



## SPECIAL COUNCIL MEETING HELD MONDAY 21 AUGUST 2023

### Table of Contents

<b>No.</b>	<b>Item</b>	<b>Decision</b>
1.	Apologies	<b><i>Alderman Hunter, Councillors Mairs and McMullan</i></b>
2.	Declarations of Members' Interests	<b><i>None</i></b>
	<b><i>'In Committee' (Item 3)</i></b>	
3.	In Accordance with Standing Order 3 (1) The Mayor has called a Special Meeting of Council in consideration of response to the draft report from NI Public Services Ombudsman in relation to a complaint from a Member of the Public	<b><i>That Council accept the Recommendations within the report and make sure those Recommendations either have already been implemented, as in through the Audit process, or, are speedily implemented.</i></b>

**MINUTES OF THE PROCEEDINGS OF THE SPECIAL COUNCIL MEETING  
HELD IN THE COUNCIL CHAMBER AND VIA VIDEO CONFERENCE ON  
MONDAY 21 AUGUST 2023 AT 7.00PM**

**In the Chair** : The Mayor, Councillor Callaghan (C)

**Present** : Alderman Boyle (R), Callan (C), Coyle (C), Fielding (C),  
Knight-McQuillan (C), John McAuley (C), S McKillop (C),  
Scott (C), Stewart (C)

Councillors Anderson (C), C Archibald (C), N Archibald  
(C), Chivers (R), Holmes (R), Huggins (C), Kane (C),  
Kennedy (R), Kyle (C), Jonathan McAuley (C), McCully  
(C), McGurk (R), MA McKillop (R), McQuillan (C),  
McShane (R), Nicholl (R), Peacock (C), Schenning (R),  
Stirling (C), Storey (C), Wallace (C), Watson (C), Watton  
(C), Wilson (R), Wisener (C)

**Officers Present** : A McPeake, Director Environmental Services (C)  
C Campbell, Divisional Solicitor, Belfast City Council  
S Duggan, Civic Support & Committee & Member  
Services Officer (C)

**In attendance** : A Lennox, Mobile Operations Officer (C)  
C Thompson, ICT Operations Officer (C)

Press (1 No) (R)

**Key –** C = Attended in the Chamber  
R = Attended Remotely

The Director of Environmental Services undertook a roll call.

The Mayor opened and provided guidance in relation to Council's Remote Meetings Protocol and audio recordings.

**1. APOLOGIES**

Apologies were recorded for Alderman Hunter, Councillors Mairs and McMullan.

**2. DECLARATION OF MEMBERS' INTERESTS**

There were no declarations of interest.

**MOTION TO PROCEED 'IN COMMITTEE'**

Proposed by Alderman Scott  
Seconded by Councillor Peacock and

**AGREED** – that Council move '*In Committee*'.

***The information contained in the following item is restricted in accordance with Part 1 of Schedule 6 of the Local Government Act (Northern Ireland) 2014.***

The Mayor provided guidance in relation to Council's Remote Meetings Protocol and audio recordings.

**3. IN ACCORDANCE WITH STANDING ORDER 3 (1) THE MAYOR HAS CALLED A SPECIAL MEETING OF COUNCIL IN CONSIDERATION OF RESPONSE TO THE DRAFT REPORT FROM NI PUBLIC SERVICES OMBUDSMAN IN RELATION TO A COMPLAINT FROM A MEMBER OF THE PUBLIC**

Confidential report, presented by the Director of Environmental Services. <sup>1</sup>

**Purpose of Report**

The purpose of the report is to allow Council's consideration of their response to the draft investigation report from NI Public Services Ombudsman (NIPSO) in relation to a complaint from a Member of the Public.

**Recommendation(s)**

That Council consider the draft investigation report and provide a response to NIPSO including-

- Any comments the Council may wish to make on the accuracy of the evidence on which I have based the decision; and/or
- Any new information the Council may have that was not previously available which the Council believe may be relevant to the decision.

The Director of Environmental Services stated Elected Members were given an opportunity to read and consider the draft report in a controlled, supervised environment. The Director of Environmental Services stated he had met with The Mayor, Party Leads and any Member who wished to view the draft NIPSO report. He stated NIPSO propose to publish the final version of the report, comments on its content must be made before 15 September, Elected Members must also decide whether they accept the Findings of the report.

The Director of Environmental Services referred to areas raised during the meetings, in the event that Council may wish to include within the response to NIPSO:

- Typing errors regarding dates on a number of areas referred to, were incorrect;
- That Council seek clarification from NIPSO that it did have a Complaints Policy in place to deal with a Complaint against the [REDACTED] and clarification should be sought from NIPSO in relation to that; however Council

---

<sup>1</sup> [REDACTED] and Investigation Report into Potential Data Breaches (21 April 2021) were made available to 14no. newly elected Councillors.

concedes at the time of the Complaint, Council did not have a Policy in place for disciplinary action against the [REDACTED]

The Director of Environmental Services advised Colin Campbell, Solicitor was available to answer questions.

During debate, Elected Members questioned the confidentiality process put in place surrounding access to the report and whether this went against Standing Orders;

Elected Members questioned whether the report had been scrutinised for accuracy and why the complainant had not been named;

Elected Members questioned whether there was a direction within Standing Orders that set a time limit on debate;

Referring to Recommendation 1 within the NIPSO report, whether Council would be open to Litigation;

Elected Members commented whether NIPSO were aware of the decisions Council had taken since the [REDACTED] involvement of the Northern Ireland Audit Office and Department for Communities, that issues are being, or have been dealt with and suggested the Ombudsman is furnished with an up-to-date position.

During debate, the Director of Environmental Services responded to questions, he referred to Standing Order 18.11, 'Duration of Speeches', and cited from Standing Orders. The Director of Environmental Services clarified those who had reviewed the report in respect of accuracies, he referred to the documents considered by the Ombudsman's Office and their Findings and stated it was a matter for Elected Members who attended at that time. The confidentiality undertaking was directed by the Ombudsman, and the Director cited from the NIPSO correspondence. The Director of Environmental Services clarified the date of the letter from the Ombudsman's Office, the date of the complaint from the member of the public and advised he would get back to Council on the date of the Department for Communities correspondence. The Director of Environmental Services stated the report had referenced the Northern Ireland Audit Office Extraordinary Audit, but it was likely NIPSO would not have the detail of these reports and processes that followed as a result.

During debate, the Solicitor provided advice in relation to the parameters the Ombudsman had set in which to view the document and the Ruling of the Ombudsman, he concurred with respect of Recommendation 1, Council could suggest to the Ombudsman that correspondence could be sent, 'without prejudice'. The Solicitor clarified that Council should not be seeking Legal Advice unless approved by Elected Members, however, it was also incumbent on Council Officers to advise Elected Members to take Legal Advice.

Proposed by Councillor Peacock

Seconded by Councillor McQuillan

- That Council accept the Recommendations within the report and make sure those Recommendations either have already been implemented, as in through the Audit process, or, are speedily implemented.

The Mayor put the motion to the Council to vote.

Alderman Boyle sought clarification whether Council was moving to the vote.

The Mayor ruled Council was moving to the vote.

20 Members voted For; 4 Members voted Against; 11 Members Abstained.  
The Mayor declared the motion carried.

**RESOVLED** - That Council accept the Recommendations within the report and make sure those Recommendations either have already been implemented, as in through the Audit process, or, are speedily implemented.

**MOTION TO PROCEED ‘IN PUBLIC’**

Proposed by Alderman Scott  
Seconded by Alderman Knight-McQuillan and

**AGREED** – that Council move, *‘In Public’*.

This being all the business, The Mayor thanked everyone for their attendance and the meeting concluded at 7.47pm.

---

Mayor