



September 25th, 2024

Chairperson: Councillor P Catney

Vice-Chairperson: Councillor G Hynds

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

Councillors: S Burns, A Gowan, P Kennedy, G McCleave, C McCready, 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, 2nd October 2024 at 6:00 pm** for the transaction of the undernoted Agenda.

David Burns
Chief Executive

Agenda

1.0 Apologies

2.0 Declaration of Interests

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

 *Disclosure of Interests form.pdf*

Page 1

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

3.1 Consultation on the Draft Environmental Protection (Single-Use Vapes) Regulations (Northern Ireland) 2024

For Decision

 *Item 3.1 - Report - Consultation Response - Draft EP (Single-Use Vapes).pdf*

Page 3

 *Item 3.1 - Appendix 1 EH - Draft Statutory Rule - Single Use Vapes (V1).pdf*

Page 5

 *Item 3.1 - Appendix 2 EH - LCCC Draft Consultation Response.pdf*

Page 11

3.2 New Public Health Bill Consultation

For Decision

 *Item 3.2 - Report - New Public Health Bill Consultation (v2).pdf*

Page 14

 *Item 3.2 - Appendix 3 EH - Consultation to Public Health Bill.pdf*

Page 16

4.0 Report by the Head of Service (Waste Management and Operational Services)

4.1 Consultation on Proposed new Code of Practice on Sampling and Reporting at Materials Facilities

For Decision

 *Item 4.1 MRF Sampling Consultation Report V2.pdf*

Page 53

4.2 Drinking Water Refill Stations at Council Facilities

For Noting

 *Item 4.2 Drinking Water Refill Stations at Council Facilities.pdf*




Page 55

5.0 Confidential Report from the Acting Director of Environmental Services

5.1 Free Car Parking Update and Strategy

For Decision

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

 <i>Item 5.1 confidential - Report - Car Parking Update (1).pdf</i>	<i>Not included</i>
 <i>Item 5.1 confidential - Appendix 1 confidential - Car Parking Business Survey (1).pdf</i>	<i>Not included</i>
 <i>Item 5.1 - Appendix 2 confidential - Car Parking Strategy (v1).pdf</i>	<i>Not included</i>

6.0 Any Other Business

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:	2 October 2024
Report from:	Head of Service (Acting) - Environmental Health, Risk and Emergency Planning

Item for:	Decision
Subject:	Consultation on the Draft Environmental Protection (Single-Use Vapes) Regulations (Northern Ireland) 2024

1.0	<p><u>Background</u></p> <ol style="list-style-type: none"> 1. The Department of Agriculture, Environment and Rural Affairs (DAERA) is seeking views on the Draft Environmental Protection (Single-Use Vapes) Regulations (Northern Ireland) 2024 (attached as Appendix 1 EH for Members' information) in compliance with Article 32(3) of the Waste and Contaminated Land (Northern Ireland) Order 1997. 2. These Regulations seek to ban the sale and supply of single use vapes in Northern Ireland. The legislation, the Environmental Protection (Single-Use Vapes) Regulations (Northern Ireland) 2024, will be made under powers contained at Article 32 of the Waste and Contaminated Land (Northern Ireland) Order 1997. This gives the Department powers to prohibit the use, supply or storage of injurious substances or articles. 3. The ban on sale and supply of single use vapes is intended to come into force, UK wide, on 1 April 2025. 4. Businesses who either manufacture or sell single use vapes will be affected. 5. Market research undertaken suggests currently there are no businesses manufacturing single use vapes in Northern Ireland. 6. The ban of single use vapes can help reduce the impact caused by littering of single use vapes on the environment as well as reduce the affordability and access for children and young people. There are however areas of concern, and these are detailed in the proposed Consultation response (see Appendix 2 EH). 7. Officers were unable to bring a Consultation response to Committee previously due to the short consultation window. A request to extend the closing date of the Consultation has been submitted to DAERA.
2.0	<p><u>Recommendation</u></p> <p>It is recommended that Members approve the response to the Draft Environmental Protection (Single-Use Vapes) Regulations (Northern Ireland) 2024.</p>

3.0	<u>Finance and Resource Implications</u> Finance and resource implications are being sought by the Society of Local Authority Chief Executives (SOLACE).	
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. Not required – Consultation response 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. Not required – Consultation response only.	

Appendices:	Appendix 1 EH - Draft Environmental Protection (Single-Use Vapes) Regulations (Northern Ireland) 2024 Appendix 2 EH - Lisburn & Castlereagh City Council's proposed Consultation response
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DRAFT ENVIRONMENTAL PROTECTION (SINGLE-USE VAPES) REGULATIONS (NORTHERN IRELAND) 2024

Consultation under Article 32(3) of the Waste and Contaminated Land
(Northern Ireland) Order 1997

DAERA is seeking views on the Draft Environmental Protection (Single-Use Vapes) Regulations (Northern Ireland) 2024 in compliance with Article 32(3) of the Waste and Contaminated Land (Northern Ireland) Order 1997.

The draft Regulations are available in **Appendix 1**.

Background

DAERA has developed draft legislation to ban the sale and supply of single use vapes in Northern Ireland. The legislation, the Environmental Protection (Single-Use Vapes) Regulations (Northern Ireland) 2024, will be made under powers contained at Article 32 of the Waste and Contaminated Land (Northern Ireland) Order 1997. This gives the Department powers to prohibit the use, supply or storage of injurious substances or articles.

Consultation

A UK-wide consultation on the policy entitled 'Creating a Smokefree Generation and Tackling Youth Vaping' ran from 12 October 2023 to 6 December 2023. A copy of the Government Response was published on 12 February 2024, and can be viewed using the link below:

[Creating a smokefree generation and tackling youth vaping: your views - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/creating-a-smokefree-generation-and-tackling-youth-vaping-your-views)

Why are Single Use Vapes being banned?

There are serious environmental concerns over single use vapes. Over 5 million single use vapes are either littered or thrown away in general waste every week. This has quadrupled in the last year.

That is why the UK Government in collaboration with the devolved governments of Scotland, Wales and Northern Ireland are introducing legislation to implement a ban on the sale and supply of single use vapes.

Where will the ban apply?

The ban will apply through-out the whole of the UK.

The UK Government in collaboration with the devolved governments of Scotland, Wales and Northern Ireland, intend to separately introduce legislation to implement the ban within their nation.

When will the ban become effective?

All nations are working at pace to ensure there will be a unified coming into force date.

The ban on sale and supply of single use vapes is intended to come into force, UK wide, on 1st April 2025.

Who will be affected by the legislation?

Businesses who either manufacture or sell single use vapes will be affected.

Market research undertaken suggests currently there are no businesses manufacturing single use vapes in Northern Ireland.

How do I respond?

Please make representations/comments in writing to :

EPRTeam@daera-ni.gov.uk

or

Extended Producer Responsibility Team 2, First Floor, Clare House, 303 Airport Road West, Belfast BT3 9ED

STATUTORY RULES OF NORTHERN IRELAND

2024 No. 0000

ENVIRONMENTAL PROTECTION

The Environmental Protection (Single-use Vapes) Regulations (Northern Ireland) 2024

Made- - - -30th September 2024

Coming into operation1st April 2025

The Department of Agriculture, Environment and Rural Affairs, in exercise of the powers conferred by sections 32(1),(2) (b) and (c) and (6) of the Waste and Contaminated Land (Northern Ireland) Order 1997(1), makes the following Regulations.

In accordance with Article 32(3) of that Order, the Department has published a notice indicating the effect of these Regulations and has taken into consideration the representations made to it in accordance with the notice.

Citation and commencement

1. These Regulations may be cited as the Environmental Protection (Single-use Vapes) Regulations (Northern Ireland) 2024 and come into operation on 1st April 2025.

Interpretation

2. In these Regulations—
- “authorised person” means a person authorised by the Department in accordance with Article 72 of the Waste and Contaminated Land (Northern Ireland) Order 1997;
 - “container” means a cartridge, pod, tank, capsule or any other receptacle designed to hold a vaping substance and be used with a vape;
 - “single-use vape” has the meaning in regulation 3;
 - “supply” means supply, whether by sales or not, in the course of a business;
 - “vape” means a device that –
 - (a) vaporises substances, other than tobacco for the purpose of inhalation through a mouthpiece (whether or not it also vaporises tobacco), and
 - (b) is not a medicinal product within the meaning of regulation 2 of the Human Medicines Regulations 2012(2) or a medical device within the meaning of regulation 2 of the Medical Devices Regulations 2002(3)—

(1) S.I. 1997/2778 (N.I. 19)
(2) S.I. 2012/1916 to which there are no relevant amendments
(3) S.I. 2002/618 relevant amending Regulations are S.I. 2008/2936

“vaping substance” means a substance, other than tobacco, that is intended to be vaporised with a vape;
and

“vaporises” includes aerosolises.

Meaning of single-use vape

3.—(1) For the purposes of these Regulations, a single-use vape is a vape which is not designed or intended to be re-used and includes any vape which is—

- (a) not refillable;
- (b) not rechargeable; or
- (c) not refillable and not rechargeable.

(2) For the purposes of this regulation, a vape is not refillable, unless it is designed to include—

- (a) a single-use container which is separately available and can be replaced by an individual user in the normal course of use; or
- (b) a container which can be refilled by an individual user in the normal course of use.

(3) For the purposes of this regulation, a vape is not rechargeable if it is designed to contain—

- (a) a battery which cannot be recharged; or
- (b) a coil which is not separately available and intended to be replaced by an individual user in the normal course of use, including any coil which is contained in a single-use cartridge or pod which is not separately available and cannot be replaced by an individual user in the normal course of use.

(4) For the purposes of this regulation, “separately available” means available for purchase by an individual user.

Offences and penalties

4.—(1) A person who supplies, offers to supply, or has in their possession for supply, a single-use vape, is guilty of an offence.

(2) A person guilty of an offence under paragraph (1) is liable—

- (a) on summary conviction, to a fine limited to the statutory maximum; or
- (b) on conviction on indictment, to a term of imprisonment not exceeding 2 years, or to a fine or both.

(3) A person who fails, without reasonable excuse, to comply with a requirement to provide information imposed under regulation 6(3) is guilty of an offence and is liable—

- (a) on summary conviction, to a fine limited to the statutory maximum; or
- (b) on conviction on indictment, to a term of imprisonment not exceeding 2 years, or to a fine or to both.

Defence of due diligence

5.—(1) Where a person is charged with an offence under these Regulations, it is a defence for that person to show that the person took all reasonable precautions and exercised all due diligence to prevent the offence being committed.

(2) Where the defence provided by paragraph (1) involves an allegation that the commission of the offence was due to the act or omission of another person, the person charged must not without leave of the court be entitled to rely on the defence unless, within the period of 7 days before the hearing the person charged has provided for the court a notice giving such information identifying or assisting in the identification of the other person as was then in the possession of the person charged.

Enforcement

6.—(1) The enforcement authority for the purpose of compliance with these Regulations is the Department or an authorised person.

(2) An authorised person may exercise any of their functions to determine or ensure compliance with these Regulations.

(3) An authorised person or any district council may for the purposes of these Regulations by notice in writing served on any person require that person to furnish such information specified in the notice as the authorised person or, as the case may be, the council reasonably considers is needed, in such form and within such period following service of the notice or at such times as is so specified.

Sealed with the Official Seal of the Department of Agriculture, Environment and Rural Affairs on 30 September 2024

Shane Doris

A senior officer of the

Department of Agriculture, Environment and Rural Affairs

EXPLANATORY NOTE

(This note is not part of the Order)

These Regulations prohibit the supply, whether by sale or otherwise, in the course of business of single-use vapes and come into force on 1 April 2025.

A full impact assessment of the effect that these Regulations will have on the costs to business and the voluntary sector is published with the Explanatory Memorandum alongside these Regulations on www.legislation.gov.uk.

Environment and Sustainability Committee – October 2024

Item 3.1 – Proposed Consultation Response

The Environmental Protection (Single-Use Vapes) Regulations (Northern Ireland) 2024

This response is being sent on behalf of Lisburn and Castlereagh City Council:

Lisburn and Castlereagh City Council welcomes the opportunity to comment on the draft regulations published by the Department of Agriculture, Environment and Rural Affairs (DAERA) which seek to prohibit the sale and supply of single use vapes in Northern Ireland.

Some of the comments below utilise wording from the Chartered Trading Standards Institute response on the draft regulations for England, where we agree.

Lisburn and Castlereagh City Council welcomes the introduction of the ban of single use vapes and believes it can help reduce the impact caused by littering of single use vapes on the environment as well as reduce the affordability and access for children and young people. There are however areas of concern:

Resources

DAERA have separately asked Councils if the enforcement of the new ban could be incorporated into our existing workplan. SOLACE have agreed to send a letter to DAERA to seek clarity on what resource/funding would be available if Councils were to take this on. The relevant enforcement authority will need to have sufficient resources to enable proper enforcement of the regulations including the provision of safe and secure storage, transport and disposal of non-compliant products (quote £1-£1.50 per vape). There may also be costs associated with recycling. Full training and authorisation of Officers will also be required.

In DAERA's response to Councils it appears to suggest that no additional resources will be made available to Councils for enforcement as they 'hope' there will be a net benefit to Councils due to the reduction in littering and disposal costs.

Councils believe that the extent of enforcement may have been underestimated. We would like to highlight that the costs of compiling a criminal prosecution case are significant and costs awarded by courts typically do not cover costs incurred for investigation etc.

Councils cannot commit to enforcing the legislation unless the Department commits to carrying out a regulatory impact assessment and provision of appropriate resources to Councils for investigation etc. In the absence of any additional resources Councils will have to prioritise statutory functions based on their already limited resources and public health risks etc.

Illicit trade

Lisburn and Castlereagh City Council are aware that there is already an illegal market for vapes and it is unlikely that suppliers of illegal products will stop selling single use vapes if there is a demand for them. More resources are needed to deal with this problem, particularly at borders and ports. We are aware of Operation Joesph, set up in England and Wales to tackle the supply of vapes and would welcome the extension of this or a similarly resourced operation in Northern Ireland.

Online sales/Personal imports

There is a need for an appropriate mechanism to deal with online sales as this will be the most difficult source to identify and enforce.

Lisburn and Castlereagh City Council believe it is preferable that there is a ban on personal imports of single use vapes. This is primarily due to the difficulties in policing such imports and the strong possibility that these may end up on the black market. Closing the loophole “for personal use”, will make enforcement work easier at the point of entry into the country.

Product Innovation

It should also be noted that manufacturers are already designing products that comply with the new regulations, in that they can be recharged and refilled, however many of the pods/cartridges are not separately available. Furthermore, some of these new products are similarly priced to single use vapes. There is therefore a concern that these products may still appeal to children.

Whilst we recognise that these Regulations do not deal with reducing the appeal of vapes to children, it was clearly stated by the Government that the ban would be to protect children’s health. We welcome the opportunity to consult on the measures in the Tobacco and Vapes Bill designed to reduce the appeal for these products for children.

MHRA register

All nicotine containing vapes must be notified to the Medicines and Healthcare Products Regulatory Agency (MHRA) and published on the ECig EU/NI notification portal before the vape is supplied. To help support businesses in understanding which products can and cannot be sold we recommend that MHRA are able to technically prevent single use vapes which fall under the definition in the Regulations from being approved and remove any already approved from the register.

It should be noted however that the Single Use Vape definition extends beyond those contained within the Tobacco Product Regulations and will include 0% vapes, and e liquids manufactured from nicotine derivatives and similar products.

Powers

It would appear that the powers to enforce these proposed regulations are contained within Article 72 of the Waste and Contaminated Land (Northern Ireland) Order 1997. The Order does not appear to have the following powers:

- Provisions and consequences for persons who obstruct officers.
- Powers to test purchase
- Powers of forfeiture

Article 73 of the Order provides powers for seizure of articles or substances which cause ‘imminent danger of serious pollution of the environment or serious harm to human health’.

Consideration needs to be given to whether vapes are considered an imminent danger. If they are not, it would appear that the relevant enforcement authority will not have powers to seize non-compliant products and therefore remove them from sale.

In order to effectively tackle any illegal market, we would recommend the ability to utilise the full set of powers set out in Parts 3 and 4 of Schedule 5 of the Consumer Rights Act 2015. We do not feel it is helpful to use a completely different set of powers which do not fully enable us to address foreseeable issues.

Recycling

We recommend that since all products should no longer be marketed as disposable, then all products should be clearly marked as recyclable, with associated safety instructions for their disposal.

We would welcome the development of more effective and accessible recycling schemes for vapes, including in-store take back schemes as well as recycling points in public spaces. The latter will have cost implications for local authorities, which should be considered with the overall resourcing implications.

Response to be sent to EPRTeam@daera-ni.gov.uk.

Committee:	Environment & Sustainability
Date:	4 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 Background and Key Issues

1. Members previously considered this report in September which has subsequently been referred back to Environmental Service Committee for further consideration and decision.
2. 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.
3. 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.
4. It is proposed that the new Bill will:
 - include all infection and contamination that presents, 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.
5. The procedural steps included in the proposals provide powers and clarity in relation to three main areas:
 - 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.

	6. The Consultation is open for 12 weeks and following an extension being announced now closes on 14 October 2024. A draft response to the Consultation is attached as Appendix 3 EH for Members' information.	
2.0	<u>Recommendation</u> It is recommended that Members agree 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 14 October 2024.	
3.0	<u>Finance and Resource Implications</u> No financial implications.	
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 <u>or</u> rationale why the screening was not carried out Consultation only - Department of Health have carried out an Equality Assessment.	
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 <u>or</u> rationale why the screening was not carried out. Consultation only - Department of Heath have carried out a Rural Needs Impact Assessment	
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)
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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

☐

<p>Please give reasons for your answer.</p> <p>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.</p> <p>It is noted in paragraph 24 that it is proposed that provision is made to confer on PHA and other persons functions in in relation to the monitoring of public health risks.</p> <p>Further information is requested on who said ‘other persons’ or agencies are proposed to be.</p>

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	<input checked="" type="checkbox"/>
Disagree	<input type="checkbox"/>
Undecided	<input type="checkbox"/>
Not Applicable	<input type="checkbox"/>

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	<input checked="" type="checkbox"/>
Disagree	<input type="checkbox"/>
Undecided	<input type="checkbox"/>
Not Applicable	<input type="checkbox"/>

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	<input checked="checked" type="checkbox"/>
Disagree	<input type="checkbox"/>
Undecided	<input type="checkbox"/>
Not Applicable	<input type="checkbox"/>

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

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.

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.

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.

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.

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.

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 ☐

<p>Please give reasons for your answer.</p> <p>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.</p>

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



Committee:	Environment and Sustainability Committee
Date:	2 October 2024
Report from:	Head of Waste Management & Operations

Item for:	Decision
Subject:	Consultation on Proposed new Code of Practice on Sampling and Reporting at Materials Facilities

1.0	<p><u>Background and Key Issues</u></p> <p>The Department of Agriculture, Environment and Rural Affairs (DAERA) published a consultation on a Proposed new Code of Practice on Sampling and Reporting at Materials Facilities, on 16 September 2024. The consultation includes this code, draft legislation, and suggested fees for a charging regime and sets out the requirement for sampling and reporting of waste materials received by Materials Facilities (MFs). It is likely to be of interest to waste businesses, waste stakeholders and environmental groups that have an interest in sampling and reporting.</p> <p>Full details are provided in the Consultation documents, which are available via the following link:</p> <p>https://www.daera-ni.gov.uk/consultations/consultation-proposed-new-code-practice-sampling-and-reporting-materials-facilities</p> <p>The closing date for responses is 12 November 2024 at 23:59. An e-mail has been circulated to Members advising that if they wish to provide any input to the response, comments should be provided to the Head of Waste Management & Operations no later than close of business on Friday 4th October 2024.</p> <p>A draft response is being compiled for consideration and approval at the November meeting of the Environment & Sustainability Committee. Given the closing date of 12 November 2024 it is recommended that the November Environment & Sustainability Committee is given delegated authority to approve the draft response for submission.</p>		
2.0	<p><u>Recommendation</u></p> <p>It is recommended that Members:</p> <ul style="list-style-type: none">• provide any input to the draft response to the Head of Waste Management & Operations no later than close of business on Friday 4th October 2024.• Approve delegated authority for the November Environment & Sustainability Committee to approve the draft response for submission.		
3.0	<p><u>Finance and Resource Implications</u></p> <p>To be considered on presentation of the draft response at the November Environment & Sustainability Committee.</p>		
4.0	<p><u>Equality/Good Relations and Rural Needs Impact Assessments</u></p>		
4.1	<table><tr><td>Has an equality and good relations screening been carried out?</td><td>No</td></tr></table>	Has an equality and good relations screening been carried out?	No
Has an equality and good relations screening been carried out?	No		
4.2	<table><tr><td>Brief summary of the key issues identified and proposed mitigating actions <u>or</u> rationale why the screening was not carried out</td><td></td></tr></table>	Brief summary of the key issues identified and proposed mitigating actions <u>or</u> rationale why the screening was not carried out	
Brief summary of the key issues identified and proposed mitigating actions <u>or</u> rationale why the screening was not carried out			

	This is a third party consultation response and not an internal document.	
4.3	Has a Rural Needs Impact Assessment (RNIA) been completed?	No
4.4	Brief summary of the key issues identified and proposed mitigating actions <u>or</u> rationale why the screening was not carried out. This is a third party consultation response and not an internal document.	

Appendices:	
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Committee:	Environment and Sustainability Committee
Date:	2 October 2024
Report from:	Head of Waste Management & Operations

Item for:	Noting
Subject:	Drinking water refill stations at council facilities

1.0	<p><u>Background and Key Issues</u></p> <p>In 2021, Council started to install drinking water refill stations at council facilities to help users to reduce plastic waste and litter pollution. The first water refill station was installed at the Civic Headquarters at Lagan Valley Island and was operational in June 2021.</p> <p>Since then, a further 9 locations have been added. The ten sites have a broad geographical spread within the council area and are listed below for Members information:</p> <ol style="list-style-type: none">1. Lough Moss Leisure Centre2. Billy Neill MBE Country Park3. Castle Gardens4. Glenmore Activity Centre5. Lagan Valley Island6. Lisburn Leisure Park7. Kilmakee Activity Centre8. Wallace Park Indoor Tennis Centre9. Moira Demesne10. Royal Hillsborough Public Car Park <p>These are publicised on the Council website:</p> <p>https://www.lisburncastlereagh.gov.uk/w/water-refill-stations</p> <p>Provision of the taps, and associated promotion will also help deliver an action within the Council’s draft Climate Action Plan to ‘Continue to promote reuse and refill initiatives in order to mitigate against further climate impacts from disposable water bottles.’</p> <p>Two new sites are currently being assessed for installation:</p> <ul style="list-style-type: none">• Lagan Park Dromara• Hydebank Playing fields <p>Responsibility for evaluation of the suitability of a premise for providing a tap, and ensuring the tap remains functional and maintained sits with the staff in charge of each of the premises.</p>
2.0	<p><u>Recommendation</u></p> <p>It is recommended that Members:</p> <ul style="list-style-type: none">• Note the information within the report.• Provide any suggestions for locations that could benefit from a water refill station to the Head of Waste Management & Operations for consideration out with the meeting.
3.0	<p><u>Finance and Resource Implications</u></p> <p>The cost of installation varies at each new location, with typical installation costs being approx. £300.</p>

4.0	The signs for each refill station cost approximately £30.	
	Each tap location is added to the weekly tap flushing regime which is the responsibility of staff in charge of each of the premises.	
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 <u>or</u> rationale why the screening was not carried out Information 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 <u>or</u> rationale why the screening was not carried out. Information only.	

Appendices:	None
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