

ARMAGH CITY, BANBRIDGE AND CRAIGAVON BOROUGH COUNCIL

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AMENDMENT RECORD SHEET

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

Revision Number	Page Number	Date Revised	Description of Revision

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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 3-year 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 Three Yearly 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 three yearly 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: 0300 0300 900 or

e-mail: lands@armaghbanbridgecraigavon.gov.uk

3.1.2 Property Asset Portfolio – Non-Operational

The Council's Estates & Asset Management section will be responsible for carrying out three yearly 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 three yearly 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 three yearly 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 as a Rolling Programme 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.

APPENDIX 1 – 6 MONTHLY INSPECTION FORM 1 (IF1)

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)	

APPENDIX 2 – INTERIM INSPECTION FORM 2 (IF2)

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)	

APPENDIX 3 – EQUALITY SCREENING FORM

Policy Scoping

Policy Title:

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 fulfils its responsibility under the recommendations made by the N I Audit Office.

Are there 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?

Who initiated or wrote the policy?	Asset Management Group
Who is responsible for implementation?	All relevant service areas Chief Executive, Directors, Managers and Officers.

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, customers, members of the public, other statutory bodies, community or voluntary sector, private sector)

Council Staff and Members of the Public

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

No

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. For up to date [S75 Borough Statistics](#)

Section 75 category	Evidence
Religious belief	This policy is technical in nature and therefore will have no impact on Equality.
Political opinion	
Racial group	
Age	
Marital status	
Sexual orientation	
Men and women generally	
Disability	
Dependants	

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	This policy will ensure that regular inspections of council owned land are made to prevent illegal encroachments and ensure accessibility of councils' facilities for all our citizens regardless of S75 category.
Political opinion	
Racial group	
Age	
Marital status	
Sexual orientation	
Men and women generally	
Disability	
Dependants	

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

2. Are there opportunities to better promote equality of opportunity for people within the Section 75 categories?

Category	If yes, provide details	If no, provide reasons
Religious belief		This policy will ensure that regular inspections of council owned land are made to prevent illegal encroachments and ensure accessibility of councils facilities for all our citizens regardless of S75 category.
Political opinion		
Racial group		
Age		
Marital status		
Sexual orientation		
Men and women generally		
Disability		
Dependents		

3. To what extent is the policy likely to impact on good relations between people of different religious belief, political opinion, or racial group?

Category	Details of Policy Impact	Level of impact (major/minor/none)
Religious belief		None
Political opinion		None
Racial group		None

4. Are there opportunities to better promote good relations between people of different religious belief, political opinion or racial group?

Category	If yes, provide details	If no, provide reasons
Religious belief		This policy is technical in nature and there is no opportunity to better promote good relations.
Political opinion		
Racial group		

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

Disability Discrimination (NI) Order 2006

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

No

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

No

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, an 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.

Policy Criterion	Rating (1-3)
Effect on equality of opportunity and good relations	1
Social need	1
Effect on people's daily lives	1

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.

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 (www.equalityni.org).

Identify how the impact of the policy is to be monitored

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
Darren Heasty	Asset Manager	21/08/2023
Approved by	Position/Job Title	Date
Mark Halliday	Head of Estates & Asset Management (Interim)	21/08/2023

Please forward a copy of the completed policy and form to:

equality@armaghbanbridgecraigavon.gov.uk

who will ensure these are made available on the Council's website.

The above 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.

APPENDIX 4 - RURAL NEEDS IMPACT ASSESSMENT (RNIA)

SECTION 1

Defining the activity subject to Section 1(1) of the Rural Needs Act (NI) 2016

1A. Name of Public Authority: Armagh City, Banbridge & Craigavon Borough Council

1B. Please provide a short title which describes the activity being undertaken by the Public Authority that is subject to Section 1(1) of the Rural Needs Act (NI) 2016.

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

1C Please indicate which category the activity specified in Section 1B above relates

to:

Developing a *Choose an item.*

Adopting a *Choose an item.*

Implementing a *Choose an item.*

Revising a **Policy**

Designing a Public Service

Delivering a Public Service

1D. Please provide the official title (if any) of the Policy, Strategy, Plan or Public Service document or initiative relating to the category indicated in Section 1C above

Land & Property Inspection Policy

1E. Please provide details of the aims and/or objectives of the Policy, Strategy, Plan or Public Service

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.

1F. What definition of 'rural' is the Public Authority using in respect of the Policy, Strategy, Plan or Public Service?

- Population Settlements of less than 5,000 (Default definition)
- Other Definition (Provide details and the rationale below)
- A definition of 'rural' is not applicable

Details of alternative definition of 'rural' used

Rationale for using alternative definition of 'rural'.

Reasons why a definition of 'rural' is not applicable.

This Policy will cover all council owned lands across the Borough in rural and urban settings.

SECTION 2

Understanding the impact of the Policy, Strategy, Plan or Public Service

2A. Is the Policy, Strategy, Plan or Public Service likely to impact on people in rural areas?

Yes No If response is No go to 2E

2B. Please explain how the Policy, Strategy, Plan or Public Service is likely to impact on people in rural areas.

2C. If the Policy, Strategy, Plan or Public Service is likely to impact on people in rural areas *differently* from people in urban areas, please explain how it is likely to impact on people in rural areas differently.

2D. Please indicate which of the following rural policy areas the Policy, Strategy, Plan or Public Service is likely to primarily impact on.

- Rural Businesses
- Rural Tourism
- Rural Housing
- Jobs or Employment in Rural Areas
- Education or Training in Rural Areas
- Broadband or Mobile Communications in Rural Areas
- Transport Services or Infrastructure in Rural Areas
- Health or Social Care Services in Rural Areas
- Poverty in Rural Areas
- Deprivation in Rural Areas
- Rural Crime or Community Safety
- Rural Development
- Agri-Environment
- Other (Please state)

If the response to Section 2A was YES GO TO Section 3A.

2E. Please explain why the Policy, Strategy, Plan or Public Service is NOT likely to impact on people in rural areas.

This Policy will cover all council owned lands across the Borough in rural and urban settings.

SECTION 3

Identifying the Social and Economic Needs of Persons in Rural Areas

3A. Has the Public Authority taken steps to identify the social and economic needs of people in rural areas that are relevant to the Policy, Strategy, Plan or Public Service?

Yes No If response is No go to 3E

3B. Please indicate which of the following methods or information sources were used by the Public Authority to identify the social and economic needs of people in rural areas.

- Consultation with Rural Stakeholders
- Consultation with Other organisations
- Published Statistics
- Research Papers
- Surveys or Questionnaires
- Other Publications
- Other Methods or Information Sources
- (include details in Question 3C below)

3C. Please provide details of the methods and information sources used to identify the social and economic needs of people in rural areas including relevant dates, names of organisations, titles of publications, website references, details of surveys or consultations undertaken etc.

3D. Please provide details of the social and economic needs of people in rural areas which have been identified by the Public Authority?

If the response to Section 3A was YES GO TO Section 4A.

3E. Please explain why no steps were taken by the Public Authority to identify the social and economic needs of people in rural areas?

This policy is technical in nature and applies equally to all council owned land in both urban and rural settings.

SECTION 4

Considering the Social and Economic Needs of Persons in Rural Areas

4A. Please provide details of the issues considered in relation to the social and economic needs of people in rural areas.

N/A

SECTION 5

Influencing the Policy, Strategy, Plan or Public Service

5A. Has the development, adoption, implementation or revising of the Policy, Strategy or Plan, or the design or delivery of the Public Service, been influenced by the rural needs identified?

Yes No If response is No go to 5C

5B. Please explain how the development, adoption, implementation or revising of the Policy, Strategy or Plan, or the design or delivery of the Public Service, has been influenced by the rural needs identified.

N/A

If the response to Section 5A was YES go to 6A.

5C. Please explain why the development, adoption, implementation or revising of the Policy, Strategy or Plan, or the design or the delivery of the Public Service, has NOT been influenced by the rural needs identified.

This Policy will cover all council owned lands across the Borough in rural and urban settings

SECTION 6

Documenting and Recording

6A. Please tick below to confirm that the RNIA Template will be retained by the Public Authority and relevant information on the Section 1 activity compiled in accordance with paragraph 6.7 of the guidance.

I confirm that the RNIA Template will be retained and relevant information compiled.

Rural Needs Impact Assessment undertaken by:

Position:

Department / Directorate:

Signature:

Date: 21/08/2023

Rural Needs Impact Assessment approved by:

Position:

Department / Directorate:

Signature:

Date: 21/08/2023