

November 20th, 2025

Notice Of Meeting

You are requested to attend the meeting to be held on **Wednesday, 26th November 2025** at **7:00 pm** in **Hybrid - City Hall, Bangor & via Zoom**.

Agenda

Agenda

 *C. 26.11.2025 Agenda.pdf*

Page 1

1. **Prayer**
2. **Apologies**
3. **Declarations of Interest**
- 4 **Mayor's Business**
- 5 **Mayor and Deputy Mayor Engagements for the Month (Copy attached)**

 *Mayoral Engagements November 2025.pdf*

Page 5

- 6 **Minutes of Council Meeting held on 29 October 2025 (Copy attached)**

 *C 2025.10.29 Minutes.pdf*

Not included

 *C 2025.10.29 Minutes PM.pdf*

Page 8

- 7 **Minutes of Committees**

- 7.1 **Planning Committee dated 4 November 2025 (Copy attached)**

 *251104 PC 4th November 2025 Minutes.pdf*

Not included

 *251104 PC 4th November 2025 Minutes PM.pdf*

Page 33

- 7.2 **Environment Committee dated 5 November 2025 (Copy attached)**

 *EC 2025.11.05 Minutes.pdf*

Not included

 *EC 2025.11.05 MinutesPM.pdf*

Page 65

- 7.3 **Place and Prosperity Committee dated 6 November 2025 (Copy attached)**

 *PP 2025.11.06 Minutes.pdf*

Not included

7.4 Corporate Services Committee dated 11 November 2025 (Copy attached)

CS.2025.11.11 Minutes.pdf

Not included

CS.2025.11.11 MinutesPM.pdf

Page 98

7.5 Active and Healthy Communities Committee dated 12 November 2025 (Copy attached)

AHC 2025.11.12 Minutes.pdf

Not included

AHC 2025.11.12 Minutes PM.pdf

Page 116

8. Deputation Request

8.1. Donaghadee Community Development Association

Report attached

8.1. Deputation Request - Donaghadee Community Development Association.pdf

Page 160

8.1. Appendix 1 Deputation Request.pdf

Page 161

9. Resolutions

9.1. Caoimhe Law (Received from Mid Ulster District Council)

Correspondence attached

9.1. Resolution - Caoimhe Law from Mid Ulster District Council.pdf

Page 162

9.2. Unauthorised Recording, Searching and Circulation of Images and Videos taken at Road Traffic Collisions (Received from Derry City & Strabane District Council)

Correspondence attached

9.2. Resolution - Derry City & Strabane.pdf

Page 164

10. Tobacco and Vapes Bill Call for Evidence

Report attached

-  **10. Tobacco and Vapes Bill - Call for Evidence.pdf** **Page 167**
-  **10.1 Appendix 1 - Tobacco & Vapes Bill.pdf** **Page 170**
-  **10.2 Appendix 2 - Draft Response to Tobacco and Vapes Bill - Call for Evidence.pdf** **Page 360**

11. Updates to the Report Template for Committee and Council Meetings

Report attached

-  **11. Updates to the Report Template for Committee and Council meetings.pdf** **Page 396**
-  **11. Appendix 1 - Report Template - V4 October 2025.pdf** **Page 398**

12. Nominations to Outside Bodies

Report attached

-  **12. Nomination to Outside Bodies.pdf** **Page 400**

13. Sealing Documents

14. Transfer of Rights of Burial

15. Notice of Motion Status Report (Report attached)

Report attached

-  **15. Notice of Motion Status Report.pdf** **Page 404**
-  **15. Notice of Motion Tracker.pdf** **Page 405**

16. Notices of Motion

16.1. Notice of Motion submitted by Councillor W Irvine and Councillor S Irvine

That this Council pledges to oppose the introduction of any Digital ID system that would be mandatory or linked to essential services.

We resolve to write to the Prime Minister urging the Government to abandon any Digital ID initiative and calling for a full public consultation to take place on the subject prior to any future proposals being brought forward.

16.2. Notice of Motion submitted by Alderman Smith and Councillor Chambers

This Council notes the Ulster Farmers' Union's unprecedented motion of no confidence in the Department of Agriculture, Environment and Rural Affairs (DAERA), which reflects deep and widespread frustration within the farming community.

This Council recognises the unrelenting pressures faced by family farmers across Northern Ireland, including:

- the unresolved and escalating crisis surrounding Bovine Tuberculosis (bTB);
- uncertainty regarding future Inheritance Tax arrangements for farm succession;
- continued planning paralysis affecting essential agricultural development; and
- increasing policy and regulatory pressures, with little meaningful assurance, progress, or action from DAERA to address these challenges.

This Council further acknowledges that family farmers are the backbone of Northern Ireland's agri-food sector, sustaining rural communities, underpinning the regional economy, and serving as essential custodians of our environment and biodiversity.

This Council therefore calls on the Minister for DAERA to move beyond an "open door" approach and to actively engage, listen, and deliver tangible action in partnership with the Ulster Farmers' Union. Family farmers must be treated as key stakeholders in shaping policy that secures the future of the agri-food industry, protects our environment, and sustains rural livelihoods.

16.3. Notice of Motion submitted by Councillor McKee and Councillor Kendall

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This Council notes with deep concern the recent deaths of two-family dogs in our Borough, linked to panic caused by fireworks and the many other animals that suffer year on year. We recognise the severe distress fireworks cause to people, pets, livestock, and wildlife, and the growing public concern over unregulated use. We express our sympathies to the affected families and commend local animal welfare groups for their ongoing support.

This Council writes to The Department of Justice to request the commission of an urgent review of Northern Ireland's fireworks legislation, to include:

1. The potential introduction of stricter controls on the sale and importation of fireworks, limiting use to licensed, organised displays only.
2. Enhancing PSNI and Council enforcement powers to tackle illegal and antisocial firework use, and increasing the regulatory powers of the Department of Justice as the primary authority responsible for oversight and enforcement of fireworks legislation in Northern Ireland.
3. Establishing Northern Ireland-wide time restrictions to reduce unexpected noise and protect animals.

Circulated for Information

- (a) Report of the Chief Electoral Officer for Northern Ireland 2024/2025 (Copy attached)
- (b) Causeway Coast Dog Rescue (Correspondence attached)

📄 *Cfl a) EONI Chief Electoral Officer 24-25 Web Accessible.pdf*

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📄 *Cfl b) Causeway Coast Dog Rescue.pdf*

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ARDS AND NORTH DOWN BOROUGH COUNCIL

19 November 2025

Dear Sir/Madam

You are hereby invited to attend a hybrid Meeting (in person and via Zoom) of Ards and North Down Borough Council which will be held at the City Hall, The Castle, Bangor on **Wednesday, 26 November 2025 at 7.00pm.**

Yours faithfully

Michael Steele
Acting Chief Executive
Ards and North Down Borough Council

A G E N D A

1. Prayer
2. Apologies
3. Declarations of Interest
4. Mayor's Business
5. Mayor and Deputy Mayor Engagements for the Month of November 2025
(Copy attached)
6. Minutes of Council meeting dated 29 October 2025 (Copy attached)
7. Minutes of Committees (Copies attached)
 - 7.1 Planning Committee dated 4 November 2025
 - 7.2. Environment Committee dated 5 November 2025
 - 7.3. Place and Prosperity Committee dated 6 November 2025
 - 7.4. Corporate Services Committee dated 11 November 2025
 - 7.5. Active and Healthy Communities Committee dated 12 November 2025
8. Deputation Request
 - 8.1. Donaghadee Community Development Association (Report attached)
9. Resolutions

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attached)
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MEMBERSHIP OF ARDS AND NORTH DOWN BOROUGH COUNCIL

Alderman Adair	Councillor Harbinson
Alderman Armstrong-Cotter	Councillor Hennessy
Alderman Brooks	Councillor Hollywood
Alderman Cummings	Councillor S Irvine
Alderman Graham	Councillor W Irvine
Alderman McAlpine	Councillor Irwin
Alderman McRandal	Councillor Kennedy
Alderman McDowell	Councillor Kendall
Alderman McIlveen	Councillor Kerr
Alderman Smith	Councillor McBurney
Councillor Ashe	Councillor McClean
Councillor Blaney	Councillor McCollum (Mayor)

Councillor Boyle	Councillor McCracken
Councillor Brady	Councillor McKee
Councillor Cathcart	<i>Vacant</i>
Councillor Chambers	Councillor Moore (Deputy Mayor)
Councillor Cochrane	Councillor Morgan
Councillor Douglas	Councillor Thompson
Councillor Edmund	Councillor Smart
Councillor Gilmour	Councillor Wray

LIST OF MAYOR'S/DEPUTY MAYOR'S ENGAGEMENTS FOR NOVEMBER 2025

Sunday 2nd November 2025

14.00 Groomsport Remembrance Service, Groomsport

Tuesday 4th November 2025

11.00 Age Friendly Futures Summit, Titanic Visitor's Centre, Belfast

12.30 Sports Development School Sports Series Tag Rugby Blitz,
Londonderry Park, Newtownards

Wednesday 5th November 2025

11.30 YENI Market Photo Op, St George's Market

Thursday 6th November 2025

13.00 Lunch with Representatives of the Presbyterian Church, Mayor's
Parlour

18.45 Bangor Business Awards, Clandeboye Lodge Hotel, Bangor

Friday 7th November 2025

18.15 Pride of Place Awards, Limerick Strand Hotel, Limerick

Saturday 8th November 2025

12.00 Polish Independence Day, Trinity Presbyterian Church, Bangor
(DEPUTY MAYOR)

Sunday 9th November 2025

10.00 Newtownards Remembrance Sunday, Court Square, Ards

10.40 Bangor Remembrance Sunday, Ward Park War Memorial

Monday 10th November 2025

10.15 Mayor's Christmas Tea Dance Photo Op, Bangor Castle

19.00 Bangor Drama Club Reception, Bangor Castle

Tuesday 11th November 2025

11.00 Hollywood District U3A, Mayor's Parlour, Bangor

Wednesday 12th November 2025

10.00 Translink Christmas Photo Op, Bangor Bus and Train Station

- 11.00 BHS Volunteers Walled Garden Charity Cheque Presentation, Bangor Castle
- 14.00 Photo Op, Grand Central Station, Belfast

Thursday 13th November 2025

- 11.00 Taste Tours and Bangor Christmas Passport Photo Op

Friday 14th November 2025

- 09.30 Sports Awards Launch, Clandeboye Lodge Hotel, Bangor
- 19.00 Mayor's Installation Dinner, Bangor Castle, Bangor

Saturday 15th November 2025

- 14.00 Kings Church 40 Years, Seacliff Road, Bangor

Tuesday 18th November 2025

- 11.00 Launch of the Ards and North Down Peaceplus Local Action Plan, Clandeboye Lodge, Bangor
- 19.00 2025 NI Food To Go Awards, Crowne Plaza, Belfast

Wednesday 19 November 2025

- 08.00 Last Leg of Epic 24 hour Walking Challenge, Bangor
- 11.00 Newtownards Christmas Passport, Newtownards

Thursday 20 November 2025

- 10.00 SERC Innovation Camp, Bangor
- 11.00 Suicide Down to Zero, Mayor's Parlour, Bangor

Friday 21 November 2025

- 13.30 Afternoon Tea, Friends of Linear Park, Mayor's Parlour, Bangor
- 17.30 Meeting with Group from Carlow, Mayor's Parlour, Bangor

Saturday 22 November 2025

- 12.00 Official Christmas Tree Switch on, Market House, Bangor
- 18.00 Bangor Christmas Light Switch on
- 19.30 Bangor's Ghost, Bangor Abbey, Bangor

Sunday 23 November 2025

- 13.00 Centenary Lunch RBL, Bangor
- 18.00 United Church Service, St Columbanus, Bangor (**DEPUTY MAYOR**)

Wednesday 26 November 2025

13.00 Business Lunch with Chambers, Bangor Castle, Bangor

Thursday 27 November 2025

12.00 Invitation to Attend TP Newtownards Office Opening and Launch Event
18.30 Comber Christmas Lights Switch on

Friday 28 November 2025

11.30 Ards and North Down Borough Council Long Service Awards, Bangor
13.00 Lunch with Representatives of the Ukrainian Community, Bangor
16.00 Ards Christmas Switch on **(DEPUTY MAYOR)**
17.30 Portaferry Christmas Switch on **(DEPUTY MAYOR)**

Saturday 29 November 2025

16.00 Hollywood Christmas Lights Switch on

Sunday 30 November 2025

15.00 Women's Institute Afternoon of Christmas Music and Readings,
Ballyblack Presbyterian Church, Newtownards

ITEM 6

8

ARDS AND NORTH DOWN BOROUGH COUNCIL

A hybrid meeting (in person and via Zoom) of Ards and North Down Borough Council was held at the City Hall, The Castle, Bangor on Wednesday 29 October 2025 commencing at 7.00 pm.

In the Chair: The Mayor (Councillor McCollum)

Aldermen:

Adair	McAlpine
Armstrong-Cotter	McRandal
Brooks (zoom)	McIlveen
Cummings	Smith
Graham	

Councillors:

Ashe	Irvine, W
Blaney (zoom, 7.02 pm)	Irwin
Boyle	Kendall
Brady	Kerr
Cathcart	McBurney (zoom)
Chambers	McClellan
Cochrane	McCracken
Douglas	McKee
Edmund	Thompson
Gilmour	Smart
Harbinson	Wray
Hollywood	

Officers: Acting Chief Executive (M Steele), Director of Environmental Services (G Bannister), Acting Director of Corporate Services (C Jackson), Community Planning and Climate Manager (P Mackey), Head of Regeneration (A Cozzo), Head of Tourism (S Mahaffy), Democratic Services Manager (J Wilson) and Democratic Services Officer (J Glasgow)

1. PRAYER

The Mayor (Councillor McCollum) welcomed everyone to the meeting and commenced with the Director of Environmental Services reading the Council prayer.

2. APOLOGIES

Apologies for inability to attend were received from Councillor Hennessy, Councillor S Irvine, Alderman McDowell, Councillor Moore, Councillor Kennedy and Councillor Morgan.

An apology for lateness was received from Councillor Kerr.

3. DECLARATIONS OF INTEREST

Councillor Chambers declared an interest in Item 18 – Leisure Provision Business Case.

Councillor Boyle declared an interest in Item 8.5 – Corporate Services Committee minutes dated 14 October 2025 – Item 8 (a) Notice of Motion re NAC.

(Councillor Blaney entered the meeting via zoom – 7.02 pm)

4. MAYOR'S BUSINESS

As Members were aware, Michael Steele had taken over the role of Acting Chief Executive in the absence of Susie McCullough, who was on a period of absence from office due to a critical illness in her family. The Mayor took the opportunity to welcome the Acting Chief Executive to the role. She also extended her thoughts and prayers to Susie McCullough who she held with the greatest esteem, respect and affection.

The Mayor reminded Members about the Remembrance Day Services and asked Members to indicate to Democratic Services if they would be attending.

The Mayor remarked that she was saddened to learn of the death of the father of Alderman Mark Brooks. His father, Ronald had passed away in his 90th year and was a well known and respected businessman.

NOTED.

5. MAYOR AND DEPUTY MAYOR ENGAGEMENTS FOR THE MONTH OF OCTOBER 2025

(Appendix I)

PREVIOUSLY CIRCULATED:- List of Mayor's/Deputy Mayor engagements for the Month of October.

(Alderman Brooks entered the meeting – 7.08 pm, via zoom)

The Mayor spoke with enthusiasm on a number of engagements which she had attended during October and which she had enjoyed attending.

(Councillor Kerr entered the meeting – 7.10 pm)

The Mayor referred to the request that had come from Councillor Cathcart, Councillor Blaney, Councillor W Irvine and Councillor McCracken for a Civic Reception to mark the centenary of the Bangor Branch Royal British Legion. That request would be presented to the Corporate Services Committee however if that request could not be organised for this year of their centenary, the Mayor stated that she would be delighted to offer a mayoral reception before the end of the year.

Councillor Cathcart advised that the RBL had recognised themselves that they had been slow in organising celebrations for their centenary year and they were fully aware that events might go into 2026. He thanked the Mayor for the offer of the mayoral reception and felt it would be great if they could mark the milestone in their centenary year.

Councillor W Irvine thanked the Mayor for the kind offer and recognised that the civic and mayoral calendar was extremely busy at this time of the year. He thanked the Mayor for the offer and he looked forward to a date being arranged.

RESOLVED, on the proposal of Alderman McRandal, seconded by Alderman McIlveen, that the information be noted.

6. MINUTES OF SPECIAL COUNCIL MEETING DATED 18 SEPTEMBER 2025

PREVIOUSLY CIRCULATED:- Copy of the above minutes.

RESOLVED, on the proposal of Alderman Graham, seconded by Councillor Wray, that the minutes be approved and adopted.

7. MINUTES OF COUNCIL MEETING DATED 24 SEPTEMBER 2025

PREVIOUSLY CIRCULATED:- Copy of the above minutes.

RESOLVED, on the proposal of Alderman Adair, seconded by Councillor Kerr, that the minutes be approved and adopted.

8. MINUTES OF COMMITTEES

8.1 Audit Committee dated 22 September 2025

PREVIOUSLY CIRCULATED:- Copy of the above minutes.

Proposed by Councillor Thompson, seconded by Councillor Hollywood, that the minutes be approved and adopted.

In respect of Page 4 – Sale of former Ards Leisure Centre site, William Street. Newtownards

Councillor Smart shared the frustrations that monies were still awaited from the sale of that site. One of the attractions for Council, was that the land would be quickly put into public use as a park and ride facility and a speedy return for the ratepayer. He expressed his disappointment that the Department had not come forward and he asked when an update was expected.

(Alderman Adair withdrew from the meeting – 7.24 pm)

C 29.10.2025 PM

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The Acting Chief Executive stated progress had been made over the past number of months. As Members were aware, when one issue was resolved another issue materialised. The Department had advised that they hoped to make some form of payment in this financial year and he noted interest was accruing. Suggested that officers would bring a fuller update to the Audit Committee in December.

(Alderman Adair re-entered the meeting – 7.25 pm)

RESOLVED, on the proposal of Councillor Thompson, seconded by Councillor Hollywood, that the minutes be approved and adopted.

8.2 Planning Committee dated 7 October 2025

PREVIOUSLY CIRCULATED:- Copy of the above minutes.

RESOLVED, on the proposal of Councillor McClean, seconded by Councillor Wray, that the minutes be approved and adopted.

8.3 Environment Committee dated 8 October 2025

PREVIOUSLY CIRCULATED:- Copy of the above minutes.

8.3.1 Matter Arising from Item 5 - Report to Environment Committee on 8 October 2025 on the Strangford Lough and Lecale Partnership (File PCA 144/88005)

PREVIOUSLY CIRCULATED:- Report from Director of Environmental Services attaching a further report presented to Environment Committee. The report detailed that at the Environment Committee on 8 October 2025 a report concerning a project known as Strangford and Lecale 'Landscape Connections' was tabled, recommending that Council supported an application for funding and the necessary match funding for the project, which would be led by the Strangford Lough and Lecale Partnership (SLLP) on behalf of both Newry and Mourne District and Ards and North Down Borough Councils.

At the meeting a request for a deferral was made to allow a report to be brought back with further information before a decision whether or not to support the project was made.

A decision was required by 12 November 2025, i.e. before the November Council meeting when committee recommendations would normally be considered for ratification. Therefore, a request to delegate the decision to the Environment Committee on 5 November was sought.

RECOMMENDED that Council agrees to providing delegated authority to the Environment Committee to make a decision on its behalf regarding its participation in the SLLP project 'Landscape Connections'.

Proposed by Alderman Armstrong-Cotter, seconded by Councillor Kendall, that the recommendation be adopted.

Alderman Armstrong-Cotter referred to the discussion made at the Committee and highlighted that there was a need to ensure that a proper cost benefit analysis was undertaken to allow for a decision to be made, without holding back any application processes for the partnership.

Councillor Kendall stated that the matter was debated at the Committee, and more information was needed before a final decision was made.

RESOLVED, on the proposal of Alderman Armstrong-Cotter, seconded by Councillor Kendall, that the recommendation be adopted.

FURTHER RESOLVED, on the proposal of Councillor Wray, seconded by Alderman Armstrong-Cotter, that the minutes of the Environment Committee be approved and adopted.

8.4 Place and Prosperity Committee dated 9 October 2025

PREVIOUSLY CIRCULATED:- Copy of the above minutes.

8.4.1 Arising from Item 10 - Request by Place and Prosperity Committee for update event report (FILE TO/EV138)

PREVIOUSLY CIRCULATED:- Report from Director of Place and Prosperity detailing that further to item 10, Market Square Bangor Christmas Tree reported at the Place and Prosperity Committee on 9 October, Officers had been asked to provide an update report on the planning for Christmas events in 2025.

Over the past five years, changing weather conditions with increased frequency of named storms, high winds and heavy rain, had a significant impact on the delivery of outdoor events.

The Tourism Events team had spent a significant amount of time trying to address the problems that presented. That had included not relying on the use of gazebos and the introduction of programming elements that could be moved indoors. One of the events most susceptible to the weather conditions were Christmas Switch Ons, with a number of those being cancelled over the last few years.

Working with the Chambers for Bangor and Newtownards, Officers had taken some action to help address this challenge. As an example, the local passport initiative had proved very successful over the past two years – over 1,000 passports were issued with upwards of 15 participating businesses in each location.

It was agreed with representatives from Bangor Chamber of Commerce and Newtownards Chamber of Trade that when planning for 2025 we should look at initiatives to attract visitors over a longer period of time and invest less in the actual, short, ‘switch on ceremony’.

Bangor – 22 and 23 November 2025

Officers investigated a spread of interactive lighting installations positioned throughout the city centre over a long weekend, however, when this was further

assessed it was deemed not to be viable due to the required power supply/ security issues.

Further discussions had been held with suppliers regarding some installations at Bangor City Hall. Within budget the team had been able to source six interactive installations in and around this area.

Following the popularity of the recent 'Taste at the Castle' event, it was proposed to use the City Hall forecourt to provide hot food traders (using trucks) and music to create a festive atmosphere on Saturday (1–7pm) and Sunday (2– 6 pm). That would complement the opening times of the Pop Up Shop in the Museum. A funfair would be in the car park opposite the train station and school choirs would be performing in the bus/train station throughout the day.

The passport initiative would operate to attract families to take part in activities with city centre businesses and the Market House would support the event by creating some Christmas magic with a Santa's Grotto, Letters to Santa, music and refreshments.

At 6pm on Saturday 22 November there would be a short 'switch on', at which the Mayor and Santa would do a countdown, accompanied by some representatives of the Mayor's Charities. At this time the tree and the lighting installations along with the City Hall being lit up and the new lighting in Main Street would create a magical impact.

Newtownards – 28 and 29 November 2025

Operating along the same principles, Newtownards would be hosting a market in Conway Square, Friday 11am – 7pm and Saturday 10am – 7pm. That would be using the wooden chalets that have weatherproofed this type of activity at many of the Council's recent events.

Maximising the town's fondness for, and connection with Paddington, the team would theme the children's activities and passport accordingly on Saturday 29 November. A programme of complementary activity in shops e.g. Christmas wrapping, floral art etc. and piped music within the town was under consideration.

With 20 chalets in the Square it would not be possible to hold a large switch on due to the available event 'footprint'. Therefore as with Bangor, it was intended that there would be a 'soft' switch on only - again involving the Mayor.

This model, whilst creating a feeling of magic, was significantly more robust with any resulting cancellation meaning minimal loss to the Council.

Both events would be marketed as Christmas Events not Switch Ons – with the emphasis on attendance and opportunities to enjoy Christmas activities throughout the two-day period. Unlike in previous years where it had been the focus on the event, this year the switching on of the lights would be a simpler and shorter moment in the wider programme of activities. The Christmas lights would be filmed and shared on social media with appropriate messaging after the event to mark the official start of Christmas in each location.

RECOMMENDED that Council notes this report.

Proposed by Councillor Smart, seconded by Councillor Hollywood, that Officers provide a report to the next Place and Prosperity Committee on the viability of providing the traditional Christmas lights 'switch on' events in both Newtownards and Bangor. The report should include indicative costings and a plan for how Councillors will be consulted in future preparations.

Councillor Smart thanked the Head of Tourism for her assistance on the matter. He felt the report detailed very nice and festive events in both Bangor and Newtownards. The Newtownards event explored the key fondness for Paddington and supported trade in the town. However, the key switch-on events were notably absent which were popular events. The Council was fortunate to have a great events team who worked closely with the local Chambers in organising the events. Whilst Councillor Smart welcomed the programme of events he found it deeply regrettable that a decision had been made to change the events without consultation with Elected Members. He explained that his proposal would allow the Committee to further discuss the matter and agree a way forward to ensure Elected Members were consulted.

Councillor Gilmour noted that in terms of timing that if a report was presented to the Place and Prosperity in November, it would not have time to be ratified by Council before the switch on events. She suggested that Councillor Smart request delegated authority.

The Acting Chief Executive also highlighted that the agenda for the next Place and Prosperity Committee would be issued to the following day, and time would be needed to give consideration to the detail within that report. He invited the Head of Tourism to comment on what might be feasible at this stage.

The Head of Tourism commented that the events team had worked closely with the Chambers over the past number of weeks to set out a broad programme consisting of 6 elements of programming at each switch on event. She stated that what could be done at this stage would be limited. The event footprint for Newtownards was different from previous years with 20 chalets being situated within Conway Square. She reassured Members that the lights would be switched on by the Mayor and Santa with activities on the Friday and Saturday. The Head of Tourism wished to highlight those aspects, stating that the additionality at this juncture would be limited. She was happy to look further into the matter, prepare a report and sought guidance on the timeline.

RESOLVED, on the proposal of Councillor Smart, seconded by Councillor Hollywood, that Officers provide a report to the next Place and Prosperity Committee on the viability of providing the traditional Christmas lights 'switch on' events in both Newtownards and Bangor. The report should include indicative costings and a plan for how Councillors will be consulted in future preparations.

Proposed by Councillor McCracken, seconded by Councillor Thompson, that the minutes of the Place and Prosperity Committee be approved and adopted.

Councillor Wray stated that he wished to raise Items 15 and 18 in the exclusion of the public/press.

(Councillor Harbinson withdrew from the meeting 7.32 pm)

RESOLVED, on the proposal of Councillor McCracken, seconded by Councillor Thompson, that the minutes with the exception of the items to be considered in the exclusion of the public/press be approved and adopted.

(Having previously declared an interest in the undernoted item, Councillor Boyle withdrew from the meeting)

8.5 Corporate Services Committee dated 14 October 2025

PREVIOUSLY CIRCULATED:- Copy of the above minutes.

8.5.1 Arising from Item 4 - Data (Use and Access) Act – (DUAA) New Legislation and draft consultation responses (Appendix II)

PREVIOUSLY CIRCULATED:- Revised appendix.

For the benefit of those Members who did not sit on the Corporate Services Committee, the Acting Chief Executive explained that it had been agreed by the Committee that the draft response would be sent following consideration of minor amendments suggested by the Committee. That correspondence had been circulated to the Committee Members via email given the consultation response deadline. The response was provided to all Members for information.

NOTED.

RESOLVED, on the proposal of Councillor Cochrane, seconded by Councillor W Irvine, that the minutes be approved and adopted.

(Councillor Boyle re-entered the meeting)

8.6 Active and Healthy Communities Committee dated 15 October 2025

PREVIOUSLY CIRCULATED:- Copy of the above minutes.

Proposed by Alderman McRandal, seconded by Councillor McKee, that the minutes be approved and adopted.

In respect of Item 3 – Grey Market Trading – Proposed by Councillor Cochrane, seconded by Alderman McIlveen, that Council does not submit a response to the consultation.

(Councillor Harbinson re-entered the meeting – 7.43 pm)

Councillor Cochrane stated that the DUP did not support legislation, policies or guidance that endorsed the legal reality - imposed by the Protocol - that Northern Ireland remained tied to the EU's single market for goods while GB's rules could and would change. The draft guidance provided reflected that Northern Ireland was subject to directly applicable EU food law and related enforcement and that the European Commission was the authorising body for food additives. He viewed that as an unacceptable situation and as a result the DUP did not support the corporate response provided. Whilst the NI Retail Movement Scheme did exempt some food products from EU law, in the sense that they could be made to UK standards and move to NI, that did not cover all products or movements. Councillor Cochrane stated that it was fundamentally wrong that local authorities should have any role in terms of removing goods from the market in NI that would otherwise move freely or be deemed safe for marketing in any other part of the United Kingdom. He recognised that the draft guidance was required to be developed in the context of the current flawed political arrangements but the DUP could not support the response.

Alderman McRandal highlighted that Officers had taken time to prepare a response to the consultation for a reason. It was important that the Council had its say to allow it to be involved in the decision making. He had no issue with the DUP protesting against the Windsor framework however he felt that stance could be carried out more effectively than by the Council refusing to respond to the consultation. Alderman McRandal could not support the proposal.

Alderman Smith added his support to the proposal and felt it was important that the ongoing implementation of the Windsor framework was acknowledged. Northern Ireland was being treated differently with the response stating that the desired outcome was to create consistency with the UK and that was not being achieved. The reality was that the Windsor framework was having a massive impact across business in Northern Ireland and evidently not working.

Councillor W Irvine added his support for the proposal.

The proposal was put to the meeting and was declared CARRIED with 21 voting FOR, 10 AGAINST and 1 ABSTENTION.

RESOLVED, on the proposal of Councillor Cochrane, seconded by Councillor W Irvine, that Council does not submit a response to the consultation.

FURTHER RESOLVED, on the proposal of Alderman McRandal, seconded by Councillor McKee, that the minutes, as amended, be approved and adopted.

9. RESOLUTIONS FROM OTHER BODIES

9.1 Resolution from Buddy Bear Trust (Appendix III)

PREVIOUSLY CIRCULATED:- Copy correspondence from the Buddy Bear Trust.

RESOLVED, on the proposal of Councillor Kendall, seconded by Councillor Irwin, that information be noted.

10. RESPONSE TO RESOLUTION – FUNDING CUTS BY ARTS COUNCIL TO NATIONAL YOUTH (Appendix IV)

PREVIOUSLY CIRCULATED:- Report from Chief Executive attaching letter to DfC Minister re support for Youth Choir and letter from the Chief Executive to the Chief Executive of the Arts Council.

The report detailed that at the August meeting of the Council, consideration was given to a Resolution from Newry, Mourne and Down District Council on the funding cuts by the Arts Council to National Youth Choir. The following decision was agreed: *“That Council responds with its support for the Motion and writes to the Chief Executive of the Arts Council along with the Communities Minister asking to find a way forward to prevent the collapse of this institution.”*

On 4 September 2025, the Chief Executive wrote to the Chief Executive of the Arts Council as well as the Minister for Communities.

Proposed by Councillor Douglas, seconded by Councillor Wray, that the recommendation be adopted.

Councillor Douglas acknowledged that the Minister was committed to continuing to make the case for increased investment in the Arts in Northern Ireland. It was her understanding that the National Youth Choir had received support from private donations and supporters. The Choir had announced that it was relaunching and had funding to prepare for concerts and residencies in the Easter and Summer of 2026. Councillor Douglas welcomed that news and hoped that talks would continue with the relevant bodies with regards to future funding.

Councillor Wray echoed the remarks of Councillor Douglas. He thanked the Minister for the response and looked forward to the Arts Policy being developed.

RECOMMENDED that Council note this report.

RESOLVED, on the proposal of Councillor Douglas, seconded by Councillor Wray, that the recommendation be adopted.

11. MEETING SCHEDULE 2026 (Appendix V)

PREVIOUSLY CIRCULATED:- Report from Director of Corporate Services attaching Schedule of Meetings ANDBC 2026. The report detailed that there were a few changes proposed, in April due to the Easter holidays, in June due to the Annual Meeting and in December due to the Christmas holidays.

The proposed changes were as follows: -

April – Planning Committee would take place on Monday 13 April

June – Active and Healthy Communities Committee would take place on Monday 15 June

December – Active and Healthy Communities Committee would take place on Monday 7 December

RECOMMENDED that Council approves the attached timetable.

Alderman McIlveen stated that he had raised at the Corporate Services Committee, when considering the estimates update, the possibility of having a separate meeting to strike the rate. He did not see that recorded in the schedule.

The Acting Chief Executive confirmed that a separate meeting would be held to strike the rate.

RESOLVED, on the proposal of Alderman McIlveen, seconded by Alderman Graham, that the timetable be approved subject to the inclusion of a separate meeting to strike the rate.

12. ANDBC CLIMATE ACTION PLAN (2025 – 2030) (Appendix VI)

PREVIOUSLY CIRCULATED:- Report from the Acting Chief Executive attaching ANDBC Climate Action Plan. The report sought Elected Members' approval of the Council's Climate Action Plan (2025–2030). The Plan set out how Ards and North Down Borough Council would reduce its own greenhouse gas emissions and where Council could support the wider Borough in transitioning to a low-carbon, climate-resilient future.

The Climate Change Act (Northern Ireland) 2022 established a statutory requirement for Net Zero greenhouse gas emissions by 2050, with an interim target of a 48% reduction by 2030. Local councils were identified as key public bodies with responsibilities to mitigate emissions and report progress.

Ards and North Down Borough Council declared a Climate Emergency in 2019 and has since adopted a strategic approach to climate action; underpinned by its Corporate Plan's (2024–2028) vision of becoming a Sustainable Borough. Council has already published a Climate Adaptation Plan to strengthen local resilience. This new Climate Action Plan complements the Adaptation Plan and brings forward the mitigation element of the Council's overarching Roadmap to Sustainability.

In a report to Council in December 2024, it was suggested that a Climate Emergency Action Plan should be developed incorporating the existing Roadmap to Sustainability. However, attempting to combine the two documents made the content confusing. While the intention had been to streamline and integrate, in practice the prominence of the climate emergency reduced the visibility of the Council's sustainable development obligations. The overlap of content and differing purposes of each document made the combined version less clear and harder to follow. Following the transfer of Climate Change responsibilities to Community Planning as part of the phase 1 organisational restructure, the Community Planning and Climate

Manager reviewed the draft document and concluded that a combined approach was not effective.

The Roadmap to Sustainability had been reviewed and an updated version would be brought to Council for adoption. The revised Roadmap would be a more concise document and would focus on how Council Strategies help deliver the Corporate Plan's vision of A Sustainable Borough. It would contain actions specific to sustainable development such as training, screening, communication and implementation of Council's ISO14001-accredited Environmental Management System.

The Climate Action Plan

The Climate Action Plan (2025–2030) outlined how the Council would reduce its own emissions and where possible support wider climate action across the Borough. It was structured around five key themes:

1. **Buildings and Energy** – Improving energy efficiency and increasing renewable energy use across the Council estate.
2. **Transport** – Reducing fleet emissions and promoting sustainable and active travel.
3. **Resource Management** – Supporting a circular economy through sustainable procurement, waste reduction, and green skills.
4. **Natural Environment** – Enhancing carbon capture and biodiversity through nature-based solutions.
5. **Governance** – Embedding climate action in Council decision-making and enabling a just transition.

Included in the Climate Action Plan was the target to reduce Scope 1 and 2 council emissions by 48% by 2030 (from a 2019/20 baseline) and a commitment to achieve Net Zero Council emissions by 2050. Both targets aligned with those in the Council's Corporate Plan and have previously been adopted.

The Climate Action Plan contained actions with milestones, carbon saving potential, and co-benefits of action, as well as integration with other Council strategies.

Monitoring and Delivery

The Plan would be monitored through a Council Carbon Dashboard and annual Climate Action Reports. A Strategic Net Zero Board would oversee implementation and ensure alignment with statutory duties and funding opportunities.

From October 2025, Council would formally report to DAERA on Scope 1 and 2 emissions, with Scope 3 reporting to follow from 2028. A comprehensive carbon-modelling exercise would inform future updates and prioritise high-impact interventions.

Public Engagement and Next Steps

As part of its commitment to collaboration, Council would deliver a public consultation and engagement exercise. That would raise awareness of local climate risks and the need for action. It would also help identify opportunities to support households, communities, and businesses, particularly those most vulnerable to climate impacts and energy cost pressures. A proposal for public engagement would be developed and considered within the 2026/27 budgeting process.

The consultation would also support the establishment of a Climate Resilient Communities Group (under the umbrella of the Community Plan) to help shape future action, ensure all voices were heard, and respond to local needs.

RECOMMENDED that Council approve the Climate Action Plan (2025-2030).

Proposed by Alderman Smith, seconded by Alderman McIlveen, as an amendment, that, Council approves the Climate Action Plan but asks officers to produce an updated version with forecast costs included for the Plan Actions. In addition, that Council writes to the DAERA Minister calling for a review of the targets, their feasibility and timescales within the Climate Change Act or otherwise Councils are being set up to fail.

Alderman Smith understood there was a need to approve the Climate Action Plan in the context of Item 13 with a statutory liability to do that. However, he expressed concerns regarding the feasibility, timescales and costs. The Climate Change Act mandated the Council to achieve net zero in greenhouse gas emissions by 2050 with an interim target reduction of 48% by 2030. Alderman Smith stated that he had no argument regarding the need to become a sustainable Borough, however that approach needed to be realistic and pragmatic. Between 2019 – 2025, Council had reduced its emissions by 5.75%. Initial gains were usually the easiest, yet in the next 5 years the Council was to achieve a 48% reduction. Unless there was a massive step change, Alderman Smith struggled to understand how that could be achieved. He questioned if that was feasible, what the potential impact was. He noted that aspects such as the move to new Council offices and improvements in recycling rates would make a difference however, if it is achievable within the timeline.

He felt that DAERA and The Executive needed to follow Scotland and revise those targets as they were demonstrably unachievable. Alderman Smith was of the view that the cost benefit was the key issue, and more detail was needed with the true cost and impact on ratepayers. The Council would have to replace a new fleet and install charging and fuelling infrastructure which would be a massive cost.

Alderman Smith believed the Council should be planting more trees, increasing biodiversity, improving recycling, reducing energy use and migrating to cleaner transport and power sources. However, the timescale was not practical, the plan was not fully costed, and he was concerned that the ratepayer would be hit with additional costs making the Borough less attractive to businesses and investors.

Alderman Smith reemphasised that he was not speaking against the Climate Action Plan - he was a strong supporter - however he was asking for The Executive to revise the Act and produce something more achievable.

Alderman McIlveen thanked Officers for the work that had gone into producing the Action Plan. He expressed concern that the costs were unknown and although it stated that it was a relative cost to Council, it was in fact a relative cost to the ratepayers. The Council was required to prepare the Action Plan however various legislative matters needed looked at again. The actions needed to be achievable and affordable. There were huge countries who were polluting more and more and nothing was being done about it.

Councillor Irwin was not supportive of the proposal and expressed her disappointment that the amendment had not been seen in advance of the meeting. Councillor Irwin emphasised that targets were ambitious for a reason. Climate Change was a shared responsibility, and everyone needed to play their part in tackling it. The Council had already taken action in relation to waste and the benefit had already been seen by ratepayers. Councillor Irwin voiced her disappointment with the proposal. She alluded to such effects of climate change including extreme weather, storms, heatwaves and noted the issue of pollution around the waters of Lough Neagh. Just because a target was ambitious, that should not mean that the Council does not take action. Delay was only going to exasperate the problem. Councillor Irwin viewed the amendment as reckless and irresponsible.

Councillor McKee stated that he was pleased to speak in support of this Climate Action Plan, however he could not support the amendment. It was the Green Party that brought forward the motion in 2019 to declare a Climate Emergency in the Chamber. That declaration recognised the scale of the challenge and the moral responsibility the Council had to act. Councillor McKee highlighted the length of time that it had taken to get to this stage, six years after that declaration, Council were only now approving a plan to reduce emissions and prepare for a sustainable future. In that time, the science had only become clearer, and the costs of inaction higher. The Plan provided Council with a framework to finally move from words to action. It set a clear target, a 48% reduction in Council emissions by 2030 and committed Council to reaching Net Zero by 2050.

Councillor McKee went on to state that by improving the energy efficiency of Council buildings, transitioning the fleet, and reducing waste, Council could cut costs, modernise services, and protect residents from rising energy bills. Every action in this Plan delivered multiple benefits for the economy, for public health, and the local environment. Councillor McKee felt the plan also recognised the importance of a just transition, ensuring that as Council moved towards a low-carbon future, no community or worker was left behind. He stated that was the kind of fairness that must underpin all climate action. Councillor McKee expressed his disappointment that there appeared to be a concerted effort by some parties of the Assembly to deconstruct the Climate Act and replace it with something that justified poor decision making, and inaction. The time for delay was over, and he felt that rewriting targets would only bring more pain and suffering in the future.

Councillor McClean asked if there was a deadline for the submission of the plan. The Community Planning and Climate Manager advised that there was no specific deadline for the submission of the action plan. However, within the next agenda item in relation to DAERA reporting, the Council was asked about its action plan. She advised that it was prudent for the Council to have a Climate Action Plan.

Councillor McClean felt the report was light on detail. He noted that the report had five strands and he objected to the strand of governance where it required Council to embed Climate Action into every decision that it made. That was a common tendency now in politics and governance and he expressed his concerns that would result in inefficiency.

He felt the report addressed areas outside the scope of the Council and did a bit of overselling on the wider push to net zero.

(Councillor Chambers withdrew from the meeting – 8.08 pm)

Continuing, Councillor McClean stated that the report stated that if early action was taken to reach net zero by 2030, that could potentially save £1.1 trillion in societal costs which was an extraordinary amount. The report did not make clear that was a global 80-year cumulative figure by the Committee on Climate Change in 2021. The same Committee on Climate Change estimated that by achieving net zero by 2050 would cost between £1-2 trillion. He believed there was potential for confusion that must be avoided.

Councillor McClean hoped Council could reduce emissions and costs however UK wide the exact opposite was occurring, emissions had increased due to off shoring. The UK had the highest industrial electricity prices in the developed world and the fourth highest domestic prices. That was direct consequence of UK policy, namely the push to net zero. The result had seen an enormous wealth transfer that subsidies from the poorest households and the struggling businesses to the richest landowners and developers. Local businesses were closing as they could not afford to operate with the energy costs they had been burdened with. Councillor McClean hoped the Council's policy would be restricted to things in which the Council had control so that the public were not misled.

Councillor Kendall could not support the amendment although noted that there were some comments made by the proposer and seconder that she would agree with. There was a responsibility on The Executive and there should have been significant strides made to adjust transition, supporting all the sectors.

(Councillor Chambers re-entered the meeting – 8.11 pm)

She agreed that there had been a delay and the level of investment had not been seen. As an example of the benefits of climate change, she stated that if homes were retrofitted that would not only mitigate the effects of climate and energy, but it would also help the person to have a warmer home. Many organisations, with less funds and scope than this Council were already making changes. She felt the Council was also ignoring the significant economic and social benefits that could arise from taking positive steps towards protecting the climate. For example, there had been talks within the Chamber and through working groups about providing different energy sources and more green economy initiatives. There were countries who were mega polluters but that did not mean Council should not take action.

Councillor Brady stated that he would not support the amendment on general

principle that he had not seen it in advance of the meeting. He felt the scale of the ambition within the targets reflected what had been achieved compared to where Council needed to be. He agreed that help needed to come from Westminster and without much needed funds from central government, he did not feel the targets would be met. The cost of electricity was not pegged to cost of gas and without energy market reform in the UK, the consumer was not going to see any reduction.

Alderman McRandal echoed the disappointment that the amendment had not been seen in advance. He viewed the remarks of Alderman Smith as inconsistent, he requested costings which Alderman McRandal viewed as a good idea yet Alderman Smith did not believe the targets could be met and he wondered why. There was no evidence about the costs. Alderman McRandal viewed the Climate Action Plan as comprehensive, well written and an easy to follow document and he congratulated the Community Planning and Climate Manager in that regard. The Action Plan set out the benefits of following the plan which importantly were not just about meeting the carbon emissions targets and the pure environmental benefits. It also detailed the financial and economic benefits in terms of greater efficiency and the creation of jobs in green and circular economies. Along with health benefits from cleaner air and more sustainable travel etc. He would not draw any conclusions that this would create such a significant burden or otherwise.

Alderman McRandal noted that the report and the plan both referred to the establishment of a Climate Resilient Communities Group in 2026 and he asked more information on what that would entail and who would be involved.

The Community Planning and Climate Manager stated that the Climate Resilience Communities was a piece of work that had come through Community Planning work making them aware of the various impacts lots of the communities were experiencing due to the impacts of climate change. That would include an exercise, talking to residents, about their experiences to date and what they needed for support to build a picture on what a Climate Resilience Community project would look like. The feeling was that work would very much align with what was already ongoing in terms of emergency planning. Essentially, she explained that if people were resilient and were prepared for climate emergencies, you were prepared for any types of emergencies.

Alderman Armstrong-Cotter noted that although the costs were not in the plan it did provide an indication that the costs would be high for implementation. She voiced the costs for constituents with the cost-of-living increases and the effect those have on people and the precarious situation people were in. She wished to be clear that she was not talking about abdicating responsibility to the environment, instead fulfilling it in a realistic way and there was a massive difference between those. She outlined some ways in which constituents were impacted and noted that residents had come onboard with recycling and changes were being made. However, constituents were not onboard with unrealistic targets that could not be met and when the Council tried to push and drive for those unrealistic targets then those would impact constituents. There was a need to be realistic with a mind for the need for those who did find it easy to afford to buy organic produce or to heat their homes. Alderman Armstrong-Cotter reinforced her view that it was not an abdication of net zero or climate change, it was a fulfilment of obligation to constituents.

Alderman Graham stated that no-one was denying climate change however a balanced approach was needed considering the social and economic impacts. Alderman Graham recognised that he would be sceptical about the matter referring to those celebrities who lived in huge mansions, who flew around the world in large private jets and then try to talk about climate change.

The Community Planning Climate Manager advised that internally within Council a Net Zero Board had been established which would look at the high level actions within the action plan. Some of the actions would be supported by a number of other elements, with some of the actions already in place including such matters as the Sustainable Energy Strategy and Green Fleet Strategy. A carbon modelling spreadsheet had been created which included all the Council's Capital Projects which would look at the costs and such matters as the potential carbon savings. She reassured Members that whilst the Council was not on target, it was further ahead than what it thought. The idea was to expand and build upon the calculations to see long-term projections, the finance that was required and allow the Council to make decisions with payback calculations properly considered.

The Acting Chief Executive added that in relation to the forecasted costs, each of the actions would be at a varying level of maturity and therefore the quality of financial information would be different. Whilst consideration would be given he wished to manage expectations about what a 'costed plan' would look like.

Alderman Smith thanked the Officer for the work that had been undertaken. He stated that no one was speaking against the actions which Council was taking or the proposed actions. He acknowledged that confirmed costs could be difficult to pull together and the plan was a working document. Alderman Smith felt the dynamics had changed and the Council needed to be realistic on what it was trying to achieve.

The proposal was put to the meeting and declared CARRIED with 21 voting FOR, 12 AGAINST and 0 Abstentions.

RESOLVED, on the proposal of Alderman Smith, seconded by Alderman McIlveen, as an amendment, that, Council approves the Climate Action Plan but asks officers to produce an updated version with forecast costs included for the Plan Actions. In addition, that Council writes to the DAERA Minister calling for a review of the targets, their feasibility and timescales within the Climate Change Act or otherwise Councils are being set up to fail.

13. DAERA PUBLIC BODY CLIMATE CHANGE MITIGATION REPORTING (Appendix VII)

PREVIOUSLY CIRCULATED:- Report from Acting Chief Executive attaching Climate Mitigation Report for DAERA, Climate Change Governance Arrangements, Climate Change Reporting Boundaries and ANDBC Carbon Dashboard (Summary). The report detailed that the purpose of this report was to seek approval for Ards and North Down Borough Council's first statutory submission to the Department of Agriculture, Environment and Rural Affairs (DAERA) under the new public body

climate change reporting requirements. This submission focused on mitigation and was due 31 October 2025.

The Climate Change Act (Northern Ireland) 2022 required all public bodies, including councils, to report on their greenhouse gas emissions and climate action. The legislation places a duty on organisations to demonstrate how they were reducing emissions in line with Northern Ireland's overall targets of a 48 per cent reduction in emissions by 2030 and Net Zero by 2050.

Ards and North Down Borough Council declared a Climate Emergency in 2019 and had a strong record of considering climate action. Since then, the Council had developed a Roadmap to Sustainability, a Climate Adaptation Plan, and most recently a draft Climate Action Plan covering the period 2025 to 2030. Climate change and sustainability were also embedded within the Corporate Plan 2024–2028, which set out a clear commitment to reduce Council carbon emissions as the organisation transitions to Net Zero.

DAERA's reporting framework required councils to provide information on their Scope 1 and Scope 2 emissions, to outline the governance arrangements in place to oversee climate action, and to describe the actions being taken to reduce emissions. Reporting on Scope 3 emissions would become mandatory in three years' time.

The terms Scope 1, Scope 2 and Scope 3 come from the internationally recognised Greenhouse Gas (GHG) Protocol, which was the standard method used around the world for measuring and reporting emissions. Scope 1 covered the direct emissions that come from activities the Council controls itself, such as fuel used in vehicles or heating in buildings. Scope 2 covered the indirect emissions that come from the energy the Council buys, for example the electricity used in its estate. Scope 3 covered other indirect emissions that were linked to the Council's wider activities, such as goods and services purchased through supply chains, business travel, staff commuting and waste. Together, these three scopes provided a complete picture of an organisation's carbon footprint.

Ards and North Down Borough Council's Approach

The Council had established a Strategic Net Zero Board, chaired by the Director of Environmental Services and includes senior officers from across directorates. The Board oversees the Council's plans to reduce emissions, assesses strategic direction, and agrees the scope of future reporting.

In preparation for this new duty, the Council had developed a comprehensive Carbon Dashboard. That work had been jointly led by the Community Planning Service, through the Data and Evidence Analyst, and the Assets and Property Service, through the Energy Efficiency Officer. For the first time, data had been gathered and analysed across all Council buildings, sites and fleet, providing a consolidated picture of our Scope 1 and Scope 2 emissions. That had been a significant achievement and give the Council a robust baseline year of 2019/20 from which to plan and report progress.

The Carbon Dashboard also enabled the Council to track progress year on year. While DAERA's reporting portal required data for 2024/25 only, the Council had been

collating data on emissions since 2019/20. Over this period, a reduction of 5.7 per cent had been achieved. Although progress so far had been modest, a range of actions were now underway, and further carbon modelling was being carried out. This modelling would help the Council to understand the scale and timing of reductions that planned actions could deliver, and to set out a clearer pathway towards the target of a 48 per cent reduction by 2030 and Net Zero by 2050.

For the initial round of reporting in October 2025, the Council would not include Scope 3 data. The priority had been to ensure the accuracy and reliability of Scope 1 and 2 reporting, which formed the immediate statutory obligation. Scope 3 reporting would be developed over the coming years, with the boundaries to be agreed by the Strategic Net Zero Board in advance of the 2028 requirement.

The actions included in this first Mitigation Report were taken from the Council's Sustainable Energy Management Strategy (2024–2029) and the draft Climate Action Plan (2025–2030). Together these documents set out a clear programme of work that would reduce emissions across the Council's estate, fleet and operations.

Information required by DAERA

The DAERA template required each public body to provide a set of standard information. This includes:

- details about the organisation and its governance structures,
- a statement on targets,
- data on 2024/25 Scope 1 and Scope 2 emissions,
- a description of actions being taken to achieve reductions.

The submission also required information on how the Council was managing risks, monitoring progress, and embedding climate action into wider policies and strategies.

The draft report to DAERA had been prepared via an online portal, and a PDF was attached (Appendix 1). The governance diagram (Appendix 2) and reporting boundaries diagram (Appendix 3) had been uploaded to the portal and were listed, but not displayed, on the PDF of the draft submission.

Public Reporting Obligations

If approved by Members, the Mitigation Report would be submitted to DAERA by the statutory deadline. The Council would also publish its summary Carbon Dashboard (Appendix 4) on the Council website, making the information available to the public and ensuring transparency in line with the requirements of the Climate Change Act.

Over the next three years work would continue to prepare for Scope 3 reporting, with the Net Zero Board overseeing the process of defining boundaries and collecting the necessary data. The Council would also begin preparations for adaptation reporting, which must be completed by the end of March 2026.

RECOMMENDED that Council approves the Climate Mitigation Report for submission to DAERA.

RESOLVED, on the proposal of Councillor McKee, seconded by Alderman McRandal, that the recommendation be adopted.

14. SEALING DOCUMENTS

RESOLVED:- on the proposal of Councillor Edmund, seconded by Councillor Kerr, THAT the Seal of the Council be affixed to the following documents:-

- a) Invest NI 999 Year Lease relating to Balloo Industrial Estate
- b) Planning AGREEMENT Under Section 76 Of The PLANNING ACT (NORTHERN IRELAND) 2011 Relating To Royal Hotel and Windsor Bar, Nos. 22-28, Quay Street, Bangor, BT20 5ED.
- c) NIESS Collaboration agreement.
- d) Grant of right of burial - D41078-D41115

15. TRANSFER OF RIGHTS OF BURIAL

No transfers have been received.

NOTED.

16. NOTICE OF MOTION STATUS REPORT

(Appendix VIII)

PREVIOUSLY CIRCULATED:- Report from the Chief Executive attaching Notice of Motion Status report.

That was a standing item on the Council agenda each month and its aim was to keep Members updated on the outcome of the Motions. It should be noted that as each Motion was dealt with it could be removed from the report.

RECOMMENDED that the Council notes the report.

RESOLVED, on the proposal of Alderman Graham, seconded by Councillor Thompson, that the recommendation be adopted.

17. NOTICES OF MOTION

17.1 Notice of Motion submitted by Councillor Hennessy and Alderman Brooks

That this Council brings back a report, with associated costs, detailing the possible road safety and lighting improvements that could be made between Donaghadee harbour and Donaghadee Community Centre.

RESOLVED, on the proposal of Councillor Irwin, seconded by Alderman Brooks, that the Notice of Motion be referred to the Environment Committee.

17.2 Notice of Motion submitted by Councillor Kendall and Councillor S Irvine

This Council recognises the link between domestic abuse and non-accidental harm to companion animals and the emotional trauma this causes victims and survivors, acknowledging that companion animals are often used as tools of coercion and control in abusive relationships and that their welfare is intrinsically linked to the safety and wellbeing of victims. The introduction and implementation of Ruby's Law, as proposed in other parts of the UK, seeks to provide legal protection for pets in households where domestic abuse occurs, ensuring that they are considered in protective orders and safeguarding measures.

Therefore, this councils resolves to:

1. Write to the Ministers for Justice, Communities, Finance, DAERA, and Health, calling for:
 1. The introduction of Ruby's Law in Northern Ireland; and
 2. Them to work in partnership to deliver a cross-departmental collaboration with Causeway Coast Dog Rescue charity, and other animal welfare and domestic abuse organisations as required, to ensure the development of robust and enforceable provisions, taking a multidisciplinary approach to identify key stakeholders and government agencies to support victims and survivors of domestic abuse and coercive relationships and the protection of their pets.
2. Promote public awareness of the connection between domestic abuse, coercive control and animal abuse, in collaboration with statutory agencies and animal welfare organisations.
3. Encourage engagement and collaboration within all Councils and other key stakeholders to support the implementation of Ruby's Law in the community to protect animals and people.

RESOLVED, on the proposal of Councillor Kendall, seconded by Councillor McKee, that the Notice of Motion be referred to the Active and Healthy Communities Committee.

17.3 Notice of Motion submitted by Councillor Cochrane and Councillor Gilmour

That this Council is deeply alarmed that the definition of victim in the Victims and Survivors (Northern Ireland) Order 2006 does not distinguish between those who perpetrated wrongdoing during the Troubles and the innocent victims they harmed, injured, killed or bereaved; believes that innocent victims should not have to interact with terrorists and their supporters when accessing victim support services; asserts that there is no moral equivalence between victim-makers and innocent victims; welcomes the fact that the victims pension legislation makes a clear distinction between perpetrator and victim; condemns the Alliance Party's decision to intentionally blur this line by removing the word "innocent" from the description of a victim in a recent Assembly motion addressing the legacy of the past; and resolves to write to the Justice Minister requesting that she personally apologise for suggesting that victim makers could also be considered victims.

RESOLVED, on the proposal of Councillor Cochrane, seconded by Councillor Gilmour, that the Notice of Motion be referred to the Corporate Services Committee.

17.4 Notice of Motion submitted by Councillor McCollum and Councillor Wray

That this Council recognises the valuable work undertaken by the Community Safety team in tackling anti-social behaviour throughout the Borough. That this Council also acknowledges the significant and increasing pressures on those officers to meet the growing and complex demands of their workload. Furthermore, that Council notes the recent review of the criminal legislative framework to help tackle Anti-Social Behaviour and the greater powers which may devolve to Council, and tasks officers to prepare a report which outlines the needs of the Borough in relation to community safety and the resources currently available, details a range of measures appropriate to address those needs, including recruitment of additional officers, and identifies requisite funding requirements and opportunities.

RESOLVED, on the proposal of Alderman McRandal, seconded by Councillor Wray, that the Notice of Motion be referred to the Active and Healthy Communities Committee.

17.5 Notice of Motion submitted by Alderman Graham and Alderman McIlveen

That Council in liaison with Belfast City Airport arranges a visit to the Airport for members and officers.

RESOLVED, on the proposal of Alderman Graham, seconded by Alderman McIlveen, that the Notice of Motion be referred to the Corporate Services Committee.

17.6 Notice of Motion submitted by Alderman Adair and Councillor Edmund

That Council task officers to bring forward a report on the possibly of permitting wooden memorials at our cemeteries as part of regulations going forward.

RESOLVED, on the proposal of Alderman Adair, seconded by Councillor Edmund, that the Notice of Motion be referred to Environment Committee.

Circulated for Information

- (a) Copy correspondence from Mid Ulster District Council - CAR-T

RESOLVED, on the proposal of Alderman Armstrong-Cotter, seconded by Alderman McIlveen, that the information be noted.

EXCLUSION OF THE PUBLIC/PRESS

AGREED, on the proposal of Councillor Cathcart, seconded by Councillor Gilmour, that the public/press be excluded during the discussion of the undernoted items of confidential business.

(Councillor McKee withdrew from the meeting – 8.38 pm)

8.4 MINUTES OF THE PLACE AND PROSPERITY COMMITTEE DATED 9 OCTOBER 2025 CONTINUED

*****IN CONFIDENCE*****

**NOT FOR PUBLICATION SCHEDULE 6: 4 CONSULTATIONS AND
NEGOTIATIONS**

18. BUSINESS CASE FOR RESOURCES TO FACILITATE THE PROCUREMENT OF A FUTURE LEISURE SERVICES OPERATOR FOR BANGOR AURORA AQUATIC AND LEISURE COMPLEX AND QUEENS LEISURE COMPLEX, HOLYWOOD (FILE CW51) (Appendix IX)

*****IN CONFIDENCE*****

**NOT FOR PUBLICATION SCHEDULE 6:3 – INFORMATION RELATING TO THE
FINANCIAL OR BUSINESS AFFAIRS OF ANY PARTICULAR PERSON
(INCLUDING THE COUNCIL HOLDING THAT INFORMATION)**

PREVIOUSLY CIRCULATED:- Report from the Director of Active and Healthy Communities attaching business case. The report detailed that as Members were aware, at a special Council meeting on 18 September 2025 the decision was taken that leisure services in Ards and North Down would be run via a hybrid model of operation when current contractual arrangements come to an end in March 2028. A significant amount of work was now required to progress a new procurement exercise and therefore a project team had been established to take this project forward for Council.

Potential cost areas of transitioning into each model were detailed to Members as part of the decision process and it was recognised that there were significant transitioning costs irrespective of the model chosen.

Procurement appointment recommendations would be presented to the Active and Healthy Communities Committee and Council for consideration in February 2026.

RESOLVED, on the proposal of Alderman Graham, seconded by Alderman Smith, that the recommendation be adopted.

19. REQUEST FROM QMAC CONSTRUCTION LIMITED TO USE PART OF HIBERNIA STREET SOUTH CARPARK- EXTENSION OF LICENCE
(Appendix X)

*****IN CONFIDENCE*****

NOT FOR PUBLICATION SCHEDULE 6: 5 – A CLAIM TO LEGAL PROFESSIONAL PRIVILEGE

Council was asked to consider extending the licence in relation to land at Hibernia Street carpark. It was recommended that the Council acceded to the request.

The recommendation was agreed.

20. ACQUISITION OF LAND AT CONLIG FOR TREE PLANTING
(Appendix XI)

*****IN CONFIDENCE*****

NOT FOR PUBLICATION SCHEDULE 6: 5 – A CLAIM TO LEGAL OR PROFESSIONAL PRIVILEGE

Council was asked to consider the acquisition of a piece of land in Conlig for tree planting.

The recommendation was that Council seeks to acquire the land. It was agreed, that the report be deferred to the Corporate Services Committee.

21. ARRANGEMENTS FOR ACTING CHIEF EXECUTIVE FROM 8 OCTOBER 2025

*****IN CONFIDENCE*****

NOT FOR PUBLICATION SCHEDULE 6: 2 - LIKELY TO REVEAL THE IDENTITY OF AN INDIVIDUAL

Council was provided with an update on the temporary Acting Up arrangements for the post of Chief Executive.

A recommendation to note was agreed.

RE-ADMITTANCE OF PUBLIC/PRESS

AGREED, on the proposal of Councillor Cathcart, seconded by Alderman McIlveen, that the public/press be re-admitted to the meeting.

TERMINATION OF MEETING

The meeting terminated at 9.06 pm.

ITEM 7.1

33

ARDS AND NORTH DOWN BOROUGH COUNCIL

A hybrid meeting (in person and via Zoom) of the Planning Committee was held in the Council Chamber, Church Street, Newtownards on Tuesday 4 November 2025 at 7.00 pm.

PRESENT:

In the Chair: Councillor McClean

Aldermen: Graham
McAlpine (Zoom)
McDowell (Zoom, 19:10)
McIlveen
Smith (Zoom)

Councillors:	Cathcart	Kendall (Zoom)
	McCollum	McKee (Zoom)
	Harbinson	Morgan
	Hennesy	Smart
	Kerr (Zoom, left 20:40)	Wray

Officers: Director of Place and Prosperity (B Dorrian), Principal Planner (G Kerr), Planning Managers (J Hanna & A Todd) and Democratic Services Officer (S McCrea)

1. APOLOGIES

Apologies had been received from the Head of Planning.

2. DECLARATIONS OF INTEREST

Councillors Harbinson and Kendall declared an interest in Item 4.2 - LA06/2018/1328/F

Alderman McIlveen declared an interest in Item 4.4 - LA06/2024/0242/F

3. MATTERS ARISING FROM THE PLANNING COMMITTEE MINUTES OF 7 OCTOBER 2025

PREVIOUSLY CIRCULATED:- Copy of the above.

AGREED on the proposal of Alderman McIlveen, seconded by Councillor McCollum, that the minutes be noted.

4. PLANNING APPLICATIONS

4.1 LA06/2023/2012/F - Land between 3 and 4 Sheridan Drive, Helen's Bay Deferred from previous meeting with 'Minded to Refuse' motion

PREVIOUSLY CIRCULATED:- Case Officer's report.

DEA: Holywood & Clandeboyne

Committee Interest: Six or more representations contrary to the officer's recommendation

Proposal: Dwelling (change of house type from approval W/2011/0015/RM)

Site Location: Land between 3 and 4 Sheridan Grove, Helen's Bay

Recommendation: Minded to refuse (02.09.25 Initial Officer recommendation to approve planning permission)

The Principal Planner explained that Item 4.1 - LA06/2023/2012/F was an application for a dwelling (change of house type from approval W/2011/0015/RM) at Lands between 3 and 4 Sheridan Drive, Helen's Bay.

Members would have recalled that this presentation was presented at Committee on 2 September 2025 and Committee determined that they were minded to refuse the application which allowed due consideration to be given to the drafting of refusal reasons provided by Members. Consultation had taken place with the Council's legal advisors to ensure that they were legally sound.

In summary the legal advisors had provided comment on the proposed draft refusal reasons – reducing the number of recommended refusal reason from 5 to 3 refusal reasons. Of the three remaining refusal reasons, legal advisors had commented that the suggested refusal reasons may be lawful but there were concerns over robustness.

Legal advisors were unable to provide any comfort that there would not be any challenge to the refusal reasons. The applicant was entitled to appeal any refusal of planning permission to the Planning Appeals Commission (PAC) should they decide on this course of action. If an appeal was lodged, it would be for the PAC to consider all material matters presented in order to determine the proposal in deciding whether or not the justification was enough to uphold any appeal which may be brought.

RECOMMENDED that Council notes the content of this report and attachments and agrees the reasons for refusal.

Speaking against the recommendation, Mr Brian Kee was invited to the Chamber to speak and reminded that he had three minutes to speak.

Mr Kee thanked the committee for the opportunity to speak and explained that, in 2011, the Case Officer stated in respect of the approved development, that the scale of the building was still very substantial but was probably acceptable. The proposal that was before Members was significantly larger than the 2011 approval. It was 10% bigger in floor area, taller by half a metre—a 7% increase—and longer at the rear. These increases might have seemed small in percentage terms, but they had created a building that was overbearing in scale and dominance

and out of keeping with the lower elevation property.

Its visual impact upon Fort Road, Church Road, Grey Point Road, the Coastal Path and the Golf Course was stark and detrimental to the area. Mr Kee advised that, unfortunately, the photographs in the report did not adequately convey the adverse visual impact. The development was very different to the properties in Sheridan Grove; it was aligned differently, had no garage and minimal garden space and appeared to be a 2,200 square foot property shoe-horned into a small side garden.

Mr Kee explained his other concerns, such as overlooking, loss of privacy and loss of sunlight; the latter point he clarified had been confirmed in the Report on page 25 as breaching the Sunlight Good Practice Guide, as well as the Prescriptions Act of 1832. The large overlooking, overbearing window on the North elevation, a deviation from the 2011 approval which had conditioned against such a window, whilst the largest window of the property looked directly into Mr Kee's living areas, a bedroom and the garden. Dwelling No. three and four had no windows on the north elevation. Although coloured, see-through glazing had been added, however the effect remained one of intrusion. The perception of being overlooked was itself a serious loss of amenity, contrary to PPS7. The location of that window served no purpose other than to provide clear views of the sea.

Mr Kee continued, explaining that there were multiple departures from the approved drawings and conditions. These included a large sliding window which allowed access onto a flat roof where a small recessed window had been expected. There were two large roof panels instead of six rooflights, a balcony on the western elevation and larger windows all around the property. Deficiencies had been found by the Enforcement Team and non-compliances which had required many amended plans to be submitted. Such changes, Mr Kee believed demonstrated a pattern of building first and seeking permission later, which undermined confidence in the process and, if retrospective approval had been agreed, it would have set a damaging precedent.

Mr Kee explained that there had been a loss of amenity and environmental value with the original hedge, tree and screening having been removed and the replacement planting being of limited quality and tokenistic nature – it did not restore what had been lost, either in privacy or biodiversity terms.

In conclusion, Mr Kee believed that the development had gone beyond what had originally been approved with its scale, massing and dominance causing harm to residential character and neighbour amenity. Mr Kee applauded the Committee's decision on 2 September in being minded to refuse, asking that it continue to do the right thing and refuse planning permission.

With no questions from Members, Mr Kee returned to the public gallery at 19:08.

Speaking in support of the application, David Mills (Agent), Peter Thompson (Applicant) and Joanna Thompson (Applicant's Daughter) joined the Committee Chamber and were reminded that they had three minutes to speak.

Ms Thompson thanked the Committee for the opportunity to speak and advised that her father, Mr Thompson had bought the site which had planning permission but they had not been aware of its history and previous applications. They had wished to make some small changes to improve the original design of the house and knew that there was a prerequisite to seek planning permission which was submitted before work had started. Ms Thompson and Mr Thompson had both been optimistic that the process would be quick and any changes were expected to be minor.

Several times during the process, they had been asked to make changes and did so without question, despite said changes not being preferred options. They had taken out an extra bedroom to reduce the overall size from the top floor which was relocated to the front left side of the ground floor which had no window on the north-facing left gable. There had also been a want to have a window in the kitchen but Mr Thompson and Ms Thompson had compromised. The only window found on the north gable wall was that of the stairwell. Ms Thompson advised that neither she, nor Mr Thompson had any wish to look into the property at No. 2 and would have liked a roof balcony to appreciate the sea view, but instead had large roof lights installed.

The balcony at the front, Ms Thompson advised was done so for aesthetic reasons which added character and charm to the property which would otherwise have bland frontage. Similarly, the roof height had been lowered as well as omission of a chimney to the front which she believed improved on the original design. Mr Thompson had also installed obscure glass panels at considerable extra cost and despite requested and minor changes, the house was largely the same as the original approved plan. Ms Thompson advised that her father, Mr Thompson was 84 years of age, had been unwell and was awaiting surgery. These factors had influenced their approach of time being of the essence.

The Chair (Councillor McClean) advised Ms Thompson that three minutes had passed. Ms Thompson queried the speaking time limit, believing that it was three minutes each. Councillor McClean clarified that three minutes had been the limit for any speakers on the subject and apologised to Ms Thompson. With no questions posed from Members, Mr Thompson, Ms Thompson and Mr Mills returned to the public gallery at 19:12.

Proposed by Councillor McCollum, seconded by Alderman Graham, that the recommendation be adopted.

Councillor McCollum understood that residential matters could be particularly difficult and understood the points put forth by Ms Thompson. However, the Planning Committee was required to act upon the facts available to them and in an independent manner. She was grateful for the time to draft refusal reasons in a coherent fashion. With Planning having sought legal advice, Councillor McCollum believed the Committee had demonstrated and evaluated planning judgement on Planning Policy. She cited refusal reasons;

- 1 – contrary to QD1, Criterion A of PPS7
- 2 – contrary to QD1, Quality Residential Environments, Criterion H
- 3 – contrary to QD1, Quality Residential Environments , Criterion F.

Alderman McIlveen had not agreed with being minded to refuse as he had wanted time to review reasons for refusal whilst also wanting to remain consistent in his approach to planning matters such as impact on light assessments. He did not believe the reasons put forth for refusal were sufficiently robust despite being grounded in policy. Though he was not personally accepting of the application, those beliefs paled in comparison to his responsibility as a Member of the Planning Committee. Alderman McIlveen believed if he supported the refusal, it would be an inconsistent approach and explained that he did not believe determinations should be equal, exemplifying Helen's Bay applications being treated no different from those in Newtownards or the Ards Peninsula.

Councillor Cathcart explained that he did not agree with all the reasons that had been provided in the principle of development and welcomed the reduction of refusal reasons. He did not believe the parking element should have been included and suggested the main refusal reasons were scale and massing when comparing the original approved application to what was now too much for a neighbourhood environment.

Alderman Smith shared Alderman McIlveen's views, explaining his concerns of the robustness of reasons proposed, as well as alluding to Councillor Cathcart's remarks upon parking being one of those refusal reasons. Whilst he accepted the impact on No. 2 with overlooking and loss of light, he did not believe he could support the proposal to refuse.

The proposal was put to the meeting and declared CARRIED with 8 voting FOR, 4 voting AGAINST, 4 ABSTAINED and 0 ABSENT.

**FOR (8)
Aldermen**
Graham
McAlpine

**AGAINST (4)
Aldermen**
McIlveen
Smith

**ABSTAINED (4)
Aldermen**
McDowell

**ABSENT (0)
Aldermen**

Councillors
Cathcart
Harbinson
Kendall
McCollum
Smart
Wray

Councillor
Hennessy
Kerr

Councillors
McClean
McKee
Morgan

Councillor

RESOLVED, on the proposal of Councillor McCollum, seconded by Alderman Graham, that the recommendation be adopted.

(Councillors Harbinson and Kendall left the meeting at 19:23 due to Declarations of Interest in Item 4.2.)

4.2 LA06/2018/1328F - Lands at No. 5 Woodlands Avenue, North of Whinney Hill SE and NE of No. 3-6 The Cottages Whinney Hill and SE of No. 1 and 3 Woodlands Avenue, Hollywood

PREVIOUSLY CIRCULATED:- Case Officer's report.

DEA: Hollywood & Clandeboye

Committee Interest: Six or more representations contrary to the officer's recommendation

Proposal: Residential development of 27No. units (11 No. detached and 16 No. apartments), includes upgrade of existing access at Whinney Hill, landscaping and associated site works.

Site Location: Lands at No. 5 Woodlands Avenue, North of Whinney Hill SE and NE of No. 3-6 The Cottages Whinney Hill and SE of No. 1 and 3 Woodlands Avenue, Hollywood

Recommendation: Grant Planning Permission

The Principal Planner explained that Item 4.2 was for a Residential development of 27 No. units (11 No. detached and 16 No. apartments), which included an upgrade of existing access at Whinney Hill, landscaping and associated site works at lands at No. 5 Woodlands Avenue, North of Whinney Hill SE and NE of No. 3-6 The Cottages Whinney Hill and SE of No. 1 and 3 Woodlands Avenue, Hollywood.

The application was before Members as it was an application in the major category of development as well as a number of objections contrary to the Officer's recommendation.

In total, 70 objections from 32 separate addresses had been received since the application was first submitted in 2018. Members were asked to note that the application had gone through considerable alteration in layout and design with a reduction in number of objections submitted as a result of these alterations. All representations made had been fully addressed and detailed in the Case Officer report and the recommendation was to grant planning permission

The site lay on the outskirts of Hollywood on the northern side of Whinney Hill approximately two miles from Hollywood town centre and was set within a mature landscape setting with surrounding areas of woodland to the north and south. Access could be gained to the site from both Whinney Hill and the A2 Belfast/Bangor Road. The site was located in an elevated position with the site rising steeply upwards from north-west to south-east. Members were shown a slide which presented a substantial dwelling with outbuildings, known as Woodlands House which was to be demolished.

Land to the immediate south-east was agricultural whilst land to the north-west and the south on the opposite side of Whinney Hill was residential. Existing residential development on the northern side of Whinney Hill was characterised predominantly by detached dwellings set within large, mature plots while the southern side of the road had detached dwellings on smaller plots.

There was a long history of planning approvals for residential units on the application site which had been renewed, the details of which were contained in the Case Officer's report. Members were shown photographs to provide context for the site and wider area.

As had been referred to earlier, the scheme had been significantly amended since it was first submitted. One slide showed the original proposal which was for 42 residential units – the planning department had found this scheme unacceptable in relation to residential policies PPS7 and the addendum to PPS7. There was also insufficient information to fully assess the proposal. Refusal was recommended and once the agent was advised of this, the scheme was reduced to 37 units but this was still considered to be unacceptable. A further amendment was then submitted reducing the scheme to 27 units. Since then, there had also been the submission of additional supporting information to address consultee comments - it was the reduced scheme of 27 units which was for Members' consideration this evening.

With regard to the Development Plan, the site lay outside the settlement limit of Hollywood in the NDAAP. In draft BMAP, the site was also located outside the settlement limit. In the unlawfully adopted BMAP, the site was incorporated into the settlement limit of Hollywood following DoE Planning agreeing with the PAC's opinion that the land should be included within the settlement limit. It was considered that the position of the site which was surrounded by existing and approved development, its current use as a residential curtilage, the PAC's recommendations and its status as conceded by DOE at Public Inquiry, were all important material factors which were considered to outweigh the NDAAP and Draft BMAP in respect of the settlement limit in this case with the residential development of the site being acceptable in principle. In the event of BMAP being lawfully adopted, it was highly likely that the revised development limit which had been considered during the Public Inquiry, and accepted by DoE Planning, would be adopted again.

Within BMAP, the site was located within the proposed Folk Park/Creighton Local Landscape Policy Area (LLPA) (designation HD15). Draft BMAP identified a number of features which were considered to contribute to the environmental quality, integrity or character of the area. One of these included the listed building known as The Hill and its associated expansive grounds. Historic Environment Division was content with the proposal for 27 units subject to a condition requiring a landscape buffer along the north eastern boundary of the site to protect the setting of the listed building and the overall environmental quality of the LLPA.

A revised landscaping plan which had been conditioned showed an extensive landscaping scheme including retention of existing landscaping features with additional trees and shrubs planted through the site which would respect the LLPA. Extensive planting of woodland areas were proposed within the site as indicated in dark green on presented slides. These would include a mix of semi-mature, extra-heavy standard and 60-80cm trees with the larger trees ensuring that these areas would be able to become established and have effect as soon as possible. It was considered that the extensive woodland planting would greatly enhance the overall environmental quality of the site.

The site was not subject to a Tree Preservation Order. In total there were 21 no. trees within the application site itself. The majority of these trees were to be retained and incorporated into the development with only 4no. proposed for removal as recommended in the submitted tree survey due to poor condition. The proposed development would all be located outside the root protection areas of the trees and the Council's Tree Officer was content with the proposal. A long-term management and maintenance plan for the landscaping had been submitted which covered a period of up to 20 years.

The existing access off Whinney Hill was to be upgraded proposed to current standards to provide visibility splays along with A 2m wide footpath along the frontage of the site to the right-hand side of the access along with a crossing point. The existing access serving Woodlands Avenue would remain unaltered and was to serve 2 No. new detached dwellings only. A Transport Assessment form had been submitted in support of the application and there was no intensification of use onto the A2 Belfast Bangor Road. It should be noted that existing dwellings already used this access. Following the receipt of amended drawings DFI Roads had no objection to the proposal and appropriate conditions had been provided. There was also adequate car parking for the overall proposal which met car parking standards

There were a variety of existing densities of development within the immediate area. Following the amendments to the proposal, the site layout now respected the sensitive 'edge of settlement' location with the proposed development respecting its context. Given the mix of densities in the immediate vicinity, the density of the development at 11.25dph was considered to be acceptable. The layout of the proposal had been carefully considered with amendments submitted to ensure there would be no unacceptable overlooking, loss of light, overshadowing as per the requirements as set out in QD1 PPS7

With regard to the main apartment block, the height, scale and massing of, was originally a concern due to the prominent location of the site but following amendments reducing the overall height and massing of the block, the building would not sit above that of the existing dwelling.

The next slides showed the location of the proposed apartment a CGI image helpfully showed that only the roof of the apartment block would be visible on approach along Whinney Hill travelling towards Holywood. Additional landscaping would also soften the impact of the building.

The Proposed apartment block adjacent to Whinney Hill was to be sited to the front of the existing dwellings at The Cottages a minimum of 25m away which was in excess of recommended standards. This was a significant improvement from the original proposal which not only had the apartments closer to the existing dwellings but there was also another block now removed.

The amount of development fronting onto Whinney Hill had been reduced to a single building housing 4no. apartments. Additional landscaping was proposed between the proposed apartments and the existing dwellings which would provide a degree of screening to further mitigate against any potential impact on the existing dwellings.

As could be seen in CGI images, the building had been designed to have the appearance of cottages, restricted to one and a half storey. It had also been set further back from the road than the original proposal, thereby reducing any dominant impact.

The row of House Type C dwellings right at the edge of the settlement limit were positioned closely together with the access road running in front. The design was split level to respect the levels on the site. Members were shown another slide which identified the approximate location of where these would sit on the site, indicated in red. Again, the CGI image showed how the dwellings would sit within the site and how they were well integrated. Due to the falling topography, only the roof of the dwellings would be seen when travelling along Whinney Hill towards Holywood. Travelling out of Holywood, the row of houses would also be well concealed behind the existing cottages and given their set-back from the road, would not appear prominent.

Given the topography of the land, sections were taken at various points through the site to assist in the overall assessment of the proposal and any impacts on existing dwellings further down the slope on Woodlands Avenue. The impact of the proposal had been assessed for numbers 1, 3 and 5 Woodlands with Members being provided with slides that showed separation distances between the properties ranging from 26.6 metres, 38.7 metres and 40 metres. Further slides showed sections of the site which sloped quite significantly from south-east to north-west. The proposed development would sit at a higher level than the existing adjacent dwellings on Woodlands Avenue.

Given the topography of the land and that this was a residential area, there would be some views of the development from lower ground on Woodlands Avenue. Those views were to be partially screened by the existing dwellings at Nos. 1 and 3 Woodlands and mature trees and planting along the existing lane and to the rear of the existing dwellings.

Existing development already at a higher level had to be considered when weighing up the current proposal. The views of the proposed development would be intermittent and the proposed dwellings were to be sited at a similar or lower level than the existing large dwelling on the site.

There was good screening between existing and proposed development with additional planting as shown in slides, and, given the tiered levels of the site, there would be no unacceptable adverse impact or unacceptable overbearing impact or loss of light given the proposed separation distances. Consideration also had to be given in the assessment of the proposal to extant permissions already on the site, in particular to an extant permission for a large two and a half storey dwelling in a similar position at the top of the slope and different to what was proposed in this application

Public open space was required for a development of this size which had been assessed and was acceptable, meeting requirements set out in Creating Places Guidelines and also met with policy requirements contained within OS 2 of PPS 8. An area significantly in excess of 10% with a total area of approximately 6,400sqm of

the total area of the site at 2.4 hectares had been set aside for open space taking the form of an arboretum located centrally within the site, as well as the creation of woodland linkages which would offer visual amenity value and enhance the overall environmental quality of the development.

In conclusion having assessed all material planning considerations as detailed in the Case Officer report and in the presentation, all concerns raised by objectors had been fully considered and were dealt with in detail in the report with the agent working with Planning Officers to reach an acceptable scheme which had included for example, reducing the number of units on the site, lowering the heights of building, detailing more sympathetic finishes, removal of balconies to dwellings orientated towards Woodland Avenue. The Principal Planner concluded that the planning application should be approved, subject to the conditions.

RECOMMENDED that Council grants planning permission.

Councillor McCollum advised that she was familiar with the road and the site's location on Whinney Hill and queried which parts of the proposed development would be accessed via Woodlands.

The Principal Planner responded that two dwellings would be accessed from Woodlands, but there would be no intensification of use onto the A2. She noted that No. 5 would be demolished and that there was extant planning permission in place. Following the publication of the report, some objectors had requested that construction traffic be directed via Whinney Hill which had been conditioned.

Councillor McCollum referred to previous conditions that blocked access from Woodlands and asked whether these were relevant to the current application. The Principal Planner clarified that those conditions were not relevant to this assessment, as each planning application had to be considered afresh and the previous condition had not been relied upon in this case.

Councillor McCollum asked about the location of the main access point on Whinney Hill and how far it would be from the corner. The Principal Planner stated she was unsure of the exact distance but confirmed DfL Roads had required amended drawings and that the access would be upgraded to meet site requirements. DfL Roads had raised no objections.

Councillor McCollum queried whether only one property used the entrance on the right-hand side when exiting. The Principal Planner explained that several cottages already used that same entrance and noted that, as Whinney Hill was not a protected route, there was no issue with intensification of use.

Councillor McCollum expressed concern about morning traffic, particularly traffic travelling downhill, and the potential buildup when turning left onto the A2. The Principal Planner acknowledged that the area was residential and already experienced significant traffic, but reiterated that there was no issue with intensification in relation to the proposed access.

Councillor McKee was surprised to hear of the No. 5's demolition, noting that this detail had been omitted from the description and key information. The Principal Planner clarified that the site was not located within an Area of Townscape Character, there was no requirement for the demolition to be included in the description, explaining that an apartment block was planned to replace the demolished building and confirmed that all necessary surveys related to the demolition had been completed.

Councillor McKee referenced the planning history of the site, and asked whether any current or active permissions would remain relevant if the new application were approved. The Principal Planner confirmed that extant permissions would remain valid alongside the current proposal, should it be granted. She added that it would be up to the developer to decide which permissions to proceed with and noted that a speaker was present who could provide further clarification.

Alderman McAlpine raised concerns regarding whether Woodlands was an adopted road and queried the implications for bin collection and deliveries, particularly in light of the intensification of development in the area. The Principal Planner confirmed that Woodlands was unadopted but noted that her Planning Manager had observed a bin lorry accessing the lane during a recent site visit.

Alderman Graham questioned the massing of the proposed apartment block and asked whether the redesign had sufficiently addressed the visual impact of the original larger block. In response, the Principal Planner presented comparative slides showing the initial and revised designs, highlighting the reduction in scale. She also pointed out that the height of the new apartment block would not exceed that of No. 5, which was scheduled for demolition.

Speaking in support of the application, Mr Chris Bryson of Gravis Planning was invited to the Chamber and reminded that he had three minutes to speak. Mr Bryson thanked the Committee for the opportunity to speak. Mr Bryson expressed full support for the officer's recommendation to approve the application. He noted that the proposal had been under consideration for many years and had undergone thorough scrutiny by Planning Officers which should have provided Members with confidence that all aspects had been properly considered and that the application complied with planning policy requirements. He acknowledged the collaborative efforts with The Principal Planner and her team. In response to Councillor McKee's earlier query regarding planning history, Mr Bryson clarified that there were several extant permissions for single dwellings on the site which had been submitted by the previous owner. He added that, should the current application be approved, the developer would be inclined to proceed with the scheme currently before Members rather than pursue the individual house permissions.

In response to questions from Members, Councillor Morgan raised concerns about the removal of pedestrian access and questioned how individuals would be able to enter the site. Mr Bryson explained that a shared surface was proposed for most of the avenue leading to the site, and a new through-path was planned via Whinney Hill which would provide a dedicated footpath running into and throughout the site. He referred to the 27-unit proposal, noting that a footpath on the southern side would

follow the road leading to the proposed apartment block, as illustrated on the screens.

Councillor McCollum asked how far the footpath would extend and how pedestrians would safely exit the development and access the A2. Mr Bryson advised that the site would be exited via a new footpath to the south of the proposed internal access road, which would connect to Whinney Hill. He added that other pedestrians would use existing routes down the hill to reach the A2. When asked whether the footpath extended all the way down, Mr Bryson suggested it might cross the road. Councillor McCollum expressed concern about the presence of a chicane and the increased number of pedestrians on the hill, noting that there was a verge rather than a proper footpath. Mr Bryson pointed to the lower image on the screen, indicating an existing footpath at the access point near a telegraph pole, which ran down to the A2 on the opposite side. He confirmed that DfL Roads had been consulted and would have considered pedestrian connections, implying they were satisfied with both the proposed and existing arrangements.

Councillor McCollum raised a policy concern under PPS3 AMP3, suggesting that the intensification of traffic during peak hours could impede the free flow of traffic, especially given the existing congestion near the A2 and its slow-moving traffic lights. Mr Bryson explained that the policy test had determined the impact to be within acceptable limits. He acknowledged an increase in traffic but stated that both Planning and DfL Roads technical experts considered it to fall within tolerable thresholds.

With no further questions from Members, Mr Bryson returned to the public gallery.

Proposed by Alderman Graham, seconded by Alderman Smith, that the recommendation be adopted.

Alderman Graham commented that the development and associated plans had clearly been given considerable thought and would result in highly attractive accommodation. While he acknowledged concerns regarding pedestrian access, he noted that the DfL had either provided views or had not objected, indicating their contentment with the application. He concluded that, on balance, it represented a good plan.

Alderman Smith agreed, stating that the plans had evolved positively and expressed gratitude to the Planning team for their efforts. He concurred with Alderman Graham's assessment that the proposal was a sound plan and a worthwhile development.

Councillor McKee, however, did not support the recommendation, citing road safety as a major concern and stated that it was evident local residents shared similar views who would be better positioned to understand difficulties and dangers of the area.

The proposal was put to the meeting and declared CARRIED with 10 voting FOR, 2 voting AGAINST, 1 ABSTAINED and 3 ABSENT.

**FOR (10)
Aldermen**

Graham
McAlpine
McIlveen
McDowell
Smith

**AGAINST (2)
Aldermen**

**ABSTAINED (1)
Aldermen**

**ABSENT (3)
Aldermen**

Councillors

Cathcart
Hennessy
Morgan
Smart
Wray

Councillor

McCollum
McKee

Councillors

McClean

Councillor

Harbinson
Kendall
Kerr

RESOLVED, on the proposal of Alderman Graham, seconded by Alderman Smith, that the recommendation be adopted and that planning permission is granted.

[Councillors Harbinson and Kendall returned to the meeting at 19:59]

4.3 LA06/2024/0116/F - 20no. dwellings – 16no. semi-detached and 4no. detached – adj. to and accessed via Rockfield Park

PREVIOUSLY CIRCULATED:- Case Officer's report.

DEA: Ards Peninsula

Committee Interest: Six or more representations contrary to the officer's recommendation

Proposal: 20 dwellings - 16 semi-detached dwellings, 4 No. detached dwellings.
Adjacent to and accessed via Rockfield Park

Site Location: Lands immediately to the east of 31 Rockfield Park and to the rear of Nos. 9 – 31 Rockfield Park, Portaferry

Recommendation: Grant Planning Permission

The Planning Manager (A Todd) advised Members that Item 4.3 sought full planning permission for 20 dwellings at lands immediately to the east of 31 Rockfield Park and to the rear of 9-31 Rockfield Park, Portaferry. The application had been recommended for approval and was being presented to Planning Committee as six or more representations contrary to the officer's recommendation had been received.

The site occupied an area of land to the south-east of Rockfield Park at the edge of the settlement limit of Portaferry. The site lay within an area designated as Housing Policy Area three within the Ards and Down Area Plan and also within the Strangford and Lecale Area of Outstanding Beauty. The site was comprised of grass and scrub land with existing trees and vegetation just beyond the south-eastern boundary. The

topography was such that the land fell from the rear of Rockfield Park towards the south-eastern boundary and then rose slightly towards the south-western boundary. The third slide showed views of the site looking towards the south-west and also towards the rear of the existing dwellings on Rockfield Park which abutted the site. Slide four showed views of the site looking towards the north-east and the recently constructed dwellings within the northern end of the designation.

The proposal would involve the development of the remainder of housing designation HPA3 with planning permission having already been granted for 19 detached and semi-detached dwellings in the northern portion of the designation under application LA06/2017/1046/F.

The current application proposed an additional 20 dwellings, 16 of which were semi-detached and four detached. Designation HPA3 included a number of key site requirements as were shown on the slide. The first was the requirement that the development should have a minimum density of 20 dwellings per hectare. While the density of the development was slightly below this at 17.5dph, it was considered that other material planning considerations outweighed this key site requirement. The proposed density was comparable to the density of 16dph previously approved in the northern section of the designation and also similar to other existing dwellings in the area. The slightly lower density was also necessary to enable compliance with other policy requirements including, the provision of a badger sett protection zone, provision of adequate open space and the establishment of a landscaped buffer along the edge of the settlement limit.

Another key site requirement of the Designation was that access should be taken directly off the Ballyphillip Road rather than through Rockfield Park. The proposed development was also in non-compliance with this key site requirement as access was proposed off Rockfield Park. However, the principle of access from Rockfield for the designation had already been established through the approval of the previous application for 19 dwellings. DFI Roads was also content that the existing road at Rockfield Park met the required standards in order to accommodate the additional traffic.

The general layout of the development met the requirements of policy QDI of PPS7. Housing would front and overlook the area of open space, a landscaped buffer would be provided along the edge of the settlement limit and each dwelling was to have adequate private amenity space and parking in line with the recommended standards. There would also be no unacceptable adverse impact on the amenity of any existing dwellings with back to back separation distances of 20m or greater in line with the Creating Places standard and as the site generally sat at a slightly lower level than the properties in Rockfield, there would be no overbearing impact.

In terms of design, there was a wide variety of different house types and materials and finishes within the immediate area ranging from single storey to two storey. The two storey design of the proposed dwellings with render and stone cladding finishes, would be acceptable within this existing context, being very similar in style to those recently constructed in the northern portion of the designation.

A detailed landscaping scheme had also been submitted with the application. While there were already some existing trees and vegetation just beyond the south-eastern boundary of the site, a new 5m wide landscape buffer was also proposed to provide additional screening and a softer edge to the settlement limit. Approval would also be subject to a condition requiring the communal open space area to be permanently retained and to be managed and maintained in the long term by a management company to be commissioned by the developer.

In terms of the wider impact of the development, there would be no critical or long distance views of the development from within the AONB. The site was well set back from the adjacent public roads and lay on relatively low land as shown on slide 11. A total of 14 objections from 6 separate addresses had been received in relation to the application. The main concerns raised included:

- Impact on wildlife
- Impact on drainage and flooding
- Traffic impact
- Impact on sewerage infrastructure
- Impact on privacy and daylight
-

All of these concerns had been considered in detail in the Case Officer's report and all of the statutory consultees are also content with the proposal subject to the recommended conditions set out in the planning report.

In summary, the Planning Department was satisfied that the proposed residential development met all of the relevant planning policy requirements contained within the SPPS and Planning Policy Statement 7. While the proposal did not meet two of the key site requirements for Housing Designation HPA3, as outlined, it was considered that this was outweighed by other material planning considerations and the proposal would result in no significant departure from the Plan.

All of the statutory consultees were content with the proposal subject to the recommended conditions as set out in the planning report.

RECOMMENDED that Council grants planning permission.

Alderman McIlveen noted in the PAC history that access had previously been barred through Rockfield Park whilst the Planning Committee had deemed it acceptable. He was curious as to what reasoning had led to that result. The Planning Manager advised that she had reviewed the report submitted to the Planning Appeals Commission and found no specific objections. She confirmed that the DfI was satisfied that the existing road could accommodate the access and that it met the required standards. Alderman McIlveen remarked that it seemed an odd condition to include. The Planning Manager explained that if access had been taken from Ballyphillip Road, it would have necessitated the demolition of four or five houses, making Rockfield Park the more logical option. Alderman McIlveen added that while he was generally reluctant to go against what was stated in the plan, he could not see a clear reason for the condition.

Councillor McCollum raised concerns about a pond that previously contained open water but now appeared dry, asking about potential ecological and health and safety impacts should it fill with water once again. The Planning Manager clarified that although the area had once been a pond, there had been no visible water in recent years. An ecological survey had identified the area as marshy land rather than a pond. There would be no physical access through this area, as the pond lay outside the site boundary and a five-metre-wide planting belt had been proposed.

Councillor Kendall queried why a 25-metre buffer zone had been chosen for the protection of badger setts, noting that most guidance recommended 30 metres. The Planning Manager explained that the 25-metre buffer had been recommended by NIEA Natural Heritage. She was unsure whether the recommendation depended on the size or number of setts, but confirmed that the ecologist had complied with NIEA's request.

Proposed by Alderman McIlveen, seconded by Councillor Morgan, that the recommendation be adopted.

Alderman McIlveen was content with the presentation and report, as was Councillor Morgan. However, Councillor Kendall asked that it be noted she was not in support of the proposal. As such, the Chair, Councillor McClean advised the Committee would enter a vote.

The proposal was put to the meeting and declared CARRIED with 14 voting FOR, 1 voting AGAINST, 1 ABSTAINED and 0 ABSENT.

FOR (14) Aldermen Graham McAlpine McIlveen McDowell Smith	AGAINST (1) Aldermen	ABSTAINED (1) Aldermen	ABSENT (0) Aldermen
Councillors Cathcart Hennessy Harbinson Kerr McCollum McKee Morgan Smart Wray	Councillor Kendall	Councillors McClean	Councillor

RESOLVED, on the proposal of Alderman McIlveen, seconded by Councillor Morgan, that the recommendation be adopted, and that planning permission is granted.

[Alderman McIlveen left the meeting at 20:13 due to a Declaration of Interest in Item 4.4]

4.4 LA06/2024/0242/F - The Spar, 2 Saintfield Road, Ballygowan

PREVIOUSLY CIRCULATED:- Case Officer's report.

DEA: Comber

Committee Interest: Six or more representations contrary to the officer's recommendation

Proposal: Proposed extension and alteration of car park including demolition of no.23 Church Hill Park.

Site Location: Spar, 2 Saintfield Road, Ballygowan

Recommendation: Grant Planning Permission

The Planning Manager (A Todd) explained that Item 4.4 sought full planning permission for the demolition of 23 Church Hill Park and the extension and alteration of the existing car park at The Spar, 2 Saintfield Rd, Ballygowan.

The application had been recommended for approval and was being presented to Planning Committee as six or more representations contrary to the Officer's recommendation had been received.

The site occupied a central location within the village of Ballygowan. There was a mix of uses within the immediate area including a retail unit, bus depot and car sales yard opposite and housing to the immediate East and South-East. The site encompassed the existing Spar retail unit, petrol filling station and dwelling at 23 Church Hill Park and had both a vehicular entrance and exit onto the Saintfield Road along with 14 existing car parking spaces.

In terms of the development plan context, the site was not zoned for any particular use nor was it subject to any designations. Regional planning policies relevant to the assessment of the proposal included the SPPS, PPS2 Natural Heritage and PPS3 Access, Movement and Parking.

The application proposed the demolition of the end terrace dwelling at No. 23 Church Hill Park as shown on the existing site layout. The demolition of the dwelling would facilitate the extension of the existing Spar and petrol filling station car park which would provide 10 additional parking spaces bringing the total number to 24. No works were proposed to the existing Spar building itself.

Slide six provided Members with views of the original proposed site layout which included a pedestrian link from the extended car park through to Church Hill Park. This pedestrian link had been removed at the request of the Planning Department as it was considered that this would result in an unacceptable impact on the amenity of existing residents by way of disturbance and loss of privacy.

A further slide showed the amended site layout plan with the pedestrian link removed. Instead, a 2.1m high retaining wall was to be erected along the boundary along with planting to screen the extended car park area from the residential properties. The SPPS stated, in relation to retail-related development proposals in villages, that they were to be consistent with the aim, objectives and policy approach for town centres and retailing, meet local need and be of a scale, nature and design appropriate to the character of the settlement. The proposed development for a small number of additional parking spaces to serve the existing retail unit, was consistent with SPPS policy in this regard.

The proposal aimed to improve the operation of the filling station and retail unit with the provision of the additional 10 parking spaces. These were much needed at this location with the existing car park regularly reaching capacity particularly at peak times and resulting in overspill parking on the public road.

Policy AMP 7 of PPS3 required that development was served by adequate car parking provision having regard to published standards. The gross retail floorspace of the unit was such that according to the standards requiring 1 space per 14sqm, the site, should have around 23-24 parking spaces. The provision of 10 additional spaces would give a total of 24 spaces, meeting the standards and representing a significant improvement.

The site was not in a Conservation Area or Area of Village Character and, as such, the demolition of No. 23 Church Hill Park was permitted development and did not require planning permission. Slide eight showed the existing and proposed elevations. It was not considered that the proposal would result in any unacceptable adverse visual impact. It was considered that the visual impact of the proposal on the surrounding area would be minimal.

The dwelling proposed for demolition was a small two storey end of terrace unit and it was not considered that its demolition would undermine the overall design or symmetry of the existing terrace in any way.

The gable wall of the adjoining residential unit would be made good following the demolition of No. 23 with a new render finish and works to the roof and eaves. A total of 16 letters of objection from 13 separate addresses had been received from nearby residents. However, 14 of these were submitted in relation to the original proposal which included the pedestrian link through to Church Hill Park with only 2 objections relating to the amended proposal omitting the link. The main material planning considerations raised included:

- Noise and disturbance from building works
- Noise from additional traffic using the car park
- Visual impact of the extended car park
- Loss of privacy to residents in Church Hill Park
-

With regard to potential noise impact, a Noise Impact Assessment was undertaken and submitted with the application. Environmental Health had reviewed the Assessment and were content that the proposal would not result in any unacceptable impact subject to a condition requiring the installation of a 1.8m high acoustic fence

along the party boundary with No. 21 Church Hill Park and a condition restricting the hours of construction activity and deliveries. It was not considered that the proposal would result in any significantly greater traffic noise given the existing established retail use and car park and existing background noise from traffic on the main road.

In terms of potential impact on the privacy of the adjacent dwellings, the extended car park would result in no greater impact. As already outlined, an acoustic fence was to be provided along the boundary with No. 21 similar to the existing fence along the boundary with No. 23. A 2.1m high blockwork wall would also be constructed to the rear of the car park with additional planting which would provide effective screening and privacy to the dwellings within Church Hill Park. As the car park would also sit slightly below the level of Church Hill Park, this would further help to reduce any impact.

In summary, the Planning Department was satisfied that the proposed car park extension met all of the relevant Planning Policy requirements. The extension would provide much needed additional parking for the existing retail unit, reducing the potential for congestion at peak times. Furthermore, the proposal would not result in any unacceptable adverse impact on the character of the area or the residential amenity of adjacent properties. All of the consultees were content with the proposal subject to the recommended conditions as set out in the planning report.

RECOMMENDED that Council grants planning permission.

Speaking in support of the application, Mr David Mountstephen (Agent), Mr William Adams (Property Director, Henderson Group) and Mark Collins (Architect, Collins Rolston) joined the Chamber and were reminded that they had five minutes to speak.

Mr Mountstephen outlined that the details of the proposal had been clearly set out in the planning report. He explained that the current site comprised a shop, forecourt, and car parking, with a residential property adjacent, and that the proposed development would replicate this arrangement. He noted that these uses coexisted at present and would continue to do so. While acknowledging existing operational issues with the car park, he emphasised the investment in a service that played an important role in the area.

He confirmed that the application had been thoroughly assessed, including considerations such as noise, and was deemed capable of operating without causing unacceptable impacts. Conditions had been proposed to address matters such as deliveries and landscaping. Mr Mountstephen recognised the objections raised and explained that changes had been made to the scheme in response, including the provision of a wall with a buffer boundary and a grassed area to help mitigate potential impacts. He stressed the importance of keeping local residents satisfied, adding that the demolition would be carried out by a reputable contractor and completed to a high standard. Mr Mountstephen concluded by commending the recommendation to approve the application.

Speaking next, Mr Adams advised that the Henderson Group had operated the store since June 2021 and had made significant investments since then, including a £450,000 investment associated with the current proposal. He acknowledged the

objections raised and confirmed that the plans had been amended in response. As an experienced developer, Mr Adams emphasised the Group's commitment to ensuring that all parties were confident the project would be delivered to the highest quality standards, noting that an experienced contractor would be engaged to carry out the works successfully and that long-term upkeep, including maintenance of landscaped areas, would be ensured. In conclusion, Mr Adams stated that the development would provide much-needed parking to help alleviate pressures during peak times.

The Chair, Councillor McClean invited questions from Members.

Alderman Smith, as a regular user of the site, acknowledged the existing parking issues and noted that customers would welcome the additional provision. He referred to Mr Mountstephen's earlier comments about engagement with property owners who might be affected by the development, such as the resident of No. 22, and asked whether they had experience with similar projects and how they would reassure those impacted that the work would be carried out to a high standard with minimal disruption to their living environment.

Mr Adams responded that, as an experienced developer, he had delivered over 40 projects across various locations. He explained that a system was in place to engage with those locally affected, including neighbourhood notifications, and that work would be undertaken in accordance with management and construction plans, which were often subject to planning conditions. He noted that while each project was not identical, he had experience managing large-scale demolitions in confined spaces.

Alderman McAlpine was curious whether consideration had been given to using the other side of the site to avoid demolishing houses. Mr Mountstephen replied that the alternative side lay beyond the settlement limit, which was likely the more significant factor making that option unfeasible.

With no further questions, Mr Mountstephen, Mr Adams and Mr Collins returned to the public gallery.

Proposed by Councillor Wray, seconded by Councillor McCollum, that the recommendation be adopted.

Councillor Wray advised that he was familiar with the site's inadequate parking and was pleased that the pedestrian link had been removed as it was an unacceptable impact. With only two objections, the proposed acoustic fence and positive engagement with locals, he was happy to propose.

Councillor McCollum welcomed the parking being extended to meet increased demand and commended the developers for their engagement with the local populace.

RESOLVED, on the proposal of Councillor Wray, seconded by Councillor McCollum, that the recommendation be adopted, and that planning permission is granted.

[Alderman McIlveen returned to the meeting at 20:30]

4.5 LA06/2025/0454/F - Victoria Primary School, 2 Victoria Road, Ballyhalbert

PREVIOUSLY CIRCULATED:- Case Officer's report.

DEA: Ards Peninsula

Committee Interest: Six or more representations contrary to the officer's recommendation

Proposal: Temporary Double Classroom Modular Building, permanent security fencing and associated site works (Retrospective)

Site Location: Victoria Primary School, 2 Victoria Road, Ballyhalbert

Recommendation: Grant Planning Permission

The Planning Manager (J Hanna) explained that Item 4.5 was an application that sought temporary planning permission for the a Double Classroom Modular Building with permanent security fencing and associated site works.

The application was before Planning Committee for consideration as it involved land in which the council had an interest. No objections had been received in relation to the application and consultees were also content and had raised no objection to the proposal.

The site was located within the grounds of Victoria Primary School which was within the settlement limit of Ballyhalbert as designated within the Ards and Down Area Plan 2015. The surrounding area was dominated by a variety of residential properties to the north and west.

Slide three provided a display of the block plan of the development and its siting within the area. Whilst the proposed classroom was set within a school site, beyond its boundaries, there was residential development in close proximity. The dwellings to the south on Victoria Gardens in particular shared a boundary with the site.

Separation distances between the southern edge of the classroom to the shared boundary with No's 06, 08 and 10 was within a range of 5.5m to 6.5m. It was noted that both land uses (i.e. education and residential), had co-existed for a considerable period. The use of the classroom would be limited to the school's operational hours and the boundary was made up of well-established hedge. as, it was not anticipated that the addition of this classroom to the overall site would be of significant detriment to the amenity of neighboring dwellings. The fourth slide illustrated the floorplans of the modular building incorporating two classrooms.

Elevations were shown to Members in the fifth slide which was a typical design that had been employed in other school settings. Given its temporary nature, the proposal was considered acceptable in context of visual amenity.

The next slide demonstrated views of the approach to the front of the school site. The classroom was located to the front of the existing school building facing the main road and was set back approximately 44.4m from the road. There would be no long-distance views of the unit, except when passing directly adjacent along High Street.

It was considered that the development absorbed well into the established school site and would not be of detriment to the character of the area.

Classrooms could be seen in the images on the seventh slide as well as their placement. The area the site was located within would be considered as open space under PPS8. In this instance, OS1 was a material consideration. Under Policy OS1 of PPS8, there was a presumption against the loss of open space. However, an exception was permitted where redevelopment would bring substantial community benefits that would outweigh the loss of open space and it considered that the proposed development would meet this exceptional test as it would provide the school with additional essential classrooms.

In summary, the Planning Department was satisfied that the proposal met the relevant planning policy requirements contained within the SPPS and PPS8. The development would not adversely affect any designated features, nor would it adversely impact on residential amenity or access. Therefore, on this basis it was recommended that temporary planning permission should be approved.

RECOMMENDED that Council grants planning permission.

Councillor Cathcart asked for clarification on why the application had come before the Committee. The Chair, Councillor McClean explained that it was a retrospective application whilst the Principal Planner corrected the Chair and clarified that the site was on land in which the Council had an interest.

Alderman McIlveen queried whether there was a policy reason for limiting the approval to five years, acknowledging that it was a temporary arrangement. The Planning Manager advised that five years was generally the standard timeframe for temporary permissions, although applicants sometimes specified the duration they required. In this case, the school's needs were subject to change, particularly in relation to special education provision, and the temporary nature of the approval allowed for controlled use of the site. He noted that the applicant had not requested a longer period, but if they did so at the end of the five years, the matter would be reviewed at Committee once again.

RESOLVED, on the proposal of Councillor Cathcart, seconded by Alderman McIlveen, that the recommendation be adopted, and that planning permission is granted.

4.6 LA06/2025/0538/F - Bryansburn Rangers Football Club, Ballywooley Playing Fields, Crawfordsburn Road, Bangor

PREVIOUSLY CIRCULATED:- Case Officer's report.

DEA: Bangor West

Committee Interest: Application on land in which the Council has an interest

Proposal: Single storey extension to front and rear of clubhouse and a first floor extension to include a new viewing gallery and balcony

Site Location: Bryansburn Rangers Football Club, Ballywooley Playing Fields, Crawfordsburn Road, Bangor

Recommendation: Grant Planning Permission

The Planning Manager (J Hanna) explained Item 4.6 was an application seeking full permission for a Single storey extension to front and rear of clubhouse and a first floor extension to include a new viewing gallery and balcony.

The application had been brought before Planning Committee for consideration as it involved land in which the Council had an interest. No objections had been received in relation to the application and it had attracted one letter of support. Consultees were content and had raised no objection to the proposal.

The site was located south of the Crawfordsburn Road and was situated within the grounds of Ballywooley Playing Fields. It was outside of any settlement limit as indicated by Draft BMAP 2015 and the North Down and Ards Area Plan 1984-1995. As stated, the use of the site was as a playing field with an existing clubhouse on site and a hardcore area for parking. The majority of the site was surrounded by fields with a group of residential dwellings located across the Crawfordsburn Road to the Northeast.

The fourth slide illustrated the position of the development within the site which was a modest increase in footprint and the existing vehicular access and parking areas were to remain in situ. As this proposal was for an upgrade of facilities already in use by Bryansburn Rangers FC, it was not envisaged that there would be an increase in traffic and would therefore not affect the existing parking provision.

Proposed floor plans and elevations were shown in the fifth slide. The proposals sought to increase the size of team dressing rooms and also provide a first floor extension and balcony. This part of the extension would be visible from Crawfordsburn Road however, would be read as part of the clubhouse and would not cause an unacceptable impact on the visual amenity of the area. It would still benefit from the roadside hedging and trees which provided some screening and assisted integration into the countryside beyond and the proposal did not include any changes to the roadside boundary treatment.

With regard to residential amenity, the proposal would not cause any unacceptable impacts to any neighbouring properties. The closest dwellings were located on the opposite side of the road beyond the vehicular access into the sports ground at 136-144 Crawfordsburn Road, with the closest dwelling being approximately 88m away from the clubhouse. This was considered to be an acceptable separation distance so as not to be directly impacted.

Members were shown photos of the site on the seventh slide. As the site was part of a Playing Field, the provisions within PPS8 were material. Policy OS1 of PPS 8 sought the protection of open space and prevent its loss. As the proposal was to maintain, support and improve the existing use of Ballywooley Park as a football pitch, and sustain its future use, it was in line with strategic policy objectives. The proposed development would not encroach onto the football pitch and would not result in any loss of open space.

Policy OS3 was also material to the consideration of the application, stipulating that proposals for outdoor recreational use in the countryside would be permitted where all criteria was met. The development was considered to meet all criteria as detailed within the case officer report.

In summary, the Planning Department was satisfied that the proposal met the relevant Planning Policy requirements contained within the SPPS and PPS8. The development would not adversely affect any designated features, nor would it adversely impact on residential amenity or access.

RECOMMENDED that Council grants planning permission.

Proposed by Councillor Cathcart, seconded by Councillor Harbinson, that the recommendation be adopted.

Councillor Cathcart recalled that in 2024-25 during his Mayoral year, he had been invited to the Club to celebrate its 50th anniversary at which the Club had discussed its plans with enthusiasm. He was pleased to see it had succeeded and congratulated the Club. Councillor Harbinson concurred with Councillor Cathcart's statement.

RESOLVED, on the proposal of Councillor Cathcart, seconded by Councillor Harbinson, that the recommendation be adopted, and that planning permission is granted.

5. DRAFT RESPONSE TO DFI CONSULTATION ON PLANNING FEES

PREVIOUSLY CIRCULATED:- Report from the Director of Place and Prosperity which explained that the Council had responded to the Department for Infrastructure's (DFI) consultation on 'The Review of the Implementation of the Planning Act (NI) 2011' in April 2021 (see Item 7 of meeting of Planning Committee 13 April 2021).

The final page of that response highlighted the need for the current fees as set by central government to be overhauled immediately to properly reflect inflation and the costs to councils and to bring us into line with other jurisdictions whereby the planning service should be cost neutral. Further, that fees should include Discharge of Conditions and Non-Material Change applications among other work which is currently non-fee attracting but which must be managed in parallel with planning application caseloads.

Review of the Implementation of the Planning Act (NI) 2011 Report (RIPA)

The RIPA was published in January 2022 and DFI considered there was merit in reviewing planning fee categories and the fees themselves to establish if they remain fit for purpose and cover the costs of processing planning application in line with the requirements of Managing Public Money.

Northern Ireland Audit Office Report on Planning in NI (Feb 2022)

Recommendation 9 emerging from the above Report was *that the Department and councils work in partnership to ensure that the planning system is financially sustainable in the longer term* (See Item 6 of Planning Committee meeting of 01 March 2022).

Addressing Financial Stability of Planning Report (Nov 2023)

The Head of Planning previously brought a report to Planning Committee (Item 12 of meeting of 07 November 2023 – copy attached) which set out an explanation of a Discharge of Condition and a Non-Material Change. The purpose was to seek Council approval to introduce fees for these categories of work, subject to legal advice on legislative provision. Unfortunately, it was not possible to proceed in light of the lack of legislative provision, and the legal advice was that to try and introduce then could lead to challenge.

DFI Public Consultation on Review of Planning Fees

As part of the second phase of the Northern Ireland Planning Improvement Plan, DFI, in conjunction with local councils, had been scoping the challenges and opportunities around increasing levels of cost recovery to support the longer-term financial sustainability of the planning system, in response to the NIAO recommendation.

As such, it had published the attached consultation which focused initially on proposed introduction of fees for Discharge of Conditions and applications for Non Material Changes to planning approvals.

Within the consultation, DFI suggested the following set charges:

Non-material Change	Discharge of Condition
£130	£115 (to discharge as many conditions as may be submitted at one time.)

Members were asked to note the detail proposed in Item 12 attached in relation to charging – set out below.

Non-material change	Discharge of condition
£35 (householder application)	£35 (householder application)
£200 (all other)	£100

The consultation also invited comments on other elements of Planning for which was no fee attracted at the time of writing.

Officers had reviewed the consultation and drafted a response as appropriate.

RECOMMENDED that Council approves the attached response to the DFI Consultation on Planning Fees to be submitted by the closing date of 23 December 2025.

Initially, Councillor Wray proposed that the recommendation be adopted, seconded by Councillor Morgan who wished to do so with a caveat, that Council look toward how any additional fees would be used for planning service improvements to householders and developers.

The Principal Planner explained that the matter had originated as a consultation from the DfI, which included a set of questions that had been completed and were being submitted to the Committee for review. She noted that any changes to the proposal would need to go through DfI, and the Council would have limited authority in terms of imposing additional charges.

The Chair, Councillor McClean responded positively, expressing support for the spirit of Councillor Morgan's comments and asked whether she would be happy to liaise with Planning or if there was an intention to make a formal amendment to this evening's proposal. As there was no indication, the Chair asked for a seconder to Councillor Wray.

Proposed by Councillor Wray, seconded by Councillor Cathcart, that the recommendation be adopted.

Councillor Cathcart asked, in terms of increased fees, what may be expected regarding improvement of the planning system and services.

The Principal Planner explained that this was the paper-based element of the improvement programme, which had progressed to step two. The aim was to identify ways to make the planning system financially sustainable. She acknowledged the need for fees, such as those for discharging applications, but felt the current fee level was insufficient. She also noted disagreement with DfI's proposal for a single flat fee regardless of the number of discharges, arguing that discharges could not be compared with non-material changes due to the different processes involved.

Discharge applications required consultation responses and were more labour intensive. These points were outlined in the formal response, which also addressed the question raised by Councillor Morgan regarding other areas where charges might be imposed. Officers had contributed to the response, suggesting charges for repeated site visits, meetings, and office consultations beyond those already held with agents. The Principal Planner added that the team continued to explore ways to raise revenue outside the legislative process, referencing a paper brought forward a few months earlier that increased service administration costs. She concluded by noting that legislative boundaries still had to be respected.

Councillor Cathcart commented on large applications involving non-material changes, expressing hope that better quality applications would emerge. He suggested that professionalising the PAD process could lead to improved qualifications and standards. He noted that if Officers spent less time on applications that attracted no fees, it would free up resources for other cases. Councillor Cathcart added that the proposed charging structure aligned with practices across the UK and had been discussed extensively over the years. In his view, most people would be willing to pay if it resulted in a more streamlined and efficient planning system, and he believed service improvements could be achieved through appropriate fees.

Alderman McIlveen remarked that planning fees remained behind those of other jurisdictions due to the lack of previous increases. Referring to question 8, he asked whether there had been any indication that, similar to public sector rental models using CPI plus 1%, a percentage uplift could be applied over a number of years to help realign fees, or whether the current year was considered a new baseline from which inflation would be applied going forward.

The Principal Planner responded that the Council was dependent on the DfI to notify them of any fee increases. She noted that there had been few such increases since the transfer of powers, and when they did occur, they were often below what was needed. There had been a one-off fee introduced in 2018, but the Council continued to lobby DfI through meetings at the Strategic Planning Group. She emphasised that while they followed DfI's direction, they consistently responded to say the increases were insufficient in light of inflation.

Alderman McIlveen stressed that service improvements could only be achieved if the system was adequately funded. He highlighted the staffing gaps in local authority planning teams, which made it difficult to attract new planners and contributed to delays and increased workloads.

He reiterated the need to align fees with those in other jurisdictions and suggested that the Council's response could be strengthened by explicitly requesting a process for fee alignment. Alderman McIlveen asked whether there had been any indication of such alignment. The Principal Planner was not aware of any but agreed to include that point in the response.

Councillor Kendall agreed with previous speakers, noting the ongoing challenges related to resourcing. She raised the issue of fees associated with Tree Preservation Orders (TPOs), particularly in the context of encouraging tree retention and community involvement and questioned whether a fee had been sourced for this.

Whilst acknowledging the rationale for charging due to officer time, Councillor Kendall also expressed concern that if the fee was not set at the right level, individuals might avoid paying it and proceed with unauthorised tree works. The Principal Planner advised that there should indeed be a fee for processing such applications, given the additional Officer time involved. She explained that the Tree Officer also handled consultation responses for planning applications and had a broad remit; it was not uncommon to pay service fees in other areas. She added that unauthorised works on TPO-protected trees carried serious consequences, as any breach or unauthorised removal constituted a criminal offence. While the Principal Planner could not confirm the exact fee, she estimated it might be in the range of a few hundred pounds, though this was purely speculative.

Councillor Morgan stated that she had no objection to charging appropriate fees but emphasised the need for clear evidence that such charges would lead to improved service, expressing concern that this evidence had not yet been provided, noting that the last report on the improvement plan had shown little progress. While supportive of the idea of a sustainable planning system and appropriate charges, Councillor Morgan questioned whether this was the right time to introduce them. She suggested

that a report should be produced outlining how any additional funds would be used, whether by the Council or the DfI, to ensure service improvements rather than simply increasing revenue.

Councillor Morgan was supportive of aligning costs with those in England and Wales but pointed out that in England, the target processing times were eight weeks for household applications and thirteen weeks for more complex ones. If higher fees were to be introduced, she argued, the system would need to improve accordingly. Her criticism was directed at the broader planning system rather than the local planning authority of Ards and North Down. She highlighted ongoing issues such as the shortage of Planning and Tree Officers, which required long-term investment.

She also voiced strong opposition to the idea of charging fees for submitting objections or requesting enforcement action, stressing that these were integral to the democratic process and already covered by ratepayers.

Councillor McCollum expressed general support for extending the range of services for which fees could be applied. However, she noted that delays in finalising planning applications often stemmed from statutory consultees rather than the planning authority itself. Councillor McCollum was concerned about the potential for fees to be charged for meetings requested by agents or applicants who were anxious about the process, particularly when the underlying issues were the responsibility of other agencies. She felt it would be inappropriate to impose charges in such cases.

The proposal was put to the meeting and declared PASSED with 13 voting FOR, 1 AGAINST, 1 ABSTAINED and 1 ABSENT.

**FOR (13)
Aldermen**

Graham
McAlpine
McIlveen
McDowell
Smith

**AGAINST (1)
Aldermen**

**ABSTAINED (1)
Aldermen**

**ABSENT (1)
Aldermen**

Councillors

Cathcart
Hennessy
Harbinson
McClean
McCollum
McKee
Smart
Wray

**Councillor
Kendall**

**Councillors
Morgan**

**Councillor
Kerr**

AGREED TO RECOMMEND, on the proposal of Councillor Wray, seconded by Councillor Cathcart, that the recommendation be adopted.

6. UPDATE ON PLANNING APPEALS

PREVIOUSLY CIRCULATED:- Report from the Director of Place and Prosperity which explained that: the following appeal was dismissed and the Enforcement Notice upheld on 3 October 2025.

PAC Ref	2024/E0044
Council Ref	LA06/2021/0144/CA
Appellant	William & Helen Wylie
Subject of Appeal	Alleged 1. unauthorised ancillary building; 2. unauthorised wooden pergola; 3. unauthorised extension of domestic curtilage which includes concrete path; 4. unauthorised building; 5. unauthorised building; 6. unauthorised shelter; 7. unauthorised laying of hardstanding laneway
Location	Land at 107 Comber Road, Newtownards

- This appeal was brought under grounds (a) [deemed planning application], (b), (c) and (e) of section 143 (3) of the Planning Act (Northern Ireland) 2011.

- **Ground (b) asserts that the breach has not occurred.**

The appellant withdrew Ground (b) at the hearing.

- **Ground (c) states that if the matters have occurred they do not constitute a breach of planning control.**

In relation to the hardcore laneway the appellant stated that as this was beyond the residential curtilage, which was established under LA06/2024/1040/CLEUD - certified the appellant's dwelling as lawful on 06/12/2024, it remained in agricultural use where he had rights and was therefore agricultural permitted development. However, the Commission did not accept this view nor that it was necessary for the purposes of agriculture. Therefore, it is not permitted, and ground (c) of appeal fails.

- **Ground (e) states that copies of the Enforcement Notice were not served properly.**

The Commissioner was not persuaded by the evidence submitted by the appellant under this ground and referred to the requirements under section 24(2)(e) of the Interpretation Act 1954, which the Council had met. The PAC did not accept the appellant's view that they had been prejudiced and considered the appeal under ground (e) failed.

- **Ground (a) states that planning permission ought to be granted.**

Firstly, the PAC found that there was not an active and established agricultural business for more than six years as required by PPS 21 Policy CTY 12.

Appellant initially submitted LA06/2022/0445/F for an extension to the residential curtilage and retention of ancillary buildings, which were to be domestic. This was subsequently withdrawn when it was to be refused. The appellant stated that since this date circumstances had changed, and buildings were now used to house chickens and approximately 40 sheep.

The PAC was not persuaded by appellant's argument that the buildings were required for the welfare of the animals, and he could be criminally prosecuted if they had to be removed – therefore it was not deemed an exception to the policy under CTY 12. Additionally, the most substantial building was only in partial use for agriculture, and the PAC concluded the appeal development was not necessary for the efficient use of the agricultural holding. As the EN development did not meet the requirements of policies CTY 1 and 12 of PPS 21 the first and second reasons for refusal were sustained.

The PAC found that under policy CTY 13 the appeal development does not integrate harmoniously with its surroundings and appears obtrusive, within LLPA 5 (Scrabo Tower & Landform) & Strangford & Lecale AONB, with the third reason for refusal sustained.

The Commissioner considered the expansive appeal development suburbanised in form not respecting the existing pattern of development and further eroding the rural character due to build up as set out in policy CTY 14. The 4th reason for refusal was sustained.

The PAC found that given the open views possible from Comber Road, the expansive development is inappropriate in design, size and scale within the relatively flat landscape and is not sensitive to the special character of the area. The fifth reason for refusal was sustained.

Finally, the sixth reason was not sustained as information was submitted demonstrating that the appeal development would not likely harm protected species including badgers and their setts, with NIEA content.

The appellant's argument that one of the appeal buildings could not be removed in case it caused damage to a close badger sett, was not accepted by the PAC, given that the construction of the building was judged not to have damaged the badger sett with no substantial evidence presented that careful removal of the building would cause such damage.

- The PAC concluded that as the unauthorised development fails all appeal grounds the Enforcement Notice is upheld.

2. The following appeal was dismissed and the Enforcement Notice upheld on 01 October 2025:

PAC Ref	2018/E0010
Council Ref	LA06/2016/0187/CA
Appellant	Ian Walsh
Subject of Appeal	The alleged 1. Alleged unauthorised change in the use of the land from quarrying to a mixed use comprising processing and quarrying; 2. Alleged unauthorised erection of an earthbund; 3. Alleged unauthorised erection of a weightbridge; Alleged unauthorised erection of a portaloo;

	Alleged unauthorised erection of a portacabin; Alleged unauthorised erection of a storage container; 4. Alleged unauthorised development of an area of hardstanding; and 5. Alleged unauthorised use of an area of hardstanding for parking.
Location	Land at Fishquarter Quarry located on Coulters Hill Lane between Parsonage Road and Rubane Road, Kircubbin

- An appeal was brought on Grounds (a), (c), (d), (e), (f) and (g) as set out in Section 143 (3) of the Planning Act (Northern Ireland) 2011.
- As a background - A hearing took place on 27 September 2018 to consider the legal grounds of appeal against the Enforcement Notice only.
- The then Commissioner issued an enforcement appeal decision on 30 October 2018 which considered Grounds (c) and (d), which was then challenged by way of Judicial Review in both the High Court and the Court of Appeal. The Court of Appeal issued its judgement in December 2020, which upheld the decision of the Planning Appeals Commission.
- This left the remaining parts of the appeal to be assessed.
- Ground (a) and the deemed application – paragraphs 27 – 44 of the attached decision set out the Commission’s consideration of the elements listed as bullets in the table above. In considering that the identified elements should be approved, the Commissioner did not have to consider the remaining grounds of appeal.
- The appeal decision set out conditions of the approval, and details of the amended Enforcement Notice.
- This brought to a close the long running enforcement case, which had been reported previously to Committee.

3. The following new appeals had been received since the last report:

PAC Ref	2025/A0073
Council Ref	LA06/2025/0228/O
Appellant	Philip Kerr
Subject of Appeal	Refusal of planning permission for a Replacement dwelling
Location	13A (approximately 500m North East of No. 13) Cunningburn Road, Newtownards

PAC Ref	2025/L0004
Council Ref	LA06/2025/0189/CLOPUD
Appellant	Alannah Savage

Subject of Appeal	Refusal of Certificate of Lawfulness regarding Proof of Commencement of works for dwelling – X/2008/0101/RM
Location	140m South of Loughdoo Road, Kircubbin

PAC Ref	2025/A0079
Council Ref	LA06/2023/1556/O
Appellant	William Gilmore
Subject of Appeal	Refusal of planning permission for a Dwelling on a Farm
Location	50m NE of 51 Kempe Stones Road, Newtownards

PAC Ref	2025/A0076
Council Ref	LA06/2025/0388/O
Appellant	Castlesaint LLP
Subject of Appeal	Refusal of planning permission for 8no. apartments with associated carparking and landscaping
Location	Land south of 1-17, NE of 2 and SE of 4 Rockfield Meadows, Carrowdore

Details of appeal decisions, new appeals and scheduled hearings can be viewed at www.pacni.gov.uk.

RECOMMENDED that Council notes the report and attachments.

AGREED TO RECOMMEND, on the proposal of Alderman Graham, seconded by Councillor Smart, that the recommendation be adopted.

7. DFI TO CHIEF EXECUTIVES LETTER OF 21 OCTOBER 2025 ON REVISIONS TO THE REGIONAL POLICY FRAMEWORK FOR THE TWO-TIER PLANNING SYSTEM

PREVIOUSLY CIRCULATED:- Letter from DfI to the Chief Executive

RECOMMENDED that Council notes the letter.

AGREED TO RECOMMEND, on the proposal of Councillor McCollum, seconded by Councillor Smart, that the recommendation be adopted.

TERMINATION OF MEETING

The meeting terminated at 20:59.

ARDS AND NORTH DOWN BOROUGH COUNCIL

A hybrid (in person and via Zoom) meeting of the Environment Committee was held at the Council Chamber, Church Street, Newtownards, and via Zoom, on Wednesday 5 November 2025 at 7.00 pm.

PRESENT:

In the Chair: Councillor Kendall

Aldermen: Adair Cummings
Armstrong-Cotter McAlpine

Councillors: Boyle Edmund
Blaney Harbinson
Brady Irwin
Cathcart (Zoom) Wray

Officers in Attendance: Director of Environmental Services (G Bannister), Head of Estates (P Caldwell), Head of Parks and Cemeteries (S Daye), Head of Waste and Cleansing (K Patterson), and Democratic Services Officer (H Loebnau).

1. APOLOGIES

The Chair sought apologies at this stage and those were noted from Councillor Douglas and Councillor Ashe.

NOTED.

2. DECLARATIONS OF INTEREST

The Chairman sought Declarations of Interest and none were notified.

NOTED.

3. TECHNICAL BUDGET – ESTIMATES PROCESS FOR 2026/27
(Appendix I)

PREVIOUSLY CIRCULATED:- Report from the Director of Environmental Services detailing that the Council’s agreed Maintenance Strategy incorporated a “needs based” budgeting model, rather than a more traditional “fixed amount” approach for its refurbishment programme.

Properties were condition scored (as a percentage) and a threshold for action was to be agreed by the Council, subject to budget considerations.

By making the budgetary decision at this stage, ahead of the rates setting process, Members were able to see the detail behind each option in order to inform the decision and give officers guidance on the amount to include in the next draft of the budget estimates for 2026/27. Members would of course have the ability to change any decision taken in relation to the report, as part of the overall final rates setting process.

Area of Focus for 2026/27

In 2026/27 works would focus on tourism buildings, public toilets and waste recycling centres.

Year 1	Year 2	Year 3
Cemeteries & assoc. buildings	Tourism Buildings	Administrative Buildings
Community Centres	Public Toilets	Leisure Centres
Car Parks	Waste Recycling Centres & Transfer Stations	Sports Pavilions

Notable Trends of Improving Condition Scores and Lower Costs

Historically the Council’s threshold for action had been between 75% and 80%, with costed options for revising this threshold up or down. In 2023/24 there were several large-scale operational projects required, and the threshold had to be lowered to 70% to meet budget demands. Conversely in 2024/25 there was a lower than usual requirement for operational works, enabling the budget to stretch to allow a higher-than-normal condition acceptability threshold.

Notably, last year the Council was able to raise the acceptability threshold to 94% yet only required a budget of £68k for condition-based works. That then enabled the implementation of more operational requests, aimed at improving the estate in ways not picked up by the condition surveys.

Generally, there had been a trend of improving condition scores within the estate. Subsequently, the agreed threshold for action had had an upward trend whilst at the same time the revenue budget required for refurbishment projects had been reduced, as demonstrated by the table below.

	2018/19	2019/20	2020/21	2021/22	2022/23	23/24	24/25	25/26
Condition Related Works	£291k	£169k	£98,5k	£48k	£166k	£50k	£133k	£68k
Operational Works	£20k	£84k	£154k	£143,5k	£20k	£131k	£77k	£152k
Revenue Budget	£311k	£253k	£252k	£191,5k	£186k	£181k	£210k	£220k
Acceptability threshold	70%	75%	75%	80%	85%	70%	92%	94%

That clearly demonstrated that the Council’s planned proactive refurbishment programme was actively improving the condition of its estate on a reducing budget

requirement, and in time would reduce the reactive maintenance burden as envisaged within the maintenance strategy.

Limitations of the Condition Survey Process and Scoring

It should be noted that the surveys/scoring focused solely on condition i.e., how functional the various aspects of the building were. They did not capture or reflect whether a building looked “dated”, or its suitability with regard to its intended (potentially changed) purpose. Those aspects were covered during the stakeholder conversations (see next section) and the works could be implemented via the “Operational Requests”.

Cross-Departmental Working

Cognisance of wider strategies and plans for those assets was essential to meet the expectations of the Council’s internal customers and reduce the likelihood of spending significant sums of money on assets that may be disposed of or replaced in the foreseeable future. Therefore, discussions with relevant officers had taken place and the proposed works reflected any known plans for the assets concerned.

In particular, given future plans for Queens Hall, Newtownards, the refurbishment works had been limited to maintenance items only, rather than the more expensive facility improvements that would normally be included in the Council’s refurbishments.

In addition to the condition-based works, there were a number of project works that had either been requested by the Council, the facility manager or were otherwise required to maintain the safe and effective operation of the buildings. Those “operational” works therefore needed to be completed irrespective of the overall condition of the building and were quantified within the table in section 7.0.

Works to be Implemented From other Budgets

Whilst the Council was focussing its surveys on this sector of the Estate, it used the opportunity to highlight works for other budget streams, outside of its normal refurbishments budget. In recent years the Council had built up dedicated budgets for “Energy Efficiency Works” and “End of Life M&E Replacements”. Some other, larger works were too large to be completed within the revenue budgets so needed to be capitalised. All of those works were highlighted separately on the table in Appendix 1 for completeness but were all subject to separate budgetary approval.

Refurbishment vs Replacement – Greyabbey Toilets

As per the Maintenance strategy, when a building approached the end of its life it was sometimes more efficient to simply demolish it and rebuild. The current public toilet in Greyabbey was in a poor state of repair, scoring the lowest out of all buildings in that sector of the estate.

Officers had received a number of representations to suggest that the current toilets were located in the wrong place, close to the Abbey, that had toilets of its own, and that they would be better located at the Village Hall. Officers had therefore included a sum to construct a new, small, all-ability unisex toilet facility (the same as was constructed at Kiltonga duck pond) at that location, subject to Planning consent.

Condition Scores and Costs

The condition scores and corresponding costs were shown on Appendix 1.

Options Available

Option 1

If Members opted to adopt a condition threshold for action of 83%, condition-based works would take place at Greyabbey and Donaghadee public toilets. By consequence, £184.7k would be included in the 2026/27 estimates for refurbishments, resulting in a 16% reduction (£34k) from the 2025/26 revenue allocation.

Option 2

Alternatively, Members had the option to implement a condition threshold for action of 88%, meaning that, **in addition** to the works highlighted in Option 1, refurbishments would also take place at Ballyholme and Banks Lane toilets. By consequence, £246.8k would be included in the 2026/27 estimates for refurbishments, resulting in a 12% increase (£26k) over the 2025/26 revenue allocation.

Option 3

Alternatively, Members had the option to implement a threshold of 90%, meaning that, **in addition** to those works highlighted in Option 2, refurbishments would also take place at Mill Street and The Commons. By consequence, £348k would be included in the 2026/27 estimates for refurbishments, resulting in a 58% increase (£128k) over the 2025/26 revenue allocation.

RECOMMENDED that the Council approves Option 2 above as its preferred option, subject to finalisation as part of the forthcoming 2025-26 budget estimates process.

An alternative recommendation was proposed by Councillor Wray which was seconded by Councillor Boyle.

Proceed with Option 2 subject to finalisation as part of the 2025-2026 budget estimates process. In respect of Greyabbey, the existing toilets will remain open until land is sold and the new toilet is in place. Further to this, new signage will be installed directing residents and visitors to the new toilets located at the Village Hall.

Councillor Wray noted that the current toilet facility was not fit for purpose and would not be economically viable to repair and he thought that it was appropriate that the new toilet facility be located at the Village Hall, while accepting that that location was not at the heart of the village of Greyabbey. The majority of the users of the existing facility were visitors rather than local residents.

The Council's broader development plans would need to be considered, particularly the proposal for a Multi-Use Games Area (MUGA). He acknowledged that the MUGA had the potential to become a central hub for the village so the provision of toilet facilities in that place was seen as a logical and strategic choice. Appropriate signage could be installed to direct visitors from the village shops to the new facility, which would be approximately a three-minute walk.

Councillor Wray expressed concerns about the risk of being left with a derelict building, which would be an eyesore, and hoped that the timing of the development could be aligned with the eventual sale of the land.

Councillor Boyle was happy to second the proposal agreeing that the Council needed to be forward thinking in how it planned for the future in light of the further possibilities that may come. The local residents were requesting the toilet facility be placed at the Village Hall and he saw no reason not to listen to them.

Alderman Adair thanked Councillor Wray for the amendment and he thought that relocation, close to the Greyabbey Parklands project, made perfect sense while acknowledging that the current toilets were unfit for purpose and not easily accessible. He had no issue with the proposal for signage and hoped to avoid a situation where there were old and new toilet facilities being used simultaneously.

The Head of Estates understood that the Council would not want to be in a position of having to maintain two blocks of toilets and indicated that he would bring back a report with updates on how the proposed sale was taking place.

Councillor Edmund was happy with what had been said and the move in his mind was sensible along with the benefit of keeping the old for now. Alderman McAlpine agreed and felt passionately that the current toilets had been neglected for far too long. She also thought that the condition survey scoring was a brilliant piece of work indicating the opportunities being presented.

Councillor Brady also supported and referred to the toilet block at Banks Lane, asking about improvements necessary in that place. The Head of Estates assured the Member that improvement works had been planned, they would be done once and done properly. Councillor Cathcart agreed with Councillor Brady and hoped vandal proofing there would reduce the need for further maintenance. The officer agreed stating that this was the third cycle of refurbishment at Banks Lane and the lessons necessary had been learned such as choosing robust and vandal resistant materials.

Councillor Wray thanked Members of the Committee for expressing their support and suggested one extra sentence to be added to his amendment to provide clarity in relation to an update on the sale of the existing toilets.

AGREED TO RECOMMEND, on the proposal of Councillor Wray, seconded by Councillor Boyle, that the Council proceed with Option 2 subject to finalisation as part of the 2025-2026 budget estimates process. In respect of Greyabbey, the existing toilets will remain open until land is sold and the new toilet is in place. If a quick sale is not complete, officers will provide an update report in Autumn 2026. Further to this, new signage will be installed directing residents and visitors to the new toilets located at the Village Hall.

4. **STRANGFORD AND LECALÉ LANDSCAPE PARTNERSHIP (UPDATE) LANDSCAPE CONNECTIONS HLF APPLICATION** (Appendix II & III)

****ITEM DELEGATED FOR APPROVAL****

PREVIOUSLY CIRCULATED:- Report from the Director of Environmental Services detailing that further to the report which was presented to the Environment Committee in October 2025 in relation to the proposed Strangford and Lecale Landscape Connections application being submitted to the Heritage Lottery Fund, a recommendation was proposed as followed:

‘That the decision is deferred until next month's Environmental Committee to enable a report to come forward outlining the previous benefits to Council that has arisen from membership of the Strangford Lough and Lecale Partnership over the past 3 years; and to further outline the potential future benefits and opportunities to this Council area as part of the Landscapes Connections funding opportunity’.

Furthermore, the Committee had been delegated authority to make a decision on that matter on behalf of the Council as a response was required by 12 November 2025.

Designations and Management

The Strangford Lough and separately the Lecale Areas of Outstanding Natural Beauty (AONB) were initially designated under the Amenity Lands (NI) Act 1965 in the late 1960s and the boundaries were modified under the Nature Conservation and Amenity Lands (NI) Order 1985 in 2010, forming the now existing Strangford and Lecale AONB. Under the Nature Conservation and Amenity Lands (NI) Order 1985, it was incumbent on public bodies to manage those AONBs as followed:

Duty of Public Bodies

(1) In exercising functions relating to land under any statutory provision, public bodies shall have regard to the need to conserve the natural beauty and amenity of the countryside and the need to protect (so far as reasonably practicable) flora, fauna and geological and physiographical features of the countryside from any harmful effects which might result from the exercise of such functions.

(2) In paragraph (1) the expression “public bodies” includes government departments, district councils and statutory undertakers, and any trustees, commissioners, board or other persons who, as a public body and not for their own profit, act under any statutory provision for the improvement of any place or the production or supply of any commodity or service.

For the Strangford and Lecale AONB that was done so through the partnership agreement of the Strangford Lough and Lecale Partnership (SLLP). The mechanism for the establishment of management agreements of AONBs was also included in the Nature Conservation and Amenity Lands (NI) Order 1985, as was the requirement for the Department (currently the Department of Agriculture, Environment and Rural Affairs, DAERA) to make incidental and consequential provisions to the managers of the AONBs in the form of payments, which was currently done through the Strategic Environment Fund, which ran on a five year

cycle. The Strategic Environment Fund provided core funding for the management of the AONB, and that was mainly administered by the AONB staff who were currently employed by Newry and Mourne District Council (NMDDC), with partial match funding from Ards and North Down Borough Council (ANDBC) of £24,500 per year. The SLLP AONB staff worked across the entire AONB including the section in the Ards and North Down Borough Council area.

Governance of the AONB

The SLLP was a partnership of ANDBC and NMADDC with DAERA plus the SLLP Advisory Committee, and it was managed by the AONB and Geopark team within NMDDC, which assumed management of all three AONBs (Strangford, Lecale and Gullion). AONB support staff for the Strangford and Lecale AONB were based in Downshire Civic Centre with the AONB and Geopark Manager operating across all the AONBs.

An internal ANDBC officer group was in operation with participation from all relevant sections including biodiversity, heritage, community planning, tourism and outdoor recreation, officers from NMDDC from the relevant teams also participated in the group. This Officers Working Group provided a representative platform to engage on AONB matters and ensure consistency, collaborative working and avoidance of duplication and best practice learning and so on.

There was also the SLLP Stakeholder Committee, that included two ANDBC Elected Members, two Elected Members from NMDDC, as well as key Council officers from both Councils and continued to operate as an engagement/stakeholder group providing input on matters concerning the management of the AONB. Other partners on the Committee included, The Royal Yacht Association, Ulster Wildlife, National Trust, Landscapes NI, DAERA, Northern Ireland Environment Agency, Sport NI, County Down Rural Community Network, Portico of Ards, Northern Ireland Environment Link etc.

There was also a sub-Committee which focused on the Strangford Lough Marine Protected Area (MPA).

SLLP Outputs

Attached was Strangford and Lecale AONB Value for Money and Landscape Connections Briefing that had been completed by the AONB and Geopark Manager in NMDDC. That outlined the current spend profile between the AONBs and the outputs delivered from 2023 to 2026. Also attached was the Outputs Delivered for ANDBC 2023 Onwards document which further detailed what SLLP had delivered in ANDBC.

Strangford and Lecale Landscape Connections

As previously reported in October 2025 Officers in the SLLP partnership were in the process of applying for funding to deliver a 10-year project called Strangford and Lecale Landscape Connections. Landscape Connections was a major funding initiative by the National Lottery Heritage Fund (NLHF). The programme aimed to bring nature, heritage, and communities together across special protected areas like the Strangford and Lecale AONB.

The full details of the application were still being developed, and the delivery would be codesigned by local communities over the 10-year period of the project. If the application was successful, there would be a 2-year Development Phase from 2026 to 2028, where officers would work with communities through workshops, co-design, pilots, and testing ideas to create a detailed plan. From 2028 to 2034, the Delivery Phase would bring the plan to life over eight years, with ongoing opportunities for local people to be involved at every stage.

The total anticipated partnership project cost of **£12.425 million**, with projected funding as follows:

- NLHF grant: **£9.841m** (Development - £1.105m; Delivery - £8.3791m)
- DAERA grant: **£1.913m** (Development - £275k; Delivery - £1.638m)
- Partnership match funding - Development: £125k

It was anticipated that the match funding from Ards and North Down Borough Council would be:

- **£40k** in year 1 and 2 as part of the Development Phase
- **£10k** per year in the delivery phase until the end of the project

The full project was anticipated to be completed by February 2035, subject to funding being secured.

The project sought to reconnect people, nature and heritage across the landscape using water as the foundation for connection. There was a need to address current patterns of use that were not sustainable, encourage responsible participation among users and promote greater understanding of the fragile landscape and rich heritage.

The main themes of the project:

- **Connections to nature** – within the river catchments we can contribute to nature recovery through peatland/heathland restoration, hedgerow and tree planting and river and wetlands restoration to slow the flow, improve water quality and increase biodiversity.
- **Connections to communities** – reconnect people to their local community first, including those who sit outside but near the AONBs, then forge connections across the wider landscape and communities to improve inclusivity and encourage people to respect and stand up for the heritage of the landscape.
- **Connections to landowners** – engagement with landowners and farmers to explore areas of common interest and appetite for change, provide opportunities for upskilling and subsequent delivery of nature conservation works.
- **Connections across the organisations** – collaborative network between those caring for the landscape of the two AONBs to deliver efficiently and learn from each other.

The project aimed to achieve the following outcomes by 2035:

Inclusion, access and participation (End unequal access)

- Reconnect people with the landscape

Protecting and restoring the natural environment (Restore nature)

- Transform our habitats into recovery
- Prioritising the protection of drinking water supplies within the drinking water catchment

Saving heritage (Inspire people to care and take action)

- Improve our connection to the heritage of the landscape

Organisational sustainability (Renew our ways of working)

- Develop a recommended sustainable management and governance structure

The project partners included SLLP, Ulster Wildlife, Newry Mourne and Down District Council and Ards and North Down Borough Council.

Officers for the project would be employed by Newry and Mourne District Council and Ulster Wildlife and would work across the entirety of the project area including that in Ards and North Down Borough Council area. Any capital works would be procured and managed by Newry Mourne and Down District Council including those in the Ards and North Down Borough Council area.

The scale and ambition of the project, the opportunity it presented to support delivery of the Council's strategic priorities and the historic and continued lack of investment in landscape management in Northern Ireland, made this a significant and high-profile submission to NLHF.

The project would demonstrate success that would leverage further opportunities for the Borough and provide a catalyst for the development and delivery of other projects through the partnership. The interim outputs could be used to identify gaps and areas where other projects were required enabling those to be scoped and suitable funding sources identified to support future delivery.

RECOMMENDED that the Council supports the application for this funding opportunity and the necessary match funding as outlined if the funding application is successful.

Alderman Adair proposed an alternative recommendation which was seconded by Alderman Cummings.

To agree the recommendation but to invite officers of Strangford Lough and Lecale Partnership for a deputation to a further meeting of the Environment Committee.

Alderman Adair explained that his amendment stemmed from uncertainty about the tangible benefits the Council was receiving from the Partnership. He acknowledged support for the Partnership generally and recognised that the Council received more than it contributed and expressed concern that Newry, Mourne and Down District Council appeared to benefit disproportionately when compared to Ards and North

Down. He referred to recent activity, such as the planting of marram grass in Portavogie, as a rare example of local engagement after years of limited support. He emphasised the importance of fulfilling the Council's statutory duty, particularly in areas like the Strangford Lough nature reserve, which he felt had not received adequate attention and he hoped that could be improved.

Alderman Adair proposed that the Partnership be invited to appear before the Environment Committee to address those disparities and to ensure a more equitable relationship moving forward. He stressed the need for regular updates and reiterated the importance of securing maximum return for the ratepayers of Ards and North Down.

Alderman Cummings was happy to second that amendment and thanked his colleague. He had found the officer's report informative but lacking in specific detail and noted that communication from the partnership typically occurred only when funding was being sought. He suggested that better communication would be beneficial.

Councillor Wray expressed his support for the proposal, describing it as a positive opportunity but stated that overall he was satisfied with the information provided and believed that a Deputation would be constructive. He noted the Partnership's strong value for money, noting a return of £4.85 for every £1 invested. While he acknowledged concerns, he stated that he did not personally feel the Council was being treated unequally.

Councillor Boyle opposed the original deferral, stating that when it had originally come before Committee some members spoke up which showed the project provided confidence in the value being delivered. He expressed his trust in the officers' ability to secure a favourable outcome with the Partnership and was pleased with the returns to date. He emphasised that the Council was not proceeding blindly but welcomed further engagement.

Alderman Armstrong-Cotter thanked the officers for their report and stated that, with the additional information provided, it was clear that further engagement was necessary. She supported Alderman Adair's request for a Deputation, not as a criticism of the Partnership but as a means of ensuring accountability and transparency. She highlighted the need for scrutiny, particularly given the £100,000 investment, and asserted that asking questions was a responsible and necessary part of the process. There was no implication of a lack of confidence in officers in anything that was being said.

Councillor Edmund did not feel adequately informed by the Partnership and called for more frequent and detailed reporting. While he acknowledged the financial return it provided, he stressed the need for greater transparency and communication.

Alderman Adair summed up by thanking Members for their contributions. He reiterated that the role of councillors was to scrutinise and ensure the best outcomes for ratepayers. He emphasised that the Council must pursue an equal partnership and that settling for second best was not acceptable.

AGREED TO RECOMMEND, on the proposal of Alderman Adair, seconded by Alderman Cummings, that the recommendation be adopted and that the Council invite officers of Strangford Lough and Lecale Partnership for a deputation to a future meeting of the Environment Committee.

5. LET'S GROW TOGETHER STRATEGY BENCHMARK REVIEW
(Appendix IV)

PREVIOUSLY CIRCULATED:- Report from the Director of Environmental Services detailing that the purpose of this report was to update Members on the recent benchmark review of the Let's Grow Together Strategy.

The Parks and Cemeteries Service had completed a benchmark review of the Let's Grow Strategy, supported by a placement student from Queen's University Belfast and Community Garden Support (previously Social Farms and Gardens NI).

The review provided the first comprehensive baseline of current community growing activity across the Borough. Baseline analysis indicated 31,601m² of community food growing space across allotments, gardens, and orchards.

Applying the benchmark of 1,250m² per 1,000 households, as set out in the Corporate Plan 2024 – 2028, suggested a recommended provision of 84,000m², revealing a shortfall of over 52,000m². Current provision therefore met approximately 38% of the benchmark.

The review identified land suitable for future projects and culminated in a successful skills-sharing event that brought together local groups to exchange knowledge and experience.

RECOMMENDED that the Council notes the benchmark review of the Let's Grow Together Strategy to date and continue to support future initiatives to enhance provision of community growing space in line with the Strategy Action Plan.

Proposed by Alderman McAlpine, seconded by Councillor Wray, that the recommendation be adopted.

Alderman McAlpine appreciated the initiative and thought it should be supported and Councillor Wray was in agreement that food growth was clearly a priority expressing that there was community demand and untapped potential in terms of some land that the Council owned.

Councillor Irwin thanked officers for the in depth report and pointed out the value that could come from the orchards in terms of community spirit and networking and that was greatly needed.

Councillor Cathcart also welcomed the report and thought there was much potential in underutilised spaces such as the alleyways of Bangor city centre which could be brightened up and through that contribute towards community cohesion.

Councillor Blaney noted that some of the wording in the documents referred to the gap between the land currently available and the benchmark that should have been met. The report also addressed the disparity in availability. Councillor Blaney asked how the Council could ensure that it not only reached the benchmark but also provided land in locations close to where people lived and in areas where it had been specifically requested.

The Head of Parks and Cemeteries emphasised the importance of ensuring that residents could walk to local parks and cemeteries. It was noted that this accessibility benchmark represented a minimum standard, and current provision levels remained significantly below the desired target. The Committee was to receive annual updates on progress.

He added that the purpose of the initiative was to adapt strategies to create more opportunities for access, with the aim of securing community buy-in and engagement. The importance of achieving an equitable geographical spread was highlighted, especially in areas with higher demand. It was also advised not to rely solely on square metre targets, as acquiring suitable land in some locations could prove more challenging.

AGREED TO RECOMMEND, on the proposal of Alderman McAlpine, seconded by Councillor Wray, that the recommendation be adopted.

6. ENVIRONMENTAL SERVICES DIRECTORATE BUDGETARY CONTROL REPORT – SEPTEMBER 2025

PREVIOUSLY CIRCULATED:- Report from the Director of Environmental Services detailing that the Environmental Services Budgetary Control Report covered the 6-month period 1 April 2025 to 30 September 2025 and it reflected the recent organisational changes. The net cost of the Directorate was showing an overspend of £115.6k – box A.

Explanation of Variance

The Environmental Services budget performance was further analysed on page 3 into 3 key areas:

Report	Type	Variance	Page
Report 2	Payroll Expenditure	£238.3k favourable	3
Report 3	Goods & Services Expenditure	£451.2k adverse	3
Report 4	Income	£97.3k favourable	3

The Directorate’s overall variance could be summarised by the following table (variances over £25k): -

Type	Variance £'000	Comment
Payroll	(238)	- Waste and Cleansing (£99k) – vacancies within Waste Collection - Estates (£122k) – vacancies within Property Operations and Fleet Management. - Parks and Cemeteries (£17k) – small underspends
Goods & Services		
Waste and Cleansing	(93)	Mainly due to waste disposal haulage costs being less than anticipated (£107k).
Estates	533	- Technical and Maintenance - £449k. Storm damage repairs at Bangor Aurora £602k (total expected costs are £830k but this is subject to an insurance claim). Other Maintenance – (£67k) Utilities – (£49k) - Harbours - £16k – Groomsport and Donaghadee (diesel and equipment) - Transport running costs - £59k – vehicle maintenance costs.
Income		
Parks and Cemeteries	(106)	- Cemeteries income (£51k) - Outdoor Leisure (£40k) - Franchise income (£6k)

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REPORT 1 BUDGETARY CONTROL REPORT					
Period 6 - September 2025					
	Year to Date Actual	Year to Date Budget	Variance	Annual Budget	Variance
	£	£	£	£	%
Environmental Services					
4100 Environmental Services HQ	106,588	105,800	788	214,700	0.7
4200 Waste and Cleansing Services	8,945,219	9,137,200	(191,981)	15,164,200	(2.1)
4300 Estates	5,004,349	4,584,200	420,149	9,595,400	9.2
4400 Parks & Cemeteries	2,833,382	2,946,700	(113,318)	5,925,700	(3.8)
Total	16,889,539	16,773,900	A 115,639	30,900,000	0.7
REPORT 2 PAYROLL REPORT					
	£	£	£	£	%
Environmental Services - Payroll					
4100 Environmental Services HQ	90,119	90,000	119	180,500	0.1
4200 Waste and Cleansing Services	5,156,301	5,255,200	(98,899)	10,451,900	(1.9)
4300 Estates	1,195,894	1,318,000	(122,106)	2,658,100	(9.3)
4400 Parks & Cemeteries	2,580,075	2,597,500	(17,425)	5,048,100	(0.7)
Total	9,022,389	9,260,700	B (238,311)	18,338,600	(2.6)
REPORT 3 GOODS & SERVICES REPORT					
	£	£	£	£	%
Environmental Services - Goods & Services					
4100 Environmental Services HQ	16,469	15,800	669	34,200	4.2
4200 Waste and Cleansing Services	4,662,093	4,755,300	(93,207)	8,936,200	(2.0)
4300 Estates	4,421,618	3,888,600	533,018	8,170,100	13.7
4400 Parks & Cemeteries	760,732	750,000	10,732	1,645,800	1.4
Total	9,860,912	9,409,700	C 451,212	18,786,300	4.8
REPORT 4 INCOME REPORT					
	£	£	£	£	%
Environmental Services - Income					
4100 Environmental Services HQ	-	-	-	-	-
4200 Waste and Cleansing Services	(873,175)	(873,300)	125	(4,223,900)	0.0
4300 Estates	(613,162)	(622,400)	9,238	(1,232,800)	1.5
4400 Parks & Cemeteries	(507,425)	(400,800)	(106,625)	(768,200)	(26.6)
Totals	(1,993,762)	(1,896,500)	D (97,262)	(6,224,900)	(5.1)

RECOMMENDED that the Council notes this report.

Proposed by Councillor Boyle, seconded by Alderman Adair, that the recommendation be adopted.

Councillor Boyle inquired about the technical and maintenance overspend and requested an explanation for that. The Director reported that storm damage repairs had been carried out to date, and by the time the work was completed, the figure

was expected to be higher. In relation to the technical and maintenance line in the report, the Head of Estates explained that he had met with the Finance team and identified coding errors, noting that some costs had been incorrectly coded to revenue instead of capital. It was expected that the figures would be accurate in the next report. In relation to the Aurora roof damage, Councillor Boyle explained that he raised the matter frequently and he, along with Councillor Blaney, asked about the insurance claims the Council was pursuing. The Director explained that those detailed matters were subject to legal privilege and could be raised later in the meeting in confidence.

AGREED TO RECOMMEND on the proposal of Alderman Adair, seconded by Councillor Boyle, that the recommendation be adopted.

7. NI AMENITY COUNCIL 'BEST KEPT' AWARDS 2025

PREVIOUSLY CIRCULATED:- Report from the Director of Environmental Services detailing that Council Members would be aware that the Northern Ireland Amenity Council's 'Best Kept' Awards promoted cleaner greener communities, and to reward efforts across local towns and villages that were made to protect and enhance outdoor environments. A number of the service teams across the Council, including waste and cleansing, property maintenance, neighbourhood environment, parks and community development, worked in partnership with local communities on an ongoing basis in a bid to impress the NI Amenity Council judges.



This year, at the Best Kept Awards ceremony held at the Burnavon Arts Centre, Cookstown, Holywood was runner up for Best Kept Medium Town, Bangor was runner up for Best Kept City and Newtownards was a finalist for Best Kept Large Town.

Donaghadee was the winner for Best Kept Small Town, its second time achieving the award, with judges noting the strong sense of business and community involvement. Groomsport was the winner for Best Kept Large Village, the first time it had won the category. Judges praised the village's impressive floral displays and overall presentation.

That was a heartening achievement and hopefully augured well for future success in the maintenance and improvement of our local towns and villages, as Council's new service delivery arrangements were bedded in and it developed more effective working arrangements with various sectors of the local community to achieve positive environmental outcomes.

RECOMMENDED that the Council notes the report.

Proposed by Councillor Irwin, seconded by Councillor Boyle, that the recommendation be adopted.

Councillor Irwin thanked all involved and expressed her delight at reading about Groomsport and Donaghadee receiving further awards. She stated she was proud to represent the area and its residents, who had contributed significantly to those achievements.

Councillor Boyle, although not directly representing the area, welcomed the positive report. He enquired about the maintenance of the floral displays in Groomsport and the Head of Parks and Cemeteries responded that several groups were involved, some supported by the Council and others made up of volunteers.

Councillor Cathcart extended his thanks to the volunteers for their considerable efforts in Groomsport and Donaghadee, noting that some had been out watering plants as early as 6am during the summer. He remarked that the awards were well deserved and highlighted the success in Britain in Bloom too. He noted that Bangor had been runner-up in the Best City category and Holywood had also received recognition and he hoped the Council would mark those achievements with appropriate signage to reflect civic pride. The Head of Parks and Cemeteries confirmed that signage was typically placed in local areas following awards and that would be arranged.

Councillor Blaney expressed enthusiasm about Bangor's runner-up status, noting that as a newly designated city, this was an excellent achievement and was promising for the future.

Alderman Armstrong-Cotter shared her pride in being associated with the hardworking team, acknowledging Ards as a finalist in the Large Town category. She also praised Bangor's achievement and stated that once building works were completed there, the city would be well deserving of recognition.

Alderman Adair acknowledged the significance of the Northern Ireland Amenity Awards, noting their competitive nature and congratulated all those involved. He emphasised the value of such awards in showcasing Northern Ireland.

In conclusion, the Chair gave a special mention to Holywood for its achievement.

AGREED TO RECOMMEND, on the proposal of Councillor Irwin, seconded by Councillor Boyle, that the recommendation be adopted.

8. OFF-STREET PARKING ACTIVITY REPORT – JANUARY – SEPTEMBER 2025

PREVIOUSLY CIRCULATED:- Report from the Director of Environmental Services detailing that Members would be aware that the Council had a vast car park estate, currently operating 22 pay and display car parks in Bangor, Holywood and Newtownards, and managing a further 27 car parks with the Ards and North Down Off-Street Parking (Public Car Park) Order 2024.

The report aimed to update Members on income and PCNs generated at each of the car parks in the period January 2025 to September 2025. Expenditure for the current financial year had also been added to this report.

Table 1: Income from Ticket Sales

	1 January 2025 - 31 March 2025	Previous year 1 January 2024 - 31 March 2024
Income from ticket sales	£202,554.49	£249,207.55

	1 April 2025 - 30 September 2025	Previous year 1 April 2024 – 30 September 2024
Income from ticket sales	£372,848.17	£366,228.81

Table 2: PCN's Issued

	1 January 2025 - 31 March 2025	Previous year 1 January 2024 - 31 March 2024
Total	970	1018
	1515*	

	1 April 2025 - 30 September 2025	Previous year 1 April 2024 – 30 September 2024
Total	1754	1653
	2258**	

*Enforcement to control misuse in three additional car parks (Aurora Aquatic and Leisure Complex, Ards Blair Mayne Wellbeing and Leisure Complex and Londonderry

Park Car Parks) included in Ards and North Down Off-Street Parking (Public Car Parks) Order 2024 occurred during this period and was included in that figure.

** Enforcement to control misuse in a further car park (Eisenhower Pier Car Park) included in Ards and North Down Off-Street Parking (Public Car Parks) Order 2024 occurred during that period and was included in that figure in August – September.

Officers continued to monitor compliance with Ards and North Down Off-Street Parking (Public Car Parks) Order 2024 and work with the Council’s enforcement partner to ensure compliance across our car park estate. It was anticipated that enforcement would commence at Spafield, Hollywood within the financial year.

Table 3: Expenditure

	1 April 2025 - 30 September 2025
Enforcement	£78,535.10
Maintenance	£80,791.43
Grounds Maintenance	£3190.50
Signage	£3493.99
Total	£166,011.02

RECOMMENDED that the Council notes this report.

Proposed by Alderman Cummings, seconded by Councillor Harbinson, that the recommendation be adopted.

Alderman Adair thanked officers for the report but wished to use the opportunity to raise a concern that the contractor Marsden Holdings was taking a long time to deal with parking disputes and that was causing anxiety for some residents. He referred to a constituent whose appeal had taken three months to address and which resulted in a fine being quashed on appeal but after it had been paid, and he thought that position was unacceptable and was failing people especially the most vulnerable.

RESOLVED, on the proposal of Alderman Cummings, seconded by Councillor Harbinson, that the recommendation be adopted.

9. NORTH DOWN COASTAL PATH WORKING GROUP MINUTES FOR 30 JUNE 2025
(Appendix V)

PREVIOUSLY CIRCULATED:- Report from the Director of Environmental Services detailing that a meeting of the North Down Coastal Path Working Group was held on 30 June 2025.

RECOMMENDED that the Council notes the attached minutes.

AGREED TO RECOMMEND, on the proposal of Councillor Brady, seconded by Councillor Irwin, that the recommendation be adopted.

10. PLAY AND RECREATION ANNUAL UPDATE 2025

(Appendix VI)

PREVIOUSLY CIRCULATED:- Report from the Director of Environmental Services detailing that the purpose of the report was to update Members on the annual progress of Play and Recreation within Parks and Cemeteries.

The Play Strategy was launched in March 2021. The purpose of the Play Strategy was to recognise the importance of play; the many benefits it afforded and the increasingly important role it could play in mitigating negative effects of mental health.

The strategy was required to ensure the Council's limited budget was focused on positive play programmes and managing fixed play sites. A full review of the Play Strategy would be completed in early 2026.

RECOMMENDED that the Council notes the progress of the Play Strategy to date and continue to support future initiatives.

Proposed by Councillor Wray, seconded by Councillor Boyle, that the recommendation be adopted.

Councillor Wray deferred his speaking rights and defaulted to Councillor Boyle who welcomed the report, noting that it contained a lot of positive content. He acknowledged that playgrounds were a very important matter for constituents and he appreciated the independent report and assessment.

Alderman Adair expressed dissatisfaction with the recommendation and did not want to settle for second best so he proposed an amendment which was seconded by Councillor Edmund.

That the Committee adopt the recommendation and further tasks officers with sourcing external funding to upgrade play provision and deliver greater returns aligned with the Council's Play Strategy.

Alderman Adair reiterated his stance against second-best solutions and commended officers for producing a strong report. He noted that the workshop had highlighted the Council's insufficient spending and stressed the need to pursue external funding.

He praised the Head of Parks and Cemeteries for his efforts in disability provision and suggested further enhancements were needed emphasising the importance of not missing funding opportunities and placed responsibility on officers to deliver a progress report to the Committee.

He thanked officers for site visits and highlighted the poor condition of playparks in Ballyhalbert and Ballygalget, with Members identifying similar needs in other areas.

He advocated for external funding over ratepayer money, especially in rural locations, and encouraged building on existing good work to maximise opportunities and expand playpark provision across the Borough.

As seconder to the amendment Councillor Edmund expressed his support, stating that if funding opportunities existed, they should be pursued and he agreed it made sense to enhance provision where possible.

Councillor Boyle also thanked Members for the amendment and expressed satisfaction with it, though he noted that similar discussions had occurred previously and assumed the matter was ongoing. He acknowledged Alderman Adair's comments regarding the progress report and remarked that proposals for playparks originated in the Council Chamber and were not driven by MLAs.

Councillor Cathcart welcomed infrastructure upgrades and requested updates on Ward Park delivery and stated that all Councillors should welcome opportunities to enhance local amenities. He went on to state that the funding had already benefitted Ward Park and The Commons outdoor gym. He supported applying for funds when available and acknowledged that the Council funding might be the only option in future.

The Member also referred to events taking place in the Walled Garden, including those at Halloween and Christmas, and welcomed additional funding to improve the space. He emphasised the value of free events in the current economic climate and noted restrictions on the number of business cases the Council could submit.

The Head of Parks and Cemeteries confirmed that Ward Park playground had benefitted from the Levelling Up Fund, and that all funding for The Commons had been external. He stated that applications would continue where possible and that Council funding might be the only option if external sources were unavailable.

Alderman Armstrong-Cotter noted that she had not initially realised the report was the annual report and appreciated gaining full insight into the work carried out. She observed that developers were now including playparks in larger housing developments. She reflected on the importance of lobbying and collaboration, stating that the Chamber was not an island and that relationships with others such as MLAs could yield dividends. She finished by thanking the team involved and emphasised that recognition should be given to those who contributed to building facilities for constituents.

Regarding the substantive motion, Councillor Wray questioned whether the Council was not already constantly seeking external funding. He expressed scepticism about the amendment's added value but acknowledged the overarching goals of economic vitality and tourism and accepted it. He supported encouraging large-scale events and noted that while improvements could be made, the Council generally managed parks well.

The amendment was agreed.

AGREED TO RECOMMEND, on the proposal of Alderman Adair, seconded by Councillor Edmund, that the recommendation be adopted and that officers are tasked to source external funding for the upgrade of play provision to deliver greater return and benefits of the Council’s Play Strategy.

11. PARKS AND CEMETERIES ENGAGEMENT UPDATE 2025
(Appendix VII)

PREVIOUSLY CIRCULATED:- Report from the Director of Environmental Services detailing that the purpose of the report was to update Members on the annual progress of the Parks and Cemeteries Engagement Programme. In the last twelve months the Service had continued to grow a wide-ranging programme of activity focused on volunteering, community participation, environmental stewardship, and wellbeing. The work had included the expansion of Friends of Groups, support for community and school growing projects, delivery of inclusive public events, and the development of educational and biodiversity initiatives that strengthened community identity and civic pride.

RECOMMENDED that the Council notes the progress of Parks and Cemeteries Engagement to date and continue to support future initiatives.

Proposed by Alderman Adair, seconded by Councillor Boyle, that the recommendation be adopted.

Alderman Adair praised the Parks and Cemeteries team for their highly visible and impactful service, noting the vital role they played in the community. He highlighted the exceptional contributions of the Head of Parks and Cemeteries, whose dedication to the Love Parks initiative had been one of the positive legacies of the lockdown period. He also commended the Bereavement Services Officer, whose compassionate support during difficult times was deeply appreciated by many.

Councillor Boyle echoed those sentiments, emphasising the tremendous work being carried out under strong leadership. He noted that the department was thriving and that the Council had had a great year, with much optimism for the future.

He gave special recognition to the team's serious attention to football pitch maintenance, which had supported the growth of school and community clubs and in doing so helped young people develop into responsible citizens through sport and teamwork.

AGREED TO RECOMMEND, on the proposal of Alderman Adair, seconded by Councillor Boyle, that the recommendation be adopted.

12. SIX MONTHLY AUDIT OF MARINE SAFETY MANAGEMENT SYSTEM
(Appendix VIII)

PREVIOUSLY CIRCULATED:- Report from the Director of Environmental Services detailing that Members would recall that under the Port Marine Safety Code, the

Marine Safety Management System (MSMS) called for a six-monthly audit to be completed by the Council's independent "Designated Person".

Orcades Marine conducted independent Port Marine Safety Code Audit in September 2025 at Groomsport, Donaghadee, Ballywalter, Ballyhalbert and Cook Street, Portaferry. The Harbour Master was in attendance to assist the auditor over a two-day period and was happy to provide a tour of the facilities and allow access to relevant documentation. The attached report detailed the findings of the audit.

Summary of Findings

Good practices were observed across operations during the auditor's visit and a comprehensive Marine Safety Management System (MSMS) was in place with records up to date in compliance with the PMSC.

Due to the update of the PMSC in April 2025, the Aide Memoire had been revised and the checklist for the new Guide to Good Practice had been utilised for the audit.

The gap analysis findings could be found in section 2.3 Port Marine Facilities Code – Gap Analysis recommendations.

The Harbour Master and his team had closed out all actions from the previous audit except for two which had been actioned as per the Table "Summary of Close Out from the previous audit" in the report.

ANDBC Harbours had demonstrated a strong commitment to the PMSC and its continual improvement of its MSMS.

Remaining Actions:

- Individual names/job roles of Duty Holder (Environment Committee) should be defined in the MSMS
- Complete the transfer for incident and accident reporting to electronic system.
- It was not known whether any of the Duty Holders had any maritime related experience. That should be identified and included within the MSMS if applicable. (Not applicable)
- Procedure for dynamic risk assessment should be documented within MSMS and should be discussed during toolbox talks.
- Procedure for monitoring the tidal regime should be documented within the MSMS including if there was a requirement to promulgate such information to UKHO.

RECOMMENDED that the Council notes the findings of the six-monthly audit, and that officers will update the MSMS accordingly.

Proposed by Councillor Edmund, seconded by Councillor Boyle, that the recommendation be adopted.

Councillor Edmund thanked officers for the fully comprehensive report. He noted that the report referred to a four knots speed limit but observed that there was currently no signage in place. He suggested that it would be appropriate to install signage at

each of the relevant sites, displaying both knots and miles per hour, as jet ski users tended to refer to speed in miles per hour.

He expressed appreciation for the inclusion of entrance positions in the report and asked the Head of Estates whether those positions had been placed on the Council's website for potential visitors. He believed they had not and recommended that they be added.

Councillor Edmund noted that the Council was satisfied with the six-monthly checks recommended in the Port Marine Safety Code and agreed to continue with that schedule.

Councillor Boyle welcomed the report, describing it as good news for both the Council and the Harbour Master. He commended the presence of an independent opinion, noting that good practices had been observed and congratulated the team noting that the jet ski activity seemed to have lessened following the Covid pandemic.

AGREED TO RECOMMEND, on the proposal of Councillor Edmund, seconded by Councillor Boyle, that the recommendation be adopted.

13. NOTICES OF MOTION

13.1 Notice of Motion submitted by Councillor Hennessy and Alderman Brooks

That this Council brings back a report, with associated costs, detailing the possible road safety and lighting improvements that could be made between Donaghadee Harbour and Donaghadee Community Centre.

Proposed by Councillor Hennessy, seconded by Councillor Irwin, that the Notice of Motion be adopted.

Councillor Hennessy stated that this was a busy section of road adjacent to the car parks and was frequently used by production vehicles during a four-month period each year when Hope Street filming took place. He noted that residents had raised concerns over the years regarding the absence of a footpath and lighting along this stretch of road. He highlighted that parked cars often forced pedestrians onto the road and that the area was in complete darkness by 5 pm on Winter evenings.

Councillor Hennessy requested that officers examine potential improvements to that area, provide costings, and outline how such improvements could be delivered.

Seconding the Motion Councillor Irwin described that Members would be aware of the road's narrowness, tight bends, lack of lanes, and presence of double yellow lines. She emphasised the danger posed to pedestrians, particularly during events and in low-light conditions and asked for a report to include clarification on why the Council owned the road.

Councillor Cathcart also welcomed the Motion and echoed the request for information on how the Council came to own the road, as roads did not typically fall within the Council's remit. The Chair confirmed that this would be addressed in the report.

Alderman Adair, speaking on behalf of Councillor Cochrane, expressed support for any measures that would improve visibility and safety in the area and confirmed his Party's support for the Motion.

Alderman Boyle queried the issue of ownership and was advised by the Director that when the Harbour was transferred to the Council during the Review of Public Administration (RPA), that stretch of road was included, although no funding had accompanied the transfer.

In conclusion, Councillor Hennessy thanked Members for their contributions and the officers for taking the Motion forward.

AGREED, on the proposal of Councillor Hennessy, seconded by Councillor Irwin, that the Notice of Motion be adopted.

13.2 Notice of Motion submitted by Alderman Adair and Councillor Edmund

That Council tasks officers to bring forward a report on the possibility of permitting Wooden memorials at our cemeteries as part of regulations going forward.

Proposed by Alderman Adair, seconded by Councillor Edmund, that the recommendation be adopted.

Alderman Adair informed Members that he had been contacted by a widow whose late husband had expressed a wish to have a wooden cross erected as his headstone. Under the existing Council burial regulations, that was not currently permitted. The Alderman emphasised that grief was a deeply personal experience and that memorials should reflect individual and family wishes. He noted that neighbouring Belfast City Council permitted wooden crosses provided they were mounted on granite bases.

Alderman Adair stated that memorials were often religious expressions and should be respected accordingly. He called for a report to review and amend the policy to allow such personal tributes and hoped that Members would give their support.

Councillor Edmund supported the Motion, stating that memorials were personal and tasteful, and questioned what harm could come from allowing them. Councillor Wray expressed surprise that such a restrictive policy was in place and welcomed the opportunity to correct it, describing the proposed change as excellent and valuable.

Councillor Boyle commended the sensitive handling of the issue and supported the granite base requirement, noting that maintenance would be carried out by families and he thanked Council colleagues for bringing the Motion to the Council's attention. Councillor Cathcart acknowledged the emotional difficulty of losing a loved one and looked forward to the forthcoming report to explore possible changes.

Alderman Armstrong-Cotter thanked colleagues and noted that the change would benefit others as well. She stressed the importance of maintaining regulations while allowing individuality. She praised the Parks and Cemeteries team for their sensitive approach, citing an example where temporary items such as a Lego set were respectfully removed after a period. She appreciated the spirit and sensitivity with which the team handled such painful matters.

The Chair agreed and reflected on the importance of a sensitive approach towards both the deceased and their bereaved loved ones.

Concluding, Alderman Adair thanked the Parks and Cemeteries team and fellow Members for their support. He reiterated the significance of allowing the widow to honour her husband's wishes and expressed hope that the policy change could be expedited in time for an upcoming anniversary.

AGREED, on the proposal of Alderman Adair, seconded by Councillor Edmund, that the Notice of Motion be adopted.

14. ANY OTHER NOTIFIED BUSINESS

There were no items of Any Other Notified Business.

EXCLUSION OF PUBLIC/PRESS

AGREED, on the proposal of Alderman Armstrong-Cotter, seconded by Councillor Edmund, that the public/press be excluded during the discussion of the undernoted items of confidential business.

In respect of Item 6 – Environmental Services Directorate Budgetary Control Report – September 2025

Further discussion took place in relation to item 6 of the agenda, pertaining to legal in confidence matters concerning the queries raised earlier in the meeting around the contents of the budgetary control report.

NOTED.

RECESS 9.00 pm

RECOMMENCED 9.13 pm.

15. EXTENSION OF MARINE SERVICES CONTRACT

****IN CONFIDENCE****

****ITEM DELEGATED FOR APPROVAL****

PREVIOUSLY CIRCULATED:- Report from the Director of Environment detailing that the tender for the Marine Services was awarded in October 2022 for 12 months,

with the option to extend for a further 3 x 12-month periods. The contract was therefore due for renewal.

RECOMMENDED that the Council approves that the Marine Services contract be extended until October 2026, in line with the terms set out in the original tender.

AGREED TO RECOMMEND, on the proposal of Councillor Edmund seconded by Councillor Boyle, that the recommendation be adopted.

16. EXTENSION OF TENDER FOR THE DESIGN, SUPPLY AND INSTALLATION AND MAINTENANCE OF SOLAR PV SYSTEMS AT VARIOUS COUNCIL PROPERTIES

****IN CONFIDENCE****

****ITEM DELEGATED FOR APPROVAL****

PREVIOUSLY CIRCULATED:- Report from the Director of Environment detailing that the Council officers had previously reported on a tender exercise for the Design, Supply, Installation and Maintenance of Solar PV Systems at Various Council Properties.

RECOMMENDED that the Council approves that the contract for the Design, Supply and Installation and Maintenance of Solar PV Systems be extended for a further year.

AGREED TO RECOMMEND, on the proposal of Alderman Adair, seconded by Councillor Boyle, that the recommendation be adopted.

17. TENDER FOR THE SUPPLY AND DELIVERY OF PARKS PLANT AND MACHINERY

****IN CONFIDENCE****

****ITEM DELEGATED FOR APPROVAL****

PREVIOUSLY CIRCULATED:- Report from the Director of Environment detailing that in line with the Parks and Cemeteries Machinery Replacement and Utilisation Strategy, a tender procurement exercise was initiated for the supply and delivery of plant and machinery.

RECOMMENDED that the Council approves the contract for the supply and delivery of Parks Plant and Machinery be awarded to the highest-ranking companies as per below

AGREED TO RECOMMEND, on the proposal of Alderman Adair, seconded by Councillor Boyle, that the recommendation be adopted.

18. TENDER FOR THE INSTALLATION OF PRIMARY SPORT PITCH DRAINAGE

EC 05.11.2025PM

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****IN CONFIDENCE********ITEM DELEGATED FOR APPROVAL****

PREVIOUSLY CIRCULATED:- Report from the Director of Environment detailing that the Council had many grass sports pitches throughout the Borough in which high quality drainage schemes were required. In line with an approved business case, Council Officers identified the need for improved drainage schemes at The Meadows, Groomsport and Valentine Playing Fields, Bangor.

RECOMMENDED that the Council awards the contracts for the Installation of Primary Drainage on Soccer Pitches and Pitch Surrounds to the top scoring companies.

AGREED TO RECOMMEND, on the proposal of Alderman Adair, seconded by Councillor Boyle, that the recommendation be adopted.

RE-ADMITANCE OF PUBLIC/PRESS

AGREED, on the proposal of Alderman Cummings, seconded by Alderman Armstrong-Cotter, that the public/press be re-admitted to the meeting.

TERMINATION OF MEETING

The meeting terminated at 9.17 pm.

ARDS AND NORTH DOWN BOROUGH COUNCIL

A hybrid (in person and via Zoom) meeting of the Place and Prosperity Committee was held at the Council Chamber, Church Street, Newtownards on Thursday 6 November 2025 at 7.00 pm.

PRESENT:

In the Chair:	Councillor McCracken	
Aldermen:	Armstrong-Cotter Adair	McDowell (Zoom)
Councillors:	Brady Edmund Hennessy (Zoom)	Hollywood Morgan Smart

Officers in Attendance: Director of Place & Prosperity (B Dorrian), Head of Regeneration (A Cozzo), Head of Tourism (S Mahaffy), and Democratic Services Officer (P Foster).

1. APOLOGIES

The Chairman (Councillor McCracken) sought apologies at this stage.

Apologies for inability to attend were received from the Mayor (Councillor McCollum), Councillors Blaney and Gilmour. An apology had also been received from the Acting Head of Economic Development (A Stobie) whose father had recently passed away and the Chairman at this stage sent his sympathies and those of the Committee to her at this time.

NOTED.

2. DECLARATIONS OF INTEREST

The Chairman sought Declarations of Interest at this stage and none were declared.

NOTED.

3. FURTHER UPDATE REPORT ON CHRISTMAS EVENTS AS REQUESTED BY COUNCIL (FILE TO/EV138)

PREVIOUSLY CIRCULATED:- Report from Director of Place & Prosperity detailing that further to a decision agreed at the Council on 29 October 2025, officers were asked to provide a report to the next Place and Prosperity committee on the viability of providing the traditional Christmas lights ‘switch on’ events in both Newtownards

and Bangor. The report should include indicative costings and a plan for how Councillors would be consulted in future preparations.

At the October Council, members received a report on the outline programming for both the Bangor and Newtownards Christmas events. Within that report the more regular weather challenges that the Events team faced in the management and delivery of events was outlined, along with existing attempts to mitigate the risk of full event cancellation and potential associated costs. For Elected Members' information, over the last four years the weather impact on Christmas events had been:

- Bangor Switch On cancelled twice in 2024 (a second attempt to rerun failed due to weather) and elements of programming were removed in 2023;
- Newtownards Switch On cancelled in 2021 and elements of programming were removed and changed in 2022.

In recent weeks the Council and partner Shorelife Celebration event was also cancelled due to a storm.

The report further outlined that the Events team had been working with the Chambers for Bangor and Newtownards, to help address this challenge. It was cited that initiatives agreed with the Chambers such as the 'passport' and indoor programming would enable the events to attract visitors over a longer period of time, therefore investing less in the 'switch on' ceremony. This was therefore the planned approach for Christmas 2025.

It was acknowledged by officers, that engagement with Elected Members in the planning cycle should have been undertaken. It was an error which the service acknowledged and was duly noted for future significant changes to programming for large scale events.

Viability of Providing Traditional Christmas Lights Switch Ons

At the Council, members were provided with programming information. Additional information, at the time of writing this report was below:

Bangor – 22 and 23 November 2025

- City Hall Forecourt – hot food traders and music Saturday (1–7pm) and Sunday (2– 6 pm).
- Pop Up Shop in the Museum Saturday (1–7pm) and Sunday (2– 6 pm).
- Fun Fair Abbey Street West Car Park and Choirs in bus/train station.
- Christmas Passport (Saturday).
- Market House Santa's Grotto (Saturday).
- Some short pre-lights on activity followed by the Mayor and some representatives from the Mayor's Charities turning on the tree lights and lighting installations (Saturday 6pm).
- Light installations would be in place in and around the Castle Saturday (6-7pm) and Sunday (2-6pm).

Although the above programme had a lower key 'switch on' element, this required the Events Team to manage a potential crowd situation at this site. To do so, this

would be implemented through the normal planning arrangements for the stewarding plan. This would be managed within the existing budget.

Newtownards – 28 and 29 November 2025

- Christmas Market in Conway Square - Friday 11am – 7pm and Saturday 10am – 7pm.
- 4pm – Lights turned on by the Mayor and Santa (Santa meet and greet after)
- Paddington Meet and Greet – five sessions throughout Saturday in Conway Square.
- Christmas Paddington Children's activities in the Town Hall – 10am - 7pm on Saturday.
- Brass Bands in Conway Square – Friday and Saturday.
- Food and festive bar in Conway Square – Friday and Saturday
- Christmas Passport (Saturday).

Due to the extended list of activities across the two days and the expected numbers of people and levels of temporary infrastructure in situ in Conway square, a major switch on in line with previous year was incongruous with the extended weekend programme of Christmas events. Conway Square would host 20 wooden chalets as part of the expanded Christmas Market, which significantly reduced the available space for a time specific public gathering. Historically, Christmas lights switch-on events here had attracted crowds of 4,000 to 6,000 people. To safely accommodate such numbers, a full road closure around the Conway Square had always been implemented. However, with the event now less than four weeks away, there was insufficient time to secure the required road closure order — a process that typically took up to 12 weeks.

Based on the revised layout and available space, the estimated safe site capacity was approximately 700 which would be actively monitored throughout the event. Without chalets in Conway Square, the estimated safe capacity was 4,000.

The stewarding plan was currently being finalised to ensure robust crowd management, but due to the lack of a full road closure, there was no designated evacuation 'safe' space that would meet the necessary standards for a traditional switch-on format.

Additionally, all bookings for the Paddington-themed elements and the 20 chalets were now confirmed and fully committed. As such, any significant change to the nature of the event would not be feasible without impacting those contracted elements and would not achieve the desired outcomes associated with an extended weekend of programming.

Given those constraints, the Events team was unable to add to the programming to include a traditional switch-on element while maintaining the required safety standards. All costs were included within existing budgets.

Plan for Future Consultation with Elected Members

Elected Members would be aware that the previous City and Town Advisory Groups were being reconstituted as Local Action Groups (LAGs). Elected members were nominated onto each LAG along with other representatives from each of the areas.

The Events team would work with the Economic Growth Section to ensure an item on Council event planning was included on the agenda for each relevant LAG, on a regular basis. This would allow the Events team to present programming ideas and plans at the early stages. The minutes of those meetings would be reported to the Place and Prosperity Committee, whereby all Elected Members would have the opportunity to be informed.

The duration of both events would bring activity to Bangor and Newtownards across four days of the early Christmas period, along with several other Council events and activities in late November and early December. It was acknowledged this was a different approach for 2025 and therefore it would be reviewed in the new year for 2026. Further to that, engagement via the LAGs would also be planned and undertaken.

RECOMMENDED that Council notes this report.

Councillor Smart proposed, seconded by Councillor Morgan, that the recommendation be adopted.

The proposer, Councillor Smart, thanked officers for the report acknowledging that it had been requested at short notice. He noted the Christmas events proposed for this year were a little different and he welcomed their family focus adding that they could be the best yet. However he was also mindful that there were those who may be of the opinion they could be the worst yet due to the lesser focus on the actual 'switch on' of the Christmas lights. Continuing he was also mindful that while these were festive activities there had been no consultation on the proposals and as such members of the public may have had differing opinions to those of officers. In summing up he welcomed the proposals in the report for future engagement with the LAGs adding that he was appreciative of the work which had been undertaken by officers.

Commenting as seconder Councillor Morgan thanked officers for the update adding that it was an excellent programme of events which had been planned. She acknowledged that weatherproofing events had become more of an issue in recent times and as such would welcome the proposed review.

AGREED TO RECOMMEND, on the proposal of Councillor Smart, seconded by Councillor Morgan, that the recommendation be adopted.

4. ANY OTHER NOTIFIED BUSINESS

There were no items of Any Other Notified Business.

NOTED.

EXCLUSION OF PUBLIC/PRESS

AGREED, on the proposal of Alderman Armstrong-Cotter, seconded by Councillor Smart, that the public/press be excluded during the discussion of the undernoted item of confidential business.

Reports for Approval (In Confidence)

5. ESTATE DEVELOPMENT PROJECT BOARD – FEASIBILITY STUDIES (FILE RDP51)

*****IN CONFIDENCE*****

Exemption Reason: 4. Exemption: consultations or negotiations

SUMMARY

This relates to the second feasibility study concerning the 'right of way' that the Council currently has to the site. An unclassified report may unduly impact the feasibility study's progress in understanding potential options. Officers are aware of the right of way arrangement and will include this in any future decision-making process.

6. BALLYWALTER PATHWAY PROJECT – SMALL SETTLEMENTS PROGRAMME UPDATE (FILE RDP236)

*****IN CONFIDENCE*****

4. Exemption: consultations or negotiations

SUMMARY

This report details the negative outcome of prolonged negotiations with EA and details their stance on accepting liability for a path they own, therefore it would not be in their, or our interests, to have this report unclassified. Additionally, we have one more final meeting arranged to try and get through the current impasse which may result in a loss of funding for the village.

7. APPOINTMENT OF OPERATOR FOR BANGOR MARINA AND HARBOUR

*****IN CONFIDENCE*****

Exemption Reason: 3. Exemption: relating to the financial or business affairs of any particular person

PP.06.11.25 PM

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SUMMARY

This relates to the appointment of the operator for Bangor Marina and Harbour and there is a standstill period following the award as part of the procurement process as is confidential until such times as this time has passed.

RE-ADMITTANCE OF PUBLIC/PRESS

AGREED, on the proposal of Alderman Adair, seconded by Councillor Edmund, that the public/press be re-admitted to the meeting.

TERMINATION OF MEETING

The meeting terminated at 7.11pm.

ARDS AND NORTH DOWN BOROUGH COUNCIL

A hybrid (in person and via zoom) meeting of the Corporate Services Committee was held at the Council Chamber, Church Street, Newtownards, and via Zoom, on Tuesday 11 November 2025 at 7.00pm.

PRESENT:

- In the Chair:** Councillor Cochrane
- Aldermen:** Brooks (Zoom)
Graham
McIlveen
Smith (Zoom)
McRandal
- Councillors:** Chambers (Zoom) Thompson
Gilmour McBurney
Irvine, S McCracken
Irvine, W Moore
Irwin

Officers in Attendance: Acting Director of Corporate Services (C Jackson), Head of Administration (A Curtis), Head of Finance (S Grieve), Head of Parks and Cemeteries (S Daye) and Democratic Services Officer (J Glasgow)

1. APOLOGIES

No apologies were received.

2. DECLARATIONS OF INTEREST

No declarations of interest were notified.

Reports for Approval

3. ITEM WITHDRAWN

4. REQUEST FOR CIVIC RECEPTION FOR BANGOR ROYAL BRITISH LEGION

PREVIOUSLY CIRCULATED:- Report from the Director of Corporate Services detailing that a formal request had been received from Councillors W Irvine, Cathcart, McCracken and Blaney proposing that a civic reception be held in honour of the Bangor branch of the Royal British Legion.

The proposed event would commemorate the centenary of the branch, which had served as a cornerstone of the local community for 100 years. Throughout its history, the Bangor Branch had demonstrated unwavering commitment to supporting

veterans, serving personnel and their families. Its dedication to remembrance, welfare and civic engagement exemplifies the values and traditions that underpin our society.

A civic reception would provide a fitting opportunity to formally recognise the exceptional contributions of the branch and its members. It would also serve as a moment of collective reflection and gratitude—honouring the sacrifices of those who have served and celebrating the enduring legacy of the Royal British Legion in Bangor.

Council Policy on Civic Receptions

The Council's Policy for Civic Receptions requires requests to be submitted in writing to the Chief Executive and signed by at least three Elected Members. The request, once received, was assessed against set criteria and an officer's report, with an appropriate recommendation, was prepared for consideration by the Corporate Services Committee.

Assessment Criteria for a Civic Reception

The criterion against which each request would be assessed were as follows:-

1. Exceptional Service to the Borough/Local Community and a Significant Anniversary

The exceptional service should be in the areas of Voluntary or Charitable work AND the anniversary should be a milestone of 25 year increment anniversaries.

OR

2. A Very Significant or Unique Achievement

An achievement which would be recognised throughout Northern Ireland and beyond and the recipient has a strong association with the Borough.

This request had been submitted in line with agreed procedures and meets the criteria for a civic reception as stated in point 1 above - Exceptional Service to the Borough/Local Community and a Significant Anniversary. The cost could be met from the 2025/26 civic budget.

RECOMMENDED that Council proceeds to offer the Bangor Branch of the Royal British Legion a Civic Reception to acknowledge 100 years since its formation and should the offer be accepted, proceeds to arrange same on a date to be agreed by relevant parties.

Proposed by Councillor W Irvine, seconded by Councillor McCracken, that the recommendation be adopted.

Councillor W Irvine stated that the Bangor Branch of the Royal British Legion was a worthy recipient. He spoke of their service and dedication over the past century including their commitment to veterans, serving personnel and their families. Councillor W Irvine also highlighted the RBL dedication to Remembrance. The Bangor service had seen a tremendous crowd and he stated that it was great to see the growth in numbers from the public watching and those taking part. Although the Legion hall was no longer there, the Bangor branch continued to thrive and they

presently operated from the Civil Defence Club in Bangor. Councillor W Irvine appreciated efforts to have the reception in 2025 or early 2026.

Councillor McCracken echoed those comments and remarked that the Remembrance service held the previous Sunday had been a special day with a huge crowd and support. He hoped that a reception could be arranged before the end of the year to commemorate a century of service and recognition for their continued work.

Councillor Gilmour was happy to support the proposal. The Bangor Branch of the Royal British Legion had done a lot of work in Bangor over the last 100 years. When Councillor Gilmour was Mayor they had been one of her charities and she had the opportunity to have an insight into the workings and the support they provided for veterans and their families. The poppy appeal volunteers worked hard throughout the year selling the poppies and making preparations for the following year. The branch was always on the look out for volunteers and she felt the celebration would also raise awareness. Councillor Gilmour knew that a civic dinner was outside of the budgetary constraints of the Council and she thanked the Mayor for the offer of a mayoral reception. However she felt it was important that the significance of the 100 years be marked and the full civic list be invited to attend.

AGREED TO RECOMMEND, on the proposal of Councillor W Irvine, seconded by Councillor McCracken, that the recommendation be adopted.

5. SCHEME OF ALLOWANCES (Appendices I- II)

PREVIOUSLY CIRCULATED:- Report from the Director of Corporate Services attaching DfC Determination and Scheme of Allowances v13.2 (tracked). The report detailed that each year the Council must approve a Scheme of Allowances for Councillors before any payments could be made to Elected Members.

This latest version, 13.2, had been prepared following the recent Department for Communities' (DfC) determination on the maximum allowances payable to Members. In line with previous practice the Scheme had maintained the budgeted figure. However paragraphs 3 and 4.1 had been reformatted to show the maximum allowances permitted.

All changes from version 13.1 had been highlighted in the proposed scheme.

Members should also note that a clause has been included within the Administrative and Financial Provisions Bill, currently before the Northern Ireland Assembly, to allow DfC to set councillors' basic allowances. Special responsibility allowances would continue to be set by Council within the maximum determined by the Department. That change would not come into effect until a future date.

RECOMMENDED that Council approves the scheme of allowances v13.2 for 2025/26.

Alderman McIlveen noted that this was the second scheme received within the year and the last one was deferred to the rate setting process. He did not feel that it was appropriate to make the additions during the course of the year and the scheme should be again deferred to the rate setting process to deal with the matter at the most appropriate time.

Proposed by Alderman McIlveen, seconded by Councillor Gilmour, that the report be deferred and considered as part of the rate setting process.

The Head of Finance stated that the scheme of allowances did not increase the allowances in line with the determination of the DfC. He explained that the scheme had been amended, as required however that did not mean a change in the budgetary impact.

AGREED TO RECOMMEND, on the proposal of Alderman McIlveen, seconded by Councillor Gilmour, that the report be deferred and considered as part of the rate setting process.

Reports for Noting

6. STRATEGIC BUDGET REPORT – SEPTEMBER 2025 (Appendix III)

PREVIOUSLY CIRCULATED:- Report from Director of Corporate Services attaching strategic budget report. This was the second budget report for the financial year. It sets out the variances for expenditure and income for the first four months and shows a budgetary deficit of £70k, thus far.

The budgeting policy required officers to forecast potential outturn on four occasions during the financial year – those would occur at the end of June, August, November and January. The final column on page 2 of the report showed that management were forecasting a potential deficit of around £853k, which was mainly due to storm repair work at Aurora. This forecast and the next one would feed into the estimates process and allow judgements to be made in respect of potential reserves positions at the year end.

RECOMMENDED that Council notes this report.

Proposed by Alderman Graham, seconded by Councillor Thompson, that the recommendation be adopted.

Alderman McRandal referred to the figures included for the repairs following the storm damage at Aurora and requested an update on the latest position as to indemnity under insurance.

The Head of Finance advised that work was continuing with the Insurance company and he could provide further comment if required in the exclusion of the public/press.

AGREED TO RECOMMEND, on the proposal of Alderman Graham, seconded by Councillor Thompson, that the recommendation be adopted.

7. **PRUDENTIAL INDICATORS AND TREASURY MANAGEMENT – 2025/26 QTR 2 REPORT**

PREVIOUSLY CIRCULATED:- Report from the Director of Corporate Services detailing that In February 2025, Council approved its annual Capital and Treasury Management Strategies, including the setting of Prudential Indicators (PIs) for the current financial year ending 31 March 2026. Those were statutory requirements in accordance with the Local Government Finance Act (NI) 2011, the CIPFA Prudential Code and the CIPFA Treasury Management Code.

The purpose of this report was to provide Members with an update on the PIs and treasury management activity as required by the CIPFA Codes, at the end of September 2025 (Quarter 2).

Capital - Expenditure & Financing

The PIs for capital expenditure and financing should ensure that, within a clear framework, the capital investment plans of the Council were affordable, prudent and sustainable. Updates to these PIs were set out below.

	Original Forecast	Revised Forecast
Table 1.11	£m	£m
Capital Expenditure 2025/26 (Current Year)	26.264	14.611

The original estimate of £26.264m had been revised down to £14.611m, reflecting the capital spend that was now expected to be incurred by 31 March 2026. That was consistent with the deliverability risks outlined in the 2025/26 budget strategy, where it was reported that capital ambition was not being matched by delivery due to reasons including officer resource, business readiness and planning and/or funding delays.

The main schemes impacted by such risks for this reporting period were Portavogie 3G pitch (£1.6m costs reassigned to 2027/28), Ward Park (£2.2m works deferred to 2027/28) and the Digital Innovation Hub (£3.7m works postponed to 2027/28). The uncertainties around land purchases for the Tree and Woodland Strategy and the Movilla Cemetery extension would be concluded this year, and their budgets have been straddled over two years. On the other hand, the Greenways projects continued to gather momentum and spend had been increased by £1.8m for this financial year.

The revised capital expenditure forecasts for the three-year plan, together with the capital financing implications and previous year activity, were summarised below.

	Actual	Revised Forecast		
	2024/25	2025/26	2026/27	2027/28
Table 1.12	£m	£m	£m	£m
Capital Expenditure	15.453	14.611	30.242	49.772
Financed by:				

Loans	3.462	7.388	20.185	29.764
Leasing	5.928	-	-	-
Grants	4.751	5.429	9.283	19.797
Capital Receipts	0.804	1.409	0.612	0.211
Revenue/Reserves	0.508	0.385	0.162	-

Capital – Capital Financing Requirement and External Borrowings

The Council's cumulative outstanding amount of debt finance was measured by the Capital Financing Requirement (CFR). That increases with new debt-financed capital expenditure and reduces with MRP (minimum revenue provision). See section 1.4 for further information on MRP.

Statutory guidance was that debt should remain below the capital financing requirement, except in the short term. The Council had complied and expected to continue to comply with this requirement in the medium term as shown below.

	Actual	Revised Forecast		
	2024/25	2025/26	2026/27	2027/28
Table 1.2	£m	£m	£m	£m
Capital Financing Requirement (CFR)	77.865	77.851	90.282	112.542
External Gross Borrowing	(56.876)	(53.427)	(74.758)	(91.043)
External Gross Leasing	(5.859)	(5.716)	(5.637)	(5.583)
Under/(Over) Borrowing Requirement	15.130	18.708	9.887	15.916
Gross Borrowing within CFR	Yes	Yes	Yes	Yes

The difference between the CFR and the Gross Borrowing figures represented the Council's underlying need to borrow (£18.71m 25/26 forecast) and indicated that historic capital expenditure had been temporarily financed from internal revenue resources. That had been made possible due to an increase in the Council's cash reserves in previous years and the access to grant funding streams. The position had been similar for several years now with the Council last taking out long-term borrowings in November 2018. Nevertheless, it was predictable that drawdowns of loan finance would begin early next financial year.

Capital - Debt and the Authorised Limit and Operational Boundary

The Council was legally obliged to set an affordable borrowing limit each year, known as the 'Authorised Limit'. In line with statutory guidance, a lower 'operational boundary' was also set as a warning level should debt approach the limit.

The revised forecast for external gross borrowing at 31 March 2026 was £59m as seen in table 1.2 above. The Council was therefore forecast to remain well within both the Authorised Limit and the Operational Boundary set for the year as follows:

Table 1.3	2025/26
Authorised limit – borrowing	£ 82.850m
Operational boundary – borrowing	£ 77.850m

Capital – Revenue Budget Implications

Capital expenditure was not charged directly to the revenue budget. Instead, interest payable on borrowings and MRP (minimum revenue provision), together known as capital financing costs, are charged to revenue. Those financing costs were compared to the net revenue stream i.e. the amount funded from District Rates and general government grants, to show the proportion of the net revenue stream which was made up of capital financing costs.

Table 1.4	2024/25 Actual	2025/26 Forecast	2026/27 Forecast	2027/28 Forecast
Financing costs (£m)	£8.8m	£9.8m	£10.7m	£11.6m
Proportion of net revenue stream (%)	13.3%	14.1%	14.7%	15.1%

The forecast financing costs for 2025/26 of £9.8m was in line with the budget set for the year.

Treasury Management – Debt Activity

The following table summarises the position on long-term borrowings at 30 September 2025.

Table 2.1				
Lender	Balance 01/04/25	New Loans	Repayments	Balance 30/09/25
Dept of Finance	£ 50.601m	£ -	£ (1.319) m	£ 49.282m
Banks (LOBOs)	£ 6.275m	£ -	£ (1.000) m	£ 5.275m
Totals	£ 56.876m	£ -	£ (2.319) m	£ 54.557m

The revised capital financing requirement (table 1.2) showed that the Council could increase its level of external borrowings to £78m by 31 March 2026. However, an assessment of the Council's cashflow position forecasts show there would be adequate cash reserves to finance capital expenditure for the remainder of the current year and therefore no further borrowing was anticipated before 31 March 2026. The Council did not currently hold any short-term borrowings.

The Council repaid a £1m bank loan in April and a Dept of Finance payment of £1.3m in August. A further repayment of £1.27m on existing long-term loans would be made in February 2026 and the level of external borrowings at 31 March 2026 was forecast to be £53.3m.

Treasury Management - Debt Related Treasury Activity Limits

The tables below showed the position of all debt related treasury activity limits.

Table 2.21		
Interest rate exposures	Limit 2025/26	Actual at 30/09/25
Quantity of debt held at variable interest rates - upper limit	30%	0%
Quantity of debt held at fixed interest rates - upper limit	100%	100%

Table 2.22			
Maturity structure of fixed interest rate borrowing	Lower Limit 2025/26	Upper Limit 2025/26	Forecast 2025/26
Under 12 months	0%	15%	2%
12 months to 2 years	0%	15%	6%
2 years to 5 years	0%	20%	19%
5 years to 10 years	0%	30%	24%
10 years and above	30%	90%	49%

Treasury Management - Investment Activity

The objectives of the Council's investment strategy were safeguarding the repayment of the principal and interest on its investments on time, with the investment return being a secondary objective. The current investment climate continues to be one of overriding risk consideration, particularly that of counterparty risk. In line with advice provided by treasury management consultants, officers continue to implement an operational investment strategy of placing short-term investments with approved high-quality counterparties.

For the period 1 April to 30 September 2025, Council has earned interest of £244k on investment deals with approved financial institutions as summarised below:

Table 2.31	Average Deposit Size	Average Term	Average Interest Rate	Interest Earned
CCLA Public Sector Deposit Fund	£3.0m	Call A/c	4.46%	£55,053
Invesco Investment Mgt Ltd	£2.8m	Call A/c	4.25%	£59,854
State Street Global Advisors	£3.0m	Call A/c	4.22%	£63,932
Barclays Bank	£1.6m	Call A/c	4.09%	£27,787
Bank of Scotland	£1.7m	Call A/c	4.04%	£34,885
Santander	£0.4m	Call A/c	2.60%	£2,781
Totals				£244,292

That compared unfavourably to the budget set for the same period of £273k, resulting in an adverse variance of £29k. The reason was due to a combination of falling interest rates at the financial institutions and in-year accounting changes.

The total balance of funds held in investment accounts at 30 September 2025 was £8.0m.

The table below shows the risk and return metrics on the Council's investments held at 30 September 2025 against other NI Councils.

Table 2.32	Counterparties	Investments	
	Credit Rating	Liquidity	Rate of Return (%)
ANDBC	A+	100%	4.00%
NI Council Average	A+	60%	3.99%

Source: Arlingclose Ltd Local Authority Quarterly Investment Benchmarking report Sept-25

The Council was just above the NI Council average on rates and cash balances. The treasury management function has been managing surplus cash balances well during the first and second quarters of 2025/26, albeit yields had been falling since the beginning of 2025.

The Council's limit for total principal sums invested for periods longer than 364 days was £500k. The Council had not entered into any such investments during this period.

RECOMMENDED that Council notes this report.

AGREED TO RECOMMEND, on the proposal of Alderman McRandal, seconded by Councillor W Irvine, that the recommendation be adopted.

8(A) NOTICE OF MOTION SUBMITTED BY COUNCILLOR COCHRANE & COUNCILLOR GILMOUR:

That this Council is deeply alarmed that the definition of victim in the Victims and Survivors (Northern Ireland) Order 2006 does not distinguish between those who perpetrated wrongdoing during the Troubles and the innocent victims they harmed, injured, killed or bereaved; believes that innocent victims should not have to interact with terrorists and their supporters when accessing victim support services; asserts that there is no moral equivalence between victim-makers and innocent victims; welcomes the fact that the victims pension legislation makes a clear distinction between perpetrator and victim; condemns the Alliance Party's decision to intentionally blur this line by removing the word "innocent" from the description of a victim in a recent Assembly motion addressing the legacy of the past; and resolves to write to the Justice Minister requesting that she personally apologise for suggesting that victim makers could also be considered victims.

The Chair vacated the position and the Vice-Chair (Councillor Irwin) took the position for the item.

Proposed by Councillor Cochrane, seconded by Councillor Gilmour, that the Notice of Motion be adopted.

Councillor Cochrane outlined that the motion expressed deep concern that the definition of a victim in current policy and political language failed to draw a clear line on those that committed acts of violence during The Troubles and those that were harmed by them. The motion further expressed concern regarding recent comments from the Justice Minister that had compounded confusion by suggesting that those who carried out acts of terrorism could also be considered victims themselves.

Councillor Cochrane emphasised that was not a minor matter and went to the very heart of justice, morality and truth. There was no equivalence between victim makers and innocent victims. Those that planted bombs, pulled triggers and brought fear to communities were not victims of the conflict, instead they were perpetrators. To blur that line whether through legislation, language or political compromise was an insult to those that suffered most.

Councillor Cochrane referred to the events that occurred in Main Street, Bangor on 7 March 1993 when the IRA detonated a car bomb, four RUC officers were injured in the explosion and the blast caused devastation throughout the area. The Justice Minister's recent comments, which implied that those that perpetrated violence might also be considered as victims, were deeply hurtful to many innocent families. That matter was not about political point scoring, it was about leadership and sensitivity.

He went on to state that such comments knocked confidence for victims and survivors and it undermined their faith that the system would protect and respect them. Councillor Cochrane believed the role of the Justice Minister above all should be to uphold moral clarity and ensure that innocent victims were never made to feel that their suffering could be equated to those that caused that suffering.

The motion called on the Justice Minister to personally apologise to the victims and families who had been hurt by the words. By removing the word innocent, there was a risk of sending a message that all suffering was equal and responsibility was shared and that was not the reality of what happened in Northern Ireland. Many people were targeted because they wore a uniform, they served the community or where in the wrong place at the wrong time. Their innocence was beyond question and should never be erased for political convenience.

He suggested that the Council had a moral duty to speak up for those whose voices were often overlooked; the bereaved, the injured, the families who lived with those memories every day. Councillor Cochrane stated that what had been done could not be undone but he refused to mix the innocent with the guilty and to let moral clarity be replaced with political ambiguity and he thought that this motion provided the opportunity to stand for fairness, decency and truth.

Councillor Gilmour rose to second the motion and thanked Councillor Cochrane for such a principled proposal. The issues raised went to the heart of what it meant to serve the community with integrity and compassion. Those who served in elected roles had to have integrity, respect and the trust of the electorate who appointed them. She highlighted that the motion was being discussed on Remembrance Day. Across the Borough and country, people paused to remember the fallen, those who gave their lives in service and in pursuit of peace. On the day of reflection, it was only right to also remember the innocent victims of violence in the community and

across Northern Ireland. Councillor Cochrane had spoken of one Bangor bombing that left churches and businesses in ruins. Those were ordinary citizens, targeted by terrorism. Across Northern Ireland, the IRA and other paramilitary groups carried out thousands of bombings, leaving communities scarred. There were a large number of those who served and continued to serve in the security forces residing in the Borough. The Royal Ulster Constabulary lost 312 officers, with almost 9,000 more injured. The Army and UDR also paid a heavy price, with over 198 UDR personnel killed. That included 4 Greenfinches. Those men and women wore a uniform to protect their neighbours and uphold the rule of law and their sacrifice must never be forgotten. Those who came to murder them had choice.

Councillor Gilmour paid tribute to Mildred Ann Harrison, a Reserve Constable in the RUC and a resident of Bangor. On 16 March 1975, while on foot patrol, she was murdered by a terrorist bomb on High Street and was only 26 years old, a wife and mother of two young daughters. Mildred Harrison was the first female RUC officer killed during The Troubles. Her sacrifice stood as a stark reminder of the innocent lives lost in service to the community. She also referred to the innocent victims of the Enniskillen Poppy Day massacre. On Remembrance Sunday in 1987, a bomb at the war memorial killed eleven innocent people and injured dozens more. The horror of that day shocked the world and was a reminder of why moral clarity mattered. On this Remembrance Day, their memory could be honoured and reaffirmed and a commitment to justice for all innocent victims could be made. There was a clear choice made that day, that defined the innocent victims and the victim makers. To compare those who were murdered as they went about their daily lives, or were serving to protect us or were hunted down due to their occupation, with those who went out with murder in their heart, with bombs, bullets, and a kill list in their pockets was wrong. It was morally wrong, offensive, and insulting to the innocent victims.

Councillor Gilmour also paid tribute to the late Gina Murray, a remarkable woman who had lived in Bangor. Gina's 13-year-old daughter, Leanne, was murdered in the Shankill bomb in 1993. Gina had spoken of that terrible day, and when the bomb went off she was looking for Leanne and one of the first people she came across lying in the street asking for help was Sean Kelly, who she later found out was one of the bombers. Gina spent her life campaigning for justice and supporting other victims. Even in the face of unimaginable loss, she refused to be defined by an act of terror. Her legacy was one of love, resilience, and unwavering commitment to truth. But there was a clear distinction on the Shankill Road that day between those who were innocent victims with their lives destroyed and the victim makers who had caused the explosion.

Councillor Gilmour outlined that the motion was not about division, it was about truth and respect. It was about ensuring that those who lost loved ones, or who continued to live with the scars of The Troubles, were not asked to accept a false equivalence between their suffering and the actions of those who had caused it. She suggested this Council must stand firmly with innocent victims and not allow political convenience or ambiguous language to dilute that truth. When public officials blurred the line between perpetrator and victim, it was not just poor judgement, it was a breach of trust. An apology was not only appropriate, it was necessary for healing and for restoring confidence among victims and survivors.

In conclusion, Councillor Gilmour stated that behind every statistic and headline, there were real people, families who had lost loved ones, individuals who carried physical and emotional scars, and communities still striving for peace and justice. On this Remembrance Day, she called on the Committee to honour the fallen.

Alderman McRandal stated that the Alliance Party had always been unequivocal that there was no moral equivalence to those that had deliberately caused harm during The Troubles and those that suffered because of their actions. He believed that anyone who listened to the Justice Minister's interview would have heard her state that clearly. He wished to make it clear, it was not an Alliance Party amendment and wondered why the party responsible for tabling it was not mentioned in the motion. He noted that Naomi Long MLA was not even in the Chamber during the debate yet she was the one who the DUP had chosen to attack. The Alliance Party did not support the DUP motion in the Assembly, not because it included the term innocent victims, but because it sought to exclude the Irish government from the legacy process.

Alderman McRandal stated that those who set out to kill or injure should be held fully accountable for their actions. The Alliance Party could stand tall as it had never endorsed the activity of paramilitary or other subscribed groups, nor sought advice on government policy from their umbrella organisations. Since its foundation in 1970, the Alliance Party had stood unequivocally for the rule of law. He found it disappointing that some political parties had chosen to wilfully misrepresent the Justice Minister's comments for, he believed, cheap political gain. Such distortion could only undermine positive debate and caused real hurt to victims and survivors, people whose suffering deserved respect not exploitation.

He said that The Victims and Survivors Order Northern Ireland 2006 established a framework to ensure access to vital services, some of which Alderman McRandal outlined. Recognising the complexity of the past and that some individuals could have been both victims and perpetrators at different times was neither new nor controversial and was built into the 2006 Order and reflected in the work of the victims and survivors service.

Alderman McRandal referred to the case of Billy Wright as an example. No one in the Chamber would deny that he was a major perpetrator of violence during The Troubles and questioned under DUP policy would he be excluded as being treated as a victim. However both the UUP and DUP championed Billy Wright's case for a public inquiry, focused on its recommendations and in doing so treated him as a victim of state failure. Alderman McRandal felt that case exposed the massive inconsistency in the DUP's current argument that the categories of victim and perpetrator could never overlap, the truth was far more complex.

Alderman McRandal reemphasised that there was no moral equivalence between perpetrators and the innocent, justice should hold people to account for what they did, victimhood should recognise the harm that was done. Treating them as entirely binary only created more division and caused more pain for those that had already suffered. Alderman McRandal outlined the measures that the Alliance Party supported for delivery for victims and stated that Northern Ireland would only move forward when all parties committed to reconciliation, recovery and responsibility.

Councillor Chambers wished to make remarks however experienced problems with his audio, via Zoom.

Alderman Smith spoke in support of the motion firstly on his shock when he had heard the Justice Minister discussing her comments in justifying why the Alliance Party had not supported the use of the term innocent victim. He thought that would have been the opportunity for the Justice Minister to admit that the Alliance Party and herself had got it wrong. The Alliance Party had argued that the term innocent party created a hierarchy of victimhood, Alderman Smith stated that it did and rightly so. The Shankill bomber who died in his own explosion was not morally equivalent to the nine innocent victims that were murdered that awful day. The terrorist was not the same as those they terrorised. To make terrorists victims was participating in the rewriting of history. Alderman Smith spoke of the campaign by Sinn Fein to justify the unjustifiable. Alderman Smith stated that action needed to be taken, an attempt to rewrite history and change the narrative and to justify what could not be should not be acceptable.

Councillor W Irvine added his support to the motion. For true reconciliation to take place it had to be recognised who were the victims and who were the victim makers. The comments made by the Justice Minister had made that much more difficult. Having terrorists commemorated by leaders in this country was re-traumatising victims and making it harder to deal with the legacy that needed to be addressed. The Republic of Ireland also had a big part to play and needed to be truthful in terms of terrorists being given free access across the border to commit the most awful atrocities.

Alderman Graham believed that it was very important to make a clear distinction when talking about victims and to be careful that terrorism could not be justified to the slightest degree. Terrorism was a subtle and dangerous matter in any situation with the whole idea to terrorise people, very often to make a political point or to get political change. Innocent victims needed to be clearly separated from those terrorists. No one had any justification to become a terrorist for any cause and it was never right for people to take the law into their own hands.

Alderman McIlveen stated that the motion was about the Alliance Party siding with Sinn Fein to remove the word innocent when referring to innocent victims and the Justice Minister, the leader of the Alliance Party, appearing on the media to defend that decision. There had been a call from victims and victim groups for the leader of the Alliance Party to publicly apologise, notably amongst those was Ann Travers whose sister was murdered and father injured as they were leaving mass one day.

Alderman McIlveen stated that clarity was needed on the matter. The DUP had consistently objected to the definition that was within the Order. There was no equivalence, moral or otherwise between the perpetrators of an act and those innocent victims. Alderman McIlveen highlighted the need to be clear on what was being discussed and that was the shameful support of the removal of the word innocent in the Assembly motion.

Councillor S Irvine rose in support of the motion and spoke of his disbelief at the removal of the word innocent. He outlined that two names sprung to his mind Thomas Beagly and Leanne Murray. Both victims, but a massive difference between them, Leanne Murray was an innocent victim who was injured, bereaved and traumatised through no fault or her own and Thomas Begley, the one that caused those affects. He could not comprehend how some could say that there was no difference between ordinary and innocent victims.

To sum up, Councillor Cochrane thanked those that had supported his motion. The heart of the issue was regarding the removal of the word ‘innocent’ and the Alliance Party’s support for the Sinn Fein amendment. There was a difference between victims and victims makers. There were numerous examples of people that had suffered through the troubled past. There would be equivocation from those that did wrong and those who suffered. Given the seriousness of the issue, Councillor Cochrane called for a recorded vote.

A recorded vote had been called for and resulted as follows:-

FOR (10)	AGAINST (5)	ABSTAINED (0)	ABSENT (1)
Aldermen	Alderman		
Brooks	McRandal		
Graham			
McIlveen			
Smith			
Councillors	Councillors		Councillor
Chambers	Irwin		Kennedy
Cochrane	McBurney		
Gilmour	McCracken		
Irvine, S	Moore		
Irvine, W			
Thompson			

AGREED TO RECOMMEND, on the proposal of Councillor Cochrane, seconded by Councillor Gilmour, that the Notice of Motion be adopted.

The Chair resumed his position.

8(B) NOTICE OF MOTION SUBMITTED BY ALDERMAN GRAHAM & ALDERMAN MCILVEEN:

That Council in liaison with Belfast City Airport arranges a visit to the Airport for Members and Officers.

Alderman Graham advised that Members had received correspondence from Belfast City Airport and therefore he wished to amend his motion.

Proposed by Alderman Graham, seconded by Alderman McIlveen, that Council accepts the invitation from Belfast City Airport for a Christmas Visit for Members and officers (16 December) and invites Belfast City Airport to write to Council to request a deputation opportunity.

Alderman Graham advised as part of the Christmas visit to the City Airport one of the local schools in Holywood would be in attendance. Whilst he recognised the Airport was not within the Borough it sat very close, it was a major player in the economy of the Borough and very important for the wellbeing of Ards and North Down. Alderman Graham felt Members would benefit from a visit noting that there were issues for discussion including apprentice schemes and funding for various organisations.

Alderman McIlveen stated that an airport was a massive economic driver for any area and was hugely important in terms of connectivity. The airport was a valued part of the economy of the Borough and it was important that the Council worked closely with the airport and was fully engaged in the airport's masterplan as that would affect the Borough massively. He felt a visit provided a greater opportunity to discuss the plans and would be a useful opportunity for Members.

Alderman Graham noted that there were plans for the establishment of a rail halt adjacent to the airport and welcomed further discussions in that regard.

AGREED TO RECOMMEND, on the proposal of Alderman Graham, seconded by Alderman McIlveen, that Council accepts the invitation from Belfast City Airport for a Christmas visit for Members and officers (16 December) and invites Belfast City Airport to write to the Council to request a deputation opportunity.

9. ANY OTHER NOTIFIED BUSINESS

There were no items of any other notified business.

EXCLUSION OF PUBLIC/PRESS

AGREED, on the proposal of Alderman McIlveen, seconded by Councillor Gilmour, that the public/press be excluded during discussion of the undernoted items of confidential business.

6. STRATEGIC BUDGET REPORT – SEPTEMBER 2025 CONTINUED....

*****IN CONFIDENCE*****

Reports for Approval

10. RECTIFICATION OF TITLE - NORTH DOWN COASTAL PATH (Appendix IV)

*****IN CONFIDENCE*****

NOT FOR PUBLICATION SCHEDULE 5 – A CLAIM TO LEGAL OR PROFESSIONAL PRIVILEGE

The Council was asked to consider a request from officers for Rectification of Title at North Down Coastal path.

The recommendation was that the Council accede to the request, subject to the terms and conditions outlined.

11. REQUEST TO RENEW THE LICENCES FOR ULSTER BANK MOBILE BANKING UNITS AT KIRCUBBIN & DONAGHADEE
(Appendices V, VI)

*****IN CONFIDENCE*****

NOT FOR PUBLICATION SCHEDULE 5 – A CLAIM TO LEGAL OR PROFESSIONAL PRIVILEGE

The Council was asked to consider a request from NatWest to renew the Ulster Bank Mobile Banking Unit licences until end of February 2028 for Council Land at

1. The Green, Kircubbin
2. Lemon's Wharf, Donaghadee

The recommendation was that the Council accede to the request, subject to the terms and conditions outlined.

12. REQUEST TO ACCESS COUNCIL LAND AT GREGSTOWN FROM CASTLE GARDENS PRIMARY SCHOOL
(Appendices VII, VIII)

*****IN CONFIDENCE*****

NOT FOR PUBLICATION SCHEDULE 5 – A CLAIM TO LEGAL OR PROFESSIONAL PRIVILEGE

The Council was asked to consider a request from Castle Gardens Primary School, Newtownards to directly access Council land at Gregstown via the installation of a gate from the school grounds.

The recommendation was that the Council accede to the request, subject to the terms and conditions outlined in the report.

13. REQUEST FROM NIE FOR A WAYLEAVE OVER COUNCIL LAND AT ISLANDVIEW PITCH, GREYABBEY
(Appendix IX)

*****IN CONFIDENCE*****

The Council was asked to consider a request from NIE for Wayleave over Council land at Islandview, Greyabbey.

The recommendation was that the Council accede to the request, subject to the terms and conditions outlined.

14. SALE OF LAND AND PROPERTY AT HAMILTON ROAD, BANGOR - VARIATION OF CONDITIONS

(Appendix X)

IN CONFIDENCE

3. Exemption: relating to the financial or business affairs of any particular person Council was asked to approve an offer by a bidder in relation to the sale of land and property at Hamilton Road.

The recommendation was to accept the offer.

15. ACQUISITION OF LAND FOR GREENWAY - LAND AT BANGOR ROAD

(Appendix X)

IN CONFIDENCE

3. Exemption: relating to the financial or business affairs of any particular person Council was asked to agree to the acquisition of an area of land required for the Greenway at Bangor Road, Newtownards.

The recommendation was to acquire the land with the costs being reimbursed by consultants.

16. RENT REVIEW - LEASE OF THE SEABED IN PORTAFERRY INCLUDING 2 SEAWATER INTAKE PIPES

(Appendix XI)

IN CONFIDENCE

5. Exemption: a claim to legal professional privilege

The Council was asked to approve the revised rent in relation to the Lease from the Crown Estate of the seabed in Portaferry in accordance with rent review provisions in the Lease.

The recommendation was to approve the revised rent.

17. ACQUISITION OF LAND AT CONLIG FOR TREE PLANTING

(Appendices XII, XIII, XIV, XV)

IN CONFIDENCE

3. Exemption: relating to the financial or business affairs of any particular person

The Council was asked to agree the acquisition of 6 acres of land presently on the market at Conlig for the purposes of Tree Planting.

The recommendation was to acquire the 6 acres of land for the purpose of tree planting at the best possible price within a limit to be established by its professional valuer.

(Councillor Chambers withdrew from the meeting, via Zoom – 8.10 pm)

Reports for Noting:

18. ESTIMATES PROGRESS (FILE FIN169)

(Appendix XVI)

*****IN CONFIDENCE*****

4. Exemption: consultations or negotiations

In September 2025 the Council agreed its strategy for the estimates process that would set the budget for the 2026/27 financial year. That report was the second update report that officers had brought to Committee with another due in December 2025.

The recommendation was for the Council to note the update.

19. ABSENCE UPDATE

(Appendices XVII, XVIII)

*****IN CONFIDENCE*****

4. Exemption: consultations or negotiations

An update on the absence position in Ards and North Down Council was presented to the Council and they were asked to note the content.

RE-ADMITTANCE OF PUBLIC/PRESS

AGREED, on the proposal of Councillor Gilmour, seconded by Alderman McIlveen, that the public/press be re-admitted to the meeting.

TERMINATION OF MEETING

The meeting terminated at 8.35 pm.

ARDS AND NORTH DOWN BOROUGH COUNCIL

A hybrid (in person and via Zoom) meeting of the Active and Healthy Communities Committee was held at the Council Chamber, Church Street, Newtownards, and via Zoom, on Wednesday 12 November 2025 at 7.00 pm.

PRESENT:

In the Chair: Alderman McRandal

Alderman: Brooks Cummings

Councillors:	Ashe (Zoom, 7.02pm)	Irvine, W
	Boyle	Kerr (Zoom, 7.08pm)
	Chambers	McClean
	Cochrane	McKee (Zoom)
	Hollywood	Moore
	Irvine, S	

Officers in Attendance: Director of Active and Healthy Communities (A Falkner), Acting Head of Environmental Health and Regulatory Services (G Kinnear), Acting Externally Funded Programmes Manager (D Mackey), Operations Manager (S Fegan) and Democratic Services Officer (R King)

1. APOLOGIES AND CHAIRMAN’S REMARKS

The Chair reminded Members attending remotely of their obligations under Standing Order 29 – Remote Attendance.

(Councillor Ashe joined the meeting remotely – 7.02pm)

He referred specifically to SO 29.6 which related to remote meeting etiquette, noting that an elected member in remote attendance must adhere to the following meeting protocols:

- Members should situate themselves in an environment which was free from distraction and similar to conditions in the Council Chamber.
- Members should be situated in a location befitting the meeting, such as a private room with a closed door.
- Members should be alone with the exception of any other elected member who was entitled to attend that meeting.

Apologies were noted from Councillor Douglas and Councillor McBurney.

NOTED.

2. **DECLARATIONS OF INTEREST**

The Chairman sought Declarations of Interest at this stage.

The following declarations of interest were notified:

Councillor S Irvine – Item 8 - Ards and North Down Sports Forum Grants (WG October 2025)

The Deputy Mayor, Councillor Moore and Councillor Hollywood – Item 20 - Integrated Advice Services - Memorandum of Understanding.

Councillor Chambers – Item 17 - Leisure Services – Procurement Exception and Capital Funding Approval for Essential Work.

NOTED.

REPORTS FOR APPROVAL

3. **INTRODUCTION OF CONTINGENT DESTRUCTION ORDERS FOR THE PURPOSE OF NON-EXEMPTED DANGEROUS PRESCRIBED BREEDS (FILE 92000)**

PREVIOUSLY CIRCULATED:- Report from the Director of Active and Healthy Communities detailing that at the September 2025 meeting of the Environment Committee, members agreed that the Council would make use of a Contingent Destruction Order (CDO) process in relation to XL Bully dogs, as there were no longer administrative powers available to issue Exemption Certificates for this breed. The CDO process enabled the Council, should it have chosen, to facilitate an approach to the court to seek a CDO, where the court was satisfied that the dog would not be a danger to the public if kept under strict conditions.

A review of the CDO process was carried out by the new Acting Head of Environmental Health and Regulatory Services, and had concluded that it would be beneficial to make use of this approach in relation to other dogs that may be considered dangerous currently or in the future. We now asked that members consider expanding upon this decision and agree that the CDO process could be applied in relation to the following additional breeds :-

Any dog of the type known as the Pit Bull Terrier;

Any dog of the type known as the Japanese Tosa

Any dog of any type designated for the purposes of this Article (The Dogs (NI) Order 1983 Article 25 - The Dangerous Dogs (NI) Order 1991, Article 25A) by an order of the Department, being a type appearing to the Department to be bred for fighting or to have the characteristics of a type bred for that purpose.

Such a CDO would exempt the dog from the ban provided specified conditions were met within two months of the court order.

Such dogs could then be legally kept subject to the normal prescribed breed conditions and following the issue of a CDO by the court.

In order to approach the courts to seek a CDO, it would be required to carry out the following approach: -

1. Assessment Process, where Neighbourhood Environment Officers conduct a thorough breed and temperament assessment.
2. Comprehensive Documentation. Prepare detailed reports including professional opinions, photographic evidence and examination records.
3. Pre-Court Preparation. Ensure all exemption conditions are verified and documented before court application, including licensing, microchipping, neutering arrangements, and insurance coverage.
4. Court Presentation. Present cases with supporting evidence.

The dog would need to be held for a period prior to the court hearing, and the full cost of that, and the above process would be payable by the applicant prior to the issue of any CDO.

RECOMMENDED that Council agree to approve the use of the CDO procedure to allow the retention of unexempted but compliant current Prescribed Breeds and any dog of any type designated for the purposes of this Article (The Dogs (NI) Order 1983 Article 25 - The Dangerous Dogs (NI) Order 1991, Article 25A) by an order of the Department, being a type appearing to the Department to be bred for fighting or to have the characteristics of a type bred for that purpose.

Proposed by Alderman Cummings, seconded by Councillor W Irvine, that the recommendation be adopted.

Alderman Cummings welcomed the introduction of the new legislation, noting that it would provide clarity for officers and assist them in taking appropriate action where there was uncertainty in identifying relevant breeds.

Councillor Chambers sought further clarity regarding outcomes of the CDO process and the Acting Head of Environmental Health and Regulatory Services advised that, under the legislation, the dog would be detained and destroyed.

Councillor Boyle noted that dogs would need to be held prior to a court hearing and asked about the typical duration. The officer confirmed that dogs were usually held for approximately two weeks for assessment, with all associated kennelling costs payable by the applicant.

AGREED TO RECOMMEND, on the proposal of Alderman Cummings, seconded by Councillor W Irvine, that the recommendation be adopted.

4. **ADDITIONAL FUNDING FOR ENDING VIOLENCE AGAINST WOMEN LOCAL CHANGE FUND (FILE PCSP 1)**

(Appendix I – II)

PREVIOUSLY CIRCULATED:- Report from the Director of Active and Healthy Communities detailing that the Ending Violence Against Women and Girls (EVAWG) Strategic Framework 2024-31 was launched by the First Minister and the deputy First Minister on the 16th of September 2024, following a Ministerial Statement to the Assembly. The Strategy included a first Delivery Plan (2024-26) which would support those organisations working to prevent and challenge the attitudes, behaviours and culture that could lead to violence against women and girls.

ANDBC welcomed initial Momentum funding of £60,000 to be used by 31st March 2025 with Local Change Fund of £120,000 in April 2025. Momentum funding was used to deliver:

- Events to raise awareness of the Executive Office Change fund 2025-2026,
- Provide training to the local Community and Voluntary Sector (CVS) on EVAWG to build their capacity to apply for Change fund,
- Establish a Council EVAWG media campaign before March 2025.

The Local Change Fund was currently supporting 11 successful grants across 3 Tiers.

Award available	Number of successful grants	Total Amount Awarded	Number of Unsuccessful Grants
Tier 1- £1k - £5k	5	£20,161	4
Tier 2- £5k - £15k	3	£34,202.08	1
Tier 3- £15k - £20k	3	£65,643.60	6
Total	11	£120,006.08	11

Appendix 1 contained a letter dated 18th September 2025 from Fionnuala French, Head of Community Investment, EVAWG Department offering additional funding to ANDBC to be used by 31st March 2026.

Council had been asked to submit an Action Plan in order to bid for the additional funding which was attached at Appendix 2. It was anticipated that, funding would be available from November 2025 for expenditure up to March 2026.

RECOMMENDED that Council approves the submission of a bid for additional funding for EVAWG to be used by 31st March 2026.

Proposed by Councillor Moore, seconded by Councillor Hollywood, that the recommendation be adopted.

(Councillor Kerr joined the meeting remotely – 7.08pm)

Councillor Boyle requested further details on how the additional funding would be allocated and what would happen in the event of an underspend. The Director advised that the funding must be spent by March 2026 and would be used to extend existing initiatives rather than create new projects. These included themes such as coercive control interventions, educational and awareness projects for primary schools, and partner-led activities such as the production of an animation video. In the unlikely event of an underspend, any surplus would need to be returned to the Department, although this was not anticipated.

Councillor McClean asked how confident officers were that the funding could be fully utilised within the timeframe. The Director confirmed that she did not expect any underspend, as the funding would enhance current projects and enable them to reach more participants.

AGREED TO RECOMMEND, on the proposal of Councillor Moore, seconded by Councillor Hollywood, that the recommendation be adopted.

5. MAYOR FOR THE DAY (FILE CDV59)

PREVIOUSLY CIRCULATED:- Report from the Director of Active and Healthy Communities detailing that Council supported a Youth Council (Youth Voice) and an SLA was in place between the Community Development Team and EA to formalise this work. This partnership ensured that a Youth Voice Council was the core strategic mechanism for Children and Young People to participate and pro-actively engage in EA and Council business, thus promoting the voice of young people across the Borough.

Council had been asked to consider appointment of a Youth Mayor and running of the scheme 'Mayor for a Day'.

Following discussions with officers from EA it was agreed that appointing a member of Youth Voice to be youth mayor for a year would be too onerous due to educational commitments but the idea of Mayor for a Day would be welcomed.

Officers suggested that the current Chair of Youth Voice should be appointed to take part in "Mayor for a Day".

The "Mayor for a Day" initiative allowed young people to experience the responsibilities and daily activities of a Mayor. It was typically open to school students and served as a one-day educational experience.

Young people were invited to shadow the Mayor, attend meetings, and learn about civic duties. The initiative was designed to promote leadership, responsibility, and an understanding of local government.

It was recommended that:

- Council agrees to invite the Chair of Youth Voice to be 'Mayor for a Day'.
- That the scheme be run annually.

- That the Mayor's Office liaise with Youth Voice to determine a suitable date and programme of events for the initiative.
- That further discussions be held to agree how the Youth Mayor position would be signified and to provide a keepsake for the participants eg a ribboned medallion.
- That any costs associated would be met from the Community Development budget.

RECOMMENDED that Council approves the request as outlined above.

Proposed by Councillor S Irvine, seconded by Councillor Hollywood, that the recommendation be adopted.

Councillor S Irvine welcomed the recommendation as a fantastic initiative that celebrated the energy and ideas of young people and gave them pride in politics. He noted that young voices were often overlooked and he felt this scheme would help change that. It was more than a symbolic gesture, offering a practical way to inspire confidence and aspiration in future community leaders, while promoting inclusivity and vibrancy.

Councillor Hollywood also welcomed the initiative, describing it as a low-cost, high-impact idea and a smart way to reinforce the message that young people matter. The Deputy Mayor, Councillor Moore, expressed her support and asked whether the opportunity would be limited to the Chair of Youth Voice. She acknowledged the need for safeguarding and other quality assurance measures but wondered if there was scope to make the scheme more sustainable by involving more young people throughout the year.

The Director confirmed that the current proposal was for the Chair to participate, as this was considered a fair way to select one representative annually. However, if Members wished to broaden participation, officers could explore options and assess whether the Mayor's Office had capacity to deliver an expanded programme.

Councillor W Irvine added his support, noting that the initiative would provide valuable insight for young people into the role and responsibilities of the Mayor.

AGREED TO RECOMMEND, on the proposal of Councillor S Irvine, seconded by Councillor Hollywood, that the recommendation be adopted.

6. ADDITIONAL PUBLIC ANALYST (FILE CW61)

PREVIOUSLY CIRCULATED:- Report from the Director of Active and Healthy Communities detailing that Article 27 (1) of the Food Safety (NI) Order 1991 required that the Council appoint one or more persons (Public Analyst(s)) to act as Analyst(s) within the district of the Council.

Furthermore, the Framework Agreement on 'Official Feed and Food Controls by Local Authorities' amendment of 5 April 2010, Chapter 2, paragraph 12.8, stated that Ards and North Down Borough Council would ensure that a Food Analyst was

appointed to carry out examinations and analyses of food samples. In making these appointments, all relevant legal requirements and Codes of Practice should be satisfied.

The qualifications required by Analysts were set out in the Food Safety (Sampling and Qualifications) Regulations (Northern Ireland) 2013. This Service was satisfied that the following persons employed by Public Analyst Scientific Services, fulfilled the requirements of the Regulations for appointment as Public Analysts on behalf of the Council.

Currently the Public Analysts were:

Duncan Kenelm Arthur BSc, MChemA, CChem, MRSC
 Nigel Kenneth Payne MSc, MChemA, CChem, MRSC
 Lilian Emma Jane Downie MChem, MChemA, CChem, MRSC
 Michelle Evans BSc, MChemA, CChem, MRSC
 Donna Hanks BSc, MChemA, MRSC
 Mary Butts MSc, MChemA, MRSC

An additional new appointment was required to fulfil the needs of the service due the demand in examinations and analyses of food samples.

Newly appointed Public Analyst;
 Emily Shannon Roberts MSc, MChemA, CChem, MRSA

RECOMMENDED that Council approves the newly appointed Public Analyst to previously agreed persons, to act as Public Analysts to the Council under Article 27 (1) of the Food Safety (NI) Order 1991, effective from November 2025.

Proposed by Councillor Boyle, seconded by Councillor W Irvine, that the recommendation be adopted.

The Director clarified to Councillor Boyle that this had no impact on existing staff and was just the approval of a new name to act as a Public Analyst under the arrangement outlined within the report.

AGREED TO RECOMMEND, on the proposal of Councillor Boyle, seconded by Councillor W Irvine, that the recommendation be adopted.

7. COMMONWEALTH GAMES FUNDING (FILE CW94)

(Appendix III – IV)

PREVIOUSLY CIRCULATED:- Report from the Director of Active and Healthy Communities detailing that the next Commonwealth Games were due to take place in Glasgow from the 23rd July 2026 to 2nd August 2026. These games were supposed to take place in Australia but due to cost concerns expressed by the Victoria State Government they were cancelled and Glasgow was awarded the games albeit on a much reduced basis.

Members would be further aware that Council had previously supported the Northern Ireland Commonwealth Games teams at previous games and have been rewarded with a significant number of medals returning to the borough cementing the status of the borough as a top performing location for a wide range of athletes and para athletes.

Northern Ireland was planning to send a team of both Athletes and Para Athletes to take part in the 10 remaining sports and 6 Para sports events. The team from Northern Ireland was expected to be around 100 strong and while team selection had not been finalised it was anticipated that a significant number of athletes from our borough would be selected.

Commonwealth Games Northern Ireland (CGNI) was reaching out to a wide range of potential sponsors both Commercial and from the Public Sector and had requested a sum of £10,000, a 50% reduction on the commercial rate, from Council to support the preparation and participation of all of the Northern Ireland athletes, coaches and officials. A partner information pack was presented in Appendix 1.

As outlined in the letter from the Chief Executive in Appendix 2, if members were minded to support this funding application CGNI would undertake to host a series of Commonwealth Games related events and activities in the Borough. Early discussions had already taken place with Swimming, Gymnastics, Bowls, Wheelchair Basketball, Weightlifting and Sailing with other sports likely to come on board as the games approach. CGNI had stated that these would be co-branded events noting Council as a main sponsor and firmly believe that these events would provide opportunities for residents and day visitors to enjoy a wide variety of high level sporting events featuring local athletes which in turn would drive bed nights in the area up showcasing the Borough as a home of both community and high level sports. They also stated that all sponsors would benefit from a range of co-branding opportunities through social media and other media channels as the games got closer.

The £10,000 was available within this year's External contributions Sports Development budget.

RECOMMENDED that Council approves the contribution of £10,000 to Commonwealth Games Northern Ireland.

Proposed by Councillor Boyle, seconded by Councillor Hollywood, that the recommendation be adopted.

Councillor Boyle commended the sporting success within the Borough, stating that the investment would represent money well spent.

Councillor Hollywood described the initiative as an outstanding opportunity, noting that while £10,000 was a modest sum it would promise tangible benefits. He inquired whether there would be a geographical spread across the Borough to ensure all athletes could benefit and the Leisure Operations Manager confirmed that this would be the case.

Alderman Cummings expressed strong support for what he described as a tremendous idea and a valuable opportunity for both local athletes and the Borough as a whole. He highlighted the often-underestimated social value of such initiatives, noting the secondary benefits to public health and wellbeing - outcomes that were measurable and to be welcomed. He also referenced six planned events across the Borough and asked whether local sports clubs would be involved.

The officer confirmed that sports clubs would indeed be involved and that the events would feature themes inspired by the Commonwealth Games.

AGREED TO RECOMMEND, on the proposal of Councillor Boyle, seconded by Councillor Hollywood, that the recommendation be adopted.

(Councillor S Irvine withdrew from the meeting due to a declaration of interest in Item 8 – 8.22pm)

8. **ARDS AND NORTH DOWN SPORTS FORUM GRANTS (FILE SD155)**

(Appendix V – IX)

PREVIOUSLY CIRCULATED:- Report from the Director of Active and Healthy Communities detailing that on the 26th August 2015 Council delegated authority to the Ards and North Down Sports Forum, in order to allow it to administer sports grants funding on behalf of the Council. £70,000 had been allocated within the 2025/2026 revenue budget for this purpose.

The Council further authorised the Forum under delegated powers to award grants of up to £250. Grants above £250 still required Council approval. In addition, the Council requested that regular updates were reported to Members.

In September 2025, Officers advised Members that an additional sum of circa £12,000 would be required above the £70,000 budget agreed for 2025/26, to meet the expected level of applications based on current trends of the grants scheme year to date and subsequently. Council approved the allocation of funding to facilitate all eligible requests for the remainder of the year with the surplus being sourced from the success at ABMWLC in surpassing income targets.

£82,000 had been allocated within the 2025/2026 revenue budget for this purpose.

During October 2025, the Forum received a total of 58 applications: (1 Coach Education, 9 Goldcards, 20 Equipment, 3 Events and 25 Individual Travel/Accommodation).

A summary of the 38 successful applications was detailed in the attached 2025/26 Successful Goldcard and Travel/Accommodation Appendices.

2025/26 Budget £82,000	Annual Budget	Awarded to Date	Proposed Funding Awarded October 2025	Remaining Budget
Anniversary	£2,000	£1,500	£0	£500.00
Coach Education	£3,000	£725.00	£0	£2,275.00
Equipment	£26,750	£11,012.25	*£15,643.80	£93.95
Events	£12,500	£10,239.43	*£1,683.33	£577.24
Seeding	£2,000	£807.91	£0	£1,200.09
Travel and Accommodation	£32,750	£32,552.79	*£3,900.00	-£3,702.79
Discretionary	£1,000	£340.00	£0	£660.00
Schools/Sports Club Pathway	£2,000	£0	£0	£2,000
5 Goldcards Awarded in October 2025 (22 Goldcards in total during 2025/26)				

*The proposed remaining budget for Travel and Accommodation of -£3,702.79 was based on a proposed award this month of £3,900.00.

*The proposed remaining budget for equipment of £93.95 included £109.05 of reclaimed costs.

* The proposed remaining budget for seeding of £1,200.09 included £8.00 of reclaimed costs

*The proposed events remaining budget for events of £577.24.

*The proposed remaining budget for 2025/26 is £3,603.49 (96% of the 2025/26 budget spent).

RECOMMENDED that Council approves the attached applications for financial assistance for sporting purposes valued at above £250, and that the applications approved by the Forum (valued at below £250) are noted.

Proposed by Councillor Boyle seconded by Councillor W Irvine, that the recommendation be adopted.

Councillor Boyle acknowledged that funding was limited, believing that this was due to the effective allocation of resources across a wide range of applicants. While he expressed some concern about the sustainability of funding, he was confident that officers understood the importance of the scheme and would work to find a solution.

Councillor W Irvine welcomed the proposal. He had noted within the attached Appendix 3, that funding was not available for the use of referees. He explained the financial burden this presented to clubs and he asked that this be fed back to the Sports Forum and relevant officers.

AGREED TO RECOMMEND, on the proposal of Councillor Boyle, seconded by Councillor W Irvine, that the recommendation be adopted.

(Councillor S Irvine returned to the Council Chamber – 8.25pm)

9. ARDS AND NORTH DOWN SPORTS FORUM GRANTS AND CAPITAL GRANTS SCHEMES - UPDATE TO POLICY (FILE SD151)

(Appendix X – XXVIII)

PREVIOUSLY CIRCULATED:- Report from the Director of Active and Healthy Communities detailing that Council approved an updated Corporate Grants Policy in September 2024. Following this, Leisure Officers undertook a review of two grants schemes administered by Council's Sports Development Section, the Sports Forum Grants and Capital Grants schemes. In March 2025, Officers brought a report to Council outlining several proposed amendments to those schemes which were based on an approved increased budget in 2025/26 financial year (from £45,000 to £70,000).

In August 2025, a final version of the Corporate grants policy was approved by Council which detailed that individual grant schemes should be developed within a governance framework that was robust and fair, delivered in a consistent and timely fashion, with each scheme being presented and approved by Council.

The attached appendices, provided details of both the guidelines and application process for the Sports Forum and Capital Grants schemes and outlined key areas including:

- Objectives of scheme
- Frequency of calls
- Conditions of grant
- Timescales
- Evaluation criteria for applications including but not limited to marking frame and details of evaluation panel
- Monitoring process for supported projects and programmes
- Sample letter of offer
- Arrangements if grant call oversubscribed

Once approved by Council, Officers would apply the approved grants process to deliver, manage, administer the grants programme, issue letters of offer and award decisions using the Council's approved delegation thresholds (which are in line with those set out in the Purchasing and Payments Policy). The outcome of the grants scheme may have been presented to Council for noting purposes.

RECOMMENDED that Council approves the update to the Ards and North Down Borough Council Sports Forum Grants and Capital Grants schemes.

Proposed by Councillor Boyle, seconded by Alderman Cummings, that the recommendation be adopted.

Alderman Cummings queried the building grant element and wondered if that would be relevant for a club wishing to proceed with the construction of a new centre. The Leisure Operations Manager confirmed it would not fall under that particular criteria.

Alderman Cummings wondered if it could qualify for other areas of assistance, pointing to the club's targeted outcomes of such a development, and the officer explained that it could be fed back to Sports Development which considered applications on a case by case basis.

The Deputy Mayor, Councillor Moore, queried the rationale behind the total funding increase from £45,000 to £70,000, and the Director advised this was agreed as the current allocation was unable to meet the level of demand. The increased level was still insufficient and a further request had been made for additional budget.

Councillor McClean queried the changes in policy, noting that a previous policy was not included for comparison. However the Director clarified that the policy had remained the same but that the process had moved to a new centralised Corporate Grants system. She clarified that only the funding amount had changed.

In a further matter, Councillor McClean queried the funding criteria, expressing concern that the policy lacked a clear focus on need-based criteria. He sought assurances that the scheme was not open to profit-making organisations, concerned that those were benefiting at the expense of non-profit clubs. The Director would clarify with relevant officers and report back to the Member, however she explained that applicants had to demonstrate wider benefit to the community.

AGREED TO RECOMMEND, on the proposal of Councillor Boyle, seconded by Alderman Cummings, that the recommendation be adopted.

Reports for Noting

10. UNIVERSITY OF THE 3RD AGE (FILE CW179)

PREVIOUSLY CIRCULATED:- Report from the Director of Active and Healthy Communities detailing that the University of the Third Age (U3A) presented a deputation at Community and Wellbeing Committee on Wednesday 10th September 2025 it was then agreed at Council in September 2025 that officers bring back a report to consider how the Council could support the work of U3A.

A meeting took place on 6th October 2025 between Council officers and representatives of Ards and North Down University of the 3rd Age (U3A) to follow up on their recent Committee presentation and to further develop opportunities for partnership working and information sharing. A number of key areas were raised as outlined below;

Key Issues

Partnership Working and Information Sharing:

Council officers reaffirmed their commitment to continued partnership working through the Age Friendly Alliance and the Over 50s Council to enable U3A members to strengthen their place and ensure consistent information sharing.

Key updates include:

- It was reiterated to U3A that Council policies and strategies were developed in consultation with key stakeholders and that the Age friendly alliance was the mechanism used by Council to reach a wide range of stakeholders in the over 50s network. U3A was an active member of the alliance and Council agreed to further support ways to communicate with their organisation.
- There was ongoing information sharing from internal and external stakeholders (Council, Age Friendly Network NI, SEHSCT, PHA, and the Age Friendly Alliance) with the U3A and other older people's groups to ensure residents aged 50+ were informed about community initiatives, volunteering, intergenerational projects, creative workshops, consultations, and events.
- Delivery of slow cooker training sessions by Environmental Health Officers and Environmental Health students to U3A members.
- The Chair of U3A had been invited to attend the Age Friendly NI Summit on 4 November 2025 at the Titanic Exhibition Centre.
- U3A participation in a focus group as part of the Age Friendly Initiative evaluation, coordinated by Social Market Research on behalf of the Public Health Agency (PHA).
- The Age Friendly Coordinator will continue to share Age Friendly Newsletters with the Over 50s Council, and U3A will remain a member of the Age Friendly Alliance to facilitate ongoing collaboration and communication.
- A number of operational matters were raised by U3A in relation to the use of community halls and centres and these would be progressed through the Community Development team.

Next Steps / Proposed Actions

- Continue to share relevant opportunities with U3A through the Age Friendly Alliance and Over 50s Council.
- Maintain regular communication between Council officers, U3A, and Age Friendly partners to strengthen collaboration and information flow.

This work supported the Council's commitment to equality of opportunity and good relations, particularly in promoting social inclusion and community participation among older residents.

RECOMMENDED that Council notes the report.

Proposed by Councillor McClean, seconded by Councillor Cochrane, that the recommendation be adopted.

Councillor McClean welcomed the report and noted that North Down and Ards U3A were very pleased with its contents, having no further comments to add. He felt this reflected the high standard of work undertaken by officers and concluded by commending the work of U3A and benefits it brought to the community.

AGREED TO RECOMMEND, on the proposal of Councillor McClean, seconded by Councillor Cochrane, that the recommendation be adopted.

11. **SUMMER SCHEME UPDATE (FILE CDV35B)**

PREVIOUSLY CIRCULATED:- Report from the Director of Active and Healthy Communities detailed as follows:

Council Led Summer Schemes

In 2025 Council led Summer Schemes were delivered by the Community Development team across 8 sites supported by colleagues in Leisure Services. Some additional funding was provided from the leisure budget to enable a scheme to be held in Comber.

Schemes were located at the following locations:

1. Redburn Community Centre
2. Alderman George Green Community Centre
3. West Winds Primary School
4. Ballygowan Village Hall
5. Bowtown Estate: Movilla Abbey Church Buildings
6. Comber Leisure Centre
7. Donaghadee Community Centre
8. Portavogie Community Centre

A delivery approach was adopted this year to maximise staffing across the 8 schemes, with four teams of staff employed to deliver in 4 locations per week for 4 weeks of summer schemes. Capacity for Council led schemes was standardised across all schemes with 48 children being registered per week, per location. In total 768 places available.

Community Partner led schemes

Community Partners delivered summer schemes across two sites, for two weeks each, namely;

- Kilcooley Women's Centre, Kilcooley
- Ballyphilip Youth Club, Portaferry

Officers would work with groups in building capacity and exploring the scope for enabling other community led schemes.

Facilitator pilot

Millisle Youth Forum, had hoped to deliver a community summer scheme but they withdrew due to reduced volunteer capacity. Council therefore undertook a procurement exercise to appoint a facilitator to fill this temporary gap in provision

within Millisle. Active Youth NI were awarded the contract and were able to run the process using their own booking system with the scheme being advertised using Council social media.

The primary aim of the two week programme was to deliver fun, accessible, and innovative summer schemes that support physical, mental and social wellbeing. The schemes were non-sport specific, filled with active games, mindful movement, nature crafting and healthy eating as part of a holistic approach to wellbeing; building habits for a lifetime of healthy living. The feedback from users reported that they found the registration straightforward and the children enjoyed the scheme.

The pilot also established that this was a cost-effective method of delivery. From the evaluation process below, it was noted that this type of programme was well received by both parents and children. It was proposed to further develop this pilot in 2026.

Participation numbers

The table below outlined the numbers of children registered per week per location in all nine summer schemes.

SITE	DURATION	NUMBER PER WEEK	TOTAL NUMBER 2025	TOTAL NUMBER 2024
COUNCIL LED SITES				
Redburn	2 weeks	48	96	96
Ald George Green	2 weeks	48	96	96
Bowtown	2 weeks	48	96	96
Comber	2 weeks	48	96	N/A
Donaghadee	2 weeks	48	96	96
Portavogie	2 weeks	48	96	96
West Winds	2 weeks	48	96	64
Ballygowan	2 weeks	48	96	96
Council Pilot – external facilitator - Millisle	2 weeks	32	64	0
Total Council facilitated			832	640
COMMUNITY PARTNER SITES				
Kilcooley	2 weeks	53	106	260*
Portaferry	2 weeks	43	86	87
Total for community partners			192	347
Overall total of SS places			1,024	987

Table one

*Kilcooley ran over 4 weeks in 2024 and reduced to 2 weeks in 2025

The trial scheme in Millisle and additional scheme in Comber had helped grow the number of places available within the Borough overall. The Community Partners capacity had slightly reduced because of the number of weeks offered and associated budget constraints.

Staff/Volunteer Capacity

Capacity was the crucial factor for both Council and Community led schemes. Good practice dictated minimum adult: child ratios when working with children (**1 adult to 8 children**). Council employed Agency Staff to deliver 8 schemes across a 4-week period. Capacity for our Community Led Partner colleagues was even more difficult, as they relied entirely on volunteer power to ensure delivery. This was a crucial baseline for each Partner organisation and determines how many children each can register. Demand remained high every year. Both Council and Community Partner Led Summer Schemes continued to deliver within both budgetary and people power constraints, to meet the demand whilst deliver a quality service.

Summer Scheme Promotion

Summer Scheme places were advertised on the Council website and social media channels prior to schemes opening for registration. They were also promoted via the Community Development Database.

Training

Council increased the number of training days to ensure policies, procedures, play skills and managing challenging behaviours could be embedded prior to start of scheme, and that on site staff team building could take place in advance of the commencement of summer scheme.

Programme delivery

Programme delivery maintained a two-band age structure. P1-P3 age group and P4-P7 age group. This allowed staff to devise programmes reflecting children's age, stage of development and ability to engage with play activities. This worked well for on-site delivery but could prove more difficult for trips, when both age groups were out together. It was a challenge to find activities for the broad age range, where children could engage at the correct level which was both stimulating and pitched at the right ability level.

Trips were organised to Ards Blair Mayne Wellbeing and Leisure Centre, Comber Leisure Centre, the Ark Farm, Mount Stewart, Dundonald Ice bowl, Sir Samuel Kelly Lifeboat, IMC cinema Ards and Castle Espie.

The onsite programme was equally exciting, with facilitators and artists visiting children at community centre settings. These included: First Aid by Red Cross, Multi Sports Joe, Party Animals, Amazon Jungle animals and Clayful Minds.

The summer schemes did continue to tackle holiday hunger, by providing fruit, yoghurts, soft drinks and a cereal bar to snack on during the day when children were hungry. This worked better than offering breakfast. Therefore, it was aimed at any child that was hungry at any time, instead of offering out to those that had not eaten before attending. Special thanks went to Bangor Foodbank, Ken Scott and his team, for organising and delivering the food offerings, for children to snack and graze on throughout the scheme. There was also one hot lunch provided per week when children visited the leisure centre.

Cross Council Working

Community Development staff worked closely with colleagues across the Council to deliver educational input. This helped inform our future adult citizens of their responsibilities and embed good habits early. Colleagues from Community Safety, Recycling, Leisure, Community Halls and Good Relations teams were invaluable.

Joining forces with Leisure also enabled the extra scheme to be provided in Comber and Leisure colleagues put on leisure activities within Ards Blair Mayne to enable some sporting activities across all the summer schemes.

Volunteering council led scheme

This year, 8 young volunteer helpers took part in the summer schemes, at Bowtown, Comber and at Alderman George Green. This was an excellent opportunity for young people to get involved with their community, learn new skills and build confidence.

Staff evaluation council led scheme

Staff each worked a four week block with two weeks in one site and then moving to two weeks in another site. 65% of staff felt that working for the 4-week period was positive. 18% of staff felt that this did not work for them and the following reasoning was captured.

- 4 weeks was too long for staff commitment next year, particularly experienced returning staff (generally from pre & primary school sector) who we relied on for consistency.
- Single room centres made it difficult for two age groups to operate in simultaneously.

Registration/Enrolment Process

Eligibility and cost remained the same this year with full cost being £25 per child per week and a concession fee £12.50 (families in receipt of free school meals). Children must reside within the Borough, and a medical declaration was required for each child to help meet their needs. The scheme could support children who required one to one support. Summer scheme was a generalised play opportunity for children.

Building on last year's recommendation to streamline the process the following was implemented:

- Electronic process to register place(s)
- face-to-face verification of documents

Parent Evaluation Council led scheme

Parents were asked about the ease of registering for the scheme, 52% of parents found the process of the online booking either easy or extremely easy, with 23% finding the process either difficult or extremely difficult.

Children's Evaluation Council led scheme

The children's views were captured daily. This involved asking children about their views on activities, programme and their ideas for the future. Children really enjoyed

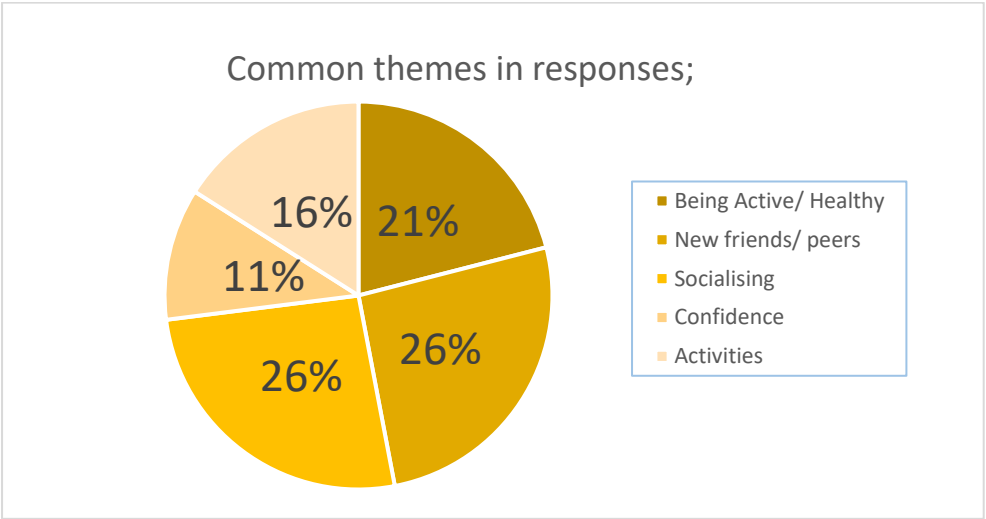
the activities. Children created Totem Poles to show what activities they like most and how they felt about summer scheme.

Facilitator led scheme Millisle Evaluation

- Parent Evaluation

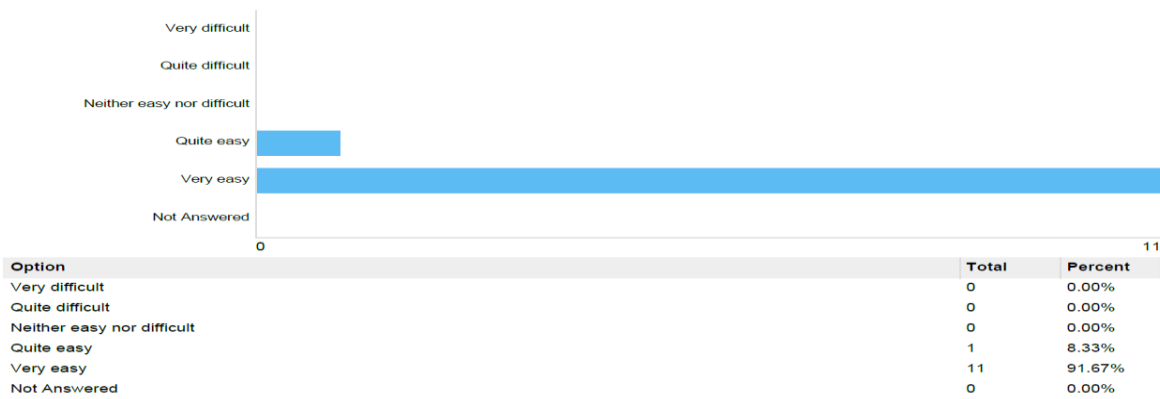
There was a low response rate from parents, with only 12 responses received for this scheme, all responses received were extremely positive as outlined below;

What did you feel your child benefitted most from the scheme?



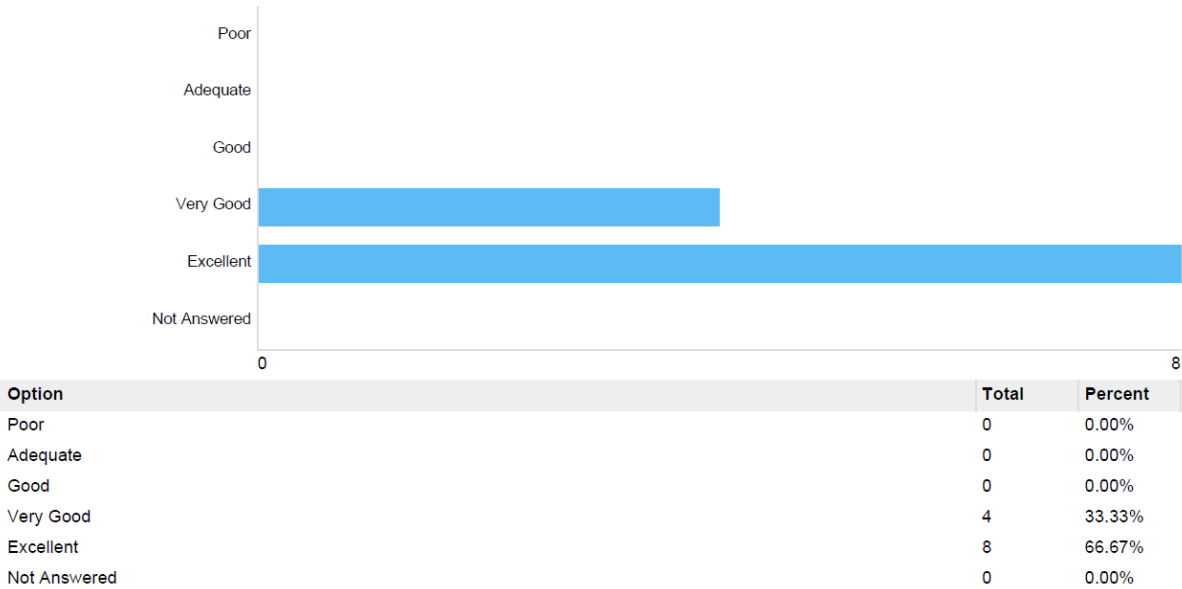
How did you find the registration process?

Difficulty of Registration/ Payment Process



100% response from parents finding the registration process easy or quite easy. When asked about the summer scheme content 100% of parent found this excellent or very good.

How do you rate the Summer Scheme programme content?



Children Evaluation facilitate pilot Millisle

A sample of the response from the children over the two-week scheme:

What activity did you like the best?

- 1. Team games
- 2. Arts and crafts
- 3. Beach visits

Did you make new friends?
100% yes across the board

How are you feeling today?
Happy - 90%
Tired - 60% (Average across the week)

Community Partner Evaluation

Both Community partners delivered excellent schemes this year that were popular with the children and families. They had reported back on the benefit to the children and the community below. Both reported back that the amount of funding for the scheme was not sufficient with the increase of costs. Some examples of feedback included;

Kilcooley Women’s centre said that;

“Children made new friends, took part in activities on some occasions they initially would have been afraid to try, Confidence and self-esteem improved over the week they were there. Children were learning new things and getting to see places and did activities they otherwise wouldn’t have been able to afford to go over the summer holiday period. We had seven volunteers who were mothers themselves and had a good understanding of the children they were volunteering with, and it was a perfect

opportunity to share information about the classes and services being run within Kilcooley Women's Centre."

Ballyphilip Youth Club

"Some of the children would not have got on any trips over the summer were it not for the Summer Scheme due to parents not having the funds or transportation. The children also got to see their school friends. Some children lived in rural locations so accessing their peers was not easy over the summer months. We supported local groups and businesses throughout the weeks e.g. ice-cream van and local convenience shops. All businesses locally and regionally which were used benefited from us using their services. We provided activities which took the children away for the day which decreases the number of children wandering the streets potentially getting into trouble. There was very little in our local area for children who were in our older group who were not interested in sports."

Next Steps

It was proposed to pilot an alternative method of delivery for Council led summer schemes in 2026, following on from the successful delivery in Millisle in summer 2025. A procurement exercise would be undertaken to appoint a delivery agent to deliver up to eight schemes across the Borough. Further discussions with community partners would take place prior to procurement and a further update would be brought to Committee in due course.

RECOMMENDED that Council notes this report and that officers proceed to procure a provider to trial the provision of summer schemes across the Borough for 2026.

Proposed by Councillor W Irvine, seconded by Councillor S Irvine, that the recommendation be adopted.

Councillor W Irvine welcomed the Summer Scheme programme and acknowledged its positive impact during the summer period. He enquired whether Breezemount, which had previously operated a popular scheme, could be re-engaged to explore their requirements for potentially hosting a scheme in 2026. In response, the Director confirmed that discussions could be held with the group and explore the rationale as to why they were no longer on the list of schemes that were running. Councillor W Irvine emphasised the importance of the Council doing what it could to support such organisations.

Councillor McClean raised a query regarding the reduction in Council-delivered schemes from nine to the currently proposed eight. He asked whether this indicated that one area would now be without provision. The Director clarified that eight Council-run schemes were listed on page one of the report, and noted that the Millisle scheme was facilitated externally and therefore not included under the Council's direct delivery. The report recommended that the external facilitator continue to deliver that scheme.

Councillor McClean expressed concern that the report lacked detailed figures. He asked whether the proposed model aimed to improve the quality and reach of the summer schemes, achieve cost savings, or both. The Director advised that the

intention was to reach more participants in a more efficient manner through the facilitated model.

Welcoming this response, Councillor McClean reflected on the previous withdrawal of up to five locally run schemes, citing challenges faced by volunteers - particularly in securing access to community centres. He expressed support for the aspiration to reach more children and urged that, should additional funding become available, it be directed towards supporting local schemes such as those in Kilcooley and Portaferry. These schemes, he noted, had experienced reduced funding and were disadvantaged by not being funded on a per capita basis. He encouraged the Council to provide greater support to such schemes and to any others that had been in a similar position and seeking to reopen.

AGREED TO RECOMMEND, on the proposal of Councillor W Irvine, seconded by Councillor S Irvine, that the recommendation be adopted.

12. PORTAFERRY SPORTS CENTRE FLOOR BI-MONTHLY UPDATE (FILE CW74)

PREVIOUSLY CIRCULATED:- Report from the Director of Active and Healthy Communities detailing that there had been no further progress in relation to the sports hall floor since the last update in September 2025.

Also in September 2025 the Headmaster of the school reported that the Boiler for the Sports Centre had broken down and was unrepairable and needed to be replaced. Quotes for replacement were circa £30,000. The replacement of the boiler was a matter for the school and EA to resolve not the Council. Council officers were concerned that as the weather started to get colder Officers might receive complaints from users and staff about temperatures within the centre was and bemoaning the lack hot running water including showers. Council had installed some portable heaters as a short term measure as Officers continue to press the EA and school for progress.

RECOMMENDED that Council notes this report.

Proposed by Councillor Boyle, seconded by Alderman Cummings, that the recommendation be adopted.

Councillor Boyle referred to what had been a nightmare in Portaferry and noted that the hall had now been out of use for three and a half years. He also referred to more recent issues with the heating system which had not functioned for three months.

The Education Authority and Department of Education's lack of action had been a disaster for the town and that also applied to the Education Minister's response on the issue. He described the situation as a shame and disgrace. He referred to potential revenue that would have been generated from a single sports club throughout that period and believed that if the facility was in Bangor or Newtownards, it would not have been neglected for this period of time.

The centre was used by both schools and the community and those users were facing third world conditions with no heat or hot water.

Councillor Boyle recalled a meeting in November 2024 where he had brought together all stakeholders at the Ards Blair Mayne centre including elected representatives, senior Council and Education officials where it was made clear what was needed, however one year on from that, nothing had materialised.

He was staggered by the Education Authority's position that it would maintain but not replace anything within the centre. This was unacceptable and the community of Portaferry and beyond were extremely unhappy with the situation.

In his communications with the school on other matters, the principal had been complimentary to the Council and its officers who were trying to find a solution but it was important that something happened quickly.

Alderman Cummings appreciated there had been ongoing communication but ownership was unclear and there were contractual issues and complexities which were part of the ongoing discussions. He asked if any progress had been made in terms of who was responsible for the structure of the building.

The Leisure Operations Manager advised that officers shared the frustrations, but responsibly sat with Education Authority, and the Director had written to the Education Authority requesting an update in five working days. He confirmed that no response had been received to date.

Councillor Chambers shared his frustrations and described the situation as shambolic. He had concerns about the lack of hot water and heat and wondered if it was available to staff and customers, but officer advised that there was no hot water available and this affected the heating, showers and basins etc.

Councillor Chambers noted that it was a health and safety requirement for an employer to provide heating and hot water to staff and he put this to the officer. The officer referred to the Director's correspondence and advised that the ambient temperature was falling in the building and the Council was facing a decision where it would have to close the building if the situation continued. He added that the temperature was being monitored regularly.

Councillor Chambers feared that the situation was moving towards closure of the building and warned of the exasperation this would cause to the community.

AGREED TO RECOMMEND, on the proposal of Councillor Boyle, seconded by Alderman Cummings, that the recommendation be adopted.

13. **SERVICE ACTIVITY REPORTS**

13.1 **LICENSING SERVICE ACTIVITY REPORT JAN-SEPT 2025**
(FILE LQR)

PREVIOUSLY CIRCULATED:- Report from the Director of Active and Healthy Communities detailed as follows:

Introduction

The information provided in this report covered, unless otherwise stated, the period from 1 January 2025 - 30 September 2025. The aim of the report was to provide Members with details of some of the key activities of the Licensing Service.

Applications Received

The Service dealt with a wide range of licensing functions which required the Officers to consult with the PSNI, NIFRS and a range of other Council Services in making their assessment of an application.

	Period of Report 1 January 2025 - 31 March 2025	Same quarter last year 1 January 2024 - 31 March 2024
Entertainments Licence	41	46
Cinema Licence	0	0
Amusement Permits	1	2
Marriage and Civil Partnership Place Approval	2	1
Pavement Café Licence	2	6
Street Trading Licence	0	3
Lottery Permits	9	8

	Period of Report 1 April 2025 – 30 Sept 2025	Same Period Last Year 1 April 2024 – 30 Sept 2024
Entertainments Licence	84	80
Cinema Licence	1	0
Amusement Permits	5	5
Marriage and Civil Partnership Place Approval	7	2

Pavement Café Licence	2	25
Street Trading Licence	2	0
Lottery Permits	7	1

Most of the licences issued were renewals and hence the workload was constant year on year. The licence renewal process still entailed considerable work when assessing the application and consulting with other bodies.

Regulatory Approvals

This was the number of licences, approvals and permits that have been processed and issued.

	Period of Report 1 January 2025 - 31 March 2025	Same quarter last year 1 January 2024 - 31 March 2024
Entertainment Licence	65	56
Cinema Licence	2	0
Amusement Permits	3	2
Marriage and Civil Partnership Place Approval	2	1
Pavement Café Licence	0	9
Street Trading Licence	0	1
Lottery Permits	11	12
	Period of Report 1 April 2025 – 30 Sept 2025	Same Period Last Year 1 April 2024 – 30 Sept 2024
Entertainment Licence	114	86
Cinema Licence	0	0
Amusement Permits	2	4
Marriage and Civil Partnership Place Approval	5	1
Pavement Café Licence	0	1
Street Trading Licence	0	5
Lottery Permits	5	3

Inspections

The Service carried out a range of inspections in connection with the granting and renewal of licences to establish if the premises were suitable. In some cases, this would involve a joint inspection with NIFRS.

‘During performance’ inspections were an important element in ensuring that licensees were abiding by their licence terms and conditions and that premises were safe for patrons.

The Service had been unable to complete its annual planned programme of ‘during performance’ inspections which concentrated on the higher risk premises such as night clubs through the year due to resourcing issues.

	Period of Report 1 January 2025 - 31 March 2025	Same quarter last year 1 January 2024 - 31 March 2024
Initial/ renewal Entertainment Licence Inspections	12	34
During performance Inspections	2	0
Initial Inspections of Pavement Cafes	0	0
Initial Inspections of Places of Marriage and Civil partnerships	0	0

	Period of Report 1 April 2025 - 30 Sept 2025	Same period last year 1 April 2024 - 30 Sept 2024
Initial/ renewal Entertainment Licence Inspections	44	28
During performance Inspections	47	122
Initial Inspections of Pavement Cafes	0	0
Initial / Renewal Inspections of Places of Marriage and Civil partnerships	1	0

High Hedges

High Hedge legislation required complainants to attempt to resolve their complaint informally prior to lodging a formal complaint with the fee of £360. This generated a large volume of queries for Officers in an advisory role, which were not reflected in these statistics.

	Period of Report 1 January 2025 - 31 March 2025	Same quarter last year 1 January 2024 - 31 March 2024
Formal Complaints	0	2

	Period of Report 1 April 2025 - 30 Sept 2025	Same quarter last year 1 April 2024 - 30 Sept 2024
Formal Complaints	0	1

CCTV incidents

Period: 1 January 2025 – 30 September 2025

Date	Location	Incident	Action
16/1/24	Regent Street, Newtownards	Lady walks in front of van	No requests made
4/2/25	High Street, Newtownards	Traffic Accident	Requested by and provided to PSNI
22/2/25	Conway Square, Newtownards	ASB damage to car	No requests made
21/3/25	Regent Street, Newtownards	Traffic	Requested by member of public through DPO
23/3/25	Castle Street, Newtownards	Theft	Request by and provided to PSNI
29/3/25	Main Street, Bangor	Fighting	No requests made. Ambulance attended.
6/4/25	High Street, Bangor	Assault	Requested by and provided to PSNI
20/4/25	CCTV Office Car Park	Criminal Damage	Requested by and provided to PSNI
7/5/25	High Street, Bangor	Assault	Requested by and provided to PSNI
10/5/25	High Street, Newtownards	Assault	Requested by and provided to PSNI

18/5/25	High Street, Bangor	Firearms incident	Requested by and provided to PSNI
12/6/25	Main Street, Bangor	Fighting	No requests made
20/6/25	Conway Square, Newtownards	Fighting	No requests made
10/7/25	Quay Street, Bangor	Traffic incident	Requested by and provided to PSNI
18/7/25	Main Street, Bangor	Fighting	No requests made
3/8/25	Main Street, Bangor	Assault	Requested by and provided to PSNI
23/8/25	High Street, Bangor	Assault	Requested by and provided to PSNI
1/9/25	High Street, Bangor	Traffic Incident	Requested by and provided to PSNI
7/9/25	High Street, Bangor	Assault	Requested by and provided to PSNI

RECOMMENDED that Council note the report.

AGREED TO RECOMMEND, on the proposal of Councillor W Irvine, seconded by Councillor Moore, that the recommendation be adopted.

13.2. NEIGHBOURHOOD ENVIRONMENT TEAM ACTIVITY APRIL-JUNE 2025 (FILE 92009)

(Appendix XXVIX – XXXII)

PREVIOUSLY CIRCULATED:- Report from the Director of Active and Healthy Communities detailed as followed:

Introduction

The information provided in this report covered, unless otherwise stated, the period 1st April to 30th June 2025. The aim of the report was to provide members with details of some of the key activities of the Team, the range of services it provided along with details of level of performance.

Applications to the Neighbourhood Environment Team

Dog Licences - The Dogs (NI) Order 1983

It should be noted that these figures included block licences where one licence could be issued for multiple dogs in specific circumstances.

	Period of Report April - June 2025	Same 3 months April - June 2024	Comparison
Dog licences issued during the three months	5634	4783	

Concessionary licences remained at 82% of dog licences issued over the period. This included the categories of neutering (£5) / over 65 (Free – 1st dog) / over 65 subsequent dog (£5) and income related benefits (£5). Standard dog licence £12.50 and block licence £32. The application fees were set by statute.

DOG CONTROL – Dog Licences	2025	2024
Full Cost	955	790
Reduced - Neutered	2896	2441
Reduced - Benefits	580	506
Free – Over 65	1039	912
Reduced – Over 65 Subsequent Dogs	128	120
Block Licence	22	14
Exemption (XL Bully - £12.50)	14	0
TOTAL	5634	4783

Investigations

The Neighbourhood Environment Team responded to a range of service requests. In terms of time spent, some types of service requests would be completed immediately whilst others required a longer-term strategy to find a resolution. The breakdown within the categories for the types of service requested received had been detailed in Appendix 1.

SERVICE REQUESTS			
	Period of Report April - June 2025	Same 3 months April - June 2024	Comparison
DOG CONTROL	492	385	
ENVIRONMENTAL CONTROL	360	348	

Fixed Penalty Notices

The Neighbourhood Environment Team issued **83** Fixed Penalty Notices for various environmental offences in the Borough.

FIXED PENALTY NOTICES			
	Period of Report April - June 2025	Same 3 months April - June 2024	Comparison
DOG CONTROL	54	37	
ENVIRONMENTAL CONTROL	29	58	

Prosecutions

Breakdown of cases being prosecuted through the Court.

PROSECUTIONS			
	Period of Report April - June 2025	Same 3 months April - June 2024	Comparison
DOG CONTROL	8	7	↑
ENVIRONMENTAL CONTROL	4	5	↓

Educational Programme
Project ELLA (Environment, Learning, Lifestyle, Action) continued with the following elements delivered by the Neighbourhood Environment Team.

- 1. On the Rocks** – This was an interactive activity where pupils examined the many varied rocks and fossils that form our local landscape. This in turn highlighted the need to protect our precious natural environment and was delivered to the following groups.
 - STRIDES** – A Bangor based facility for young adults outside of mainstream education and with learning difficulties (10 pupils in attendance)
- 2. Rock Pooling, Beach Cleans and Beach Art** – This fantastic activity that looked at marine biodiversity, the problems caused by plastic and litter pollution, as well as fun art and craft sessions using natural materials, were delivered to the following groups.
 - Bloomfield Primary School P4** (100 pupils in attendance)
 - Donaghadee Primary School P4** (60 pupils in attendance – April event)
 - Ballyholme Primary School P5** (100 pupils in attendance)
 - Donaghadee Primary School P4** (60 pupils in attendance – June event)



- 3. The Plastic Sea** – This was a classroom-based activity that developed pupils understanding of the importance of our seas and the threat presented by

pollution and climate change. An art and craft session using beach sourced materials was also delivered as part of this initiative.

- Kilmaine Primary School – P5 – Class 1 (30 pupils)
 - Kilmaine Primary School – P5 – Class 2 (30 pupils)
 - Kilmaine Primary School – P5 – Class 3 (30 pupils)
4. **Cry of the Wolf** – Another classroom-based presentation that explored human impacts on our landscape and environment as seen through the eyes of a wolf, one of now extinct native animals.

STRIDES - A Bangor based facility for young adults outside of mainstream education and with learning difficulties (10 pupils in attendance)

5. Community and Intergenerational Projects – A variety of community-based activities that included planting, litter picks, art projects and building a bug hotel were delivered across the borough.

After School clubs

- George Green Community Centre (20 in attendance)
- Whitehill Community Centre (15 in attendance)
- Redburn Community Centre (20 in attendance)
- Breezemount Community Centre (20 in attendance)



Intergenerational Project

- **Ards Arena Youth Forum** – This was a structured activity as part of ongoing training and development schemes delivered in conjunction with Ards Arena. Plant pots were made up and delivered to elderly and vulnerable people within the local community. (20 forum participants in attendance)

Donaghadee in Bloom

- The Project **ELLA** team worked with the Beechfield Residents Association in Donaghadee over several evenings putting together planters that were delivered to elderly residents in the estate. A litter pick of Crommelin Wood was also undertaken by local children whilst a new bug hotel was received courtesy of a local businessman which was located at the entrance to the

woods. All these initiatives were undertaken in conjunction and partnership with Donaghadee in Bloom and was a fine example of collaborative working.

RECOMMENDED that Council notes the report.

13.3. **NEIGHBOURHOOD ENVIRONMENT TEAM ACTIVITY JULY-SEPTEMBER 2025 (FILE 92009)**

(Appendix XXXIII – XXXVI)

PREVIOUSLY CIRCULATED:- Report from the Director of Active and Healthy Communities detailed as followed:

Introduction

The information provided in this report covered, unless otherwise stated, the period 1st July to 30th September 2025. The aim of the report was to provide members with details of some of the key activities of the Team, the range of services it provided along with details of level of performance.

Applications to the Neighbourhood Environment Team

Dog Licences - The Dogs (NI) Order 1983

It should be noted that these figures included block licences where one licence could be issued for multiple dogs in specific circumstances.

	Period of Report July - Sept 2025	Same 3 months July - Sept 2024	Comparison
Dog licences issued during the three months	5600	5414	

Concessionary licences remained at **81%** of dog licences issued over the period. This included the categories of neutering (£5) / over 65 (Free – 1st dog) / over 65 subsequent dog (£5) and income related benefits (£5). Standard dog licence £12.50 and block licence £32. The application fees were set by statute.

DOG CONTROL – Dog Licences	2025	2024
Full Cost	1015	990
Reduced - Neutered	2782	2731
Reduced - Benefits	686	628
Free – Over 65	990	949
Reduced – Over 65 Subsequent Dogs	112	101
Block Licence	15	15
TOTAL	5600	5414

Investigations

The Neighbourhood Environment Team responded to a range of service requests. In terms of time spent, some types of service requests will be completed immediately whilst others required a longer-term strategy to find a resolution. The breakdown

within the categories for the types of service requests received had been detailed in Appendix 1.

SERVICE REQUESTS			
	Period of Report July - Sept 2025	Same 3 months July - Sept 2024	Comparison
DOG CONTROL	384	201	↑
ENVIRONMENTAL CONTROL	357	351	↑

Fixed Penalty Notices

The Neighbourhood Environment Team issued **43** Fixed Penalty Notices for various environmental offences in the Borough.

FIXED PENALTY NOTICES			
	Period of Report July - Sept 2025	Same 3 months July - Sept 2024	Comparison
DOG CONTROL	28	40	↓
ENVIRONMENTAL CONTROL	15	39	↓

Prosecutions

Breakdown of cases being prosecuted through the Court.

PROSECUTIONS			
	Period of Report July - Sept 2025	Same 3 months July - Sept 2024	Comparison
DOG CONTROL	5	1	↓
ENVIRONMENTAL CONTROL	2	2	↔

Educational Programme

Project ELLA (Environment, Learning, Lifestyle, Action) continued over the summer months with the following community based elements delivered.

1. July 2025 - Donaghadee Summer Festival in conjunction with the Sir Samuel Kelly Heritage Trust (July 25) – a family event that incorporated a rock pooling bioblitz, informative talks and demonstrations on the impact of litter and other polluting activities were delivered. Approximately 30 people were in attendance.
2. Donaghadee Summer Festival in conjunction with the Sir Samuel Kelly Heritage Trust (August 25) – a family event that incorporated a rock pooling bioblitz, presentations on the impact of plastics in the ocean environment and a litter pick was delivered. Approximately 25 people were in attendance.

RECOMMENDED that Council notes the report.

Proposed by Councillor Chambers, seconded by Councillor Hollywood, that items 13.2 and 13.3 be noted on block.

In relation to Item 13.2, Councillor Chambers asked how many Neighbourhood Environment officers were employed and how many were on shift at any one time across the Borough.

The Acting Head of Environmental Health and Regulatory Services advised that there were around 14 officers employed over two different patches. He believed that there would be around 10 on duty most days.

Councillor Chambers noted the 12 littering fines recorded within his own DEA and felt that did not reflect the true number of offences and believed that many people were simply getting away with it. He appreciated officers could not be everywhere all the time and catching people did rely on the public reporting incidents.

In relation to dog fouling, he felt it was particularly bad in residential areas which were often not a priority for enforcement officers to patrol. However he wondered if there were any measures to address that particular issue in residential areas and the officer explained this was something that was to be reviewed but added that deployment of officers at parks and areas of higher footfall provided greater efficiency because it meant that other offences could be monitored too around dog control for example. He explained that there were now more staff available due to posts being filled and he anticipated that there would be more detections.

Councillor Hollywood reported ongoing ASB issues including fly tipping at Bangor Sportsplex and that had led to an investigation by the NET. He also thanked officers for the swift installation of an acoustic enclosure at the bottle bank at the site. He asked if there was any update on the NET's investigation and the officer explained that mobile CCTV would be installed and signage was being prepared. He hoped it would detect or deter people from fly tipping at that site.

Councillor McClean felt that the fly tipping issue was exasperated by the lack of clothing banks within the Borough and it invited bad behaviour. He agreed it needed a quick solution.

In terms of dog fouling, he recalled correspondence with several hundred residents on the issue in the last year and it had remained a number one issue since joining Council along with the seafront. While Council had many good projects running, he noted that dealing with dog fouling was a core responsibility of the Council. He had previously campaigned for Councils to have the authority to issue higher fines up to £240, and the result was a near trebling to £200. Three fines for dog fouling in the summer was not adequate performance. He asked if Council was benchmarking with other local authorities and asked how Council compared with other Councils.

The officer explained that the Council reported its figures to Keep Northern Ireland Beautiful and that organisation compiled all figures from the local authorities with the exclusion of one of NI's 11 Councils that did not participate. While performance in

this report was not as good as previous periods, he said that the Council performed relatively well in comparison with other Council areas.

Councillor McClean hoped that the figures, particularly in relation to dog fouling, could be drastically improved the next time they were published.

AGREED TO RECOMMEND, on the proposal of Councillor Chambers, seconded by Councillor Hollywood, that Items 13.2 and 13.3 be noted.

14. NOTICES OF MOTION

14.1 Notice of Motion submitted by Councillor Kendall and Councillor S Irvine

This Council recognises the link between domestic abuse and non-accidental harm to companion animals and the emotional trauma this causes victims and survivors, acknowledging that companion animals are often used as tools of coercion and control in abusive relationships and that their welfare is intrinsically linked to the safety and wellbeing of victims. The introduction and implementation of Ruby's Law, as proposed in other parts of the UK, seeks to provide legal protection for pets in households where domestic abuse occurs, ensuring that they are considered in protective orders and safeguarding measures.

Therefore, this councils resolves to:

1) Write to the Ministers for Justice, Communities, Finance, DAERA, and Health, calling for:

1. The introduction of Ruby's Law in Northern Ireland; and
2. Them to work in partnership to deliver a cross-departmental collaboration with Causeway Coast Dog Rescue charity, and other animal welfare and domestic abuse organisations as required, to ensure the development of robust and enforceable provisions, taking a multidisciplinary approach to identify key stakeholders and government agencies to support victims and survivors of domestic abuse and coercive relationships and the protection of their pets.
- 2) Promote public awareness of the connection between domestic abuse, coercive control and animal abuse, in collaboration with statutory agencies and animal welfare organisations.
- 3) Encourage engagement and collaboration within all Councils and other key stakeholders to support the implementation of Ruby's Law in the community to protect animals and people.

(Councillor Kendall entered the meeting – 7.56pm)

Proposed by Councillor Kendall, seconded by Councillor S Irvine, that the notice of motion be adopted.

Councillor Kendall proposed the motion, stating that it was about protection - specifically for victims and survivors of domestic abuse and those they loved most, including their companion animals. She recognised previous motions that the Council had supported, recognising that companion animals were more than property - they were family.

The proposer noted that across Northern Ireland, companion animals were present in many, if not most, homes and were deeply loved. They greeted people at the door, offered comfort in despair, and gave unconditional love. Their welfare, she argued, was intrinsically and vitally linked to the safety and wellbeing of many individuals.

However, she highlighted that in too many cases, animals were used as weapons of domestic abuse, coercive control, and violence. They were threatened, harmed, and used to manipulate and terrorise victims. She referenced the long-established link between animal cruelty and human violence, citing William Hogarth's 1751 series *The Four Stages of Cruelty* as an early illustration of this.

She provided recent examples to demonstrate the severity of the issue:

- In Teesside (2023), Scott Marshall sexually assaulted a woman, locked her on a balcony, and beat her five-month-old puppy.
- In Scotland (2023), Malcolm Leask carried out a decade-long campaign of abuse, including rape, attempted murder, child abuse, and repeated attacks on family pets.
- In England (October 2025), Lewis Aitken assaulted his partner and tortured a kitten to death in front of her during a campaign of domestic abuse.

She stated that these were not isolated incidents but part of a broader pattern supported by research, including:

- Animal abuse being a key predictor of escalating violence, including homicide (Barbosa-Torres et al., 2024; Diemer et al., 2024).
- 97% of domestic abuse professionals having encountered cases where pets were harmed to control victims (Dogs Trust, 2019).
- Survivors whose abusers harmed animals experiencing an average of 50 violent incidents before seeking help, compared to seven incidents for those without pet abuse (Campbell et al., 2021).
- In 88% of cases where children were physically abused, animal abuse was also present (DeViney et al., 1983).
- Children who witnessed pet abuse suffering emotional and psychological distress similar to experiencing domestic abuse themselves (McDonald et al., 2017).

She referenced a recent article reporting that police had recorded 30,000 domestic abuse incidents in Northern Ireland between June 2024 and 2025, accounting for 20% of all reported crimes. While the number involving pets was unknown, she believed, based on the research, that many likely did.

Councillor Kendall shared that Women's Aid North Down & Ards had informed her that many women could not leave abusive homes because refuges were unable to accept pets. This, she said, trapped victims and perpetuated abuse. Survivors were often forced to choose between their own safety and the safety of their pets, with most shelters over capacity and unable to accommodate animals - something abusers exploited.

The proposer argued that legal protections for animals were crucial in preventing and supporting victims and survivors of domestic abuse. She emphasised that the law must recognise the full picture - across family, criminal, and animal protection frameworks.

Councillor Kendall referred to the Northern Ireland Domestic and Sexual Abuse Strategy 2024 -2031, which committed to prevention and justice. She noted that Pillar 5 promised effective, early responses to abuse, and Pillar 2 pledged early intervention and the challenging of abusive behaviours. She stated that Ruby's Law delivered on both.

She explained that Ruby's Law was founded by Family Law Barrister Christina Warner and championed locally by Causeway Coast Dog Rescue, with support from Women's Aid and other frontline organisations. The law sought to introduce explicit legal protection for pets in domestic abuse cases and was already under consideration in other parts of the UK. She argued that Northern Ireland needed to close the gap in its own laws.

Councillor Kendall outlined that Ruby's Law:

1. Recognised that companion animals were central to the family unit and often victims of abuse themselves.
2. Recognised the many survivors who delayed or feared seeking safety because their pets had been threatened, harmed, or killed.
3. Recognised that abuse against animals was a predictor of abuse against people and children.
4. Sought to ensure that no survivor was ever forced to choose between their own safety and the safety of their animals.

The proposer noted that while Northern Ireland courts dealt with safety, custody, and protection orders, companion animals were still treated as property rather than family. Domestic abuse laws in Northern Ireland did not explicitly recognise harm to animals as a form of domestic abuse or coercive control, leaving both animals and victims vulnerable.

Councillor Kendall stated that Ruby's Law aimed to embed the recognition of companion animals as family within the justice system, ensuring they were no longer excluded from protective legislation and thereby safeguarding the welfare of victims.

She explained that the law would seek to amend the Family Homes and Domestic Violence (NI) Order 1998 and the Domestic Abuse and Civil Proceedings Act (NI) 2021 to:

- Include pets in non-molestation and occupation orders.
- Recognise harm or threats to pets as coercive or psychological abuse.
- Allow Domestic Abuse Protection Notices and Orders to include pet protection clauses.
- Align Northern Ireland with reforms in England, Wales, Scotland, and international best practice.

Councillor Kendall concluded that the goal was simple but vital: to bring the law in line with the reality faced by those experiencing abuse. She stated that protecting pets meant protecting people. By supporting the motion, she said, the Council would send a clear message that Northern Ireland would not tolerate the use of animals as weapons in abusive relationships. She called on Members to stand for compassion, safety, and justice for every member of the family - human and animal alike - and to help make Ruby's Law a reality.

The seconder Councillor S Irvine highlighted the critical link between domestic abuse and the harm caused to companion animals, noting that pets were often used as tools of coercion and control in abusive relationships. He emphasised that protecting residents also meant protecting their pets, as both victims and animals suffered in violent or controlling households.

Councillor S Irvine stated that acknowledging this connection was not only compassionate but a practical step toward safeguarding families and communities. He noted that animal welfare was closely tied to the safety and wellbeing of victims, and that the condition of pets could influence a victim's ability to seek help or leave an abusive situation.

He advocated for the implementation of Ruby's Law, a proposal already introduced in other parts of the UK, which aimed to extend legal protections to pets within protective orders and safeguarding plans. Councillor S Irvine urged the Council to take concrete action by writing to the Ministers for Justice, Communities, Finance, DAERA, and Health to request the introduction of Ruby's Law in Northern Ireland and to call for urgent, coordinated efforts to progress the legislation.

Councillor S Irvine called for the establishment and strengthening of partnerships with Causeway Coast Dog Rescue and other relevant organisations to develop enforceable, multidisciplinary safeguarding provisions. He stressed the importance of promoting public awareness of the link between domestic abuse, coercive control, and animal abuse, and recommended working with statutory and welfare agencies to deliver consistent messaging and accessible guidance.

He encouraged collaboration across councils and stakeholders to support the implementation of Ruby's Law in the local area. To turn those commitments into results, Councillor S Irvine proposed supporting the formation of an Interdepartmental Working Group with a clear remit, timeline, and reporting mechanism to develop practical provisions, identify funding needs, and provide regular updates to the committee and public. He suggested formalising participation from charities and animal welfare bodies to ensure frontline expertise informed policy design.

In closing, Councillor S Irvine stated that endorsing the motion represented courage, compassion, and accountability, and sent a strong message that coercive control and harm to vulnerable individuals and their companion animals would not be tolerated.

Speaking in support of the motion, Councillor W Irvine acknowledged the widespread media coverage of domestic violence and the harm it caused, but noted that the impact on family pets - who were often considered part of the family - was rarely discussed.

He highlighted that this overlooked aspect made it more difficult for individuals to leave abusive relationships, as concern for their pets could be a barrier to escaping danger.

Councillor McKee added his support, noting the link between domestic abuse and harm to companion animals. He felt that protective measures for animals would improve their welfare and demonstrate compassion in strengthening support for victims.

Alderman Cummings expressed his support and he reflected on a previous motion regarding Finn's Law, which similarly recognised dogs as more than property. He acknowledged that pets often served as emotional support for families and he was aware of cases where pets had been used as leverage during domestic disagreements. Alderman Cummings reiterated the importance of ensuring that, should Ruby's Law be approved in Northern Ireland, the necessary resources would be in place to support and enforce it effectively at a local level

In summing up, Councillor Kendall expressed her gratitude to the seconder, Councillor S Irvine for outlining key issues close to her heart - namely, the welfare of animals and the welfare of individuals in abusive situations. She thanked Members for their agreement and emphasised the Council's responsibility to align with domestic abuse strategies and initiatives aimed at ending violence against women and girls.

Councillor Kendall praised the campaign behind Ruby's Law for gaining traction across the UK and stated that even if the legislation helped prevent just one person from enduring hardship or remaining in an abusive situation, it would be worthwhile.

She concluded by praising the Council for once again setting the tone and demonstrating a strong commitment to protecting both people and animals in vulnerable circumstances and thanked the Committee for its support.

AGREED TO RECOMMEND, on the proposal of Councillor Kendall, seconded by Councillor S Irvine, that the notice of motion be adopted.

(Councillor Kendall withdrew from the meeting – 8.12pm)

14.2 Notice of Motion submitted by Councillor McCollum and Councillor Wray

That this Council recognises the valuable work undertaken by the Community Safety team in tackling anti-social behaviour throughout the Borough. That this Council also acknowledges the significant and increasing pressures on those officers to meet the growing and complex demands of their workload. Furthermore, that Council notes the recent review of the criminal legislative framework to help tackle Anti-Social Behaviour and the greater powers which may devolve to Council, and tasks officers to prepare a report which outlines the needs of the Borough in relation to community safety and the resources currently available, details a range of measures appropriate to address those needs, including recruitment of additional officers, and identifies requisite funding requirements and opportunities.

The Chair advised that the proposer, the Mayor, Councillor McCollum, had advised she was unable to attend due to a prior engagement and had requested that the motion be deferred to the December meeting of the Active and Healthy Communities Committee.

AGREED TO RECOMMEND, on the proposal of Councillor Moore, seconded by Councillor Hollywood, that the notice of motion be deferred to the December meeting of the Active and Healthy Communities Committee.

15. ANY OTHER NOTIFIED BUSINESS

EXCLUSION OF PUBLIC/PRESS

AGREED, on the proposal of Councillor Chambers, seconded by Alderman Cummings, that the public/press be excluded during the discussion of the undernoted items of confidential business.

Reports for Approval Delegated to Committee

16. GRANT OF AN ENTERTAINMENTS LICENCE (FILE EL2174)

(Appendix XXXVII)

****DELEGATED TO COMMITTEE****

****IN CONFIDENCE****

NOT FOR PUBLICATION SCHEDULE 6 – 7. PREVENTION, INVESTIGATION OR PROSECUTION OF CRIME

PREVIOUSLY CIRCULATED:- Report from the Director of Active and Healthy Communities detailing that the grant and renewal of Entertainments Licences, where objections had been received, were not delegated to the Head of Environmental Health & Regulatory Services, decisions regarding the outcome remained delegated to Committee.

An application had been received for the Renewal of an Entertainments Licence.

Days: The permitted hours during which intoxicating liquor may be sold or consumed on these premises under the Licensing Order (NI) 1996.

Type of entertainment: Dancing, Singing or Music or any other entertainment of a like kind.

Public Advertisement

An objection to the public advertisement was received.

PSNI

No objections or comments have been received from PSNI.

NIFRS

No objections or comments have been received from NIFRS.

The Director explained that the report was in confidence due to an appendix which outlined the details of a complainant and their evidence which was included in an ongoing legal case due to a noise abatement breach.

Under the relevant legislation both parties (the applicant and complainant) had the right to make representation to the Committee. The complainant had made a submission in writing but was unable to attend due to illness. The applicant was in attendance but had not made a formal application for speaking rights but it was at the Chair's discretion for the Committee to grant the applicant an opportunity to speak at the meeting.

The Chair noted that there was no precedent for him to deny the applicant this opportunity and he allowed the applicant to speak to the Committee.

The Director clarified that questions were permitted after the applicant's verbal statement but they should not relate to the statement made by the complainant as this information was confidential.

(The applicant entered the Council Chamber - 8.21pm)

The Chair briefed the applicant that she had a maximum of five minutes to make a verbal statement to the Committee. The applicant addressed the Committee. The Chair invited the Committee to ask questions to the speaker.

(The applicant left the Council Chamber at – 8.31pm)

The Chair returned to the proposal.

RESOLVED, on the proposal of Councillor W Irvine, seconded by Councillor Hollywood, that in granting approval for the entertainment licence for 6 months, that we note the comments contained in the report in relation to the noise complaints and request that officers work with the applicant to mitigate

against noise disturbance and that a report is brought back to council in 6 months. Further agreed that the licence shall be granted subject to the applicant's full compliance with the six conditions set out in the report.

17. LEISURE SERVICES – PROCUREMENT EXCEPTION AND CAPITAL FUNDING APPROVAL FOR ESSENTIAL WORK (FILE CW180)

(Appendix XXXVIII – XL)

****DELEGATED TO COMMITTEE****

****IN CONFIDENCE****

NOT FOR PUBLICATION SCHEDULE 6 – 3 EXEMPTION: RELATING TO THE FINANCIAL OR BUSINESS AFFAIRS OF ANY PARTICULAR PERSON

PREVIOUSLY CIRCULATED:- Report from the Director of Active and Healthy Communities detailing that since opening in 2013, Bangor Aurora had hosted major swim events by Swim Ulster and Swim Ireland, which required a functioning start and finish timing system.

RESOLVED, on the proposal of Councillor McClean, seconded by Councillor Cochrane, that Council immediately prepares to proceed to competitive tender for a timing system of the appropriate standard and display as required, noting the range of FINA-approved alternatives on the market, and that several British Olympic training and competitive sites use alternative systems to the current provider.

18. CATERING CONTRACT ARDS BLAIR MAYNE AND COMBER LEISURE CENTRE (FILE LEI24)

****DELEGATED TO COMMITTEE****

****IN CONFIDENCE****

NOT FOR PUBLICATION SCHEDULE 6 – 3 EXEMPTION: RELATING TO THE FINANCIAL OR BUSINESS AFFAIRS OF ANY PARTICULAR PERSON

PREVIOUSLY CIRCULATED:- Report from the Director of Active and Healthy Communities detailing that the current contract for the Catering Facility within Ards Blair Mayne Wellbeing and Leisure Complex (ABMWLC) which included vending in Comber Leisure Centre (CLC) ran under the terms of a contract which was awarded in October 2018 and was due to expire in March 2026.

Opportunity for Catering Contract at ABMWLC and CLC

A Concession opportunity was advertised in the Belfast Telegraph, on the Council website and on the eTendersNI website.

A “services concession contract” meant a contract where the contracting authority (the Council) awarded the provision and the management of services to an outsourced economic operator for payment and the award of the contract should involve the transfer to the concessionaire of the operating risk.

The existing contract finished on the 31 March 2026. It was anticipated that the new contract would run from 1 April 2026 – 31 March 2028 for 2 (two) years subject to a satisfactory performance review at the end of years 1 and 2 and with an option to extend the contract by 3 (three) further periods of 12 (twelve) months.

Process

This was a 2-stage process with an initial Participation Stage Questionnaire (PSQ) (advertised on 26 June 2025, with a closing date of 12noon 18 July 2025) and an Invitation to Tender stage (issued via eTendersNI on 30 July 2025, with a closing date of 12noon 16 September 2025).

Three tenders were received at Stage 1 (PSQ). Following evaluation of the PSQ Stage (see Table 1 below) – three (3) bidders passed and were invited to submit a tender.

The responses to the invitation to tender were evaluated against the evaluation criteria (see Table 2 below) which related to how the bidders would deliver the service and meet the objectives of the provision.

Two tenders were submitted at Stage 2 (Invitation to Tender) by the closing date of 16 September 2025.

An evaluation panel consisting of 3 Officers from Leisure, Interim Head of Service (Leisure), Assistant Manager ABMWLC and Operations Manager (Leisure) convened on 29 September 2025 to evaluate the proposals received. The Senior Procurement Officer facilitated the evaluation and Procurement Assistant was also present (Shadowing).

Following the evaluation, the scores were collated, and the top scoring company was selected.

RECOMMENDED that Council award the contract for the provision of catering at ABMWLC and CLC for a two-year period from 1 April 2026 with the option to extend for a further three years.

RESOLVED, on the proposal of Alderman Cummings, seconded by Councillor Boyle, that the recommendation be adopted.

Reports for Approval

19. ORIGINS GYMNASTICS (FILE LS/LA23)

(Appendix XLI – XLVII)

****IN CONFIDENCE****

NOT FOR PUBLICATION SCHEDULE 6 – 3 EXEMPTION: RELATING TO THE FINANCIAL OR BUSINESS AFFAIRS OF ANY PARTICULAR PERSON

AGREED TO RECOMMEND, on the proposal of Councillor Moore, seconded by Councillor Chambers, that we defer the decision to allow time to carry out further consultation on how entering into this agreement with Origins might impact on users, particularly young families. Whilst acknowledging the undeniable value of our relationship with Origins and Rhys McClenaghan, officers should also enter into a dialogue with them on how we can work together to minimise the impact on existing soft play facilities, ensuring they are as accessible as possible- in terms of cost and hours available.

20. INTEGRATED ADVICE SERVICES - MEMORANDUM OF UNDERSTANDING (FILE CDV28)

****IN CONFIDENCE****

NOT FOR PUBLICATION SCHEDULE 6 – 6a STAUTORY PROVISION

PREVIOUSLY CIRCULATED:- Report from the Director of Active and Healthy Communities detailing that the Department for Communities had a statutory requirement to provide debt advice to individuals and households in need. The debt advice levy enabled the Department to secure funding to deliver free debt advice in NI. Integrated

The levy was applied to the financial services industry by the Financial Conduct Authority (FCA). The monies collected through the levy were allocated based on the proportion of adults in each of the nations of the UK who are indebted. The amount of funding available varies from year to year based on the 'Need for Debt Advice' survey.

In June 2025 members were informed that funding had become available, which would not continue beyond 2025/26.

RECOMMENDED that Council accepts the award and approves a variation of contract to deliver the Integrated Advice Partnership fund in the Borough in 2025/2026.

AGREED TO RECOMMEND, on the proposal of Councillor W Irvine, seconded by Councillor S Irvine, that the recommendation be adopted.

Reports for Noting

21. PEACEPLUS MINUTES (FILE PEACV-I)

(Appendix XLVIII)

****IN CONFIDENCE****

NOT FOR PUBLICATION SCHEDULE 6 – 6a STAUTORY PROVISION

PREVIOUSLY CIRCULATED:- Report from the Director of Active and Healthy Communities detailing that a meeting of the Ards and North Down Borough Council PEACEPLUS Partnership was held in The Chamber, City Hall, Bangor on 6th March 2025.

The minutes were attached.

RECOMMENDED that Council notes the minutes.

AGREED TO RECOMMEND, on the proposal of Councillor Boyle, seconded by Alderman Brooks, that the recommendation be adopted.

RE-ADMITANCE OF PUBLIC/PRESS

AGREED, on the proposal of Alderman Cummings, seconded by Councillor Cochrane, that the public/press be re-admitted to the meeting.

TERMINATION OF MEETING

The meeting terminated at 10.03pm.

ITEM 8.1

Ards and North Down Borough Council

Report Classification	Unclassified
Exemption Reason	Not Applicable
Council/Committee	Council Meeting
Date of Meeting	26 November 2025
Responsible Director	Chief Executive
Responsible Head of Service	
Date of Report	27 October 2025
File Reference	
Legislation	
Section 75 Compliant	Yes ☒ No ☐ Other ☐ If other, please add comment below:
Subject	Deputation Request - Donaghadee Community Development Association
Attachments	Appendix 1 - Deputation Request

A deputation request has been received from John Caldwell BEM of Donaghadee Community Development Association.

The request is in relation to the Donaghadee Ulster-Scots Festival which the Association successfully organizes.

The request is for the deputation to be heard at the Place and Prosperity Committee.

RECOMMENDATION

It is recommended that Council considers this request.



Donaghadee Community Development Association

(making Donaghadee a better place in which to live, work or visit)

Registered with The Charity Commission for Northern Ireland: NIC103332

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27th October 2025

Mr B Dorrian, Director of Place and Prosperity **BY EMAIL**

Dear Brian

Request to Place & Prosperity Committee to Receive a Deputation

I write to formally request approval for a deputation from the Donaghadee Community Development Association to address the Place & Prosperity Committee, ideally at its meeting on Thursday 4 December 2025.

As you know, our Association has successfully organised the Donaghadee Ulster-Scots Festival in each of the past three years. The event, which costs around £15,000 annually, is funded through contributions from the Ulster-Scots Agency, the Council's Festival and Chamber Funds and DCDA resources. It regularly attracts footfall of between 1,500 and 2,000 across the three days.

Having demonstrated proof of concept, we now believe the time is right to build on this success and explore how the Festival might grow to the next level. To achieve this, we would like the Council to take the lead role in delivering the event from 2026 onwards, working in partnership with DCDA and the Ulster-Scots Agency, which has already expressed a willingness in principle to support such a collaboration.

This approach would bring clear benefits to both the Council and the town. Donaghadee currently stands alone among our towns in not having a major Council-led event, despite its strong tourism profile and year-round visitor appeal. With the Council's Events and Marketing Teams providing professional expertise, resources, and promotional reach, the Festival could be developed into a flagship heritage and cultural event, attracting greater visitor numbers and higher-profile participants, while further enhancing the town's contribution to the Borough's tourism offering.

I should be grateful if the Committee would agree to receive a deputation to outline this proposal in more detail.

Yours Sincerely

John Caldwell BEM
Honorary Secretary

Correspondence Address:

c/o 21 New Road, Donaghadee, Co.Down, Northern Ireland, BT21 0DR

Email: John.caldwell2@gmail.com

Telephone: 028 9188 8667



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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3 November 2025

Our ref: C208.25

By Email: susie.mccullough@ardsandnorthdown.gov.uk

Ms Susie McCullough
Ards & North Down

Dear Ms McCullough

Council at its October meeting carried the undernoted motion:

That this Council expresses its deepest sympathy to the families affected by the unauthorised recording, sharing, and circulation of images and videos taken at the scenes of fatal or critical road traffic collisions. Condemns the increasing trend of individuals and media outlets capturing and distributing distressing footage of victims without consent, often before families have been formally notified. Recognises the serious psychological harm and trauma this causes to bereaved families, and the urgent need for legislative protection. Reaffirms that the right of families to privacy and dignity must always outweigh the voyeuristic or commercial interests of individuals or media outlets.

Backs the campaign for Caoimhé's Law — a proposed piece of legislation that would make it a criminal offence to:

- record or share images/videos of victims at the scene of a fatal or critical road traffic collision without lawful authority or family consent;
- circulate such material before families are officially notified;
- use such content for sensationalist, exploitative, or commercial purposes;
- publish crash scene images without prior approval from the PSNI or relevant authorities;
- obstruct emergency services or interfere with rescue operations through the recording or sharing of such material.

Acknowledges the testimony of families, including those from this district, who have been directly impacted by the unauthorised sharing of videos and images of their loved ones in the immediate aftermath of fatal road incidents. Notes that similar legislation exists or is being introduced in other jurisdictions, including the Republic of Ireland and England & Wales, recognising the same growing problem of “digital voyeurism” at accident scenes.

Calls on the Northern Ireland Executive and the Department of Justice to prioritise the drafting and introduction of this legislation as a matter of urgency.

I would therefore ask if you would bring this request to your elected Members for consideration and support. I would also welcome a response to this request so that I can report back to our Members in due course. Please email response to eileen.forde@midulstercouncil.org.

Yours sincerely



Joseph McGuckin

Head of Strategic Services & Engagement



Derry City & Strabane
District Council
Comhairle
Chathair Dhoire & Cheantar an tSratha Báin
Derry Cittie & Stràbane
Destrack Council

Our ref: TJ C406/25

susie.mccullough@ardsandnorthdown.gov.uk

14 November 2025

Dear Chief Executive

At meetings of Derry City and Strabane District Council held on 24 September 2025 and 29 October 2025, the following Motion was passed:

That this Council expresses its deepest sympathy to the families affected by the unauthorised recording, searching, and circulation of images and videos taken at the scenes of fatal or critical road traffic collisions.

Condemns the increasing trend of individuals and media outlets capturing and distributing distressing footage of victims without consent, often before families have been formally notified.

Recognises the serious psychological harm and trauma this causes to bereaved families, and the urgent need for legislative protection.

Backs the campaign for Caoimhé's Law - a proposed piece of legislation that would make it a criminal offence to:

- **Record or share images/videos of victims at the scene of a fatal or critical road traffic collision without lawful authority or family consent;**
- **Circulate such material before families are officially notified;**
- **Use such content for sensationalist, exploitative, or commercial purposes;**
- **Publish crash scene images without prior approval from the PSNI or relevant authorities.**

Acknowledges the testimony of families, including those from this district, who have been directly impacted by the unauthorised sharing of videos and images of their loved ones in the immediate aftermath of fatal road traffic accidents.

Derry

C/o Council Offices
98 Strand Road
Derry
BT48 7NN

Strabane

C/o Council Offices
47 Derry Road
Strabane
BT82 8DY

John Kelpie MEng., CEng., MStructE., MIEI

Chief Executive
Derry City and Strabane District Council

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f Derry City & Strabane District Council
@dcsdcouncil

Calls on the Northern Ireland Executive and the Department of Justice to prioritise the drafting and introduction of this legislation as a matter of urgency.

Agrees to write to the Minister for Justice, local MLA's, and the Secretary of State for Northern Ireland to formally convey the Council's support for Caoimhé's Law.

Recognising the all-island nature of road traffic and digital media sharing, this Council also calls for cross-jurisdictional cooperation between the Department of Justice in Northern Ireland and the Department of Justice in the Republic of Ireland in developing compatible legislation.

Further calls on digital and social media companies to work with law enforcement and legislators to rapidly remove unauthorised and harmful content relating to fatal incidents.

Encourages media outlets operating within the Council area to adopt and adhere to ethical guidelines that prohibit the publication of images or footage from fatal or critical incidents without clearance from authorities and consent from families.

Requests that the Council's Communications and Community Safety teams explore ways to raise awareness locally about the legal and emotional consequences of sharing such content, particularly among young people and frequent social media users.

Caoimhé's Law has been proposed in response to a growing number of cases where families are retraumatised after graphic videos and images of their loved ones are shared without consent. The law is not about censorship but about ensuring basic dignity and accountability.

Council support can play a crucial role in influencing legislative attention and amplifying public education around this issue.

Council will:

- **Write to all 10 Councils that all council areas across Northern Ireland enforce and endorse this campaign, and that they fully utilise their social media platforms to promote awareness of the issues addressed by Caoimhé's Law.**

- **Requests the opportunity for campaign representatives to present directly to the relevant Council committee to share personal testimonies and further outline the case for legislative change.**
- **Further requests that the Minister for Infrastructure bring forward and draft specific legislation to criminalise the unauthorised recording and sharing of images from fatal and serious road traffic collisions.**

I would appreciate your consideration in this important matter and would be grateful for a response at your earliest opportunity.

Yours Sincerely



John Kelpie
Chief Executive
Derry City and Strabane District Council

Unclassified

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ITEM 10**Ards and North Down Borough Council**

Report Classification	Unclassified
Exemption Reason	Not Applicable
Council/Committee	Council Meeting
Date of Meeting	26 November 2025
Responsible Director	Director of Active and Healthy Communities
Responsible Head of Service	Acting Head of Environmental Health and Regulatory Services
Date of Report	11 November 2025
File Reference	CW 99 and CW 14
Legislation	Tobacco and Vapes Bill (as introduced)
Section 75 Compliant	Yes ☒ No ☐ Other ☐ If other, please add comment below:
Subject	Tobacco and Vapes Bill - Call for Evidence
Attachments	Appendix 1 - Tobacco and Vapes Bill (as introduced) Appendix 2 - Draft Response to Tobacco and Vapes Bill - Call for Evidence

The Tobacco and Vapes Bill is currently being considered by Parliament. The Bill will help achieve the UK Governments' ambition for a smoke free UK and protect future generations from the harms of tobacco and risks of nicotine addiction.

The bill will enable the UK Government to:

- create a smoke-free generation, gradually ending the sale of tobacco products across the country and breaking the cycle of addiction and disadvantage
- strengthen the existing ban on smoking in public places and introduce vape and heated tobacco-free places to reduce the harms of passive smoking in certain outdoor settings, particularly for children and vulnerable people
- stop vapes and nicotine products from being deliberately promoted and advertised to appeal to children to stop the next generation from becoming

Not Applicable

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addicted to nicotine through restrictions on product features, ingredients and flavourings, among other things

- provide powers to introduce a licensing scheme for the retail sale of tobacco, vapes and nicotine products in England, Wales and Northern Ireland (the Scottish Government is improving the current register for the retail of these products in Scotland)
- strengthen enforcement activity to support the implementation of the above, including through introducing a new product registration scheme in the UK

The bill forms part of a wider package of work and government priorities which will help the Government to meet their objectives to:

- discourage uptake of smoking and tobacco consumption and to create a smoke-free generation
- support people who already consume tobacco to quit, including through evidence-based quit-aids
- discourage vaping by children and young people
- enforce legal requirements and protect public health

This will support the overall goal to move the focus from sickness to prevention and reduce the burden on the NHS and the economy.

To support policy development on potential future regulations the UK Government has opened a 'Call for Evidence' led by UK's Department of Health and Social Care. The call for evidence closes on 3 December and requests views and evidence from stakeholders on:

- substances and ingredients used to create flavours in products, such as vapes and nicotine products, and associated emissions from these products
- levels of nicotine that should be permitted in nicotine-containing products, such as nicotine pouches
- size and shape of vapes, vape-like devices and tanks, as well as the role of technology in these devices
- proposal to introduce a new licensing scheme for the retail sale of products including tobacco, vaping and nicotine products in England, Wales and Northern Ireland (the Scottish Government is improving the current register for the retail of these products in Scotland)
- proposal to introduce a new product registration scheme in the UK which could require a producer or manufacturer to provide details on products such as tobacco, vaping and nicotine products before they can be supplied to the UK market

A separate consultation will be launched at a later date on proposals for:

- smoke-free, vape-free and heated tobacco-free places
- rules on the display of products
- restrictions to elements of devices such as branding and colour
- the packaging of tobacco products
- the packaging of vape and nicotine products

Not Applicable

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The Consumer Protection and Tobacco Control teams within Environmental Health and Regulatory Services have drafted the attached response to the call for evidence and see this as an opportunity to shape and influence proposals for the new legislation. This draft will be submitted with the caveat that it is subject to Council approval, and we reserve the right to withdraw or amend the response subject to Council's decision.

RECOMMENDATION

It is recommended that Council approves the submission of the attached response to the Tobacco and Vapes Bill Call for Evidence.

Tobacco and Vapes Bill

EXPLANATORY NOTES

Explanatory notes to the Bill, prepared by the Department of Health and Social Care, are published separately as HL Bill 89—EN.

EUROPEAN CONVENTION ON HUMAN RIGHTS

Baroness Merron has made the following statement under section 19(1)(a) of the Human Rights Act 1998:

In my view the provisions of the Tobacco and Vapes Bill are compatible with the Convention rights.

Tobacco and Vapes Bill

[AS BROUGHT FROM THE COMMONS]

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 - Schedule 13 – Licensing of retail sales of tobacco products etc: consequential amendments
 - Schedule 14 – Part 3: consequential and other amendments commencing after 6 months

- Schedule 15 – Part 3: consequential amendments commencing on 1 January 2027
- Schedule 16 – Advertising etc: audiovisual and radio broadcasting
- Schedule 17 – Amendments consequential on sections 135 to 139
- Schedule 18 – Amendments consequential on sections 141 to 144
- Schedule 19 – Amendments consequential on sections 146 to 150
- Schedule 20 – Amendments consequential on sections 152 to 155
- Schedule 21 – Consequential amendments: general

[AS BROUGHT FROM THE COMMONS]

A

B I L L

TO

Make provision about the supply of tobacco, vapes and other products, including provision prohibiting the sale of tobacco to people born on or after 1 January 2009 and provision about the licensing of retail sales and the registration of retailers; to enable product and information requirements to be imposed in connection with tobacco, vapes and other products; to control the advertising and promotion of tobacco, vapes and other products; and to make provision about smoke-free places, vape-free places and heated tobacco-free places.

BE IT ENACTED by the King’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART 1

SALE AND DISTRIBUTION: ENGLAND AND WALES

Sale of tobacco etc

1 Sale of tobacco etc

- (1) It is an offence to sell any of the following to a person born on or after 1 January 2009—

- (a) a tobacco product;
 - (b) a herbal smoking product;
 - (c) cigarette papers.

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- (2) It is a defence for a person charged with an offence under this section to prove—

- (a) that they took such steps as may be specified in regulations made by the Secretary of State to verify that the customer was born before 1 January 2009, or
 - (b) that they otherwise took all reasonable steps to avoid the commission of the offence.

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- (3) Before making regulations under subsection (2)(a) the Secretary of State must obtain the consent of the Welsh Ministers if the regulations contain provision

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which would be within the legislative competence of Senedd Cymru if contained in an Act of the Senedd.

- (4) Regulations under subsection (2)(a) are subject to the negative resolution procedure.
- (5) A person who commits an offence under this section is liable on summary conviction to a fine not exceeding level 4 on the standard scale.

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2 Purchase of tobacco etc on behalf of others

- (1) It is an offence for a person aged 18 or over to buy, or attempt to buy, any of the following on behalf of a person born on or after 1 January 2009 –
 - (a) a tobacco product;
 - (b) a herbal smoking product;
 - (c) cigarette papers.
- (2) It is a defence for a person charged with an offence under this section to prove that they had no reason to suspect that the other person was born on or after 1 January 2009.
- (3) It is a defence for a person charged with an offence under this section in respect of cigarette papers to prove that they had no reason to suspect that the other person intended to use the papers for smoking.
- (4) A person who commits an offence under this section is liable on summary conviction to a fine not exceeding level 4 on the standard scale.

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3 Tobacco vending machines

- (1) A person commits an offence if the person has the management or control of premises on which a tobacco vending machine is available for use.
- (2) A person who commits an offence under this section is liable on summary conviction to a fine not exceeding level 4 on the standard scale.
- (3) In this section “tobacco vending machine” means a machine from which any of the following products may be bought or from which they are dispensed to a customer in connection with a sale –
 - (a) tobacco products,
 - (b) herbal smoking products, or
 - (c) cigarette papers.

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4 Sale of unpackaged cigarettes

- (1) It is an offence for a tobacco retailer to sell cigarettes that are not in their original packaging.
- (2) A person who commits an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

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(3)	In this section “original packaging” means the retail packaging in which the cigarettes were supplied to the tobacco retailer for the purpose of sale.	
5	Age of sale notice at point of sale: England	
(1)	A tobacco retailer who sells tobacco products on premises in England must display an age of sale notice on those premises.	5
(2)	For the purposes of this section an “age of sale notice” is a notice containing the following statement – “It is illegal to sell tobacco products to anyone born on or after 1 January 2009”.	
(3)	The notice must be displayed in a prominent position where it is readily visible to people at each point of sale of tobacco products.	10
(4)	The notice must comply with any requirements set out in regulations made by the Secretary of State as to the size or appearance of – (a) the statement to be displayed on the notice, or (b) any other aspect of the notice.	15
(5)	Regulations under subsection (4) are subject to the negative resolution procedure.	
(6)	A person who fails to display an age of sale notice as required by this section commits an offence.	
(7)	It is a defence for a person charged with an offence under this section to prove that they took all reasonable steps to avoid the commission of the offence.	20
(8)	A person who commits an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.	
6	Age of sale notice at point of sale: Wales	25
(1)	A tobacco retailer who sells tobacco products on premises in Wales must display an age of sale notice on those premises.	
(2)	For the purposes of this section an “age of sale notice” is a notice containing both the following statements – “It is illegal to sell tobacco products to anyone born on or after 1 January 2009” “Mae’n anghyfreithlon gwerthu cynhyrchion tybaco i unrhyw un a anwyd ar neu ar ôl 1 Ionawr 2009”.	30
(3)	The notice must be displayed in a prominent position where it is readily visible to people at each point of sale of tobacco products.	35
(4)	The notice must comply with any requirements set out in regulations made by the Welsh Ministers as to the size or appearance of –	

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- (a) the statement to be displayed on the notice, or
 - (b) any other aspect of the notice.
- (5) Regulations under subsection (4) are subject to the negative resolution procedure.
- (6) A person who fails to display an age of sale notice as required by this section commits an offence. 5
- (7) It is a defence for a person charged with an offence under this section to prove that they took all reasonable steps to avoid the commission of the offence.
- (8) A person who commits an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale. 10

Snus etc

7 Ban on manufacture of snus etc

- (1) It is an offence to manufacture a relevant oral tobacco product.
- (2) In subsection (1) “relevant oral tobacco product” means a tobacco product that— 15
 - (a) is intended for oral use,
 - (b) is not intended to be inhaled or chewed, and
 - (c) consists wholly or partly of tobacco in powder or particulate form.
- (3) A person who commits an offence under this section is liable— 20
 - (a) on summary conviction, to imprisonment for a term not exceeding the general limit in a magistrates’ court, or a fine, or both;
 - (b) on conviction on indictment, to imprisonment for a term not exceeding 2 years, or a fine, or both.

8 Ban of sales of snus etc 25

- (1) It is an offence to—
 - (a) sell a relevant oral tobacco product, or
 - (b) offer or expose a relevant oral tobacco product for sale.
- (2) In subsection (1) “relevant oral tobacco product” has the meaning given by section 7(2). 30
- (3) It is a defence for a person charged with an offence under this section to prove that they took all reasonable steps to avoid the commission of the offence.
- (4) A person who commits an offence under this section is liable—
 - (a) on summary conviction, to imprisonment for a term not exceeding the general limit in a magistrates’ court, or a fine, or both; 35

- (b) on conviction on indictment, to imprisonment for a term not exceeding 2 years, or a fine, or both.

9 Possession of snus etc with intent to supply

- (1) It is an offence for a person to have a relevant oral tobacco product in their possession with intent to supply it to another in the course of business. 5
- (2) In subsection (1) “relevant oral tobacco product” has the meaning given by section 7(2).
- (3) A person who commits an offence under this section is liable –
 - (a) on summary conviction, to imprisonment for a term not exceeding the general limit in a magistrates’ court, or a fine, or both; 10
 - (b) on conviction on indictment, to imprisonment for a term not exceeding 2 years, or a fine, or both.

Sale of vaping and nicotine products etc

10 Sale of vaping or nicotine products to under 18s

- (1) It is an offence to sell a vaping product or nicotine product to a person who is under the age of 18. 15
- (2) It is a defence for a person charged with an offence under this section to prove –
 - (a) that they took such steps as may be specified in regulations made by the Secretary of State to verify that the customer was at least 18 years old, or 20
 - (b) that they otherwise took all reasonable steps to avoid the commission of the offence.
- (3) Before making regulations under subsection (2)(a) the Secretary of State must obtain the consent of the Welsh Ministers if the regulations contain provision which would be within the legislative competence of Senedd Cymru if contained in an Act of the Senedd. 25
- (4) Regulations under subsection (2)(a) are subject to the negative resolution procedure.
- (5) A person who commits an offence under this section is liable on summary conviction to a fine not exceeding level 4 on the standard scale. 30

11 Purchase of vaping or nicotine products on behalf of under 18s

- (1) It is an offence for a person aged 18 or over to buy, or attempt to buy, a vaping product or nicotine product on behalf of a person who is under the age of 18. 35

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- (2) It is a defence for a person charged with an offence under this section to prove that they had no reason to suspect that the other person was under the age of 18.
- (3) A person who commits an offence under this section is liable on summary conviction to a fine not exceeding level 4 on the standard scale. 5

12 Vaping and nicotine product vending machines

- (1) A person commits an offence if the person has the management or control of premises on which a vape vending machine or a nicotine product vending machine is available for use.
- (2) A person who commits an offence under this section is liable on summary conviction to a fine not exceeding level 4 on the standard scale. 10
- (3) In this section –
 - “nicotine product vending machine” means a machine –
 - (a) from which nicotine products may be bought, or
 - (b) from which they are dispensed to a customer in connection with a sale; 15
 - “vape vending machine” means a machine –
 - (a) from which vaping products may be bought, or
 - (b) from which they are dispensed to a customer in connection with a sale. 20

Displays of products or prices

13 Displays of products or prices in England

- (1) The Secretary of State may by regulations impose prohibitions, requirements or limitations on retailers in relation to –
 - (a) the display, in the course of business, of relevant products in a place in England where the products are offered for sale; 25
 - (b) the display, in the course of business, of empty retail packaging of relevant products in a place in England where the products are offered for sale;
 - (c) the display, in the course of business, of prices of relevant products in a place in England where the products are offered for sale. 30
- (2) In subsection (1) “relevant products” means –
 - (a) tobacco products,
 - (b) tobacco related devices,
 - (c) herbal smoking products, 35
 - (d) cigarette papers,
 - (e) vaping products, or
 - (f) nicotine products.

(3)	In subsection (1)(a) a reference to a product includes anything that represents the product and that is intended to be exchanged for it at the point of sale.	
(4)	Regulations under this section may create offences in relation to a failure to comply with the regulations.	
(5)	The regulations must provide for any offence to be triable either way and punishable –	5
	(a) on summary conviction, to imprisonment for a term not exceeding the general limit in a magistrates’ court, or a fine, or both;	
	(b) on conviction on indictment, to imprisonment for a term not exceeding 2 years, or a fine, or both.	10
(6)	Before making regulations under this section the Secretary of State must consult any persons the Secretary of State considers it appropriate to consult.	
(7)	Regulations under this section are subject to the affirmative resolution procedure.	
14	Displays of products or prices in Wales	15
(1)	The Welsh Ministers may by regulations impose prohibitions, requirements or limitations on retailers in relation to –	
	(a) the display, in the course of business, of relevant products in a place in Wales where the products are offered for sale;	
	(b) the display, in the course of business, of empty retail packaging of relevant products in a place in Wales where the products are offered for sale;	20
	(c) the display, in the course of business, of prices of relevant products in a place in Wales where the products are offered for sale.	
(2)	In subsection (1) “relevant products” means –	25
	(a) tobacco products,	
	(b) tobacco related devices,	
	(c) herbal smoking products,	
	(d) cigarette papers,	
	(e) vaping products, or	30
	(f) nicotine products.	
(3)	In subsection (1)(a) a reference to a product includes anything that represents the product and that is intended to be exchanged for it at the point of sale.	
(4)	Regulations under this section may create offences in relation to a failure to comply with the regulations.	35
(5)	The regulations must provide for any offence to be triable either way and punishable –	
	(a) on summary conviction, to imprisonment for a term not exceeding the general limit in a magistrates’ court, or a fine, or both;	
	(b) on conviction on indictment, to imprisonment for a term not exceeding 2 years, or a fine, or both.	40

- (6) Before making regulations under this section the Welsh Ministers must consult any persons they consider it appropriate to consult.
- (7) Regulations under this section are subject to the affirmative resolution procedure.

Free distribution and discounts 5

15 Free distribution and discount of products

- (1) A person commits an offence if –
 - (a) the person –
 - (i) gives away a product or coupon to a member of the public or sells a product or coupon at a substantial discount, or 10
 - (ii) causes or permits that to happen, and
 - (b) either –
 - (i) their purpose in doing so is to promote a relevant product, or
 - (ii) the effect of their doing so is to promote a relevant product and they know, or have reason to suspect, that will be the effect. 15
- (2) In subsection (1) “relevant product” means –
 - (a) a tobacco product,
 - (b) a herbal smoking product,
 - (c) cigarette papers, 20
 - (d) a vaping product, or
 - (e) a nicotine product.
- (3) Where a person is charged with an offence under this section of giving away a vaping product or nicotine product, or a coupon for such a product, it is a defence for the person to prove that the product or coupon was given away in accordance with arrangements made by a public authority. 25
- (4) A person who commits an offence under this section is liable –
 - (a) on summary conviction, to imprisonment for a term not exceeding the general limit in a magistrates’ court, or a fine, or both;
 - (b) on conviction on indictment, to imprisonment for a term not exceeding 2 years, or a fine, or both. 30
- (5) In this section “coupon” means anything (whether in physical or electronic form) which, by itself or together with something else, can be redeemed for a product or service or for cash or any other benefit.

Retail licensing: England

16	Prohibition of retail sales of tobacco products etc in England without a licence	
(1)	An individual must not do any of the following things in England except under the authority of and in accordance with a personal licence—	5
	(a) sell relevant products;	
	(b) expose relevant products for sale;	
	(c) possess relevant products for the purpose of their sale (by the individual or another person).	
(2)	A person must not use or permit the use of premises in England for any of the following things except under the authority of and in accordance with a premises licence—	10
	(a) the storage of relevant products for the purpose of their sale (by the person or another person);	
	(b) the exposure of relevant products for sale;	15
	(c) the supply of relevant products to retail customers.	
(3)	The Secretary of State may by regulations create exceptions to the prohibition in subsection (1) or (2).	
(4)	The Secretary of State must by regulations make provision for and in connection with the grant of personal licences and premises licences.	20
(5)	Before making regulations under this section the Secretary of State making them must consult any persons that the Secretary of State considers it appropriate to consult.	
(6)	Schedule 1 makes further provision about regulations under subsection (4).	
(7)	Regulations under this section are subject to the affirmative resolution procedure.	25
(8)	In this section—	
	“grant” includes variation or renewal;	
	“licensing authority” has the meaning given by paragraph 2 of Schedule 1;	30
	“personal licence” means a licence that is granted by a licensing authority and authorises an individual to do the things mentioned in subsection (1)(a), (b) and (c);	
	“premises licence” means a licence that is granted by a licensing authority and authorises the use of premises by a person for the things mentioned in subsection (2)(a), (b) and (c);	35
	“relevant products” means—	
	(a) tobacco products;	
	(b) herbal smoking products;	
	(c) cigarette papers;	40
	(d) vaping products;	

- (e) nicotine products;
- “supply” includes despatch.

17 Offences in connection with licences: England

- (1) A person who breaches the prohibition in section 16(1) or (2) commits an offence. 5
- (2) A person commits an offence if—
 - (a) the person provides information to a licensing authority—
 - (i) in, or in connection with, an application for the grant of a personal licence or a premises licence, or
 - (ii) in pursuance of any other obligation imposed by or under regulations made under section 16(4), 10
 - (b) the information is false or misleading in a material respect, and
 - (c) the person knows, or ought reasonably to know, that the information is false or misleading in a material respect.
- (3) A person who commits an offence under this section is liable on summary conviction to a fine. 15
- (4) The court by which a person is convicted of an offence under subsection (1) may order the relevant products to which the offence relates, and any container for them, to be forfeited and either destroyed or dealt with in such other manner as the court may order. 20
- (5) In this section—
 - “grant” includes variation or renewal;
 - “licensing authority” has the meaning given by paragraph 2 of Schedule 1;
 - “personal licence” has the meaning given by section 16(8); 25
 - “premises licence” has the meaning given by section 16(8);
 - “relevant product” has the meaning given by section 16(8).

18 Financial penalties for breach of licence conditions: England

- (1) A local weights and measures authority in England may impose a financial penalty on a person if satisfied that— 30
 - (a) the person has breached a condition attached to a personal licence or a premises licence, and
 - (b) the breach of that condition does not constitute an offence under section 17.
- (2) The amount of the financial penalty must not exceed £2,500. 35
- (3) The Secretary of State may by regulations amend the amount specified in subsection (2) for the purpose of reflecting inflation.
- (4) Schedule 2 makes further provision about the imposition of financial penalties under this section.

- (5) Regulations under this section are subject to the negative resolution procedure.
- (6) In this section “personal licence” and “premises licence” have the meaning given by section 16(8).

Retail licensing: Wales

19Prohibition of retail sales of tobacco products etc in Wales without a licence5

- (1) An individual must not do any of the following things in Wales except under the authority of and in accordance with a personal licence –
 - (a) sell relevant products;
 - (b) expose relevant products for sale;
 - (c) possess relevant products for the purpose of their sale (by the individual or another person).10
- (2) A person must not use or permit the use of premises in Wales for any of the following things except under the authority of and in accordance with a premises licence –
 - (a) the storage of relevant products for the purpose of their sale (by the person or another person);15
 - (b) the exposure of relevant products for sale;
 - (c) the supply of relevant products to retail customers.
- (3) The Welsh Ministers may by regulations create exceptions to the prohibition in subsection (1) or (2).20
- (4) The Welsh Ministers must by regulations make provision for and in connection with the grant of personal licences and premises licences.
- (5) Before making regulations under this section the Welsh Ministers must consult any persons that the Welsh Ministers consider it appropriate to consult.
- (6) Schedule 3 makes further provision about regulations under subsection (4).25
- (7) Regulations under this section are subject to the affirmative resolution procedure.
- (8) In this section –
 - “grant” includes variation or renewal;
 - “licensing authority”, in relation to the doing of things or the use of premises in a county or county borough in Wales, means the council of the county or county borough;30
 - “personal licence” means a licence that is granted by a licensing authority and authorises an individual to do the things mentioned in subsection (1)(a), (b) and (c);35
 - “premises licence” means a licence that is granted by a licensing authority and authorises the use of premises by a person for the things mentioned in subsection (2)(a), (b) and (c);
 - “relevant products” means –

- (a) tobacco products;
 - (b) herbal smoking products;
 - (c) cigarette papers;
 - (d) vaping products;
 - (e) nicotine products;
- “supply” includes despatch. 5

20 Offences in connection with licences: Wales

- (1) A person who breaches the prohibition in section 19(1) or (2) commits an offence.
- (2) A person commits an offence if – 10
 - (a) the person provides information to a licensing authority –
 - (i) in, or in connection with, an application for the grant of a personal licence or a premises licence, or
 - (ii) in pursuance of any other obligation imposed by or under regulations made under section 19(4), 15
 - (b) the information is false or misleading in a material respect, and
 - (c) the person knows, or ought reasonably to know, that the information is false or misleading in a material respect.
- (3) A person who commits an offence under this section is liable on summary conviction to a fine. 20
- (4) The court by which a person is convicted of an offence under subsection (1) may order the relevant products to which the offence relates, and any container for them, to be forfeited and either destroyed or dealt with in such other manner as the court may order.
- (5) In this section – 25
 - “grant” includes variation or renewal;
 - “licensing authority”, in relation to the doing of things or the use of premises in a county or county borough in Wales, means the council of the county or county borough;
 - “personal licence” has the meaning given by section 19(8); 30
 - “premises licence” has the meaning given by section 19(8);
 - “relevant product” has the meaning given by section 19(8).

21 Financial penalties for breach of licence conditions: Wales

- (1) A local weights and measures authority in Wales may impose a financial penalty on a person if satisfied that – 35
 - (a) the person has breached a condition attached to a personal licence or a premises licence, and
 - (b) the breach of that condition does not constitute an offence under section 20.
- (2) The amount of the financial penalty must not exceed £2,500. 40

- (3) The Welsh Ministers may by regulations amend the amount specified in subsection (2) for the purpose of reflecting inflation.
- (4) Schedule 4 makes further provision about the imposition of financial penalties under this section.
- (5) Regulations under this section are subject to the negative resolution procedure. 5
- (6) In this section “personal licence” and “premises licence” have the meaning given by section 19(8).

22 Repeal of register of retailers of tobacco and nicotine products in Wales etc

In the Public Health (Wales) Act 2017 (anaw 2), in Part 3 (tobacco and nicotine products) omit Chapter 2 (retailers of tobacco and nicotine products). 10

Restricted premises orders

23 Restricted premises orders

- (1) Where a person convicted of a relevant offence is a persistent offender, the person who brought the proceedings for the offence may by complaint to a magistrates’ court apply for a restricted premises order to be made in respect of the premises in relation to which the offence was committed (“the relevant premises”). 15
- (2) A magistrates’ court may make the restricted premises order only if satisfied that the applicant has complied with section 24(1) (notice to interested persons). 20
- (3) A “restricted premises order” is an order prohibiting the sale on the relevant premises of any one or more of the following—
 - (a) tobacco products;
 - (b) herbal smoking products;
 - (c) cigarette papers; 25
 - (d) vaping products;
 - (e) nicotine products.
- (4) The prohibition imposed by a restricted premises order applies to sales whether made by the offender or any other person.
- (5) A restricted premises order has effect for the period specified in the order, which may not exceed one year. 30
- (6) A restricted premises order is a local land charge and in respect of that charge the applicant for the order is the originating authority for the purposes of the Local Land Charges Act 1975.
- (7) A person convicted of a relevant offence is a “persistent offender” for the purposes of this section if, on at least two other occasions within the period of two years ending with the date of the offence, the person committed a relevant offence in relation to the relevant premises. 35

- (8) In this section “relevant offence” means—
- (a) an offence under any of the following provisions of this Part—
 - (i) section 1 (sale of tobacco etc to people born on or after 1 January 2009);
 - (ii) section 3 (tobacco vending machines); 5
 - (iii) section 10 (sale of vaping or nicotine products to under 18s);
 - (iv) section 12 (vaping and nicotine product vending machines);
 - (b) an offence under any of the following (which are repealed by this Act)—
 - (i) section 7 of the Children and Young Persons Act 1933 (sale of tobacco, etc., to under 18s); 10
 - (ii) section 3A of the Children and Young Persons (Protection from Tobacco) Act 1991 (tobacco vending machines);
 - (iii) section 92 of the Children and Families Act 2014 (sale of nicotine products to under 18s). 15

24 Restricted premises orders: interested persons

- (1) An applicant for a restricted premises order must, after making reasonable enquiries, give notice of the application to anyone appearing to the applicant to be an interested person.
- (2) An interested person may make representations to the court as to why the order should not be made. 20
- (3) If a restricted premises order is made without an interested person having been given a notice under subsection (1), and without them having made representations to the court, the person may by complaint apply to the court for an order varying or discharging the restricted premises order. 25
- (4) On an application under subsection (3) the court may, after hearing the interested person and the applicant for the restricted premises order, make such order varying or discharging the restricted premises order as it considers appropriate.
- (5) In this section “interested person”, in relation to an application for a restricted premises order, means— 30
 - (a) the occupier of the premises, and
 - (b) any other person who has an interest in the premises.

25 Restricted premises orders: appeals

An appeal against an order made under section 23 or 24 may be brought to the Crown Court. 35

26 Breach of restricted premises orders

- (1) A person commits an offence if the person—
 - (a) sells anything in breach of a restricted premises order, and

- (b) knows, or ought reasonably to know, that the sale is in breach of the order.
- (2) It is a defence for a person charged with an offence under this section to prove that the person took all reasonable steps to avoid the commission of the offence.5
- (3) A person who commits an offence under this section is liable on summary conviction to a fine.

27 Power to extend restricted premises orders in Wales

- (1) The Welsh Ministers may by regulations amend section 23 so as to add an offence to the definition of “relevant offence” where that offence is committed on premises in Wales.10
- (2) Regulations may be made under subsection (1) only if the additional offence relates to tobacco products, herbal smoking products, cigarette papers, vaping products or nicotine products.
- (3) Before making regulations under this section the Welsh Ministers must consult any persons that they consider it appropriate to consult.15
- (4) Regulations under this section are subject to the affirmative resolution procedure.

Restricted sale orders

28 Restricted sale orders20

- (1) Where a person convicted of a relevant offence is a persistent offender, the person who brought the proceedings for the offence may by complaint to a magistrates’ court apply for a restricted sale order against the offender.
- (2) A “restricted sale order” is an order prohibiting the offender –25

(a) from selling any one or more of the following –

(i) tobacco products,

(ii) herbal smoking products,

(iii) cigarette papers,

(iv) vaping products,

(v) nicotine products,30

(b) from having any management functions in respect of any premises in so far as those functions relate to the sale of anything listed in paragraph (a)(i) to (v).
- (3) A restricted sale order has effect for the period specified in the order, which may not exceed one year.35
- (4) A person convicted of a relevant offence is a “persistent offender” for the purposes of this section if, on at least two other occasions within the period

of two years ending with the date of the offence, the person committed a relevant offence.

- (5) In this section “relevant offence” means—
- (a) an offence under any of the following provisions of this Part—
 - (i) section 1 (sale of tobacco etc to people born on or after 1 January 2009); 5
 - (ii) section 3 (tobacco vending machines);
 - (iii) section 10 (sale of vaping or nicotine products to under 18s);
 - (iv) section 12 (vaping and nicotine product vending machines);
 - (b) an offence under any of the following (which are repealed by this Act)— 10
 - (i) section 7 of the Children and Young Persons Act 1933 (sale of tobacco, etc., to under 18s);
 - (ii) section 3A of the Children and Young Persons (Protection from Tobacco) Act 1991 (tobacco vending machines); 15
 - (iii) section 92 of the Children and Families Act 2014 (sale of nicotine products to under 18s).

29 Restricted sale orders: appeals

An appeal against an order made under section 28 may be brought to the Crown Court. 20

30 Breach of restricted sale orders

- (1) A person who fails to comply with a restricted sale order commits an offence.
- (2) It is a defence for a person charged with an offence under this section to prove that the person took all reasonable steps to avoid the commission of the offence. 25
- (3) A person who commits an offence under this section is liable on summary conviction to a fine.

Offences by bodies

31 Liability of others for certain offences committed by bodies

- (1) Where an offence under section 26 is committed by a body and the offence is committed with the consent or connivance of a relevant person in relation to the body, or a person purporting to act in the capacity of a relevant person in relation to the body, the person (as well as the body) commits the offence and is liable to be proceeded against and punished accordingly. 30
- (2) Where any other offence under this Part, or under any regulations under section 13 and 14— 35

(a)	is committed with the consent or connivance of a relevant person in relation to the body, or a person purporting to act in the capacity of a relevant person in relation to the body, or	
(b)	is attributable to neglect on the part of such a person, the person (as well as the body) commits the offence and is liable to be proceeded against and punished accordingly.	5
(3)	In this section –	
	“body” means –	
(a)	a body corporate,	
(b)	a partnership, or	10
(c)	an unincorporated association;	
	“relevant person” means –	
(a)	in relation to a body corporate other than one whose affairs are managed by its members, a director, manager, secretary or other similar officer of the body;	15
(b)	in relation to a limited liability partnership or other body corporate whose affairs are managed by its members, a member who exercises functions of management with respect to it;	
(c)	in relation to a limited partnership, a general partner (within the meaning given by section 3 of the Limited Partnerships Act 1907);	20
(d)	in relation to any other partnership, a partner;	
(e)	in relation to an unincorporated association, a person who exercises functions of management with respect to it.	
	<i>Enforcement functions</i>	25

32 Enforcement by local weights and measures authorities

(1)	It is the duty of each local weights and measures authority to enforce within its area the provisions of this Part and any regulations under section 13 or 14.	
(2)	In Schedule 5 to the Consumer Rights Act 2015 (investigatory powers), in paragraph 10 (enforcer’s legislation), at the appropriate place (according to date of enactment) insert –	30
	“section 32 of the Tobacco and Vapes Act 2024.”	

33 Programme of enforcement action: England

(1)	Each local weights and measures authority in England must, at least once a year, consider –	35
(a)	whether it is appropriate to carry out a programme of enforcement action in its area, and	
(b)	if so, what that programme should involve.	

- (2) In subsection (1) “programme of enforcement action” means a programme involving one or more of the following –
 - (a) the investigation of complaints in respect of an alleged offence under this Part or any regulations under section 13;
 - (b) the bringing of prosecutions in respect of such an offence; 5
 - (c) the taking of other measures intended to reduce the incidence of such offences.

34 Programme of enforcement action: Wales

- (1) Each local weights and measures authority in Wales must, at least once a year, consider – 10
 - (a) whether it is appropriate to carry out a programme of enforcement action in its area, and
 - (b) if so, what that programme should involve.
- (2) In subsection (1) “programme of enforcement action” means a programme involving one or more of the following – 15
 - (a) the investigation of complaints in respect of an alleged offence that is a listed offence;
 - (b) the bringing of prosecutions in respect of a listed offence;
 - (c) the taking of other measures intended to reduce the incidence of listed offences. 20
- (3) In this section “listed offence” means –
 - (a) an offence under any provision of this Part or regulations under section 14, or
 - (b) an offence under either of the following provisions of the Public Health (Wales) Act 2017 (anaw 2) – 25
 - section 51A (offence of handing over tobacco etc. to people born on or after 1 January 2009);
 - section 52 (offence of handing over vaping or nicotine products to under 18s).

Powers of ministers to take over enforcement 30

35 Power of ministers to take over enforcement functions

- (1) The Secretary of State may direct that, in relation to cases of a particular description or a particular case, the duty imposed by section 32(1) on a local weights and measures authority in England is to be discharged by the Secretary of State and not by the authority. 35
- (2) The Welsh Ministers may direct that, in relation to cases of a particular description or a particular case, the duty imposed by section 32(1) on a local weights and measures authority in Wales is to be discharged by the Welsh Ministers and not by the authority.

36 Power of ministers to take over proceedings

- (1) The Secretary of State may take over the conduct of any proceedings from a local weights and measures authority in England in respect of an offence committed under this Part or any regulations under section 13.
- (2) The Welsh Ministers may take over the conduct of any proceedings from a local weights and measures authority in Wales in respect of an offence committed under this Part or any regulations under section 14. 5

Fixed penalties

37 Fixed penalty notices

- (1) A local weights and measures authority that has reason to believe that a person has committed an offence under, or under regulations made under, any of the following may give the person a fixed penalty notice in respect of the offence – 10
 - section 1 (sale of tobacco etc to people born on or after 1 January 2009);
 - section 2 (purchase of tobacco etc on behalf of others); 15
 - section 5 (age of sale notice at point of sale: England);
 - section 6 (age of sale notice at point of sale: Wales);
 - section 10 (sale of vaping or nicotine products to under 18s);
 - section 11 (purchase of vaping or nicotine products on behalf of under 18s); 20
 - section 13 (displays of products or prices in England);
 - section 14 (displays of products or prices in Wales);
 - section 15 (free distribution and discount of products);
 - section 17 (offences in connection with retail licences: England);
 - section 20 (offences in connection with retail licences: Wales). 25
- (2) A fixed penalty notice is a notice offering a person the opportunity to discharge any liability to conviction for the offence to which the notice relates by payment of an amount specified in the notice within the relevant period.
- (3) The amount specified in a fixed penalty notice in respect of an offence under section 17 or 20 must be an amount equal to level 4 on the standard scale of fines for summary offences. 30
- (4) The amount specified in a fixed penalty notice in respect of any other offence must be £200.
- (5) For the purposes of this section “the relevant period” is the period of 28 days beginning with the day on which the fixed penalty notice is given. 35
- (6) A fixed penalty notice must explain –
 - (a) that the local weights and measures authority has reason to believe that the person has committed the offence, and why,
 - (b) the effect of subsection (7), and
 - (c) when and how payment may be made. 40

- (7) Where a fixed penalty notice has been given to a person (and has not been withdrawn) –
 - (a) no proceedings may be instituted for the offence before the end of the relevant period, and
 - (b) the person may not be convicted of the offence if the person pays –
 - (i) the full amount of the fixed penalty in the notice before the end of the relevant period, or
 - (ii) 50% of that amount before the end of the period of 14 days beginning with the day on which the relevant period starts.5
- (8) Where proceedings are instituted for the offence after the end of the relevant period, that period is to be disregarded for the purposes of calculating the period mentioned in section 127(1) of the Magistrates' Court Act 1980.10
- (9) A fixed penalty notice given under this section may be withdrawn by the local weights and measures authority that gave it at any time before a payment is made in pursuance of the notice.15

38 Fixed penalties: use of proceeds

- (1) Any sums received by a local weights and measures authority in pursuance of fixed penalty notices given in respect of offences under section 17 or 20 must be paid into the relevant Consolidated Fund.
- (2) But before paying such sums into the relevant Consolidated Fund the local weights and measures authority may deduct –
 - (a) the costs of investigating offences to which the fixed penalty notices relate, and
 - (b) the costs of issuing the notices.20
- (3) Any sums received by a local weights and measures authority in England in pursuance of a fixed penalty notice given in respect of any offence other than an offence under section 17 must be used in connection with their functions under or under regulations made under –
 - (a) this Act;
 - (b) Part 1 of the Health Act 2006;
 - (c) the Tobacco and Related Products Regulations 2016 (S.I. 2016/507).2530
- (4) Any sums received by a local weights and measures authority in Wales in pursuance of a fixed penalty notice given in respect of any offence other than an offence under section 20 must be used in connection with their functions under or under regulations made under –
 - (a) this Act;
 - (b) the Tobacco and Related Products Regulations 2016 (S.I. 2016/507);
 - (c) Part 3 of the Public Health (Wales) Act 2017.35
- (5) In this section –
 - “fixed penalty notice” means a fixed penalty notice given under section 37;
 - “relevant Consolidated Fund” means –40

- (a) in relation to England, the Consolidated Fund;
- (b) in relation to Wales, the Welsh Consolidated Fund.

39 Power to change amount of fixed penalties

- (1) The Secretary of State may by regulations amend section 37 in relation to the giving of fixed penalty notices by local weights and measures authorities in England in respect of any offence other than an offence under section 17 so as to –

(a) change the amount which must be specified in notices, or

(b) change the percentage discount for early payment.

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- (2) The Welsh Ministers may by regulations amend section 37 in relation to the giving of fixed penalty notices by local weights and measures authorities in Wales in respect of any offence other than an offence under section 20 so as to –

(a) change the amount which must be specified in notices, or

(b) change the percentage discount for early payment.

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- (3) The amount mentioned in subsection (1)(a) or (2)(a) must not be changed to an amount that exceeds level 3 on the standard scale of fines for summary offences.

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- (4) Regulations under this section are subject to the affirmative resolution procedure.

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Handing over tobacco etc to underage people in Wales

40 Handing over tobacco etc to underage people in Wales

- Schedule 5 contains amendments to Chapter 4 of Part 3 of the Public Health (Wales) Act 2017 (anaw 2) (handing over tobacco, cigarettes and nicotine products to persons under 18), including –

(a) amendments extending that Chapter to all vaping products,

(b) amendments conferring a power to extend the products to which that Chapter applies, and

(c) amendments that are consequential on this Part.

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Consequential, transitional and transitory provision30

41 Consequential amendments to do with Part 1

- (1) See Schedule 6 for consequential amendments coming into force at the end of the period of 6 months beginning with the day on which this Act is passed.

(2) See Schedule 7 for consequential amendments coming into force on 1 January 2027.

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42 Application of programmes of enforcement to old age of sale offences

Sections 33 and 34 have effect in relation to times before 1 January 2027 as if subsection (2) of each of those sections included a reference to—

- (a) an offence under section 7 of the Children and Young Persons Act 1933 (sale of tobacco, etc. to under 18s);
- (b) an offence under section 4 of the Children and Young Persons (Protection from Tobacco) Act 1991 (age of sale notices).

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43 Application of fixed penalty regime to old age of sale offences

- (1) Section 37 has effect in relation to times before 1 January 2027 as if subsection (1) of that section included a reference to—

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- (a) section 7 of the Children and Young Persons Act 1933 (sale of tobacco, etc. to persons under eighteen);
- (b) section 91 of the Children and Families Act 2014 (purchase of tobacco etc. on behalf of under 18s).

- (2) Section 38 has effect in relation to times before 1 January 2027 as if it included a reference to section 91 of the Children and Families Act 2014 (purchase of tobacco etc. on behalf of under 18s).

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44 Transitional provision: general

- (1) In relation to times before 1 January 2027—

- (a) sections 23(8), 28(5) and 37(1) have effect as if they did not include a reference to section 1, 2, 5 or 6;
- (b) a reference in section 31(2), 32(1), 33(2), 34(3) or 36(1) or (2) to “this Part” does not include a reference to section 1, 2, 5 or 6.

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- (2) In relation to times before section 17 comes into force, section 37(1) and (3) have effect as if those provisions did not include a reference to that section.

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- (3) In relation to times before section 20 comes into force, section 37(1) and (3) have effect as if those provisions did not include a reference to that section.

- (4) In relation to times before section 51A of the Public Health (Wales) Act 2017 (anaw 2) comes into force, section 34(3) has effect as if it did not include a reference to that section.

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- (5) In relation to times before section 52 of the Public Health (Wales) Act 2017 (anaw 2) comes into force, section 34(3) has effect as if it did not include a reference to that section.

- (6) In relation to times before the repeal by this Act of the Tobacco Advertising and Promotion Act 2002 comes fully into force (see Schedule 21 to this Act), section 38 has effect as if it included a reference to that Act.

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Powers to adjust scope

45 Power to extend Part 1 to other products

- (1) The Secretary of State may by regulations amend this Part for the purpose of extending any provision that applies in relation to a tobacco product to a tobacco related device.

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- (2) Before making regulations under this section the Secretary of State must consult any persons the Secretary of State considers it appropriate to consult.
- (3) Before making regulations under this section the Secretary of State must obtain the consent of the Welsh Ministers if the regulations contain provision which would be within the legislative competence of Senedd Cymru if contained in an Act of the Senedd.

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- (4) Regulations under this section are subject to the affirmative resolution procedure.

Crown application

46 Crown application15

- (1) This Part and regulations made under it bind the Crown.
- (2) Nothing in this Part or regulations made under it makes the Crown criminally liable.
- (3) The High Court may declare unlawful any act or omission for which the Crown would be criminally liable if it were not for subsection (2).

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- (4) Subsection (2) does not affect the criminal liability of persons in the service of the Crown.

Interpretation etc

47 Interpretation of Part 1

- In this Part—

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- “cigarette papers” includes anything intended to be used for encasing tobacco products or herbal smoking products for the purpose of enabling them to be smoked;
- “herbal smoking product” means a product consisting wholly or partly of vegetable matter and intended to be smoked but not containing tobacco;

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- “medical device” has the meaning given by the Medical Devices Regulations 2002 (S.I. 2002/618);
- “medicinal product” has the meaning given by the Human Medicines Regulations 2012 (S.I. 2012/1916);

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- “nicotine product” has the meaning given by section 48;

“premises” means any place (including a vehicle or moveable structure);	
“retail packaging”, in relation to a product, means the packaging in which it is, or is intended to be, presented for sale by retail;	
“sell” means sell by retail;	
“tobacco product” means a product consisting wholly or partly of tobacco and intended to be smoked, sniffed, sucked, chewed or consumed in any other way;	5
“tobacco related device” means –	
(a) a device, other than a vape, which enables a tobacco product to be consumed (for example, a heated tobacco device or pipe), or	10
(b) an item which is intended to form part of such a device;	
“tobacco retailer” means a person who carries on a business involving the sale of tobacco products by retail;	
“vape” means –	15
(a) a device which –	
(i) vaporises substances, other than tobacco, for the purpose of inhalation through a mouthpiece (whether or not it also vaporises tobacco), and	
(ii) is not a medical device or a medicinal product, or	20
(b) an item which is intended to form part of a device within paragraph (a) (including anything intended to be attached to it with a view to imparting flavour);	
“vaping product” means –	
(a) a vape, or	25
(b) a vaping substance;	
“vaping substance” means a substance, other than tobacco, that is intended to be vaporised by a vape;	
“vaporises” includes aerosolises (and “vaporised” is to be construed accordingly);	30
“vehicle” means every type of vehicle, including a vessel, aircraft and hovercraft.	

48 **Meaning of “nicotine product”**

(1) In this Part “nicotine product” means –	
(a) a device which is intended to enable nicotine to be delivered into the human body,	35
(b) an item which is intended to form part of a device within paragraph (a),	
(c) nicotine, or any substance containing nicotine, which is intended to be delivered into the human body, or	40
(d) an item containing anything within paragraph (c).	
(2) But the following are not “nicotine products” for the purposes of this section –	
(a) a tobacco product;	

- (b) a herbal smoking product;

(c) cigarette papers;

(d) any device which is intended to be used for the consumption of tobacco products or herbal smoking products;

(e) a vaping product;

(f) a medical device;

(g) a medicinal product.

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PART 2

SALE AND DISTRIBUTION: SCOTLAND

Sale of tobacco etc10

49 Age of sale for tobacco products etc

- (1) The Tobacco and Primary Medical Services (Scotland) Act 2010 (asp 3) is amended as follows.

(2) In section 4 (sale of tobacco products to persons under 18)–

(a) in subsection (1), for “under the age of 18” substitute “born on or after 1 January 2009”;

(b) in subsection (2)(a), for “under the age of 18 (“the customer”) to be aged 18 or over” substitute “born on or after 1 January 2009 (“the customer”) to have been born before that date”;

(c) after subsection (5) insert–

“(6) In this section “sell” means sell by retail.”;

(d) in the heading, for “under 18” substitute “born on or after 1 January 2009”.

(3) In section 4B (age verification policy)–

(a) for subsection (3) substitute–

“(3) An “age verification policy”–

(a) in relation to a tobacco business or herbal smoking product business, is a policy that steps are to be taken to establish the age of a person attempting to buy a tobacco product, herbal smoking product or cigarette papers on the premises (the “customer”) if it appears to the person selling the tobacco product, herbal smoking product or cigarette papers that the customer may have been born on or after 1 January 2009 (or such earlier date as may be specified in the policy);

(b) in relation to a vaping product business or nicotine product business, is a policy that steps are to be taken to establish the age of a person attempting to buy a vaping product, or a nicotine product, on the premises (the “customer”) if it appears to the person selling the

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- product that the customer may be under the age of 25 (or such older age as may be specified in the policy).
- (3A) In relation to times before the end of 2033, the reference in subsection (3)(a) to the customer being born on or after 1 January 2009 (or such earlier date as may be specified in the policy) has effect as a reference to the customer being under the age of 25 (or such older age as may be specified in the policy).”; 5
- (b) in subsection (4), for “(3)” substitute “(3)(b)”. 5
- (4) In section 6 (purchase of tobacco products on behalf of persons under 18) – 10
- (a) in subsection (1), for “under the age of 18” substitute “born on or after 1 January 2009”;
- (b) in the heading, for “under 18” substitute “born on or after 1 January 2009”. 10
- (5) In section 8 (display of warning statements), in subsection (2)(a), for “under the age of 18” substitute “born on or after 1 January 2009”. 15

50 Sale of unpackaged cigarettes

- (1) The Tobacco and Primary Medical Services (Scotland) Act 2010 (asp 3) is amended as follows.
- (2) After section 4D insert – 20
- “4E Sale of unpackaged cigarettes**
- (1) A person who sells cigarettes that are not in their original packaging commits an offence.
- (2) A person guilty of an offence under subsection (1) is liable on summary conviction to a fine not exceeding level 3 on the standard scale. 25
- (3) In this section –
- “original packaging” means the retail packaging in which the cigarettes were supplied to the person for the purpose of sale;
- “sell” means sell by retail.”
- (3) In section 35(1), at the appropriate place insert – 30
- ““retail packaging”, in relation to a product, means the packaging in which it is, or is intended to be, presented for sale by retail;”.

51 Repeal of offence of purchasing tobacco products by under 18s

- (1) The Tobacco and Primary Medical Services (Scotland) Act 2010 (asp 3) is amended as follows. 35
- (2) Omit section 5 (purchase of tobacco products by people under 18).
- (3) In section 33 (presumption as to contents of container), in subsection (1) omit “, 5”.

52 Repeal of power to confiscate tobacco products from persons under 18

Omit section 7 of the Tobacco and Primary Medical Services (Scotland) Act 2010 (asp 3) (confiscation of tobacco products from people under 18).

53 Extension of tobacco legislation to herbal smoking products

- (1) The Tobacco and Primary Medical Services (Scotland) Act 2010 (asp 3) is amended as follows. 5
- (2) In section 4 (sale of tobacco products to persons under 18), in subsection (1), after “tobacco product” insert “, herbal smoking product”.
- (3) In section 4C (sale of tobacco etc by persons under 18), in subsection (1), after “tobacco product” insert “, herbal smoking product”. 10
- (4) In section 6 (purchase of tobacco products on behalf of persons under 18), in subsection (1), after “tobacco product” insert “, herbal smoking product”.
- (5) In section 35 (interpretation), in subsection (1), at the appropriate place insert—
““herbal smoking product” means a product consisting wholly or partly of vegetable matter and intended to be smoked but not containing tobacco,”. 15

54 Power to make provision about warning statements

- (1) In section 8 of the Tobacco and Primary Medical Services (Scotland) Act 2010 (asp 3) (display of warning statements), for subsection (5) substitute—
“(5) The notice must comply with any requirements set out in regulations made by the Scottish Ministers as to the size or appearance of—
(a) the statement on the notice to be displayed in accordance with this section, or
(b) any other aspect of the notice.” 20
- (2) For the italic heading before section 7 of that Act substitute “Age of sale notices”. 25

Snus etc

55 Ban on manufacture of snus etc

After section 9 of the Tobacco and Primary Medical Services (Scotland) Act 2010 (asp 3) insert— 30

“Snus etc

9A Ban on manufacture of snus etc

- (1) It is an offence to manufacture a relevant oral tobacco product.

- (2) In subsection (1) “relevant oral tobacco product” means a tobacco product that—
 - (a) is intended for oral use,
 - (b) is not intended to be inhaled or chewed, and
 - (c) consists wholly or partly of tobacco in powder or particulate form. 5
- (3) A person guilty of an offence under this section is liable—
 - (a) on summary conviction, to imprisonment for a term not exceeding 12 months, or a fine not exceeding the statutory maximum, or both; 10
 - (b) on conviction on indictment, to imprisonment for a term not exceeding 2 years, or a fine, or both.”

56 Ban on sales of snus etc

After section 9A of the Tobacco and Primary Medical Services (Scotland) Act 2010 (asp 3) (inserted by section 55 of this Act) insert — 15

“9B Ban on sales of snus etc

- (1) It is an offence to—
 - (a) sell a relevant oral tobacco product, or
 - (b) offer or expose a relevant oral tobacco product for sale.
- (2) In subsection (1) “relevant oral tobacco product” has the meaning given by section 9A(2). 20
- (3) It is a defence for a person charged with an offence under this section to prove that they took all reasonable steps to avoid the commission of the offence.
- (4) A person guilty of an offence under this section is liable— 25
 - (a) on summary conviction, to imprisonment for a term not exceeding 12 months, or a fine not exceeding the statutory maximum, or both;
 - (b) on conviction on indictment, to imprisonment for a term not exceeding 2 years, or a fine, or both.” 30

57 Possession of snus etc with intent to supply

- (1) After section 9B of the Tobacco and Primary Medical Services (Scotland) Act 2010 (asp 3) (inserted by section 56 of this Act) insert —

“9C Possession of snus etc with intent to supply

- (1) It is an offence for a person to have a relevant oral tobacco product in their possession with intent to supply it to another in the course of business. 35
- (2) In subsection (1) “relevant oral tobacco product” has the meaning given by section 9A(2).

- (3)

A person guilty of an offence under this section is liable—

(a)

on summary conviction, to imprisonment for a term not exceeding 12 months, or a fine not exceeding the statutory maximum, or both;

(b)

on conviction on indictment, to imprisonment for a term not exceeding 2 years, or a fine, or both.”
- 5

Vaping and nicotine products

58 Extension of offences to vaping and nicotine products

- (1)

The Tobacco and Primary Medical Services (Scotland) Act 2010 (asp 3) is amended in accordance with subsections (2) to (7).
- 10
- (2)

In the italic heading before section 4, for “and nicotine vapour” substitute “, vaping and nicotine”.
- (3)

In section 4A (sale of nicotine vapour products to persons under 18)—

(a)

in subsection (1), for “nicotine vapour” substitute “vaping product or nicotine”;

(b)

in the heading, for “nicotine vapour” substitute “vaping and nicotine”.
- 15
- (4)

In section 4B (age verification policy)—

(a)

in subsection (1)(a) and (b), for “tobacco or nicotine vapour product business” substitute “relevant business”;

(b)

after subsection (1) insert—

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“(1A)

In this section “relevant business” means a business which involves the sale of one or more of the following by retail—

(a)

tobacco products;

(b)

herbal smoking products;

(c)

vaping products;

(d)

nicotine products.”;

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(c)

for subsection (2) substitute—

“(2)

Subsection (1) does not apply in relation to premises from which—

(a)

a product mentioned in subsection (1A) or cigarette papers are, in pursuance of a sale, despatched for delivery to different premises, and

(b)

no other relevant business is carried on.”;

(d)

in subsection (3)—

(i)

for “tobacco product, cigarette papers or a nicotine vapour product” substitute “product mentioned in subsection (1A) or cigarette papers”;

(ii)

for “the tobacco product, cigarette papers or nicotine vapour product” substitute “the product”;

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- (e) in subsection (5)(b) and (c), for “tobacco product, cigarette papers or a nicotine vapour product” substitute “product mentioned in subsection (1A) or cigarette papers”;
 - (f) in subsection (6), for “tobacco or nicotine vapour product business” substitute “relevant business”. 5
- (5) In section 4C (sale of tobacco or nicotine vapour products by persons under 18) –
 - (a) in subsection (1), for “or a nicotine vapour” substitute “, a vaping product or a nicotine”;
 - (b) in the heading, for “or nicotine vapour” substitute “, vaping or nicotine”. 10
- (6) In section 6A (purchase of nicotine vapour products on behalf of persons under 18) –
 - (a) in subsection (1), for “nicotine vapour” substitute “vaping or nicotine”;
 - (b) in the heading for “nicotine vapour” substitute “vaping or nicotine”. 15
- (7) For section 9 substitute –

“Vending machines

9 Prohibited vending machines

- (1) A person who has the management or control of premises on which a prohibited vending machine is available for use commits an offence. 20
- (2) A person guilty of an offence under subsection (1) is liable on summary conviction to a fine not exceeding level 4 on the standard scale.
- (3) In this section, “prohibited vending machine” means a machine from which any of the following products may be bought or from which they are dispensed to a customer in connection with a sale – 25
 - (a) tobacco products;
 - (b) herbal smoking products;
 - (c) cigarette papers;
 - (d) vaping products;
 - (e) nicotine products.” 30
- (8) In the Health (Tobacco, Nicotine etc. and Care) (Scotland) Act 2016 (asp 14) omit section 7 (power to extend vending machine prohibition).

59 Meaning of “nicotine product”

Before section 36 of the Tobacco and Primary Medical Services (Scotland) Act 2010 (asp 3) insert – 35

“35B Meaning of “nicotine product” in this Part

- (1) In this Part, a “nicotine product” is –
 - (a) a device which is intended to enable nicotine to be delivered into the human body,

- (b) an item which is intended to form part of a device within paragraph (a),
 - (c) nicotine, or any substance containing nicotine, which is intended to be delivered into the human body, or
 - (d) an item containing anything within paragraph (c). 5
- (2) But the following are not nicotine products –
 - (a) a tobacco product;
 - (b) a smoking related product;
 - (c) a herbal smoking product;
 - (d) any device which is intended to be used for the consumption of tobacco products or herbal smoking products; 10
 - (e) a vaping product;
 - (f) a medicinal product;
 - (g) a medical device.”

Age verification15

60 Age verification in relation to tobacco and vaping products etc

- (1) The Tobacco and Primary Medical Services (Scotland) Act 2010 (asp 3) is amended as follows.
- (2) In section 4 (age restrictions on sale of tobacco products etc) –
 - (a) in subsection (2), for paragraph (b) substitute – 20
 - “(b) the accused had taken such steps as may be prescribed to establish the customer’s age.”;
 - (b) omit subsections (3) and (4).
- (3) In section 4A (age restrictions on sale of vaping products etc) –
 - (a) in subsection (2), for paragraph (b) substitute – 25
 - “(b) the accused had taken such steps as may be prescribed to establish the customer’s age.”;
 - (b) omit subsections (3) and (4).
- (4) In section 4B (age verification policy), in subsection (5) omit paragraph (b).

Displays of products or prices30

61 Displays of vaping and nicotine products

- (1) The Tobacco and Primary Medical Services (Scotland) Act 2010 (asp 3) is amended as follows.

(2) After section 3 insert –

“3A Display of products or prices

- (1) The Scottish Ministers may by regulations impose prohibitions, requirements or limitations on retailers in relation to –
 - (a) the display, in the course of business, of relevant products in a place where those products are offered for sale; 5
 - (b) the display, in the course of business, of empty retail packaging of relevant products in a place where those products are offered for sale;
 - (c) the display, in the course of business, of prices of relevant products in a place where those products are offered for sale. 10
- (2) In subsection (1) “relevant products” means –
 - (a) herbal smoking products,
 - (b) vaping products, or
 - (c) nicotine products. 15
- (3) In subsection (1)(a) a reference to a product includes anything that represents the product and that is intended to be exchanged for it at the point of sale.
- (4) Regulations under this section may create offences in relation to a failure to comply with the regulations. 20
- (5) The regulations must provide for any offence to be triable summarily and punishable with a fine not exceeding level 4 on the standard scale.
- (6) For the purposes of subsection (1), a website is not a place.
- (7) Before making regulations under this section the Scottish Ministers must consult any persons they consider it appropriate to consult.” 25
- (3) In each of the following provisions after “Chapter 1 or 2” insert “or any regulations made under those Chapters” –
 - section 15(3)(d) and (4)(b);
 - section 16(3)(a);
 - section 26(2)(a); 30
 - section 27(1);
 - section 32(1) and (4).
- (4) In section 26(2)(b), after “Chapters” insert “or any regulations made under those Chapters”.
- (5) In section 33 (presumption as to contents of container), in subsection (1), at the end insert “or under regulations made under section 3A”. 35
- (6) In section 34 (offences by bodies corporate etc), in subsection (1)(a), after “this Act” insert “or regulations made under it”.

- (7) In section 40 (orders and regulations), in subsection (4), at the appropriate place insert –
- “section 3A(1)”.

Free distribution and discounts

62

Free distribution and discount of products

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- (1) In the Tobacco and Primary Medical Services (Scotland) Act 2010 (asp 3), after section 8 insert –
- “Free distribution etc*

8A Free distribution and discount of products

- (1)

A person commits an offence if –

10
- (a)

the person –

(i)

gives away a product or coupon to a member of the public or sells by retail a product or coupon at a substantial discount, or

(ii)

causes or permits that to happen, and

15
- (b)

either –

(i)

their purpose in doing so is to promote a relevant product, or

(ii)

the effect of their doing so is to promote a relevant product and they know, or have reason to suspect, that will be the effect.

20
- (2)

In subsection (1) “relevant product” means –

(a)

a tobacco product,

(b)

a herbal smoking product,

(c)

a smoking related product,

(d)

a vaping product, or

(e)

a nicotine product.

25
- (3)

A person who commits an offence under this section is liable –

(a)

on summary conviction, to imprisonment for a term not exceeding 12 months, or a fine not exceeding the statutory maximum, or both;

(b)

on conviction on indictment, to imprisonment for a term not exceeding 2 years, or a fine, or both.

30
- (4)

In this section “coupon” means anything (whether in physical or electronic form) which, by itself or together with something else, can be redeemed for a product or service or for cash or any other benefit.

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8B Free distribution of products: defences

- (1) Where a person is charged with an offence under section 8A of giving away a vaping product or nicotine product, or a coupon for such a product, it is a defence for the person to prove that the product or coupon was given away in accordance with arrangements made by a public authority. 5
- (2) The Scottish Ministers may by regulations create further defences to the offence under section 8A of giving away a vaping product or nicotine product or a coupon for such a product.
- (3) Regulations under this section may amend this Part.” 10
- (2) In section 40 of that Act (orders and regulations), in subsection (4), at the appropriate place insert –
“section 8B”.
- (3) In the Health (Tobacco, Nicotine etc. and Care) (Scotland) Act 2016 omit section 18. 15

Alignment of definitions

63 Alignment of definition of “tobacco product”

In the Tobacco and Primary Medical Services (Scotland) Act 2010 (asp 3), in section 35 (interpretation of Part 1), in subsection (1), for the definition of “tobacco product” substitute – 20

““tobacco product” means a product consisting wholly or partly of tobacco and intended to be smoked, sniffed, sucked, chewed or consumed in any other way,”.

64 Alignment of definition of “vaping product”

Schedule 8 contains provision for the purposes of aligning the definition of “vaping product” in the Tobacco and Primary Medical Services (Scotland) Act 2010 (asp 3) with that used elsewhere in this Act. 25

Extension of retailer register etc

65 Extension of retailer register etc

Schedule 9 contains amendments to the Tobacco and Primary Medical Services (Scotland) Act 2010 (asp 3) for the purposes of extending Chapter 2 of Part 1 of that Act (register of tobacco and nicotine vapour product retailers) so that it applies in relation to herbal smoking products and nicotine products. 30

Miscellaneous

66 Crown application of 2010 Act

In section 36 of the Tobacco and Primary Medical Services (Scotland) Act 2010 (asp 3) (Crown application), in subsection (3), after “on the application” insert “of the Scottish Ministers or”.5

67 Power to extend 2010 Act to other products

- (1) The Tobacco and Primary Medical Services (Scotland) Act 2010 (asp 3) is amended as follows.
- (2) After section 34 insert –

“34A Power to extend this Part to other products10

(1) The Scottish Ministers may by regulations amend this Part for the purpose of extending any provision that applies in relation to a tobacco product to –

(a) a device of a specified description which enables a tobacco product to be consumed otherwise than by being smoked (for example, a heated tobacco device);15

(b) an item which is intended to form part of such a device.

(2) Before making regulations under this section the Scottish Ministers must consult any persons they consider it appropriate to consult.

(3) The Scottish Ministers may by regulations amend this Part for the purpose of extending any provision that applies in relation to a tobacco product to some or all smoking related products.”20
- (3) In section 40 (orders and regulations), in subsection (4), at the appropriate place insert –

“section 34A”.25

PART 3

SALE AND DISTRIBUTION: NORTHERN IRELAND

Sale of tobacco etc

68 Age of sale for tobacco products etc

For Article 3 of the Health and Personal Social Services (Northern Ireland) Order 1978 (S.I. 1978/1907 (N.I. 26)) substitute –30

“3 Sale of tobacco etc

- (1) It is an offence to sell any of the following to a person born on or after 1 January 2009 –

(a) a tobacco product;35

- (b) a herbal smoking product;
 - (c) cigarette papers.
- (2) It is a defence for a person charged with an offence under this Article to prove –
 - (a) that they took such steps as may be specified in regulations made by the Department to verify that the customer was born before 1 January 2009, or 5
 - (b) that they otherwise took all reasonable steps to avoid the commission of the offence.
- (3) Regulations under paragraph (2)(a) are subject to negative resolution. 10
- (4) A person guilty of an offence under this Article is liable on summary conviction to a fine not exceeding level 5 on the standard scale.”

69 Purchase of tobacco on behalf of others

For Article 4A of the Health and Personal Social Services (Northern Ireland) Order 1978 (S.I. 1978/1907 (N.I. 26)) substitute – 15

“4A Purchase of tobacco etc on behalf of persons born on or after 1 January 2009

- (1) It is an offence for a person aged 18 or over to buy, or attempt to buy, any of the following on behalf of a person born on or after 1 January 2009 – 20
 - (a) a tobacco product;
 - (b) a herbal smoking product;
 - (c) cigarette papers.
- (2) It is a defence for a person charged with an offence under this Article to prove that they had no reason to suspect that the other person was born on or after 1 January 2009. 25
- (3) It is a defence for a person charged with an offence under this Article in respect of cigarette papers to prove that they had no reason to suspect that the other person intended to use the papers for smoking.
- (4) A person guilty of an offence under this Article is liable on summary conviction to a fine not exceeding level 5 on the standard scale.” 30

70 Tobacco vending machines

After Article 4A of the Health and Personal Social Services (Northern Ireland) Order 1978 (S.I. 1978/1907 (N.I. 26)) (inserted by section 69 of this Act) insert –

“4B Tobacco vending machines 35

- (1) A person commits an offence if the person has the management or control of premises on which a tobacco vending machine is available for use.

- (2)

A person guilty of an offence under this Article is liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (3)

In this Article “tobacco vending machine” means a machine from which any of the following products may be bought or from which they are dispensed to a customer in connection with a sale—

5
- (a)

tobacco products,
- (b)

herbal smoking products, or
- (c)

cigarette papers.”

71 Sale of unpackaged cigarettes

After Article 4B of the Health and Personal Social Services (Northern Ireland) Order 1978 (S.I. 1978/1907 (N.I. 26)) (inserted by section 70 of this Act) insert— 10

“4C Sale of unpackaged cigarettes

- (1)

It is an offence for a tobacco retailer to sell cigarettes that are not in their original packaging.
- (2)

A person guilty of an offence under this Article is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

15
- (3)

In this Article “original packaging” means the retail packaging in which the cigarettes were supplied to the tobacco retailer for the purpose of sale.”

72 Age of sale notice at point of sale 20

After Article 4C of the Health and Personal Social Services (Northern Ireland) Order 1978 (S.I. 1978/1907 (N.I. 26)) (inserted by section 71 of this Act) insert—

“4D Age of sale notice at point of sale

- (1)

A tobacco retailer must display an age of sale notice at any premises at which they sell tobacco products.

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- (2)

For the purposes of this Article an “age of sale notice” is a notice containing the following statement—
- “It is illegal to sell tobacco products to anyone born on or after 1 January 2009”.
- (3)

The notice must be displayed in a prominent position where it is readily visible to people at each point of sale of tobacco products.

30
- (4)

The notice must comply with any requirements set out in regulations made by the Department as to the size or appearance of—
- (a)

the statement on the notice, or
- (b)

any other aspect of the notice.

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- (5)

Regulations under paragraph (4) are subject to negative resolution.

- (6) A person who fails to display an age of sale notice as required by this Article commits an offence.
- (7) It is a defence for a person charged with an offence under this Article to prove that they took all reasonable steps to avoid the commission of the offence. 5
- (8) A person guilty of an offence under this Article is liable on summary conviction to a fine not exceeding level 3 on the standard scale.”

Snus etc

73 Ban on manufacture of snus etc

After Article 4D of the Health and Personal Social Services (Northern Ireland) Order 1978 (S.I. 1978/1907 (N.I. 26)) (inserted by section 72 of this Act) insert – 10
“*Snus etc*

4E Ban on manufacture of snus etc

- (1) It is an offence to manufacture a relevant oral tobacco product.
- (2) In paragraph (1) “relevant oral tobacco product” means a tobacco product that – 15
 - (a) is intended for oral use,
 - (b) is not intended to be inhaled or chewed, and
 - (c) consists wholly or partly of tobacco in powder or particulate form. 20
- (3) A person guilty of an offence under this Article is liable –
 - (a) on summary conviction, to imprisonment for a term not exceeding 6 months, or a fine not exceeding the statutory maximum, or both;
 - (b) on conviction on indictment, to imprisonment for a term not exceeding 2 years, or a fine, or both.” 25

74 Ban of sales of snus etc

After Article 4E of the Health and Personal Social Services (Northern Ireland) Order 1978 (S.I. 1978/1907 (N.I. 26)) (inserted by section 73 of this Act) insert –

- “4F Ban on sales of snus etc 30**
- (1) It is an offence to –
 - (a) sell a relevant oral tobacco product, or
 - (b) offer or expose a relevant oral tobacco product for sale.
 - (2) In paragraph (1) “relevant oral tobacco product” has the meaning given by Article 4E(2). 35

(3)	It is a defence for a person charged with an offence under this Article to prove that they took all reasonable steps to avoid the commission of the offence.	
(4)	A person guilty of an offence under this Article is liable—	
(a)	on summary conviction, to imprisonment for a term not exceeding 6 months, or a fine not exceeding the statutory maximum, or both;	5
(b)	on conviction on indictment, to imprisonment for a term not exceeding 2 years, or a fine, or both.”	
75	Possession of snus etc with intent to supply	10
(1)	After Article 4F of the Health and Personal Social Services (Northern Ireland) Order 1978 (S.I. 1978/1907 (N.I. 26)) (inserted by section 74 of this Act) insert—	
“4G	Possession of snus etc with intent to supply	
(1)	It is an offence for a person to have a relevant oral tobacco product in their possession with intent to supply it to another in the course of business.	15
(2)	In paragraph (1) “relevant oral tobacco product” has the meaning given by Article 4E(2).	
(3)	A person guilty of an offence under this Article is liable—	
(a)	on summary conviction, to imprisonment for a term not exceeding 6 months, or a fine not exceeding the statutory maximum, or both;	20
(b)	on conviction on indictment, to imprisonment for a term not exceeding 2 years, or a fine, or both.”	
	<i>Vaping and nicotine products</i>	25
76	Sale of vaping or nicotine products to under 18s	
	After Article 4G of Health and Personal Social Services (Northern Ireland) Order 1978 (S.I. 1978/1907 (N.I. 26)) (inserted by section 75 of this Act) insert—	
	<i>“Vaping and nicotine products</i>	
4H	Sale of vaping or nicotine products to under 18s	30
(1)	It is an offence to sell a vaping product or nicotine product to a person who is under the age of 18.	
(2)	It is a defence for a person charged with an offence under this Article to prove—	
(a)	that they took such steps as may be specified in regulations made by the Department to verify that the customer was at least 18 years old, or	35

- (b) that they otherwise took all reasonable steps to avoid the commission of the offence.
 - (3) Regulations under paragraph (2)(a) are subject to negative resolution.
 - (4) A person guilty of an offence under this Article is liable on summary conviction to a fine not exceeding level 5 on the standard scale.” 5
- 77 **Purchase of vaping or nicotine products on behalf of under 18s**
 - (1) The Health and Personal Social Services (Northern Ireland) Order 1978 (S.I. 1978/1907 (N.I. 26)) is amended as follows.
 - (2) After Article 4H (inserted by section 76 of this Act) substitute –
 - “4I **Purchase of vaping or nicotine products on behalf of under 18s** 10
 - (1) It is an offence for a person aged 18 or over to buy, or attempt to buy, a vaping product or nicotine product on behalf of a person who is under the age of 18.
 - (2) It is a defence for a person charged with an offence under this Article to prove that they had no reason to suspect that the other person was under the age of 18. 15
 - (3) A person guilty of an offence under this Article is liable on summary conviction to a fine not exceeding level 5 on the standard scale.”
 - (3) In Article 4A (purchase of tobacco or nicotine products on behalf of persons under 18) – 20
 - (a) in paragraph (1), for “tobacco, cigarette papers or a relevant nicotine product” substitute “tobacco products, herbal smoking products or cigarette papers”;
 - (b) in the heading, for “or nicotine products” substitute “etc”.
- 78 **Vaping and nicotine product vending machines** 25

After Article 4I of the Health and Personal Social Services (Northern Ireland) Order 1978 (S.I. 1978/1907 (N.I. 26)) (inserted by section 77 of this Act) insert –

 - “4J **Vaping and nicotine product vending machines**
 - (1) A person commits an offence if the person has the management or control of premises on which a vape vending machine or a nicotine product vending machine is available for use. 30
 - (2) A person guilty of an offence under this Article is liable on summary conviction to a fine not exceeding level 5 on the standard scale.
 - (3) In this Article –
 - “nicotine product vending machine” means a machine – 35
 - (a) from which nicotine products may be bought, or
 - (b) from which they are dispensed to a customer in connection with a sale;

“vape vending machine” means a machine –
(a) from which vaping products may be bought, or
(b) from which they are dispensed to a customer in connection with a sale.”

Displays of products or prices5

79 **Displays of products and prices in Northern Ireland**

After Article 4J of the Health and Personal Social Services (Northern Ireland) Order 1978 (S.I. 1978/1907 (N.I. 26)) (inserted by section 78) insert –

“Displays of products or prices

4K **Displays of products or prices**10

- (1) The Department may by regulations impose prohibitions, requirements or limitations on retailers in relation to –
(a) the display, in the course of business, of relevant products in a place where those products are offered for sale;
(b) the display, in the course of business, of empty retail packaging of relevant products in a place where those products are offered for sale;
(c) the display, in the course of business, of prices of relevant products in a place where those products are offered for sale.

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- (2) In paragraph (1) “relevant product” means –
(a) tobacco products,
(b) tobacco related devices,
(c) herbal smoking products,
(d) cigarette papers,
(e) vaping products, or
(f) nicotine products.

2025
- (3) In paragraph (1)(a) a reference to a product includes anything that represents the product and that is intended to be exchanged for it at the point of sale.
- (4) Regulations under paragraph (1) may create offences in relation to a failure to comply with the regulations.

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- (5) The regulations must provide for any offence to be triable on indictment or summarily and punishable –
(a) on summary conviction, to imprisonment for a term not exceeding 6 months, or a fine not exceeding the statutory maximum, or both;
(b) on conviction on indictment, to imprisonment for a term not exceeding 2 years, or a fine, or both.

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- (6) Before making regulations under this Article the Department must consult any persons it considers it appropriate to consult.
- (7) Regulations may not be made by the Department under this Article unless a draft of the regulations has been laid before and approved by a resolution of the Assembly.”

5

Free distribution and discounts

80 Free distribution and discount of products

After Article 4K of the Health and Personal Social Services (Northern Ireland) Order 1978 (S.I. 1978/1907 (N.I. 26)) (inserted by section 79) insert—

“Free distribution and discounts

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4L Free distribution and discounts of products

- (1) A person commits an offence if—
 - (a) the person—
 - (i) gives away a product or coupon to a member of the public or sells a product or coupon at a substantial discount, or
 - (ii) causes or permits that to happen, and
 - (b) either—
 - (i) their purpose in doing so is to promote a relevant product, or
 - (ii) the effect of their doing so is to promote a relevant product and they know, or have reason to suspect, that will be the effect.
- (2) In paragraph (1) “relevant product” means—
 - (a) a tobacco product,
 - (b) a herbal smoking product,
 - (c) cigarette papers,
 - (d) a vaping product, or
 - (e) a nicotine product.
- (3) Where a person is charged with an offence under this Article of giving away a vaping product or nicotine product, or a coupon for such a product, it is a defence for the person to prove that the product or coupon was given away in accordance with arrangements made by a public authority.
- (4) A person guilty of an offence under this Article is liable—
 - (a) on summary conviction, to imprisonment for a term not exceeding 6 months, or a fine not exceeding the statutory maximum, or both;

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- (b) on conviction on indictment, to imprisonment for a term not exceeding 2 years, or a fine, or both.
- (5) In this Article “coupon” means anything (whether in physical or electronic form) which, by itself or together with something else, can be redeemed for a product or service or for cash or any other benefit.”5

Enforcement

81 Programme of enforcement action by district councils

Before Article 7 of the Health and Personal Social Services (Northern Ireland) Order 1978 (S.I. 1978/1907 (N.I. 26)) insert—

“Enforcement10

6A Programme of enforcement action by district councils

- (1) Each district council must, at least once a year, consider—

(a) whether it is appropriate to carry out a programme of enforcement action in its area, and

(b) if so, what that programme should involve.15

(2) In paragraph (1) “programme of enforcement action” means a programme involving one or more of the following—

(a) the investigation of complaints in respect of an alleged offence under—

(i) this Part or regulations under Article 4K, or20

(ii) the Tobacco Retailers Act (Northern Ireland) 2014;

(b) the bringing of prosecutions in respect of such an offence;

(c) the taking of other measures intended to reduce the incidence of such offences.”
- Interpretation of 1978 Order25
- 82 Interpretation of 1978 Order
- For Article 7 of the Health and Personal Social Services (Northern Ireland) Order 1978 (S.I. 1978/1907 (N.I. 26)) substitute—
- “Interpretation
- 7 Interpretation of Part 230
- In this Part—
“cigarette papers” includes anything intended to be used for encasing tobacco products or herbal smoking products for the purpose of enabling them to be smoked;

“herbal smoking product” means a product consisting wholly or partly of vegetable matter and intended to be smoked but not containing tobacco;	
“medical device” has the meaning given by the Medical Devices Regulations 2002 (S.I. 2002/618);	5
“medicinal product” has the meaning given by the Human Medicines Regulations 2012 (S.I. 2012/1916);	
“nicotine product” has the meaning given by Article 7A;	
“premises” means any place (including a vehicle or moveable structure);	10
“retail packaging”, in relation to a thing, means the packaging in which it is, or is intended to be, presented for sale by retail;	
“sell” means sell by retail;	
“tobacco product” means a product consisting wholly or partly of tobacco and intended to be smoked, sniffed, sucked, chewed or consumed in any other way;	15
“tobacco related device” means –	
(a) a device, other than a vape, which enables a tobacco product to be consumed (for example, a heated tobacco device or pipe), or	20
(b) an item which is intended to form part of such a device;	
“tobacco retailer” means a person who carries on a business involving the sale of tobacco products by retail;	
“vape” means –	
(a) a device which –	25
(i) vaporises substances, other than tobacco, for the purpose of inhalation through a mouthpiece (whether or not it also vaporises tobacco), and	
(ii) is not a medical device or a medicinal product, or	30
(b) an item which is intended to form part of a device within paragraph (a) (including anything intended to be attached to it with a view to imparting flavour);	
“vaping product” means –	
(a) a vape, or	35
(b) a vaping substance;	
“vaping substance” means a substance, other than tobacco, that is intended to be vaporised by a vape;	
“vaporises” includes aerosolises;	
“vehicle” means every type of vehicle, including a vessel, aircraft and hovercraft.	40

7A Meaning of nicotine product

- (1) In this Part “nicotine product” means –

- (a)

a device which is intended to enable nicotine to be delivered into the human body,

(b)

an item which is intended to form part of a device within sub-paragraph (a),

(c)

nicotine, or any substance containing nicotine, which is intended to be delivered into the human body, or

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(d)

an item containing anything within sub-paragraph (c).
- (2)

But the following are not “nicotine products” for the purposes of this Article –

(a)

a tobacco product;

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(b)

a herbal smoking product;

(c)

cigarette papers;

(d)

any device which is intended to be used for the consumption of tobacco products;

(e)

a vaping product;

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(f)

a medical device;

(g)

a medicinal product.”

Retailer register and licensing

83 Extension of retailer register

Schedule 10 amends the Tobacco Retailers Act (Northern Ireland) 2014 (c. 4 (N.I.)) to extend certain provisions about the registration of tobacco retailers so that they apply in relation to retailers of vaping products and nicotine products.

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84 Prohibition of retail sales of tobacco products etc without a licence

- (1)

After section 4 of the Tobacco Retailers Act (Northern Ireland) 2014 (c. 4 (N.I.)) insert –

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“Licensing of retail sales of tobacco products etc

4A Prohibition of retail sales of tobacco products etc without a licence

- (1)

An individual must not do any of the following things except under the authority of and in accordance with a personal licence –

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(a)

sell relevant products;

(b)

expose relevant products for sale;

(c)

possess relevant products for the purpose of their sale (by the individual or another person).
- (2)

A person must not use or permit the use of premises for any of the following things except under the authority of and in accordance with a premises licence –

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- (a) the storage of relevant products for the purpose of their sale (by the person or another person);
 - (b) the exposure of relevant products for sale;
 - (c) the supply of relevant products to retail customers.
- (3) Regulations may create exceptions to the prohibition in subsection (1) or (2). 5
- (4) Regulations must make provision for and in connection with the grant of personal licences and premises licences.
- (5) Before making regulations under this section the Department must consult any persons the Department considers it appropriate to consult. 10
- (6) Schedule 1 makes further provision about regulations under subsection (4).
- (7) In this section –
 - “grant” includes variation or renewal;
 - “licensing authority” has the meaning given by paragraph 2 of Schedule 1; 15
 - “personal licence” means a licence that is granted by a licensing authority and authorises an individual to do the things mentioned in subsection (1)(a), (b) and (c);
 - “premises licence” means a licence that is granted by a licensing authority and authorises the use of premises by a person for the things mentioned in subsection (2)(a), (b) and (c); 20
 - “relevant products” means –
 - (a) tobacco products;
 - (b) herbal smoking products; 25
 - (c) cigarette papers;
 - (d) vaping products;
 - (e) nicotine products;
 - “sell” means sell by retail;
 - “supply” includes despatch. 30

4B Offences in connection with licences

- (1) A person who breaches the prohibition in section 4A(1) or (2) commits an offence.
- (2) A person commits an offence if –
 - (a) the person provides information to a licensing authority – 35
 - (i) in, or in connection with, an application for the grant of a personal licence or a premises licence, or
 - (ii) in pursuance of any other obligation imposed by or under regulations made under section 4A(4),
 - (b) the information is false or misleading in a material respect, and 40

- (c) the person knows, or ought reasonably to know, that the information is false or misleading in a material respect.
 - (3) A person who commits an offence under this section is liable on summary conviction to a fine not exceeding level 5 on the standard scale. 5
 - (4) The court by which a person is convicted of an offence under subsection (1) may order the relevant products to which the offence relates, and any container for them, to be forfeited and either destroyed or dealt with in such other manner as the court may order.
 - (5) In this section – 10
 - “grant” includes variation or renewal;
 - “licensing authority” has the meaning given by paragraph 2 of Schedule 1;
 - “personal licence” has the meaning given by section 4A(7);
 - “premises licence” has the meaning given by section 4A(7); 15
 - “relevant product” has the meaning given by section 4A(7).
- 4C Financial penalties for breach of licence conditions**
 - (1) A council may impose a financial penalty on a person if satisfied that –
 - (a) the person has breached a condition attached to a personal licence or a premises licence, and 20
 - (b) the breach of that condition does not constitute an offence under section 4B.
 - (2) The amount of the financial penalty must not exceed £2,500.
 - (3) Regulations may amend the amount specified in subsection (2) for the purpose of reflecting inflation. 25
 - (4) Schedule 2 makes further provision about the imposition of financial penalties under this section.
 - (5) In this section “personal licence” and “premises licence” have the meaning given by section 4A(7).”
- (2) Schedule 11 inserts new Schedule 1 to the Tobacco Retailers Act (Northern Ireland) 2014, relating to the grant of personal licences and premises licences. 30
- (3) Schedule 12 inserts new Schedule 2 to the Tobacco Retailers Act (Northern Ireland) 2014, relating to the imposition of financial penalties.
- (4) Schedule 13 contains consequential amendments relating to the licensing of retail sales of tobacco products etc. 35

Powers to extend legislation

85 Power to extend legislation to other products

- (1) After Article 6A of the Health and Personal Social Services (Northern Ireland) Order 1978 (S.I. 1978/1907 (N.I. 26)) (inserted by section 81 of this Act) insert—

“Power to extend this Part 5

6B Power to extend this Part to other products

- (1) The Department may by regulations amend this Part for the purpose of extending any provision that applies in relation to a tobacco product to a tobacco related device.
- (2) Before making regulations under this Article the Department must consult any persons it considers it appropriate to consult. 10
- (3) Regulations may not be made by the Department under this Article unless a draft of the regulations has been laid before and approved by a resolution of the Assembly.”
- (2) After section 21 of the Tobacco Retailers Act (Northern Ireland) 2014 (c. 4 (N.I.)) insert— 15

“21A Power to extend Act to other products

- (1) The Department may by regulations amend this Act for the purpose of extending any provision that applies in relation to a tobacco product to— 20
- (a) a device of a specified description which enables a tobacco product to be consumed (for example, a heated tobacco device or pipe);
- (b) an item which is intended to form part of such a device.
- (2) Before making regulations under this section the Department must consult any persons the Department considers it appropriate to consult.” 25
- (3) In section 24 of that Act, in subsection (2), for “or 21(4) or (5)” substitute “, 21(4) or (5) or 21A”.

Consequential etc, transitional and transitory provision 30

86 Consequential and other amendments

- (1) See Schedule 14 for consequential amendments coming into force at the end of the period of 6 months beginning with the day on which this Act is passed.
- (2) See Schedule 15 for consequential amendments coming into force on 1 January 2027. 35

87 Transitional provision

In relation to times before 1 January 2027, Article 6A(2) of the Health and Personal Social Services (Northern Ireland) Order 1978 (S.I. 1978/1907 (N.I. 26)) (inserted by section 81 of this Act) has effect as if it included a reference to an offence under Article 5 of the Children and Young Persons (Protection from Tobacco) (Northern Ireland) Order 1991 (S.I. 1991/2872 (N.I. 25)) (display of warning statements). 5

PART 4

SNUS ETC: SEIZURE AND DETENTION POWERS

88 Power of officer of Revenue and Customs to seize and detain snus etc 10

- (1) An officer of Revenue and Customs may, for the purpose of facilitating the exercise by an enforcement authority of any of its functions in relation to the enforcement of a relevant offence, seize any relevant oral tobacco products that have been imported and detain them for not more than 48 hours.
- (2) Any products seized and detained under this section must be dealt with during their period of detention in such manner as the Commissioners for His Majesty’s Revenue and Customs may direct. 15
- (3) For the purposes of calculating the 48-hour period mentioned in subsection (1) any period falling on a non-working day is to be disregarded.
- (4) In this section – 20
 - “enforcement authority” –
 - (a) in relation to England or Wales, means a local weights and measures authority;
 - (b) in relation to Scotland, means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994; 25
 - (c) in relation to Northern Ireland, means a district council;
 - “non-working day” means –
 - (a) a Saturday or Sunday, or
 - (b) a day which is a bank holiday under the Banking and Financial Dealings Act 1971 in any part of the United Kingdom; 30
 - “relevant offence” means an offence under any of the following (which relate to possession of relevant oral tobacco products with intent to supply) –
 - (a) section 9 (England and Wales);
 - (b) section 9C of the Tobacco and Primary Medical Services (Scotland) Act 2010 (Scotland); 35
 - (c) Article 4G of the Health and Personal Social Services (Northern Ireland) Order 1978 (S.I. 1978/1907 (N.I. 26));
 - “relevant oral tobacco product” means a tobacco product that –
 - (a) is intended for oral use, 40
 - (b) is not intended to be inhaled or chewed, and

- (c) consists wholly or partly of tobacco in powder or particulate form.

PART 5

PRODUCT AND INFORMATION REQUIREMENTS ETC

Product requirements etc 5

89 Retail packaging

- (1) The Secretary of State may by regulations make provision about the retail packaging of –
 - (a) tobacco products;
 - (b) tobacco related devices; 10
 - (c) herbal smoking products;
 - (d) cigarette papers;
 - (e) vaping products;
 - (f) nicotine products.
- (2) The regulations may, in particular, impose prohibitions, requirements or limitations in relation to the production, importation or supply of such products in the course of business. 15
- (3) Provision made by the regulations may, in particular, include provision about –
 - (a) the markings on packaging (including the use of branding, trademarks or logos); 20
 - (b) the information provided on packaging or otherwise supplied with a product;
 - (c) the appearance of packaging;
 - (d) the materials used for packaging; 25
 - (e) the texture of packaging;
 - (f) the size of packaging;
 - (g) the shape of packaging;
 - (h) the means by which packaging is opened;
 - (i) any features of packaging which could be used to distinguish between different brands; 30
 - (j) the number of individual products contained in an individual packet;
 - (k) the quantity of a product contained in an individual packet.
- (4) Regulations under this section are subject to the affirmative resolution procedure. 35

90 Features of products

- (1) The Secretary of State may by regulations make provision about –
 - (a) the markings on –

- (i) tobacco products,

(ii) tobacco related devices,

(iii) herbal smoking products,

(iv) cigarette papers,

(v) vaping products, or

(vi) nicotine products,

including the use of branding, trademarks or logos;

(b) the information provided on such products;

(c) the appearance of such products;

(d) the size of such products or their components;

(e) the shape of such products;

(f) any features of such products which could be used to distinguish between different brands.

5
- (2) The regulations may, in particular, impose prohibitions, requirements or limitations in relation to the production, importation or supply of such products in the course of business.

10
- (3) Regulations under this section are subject to the affirmative resolution procedure.

15

91 Contents and flavour

- (1) The Secretary of State may by regulations make provision about—

(a) the substances that may be included in a relevant product or the amount of any given substance that may be included;

(b) the flavour of relevant products;

(c) any product intended to be used in connection with a relevant product with a view to imparting flavour.

20
- (2) In this section “relevant products” means—

(a) tobacco products,

(b) tobacco related devices,

(c) herbal smoking products,

(d) cigarette papers,

(e) vaping products, or

(f) nicotine products.

25
- (3) The regulations may, in particular, impose prohibitions, requirements or limitations in relation to the production, importation or supply of such products in the course of business.

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- (4) The regulations may, in particular, make provision about how the flavour of a product is to be determined, including provision for a determination to be made by a person authorised for the purpose by the Secretary of State.

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- (5) Regulations under this section are subject to the affirmative resolution procedure.

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92 Substances released into human body and emissions

- (1) The Secretary of State may by regulations make provision about the nature and amount of the substances that may be released into the body of a person using or of the emissions that may be released by –
 - (a) tobacco products; 5
 - (b) tobacco related devices;
 - (c) herbal smoking products;
 - (d) cigarette papers;
 - (e) vaping products;
 - (f) nicotine products. 10
- (2) The regulations may, in particular, impose prohibitions, requirements or limitations in relation to the production, importation or supply of such products in the course of business.
- (3) The regulations may, in particular, make provision about how the nature and amount of substances or emissions released by a product are to be determined, including provision for a determination to be made by a person authorised for the purpose by the Secretary of State. 15
- (4) Regulations under this section are subject to the affirmative resolution procedure.

Non-compliant images 20

93 Non-compliant images

- (1) The Secretary of State may by regulations prohibit a person from doing the following in the course of business –
 - (a) publishing an image of the retail packaging of a relevant product from which it is possible to tell that the requirements of regulations under section 89 have not been complied with; 25
 - (b) publishing an image of a relevant product from which it is possible to tell that the requirements of regulations under section 90 have not been complied with;
 - (c) causing the publication of an image of the kind mentioned in paragraph (a) or (b). 30
- (2) In this section “relevant product” means –
 - (a) a tobacco product,
 - (b) a tobacco related device,
 - (c) a herbal smoking product, 35
 - (d) cigarette papers,
 - (e) a vaping product, or
 - (f) a nicotine product.
- (3) Regulations under this section are subject to the affirmative resolution procedure. 40

Registration and information requirements

94 Registration

- (1) The Secretary of State may by regulations make provision for the establishment of a register of –
 - (a) tobacco products; 5
 - (b) tobacco related devices;
 - (c) herbal smoking products;
 - (d) cigarette papers;
 - (e) vaping products;
 - (f) nicotine products. 10
- (2) The regulations may impose prohibitions or limitations on the supply of an unregistered product in the course of business.
- (3) The regulations may, in particular, make provision –
 - (a) about who is to keep the register;
 - (b) about eligibility for registration or continued registration; 15
 - (c) requiring a person to provide the registrar with information that relates to the product or producer;
 - (d) about the content of the register;
 - (e) about the expiry, renewal, cancellation or suspension of a product’s registration; 20
 - (f) about the publication of the register;
 - (g) for fees to be payable in respect of registration or continued registration (which may be set at a level that takes into account the cost of exercising functions under or in connection with any regulations under this Part). 25
- (4) Regulations made by virtue of subsection (3)(c) may, in particular, require the provision of –
 - (a) the reasons for an ingredient’s inclusion in the product;
 - (b) images (for example, an image of the product or its label or packaging);
 - (c) information relevant to any risks or suspected risks to human health or safety posed by the product; 30
 - (d) information about substances released into the body of a person using the product or about the emissions released by the product;
 - (e) information about the producer’s operations;
 - (f) information about any individual nominated by the producer in accordance with regulations under section 97 (responsible person). 35
- (5) Regulations made by virtue of subsection (3)(g) may include provision about the use of fee income (including provision authorising its retention or payment into the Consolidated Fund).
- (6) Regulations under this section are subject to the affirmative resolution procedure. 40

95 Information

- (1) The Secretary of State may by regulations—
 - (a) require a producer or importer of any of the following products to provide information that relates to the product or its producer to a person specified in the regulations—
 - (i) tobacco products; 5
 - (ii) tobacco related devices;
 - (iii) herbal smoking products;
 - (iv) cigarette papers;
 - (v) vaping products; 10
 - (vi) nicotine products;
 - (b) make provision about the publication of information provided under the regulations.
- (2) The regulations may, in particular, require the provision of—
 - (a) any information of a kind mentioned in section 94(4)(a) to (f); 15
 - (b) sales data or market research relating to the product.
- (3) The regulations may, in particular, make provision about when and how information must be provided.
- (4) Regulations under this section are subject to the affirmative resolution procedure. 20

96 Studies

- (1) The Secretary of State may by regulations require a producer of a relevant product—
 - (a) to carry out a study in relation to the product or an ingredient in it, and 25
 - (b) to submit a report on the results of the study to a person specified in the regulations.
- (2) In this section “relevant product” means—
 - (a) a tobacco product,
 - (b) a tobacco related device, 30
 - (c) a herbal smoking product,
 - (d) cigarette papers,
 - (e) a vaping product, or
 - (f) a nicotine product.
- (3) The regulations may, in particular, make provision about— 35
 - (a) when and how a study is to be carried out and a report submitted;
 - (b) the questions that a study must address;
 - (c) the content and structure of a report.
- (4) Regulations under this section are subject to the affirmative resolution procedure. 40

97 Responsible person

- (1) The Secretary of State may by regulations require a producer of any of the following to nominate an individual to be responsible for information that is, or that has to be, provided to a person in accordance with regulations under sections 94 to 96—5
- (a) tobacco products;
- (b) tobacco related devices;
- (c) herbal smoking products;
- (d) cigarette papers;
- (e) vaping products; or10
- (f) nicotine products.
- (2) The regulations may, in particular, make provision about who is eligible to be nominated, including provision requiring a nominee to be resident in, or to have another connection to, the United Kingdom.
- (3) The regulations must prohibit a producer from nominating an individual without the individual’s consent.15
- (4) Regulations under this section are subject to the affirmative resolution procedure.

Quality control and safety

98 Testing20

- (1) The Secretary of State may by regulations require a person specified in the regulations to carry out tests with a view to determining whether a product complies with a requirement imposed by regulations under this Part.
- (2) The regulations may, in particular, make provision—25
- (a) about how and when tests are to be carried out;
- (b) about who may carry out tests on behalf of the person specified under subsection (1);
- (c) about the selection of products for testing;
- (d) about the provision of samples by producers;
- (e) for charges to be payable in respect of tests (which may be set at a level that takes into account the cost of exercising functions under or30 in connection with any regulations under this Part).
- (3) Regulations made by virtue of subsection (2)(e) may include provision about the use of charges received (including provision authorising its retention or payment into the Consolidated Fund).35
- (4) Regulations under this section are subject to the affirmative resolution procedure.

99 Product safety

- (1) The Secretary of State may, for the purpose of minimising the risks to human health and safety posed by relevant products, make regulations –
 - (a) requiring producers or importers to have processes in place for collecting information about the effect of their products on human health and safety; 5
 - (b) conferring power on the Secretary of State, in circumstances specified in the regulations, to –
 - (i) impose a prohibition or limitation on the supply of a product by a producer or importer; 10
 - (ii) require a producer or importer to recall a product.
- (2) In this section “relevant products” means –
 - (a) tobacco products,
 - (b) tobacco related devices,
 - (c) herbal smoking products, 15
 - (d) cigarette papers,
 - (e) vaping products, or
 - (f) nicotine products.
- (3) Regulations under this section are subject to the affirmative resolution procedure. 20

Matters dealt with by 2016 Regulations

100 Matters dealt with by 2016 Regulations

- (1) The Secretary of State may by regulations make provision –
 - (a) that is similar to or that corresponds to any provision of the Tobacco and Related Products Regulations 2016 (S.I. 2016/507), other than Part 7 of those Regulations, or 25
 - (b) that applies a provision of those Regulations, with or without modifications, to any of the following to which it would not otherwise apply –
 - (i) tobacco products, 30
 - (ii) tobacco related devices,
 - (iii) herbal smoking products,
 - (iv) cigarette papers,
 - (v) vaping products, or
 - (vi) nicotine products, 35

so far as that provision could not otherwise be made under this Part.
- (2) The reference in subsection (1) to the Tobacco and Related Products Regulations 2016 (S.I. 2016/507) is to that instrument as it has effect on the day on which this Act is passed.

- (3) Regulations under this section are subject to the affirmative resolution procedure.

101 Treatment of 2016 Regulations

The Tobacco and Related Products Regulations 2016 (S.I. 2016/507), so far as they contain provision that could be made under a regulation-making power conferred by this Part, are treated for the purposes of section 14 of the Interpretation Act 1978 (implied power to amend or revoke) as having been made under that power. 5

Supplementary and miscellaneous

102 Offences

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- (1) Regulations under this Part may create an offence in relation to a failure to comply with the regulations.
- (2) Regulations under sections 94 to 96 may create an offence in relation to the provision of false or misleading information to a person in purported compliance with an obligation under the regulations. 15
- (3) Regulations under section 97 may provide that, if a producer commits an offence by reason of –
 - (a) a failure to provide information required by regulations under sections 94 to 96, or
 - (b) the provision of false or misleading information to a person in purported compliance with an obligation under such regulations, 20

the offence is also committed by the person nominated by the producer in accordance with regulations under section 97.
- (4) Subsection (3) does not limit the power to create offences by virtue of subsections (1) and (2) (and, in particular, to make others liable for offences committed by a body). 25
- (5) Regulations under this Part must provide for any offence to be triable either way and punishable –
 - (a) on summary conviction –
 - (i) in England and Wales, to imprisonment for a term not exceeding the general limit in a magistrates' court, or a fine, or both; 30
 - (ii) in Scotland, to imprisonment for a term not exceeding 12 months, or a fine not exceeding the statutory maximum, or both; 35
 - (iii) in Northern Ireland, to imprisonment for a term not exceeding 6 months, or a fine not exceeding the statutory maximum, or both;
 - (b) on conviction on indictment, to imprisonment for a term not exceeding 2 years, or a fine, or both. 40

103 Enforcement

- (1) Regulations under this Part may include provision about enforcement, including—
 - (a) provision conferring functions on the relevant enforcement authorities;
 - (b) provision for the appropriate national authority to—
 - (i) direct, in relation to cases of a particular description or a particular case, that any duty imposed on a relevant enforcement authority by virtue of provision under paragraph (a) is to be discharged by the appropriate national authority and not by the relevant enforcement authority; 10
 - (ii) take over the conduct of any proceedings from a relevant enforcement authority in respect of an offence committed under the regulations. 15
- (2) Regulations under this Part may, in particular, include—
 - (a) provision applying, with or without modifications, any of the enforcement provisions of the Consumer Protection Act 1987; 15
 - (b) provision similar or corresponding to any of those provisions.
- (3) The reference in subsection (2) to the “enforcement provisions” of the Consumer Protection Act 1987 is to the following provisions of that Act—
 - (a) in Part 2 (consumer safety)— 20
 - sections 14 and 15 (suspension notices);
 - sections 16 and 17 (forfeiture);
 - section 18 (power to obtain information);
 - (b) Part 4 (enforcement);
 - (c) Part 5 (miscellaneous and supplemental) so far as relating to the provisions mentioned in paragraphs (a) and (b) above. 25
- (4) In this section—
 - “appropriate national authority” means—
 - (a) in relation to England, the Secretary of State,
 - (b) in relation to Wales, the Welsh Ministers, 30
 - (c) in relation to Scotland, the Scottish Ministers, and
 - (d) in relation to Northern Ireland, the Department of Health;
 - “relevant enforcement authorities” means—
 - (a) in relation to England and Wales, local weights and measures authorities, 35
 - (b) in relation to Scotland, local weights and measures authorities, and
 - (c) in relation to Northern Ireland, district councils.

104 Sub-delegation

Regulations under this Part may confer discretions. 40

105 Power to make provision binding the Crown

- (1) Regulations under this Part may include provision binding the Crown.
- (2) Regulations under this Part which include provision binding the Crown—

(a) must provide that the Crown is not criminally liable as a result of any such provision, and5

(b) may confer power on the High Court in England and Wales or Northern Ireland, or the Court of Session in Scotland, to declare unlawful any act or omission for which the Crown would be criminally liable if it were not for provision made by virtue of paragraph (a).
- (3) Provision made by virtue of subsection (2)(b) which confers power on the Court of Session to make a declaration must provide that such a declaration may only be made on an application by the Scottish Ministers or a local weights and measures authority in Scotland.10
- (4) Provision made by virtue of this section does not affect the application of regulations under this Part in relation to persons in the public service of the Crown.15

106 Power to amend legislation

The consequential provision that may be made by regulations under this Part by virtue of section 164(1)(a) includes provision amending, repealing or revoking any legislation (whenever passed or made).20

107 Consequential repeal

In the Children and Families Act 2014 omit section 94.

108 Enforcement of 2016 Regulations

In Schedule 15 to the Digital Markets, Competition and Consumers Act 2024 (consumer protection enactments), in Part 1—25

- (a) in the second part of the Table (secondary legislation) at the appropriate place insert—
- “The Tobacco and Related Products Regulations 2016 (S.I. 2016/507)

(1) All public designated enforcers, other than—

(a) the Department for the Economy in Northern Ireland;

(b) the Department of Health in Northern Ireland;

(c) the Department for Infrastructure in Northern Ireland;

(d) an enforcement authority within the meaning of section 120(15) of the Communications Act 2003 (regulation of premium rate services);

3035

- (e) the Maritime and Coastguard Agency;
 - (f) the Office for the Traffic Commissioner;
 - (g) the Secretary of State. 5
- (2) All private enforcers.”;

- (b) in the fifth part of the Table (saved legislation) omit the entry for the Tobacco Products (Manufacture, Presentation and Sale) (Safety) Regulations 2002 (S.I. 2002/3041).

Consultation and consent 10

109 Consultation

Before making regulations under this Part the Secretary of State must consult any persons the Secretary of State considers it appropriate to consult.

110 Consent to regulations under Part 5

Before making regulations under this Part the Secretary of State must obtain the consent of – 15

- (a) the Welsh Ministers, if the regulations contain provision which would be within the legislative competence of Senedd Cymru if contained in an Act of the Senedd;
- (b) the Scottish Ministers, if the regulations contain provision which would be within the legislative competence of the Scottish Parliament if contained in an Act of the Scottish Parliament; 20
- (c) the Executive Office in Northern Ireland, if the regulations contain provision which –
 - (i) would be within the legislative competence of the Northern Ireland Assembly if contained in an Act of the Assembly, and 25
 - (ii) would not, if it were contained in a Bill for an Act of the Northern Ireland Assembly, result in the Bill requiring the consent of the Secretary of State under section 8 of the Northern Ireland Act 1998. 30

Interpretation

111 Interpretation of Part 5

In this Part –

“cigarette papers” includes anything intended to be used for encasing tobacco products or herbal smoking products for the purpose of enabling them to be smoked; 35

“herbal smoking product” means a product consisting wholly or partly of vegetable matter and intended to be smoked but not containing tobacco;	
“importer”, in relation to a product, means a person who imports the product into the United Kingdom in the course of business;	5
“medical device” has the meaning given by the Medical Devices Regulations 2002 (S.I. 2002/618);	
“medicinal product” has the meaning given by the Human Medicines Regulations 2012 (S.I. 2012/1916);	
“nicotine product” has the meaning given by section 112;	10
“packaging”, in relation to a product, means –	
(a) the external packaging of the product (including any wrapper),	
(b) the internal packaging of the product, or	
(c) any other material attached to or included with the product or anything within paragraph (a) or (b);	15
“production”, in relation to a product, means –	
(a) the manufacture of the product, or	
(b) the putting of a name, trademark or other distinguishing mark on the product by a person, the effect of which is to hold the person out as being the manufacturer of the product	20
(whether in the United Kingdom or elsewhere);	
“retail packaging”, in relation to a product, means the packaging in which it is, or is intended to be, presented for sale by retail;	
“supply”, in relation to a product, includes –	
(a) offering or agreeing to supply it, or	25
(b) exposing or possessing it for supply;	
“tobacco product” means a product consisting wholly or partly of tobacco and intended to be smoked, sniffed, sucked, chewed or consumed in any other way;	
“tobacco related device” means –	30
(a) a device, other than a vape, which enables a tobacco product to be consumed (for example, a heated tobacco device or pipe), or	
(b) an item which is intended to form part of a device within paragraph (a);	35
“vape” means –	
(a) a device which –	
(i) vaporises substances, other than tobacco, for the purpose of inhalation through a mouthpiece (whether or not it also vaporises tobacco), and	40
(ii) is not a medical device or a medicinal product, or	
(b) an item which is intended to form part of a device within paragraph (a) (including anything intended to be attached to it with a view to imparting flavour);	
“vaping product” means –	45

- (a) a vape, or
 - (b) a vaping substance;
- “vaping substance” means a substance, other than tobacco, that is intended to be vaporised by a vape;
- “vaporises” includes aerosolises (and “vaporised” is to be construed accordingly).
- 5

112 Meaning of “nicotine product”

- (1) In this Part “nicotine product” means—
- (a) a device which is intended to enable nicotine to be delivered into the human body,

10
 - (b) an item which is intended to form part of a device within paragraph (a),
 - (c) nicotine, or any substance containing nicotine, which is intended to be delivered into the human body, or
 - (d) an item containing anything within paragraph (c).

15
- (2) But the following are not “nicotine products” for the purposes of this section—
- (a) a tobacco product;
 - (b) a herbal smoking product;
 - (c) cigarette papers;
 - (d) any device which is intended to be used for the consumption of tobacco products or herbal smoking products;

20
 - (e) a vaping product;
 - (f) a medical device;
 - (g) a medicinal product.

PART 6

25

ADVERTISING AND SPONSORSHIP

Advertising

113 Publishing advertisements

- (1) A person commits an offence if—
- (a) the person, acting in the course of business, publishes an advertisement in the United Kingdom whose purpose or effect is to promote—

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 - (i) a tobacco product,
 - (ii) a herbal smoking product,
 - (iii) cigarette papers,
 - (iv) a vaping product, or

35
 - (v) a nicotine product, and
 - (b) the person knows or has reason to suspect—

- (i) that what they are publishing is or contains the advertisement, and
 - (ii) that the advertisement has that purpose or will have that effect.
- (2) A person who commits an offence under this section is liable –
 - (a) on conviction on indictment, to imprisonment for a term not exceeding 2 years, or a fine, or both; 5
 - (b) on summary conviction –
 - (i) in England and Wales, to imprisonment for a term not exceeding the general limit in a magistrates’ court, or a fine, or both; 10
 - (ii) in Scotland, to imprisonment for a term not exceeding 12 months, or a fine not exceeding the statutory maximum, or both;
 - (iii) in Northern Ireland, to imprisonment for a term not exceeding 6 months, or a fine not exceeding the statutory maximum, or both. 15

114 Designing advertisements

- (1) A person commits an offence if –
 - (a) the person, acting in the course of business, designs an advertisement whose purpose or effect is to promote – 20
 - (i) a tobacco product,
 - (ii) a herbal smoking product,
 - (iii) cigarette papers,
 - (iv) a vaping product, or
 - (v) a nicotine product, and 25
 - (b) the person knows or has reason to suspect –
 - (i) that the advertisement has that purpose or will have that effect, and
 - (ii) that the advertisement will be published in the United Kingdom. 30
- (2) A person who commits an offence under this section is liable –
 - (a) on conviction on indictment, to imprisonment for a term not exceeding 2 years, or a fine, or both;
 - (b) on summary conviction –
 - (i) in England and Wales, to imprisonment for a term not exceeding the general limit in a magistrates’ court, or a fine, or both; 35
 - (ii) in Scotland, to imprisonment for a term not exceeding 12 months, or a fine not exceeding the statutory maximum, or both; 40
 - (iii) in Northern Ireland, to imprisonment for a term not exceeding 6 months, or a fine not exceeding the statutory maximum, or both.

115 Printing advertisements

- (1) A person commits an offence if—
 - (a) the person, acting in the course of business, prints an advertisement whose purpose or effect is to promote—
 - (i) a tobacco product, 5
 - (ii) a herbal smoking product,
 - (iii) cigarette papers,
 - (iv) a vaping product, or
 - (v) a nicotine product, and
 - (b) the person knows or has reason to suspect— 10
 - (i) that what they are printing is or contains the advertisement,
 - (ii) that the advertisement has that purpose or will have that effect, and
 - (iii) that the advertisement will be published in the United Kingdom. 15
- (2) A person who commits an offence under this section is liable—
 - (a) on conviction on indictment, to imprisonment for a term not exceeding 2 years, or a fine, or both;
 - (b) on summary conviction—
 - (i) in England and Wales, to imprisonment for a term not exceeding the general limit in a magistrates' court, or a fine, or both; 20
 - (ii) in Scotland, to imprisonment for a term not exceeding 12 months, or a fine not exceeding the statutory maximum, or both; 25
 - (iii) in Northern Ireland, to imprisonment for a term not exceeding 6 months, or a fine not exceeding the statutory maximum, or both.

116 Distributing advertisements

- (1) A person commits an offence if— 30
 - (a) the person, acting in the course of business, distributes an advertisement in the United Kingdom whose purpose or effect is to promote—
 - (i) a tobacco product,
 - (ii) a herbal smoking product, 35
 - (iii) cigarette papers,
 - (iv) a vaping product, or
 - (v) a nicotine product, and
 - (b) the person knows or has reason to suspect—
 - (i) that what they are distributing is or contains the advertisement, and 40
 - (ii) that the advertisement has that purpose or will have that effect.

- (2) A person who commits an offence under this section is liable—
 - (a) on conviction on indictment, to imprisonment for a term not exceeding 2 years, or a fine, or both;
 - (b) on summary conviction—
 - (i) in England and Wales, to imprisonment for a term not exceeding the general limit in a magistrates’ court, or a fine, or both; 5
 - (ii) in Scotland, to imprisonment for a term not exceeding 12 months, or a fine not exceeding the statutory maximum, or both; 10
 - (iii) in Northern Ireland, to imprisonment for a term not exceeding 6 months, or a fine not exceeding the statutory maximum, or both.

117 Causing publication, designing, printing or distribution

- (1) A person commits an offence if— 15
 - (a) the person, acting in the course of business, causes the publication or distribution in the United Kingdom of an advertisement whose purpose or effect is to promote—
 - (i) a tobacco product,
 - (ii) a herbal smoking product, 20
 - (iii) cigarette papers,
 - (iv) a vaping product, or
 - (v) a nicotine product, and
 - (b) the person knows or has reason to suspect—
 - (i) that they are causing the publication or distribution of the advertisement, 25
 - (ii) that the advertisement has that purpose or will have that effect, and
 - (iii) that the advertisement will be published or distributed in the United Kingdom. 30
- (2) A person commits an offence if—
 - (a) the person, acting in the course of business, causes the designing or printing of an advertisement whose purpose or effect is to promote—
 - (i) a tobacco product,
 - (ii) a herbal smoking product, 35
 - (iii) cigarette papers,
 - (iv) a vaping product, or
 - (v) a nicotine product, and
 - (b) the person knows or has reason to suspect—
 - (i) that they are causing the designing or printing of the advertisement, 40
 - (ii) that the advertisement has that purpose or will have that effect, and

(iii)	that the advertisement will be published in the United Kingdom.	
(3)	A person who commits an offence under this section is liable –	
(a)	on conviction on indictment, to imprisonment for a term not exceeding 2 years, or a fine, or both;	5
(b)	on summary conviction –	
(i)	in England and Wales, to imprisonment for a term not exceeding the general limit in a magistrates’ court, or a fine, or both;	
(ii)	in Scotland, to imprisonment for a term not exceeding 12 months, or a fine not exceeding the statutory maximum, or both;	10
(iii)	in Northern Ireland, to imprisonment for a term not exceeding 6 months, or a fine not exceeding the statutory maximum, or both.	15
118 Internet services		
(1)	A person who carries on any business in the United Kingdom commits an offence if –	
(a)	the person, acting in the course of business, provides an internet service by means of which an advertisement is published or distributed in the United Kingdom,	20
(b)	the advertisement’s purpose or effect is to promote –	
(i)	a tobacco product,	
(ii)	a herbal smoking product,	
(iii)	cigarette papers,	25
(iv)	a vaping product, or	
(v)	a nicotine product, and	
(c)	the person knows or has reason to suspect –	
(i)	that the advertisement will be published or distributed in the United Kingdom by means of the service that they provide, and	30
(ii)	that the advertisement has that purpose or will have that effect.	
(2)	A person who carries on any business in the United Kingdom commits an offence if –	
(a)	the person, acting in the course of business, provides an internet service by means of which an advertisement is published or distributed in the United Kingdom,	35
(b)	the advertisement’s purpose or effect is to promote –	
(i)	a tobacco product,	
(ii)	a herbal smoking product,	40
(iii)	cigarette papers,	
(iv)	a vaping product, or	
(v)	a nicotine product,	

- (c) the person becomes aware of the circumstances set out in paragraphs (a) and (b), and
 - (d) the person fails to take all reasonable steps to prevent the advertisement from being further viewed by or distributed to the public in the United Kingdom. 5
- (3) A person who commits an offence under this section is liable –
 - (a) on conviction on indictment, to imprisonment for a term not exceeding 2 years, or a fine, or both;
 - (b) on summary conviction –
 - (i) in England and Wales, to imprisonment for a term not exceeding the general limit in a magistrates’ court, or a fine, or both; 10
 - (ii) in Scotland, to imprisonment for a term not exceeding 12 months, or a fine not exceeding the statutory maximum, or both; 15
 - (iii) in Northern Ireland, to imprisonment for a term not exceeding 6 months, or a fine not exceeding the statutory maximum, or both.
- (4) In this section “internet service” means a service that is made available by means of the internet. 20
- (5) For the purposes of subsection (4) a service is “made available by means of the internet” even where it is made available by means of a combination of –
 - (a) the internet, and
 - (b) an electronic communications service.
- (6) “Electronic communications service” has the same meaning as in the Communications Act 2003 (see section 32(2) of that Act). 25

119 Advertising: defences

- (1) Where a person is charged with an offence under any of sections 113 to 118 in relation to an advertisement it is a defence for the person to show that –
 - (a) it is, or is contained in, a communication that is made in the course of business which is part of a relevant trade and it is made for the purpose of that trade and directed solely at relevant persons involved in that trade (see subsection (2)), 30
 - (b) it is, or is contained in, a reply to a particular request by an individual for information about a tobacco product, a herbal smoking product, cigarette papers, a vaping product or a nicotine product, or 35
 - (c) it is contained in a publication, other than in an in-flight magazine –
 - (i) which is printed outside the United Kingdom, and
 - (ii) whose principal market is not the United Kingdom (or any part of the United Kingdom). 40
- (2) For the purposes of subsection (1)(a) –

“relevant person”: a person is a “relevant person” involved in a relevant trade if the person is engaged in, or employed by, a business which is part of that trade and the person –	
(a) is responsible for making decisions on behalf of that business about the purchase of tobacco products, herbal smoking products, cigarette papers, vaping products or nicotine products which are to be sold in the course of the business,	5
(b) occupies a position in the management structure of the business which is equivalent in seniority to, or of greater seniority than, that of a person who is responsible as mentioned in paragraph (a), or	10
(c) is responsible for the conduct of the business or is a member of the board of directors or other body of persons (however described) that is responsible for the conduct of the business;	
“relevant trade” means –	15
(a) the tobacco products trade,	
(b) the herbal smoking products trade,	
(c) the cigarette papers trade,	
(d) the vaping products trade, or	
(e) the nicotine products trade.	20
(3) Where in accordance with subsection (1) it is a defence for a person charged with an offence to show a particular matter, the person is taken to show that matter if –	
(a) sufficient evidence of the matter is adduced to raise an issue with respect to it, and	25
(b) the contrary is not proved beyond reasonable doubt.	

120 Specialist tobacconists

(1) A person does not commit an offence under any of sections 113 to 117 in relation to an advertisement whose purpose or effect is to promote a tobacco product if the advertisement –	30
(a) is in a specialist tobacconist,	
(b) is not visible from outside the specialist tobacconist,	
(c) is not for cigarettes or hand-rolling tobacco, and	
(d) complies with the requirements (if any) specified by the appropriate national authority in regulations as to the inclusion of health warnings and information.	35
(2) Regulations under subsection (1) are subject to the negative resolution procedure.	
(3) In this section –	
“appropriate national authority” –	40
(a) in relation to specialist tobacconists in England, means the Secretary of State,	

- (b) in relation to specialist tobacconists in Wales, means the Welsh Ministers,

(c) in relation to specialist tobacconists in Scotland, means the Scottish Ministers, and

(d) in relation to specialist tobacconists in Northern Ireland, means the Department of Health in Northern Ireland;

“shop” includes a self-contained part of a shop (and, in relation to a self-contained part of a shop, “premises” means that self-contained part);

“specialist tobacconist” means a shop selling tobacco products by retail (whether or not it also sells other things) more than half of whose sales on the premises in question derive from the sale of cigars, snuff, pipe tobacco and smoking accessories.
- (4) For the purposes of determining whether a shop is a specialist tobacconist, the sales are to be measured by sale price—

(a) during the most recent period of 12 months for which accounts are available, or

(b) during the period for which the shop has been established, if it has not been established long enough for 12 months’ accounts to be available.

121 Exclusion for advertisements that are displays

- (1) No offence is committed under this Part by the display of something that amounts to an advertisement if the display of that thing is subject to the law relating to displays.

(2) For this purpose, the display of something is “subject to the law relating to displays” if—

(a) regulations could be made in respect of the display under section 13 (England);

(b) the display falls within section 1(1) of the Tobacco and Primary Medical Services (Scotland) Act 2010 (asp 3) (whether or not an offence is committed under that section in respect of it) or regulations could be made in respect of the display under section 3 or 3A of that Act (Scotland);

(c) regulations could be made in respect of the display under section 14 (Wales);

(d) regulations could be made in respect of the display under Article 4K of the Health and Personal Social Services (Northern Ireland) Order 1978 (S.I. 1978/1907 (N.I. 26)) (Northern Ireland).

Brandsharing

122 Brandsharing

- (1) The Secretary of State may by regulations make provision prohibiting or restricting brandsharing in relation to –
 - (a) tobacco products; 5
 - (b) herbal smoking products;
 - (c) cigarette papers;
 - (d) vaping products;
 - (e) nicotine products.
- (2) In subsection (1) “brandsharing”, in relation to such a product (a “relevant product”), means –
 - (a) the use in connection with a service or product (other than the relevant product) of anything which is the same as, or similar to, a name, emblem or any other feature identified with the relevant product, or
 - (b) the use in connection with the relevant product of anything which is the same as, or similar to, a name, emblem or other feature identified with a service or product other than the relevant product, 15where the purpose or effect of the use is to promote the relevant product.
- (3) Regulations under this section may create offences in relation to a failure to comply with the regulations. 20
- (4) The regulations must provide for any offence to be triable either way and punishable –
 - (a) on conviction on indictment, to imprisonment for a term not exceeding 2 years, or a fine, or both;
 - (b) on summary conviction – 25
 - (i) in England and Wales, to imprisonment for a term not exceeding the general limit in a magistrates’ court, or a fine, or both;
 - (ii) in Scotland, to imprisonment for a term not exceeding 12 months, or a fine not exceeding the statutory maximum, or both; 30
 - (iii) in Northern Ireland, to imprisonment for a term not exceeding 6 months, or a fine not exceeding the statutory maximum, or both.
- (5) Before making regulations under this section the Secretary of State must obtain the consent of –
 - (a) the Scottish Ministers, if the regulations contain provision which would be within the legislative competence of the Scottish Parliament if contained in an Act of the Scottish Parliament;
 - (b) the Department of Health in Northern Ireland, if the regulations contain provision which – 40
 - (i) would be within the legislative competence of the Northern Ireland Assembly if contained in an Act of the Assembly, and

- (ii) would not, if it were contained in a Bill for an Act of the Northern Ireland Assembly, result in the Bill requiring the consent of the Secretary of State under section 8 of the Northern Ireland Act 1998.
- (6) Regulations under this section are subject to the affirmative resolution procedure. 5

Sponsorship

123 Sponsorship: tobacco products

- (1) A person commits an offence if—
 - (a) the person is party to an agreement (entered into at any time), 10
 - (b) under the agreement, a party to it, acting in the course of business, makes a contribution towards something,
 - (c) the purpose or effect of anything done as a result of the agreement is to promote a tobacco product in the United Kingdom, and
 - (d) the person knew or had reason to suspect— 15
 - (i) that the contribution referred to in paragraph (b) was made in the course of business, and
 - (ii) that the action referred to in paragraph (c) had that purpose or would have that effect.
- (2) A person who commits an offence under this section is liable— 20
 - (a) on conviction on indictment, to imprisonment for a term not exceeding 2 years, or a fine, or both;
 - (b) on summary conviction—
 - (i) in England and Wales, to imprisonment for a term not exceeding the general limit in a magistrates' court, or a fine, 25
 - or both;
 - (ii) in Scotland, to imprisonment for a term not exceeding 12 months, or a fine not exceeding the statutory maximum, or both;
 - (iii) in Northern Ireland, to imprisonment for a term not exceeding 6 months, or a fine not exceeding the statutory maximum, or both. 30

124 Sponsorship: vaping and nicotine and other products

- (1) A person commits an offence if—
 - (a) the person is party to an agreement entered into on or after the day on which this section comes into force, 35
 - (b) under the agreement, a party to it, acting in the course of business, makes a contribution towards something,
 - (c) the purpose or effect of anything done on or after the specified date as a result of the agreement is to promote in the United Kingdom— 40
 - (i) a herbal smoking product,

- (ii) cigarette papers,
 - (iii) a vaping product, or
 - (iv) a nicotine product, and
- (d) the person knew or had reason to suspect—
 - (i) that the contribution referred to in paragraph (b) was made in the course of business, and 5
 - (ii) that the action referred to in paragraph (c) had that purpose or would have that effect.
- (2) A person who commits an offence under this section is liable—
 - (a) on conviction on indictment, to imprisonment for a term not exceeding 2 years, or a fine, or both; 10
 - (b) on summary conviction—
 - (i) in England and Wales, to imprisonment for a term not exceeding the general limit in a magistrates’ court, or a fine, or both; 15
 - (ii) in Scotland, to imprisonment for a term not exceeding 12 months, or a fine not exceeding the statutory maximum, or both;
 - (iii) in Northern Ireland, to imprisonment for a term not exceeding 6 months, or a fine not exceeding the statutory maximum, or both. 20
- (3) In subsection (1) “specified date” means a date specified by the Secretary of State by regulations.

Audiovisual services and radio broadcasting

125 Audiovisual services and radio broadcasting 25

- This Part does not apply in relation to anything included in—
- (a) a service falling within section 211(1) of the Communications Act 2003 (independent television services regulated by the Office of Communications) which is not an additional television service (within the meaning of Part 3 of that Act), 30
 - (b) a service which—
 - (i) falls within section 245(1) of the Communications Act 2003 (independent radio services regulated by the Office of Communications), and
 - (ii) is not a digital additional sound service (within the meaning of Part 3 of that Act), 35
 - (c) an on-demand programme service (within the meaning given by section 368A of the Communications Act 2003),
 - (d) a non-UK on-demand programme service that is a Tier 1 service (within the meaning given by sections 368AA and 368HA of the Communications Act 2003 respectively), or 40

- (e) a service provided by the British Broadcasting Corporation or Sianel Pedwar Cymru (the body corporate so named by section 56 of the Broadcasting Act 1990).

126 Extension of provisions about audiovisual and radio broadcasting

Schedule 16 contains – 5

- (a) amendments to extend certain provisions of the Communications Act 2003 to all vaping products and to herbal smoking products, cigarette papers and nicotine products, and
- (b) other amendments to that Act made in consequence of this Part.

Offences by bodies 10

127 Liability of others for offences committed by bodies

- (1) Where an offence under this Part or under regulations made under it –
 - (a) is committed with the consent or connivance of a relevant person in relation to the body, or a person purporting to act in the capacity of a relevant person in relation to the body, or 15
 - (b) is attributable to neglect on the part of such a person,the person (as well as the body) commits the offence and is liable to be proceeded against and punished accordingly.
- (2) In this section –
 - “body” means – 20
 - (a) a body corporate,
 - (b) a partnership, or
 - (c) an unincorporated association;
 - “relevant person” means –
 - (a) in relation to a body corporate other than one whose affairs are managed by its members, a director, manager, secretary or other similar officer of the body; 25
 - (b) in relation to a limited liability partnership or other body corporate whose affairs are managed by its members, a member who exercises functions of management with respect to it; 30
 - (c) in relation to a limited partnership, a general partner (within the meaning given by section 3 of the Limited Partnerships Act 1907);
 - (d) in relation to any other partnership, a partner;
 - (e) in relation to an unincorporated association, a person who 35exercises functions of management with respect to it.

128 Enforcement authorities

- (1) It is the duty of an enforcement authority to enforce within its area the provisions of this Part.
- (2) In this Part “enforcement authority” means—
 - (a) in relation to England and Wales, local weights and measures authorities,
 - (b) in relation to Scotland, local weights and measures authorities, and
 - (c) in relation to Northern Ireland, district councils.

129 Power of ministers etc to take over enforcement functions 10

- (1) The appropriate national authority may direct that, in relation to cases of a particular description or in a particular case, the duty imposed on an enforcement authority by section 128 is to be discharged by the appropriate national authority and not by the enforcement authority.
- (2) In subsection (1) “appropriate national authority”—
 - (a) in relation to the giving of a direction to an enforcement authority in England, means the Secretary of State,
 - (b) in relation to the giving of a direction to an enforcement authority in Wales, means the Welsh Ministers,
 - (c) in relation to the giving of a direction to an enforcement authority in Scotland, means the Scottish Ministers, and
 - (d) in relation to the giving of a direction to an enforcement authority in Northern Ireland, means the Department of Health in Northern Ireland.

130 Power of ministers etc to take over proceedings

- (1) The Secretary of State may take over the conduct of any proceedings from an enforcement authority in England in respect of an offence committed under this Part. 25
- (2) The Welsh Ministers may take over the conduct of any proceedings from an enforcement authority in Wales in respect of an offence committed under this Part. 30
- (3) The Department of Health in Northern Ireland may take over the conduct of any proceedings from an enforcement authority in Northern Ireland in respect of an offence committed under this Part.

Alignment of definition in old advertising legislation pending replacement

131 Alignment of definition of “tobacco product” in old legislation

In section 1 of the Tobacco Advertising and Promotion Act 2002 (interpretation), for the definition of “tobacco product” substitute—

““tobacco product” means a product consisting wholly or partly of tobacco and intended to be smoked, sniffed, sucked, chewed or consumed in any other way.” 5

Power to extend advertising legislation

132 Power to extend Part 6 and Communications Act 2003 to other products

- (1) The Secretary of State may by regulations amend this Part or any provision of the Communications Act 2003 for the purpose of extending any provision that applies in relation to a tobacco product to— 10
 - (a) a device of a specified description which enables a tobacco product to be consumed (for example, a heated tobacco device or pipe);
 - (b) an item which is intended to form part of such a device. 15
- (2) Before making regulations under this section the Secretary of State must consult any persons the Secretary of State considers it appropriate to consult.
- (3) Before making regulations under this section the Secretary of State must obtain the consent of—
 - (a) the Welsh Ministers, if the regulations contain provision which would be within the legislative competence of Senedd Cymru if contained in an Act of the Senedd; 20
 - (b) the Scottish Ministers, if the regulations contain provision which would be within the legislative competence of the Scottish Parliament if contained in an Act of the Scottish Parliament; 25
 - (c) the Department of Health in Northern Ireland, if the regulations contain provision which—
 - (i) would be within the legislative competence of the Northern Ireland Assembly if contained in an Act of the Assembly, and
 - (ii) would not, if it were contained in a Bill for an Act of the Northern Ireland Assembly, result in the Bill requiring the consent of the Secretary of State under section 8 of the Northern Ireland Act 1998. 30
- (4) Regulations under this section are subject to the affirmative resolution procedure. 35

Crown application

133 Crown application

- (1) This Part and regulations made under it bind the Crown.

- (2) Nothing in this Part or regulations made under it makes the Crown criminally liable.
- (3) The High Court in England and Wales or Northern Ireland, or the Court of Session in Scotland, may declare unlawful any act or omission for which the Crown would be criminally liable if it were not for subsection (2). 5
- (4) The power of the Court of Session to make a declaration under subsection (3) may only be made on an application by—
 - (a) the Scottish Ministers, or
 - (b) a local weights and measures authority in Scotland.
- (5) Subsection (2) does not affect the criminal liability of persons in the service of the Crown. 10

Interpretation

134 Interpretation of Part 6

In this Part—

- “cigarette papers” has the meaning given by section 111; 15
- “distributes” includes making available;
- “enforcement authority” has the meaning given by section 128(2);
- “herbal smoking product” has the meaning given by section 111;
- “nicotine product” has the meaning given by section 112;
- “tobacco product” has the meaning given by section 111; 20
- “vaping product” has the meaning given by section 111.

PART 7

SMOKE-FREE PLACES, VAPE-FREE PLACES AND OTHER FREE-FROM PLACES

England

135 Addition of smoke-free places in England 25

- (1) The Health Act 2006 is amended as follows.
- (2) For section 4 substitute—

“4 Additional smoke-free places

- (1) The Secretary of State may make regulations designating as smoke-free any place in England that— 30
 - (a) is a workplace, or
 - (b) is open to the public,
- and is not smoke-free under section 2.

- (2) If the place is used as a place of work or open to the public only some of the time the regulations must provide for it to be smoke-free only when so used.
- (3) The regulations may, in particular –
 - (a) provide for places or vehicles to be smoke-free, in specified circumstances, at specified times or if specified conditions are satisfied (or any combination of those); 5
 - (b) provide for exceptions, which may be framed by reference to the designation by a person of areas which are not smoke-free.
- (4) Before making regulations under this section the Secretary of State must consult any persons the Secretary of State considers it appropriate to consult.” 10
- (3) In section 5 (vehicles) –
 - (a) in subsection (2), for paragraph (d) substitute –
 - “(d) for exceptions, which may be framed by reference to the designation by a person of areas which are not smoke-free.”; 15
 - (b) after subsection (3) insert –
 - “(3A) Before making regulations under this section the Secretary of State must consult any persons the Secretary of State considers it appropriate to consult.” 20

136 Smoke-free premises: recasting of power to exempt performers

- (1) In the Health Act 2006 –
 - (a) in section 3, omit subsections (5) and (8) (power to exempt premises by references to performers); 25
 - (b) in section 6, in subsection (9) omit from “(and references” to the end;
 - (c) in section 7 –
 - (i) in subsection (1), in paragraph (a) omit “(including premises which” to the end;
 - (ii) for subsection (3) substitute –
 - “(3) The Secretary of State may by regulations create defences to the offence under subsection (2) for the purpose of allowing a performer to smoke during a performance where that is justified in order to preserve the artistic integrity of the performance.” 30
 - (iii) in subsection (5), for “in subsection” substitute “under or by virtue of subsection (3) or”; 35
 - (d) in section 8 –
 - (i) omit subsection (2);

- (ii) after subsection (5) insert—
 - “(5A) The Secretary of State may by regulations create defences to the offence under subsection (4) for the purpose of allowing a performer to smoke during a performance where that is justified in order to preserve the artistic integrity of the performance.”; 5
 - (iii) in subsection (6), after “subsection (5)” insert “or (5A)”; 5
 - (iv) in subsection (8) omit from “(and references” to the end; 5
 - (e) in section 79, for “ 7(6), 8(7)” substitute “7(3) or (6), 8(5A) or (7)”. 5
- (2) Regulation 6 of the Smoke-free (Exemptions and Vehicles) Regulations (S.I. 2007/765) is revoked. 10

137 No-smoking signs in England

- (1) Section 6 of the Health Act 2006 (no-smoking signs) is amended as follows.
- (2) For subsection (1) substitute—
- “(1) A person who occupies or is concerned in the management of smoke-free premises must make sure that no-smoking signs are displayed in or near those premises in accordance with any requirements imposed by regulations made by the Secretary of State for the purposes of this subsection. 15
 - (1A) The regulations may, in particular, impose requirements about— 20
 - (a) the content or appearance of a sign (for example, requirements as to its size, design, colour, or wording);
 - (b) how and where signs are to be displayed.”
- (3) After subsection (2) insert—
- “(2A) Regulations under subsection (2) may, in particular, include any provision that may be made by regulations under subsection (1).” 25
- (4) Omit subsections (3) and (4).

138 Vape-free places in England

- (1) The Health Act 2006 is amended as follows.
- (2) After section 8 insert— 30

“CHAPTER 1A

VAPE-FREE PLACES IN ENGLAND

8A Introduction

This Chapter makes provision for the prohibition of the use of certain vapes in places and vehicles in England that are designated vape-free under section 8B. 35

8B Vape-free places and vehicles

- (1) The Secretary of State may make regulations designating places or vehicles in England as vape-free.

(2) Only smoke-free places may be designated as vape-free.

(3) The regulations may, in particular –5

(a) provide for places or vehicles to be vape-free, in specified circumstances, at specified times or if specified conditions are satisfied (or any combination of those);

(b) provide for exceptions, which may be framed by reference to the designation by a person of areas which are not vape-free.10

(4) The regulations may, in particular, frame the circumstances in which a vehicle is vape-free by reference to –

(a) whether a person under the age of 18 is present;

(b) its location.

(5) The power to make regulations under this section is not exercisable in relation to –15

(a) any ship or hovercraft in relation to which regulations could be made under section 85 of the Merchant Shipping Act 1995 (safety and health on ships), including that section as applied by any Order in Council under section 1(1)(h) of the Hovercraft Act 1968, or20

(b) persons on any such ship or hovercraft.

(6) Before making regulations under this section the Secretary of State must consult any persons the Secretary of State considers it appropriate to consult.25

(7) References in this Part, however expressed, to places or vehicles that are vape-free, are to places or vehicles so far as they are vape-free by virtue of regulations under this section.

(8) In this section “smoke-free place” has the meaning given by section 7(1).30

8C Offence of vaping in vape-free places or vehicles

(1) A person who uses a relevant vape in a vape-free place or vehicle commits an offence.

(2) It is a defence for a person charged with an offence under this section to show that they did not know, and could not reasonably have been expected to know, that it was a vape-free place or vehicle.35

(3) The Secretary of State may by regulations create defences to the offence under this section for the purpose of allowing a performer to use a vape during a performance where that is justified in order to preserve the artistic integrity of the performance.40

- (4) If a person charged with an offence under this section relies on a defence under or by virtue of subsection (2) or (3), and evidence is adduced which is sufficient to raise an issue with respect to that defence, the court must assume that the defence is satisfied unless the prosecution proves beyond reasonable doubt that it is not. 5
- (5) A person guilty of an offence under this section is liable on summary conviction to fine not exceeding level 1 on the standard scale.
- (6) In this Part “relevant vape” means a vape that is not a heated tobacco device.

8D Offence of failing to prevent vaping 10

- (1) A person who controls or is concerned in the management of a vape-free place must cause a person using a relevant vape there to stop using the vape.
- (2) The driver of a vape-free vehicle, and any other person specified in regulations made by the Secretary of State, must cause a person using a relevant vape in the vehicle to stop using the vape. 15
- (3) A person who fails to comply with the duty in subsection (1) or (2) commits an offence.
- (4) It is a defence for a person charged with an offence under subsection (3) to show – 20
 - (a) that they took reasonable steps to cause the person in question to stop using the vape,
 - (b) that they did not know, and could not reasonably have been expected to know, that the person in question was using a vape, or 25
 - (c) that on other grounds it was reasonable for them not to comply with the duty.
- (5) The Secretary of State may by regulations create defences to the offence under subsection (3) for the purpose of allowing a performer to use a vape during a performance where that is justified in order to preserve the artistic integrity of the performance. 30
- (6) If a person charged with an offence under this section relies on a defence under or by virtue of subsection (4) or (5), and evidence is adduced which is sufficient to raise an issue with respect to that defence, the court must assume that the defence is satisfied unless the prosecution proves beyond reasonable doubt that it is not. 35
- (7) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 4 on the standard scale.

8E No-vaping signs

- (1) A person who occupies or is concerned in the management of a vape-free place must make sure that no-vaping signs are displayed in or near that place in accordance with any requirements imposed by regulations made by the Secretary of State for the purposes of this subsection. 5
 - (2) A person who has management responsibilities for a vape-free vehicle must make sure that no-vaping signs are displayed in that vehicle in accordance with any requirements imposed by regulations made by the Secretary of State for the purposes of this subsection. 10
 - (3) Regulations under subsection (1) or (2) may, in particular, impose requirements about—
 - (a) the content or appearance of a sign (for example, requirements as to its size, design, colour, or wording);
 - (b) how and where signs are to be displayed. 15
 - (4) The Secretary of State may by regulations create exceptions to the duty in subsection (2).
 - (5) A person who fails to comply with the duty in subsection (1) or (2) commits an offence.
 - (6) It is a defence for a person charged with an offence under subsection (5) to show—
 - (a) that they did not know, and could not reasonably have been expected to know, that the place or vehicle was vape-free,
 - (b) that they did not know, and could not reasonably have been expected to know, that no-vaping signs complying with the requirements of this section were not being displayed in accordance with the requirements of this section, or 25
 - (c) that on other grounds it was reasonable for them not to comply with the duty.
 - (7) If a person charged with an offence under subsection (5) relies on a defence in subsection (6), and evidence is adduced which is sufficient to raise an issue with respect to that defence, the court must assume that the defence is satisfied unless the prosecution proves beyond reasonable doubt that it is not. 30
 - (8) A person guilty of an offence under subsection (5) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.” 35
- (3) Sections 9 to 11 (and the italic heading before section 9) become a new Chapter 1C of Part 1, with the heading “Enforcement”.
- (4) Section 12 becomes a new Chapter 1D of Part 1, with the heading “General”.
- (5) In section 79 (orders and regulations), in subsection (4)(a), after “8(5A) or (7)” (inserted by section 136) insert “, 8B, 8C(3), 8D(5)”. 40

139 Heated tobacco-free places in England

- (1) The Health Act 2006 is amended as follows.
- (2) After section 8E (inserted by section 138 of this Act) insert—

“CHAPTER 1B

HEATED TOBACCO-FREE PLACES IN ENGLAND

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8F Introduction

This Chapter makes provision for the prohibition of the use of heated tobacco devices in places and vehicles in England that are designated heated tobacco-free under section 8G.

8G Heated tobacco-free places and vehicles

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- (1) The Secretary of State may make regulations designating places or vehicles in England as heated tobacco-free.
- (2) Only smoke-free places may be designated as heated tobacco-free.
- (3) The regulations may, in particular —
 - (a) provide for places or vehicles to be heated tobacco-free, in specified circumstances, at specified times or if specified conditions are satisfied (or any combination of those); 15
 - (b) provide for exceptions, which may be framed by reference to the designation by a person of areas which are not heated tobacco-free. 20
- (4) The regulations may, in particular, frame the circumstances in which a vehicle is heated tobacco-free by reference to —
 - (a) whether a person under the age of 18 is present;
 - (b) its location.
- (5) The power to make regulations under this section is not exercisable in relation to — 25
 - (a) any ship or hovercraft in relation to which regulations could be made under section 85 of the Merchant Shipping Act 1995 (safety and health on ships), including that section as applied by any Order in Council under section 1(1)(h) of the Hovercraft Act 1968, or 30
 - (b) persons on any such ship or hovercraft.
- (6) Before making regulations under this section the Secretary of State must consult any persons the Secretary of State considers it appropriate to consult. 35
- (7) References in this Part, however expressed, to places or vehicles that are heated tobacco-free, are to places or vehicles so far as they are heated tobacco-free by virtue of regulations under this section.

- (8) In this section “smoke-free place” has the meaning given by section 7(1).

8H Offence of using a heated tobacco device

- (1) A person who uses a heated tobacco device in a heated tobacco-free place or vehicle commits an offence.

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- (2) It is a defence for a person charged with an offence under this section to show that they did not know, and could not reasonably have been expected to know, that it was a heated tobacco-free place or vehicle.
- (3) The Secretary of State may by regulations create defences to the offence under this section for the purpose of allowing a performer to use a heated tobacco device during a performance where that is justified in order to preserve the artistic integrity of the performance.

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- (4) If a person charged with an offence under this section relies on the defence under or by virtue of subsection (2) or (3), and evidence is adduced which is sufficient to raise an issue with respect to that defence, the court must assume that the defence is satisfied unless the prosecution proves beyond reasonable doubt that it is not.

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- (5) A person guilty of an offence under this section is liable on summary conviction to fine not exceeding level 1 on the standard scale.

8I Offence of failing to prevent use of heated tobacco device20

- (1) A person who controls or is concerned in the management of a heated tobacco-free place must cause a person using a heated tobacco device there to stop using the device.
- (2) The driver of a heated tobacco-free vehicle, and any other person specified in regulations made by the Secretary of State, must cause a person using a heated tobacco device in the vehicle to stop using the device.

25
- (3) A person who fails to comply with the duty in subsection (1) or (2) commits an offence.
- (4) It is a defence for a person charged with an offence under subsection (3) to show –

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(a) that they took reasonable steps to cause the person in question to stop using the heated tobacco device,

(b) that they did not know, and could not reasonably have been expected to know, that the person in question was using a heated tobacco device, or

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(c) that on other grounds it was reasonable for them not to comply with the duty.
- (5) The Secretary of State may by regulations create defences to the offence under subsection (3) for the purpose of allowing a performer to use

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	a heated tobacco device during a performance where that is justified in order to preserve the artistic integrity of the performance.	
	(6) If a person charged with an offence under this section relies on a defence under or by virtue of subsection (4) or (5), and evidence is adduced which is sufficient to raise an issue with respect to that defence, the court must assume that the defence is satisfied unless the prosecution proves beyond reasonable doubt that it is not.	5
	(7) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 4 on the standard scale.	
8J	Heated tobacco-free places and vehicles: signs	10
	(1) A person who occupies or is concerned in the management of a heated tobacco-free place must make sure that signs are displayed in or near that place in accordance with any requirements imposed by regulations made by the Secretary of State for the purposes of this subsection.	
	(2) A person who has management responsibilities for a heated tobacco-free vehicle must make sure that signs are displayed in that vehicle in accordance with any requirements imposed by regulations made by the Secretary of State for the purposes of this subsection.	15
	(3) The signs must indicate that the use of heated tobacco devices is prohibited in the place or vehicle.	20
	(4) Regulations under subsection (1) or (2) may, in particular, impose requirements about—	
	(a) the content or appearance of a sign (for example, requirements as to its size, design, colour, or wording);	
	(b) how and where signs are to be displayed.	25
	(5) The Secretary of State may by regulations create exceptions to the duty in subsection (2).	
	(6) A person who fails to comply with the duty in subsection (1) or (2) commits an offence.	
	(7) It is a defence for a person charged with an offence under subsection (6) to show—	30
	(a) that they did not know, and could not reasonably have been expected to know, that the place or vehicle was heated tobacco-free, or	
	(b) that they did not know, and could not reasonably have been expected to know, that signs complying with the requirements of this section were not being displayed in accordance with the requirements of this section, or	35
	(c) that on other grounds it was reasonable for them not to comply with the duty.	40

- (8)

If a person charged with an offence under subsection (6) relies on a defence in subsection (7), and evidence is adduced which is sufficient to raise an issue with respect to that defence, the court must assume that the defence is satisfied unless the prosecution proves beyond reasonable doubt that it is not.

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- (9)

A person guilty of an offence under subsection (6) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.”
- (3)

In section 79 (orders and regulations), in subsection (4)(a), after “, 8D(5),” (inserted by section 138 of this Act) insert “, 8G, 8H(3), 8I(5)”.

140

Amendments consequential on sections 135 to 139

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Schedule 17 contains amendments consequential on sections 135 to 139.

Scotland

141

No-smoking premises in Scotland

- (1)

In the Smoking, Health and Social Care (Scotland) Act 2005 (asp 13) –

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- (a)

in section 4 (meaning of “no-smoking premises” etc), for subsections (2) to (9) substitute –
- “(2)

In this Part, “no-smoking premises” means such premises as are prescribed by regulations made by the Scottish Ministers.
- (3)

Premises other than vehicles may be prescribed as no-smoking premises only if they are –

20
- (a)

wholly or substantially enclosed,
- (b)

workplaces, or
- (c)

open to the public.
- (4)

If premises that are not wholly or substantially enclosed are used as a place of work, or open to the public, only some of the time, regulations prescribing them as no-smoking premises must provide for them to be no-smoking premises only when so used.

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- (5)

The power to prescribe no-smoking premises may not be used to prescribe a ship or hovercraft in relation to which regulations could be made under section 85 of the Merchant Shipping Act 1995 (safety and health on ships), including that section as applied by any Order in Council under section 1(1)(h) of the Hovercraft Act 1968.

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- (6)

Regulations prescribing premises as no smoking-premises may, in particular –

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- (a)

provide for them to be no-smoking premises, in specified circumstances, at specified times or if specified conditions are satisfied (or any combination of those);

- (b) provide for exceptions, which may be framed by reference to the designation by a person of areas in which smoking is permitted.
- (7) The Scottish Ministers must consult such persons as they consider appropriate before making any regulations under this section.
- (8) The Scottish Ministers may by regulations define or elaborate the meaning of “wholly or substantially enclosed” in subsection (3)(a).
- (9) In this section—
- “open to the public”: premises are open to the public if the public or a section of the public has access to them, whether by invitation or not, and whether on payment or not;
- “premises” includes any place, including a moveable structure or vehicle, other than an aircraft;
- “vehicle” means every type of vehicle, including a vessel;
- “work” includes voluntary work;
- “workplace” means—
- (a) a place of work used by more than one person (even if the persons who work there do so at different times, or only intermittently), or
- (b) a place of work where members of the public might attend for the purpose of seeking or receiving goods or services from the person or persons working there (even if members of the public are not always present).”;
- (b) omit sections 4A to 4D (provision about smoking outside hospitals).
- (2) In regulation 3 of the Prohibition of Smoking in Certain Premises (Scotland) Regulations 2006 (S.S.I. 2006/90) (“no-smoking premises”)—
- (a) in paragraph (1), for the words from “the premises or classes of premises specified” to the end substitute “premises or classes of premises that are—
- (a) specified in Schedule 1 to these Regulations, and
- (b) wholly or substantially enclosed,
- subject to paragraph (2).”;
- (b) for paragraph (2) substitute—
- “(2) But “no smoking-premises” does not include anything specified in Schedule 2 to these Regulations.”;
- (c) in paragraph (3)—
- (i) for the words before paragraph (a) substitute “In this regulation”;
- (ii) omit paragraph (a);

(iii) omit paragraph (f).

142 No-smoking signs in Scotland

- (1) The Smoking, Health and Social Care (Scotland) Act 2005 (asp 13) is amended as follows.
- (2) For section 3 substitute – 5
“3 No-smoking signs
 - (1) A person who has management or control of no-smoking premises must make sure that no-smoking signs are displayed in or near those premises in accordance with any requirements imposed by regulations made by the Scottish Ministers for the purposes of this subsection. 10
 - (2) The regulations may, in particular, impose requirements about –
 - (a) the content or appearance of a sign (for example, requirements as to its size, design, colour, or wording);
 - (b) how and where signs are to be displayed.
 - (3) The Scottish Ministers may by regulations create exceptions to subsection (1). 15
 - (4) A person who fails to comply with the duty in subsection (1) commits an offence.
 - (5) It is a defence for an accused charged with an offence under this section to prove that the accused (or any employee or agent of the accused) took all reasonable precautions and exercised all due diligence not to commit the offence. 20
 - (6) A person guilty of an offence under subsection (4) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.”
- (3) In section 40 (regulations or orders), in subsection (3), for “ 3(3)” substitute “3”. 25

143 Vape-free premises in Scotland

- (1) The Smoking, Health and Social Care (Scotland) Act 2005 (asp 3) is amended as follows.
- (2) For the heading of Part 1 substitute “Smoking, vaping and similar activities”. 30
- (3) Sections 1 to 4 become a new Chapter 1 of Part 1, with the heading “Smoking: prohibition and control”.

(4) Before section 5 insert –

“CHAPTER 2

VAPING: PROHIBITION AND CONTROL

4E Offence of permitting others to vape in vape-free premises

- (1) A person who, having the management or control of vape-free premises, knowingly permits another to use a relevant vape there commits an offence. 5
- (2) A person accused of an offence under this section is to be regarded as having knowingly permitted another to use a relevant vape in vape-free premises if that person ought to have known that the other person was using a vape there. 10
- (3) It is a defence for an accused charged with an offence under this section to prove –
 - (a) that the accused (or any employee or agent of the accused) took all reasonable precautions and exercised all due diligence not to commit the offence; or 15
 - (b) that there were no lawful and reasonably practicable means by which the accused could prevent the other person from using a relevant vape in the vape-free premises.
- (4) It is a defence for a person charged with an offence under this section to show – 20
 - (a) that the person permitted to use the vape was using it when performing in a performance,
 - (b) that the use of the vape was justified to preserve the artistic integrity of the performance, and 25
 - (c) that the vape was not being used to vaporise a substance containing nicotine.
- (5) A person guilty of an offence under this section is liable, on summary conviction, to a fine not exceeding level 4 on the standard scale.
- (6) In this Part “relevant vape” means a vape that is not a heated tobacco device. 30

4F Offence of vaping in vape-free premises

- (1) A person who uses a relevant vape in vape-free premises commits an offence.
- (2) It is a defence for an accused charged with an offence under this section to prove – 35
 - (a) that the accused did not know, and could not reasonably be expected to have known, that the place in which it is alleged that the accused was using a relevant vape was vape-free premises, or 40

- (b) that –

(i) the person was using the vape when performing in a performance,

(ii) that the use of the vape was justified to preserve the artistic integrity of the performance, and5

(iii) that the vape was not being used to vaporise a substance containing nicotine.
- (3) A person guilty of an offence under this section is liable, on summary conviction, to a fine not exceeding level 3 on the standard scale.

4G No-vaping signs10

- (1) A person who has management or control of vape-free premises must make sure that no-vaping signs are displayed in or near those premises in accordance with any requirements imposed by regulations made by the Scottish Ministers for the purposes of this subsection.

(2) The regulations may, in particular, impose requirements about –15

(a) the content or appearance of a sign (for example, requirements as to its size, design, colour, or wording);

(b) how and where signs are to be displayed.

(3) The Scottish Ministers may by regulations create exceptions to the duty in subsection (1).20

(4) A person who fails to comply with the duty in subsection (1) commits an offence.

(5) It is a defence for an accused charged with an offence under this section to prove that the accused (or any employee or agent of the accused) took all reasonable precautions and exercised all due diligence not to commit the offence.25

(6) A person guilty of an offence under subsection (4) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- 4H Vape-free premises
- (1) In this Part “vape-free premises” means such premises as are prescribed by regulations made by the Scottish Ministers as vape-free.30

(2) Only no-smoking places may be prescribed as vape-free.

(3) The power to prescribe premises as vape-free may not be used to prescribe a ship or hovercraft in relation to which regulations could be made under section 85 of the Merchant Shipping Act 1995 (safety and health on ships), including that section as applied by any Order in Council under section 1(1)(h) of the Hovercraft Act 1968.35

(4) Regulations prescribing premises as vape-free may, in particular –

- (a) provide for them to be vape-free, in specified circumstances, at specified times or if specified conditions are satisfied (or any combination of those);
 - (b) provide for exceptions, which may be framed by reference to the designation by a person of areas which are not vape-free. 5
- (5) The Scottish Ministers must consult such persons as they consider appropriate before making any regulations under this section.
- (6) In this section –
 - “no-smoking place” means –
 - (a) no smoking premises (within the meaning of section 4(2)), and 10
 - (b) a vehicle smoking in which is an offence under the Smoking Prohibition (Children in Motor Vehicles) (Scotland) Act 2016;
 - “premises” has the meaning given by section 4(9).” 15
- (5) Sections 5 to 10 become a new Chapter 4 of Part 1, with the heading “Enforcement and general”.
- (6) In section 40 (regulations or orders), in subsection (3)(a), before “or paragraph 2” insert “, 4G, 4H(1)”.

144 Heated tobacco-free premises in Scotland 20

- (1) The Smoking, Health and Social Care (Scotland) Act 2005 (asp 3) is amended as follows.
- (2) After section 4H (inserted by section 143 of this Act) insert –

“CHAPTER 3

USE OF HEATED TOBACCO DEVICES: PROHIBITION AND CONTROL 25

4I Offence of permitting breaches in heated tobacco-free premises

- (1) A person who, having the management or control of heated tobacco-free premises, knowingly permits another to use a heated tobacco device there commits an offence.
- (2) A person accused of an offence under this section is to be regarded as having knowingly permitted another to use a heated tobacco device in heated tobacco-free premises if that person ought to have known that the other person was using a heated tobacco device there. 30
- (3) It is a defence for an accused charged with an offence under this section to prove – 35
 - (a) that the accused (or any employee or agent of the accused) took all reasonable precautions and exercised all due diligence not to commit the offence; or

- (b) that there were no lawful and reasonably practicable means by which the accused could prevent the other person from using a heated tobacco device in the heated tobacco-free premises.
- (4) A person guilty of an offence under this section is liable, on summary conviction, to a fine not exceeding level 4 on the standard scale. 5

4J Offence of using heated tobacco device

- (1) A person who uses a heated tobacco device in heated tobacco-free premises commits an offence.
- (2) It is a defence for an accused charged with an offence under this section to prove that the accused did not know, and could not reasonably be expected to have known, that the place in which it is alleged that the accused was using a heated tobacco device was heated tobacco-free premises. 10
- (3) A person guilty of an offence under this section is liable, on summary conviction, to a fine not exceeding level 3 on the standard scale. 15

4K Heated tobacco-free premises: signs

- (1) A person who occupies or is concerned in the management of heated tobacco-free premises must make sure that signs are displayed in or near those premises in accordance with any requirements imposed by regulations made by the Scottish Ministers for the purposes of this subsection. 20
- (2) The signs must indicate that the use of heated tobacco devices is prohibited in the premises.
- (3) Regulations under subsection (1) may, in particular, impose requirements about— 25
 - (a) the content or appearance of a sign (for example, requirements as to its size, design, colour, or wording);
 - (b) how and where signs are to be displayed.
- (4) The Scottish Ministers may by regulations create exceptions to the duty in subsection (1). 30
- (5) A person who fails to comply with the duty in subsection (1) commits an offence.
- (6) It is a defence for an accused charged with an offence under this section to prove that the accused (or any employee or agent of the accused) took all reasonable precautions and exercised all due diligence not to commit the offence. 35
- (7) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

4L Heated tobacco-free premises

- (1) In this Part “heated tobacco-free premises” means such premises as are prescribed by regulations made by the Scottish Ministers as heated tobacco-free.
- (2) Only no-smoking places may be prescribed as heated tobacco-free. 5
- (3) The power to prescribe premises as heated tobacco-free premises may not be used to prescribe a ship or hovercraft in relation to which regulations could be made under section 85 of the Merchant Shipping Act 1995 (safety and health on ships), including that section as applied by any Order in Council under section 1(1)(h) of the Hovercraft Act 1968. 10
- (4) Regulations prescribing premises as heated tobacco-free may, in particular—
 - (a) provide for them to be heated tobacco-free, in specified circumstances, at specified times or if specified conditions are satisfied (or any combination of those); 15
 - (b) provide for exceptions, which may be framed by reference to the designation by a person of areas which are not heated tobacco-free.
- (5) The Scottish Ministers must consult such persons as they consider appropriate before making any regulations under this section. 20
- (6) In this section—
 - “no-smoking place” means—
 - (a) no smoking premises (within the meaning of section 4(2)), and 25
 - (b) a vehicle smoking in which is an offence under the Smoking Prohibition (Children in Motor Vehicles) (Scotland) Act 2016;
 - “premises” has the meaning given by section 4(9).”
- (3) In section 40 (regulations or orders), in subsection (3)(a), after “4H(1)” (inserted by section 143 of this Act) insert “, 4K or 4L(1)”. 30

145 Amendments consequential on sections 141 to 144

Schedule 18 contains amendments consequential on sections 141 to 144.

Wales

146 Smoke-free places and vehicles in Wales: duty to consult 35

- (1) The Public Health (Wales) Act 2017 (anaw 2) is amended as follows.

- (2) In the Welsh language text of section 13 (additional smoke-free places), after subsection (7) insert –
“(8) Cyn gwneud rheoliadau o dan yr adran hon, rhaid i Weinidogion Cymru ymgynghori ag unrhyw bersonau y mae Gweinidogion Cymru yn ystyried ei bod yn briodol ymgynghori â hwy.” 5
- (3) In the English language text of section 13 (additional smoke-free places), after subsection (7) insert –
“(8) Before making regulations under this section, the Welsh Ministers must consult any persons the Welsh Ministers consider it appropriate to consult.” 10
- (4) In the Welsh language text of section 15 (smoke-free vehicles), after subsection (5) insert –
“(6) Cyn gwneud rheoliadau o dan yr adran hon, rhaid i Weinidogion Cymru ymgynghori ag unrhyw bersonau y mae Gweinidogion Cymru yn ystyried ei bod yn briodol ymgynghori â hwy.” 15
- (5) In the English language text of section 15 (smoke-free vehicles), after subsection (5) insert –
“(6) Before making regulations under this section, the Welsh Ministers must consult any persons the Welsh Ministers consider it appropriate to consult.” 20

147 Smoke-free vehicles in Wales

- (1) The Public Health (Wales) Act 2017 (anaw 2) is amended as follows.
- (2) In the Welsh language text of section 15 (smoke-free vehicles), in subsection (3), for paragraph (d) substitute –
“(d) ar gyfer eithriadau, y gellir eu llunio drwy gyfeirio at y dynodiad gan berson o ardaloedd nad ydynt yn ddi-fwg.” 25
- (3) In the English language text of section 15 (smoke-free vehicles), in subsection (3), for paragraph (d) substitute –
“(d) for exceptions, which may be framed by reference to the designation by a person of areas which are not smoke-free.” 30

148 No-smoking signs in Wales

- (1) Section 17 of the Public Health (Wales) Act 2017 (anaw 2) (no-smoking signs) is amended as follows.
- (2) In the Welsh language text –
(a) for subsections (1) and (2) substitute – 35
“(1) Rhaid i berson sy’n meddiannu mangre ddi-fwg neu sy’n ymwneud â rheoli mangre ddi-fwg sicrhau bod arwyddion

- dim ysmygu yn cael eu harddangos yn y fangre honno neu'n agos ati yn unol ag unrhyw ofynion a osodir gan reoliadau.
- (2) Caiff y rheoliadau, ymhlith pethau eraill, osod gofynion ynghylch—
- (a) cynnwys neu ymddangosiad arwydd (er enghraifft, gofynion o ran ei faint, ei ddyluniad, ei liw neu ei eiriad); 5
- (b) sut a ble y mae arwyddion i gael eu harddangos.”
- (b) after subsection (3) insert—
- “(3A) Caiff rheoliadau o dan is-adran (3), ymhlith pethau eraill, gynnwys unrhyw ddarpariaeth y caniateir ei gwneud gan reoliadau o dan is-adran (1).” 10
- (3) In the English language text—
- (a) for subsections (1) and (2) substitute—
- “(1) A person who occupies or is concerned in the management of smoke-free premises must make sure that no-smoking signs are displayed in or near those premises in accordance with any requirements imposed by regulations. 15
- (2) The regulations may, among other things, impose requirements about— 20
- (a) the content or appearance of a sign (for example, requirements as to its size, design, colour, or wording);
- (b) how and where signs are to be displayed.”
- (b) after subsection (3) insert—
- “(3A) Regulations under subsection (3) may, among other things, include any provision that may be made by regulations under subsection (1).” 25

149 Vape-free places in Wales

- (1) The Public Health (Wales) Act 2017 (anaw 2) is amended as follows.
- (2) In the Welsh language text, before section 18 (enforcement authorities) insert— 30

“PENNOD 1A

FEPIO

17B Mannau a cherbydau di-fêp

- (1) Caiff rheoliadau ddynodi mannau neu gerbydau yng Nghymru yn ddi-fêp. 35
- (2) Dim ond mangreoedd di-fwg neu cherbydau di-fwg y caniateir eu dynodi'n ddi-fêp.
- (3) Caiff y rheoliadau, ymhlith pethau eraill—

- (a) darparu i fannau neu gerbydau fod yn ddi-fêp, o dan amgylchiadau penodedig, ar adegau penodedig neu os yw amodau pendodedig wedi eu bodloni (neu unrhyw gyfuniad o'r rhain);
 - (b) darparu ar gyfer eithriadau, y gellir eu llunio drwy gyfeirio at y dynodiad gan berson o ardaloedd nad ydynt yn ddi-fêp. 5
- (4) Caiff y rheoliadau, yn benodol, lunio'r amgylchiadau lle mae cerbyd yn ddi-fêp drwy gyfeirio at—
 - (a) a oes person o dan 18 oed yn bresennol;
 - (b) ei leoliad. 10
- (5) Nid yw'r pŵer i wneud rheoliadau o dan yr adran hon yn arferadwy mewn perthynas ag—
 - (a) awyren,
 - (b) hofrenfad, nac
 - (c) llong y gellid gwneud rheoliadau mewn perthynas â hi o dan adran 85 o Ddeddf Llongau Masnach 1995 (diogelwch ac iechyd ar longau). 15
- (6) Cyn gwneud rheoliadau o dan yr adran hon, rhaid i Weinidogion Cymru ymgynghori ag unrhyw bersonau y mae Gweinidogion Cymru yn ystyried ei bod yn briodol ymgynghori â hwy. 20
- (7) Yn yr adran hon—
 - mae i “cerbyd di-fwg” (*“smoke-free vehicle”*) yr un ystyr ag ym Mhennod 1 (gweler adran 15);
 - mae i “mangre di-fwg” (*“smoke-free premises”*) yr un ystyr ag ym Mhennod 1 (gweler adrannau 7 i 14). 25

17C Y drosedd o fepio mewn mannau neu gerbydau di-fêp

- (1) Mae person yn cyflawni trosedd os yw'r person yn defnyddio fêp perthnasol—
 - (a) mewn man di-fêp;
 - (b) mewn cerbyd di-fêp. 30
- (2) Mae'n amddiffyniad i berson sydd wedi ei gyhuddo o drosedd o dan yr adran hon—
 - (a) dangos nad oedd y person yn gwybod, ac na ellid bod wedi disgwyl yn rhesymol iddo wybod, fod y man neu'r cerbyd o dan sylw yn fan di-fêp neu'n gerbyd di-fêp, neu 35
 - (b) dangos—
 - (i) bod y person a oedd yn defnyddio'r fêp yn ei ddefnyddio wrth berfformio mewn perfformiad,
 - (ii) bod cyfiawnhad i'r defnydd o'r fêp i gynnal uniondeb artistig y perfformiad, a 40
 - (iii) nad oedd y fêp yn cael ei ddefnyddio i anweddu sylwedd yn cynnwys nicotin.

- (3) Os yw person sydd wedi ei gyhuddo o drosedd o dan yr adran hon yn dibynnu ar amddiffyniad yn is-adran (2), ac y dygir tystiolaeth sy'n ddigonol i godi mater mewn cysylltiad â'r amddiffyniad hwnnw, rhaid i'r llys gymryd bod yr amddiffyniad wedi ei fodloni oni bai bod yr erlyniad yn profi y tu hwnt i amheuaeth resymol nad yw wedi ei fodloni. 5
- (4) Mae person sy'n euog o drosedd o dan yr adran hon yn agored ar euogfarn ddiannod i ddirwy nad yw'n uwch na lefel 1 ar y raddfa safonol.
- (5) Yn y Bennod hon, ystyr "fêp perthnasol" yw fêp nad yw'n ddyfais cynhesu tybaco. 10

17D Y drosedd o fethu ag atal fepio

- (1) Rhaid i berson a chanddo reolaeth dros fan sy'n ddi-fêp neu sy'n ymwneud â rheoli man sy'n ddi-fêp gymryd camau rhesymol i beri i berson sy'n defnyddio fêp perthnasol yno beidio â defnyddio'r fêp. 15
- (2) Rhaid i yrrwr cerbyd di-fêp, ac unrhyw berson arall a bennir mewn rheoliadau, gymryd camau rhesymol i beri i berson sy'n defnyddio fêp perthnasol yn y cerbyd beidio â defnyddio'r fêp.
- (3) Mae person sy'n methu â chydymffurfio â'r ddyletswydd yn is-adran (1) neu (2) yn cyflawni trosedd. 20
- (4) Mae'n amddiffyniad i berson sydd wedi ei gyhuddo o drosedd o dan yr adran hon ddangos nad oedd yn gwybod, ac na ellid bod wedi disgwyl yn rhesymol iddo wybod, fod y person o dan sylw yn defnyddio fêp.
- (5) Mae'n amddiffyniad i berson sydd wedi ei gyhuddo o drosedd o dan yr adran hon ddangos — 25
 - (a) bod y person a oedd yn defnyddio'r fêp yn ei ddefnyddio wrth berfformio mewn perfformiad,
 - (b) bod cyfiawnhad i'r defnydd o'r fêp i gynnal uniondeb artistig y perfformiad, ac 30
 - (c) nad oedd y fêp yn cael ei ddefnyddio i anweddu sylwedd yn cynnwys nicotin.
- (6) Os yw person sydd wedi ei gyhuddo o drosedd o dan yr adran hon yn dibynnu ar yr amddiffyniad yn is-adran (4) neu (5), ac y dygir tystiolaeth sy'n ddigonol i godi mater mewn cysylltiad â'r amddiffyniad hwnnw, rhaid i'r llys gymryd bod yr amddiffyniad wedi ei fodloni oni bai bod yr erlyniad yn profi y tu hwnt i amheuaeth resymol nad yw wedi ei fodloni. 35
- (7) Mae person sy'n euog o drosedd o dan yr adran hon yn agored ar euogfarn ddiannod i ddirwy nad yw'n uwch na lefel 4 ar y raddfa safonol. 40

17E Arwyddion: mannau a cherbydau di-fêp

- (1) Rhaid i berson sy’n meddiannu man di-fêp neu sy’n ymwneud â rheoli man di-fêp sicrhau bod arwyddion dim fepio yn cael eu harddangos yn y man hwnnw neu’n agos ato yn unol ag unrhyw ofynion a osodir gan reoliadau. 5
- (2) Rhaid i berson sydd â chyfrifoldebau rheoli am gerbyd di-fêp sicrhau bod arwyddion dim fepio yn cael eu harddangos yn y cerbyd hwnnw yn unol ag unrhyw ofynion a osodir gan reoliadau.
- (3) Caiff rheoliadau o dan is-adran (1) neu (2), ymhlith pethau eraill, osod gofynion ynghylch – 10
 - (a) cynnwys neu ymddangosiad arwydd (er enghraifft, gofynion o ran ei faint, ei ddyluniad, ei liw neu ei eiriad);
 - (b) sut a ble y mae arwyddion i gael eu harddangos.
- (4) Caiff rheoliadau greu eithriadau i'r ddyletswydd yn is-adran (2).
- (5) Mae person sy’n methu â chydymffurfio â’r ddyletswydd yn is-adran (1) neu (2) yn cyflawni trosedd. 15
- (6) Mae’n amddiffyniad i berson sydd wedi ei gyhuddo o drosedd o dan yr adran hon ddangos –
 - (a) nad oedd y person yn gwybod, ac na ellid bod wedi disgwyl yn rhesymol iddo wybod, fod y man neu’r cerbyd yn ddi-fêp, 20
 - (b) nad oedd y person yn gwybod, ac na ellid bod wedi disgwyl yn rhesymol iddo wybod, nad oedd arwyddion sy’n cydymffurfio â gofynion yr adran hon yn cael eu harddangos yn unol â gofynion yr adran hon, neu
 - (c) ei bod, ar seiliau eraill, yn rhesymol i’r person beidio â chydymffurfio â’r ddyletswydd. 25
- (7) Os yw person sydd wedi ei gyhuddo o drosedd o dan yr adran hon yn dibynnu ar amddiffyniad yn is-adran (6), ac y dygir tystiolaeth sy’n ddigonol i godi mater mewn cysylltiad â’r amddiffyniad hwnnw, rhaid i’r llys gymryd bod yr amddiffyniad wedi ei fodloni oni bai bod yr erlyniad yn profi y tu hwnt i amheuaeth resymol nad yw wedi ei fodloni. 30
- (8) Mae person sy’n euog o drosedd o dan yr adran hon yn agored ar euogfarn ddiannod i ddirwy nad yw’n uwch na lefel 3 ar y raddfa safonol. 35
- (9) Nid yw’r adran hon yn gymwys mewn cysylltiad ag unrhyw fangre a ddefnyddir i unrhyw raddau fel annedd.

17F Dehongli’r Bennod hon

- Yn y Bennod hon –
- mae i “anweddu” yr ystyr a roddir i “vaporises” gan adran 47 o Ddeddf Tybaco a Fêps 2024; 40

ystyr “dyfais cynhesu tybaco” (“ <i>heated tobacco device</i> ”) yw dyfais sy’n cynhesu tybaco i gynhyrchu anwedd neu erosol at ddiben mewnanadlu drwy ddarn a roddir yn y geg (pa un a yw hefyd yn gallu cynhesu sylwedd arall i gynhyrchu anwedd neu erosol ai peidio);	5
mae i “fêp” yr ystyr a roddir i “vape” gan adran 47 o Ddeddf Tybaco a Fêps 2024;	
mae i “fêp perthnasol” (“ <i>relevant vape</i> ”) yr ystyr a roddir gan adran 17C(5);	
mae “perfformiad” (“ <i>performance</i> ”) yn cynnwys—	10
(a) perfformio drama neu berfformiad a roddir mewn cysylltiad â gwneud ffilm neu raglen deledu, a	
(b) ymarfer.”	
(3) In the English language text, before section 18 (enforcement authorities) insert—	15

“CHAPTER 1A

VAPING

17B Vape-free places and vehicles

(1) Regulations may designate places or vehicles in Wales as vape-free.	
(2) Only smoke-free premises or smoke-free vehicles may be designated as vape-free.	20
(3) The regulations may, among other things—	
(a) provide for places or vehicles to be vape-free, in specified circumstances, at specified times or if specified conditions are satisfied (or any combination of those);	25
(b) provide for exceptions, which may be framed by reference to the designation by a person of areas which are not vape-free.	
(4) The regulations may, in particular, frame the circumstances in which a vehicle is vape-free by reference to—	
(a) whether a person under the age of 18 is present;	30
(b) its location.	
(5) The power to make regulations under this section is not exercisable in relation to—	
(a) an aircraft,	
(b) a hovercraft, or	35
(c) a ship in relation to which regulations could be made under section 85 of the Merchant Shipping Act 1995 (safety and health on ships).	
(6) Before making regulations under this section the Welsh Ministers must consult any persons the Welsh Ministers consider it appropriate to consult.	40

- (7) In this section –
“smoke-free premises” (“*mangre di-fwg*”) has the same meaning as in Chapter 1 (see sections 7 to 14);
“smoke-free vehicle” (“*cerbyd di-fwg*”) has the same meaning as in Chapter 1 (see section 15).
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17C Offence of vaping in vape-free places or vehicles

- (1) A person commits an offence if the person uses a relevant vape –
(a) in a vape-free place;
(b) in a vape-free vehicle.
- (2) It is a defence for a person charged with an offence under this section to show –
(a) that the person did not know, and could not reasonably have been expected to know, that the place or vehicle concerned was a vape-free place or a vape-free vehicle, or
(b) that –
(i) the person using the vape was using it when performing in a performance,
(ii) that the use of the vape was justified to preserve the artistic integrity of the performance, and
(iii) that the vape was not being used to vaporise a substance containing nicotine.
- (3) If a person charged with an offence under this section relies on a defence in subsection (2), and evidence is adduced which is sufficient to raise an issue with respect to that defence, the court must assume that the defence is satisfied unless the prosecution proves beyond reasonable doubt that it is not.
- (4) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 1 on the standard scale.
- (5) In this Chapter “relevant vape” means a vape that is not a heated tobacco device.
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17D Offence of failing to prevent vaping

- (1) A person who controls or is concerned in the management of place that is vape-free must take reasonable steps to cause a person using a relevant vape there to stop using the vape.
- (2) The driver of a vape-free vehicle, and any other person specified in regulations, must take reasonable steps to cause a person using a relevant vape in the vehicle to stop using the vape.
- (3) A person who fails to comply with the duty in subsection (1) or (2) commits an offence.
- 35

- (4) It is a defence for a person charged with an offence under this section to show that they did not know, and could not reasonably have been expected to know, that the person in question was using a vape.
- (5) It is a defence for a person charged with an offence under this section to show – 5
 - (a) that the person using the vape was using it when performing in a performance,
 - (b) that the use of the vape was justified to preserve the artistic integrity of the performance, and
 - (c) that the vape was not being used to vaporise a substance containing nicotine. 10
- (6) If a person charged with an offence under this section relies on the defence in subsection (4) or (5), and evidence is adduced which is sufficient to raise an issue with respect to that defence, the court must assume that the defence is satisfied unless the prosecution proves beyond reasonable doubt that it is not. 15
- (7) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 4 on the standard scale.

17E Signs: vape-free places and vehicles

- (1) A person who occupies or is concerned in the management of a vape-free place must make sure that no-vaping signs are displayed in or near that place in accordance with any requirements imposed by regulations. 20
- (2) A person who has management responsibilities for a vape-free vehicle must make sure that no-vaping signs are displayed in that vehicle in accordance with any requirements imposed by regulations. 25
- (3) Regulations under subsection (1) or (2) may, among other things, impose requirements about – 30
 - (a) the content or appearance of a sign (for example, requirements as to its size, design, colour, or wording);
 - (b) how and where signs are to be displayed.
- (4) Regulations may create exceptions to the duty in subsection (2).
- (5) A person who fails to comply with the duty in subsection (1) or (2) commits an offence.
- (6) It is a defence for a person charged with an offence under this section to show – 35
 - (a) that the person did not know, and could not reasonably have been expected to know, that the place or vehicle was vape-free,
 - (b) that the person did not know, and could not reasonably have been expected to know, that signs complying with the 40

- requirements of this section were not being displayed in accordance with the requirements of this section, or
- (c) that on other grounds it was reasonable for the person not to comply with the duty.
- (7) If a person charged with an offence under this section relies on a defence in subsection (6), and evidence is adduced which is sufficient to raise an issue with respect to that defence, the court must assume that the defence is satisfied unless the prosecution proves beyond reasonable doubt that it is not.5
- (8) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.10
- (9) This section does not apply in respect of any premises used to any extent as a dwelling.

17F Interpretation of this Chapter

- In this Chapter –15
- “heated tobacco device” (“*dyffais cynhesu tybaco*”) means a device that heats tobacco to generate a vapour or an aerosol for the purpose of inhalation through a mouthpiece (whether or not it can also heat other matter to produce a vapour or aerosol);
- “performance” (“*perfformiad*”) includes –20
- (a) the performance of a play or a performance given in connection with the making of a film or television programme, and
- (b) a rehearsal;
- “relevant vape” (“*fêp perthnasol*”) has the meaning given by section 17C(5);25
- “vape” (“*fêp*”) has the meaning given by section 47 of the Tobacco and Vapes Act 2024;
- “vaporises” (“*anweddu*”) has the meaning given by section 47 of the Tobacco and Vapes Act 2024.”30
- (4) In the Welsh language text and the English language text of section 123, in subsection (2)(a), before “or 50(2)” insert “17B(1),”.

150 Heated tobacco-free places in Wales

- (1) The Public Health (Wales) Act 2017 (anaw 2) is amended as follows.

- (2) In the Welsh language text, after section 17F (inserted by section 149) insert –

“PENNOD 1B

DEFENYDDIO DYFEISIAU CYNHESU TYBACO

17G Mannau a cherbydau dim tybaco wedi ei gynhesu

- (1) Caiff rheoliadau ddynodi mannau neu gerbydau yng Nghymru yn rhai dim tybaco wedi ei gynhesu. 5
- (2) Dim ond mangreoedd di-fwg neu cherbydau di-fwg y caniateir eu dynodi'n rhai dim tybaco wedi ei gynhesu.
- (3) Caiff y rheoliadau, ymhlith pethau eraill –
 - (a) darparu i fannau neu gerbydau fod yn rhai dim tybaco wedi ei gynhesu, o dan amgylchiadau penodedig, ar adegau penodedig neu os yw amodau penodedig wedi eu bodloni (neu unrhyw gyfuniad o'r rhain); 10
 - (b) darparu ar gyfer eithriadau, y gellir eu llunio drwy gyfeirio at y dynodiad gan berson o ardaloedd nad ydynt yn rhai dim tybaco wedi ei gynhesu. 15
- (4) Caiff y rheoliadau, yn benodol, lunio'r amgylchiadau lle mae cerbyd yn un dim tybaco wedi ei gynhesu drwy gyfeirio at –
 - (a) a oes person o dan 18 oed yn bresennol; 20
 - (b) ei leoliad.
- (5) Nid yw'r pŵer i wneud rheoliadau o dan yr adran hon yn arferadwy mewn perthynas ag –
 - (a) awyren,
 - (b) hofrenfad, nac
 - (c) llong y gellid gwneud rheoliadau mewn perthynas â hi o dan adran 85 o Ddeddf Llongau Masnach 1995 (diogelwch ac iechyd ar longau). 25
- (6) Cyn gwneud rheoliadau o dan yr adran hon, rhaid i Weinidogion Cymru ymgynghori ag unrhyw bersonau y mae Gweinidogion Cymru yn ystyried ei bod yn briodol ymgynghori â hwy. 30
- (7) Yn yr adran hon –

mae i “cerbyd di-fwg” (“*smoke-free vehicle*”) yr un ystyr ag ym Mhennod 1 (gweler adran 15);

mae i “mangre di-fwg” (“*smoke-free premises*”) yr un ystyr ag ym Mhennod 1 (gweler adrannau 7 i 14). 35

17H Y drosedd o ddefnyddio dyfais cynhesu tybaco

- (1) Mae person yn cyflawni trosedd os yw'r person yn defnyddio dyfais cynhesu tybaco –
 - (a) mewn man dim tybaco wedi ei gynhesu;

- (b) mewn cerbyd dim tybaco wedi ei gynhesu.
- (2) Mae’n amddiffyniad i berson sydd wedi ei gyhuddo o drosedd o dan yr adran hon ddangos nad oedd y person yn gwybod, ac na ellid bod wedi disgwyl yn rhesymol iddo wybod, fod y man neu’r cerbyd o dan sylw yn fan dim tybaco wedi ei gynhesu neu’n gerbyd dim tybaco wedi ei gynhesu. 5
- (3) Os yw person sydd wedi ei gyhuddo o drosedd o dan yr adran hon yn dibynnu ar yr amddiffyniad yn is-adran (2), ac y dygir tystiolaeth sy’n ddigonol i godi mater mewn cysylltiad â’r amddiffyniad hwnnw, rhaid i’r llys gymryd bod yr amddiffyniad wedi ei fodloni oni bai bod yr erlyniad yn profi y tu hwnt i amheuaeth resymol nad yw wedi ei fodloni. 10
- (4) Mae person sy’n euog o drosedd o dan yr adran hon yn agored ar euogfarn ddiannod i ddirwy nad yw’n uwch na lefel 1 ar y raddfa safonol. 15

17I Y drosedd o fethu ag atal defnydd o ddyfais cynhesu tybaco

- (1) Rhaid i berson a chanddo reolaeth dros fan dim tybaco wedi ei gynhesu neu sy’n ymwneud â rheoli man dim tybaco wedi ei gynhesu gymryd camau rhesymol i beri i berson sy’n defnyddio dyfais cynhesu tybaco yno beidio â defnyddio’r ddyfais. 20
- (2) Rhaid i yrrwr cerbyd dim tybaco wedi ei gynhesu, ac unrhyw berson arall a bennir mewn rheoliadau, gymryd camau rhesymol i beri i berson sy’n defnyddio dyfais cynhesu tybaco yn y cerbyd beidio â defnyddio’r ddyfais.
- (3) Mae person sy’n methu â chydymffurfio â’r ddyletswydd yn is-adran (1) neu (2) yn cyflawni trosedd. 25
- (4) Mae’n amddiffyniad i berson sydd wedi ei gyhuddo o drosedd o dan yr adran hon ddangos nad oedd yn gwybod, ac na ellid bod wedi disgwyl yn rhesymol iddo wybod, fod y person o dan sylw yn defnyddio dyfais cynhesu tybaco. 30
- (5) Os yw person sydd wedi ei gyhuddo o drosedd o dan yr adran hon yn dibynnu ar yr amddiffyniad yn is-adran (4), ac y dygir tystiolaeth sy’n ddigonol i godi mater mewn cysylltiad â’r amddiffyniad hwnnw, rhaid i’r llys gymryd bod yr amddiffyniad wedi ei fodloni oni bai bod yr erlyniad yn profi y tu hwnt i amheuaeth resymol nad yw wedi ei fodloni. 35
- (6) Mae person sy’n euog o drosedd o dan yr adran hon yn agored ar euogfarn ddiannod i ddirwy nad yw’n uwch na lefel 4 ar y raddfa safonol.

17J Mannau a cherbydau dim tybaco wedi ei gynhesu: arwyddion

- (1) Rhaid i berson sy'n meddiannu man dim tybaco wedi ei gynhesu neu sy'n ymwneud â rheoli man dim tybaco wedi ei gynhesu sicrhau bod arwyddion yn cael eu harddangos yn y man hwnnw neu'n agos ato yn unol ag unrhyw ofynion a osodir gan reoliadau. 5
- (2) Rhaid i berson sydd â chyfrifoldebau rheoli am gerbyd di-gynhesu tybaco sicrhau bod arwyddion yn cael eu harddangos yn y cerbyd hwnnw yn unol ag unrhyw ofynion a osodir gan reoliadau.
- (3) Rhaid i'r arwyddion ddynodi bod y defnydd o ddyfeisiau cynhesu tybaco wedi ei wahardd yn y man neu'r cerbyd. 10
- (4) Caiff rheoliadau o dan is-adran (1) neu (2), ymhlith pethau eraill, osod gofynion ynghylch –
 - (a) cynnwys neu ymddangosiad arwydd (er enghraifft, gofynion o ran ei faint, ei ddyluniad, ei liw neu ei eiriad);
 - (b) sut a ble y mae arwyddion i gael eu harddangos. 15
- (5) Caiff rheoliadau greu eithriadau i'r ddyletswydd yn is-adran (2).
- (6) Mae person sy'n methu â chydymffurfio â'r ddyletswydd yn is-adran (1) neu (2) yn cyflawni trosedd.
- (7) Mae'n amddiffyniad i berson sydd wedi ei gyhuddo o drosedd o dan yr adran hon ddangos – 20
 - (a) nad oedd y person yn gwybod, ac na ellid bod wedi disgwyl yn rhesymol iddo wybod, fod y man neu'r cerbyd yn un dim tybaco wedi ei gynhesu,
 - (b) nad oedd y person yn gwybod, ac na ellid bod wedi disgwyl yn rhesymol iddo wybod, nad oedd arwyddion sy'n 25
 - cydymffurfio â gofynion yr adran hon yn cael eu harddangos yn unol â gofynion yr adran hon, neu
 - (c) ei bod, ar seiliau eraill, yn rhesymol i'r person beidio â chydymffurfio â'r ddyletswydd.
- (8) Os yw person sydd wedi ei gyhuddo o drosedd o dan yr adran hon yn dibynnu ar amddiffyniad yn is-adran (7), ac y dygir tystiolaeth sy'n ddigonol i godi mater mewn cysylltiad â'r amddiffyniad hwnnw, rhaid i'r llys gymryd bod yr amddiffyniad wedi ei fodloni oni bai bod yr erlyniad yn profi y tu hwnt i amheuaeth resymol nad yw wedi ei fodloni. 30 35
- (9) Mae person sy'n euog o drosedd o dan yr adran hon yn agored ar euogfarn ddiannod i ddirwy nad yw'n uwch na lefel 3 ar y raddfa safonol.
- (10) Nid yw'r adran hon yn gymwys mewn cysylltiad ag unrhyw fangre a ddefnyddir i unrhyw raddau fel annedd. 40

17K “Dyfais cynhesu tybaco”

Yn y Bennod hon, ystyr “dyfais cynhesu tybaco” yw dyfais sy’n cynhesu tybaco i gynhyrchu anwedd neu erosol at ddiben mewnanadlu drwy ddarn i’w roi yn y geg (pa un a yw hefyd yn gallu cynhesu sylwedd arall i gynhyrchu anwedd neu erosol ai peidio).” 5

(3) In the English language text, after section 17F (inserted by section 149) insert –

“CHAPTER 1B

USING HEATED TOBACCO DEVICES

17G Heated tobacco-free places and vehicles

- (1) Regulations may designate places or vehicles in Wales as heated tobacco-free. 10
- (2) Only smoke-free premises or smoke-free vehicles may be designated as heated tobacco-free.
- (3) The regulations may, among other things –

(a) provide for places or vehicles to be heated tobacco-free, in specified circumstances, at specified times or if specified conditions are satisfied (or any combination of those); 15

(b) provide for exceptions, which may be framed by reference to the designation by a person of areas which are not heated tobacco-free. 20
- (4) The regulations may, in particular, frame the circumstances in which a vehicle is heated tobacco-free by reference to –

(a) whether a person under the age of 18 is present;

(b) its location.
- (5) The power to make regulations under this section is not exercisable in relation to –

(a) an aircraft,

(b) a hovercraft, or

(c) a ship in relation to which regulations could be made under section 85 of the Merchant Shipping Act 1995 (safety and health on ships). 30
- (6) Before making regulations under this section the Welsh Ministers must consult any persons the Welsh Ministers consider it appropriate to consult.
- (7) In this section –

“smoke-free premises” (“*mangre di-fwg*”) has the same meaning as in Chapter 1 (see sections 7 to 14);

“smoke-free vehicle” (“*cerbyd di-fwg*”) has the same meaning as in Chapter 1 (see section 15). 35

17H Offence of using heated tobacco device

- (1) A person commits an offence if the person uses a heated tobacco device—
 - (a) in a heated tobacco-free place;
 - (b) in a heated tobacco-free vehicle. 5
- (2) It is a defence for a person charged with an offence under this section to show that the person did not know, and could not reasonably have been expected to know, that the place or vehicle concerned was a heated tobacco-free place or a heated tobacco-free vehicle.
- (3) If a person charged with an offence under this section relies on the defence in subsection (2), and evidence is adduced which is sufficient to raise an issue with respect to that defence, the court must assume that the defence is satisfied unless the prosecution proves beyond reasonable doubt that it is not. 10
- (4) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 1 on the standard scale. 15

17I Offence of failing to prevent use of heated tobacco device

- (1) A person who controls or is concerned in the management of place that is heated tobacco-free must take reasonable steps to cause a person using a heated tobacco device there to stop using the device. 20
- (2) The driver of a heated tobacco-free vehicle, and any other person specified in regulations, must take reasonable steps to cause a person using a heated tobacco device in the vehicle to stop using the device.
- (3) A person who fails to comply with the duty in subsection (1) or (2) commits an offence. 25
- (4) It is a defence for a person charged with an offence under this section to show that they did not know, and could not reasonably have been expected to know, that the person in question was using a heated tobacco device.
- (5) If a person charged with an offence under this section relies on the defence in subsection (4), and evidence is adduced which is sufficient to raise an issue with respect to that defence, the court must assume that the defence is satisfied unless the prosecution proves beyond reasonable doubt that it is not. 30
- (6) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 4 on the standard scale. 35

17J Heated tobacco-free places and vehicles: signs

- (1) A person who occupies or is concerned in the management of a heated tobacco-free place must make sure that signs are displayed in or near that place in accordance with any requirements imposed by regulations. 40

- (2) A person who has management responsibilities for a heated tobacco-free vehicle must make sure that signs are displayed in that vehicle in accordance with any requirements imposed by regulations.
- (3) The signs must indicate that the use of heated tobacco devices is prohibited in the place or vehicle. 5
- (4) Regulations under subsection (1) or (2) may, among other things, impose requirements about –
 - (a) the content or appearance of a sign (for example, requirements as to its size, design, colour, or wording);
 - (b) how and where signs are to be displayed. 10
- (5) Regulations may create exceptions to the duty in subsection (2).
- (6) A person who fails to comply with the duty in subsection (1) or (2) commits an offence.
- (7) It is a defence for a person charged with an offence under this section to show – 15
 - (a) that the person did not know, and could not reasonably have been expected to know, that the place or vehicle was heated tobacco-free,
 - (b) that the person did not know, and could not reasonably have been expected to know, that signs complying with the requirements of this section were not being displayed in accordance with the requirements of this section, or 20
 - (c) that on other grounds it was reasonable for the person not to comply with the duty.
- (8) If a person charged with an offence under this section relies on a defence in subsection (7), and evidence is adduced which is sufficient to raise an issue with respect to that defence, the court must assume that the defence is satisfied unless the prosecution proves beyond reasonable doubt that it is not. 25
- (9) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale. 30
- (10) This section does not apply in respect of any premises used to any extent as a dwelling.

17K “Heated tobacco device”

In this Chapter, “heated tobacco device” means a device that heats tobacco to generate a vapour or an aerosol for the purpose of inhalation through a mouthpiece (whether or not it can also heat other matter to produce a vapour or aerosol).” 35

- (4) In the Welsh language text and the English language text of section 123, in subsection (2)(a), after “17B(1),” (inserted by section 149 of this Act) insert “17G(1)”. 40

151 Amendments consequential on sections 146 to 150

Schedule 19 contains amendments consequential on sections 146 to 150.

Northern Ireland

152 Additional smoke-free places in Northern Ireland

- (1) The Smoking (Northern Ireland) Order 2006 (S.I. 2006/2957 (N.I. 20)) is amended as follows. 5
- (2) For Article 5 substitute –
 - “5 Additional smoke-free places
 - (1) The Department may make regulations designating as smoke-free any place that – 10
 - (a) is a workplace, or
 - (b) is open to the public,and is not smoke-free under Article 3.
 - (2) If the place is used as a place of work or open to the public only some of the time the regulations must provide for it to be smoke-free only 15when so used.
 - (3) The regulations may, in particular –
 - (a) provide for places to be smoke-free, in specified circumstances, at specified times or if specified conditions are satisfied (or any combination of those); 20
 - (b) provide for exceptions, which may be framed by reference to the designation by a person of areas which are not smoke-free.
 - (4) Before making regulations under this Article the Department must consult any persons that the Department considers it appropriate to consult.” 25
- (3) In Article 6 (vehicles) –
 - (a) in paragraph (2), for sub-paragraph (d) substitute –
 - “(d) for exceptions, which may be framed by reference to the designation by a person of areas which are not smoke-free.”; 30
 - (b) after paragraph (2) insert –
 - “(3) Before making regulations under this Article the Department must consult any persons the Department considers it appropriate to consult.”

153 No-smoking signs in Northern Ireland 35

- (1) Article 7 of the Smoking (Northern Ireland) Order 2006 (S.I. 2006/2957 (N.I. 20)) (no-smoking signs) is amended as follows.

- (2) For paragraph (1) substitute –
 “(1) A person who occupies or is concerned in the management of smoke-free premises must make sure that no-smoking signs are displayed in or near those premises in accordance with any requirements imposed by regulations. 5
 (1A) The regulations may, in particular, impose requirements about –
 (a) the content or appearance of a sign (for example, requirements as to its size, design, colour, or wording);
 (b) how and where signs are to be displayed.”
- (3) After paragraph (2) insert – 10
 “(2A) Regulations under paragraph (2) may, in particular, include any provision that may be made by regulations under paragraph (1).”
- (4) Omit paragraphs (3) and (4).

154 Vape-free places in Northern Ireland

- (1) The Smoking (Northern Ireland) Order 2006 (S.I. 2006/2957 (N.I. 20)) is amended as follows. 15
- (2) Articles 1 and 2 become Part 1, with the heading “Introductory”, and the italic heading before Article 1 is omitted.
- (3) In Article 2 (interpretation), in paragraph (3) insert at the appropriate place –
 ““vape-free place”: see Article 9A; 20
 “vape-free vehicle”: see Article 9A;”
- (4) Articles 3 to 9 (and the italic heading before Article 3) become Part 2, with the heading “Smoking”.
- (5) After Article 9 insert –

“PART 3 25

VAPING

Vape-free places and vehicles

9A Vape-free places and vehicles

- (1) Regulations may designate places or vehicles as vape-free.
- (2) Only smoke-free places may be designated as vape-free. 30
- (3) The regulations may, in particular –
 (a) provide for places or vehicles to be vape-free, in specified circumstances, at specified times or if specified conditions are satisfied (or any combination of those);

- (b) provide for exceptions, which may be framed by reference to the designation by a person of areas which are not vape-free.
- (4) The regulations may, in particular, frame the circumstances in which a vehicle is vape-free by reference to –
 - (a) whether a person under the age of 18 is present; 5
 - (b) its location.
- (5) Before making regulations under this Article the Department must consult any persons it considers it appropriate to consult.
- (6) References in this Order, however expressed, to places or vehicles which are vape-free are to those places or vehicles so far as they are vape-free by virtue of regulations under this Article. 10
- (7) In this Article “smoke-free place” has the meaning given by Article 8(1).

No-vaping signs

- 9B No-vaping signs** 15
- (1) A person who occupies or is concerned in the management of a vape-free place must make sure that no-vaping signs are displayed in or near that place in accordance with any requirements imposed by regulations.
 - (2) A person who has management responsibilities for a vape-free vehicle must make sure that no-vaping signs are displayed in that vehicle in accordance with any requirements imposed by regulations. 20
 - (3) Regulations under paragraph (1) or (2) may, in particular, impose requirements about –
 - (a) the content or appearance of a sign (for example, requirements as to its size, design, colour, or wording); 25
 - (b) how and where signs are to be displayed.
 - (4) Regulations may create exceptions to the duty in paragraph (2).
 - (5) A person who fails to comply with the duty in paragraph (1) or (2) commits an offence. 30
 - (6) It is a defence for a person charged with an offence under paragraph (5) to show –
 - (a) that they did not know, and could not reasonably have been expected to know, that the place or vehicle was vape-free,
 - (b) that they did not know, and could not reasonably have been expected to know, that no-vaping signs complying with the requirements of this Article were not being displayed in accordance with the requirements of this Article, or 35
 - (c) that on other grounds it was reasonable for them not to comply with the duty. 40

- (7) If a person charged with an offence under paragraph (5) relies on a defence in paragraph (6), and evidence is adduced which is sufficient to raise an issue with respect to that defence, the court must assume that the defence is satisfied unless the prosecution proves beyond reasonable doubt that it is not. 5
- (8) A person guilty of an offence under paragraph (5) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Offences relating to vaping

9C Offence of vaping in vape-free place

- (1) A person who uses a relevant vape in a vape-free place or vehicle commits an offence. 10
- (2) It is a defence for a person charged with an offence under paragraph (1) to show –
 - (a) that they did not know, and could not reasonably have been expected to know, that it was a vape-free place or vehicle, or 15
 - (b) that –
 - (i) the person was using the vape when performing in a performance,
 - (ii) that the use of the vape was justified to preserve the artistic integrity of the performance, and 20
 - (iii) that the vape was not being used to vaporise a substance containing nicotine.
- (3) If a person charged with an offence under this Article relies on a defence in paragraph (2), and evidence is adduced which is sufficient to raise an issue with respect to that defence, the court must assume that the defence is satisfied unless the prosecution proves beyond reasonable doubt that it is not. 25
- (4) A person guilty of an offence under this Article is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

9D Offence of failing to prevent vaping 30

- (1) A person who controls or is concerned in the management of a vape-free place must cause a person using a relevant vape there to stop using the vape.
- (2) The driver of a vape-free vehicle, and any other person specified in regulations, must cause a person using a relevant vape in the vehicle to stop using the vape. 35
- (3) A person who fails to comply with the duty in paragraph (1) or (2) commits an offence.

- (4) It is a defence for a person charged with an offence under paragraph (3) to show –
 - (a) that they took reasonable steps to cause the person in question to stop using the vape,
 - (b) that they did not know, and could not reasonably have been expected to know, that the person in question was using a vape, or
 - (c) that on other grounds it was reasonable for them not to comply with the duty.
 - (5) It is a defence for a person charged with an offence under paragraph (3) to show –
 - (a) that the person using the vape was using it when performing in a performance,
 - (b) that the use of the vape was justified to preserve the artistic integrity of the performance, and
 - (c) that the vape was not being used to vaporise a substance containing nicotine.
 - (6) If a person charged with an offence under this Article relies on a defence in paragraph (4) or (5), and evidence is adduced which is sufficient to raise an issue with respect to that defence, the court must assume that the defence is satisfied unless the prosecution proves beyond reasonable doubt that it is not.
 - (7) A person guilty of an offence under this Article is liable on summary conviction to a fine not exceeding level 4 on the standard scale.”
 - (6) Articles 10 to 13 become Part 5, with the heading “Enforcement”, and the italic heading before Article 10 is omitted.
 - (7) Articles 14 to 17 (and the italic heading before Article 14) become Part 6, with the heading “Miscellaneous and supplementary”.
 - (8) In Article 15 (regulations), in paragraph (3)(a), after “6” insert “, 9A”.

155 Heated tobacco-free places in Northern Ireland

 - (1) The Smoking (Northern Ireland) Order 2006 (S.I. 2006/2957 (N.I. 20)) is amended as follows.
 - (2) In Article 2 (interpretation), in paragraph (3) insert at the appropriate place –
 - ““heated tobacco-free place”: see Article 9E;
 - “heated tobacco-free vehicle”: see Article 9E;”

(3) After Article 9D (inserted by section 154 of this Act) insert—

“PART 4

USING HEATED TOBACCO DEVICES

Heated tobacco-free places and vehicles

9E	Heated tobacco-free places and vehicles	5
(1)	Regulations may designate places or vehicles as heated tobacco-free.	
(2)	Only smoke-free places may be designated as heated tobacco-free.	
(3)	The regulations may, in particular—	
	(a) provide for places or vehicles to be heated tobacco-free, in specified circumstances, at specified times or if specified conditions are satisfied (or any combination of those);	10
	(b) provide for exceptions, which may be framed by reference to the designation by a person of areas which are not heated tobacco-free.	
(4)	The regulations may, in particular, frame the circumstances in which a vehicle is heated tobacco-free by reference to—	15
	(a) whether a person under the age of 18 is present;	
	(b) its location.	
(5)	Before making regulations under this Article the Department must consult any persons it considers it appropriate to consult.	20
(6)	References in this Order, however expressed, to places or vehicles which are heated tobacco-free are to those places or vehicles so far as they are heated tobacco-free by virtue of regulations under this Article.	
(7)	In this Article “smoke-free place” has the meaning given by Article 8(1).	25

Heated tobacco-free places and vehicles: signs

9F	Heated tobacco-free places and vehicles: signs	
(1)	A person who occupies or is concerned in the management of a heated tobacco-free place must make sure that signs are displayed in or near that place in accordance with any requirements imposed by regulations.	30
(2)	A person who has management responsibilities for a heated tobacco-free vehicle must make sure that signs are displayed in that vehicle in accordance with any requirements imposed by regulations.	
(3)	The signs must indicate that the use of heated tobacco devices is prohibited in the place or vehicle.	35

- (4) Regulations under paragraph (1) or (2) may, in particular, impose requirements about—
 - (a) the content or appearance of a sign (for example, requirements as to its size, design, colour, or wording);
 - (b) how and where signs are to be displayed. 5
- (5) Regulations may create exceptions to the duty in paragraph (2).
- (6) A person who fails to comply with the duty in paragraph (1) or (2) commits an offence.
- (7) It is a defence for a person charged with an offence under paragraph (6) to show — 10
 - (a) that they did not know, and could not reasonably have been expected to know, that the place or vehicle was heated tobacco-free,
 - (b) that they did not know, and could not reasonably have been expected to know, that signs complying with the requirements of this Article were not being displayed in accordance with the requirements of this Article, or 15
 - (c) that on other grounds it was reasonable for them not to comply with the duty.
- (8) If a person charged with an offence under paragraph (6) relies on a defence in paragraph (7), and evidence is adduced which is sufficient to raise an issue with respect to that defence, the court must assume that the defence is satisfied unless the prosecution proves beyond reasonable doubt that it is not. 20
- (9) A person guilty of an offence under paragraph (6) is liable on summary conviction to a fine not exceeding level 3 on the standard scale. 25

Offences relating to use of heated tobacco devices

9G Offence of using heated tobacco device

- (1) A person who uses a heated tobacco device in a heated tobacco-free place or vehicle commits an offence. 30
- (2) It is a defence for a person charged with an offence under paragraph (1) to show that they did not know, and could not reasonably have been expected to know, that it was a heated tobacco-free place or vehicle.
- (3) If a person charged with an offence under this Article relies on the defence in paragraph (2), and evidence is adduced which is sufficient to raise an issue with respect to that defence, the court must assume that the defence is satisfied unless the prosecution proves beyond reasonable doubt that it is not. 35

(4)	A person guilty of an offence under this Article is liable on summary conviction to a fine not exceeding level 3 on the standard scale.	
9H Offence of failing to prevent use of heated tobacco device		
(1)	A person who controls or is concerned in the management of a heated tobacco-free place must cause a person using a heated tobacco device there to stop using the device.	5
(2)	The driver of a heated tobacco-free vehicle, and any other person specified in regulations, must cause a person using a heated tobacco device in the vehicle to stop using the device.	
(3)	A person who fails to comply with the duty in paragraph (1) or (2) commits an offence.	10
(4)	It is a defence for a person charged with an offence under paragraph (3) to show –	
(a)	that they took reasonable steps to cause the person in question to stop using the heated tobacco device,	15
(b)	that they did not know, and could not reasonably have been expected to know, that the person in question was using a heated tobacco device, or	
(c)	that on other grounds it was reasonable for them not to comply with the duty.	20
(5)	If a person charged with an offence under paragraph (3) relies on a defence in paragraph (4), and evidence is adduced which is sufficient to raise an issue with respect to that defence, the court must assume that the defence is satisfied unless the prosecution proves beyond reasonable doubt that it is not.	25
(6)	A person guilty of an offence under paragraph (3) is liable on summary conviction to a fine not exceeding level 4 on the standard scale.”	
(4)	In Article 15 (regulations), in paragraph (3)(a), after “, 9A” (inserted by section 154 of this Act) insert “, 9E”.	
156	Amendments consequential on sections 152 to 155	30
	Schedule 20 contains amendments consequential on sections 152 to 155.	

Ships

157	Power to prohibit vaping etc on ships	
(1)	Section 85 of the Merchant Shipping Act 1995 (safety and health on ships) is amended as follows.	35
(2)	In subsection (8) –	
(a)	in the words before paragraph (a) –	

- (i) after “prohibition of smoking” insert “or the use of relevant vapes or heated tobacco devices”;

(ii) for “smoking provisions” substitute “relevant provisions”;

(b) in paragraph (a), for “smoking provisions” substitute “relevant provisions”;

(c) in paragraph (b), at the end insert “in relation to the relevant provisions”;

(d) in paragraph (c) –

(i) after “enforcement functions” insert “in relation to the relevant provisions”;

(ii) after “authorised officers have” insert “in relation to smoking”;

(iii) for “(which confers powers of entry, etc., on authorised officers of enforcement authorities in relation to the enforcement of the provisions of that Act in relation to smoking)” substitute “(powers of entry)”;

(e) for paragraph (d) substitute –

“(d) in relation to an offence of smoking or using a relevant vape or heated tobacco device in a place where to do so is prohibited under the relevant provisions, for purposes corresponding to those of section 9 and Schedule 1 to the Health Act 2006 (fixed penalties).”;

(f) omit the words after paragraph (d).

(3) After subsection (8) insert –

“(9) In subsection (8) –

“heated tobacco device” means a device that heats tobacco to generate a vapour or an aerosol for the purpose of inhalation through a mouthpiece (whether or not it can also heat other matter to produce a vapour or aerosol);

“relevant vape” means a vape that is not a heated tobacco device;

“smoking” has the same meaning as in Chapter 1 of Part 1 of the Health Act 2006;

“vape” has the meaning given by section 47 of the Tobacco and Vapes Act 2024.”
- PART 8
- GENERAL
- 158 Application to Parliament
- To the extent that this Act or regulations made under it would not (but for this section) apply in relation to the Parliamentary Estate, they do so apply.
- 159 Further consequential amendments
- Schedule 21 contains further consequential amendments.

160 Power of Secretary of State to make consequential provision

- (1) The Secretary of State may by regulations make provision that is consequential on this Act.
- (2) Regulations under this section may amend, repeal or revoke legislation passed or made before, or in the same Session as, this Act (including provision made by this Act). 5
- (3) Regulations under this section that amend, repeal or revoke primary legislation are subject to the affirmative resolution procedure.
- (4) Any other regulations under this section are subject to the negative resolution procedure. 10
- (5) In this section “primary legislation” means –
 - (a) an Act of Parliament,
 - (b) an Act of the Scottish Parliament,
 - (c) an Act or Measure of Senedd Cymru, or
 - (d) Northern Ireland legislation. 15

161 Power of Scottish Ministers to make consequential provision

- (1) The Scottish Ministers may by regulations make provision that is consequential on any of the following –
 - (a) Part 2 (sale and distribution);
 - (b) sections 141 to 145 and Schedule 18 (smoke-free places, vape-free places and other free-from places: Scotland). 20
- (2) Regulations under this section may amend, repeal or revoke provision made by or under –
 - (a) an Act passed –
 - (i) before this Act, or 25
 - (ii) later in the same session of Parliament as this Act, or
 - (b) an Act of the Scottish Parliament passed before this Act.
- (3) Regulations under this section that amend or repeal provision made by an Act of the Scottish Parliament, or an Act, are subject to the affirmative resolution procedure. 30
- (4) Any other regulations under this section are subject to the negative resolution procedure.

162 Power of Welsh Ministers to make consequential provision

- (1) The Welsh Ministers may by regulations make provision that is consequential on any of the following – 35
 - (a) Part 1 (sale and distribution);
 - (b) sections 146 to 151 and Schedule 19 (smoke-free places, vape-free places and other free-from places: Wales).

-
- (2) The only provision that may be made by virtue of this section is provision that would be within the legislative competence of Senedd Cymru if contained in an Act of the Senedd.
 - (3) Regulations under this section may amend, repeal or revoke provision made by or under – 5
 - (a) an Act passed –
 - (i) before this Act, or
 - (ii) later in the same session of Parliament as this Act, or
 - (b) an Act or Measure of Senedd Cymru passed before this Act.
 - (4) Regulations under this section amend or repeal provision made by an Act or Measure of Senedd Cymru, or an Act, are subject to the affirmative resolution procedure. 10
 - (5) Any other regulations under this section are subject to the negative resolution procedure.
- 163 Power of Northern Ireland department to make consequential provision** 15
- (1) A Northern Ireland department may by regulations make provision that is consequential on any of the following –
 - (a) Part 3 (sale and distribution);
 - (b) sections 152 to 156 and Schedule 20 (smoke-free places, vape-free places and other free-from places: Northern Ireland). 20
 - (2) Regulations under this section may amend, repeal or revoke provision made by or under –
 - (a) an Act passed –
 - (i) before this Act, or
 - (ii) later in the same session of Parliament as this Act, or 25
 - (b) Northern Ireland legislation passed or made before this Act.
 - (3) Regulations under this section that amend, repeal or revoke any provision of an Act or Northern Ireland legislation are subject to the affirmative resolution procedure.
 - (4) Any other regulations under this section are subject to the negative resolution procedure. 30
- 164 Regulations: general**
- (1) A power to make regulations under any provision of this Act includes power to make –
 - (a) consequential, supplementary, incidental, transitional or saving provision; 35
 - (b) different provision for different purposes;
 - (c) different provision for different parts of the United Kingdom.
 - (2) This section does not apply to regulations under section 167, 168 or 169.

165 Regulations and orders: procedure

- (1) Regulations or orders made by the Secretary of State or the Welsh Ministers under this Act are to be made by statutory instrument.
- (2) For regulations made under this Act by the Scottish Ministers, see section 27 of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10) (definition of “Scottish statutory instrument”). 5
- (3) Any power of a Northern Ireland department to make regulations or orders under this Act is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 (S.I. 1979/1573 (N.I. 12)).
- (4) Where regulations under this Act are “subject to the affirmative resolution procedure”, the regulations – 10
 - (a) if made by the Secretary of State, may not be made unless a draft of the statutory instrument containing them has been laid before, and approved by a resolution of, each House of Parliament;
 - (b) if made by the Welsh Ministers, may not be made unless a draft of the statutory instrument containing them has been laid before, and approved by a resolution of, Senedd Cymru; 15
 - (c) if made by the Scottish Ministers, are subject to the affirmative procedure (see section 29 of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10)); 20
 - (d) if made by a Northern Ireland department, may not be made unless a draft of the regulations has been laid before, and approved by a resolution of, the Northern Ireland Assembly.
- (5) Where regulations under this Act are “subject to the negative resolution procedure” – 25
 - (a) if made by the Secretary of State, the statutory instrument containing them is subject to annulment in pursuance of a resolution of either House of Parliament;
 - (b) if made by the Welsh Ministers, the statutory instrument containing them is subject to annulment in pursuance of a resolution of Senedd Cymru; 30
 - (c) if made by the Scottish Ministers, the regulations are subject to the negative procedure (see section 28 of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10));
 - (d) if made by a Northern Ireland department, the regulations are subject 35to negative resolution within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954 (c. 33 (N.I.)) as if they were a statutory instrument within the meaning of that Act.
- (6) Any provision that may be made in regulations under this Act subject to the negative resolution procedure may be made in regulations subject to the affirmative resolution procedure. 40

120

Tobacco and Vapes Bill
Part 8 – General

166 Extent

- (1) An amendment or repeal made by this Act has the same extent as the provision amended or repealed.
- (2) Subject to that—
 - (a) Part 1 extends to England and Wales only; 5
 - (b) Part 2 extends to Scotland only;
 - (c) Part 3 extends to Northern Ireland only;
 - (d) Parts 4, 5 and 6 and this Part extend to England and Wales, Scotland and Northern Ireland.

167 Commencement: Parts 1 to 4 10

- (1) Parts 1 to 4 of this Act (sale and distribution etc) come into force at the end of the period of 6 months beginning with the day on which it is passed, except as provided by subsections (2) to (8).
- (2) Any provision of, or amendment made by, Parts 1 to 3 so far as it confers a power to make regulations or relates to the exercise of the power, comes into force on the day on which this Act is passed. 15
- (3) The following (which relate to the age of sale of tobacco etc) come into force on 1 January 2027 (so far as not in force by virtue of subsection (2))—
 - (a) sections 1, 2, 5, 6 and 41(2) and Schedule 7;
 - (b) section 49; 20
 - (c) sections 68, 69, 72 and 86(2) and Schedule 15.
- (4) Sections 16 to 18 and Schedules 1 and 2 (licensing of retail sales of tobacco products etc in England) come into force (so far as not in force by virtue of subsection (2)) on such day as the Secretary of State may by regulations appoint. 25
- (5) The following provisions come into force (so far as not in force by virtue of subsection (2)) on such day as the Welsh Ministers may by order appoint—
 - (a) sections 19 to 22 and Schedule 3 and 4 (licensing of retail sales of tobacco products etc in Wales);
 - (b) section 40 and Schedule 5 (handing over tobacco etc to underage people in Wales). 30
- (6) Section 63 (alignment of definition of “tobacco product” in Scottish legislation) comes into force at the end of the period of 2 months beginning with the day on which this Act is passed.
- (7) The following provisions come into force (so far as not in force by virtue of subsection (2)) on such day as the Scottish Ministers may by regulations appoint—
 - (a) section 60 (age verification in relation to tobacco and vaping products etc);
 - (b) section 65 and Schedule 9 (extension of retailer register etc in Scotland). 40

- (8)

The following come into force (so far as not in force by virtue of subsection (2)) on such day as the Department of Health in Northern Ireland may by order appoint –

(a)

section 83 and Schedule 10 (extension of retailer register in Northern Ireland);

5

(b)

section 84 and Schedules 11 to 13 (licensing of retail sales of tobacco products etc in Northern Ireland).
- (9)

Regulations or orders under this section may appoint different days for different purposes.

168

Commencement: Parts 5 to 8

10

- (1)

Part 5 (product and information requirements etc) comes into force on the day on which this Act is passed.
- (2)

In Part 6 (advertising and sponsorship) –

(a)

sections 124, 131, 133 and 134 come into force at the end of the period of 2 months beginning with the day on which this Act is passed;

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(b)

the other provisions come into force on such day as the Secretary of State may by regulations appoint.
- (3)

In Part 7 (smoke-free places, vape-free places and other free-from places) –

(a)

sections 135 to 140 and 157 and Schedule 17 come into force on such day as the Secretary of State may by regulations appoint;

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(b)

sections 141 to 145 and Schedule 18 come into force on such day as the Scottish Ministers may by regulations appoint;

(c)

sections 146 to 151 and Schedule 19 come into force on such day as the Welsh Ministers may by order appoint;

(d)

sections 152 to 156 and Schedule 20 come into force on such day as the Department of Health in Northern Ireland may by order appoint.

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- (4)

This Part comes into force on the day on which this Act is passed, apart from section 159 and Schedule 21 which come into force on such day as the Secretary of State may by regulations appoint.
- (5)

Regulations or orders under this section may appoint different days for different purposes.

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169

Transitional provision

- (1)

The Welsh Ministers may by regulations make transitional or saving provision in connection with the coming into force of –

(a)

sections 19 to 22 and Schedules 3 and 4 (licensing of retail sales of tobacco products etc in Wales);

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(b)

section 40 and Schedule 5 (handing over tobacco etc to underage people);

(c)

sections 146 to 151 and Schedule 19 (smoke-free places, vape-free places and other free-from places: Wales).

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- (2) The Scottish Ministers may by regulations make transitional or saving provision in connection with the coming into force of –
(a) Part 2 (sale and distribution: Scotland);
(b) sections 141 to 145 and Schedule 18 (smoke-free places, vape-free places and other free-from places: Scotland).

5
- (3) The Department of Health in Northern Ireland may by regulations make transitional or saving provision in connection with the coming into force of –
(a) Part 3 (sale and distribution: Northern Ireland);
(b) sections 152 to 156 and Schedule 20 (smoke-free places, vape-free places and other free-from places: Northern Ireland).

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- (4) The Secretary of State may by regulations make transitional or saving provision in connection with the coming into force of any provision of this Act.
- (5) Transitional provision and savings made under this section are additional, and without prejudice, to those made by or under any other provision of this Act.

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- (6) A power conferred by subsections (1) to (4) includes power to make different provision for different purposes.
- (7) A requirement imposed under or by virtue of this Act to consult any persons may be satisfied by consultation carried out before this Act comes into force.
- 170 Short title

20
- This Act may be cited as the Tobacco and Vapes Act 2025.

SCHEDULES

SCHEDULE 1

Section 16(6)

RETAIL LICENSING SCHEME: ENGLAND

Introduction

- 1
- This Schedule is about the provision that may be made by regulations under section 16(4).
- 5

Licensing authority

- 2
- The regulations must specify a description of local authority (a “licensing authority”) which is to grant licences.

Grant of licence

10

- 3
- (1) The regulations may –

(a) prohibit a licensing authority from granting a licence unless satisfied as to a matter specified in the regulations;

(b) require a licensing authority to have regard, in deciding whether to grant a licence, to a matter specified in the regulations.

(2) The provision that may be made under sub-paragraph (1)(a) includes –

(a) provision prohibiting a licensing authority from granting a premises licence in respect of premises within an area of a description specified in the regulations;

(b) provision limiting the number of licensed premises within an area of a description specified in the regulations.

(3) The regulations may make provision requiring a licensing authority not to grant a premises licence unless the premises have been inspected in accordance with the regulations.

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- Licence fee

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- 4

(1) The regulations may authorise a licensing authority to charge a fee in respect of an application for the grant of a licence (which may be set at a level that takes into account the cost of exercising functions under or in connection with sections 16 to 18 or the regulations).

(2) Any such fee must not exceed an amount specified in, or determined in accordance with, the regulations.

(3) The regulations may require a licensing authority to pay a proportion of any amount received by virtue of sub-paragraph (1) to any other person with functions under or in connection with sections 16 to 18 or the regulations.

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Licence conditions

- 5 (1) The regulations may make provision for the grant of a licence subject to conditions.
- (2) Provision of the kind mentioned in sub-paragraph (1) may –
 - (a) enable a licensing authority to attach conditions to a licence; 5
 - (b) require a licensing authority to attach to a licence a condition specified in the regulations.
- (3) The provision that may be made under sub-paragraph (1) includes provision prohibiting or restricting the sale of relevant products within an area of a description specified in the regulations. 10

Duration etc of licence

- 6 (1) The regulations may make provision about the duration, renewal, variation, suspension or revocation of licences.
- (2) The provision that may be made under sub-paragraph (1) includes provision conferring power on a court by which a person is convicted of an offence under section 17 to vary, suspend or revoke a licence. 15

Publication of licence information

- 7 The regulations may make provision for the publication by a licensing authority of information relating to licences granted by the licensing authority. 20

Reviews and appeals

- 8 (1) The regulations must specify the circumstances in which a person may request a review of a decision taken under the regulations.
- (2) The regulations must confer a right of appeal to the magistrates’ court against a decision taken on a review. 25
- (3) The regulations may contain provision about time limits for requesting reviews or initiating appeals.

Guidance

- 9 The regulations may require a licensing authority, in carrying out functions under the regulations, to have regard to guidance published by the Secretary of State. 30

Sub-delegation

- 10 The regulations may confer discretions.

Interpretation

- 11 In this Schedule – 35

- “grant” includes vary or renew;
- “licence” means a personal licence or a premises licence;
- “licensing authority” has the meaning given by paragraph 2;
- “local authority” means –

(a) a county council in England;5

(b) a district council in England;

(c) a London borough council;

(d) a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009;10

(e) a combined county authority established under section 9(1) of the Levelling-up and Regeneration Act 2023;

(f) the Common Council of the City of London (in its capacity as a local authority), the Sub-Treasurer of the Inner Temple or the Under Treasurer of the Middle Temple;15

(g) the Council of the Isles of Scilly;
- “personal licence” has the meaning given by section 16(8);
- “premises licence” has the meaning given by section 16(8);
- “relevant products” has the meaning given by section 16(8).

SCHEDULE 2

Section 1820

FINANCIAL PENALTIES FOR BREACH OF RETAIL LICENCE CONDITIONS: ENGLAND

Introduction

- 1 This Schedule makes further provision in connection with the imposition of financial penalties under section 18.

Notices of intent25

- 2

(1) A local weights and measures authority must, before imposing a financial penalty on a person, give the person written notice (a “notice of intent”) of the proposed financial penalty.

(2) A notice of intent must specify –

(a) the amount of the proposed financial penalty,30

(b) the reasons for proposing to impose the penalty,

(c) information about the right to make representations under paragraph 3, and

(d) the date by which any representations must be made.

(3) The date specified under sub-paragraph (2)(d) must be a date more than 3528 days after the day on which the notice of intent is given to the person.

- (4) The local weights and measures authority may at any time withdraw the notice of intent, or amend it to reduce the amount of the proposed financial penalty, by giving written notice to the person.

Right to make representations

- 3 (1) A person who is given a notice of intent under paragraph 2 may make written representations to the local weights and measures authority that issued the notice about the proposal to impose a financial penalty. 5
- (2) Any representations must be made within the period (“the period for representations”) ending with the date specified under paragraph 2(2)(d).

Final notices

10

- 4 (1) After the end of the period for representations the local weights and measures authority must decide whether to impose a financial penalty on the person.
- (2) If the local weights and measures authority decides to impose a financial penalty on the person, the authority must give the person written notice (a “final notice”) imposing the penalty. 15
- (3) A final notice must specify –
 - (a) the amount of the financial penalty,
 - (b) the reasons for imposing the penalty,
 - (c) the date by which the penalty must be paid, 20
 - (d) information about the right of appeal under paragraph 5, and
 - (e) the consequences of failure to comply with the final notice.
- (4) The date specified under sub-paragraph (3)(c) must be a date more than 28 days after the day on which the final notice is given to the person.
- (5) The local weights and measures authority may at any time withdraw a final notice, or amend it to reduce the amount of the financial penalty, by giving written notice to the person. 25
- (6) A final notice may not be given more than 28 days after the last day of the period for representations.

Appeals

30

- 5 (1) A person on whom a financial penalty is imposed under section 18 may appeal to the magistrates’ court against –
 - (a) the decision to impose the penalty, or
 - (b) the amount of the penalty.
- (2) An appeal under this paragraph must be brought before the end of the period of 28 days beginning with the day after the day on which the final notice is given to the person in accordance with paragraph 4. 35
- (3) On an appeal under this paragraph the magistrates’ court may confirm, reduce or cancel the penalty.

- (4) If a person appeals under this paragraph, the final notice is suspended until the appeal is finally determined, withdrawn or abandoned.

Recovery

- 6 (1) This paragraph applies if a person fails to pay the whole or part of a financial penalty before the end of the period within which the person is required to pay the penalty. 5
- (2) The local weights and measures authority that imposed the financial penalty may recover the unpaid amount of the penalty as if it were payable under an order of the county court.

Use of proceeds

10

- 7 (1) Any sums received in pursuance of final notices given under paragraph 4 must be paid into the Consolidated Fund.
- (2) But before paying such sums into the Consolidated Fund the local weights and measures authority may deduct—
 - (a) the costs of investigating the matters to which the final notices relate, and
 - (b) the costs of issuing the notices. 15

SCHEDULE 3

Section 19(6)

RETAIL LICENSING SCHEME: WALES

Introduction

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- 1 This Schedule is about the provision that may be made by regulations under section 19(4).

Grant of licence

- 2 (1) The regulations may—
 - (a) prohibit a licensing authority from granting a licence unless satisfied as to a matter specified in the regulations; 25
 - (b) require a licensing authority to have regard, in deciding whether to grant a licence, to a matter specified in the regulations.
- (2) The provision that may be made under sub-paragraph (1)(a) includes—
 - (a) provision prohibiting a licensing authority from granting a premises licence in respect of premises within an area of a description specified in the regulations; 30
 - (b) provision limiting the number of licensed premises within an area of a description specified in the regulations.

- (3) The regulations may make provision requiring a licensing authority not to grant a premises licence unless the premises have been inspected in accordance with the regulations.

Licence fee

- 3 (1) The regulations may authorise a licensing authority to charge a fee in respect of an application for the grant of a licence (which may be set at a level that takes into account the cost of exercising functions under or in connection with sections 19 to 21 or the regulations). 5
- (2) Any such fee must not exceed an amount specified in, or determined in accordance with, the regulations. 10
- (3) The regulations may require a licensing authority to pay a proportion of any amount received by virtue of sub-paragraph (1) to any other person with functions under sections 19 to 21 or the regulations.

Licence conditions

- 4 (1) The regulations may make provision for the grant of a licence subject to conditions. 15
- (2) Provision of the kind mentioned in sub-paragraph (1) may –
 - (a) enable a licensing authority to attach conditions to a licence;
 - (b) require a licensing authority to attach to a licence a condition specified in the regulations. 20
- (3) The provision that may be made under sub-paragraph (1) includes provision prohibiting or restricting the sale of relevant products within an area of a description specified in the regulations.

Duration etc of licence

- 5 (1) The regulations may make provision about the duration, renewal, variation, suspension or revocation of licences. 25
- (2) The provision that may be made under sub-paragraph (1) includes provision conferring power on a court by which a person is convicted of an offence under section 20 to vary, suspend or revoke a licence.

Publication of licence information 30

- 6 The regulations may make provision for the publication by a licensing authority of information relating to licences granted by the licensing authority.

Reviews and appeals

- 7 (1) The regulations must specify the circumstances in which a person may request a review of a decision taken under the regulations. 35

- (2)

The regulations must confer a right of appeal to the magistrates’ court against a decision taken on a review.
- (3)

The regulations may contain provision about time limits for requesting reviews or initiating appeals.

Guidance5

- 8

The regulations may require a licensing authority, in carrying out functions under the regulations, to have regard to guidance published by the Welsh Ministers.

Sub-delegation

- 9

The regulations may confer discretions.

10

Interpretation

- 10

In this Schedule –

“grant” includes vary or renew;

“licence” means a personal licence or a premises licence;

“licensing authority”, in relation to the doing of things or the use of premises in a county or county borough in Wales, means the council of the county or county borough;

“personal licence” has the meaning given by section 19(8);

“premises licence” has the meaning given by section 19(8);

“relevant products” has the meaning given by section 19(8).

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SCHEDULE 4

Section 21

FINANCIAL PENALTIES FOR BREACH OF RETAIL LICENCE CONDITIONS: WALES

Introduction

- 1

This Schedule makes further provision in connection with the imposition of financial penalties under section 21.

25

Notices of intent

- 2

(1) A local weights and measures authority must, before imposing a financial penalty on a person, give the person written notice (a “notice of intent”) of the proposed financial penalty.

(2) A notice of intent must specify –

(a) the amount of the proposed financial penalty,

(b) the reasons for proposing to impose the penalty,

(c) information about the right to make representations under paragraph 3, and

30

- (d) the date by which any representations must be made.
- (3) The date specified under sub-paragraph (2)(d) must be a date more than 28 days after the day on which the notice of intent is given to the person.
- (4) The local weights and measures authority may at any time withdraw the notice of intent, or amend it to reduce the amount of the proposed financial penalty, by giving written notice to the person. 5

Right to make representations

- 3 (1) A person who is given a notice of intent under paragraph 2 may make written representations to the local weights and measures authority that issued the notice about the proposal to impose a financial penalty. 10
- (2) Any representations must be made within the period (“the period for representations”) ending with the date specified under paragraph 2(2)(d).

Final notices

- 4 (1) After the end of the period for representations the local weights and measures authority must decide whether to impose a financial penalty on the person. 15
- (2) If the local weights and measures authority decides to impose a financial penalty on the person, the authority must give the person written notice (a “final notice”) imposing the penalty.
- (3) A final notice must specify – 20
 - (a) the amount of the financial penalty,
 - (b) the reasons for imposing the penalty,
 - (c) the date by which the penalty must be paid,
 - (d) information about the right of appeal under paragraph 5, and
 - (e) the consequences of failure to comply with the final notice. 25
- (4) The date specified under sub-paragraph (3)(c) must be a date more than 28 days after the day on which the final notice is given to the person.
- (5) The local weights and measures authority may at any time withdraw a final notice, or amend it to reduce the amount of the financial penalty, by giving written notice to the person. 30
- (6) A final notice may not be given more than 28 days after the last day of the period for representations.

Appeals

- 5 (1) A person on whom a financial penalty is imposed under section 21 may appeal to the magistrates’ court against– 35
 - (a) the decision to impose the penalty, or
 - (b) the amount of the penalty.

- (2)

An appeal under this paragraph must be brought before the end of the period of 28 days beginning with the day after the day on which the final notice is given to the person in accordance with paragraph 4.

(3)

On an appeal under this paragraph the magistrates’ court may confirm, reduce or cancel the penalty.

5

(4)

If a person appeals under this paragraph, the final notice is suspended until the appeal is finally determined, withdrawn or abandoned.

Recovery

- 6

(1)

This paragraph applies if a person fails to pay the whole or part of a financial penalty before the end of the period within which the person is required to pay the penalty.

10

(2)

The local weights and measures authority that imposed the financial penalty may recover the unpaid amount of the penalty as if it were payable under an order of the county court.

Use of proceeds15

- 7

(1)

Any sums received in pursuance of final notices given under paragraph 4 must be paid into the Welsh Consolidated Fund.

(2)

But before paying such sums into the Welsh Consolidated Fund the local weights and measures authority may deduct—

(a)

the costs of investigating the matters to which the final notices relate, and

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(b)

the costs of issuing the notices.

SCHEDULE 5

Section 40

HANDING OVER TOBACCO ETC TO UNDERAGE PEOPLE IN WALES

- 1

The Public Health (Wales) Act 2017 (anaw 2) is amended as follows.

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2

In the heading of Part 3—

(a)

in the Welsh language text, after “tybaco” insert “, cynhyrchion fepio”;

(b)

in the English language text, after “tobacco” insert “, vaping products”.

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3

In the heading of Chapter 4 of Part 3—

(a)

in the Welsh language text omit “i bersonau o dan 18 oed”;

(b)

in the English language text omit “to persons under 18”.

4 In the Welsh language text, before section 52 insert –

“51A Y drosedd o roi tybaco etc. i bobl a anwyd ar neu ar ôl 1 Ionawr 2009

- (1) Mae person (“A”) yn cyflawni trosedd –
 - (a) os yw A, mewn cysylltiad â threfniadau o dan adran 53, yn rhoi yng Nghymru gynhyrchion tybaco, cynhyrchion smygu llysieuol neu bapurau sigarêts i berson a anwyd ar neu ar ôl 1 Ionawr 2009 (“B”), 5
 - (b) os nad yw’r rhoi yn digwydd naill ai –
 - (i) yng nghwrs crefft, proffesiwn, busnes neu gyflogaeth B, neu 10
 - (ii) yng ngŵydd person arall a anwyd cyn 1 Ionawr 2009,
 - (c) os yw A, ar adeg y rhoi, yn gwybod bod cynhyrchion tybaco, cynhyrchion smygu llysieuol neu bapurau sigarêts (pa un bynnag sy’n gymwys) yn cael eu rhoi, a 15
 - (d) pan roddir y cynhyrchion tybaco, y cynhyrchion smygu llysieuol neu’r papurau sigarêts, os nad ydynt mewn pecyn –
 - (i) sydd wedi ei selio, a
 - (ii) sydd â chyfeiriad arno, at ddiben ei ddanfôn i’r cyfeiriad hwnnw yn unol â threfniadau o fewn adran 53. 20
- (2) Ystyr “pecyn” yn isadran (1)(d) yw pecyn yn ychwanegol at y pecyn gwreiddiol y mae’r cynhyrchion tybaco, y cynhyrchion smygu llysieuol neu’r papurau sigarêts wedi eu cyflenwi ynddo at ddiben eu gwerthu drwy fanwerthu gan eu gwneuthurwr neu eu mewnforiwr. 25
- (3) Mae person sy’n euog o drosedd o dan yr adran hon yn agored ar euogfarn ddiannod i ddirwy nad yw’n uwch na lefel 4 ar y raddfa safonol.
- (4) Pan fo person (“y cyhuddedig”) wedi ei gyhuddo o drosedd o dan yr adran hon oherwydd ymddygiad y cyhuddedig ei hun (ac eithrio yn rhinwedd adran 44 o Ddeddf Llysoedd Ynadon 1980 (p.43) (helpwyr ac anogwyr)) mae’n amddiffyniad i’r cyhuddedig ddangos – 30
 - (a) bod y cyhuddedig yn credu, pan ddigwyddodd y rhoi, fod y person y rhoddwyd y cynhyrchion tybaco, y cynhyrchion smygu llysieuol neu’r papurau sigarêts iddo, neu berson arall a oedd yn bresennol ar adeg y rhoi, wedi cael ei eni cyn 1 Ionawr 2009, a 35
 - (b) naill ai – 40
 - (i) bod y cyhuddedig wedi cymryd camau rhesymol i gadarnhau oedran y person hwnnw, neu

- (ii) na allai neb fod wedi amau'n rhesymol o olwg y person hwnnw fod y person wedi cael ei eni ar neu ar ôl 1 Ionawr 2009.

(5) At ddibenion is-adran (4)(b), mae'r cyhuddedig i gael ei drin fel pe bai wedi cymryd camau rhesymol i gadarnhau oedran person—

(a) os gofynnodd y cyhuddedig i'r person hwnnw am dystiolaeth o oedran y person hwnnw, a

(b) pe bai'r dystiolaeth wedi argyhoeddi person rhesymol.

(6) Pan fo person wedi ei gyhuddo o drosedd o dan yr adran hon oherwydd gweithred neu ddiffyg person arall, neu yn rhinwedd cymhwyso adran 44 o Ddeddf Llysoedd Ynadon 1980 (p.43) (helpwyr ac anogwyr), mae'n amddiffyniad dangos i'r person gymryd rhagofalon rhesymol ac arfer diwydrwydd dyladwy i osgoi cyflawni'r drosedd.”

5 In the English language text, before section 52 insert— 15

“51A Offence of handing over tobacco etc to people born on or after 1 January 2009

(1) A person (“A”) commits an offence if—

(a) in connection with arrangements under section 53, A hands over in Wales tobacco products, herbal smoking products or cigarette papers to a person born on or after 1 January 2009 (“B”), 20

(b) the handing over does not take place either—

(i) in the course of B’s trade, profession, business or employment, or 25

(ii) in the presence of another person who was born before 1 January 2009,

(c) at the time of the handing over, A knows that tobacco products, herbal smoking products or cigarette papers (whichever is the case) are being handed over, and 30

(d) when handed over, the tobacco products, herbal smoking products or cigarette papers are not contained in a package that—

(i) is sealed, and

(ii) has an address on it, for the purpose of its delivery to that address in accordance with arrangements within section 53. 35

(2) “Package” in subsection (1)(d) means a package in addition to the original package in which the tobacco products, herbal smoking products or cigarette papers were supplied for the purpose of retail sale by their manufacturer or importer. 40

(3) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 4 on the standard scale.

- (4) Where a person (“the accused”) is charged with an offence under this section by reason of the accused’s own conduct (and otherwise than by virtue of section 44 of the Magistrates’ Courts Act 1980 (c.43) (aiders and abettors)) it is a defence for the accused to show –
 - (a) that the accused believed, when the handing over took place, that the person to whom the tobacco products, herbal smoking products or cigarette papers were handed over, or another person present at the time of the handing over, was born before 1 January 2009, and 5
 - (b) either – 10
 - (i) that the accused had taken reasonable steps to establish the age of that person, or
 - (ii) that nobody could reasonably have suspected from that person’s appearance that the person was born on or after 1 January 2009. 15
 - (5) For the purposes of subsection (4)(b), the accused is to be treated as having taken reasonable steps to establish the age of a person if –
 - (a) the accused asked that person for evidence of that person’s age, and 20
 - (b) the evidence would have convinced a reasonable person.
 - (6) Where a person is charged with an offence under this section by reason of the act or default of another person, or by virtue of the application of section 44 of the Magistrates’ Courts Act 1980 (c.43) (aiders and abettors), it is a defence to show that the person took reasonable precautions and exercised due diligence to avoid committing the offence.” 25
 - 6 (1) The Welsh language text of section 52 is amended as follows.
 - (2) In the heading, for “tybaco etc.” substitute “cynhyrchion fepio a chynhyrchion nicotin”. 30
 - (3) In subsection (1) –
 - (a) in paragraph (a), for “dybaco, papurau sigaréts neu gynhyrchion nicotin” substitute “gynhyrchion fepio neu”; 35
 - (b) in paragraph (c), for “tybaco neu bapurau sigaréts neu gynhyrchion nicotin” substitute “cynhyrchion fepio neu”; 35
 - (c) in paragraph (d), for “tybaco, y papurau sigaréts neu’r cynhyrchion nicotin” substitute “cynhyrchion fepio neu’r”.
 - (4) In subsection (2), for “tybaco, y papurau sigaréts neu’r cynhyrchion nicotin” substitute “cynhyrchion fepio neu”.
 - (5) In subsection (4)(a), for “tybaco, y papurau sigaréts neu’r cynhyrchion nicotin” substitute “cynhyrchion fepio neu”. 40
 - (6) Omit subsection (7).
 - 7 (1) The English language text of section 52 is amended as follows.

- (2) In the heading, for “tobacco etc.” substitute “vaping and nicotine products”.
- (3) In subsection (1) –
 - (a) in paragraph (a), for “tobacco, cigarette papers or” substitute “vaping products or”;
 - (b) in paragraph (c), for “tobacco or cigarette papers or” substitute “vaping products or”; 5
 - (c) in paragraph (d), for “tobacco, cigarette papers or” substitute “vaping products or”.
- (4) In subsection (2), for “tobacco, cigarette papers or” substitute “vaping products or”. 10
- (5) In subsection (4)(a), for “tobacco, cigarette papers or” substitute “vaping products or”.
- (6) Omit subsection (7).
- 8 (1) The Welsh language text of section 53 is amended as follows.
- (2) In subsection (1) – 15
 - (a) in the words before paragraph (a), for “tybaco, papurau sigarêts neu gynhyrchion nicotin” substitute “cynnyrch perthnasol”;
 - (b) in paragraph (a), for “tybaco, y papurau sigarêts neu’r cynhyrchion nicotin gael eu danfon” substitute “cynnyrch perthnasol gael ei ddanfon”; 20
 - (c) in paragraph (b), for “tybaco, y papurau sigarêts neu’r cynhyrchion nicotin o dan sylw” substitute “cynnyrch perthnasol”.
- (3) In subsection (2) –
 - (a) in the words before paragraph (a), for “tybaco, papurau sigarêts neu gynhyrchion nicotin” substitute “cynnyrch perthnasol”; 25
 - (b) in paragraph (a), for “tybaco, y papurau sigarêts neu’r cynhyrchion nicotin gael eu casglu” substitute “cynnyrch perthnasol gael ei gasglu”;
 - (c) in paragraph (b), for “tybaco, y papurau sigarêts neu’r cynhyrchion nicotin o dan sylw” substitute “cynnyrch perthnasol”. 30
- (4) After subsection (3) insert –
 - “(4) Yn yr adran hon ystyr “cynnyrch perthnasol” yw –
 - (a) cynnyrch tybaco,
 - (b) cynnyrch smygu llysieuol,
 - (c) papurau sigarêts, 35
 - (d) cynnyrch fepio, neu
 - (e) cynnyrch nicotin.”
- 9 (1) The English language text of section 53 is amended as follows.
- (2) In subsection (1) –
 - (a) in the words before paragraph (a), for “tobacco, cigarette papers or nicotine products” substitute “a relevant product”; 40

- (b) in paragraph (a), for “tobacco, cigarette papers or nicotine products” substitute “relevant product”;
 - (c) in paragraph (b), for “tobacco, cigarette papers or nicotine products concerned” substitute “relevant product”.
 - (3) In subsection (2) – 5
 - (a) in the words before paragraph (a), for “tobacco, cigarette papers or nicotine products” substitute “a relevant product”;
 - (b) in paragraph (a), for “tobacco, cigarette papers or nicotine products” substitute “relevant product”;
 - (c) in paragraph (b), for “tobacco, cigarette papers or nicotine products concerned” substitute “relevant product”. 10
 - (4) After subsection (3) insert –
 - “(4) In this section “relevant product” means –
 - (a) a tobacco product,
 - (b) a herbal smoking product, 15
 - (c) cigarette papers,
 - (d) a vaping product, or
 - (e) a nicotine product.”
- 10 In the Welsh language text, after section 54 insert –
 - “54A Pŵer i ymestyn y Bennod hon i gynhyrchion eraill** 20

Caiff Gweinidogion Cymru drwy reoliadau ddiwygio’r Bennod hon at ddiben ymestyn unrhyw ddarpariaeth sy’n gymwys mewn perthynas â chynhyrchion tybaco i –

 - (a) dyfais o ddisgrifiad penodedig sy’n galluogi cynnyrch tybaco i gael ei ddefnyddio (er enghraifft, dyfais cynhesu tybaco neu bibell); 25
 - (b) eitem y bwriedir iddi ffurfio rhan o ddyfais o’r fath.”
- 11 In the English language text, after section 54 insert –
 - “54A Power to extend this Chapter to other products**
 - (1) The Welsh Ministers may by regulations amend this Chapter for the purpose of extending any provision that applies in relation to a tobacco product to – 30
 - (a) a device of a specified description which enables a tobacco product to be consumed (for example, a heated tobacco device or pipe); 35
 - (b) an item which is intended to form part of such a device.
 - (2) Before making regulations under this section the Welsh Ministers must consult any persons the Welsh Ministers consider it appropriate to consult.”

12 For the Welsh language text of section 55 substitute –

“55 Dehongli’r Bennod hon

Yn y Bennod hon –

ystyr “cyflogaeth” (*“employment”*) yw unrhyw gyflogaeth, pa un ai â thâl neu’n ddi-dâl, ac mae’n cynnwys – 5

(a) gwaith o dan gontract am wasanaethau neu fel deiliad swydd, a

(b) profiad gwaith a ddarperir yn unol â chwrs neu raglen hyfforddi neu yng nghwrs hyfforddiant ar gyfer cyflogaeth; 10

mae i “cynnyrch fepio” yr ystyr a roddir i “vaping product” gan adran 47 o Ddeddf Tybaco a Fêps 2024;

mae i “cynnyrch nicotin” yr ystyr a roddir i “nicotine product” gan adran 47 o Ddeddf Tybaco a Fêps 2024;

mae i “cynnyrch smygu llysieuol” yr ystyr a roddir i “herbal smoking product” gan adran 47 o Ddeddf Tybaco a Fêps 2024; 15

mae i “cynnyrch tybaco” yr ystyr a roddir i “tobacco product” gan adran 47 o Ddeddf Tybaco a Fêps 2024;

mae “papurau sigarêts” (*“cigarette papers”*) yn cynnwys unrhyw beth y bwriedir iddo gael ei ddefnyddio ar gyfer cau am gynhyrchion tybaco neu gynhyrchion smygu llysieuol at y diben o alluogi iddynt gael eu smygu.” 20

13 For the English language text of section 55 substitute –

“55 Interpretation of this Chapter 25

In this Chapter –

“cigarette papers” (*“papurau sigarêts”*) includes anything intended to be used for encasing tobacco products or herbal smoking products for the purpose of enabling them to be smoked; 30

“employment” (*“cyflogaeth”*) means any employment, whether paid or unpaid, and includes –

(a) work under a contract for services or as an office holder, and

(b) work experience provided pursuant to a training course or programme or in the course of training for employment; 35

“herbal smoking product” (*“cynnyrch smygu llysieuol”*) has the meaning given by section 47 of the Tobacco and Vapes Act 2024; 40

“nicotine product” (*“cynnyrch nicotin”*) has the meaning given by section 47 of the Tobacco and Vapes Act 2024;

	“tobacco product” (“ <i>cynnyrch tybaco</i> ”) has the meaning given by section 47 of the Tobacco and Vapes Act 2024;	
	“vaping product” (“ <i>cynnyrch fepio</i> ”) has the meaning given by section 47 of the Tobacco and Vapes Act 2024.”	
14	In the Welsh language text of section 123, in subsection (2), for “neu 50(2)” substitute “, 50(2) neu 54A”.	5
15	In the English language text of section 123, in subsection (2)(a), for “or 50(2)” substitute “, 50(2) or 54A”.	

	SCHEDULE 6	Section 41	
	PART 1 CONSEQUENTIAL AMENDMENTS COMMENCING AFTER 6 MONTHS		10
	<i>Children and Young Persons Act 1933</i>		
1	The Children and Young Persons Act 1933 is amended as follows.		
2	Omit sections 12A to 12D and the italic heading before those sections.		
3	Omit section 102.		
	<i>Children and Young Persons (Protection from Tobacco) Act 1991</i>		15
4	The Children and Young Persons (Protection from Tobacco) Act 1991 is amended as follows.		
5	Omit sections 3 and 3A.		
6	(1) Section 4 is amended as follows.		
	(2) Omit subsection (2).		20
	(3) In subsections (3) and (4) omit “or (2).”		
	(4) In the heading omit “and on vending machines”.		
7	Omit section 5.		
	<i>Tobacco Advertising and Promotion Act 2002</i>		
8	The Tobacco Advertising and Promotion Act 2002 is amended as follows.		25
9	Omit section 9		
10	In section 17, in subsection (1) omit “9(5),”.		
	<i>Health Act 2006</i>		
11	The Health Act 2006 is amended as follows.		
12	Omit Chapter 2 of Part 1.		30
13	(1) Section 79 is amended as follows.		

- (2) In subsection (4) omit paragraph (b).
- (3) In subsection (4A) omit paragraph (b) (but not the “or” at the end).

Criminal Justice and Immigration Act 2008

- 14 In the Criminal Justice and Immigration Act 2008 omit section 143 and the italic heading before that section. 5

Regulatory Enforcement and Sanctions Act 2008

- 15 (1) Schedule 3 to the Regulatory Enforcement and Sanctions Act 2008.
- (2) At the appropriate place insert –
“Tobacco and Vapes Act 2024, Parts 1, 5 and 6”.
- (3) Omit the reference to section 92 of the Children and Families Act 2014. 10

Health Act 2009

- 16 The Health Act 2009 is amended as follows.
- 17 Omit section 22.
- 18 In Schedule 4 omit paragraph 1 and the italic heading before that paragraph.

Children and Families Act 2014 15

- 19 The Children and Families Act 2014 is amended as follows.
- 20 (1) Section 91 is amended as follows.
- (2) In the heading omit “, nicotine products”.
- (3) In subsection (1), for “, cigarette papers or a relevant nicotine product” substitute “or cigarette papers”. 20
- (4) Omit subsection (5).
- (5) Omit subsection (8).
- 21 Omit sections 92 and 93.
- 22 In section 135, in subsection (6) omit paragraph (d).

Tobacco and Related Products Regulations 2016 (S.I. 2016/507) 25

- 23 In the Tobacco and Related Products Regulations 2016 omit regulation 17.

Public Health (Wales) Act 2017 (anaw 2)

- 24 The Public Health (Wales) Act 2017 is amended as follows.
- 25 (1) Section 32 is amended as follows.
- (2) In subsection (2) – 30

	(a)	in the Welsh language text, for “adran 12A o Ddeddf Plant a Phobl Ifanc 1933 (p.12)” substitute “adran 23 o Ddeddf Tybaco a Fêps 2024”;	
	(b)	in the English language text, for “section 12A of the Children and Young Persons Act 1933 (c. 12)” substitute “section 23 of the Tobacco and Vapes Act 2024”.	5
	(3)	In subsection (3) –	
	(a)	in the Welsh language text, for “adran 12B o Ddeddf Plant a Phobl Ifanc 1933 (p.12)” substitute “adran 28 o Ddeddf Tybaco a Fêps 2024”;	10
	(b)	the English language text, for “section 12B of the Children and Young Persons Act 1933 (c. 12)” substitute “section 28 of the Tobacco and Vapes Act 2024”.	
26		Omit Chapter 3 of Part 3.	
27		Omit section 54.	15
28		In Schedule 2 omit paragraph 17.	

Digital Markets, Competition and Consumers Act 2024

29		In Schedule 15 to the Digital Markets, Competition and Consumers Act 2024, in Part 1, in the first part of the Table (Acts of Parliament), at the appropriate place (according to alphabetical order of Acts mentioned) insert –	20
	“Tobacco and Vapes Act 2024	(1) All public designated enforcers, other than –	
		(a) the Department for the Economy in Northern Ireland;	
		(b) the Department of Health in Northern Ireland;	25
		(c) the Department for Infrastructure in Northern Ireland;	
		(d) an enforcement authority within the meaning of section 120(15) of the Communications Act 2003 (regulation of premium rate services);	30
		(e) the Maritime and Coastguard Agency;	
		(f) the Office for the Traffic Commissioner;	
		(g) the Secretary of State.	35
		(2) All private designated enforcers.”	

SCHEDULE 7

Section 41

PART 1 CONSEQUENTIAL AMENDMENTS COMMENCING ON 1 JANUARY 2027

Children and Young Persons Act 1933

- 1 In the Children and Young Persons Act 1933 omit section 7.

Protection of Children (Tobacco) Act 1986

5

- 2 The Protection of Children (Tobacco) Act 1986 is repealed.

Children and Young Persons (Protection from Tobacco) Act 1991

- 3 The Children and Young Persons (Protection from Tobacco) Act 1991 is repealed.

Local Government etc (Scotland) Act 1994

10

- 4 In Schedule 13 to the Local Government etc (Scotland) Act 1994 omit paragraph 169 and the italic heading before that paragraph.

Police Reform Act 2002

- 5 In Schedule 5 to the Police Reform Act 2002 omit paragraph 6 and the italic heading before that paragraph.

15

Courts Act 2003

- 6 In Schedule 8 to the Courts Act 2003 omit paragraph 72.

Regulatory Enforcement and Sanctions Act 2008

- 7 The Regulatory Enforcement and Sanctions Act 2008 is amended as follows.

- 8 In Schedule 3 omit the reference to the Children and Young Persons (Protection from Tobacco) Act 1991.

20

- 9 (1) Schedule 6 is amended as follows.

- (2) Omit the reference to section 7(1) of the Children and Young Persons Act 1933.

- (3) Omit the reference to the Children and Young Persons (Protection from Tobacco) Act 1991.

25

Tobacco and Primary Medical Services (Scotland) Act 2010 (asp 3)

- 10 In Schedule 2 to the Tobacco and Primary Medical Services (Scotland) Act 2010 (asp 3) omit paragraph 2 and the italic heading before that paragraph.

Police Reform and Social Responsibility Act 2011

- 11
- In Schedule 16 to the Police Reform and Social Responsibility Act 2011 omit paragraph 67.

Children and Families Act 2014

- 12
- In the Children and Families Act 2014 omit section 91.
- 5

Digital Markets, Competition and Consumers Act 2024

- 13
- In Schedule 15 to the Digital Markets, Competition and Consumers Act 2024, in Part 1, in the Table omit the entries relating to—
- (a) section 7(1) and (2) of the Children and Young Persons Act 1933;
- (b) section 4 of the Children and Young Persons (Protection from Tobacco) Act 1991.
- 10

SCHEDULE 8

Section 64

ALIGNMENT OF DEFINITION OF “VAPING PRODUCT” IN SCOTTISH LEGISLATION

Tobacco and Primary Medical Services (Scotland) Act 2010 (asp 3)

- 1
- The Tobacco and Primary Medical Services (Scotland) Act 2010 is amended as follows.
- 15
- 2
- For the heading of Part 1 substitute “Tobacco, vaping and nicotine products”.
- 3
- In the heading of Chapter 2 of Part 1, for “nicotine vapour” substitute “vaping”.
- 20
- 4
- In section 10 (register of tobacco and nicotine vapour product retailers)—
- (a) in subsection (1), for “nicotine vapour” substitute “vaping”;
- (b) in the heading, for “nicotine vapour” substitute “vaping”.
- 5
- In section 11 (application for registration and addition of premises etc.), in subsections (2)(b) and (c), (2A)(b) and (c), (3)(b), (4)(b) and (5), for “nicotine vapour”, in each place it occurs, substitute “vaping”.
- 25
- 6
- In section 12 (certificates of registration), in subsection (2)(b) and (c), for “nicotine vapour” substitute “vaping”.
- 7
- In section 13 (duty to notify registrar of changes), in subsection (1)(c), for “nicotine vapour” substitute “vaping”.
- 30
- 8
- In section 14 (changes to and removal from register), in subsections (2), (3)(b) and (5)(b), for “nicotine vapour” substitute “vaping”.
- 9
- In the italic heading before section 15, for “nicotine vapour” substitute “vaping”.

- 10 In section 15 (tobacco and nicotine vapour product banning orders) –
 - (a) in subsections (1), (2), (3), (4)(c) and (6), for “nicotine vapour” substitute “vaping”;
 - (b) in the heading, for “nicotine vapour” substitute “vaping”.
- 11 In section 16 (tobacco and nicotine vapour product banning orders: ancillary orders) –
 - (a) in subsections (1)(a) and (b), (2)(a)(i) and (ii) and (b)(i), (ii) and (iii), (3)(b), (4) and (5), for “nicotine vapour” substitute “vaping”;
 - (b) in the heading, for “nicotine vapour” substitute “vaping”.
- 12 In section 17 (tobacco and nicotine vapour product banning orders etc.: appeals) –
 - (a) in subsections (1) and (3), for “nicotine vapour” substitute “vaping”;
 - (b) in the heading, for “nicotine vapour” substitute “vaping”.
- 13 In section 18 (tobacco and nicotine vapour product banning orders etc.: notification to Scottish Ministers) –
 - (a) in subsection (1), for “nicotine vapour” substitute “vaping”;
 - (b) in the heading, for “nicotine vapour” substitute “vaping”.
- 14 In section 19 (tobacco and nicotine vapour product banning orders: display of notices) –
 - (a) in subsections (1)(a), (3)(a) and (c) and (4), for “nicotine vapour” substitute “vaping”;
 - (b) in the heading, for “nicotine vapour” substitute “vaping”.
- 15 In section 20 (offences relating to the register), in subsections (1), (2), (2A) and (4), for “nicotine vapour”, in each place it occurs, substitute “vaping”.
- 16 In the italic heading above section 21, for “nicotine vapour” substitute “vaping”.
- 17 In section 21 (public inspection of the register), in subsection (1)(b) and (c), for “nicotine vapour” substitute “vaping”.
- 18 In section 35 (interpretation), in subsection (1) –
 - (a) omit the definition of “nicotine vapour product business”;
 - (b) in the definition of “tobacco or nicotine vapour product business”, for “nicotine vapour” substitute “vaping” in both places;
 - (c) at the appropriate places insert –
 - ““medical device” has the meaning given by the Medical Devices Regulations 2002 (S.I. 2002/618),”;
““medicinal product” has the meaning given by the Human Medicines Regulations 2012 (S.I. 2012/1916),”;
““vape” means –
 - (a) a device which –
 - (i) vaporises substances, other than tobacco, for the purpose of inhalation through a

- mouthpiece (whether or not it also vaporises tobacco), and
- (ii) is not a medical device or a medicinal product, or
- (b) an item which is intended to form part of a device within paragraph (a) (including anything intended to be attached to it with a view to imparting flavour),”;
- ““vaping product” means –
- (a) a vape, or
- (b) a vaping substance,”;
- ““vaping product business” means a business involving the sale of vaping products by retail,”;
- ““vaping substance” means a substance, other than tobacco, that is intended to be vaporised by a vape,”;
- ““vaporises” includes aerosolises (and “vaporised” is to be construed accordingly).”
- Omit section 35A (meaning of “nicotine vapour product”).

Transitional provision

- 20 In any legislation passed at a time before this Schedule comes into force, 20
and in any instrument or other document made before that time under or
for the purposes of the Tobacco and Primary Medical Services (Scotland)
Act 2010, any reference to a nicotine vapour product (within the meaning
of section 35A of that Act before its repeal by this Schedule) is to be read,
in relation to times after this Schedule comes into force, as a reference to 25
a vaping product (within the meaning of section 35 of that Act).

SCHEDULE 9

Section 65

EXTENSION OF RETAILER REGISTER ETC: SCOTLAND

- 1 The Tobacco and Primary Medical Services (Scotland) Act 2010 (asp 3) is
amended as follows. 30
- 2 In the heading of Part 1, after “Tobacco,” insert “herbal smoking,”.
- 3 In the heading of Chapter 2 of Part 1, for “and vaping” substitute “, herbal
smoking, vaping and nicotine”.
- 4 In section 10 (register of tobacco and nicotine vapour product retailers)—
(a) for subsection (1) substitute— 35
- “(1) The Scottish Ministers must keep a register (referred to in
this Part as “the Register”) of persons carrying on one or

- more of the following (each of which is a “registrable business”) –
- (a) a tobacco business,
 - (b) a herbal smoking product business,
 - (c) a vaping product business, 5
 - (d) a nicotine product business.”;
- (b) after subsection (2) insert –
- “(3) References in this Chapter to a kind of registrable business are to a kind mentioned in subsection (1)(a), (b), (c) or (d).”
- (c) in the heading, for “and vaping” substitute “, herbal smoking, vaping and nicotine”. 10
- 5 (1) Section 11 (application for registration and addition of premises etc.) is amended as follows.
- (2) In subsection (2)(b) and (c), for “tobacco or vaping product” substitute “registrable”. 15
- (3) For subsection (2A) substitute –
- “(2A) An application under subsection (1) must state, in relation to each of the premises included in it, each kind of registrable business that the applicant proposes to carry on at the premises.”
- (4) In subsection (3)(b) – 20
- (a) for “tobacco and vaping product banning order” substitute “banning order”;
 - (b) for “tobacco or vaping product business” substitute “registrable business”.
- (5) For subsection (4)(b) substitute – 25
- “(b) the addresses of the premises at which the applicant proposes to carry on a registrable business, noting, in relation to each of the premises, each kind of registrable business that the applicant proposes to carry on at the premises, and”.
- (6) For subsection (5) substitute – 30
- “(5) On granting an application under subsection (1)(b), the Scottish Ministers must amend the applicant’s entry in the Register so as to include the address of the further premises at which the applicant proposes to carry on a registrable business, noting, in relation to each of the premises, each kind of registrable business that the applicant proposes to carry on at the premises.” 35
- 6 In section 12 (certificates of registration), for subsection (2) substitute –
- “(2) A certificate issued under subsection (1) must state each kind of registrable business noted in the applicant’s entry in the Register in relation to the premises.” 40

- 7 In section 13 (duty to notify certain changes), in subsection (1), for paragraph (c) substitute—
 - “(c) the fact that the person is no longer carrying on a herbal smoking product business at an address noted in the person’s entry in the Register, 5
 - (d) the fact that the person is no longer carrying on a vaping product business at an address noted in the person’s entry in the Register,
 - (e) the fact that the person is no longer carrying on a nicotine product business at an address noted in the person’s entry in the Register.” 10
- 8 In section 14 (changes to and removal from register) —
 - (a) in subsection (2) omit “tobacco and vaping product”;
 - (b) in subsection (3)(b), for “tobacco or vaping product” substitute “registrable”; 15
 - (c) in subsection (5)(b), for “tobacco or vaping product” substitute “registrable”.
- 9 In the italic heading before section 15 omit “Tobacco and vaping product”.
- 10 In section 15 (tobacco and vaping product banning orders) —
 - (a) in subsections (1), (2) and (3), for “tobacco or vaping product” substitute “registrable”; 20
 - (b) in subsection (4)(c) —
 - (i) after “, tobacco products” insert “, herbal smoking products”;
 - (ii) for “or vaping products” substitute “, vaping products or nicotine products”; 25
 - (c) in subsection (6) omit “tobacco and vaping product”;
 - (d) in the heading omit “Tobacco and vaping product”.
- 11 In section 16 (tobacco and vaping product banning orders: ancillary orders) —
 - (a) in subsections (1)(a) and (b) omit “tobacco and vaping product”; 30
 - (b) in subsection (2)(a)(i) and (ii) and (b)(i), (ii) and (iii), for “tobacco or vaping product” substitute “registrable”;
 - (c) in subsections (3)(b), (4) and (5) omit “tobacco and vaping product”;
 - (d) in the heading omit “Tobacco and vaping product”.
- 12 In section 17 (tobacco and vaping product banning orders etc.: appeals) — 35
 - (a) in subsections (1) and (3) omit “tobacco and vaping product”;
 - (b) in the heading omit “Tobacco and vaping product”.
- 13 In section 18 (tobacco and vaping product banning orders etc.: notification to Scottish Ministers) —
 - (a) in subsection (1) omit “tobacco and vaping product”; 40
 - (b) in the heading omit “Tobacco and vaping product”.

- 14 In section 19 (tobacco and vaping product banning orders: display of notices) –
 - (a) in subsections (1)(a) and (3)(a) and (c) omit “tobacco and vaping product”;
 - (b) in subsection (4) –
 - (i) after “tobacco products” insert “, herbal smoking products”;
 - (ii) for “or vaping products” substitute “, vaping products or nicotine products”;
 - (c) in the heading omit “Tobacco and vaping product”.
- 15 In section 20 (offences relating to the register) –
 - (a) in subsection (1), for “tobacco or vaping product” substitute “registrable”;
 - (b) for subsections (2) and (2A) substitute –

“(2) A registered person who carries on a registrable business at premises other than those noted in the person’s entry in the Register as premises at which the person carries on that kind of registrable business commits an offence.”;
 - (c) in subsection (4) omit “tobacco and vaping product”;
 - (d) in subsection (6)(a), in the words before sub-paragraph (i) omit “, (2A)”.
- 16 In the italic heading above section 21, for “and vaping” substitute “, herbal smoking, vaping and nicotine”.
- 17 In section 21 (public inspection of register), for subsection (1) substitute –

“(1) On the basis of information contained in the Register, the Scottish Ministers must make available for public inspection a list of premises, specifying for each of those premises each kind of registrable business carried on or proposed to be carried on there.”
- 18 In section 22 (council access to Register), in subsection (2), for “may by” substitute “may be”.
- 19 In section 35 (interpretation), in subsection (1) –
 - (a) omit the definitions of “tobacco or vaping product business” and “tobacco retailing banning order”;
 - (b) at the appropriate places insert –

““banning order” has the meaning given in section 15(6),”;

““herbal smoking product business” means a business involving the sale of herbal smoking products by retail,”;

““nicotine product business” means a business involving the sale of nicotine products by retail,”;

““registrable business” has the meaning given in section 10(1) (and references to a kind of registrable business have the meaning given in section 10(3)),”.

SCHEDULE 10

Section 83

EXTENSION OF RETAILER REGISTER: NORTHERN IRELAND

1	The Tobacco Retailers Act (Northern Ireland) 2014 (c. 4 (N.I.)) is amended as follows.	
2	In the italic heading before section 1, after “tobacco” insert “, vaping product and nicotine product”.	5
3	In section 1 (register of tobacco retailers) –	
	(a) for subsection (1) substitute –	
	“(1) The registration authority must, in accordance with the provisions of this Act, maintain a register (“the Register”) of persons carrying on one or more of the following (each of which is a “registrable business”) –	10
	(a) a tobacco business;	
	(b) a vaping product business;	
	(c) a nicotine product business.”;	15
	(b) in subsection (2)(a), for “tobacco” substitute “registrable”;	
	(c) after subsection (6) insert –	
	“(7) References in this Act to a kind of registrable business are to a kind mentioned in subsection (1)(a), (b) or (c).”;	
	(d) in the heading, after “tobacco” insert “, vaping product and nicotine product”.	20
4	In section 2 (application for registration) –	
	(a) in subsection (1) –	
	(i) omit the “or” at the end of paragraph (a);	
	(ii) at the end of paragraph (b) insert “; or	25
	(c) to add further kinds of registrable business in relation to premises the address of which is noted in the person’s entry in the Register.”;	
	(b) in subsection (2) –	
	(i) in paragraphs (b) and (c), for “tobacco” substitute “registrable”;	30
	(ii) after paragraph (c) insert –	
	“(ca) where it is an application under subsection (1)(a) or (b), state, in relation to each of the premises to which the application relates, each kind of registrable business that the applicant proposes to carry on at the premises;	35
	(cb) where it is an application under subsection (1)(c), state, in relation to each of the premises to which the application relates, each further	40

	kind of registrable business that the applicant proposes to carry on at the premises;”;	
(c)	in subsection (5) –	
	(i) in paragraph (b), for “tobacco” substitute “registrable”;	
	(ii) after paragraph (b) insert –	5
	“(ba) in relation to each of those premises, each kind of registrable business that the applicant proposes to carry on at the premises;”;	
(d)	in subsection (6) –	
	(i) in paragraph (a), for “tobacco” substitute “registrable”;	10
	(ii) after paragraph (a) insert –	
	“(aa) in relation to each of those premises, each kind of registrable business that the applicant proposes to carry on at the premises;”;	
(e)	after subsection (6) insert –	15
	“(6A) On granting an application under subsection (1)(c) the registration authority must enter the following information in the Register –	
	(a) in relation to each of the premises to which the application relates, each further kind of registrable business the applicant proposes to carry on at the premises;	20
	(b) any other information which the Department may direct the authority to include.”	
5	In section 3 (duty to notify certain changes), in subsection (1), after paragraph (b) insert “;	25
	(c) the fact that the person is no longer carrying on a vaping product business at an address noted in the person’s entry in the Register;	
	(d) the fact that the person is no longer carrying on a nicotine product business at an address noted in the person’s entry in the Register.”	30
6	In section 4 (changes to and removal from the Register), in subsections (3)(b) and (4)(b), for “tobacco” substitute “registrable”.	
7	In section 10 (offences) –	35
	(a) in subsection (1), for “tobacco” substitute “registrable”;	
	(b) for subsection (2) substitute –	
	“(2) A registered person who carries on a registrable business at premises other than those noted in the person’s entry in the Register as premises at which the person proposes to carry on that kind of registrable business commits an offence.”	40

- 8
- In section 22 (interpretation), in subsection (1), at the appropriate places insert –
- ““nicotine product business” means a business involving the sale of nicotine products by retail;”;
- ““registrable business” has the meaning given in section 1(1) (and references to a kind of registrable business have the meaning given in section 1(7));”;
- ““vaping product business” means a business involving the sale of vaping products by retail;”.
- 5

SCHEDULE 11

Section 84(2)

10

RETAIL LICENSING SCHEME IN NORTHERN IRELAND

In the Tobacco Retailers Act (Northern Ireland) 2014 (c. 4 (N.I.)), after section 26 insert –

“SCHEDULE 1

Section 4A(6).

RETAIL LICENSING SCHEME

15

Introduction

- 1
- This Schedule is about the provision that may be made by regulations under section 4A(4).

Licensing authority

- 2
- The regulations must specify a council (a “licensing authority”) which is to grant licences.
- 20

Grant of licence

- 3
- (1) The regulations may –
- (a) prohibit a licensing authority from granting a licence unless satisfied as to a matter specified in the regulations;
- (b) require a licensing authority to have regard, in deciding whether to grant a licence, to a matter specified in the regulations.
- 25
- (2) The provision that may be made under sub-paragraph (1)(a) includes –
- (a) provision prohibiting a licensing authority from granting a premises licence in respect of premises within an area of a description specified in the regulations;
- (b) provision limiting the number of licensed premises within an area of a description specified in the regulations.
- 30

- (3) The regulations may make provision requiring a licensing authority not to grant a premises licence unless the premises have been inspected in accordance with the regulations.

Licence fee

- 4 (1) The regulations may authorise a licensing authority to charge a fee in respect of an application for the grant of a licence (which may be set at a level that takes into account the cost of exercising functions under or in connection with sections 4A to 4C or the regulations). 5
- (2) Any such fee must not exceed an amount specified in, or determined in accordance with, the regulations. 10
- (3) The regulations may make provision for the payment by a licensing authority of a proportion of any amount received by virtue of sub-paragraph (1) to any other person with functions under or in connection with sections 4A to 4C or the regulations.

Licence conditions

15

- 5 (1) The regulations may make provision for the grant of a licence subject to conditions.
- (2) Provision of the kind mentioned in sub-paragraph (1) may –
 - (a) enable a licensing authority to attach conditions to a licence;
 - (b) require a licensing authority to attach to a licence a condition specified in the regulations. 20
- (3) The provision that may be made under sub-paragraph (1) includes provision prohibiting or restricting the sale of relevant products within an area of a description specified in the regulations.

Duration etc of licence

25

- 6 (1) The regulations may make provision about the duration, renewal, variation, suspension or revocation of licences.
- (2) The provision that may be made under sub-paragraph (1) includes provision conferring power on a court by which a person is convicted of an offence under section 4B to vary, suspend or revoke a licence. 30

Publication of licence information

- 7 The regulations may make provision for the publication by a licensing authority of information relating to licences granted by the licensing authority.

Reviews and appeals

35

- 8 (1) The regulations must specify the circumstances in which a person may request a review of a decision taken under the regulations.

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Tobacco and Vapes Bill

Schedule 12 – Financial Penalties for breach of retail licence conditions in Northern Ireland

- (2) The regulations must confer a right of appeal to a magistrates’ court against a decision taken on a review.
- (3) The regulations may contain provision about time limits for requesting reviews or initiating appeals.

Guidance

5

- 9 The regulations may require a licensing authority, in carrying out functions under the regulations, to have regard to guidance published by the Department.

Sub-delegation

- 10 The regulations may confer discretions.

10

Interpretation

- 11 In this Schedule –
 - “grant” includes vary or renew;
 - “licence” means a personal licence or a premises licence;
 - “licensing authority” has the meaning given by paragraph 2;
 - “personal licence” has the meaning given by section 4A(7);
 - “premises licence” has the meaning given by section 4A(7);
 - “relevant products” has the meaning given by section 4A(7).”

15

SCHEDULE 12

Section 84(3)

FINANCIAL PENALTIES FOR BREACH OF RETAIL LICENCE CONDITIONS IN NORTHERN IRELAND

20

After Schedule 1 to the Tobacco Retailers Act (Northern Ireland) 2014 (c. 4 (N.I.)) (inserted by Schedule 11 to this Act) insert –

“SCHEDULE 2

Section 4C(4)

FINANCIAL PENALTIES FOR BREACH OF RETAIL LICENCE CONDITIONS

25

Introduction

- 1 This Schedule makes further provision in connection with the imposition of financial penalties under section 4C.

Notices of intent

- 2 (1) A council must, before imposing a financial penalty on a person, give the person written notice (a “notice of intent”) of the proposed financial penalty.
- (2) A notice of intent must specify –

30

- (a) the amount of the proposed financial penalty,
 - (b) the reasons for proposing to impose the penalty,
 - (c) information about the right to make representations under paragraph 3, and
 - (d) the date by which any representations must be made. 5
- (3) The date specified under sub-paragraph (2)(d) must be a date more than 28 days after the day on which the notice of intent is given to the person.
- (4) The council may at any time withdraw the notice of intent, or amend it to reduce the amount of the proposed financial penalty, by giving written notice to the person. 10

Right to make representations

- 3 (1) A person who is given a notice of intent under paragraph 2 may make written representations to the council that issued the notice about the proposal to impose a financial penalty.
- (2) Any representations must be made within the period (“the period for representations”) ending with the date specified under paragraph 2(2)(d). 15

Final notices

- 4 (1) After the end of the period for representations the council must decide whether to impose a financial penalty on the person.
- (2) If the council decides to impose a financial penalty on the person, the council must give the person written notice (a “final notice”) imposing the penalty. 20
- (3) A final notice must specify –
 - (a) the amount of the financial penalty,
 - (b) the reasons for imposing the penalty, 25
 - (c) the date by which the penalty must be paid,
 - (d) information about the right of appeal under paragraph 5, and
 - (e) the consequence of failure to comply with the final notice.
- (4) The date specified under sub-paragraph (3)(c) must be a date more than 28 days after the day on which the final notice is given to the person. 30
- (5) The council may at any time withdraw a final notice, or amend it to reduce the amount of the financial penalty, by giving written notice to the person.
- (6) A final notice may not be given more than 28 days after the last day of the period for representations.

Appeals

35

- 5 (1) A person on whom a financial penalty is imposed under section 4C may appeal to the magistrates’ court against –
 - (a) the decision to impose the penalty, or

- (b) the amount of the penalty.
- (2) An appeal under this paragraph must be brought before the end of the period of 28 days beginning with the day after the day on which the final notice is given to the person in accordance with paragraph 4.
- (3) On an appeal under this paragraph the magistrates' court may confirm, reduce or cancel the penalty. 5
- (4) If a person appeals under this paragraph, the final notice is suspended until the appeal is finally determined, withdrawn or abandoned.

Recovery

- 6 (1) This paragraph applies if a person fails to pay the whole or part of a financial penalty before the end of the period within which the person is required to pay the penalty. 10
- (2) The council that imposed the financial penalty may recover the unpaid amount of the penalty as if it were payable under an order of a county court. 15

Use of proceeds

- 7 (1) A council may use any sums it receives in pursuance of final notices given under paragraph 4 (its "financial penalty receipts") only for the purposes of its functions under this Act.
- (2) A council must supply the Department with such information relating to its use of its financial penalty receipts as the Department may require. 20
- (3) Regulations may make provision for what a council is to do with its financial penalty receipts—
 - (a) pending their being used for the purposes mentioned in sub-paragraph (1); 25
 - (b) if they are not used for those purposes within a period of time specified in the regulations and beginning with their receipt.
- (4) The provision that may be made under sub-paragraph (3)(b) includes (in particular) provision for the payment of sums to a person (including the Department) other than the council. 30
- (5) Regulations may make provision for accounting arrangements in respect of a council's financial penalty receipts.
- (6) Before making regulations under this paragraph, the Department must consult—
 - (a) councils, and 35
 - (b) such other persons as the Department considers appropriate."

SCHEDULE 13

Section 84(4)

LICENSING OF RETAIL SALES OF TOBACCO PRODUCTS ETC: CONSEQUENTIAL AMENDMENTS

Tobacco Retailers Act (Northern Ireland) 2014 (c. 4 (N.I.))

- 1 The Tobacco Retailers Act (Northern Ireland) 2014 is amended as follows.
- 2 Omit sections 1 to 4 (and the italic heading before section 1). 5
- 3 In section 5, in subsection (14) –
 (a) after paragraph (d) insert –
 “(da) an offence committed under section 4B on or in
 respect of any premises (which are accordingly “the
 premises in relation to which the offence is
 committed”).”; 10
 (b) omit paragraph (f).
- 4 In section 6, in subsection (8) (as inserted by Schedule 14 to this Act) –
 (a) after paragraph (d) insert –
 “(da) an offence committed under section 4B on or in 15
 respect of any premises (which are accordingly “the
 premises in relation to which the offence is
 committed”).”;
 (b) omit paragraph (e).
- 5 Omit the italic heading before section 10. 20
- 6 (1) Section 10 is amended as follows.
 (2) Omit subsections (1), (2) and (3).
 (3) In subsection (9), omit paragraphs (a) and (b).
 (4) In the heading, after “Offences” insert “in connection with restricted
 premises orders and restricted sales orders”. 25
- 7 In the italic heading before section 11, for “Enforcement” substitute “General
 enforcement”.
- 8 In section 11, in subsection (1)(a)(i), after “section” insert “4B or”.
- 9 In section 12, in subsection (1)(a) –
 (a) after “section” insert “4B or”; 30
 (b) omit “(1), (2), (3),”.
- 10 (1) Section 16 is amended as follows.
 (2) In subsection (1) –
 (a) omit “, the registration authority” in each place it occurs;
 (b) before paragraph (a) insert – 35
 “(za) financial penalties imposed under section 4C by that
 council;”.

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Schedule 14 – Part 3: consequential and other amendments commencing after 6 months

- (3) In subsection (2), omit “or the registration authority” in each place it occurs.
- 11 Omit section 21.
- 12 In section 22, in subsection (1) omit the following definitions –
 - (a) “nicotine product business”;
 - (b) “the Register”; 5
 - (c) “registered”, “unregistered”, and “the registration authority”;
 - (d) “registrable business”;
 - (e) “tobacco business”;
 - (f) “vaping product business”.
- 13 In section 23, omit subsections (3) and (4). 10
- 14 In section 24, in subsection (2), for “2(7)” substitute “4A”.

This Act

- 15 (1) This Act is amended as follows.
- (2) Omit section 83 and Schedule 10.
- (3) In Schedule 14, omit paragraphs 14 and 16. 15
- (4) In Schedule 15, omit paragraph 9.

SCHEDULE 14

Section 86

PART 3: CONSEQUENTIAL AND OTHER AMENDMENTS COMMENCING AFTER 6 MONTHS

- Health and Personal Social Services (Northern Ireland) Order 1978 (S.I. 1978/1907 (N.I. 26))* 20
- 1 The Health and Personal Social Services (Northern Ireland) Order 1978 is amended as follows.
 - 2 In the heading of Part 2 of that Order omit “to persons apparently under 18”.
 - 3 Before Article 3 insert a new italic heading “Tobacco products etc”. 25
 - 4 In Article 3(1), after “tobacco” insert “product, herbal smoking product”.
 - 5 Omit Article 4.
 - 6 In Article 5(1) and (2), after “tobacco” insert “products, herbal smoking products”.
 - 7 In Article 6 – 30
 - (a) for “this Part” substitute “Article 3 or 5”;
 - (b) in paragraphs (a) and (b), after “tobacco” insert “products, herbal smoking products”;

- (c) in the words after paragraph (b), after “tobacco” insert “products or herbal smoking products”.

Children and Young Persons (Protection from Tobacco) (Northern Ireland) Order 1991 (S.I. 1991/2872 (N.I. 25))

- 8
- The Children and Young Persons (Protection from Tobacco) (Northern Ireland) Order 1991 is amended as follows.
- 5
- 9
- Omit Article 4.
- 10
- Omit Article 4A.
- 11
- (1) Article 5 is amended as follows.
- (2)
- In paragraph (1) –
- 10
- (a) for “tobacco is” substitute “tobacco products are”;
- (b) after “the tobacco” insert “products”;
- (c) after “sale of tobacco” insert “products”.
- (3)
- Omit paragraph (2).
- (4)
- In paragraphs (3) and (4) omit “or (2)”.
- 15
- (5)
- In paragraph (6), for the definition of “tobacco” substitute –
- ““tobacco product” has the meaning given by Article 7 of the Health and Personal Social Services (Northern Ireland) Order 1978.”
- (6)
- In the heading omit “and on vending machines”.
- 12
- Omit Article 6.
- 20
- 13
- In Article 7 omit paragraphs (2) and (3).

Tobacco Retailers Act (Northern Ireland) 2014 (c. 4 (N.I.))

- 14
- The Tobacco Retailers Act (Northern Ireland) 2014 is amended as follows.
- 15
- In section 2, in subsection (3)(b), for “tobacco” substitute “a tobacco product or herbal smoking product”.
- 25
- 16
- In section 4, in subsection (2)(b), for “tobacco” substitute “a tobacco product or herbal smoking product”.
- 17
- In the italic heading before section 5, for “or nicotine” substitute “, vape or nicotine”.
- 18
- (1) Section 5 is amended as follows.
- 30
- (2)
- In subsection (1)(a) and (b), for “or nicotine” substitute “, vape or nicotine”.
- (3)
- In subsection (4), for “of any tobacco, cigarette papers or nicotine products to any person” substitute “to any person of any one or more of the following –
- (a)
- tobacco products;
- 35
- (b)
- herbal smoking products;

- (c) cigarette papers;
 - (d) vaping products;
 - (e) nicotine products.”
- (4) In subsection (5) omit “of tobacco, cigarette papers or nicotine products”.
- (5) In subsection (8)(b)(i) and (ii), for “or nicotine” substitute “, vape or nicotine”. 5
- (6) In subsection (13)(a), for “or nicotine” substitute “, vape or nicotine”.
- (7) In subsection (14) –
 - (a) for “and section 6 “tobacco or nicotine offence”” substitute ““tobacco, vape or nicotine offence””; 10
 - (b) in paragraph (a), after “Article 3” insert “or 4H”;
 - (c) after paragraph (a) insert –
 - “(aa) an offence committed under Article 4B or 4J of the Health and Personal Social Services (Northern Ireland) Order 1978 in respect of a machine kept on any premises (which are accordingly “the premises in relation to which the offence is committed”);”; 15
 - (d) omit paragraph (b);
 - (e) in paragraph (c), for “tobacco” substitute “a tobacco product or herbal smoking product”; 20
 - (f) at the end of paragraph (d) insert “or”;
 - (g) omit paragraphs (e), (g) and (h).
- 19 (1) Section 6 is amended as follows.
- (2) In subsection (1)(a) and (b), for “or nicotine” substitute “, vape or nicotine”.
- (3) In subsection (4) – 25
 - (a) in paragraphs (a) and (b), for “tobacco, cigarette papers or nicotine products” substitute “tobacco products, herbal smoking products, cigarette papers, vaping products or nicotine products”;
 - (b) in paragraphs (c) and (d), for “tobacco or nicotine products” substitute “tobacco products, herbal smoking products, cigarette papers, vaping products or nicotine products”. 30
- (4) In subsection (6)(a) and (b), for “or nicotine” substitute “, vape or nicotine”.
- (5) In subsection (7), for “or nicotine” substitute “, vape or nicotine”.
- (6) For subsection (8) substitute –
 - “(8) In this section “tobacco, vape or nicotine offence” means – 35
 - (a) an offence committed under Article 3 or 4H of the Health and Personal Social Services (Northern Ireland) Order 1978 on any premises (which are accordingly “the premises in relation to which the offence is committed”);
 - (b) an offence committed under Article 4B or 4J of the Health and Personal Social Services (Northern Ireland) Order 1978 40

- in respect of a machine kept on any premises (which are accordingly “the premises in relation to which the offence is committed”);
- (c) an offence relating to a tobacco product or herbal smoking product committed under section 170 or 170B of the Customs and Excise Management Act 1979 on any premises in Northern Ireland (which are accordingly “the premises in relation to which the offence is committed”); 5
 - (d) an offence committed under section 8F, 8G or 8H of the Tobacco Products Duty Act 1979 on any premises in Northern Ireland (which are accordingly “the premises in relation to which the offence is committed”); or 10
 - (e) an offence committed under section 10 in respect of any premises (which are accordingly “the premises in relation to which the offence is committed”).” 15
- 20 In section 8, in subsection (4), for “tobacco, cigarette papers or nicotine products” substitute “tobacco products, herbal smoking products, cigarette papers, vaping products or nicotine products”.
- 21 (1) Section 9 (restricted premises orders: no tobacco in retail area) is amended as follows. 20
- (2) In the heading, for “or nicotine products” substitute “, vaping products or nicotine products”.
 - (3) In subsection (2), for “tobacco, cigarette papers or nicotine products” substitute “tobacco products, herbal smoking products, cigarette papers, vaping products or nicotine products”. 25
 - (4) In subsection (3), for “tobacco, cigarette papers and nicotine products” substitute “tobacco products, herbal smoking products, cigarette papers, vaping products and nicotine products”.
- 22 In section 10, in subsection (4)(a), for “tobacco, cigarette papers or nicotine products” substitute “tobacco products, herbal smoking products, cigarette papers, vaping products or nicotine products”. 30
- 23 In section 11, in subsection (1)(a) –
- (a) in sub-paragraph (ii), for “Article 3, 4 or 4A” substitute “any provision made by or under Part 2”;
 - (b) in sub-paragraph (iii) omit “4, 4A or”. 35
 - (c) omit sub-paragraphs (iv) and (v).
- 24 In section 12, in subsection (1) –
- (a) in paragraph (b), for “Article 3, 4 or 4A” substitute “any provision made by or under Part 2”;
 - (b) in paragraph (c) omit “4, 4A or”; 40
 - (c) omit paragraphs (d) and (e).
- 25 (1) Section 16 is amended as follows.
- (2) In subsection (1)(a) and (b), for “or nicotine” substitute “, vape or nicotine”.

	(3) For subsection (3) substitute –	
	“(3) In this section “tobacco, vape or nicotine offence” means an offence falling within section 5(14) or 6(8).”	
26	In section 22, in subsection (1) –	
	(a) omit the definition of “cigarettes”;	5
	(b) for the definition of “nicotine product” substitute –	
	““nicotine product” has the meaning given by Article 7 of the Health and Personal Social Services (Northern Ireland) Order 1978;”;	
	(c) for the definition of “tobacco” substitute –	10
	““tobacco product” has the meaning given by Article 7 of the Health and Personal Social Services (Northern Ireland) Order 1978;”;	
	(d) in the definition of “tobacco business”, for “tobacco” substitute “tobacco products, herbal smoking products”;	15
	(e) at the appropriate places insert –	
	““cigarette papers” has the meaning given by Article 7 of the Health and Personal Social Services (Northern Ireland) Order 1978;”;	
	““herbal smoking product” has the meaning given by Article 7 of the Health and Personal Social Services (Northern Ireland) Order 1978;”;	20
	““vaping product” has the meaning given by Article 7 of the Health and Personal Social Services (Northern Ireland) Order 1978;”.	25
	<i>Health (Miscellaneous Provisions) Act (Northern Ireland) 2016 (c. 26 (N.I.))</i>	
27	The Health (Miscellaneous Provisions) Act (Northern Ireland) 2016 is amended as follows.	
28	In the heading of Part 1, for “Sale or use” substitute “Use”.	
29	Omit sections 1 to 4.	30
30	Omit sections 6 and 7.	
	<i>Health Act 2009</i>	
31	In the Health Act 2009 omit section 23.	
	<i>Digital Markets, Competition and Consumers Act 2024</i>	
32	(1) The Digital Markets, Competition and Consumers Act 2024 is amended as follows.	35

- (2)

In section 151 (consumer protection law: enforcers), in subsection (1), after paragraph (h) insert –

“(ha) every district council in Northern Ireland;”.
- (3)

In Schedule 15 (consumer protection enactments), in Part 1, in the Table –

(a)

in the entry relating to Article 5 of the Children and Young Persons (Protection from Tobacco) (Northern Ireland) Order 1991 (S.I. 1991/2872 (N.I. 25)), in column 2, in paragraph (1), before sub-paragraph (a) insert –

“(aa) the Department for the Economy in Northern Ireland;”;

(b)

in the entry relating to Articles 3 and 4 of the Health and Personal Social Services (Northern Ireland) Order 1978 (S.I. 1978/1907 (N.I. 26)) –

(i)

in column 1, for “Articles 3 and 4” substitute “Part 2”;

(ii)

in column 2, in paragraph (1), before sub-paragraph (a) insert –

“(aa) the Department for the Economy in Northern Ireland;”.
- SCHEDULE 15

Section 86
- PART 3: CONSEQUENTIAL AMENDMENTS COMMENCING ON 1 JANUARY 2027

20
- Health and Personal Social Services (Northern Ireland) Order 1978 (S.I. 1978/1907 (N.I. 26))*
- 1

In the Health and Personal Social Services (Northern Ireland) Order 1978 omit Articles 5 and 6.
- Children and Young Persons (Protection from Tobacco) (Northern Ireland) Order 1991 (S.I. 1991/2872 (N.I. 25))* 25
- 2

The Children and Young Persons (Protection from Tobacco) (Northern Ireland) Order 1991 is revoked.
- Police (Northern Ireland) Act 2003*
- 3

(1) Schedule 2A to the Police (Northern Ireland) Act 2003 is amended as follows.

(2) Omit paragraph 7 and the italic heading before it.

(3) In paragraph 8 –

(a)

omit sub-paragraph (2);

(b)

in sub-paragraphs (3), (4) and (5) omit “or (2)”.

Smoking (Northern Ireland) Order 2006 (S.I. 2006/2957 (N.I. 20))

- 4

The Smoking (Northern Ireland) Order 2006 is amended as follows.

5

In Article 1, in paragraph (3)(h), for “14 to” substitute “15 and”.

6

Omit Article 14 (power to change age of sale for tobacco, etc).

7

In Article 15, in paragraph (3)(a) omit “or 14”.

5

Tobacco Retailers Act (Northern Ireland) 2014 (c. 4 (N.I.))

- 8

The Tobacco Retailers Act (Northern Ireland) 2014 is amended as follows.

9

In section 1, in subsection (4) omit paragraph (c).

10

In section 11, in subsection (1)(a) omit sub-paragraph (iii).

11

In section 12, in subsection (1) omit paragraph (c).

10

12

Omit section 18.

Digital Markets, Competition and Consumers Act 2024

- 13

In Schedule 15 to the Digital Markets, Competition and Consumers Act 2024, in Part 1, in the Table omit the entry relating to Article 5 of the Children and Young Persons (Protection from Tobacco) (Northern Ireland) Order 1991 (S.I. 1991/2872 (N.I. 25)).

15

SCHEDULE 16

Section 126

ADVERTISING ETC: AUDIOVISUAL AND RADIO BROADCASTING

- 1

The Communications Act 2003 is amended as follows.

2

(1) Section 319 (OFCOM’s standards code for television and radio) is amended as follows.

20

(2) In subsection (9), for “subsections (10) to (12)” substitute “subsection (12)”.

(3) Omit subsections (10) and (11).

3

In section 368F (on-demand programme services: prohibited advertising), in subsection (1), for paragraph (aa) substitute –

25

“(aa) herbal smoking products;

(ab) cigarette papers;

(ac) vaping products;

(ad) nicotine products;”.

4

(1) Section 368G (on-demand programme services: prohibited sponsorship) is amended as follows.

30

(2) In subsection (1)(a) and (b), after “ other tobacco products” insert “, herbal smoking products or cigarette papers”.

- (3)

In subsection (1A)(a) and (b), for “electronic cigarettes or electronic cigarette refill containers” substitute “vaping products or nicotine products”.
- 5

In section 368H (on-demand programme services: prohibited product placement), in subsection (4), for paragraphs (ba) and (bb) substitute –

“(ba) it is of herbal smoking products,

(bb) it is by or on behalf of an undertaking whose principal activity is the manufacture or sale of herbal smoking products,

(bc) it is of cigarette papers,

(bd) it is by or on behalf of an undertaking whose principal activity is the manufacture or sale of cigarette papers,

(be) it is of vaping products or nicotine products,

(bf) it is by or on behalf of an undertaking whose principal activity is the manufacture or sale of vaping products or nicotine products, or”.

5

10

15

6

In section 368R (interpretation of Part 4A), in subsection (1) –

(a) omit the definitions of “electronic cigarette” and “electronic cigarette refill container”;

(b) at the appropriate places insert –

““cigarette papers” has the meaning given by section 111 of the Tobacco and Vapes Act 2024;”;

““herbal smoking product” has the meaning given by section 111 of the Tobacco and Vapes Act 2024;”;

““nicotine product” has the meaning given by section 111 of the Tobacco and Vapes Act 2024;”;

(c) for the definition of “tobacco product” substitute –

““tobacco product” has the meaning given by section 111 of the Tobacco and Vapes Act 2024;

“vaping product” has the meaning given by section 111 of the Tobacco and Vapes Act 2024.”

20

25

30

7

(1) Section 368Z (video-sharing platform service: prohibited audiovisual commercial communications) is amended as follows.

(2) In subsection (2), for paragraph (b) substitute –

“(b) herbal smoking products;

(ba) cigarette papers;

(bb) vaping products;

(bc) nicotine products;”.

35

(3) In subsection (6) –

(a) omit the definitions of “electronic cigarette” and “electronic cigarette refill container”;

40

- (b) at the appropriate places insert—
 ““cigarette papers” has the meaning given by section 111 of the Tobacco and Vapes Act 2024;”;
 ““herbal smoking product” has the meaning given by section 111 of the Tobacco and Vapes Act 2024;”;
 ““nicotine product” has the meaning given by section 111 of the Tobacco and Vapes Act 2024;”;
(c) for the definition of “tobacco product” substitute—
 ““tobacco product” has the meaning given by section 111 of the Tobacco and Vapes Act 2024;
 “vaping product” has the meaning given by section 111 of the Tobacco and Vapes Act 2024.”
- 8 (1) Schedule 11A (restrictions on product placement) is amended as follows.
(2) In paragraph 4, for paragraphs (ba) and (bb) substitute—
 “(ba) of herbal smoking products;
 (bb) by or on behalf of an undertaking whose principal activity is the manufacture or sale of herbal smoking products;
 (bc) of cigarette papers;
 (bd) by or on behalf of an undertaking whose principal activity is the manufacture or sale of cigarette papers;
 (be) of vaping products or nicotine products;
 (bf) by or on behalf of an undertaking whose principal activity is the manufacture or sale of vaping products or nicotine products; or”.
(3) In paragraph 9—
 (a) omit the definitions of “electronic cigarette” and “electronic cigarette refill container”;
 (b) for the definition of “tobacco product” substitute—
 ““tobacco product” has the meaning given by section 111 of the Tobacco and Vapes Act 2024;”;
 (c) at the appropriate places insert—
 ““cigarette papers” has the meaning given by section 111 of the Tobacco and Vapes Act 2024;”;
 ““herbal smoking product” has the meaning given by section 111 of the Tobacco and Vapes Act 2024;”;
 ““nicotine product” has the meaning given by section 111 of the Tobacco and Vapes Act 2024;”;
 ““vaping product” has the meaning given by section 111 of the Tobacco and Vapes Act 2024.”

SCHEDULE 17

Section 140

AMENDMENTS CONSEQUENTIAL ON SECTIONS 135 TO 139

- 1
- The Health Act 2006 is amended as follows.
- 2
- (1) Section 2 is amended as follows.

(2) For subsection (2) substitute –

5

“(2) Premises in England are smoke-free if they are workplaces; they are smoke-free all the time.”

(3) In subsection (3), for “used as a place of work mentioned in subsection (2)” substitute “a workplace”.

(4) For subsections (7) and (8) substitute –

10

“(7) In this Part “workplace” means –

(a) a place of work used by more than one person (even if the persons who work there do so at different times, or only intermittently), or

(b) a place of work where members of the public might attend

15

for the purpose of seeking or receiving goods or services from the person or persons working there (even if members of the public are not always present).”
- 3
- (1) Section 9 (fixed penalties) is amended as follows.

(2) In subsection (1), for “or 7(2)” substitute “7(2), 8C(1), 8E(5), 8H(1) or 8J(6)”.

20

(3) In subsection (1A), after “section 8(4)” insert “8D(3), 8I(3)”.
- 4
- In section 10 (enforcement), in subsections (1), (3) and (5), for “Chapter”, in each place it occurs, substitute “Part”.
- 5
- In section 11 (obstruction etc of officers), in subsections (1) and (2), for “Chapter” substitute “Part”.

25
- 6
- (1) Section 12 (interpretation) is amended as follows.

(2) In subsection (1), for “Chapter” substitute “Part”.

(3) At the appropriate places insert –

30

““heated tobacco device” means a device that heats tobacco to generate a vapour or an aerosol for the purpose of inhalation through a mouthpiece (whether or not it can also heat other matter to produce a vapour or aerosol);”;

““heated tobacco-free place”: see section 8G;”;

““heated tobacco-free vehicle”: see section 8G;”;

““open to the public”: premises and places are open to the public if

35

the public or a section of the public has access to them, whether by invitation or not, and whether on payment or not;”;

““performance” includes –

- (a) the performance of a play or a performance given in connection with the making of a film or television programme, and

(b) a rehearsal;”;

““relevant vape” has the meaning given by section 8C(6);”;

““vape” has the meaning given by section 47 of the Tobacco and Vapes Act 2024;”;

““vape-free place”: see section 8B;”;

““vape-free vehicle”: see section 8B;”;

““vaporises” has the meaning given by section 47 of the Tobacco and Vapes Act 2024;

““work” includes voluntary work;”;

““workplace” has the meaning given by section 2(7).”.
- (4) In subsection (3), for “Chapter” substitute “Part”.
- 7 In Schedule 2 (powers of entry etc), in paragraphs, 2(a), 3, 4 and 6(1)(a) omit “Chapter 1 of”.

SCHEDULE 18

Section 145

AMENDMENTS CONSEQUENTIAL ON SECTIONS 141 TO 144

1 The Smoking, Health and Social Care (Scotland) Act 2005 (asp 13) is amended as follows. 20

2 (1) Section 5 is amended as follows.

2 (2) In the heading, for “sections 1 to 3 and 4A to 4C” substitute “Chapters 1 to 3”.

2 (3) In subsection (1), for “section 1, 2, 3, 4A, 4B or 4C(5)” substitute “any provision of Chapter 1, 2 or 3 creating an offence”. 25

3 In section 6, in subsection (2), omit “under section 1, 3, 4A, 4B or 4C(5)”.

4 (1) Section 7 is amended as follows.

4 (2) For subsection (1) substitute –

“(1) An authorised officer of the appropriate council may –

2 (a) enter and search any no-smoking premises in order to ascertain whether an offence under section 1, 2 or 3 has been or is being committed there; 30

2 (b) enter and search any vape-free premises in order to ascertain whether an offence under Chapter 2 has been or is being committed there; 35

2 (c) enter and search any heated tobacco-free premises in order to ascertain whether an offence under Chapter 3 has been or is being committed there.”

- (3) Omit subsection (1A).
- (4) In subsection (3)(a)(i), for “section 1, 2, 3, 4A, 4B or 4C(5)” substitute “Chapter 1, 2 or 3”.
- (5) In subsection (5), for the definition of “the appropriate council” substitute –
 ““the appropriate council” means the council in the area in which those premises are.” 5
- 5 After section 8 insert –
 “8A Interpretation of Part
 In this Part –
 “heated tobacco device” means a device that heats tobacco to generate a vapour or an aerosol for the purpose of inhalation through a mouthpiece (whether or not it can also heat other matter to produce a vapour or aerosol); 10
 “heated tobacco-free premises” has the meaning given by section 4L(1); 15
 “no-smoking premises” has the meaning given by section 4(2);
 “performance” includes –
 (a) the performance of a play or a performance given in connection with the making of a film or television programme, and 20
 (b) a rehearsal;
 “relevant vape” has the meaning given by section 4E(6);
 “smoke” has the meaning given by section 4(1);
 “vape” has the meaning given by section 35 of the Tobacco and Primary Medical Services (Scotland) Act 2010; 25
 “vape-free premises” has the meaning given by section 4H(1);
 “vaporises” has the meaning given by section 35 of the Tobacco and Primary Medical Services (Scotland) Act 2010.”
- 6 In section 40, in subsection (3)(a) omit “or 4D(2)(a) or (4)(a)”
- 7 (1) Schedule 1 is amended as follows. 30
 - (2) In the heading, for “sections 1, 2, 3, 4A, 4B and 4C(5)” substitute “Part 1”.
 - (3) In paragraph 1 –
 - (a) in sub-paragraph (1A), after paragraph (c) insert –
 - “(d) an offence under Chapter 2 in vape-free premises within the area of the council, 35
 - (e) an offence under Chapter 3 in vape-free premises within the area of the council,”;
 - (b) in sub-paragraphs (2) and (3), for “ section 1, 2, 3, 4A, 4B or 4C(5)” substitute “Chapters 1, 2 or 3”.

- 8
- In paragraph 2, for “section 1, 2, 3, 4A, 4B or 4C(5)” substitute “Chapter 1, 2 or 3”.
- 9
- In paragraph 4, in sub-paragraph (1), for “section 1, 2, 3, 4A, 4B or 4C(5)” substitute “Chapter 1, 2 or 3”.

SCHEDULE 19

Section 151

5

AMENDMENTS CONSEQUENTIAL ON SECTIONS 146 TO 150

- 1
- The Public Health (Wales) Act 2017 is amended as follows.
- 2
- In the Welsh language text, after section 17 insert –

“Dehongli

17A Dehongli’r Bennod hon

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- (1)
- Yn y Bennod hon –

ystyr “cartref gofal i oedolion” (*“adult care home”*) yw mangre lle y darperir gwasanaeth cartref gofal o fewn yr ystyr a roddir gan baragraff 1 o Atodlen 1 i Ddeddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016 (dccc 2) i bersonau sy’n 18 oed neu’n hŷn;

15

mae “cerbyd” (*“vehicle”*) yn cynnwys trêen, tram, cwch neu long, hofrenfad ac awyren;

mae “cyfarpar maes chwarae” (*“playground equipment”*) yn cynnwys (er enghraifft) siglen, llithren, pwll tywod, neu ramp, ond nid yw’n cynnwys cyfarpar â modur (megis cyfarpar sy’n rhedeg ar fodur trydanol);

20

mae i “Cymru” yr ystyr a roddir i “Wales” gan adran 158(1) o Ddeddf Llywodraeth Cymru 2006 (p.32);

mae i “disgybl cofrestredig” yr ystyr a roddir i “registered pupil” gan adran 434(5) o Ddeddf Addysg 1996 (p.56);

25

ystyr “gofal plant” (*“childcare”*) yw (yn ddarostyngedig i is-adran (2)) unrhyw ffurf ar ofal ar gyfer plentyn, ac eithrio gofal a ddarperir ar gyfer plentyn gan riant, perthynas neu riant maeth i’r plentyn, ac mae’n cynnwys –

30

- (a)
- addysg ar gyfer plentyn, a

- (b)
- unrhyw weithgaredd arall o dan oruchwyliaeth ar gyfer plentyn;

ystyr “hosbis i oedolion” (*“adult hospice”*) yw mangre a ddefnyddir yn gyfan gwbl neu’n bennaf ar gyfer darparu gofal lliniarol i bersonau sy’n 18 oed neu’n hŷn, sy’n dioddef o glefyd sy’n gwaethygu ac sydd yn ei gyfnodau olaf, gan neu ar ran sefydliad â’i brif swyddogaeth yw darparu gofal o’r fath;

35

- mae “mangre” (“*premises*”) yn cynnwys—
- (a) unrhyw fan;
 - (b) strwythur symudol ac eithrio cerbyd;
 - (c) stondin;
 - (d) pabell; 5
 - (e) gosodiad alltraeth o fewn yr ystyr a roddir i “offshore installation” yn Neddf Gweithiau Mwynau (Gosodiadau Alltraeth) 1971 (p.61) (gweler adran 12 o’r Ddeddf honno);
- ystyr “perthynas” (“*relative*”), mewn perthynas â phlentyn, yw 10
llys-riant, mam-gu/nain, tad-cu/taid, modryb, ewythr, brawd
neu chwaer (gan gynnwys unrhyw berson sydd yn y
berthynas honno yn rhinwedd priodas neu bartneriaeth sifil
neu berthynas deuluol barhaus);
- ystyr “plentyn” (“*child*”) yw person o dan 18 oed; 15
- mae “rhiant” (“*parent*”) yn cynnwys unrhyw berson a chanddo
gyfrifoldeb rhiant (o fewn yr ystyr a roddir i “parental
responsibility” yn adran 3 o Ddeddf Plant 1989 (p.41)) dros
blentyn;
- mae i “ysbyty” yr ystyr a roddir i “hospital” gan adran 206 o 20
Ddeddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006 (p.42);
mae i “ysgol” yr ystyr a roddir i “school” gan adran 4 o Ddeddf
Addysg 1996 (p.56);
- mae “ysmygu” (“*smoking*” a “*smokes*”) i gael ei ddarllen yn unol 25
ag adran 4.
- (2) Nid yw cyfeiriadau yn y Bennod hon at “gofal plant” yn cynnwys—
- (a) addysg (neu unrhyw weithgaredd arall o dan oruchwyliaeth)
a ddarperir gan ysgol yn ystod oriau ysgol ar gyfer disgybl
cofrestredig, na
 - (b) unrhyw ffurf ar ofal iechyd ar gyfer plentyn. 30
- (3) At ddibenion is-adran (1) mae person yn rhiant maeth mewn
perthynas â phlentyn os yw’r person-
- (a) yn rhiant maeth awdurdod lleol (o fewn yr ystyr a roddir
gan adran 197 o Ddeddf Gwasanaethau Cymdeithasol a
Llesiant (Cymru) 2014 (dccc 4)), neu 35
 - (b) yn maethu’r plentyn yn breifat.
- (4) Mae cyfeiriadau yn y Bennod hon at “annedd” yn cynnwys tir a
fwynheir gyda mangre pan fo’r fangre ei hun yn annedd, oni bai
bod y tir yn dir amaethyddol (o fewn yr ystyr a roddir gan adran
246 o Ddeddf Rhentu Cartrefi (Cymru) 2016 (dccc 1)) sy’n fwy na 40
0.809 hectar.
- (5) Mae cyfeiriadau yn y Bennod hon, sut bynnag y’u mynegir, at
fangreoeidd neu gerbydau sy’n ddi-fwg (neu nad ydynt yn ddi-fwg)
(neu sy’n cael eu trin fel pe baent yn ddi-fwg) yn gyfeiriadau at y

	mangreoeidd hynny neu'r cerbydau hynny i'r graddau y maent yn ddi-fwg (neu nad ydynt yn ddi-fwg) (neu'n cael eu trin fel pe baent yn ddi-fwg) o dan y Bennod hon neu yn rhinwedd y Bennod hon.	
	(6) Gall mangreoeidd fod yn ddi-fwg yn rhinwedd mwy nag un adran yn y Bennod hon.	5
	(7) Caiff rheoliadau bennu at ddiben y Bennod hon ystyr “caeedig”, “sylweddol gaeedig” ac “nad yw'n gaeedig nac yn sylweddol gaeedig.”	
3	In the English language text, after section 17 insert –	
	“Interpretation	10

17A Interpretation of this Chapter

(1)	In this Chapter –	
	“adult care home” (“ <i>cartref gofal i oedolion</i> ”) means premises at which a care home service within the meaning given by paragraph 1 of Schedule 1 to the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2) is provided to persons aged 18 or over;	15
	“adult hospice” (“ <i>hosbis i oedolion</i> ”) means premises wholly or mainly used for the provision of palliative care to persons aged 18 or over, who are suffering from a progressive disease in its final stages, by or behalf of an establishment the primary function of which is the provision of such care;	20
	“child” (“ <i>plentyn</i> ”) means a person aged under 18;	
	“childcare” (“ <i>gofal plant</i> ”) means (subject to subsection (2)) any form of care for a child, other than care provided for a child by a parent, relative or foster parent of the child, and includes –	25
	(a) education for a child, and	
	(b) any other supervised activity for a child;	
	“hospital” (“ <i>ysbyty</i> ”) has the meaning given by section 206 of the National Health Service (Wales) Act 2006 (c.42);	30
	“parent” (“ <i>rhiant</i> ”) includes any person who has parental responsibility (within the meaning of section 3 of the Children Act 1989 (c.41)) for a child;	
	“playground equipment” (“ <i>cyfarpar maes chwarae</i> ”) includes (for example) a swing, slide, sand-pit, or ramp, but does not include powered equipment (such as equipment powered by electric motor);	35
	“premises” (“ <i>mangre</i> ”) includes –	
	(a) any place;	40
	(b) a moveable structure other than a vehicle;	
	(c) a stall;	

- (d) a tent;
 - (e) an offshore installation within the meaning given in the Mineral Workings (Offshore Installations) Act 1971 (c.61) (see section 12 of that Act);
- “registered pupil” (“ *disgybl cofrestredig* ”) has the meaning given by section 434(5) of the Education Act 1996 (c.56); 5
- “relative” (“ *perthynas* ”), in relation to a child, means a step-parent, grandparent, aunt, uncle, brother or sister (including any person who is in that relationship by virtue of a marriage or civil partnership or an enduring family relationship); 10
- “school” (“ *ysgol* ”) has the meaning given by section 4 of the Education Act 1996 (c.56);
- “smoking” and “smokes” (“ *ysmygu* ”) are to be read in accordance with section 4; 15
- “vehicle” (“ *cerbyd* ”) includes a train, tram, vessel, hovercraft and aircraft;
- “Wales” (“ *Cymru* ”) has the meaning given by section 158(1) of the Government of Wales Act 2006 (c.32).
- (2) References in this Chapter to “childcare” do not include – 20
 - (a) education (or any other supervised activity) provided by a school during school hours for a registered pupil, or
 - (b) any form of health care for a child.
- (3) For the purposes of subsection (1) a person is a foster parent in relation to a child if the person – 25
 - (a) is a local authority foster parent (within the meaning given by section 197 of the Social Services and Well-being (Wales) Act 2014 (anaw 4)), or
 - (b) fosters the child privately.
- (4) References in this Chapter to a “dwelling” include land enjoyed with premises where the premises themselves constitute a dwelling, unless the land is agricultural land (within the meaning given by section 246 of the Renting Homes (Wales) Act 2016 (anaw 1)) exceeding 0.809 hectares. 30
- (5) References in this Chapter, however expressed, to premises or vehicles which are (or are not) smoke-free (or treated as smoke-free), are to those premises or vehicles so far as they are (or are not) smoke-free (or treated as smoke-free) under or by virtue of this Chapter. 35
- (6) Premises may be smoke-free by virtue of more than one section in this Chapter. 40

	(7) Regulations may specify for the purpose of this Chapter what “enclosed”, “substantially enclosed” and “not enclosed or substantially enclosed” mean.”	
4	Sections 18 to 29 (and the italic heading before section 18) become a new Chapter 1C of Part 3—	5
	(a) with the heading “Gorfodi a chyffredinol” in the Welsh language text, and	
	(b) with the heading “Enforcement and general”, in the English language text.	
5	In the Welsh language text of section 18, in subsection (3), for “darpariaethau’r Bennod hon a rheoliadau a wneir odani” substitute “darpariaethau Penodau 1, 1A ac 1B a’r Bennod hon a rheoliadau a wneir o dan unrhyw un o’r Penodau hynny”.	10
6	In the English language text of section 18, in subsection (3), for “this Chapter and regulations made under it” substitute “Chapters 1, 1A and 1B and this Chapter and regulations made under any of those Chapters”.	15
7	In the Welsh language text of section 19, in subsection (1)(a), for “adran 5, 6 neu 17” substitute “Bennod 1, 1A neu 1B”.	
8	In the English language text of section 19, in subsection (1)(a), for “section 5, 6 or 17” substitute “Chapter 1, 1A or 1B”.	20
9	In the Welsh language text of section 20, in subsection (1)(a), for “neu 6” substitute “, 6, 17C, 17D, 17H neu 17I”.	
10	In the English language text of section 20, in subsection (1)(a), for “or 6” substitute “, 6, 17C, 17D, 17H or 17I”.	
11	In the Welsh language text of section 21, in subsection (1)(a), for “adran 5, 6 neu 17” substitute “Bennod 1, 1A neu 1B”.	25
12	In the English language text of section 21, in subsection (1)(a), for “section 5, 6 or 17” substitute “Chapter 1, 1A or 1B”.	
13	In the Welsh language text of section 23, in subsections (1) and (2), for “adran 5, 6 neu 17” substitute “Bennod 1, 1A neu 1B”.	30
14	In the English language text of section 23, in subsections (1) and (2), for “section 5, 6 or 17” substitute “Chapter 1, 1A or 1B”.	
15	In the Welsh language text of section 25, in subsection (2), for “adran 5, 6 neu 17” substitute “Bennod 1, 1A neu 1B”.	
16	In the English language text of section 25, in subsection (2), for “section 5, 6 or 17” substitute “Chapter 1, 1A or 1B”.	35
17	In the Welsh language text of section 26, in subsection (2)(a), for “adran 5, 6 neu 17” substitute “Bennod 1, 1A neu 1B”.	
18	In the English language text of section 26, in subsection (2)(a), for “section 5, 6 or 17” substitute “Chapter 1, 1A or 1B”.	40
19	(1) The Welsh language text of section 27 is amended as follows.	

- (2) In subsection (1), after paragraph (b) insert –
 - “(c) trosedd o dan adran 17C(1);
 - (d) trosedd o dan adran 17E(5);
 - (e) trosedd o dan adran 17H(1);
 - (f) trosedd o dan adran 17J(6),”.

5
 - (3) In subsection (2), after “6(6)” insert “, 17D(3) neu 17I(3)”.
- 20 (1) The English language text of section 27 is amended as follows.
 - (2) In subsection (1), after paragraph (b) insert –
 - “(c) an offence under section 17C(1);
 - (d) an offence under section 17E(5);
 - (e) an offence under section 17H(1);
 - (f) an offence under section 17J(6),”.

10
 - (3) In subsection (2), after “6(6)” insert “, 17D(3) or 17I(3)”.
- 21 In the Welsh language text, for section 28 substitute –

15

“28 Dehongli’r Bennod hon

 - (1) Yn y Bennod hon –
 - mae “awdurdod gorfodi” (“*enforcement authority*”) i gael ei ddehongli yn unol ag adran 18;
 - mae “cerbyd” (“*vehicle*”) yn cynnwys trên, tram, cwch neu long, hofrenfad ac awyren;
 - mae i “Cymru” yr ystyr a roddir i “Wales” gan adran 158(1) o Ddeddf Llywodraeth Cymru 2006 (p.32);
 - mae “mangre” (“*premises*”) yn cynnwys –
 - (a) unrhyw fan;
 - (b) strwythur symudol ac eithrio cerbyd;
 - (c) stondin;
 - (d) pabell;
 - (e) gosodiad alltraeth o fewn yr ystyr a roddir i “offshore installation” yn Neddf Gweithiau Mwynau (Gosodiadau Alltraeth) 1971 (p.61) (gweler adran 12 o’r Ddeddf honno);
 - mae i “swyddog awdurdodedig” (“*authorised officer*”) yr ystyr a roddir gan adran 18(5).

25
 - (2) Mae cyfeiriadau yn y Bennod hon at “annedd” yn cynnwys tir a fwynheir gyda mangre pan fo’r fangre ei hun yn annedd, oni bai bod y tir yn dir amaethyddol (o fewn yr ystyr a roddir gan adran 246 o Ddeddf Rhentu Cartrefi (Cymru) 2016 (dccc 1)) sy’n fwy na 0.809 hectar.”

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35

- 22 In the English language text, for section 28 substitute –
- “28 Interpretation of this Chapter**
- (1) In this Chapter –
- “authorised officer” (“ *swyddog awdurdodedig* ”) has the meaning given by section 18(5); 5
 - “enforcement authority” (“ *awdurdod gorfodi* ”) is to be interpreted in accordance with section 18;
 - “premises” (“ *mangre* ”) includes –
 - (a) any place;
 - (b) a moveable structure other than a vehicle; 10
 - (c) a stall;
 - (d) a tent;
 - (e) an offshore installation within the meaning given in the Mineral Workings (Offshore Installations) Act 1971 (c.61) (see section 12 of that Act); 15
 - “vehicle” (“ *cerbyd* ”) includes a train, tram, vessel, hovercraft and aircraft;
 - “Wales” (“ *Cymru* ”) has the meaning given by section 158(1) of the Government of Wales Act 2006 (c.32).
- (2) References in this Chapter to a “dwelling” include land enjoyed with premises where the premises themselves constitute a dwelling, unless the land is agricultural land (within the meaning given by section 246 of the Renting Homes (Wales) Act 2016 (anaw 1)) exceeding 0.809 hectares.” 20
- 23 In the Welsh language text of section 123, in subsection (2)(a), for “, 28(7)” substitute “17A(7)”. 25
- 24 In the English language text of section 123, in subsection (2)(a), for “, 28(7)” substitute “17A(7)”. 25

SCHEDULE 20

Section 156

AMENDMENTS CONSEQUENTIAL ON SECTIONS 152 TO 155 30

Smoking (Northern Ireland) Order 2006 (S.I. 2006/2957 (N.I. 20))

- 1 The Smoking (Northern Ireland) Order 2006 is amended as follows.
- 2 In Article 2, in paragraph (3), at the appropriate places insert –
- ““heated tobacco device” means a device that heats tobacco to generate a vapour or an aerosol for the purpose of inhalation through a mouthpiece (whether or not it can also heat other matter to produce a vapour or aerosol);”;
- 35

- ““open to the public”: premises and places are open to the public if the public or a section of the public has access to them, whether by invitation or not, and whether on payment or not;”;
- ““performance” includes –
- (a) the performance of a play or a performance given in connection with the making of a film or television programme, and
 - (b) a rehearsal;”;
- ““relevant vape” means a vape that is not a heated tobacco device;”;
- ““vape” has the meaning given by Article 7 of the Health and Personal Social Services (Northern Ireland) Order 1978;”;
- ““vaporises” has the meaning given by Article 7 of the Health and Personal Social Services (Northern Ireland) Order 1978;”
- ““workplace” has the meaning given by Article 3(7);”.
- 3 (1) Article 3 is amended as follows. 15
- (2) For paragraph (2) substitute –
- “(2) Premises are smoke-free if they are workplaces; they are smoke-free all the time.”
- (3) In paragraph (3), for “used as a place of work mentioned in paragraph (2)” substitute “a workplace”. 20
- (4) For paragraph (7) substitute –
- “(7) In this Order “workplace” means –
- (a) a place of work used by more than one person (even if the persons who work there do so at different times, or only intermittently), or
 - (b) a place of work where members of the public might attend for the purpose of seeking or receiving goods or services from the person or persons working there (even if members of the public are not always present).”
- 4 In Article 10, in paragraphs (1) and (1A), for “or 8(2)” substitute “, 8(2), 9B(5), 9C(1), 9F(6) or 9G(1)”. 30

Health (Miscellaneous Provisions) Act (Northern Ireland) 2016 (c. 26 (N.I.))

- 5 In section 5 of the Health (Miscellaneous Provisions) Act (Northern Ireland) 2016 omit subsection (8).

SCHEDULE 21

Section 159

CONSEQUENTIAL AMENDMENTS: GENERAL

Tobacco Advertising and Promotion Act 2002

- 1 The Tobacco Advertising and Promotion Act 2002 is repealed.

Communications Act 2003

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- 2 In Schedule 17 to the Communications Act 2003 omit paragraph 173 and the italic heading before it.

Regulatory Enforcement and Sanctions Act 2008

- 3 In Schedule 3 to the Regulatory Enforcement and Sanctions Act 2008 omit the reference to the Tobacco Advertising and Promotion Act 2002.

10

Health Act 2009

- 4 The Health Act 2009 is amended as follows.

- 5 Omit sections 20 and 21.

- 6 (1) Section 40 is amended as follows.

- (2) In subsection (2) omit paragraph (b).

15

- (3) Omit subsection (3).

- (4) In subsection (4) for “to (3)” substitute “or (2)”.

- (5) In subsection (5) omit paragraphs (a) and (b).

- (6) In subsection (6) omit paragraphs (b) and (c).

- (7) In subsection (7) omit paragraphs (b) and (c).

20

- 7 Omit Schedule 4.

Tobacco and Primary Medical Services (Scotland) Act 2010 (asp 3)

- 8 The Tobacco and Primary Medical Services (Scotland) Act 2010 is amended as follows.

- 9 In section 1, in subsection (7), for “section 6(2) of the Tobacco Advertising and Promotion Act 2002 (c.36)” substitute “section 120(3) of the Tobacco and Vapes Act 2024”.

25

- 10 Omit section 2.

- 11 In section 3 omit subsection (5).

Consumer Rights Act 2015

- 12
- In Schedule 5 to the Consumer Rights Act 2015, in the entry relating to the Tobacco and Vapes Act 2024 (inserted by section 32 of this Act), after “section 32” insert “or 128”.

Tobacco and Related Products Regulations 2016 (S.I. 2016/507)

5

- 13
- The Tobacco and Related Products Regulations 2016 are amended as follows.
- 14
- In regulation 12, in paragraph (1), for “not otherwise made unlawful by the provisions of the Tobacco Advertising and Promotion Act 2002” substitute “not otherwise unlawful”.
- 15
- Omit Part 7.
- 10
- 16
- In regulation 48 omit paragraph (e).
- 17
- (1) Regulation 50 is amended as follows.
- (2) Omit paragraphs (2) to (4).
- (3) In paragraph (5) omit “or (2)”.
- (4) In paragraph (7) omit “or (2)”.
- 15
- 18
- In regulation 53 omit paragraph (5).
- 19
- Omit Schedule 1.

Health (Tobacco, Nicotine etc. and Care) (Scotland) Act 2016 (asp 14)

- 20
- The Health (Tobacco, Nicotine etc. and Care) (Scotland) Act 2016 is amended as follows.
- 20
- 21
- Omit section 17.
- 22
- Omit section 19.

Digital Markets, Competition and Consumers Act 2024

- 23
- In Schedule 15 to the Digital Markets, Competition and Consumers Act 2024, in Part 1, in the Table omit the entry relating to the Tobacco Advertising and Promotion Act 2002.
- 25

Media Act 2024

- 24
- The Media Act 2024 is amended as follows.
- 25
- In Schedule 2, omit paragraph 21 and the italic heading before it.
- 26
- In Schedule 4 omit paragraph 28 and the italic heading before it.
- 30

Tobacco and Vapes Bill

[AS BROUGHT FROM THE COMMONS]

A

B I L L

TO

Make provision about the supply of tobacco, vapes and other products, including provision prohibiting the sale of tobacco to people born on or after 1 January 2009 and provision about the licensing of retail sales and the registration of retailers; to enable product and information requirements to be imposed in connection with tobacco, vapes and other products; to control the advertising and promotion of tobacco, vapes and other products; and to make provision about smoke-free places, vape-free places and heated tobacco-free places.

Brought from the Commons on 27th March 2025

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You do not need to provide evidence on all of these topics. You will be able to choose which sections to give evidence on, and you can skip questions if you do not have any relevant evidence to provide.

Call for evidence questions

About you

In what capacity are you responding to this survey?

- An individual sharing my personal views and experiences
- An individual sharing my professional views
- **On behalf of an organisation**

Do you have any direct or indirect links to, or receive funding from, the tobacco industry?

- Yes
- **No**

What is the main area of focus of your work?

- Academic
- Advocacy
- Distribution
- Education
- Emergency services
- **Enforcement agencies**
- Healthcare
- Justice system
- Legal
- Local government
- National government
- Production or manufacturing
- Retail
- Social care
- Wholesale

Questions for individuals

Where do you live in the UK? (Optional)

- England
- Scotland
- Wales
- Northern Ireland
- I live outside the UK

What is your age? (Optional)

- Under 13
- 13 to 15
- 16 to 24
- 25 to 34
- 35 to 44
- 45 to 54
- 55 to 64
- 65 to 74
- 75 or above
- Prefer not to say

What is your sex? (Optional)

- Male
- Female
- Prefer not to say

Is the gender you identify with the same as your sex registered at birth? (Optional)

- Yes
- No
- Prefer not to say

What is your ethnic group? (Optional)

- White - includes British, Northern Irish, Irish, Gypsy, Irish Traveller, Roma or any other White background
- Mixed or multiple ethnic groups - includes White and Black Caribbean, White and Black African, White and Asian or any other Mixed or multiple background
- Asian or British Asian - includes Indian, Pakistani, Bangladeshi, Chinese or any other Asian background
- Black, Black British, Caribbean, African or any other Black background
- Other - includes Arab or any other ethnic group
- Prefer not to say

Questions for organisations and those sharing their professional views

Do you work for, or are you providing views on behalf of, any of the following?

Select all that apply.

- Manufacturer or producer of a tobacco product
- Manufacturer or producer of a vape or nicotine product
- Importer of a tobacco product
- Importer of a vape or nicotine product
- Distributor of a tobacco product
- Distributor of a vape or nicotine product
- Retailer of a tobacco product
- Retailer of a vape or nicotine product
- **None of the above**

Where does your organisation operate or provide services? (Optional)

Select all that apply.

- England
- Wales
- Scotland
- **Northern Ireland**
- The whole of the UK
- Outside the UK

- Online

What is the size of your organisation? (Optional)

- Small (0 to 49 employees)
- Medium (50 to 249 employees)
- **Large (250 or more employees)**
-

Vape and nicotine flavours and ingredients

We are seeking evidence on ingredients and substances within vaping and nicotine products. We are particularly interested in evidence on:

- ingredients used to create flavours (and emissions from these ingredients)
- the presence of heavy metals
- nicotine limits

Do you have evidence to provide on flavours, ingredients and substances, nicotine limits or heavy metals within vaping and nicotine products?

- **Yes**
- No

If you select 'no' you will go straight to the next section of the call for evidence on tobacco flavours and accessories.

Flavours in vapes and nicotine products

Please provide evidence on how vape flavours are currently created. For example, the number of different substances typically used to create a flavour or the strength of such substances. (Optional, maximum 500 words)

N/A

Please provide evidence of any flavours, ingredients or substances within vapes or nicotine products that could pose health risks and that we should consider when developing regulations. For example, risks associated with regulators, binders and sweeteners. (Optional, maximum 500 words)

The definition of nicotine products should include nicotine derivatives, synthetic nicotine and nicotine analogues. These substances are increasingly appearing on the UK market with minimal regulatory oversight or product testing. Consideration should be given to establishing a list of substances that are allowed, prohibited or restricted in vaping products, similar to the lists found in Cosmetic and Toy

Regulations. This would help ensure that ingredients are tested for their intended use, rather than relying on testing conducted for other applications, such as food. It would also ensure that products undergo appropriate safety assessments before being introduced to consumers.

Please provide evidence on what gives vape liquid a colour, and what risks there might be by restricting vape liquid to a clear colour. (Optional, maximum 500 words)

Consideration should be given to the potential risks associated with achieving a clear liquid, particularly where additional chemical ingredients are required to achieve this. Some products may not appear clear due to the viscosity of the final formulation. Therefore, detailed criteria defining what constitutes a ‘clear’ liquid, along with standardised methods for measuring clarity, would be necessary. Testing methods should be readily accessible and cost-effective for enforcement authorities. Additionally, the enforceability of this requirement must be carefully considered.

Please provide evidence of effective strategies and methods to limit the flavours in vapes and nicotine products. (Optional, maximum 500 words)

From an enforcement perspective, a key request is that flavours in vapes, and nicotine products be assessable from labelling alone, without the need for product testing. Any restriction that requires opening or testing products significantly limits officers ability to enforce compliance.

Several countries throughout the world have implemented flavour bans or restrictions on vaping and nicotine products. Some examples are outlined below:

Canada

While there is no country wide ban, several provinces have implemented their own flavour bans or limitations. For example:

- **Nova Scotia: Bans all flavours except tobacco.**
- **Prince Edward Island: Similar restrictions to Nova Scotia.**
- **New Brunswick: Bans non-tobacco flavours in physical stores.**
- **British Columbia & Ontario: Restrict flavoured vape sales to specialty stores; online sales may be more flexible.**

US

Several states have introduced flavour bans or restrictions, for example:

- **California:** Prohibits the sale of most flavoured tobacco products, including flavoured e-cigarettes, synthetic nicotine products, nicotine analogues and alkaloids and menthol cigarettes, as well as tobacco product flavour enhancers.
- **New Jersey:** ban on the sale of flavoured nicotine products, including menthol products and nicotine free products.
- **Colorado:** There is a ban on flavoured vapes products, except for tobacco and menthol

EU

Some EU Countries have introduced restrictions on the flavours in vapes and nicotine products. For example

- **Lithuania:** has a ban on flavoured e-liquids, including menthol
- **Hungary:** allows only tobacco flavoured e-liquids
- **Denmark:** has a ban on all vape and nicotine pouch flavours, except tobacco and menthol

Other EU countries are also considering bans, including Ireland, France and Belgium

Other

- **China:** only tobacco flavoured e-liquids are allowed for sale
- **New Zealand:** General retail stores may sell only tobacco, mint, and menthol flavours; other flavours are restricted to specialist vape retailers

Some countries, for example India, have a full ban on all vapes.

Please provide evidence on the presence of heavy metals in vape liquids and nicotine products and any associated risks. (Optional, maximum 500 words)

The following reports are available:

A comprehensive toxicological analysis of panel of unregulated e-cigarettes to human health

<https://repository.derby.ac.uk/download/0293c193b16433ae3a56134e79dd8bd9b0487f558dd35782c8f97378e95f0ba5/2475922/E-cigs%20toxicity.pdf>

This purpose of this study was to evaluate the health risks posed by unregulated e-cigarette liquids seized in the UK. A number of harmful substances were detected including high levels of cadmium, copper, nickel, and lead.

Metals found in disposable e-cigarette vapor could pose health risks - American Chemical Society <https://www.acs.org/pressroom/presspacs/2025/june/metals-found-in-disposable-e-cigarette-vapor-could-pose-health-risks.html>

The purpose of this study was to investigate the presence and health risks of toxic metals in the vapor emitted from popular disposable e-cigarettes. The research found high levels of Lead, Nickel, Copper, Zinc, Chromium and Antimony.

The information below is taken from an Operation Joseph market surveillance report, which examined notified, nominally compliant disposable vapes readily available on the market. A total of 15 samples were tested for metals, with results showing:

- **Aluminium**
 - Detected in 12 of 15 samples.
 - In all but 2 cases, levels were <13 µg/g (below the Limit of Quantification, *LoQ*, but above the Limit of Detection, *LoD*, of 7.8 µg/g).
 - 2 samples exceeded this, with results of 13.18 µg/g and 24.32 µg/g (2 items tested where metal was found).
- **Iron**
 - Detected in 11 of 15 samples.
 - In 4 cases, levels were <2.27 µg/g (below the *LoQ*).
 - In 7 cases, levels were above the *LoQ*, ranging from 2.40 µg/g to 5.71 µg/g.
- **Lead**
 - Detected in 5 of 15 samples.
 - In 3 cases, levels were <1.6 µg/g (below the *LoQ*).
 - In 2 cases, levels were more significant: 5.06/4.86 µg/g and 9.82/8.47 µg/g (2 items tested where metal was found).
- **Nickel**
 - Detected in 1 of 15 samples.
 - One sample exceeded the *LoD* of 0.23 µg/g.
 - Nickel was also reported at 0.05–0.08 µg/g in 3 samples, but these values are below the *LoD*.

There are no prescribed statutory limits for these metals in e-liquids, creating an area of uncertainty. The two samples with the highest lead levels exceed internal test house guidance. It should be noted that a small adjustment of approximately +10% should be applied for e-liquid density, as results are reported is per gram

rather than per millilitre. (e.g. a 5.0µg/g level would equate to 5.5µg/ml for an e-liquid with a typical density, as found in these tests)

The internal test house guidance is based on ICH Q3D, *Elemental impurities - Scientific guideline European Medicines Agency* and the AFNOR - XP D90-300-3 *Electronic cigarettes and e-liquids - Part 3 : requirements and test methods for emissions*. (2016).

From these guidelines, recommended limits for the heavy metals concerned are:

- Nickel (5 µg/ml)
- Lead (5 µg/ml).

There is no guidance for Aluminium or Iron levels. Test houses note that no established safe inhalation limits exist for these metals, and they are not listed as toxicological concern ICH Q3D. The Occupational Safety and Health Administration (OSHA) has set occupational exposure limits for aluminium and iron, but further expertise would be needed to translate these into inhalation risk thresholds for e-liquids.

Nicotine

We are seeking to better understand the nicotine content and absorption rates in nicotine products, such as nicotine pouches, including the risks and benefits which may occur at specific strengths.

Please provide evidence on how nicotine or other substances in nicotine products are absorbed by the user. You may wish to consider the risks and benefits of the amount of nicotine absorbed and the speed at which it is absorbed. (Optional, maximum 500 words)

The Statement on the potential toxicological risks from electronic nicotine (and non-nicotine) delivery systems (E(N)NDS – e-cigarettes) (TOX-2019-38) by the Committee on Toxicity of Chemicals in Food, Consumer Products and the Environment (COT), (<https://cot.food.gov.uk/sites/default/files/2020-09/COT%20E%28N%29NDS%20statement%202020-04.pdf>) describes the entire mechanism of how nicotine is absorbed:

Absorption of nicotine across biological membranes is pH dependent. Nicotine is a weak base with pKa 8.0 and is not well absorbed in the ionised state, in acidic conditions. Absorption in the mouth is thus dependent on the pH of the smoke or aerosol inhaled. Nicotine is quickly absorbed in the small airways and alveoli where the pH of lung fluid is 7.4, leading to a rapid rise in blood concentrations and delivery to the brain within 10–20 s of inhalation.

Absorbed nicotine is distributed extensively to body tissues, with the highest affinity to liver, kidney, spleen, and lung, and lowest affinity in adipose tissue.

Nicotine has high affinity for brain tissue. Nicotine accumulates in gastric juice, saliva, breast milk, crosses the placental barrier, and accumulates in fetal serum and amniotic fluid. Nicotine arterial blood concentrations after smoking one CC are reported to range generally between 20–60 ng/mL, with an arterial/venous ratio around 2.3–2.8. Levels fall rapidly during 20 min after smoking.

Approximately 70-80% of nicotine is metabolised to cotinine, of which 90% is mediated by hepatic cytochrome P450 (CYP) 2A6 enzyme. Cotinine is then metabolised exclusively by CYP2A6 to 3'-hydroxycotinine. Nicotine and metabolites are excreted in the urine. The nicotine metabolite ratio (NMR), 3'-hydroxycotinine: cotinine, is an indicator of CYP2A6 nicotine clearance.

Nicotine clearance is dependent on hepatic blood flow and thus increases with eating. Clearance decreases with older age, is generally higher in women than men, and is increased by oral contraceptive use and in pregnancy. Nicotine metabolism is diminished in neonates, with a half-life of three- to four-fold that in adults.

Please provide evidence or information on the impacts on businesses from having to adjust manufacturing or operating practices to meet new regulatory changes, such as those set out in this section of the call for evidence document. (Optional, maximum 500 words)

Unable to comment as we are a regulatory body

Please provide evidence on whether the limits on nicotine levels in nicotine vapes should be re-assessed, or if the current maximum limit of 20mg per ml is sufficient. (Optional, maximum 500 words)

Any proposed level introduced must include nicotine derivatives, synthetic nicotine and nicotine analogues. Currently, we do not hold any no evidence regarding the impact of nicotine levels on the body or the environment.

In April 2025, the Public Health Agency Northern Ireland published their document 'Behavioural insights into Youth Vaping in Northern Ireland'

https://www.publichealth.hscni.net/sites/default/files/2025-05/Behavioural%20Insights%20into%20Youth%20Vaping%20in%20NI_0.pdf

The publication identified that while 72% of those within the study had never smoked cigarettes before starting to vape, 52% have used 20mg per ml and 3% have used 18mg per ml.

The current maximum of 20mg/ml was designed to replicate the amount of nicotine typically consumed by an average smoker over a day. Market surveillance tests conducted under Operation Joseph found that only 2.5% of products tested contained more than 20 mg/ml of nicotine, indicating compliance was generally good. If the permitted nicotine concentration were to increase, the appropriate classification would need to be considered. Nicotine is a hazardous chemical and

must be classified, labelled and packaged in accordance with the CLP Regulation (EC) No. 1272/2008. Nicotine has a harmonised classification as acutely toxic (category 2) by oral, dermal, and inhalation exposure, with the following hazard statements:

- **H300: fatal if swallowed,**
- **H310: fatal in contact with skin, and**
- **H330: fatal if inhaled.**

If you have any other evidence on flavours, ingredients or emissions for vaping products and nicotine products, please include it here. For example, you may wish to consider the risks to oral health when using nicotine pouches. (Optional, maximum 500 words)

In April 2025, the Public Health Agency Northern Ireland published their document ‘Behavioural insights into Youth Vaping in Northern Ireland’

https://www.publichealth.hscni.net/sites/default/files/2025-05/Behavioural%20Insights%20into%20Youth%20Vaping%20in%20NI_0.pdf

This publication identified that 75% of young people indicated that they would normally use fruity flavoured vapes. 59% said the flavouring and taste of the vape was very important.

Tobacco flavours and accessories

We are seeking evidence to better understand the impact that flavoured tobacco products and accessories have on tobacco consumption. We are also seeking evidence on whether introducing or amending legislation is necessary.

Do you have evidence to provide on tobacco flavourings or tobacco accessories?

- Yes
- No

If you select ‘no’ you will go straight to the next section of the call for evidence on vapes.

Please provide evidence on the effectiveness of banning characterising flavours for cigarettes and hand-rolled tobacco on reducing tobacco consumption. (Optional, maximum 500 words)

Please provide evidence on the use of ingredients that give cigarettes or hand-rolled tobacco a particular flavour or sensation. (Optional, maximum 500 words)

Please provide evidence on how the use of flavours for other tobacco products (such as heated tobacco, shisha or chewing tobacco) impacts tobacco consumption. (Optional, maximum 500 words)

Please provide evidence on the use of ingredients that give other tobacco products (such as heated tobacco, shisha or chewing tobacco) a particular flavour or sensation. (Optional, maximum 500 words)

Please provide evidence on how the use of flavoured tobacco accessories (for example crush balls and flavoured filters) impacts tobacco consumption. (Optional, maximum 500 words)

Please provide evidence or information on the impacts on businesses from having to adjust manufacturing or operating practices to meet new regulatory changes, such as those set out in this section of the call for evidence document. (Optional, maximum 500 words)

If you have any other evidence on tobacco flavours or flavoured accessories, please include it here. (Optional, maximum 500 words)

Vapes

We are seeking to limit features of vapes to reduce the appeal to children and young people. In particular, we are interested in:

- the role that a device's size and shape plays in the appeal of vaping to young audiences
- the role that digital screens should have in vapes
- the effectiveness of child resistant measures on vapes

Do you have evidence to provide on vapes?

- **Yes**
- **No**

If you select 'no' you will go straight to the next section of the call for evidence on heated tobacco devices.

Size and shape

We are interested in any evidence relating to the size and shape of vapes, including:

- how different vape sizes and/or shapes appeal to young people
- the potential benefits of introducing maximum or minimum size limits
- the potential benefits of standardising size and/or shapes

If you have any evidence relating to the size and shape of vapes, please include it here. (Optional, maximum 500 words)

In April 2025, the Public Health Agency Northern Ireland published their document ‘Behavioural insights into Youth Vaping in Northern Ireland’

https://www.publichealth.hscni.net/sites/default/files/2025-05/Behavioural%20Insights%20into%20Youth%20Vaping%20in%20NI_0.pdf

Findings from the report indicate that 16% of youths consider vape design to be ‘very important’, while 28% regard it as ‘not at all important’. Additionally, 24% stated that discreetness of use was ‘very important’ in their choice of vaping products.

Current regulations prohibit packaging, electronic cigarettes, or refill containers that resemble food or cosmetic products. However, this scope should be expanded to include any design elements that are appealing to children, both on the packaging and the product itself.

Tank sizes

We are interested in evidence relating to vape tank sizes, including:

- the effectiveness of current limits (2ml for a device tank and 10ml for a refill tank)**
- the optimal capacity for a vape tank**
- the benefits and risks of connecting vape refill tanks to the device**
- how many refill tanks should be connected to a device at one time**

If you have any evidence on vape tank sizes, please include it here. (Optional, maximum 500 words)

One of the primary motivations behind the Tobacco Products Directive (TPD) and, consequently the UK’s regulation limiting vape tank capacity to 2ml vape tank is to control nicotine consumption. By limiting the volume of e-liquid that can be held in a single tank, the regulation aims to limit the amount of nicotine available per refill, thereby reducing the risk of excessive intake.

Nicotine is a highly addictive substance. The restriction on tank size is intended to mitigate the potential for overconsumption, particularly among new or inexperienced users. This approach aligns with broader public health objectives to reduce nicotine dependency and associated health risks.

Regulation 36(2)(b) of the Tobacco and Related Products Regulations 2016 applies specifically to a ‘refill container’, which must not exceed 10 ml. ‘Refill tanks’ are not covered under the current regulatory framework. However, Environmental Health Officers have observed a growing number of products that include a compliant 2ml tank alongside one or more 10ml ‘refill containers’. These containers can be attached to the tank for continuous refilling. As the refill containers are not

connected to the device at the point of sale, enforcement agencies face limitations in taking regulatory action, despite up to 22ml of e-liquid being supplied within a single outer package. This practice undermines the original intent of the TPD to restrict nicotine consumption.

Additionally, the method used to connect the 10ml refill containers to the 2ml tank is prone to leakage over time, which may result in dermal absorption of nicotine during handling.

Devices featuring two 1ml tanks, each containing separate flavours, and allowing the attachment of two 10ml refill containers, are readily available in Northern Ireland. These configurations further complicate enforcement and raise concerns about compliance with existing regulations.

Environmental Health would like to see it clearly defined in regulations that the maximum tank capacity is restricted to 2 ml of liquid, with no more than 2 ml available within the device — either in the tank itself or attached to it — at any given time of use.

Digital screens

Please provide evidence on the role of digital screens on vapes. For example, whether there may be benefits or harms, and whether there is a need to place limits on the use of digital screens. (Optional, maximum 500 words)

Digital screens on vaping devices can be used to display useful consumer information, such as battery life and e-liquid levels. Some newer products also incorporate child-lock features, indicated by a padlock symbol on the screen, allowing users to verify whether the lock is active. While digital screens can enhance user functionality, their use for gaming or social interaction features may increase the appeal of these devices to children and encourage more frequent use. Such applications should therefore be prohibited to mitigate potential risks associated with youth engagement.

Requirement to be child resistant

Please provide evidence on the effectiveness of child resistant measures on vapes. (Optional, maximum 500 words)

As child-resistant and tamper-evident features are not currently defined within existing regulations, enforcement is challenging. This regulatory gap has led manufacturers to interpret sealed packaging as sufficient to meet child-resistant and tamper-evident requirements at the point of sale.

However, once the product is in use by the consumer, the absence of additional protective mechanisms increases the risk of accidental or opportunistic access by children.

Some products on the market do incorporate child-resistant features in both the device and refill containers, enabling users to activate these safety mechanisms. This demonstrates that the necessary technology is available to manufacturers.

Relevant British Standards exist for child-resistant packaging, including:

- **BS EN ISO 13127:2012 – Specifies mechanical tests for assessing the safety of minor modifications to existing child-resistant packaging.**
- **BS EN ISO 8317:2015 – Details test methods for reclosable packaging, such as those used for bleach or medicine bottles.**

These standards should be extended to cover Vapes and nicotine-containing products to ensure consistent safety measures across all products.

Any other evidence

Please provide evidence on other elements of a vape that the government should consider regulating and why. (Optional, maximum 500 words)

Recycling companies consistently report that the complexity of recycling vaping products is significantly increased by the wide range of ingredients used, particularly the different types of plastics that must be manually separated and analysed before being treated. More efficient recycling could be achieved by mandating the types of plastics and other materials permitted in these products.

Heated tobacco devices

We are interested in evidence relating to heated tobacco devices. In particular, we are interested in:

- evidence relating to the size and shape of heated tobacco devices
- the role that digital screens should have in heated tobacco devices
- the effectiveness of child resistant measures on heated tobacco devices

Do you have evidence to provide on heated tobacco devices?

- **Yes**
- **No**

If you select 'no' you will go straight to the next section of the call for evidence on licensing.

Size and shape

We are interested in any evidence relating to the size and shape of heated tobacco devices, including:

- how different heated tobacco device sizes and/or shapes appeal to people
- the potential benefits of introducing maximum or minimum size limits
- the potential benefits of standardising size and/or shapes

If you have any evidence relating to the size and shape of heated tobacco devices, please include it here. (Optional, maximum 500 words)

Current regulations prohibit packaging, electronic cigarettes, or refill containers that resemble food or cosmetic products. However, this scope should be expanded to heated tobacco devices and include any design elements that are appealing to children, both on the packaging and the product itself.

Digital screens

Please provide evidence on the role of digital screens on heated tobacco devices. For example, whether there may be benefits or harms, and whether there is a need to place limits on the use of digital screens. (Optional, maximum 500 words)

Digital screens on heated tobacco devices should be limited to the display of useful consumer information, such as battery life.

The paper “It Looks Like an Accessory”: Perception of Heated Tobacco Products and its Marketing Communication among Generation Z https://adiktologie-journal.eu/wp-content/uploads/2023/09/03-1-2023-23_001_Illesova_final.pdf states “We found that the previously detected marketing strategy to present HTPs as technology gadgets and design accessories works well for the Gen Z consumers, which creates a stealth communication of the highly addictive nicotine products (Hejlová et al., 2019)”

The Public Health Agency Northern Ireland published document ‘Behavioural insights into Youth Vaping in Northern Ireland’ https://www.publichealth.hscni.net/sites/default/files/2025-05/Behavioural%20Insights%20into%20Youth%20Vaping%20in%20NI_0.pdf. When asked why they thought young people choose to vape, 57% felt it was because ‘others are doing it’. The same could be inferred for heated tobacco products.

Requirement to be child resistant

Please provide evidence on child resistant measures on heated tobacco devices and whether there would be a benefit to mandating specific child resistant measures. (Optional, maximum 500 words)

There should be a requirement to incorporate a child lock feature on these products. This should be clearly defined with national specifications.

Any other evidence

Please provide evidence on other elements of a heated tobacco device that the government should consider regulating and why. (Optional, maximum 500 words)

If you have any other evidence on heated tobacco devices, please provide it here. (Optional, maximum 500 words)

According to the ASH research on heated tobacco <https://ash.org.uk/key-topics/heated-tobacco> , among 11–17-year-olds, awareness of heated tobacco has risen from 7.1% in 2022 to 24% in 2025. 0.7% of 11-17 year olds currently use heated tobacco, while 2.7% have tried it.”

Licensing

We are seeking evidence on the implementation of a licensing scheme. The feedback provided in this call for evidence will inform a subsequent consultation on the proposed design of the licensing scheme.

Do you have evidence or views to provide on retail licensing?

- **Yes**
- **No**

If you select ‘no’ you will go straight to the section on product registration.

Licensing scheme objectives

We want to ensure that only responsible retailers who do not pose any undue public health or crime risk will be able to have a tobacco and vape licence and sell products to the public. So, we propose that the overarching objectives for the licensing scheme are to:

- protect public health - to ensure that retailers and their practices are not posing any undue or excessive risk to the health of the public
- prevent crime - to ensure that retailers do not pose any undue crime risk and that only law-abiding retailers can sell these products to the public

Do you agree or disagree with the proposed licensing scheme objectives?

- **Agree**
- Neither agree nor disagree
- Disagree
- Don't know

Please explain your answer. (Optional, maximum 500 words)

Tobacco is one of the leading causes of preventable illness and death and vaping, whilst potentially less harmful, still presents health risks particularly for young people and non-smokers. The objective to protect public health takes into account how retailers practices impact public health and supports efforts to reduce the uptake of smoking and vaping.

The illicit sale of tobacco and vape products poses risks to public safety and negatively impacts legitimate businesses. The objective to prevent crime ensures that only law-abiding retailers can operate and that enforcement authorities can take action on non-compliant businesses.

We however recommend the specific mention of children and young people within the objectives or as a third objective.

The introduction of a licensing scheme for tobacco and vape retailers will promote compliance with relevant legislation. Licences will only be granted when specific criteria are met, and retailers must continue to adhere to conditions to retain their licence. Non-compliance may result in refusal or revocation of the licence. This should encourage retailers to be more responsible in the sale of tobacco and vape products.

Decision making

What factors should be taken into consideration when making decisions on the granting of a premises licence? In your answer you may want to consider factors such as the location and density of retailers and whether businesses are fixed or mobile, as well as any other factors you consider relevant. (Optional, maximum 500 words)

A range of factors should be considered when making a decision on whether to grant a premises licence, these include:

a) Location:

- **Careful consideration should be given when proposed premises are situated close to schools or other areas frequented by children and young people in order to reduce exposure and access to tobacco and vaping products.**

- Areas with higher levels of deprivation or vulnerable groups may also benefit from licensing restrictions to protect public health and address health inequalities.
- b) Density:**
- Consideration should be given to limiting the number of tobacco and vape retailers in a specific area to prevent normalisation and reduce accessibility of these products.
- c) Type of Business:**
- Fixed premises are easier to monitor and inspect compliance compared with mobile premises. Consideration should be given to applying further conditions to mobile premises to ensure they meet the same level of accountability as fixed premises. Consideration should also be given to prohibiting certain types of mobile premises from obtaining a licence e.g. ice cream vans as these are particularly attractive to children and young people.
 - If mobile premises are permitted a licence clear criteria will need to be established to determine which local authority is responsible for issuing and enforcing the licence.
- d) History of Compliance and Systems in Place**
- Premises history of compliance with age restricted sales and other tobacco and vapes related legislation should be considered.
 - Licensing decisions should also take into account the systems in place for preventing underage sales such as staff training, age verification policies (such as 'No ID, No Sale' and Challenge 25), the use of electronic point of sale age verification tools, use of challenge/refusals records and management monitoring to ensure systems are being followed.
- e) Public consultation**
- Consideration should be given to including a mechanism for gathering feedback from local residents and relevant stakeholders as part of the licensing process.
- f) Valid Economic Operator Identifier (EOID):**
- For businesses wanting to sell tobacco products they must be able to demonstrate that they have a EOID to legally purchase tobacco products through the Tobacco Track and Trace System.

What factors should be taken into consideration when making decisions on the granting of a personal licence? (Optional, maximum 500 words)

The following factors should be taken into consideration when granting a personal licence:

- a) **Legal Responsibility** - the applicant should be the individual with legal responsibility for the business.
- b) **Fit and Proper Person Check** – to include a criminal record check (e.g. Access NI) for previous convictions related to the sale of tobacco or vapes as well as offences such as fraud, drugs or violence which may raise concerns about the individual’s suitability to hold a licence. The identity of the applicant should also be verified and verifiable with specific contact details provided.
- c) **Knowledge and Training:**
 - Applicants should demonstrate a clear understanding of the relevant laws and regulations related to the sale of tobacco and vapes and the procedures and systems in place to preventing underage sales.
 - Consideration should be given to developing accredited training for applicants.
- d) **Licence History:** Consideration should be given to refusing a licence if the applicant has had a personal licence refused or revoked within a specified timeframe. Consideration should be given to developing a national register for personal licences to enable enforcement authorities to check an individual’s personal licence history.

Should factors affecting decisions on the granting of licences be shaped by local priorities or nationally set criteria, or both? In your answer, please provide examples of criteria that you believe should be set at a national level and any criteria which should be left to local decision making. (Optional, maximum 500 words)

Decisions on the granting of tobacco and vape licences should be shaped by both nationally set criteria, and local priorities. National standards can provide a clear baseline and ensure that all applicants are subject to the same minimum standards.

Examples of National criteria could include:

- **Legal Responsibility** - the applicant should be the individual with legal responsibility for the business.
- **A nationally agreed Fit and Proper Persons Check**
- **Training and knowledge requirements:** A national training standard for applicants or requirement to complete a recognised training course/demonstrate equivalent experience.
- **Minimum standard policies and systems in place for preventing underage sales.**
- **Licence duration and Renewal Processes:** Consistent rules on how long licences last, renewal conditions and ground for suspension or refusal.

Local authorities should have the flexibility to apply additional conditions or criteria based on specific needs, risks and demographics of their communities.

Examples of Local criteria could include:

- **Location:** Ability to restrict licences near schools or other areas frequented by children and young people.
- **Density:** Ability to limit the number of licences in a specific area.
- **Public consultation:** Consideration of feedback from local residents and relevant stakeholders.

How should licensing authorities reach decisions about whether to grant a licence? In your answer you may want to consider what structures (such as committees) are needed to make decisions, as well as the extent to which interested parties should be engaged in the process. Please explain your answer with reference to the operation of existing licensing schemes. (Optional, maximum 500 words)

The tobacco and vape licensing scheme should follow a similar process to other licensing schemes, including:

- **Formal Consultation:** Key stakeholders including the public, Police Service of Northern Ireland (PSNI), HMRC and Department of Agriculture, Environment and Rural Affairs (DAERA) should be notified of applications and given the opportunity to submit feedback. It is recommended that applications are published online and or on the premises rather than in newspapers as the latter is expensive and not as widely read. Consideration should also be given to agreeing a list of valid reasons to object similar to Houses of Multiple Occupation (HMO) licensing.
- **Committee and Delegated Officers:** Decisions in relation to routine licensing applications should be made by authorised officers under delegated powers and applications where objections/representations have been received should be brought to the relevant Committee, similar to entertainments licensing.

If there are any other factors that should be considered in the administration of the licensing scheme, please outline them here. In your answer, you may want to consider transparency of decision-making, requirements to publish information and the process for appealing decisions. (Optional, maximum 500 words)

We recommend that the licensing scheme for tobacco and vape retailers be administered at a local authority level, with each responsible for granting licences within its geographical area based on agreed criteria and local policies.

To support consistency and efficiency across the region a single IT system should be developed to manage licence applications, renewals and enforcement activities. There should be a method for applicants to pay licence fees online.

Clear guidance should be published outlining the requirements of the scheme, decision making criteria and ground for refusal or revocation. Guidance should also include details of the appeals process.

A searchable public register should be developed and maintained including, business name, licence status, and expiry dates. It should have a public facing component showing business details and application status and a restricted access component for local authorities to record breaches, enforcement actions and compliance history.

A formal mechanism should be established to allow applicants to appeal decisions.

Licensing conditions

Please outline any examples of licensing conditions which you believe could be imposed on a premises licence to support the objectives of the scheme. (Optional, maximum 500 words)

The following conditions could be imposed on premises licences:

- **Legal Compliance:** Must comply with all relevant legislation.
- **Age Restricted Sales Procedure.**
- **Age Verification Policy** such as ‘No ID: No sale’, Challenge 25, use of electronic age verification tools, use of challenge/refusals records, acceptance of only approved forms of ID.
- **Staff training:** All staff must receive adequate training on age restricted sales and verification procedures. Training records must be maintained and available for inspection.
- **Monitoring and Review:** Regular monitoring and review of the effectiveness of controls in place.
- **Security measures:** CCTV coverage of sales and storage areas. Secure storage.
- **Operating hours:** Restrictions may be placed on late night sales to reduce crime risk and youth access.
- **Licensed Product List:** The licence should specify which products are licenced e.g. tobacco only, vapes only, both, online sales etc.
- **Environmental and Waste Management:** Additional conditions may be imposed.

- **Licence Renewal and Notification: Applications for renewal must be submitted within a specified timeframe. Licensees must notify the authority of any changes within a specified timeframe.**

Failure to comply with any of the conditions may result in suspension or revocation of the licence or other enforcement actions.

Please outline any examples of licensing conditions which you believe could be imposed on a personal licence to support the objectives of the scheme. (Optional, maximum 500 words)

The following conditions could be imposed on personal licences:

- **Criminal record disclosure: an ongoing requirement to disclose any new relevant convictions.**
- **Mandatory training: the licence holder must complete accredited training in relation to the sale of tobacco and vapes.**
- **Licence Renewal and Notification: Applications for renewal must be submitted within a specified timeframe. Licensees must notify the authority of any changes within a specified timeframe.**

Please provide your views on which licensing conditions could be determined by local councils, and which conditions should be mandatory for all licence holders. (Optional, maximum 500 words)

Mandatory conditions for all licence holders could include:

- **Age Restricted Sales Procedure.**
- **Minimum Age verification system/process**
- **Training requirements**
- **Security measures**
- **Compliance with relevant legislation**
- **Disclosure of relevant convictions**

Locally determined conditions could include:

- **Operating hours**
- **Restrictions on number of retailers**
- **Restrictions on proximity to schools etc and areas of deprivation**
- **Additional environmental or waste management requirements**

Licensing fees

What is an appropriate fee structure for premises licences and why is this the case? In your answer, you may want to consider fees paid in existing schemes, and/or whether fees should vary depending on the type of retailer or other characteristics, such as the size of the business and the products they sell. (Optional, maximum 500 words)

It is recommended that each individual premises should be licenced.

Licence fees should be based on the actual cost incurred by local authorities in the licensing process. Consideration should be given to setting a standard fee for all initial applications with variable fees based on product range e.g. tobacco only, vape only or both.

A lower fee could be set for licence renewals (e.g. every 3 years) to encourage continued compliance.

A statutory review period should be introduced to ensure that licensing fees are reviewed at regular intervals. Or fees could be subject to an annual increase based on the Retail Price Index (RPI) each year.

What is an appropriate fee structure for personal licences and why is this the case? In your answer, you may want to consider fees paid in existing schemes. (Optional, maximum 500 words)

Baseline fee for initial application and lower renewal fee (e.g. every 3years) to ensure continued compliance and training.

Please provide your views on whether fees should be set at a national or local level. In your answer, you may want to refer to the operation of existing schemes. (Optional, maximum 500 words)

Nationally set fees for both premises and personal licence with a statutory review period to ensure licensing fees are reviewed at regular intervals. Or subject to an annual increase based on the RPI each year.

Duration and renewal of licences

How long should a licence be granted for? In your answer, please consider both personal and premises licences. (Optional, maximum 500 words)

It is recommended that licences are granted for 3 years however they may be suspended or revoked at any time under agreed conditions. It is recommended

that FPNs are introduced as an enforcement option for retailers that do not have a licence.

How should the renewal of licences be managed? Please consider the renewal of both personal and premises licences. You may also want to refer to the operation of existing schemes. (Optional, maximum 500 words)

It is recommended that local authorities send out a reminder letter and applications must be submitted within a specified timeframe.

Personal licence renewal should require:

- **Confirmation of continued compliance with conditions.**
- **Disclosure of any new criminal convictions**
- **Optional refresher training/knowledge check**

Premises licence renewal should require:

- **Review of premises history e.g. inspections, complaints, enforcement actions**
- **Updated business information e.g. ownership, operating hours, product range**
- **Powers to impose new conditions/reduce term if issues have arisen during previous licence period.**

Online sales licensing

How should a retail licensing scheme be administered for online retailers and compliance monitored? In your answer, you may want to consider whether the approach taken should differ from the approach for physical premises, and/or refer to the operation of existing schemes. (Optional, maximum 500 words)

Online retailers should be subject to the same criteria and conditions as retailers operating from physical premises, however online retailers should also have additional conditions, for example,

- **robust age verification systems both at point of sale and point of delivery**
- **mandatory use of third-party age verification software that meets national standards**

The licence should clearly state whether the licence holder is authorised for online sales.

For retailers who operate exclusively online, clear criteria will need to be established to determine which local authority is responsible for issuing and enforcing licences. Possible criteria could include, the location of the registered office, the location where stock is stored or the residential address of licence holder.

Exemptions from licensing

Please provide evidence of any exemptions which you believe are necessary as part of the retail licensing scheme. (Optional, maximum 500 words)

No exemptions should be available as part of the retail licensing scheme.

Implementing a licensing scheme

How can the licensing scheme be implemented effectively? In your answer, you may want to consider the application process for existing retailers during the implementation of the scheme and whether it should differ from applications after the scheme has been implemented. (Optional, maximum 500 words)

As mentioned previously, the licensing scheme should be administered at a local authority level with each responsible for granting and enforcing licences within its geographical area. A single IT system should be developed to manage licence applications, renewals and enforcement activities. This should be funded centrally alongside dedicated funding for local authorities to cover staff training, administration and the additional workload associated with initial set up of the scheme. The scheme should be cost neutral to local authorities once fully implemented.

Clear guidance should be published outlining the requirements of the scheme, decision making criteria and grounds for refusal or revocation. Guidance should also include details of the appeals process.

If the national criteria includes mandatory or accredited training for licence holders, there must be a suitable number of approved training providers in place prior to implementation.

To support effective implementation an appropriate transition period should be provided for existing retailers. During this period existing businesses should be able to continue trading while preparing their applications. In addition, consideration should be given to allowing existing retailers who have submitted a valid application within the transition period to continue trading while their application is being processed, up to a maximum period. This would give local

authorities adequate time to process applications, manage workload and stagger the application and renewal processes.

New businesses should not be permitted to sell tobacco or vaping products until a licence has been granted.

If there is to be a process for transferring licences, it is recommended that licences cannot be transferred without approval from the licensing authority.

How long is required to implement the licensing scheme? In your answer, please consider the time required, following the introduction of regulations, to set up the scheme as well as the time required for applications to be processed. (Optional, maximum 500 words)

Set up: There would need to be adequate time to develop the IT system, train staff and establish clear operational procedures. It is estimated that this could take up to 12 months.

Application: An appropriate transition period should be provided for existing retailers such as 6 months following the commencement date, during which they may continue trading. In addition, consideration should be given to allowing existing retailer who have submitted a valid application within the transition period to continue trading to continue trading while their application is being processed, up to a maximum period, for example, 3 years. This will give local authorities adequate time to process applications, manage workload and stagger the application and renewal processes. New businesses should not be permitted to sell tobacco or vaping products until a licence has been granted.

Enforcement: Existing retailers may be subject to enforcement action after the transition period if they have not submitted a valid application, or after a decision has been made in in relation to their application if they are non-compliant.

If there is anything else that should be considered in the implementation of the scheme, please outline it here. In your answer, you may want to consider any support retailers and local councils will require to effectively implement the scheme. (Optional, maximum 500 words)

Support for Retailers – As mentioned above retailers should be provided with clear guidance outlining the requirements of the scheme, decision making criteria and grounds for refusal or revocation. Guidance should also include the details of the appeals process.

Support for Local authorities – As mentioned above there will need to be adequate resources to develop the IT system and provide staff training, administration and the additional workload associated with initial set up of the scheme.

Impact of a licensing scheme

Please provide evidence of the impacts on retailers or any other businesses of implementing a licensing scheme. In your answer, you may want to consider any relevant evidence from the implementation of existing licensing schemes for other products and relevant international examples. (Optional, maximum 500 words)

The introduction of a licensing scheme for tobacco and vape retailers will improve compliance with age restricted sales legislation and encourage legitimate retailers to be more responsible in the sale of such products.

Please provide evidence of potential public health benefits as a result of implementing a licensing scheme. In your answer, you may want to consider any relevant evidence from the implementation of existing licensing schemes for other products and relevant international examples. (Optional, maximum 500 words)

Potential public health benefits include reduced youth access to tobacco and vape products and therefore lower smoking and vaping prevalence.

Please provide any additional evidence or views on the development of a retail licensing scheme, providing a clear rationale for any views that you offer. (Optional, maximum 500 words)

Product registration

We are clear that we need a different process to ensure that products are safe and comply with our regulations. This call for evidence seeks further detail on the existing notification schemes and where registration will go further than current notification requirements. We welcome views from interested parties on implementing such a scheme.

This will inform the development of policy proposals, which we will consult on in due course.

Please note that this section is not seeking evidence on the retail registers in Scotland and Northern Ireland.

Do you have evidence or views to provide on product registration?

- **Yes**
- **No**

If you select 'no' you will go straight to the end of the survey.

Please provide evidence on the effectiveness or ineffectiveness of the current notification system for tobacco and herbal smoking products. (Optional, maximum 500 words)

Please provide evidence on the effectiveness or ineffectiveness of the current notification system for nicotine vaping products. (Optional, maximum 500 words)

The current UK vape product notification system is nearly 10yrs old. Over this period, the vaping market has evolved significantly, with product innovation far outpacing the existing regulatory framework. Early-generation vape products bear little resemblance to those currently available.

Several limitations have been identified within the notification system:

- **There is no requirement for final product testing or submission of packaging materials, which may result in non-compliant designs (e.g. packaging resembling food).**
- **Once a product is notified and published, the MHRA lacks the authority to remove it from the register, even if found to be non-compliant.**
- **ECHID numbers are not mandated on packaging, complicating product identification for enforcement officers and retailers.**

These gaps make it difficult for effective oversight and enforcement. Without clear identifiers such as ECHID numbers on packaging, retailers and enforcement officers face challenges in verifying whether products are compliant with notification requirements.

Please provide evidence of any product registration schemes and their advantages and disadvantages. These could be international or other UK government schemes. (Optional, maximum 500 words)

Products in scope

We are interested in evidence on the UK market for the following products, and any impacts of requiring registration of these products:

- nicotine products (including nicotine pouches, nicotine gum, nicotine strips and nicotine pearls)

- non-nicotine vaping products
- cigarette papers
- tobacco related devices (such as heated tobacco devices)

Evidence may include size of the market, pricing structures and information on consumer or market trends.

If you have any evidence on the market for the products in scope, please provide it here, specifying which product or products you are referring to. (Optional, maximum 500 words)

It is important that products that contain nicotine derivatives, synthetic nicotine and nicotine analogues are included within the scope of the regulation. This inclusion will enable restrictions on the levels of these highly addictive substances, allowing regulation to stay ahead of market innovation and better protect public health.

Some of the products listed above may fall under both the food and non-food enforcement regimes, for example, pouches, pearls, drops. To allow for consistent and effective enforcement, clear guidance should be provided to enforcement agencies. This should include definitions of the products, specifications and applicable regulatory frameworks.

Please provide evidence of the supply chain for the products in scope. This includes how they are imported to the UK, who imports them and how they are distributed. (Optional, maximum 500 words)

Information requirements

The bill specifies that the regulations may require the following information as part of a product's registration:

- the reasons for an ingredient's inclusion in the product
- images (for example, an image of the product or its label or packaging)
- information relevant to any risks or suspected risks to human health or safety posed by the product
- information about substances released into the body of a person using the product or about the emissions released by the product
- information about the producer's operations

- information about any individual nominated by the producer in accordance with regulations under clause 97 (responsible person)

If there is any other information not listed above that should be required before a product can be registered, please outline it here and explain why this is the case. (Optional, maximum 500 words)

This information should be in addition to the requirements already in place within the Tobacco and Related Products Regulations 2016 (TRPR).

The following enhancements are recommended:

- **Visual Documentation: Notifications should include clear images of the product, its label, and packaging to support compliance checks and prevent misleading presentation (e.g. resemblance to food items).**
- **Cross-Regulatory Compliance: Submitted products should demonstrate compliance with other relevant regulations, including:**
 - **Electrical safety standards (for rechargeable devices)**
 - **CLP (Classification, Labelling and Packaging)**
 - **REACH (Registration, Evaluation, Authorisation and Restriction of Chemicals)**
- **Factory Product Control Statement: Manufacturers should provide a formal declaration of product control procedures, accompanied by evidence of compliance with quality and safety standards.**
- **Third-Party Testing: Independent testing of the final product should be required to verify the accuracy of submitted data and ensure product safety.**
- **Manufacture Location Disclosure: The location of manufacture should be confirmed to support traceability and enforcement.**
- **Pre-Notification Process: A formal pre-notification review mechanism should be established to assess product compliance before publication on the MHRA register.**
- **Recycling – Confirmation of registration on a Producer Compliance scheme for recycling.**

Product standards and testing requirements

Please provide evidence on existing testing regimes and their effectiveness and any testing standards which are used in relation to the products in scope. (Optional, maximum 500 words)

Currently, there are no accredited test houses in Northern Ireland capable of testing vape products or other nicotine-containing items. These products often contain lithium-ion batteries, which present transportation challenges when shipping to Great Britain (GB), including:

- **Difficulty identifying couriers willing to transport such items**
- **Elevated costs associated with both transportation and testing**

Testing capacity within UK-based facilities is also limited, and existing infrastructure does not adequately support the volume or complexity of emerging nicotine products. To ensure robust regulatory oversight, additional resources must be allocated to:

- **Expand UK testing facilities**
- **Develop appropriate testing specifications**
- **Improve accessibility for manufacturers and enforcement bodies across all UK regions**

Please provide evidence on the most effective point in a product's route to market for testing to be conducted. For example, before registration. (Optional, maximum 500 words)

Pre-registration is the most appropriate stage for conducting product testing. This approach ensures that products meet safety and compliance standards before they are placed on the market. Early testing would allow regulators to verify:

- **Ingredient and emissions data**
- **Packaging compliance**
- **Electrical safety (particularly for devices containing lithium-ion batteries)**
- **Labelling and presentation standards**
- **Cross-regulatory compliance (e.g. CLP, REACH)**

Conducting testing at the pre-registration stage would also help prevent non-compliant or misleading products from entering the market, reduce enforcement burdens, and support public health objectives.

However, Environmental Health would also like to see funding built into the system to enable random market surveillance testing of products on shelves, ensuring

that the items supplied to consumers match those submitted for pre-registration testing.

Please provide evidence on the business impacts of enhanced testing requirements for these products. (Optional, maximum 500 words)

N/A

Responsible person

Please provide evidence of existing schemes where a ‘responsible person’ can be nominated to submit information on behalf of an organisation, and their effectiveness. Please also provide any information relating to rules around who is allowed to submit information. (Optional, maximum 500 words)

Under current EU legislation—including the Market Surveillance Regulation (MSC), General Product Safety Regulation (GPSR), and Cosmetics Regulation—there is a clear requirement for a Responsible Person (RP) to be established within the EU. The RP may be:

- **The manufacturer (if based in the EU)**
- **An importer**
- **An authorised representative**
- **A fulfilment service provider**

The RP is legally accountable for ensuring that products placed on the EU market comply with applicable safety and regulatory requirements. Key responsibilities include:

- **Maintaining technical documentation**
- **Conducting risk assessments**
- **Ensuring product traceability**
- **Cooperating with market surveillance authorities**
- **Facilitating product recalls when necessary**

Products regulated under the Tobacco Products Directive (TPD) fall within the scope of the Market Surveillance Regulation, meaning the requirement for a Responsible Person to be established in the EU also applies to vape products.

Under MSC, “established in the EU” means the RP must have a legal and physical presence in an EU member state to ensure accountability and enable effective communication with authorities.

Under the Tobacco Products Directive (TPD), manufacturers, importers, or consultants acting on behalf of a manufacturer or importer may submit a notification for vape products via the EU Common Entry Gate (EU-CEG). However, only the manufacturer or importer is recognised as the responsible party under the Directive and is legally accountable for ensuring product compliance.

Environmental Health Officers have identified addresses in Northern Ireland registered with HMRC Companies House that host thousands of businesses. However, many of these locations lack a physical presence or operational activity, making it difficult to obtain information or verify compliance. To meet the intent of EU legislation, the RP must physically hold all relevant documentation and be able to provide it promptly upon request

Notification scheme fees

Under the existing notification schemes, producers or manufacturers must pay a fee or fees as part of the notification process. For tobacco products, these fees vary depending on the product. The fees for a cigarette are:

- £200 for a new notification
- £200 for a substantial modification of an existing product
- an annual reporting fee of £100

Cigarettes are also subject to a testing fee of £1,000, or £167 multiplied by the number of samples required in the period if there were 5 or fewer.

The Medicines and Healthcare products Regulatory Agency charges £150 for notification of a nicotine vape.

What fees should be charged for registration and testing of a product? You may refer to the fee regimes for the existing notification systems as a basis. Please provide rationale and any supporting evidence. (Optional, maximum 500 words)

Consideration should be given to structuring the fee system to cover both registration and enforcement activities, including post-market testing. This approach would support a more sustainable and effective regulatory framework by ensuring that enforcement bodies are adequately resourced to carry out compliance checks.

Please provide evidence on the potential business impacts of requiring fees for registration of nicotine products and non-nicotine vaping products. (Optional, maximum 500 words)

The current registration fee for vape products is minimal when calculated per unit manufactured or sold.

Impact on businesses

Please provide evidence of the impacts on business (such as producers and importers) from adapting to new registration and reporting requirements as established through the Tobacco and Vapes Bill. (Optional, maximum 500 words)

N/A

Enforcement

How effective or ineffective is the current enforcement regime for ensuring that only notified products are sold in Great Britain and Northern Ireland? (Optional)

- Very effective
- **Somewhat effective**
- **Somewhat ineffective**
- Very ineffective
- Don't know

Please provide any evidence to support your view and any recommendations on how enforcement could be improved in the future. For example, on things like sale of unregistered products. (Optional, maximum 500 words)

The resource allocated to non-food product safety enforcement budget is very limited and must cover a wide variety of products governed by complex legislation. This puts constraints on the capacity of enforcement authorities to carry out proactive and thorough compliance checks.

Additionally, products notified under the current legislative framework—Tobacco and Related Products Regulations (TRPR) 2016—may not accurately reflect the product as sold to consumers. TRPR 2016 does not provide a mechanism for removing an electronic cigarette or refill container from the published list of notified products, even when Environmental Health Officers identify non-compliant products on sale. This gap in enforcement powers limits the ability to take effective corrective action.

Additionally, the offence of selling or supplying unregistered products should apply to retailers as well as producers. At present, only producers can be prosecuted for non-notification of products.

Please provide evidence or views on eligibility criteria for registration, including criteria for cancellation or suspension of a registration. (Optional, maximum 500 words)

To be eligible to notify a product, the following conditions must be met:

- **History of Compliance:** The manufacturer, importer, or Responsible Person must demonstrate a consistent history of regulatory compliance. This includes disclosure of any:
 - Legal action taken against them.
 - Findings of guilt in relation to criminal offences.
 - Enforcement notices or penalties issued by Market Surveillance Authorities (MSAs) or other relevant bodies.
- **Established UK-Based Responsible Person:** There must be a clearly identified and operational Responsible Person established within the United Kingdom, in accordance with applicable legislation.

A notification may be cancelled or suspended under the following circumstances:

- **Non-Compliance Identified:** Evidence of non-compliance with relevant regulations identified by enforcement agencies, including MSAs or other Government Departments.
- **Enforcement Action Taken:** Any formal enforcement action, such as prohibition notices, product recalls, or prosecution, may trigger review and potential suspension or cancellation of eligibility.

This could apply to one individual product, or all the products notified by a manufacturer, importer or responsible person.

Please provide any additional evidence or views on future registration powers, providing a clear rationale for any views that you offer. (Optional, maximum 500 words)

Clear guidelines should be established for when and how a cancellation or suspension of a notification can be carried out, including the evidence that enforcing authorities must provide to the MHRA.

If a notification is suspended or cancelled a mechanism must be put in place for efficient removal of affected stock from the marketplace. Enforcing authorities should be granted effective powers to facilitate this process.

To support enforcement, the registration number should be clearly displayed on product packaging, enabling officers and all economic operators, to easily identify notified products.

Consideration should be given to the issuing of fixed penalty notices as an enforcement tool for non-compliance. Suitable uses for fixed penalty notices may include:

- **Failure to comply with notification requirements.**
- **Use of non-compliant packaging or**
- **Sale of non-notified products.**

Council must retain income from fixed penalty notices to support local enforcement activities.

The resource allocated to non-food product safety enforcement budget is very limited and must cover a wide variety of products governed by complex legislation. Additional resource is essential to ensure effective compliance checks and enforcement can be carried out.

Unclassified

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ITEM 11**Ards and North Down Borough Council**

Report Classification	Unclassified
Exemption Reason	Not Applicable
Council/Committee	Council Meeting
Date of Meeting	26 November 2025
Responsible Director	Acting Chief Executive
Responsible Head of Service	
Date of Report	18 November 2025
File Reference	
Legislation	
Section 75 Compliant	Yes ☐ No ☐ Other ☐ If other, please add comment below:
Subject	Updates to the Report Template for Committee and Council meetings
Attachments	Appendix 1 - Updated Report Template v4 October 2025

Background

Following the agreed phase 1 restructure of the Council, the Council and Committee report template was updated to reflect the new Director and Committee titles. At the same time, Officers also undertook to do a full review of the template, its relevance and functionality.

Proposal

The most significant changes proposed will require authors to consider the following matters when preparing reports:

- Resource Implications (budget, staffing, legal services, contractual, other)
- Screening Requirements
- Link to the Corporate Plan Priorities and Outcomes

These additions should help enable a clear understanding and emphasis of any implications and consequences to allow Members to make the most informed

Not Applicable

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decision. As well, it is a prompt to ensure Council are continuously working towards the priorities of the Corporate Plan.

Additional, inconsequential tweaks were also done elsewhere in the report:

- Addition of a multiple option for the Exemption Reason.
- Default legislation listed as the Local Government Act (Northern Ireland) 2014 with the option to free text any other legislation.
- Standardisation of sub-headings.
- A structured Recommendation section.

Key Issues

Desktop research was conducted including a review of the report templates of other Councils in NI. Of the 10 other Councils, 9 publish copies of their reports on their website.

8 of those 9 Councils include reference to resource implications and screening requirements in some way in their templates. The remaining Council does include reference to resource implications and screening requirements ad-hoc in reports but do not appear to be a mandatory field in the template. 2 of the 9 Councils make reference to the Corporate Plan in their template.

RECOMMENDATION

It is recommended that Council agree to the updated report template at appendix 1.

Choose a Report Classification

ITEM

Ards and North Down Borough Council

Report Classification	Choose a Report Classification
Exemption Reason	Not Applicable If multiple:
Meeting	Choose an item.
Date of Meeting	Click or tap to enter a date.
Responsible Director	Choose an item.
Responsible Head of Service	
Report title	
Attachments	
File Reference (if applicable)	
Legislation	Choose an item.
Resource Implications	Choose an item. Narrative:
Screening Requirements	<i>The Council will commit to consider the implication of all reports under the categories of Section 75, Rural Needs, Data Protection, Climate and Sustainability:</i> Choose an item.
Link to Corporate Plan Priority and Outcome	Choose an item. Choose an item. If multiple:

Background

Key Issues

Not Applicable

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Next Steps

Summary

RECOMMENDATION

It is recommended that Council **Choose an item.**

Unclassified

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ITEM 12**Ards and North Down Borough Council**

Report Classification	Unclassified
Exemption Reason	Not Applicable
Council/Committee	Council Meeting
Date of Meeting	26 November 2025
Responsible Director	Acting Chief Executive
Responsible Head of Service	
Date of Report	17 November 2025
File Reference	N/A
Legislation	Local Government Act (Northern Ireland) 2014
Section 75 Compliant	Yes ☒ No ☐ Other ☐ If other, please add comment below:
Subject	Nomination to Outside Bodies
Attachments	

Places on working groups are filled through nomination at the Council's Annual Meeting and are thus held by individual Members rather than Parties. When a position becomes vacant, it reverts back to Council to nominate a Member to fill the place rather than the Party Nominating Officers.

Following the resignation of Stephen Hollywood from the Council (Bangor West DEA), nominations are sought to fill each of the below positions for the remainder of the term as necessary:

1. Body: North Down Coastal Path Working Group – 15 Places (1 Year Appointment)
2. Body: North Down Development Organisation Ltd – 3 Places (4 Year Appointment)
3. Body: Somme Advisory Council – 2 Places (4 Year Appointment)
4. Body: National Association of Councillors – 8 Places (4 Year Appointment)
5. Body: PEACE PLUS – 11 Places (4 Year Appointment) – Please note, this Membership is to be allocated on the basis of d'Hondt plus one so nomination should be sought from the UUP Nominating Officer for this position.

Not Applicable

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The below tables reflect the current membership of the above working groups:

1. Body: North Down Coastal Path Working Group – 15 Places (1 Year Appointment)

	2024/25	2025/26
1	Alderman Graham	Alderman Graham
2	Councillor Cochrane	Councillor Cochrane
3	Councillor McBurney	Councillor McBurney
4	Councillor Harbinson	Councillor Harbinson
5	Councillor Hollywood	Councillor Hollywood
6	Councillor Irwin	Councillor Irwin
7	Councillor McClean	Councillor McClean
8	Councillor W Irvine	Councillor W Irvine
9	Councillor McCracken	Councillor McCracken
10	Councillor McCollum	Councillor McCollum
11	Councillor McKee	Councillor McKee
12	Councillor McKimm	Councillor Brady (Chair)
13	Councillor McLaren	Councillor McLaren
14	Alderman McRandal	Alderman McRandal
15	Councillor Hennessy	Councillor Hennessy

2. Body: North Down Development Organisation Ltd – 3 Places (4 Year Appointment)

	2019/23	2023/27
1	Councillor Dunlop	Councillor McCracken
2	Alderman M Smith	Councillor Cathcart
3	Councillor Cathcart	Councillor Hollywood

3. Body: Somme Advisory Council – 2 Places (4 Year Appointment)

	2019/23	2023/27
1	Alderman M Smith	Alderman Cummings
2	Alderman Keery	Councillor Hollywood

4. Body: National Association of Councillors – 8 Places (4 Year Appointment)

	2019/23	2023/27
1	Alderman McDowell	Councillor Boyle
2	Alderman Wilson	Alderman McDowell
3	Councillor Boyle	<i>Vacant</i>
4	Alderman Gibson	Councillor S Hollywood
5	Councillor Thompson	-
6	Alderman Carson	-
7	Alderman Keery	-
8	-	-

Not Applicable

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5. Body: PEACE PLUS – 11 Places (4 Year Appointment) (appointed by d'hondt + 1)

	2022/23	New Appointment – 2023/27
1	Councillor Adair	Alderman McIlveen
2	Councillor Thompson	Alderman Adair
3	Alderman Gibson	Councillor Thompson
4	Alderman McIlveen	Alderman Armstrong-Cotter
5	Councillor Douglas	Councillor Boyle
6	Councillor McAlpine	Councillor Irwin
7	Alderman McRandal	Alderman McAlpine
8	Councillor Smart	Alderman McRandal
9	Councillor P Smith	Councillor Morgan
10	Councillor McKee	Alderman Brooks
11	Councillor Boyle	Councillor Hollywood

Outstanding Positions

Following the resignation of Linzi McLaren (Hollywood and Clandeboyne DEA) from the Council, which has subsequently been filled by Stephen Hollywood, a number of positions on Working Groups will be required to be filled.

It is recommended that nominations to these positions are deferred until the vacant seat (Bangor West DEA) is filled. They are as follows:

6. Body: Elected Member Development Steering Group – 7 Places (4 Year Appointment)

	2019/23	2023/27
1	Councillor McAlpine	Councillor McLaren
2	Councillor P Smith	Councillor Smart
3	Alderman Keery	Councillor Moore
4	Alderman Gibson	Councillor McAlpine
5	Councillor Thompson	Alderman McIlveen
6	Alderman W Irvine	Alderman Graham
7	Councillor S Irvine	Councillor Cochrane

7. Body: North Down Coastal Path Working Group – 15 Places (1 Year Appointment)

	2024/25	2025/26
1	Alderman Graham	Alderman Graham
2	Councillor Cochrane	Councillor Cochrane
3	Councillor McBurney	Councillor McBurney
4	Councillor Harbinson	Councillor Harbinson
5	Councillor Hollywood	Councillor Hollywood
6	Councillor Irwin	Councillor Irwin
7	Councillor McClean	Councillor McClean

Not Applicable

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8	Councillor W Irvine	Councillor W Irvine
9	Councillor McCracken	Councillor McCracken
10	Councillor McCollum	Councillor McCollum
11	Councillor McKee	Councillor McKee
12	Councillor McKimm	Councillor Brady (Chair)
13	Councillor McLaren	Councillor McLaren
14	Alderman McRandal	Alderman McRandal
15	Councillor Hennessy	Councillor Hennessy

8. Body: Somme Heritage Centre Management Committee – 3 Places (1 Year Appointment)

	2024/25	2025/26
1	Councillor Thompson <i>(Replaced Councillor MacArthur April 2024)</i>	Councillor Thompson
2	Councillor McLaren	Councillor McLaren
3	Councillor S Irvine	Councillor S Irvine
4	Alderman Cummings	Alderman Cummings

Nominations are sought from Council to fill the above places (1-5) for the remainder of the term as necessary and agree to defer the nominations of positions for 6-8.

RECOMMENDATION

It is recommended that Council:

- (a) Nominate a Member(s) to the bodies as outlined as 1-5 above; and
- (b) Defer nominations on bodies 6-8 until the remaining seat in Bangor West DEA is filled.

Unclassified

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ITEM 15

Ards and North Down Borough Council

Report Classification	Unclassified
Exemption Reason	Not Applicable
Council/Committee	Council Meeting
Date of Meeting	26 November 2025
Responsible Director	Acting Chief Executive
Responsible Head of Service	
Date of Report	17 October 2025
File Reference	
Legislation	
Section 75 Compliant	Yes ☒ No ☐ Other ☐ If other, please add comment below:
Subject	Notice of Motion Status Report
Attachments	Notice of Motion tracker

Please find attached a Status Report in respect of Notices of Motion.

This is a standing item on the Council agenda each month and its aim is to keep Members updated on the outcome of Motions. It should be noted that as each Motion is dealt with it will be removed from the report.

RECOMMENDATION

It is recommended that the Council notes the report.

	Responsible Committee	Date Received	Submitted by	Notice (Original and any amendment)	Council & Committee Meetings (Date & Item)	Status (Most recent status update at the top followed by detail of what has been accomplished to date)	Responsible Officer	Final Outcome
11	Active & Healthy Communities	31.05.15	Councillor Muir & Alderman Keery	Rory McIlroy Recognition	Council June 2015 Corporate Services Committee October 2015	Officers discussing options with McIlroy Organisation. Proposal currently being drafted related to supporting young people in sport for their consideration and then will be reported to Council. The Chief Executive has now met with the Rory McIlroy Foundation and a proposal will be presented to them in due course.	Adele Faulkner (Director of Active & Healthy Communities)	
330	Environment	21.01.19	Councillor Brooks & Councillor Smith	This Council brings back a report on providing a shelter or sheltered area near the slipway in Donaghadee which would provide cover for the growing numbers of open water swimmers that use the area on a daily basis.	Council January 2019 Environment Committee 06.02.19 Item 16.3	Report to be brought back to Committee to close off the NOM	Peter Caldwell (Head of Estates)	
370	Active & Healthy Communities	13.09.19	Councillor Cathcart & Alderman Gibson	That this Council acknowledges that Council byelaws are in need of review. Many of our Council byelaws are now outdated and do not cover new housing developments and playparks in the Borough. The Council therefore will carry out a comprehensive review of Council byelaws to create a modern system to assist the Council in meeting the outcomes identified within the Community Plan	Council - September 2019 Referred to Environment Committee - October 2019 Environment Committee 02.09.20 Item 12 Council - April 2025 Item 14	Report to be brought back on the possible strengthening of no alcohol consumption byelaws on Council land and at the Borough's beaches and parks. Report to also explore options on possible restrictions of open fires and the use of disposable BBQs at beaches and parks. Review of the byelaws to commence and be undertaken in three stages. Phase 1 - Scope, Phase 2 - Council Review and Phase 3 - Recommendation and Decision Financial provision 2026/27	Gareth Kinnear (Interim Head of Environmental Health)	
514	Environment	19.05.22	Councillor Cummings & Councillor Johnson	Business case for redesign of the parallel sports pitches and facilities at Park Way, Comber	Council June 2022 Community & Wellbeing Committee September 2022 and deferred to October 2022	Council agreed Comber 3G pitch is ranked 21st in project prioritisation. Stakeholder engagement to commence at the appropriate time. Leasing application has been received from Comber Rec.	Head of Leisure	

519	Active & Healthy Communities	20.06.22	Councillor Kendall, Councillor McRandal & Councillor McClean	Engagement with relevant community stakeholders to ascertain community need and desires in respect of the Queen's Leisure Complex	Council June 2022 Community & Wellbeing Committee September 2022 and deferred to October 2022	Report to November 2024 C&W Committee. Community Engagement took place on 24th September 2024; meeting with councillors in January 2025, further engagement has been requested and clarity is still awaited on the details of that request. Report to June C&W Committee if that clarity is obtained in advance. Meeting to be held on 27 November 2025 with the Mayor, Members and Officers.	Nikki Dorrian & Alan Johnson	
522	Corporate Services	05.07.22	Alderman Irvine and Alderman Keery Amendment received from Councillor Cathcart	That this Council changes the name of Queen's Parade to Queen's Platinum Jubilee Parade in honour and recognition of the 70th anniversary of the Queen's accession to the throne. *** Amendment - That this Council, in recognition of Her Majesty's Platinum Jubilee and her conferment of City Status upon Bangor, agrees to name an appropriate place or building within Bangor in her honour and that future Council Bangor entrance signs make reference to Bangor being a Platinum Jubilee City.	Council July 2022 Environment Committee September 2022 Corporate Services January 2024	April 2023 - Letter requesting permission to use the Royal Name sent to the Cabinet Office and awaiting response January 2024 - Report brought to Corporate Committee Amendment Agreed and advice sought from Cabinet Office December 2024 - Advice still outstanding November 2025 - Advice now recieved, update report to be presented to Corporate Committee	Alison Curtis (Head of Corporate Governance)	
564	Environment	08.02.23	Alderman Irvine and Alderman Keery	That this Council tasks officers to begin discussions with the Education Authority with regards to the Future of Bloomfield playing fields, Bangor. This is to include the lease and the exploring of the possibility of bringing the facility up to intermediate level for football. A report to be brought back to Council following said discussions.	Council February 2023 Community & Wellbeing Committee March 2023	Officers awaiting response from EA in order for report to be brought back to future C&W Committee. EA has responded to say they '...would be in contact when they are ready to progress...' several chasers have been sent. 26.02.25 Email received from Virginia Lowe of the EA confirming there is no further update at this time. Compliance section continues to chase.	Stephen Daye (Head of Parks and Cemeteries)	

567	Corporate Services	14.02.23	Councillor Adair & Councillor Edmund	This Council rename the square at Portavogie War Memorial Queen Elizabeth Square in memory of our late Sovereign Queen Elizabeth II.	Council February 2023 Corporate Services Committee March 2023	A response has been received from the Cabinet Office and a report went back to Committee 30/5/24 - follow up letter sent to Cabinet Office for update. Letters sent to the Cabinet Office requesting use of the Royal Name July 2024 - Advice now received - Report presented at September CSC. Agreed that combined EQIA more appropriate . A further report to be brought to CSC when EQIA ready to go. November 2025 - Advice now recieved on other requests, update report to be presented to Corporate Committee	Alison Curtis (Head of Corporate Governance)	
585	Environment	16.10.23	Alderman Adair, Councillor Edmund & Councillor Kerr	That Council recognise the value of our Beaches and coastal environment to our residents and tourists alike note the new DEARA regulations for the cleaning and maintenance of our beaches and task officers to bring forward a report on cleaning and maintaining our beaches on a proactive basis in line with the new DEARA regulations to ensure our beaches continue to be a clean, safe, attractive and well-managed coastal environments.		Report to C&W Committee in January 2025. Further report requested to future C&W Committee to include site visits to Causeway Coast & Glens and Newry Mourne and Down Distrcit Council as per amended recommendation at January C&W Committee. Since January C&W Committee a summer site visit has been organised. Report to be brought back to October 2025 C&W Committee. Meanwhile beaches continue to be monitored on a proactive basis.	Stephen Daye (Head of Parks and Cemeteries)	
586	Corporate Services	16.10.23	Councillor Cathcart & Councillor Martin	That this Council, further to recent positive discussions with landowners, agrees to reexamine the April 2014 decision of North Down Borough Council to accept a gift of open space at Ambleside, Bangor, which was never completed and tasks Council Officers to bring back a report looking at (i) acquiring the land and (ii) options around future uses for the land.	Council October 2023 Corporate Services Committee November 2023 Corporate Services Committee September 2024	November 2025: The sellers' solicitors have confirmed that they were not willing to undertake first registration. Officers sought further legal advice and CLT agreed to refer the matter to Arthur Moir – the former Registrar of the Land Registry would be asked to provide advice on the various issues in the title and provide an indication of the likelihood of achieving Good Leasehold title. This will allow the Council to make a better informed decision on the purchase. This project is continuing to incur costs to the Council.	Alison Curtis (Head of Corporate Governance)	

595	Environment	16.11.23	Councillor McCracken & Councillor Blaney	This Council recognises the importance of Bangor's early Christian heritage in the story of our city, and its role in local tourism strategies. This Council requests that officers bring back a report which evaluates how the physical link between two main sites, Bangor Abbey and the North Down Museum, could be improved, to include the renovation and potential remodelling of Bell's Walk, with consideration for improved wayfinding and lighting. The motion also requests that officers consider how Bangor Castle Gardens and The Walled Garden could be better incorporated into the walking route, and how the overall attraction could be packaged to create a more complete tourism and placemaking experience.	Council 29.11.2023	Initial report to December 2024 C&W Committee. Second report to June 2025 C&W Committee.	Nikki Dorrian (Interim Head of Community and Culture)	
599	Active & Healthy Communities	21.11.23	Councillor Cathcart & Councillor Gilmour	"That this Council recognises the invaluable work undertaken by community/voluntary groups and organisations in this Borough in identifying and tackling the needs of communities and residents. The Council therefore, commits to undertaking a root and branch review of community development funding, arts and heritage, sports development and all other funding streams to ensure that it provides the most efficient, effective and responsive service to our community, thus maximising impact, accessibility and equitable allocation of resources. The review should examine the following 4 categories: (see further wording on agenda)	Council 20.12.23 Community & Wellbeing Committee January 2024 and April 2024 and June 2024 and September 2024. Corporate Committee September 2024	Project ongoing for 24 months with reports brought to C&W Committee as necessary. First working group was on 10th May 2024. Grants transformation project already underway. Regular Updates will be brought. Next report will be to January 2026 Committee.	Nikki Dorrian (Interim Head of Community and Culture)	

616	Environment	19.03.24	Councillor McCollum & Councillor Irwin	That this Council recognises the significant opportunities which the redevelopment of Donaghadee Harbour could bring to the local economy in terms of leisure sailing and tourism and thus instructs officers to work with local groups to scope potential operational facilities which could enhance the offering in the Harbour and further brings back a feasibility report on the various options, including costings and possible funding streams. Further, that this Council recognises the issues associated with high winds and coastal change and reviews the original 2020 Harbour Study conducted by RPS including the necessity for an offshore breakwater and agrees to bring back a report in time to be presented to Council in September 2024, outlining the budget required to undertake this work, any key considerations, next steps and identify which stakeholders would need to be involved.	Council 27.03.24 Item 18.3 Environment Committee 10.04.24 Item 14 Environment Committee 04.09.24 Item 14 Environment Committee 06.11.24 Item 3 Environment Committee 11.06.25 Item 3	Agreed that the Council writes to the Department for Infrastructure Rivers Agency, sharing the findings of the study undertaken by AECOM, and asking that enhanced coastal defence schemes be progressed for the inner and outer parades in Donaghadee. Further agreed that Council officers make meaningful engagement with local stakeholders and incorporate their responses in an update report to be brought back to Council within 6 months. Agreed that the Council proceeds with the 'Phase 1' further investigation work regarding potential Donaghadee sea defence enhancements. Agreed that Council proceeds as proposed in section 4 of the report, with the outcome of engagement outlined being reported back to Environment Committee in 2025. Environment Committee April 2024 - Agreed to bring back a report.	Peter Caldwell (Head of Estates)	
624	Corporate Services	20.05.24	Councillor Kendall, Alderman McRandal and Alderman Graham	This Council notes that, subsequent to submission of a Notice of Motion in 2017, Council agreed to provide funding to assist in the building of a new war memorial in Conlig village; and to liaise with, and assist, the Conlig War Memorial Project Group in their efforts to build a monument to the seventeen men who are known to have lost their lives in World War I.	Council - May 2024 - Corporate Services Committee June	November 2025: This matter is progressing in line with the actions agreed by both The Council and Conlig Community Regeneration Group.	Alison Curtis (Head of Corporate Governance) & Peter Caldwell (Head of Estates)	

629	Environment	19.08.24	Councillors Gilmour, Hollywood, McClean and McKee	That this council notes that significant investment was previously made to deliver a play park, MUGA and amateur league sized football pitch on the Clandeboyne road. Notes with regret there have been ongoing issues with the pitch. Instructs officers to reinstate the goalposts and mark out the pitch so that it can be played on by the local community. Furthermore, following consultation with the local community, that a report is brought back regarding the longer term maintenance and enhancement of the site, to ensure any necessary provisions can be considered during the rate setting process to ensure that the football pitch is fit for purpose and can be used as previously agreed."	Council 28 August 2024 (Item 25.3) September C&W Committee	Report to January 2025 C&W Committee. Funding approved for 25/26 to progress first stage. Report to June C&W Committee with progress report as communicated to DEA members and local community in April and May 2025 on next steps and plans for enhancement of the site. Update to October 2025 C&WC.	Stephen Daye (Head of Parks and Cemeteries)	
631	Corporate Services	7.8.24	Alderman McIlveen, Councillor Boyle, Alderman McDowell, Alderman Armstrong-Cotter, Councillor Smart, Councillor Kennedy, Councillor S Irvine	That this Council bestows the Freedom of the Borough upon Rhys McClenaghan - European, Commonwealth, World and Olympic Gold Medallist - in recognition of his outstanding achievements in sport.	Council September 2024 (Item 13.1)	Meeting with Rhys McClenaghan took place in January 2025. November 2025: Progressing report to follow when more information available.	Alison Curtis (Head of Corporate Governance)	
632	Environment	21.08.24	Councillor Irwin and Alderman McRandal	That this Council tasks officers with producing a report outlining how pedestrian access to Household Recycling Centres in the Borough could be facilitated. This report should include consideration of health and safety requirements, the HRC booking system and the ability to provide pedestrian access in other council areas in Northern Ireland.	Council September 2024 (Item 13.2) Environment Committee 2 October 2024 (Item 11.1) Environment Committee 7 May 2025 (Item 3)	Agreed at EC 7 May 2025 to proceed with a three-month trial at Holywood and Donaghadee HRCs Agreed at April 2025 Environment Committee to proceed with Option 3 for a pilot scheme in Holywood and Donaghadee HRCs in order to obtain a proper evidence basis for demand; and that consideration of pedestrian access is included in the work around the future of the HRC estate as outlined in Option 1. Further report to follow. Agreed at Environment Committee 2 October 2024	Keith Patterson (Head of Waste and Cleansing)	

636	Active & Healthy Communities	16.10.24	Councillors Boyle & Wray	That officers bring back a detailed report surrounding options to celebrate the huge success of the Ards Blair Mayne Wellbeing and Leisure Complex. Options would include a Civic Reception to celebrate 6 years of the huge success of the facility in 2025	Council October 2024 Item 23.3 - Community & Wellbeing Committee November 2024	Report to April C&WC. To be referred back to a future C&WC as per April Council decision. Report to January 2026 A&HCC with the aim of tying this in with the Leisure Strategy launch. Update report to December A&HC Committee.	Head of Leisure	
638	Place & Prosperity	22.10.2024	Councillors Harbinson & McCracken	That this Council should: 1. Prepare a visual map for all public sector land in Bangor City Centre and Ards Town Centre and colour code holdings that are potentially connected with future developments (even if not yet fully agreed), including Bangor Waterfront, Queen's Parade, Newtownards Citizen's Hub and the Council's Car Park Strategy. This includes public land belonging to the Council and NI Executive Departments. 2. To further identify public sector land that is currently unproductive and outside the scope of wider strategies, which could be made available for future private sector development. This includes land that is either vacant, contains empty or derelict buildings, or contains buildings that are under-utilised or dated to the point that redevelopment is required. The map should also include land that is facilitating meanwhile use. 3. Prepare a summary report to highlight how unproductive public sector land could be re-purposed and how such a process could be progressed within the bounds of current planning considerations and Council/Executive disposal policies.	Place & Prosperity Committee November 2024 (Item 14.2) Council October 2024 (Item 23.5)	Strategic Development, Lands, and the GIS officer met 16.10.25 to discuss how to get the information from GIS. Update to be provided to Elected Members by 17.10.25 Update report to P&P in the first quarter of 2026 Agreed at 7 Nov 2024 P&P and ratified by 27 Nov Council 2024 - initial report to be brought back to future P&P Committee	Director of Place and Prosperity	

640		05.11.2024	Councillor Cochrane and Alderman Adair	That this Council condemns the failure by the UK Government to prioritise farming families and the rural economy as part of the Autumn Budget; notes with deep concern the decisions to introduce new thresholds for Inheritance Tax and Agricultural Property Relief, which will jeopardise succession planning on farms and discourage investment in many farm businesses. Further to this, Council calls on the Minister for Agriculture, Environment and Rural Affairs to bring forward proposals to mitigate the impact of these damaging policies on local farms, as well as avoid significant increases in food prices; further commits to engage with the Chancellor at the earliest opportunity and demonstrate his absolute support for farmers affected by this budget and further calls on the Minister to work with the Minister of Finance to deliver an early and firm commitment to farming families that current levels of financial support will not only be maintained but increased in the next financial year.	Council meeting 27.11.2024 - Heard and agreed.	Letter sent to Minister on 9 December and response received 13 January. Report to go to January Council.		
644	Environment	10.12.24	Alderman McIlveen and Alderman Armstrong-Cotter	That Council notes the poor condition of the Bowtown children's play park and its poor provision of accessible play equipment and tasks officers to bring forward a report on enhancing and improving the play park to meet the needs of local children.	Council 18.12.24 and Community and Welling Committee 15.01.2025	Referred to the February 2025 meeting of Community and Wellbeing Committee. Reported to April C&W Committee. April Council determined that Director & HoS to visit site. Site visit took place on 3 June 2025. A masterplan/feasibility study to be carried out.	Stephen Daye (Head of Parks and Cemeteries)	
646	Place & Prosperity	10.12.24	Alderman Cummings and Councillor Douglas	That this Council brings back a report identifying potential sites around Comber to accommodate industrial units suitable for use by SME's, and outline their compatibility with the Department of Economy Sub Regional Economic Plan, and Sectoral Action Plans together with Invest NI.	PC 04.02.25 Council 18.12.24 (Item 15.4)	Report to be brought to P&P Committee 4.12.25 Agreed at 4.2.25 that the Notice of Motion be adopted. FURTHER AGREED that officers report back, where relevant, to the Place and Prosperity Committee. To be heard at Planning Committee 04.02.25	Alison Stobie (Interim Head of Economic Development)	

655	Environment	18.02.2025	Alderman Cummings and Councillor Douglas	That this Council brings back a report outlining the design, cost and positioning of an additional plaque on the War Memorial in Comber, to accommodate a list of historically researched names, currently being collated as per War Memorial Trust guidelines, of the fallen in the Great War 1914-1918, which were previously not included	Council 26.02.2025 Environment Committee 5 March 2025	Agreed to adopt Notice of Motionat Environment Committee 05.03.2025. Report to future EC. Agreed to refer to Environment Committee at Council 26.02.25	Peter Caldwell (Head of Estates)	
657	Environment	18.02.2025	Alderman Adair & Councillor Edmund	That Council task officers to bring forward a report on options and potential funding opportunities to enhance and improve Council Football Pitches at Islandview Road Greyabbey to ensure future intermediate football standards by the local sporting clubs and community of Greyabbey.	Council 26.02.2025 - Community & Wellbeing Committee March 2025	Agreed that Council task officers to bring forward a report on options and potential funding opportunities to enhance and improve Council Football Pitches at Islandview Road Greyabbey to ensure future intermediate football standards by the local sporting clubs and community of Greyabbey	Stephen Daye (Head of Parks and Cemeteries)	
658	Environment	03.03.2025	Councillor McClean & Councillor Cathcart	That Council notes the tired and inconsistent presentation of Christmas lights and illuminations in Bangor City Centre, particularly during the Christmas period, and considers potential festive lighting improvements for Christmas 2025. Further, that Council tasks officers to bring back a report presenting options that draw on successful practice and displays elsewhere, including the use of festoon lighting over Main Street. The report should look at the feasibility of the future expansion of these concepts to the remainder of the Borough, if proven successful in Bangor.	Council 26.03.2025 Environment Committee 02.04.2025 Environment Committee 11.06.25 Council 25.06.25	Agreed the proposals in the update report in relation to Christmas Lighting in Bangor, utilising DfC funding wherever possible, with any shortfall coming from existing Christmas Lighting maintenance budgets. Agreed to adopt Notice of Motion - Environment Committee 02.04.2025. Report to future EC.	Peter Caldwell (Head of Estates)	
665	Environment	15.04.25	Councillor Morgan and Councillor Ashe	We are all aware that dog ownership has increased significantly over the past years. There is fenced of area on "Muckers" in Comber, which is currently being used by NIW which when they have finished their work might lend itself to creating a dog park. This Council should bring back a report that explores the options for creating a dog park in Comber."	Council 30.04.25	Assigned to June 2025 C&W Agenda	Stephen Daye (Head of Parks and Cemeteries)	

667	Corporate Services	23.04.25	Councillor S Irvine and Alderman McIlveen	That this Council notes with deep respect the tragic loss of four Ulster Defence Regiment (UDR) soldiers - John Bradley (25) , John Birch (28), Stephen Smart (23), and Michael Adams (23) - who were murdered in a 1,000 lb IRA landmine attack on April 9, 1990, on the Ballydugan Road near Downpatrick. Recognises the pain and sacrifice felt by their families, comrades, and the wider community, and acknowledges the bravery of these young men who served their country during a difficult period in our history. Proposes that a permanent memorial be added to the cenotaph in Newtownards in honour of these four UDR soldiers, ensuring their memory is preserved within the heart of their home town for future generations. Requests that this Council engage with the families of the fallen, veteran organisations, and local stakeholders to develop appropriate wording and design for the memorial addition, and to ensure the tribute is carried out with the dignity and sensitivity it deserves.	Council 28.05.25 and Corporate Committee June 2025	November update :Consultation with key stakeholders to take place end November and report will be presented to Committee when proposal available		
668	Active & Healthy Communities	23.04.25	Councillor Wray and Councillor Hollywood	Council amends funding eligibility criteria to allow for voluntary dance groups to avail of grants within either the arts or sport funding streams. Council acknowledges the opportunities performance arts bring in terms of community wellbeing, education, tourism, and our local economy. Officers will provide a report on how Council can further grow performance art across Ards and North Down	Council 28.05.25 and Community and Wellbeing Committee 18.06.25	Report to December A&HC Committee. Alan to liaise with Sharon Mahaffy.	Alan Johnson (Acting Head of Leisure)	
669	Place & Prosperity		Alderman McDowell and Councillor McCollum	Given the market failure and severe shortage of Business Accommodation in the Borough, as highlighted by the reduction of the non-domestic Rates base, that this Council urgently prepares a report detailing potential plans to develop different types of Business Accommodation in Bangor, Newtownards, Holywood, Comber, Donaghadee and Portaferry. This Business Accommodation would be to encourage start-up businesses, to help business to grow and to attract new business to the Borough.	P&P 12.6.25 (17.1) Council 28.05.25 and Place and Prosperity Committee 12.06.25	Report to be brought to P&P Committee 4.12.25 Agreed to adopt NoM at P&P 12.6.25 (17.1)	Interim Head of Economic Development	
670	Environment	07.05.25	Councillor Morgan and Councillor Irwin	This Council is pleased with the recycling rates for waste that have been achieved in the Borough, however there are currently limited facilities to recycle litter. This sends out a poor message to our residents and visitors. This Council asks that officers bring back a report that explores how, and when recycling litter bins could be introduced to the Borough. Indication of costs should be included.	Council 28.05.25 and Environment Committee 11.06.25	Agreed to adopt NOM at June 2025 Committee - report to be brought to future Environment Committee Assigned to June 2025 EC Agenda	Keith Patterson (Head of Waste and Cleansing)	

671	Active & Healthy Communities	20.05.25	Councillor Kendall and Councillor McKee	Responsible Dog Walking in Public Spaces. This Council, as a 'Dog Friendly Borough' recognises the increasing use of public parks and footpaths by professional and recreational dog walkers, and the need to balance animal welfare, public safety, and the enjoyment of public spaces for all of our Borough's residents. This Council notes that: Multiple dogs under the control of a single individual may pose challenges to effective management and public safety. Excessive numbers of dogs being walked simultaneously can lead to increased risk of dog fights, interference with other park users, fouling, and uncontrolled behaviour; There has been an increasing number of professional dog walkers, offering services within the Borough and there is a lack of licencing, registration or other requirements which may lead to inadequate insurance, training and experience, adding further potential risks to people and pets; and · Many local authorities across the UK, including our neighbour Belfast City Council, have introduced limits on the number of dogs that may be walked at one time. The Council therefore resolves to: Produce a report outlining the costs and steps required to introduce a local restriction under the relevant provisions of the Clean Neighbourhoods and Environments Act (Northern Ireland) 2011:	Council 25.06.25 Environment Committee - September Item 20.1	Agreed to adopt NOM at September EC Assigned to September 2025 EC Agenda. Moved to A&HC due to restructure. Update to January 2026 A&HC Committee.	Gareth Kinnear (Interim Head of Environmental Health)	

672	Place & Prosperity	20.05.25	Councillor McCracken and Councillor Harbinson	Amendment to Notice of Motion 672 submitted by Councillor McCracken and Councillor Harbinson “This Council welcomes the update on Marine Gardens provided by Bangor Marine on 13 August 2025 and agrees that: 1. Council officers should work alongside Bangor Marine to support public communication around this project. This includes inviting Bangor Marine to the next meeting of the Bangor CAG to update stakeholders, supporting the proposed public consultation hub led by Bangor Marine, and by holding regular meetings with Bangor Marine to ensure accurate and complementary messaging on respective websites, newsletters and social media. 2. Council should also work with Bangor Marine to support a commercial marketing plan with the aim of attracting investment for the further phases of Queen’s Parade along with complementary investment that will support the ambitions of the wider City Deal. An initial outline should be brought to Committee in Q1 2026 with a view to approve draft marketing collateral that can be used at future property investment conferences in the UK and abroad.”	P&P 4.9.25 Council 25.06.25	1. BM to be invited to next CAG (soon to be relaunched as LAG, likely Jan/Feb 2026 whilst the C/TAG to LAG process is formalised 2. Re: commercial marketing plan, update report to P&P in first quarter of 2026. Agreed to adopt NOM at Sept 2025 P&P - ratified at Sept 2025 Council	Director of Place and Prosperity	
673	Environment	21.05.25	Alderman Graham and Councillor Cochrane	That this Council notes the popularity of public spaces such as beaches during the summer months. Further to this Council will task officers to bring back a report to explore options for the extension of public toilet opening hours during the summer months to 9pm near beaches and other busy areas. Council Officers will further bring back a report on expanding baby changing facilities within our Borough at public toilets.	Council 25.06.25 Environment Committee - September Item 20.2	Report to be brought to December 2025 EC Agreed to adopt NOM at September EC Assigned to September 2025 EC Agenda	Keith Patterson (Head of Waste and Cleansing)	
676	Active & Healthy Communities	16.06.25	Councillor McBurney and Councillor McCollum	That this Council recognises the success of Love Ballyholme and thanks all involved for their hard work and commitment; further recognises the importance of community led initiatives to improve community cohesion, while supporting local businesses, and asks officers to bring back a report, which includes a plan and funding opportunities to support the replication of this community led model in the Rathmore area of Bangor.	Council 30.07.25 - Community & Wellbeing Committee	Assigned to September 2025 C&W Agenda. Report to January 2026 A&HC Committee.	Nikki Dorrian (Interim Head of Community and Culture)	

677	Environment	24.06.25	Alderman Smith and Councillor Smart	That this Council produces a report to scope the potential of introducing a public hire bicycle scheme similar to Belfast Bikes for use across the new Greenway network. That the report outlines the benefits, risks, costs, potential partnerships and any funding opportunities including those provided through DfI Active Travel to inform a Council decision on progressing such a scheme.	Council 30.07.25 - Community & Wellbeing Committee	Assigned to September 2025 C&W Agenda	Stephen Daye (Head of Parks and Cemeteries)	
678	Corporate Services	21.07.25	Alderman Brooks and Councillor Chambers	That this Council notes the role played by Donaghadee Cricket Club in promoting sport, health, and community engagement in Donaghadee, particularly for our youth. Council further requests that officers prepare a report to look at how sports clubs like Donaghadee could be better supported by Council, particular through the lease charges levied against the clubs acknowledging the great community work these organisations do as well as the role they play in maintaining the facilities	Council 30.07.25 - Community & Wellbeing Committee	November update: The Lands team are looking at options and a report will be brought back to committee.	Alison Curtis (Head of Corporate Governance)	
680	Active & Healthy Communities	05.09.25	Councillor Cochrane and Councillor Edmund	That this Council recognises the importance of every child having the opportunity to learn to swim - a vital life skill that supports physical health, mental wellbeing, and water safety. Swimming is not only one of the most effective forms of exercise, but also a key activity for building confidence and resilience in young people. Further to this Council agrees to- 1. An Audit of current indoor swimming lesson provision and also open water safety awareness programmes across the Borough against local demand; and 2. The development of a strategy to ensure that no child is denied access to swimming lessons or safety awareness programmes due to cost or capacity.	Council 24.09.25 - October Active and Healthy Communities Committee	Leisure Officers to progress.	Alan Johnson (Acting Head of Leisure)	

681	Corporate Services	09.09.25	Alderman McIlveen and Councillor Cathcart	That this Council expresses its deep disappointment at the correspondence sent to each councillor in Northern Ireland by NAC NI dated 2 September 2025 recommending that councillors take "industrial" action and considers the balloting of members to take any form of strike action is inappropriate, ill-judged and unlawful. Notes that the eleven Councils in Northern Ireland pay a corporate rate to fund the NAC NI in Northern Ireland and that individual councillors are by default members of NAC NI rather than by choice. Is further of the view that if the NAC NI wishes to act like a union then it should be governed by the same laws as any other union and that membership should be voluntary and a matter for individual councillors rather than funded by the ratepayer. As such, this Council agrees to withdraw its corporate funding from the NAC NI, writes to inform the NAC NI of this decision and calls on the executive members of the NAC NI to resign their positions given the gross over-reach of this correspondence and how it has brought the role of hard-working councillors into disrepute.	Council 24.09.25 - October Corporate Services Committee	Added to the agenda for CS 14/10, 14/11 letter sent to NAC NI by CEX. NAC NI have confirmed that this will be discussed at the meeting of their Executive Committee in December and that they will respond after this.		
682	Corporate Services	17.09.25	Alderman Graham and Councillor Gilmour	Council recognising the importance of Holywood as a Garrison town, seeks in conjunction with the Craigavad and Helen's Bay Branch of the Royal British Legion, to bring a military event to Holywood.	Council 24.09.25. Corporate Services Committee	November update : Meeting to take place to work up proposal. Once there is a proposal a report will be presented to Committee.	Alison Curtis (Head of Corporate Governance)	
684	Environment	10.10.25	Councillor Hennessy and Alderman Brooks	That this Council brings back a report, with associated costs, detailing the possible road safety and lighting improvements that could be made between Donaghadee harbour and Donaghadee Community Centre.	Council 29.10.25 Environment Committee	Agreed to adopt NOM at November EC Assigned to November 2025 EC Agenda	Peter Caldwell (Head of Estates)	

685	Active & Healthy Communities	14.10.25	Councillor Kendall and Councillor S Irvine	This Council recognises the link between domestic abuse and non-accidental harm to companion animals and the emotional trauma this causes victims and survivors, acknowledging that companion animals are often used as tools of coercion and control in abusive relationships and that their welfare is intrinsically linked to the safety and wellbeing of victims. The introduction and implementation of Ruby's Law, as proposed in other parts of the UK, seeks to provide legal protection for pets in households where domestic abuse occurs, ensuring that they are considered in protective orders and safeguarding measures. Therefore, this councils resolves to: 1. Write to the Ministers for Justice, Communities, Finance, DAERA, and Health, calling for: 1. The introduction of Ruby's Law in Northern Ireland; and 2. Them to work in partnership to deliver a cross-departmental collaboration with Causeway Coast Dog Rescue charity, and other animal welfare and domestic abuse organisations as required, to ensure the development of robust and enforceable provisions, taking a multidisciplinary approach to identify key stakeholders and government agencies to support victims and survivors of domestic abuse and coercive	Council 29.10.25 AHC		Gareth Kinnear (Interim Head of Environmental Health)	
686	Corporate Services	15.10.25	Councillor Cochrane and Councillor Gilmour	That this Council is deeply alarmed that the definition of victim in the Victims and Survivors (Northern Ireland) Order 2006 does not distinguish between those who perpetrated wrongdoing during the Troubles and the innocent victims they harmed, injured, killed or bereaved; believes that innocent victims should not have to interact with terrorists and their supporters when accessing victim support services; asserts that there is no moral equivalence between victim-makers and innocent victims; welcomes the fact that the victims pension legislation makes a clear distinction between perpetrator and victim; condemns the Alliance Party's decision to intentionally blur this line by removing the word "innocent" from the description of a victim in a recent Assembly motion addressing the legacy of the past; and resolves to write to the Justice Minister requesting that she personally apologise for suggesting that victim makers could also be considered victims.	Council 29.10.25 Corporate Services Committee	On the draft agenda for CS 11/11.		

687	Active & Healthy Communities	16.10.25	Councillor McCollum and Councillor Wray	That this Council recognises the valuable work undertaken by the Community Safety team in tackling anti-social behaviour throughout the Borough. That this Council also acknowledges the significant and increasing pressures on those officers to meet the growing and complex demands of their workload. Furthermore, that Council notes the recent review of the criminal legislative framework to help tackle Anti-Social Behaviour and the greater powers which may devolve to Council, and tasks officers to prepare a report which outlines the needs of the Borough in relation to community safety and the resources currently available, details a range of measures appropriate to address those needs, including recruitment of additional officers, and identifies requisite funding requirements and opportunities.	Council 29.10.25. AHC	Deferred to December A&HC Committee	Nikki Dorrian (Interim Head of Community and Culture)	
688	Corporate Services	16.10.25	Alderman Graham and Alderman McIlveen	That Council in liaison with Belfast City Airport arranges a visit to the Airport for members and officers.	Council 29.10.25 Corporate Services Committee	On the draft agenda for CS 11/11. 17/11 Email to Brown O'Connor Communications to agree detail of visit for invite to EM's.		
689	Environment	21.10.25	Alderman Adair and Councillor Edmund	That Council task officers to bring forward a report on the possibly of permitting wooden memorials at our cemeteries as part of regulations going forward.	Council 29.10.25. Environment	Agreed to adopt NOM at November EC Assigned to November 2025 EC Agenda	Stephen Daye (Head of Parks and Cemeteries)	

Corporate Services
Community & Wellbeing
Environment
Place & Prosperity
Planning

Electoral Office for Northern Ireland

Report of the Chief Electoral Officer for Northern Ireland 2024/2025

Electoral Office for Northern Ireland

Report of the Chief Electoral Officer for Northern Ireland 2024/25

Presented to Parliament pursuant to
section 9(1) of the Northern Ireland
(Miscellaneous Provisions) Act 2006

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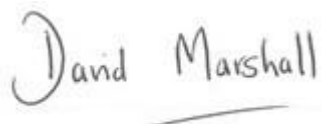
The Rt Hon Hillary Benn MP,
Secretary of State for Northern Ireland,
Northern Ireland Office,
1 Horse Guards Road,
LONDON
SW1A 2HQ

30 September 2025

Dear Secretary of State for Northern Ireland,

In accordance with section 9(1) of the Northern Ireland (Miscellaneous Provisions) Act 2006, I present this Report on how I discharged the duties of Chief Electoral Officer for Northern Ireland for the financial year ending 31 March 2025.

Yours sincerely,

A handwritten signature in dark ink that reads "David Marshall". The signature is written in a cursive style with a horizontal line underneath the name.

Chief Electoral Officer for Northern Ireland

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FOREWORD

This Annual Report covers the period from 1 April 2024 to 31 March 2025. It was a year of significant delivery for the Electoral Office, most notably the administration of the **2024 United Kingdom General Election**, held on **4 July 2024**.

To support this major event, the Electoral Office recruited **6,000 poll and count staff**, printed and delivered **1.4 million poll cards**, and issued ballot papers across **605 polling places**, using **1,409 ballot boxes**. The overnight count was conducted at **three centres**—Belfast, Craigavon, and Magherafelt—and concluded with the return of **18 new Members of Parliament** (listed in Annex C).

The election was conducted with the **largest-ever parliamentary register** in Northern Ireland. In total **1.365 million electors** were registered - an increase of **5.4%** compared to the 2019 election. A total of **136 candidates** stood across the 18 constituencies.

Running an election of this scale is a huge logistical exercise, especially given the centralised structure of electoral administration in Northern Ireland, which is unique within the UK. Further detail on the General Election is provided in Section 3 of this report.

I would like to extend my thanks to all Electoral Office staff - permanent and temporary - for their hard work and dedication. I am also grateful for the support of local councils and their Chief Executives, some of whom served as Deputy Returning Officers, as well as the Electoral Commission, the Police Service of Northern Ireland, and numerous other public sector bodies who played a vital role in ensuring the smooth delivery of the election.

Electoral Registration

In parallel with election delivery, the Office maintained strong performance in business-as-usual activities. The 2024/25 year saw record levels of electoral registration, with **120,000 registration applications by the public reviewed** - up 10% on the previous year. Remarkably, **98% (118,220) were submitted online** - www.gov.uk/register-to-vote.

This increase was driven by the **General Election** and targeted **outreach campaigns**, particularly aimed at **young voters and recent movers**. In November 2024, the Electoral Office contacted 220 secondary schools and issued 32,300 letters encouraging 16–18-year-olds to register to vote. This campaign alone resulted in 8,000 new registrations. Additionally, 38,000 electors identified through administrative data as likely having moved

house were contacted to update their registration, further enhancing the register's accuracy and completeness.

During the year, the Electoral Office completed the implementation of provisions under Elections Act 2022, including a review of European Union electors to confirm eligibility.

Digital Services

The Electoral Office also partnered with a local contractor to **develop and launch a new website** - www.eoni.org.uk - delivered in January 2025. This upgrade includes improved cybersecurity, a modern content management system, enhanced mobile compatibility, and better accessibility features for disabled users.

One part of the website is the “**Am I Registered**” **service** (www.eoni.org.uk/Am-I-Registered) which was built in-house. This allows voters to check their registration and request their Digital Registration Number - needed to apply for a postal / proxy vote. Launched in March 2024, the **tool was used 64,000 times in 2024/25**, confirming 47,000 registrations and prompting 17,000 people to update their registration. Notably, 51,000 checks occurred in the lead-up to the General Election, demonstrating the tool's value.

In March 2025, the Office launched a **new online Electoral Identity Card application service** (www.eoni.org.uk/ID-card). While based on the Great Britain model, this system was tailored to meet local voter ID laws. Since its launch, 2,500 applications have been received. The service improves access and enhances fraud prevention measures.

A Year of Delivery

Last year has been defined by delivery - both in administering the General Election and continuing to modernise electoral services. None of this would have been possible without the dedication of staff, the support of stakeholders - including political parties, elected representatives, and the public - and the hard work of many partners. I thank them all.

Finally, I would like to take this opportunity to recognise the retirements of Peter Mullan and Janet Goodall, who served the Electoral Office with distinction for 23 and 16 years respectively. I wish them both a long and fulfilling retirement.

Dr David Marshall (Chief Electoral Officer Northern Ireland)

30 September 2025

SECTION 1 – INTRODUCTION

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- Elections in Northern Ireland are administered by and run under the responsibility of the Chief Electoral Officer. The postholder is a statutory office holder appointed by the Secretary of State for Northern Ireland.
- The Chief Electoral Officer is assisted by the staff of the Electoral Office – with a team of just over 20 officials. This administrative structure supports the Chief Electoral Officer in carrying out his/her duties. With the increased digitisation of services the resourcing (funding/staffing) of the Electoral Office has decreased by 60% in the last decade.
- In terms of elections, the Chief Electoral Officer is the Registration Officer for all constituencies and councils in Northern Ireland and Returning Officer for all elections and referendums in this jurisdiction.
- The main duties of the Chief Electoral Officer are:
 - to act as Electoral Registration Officer for all Northern Ireland constituencies / councils;
 - to act as Returning Officer for all Northern Ireland elections & referendums;
 - to act as Petition Officer for Northern Ireland recall petitions for the United Kingdom Parliament;
 - to recommend to the Secretary of State for Northern Ireland by 16 April each year whether an electoral Canvass should be conducted;
 - to act as an assessor to the Parliamentary and Local Government Boundary Commission in Northern Ireland; and
 - to lead and manage the Electoral Office for Northern Ireland.
- The Chief Electoral Officer's duties and responsibilities are set out in the Electoral Law Act (Northern Ireland) 1962, the Representation of the People Act 1983, the Northern Ireland (Miscellaneous Provisions) Act 2006 and other accompanying legislation. The Accounting Officer of the Northern Ireland Office is responsible to Parliament for all expenditure incurred by the Chief Electoral Officer.
- The Chief Electoral Officer is required to report to the Secretary of State on an annual basis. Section 9(2) of the Northern Ireland (Miscellaneous Provisions) Act 2006 requires the Chief Electoral Officer to include an assessment of whether the relevant registration objectives have been met. This report covers both duties.

SECTION 2 – REGISTRATION

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- Under Section 9 of the Northern Ireland (Miscellaneous Provisions) Act 2006 the Chief Electoral Officer is required to include in his Annual Report an assessment of the extent to which the relevant registration objectives have been met. These are

“to secure, so far as reasonably practicable –

- (a) that every person who is entitled to be registered in a register is registered in it,*
- (b) that no person who is not entitled to be registered in a register is registered in it,*
- (c) that none of the required information relating to any person registered in a register is false.”*

- On 1 December 2024, the total Electoral Register for Northern Ireland contained 1.398 million electors. This is the highest number in the history of the Electoral Office. To maintain the register over 120,000 registration and re-registration applications (paper and online) were processed between 1 April 2024 and 31 March 2025. Again, outside a Canvass year, this is the highest number of annual registration applications on record. This is in part due to online registration which makes the process easy for the public. Last year the online register to vote system¹ (www.gov.uk/register-to-vote) collected data on 118,220 (or 98.1% of all applications) online applications to register to vote (between 1 April 2024 and 31 March 2025). These data (paper and online) were processed by the Electoral Office to determine inclusion on the electoral register.
- Alongside this the Electoral Office undertook targeted initiatives to improve registration. Last year the Office worked with the Department for Education, secondary schools and the Education Authority to improve registration of young people. In November 2024, the Electoral Office wrote to 220 secondary schools and issued 32,300 letters to householders to encourage 16–18-year-olds living in those households to register to vote. This exercise alone led to around 8,000 young people registering to vote over this short period.
- During the year, the Electoral Office received personal data (name & address) from the Health Service Business Services Organisation of people who changed their registration details with their family doctor. This was ‘matched’ with the electoral register and electors who had not moved/changed name on the electoral register were requested to amend their electoral registration details.

¹ The United Kingdom-wide online register to vote system is available at www.gov.uk/register-to-vote

- There were two main elements of removing people from the electoral register. By law, the General Register Office (who maintain the Civil Register of births, deaths, marriages & civil partnerships) provides the Electoral Office with weekly lists of deaths registered here. The Electoral Office match this information with the electoral register. In 2024/25, this resulted in 15,000 deceased electors being removed from the electoral register. In addition following the General Election around 5,200 poll cards (out of 1.4m or 0.4%) were returned to the Electoral Office with the addressee noted as having gone away. Attempts were made to contact these electors by email/telephone/letter, with no update found 3,800 electors were removed from the electoral register.
- Taken together these initiatives along with a host of routine data quality steps continue to maintain the quality of the Electoral Register.
- By law, the Chief Electoral Officer must write to the Secretary of State for Northern Ireland regarding the current quality of the Electoral Register and whether an Electoral Canvass is required. The letter for 2024/25 was sent to the Secretary of State for Northern Ireland on 15 April 2024 and was published on the Electoral Office website².
- The advice given to the Secretary of State for Northern Ireland was **not** to hold an Electoral Canvass in 2024/25. This advice is based on a variety of evidence including the Electoral Commission report on the 2022 Electoral Register in Northern Ireland³. Importantly, the current Canvass law requires that everyone on the register at the start of the Canvass is removed from the electoral register prior to the Canvass period. This represents a huge risk to the electoral register as there is no guarantee any of these people will re-register. This is different to Great Britain and is the one of reasons why I could not recommend a Canvass in Northern Ireland. This year (May 2025) the Secretary of State noted that the Canvass law should be reformed⁴.
- Current register maintenance uses a data driven approach with targeted registration initiatives underpinned and verified by post, email and text-message driven data collection. By March 2026 I plan to set out proposals of what an alternative Canvass

² The statutory letter (April 2024) to the Secretary of State under section 10ZA of the Representation of the People Act (1983) is online at <https://www.eoni.org.uk/about-the-electoral-office/plans-and-reports/>

³ See online at <https://www.electoralcommission.org.uk/research-reports-and-data/electoral-registration-research/accuracy-and-completeness-electoral-registers/2023-report-electoral-registers-uk> for further details

⁴ The letter (May 2025) from the Secretary of State to the Chief Electoral Officer, noted the Government is committed to reform of the Canvass law in Northern Ireland prior to the next planned Canvass in 2030 – see <https://www.eoni.org.uk/about-the-electoral-office/plans-and-reports/>

might look like. However, it is my view that any future Canvass should use a data driven approach. I have labelled this a “Rolling Canvass” and I will document proposals for this approach in the 2025/26 Annual Report.

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- Lastly, there were 5,000 Electoral Identity Cards issued between 1 April 2024 and 31 March 2025. During the year, the Electoral Identity Card Service was reformed to bring it into line with the new Voter Authority Certificate service in Great Britain (introduced there following the Elections Act 2022). Further details are given in section 4.

SECTION 3 – ELECTIONS

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2024 UK General Election

- Following the Prime Minister's announcement on 22 May 2024, the Electoral Office administered the **United Kingdom General Election in Northern Ireland on 4 July 2024**. This required:
 - recruitment of 6,000 polling and count staff
 - printing and distribution of 1.4 million poll cards and 1.4 million ballot papers
 - operation of 605 polling places housing 1,409 ballot boxes
 - simultaneous counts across three centres (Belfast, Craigavon and Magherafelt) on 4–5 July to elect 18 Members of Parliament.
- The election was conducted on the largest parliamentary electoral register ever recorded, with 1.365 million parliamentary electors (a 5.4% increase since the 2019 General Election). A total of 136 candidates contested the 18 seats. The list of elected Members of Parliament is available in Annex C and on the UK Parliament website at <https://members.parliament.uk/constituencies>

Digital Developments for the 2024 General Election

- To ensure communications were quickly and efficiently delivered enhanced email and text messaging communications was used for this election. This change improved communications with 6,000 staff, 600 premises and 136 candidates. This way of working saves time and acts to limit miscommunication during the election campaign.
- One issue identified and delivered during the short election period was the need to ensure postal vote processes (issuing of votes and opening of returned ballots) were efficient. This was important given the election was timed to run on 4 July – during the school summer holidays in Northern Ireland. Therefore to ensure the timely delivery of postal votes, an enhanced way of issuing and opening returned postal ballots was developed, tested and implemented. This ensured that postal votes in Northern Ireland for the General Election were managed in a way that did not cause issues for electors.

Digital Registration Number issues

- The 2023 Local Council elections highlighted difficulties for electors required to provide their Digital Registration Number⁵ when applying for a postal or proxy vote⁶. The Electoral Office reported on this issue in January 2024⁷, recommending a review of the Digital Registration Number legislation.
- Recognising that any change in the law will take time to implement, for the 2024 General Election a series of administrative mitigations were introduced, including:
 - simplified absent vote forms with better signposting to information on the Digital Registration Number;
 - quicker processing methods for absent vote applications;
 - faster communication of absent vote application outcomes; and
 - most importantly a new “Am I Registered” online service (www.eoni.org.uk/Am-I-Registered), which allows electors to retrieve their Digital Registration Number quickly using their personal details (see Section 4).
- These steps have in part alleviated issues, but it is my view that the law needs to be reviewed to address the partial nature of the Digital Registration Number.

Replacement of elected representatives

- The Electoral Office continued to administer the process for replacing Members of the Legislative Assembly (MLAs) and Councillors who leave their position. When this happens political parties⁸ nominate successors. In 2024/25, 24 representatives were replaced in this way (7 MLAs and 17 Councillors). A full list is provided in Annex B.

Planning for the 2027 combined elections

- With the Government’s stated position to hold the next Local Council and Assembly elections together on 6 May 2027, the Office has begun extensive planning for what will be the first combined election of this type in sixteen years. Further details are set out in the 2025/26 Business Plan.

⁵ More information and background to the Digital Registration Number is available in the Electoral Office January 2024 review paper.

⁶ See <https://www.bbc.co.uk/news/uk-northern-ireland-66268221> for further details.

⁷ The report “2023 Local Elections - Digital Registration Number review Electoral Office for Northern Ireland - January 2024” – is available at www.eoni.org.uk/results-data/local-council-elections-2023-results/2023-local-elections-digital-registration-number-review-january-2024

⁸ Representatives elected as an Independent can self-nominate a replacement.

Single Transferable Vote digital count calculator

- Single Transferrable Vote elections require a complex arithmetic process to manage the various stages of the elections. To manage this a digital count calculator system has been used in recent elections. In 2024/25 an updated version of the Single Transferable Vote digital count calculator was developed. The updated software includes:
 - an improved user interface;
 - a faster, more user-friendly functionality; and
 - a detailed user manual.
- This work was taken forward to address issues encountered in the 2023 Local Council count and to assist in the delivery of the 2027 combined elections. The updated system will be rolled out to Local Councils in 2025/26 for testing and familiarisation ahead of the 2027 combined elections.

SECTION 4 – DIGITAL / DATA ENHANCEMENTS

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- During 2024/25, the Electoral Office placed strong emphasis on improving data services and digital systems to support the effective delivery of future elections and referendums in Northern Ireland. The key activities included:
- **Data security and compliance** – Electoral Office data assets were actively managed with an annual IT health check and ongoing monitoring of Data Protection compliance.
- **Register data delivery** – A new digital method for supplying electoral register data to statutory users was introduced in Winter 2023. This system proved highly effective during the 2024 General Election.
- **“Am I Registered” service⁹** – Launched in March 2024 at www.eoni.org.uk/Am-I-Registered, this service allows electors to check their registration status and obtain their Digital Registration Number. To use the service, electors provide validated personal details, including a mobile number. By March 2025, the service had processed 64,000 checks and of this confirmed 47,000 registrations and prompted 17,000 updates to registration records. Demand peaked during the 2024 General Election, when 51,000 checks were made, highlighting its importance in running elections.
- **New Electoral Office website** – Developed with a local contractor and launched on 31 January 2025 at www.eoni.org.uk, the new website delivers:
 - stronger security;
 - an improved content management system;
 - redesigned and accessible content;
 - enhanced mobile functionality; and
 - better support for people with disabilities.
- **Online Electoral ID card service** – A new application system, tailored to Northern Ireland’s voter identification laws, went live on 12 March 2025 at www.eoni.org.uk/ID-card. To date, over **2,500 online applications** have been received. The service improves accessibility while provides strong safeguards against fraud.

⁹ The Northern Ireland “Am I Registered” system is available at www.eoni.org.uk/Am-I-Registered. The system has been live since 26 March 2024.

- Collectively, this year's progress demonstrates the Electoral Office's ability to strive to make services **digital by design** - either by adapting Great Britain systems or developing local solutions. This will be the approach for future service development.

SECTION 5 – CORPORATE GOVERNANCE

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- **Stakeholder engagement** – The Chief Electoral Officer attended Assembly Parties Panel meetings to discuss electoral matters and maintained regular contact with the Northern Ireland Office on electoral legislation, including the 2024 General Election and the 2025 Canvass Regulations.
- **Professional development and knowledge exchange** – Electoral Office staff attended the Association of Electoral Administrators' annual conference in February 2025, gaining insights into new developments, and best practice. Staff also observed the Irish General Election count on 30 November 2024 in Dublin and Louth, while the Chief Electoral Officer met with both the UK and Irish Electoral Commissions to share best practice and increase cooperation.
- **Audit and assurance** – Government Internal Auditors worked with the Electoral Office during the year to complete a General Election Payroll Audit, as well as an audit of the Business Plan and targets.
- **Information handling** – The Office received 14 requests under the Freedom of Information Act 2000. In total around 70,000 queries from the public were managed – this included 52,000 phone calls (of which 17,700 were handled directly by agents) and 18,000 emails via our central email service.
- **Funding and staffing** – Core funding for 2024/25 was £2.075 million, with a staffing complement of just over 20 full-time equivalent employees. Funding for elections is provided separately and does not form part of core resources.

Dr David Marshall

Chief Electoral Officer for Northern Ireland

30 September 2025

ANNEX A: PERFORMANCE AGAINST TARGETS (April 2024 to March 2025)

The 2024/25 Business Plan covers the period April 2024 to March 2025.

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Registration (Maintain & Enhance the Register)	
Business Plan Objective and Status	
Registration 1	Ongoing throughout the year to continue to process registration applications On 1 December 2024, the Electoral Register contained 1.398 million electors – the highest number ever in Northern Ireland. During the year over 120,000 registration applications were processed - the highest number of registration applications on record. Of this the online register to vote system (www.gov.uk/register-to-vote) collected data on 118,220 online applications (or 98.1% of the total) to register to vote. All applications were processed by the Electoral Office to determine inclusion on the electoral register.
Registration 2	During 2024/25 to manage the additional registration workload the 2024 UK Parliament General Election brings There was significant additional registration workload over the General Election campaign. In total over 50,000 people applied to register to vote and a further 50,000 people used the Am I Registered check service. The use of digital systems mitigates the peak workload but there is a still a marked increase over a very narrow time-window.
Registration 3	Ongoing throughout the year to promote the continued uptake of digital registration (www.gov.uk/register-to-vote) The Electoral Office undertook a young person registration initiative in November 2024. In total 32,300 letters were sent to households that had, from other data, a young person (16-18 years old) not registered to vote living there. This was backed up with letters to 200 secondary schools with Years 13 and 14 pupils. A further 38,000 letters were sent to electors who from other administrative data were likely to have moved house recently and not yet updated the Electoral Register.
Registration 4	Ongoing throughout the year to use high quality data from official sources to drive forward improvements in the accuracy and completeness of the Electoral Register. As part of the work to maintain the electoral register various data cleansing exercises were undertaken (National Insurance Numbers and postcodes/Unique Property Reference Numbers). Also see comments above at Registration 1-3.
Registration 5	Ongoing throughout the year to process, where possible digitally, persons to be removed from the register via info received from death certificates or other sources. The Electoral Office used data from death certificates supplied by the General Register Office to remove electors from the electoral register who were deceased. This work is carried out on a weekly basis and this year 15,000 deceased people were removed from the register. Following the July 2024 General Election 5,200 Poll Cards (out of 1.4m or 0.4%) were returned with addressee gone away. Attempts were made to contact these people by mail/telephone/letter with 3,800 electors removed from the Electoral Register.
Registration 6	By Winter 2024, complete a review of European Union electors as required by Elections Act 2022 & detailed in Representation of the People (Franchise Amendment and Eligibility Review) (Northern Ireland) Regulations 2023 As required by law European Union (EU) electors were reviewed – following data analysis a review notice was sent to such electors in September 2024 (email, text & post). This resulted in 200 electors being removed from the register in October 2024.
	Achieved Partially / Not Achieved

Elections (Readiness & Delivery)	
Business Plan Objective and Status	
440	
Elections 1	During 2024/25 deliver work required for a 2024 United Kingdom Parliament General Election and to review its operation The Electoral Office administered the United Kingdom General Election on 4 July 2024. In total 1.365 million parliamentary electors were registered to vote (up 5.4% from the 2019 election) and 136 candidates stood for the 18 seats. The election involved hiring 6,000 poll and count staff, printing / delivering 1.4 million poll cards and issuing ballot papers at 605 Polling Places (1409 Ballot Boxes) to allow electors to vote. In total 3 count centres were run (Belfast, Craigavon & Magherafelt) to return 18 new Members of Parliament (listed in Annex C). An internal review was carried out and a meeting held with Deputy Returning Officers to identify areas for improvement.
Elections 2	Ongoing throughout the year to maintain readiness for any upcoming elections. During the year work was undertaken to ensure systems and temporary staffing levels were maintained for election readiness. Following the 2024 General Election count centres, communications and logistics were reviewed. Following the decision to hold a double election in 2027, work has started on planning for/improvements to assist the delivery of these two elections.
Elections 3	During 2024/25 to finalise methods to mitigate Digital Registration Number issues found in the Electoral Office report published in January 2024 The Electoral Office published a Digital Registration Number mitigations paper in January 2024 www.eoni.org.uk/results-data/local-council-elections-2023-results/2023-local-elections-digital-registration-number-review-january-2024. The paper noted the policy needs to be reviewed but mitigations can be delivered for the 2024 General Election. This led to work in 2024/25 which included: - the Digital Registration Number online lookup service was delivered www.eoni.org.uk/drn. In total 64,000 people used the new service during 2024/25 - new absent voter forms were prepared and used at the 2024 General Election – see https://www.eoni.org.uk/voting/voting-by-post-or-proxy/ - first class post & email were both used in the 2024 General Election to give electors a faster understanding of whether their absent vote application was approved This work led to less issues with the Digital Registration Number in 2024 than in 2023, with a fall in the number of rejected absent vote applications. (It should be noted that this fall occurred even though the overall number of absent vote applications rose markedly).
Elections 4	By Spring 2025 to have started development of an improved programme for single transferrable vote training and calculation software – this is planned to include improved training & enhanced digital calculation methods A review of the electronic count calculator spreadsheet was undertaken. An updated version of the count calculator spreadsheet was developed. The updated version also has a detailed manual to guard against the chance of error. The new software provides more user-friendly, faster decision-making and an enhanced user interface. This work will be shared with and a training exercise run with Local Councils in 2025/26 to ensure that it is fully tested and understood prior to the 2027 elections.
Elections 5	Ongoing throughout the year to finalise changes required under the Elections Act 2022 – this includes new postal vote handling rules, reduced proxy limits, changes to nomination process and changes to prescribed forms A host of changes were completed from the Elections Act 2022 in time for the 2024 General Election. New rules around postal vote handling were delivered, changes to the nomination process and to forms/systems. Following the election European Union electors were reviewed in Autumn 2024 (see Registration 6).
Achieved Partially / Not Achieved	

Corporate Services	
Business Plan Objective and Status	
Corporate Services 1	Ongoing throughout the year to work with commercial supplier to start implementation of new Election Management Software Following detailed work, the Electoral Office paused the implementation of the new Electoral Management System. The supplier will launch a product in Great Britain & continue to work towards a UK product in the longer term.
Corporate Services 2	By Spring 2025 to have identified and started delivering a series of activities to build greater resilience into the work of the Electoral Office During the year, a Deputy Chief Electoral Officer was appointed, and work was taken forward to replace staff who retired in 2024/25. In addition work was taken forward to create an enhanced Data/Digital capacity in the Office and recruitment/training is now ongoing on this issue.
Corporate Services 3	By Winter 2024 to have started the implementation of reform of the delivery of the Electoral Identity Card service The new online Electoral ID card application form www.eoni.org.uk/ID-card went live on 12 March 2025. The online application form was part of a wider review which enhanced procedures for other parts of the Electoral ID card service. This included an improved paper form and mitigations to reduce the risk of fraudulent applications being approved.
Corporate Services 4	Ongoing throughout the year to continue to deliver an Electoral Identity Card service During the year, the Electoral ID service issued 5,000 ID cards to registered voters who made successful applications.
Corporate Services 5	By Autumn 2024 to have developed and submitted to the Secretary of State the 2022/23 and 2023/24 Annual Reports of the Chief Electoral Officer The 2022/23 and 2023/24 Annual Reports were sent to the Northern Ireland Office and laid before Parliament in October 2024.
Corporate Services 6	By Spring 2025 to have run Association of Electoral Administrators professional training for key Electoral Office staff Five senior staff attended the Association of Electoral Administrators annual conference in February 2025. Staff also attended Association of Electoral Administrators Elections Act 2022 professional training. The Electoral Office moved over to online Association of Electoral Administrators training for all 4,000 Polling Station staff at the 2024 General Election. This helped standardised training of poll staff.
Corporate Services 7	Ongoing throughout the year to ensure that internal financial, procurement and personnel controls are adhered to. Meetings were held with Government Internal Auditors to complete General Election Payroll and Business Plan / Targets Audits. In addition work was progressed to address issues from previous audit reports.

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	Achieved		Partially / Not Achieved

Digital & Data Services	
Business Plan Objective and Status	
442	Digital & Data Services 1 Ongoing throughout the year to maintain security and protection of all Electoral Office data assets – while at the same time delivering training / measures to monitor, enhance and review our data security and Information Governance During the year Information Governance meetings were held, Data Protection training was delivered, the information asset register was maintained & an IT Health Check undertaken with issues found addressed.
	Digital & Data Services 2 By Winter 2024 to review and improve the online “Am I Registered” electoral register check process www.eoni.org.uk/am-i-registered with evidence from the 2024 General Election The new online “Am I Registered” service went live on 26 March 2024 (www.eoni.org.uk/am-i-registered). In total 64,000 checks were made in 2024/25. This service was a significant enhancement for the 2024 General Election. To date (September 2025 from March 2024) the service has had 73,000 checks and the Electoral Office have identified and documented a small number of improvements. Last year priority was given to develop the online Electoral ID card application form & the new website. However the full list of improvements identified will be delivered for the 2027 elections.
	Digital & Data Services 3 Ongoing throughout the year to continue to deliver digital access to electoral register data for external users In Autumn 2023 the Electoral Office moved over to delivery of digital copies of the electoral register to external users who have statutory access. This was delivered in 2024/25 & all statutory users now use the digital service.
	Digital & Data Services 4 Ongoing throughout the year to develop, test and trial online form for Electoral Identity Card applications The new online Electoral ID service www.eoni.org.uk/ID-card went live on 12 March 2025. The service was inherited from the Great Britain system but was built and developed locally using Electoral Office staff. The service was tested by independent security experts.
	Digital & Data Services 5 By Winter 2024 to have implemented the new Electoral Office website (www.eoni.org.uk) The Electoral Office, working with a local contractor, delivered a new website which went live on 31 January 2025. The new website was a significant enhancement on the old site - with improved security, a better Content Management System, revamped content, increased functionality for mobile phones and the ability to link in other digital services quickly. This will become a bedrock for the delivery of future Electoral Office services. The website was tested by external independent security experts.

	Achieved		Partially / Not Achieved

ANNEX B: CASUAL VACANCIES COUNCILLORS / MEMBERS OF LEGISLATIVE ASSEMBLY RETURNED (April 2024 - March 2025)

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Casual Vacancies - Members of Legislative Assembly returned (2024/25)

Date Filled	Constituency	Previous MLA	New MLA	Political Party/Independent
29/04/2024	South Down	Patrick Brown	Andrew McMurray	Alliance
10/07/2024	Lagan Valley	Sorcha Eastwood	Michelle Guy	Alliance
10/07/2024	North Antrim	Robin Swann	Colin Crawford	Ulster Unionist Party
10/07/2024	North Down	Alex Easton	Peter Martin	Independent
16/07/2024	North Antrim	Jim Allister	Timothy Gaston	Traditional Unionist Voice
27/09/2024	Fermanagh & South Tyrone	Tom Elliott	Diana Armstrong	Ulster Unionist Party
10/02/2025	Newry and Armagh	Conor Murphy	Aoife Finnegan	Sinn Féin

Casual Vacancies - Councillors returned (2024/25)

Date Filled	Area	Previous Cllr	New Cllr	Political Party
24/04/2024	Ards & North Down (Bangor East & Donaghadee)	Janice MacArthur	Edward Burns Thompson	Democratic Unionist Party
16/05/2024	Belfast (Ormiston)	Ross McMullan	Hedley Abernethy	Alliance
24/05/2024	Newry Mourne & Down (Slieve Croob)	Andrew McMurray	Helena Young	Alliance
17/07/2024	Mid Ulster (Cookstown)	Cathal Mallaghan	Donna Mullin	Sinn Féin
23/07/2024	Mid & East Antrim (Bannside)	Timothy Gaston	Anna Henry	Traditional Unionist Voice
31/07/2024	Ards & North Down (Bangor West)	Peter Martin	Carl McClean	Democratic Unionist Party
05/08/2024	Lisburn and Castlereagh (Castlereagh South)	Michelle Guy	Jamie Harpur	Alliance
13/08/2024	Mid & East Antrim (Ballymena)	Colin Crawford	Brian Thompson	Ulster Unionist Party
13/08/2024	Belfast (Balmoral)	Geraldine McAteer	Natasha Brennan	Sinn Féin
14/10/2024	Ards & North Down (Holywood & Clandeboyne)	David Rossiter	Gillian McCollum	Alliance
15/10/2024	Ards & North Down (Bangor East & Donaghadee)	Gillian McCollum	John Hennessy	Alliance
21/10/2024	Fermanagh & Omagh (Erne North)	Diana Armstrong	Rosemary Barton	Ulster Unionist Party
21/10/2024	Ards & North Down (Bangor West)	Christine Creighton	Naomi McBurney	Alliance
01/11/2024	Lisburn & Castlereagh (Lisburn North)	Paul Burke	Declan Lynch	Sinn Féin
07/01/2025	Belfast (Collin)	Clíodhna Nic Bhranair	Siobhán McCallin	Sinn Féin
07/03/2025	Newry Mourne & Down (Slieve Gullion)	Aoife Finnegan	Martin Hearty	Sinn Féin
21/03/2025	Lisburn & Castlereagh (Lisburn South)	Peter Kennedy	Jessica Bamford	Alliance

ANNEX C: MEMBERS OF PARLIAMENT ELECTED AT 4 JULY 2024 GENERAL ELECTION

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Constituency	Name	Political Party/Independent
Belfast East	Gavin Robinson MP	Democratic Unionist Party
Belfast North	John Finucane MP	Sinn Féin
Belfast South & Mid Down	Claire Hanna MP	Social Democratic & Labour Party
Belfast West	Paul Maskey MP	Sinn Féin
East Antrim	Sammy Wilson MP	Democratic Unionist Party
East Londonderry	Gregory Campbell MP	Democratic Unionist Party
Fermanagh & South Tyrone	Pat Cullen MP	Sinn Féin
Foyle	Colum Eastwood MP	Social Democratic & Labour Party
Lagan Valley	Sorcha Eastwood MP	Alliance
Mid Ulster	Cathal Mallaghan MP	Sinn Féin
Newry & Armagh	Dáire Hughes MP	Sinn Féin
North Antrim	Jim Allister MP	Traditional Unionist Voice
North Down	Alex Easton MP	Independent
South Antrim	Robin Swann MP	Ulster Unionist Party
South Down	Chris Hazzard MP	Sinn Féin
Strangford	Jim Shannon MP	Democratic Unionist Party
Upper Bann	Carla Lockhart MP	Democratic Unionist Party
West Tyrone	Órfhlaith Begley MP	Sinn Féin

ANNEX D: ELECTORATE STATISTICS (NORTHERN IRELAND) – DECEMBER 2024**Electoral Register (Northern Ireland – December 2024) – Parliamentary Constituencies / Assembly Areas / Local Councils**

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Constituency	Total Electorate	Parliamentary Electorate	Assembly Electorate
Belfast East	75,679	72,808	75,648
Belfast North	76,257	74,084	76,236
Belfast South & Mid Down	77,014	74,544	76,943
Belfast West	76,001	75,142	75,991
East Antrim	73,946	73,131	73,927
East Londonderry	76,495	75,395	76,462
Fermanagh & South Tyrone	82,270	77,596	82,247
Foyle	74,125	73,520	74,103
Lagan Valley	83,874	82,140	83,848
Mid Ulster	76,097	73,779	76,088
Newry & Armagh	81,452	78,056	81,435
North Antrim	76,461	74,404	76,441
North Down	74,624	73,614	74,568
South Antrim	78,515	76,882	78,494
South Down	77,268	76,004	77,237
Strangford	75,241	74,447	75,218
Upper Bann	86,762	81,186	86,742
West Tyrone	75,450	74,144	75,440
Northern Ireland	1,397,531	1,360,876	1,397,068

Local Council	Local Council Electorate
Antrim & Newtownabbey	107,825
Ards & North Down	125,260
Armagh City, Banbridge & Craigavon	157,932
Belfast	239,783
Causeway Coast & Glens	104,708
Derry City & Strabane	115,722
Fermanagh & Omagh	88,559
Lisburn & Castlereagh	111,794
Mid & East Antrim	103,668
Mid Ulster	106,971
Newry, Mourne & Down	134,846
Northern Ireland	1,397,068

(1) Total Electorate relates to all persons in the electoral register on 1 December 2024.

(2) There are different eligibility rules regarding the electorate for each election (Parliamentary, Assembly & Local Council).

This is detailed at www.eoni.org.uk/voting/what-elections-can-i-vote-at and commonslibrary.parliament.uk/research-briefings/cbp-8985

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13th November 2025

To: enquiries@ardsandnorthdown.gov.uk

The Chief Executive, Susie McCulloch
Ards and North Down Borough Council

And all COUNCILLORS,

Town Hall, The Castle,
Bangor, BT20 4BT

Re: Formal Thanks for Council Support – Ruby's Law

Dear Ms McCulloch,

On behalf of **Causeway Coast Dog Rescue (CCDR)** and **Christina Warner, Barrister, Bedford Row Chambers, London**, we would like to extend our sincere thanks to **Cllr Lauren Kendall** and the Members of **Ards and North Down Borough Council** for their formal support of the motion advancing *Ruby's Law* in Northern Ireland.

This motion marks a significant step forward in recognising the urgent need to strengthen protections for both people and companion animals affected by domestic abuse and coercive control. By supporting *Ruby's Law*, the Council has demonstrated compassion, leadership, and a clear understanding that **protecting pets means protecting people**.

Your collective action sends a powerful message that Northern Ireland will not tolerate the use of animals as tools of intimidation or harm within abusive relationships. It also helps pave the way for further collaboration between councils, government departments, and advocacy organisations to deliver meaningful change through legislation.

We are particularly grateful to Cllr Lauren Kendall for her continued advocacy and commitment to this cause, and to all councillors providing cross party endorsement, who gave their support to this motion. We believe that, through such partnership and shared determination, we can help make *Ruby's Law* a reality and ensure protection for every member of the family, human and animal alike.

Ultimately, enabling council to help protect their local communities.

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www.causewaycoastdogrescue.org

Company No. XT25922 Registered Charity No. N0603454

We look forward to continuing to work with Ards and North Down Borough Council as this campaign progresses and would be delighted to engage with council representatives at future events, roundtable discussions, or briefings on the next stages of this legislative journey.

With warm regards and sincere appreciation,

Yours faithfully,

T. Cunningham

Tara Cunningham

Manager

Causeway Coast Dog Rescue

info@causewaycoastdogrescue.org

Christina Warner

Barrister, Bedford Row Chambers, London

Founder – *Ruby's Law*

www.rubyslaw.co.uk



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