p> <p>www.communities-ni.gov.uk/dfc-privacy-notice</p>

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Consultation on the Local Government (Cremation) Regulations (NI) 2024

1. Introduction

- 1.1. For the majority of time cremation has been available in Northern Ireland, it has been carried out at the City of Belfast Crematorium, located within the grounds of Roselawn Cemetery. The legislation under which this crematorium operates was originally the Cremation Act 1902. This Act did not generally apply to Northern Ireland but was applied by the Belfast Corporation (General Powers) Act 1948. This permitted Belfast City Council to be treated as a burial authority under that Act and therefore establish a crematorium. Cremations at the crematorium are currently regulated by the **Cremation (Belfast) Regulations (Northern Ireland) 1961** (the 1961 Regulations).
- 1.2. Whilst the 1961 Regulations regulate the provision of cremations carried out by Belfast City Council, they do not apply to crematoria provided and maintained by other councils and are urgently in need of being updated and to apply a common regulatory system to all council crematoria.
- 1.3. Article 17 of the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985 provides that all councils may provide and maintain a crematorium. Under that Article, the Department may make regulations regarding crematoria to regulate:
 - a) their maintenance and inspection;
 - b) the cases in, and the conditions under which, cremations may take place;
 - c) the disposition or interment of the ashes resulting from cremations;
 - d) the forms of the notices, certificates and applications to be given or made before any cremation is permitted to take place;
 - e) the registration of cremations;
 - f) the notification of cremations to the Register General or to registrars of births and deaths; and
 - g) the fees that may be charged in respect of the issue of any medical certificate required under the regulations.

- 1.4. The Department proposes to make the first Regulations under Article 17, to supersede and update the current 1961 Regulations. The proposed draft Regulations will apply to all council-provided crematoria where councils have decided or decide in the future to provide this service in their area.
 - 1.5. The Department is aware that Antrim and Newtownabbey Borough Council opened their Crematorium and Memorial Garden on 5 June 2023 and also that the Crematorium is operating under the same administrative process as Belfast City Council Crematorium. The Department notes this is in keeping with the Council's power under Article 17 of the 1985 Order. As mentioned previously, the proposed Regulations will apply to this Crematorium when they become operational.
 - 1.6. To ensure that all cremation services are regulated under legislation, the Department proposes that the proposed Regulations should be drafted to incorporate the latest arrangements in place in England and Wales, to enable the current crematoria and those proposed, to operate under comparable legislation. This provides limited scope to develop policies in other related areas regarding the process of cremation and wider societal issues.
- 2. The position in England and Wales**
 - 2.1. The 1961 Regulations were based on 'The 1930 Regulations' made under the Cremation Act 1902. The 1930 Regulations were amended four times since the making of the 1961 Regulations mainly in regard to the:
 - a) issuing of a certificate by a coroner;
 - b) countersigning of the application Form;
 - c) deaths which took place abroad;
 - d) authorisation by the medical referee where a body has undergone an anatomical examination;
 - e) need for a Confirmatory Certificate where the deceased has died as an inpatient and a post-mortem has been conducted; and
 - f) cremation of parts of the body of a deceased person or a still-born child.
 - 2.2. The Cremation (England and Wales) Regulations 2008 (the 2008 Regulations) were introduced to consolidate the legislation, modernise the language and to permit bereaved families to have the right to inspect the medical forms before cremation. The latter point was to allow relatives to discuss any concerns they may have about the death with the medical referee. This was seen as a necessary reform following the conviction of Harold Shipman and the subsequent investigation into the process surrounding the certification of death.

- 2.3. The 2008 Regulations were amended in 2016 following a consultation on the report of Lord Bonomy's Scottish Infant Cremation Commission which found that in some Scottish cases parents had been incorrectly told there had been, or would be, no ashes from their babies' cremations; and, the report by David Jenkins into infant cremations at Emstrey Crematorium in Shropshire where it was reported that between 1996 and 2012 the crematorium failed to obtain ashes to return to parents following infant cremations. The regulations were amended to:
- a) insert a definition of "ashes", to make clear that this means all that is left in a cremator, other than metal, at the end of the cremation process; and
 - b) to require the retention of documents relating to cremations for two years where a copy of the documents was also kept electronically.
- 2.4. Following on from the above-mentioned reports, the 2008 Regulations were again amended in 2017 to make provision for the applicant for a cremation to give instructions as to the disposal of the ashes and make changes to the cremation forms. This was introduced to ensure that cremations would not be carried out until a record of the applicant's decision was received.
- 2.5. Following consultation on the proposed amendment it was reported that the majority of respondents were in favour of only allowing a cremation to proceed where the applicant specified what should happen to the ashes, as long as one of the options was to allow an applicant to say that they wished the ashes to be held pending the applicant's final decision after the cremation. This was to address the concern that it could be difficult for some newly bereaved parents to make a final decision.
- 2.6. The **Explanatory Memorandum to the 2017 amending regulations** advises that "new wording on all cremation application forms, introduced by these regulations, notifies applicants that in some rare cases, such as the cremation of still-born children, there may be no ashes to recover. The risk that no ashes are recovered and returned, through the introduction in 2016 of the definition of ashes that includes all that remains after the cremation, which in the case of still-born and small babies, may only be ash from the casket and clothing. However, it remains a possibility that there will be nothing recovered, and the new wording allows applicants to make an informed decision about cremation and will ensure transparency about the process."
- 2.7. The Department proposes to replicate the current versions of the above-mentioned changes which are applicable in England and Wales.

3. The Proposed Regulations - Parts 1, 2 and 7

- 3.1 Parts 1 and 2 of the Regulations set out the date on which the Regulations come into operation and the meaning of the terms used within the Regulations. They also set out the requirements which must take place prior to a crematorium becoming operational.
- 3.2 It is intended that the Regulations will come into operation as soon as possible (but not less than 3 weeks) after they have been made and laid in the Assembly. Part 7 provides for transitional arrangements and for the continuation of the posts of a Medical Referee (where they are licenced -see Paragraph 4 below) and the Registrar of Cremations.
- 3.3 Part 7 also, in Regulation 40, provides for the use of current cremation forms for the period of 1 month after the Regulations have come into operation.

Questions

1. Do you agree with the following definition of “ashes”? (see Regulation 2) “ashes” means all the material left in the cremator after a cremation, and following-
 - a) the removal of any metal, and
 - b) any subsequent grinding or other process which is applied to the material;
2. Do the savings and transitional provisions in Part 7, in particular Regulation 40, provide for a smooth transition to the new Regulations?

4. The Proposed Regulations - Part 3

- 4.1 The Medical Referee plays a vital role in the process of cremation. Due to the finality in the cremation of a deceased person, it is important that the cause of death has been established and verified and due process has been followed.
- 4.2 The current provision for a Medical Referee to be appointed, requires that person to be a registered medical practitioner and to have been registered for 5 years. The General Medical Council (Licence to Practise) Regulations Order of Council 2009 introduced a requirement for medical practitioners to hold licences to practise and with the implementation of the licensing scheme, the Medical Act 1983 (Amendment) Order 2002 made a subsequent amendment to the definition of “registered medical practitioner” contained within the Interpretation Act 1978. This amendment had the effect of defining the term “registered medical practitioner” in all legislation which applied in England, Scotland and Wales and also to legislation which was UK-wide.
- 4.3 The result of this change is that medical referees in England and Wales must be registered and licensed to practise, however, the requirement to be licensed was never applied to the position of medical referees in Northern Ireland. The proposed Regulation 7 stipulates that the Medical Referee must be a registered medical practitioner of at least five years’ standing and Regulation 2 proposes that this will include being registered and licenced to practise.

4.4 Currently medical referees appointed under the 1961 Regulations are done so with the approval of the Department - this provision has been replicated in draft Regulation 6. The Department has taken the opportunity to clarify, by applying section 18(2) of the Interpretation Act (NI) 1954 to the appointment of Medical Referees, that the power to appoint, under this Regulation, also includes the power to remove or suspend the person by the appointing authority i.e. councils.

Question

3. Do you have any comments on the proposed Part 3?

5. The Proposed Regulations - Part 4

5.1 Part 4 of the proposed Regulations sets out the conditions under which a cremation may take place.

5.2 Under the 1961 Regulations no cremation may take place in a crematorium unless notice of its opening has been given to the Department and it is not lawful to cremate a person who has left instruction that they should not be cremated, or human remains which have not been identified. These provisions will remain.

5.3 The regulations in this Part are similar to those in place at the moment in relation to cremation of a deceased person or a still-born child.

5.4 The Regulations have been updated

to provide for the cremation of body parts which may have been removed during a post-mortem and retained. These Regulations do not provide for the cremation of body parts from a person who is still alive.

5.5 The proposed Regulations will enable the electronic transfer of the Forms providing they have the electronic signature of any person who is required to sign them. The term “electronic signature” has the same meaning as given by section 7(2) of the Electronic Communications Act 2000.

- An electronic signature is so much of anything in electronic form as-
 - is incorporated into or otherwise logically associated with any electronic communication or electronic data; and
 - purports to be used by the individual creating it to sign.

5.6 The Forms set out in the schedule to the Regulations shall be used for a cremation to take place in Northern Ireland where the death or still-birth has occurred in NI . The Regulations set out the content the Forms must contain. It is proposed that the Application for Cremation Form produced by the council which provides and maintains the crematorium where the cremation is to take place, should be used, although councils may accept other NI Cremation Application Forms.

- 5.7 The Medical Certificate Form (Form 4) and the Confirmatory Medical Certificate (Form 5) issued by the council where the cremation is to take place should also be used, however, the content of these Forms is set out in the Regulations and there should be no need to have these Forms completed again in the case where a cremation has been re-arranged at a different crematorium.
- 5.8 Councils should accept the completed Medical Forms (regardless of whether they were produced by another council) to remove the requirement of applicants having to request new forms being completed which may delay a cremation taking place and duplicating the work of the medical staff completing them.
- 6. Part 4 – Deaths abroad**
- 6.1 The process of death certification has changed in other jurisdictions within the United Kingdom from when the 1961 Regulations were introduced. In each jurisdiction there are checks and balances to ensure nothing untoward has occurred in relation to a death and there is no need for further investigation, or that the proper procedure for further investigation has been carried out, before proceeding with a cremation.
- 6.2 The current Regulations provide that the equivalent Forms to those required in NI may be used, however, changes in the death certification procedures in England, Wales and Scotland has removed the need for some of these Forms. An example of this would be that the Confirmatory Medical Certificate (Form5) is no longer required due to alternative checks and procedures being put in place (such as the introduction of the Medical Examiner in England and Wales). The current Medical Certificate (Form 4) is also proposed to be removed in England and Wales from April 2024 (see Parliamentary Statement made on 14 December 2023 - <https://questions-statements.parliament.uk/written-statements/detail/2023-12-14/hcws131>)
- 6.3 It is important that these procedures are catered for and followed, in cases where a death has occurred in England, Wales, Scotland, Isle of Man and the Channel Islands and the cremation will take place in NI. This will allow the processes in place in those jurisdictions to take place and will provide a medical referee in NI with all the relevant information to base their consideration on whether a cremation should proceed.
- 6.4 A table of the medical certificates required in each jurisdiction and the relevant legislation is set out at **Appendix A**.
- 6.5 In applying for cremation in this circumstance, draft Regulation 19 stipulates that-

- one of the following conditions must be satisfied, namely–
 - i) any medical certificates required in the relevant jurisdiction in connection with a cremation in that jurisdiction are given;
 - ii) where a death has been referred to a coroner in the relevant jurisdiction, a certificate from that coroner is given; or
 - iii) a certificate is given that the body of the deceased person has undergone an anatomical examination under the authority of a licence granted under the 2004 Act for that purpose; and
 - a certificate as to the registration of death or a certified copy of the entry of the death in the relevant jurisdiction’s register is given.
- 6.6 Similarly in cases where a still-birth occurred in these jurisdictions, the following are required by draft Regulation 20 -
- either–
 - i) any medical certificates or declarations required in connection with a cremation in the relevant jurisdiction are given; or
 - ii) in cases in which a still-birth has been referred to a corner in the relevant jurisdiction, a certificate from that coroner is given; and
 - a certificate as to registration of still-birth or a certified copy of the entry of the still-birth in the relevant jurisdiction’s register, is given.
- 6.7 In cases where a death or a still-birth occurred **in any other place** outside of NI, draft Regulations 19 and 20 provide for the following documentation to be given.
- In cases of a death:
- an NI application Form;
 - where a death has been referred to a coroner in the relevant jurisdiction, a certificate from that coroner is given; and
 - a certificate of death or a certificate of the registration of death.
- In the cases of a still-birth;
- an NI application Form;
 - where a still-birth has been referred to a coroner in the relevant jurisdiction, a certificate from that coroner is given: and
 - a certificate containing the same information as that requested by Form 8 is given by a person entitled to practise as a medical practitioner or midwife in the relevant jurisdiction.
- 6.8 In each of the above-mentioned cases where it is a requirement in the relevant jurisdiction that authorisation must be given before the remains can be removed from that jurisdiction, such authorisation must be submitted with the application for cremation.
- 6.9 The Northern Ireland Coroner currently has no role where deaths occur outside of Northern Ireland, however, this has been the subject of a consultation by the Department of Justice (**Consultation on coronial investigations into deaths abroad**).

The Department will liaise with the Department of Justice on any changes resulting from this consultation.

- 6.10 Where a death or still-birth occurs outside of NI, any query regarding the cause should be raised with the relevant authorities in the jurisdiction where the death or still-birth occurred.

Questions

4. Do you agree with the proposals put forward for deaths and still-births which occur outside of NI but within England, Wales, Scotland, Isle of Man or the Channel Islands?
5. Do you agree with the proposals put forward for deaths or still-births which occurred in any other place outside of NI?
6. Should the Department include a checklist of additional forms to be submitted on the Application Form? (This will necessitate additional legislation to update forms if requirements change in other jurisdictions).

7. Part 4 – Applications

- 7.1 An application under the 1961 Regulations may be made by an executor or the nearest surviving relative. Where an application is not made by either of these persons it may be made by another person giving reason as to why an application was not made by those persons. It is the duty of the medical referee to determine if the application has been made by the proper person. The 1961 Regulations provide, in Form A, that the ‘near relative’ includes widow or widower, parents, children above the age of 16, and any other relative usually residing with the deceased.
- 7.2 The proposed regulations propose that ‘near relative’ changes to- “widow, widower, or surviving civil partner of the deceased person, or parent or child of the deceased person, or any other relative usually residing with the deceased person” And in the case of a still-born child “the parent of a still-born child”
- 7.3 The 1961 Regulations require an application for cremation to be countersigned under a Statutory Declaration by virtue of the Statutory Declarations Act 1835 and, therefore, the need to have the signing of the Form Witnessed by a Justice of the Peace or a Commissioner for Oaths.

7.4 This requirement has been reported to the Department as onerous and outdated. The same requirement was in place in England and Wales as a requirement under the Cremation Act 1902. This was replaced with a provision to permit the Secretary of State to specify in regulations how applications should be verified. Regulations made in 1952 provided for a range of persons who may countersign an application which was in turn changed in 1965 to “a householder to whom the applicant is known”. When the regulations were consolidated and amended in 2008 this was changed to remove the need for countersigning and replaced with a “Statement of Truth” and a reminder that it is an offence to make a false statement regarding the obtaining of the cremation of human remains.

7.5 The Department proposes to remove the Statutory Declaration and replace it with a Statement of Truth and include a reminder that it is an offence to make a false statement.

Section 17(9) of the 1985 Order provides that any person who -

- wilfully makes a false representation, or signs or utters any false certificate, with a view to procuring the cremation of any human remains in a crematorium provided under this Article shall be guilty of an offence and liable—

a) on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding the statutory maximum, or to both;

b) on conviction on indictment to imprisonment for a term not exceeding two years or to a fine of any amount, or to both.

7.6 As mentioned in paragraph 2.2, the legislation in England and Wales was changed to allow the applicant, or someone else proposed by the applicant, to inspect the medical forms prior to the medical referee authorising the cremation. The Department proposes to replicate this provision (see draft Regulation 24) as it was seen as an important Shipman-related reform and family members may be able to draw the medical referee’s attention to concerns about unexpected symptoms or features of the case. It should be noted that if the applicant chooses to exercise this right it may delay the conducting of the cremation.

7.7 The 1961 Regulations provide for a Certificate of Medical Attendant (Form B) and for a Confirmatory Medical Certificate (Form C).

The proposed Regulations will continue the requirement for similar forms to be completed (Forms 4 and 5). However, the regulations contain an exception to the need for a Confirmatory Certificate Form 5 and specify that it is unnecessary where the death of the deceased occurred in a hospital and the deceased was an in-patient and a post-mortem examination has been performed by a doctor (Hospital Consented Post-Mortem Examination) and the results are known to the doctor completing Form 4 (this is separate from a coroner's post-mortem or one completed at the request of the Medical Referee). The doctor completing Form 4 will confirm, at question 10 that a hospital post-mortem has been completed and the result is known to them.

Questions

7. Do you have any comments in relation to the proposals put forward in this part?
8. Do you agree with the wording of draft regulation 24?

8. Part 5 – Disposal of Ashes

- 8.1 This is a new provision, see paragraphs 2.3 to 2.5. Draft regulation 33 sets out that ashes must be handled in accordance with the applicants wishes as recorded on the application form. This regulation also permits a council, where there are no instructions or where the ashes are not collected, to dispose of the ashes by decently interring them in a burial ground or in a part of the crematorium reserved for the burial of ashes or scattered there.

Question

9. Do you agree with the wording of draft regulation 33?

9. Part 6 – Registration of Cremations

- 9.1 This part provides for the appointment and the duties of a Registrar of Cremations. These provisions are similar to those currently in place.

10. Confirmatory Medical Certificate (Form C)

- 10.1 As part of the response to the Coronavirus outbreak, the requirement to complete Form C was temporarily removed under section 21 of the Coronavirus Act 2020 and extended until 24 March 2023. This was done to remove the administrative burden on medical staff and to free up their time to deal with medical matters. A similar temporary provision was in place in England and Wales until March 2022 when the requirement for this form was removed permanently.
- 10.2 The permanent removal of this Form in England and Wales was done to stop the Form being re-introduced when plans were in place for its removal as part of the Health and Social Care Act 2022 (the 2022 Act) which was due to be implemented shortly after March 2022.
- 10.3 Provisions within that Act regarding the introduction of the statutory medical examiner system would render the need for a confirmatory medical certificate obsolete.

10.4 The role of the medical examiner under the 2022 Act includes scrutiny at the beginning of the death certification process and a non-statutory system was already in place.

10.5 Similar plans are in place in Northern Ireland for the introduction of a statutory Medical Examiner Service which will require legislation. The Department will keep under review the need for the new Form 5 in the run up to this service receiving a legislative footing.

Question

10. Do you have any views on the continuation of the use of a Confirmatory Medical Certificate?

11. Referral to the Coroner

11.1 The Department has consulted with the Coroners' Office and, subject to the outcome of this consultation, proposes to remove the requirement for a Coroner to complete Form E of the 1961 Regulations. Regulation 22 of the proposed regulations will instead require a Coroner to have given their authorisation under the Coroners Act 1959 in the cases where a death or a still-birth has been referred to them. This authorisation serves the same purpose as the current Form E and its removal is seen as an administrative correction of the process.

11.2 The current Form E also contains a separate section for completion by the Cremations Registrar, to state that the deceased whose death was reported to the Coroner has been cremated;

this is then forwarded to the Registrar General. The Department proposes that this process be retained and Form 14 should be completed by the Cremations Registrar in these cases and forwarded to the Registrar General.

12. Dispensations

12.1 The 1961 Regulations provide, in regulation 16, for the Department to consent to the setting aside of certain regulations at the request of a Health Authority in cases where an infectious disease is involved. The 1961 Regulations also provide for the regulations to be temporarily modified or suspended during an epidemic or other sufficient reason by an order of the Department at the request of a Health Authority.

12.2 The Department has modified the wording of this regulation to incorporate a wider range of contaminations rather than replicate a prohibitive list. This is to enable the regulations to accommodate future outbreaks in line with procedures put in place by the Department of Health. The requirement for the Department of Health and this Department to agree on this course of action and for the Department to issue an order in the case of an epidemic remains.

Questions

11. Do you agree with the removal of Form E and the separation of the Cremations Registrar return from that Form?
12. Do you agree with the wording of the revised regulation 16?

13. Forms

13.1 The Department has updated the Forms to be used in connection with cremation in line with those in England and Wales, where appropriate. The Department would welcome any views on the Forms and their content and, if any additional information should be included on them, for example additional contact details.

14. Overview

- 14.1 The table in Annex B is given to show the 1961 Regulations and their equivalent in the proposed draft regulations and also the equivalent provisions in England and Wales.
- 14.2 A list of the questions asked in this consultation are set out in Annex C.

Appendix A - Medical Certificates required in other jurisdictions

Jurisdiction	Medical Certificates Required
<p>England and Wales</p>	<p>The Cremation (England and Wales) Regulations 2008</p> <p>Death</p> <ul style="list-style-type: none"> • Medical Certificate (Cremation Form 4) (to be removed from April 2024) <p>Still-birth</p> <ul style="list-style-type: none"> • Certificate of stillbirth (Cremation Form 9)
<p>Scotland</p>	<p>The Cremation (Scotland) Regulations 2019</p> <p>None</p>
<p>Isle of Man</p>	<p>The Cremation Regulations 2000</p> <p>Death</p> <ul style="list-style-type: none"> • Certificate of Medical Attendant (Form B) • Confirmatory Medical Certificate (Form C) <p>Still-birth</p> <ul style="list-style-type: none"> • No Statutory Form – Regulation 14 requires the certificate of a registered medical practitioner after examination to be submitted.
<p>Jersey</p>	<p>Cremation (Jersey) Regulations 1961</p> <p>Death</p> <ul style="list-style-type: none"> • Certificate of Medical Attendant - Schedule 2 Form • Confirmatory Medical Certificate – Schedule 3 Form <p>Still-birth</p> <ul style="list-style-type: none"> • No medical certificate
<p>Guernsey</p>	<p>The Cremation Ordinance, 1972</p> <p>Death</p> <ul style="list-style-type: none"> • Certificate of Medical Attendant (Form B) • Confirmatory Medical Certificate (Form C) <p>Still-birth</p> <ul style="list-style-type: none"> • No Statutory Form – Regulation 12 requires- <ul style="list-style-type: none"> - the certificate of a medical practitioner registered to practice in Guernsey to be submitted; and - Declaration of Consultant Pathologist that no further examination is necessary.

Appendix B - Draft Cremation Regulations comparison table

Draft S.R.	S.I. 2008/2841	1961 Cremation Regulations
Regulations 1	Regulation 1	Regulation 1
Regulation 2	Regulation 2	Regulation 2
Regulation 3	Regulation 3	Regulation 5 (opening) Regulation 3 (closing)
Regulation 4	Regulation 4	Regulation 3(a)(b) & (c)
Regulation 5	Regulation 5	Regulation 4
Regulation 6	Regulation 6	Regulation 11
Regulation 7	Regulation 7	Regulation 11
Regulation 8	Regulation 10	Regulation 11
	Regulation 8 Not replicated	No equivalent to E&W Reg 8
	Regulation 9 Application of section 18 in draft regulation 6 provides clarification.	Section 18 of the Interpretation Act (NI) 1954
Regulation 9	Regulation 11	Not included – New provision
Regulation 10	Regulation 12	Regulation 12
Regulation 11	Regulation 13	Regulation 5
Regulation 12	N/A -These provisions were in earlier versions of legislation for Eng & Wales and were revoked by S.I. 1965/1146	Regulations 6 & 7
Regulation 13	Regulation 14(1) –(1A-C)	Not included – New provision

Draft S.R.	S.I. 2008/2841	1961 Cremation Regulations
Regulation 14	Regulation 15	Regulation 9 • “near relative” not defined in regulations but set out in Form A
Regulation 15	Regulation 17 (Requirement for Form C removed)	Regulation 10(a)
Regulation 16	Regulation 16	Regulations 8, 9 and 10 • Requirement for a Statutory Declaration is removed
Regulation 17	Regulation 20	Regulations 8, 9 and 10 • Requirement for a Statutory Declaration is removed
Regulation 18	Regulation 19	Not included – new
Regulation 19	Regulation 14(2)	Regulations 8(c) & (d), 14(a), (b) & (c)
Regulation 20	Regulation 14(4)	Regulations 8(c) & (d), 14(a), (b) & (c)
Regulation 21	Regulation 14(3)	Not included – new
Regulation 22	Regulation 18	Regulation 8 & 10(d) & (e)
Regulation 23	Regulation 16(2) & 21	Regulation 15
Regulation 24	Regulation 22	Not included - new
Regulation 25	Regulation 23	Regulation 10(d), (e) and (f) Draft regulations 25(2) & (3) are new in relation to access to medical certificates
Regulation 26	Regulation 26	Regulation 13(c)
Regulation 27	Regulation 25	Not included - new
Regulation 28	Regulation 23(3)	Regulation 13(h)
Regulation 29	No equivalent	Regulation 16
Regulation 30	Regulation 24	Regulation 10(c), (d) & (f), 12, and 13(e), (f), (g) & (h)

Draft S.R.	S.I. 2008/2841	1961 Cremation Regulations
Regulation 31	Regulation 27	Regulation 13(c), (d), (e) & 14(c)
Regulation 32	Regulation 28	Regulation 13(i) permits no reason to be given – new requirement in draft regulation to give reason.
-----	Regulation 29 not replicated	-----
Regulation 33	Regulation 30	Regulation 17 – new provision in draft regulations for the giving of instructions (completion on application form)
Regulation 34	Regulation 31	Regulation 18
Regulation 35	Regulation 32	Regulations 18 & 20
Regulation 36	Regulation 33	Regulation 18 and Form G
Regulation 37	Regulation 34	Regulations 21 & 22
Regulation 38	Regulation 35	Regulation 21
Regulations 39 and 40	Regulations 36 and 37	-----

Appendix C – Questions Asked Throughout Document

Question	Page No.	Detail
1	(11)	<ul style="list-style-type: none"> Do you agree with the following definition of “ashes”? (see Regulation 2) “ashes” means all the material left in the cremator after a cremation, and following – <ol style="list-style-type: none"> the removal of any metal, and any subsequent grinding or other process which is applied to the material;
2	(11)	<ul style="list-style-type: none"> Do the savings and transitional provisions in Part 7, in particular Regulation 40, provide for a smooth transition to the new regulations?
3	(12)	<ul style="list-style-type: none"> Do you have any comments on the proposed Part 3?
4	(15)	<ul style="list-style-type: none"> Do you agree with the proposals put forward for deaths and still-births which occur outside of NI but within England, Wales, Scotland, Isle of Man or the Channel Islands?
5	(15)	<ul style="list-style-type: none"> Do you agree with the proposals put forward for deaths or still-births which occurred in any other place outside of NI?
6	(15)	<ul style="list-style-type: none"> Should the Department include a checklist of additional forms to be submitted on the Application Form? (This will necessitate additional legislation to update forms if requirements change in other jurisdictions).
7	(17)	<ul style="list-style-type: none"> Do you have any comments in relation to the proposals put forward in this part?
8	(17)	<ul style="list-style-type: none"> Do you agree with the wording of draft regulation 24?
9	(17)	<ul style="list-style-type: none"> Do you agree with the wording of draft regulation 33?
10	(18)	<ul style="list-style-type: none"> Do you have any views on the continuation of the use of a Confirmatory Medical Certificate?
11	(18)	<ul style="list-style-type: none"> Do you agree with the removal of Form E and the separation of the Cremations Registrar return from that Form?
12	(18)	<ul style="list-style-type: none"> Do you agree with the wording of the revised regulation 16?

Appendix D – List of Consultees

All Members of the Northern Ireland Legislative Assembly

All Northern Ireland political parties and MPs

All Northern Ireland District Councils

Northern Ireland Local Government Association

National Association of Councillors (Northern Ireland Region)

Northern Ireland Committee of the Irish Congress of Trade Unions

Northern Ireland Public Service Alliance

Unite

GMB

Unison

Various representative groups and bodies

Equality Commission for Northern Ireland

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Appendix C – Questions Asked Throughout Document

Question	Page No.	Detail
1	(11)	<ul style="list-style-type: none"> Do you agree with the following definition of “ashes”? (see Regulation 2) “ashes” means all the material left in the cremator after a cremation, and following – a) the removal of any metal, and b) any subsequent grinding or other process which is applied to the material; <p>Yes, agree with the definition proposed.</p>
2	(11)	<ul style="list-style-type: none"> Do the savings and transitional provisions in Part 7, in particular Regulation 40, provide for a smooth transition to the new regulations? <p>Yes.</p>
3	(12)	<ul style="list-style-type: none"> Do you have any comments on the proposed Part 3? <p>No comment.</p>
4	(15)	<ul style="list-style-type: none"> Do you agree with the proposals put forward for deaths and still-births which occur outside of NI but within England, Wales, Scotland, Isle of Man or the Channel Islands? <p>Yes.</p>
5	(15)	<ul style="list-style-type: none"> Do you agree with the proposals put forward for deaths or still-births which occurred in any other place outside of NI? <p>Yes.</p>
6	(15)	<ul style="list-style-type: none"> Should the Department include a checklist of additional forms to be submitted on the Application Form? (This will necessitate additional legislation to update forms if requirements change in other jurisdictions). <p>Yes.</p>
7	(17)	<ul style="list-style-type: none"> Do you have any comments in relation to the proposals put forward in this part? <p>‘Proper Person’ should be clearly defined. Any option to inspect forma may delay the process.</p>
8	(17)	<ul style="list-style-type: none"> Do you agree with the wording of draft regulation 24? <p>Clarity is required in relation to the exact particulars required by medical certificates.</p>
9	(17)	<ul style="list-style-type: none"> Do you agree with the wording of draft regulation 33? <p>The applicant should be required to provide instructions in relation to the ashes so as to avoid crematoriums having to retain them for prolonged periods.</p>

10	(18)	<ul style="list-style-type: none"> Do you have any views on the continuation of the use of a Confirmatory Medical Certificate? <p>Content that it is kept under review pending legislation.</p>
11	(18)	<ul style="list-style-type: none"> Do you agree with the removal of Form E and the separation of the Cremations Registrar return from that Form? <p>No comment</p>
12	(18)	<ul style="list-style-type: none"> Do you agree with the wording of the revised regulation 16? <p>Yes.</p> <p>Additional Comment</p> <p>Due to restrictions on crematoria development imposed through the 1985 Order, private sector companies cannot set up crematoria in Northern Ireland (something that is commonplace in the rest of the UK and in Ireland). LCCC would ask that this is reviewed by the Department to allow for privately owned crematoriums having similar controls imposed as those on Council crematoriums</p>



Committee:	Environment & Sustainability
Date:	4th September 2024
Report from:	Head of Service (Acting) - Environmental Health, Risk and Emergency Planning

Item for:	Decision
Subject:	New Public Health Bill Consultation

1.0	<p>Background and Key Issues</p> <ol style="list-style-type: none"> 1. The Department of Health has launched a Consultation asking for views on new health protection measures, being implemented through a Public Health Bill to replace the current Public Health Act (Northern Ireland) 1967. 2. The overarching principle of the legislation is to protect the population against various forms of infection and contamination, so enabling effective response to public health emergencies. The legislation provides powers and duties for the health management of, and mitigation against, infection and contamination including biological, chemical and radiological in addition to infectious diseases, which is the current focus of the 1967 Act. 3. It is proposed that the new Bill will: <ul style="list-style-type: none"> • include all infection and contamination that present, or could present, a significant harm to human health. This all-hazards approach aligns with the legislative frameworks in other UK jurisdictions • align with the World Health Organization International Health Regulations published in 2005 • update certain powers around restrictions on employment, quarantine, isolation and medical examination • clarify roles and responsibilities for different authorities; and • ensure that powers to intervene are proportionate to the public health risk and therefore compatible with the Human Rights Act 1998. 4. The procedural steps included in the proposals provide powers and clarity in relation to three main areas: <ul style="list-style-type: none"> • a duty on registered medical practitioners to notify the Public Health Agency of any incident that may cause a risk to public health • powers for the Public Health Agency to investigate and risk assess the threat to public health of an infection, contamination or infectious disease • powers for the Public Health Agency to respond to the threat to mitigate the impact on public health. 5. The Consultation is open for 12 weeks and closes on 27th September 2024. A draft response to the Consultation is attached as Appendix 3 EH for Members' consideration.
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2.0	<p><u>Recommendation</u></p> <p>It is recommended that Members approve the draft response to the New Public Health Bill Consultation to be submitted to the Department of Health on behalf of the Council prior to the closing date of 27th September 2024.</p>	
3.0	<p><u>Finance and Resource Implications</u></p> <p>No financial implications.</p>	
4.0	<p><u>Equality/Good Relations and Rural Needs Impact Assessments</u></p>	
4.1	Has an equality and good relations screening been carried out?	Yes
4.2	<p>Brief summary of the key issues identified and proposed mitigating actions <u>or</u> rationale why the screening was not carried out</p> <p>Consultation only - Department of Health have carried out an Equality Assessment.</p>	
4.3	Has a Rural Needs Impact Assessment (RNIA) been completed?	Yes
4.4	<p>Brief summary of the key issues identified and proposed mitigating actions <u>or</u> rationale why the screening was not carried out.</p> <p>Consultation only - Department of Health have carried out a Rural Needs Impact Assessment</p>	
Appendices:		Appendix 3 EH - Draft response to the New Public Health Bill Consultation

Consultation Response Form



Introduction

Being transparent and providing accessible information to individuals is key to the Department of Health's (DoH) commitment to building trust and confidence in our ability to process the information you share with us.

It is important therefore to note that your response, along with all other responses to this consultation, may be disclosed on request in accordance with the Freedom of Information Act 2000 (FOIA) and the Environmental Information Regulations 2004 (EIR).

If you want the information that you provide to be treated as confidential it would be helpful if you could explain to us why you regard the information you have provided as confidential, so that this may be considered if the Department should receive a request for the information under the FOIA or EIR.

How will your information be used and shared?

The information you provide will be processed to generate a report, which may be used by a Health Minister to help inform decision-making on policy proposals to inform a new Public Health Bill. It will be shared only with the relevant officials within the Department of Health in order to produce the report. It is intended that the report will be completed in Autumn 2024, prior to the Bill's introduction into the Assembly legislative programme.

How long will we keep your information?

We will retain consultation response information until our work on the subject matter of the consultation is complete, and in line with the Department's approved Retention and Disposal Schedule [Good Management, Good Records](#).

CONSULTEE DETAILS

Name (Optional)	Sally Courtney
Organisation and job title (if applicable)	Lisburn & Castlereagh City Council Head of Environmental health, Risk and Emergency Planning (Acting)

Please provide details of your postal and / or e-mail address if you wish to be advised of any outcome of the consultation.

Postal Address (Optional)	
E-mail Address (Optional)	Sally.courtney@lisburncastlereagh.gov.uk

I am responding: as an individual

on the behalf of an organisation as an (please tick a box)

If replying as an individual, please indicate if you do not wish for your identity to be made public	Yes <input type="checkbox"/>	No <input type="checkbox"/>
	(please tick a box)	

Whilst not essential, it would assist the Department in analysing responses if responding on behalf of an organisation, you could provide details of who your organisation represents and, where applicable, how the views of members were assembled?	
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Views are invited on the following questions:

THEME 1: STRUCTURE AND PURPOSE OF THE BILL (pages 7 – 9)

Principles, statement of intent and objectives

Q1. Do you agree or disagree with the proposed statement of intent?

Agree

Disagree

Undecided

Not Applicable

Please give reasons for your answer.

The Council agree that the principle to ensure the capability to prevent, protect against, control, and provide response to public health threats is appropriate and necessary.

An explanatory would be welcomed to assist organisations who are tasked to fulfil any of the functions detailed in the Bill. This could be supported by summarising the outcomes that the Bill will deliver.

The detail of how this will be achieved in response to the wide range of potential scenarios needs to be fully understood, linkages existing legislative powers identified, and the appropriate consideration of how any additional duties or powers can be resourced and implemented. Further consultation needed when the Bill is drafted.

All hazards approach

Q2. Do you agree or disagree with the definition of “infection and contamination”?

Agree

Disagree

Undecided

Not Applicable

Please give reasons for your answer.

The definition of infection and contamination proposed is any infection or contamination which presents or could present significant harm to human health.

Agree that the definition should be brought into line with other UK jurisdictions. This allows all risks to human health to be considered, managed, and controlled to protect public health.

Important to ensure any definitions and legislation will encompass emerging hazards and not be limited to infectious disease.

THEME 2: ORGANISATIONAL RESPONSIBILITIES (pages 10-14)

Scope

Q3. Do you agree or disagree that other existing public health legislation, i.e. environmental health legislation, sufficiently describes the functions, duties and powers of Ministers and statutory bodies needed to deal with any public health incident?

Agree

Disagree

Undecided

Not Applicable

Please give reasons for your answer.

The consultation states that the proposed bill will replicate and enhance the powers of the 1967 Act and in relation to public health investigations, the PHA will be able to authorise others to undertake specified duties. Public health legislation in other UK jurisdictions places powers and duties on local authorities which enables the relevant authorised bodies to undertake health protection functions and investigations. For example, the taking of air, water and land samples.

Local Authorities in Northern Ireland have a range of duties and powers which may be invoked to protect public health during an incident, but there are limitations to what scenarios these duties and powers may cover e.g. public health issues such as controlling some infectious diseases in day care facilities or nurseries. In addition, Local Authorities have very limited powers in response to scenarios related to chemical hazards containment and cleanup.

It is important to note that whilst Environmental Health professionals can demonstrate a range of expertise and transferrable skills across our legislative remit, other agencies such as DAERA, HSENI, NIHE, FSA also have regulatory powers or responsibilities which may be relevant in managing a health protection incident. Health and safety enforcement is split between HSENI and District Councils by sector as laid down in the Enforcing Authority Regulations. HSENI have the same enforcement powers as Council Environmental Health Officers in the premises they have enforcement responsibility.

Councils have enforcement responsibilities under health and safety legislation relating to risks arising from work activities affecting employees and others that could be affected e.g. risk to public from legionella.

It is likely that not all future situations / scenarios will fall neatly within current legislative frameworks operated across the range of statutory stakeholders, so where PHA are "directing" in

serious situations, there also needs to be accompanying funding streams made available to execute such “directions”.

As new and novel hazards continue to emerge, it is essential that capability and capacity issues are adequately addressed and funded, not only to ensure the emerging issue is competently tackled but also to ensure the sustainability of that expertise and continued capacity to deliver the “authorised” organisation’s normal legislative remit in tandem.

In determining roles and responsibilities, it is also important to consider that local conflicts of interest may arise for local authorities in dealing with any incident on local authority premises.

Within the timeframe of the consultation and in the absence of a funded dedicated resource the Council is not in a position to authoritatively determine whether its environmental health legislation sufficiently describes the functions, duties and powers of ministers and statutory bodies needed to deal with any public health incident and would expect the Department for Health to undertake a full analysis through its legal advisers to determine such information in advance of this and any future consultation. For example, any expectations to carry out disinfection, disinfestation and decontamination will require specialist advice and services as these are currently not within the remit of Councils to deliver. Indeed, it is questionable whether Councils are best placed to assist with incidents of contamination given the “All Hazards” approach which could extend to incidents where the Council have no current role, and which requires a multi-agency approach involving access to highly specialised and costly services.

Additionally, the role of the Civil Emergencies Contingencies Group and its associated structures will need to be considered in response to any threat that may occur within Northern Ireland.

Any proposal that will bring additional responsibilities and burdens on Council resources/budgets will need to be considered in the context of bringing forward these proposals and a regulatory impact assessment will be required if any additional powers are passed to Councils. A central funding arrangement should be considered for this purpose.

Monitoring and surveillance

Q4. Do you agree or disagree that there is no requirement to replicate in the Bill the provisions in the Health Security (EU Exit) Regulations 2021 in relation to monitoring and surveillance?

Agree

Disagree

Undecided

Not Applicable

Please give reasons for your answer.

The Council agrees that monitoring and surveillance is an important element in the protection of public health and if the Department is satisfied that such powers already exist in Health Security (EU Exit) Regulations 2021, that there is no need to replicate the same legislative provisions in the Bill.

It is noted in paragraph 24 that it is proposed that provision is made to confer on PHA and other persons functions in relation to the monitoring of public health risks.

Further information is requested on who said 'other persons' or agencies are proposed to be.

THEME 3: PUBLIC HEALTH POWERS (page 14- 66)

Notification Policy

Q5. Do you agree or disagree with the proposed “all hazards” approach to notification?

Agree

Disagree

Undecided

Not Applicable

Please give reasons for your answer.
The Council agrees that notification is the first step and therefore a necessary element of the proposed “all hazards” approach and therefore it would logical that an “all hazards approach to notification is necessary to meet the objectives of the new Bill. This may have resource implications and should be considered as part of a regulatory impact assessment.

Q6(a). Do you agree or disagree with the duties to be placed on registered medical practitioners?

Agree

Disagree

Undecided

Not Applicable

Please give reasons for your answer.
The Council however considers this is a matter for the relevant health / medical professionals to provide comment on the proposals.

Q6(b). Do you agree or disagree with the types of information that registered medical practitioners must notify?

Agree

Disagree

Undecided

Not Applicable

Please give reasons for your answer.

The Council however considers this is a matter for the relevant health / medical professionals to provide comment on the proposals.

Q7(a) Do you agree or disagree with the duties to be placed on operators / directors of diagnostic laboratories?

Agree

Disagree

Undecided

Not Applicable

Please give reasons for your answer.

The Council however considers this is a matter for the relevant health / medical professionals to provide comment on the proposals.

Q7(b). Do you agree or disagree with the types of information that operators / directors of diagnostic laboratories must notify?

Agree

Disagree

Undecided

Not Applicable

Please give reasons for your answer.

Consideration should be given to requiring laboratories to make notifications as soon as possible and no later than 3 days which is consistent with the requirements on medical practitioners (rather than the suggested 7-day target).

Q7(c). Do you agree or disagree that legislation should place a duty on diagnostic laboratories to report negative test results?

Agree

Disagree

Undecided

Not Applicable

Please give reasons for your answer.

Whilst the reporting of negative results is supported by the government's previous consultation, it could however prove to be an administrative burden during a large scale or regional outbreak, potentially diverting valuable resource.

Q7(d) Do you agree or disagree that legislation should place a duty on diagnostic laboratories to report void test results?

Agree

Disagree

Undecided

Not Applicable

Please give reasons for your answer.

In the event of a test result being void, it would be helpful for relevant authorities to be made aware of this as soon as possible, so that a repeat sample can be obtained and retested, if necessary. This is not only important for any individual involved, but also for

decision makers who need all necessary information in which to act / take action in the given situation.

Offences

Q8(a). Do you agree or disagree that an offence may be placed on an operator / director of a diagnostic laboratory for failure to comply with the proposed duties?

Agree

Disagree

Undecided

Not Applicable

Please give reasons for your answer.

In order to avoid a dual standard for compliance, it is important that all laboratories across UK are subject to the same sanctions for failing to comply with any duties placed upon them.

Q8(b). Do you agree or disagree that the level of fine is appropriate?

Agree

Disagree

Undecided

Not Applicable

Please give reasons for your answer.

The level of fine should be consistent across the United Kingdom

Powers of entry and investigations

Q9. Do you agree or disagree with the proposed enhanced powers of entry for “authorised officers” of the PHA?

Agree

Disagree

Undecided

Not Applicable

Please give reasons for your answer.

The Council agrees that the scope of the powers of entry must be sufficient for “Authorised officers” to exercise any duty necessary to achieve compliance with the Bill and carry out any necessary function with a view to protecting public safety and health.

The Council considers that point B should not apply to commercial premises as there should be consistency with existing powers of entry available in other public health and health and safety related legislation linked to commercial premises. This should only apply for residential premises. Inclusion of the definition of a “premises” and any exemptions would be helpful.

Should the Public Health Agency decide to authorise officers outside of the PHA, then this approach should be developed in consultation with other regulators, be comprehensive but limited to those necessary.

It recommended that consideration be given to developing an accompanying Code of Practice to sit alongside powers of entry (like that of the Environmental Better Regulation Bill) to ensure the correct and consistent use of such powers. This is of particular importance as the powers referred to in the proposed legislation impinge upon human rights, liberty and property.

The consultation lacks details on who PHA intends to authorise to exercise these functions. There is potential impact on staff resources and budgets for any Department where authorised officers are in required to ‘execute any work’. This may affect ability to deliver upon their own statutory functions and services.

Q10(a). Do you agree or disagree with the definition of “authorised officer”?

Agree

Disagree

Undecided

Not Applicable

Please give reasons for your answer

The Council agrees that the definition of 'authorised officer' to be included in the Bill will mean any person authorised by the PHA to exercise functions conferred on it under the Bill (whether the person is an officer of the Agency). This will allow organisations to have their officers authorised as necessary. The definition should also be extended to allow for "other persons" who are not necessarily employed by the statutory agencies but who are specialist or experts in a particular field of expertise to accompany authorised officers.

Officers outside of the agency should only be authorised where deemed necessary and where it can be demonstrated that the competency, expertise and adequate resources are available to exercise any functions conferred under this Bill. Further consultation with any proposed authorised officers / organisation is recommended.

Q10(b). Do you agree or disagree that the Department should specify who the "authorised officers" should be in legislation?Agree Disagree Undecided Not Applicable **Please give reasons for your answer**

In considering an all hazards approach it may be constrictive to confine who can be authorised within the legislative framework and therefore consideration should be given to allow flexibility in the Bill to enable the PHA to appoint authorised officers who can demonstrate their expertise and competency to assist with any emerging public health incident.

This may include officers from such agencies as HSENI, NIFRS, FSA, PSNI, NIEA Etc. This would allow flexibility in response and enable persons with the necessary expertise and equipment to be deployed appropriately depending on the type of incident. Private contractors e.g. environmental clean-up companies should also be included.

Supplementary provision as to entry**Q11(a) Do you agree or disagree with the supplementary powers of entry for authorised officers of the PHA?**

- Agree
- Disagree
- Undecided
- Not Applicable

Please give reasons for your answer

The Council agrees with the provision of supplementary powers for “authorised officers” which should be sufficient to allow officers to carry out their role with all the investigative tools that are necessary to properly assess the risks to public health and to allow them to take appropriate action to mitigate or eliminate the risk under investigation.

Further information on who will take enforcement action in relation to contraventions will be necessary.

Q11(b). In relation to “any such person” accompanying an “authorised officer”, who do you think should be included in this category?

Please provide suggestions in the box below

Given the range of hazards incorporated under the proposed Bill, it would not be possible for the Council to pre-empt the professional/technical skills or credentials of any such person. The legislation should be drafted accordingly to allow sufficient latitude for such persons to be identified and appointed in response any type of hazard defined within the scope of this Bill.

See response to 10(B). Should include Private contractors, HSENI, FSA, NIFRS, PSNI, NIEA, not just District Councils.

It is recommended that the legislation clarifies that PHA remain the lead authority, directing the incident response and that decision-making responsibilities lie with PHA. A dedicated team with appropriate experience and expertise, akin to the HSENI major incident team, to fulfil this role may be worth considering.

Q11(c) Do you agree or disagree with the supplementary provisions as to powers of entry?

- Agree

Disagree

Undecided

Not Applicable

Please give reasons for your answer

The Council agrees with the supplementary provisions as to the powers of entry. It is further recommended that a Code of Practice be developed to sit alongside the powers of entry to ensure the correct and consistent use of such powers. This is of particular importance as the powers referred to in the proposed legislation impinge upon human rights, liberty, and property.

Q11(d). Do you think other actions should be included?

Agree

Disagree

Undecided

Not Applicable

Please give reasons for your answer

Include any other reasonable power which is necessary for the purpose entry is authorised. Inclusion would enable action not listed, to be taken if deemed necessary and would also future proof the legislation so other actions can be taken without need to change the legislation. It may also be worth including the power to secure a scene or for it to be left undisturbed.

Offence of Wilful Obstruction

Q12(a). Do you agree or disagree that an offence of wilful obstruction should be included in the Bill?

Agree

Disagree

Undecided

Not Applicable

Please give reasons for your answer

The offence of wilful obstruction should be included in the legislation to ensure acts of wilful obstruction are appropriately dealt with and to bring this legislation into parity with other regulatory provisions to address these behaviours.
 Useful to consider a definition of ‘wilful’. The equivalent offence in legislation is ‘obstruction’ not ‘wilful obstruction’ and this maybe more difficult to prove.

Q12(b). If you agree, do you think the level of fine is appropriate?

- Agree
- Disagree
- Undecided
- Not Applicable

Please give reasons for your answer
 The level of fine would seem commensurate with the offence taking account of the public health implications of those who chose to impede and obstruct investigation and remedial action to address public health risks.

Enhancement of PHA Powers / Magistrates’ Court Orders

Q13. Do you agree or disagree with the “requirements and restrictions” in relation to “persons” and “groups of persons”?

- Agree
- Disagree
- Undecided
- Not Applicable

Please give reasons for your answer

The Council agrees that the “requirements and restrictions” in relation to “persons” and “groups of persons” should enable adequate measures to control risk to public health in any given scenario. Members of the public and civil liberty/human rights groups should be consulted on the proposed requirements and restrictions.

Consultation lacks information on who PHA will authorise to investigate and mitigate an incident. Clarification is requested on the practicalities of enforcement and who or which agency would liaise with the courts to obtain court orders or warrants.

Any potential impact on Council resources/budgets must be subject to further consultation.

Q14. Do you agree or disagree with the “requirements and restrictions” in relation to “related parties”?

Agree

Disagree

Undecided

Not Applicable

Please give reasons for your answer

The Council agrees that the “requirements and restrictions” in relation to “related parties” should enable adequate measures to control risk to public health in any given scenario.

Q15. Do you agree or disagree with the “requirements and restrictions” in relation to “things”?

Agree

Disagree

Undecided

Not Applicable

Please give reasons for your answer

The Council agrees that the “requirements and restrictions” in relation to “things” should enable adequate measures to control risk to public health in any given scenario that may arise that presents a significant risk to health. The definition of ‘thing’ includes dead body/human remains and should be considered with sensitivity in the description.

The Council would like to further understand what role (if any) they may have in relation to these requirements as there would be health and safety considerations and possibly a specialist services required which would not be readily available within Councils current roles, responsibilities, and resources.

Consideration of resources and budget associated with the introduction of this Bill is a concern for Councils and a detailed analysis of cost should be undertaken to ensure that there is no additional cost/burden to Councils. It is recommended that a central budget is held by the PHA to allow Councils to undertake any work that is necessary so that Councils' existing budgets are not adversely impacted.

Further consideration of the specific examples would be required to inform Councils understanding of the types of scenarios where a significant risk to public health is identified.

The required interventions in some cases may require specialist services that cannot be readily sourced and therefore consideration may need to be given to setting up contingency arrangements by availing expertise and services that may be already available in other jurisdictions. Further clarity will help to inform our understanding of the roles that Councils will be expected to provide.

Q16. Do you agree or disagree with the “requirements and restrictions” in relation to the health measures in relation to things for "related persons” and “related things” at paragraph 91?

- Agree
- Disagree
- Undecided
- Not Applicable

Please give reasons for your answer

The Council agrees that the “requirements and restrictions” in relation to health measures in relation to “related persons” and “related things” should enable adequate measures to control risk to public health in any given scenario that may arise that presents a significant risk to health.

Q.17 Do you agree or disagree with the “requirements and restrictions” in relation to “premises”?

- Agree
- Disagree
- Undecided

Not Applicable

Please give reasons for your answer

The Council agrees that the “requirements and restrictions” in relation to health measures in relation to “premises” and “any place” should enable adequate measures to control risk to public health in any given scenario that may arise that presents a significant risk to health. A definition of a premises and any exclusions would be useful.

Q18 Do you agree or disagree with the “requirements and restrictions” in relation to the health measures for “related premises” in relation to a “related person” and a “related thing” in paragraph 98?

Agree

Disagree

Undecided

Not Applicable

Please give reasons for your answer

The Council agrees that the “requirements and restrictions” in relation to health measures in relation to “premises” and “any place” should enable adequate measures to control risk to public health in any given scenario that may arise that presents a significant risk to health.

Q19. Do you agree or disagree with the additional provisions in relation to the making of the magistrates’ court orders?

Agree

Disagree

Undecided

Not Applicable

Please give reasons for your answer

The section on magistrates court orders lacks any detail on which agency/who will seek and implement such orders

Q20. Should provision in relation to a timely explanation of interference with individual rights be included?

Agree

Disagree

Undecided

Not Applicable

Please enter your answer and reasons for your answer in the box below.

Although there is a balance between protecting public health whilst also maintaining an individual's rights, every opportunity must be afforded to provide a timely and expedited right of appeal where an individual is potentially deprived of those rights.

It is also recommended that additional safeguards and support is provided to the most vulnerable in society. Additionally, where an individual or group is subject to restrictions or deprivation of freedoms, then suitable mitigations and financial support should be provided in appropriate circumstances.

Medical examination: least invasive and least intrusive procedures.

Q21. Do you agree or disagree with the provisions in relation to medical examinations?

Agree

Disagree

Undecided

Not Applicable

Please give reasons for your answer

The Council however considers this is a matter for the relevant health / medical professionals to provide comment on the proposals.

Q22. Do you agree or disagree with the list in relation to invasive procedures?

- Agree
- Disagree
- Undecided
- Not Applicable

Please give reasons for your answer
 The Council considers this is a matter for the relevant health / medical professionals to provide comment on the proposals.

Q23. Do you agree or disagree with the provision of magistrates' court orders in relation to premises?

- Agree
- Disagree
- Undecided
- Not Applicable

Please give reasons for your answer
 The Council agrees with the provision of magistrates' court orders in relation to premises to ensure that the additional provision is available if access to a premises is not possible or is prevented however detail is lacking on which agency/who will implement these orders

Q24. Do you agree or disagree with the periods for which magistrates' court orders may be in force?

- Agree
- Disagree
- Undecided
- Not Applicable

Please give reasons for your answer
 The Council acknowledges that where there are situations where individuals pose a severe and imminent risk to public health it may be necessary to apply powers of detention, isolation, and

quarantine. The use of such powers must however be used sparingly, and the legislation should reflect that whilst at the same time allowing the statutory agencies some discretion as to assessing and balancing the risk to public health against the protection of individual freedoms / human rights obligations. Consideration needs to be given on what actions will be taken should the risk remain after the 20 days expiration period.

Q25(a). Do you agree or disagree with the proposals in relation to the making of magistrates' court orders?

Agree

Disagree

Undecided

Not Applicable

Please give reasons for your answer

The Council considers this is a matter for the relevant health / medical professionals to provide comment on the proposals however detail is lacking on which agency/who will implement these orders

Q25(b). Do you agree or disagree with the proposals in relation to the varying and revocation of magistrates' court orders?

Agree

Disagree

Undecided

Not Applicable

Please give reasons for your answer

The Council agrees with the principle of making court orders as described however the Council considers this is a matter for the relevant health / medical professionals to provide comment on the proposals however detail is lacking on which agency/who will implement these orders

Q26(a). Do you agree or disagree with the proposal in relation to the enforcement of magistrates' court orders?

Agree

Disagree

Undecided

Not Applicable

Please give reasons for your answer

The Council agrees with the proposals however would welcome some clarification as to who the enforcing body for this aspect of the Bill will be. As highlighted above, Council do not have medical skills or expertise to exercise these powers therefore would fall outside of the scope of Council responsibilities.

Q26(b). Do you agree or disagree with the proposals in relation to the associated offence and fine?

Agree

Disagree

Undecided

Not Applicable

Please give reasons for your answer

Council do not have medical skills or expertise to exercise these powers therefore would fall outside of the scope of Council responsibilities.

Supplementary provisions in respect of magistrates' court orders

Q27. Do you agree or disagree with the supplementary provisions, enabling the Department to make further regulations in relation to the taking of measures pursuant to a magistrates' court order?

Agree

Disagree

Undecided

Not Applicable

Please give reasons for your answer

The Council agrees the department should have the scope to make further regulations that are deemed appropriate.

Detail is lacking on which agency/who will enforce magistrates court orders and at this stage understanding what the expectations will be on Council, if any. Conferring functions on any agency or Department without agreement requires further consideration including financial reimbursement.

Restrictions / emergency powers

Q28. Do you agree or disagree with the proposed “restrictions and requirements” that may be included in health protection regulations?

- Agree
- Disagree
- Undecided
- Not Applicable

Please give reasons for your answer

Council agrees with the proposed “restrictions and requirements” that may be included in health protection regulations. Any restrictions and requirements must be proportionate to risk and necessary to do so to protect the public from significant risks to health. Given the range of powers, included Councils would welcome some clarity on the roles in terms of enforcement of any proposed regulations due to the scope that has been outlined for this proposal relating to persons, things, and premises.

The Council believes that the legislation should provide for such remedial measures to apply to premises, things, and persons. Such powers will only be used where an on-going hazard is presented by such material or persons and the powers would provide the mechanism to ‘make safe’ the building or person and thereby eliminate the risk to public health. As it is likely that local councils will have a role in this, the council would emphasise the need to undertake detailed consultation and to ensure that there is no additional cost/burden for councils. Given that these provisions will apply to an” all hazards” approach, Councils will not have the necessary skills, expertise, or ready access to specialised services to deal with incidences where for example specialist decontamination services are required that cannot be readily sourced and therefore consideration may need to be given to setting up contingency arrangements by accessing and availing expertise and services that may be already available in other jurisdictions. Further clarity will help to inform our understanding of the roles that Councils will be expected to provide

along with multi agency partners as highlighted in question 3, the role of the Civil Emergencies Contingencies Group and its associated structures will need to be considered in response to any threat that may occur within Northern Ireland.

Appropriate provision should be made for the carrying out of works in default and the recovery of costs where possible, however, it is important to recognize that where such costs are unlikely to be successfully recovered, Council budgets may prohibit expensive works in default. Accordingly, to ensure that works are carried out promptly and the risk to public health is addressed as a priority it is recommended that a central budgetary resource is held which can be accessed by statutory agencies as necessary to carry out such works.

Councils will have been involved in the enforcement of the emergency Health Protection Regulations brought into effect at pace during the Covid pandemic. The lessons learnt from the enquiry should be considered to inform this element of the bill.

In an emergency where legislation is being drafted there should be timely consultations with any statutory body required to enforce such special regulations to ensure that the legislation addresses the intended purpose.

Power to require a head teacher to provide contact details of pupils.

Q29(a). Do you agree or disagree with the proposals in relation to the power to keep a child out of school?

Agree

Disagree

Undecided

Not Applicable

Please give reasons for your answer

This falls outside of the scope of Council responsibilities and not a function to be conferred to other persons.

Q29(b). Do you agree or disagree with the requirements on a head teacher to provide contact details?

Agree

Disagree

—

Undecided

Not Applicable

Please give reasons for your answer

This falls outside of the scope of Council responsibilities. See response to 29(a). Consideration should be given to GDPR and permissions for schools to share pupils information outside of the education system.

Restriction of access to, or contact with, dead bodies

Q30(a). Do you agree or disagree with the proposals in relation to access to dead bodies?

Agree

Disagree

Undecided

Not Applicable

Please give reasons for your answer

The Council agrees with proposals in relation to restricting access and contact with dead bodies who pose a threat to the spread of infectious disease or contamination for the protection of public health.

Q30(b). Do you agree or disagree with the proposals in relation to contact with dead bodies?

Agree

Disagree

Undecided

Not Applicable

Please give reasons for your answer

The Council agrees with proposals in relation to restricting access and contact with dead bodies who pose a threat to the spread of infectious disease or contamination for the protection of public health.

Q30(c). Who should have the power to give notice of the restriction?**Please provide suggestions in the box below**

The power to give notice of the restriction will be based on medical evidence and therefore Councils would not have any role in this aspect of the proposed Bill.
Detail is lacking on which agency/who will enforce offence of non-compliance

Relocation of dead bodies**Q31(a). Do you agree or disagree with the proposals in relation to relocation of dead bodies?**

Agree

Disagree

Undecided

Not Applicable

Please give reasons for your answer

Any powers conferred should be comprehensive and should allow for requirements on how the body is to be handled and ultimately treated. The Council therefore recommends that there should be powers to require precautions for handling/ preparing bodies, requiring movement to a place and arrangements for interment/disposal to prevent the risk to public health. Such requirements should be based on robust risk assessment.

Q31(b). Who should have the responsibility to relocate or cause the dead body to be relocated?**Please provide suggestions in the box below**

Given that such hazards are likely to be identified via interaction with medical professionals at or around the time of death it seems likely that controls should commence at that stage by the doctor or other professional such as PHA officials.

Detail is lacking on which agency/who will enforce the failure to co-operate offence.

Limitations: regulations imposing restrictions or requirements

Domestic Health Protection Regulations

Q32(a). Do you agree or disagree with the scope of the powers to make domestic health protection regulations?

- Agree
- Disagree
- Undecided
- Not Applicable

Please give reasons for your answer
 See points raised in answer to question 28.

Q32(b). Do you agree or disagree with the scope of the limitations imposing “restrictions or requirements” in relation to domestic health protection regulations?

- Agree
- Disagree
- Undecided
- Not Applicable

Please give reasons for your answer
 See points raised in answer to question 28.

International Travel Health Protection Regulations

Q33(a). Do you agree or disagree with the scope of the powers to make international travel health protection regulations?

Agree

Disagree

Undecided

Not Applicable

Please give reasons for your answer

The Council agrees however any regulations must be proportionate to risk and necessary to do so to protect the public from significant risks to health.

In an emergency where legislation is being drafted there should be timely consultations with any statutory body required to enforce such special regulations to ensure that the legislation addresses the intended purpose.

Q33(b). Do you agree or disagree with the scope of the limitations imposing “restrictions or requirements” in relation to international travel health protection regulations?

Agree

Disagree

Undecided

Not Applicable

Please give reasons for your answer

The Council considers this is a matter for the relevant health / medical professionals to provide comment on the proposals.

Q34. Do you agree or disagree with the scope of the associated offences and fines?

Agree

Disagree

—

Undecided

Not Applicable

Please give reasons for your answer

The lessons learnt from the Covid enquiry should be considered to inform this element of the bill.

Detail is lacking on which agency/who will enforce contraventions of public health regulations failure to co-operate offence. Conferring functions on any agency or Department without agreement requires further consideration including financial reimbursement.

Powers conferred on any other Northern Ireland Department to make regulations.

Q35. Do you agree or disagree that regulation making powers should be included in the Bill enabling other NI departments to make regulations at the request of the Minister of Health?

Agree

Disagree

Undecided

Not Applicable

Please give reasons for your answer

Councils welcome any measures to ensure that any new regulations introduced in response to emergency measures are overseen and co-ordinated by the appropriate Ministerial Department. During the Covid pandemic, Councils were involved in the enforcement of the emergency powers and encountered many challenges in enforcing legislation that involved several government departments.

Council welcomes advance consultation with stakeholders on any new regulation, especially with those responsible for enforcement. Failure to consult and consider feedback can result in legislation that is confusing to the public/businesses, open to interpretation and unenforceable by the enforcing authority

Council also encourages that detailed guidance is developed alongside the drafting of legislation to assist in its interpretation and implementation. Such guidance should be provided promptly, ideally prior to the new regulation coming into force.

Review of regulations

Q36. Do you consider that the proposals in relation to the review of the operation of the health protection regulations are appropriate?

Agree

Disagree

Undecided

Not Applicable

Please give reasons for your answer

Council recommends advance consultation with stakeholders on any new regulation, especially with those responsible for enforcement. Failure to consult and consider feedback can result in legislation that is confusing to the public/businesses, open to interpretation and unenforceable by the enforcing authority

Council also encourages that detailed guidance is developed alongside the drafting of legislation to assist in its interpretation and implementation. Such guidance should be provided promptly, ideally prior to the new regulation coming into force.

Assembly control

Q37. Do you consider that the proposals set out in Recommendation 3 of the Bingham report should be adopted in the new Public Health Bill?

Agree

Disagree

Undecided

Not Applicable

Please give reasons for your answer

Council recommends advance consultation with stakeholders on any new regulation, especially with those responsible for enforcement. Failure to consult and consider feedback can result in legislation that is confusing to the public/businesses, open to interpretation and unenforceable by the enforcing authority

Council also encourages that detailed guidance is developed alongside the drafting of legislation to assist in its interpretation and implementation. Such guidance should be provided promptly, ideally prior to the new regulation coming into force.

Q38. Do you consider that the proposals set out in Recommendation 4 of the Bingham report should be adopted in the new Public Health Bill?

Agree

Disagree

Undecided

Not Applicable

Please give reasons for your answer

Q39. Do you consider that the proposals set out in Recommendation 5 of the Bingham report should be adopted in the new Public Health Bill?

Agree

Disagree

Undecided

Not Applicable

Please give reasons for your answer

Q40. Do you agree or disagree that the negative procedure for making urgent international travel regulations should be retained as in Recommendation 6?

- Agree
- Disagree
- Undecided
- Not Applicable

Please give reasons for your answer

Q41(a). Do you agree or disagree that ministers should have a statutory duty to have regard to any relevant advice produced by National Human Rights Institutions in their jurisdiction as in Recommendation 10?

- Agree
- Disagree
- Undecided
- Not Applicable

Please give reasons for your answer

Q41(b) What other institutions could this duty be extended to?

Please provide suggestions in the box below
Commissioner for Older People

Q42(a) Do you agree or disagree that an alternative formal system of enforcement, other than Fixed Penalty Notices (FPNs), should be adopted in emergency health protection regulations?

- Agree
- Disagree
- Undecided
- Not Applicable

Please give reasons for your answer
<p>The lessons learnt from the Covid enquiry should be considered to inform this element of the bill. Any alternative formal system of enforcement, other than Fixed Penalty Notices must be consistent with good practice with a graduated and proportionate approach to enforcement adopted.</p> <p>Council would query if a warning is suitable for a contravention of emergency health protection regulations, given their purpose and the risk to public health.</p> <p>There is a lack of detail on who the enforcement body would be and how decisions on the course of action to be taken would be determined.</p> <p>Recording and managing warnings issued could be problematic for any enforcement body. Regional systems will need to be put in place to enable sharing of information to avoid individual receiving multiple warnings that should have escalated to an FPN or prosecution.</p> <p>The use of warnings for a first offence may not serve as an effective deterrent. FPNs are more appropriate and may be easier to manage.</p>

Q42(b) If so, what should this look like?

Please provide suggestions in the box below
See 42 (a)

THEME 4: PROTECTING INDIVIDUALS (Page 67-69)

Q43. Do you consider that appropriate safeguards and protections to individuals have been captured in the proposed Bill?

- Agree
- Disagree
- Undecided
- Not Applicable

Please give reasons for your answer

Rural Impact

The Rural Needs Act (NI) 2016 places a duty on public authorities, including government departments, to have due regard to rural needs when developing, adopting, implementing or revising policies, strategies and plans and when designing and delivering public services.

Q44. Are the actions or proposals set out in this consultation document likely to have an adverse impact on rural areas?

Yes

Undecided

Not Applicable

Please give reasons for your answer.

Council would suggest based on restrictions during covid, rural areas were adversely affected to a greater extent in respect of access to services etc.

Equality/human rights questions

Q45. Are you aware of any indication or evidence – qualitative or quantitative – that the actions/proposals set out in this consultation document may have an adverse impact on equality of opportunity or on good relations? If yes, please give details and comment on what you think should be added or removed to alleviate the adverse impact.

Yes

Undecided

Not Applicable

Please give reasons for your answer.

Q46. Is there an opportunity to better promote equality of opportunity or good relations? If yes, please give details as to how.

Yes

Undecided

Not Applicable

Please give reasons for your answer.

Q47. Are there any aspects of this policy proposal where potential human rights violations may occur?

Yes

Undecided

Not Applicable

Please give reasons for your answer.

Whilst safeguards appear to have been considered in the form of appeals and review periods where restrictions and deprivation of movement are imposed, it is not possible to determine the extent, if any, of potential human rights violations until the final draft of the Bill is available for comment.

Thank you for your comments

Please submit your response via email or hard copy to the correspondence details below:

Email: phbt@health-ni.gov.uk

Address: Health Protection Legislation Branch
C/O PHD Admin Team
Room C4.22
Castle Buildings
Stormont Estate
Belfast
Northern Ireland
BT4 3SQ

END

Committee:	Environment & Sustainability
Date:	4th September 2024
Report from:	Head of Service (Acting) – Environmental Health, Risk and Emergency Planning

Item for:	Decision
Subject:	Office of Product Safety & Standards (OPSS) Grant Funding For The Capacity and Capability Building Programme In Northern Ireland: Non-Food Products 2024 / 2025

1.0 **Background and Key Issues**

1. The purpose of this report is to advise Members of an offer by the Office of Product Safety & Standards (OPSS) of Grant Funding up to £55,000 for 2024 / 2025.
2. From 2018, the OPSS, the national regulator for product safety, has worked with district Councils in Northern Ireland to enable them to undertake market surveillance (sampling, complaint investigation etc.) and provide advice and support to local businesses regarding product safety responsibilities. This has included a grant funding arrangement, either made directly to Council, or through a Service Level Agreement with a lead Council.
3. The funded activities are listed in Annex 2 of the Agreement (attached as **Appendix 4 EH**) and are for targeted and prioritised regulatory activity on non-food consumer goods to ensure robust market surveillance across the UK.
4. OPSS will pay the grant on receipt of eligible expenditure claims. Payment will be made in arrears (September 2024, December 2024 and March 2025)

Key Issues

5. The funding will be used by Council to undertake a range of activities on non-food consumer products including to:
 - build on previous product safety capacity and capability building work;
 - ensure access to enforcement equipment and facilities;
 - provide advice and support to local businesses to meet their obligations under product safety legislation for importing and appropriate labelling/marketing of goods;
 - develop officers' understanding of local supply chains and their associated risks;
 - ensure adequate prioritisation of effort and resource against OPSS policy and national regulatory interests; ad hoc requests for case studies or other additional information.

2.0 **Recommendation**

It is recommended that Members approve the acceptance of the 2024/2025 Grant offer of up to £55,000 from OPSS, the national regulator for product safety, for activities carried out by the Environmental Health, Risk and Emergency Planning Service Unit as detailed in the report.

3.0	<p><u>Finance and Resource Implications</u></p> <p>The grant will provide the Council with up to £55,000 funding.</p>	
4.0	<p><u>Equality/Good Relations and Rural Needs Impact Assessments</u></p>	
4.1	Has an equality and good relations screening been carried out?	N/A
4.2	<p>Brief summary of the key issues identified and proposed mitigating actions <u>or</u> rationale why the screening was not carried out</p> <p>Not applicable – Grant Funding Offer.</p>	
4.3	Has a Rural Needs Impact Assessment (RNIA) been completed?	N/A
4.4	<p>Brief summary of the key issues identified and proposed mitigating actions <u>or</u> rationale why the screening was not carried out.</p> <p>Not applicable – Grant Funding Offer.</p>	

<p>Appendices:</p>	<p>Appendix 4 EH: Office of Product Safety & Standards (OPSS) Grant Funding for The Capacity and Capability Building Programme In Northern Ireland: Non-Food Products 2024/2025.</p>
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Department for
Business & Trade

Robert Lamont
Lisburn and Castlereagh City Council
Lagan Valley Island
Lisburn
Co Antrim
BT27 4RL

Date: 29 May 2024

Dear Robert,

CAPACITY & CAPABILITY BUILDING PROGRAMME IN NORTHERN IRELAND: NON-FOOD PRODUCTS — 2024/25

1. I am pleased to inform you that Secretary of State for The Department for Business and Trade (referred to in this letter as “**We**”/ “**Us**”/ “**Our**”), offers **Lisburn and Castlereagh City Council** (referred to in this letter as “**You**”/ “**Your**”) a grant (“**Grant**”) subject to Your agreement to, and compliance with, the terms and conditions set out in this agreement (the “**Grant Funding Agreement**”).

The Grant Funding Agreement includes and incorporates this letter along with the following documents:

- ANNEX 1: The standard **Terms and Conditions**;
- ANNEX 2: The description of the **Funded Activities**;
- ANNEX 3: The **Payments Schedule**;
- ANNEX 4: Your **Bank details**;
- ANNEX 5: The **Eligible Expenditure**;
- ANNEX 6: The Grant Claim Form requirements (**this document is not included**)
- ANNEX 7: The **Contact details**

2. The Grant is offered under s.274(a) of the Enterprise Act 2002.

Amount of Grant

3. The maximum amount of Grant offered is up to £55,000 (fifty-five thousand pounds) and is provided to your District Council for the project outlined in Annex 2. This is the total amount of Grant that We may pay, and this amount will not be increased because of any overspend. This will be paid in financial year ending on 31st March 2025.

Purpose of Grant

4. The Grant is offered to You to contribute to certain expenditure (see paragraph 5, “**Eligible Expenditure**”) where that expenditure is reasonably incurred by You in undertaking (“**the Funded Activities**”).
5. A description of the Funded Activities is set out in **Annex 2** to this letter.

Eligible Expenditure

6. Subject to paragraphs 7 and 8, the Eligible Expenditure is limited to the costs specified in **Annex 5** to this letter.
7. Under no circumstances may the Grant be claimed or used to cover any Ineligible Expenditure listed in paragraph 5.3 of **Annex 1** to this Grant Funding Agreement or to cover costs incurred for those purposes (and any such costs do not constitute Eligible Expenditure for the purposes of this Grant Funding Agreement). The Eligible Expenditure must be kept to the minimum for the efficient conduct of the Funded Activities, and expenditure that We reasonably determine to be in excess of that amount does not constitute Eligible Expenditure.

Funding Period

8. The Eligible Expenditure for which the Grant is awarded is expenditure limited to costs which are incurred between **1st April 2024** and **31st March 2025**.

Payment of Grant

9. The Grant will be paid in arrears, on a reimbursement basis upon receipt from You of an invoice in the form set out in **Annex 6** to this Grant Funding Agreement.

Accountable Officer

- 10.1 You must appoint a person (the “**Accountable Officer**”) responsible for ensuring that You use the Grant in compliance with the Grant Funding Agreement and notify Us of the identity of the Accountable Officer.
- 10.2 The Accountable Officer must maintain oversight of Your use of the Grant and:
 - a) safeguard, control and ensure the efficient, economical and effective management of the Grant;
 - b) advise You on the discharge of Your responsibilities under the Agreement and under any subsequent terms and conditions agreed by You and Us, or any guidance or other information notified by Us;
 - c) ensure that principles of probity, robust governance, transparency and value for money are maintained at all times in relation to the Grant;
 - d) be responsible for signing the accounts relating to the Grant, ensuring that they are properly prepared and presented and that proper accounting records are maintained in a form that complies with generally accepted accounting practices to which You are subject; and
 - e) ensure that conflicts of interest are avoided.

Grant Claims

11. Your Grant claim[s] must include the following:
 - a) the information and evidence required for the relevant instalment in Condition 4 in **Annex 1**; and

- b) accompanying that information and evidence, the appropriate assurance required by Condition 7 in **Annex 1**.

Reasonable assurance report

Not required.

Conditions Precedent

12. The offer of Grant is conditional on You providing Us with the following:
 - a) the completed and signed form in **Annex 4** confirming Your bank details and the details of Your signatories.
 - b) evidence showing that an Accountable Officer has been appointed.
13. You must ensure that We receive the information and evidence required above within one month of the date of this Grant Funding Agreement. Should You fail to do so, or should We reasonably conclude that the information and evidence provided prior to that deadline is unsatisfactory, We shall be entitled to withdraw the Grant (and any Grant already paid by then will be repayable with interest).

Assets

Not applicable

Warranties

14. By signing this Grant Funding Agreement, you warrant and represent that:
 - a) Your obligations under the Grant Funding Agreement are legal, valid, binding and enforceable;
 - b) all authorisations and consents necessary to enable You to enter into and perform the obligations in the Grant Funding Agreement have been obtained; and
 - c) the person signing this Grant Funding Agreement is duly authorised to sign on your behalf.
15. Nothing in the Grant Funding Agreement or the provision of Grant gives or is intended to give rise to contractual relations.

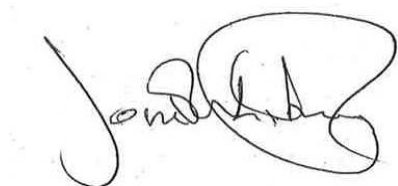
Notices and contact

16. In communicating with Us, Your contact within the Department for Business and Trade is Jackie Fitzsimons (jackie.fitzsimons@businessandtrade.gov.uk)

Acceptance

17. If You wish to accept this offer, You must sign and date the duplicate copy of this Grant Funding Agreement as indicated below and return one signed copy to Us. It must be signed by someone who is authorised to sign on behalf of your organisation. Please provide evidence of their authority to sign and bind your organisation. Please also provide a day-to-day contact name and email address.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Jonathan Eatough', written in a cursive style.

Jonathan Eatough
Deputy Chief Executive
Office for Product Safety & Standards

Agreement

I confirm, for and on behalf of Lisburn and Castlereagh City Council, the agreement of Lisburn and Castlereagh City Council to the terms and conditions set out or referred to in this Grant Funding Agreement.

Signed:

Printed Name:

Position:

Date:

Day to day contact for the Grant:

Name:

Position:

Email address:

Accountable Officer for the Grant:

Name:

Email address:

ANNEX 1

TERMS AND CONDITIONS

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1. INTRODUCTION

- 1.1 These are the conditions collectively (“the Conditions”) which apply to the Grant Recipient receiving the Grant from the Authority up to the Maximum Sum.
- 1.2 The parties confirm that it is their intention to be legally bound by this Grant Funding Agreement. Nothing in the Agreement or the provision of Grant gives or is intended to give rise to contractual relations.
- 1.3 The Authority makes this Grant to the Grant Recipient to build capacity and capability to ensure there is a robust consumer product and construction product safety system UK-wide. The criteria and deliverables requested are set out in **Annex 2**.

2. DEFINITIONS AND INTERPRETATION

- 2.1 Where they appear in these Conditions:

Annex means the annexes attached to these Conditions which form part of the Grant Funding Agreement;

Asset means any assets that are to be purchased or developed using the Grant including equipment or any other assets which may be a Fixed Asset or Major Asset as appropriate in the relevant context, and **Assets** will be construed accordingly;

Asset Owning Period means the period during which the Assets are recorded as Assets in the Grant Recipient’s accounts;

Authority means the Secretary of State for Business, Energy and Industrial Strategy;

Authority Personal Data means any Personal Data supplied for the purposes of, or in connection with, the Grant Funding Agreement by the Authority to the Grant Recipient;

Bribery Act means the Bribery Act 2010 and any subordinate legislation made under that Act from time to time together with any guidance or codes of practice issued by the relevant government department concerning this legislation;

Code of Conduct means the Code of Conduct for Recipients of Government General Grants published by the Cabinet Office in November 2018 which is available at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/754555/2018-11-06_Code_of_Conduct_for_Grant_Recipients.pdf, including any subsequent updates from time to time;

Commencement Date means the date on which the Grant Funding Agreement comes into effect, being the **1st April 2024**.

Confidential Information means any information (however conveyed, recorded or preserved) disclosed by a Party or its personnel to another Party (and/or that Party’s personnel) whether before or after the date of the Grant Funding Agreement, including but not limited to:

- (a) any information that ought reasonably to be considered to be confidential (whether or not it is so marked) relating to:
 - (i) the business, affairs, customers, clients, suppliers or plans of the disclosing Party; and

- (ii) the operations, processes, product information, know-how, designs, trade secrets or software of the disclosing Party; and
- (b) any information developed by the Parties in the course of delivering the Funded Activities;
- (c) the Authority Personal Data;
- (d) any information derived from any of the above.

Confidential Information shall not include information which:

- (a) was public knowledge at the time of disclosure (otherwise than by breach of paragraph 10 of these Conditions;
- (b) was in the possession of the receiving Party, without restriction as to its disclosure, before receiving it from the disclosing Party;
- (c) is received from a Third Party (who lawfully acquired it) without restriction as to its disclosure; or
- (d) is independently developed without access to the Confidential Information.

Contracting Authority means any contracting authority (other than the Authority) as defined in regulation 2 of the Public Contracts Regulations 2015 (as amended);

Controller and Processor take the meaning given in the UK GDPR;

Change of Control means the sale of all or substantially all the assets of a Party; any merger, consolidation or acquisition of a Party with, by or into another corporation, entity or person, or any change in the ownership of more than fifty percent (50%) of the voting capital stock of a Party in one or more related transaction;

Crown Body means the government of the United Kingdom (including the Northern Ireland Assembly and Executive Committee, the Scottish Executive and the National Assembly for Wales), including, but not limited to, government ministers and government departments and particular bodies, persons, commissions or agencies from time to time carrying out functions on its behalf;

Data Protection Legislation means (i) the UK GDPR, and any applicable implementing Law as amended from time to time; (ii) the Data Protection Act 2018 to the extent that it relates to the processing of Personal Data and privacy; and (iii) all applicable Law relating to the processing of Personal Data and privacy;

Disposal means the disposal, sale, transfer of an Asset or any interest in any Asset and includes any contract for disposal;

Domestic Law means an applicable law, statute, bye-law, regulation, order, regulatory policy, guidance or industry code, judgment of a relevant court of law, or directives or requirements of any regulatory body, delegated or subordinate legislation which replaces EU law as a consequence of the UK leaving the European Union;

Domestic Successor means, as the context requires, either:

- (a) a body that takes over the functions of the European Commission in the United Kingdom on the date it withdraws from the European Union; or
- (b) the relevant court in the United Kingdom which takes over the functions of the Court of Justice of the European Union on the date the United Kingdom withdraws from the European Union;

Duplicate Funding means funding provided by a Third Party to the Grant Recipient, which is for the same purpose for which the Grant was made, but has not been declared to the Authority;

Eligibility Criteria mean the Authority's selection criteria used to determine who should be grant recipients including the Grant Recipient;

Eligible Expenditure means the expenditure incurred by the Grant Recipient during the Funding Period for the purposes of delivering the Funded Activities which comply in all respects with the eligibility rules set out in paragraph 5 of these Conditions;

EIR means the Environmental Information Regulations 2004;

Event of Default means an event or circumstance set out in paragraph 24.1;

Financial Year means from 1st April 2024 to 31st March 2025;

Fixed Assets means any Asset which consists of land, buildings, plant and equipment acquired, developed, enhanced, constructed in connection with the Funded Activities;

FOIA means the Freedom of Information Act 2000 and any subordinate legislation made under that Act from time to time together with any guidance or codes of practice issued by the relevant government department concerning the legislation;

Funded Activities means the activities set out in **Annex 2**;

Funding Period means the period for which the Grant is awarded starting on the **1st April 2024** and ending on **31st March 2025**.

UK General Data Protection Regulation and **UK GDPR** means the General Data Protection Regulation (EU) 2016/679) as it forms part of the law of England and Wales, Scotland and Northern Ireland by virtue of section 3 of the European Union (Withdrawal) Act 2018;

Grant means the sum or sums the Authority will pay to the Grant Recipient in accordance with the Grant Funding Agreement including but not limited to paragraph 4 of the Conditions and subject to the provisions set out at paragraph 24;

Grant Claim means the payment request invoice or documentation accompanying the invoice submitted by the Grant Recipient to the Authority for payment of the Grant in form specified by **Annex 6**;

Grant Funding Agreement means the Grant Funding Letter together with its Annexes, including but not limited to this **Annex 1**;

Grant Funding Letter means the letter the Authority issued to the Grant Recipient dated 29 May 2024

Grant Manager means the individual who has been nominated by the Authority to be the single point of contact for the Grant Recipient in relation to the Grant

HRA means the Human Rights Act 1998 and any subordinate legislation made under that Act from time to time together with any guidance or codes of practice issued by the relevant government department concerning the legislation;

Ineligible Expenditure means expenditure incurred by the Grant Recipient which is not Eligible Expenditure and as set out in paragraph 5 of these Conditions;

Information Acts means the Data Protection Legislation, FOIA and the EIR, as amended from time to time;

Intellectual Property Rights or **IPRs** means copyright, rights related to or affording protection similar to copyright, rights in databases, patents and rights in inventions semi-conductor topography rights, trade marks, rights in internet domain names and website addresses and other rights in trade names, designs, know-how, trade secrets and any modifications, amendments, updates and new releases of the same and all similar or equivalent rights or forms of protection which subsist or will subsist now or in the future in any part of the world;

IPR Material means all material produced by the Grant Recipient or its Representatives in relation to the Funded Activities during the Funding Period (including but not limited to, materials expressed in any form of report, database, design, document, technology, information, know how, system or process);

Instalment Period means the intervals set out in **Annex 3** when the Authority will release payment of the Grant to the Grant Recipient during the Funding Period;

Joint Controllers means where two or more Controllers jointly determine the purposes and means of processing;

Law means any applicable law, statute, byelaw, regulation, order, regulatory policy, guidance or industry code, judgment of a relevant court of law, or directives or requirements of any regulatory body, delegated or subordinate legislation;

Losses means all losses, liabilities, damages, costs, expenses (including legal fees), disbursements, costs of investigation, litigation, settlement, judgment, interest and penalties whether arising in contract, tort (including negligence), breach of statutory duty, misrepresentation or otherwise and **Loss** will be interpreted accordingly;

Match Funding means any contribution to the Funded Activities from a Third Party to the Grant Recipient to meet the balance of the Eligible Expenditure not supported by the Grant;

Maximum Sum means the maximum amount of the Grant the Authority will provide to the Grant Recipient for the Funded Activities subject to paragraph 24;

Party means the Authority or Grant Recipient and **Parties** shall be each Party together;

Personal Data has the meaning given to it in the Data Protection Legislation as amended from time to time;

Procurement Regulations means the Public Contracts Regulations 2015, Concession Contracts Regulations 2016, Defence Security Public Contracts Regulations 2011 and the Utilities and Contracts Regulations 2016 together with their amendments, updates and replacements from time to time;

Prohibited Act means:

- (a) directly or indirectly offering, giving or agreeing to give to any servant of the Authority or the Crown any gift or consideration of any kind as an inducement or reward for:
 - (i) doing or not doing (or for having done or not having done) any act in relation to the obtaining or performance of the Funding Agreement; or
 - (ii) showing or not showing favour or disfavour to any person in relation to the Funding Agreement.
- (b) committing any offence:
 - (i) under the Bribery Act;
 - (ii) under legislation creating offences in respect of fraudulent acts; or
 - (iii) at common law in respect of fraudulent acts in relation to the Funding Agreement; or
- (c) defrauding or attempting to defraud or conspiring to defraud the Authority or the Crown;

Publication means any announcement, comment or publication of any publicity material by the Grant Recipient concerning the Funded Activities or the Authority;

Remedial Action Plan means the plan of action submitted by the Grant Recipient to the Authority following an Event of Default pursuant to the Rectification Plan process set out in paragraphs 24.4

Representatives means any of the Parties' duly authorised directors, employees, officers, agents, professional advisors and consultants;

Special Payments means ex gratia expenditure **by the Grant Recipient to a third party** where no legal obligations exists for the payment and/or other extra-contractual expenditure. Special Payments may include, but is not limited to, out-of-court settlements, compensation or additional severance payments to the Grant Recipient's employees;

Third Party means any person or organisation other than the Grant Recipient or the Authority;

Unspent Monies means any monies paid to the Grant Recipient in advance of its Eligible Expenditure, which remains unspent and uncommitted at the end of the Financial Year, the Funding Period or because of termination or breach of these Conditions;

VAT means value added tax chargeable in the UK;

Working Day means any day from Monday to Friday (inclusive) which is not specified or proclaimed as a bank holiday in England and Wales pursuant to section 1 of the Banking and Financial Dealings Act 1971 including Christmas Day and Good Friday.

2.2 In these Conditions, unless the context otherwise requires:

- (1) the singular includes the plural and vice versa;
- (2) reference to a gender includes the other gender and the neuter;

- (3) references to a person include an individual, company, body corporate, corporation, unincorporated association, firm, partnership or other legal entity or Crown Body;
- (4) a reference to any Law includes a reference to that Law as amended, extended, consolidated or re-enacted from time to time;
- (5) the words "including", "other", "in particular", "for example" and similar words will not limit the generality of the preceding words and will be construed as if they were immediately followed by the words "without limitation";
- (6) references to "writing" include typing, printing, lithography, photography, display on a screen, electronic and facsimile transmission and other modes of representing or reproducing words in a visible form, and expressions referring to writing will be construed accordingly;
- (7) references to "representations" will be construed as references to present facts, to "warranties" as references to present and future facts and to "undertakings" as references to obligations under the Grant Funding Agreement;
- (8) references to "paragraphs" and "Annexes" are, unless otherwise provided, references to the paragraphs and annexes of these Conditions and references in any Annex to parts, paragraphs and tables are, unless otherwise provided, references to the parts, paragraphs and tables of the Annex in which these references appear; and
- (9) the headings in these Conditions are for ease of reference only and will not affect the interpretation or construction of these Conditions.

2.3 Where there is any conflict between the documents that make up this Grant Funding Agreement the conflict shall be resolved in accordance with the following order of precedence:

2.3.1 The Grant Funding Letter;

2.3.2 The Annexes to the Grant Funding Letter except Annex 1 (Terms and Conditions);
and

2.3.3 Annex 1 (Terms and Conditions).

CONDITIONS

3. DURATION AND PURPOSE OF THE GRANT

- 3.1 The Funding Period starts on 1st April 2024 (the **Commencement Date**) and ends on 31st March 2025 unless terminated earlier in accordance with this Grant Funding Agreement.
- 3.2 The Grant Recipient will ensure that the Funded Activities start on 1st April 2024 but where this has not been possible, that they start no later than one month after the Commencement Date.
- 3.3 The Grant Recipient shall use the Grant solely for the delivery of the Funded Activities. The Grant Recipient may not make any changes to the Funded Activities.
- 3.4 If the Authority wants to make a change to the Funded Activities (including for example reducing the Grant or removing some of the Funded Activities from the Grant) it may do so on one month's written notice to the Grant Recipient.

4. PAYMENT OF GRANT

- 4.1 Subject to the remainder of this paragraph, the Authority shall pay the Grant Recipient an amount not exceeding £55,000 (fifty-five thousand pounds). The Authority shall pay the Grant in pound sterling (GBP) and into a bank located in the UK.
- 4.2 The Grant Recipient must complete and sign the Confirmation of Bank Details and Signatories (**Annex 4**) as part of their acceptance of the Grant. No payment can be made in advance of receipt of a correctly completed and signed form.
- 4.3 The signatory must be the chief finance officer or someone with proper delegated authority. Any change of bank details must be notified immediately on the same form and signed by an approved signatory. Any change of signatory must be notified to the Authority for approval, as soon as known.
- 4.4 The Grant represents the Maximum Sum the Authority will pay to the Grant Recipient under the Funding Agreement. The Maximum Sum will not be increased in the event of any overspend by the Grant Recipient in its delivery of the Funded Activities
- 4.5 The Authority will only pay the Grant to the Grant Recipient in respect of Eligible Expenditure incurred by the Grant Recipient to deliver the Funded Activities. The Authority will not pay the Grant until it is satisfied that the Grant Recipient has paid for the Funded Activities in full and the Funded Activities have been delivered during the Funding Period.
- 4.6 The Grant Recipient will provide the Authority with evidence of the costs/payments, which are classified as Eligible Expenditure in paragraph 5.2 which may include (but will not be limited to) receipts and invoices or any other documentary evidence specified by the Authority.
- 4.7 The Grant Recipient shall declare to the Authority any Match Funding which been approved or received, before the Commencement Date. If the Grant Recipient intends to apply for, is offered or receives any further Match Funding during the Funding Period, the Grant Recipient shall notify the Authority before accepting or using any such Match Funding. On notifying the Authority of the Match Funding the Grant Recipient shall confirm the amount, purpose and source of the Match Funding and the Authority shall confirm whether it is agreeable to the Grant Recipient accepting the Match Funding. If the Authority does not agree to the use of Match Funding the Authority shall be entitled to terminate the Grant Funding Agreement in accordance with paragraph 24.1.9 and where applicable, require all or part of the Grant to be repaid.
- 4.8 Where the use of Match Funding is permitted the Grant Recipient shall set out any Match Funding it receives in the format required by Annex 2 and send that to the Authority. This is so the Authority knows the total funding the Grant Recipient has received for the Funded Activities.
- 4.9 The Grant Recipient agrees that:
 - 4.9.1 it will not apply for, or obtain, Duplicate Funding in respect of any part of the Funded Activities which have been paid for in full using the Grant;
 - 4.9.2 the Authority may refer the Grant Recipient to the police should it dishonestly and intentionally obtain Duplicate Funding for the Funded Activities;
 - 4.9.3 The Authority will not make the first payment of the Grant and/or any subsequent payments of the Grant unless or until, the Authority is satisfied that:

- (i) the Grant will be used for Eligible Expenditure only; and
- (ii) if applicable, any previous Grant payments have been used for the Funded Activities or, where there are Unspent Monies, have been repaid to the Authority.

- 4.10 The Grant Recipient shall submit by the **31st of May 2025** the Grant Claim together with a copy of Annex 5 of these Conditions (Eligible Expenditure) and any other documentation as prescribed by the Authority, from time to time.
- 4.11 Unless otherwise stated in these Conditions, payment of the Grant will be made within 30 days of the Authority approving the Grant Recipient's Grant Claim.
- 4.12 The Authority will have no liability to the Grant Recipient for any Losses caused by a delay in the payment of a Grant Claim howsoever arising.
- 4.13 The Authority reserves the right not to pay any Grant Claims, which are not submitted within the period set out in paragraph 4.10 or Grant Claims, which are incomplete, incorrect, or submitted without the full supporting documentation.
- 4.14 The Grant Recipient shall promptly notify and repay immediately to the Authority any money incorrectly paid to it either as a result of an administrative error or otherwise. This includes (without limitation) situations where the Grant Recipient is paid in error before it has complied with its obligations under the Grant Funding Agreement. Any sum, which falls due under this paragraph 4.14, shall fall due immediately. If the Grant Recipient fails to repay the due sum immediately the sum will be recoverable summarily as a civil debt.
- 4.15 The Grant will be paid into a bank account in the name of the Grant Recipient which must be an ordinary business bank account. All cheques from the bank account must be signed by at least two individual Representatives of the Grant Recipient.
- 4.16 Where the Grant Recipient enters into a contract with a Third Party in connection with the Funded Activities, the Grant Recipient will remain responsible for paying that Third Party. The Authority has no responsibility for paying Third Party invoices.
- 4.17 Onward payment of the Grant and the use of sub-contractors shall not relieve the Grant Recipient of any of its obligations under the Grant Funding Agreement, including any obligation to repay the Grant.
- 4.18 The Grant Recipient may not retain any Unspent Monies without the Authority's prior written permission.
- 4.19 If at the end of the relevant Financial Year there are Unspent Monies, the Grant Recipient shall repay such Unspent Monies to the Authority no later than 30 days of the Authority's request for repayment.

5. ELIGIBLE AND INELIGIBLE EXPENDITURE

- 5.1 The Authority will only pay the Grant in respect of Eligible Expenditure incurred by the Grant Recipient to deliver the Funded Activities and the Grant Recipient will use the Grant solely for delivery of the Funded Activities (as set out in Annex 2 of these Conditions).
- 5.2 The following costs/payments will be classified as Eligible Expenditure if incurred for the purposes of the Funded Activities:
 - 5.2.1 giving evidence to Parliamentary Select Committees;

5.2.2 attending meetings with government ministers or civil servants to discuss the progress of a taxpayer funded grant scheme;

5.2.3 responding to public consultations, where the topic is relevant to the objectives of the Funded Activities. To avoid doubt, Eligible Expenditure does not include the Grant Recipient spending The Grant on lobbying other people to respond to any such consultation (unless explicitly permitted in the Grant Funding Agreement)

5.2.4 providing independent, evidence-based policy recommendations to local government, departments or government ministers, where that is the objective of a taxpayer funded grant scheme, for example, 'What Works Centres'; and

5.2.5 providing independent evidence-based advice to local or national government as part of the general policy debate, where that is in line with the objectives of the Grant.

5.3 The Grant Recipient may not in any circumstances claim the following non-exhaustive list as Eligible Expenditure. The list below does not override activities which are deemed eligible in these Conditions:

5.3.1 Paid for lobbying, which means using the Grant to fund lobbying (via an external firm or in-house staff) in order to undertake activities intended to influence or attempt to influence Parliament, government or political activity; or attempting to influence legislative or regulatory action;

5.3.2 using the Grant to directly enable one part of government to challenge another on topics unrelated to the agreed purpose of the grant;

5.3.3 using the Grant to petition for additional funding;

5.3.4 expenses such as for entertaining, specifically aimed at exerting undue influence to change government policy;

5.3.5 input VAT reclaimable by the grant recipient from HMRC;

5.3.6 payments for activities of a political or exclusively religious nature;

5.4 Other examples of expenditure, which are prohibited, include the following:

5.4.1 contributions in kind;

5.4.2 interest payments or service charge payments for finance leases;

5.4.3 gifts;

5.4.4 statutory fines, criminal fines or penalties civil penalties, damages or any associated legal costs;

5.4.5 payments for works or activities which the grant recipient, or any member of their Partnership has a statutory duty to undertake, or that are fully funded by other sources;

5.4.6 bad debts to related parties;

5.4.7 Payments for unfair dismissal or other compensation;

- 5.4.8 depreciation, amortisation or impairment of assets owned by the Grant Recipient;
- 5.4.9 the acquisition or improvement of Assets by the Grant Recipient (unless the Grant is explicitly for capital use – this will be stipulated in the Grant Funding Letter); and
- 5.4.10 liabilities incurred before the commencement of the Grant Funding Agreement unless agreed in writing by the Authority.

6. MONITORING AND REPORTING

- 6.1 The Grant Recipient shall closely monitor the delivery and success of the Funded Activities throughout the Funding Period to ensure that the aims and objectives of the Funded Activities are achieved.
- 6.2 The Grant Recipient shall provide the Authority with all reasonable assistance and co-operation in relation to any ad-hoc information, explanations and documents as the Authority may require, from time to time, so the Authority may establish if the Grant Recipient has used the Grant in accordance with the Grant Funding Agreement.
- 6.3 As a condition of the grant funding, the Authority will have an annual review meeting with the recipient, which will include a review of outcomes delivered.
- 6.4 The Grant Recipient will provide a quarterly report as specified in Annex 2 – the Funded Activities
- 6.5 The Grant Recipient will permit any person authorised by the Authority reasonable access, with or without notice, to its employees, agents, premises, facilities and records, for the purpose of discussing, monitoring and evaluating the Grant Recipient's fulfilment of its obligations under the Grant Funding Agreement and will, if so required, provide appropriate oral or written explanations to such authorised persons as required during the Funding Period.
- 6.6 The Grant Recipient will record in its financial reports the amount of Match Funding it receives together with details of what it has used that Match Funding for.
- 6.7 The Grant Recipient will notify the Authority as soon as reasonably practicable of:
 - 6.7.1 any actual or potential failure to comply with any of its obligations under the Grant Funding Agreement, which includes those caused by any administrative, financial or managerial difficulties; and
 - 6.7.2 actual or potential variations to the Eligible Expenditure set out in Annex 5 of these Conditions and/or any event which materially affects the continued accuracy of such information.
- 6.8 The Grant recipient represents and undertakes (and shall repeat such representations delivery of its report:
 - 6.8.1 that the reports and information it gives pursuant to this paragraph 6 are accurate;
 - 6.8.2 that it has diligently made full and proper enquiry of the matter pertaining to the reports and information given; and
 - 6.8.3 that any data it provided pursuant to an application for the Grant may be shared within the powers conferred by legislation with other organisations for the purpose of preventing or detecting crime.

7. AUDITING AND ASSURANCE

- 7.1 The Grant Recipient will produce quarterly assurance data to the Authority covering; irregular payments (e.g., error, fraud, and non-compliance), prevented fraud and recoveries. A sample dashboard, or summary of the consolidated results could be shown to demonstrate how this Grant is monitored.
- 7.2 The Authority may, at any time during and up to one year after the end of the Grant Funding Agreement, conduct additional audits or ascertain additional information where the Authority considers it necessary. The Grant Recipient agrees to grant the Authority or its Representatives access, as required, to all Funded Activities sites and relevant records. The Grant Recipient will ensure that necessary information and access rights are explicitly included within all arrangements with sub-contractors.
- 7.3 If the Authority requires further information, explanations and documents, in order for the Authority to establish that the Grant has been used properly in accordance with the Grant Funding Agreement, the Grant Recipient will, within 5 Working Days of a request by the Authority, provide the Authority, free of charge, with the requested information.
- 7.4 The Grant Recipient shall:
- 7.4.1 identify separately the value and purpose of the Grant Funding in its audited accounts and its annual report; and
 - 7.4.2 maintain a record of internal financial controls and procedures and provide the Authority with a copy if requested.

Retention of documents

- 7.5 The Grant Recipient shall retain all invoices, receipts, accounting records and any other documentation (including but not limited to, correspondence) relating to the Eligible Expenditure; income generated by the Funded Activities during the Funding Period for a period of one year from the date on which the Funding Period ends.
- 7.6 The Grant Recipient shall ensure that all its sub-contractors retain each record, item of data and document relating to the Funded Activities for a period of one year -from the date on which the Funding Period ends.
- 7.7 The Grant Recipient will promptly provide revised forecasts of income and expenditure:
- 7.7.1 when these forecasts increase or decrease by more than 5% of the original expenditure forecasts; and/or
 - 7.7.2 at the request of the Authority.

8. FINANCIAL MANAGEMENT AND PREVENTION OF BRIBERY, CORRUPTION, FRAUD AND OTHER IRREGULARITY

- 8.1. The Grant Recipient will at all times comply with all applicable Laws, statutes and regulations relating to anti-bribery and anti-corruption, including but not limited to the Bribery Act.
- 8.2. The Grant Recipient must have a sound administration and audit process, including internal financial controls to safeguard against fraud, theft, money laundering, counter terrorist financing or any other impropriety, or mismanagement in connection with the administration of

the Grant. The Grant Recipient shall require that the internal/external auditors report on the adequacy or otherwise of that system.

- 8.3. All cases of fraud or theft (whether proven or suspected) relating to the Funded Activities must be notified to the Authority as soon as they are identified. The Grant Recipient shall explain to the Authority what steps are being taken to investigate the irregularity and shall keep the Authority informed about the progress of any such investigation. The Authority may however request that the matter referred (which the Grant Recipient is obliged to carry out) to external auditors or other Third Party as required.
- 8.4. The Authority will have the right, at its absolute discretion, to insist that the Grant Recipient address any actual or suspected fraud, theft or other financial irregularity and/or to suspend future payment of the Grant to the Grant Recipient. Any grounds for suspecting financial irregularity includes what the Grant Recipient, acting with due care, should have suspected as well as what is actually proven.
- 8.5. The Grant Recipient agrees and accepts that it may become ineligible for Grant support and may be required to repay all or part of the Grant if it engages in tax evasion or aggressive tax avoidance in the opinion of Her Majesty's Revenue and Customs.
- 8.6. For the purposes of paragraph 8.4 "financial irregularity" includes (but is not limited to) potential fraud or other impropriety, mismanagement, and the use of the Grant for any purpose other than those stipulated in the Grant Funding Agreement. The Grant Recipient may be required to provide statements and evidence to the Authority or the appropriate organisation as part of pursuing sanctions, criminal or civil proceedings.

9. CONFLICTS OF INTEREST

- 9.1. Neither the Grant Recipient nor its Representatives shall engage in any personal, business or professional activity which conflicts or could conflict with any of their obligations in relation to the Grant Funding Agreement.
- 9.2. The Grant Recipient must have and will keep in place adequate procedures to manage and monitor any actual or perceived bias or conflicts of interest.

10. CONFIDENTIALITY

- 10.1. Except to the extent set out in this paragraph 10 or where disclosure is expressly permitted, the Grant Recipient shall treat all Confidential Information belonging to the Authority as confidential and shall not disclose any Confidential Information belonging to the Authority to any other person without the prior written consent of the Authority, except to such persons who are directly involved in the provision of the Funded Activities and who need to know the information.
- 10.2. The Grant Recipient gives its consent for the Authority to publish the Grant Funding Agreement in any medium in its entirety (but with any information which is Confidential Information belonging to the Authority or the Grant Recipient redacted), including from time-to-time agreed changes to the Grant Funding Agreement.
- 10.3. Nothing in this paragraph 10 shall prevent the Authority disclosing any Confidential Information obtained from the Grant Recipient:
 - 10.3.1 for the purpose of the examination and certification of the Authority's accounts; or pursuant to section 6(1) of the National Audit Act 1983 of the economy, efficiency and effectiveness with which the Authority has used its resources; or

10.3.2 to any government department, consultant, contractor or other person engaged by the Authority, provided that in disclosing information under the Authority only discloses the information which is necessary for the purpose concerned and requests that the information is treated in confidence and that a confidentiality undertaking is given where appropriate;

10.3.3 where disclosure is required by Law, including under the Information Acts.

10.4 Nothing in this paragraph 10 shall prevent either Party from using any techniques, ideas or know-how gained during the performance of its obligations under the Grant Funding Agreement in the course of its normal business, to the extent that this does not result in a disclosure of the other Party's Confidential Information or an infringement of the other Party's Intellectual Property Rights.

11 TRANSPARENCY

11.1 The Authority and the Grant Recipient acknowledge that, except for any information, which is exempt from disclosure in accordance with the provisions of the Information Acts, the content of the Grant Funding Agreement is not confidential.

12. STATUTORY DUTIES

12.1. The Grant Recipient agrees to adhere to its obligations under the Law including but not limited to the Information Acts and the HRA.

12.2. Where requested by the Authority, the Grant Recipient will provide reasonable assistance and cooperation to enable the Authority to comply with its information disclosure obligations under the Information Acts.

12.3. On request from the Authority, the Grant Recipient will provide the Authority with all such relevant documents and information relating to the Grant Recipient's data protection policies and procedures as the Authority may reasonably require.

12.4. The Grant Recipient acknowledges that the Authority, acting in accordance with the codes of practice issued and revised from time to time under the Information Acts, may disclose information concerning the Grant Recipient and the Grant Funding Agreement without consulting the Grant Recipient.

12.5. The Authority will take reasonable steps to notify the Grant Recipient of a request for information to the extent that it is permissible and reasonably practical for it to do so. Notwithstanding any other provision in the Grant Funding Agreement, the Authority will be responsible for determining in its absolute discretion whether any information is exempt from disclosure in accordance with the Information Acts.

13. DATA PROTECTION AND PUBLIC PROCUREMENT

Data Protection

13.1 The Grant Recipient and the Authority will comply at all times with its respective obligations under Data Protection Legislation.

13.2 The Parties agree to enter into a separate Memorandum of Understanding (annexed hereto at **Annex 8** in respect of the processing activities that the Grant Recipient and any further beneficiaries of the Grant will carry out.

- 13.3 To the extent that the Grant Recipient and the Authority share any Personal Data for the purposes of this Grant Funding Agreement, the Parties accept that they are each a separate independent Controller in respect of such Personal Data. Each Party:
- (i) shall comply with the applicable Data Protection Legislation in respect of their processing of such Personal Data
 - (ii) will be individually and separately responsible for its own compliance; and
 - (iii) do not and will not Process any Personal Data as Joint Controllers
- 13.4 Each Party shall, with respect to its processing of Personal Data as independent Controller, implement and maintain appropriate technical and organisation measures to ensure a level of security appropriate to that risk, including, as appropriate, the measures referred to in Article 32(1)(a), (b), (c) and (d) of the UK GDPR, and the measures shall, at a minimum, comply with the requirements of the Data Protection Legislation, including Article 32 of the UK GDPR.

Public Procurement

- 13.5 The Grant Recipient will ensure that any of its Representatives involved in the Funded Activities will adopt such policies and procedures that are required in order to ensure that value for money has been obtained in the procurement of goods or services funded by the Grant.
- 13.6 Where the Grant Recipient is a Contracting Authority within the meaning of the Procurement Regulations the Grant Recipient will comply, as necessary, with the Procurement Regulations when procuring goods and services in connection with the Grant Funding Agreement and the Authority shall not be liable for the Grant Recipient's failure to comply with its obligations under the Procurement Regulations.

14. INTELLECTUAL PROPERTY RIGHTS

- 14.1 Intellectual Property in all IPR Material will be the property of the Grant Recipient. Other than as expressly set out in these Conditions, neither Party will have any right to use any of the other Party's names, logos or trademarks on any of its products or services without the other Party's prior written consent.
- 14.2 The Grant Recipient grants to the Authority a non-exclusive irrevocable and royalty-free, sub-licensable, worldwide licence to use all the IPR Material for the purpose of supporting other projects.
- 14.3 Ownership of Third-Party software or other IPR necessary to deliver Funded Activities will remain with the relevant Third Party.
- 14.4 The Grant Recipient must ensure that they have obtained the relevant agreement from the Third-Party proprietor before any additions or variations are made to the standard 'off-the-shelf' versions of any Third-Party software and other IPR. The Grant Recipient will be responsible for obtaining and maintaining all appropriate licences to use the Third-Party software.

15. ENVIRONMENTAL REQUIREMENTS

- 15.1 The Grant Recipient shall perform the Funded Activities in accordance with the Authority's environmental policy, which is to conserve energy, water, wood, paper and other resources, reduce waste and phase out the use of ozone depleting substances and minimise the release

of greenhouse gases, volatile organic compounds and other substances damaging to health and the environment.

- 15.2 The Grant Recipient shall pay due regard to the use of recycled products, so long as they are not detrimental to the provision of the Funded Activities or the environment, to include the use of all packaging, which should be capable of recovery for re-use or recycling.
- 15.3 The Grant Recipient shall take all possible precautions to ensure that any equipment and materials used in the provision of the Funded Activities do not contain chlorofluorocarbons, halons or any other damaging substances, unless unavoidable, in which case the Authority shall be notified in advance of their use. The Grant Recipient shall endeavour to reduce fuel emissions wherever possible.

16. ASSETS

Not applicable.

17. INSURANCE

- 17.1 The Grant Recipient will during the term of the Funding Period and for three years after termination or expiry of these Conditions, ensure that it has and maintains, at all times adequate insurance with an insurer of good repute to cover claims under the Grant Funding Agreement or any other claims or demands which may be brought or made against it by any person suffering any injury damage or loss in connection with the Funded Activities or the Grant Funding Agreement.
- 17.2 The Grant Recipient will upon request produce to the Authority its policy or policies of insurance or where this is not possible, a certificate of insurance issued by the Grant Recipient's insurance brokers confirming the insurances are in full force and effect together with confirmation that the relevant premiums have been paid.

18. ASSIGNMENT

- 18.1 The Grant Recipient will not transfer, assign, novate or otherwise dispose of the whole or any part of the Grant Funding Agreement or any rights under it, to another organisation or individual, without the Authority's prior approval.
- 18.2 Any approval given by the Authority will be subject to a condition that the Grant Recipient has first entered into a Grant Funding Agreement, authorised by the Authority, requiring the Grant Recipient to work with another organisation in delivering the Funded Activities.

19. SPENDING CONTROLS – MARKETING, ADVERTISING, COMMUNICATIONS AND CONSULTANCY

- 19.1 The Grant Recipient must seek permission from the Authority prior to any proposed expenditure on advertising, communications, consultancy or marketing either in connection with, or using the Grant.
- 19.2 The Grant Recipient should provide evidence that any marketing, advertising, communications and consultancy expenditure carried out in connection with, or using the Grant will deliver measurable outcomes that meet government objective to secure value for money.

20. LOSSES, GIFTS AND SPECIAL PAYMENTS

20.1 The Grant Recipient must obtain prior written consent from the Authority before:

- 20.1.1 writing off any debts or liabilities.
- 20.1.2 offering to make any Special Payments; and
- 20.1.3 giving any gifts.

in connection with this Grant Funding Agreement.

20.2 The Grant Recipient will keep a record of all gifts, both given and received, in connection with the Grant or any Funded Activities.

21. BORROWING

21.1 The Grant Recipient must obtain prior written consent from the Authority before:

- 21.1.1 borrowing or lending money from any source in connection with the Grant Funding Agreement; and
- 21.1.2 giving any guarantee, indemnities or letters of comfort that relate to the Grant Funding Agreement or have any impact on the Grant Recipient's ability to deliver the Funded Activities set out in the Grant Funding Agreement.

22. PUBLICITY

22.1 The Grant Recipient gives consents to the Authority to publicise in the press or any other medium the Grant and details of the Funded Activities using any information gathered from the Grant Recipient's initial Grant application or any monitoring reports submitted to the Authority in accordance with paragraph 6.2 of these Conditions.

22.2 The Grant Recipient will comply with all reasonable requests from the Authority to facilitate visits, provide reports, statistics, photographs and case studies that will assist the Authority in its promotional and fundraising activities relating to the Funded Activities.

23. CHANGES TO THE AUTHORITY'S REQUIREMENTS

23.1 The Authority will notify the Grant Recipient of any changes to their activities, which are supported by the Grant.

23.2 The Grant Recipient will accommodate any changes to the Authority's needs and requirements under these Conditions.

24. CLAWBACK, EVENTS OF DEFAULT, TERMINATION AND RIGHTS RESERVED FOR BREACH AND TERMINATION

Events of Default

24.1 The Authority may exercise its rights set out in paragraph 24.2 if any of the following events occur:

- 24.1.1 the Grant Recipient uses the Grant for a purpose other than the Funded Activities;
- 24.1.2 the Grant Recipient fails to comply with its obligations under the Grant Funding Agreement, which is material in the opinion of the Authority.
- 24.1.3 where delivery of the Funded Activities does not start within three months of the Commencement Date and the Grant Recipient fails to provide the Authority with a satisfactory explanation for the delay, or failed to agree a new date on which the Funded Activities shall start with the Authority;
- 24.1.4 the Grant Recipient uses the Grant for Ineligible Expenditure.
- 24.1.5 the Grant Recipient fails, in the Authority's opinion, to make satisfactory progress with the Funded Activities and, with meeting the Agreed Outputs set out in Annex 2 of these Conditions.
- 24.1.6 the Grant Recipient fails to:
 - (i) submit an adequate Remedial Action Plan to the Authority following a request by the Authority pursuant to paragraph 24.3.4, or
 - (ii) improve delivery of the Funded Activities in accordance with the Remedial Action Plan approved by the Authority.
- 24.1.7 the Grant Recipient is, in the opinion of the Authority, delivering the Funded Activities in a negligent manner (in this context negligence includes but is not limited to failing to prevent or report actual or anticipated fraud or corruption).
- 24.1.8 the Grant Recipient fails to declare Duplicate Funding.
- 24.1.9 the Grant Recipient fails to declare any Match Funding in accordance with paragraph 4.7;
- 24.1.10 the Grant Recipient receives funding from a Third Party which, in the opinion of the Authority, undertakes activities that are likely to bring the reputation of the Funded Activities or the Authority into disrepute.
- 24.1.11 the Grant Recipient provides the Authority with any materially misleading or inaccurate information and/or any of the information provided in their grant application or in any subsequent supporting correspondence is found to be incorrect or incomplete to an extent which the Authority considers to be significant.
- 24.1.12 the Grant Recipient commits or has committed a Prohibited Act or fails to report a Prohibited Act to the Authority, whether committed by the Grant Recipient, its Representatives or a Third Party, as soon as they become aware of it;
- 24.1.13 the Authority determines (acting reasonably) that the Grant Recipient or any of its Representatives has:
 - (i) acted dishonestly or negligently at any time during the term of the Grant Funding Agreement and to the detriment of the Authority; or
 - (ii) taken any actions which unfairly bring or are likely to unfairly bring the Authority's name or reputation and/or the Authority into disrepute. Actions include omissions in this context.

(iii) transferred, assigns or novates the Grant to any Third Party without the Authority's consent.

(iv) failed to act in accordance with the Law; howsoever arising, including incurring expenditure on unlawful activities.

24.1.14 the Grant Recipient ceases to operate for any reason, or it passes a resolution (or any court of competent jurisdiction makes an order) that it be wound up or dissolved (other than for the purpose of a bona fide and solvent reconstruction or amalgamation).

24.1.15 the Grant Recipient becomes insolvent as defined by section 123 of the Insolvency Act 1986, or it is declared bankrupt, or it is placed into receivership, administration or liquidation, or a petition has been presented for its winding up, or it enters into any arrangement or composition for the benefit of its creditors, or it is unable to pay its debts as they fall due.

24.1.16 The Grant Recipient breaches the Code of Conduct and/or fails to report an actual or suspected breach of the Code of Conduct by the Grant Recipient or its Representatives in accordance with paragraph 29.2.

24.1.17 The Grant Recipient undergoes a Change of Control which the Authority, acting reasonably, considers:

(i) will be materially detrimental to the Funded Activities and/or.

(ii) the new body corporate cannot continue to receive the Grant because they do not meet the Eligibility Criteria used to award the Grant to the Grant Recipient.

(iii) the Authority believes that the Change of Control would raise national security concerns and/or.

(iv) the new body corporate intends to make fundamental change(s) to the purpose for which the Grant was given.

24.2 Where, the Authority determines that an Event of Default has or may have occurred, the Authority shall notify the Grant Recipient to that effect in writing, setting out any relevant details, of the failure to comply with these Conditions or pertaining the Event of Default, and details of any action that the Authority intends to take or has taken.

Rights reserved for the Authority in relation to an Event of Default

24.3 Where, the Authority determines that an Event of Default has or may have occurred, the Authority shall take any one or more of the following actions:

24.3.1 suspend or terminate the payment of all or part of the Grant for such period as the Authority shall determine; and/or

24.3.2 reduce the Maximum Sum in which case the payment of Grant shall thereafter be made in accordance with the reduction and notified to the Grant Recipient; and/or

24.3.3 require the Grant Recipient to repay the Authority the whole or any part of the amount of Grant previously paid to the Grant Recipient. Such sums shall be recovered as a civil debt; and/or

- 24.3.4 give the Grant Recipient an opportunity to remedy the Event of Default (if remediable) in accordance with the procedure set out in paragraph 24.4 and/or
- 24.3.5 terminate the Grant Funding Agreement.

Opportunity for the Grant Recipient to remedy an Event of Default

- 24.4 Where the Grant Recipient is provided with an opportunity to submit a draft Remedial Action Plan in accordance with paragraph 24.3.4, the draft Remedial Action Plan shall be submitted to the Authority for approval, within 5 Working Days of the Grant Recipient receiving notice from the Authority.
- 24.5 The draft Remedial Action Plan shall set out:
 - 24.5.1 full details of the Event of Default; and
 - 24.5.2 the steps which the Grant Recipient proposes to take to rectify the Event of Default including timescales.
- 24.6 On receipt of the draft Remedial Action Plan and as soon as reasonably practicable, the Authority will submit its comments on the draft Remedial Action Plan to the Grant Recipient.
- 24.7 The Authority shall have the right to accept or reject the draft Remedial Action Plan. If the Authority rejects the draft Remedial Action Plan, the Authority shall confirm, in writing, the reasons why they have rejected the draft Remedial Action Plan and will confirm whether the Grant Recipient is required to submit an amended Remedial Action Plan to the Authority.
- 24.8 If the Authority directs the Grant Recipient to submit an amended draft Remedial Action Plan, the Parties shall agree a timescale for the Grant Recipient to amend the draft Remedial Action Plan to take into account the Authority's comments.
- 24.9 If the Authority does not approve the draft Remedial Action Plan the Authority may, at its absolute discretion, terminate the Grant Funding Agreement.
- 24.10 The Authority shall not by reason of the occurrence of an Event of Default which is, in the opinion of the Authority, capable of remedy, exercise its rights under either paragraph 24.3.3 or 24.3.4 unless the Grant Recipient has failed to rectify the default to the reasonable satisfaction of the Authority.

General Termination rights – Termination for Convenience

- 24.11 Notwithstanding the Authority's right to terminate the Grant Funding Agreement pursuant to paragraph 24.3.4 above, either Party may terminate the Grant Funding Agreement at any time by giving at least three months written notice to the other Party.
- 24.12 If applicable, all Unspent Monies (other than those irrevocably committed in good faith before the date of termination, in line with the Grant Funding Agreement and approved by the Authority as being required to finalise the Funded Activities) shall be returned to the Authority within 30 days of the date of receipt of a written notice of termination from the Authority.
- 24.13 If the Authority terminates the Grant Funding Agreement in accordance with paragraph 24.11 the Authority may choose to pay the Grant Recipient's reasonable costs in respect of the delivery of the Funded Activities performed up to the termination date. Reasonable costs will be identified by the Grant Recipient and will be subject to the Grant Recipient demonstrating

that they have taken adequate steps to mitigate their costs. For the avoidance of doubt, the amount of reasonable costs payable will be determined solely by the Authority.

- 24.14 The Authority will not be liable to pay any of the Grant Recipient's costs or those of any contractor/supplier of the Grant Recipient related to any transfer or termination of employment of any employees engaged in the provision of the Funded Activities.
- 24.15 Nothing in the Grant Funding Agreement will affect any provision which is expressly or by implication intended to apply or continue to apply for any reason following termination of this Agreement.

Change of Control

- 24.16 The Grant Recipient shall notify the Authority immediately in writing and as soon as the Grant Recipient is aware (or ought reasonably to be aware) that it is anticipating, undergoing, undergoes or has undergone a Change of Control, provided such notification does not contravene any Law.
- 24.17 The Grant Recipient shall ensure that any notification made pursuant to paragraph 24.16 shall set out full details of the Change of Control including the circumstances suggesting and/or explaining the Change of Control.
- 24.18 Where the Grant Recipient has been awarded to a consortium and the Grant Recipient has entered into a collaboration agreement, the notification required under paragraph 24.16 shall include any changes to the consortium members as well as the lead Grant Recipient.
- 24.19 Following notification of a Change of Control the Authority shall be entitled to exercise its rights under paragraph 24.1 of these Conditions by providing the Grant Recipient with notification of its proposed action in writing within three months of:
- (i) being notified in writing that a Change of Control is anticipated or is in contemplation or has occurred; or
 - (ii) where no notification has been made, the date that the Authority becomes aware that a Change of Control is anticipated or is in contemplation or has occurred,
- 24.20 The Authority shall not be entitled to terminate where an approval was granted prior to the Change of Control.

25. EXIT PLAN

- 25.1 Where the Authority requires the Grant Recipient to prepare an Exit Plan to allow the cessation or seamless transfer of the Funded Activities, the Grant Recipient shall prepare the Exit Plan within three months of the signing of the Grant Funding Agreement.

26. DISPUTE RESOLUTION

- 26.1 The Parties will use all reasonable endeavours to negotiate in good faith, and settle amicably, any dispute that arises during the continuance of the Grant Funding Agreement.
- 26.2 All disputes and complaints (except for those which relate to the Authority's right to withhold funds or terminates the Grant Funding Agreement) shall be referred in the first instance to the Parties Representatives.

- 26.3 If the dispute cannot be resolved between the Parties Representatives within a maximum of 30 days, then the matter will be escalated to formal meeting between the Grant Manager and the Grant Recipient's chief executive (or equivalent).

27. LIMITATION OF LIABILITY

- 27.1 The Authority accepts no liability for any consequences, whether direct or indirect, that may come about from the Grant Recipient delivering/running the Funded Activities, the use of the Grant or from withdrawal, withholding or suspension of the Grant. The Recipient shall indemnify and hold harmless the Authority, its Representatives with respect to all actions, claims, charges, demands Losses and proceedings arising from or incurred by reason of the actions and/or omissions of the Grant Recipient in relation to the Funded Activities, the non-fulfilment of obligations of the Grant Recipient under this Grant Funding Agreement or its obligations to Third Parties.
- 27.2 Subject to this paragraph 27, the Authority's liability under this Grant Funding Agreement is limited to the amount of Grant outstanding.

28. VAT

- 28.1 If VAT is held to be chargeable in respect of the Grant Funding Agreement, all payments shall be deemed to be inclusive of all VAT and the Authority shall not be obliged to pay any additional amount by way of VAT.
- 28.2 All sums or other consideration payable to or provided by the Grant Recipient to the Authority at any time shall be deemed to be exclusive of all VAT payable and where any such sums become payable or due or other consideration is provided, the Grant Recipient shall at the same time or as the case may be on demand by HMRC in addition to such sums, or other consideration, pay to HMRC all the VAT so payable upon the receipt of a valid VAT invoice.

29. CODE OF CONDUCT FOR GRANT RECIPIENTS

- 29.1 The Grant Recipients acknowledges that by signing the Grant Funding Agreement it agrees to take account of the Code of Conduct, which includes ensuring that its Representatives undertake their duties in a manner consistent with the principles set out in the Code of Conduct.
- 29.2 The Grant Recipient shall immediately notify the Authority if it becomes aware of any actual or suspected breaches of the principles outlined in the Code of Conduct.
- 29.3 The Grant Recipient acknowledges that a failure to notify the Authority of an actual or suspected breach of the Code of Conduct may result in the Authority immediately suspending the Grant funding, terminating the Grant Funding Agreement and taking action to recover some or all of the funds paid to the Grant Recipient as a civil debt in accordance with paragraph 24.1.7.

30. NOTICES

- 30.1 All notices and other communications in relation to this Grant Funding Agreement shall be in writing and shall be deemed to have been duly given if personally delivered, e-mailed, or mailed (first class postage prepaid) to the address of the relevant party, as referred to in Annex 7 or otherwise notified in writing. All notices and other communications must be marked for the attention of the contact specified in Annex 7 (Contact Details). If personally delivered or if e-mailed all such communications shall be deemed to have been given when received (except that if received on a non-working day or after 5.00 pm on any Working Day they shall be

deemed received on the next Working Day) and if mailed all such communications shall be deemed to have been given and received on the second Working Day following such mailing.

31. GOVERNING LAW

- 31.1 These Conditions will be governed by and construed in accordance with the law of England and Wales and the Parties irrevocably submit to the exclusive jurisdiction of the English and Welsh courts.

ANNEX 2 – THE FUNDED ACTIVITIES

Purpose of the Grant

The purpose of the grant programme is to support District Councils in Northern Ireland to build capacity and capability to ensure the safety of consumers. It funds targeted and prioritised regulatory activity on non-food consumer products. This is part of our approach to ensure we have robust market surveillance across the UK.

Background

The Office for Product Safety and Standards (OPSS) is the national regulator for product safety. It was established to lead and co-ordinate the UK product safety system to deliver improved protections for consumers and better support for industry across the UK. It is responsible for developing and building national capacity and capability for product safety that is consistent and applied uniformly across the UK.

Aims and Objectives of the Funded Activities

The Grant is provided to District Councils in Northern Ireland to enhance enforcement capacity and capability to support their development of effective mechanisms to protect consumers and the UK internal market.

The funding may be used for a range of activity on non-food products, including to:-

- build on previous product safety capacity and capability building work
- ensure access to enforcement equipment and facilities;
- provide advice and support to local businesses to meet their obligations under product safety legislation for importing and appropriate labelling/marketing of goods;
- define work processes;
- develop officers' understanding of local supply chains and their associated risks; and
- ensure adequate prioritisation of effort and resource against OPSS policy and national regulatory interests
- ad hoc requests for case studies or other additional information.

Reporting Arrangements

These are expected to include: inputs to relevant databases; quarterly submission of records of activity (format to be agreed); and a review meeting at the end of the grant funding year.

During the year OPSS may seek information about operational methods, activities, engagement with businesses and outcomes.

ANNEX 3 – PAYMENT SCHEDULE

The Authority will pay the grant on receipt of eligible expenditure claims. Payment will be made in arrears (September 2024, December 2024 and March 2025).

All invoices to be submitted quarterly through the lau.opss@businessandtrade.gov.uk email address. All claims should be submitted by 31st May 2025.

When making a Grant claim, as set out in the standard terms and conditions in the Grant Funding Agreement, we may request, and you must supply proof of expenditure and any other supporting documentation as we may require.

ANNEX 4 – GRANT RECIPIENT’S BANK DETAILS

Guidance: The Grant Recipient must complete parts 1 to 5. Part 5 must only be completed by the person who signed the Grant Funding Agreement with the Authority, or their replacement.

The Grant Recipient should take a photocopy of the form for their records and return the original along with the signed Grant Funding Agreement to the address indicated in the Grant Funding Agreement.

Part 1: Grant recipient details

<p>Name of Main Grant Holder</p> <input style="width: 90%; height: 25px;" type="text"/>	<p>Address of Grant Holder</p> <input style="width: 90%; height: 100px;" type="text"/>
<p>Grant Determination number</p> <input style="width: 90%; height: 25px;" type="text"/>	<p>Postcode:</p> <input style="width: 90%; height: 25px;" type="text"/>
<p>Grant name</p> <input style="width: 90%; height: 25px;" type="text"/>	<p>Contact telephone number</p> <input style="width: 90%; height: 25px;" type="text"/>

Part 2: Bank details

<p>Bank / Building Society name</p> <input style="width: 90%; height: 25px;" type="text"/>	<p>Account name</p> <input style="width: 90%; height: 25px;" type="text"/>
<p>Branch name</p> <input style="width: 90%; height: 25px;" type="text"/>	<p>Account number</p> <input style="width: 90%; height: 25px;" type="text"/>
<p>Bank sort code</p> <input style="width: 20px; height: 20px;" type="text"/> - <input style="width: 20px; height: 20px;" type="text"/> - <input style="width: 20px; height: 20px;" type="text"/>	<p>Account type</p> <input style="width: 90%; height: 25px;" type="text"/>
<p>Building Society roll number</p> <input style="width: 90%; height: 25px;" type="text"/>	<p>Branch address</p> <input style="width: 90%; height: 25px;" type="text"/>
	<p>Postcode:</p> <input style="width: 90%; height: 25px;" type="text"/>

Part 3: Address for remittance advice

Choose one method only

<p>Send our remittance advice by post <input type="checkbox"/> ►</p>	<p>Postal address (if different from Part 1)</p> <input style="width: 90%; height: 25px;" type="text"/>
<p>Send our remittance advice via email</p>	<p>Postcode</p> <input style="width: 90%; height: 25px;" type="text"/>

Part 4: Authorised signatories

The names and specimen signatures of people authorised to sign claim forms on behalf of the person who signed the Grant Funding Agreement are shown below. These signatures are binding on this organisation in respect of the Agreement.

Name	<input type="text"/>	Name	<input type="text"/>
Position in the organisation	<input type="text"/>	Position in the organisation	<input type="text"/>
Signature	<input type="text"/>	Signature	<input type="text"/>
Date	<input type="text"/>	Date	<input type="text"/>

Part 5: Grant recipient declaration

To be completed by the person who signed the Grant Funding Agreement

- I certify that the information given on this form is correct.
- I agree that following discussions, any overpayments can be automatically recovered from future payments.

Name	<input type="text"/>	Signature <i>(the person who signed the agreement)</i>	<input type="text"/>
Date	<input type="text"/>		

Return this form to the address indicated in the Grant letter, alongside a signed Grant Funding Agreement.

General Data Protection Regulation (2018): The information on this form will be recorded on the Authority’s computer system. The information provided will be used for paying your fees and will not be passed to anyone outside of the Authority without the permission of the Grant Recipient.

ANNEX 5 – ELIGIBLE EXPENDITURE SCHEDULE

(breakdown of forecast grant expenditure)

[Guidance: Details of eligible expenditure must be included in all funding agreements, including items of expenditure that are expressly ineligible. Grant recipients are required to provide evidence of their grant expenditure]

Item of Expenditure	Budget (in UK Sterling)/forecast expenditure

ANNEX 7 – CONTACT DETAILS

The main departmental contact in connection with the Grant is:

Name of contact	Jackie Fitzsimons
Position in organisation	Delivery Manager, Local Authority Unit (LAU)
Email address	jackie.fitzsimons@businessandtrade.gov.uk
LAU Email address	lau.opss@businessandtrade.gov.uk
Telephone number	07826610080
Fax number	
Postal address	Cannon House, 18 The Priory, Queensway, Birmingham, B4 6BS

This information is correct at the date of the Grant Funding Agreement. The Authority will send you a revised contact sheet if any of the details change.

The Grant Recipient's main contact in connection with the Grant Funding Agreement is:

Reference	
Organisation	
Name of contact	
Position in organisation	
Email address	
Telephone number	
Fax number	
Postal address	

Please inform the Authority if the Grant Recipient's main contact changes.



Committee:	Environment & Sustainability
Date:	4th September 2024
Report from:	Head of Service (Acting) – Environmental Health, Risk and Emergency Planning

Item for:	Decision
Subject:	Eat Well Spend Less Initiative 2024

1.0	<p><u>Background and Key Issues</u></p> <ol style="list-style-type: none"> 1. Lisburn & Castlereagh City Council’s Environmental Health, Risk and Emergency Planning Service Unit initiated and delivered the Eat Well Spend Less Event in the Island Hall at Lagan Valley Island on 15th March 2024. The purpose of this event was to support Community Groups and members of the public to provide safe, nutritious food on a budget. 2. The event consisted of a Food Safety presentation by Robert Lamont, Environmental Health Manager, Nutritious Food on a Budget presentation by Vanessa McMinn from Safefood, and a cookery demonstration by local chef and TV personality, Paula McIntyre. 3. The event was attended by 197 Community Group volunteers and members of the public, who were issued with a free Cookery Book – “101 Square Meals” provided by Safefood, recipes provided by Paula McIntyre and fridge thermometers provided by LCCC. 4. A report was presented to the Environment and Sustainability Committee on 1st May 2024. The Chairperson, Councillor McCready, asked that a report be tabled to a future meeting of the Committee regarding the financial implications of running this type of event on an annual basis. 5. Based on attendance of 200 people, the event would cost approximately £3,841. The cost of this event will be met within the Environmental Health, Risk & Emergency Planning Service Unit’s current budget. 	
2.0	<p><u>Recommendation</u></p> <p>It is recommended that Members approve the Eat Well Spend Less Initiative to be held again in 2024.</p>	
3.0	<p><u>Finance and Resource Implications</u></p> <p>Finance and resources will be allocated within the current Environmental Health, Risk & Emergency Planning Service Unit budget.</p>	
4.0	<p><u>Equality/Good Relations and Rural Needs Impact Assessments</u></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 <u>or</u> rationale why the screening was not carried out</p> <p>The event will be open to all community and volunteer groups including church groups.</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 <u>or</u> rationale why the screening was not carried out.</p> <p>The event will be open to all community and volunteer groups including church groups.</p>	

<p>Appendices:</p>	<p>None.</p>
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Committee:	Environment & Sustainability
Date:	4th September 2024
Report from:	Head of Service (Acting) - Environmental Health, Risk and Emergency Planning

Item for:	Decision
Subject:	Cemeteries Rules and Regulations Update

1.0	<u>Background and Key Issues</u>	
	<ol style="list-style-type: none"> 1. The Environmental Health, Risk and Emergency Planning Service Unit routinely reviews and updates the existing operational Cemeteries Rules and Regulations procedures to ensure that all information contained therein is relevant and up to date. 2. A copy of the most recently reviewed document, with changes highlighted, is attached as Appendix 5 EH for Members' approval. 	
2.0	<u>Recommendation</u>	
	It is recommended that Members approve the updated Cemeteries Rules and Regulations procedures.	
3.0	<u>Finance and Resource Implications</u>	
	None.	
4.0	<u>Equality/Good Relations and Rural Needs Impact Assessments</u>	
4.1	Has an equality and good relations screening been carried out?	TBC
4.2	Brief summary of the key issues identified and proposed mitigating actions or rationale why the screening was not carried out	
4.3	Has a Rural Needs Impact Assessment (RNIA) been completed?	TBC
4.4	Brief summary of the key issues identified and proposed mitigating actions or rationale why the screening was not carried out.	

Appendices:	Appendix 5 EH - Cemeteries Rules and Regulations
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Cemeteries Rules & Regulations – 2024/2025

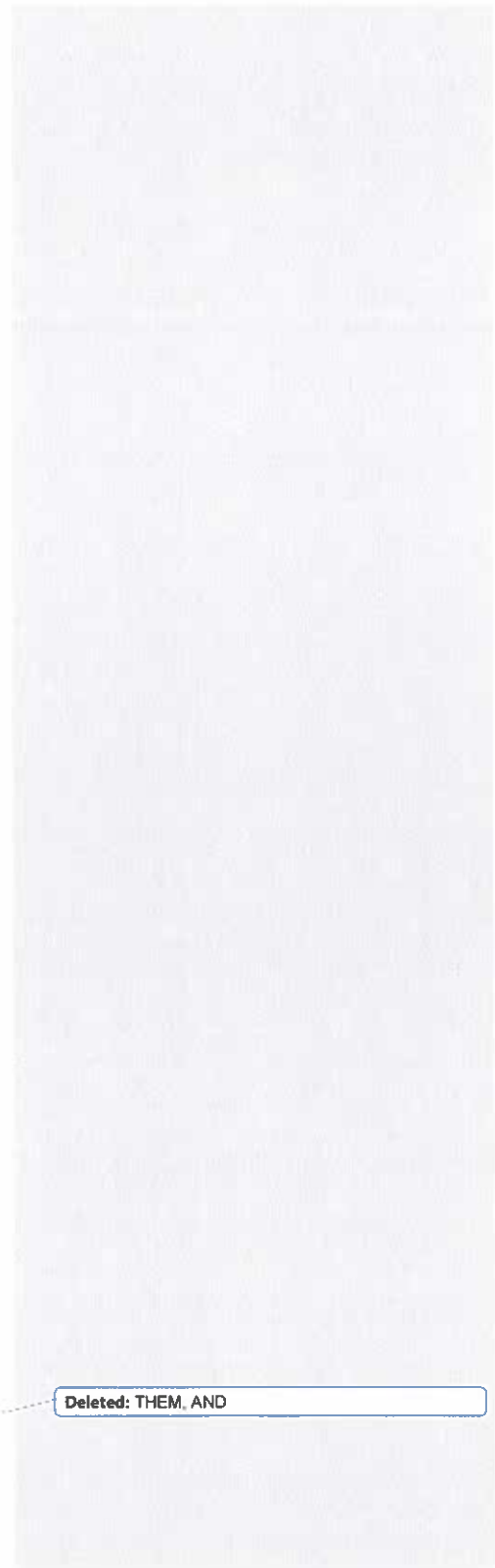
Made by the Lisburn & Castlereagh City Council, for the General Management, Regulation and Control of Council Operated Cemeteries provided by Council and prescribing the Rules and Regulations under which the exclusive right of burial may be purchased in such parts as may be appropriated for that purpose.

The rules apply to the Council Cemeteries and should be read in conjunction with the Burial Grounds Regulations (Northern Ireland) 1992. As amended.

In these Rules "The Council" means the Lisburn & Castlereagh City Council.

MADE BY THE LISBURN & CASTLEREAGH CITY COUNCIL FOR THE GENERAL MANAGEMENT, REGULATION AND CONTROL OF THE COUNCIL CEMETERIES PROVIDED BY THEM AND PRESCRIBING THE RULES AND REGULATIONS UNDER WHICH THE EXCLUSIVE RIGHT OF BURIAL MAY BE PURCHASED IN SUCH PARTS AS MAY BE APPROPRIATED FOR THAT PURPOSE.

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1. Allocations into Proprietary and Other Ground
 - a. The Burial Grounds shall be divided into Sections and numbered in sequence as determined by the Council.
 - b. Sections shall be allocated for use as Proprietary Ground and any other use determined by the Council.
 - c. An area will be set aside for welfare burials whereby cremated remains will be committed, except when advised otherwise by the Police Service for Northern Ireland (PSNI).
2. Proprietary Ground
 - a. In the proprietary ground the exclusive right of burial shall be granted in perpetuity to the purchasers and shall confer upon the purchasers, their heirs and assigns the right to erect headstones, subject to the conditions hereinafter contained. (Rule 17 refers)
 - b. A person desiring to purchase the exclusive right of burial in a grave in the proprietary ground shall conform to the Burial Grounds Regulations (Northern Ireland) 1992 and to all rules and regulations in force at the time of purchase and to any rules and regulations to be made thereafter by the Council for the regulation, management and control of the Burial Grounds, and upon payment of the prescribed charge for the grave the Grant shall be issued to the purchaser in due course, signed by the Director of Environmental Services.
 - c. The Council reviews its Cemetery fees on an annual basis.
3. The Council will determine the section and grave number of the burial plot. ~~New plots are only available within Lisburn New Cemetery Extension.~~
4. An entry of the date of each grant of a right of burial in the proprietary ground, and of the purchaser's name and residence, the number on the plan of the grave, and the section of the ground in which the right of burial has been purchased, shall, upon the execution of each such grant, be made in the Register. The Register may be perused at all reasonable times by a grantee or assignee of any such right.
5. No sub-division of a family plot or alterations to a grave lease can be made without the prior consent of the Council.
6. If the registered proprietor of a right of burial in the proprietary ground shall prove by statutory declaration to the satisfaction of the Council that he/she has lost the Grant, he/she shall be entitled to receive a duplicate Grant. Provided that if the original Grant be discovered, the duplicate Grant shall be returned to the Council and cancelled.
7. On the demise of a proprietor, his/her heir or assign entitled thereto shall have his/her name entered in the register of the Cemetery on production of evidence of his/her right to the Grant, and shall receive a Grant for which a fee, reviewed annually, will be charged.

Proprietors wishing to dispose of their Grant otherwise than to a member of their family, or by will, are required to offer it first to the Council.

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Opening of Graves for Interment

8. No grave in the proprietary ground for which a Grant has been issued shall be opened for interment except on the application of the registered owner or someone acting on his/her behalf and on production of the Grant.

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9. A person requiring to have an interment made in any grave shall sign an application for that purpose giving the following particulars for registration, full forenames, surname, date of death, sex, age, date of birth, religious persuasion, occupation or rank in life, last place of residence, place of death and marital status of the person to be buried, name of lessee, grave number and section.

The Council shall stipulate the time for interment in the Order for Interment. This shall be the time that the funeral shall arrive at the burial ground and must be observed.

All applications for interments must be accompanied by a statutory certificate of death issued by a Registrar of Births and Deaths or the Statutory Order for Burial issued by a Coroner or Cremation Papers.

10. An application for interment, including cremated remains, must be made at least 48 hours before the interment takes place. Applications for weekend interments must be made by 3.00pm on the preceding Thursday.

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11. Upon receipt of an application and on payment of all fees the Cemetery Administrator shall make out an Order for the opening of the grave, and shall pass one copy of the Order to the person managing the arrangements for the interment.

12. The Council shall not cause or permit a body to be buried in a grave in such a manner that any part of the coffin is less than 70 centimetres below the level of any ground adjoining the grave.

Exhumation

13. No grave shall be opened and no body or the remains of a body be removed from a grave to be transferred from one place of burial to another place of burial or exhumed except under the circumstances and subject to the conditions specially provided in law. The Council will not consent to an exhumation unless there are exceptional circumstances and upon payment of all relevant fees.

Register of Burials

14. All burials shall be duly recorded in the Electronic Register by the Council's Cemetery Administration Office.

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Hours for Interment

15. The hours during which the Cemetery shall be open for interments are as follows:

Monday <u>to</u> Thursday	10:00am – 3:30pm
Friday	10:00am – 3:00pm
Saturday <u>and</u> Sunday	10:00am – 3:00pm

Testing Graves for Opening

16. On receiving an application to open a grave for burial the opinion of the Director of Environmental Services as to whether the interment can take place or not shall be final.

Testing of graves will take place during weekdays 9.00am -12.30pm and 1.00pm – 3.00pm.

Erections on Graves

17. (a) **Monuments and Headstones**

All monuments and memorials to be placed on the foundation and all inscriptions thereon shall be subject to the approval of the Council. Rules 17(g) and 17(h) refer. Only headstones to a maximum of 4ft tall and 4ft in width will be permitted.

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(b) **Headstones**

Only Headstones will be permitted to be erected as Memorials in the Lisburn New Cemetery Extension. No surrounds or other permanent commemorative items shall be permitted in the Lisburn New Cemetery Extension. The headstones must comply with the specifications set by the Council and detailed at Rule 17(c).

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(c) **Materials for Headstones/Tablets**

Headstones, Tablets and the like shall be of stone or other non-perishable material and shall be located only on the solid foundation.

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(d) Every Memorial placed on a grave shall bear the distinctive section and number of the grave marked in clear characters.

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(e) The Council does not accept any responsibility for the loss of any moveable memorials or floral arrangements, whether placed by consent of the Council or at a proprietor's own initiative.

(f) The proprietor or agent acting on behalf of the proprietor must provide Public & Employers Liability Insurance to the Council prior to any application for a Memorial, including sub-contractors.

(g) The proprietor, or someone acting on behalf of the owner of a grave proposing to place any Memorial on a grave, shall first submit to the Council for its approval a drawing with particulars of the dimensions and of the proposed inscription together with Grave Lease and appropriate fee. Memorials, other than headstones, will not be permitted in Lisburn New Cemetery Extension.

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All additional inscriptions must have the approval of the Council before being inscribed to an existing memorial as appropriate. The inscription particulars to be retained by the Council. A permit will be issued by the Council on approval to the proprietor or an agent acting on behalf of the proprietor.

(h) Where sketch plans are submitted for the Council's approval for proposed Memorials on any grave or graves, the measurements will not be accepted as being accurate by the Council. In order to avoid any error, proprietors, or those acting on behalf of the proprietor, are required to present the permit issued by the Cemetery Administration Office to a nominated Council Officer at the cemetery prior to any works commencing.

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The Council officer will accompany the proprietor or agent to the appropriate ground for measurement and approval of installation.

- (i) Any **Memorial** placed on a grave without the prior approval of the Council shall be removed. Any **Memorial** that falls into disrepair and is deemed to be unsafe may be removed by the Council. The cost of works so carried out by the Council, will be recovered from the registered owner of the grave or his/her heirs or assigns.
- (j) No flags or political emblems are to be placed or installed on any grave. Any such items will be removed.
- (k) Any unsafe headstones will be laid flat with the inscription facing upwards. The owner of the grave will be contacted to address the matter. If owner of the grave cannot be contacted after a reasonable period of time, then a stone mason will be engaged, or immediately if in the opinion of the Cemetery Supervisor it poses a health and safety risk. A charge will be placed on the grave and will requirement payment prior to any future burials or installations on the plot.

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(l) Memorial Benches

Memorial Benches will only be permitted following application to the Cemetery Administration Office and only where there is an existing plinth

Moved down [2]: Memorial Benches
Moved (insertion) [2]

Memorial Benches should not bear any commemorative items other than a memorial plaque

Any benches within the Cemeteries that are in disrepair will be removed and any memorial plaque on the bench will be retained at the Cemeteries Office for collection by the former owner if they wish to reclaim it.

Deleted: it back. No new benches are permitted to be installed within the Cemeteries

Bench covers are not permitted and will be removed.

- 18. Where memorials etc. are erected in the Cemeteries, it is advisable in the owner's interest to arrange suitable insurance cover.

Removal of Refuse on Completion of Work

- 19. When carrying out work at a grave plot, the owner must ensure that adjacent grave plots, headstones, paths, trees, moveable memorials or flowers are not damaged in any way. The owner, or his/her agent/contractor, will remove any soil or any form of refuse from the works to another place away from the Cemetery. If any damages or materials are left following the works, the Council will carry out any necessary repairs and recover the cost of the work from the registered owner, his/her heirs or agents/contractors.

20. Astro Turf Surface on plots

- a. Astro Turf surface is not permitted in any cemetery.
- b. For any existing plots with Astro turf surface, grave owners will be contacted and advised of the new policy and informed to remove the astro turf surface. The plot will be sown with grass at the Council's expense.

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21. Planting on Grave Plots

- a. Trees and shrubs must not be planted on any grave or beside any benches or area of open spaces.
- b. The Parks & Cemeteries Manager shall be at liberty at any time to remove any tree or shrub so planted on any grave in any cemetery within the control of the Council, the cost of which will be recoverable from the registered proprietor, his/her heirs or assigns.

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22. Commemorative Tree Planting

a. Woodland Remembrance

At present no Yew trees are available for purchase. However, if space becomes available with future Cemetery projects, a Yew tree can be selected, by agreement with relatives for the placing of cremated remains. The location to be recorded. Applicants will supply details of the deceased and the Cremation papers for inspection. The applicant will be entitled to have erected at the tree, at the applicant's cost, a plaque of standard design. The plaque to be bronze in colour and no more than 300mm x 125mm in size. All inscriptions thereon shall be subject to the approval of the Council.

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The plaque to be mounted no more than 150mm above ground level on a vertical support securely fixed to an appropriate concrete foundation.

General

- 23. No monument, headstone or memorial shall be removed or altered without the written permission of the Council.
- 24. No person shall enter or leave the Cemetery except by the entrance gates, or walk or trespass upon any of the graves, or damage any tree, plant, or shrub; or pluck any flower, or trap snare, injure, willfully destroy birds' nests, etc.; or meddle or interfere with any monument, tomb or gravestone. A parent or guardian must accompany children under sixteen years.
- 25. No flags are to be erected within any of the Council Cemeteries.
- 26. Dog owners must keep dogs on leads at all times. This is defined within the Council's Dog Control Orders. Please see the Council website for further information relating to Dog Control Orders.
- 27. No balloons are permitted to be tied to any tree, grave, bench or any other installation.
- 28. The Head of Service for Parks and Amenities, may direct that person/s be removed from any of the Council Cemeteries who conduct themselves improperly and shall prevent any person/s from entering the Cemetery during prohibited hours.
- 29. Any incident where a person willfully destroys, damages or defaces monuments/items within the Council Cemeteries or breaks any of the cemetery rules as outlined above will be referred to the Council's Solicitor for appropriate action.
- 30. In the event of an epidemic outbreak disease within the Lisburn & Castlereagh City Council area, the Council may make special arrangements regulating the order of interments and the length of notice required to arrange an interment.

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31. In the event of a certificate signed by a medical practitioner, provided to the Chief Executive requesting the immediate interment of a body for public health reasons, will issue an order for the interment of the body without requiring the prescribed length of notice.
32. Funeral Directors will be responsible for ensuring that suitable wooden coffins or caskets for earth burials are used. In instances where the total Coffin/Casket weight including the remains is in excess of 24 stone~~s~~ (152Kg), additional measures are required in relation to manual handling. Coffin/Casket measurements, including total weight, are to be supplied.
33. The above Rules will remain in force and be binding on all owners of the right of burial in the cemetery, and all other persons, until they are altered by the Council.

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[These Rules and Regulations](#) have been adopted by Council.

Committee:	Environment & Sustainability
Date:	4th September 2024
Report from:	Head of Service (Acting) - Environmental Health, Risk and Emergency Planning

Item for:	Noting
Subject:	Memorandum Of Understanding – Epizootic Diseases

1.0 Background and Key Issues

1. DAERA has requested a Memorandum of Understanding (MOU) between DAERA (the user of the Service) and Lisburn & Castlereagh City Council (the provider of the Service) which sets out the terms for provision of emergency assistance where an emergency has been declared as a result of a confirmed outbreak of Epizootic Disease (“**Emergency**”). For the purposes of this MOU, Epizootic Disease means an epidemic of disease affecting animals including, but not restricted to, Foot and Mouth, Newcastle Disease, Avian Influenza, Swine Fever and Rabies.
2. The Service shall comprise (list non-exhaustive):
 - (a) The provision of personnel by LCCC (such as industrial personnel and dog wardens) to DAERA to assist with the Emergency.
 - (b) Access to the use of certain plant and equipment items with operatives/drivers may also be required.

and provided in accordance with Schedule A of the MOU.
3. This MOU will be subject to review via the Local Government Emergency Planning Officers Forum on behalf of all participating councils and any changes required shall be made in consultation with the Society of Local Authority Chief Executives (SOLACE) to ensure continuing consistency and agreement between the participating organisations.
4. The purpose of the MOU is to set out the basis on which LCCC and other participating Councils will provide the Service to DAERA in the event that an Emergency is declared by DAERA.
5. It also sets out how DAERA will meet the District Council’s requirements (e.g. compliance with relevant procedures) for providing the Service.
6. DAERA will reimburse participating Councils the cost of:
 - (a) Staff redeployed to assist with the Emergency.
 - (b) Ancillary costs and any other service provision associated costs, for example, plant/equipment loaned by the district council.
7. The MOU is attached as **Appendix 6 EH** for Members’ information.

2.0	<p><u>Recommendation</u></p> <p>It is recommended that Members note the Memorandum of Understanding – Epizootic Diseases between DAERA and LCCC as attached.</p>	
3.0	<p><u>Finance and Resource Implications</u></p> <p>No financial implications. All costs will be reimbursed by DAERA.</p>	
4.0	<p><u>Equality/Good Relations and Rural Needs Impact Assessments</u></p>	
4.1	<p>Has an equality and good relations screening been carried out?</p> <p>Not applicable – MOU between DAERA and LCCC in the event of an Emergency.</p>	<p>N/A</p>
4.2	<p>Brief summary of the key issues identified and proposed mitigating actions <u>or</u> rationale why the screening was not carried out</p>	
4.3	<p>Has a Rural Needs Impact Assessment (RNIA) been completed?</p>	<p>N/A</p>

4.4	<p>Brief summary of the key issues identified and proposed mitigating actions <u>or</u> rationale why the screening was not carried out.</p> <p>Not applicable – MOU between DAERA and LCCC in the event of an Emergency.</p>	
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Appendices:	Appendix 6 EH – Memorandum of Understanding - Epizootic Diseases
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MEMORANDUM OF UNDERSTANDING

Between

Department of Agriculture Environment and Rural Affairs (DAERA)

And

Lisburn & Castlereagh City Council

Version Number	2
Version Date	November 2023
Prepared and Issued by	DAERA CPED

VERSION CONTROL

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No	Issued/ Reviewed	Amendment	Initiated By	Reason for Change
1			DAERA	Initial issue of MOU
2	10/12/18	<p>Cover Page added, including version number table</p> <p>Page 1 – Version Control sheet added</p> <p>Page 2- at section 16 Emergency and Day to Day Contact Details, Christine Galloway replaced by Paddy Doherty and contact details amended</p> <p>Page 4 – at section 1.16 Insurance, the word “third” removed from line 2 – “third party” now “party”</p> <p>Page 5 – at section 1.4 Emergency Response, paragraph amended to include contact tel numbers</p>	<p>DAERA</p> <p>DAERA</p> <p>DAERA</p> <p>DAERA</p> <p>DAERA</p>	
3	2023	<p>Page 5 – at section 1 (the Provider of the service to be changed to ‘the Council’. Also (Emergency) to be added</p> <p>Page 5- section 2 changed to read The Service shall comprise (list non-exhaustive):</p> <p>(a) the provision of personnel by the Council (such as industrial personnel and dog wardens) to DAERA to assist with the Emergency.</p> <p>(b) access to the use of certain plant and equipment items with operatives/drivers may also be required.</p> <p>and provided in accordance with Schedule A.</p> <p>Page 5 – at section 3 District Council Emergency Planning Officers Forum to be changed to Local Government Emergency Planning Officers Forum</p> <p>Page 5 – at section 4 assistance replace by the Service. ‘Of a major emergency’ replaced by ‘that an Emergency is declared by DAERA’</p> <p>Page 5 – at section 5 assistance replaced by ‘the Service’. In para c emergency assistance replaced by ‘the Service’</p> <p>Page 5 – at section 6 ‘assist with the emergency’ replaced by ‘carry out the Service’</p> <p>Page 5 – at section 6(a) ‘assist with the emergency’ replaced by ‘carry out the Service’</p>	<p>DAERA</p> <p>DAERA</p> <p>DAERA</p> <p>DAERA</p> <p>DAERA</p> <p>DAERA</p> <p>DAERA</p>	

	<p>Page 5 – at para 6(a) ‘ assist with the emergency’ replaced by ‘carry out the Service’</p>	DAERA
	<p>Page 6 – At para 12 a – with the Council added</p>	DAERA
	<p>Page 6 – at section 15 the word ‘Eastern’ removed – now reads Emergency Preparedness Group.</p>	DAERA
	<p>Page 6 – at section 16 the DAERA contact is now Marleen Van Eck Telephone number and e mail address updated</p>	DAERA
	<p style="text-align: center;">SCHEDULE A</p>	
	<p>Page 8 – para 1.2. ‘on a regular basis replaced by annually</p>	DAERA
	<p>Page 8 – para1.4. This could be within as little as 24 hours replaced with ‘DAERA will give as much notice as possible. This should be followed up in writing to the relevant council officer detailing what has been agreed. Added at line 5</p>	DAERA
	<p>Page 8 – at Para 1.7 amended to read ‘DAERA will also inform rhe Resilience Team on Call officer (non-public 07772 228 888)</p>	DAERA
	<p>Page 9 – para 1.14 ‘in writing’ added to line 1</p>	DAERA
	<p>Page 9 - at section 1.16 Insurance, the word “third” added to line 2 – “party” now “third party” *See above from 10/12/18</p>	DAERA
	<p>Page 9 – para 1.18. ‘of up to 12hrs on/12 hrs off’ removed</p>	DAERA
	<p>Page 9 – para 1.19. ‘normally’ removed</p>	DAERA
	<p>Page 9 – para 1.20 the word ‘staff’ replaced by ‘personnel</p>	DAERA
	<p>Page 12 – Schedule C Para 1 - the words. Veterinary Officer’ replaced by DAERA Veterinary Officer/Veterinary Inspector. Telephone numbers for DAERA Helpline during office hours, or the Veterinary Service Emergency Hotline out of hours also added</p>	DAERA
	<p>Page 11 – Schedule C Para 7 - the words. Veterinary Officer’ replaced by DAERA Veterinary Officer/Veterinary Inspector.</p>	

		Page 12 – Derry and Strabane District replaced by Name Annex A Page 13 -para 2(b). 'in an emergency' removed	DAERA DAERA	
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MEMORANDUM OF UNDERSTANDING
Between
Department of Agriculture, Environment and Rural Affairs (DAERA)
And
Lisburn & Castlereagh City Council

1. This MOU between DAERA (the user of the Service) and Lisburn & Castlereagh City Council (the “**Council**”) and the provider of the Service, sets out the terms for provision of emergency assistance where an emergency has been declared as a result of a confirmed outbreak of Epizootic Disease (“**Emergency**”). For the purposes of this MOU, Epizootic Disease means an epidemic of disease affecting animals including, but not restricted to, Foot and Mouth, Newcastle Disease, Avian Influenza, Swine Fever and Rabies.
2. The Service shall comprise (list non-exhaustive):
 - (a) the provision of personnel by the Council (such as industrial personnel and dog wardens) to DAERA to assist with the Emergency.
 - (b) access to the use of certain plant and equipment items with operatives/drivers may also be required.

and provided in accordance with Schedule A.
3. This MoU will be reviewed via the Local Government Emergency Planning Officers Forum on behalf of the participating councils and any changes required shall be made in consultation with the Society of Local Authority Chief Executives (SOLACE) so as to ensure continuing consistency and agreement between the participating organisations.

Purpose of this MOU

4. The purpose of the MOU is to set out (in the following paragraphs and the attached schedules), the basis on which the Council will provide the Service to DAERA in the event that an Emergency is declared by DAERA

It also sets out how DAERA will meet the Council’s requirements (e.g. compliance with relevant procedures) for providing the Service.

5. Provision of the Service will depend upon:
 - a) there not being a simultaneous or anticipated emergency within the Council’s own operational remit which would assume a higher priority and therefore limit or prevent the Council’s ability to respond within the terms of this MOU;
 - b) the requirements of the Council to meet its own operational commitments, for example, in relation to top priority seasonal workloads; and
 - c) the Council attracting volunteers from within its own workforce to provide the Service to DAERA.

Financial Arrangements

6. DAERA will reimburse the Council the cost of:
 - (a) staff redeployed to carry out the Service;
 - (b) ancillary costs in redeploying those staff;
 - (c) any other service provision associated costs, for example, plant/equipment loaned by the Council or the provision of kennelling facilities; and
 - (d) any other incidental expenses.

7. The Council will submit a claim/invoice to DAERA on a monthly basis detailing:
 - (1) the numbers and grades of staff redeployed and associated costs of wages/salaries, travel and subsistence and other incidental expenses (the latter must be supported by receipts where appropriate); and
 - (2) the cost of any other provision associated with the Emergency.
8. Both parties will be responsible for ensuring that their respective payments and receipts are accurately recorded and accounted for by adhering to the procedures laid down in Government Accounting Northern Ireland (GANI) and the NI Resource Accounting Manual (NIRAM) and by liaising closely with their respective finance divisions.

Legal Status

9. Although this MOU has no legal effect, save for the requirement for DAERA to indemnify the Council as set out in paragraphs 1.16-1.17, both parties will act in accordance with the MOU.

Effective Date

10. The MOU will come into effect on **13 July 2017** and will be open-ended.

Service Level Requirements for DAERA and the Council

11. Please see the Schedules to this MOU.

Review Arrangements

12. These arrangements will apply:
 - a. Annex A of the MOU is subject to annual review. If necessary, DAERA will arrange a meeting with the Council to discuss and agree any amendments that might be required by either party.
 - b. Should a requirement for a **significant** variation arise before the annual review is due, the party proposing the change will notify the other party in writing, giving a summary of the required change. DAERA will arrange a meeting to agree and formalise any amendment.
 - c. Any **minor** variations that arise before the annual review is due may be agreed by an exchange of emails between the signatories to the MOU or their representatives.
 - d. Any amendments agreed under paragraphs 12a – 12c are to be signed and dated by the signatories.

Additional Schedules

13. If additional schedules detailing requirements are needed, these can be included under the terms of this MOU subject to the agreement of both parties.

Breach of MOU

14. Any difficulties or complaints should be resolved initially through informal contact between the party's representatives. If this approach fails, then the matter will be considered by the signatories to the MOU; their decision will be final.

Emergency and Day to Day Contact Details

15. Emergency contact details for DAERA and the Council are contained in the Emergency Preparedness Group (EPG) Emergency Contacts Directory.
16. For day to day queries, the contact(s) for the Council is shown in Annex A. The DAERA contact is **Marleen Van Eck, tel. 028 7939 5341 (during office hours), email: CPED@daera-ni.gov.uk.**

Termination of MOU

17. This MOU may be terminated by either party giving notice in writing. As much notice as possible should be given.

SCHEDULE A

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**DAERA – Veterinary Service Animal Health Group (VSAHG)
DAERA and Council Requirements****Human Resources - Numbers of Personnel Required**

- 1.1 As it is impossible to determine numbers in advance of an emergency, the Council will, by completing Annex A to this MOU, provide DAERA with an estimate of the maximum number of personnel from the Council who could be released at short notice. This will enable DAERA to plan ahead for various types of scenario.
- 1.2 The Council will review the estimate annually and advise DAERA of any significant change (either up or down).

Plant, Vehicle, Equipment and Facilities Requirements

- 1.3 Any such requirements are to be assessed and agreed in discussion with the Council.

Emergency Response

- 1.4 In the event of an Emergency, DAERA will contact the Council using the contact details shown in the EPG emergency contacts directory, giving notice of estimated personnel requirements including possible location(s), likely nature of duties, skills required and when assistance might be needed. DAERA will give as much notice as possible. This should be followed up in writing to the relevant council officer detailing what has been agreed.
- 1.5 Specific additional information in relation to the response to Rabies is shown at Schedule C.
- 1.6 DAERA will immediately assume a state of alert and put in place procedures for re-deploying personnel. Support may be required from one or a number of councils and those personnel employed by the Council who work/live in an area closest to the outbreak will be approached first, with those in other areas being put on alert, ready for deployment should the disease spread.
- 1.7 DAERA will also inform the Resilience Team officer on call (non-public 07772 228 888). Depending on the circumstances of the Emergency, multi-agency co-ordination may also be established following normal procedures.
- 1.8 The Council will deploy the agreed number of personnel in work units of 5-6 people, headed up by a supervisor and teamed according to the skills requirements.
- 1.9 The work units will be self-sufficient; no meals or transport will be provided by DAERA. The Council's subsistence rates valid at the time will apply.

Health and Safety

- 1.10 DAERA will ensure that it fully complies with the Health and Safety at Work (Northern Ireland) Order 1978 and associated regulations in protecting the health, safety and welfare of staff provided by the Council.
- 1.11 DAERA will ensure that appropriate risk assessments are carried out prior to the deployment of Council staff and that those employees are supplied with adequate instructions and/or training, including required standards, for the task(s) to which they are assigned. An example of the types of work that Council staff may be required to do is shown at Schedule B.

- 1.12** DAERA will provide bio-security information and advice on risk control measures to assure personnel, (some of whom may themselves be part-time farmers or rural based) that they are not spreading disease to their own or neighbouring farms.
- 1.13** Where possible, each work unit will also be self-sufficient with regard to PP&E, footwear, helmets, masks, water supply (if involved in cleansing and disinfecting), means of communication, (e.g. mobile phones) and any other items required for the task to which they are assigned.
- 1.14** The detail of DAERA's requirements in this respect will be agreed in writing with the Council at the time, depending on the task and site involved.
- 1.15** The Council will provide replacement supplies as necessary and may recover from DAERA any costs incurred over and above normal operating costs.

Insurance

- 1.16** DAERA agrees to indemnify the Council in respect of any claims arising from any loss, injury or damage suffered by DAERA or any third party as a result of the Council providing assistance under this MOU unless, and to the extent that, such loss injury or damage arises from the negligence of the assisting Council or any of its employees or agents.
- 1.17** DAERA also agrees to indemnify the Council in respect of any loss or damage to plant or equipment provided by the Council or other misdemeanour resulting in a loss of value other than normal wear and tear and in respect of any loss or damage claim expense injury or cost howsoever arising from the use or misuse of any such equipment.

Working Hours

- 1.18** Personnel may be requested to work shifts for the first few days of an Emergency and 8hr shifts thereafter.

Pay/Wages and Conditions

- 1.19** Personnel re-deployed by the Council will retain the existing grades, pay/wages scales and conditions of service of their parent organisation. This will also extend to overtime arrangements.

Staff Performance

- 1.20** If the period of redeployment is significant, DAERA will, (if requested by the Council), complete a short performance appraisal on the Personnel concerned.

Essential Purchases

- 1.21** If an essential item is unavailable from within the Council's own resources and cannot be supplied quickly enough/at all by DAERA the Council may purchase locally in accordance with their own local purchasing arrangements and claim costs back from DAERA.
- 1.22** When reclaiming expenditure from DAERA, the Council must make every effort to identify payments made to suppliers in such a way that the expenditure can be clearly linked with the type of supply and the premises (e.g. farm) which "benefited" from the expense. This is required to facilitate DAERA's claim for a % recovery of eligible costs from the EU, which will be subject to audit. Further guidance on the use of identification coding may be issued to the Council at the time.

Testing of MOU

1.23 This MOU may be tested by DAERA. In this event, the Council will be given advance notice and will co-operate by responding as if the test were a genuine emergency.

Industrial Labour – Generic Specimen Job Description for non DAERA Staff

The following duties may take place at the borders of protection and surveillance zones, the land border, sea ports, airports and rendering plants except where indicated otherwise:

- **Cleanse and disinfect vehicles** (eg: lorries, cars, milk tankers, diggers, telehandlers etc) but **excluding** vehicles on premises where Avian Influenza (AI) is either suspected or confirmed (ie: **non-DAERA staff will not be required to work on such premises**).
- **Man road-blocks/check points** - at the edge of zones, at the exits and entrances to the Local Epizootic Disease Control Centre (LEDCC) for the purpose of vehicle cleansing and disinfection.
- **Porterage duties** - in setting up the LEDCC and Delivery Out Centres (DOCs).
- **Maintain a watch over animals** - which have been valued and are awaiting transportation for removal to slaughter - the animals would either be penned or in a field.
- **Building pyres** (using bales, pallets, coal etc), manual labour.
- **Drivers of vehicles** - such as vans, minibuses, tractors, small machinery operation - appropriate training would be provided for the latter, if necessary.
- **Minor building works** (assisting in setting up a cull-site or assisting in returning site to normal) e.g. fencing, hand digging etc.
- **Supervisors** - as well as undertaking labouring duties, Supervisors would also have responsibility for day to day supervision of their team, plus other duties as directed e.g.: liaising with the Site Operations Coordinator (SOC) (but **not** on AI infected premises) or Team Leaders, the public and all relevant record keeping.
- **Gate/Site security** – e.g. to maintain a watch/control over burial sites, pyres etc (non-AI).
- **Any other duties** - which fall into category of industrial labour required by DAERA at time of control of an epizootic disease incident but **excluding** work on an AI infected premises.

Avian Influenza (AI) - additional exclusions for non DAERA staff (not covered above)

Non DAERA staff will **not** be required to:

- work at the rendering plant (washing down lorries etc)
- participate in initial cleansing and disinfection (C&D) of infected premises
- become involved in the clear-up of accidental spillage of infected/potentially infected material due e.g. to a road traffic collision.

**Rabies Control – The Role of the Council
(extract from DAERA Rabies Contingency Plan)**

1. When DAERA receives a report of a suspect rabid animal a DAERA Veterinary Officer/Veterinary Inspector will carry out an investigation. DAERA will immediately advise the Council in whose area the suspect animal was located. Where a Council Dog Warden suspects that a dog may be suffering from rabies they should contact the DAERA Helpline during office hours 0300 2007852, or the Veterinary Service Emergency Hotline out of hours 028 90525596.
2. DAERA will be responsible for the seizure, kennelling and investigation into any dog which is suspected to be suffering from rabies in accordance with the Disease of Animals (Northern Ireland) Order 1981, any associated regulations or any other relevant legislation. The suspect animal may be euthanised by DAERA, in such a way as to keep the brain intact for pathological examination. DAERA may request that a dog warden be made available to transport the carcass to the Agri-Food and Biosciences Institute, Stoney Road, Dundonald (AFBI). A DAERA officer will accompany the dog warden. Cleansing and disinfection of the transport will be carried out by DAERA. AFBI will arrange for onward transportation of the head to the National Reference Laboratory+ (NRL) in England.
3. The Council should alert staff involved in dog control work that there is a rabies suspect in their Council area. Other preparatory work at this stage may involve the preparation of dog shelters and pounds in order that an anticipated increase in demand can be accommodated.
4. If the animal is subsequently found not to be rabid DAERA will inform the Council contact point and make the necessary arrangements to return the dog to its owner if it has not been euthanized.
5. On receipt of a positive result from the NRL DAERA will advise the dog owner as soon as possible. It will also advise the Council that there is a confirmed Rabies outbreak in Northern Ireland, and may activate multi-agency procedures. DAERA will publish a description of the infected area.
6. The Council will employ all available trained manpower and dog catching equipment to ensure the rapid removal of stray dogs within the infected area. The strays shall be placed in Council dog pounds and shelters, or other accommodation provided by DAERA within the infected area. If an animal is showing signs suggestive of rabies infection, the dog wardens should not place themselves at risk by attempting to catch it, but should contact DAERA who will arrange for assistance.
7. Depending on the infected area the Council may be asked to provide centres for voluntary euthanasia of pets brought in by anxious members of the public, the cost of which will be met by DAERA. Euthanasia will be carried out by DAERA Veterinary Officers/Veterinary Inspectors or by arrangement between DAERA and local veterinary practitioners at DAERA's expense.
8. The Council may also be asked to make available facilities to be used as vaccination centres for pets. The cost of providing any such facilities shall be reimbursed by DAERA.
9. The Council shall display posters along with maps of the infected area in locations under its control.

**MEMORANDUM OF UNDERSTANDING (MOU)
BETWEEN DAERA AND LISBURN CASTLEREAGH CITY COUNCIL**

1. **Name of Council:** LISBURN & CASTLEREAGH CITY COUNCIL
2. (a) Approximate number of industrial personnel who could be released in an emergency: 20

(b) Approximate number of dog wardens who could be made available:6
3. **Day to day council contacts in relation to the MOU:**
Name: WILFIE MULDREW
Email: wilfie.muldrew@lisburncastlereagh.gov.uk

Name:...Wilfie Muldrew Tel:.....07739948564.....(office hrs)
Email:...Wilfie.muldrew@lisburncastlereagh.gov.uk.....

4. **Examples of plant/equipment needed** – if there are other items/services you think would be useful and which you could provide, please add them to the list below.

Type of item needed	Details/specification (where appropriate) of item(s) that could be made available	Number that could be made available
Landrover/personnel carrier type vehicles & drivers	Cage wagons with crew cab (5 person capacity)	3 vehicles with 3 drivers
Lorries & drivers		
Small tanker type vehicles & drivers (suitable for carrying water for use in cleansing & disinfection)	Mechanical sweeper for cleansing	2 vehicles with 2 drivers
Power washers & hoses	Mobile power washing unit	1unit
50m Hoses c/w fittings		
Water storage tanks (to hold run-off)		
Portable space heaters		
Portable personnel shelters		
Portable toilets		
Portable generators		
Arc Lights		
Dog handling equipment e.g. vans, bite suits, poles gloves etc.	Vans Poles Gloves	5 5 8 pairs

5. Examples of facilities needed:

(a) Council kennelling facilities

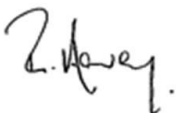
Name	Address	Tel No	Council or privately owned?
Nutts Corner Boarding Kennels	18 Dundrod Road, Crumlin, Antrim, BT29 4SR	07775 665975	private

(b) Other facilities

	Yes/No
Does the council have any facilities which may be available for voluntary euthanasia of animals or as vaccination centres for pets?	No
If so, please enter the name and address of the premise(s) below:	

JOINT AGREEMENT

<p>Signed on behalf of DAERA (the User of the Service)</p> <p>Signature:</p> <p>Name: Title: Chief Veterinary Officer Date:</p>

<p>Signed on behalf of Lisburn & Castlereagh City Council (the Provider of the Service)</p> <p>Declaration: I hereby agree on behalf of the Council named above to assist DAERA in epizootic disease control by providing, (where possible, and under the terms and conditions of the MOU) the personnel, plant, equipment and facilities noted at paragraphs 2, 4 and 5 of Annex A.</p> <p>Signature: </p> <p>Name: RICHARD W HARVEY Title: DIRECTOR OF ENVIRONMENTAL SERVICES (ACTING) Date: 2 MAY 2024</p>
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Committee:	Environment & Sustainability
Date:	4th September 2024
Report from:	Head of Service (Acting) - Environmental Health, Risk and Emergency Planning

Item for:	Noting
Subject:	Out-of-Hours Dog Warden Service

1.0 **Background and key issues**

1. Further to a report tabled to the Environment and Sustainability Committee in June 2024 in relation the Out of Hours Dog Warden Service (OOHDWS), Members are advised that the service provider has withdrawn their service from 1st August 2024. This report seeks to inform Members of the interim measures which have been put in place before a further report is tabled to Committee on future service provision.
2. In July 2024, the previous service provider, Hi-Tech Security Services, advised the Environmental Health, Risk and Emergency Planning Service Unit that they were withdrawing their services effective from 1st August 2024.
3. The most recent OOHDWS Contract was awarded through a Tender exercise in April 2023. The Council's standard Contract Terms and Conditions at the time did not specify a notice period; however, the standard Terms and Conditions have since been updated to include a notice period.
4. As an interim measure, a new dedicated phone line (028 9244 7600) has been created which allows members of the public to leave a voicemail message out-of-hours. The recorded message advises callers that their request will be dealt with on the next available working day.
5. The operational hours of the phonenumber mirror those provided under the previous Contract i.e. Saturdays, Sundays and Bank Holidays, 9.00am to 6.00pm and information on the new arrangements has been provided on the Council's social media platforms and on the website.
6. A verbal update will be provided to Members at Committee on 4th September 2024 in relation to the analysis on the uptake of the new dedicated phonenumber between 1st August and 31st August 2024.
7. An additional report will be tabled to a future E&SC meeting regarding long term options, as agreed at June E&SC.

2.0 **Recommendation**

It is recommended that Members note the report in relation to the interim Out-of-Hours Dog Warden Service.

3.0	<p><u>Finance and Resource Implications</u></p> <p>The OOHDWS had an allocated budget of £16,000 for 2024/2025. The cost of the service between 1st April and 31st July 2024 was £7,020. The remaining budget allocation of £8,890 will be used for the implementation and operation the alternative provision when agreed.</p>	
4.0	<p><u>Equality/Good Relations and Rural Needs Impact Assessments</u></p>	
4.1	Has an equality and good relations screening been carried out?	Yes
4.2	<p>Brief summary of the key issues identified and proposed mitigating actions <u>or</u> rationale why the screening was not carried out.</p> <p>Equality Screening previously carried out and tabled to Committee in June 2024.</p>	
4.3	Has a Rural Needs Impact Assessment (RNIA) been completed?	Yes
4.4	<p>Brief summary of the key issues identified and proposed mitigating actions or rationale why the screening was not carried out.</p> <p>Rural Needs Impact Assessment previously carried out and tabled to Committee in June 2024.</p>	

Appendices:	None.
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Committee:	Environment & Sustainability
Date:	4th September 2024
Report from:	Head of Service (Acting) - Environmental Health, Risk and Emergency Planning

Item for:	Noting
Subject:	Food Control Service Plan 2024/2025

1.0	<p><u>Background and Key Issues</u></p> <ol style="list-style-type: none"> 1. 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. 2. 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. 3. The Food Service Plan for 2024/2025 has been developed in order to meet the requirements outlined in the Framework Agreement. <p>The Plan covers in detail:</p> <ul style="list-style-type: none"> • The aims and objectives of the food service. • The profile of the Council, including the organisational structure, and the scope of the service 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. <ol style="list-style-type: none"> 4. Attached as Appendix 7 EH for Members’ information is a copy of the Food Control Service Plan 2024/2025.
2.0	<p><u>Recommendation</u></p> <p>It is recommended that Members note the content of the Food Service Plan for 2024/2025.</p>
3.0	<p><u>Finance and Resource Implications</u></p> <p>Payroll and non-payroll provision has been made within the 2024/2025 budget.</p>

4.0	<u>Equality/Good Relations and Rural Needs Impact Assessments</u>	
4.1	Has an equality and good relations screening been carried out?	N/A
4.2	Brief summary of the key issues identified and proposed mitigating actions or rationale why the screening was not carried out Not applicable – service delivery document only.	
4.3	Has a Rural Needs Impact Assessment (RNIA) been completed?	N/A
4.4	Brief summary of the key issues identified and proposed mitigating actions or rationale why the screening was not carried out. Not applicable – service delivery document only.	

Appendices:	Appendix 7 EH - Food Control Service Plan 2024/2025
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Lisburn and Castlereagh City Council

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

Food Control Service Plan 2024/2025

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.

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 2025 or sooner if there are new Food Standards Agency requirements. This is to coincide with the FSA's plans to implement the Food Standards delivery model in late 2024 or early 2025.

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) 2023

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) 2023
3. To work towards and support the objectives of the NI Food Managers Group Workplan 2024/2025
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

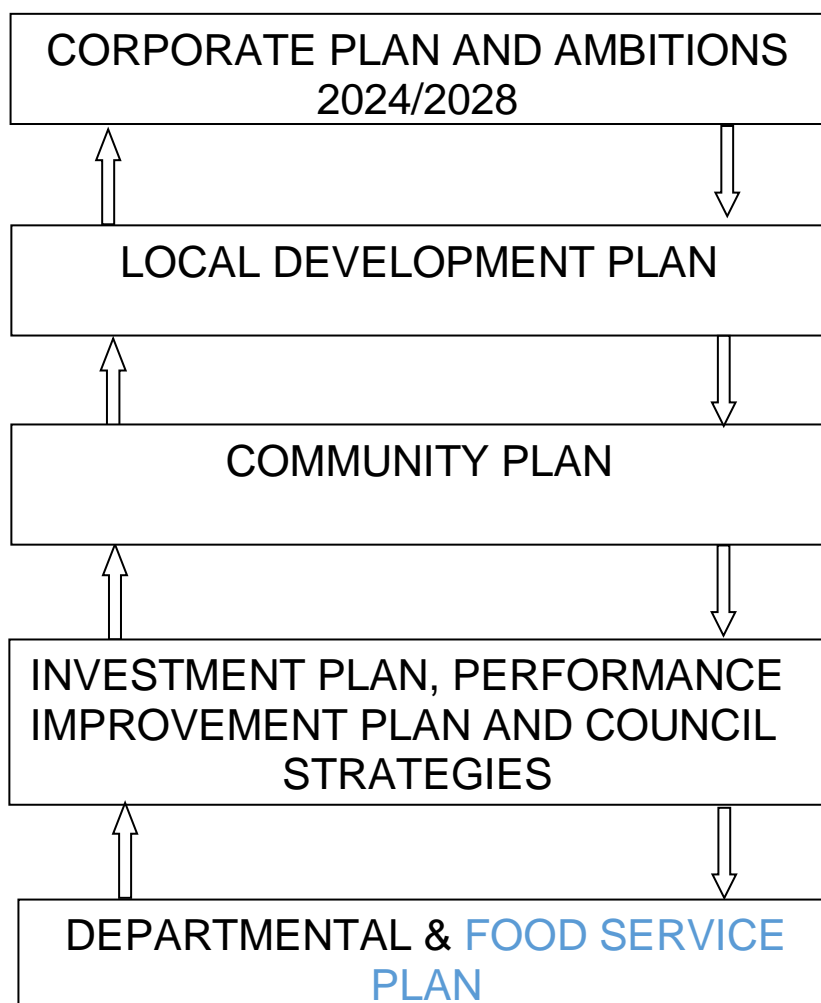
The objectives and actions detailed above will be measured in accordance with the following table of targets. Where deviations from the targets are found, the targets will be analysed and reviewed throughout the year.

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 strategic framework 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, Risk and Emergency Planning Unit

Strategic Framework Process



Service Plan

The Food Safety Service Plan will be embodied in the Environmental Health, Risk and Emergency Planning 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 biannual 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 support the Community Services initiatives to educate the community.

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 and schools, allergen training for the food industry and food safety advice to community groups.

Business and Industry

The Environmental Health, Risk and Emergency Planning 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, Risk and Emergency Planning Unit 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

complainant's/enquirer's 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 Corporate Plan and Ambitions 2024/2028.

Overall Council Corporate Plan

The Food Control Section looks to the overall Council's Corporate Plan and Ambitions 2024/2028.

Council Vision.

Lisburn & Castlereagh City Council's vision is to achieve better lives for the people who work, live in or visit the LCCC area.

Strategic Themes and Our Partners

The Council's priorities are categorised under the strategic themes of 'Civic Leadership', 'People', 'Planet' and 'Prosperity'.

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

2 BACKGROUND

2.1 Profile of the Local Authority

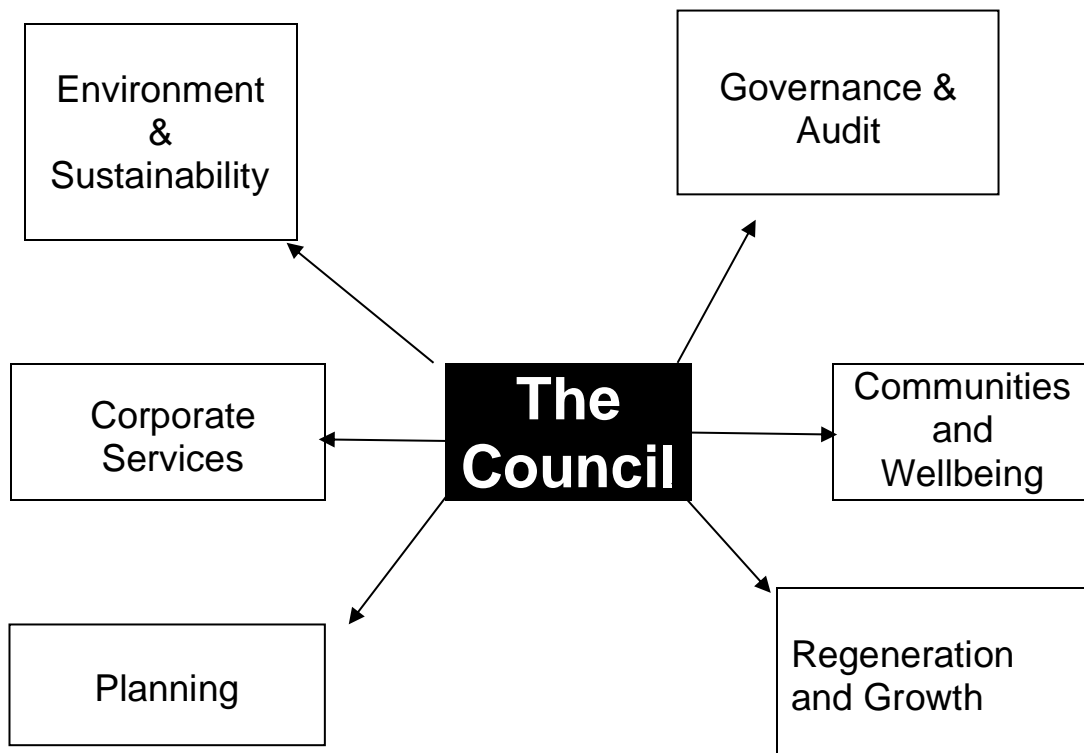
On the 1st April 2015 Lisburn & Castlereagh City Council assumed responsibility for the new Council area, following the amalgamation of Lisburn City Council and Castlereagh Borough Council.

The Council, made up of 40 Elected Members, represents 149,147 residents in 60,147 households 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

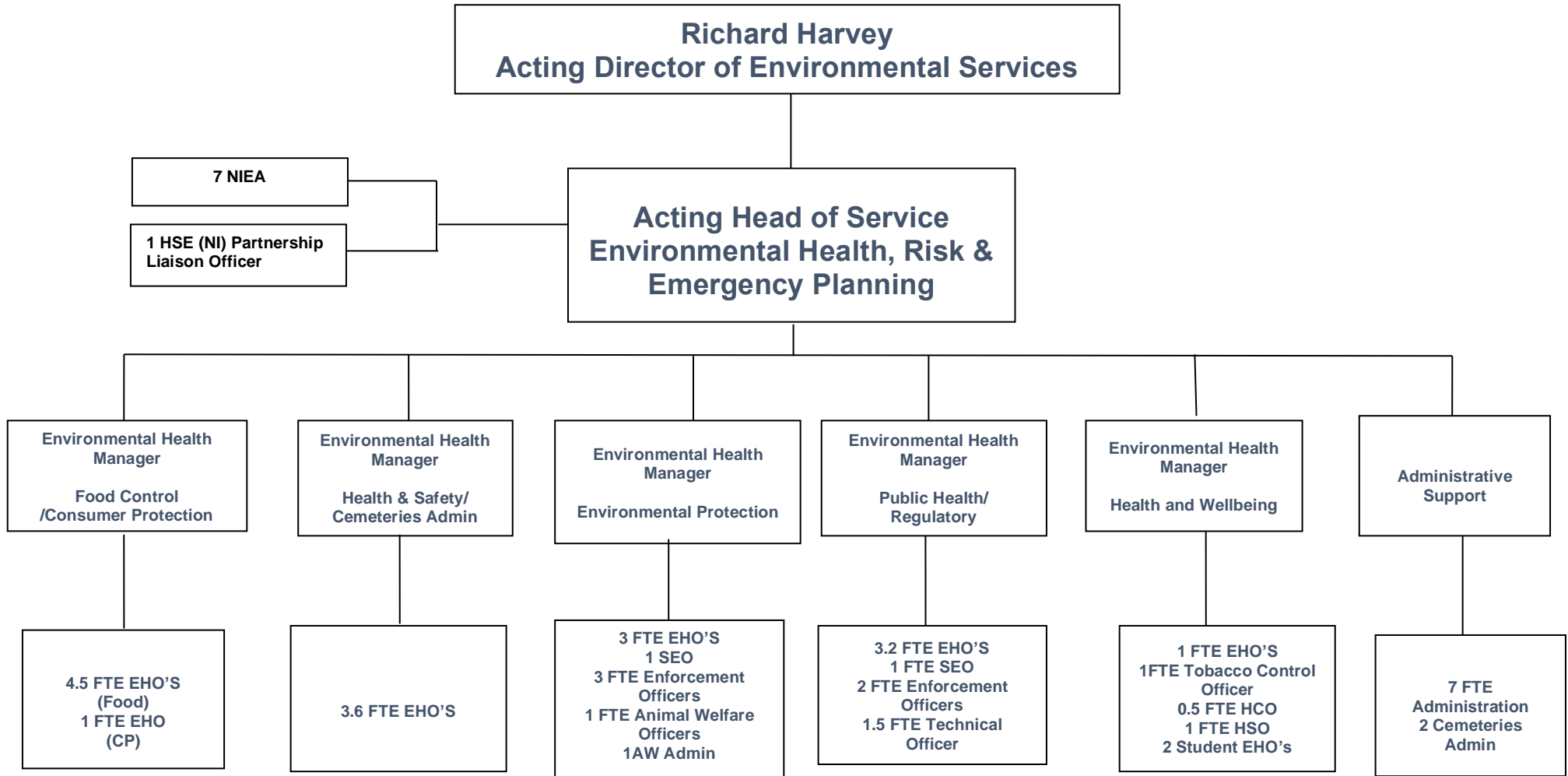
The Head of Service reports all food service issues to the Council via the Environment & Sustainability Committee, which is one of the Councils Statutory Member Committees.



The Council has delegated a number of powers to the Director and Head of Service of Environmental Services 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 instigation of legal proceedings) rests with the Environmental Health Officers. Only Officers with the necessary competency and authorisations are permitted to issue Hygiene Emergency Prohibition Notices or Remedial Action Notices

Environmental Services- Environmental Health, Risk and Emergency Planning Unit - Reporting Structure

(Presently Under Review)



Specialist Services

The Department also uses external specialist services, such as the Public Analyst, the Public Health Laboratory, 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 1533 premises registered as food businesses currently open for which the authority has food enforcement responsibility. They fall into the following premise categories:

Premises type	Premise registered
Primary Producers	8
Manufacturers/Processors	113
Importers/Exporters	4
Distributors/Transporters	42
Retailers	256
Restaurant and other caterers	1110

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. 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).

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 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 2024/2025 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 2024/25</u>	<u>Hours</u>	<u>Total Hours</u>
A	6 months	2	4	10	40
B	1 year	13	13	6.5	84.5
C	18 months	161	104	4.5	468
D	2 years	395	243	3.5	850.5
E	Alternative Enforcement	926	109	2	218
Unrated, etc.	N/A	36	36	4	144
Outside the programme	N/A	0			
TOTALS		1533	509		1805

FOOD STANDARDS PROFILE OF ACTIVITIES

<u>Category</u>	<u>Frequency</u>	<u>Total Number of Premises</u>	<u>Inspections for 2024/25</u>	<u>Hours</u>	<u>Total Hours</u>
A	1 year	2	2	8	16
B	2 years	133	88	6	528
C	5 years	1362	178	2	356
Unrated etc	N/A	36	36	3	108
Outside the programme		0			
TOTALS		1533	304		1008

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		1805	hours
Planned FS Inspections	0101	240		1008	hours
New Premises	0102	133		931	hours
Re-Score Visits FHRS	0211	9	2.5	23.75	hours
Advice Visits	0203	39	2	78	hours
Add. HA Premises	0203	52	5	260	hours
Bacto-Sampling	0501	451	0.75	338.25	hours
Chemical Sampling	0501	229	1	229	hours
Food Complaints Investigation	1806	44	8	352	hours
Food Poisoning Outbreaks	0207	1	50	50	hours
Communicable Diseases	0207	78	2	156	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		199	1	199	hours
TOTAL HOURS REQUIRED:				7314 hours	

Staffing Allocations

The staffing resources of the Food Control Section for 2024/2025 are as follows: -

<u>Position</u>	<u>Name</u>	<u>% time</u>	<u>Hours</u>
Acting Head of Service	Sally Courtney	15%	210 hours
Environmental Health Manager	Robert Lamont	80%	1122 hours
Environmental Health Officer	Liz King (moving to PT Aug 24)	100%	1403 hours
Environmental Health Officer	Heather Marshall	100%	1403 hours
Environmental Health Officer	Kerrie Simms	100%	1403 hours
Environmental Health Officer	Vacant (Transfer)	100%	1403 hours
TOTAL HOURS: 6944 hours			

Following analysis of the total work demand on the Food Control Section of 7314 hours compared with the officer time in the Service Unit structure available of 5541 hours, there is a shortfall of resources available equating to 1773 hours or 1.3 of a FTE officer. The ratio of Food Officer per 1000 premise is currently 2.0.

The temporary internal transfer of 1 FTE from the Health & Safety function to Food Control has increased the staff allocation to 6944 hrs which equates to a remaining shortfall of 370 hours or 0.3 FTE.

Within this financial year Lisburn & Castlereagh City Council will be required to align with the new food standards delivery model.

The new food standards delivery model is based on three concepts-

- A modernised risk assessment approach that identifies premises at the highest risk.
- The capability to select the right regulatory response appropriate to the nature and risk of the establishment/business.
- An integrated intelligence function that prioritises issues in a dynamic way and directs resources accordingly.

Inspections are assessed using a new risk assessment approach which involves producing a premises Risk Profile that is based on two separate risk elements, the 'Inherent Risk Profile' and the 'Compliance Assessment'. The individual scores given within the sub-categories of the 'Inherent Risk Profile' and the 'Compliance Assessment' will provide the Risk Profile and regulatory output.

The regulatory outputs as a result of an inspection can range from:

- Priority Intervention (1, 3 or 6 months)
- Intervention (12, 24 or 36 months)
- Targeted Remote intervention (24,36,48,60,72 or 120 months)

Preliminary data would indicate that additional inspections will be required of businesses that would meet the criteria of Priority Interventions. Therefore, the detailed Food Standards Profile of Activities table may underestimate the time resources required.

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.

With the current resources available the Council will not be able to meet our obligations under the Food Law Code of Practice and the Framework Agreement on Local Authority Food Law Enforcement. However, vacancies will be filled in due course following the structural review of Service.

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 44 complaints will be investigated during 2024/2025 with a total demand of time 352 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 113 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 will require engagement with food business operations to ensure that there are additional choices available for the consumer.

Training planned for 24/25 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 2024/2025 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 and 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 it was planned to undertake the following in conjunction with the Health and Wellbeing section however with the shortfall in staff resources the Food Control section will not be able to support these non-statutory activities.

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. Continue to provide Hygiene Instruction Training to Volunteers who prepare food for Churches and Community Groups in conjunction with the Health and Wellbeing Section
3. Facilitate food hygiene training in schools
4. Ongoing education during inspection of premises
5. Participation in national promotional events such as Food Safety Week
6. Engage with community groups to promote food safety in the home as well as through the Eat Well Spend Less Initiative.

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>2024/2025</u> £
Salaries	£288,550
Staff Travel and Subsistence	£9,000
Protective Clothing	£300
New Equipment	£890
Sampling	£35,000
TOTAL	£333,740

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 2024/2025

FSA Core Funding £138,891.85

This reflects an increase from 2023/2024 of £10,416.07

FSA have increased the core funding over the last three years in recognition of not only the key work District Councils continue 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

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. This requires that appropriately trained and experienced officers must only undertake food safety work. This necessitates access to external training on specialist topics, supplemented by regular in-house update training for authorised food safety officers.

As a minimum, all authorised officers will receive at least 10 hours training per year, specifically on food issues, as required by Food Law Code of Practice and a minimum of 20 hours per year overall continuing professional development training, or 30 hours for Chartered Environmental Health Practitioners

It is anticipated that a significant amount of update training will again be necessary this year for all enforcement officers. This will be provided to ensure continued professional development and officer competency

5 QUALITY ASSESSMENT

5.1 Quality Assessment

The section is committed to providing a food safety enforcement and advisory service of the highest quality in line with customer expectation. The consistency of approach, transparency and accountability of operations depends on the professional competence of its officers.

- **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. All returned questionnaires are reviewed by the Environmental Health Manager

6 REVIEW

6.1 Review against the Service Plan

The performance of the Food Safety Team will be the subject of half year and end of year Performance Reviews.

The Food Safety Team will meet at least monthly to discuss service and performance issues or more frequently as a need is identified.

The status and adequacy of the Food Enforcement Service Delivery Plan in relation to new objectives resulting from changing circumstances will be revised annually.

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. Therefore, the Council will not be able to fully realign with the requirements of the Food Law Code of Practice.

To address the previous year's shortfall in resources an officer was transferred from the Health & Safety section on a temporary basis. However as highlighted there still exists a shortfall of 370 hours or 0.30 FTE officer time available which will be filled following the Structure review.

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 throughout the year, to assess variations from the Service Plan.

6.3 Areas of Improvement

The following areas of improvement were identified as a result of the review of the 2023/2024 Food Service Delivery Plan and identified as key areas for the service. These have been incorporated into the 2024/2025 Service Delivery Plan.

- Continue to deliver a planned programme of food safety interventions, however as stated with current resources we will not be able to meet the legal obligations set out in the Food Standards Agency Food Law and Food Standards Code of Practice and achieve targets set out within this Service Plan.
- The Idox database will continue to require regular scrutiny and updating to ensure the authority is able to produce accurate data for LAEMS database. This will also include a physical survey of business in the city in conjunction with the Health & Safety Team.
- Aim to continue to improve the percentage of broadly compliant premises, and address non-compliance with premises rated 0, 1 and 2.
- Implement any new guidance/legislation introduced by the FSA.
- Review operational procedures – due to the Implementation of the updated Food Standards delivery model, which will result in more frequent officer inspection of high-risk premises.
- Review/update the food service pages on the Council's website.
- Continue to support and provide advice to businesses that provide pre-packed foods for direct sale in line with the requirements of Natasha's Law.
- 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.

Sally Courtney
Head of Service (Acting)
Environmental Health, Risk and Emergency Planning

Date Ratified by Environment & Sustainability Committee: _____