

**ARMAGH BANBRIDGE CRAIGAVON DISTRICT COUNCIL**

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**AMENDMENT RECORD SHEET**

Remove and destroy old pages. Insert new pages as indicated.

<b>Revision Number</b>	<b>Page Number</b>	<b>Date Revised</b>	<b>Description of Revision</b>

## **CONTENTS**

1. Introduction
2. The Policy
3. Procedures
  - 3.1 Six Monthly Inspections
    - 3.1.1 Property Asset Portfolio – Operational
    - 3.1.2 Property Asset Portfolio – Non-operational
  - 3.2 Interim Inspections
    - 3.2.1 Property Asset Portfolio – Operational
    - 3.2.2 Property Asset Portfolio – Non-operational
  - 3.3 Inspection Timetable
  - 3.4 Annual Inspections
4. Policy Review

## **APPENDICES**

- Appendix 1 – 6 Monthly Inspection Form 1 (IF1)
- Appendix 2 – Interim Inspection Form 2 (IF2)

## 1. INTRODUCTION

The N I Audit Office Report has recommended that the Council should have a formal Policy to periodically check its lands for illegal encroachments.

The ABC Council has an extensive Property Asset Portfolio of lands and buildings across the District in urban and rural settings.

Much of the Property Portfolio is deemed 'operational', i.e. associated with leisure, development, technical and is the direct responsibility of the Managing Department. The remainder, i.e. 'non-operational' assets is the responsibility of the Council's Estates & Asset Management Section.

An encroachment refers to any unauthorised use; abuse; or occupation of Council-owned land.

Such encroachments must be dealt with promptly to ensure that no right can be claimed or established by the person/s committing the encroachment.

This Policy will also form part of the Council's Asset Management Strategy.

## 2. THE POLICY

Council will, on a six monthly basis, carry out inspections of all its lands and buildings in its Property Asset Portfolio to ensure that no illegal encroachments have occurred.

## 3. PROCEDURES

### 3.1 Six Monthly Inspections

#### 3.1.1 Property Asset Portfolio – Operational

Strategic Directors/Heads of Service will be responsible for ensuring that the relevant staff in their Department carry out inspections of the Property Assets, in operational use, which their Department is responsible for managing, on a six monthly basis. Each Strategic Director/Head of Service will have access to the Council's Land & Property Portfolio including maps delineating the boundary of the property and identifying which assets their Department is responsible for. This register will be updated on a regular basis as and when properties are acquired or disposed of.

Designated staff will record the date on which the inspections are made on the Inspection Form 1 (IF1) as per the template enclosed at **Appendix 1**. Once completed and signed, a copy must be forwarded

to their Line Manager or Strategic Director/Head of Service for counter-signature prior to being forwarded to the Council's Estates & Asset Management section for recording and retention.

In the event of any illegal encroachment being observed, the nature of the encroachment should be recorded together with any other details on form IF1. The Council's Estates & Asset Management section should be notified immediately with details, and, if possible, photographs should be e-mailed with details as to the location of the encroachment to the L&PS section at:-

telephone number: ????????? or e-mail: ?????????

### 3.1.2 Property Asset Portfolio – Non-Operational

The Council's Estates & Asset Management section will be responsible for carrying out six monthly inspections of the Council's non-operational Property Assets, completing Inspection Form IF1 and taking appropriate action if any encroachment has occurred. The Strategic Director (Position) will sign off completed IF1s completed by the Council's Estates & Asset Management section.

## 3.2 Interim Inspections

### 3.2.1 Property Asset Portfolio – Operational

Strategic Directors/Heads of Service will also be responsible for ensuring that the relevant staff in their Department carry out interim inspections of the Property Assets, in operational use, for which their Department is responsible. It is important that Council staff should be aware that the introduction of a formal Land & Property Inspection Policy does not remove the necessity for more regular inspections with issues being reported as soon as they are observed, to the Estates & Asset Management section.

This is important in that examples of illegal encroachments have included:-

- The laying of a gas pipeline on Council-owned land without prior permission. (This was reported by Council staff and dealt with within a six hour period);
- The incursion by a developer onto Council-owned parkland which again was detected, reported and dealt with on the day of the encroachment;
- A utility's contractor undertaking work on Playing Fields without prior permission – again detected, reported and dealt with on the same day; and

- A contractor working for a Government Department illegally cutting off locks and trespassing over Council owned lands.

Staff should be encouraged to be aware of such encroachments; challenge those involved in the encroachment (if present); and report details promptly to the Council's Estates & Asset Management section.

The details of any Interim Inspections should be recorded on the IF2 forms, copy template attached at **Appendix 2** but should not be seen as replacing the need for the formal six monthly inspections unless it coincides with the period when such an inspection is due. In such cases, the detail of the encroachment should be recorded and a full inspection of the site carried out to ensure no further illegal encroachments have occurred.

As in the case of the six monthly inspection, in the event of any illegal encroachment being observed, the nature of the encroachment should be recorded together with any other details on the form IF1. The Council's Estates & Asset Management section should be notified immediately with details, and, if possible, photographs should be e-mailed with details as to the location of the encroachment to the L&PS section.

### 3.2.2 Property Asset Portfolio – Non-Operational

The Council's Estates & Asset Management section will be responsible for carrying out interim inspections of the Council's non-operational Property Assets, completing Inspection Form IF2 and taking appropriate action if any encroachment has occurred. The Strategic Director (Position) will sign off completed IF2s completed by the Council's Estates & Asset Management section.

### 3.3 Inspection Timetable

Inspections should be carried out in March and September with the IF forms being returned to the Estates & Asset Management section by the respective Strategic Directors when they have counter-signed all of the forms for the property assets, in operational use, for which their Department is responsible.

### 3.4 Annual Inspections

In addition to the above, the Council's Estates & Asset Management section will carry out an inspection of the entire Council's Property Asset Portfolio, i.e. operational and non-operational, as a fail-safe mechanism.

#### **4. POLICY REVIEW**

The frequency of inspections will be kept under review and any amendment reported to the Council's Finance & Resources Committee for approval.

**Policy Screening Form**

**Policy Scoping**

**Policy Title:** Land and Property Inspection Policy

**Brief Description of Policy (please attach copy if available). Please state if it is a new, existing or amended policy.**

The N I Audit Office Report has recommended that the Council should have a formal Policy to periodically check its lands for illegal encroachments

**Intended aims/outcomes. What is the policy trying to achieve?**

The objective of this policy is to ensure that regular inspections of Council-owned land are carried out to prevent illegal encroachments.

**Policy Framework**

Has the policy been developed in response to statutory requirements, legal advice or on the basis of any other professional advice? Does this affect the discretion available to Council to amend the policy?

This policy will ensure that the Council fulfills its responsibility under the recommendations made by the N I Audit Office.

**Are any Section 75 categories which might be expected to benefit from the policy? If so, please outline.**

No. This policy will have no impact on equality.

**Who initiated or wrote the policy (if Council decision, please state). Who is responsible for implementing the policy?**

<b>Who initiated or wrote policy?</b> Asset Management Group	<b>Who is responsible for implementation?</b> All relevant service areas Chief Executive, Directors, Managers and Officers.
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**Are there any factors which might contribute to or detract from the implementation of the policy (e.g. financial, legislative, other)?**

No



### Main stakeholders in relation to the policy

Please list main stakeholders affected by the policy (e.g. staff, service users, other statutory bodies, community or voluntary sector, private sector)

Council Staff

**Are there any other policies with a bearing on this policy? If so, please identify them and how they impact on this policy.**

None

### Available Evidence

Council should ensure that its screening decisions are informed by relevant data. What evidence/information (both qualitative and quantitative) have you gathered to inform this policy? Specify details for each of the Section 75 categories.

Section 75 category	Evidence
Religious belief	N/A
Political opinion	N/A
Racial group	N/A
Age	N/A
Marital status	N/A
Sexual orientation	N/A
Men and women generally	N/A
Disability	N/A
Dependants	N/A

## Needs, experiences and priorities

Taking into account the information gathered above, what are the different needs, experiences and priorities of each of the following categories in relation to this particular policy/decision?

Section 75 category	Needs, experiences and priorities
Religious belief	N/A
Political opinion	N/A
Racial group	N/A
Age	N/A
Marital status	N/A
Sexual orientation	N/A
Men and women generally	N/A
Disability	N/A
Dependants	N/A

## Screening Questions

1. What is the likely impact on equality of opportunity for those affected by this policy for each of the Section 75 categories?		
Category	Policy Impact	Level of impact (Major/minor/none)
Religious belief		None
Political opinion		None
Racial group		None

Age		None
Marital status		None
Sexual orientation		None
Men and women generally		None
Disability		None
Dependents		None

<b>2. Are there opportunities to better promote equality of opportunity for people within the Section 75 categories?</b>		
Category	If yes, provide details	If no, provide reasons
Religious belief		No
Political opinion		No
Racial group		No
Age		No
Marital status		No
Sexual orientation		No
Men and women generally		No
Disability		No
Dependents		No

<b>3. To what extent is the policy likely to impact on good relations between people of different religious belief, political opinion, or racial group?</b>		
Category	Details of Policy Impact	Level of impact (major/minor/none)
Religious belief		None
Political opinion		None
Racial group		None

<b>4. Are there opportunities to better promote good relations between people of different religious belief, political opinion or racial group?</b>		
Category	If yes, provide details	If no, provide reasons
Religious belief		No
Political opinion		No
Racial group		No

### **Multiple Identity**

Generally speaking, people fall into more than one Section 75 category (for example: disabled minority ethnic people; disabled women; young Protestant men; young lesbian, gay and bisexual people). Provide details of data on the impact of the policy on people with multiple identities. Specify relevant s75 categories concerned.

N/A
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**Disability Discrimination (NI) Order 2006**

Is there an opportunity for the policy to promote positive attitudes towards disabled people?

N/A

Is there an opportunity for the policy to encourage participation by disabled people in public life?

N/A

**Screening Decision**

**A: NO IMPACT IDENTIFIED ON ANY CATEGORY – EQIA UNNECESSARY**

Please identify reasons for this below

This is a technical policy which recommends regular inspections of Council-owned land to prevent illegal encroachments. It has no bearing in terms of its likely impact on equality of opportunity or good relations for people within the equality and good relations categories.

**B: MINOR IMPACT IDENTIFIED – EQIA NOT CONSIDERED NECESSARY AS IMPACT CAN BE ELIMINATED OR MITIGATED**

Where the impact is likely to be minor, you should consider if the policy can be mitigated or an alternative policy introduced. If so, EQIA may not be considered necessary. You must indicate the reasons for this decision below, together with details of measures to mitigate the adverse impact or the alternative policy proposed.

**C: MAJOR IMPACT IDENTIFIED – EQIA REQUIRED**

If the decision is to conduct an equality impact assessment, please provide details of the reasons.

## **Timetabling and Prioritising**

**If the policy has been screened in for equality impact assessment**, please answer the following questions to determine its priority for timetabling the equality impact assessment.

On a scale of 1-3 with 1 being the lowest priority and 3 being the highest, assess the policy in terms of its priority for equality impact assessment.

<b>Priority criterion</b>	<b>Rating (1-3)</b>
Effect on equality of opportunity and good relations	
Social need	
Effect on people's daily lives	

The total rating score should be used to prioritise the policy in rank order with other policies screened in for equality impact assessment. This list of priorities will assist the council in timetabling its EQIAs.

Is the policy affected by timetables established by other relevant public authorities? If yes, please give details.

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## Monitoring

Effective monitoring will help the authority identify any future adverse impact arising from the policy. It is recommended that where a policy has been amended or an alternative policy introduced to mitigate adverse impact, monitoring be undertaken on a broader basis to identify any impact (positive or adverse).

Further information on monitoring is available in the Equality Commission's guidance on monitoring

Identify how the impact of the policy is to be monitored

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## Approval and Authorisation

A copy of the screening form for each policy screened should be signed off by the senior manager responsible for that policy. The screening recommendation should be reported to the relevant Committee/Council when the policy is submitted for approval.

Screened by	Position/Job title	Date
Jonathan Hayes	Head of Building Control and Estates	19 February 2015
Approved by	Position/Job Title	Date
Roger Wilson	Chief Executive	February 2015

**Please forward a copy of the completed form with policy attached to XXX Officer who will ensure that screening forms and policies are available on the Council website.**

**This officer is also responsible for issuing reports on a quarterly basis on those policies “screened out for EQIA”. This allows stakeholders who disagree with this recommendation to submit their views. In the event of any stakeholder disagreeing with the decision to screen out any policy, the screening exercise will be reviewed.**

# **APPENDICES**



**ABC DISTRICT COUNCIL PROPERTY ASSET INSPECTION FORM – 6 MONTHLY INSPECTION**

\_\_\_\_\_ DEPARTMENT

PROPERTY REF	INSPECTION DATE		DETAIL OF ENCROACHMENT (to include date and time of observation; registration number of vehicle(s); and names/contact details of offenders, where available)	ACTION REQUIRED	DATE ACTION TAKEN
	1. MONTH/ YEAR	2. MONTH/ YEAR			

Inspected by: \_\_\_\_\_ (PRINT NAME)      Signature: \_\_\_\_\_

Line Manager: \_\_\_\_\_ (PRINT NAME)      Signature: \_\_\_\_\_

Forwarded to Council's Estates & Asset Management Section: \_\_\_\_\_ (Date)

For E&AM Section Use Only
Date Received: _____
Date Actioned: _____
(if necessary)

**ABC DISTRICT COUNCIL PROPERTY ASSET INSPECTION FORM – INTERIM INSPECTION**

\_\_\_\_\_ DEPARTMENT

PROPERTY REF	INSPECTION DATE		DETAIL OF ENCROACHMENT (to include date and time of observation; registration number of vehicle(s); and names/contact details of offenders, where available)	ACTION REQUIRED	DATE ACTION TAKEN
	1. MONTH/ YEAR	2. MONTH/ YEAR			

Inspected by: \_\_\_\_\_ (PRINT NAME)      Signature: \_\_\_\_\_

Line Manager: \_\_\_\_\_ (PRINT NAME)      Signature: \_\_\_\_\_

Forwarded to Council's Estates & Asset Management Section: \_\_\_\_\_ (Date)

For E&AM Section Use Only
Date Received: _____
Date Actioned: _____ (if necessary)